

ASSESSMENT REPORT

OAKDALE CENTRAL, HORSLEY PARK SSD 6078 MOD 3

1. BACKGROUND

This report is an assessment of an application seeking approval to modify State Significant Development approval (SSD 6078) for the Oakdale Central warehouse and distribution centres (Lots 1C, 2B and 3) at Horsely Park.

The application has been lodged by Goodman Property Services (Aust) Pty Ltd pursuant to section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval for internal and external changes to the approved warehouse on Lot 2B.

2. SUBJECT SITE

Lot 2B is located within the Oakdale Central Industrial Estate at Horsley Park. The site lies within the Western Sydney Employment Area (WSEA) in the Fairfield Local Government Area. A location plan is shown at **Figure 1** and a site plan is shown at **Figure 2** below.



Figure 1: Location Plan

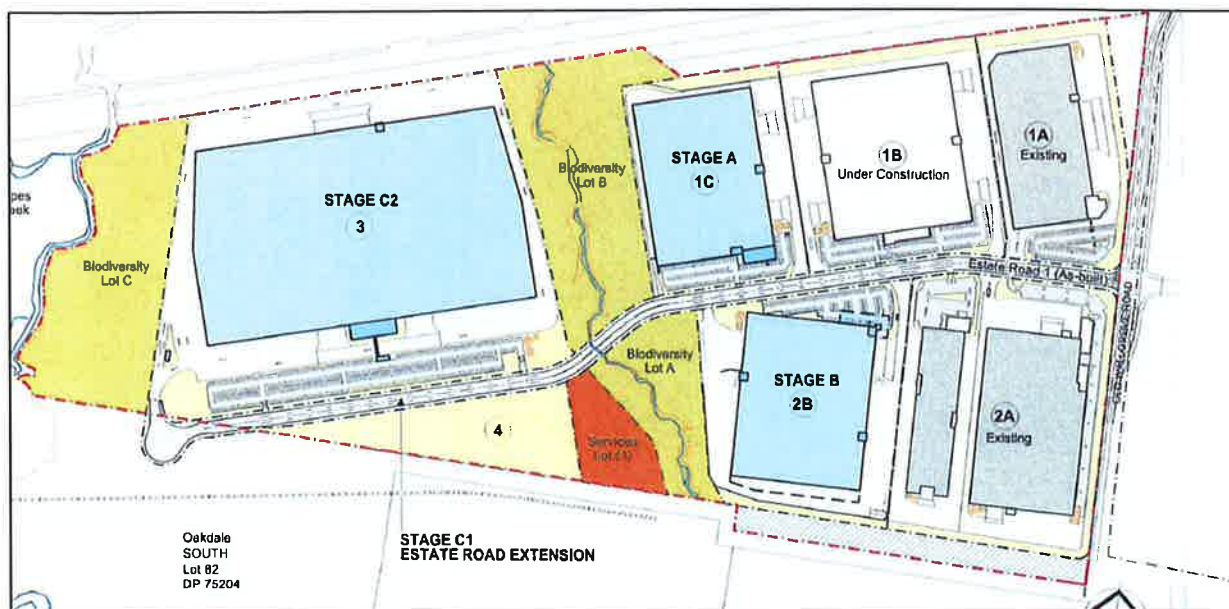


Figure 2: Site Plan

3. APPROVAL HISTORY

On 2 January 2009, the then Minister for Planning approved the Oakdale Central Concept Plan (MP 08_0065) which permitted a range of employment generating uses including warehouses, distribution centres and freight logistics facilities. The Concept Plan has been modified on three separate occasions.

On 18 March 2015, SSD 6078 was approved under delegation for the construction and operation of three warehouse buildings on Lots 1C, 2B and 3 and supporting infrastructure.

This approval has been modified on two previous occasions:

- On 15 June 2015, MOD 1 was approved under delegation for amendments to the layout of the warehouse on Lot 1C.
- On 30 June 2015, MOD 2 was approved under delegation for amendments to the layout of the warehouse on Lot 2B and the inclusion of a Dangerous Goods Store.

