



**Planning &
Environment**

**STATE SIGNIFICANT DEVELOPMENT ASSESSMENT:
Dangerous Goods Storage Facility
SSD 7491**



Environmental Assessment Report
Section 89H of the
Environmental Planning and Assessment Act 1979

September 2016

ABBREVIATIONS AND DEFINITIONS

Applicant	Goodman Property Services (Aust) Pty Ltd
AS	Australian Standard
Biodiversity Lot B	Biodiversity Lot B as shown in the Estate Masterplan (drawing OAK 3 DA02) prepared by SBA Architects, dated 10 March 2016
BCA	Building Code of Australia
CEMP	Construction Environmental Management Plan
CIV	Capital Investment Value
Concept Plan	Concept Plan MP 08_0065 for the establishment of Oakdale Central
Construction	The demolition of buildings or works, carrying out of works, including earthworks, erection of buildings and other infrastructure covered by this consent
Council	Fairfield City Council
DA	Development Application
Dangerous Goods	As defined by the <i>Australian Dangerous Goods Code 7th Edition</i> (Australian Government, 2010)
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and public holidays
Department	Department of Planning and Environment
Development	The Development as described in the EIS and RTS and approved by this Development Consent for the construction of a warehouse and distribution facility
EIS	Environmental Impact Statement titled " <i>Proposed Dangerous Goods Facility, Lot 3, Warehouse 3B, Oakdale Central, Horsley Park</i> " prepared by Willowtree Planning Pty Ltd, dated April 2016.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPA	Environment Protection Authority
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
EPLR	Erskine Park Link Road (Lenore Drive)
ESFR	Early Suppression Fast Response
HIPAP No. 2	Hazardous Industry Planning Advisory Paper No. 2: Fire Safety Study Guidelines
HIPAP No. 4	Hazardous Industry Planning Advisory Paper No. 4: Risk Criteria for Land Use Safety Planning
HIPAP No. 12	Hazardous Industry Planning Advisory Paper No. 12: Hazards-Related Conditions of Consent
MHF	Major Hazard Facility
Minister	Minister for Planning
OEH	Office of Environment and Heritage
PEA	Preliminary Environmental Assessment
PHA	Preliminary Hazards Analysis
RMS	Roads and Maritime Services
RTS	Response to Submissions titled " <i>Response to Submissions – State Significant Development Application (SSD 7491) Proposed Dangerous Goods Facility, Lot 3 Warehouse 3B – Oakdale Central – Oakdale Central, Horsley Park (Lot 21 in Deposited Plan 1173181)</i> ", dated 28 June 2016
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment, or nominee
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development
TfNSW	Transport for NSW
VPA	Voluntary Planning Agreement
WHS	Workplace Health and Safety
WSEA SEPP	<i>State Environmental Planning Policy (Western Sydney Employment Area) 2009</i>

Cover Photograph: Dangerous Goods Facility – Artists Impression (*Response to Submissions, April 2016*)

© Crown copyright 2016

Published September 2016

Department of Planning & Environment

www.planning.nsw.gov.au

Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

TABLE OF CONTENTS

ABBREVIATIONS AND DEFINITIONS	ii
EXECUTIVE SUMMARY	v
1. BACKGROUND	1
1.1. The Department's Assessment	1
1.2. Project Background	1
1.3. Site Description	2
1.4. Surrounding Land Uses	2
1.5. Other Approvals	3
2. PROPOSED DEVELOPMENT	6
2.1. Description of the Development	6
2.2. Applicant's Need and Justification for the Development	9
3. STRATEGIC AND STATUTORY CONTEXT	9
3.1. Strategic Context	9
3.2. State Significant Development	9
3.3. Permissibility	9
3.4. Consent Authority	9
3.5. Other Approvals	10
3.6. Considerations under Section 79C of the EP&A Act	10
3.7. Environmental Planning Instruments	10
3.8. Public Exhibition and Notification	10
3.9. Objects of the EP&A Act	11
3.10. Ecologically Sustainable Development	11
3.11. <i>Environment Protection and Biodiversity Conservation Act 1999</i>	12
3.12. Compliance with Clause 3B of Schedule 6A of the EP&A Act	12
4. CONSULTATION AND SUBMISSIONS	12
4.1. Consultation	12
4.2. Public Authorities	13
4.3. General Public Submissions	14
4.4. Response to Submissions	14
5. ASSESSMENT	15
5.1. Hazards and Risks	15
5.2. Traffic, Parking and Access	17
5.3. Other Issues	20
6. CONCLUSION	22
7. RECOMMENDATION	23
APPENDIX A CONDITIONS OF CONSENT	24
APPENDIX B CONSIDERATIONS UNDER SECTION 79C OF THE EP&A ACT	25
APPENDIX C CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS	26
APPENDIX D COMPLIANCE WITH THE WSEA SEPP	29
APPENDIX E COMPLIANCE WITH THE CONCEPT PLAN (MP 08_0065)	33
APPENDIX F ENVIRONMENTAL IMPACT STATEMENT	40
APPENDIX G SUBMISSIONS	41
APPENDIX H RESPONSE TO SUBMISSIONS	42
APPENDIX I SATISFACTORY ARRANGEMENTS CERTIFICATE	43

TABLE OF FIGURES

Figure 1: Site Location	1
Figure 2: Western Sydney Employment Area	2
Figure 3: Current Site	3
Figure 4: Oakdale Central Industrial Estate	5
Figure 5: Proposed Site Layout	7
Figure 6: Warehouse 3B Elevations	8
Figure 7: Dangerous Goods Storage Areas	16
Figure 8: Local Road Network	18
Figure 9: Site Access Arrangement	19
Figure 10: Location of ML 1636 to Development Site	28

EXECUTIVE SUMMARY

Willowtree Planning Pty Ltd, on behalf of Goodman Property Services (Aust) Pty Ltd (the Applicant), has lodged a Development Application (DA) and accompanying Environmental Impact Statement (EIS) seeking consent to construct and operate a Dangerous Goods storage facility within the Oakdale Central Industrial Estate (Oakdale Central) in Horsley Park in the Fairfield local government area (LGA).

Oakdale Central is a 44 hectare (ha) industrial estate located approximately 37 kilometres (km) north-west of the Sydney city centre. The Oakdale Central Concept Plan was approved by the then Minister for Planning on 2 January 2009. The site is cleared and graded with five warehouse buildings within Oakdale Central already constructed to the east of the site. Oakdale Central is located within Precinct 8 of the Western Sydney Employment Area, which is strategically zoned industrial land identified under *State Environmental Planning Policy (Western Sydney Employment Area) 2009*.

The warehouse will have a gross floor area (GFA) of approximately 36,635 m², with a purpose-built Dangerous Goods storage facility with an associated office area, car parking and landscaping. The proposed facility will operate 24 hours per day, seven days per week. The proposal has a capital investment value (CIV) of \$35 million. It will generate 250 jobs during construction and approximately 150 full-time equivalent jobs once operational. The incoming tenant, Reckitt Benckiser, will use the facility to store aerosols (Class 2), flammable liquids (Class 3), corrosive substances (Class 8) and Class 9 miscellaneous goods. The majority of the products will be distributed to large supermarket chains, with some products also being distributed to chemists.

The development is classified State significant development (SSD) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as it satisfies clause 10(2)(c), Schedule 1 of *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP), being for the construction of a chemical storage facility with a CIV in excess of \$30 million. The proposed development also satisfies the criteria in clause 10(3) of Schedule 1 of the SRD SEPP, being for storage of dangerous goods in such quantities that constitute the development as a major hazard facility. Consequently, the Minister for Planning is the consent authority for the development.

The Department exhibited the EIS from 12 May 2016 to 10 June 2016 and received 17 submissions, including submissions from Fairfield City Council, Blacktown City Council and Penrith City Council, and 12 from other government agencies. None of the Council or agency submissions objected to the proposal. A number of the submissions provided comments and recommended conditions of consent. Two general public submissions were received, one of which objected to the proposed development.

Key concerns raised in the general public and agency submissions related to waste management, potential risk of damage to the WaterNSW pipelines, impacts to groundwater, adequacy of the swept path analysis, consultation regarding mining leases, potential noise and light pollution, security risks and hazards management. The Applicant provided a Response to Submissions (RTS) report to address the issues raised in the Council, agency and general public submissions. The RTS provided updated architectural plans, evidence of consultation and further information regarding hazards, works on Biodiversity Lot B, management of potential noise and light pollution, landscaping and stormwater management.

The Department has assessed the application and has concluded the key issues for assessment are hazards and risks and traffic and site access.

The Department's assessment concludes the impacts can be mitigated and/or managed to ensure an acceptable level of environmental performance, subject to the recommended conditions of consent. Further, the proposed development would provide employment opportunities in Western Sydney consistent with the *State Priorities* for NSW, including the Premier's key priorities, and the goals, directions and actions outlined in *A Plan for Growing Sydney*. Consequently, the Department has concluded the proposal is in the public interest and should be approved, subject to conditions.

1. BACKGROUND

1.1. The Department's Assessment

This report details the Department's assessment of the State significant development (SSD 7491) application for a Dangerous Goods storage facility in the Oakdale Central Industrial Estate, Horsley Park. The proposal involves the construction and operation of a Dangerous Goods storage facility with an associated office area, car parking and landscaping. The Department's assessment considers all documentation submitted by the Applicant, including the Environmental Impact Statement (EIS) and Response to Submissions (RTS), and submissions received from government authorities, stakeholders and the general public. The Department's assessment also considers the legislation and planning instruments relevant to the site and the development.

This report describes the proposed development, surrounding environment, relevant strategic and statutory planning and the issues raised in submissions. The report evaluates the key issues associated with the development and provides recommendations for managing any impacts during construction and operation. The Department's assessment of the Dangerous Goods storage facility concludes that the development is in the public interest and should be approved, subject to conditions.

1.2. Project Background

Goodman Property Services (Aust) Pty Ltd (the Applicant) proposes to construct and operate a Dangerous Goods storage facility in the Oakdale Central Industrial Estate (Oakdale Central), Horsley Park in the Fairfield local government area (LGA) (see **Figure 1**). Oakdale Central is an industrial business park approved under a Concept Plan in 2009 by the then Minister for Planning (see **Section 1.5**). It is within Precinct 8 of the Western Sydney Employment Area (WSEA), which is strategically zoned industrial land identified under *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (WSEA SEPP) (see **Figure 2**).



Figure 1: Site Location

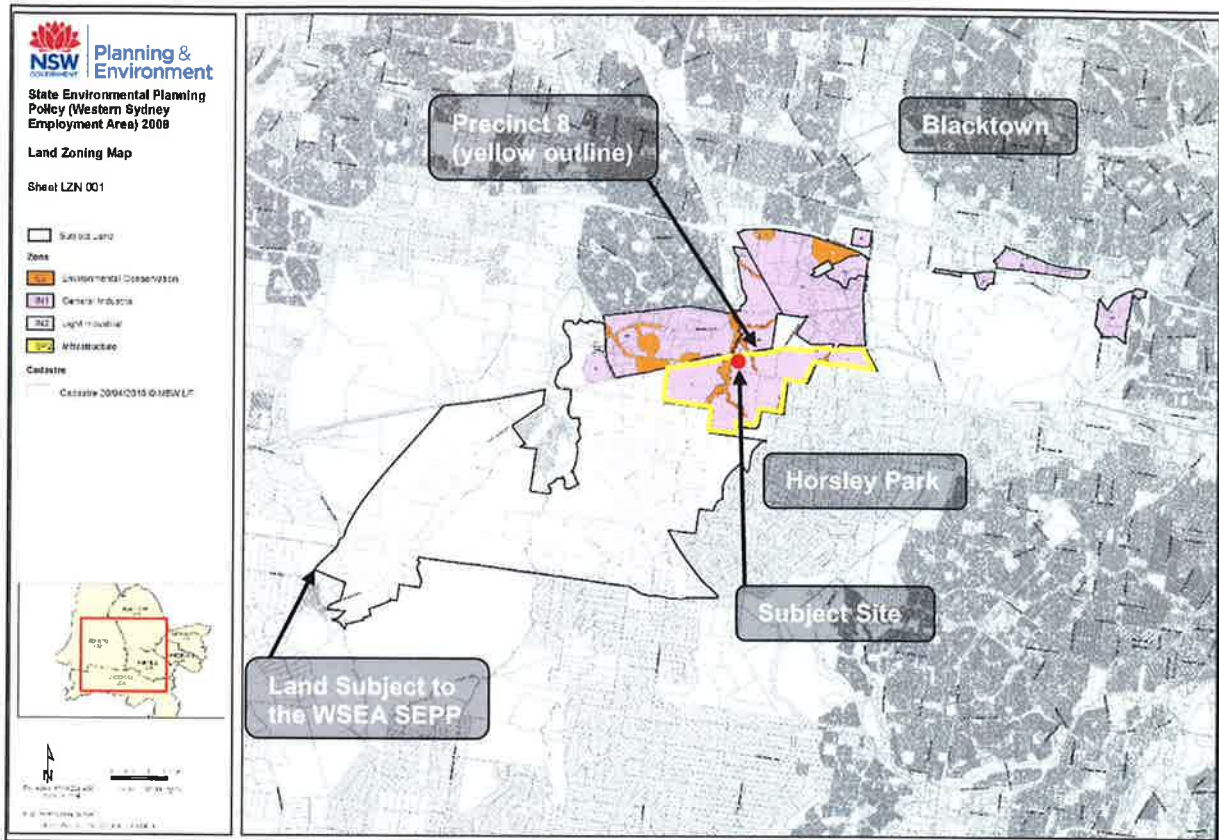


Figure 2: Western Sydney Employment Area

1.3. Site Description

The subject site is legally described as Lot 21 in DP 1173181. The site is located approximately 37 kilometres (km) north-west of the Sydney city centre and 2 km south-west of the Erskine Park Town Centre. The subject site is 5.85 hectare (ha) in area and is located within the 44 ha Oakdale Central industrial estate. Clearing of vegetation and bulk earthworks have been undertaken on the site in accordance with a previous approval (see **Section 1.5**). Clearing and grading works have also been undertaken on the remaining lots of Oakdale Central to the south and west of the site. Construction of Estate Road 2 and a roundabout at the western end of Milner Avenue have commenced.

