

ASSESSMENT REPORT

Section 96(1A) Modification (MOD 1)

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

1. BACKGROUND

Mainfreight Pty Ltd (Mainfreight) is a New Zealand logistics company operating more than 200 branches worldwide. Mainfreight recently operated two warehouse and distribution facilities in the suburbs of Moorebank and Prestons in the Liverpool local government area. Mainfreight leases the Prestons site from Goodman Property Services (Aust) Pty Ltd (Goodman).

On 9 August 2013, Goodman received ministerial consent (SSD 5746) for alterations and additions to the Prestons warehouse and distribution facility. The consent involved a 14,960m² expansion to the existing warehouse buildings, including a 1,570m² area for the storage of dangerous goods (see **Figure 1**). Relevantly, the approved development also included office and storage floor space (2,507m²), the storage of 380,000kg of Class 2.1 dangerous goods, and restricted hours of access for heavy vehicles (between 5am and 10pm).

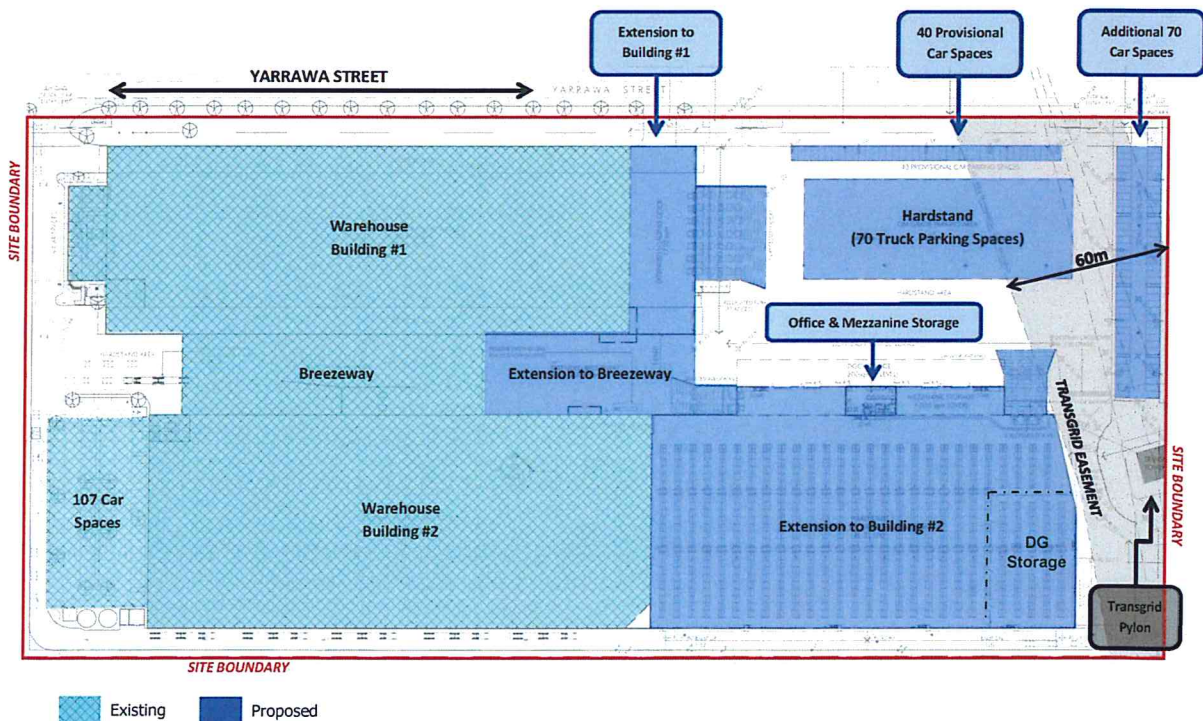


Figure 1: Approved floor plan and site layout

The development was state significant development (SSD) because it involved 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 met the criteria in Clause 10(3) of Schedule 1 of *State Environmental Planning Policy (State and Regional Development) 2011*.

The construction and fit-out works associated with SSD 5746 have recently been completed and an Interim Occupation Certificate was issued for the facility on 9 May 2014. Mainfreight have therefore closed their Moorebank facility and moved those operations into their Prestons facility as originally intended.

