



23 May 2022

Minister for Planning
Department of Planning, Industry and Environment
12 Darcy Street
Parramatta NSW 2150

Attention: Pamela Morales

Dear Minister

**SSD22191322 MOD 1, OAKDALE WEST STAGE – S.4.55(1) APPLICATION TO REMOVE
CONDITION B28**

I write on behalf of Goodman, the applicant to SSD22191322, (Oakdale West Estate), to lodge an application under S.4.55(1A) of the Environmental Planning and Assessment Act 1979 (the Act), which provides:

***(1A) Modifications involving minimal environmental impact** 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, and*
- (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)*

As the consent authority for SSD22191322, the Department of Planning, Industry and Environment (DPIE) are authorised to modify the consent provided the above is met.

This is the **first (1)** modification to SSD22191322 and seeks to:

- 1) update the warehouse 4E façade** to align with Goodman's recent design protocol update
- 2) remove Condition B28** from the consent on the basis it is inappropriate and unnecessary due to the fact no storage of dangerous goods over the SEPP33 threshold levels is proposed at the site

This application includes:

Appendix A – Updated elevation plan

Appendix B – Riskcon Consultant Advice Notice

AU02-11-793\0.2 Goodman Group

Goodman Limited | ABN 69 000 123 071

Goodman Funds Management Limited | ABN 48 067 796 641 | AFSL Number 223621

as responsible entity of Goodman Industrial Trust | ARSN 091213 839

Level 17, 60 Castlereagh Street, Sydney NSW 2000 | GPO Box 4703, Sydney NSW 2001 Australia

Tel +61 2 9230 7400 | Fax +61 2 9230 7444

Goodman Logistics (HK) Limited | Company No. 1700359 | ARBN 155 911 149 | a Hong Kong company with limited liability
Suite 2008, Three Pacific Place, 1 Queen's Road East, Hong Kong | Tel +852 2249 3100 | Fax +852 2525 2070

info-au@goodman.com | www.goodman.com

1 Background

SSD22191322 was approved by the Department of Planning, Industry and Environment (DPIE) on **29 October 2021** for:

"Oakdale West Estate Stage 5 Development including construction, subdivision, fit out, operation and use of warehouse building 4E, associated office space, internal roads and parking"

The approved Lot 4E warehouse building is as follows:

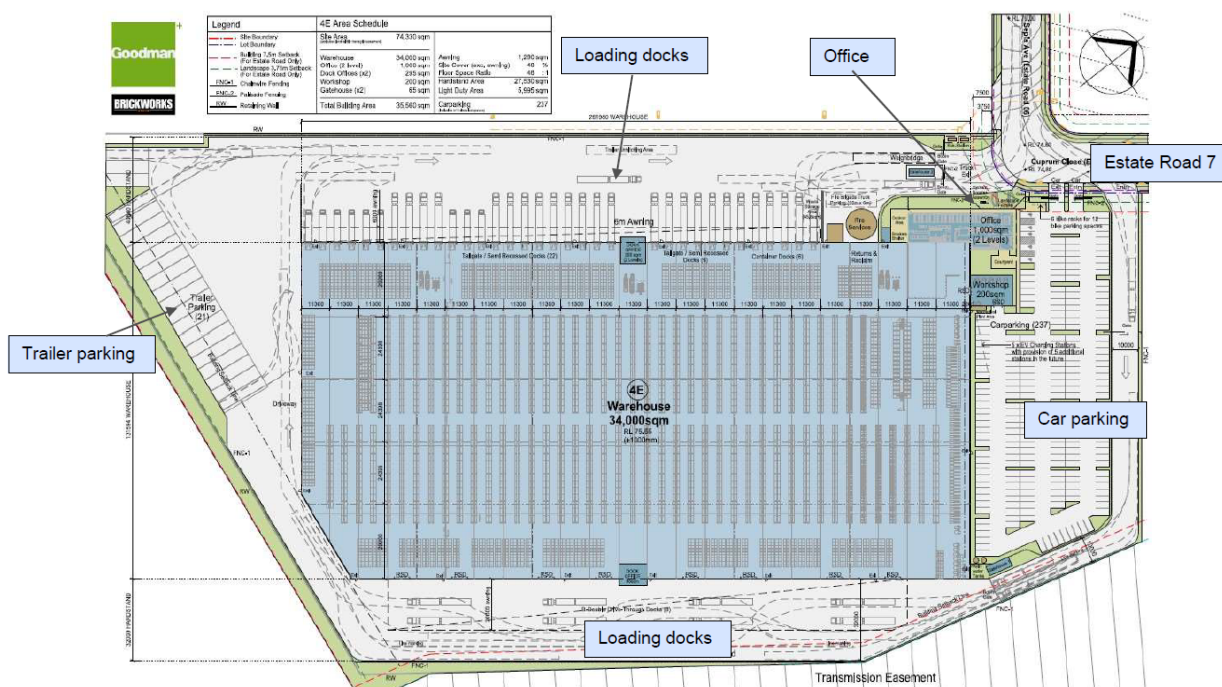


Figure 1 – Approved Lot 4E

Proposed works undertaken to Lot 4E warehouse since the consent includes:

- Warehouse Structural steel installation;
- Roofing installation – ongoing;
- Wall Girt installation – ongoing;
- Precast panel installation – ongoing;
- Office Footing installation – ongoing;
- Aerial Building Services installation – ongoing;
- Detailed Earthworks – ongoing;
- In-ground service installation – ongoing; and
- Stormwater line installation – ongoing

2 Proposal Modification

This is the **first (1)** modification to SSD22191322 and seeks update to the warehouse elevation design, and to remove Condition B28 of the consent concerning the requirement for an update to the Fire Safety Study for the site.

2.1 Elevation update

Following a recent update to Goodman's design protocol, the elevation design of warehouse 4E is proposed to be updated as follows:

A) North Elevation:

- Green stripe removed and dark 'monument' colour replaced with 'shale grey'
- Tenant sign and Goodman lightbox signage locations switched
- Office number changed from '4E' to '6'

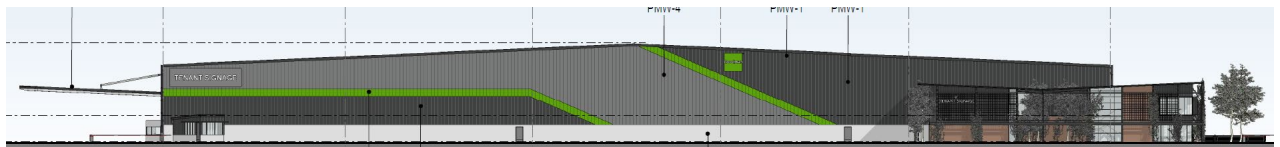
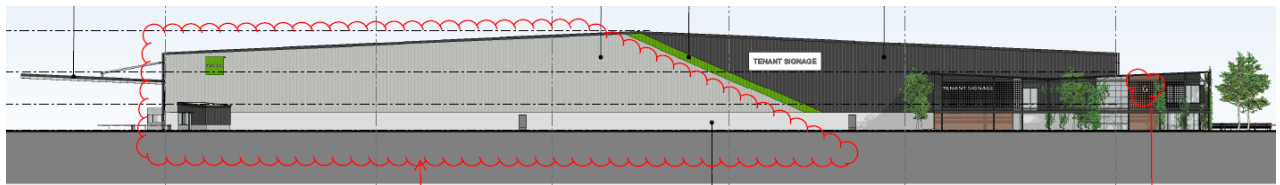


Figure 1 - Approved north elevation



- WAREHOUSE 1 : 500

Remove green stripe and change warehouse colour to colorbond shale grey

Change number from 4E to 6

Figure 2 - Proposed north elevation

B) South Elevation

- Green stripe updated and change from metal cladding colour to 'monument'.
- 'Shale grey' colour component added

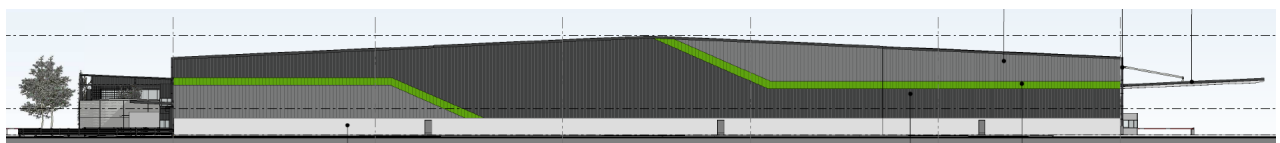
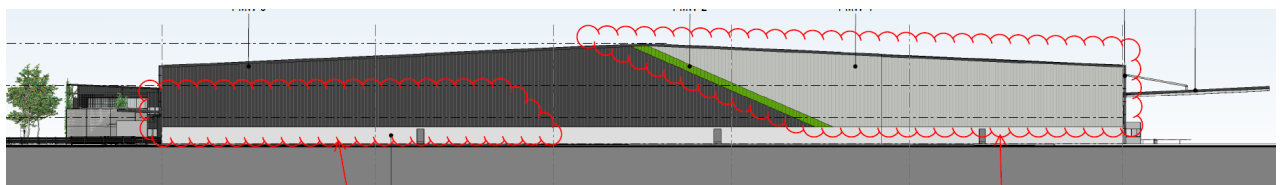


Figure 3 - Approved south elevation



H - WAREHOUSE 1 : 500

Remove green stripe and change warehouse metal cladding colour to colorbond monument

