



Oakdale West Estate Modification 8

Amendments to approved architectural plans for Buildings 1A, 1B and 1C.
State Significant Development Modification Assessment (SSD-7348-Mod-8)

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Glossary

Abbreviation	Definition
BCA	Building Code of Australia
BDAR	Biodiversity Assessment Report
Council	Penrith City Council
Department	Department of Planning, Industry and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
FRNSW	Fire and Rescue NSW
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
OWE	Oakdale West Estate
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
TSC Act	Threatened Species Conservation Act 1995

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1 Introduction

This report provides the NSW Department of Planning, Industry and Environment's (the Department's) assessment of an application to modify the State significant development (SSD) consent for the Oakdale West Estate (OWE) to amend the approved Stage 1 development (SSD-7348).

The modification application seeks approval for minor amendments to the approved plans for Buildings 1A, 1B and 1C. These changes are a result of detailed design refinements as well as meeting fire safety requirements. They include updates to office facades, inclusion of additional stairs and revisions to office layouts.

The application was lodged on 13 August 2021 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 the delegate of the Minister for Planning and Public Spaces (the Minister) granted development consent (SSD-7348) for the OWE at Kemps Creek in the Penrith City local government area (**see Figure 1**).



Figure 1 | Regional Context Map

The approved OWE includes:

- a Concept Proposal for a warehouse and distribution centre including 22 warehouses, offices and associated infrastructure, to be constructed over 5 stages
- Stage 1 development including 3 warehouses (Building 1A, 1B and 1C) and the main site access road being the Western North-South Link Road (WNSLR)
- requirements for future development applications for the remaining Stages 2 to 5.

1.2 Site Description

The OWE comprises 154 hectares (ha) of IN1 General Industrial zoned land in Kemps Creek, within the Western Sydney Employment Area (WSEA), which is strategically zoned to support employment generating developments in Western Sydney. Primary access to the OWE is provided by the WNSLR from Lenore Drive to the north, which forms part of the strategic road network designed to service the WSEA (see Error! Reference source not found.). Buildings 1A, 1b and 1C are within Precinct 1 of the development.

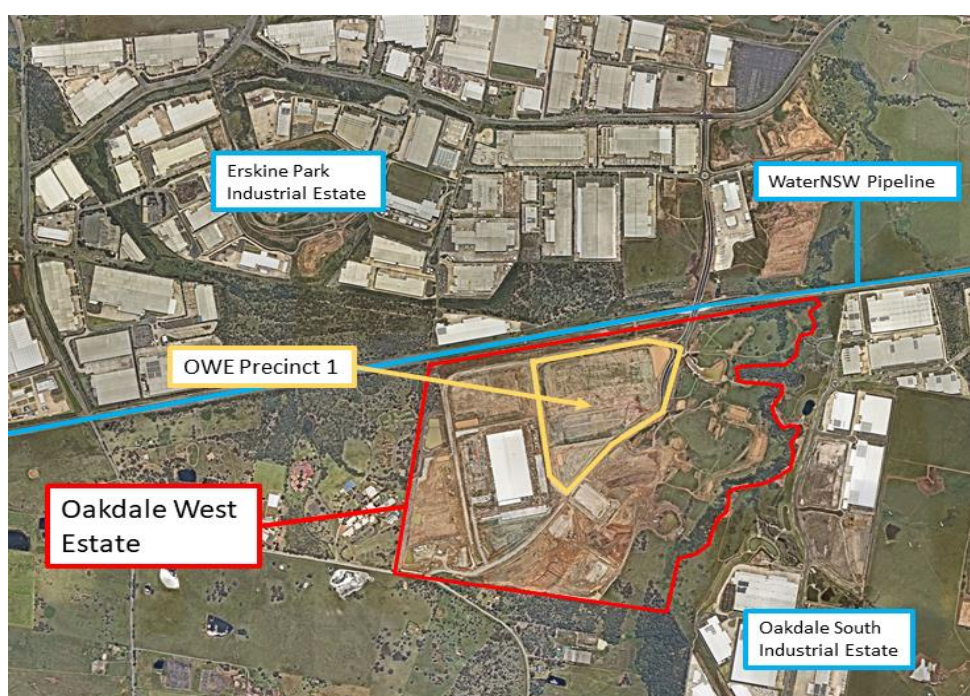


Figure 2 | Local Context Map

1.3 Approval History

The development consent for SSD-7348 has been modified on 6 previous occasions, with another application currently under assessment (see **Table 1**).

