



Oakdale South Industrial Estate

State Significant
Development Modification Assessment
(SSD-6917-Mod-10)



July 2019

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Cover photo

Rendered image of the Oakdale South Industrial Estate as approved under the original State significant development application (Source: Oakdale South Design & Public Domain Report, SBA Architects, September 2015).

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
BCA	Building Code of Australia
CIV	Capital Investment Value
Consent	Development Consent
Council	Penrith City Council
Department	Department of Planning, Industry and Environment
DPI	Department of Primary Industries
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
EPL	Environment Protection License
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
OEH	Office of Environment and Heritage
RMS	Roads and Maritime Services
RtS	Response to Submissions
SEARs	Planning Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
WSEA SEPP	State Environmental Planning Policy (Western Sydney Employment Area) 2009



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1. Introduction

This report provides an assessment of an application to modify the State significant development consent (SSD 6917) for Oakdale South Industrial Estate (Oakdale South) lodged 7 December 2018 by Goodman Property Services (Aust) Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The modification application seeks to amend Condition E53 of SSD 6917 to allow the storage of Dangerous Goods (DGs) in Warehouse 1D of Oakdale South.

1.1 Background

Oakdale South is a warehousing and distribution complex in Kemps Creek, in the Penrith local government area (LGA). The site is located approximately 41 kilometres (km) west of the Sydney city centre, 21 km east of Penrith and 3.4 km from the M7 Motorway.

The site is also located in the Western Sydney Employment Area (WSEA) which is strategically identified industrial and employment land under State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP). Key operations in the WSEA include manufacturing, warehousing, transport and logistics facilities (typically operating on a 24/7 basis) and retail trade (convenience food and drink premises) to service staff in large business hubs/warehousing estates.

The site location is depicted in **Figure 1**.



Figure 1 | Site Location

1.2 Site Description

Oakdale South is 117 hectares (ha) in area with a development footprint of 71.3 ha. Several residential receivers are located near the site in the suburbs of Kemps Creek, Mount Vernon (Penrith LGA) and Horsley Park (Fairfield LGA), with the closest located 500 metres (m) to the west on Aldington Road.

Remnant vegetation exists along the western boundary of the site. Ropes Creek passes along the western boundary and two unnamed tributaries traverse the site from the north-west to the south-east. High voltage electricity transmission lines cross the south-western corner of the estate.

Precinct 1 is in the north-eastern part of the site and contains warehouses 1A to 1D. Precinct 1 is depicted in **Figure 2**.

