



# ***Oakdale South Estate***

*State Significant  
Development  
Modification Assessment  
(SSD 6917 MOD 7)*



December 2018

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### **Cover photo**

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

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# Glossary

Abbreviation	Definition
Consent	Development Consent
Council	Penrith City Council
DA	Development application
Department	Department of Planning and Environment
DoI	Department of Industry
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
LEP	Local Environmental Plan
Minister	Minister for Planning
LGA	Local government area
OEH	Office of Environment and Heritage
Planning Secretary	Secretary of the Department of Planning and Environment
RTS	Response to Submissions
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
WSEA	Western Sydney Employment Area
WSEA SEPP	State Environmental Planning Policy (Western Sydney Employment Area) 2009



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# 1. Introduction

This report assesses a modification application by Goodman Property Services (Aust) Pty Ltd (the Applicant) for the Oakdale South Industrial Estate (Oakdale South) (SSD 6917). The application has been lodged pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and seeks to update the approved Concept Proposal plans to reflect a rezoning amendment to the State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP). The rezoning amendment was the result of a realignment of the Ropes Creek Tributary.

## 1.1 Background

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

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

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



**Figure 1** | Site Location

## 1.2 Site Description

The site is 117 hectares (ha) in area with a development footprint of 71.3 ha.

Several residential receivers are located near the site in the suburbs of Kemps Creek, Mount Vernon (Penrith LGA) and Horsley Park (Fairfield LGA), with the closest located 500 metres (m) to the south-west on Aldington Road.



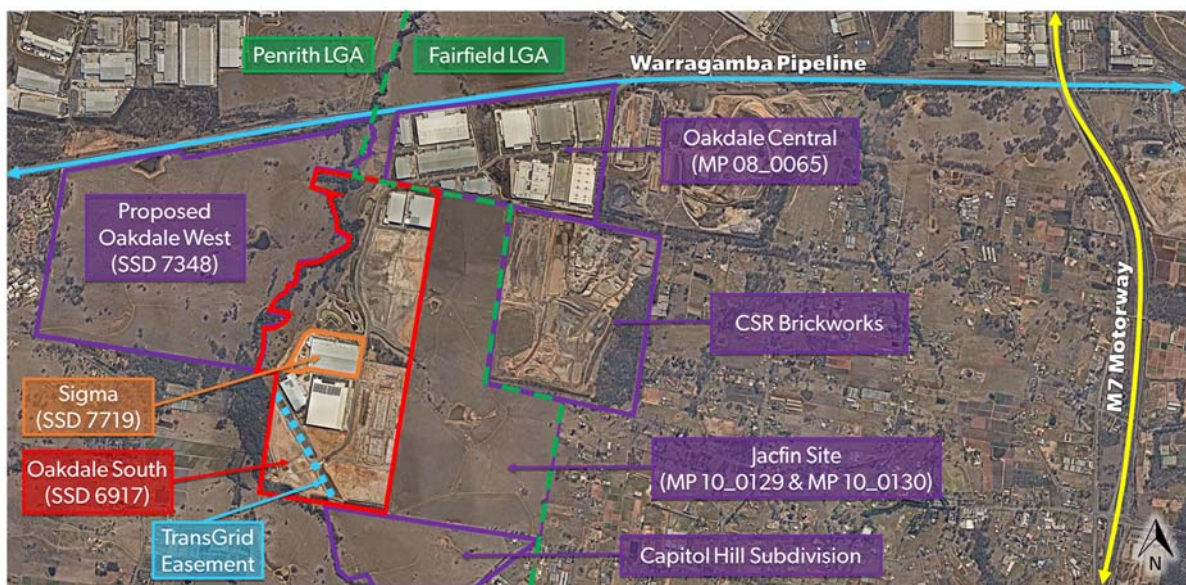
Remnant vegetation exists along the western boundary of the Estate. Ropes Creek passes along the western boundary and two unnamed tributaries traverse the site from the north-west to the south-east. High voltage electricity transmission lines cross the south-west corner of the Estate.

### 1.3 Surrounding Land Uses

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

- the Oakdale Central Industrial Estate (SSD 6078) and Millner Avenue to the north
- the proposed Oakdale West Industrial Estate (SSD 7348) to the west
- the Jacfin Horsley Park warehousing hub (MP 10\_0129 and MP 10\_0130) approved in October 2013 and RU4 zoned land to the east with residential development potential for 2 ha lots
- vacant E4 zoned land immediately south of the site. There is an existing development consent permitting the creation of 42 residential lots on this land (referred to as the Capitol Hill Subdivision).

