



Oakdale South Industrial Estate Modification 14

Warehouse 1D-1: Amended dangerous goods storage and fire safety consultation

State Significant Development Modification Assessment (SSD-6917-MOD-14)

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Glossary

Abbreviation	Definition
BCA	Building Code of Australia
Council	Penrith City Council
DG	Dangerous Good
Department	Department of Planning, Industry and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environnemental Planning Instrument
ESD	Ecologically Sustainable Development
FEBQ	Fire Engineering Brief Questionnaire
FER	Fire Engineering Report
FRNSW	Fire and Rescue NSW
FSS	Fire Safety Study
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
SEARs	Planning Secretary's Environmental Assessment Requirements
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SEPP 33	State Environmental Planning Policy No 33—Hazardous and Offensive Development
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
TfNSW	Transport for NSW

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1 Introduction

This report provides the NSW Department of Planning, Industry and Environment's (the Department's) assessment of an application to modify the State significant development (SSD) consent for the Oakdale South Industrial Estate (SSD 6917). The modification application seeks approval to increase the amount of dangerous goods (DGs) permitted to be stored in Warehouse 1D-1 and amend fire safety requirements, including consultation requirements with Fire and Rescue NSW (FRNSW).

The application was lodged on 22 March 2021 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) and further information was submitted on 9 April 2021.

1.1 Background

Oakdale South is a warehousing and distribution complex in Kemps Creek, in the Penrith local government area (LGA) (see **Figure 1**). The site is approximately 41 kilometres (km) west of the Sydney CBD, 21 km east of Penrith and 3.4 km west from the M7 Motorway.

The site is 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.

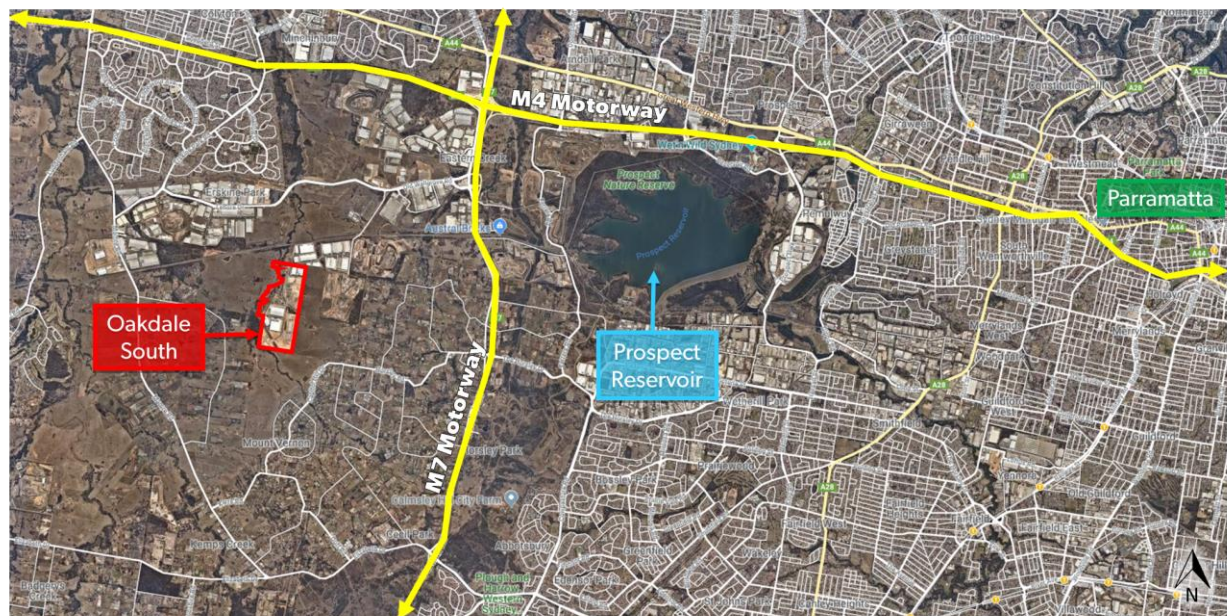


Figure 1 | Local Context

1.2 Site Description

Oakdale South Industrial Estate 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. The site is identified as bushfire prone land.

The Estate is divided into six 'precincts.' Precinct 1 is located in the north-eastern part of the site and contains Warehouses 1A to 1D (see **Figure 2**). To date, Warehouses 1A, 1B, 1D, 3A-3D, 4A, 5A and 6A have been constructed within the Estate (see **Figure 3**). Warehouses 1C-1 and 1C-2 are currently under construction.

