

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Jacqueline Parker
Consultant	Georgia McKenzie
Project Code	P0013473
Report Number	Final

All information supplied to Urbis in order to conduct this research has been treated in the strictest confidence. It shall only be used in this context and shall not be made available to third parties without client authorisation. Confidential information has been stored securely and data provided by respondents, as well as their identity, has been treated in the strictest confidence and all assurance given to respondents have been and shall be fulfilled.

© Urbis Pty Ltd
50 105 256 228

All Rights Reserved. No material may be reproduced without prior permission.

You must read the important disclaimer appearing within the body of this report.

urbis.com.au

CONTENTS

Executive Summary	2
1. Introduction	4
2. Background	5
2.1. Original SSD 7348	5
2.2. Modifications to SSD 7348	7
2.2.1. MOD 1	7
2.2.2. MOD 2	7
2.2.3. MOD 3	7
2.2.4. MOD 4	7
2.3. Consultation	8
2.4. Secretary's Environmental Assessment Requirements (SEARs)	8
3. Site and Surrounding Context	11
3.1. The Site	11
3.2. Surrounding Context	11
4. Strategic Planning Framework	13
5. Proposed Modifications and Justification	14
5.1. Changes to the Concept Approval	14
5.1.1. Setbacks to Southern Link Road	14
5.1.2. Landscape Masterplan	14
5.2. Changes to the Stage 1 Approval in respect to Lot 1A	14
5.2.1. Car Parking	16
5.2.2. Landscape Design	16
5.2.3. Civil Works	17
5.2.4. Dangerous Goods	17
5.2.5. Noise Barrier Completion Date	17
5.2.6. Correction of Condition Errors	17
5.3. Changes to The Stage 1 Approval in respect to Biodiversity	18
6. Amended Conditions	22
7. EP&A Act 1979 – Section 4.55(1A) Assessment	26
7.1. Minimal Environmental Impact and Substantially the Same DEvelopment	26
7.1.1. Built Form	26
7.1.2. Southern Link Road Setback	26
7.1.3. Traffic and Car Parking	26
7.1.4. Biodiversity	27
7.1.5. Dangerous Goods	27
7.1.6. Noise Barrier	27
7.2. Section 4.15 Considerations	27
7.3. Consideration of Reasons for Approval	27
8. EP&A Act 1979 – Section 4.15 Assessment	30
8.1. Environmental Planning and Assessment Act 1979	30
8.1.1. Consistency with Terms of Concept Approval	30
8.2. Assessment of Planning Instruments	30
8.3. Proposed Environmental Planning Instruments	34
8.4. Planning Agreements	34
8.5. Regulations	34
8.6. Suitability of the Site	34
8.7. Submissions	34
8.8. Public Interest	34
9. Conclusion	36

Disclaimer.....	38
------------------------	-----------

Appendix A	Architectural Plans
Appendix B	Landscape Plans
Appendix C	Vegetation Management Plan
Appendix D	Traffic Statement
Appendix E	Final Hazard Analysis
Appendix F	Biodiversity Offset Confirmation and Map
Appendix G	Consultation with Penrith City Council
Appendix H	Consultation with Transport for NSW
Appendix I	Civil Drawings and Cover Letter

FIGURES

Figure 1 – Approved OWE Concept Masterplan	5
Figure 2 – Approved OWE Precinct 1 layout.....	6
Figure 3 – Precinct 1 Modified Layout.....	7
Figure 4 – Oakdale West Location Plan	12
Figure 5 – Precinct 1 Approved Layout	15
Figure 6 – Precinct 1 Modified Layout	15
Figure 7 – Approved Biodiversity Offset Planting	19
Figure 8 – OSL Agreed Replanting (Location 4267)	20



TABLES

Table 1 – Project Team	4
Table 2 – SEARs Requirements.....	8
Table 3 – Site Description.....	11
Table 4 – Surrounding Development.....	11
Table 5 – Strategic Context	13
Table 6 – Reasons for Decision Table	27
Table 7 – Statement of Consistency with Environmental Impacts	30

Name	Jacqueline Parker - Master of Urban Development and Design, University of New South Wales, Bachelor of Planning (Hons 1), University of New South Wales Georgia McKenzie – Bachelor of City Planning (Hons), University of New South Wales.
Address	Urbis Pty Ltd Angel Place Level 8, 123 Pitt Street Sydney NSW 2000
Land Details	2 – 18 Aldington Road, Kemps Creek NSW 2178 Lot 1 DP 663937, Lot 2 DP 1215268, Lot 6 DP 229784, Lot 2 DP 84578, Lot 3 DP 85393, Lot 11 DP 1178389, Lot 9 DP 1157476.
Applicant Details	Goodman Property Services (Aust) Pty Ltd
Applicant Address	Level 17, 60 Castlereagh Street, Sydney
Project Summary	<p>Changes proposed will result in amendments to both the concept approval and the Stage 1 approval conditions. An overview of the key changes to the proposed built form within Stage 1 are included below:</p> <ul style="list-style-type: none"> ▪ Approved Plans ▪ Updated architectural plans ▪ Updated Civil Plans ▪ Updated landscape plans ▪ Updated biodiversity report ▪ Updated dangerous goods report ▪ Updated traffic report <p>A complete and detailed overview of the changes are provided at Section 5 of this report.</p>

I certify that the content of the Environmental Assessment Report, to the best of our knowledge, has been prepared as follows:

- In accordance with the requirements of the Environmental Planning and Assessment Act 1979 (EP&A Act) and Environmental Planning and Assessment Regulation 2000 (EP&A Regulation);
- Containing all available information that is relevant to the environmental assessment of the development, activity or infrastructure to which the statement relates; and
- The information contained in this report is true in all material particulars and is not misleading.

	
Jacqueline Parker, 10 July 2020	Georgia McKenzie, 10 July 2020

EXECUTIVE SUMMARY

This Environmental Assessment Report (**EAR**) accompanies an application to modify State Significant Development (**SSD**) approval number SSD 7348 (as modified) under section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (**the Act 1979**).

SSD 7348 approved the Concept Proposal and Stage 1 works relating to the overall development of the Oakdale West Estate (**OWE**) including the establishment of road layouts, site levels, subdivision and infrastructure delivery. Four subsequent modifications have been granted to that consent, including a modification to the layout and construction of warehouse building on Lot 1A for a high bay warehouse.

It is noted that no changes are proposed to the approved building use, footprint, height, bulk or scale.

The applicant is seeking a further modification to the Concept approval and Stage 1 consent including:

Concept Modification

Setback to Southern Link Road

- Seeking approval to reduce the entire length of the Southern Link Road setback from 20m to 17m in line with Transport for NSW request to extend the road reserve to 36.6m.
- The minor reduction in building setback will not change the approved building footprints or the ability to deliver the masterplan, it rather provides a wider road reserve as required by Transport for NSW. Therefore, the impacts are considered to be minor.

Updated Landscape Masterplan

- Update the Landscape Masterplan to reflect the changed setback conditions to the Southern Link Road to coordinate with the change to the setback control.

Stage 1 Modification

Lot 1A Carparking and Hardstand

- Reconfiguration of at grade car parking spaces in the eastern and southern car parks of Lot 1A;
- Internal alterations to car park directional flow;
- Alterations to the car park entrance at the north eastern corner of the site to reduce queuing impacts on the estate roads (no change to crossover width or entrance, only internal changes);
- Changes to the refuelling and truck and trailer wash bays; and
- Location of prime mover parking spaces adjacent to eastern car park.

Lot 1A Landscaping

- Landscaping around the boundaries of Lot 1A is proposed to be reconfigured to account for the realignment of the southern car park; and
- Alterations to planting in the perimeter landscaping zone.

Lot 1 A Dangerous Goods

- Condition of consent D109A required the preparation of a Final Hazard Analysis (FHA) of Building 1A. A FHA has been attached at **Appendix E**.
- The modifications described in the Final Hazard Analysis (FHA) prepared by Riskcon reflect the tenant requirements. This will result in an increase of Class 8 combustibles from 45,000 kilograms to 60,000 kilograms and the inclusion of 1.1 million kilograms class C1 and C2 combustibles.
- The FHA found that the additional corrosive substances do not result in any change to the risk profile as these quantities were already assessed in the original Preliminary Hazard Analysis (PHA) and the required protections for the corrosives are included within the design.

Biodiversity

- Construction of the WNSLR required the removal of 0.42 ha of planted native vegetation from within the Erskine Park Biodiversity Corridor (EPBC). However, post SSD7348 approval, the chosen area for offset replanting was found to be unsuitable for this purpose. An alternative location has since been identified by the OSL and MOD 5 seeks to amend condition D93 to reflect this.
- Modification to condition D93 to clarify timeframe for undertaking of the planting.

The proposal meets all design requirements of the Stage 1 Consent (contained in condition B10) except for the minimum building setback to the Southern Link Road which is proposed to be amended. The proposed modifications have been assessed in accordance with the provisions of Section 4.55(1A) and Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

Noise Barrier Completion Date

Condition of Consent D75c for SSDA 7348 requires the installation of a noise barrier no later than 31 October 2020. This modification is seeking to extend the date to 30 November 2020. This is to account for the inclement weather that has occurred on site since the commencement of bulk earthworks on the site. This amendment will not compromise the delivery of a noise barrier as required in Condition of Consent D75c.

Condition Changes

Minor condition changes are required to facilitate the updates proposed. These changes include:

Concept Approval

- Update Condition B10 to reflect the 17m building setback to the Southern Link Road
- Update Masterplan Landscape Plan reference to reflect the widened road reserve for the Southern Link Road.

Stage 1 Approval

- Update Architectural, Civil, and Landscaping plans to reflect the proposed design changes on Lot 1.
- Change incorrect figure reference in Condition D75A from Figure 7 to Figure 6.
- Change in correct figure reference in Condition D75C from Figure 7B to Figure 7 and update this condition D75C to reflect the revised noise barrier completion date.
- Update Condition D93 to reflect revised location for biodiversity planting.

Overall, the assessment has found that:

- The proposed development is substantially the same as that originally approved.
- The proposal will not result in any unacceptable environmental impacts.
- The proposed modifications meet the relevant requirements of Section 4.15 and 4.22 of the Act 1979.

Accordingly, it is recommended that the application be approved under Section 4.55(1A) of the Act 1979.

1. INTRODUCTION

This planning report has been prepared by Urbis on behalf of Goodman Property Services (Aust) Pty Ltd (**the Applicant**) to accompany a Section 4.55(1A) application seeking to modify the original State Significant Development 7348 (as modified) (**SSD 7348**), as it relates to the approved Concept and Stage 1 works at Oakdale West Estate (**OWE**), Kemps Creek.

This planning report provides a comprehensive description and assessment of the proposed modifications within the following sections of the report as listed below.

- Section 2 – Summary of the approval history.
- Section 3 – Site and surrounding context.
- Section 4 – Strategic planning framework
- Section 5 – Proposed modifications to the current consent conditions
- Section 6 – Proposed amendments to conditions of consent.
- Section 7 – Assessment of the modified proposal in accordance with Section 4.55 of the Act 1979.
- Section 8 – Consideration of relevant matters listed under Section 4.15 of the Act 1979.
- Section 9 – Conclusion.

The application is supported by the following inputs by the consultant team.

