



Oakdale West Estate Stage 3 Development Modification 1

Modifications to layouts and façade design of Warehouses 2C
and 2D

State Significant Development Modification Assessment (SSD-
9794683-MOD-1)

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Cover image: Aerial Photo of Oakdale West Estate (Goodman Property Services (Aust) Pty Ltd, 2022)

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Glossary

Abbreviation	Definition
Council	Penrith City Council
Department	Department of Planning and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979 (NSW)</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
FRNSW	Fire and Rescue NSW
GFA	Gross Floor Area
Minister	Minister for Planning
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SLR	Southern Link Road
SSD	State Significant Development
TfNSW	Transport for NSW
WSEA	Western Sydney Employment Area

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1 Introduction

1.1 The Department's Assessment

This report provides the Department of Planning and Environment's (the Department) assessment of an application to modify the State significant development consent for the Oakdale West Estate (OWE) Stage 3 Development (SSD-9794683).

The proposed modification (the modification) seeks approval to amend warehouses 2C and 2D including an addition of fire engine access to the north of Warehouse 2D, changes to car park layout, modifications to the loading area (changes to loading dock locations and an additional recessed loading dock at warehouse 2D), changes to gross floor area (GFA) of warehouses 2C and 2D and building footprints, revised signage locations and building façade design, alongside amended landscaping.

The modification application was lodged by Goodman Property Services (Aust) Pty Ltd (the Applicant) on 4 August 2022 pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act). The Department's assessment is consistent with that undertaken with SSD-9794683, noting that the nature and impacts associated with the development are unchanged from that SSD. The Department's assessment has also considered the legislation and planning instruments relevant to the site.

1.2 Background and Site Description

The OWE is in the Penrith City Local Government Area (see **Figure 1**). The Estate covers 154 hectares (ha) of industrial zoned land located at 2 Aldington Road, Kemps Creek which is part of the Western Sydney Employment Area (WSEA) (see **Figure 2**). The WSEA is strategically zoned to support employment generating developments in Western Sydney.

On 13 September 2019, the then Executive Director, Compliance, Industry and Key Sites, as delegate of the Minister for Planning and Public Spaces approved the Concept Plan and Stage 1 development of the OWE under SSD-7348.

