

ASSESSMENT REPORT

Section 96(1A) Modification

Alterations and Additions to TNT Warehouse and Distribution Centre, Lockwood Road, Erskine Park (SSD-6040) MOD 2

1. BACKGROUND

The purpose of this report is to assess a modification application to the approved development known as the TNT warehouse and distribution facility (SSD 6040 MOD 2) under Section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The modification application proposes minor amendments to the approved facility, primarily relating to the location and/or size of approved ancillary functions including the truck wash area, parking for pickup and delivery trucks, the truck maintenance building, the waste storage area, the fuel tank, the dangerous goods in transit area and bicycle parking.

On 4 February 2014, CIP Constructions (NSW) Pty Ltd (CIP) received consent from the Executive Director, Development Assessment Systems and Approvals (under the Minister's delegation) to develop a warehouse and distribution facility for TNT Australia Pty Ltd (TNT) on land at Erskine Park, located within the Western Sydney Employment Area (WSEA) in the Penrith Local Government Area (see **Figure 1**).

The project was classified as State Significant Development under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as it involved the construction of a warehouse and distribution centre with a capital investment value in excess of \$50 million, and as such met the criteria in Clause 12 of Schedule 1 in the *State Environmental Planning Policy (State and Regional Development) 2011*. Consequently, the Minister for Planning was the consent authority for the proposed development.

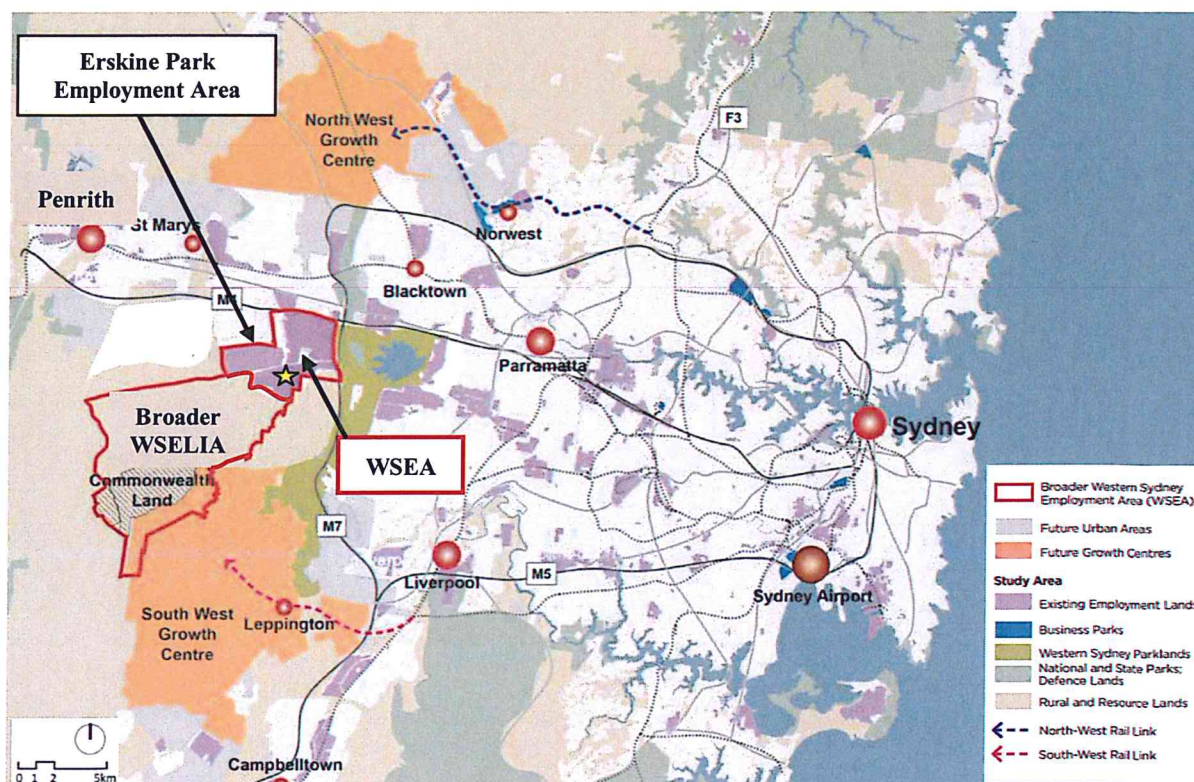


Figure 1: Regional Context (Source: Draft Structure Plan, DP&I, June 2013). Note: Star indicates the approximate location of the site

2. THE SITE

The site is located on Lenore Drive in Erskine Park, approximately 45 kilometres west of the Sydney central business district in the Penrith Local Government Area. The site is within the Erskine Park Employment Area (EPEA) in the broader WSEA with close access to the major transport links of the M4 and M7 Motorways.

The site is 7.82 hectares in area. It has been levelled and construction of the approved warehouse building is being undertaken. The land is zoned IN1 – Industrial under *State Environmental Planning Policy (Western Sydney Employment Area) 2009*.

