

19 August 2022

Mr Chris Ritchie  
Director, Industry Assessments  
NSW Department of Planning and Environment  
Locked Bag 5022  
PARRAMATTA, NSW 2124

Dear Chris,

**Oakdale West Industrial Estate Stage 3 SSD 9794683 – Modification Application 1  
19 Emporium Avenue, Kemps Creek**

This Modification Report has been prepared by *Keylan Consulting Pty Ltd* (Keylan) on behalf of *Goodman Property Services (Aust.) Pty Ltd* (the Applicant).

The request is submitted to modify the State Significant Development (SSD) development consent for Stage 3 of the Oakdale West Industrial Estate (OWE) (SSD 9794683), under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The modification application proposes minor changes to the layout of the warehouse buildings in Lot 2C and Lot 2D. Specifically, this application seeks an amendment to the layout of the site to incorporate a fire access track along the northern boundary of Building 2D and associated adjustments to the footprint of the buildings and car parking. The modification also proposes a relocation of the car park access driveway on Emporium Avenue to improve internal vehicle movements and parking access.

## **1. Background**

The OWE is located at 2 Aldington Road, Kemps Creek within the boundaries of the Western Sydney Employment Area (WSEA), established under Chapter 2 of the *State Environmental Planning Policy (Industry and Employment) 2021* (Industry and Employment SEPP).

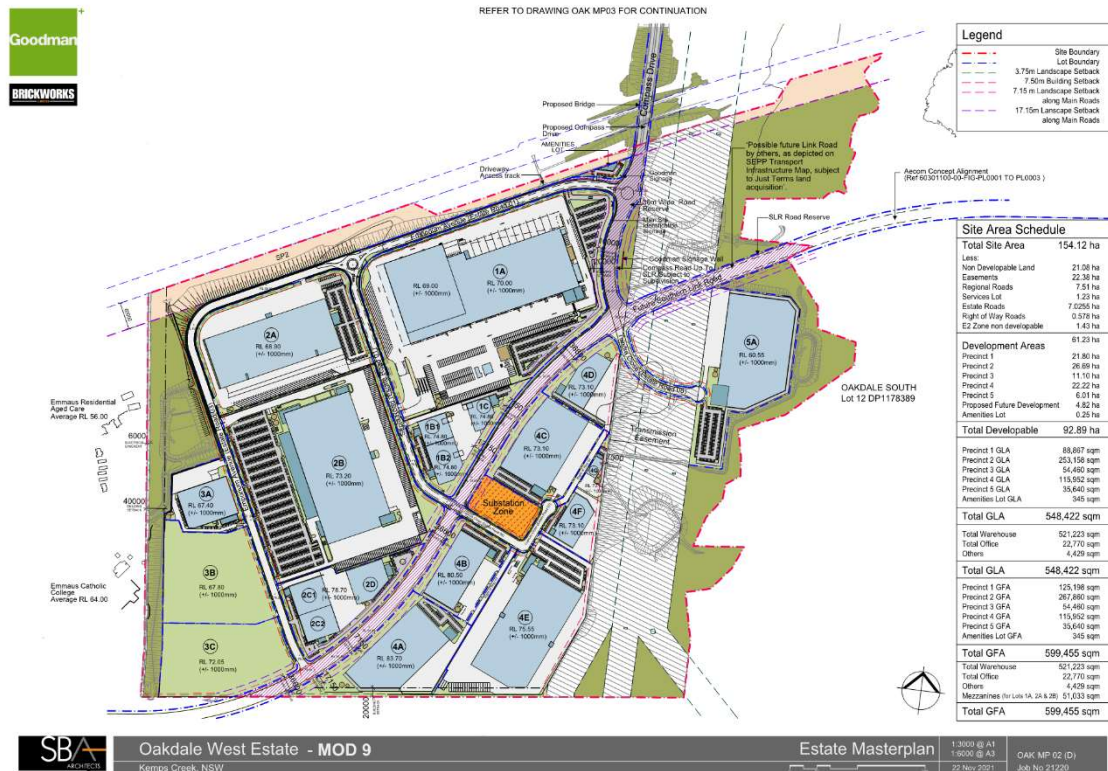
The land, previously Lot 26 in DP 1269741, is now legally described under the current registered plans of subdivision as Lot 101, Lot 102 and Lot 103 in DP 1262308 and Lot 105 to Lot 111 in DP 1262310.