Table 1 | Summary of Modifications to SSD-7348

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
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)	27 March 2020
MOD 2	Changes to Stage 1 pad levels, building layouts and the height of Building 1A	Department	4.55(2)	21 April 2020

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 3	Changes to the Concept Proposal layout, Stage 2 area and height of Building 2	Department	4.55(1A)	3 April 2020
MOD 4	Include an additional lot for construction works for the WNSLR	Department	4.55(1A)	24 March 2020
MOD 5	Increase in SLR road reserve and associated reduction in building and landscaping setbacks, amendments to Precinct 1A layout and car parking spaces, quantities of dangerous goods to be stored in Building 1A, setting up an alternative biodiversity offset site, and extension to required completion date for the noise barrier	Department	4.55(1A)	5 November 2020
MOD 6	Changes to Concept Proposal layout for Precincts 1 and 2, increase height of Building 2A, reduce floor area and amend design of Buildings 1B and 1C, remove speed limits, construct Road 8 in Stage 1, increase Ropes Creek vegetation management area	Department	4.55(1A)	10 March 2021
MOD 7	Changes to Concept Proposal and Stage 1 development.	Not Determined	4.55(1A)	NA

2 Proposed Modification

2.1 Proposed Modification

The Applicant proposes to modify the approved architectural plans for Buildings 1A, 1B and 1C in the Stage 1 development under SSD-7038. The proposed modifications are described in full in the Modification Report included in **Appendix A** and are outlined in **Table 2** below and illustrated in **Figure 3** to **Figure 6**.

Table 2 | Summary of Modifications

Aspect	Description
Facade	<ul style="list-style-type: none">Changes to the materials and colours for the facades of the offices in Buildings 1A, 1B and 1C
Signage	<ul style="list-style-type: none">Change in the wall colour of the signage zones on Building 1A from white to black
Layout	<ul style="list-style-type: none">Addition of two access stairways to the dock awnings on Building 1AAddition of fire egress stairs to the high-bay portion of the warehouse on the northern elevation of Building 1AMinor relocation of Building 1B-1 office to the south with corresponding adjustment to the adjacent carpark area and vehicle crossing locationReconfiguration of sprinkler tank and pump room on Building 1BMinor amendments to Building 1C office layout including a new, covered outdoor amenity area

The proposed amendments do not change the approved building height, floor areas, car parking provision or number of vehicular access points.