4. PROPOSED MODIFICATION

On 30 June 2015 the Proponent lodged an application (SSD 6078 MOD 3) seeking approval to make the following modifications to Unit 2B, Oakdale Central:

- internal changes to the warehouse, including:
 - deletion of ambient portion floor space (7,200sqm);
 - increase in temperature control space floor space by 6,035 sqm (from 20,785sqm to 26,820sqm);
 - relocation of the dangerous goods store (DG store) from the centre to the south eastern corner of the warehouse and an increase in size of the DG Store from by 1,165sqm (from 1,495sqm to 2,660sqm);
- external changes including:
 - removal of the truck wash from the south eastern corner of the site;
 - reduction in size of the awning on the eastern elevation from 4,070sqm to 3,550sqm;
 - additional metal shutter roller door on western elevation;
 - removal of three metal shutter roller doors on southern elevation; and
 - inclusion of indicative building identification signage on the northern elevation.

The proposed changes are required to meet the operational needs of a new tenant.

A comparison of the approved and proposed warehouse is depicted in **Figures 3** and **4** below.

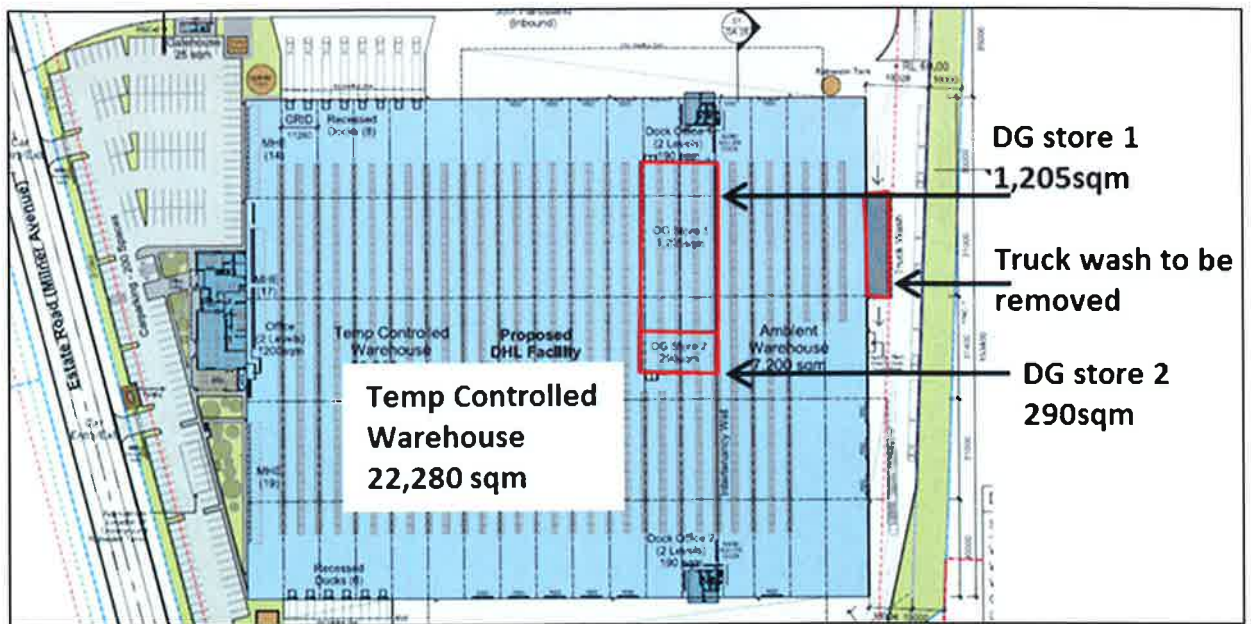


Figure 3: Approved layout of Unit 2B for proposed DHL Facility

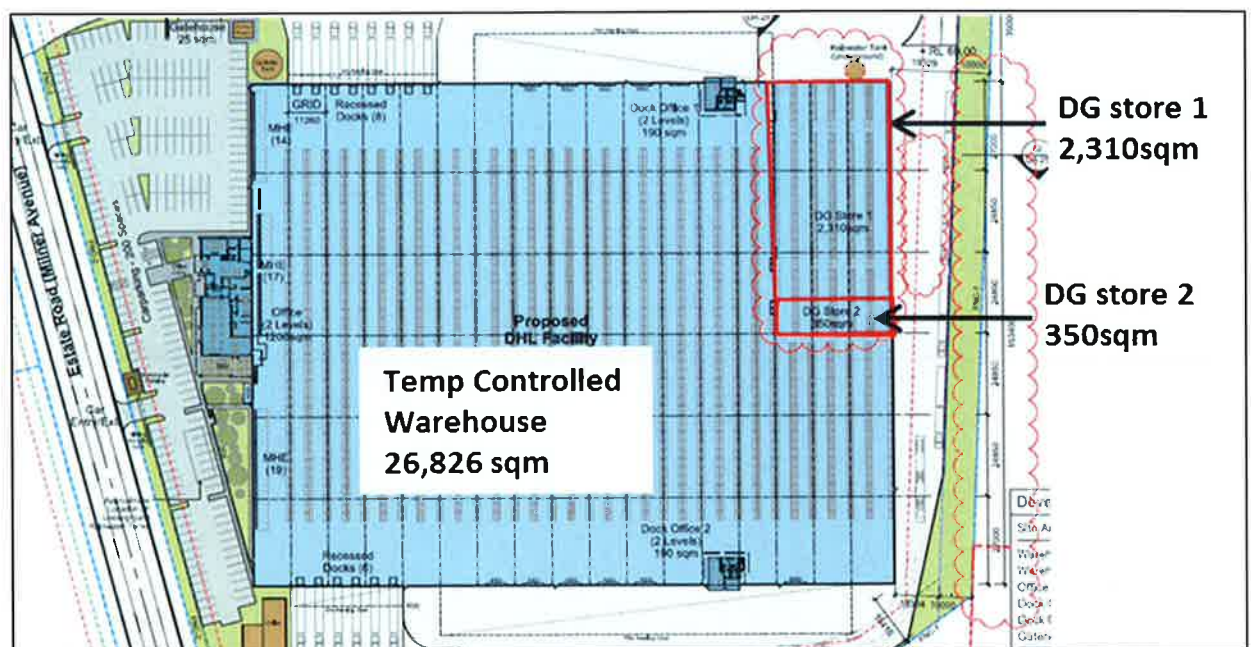


Figure 4: Proposed layout of Unit 2B for proposed DHL Facility

5. STATUTORY CONSIDERATION

5.1 Modification of approval

Section 96(1A) of the EP&A Act requires the consent authority to be satisfied that the following matters are addressed in respect of all applications that seek modification approvals:

Table 1: Section 96 (1A) matters for consideration

Section 96(1A) matters for consideration	Comment
That the proposed modification is of minimal environmental impact	Section 7 of this report provides an assessment of the impacts associated with the proposal. The Department is satisfied that the proposed modifications will have minimal environmental impacts.
