



Section 4.55(1A)

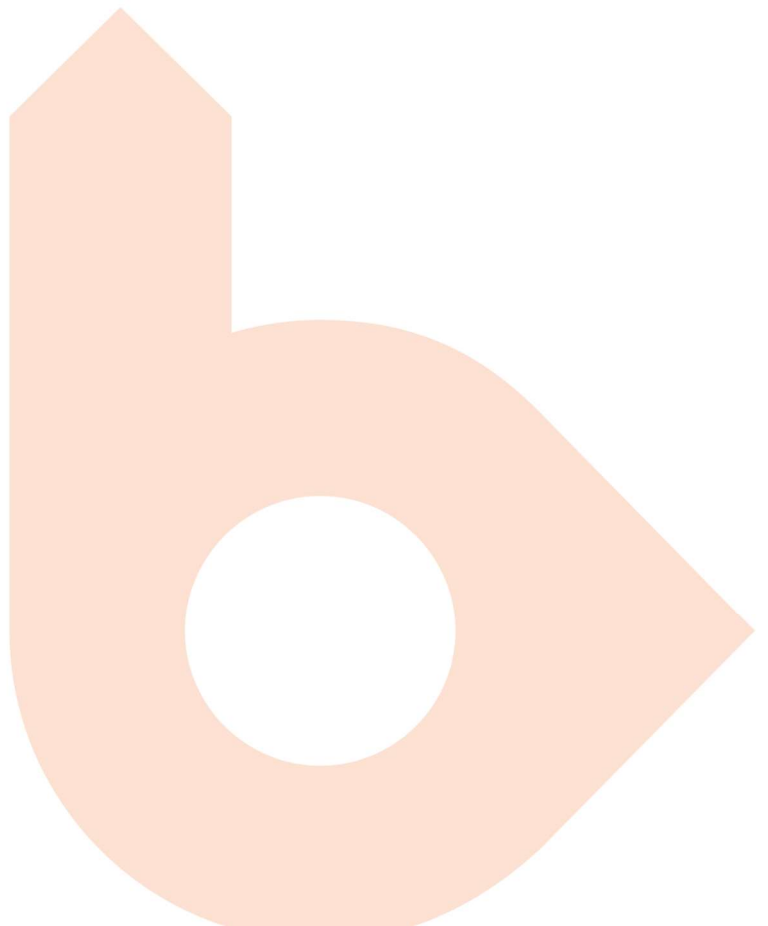
Modification Report

Sydney Freight Terminal

20 Dasea Street, Chullora

Prepared by Barr Planning
for Pacific National Pty Ltd

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1. Introduction

Barr Planning has been engaged by Pacific National Pty Ltd to seek modification of Development Consent DA-478/2020 which was issued on 17 December 2020.

DA-478/2020 provided development consent for alterations and additions to Pacific National's existing rail freight terminal located at Lot 35, DP 1007367, commonly referred to as 20 Dasea Street, Chullora (the site).

This Modification Report accompanies an application pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act) lodged to Canterbury-Bankstown Council.

1.1 Purpose of this Modification Report

The purpose of this report is to seek a modification of Development Consent DA-478/2020 under section 4.55(1A) of the EP&A Act. This report specifically seeks to modify the approved plans listed in Consent Condition No. 2, to support a minor reconfiguration of the design of the proposed tank farm, refuelling building and new rail track and turnout location. The proposed modification is considered to involve minimal environmental impact and be consistent in keeping with the intent of the original development consent.

1.2 Ownership

The site is owned by Pacific National Pty Ltd, formerly Asciano Services Pty Ltd. Pacific National Pty Ltd is the operator of the Sydney Freight Terminal.

1.3 Consent Authority

The South Sydney Planning Panel was the consent authority in accordance with the EPA Act Part 4 Division 4.2, Section 4.5(b) as the original development was declared by an environmental planning instrument, being the State Environmental Planning Policy (State and Regional Development) 2011, to be regionally significant development due to its CIV being more than \$5 million, and being for the purpose of rail infrastructure facilities.

