

**1 Amendment to Penrith Development Control Plan 2014 -
Oakdale South Industrial Estate, Erskine Park****Compiled by:** Danielle Fox, Planner**Authorised by:** Natasha Baker, City Planning Manager

Outcome	<i>We plan for our future growth</i>
Strategy	<i>Protect the City's natural areas, heritage and character</i>
Service Activity	<i>Ensure our policies, strategies and plans set a clear direction for managing the growth of our City</i>

Procedural note: Section 375A of the Local Government Act 1993 requires that a division be called in relation to this matter.

Executive Summary

Council is in receipt of an application to amend the Penrith Development Control Plan (DCP) to insert specific controls for land in the Erskine Park Business Park known as Oakdale South Industrial Estate (see Attachment 1).

The Oakdale South Industrial Estate Concept Proposal and Stage 1 development application (SSD 6917) was assessed and approved as State Significant Development (SSD). The development application comprised a Concept Proposal for 117 hectares of industrial estate and a concurrent Stage 1 DA. The Minister for Planning was the consent authority for this development application.

The approved Concept Proposal includes variations to some controls found in Penrith Development Control Plan 2014 (DCP). In order to provide alignment between the approved Concept Proposal and the existing DCP controls Condition B12 of the consent for SSD 6917 required the applicant to apply to Council to amend the DCP.

The key components of the draft DCP include amending the controls relating to subdivision, site development and urban design, and car parking.

In line with the provisions of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)* and *Environmental Planning and Assessment Regulation 2000 (Regulation 2000)*, it is recommended the draft DCP be placed on public exhibition for a period of 28 days.

Background

The development application was classified as SSD under Part 4 of the EP&A Act 1979, as it satisfied Clause 12, Schedule 1 of *State Environmental Planning Policy (State and Regional Development)* (SRD SEPP), being for the construction of a warehouse and distribution complex with a capital investment value (CIV) over \$50 million.

Clause 11 of SRD SEPP specifies that DCP's do not apply to the assessment of SSD's, however the DCP may apply to the assessment of future warehouse buildings on the site, that may not meet the \$50 million threshold.

To provide alignment between Council's DCP controls and Concept Proposal requirements, and to provide consistency of the built form across the site, the Minister has conditioned the Applicant to lodge an application to modify the Penrith DCP.

It is noted that under the EP&A Act 1979, determination of any future development applications (DA) in respect of the site cannot be inconsistent with the consent for the Concept Proposal for development of the site. The amended DCP will provide guidance for Council officers and applicants in the assessment and preparation of DA's (that fall below the CIV threshold), in partnership with the consent for the Concept Proposal for the Oakdale South Industrial Estate.

Proposed Controls

An application to amend the DCP was submitted to Council on 13 July 2017 by Goodman Australia Industrial Partnership. The approved Concept Plan controls are contained in the development consent for SSD 6917 and the State Significant Development Assessment – Environmental Assessment Report. The proposed changes to the DCP have been reviewed in consultation with Council's Development Services department and the Department of Planning and Environment (DP&E). Council was consulted during the assessment of SSD6917. Overall Council officers believe that the controls will provide positive outcomes for the site.

The proposed controls apply only to the Oakdale South Industrial Estate (see Attachment 1), and reflect the assessment of a Concept development application. The Oakdale West Industrial Estate (adjoins the Oakdale South Industrial Estate) is currently with the Department for assessment. A further review of the DCP may be necessary upon the completion of the Oakdale West Industrial Estate application.

The key components of the draft DCP are provided in Attachment 2 and include varying the:

- Minimum lot size
- Minimum site frontage
- Site Coverage
- Building setbacks
- Car parking rates
- Landscaping requirements

The amended controls have been assessed by the Department to provide positive impacts that:

- Provide a consistency of built form across the Erskine Business Park,
- Respond to the topography and ecological site constraints,
- Respond to market demands, including the changing nature of warehousing processes and resulting employee densities,
- Mitigates visual and amenity impacts of development along the southern and south-eastern boundaries, and,
- Provides landscape opportunities for active recreation and a softening of the built form when viewed from the public domain.

These amendments will apply to DCP Chapter E6 – Erskine Business Park and Chapter C10 – Transport, Access and Parking.

Public exhibition of the Draft DCP

The EP&A Act 1979 and Regulation 2000 outline the requirements for the preparation and amendment of DCP's. If Council resolves to publicly exhibit the draft DCP, public exhibition will be held for a 28-day period where members of the community will be able to provide a submission. The draft DCP will be available to view at Council's administration buildings and

libraries at Penrith and St Marys. Advertisements will be placed in the local newspaper advising of the public exhibition.