That the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).	The proposed modification seeks approval for minor changes and does not result in any additional adverse impacts on the surrounding area. On this basis, the proposal would result in development that is substantially the same as the originally approved development.
The application has been notified in accordance with the regulations	The modification application has been notified in accordance with the regulations. Details of the notification are provided in Section 6 of this report.
Any submission made concerning the proposed modification has been considered.	The Department received one submission on the proposal. The issues raised in submissions have been considered in Section 7 of this report.

5.2 Environmental Planning Instruments

The following EPIs are relevant to the application:

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

The Department undertook a comprehensive assessment of the redevelopment against the above mentioned EPIs in its original assessment. The Department has considered the above EPIs and is satisfied that the modification is generally consistent with the EPIs.

5.3 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Acting Director Regional Assessments may determine the application under delegation as:

- the relevant local council has not made an objection; and
- a political disclosure statement has not been made; and
- there are no public submissions in the nature of objections.

6. CONSULTATION

The application was notified in accordance with the *Environmental Planning & Assessment Regulation 2000*. The modification request was made publicly available on the Department's website and referred to Fairfield City Council (Council) and the NSW Environment Protection Authority (EPA) for comment. Due to the minor nature of the proposed modification, the modification request was not exhibited by any other means.

Fairfield City Council

Council did not object to the proposed modifications. Council suggested conditions requiring the implementation of the recommendations outlined in the updated preliminary hazard analysis and increased Section 94 contributions associated with the increased cost of the development.