### **1.1 SSD 7348 – OWE Concept Plan and Stage 1**

On 13 September 2019, DPIE approved SSD 7348 for the staged development of the OWE. SSD 7348 comprises a Concept Proposal and Stage 1 development application (DA) which includes estate-wide earthworks, infrastructure, and services and the construction and operation of warehouses in Precinct 1.

SSD 7348 establishes development controls for all warehouse buildings in the estate, which future applications must comply with.

The approved (as modified) layout of the OWE concept plan is shown in Figure 1.



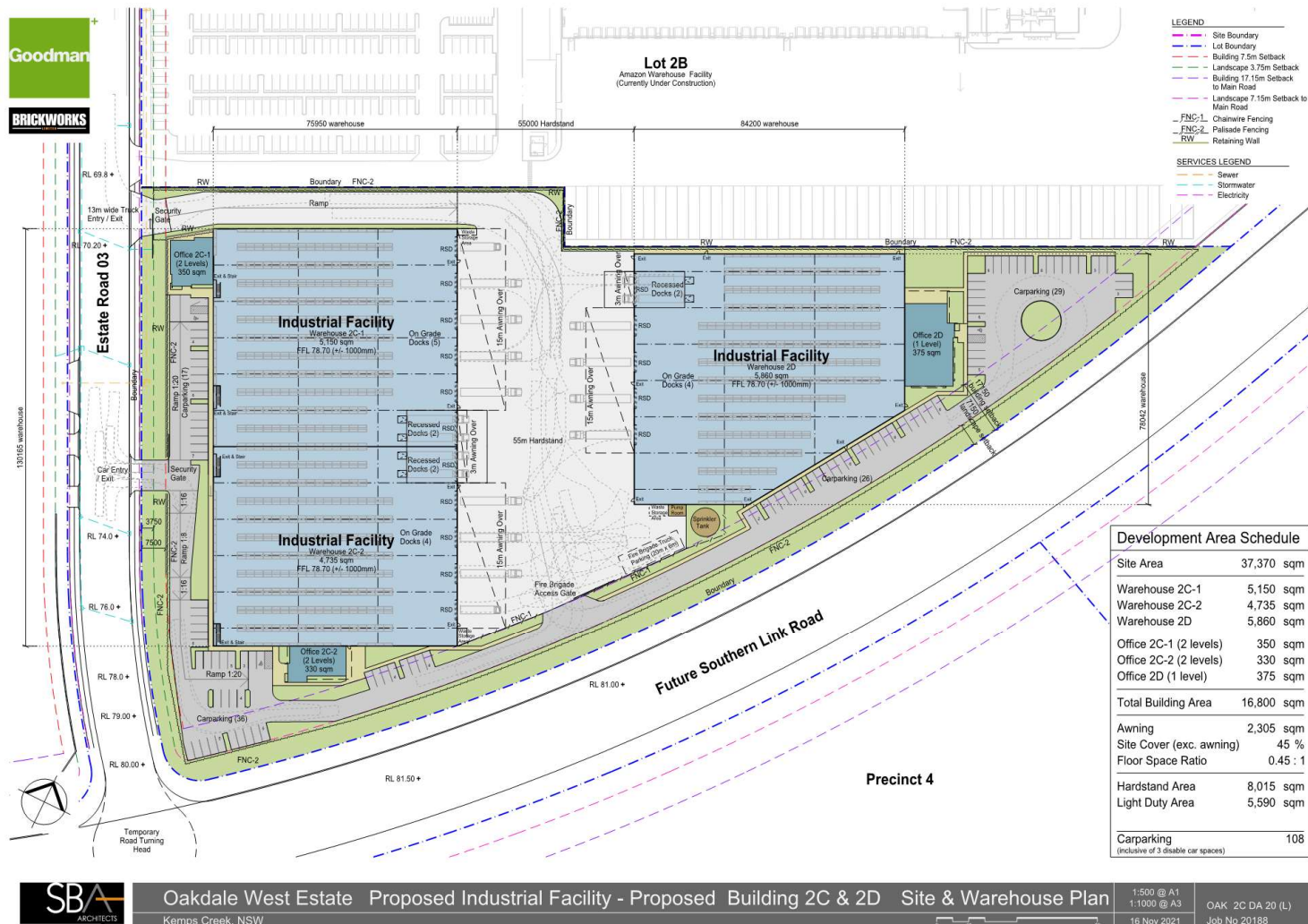


Figure 2: SSD 9794683 Approved Layout - Buildings 2C and 2D (Source: SBA)

## 2. Proposed Modification

The modification application includes a new fire access pavement along the northern perimeter of Building 2D and associated minor changes to the layout of the warehouse buildings and car parking of both Building 2C and Building 2D.

The reconfiguration of Building 2D includes a relocation of the recessed docks to enable fire vehicles access, additional roller shutter door dock and a relocation and extension of the awning over at-grade docks. The reconfiguration of Building 2C includes a 3m eastern extension of the warehouse building and a revised retaining wall along the western wall to provide pedestrian access along the western perimeter of the building.

The proposed modification also includes a relocation of the access driveway on Emporium Avenue approximately 31.2 m to the south. The revised access driveway enables improved grades of the internal roads and minimises interference between entering vehicles and the parking areas for Building 2C1.