Warehouse 1D is divided into two tenancies (1D-1 and 1D-2), which have separate vehicles access off Aristida Close and Entolasia Close.

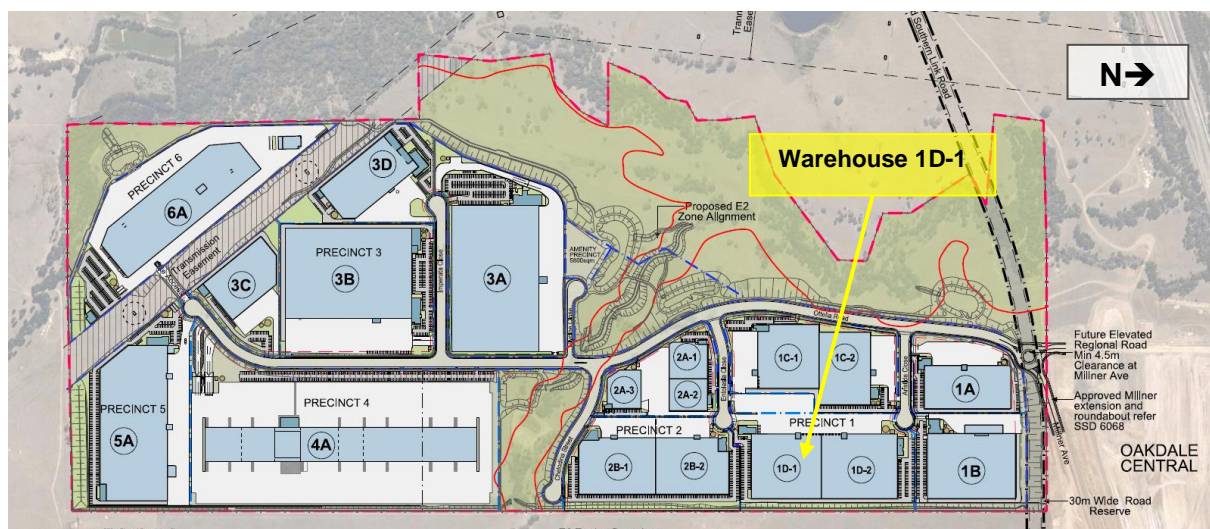


Figure 2 | Site plan showing location of Warehouse 1D-1



Figure 3 | Aerial photograph of the site showing warehouses constructed to date

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 located further to the east, south and south-west. Land uses near the site include:

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

The local context of the site is depicted in **Figure 4**.