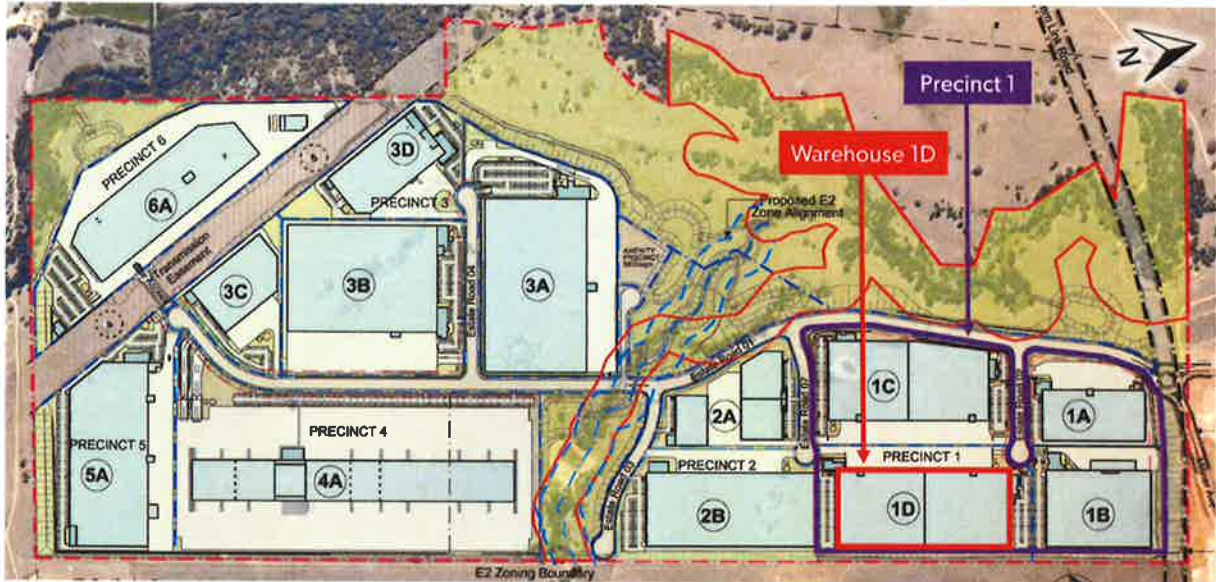


Figure 2 | Warehouse 1D within Precinct 1 of Oakdale South Industrial Estate

1.3 Surrounding Land Uses

Generally, surrounding land uses include those associated with industrial activities in the WSEA to the north, east and west, and residential land uses are located further to the east, south and south-west. Land uses near the site include:

- Oakdale Central Industrial Estate (MP 08_0065 & SSD 6078) to the north
- proposed Oakdale West Industrial Estate (SSD 7348) to the west
- Jacfin Horsley Park warehousing hub (MP 10_0129 and MP 10_0130 currently under construction) to the east
- CSR Brickworks to the east and
- residential subdivision known as the Capitol Hill Subdivision to the south.

The local context of the site is depicted in **Figure 3**.

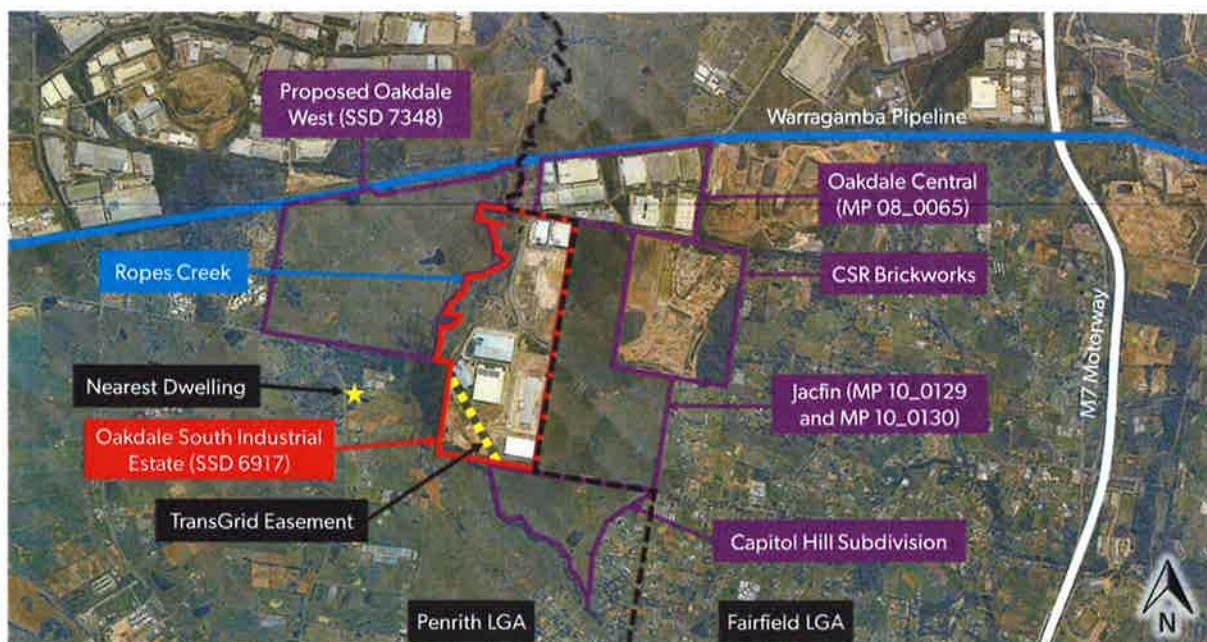


Figure 3 | Site Features and Immediate Surrounds

1.4 Approval History

On 26 October 2016, development consent was granted by the Executive Director, Key Sites and Industry Assessments for the staged development of the Oakdale South Industrial Estate (SSD 6917). The development consent permits the following:

- Concept Proposal for a warehousing and distribution complex with:
 - a total gross floor area (GFA) of 395,880 square metres (m²) across six development precincts
 - 15 building envelopes for warehouse and distribution uses and
 - subdivision, site levels, landscaping, infrastructure services and development controls
- Stage 1 Development Application (DA) involving:
 - construction and operation of nine warehouse buildings with a total GFA of 237,070 m² across precincts 1, 4 and 5;
 - estate-wide bulk and detailed earthworks involving the importation of 1,007,000 metres cubed (m³) of fill to achieve warehouse and infrastructure levels during standard construction hours and
 - infrastructure works including road construction, drainage and landscaping across the site.

The development consent has been modified on eight occasions (see **Table 1**).

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Amend the Concept Proposal and Stage 1 DA site, building envelope, road layout and gross floor area mix; increase creek realignment works; add an amenity lot in precinct 3; remove the construction of warehouse buildings in precincts 3, 4 and 5 (to be assessed under future DAs); and amend site levels and bulk earthworks.	Planning Minister	Former 96(2)	21 April 2017

MOD 2	Withdrawn by the Applicant on 25 January 2017.	Planning Minister	N/A	N/A
MOD 3	Extend weekday construction hours for the importation of fill material for the Stage 1 DA bulk earthworks, including spreading and compacting of fill material.	Planning Minister	Former 96(1A)	5 October 2017
MOD 4	Amend the Concept Proposal and Stage 1 DA building envelope and internal road layouts in precincts 1 and 2, including the addition of one additional internal road.	Planning Minister	Former 96(1A)	18 December 2017
MOD 5	Update condition E37 to remove a contradiction in the wording of the consent.	Planning Minister	Former 96(1)	23 November 2017
MOD 6	Amendments to the Vegetation Management Plan, Biodiversity Offset Strategy, Landscape Plans, Condition E46 and Condition E47.	Planning Minister	4.55(1A)	15 June 2018
MOD 7	Update the approved concept plans to replace a corner landscape, E2 zone in Lot 3A with hardstand, IN1 zone.	Planning Minister	4.55(1A)	11 December 2018
MOD 8	Update the approved concept plans to increase the building height limit for Precinct 5 from 15 m to 16.5 m.	Planning Minister	4.55(1A)	17 December 2018
MOD 9	Amend the Concept Proposal plan by consolidating two warehouses in Precinct 6 into one warehouse.	Planning Minister	4.55 (1A)	21 February 2019



2. Proposed Modification

The Applicant has lodged a modification application under Section 4.55(1A) of the EPA&A Act to amend Condition E53 of SSD 6917 to allow the storage of DGs within Warehouse 1D of Precinct 1. The condition prohibits the storage of DGs which exceeds the thresholds outlined in the Hazardous and Offensive Development Application Guidelines: Applying SEPP 33. The modification is described in full in the Modification Report included in **Appendix B** and is summarised below in **Figure 4** and **Table 2**.

The new warehouse tenancy by Linfox Australia Pty Ltd proposes store Dangerous Good (DG) products including aerosols and liquefied petroleum gas (LPG). The building will consist of an office area, amenities and warehouse area including a Dangerous Goods (DG) storage area and automated packing / picking store (The Autostore). The warehouse will have a total floor area of approximately 15,369 m² with the proposed layout shown in **Figure 4**.