The local context of the site is depicted in **Figure 2**.



**Figure 2** | Site and Immediate Surrounds

### 1.4 Approval History

On 26 October 2016, the Executive Director, Key Sites and Industry Assessments approved a concurrent Concept Proposal and Stage 1 Development Application (DA) for a warehousing and employment precinct, referred to as the Oakdale South Industrial Estate (SSD 6917).

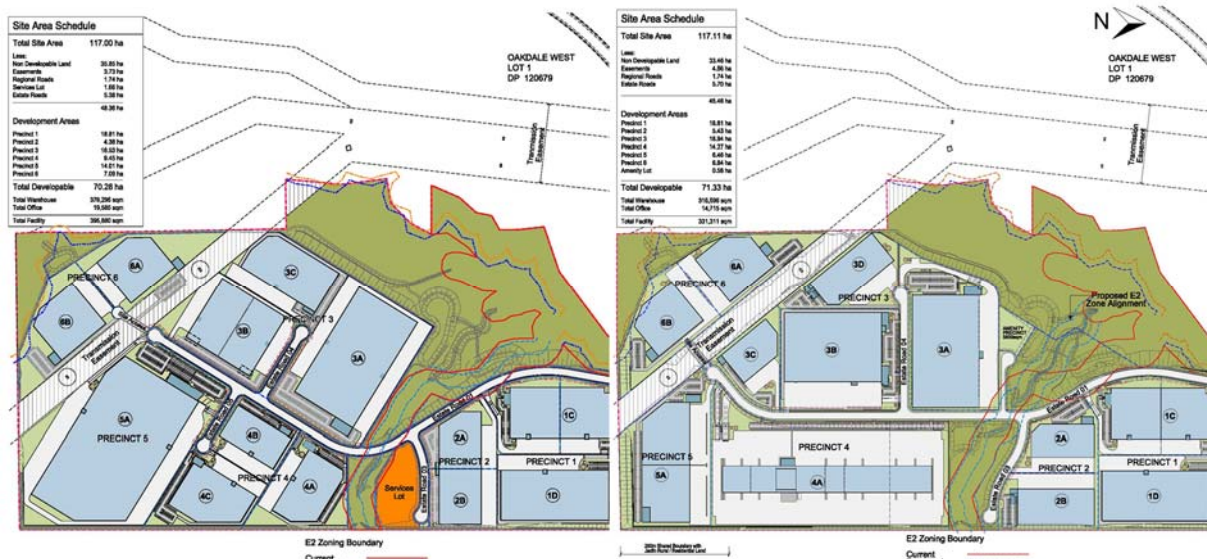
The development consent has been modified on five occasions and one modification is currently under assessment. A summary of the history of SSD 6917 is provided in **Table 1**.

