

Oakdale South Industrial Estate

*State Significant
Development
Modification Assessment
(SSD 6917 MOD 9)*



January 2019

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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
AHD	Australian Height Datum
BCA	Building Code of Australia
CIV	Capital Investment Value
CIP	Community Involvement Plan
Consent	Development Consent
Council	Penrith City Council
Department	Department of Planning and Environment
DPI	Department of Primary Industries
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
EPL	Environment Protection License
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
LEP	Local Environmental Plan
Minister	Minister for Planning
OEH	Office of Environment and Heritage
RMS	Roads and Maritime Services
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development
SSI	State Significant Infrastructure



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1. Introduction

This report provides an assessment of an application to modify the State significant development consent (SSD 6917) for Oakdale South Industrial Estate (Oakdale South) lodged 7 December 2018 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)*. The modification application seeks approval to amend the concept proposal by consolidating the two warehouses in Precinct 6 into one warehouse.

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 State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP). Key operations in the WSEA include manufacturing, warehousing, transport and logistics facilities (typically operating on a 24/7 basis) and retail trade (convenience food and drink premises) to service staff in large business hubs/warehousing estates.

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

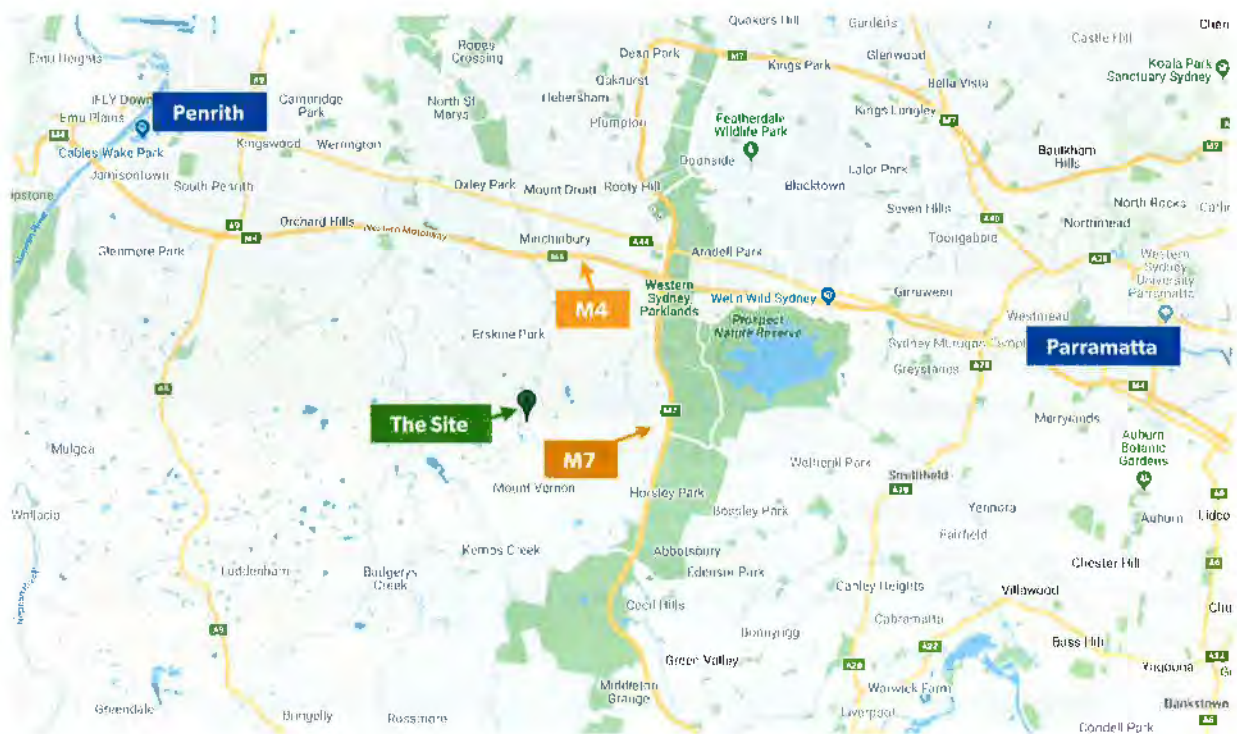


Figure 1 | Site Location

1.2 Site Description

Oakdale South 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 site. 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-western corner of the estate.

