



Oakdale West Estate Modification 10

Changes to signage for Precinct 1
State Significant Development Modification Assessment
(SSD-7348-Mod-10)

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Cover image: Aerial view of the Oakdale West Estate (Source: Goodman Property Services (Aust) Pty Limited)

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Glossary

Abbreviation	Definition
Applicant	Goodman Property Services (Aust) Pty Ltd
Council	Penrith City Council
Department	Department of Planning and Environment (DPE)
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
Minister	Minister for Planning
OWE	Oakdale West Estate
Planning Secretary	Secretary of the Department
RtS	Response to Submissions
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
WSEA	Western Sydney Employment Area

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1 Introduction

This report provides the Department of Planning, Industry and Environment's (the Department's) assessment of an application to modify the State significant development (SSD-7348) consent for the Oakdale West Estate (OWE).

The modification application seeks consent to modify the Precinct 1 signage plan, including façade signage.

The application was lodged on 31 March 2022 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

Precinct 1 is located within the Concept Plan of the OWE, which was approved by a delegate of the Minister for Planning and Public Spaces on 13 September 2019 (SSD-7348). The OWE is located at Kemps Creek in the Penrith City local government area (see **Figure 1**).

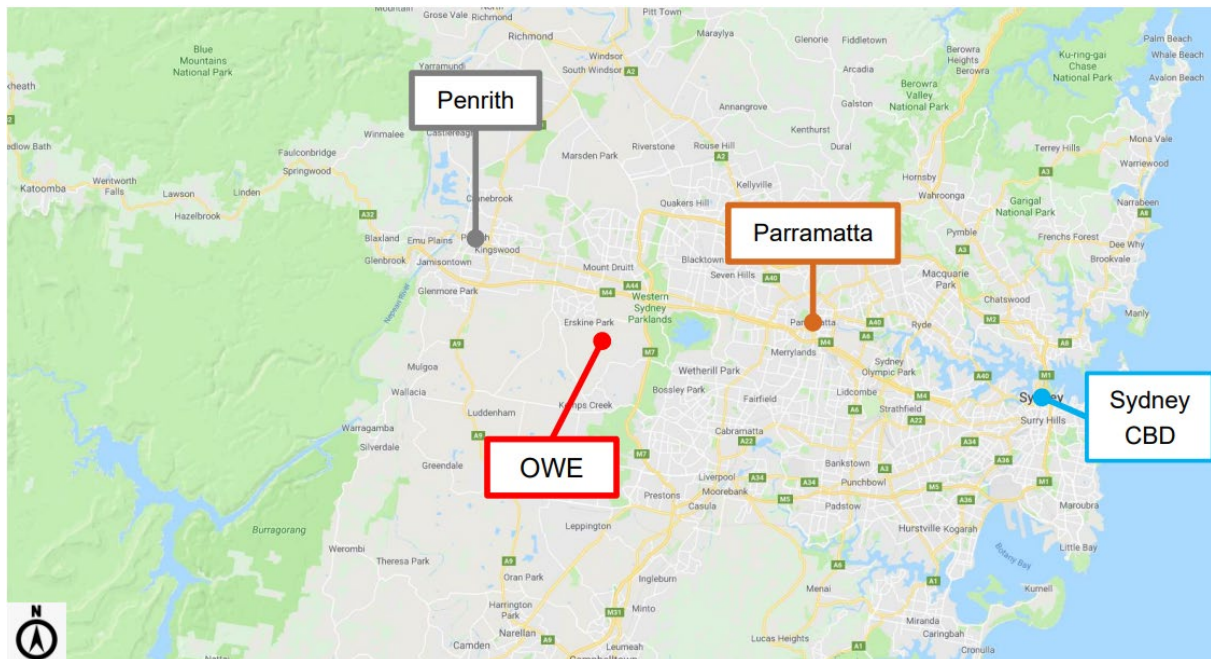


Figure 1 | Regional Context Map

1.2 Subject Site

The OWE covers 154 hectares (ha) of industrial zoned land located at 2 Aldington Road, Kemps Creek, see **Figure 2**. 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 has historically been used for grazing and is currently being developed under the OWE consent. The Applicant has also developed other land immediately to the east for warehouses and distribution centres.

