



**Planning &
Infrastructure**

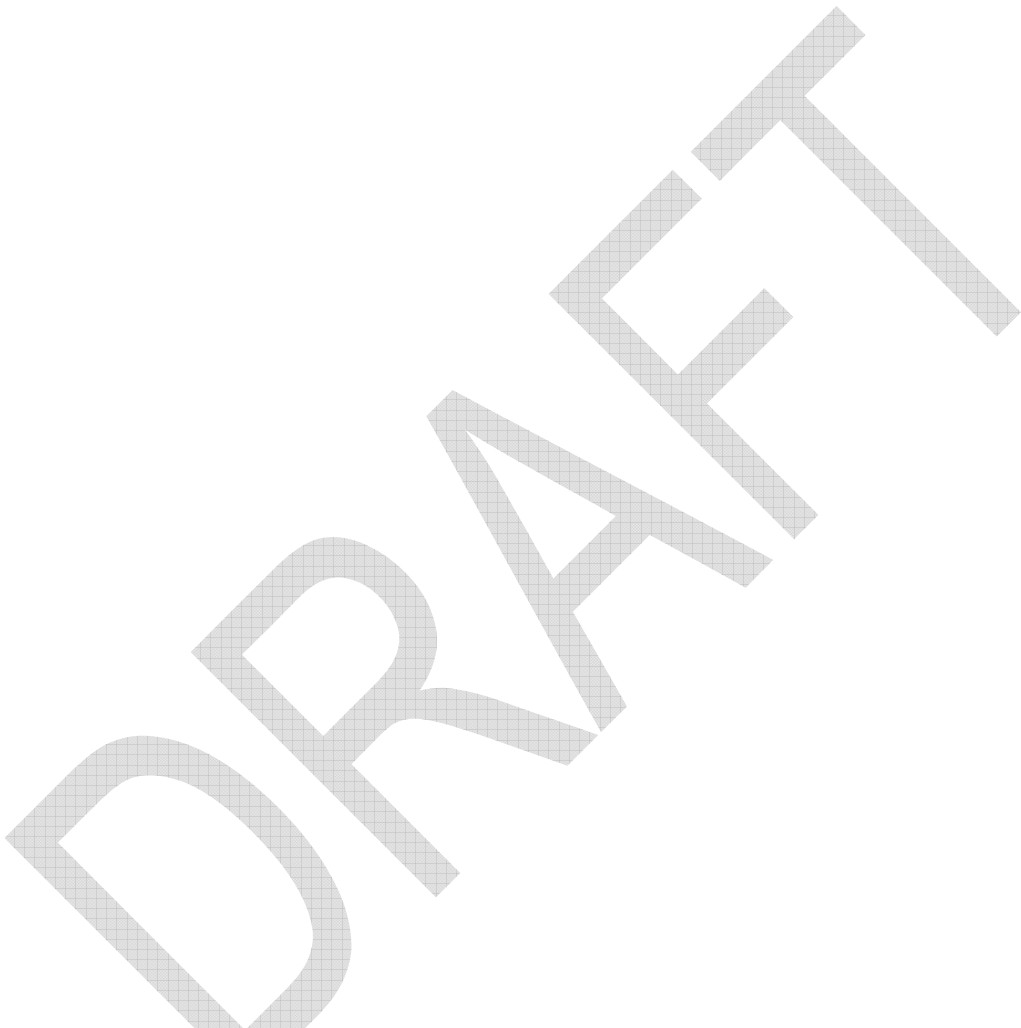
STATE SIGNIFICANT DEVELOPMENT ASSESSMENT:

***Expansion of Existing Mainfreight Warehouse
and Distribution Centre, including
Storage of Dangerous Goods
(SSD 5746)***



Director-General's
Environmental Assessment Report
Section 89E of the
Environmental Planning and Assessment Act, 1979

August 2013



Cover photo: Aerial View of Mainfreight's Warehouse and Distribution Centre

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EXECUTIVE SUMMARY

Goodman Property Services (Aust) Pty Ltd (Goodman) has sought consent to expand an existing warehouse and distribution facility at Prestons in the Liverpool local government area (LGA). It is one of two such facilities that are operated by Mainfreight Pty Ltd in the LGA, the other being in Moorebank.

The main reason for the expansion is that Mainfreight has decided to cease operations at its Moorebank facility and relocate its existing employees to an expanded facility at Prestons. This is considered necessary to improve the operational efficiencies of the company's existing business within NSW, and to facilitate its future growth.

The expanded facility would provide Mainfreight with additional warehouse storage capacity and would allow it to store a wider range of products, including consumer health and personal care products, paint and related materials and industrial catalysts and curing agents. The expanded facility would also allow Mainfreight to rationalise and improve the overall efficiency of its operations.

The development has a capital investment value of \$12 million and would employ approximately 50 people during construction and provide continued employment for 197 people during operation, including 37 people from its existing Moorebank facility.

The proposal is State significant development under Part 4 of the EP&A Act because it involves the storage of dangerous goods in quantities exceeding the criteria for a Major Hazard Facility as defined in the *Work Health and Safety Regulation 2011*, and as such meets the criteria in Clause 10(3) of Schedule 1 in the State Environmental Planning Policy (State and Regional Development) 2011.

Consequently, the Minister for Planning and Infrastructure is the consent authority for the proposed development. However, the application is able to be determined by the Executive Director under delegation.

The Department exhibited the Environmental Impact Statement (EIS) for the development from 18 April 2013 until 28 May 2013 and received a total of ten (10) submissions, including six (6) submissions from public authorities and two (2) from the general public.

None of the public authorities objected to the proposed development however a number of issues were raised and recommendations were made in relation to traffic access, parking, water, bushfire hazard and visual impact and design.

Transgrid raised issues relating to the protection and ongoing maintenance of a 50 metre wide easement which straddles the eastern boundary of the site and its nearby substation which contains high voltage transmission lines and a transmission tower.

Both of the public submissions objected to the proposed development on the basis of the size and quantity of dangerous goods at the premises and the associated potential for increased hazards and risks in the area.

To address the issues raised in submissions, Goodman prepared a Response to Submissions (RTS) report which addressed most of the issues raised in submissions through the provision of further information and updated plans for the development. The issues raised by TransGrid were also resolved during a meeting between the two parties and TransGrid has since provided conditional support for the proposal.

The Department has assessed the application, EIS, submissions on the development, and Goodman's response to submissions, in accordance with the objects of the EP&A Act and the principles of ecologically sustainable development.

The assessment found that the key issue associated with the development was hazards and risks. Other issues included noise, waste, air quality and greenhouse gas, together with the issues raised in submissions as referred to above.

The Department is satisfied that the development's residual impacts can be adequately mitigated and managed, and has recommended a broad range of conditions to ensure this occurs.

On balance, the Department believes that the development's benefits sufficiently outweigh its residual costs and that it is therefore in the public interest and should be approved, subject to strict conditions.

DRAFT

1. BACKGROUND

1.1. BACKGROUND

Mainfreight are a New Zealand based global logistics company operating over 200 branches worldwide. Mainfreight currently operate two warehouse and distribution facilities in the suburbs of Moorebank and Prestons in the Liverpool local government area. Liverpool is around 45 kilometres southwest of the Sydney CBD (see Figure 1).



Figure 1: Mainfreight's Prestons and Moorebank Sites (Regional Context)

Mainfreight's business at Moorebank is located at 6 Greenhills Avenue, around 3km east of the Liverpool City Centre, and currently employs 37 people.

Mainfreight's facility in Prestons (the subject of this DA) is located at 50 Yarrawa Street, approximately 7 kilometres west of the Liverpool City Centre. The Prestons site and surrounding land is owned by Goodman Property Services (Aust) Pty Ltd (Goodman) and is leased to Mainfreight. Around 160 people work at Mainfreight's Preston's operation.

Following a review of its existing operations, Mainfreight has decided to cease operations at its Moorebank facility and relocate its existing employees to an expanded facility at Prestons. This is considered necessary to improve the operational efficiencies of the company's existing business within NSW, and to facilitate its future growth.