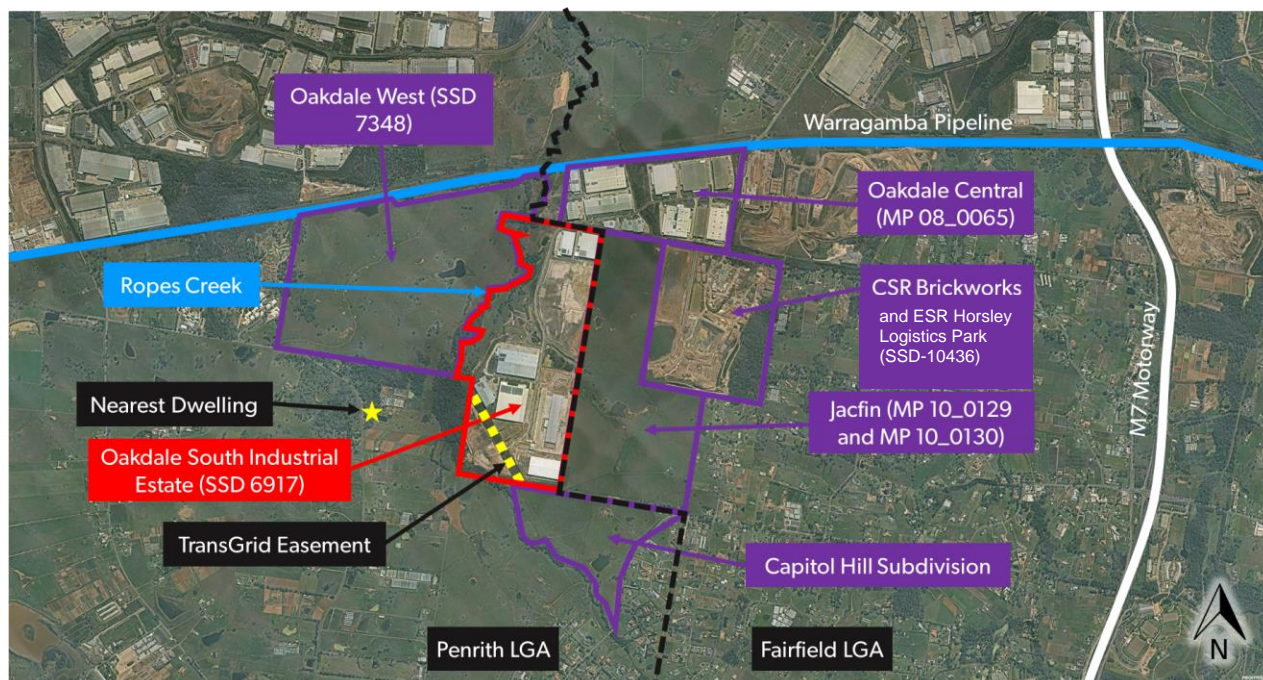


Figure 4 | Site features and immediate surrounds

1.4 Approval history

On 26 October 2016, development consent was granted by the then 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:

- a 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; and
- a Stage 1 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 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 for SSD 6917 has previously been modified on 13 occasions (see **Table 1**).

Table 1 | Summary of Previous 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 GFA 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.	Minister	Former 96(2)	21 April 2017
MOD 2	Withdrawn by the Applicant on 25 January 2017.	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.	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.	Minister	Former 96(1A)	18 December 2017
MOD 5	Update Condition E37 to remove a contradiction in the wording of the consent.	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.	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.	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.	Minister	4.55(1A)	17 December 2018
MOD 9	Amend the Concept Proposal plan by consolidating two warehouses in Precinct 6 into one warehouse.	Minister	4.55(1A)	21 February 2019
MOD 10	Enable storage of dangerous goods within Warehouse 1D.	Minister	4.55(1A)	5 August 2019
MOD 11	Update biodiversity offsetting arrangements and the Vegetation Management Plan (VMP)	Minster	4.55(1A)	28 October 2019
MOD 12	Amend the Concept Proposal within Precincts 1 and 2, changes to the approved Stage 1 development and fit-out and use of Warehouse 1D-1 for the purposes of pallet storage	Minster	4.55(1A)	3 December 2020
MOD 13	Amend the bushfire attack level construction requirements for Warehouse 1C	Minister	4.55(1A)	23 February 2021

2 Proposed modification

The Applicant has lodged a modification application under section 4.55(1A) of the EP&A Act seeking to modify the amount of dangerous goods permitted to be stored in Warehouse 1D-1 and amend fire safety requirements, including consultation requirements with Fire and Rescue NSW (FRNSW).

The modification is described in full in the Statement of Environmental Effects (SEE) dated 22 March 2021 and 9 April 2021 included in **Appendix A** and outlined below.

2.1 Dangerous goods

The storage of DGs in Warehouse 1D-1, associated with the use of the site for cleaning and storage of pallets, was approved under MOD 12. Condition E54A of the consent for SSD-6917 limits the amounts and classes of DGs permitted to be stored within Warehouses 1D-1 and 1D-2. The Applicant proposes to amend Condition E54A to modify the amount of liquefied petroleum gas and flammable liquids stored in Warehouse 1D-1 as set out in **Table 2**.

Table 2 | Dangerous Goods Limits in Warehouse 1D-1

Class	Description	Packing Group	Currently Approved Limit (kg)	Proposed Limit (kg)	Difference (kg)
2.1	Aerosols (LPG)	N/A	54	54	0
2.1	Liquefied Petroleum Gas (LPG)	N/A	6,508	9,900	+3,392
3	Flammable Liquids	II	100	200	+100
8	Corrosive substances	II	6,951	6,951	0
9	Miscellaneous substances	III	52	52	0

The proposed amendments are the result of operational refinements identified after the approval of MOD 12 as the tenant (CHEP) prepares to commence use of the site and will provide additional onsite storage to serve boilers for the plant installed within Warehouse 1D-1. The additional storage will mean that less trips are required to fill up the existing quantity of DGs approved to be stored on site.

2.2 FRNSW consultation

Condition E78A requires the Applicant to provide the Department with confirmation from FRNSW that the revised Fire Safety Study (FSS) prepared for MOD 12 meets its requirements and the identified performance requirements are approved by FRNSW through the submission of a fire engineering brief questionnaire (FEBQ), prior to operation of Warehouse 1D-1.

The Applicant proposes to amend this condition by removing the requirement for a revised FSS and FEBQ to be submitted to the Department. In place of the FSS and FEBQ the Applicant is proposing to address fire safety through a fire engineering report (FER) in accordance with Clause 114(1)(b) of the Environmental Planning and Assessment Regulation 2000.

