



Oakdale West Estate Stage 2 Modification 1

Minor design changes and addition of fire stairs
State Significant Development Modification Assessment
(SSD-10397-Mod-1)

September 2020



Published by the NSW Department of Planning, Industry and Environment

dpie.nsw.gov.au

Title: Oakdale West Estate Stage 2 Modification 1

Subtitle: Minor design changes and addition of fire stairs

Cover image: Building 2B (Source SSD 10397)

© State of New South Wales through Department of Planning, Industry and Environment 2020. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Industry and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (September 2020) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Industry and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Glossary

Abbreviation	Definition
BCA	Building Code of Australia
Council	Penrith City Council
Department	Department of Planning, Industry and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environnemental Planning Instrument
FRNSW	Fire and Rescue NSW
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
OWE	Oakdale West Estate
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development

Contents

1	Introduction	1
1.1	Background	1
1.2	Approval history	2
2	Proposed modification	3
2.1	Proposed Modification	3
3	Statutory context	6
3.1	Scope of Modifications	6
3.2	Consent Authority	6
3.3	Mandatory Matters for Consideration	6
4	Engagement	7
4.1	Department's engagement	7
5	Assessment	8
6	Evaluation	11
7	Recommendation	12
8	Determination	13
	Appendices	14
	Appendix A – Modification Application	14
	Appendix B – Notice of Modification	14

1 Introduction

This report provides the NSW Department of Planning, Industry and Environment's (the Department's) assessment of an application to modify the State significant development (SSD) consent for the Oakdale West Estate (OWE) Stage 2 development (SSD 10397). The modification application seeks approval for minor design amendments to the approved plans to address fire safety and operational requirements, including the addition of external fire stairs on the northern elevation of the building.

The application was lodged on 8 September 2020 by Goodman Property Services (Aust) Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

The Applicant is constructing a four level automated warehouse (Building 2B) within the OWE in the Penrith City local government area. The OWE covers 154 hectares (ha) of industrial zoned land located at 2 Aldington Road, Kemps Creek (see **Figure 1**). The site is located within the Western Sydney Employment Area (WSEA), which is strategically zoned to support employment generating developments in Western Sydney. The land had historically been used for grazing and is currently being developed under the OWE approval (SSD 7348), with earthworks commencing in January 2020.