1.2. LOCAL CONTEXT

Goodman's site at Prestons falls within an industrial precinct known as Yarrunga Employment Release Area. The Yarrunga Employment Release Area covers approximately 226 hectares and is bounded by Hoxton Park Road to the north, Cabramatta Creek to the west, Kurrajong Road to the south, and the M7 Motorway to the east. The precinct is zoned principally for industrial purposes under *Liverpool Local Environmental Plan 2008* and is an expansion of the Prestons Industrial area.

The precinct supports a number of industrial uses, including warehouse and distribution centre and is well suited for such uses due to its location close to the M7/Bernera Road Interchange with direct links via the M7 Motorway to the Sydney CBD, Port Botany, the airport, other employment areas within Sydney and the greater metropolitan region and interstate freeways.

Since being rezoned in late 2005, the precinct is progressively transitioning from agricultural, rural-residential and other low intensity land uses to industrial related land uses (see Figure 2).

Recent developments surrounding the site include Mainfreight's existing facility and Aldi's warehouse and distribution centre to the east. Other smaller scale industrial development includes Favelle Favco Cranes, W.B.G. Trailer Repairs to the south and a truck depot which is currently under construction to the west. A container storage facility and warehouse is proposed on the site immediately to the south of the expansion area site.



Figure 2: Mainfreight's Preston Site (Local Context)

Whilst the area has been rezoned principally for industrial purposes, there are some remaining clusters of residential properties within the precinct on Bernera Road, Yarrunga Street and Kurrajong Road.

The precinct is bounded by residential housing estates to the south and west. The existing suburb of Edmondson Park in Prestons is located approximately 700 metres to the south and, to the west, lies the developing suburb of Carnes Hill in Hoxton Park lying about 450 metres away on the western side of Cabramatta Creek. Good Shepherd Primary School is located approximately 450m to the north-west of the site on the northern side of the creek.

On the northern side of Yarrawa Road is an electricity substation which is owned and operated by TransGrid. A 50 metre wide easement associated with the substation containing high voltage transmission lines and a transmission tower straddles the eastern boundary of the site and the adjoining lot to the east.

Part of the eastern area of the site and the adjoining lot to the east is identified as part of a 100 metre wide buffer zone to 'Category 1 Bushfire Prone Vegetation' under Council's Bushfire Prone Land Map.

1.3. SITE DETAILS

The subject site is comprised of three parcels of land (Sites 1-3) (see Figure 3).

Site 1 contains Mainfreight's existing facility and forms one allotment. Access to Site 1 is via two driveways off Yarrawa Street, one at either end of the site.

Site 2 is comprised of two allotments, is located to the east of Site 1. Bulk excavation and site preparation works were approved by Council on 12 December 2012 (DA 1636/2012) and were completed in early July 2013.

A summary of the three site allotments that are subject to this development application is provided below:

Site	Property Description	Address	Area (Approx.)	Road Frontage (Approx.)
Site 1	Lot 101, DP 1117691	50 Yarrowa Street, Prestons	4.8ha	242m
Site 2	Lot 102, DP 1117691	40 Yarrowa Street, Prestons	2.0ha	80m
Site 2	Lot 2, DP 28729	30 Yarrowa Street, Prestons	1.6ha	100m
TOTAL			8.4ha	422m

Site 3 is the subject of a separate application with Council for a container storage facility and warehouse for Southern Logistics.



Figure 3: Mainfreight's Prestons Site

1.4. EXISTING OPERATIONS

The existing facility in Prestons is currently used for the storage of a range of products including alcohol, baby foods, fruit juices, home wares and non-hazardous adhesives, which are distributed from there to its customers.

The existing operations include two warehouses, a breezeway connecting the two warehouse buildings, offices, weighbridge, hardstand and parking areas.



Figure 3: Existing Mainfreight Facility

'Warehouse 1' (or 'Transport Shed') (north/front) is used only for the collection of products for distribution. Pick Up and Delivery vans (PUD's), B-Doubles and Semitrailers drive through the Transport Shed to collect the goods.

'Warehouse 2' (or 'Logistics Shed') (south/rear) is fitted with pallet racking and generally used for the bulk storage of goods. The goods are delivered to the site by truck and unloaded beneath the breezeway before being brought inside for storage using forklifts.

The original warehouse and distribution facility was approved by Council on 23 July 2007 and included a total floor area of 20,510m² with a 2,160m² breezeway (DA 1093/2007). Council subsequently approved DA 153/2008 for the extension of Warehouse 2 to provide an additional 7,574m² of floorspace and a 1,312m² extension to the breezeway.

Goodman proposes to further expand the two warehouse buildings to provide Mainfreight with additional warehouse storage capacity and would allow it to store a wider range of products, including consumer health and personal care products, paint and related materials and industrial catalysts and curing agents (classified as dangerous goods), and to rationalise and improve the overall efficiency of the operation on site.

The necessary civil works on the site were completed in July 2013 and were approved by Council (DA 1636/2012).

2. PROPOSED DEVELOPMENT

2.1. DESCRIPTION OF DEVELOPMENT

The major components of the development are summarised in Table 1 below, and depicted in Figure 4. The development is described in full in the McKenzie Group's Environmental Impact Statement (EIS), which is attached as Appendix D.

Table 1: Main Development Components

Aspect	Description
Summary	<i>Continued operation and expansion of the existing warehouse and distribution centre for the receipt, storage and dispatch of a range of goods, including dangerous goods.</i>
<i>Demolition</i>	Demolition of the existing truck wash bay and eastern wall of Building 1 is required with a new truck wash bay proposed to the east of the new warehouse building.
<i>Warehouse Expansion</i>	<ul style="list-style-type: none"> 1,710m² extension to Warehouse 1 ('Transport Shed') with seven new recessed loading bays; 13,250m² extension to the eastern side of Warehouse 2 ('Logistics Shed') including 1,570m² of dangerous goods storage with four recessed truck loading docks at Warehouse 2 ('Logistics Shed'); New dock office (200m²), mezzanine storage area (1,035m²); and 2,350m² extension of the existing breezeway located between the two existing buildings, increasing its area to 5,676m².
<i>Operations</i>	<ul style="list-style-type: none"> Unloading and loading of finished goods via trucks and shipping containers; Management of inventory in a racked and stacked environment; Order fulfilment including picking and packing of finished orders to customers; Loading of transport vehicles; Management of product returns; Inspection of goods; and Product embellishment.
<i>Access</i>	<ul style="list-style-type: none"> Existing access would be replaced by three new access points – western, eastern and midblock access points.
<i>Hardstand and Driveway</i>	<ul style="list-style-type: none"> New hardstand with an area of approximately 16,835m² to be used for manoeuvring and parking of trucks and cars; New heavy duty truck access driveway; New light duty access driveway for cars; and Reinstatement of existing driveway with kerb, gutter and turf.
<i>Parking</i>	<p><u>Existing</u></p> <ul style="list-style-type: none"> 107 car parking bays. <p><u>Proposed</u></p> <ul style="list-style-type: none"> 70 line marked car parking bays (one for persons with a disability); 40 'provisional' car parking bays (which shall only be constructed if demand requires); and 40 truck parking bays.
<i>Landscaping</i>	<ul style="list-style-type: none"> Landscaping is proposed to screen the car parking and buildings; Landscaping would comply with bushfire protection zone requirements; and Planting within the Transgrid easement would be restricted in height to avoid conflict with TransGrid maintenance and service requirements.
<i>Ancillary Works</i>	<ul style="list-style-type: none"> Relocation of an existing gas bullet / bottle; Relocation of the existing weighbridge; Retaining walls located on the sites southern boundary with a maximum height of 4.5m; and Relocation of the existing truck wash bay.
<i>Operational Traffic</i>	<ul style="list-style-type: none"> 280 heavy vehicles per day (560 movements); and 236 light vehicles per day (472 movements).
<i>Stormwater Management</i>	Stormwater and wastewater management system comprising of piped drainage, quality control devices, defined overland flow paths and connection to trade waste. Includes an easement for stormwater flows from neighbouring properties to the south.
<i>Hours of Construction</i>	Standard day time hours being 7am to 6pm, Monday to Friday and 8am to 1pm on Saturday with no work on Sundays and public holidays.
<i>Hours of</i>	24 hours, 7 days a week (heavy vehicle movements restricted to the hours between 5am and