Road access to the OWE is provided by Compass Drive from Lenore Drive, which forms part of the strategic road network designed to service the WSEA. Emmaus Retirement Village, Emmaus Catholic

College, Trinity Catholic Primary School, and Mamre Anglican School are located immediately to the west of the OWE. To the south is the Mamre Road Precinct, which has been zoned for industrial development as an extension of the WSEA. One rural-residential dwelling and native vegetation are located to the immediate south of the OWE. Water NSW drinking water supply pipelines are located along the northern boundary. TransGrid power lines run through the eastern part of the site and Ropes Creek runs along the eastern boundary.

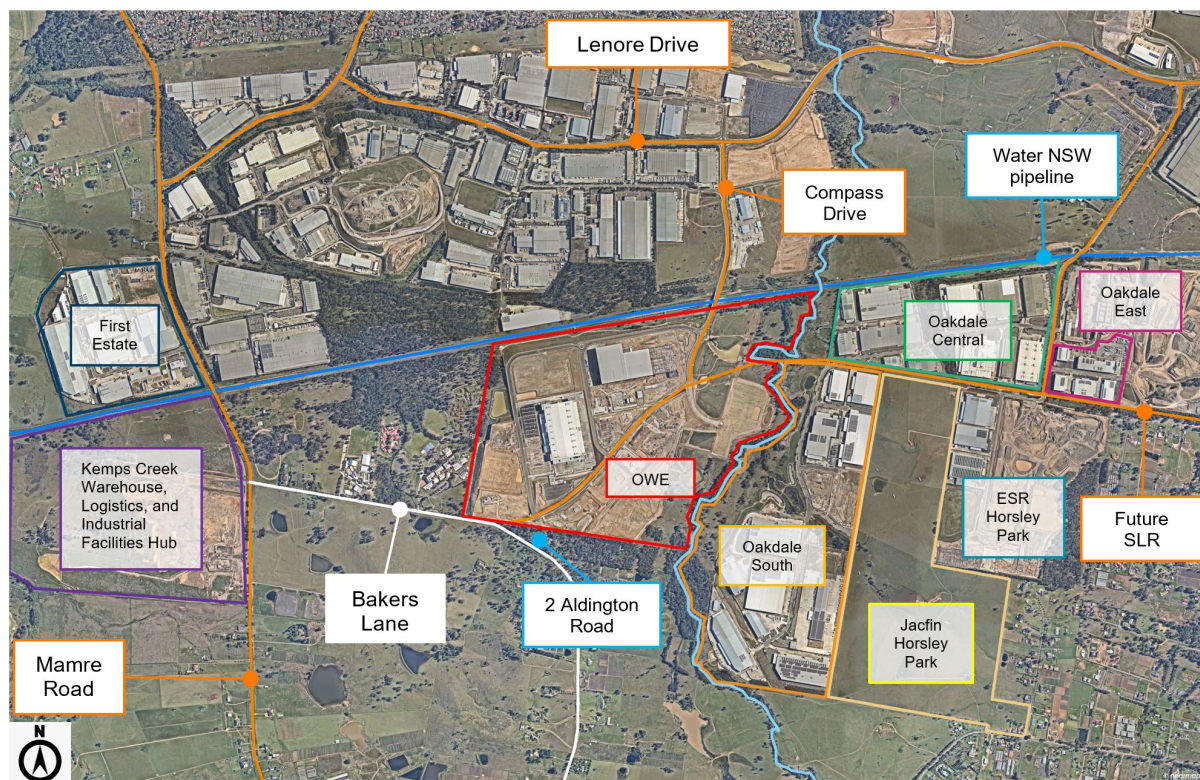


Figure 2 | Subject Site

1.3 Approval history

The OWE consent has been modified nine times, see **Table 1**.