Table 1 – Project Team

Document	Consultant	Appendix Reference
Architectural Plans	SBA Architects	Appendix A
Landscape Plans	Scape Designs	Appendix B
Vegetation Management Plan	Ecologique	Appendix C
Traffic Statement	Ason Group	Appendix D
Final Hazard Analysis	Riskcon Engineering	Appendix E
Biodiversity Offset Confirmation and Map	Ecologique and OSL	Appendix F
Consultation with Penrith City Council	-	Appendix G
Consultation with Transport for NSW	-	Appendix H
Civil drawings and cover letter	AT&L	Appendix I

2. BACKGROUND

2.1. ORIGINAL SSD 7348

On 13 September 2019, SSD approval was granted to SSD 7348, for the staged development of the Oakdale West Estate at Lot 1 DP 663937, Lot 2 DP 1215268, Lot 6 DP 229784, Lot 2 DP 84578, Lot 3 DP 85393, Lot 11 DP 1178389, Lot 9 DP 1157476 Bakers Lane, Kemps Creek. The approval granted consent for the staged construction of an industrial estate, in accordance with Section 4.22 of the EP&A Act as outlined below:

A Concept Proposal including:

- Concept layout of 22 warehouse buildings inclusive of dock offices and ancillary offices providing 476,000 square metres of gross lettable area, built over five development stages.
- Concept layout of development lots, internal roads, drainage, landscaping, noise walls, basins and biodiversity offsets.
- Development controls.

Figure 1 below shows the approved OWE Concept Masterplan.

Figure 1 – Approved OWE Concept Masterplan



Source: SBA Architects

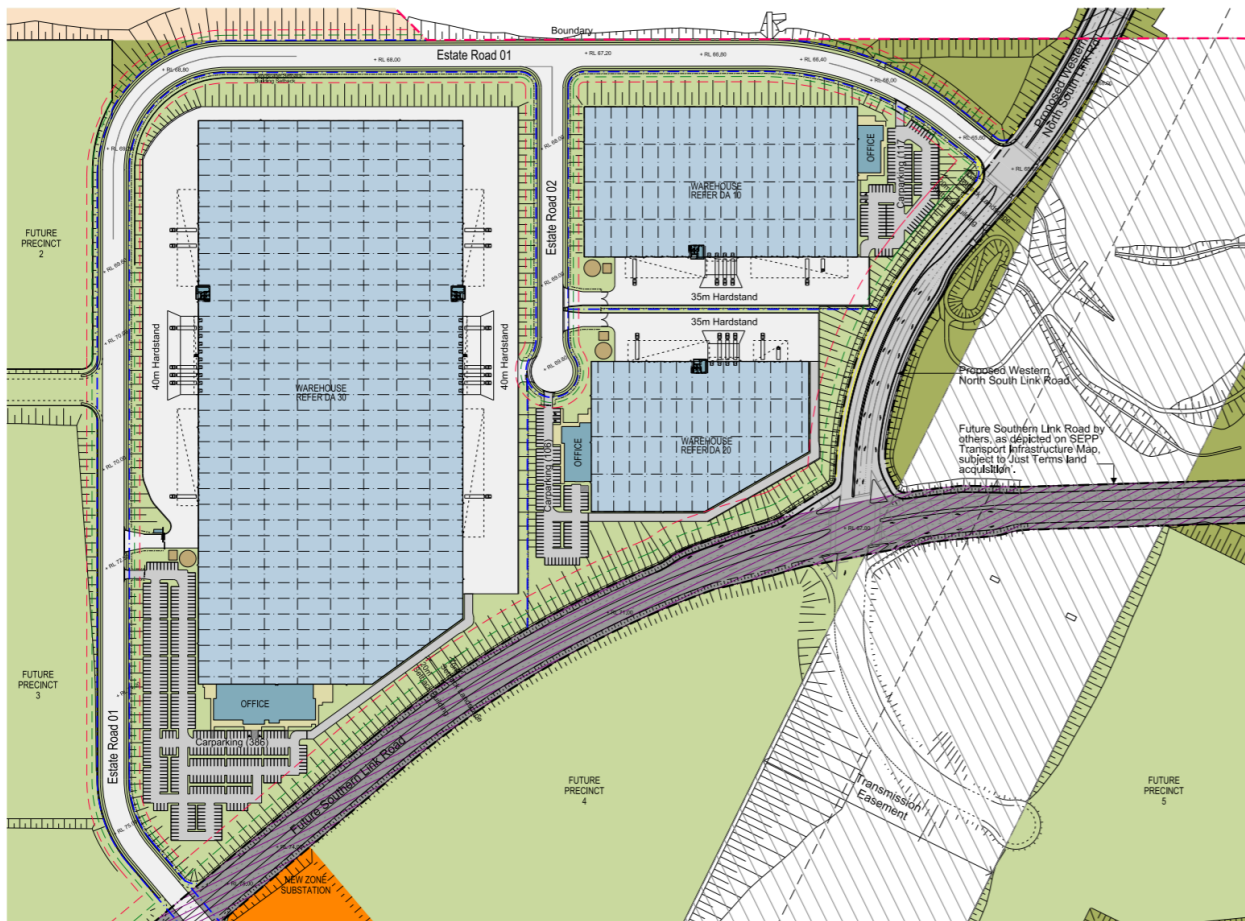
A Stage 1 Development Application including:

- Bulk earthworks across all five stages including retaining walls and noise walls.
- Lead in services including but not limited to drainage, power, sewer, water and telecommunications.
- Service infrastructure to Precinct 1, including drainage, power, sewer, water and telecommunications.
- Construction and operation of three warehouse buildings inclusive of dock offices and ancillary offices in Precinct 1 (1A, 1B and 1C) providing 118,000 square metres of gross lettable area (GLA).
- West-North-South Link Road and associated subdivision, basins and drainage.

- Estate roads 1, 2, 6 and the eastern part of road 7.
- Landscaping of Stage 1, the western boundary, West-North-South Link Road, estate roads 1, 2, 6 and the eastern part of road 7, detention basins and the amenity lot.
- Subdivision of Stage 1 lots and road infrastructure including the services (substation) lot.
- Stormwater drainage infrastructure for Lots 2A and 2B and all basins.
- Temporary works to facilitate construction including but not limited to swales, haul road (construction access), landscaping and basins.

Figure 2 below shows the approved layout of Precinct 1.

Figure 2 – Approved OWE Precinct 1 layout



Source: SBA Architects

Assessment and determination of the Concept Proposal included detailed consideration of impacts generated by the proposed future use of the site, including an assessment of estate-wide traffic generation and infrastructure demand, impact on Aboriginal and non-Indigenous heritage, impact on flora and fauna, riparian lands and creeks, acoustic, visual and air quality impact and overall consistency of the proposal with the strategic objectives of the *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (WSEA SEPP) and metropolitan planning strategy.

2.2. MODIFICATIONS TO SSD 7348

Four subsequent modifications have been granted to SSD 7348, including to the layout and construction of warehouse building on Lot 1A for a high bay warehouse.

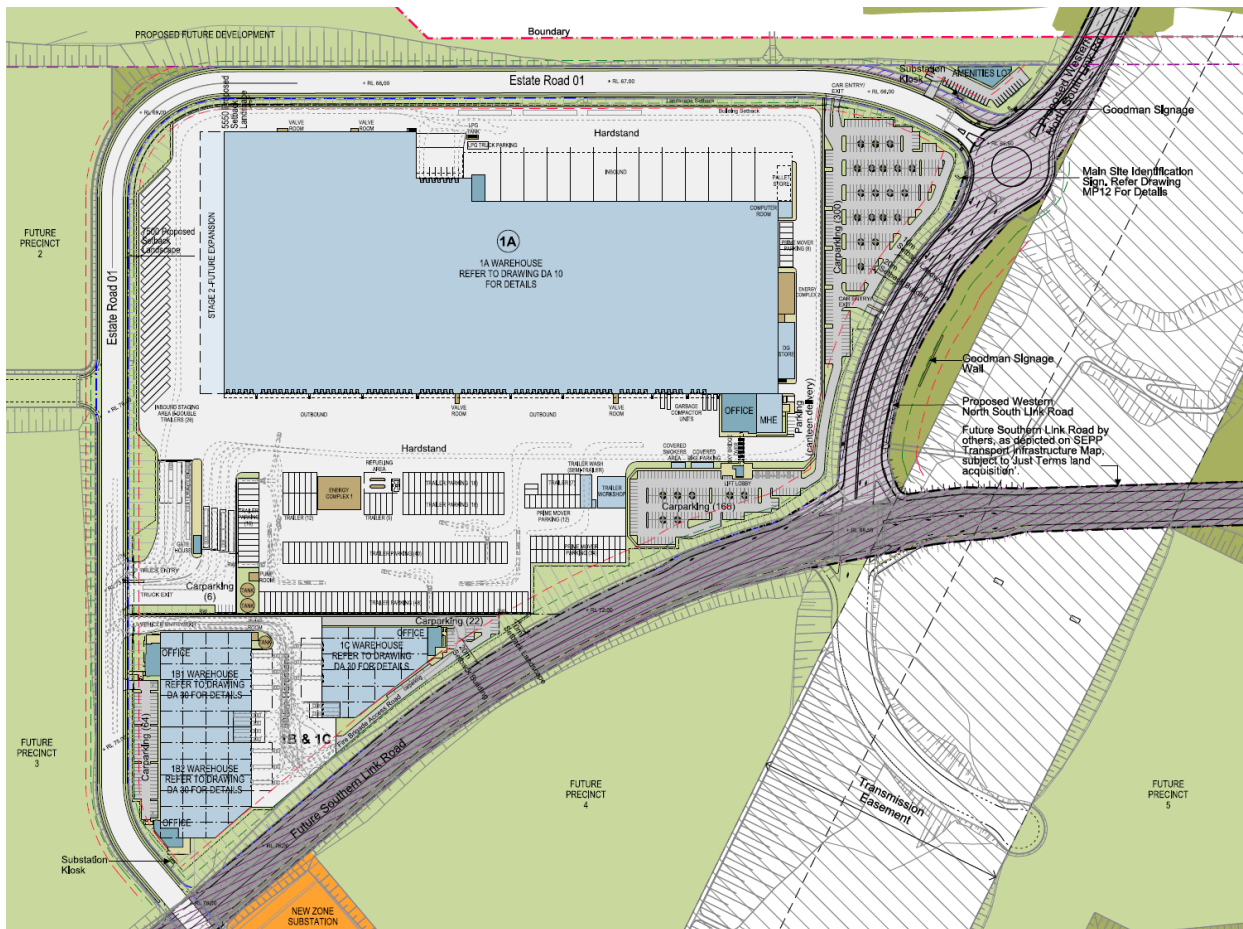
2.2.1. MOD 1

MOD 1 sought approval for modifications to the approved concept plan and Stage 1 development, including changes to sewer servicing, building pad level of Precinct 2, bioretention basins and biodiversity offset strategy. MOD 1 was approved in March 2020.

2.2.2. MOD 2

MOD 2 sought approval for modifications to the approved concept plan and Stage 1 development, including master plan layout, changes to internal roads, civil design and building pad levels. MOD 2 was approved in April 2020.

Figure 3 – Precinct 1 Modified Layout



Source: SBA Architects

2.2.3. MOD 3

MOD 3 sought approval for modifications to the approved Concept Proposal and the Stage 1 development, principally relating to Precinct 2. MOD 3 was approved in April 2020.

2.2.4. MOD 4

MOD 4 sought approval for additional works within Lot 9 DP 1157476 associated with the construction of the Western North South Link Road. MOD 4 was approved in March 2020.