1.4. Surrounding Land Uses

Oakdale Central is bounded by Ropes Creek to the west, the Warragamba-Prospect water pipelines to the north, Old Wallgrove Road to the east and the CSR/PGH quarry/brickmaking plant and vacant employment land to the south. The site is located within close proximity to key transport corridors including the M7 and M4 Motorways. Surrounding land uses include:

- residential areas to the north;
- industrial zoned land at Eastern Creek to the north and Erskine Park to the north-west; and
- rural and rural residential development to the south-east, south and west.

The Sydney Water Supply Pipeline bounds the subject site to the north, biodiversity lands associated with Ropes Creek are located to the east and west of the site and industrial zoned land occurs to the south. Five existing warehouses within Oakdale Central are located to the east of the site. The closest residential receiver is approximately 1.1 km to the south-east of the site at 315-321 Burley Road. A locality plan of the subject site within Oakdale Central is provided in **Figure 3**.

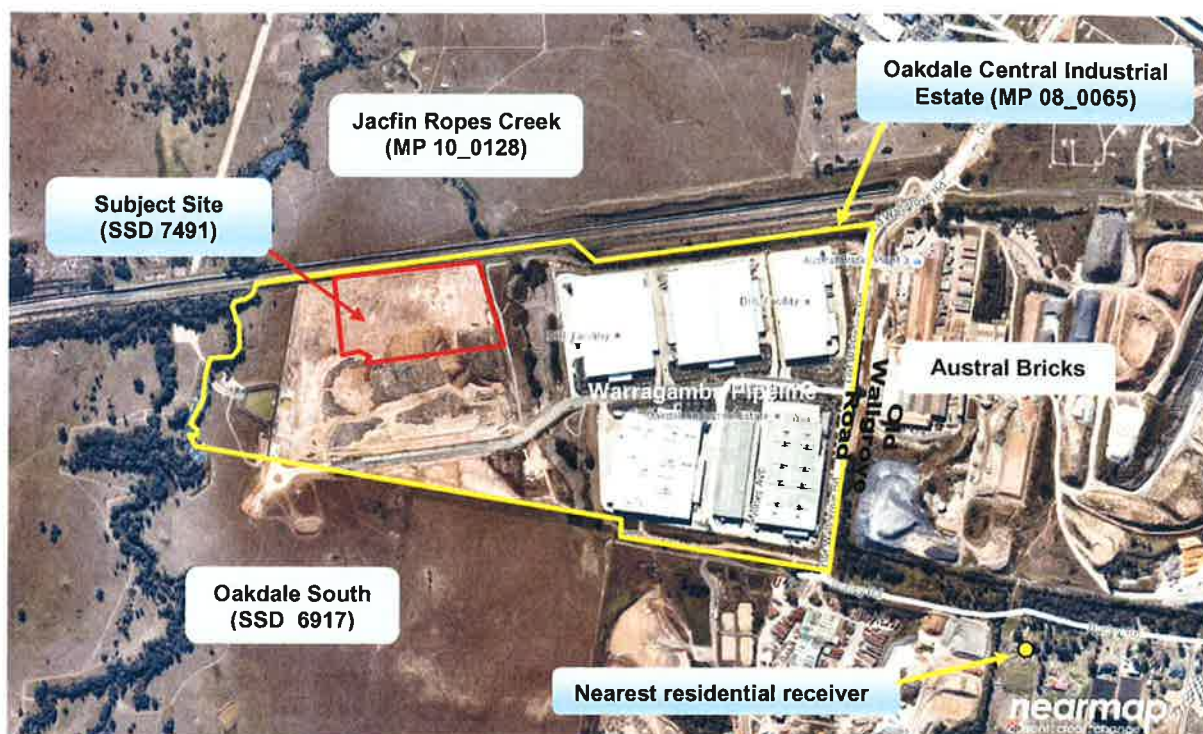


Figure 3: Current Site

1.5. Other Approvals

1.5.1 Concept Plan and Project Approval

On 2 January 2009, the then Minister for Planning approved the Oakdale Central Concept Plan (MP 08_0065) (Concept Plan) and a Stage 1 Project Application (MP 08_0066) for the establishment of the Oakdale Central Industrial Estate. The Concept Plan and Project Approval permitted:

- subdivision of the site into 11 lots and five road corridors;
- a range of uses including warehouses, distribution centres and freight logistic facilities;
- upgrade of the Old Wallgrove Road/Wallgrove Road intersection;
- provision of infrastructure and services;
- provision of ancillary development such as child care facilities and neighbourhood shops;
- bulk earthworks; and
- the construction and operation of warehouses on Lots 1A and 2A.

The Concept Plan and Project Approval have undergone a number of modifications and currently permit subdivision of the site into 11 industrial lots, one service lot, three environmental conservation/recreation lots and two road corridors, bulk earthworks and the construction and operation of warehouses on lots 1A and 2A (see **Figure 4**). The Department is currently assessing a fifth modification proposal which seeks to update the Concept Plan to re-configure the approved building envelopes on Lot 3. The warehouses on lots 1A and 2A have been constructed and are fully operational.

1.5.2 SSD 6078

On 18 March 2015, SSD 6078 was approved by the Executive Director, Infrastructure and Industry Assessments as the delegate of the Minister for Planning, for:

- the construction and operation of three warehouse buildings on Lots 1C, 2B and 3; and
- upgrade of a section of Old Wallgrove Road.

Warehouse buildings have been constructed on lots 1C and 2B and are fully operational (see **Figure 4**).

The approval has been modified on five occasions and the Department is currently assessing a sixth modification. SSD 6078 Modification 5 was approved on 9 June 2016 by the Executive Director, Key Sites and Industry Assessments and permitted:

- removal of the land incorporating Warehouse 3B from the SSD 6078 approval;
- deletion of the previously approved building on Lot 3, replacing it with four smaller warehouse buildings; and
- an extension to the Estate Road from Milner Avenue (see **Figure 4**).

SSD 6078 Modification 6 seeks approval to re-configure the approved building envelopes on Lot 3.

1.5.3 Council Approvals

On 19 November 2013, Fairfield City Council approved a DA (DA652.1/2013) for bulk and detailed earthworks, establishment of building pads, extension of internal estate roads and construction of infrastructure services for Lot 3. The Council has also approved development applications 396.1/2013 and 371.1/2013 to facilitate the construction of stormwater bio-retention basins in biodiversity lots B and C, and estate road extensions within the Concept Plan area. The construction and operation of a warehouse and distribution facility on Lot 1B was approved by Council under DA 1084.1/2011, as modified (see **Figure 4**). This facility has been constructed and is fully operational.

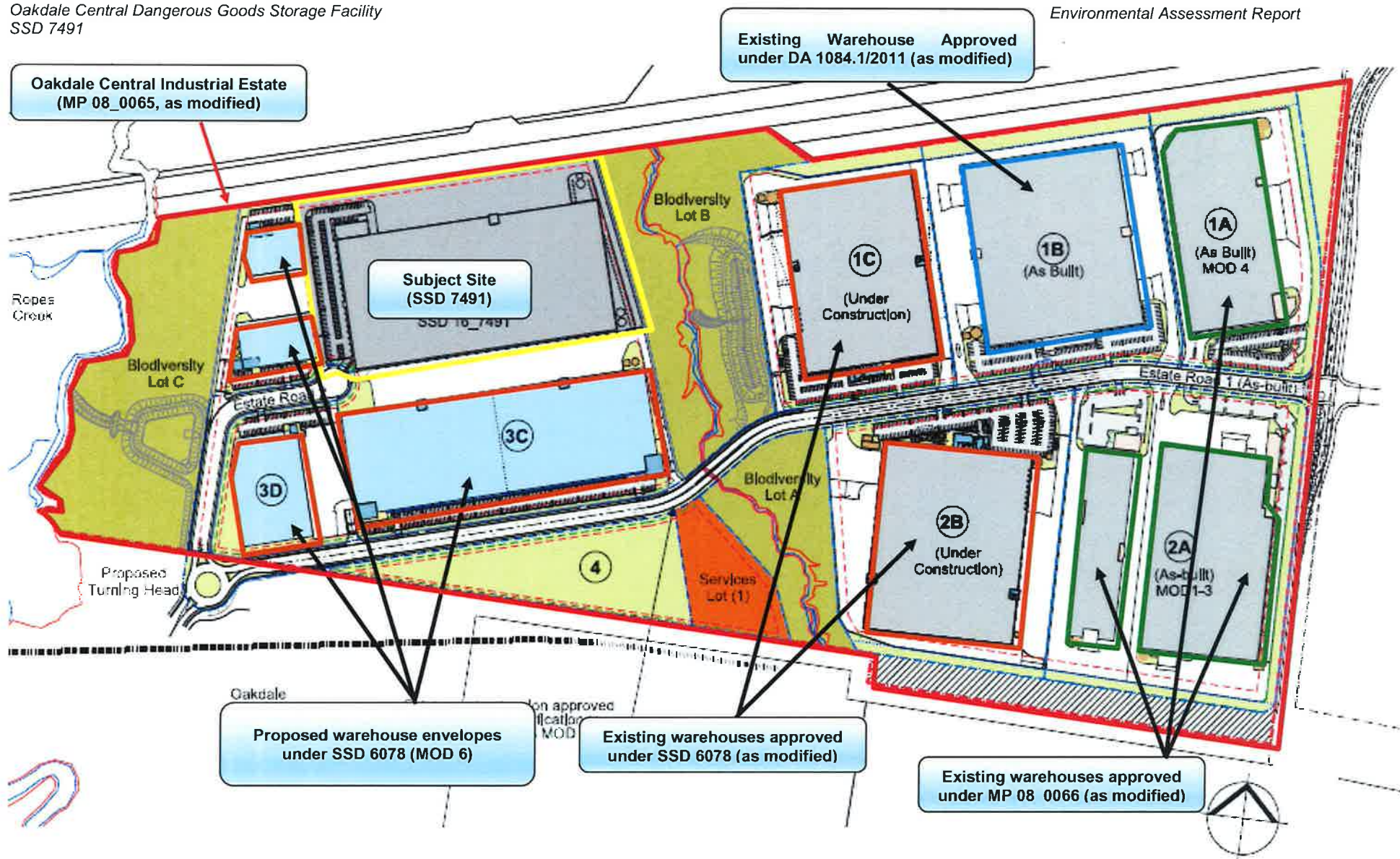


Figure 4: Oakdale Central Industrial Estate

2. PROPOSED DEVELOPMENT

2.1. Description of the Development

The Applicant proposes to construct and operate a Dangerous Goods storage facility on Lot 3B in Oakdale Central. The incoming tenant, Reckitt Benckiser, will use the facility to store Class 2, 3, 8 and 9 Dangerous Goods such as insect repellent spray, hair removal products, deoderants, hand sanitiser, metal polish, bathroom cleaners, liquid air fresheners and non-prescription medicines such as headache tablets. The majority of the products will be distributed to large supermarket chains, with some products also being distributed to chemists.

The major components of the development (as presented within both the EIS and RTS) are summarised in **Table 1** and depicted in **Figure 5**. The proposed development is described in full in the EIS, with clarifications provided in the RTS, which are provided at **Appendix F** and **Appendix H** respectively. The proposed layout and elevations are shown in **Figures 5** and **6**.

Table 1: Key Development Components

Aspect	Description
Development Summary	Construction and operation of a Dangerous Goods storage facility, including a 35,840 m² warehouse facility, car parking, ancillary office and landscaping.
Proposed Use	Warehousing and distribution of Dangerous Goods including aerosols (Class 2), flammable liquids (Class 3), corrosive substances (Class 8) and Class 9 miscellaneous goods.
Land Description	Lot 21 in DP 1173181.
Facility Description	Construction and operation of a Dangerous Goods storage facility, including: • a total warehouse area of 35,840 m²; • a Class 2 Dangerous Goods store of approximately 5,775 m²; • a Class 3 Dangerous Goods store of approximately 1,375 m²; • ambient storage area; • temperature controlled storage area; • two-storey office; • one-storey dock office; • rework area; and • ancillary infrastructure and services.
Earthworks	Minor earthworks.
Landscaping	Landscaping includes works within and surrounding the carpark and along the lot boundary.
Hours of Operation	24 hours per day, seven days per week.
Car Parking	150 spaces
Capital Investment Value	\$35 million
Employment	250 construction jobs and 150 full-time operational jobs.

