



Oakdale West Estate Stage 5 Modification 1

State Significant Development Modification Assessment
(SSD-22191322-Mod-1)

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Glossary

Abbreviation	Definition
Applicant	Goodman Property Services Australia Pty Ltd
Council	Penrith City Council
Department	Department of Planning and Environment
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
RFS	Rural Fire Service
LEP	Local Environmental Plan
Minister	Minister for Planning
OWE	Oakdale West Estate
Planning Secretary	Secretary of the Department
Resilience and Hazards SEPP	State Environmental Planning Policy (Resilience and Hazards) 2021
SEPP	State Environmental Planning Policy
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021

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1 Introduction

This report provides the NSW Department of Planning and Environment's (the Department's) assessment of an application to modify the State significant development (SSD) consent for Oakdale West Estate Stage 5 (SSD-22191322). The modification application seeks consent to remove the requirement for a Fire Safety Study (condition B28) and to update the façade of Building 4E.

The application was lodged on 6 June 2022 by Goodman Property Services Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

The Applicant is constructing a warehouse and distribution centre at 2 Aldington Road, Kemps Creek in the Penrith local government area. The site is known as Oakdale West Estate (OWE) (SSD-7348) which was approved by the then Minister for Planning and Public Spaces on 13 September 2019.

The approved OWE includes:

- a Concept Plan for a warehouse and distribution centre including 22 warehouses, offices and associated infrastructure, to be constructed over 5 stages
- Stage 1 development including 3 warehouses and the main site access road being the West North-South Link Road (WNSLR) (now known as Compass Drive)
- requirements for future development applications for the remaining Stages 2-5.

Construction works commenced in late 2019 for bulk earthworks across the estate, the installation of service infrastructure and the construction of Compass Drive. The site establishment works are now complete and currently the warehouse buildings are under construction.

The Applicant has modified the OWE Concept Plan and Stage 1 development (SSD-7348) nine times to meet the needs of individual warehouse tenants. These modifications have included changes to development stages, warehouse layouts and sizes and corresponding changes to bulk earthworks, infrastructure and estate roads. Modification 7, approved on 8 October 2021, included changes to support the construction of Building 4E. The modified concept proposal layout and location of Building 4E is shown on **Figure 2**.

OWE Stage 5, to which this modification relates, was approved on 29 October 2021 (SSD-22191322). The approval allows for the construction, fit-out and operation of one warehouse (Building 4E), with a height of 13.7 metres (m) and size of 34,000 square metres (m²). The warehouse would be used for the storage and distribution of liquor and would operate 24 hours, 7 days per week. The approved development includes loading docks, awnings, truck circulation areas, office space, parking, subdivision and landscaping.