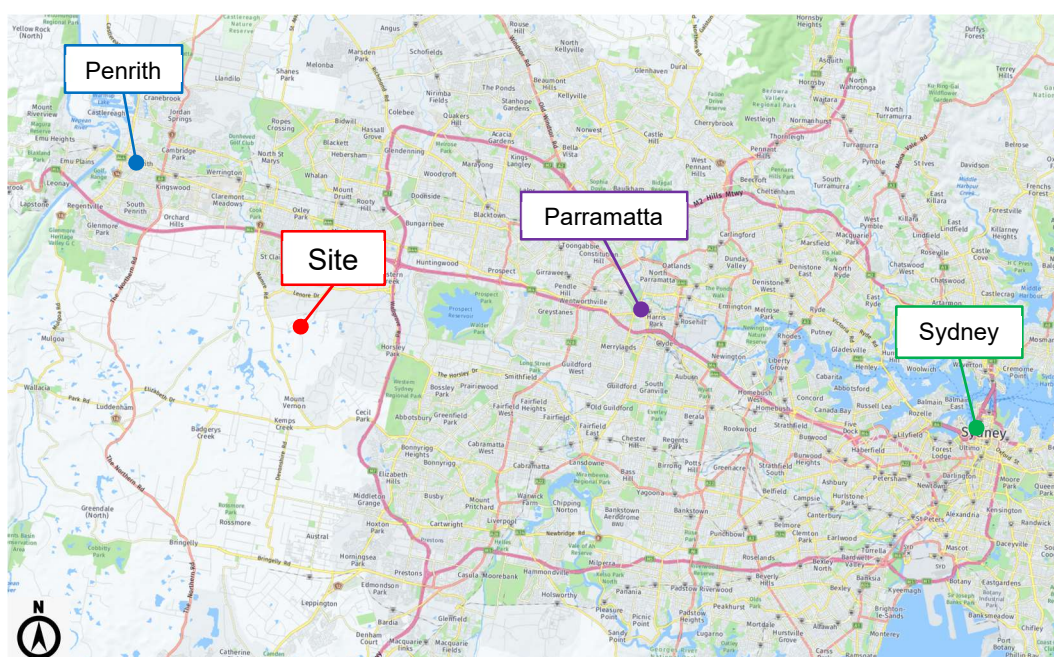


Figure 1 | Regional Context Map

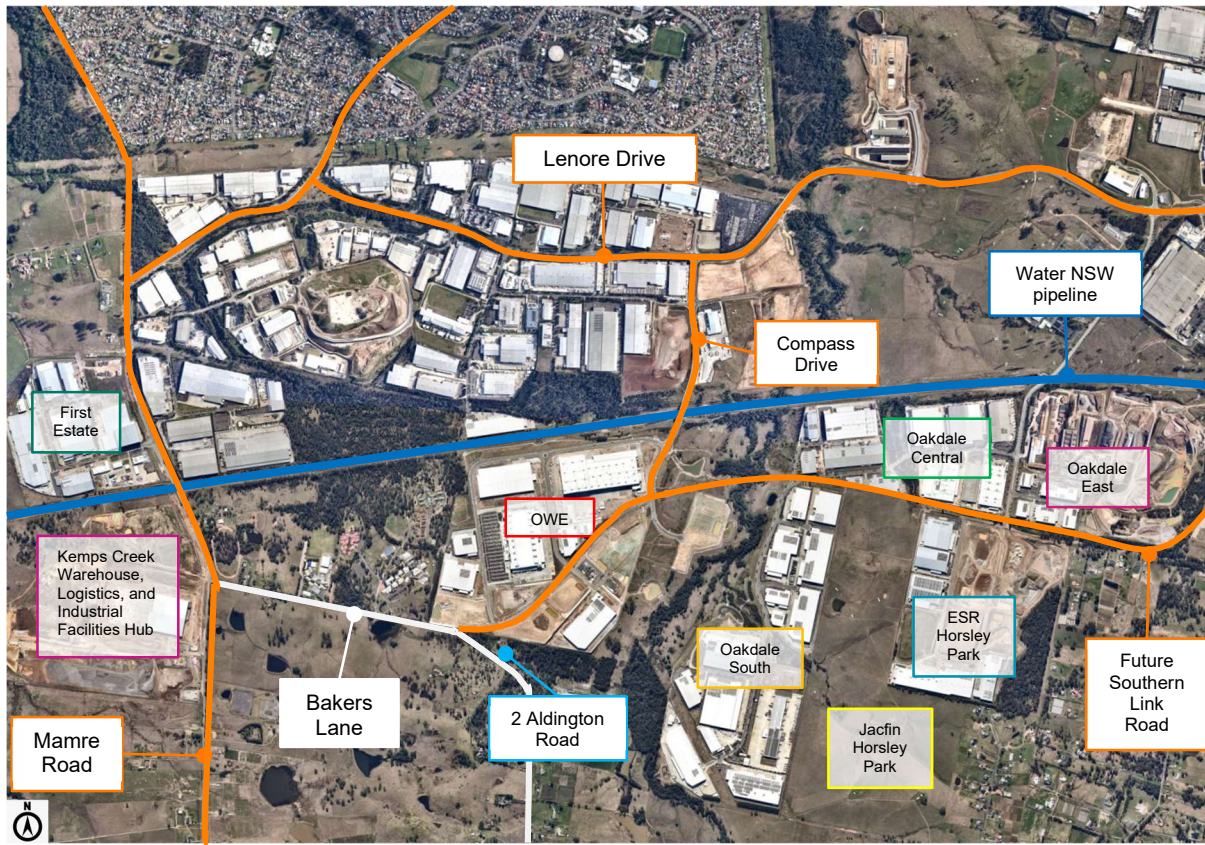


Figure 2 | OWE and Surrounding Land Uses

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. One dwelling at 2 Aldington Road and native vegetation are located to the immediate south of the OWE. Water NSW Warragamba to Prospect 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.