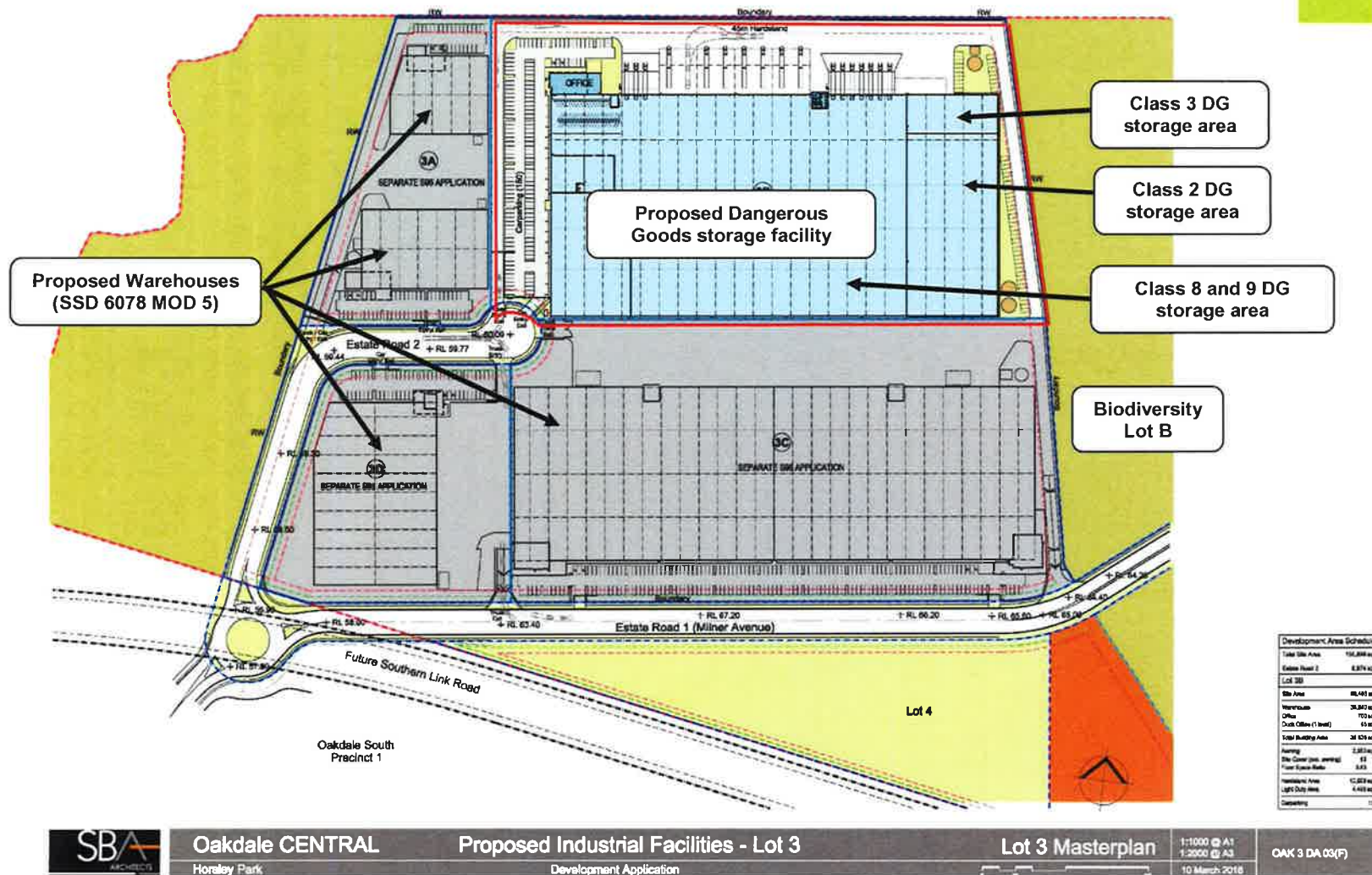


Figure 5: Proposed Site Layout

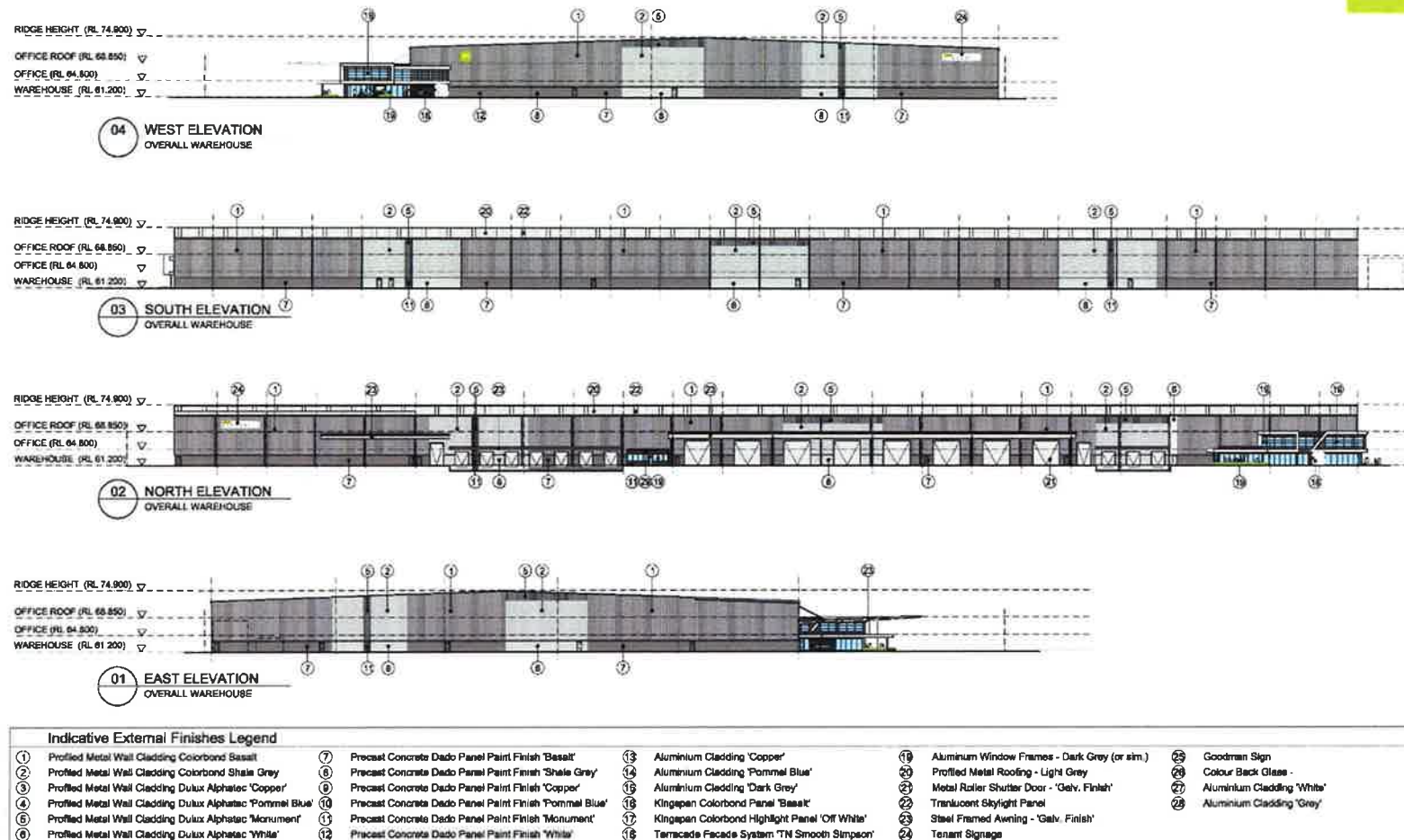


Figure 6: Warehouse 3B Elevations

2.2. Applicant's Need and Justification for the Development

Goodman Property Services manages numerous industrial and business properties throughout Australia, including properties to the south and west of the site proposed to be developed as industrial estates. The Applicant has advised that the incoming tenant for the Dangerous Goods storage facility requires increased storage capacity to improve its operational efficiencies.

The proposed development has been located in an industrial area to minimise impacts to the environment and other sensitive receivers such as residential areas. The facility is located to take advantage of the regional road network and other existing infrastructure such as electricity and telecommunications.

The facility will contribute to the growth of industry, the provision of employment opportunities in the region and will generate income to support the management and development of Western Sydney. The proposed development is consistent with the goals, directions and actions outlined in *A Plan for Growing Sydney* in that it will contribute to growth of industry and provision of employment opportunities in the region.

3. STRATEGIC AND STATUTORY CONTEXT

3.1. Strategic Context

The NSW Government has announced the Premier's Priorities which cover 12 key areas including economic growth, provision of infrastructure, protection of vulnerable communities, improving education and environmental protection. One of the Premier's key priorities is 'Creating Jobs'. The NSW Government aims to provide 150,000 new jobs over the next four years.

Construction and operation of the development would contribute toward 'Creating Jobs' by providing 250 construction jobs and 150 operational jobs. The development also represents a \$35 million capital investment in industrial development in the region.

The development is also consistent with the goals, directions and actions outlined in *A Plan for Growing Sydney* as it will:

- assist in the transformation of Western Sydney by providing growth and investment in an identified industrial precinct with high levels of accessibility to the regional road network, and existing and planned public transport and cycle infrastructure (Direction 1.4);
- provide additional employment opportunities within close proximity to existing residential developments in Western Sydney (Direction 1.4); and
- support priority industries by developing appropriately zoned industrial land (Direction 1.9).

3.2. State Significant Development

The proposal is a State significant development (SSD) pursuant to section 89C of *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves development with a CIV of more than \$30 million for the purposes of chemical storage facilities, and storage of dangerous goods in such quantities that constitute the development as a major hazard facility. As such, the proposal satisfies the criteria in clause 10(2)(c) and (3) of Schedule 1 of *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP). Therefore, the Minister for Planning is the consent authority for the development.

3.3. Permissibility

The site is zoned 'IN1 General Industrial' under the WSEA SEPP. The proposed facility is development for the purpose of general industry as it comprises a warehousing and distribution facility. Development for this purpose is permissible with consent in the IN1 zone. The proposal is also consistent with the Oakdale Concept Approval.

3.4. Consent Authority

On 16 February 2015, the then Minister for Planning delegated the function to determine SSD applications to Executive Directors, who report to the Deputy-Secretary, Planning Services where:

- the relevant local council has not made an objection;
- there are less than 25 public submissions in the nature of objections; and
- a political disclosure statement has not been made.

Two public submissions were received, one of which objected to the proposed development. Council did not object to the development. No reportable political donations were made by the Applicant in the last two years and no reportable political donations were made by any persons who lodged a submission.

Accordingly, the application can be determined by the Executive Director Key Sites and Industry Assessments under delegation.

3.5. Other Approvals

Under Section 89K of the EP&A Act, other approvals may be required and must be approved in a manner that is consistent with any Part 4 consent for the SSD under the EP&A Act.

In its submission, the EPA advised that the development constitutes a scheduled activity under the *Protection of the Environment Operations Act 1997* (POEO Act), therefore an Environmental Protection Licence (EPL) is required. The EPA has advised it will be able to issue an EPL for the proposed development.

The proposed development includes carrying out of works affecting public roads (construction of the driveway to Milner Avenue) and therefore, consent from Fairfield City Council is required under the *Roads Act 1993*.

3.6. Considerations under Section 79C of the EP&A Act

Section 79C of the EP&A Act sets out the matters to be considered by a consent authority when determining a Development Application (DA). The Department's consideration of these matters is set out at **Appendix B**. In summary, the Department is satisfied the development is consistent with the requirements of Section 79C of the EP&A Act.

3.7. Environmental Planning Instruments

Under Section 79C of the EP&A Act, the consent authority, when determining a DA, must take into consideration the provisions of any environmental planning instrument (EPI) and draft EPI (that has been subject to public consultation and notified under the EP&A Act) that apply to the proposal.

The following State Environmental Planning Policies (SEPP) were considered in the assessment of the proposed development:

- *State Environmental Planning Policy (State and Regional Development) 2011*;
- *State Environmental Planning Policy (Infrastructure) 2007*;
- *State Environmental Planning Policy (Western Sydney Employment Area) 2009*;
- *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development*;
- *State Environmental Planning Policy No. 55 – Remediation of Land*;
- *State Environmental Planning Policy No. 64 – Advertising and Signage*;
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*;
- *Sydney Regional Environmental Plan No 9 - Extractive Industry (No 2 - 1995)*;
- *Sydney Regional Environmental Plan No. 20 Hawkesbury – Nepean River*; and
- *Fairfield Local Environmental Plan 2013*.

Development Control Plans (DCPs) do not apply to SSD under Clause 11 of the SRD SEPP. However, the Department has considered the relevant provisions of the *Fairfield City Wide DCP 2013* in its assessment of the proposal in Section 5 of this report.

Detailed consideration of the provisions of all EPIs that apply to the proposed development is provided in **Appendix C** of this report. The Department is satisfied the proposed development generally complies with the relevant provisions of these EPIs.

3.8. Public Exhibition and Notification

Under section 89F(1) of the EP&A Act, the Secretary is required to make the DA and any accompanying information for an SSD application publicly available for at least 30 days. The application was on public exhibition from 12 May 2016 to 10 June 2016. Details of the exhibition process and notifications are provided in **Section 4.1**.

3.9. Objects of the EP&A Act

In determining an application, the consent authority must consider whether the development is consistent with the relevant objects of the EP&A Act. These objects are detailed in Section 5 of the EP&A Act, and include:

- (a) to encourage:
 - (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
 - (ii) the promotion and co-ordination of the orderly and economic use and development of land,
 - (iii) the protection, provision and co-ordination of communication and utility services,
 - (iv) the provision of land for public purposes,
 - (v) the provision and co-ordination of community services and facilities, and
 - (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and
 - (vii) ecologically sustainable development, and
 - (viii) the provision and maintenance of affordable housing, and
- (b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and
- (c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

The Department has fully considered the objects of the EP&A Act, including the encouragement of ecologically sustainable development (ESD), in its assessment of the application.

The Department considers objects 5(a) (i), (ii), (vi) and (vii), 5(b) and 5(c) are the most relevant to the merit assessment of this application. The Department has given due consideration to these objects in its assessment of the proposal (see **Table 2**).

Table 2: Consideration Against the EP&A Act

Object	Consideration
5(a)(i)	The proposal would ensure the proper management and development of suitably zoned (i.e. industrial) land for the economic enhancement of the community, including the provision of 150 full-time equivalent jobs within the WSEA. The proposal has been designed to meet current best practice environmental standards. The potential impacts of the proposal have been minimised through appropriate site selection, site layout, design and proposed environmental control measures.
5(a)(ii)	The development would ensure the orderly and economic use of land, which is zoned for industrial use.
5(a)(vi)	The Department's assessment in Section 5 of this report demonstrates with the implementation of the recommended conditions of consent, the impacts of the development can be mitigated and/or managed to ensure the environment is protected.
5(a)(vii)	The site preparation works for this development, including site clearing and earthworks, have been completed in accordance with the Concept Plan and DA 652.1/2013 (issued by Fairfield City Council). Vegetation and riparian zones to the east and west of the site will be protected via the creation of three biodiversity lots approved under the Concept Plan. The proposal is therefore unlikely to have an adverse impact on native flora or fauna, including threatened species, populations and ecological communities, or their habitats.
5(b)	The Department has assessed the development in consultation with, and giving due consideration to, the technical expertise and comments provided by Council and other Government authorities. This is consistent with the object of sharing the responsibility for environmental planning between the different levels of government in the State.
5(c)	The application was exhibited in accordance with section 89F(1) of the EP&A Act to provide public involvement and participation in the environmental planning and assessment of this application.