Figure 1 | Regional Context Map

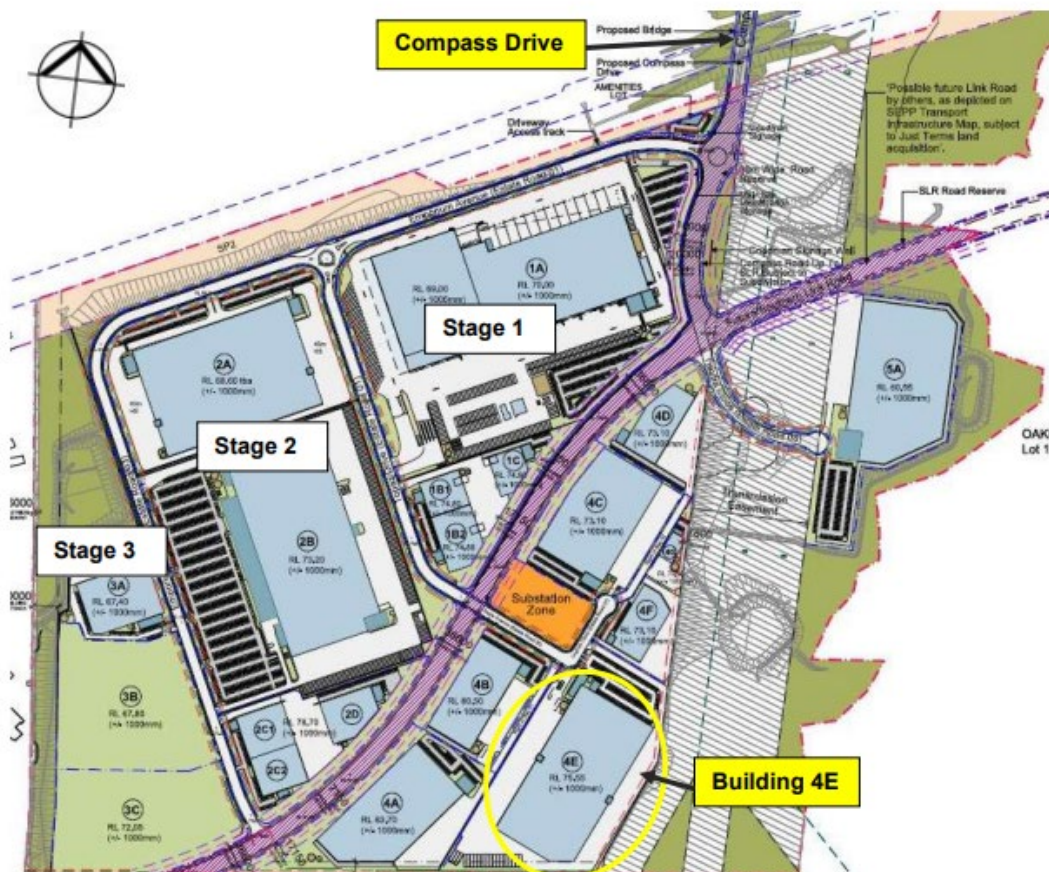


Figure 2 | Approved concept plan layout & location Building 4E

1.2 Subject Site

The site is located 38 kilometres (km) west of the Sydney Central Business District and 4 km south of the M4 Motorway, covering approximately 145 hectares (ha) of industrial zoned land.

Surrounding the site are industrial activities, educational facilities and residential zoned land, including:

- Emmaus Residential Village, Emmaus Catholic College, Trinity Catholic Primary School and Mamre Road Anglican School are immediately to the west of the site
- rural-residential land and native vegetation to the south of the site, with one dwelling located close to the southern boundary
- Water NSW drinking water supply pipelines are located along the northern boundary
- TransGrid power lines run through the eastern part of the site and Ropes Creek runs along the eastern boundary.