2.3. CONSULTATION

The following pre-lodgement consultation has been undertaken.

- Goodman lodged 2 subdivision development applications with Penrith Council (DA 19/0575 and DA20/0303) to subdivide the site including creation of road lots for dedication to TfNSW and Penrith Council. These DAs were referred to TfNSW who responded requesting the road corridor of the SLR be updated from 30.9m to 36.5m. TfNSW acknowledged that this would require a 2.85m increase of the road on either side of the median and that this would reduce Goodman's developable area. To account for this, TfNSW agreed to accept a reduction of landscape setback between the road reserve and OWE development (refer to **Appendix G and H**). Goodman contacted Penrith Council on 28th July 2020 to ask for confirmation of this change. No response has been received.
- Goodman contacted the Office of Strategic Lands (OSL) regarding the proposed location for biodiversity offset planting. The OSL gave direction on the preferred location for new plantings, as shown in **Appendix F**.
- Extensive community and stakeholder engagement was undertaken by Goodman in the preparation of SSD 7348. Ongoing community consultation will occur as part of the formalised Community Liaison Group which is facilitated for Goodman by SLR. This group meets regularly for updates on project programming and process and provides a forum for issues to be raised regarding the project. This group will continue through the construction stage of the project

2.4. SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS (SEARS)

Secretary's Environmental Assessment Requirements (SEARs) were originally issued for the project on 15 November 2019. SEARs were not re-issued for any of the subsequent modifications.

The original SEARs are taken to still inform the current modification. The SEARs relevant to the proposal are detailed in Table 2 below which nominates where in this report that particular requirement is addressed.

Table 2 – SEARs Requirements

Requirements	Reference
Detailed Description of the Modification - including: <ul style="list-style-type: none"> The need for the proposed modification; Justification for the proposed modification; The likely staging of the modification; The likely interactions between the modification and existing, approved and proposed construction works and operations in the vicinity of the site; Detailed plans of all proposed building works; and Identification of conditions proposed to be modified. 	Section 5 and 6
Statutory Context - including: <ul style="list-style-type: none"> Demonstration that the application constitutes a modification under section 4.55 of the EP&A Act; and Consideration of all relevant environmental planning instruments, including identification and justification of any inconsistencies with these instruments. 	Section 4 and 7 and 8
Consistency with the Approved Oakdale West Estate Concept Plan - including: <ul style="list-style-type: none"> Details of the consistency of the modification with the approved Oakdale West Estate Concept Proposal and Stage 1 Development (SSD 7348) (the existing approval). This must include a detailed assessment of the potential impacts of the modification against the existing approval, including, but not limited to, urban design and visual impact, traffic and transport and noise and vibration; and Justifications for any departures from the existing approval. 	Section 7 and 8

Requirements	Reference
<p>Community and Stakeholder Engagement - including:</p> <ul style="list-style-type: none"> A community and stakeholder participation strategy identifying key community members and other stakeholders (including previous submitters) and the proposed consultation approach; Issues raised by the community and surrounding landowners and occupiers; Details of how issues raised during consultation have been addressed and whether they have resulted in changes to the modification; and Details of the proposed approach to future community and stakeholder engagement based on the results of consultation. 	Section 2.3
<p>Identification of Environmental Impacts of the Modification - including</p> <p>A detailed assessment and identification of any additional impacts resulting from the modification and details of the proposed management and mitigation measures. This should include, but not be limited to, an assessment of the following key issues:</p>	
<p>Urban Design - including:</p> <ul style="list-style-type: none"> A detailed urban design review of the proposed changes to approved building heights, design and setbacks in the context of the entire Oakdale West Estate and the topography of the site, the immediate locality and the wider area; Justifications for any departures from the existing approval and Penrith Development Control Plan 2014, including, but not limited to, building height, setbacks, landscaping and site coverage; An updated assessment in accordance with Clause 31 Design Principles of the State Environmental Planning Policy (Western Sydney Employment Area) 2009; and An updated landscaping plan showing proposed landscaping within the setback areas and car park, in the context of the building form, height, bulk and scale. 	Section 7 Appendix A
<p>Traffic, Parking and Access - including:</p> <ul style="list-style-type: none"> An updated Traffic Impact Assessment detailing any changes to daily and peak traffic and transport movements likely to be generated (vehicle, public transport, pedestrian and cycle trips) during construction and operation of the development, including a description of vehicle access routes (construction and operation) and the impacts on nearby intersections; Updated site access details including access to the site from the road network, intersection location, design and sight distance; An updated assessment of predicted impacts on road safety and the capacity of the road network to accommodate the modification; Updated plans of the proposed site access and parking provision on site in accordance with the relevant Australian Standards and with reference to the existing approval; and Updated details of impact mitigation, management and monitoring measures. 	Section 7 Appendix D
<p>Biodiversity - including:</p> <ul style="list-style-type: none"> Details of how biodiversity impacts have been addressed through the existing approval or a waiver for the preparation of a Biodiversity Development Assessment Report under the Biodiversity Conservation Act 2016; and An assessment of any potential changes to biodiversity impacts associated with the modification. 	Section 7 Appendix C
<p>Hazards and Risks - including:</p>	Section 7 Appendix E

Requirements	Reference
<ul style="list-style-type: none"> ▪ A preliminary risk screening completed in accordance with State Environmental Planning Policy No. 33 - Hazardous and Offensive Development and Applying SEPP 33, with a clear indication of class, quantity and location of all dangerous goods and hazardous materials associated with the modification. Should preliminary screening indicate that the project is "potentially hazardous" a preliminary hazard analysis (PHA) must be prepared in accordance with Hazardous Industry Planning Advisory Paper No. 6 - Guidelines for Hazard Analysis (DoP, 2011) and Multi-Level Risk Assessment (DoP, 2011). 	

3. SITE AND SURROUNDING CONTEXT

3.1. THE SITE

The OWE exists as predominantly cleared, rural land currently used for low intensity cattle grazing. Remnant native vegetation is concentrated along the eastern site boundary adjacent the riparian corridor, with some small remaining patches of vegetation in the north-west corner of the site.

Landform across the site is relatively uniform with undulating rises and alluvial flats and no significant topographic features.

The site is bound to the north by the Water NSW Pipeline and to the east by the Ropes Creek riparian corridor. Land along the eastern boundary of the site is also affected by a transmission easement associated with Transgrid infrastructure. Other boundaries interface with adjoining rural lands used for a mix of rural-residential, agricultural. Emmaus Catholic College and Emmaus Retirement Village are located to the west of the site. Further to the east of the site is Goodman's Oakdale South Estate.

Table 3 below sets out the main site parameters.

Table 3 – Site Description

Component	Features
Address	2 Aldington Road, Kemps Creek & 57-87 Lockwood Road, Erskine Park
Legal Description	Lot 1 DP 663937, Lot 2 DP 1215268, Lot 6 DP 229784, Lot 2 DP 84578, Lot 3 DP 85393, Lot 11 DP 1178389, Lot 9 DP 1157476.
Site area/ Development Figures	<ul style="list-style-type: none"> Site Area – 154.12ha Developable Area – 89.53ha Non-Developable Area – 64.48ha Development Precincts – 5 Development Stages - 5
Road and Access	<ul style="list-style-type: none"> Construction of new regional road connection to EPLR to RMS Standards, known as the West North South Link Road (WNSLR). Primary access via connection to new Estate Road 1. Internal Estate Road network designed to Council specifications.
Local Government Area	Penrith

3.2. SURROUNDING CONTEXT

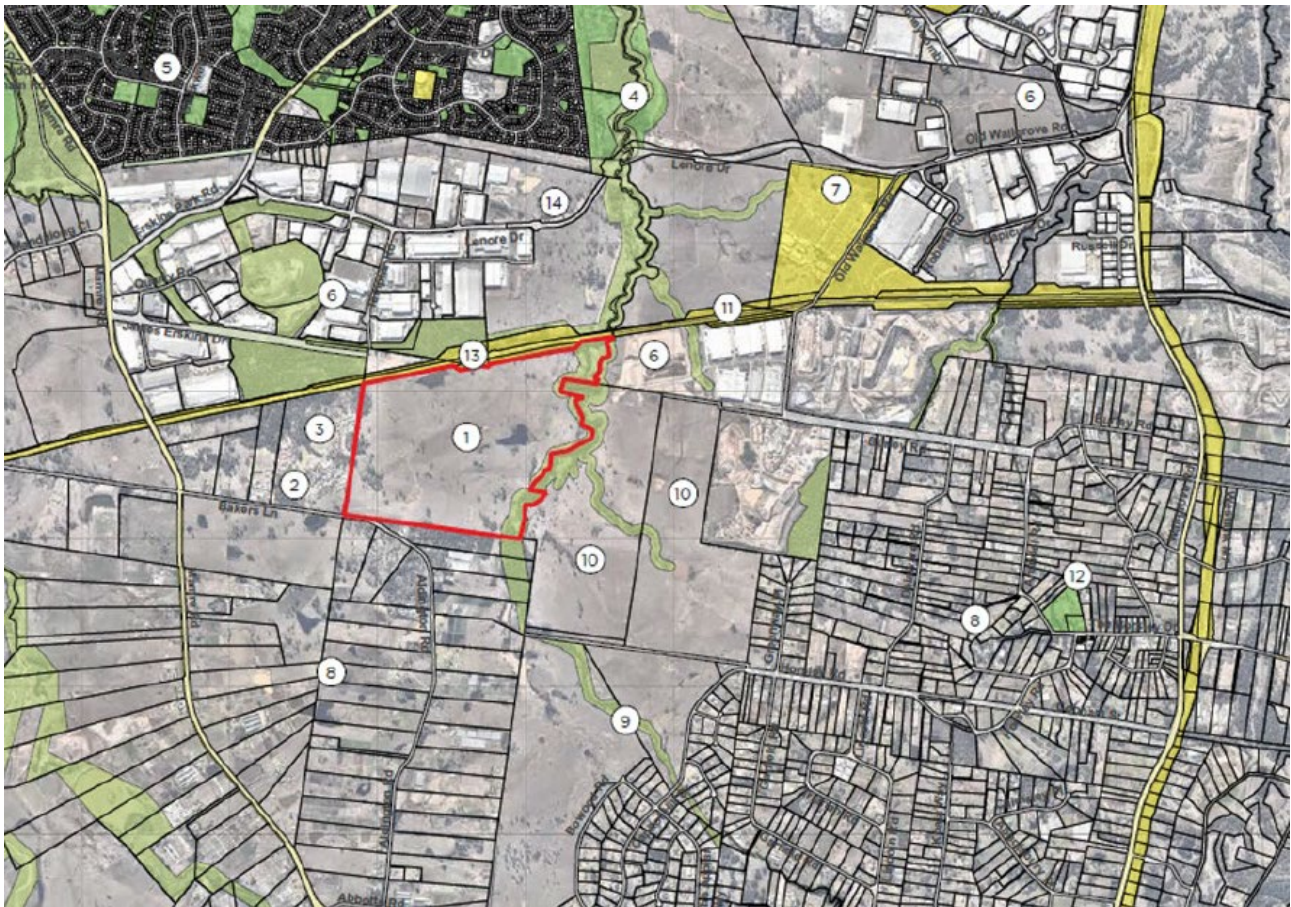
The OWE is located in the Penrith Local Government Area (**LGA**) within the Western Sydney Employment Area (WSEA). **Table 4** details the surrounding land uses and context and **Figure 3** shows a site aerial and surrounding context.