3.10. Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states ESD requires the effective integration of economic and environmental considerations in decision-making processes and ESD can be achieved through the implementation of:

- (a) the precautionary principle;
- (b) inter-generational equity;
- (c) conservation of biological diversity and ecological integrity; and
- (d) improved valuation, pricing and incentive mechanisms.

The Department's assessment of the development (refer **Section 5**) is based on a conservative and rigorous assessment of the likely impacts of the development, with consideration of the cumulative impacts from existing and approved development in the WSEA.

The Department has considered the need to encourage the principles of ESD, in addition to the need for the proper management and conservation of natural resources, the orderly development of land, the need for the development as a whole, and the protection of the environment including threatened species within **Section 5** of this report.

The proposed Dangerous Goods storage facility incorporates a range of measures to improve energy efficiency and resource consumption, including use of natural light and ventilation, LED lighting, a high efficiency air conditioning system and a rainwater harvesting and re-use system.

3.11. Environment Protection and Biodiversity Conservation Act 1999

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), assessment and approval is required from the Commonwealth Government if a development is likely to impact on a matter of national environmental significance (MNES), as it is considered to be a 'controlled action'. The site has been cleared and graded and therefore, the development is unlikely to impact on any of these matters, and is therefore not a 'controlled action'. As such, a referral to the Commonwealth Government was not required.

3.12. Compliance with Clause 3B of Schedule 6A of the EP&A Act

Clause 3B(2)(d) of Schedule 6A of the EP&A Act specifies that a consent authority must not grant consent under Part 4 unless it is satisfied that a development is generally consistent with the terms of an approved Concept Plan.

The Department considers that this application is generally consistent with the Oakdale Central Concept Plan (as modified) as it will facilitate the construction of a warehouse and distribution facility. Detailed consideration of the terms of approval of the Concept Plan is provided in **Appendix E** of this report.

4. CONSULTATION AND SUBMISSIONS

4.1. Consultation

The Applicant, as required by the Secretary's Environmental Assessment Requirements (SEARs), undertook consultation with relevant local and State authorities as well as the community and affected landowners. The Department undertook further consultation with these stakeholders during the exhibition of the EIS and throughout the assessment of the application. These consultation activities are described in detail in the following sections.

4.1.1 Consultation by the Applicant

The Applicant undertook a range of consultation activities throughout preparation of the EIS including:

- a meeting with Fairfield City Council;
- email and phone consultation with Penrith City Council and Blacktown City Council, DPI, EPA, RMS and TfNSW; and
- consultation with the landowners immediately north of the site.

The Applicant advised the consultation with Council informed the development of the site plans in relation to traffic and water re-use.

4.1.2 Consultation by the Department

After accepting the EIS, the Department:

- made it publically available from **12 May 2016 to 10 June 2016** (30 days);
 - on the Department's website;
 - at the Department's Information Centre (Sydney);
 - at the Department's Parramatta Office (Valentine Street, Parramatta);
 - at Fairfield City Council (Avoca Road, Fairfield);
 - at Penrith City Council (High Street, Penrith); and
 - at Blacktown City Council (Flushcombe Road, Blacktown).

- notified landowners in the vicinity of the development about the exhibition period by letter;
- notified relevant State government authorities and Fairfield, Penrith and Blacktown Councils by letter; and
- advertised the exhibition in the Sydney Morning Herald, Daily Telegraph, Fairfield Champion, Penrith Western Weekender and Blacktown Advocate.

A total of 17 submissions were received in response to the Department's exhibition. This comprised submissions from Fairfield City Council, Blacktown City Council, Penrith City Council, 12 submissions from State government agencies and two submissions from the general public. None of the Council or agency submissions objected to the proposal. One of the public submissions objected to the proposal on the basis that it relied on outdated information and the other public submission raised concerns regarding the proximity of the facility to residential and employment areas. A summary of the issues raised in submissions is provided below. Each submission is provided in full at **Appendix G**.

4.2. Public Authorities

Fairfield City Council did not object to the development and advised it would not be providing any additional comments.

Penrith City Council did not object to the proposed development and advised it would not be providing any additional comments.

Blacktown City Council did not object to the development and advised the development would not generate any adverse traffic impacts in the Blacktown LGA.

SafeWork NSW (SafeWork) did not object to the development, however, it raised concerns regarding inconsistencies between the information provided in the EIS and the Preliminary Hazards Assessment (PHA), and the adequacy of the assessment of off-site impacts. The Department requested this be addressed in a Response to Submissions (RTS) report.

SafeWork also recommended conditions of consent requiring the Applicant to submit a Safety Case with its application for a Major Hazard Facility (MHF) license to demonstrate that on-site and off-site risks have been addressed, prior to detailed design of the safety related controls. The Department has recommended conditions of consent to limit the type and quantity of Dangerous Goods stored at the site and to consult with SafeWork.

Environment Protection Authority (EPA) did not object to the development and advised it meets the scheduled activity threshold for general chemical storage under the POEO Act and would require an EPL. The EPA also advised any specific conditions for the EPL would be considered following determination by the Department.

WaterNSW did not object to the development, however, it raised concerns regarding the risk of damage to WaterNSW's pipelines from vehicle accidents, warehouse fires and construction of the retaining walls. It requested conditions to ensure measures are implemented to prevent damage to the pipelines, including security fencing. The Department requested the Applicant identify suitable measures to protect WaterNSW's infrastructure in its RTS.

Sydney Water did not object to the development and advised a Section 73 Certificate is required. The Department has recommended a condition requiring the Applicant to obtain a Section 73 Certificate prior to commencement of operations.

Department of Primary Industries (DPI) did not object to the development and advised an assessment of groundwater impacts should be undertaken. DPI also advised that a license to carry out works may be required if excavation works have the potential to intercept groundwater resources. The Department requested the Applicant address the groundwater impacts associated with the construction of the Development in its RTS.

Fire and Rescue NSW did not object to the development, however, it requested conditions to ensure the Applicant provides a Fire Safety Study (FSS) in accordance with the requirements of *Hazardous Industry Paper No. 2 (HIPAP No. 2)*. Conditions requiring submission of a FSS to Fire and Rescue NSW prior to commencement of construction have been included in the consent.

Transport for New South Wales (TfNSW) raised no objection and advised further swept path analysis should be undertaken to determine if PBS Level 2B vehicles (which require a 30 m turning circle) can access the site. The Department requested the Applicant provide this information in its RTS. In addition, TfNSW requested the Applicant prepare a Construction Traffic Management Plan prior to commencement of works and a Workplace Travel Plan prior to the issue of any Occupation Certificate. These requirements are included in the conditions of consent.

Geological Survey New South Wales (GSNSW) did not object to the development and advised the EIS does not contain evidence of consultation with the holder of mining lease ML 1636 (CSR Building Products) and with the operator of the Austral Horsley Park Brick Plant, as required in the SEARs. The Department requested the Applicant address this issue in its RTS.

Office of Environment and Heritage (OEH) did not object to the development and raised concern regarding the potential impacts of the development on the biodiversity values of vegetation in Lot B and recommended conditions to prevent construction and operational impacts on the biodiversity lot. Measures to prevent impacts to the biodiversity lot, including prohibiting any storage of equipment or stockpiles within Lot B, have been included in the conditions of consent.

Endeavour Energy raised no objection and advised the Applicant should lodge an application for electricity supply via Endeavour Energy's Network Connections Branch.

TransGrid did not object to the development. However, due to the proximity of the site to TransGrid's infrastructure, it requested precautions be taken at the site in accordance with *TransGrid's Easement Guidelines for Third Party Development (V10)*. Measures to prevent impacts to TransGrid's infrastructure and maintain access during construction have been included in the conditions of consent.

Heritage Council of NSW (Heritage Council) did not object to the development and advised that no additional historic heritage provisions are required for the development.

4.3. General Public Submissions

The Department received two general public submissions, one submission objected to the development and the other submission raised concerns. The submissions raised the following issues:

- difficulties in accessing the EIS documents and making an online submission;
- use of outdated information associated with the previous development consent for the site;
- inadequate consideration of light pollution, noise impacts and impacts on the agricultural character of the area and land values;
- inadequate information regarding the Dangerous Goods that will be stored on-site and the protective measures proposed;
- size of the facility and its proximity to residential and employment areas; and
- security risks associated with the storage of Dangerous Goods.

The Department requested the Applicant address these issues in its RTS.

4.4. Response to Submissions

On 28 June 2016, the Applicant provided a response to the issues raised in the public authority and general public submissions (see **Appendix H**).

The RTS included the following additional information:

- supplementary hazards advice;
- revised architectural plans which incorporate two waste storage areas and a 100 m² increase to the office area; and
- evidence of consultation with the CSR Building Products, as the holder of a mining lease that may be affected by the proposed development.

The RTS was made publicly available on the Department's website on 6 July 2016, and referred to Fairfield City Council, EPA, DPI, GSNSW, WaterNSW, TfNSW, Fire and Rescue, SafeWork and the OEH. All agencies advised their concerns had been adequately addressed in the RTS with the exception of DPI Lands, which advised the potential for downstream contamination may require further consideration. WaterNSW requested

a copy of the Construction Environmental Management Plan and an opportunity to comment on the draft conditions of consent.

The Department considers the information provided in the RTS with respect to hazards, security arrangements, lighting, noise and visual amenity adequately address the concerns raised in the public submissions.

5. ASSESSMENT

The Department has considered the EIS, the issues raised in the submissions and the Applicant's RTS in its assessment of the proposed development. The Department considers the key assessment issues are:

- hazards and risks; and
- traffic and site access.

A number of other issues are considered to be minor and are addressed in **Table 4** under **Section 5.3** of this report.

5.1. Hazards and Risks

The application seeks consent to store a range of Dangerous Goods which classifies the proposed development as a 'potentially hazardous industry' under SEPP 33. Therefore, the potential hazards and risks associated with the proposed development requires a detailed analysis. The type and quantities of Dangerous Goods proposed to be stored at the site are shown in **Table 3** below.

Table 3: Approved Class and Quantity of Dangerous Goods to be Stored

Hazardous Material	Dangerous Goods Class	Total Storage Capacity
Aerosols (LPG)	2.1 (LPG) and 2.2	1,000 tonnes* (12,278 pallets)
Flammable liquids	3 (packing groups II and III)	1,500 m ³ (1,776 pallets)
Corrosive substances	8 (packing groups II and III)	1,000 m ³ (1,391 pallets)
Miscellaneous dangerous substances	9 (packing group III)	200 m ³ (265 pallets)

**Note: The quantity of aerosols is in relation to the quantity of liquefied petroleum gas (LPG) contained in aerosols cans as propellant. This quantity is estimated to be equivalent to 12,000 pallets of aerosol cans in total.*

As the proposed development is classified as a 'potentially hazardous industry', Clause 12 of SEPP 33 requires the preparation of a PHA in accordance with the Department's hazards guidelines. The Applicant submitted a PHA to assess the potential hazards and risks of the proposal.

The PHA identified seven hazardous scenarios for analysis, each of which underwent a detailed qualitative review to assess the potential for off-site impacts. The hazardous scenarios included release or spill of liquids or gas leading to a warehouse fire, smoke emission or environmental incidents. The Applicant also submitted a Transport Incident Management Strategy to identify the measures to manage incidents involving the transport of Dangerous Goods including the type of vehicles required and route selection.

As the proposed development is also classified as a Major Hazard Facility (MHF) under the *Work Health and Safety Regulation 2011*, the Applicant will be required to obtain a licence from SafeWork prior to operating. The Department has also consulted with SafeWork as part of its assessment of the proposed development.

5.1.1 Hazards Analysis

The Department's assessment of the proposal considered its compliance with *Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis* and *Hazardous Industry Planning Advisory Paper No. 4 – Risk Criteria for Land Use Safety Planning*.

The proposal seeks to store Class 2 and 3 Dangerous Goods in separate sections of a purpose built Dangerous Goods bunker with a total area of 7,360 m² (see **Figure 7**). Class 8 and 9 Dangerous Goods will be stored in the general warehouse area. The Dangerous Goods bunker provides a separate fire compartment within the warehouse.

The PHA considered the potential hazards and risks associated with the storage and handling of flammable gases and liquids, oxidising agents, corrosives and miscellaneous Dangerous Goods. Potential hazards

include release of flammable liquids or gases, resulting in an environmental incident, fire or explosion. All of these scenarios were analysed in the PHA.

The Dangerous Goods will be protected by sprinkler systems and hose reels with foam generating capability. The site will be capable of containing a minimum of 90 minutes of fire water (potentially containing leaked Dangerous Goods) and the Class 3 Dangerous Goods store will be capable of containing at least 120 m³ of fire water.

