



Oakdale West Estate Modification 4

State Significant Development Modification Assessment
(SSD 7348 MOD 4)

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Cover image: Aerial view of the proposed Oakdale West Estate

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Glossary

Abbreviation	Definition
Council	Penrith City Council
Department	Department of Planning, Industry and Environment (DPIE)
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
Minister	Minister for Planning and Public Spaces
RMS	Roads and Maritime Services, TfNSW
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
TfNSW	Transport for NSW

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1 Introduction

This report provides the Department of Planning, Industry and Environment's (the Department) assessment of an application to modify the State significant development (SSD 7348) consent for the Oakdale West Estate (OWE). The modification seeks to include an additional lot (Lot 9, DP1157476) within the site description of the development consent, change the existing car park and carry out construction works associated with a regional road, being the Western North-South Link Road (WNSLR), within the additional lot (collectively described as the modification).

The application has been lodged 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

On 13 September 2019, the then Executive Director, Compliance, Industry and Key Sites as delegate of the Minister for Planning and Public Spaces granted development consent (SSD 7348) to develop the OWE at Kems Creek in the Penrith City Local Government Area (see **Figure 1**). The approved OWE includes:

- a Concept Proposal of 22 warehouses, offices and associated infrastructure built over 5 stages
- Stage 1 development of 3 warehouses and the site access road
- requirements for future Stages 2 to 5 developments and
- construction of the WNSLR.



Figure 1 | Regional Context Map

1.2 Site Description

The OWE comprises 154 hectares (ha) of IN1 General Industrial zoned land located at 2 Aldington Road, Kems Creek in the Western Sydney Employment Area (WSEA), a strategically critical industrial zoned land for developments of warehousing and logistics facilities. The proposed WNSLR will be the

primary access to the OWE from Lenore Drive to the north which forms part of the strategic road network designed to service the WSEA (see **Figure 2**).

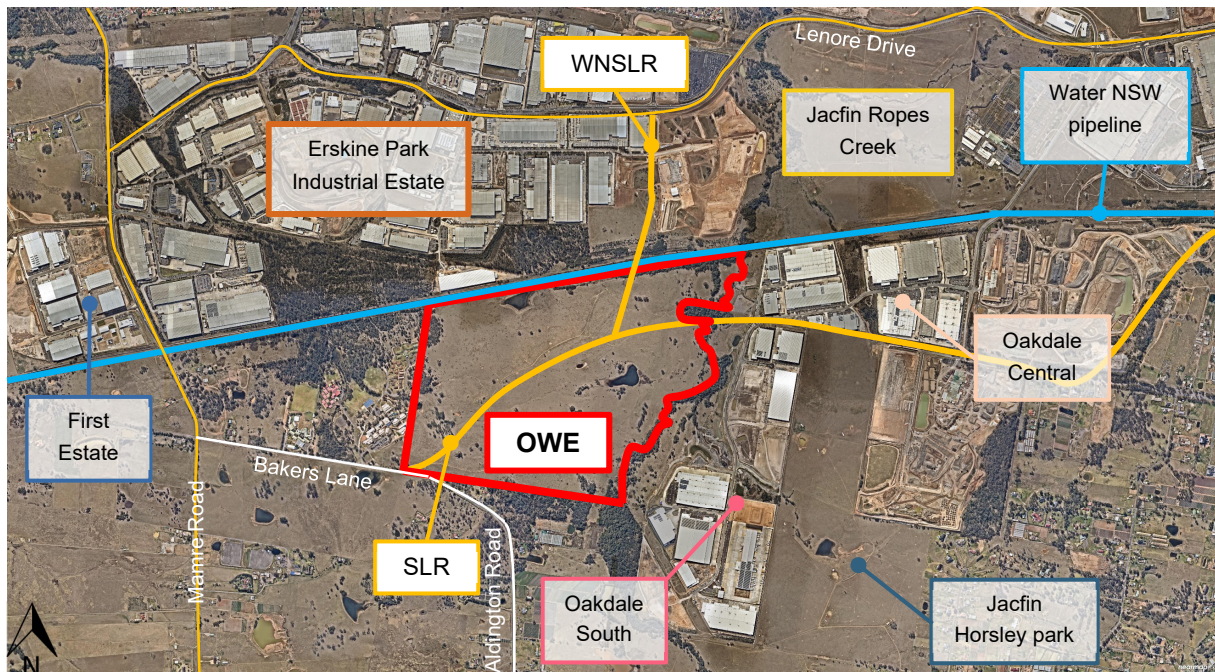


Figure 2 | Regional Context Map

The additional lot, being Lot 9, DP 1157476 (57-87 Lockwood Road, Erskine Park), is bounded by Lenore Drive to the north, Lockwood Road to the south, future WNSLR to the west and a property at 1 Lockwood Road to the west (see **Figure 3**). The lot currently comprises two warehouse buildings, car parks and hardstands occupied by Rondo Building Services and Viridian Glass respectively.