The modification does not propose changes to the approved operations, building and landscape setbacks, car parking provisions or other development controls under SSD 10399.

The proposed modifications to the approved layout of Buildings 2C and 2D are summarised in Table 1 and the modified site layout is shown in Figure 3. The updated architectural plans (including annotated changes) and landscape plans for the modification are provided in Appendix 1 and Appendix 2, respectively.

Element	Approved	Proposed	Change
<b>Building 2C</b>			
Warehouse GFA	9,885 m <sup>2</sup>	10,367 m <sup>2</sup>	+482 m <sup>2</sup>
Office GFA	680 m <sup>2</sup>	680 m <sup>2</sup>	No change
Total GFA	10,565 m <sup>2</sup>	11,047 m <sup>2</sup>	+482 m <sup>2</sup>
Warehouse dimensions	75.950 m (D) x 130.165 m (W) x 22.2 m (H)	79.666 m (D) x 130.165 m (W) x 22.2 m (H)	+3.716 m (D) No change (W) No change (H)
Car parking	53	53	No change
<b>Building 2D</b>			
Warehouse GFA	5,860 m <sup>2</sup>	5,378 m <sup>2</sup>	-482 m <sup>2</sup>
Office GFA	375 m <sup>2</sup>	375 m <sup>2</sup>	No change
Total GFA	6,235 m <sup>2</sup>	5,753 m <sup>2</sup>	-482 m <sup>2</sup>
Warehouse dimensions	78.042 m (D) x 84.200 m (W) x 13.7 m (H)	73.152 m (D) x 84.434 m (W) x 13.7 m (H)	-4.890 m (D) +0.234 m (W) No change (H)
Parking	55	55	No change
<b>Total GFA</b>	16,800 m <sup>2</sup>	16,800 m <sup>2</sup>	No change
Hardstand width	55 m	51 m	-4 m