Table 1 | Summary of Modifications to SSD-7348

Mod No	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Changes to pad levels across the Concept Plan, amendments to bio-retention basins and changes to the biodiversity offset strategy	Department	4.55(1A)	27 March 2020
MOD 2	Changes to Stage 1 pad levels, building layouts and the height of building 1A	Department	4.55(2)	21 April 2020
MOD 3	Changes to the Concept Plan layout, Stage 2 area and height of building 2B	Department	4.55(1A)	3 April 2020

Mod No	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 4	Include an additional lot for construction works for the WNSLR (now Compass Drive)	Department	4.55(1A)	24 March 2020
MOD 5	Increase in Southern Link Road (SLR) road reserve and associated reduction in building and landscape setbacks, amendments to Precinct 1A layout and car parking, quantities of dangerous goods stored in building 1A, setting up an alternative biodiversity offset site, and extending the completion date for the noise barrier	Department	4.55(1A)	5 November 2020
MOD 6	Amend building form and layouts in Precincts 1 and 2, height increase of building 2A, reduced gross lettable area for buildings 1B and 1C, removing estate road speed limits and increasing the vegetation management area adjacent to Ropes Creek	Department	4.55(1A)	10 March 2021
MOD 7	Changes to earthworks levels and building layouts in Precinct 4, earthworks pad and lot boundary in Precinct 3 and layout of estate road 7, bulk earthworks and construction of retaining walls in Precincts 3 and 4, and construction of a lot boundary fence in Precinct 1	Department	4.55(1A)	8 October 2021
MOD 8	Minor changes to layout, facades and signage on buildings 1A, 1B and 1C	Department	4.55(1A)	10 September 2021
MOD 9	Amend layout of Building 2A, 2C and 2D and increase the height of Building 2C	Department	4.55(1A)	8 December 2021

2 Proposed modification

2.1 Amended Modification

On 31 March 2022, the Applicant lodged a modification under s4.55(1A) of the EP&A Act to modify SSD-7348. Initially, the modification was seeking to update the Precinct 5 layout, including reducing the size of the primary warehouse, reducing Precinct 5 car parking, as well as changes to signage for Precinct 1. However, Council raised an objection to the layout of access driveways proposed to Lot 5A, and site layout proposed for Warehouses 5A and 5B. In response, the Applicant removed the modifications relating to Precinct 5.

The changes include:

- Removal of all changes relating to the Precinct 5 layout
- Retaining changes relating to the Precinct 1 signage

The changes were reviewed, and the requested amendment was accepted by the Department in accordance with Section 38 of the Environmental Planning & Assessment Regulation 2021 (EP&A Regulation) on 20 July 2022. The amended modification is described below and forms the basis of the Department's assessment in this report.

2.2 Proposed Modification

The modification is described in full in the Statement of Environmental Effects (SEE) and the Applicant's Amendment Report included in **Appendix A** and is illustrated on **Figure 3 to Figure 6**. The modification seeks to:

- Reduce the size of tenant signage "D" and "E"
- Remove sign "E" from south east corner office of Warehouse 1A and reposition the sign
- Update façade plans for warehouse 1A to show updated signage zones on the warehouse façade
- Increase the height of the pylon sign from 12 m to 16 m.

