ASSESSMENT REPORT

Section 96(1A) Modification
Oakdale Central Warehouse and Distribution Centres SSD 6078 MOD 1 – Modification to Warehouse on Lot 1C

1. INTRODUCTION

1.1 Background

This report is an assessment of a request to modify the Development Consent (SSD 6078 MOD 1) for the warehouse and distribution facilities at Oakdale Central, in Horsley Park. The request has been lodged by Goodman Property Services (Aust) Pty Ltd pursuant to section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks to modify the approved layout of the approved warehouse on Lot 1C.

1.2 Subject Site

Lot 1C is located within the Oakdale Central Industrial Estate (Oakdale Central), which is wholly located within the Oakdale Central Concept Plan area (MP 08_0065). The site is located at Horsley Park in the Western Sydney Employment Area (WSEA) and is within the Blacktown Local Government Area. The subject site is accessed via an estate road which connects to Old Wallgrove Road and a location plan is provided at **Figure 1** below.

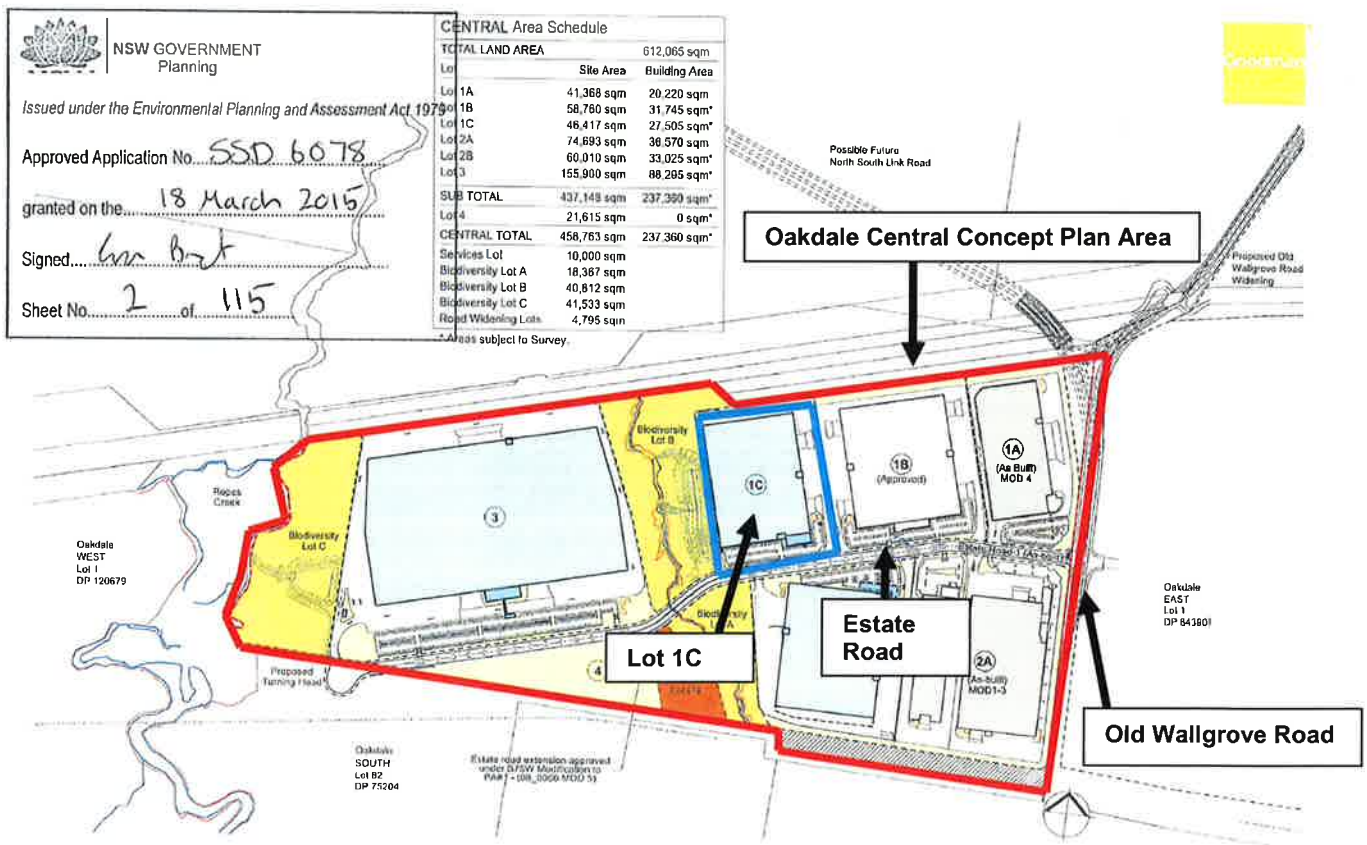

Figure 1: Subject Site and Surrounds (site outlined in red)

Lot 1C is currently vacant, however, earthworks have been undertaken in accordance with the Project Approval for the DHL Logistics Hub (MP 08_0066) and a development consent issued by Fairfield Council (DA652.1/2013).

2. SITE HISTORY

2.1 Concept Plan

On 2 January 2009, the then Minister for Planning approved the Oakdale Central Concept Plan (MP 08_0065) which permitted:

- the subdivision of the site into 11 lots and five road corridors;
- bulk earthworks;
- development of warehouses, distribution centres and freight logistics facilities comprised of:
  - 40 ha of employment generating uses;