The Environmental Protection Authority (EPA)

The EPA did not object to the proposal. The EPA noted the proposed change to remove the requirement for a truck wash facility on the south-eastern corner of the site and requested that the Department should be satisfied that only clean trucks enter site.

7. ASSESSMENT

The Department considers the key issue associated with the proposed modification is:

- Potential hazards and risks associated with the increased storage of Dangerous Goods (DGs) on the site.

An assessment of other issues including consistency with the Concept Plan, visual impacts, noise and developer contributions is provided in **Table 3**.

7.1 Hazards

Modification 2 approved a DG goods store within the warehouse. As the quantities of DGs proposed to be stored exceeded the criteria in *State Environmental Planning Policy No. 33 (Hazardous and Offensive Development)*, the DG store is considered a potentially hazardous development.

The proposed modification seeks approval to increase the area and storage capacity of the DG Store and relocate it from the centre to the south-eastern corner of the warehouse. The area of the DG store would increase from 1,495sq.m to 2,660sq.m.

The facility would store a range of DGs including flammable gasses and liquids, oxidizing agents and corrosives. The quantities and classes of dangerous goods proposed to be stored are set out in **Table 2** below.

Table 2: Dangerous Goods Proposed to be Stored in the DG Store

Class	Packing Group	Hazardous Material	Approved Quantity	Proposed Quantity	Location
2.1	N/A	Flammable gases	30,000 kg	90,000 kg	DGS 1
3	II & III	Flammable Liquids	300,000 L	900,000 L	
5.1	II & III	Oxidising agents	15,000 kg	45,000 kg	DGS 2
8	II & III	Corrosive substances	20,000 kg	20,000 kg	
9	III	Miscellaneous Dangerous Goods	10,000 kg	10,000 kg	

The Applicant's assessment included an updated preliminary hazard analysis (PHA). The updated PHA identifies the potential hazardous scenarios on site and the proposed safeguards to mitigate the risks associated with the increased storage of these goods.

The Department has assessed the updated PHA to evaluate the risk associated with the increased storage of DGs and its relocation. The Department notes that given there is no change in DG classes proposed to be stored on site, the outcome of the hazard identification and the methodology for consequence and frequency analysis remain the same as per original PHA.

The increased storage of DGs and its relocation would not significantly increase the risk profile of the proposal. As with the original PHA, only one event (fire involving the entire warehouse) has a potential to impact off-site. The consequence analysis illustrates that the heat radiation would result in a larger off-site impact due to the increase of DG storage. However, the risk analysis shows that this type of fire would occur at a frequency below the relevant risk criteria published in the *Hazardous Industry Advisory Paper (HIPAP) No. 4 Risk Criteria for Land Use Safety Planning*.

It is also noted that smoke irritation impact was not included in the updated PHA. However, as the frequency with which smoke would occur from the facility remains the same as the

frequency of a full warehouse fire, the risk of irritation or injury would be below the relevant risk criteria.

The Department also notes that Council and the EPA did not raise concerns over the increased storage of dangerous goods or the relocation of the store from the centre to the south-eastern corner of the warehouse.

The Department has reviewed the Applicant's updated PHA and has concluded that the proposal would comply with the NSW risk criteria for land use safety planning and would not significantly increase the overall level of risk in the industrial area. Further the Department notes that a suite of conditions were imposed on the previous modification which would appropriately manage and mitigate the potential risks associated with the modified proposal.

7.2 Other Issues

A number of other environmental aspects were considered as a result of the modification request. **Table 3** presents the Department's consideration of these issues.