Aspect	Description	
Operation	7pm)	
CIV	\$12 million	
Construction Employment	<ul style="list-style-type: none"> 50 construction staff 	
Operational Employment	Existing	Proposed
	<ul style="list-style-type: none"> 160 operational staff, including: <ul style="list-style-type: none"> 46 office staff; and 114 warehouse staff. 	<ul style="list-style-type: none"> 197 operational staff, including: <ul style="list-style-type: none"> 56 office staff; and 141 warehouse staff. <p>(This equates to a staffing increase of 37. These staff would be relocated from Mainfreight's existing facility in Moorebank which would cease operations).</p>

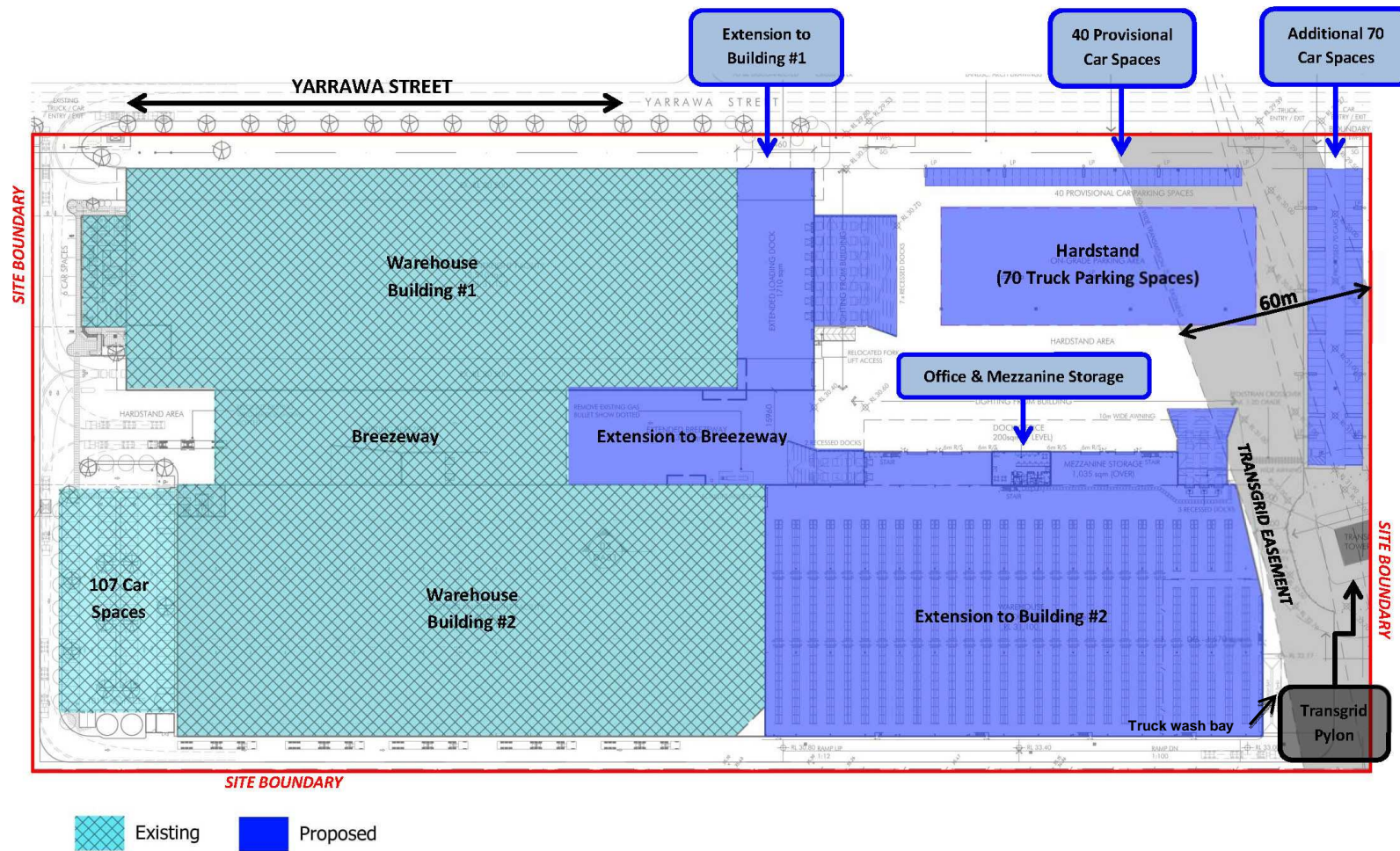


Figure 4: Proposed Site Layout

3. STRATEGIC AND STATUTORY CONTEXT

3.1. Strategic Context

The proposal has a capital investment value of \$12 million, would create around 50 new construction jobs, and would result in the retention and relocation of around 37 operational jobs from Mainfreight's Moorebank site.

The development proposal is therefore consistent with the goals and priorities of *NSW 2021*, particularly Chapter 1 as it would contribute to building the NSW economy by promoting economic and employment growth in the Sydney Metropolitan Region.

The proposal is also consistent with the goals and priorities of the draft Metropolitan Strategy for Sydney to 2031 (Metro Plan) as the site will provide for the expansion of an existing economic activity in South Western Sydney and in particular, enhance development on designated employment lands in the Liverpool local government area (LGA).

In addition, the proposal provides employment opportunities and long-term economic benefits for South Western Sydney by enabling the enhancement and future growth of Mainfreight's existing business.

The broad aims of the Metro Plan are implemented through ten sub-regional plans, including the Draft South West Subregional Strategy (Draft SWSS). The Draft SWSS applies to land in the Liverpool LGA and therefore applies to this development. The proposal would assist in protecting and enhancing designated employment lands identified in the Draft SWSS.

3.2. State Significant Development

The proposal is SSD under Part 4 of the EP&A Act because it involves the storage of dangerous goods in quantities exceeding the criteria for a Major Hazard Facility as defined in the *Work Health and Safety Regulation 2011*, and as such meets the criteria in Clause 10(3) of Schedule 1 in the SRD SEPP.

Consequently, the Minister for Planning and Infrastructure is the consent authority for the proposed development.

3.3. Consent Authority

On 27 February 2013, the Minister delegated his functions to determine SSD applications to the Executive Director, Development Assessment Systems and Approvals, of the Department where:

- the relevant local council has not made an objection;
- there are less than 25 public submissions in the nature of objections; or
- a political disclosure statement has not been made.

There have been 2 public submissions objecting to the proposed development and Council has not objected to the proposed development. No political disclosure statement was made for this application or any previous related application, and no reportable political donations disclosures were made by any persons who have lodged a submission.

Accordingly, the application is able to be determined by the Executive Director under delegation.

3.4. Permissibility

The site is zoned 'IN3 Heavy Industrial' under the *Liverpool Local Environmental Plan 2008* (LLEP). The proposed development involves the storage and distribution dangerous goods. The proposal is permissible with consent on the subject site and is also consistent with the relevant objectives of this zone.

3.5. Other Approvals

Under Section 89K of the EP&A Act, a number of further approvals are required to be obtained, but must be approved in a manner that is consistent with any Part 4 consent for the SSD under the EP&A Act.

The development would require an Environmental Protection Licence (EPL) from the Environment Protection Authority (EPA) under the *Protection of the Environment Operations Act 1997*.

The Department has consulted with the EPA and considered the relevant issues relating to the granting of an EPL in the assessment of the development (see Section 5), including the incorporation of the EPA's recommended conditions. The EPA has determined that should development consent be granted, it would be able to issue an EPL for the premises, subject to licence conditions.

Some of the works within Yarrawa Street may require an approval from Council under Section 138 of the *Roads Act 1993* (Roads Act) since this is a public road. The Department has consulted Council during its assessment and incorporated its requirements into its recommended conditions of consent.

3.6. Considerations under Section 79C of the EP&A Act

Under Section 79C of the EP&A Act, in determining a development application, a consent authority is required to take a number of matters into consideration in relation to the proposed development. The Department has given due consideration to the matters prescribed by Section 79C.

The Department's detailed consideration of the proposed development against the provisions of Section 79C of the EP&A Act is contained within Appendix B of this report.

3.7. Exhibition and Notification

Under Section 89F(1) of the EP&A Act, the Director-General is required to make the DA and any accompanying information of an SSD proposal publicly available for at least 30 days.