  - 8.0 ha of regional road reserves;
  - 1.0 ha for services;
  - 4.6 ha of environmental conservation lands; and
  - 7.4 ha of regional open space;
- the upgrade of Old Wallgrove Road and the Old Wallgrove Road/Wallgrove Road intersection;
- provision of a range of infrastructure and services; and
- provision of ancillary development including child care facilities, neighbourhood shops, and recreational facilities.

The Concept Plan has been modified on three occasions to:

- amend the subdivision layout;
- reconfigure the internal estate roads;
- convert the recreation lots into conservation lots;
- allow minor changes the stormwater basin adjacent to Lot 1C;
- consolidate two warehouses into one on Lot 3;
- permit the construction of a turning head on Lot 82 in Deposited Plan 75204; and
- permit the use of the existing detention basins within biodiversity lots B and C for on-site stormwater detention.

2.2 State Significant Development

On 18 March 2015, the Executive Director, Infrastructure and Industry Assessments (as delegate of the Minister for Planning) approved the Oakdale Central SSD 6078 which permitted:

- construction and operation of three warehouse buildings on lots 1C, 2B and 3;
- extension of the estate road to provide a new turning head on Lot 82 in Deposited Plan 752041;
- upgrade of a 1600 m section of Old Wallgrove Road between Milner Road and Lenore Drive, including subdivision and land acquisition;
- use of the existing bio-retention basins in biodiversity lots B and C for on-site detention purposes; and
- consequential works on the Austral Bricks site required to facilitate the upgrade of Old Wallgrove Road.

The approved development is depicted in **Figure 2** below.