Figure 3 | Location of Lot 9 DP1157476

1.3 Approval history

SSD 7348

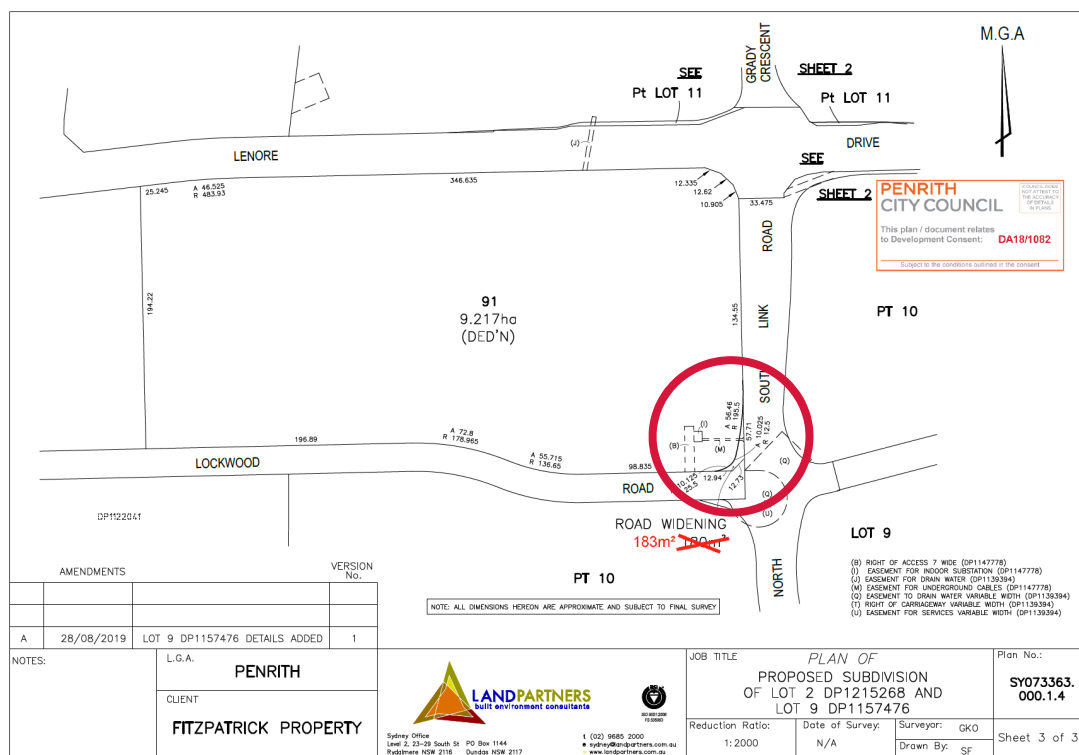
The Department is currently assessing three other modification applications to SSD (see **Table 1**).

Table 1 | Summary of Modifications to SSD 7348

Mod No.	Summary of Modifications	Approval Authority	Type
MOD 1	Changes to pad levels across the concept proposal, amendments to bio-retention basins and changes to the biodiversity offset strategy	Department	4.55(1A)
MOD 2	Changes to building layouts and increased height for building 1A to 39 metres (m), construction of a high-bay warehouse in Precinct 1A	Department	4.55(2)
MOD 3	Changes to the concept proposal layout	Department	4.55(1A)

DA18/1082

On 23 October 2019, Penrith City Council granted a development consent (DA18/1082) permitting creation of a 183 m² road reserve in the south-eastern part of Lot 9 DP 1157476 for the proposed roundabout at WNSLR/Lockwood Road intersection (see **Figure 4** and **Figure 5**).