The approved TNT facility is also located within a previously approved Concept Plan (MP 06_0216) for warehouse and distribution centres on 38 hectares within the Erskine Park Employment Area (EPEA) (see **Figure 2**). The Concept Plan was approved by the then Minister for Planning on 1 March 2007.

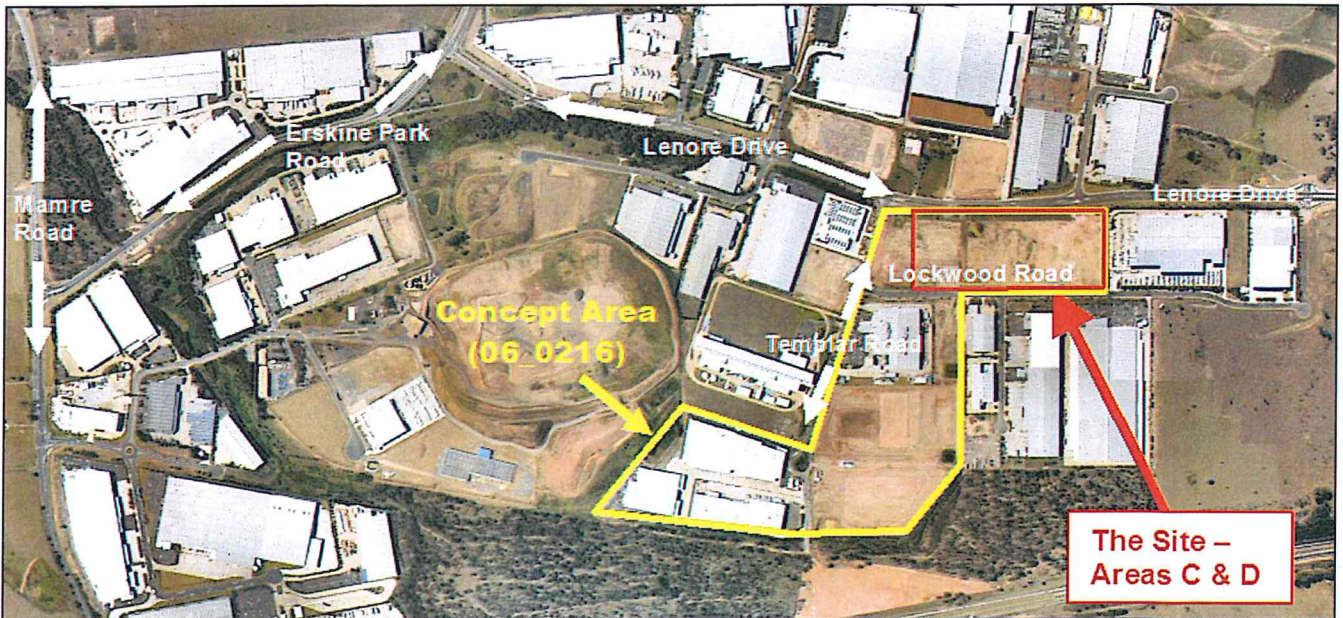


Figure 2: Site Context (Local Context), including the site's location within approved Concept Plan (06_0216)

3. PROPOSED MODIFICATION

The proposed modification is described in detail in the Applicant's supporting documents, including the Statement of Support (dated 11 June 2014), which is attached at **Appendix B**.

The applicant is requesting approval for the following modifications which are illustrated in Figure 3:

- a) increase the size of the approved truck wash from 11m x 6.0m to 27.5m x 8.5m, and relocate to the north of the warehouse;
- b) the addition of a pump room (8.5m x 3m) to the truck wash;
- c) the addition of full height screening to the northern side of the truck wash pump room;
- d) parking for 5 tonne pick-up and delivery (PUD) trucks has been rearranged around the new location of the truck wash. The 3 x 5 tonne PUD spaces and 8 x prime mover parking spaces approved for this location are proposed to be moved west of the proposed truck wash. There has been no change to the quantity of the truck parking spaces in this area;
- e) increase the size of the approved truck maintenance building from 11m x 6m to 25m x 17m (+ 2m awning), and relocate from the north-west of the site to the south-west corner of the site;
- f) relocate the approved waste storage from the south-west corner of the site to the north-west of the warehouse;
- g) relocate the approved fuel tank to the south and partially cover with two 8.0m x 17.6m awnings;
- h) the addition of full height screening to the southern side of the fuel tank;
- i) increase the size of the approved dangerous goods in transit area from 125 m² to 230 m²;
- j) relocate the approved LPG Bullet to the north-west of the warehouse; and
- k) increase the approved bicycle parking from 24 to 34 spaces.

The proposed modifications are the result of detailed design work which has identified the need for the proposed changes. The proposed changes will result in more efficient on-site circulation, together with an improved ability to service, maintain and clean trucks operating from the site. The proposed modifications do not alter the key parameters of the approved development such as height, floor area, truck parking, truck movements etc.