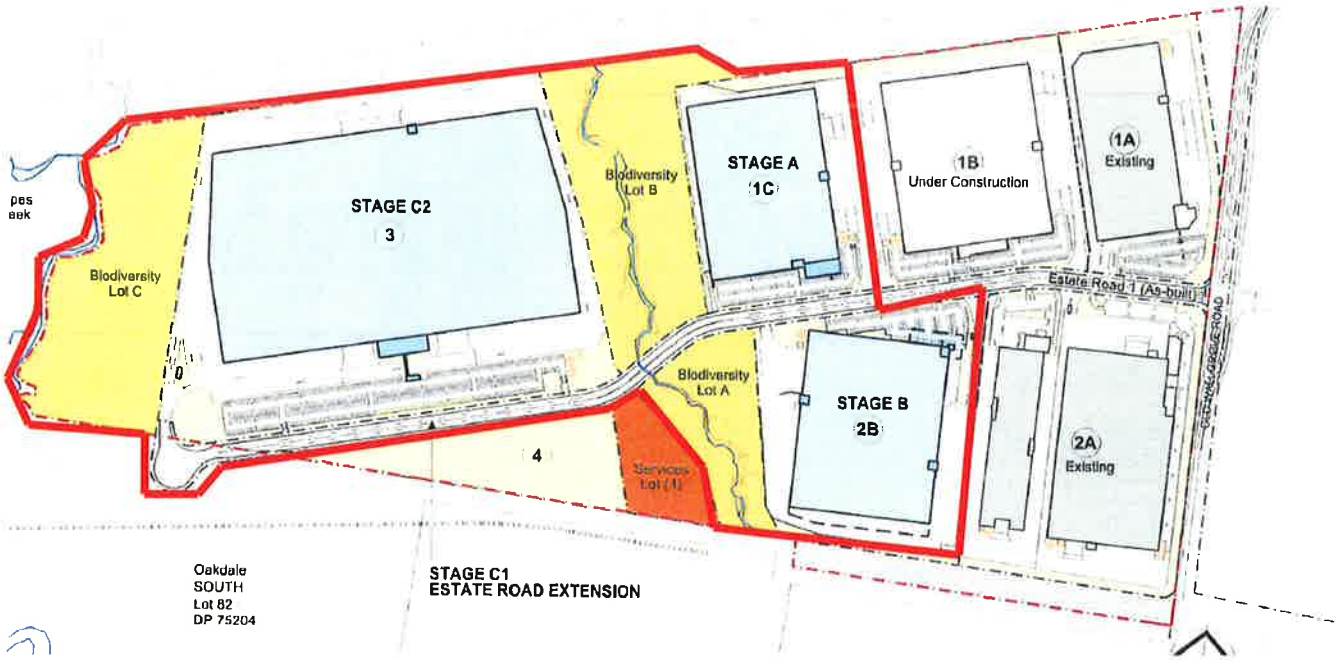

Figure 2: Approved Development

3. PROPOSED MODIFICATON

On 3 April 2015, Goodman lodged an application to modify its development consent under section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The modification relates to the warehouse on Lot 1C only.

The modification involves changes to the warehouse on Lot 1C including:

- a reduction in the total building area from 27,505 m^2 to 27,145 m^2 including:
  - a reduction of the main building area from 26,700 m^2 to 25,545 m^2; and
  - an increase of the office area (including gatehouse) from 790 m^2 to 1,600 m^2;
- adjusted finished floor level (FFL) from RL 66.95 m to RL 66.05 m with associated cut and fill. The Applicant proposes to use excess soil as fill on Oakdale South. Goodman is seeking approval for this activity as complying development through Council, as such; the use of soil on Oakdale South does not form part of this modification application;
- consolidation of the hardstand area of lots 1C and 1B for shared use;
- revised warehouse racking and materials handling equipment;
- building footprint moved to the east;
- adjusted warehouse roller shutter location;
- an additional two storey dock office on the western side of the warehouse;
- relocation and redesign of the main office;
- revised service and car park layout;
- revised truck circulation arrangements;
- addition of a 15 m wide awning to the eastern side of the warehouse;
- an increase in size of the awning over the recessed docks from 3 m to 6 m;
- relocation of the sprinkler tank and pump room from the south-eastern corner of the building to the north-western corner;
- addition of an electrical kiosk substation;
- addition of motorcycle parking;
- addition of an underground rainwater tank to the car park;
- relocation of truck docks from the eastern to western side of the building;
- an increase in the number truck docks from 8 to 10;
- a decrease in car parking spaces from 158 (plus 11 provisional) to 151 spaces (plus 17 provisional); and
- relocation and an increase in area of the gatehouse.