Next steps



After the exhibition period has closed, consideration will be given to the submissions received. Council will then receive a report on the matters raised during the public exhibition. The post-exhibition report will identify whether any changes are recommended prior to adopting the DCP.

RECOMMENDATION

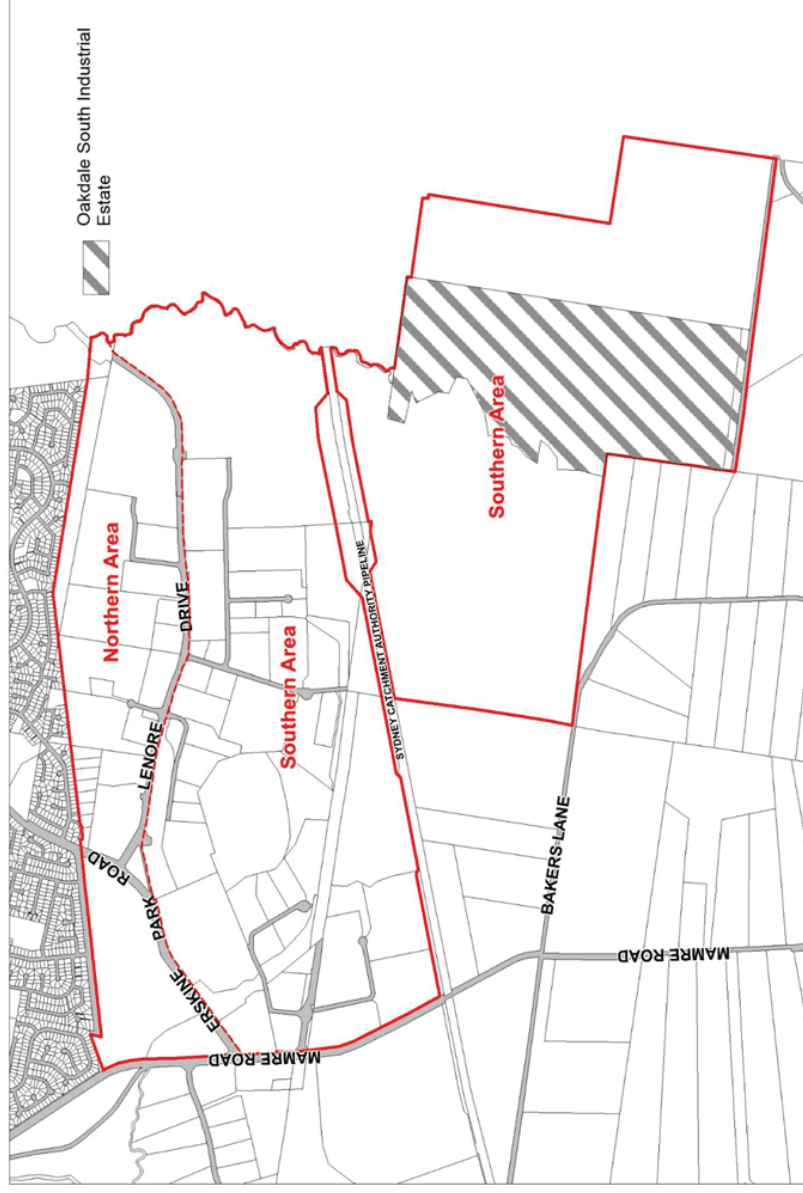
That:

1. The information contained in the report on Amendment to Penrith Development Control Plan 2014 - Oakdale South Industrial Estate, Erskine Park be received.
2. The General Manager be granted delegation to make any necessary minor changes to the Draft Development Control Plan before public exhibition.
3. The Draft Development Control Plan be publicly exhibited, in accordance with the relevant provisions of the Environmental Planning and Assessment Act, 1979 and associated regulations.
4. A further report be presented to Council following the public exhibition.