**Table 1** | SSD 6917 History

Application	Details	Approval Date
<a href="#">SSD 6917</a>	<p>Concept Proposal and concurrent Stage 1 Development Application for the Oakdale South Industrial Estate, involving:</p> <ul style="list-style-type: none"> <li>a Concept Proposal for a warehousing and distribution complex with: <ul style="list-style-type: none"> <li>a total gross floor area (GFA) of 395,880 m<sup>2</sup> across six development precincts</li> <li>15 building envelopes for warehouse and distribution uses</li> <li>subdivision, site levels, landscaping, infrastructure services and development controls</li> </ul> </li> <li>a Stage 1 DA involving: <ul style="list-style-type: none"> <li>construction and operation of nine warehouse buildings with a total GFA of 237,070 m<sup>2</sup> across precincts 1, 4 and 5</li> <li>estate wide bulk and detailed earthworks involving the importation of 1,007,000 m<sup>3</sup> of fill to achieve warehouse and infrastructure levels during standard construction hours</li> <li>infrastructure works including road construction, drainage and landscaping across the site</li> </ul> </li> </ul>	26 October 2016
<a href="#">MOD 1 – 4.55(2)</a>	<ul style="list-style-type: none"> <li>amended Concept Proposal and Stage 1 DA site, building envelope and road layout and GFA mix</li> <li>increase creek realignment works</li> <li>addition of an amenity lot in precinct 3</li> <li>removal of the construction of warehouse buildings in precincts 4 and 5 to be assessed under future DAs</li> <li>amended site levels and bulk earthworks</li> </ul>	21 April 2017
<a href="#">MOD 2 – 4.55 (1A)</a>	<ul style="list-style-type: none"> <li>withdrawn by the Applicant on 25 January 2017</li> </ul>	Withdrawn
<a href="#">MOD 3 – 4.55(1A)</a>	<ul style="list-style-type: none"> <li>extended weekday construction hours for the importation of fill material for the Stage 1 DA bulk earthworks, including spreading and compacting of fill material</li> </ul>	5 October 2017
<a href="#">MOD 4 – 4.55(1A)</a>	<ul style="list-style-type: none"> <li>changes to the Concept Proposal and Stage 1 DA building envelope and internal road layouts in precincts 1 and 2, including the addition of one additional internal road</li> </ul>	18 December 2017
<a href="#">MOD 5 – 4.55(1)</a>	<ul style="list-style-type: none"> <li>amendment to Condition E37 of SSD 6917 relating to the timeframe when noise verification reports must be submitted for each warehouse building with external mechanical plant</li> </ul>	23 November 2017
<a href="#">MOD 6 – 4.55(1A)</a>	<ul style="list-style-type: none"> <li>update to the Vegetation Management Plan and Biodiversity Offset Strategy</li> <li>update Condition E46 and Condition E47 of SSD 6917 relating to ecosystem credits and the Vegetation Management Plan</li> </ul>	15 June 2018
<a href="#">MOD 7 – 4.55(1A)</a>	<ul style="list-style-type: none"> <li>realignment of the E2 Environmental Conservation zone</li> </ul>	Subject of this report
<a href="#">MOD 8 – 4.55(1A)</a>	<ul style="list-style-type: none"> <li>increase the maximum height limit for a warehouse within Precinct 5 from 15 m to 16.5 m to accommodate roof plant</li> </ul>	Under Assessment

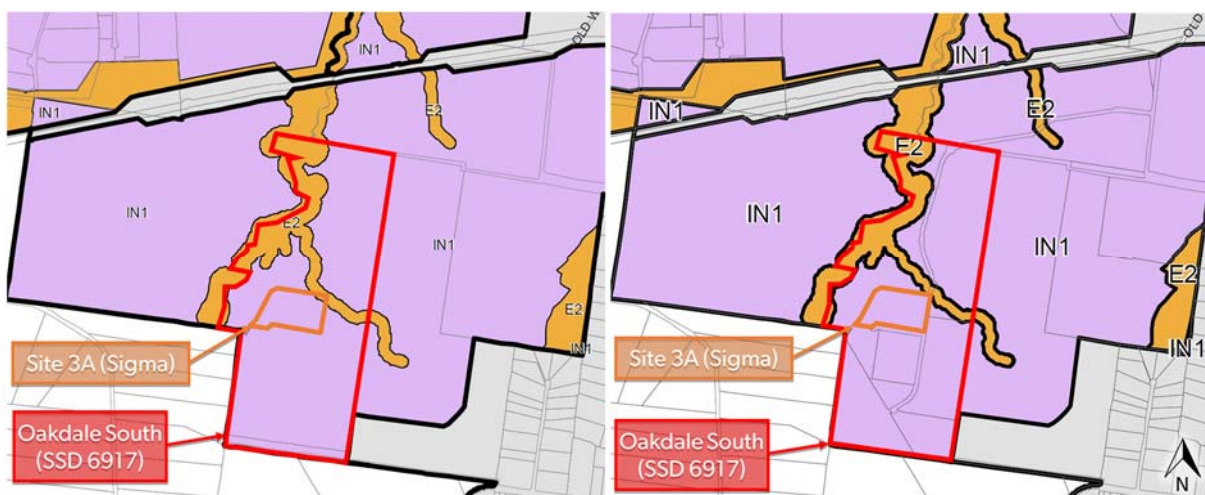
## 1.5 Zoning Amendment

In April 2017, the layout of the southern extent of Oakdale South was modified under SSD 6917 MOD 1 to accommodate the requirements of the future tenants for access, loading and unloading and building orientation (see **Figure 3**). The modification involved a realignment of the Ropes Creek Tributary and necessitated a realignment of its associated E2 Environmental Conservation zone (E2 zone). The realignment of Kemps Creek was assessed and approved as part of this modification application.