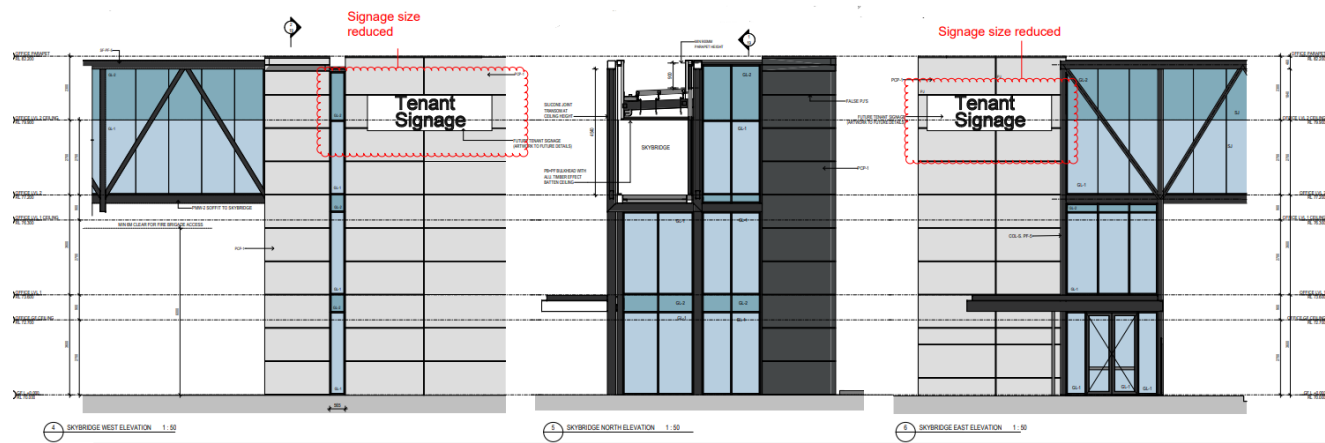


Figure 4 reduced signage size

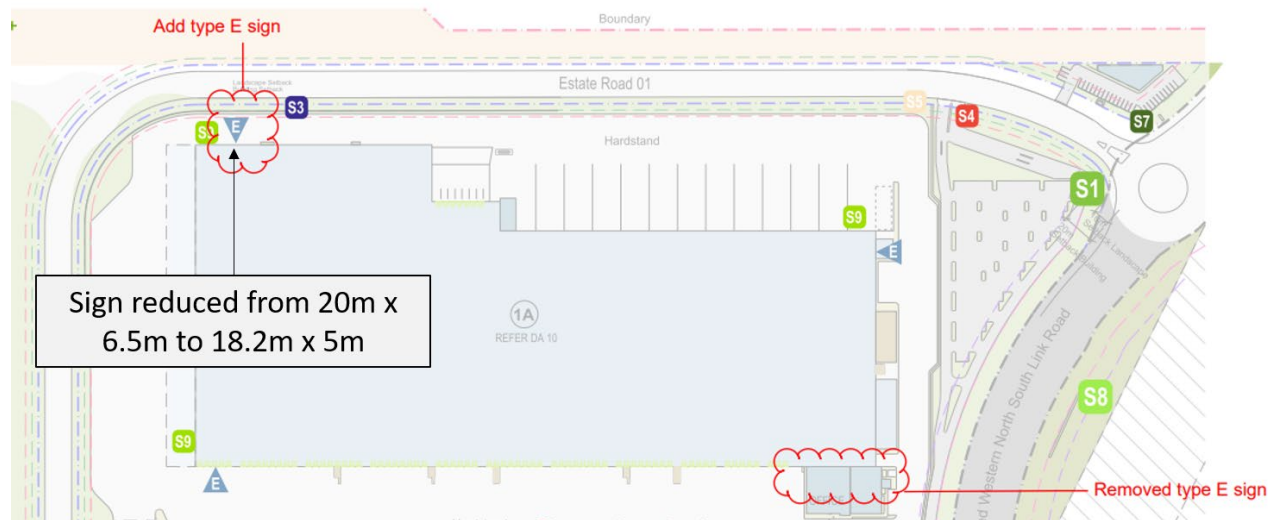


Figure 3 | relocation of type E sign

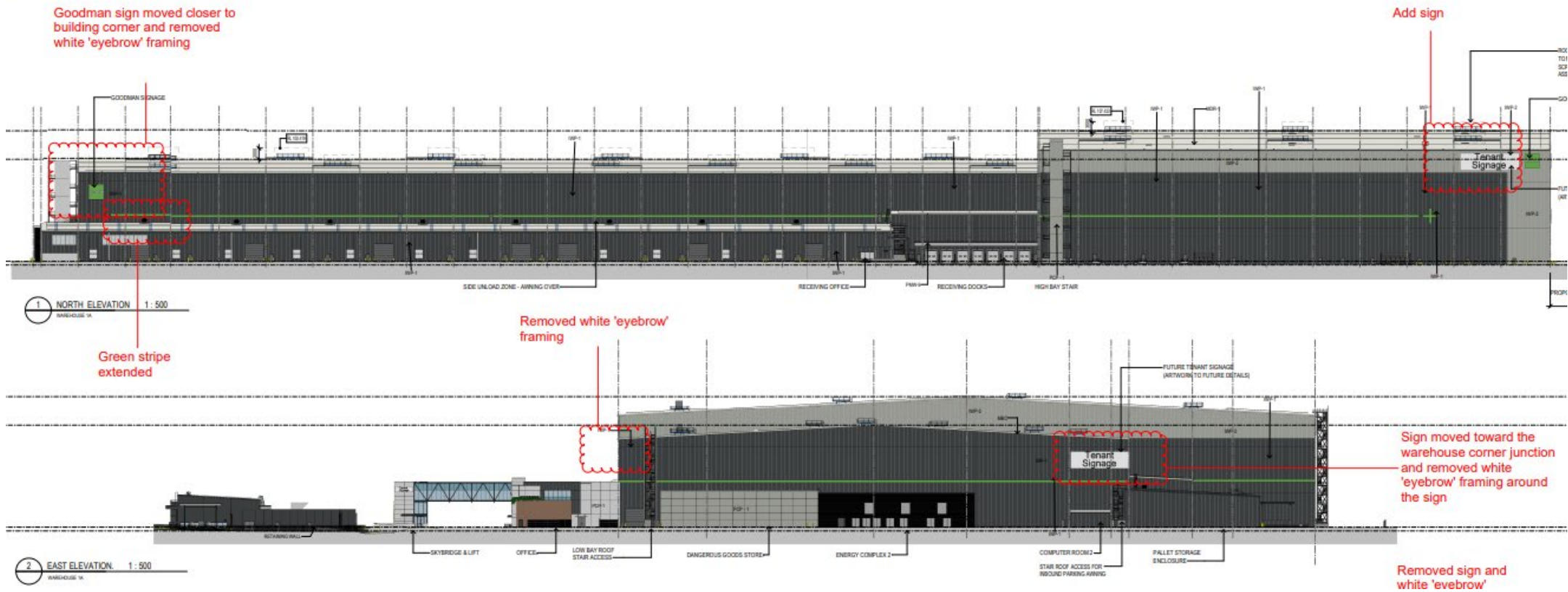


Figure 5 | North and east elevations

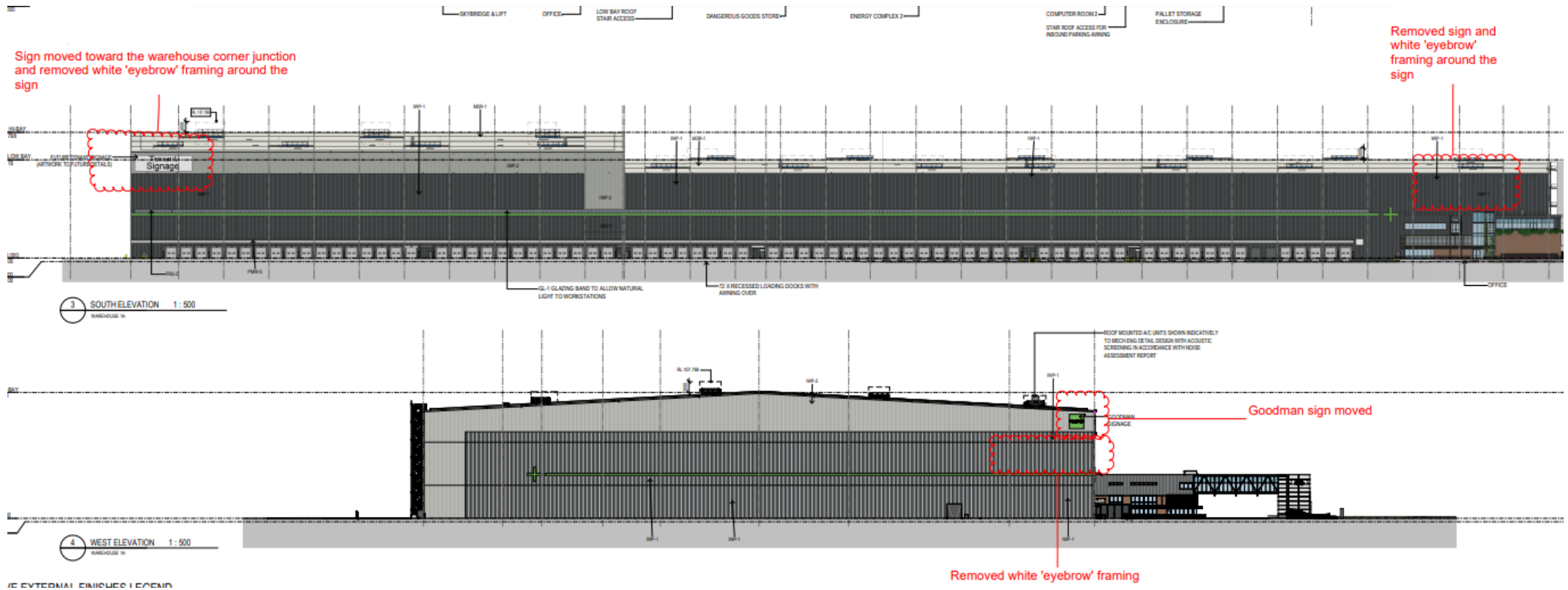


Figure 6 | South and west elevations

3 Statutory context

3.1 Scope of Modifications

The Department has reviewed the scope of the modification application and is satisfied the 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 modification
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of consent
- the modification is of a scale that warrants the use of section 4.55(1A) of the EP&A Act
- the modified development is substantially the same development as originally approved.

Therefore, the Department is satisfied the 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 26 April 2021, the Acting Team Leader, Industry Assessments, may determine the application under delegation as:

- the application has not been made by a person who has disclosed a reportable political donation under section 10.4 of the EP&A Act
- there are no public submissions in the nature of objections, and
- Council has not made a submission by way of objection under the mandatory requirements for community participation listed under Schedule 1 of the EP&A Act.

3.3 Mandatory Matters for Consideration

The Department undertook a comprehensive assessment of the application against the mandatory matters for consideration as part of the original assessment of SSD-7348. This modification application does not result in significant changes that would alter the Department's consideration of the mandatory matters for consideration under section 4.15(1) of the EP&A Act and conclusions made as part of the original assessment.