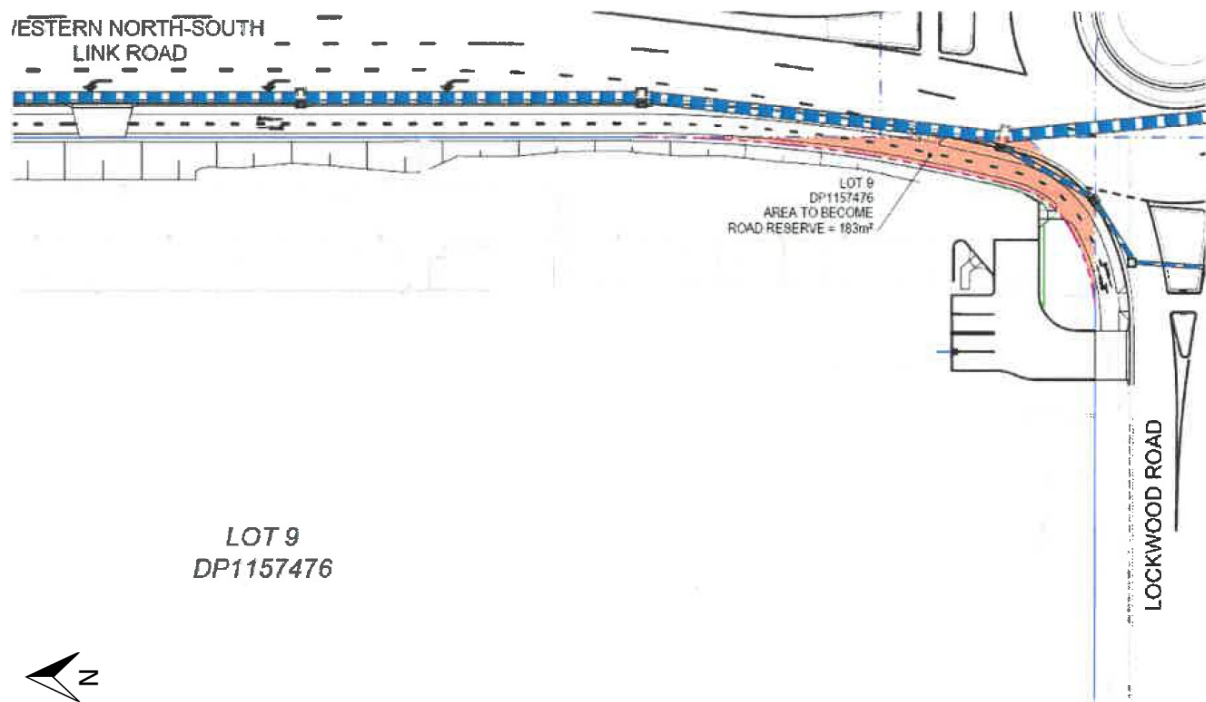


Figure 5 | Area of Lot 9, DP1157476 dedicated for WNSLR Road Reserve (shown in red)