Table 4 – Surrounding Development

Direction	Surrounding Development
North	Water NSW Pipeline with industrial lands within the WSEA beyond.
South	Rural land zoned under Penrith LEP 2010.

Direction	Surrounding Development
East	Ropes Creek and Oakdale South Estate
West	Land zoned IN1 under SEPP WSEA. Despite the zoning, these lands include a number of sensitive uses such as an aged care facility (Catholic Health Care) and three schools being the Mamre Anglican School, Emmanuel Catholic College and Trinity Primary School. Other existing uses include rural residential development and recreational/sporting facilities. This land will be redeveloped in time for industrial and warehousing purposed in accordance with SEPP WSEA.

Figure 4 – Oakdale West Location Plan



Source: SBA Architects

4. STRATEGIC PLANNING FRAMEWORK

In accordance with the requirements of the SEARs, the proposal's consistency with the relevant strategic planning documents and policies is included in the table below. This includes *The Greater Sydney Regional Plan – A Metropolis of Three Cities*, the *Western City District Plan* and *Future Transport Strategy 2056*.

Table 5 – Strategic Context

Document	Aims Relevant to Proposal	Consistency
<i>The Greater Sydney Regional Plan – A Metropolis of Three Cities</i>	In March 2018, the Greater Sydney Commission (GSC) released the <i>Greater Sydney Region Plan: A Metropolis of Three Cities</i> (the Region Plan) which forms part of the integrated planning framework for Greater Sydney. The Region Plan is built on a vision of three cities; the Western Parkland City, the Central River City and the Eastern Harbour City. The 40-year vision to 2056 brings new thinking to land use and transport patterns to boost Greater Sydney's liveability, productivity and sustainability by spreading the benefits of growth.	The proposal remains consistent with the <i>Greater Sydney Regional Plan, A Metropolis of Three Cities</i> . The development will continue to assist in achieving the objectives of the plan, by utilising industrial zoned land for warehouse and logistics uses and providing employment opportunities in Western Sydney.
<i>Western City District Plan</i>	The Greater Sydney Commission has released six district plans encompassing Greater Sydney which will guide the delivery of the Greater Sydney Region Plan. The district plans set out the vision, priorities and actions for the development of each district. The development is located within the Western City District. The Western City District Plan is a 20-year plan to manage growth in Western Sydney in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. It is a guide to implementing the Greater Sydney Region Plan at a district level and is a bridge between regional and local planning.	The proposal will continue to assist in achieving Planning Priorities W10 and W11 as it would maximise logistics opportunities, investment, business opportunities and jobs in strategic centres.
<i>Future Transport Strategy 2056</i>	Future Transport 2056 is a 40-year strategy for the development and improvement of the NSW transport system. The vision for future transport is built on six outcomes: customer focused, successful places, a strong economy, safety and performance, accessible services and sustainability. These outcomes are intended to provide a guide for future investment, policy, reform and provision of services, as well as provide a framework to support a modern, innovative transport network.	The site is located immediately south of the proposed WSFL corridor. The proposal continues to include a 60 m corridor intended for the future WSFL, agreed to by TfNSW.

5. PROPOSED MODIFICATIONS AND JUSTIFICATION

The following modifications are sought to the Concept Approval and Stage 1 Consent within SSD 7348 (as modified).

5.1. CHANGES TO THE CONCEPT APPROVAL

5.1.1. Setbacks to Southern Link Road

Concept approval condition B10 for SSD 7348 requires a 20m setback from the Southern Link Road to all future building forms. This setback was based on an assumed road reservation width of 30.9m for the Southern Link Road within the estate masterplan.

Two subdivision applications (DA19/0575 and DA20/0303) of the SLR road reserve are currently being progressed through separate applications to Penrith Council, to enable road dedication. As part of this process, Transport for NSW has required that the road reserve be increased in width by 5.7m, from 30.9m to 36.6m.

As building footprints have already been approved for the majority of OWE (and key development sites committed to customers) as part of the concept approval, an amendment to the resultant SLR setback is sought in order that the masterplan approval coordinates with the required increase in the SLR road reserve width. Therefore, it is sought that the 20m setback to SLR be reduced by 2.85m on each side to provide a minimum 17.15m building setback for future building forms. This will allow the road reserve to be widened without requiring an amendment to the concept approval for building locations. An amendment to the concept approval would result in an inequitable and unnecessary reduction of developable land for lots along the SLR corridor, including Lots 2D, 2E, 3E, 3G, 4A, 4B, 4C and 4D, where the landscape appearance to the road reserve boundary will remain as approved and planted to a high standard.

A further increase to the road corridor by 5.7m, without a reduction in setback requirements to offset this, would impact the feasibility of future redevelopment of these lots. TfNSW recognised this requested impost and therefore proposed the landscape setback reduction (refer to **Appendix H**). It is noted that Penrith City Council is aware of TfNSW's request for the corridor width increase and landscape reduction, as they are undertaking assessment of the road subdivision applications.

This proposed modification will not change the approved building footprints or the ability to deliver the masterplan with commensurate high standard of landscape setbacks, rather provides a wider road reserve for Transport for NSW which is being included into the proposed design at their request.

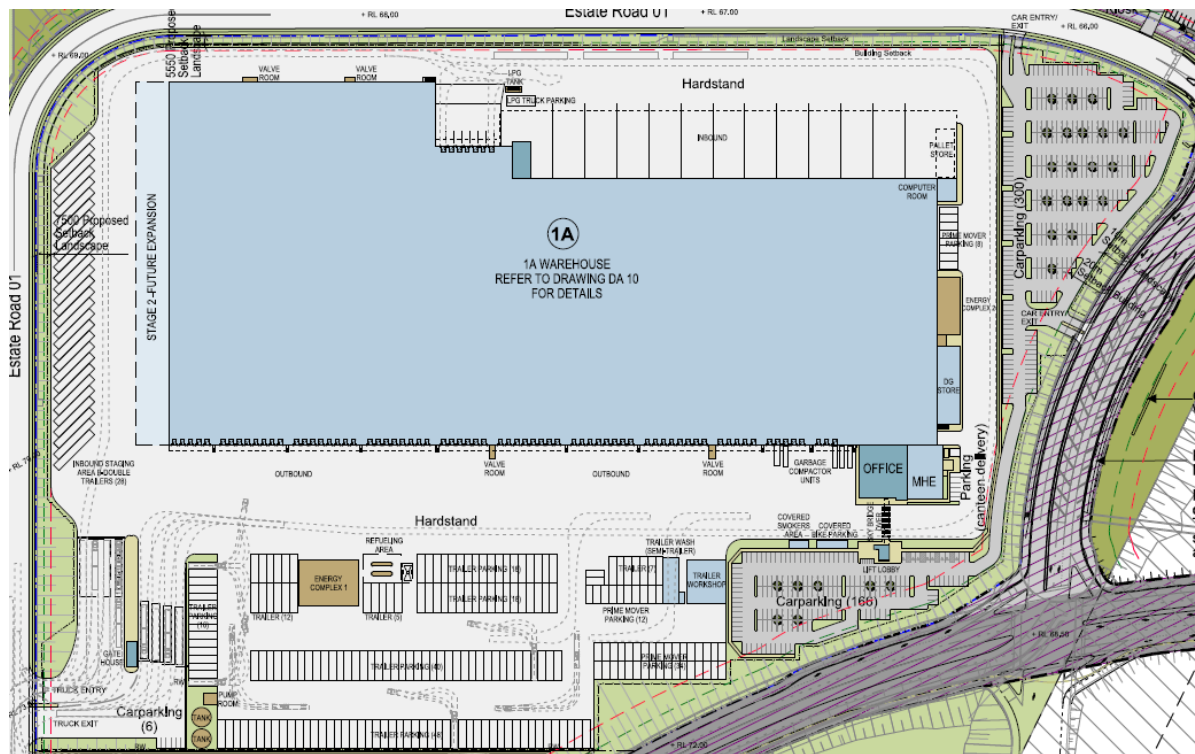
5.1.2. Landscape Masterplan

To coordinate with the increased road reserve width for SLR, an updated Landscape Masterplan (refer to **Appendix B**) has been prepared. This shows the reduced landscape setback distance across the OWE from the SLR for all adjacent development lots.

5.2. CHANGES TO THE STAGE 1 APPROVAL IN RESPECT TO LOT 1A

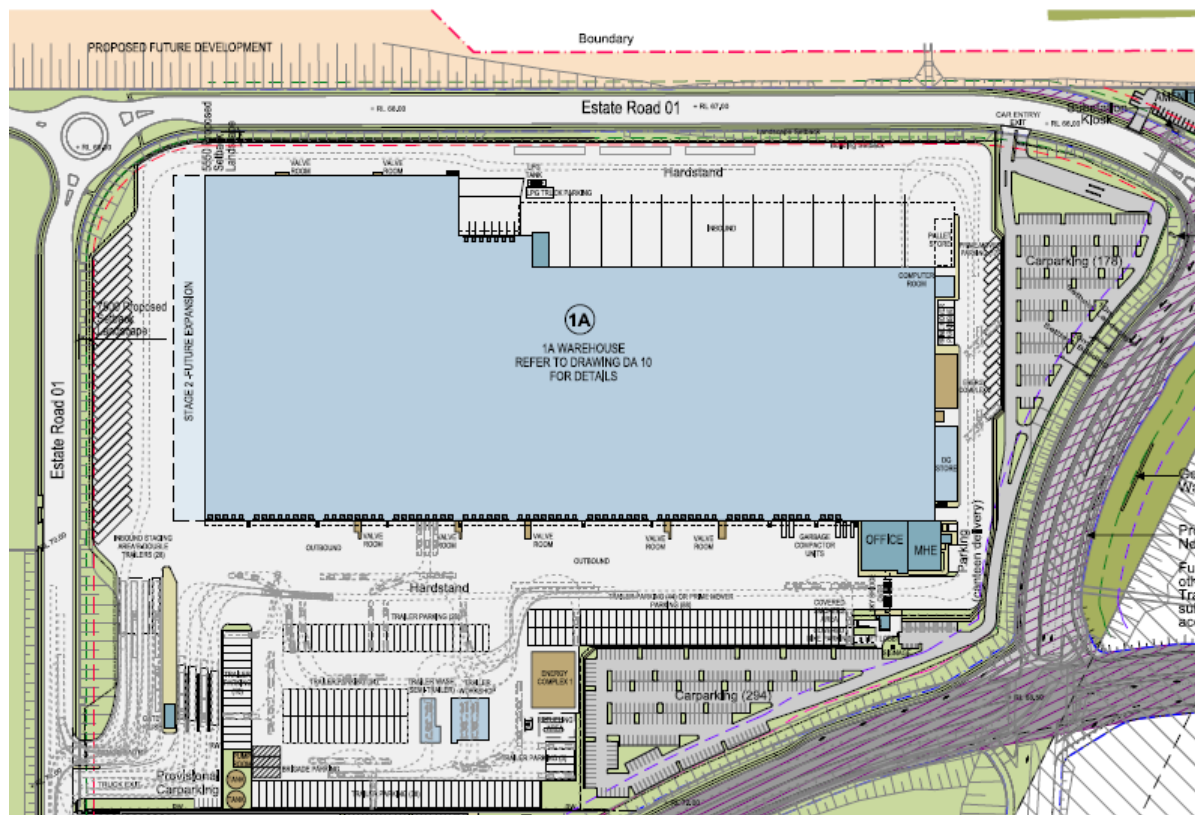
Figure 5 shows a comparison of the approved Precinct 1 site layout compared to **Figure 6**, the proposed modifications as part of this application.