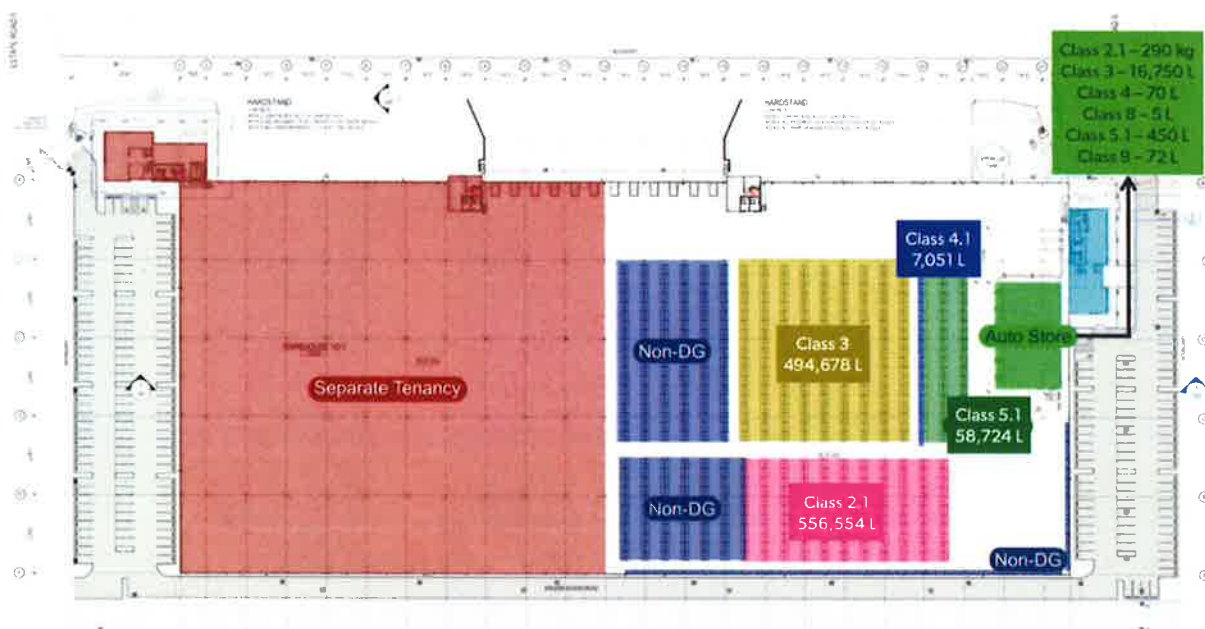


Figure 4 | Proposed Dangerous Goods Storage in Warehouse 1D

The products transported by the warehouse facility are mostly retail packages with volumes of DG Products less than 20L. The DG products will be stored in designated areas within the warehouse to be designed and operated in accordance with the Retail Distribution Centre (RDC) requirements of AS/NZS 3833:2007.

DG classes and volumes are set out in **Table 2**. Class 2.1 (aerosols) would be stored in a cage. The Autostore will house a range of mixed products of goods including DG and non-DG products. Within the stacking arrangements for the Autostore there would be designated DG storage locations to allow for adequate separation between DG products within the store. The maximum quantities that can be stored in each zone are summarised in **Table 2**.

Table 2 | Summary of Proposed Dangerous Goods Storage

Area	Class	Packing Group	Quantity
General Warehouse	2.1 (aerosols)	N/A	556,554 L / 139,139 kg*
	3	II & III	494,678 L
	4.1	II & III	7,051 L
	5.1	III	58,724 L
	2.1 (aerosols)	N/A	290 kg*
Autostore	3	II & III	16,750 L
	4	II & III	70 L
	8	II & III	5 L
	5.1	II & III	450 L
	9	III	72 L

*assuming a density of 1,000 kg/m³ and 25% of the aerosol product is propellant (LPG)

2.1 Applicant's Need and Justification for the Modification

The Applicant has stated the approved development was designed to accommodate generic warehousing and distribution facilities, without knowledge of the specific needs of individual operators that may ultimately occupy the site. The modification, which seeks to enable DG products to be stored within the approved building footprint, is required to meet the needs of one of these operators. There is no change to the approved built form.



3. Strategic Context

3.1 A Metropolis of Three Cities

The Greater Sydney Region Plan, *A Metropolis of Three Cities*, sets a 40-year vision and 20-year plan to manage growth and change for Greater Sydney. The Plan identifies 40 objectives to facilitate the implementation the 10 Directions established in Directions for a Greater Sydney.

The development is consistent with the objectives outlined in *A Metropolis of Three Cities* as it:

- would continue to assist in creating the required employment growth of 817,000 jobs (Direction of jobs and skills for the city)
- would continue to support the freight and logistics network (Objective 16)
- is appropriately located within the WSEA, which is land planned for industrial and urban services (Objective 23).