3.4 Biodiversity Conservation Act 2016

Clause 30A(2)(c) of the Biodiversity Conservation (Savings and Transitional) Regulation 2017 specifies that if the determining authority is satisfied a modification will not increase the impact on biodiversity values, a biodiversity development assessment report (BDAR) is not required.

The modification does not require any vegetation clearing and would not impact on any threatened species or ecological communities. All vegetation clearing has been completed under the approved

Stage 1 SSD application and the biodiversity offset requirements have been met. For the reasons discussed above, the Department's assessment concludes a BDAR is not necessary for the proposed modification.

4 Engagement

4.1 Department's Engagement

Section 105(2) of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) requires a section 4.55(1A) modification application to be notified or advertised if specified by a community participation plan. The Department's Community Participation Plan notes the exhibition requirements for such modifications are discretionary, and based on the urgency, scale and nature of the proposal.

Given the proposed changes would result in minimal environmental impacts (see **Section 5**), the application was not notified or advertised. However, it was made publicly available on the Department's website on 31 March 2022, and was referred to Penrith City Council for comment.

4.2 Government Advice

Advice was received from from local council. A summary of this advice is provided below.

Council initially raised an objection to the modification due to the layout of of access driveways proposed to Lot 5A, and site layout proposed for Warehouses 5A and 5B. This was subsequently removed from the modification by the Applicant, as detailed in the amended modification. Council also objected to the 4 metre (m) height increase of the pole sign to 16 m. This was also removed from the modification application.

4.3 Response to Submissions

On 4 July 2022, the Applicant provided a Response to Submissions (RtS) to address the issues raised by Council. The Applicant indicated that a modification amendment would be lodged to remove amendments to the layout of Precinct 5. In response to Council's objection to the pylon sign height increase, the Applicant provided a justification, and argued that the sign was of an appropriate scale given the height of the adjacent building.

4.4 Modification Amendment

On 12 July 2022, the Applicant submitted an Amendment Report to reduce the scope of the modification. The Amendment Report was made publicly available on the Department's website and referred to Council for comment. The Modification Amendment included:

- Removal of modifications to Precinct 5 Layout, for this to be instead deferred to Council in their assessment of DA22/0546

In response, Council advised they remained in objection to the pylon sign height increase of 4 m, and raised no further concerns.