The proposed modification is requested to reflect the ongoing consultation that has already been undertaken with FRNSW in relation to the fit-out and use of Warehouse 1D and to avoid any potential delays in commencement of operation on site.

Since the subject application has been lodged, the applicant has received separate advice from FRNSW that the FEBQ will not be reviewed for the site, because an application for an Initial Fire Safety Report (IFSR) had been submitted by the Applicant to FRNSW. As such, FRNSW is of the position that the Certifier for the development is assumed to be satisfied with the analysis proposed at FEBQ stage. Accordingly, the Applicant submitted a revised SEE on 9 April 2021 to include this advice.

3 Statutory context

3.1 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 increase the environmental impacts of the development 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.

3.2 Consent authority

The Minister for Planning and Public Spaces (Minister) is the consent authority for the application under section 4.5(a) of the EP&A Act. Under the Minister's delegation of 26 April 2021, the Team Leader, Industry Assessments, may determine the application under delegation as:

- the Applicant has not disclosed a reportable political disclosure in connection with the application
- there are no public submissions in the nature of objections and
- Council has not made a submission by way of objection.

3.3 Mandatory matters for consideration

The Department conducted a comprehensive assessment of the project against the mandatory matters for consideration as part of the original assessment of SSD 6917. The Department considers this modification application does not result in significant changes that would alter the mandatory matters for consideration under section 4.15 of the EP&A Act and conclusions made as part of the original assessment.

3.4 Biodiversity Conservation Act 2016

Clause 30A(2)(c) of the Biodiversity Conservation (Savings and Transitional) Regulation 2017 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.

As the proposed modified development is located within the development footprint already assessed and approved and only involves alterations operational conditions, it is not considered there is an increase in impacts on biodiversity values and the Department concludes a BDAR is not required.

4 Engagement

4.1 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 section 4.55(1A) applications, being modifications with minimal environmental impact. Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website on 23 March 2021 and was referred to Penrith City Council (Council) and Fire and Rescue NSW (FRNSW) for comment.

4.2 Summary of submissions

Council did not object to the proposal or provide any comments and **FRNSW** have not provided comments at the time of writing this report.

5 Assessment

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

- the SEE provided to support the proposed modification (see **Appendix A**)
- the assessment report for the original development application and previous modifications
- 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 key issues relating to the proposed modifications is provided in **Table 3**.

Table 3 | Assessment of key issues

Issue	Findings	Recommendations
Fire Safety	<ul style="list-style-type: none"> • The proposed modification seeks to amend the consultation requirements with FRNSW prior to commencement of operations in Warehouse 1D-1. • Condition E78A was included under MOD 12 and requires the Applicant to submit confirmation that FRNSW are satisfied with the FSS for the site, updated to reflect MOD 12, and submission of a FEBQ to FRNSW. • The Applicant proposes to remove the requirement in Condition E78A for confirmation that the FSS meets FRNSW requirements and replace submission of a FEBQ with a FER. • The Applicant has provided advice from its fire safety consultants supporting this approach, which identifies that the existing FSS has been prepared in accordance with FRNSW requirements. The consultants note that the lack of a statutory timeframe on the review of the FEBQ could result in delays to the commencement of operation on site. • As outlined in Section 2.2 of this report, since the subject application has been lodged, the Applicant has received advice from FRNSW that the FEBQ will not be reviewed for the site as they have already submitted an application for an IFSR. • The Department considers the proposed amendment to Condition E78A in relation to submission of a FEBQ is appropriate as it reflects the current status of the development and ongoing consultation with FRNSW. • However, it is warranted that evidence the FSS satisfies the requirements of FRNSW be submitted to the Department. • The Department requires the FSS cover both tenancies in Warehouse 1D and quantities of DGs, as modified by MOD 14, 	<p>It is recommended that Conditions E78A and E79 be modified to reflect the current fire safety requirements for both tenancies in Warehouse 1D and ensure appropriate consultation is undertaken with FRNSW in relation to the preparation of a revised FSS and ERP.</p>

and should be submitted to the Secretary prior to operation of Warehouse 1D-1. This will ensure the design and operation of the development addresses the relevant fire safety requirements and is prepared in consultation with FRNSW.

- Additionally, recommendations from the FSS will replace advice that would have been given in the FEBQ consultation process.
- It is not considered necessary to include a provision in the amended condition relating to the EP&A Regulation (as proposed by the Applicant), given the Applicant is already required to comply with the Regulation and any other relevant legislation when undertaking the development.
- The Department also recommends amending Condition E79 in order to better reflect the operation of both tenancies approved under MOD 10 and MOD 12 and require an Emergency Response Plan is prepared for the whole of Lot 1D.
- The Department concludes that Condition E78A should be amended to remove requirement for the submission of a FEBQ given the advice provided by FRNSW to the Applicant. Appropriate consultation with FRNSW will still be required in relation to the updated FSS.
- In addition, Conditions E79 should be modified to clarify fire safety requirements for Warehouse 1D.