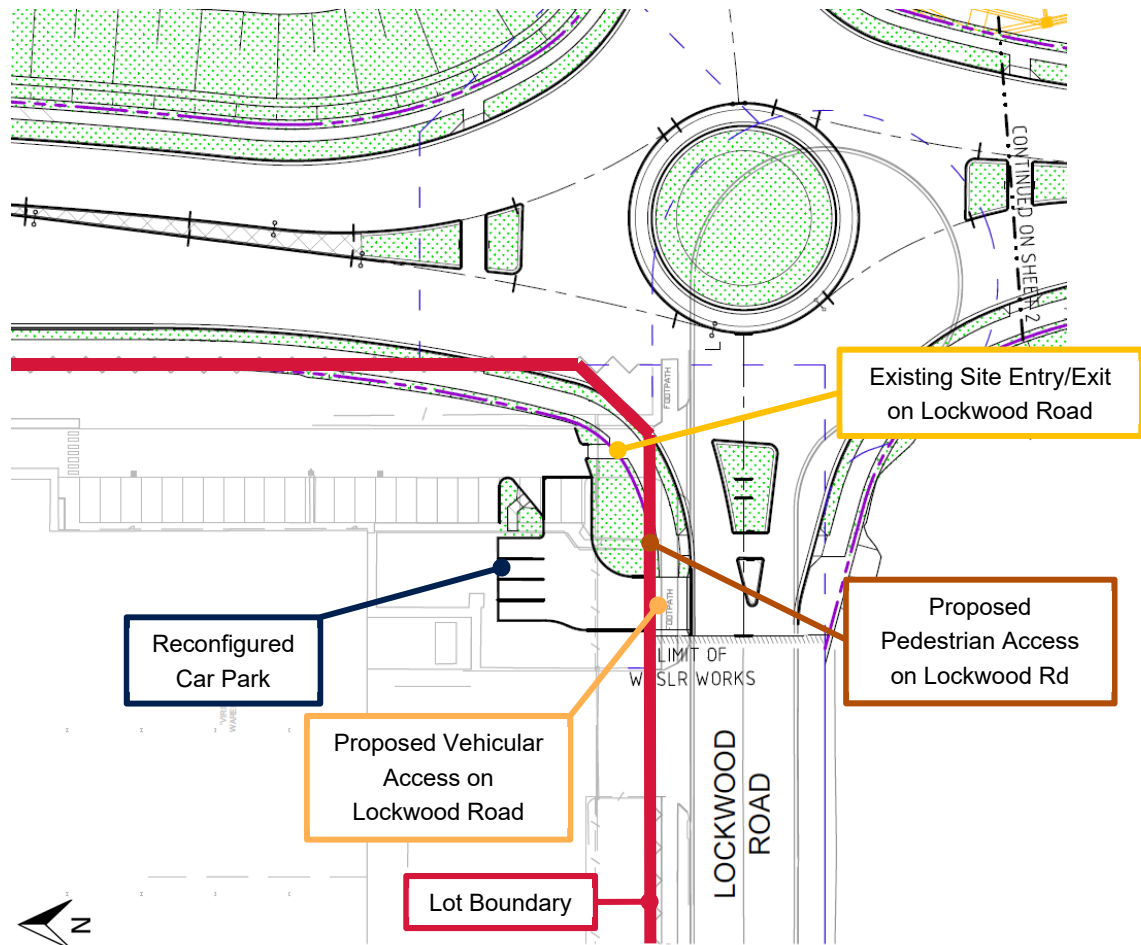


Figure 7 | Existing Car Park Reconfiguration and Car Park Access Relocation

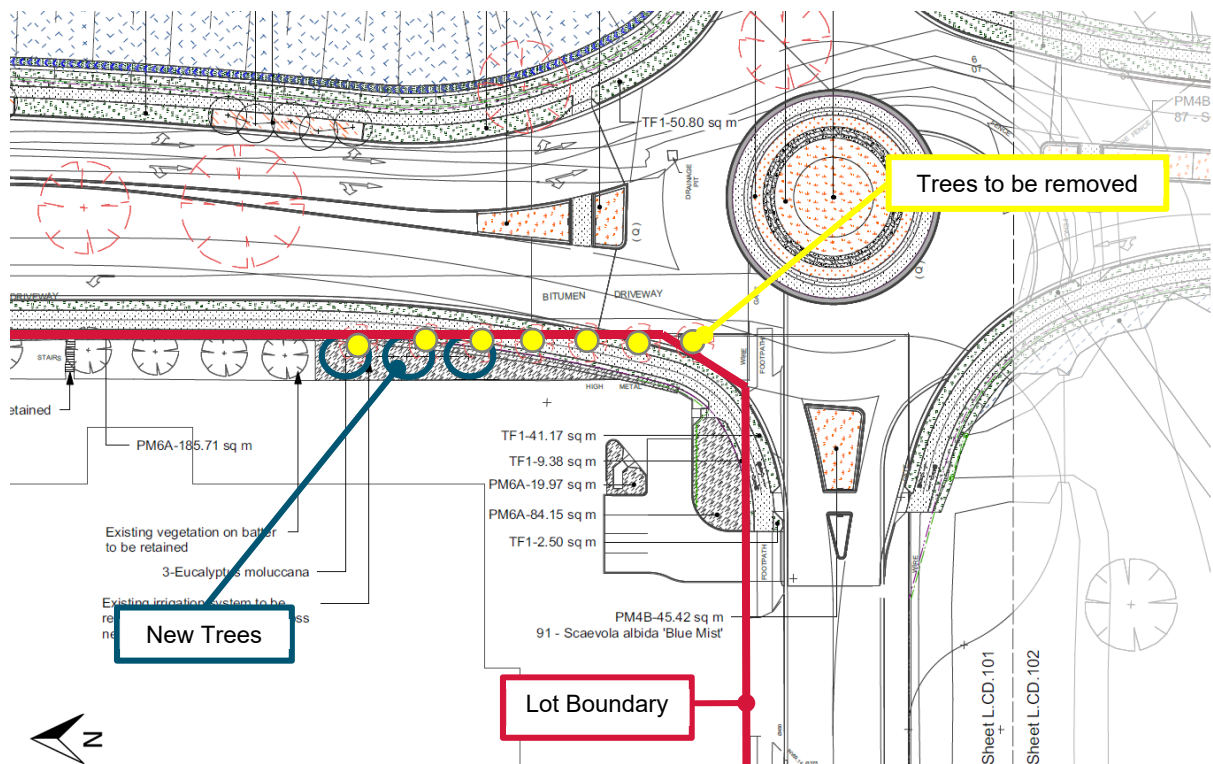


Figure 8 | Tree Removal and Proposed Landscaping

2.2 Applicant's Justification for the Proposed Modification

The Applicant advised the WNSLR alignment had been approved under SSD 7348. The additional lot was unintentionally missed from the SSD 7348 consent and if not included in the consent would impact on the ability to properly construct the WNSLR. The modification is critical to allow the WNSLR construction commencing within the additional lot and would not result in significant changes to the scope of works originally approved by SSD 7348.

3 Strategic Context

3.1 A Metropolis of Three Cities

The Greater Sydney Plan, *A Metropolis of Three Cities*, seeks to meet the needs of a growing and changing population by transforming Greater Sydney into a metropolis of three cities including the Western Parkland City, the Central River City and the Eastern Harbour City.

The OWE is located within the 'Western City District' and is consistent with the directions and principles outlined in A Metropolis of Three Cities and the Western City District Plan, specifically the principles of utilising industrial zoned land and providing employment opportunities in western Sydney. The OWE is anticipated to provide more than 3,000 jobs when fully operational. The modification would facilitate the WNSLR construction to provide the primary access to the OWE.

3.2 State Environmental Planning Policy (Western Sydney Employment Area) 2009

The WSEA SEPP aims to promote economic development and employment, provide for the orderly and coordinated development of land, ensure development occurs in a logical, cost-effective and environmentally sensitive manner. A series of regional roads to serve the WSEA, including the WNSLR, have been identified in the WSEA.

The modification is generally consistent with the WSEA SEPP as it would support the construction of essential infrastructure required by the WNSLR.

4 Statutory Context

4.1 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 proposed modification
- the modification is of a scale that warrants the use of section 4.55(1A) of the EP&A Act given the modification application seeks only to correct a minor error in the development consent