It is understood that a Section 4.55(1A) modification does not need to be determined by the Panel and can be determined under Delegated Authority by Canterbury – Bankstown Council.

1.4 Supporting Documentation

The supporting documents in the table below have been uploaded as separate documents to the NSW Planning Portal in support of this Modification Report.

Document	Author	Date
Revised List of Consent Condition No. 2 Drawings	Pacific National	21/06/2021
Addendum to <i>Chullora Refuel Facility, Noise and Vibration Impact Assessment</i> , reference number: 60630549-RPNV-01, dated 19 May 2020	AECOM	22/06/2021
<i>Chullora Refuel Facility, Noise and Vibration Impact Assessment</i> , reference number: 60630549-RPNV-01, dated 19 May 2020	AECOM	19/05/2020
Concept Stormwater Management Plan 16269-LD-DR-C-0020 – Revision P03	Lindsay Dynan	10/06/2021

2. Site and Context

2.1 The Site

The subject site of Sydney Freight Terminal (SFT) is located at Lot 35, in Deposited Plan 1007367, which is commonly referred to as 20 Dasea Street, Chullora. The site is zoned IN1 General Industrial in the Bankstown Local Environmental Plan 2015. The site is utilised as industrial land predominantly comprising of hardstand areas for storage, container unloading infrastructure including gantry cranes, rail tracks and remnant vegetation.

The site is surrounded by industrial development to the east, south and west. Residential dwellings lie north of the site on the opposite side of Weeroona Road.



Figure 1 – Site Location (Source: Sixmaps)

2.2 Background

In 1997, Sydney Freight Terminal was approved under Development Consent DA-1123/1997 for an intermodal freight terminal and container storage park. Since the 1997 Development Application (DA), there have been several DAs and Construction Certificates (CCs) approved for the site, of which the most recent was DA-478/2020 issued on 17 December 2020, which this report seeks to modify.

DA-478/2020 provided consent for the following works:

‘Demolition of existing sheds/structures and decommission of old (original) provisioning point. Relocate existing infrastructure (waste water treatment plant, oil tank, coolant tank containers, demountables). Re-alignment of existing track and construct turnout and rail. Erect a refuelling shed including construction of slab for shed. Relocate and install two (2) diesel fuel tanks’.

Development consent was provided subject to 91 Consent Conditions, of which Consent Condition No. 2 states:

Development shall take place in accordance with Development Application No. DA-478/2020, submitted by Barr Property And Planning, accompanied by the drawings listed in the table below, and affixed with Council’s approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.

Drawing No.	Drawing Title	Revision	Dated	Prepared by
19580JHP-SFT-GA-005	Demolition Plan	A	03.04.20	Pacific National
19580JHP-SFT-GA-002	Final Proposed Payout	B	30.03.20	
19580JHP-SFT-GA-002	Final Proposed Payout	C	28.09.20	
19580JHP-SFT-GA-003	Tank Farm Concept	B	30.03.20	
19580JHP-SFT-GA-004	Tank Farm Northern Elevation Detail	A	02.04.20	
19580JHP-SFT-STR-0002	Architectural Detail, Roof Plan, North and South Elevations	C	27.03.20	
19580JHP-SFT-STR-0003	Concrete Plan and Detail	C	27.03.20	
19580JHP-SFT-STR-0006	Steel Framing Details	C	30.03.20	
19580JHP-SFT-STR-0007	Walkway Framing Plan and Details	C	30.03.20	
DA01 (as marked in red)	External Colour Finishes	-	-	

3. Proposed Modification

This Modification Report seeks to modify the approved plans listed in Consent Condition No. 2. The revised plans provide for a minor reconfiguration of the proposed development including changes to the layout of the Tank Farm Facility, minor relocation of the Refuelling Rail Building and a revised alignment of the proposed

new rail track. It is understood that administrative amendments to the following Consent Conditions will also be required due to modifications to Consent Condition No. 2:

- Consent Condition 3: The Consent Condition requires updating to reference an AECOM Australia Pty Ltd addendum to previously completed 'Chullora Refuel Facility, Noise and Vibration Impact Assessment, reference number: 60630549-RPNV-01, dated 19 May 2020. This addendum is submitted in support of the application.
- Consent Condition 32: The Consent Condition requires updating to reference Concept Stormwater Management Plan No. 16269-LD-DR-C-0020, Revision – P03 dated 10/06/2021 prepared by Lindsay Dynan. This plan is submitted in support of the application.