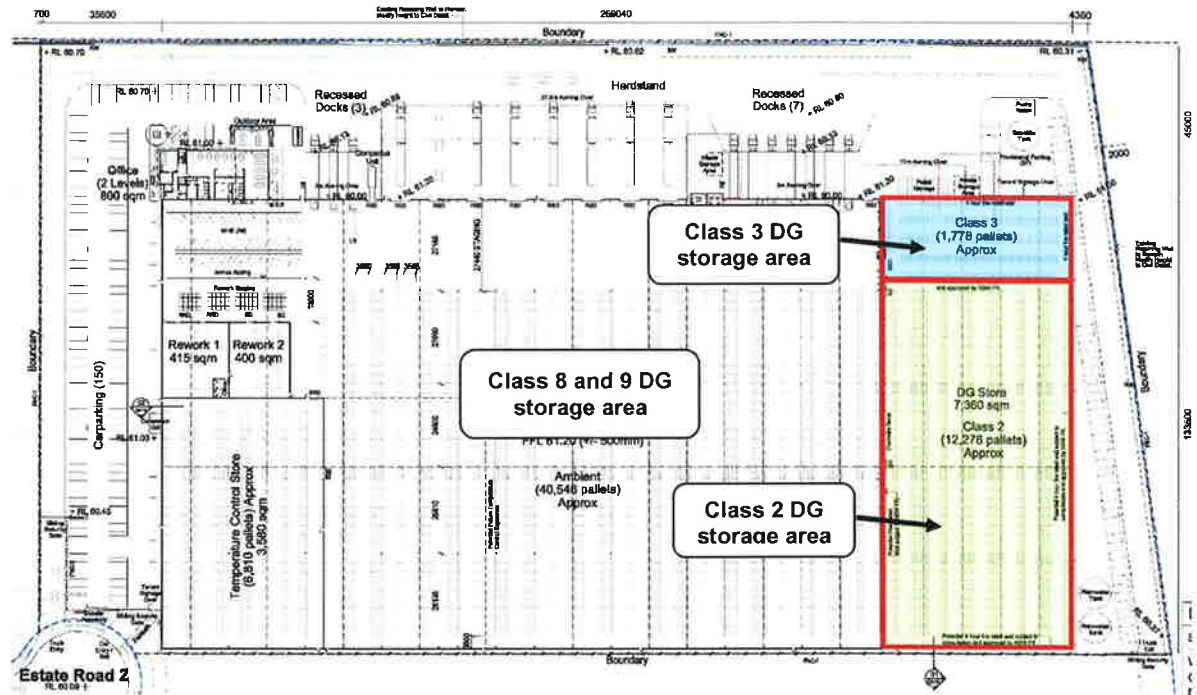


Figure 7: Dangerous Goods Storage Areas

The PHA estimated the fatality risk at the site boundary to be 3.53 chances per million per year (pmpp), which is well below the Department's risk criteria for industrial land uses (50 chances pmpp - see HIPAP No. 4). The closest residential receiver is 1.1 km away and the PHA concluded that the risks associated with injury and irritation at this location are also considered to be within the landuse safety criteria.

The EIS also considered the potential cumulative impacts of the proposal, together with one other facility located within the estate which stores Dangerous Goods. However, the contours from this facility were found to not overlap with Building 3B and as such, the PHA concluded the proposed facility does not increase the cumulative risk of the area to an unacceptable level.

SafeWork advised it had no further concerns regarding the proposed development, provided its recommended conditions were included in the consent.

The Department's Hazards Specialist has reviewed the PHA and the additional information provided in the RTS and concluded the proposed development will not result in unacceptable risks to the surrounding environment and communities as:

- the safeguards described in the PHA and RTS are appropriate for a facility of this nature;
- the MHF requirements under work health and safety regulations will be satisfied with the inclusion of recommended conditions of consent;
- the information in the EIS, PHA and RTS satisfy the requirements of the SEPP 33 and *HIPAP No. 4 – Risk Criteria for Land Use Safety Planning*; and
- incidents associated with the transport of Dangerous Goods will be satisfactorily addressed through the preparation of Transport Emergency Response Plans.

To ensure the safe operation of the facility, the Department has recommended conditions of consent requiring the Applicant to:

- limit the type and quantity of Dangerous Goods stored at the site;
- prepare a Fire Safety Study, Final Hazard Study, Emergency Plan and Safety Management System;
- undertake a risk assessment in consultation with SafeWork;
- prepare and submit to SafeWork a Safety Case and an application for an MHF licence; and
- consult with SafeWork prior to finalisation of the detailed design of the facility.

5.1.2 Transportation of Dangerous Goods

The EIS includes a Dangerous Goods Transport Incident Management Strategy which provides overarching goals and measures to guide preparation of Transport Emergency Response Plans (TERP) for the various Dangerous Goods that will be transported. It includes procedures for emergency response to incidents, protective and response equipment and materials, training and review.

WaterNSW raised concerns regarding the transportation of Dangerous Goods and the risk of damage to its pipelines. The Applicant provided additional information in the RTS regarding proposed fencing and guard rails to prevent vehicles and material falling into the pipeline. The Applicant has advised that the part of the site closest to the pipelines is where truck loading and unloading will occur and as such, trucks would not be travelling at any great speed in this location and therefore potential for vehicles and materials falling onto the pipeline would be minimal. In addition, the Applicant proposes to consult with WaterNSW during the final design of the collision guards and include detailed measures to prevent damage to the pipelines in the Construction Environmental Management Plan. WaterNSW confirmed the RTS adequately addressed its concerns.

The Department considers the risk of transporting Dangerous Goods has been adequately addressed with respect to both WaterNSW's pipelines and the broader road network. Potential risks to the pipelines can be managed through installation of collision guards and speed limits. Potential risks to the broader road network can be managed through implementation of preventative measures and emergency response procedures in the TERPs.

The Department's assessment concludes the risks associated with the transport of Dangerous Goods can be managed and has recommended TERPs specific to the type of Dangerous Goods to be transported are prepared prior to commencement of operations.

5.2. Traffic, Parking and Access

The development will increase traffic movement on the road network with heavy vehicles transporting goods to and from the site and light vehicles associated with staff and visitor trips. This has the potential to impact on the safety and capacity of the surrounding road network.

5.2.1 Road Network and Site Access

The WSEA is a large industrial area serviced by an existing local and regional road network with further upgrades underway. Old Wallgrove Road is a collector road currently being upgraded to a two/three lane divided carriageway in two segments. The Applicant is upgrading Old Wallgrove Road from Roberts Road to Millner Avenue under the Oakdale Central and Oakdale South, Horsley Park Voluntary Planning Agreement (VPA). RMS is upgrading Old Wallgrove Road from the M7 to Roberts Road (see **Figure 8**).

The internal road network and upgrades to the Old Wallgrove Road/Wallgrove Road intersection were approved under the Oakdale Central Concept Plan (MP 08_0065), with subsequent amendments to the internal road network approved in modifications to the Concept Plan. An extension to the internal road network to include the access road for the proposed development, and a further upgrade to Old Wallgrove Road, were approved under SSD 6078.

SSD 6078 originally permitted the construction of 88,295 m² of warehousing GFA on Lot 3. This GFA was reduced to 45,984 m² under SSD 6078 MOD 5 as a result of a reconfiguration of the building envelopes on Lot 3 and the removal of the subject site. The total warehousing GFA on Lot 3 (i.e. the total approved under SSD 6078 added to the GFA for the subject site) is 85,949 m², which is less than that originally contemplated under SSD 6078. The Department is satisfied the proposed development will not result in any adverse traffic impacts in the locality noting that the GFA originally approved (and associated road upgrades) under SSD

6078 is greater than the cumulative total of that currently approved under SSD 6078 and proposed by this application.

Council and RMS did not raise any objection to the access arrangements.

Access to Oakdale Central is provided via Old Wallgrove Road, which is a collector road providing direct access to the M7 Motorway, approximately 3.2 km north-east of the site. Old Wallgrove Road is currently being upgraded to a two/three lane divided carriageway as part of the upgrade works required under the Oakdale Central (MP 08_0065) and Oakdale South (SSD 6917), Horsley Park VPA (see **Figure 8**).

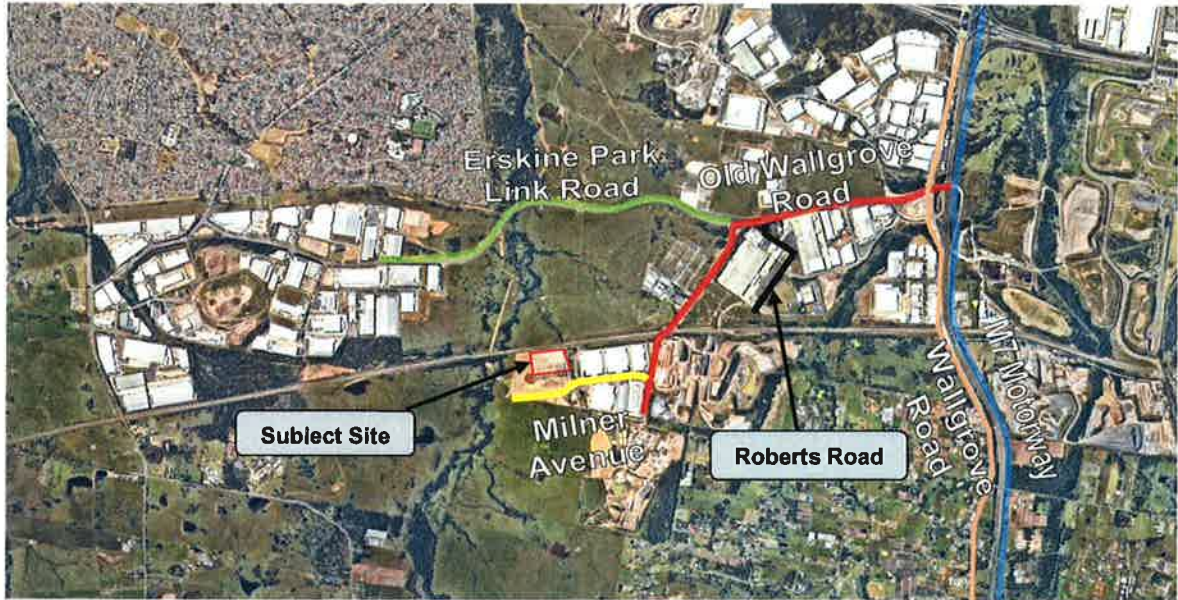


Figure 8: Local Road Network

The subject site is accessed from Estate Road 2 via Milner Avenue (see **Figure 9**). The extension of Millner Avenue was approved under SSD 6078 and is currently under construction. The construction of Estate Road 2, extending north from Millner Avenue to the site, was approved under SSD 6078 MOD 5 (see **Figure 5**).

Heavy vehicles will access the site from Estate Road 2 and exit directly to Millner Avenue via a right of carriageway through Lot 3C (see **Figure 9**). Cars will enter and exit the car park via a driveway off Estate Road 2, to the east of the heavy vehicle access. Truck access and egress has been designed to accommodate B-Double vehicles, which are the largest vehicles proposed to access the site.

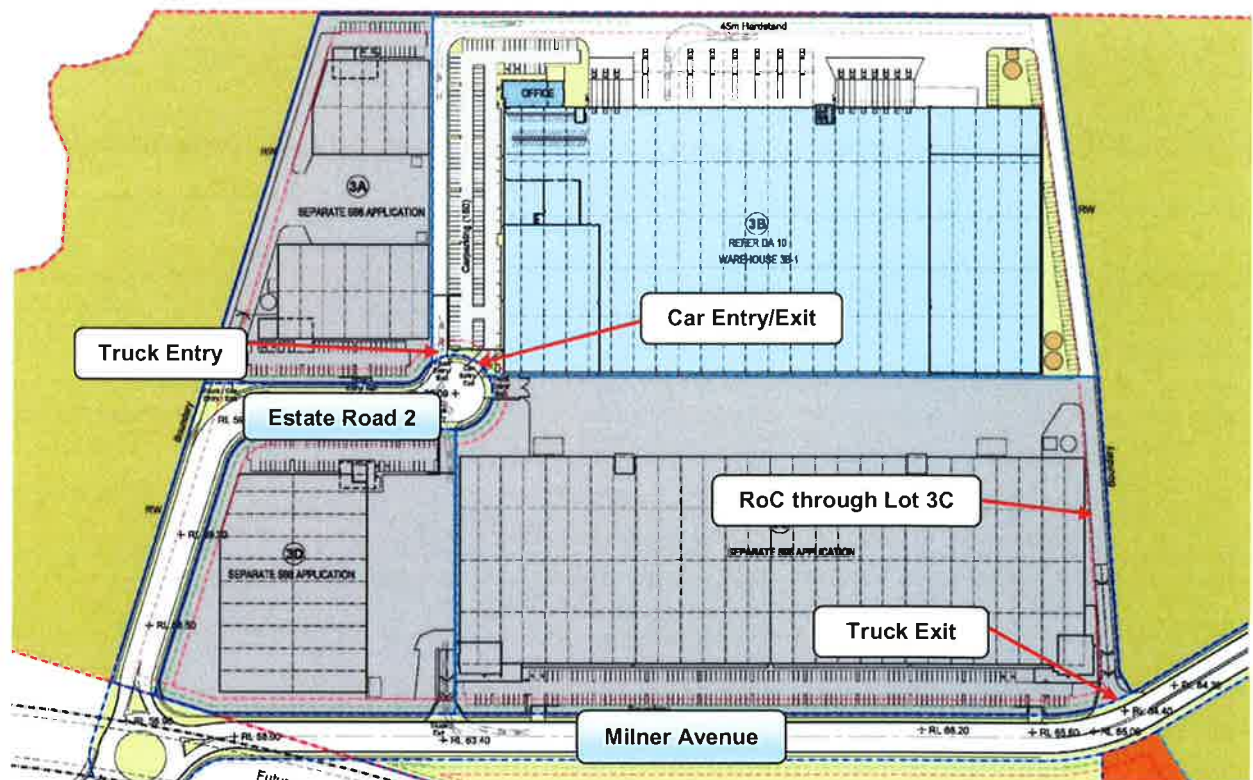


Figure 9: Site Access Arrangement

5.2.2 Traffic Impacts

The EIS includes a Traffic Report prepared by Ason Group. As the GFA associated with the proposed development is less than that approved under SSD 6078 (as modified), the Traffic Report is based on traffic modelling undertaken for SSD 6078.

The Traffic Report concluded:

- the proposed development comprises a reduced GFA to that approved for Lot 3 under SSD 6078 and therefore, will generate less traffic than was assessed for SSD 6078 and further modelling was not undertaken;
- construction traffic volumes will be similar to those assessed for Lot 3 under SSD 6078 (an average of 50 light vehicle movements per day throughout the construction period and an average of four to 72 trucks per day, depending on the stage of construction);
- the development will generate 776 vehicle movements per day during operations, including 542 car movements and 234 commercial vehicle movements. Around 67 of these movements will occur during the road network peak hours; and
- the access and internal design complies with the requirements of AS2890.1 and AS2890.2.