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of consent.

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 and Public Spaces is the consent authority for the application under section 4.5(1) of the EP&A Act. Under the Minister's delegation of 9 March 2020, the Director, Industry Assessments, may determine the application under delegation as:

- the modification application has not already been referred by the Planning Secretary to the Independent Planning Commission for determination as at the date of the delegation
- a political disclosure statement has not been made
- 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 section 4.55(1A) modifications with minimal environmental impact applications. Accordingly, the modification was not notified or advertised. However, it was made publicly available on the Department's website, and was referred to Penrith City Council (Council) and TfNSW for comment.

5.2 Summary of submissions

Council did not object to the modification and advised the Applicant to obtain an owner's consent from the additional lot's owner which would be submitted for the current and amended construction certificates relating to the works on their respective land. Council recommended a condition regarding a Section 138 approval in pursuant to *Roads Act 1993* for the new car park access.

TfNSW advised its comments dated 13 February 2019 regarding the interim and ultimate WNSLR/Lenore Drive intersection design, including traffic signal control device, remained valid.

6 Assessment

The Department has reviewed the modification, the Applicant's Statement of Environmental Effects, Council's and TfNSW submissions. The Department considers the inclusion of an additional lot is essential to facilitate the WNSLR construction and is not significantly changing the intent of this aspect of the approval. There would be no change to the total parking spaces in the addition lot as the demolished four spaces would be constructed at a new location.

The proposed car park access is located to the south of a new roundabout at WNSLR/Lockwood Road intersection and opposite to a proposed refuge island. The new car park access would permit a left-in/left-out traffic movement on Lockwood Drive in the future (see **Figure 9**). As such, the Department considers the proposed car park access would have minimal impacts on safety and efficiency of Lockwood Road and the WNSLR.