Precinct 6 is located in the south-western part of the site, separated by a TransGrid high voltage transmission easement from the adjoining lots being Warehouse 3C, occupied by Nolan's Transport and Warehouse 3D, occupied by Briggs & Stratton. A future rural residential subdivision at 19-105 Capitol Hill Drive, Mount Vernon (Capitol Hill Subdivision) is located to the south of Precinct 6. The Precinct is accessed from the estates' internal road to the north-west.

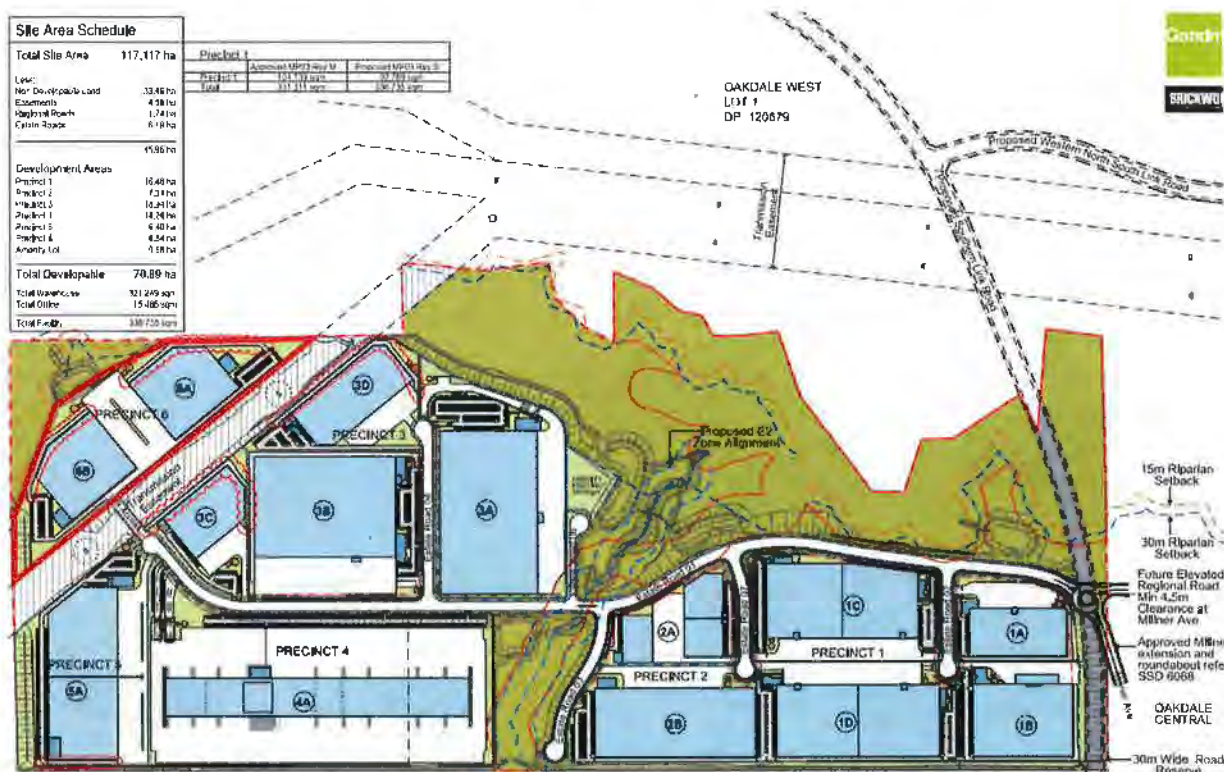


Figure 2 | Precinct 6 of Oakdale South Industrial Estate (Source: The Applicant)

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 Costco Distribution Centre (SSD 8209), Oakdale Central Industrial Estate (MP 08_0065) and Milner Avenue to the east;
- the proposed Oakdale West Industrial Estate (SSD 7348) to the north-east;
- the Jacfin Horsley Park warehousing hub (MP 10_0129 and MP 10_0130) (under construction) 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 this land (referred to as the Capitol Hill Subdivision). There is a landscaped berm along the site's southern boundary providing a visual buffer between the site and future residential lots in the Capitol Hill Subdivision.
- The site is bounded by Ropes Creek and a zoned E2 Environmental Conservation corridor from the sites south eastern corner to the north west which acts as a natural vegetation buffer to the homesteads to the further south west of the site.