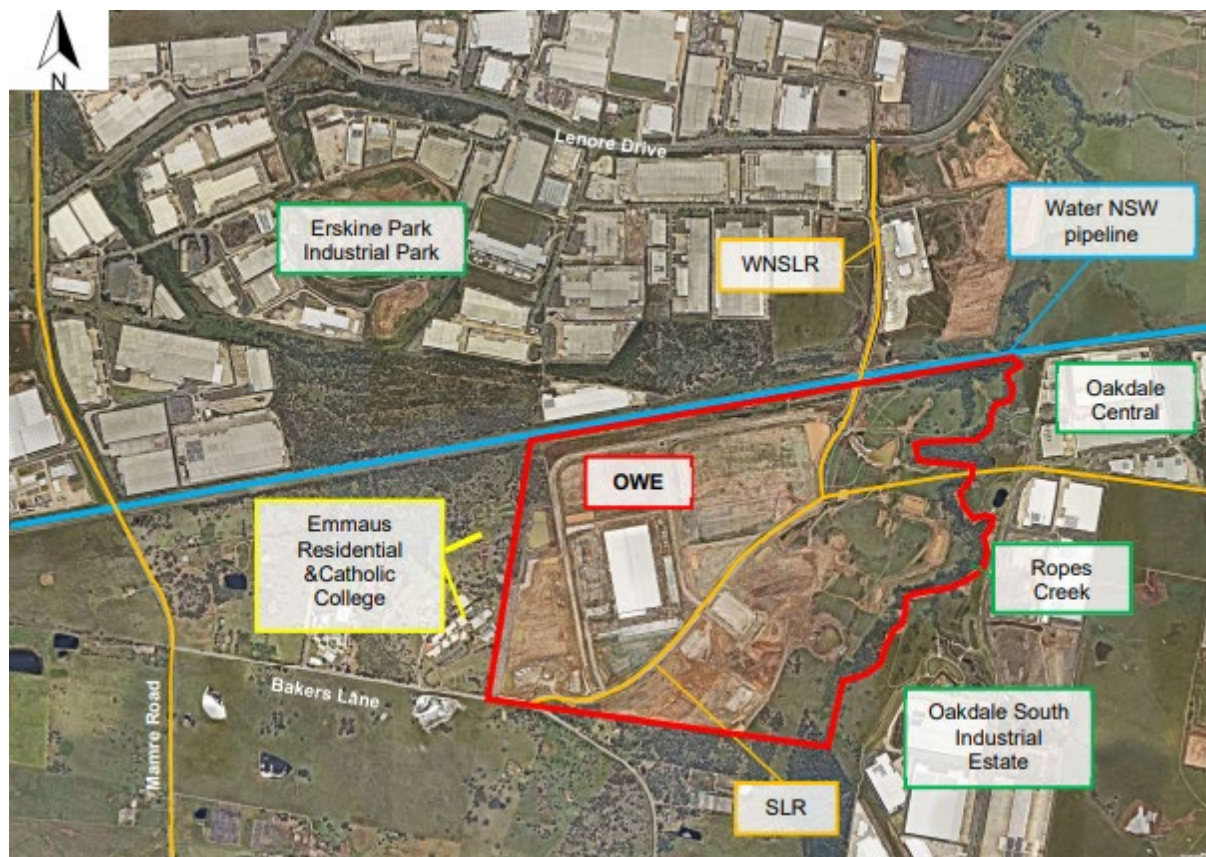


Figure 3 | OWE and surrounding land uses

1.3 Approval history

On 29 October 2021 development consent was granted by the Director, Industry Assessments for the development of the OWE Stage 5 (SSD-22191322). The development consent permits construction, fit-out and operation of a warehouse (Building 4E) and associated infrastructure including subdivision, parking, landscaping, signage, a gatehouse, workshop, dock offices and access.

Works currently being undertaken include warehouse structural steel installation, roofing installation, wall grit installation, precast panel installation, office footing installation, aerial building services installation, detailed earthworks, in-ground service installation and stormwater line installation.

The development consent has not been previously modified.

2 Proposed modification

2.1 Proposed Modification

The modification is described in full in the Statement of Environmental Effects (SEE) included in **Appendix A** and is illustrated on **Figure 4** to **Figure 11**.

The Applicant seeks to remove the requirement for a Fire Safety Study (as required under condition B28) given there are no dangerous goods proposed to be stored within Warehouse 4E that would trigger thresholds listed under Chapter 3 of the State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP) (Former SEPP 33).

The Applicant is also seeking changes to the façade of Warehouse 4E, as described in **Table 1** below.

Table 1 | Proposed changes to façade

Elevation	Proposed Changes	Figure
North elevation	<ul style="list-style-type: none">Remove green stripe and change warehouse colour to Colorbond Shale GreyChange number from 4E to 6	Figure 4 and Figure 5
South elevation	<ul style="list-style-type: none">Remove green stripe and change warehouse metal cladding colour to Colorbond MonumentRevise green stripe and change warehouse metal cladding colour to Colorbond Shale Grey	Figure 6 and Figure 7
East elevation	<ul style="list-style-type: none">Horizontal green stripe removed and change warehouse metal cladding colour to Colorbond MonumentExtent of green stripe reduced and orientation revised to diagonal directionChange warehouse metal cladding colour to Colorbond MonumentRemove horizontal green stripe and change warehouse metal cladding colour to Colorbond Shale Grey	Figure 8 and Figure 9
West elevation	<ul style="list-style-type: none">Change warehouse metal cladding colour to Colorbond Shale GreyRemove horizontal green stripe and change warehouse metal cladding colour to Colorbond Monument	Figure 10 and Figure 11

2.2 Applicant's Justification for the Proposed Modification

The Applicant has justified the need for the modification as:

- it would improve the aesthetic presentation of the building and ensure it is consistent with recent design protocol updates for new Goodman developments
- an assessment of hazardous goods was undertaken which concluded that the proposed quantities would not trigger Resilience and Hazards SEPP (former SEPP 33) thresholds, and therefore a Fire Safety Study would not be necessary.