3.2 Western City District Plan

The Greater Sydney Commission has released six district plans encompassing Greater Sydney, which will guide the delivery of *A Metropolis of Three Cities*. The proposed development is in the Western City District, which is identified as one of the fastest growing districts in Greater Sydney. The development would assist in meeting the priorities and actions set out in the *Western City District Plan* as it represents the retention of industrial and urban service land in the Penrith LGA (Action 51).



4. Statutory Context

4.1 Scope of Modifications

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

- would not change the primary function and purpose of the proposed modification;
- would not increase the environmental impacts of the project as approved;
- is substantially the same development as originally approved; and
- would not involve any further disturbance outside the already approved disturbance areas for the project.

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.

4.2 Consent Authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(1) of the EP&A Act. However, under the Minister's delegation dated 11 October 2017, the Director, Industry Assessments, may determine the application under delegation as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are fewer than 25 public submissions objecting to the proposal.



5. Engagement

5.1 Department's Engagement

Clause 117(3B) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to State significant development. The application was not exhibited or advertised, however, it was made publicly available on the Department's website. The application was also referred to Penrith City Council (Council) and Fire and Rescue NSW (FRNSW) for comment.

5.2 Summary of Submissions

During the notification period, the Department received two submissions on the modification. One submission was received from a government agency and one from Council. No public submissions were received.

5.3 Key Issues

None of the government agencies objected to the modification, the key issues raised by agencies and Council have been addressed through the provision of additional information, or through the recommended conditions of consent.

Council raised no concerns with the proposal as there are no architectural or landscape amendments proposed.

FRNSW requested further information regarding the fire safety systems to be provided in a Fire Engineering Brief Questionnaire (FEBQ) prior to a construction certificate being issued.

The Department also requested the following information be provided in respect of hazards and risk:

- an evaluation of the impacts of transporting dangerous goods to and from the site in the surrounding area
- a cumulative assessment of the adjoining warehouses within the Oakdale South Industrial Estate that also house dangerous goods
- the percentages used for the conversion of Class 2.1 propellant (LPG) within the aerosol products.

5.4 Response to Submissions

The Applicant provided a letter (prepared by Riskcon Engineering, dated 16 June 2019) in response to submissions. The letter was provided to the public authorities who requested more information. No further issues were raised.



6. Assessment

The Department has considered:

- the Modification Application provided to support the proposed modification (**Appendix B**)
- the assessment reports for the original development application and subsequent modifications
- submissions from Council and FRNSW (**Appendix C**)
- relevant environmental planning instruments, policies and guidelines and
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department considers the key assessment issues are:

- hazards and risk and
- fire safety.

The Department's assessment of these issues is provided in **Table 3**.

Table 3 | Assessment of Other Issues

Assessment	Recommended Conditions
Hazards and risk	
• The modification involves a new warehouse tenancy within the existing Oakdale South Development. The tenancy in Building 1D proposes to store Dangerous Good (DG) products including aerosols and liquefied petroleum gas (LPG). • The proposed storage and transport of DG products is above the thresholds defined in SEPP 33, therefore the modification is considered a "potentially hazardous industry". • In accordance with the requirements of SEPP 33, the Applicant provided a Preliminary Hazard Analysis (PHA) prepared by Riskcon Engineering dated 20 May 2019 and an RTS prepared by Riskcon dated 16 June 2019. • All DG products would be stored in designated areas within the warehouse: ◦ certain classes of aerosols (Class 2.1) will be stored in a caged area protected by an in-rack sprinkler system ◦ all other DG products will be protected by a Storage Mode Sprinkler System. • There are two other warehouses within the wider Oakdale Industrial Estate that store and distribute dangerous goods, these include: the DHL (Lot 2B) warehouse located in Oakdale East and the Reckitt Benckiser (Lot 3B) warehouse located in Oakdale	• Include limits on the amounts of dangerous good stored in warehouse 1D. • Require the Applicant to implement all recommendations of the PHA. • Require the Applicant to provide a Final Hazard Analysis (FHA). • Require the Applicant to provide an emergency plan and a safety management system document. • Require the Applicant to carry out a Hazard Audit.

Assessment

Recommended Conditions

Central. They are located at least 500 m away from the modification.