1.1 THE SITE AND SURROUNDS

The Prestons site is located at 30-50 Yarrawa Street, approximately 7 kilometres west of the Liverpool City Centre (see **Figure 2**). It is 400m by road to the M7 motorway and 3km by road to the M5 motorway.

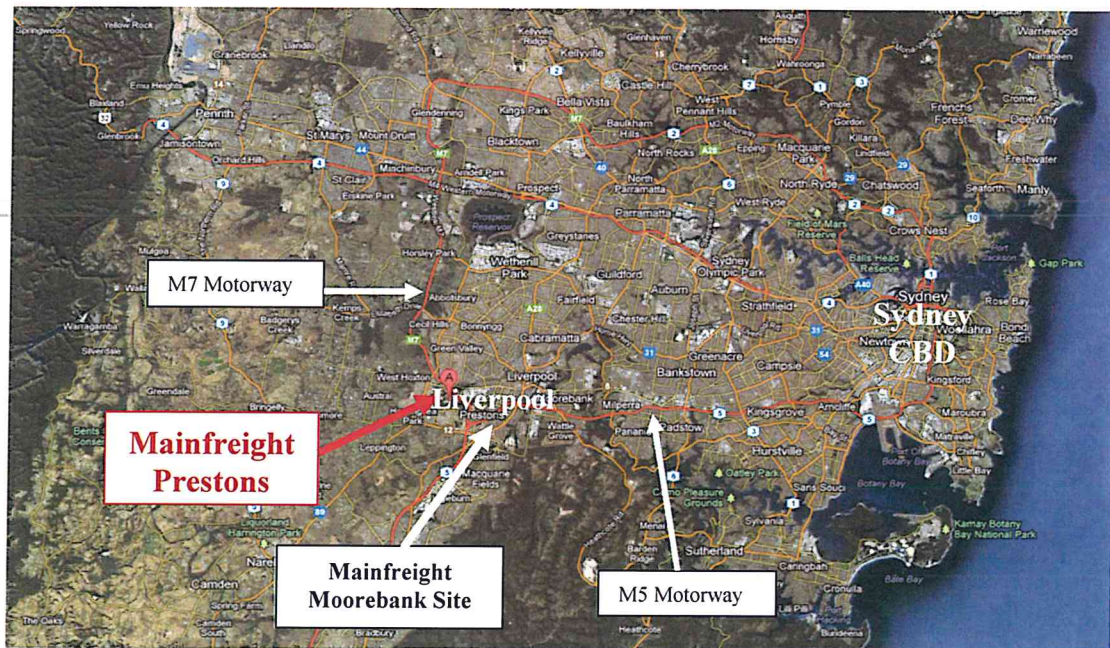


Figure 2: Mainfreight's Prestons and Moorebank Sites (Regional Context)

The site falls within an industrial precinct known as the Yarrunga Employment Release Area. The Yarrunga Employment Release Area was rezoned in 2005 and covers approximately 226 hectares. The precinct is zoned principally for industrial purposes under the *Liverpool Local Environmental Plan 2008* and is an expansion of the Prestons Industrial area. It does not form part of the Western Sydney Employment Area.

Since its rezoning, the precinct has been progressively transitioning from agricultural, rural-residential and other low intensity land uses to industrial related land uses (see **Figure 3**). However there are some remaining residential properties within the precinct on Bernera Road, Yarrunga Street and Kurrajong Road. These residences are located on land zoned heavy industrial (IN3).

The nearest residential properties within a residential zone are located in the suburbs of Edmonson Park, approximately 700 metres to the south, and Carnes Hill, approximately 450 metres away on the western side of Cabramatta Creek (see **Figure 3**).



Figure 3: Mainfreight's Preston Site (Local Context)

In addition, Good Shepherd Primary School is located approximately 450m to the north-west of the site on the northern side of Cabramatta Creek, and an existing TransGrid substation is located on the opposite (northern) side of Yarrowa Road (see **Figure 3**).