1.3 Approval History

On 16 December 2021, the Director Industry Assessment as delegate of the Minister for Planning approved the OWE Stage 3 development (SSD-9794683). The approved development includes construction and operation of warehouses 2A, 2C, and 2D (see **Figure 3**).

Currently, the Applicant is constructing warehouse 2A which will be occupied by Australia Post upon completion. Construction of warehouses 2C and 2D has not commenced. The proposed amendments primarily respond to Fire and Rescue NSW (FRNSW) requirements for enabling fire engines access around warehouses 2C and 2D.

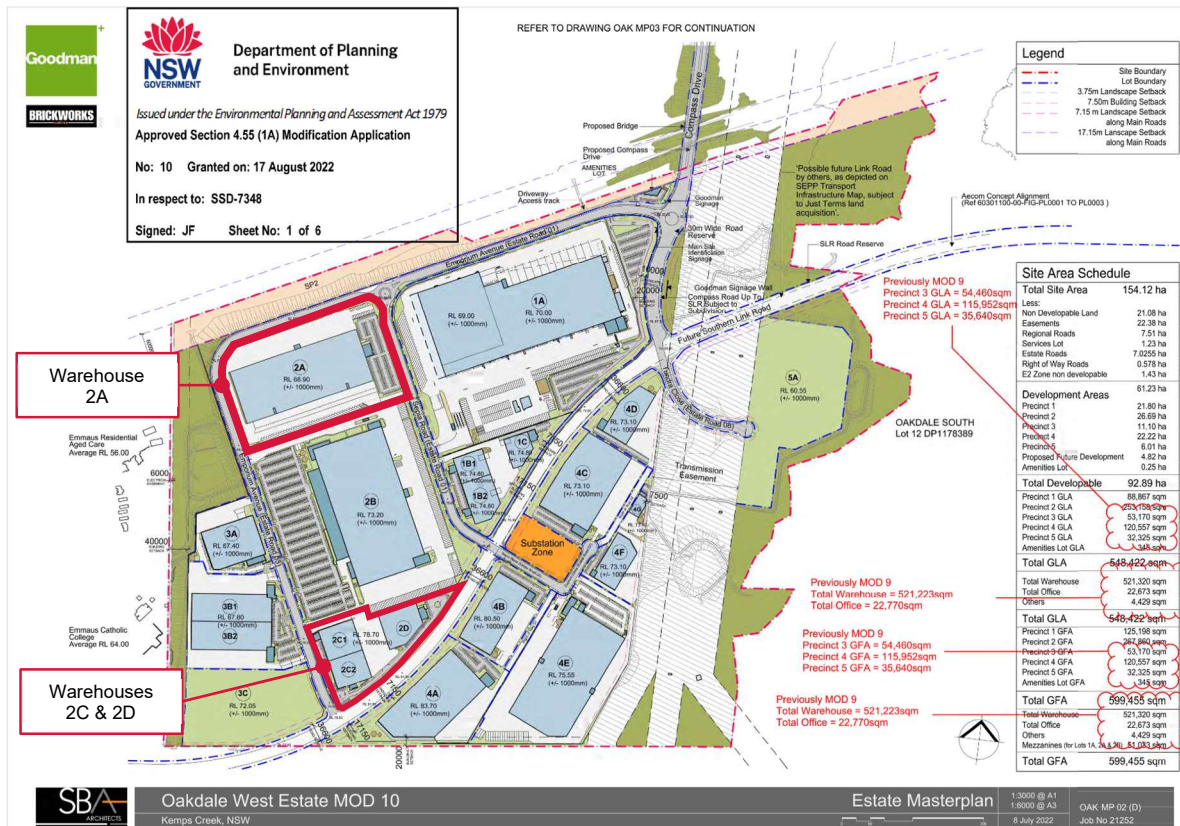


Figure 3 | OWE Concept Plan (as most recently modified) denoting Stage 3 development

2 Proposed Modification

2.1 Description of Modification

The Applicant has lodged a modification application under section 4.55(1A) of the EP&A Act to modify development consent SSD-9794683. The modification is described in full in the Statement of Environmental Effects (SEE) included in **Appendix A**.