Table 1: Proposed changes to Buildings 2C and 2D



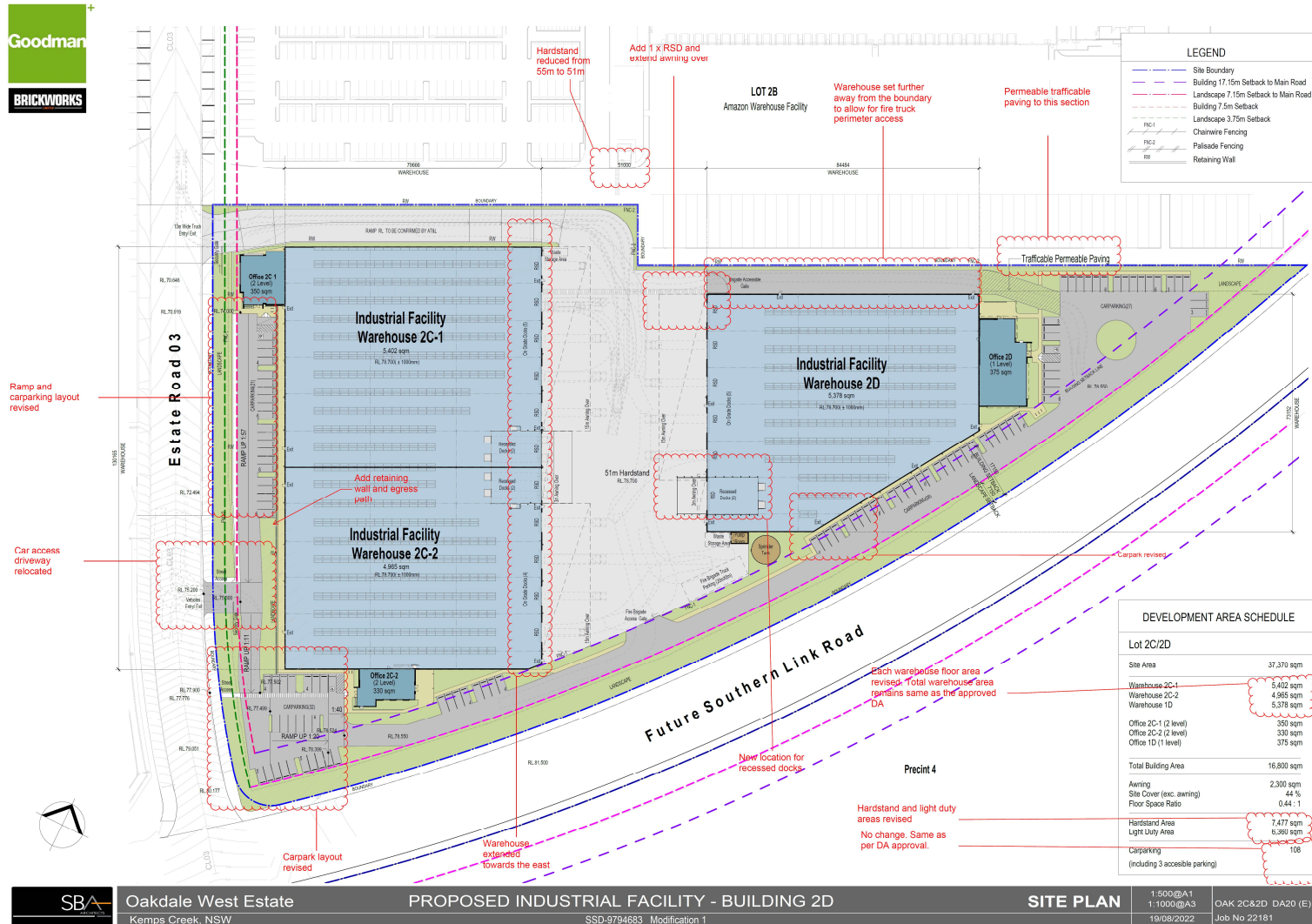


Figure 3: Proposed modified layout (Source: SBA)

### 3. Request to modify the Conditions of Consent

Condition A6 of SSD 9794683 specifies the GFA for the Buildings in Stage 3 of the OWE. The proposed modifications to Condition A6 are outlined below:

#### **Development Controls**

*A6. The total area of warehousing and office space at the development must not exceed the following maximum gross lettable area:*

- (a) Building 2A – 35,612 square metres;
- (b) Building 2C – ~~10,565~~ **11,047** square metres; and
- (c) Building 2D – ~~6,235~~ **5,753** square metres.