The proposed modification will result in the following effects:

- Tank Farm Facility dimensions will change from 23m wide x 24.45m long to 18.8m wide x 28.3m long resulting in a smaller overall footprint.
- Tank Farm Facility distance from the site's northern boundary will increase from 61.95m to 63.4m.
- Tank Farm Facility distance from Refuelling Building will decrease from 25.7m to 10.9m resulting in closer proximity of the two structures.
- Refuelling Building dimensions will reduce from 8m wide x 50m long to 8m wide x 44m long resulting in a smaller overall footprint. The Refuelling Building's hardstand dimensions will remain unchanged.
- Proposed new rail track will be re-aligned to suit the revised layout of the Tank Farm Facility and Refuelling Building.

The reconfigured layout of the Tank Farm Facility and Refuelling Building will locate the facilities in closer proximity to one another to provide better operational service delivery. The reconfigured layout of the Tank Farm Facility and Refuelling Building will also locate the facility further away from the truck turning radius and will provide greater separation between truck and rail travel paths, thereby improving safety and operational efficiency.

3.1 Summary

This Modification Report seeks to modify Consent Condition No. 2 to remove drawings shown in **red**, to insert drawings shown in **blue** with all other drawings shown in **black** to remain unchanged as shown in the table below.

Proposed Modification to Consent Condition No. 2:

Development shall take place in accordance with Development Application No.DA-478/2020, submitted by Barr Property And Planning, accompanied by the drawings listed in the table below, and affixed with Council's approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.

Drawing No.	Drawing Title	Revision	Dated	Prepared by
19580JHP-SFT-GA-005	Demolition Plan	A	03/04/20	Pacific National
19580JHP-SFT-GA-002	Final Proposed Payout	B	30.03.20	
19580JHP-SFT-GA-002	Final Proposed Payout	C	28.09.20	
19580JHP-SFT-GA-002	Final Proposed Layout	E	21/06/21	
19580JHP-SFT-GA-003	Tank Farm Concept	B	30.03.20	
19580JHP-SFT-GA-003	Tank Farm Concept	C	17/05/21	
19580JHP-SFT-GA-004	Tank Farm Northern Elevation Detail	A	02/04/20	
19580JHP-SFT-GA-004	Tank Farm Northern Elevation Detail	B	18/05/21	
19580JHP-SFT-STR-0002	Architectural Detail, Roof Plan, North and South Elevations	C	27.03.20	
19580JHP-SFT-STR-0002	Architectural Detail, Roof Plan, North and South Elevations	D	17/05/21	
19580JHP-SFT-STR-0003	Concrete Plan and Detail	C	27.03.20	
19580JHP-SFT-STR-0003	Concrete Plan and Detail	D	17/05/21	
19580JHP-SFT-STR-0006	Steel Framing Details	D	17/05/21	
19580JHP-SFT-STR-0007	Walkway Framing Plan and Details	C	30.03.20	
19580JHP-SFT-STR-0007	Walkway Framing Plan and Details	D	17/05/21	
DA01 (as marked in red)	External Colour Finishes	-	-	

4. Evaluation

Assessment of the relevant considerations under section 4.55(1A) of the Environmental Planning and Assessment Act, 1979 (EP&A Act), is provided in the attached Modification Report. In summary, the application is considered to be a modification under Section 4.55(1A) of the EP&A Act for the following reasons:

4.1 Section 4.55(1A)

In accordance with Section 4.55(1A) a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) it is satisfied that the proposed modification is of minimal environmental impact

The proposed modification relates to the minor changes to the layout of the Tank Farm Facility, Refuelling Building and new rail track within the site. The proposed modification will locate the two structures in closer proximity to each other and will result in a smaller built footprint than the original design. The proposed modification is therefore expected to have minimal environmental impact.