After accepting the Environmental Impact Statement (EIS) for the proposal, the Department:

- made it publicly available from **18 April 2013** until **28 May 2013**:
 - on the Department's website;
 - at the Department's Information Centre (Sydney);
 - at the Department's Information Centre (Parramatta);
 - at the Nature Conservation Council's Office (Sydney); and
 - Liverpool City Council customer service centre.
- notified landowners in the vicinity of the site about the exhibition period by letter;
- notified relevant State government authorities, the state member and Liverpool City Council by letter; and
- advertised the exhibition in the Liverpool City Champion.

3.8. Environmental Planning Instruments

Under Section 79C of the EP&A Act, the consent authority, when determining a development application, must take into consideration the provisions of any environmental planning instrument (EPI) and draft EPI (that has been subject to public consultation and notified under the EP&A Act).

The Department has considered the development against the relevant provisions of several key environmental planning instruments including:

- *State Environmental Planning Policy (State and Regional Development) 2011 (State and Regional SEPP)*;
- *State Environmental Planning Policy (Infrastructure) 2007 (the ISEPP)*;
- *State Environmental Planning Policy No. 19 – Bushland in Urban Areas*;
- *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)*;
- *State Environmental Planning Policy No. 44 – Koala Habitat (SEPP 44)*;
- *State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)*;

- *State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64);*
- *State Environmental Planning Policy (Western Sydney Employment Area) 2009;*
- *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment;*
- *Sydney Regional Environmental Plan No. 9 – Extractive Industry (No.2); and*
- *Liverpool Local Environmental Plan 2008.*

Development Control Plans (DCPs) do not apply to SSD under Clause 11 of the SRD SEPP. Notwithstanding this, the Department has considered the relevant provisions of *Liverpool Development Control Plan 2008* in its assessment of the proposal in Section 5 of this report.

The Department has also assessed the proposal against the relevant provisions of several EPIs and is satisfied that, subject to the implementation of the recommended conditions of consent, the proposal is generally consistent with the aims, objectives and provisions of these instruments (see Appendix F).

3.9. Objects of the Environmental Planning and Assessment Act 1979

In determining the application, the consent authority should consider whether the proposal is consistent with the relevant objects of the EP&A Act. These objects are detailed in Section 5 of the Act, and include:

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The Department has fully considered the objects of the EP&A Act, including the encouragement of Ecologically Sustainable Development (ESD), in its assessment of the application.

The Department considers that objects 5(a) (i), (ii), (iii), (vi) and (vii), 5(b) and 5(c) are most relevant to the merit assessment of this application. The Department has given due consideration to these objects in its assessment of the proposal (see Table 2 below).

Table 2: Objects of the EP&A Act and relevance to the development

Object	Consideration
5(a)(i)	The proposal would ensure the proper management and development of suitably zoned (i.e. industrial) land for the economic welfare of the community including the retention of approximately 37 full-time equivalent jobs which would be transferred from Mainfreight's Moorebank facility to the Preston's site. Further, the proposal has been designed to meet current best practice environmental standards. The potential impacts of the development have been minimised through appropriate site selection, site layout and design and proposed environmental control measures.
5(a)(ii)	The proposed development is located on suitably zoned industrial land. The site would be used economically to ensure the ongoing employment of a total of 197 operational staff, and would facilitate improvements to, and growth of, an existing business across two sites.
5(a)(iii)	The proposed development is proposed to be constructed and operated in a manner that would minimise potential impacts to, and allow ongoing maintenance of, the existing TransGrid high voltage transmission wires and pylon which cross the site.
5(a)(vi)	The Department's assessment in Section 5 of this report demonstrates that with the implementation of the recommended conditions of consent, the impacts of the development can be mitigated and/or managed to ensure the environment is protected.
5(a)(vii)	The site preparation works for this proposal, including site clearing and excavation, have been completed. The proposal is therefore unlikely to have an adverse impact on native flora or fauna, including threatened species, populations and ecological communities, and their habitats and is therefore consistent with the principles of ESD (see Section 3.10 below).
5(b)	The Department has assessed the development in consultation with, and giving due consideration to, the technical expertise and comments provided by other Government agencies (including Liverpool City Council) on the development. This is consistent with the object of sharing of the responsibility for environmental planning between the different levels of government in the State.
5(c)	The application was exhibited in accordance with Section 89F(1) of the EP&A Act to provide public involvement and participation in the environmental planning and assessment of this application.

3.10. Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle;*
- (b) *inter-generational equity;*
- (c) *conservation of biological diversity and ecological integrity; and*
- (d) *improved valuation, pricing and incentive mechanisms.*

Site preparation works for this development, including site clearing and excavation, have recently been completed in accordance with a consent issued by Council (DA 1636/2012).

Where potential impacts of the proposed development have been identified, mitigation measures and environmental safeguards have been recommended.

As demonstrated by the Department's assessment in Section 5 of this report, the proposal would have no adverse impacts on native flora or fauna, including threatened species, populations and ecological communities, and their habitats and is therefore considered to be consistent with the principles of ESD.

4. CONSULTATION

During the exhibition period, the Department received a total of six (6) submissions on the proposal from public authorities and two (2) from the general public.

A summary of the issues raised in submissions is provided below. A full copy of these submissions is attached in Appendix E.

4.1. Public Authorities

Liverpool City Council (Council) did not object to the proposal but raised a number of concerns in its submission relating to traffic and transport, stormwater, flooding and hazards and risks and recommended that Section 94 contributions be payable for the development. During the course of the assessment, the Applicant met with Council and resolved many of the issues raised. Council then issued an updated letter which included recommended conditions to address the residual issues.

The **Environment Protection Authority (EPA)** requested additional information relating to stormwater and waste water management and provisions for the containment of leaks and spills from stored chemicals. Once this additional information was provided, the EPA was able to recommend conditions for the proposal.

Roads and Maritime Services (RMS) raised no objection to the proposal subject to the imposition of recommended conditions relating to car and truck parking, vehicle movements, construction traffic and signposting.

The **NSW Rural Fire Service (NSW RFS)** recommended that the site be managed in perpetuity as an Inner Protection Area in accordance with relevant guidelines and that reticulated water supply provision for the proposed development comply with AS 2419.1-2005 for fire fighting purposes.

Transgrid did not object to the proposal but raised concerns in its original submission regarding the proposed storage and/or transportation of dangerous goods within its easement. These matters, and other issues relating to protection and ongoing maintenance of the TransGrid infrastructure, were subsequently resolved during a meeting between the two parties. Transgrid has since provided its conditional support to Goodman for the proposal.

Sydney Water had no objections to the proposal and informed the Department that it would further assess the proposal once the developer applies for a Section 73 Certificate.

4.2. Public Submissions

The Department received two confidential public submissions both of which objected to the proposal primarily based on the potential hazards and risks associated with the proposed storage of dangerous goods at the premises.

4.3. Response to Submissions

On 1 July 2013, Goodman provided a response to the issues raised in submissions (see Appendix E). This response has been made publicly available on the Department's website.

The Department has considered the issues raised in the submissions, and Goodman's responses to these issues, in Section 5 of this report.

5. ASSESSMENT

In assessing the merits of the proposal, the Department has considered the EIS (Appendix D), the submissions and the Response to Submissions (Appendices E & F) and the Applicant's revised Statement of Commitments (as provided in the Response to Submissions report). The assessment has involved consideration of the provisions of relevant environmental planning instruments, Section 79C and the objects of the EP&A Act, including the object to encourage ecologically sustainable development.

The Department considers the key issue associated with the development to be hazards and risks which is addressed in section 5.1 below. All other issues are addressed in Table 4.

5.1. Hazards and Risks

The expanded facility includes 1,570m² of dedicated floor area to be used for the storage of dangerous goods in the form of consumer health and personal care products, paint and related materials and industrial catalysts and curing agents. The quantities and classes of dangerous goods proposed to be stored are set out in Table 3 (based on total weight for packaging and the content).

Table 3 - Hazardous Material Inventory

Hazardous Material	Dangerous Goods Class	Approximate Operating Quantity (kg)	Total Store Capacity (kg)
Aerosols	2.1	347,260	380,000
Flammable and Combustible Liquids	3	83,820	88,660
Oxidising Agents	5.1	63,698	78,500
Corrosive Substances	8	1,165	1,500
Miscellaneous Dangerous Goods	9	4,249	4,620

As the quantity of Class 2.1 Aerosols and Class 5.1 Oxidising Agents to be stored within the premises would likely exceed the threshold quantities of SEPP 33, the proposal could be classified as potentially hazardous and a Preliminary Hazard Analysis (PHA) was prepared by One Group ID.