The local context of the site is depicted in **Figure 3**.



Figure 3 | Site and Immediate Surrounds

1.4 Approval History

On 26 October 2016, development consent was granted by the Executive Director, Key Sites and Industry Assessments for the staged development of the Oakdale South Industrial Estate (SSD 6917). The development consent permits the following:

- Concept Proposal for a warehousing and distribution complex with:
 - a total gross floor area (GFA) of 395,880 square metres (m²) across six development precincts;
 - 15 building envelopes for warehouse and distribution uses; and
 - Subdivision, site levels, landscaping, infrastructure services and development controls;
- Stage 1 Development Application (DA) involving:
 - construction and operation of nine warehouse buildings with a total GFA of 237,070 m² across precincts 1, 4 and 5;
 - estate wide bulk and detailed earthworks involving the importation of 1,007,000 metres cubed (m³) of fill to achieve warehouse and infrastructure levels during standard construction hours; and
 - infrastructure works including road construction, drainage and landscaping across the site.

The development consent has been modified on seven occasions and one modification (this modification application) is currently under assessment (see **Table 1**).

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Modifications to the approved SSD, involving:	Planning Minister	Former 96(2)	21 April 2017
	<ul style="list-style-type: none"> amend Concept Proposal and Stage 1 DA site, building envelope and road layout and gross floor area mix; 			
	<ul style="list-style-type: none"> increase creek realignment works; 			
	<ul style="list-style-type: none"> addition of an amenity lot in precinct 3; 			
	<ul style="list-style-type: none"> removal of the construction of warehouse buildings in precincts 4 and 5 to be assessed under future DA's; and amend site levels and bulk earthworks. 			
MOD 2	Withdrawn by the Applicant on 25 January 2017	Planning Minister	N/A	N/A
MOD 3	Modifications to the approved SSD, involving:	Planning Minister	Former 96(1A)	5 October 2017
	<ul style="list-style-type: none"> extended weekday construction hours for the importation of fill material for the Stage 1 DA bulk earthworks, including spreading and compacting of fill material. 			
MOD 4	Modifications to the approved SSD, involving:	Planning Minister	Former 96(1A)	18 December 2017
	<ul style="list-style-type: none"> 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. 			
MOD 5	Modifications to the approved SSD, involving:	Planning Minister	Former 96(1)	23 November 2017
	<ul style="list-style-type: none"> updating condition E37 to remove a contradiction in the wording of the consent. 			
MOD 6	Modifications to the approved SSD, involving:	Planning Minister	4.55(1A)	15 June 2018
	<ul style="list-style-type: none"> amendments to the Vegetation Management Plan, Biodiversity Offset Strategy, Landscape Plans, Condition E46 and Condition E47. 			

MOD 7	Modifications to the approved SSD, involving:	Planning Minister	4.55(1A)	11 December 2018
	<ul style="list-style-type: none"> update the approved concept plans for SSD 6917 to replace a corner landscape, E2 zone in Lot 3A with hardstand, IN1 zone. 			
MOD 8	Modifications to the approved SSD, involving:	Planning Minister	4.55(1A)	17 December 2018
	<ul style="list-style-type: none"> update the approved concept plans for SSD 6917 to increase the building height limit for Precinct 5 from 15 m to 16.5 m. 			



2. *Proposed Modification*

The Applicant has lodged a modification application under Section 4.55(1A) of the EPA&A Act to amend the approved concept proposal plan for the Oakdale South Industrial Estate (SSD 6917) . The modification is described in full in the Statement of Environmental Effects (SEE) included in **Appendix B** and is summarised below with numerical comparison of site area in **Table 2**.