The Councils and RMS did not raise any concerns with the traffic impacts of the development. TfNSW requested the provision of a swept path analysis of vehicles up to 30 m in length be provided and conditions of consent include a requirement for a Construction Traffic Management Plan prior to commencement of works and a Workplace Travel Plan. The Applicant provided an updated Swept Path analysis demonstrating vehicles up to 30 m in length (A-Doubles) can be accommodated at the site.

The Department considers the traffic assessment has adequately identified the traffic volumes generated by the development. The Department's assessment concludes the existing regional road network can accommodate the increase in traffic generated by the development as the WSEA is a large employment precinct in proximity to existing major roads and access to motorways.

Oakdale Central has been designed to accommodate the traffic generated by the Dangerous Goods storage facility, subject to the completion of the road upgrades currently being undertaken. The Applicant has advised

its upgrade of Old Wallgrove Road is expected to be complete in November 2016. The RMS portion of the upgrade is expected to be complete in 2017. The proposed development is suitably located in the WSEA, which comprises a large employment precinct with an existing major road network and access to motorways.

The Department is satisfied the proposed development will not generate unreasonable traffic impacts, and has recommended the following conditions of consent to manage the traffic generated by the development:

- construction and operational traffic is managed in accordance with an approved Traffic Management Plan;
- a Workplace Travel Plan is prepared prior to issue of any Occupation Certificate and implemented to reduce travel demand associated with private vehicles; and
- all car parking and internal road surfaces are designed and constructed in accordance with the relevant Australian Standards.

5.2.3 Car Parking

The proposal will provide 207 car parking spaces including 150 dedicated spaces on the western side of the building and 57 provisional spaces on its eastern side. This meets the parking requirements specified in the Concept Plan (207 spaces, based on one space/200 m² GFA for the warehouse and one space/40 m² GFA for the office) and RMS' *Guide to Traffic Generating Developments* (123, based on one space/300 m² GFA for the warehouse and office).

The Councils and RMS did not raise any concerns with the proposed car parking of the development.

The Department's assessment concludes adequate parking has been provided in accordance with the Concept Plan and RMS' *Guide to Traffic Generating Developments*.

5.3. Other Issues

The Department's assessment of other issues is provided in **Table 4**.

Table 4: Assessment of Other Issues

Consideration	Recommended Conditions
Air Quality	
• An Air Quality Impact Assessment (AQIA) was prepared by SLR which modelled air pollution dispersion. The AQIA concluded: – impacts would be the same or lower than those assessed for SSD 6078; – the dust generated during construction is expected to be minimal as bulk earthworks were completed under previous approvals; – impacts during construction will be unchanged from the impacts assessed under SSD 6078; – emissions during operation will be restricted to vehicle operations; and – the dispersion modelling results show TSP, PM₁₀, PM_{2.5} and NO₂ concentrations during operation of the facility will be below the NSW EPA ambient air quality criteria. • The Department has concluded the proposed development is unlikely to generate any significant air quality impacts during the construction and operational phases of the development. • The Department has recommended conditions to ensure the construction and operational phases of the development incorporate best practice air quality management techniques.	Require the Applicant to: • implement best practice management and mitigation measures to minimise dust emissions from the site.
Noise and Vibration	
• The Applicant's Noise Impact Assessment (NIA) assessed the cumulative construction and operational noise impacts of the development against the noise limits set under SSD 6078, the <i>Industrial Noise Policy</i> (INP), <i>Interim Construction Noise Guideline</i> (ICNG) and <i>Road Noise Policy</i> (RNP). • The NIA concluded: – noise generated during construction will comply with the construction noise criteria under the Statement of Commitments of the Concept Plan (MP 08_0065) at all receivers; – development would comply with existing operational noise limits at the relevant receivers under the Concept Plan approval (MP 08_0065); and – the cumulative impacts with other warehouse operations within the Oakdale Central Estate (Lots 1, 2, 3A, 3C and 3D) would not exceed the project noise limits set in the Concept Plan (MP 08_0065).	Require the Applicant to: • comply with the construction noise levels under the Concept Plan and ensure noise does not exceed the project specific noise levels predicted for the individual warehouse building on Lot 3B.

Consideration	Recommended Conditions
- The Department's assessment concludes the noise emissions from the development will not exceed the noise limits for the Oakdale Central estate as specified in the Concept Plan (MP 08_0065). The Department agrees the proposed development would not result in any adverse noise or vibration impacts at the surrounding receivers and would not exceed the cumulative noise levels approved under the Concept Plan approval. - The Department has recommended conditions to ensure noise levels during construction and operation, when combined with the activities of other tenants in Oakdale Central, do not exceed the noise levels approved under the Concept Plan.	
Visual and Landscaping	
- Warehouse 3B is surrounded by industrial zoned land and is centrally located within Lot 3 which also contains warehouses 3A, 3C and 3D approved under SSD 6078 (as modified). - The proposed warehouse would be of similar bulk and scale to existing warehouses in the WSEA and in Oakdale Central. - The Dangerous Goods storage facility would be screened by proposed warehouse 3C when constructed. - The application proposes to create a 5,612 m² landscaped area comprised of: - native trees ranging in height between 4 and 25 m; - shrubs and accent plants ranging in height between 1 and 4 m; and - native groundcovers and grasses. - The Department's assessment concludes the siting and location of the proposed warehouse building would mitigate the visual impacts of the building. Its distance from residential areas (at least 1.1 km), proposed landscaping treatments and the future construction of surrounding warehouses will screen the proposed development from public vantage points. The proposed landscaping treatments will also soften the bulk and scale of the building. - The Department has recommended conditions to ensure landscape works are undertaken in accordance with the Landscape Plans provided with the EIS.	Require the Applicant to: implement the landscape works in accordance with the approved landscape plans.
Waste	
- The EIS includes a Waste Management Plan (WMP) to quantify waste streams during construction and operation of the proposal and identify waste minimisation, re-use and recycling opportunities. - Construction waste would include excavated material, geotextile materials, plant maintenance products, batteries, packaging, general domestic waste and wastewater. - Operational waste would comprise general non-putrescible waste and recyclable waste such as domestic waste, green waste from landscaped areas, bulk packaging, furniture, e-waste, plant maintenance products and wastewater. - The WMP and architectural plans identify the locations of the waste compactor and waste storage areas during operation. - Construction and operational waste will be re-used on-site or transported off-site to landfill or a recycling facility. - The Department's assessment concludes best practice measures have been proposed to minimise and manage waste over the life of the development. - The Department has recommended standard conditions to ensure waste from the development is managed appropriately.	Require the Applicant to: implement the WMP for the duration of construction and operational phases of the development.
Contributions	
- Clause 29 of the WSEA SEPP requires satisfactory arrangements to be made for contributions toward regional transport infrastructure and services in the WSEA. - The Applicant is a party to a VPA which was executed on 12 March 2015. - Under this VPA, the Applicant is undertaking physical 'works-in-kind' towards Old Wallgrove Road, which is a regional road servicing the broader Oakdale Estate (Oakdale Central, South and West). - The Department has reviewed the VPA and is satisfied it provides suitable contributions toward regional road infrastructure as required under Clause 29 of the WSEA SEPP. Accordingly, the Secretary issued a Satisfactory Arrangements Certificate on 5 September 2016 (see Appendix I) to certify satisfactory arrangements have been made for the proposed development. - The VPA does not preclude the payment of S94A contributions and therefore, the Applicant is required to pay a S94A contribution in accordance with the	Require the Applicant to: pay S94A contributions in accordance with the <i>Fairfield City Council Indirect S94 Development Contribution Plan 2011</i>, prior to release of a Construction Certificate.

Consideration	Recommended Conditions
<i>Fairfield City Council Indirect S94 Development Contribution Plan 2011, prior to release of a Construction Certificate.</i>	
Soils and Water	
Construction	Require the Applicant to:
The building pad for warehouse 3B has been finished under DA652.1/2013. Minimal grading would be required to enable the construction of warehouse 3B.	prepare a stormwater management plan to the satisfaction of the Secretary;
Flooding	- ensure construction works are not undertaken on Biodiversity Lot B; and - implement ESC measures to minimise run-off into Biodiversity Lot B.
- Detailed flood investigations have previously been carried out for the pad levels approved under DA652.1/2013. - The warehouse finished flood levels (FFL) would have a 300 mm freeboard above the 100 year Average recurrence Interval (ARI) flood event. - Stormwater flows from the Lot 3B warehouse would discharge into the existing bio-retention basin to the west. - Stormwater management infrastructure for Lot 3 was constructed under SSD 6078 and included on-site detention and bio-retention basins designed to accommodate stormwater flows for all of Lot 3 up to the 100 year ARI event and would ensure Councils water quantity and quality targets are met. - The Department's assessment concludes the proposed stormwater management measures will prevent off-site impacts and maintain the pre-development hydrology of the area. - The Department has recommended standard conditions for stormwater management to ensure appropriate measures are implemented during construction and maintained during operation of the development.	

6. CONCLUSION

The Department's assessment of the application has fully considered all relevant matters under section 79C of the EP&A Act, the objects of the EP&A Act, the principles of ESD and the relevant State environmental planning policies.

The Department has also assessed the proposal against the strategic goals and directions outlined in the *Premier's Plan* and *A Plan for Growing Sydney* and has concluded the application will:

- assist in the transformation of Western Sydney and support Fairfield's role in strengthening manufacturing industries;
- provide additional employment opportunities within close proximity to existing residential development; and
- support the development priority economic sector by developing appropriately zoned industrial land.

The Department's assessment concludes the proposal will not result in any adverse environmental, traffic or amenity impacts during both the construction and operation of the development, subject to the implementation of the recommended conditions of consent. The proposed development will provide a purpose built facility that will safely store Dangerous Goods for the supermarket and chemist industries.

The Department considers the impacts of the development can be appropriately managed through implementation of the recommended conditions of consent. Consequently, the Department considers the development is in the public interest and should be approved, subject to conditions.

7. RECOMMENDATION

It is recommended the Executive Director, Key Sites and Industry Assessments:

- **consider** the findings and recommendations of this report;
- **approve** the development application for the Oakdale Central Dangerous Goods Facility (SSD 7491) under Section 89E of the *Environmental Planning and Assessment Act 1979*; and
- **sign** the attached development consent (refer **Appendix A**).


Chris Ritchie
Director
Industry Assessments
6/9/16


Arthea Sargeant 16/9/16
Executive Director
Key Sites and Industry Assessments

APPENDIX A CONDITIONS OF CONSENT

The Development Consent can be viewed on the Department's website at the link below.

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7491

APPENDIX B CONSIDERATIONS UNDER SECTION 79C OF THE EP&A ACT

Section 79C of the EP&A Act requires the consent authority, when determining a development application, to take into consideration the following matters:

(a) the provisions of: (i) any environmental planning instrument, and (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and (iii) any development control plan, and (iiia) any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and (v) any coastal zone management plan (within the meaning of the <i>Coastal Protection Act 1979</i>) that apply to the land to which the development application relates,	Detailed consideration of the provisions of all environmental planning instruments (including draft instruments subject to public consultation under this Act) that apply to the proposed development is provided in Appendix C of this report. N/A Under clause 11 of the SRD SEPP, development control plans do not apply to State significant development. The Applicant has entered into the <i>Oakdale Central and Oakdale South Horsley Park Planning Agreement</i> which was executed on 12 March 2015. The Department has recommended conditions to ensure the Applicant complies with the terms of the VPA and pays S94A contributions in accordance with the <i>Fairfield City Council Indirect S94 Development Contribution Plan 2011</i>, prior to release of a Construction Certificate. The Department has assessed the development in accordance with all relevant matters prescribed by the regulations, the finding of which are contained in this report. The site is not located within the coastal zone and no coastal zone management plan applies to the development.
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department has considered the likely impacts of the development in detail in Section 5 of this report. The Department concludes all environmental impacts can be appropriately managed and mitigated through the recommended conditions of consent.
(c) the suitability of the site for the development,	The development site is located in Precinct 8 of the WSEA which is strategically identified land for a range of industrial and employment generating uses. The site has access to the M7 Motorway via Millner Avenue and Old Wallgrove Road. The Department considers the site is suitable for the development.
(d) any submissions made in accordance with this Act or the regulations,	All matters raised during submissions have been summarised in Section 4 of this report and given due consideration as part of the assessment of the proposed development in Section 5 of this report.
(e) the public interest.	The development would generate 250 jobs during construction and 150 jobs during operation. The development is a considerable capital investment in the Horsley Park area that would contribute to the provision of local jobs. The environmental impacts of the development would be appropriately managed via the recommended conditions. On balance, the Department considers the development is in the public interest.

APPENDIX C CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The SRD SEPP identifies certain classes of development as SSD. In particular, construction and operation of a chemical, manufacturing and related industry that meets the criteria in Clause 10 of the SRD SEPP is classified as SSD. The proposal satisfies the criteria in Clause 10(2)(c) as it involves construction of a chemical storage facility with a capital investment value greater than \$30 million.

The proposed development also satisfies the criteria in Clause 10(3) of the SRD SEPP, however, sufficient information was not provided to confirm this prior to issues of the SEARs. Therefore, the SEARs were issued on the basis the proposed development satisfied the criteria in clause 10(2)(c).

State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP)

The WSEA SEPP aims to promote economic development and employment, provide for the orderly and coordinated development of land, rezone land for employment of conservation purposes, ensure development occurs in a logical, cost-effective and environmentally sensitive manner and conserve and rehabilitate areas with high biodiversity, heritage or cultural value. Part 5 of the WSEA SEPP sets out the principal development standards within the WSEA. The Department's assessment against the relevant development standards of the WSEA SEPP is provided at **Appendix D**.

Clause 29 of the WSEA SEPP requires the Applicant to provide evidence satisfactory arrangements are in place for the provision of regional transport infrastructure and services. The Department issued a Satisfactory Arrangements Certificate, dated 11 March 2015, confirming provisions are in place for the provision of State infrastructure. These arrangements are in the form of the *Oakdale Central and Oakdale South, Horsley Park Voluntary Planning Agreement (VPA)* executed on 12 March 2015.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The ISEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure, and requiring consultation with relevant public authorities during the assessment process.

