

ASSESSMENT REPORT

Section 75W Modification

Coca-Cola Amatil Eastern Creek Distribution Centre

1. BACKGROUND

On 30 June 2005, the then Minister for Planning approved a development application (DA 308-12-2004-i) from Goodman International Limited (Goodman) for the construction and use of a distribution centre and associated infrastructure for Coca-Cola Amatil (CCA) at Eastern Creek, in the Blacktown local government area.

Since the original development consent was granted, there have been a number of modifications approved. In particular, in September 2007, the Minister approved a revised site layout, provision of an on-site detention tank (OSD) and a new cold storage building on the sites southern boundary.

The cold store building would be around 3,730m², however to date has a not yet been built.

Goodman are currently seeking a separate project approval (MP 10_0125) for a plastics (PET) manufacturing facility, to be constructed on the south-eastern corner of the CCA site. The project application is currently being assessed by the Department. The approved distribution centre site layout along with the proposed location of the PET facility is shown in Figure 1 below.

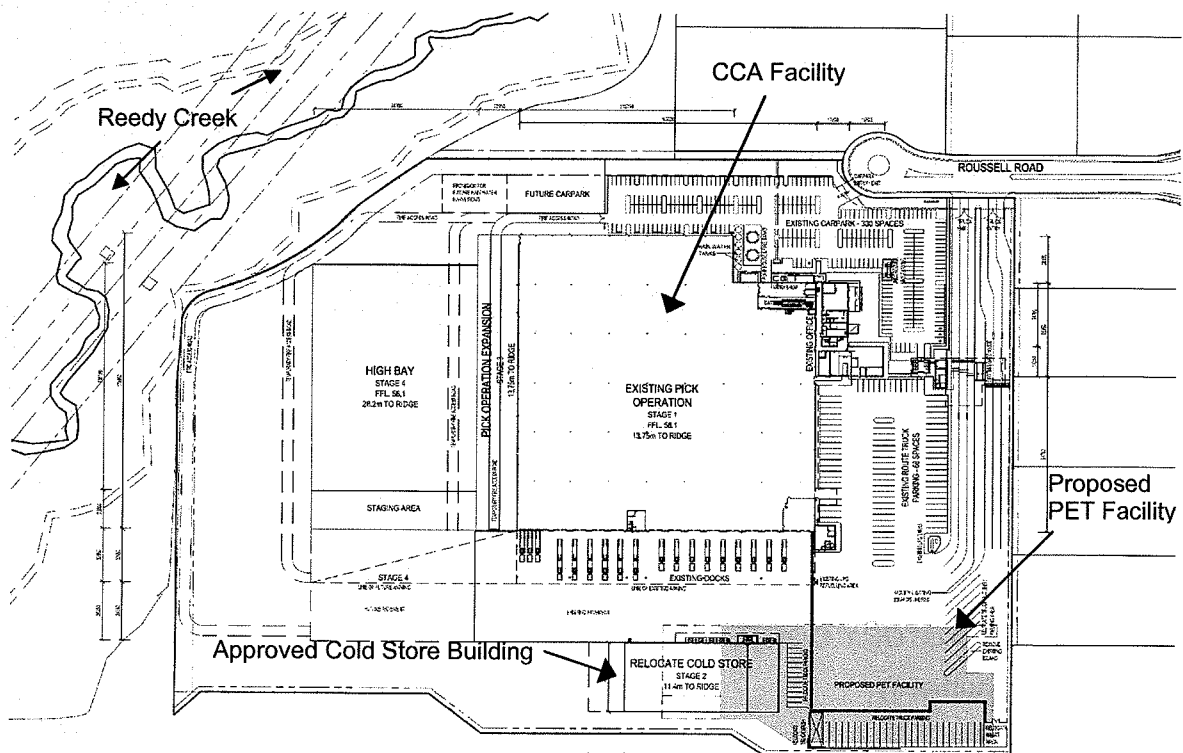


Figure 1: Approved site layout showing location of proposed PET facility

In order to allow the integration of the proposed PET facility with the operation of the existing distribution centre, CCA propose to relocate some components of the approved distribution centre, such as the cold store building.

2. PROPOSED MODIFICATION

On 10 January 2011, the Department received a modification application from Goodman, on behalf of CCA, seeking approval to modify some components of the approved CCA distribution centre, including:

- relocation of the approved cold store to the western end of the site;
- relocation of truck parking, including provision for temporary truck parking pending subsequent staged development;
- relocation of truck wash facilities and waste area to temporary position pending subsequent staged development; and
- construction of new retaining wall including landscaping to enable fire access around the proposed PET facility.