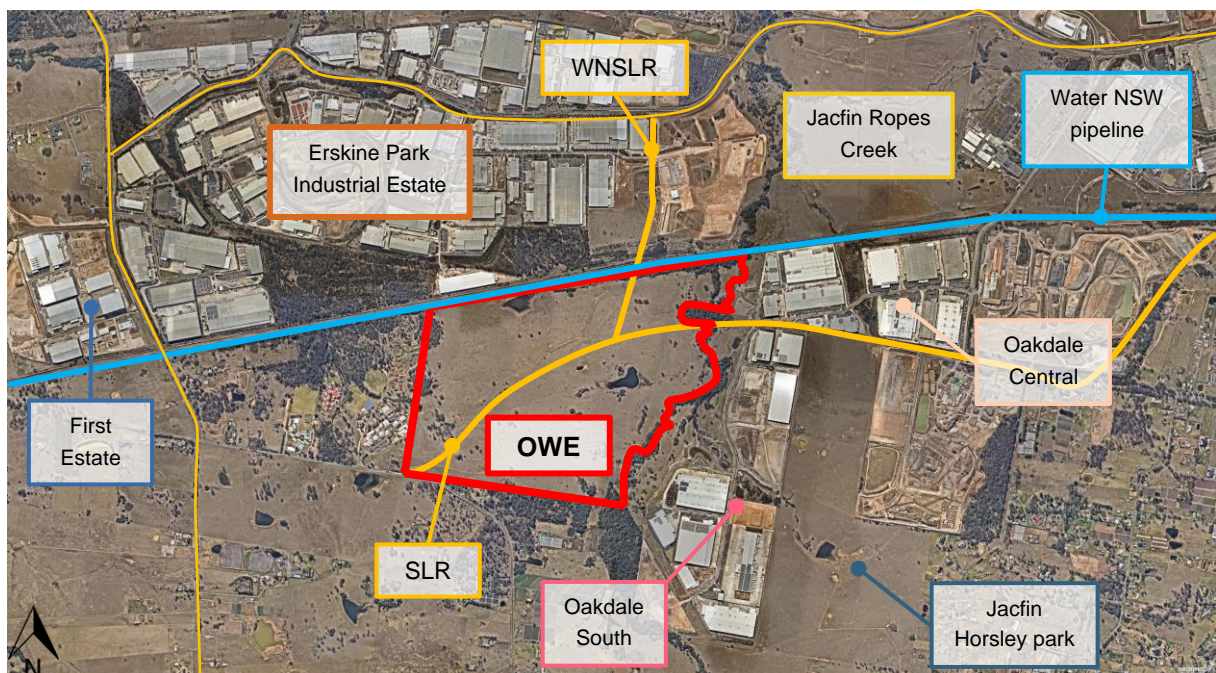
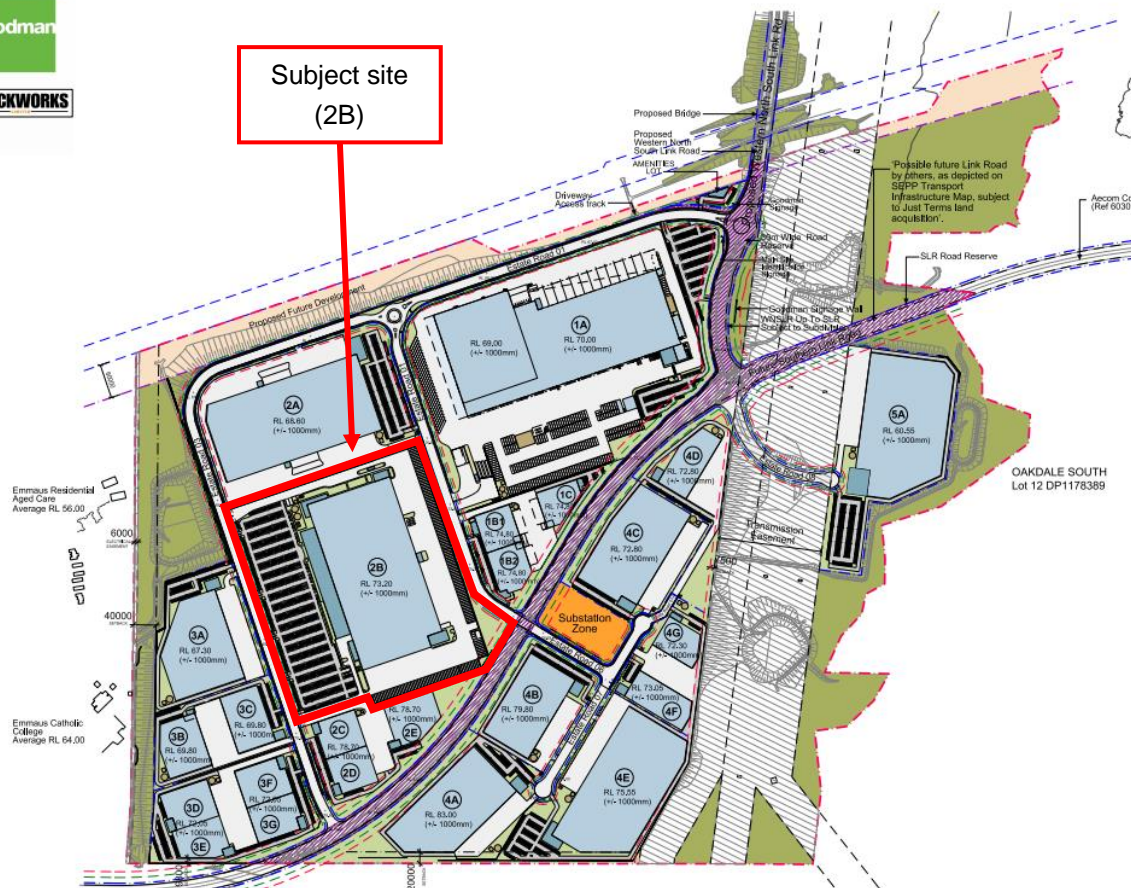


Figure 1 | Regional Context Map

Construction of the warehouse approved under SSD 10397 has commenced and the proposed design changes are primarily in response to fire safety requirements identified during detailed design, as well as changes to meet the tenant's operational needs.