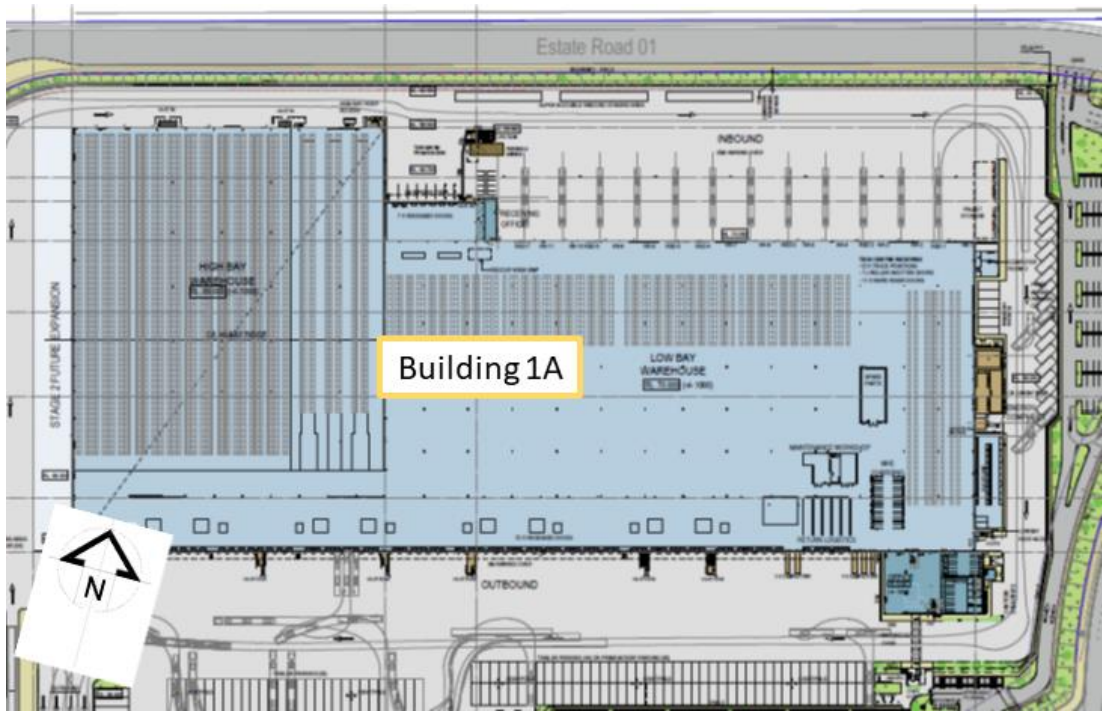


Figure 3 | Approved Building 1A layout

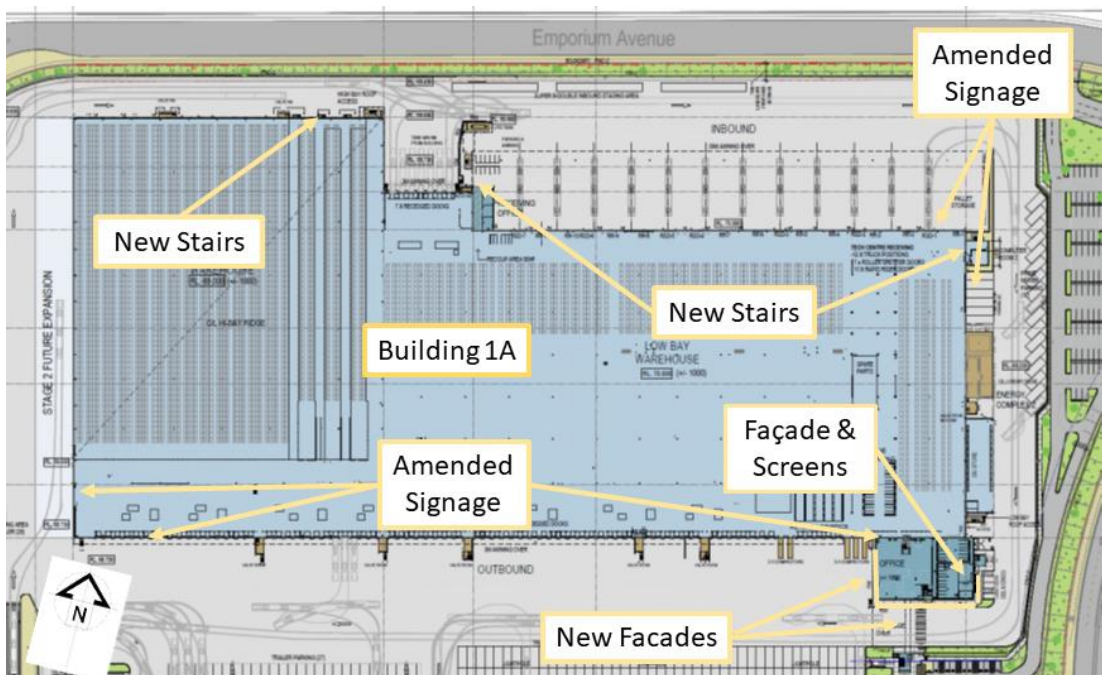


Figure 4 | Proposed Amendments to Building 1A



Figure 5 | Approved Building 1B and 1C layout

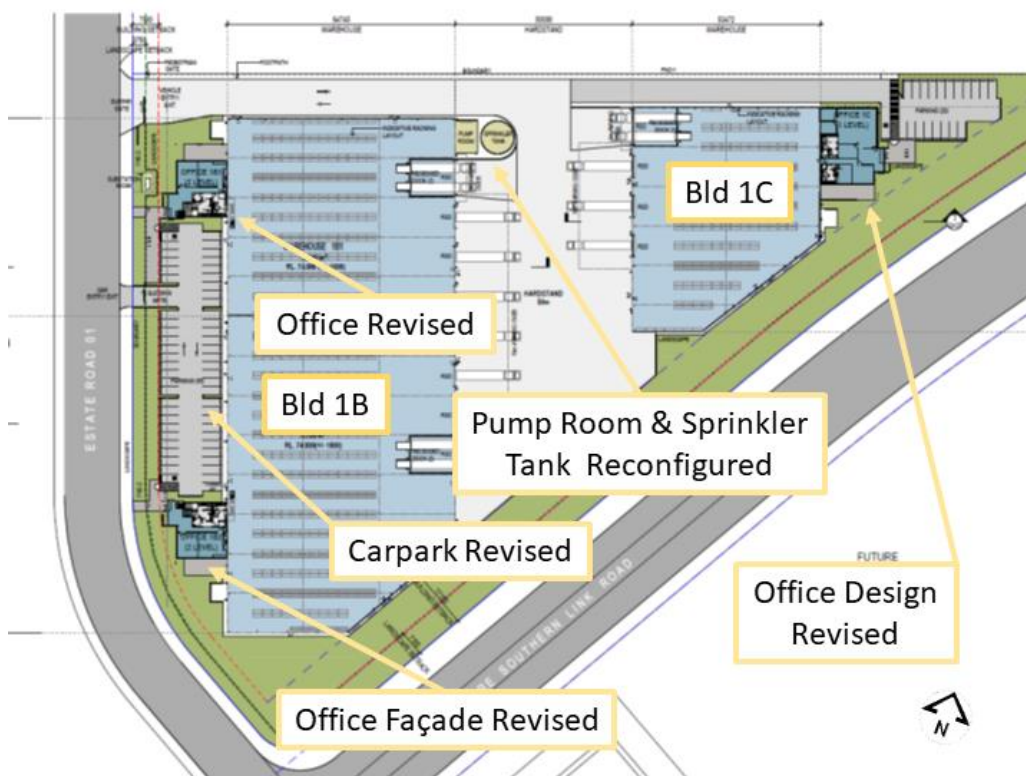


Figure 6 | Proposed Amendments to Buildings 1B and 1C

2.2 Applicant's Justification for the Proposed Modification

The proposed modifications are a result of further detailed design of the previously approved buildings within the OWE Stage 1 development. The amendments are proposed to be consistent with fire safety requirements and provide ease of access to, and maintenance for, Building 1A. The proposed changes to signage and façade treatments for Building 1A, 1B and 1C offices are proposed to provide a more modern aesthetic presentation and be aligned with new architectural trends to increase appeal for new tenants and provide staff amenity. The façade updates would also ensure consistency with the architectural language adopted by the Applicant for other recent developments in the OWE and surrounding area.

Other amendments are proposed to achieve improved practical outcomes. The minor relocation of Building 1B-1's office would permit construction of a new sub-station within the site frontage. Reconfiguration of the pump room and sprinkler tank would permit a rounded edge on the adjacent driveway ramp to suit the swept-out path for trucks accessing Building 1B and 1C loading docks. The proposed modification to Building 1C's office area would provide more outdoor space for improved staff amenity, while not increasing the approved office floor space.

3 Statutory context

3.1 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 modification;
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of consent, and
- is substantially the same development as originally approved.

Therefore, the Department is satisfied the modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

3.2 Consent Authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(1) of the EP&A Act. However, under the Minister's delegation dated 26 April 2021, the Team Leader, Industry Assessments, may determine the application under delegation as:

- the application has not been made by a person who has disclosed a reportable political donation under section 10.4 of the EP&A Act;
- there are no public submissions (other than a Council) in the nature of objections;
- Council has not made a submission by way of objection under the mandatory requirements for community participation listed under Schedule 1 of the EP&A Act.

3.3 Mandatory Matters for Consideration

The Department conducted a comprehensive assessment of the OWE against the mandatory matters for consideration as part of the original assessment under SSD-7348. The Department considers this modification application does not result in significant changes that would alter the mandatory matters for consideration under section 4.15 of the EP&A Act and conclusions made as part of the original assessment.