Minor earthworks, site preparation works and supplementary site services such as exterior lighting would also be required as part of the proposed modification.

The modification would enable the proposed PET facility (MP 10_0125) to be built on the south-western corner of the site and ensure its effective integration with the operation of the existing distribution centre (see Figure 2 below), as discussed above.

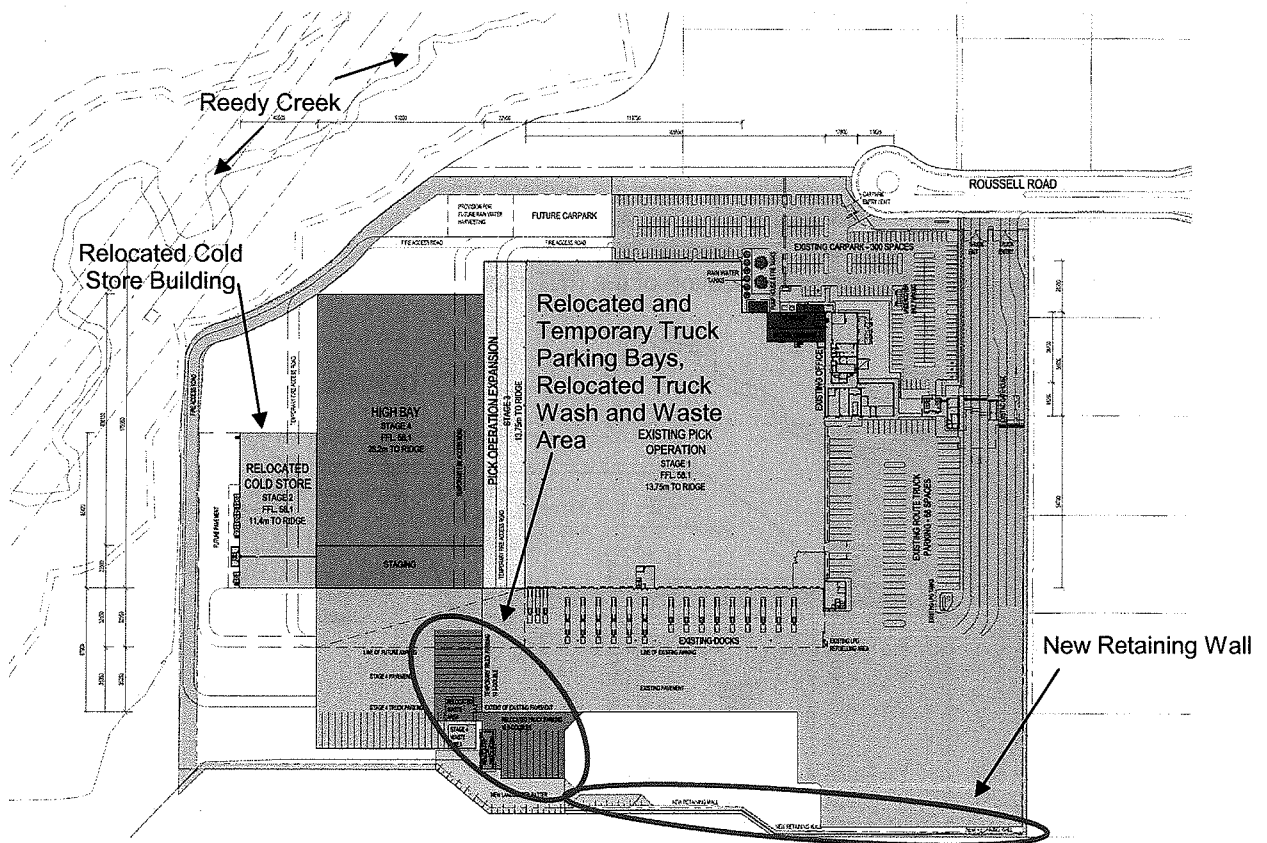


Figure 2: Proposed modifications to approved site plan

3. STATUTORY CONTEXT

Approval Authority

Under clause 8J(8) of the *Environmental Planning and Assessment Regulation 2000*, for the purposes only of modification, a development consent granted by the Minister under *State Environmental Planning Policy No. 34 - Major Employment Generating Industrial Development* (SEPP 34), is taken to be an approval under Part 3A of the *Environmental Planning & Assessment Act 1975* (the EP&A Act) and section 75W of the EP&A Act applies to any modification of such a consent.

The CCA consent was granted by the Minister under SEPP 34, and therefore, under Clause 8J(8), may be modified under section 75W as if the consent were an approval under Part 3A. While the assessment of the proposed modification uses the processes in place under Part 3A, the modified consent would remain a Part 4 consent.