The proposed modification also requires updates to the relevant drawings and figures in Appendix 1 of SSD 9794683 as follows:

Architectural Plans prepared by SBA Architects Pty Ltd			
Lot 2C and 2D			
Drawing	Revision	Title	Date
OAK 2C DA20	<del>LE</del>	Site & Warehouse Plan	<del>16 November 2021</del> 19 August 2022
OAK 2C & 2D DA300	<del>DA</del>	Roof Plan	<del>15 October 2021</del> 8 August 2022
OAK 2C & 2D DA310	<del>HB</del>	Elevations – Warehouse 2C	<del>29 October 2021</del> 19 August 2022
OAK 2C & 2D DA311	<del>HB</del>	Elevations – Warehouse 2D	<del>29 October 2021</del> 19 August 2022

Landscape Plans prepared by Scape Design Pty Ltd			
Lot 2C and 2D			
Drawing	Revision	Title	Date
L.SK.00	K	Cover Sheet	<del>23 November 2021</del> 18 August 2022
L.SK.01	F	Landscape Sketch Plan – Lot 2A	<del>4 November 2020</del> 3 August 2022
L.SK.02	<del>EF</del>	Landscape Sketch Plan – Lot 2C & 2D	<del>23 November 2021</del> 18 August 2022
L.SK.04	<del>HG</del>	Planting Plan – Lot 2C & 2D	<del>23 November 2021</del> 18 August 2022
L.SK.06	<del>EG</del>	Planting Schedule – Lot 2C & 2D	<del>23 November 2021</del> 18 August 2022
L.SK.108	<del>DE</del>	Landscape – Detailed Plan & Notes – Lot 2C & 2D	<del>23 November 2021</del> 18 August 2022
L.SK.200	<del>FG</del>	Carpark Details	<del>23 November 2021</del> 18 August 2022

The relevant figures in Appendix 1 (Figure 5 through to Figure 8) are also to be replaced by the updated architectural plans, which are included in Attachment 1 and updated Landscape Plan in Attachment 2.

No other changes to the conditions of consent are required as a result of the proposed modification.

#### 4. Section 4.55(1A) Modifications involving minimal environmental impact

The following section provides an assessment against the statutory environmental planning instruments relevant to the development. The section includes discussion and evaluation of the key issues and matters for consideration under Sections 4.55 and 4.15(1) of the EP&A Act.

Section 4.55(1A) of the EP&A Act states:

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

Section 4.55(1A) Provision	Response
(a) <i>it is satisfied that the proposed modification is of minimal environmental impact, and</i>	<p>The proposed modification involves minor changes to the approved building layout and does not involve any changes to the approved footprint or operation of the development.</p> <p>Therefore, the proposed modification does not result in any changes to the environmental impacts of the site, other than approved.</p>
(b) <i>it is satisfied 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), and</i>	<p>The proposed modification is considered substantially the same as approved.</p> <p>The proposed modification involves minor changes to the approved building and site layout.</p> <p>No changes are proposed to the approved built form or use.</p>
(c) <i>it has notified the application in accordance with:</i> <ul style="list-style-type: none"> <li><i>i. the regulations, if the regulations so require, or</i></li> <li><i>ii. a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and</i></li> </ul>	<p>This application will be notified in accordance with the regulations.</p>
(d) <i>it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.</i>	<p>Consideration will be given to any submissions.</p>

Table 1: Section 4.55(1A) Assessment



## 5. Section 4.55(3)

Section 4.55(3) of the EP&A Act states:

*In determining an application for modification of a consent under this section, the consent authority must take into consideration of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

The following section also includes discussion and evaluation of the key issues and matters for consideration under Section 4.15(1) of the EP&A Act.

## 6. Section 4.15(1) Assessment

This section provides an assessment against Section 4.15(1) of the EP&A Act.