Revised green stripe and change warehouse metal cladding colour to colorbond shale grey

Figure 4- Proposed south elevation

C) East Elevation

- Horizontal green stripe removed and update to metal cladding to colourbond 'monument'
- Addition of diagonal green stripe to mirror that included on north and south elevation



Figure 5 - Approved east elevation



Figure 6 - Proposed east elevation

D) West Elevation

- Remove horizontal green stripe
- Change warehouse metal cladding colour to colorbond 'monument'



Figure 7 - Approved west elevation



Figure 8 - Proposed west elevation

Justification

Since the 29 October DA approval, the warehouse façade has been refined to improve the aesthetic presentation of the building and ensure its consistent with recent design protocol updates rolled out for new Goodman developments.

As the proposed façade updates have a visual impact in the change the presentation of the building to the public domain, Goodman's certifier has confirmed that these changes require approval via a s.4.55(1A) modification, rather than being able to be signed off as consistent with the approved plans. The certifier has provided the following reasons for requiring a modification:

- 1) *Update proposed to the signage locations on the northern elevation*
- 2) *Changes are proposal to all elevations, which will effect the overall building presentation*
- 3) *The changes are not just to the colouring but also to the façade design and articulation*

The updates modernises the façade presentation, increasing aesthetic appeal.

2.2 Removal of Condition B28

"The Applicant must update the Fire Safety Study for the development in accordance with the Department's Hazardous Industry Planning Advisory Paper (HIPAP) No. 2 – Fire Safety Study Guidelines, January 2011, and detail the fire prevention and mitigation measures for all credible fire hazards, including grass and bushfires."

As there are no dangerous goods proposed to be stored within Warehouse 4E over the SEPP 33 level, a Fire Safety Study is not ordinarily required and Condition B28 should not have been included. The condition requests the *"update to the Fire Safety Study"*, however no Fire Safety Study was prepared for the development as this has not been necessary. (Only a 'Fire Safety Strategy' was included with the DA, as necessary.)

Justification

As part of the Development Application submission for the building, a State Environmental Planning Policy No. 33 (SEPP 33) assessment was undertaken to determine whether proposed storage of alcohol at the facility would be below the acceptable thresholds or if additional risk assessment was necessary in the form of a Preliminary Hazard Analysis (PHA).

The results of this assessment concluded that the proposed quantities would not exceed SEPP 33, and therefore no additional risk assessment, including the completion of a Fire Safety Study (FSS), was necessary.

Where large volumes of flammable liquids are stored (typically >1,000,000 L) the design standards will require a FSS; however, as this facility only proposed storage of 87,000 kg of flammable liquids, this requirement is not triggered.

As the proposal does not exceed SEPP 33, the requirement for a Fire Safety Study would be highly unusual under the normal process and unreasonably onerous. It is therefore requested Condition B28 be removed from the approval.

Appendix B - includes Consultants Advice Notice discussing the above justification in detail.

3 Environmental Impacts

The only environmental impacts from the proposed façade updates will be a change of presentation of the building, resulting from the proposed updates to the design and colour of the façade and signage locations. Any additional visual impacts are therefore considered nominal, as there is no change proposed to:

- Building height
- Building footprint
- Bulk and scale
- General presentation
- Landscaping, which acts as a visual buffer from the site boundary

It is noted no visual impact concern was raised with the original warehouse approval.

4 Statutory Provisions

Section 4.55(1A) of the Act stipulates the following provisions:

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 and

As described above, the proposed changes will only result in update to façade design and colouring, with no change proposed to approved building footprint, height, bulk and scale. There is therefore no additional visual impact compared with that approved.

Other than the proposed elevation design changes, there are no resulting additional environmental impacts from proposed modifications such as:

- Traffic generation
- Acoustic impact
- Air quality impact

For this reason, the proposed modification is considered to have minimal environmental impacts.

(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), and...

The proposal is considered to remain substantially the same as the original consent as it retains the approved:

- Use, and hours of operation
- GFA & GLA
- Building footprint
- Height, bulk and scale
- Façade treatment and general appearance
- Car parking numbers and arrangement
- Landscaping

Therefore, as most of the scheme will remain substantially the same as approved, it is considered to satisfy this requirement.

(c) it has notified the application in accordance with:

(i) the regulations, if the regulations so require, or

(ii) 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, and

Noted. Relevant notification to be undertaken.

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Noted.

5 Conclusion

Pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (the Act), we hereby seek the Department of Planning and Environment to modify the consent to MOD1 **update the warehouse elevation treatment and signage**, and **remove Condition B28** as applies to Warehouses 4E approved under SSD22191322.



Yours sincerely

A handwritten signature in black ink, appearing to be "Guy Smith", with a stylized flourish at the end.

Guy Smith

Head of Planning