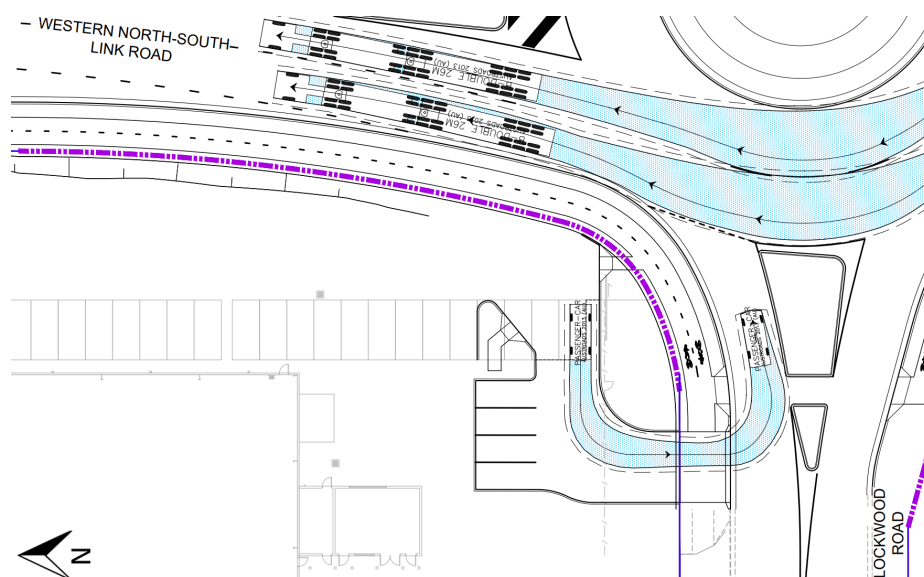


Figure 9 | Swept Path Diagram of the Proposed Car Park Access

There is vegetation along the eastern boundary of the additional which screens the existing warehouse building when viewed from public vantage points. The existing vegetation within the 183 m² road reserve would be removed to construct the WNSLR including road pavement, footpaths, utilities and services. The Department notes the Applicant would plant compensatory screening plants to mitigate the potential visual impacts of the existing warehouse building when viewed from the WNSLR.

Council had no comments on the new car park layout, access location and landscaping. TfNSW comments on the interim and ultimate WNSLR/Lenore Drive intersection design has been addressed as conditions of SSD 7348 development consent.

The Department notes the alignment and design of the WNSLR have been approved as part of the OWE Stage 1 development. The modification is required to permit construction of essential infrastructure to support the approved WNSLR. The Department's assessment has concluded the modification would have minimal traffic and visual impacts. In accordance with the *Roads Act 1993*, the Department has recommended a condition requiring that prior to commencement of construction of

works in the additional lot, the Applicant must obtain a Section 138 application approval for the new car park access on Lockwood Road from Council.

7 Evaluation

The Department has assessed the modification in accordance with the relevant requirements of the EP&A Act.

The Department considers the modification can be undertaken on the basis it would:

- facilitate the WNSLR construction
- result in minimal environmental impacts including traffic and visual amenity
- not result in change in the number of parking spaces available in Lot 9, DP1157476
- the proposed tree removal would be compensated by the proposed landscaping.

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

8 Recommendation

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

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 7348 MOD 4 falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all 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 attached approval of the modification (**Appendix D**).

Recommended by:



Bruce Zhang

A/Senior Environmental Assessment Officer
Industry Assessments

Recommended by:



Sheelagh Laguna

A/Team Leader
Industry Assessments

9 Determination

The recommendation is **Adopted** by:

A handwritten signature in dark ink, appearing to read 'C. Ritchie', is positioned above the date.

24 March 2020

Chris Ritchie

Director

Industry Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of referenced documents

MOD 4, SSD 7348 – S4.55(1A) Application to Modify the Consent to Include Works on Lot 9 DP 1157476, prepared by Goodman Property Services (Aust) Pty Ltd, dated 17 February 2020

Oakdale West Estate – MOD 4 (SSD 7348) Modification Report, prepared by Goodman Property Services (Aust) Pty Ltd, dated 17 February 2020

Oakdale West 3000-Series Western North-South Link Road Civil Works Package, prepared by AT&L, dated 21 September 2018

Appendix B – Modification report

Available on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/27136>

Appendix C – Submissions

Available on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/27136>

Appendix D – Notice of modification