Figure 5 – Precinct 1 Approved Layout



Source: SBA Architects

Figure 6 – Precinct 1 Modified Layout



Source: SBA Architects

The changes to the overall Lot 1A layout are detailed below.

5.2.1. Car Parking

The following changes are proposed to the carparking within Lot 1A.

Changes to Facilities

- Minor layout adjustments to the locations of the energy complex, truck wash, workshop, and refuelling areas.

Changes to Parking Lots

- Adjustment of eastern retaining wall to accommodate amendments to parking lot,
- Change in configuration to the north eastern and south eastern parking lots and
- Wider internal circulation roads to reduce queuing within the Estate Roads.

The minor layout adjustments to the locations of the energy complex, truck wash, workshop, and refuelling areas, and to the car parking and internal road network are to reflect tenant requirements. These have largely been derived to ensure the site is operated in a safer manner and to prevent queuing on estate roads.

A Transport Statement has been prepared by Ason Group to assess the potential impacts of the modifications to car parking and hard stands areas at Precinct 1 (refer to **Appendix D**). The proposal does not seek to change the provision of floor space, operation, number of car spaces or traffic movements on the site.

The Lot 1A access and car parking area demonstrate general compliance in accordance with the requirements of AS2890.1. A Swept path analysis has been undertaken for 26.0 metres B-Double (to assess the design of the revised sections of the commercial hardstand area. The revised hardstand area works satisfactorily, and the swept path analysis are supportive of the revised design.

Therefore, the proposed modifications will not create additional traffic or parking impacts as assessed under SSD 7348.

5.2.2. Landscape Design

The following changes are proposed to landscaping within Precinct 1.

- Boundary landscaping is to be reconfigured to account for realignment of southern car park and reconfiguration of the eastern car park; and
- Alterations to planting in the perimeter landscaping zone to account for a change in the landscaping setback zone.

The proposed modification includes a reconfigured layout of ancillary structures within Lot 1A (no change proposed to main warehouse building). As a result, the landscape plan has been updated to reflect the changes to the built form and site arrangement. The proposed landscape design is consistent in principle with the approved landscape scheme for Lot 1A.

Landscaping is provided along the site boundaries with the Estate Roads, WNSLR and SLR. Further detailed specifics as shown in the updated Landscape Plans included at **Appendix B** demonstrate the proposal's consistency with the approval, and include:

- Consistent street frontage landscape character with appropriately selected planting suitable to the environment and to provide clear sight lines consistent with Crime Prevention Through Environmental Design (CPTED) principles.
- Low height plants in and around proposed signage locations so as to not visually obstruct the signage.
- Hardwood sleeper mullions reflective of the existing landscape character of the area.
- Jakob Rope Systems to allow 'creeping' plant growth on building walls and provide natural shade covers.

The Landscape Plan responds to the hardstand and car parking configuration and will provide a green presentation to the street network. The proposed landscape clearly articulates a refined approach to the site's future landscape character consistent with the intended landscaping approach for the entire OWE. The landscape plan includes 1 tree per 10 car park bays, with structural tree pit systems in the car park areas to

ensure the growth of canopy trees. The trees around the car park area will provide shade and visual screening. The perimeter of the site features dense planting of native trees and shrubs to create a screen to the development. The proposed landscape design is considered to be appropriate for the site and acceptable for the development of Lot 1A. The extent of landscaping remains per the approved plans to retain the extent of landscape offset against the bulk and scale of the warehouse.

5.2.3. Civil Works

Amendments to the civil plans are required to accommodate the change to the SLR boundaries and the precinct 1 lots car park layout and driveways. Accordingly, the master plan drawings have been updated (C1003, C1004 and C1005). The stormwater catchments and overland paths are substantially the same and have no impact on the modelling for the infrastructure throughout the estate. This is shown on drawings C2000-C2030 (refer to **Appendix I**).

5.2.4. Dangerous Goods

Condition of Consent D109A for SSDA 7348 requires a Final Hazard Analysis (FHA), in accordance with the Hazardous Industry Planning Advisory Paper (HIPAP) No. 6 (Ref. [2]), to be prepared to determine whether any changes to the site have altered the site risk profile.

A Final Hazard Analysis (FHA) has been prepared by Riskcon (refer to **Appendix E**) which reflects a slight alteration to the quantity of Dangerous Goods (DGs) to be stored within Warehouse 1A.

The original PHA provided a table of DGs quantities which were anticipated to be stored; however, since that PHA was prepared, rationalisation of the proposed commodities by the tenant has indicated the original quantities underestimated some classes. Subsequently, the quantities provided for the site have been updated in the FHA to reflect the anticipated storage.

It is noted that only the Class 8 and Combustible liquids commodities are increased which would not result in a change to the site risk profile. Combustible liquids were not originally approved in the consent, however these combustibles do not affect the risk profile. It is also noted that combustible liquid products are not subject to SEPP 33; hence, the risk profile is not increased by the storage of these commodities.

Further, a re-evaluation of the revised DG quantities finds that the site continues to be below the threshold for classification as a Major Hazard Facility.

The changes to the DG quantities and storage are detailed at the following sections of the FHA:

- Update of Figure 3-2 showing the locations of dangerous goods to show the external layout changes, including the refuelling facility
- Upward revision of Class 8 commodities, from 45,000 kilograms to 60,000 kilograms (Table 3-1);
- Inclusion of 1.1 million kilograms combustible liquid commodities (Table 3-1);
- Update of contours for full warehouse fire based upon final commodities.

The additional quantities of combustible liquids are not assessable under SEPP 33 but have been included for completeness and to ensure there is no discrepancy between the FHA and FSS for Fire & Rescue NSW review as they are interested in commodities which have a potential to contribute to fire load. The inclusion of these commodities does not alter the risk profile of the site based upon the conservative assessments conducted within the FHA.

5.2.5. Noise Barrier Completion Date

Condition of Consent D75C for SSDA 7348 requires the installation of a noise barrier no later than 31 October 2020. This modification is seeking to extend the date to 30 November 2020. This is due to inclement weather occurring at the site since commencement of bulk earthworks. This amendment will not compromise the delivery of a noise barrier as required in Condition of Consent D75C.

5.2.6. Correction of Condition Errors

Two errors have been made in the drafting of conditions D75A and D75C in relation to noise barriers. The figure numbers referenced in these conditions are incorrect and should read as follows:

- Incorrect figure reference in Condition D75A – should read Figure 6 rather than Figure 7.

- Incorrect figure reference in Condition D75C – should read Figure 7 not Figure 7B.

It is requested that this minor correction be reflected in the revised conditions.

5.3. CHANGES TO THE STAGE 1 APPROVAL IN RESPECT TO BIODIVERSITY

The following changes are proposed to the biodiversity offset strategy for the Stage 1 Approval of SSD 7348.

Construction of the WNSLR required the removal of 0.42 ha of planted native vegetation from within the Erskine Park Biodiversity Corridor. This corridor is managed on behalf of the NSW Planning Ministerial Corporation by the NSW Office of Strategic Lands (OSL). Consultation with the OSL determined an appropriate location in which the vegetation removed from the Erskine Park Biodiversity Corridor could be offset. Relevantly the following consent conditions were applied to the SSD7348 approval:

D93. *Within 12 months of the date of this development consent, or as otherwise agreed with the Planning Secretary, the Applicant must:*

- *Offset 0.42ha of vegetation lost in the Erksine Park Biodiversity Corridor as a result of the WNSLR by carrying out planting within the area shown in the green edging on Figure 9 (Appendix 6 of consent conditions)*
- *Plant the areas shown in the green edging on Figure 9 (Appendix 6 of consent conditions) with species similar to those identified for zone 4a, on the south-eastern side of Ropes Creek, in the Biodiversity Management Plan Erskine Park Employment Area (HLA-Envirosciences, 2 May 2006)*

D94. *The Applicant shall monitor and maintain the planting for a period of six months to ensure a minimum 85% survival rate of the planting.*

D95. *The Applicant must notify the Planning Ministerial Corporation at least one month before the completion of planting to enable the Planning Ministerial Corporation to arrange ongoing maintenance.*

Figure 7 below shows the approved area for biodiversity offset planting.

Figure 7 – Approved Biodiversity Offset Planting

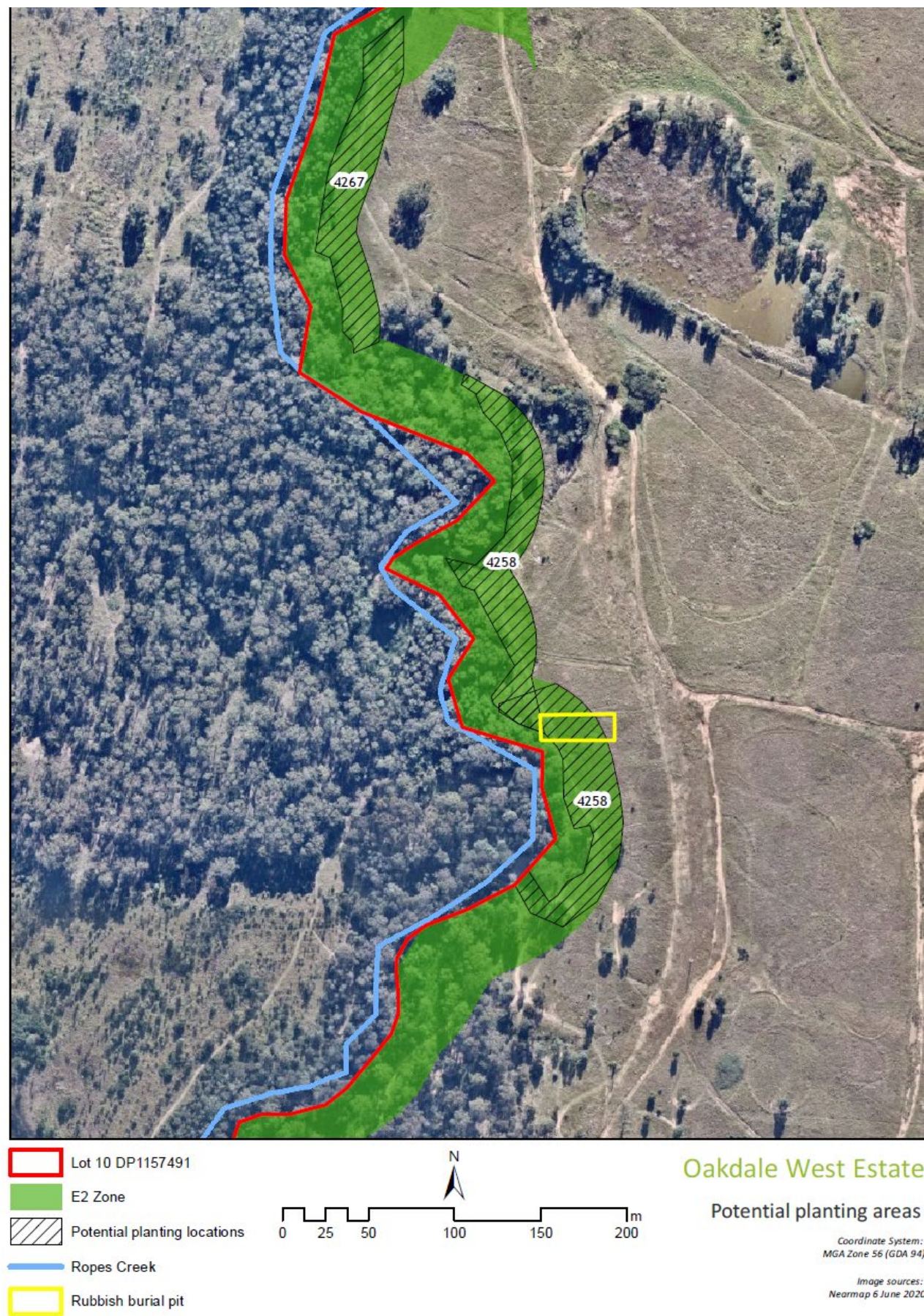


Figure 9: Offsets for WNSLR – Planting Area

Source: Ecologique

Post SSD 7348 approval, the approved area (**Figure 7**) was found to be unsuitable for the offset planting. An alternative location has since been identified by the Office of Strategic Lands and Ecologique (refer to OSL correspondence at **Appendix F**). OSL confirmed that 'location 4267', as identified in **Figure 8** below would be the preferred planting location.