Fire is the most likely hazardous incident with potential to cause injury or fatality to people or damage to property or the biophysical environment. The PHA identified two (2) risks associated with the dangerous goods storage area with a 'medium' level of risk which therefore warranted further investigation, namely 'containment of spills or contaminated fire-water' and 'fire in the aerosol storage area'.

Based on the risk assessment, the PHA recommended the following key design and operational measures for the dangerous goods storage area to minimise potential impacts:

- flammable liquids and aerosols are to be stored in separate bunded areas, with bunding of a scale that will ensure that it is very likely that any on-site spills are captured and contained;
- all products are to be stored in their original packaging, with none of the products being accessed for the purposes of decanting, sampling or repackaging;
- the aerosol storage area is to be enclosed by wire mesh to prevent cans becoming missiles in the event of a fire to prevent the spread of fire through the facility;
- the external wall between the warehouse and the truck wash bay would be constructed with appropriate fire rating and at a height of at least 1 metre above the top of the highest package;
- an emergency response plan would be prepared; and
- a sprinkler system would be provided in the dangerous goods area.

As part of the PHA, a Transport Screening analysis found that the estimated number of traffic movements does not exceed the threshold under SEPP 33, and the proposal therefore does not require a full transport route evaluation.

Based on the recommended design and operational measures, combined with the timely emergency response available to the site, the PHA determined that the consequences of a fire were not found to have any significant effect beyond the site boundary. In addition, the personal care products proposed to be stored within the premises do not contain toxic substances indicating that smoke generated from a fire would also not include any unburned toxic substances.

The Department assessed the PHA and found it to be in accordance with *Hazardous Industry Planning Advisory Paper (HIPAP) No. 6 - Hazardous Industry Guidelines* (HIPAP No. 6) as it included:

- identification of the potential hazards by evaluating the chemicals to be stored within the warehouse;
- a qualitative risk assessment of the identified potential hazards to determine the potentially hazardous events that require further quantification;
- quantitative estimation of the consequences of major hazardous events;
- evaluation of the effects of these consequences to determine if their effects would pose an offsite risk;
- estimation of the frequency of hazardous incidents; and
- evaluation of the risks posed by the facility against the risk criteria published in *Risk Criteria from Land use Safety Planning - HIPAP No.4*.

Overall, the Department's assessment found that the proposal would comply with NSW risk criteria for land use safety planning, including established criteria for individual, societal or bio-physical risk. The Department concludes that the expansion would not increase the overall level of risk associated with the existing site, subject to implementation of recommendations contained within the PHA and the Department's recommended conditions.

The recommended conditions relate to the construction, commissioning and operational phases of the development. This includes conditions which require the Applicant to:

- undertake a Fire Safety Study in consultation with Fire and Rescue NSW considering and implementing measures to ensure acceptable fire protection levels at the site;
- undertake a Final Hazards Analysis (FHA) in accordance with the Department's relevant guideline/s;
- prepare an Emergency Plan (EP) and Safety Management System (SMS) for the facility;
- submit Pre and Post-Startup Compliance Reports detailing compliance with all conditions required to be satisfied prior to and after operation has commenced; and
- undertake on-going independent Hazard Audits for the facility to ensure safety and compliance with all statutory documents and approvals.

The quantities of Class 2.1 flammable aerosols may also result in the development being defined as a 'Major Hazard Facility' (MHF) within the meaning of Chapter 6B of the *Work Health and Safety Regulation 2011* (WH&S Regulation), which means that the Applicant would have to obtain an MHF licence under this legislation. The Department has consulted WorkCover NSW during the course of the assessment and has included a condition requiring the Applicant to obtain all necessary licences.

Two public submissions were received which objected to the proposal on the basis of the size and quantity of dangerous goods and the associated potential for increased hazards and risks in the area. The Applicant provided a response to the issues raised in submissions which confirmed the findings of the PHA that the proposed development would not increase the overall level of risk from the site.

Overall, the Department is satisfied with the assessment and findings of the PHA and has recommended a series of conditions to ensure that the potential hazard and safety risks associated with the development are appropriately managed.

5.2. OTHER ISSUES

The Department's assessment of other issues is provided in Table 4.

Table 4: Assessment of other issues

Issue	Consideration	Recommended Conditions
Noise	<p><u>Construction</u></p> <ul style="list-style-type: none"> Construction noise impacts have been assessed in accordance with the <i>Interim Construction Noise Guideline</i> (ICNG). The main noise sources include piling, excavators, concrete pumps and truck movements during standard construction working hours. Construction noise would comply with ICNG at all surrounding receivers, except at the neighbouring industrial property to the east where noise levels may exceed the criteria of 75dB(A) by up to 9dB(A). The Department does not consider this to be significant as the land is currently vacant. The noise assessment identified a series of measures that could be implemented to reduce these noise levels if the adjacent property were to become occupied during the construction phase. Notwithstanding, the Department recommends an upper limit of 75dB(A) be imposed within the consent consistent with the ICNG. <p><u>Operation</u></p> <ul style="list-style-type: none"> Operational noise impacts were assessed in accordance with the <i>NSW Industrial Noise Policy</i> (INP). The expanded warehouse would operate 24 hours a day, 7 days a week, consistent with the existing operations. The noise assessment considered a worst-case operational scenario involving B-Doubles, semi-trailers, forklifts, delivery trucks and cars operating inside and outside of the entire warehouse complex during the night-time period, considering adverse meteorological conditions. Under these conditions, operation of the warehouses would comply with the relevant INP criteria at all industrial receivers adjacent to the site and all residential receivers in Hoxton Park and Prestons during the most stringent night-time period. Sleep disturbance criteria at these receivers would also be met. There would be a 1dB(A) exceedance at a neighbouring industrial property to the east. However, the Department does not consider this to be significant given it is only a minor increase above the criteria and would occur very infrequently if worst case operating conditions occur simultaneously with adverse weather conditions. <p><u>Conclusion</u></p> <ul style="list-style-type: none"> The EPA and Council did not raise any concerns regarding noise and the EPA recommended conditions, which the Department has incorporated into its recommended conditions. The Department is satisfied that construction and operation can be carried out without adverse noise impacts on nearby sensitive receivers, subject to a series of recommended conditions. 	<p>The Applicant is required to:</p> <ul style="list-style-type: none"> Comply with construction noise criteria consistent with the ICNG and carry out construction during standard daytime hours. Comply with operational noise criteria at the nearest residential receivers. Restrict truck movements to between the hours of 5am and 7pm. Implement reasonable and feasible measures to minimise noise, including keeping warehouse roller doors closed where practicable during the night-time period. Prepare and implement a Noise Management Plan for the site.
Traffic & Access	<p><u>Construction</u></p> <ul style="list-style-type: none"> Construction would take 7 months and would generate between 20-70 truck movements per day, considerably less traffic than for operations. As such, construction traffic is not expected to adversely affect the operation of the existing road network subject to implementation of conditions for construction traffic management. <p><u>Operation</u></p> <ul style="list-style-type: none"> Trucks accessing the site include B-Doubles, semi-trailers, pickup and delivery trucks and rigid trucks. A total of 280 of these trucks would access the site, generating 560 truck movements per day, an increase of 150 truck movements (compared to existing operations). Light vehicle (staff) movements would increase from 384 to 472 movements per day. Yarrawa Street is a designated B-Double route with direct access to the M7 Motorway via the M7/Bernera Road interchange. This part of the road network was recently upgraded to service Mainfreight's existing facility and other industrial development in the precinct. The traffic assessment analysed the morning (AM) peak (6am-9am) and evening (PM) peak (3pm-6pm) periods and concluded that the development would result in an increase of 61 movements per hour during the AM peak (the majority being heavy vehicles) and that there 	<p>The Applicant is required to:</p> <ul style="list-style-type: none"> Prepare and implement a Traffic Management Plan prior to commencement of construction, including a Truck Operational Management Plan. Restrict truck movements to the hours between the hours of 5am and 7pm. Design and construct all access points in accordance with relevant Australian