ATTACHMENTS/APPENDICES

	1. Map of Oakdale South Industrial Estate, Erskine Park	1 Page	Appendix
	2. Table of amendments to Penrith DCP 2014 for Oakdale South Industrial Estate, Erskine Park	5 Pages	Appendix

Attachment 1



Development Control Plan 2014 – Amendment

Oakdale South Industrial Estate (OSE)

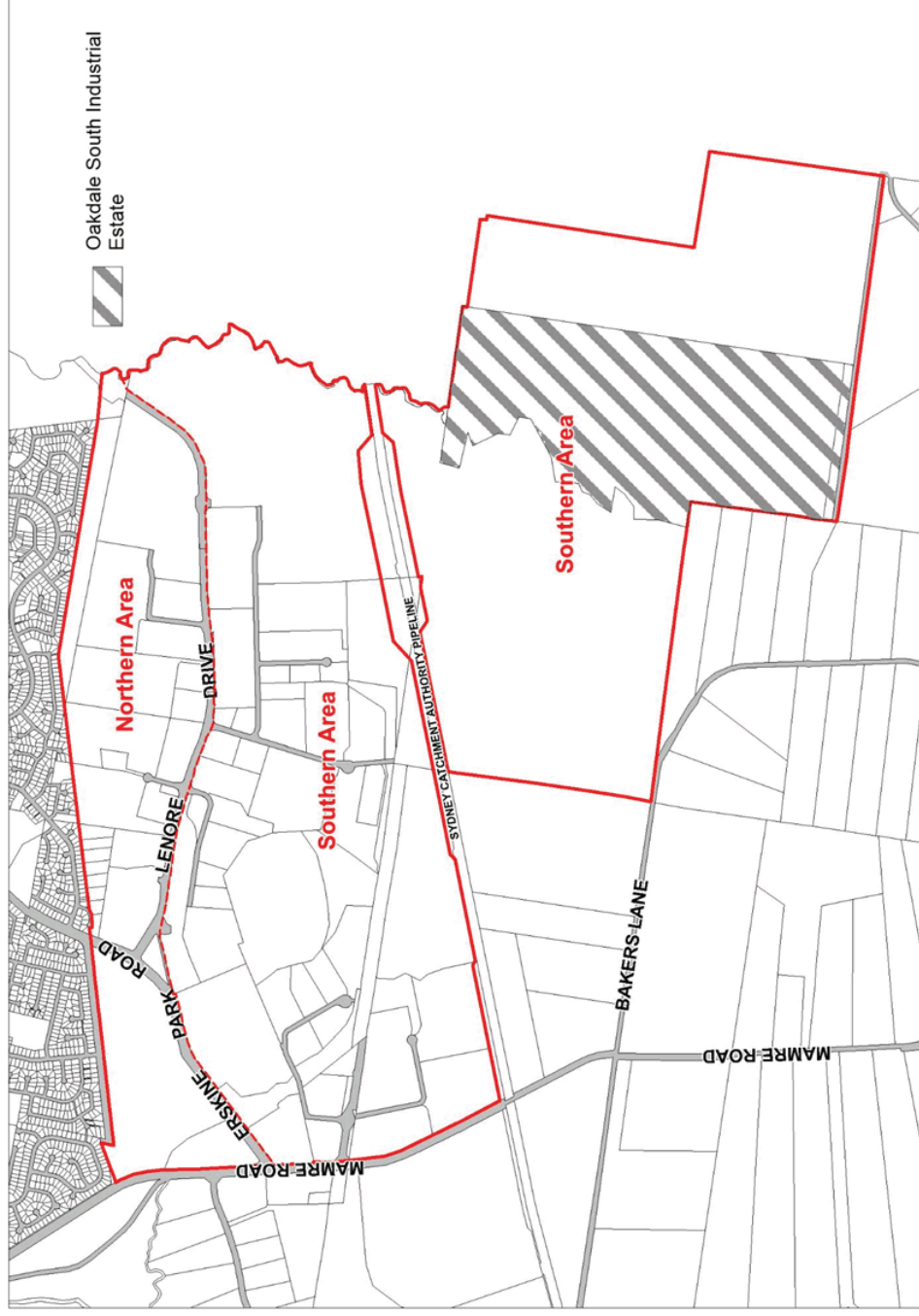
The proposed revisions/amendments to Penrith Development Control Plan 2014 (DCP) to accommodate Oakdale South Estate development controls approved under SSD 6917 and MOD1 are provided in the table below.