A comparison of the approved and the modified developments is illustrated in **Figure 4** to **Figure 9**.

Table 1 | Main Components of the Modification

Aspect	Description
Summary	Amendments to warehouses 2C and 2D layouts, building footprints, car park, façade design, signage locations, and landscaping
Built form	<ul style="list-style-type: none">increase Warehouse 2C depth from 75.95 m to 79.67m (+ 3.72 m)reduce Warehouse 2D depth from 78.04 m to 73.15 m (- 4.89 m)increase Warehouse 2D width from 84.20 m to 84.43 m (+0.234 m)
GFA	<ul style="list-style-type: none">increase in GFA of warehouse building 2C from 9,885 m² to 10,367 m² (+ 482 m²)decrease in GFA of warehouse building 2D from 5,860 m² to 5,378 m² (- 482 m²)no changes to the combined total GFA of Warehouses 2C and 2D
Fire engine access	<ul style="list-style-type: none">addition of a fire engine access to the north of Warehouse 2D
Loading areas	<ul style="list-style-type: none">decrease in loading area width from 55 m to 51 m brought by extension of Warehouse 2C towards east by 3.72 maddition of one recessed loading dock at the northern end Warehouse 2Drelocation of one recessed loading dock in the southern part of Warehouse 2D
Car parks design	<ul style="list-style-type: none">revised car parks layoutincrease of total parking space from 108 to 110 (+ 2 spaces)
Signage locations	<ul style="list-style-type: none">updated signage locations (see Figure 6 to Figure 9)
Landscaping	<ul style="list-style-type: none">revised landscaping in site's perimeters according to the amended layout