Figure 8 – OSL Agreed Replanting (Location 4267)



Source: Ecologique

Therefore, MOD 5 seeks to amend condition D93 as follows:

D93. *Within 12 months of the date of this development consent, or as otherwise agreed with the Planning Secretary, the Applicant must:*

- *Offset 0.42ha of vegetation lost in the Erksine Park Biodiversity Corridor as a result of the WNSLR by carrying out planting within the area shown in the green edging on Figure 9 (Appendix 6 of consent conditions) Figure 1-1 and Figure 2-1 of the Oakdale West Estate SSD7348 MOD 5 Vegetation Management Plan (écologique, 01/07/2020).*
- *Plant the areas shown in the green edging on Figure 9 (Appendix 6 of consent conditions) Figure 1-1 and Figure 2-1 of the Oakdale West Estate SSD7348 MOD 5 Vegetation Management Plan (écologique, 01/07/2020) with species similar to those identified for zone 4a, on the south-eastern side of Ropes Creek, in the Biodiversity Management Plan Erskine Park Employment Area (HLA-Envirosciences, 2 May 2006)*

The Oakdale West Estate SSD 7348 MOD 5 Vegetation Management Plan (Refer to **Appendix C**) provides the management actions required to fulfil the proposed amended condition D93 and conditions D94 and D95 (noting that the latter two conditions remain unchanged).

6. AMENDED CONDITIONS

The proposed amendments to the Concept and Stage 1 approval necessitate certain changes to the conditions of the SSD 7438 consent. These are detailed below. For ease of reference, all amendments required are shown in **red text**.

The Development Consent is proposed to be modified as follows:

SCHEDULE B – CONDITIONS FOR THE CONCEPT PROPOSAL

Terms of Consent

B10. The Applicant shall ensure the Concept Proposal is consistent with the development controls in Table 2:

Table 2: Development Controls

Development Aspect	Control
Minimum building setbacks from:	
Southern Link Road	20m 17m

SCHEDULE D – CONDITIONS FOR STAGE 1

TERMS OF CONSENT

D75A The Applicant must install the noise barrier, as shown on ~~Figure 7~~ **Figure 6** in Appendix 5, within six months of commencing any construction including bulk earthworks, to the satisfaction of the Planning Secretary.

D75C The Applicant must install the noise barrier as shown on ~~Figure 7B~~ **Figure 7** in Appendix 5, no later than ~~31 October 2020~~, **30 November 2020** unless the noise barrier is installed in accordance with Condition D75(a).

D93. Within 12 months of the date of **approval of MOD 5** ~~this development consent~~, or as otherwise agreed with the Planning Secretary, the Applicant must:

- Offset 0.42ha of vegetation lost in the Erksine Park Biodiversity Corridor as a result of the WNSLR by carrying out planting within the area shown in ~~the green edging on Figure 9 (Appendix 6 of consent conditions)~~ **Figure 1-1 and Figure 2-1 of the Oakdale West Estate SSD7348 MOD 5 Vegetation Management Plan (écologique, 01/07/2020)**.
- Plant the areas shown in ~~the green edging on Figure 9 (Appendix 6 of consent conditions)~~ **Figure 1-1 and Figure 2-1 of the Oakdale West Estate SSD7348 MOD 5 Vegetation Management Plan (écologique, 01/07/2020)** with species similar to those identified for zone 4a, on the south-eastern side of Ropes Creek, in the Biodiversity Management Plan Erskine Park Employment Area (HLA-Envirosciences, 2 May 2006)

Appendix 1 – Concept Proposal

Table 6: Schedule of Approved Plans – Concept Proposal

Architectural Plans prepared by SBA Architects			
Drawing	Title	Revision	Date
OAK MP 01	Cover Sheet/ Location Plan	C	30.07.2020
OAK MP 02	Estate Masterplan	B	13.07.2020
OAK MP 03	Western North South Link Road	A	13.07.2020
OAK MP 05	Precinct 1 Plan	F	30.07.2020
OAK MP 06	Precinct Plan	A	13.07.2020
OAK MP 07	Indicative Ultimate Lot Layout	A	13.07.2020
OAK MP 08	Site Analysis Plan	A	13.07.2020
OAK MP 09	Existing Zoning	A	13.07.2020

OAK MP 12	Signage Precinct 1 Plan	A	13.07.2020
OAK MP 13	Fire Protection Plan	A	13.07.2020
OAK MP 14	Biodiversity Management Plan	A	13.07.2020

Landscape Plans prepared by Scape Design			
Drawing	Title	Issue	Date
L.SK.000	Cover Sheet	F	20.07.2020
L.SK.100	Landscape Master Plan – OWE MOD 5	G	20.07.2020
L.SK.101	Street Trees & Planting Masterplan	F	20.07.2020
L.SK.102	Planting Schedule – OWE MOD 5	F	20.07.2020
L.SK.200	Landscape Sections – OWE MOD 5	B	20.07.2020

Civil Plans prepared by AT&L			
Drawing	Title	Issue	Date
15-272-C1003	Precinct General Arrangement Plan	A15	20.07.2020
15-272-C1004	Typical Site Sections Sheet 1 of 6	A11	20.07.2020
15-272-C1005	Typical Site Sections Sheet 2 of 6	A10	20.07.2020
15-272-C2000	Cover Sheet	A9	20.07.2020
15-272-C2001	Drawing List	A9	20.07.2020
15-272-C2002	General Notes	A9	20.07.2020
15-272-C2003	General Arrangement Plan	A12	20.07.2020
15-272-C2010	Siteworks and Stormwater Drainage Plan Sheet 1 of 14	A10	20.07.2020
15-272-C2011	Siteworks and Stormwater Drainage Plan Sheet 2 of 14	A10	20.07.2020
15-272-C2012	Siteworks and Stormwater Drainage Plan Sheet 3 of 14	A11	20.07.2020
15-272-C2013	Siteworks and Stormwater Drainage Plan Sheet 4 of 14	A11	20.07.2020
15-272-C2014	Siteworks and Stormwater Drainage Plan Sheet 5 of 14	A10	20.07.2020
15-272-C2015	Siteworks and Stormwater Drainage Plan Sheet 6 of 14	A10	20.07.2020
15-272-C2016	Siteworks and Stormwater Drainage Plan Sheet 7 of 14	A11	20.07.2020
15-272-C2017	Siteworks and Stormwater Drainage Plan Sheet 8 of 14	A11	20.07.2020
15-272-C2018	Siteworks and Stormwater Drainage Plan Sheet 9 of 14	A11	20.07.2020
15-272-C2019	Siteworks and Stormwater Drainage Plan Sheet 10 of 14	A11	20.07.2020
15-272-C2020	Siteworks and Stormwater Drainage Plan Sheet 11 of 14	A12	20.07.2020
15-272-C2021	Siteworks and Stormwater Drainage Plan Sheet 12 of 14	A11	20.07.2020
15-272-C2022	Siteworks and Stormwater Drainage Plan Sheet 13 of 14	A11	20.07.2020
15-272-C2023	Siteworks and Stormwater Drainage Plan Sheet 14 of 14	A11	20.07.2020
15-272-C2030	Pavement Plan	A12	20.07.2020

Appendix 2 – Stage 1 DA Plans

“The architectural, landscape and civil plans included in the RtS dated 25 March 2020”

Schedule of Approved Plans – Stage 1 DA:

Architectural Plans prepared by SBA Architects			
Building 1A plans			
Drawing	Title	Revision	Date
OAK-1A-DA-10	Site Plan	E	29.07.2020
OAK-1A-DA-11	Roof Plan	A	13.07.2020
OAK-1A-DA-18	Warehouse Plan	B	28.07.2020
OAK-1A-DA-18A	Mezzanine Plan – 1	B	28.07.2020
OAK-1A-DA-18B	Mezzanine Plan – 2	B	28.07.2020
OAK-1A-DA-18C	Mezzanine Plan – 3	B	28.07.2020
OAK-1A-DA-18D	Mezzanine Plan – 4	B	28.07.2020
OAK-1A-DA-18E	Mezzanine Plan – 5	B	28.07.2020
OAK-1A-DA-18F	Mezzanine Plan – 6	B	28.07.2020
OAK-1A-DA-25	Energy Complex – 1	A	13.07.2020
OAK-1A-DA-28	Stage 2 – Site Plan	D	28.07.2020

Landscape Plans prepared by Scape Design		
Drawing	Title	Date
-	Cover Sheet	08.07.2020
L.SK.01	Landscape Masterplan	08.07.2020
L.SK.02	Planting Plan	08.07.2020
L.SK.03	Planting Schedule	08.07.2020
L.SK.04	Character & Materials	08.07.2020
L.SK.05	Landscape Master Plan MOD 2	08.07.2020
L.SK.100	Landscape Plan Sheet 1	08.07.2020
L.SK.101	Landscape Plan Sheet 2	08.07.2020
L.SK.102	Landscape Plan Sheet 3	08.07.2020
L.SK.103	Landscape Plan Sheet 4	08.07.2020
L.SK.104	Landscape Plan Sheet 5	08.07.2020
L.SK.105	Landscape Detail Plan Sheet 1	08.07.2020
L.SK.106	Landscape Detail Plan Sheet 2	08.07.2020
L.SK.200	Landscape Sections Sheet 1	08.07.2020
L.SK.201	Landscape Sections Sheet 2	08.07.2020
L.SK.202	Landscape Sections Sheet 3	08.07.2020
L.SK.203	Landscape Sections Sheet 4	08.07.2020
L.SK.204	Carpark Details	08.07.2020

Civil Plans prepared by AT&L		
Drawing	Title	Date
15-272-C1003	Precinct General Arrangement Plan	20.07.2020
15-272-C1004	Typical Site Sections Sheet 1 of 6	20.07.2020
15-272-C1005	Typical Site Sections Sheet 2 of 6	20.07.2020
15-272-C2000	Cover Sheet	20.07.2020
15-272-C2001	Drawing List	20.07.2020
15-272-C2002	General Notes	20.07.2020
15-272-C2003	General Arrangement Plan	20.07.2020
15-272-C2010	Siteworks and Stormwater Drainage Plan Sheet 1 of 14	20.07.2020
15-272-C2011	Siteworks and Stormwater Drainage Plan Sheet 2 of 14	20.07.2020
15-272-C2012	Siteworks and Stormwater Drainage Plan Sheet 3 of 14	20.07.2020

15-272-C2013	Siteworks and Stormwater Drainage Plan Sheet 4 of 14	20.07.2020
15-272-C2014	Siteworks and Stormwater Drainage Plan Sheet 5 of 14	20.07.2020
15-272-C2015	Siteworks and Stormwater Drainage Plan Sheet 6 of 14	20.07.2020
15-272-C2016	Siteworks and Stormwater Drainage Plan Sheet 7 of 14	20.07.2020
15-272-C2017	Siteworks and Stormwater Drainage Plan Sheet 8 of 14	20.07.2020
15-272-C2018	Siteworks and Stormwater Drainage Plan Sheet 9 of 14	20.07.2020
15-272-C2019	Siteworks and Stormwater Drainage Plan Sheet 10 of 14	20.07.2020
15-272-C2020	Siteworks and Stormwater Drainage Plan Sheet 11 of 14	20.07.2020
15-272-C2021	Siteworks and Stormwater Drainage Plan Sheet 12 of 14	20.07.2020
15-272-C2022	Siteworks and Stormwater Drainage Plan Sheet 13 of 14	20.07.2020
15-272-C2023	Siteworks and Stormwater Drainage Plan Sheet 14 of 14	20.07.2020
15-272-C2030	Pavement Plan	20.07.2020

7. EP&A ACT 1979 – SECTION 4.55(1A) ASSESSMENT

Section 4.55 of the Act 1979 provides a mechanism for the modification of development consents. This section of the Act sets out the statutory requirements and heads of consideration for the assessment of such a modification application, depending on whether the application is made under Section 4.55(1), 4.55(1A) or 4.55(2).