Issue	Consideration	Recommended Conditions
	<p>would be an increase of 8 movements per hour during the PM peak (the majority being light vehicles).</p> <ul style="list-style-type: none"> Following review of additional information during the assessment and subject to recommended conditions, RMS and Council have no outstanding concerns and were satisfied that these additional trips could be accommodated on the existing road network without further road or intersection upgrades. Overall, the Department is satisfied that operational traffic can be safely and efficiently accommodated on the existing road network. <p><u>Access</u></p> <ul style="list-style-type: none"> Existing access arrangements would be altered to provide 3 access points – a western, eastern and mid-block access point. One existing access point would be closed to accommodate the mid-block access. Council and RMS requested swept path analysis for the longest vehicles entering/exiting the site to demonstrate adequate manoeuvrability. The Applicant subsequently provided swept paths for B-Doubles and justification of turning movements from Yarrowa Street into the site. Council and RMS are satisfied with the proposed access arrangements and have provided recommended conditions to ensure that any road/access works are designed and constructed to comply with Australian Standards, which are reflected in the Department's recommended conditions. 	Standards.
Parking	<p><u>Truck Parking</u></p> <ul style="list-style-type: none"> There is currently no provision for truck parking on site, therefore the proposed development provides 70 truck parking spaces to accommodate articulated trucks, B-doubles and semi-trailers on-site. In its submission, Council noted that Yarrowa Street is currently used for the storage of trucks, and requested that this be restricted through provision of line-marking and No Stopping Signage. The Department supports Council's request and notes that the proposed on-site truck parking should remove the need for trucks to park on Yarrowa Street. RMS requested that a Truck Operational Management Plan be submitted prior to the commencement of operation to ensure that the proposed stacked parking arrangement can be appropriately managed. <p><u>Car Parking</u></p> <ul style="list-style-type: none"> A total of 107 car parking spaces are currently provided on the site. The development would provide an additional 70 formal car parking spaces and 40 provisional spaces for overflow parking. Council are satisfied that the proposed parking would cater for the increased demand generated by the development. The Department is satisfied that the development includes adequate car and truck parking on-site and has incorporated Council and RMS' requests into the recommended conditions. 	<p>The Applicant is required to:</p> <ul style="list-style-type: none"> Design and construct all parking in accordance with Australian Standards Install line marking and 'No Stopping Signage' along Yarrowa Street Ensure all cars and trucks associated with the development park on-site Implement a Truck Operational Management Plan
Water	<p><u>Stormwater</u></p> <ul style="list-style-type: none"> The proposed stormwater system would serve the extended warehouse and parking areas (and would be separate from the stormwater system for the existing warehouse, which would operate unchanged). The stormwater system proposed in the EIS was substantially revised at the EPA's request and submitted in the RTS. The proposed stormwater system would accommodate flows up to the 1:100 year storm event, consistent with the requirements of Council and the EPA. The stormwater system also accommodates the requirement for an easement to convey flows from two properties to the south of the site (consistent with previous Council consents). Stormwater quality control devices are proposed to manage gross pollutants, hydrocarbons, oils and suspended solids. The Department, Council and the EPA are satisfied with the proposed stormwater system and have recommended conditions relating to design and operation of the system and the provision of easements. <p><u>Flooding</u></p> <ul style="list-style-type: none"> Council requested detailed calculations to determine whether on-site detention is required to manage potential flooding impacts. 	<p>The Applicant is required to:</p> <ul style="list-style-type: none"> Design, construct and operate the stormwater and wastewater management system to the satisfaction of Council and EPA Provide the stormwater and overland flow path easements as shown on the stormwater design plans, to the satisfaction of Council Applicant to obtain a

Issue	Consideration	Recommended Conditions
	<ul style="list-style-type: none"> Flood modelling was subsequently carried out and submitted with the RTS. Council reviewed the modelling and concurred that on-site detention was not required because the impact of the development on the existing Yarrowa Street/Bernera Road stormwater system and overland flooding is negligible and would be contained within the road reserve. <p><u>Wastewater</u></p> <ul style="list-style-type: none"> Components of the development, including the truck wash and breezeway (where loading and unloading of dangerous goods occur) need to be separated from the stormwater system and diverted to sewer (trade waste). At the EPA's request, further documentation and updated plans were submitted during the assessment to address issues relating to truck wash bunding, breezeway and un/loading areas for dangerous goods, connection of the truck wash to sewer and isolation valves installed in the stormwater system to prevent the discharge of any chemicals from leaks or spills. The Department and the EPA were satisfied with the revised plans and have recommended a condition requiring the Applicant to obtain a trade waste agreement with Sydney Water prior to operation. <p><u>Rainwater reuse</u></p> <ul style="list-style-type: none"> The Applicant proposes to capture and reuse rainwater on site for toilet flushing and irrigation as is current practice for the existing warehouse. The Department recommends that the Applicant provide details for rainwater capture and reuse to Council for approval prior to the commencement of construction. 	<p>trade waste agreement with Sydney Water prior to operation</p> <ul style="list-style-type: none"> Applicant to submit design for the rainwater reuse system to Council for approval prior to construction.
Bushfire Hazard	<ul style="list-style-type: none"> As the eastern portion of the site is identified as part of a 100 metre wide buffer zone to 'Category 1 Bushfire Prone Vegetation' under Council's Bushfire Prone Land Map, the EIS included a Bushfire Protection Assessment in accordance with relevant policies and guidelines including <i>Planning for Bushfire Protection 2006</i>. The assessment found that the expanded facility would be located more than 100 metres from the bushfire prone vegetation, and, as such, construction standards do not apply to the building itself nor is there a requirement to prepare a Bushfire Evacuation Plan or a Bushfire Management Plan. The assessment also found that the building design provides sufficient 'defendable space' between the building and existing vegetation to avoid flame contact, the development meets BCA requirements for fire fighting and that the proposed access points to the site are capable of accommodating fire fighting vehicles if necessary. In terms of managing the buffer zone itself, the NSW Rural Fire Service recommended that this area of the site be managed in perpetuity as an Inner Protection Area (IPA) (which forms part of the wider Asset Protection Zone or APZ) in accordance with the requirements of <i>Planning for Bushfire Protection 2006</i> and the NSW Rural Fire Services' document <i>Standards for Asset Protection Zones</i>. These documents include detailed provisions relating to landscaping and property maintenance. The NSW Rural Fire Service also recommended that a condition be included which requires the Applicant to ensure that fire fighting water supply meets the requirements of AS2419.1-2005. Both of these recommendations have been broadly endorsed by the Applicant in its revised commitments for the development. The Department notes that given the distance between the expanded facility and the bushfire prone vegetation, the development would have minimal risk in terms of bushfire hazard subject to the implementation of standard control measures. However, the Department recommends that the commitments made by the Applicant be strengthened to address the recommendations made by the NSW Rural Fire Service with regard to the long-term management of the buffer zone as an IPA and has incorporated these requirements into the recommended conditions. 	<p>The Applicant is required to ensure:</p> <ul style="list-style-type: none"> Fire fighting water supply meets the requirements of AS2419.1-2005. The site is managed in accordance with relevant bushfire standards. The IPA buffer zone is managed in perpetuity as an Inner Protection Area in accordance with <i>Planning for Bushfire Protection 2006</i>.
TransGrid	<ul style="list-style-type: none"> A 50m wide electricity easement traverses the eastern part of the site, 	The Applicant is