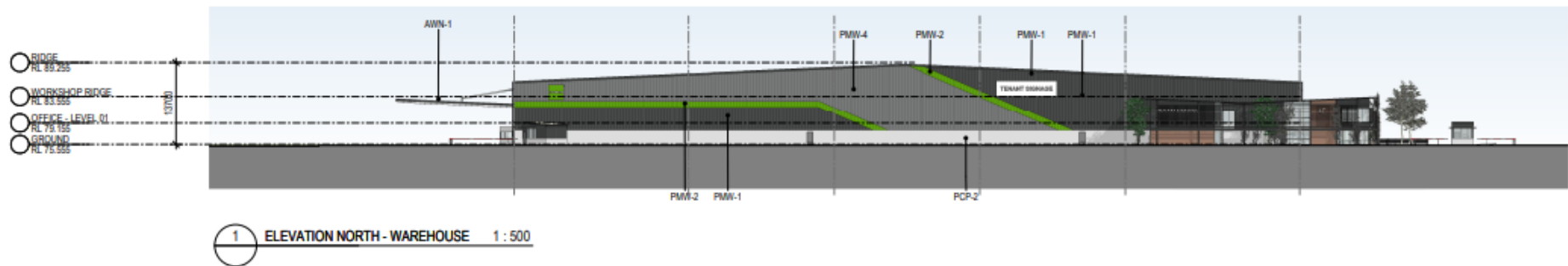


Figure 4 | Approved north elevation

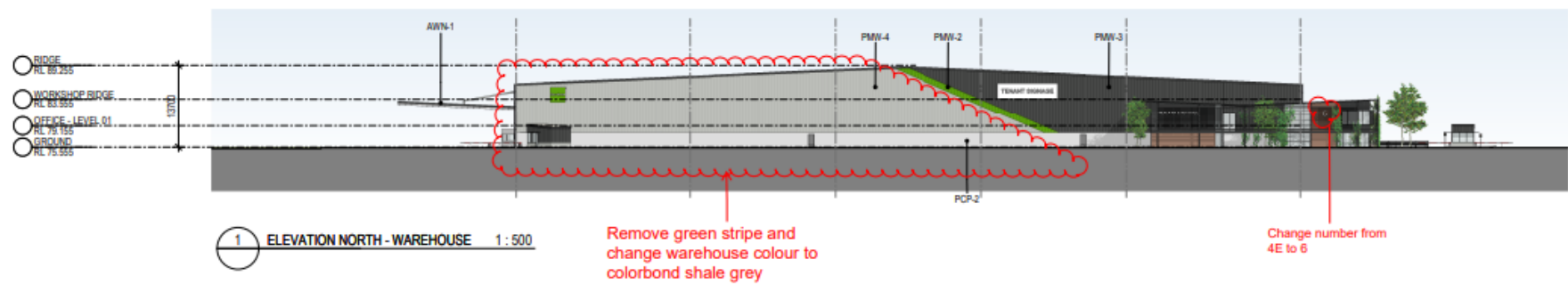


Figure 5 | Proposed north elevation

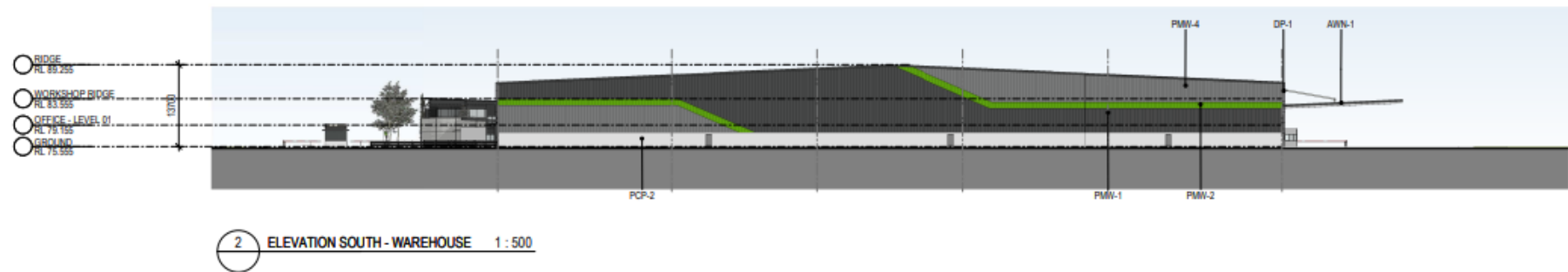


Figure 6 | Approved south elevation

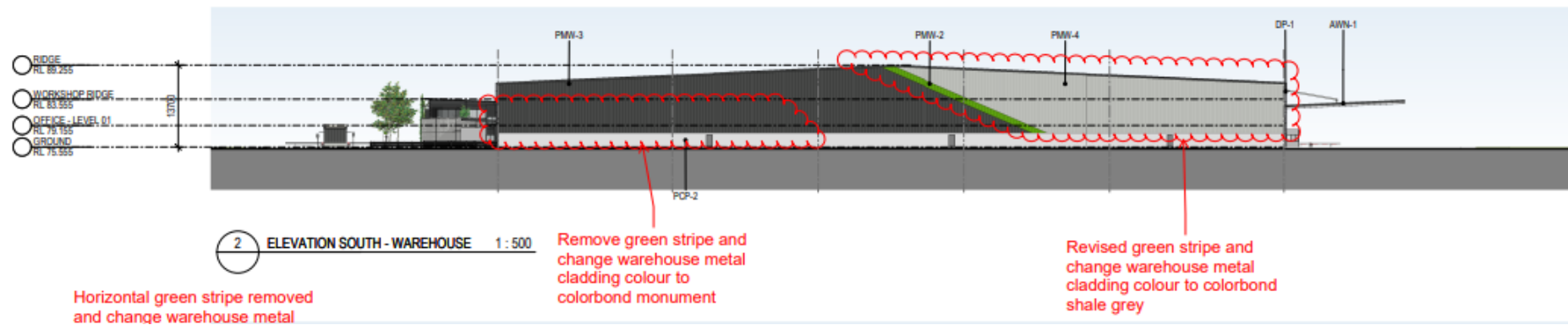


Figure 7 | Proposed south elevation

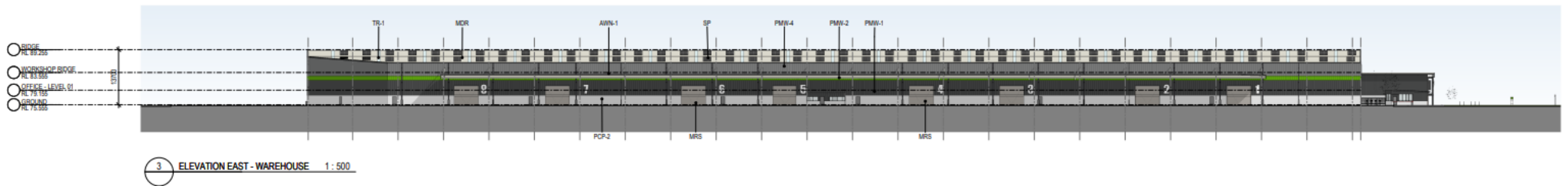


Figure 8 | Approved east elevation

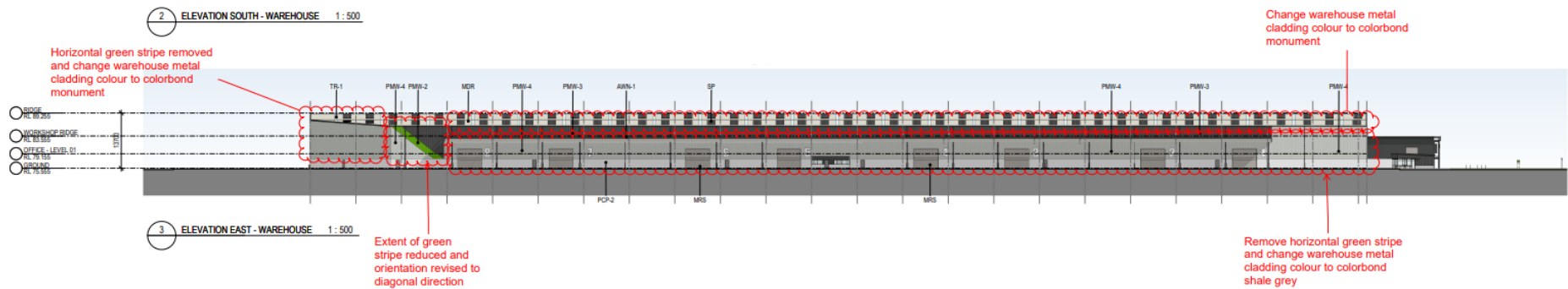


Figure 9 | Proposed east elevation



Figure 10 | Approved west elevation

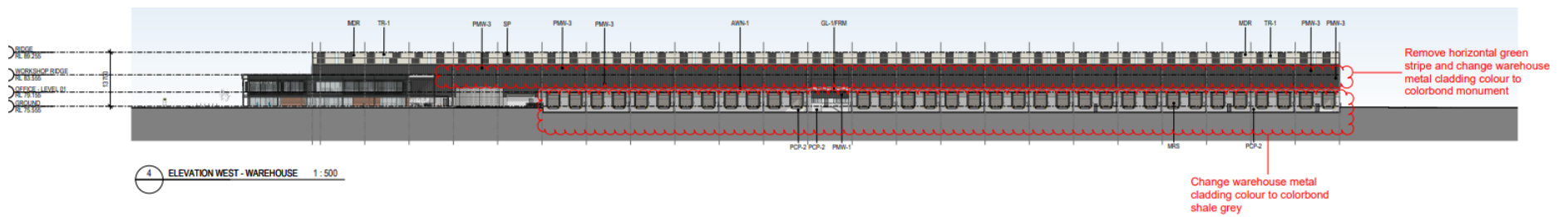


Figure 11 | Proposed west elevation

3 Statutory context

3.1 Scope of Modifications

The Department has reviewed the scope of the modification application and considers the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not increase the environmental impacts of the project as approved
- the primary function and purpose of the approved development would not change as a result of the proposed modification
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of consent
- the modification is of a scale that warrants the use of section 4.55(1A) of the EP&A Act
- would not involve any further disturbance outside the already approved disturbance areas for the development.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application (DA). Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new DA to be lodged.

3.2 Consent Authority

The Minister for Planning (Minister) is the consent authority for the application under section 4.5(a) of the EP&A Act. Under the Minister's delegation of 9 March 2022, the Acting Team Leader, Industry Assessments, may determine the application under delegation as:

- the application has not been made by a person who has disclosed a reportable political donation under section 10.4 of the EP&A Act
- there are no public submissions (other than a council) in the nature of objections, and
- Council has not made a submission by way of objection under the mandatory requirements for community participation listed under Schedule 1 of the EP&A Act.

3.3 Mandatory Matters for Consideration

The Department undertook a comprehensive assessment of the application against the mandatory matters for consideration as part of the original assessment of SSD-22191322. This modification application does not result in significant changes that would alter the Department's consideration of the mandatory matters for consideration under section 4.15(1) of the EP&A Act and conclusions made as part of the original assessment.

3.4 Biodiversity Conservation Act 2016

Section 7.17 of the BC Act specifies that if the determining authority is satisfied a modification will not increase the impact on biodiversity values, a biodiversity development assessment report (BDAR) is not required.

The proposed changes are minor, and the development would be substantially the same as to what was originally approved with no greater area of disturbance proposed.

The Department is satisfied that due to the nature of the works being façade design changes, there would be no clearing of native vegetation.

For the reasons discussed above, the Department's assessment concludes a BDAR is not necessary for the proposed modification.

4 Engagement

4.1 Department's Engagement

Section 105(2) of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) requires a section 4.55(1A) modification application to be notified or advertised if specified by a community participation plan. The Department's Community Participation Plan notes the exhibition requirements for such modifications are discretionary, and based on the urgency, scale and nature of the proposal.

Given the proposed changes would result in minimal environmental impacts (see **Section 4**), the application was not notified or advertised. However, it was made publicly available on the Department's website on 23 May 2022 and was referred to Penrith City Council (Council) and NSW Rural Fire Service (RFS) for comment.

4.2 Government Advice

Council confirmed they had no concerns with the proposed modification.

RFS confirmed that they support the removal of condition B28 and provided no further comments.

5 Assessment

The Department has assessed the merits of the proposed modification. During this assessment, the Department has considered the:

- SEE provided to support the proposed modification (**Appendix A**)
- documentation and Department's assessment report for the original DA (**Appendix A**)
- advice from Council and RFS (**Appendix A**)
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the Objects of the EP&A Act.

The Department's assessment of the modification application is provided in **Table 2**.