1.2 Approval history

On 13 September 2019, the then Executive Director, Compliance, Industry and Key Sites, as delegate of the Minister for Planning and Public Spaces, granted development consent for the Concept Proposal and Stage 1 of the Oakdale West Estate (SSD 7348). The approved OWE includes:

- SSD 10397

Oakdale West Estate Stage 2 Modification 1 (SSD-10397-Mod-1) | Modification Assessment Report

2 Proposed modification

2.1 Proposed Modification

The Applicant has lodged a modification application under section 4.55(1A) of the EP&A Act seeking approval for minor design amendments to the approved plans to address fire safety and operational requirements for the use of the site. The modifications are described in full in the Statement of Environmental Effects (SEE) included in **Appendix A** and illustrated in **Figure 3**.

The proposed modifications to address fire safety requirements involve:

- Addition of an external, enclosed fire staircase on the northern elevation, in order to reduce the maximum travel distance inside the warehouse to an exit
- reorientation of the amenities and services core on the eastern elevation to accommodate the repositioning of the internal fire stairs (see **Figure 4**)
- alterations to the amenities and services core on the south-east elevation, accommodating the repositioning of fire stairs, and addition of a new fire exit door to the southern elevation of this block (see **Figure 5**).

The above changes involve subsequent updates to the façade of the approved building, with the appearance of the amenity and services cores mirrored from the approved layout, while maintaining the materials and finishes of the original design.

Other modifications proposed as a result of design refinements include:

- reduction in loading dock doors fronting the external bailers and compactors on the eastern elevation from three to one. The compactors are to be updated to be fed via an enclosed conveyor which will run through from inside the building, penetrating the façade above the height of the dock doors, to the external pavement mounted compactor units
- reduction of two recessed loading docks on the southern elevation and addition of one recessed loading dock on the eastern elevation
- deletion of the row of windows below the awning on the eastern facade.

These minor changes are a result of further detailed design post-approval and primarily address fire safety and operational requirements for the use of the warehouse.