4. STATUTORY CONSIDERATIONS

Consent Authority

The consent for the warehouse and distribution facility was granted under Part 4, Division 4.1 of the EP&A Act. Therefore, the Minister for Planning is the consent authority for the modification. Under the Minister's delegation of 14 September 2011, the Director, Industry, Key Sites & Social Projects may determine the application as the applicant has not disclosed any political donations and there were no objections.

Section 96

The Department considers that the application can be characterised as a modification to the original development consent and satisfies the matters for consideration under section 96(1A) of the EP&A Act for a modification with minimal environmental impact. Furthermore, the Department notes that there is no material change to the warehouse building, general layout of the development, or the nature and intensity of operations to be carried out on the site.

Consultation

The modification application was made publically available on the Department's website. The Department also invited submissions from Penrith City Council (Council). Consultation with other agencies and adjoining landowners was considered unnecessary due to the relatively minor nature of the proposal. The Council's submission is attached at **Appendix C** and the issues raised are summarised below.

Council raised no objection to the proposed modifications, subject to improvement of the architectural detailing of the truck wash, maintenance building and screening to the fuel tank. Council's concern over the visual appearance of the proposed modification is addressed by the Department's assessment below and recommended terms of approval.

No public submissions were received.

5. ASSESSMENT

The Department has assessed the merits of the proposed modification and considers the issues relevant to the assessment of the modification relate to potential visual impacts, traffic and access, layout and additional storage of dangerous goods (see **Table 1**).

Table 1: Assessment of key issues

Issue	Assessment	Conditions
Visual	<ul style="list-style-type: none"> The proposed truck maintenance building, truck wash and associated pump room LPG Bullet and awning, and fuel tank screening would be relocated in proximity to the site's street frontages. The structures would be set back a minimum of 4 metres from the site boundaries, behind the boundary landscape planting. There will be no increase in the approved height of the project. Council did not object subject to improvement of the architectural detailing and external colours of the new structures (one colour is not acceptable to Council). The imposition of an additional condition will address Council's concerns. Notwithstanding Council's concern, the truck wash, maintenance building and fuel tank screening would all be screened by proposed boundary and street frontage landscaping. The development is also located in the middle of the WSEA and is consistent with surrounding industrial warehouse buildings. The Department considers that adequate planting would be provided along the street frontages to screen the structures, and is therefore satisfied that there will be no visual impact from the proposed modifications. Taken collectively, the visual impact of the site remains largely the same as the approved industrial development. 	An additional condition requiring the architectural detailing and external colours to be amended to the satisfaction of Council.
Traffic, Access and Parking	<ul style="list-style-type: none"> The proposal includes the relocation of parking spaces for 5 tonne pickup and delivery trucks around the location of the proposed new truck wash. No changes are proposed to the approved number of truck parking spaces. Existing conditions require compliance with the relevant Australian Standards, and these will apply to the new layout. The Department therefore raises no objection to the relocation of the truck parking spaces. Council raised no concerns in relation to traffic, access and parking. 	No additional conditions required.
Layout and	<ul style="list-style-type: none"> The proposal involves detail design work to the site layout mainly confined to the periphery of the approved warehouse. The proposed modifications 	No additional conditions required.

Issue	Assessment	Conditions
circulation	will improve the layout of the site, resulting in improved on-site circulation and operational efficiency.	
Dangerous goods	<ul style="list-style-type: none"> The proposed modification involves an increase in the dangerous goods store from 125 m³ to 230 m³ together with an increase in the bund area to accommodate spill containment. The proposal also involves a reduction in the LPG storage capacity from 7.5 tonnes to 3.5 tonnes and the capacity to store 6 tonnes of aerosol. A risk assessment of the proposal was undertaken by RAWRisk Pty Ltd against the requirements of SEPP 33 which indicated that none of the applicable threshold limits would be exceeded for the types of dangerous goods stored at the TNT facility. As such, the proposed modification remains consistent with the suitability of the facility assessed against the provisions of SEPP 33. 	No additional conditions required.

6. CONCLUSION

The Department has assessed the application in accordance with sections 79C and 96(1A) of the EP&A Act, and is satisfied that the proposed modification:

- is related to detail design changes, and that there will be no change to the size or capacity of the approved warehouse;
- will have a satisfactory visual appearance;
- will improve the on-site circulation and operational efficiency of the approved development;
- would result in minimal environmental impacts beyond the approved operation; and
- is consistent with the approved development and would be substantially the same development.

Consequently, the Department is satisfied that the modification is in the public interest and should be approved, subject to conditions.

7. RECOMMENDATION

It is RECOMMENDED that the Director, Industry, Key Sites and Social Projects:

- determine** that the proposed modification is within the scope of section 96(1A) of the EP&A Act;
- approve** the application subject to conditions; and
- sign** the attached notice of modification (see Tag 'A').

Robert Byrne
Senior Planning Officer



Chris Ritchie 20/8/14
Manager
Industry, Coastal and Regional Projects



Daniel Keary 20/8/14
Director
Industry, Key Sites and Social Projects