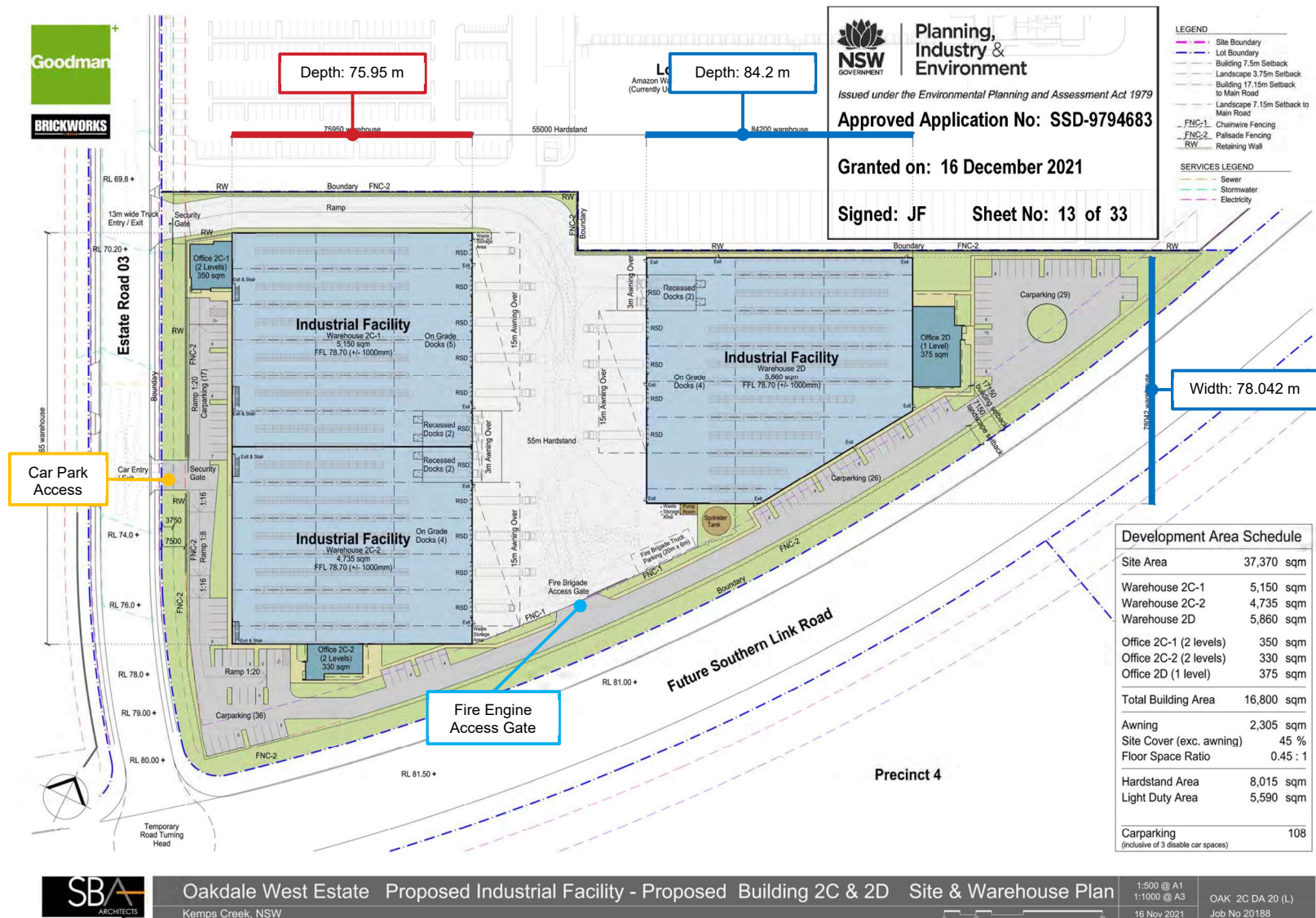


Figure 4 | Approved Warehouses 2C and 2D Plan

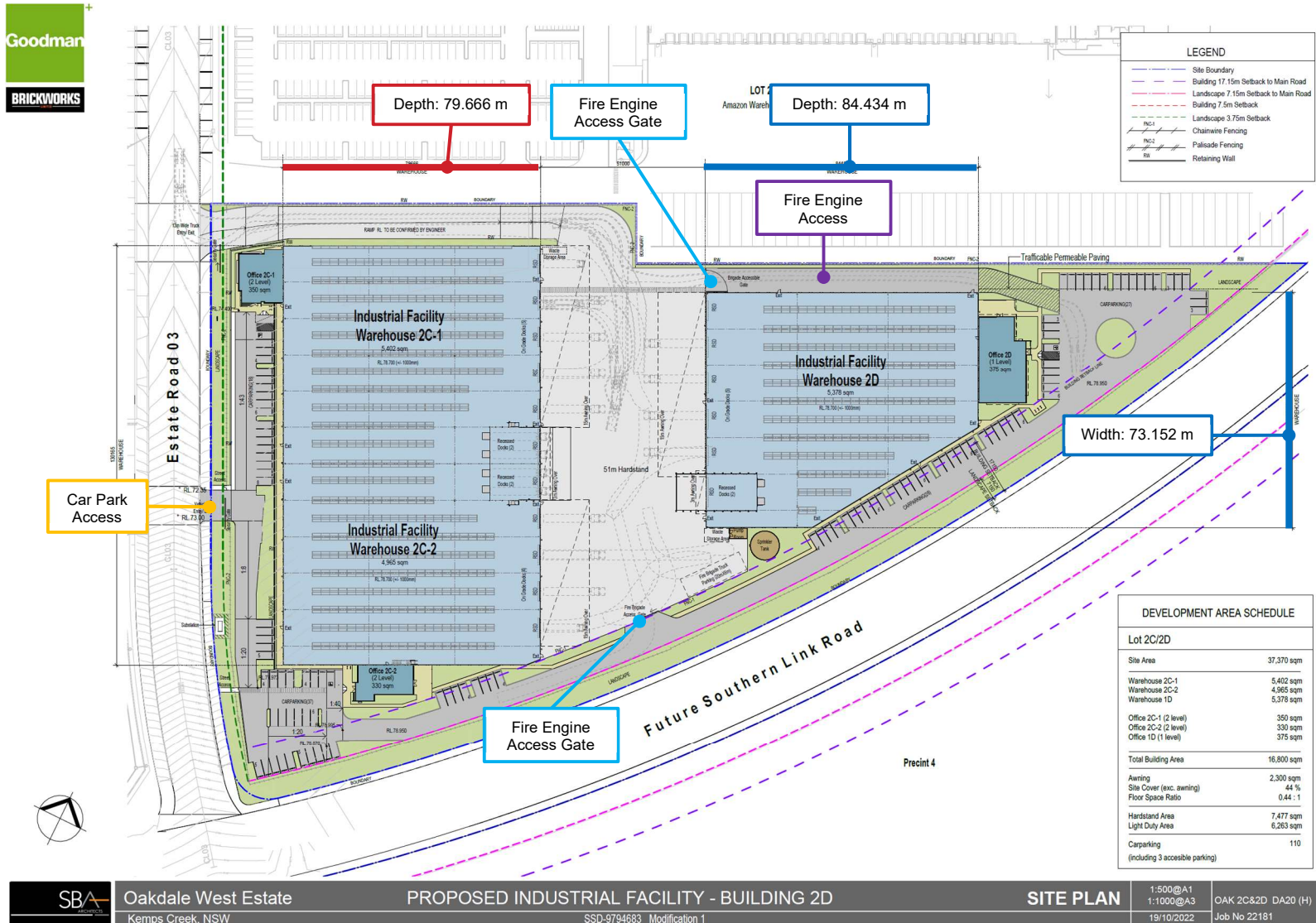


Figure 5 | Proposed Warehouses 2C and 2D Plan



Figure 6 | Approved Warehouses 2C Elevations and Signage Zone



	Oakdale West Estate Kemps Creek, NSW	PROPOSED INDUSTRIAL FACILITY - BUILDING 2D ELEVATIONS - WAREHOUSE 2D SSD-9794683 Modification 1	1.250@A1 1.500@A3	OAK 2C&2D DA311 (B) Job No 22181
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Figure 9 | Proposed Warehouse 2D Elevations and Signage Zones

2.2 Applicant's Justification for the Modification

The Applicant justified the modification as it was needed to address FRNSW requirements for providing fire engines with uninhibited access around warehouse buildings. The amended façade design and signage zones are required to reflect designs of recent approved developments within the OWE.

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 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 s 4.55(1A) of the EP&A Act; and
- the modified development is substantially the same development as originally approved.

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 is the consent authority for the application under section 4.5(a) of the EP&A Act. Under the Minister's delegation dated 26 April 2021, the Team Leader, Industry Assessments, may determine the application under delegation as:

- the Applicant has not disclosed a reportable political donation under s 10.4 of the EP&A Act in connection with the modification application
- there are no public submissions in the nature of objections, and
- Penrith City Council (Council) has not made a submission by way of objection.

3.3 Mandatory Matters for Consideration

The Department conducted a comprehensive assessment of the modification application against the mandatory matters for consideration as part of the original assessment of SSD-9794683. The Department considers this modification application would 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.

3.4 Biodiversity Conservation Act 2016 (NSW)

Section 7.17 of the *Biodiversity Conservation Act 2016* (NSW) (BC Act) 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 Department considers the modification would not result in additional vegetation removal beyond what has been approved. As such, it is not considered there is an increase in impacts on biodiversity values and the Department concludes a BDAR is not required.

4 Engagement

4.1 Department's Engagement

Section 105(4) of the *Environmental Planning and Assessment Regulation 2021* (NSW) (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to a section 4.55(1A) modification to State significant development. Accordingly, the application was not notified or advertised. Nonetheless, the modification application was made publicly available on the Department's website on 16 September 2022 and was referred to Council, Transport for NSW (TfNSW), and Fire and Rescue NSW (FRNSW) for comment.