Section 75W of the EP&A Act confers on the Minister an implicit obligation to be satisfied that the modification request falls within this section of the EP&A Act.

The Department notes that:

- the proposed modification does not seek approval for a new and different project for which approval was granted; and
- any potential impacts would be appropriately managed through the existing and modified conditions of approval.

It is therefore recommended that the Executive Director, Major Projects Assessment, under the Ministers delegation of 25 January 2010, agree that the modification request falls within section 75W and the request can be determined.

Exhibition and Notification

Under Section 75W of the Act, a request for a modification of an approval does not require public exhibition or notification. However, following a review of the modification application the Department determined that the proposed modification should be referred to Blacktown City Council (Council). The modification was also placed on the Department's website in accordance with Clause 8G of the *Environmental Planning and Assessment Regulation 2000*.

Blacktown City Council did not raise any objections to the proposal.

4. ASSESSMENT

The Department has assessed the application on its merits, and considers the environmental impacts of the proposed development to be minor. Consequently, a summary of these impacts has been provided in Table 1 below.

Table 1: Summary of Impacts

Issue	Assessment	Recommendation
<i>Soil and Water</i>	• The proposed modification has the potential to alter stormwater flows and cause erosion and sedimentation of nearby riparian areas. • CCA has advised the Department that the current stormwater management system at the CCA site incorporates the cold store building and is adequate for the modified facility. • Notwithstanding, the Department has recommended a condition which would require CCA to prepare a revised Stormwater Management Scheme showing connections to the existing stormwater system on site. • The Department has also recommended a condition which would require CCA to prepare a revised Soil and Water Management Plan demonstrating measures to prevent adverse erosion and sedimentation impacts, particularly on nearby sensitive riparian areas in Reedy Creek. • The Department is therefore satisfied that impacts on soil and water can be adequately managed.	• Recommended Conditions require CCA to prepare: – a revised Stormwater Management Scheme, prior to any building works associated with the modification; and – a revised Soil and Water Management Plan for the site to manage impacts associated with the modification.
<i>Traffic (including parking)</i>	• The proposed modification would result in a net reduction of approximately 18 truck parking spaces and removal of the truck queuing area. • Advice received from CCA's traffic consultant indicates that the current truck parking provision at the site is excessive and under-utilised.	• N/A

	Furthermore, that the modified truck parking provision is considered sufficient to meet the needs of the site and the existing consent. • Under the existing consent, CCA is required to ensure that the development does not result in any vehicles queuing on the public road network or parking on local roads within the vicinity of the site. • CCA has indicated that additional truck parking provision will be considered as part of future staged development of the site (e.g. the proposed PET facility) and can be accommodated to the west of the current proposed hardstand area, if required. • The Department is therefore satisfied that traffic and parking impacts of the proposed modification can be appropriately managed.	
<i>Landscaping</i>	• CCA has prepared a landscape plan for the area atop the new retaining wall which comprises a narrow strip planted with native shrub and grass species. • A mix of native grasses, shrubs and small trees would also be established in front of the retaining wall in areas where it extends beyond the site of the proposed PET facility. • The Department is therefore satisfied that landscaping impacts can be adequately managed at the site.	• N/A
<i>Visual Impacts</i>	• The cold store building would not be visible from key public viewing points such as Roussell Road and views to the cold store building from surrounding industrial lots would also be largely inhibited by the Reedy Creek Riparian Zone on the sites western boundary. • The proposed retaining wall would replace an existing concrete block retaining wall and is not visible from the public domain. • The Department is therefore satisfied that visual impacts would be negligible.	• N/A
<i>Noise</i>	• Noise impacts from the modified facility are not expected to change from that already approved under the existing consent for the CCA site. • The Department is therefore satisfied that noise impacts would be negligible.	• N/A

In summary, the Department considers that the proposal represents a minor modification to the operation of the facility, having minimal environmental impacts.

5. CONCLUSION

The Department has assessed the merits of the proposal in accordance with the requirements in Clause 8B of the Environmental Planning & Assessment Regulation 2000.

This assessment has found that the proposed modification would allow CCA to effectively integrate the proposed PET facility (MP 10_0125, if approved) with the existing distribution centre on site.

Goodman have also accepted the recommended conditions.

Consequently, the Department believes the proposed modification should be approved.

6. RECOMMENDATION

It is RECOMMENDED that the Executive Director, Major Projects Assessment:

- approve of the proposed modification under Section 75W of the EP&A Act; and
- sign the attached instrument (tagged A).

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18/2/11



Chris Wilson
Executive Director
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20.2.11