E6 – Erskine Business Park		
Existing DCP Control	Proposed DCP Amendments	Comments
6.2 Subdivision		
6.1.2 Land to which this Section Applies	Update Figure 6.1: Land to which this Section applies (see Map 1)	To highlight area known as Oakdale South Industrial Estate (OSE). This will highlight areas where specific controls are applicable.
Minimum allotment size: 10,000m2	Minimum lot size for the OSE is 5,000m2.	As per SSD 6917 development consent condition B10.
Minimum frontage: 60m	Minimum frontage is 40m (excluding cul-de-sacs) and 35m minimum lot width at building line.	
6.3 Site Development and Urban Design		
6.3.1 Height Maximum height 15m	<p>The proposal seeks to adopt a maximum height limit of 15m across the site.</p> <p>Within the OSE no warehouse buildings in Precinct 4, 5 or 6 shall exceed a ridgeline height of 13.7m.</p> <p>Insert new Figure E6.2 – OSE Precinct Plan (see Map 2)</p>	<p>The existing and proposed control seeks to encourage building forms that respond to the site topography and ensure a scale of development that minimises the impact on adjoining residential areas.</p> <p>New Precinct Plan will identify Precinct 4, 5 and 6.</p> <p>See Conditions B10 and B11 of SSD 6917 consent conditions.</p>
6.3.2 Site Coverage Site coverage shall not exceed 50%	Site coverage shall not exceed 65% (excluding building awnings)	As per SSD 6917 development consent condition B10.
6.3.3 Setbacks Erskine Business Park - Rear and side boundaries of 5m Other road frontages – 15m	<p>Minimum setbacks across the OSE as follows:</p> <p>OSE - Rear and side boundaries to development adjacent to the OSE, excluding the southern property boundary and eastern property boundary – 5m</p>	<p>The key change is a reduction of the minimum side setback of 5m to 0m.</p> <p>Side setbacks are either internal to the site or adjacent to allotments where 0m side and rear setbacks are permitted.</p> <p>A separate setback control for the southern and eastern property boundary of the OSE of 30m and 10m respectively. Increasing these setbacks will mitigate</p>

	<p>Boundary setback to all developments located along the southern property boundary of the OSE – 30m</p> <p>Eastern property boundary setback – 10m</p> <p>Side Setback within OSE – 0m subject to compliance with fire rating requirements</p> <p>Southern Link Road – 20m</p> <p>Estate Roads within the estate – 7.5m</p>	<p>any visual and amenity impacts that may result along this boundary.</p> <p>Other changes were assessed as consistent with existing setback control objectives of the DCP</p> <p>As per SSD 6917 development consent condition B10, B7 and E62</p>
<p>6.3.5 Signage and Estate Entrance Walls</p> <p>No specific controls for OSE</p>	<p>A maximum of one illuminated sign is permitted on each elevation of each warehouse building. All illuminated signage shall be oriented away from residential receivers.</p>	<p>This control is consistent with the signage control objectives including promoting an integrated design approach and minimising visual impact of signage.</p> <p>As per SSD 6917 development consent condition B13.</p>
<p>6.9.5 Landscape Areas</p> <p>No specific controls for OSE</p>	<p>The following min. landscaped setbacks shall be applied at the OSE:</p> <p>a) Southern Link Road: Average of 20m depth along the site frontage. 20m setback / 10 m landscape;</p> <p>b) Collector Road: 7.5m or average of 50% of setback along the frontage;</p> <p>c) Local Estate Road: Average of 50% of setback along frontage;</p> <p>d) Side boundary: no minimum requirement; and</p> <p>e) Rear boundary: 2.5m</p> <p>f) Southern property boundary: perimeter landscape treatments along the 30m earth bund wall on the southern boundary of the OSE; and,</p> <p>g) Eastern property boundary: a 10m wide landscape setback along the entire length of the eastern property boundary.</p>	<p>a) – e) – SSD 6917 proposed landscape treatments were assessed as appropriate by the Department and included in the concept proposal and Stage 1 DA plans.</p> <p>f) and g) – To mitigate visual impacts, being views to the noise wall and buildings from the southern property boundary.</p> <p>As per SSD 6917 development consent condition B7 and B12.</p>

C10 – Transport, Access and Parking		
Existing DCP Control	Proposed DCP Amendments	Comments
10.5.1 Parking		
<p>Table C10.2: Car Parking Rates</p> <p>Other site specific requirements</p> <p>No specific controls for OSE</p>	<p>Car parking shall be provided in accordance with the following rates, unless evidence is provided in accordance with Part C10, Section 10.5.1, C1) f):</p> <p>a) 1 space per 300m² of warehouse GFA;</p> <p>b) 1 space per 40m² of office GFA; and,</p> <p>c) 2 disabled spaces for every 100 car parking spaces.</p> <p>Underground / basement parking is not permitted at OSE</p>	<p>As per SSD 6917 development consent condition C5 and B14.</p>

Map 1



Map 2