Table 2 | Assessment of Issues

Findings	Recommendations
Visual Amenity	
<ul style="list-style-type: none">• The proposed modification has the potential to change the visual impact of the development through amendments to the façade design, articulation and colours, as well as the relocation of the tenant sign and Goodman lightbox signage.• The SEE included an assessment of the visual impact of the proposal and concluded the changes would modernise the façade presentation and increase aesthetic appeal.• Council raised no concerns regarding visual impact.• The Department has reviewed the design changes and is satisfied the changes to the design of the façade are minor and remain consistent with the original assessment.• The Department's assessment concludes the modification would not increase the visual impact of the warehouse. No additional conditions are recommended.	Update Appendix 1 to include the revised plans
Fire Safety	
<ul style="list-style-type: none">• Condition B28 requires the Applicant to update the development's Fire Safety Study and detail the fire prevention and mitigation measures for all credible fire hazards, including grass and bushfires. The modification is seeking to remove this requirement.• The original DA assessed the storage of dangerous goods to determine whether the proposed storage of alcohol at the facility would trigger Resilience and Hazards SEPP thresholds or if additional risk assessment was necessary in the form of a Preliminary Hazard Analysis.• The Applicant's assessment for the original DA concluded that the proposed quantities of dangerous goods stored in the	Delete condition B28.

warehouse would not exceed Resilience and Hazards SEPP thresholds, and therefore no additional risk assessment, including a Fire Safety Study, was necessary.

- The Applicant's Modification Application included a Consultants Advice Notice which advised a Fire Safety Study would not be necessary given the development does not exceed relevant hazard thresholds.
 - The Department notes the requirement for the Fire Safety Study was originally recommended by RFS during the exhibition of the original DA.
 - However, RFS raised no concerns with the modification and provided an updated letter removing the recommendation to require a Fire Safety Study.
 - The Department considers a Fire Safety Study is not necessary and hazards and risk is adequately addressed by other existing conditions of consent, including the requirement to prepare a Fire Management Plan and Bushfire Emergency and Evacuation Plan, and the requirement to ensure the quantities of dangerous goods remain below the *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33*.
 - The Department's assessment concludes the requirement for a Fire Safety Study is unnecessary given the warehouse would not be storing dangerous goods at quantities above the Resilience and Hazards SEPP threshold. The risk of fire can be managed through other existing conditions of consent. As such, the Department has recommended the removal of condition B28.
-

6 Evaluation

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. The Department considers the proposed modification is appropriate on the basis that:

- the proposed modification would result in minimal environmental impacts beyond the approved facility
- the removal of condition B28 would not lead to any adverse fire risk or environmental impacts
- the proposed modification to amend the façade of Building 4E would allow for consistency with recent design protocols for Goodman developments
- the proposed development is substantially the same development for which the original consent was granted.

The Department is satisfied that the modification should be approved, subject to conditions.

7 Recommendation

It is recommended that the Team Leader, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD-22191322-Mod-1 falls within the scope of section 4.55(1A) of the EP&A Act
- **forms the opinion** under section 7.17(2)(c) of the *Biodiversity Conservation Act 2016* that a BDAR is not required to be submitted with this application as the application will not increase the impact on biodiversity values on the site
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modify** the consent SSD-22191322
- **signs** the attached approval of the modification (**Appendix C**).

Recommended by:



Zoe Halpin
Planning Officer
Industry Assessments

Recommended by:

 14/7/2022

Bianca Thornton
Senior Environmental Assessment Officer
Industry Assessments

8 Determination

The recommendation is **Adopted** by:



Pamela Morales

A/Team Leader

Industry Assessments

as delegate of the Minister for Planning

Appendices

Appendix A – List of Documents

The Department has relied upon the following key documents during its assessment of the proposed development:

Modification Application

- *SSD22191322 Mod 1, Oakdale West Stage – S.4.55(1) Application to Remove Condition B28*, prepared by Goodman Property Services Pty Ltd, dated 23 May 2021 - <https://www.planningportal.nsw.gov.au/major-projects/projects/oakdale-west-mod-1-stage-5-building-4e>

Submissions and Advice

- <https://www.planningportal.nsw.gov.au/major-projects/projects/oakdale-west-mod-1-stage-5-building-4e>

Department's Assessment Report for SSD-22191322

- <https://www.planningportal.nsw.gov.au/major-projects/projects/oakdale-west-estate-stage-5>

Appendix B – Notice of Modification

<https://www.planningportal.nsw.gov.au/major-projects/projects/oakdale-west-mod-1-stage-5-building-4e>

Appendix C – Consolidated Consent

<https://www.planningportal.nsw.gov.au/major-projects/projects/oakdale-west-mod-1-stage-5-building-4e>