(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)

In accordance with Section 4.55(1A)(b), the proposed modification relates to the same development for which consent was originally granted, being:

‘Demolition of existing sheds/structures and decommission of old (original) provisioning point. Relocate existing infrastructure (waste water treatment plant, oil tank, coolant tank containers, demountables). Re-alignment of existing track and construct turnout and rail. Erect a refuelling shed including construction of slab for shed. Relocate and install two (2) diesel fuel tanks’.

The development to which the proposed modification relates will retain the same function, intensity of use, hours of operation and will have no additional environmental impact. The minor changes to the layout of the Tank Farm Facility, Refuelling Building and new rail track are located in generally the same location as the original location. The revised design locates the facility slightly further from the site boundaries, ensuring minimal impact to adjoining properties. The proposed modification is therefore considered to relate to substantially the same development for which consent was originally granted.

(c) it has notified the application

Section 4.55(1A)(c) requires the consent authority to notify the application in accordance with the regulations, if the regulations so require or a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent.s

There are no provisions with the DCP which specify required notification periods. However, Section 3.8 of the Canterbury-Bankstown Council *Community Participation Plan November 2019* states that no notification will be required ‘if in the opinion of the relevant council officer, a modification application under section 4.55 of the EP&A Act will have no additional impact on any adjoining or nearby properties’. The Addendum to the Acoustic Assessment confirms that noise levels continue to comply with the operational noise criteria at all noise sensitive receivers. This Modification Report considers that the proposed modification is of minimal environmental impact and will therefore not require notification.

4.2 Section 4.55(3)

In accordance with Section 4.55(3) consideration of the matters referred to in section 4.15(1), as are of relevance to the development the subject of the application, as follows:

Section 4.15(1)(a), the provisions of:

- (i) *any environmental planning instruments (EPIs)*

State Environmental Planning Policy (Infrastructure) (ISEPP) 2007

The aim of this Policy is to facilitate the effective delivery of infrastructure across the State. Under the ISEPP, concurrence from the rail authority may be required where Part 3, Division 15, Subdivision 2, Clause 86 applies:

1. *This clause applies to development (other than development to which clause 88 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land—*
 - (a) within, below or above a rail corridor, or*
 - (b) within 25m (measured horizontally) of a rail corridor, or*
 - (b1) within 25m (measured horizontally) of the ground directly below a rail corridor, or*
 - (c) within 25m (measured horizontally) of the ground directly above an underground rail corridor.*

The proposed modification for the revised layout of the Tank Farm Facility, Refuelling Building and revised alignment of the new rail track is located within 25m of an adjacent rail corridor located to the south of the site. The proposed modifications will only affect the layout of the built structures and is not expected to occur more than 2m below ground within 25m of the rail corridor. Hence, this will not trigger the need for concurrence from Sydney Trains.

Bankstown Local Environment Plan (LEP) 2015

The Bankstown Local Environmental Plan (BLEP) 2015 is the environmental planning instrument which outlines the provisions that apply within this part of the Canterbury-Bankstown Local Government Area (LGA). An assessment against the relevant provisions is included in the following sections.

Zone Objectives and Land Use Table

The site is zoned IN1 General Industrial under the BLEP 2015 according to Land Zoning Map Sheet LZN_004. The objectives of the IN1 zone are:

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.

Freight transport facilities are permissible with consent in the IN1 General Industrial zone. The proposed revised layout of the Tank Farm Facility, Refuelling Building and new rail track satisfy the objectives of the zone and support and protect industrial land for industrial purposes.

Floor Space Ratio

According to BLEP 2015 Floor Space Ratio Map Sheet FSR_004, the FSR for the site is 1:1. The building footprint resulting from the proposed modification is expected to be smaller than the original consent and therefore complies with FSR controls.

Earthworks

The proposed modification to revise the layout of built structures and the new rail track will involve minor earthworks to facilitate the proposed development, however the impact of the works will not differ from the previously issued development consent.