2. PROPOSED MODIFICATION

Goodman have sought the following modifications to the approved development (SSD 5746) in accordance with section 96(1A) of the *Environmental Planning and Assessment Act 1979* (the Act):

- (a) amend the floor area referred to within Condition B5(a) to 45,577m² so that it includes the total warehouse floor area, office floor area and mezzanine storage area. Condition B5(a) currently grants consent for a total of 43,044m² of warehouse floor area, but does not include the office floor area or the storage area;
- (b) increase the maximum storage capacity of Class 2.1 dangerous goods that may be stored within the site from 380,000kg to 400,000kg (i.e. an increase of 20,000kg); and,
- (c) allow heavy vehicles to access the site 24 hours, 7 days, to provide additional scheduling flexibility to Mainfreight's operations. Truck movements are currently restricted to between 5:00am and 10:00pm, 7 days, at the applicant's request.

The application is described in the letter report prepared by McKenzie Group, dated November 2013. This letter report was accompanied by a risks and hazards assessment and a copy of the acoustic report submitted with the original proposal. Additional information was subsequently provided by McKenzie Group on a number of occasions to address the issues raised by Council, the EPA and the department. The most recent response was received from the applicant on 14 April 2014.

The proposed modification would not result in any other changes to the approved use or physical building footprint of the approved facility.

3. STATUTORY CONTEXT

Consent Authority

The consent for the warehouse and distribution facility was granted under Part 4.1 of the *Environmental Planning and Assessment Act 1979* (the Act). Therefore, the Minister for Planning is the approval 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, the Council did not object, and there were no other objections.

Section 96

Section 96(1A) of the Act requires the consent authority to consider a number of matters in respect of all applications which seek modifications to an approval. The department's consideration of these matters is outlined in Table 1 below.

Table 1: The department's consideration of matters under Section 96(1A) of the Act

Matter	Consideration
Whether the proposed modification would have minimal environmental impact?	The department has considered the environmental impacts of the proposed modification in Section 5 of this report and is satisfied that they would be minimal.
Whether the modified development would be substantially the same development?	The proposed modification would result in no change to the physical building footprint or the intensity of the originally approved facility. Furthermore, the department is satisfied the environmental impacts of the proposed modification would be minimal (see Section 5 of this report). As such, the department is satisfied that the modified development would be substantially the same development when compared to the development for which consent was originally granted.
Whether the application has been notified in accordance with the <i>Environmental Planning and Assessment Regulation 2000</i> ?	The application was not required to be notified, however the application was referred to the EPA and Council for consideration. Refer to Section 4 of this report.
Whether submissions concerning the proposed modification have been considered?	The application was not publicly exhibited, however the submissions received from the EPA and Council have been considered in the assessment. Refer to Sections 4 and 5 of this report.
Any relevant provisions of Section 79(C) of the EP&A Act	The department has assessed the merits of the proposed modification having regard to the relevant provisions of Section 79C of the Act in Section 5 of this report. The department is satisfied that the modification is in the public interest and should be approved, subject to conditions (see Appendix A of this report).

Based on the consideration in Table 1, the department considers that the application can be assessed and determined under Section 96(1A) of the Act.

4. CONSULTATION

The department is not required to notify or exhibit a modification application made under Section 96(1A) of the Act. Following a review of the application, the department did not consider that formal public notification of the application was necessary. Notwithstanding, the department made the application available on its website and also sought comments from Liverpool City Council (Council) and the Environment Protection Authority (EPA).

Council recommended a number of measures to minimise potential noise impacts from night time operations, including measures such as switching off engines during idle periods and mechanically fastening drainage grates in parking areas and driveways with flexible rubber brushes. Both Goodman and Mainfreight have agreed to implement the measures requested by Council, and Council subsequently confirmed that it has no objection to the proposed modification.

The **EPA** requested additional information with regards to the potential noise impacts associated with the proposal. Based on the additional information supplied, including agreements reached during a site meeting with Goodman, the EPA confirmed that they raise no objection to the proposed development subject to the imposition of recommended conditions relating to site access and signage.

5. ASSESSMENT

In its assessment of the modification, the department has considered the following:

- the documents accompanying the modification application (see **Appendix B**);
- submissions made in respect of the modification (see **Appendix C**);
- the applicant's responses to submissions (see **Appendix D**); and
- the (then) Director-General's assessment report for the original development application.

In the department's view, the main issues for assessment of the proposed modification are noise, hazards and risk and traffic impacts (see **Table 2** below).