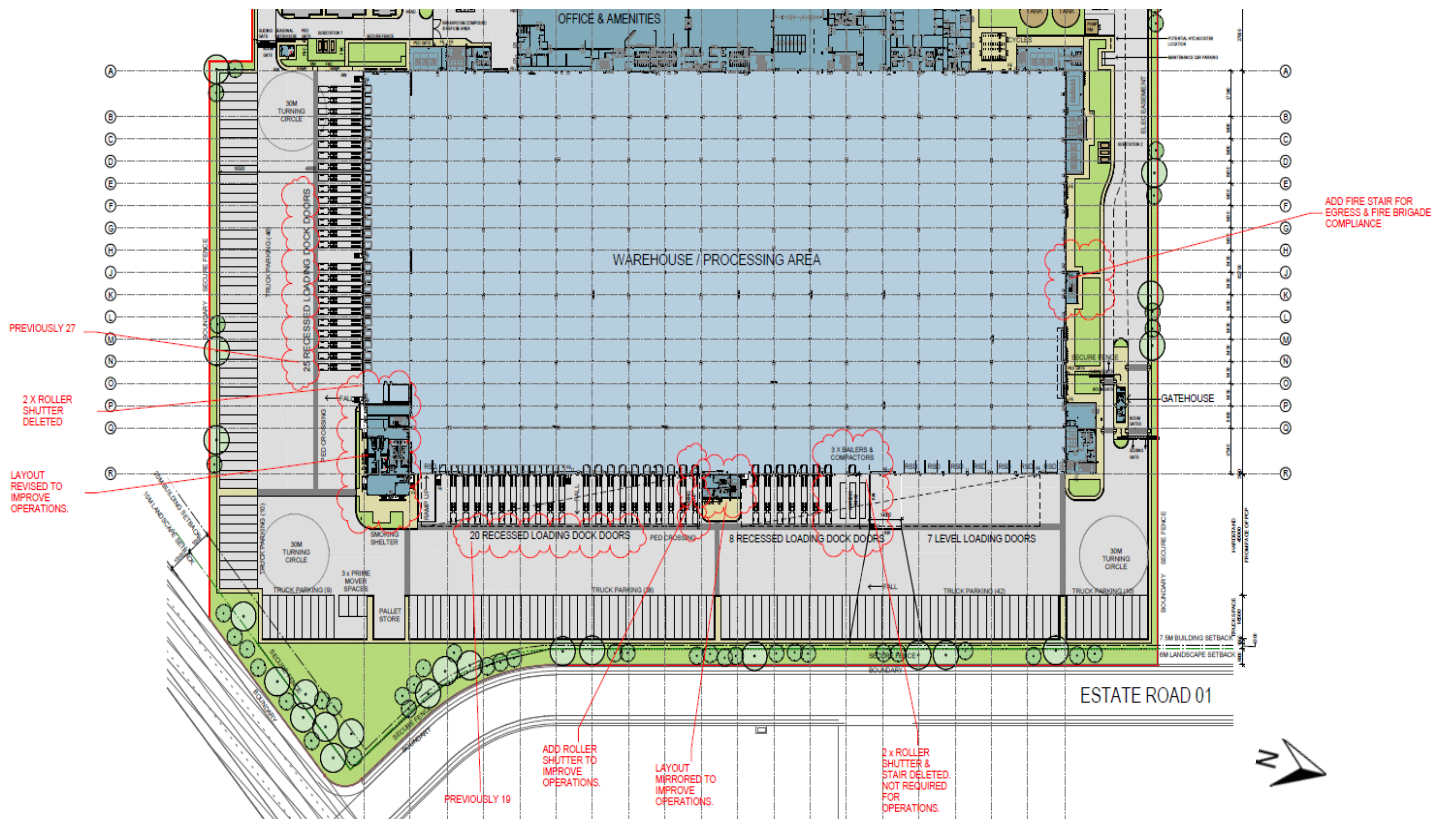


Figure 3 | Site plan showing location of proposed modifications in red

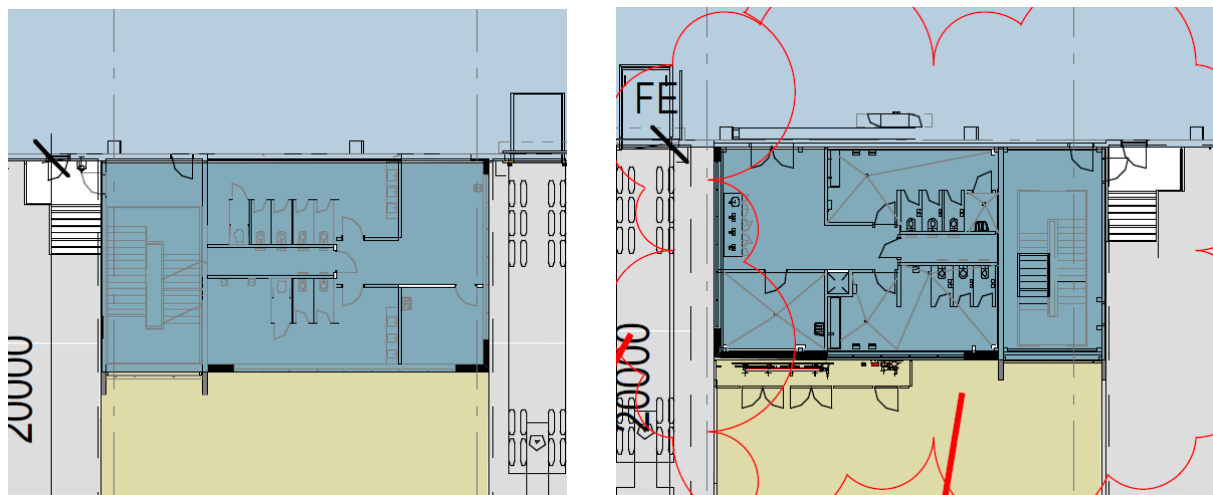


Figure 4 | The approved (left) and proposed (right) eastern amenities and services core with relocated fire stairs