Flood Planning

The site is noted as being flood affected at both high and medium risk. The Stormwater System Report prepared by Canterbury-Bankstown Council and submitted with the original development application noted the site to be affected by the following Council stormwater system components:

- Council's stormwater pipelines and associated 4m wide drainage easement located south west corner within the site.
- Overland flow path for excess stormwater runoff from the upstream catchment and associated with the drainage systems located west, east and north of the site.

In response to these components, an updated Concept Stormwater Management Plan has been prepared to support this Modification Report.

(ii) any proposed planning instruments

There are currently no known proposed environmental planning instruments applying to the site.

(iii) any development control plans

The Bankstown Development Control Plan (DCP) 2015, Part B3 Industrial Precincts applies to the site and complements the statutory provisions in the BLEP 2015. The below table addresses the relevant sections of the DCP related to the proposed modification.

Controls	Comment
Section 2 – Building Envelope	
Site Coverage 2.1	The proposed modification does not exceed 70% of site coverage and has a smaller building footprint than the original development consent.
Setbacks to the primary and secondary road frontages of allotments 2.2-2.4	The proposed modification does not adjoin a State or regional road. The development area is more than 200 metres from a public road complying with the 10m setback required.

Setbacks to the side and rear boundaries of allotments 2.5-2.6	The proposed modification locates structures further within the site from site boundaries and is not located near any residential dwellings.
Section 3 – Building Design	
Safety and security 3.11-3.17	The proposed modification does not materially affect the existing security of Sydney Freight Terminal which is a restricted site and not accessible by the public.
General 3.18	The proposed modification does not change the intensity of land use or amenity of the area. It is not expected to impact on the overall appearance of the locality.
Section 4 – Environmental Management	
Acoustic privacy 4.1	The proposed modification will locate the Tank Farm Facility and Refuelling Building within the site further away from the site boundaries and will not adversely impact the acoustic amenity of adjoining residential land. An addendum to the previously prepared acoustic report is submitted in support of the application.
Section 5 – Ancillary Development	
Storage areas 5.9-5.10	The proposed modification will locate the Tank Farm Facility further within the site to store diesel for the refuelling of trains. The Tank Farm Facility will continue to comply with the required regulations and Dangerous Goods (Road and Rail Transport) Act 2008 where applicable.
Section 6 – Chullora Technology Park	
Drainage 6.3-6.4	A revised Stormwater Plan has been prepared to address the altered flows on site to address the changes of the proposed modification and is submitted in support of the application.

(iv) *any planning agreement or draft planning agreement*

There are no relevant planning agreement or draft planning agreements that affect the amendment.

(v) *the regulations*

The proposed modification will require notification in accordance with Division 12 of the Environment Planning and Assessment Regulations 2000. As previously mentioned, in accordance with Section 3.8 of the Canterbury-Bankstown Council *Community Participation Plan November 2019* it is not expected that notification is required as the proposed modification is of minimal environmental impact.

Section 4.15(1)(b), the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality:

The proposed modification related to the minor changes to the layout of the Tank Farm Facility, Refuelling Building and new rail track will have minimal environmental impact. The revised layout is expected to positively contribute to the industrial use of land by improving operational efficiency and safety of Sydney Freight Terminal operations.

Section 4.15(1)(c), the suitability of the site for the development:

The proposed modification does not significantly alter the development and therefore the site is still suitable for the proposed development.

Section 4.15(1)(d), any submissions made:

Any submission received as a result of the proposal will be considered.

Section 4.15(1)(e), the public interest:

The proposed modification will support operational efficiency and safety of Sydney Freight Terminal and will support the use of industrial land for industrial uses aligned with the IN1 General Industrial zone objectives.

5. Conclusion

Based on the above assessment, it is considered that the amendment to the application should be supported as the amendments will have minimal impact on the environment. The above assessment has been undertaken in accordance with the relevant parts of section 4.55(1A) of the EP&A Act, including an assessment under section 4.15(1). The assessment has concluded that the amendment to the proposal satisfies the requirements of the EP&A Act and should be supported within a reasonable timeframe by the consent authority.