4.2 Summary of Advice Received from Public Authorities

Council suggested to increase the landscaping area within the site by converting the car parks in the south-western part of the site into a landscaped area.

FRNSW reviewed the modification and recommended conditions for preparation of an Emergency Response Plan and assurance of the fire engine access be constructed in accordance with FRNSW Fire Safety Guideline.

TfNSW did not support the relocated car park access on Emporium Avenue as it is closer to the signalised SLR/Emporium Avenue intersection. The relocated driveway has the potential of impacting on traffic safety at the intersection.

4.3 Response to Submissions and Government Agency Advice

On 25 October 2022, the Applicant submitted an amended plan which reverted the car park access location to that approved under SSD-9794683.

On 4 November 2022, TfNSW advised the Department that as the car park access would remain at the approved location, it had no further concerns or comments.

5 Assessment

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

- the SEE provided to support the modification (**Appendix A**)
- submission documents and the Department's assessment report for the original DA (**Appendix A**)
- advice from Council, FRNSW, and TfNSW (**Appendix B**)
- 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 modification application is provided in **Table 2**.

Table 2 | Department's Assessment of the Modification Application

Findings	Recommendations
Site Access and Operational Traffic	
<ul style="list-style-type: none">• The modification would add a fire engine access road to the north of Warehouse 2D, reconfigure car parks, and increase the total parking space from 108 to 110. The SEE stated the amendments would be required to facilitate fire engines circulating within Lots 2C and 2D.• The Applicant originally sought approval for relocating the car parks access on Emporium Avenue southward by 31.2 m. After consulting with TfNSW, the Applicant withdrew the relocation, and the car parks access would remain at the approved location.• Ason Group prepared a Traffic Impact Assessment (TIA) for the modification. The TIA notes Warehouses 2C and 2D would have a total of 110 parking spaces, two spaces above what is approved.• The TIA states that given there is no change to the total GFA, the operational traffic volume would remain as approved.• Council reviewed the modification and did not raise any concerns regarding car parking amendments.• TfNSW raised concerns regarding the relocated car park access, advising that it was too close to the future Southern Link Road/Emporium Avenue intersection giving rise to traffic safety concerns. After reviewing the amended plan showing the car park access reverted to the approved location, TfNSW raised no further concerns.• The Department considers the modification is required to enable uninhibited fire engine circulation around the warehouses as required by FRNSW. Further, the modification would not have additional traffic impacts beyond what has been assessed under SSD-9794683. The car park access would remain as approved with no additional impacts on traffic safety.	N/A

Findings	Recommendations
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<ul style="list-style-type: none"> With the existing conditions in place, the Department’s assessment concludes the modification would not have additional traffic impacts beyond the approved development. 	
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Urban Design, Visual Impact, and Signage	
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<ul style="list-style-type: none"> The modification involves relocation of tenant signs and the Applicant's business identification signs as well as updates to building façade design accommodating changes to signage and recessed loading docks. The modification does not change the approved building height and the amendment would not result in a change to or intensification of use of the site. The Applicant’s SEE concludes the updated façade is consistent with other approved warehouses in the OWE and that the modification would not result in significant visual impacts. Council suggested to increase landscaping area within the site by converting the car parks in the south-western part of the site into a landscaped area. The Department considers that the proposed façade and signage changes would have a minor visual impact. The Department notes Warehouse 2C would have an increased bulk and scale due to its building footprint extending towards the loading area by 3.72 m. Warehouse 2C is setback back from the SLR frontage by 17.15 m and its presentation to SLR is mitigated by the 7.15 m wide landscaping at the SLR frontage. The Department acknowledges Council's submission regarding landscaping and considers that layout of the car park to the south-west of Warehouse 2C is generally consistent with what is approved. Further, comparing with the approved layout, the modification reconfigures car park layout to enable additional landscaping at the south-western corner of the car park. The Department’s assessment concludes the modification would result in negligible visual impacts and the amended landscaping is substantially the same as the approved development. 	<p>Require the Applicant:</p> <ul style="list-style-type: none"> implement the amended landscaping plan.
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6 Evaluation