Table 3: Assessment of Other Issues

<i>Issue</i>	<i>Consideration</i>	<i>Recommendation</i>
<i>Consistency with Concept Plan</i>	<ul style="list-style-type: none"> • Clause 3B2(d) of Schedule 6A specifies that a consent authority must not grant consent under Part 4 of the EP&A Act unless it is satisfied that the proposed development is generally consistent with the terms of an approved concept plan. • The approved Concept Plan sets out a series of development standards including lot dimensions, site coverage, setback, landscaping and car parking requirements. • As the proposed modification would not result in any changes to total floor space, or the overall built form of the building, other than a reduction in the size of an external awning, the Department considers that the proposed modification is generally consistent with the terms of the Concept Plan Approval. 	No change to existing conditions.
<i>Visual</i>	<ul style="list-style-type: none"> • As the proposed changes to the external appearance of the building are minor (limited to a reduced awning, changes to openings and a sign) the Department's assessment concludes that the proposed modification would not result in any adverse visual impacts beyond those originally assessed and approved. 	No change to existing conditions.
<i>Noise</i>	<ul style="list-style-type: none"> • Council raised concern that the expanded temperature controlled portion of the warehouse may have the potential to generate increased noise from the additional refrigeration machinery. • However, as the operation and design of the facility will remain substantially the same, the Department is satisfied that the proposal is unlikely to change the potential noise impacts associated with the proposal. • The Department also notes that potential noise impacts would be appropriately mitigated and managed by the existing conditions of consent which require the Applicant to prepare and implement a Noise Management Plan and to operate within strict noise limits. 	No change to existing conditions.
<i>Truck wash</i>	<ul style="list-style-type: none"> • The modification seeks to remove the approved truck wash facility located on the south-eastern corner of the site. • The EPA requested the Department should be satisfied that only clean trucks enter the site. • The Applicant advised that trucks operating at the site have their own truck washing contracts with alternative providers and therefore an on-site truck washing facility is not required. • The Department accepts the Applicant's advice and is satisfied that a truck wash facility is not required on-site. • As a result of removing the truck wash facility from the approval, condition 10A relating to the disposal of wastewater from the truck 	It is recommended that condition 10A be deleted from the consent.

<i>Issue</i>	<i>Consideration</i>	<i>Recommendation</i>
	wash is now redundant and is therefore recommended to be deleted.	
<i>Developer Contributions</i>	<ul style="list-style-type: none"> The Applicant is required to pay section 94 contributions to Fairfield City Council based on a capital investment value (CIV) of the proposal The CIV for the warehouse on Lot 2B has changed due to the additional cost of the proposed amendments. An updated Quantity Surveyors (QS) report estimated an additional \$1.04 million associated with the construction of the modifications to the warehouse on Lot 2B. The Department recommends that Condition 20 of Schedule 2 be updated to ensure development contributions are levied in accordance with the revised CIV. 	Amend Condition 20 to reference the updated QS report.
<i>Building Safety</i>	<ul style="list-style-type: none"> The modification includes a Building Code of Australia (BCA) report demonstrating that the proposed development is capable of complying with the requirements of the BCA. The Department has concluded that the existing conditions of consent are sufficient to ensure the development is constructed in accordance with the BCA. 	No change to existing conditions.
<i>Indicative Signage</i>	<ul style="list-style-type: none"> The proposal seeks to make minor adjustments to the indicative location of the approved building identification signage on the northern elevation of the warehouse. The Department has considered the signage against the provisions of the <i>State Environmental Planning Policy 64 – Advertising Signage (SEPP 64)</i> and considers it appropriate as it would: <ul style="list-style-type: none"> not result in visual clutter or have detrimental impact on the architectural design of the building as it is located on one elevation of the building; not detract from amenity or visual quality of any environmentally sensitive areas, heritage areas, open space or residential areas; and not have an adverse impact on vehicle or pedestrian safety. The Department is satisfied that the indicative location of the signage is acceptable and consistent with the objectives of SEPP 64. The Department also notes that an existing condition of consent requires detailed plans of the proposed signage to be submitted to and approved by the Department. 	No change to existing conditions.

8. CONCLUSION

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate on the basis that:

- the proposal would comply with the NSW risk criteria for land use safety planning and would not increase the overall level of risk in the area;
- the proposal would not result in any additional impacts beyond those already assessed and approved.

Consequently, the Department is satisfied that the proposal is in the public interest and the modification should be approved subject to the recommended conditions.

9. RECOMMENDATION

It is RECOMMENDED that the Acting Director Regional Assessments as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **approves** the application under section 96 (1A), subject to conditions; and
- **signs** the instrument of modification (**Appendix A**).

Endorsed by:



Natasha Harras
Team Leader
Regional Assessments

Approved by:



Anthony Witherdin
Acting Director
Regional Assessment

APPENDIX A: INSTRUMENT OF MODIFICATION

The notice of modification can be found on the Department's website at the following address:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7141

APPENDIX B: SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Modification Application

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7141

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7141