Hazards

- The proposed modification includes an increase in the amount of DGs to be stored in Warehouse 1D-1; specifically, an additional 3,392 kg of LPG and 100 kg of Flammable Liquids.
- The application is supported by advice from the Applicant's hazards and risk consultant and an updated assessment against the provisions of State Environmental Planning Policy No 33—Hazardous and Offensive Development (SEPP 33) prepared for the use of the site under MOD 12.
- The assessment found that the proposed increase in some DGs stored on site is minor with respect to the potential impact on neighboring sites and does not impact the previous outcome of the SEPP 33 assessment as all Classes of DGs stored on site are still below the threshold values provided in the Applying SEPP 33 Guideline. Therefore, a Preliminary Hazard Analysis is not required, and the development is acceptable for the industrial land use zoning.
- It was also confirmed that the operation approved for the adjoining tenancy (Warehouse 1D-2) is unaffected by the proposed change.
- The Department's hazards specialists reviewed the proposed increase in DGs to be stored in Warehouse 1D-1 and the information supporting the application. No objections were

It is recommended that Condition E54A be modified to reflect the increased amount of DGs to be stored in Warehouse 1D-1.

raised, and it was recommended the condition be modified as proposed.

- The Department considers that the proposed increase in some DG classes to be stored on site is relatively minor and in keeping with the use of the site as approved under MOD 12. Conditions E53 and E54 require the storage of DGs to remain below the thresholds outlined in the Applying SEPP 33 Guideline and all DGs to be stored and handled strictly in accordance with all relevant Australian Standards.
- The Department's assessment concludes that the proposed modification to DG limits in Warehouse 1D-1 will not result in an increased safety risk and can be appropriately managed through existing conditions, including Conditions E53 and E54.

Traffic

- The proposed modification will result in the storage of additional DGs within Warehouse 1D-1.
- The Applicant has identified that the proposed increase in storage will reduce the frequency that the DGs used during operation of the development will need to be replenished, as the rate of use remains unchanged. The relatively minor increase in some DGs to be stored will be able to be delivered to site via the same vehicles that would bring the current amount of LPG and other DGs to site. Therefore, the proposed increased storage will reduce the overall number of vehicle trips required over time to replenish stocks of DGs to be stored and used on site.
- Council raised no concern with the proposed modifications in relation to traffic impacts.
- The Department considers the proposed increase in DGs stored in Warehouse 1D-1 is relatively minor. It is recognised that the increased storage capacity will reduce the frequency of vehicles required to restock DGs stored and used on site.
- The development will be required to comply with an Operational Traffic Management Plan for the site, as prescribed by Condition E3 of SSD-6917, which will detail traffic management measures for the site.
- The Department's assessment concludes that the proposed modification will not increase any traffic impacts beyond what has previously been assessed.

No additional conditions recommended.

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 modifications will not result in additional impacts beyond the approved development or changes to the size or layout of approved buildings
- the increased amount of DGs to be stored in Warehouse 1D-1 is relatively minor and will not pose an increased hazard risk
- the modifications will not increase traffic generated by the development and operational traffic will be appropriately managed through the implementation of an Operational Traffic Management Plan for the site
- the proposed fire safety consultation is appropriate for the stage of the development on Lot 1D and still requires the Applicant to provide evidence FRNSW is satisfied with the FSS for the site
- the modified development is substantially the same development as previously approved.

Overall, the Department is satisfied the modified development maintains safety standards for the operation of the site and can be appropriately managed through the conditions of consent for SSD 6917, as amended. It is therefore recommended that the modification should be approved.

7 Recommendation

It is recommended that the Team Leader, 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-14 falls within the scope of section 4.55(1A) of the EP&A Act
- **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 6917
- **signs** the attached approval of the modification (**Appendix B**).

Recommended by:



David Schwebel
Planning Officer
Industry Assessments

Recommended by:



Katelyn Symington
A/Principal Planner
Industry Assessments

8 Determination

The recommendation is **Adopted** by:



William Hodgkinson

Team Leader

Industry Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – Modification report

<https://www.planningportal.nsw.gov.au/major-projects/project/41561>

Appendix B – Notice of modification

<https://www.planningportal.nsw.gov.au/major-projects/project/41561>