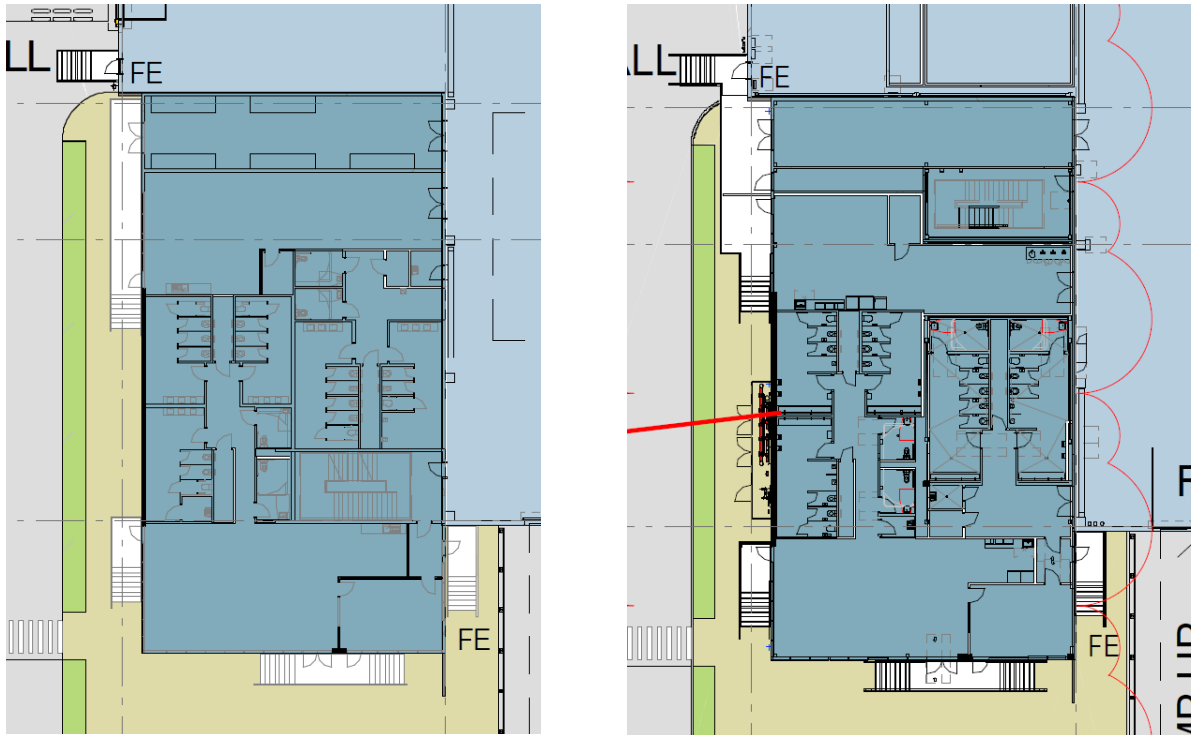


Figure 5 | The approved (left) and proposed (right) south-eastern amenities and services core with relocated fire stairs

3 Statutory context

3.1 Scope of Modifications

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

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

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

3.2 Consent Authority

The Minister for Planning and Public Spaces (Minister) is the consent authority for the application under section 4.5(a) of the EP&A Act. Under the Minister's delegation of 9 March 2020, the Director, Industry Assessments, may determine the application under delegation as:

- the application has not already been referred by the Planning Secretary to the Independent Planning Commission as at the date of the delegation
- a political disclosure statement has not been made and
- there are less than ten public submissions in the nature of objections.

3.3 Mandatory Matters for Consideration

The Department conducted a comprehensive assessment of the project against the mandatory matters for consideration as part of the original assessment of SSD 10397. The Department considers this modification application does not result in significant changes that would alter the mandatory matters for consideration under section 4.15 of the EP&A Act and conclusions made as part of the original assessment.

4 Engagement

4.1 Department's engagement

Clause 117(3B) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to section 4.55(1A) applications, being modifications with minimal environmental impact. Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website on 9 September 2020 and was referred to Penrith City Council (Council) and Fire and Rescue NSW (FRNSW) for comment.

Council confirmed that they have no comments on the proposed modifications.

FRNSW raised no objection to the proposed modifications. Following approval of SSD 10397, the Applicant has been consulting with FRNSW in relation to the proposed performance solution during the detailed design process, and this will continue following determination of the modification application as part of the fire engineering brief consultation process.

5 Assessment

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

- the SEE provided to support the proposed modification (see **Appendix A**)
- the assessment report for the original development application
- submissions from Council and FRNSW
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department's assessment of the key issues relating to the proposed modifications is provided in **Table 1**.