The Department similarly held the position that the increase in height of the pylon sign was not adequately justified. The height increase was subsequently removed from the modification.

5 Assessment

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

- SEE and RtS provided to support the proposed modification (see **Appendix A**)
- documentation and Department's assessment report for the original DA and subsequent modification application(s) (see **Appendix A**)
- submission from Council (**Appendix A**)
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the Objects of the EP&A Act.

The Department considers the key assessment issues is signage.

5.1 Signage

The proposed modification involves the reduction of tenant signage and updates to the façade plan to accommodate signage changes, including the relocation of sign E to the north-western corner of the building façade. The Applicant has stated the modification is required to accommodate customer signage requirements. The Applicant also clarified there would be no changes to building height, bulk or scale, car parking, vehicle movements or landscaping, and the updates would not result in a change to or intensification of use of the site. In the visual impact assessment, the Applicant concluded the general façade presentation and surrounding landscaping remains unchanged, and therefore the visual impact would be minor. The proposed signage would continue to provide essential business identification and façade articulation without any increase in bulk or scale.

Council raised no concerns with the modification as amended. Council did, however, raise objection to the pylon sign height increase. The Department concluded the height increase was not justified nor reasonable, and this was subsequently removed from the modification by the Applicant. Council did not raise any further issues.

The Department is satisfied that the proposed signage changes would have a minor visual impact, and would have no other additional environmental impacts beyond those approved under the original development. The Department's assessment concludes the modified signage and facade changes would result in negligible visual impact. No modified signage conditions are required, other than to modify condition D43 to refer to the updated architectural plans.

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 would result in minimal environmental impacts beyond the approved facility
- the proposed modification relates to the reduction in scale and relocation of signage only.

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

7 Recommendation

It is recommended that the Acting Team Leader, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD-7348-MOD-10 falls within the scope of section 4.55(1A) of the EP&A Act
- **forms the opinion** under clause 30A(2)(c) of the Biodiversity Conservation (Savings and Transitional) Regulation 2017 that a BDAR is not required to be submitted with this application as the application will not increase the impact on biodiversity values on the site
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modify** the consent SSD-7348
- **signs** the approval of the modification (**Appendix C**).

Recommended by:



Zoe Halpin
Planning Officer
Industry Assessments



David Schwebel
Senior Planning Officer
Industry Assessments

8 Determination

The recommendation is **Adopted** by:



17 August 2022

Pamela Morales

A/Team Leader

Industry Assessments

as delegate of the Minister for Planning

Appendices

Appendix A – List of Documents

The Department has relied upon the following key documents during its assessment of the proposed development:

Modification Application

- 'SSD7348 MOD 10, Oakdale West Stage – S.4.55(1a) Application To Modify Architecture Plans' Prepared By Goodman Property Services (Aust) Pty Ltd Dated 4 July 2022 - <https://www.planningportal.nsw.gov.au/major-projects/projects/oakdale-west-estate-mod-10-signage-changes>

Submissions and Advice

- <https://www.planningportal.nsw.gov.au/major-projects/projects/oakdale-west-estate-mod-10-signage-changes>

Response to Submissions

- 'SSD7348 - MOD10 RFI Response' prepared by Goodman Property Services (Aust) Pty Ltd dated 4 July 2022 <https://www.planningportal.nsw.gov.au/major-projects/projects/oakdale-west-estate-mod-10-signage-changes>

Department's Assessment Report for SSD-7348

- <https://www.planningportal.nsw.gov.au/major-projects/projects/oakdale-west-estate>

Appendix B – Modifying Instrument

The Instrument is available on the Department's website at

<https://www.planningportal.nsw.gov.au/major-projects/projects/oakdale-west-estate-mod-10-signage-changes>

Appendix C – Consolidated Consent

The Consolidated Consent is available on the Department's website at

<https://www.planningportal.nsw.gov.au/major-projects/projects/oakdale-west-estate-mod-10-signage-changes>