**Figure 3** | Original Concept Plan (left) and Modified Concept Plan (right)

In October 2017, the Applicant subsequently submitted a Planning Proposal to the Department to amend the WSEA SEPP as it applies to the Oakdale South site. State Environmental Planning Policy (Western Sydney Employment Area) Amendment (Ropes Creek) 2018 commenced on 16 November 2018, being the date it was published on the NSW legislation website. The WSEA SEPP amendment realigned the E2 zone to reflect the realignment of Kemps Creek approved under SSD 6917 MOD 1 (see **Figure 4**).



**Figure 4** | Previous Zoning (left) and Amended Zoning (right)





## 2. Proposed Modification

In February 2018, the Applicant lodged a modification application under section 4.55(1A) of the EP&A Act to update the approved Concept Proposal plans to reflect the proposed zoning amendment to the WSEA SEPP. The revised plans also change a corner landscape to hardstand on Site 3A of Oakdale South. It is noted that the Department's assessment of this modification application was deferred until the required amendment to the WSEA SEPP was approved.

The modification application does not include any physical works or additional infrastructure. The proposed modification pertains to the Concept Proposal only and would involve minor amendments to the approved Concept Proposal plans to extend the hardstand area of the loading dock. The Sigma Pharmaceutical Warehouse and Distribution Facility (SSD 7719) is located on Site 3A and will require a modification to facilitate these works.

The modification is described in full in the modification application included in **Appendix B** and is illustrated on **Figure 5**.

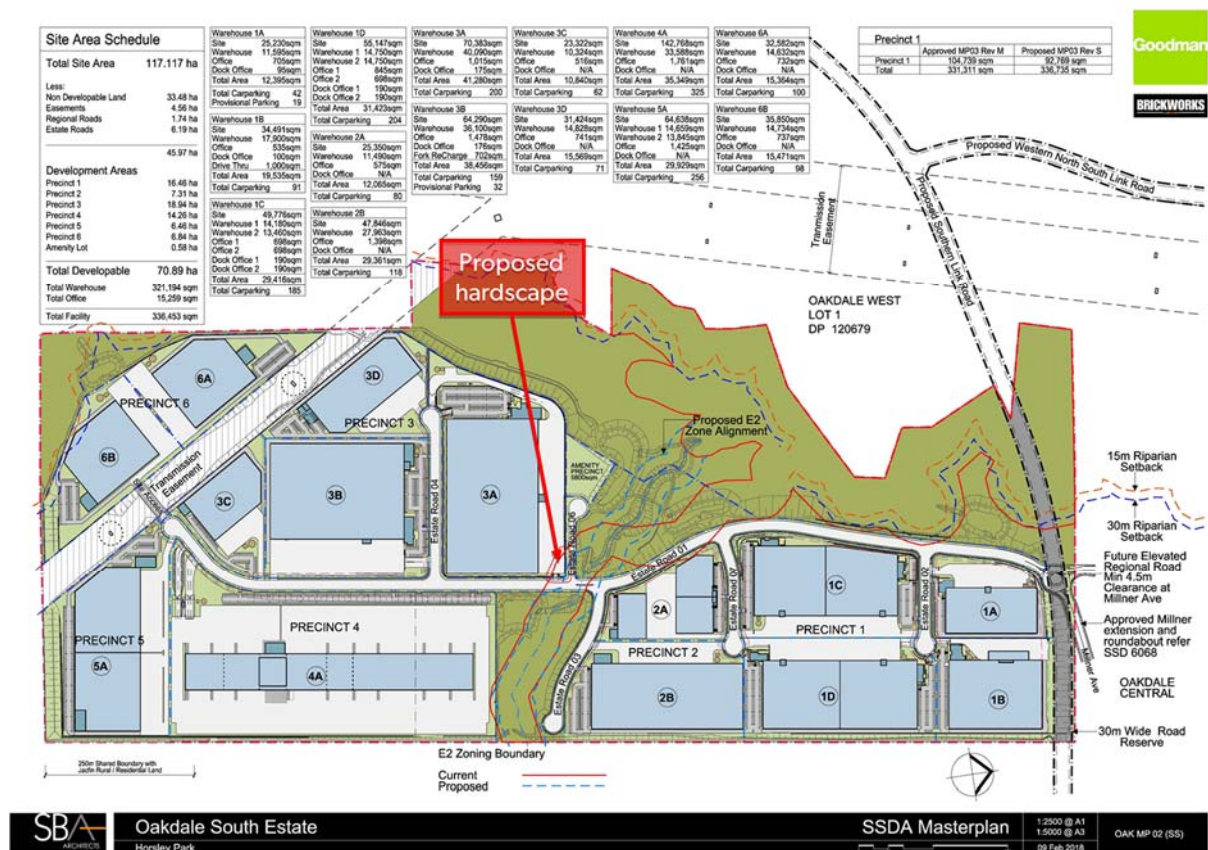


Figure 5 | Proposed Concept Plan



## 3. Strategic Context

### **A Metropolis of Three Cities**

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

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

- would continue to support the freight and logistics network (Objective 16)
- is appropriately located within the WSEA, which is land planned for industrial and urban services (Objective 23).