Table 1 | Assessment of Issues

Issue	Findings	Recommendations
Design Integrity	<ul style="list-style-type: none">• The proposed modifications result in minor changes to the appearance of the approved development, including the addition of the fire stairs on the northern elevation and reconfiguration of the eastern and south-eastern services and amenity cores, which may have potential visual impacts.• The Applicant's assessment found the proposed changes will be largely visually indiscernible from the approved development as there are no changes to the building footprint, height, bulk and scale or façade materials, treatment, design and colour.• Council raised no concerns with the modifications to the design and appearance of the development.• The northern fire stairs maintain the materials and finishes previously approved, and the changes to the services and amenity cores essentially mirror the appearance of what was approved.• The proposed changes to the loading docks and windows on the eastern façade will have negligible impact on the appearance or design quality of the development.• The Department considers the proposed changes are minor, have negligible impact on the bulk, scale and visual appearance of the warehouse, and the design qualities of the modified plans are consistent with the approved development.• The Department's assessment concludes the proposed modified development is substantially the same as that approved and will have no visual impacts.	No additional conditions have been recommended.

Issue	Findings	Recommendations
Fire Safety	<ul style="list-style-type: none"> Detailed design of the development was undertaken in consultation with FRNSW and it was identified that fire safety improvements to the building were required. In response, the modification includes the addition of fire stairs on the northern elevation of the building, repositioning of the fire stairs in the eastern and south-eastern services and amenities cores, and the addition of a fire exit door on the southern elevation of the south-eastern block. FRNSW raised no objections to the proposed changes. The mitigation measures in Appendix 3 of the consent for SSD 10397 require the Applicant to prepare performance solutions and corresponding fire safety measures during the detailed design to ensure compliance with BCA and International Fire Engineering Guidelines. The Applicant will continue to consult with FRNSW to ensure the development meets the relevant requirements. The Department's assessment concludes the proposed changes are acceptable to address fire safety requirements and will improve the safety of the development once in operation by ensuring compliance with the relevant standards. 	No additional conditions have been recommended.
Landscaping	<ul style="list-style-type: none"> The addition of the fire stairs on the northern elevation will result in an encroachment within the grassed area immediately to the north of the approved building. This will result in a small reduction in landscaped area, however this will not reduce the number of trees approved within the boundary setback areas and car park. Council did not object to the minor change in landscaping. The Department considers the proposed modification is necessary to achieve fire safety requirements and concludes the modification will have negligible impact on the landscaping of the site and broader OWE. 	No additional conditions have been recommended.
Traffic circulation	<ul style="list-style-type: none"> The modification includes the reduction of two loading docks on the southern elevation and the addition of one on the eastern elevation, which has the potential to impact truck movements within the site. The Applicant advised the changes are proposed to address operational requirements of the tenant and will not impact truck movements, swept paths or traffic numbers. Council provided no comments on the changes to the approved loading docks. 	No additional conditions have been recommended.

Issue	Findings	Recommendations
	<ul style="list-style-type: none"> Existing conditions of consent require the preparation of an Operational Traffic Management Plan prior to operation, as well as requiring vehicles be contained wholly within the site before stopping and for there to be no queuing of vehicles on the road network. The Department considers the changes to the loading docks will not have an impact on truck movements within the site as the number of truck parking spaces and circulation areas remain unchanged. The Department's assessment concludes the proposed changes will not impact the operation of the development as approved and traffic within the site can be managed appropriately in accordance with existing conditions of consent. 	

6 Evaluation

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act.

The Department considers the proposed modification is appropriate on the basis that:

- the proposed modification will result in minimal environmental impacts beyond the approved facility
- the modifications improve fire safety standards within the development
- the modifications will not impact the operation and traffic movements of the development as approved
- the modified building is substantially the same in terms of bulk, scale and appearance.

Overall, the Department is satisfied the modified development can be appropriately managed through the Applicant's existing mitigation measures and the conditions of consent for SSD 10397. It is therefore recommended that the modification should be approved, subject to conditions.

7 Recommendation

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

- **considers** the findings and recommendations of this report
- **determines** that the application SSD-10397-Mod-1 falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modify** the consent SSD 10397
- **signs** the attached approval of the modification (**Appendix B**).

Recommended by:



David Schwebel
Planning Officer
Industry Assessments

Recommended by:



William Hodgkinson
Team Leader
Industry Assessments

8 Determination

The recommendation is **Adopted** by:



23/9/2020

Chris Ritchie

Director

Industry Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – Modification Application

<https://www.planningportal.nsw.gov.au/major-projects/project/40031>

Appendix B – Notice of Modification

<https://www.planningportal.nsw.gov.au/major-projects/project/40031>