The Applicant has proposed the following changes to the approved concept proposal as part of the modification:

- amend the subdivision lot configuration for Precinct 6 to consolidate two warehouses into a single warehouse;
- amend the building envelopes of Precinct 6 to create a single warehouse facility; and
- decrease the overall approved maximum warehouse and office GFA's within the Oakdale South Industrial Estate from 336,735 m² to 335,317 m².

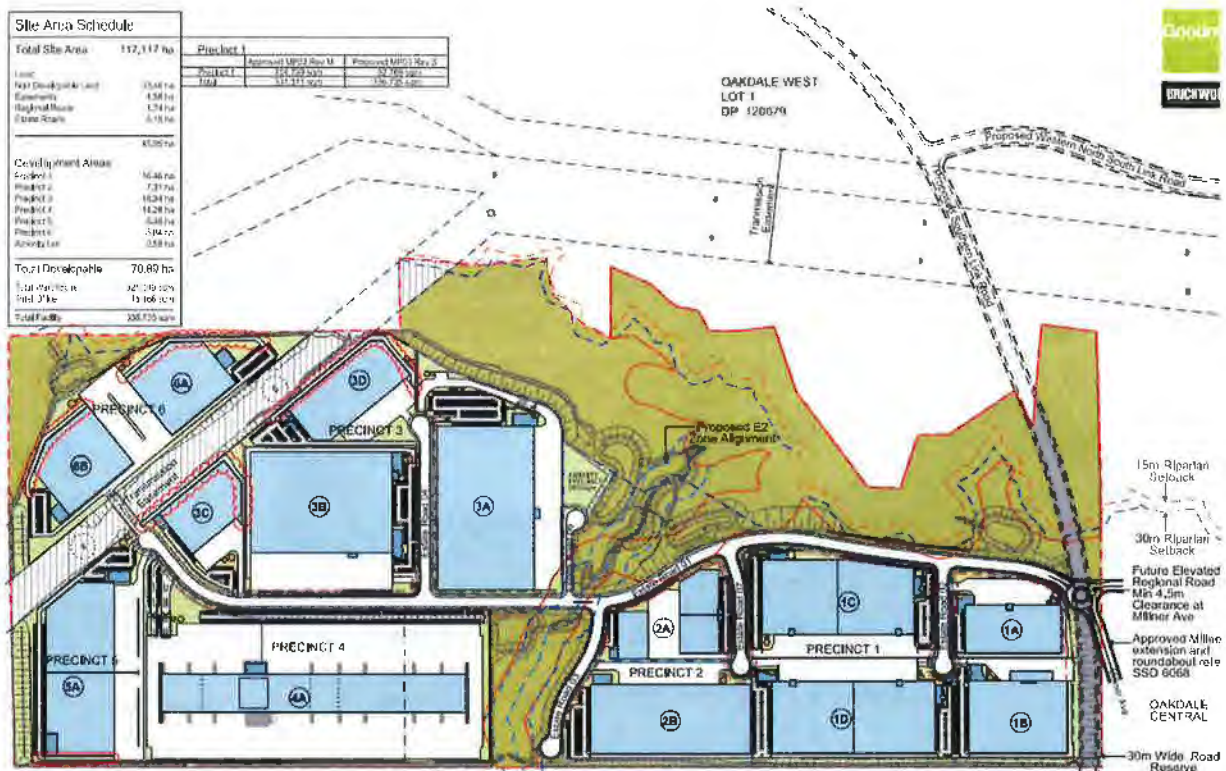


Figure 4 | Existing Approved Concept Plan