### **Western City District Plan**

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



## 4. Statutory Context

### 4.1 Scope of Modifications

The Department has reviewed the scope of the modification application and is satisfied that the proposed modification would result in minimal environmental impacts and relates to substantially the same development as the original development consent on the basis that:

- the primary function and purpose of the approved development would not change as a result of the proposed modification
- the modification is of a scale that warrants the use of section 4.55(1A) of the EP&A Act
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of approval.

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.

### 4.2 Consent Authority

The Minister for Planning is the consent authority for the application under section 4.5(a) of the EP&A Act. Under the Minister's delegation of 11 October 2017, the Director, Industry 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.



## 5. Engagement

### 5.1 Department's Engagement

Clause 117(3B) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to State significant development. Accordingly, the application was not notified or advertised, however, it was made publicly available on the Department's website on 21 February 2018, and referred to Penrith City Council (Council), the Office of Environment and Heritage (OEH) and the Department of Industry Crown Lands and Water (DoI) for comment.

A total of two submissions were received, none of which objected to the proposed modification.

**Council** did not object to the modification, however raised concerns relating to the landscaping along the property boundary and the associated visual impacts. Council also provided recommended engineering conditions.

**DoI** did not object to the modification and noted the Applicant should undertake any works within watercourses or waterfront lands in accordance with *Guidelines for Controlled Activities on Waterfront Land* (DPI Water 2012).

### 5.2 Response to Submissions

The Applicant provided a Response to Submissions (RTS) on the issues raised during the notification of the proposed modification (see **Appendix B**).

The RTS was made publicly available on the Department's website and was provided to the submitters to consider whether it adequately addressed the issues raised. A summary of the responses is provided below:

- Council maintained that the north-east corner should incorporate additional landscaping, however reiterated that it did not object to the proposed modification
- DoI noted the RTS addressed their submission and provided no further comments.

The Department has considered the issues raised in submissions, the RTS and the supplementary concerns raised, in its assessment of the proposed modification.





## 6. Assessment

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

- modification application and RTS provided to support the proposed modification (see **Appendix B**)
- assessment report for the original development application and subsequent modification applications
- submissions from State government authorities and Council (**Appendix C**)
- 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 proposed modification is provided in **Table 2**.

**Table 2** | Assessment of the Proposed Modification

Issue	Assessment	Recommendation
Justification for the proposed modification	<ul style="list-style-type: none"><li>• On 21 April 2017, Oakdale South was modified to amend the site layout and realign the Ropes Creek Tributary (SSD 6719 MOD 1).</li><li>• Following the determination of SSD 6719 MOD 1, the Applicant submitted a Planning Proposal to amend the E2 Environmental Conservation zone to be consistent with the realigned Ropes Creek Tributary.</li><li>• State Environmental Planning Policy (Western Sydney Employment Area) Amendment (Ropes Creek) 2018 commenced on 16 November 2018.</li><li>• The subject modification (SSD 6917 MOD 7) involves amending the approved Concept Proposal plans to reflect the updated zoning and change the landscaped area in the north-east corner of Site 3A to hardstand.</li><li>• The Department acknowledges that the realignment of the Ropes Creek Tributary was assessed as part of SSD 6917 MOD 1. The north-east corner of Site 3A zoned E2 was depicted as hard-landscape (gravel) in the submitted and approved plans in the interim. However, the Applicant's intent was to update these plans once the rezoning was approved.</li><li>• The Department also referred the modification application to the OEH, who did not raise any issues in relation to the E2 zone realignment or the associated additional hardstand.</li><li>• The Department's assessment concludes the proposed realignment of the E2 zone is adequately justified.</li></ul>	Replace the relevant plans for Oakdale South to reflect the realignment of the E2 zone.
Landscaping and visual impact	<ul style="list-style-type: none"><li>• The proposed modification involves changing the north-east corner of Site 3A from landscape to hardstand.</li><li>• Council requested that the north-east corner of Site 3A should be further embellished to improve the streetscape presentation at the intersection of Estate Roads 1 and 6.</li><li>• The RTS noted the treatment for the corner of Site 3A currently approved is a gravel surface. As such, the proposed change to hardstand would look the same from the street.</li></ul>	Replace the relevant plans for Oakdale South to reflect the proposed modification to the landscaping.