The Department has reviewed the SEE, supplementary information, Council and TfNSW advice, taking into consideration the relevant matters under section 4.15 of the EP&A Act and the objectives of the EP&A Act. The Applicant is proposing to amend the approved OWE Warehouses 2C and 2D layouts including introduction of a fire engine access to the north of Warehouse 2D, additional two parking spaces, alongside façade and signage design changes.

The Department referred the modification to Council, FRNSW, and TfNSW for review and comments. Council made no comments on the modification. FRNSW recommended conditions requiring preparation of an Emergency Response Plan and the fire engine access be constructed in accordance with FRNSW Fire Safety Guideline. TfNSW raised concerns about the proposal to relocate the car park access on Emporium Avenue closer to the future signalised SLR/Emporium Avenue intersection, noting potential traffic safety hazards. TfNSW had no further comments or concerns after the Applicant elected to revert the access to the approved location.

The Department considers the key matter for consideration is traffic and access. The Department's assessment concludes the modification would not cause additional operational traffic impact beyond the approved development, the car park access would remain at the approved location, and there are two more parking spaces under the modification sufficiently meeting the operational requirements. The Department has recommended imposing a new condition requiring the Applicant to ensure fire engine access gates to the north of Warehouse 2D and to the south of the loading areas are closed at any given time except when fire engines attend the site.

The Department notes Condition B25 of the SSD-9794683 development consent requires the Applicant prepare a Fire Management Plan detailing emergency response procedure. To address FRNSW's request of ensuring the fire engine access be built to its standards, the Department has recommended a condition requiring the Applicant to construct the fire engine access in accordance with the FRNSW guidelines.

The Department's assessment concludes the modification is appropriate on the basis that it would:

- enable uninhibited access to fire engines around the approved warehouse buildings in accordance with FRNSW requirements
- not significantly increase the environmental impacts of the development beyond those assessed under the original development application.

Consequently, the Department is satisfied that the modification application should be approved, subject to the recommended revised conditions of consent.

7 Recommendation

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

- **considers** the findings and recommendations of this report
- **determines** that the application SSD-9794683-MOD-1 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 approve the modification
- **agrees** with the key reasons for approval listed in the draft notice of decision
- **modify** the consent SSD-9794683
- **signs** the attached approval of the modification (**Appendix C**).

Recommended by:

A handwritten signature in blue ink, appearing to read 'B Zhang', with a long horizontal stroke extending to the right.

11 November 2022

Bruce Zhang

Senior Environmental Assessment Officer
Industry Assessments

8 Determination

The recommendation is **Adopted** by:



11 November 2022

Lindsey Blecher

Team Leader

Industry Assessments

as delegate of the Minister for Planning

Appendices

Appendix A – List of Referenced Documents

- Oakdale West Industrial Estate Stage 3 SSD 9794683 – Modification Application 1, 19 Emporium Avenue, Kemps Creek, Statement of Environmental Effects, prepared by Keylan Consulting, dated 19 August 2022 (<https://www.planningportal.nsw.gov.au/major-projects/projects/oakdale-west-estate-stage-3-development-modification-1>)
- Submission documents and the Department's assessment report for Oakdale West Industrial Estate Stage 3 Development (SSD-9794683) (<https://www.planningportal.nsw.gov.au/major-projects/projects/oakdale-west-estate-stage-3-development>)

Appendix B – Public Authority Advice

Advice from Penrith City Council, FRNSW, and TfNSW can be viewed at <https://www.planningportal.nsw.gov.au/major-projects/projects/oakdale-west-estate-stage-3-development-modification-1>

Appendix C – Modification Instrument

The modification instrument can be viewed at <https://www.planningportal.nsw.gov.au/major-projects/projects/oakdale-west-estate-stage-3-development-modification-1>.