3.4 Biodiversity Conservation (BC) Act 2016

The SSD application was lodged prior to the introduction of the BC Act (introduced 25 August 2017) and was assessed under the repealed Threatened Species Conservation (TSC) Act. Clause 30A(2)(c). The Biodiversity Conservation (Savings and Transitional) Regulation 2017 specifies that if the determining authority is satisfied a modification will not increase the impact on biodiversity values, a biodiversity development assessment report (BDAR) is not required. The Department notes the proposed amendments are of a minor nature and do not impact areas assessed for conservation of threatened species and biodiversity values under the former Act. For this reason, the Department's assessment concludes a BDAR is not necessary for the proposed modification.

4 Engagement

4.1 Department's Engagement

Clause 117(4) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) requires a section 4.55(1A) modification application to be notified or advertised if specified by a community participation plan. The Department's Community Participation Plan notes the exhibition requirements for such modifications are discretionary, and based on the urgency, scale and nature of the proposal. Given the proposed changes would result in minimal environmental impacts (see **Section 3**), the application was not notified or advertised. However, it was made publicly available on the Department's website on 16 August 2021 and was referred to Penrith City Council (Council), NSW Rural Fire Service (RFS) and Fire & Rescue NSW (FRNSW) for comment.

4.2 Government Advice

Council did not object to the proposed modification and noted the changes are not significant and will not result in poor interface outcomes to the public domain.

RFS provided advice that the proposal was considered in accordance with the EP&A Act and raised no issues or objections in regard to bush fire protection.

FRNSW has not provided a response at the time of writing this report.

5 Assessment

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

- the Modification Report provided to support the proposed modification (see **Appendix A**)
- the documentation and Department's assessment report for the original development application and subsequent modification application(s) (see **Appendix A**)
- advice from Council and NSW RFS (**Appendix A**)
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department's assessment of the key issues is provided in Error! Reference source not found.3:

Table 3 | Assessment of Issues

Issue	Findings	Recommendations
Urban Design		
	<ul style="list-style-type: none"> • The proposed modifications result in minor changes to the appearance of the approved development, including updates to the office façades, signage zone colour on Building 1A, additional external stairs on Building 1A, office layouts for Building 1B-1 and 1C and reconfigured tank and pump room for Building 1B. • Buildings within Stage 1 of the OWE are required to comply with the setbacks, height and gross lettable area controls in Conditions B10 and D6 of the consent for SSD-7348. • The Applicant's assessment found the proposed changes will be largely visually indiscernible from the approved development as there are no changes to the building height, bulk and scale, setbacks or floor area. The updated façade treatments are proposed to provide a more attractive and articulated visual presentation while also reflecting the style of other Goodman buildings in the OWE and nearby developments. • Council raised no concerns with the modifications to the design and appearance of the development and noted that the changes are not significant and do not result in poor interface outcomes to the public domain. • The Department considers the scale of the proposed façade changes is relatively minor and generally in keeping with the approved design and other buildings within the OWE. The proposed façade amendments are not expected to exacerbate façade reflectivity or glare when viewed from within the development. Furthermore, it is considered there will be negligible visual impacts on residential properties in the surrounding area given Precinct 1 is located centrally within the OWE and does not directly face any sensitive receivers. • The proposed changes to the signage zones from white to black will result in the zone being the same colour as the surrounding warehouse façade. The Department considers that this will better integrate this area 	<p>It is recommended that the schedule of approved plans in Appendix 2 of the consent for SSD-7348 be updated to reflect the modified plans.</p> <p>No additional conditions have been recommended.</p>