The proposal is a traffic generating development in accordance with clause 104 of the ISEPP as it seeks to construct a warehouse facility with an area exceeding 20,000 m² with ancillary parking for over 200 vehicles. Consequently, it requires referral to RMS for comment prior to determination.

The Department liaised with RMS prior to the issue of SEARs for the proposal. RMS indicated it had no further request for inclusion.

The Department's review of the proposed development concluded the site layout and design is considered to allow the efficient movement of people and freight to and from the site, and is not anticipated to result in any traffic safety, road congestion or parking issues. The proposal is therefore consistent with the ISEPP.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)

SEPP 33 aims to identify developments with the potential for significant off-site impacts, in terms of risk and/or offence (odour, noise etc). A development is defined as potentially hazardous and/or potentially offensive if, without mitigating measures in place, it would have a significant risk and/or offensive impact at off-site receptors.

The Applicant has indicated a range of dangerous goods will be stored within the facility including Class 2 Dangerous Goods (aerosols) such as Mortein spray, deoderants and aerogard; 1,500 m³ of Class 3 Dangerous Goods (flammable liquids) such as metal polish; 1,000 m³ of Class 8 Dangerous Goods (corrosive substances) such as Dettol bathroom cleaner and 200 m³ of Class 9 Dangerous Goods (miscellaneous Dangerous Goods and articles) such as liquid air fresheners.

The proposed development is classified as a 'potentially hazardous industry' under Clause 3 of *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development* (SEPP 33) as the storage capacity exceeds the threshold criteria for the storage of Dangerous Goods. The Applicant submitted a PHA to assess the potential hazards and risks of the proposal, which concluded the facility would only be classified as a potentially hazardous facility. The Department has recommended conditions of consent requiring the Applicant limit the type and quantity of Dangerous Goods stored at the site and prepare a Fire Safety Study, Final Hazard Study, Emergency Plan and Safety Management System.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

SEPP 55 aims to provide a State wide approach to the remediation of contaminated land. It aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying:

- the circumstances under which consent is required;
- the relevant considerations for consent to carry out remediation work; and
- that remediation works undertaken meet certain standards and notification requirements.

The potential for site contamination on the subject land was assessed by the Department under the Concept Plan. This assessment considered the land does not have a significant risk of contamination, based on its historical use as a stock grazing property and the results of onsite investigations. The Department considers the development is consistent with the aims, objectives and provisions of SEPP 55.

State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)

SEPP 64 aims to ensure any signage visible from a public place is compatible with the amenity and visual character of the area, is suitably located and is of high quality. SEPP 64 contains development controls and matters for consideration for a range of advertisements and locations.

The application seeks to install building information signs on the northern and western elevations of the proposed warehouse building. As the proposed signage is business identification signage, the provisions of SEPP 64 do not apply. Notwithstanding, the Department has assessed the size and location of the proposed signage and is satisfied it has been designed to integrate with the treatments and materials of the building façade and comply with Council's DCP requirements, which permits up to 0.5 m² for every metre of lineal street frontage. The Department has recommended conditions of consent to ensure all signage is designed and installed in accordance with the specifications provided in the architectural plans.

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

The SEPP aims to manage and develop mineral, petroleum and extractive industries to promote the social and economic welfare of the state, facilitate the orderly and economic use of land containing mineral, petroleum and extractive mineral resources, promote the development of significant mineral resources and establish planning controls to encourage ecologically sustainable development through environmental assessment.

Clause 13(1) of the SEPP applies to development applications located on land immediately before its determination in the vicinity of an existing mine, petroleum production facility or extractive industry. Clause 13(2) requires the consent authority to:

- (a) consider:
 - (i) the existing uses and approved uses of land in the vicinity of the development, and
 - (ii) whether or not the development is likely to have a significant impact on current or future extraction or recovery of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources), and
 - (iii) any ways in which the development may be incompatible with any of those existing or approved uses or that current or future extraction or recovery, and
- (b) evaluate and compare the respective public benefits of the development and the uses, extraction and recovery referred to in paragraph (a) (i) and (ii), and
- (c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a) (iii).

The site is within the Transition Area for Mining Lease 1636, located to the south-east of the site and currently held by CSR Building Products Limited (see **Figure 10**). Development of the site for a chemical storage facility will sterilise the ability to recover the clay/shale resources for brick manufacture. Notwithstanding, this is an acceptable outcome on the basis that extractive industries are prohibited within IN1 zoned land under the WSEA SEPP.



Figure 10: Location of ML 1636 to Development Site

Sydney Regional Environmental Plan No 9 - Extractive Industry (No 2 - 1995) (SREP No. 9)

SREP No. 9 aims to facilitate the development of extractive resources in proximity to the Sydney metropolitan area, ensure consideration is given to the impact of encroaching development on extractive industries, promote the carrying out of extractive industries in an environmental acceptable manner and prohibit extractive industries on environmentally sensitive land.

The site is zoned IN1 – General Industrial under the WSEA SEPP. Extractive industries are prohibited under the WSEA SEPP. Clause 4 of SREP No. 9 states it prevails to the extent of any inconsistency, except a State environmental planning policy. Therefore, the provisions of the WSEA SEPP prevail over SREP No. 9.

Sydney Regional Environmental Plan No. 20 – Hawkesbury – Nepean River (No 2 – 1997) (SREP 20)

SREP 20 aims to protect the environment of the Hawkesbury Nepean River System by ensuring the impacts of future land uses are considered in a regional context. It provides general and specific planning policies, recommended strategies and development controls aimed at minimising impacts to environmentally sensitive areas in the catchment.

The subject site is in the South Creek catchment of the Hawkesbury-Nepean River and is not in the vicinity of any wetlands, scenic corridors or areas of regional or local significance. Further, the proposed development includes a number of water management measures to ensure the proposed development will not adversely impact on the hydrology or water quality of the South Creek catchment. This includes directing stormwater to the bio-retention basin to the west of the site to ensure overland water flows post development are the same as the existing flows. The Department is satisfied the proposed development is consistent with the requirements of SREP 20.

Fairfield Local Environmental Plan 2013

Clause 8 (2) of the WSEA SEPP states the *Fairfield Local Environmental Plan 2013* (Fairfield LEP) does not apply to land within the Fairfield Local Government Area covered by the WSEA SEPP. Therefore, the Fairfield LEP does not apply to the project.

APPENDIX D COMPLIANCE WITH THE WSEA SEPP

Table 5 Table 5 below contains the Department's assessment of the development against the relevant development standards of the WSEA SEPP.

Table 5: Compliance with Principal Development Standards of the WSEA SEPP

WSEA Principal Development Standard	SSD 7491	Department Comment
Clause 18(1) - Requirement for development control plans A consent authority must not grant consent to a development application unless a development control plan (DCP) has been prepared for that parcel of land.		Clause 11 of the SRD SEPP confirms DCPs do not apply to State significant development. In addition clause 7 of the SRD SEPP specifies the SRD SEPP prevails to the extent of any inconsistency with any other EPI made prior to the SRD SEPP. Therefore, a DCP is not required for the site.
Cl. 20 Ecologically Sustainable Development The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that the Development contains measures designed to minimise: (a) the consumption of potable water, and (b) greenhouse gas emissions.	The application includes a Sustainability Management Plan which details measures to minimise energy and potable water consumption including use of natural light and ventilation, LED lighting and a high efficiency air conditioning system.	The Department is satisfied adequate ESD measures will be implemented to ensure potable water consumption and greenhouse gas emissions will be minimised.
Cl. 21 Height of buildings The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that: (a) building heights will not adversely impact on the amenity of adjacent residential areas, and (b) site topography has been taken into consideration.	The maximum height of the DG facility is 12.8 m at the ridgeline.	The Department has assessed the height of the DG facility in Table 4 above and is satisfied the height of the building will not adversely impact the amenity of residential areas and the topography of the site has been taken into account in the design of the facility.
Cl. 22 Rainwater harvesting The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that adequate arrangements will be made to connect the roof areas of buildings to such rainwater harvesting	The proposed development includes a rainwater re-use and reticulation system will harvest rainwater from the roof of the building and re-use it in all toilets, the irrigation system and truck wash.	The Department is satisfied the proposed rainwater re-use and reticulation system complies with the rainwater harvesting requirements of the WSEA SEPP. The Department has recommended conditions to ensure the development is undertaken in accordance with the

WSEA Principal Development Standard	SSD 7491	Department Comment
scheme (if any) as may be approved by the Director-General.		approved Stormwater Management Report.
Cl. 23 Development adjoining residential land Clause 23 applies to any land to which this Policy applies that is within 250 metres of land zoned primarily for residential purposes and aims to ensure a range of design and operational features are taken into account with respect to residential visual and acoustic amenity and landscaping.	The site of the DG facility is not within 250 m of land zoned primarily for residential purposes.	As the development is located more than 250 m from any land zoned for residential purposes, clause 23 of the WSEA SEPP does not apply to the development.
Cl. 24 Development involving subdivision The consent authority must not grant consent to the carrying out of development involving the subdivision of land unless it has considered the following: (a) the implications of the fragmentation of large lots of land, (b) whether the subdivision will affect the supply of land for employment purposes, (c) whether the subdivision will preclude other lots of land to which this Policy applies from having reasonable access to roads and services.	The application does not proposed to subdivide the site.	N/A. As subdivision is not proposed for Lot 3, clause 24 of the WSEA SEPP does not apply.
Cl. 25 Public utility infrastructure (1) The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required. (2) In this clause, public utility infrastructure includes	The application does not seek to construct, extend or augment any public utility infrastructure.	Infrastructure serving requirements were assessed for the entire Oakdale Central Industrial Estate, including Lot 3B, under MP 08_0065 and SSD 6078. The Department is therefore satisfied public utility infrastructure is in place and has sufficient capacity to service the DG facility.

WSEA Principal Development Standard	SSD 7491	Department Comment
infrastructure for any of the following: (a) the supply of water, (b) the supply of electricity, (c) the supply of natural gas, (d) the disposal and management of sewage. (3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.		
CI 26 Development on or in vicinity of proposed transport infrastructure routes (1) This clause applies to any land to which this Policy applies that is situated on or in the vicinity of a proposed transport infrastructure route as shown on the Transport and Arterial Road Infrastructure Plan Map. (2) The consent authority must refer to the Director-General of the Department of Planning any application for consent to carry out development on land to which this clause applies. (3) The consent authority must, before determining any such development application, consider any comments made by the Director-General as to the compatibility of the Development to which the application relates with the proposed transport infrastructure route concerned.	The Development is located in the vicinity of a section of the proposed Southern Link Road Network (SLRN) under the Transport and Arterial Road Infrastructure Plan Map. An overpass is proposed to the south-west of the site, over the roundabout/turning head at the intersection of Millner Avenue and Estate Road 2. This intersection was approved under SSD 6078 MOD 5.	The Department has concluded the proposed development would not compromise the delivery of the SLRN in the future. The Department therefore considers the Development complies with clause 26 of the WSEA SEPP.
CI. 27 Exceptions to development standards	The proposal does not include a request for an exemption to a development standard under the WSEA SEPP.	N/A. The Applicant has not sought an exemption to any development standards under the WSEA SEPP.
CI 29 (3). Industrial Release Area – Satisfactory Arrangements		As detailed in Table 4 of this report, satisfactory arrangements have been made to contribute to regional transport infrastructure and services under the

WSEA Principal Development Standard	SSD 7491	Department Comment
Despite any other provision of this Policy, the consent authority must not consent to development on land to which this clause applies unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure and services (including the Erskine Park Link Road Network) in relation to the land to which this Policy applies.		<i>Oakdale Central and Oakdale South, Horsley Park Voluntary Planning Agreement (VPA)</i> executed on 12 March 2015. Therefore, the Department is satisfied the requirements of clause 29 have been met.
CI 31 Design Principles In determining a development application that relates to land to which this Policy applies, the consent authority must take into consideration whether or not: (a) the Development is of a high quality design, and (b) a variety of materials and external finishes for the external facades are incorporated, and (c) high quality landscaping is provided, and (d) the scale and character of the Development is compatible with other employment-generating development in the precinct concerned.	A variety of colours, materials and configurations have been incorporated into the building design, presenting an articulated form to the streetscape. The Landscape Plan includes native species of varying height and habit to provide screening and overall softening of the development. The building and landscaping are designed to integrate with the existing and proposed warehouses within the Oakdale Central Estate.	The Department has concluded the development is of a high quality design compatible with other developments in Precinct 8. The Department has recommended conditions to ensure the development is undertaken in accordance with the approved architectural and landscape plans.

APPENDIX E COMPLIANCE WITH THE CONCEPT PLAN (MP 08_0065)

Table 6 below contains the Department's assessment of the development against the terms of approval of the Concept Plan.