Issue	Consideration	Recommended Conditions
Easement	<p>connecting to TransGrid's electricity substation on the northern side of Yarrowa Street. The easement contains high voltage transmission lines and a transmission tower.</p> <ul style="list-style-type: none"> The Applicant consulted with TransGrid during the course of the assessment. TransGrid outlined its requirements for access, maintenance and protection of the easement and infrastructure, including prohibiting the storage of dangerous goods within the easement. TransGrid subsequently provided its conditional approval for the development. The Department is satisfied that the proposed development will not impact on the protection and maintenance of Transgrid's infrastructure subject to the imposition of recommended conditions requiring the Applicant to comply with TransGrid's detailed requirements and prohibiting the storage of dangerous goods with the TransGrid easement. 	<p>required to:</p> <ul style="list-style-type: none"> Comply with Transgrid's detailed requirements; and Prohibit the storage of dangerous goods within TransGrid's easement.
Visual impact and Design	<ul style="list-style-type: none"> The warehouse extension would be 12 metres high, consistent with the existing warehouse buildings. The warehouse extension would be setback over 80 metres from Yarrowa Street and separated from the street by on-site car and truck parking areas and an 11 metre wide landscape strip. Roof materials would be continuous with the existing warehouse however the walls would be constructed of pre-cast concrete, instead of sheet metal which has been used on the existing warehouse. The extension would be consistent with the existing warehouse buildings and would visually present as a coordinated operation. The Yarrowa Street landscape strip would combine shrub and tree planting which, once established, would soften the appearance of the parking areas and buildings. Landscaped areas would be maintained in accordance with the requirements of TransGrid and the NSW Rural Fire Service. Council requested that the proposed planting should comply with its recommended species list which the Department supports. A 2.1 metre high chain wire perimeter fence is proposed and would need to comply with TransGrid's requirements for the portion of land within the easement. Overall, the Department considers that the expanded facility and associated landscaping would be consistent with the existing facility and other industrial development within the precinct and that it would not result in adverse visual impacts subject to recommended conditions. 	<p>The Applicant is required to:</p> <ul style="list-style-type: none"> Include species from Council's 'Recommended Plant Species' list. Manage landscaping in accordance with the requirements of TransGrid and the NSW Rural Fire Service. Provide perimeter fencing in accordance with the requirements of Council and TransGrid. Ensure lighting complies with Australian Standards.
Waste	<ul style="list-style-type: none"> The EIS included a Waste Management Plan prepared by SLR Consulting, estimating construction waste quantities and details of storage and disposal requirements for construction and operation. Construction is estimated to generate up to 1400 tonnes of waste including steel, timber, gypsum, plastic and cardboard packaging and excavated material. Approximately one third of this waste would be excavated material that would be reused on or off-site. Waste generated during operation would generally consist of packaging and pallet waste, office waste and damaged goods. Small quantities of hazardous waste may be generated if there are spills or breakages of dangerous goods stored on-site. The Waste Management Plan identifies that all wastes stored on site prior to collection by licensed waste contractors should comply with the storage requirements of relevant legislation, including WorkCover's <i>Code of Practice for Storage and Handling of Dangerous Goods</i>. Council and the EPA did not raise any issues regarding waste. The EPA recommended standard conditions to restrict the receipt of waste on-site and the Department notes that Council had similar conditions in the development consent for the existing warehouse. The Department has recommended a number of standard conditions covering waste minimisation, tracking and reporting, and the requirement for a Waste Management Plan for operation. 	<p>The Applicant is required to:</p> <ul style="list-style-type: none"> Prepare and implement an operational Waste Management Plan, including measures to minimise waste. Record quantities of waste generated during operation of the development Store, handle and dispose of waste in accordance with EPA and WorkCover requirements.
Air Quality	<ul style="list-style-type: none"> The EIS included an air quality assessment in accordance with relevant 	<p>The Applicant is</p>

Issue	Consideration	Recommended Conditions
	<p>guidelines; noting the key emissions during operation include wheel generated dust and combustion emission from heavy vehicles, including particulates (PM₁₀) and oxides of nitrogen (NO_x).</p> <ul style="list-style-type: none"> The assessment concluded that particulate (PM₁₀) and NO_x emissions would comply with relevant 24 hour and annual average criteria during worst-case operating conditions. The main air quality impacts during construction include dust and particulate emissions from excavation which would be managed via standard dust suppression measures. Council and the EPA did not raise any concerns regarding air quality. The Department concludes that the development would result in negligible air quality impacts at the nearest residential receivers during construction and operation and has recommended conditions for standard dust controls. 	<p>required to:</p> <ul style="list-style-type: none"> Minimise dust emissions through best management practices throughout construction and operation, to the satisfaction of the Director-General.

6. CONCLUSION

The Department has assessed the merits of the development having regard to the objects of the EP&A Act and the principles of ecologically sustainable development.

This assessment has concluded that with the implementation of the recommended conditions of consent, the impacts of the development can be mitigated and/or managed to ensure an acceptable level of environmental performance.

It has also found that the development would add value to Mainfreights existing business operations, improving its efficiency and allowing the company to grow. The development has a capital investment value of \$12 million and would employ approximately 50 people during construction and provide continued employment for 197 people during operation, including 37 people from its existing Moorebank facility.

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

Goodman, the EPA and Council have reviewed and generally accepted the draft recommended conditions.

7. RECOMMENDATION

It is recommended that the Executive Director, Development Assessment Systems and Approvals:

- consider** the findings and recommendations of this report;
- approve** the development application under section 89E of the EP&A Act; and
- sign** the attached development consent (refer Appendix A).

Chris Ritchie
Manager – Industry

Chris Wilson
Executive Director
Development Assessment Systems and Approvals

APPENDIX A:

Conditions of Consent

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APPENDIX B:

Considerations under Section 79C

Section 79C of the EP&A Act requires that the consent authority, when determining a development application, must take into consideration the following matters:

<p>(a) the provisions of:</p> <p>(i) any environmental planning instrument, and</p> <p>(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</p> <p>(iii) any development control plan, and</p> <p>(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and</p> <p>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and</p> <p>(v) any coastal zone management plan (within the meaning of the <i>Coastal Protection Act 1979</i>) that apply to the land to which the development application relates,</p>	<p>The Department has considered Environmental Planning Instruments relevant to the proposal in Appendix C.</p> <p>DCPs do not apply to State Significant Development under Clause 11 of the SRD SEPP. However, the Department has consulted with Liverpool City Council and given due consideration to the Liverpool Council DCP in its assessment in Section 5 of this report and Appendix C.</p> <p>The Applicant has not entered into any planning agreement under section 93F.</p> <p>The Department has undertaken its assessment of the proposed development in accordance all relevant matters as prescribed by the regulations, the findings of which are contained within this report.</p> <p>The site is not located within the coastal zone and the Department is not aware of any coastal zone management plan that applies to the land to which the development application relates.</p>
<p>(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</p>	<p>The Department has considered the likely impacts of the development in detail in Section 5 of this report. The Department is satisfied that all environmental impacts can be appropriately managed and mitigated through recommended conditions of consent.</p>
<p>(c) the suitability of the site for the development,</p>	<p>Section 3, Section 5 and Appendix C of this report provide details on the suitability of the site for the proposed development. The site is located in an established industrial area, is zoned for heavy industrial purposes and is permissible with development consent on the subject site.</p> <p>The site is also located in close proximity to Sydney's major road network which provides good transport links throughout the city and the State.</p> <p>In addition, no site constraints have been identified that would prevent an intensification of existing warehousing and distribution activities at the site. The design of the proposed development and recommended conditions address issues with easements and bushfire prone land to allow suitable integration with the existing facility. The Department therefore considers that the site is suitable for the proposed development.</p>
<p>(d) any submissions made in accordance with this Act or the regulations,</p>	<p>All matters raised in these submissions have been summarised in Section 4 of this report and given due consideration as part of the assessment of the proposed development in Section 5 of this report.</p>

(e) the public interest.	<p>The recommended conditions of consent impose a range of controls, which the Department considers will mitigate any potential environmental impacts of the proposed development.</p> <p>The socio-economic benefits generated from the proposal include the employment of 50 construction staff and the retention of approximately 37 full-time equivalent jobs which would be transferred from Mainfreight's Moorebank facility to the Prestons site. The site would be used to ensure the ongoing employment of a total of 197 operational staff, and would facilitate improvements to, and growth of, an existing business across two sites.</p> <p>The Department considers that the proposed development is therefore in the public interest.</p>
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APPENDIX C:

Consideration of Environmental Planning Instruments

State Environmental Planning Policy (State and Regional Development) 2011

The proposal involves the storage of dangerous goods in quantities exceeding the criteria for a Major Hazard Facility, and as such meets the criteria in Clause 10(3) of Schedule 1 in the SRD SEPP.