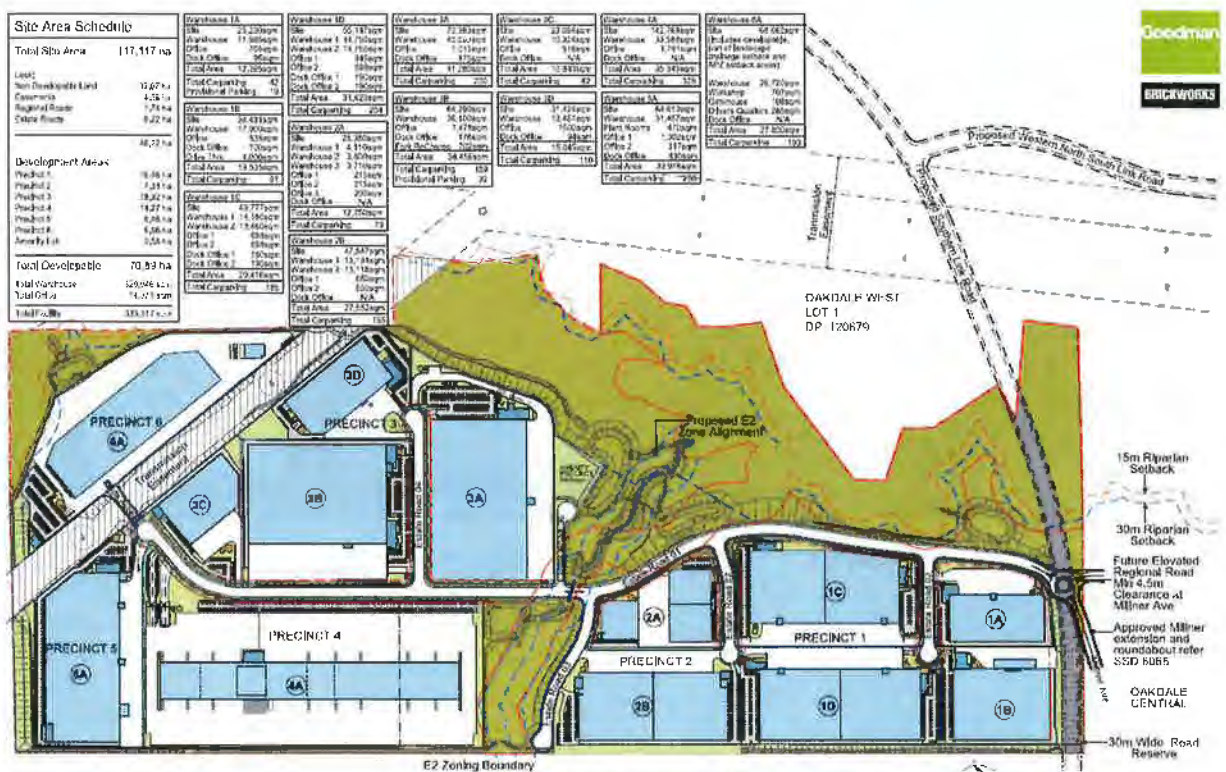


Figure 5 | Proposed Modified Concept Plan

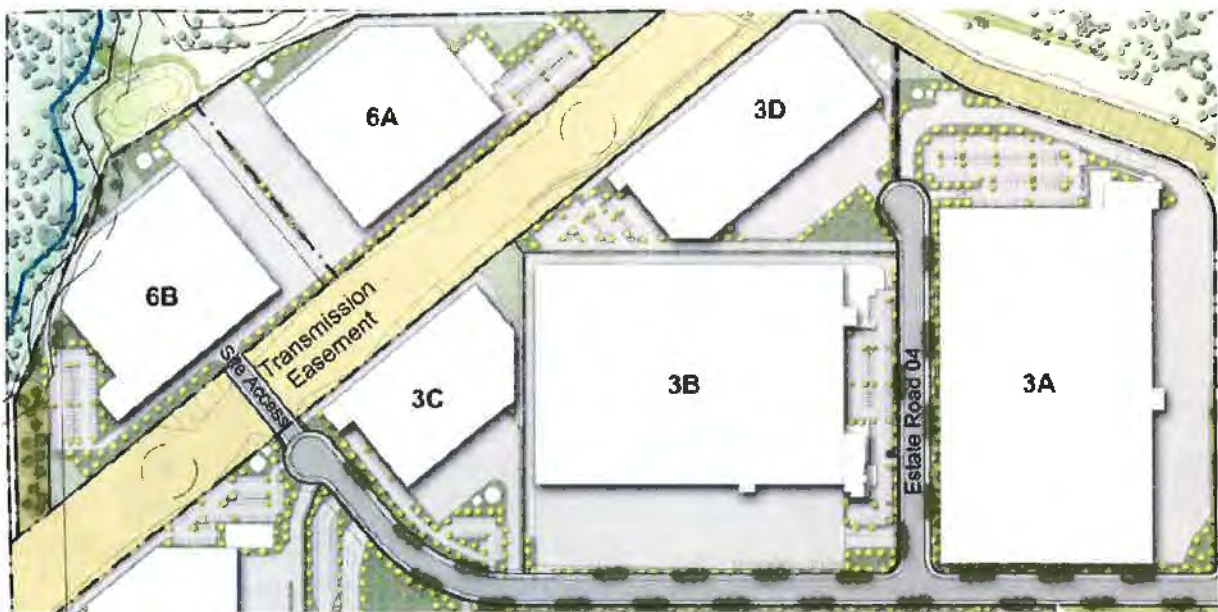


Figure 6 | Approved Landscape Concept Master Plan

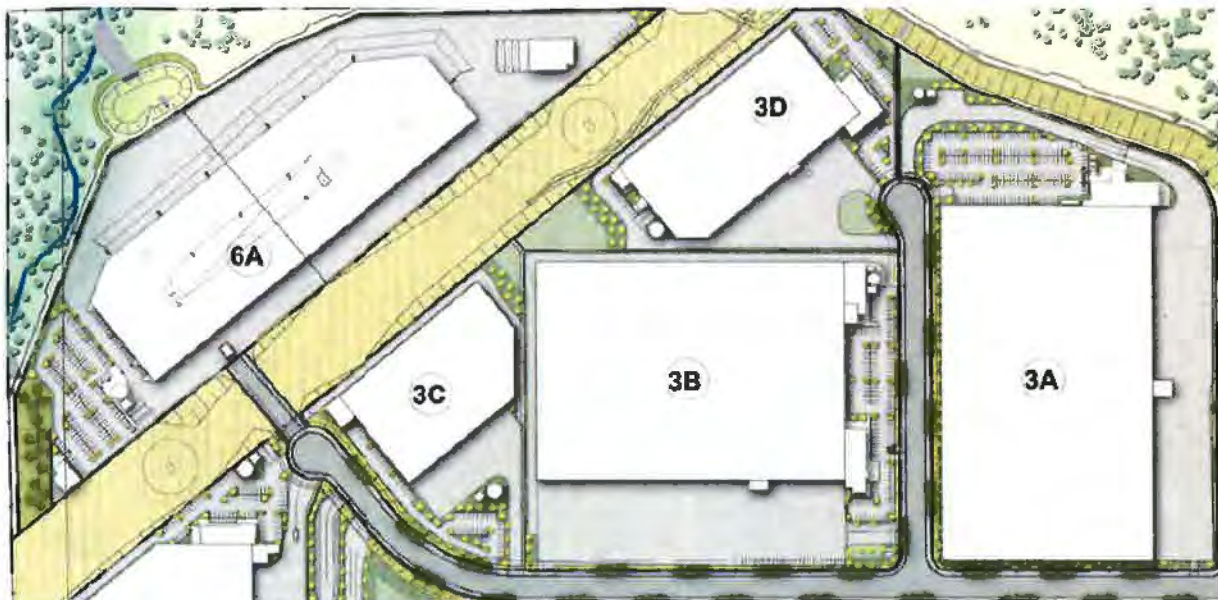


Figure 7 | Proposed Landscape Concept Master Plan



3. Strategic Context

The Department has considered the following strategic documentation relevant to the assessment of the proposed modification application:

- A Metropolis of Three Cities - Greater Sydney Region Plan;
- Western City District Plan.

3.1 A Metropolis of Three Cities - Greater Sydney Region Plan

The proposed development is consistent with the goals, directions and actions outlined in A Metropolis of Three Cities, Greater Sydney Region Plan as it will:

- assist in creating the required employment growth of 817,000 jobs (Direction of jobs and skills for the city);
- provide an additional distribution centre optimising the efficiency and effectiveness of the freight handling and logistics network (Direction 16.2);
- support the development of a priority economic sector by developing appropriately zoned industrial land (Objective 23).