Issue	Assessment	Recommendation
	<ul style="list-style-type: none"> <li>• The RTS further advised the landscaped set back from the street would be increased and additional soft landscaping would be provided as a result of the proposed modification.</li> <li>• Visual impact was assessed as part of the original SSD and subsequent modifications. The Department considers a change from gravel to hardstand would have a negligible impact on the development with regards to visual impact. That is, the visual impact would not exceed what has already been assessed and approved.</li> <li>• The Department has recommended the replacement of relevant plans in the conditions of consent to reflect the rezoning of the E2 zone.</li> </ul>	
Stormwater	<ul style="list-style-type: none"> <li>• The proposed modification involves reducing the amount of permeable surface on Site 3A by changing a landscape area to hardstand.</li> <li>• The existing stormwater strategy for the Oakdale South Estate includes six stormwater catchment basins, which have been designed to meet Council's pollution reduction targets under the Penrith City Council Water Sensitive Urban Design Policy December 2013.</li> <li>• Council and DoI raised no issues with the proposed modification in relation to stormwater.</li> <li>• The Department's assessment concludes that increase in impervious surfaces on-site would be captured within Catchment C of the existing stormwater strategy which has been designed to cater for the small increase in hardstand proposed.</li> <li>• The existing conditions of consent require the Applicant to review and, if necessary, revise the stormwater strategy within three months of the determination of a modification. No additional conditions of consent are recommended.</li> </ul>	No conditions are recommended.



## 7. Evaluation

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. The Department's assessment of the proposed modification concludes the following:

- the proposed modification involves a minor amendment to the approved Concept Proposal to facilitate the Kemps Creek Tributary realignment (assessed under SSD 6917 MOD 7) and recent amendment to the WSEA SEPP (commenced 16 November 2018)
- the proposed modification would not increase the visual impact of the development beyond what has been previously assessed for the original SSD and subsequent modifications
- the estate-wide stormwater strategy for Oakdale South has sufficient capacity for the increase in hardstand on Site 3A.

The Department has assessed the proposed modification and EA and considered the submissions provided by Council and DoI. The Department has also considered the objects and relevant considerations under section 4.55 of the EP&A Act. The Department considers the proposed modification is appropriate on the basis that:

- it will result in minimal environmental impacts beyond the approved development
- the updated Concept Proposal plans will reflect the re-zoning approved under the WSEA SEPP amendment.

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



## 8. Recommendation

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

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 6917 MOD 7 falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application
- **modify** the consent SSD 6917
- **signs** the attached approval of the modification (Attachment E).

Recommended by:

*Bianca Thornton*  
11/12/18

**Bianca Thornton**  
Planning Officer  
Industry Assessments

Recommended by:

*Kelly McNicol*  
11/12/18

**Kelly McNicol**  
Team Leader  
Industry Assessments





## 9. Determination

The recommendation is: **Adopted** / Not adopted by:

**Chris Ritchie**

Director

Industry Assessments

11/12/18.



# Appendices

## Appendix A – List of Documents

In its assessment, the Department considered:

- State significant development modification application titled SSD 6917: Oakdale South – S.96(1A) Application to Concept Plan to Include E2 / IN1 Zone Update on Lot 3A, prepared by Goodman Group, dated 19 February 2018
- submissions received from Penrith City Council and the Department of Industry
- response to submissions letter titled RE: Oakdale South Estate (SSD6917 MOD7) – Response to Submissions, prepared by Goodman Group, dated 13 March 2018
- State significant development modification for the Oakdale South Industrial Estate (SSD 6917 MOD 1)
- State Environmental Planning Policy (Western Sydney Employment Area) Amendment (Ropes Creek) 2018.

## Appendix B – Modification Application

Available on the Department's website at:

[http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9112](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9112)

## Appendix C – Submissions

Available on the Department's website at:

[http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9112](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9112)



## Appendix D – Response to Submissions

Available on the Department's website at:

[http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9112](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9112)

## Appendix E – Notice of Modification