Provision	Comment
(a) <i>The provisions of:</i>	
(i) <i>any environmental planning instrument, and</i>	SSD 9794683 provided an assessment of the development against the relevant planning instruments.  The proposed modification will not alter the approved developments compliance with the relevant EPI's.
(ii) <i>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 Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i>	N/A
(iii) <i>any development control plan, and</i>	The site is subject to the <i>Penrith Development Control Plan 2014</i> , with site specific controls established in Schedule 2 of SSD 9794683. The proposed modification is consistent with the relevant development control plan.
(iiia) <i>any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</i>	The Applicant has entered into a planning agreement for the development at OWE with the Minister for Planning and Public Spaces, in accordance with the requirements of clause 29 of the WSEA SEPP.
(iv) <i>the regulations (to the extent that they prescribe matters for the purposes of this paragraph)</i>	N/A
(v) <i>(Repealed)</i>	

Provision	Comment
<i>that apply to the land to which the development application relates,</i>	
<i>(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,</i>	The request to modify the conditions of consent will not result in any adverse environmental impacts as discussed in Section 7.
<i>(c) the suitability of the site for the development,</i>	The site has been deemed suitable for the development under SSD 7348 and SSD 9794683. The modification application involves no physical changes to the site, as such the suitability of the site remains as approved.
<i>(d) any submissions made in accordance with this Act or the regulations,</i>	Any submissions made will be considered accordingly.
<i>(e) the public interest.</i>	The SSD 9794683 application addressed the public interest. Given the minor amendments of this modification, the proposal remains within the public interest.

Table 2: Section 4.15(1) Assessment

## 6.1 State Environmental Planning Policy (Industry and Employment) 2021

The Industry and Employment SEPP establishes the WSEA and identifies eleven precincts within its boundary. The site is located within Precinct 8 – South of Sydney Catchment Authority Warragamba Pipelines.

The approved OWE concept masterplan is consistent with the strategic objectives of the WSEA SEPP and the minor nature of the proposed modification ensures the development of Buildings 2C and 2D within the OWE is consistent with those objectives.

## 7. Environmental Planning Assessment

### 7.1 BCA Assessment

The proposal involves the introduction of a fire services access corridor along the northern perimeter of Building 2D and a review of the proposed modifications against the Building Code of Australia (BCA) is provided in Appendix 3.

The BCA assessment demonstrates that the development can achieve compliance with the BCA, subject to the implementation of recommended performance solutions prior to commencing construction.

### 7.2 Traffic and Access

A transport assessment memorandum has been prepared by Ason which is included in Appendix 4.

The private vehicle access driveway on Emporium Avenue will be approximately 31.2m closer to the intersection with the future Southern Link Road compared with the approved location.

The transport assessment concludes that the sight distances from the relocated driveway will comply with the relevant Australian Standard (AS 2890.1:2004), subject to no obstacles higher than 1.15m within the road verge as indicated in Appendix 4.

The fire access corridor will be constructed of a combination of light duty pavement and trafficable permeable grassed pavement which will be capable of servicing the fire fighting vehicles.

The pavement will connect with the eastern car park of Building 2D and the hardstand between the two warehouse buildings. Because the pavement will be grassed, its appearance will discourage private vehicle use of the access corridor and heavy vehicle access ramp.

### **7.3 Other Issues**

Given the minor nature of the proposed modifications, the proposal would not affect the operational and amenity impacts of the approved development, including noise and visual impacts, on surrounding receivers.

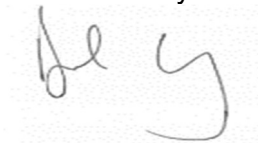
## **8. Conclusion**

This Modification Report supports a request to modify the conditions of consent for Stage 3 of the OWE (SSD 9794683). The modification application seeks minor changes to the layout of Buildings 2C and 2D to accommodate a fire access trail along the northern perimeter of Building 2D and a revision to the car parking and access. The proposed modification will not result in any adverse environmental impacts and will facilitate the orderly economic development of the land.

Based on the assessment in this report, we consider that the applicant has shown good cause for the Department to modify the consent as requested.

Please do not hesitate to contact Kane Winwood (02 8459 7507 or [kane@keylan.com.au](mailto:kane@keylan.com.au)) if you wish to discuss any aspect of this report.

Yours sincerely



Dan Keary BSc MURP RPIA  
Director

## **Appendix 1**

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Updated Architectural Plans

## **Appendix 2**

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### Updated Landscape Plans



## **Appendix 3**

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Building Code of Australia Assessment

## **Appendix 4**

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### Transport Assessment Memorandum