- The risk analysis for the transport of DG products, including cumulative vehicle movements for the Oakdale Industrial Estate, found that the risk from the transport routes was acceptable for the industrial area.
- The risk analysis for two worst-case scenarios (full-warehouse fire and radiant heat or toxic smoke emission) found the probability of a fatality from a full-warehouse fire at the site boundary was within the acceptable risk criteria.
- The cumulative impact assessment from the overall site (warehouse Lot 1D) and surrounding potentially hazardous developments found there was sufficient separation between the three warehouses and there is no cumulative risk impact.
- The Department has reviewed the PHA and the RTS provided by the Applicant and found the individual fatality risk of the development would fall below the risk criteria for industrial land uses.
- The Department's assessment concludes that the modification would contribute to further reduction of the risk in the area provided the risk reduction measures and recommendations set out in the PHA are implemented.
- The Department requires that conditions are included to ensure that the recommendations of the PHA are implemented and can be monitored.

Fire Safety

- It is recognised that large warehouse facilities pose unique challenges to firefighters when responding to, and managing, an incident.
 - The storage of dangerous goods, including hazardous materials or high fuel loads, in the development has the potential to impact or alter the required fire safety measure to be implemented at the facility.
 - In support of the modification, the Applicant provided a Fire Safety Strategy (FSS), prepared by Core Engineering Group dated 2 May 2019. The FSS identified a number of non-conformances with the National Construction Code (NCC) and solutions to address non-conformances where required.
 - FRNSW made a number of recommendations in response to the storage of dangerous goods. FRNSW requested that the Applicant take into consideration the increased hazard and risk profile for performance solutions to address non-conformances with the NCC
- Require the Applicant to consult with FRNSW through an FEBQ prior to the issue of a construction certificate.

Assessment

Recommended Conditions

and that the storage of all dangerous goods be in accordance with relevant codes, standards and best practice.

- FRNSW requested that consultation be undertaken by way of a Fire Engineering Brief Questionnaire (FEBQ) prior to the issue of any construction certificate. The FEBQ should:
 - cover the whole warehouse including adjacent tenancy
 - include details of the proposed in-rack sprinkler system
 - assess the adequacy of the water storage capacity based as part of a Fire Engineering Report and
 - address clauses E1.10 and E2.3 of the NCC.
- An existing condition of consent (E54) requires the Applicant to ensure dangerous goods are stored and handled in accordance with all relevant Australian Standards.
- The Department has considered the FSS which provides solutions to address non-conformances with the NCC to ensure fire risks are managed.
- The Department's assessment concludes that non-conformances should be addressed in consultation with FRNSW.
- The Applicant will be required to consult with FRNSW by way of an FEBQ prior to the issue of a construction certificate to ensure that fire safety is adequately addressed.



7. 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 can be undertaken on the basis it would:

- result in minimal environmental impacts beyond the approved facility
- mitigate any risk from the storage and transport of DG products through conditions
- contribute to further reduction of the risk in the area
- manage fire safety with respect to the storage of DG products and
- address non-conformances with the NCC through performance solutions and in consultation with FRNSW.

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



8. Recommendation

It is recommended that the Director, Industry Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report;
- **determines** that the application SSD-6917-Mod-10 falls within the scope of 4.55(1A) of the EP&A Act
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to approve the modification application
- **agrees** with the key reasons for approval listed in the draft notice of decision
- **modifies** the consent SSD 6917 and
- **signs** the attached approval of the modification (**Attachment 1**).

Recommended by:

Katelyn Symington

Senior Environmental Assessment Officer
Industry Assessments

Recommended by:

Kelly McNicol

Team Leader
Industry Assessments



9. Determination

The recommendation is: **adopted by:**

Chris Ritchie

Director

Industry Assessments

5/8/19.



Appendices

Appendix A – List of Documents

Oakdale South Estate Precinct 6 SSD 6917 MOD 10 Section 4.55 1A Modification Application Report prepared by Urbis dated 10 May 2019.

Consultants Advice Note Re: DPE Queries in Response to Linfox Preliminary Hazard Analysis prepared by Riskcon dated 16 June 2019

Appendix B – Statement of Environmental Effects/ Environmental Assessment

Available on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/16326>

Appendix C – Submissions

Available on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/16326>

Appendix D – Notice of Modification