Table 2: Assessment of key issues

Issue	Assessment	Recommendation
Noise	<ul style="list-style-type: none"> • The noise assessment report submitted with the original proposal demonstrated that the operations complied with the relevant <i>Industrial Noise Policy</i> (INP) criteria, including the sleep disturbance criteria, at all nearby residential receivers during the night time hours. • The assessment was undertaken for the worst-case night-time operational scenario which involved B-Doubles, semi-trailers, forklifts, delivery trucks and cars operating inside and outside of the entire warehouse complex during adverse meteorological conditions. This night-time assessment was provided as truck access was proposed between 5am and 7am which is classified as night-time by the INP. • A minor 1dB(A) exceedance was identified at a neighbouring industrial premises to the east, however this was not considered to be significant given it was only a minor increase above the criteria and would occur very infrequently if worst case operating conditions occur simultaneously with adverse weather conditions. • Despite modelled compliance for the new facility at residential receivers, the EPA has recommended that truck access only be permitted via the entry and departure driveways of the new truck hardstand area between the hours of 7:00pm and 5:00am. These driveways are furthest from Carnes Hill residents, and the applicant has agreed to this measure. • The applicant has also agreed to implement other measures to minimise noise impacts as recommended by Council, including training drivers, switching off engines when idling, and fastening relevant drainage grates with flexible rubber brushes. • While remnant residential premises are located nearby on land zoned Heavy Industrial (IN3), the INP allows the consent authority to approve noise impacts to these premises in line with the industrial zone. It is considered that imposing residential noise requirements for these premises would be unreasonably restrictive. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> • restrict heavy vehicle access to the site to the entry and departure driveways of the new truck hardstand area between 7:00pm and 5:00am; • implement adequate measures, including signage, to prevent trucks from using the western heavy vehicle access driveway between 10:00pm and 5:00am. • restrict truck movements to a maximum of 40 movements between the hours of 10:00pm and 5:00am; • minimise noise impacts by training drivers, switching off engines when idling, fixing drainage grates with flexible rubber brushes and other relevant measures; and • manage noise through existing conditions of consent.

Issue	Assessment	Recommendation
	<ul style="list-style-type: none"> The department is therefore satisfied that the noise impacts of the modified operation would be minor, can be satisfactorily managed and would comply with the relevant EPA noise criteria, subject to the imposition of a number of additional conditions. 	
Hazards and Risk	<ul style="list-style-type: none"> The proposed 20,000kg increase in the storage of Class 2.1 dangerous goods on site from 380,000kg to 400,000kg is a minor (5%) increase that would not result in an increased off-site risk or require the modification of the relevant risk and hazard reports. In addition, Mainfreight have confirmed that it would be able to comply with the requirements contained in the relevant Australian Standards. The department is satisfied that the proposed modification would not increase the hazards and risks of the proposal, subject to a condition requiring the approval of a plan showing compliance with the separation and segregation distances required by the relevant Australian Standards. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> submit a plan demonstrating compliance with the separation and segregation distance requirements for dangerous goods contained within the relevant Australian Standards.
Traffic	<ul style="list-style-type: none"> Goodman has confirmed that the purpose of the 24 hour truck access is to provide additional flexibility to Mainfreight's approved operations. The proposed modification would not result in any additional heavy vehicle movements to those already assessed - i.e. 280 heavy vehicles per day (560 movements). Goodman advised the EPA that they anticipate that a maximum of 40 heavy vehicle movements would take place between 10:00pm and 5:00am. These movements would occur during the off-peak traffic period and, given the low numbers, would have a negligible impact on the safety and capacity of the surrounding road network. The Council did not raise any concerns with traffic impacts resulting from the proposed modification. The department is satisfied that the proposed modification would have a negligible impact on traffic and can be managed through the existing conditions of consent. 	<ul style="list-style-type: none"> No additional conditions necessary.

6. CONCLUSION

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

- would result in minimal environmental impacts beyond the approved operation;
- is consistent with the original approved development application (SSD 5746) such that the modified facility would be substantially the same development; and
- would allow the tenant to maintain a constant supply of goods to its clients.

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

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 Acting 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').

Pascal van de Walle
Planning Officer, Industry



Chris Ritchie
A / Director
Industry, Key Sites and Social Projects

27/5/14