Consequently, the proposal has been identified as State Significant Development and the Minister for Planning and Infrastructure (or his delegate) is the consent authority for the proposed development. The SRD SEPP is discussed in Section 3.2 of this report.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

SEPP 33 aims to identify proposed developments with the potential for significant off-site impacts, in terms of risk and/or offence (odour, noise etc). A development is defined as potentially hazardous and/or potentially offensive if, without mitigating measures in place, the development would have a significant risk and/or offence impact on off-site receptors.

The proposed quantities of dangerous goods to be stored at the facility exceed the threshold limits established for SEPP 33. In addition, the number of truck movements of dangerous goods also exceeds the threshold published in the Department's Guideline *Applying SEPP 33*.

SEPP 33 requires that a PHA be carried out on a potentially hazardous development to ensure that any hazards are systematically evaluated as part of the overall environmental assessment and that to demonstrate that the development will not pose unacceptable risks to the surrounding land uses.

The Department's has reviewed the proposal, the EIS and the PHA prepared by the Applicant and is satisfied that, subject to the full implementation of all safety measures as set out in the EIS and PHA and the Department's recommended conditions of consent, the facility would not pose an unacceptable off-site risk.

The Department's detailed assessment of hazards and risk is contained in Section 5.1 of this report.

State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

The proposal constitutes traffic generating development in accordance with Clause 104 of the ISEPP as the total floor area of the facility will exceed 20,000m².

The development was referred to the RMS for comment in accordance with the SEPP and its submission is summarised in Section 4 of this report. No objections were raised to the proposed development by RMS. The proposal is considered to be consistent with the Infrastructure SEPP given the consultation and consideration of the issues raised by RMS has been undertaken in the Department's assessment in Section 5 of this report.

Written notice of the proposed development was also provided to TransGrid in accordance with Clause 45(1)(b)(i) of the SEPP given that the site is located within an easement for electricity purposes. TransGrid's submission is summarised in Section 4 of this report. No objections were raised to the proposed development by TransGrid, subject to compliance with the submitted plans and recommended conditions detailed in its submission which aim to protect their infrastructure and allow ongoing maintenance of their infrastructure.

The proposal is considered to be consistent with the Infrastructure SEPP given the consultation and consideration of the issues raised by TransGrid has also been undertaken in the Department's assessment in Section 5 of this report.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application.

The Department has reviewed all contamination issues associated with the development and outlined in the EIS.

The site was previously used for low intensity agricultural purposes, and it is therefore identified as being potentially contaminated by Liverpool City Council's DCP 2008.

More recently the site contained a stockpile of excavated material being from earthworks associated with construction of the existing Mainfreight facility (DA No. 1672/2006). A Virgin Excavated Natural Material (VENM) classification was given to this soil.

The site preparation works for this application, including site clearing and excavation, has already been completed in accordance with the development consent issued by Liverpool City Council (DA No. 1636/2012). This consent contained a condition that required the stockpiled material be validated to ensure that it was suitable for the proposed use in accordance with the requirements of SEPP 55 and the CLM Act.

Only minor changes are proposed to the earthworks completed under DA No. 1636/2012 as part of this application. The Department is therefore satisfied that the development would not result in adverse impacts on the environment or human health, and that the site would be suitable for the proposed development.

The Department considers the proposal is therefore generally consistent with the aims and objectives of SEPP 55.

State Environmental Planning Policy No. 19 – Bushland in Urban Areas (SEPP 19)

SEPP 19 aims to protect and preserve bushland within certain urban areas, including some areas of the Liverpool LGA.

The subject site has been previously cleared and site preparation works have now been completed in accordance with DA No. 1636/2012 issued by Council. The proposal does not seek to remove any trees on site and is considered highly unlikely to have any off-site impacts on adjoining bushland which is separated by a vegetation buffer. The proposal is therefore not expected to have any impact on urban bushland and as such, is considered to be generally consistent with SEPP 19.

State Environmental Planning Policy No. 44 – Koala Habitat Protection

SEPP 44 aims to conserve and protect koala habitats. It applies to all land within the Liverpool LGA that has an area in excess of 1 hectare and that contains land that is a potential koala habitat. The site contains no trees and clearing is therefore not required. In addition, there would be no on or off-site impacts on any threatened species or ecological communities as a result of the proposed development. The proposal is therefore considered to be consistent with SEPP 44.

State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)

SEPP 64 aims to ensure that any signage that is visible from a public place is compatible with the amenity and visual character of the area, is suitably located and is of high quality.

The application seeks consent for the erection of one (1) Business Identification Sign with dimensions 8m x 2m. The sign is proposed to be located on the extension of Building 2 (i.e. the rear of "Shed 2").

The proposed signage is non-illuminated, sympathetic in nature and scale to the existing building, is consistent with the design and appearance of the building and other existing signage. The sign will not affect the safety of pedestrians or motorists, and will not restrict or inhibit any views or outlooks from adjoining sites.

The Department considers the signage (and the proposed development) is therefore generally consistent with the overall aims and objectives SEPP 64 and the assessment criteria contained within Schedule 1 of the SEPP.

Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (REP No. 2)

REP No. 2 is now a deemed SEPP. The plan aims to protect the water quality of the Georges River and its tributaries and the environmental quality of the whole catchment. The plan establishes the framework so that there is a consistent approach to strategic planning and development assessment within the catchment.

The Department's assessment in Section 5 of this report has considered REP No.2 in relation to potential water quality impacts on the Georges River Catchment. The Applicant proposes sediment and erosion control measures during construction to minimise impacts on local water quality. During operation, the relevant parts of the site would be bunded to minimise the likelihood of any spills entering the proposed stormwater management system. Stormwater run-off will pass through stormwater treatment devices to reduce pollutants and to meet the relevant water quality objectives, prior to discharge off-site. In addition, no changes are proposed to that part of the site that is affected by flooding.

The Applicant has addressed the issues raised by Council and the EPA in relation to water management. The EPA has also confirmed that it would be able to issue an EPL for the development, if approved.

The proposal is therefore considered to be generally consistent with the relevant aims and objectives of REP No. 2.

Sydney Regional Environmental Plan No. 9 – Extractive Industry (REP No.9)

REP No. 9 is now a deemed SEPP. REP No. 9 aims to ensure that extractive resources of significance within the Sydney Region can be accessed and utilised while ensuring that environmental, social and economic values are suitably maintained.

The REP applies to all land located within the Liverpool LGA, however this proposal does not involve development for the purpose of extractive industry or for another purposes located in proximity to an existing extractive industry. The proposed warehouse and distribution facility is located on land that is zoned for industrial purposes and the development is not considered to have a greater impact on natural resources than previously assessed and approved by Council. The proposal is therefore considered to be generally consistent with the relevant aims and objectives of REP No. 9.

Liverpool Local Environmental Plan 2008 (LLEP 2008)

The subject land is zoned *IN3 Heavy Industrial* under the provisions of LLEP 2008. The proposed extension of the existing warehouse and distribution facility is permissible with consent in this zone. The proposal is also consistent with the relevant objectives of the zone as it encourages employment opportunities whilst preventing any adverse impacts on adjoining and nearby land uses.

The proposed development has a maximum height of 12.2m which is substantially lower than the maximum 30m permitted by Clause 4.3 of the LLEP.

The eastern portion of the site is identified as Bushfire Prone Land and the proponent has submitted a Bushfire Protection Assessment which provides recommended measures to ensure that the proposal is consistent with the relevant guidelines.

The proposal is therefore considered to be generally consistent with the relevant provisions of the LLEP.

Liverpool Development Control Plan 2008

In accordance with Section 11 of the State and Regional SEPP, Development Control Plans do not apply to State Significant Development.

Notwithstanding, the Applicant has demonstrated that the proposed development is generally consistent with the provisions contained in the Liverpool DCP, with the exception of the proposed car parking provisions.

The proposed parking provision is however found to be satisfactory based on the justification provided in the submitted Traffic Impact Assessment in the EIS and the Department's assessment in Section 5 of this report. Council has also confirmed that they support the Applicant's position on the proposed parking provision.

The proposal is therefore considered to be generally consistent with the relevant provisions of the Liverpool DCP.

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APPENDIX D:

Environmental Impact Statement

See the department's website at www.planning.nsw.gov.au

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APPENDIX E: Submissions

See the department's website at www.planning.nsw.gov.au

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APPENDIX F:

Applicant's Response to Submissions

See the department's website at www.planning.nsw.gov.au

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