Issue	Findings	Recommendations
	<p>on the external walls with the rest of the building and notes that these areas will likely be covered by signage as the warehouses are occupied.</p> <ul style="list-style-type: none"> • The Applicant is required to consult with Council on the final signage strategy prior to the construction of any signage for Stage 1 in accordance with Condition D43A of SSD-7348. • The addition of two access stairways to the dock awnings on Building 1A and fire stairs to the northern elevation of Building 1A are considered to have minimal impact on the external appearance of Building 1A and will not add to the bulk of the approved building. Similarly, the Department considers that the reconfiguration of the sprinkler tank and pump room on Building 1B will not result in a discernible change to the appearance of the development and are located behind the building when viewed from Estate Road 01. • The minor relocation of the Building 1B-1 office to the south is proposed to ensure suitable clearance from the electrical substation located within the building setback from the road. It will also result in corresponding adjustment to the adjacent carpark area and vehicle crossing location. However, there will be no change to the floor area or car parking spaces as previously approved. Given the bulk and scale of the office is not changing, the impact on the appearance of the building is considered negligible. The minor relocation of the vehicular access crossing to the carpark maintains adequate separation from the heavy vehicle access crossing and has no impact on crossing sight distances. • Similarly, the minor amendments to the Building 1C office layout including a new, covered outdoor amenity area within the existing footprint will not change building setbacks, floor area or bulk. • The Department considers the proposed changes are minor, have negligible impact on the bulk, scale and visual appearance of the approved buildings, and the design qualities of the modified plans are consistent with the approved development. The development maintains compliance with the development controls in Conditions B10 and D6 of SSD-7348. • The Department's assessment concludes the proposed modified development is substantially the same as that approved and will have no additional visual impacts. 	
Fire Safety	<ul style="list-style-type: none"> • The proposed modifications include the addition of fire stairs on the northern elevation of Building 1A to allow fire safety egress from the high-bay section of the warehouse. • The Applicant was required to prepare a Fire Safety Study (FSS) in accordance with the Department and FRNSW requirements prior to construction of Building 1A as per Condition D109A of the consent for SSD-7348. The FSS was submitted to the Department in November 2020. Condition D109A also requires the Applicant to prepare a comprehensive Emergency Plan for Building 1A prior to operation. • The Applicant advised the fire stairs have been added following refinement of the design following development approval and form part 	<p>No additional conditions have been recommended.</p>

Issue	Findings	Recommendations
	<p>of the fire engineering performance solution to satisfy egress requirements and the National Construction Code (NCC).</p> <ul style="list-style-type: none"> • The Department considers that the stairs will improve fire safety by providing an additional exit from the building in the event of a fire. As discussed above, the addition of the stairs is not considered to have a negative impact in the appearance or operation of the building. • The Department's assessment concludes the proposed additional stairs are acceptable to address fire safety requirements and will improve the safety of the development once in operation. Emergency procedures for Building 1A will be required to be submitted to the Department prior to commencement of operations. 	

6 Evaluation

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

The Department considers the proposed modification is appropriate on the basis that:

- the proposed modifications will result in minimal environmental impacts beyond the previously approved development
- the modifications will result in improved visual amenity, fire safety outcomes and functionality of Stage 1 buildings with negligible impact on site landscaping, appearance or streetscape
- the modified buildings are substantially the same in terms of bulk, scale and appearance.

Overall, the Department is satisfied the modified development can be appropriately managed through the Applicant's existing mitigation measures and the conditions of consent for SSD-7348. It is recommended that the modification should be approved, subject to updates of the list of approved plans in the consent.

7 Recommendation

It is recommended that the Team Leader, 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-8 falls within the scope of section 4.55(1A) of the EP&A Act
- **forms the opinion** under clause 30A(2)(c) of the Biodiversity Conservation (Savings and Transitional) Regulation 2017 that a BDAR is not required to be submitted with this application as the application will not increase the impact on biodiversity values on the site
- **accepts and adopts** all of 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 B**).

Recommended by:



Christopher Fraser
Environmental Assessments Officer
Industry Assessments

Recommended by:



8/09/2021

David Schwebel
Planning Officer
Industry Assessments

8 Determination

The recommendation is **Adopted** by:



10/09/2021

William Hodgkinson

Team Leader

Industry Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of Documents

The Department has relied upon the following key documents during its assessment of the proposed development:

Modification Application

- S4.55(1A) Modification Application report prepared by Goodman Property Services (Aust) Pty Ltd dated 9 July 2021

<https://www.planningportal.nsw.gov.au/major-projects/project/42556>

Agency Advice

<https://www.planningportal.nsw.gov.au/major-projects/project/42556>

Department's Assessment Report for SSD-7348

<https://www.planningportal.nsw.gov.au/major-projects/project/11656>

Appendix B – Notice of Modification

<https://www.planningportal.nsw.gov.au/major-projects/project/42556>

Appendix C – Consolidated Consent

<https://www.planningportal.nsw.gov.au/major-projects/project/42556>