As is relevant to this application, pursuant to Section 4.55(1A), a consent authority may, subject to and in accordance with the Regulations, modify a development consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) 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*
- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (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*
- (d) 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.*

Subsections (1) and (2) and (5) do not apply to such a modification.

Further, subsection (3) requires that the consent authority must take into consideration such of the matters referred to in Section 4.15 (1) as are of relevance to the development the subject of the application, and the reasons given by the consent authority for the grant of the consent that is sought to be modified.

These heads of consideration are addressed below.

7.1. MINIMAL ENVIRONMENTAL IMPACT AND SUBSTANTIALLY THE SAME DEVELOPMENT

The modified proposal will have minimal environmental impact and is substantially the same as the original development. The site will continue to be used for warehouse and distribution activities as the primary purpose, with some minor updates to the built form to better service the future operation and users of the site. While some built form aspects are changing, the general appearance and functionality of the site remains a warehouse and distribution hub, consistent with the nature of the development originally approved.

7.1.1. Built Form

The building footprint, height, facade treatment, bulk and scale and presentation to the public domain remains unchanged and as approved. There will be nominal change to the visual impact of the proposal as a result of the proposed changes.

7.1.2. Southern Link Road Setback

The minor reduction in building setback will not change the approved building footprints or the ability to deliver the masterplan, rather provides a wider road reserve for Transport for NSW. Therefore, the impacts are considered to be minor. The landscape provision that would otherwise have been provided in the development lot will be provided within the road reserve. As such there will be no change in appearance of the landscape character or the separations from the actual SLR roadway.

7.1.3. Traffic and Car Parking

The Transport Statement prepared by Ason found that the proposed amendments do not involve any material changes relating to floor area of the warehouse and accompanying structures. The proposal does not seek to change the provision of floor space, number of car spaces or operational traffic movements on

the site. Therefore, the proposed modifications will not create additional traffic or parking impacts as assessed under SSD 7348.

7.1.4. Biodiversity

Construction of the WNSLR required the removal of 0.42 ha of planted native vegetation from within the Erskine Park Biodiversity Corridor (EPBC). However, post SSD7348 approval, the chosen area for offset replanting was found to be unsuitable for this purpose. An alternative location has since been identified by the OSL and MOD 5 seeks to amend condition D93 to reflect this. Therefore, the replanting requirements will be met with the same amount of replanting provided as originally approved, and the modification will result in substantially the same ecological outcome.

7.1.5. Dangerous Goods

The modifications described in the Final Hazard Analysis (FHA) prepared by Riskcon are to reflect the tenant requirements. The FHA found that the additional corrosive substances to be stored on site do not result in any change to the risk profile as these quantities were already assessed in the original Preliminary Hazard Analysis (PHA) and the required protections for the corrosives are included within the design.

7.1.6. Noise Barrier

The inclement weather since the commencement of bulk earthworks on the site has resulted in a delay to the project delivery. Subsequently, a month extension to deliver the noise barrier is required. This amendment will not compromise the delivery of a noise barrier as required in Condition of Consent D75c.

7.2. SECTION 4.15 CONSIDERATIONS

The EP&A Act Section 4.15 assessment of the modifications is undertaken in **Section 8** below.

7.3. CONSIDERATION OF REASONS FOR APPROVAL

In its determination of the SSD, the Minister/DPIE provided the reasons for the grant of the consent. **Table 6** demonstrates the proposed changes to the Concept and Stage 1 Approval do not impact on this justification:

Table 6 – Reasons for Decision Table

Reason	Response
<i>The following matters were taken into consideration in making this decision:</i>	
<i>The relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report.</i>	A detailed assessment of the proposed modifications has been undertaken in accordance with the provisions of Section 4.15 of the Act 1979. This assessment is detailed in Section 8 of this report and demonstrates the proposal's ability to remain consistent with the relevant provisions.
<i>The prescribed matters under the Environmental Planning and Assessment Regulation 2000.</i>	The proposed modifications remain consistent with prescribed matters under the Regulations.
<i>The objects of the Act.</i>	<p>The proposed modifications remain consistent with the objectives of the Act 1979, in that they result in substantially the same development as that previously approved and that the proposal will Facilitate Ecologically Sustainable Development</p> <ul style="list-style-type: none"> ▪ Promote the orderly and economic use and development of land in accordance with industry requirements ▪ Continue to protect species of conservation value ▪ Promote and conserve built and cultural heritage ▪ Promote good design

Reason	Response
	<ul style="list-style-type: none"> Promote proper building construction, maintenance and operation.
<i>The considerations under the Environment Protection and Conservation Act 1999 (Cth).</i>	The proposed modifications remain consistent with the considerations under the Environment Protection and Conservation Act 1999 as the proposed modifications result in substantially the same development as that previously approved.
<i>The considerations under sections 7.14(2) and 7.16(3) of the Biodiversity Conservation Act 2016 (NSW).</i>	The proposed modifications remain consistent with the considerations under the Biodiversity Conservation Act 2016 as the proposed modifications result in substantially the same development as that previously approved.
<i>All information submitted to the Department during the assessment of the development application and any additional information considered in the Department's Assessment Report.</i>	All information submitted to the Department during the assessment of the development application, along with additional information considered in the Department's Assessment Report remains relevant. Where changes are proposed, additional information is supplied within this report or supporting documentation.
<i>The findings and recommendations in the Department's Assessment Report.</i>	Whilst some of the detailed components of the project have changed, the design and operation of the site in a manner contemplated by this modification are consistent with the main premise, findings and recommendations made in the Department's Assessment Report.
<i>The views of the community about the project (see Attachment 1).</i>	The impacts of the proposal, particularly on the adjoining receivers to the west were carefully considered by the DPIE. The impacts resulting from the proposed modifications do not substantially alter or increase these impacts.
<p><i>The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision. Additional reasons for making the decision are also recorded in the Department's Assessment Report.</i></p> <p><i>The key reasons for granting consent to the development application are as follows:</i></p>	
<i>The development would provide a range of benefits for the region and the State as a whole, including a total of 1,845 jobs in western Sydney and a total capital investment value of \$447 million in the Penrith LGA.</i>	The proposal remains consistent with the economic and financial benefits it will deliver.
<i>The development is permissible with development consent and is consistent with NSW Government policies including the Greater Sydney Region Plan – A Metropolis of Three Cities and Western City District Plan.</i>	The development, inclusive of the proposed modifications remains permissible with development consent and consistent with the NSW Government policies including the Greater Sydney Regional Plan – A Metropolis of Three Cities and Western City District Plan.
<i>The impacts on the community and the environment can be appropriately minimised, managed or offset</i>	The proposed modifications do not result in an increase to known or create new impacts. Further discussion on this is included at Section 8.6 .

Reason	Response
<i>to an acceptable level, in accordance with applicable NSW Government policies and standards.</i>	
<i>The issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent.</i>	The proposed development remains consistent with the approach to managing issues raised during consultation. Where changes are required to conditions of consent, these have been justified within this report and remain substantially the same as the approved development.
<i>Weighing all relevant considerations, the development is in the public interest.</i>	The development inclusive of the proposed modifications remains in the public interest.

8. EP&A ACT 1979 – SECTION 4.15 ASSESSMENT

The following environmental planning instruments, policies and guidelines have been considered in the assessment of this modification proposal

- *Environmental Planning and Assessment Act 1979.*
- *State Environmental Planning Policy (State and Regional Development) 2011.*
- *State Environmental Planning Policy (Western Sydney Employment Area) 2009.*
- *State Environmental Planning Policy (Infrastructure) 2007.*
- *State Environmental Planning Policy No.55 (Remediation of Land).*

8.1. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

8.1.1. Consistency with Terms of Concept Approval

SSD 7348 was approved as a Concept Development Application in accordance with Section 4.22 of the Act 1979.

For future stages of Concept Development Applications, Section 4.22 of the Act 1979 requires demonstration of consistency with the terms and conditions of the Concept Approval.

Terms of the Concept Approval are sought for modification as part of this application, including:

- Conditions B10 – in relation to the building setback to the Western Southern Link Road.

The Stage 1 consent (as modified) will remain consistent with the remaining conditions of the Concept approval.

The proposed condition amendments are detailed in **Section 5** of this report.

8.2. ASSESSMENT OF PLANNING INSTRUMENTS

The proposed modifications to SSD 7348 are such that it is considered there will be no material alteration to the level of compliance achieved with the applicable EPIs, as shown in **Table 7** below.