3.2 Western City District Plan

The Western City District Plan identifies 22 planning priorities including infrastructure and collaboration, liveability, productivity, sustainability and implementation. One of the planning priorities is establishing the land use and transport structure to deliver a liveable, productive and sustainable Western Parkland City with focus on developing a competitive and efficient freight and logistics network.

The proposed modification will support the construction of a single larger warehouse and distribution centre that reflects the current market demand. This creates the opportunity for a larger operator, which aligns with the strategic direction identified in the WCDP that by 2036, the Western Sydney Employment Area will be a key destination for cargo.



4. Statutory Context

4.1 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 proposal:

- would not change the primary function and purpose of the proposed modification;
- would not increase the environmental impacts of the project as approved;
- is substantially the same development as originally approved; and
- would not involve any further disturbance outside the already approved disturbance areas for the project.

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 (DA). 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 DA 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. However, under the Minister's Instrument of Delegation of 11 October 2017, the application can be determined by the Director, Industry Assessments.



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 a section 4.55(1A) modification of State significant development consent.

Nonetheless, the modification application was made publicly available on the Department's website on 13 December 2018 and was notified to Penrith City Council (Council), the Roads and Maritime Services (RMS), the Rural Fire Service (RFS) and Fire and Rescue NSW between 12 December 2018 and 9 January 2019.

5.2 Summary of Submissions

During the notification period one submission was received from Council which did not object to the proposal, however made several comments.

5.3 Key Issues – Council

Council did not object to the modification, however raised concerns in relation to the increase of hardstand area and reduction in landscaping which they have suggested may result in poor presentation in comparison to what was previously approved. Council highlighted that the previously approved landscape buffer abutting the transmission line easement should be maintained.

5.4 Response to Submissions

On 14 January 2019, the Applicant provided a Response to Submissions (RTS) report to address the concerns raised during the notification period. The Applicant argued that the proposed reduced landscape treatment along the TransGrid easement was consistent with surrounding DA's, and considered TransGrid's preferred treatment within the area as it significantly reduces fire safety and maintenance issues associated with treed and heavy vegetation.

Council noted the Applicant's response and advised they remained of the view that the previously approved master plan provided an improved landscape design treatment around the identified hard stand areas despite the transmission easement. They noted however they made no formal objection and that their previous comments were for consideration in the assessment of the application.

The Department has considered the issues raised in submissions and the RTS in its assessment of the proposed modification (see **Section 6** of this report).



6. Assessment

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

- SEE and RTS provided to support the proposed modification (see **Appendix B**);
- assessment report for the original development application and subsequent modification applications;
- submissions from Council and additional public agencies (see **Appendix C**);
- relevant environmental planning instruments, policies and guidelines;
- requirements of the EP&A Act, including the objects of the EP&A Act.

The modification application seeks approval to amend Precinct 6 of the concept masterplan from two warehouses to one warehouse.

The Departments assessment is provided below in **Table 3**.

Table 3 | Assessment issues

Findings	Recommended Condition
Visual Impact <ul style="list-style-type: none">• The revised concept proposal plan consolidates two warehouses within Precinct 6 into a single warehouse which will result in an increase in hardstand area and a reduction in landscaping.• Council were unsatisfied with aspects of the proposal including the increased hardstand area, the reduction of the landscape buffer abutting the TransGrid easement, and the potential for a resulting poorer presentation of the warehouse, particularly from Estate Road 1. Detail of the proposed landscape changes are highlighted in Figure 7.• The Applicant's RTS noted that the proposed increase in hardstand area is a requirement of the future tenant of Precinct 6, Direct Freight.• The RTS similarly notes that the level of reduced landscaping is consistent with the approvals of Warehouse 3B (SSD 7663) and 3D (DA 17/0802) in Precinct 3, and that the DA for the construction of the warehouse in Precinct 6 (DA 18/0968) should be consistent with the other lots adjoining the TransGrid easement.• On 23 January 2018, the Applicant provided further advice including a copy of the <i>TransGrid Easement Guidelines for Third Party Developers</i>, of which details the prohibited encroachments and activities within a TransGrid transmission line easement. This includes the planting or cultivation of trees or shrubs capable of growing or exceeding 4 metres (Refer to Figure 6). The Applicant argues that the proposed revised landscaping as a result of increased hardstand area is appropriate in satisfying TransGrid's requirements. This was noted in the assessments of both DA 17/0802 and SSD 7663, both adjoining the transmission line easement, which have both had reduced landscaping areas to accommodate TransGrid's requirements.• Council's further concern with an increased hardstand area and reduction in landscaping was the potential for a poor presentation and visual impact on the existing urban design character, particularly seen from the site access road and Estate Road 1.	<ul style="list-style-type: none">• Amend the concept masterplan and landscape plan in Appendix 1 to reflect the modification of Precinct 6.