Table 6: Compliance Against Concept Plan

Condition Number	Comment	Compliance																															
Condition 6 - Noise Limits																																	
The proponent shall ensure that the noise generated by the project does not exceed the noise impact assessment criteria in Table 1. Table 1: Project Noise Limits (dB(A)) <table><tr><th rowspan="2">Location</th><th colspan="2">Day</th><th colspan="2">Evening</th><th colspan="3">Night</th></tr><tr><th>L_{Aeq}</th><th>L_{Aeq} (15 min)</th><th>L_{Aeq}</th><th>L_{Aeq} (15 min)</th><th>L_{Aeq}</th><th>L_{Aeq} (15 min)</th><th>L_A eq (1 min)</th></tr><tr><td>A</td><td>55</td><td>39</td><td>45</td><td>39</td><td>40</td><td>39</td><td>49</td></tr><tr><td>B, C, D and E</td><td>50</td><td>39</td><td>45</td><td>39</td><td>40</td><td>39</td><td>49</td></tr></table>	Location	Day		Evening		Night			L _{Aeq}	L _{Aeq} (15 min)	L _{Aeq}	L _{Aeq} (15 min)	L _{Aeq}	L _{Aeq} (15 min)	L _A eq (1 min)	A	55	39	45	39	40	39	49	B, C, D and E	50	39	45	39	40	39	49	Appendix 10 of the Applicant's EIS demonstrates noise from the proposal, including cumulative noise, would not exceed the limits in Table 1. The Department has reviewed Appendix 10 of the EIS and is satisfied the development would comply with the noise limits contained in the Concept Plan.	Yes
Location		Day		Evening		Night																											
	L _{Aeq}	L _{Aeq} (15 min)	L _{Aeq}	L _{Aeq} (15 min)	L _{Aeq}	L _{Aeq} (15 min)	L _A eq (1 min)																										
A	55	39	45	39	40	39	49																										
B, C, D and E	50	39	45	39	40	39	49																										
Condition 9 - Industrial Buildings																																	
The Proponent shall ensure that in seeking approval for the implementation of the various industrial buildings, the application includes: (a) a detailed description of the layout and design of the proposed development; (b) an assessment demonstrating that this layout and design is generally consistent with the modified Oakdale Central Concept Plan Controls; (c) satisfactory arrangements for local and regional infrastructure;	Part C of the EIS and Appendix 4 of the RTS describe the layout and design of the proposed development. Section 4.13 of the EIS demonstrates the layout and design are generally consistent with the Concept Plan development controls; - The Secretary issued a Satisfactory Arrangements Certificate on 5 September 2016 to certify that satisfactory arrangements have been made for SSD 6078. - The VPA does not preclude the payment of S94A contributions and therefore, the Applicant is required to pay a S94A contribution in accordance with the <i>Fairfield City Council Indirect S94 Development Contribution Plan 2011</i>, prior to release of a Construction Certificate.	Yes Yes Yes, subject to the imposition of conditions																															

(d)	building design including: • consideration of the height, bulk and scale of the proposed buildings; • an assessment of compliance with the Building Code of Australia; • water and energy requirements and opportunities for incorporating efficiency measures;	The height, bulk and scale of the building is considered in Section 4.10 and 6.5 of the EIS and Appendix 4 of the RTS. The reports conclude the proposed development is consistent with the scale of similar warehouse developments in the WSEA, and is generally consistent with the terms of the Concept Plan.	Yes, subject to the imposition of condition
		The Department has reviewed the Applicant's design statement and agrees the height, bulk and scale of the proposed buildings is acceptable.	
		Appendix 14 contains a Building Code of Australia Report which concludes the proposed buildings are capable of complying with the provisions of the BCA. The Department has recommended conditions of approval to ensure this occurs.	
		Appendix 13 comprises a Sustainability Report which identifies the energy requirements of the proposed development, as well as energy saving measures that may be implemented to reduce energy consumption on-site. The Department has recommended conditions of approval to ensure this occurs.	
(e)	a detailed infrastructure plan for the provision of the following: • water supply, sewer, gas, electricity, telecommunications services; • fire-fighting services, including the location and design of fire access roads; • external lighting; • stormwater management, including the provision of any regional rainwater harvesting infrastructure; • parking and access, including bicycle facilities;	The EIS outlines that the civil and infrastructure works required to service the proposed development were approved under DA 652.1/2013.	Yes, subject to the imposition of conditions
		Appendix 12 of the EIS addresses fire-fighting services, including access and the type and location of fire fighting equipment such as hydrant boosters and a pump room.	
		An external lighting plan is provided in Appendix 4 of the RTS.	
		Stormwater management is described in Section 6.7 and Appendix 5 of the EIS. Rainwater harvesting is described in Section 4.10, 6.7 and Appendix 13 of the EIS.	
		Appendix 7 of the EIS contains an analysis of parking requirements and Appendix 4 of the RTS contains plans of the proposed car parking. A discussion of bicycle facilities	

		was not included in the EIS, however, the Department has included a condition of consent to ensure facilities for cyclists are provided.	
(f)	details of a program to monitor stormwater controls and stormwater quantity and quality, including flows and amounts of pollutants discharging to local waters;	Appendix 5 of the EIS contains a Stormwater Management Report which describes ongoing monitoring of stormwater controls, quality and quantity. It includes a sample monitoring program, primarily based on visual inspections and targeted water sampling.	Yes
(g)	a detailed landscape plan using predominantly endemic species and details of the areas to be landscaped, including the location and species for all plantings.	Appendix 6 of the EIS contains a Landscape Plan which proposes the planting of endemic species (Cumberland Plain vegetation) in the landscape areas adjacent to the biodiversity lots. The Department is satisfied the vegetation proposed by the Applicant is consistent with the requirements of the Concept Plan.	Yes
(h)	a description of the measures that would be implemented to: • monitor and maintain the infrastructure and landscaping on site over time; • minimise energy and water use on site; • avoid, minimise, reuse and recycle waste.	The EIS does not address the ongoing monitoring and maintenance of infrastructure and landscaping, however, the Department has included conditions of consent to ensure these elements are maintained for the life of the development. Appendix 13 of the EIS contains a Sustainability Report which identifies energy requirements and a range of energy saving measures which will be implemented to improve the environmental performance of the development. Appendix 11 contains a Waste Management Plan which includes an estimation of waste generation rates and measures to avoid, minimise, reuse and recycle waste during both construction and operation. The Department is satisfied this plan has been prepared in accordance with the relevant EPA standards and current best practice. The Department has recommended a condition requiring the Applicant to implement the Waste Management Plan over the life of the development.	Yes, subject to the imposition of conditions
(i)	a noise assessment of the proposed development in accordance with the NSW <i>Industrial Noise Policy</i> including: • demonstration that the operational noise generated by the proposed development and any other development on the	The Department is satisfied the Noise Assessment, contained in Appendix 10, was undertaken in accordance with the NSW	Yes

	project site would not exceed the noise criteria detailed in Table 1; and demonstration that the traffic noise generated by the proposed development and any other development on site would not exceed the noise criteria in the DECC's Environmental Criteria for Road Traffic Noise;	<i>Industrial Noise Policy.</i> The Department is also satisfied that the Assessment demonstrates that operational noise as well as road traffic noise will comply with the requirements of Condition 9 of the Concept Approval.	
(j)	an assessment of soil and groundwater salinity;	The EIS did not contain an assessment of soil and groundwater salinity, as the majority of the bulk earthworks have been completed under MP 08_0066 (as modified) and DA 652.1/2013.	Yes
(k)	a flood assessment;	The applicant has not undertaken a flood assessment on the basis that flooding was assessed under the bulk earthworks application (DA 652.1/2013) approved by Fairfield Council. Detailed flood investigations have previously been carried out for the approved pad levels, and the applicant has confirmed that development floor levels are located outside of the 100-year ARI flood extent The Department is satisfied that the EIS contains adequate information to confirm that there would be no flood impacts associated with the proposed development.	Yes
(l)	a greenhouse gas assessment;	A greenhouse gas assessment is provided at Appendix 13 of the EIS. In this regard, the assessment specifies that the Applicant will target a 20 per cent reduction in greenhouse gas emissions.	Yes
(m)	a traffic assessment of the proposed development prepared in accordance with the RTA's Guide to Traffic Generating Developments including: - an assessment of the number of vehicles to be generated by the proposed development; - identification of transport routes to be utilised by traffic generated by the proposed development; - demonstration that traffic generated by the proposed development and any other development on site could be safely accommodated by the road network; - details of any road upgrades; and - a sustainable travel plan including measures to increase non car travel, such as cycling and public transport;	Appendix 7 of the EIS contains traffic advice which addresses the matters identified in the Concept Plan. The Department has reviewed the traffic advice in conjunction with the relevant councils and TNSW and is satisfied that the application proposes appropriate measures to mitigate the traffic impacts of the proposed development. In addition, the Department is satisfied that the application includes appropriate measures to promote non-car travel.	Yes
(n)	an air quality assessment of the proposed development;	Appendix 9 of the EIS includes an Air Quality Report. The Department has reviewed the assessment and is satisfied that	Yes

(o) a hazard assessment in accordance with <i>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</i> (SEPP 33) and <i>Applying SEPP 33</i> (DUAP, 1994); and (p) a construction management plan, containing a: • noise and dust management plan; • soil and water management plan, prepared in accordance with Landcom's Managing Urban Stormwater: Soils and Construction guidelines; • traffic management plan; • aboriginal heritage management plan that has been prepared in consultation with the DECC and relevant Aboriginal groups; and • waste management plan.	the development will not exceed the OEH's air quality assessment criteria at any sensitive receivers. Appendix 8 of the EIS includes a Preliminary Hazards Assessment. The Department has reviewed the assessment and is satisfied that the development proposed development will not result in unacceptable risks to the surrounding environment and communities. The application does not include a construction management plan. The Department has recommended a condition of approval to ensure compliance with this requirement.	Yes Yes, subject to the imposition of condition
Condition 10 – Water Supply/Harvesting Infrastructure		
The Proponent shall ensure that in seeking approval for the implementation of the water supply/harvesting infrastructure, the application includes: (a) details of consultation with relevant government agencies including Council, SCA, NSW Department of Health and Sydney Water; (b) detailed description of the design, and ongoing management and maintenance of the infrastructure; (c) satisfactory arrangements for local and regional infrastructure; (d) details of water and energy requirements for the site including water supply source, sustainability of its usage, and opportunities to incorporate water and energy efficiency measures; (e) details on the water treatment proposed for all drinking water produced by the water treatment plant and demonstrate compliance with the National Health and Medical Research Council's <i>Drinking Water Guidelines 2004</i> and subsequent guidelines; (f) an assessment of the potential impacts of the infrastructure, including: • potential hazards and risks associated with the construction and operation of the infrastructure, and in particular the water treatment plant. A preliminary risk screening must be completed in accordance with State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33) and Applying SEPP 33 (DUAP, 1994), and where necessary, a Preliminary Hazard Analysis undertaken; • an assessment of wastes generated during construction and operation and methods for recycling, treatment, storage and disposal of the waste; • an assessment of noise generated during construction and operation and demonstration that the operational noise generated by the proposed development and any other development on site would not exceed noise criteria detailed in Table 1; • an assessment of soil and groundwater salinity; • a flood assessment; • an assessment of any other significant issues identified during the design of the infrastructure; and	The application does not propose the use of water harvesting.	N/A

• a description of the measures that would be implemented to avoid, minimise, mitigate, offset, manage and/or monitor the impacts; and (g) a construction management plan, containing a: • noise and dust management plan; • soil and water management plan, prepared in accordance with Landcom's Managing Urban Stormwater: Soils and Construction guidelines. The plan must include details of water supply requirements for construction, management of wastewater during construction and any approvals/licences required; • waste management plan; • traffic management plan; • aboriginal heritage management plan that has been prepared in consultation with the DECC and relevant Aboriginal groups; and • a complaints management plan detailing the procedures that would be implemented to receive, handle, respond to and record any complaints that are received.		
Condition 11 – Sewage System		
The Proponent shall ensure that in seeking approval for the implementation of the sewerage system, the application includes: (a) details of consultation with relevant government agencies including Council, NSW Health and Sydney Water; (b) detailed description of the design, and ongoing management and maintenance of the infrastructure, including: • detailed technical specifications; • operation of the wastewater treatment works (treatment processes, disinfection methods, effluent quantity and quality, overflow performance, etc); • wet weather storage requirements; • chemical use and storage; • effluent storage and management (location, capacity, overflows, etc); • biosolids treatment and management processes, including storage, transport and recycling or disposal; and • opportunities to incorporate water and energy efficiency measures; (c) details of the timing for the provision of a sewage treatment facility and for when the facility would connect to Sydney Water's sewerage system; (d) satisfactory arrangements for local and regional infrastructure; (e) where re-use is proposed, details regarding the beneficial re-use of treated effluent in accordance with DECC's <i>Environmental Guidelines: Use of Effluent by Irrigation</i>, relevant National Water Quality Management Strategy guidelines and other relevant guidelines; (f) where discharge of treated effluent is proposed, demonstration that DECC will issue a licence under the <i>Protection of the Environment Operations Act 1997</i>; (g) an assessment of the potential impacts of the infrastructure, including: • an assessment of the potential hazards and risks associated with the construction and operation of the infrastructure, and in particular the wastewater treatment works. A preliminary risk screening must be completed in accordance with <i>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</i> (SEPP 33) and <i>Applying SEPP 33</i> (DUAP, 1994), and where	The Applicant is not seeking approval to implement an alternate sewerage treatment system. All wastewater will be connected to Sydney Water's existing sewer system. The Department has recommended a condition to ensure that the development is connected to Sydney Water's mains within 12 months of the date of the issue of the development consent.	N/A

	necessary, a Preliminary Hazard Analysis undertaken; • an assessment of odour and other emissions (including greenhouse gas emissions) and the management of these emissions; • an assessment of noise generated during construction and operation and demonstration that the operational noise generated by the proposed development and any other development on site would not exceed noise criteria detailed in Table 1; • an assessment of soil and groundwater salinity; • a flood assessment; • an assessment of any other significant issues identified during the design of the infrastructure; and • a description of the measures that would be implemented to avoid, minimise, mitigate, offset, manage and/or monitor the impacts; and (h) a construction management plan, containing a: • noise and dust management plan; • soil and water management plan, prepared in accordance with Landcom's <i>Managing Urban Stormwater: Soils and Construction</i> guidelines. The plan must include details of water supply requirements for construction, management of wastewater during construction and any approvals/licences required; • waste management plan; • traffic management plan; • aboriginal heritage management plan that has been prepared in consultation with the DECC and relevant Aboriginal community groups; and • a complaints management plan detailing the procedures that would be implemented to receive, handle, respond to and record any complaints that are received.		
--	--	--	--

APPENDIX F ENVIRONMENTAL IMPACT STATEMENT

The Environmental Impact Statement and associated documentation is located on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7491

APPENDIX G SUBMISSIONS

Submissions are located on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7491

APPENDIX H RESPONSE TO SUBMISSIONS

The Response to Submissions is located on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7491

APPENDIX I SATISFACTORY ARRANGEMENTS CERTIFICATE