Table 7 – Statement of Consistency with Environmental Impacts

Schedule/Clause	Provision	Consistency
SEPP (State and Regional Development)		
Schedule 1	<p>Schedule 1, Group 12 of the SRD SEPP identifies development for the purposes of ‘warehouses or distribution centres’ to be SSD if it:</p> <p><i>‘has a capital investment value of more than \$50 million for the purpose of warehouse or distribution centres (including container storage facilities) at one location and related to the same operation.’</i></p> <p>The works comprising Stage 1 of the SSDA for the OWE (incorporating infrastructure and building works) will have a value of approximately \$129 million.</p>	The proposed modification to the approval of SSD7348 will remain consistent with this SEPP and is appropriately characterised as SSD.
SEPP (Western Sydney Employment Area) 2009		

Schedule/Clause	Provision	Consistency
Clause 3 – Aims	Aims to protect and enhance the land to which the Policy applies (the Western Sydney Employment Area) for employment purposes.	The proposal continues to seek consent for employment uses consistent with the overarching aim of the WSEA SEPP.
Clause 10 – Land Use Zoning	The OWE is zoned IN1 – General Industry and E2 – Environmental Conservation pursuant to this clause.	All uses are consistent with the appropriate zone.
Clause 18 – Development Control Plans	Requires that a DCP be in place before consent can be granted for development within the WSEA.	A DCP is in force over the land.
Clause 20 – Ecologically Sustainable Development	<p>The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that the development contains measures designed to minimise:</p> <ul style="list-style-type: none"> - The consumption of potable water, and - Greenhouse gas emissions. 	No changes are proposed to the ESD measures approved by way of SSD 7348.
Clause 21 – Height of Buildings	<p>The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that:</p> <ul style="list-style-type: none"> - Building heights will not adversely impact on the amenity of adjacent residential areas, and - Site topography has been taken into consideration. 	No changes are proposed to the approved building height.
Clause 22 – Rainwater Harvesting	The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that adequate arrangements will be made to connect the roof areas of buildings to such rainwater harvesting scheme (if any) as approved by the Director-General.	The site did not previously propose rainwater harvesting. This development remains limited to rainwater collection and reuse on an individual lot by lot basis.
Clause 23 – Development Adjoining Residential Land	This clause applies to any land to which this Policy applies that is within 250 metres of land zoned primarily for residential purposes.	No changes are proposed to the building envelopes of buildings which are located within 250m of land zoned primarily for residential purposes.
Clause 24 – Development Involving Subdivision	<p>The consent authority must not grant consent to the carrying out of development involving the subdivision of land unless it has considered the following:</p> <ul style="list-style-type: none"> ▪ The implications of the fragmentation of large lots of land, ▪ Whether the subdivision will affect the supply of land for employment purposes, 	The proposed modifications to SSD7348 do not include any changes to the subdivision boundaries approved by DPIE or Council.

Schedule/Clause	Provision	Consistency
	<ul style="list-style-type: none"> Whether the subdivision will preclude other lots of land to which this Policy applies from having reasonable access to roads and services. 	
Clause 25 – Public Utility Infrastructure	The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.	These services will continue to be provided within the Estate in a manner consistent with that originally approved.
Clause 26 – Proposed Transport Infrastructure Routes	The consent authority must, before determining any such development application, consider any comments made by the Director-General as to the compatibility of the development to which the application relates with the proposed transport infrastructure route concerned.	No changes are proposed to the provision of transport infrastructure routes as part of this modification application.
Clause 29 – Industrial Release Area	Despite any provision of this Policy, the consent authority must not grant consent to development on land to which this clause applies unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure and services (including the Erskine Park Link Road Network) in relation to which this Policy applies.	A current VPA arrangement is in place for Oakdale West Estate and sets out the required SIC contributions. Confirmation has been obtained that satisfactory arrangements have been made, in accordance with this clause, for the provision of regional infrastructure.
Clause 31 – Design Principles	<p>In determining a development application that relates to land to which this Policy applies, the consent authority must take into consideration whether or not:</p> <ul style="list-style-type: none"> The development is of a high quality design, and A variety of materials and external finishes for the external facades are incorporated, and High quality landscaping is provided, and The scale and character of the development is compatible with other employment-generating development in the precinct concerned. 	The proposal is considered to remain of a high-quality design standard. No change to the materiality or appearance of the warehouse building is proposed. High quality landscaping is maintained throughout the site in a manner consistent with the recent approval for Lot 1A. The scale and character of the development is compatible with other employment generating development in the area. The proposed changes will not alter the proposals compliance with this clause.
State Environmental Planning Policy (Infrastructure) 2007		
Schedule 3 – Traffic Generating Developments to be referred to the RMS	The <i>Infrastructure SEPP</i> aims to facilitate the effective delivery of infrastructure across the State by providing a consistent planning regime for infrastructure and the provision of services.	The proposed modification does not involve any material changes relating to floor area of the warehouse and accompanying structures.

Schedule/Clause	Provision	Consistency
	The SEPP deals with traffic generating development and requires referral and concurrence of the NSW RMS for certain development which is expected to generate significant traffic.	<p>The proposal does not seek to change the provision of floor space, number of car spaces or operational traffic movements on the site.</p> <p>The proposed modifications will not create additional traffic or parking impacts as assessed under SSD 7348.</p>
State Environmental Planning Policy No. 33 – Hazardous and Offensive Development		
Part 3 – Potentially hazardous or potentially offensive development	<i>SEPP 33</i> requires the consent authority to consider whether an industrial proposal is a potentially hazardous or a potentially offensive industry. In doing so, the consent authority must give careful consideration to the specific characteristics and circumstances of the development, its location and the way in which the proposed activity is to be carried out. Any application to carry out potentially hazardous development must be supported by a preliminary hazard analysis (PHA).	<p>The additional quantities of combustible liquids are not assessable under SEPP 33 and have just been included for completeness and to ensure there is no discrepancy between the FHA and FSS.</p> <p>The Final Hazard Analysis found that the additional corrosive substances proposed to be stored within the warehouse do not result in any change to the risk profile as these quantities were already assessed in the original Preliminary Hazard Analysis (PHA) and the required protections for the corrosives are included within the design.</p>
State Environmental Planning Policy No. 55 (Remediation of Land)		
Clause 7- Contamination and remediation to be considered in determining development application	<p><i>SEPP 55</i> seeks to provide a State-wide planning approach to the remediation of contaminated land.</p> <p>Clause 7(1)(a) of the SEPP requires that the consent authority, when assessing a development application, consider whether the land is contaminated and whether it is suitable for the proposed use.</p> <p>It also requires that consent authority review a report specifying the findings of a preliminary contamination investigation of the land concerned when considering an application which involves a change of use of the land.</p>	<p>The original ESA findings apply consistently to the proposed modifications.</p> <p>The proposed development does not result in a change of use to the land from that approved under SSDA 7348. Potential contamination and its management has been considered and documented in the original EIS and SSDA.</p> <p>There will be no change to the location of development pads as approved – as a result there is no change to the contamination status of the soils since completion of the ESA</p>

Schedule/Clause	Provision	Consistency
		submitted with the original SSDA.

8.3. PROPOSED ENVIRONMENTAL PLANNING INSTRUMENTS

There are no draft environmental planning instruments relevant to the assessment of this modification.

8.4. PLANNING AGREEMENTS

Planning agreements are in place for the Oakdale West Estate and will not be affected by the proposed modifications.

8.5. REGULATIONS

The application has been prepared and assessed in accordance with the relevant provisions of the Environmental Planning and Assessment Regulation 2000.

8.6. SUITABILITY OF THE SITE

As demonstrated within this report and the original EIS in respect to the approved SSD 7348, the proposed development as modified is expected to provide positive employment generation both locally and in the broader economy. It is envisaged that the OWE will provide between 1,065 construction jobs and 1,854 operational jobs.

The site is located within the Western Sydney Employment Area and aligns with the desired future land use outcomes for this area, particularly in promoting economic development for major warehousing and distribution uses in an industrial setting with access to the road network connecting to the broader metropolitan area.

The site remains suitable for the proposed development as it provides the following

- Outcomes that support the strategic role and objectives of the OWE as part of the WSEA and Broader WSEA.
- Outcomes that align with the future context and role of the WSEA and Broader WSEA as an economic hub for Greater Sydney.
- The proposal will continue to deliver critical infrastructure and services to the WSEA for the benefit of the broader area through an envisaged land use specifically tailored for the site.
- Significant private sector investment in the area and indirect benefits for productivity of the local economy.
- Generation of significant employment for the Western Sydney Region. The full development would generate 1,845 operational jobs in western Sydney and Stage 1 would generate approximately 459 operational jobs.
- The proposal as proposed to be modified will continue to accord with the relevant State objectives and provisions.

Modifications the subject of this request do not alter the site suitability.

8.7. SUBMISSIONS

This Section 4.55(1A) application may be notified. Any submissions received in response to the public exhibition will be reviewed as part of the assessment process.

8.8. PUBLIC INTEREST

The proposed development is deemed to be in the public interest for the following reasons:

- The proposal is consistent with the objectives of the EP&A Act 1979 and the proposal encourages the economic and orderly development of the land.
- The proposed development is permitted with consent and the proposed modifications do not alter this permissibility.
- The proposal does not generate adverse environmental impacts or impact the amenity of the adjoining properties or the public domain.
- The proposal will provide economic investment into the already prospering Oakdale industrial area and deliver additional local employment both during construction and once operational.

9. CONCLUSION

This Environmental Assessment Report is submitted to the Department in support of a Section 4.55(1A) application to modify SSD 7348. On 13 September, approval was granted to SSD 7348, for the staged development of the Oakdale West Estate.

SSD 7348 approved the Concept Proposal and Stage 1 works relating to the overall development of the OWE including the establishment of road layouts, site levels, subdivision and infrastructure delivery. Four subsequent modifications have been granted to that consent, including to the layout and construction of warehouse building on Lot 1A for a high bay warehouse.

This Section 4.55(1A) application seeks approval for a further modification to the Concept and Stage 1 consent, as it relates to Lot 1A, as follows:

Concept Approval

Changes proposed include:

- Change to minimum setback provisions to the Southern Link Road alignment from 20m to 17m.
- Change to Landscape Masterplan to reflect the altered landscape setback zone.

Stage 1 Approval

A specific breakdown of the proposed amendments relating to Stage 1 are provided below:

- Updated architectural plans for Lot 1A showing changes to internal access roads and site entry/exit configuration;
- Updated Lot 1A landscape plans to reflect the changed site layout;
- Condition of consent D109A required the preparation of a Final Hazard Analysis (FHA) of Building 1A. An FHA has been attached at **Appendix E**;
- Update Condition D75c to reflect the revised noise barrier completion date; and
- Updated Condition D93 to allow the biodiversity replanting in the revised location.

A detailed assessment of the proposed changes has been included within this report. An assessment of the proposal against the requirements of section 4.55(1A) of the EP&A Act has been undertaken, which is supported by various technical studies annexed to this report. This assessment has concluded that on balance, and in the context of the entire estate, the changes proposed remain consistent in nature and impact with the development originally approved by SSD 7348.

Further, an assessment against the requirements of section 4.15 of the EP&A Act has been undertaken to address the impacts resulting from the proposed changes. This assessment concludes that the proposed changes do not result in an unreasonable increase to known impacts, nor result in additional impacts.

Consideration of the proposal against Section 4.15 and Section 4.55(1A) of the EP&A Act has concluded that the proposed modifications are acceptable for the following reasons.

- The approved use, being for the purpose of warehouse and distribution, remains unchanged. The proposed changes do not alter the anticipated intensity of the use at the site.
- The quantitative elements of the approval, including gross floor area, spatial arrangement, will not be substantially altered by the proposed modifications.
- The environmental impacts associated with the proposed modifications are comparable to those associated with the approved development, as discussed at Section 7.1 of this report. Impacts have been considered and addressed including setbacks, traffic and car parking, biodiversity replanting and the potential for storage of dangerous items on site.
- The proposal as modified will continue to align with aims and objectives of relevant State and local planning instruments, and planning guidelines, as discussed within this report.

The proposed changes to the Precinct 1A layout and the biodiversity offset planning have been assessed in the context of the original development consent and are considered to remain substantially the same as that

assessed and approved by way of SSD 7348. As such, it is considered that the modifications can be supported by the DPIE and Minister for Planning, as consent authority.

DISCLAIMER

This report is dated 5 August 2020 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Goodman (**Instructing Party**) for the purpose of Section 4.55(1A) Modification No. 5 and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX F

BIODIVERSITY OFFSET CONFIRMATION AND MAP

APPENDIX G

CONSULTATION WITH PENRITH CITY COUNCIL

APPENDIX H

CONSULTATION WITH TRANSPORT FOR NSW