- In response to Council's concern the Applicant's RTS noted that all site boundaries of the site facing the public domain are characterized by significant treed landscaping which offer visual screening to soften perceived bulk and scale of the warehouse building. Similarly, the north-eastern boundary faces internally towards the Oakdale South estate, particularly the rear of warehouses 3B, 3C and 3D. The Applicant argued this proposed aspect of the modification will have only minor visual impact on the low sensitivity uses within the estate. Additionally, Precinct 6 is located at the end of Access Road 1 which is a cul de sac, this in itself offers very limited exposure to other users within the estate.
- The Department has considered the preferences of TransGrid and the consistency of the modification with surrounding approvals in terms of landscaping and finds that the consolidated warehouse would not cause a significant visual impact.
- This is due to the designs consistency with other surrounding development within the industrial precinct, a reduction in hazard to the abutting Transgrid easement from the reduced landscaping treatment, and the existing treed landscape and environmental corridor and berm along the Ropes Creek corridor which acts as a natural buffer to the visual impact of the nearest external receivers from the warehouse and logistics precinct south west of the site.
- The Department's assessment concluded that the proposed increase in hardstand area and reduction in landscaping to accommodate the amendment to the Oakdale South Industrial Estate Concept proposal plan was acceptable. As such Appendix 1 of the consent will be updated to reflect the modification with the revised plans.



7. 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 will result in minimal environmental impacts beyond the approved facility;
- the modification is of scale that warrants the use of section 4.55(1A) of the EP&A Act;
- it will facilitate the use of land for employment generating purposes in accordance with the *State Environmental Planning Policy (Western Sydney Employment Area) 2009*.

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 9 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; and
- **signs** the attached approval of the modification (Attachment D).

Recommended by:

John Booth

Planning Officer

Industry Assessments

Recommended by:

Kelly McNicol

Team Leader

Industry Assessments



9. Determination

The recommendation is: **Adopted by:**

Chris Ritchie

Director

Industry Assessments

21/2/19.



Appendices

Appendix A – List of Documents

- State Significant Development Assessment – Oakdale South Industrial Estate, Kemps Creek (SSD 6917) Concept Proposal and Stage 1, prepared by the Department of Planning and Environment, October 2016
- Response to Submission, prepared by Goodman Property Services (Aust) Pty Ltd, 14 January 2019
- State Significant Development Assessment – Toyota Spare Parts Warehouse and Distribution Facility, Site 3B, Oakdale South Industrial Estate, Kemps Creek (SSD 7663), prepared by the Department of Planning and Environment, May 2017
- Section 96(1A) Modification Assessment Report – Oakdale South Industrial Estate (SSD 6917 MOD 4), prepared by the Department of Planning and Environment, December 2017
- Section 96(1A) Modification Assessment Report – Oakdale South Industrial Estate (SSD 6917 MOD 8), prepared by the Department of Planning and Environment, December 2018
- Modification Report – Section 4.55(1A) Modification Oakdale South Estate Precinct 6 – SSD 6917 MOD 9, prepared by Urbis, December 2018
- TransGrid Easement Guidelines Third Party Development, prepared by TransGrid
- Existing conditions of consent
- Relevant environmental planning instruments, policies and guidelines
- Relevant requirements of the EP&A Act

Appendix B – Statement of Environmental Effects/ Environmental Assessment

Appendix C – Submissions

Appendix D – Consolidated Consent

Appendix E – Notice of Modification