A comparison of the approved layout and proposed site layout is depicted in **Figures 3** and **4**.

The Proponent has advised that the modification is required to meet the requirements of the tenant.

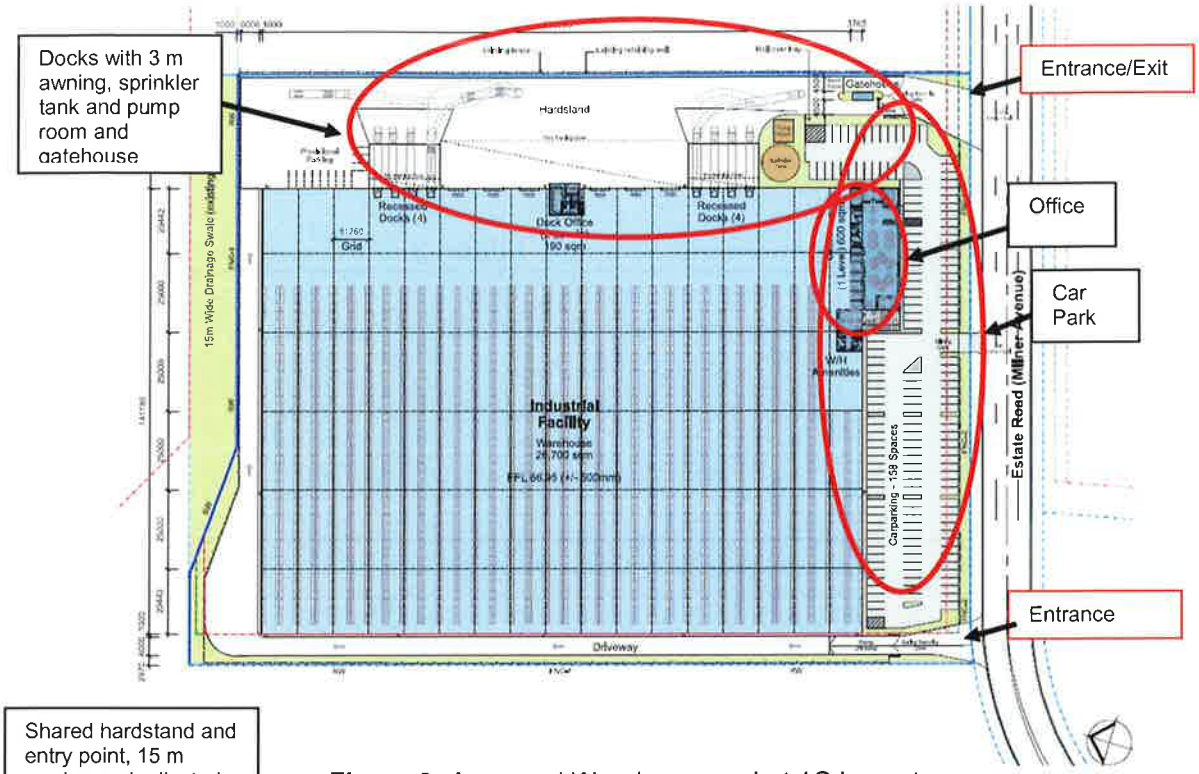

Figure 3: Approved Warehouse on Lot 1C Layout

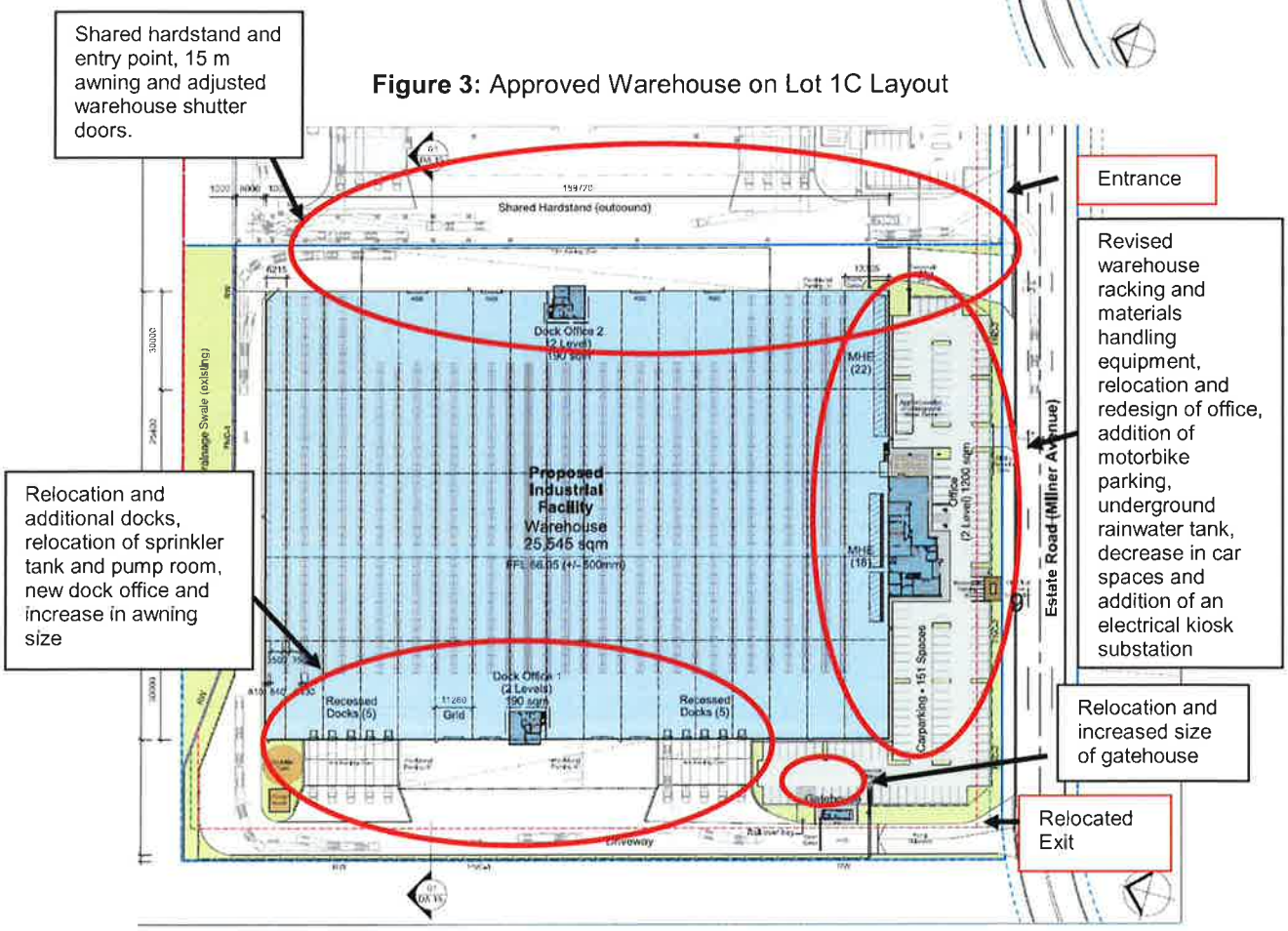

Figure 4: Proposed Warehouse on Lot 1C Layout

4. STATUTORY CONTEXT

4.1 Modification of approval

Section 96(1A) of the EP&A Act requires the consent authority to be satisfied that the following matters are addressed in respect of all applications which seek modifications to approvals:

1. *That the proposed modification is of minimal environmental impact.*

The Department is satisfied that the proposed modifications will have minimal environmental impacts. The relevant environmental impacts are considered in **Section 6** of this report.

2. *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).*

The proposal is substantially the same development for which consent was originally granted as the development (as modified) will remain a warehouse for distribution purposes and will comprise essentially the same footprint as the originally approved warehouse.

3. *It has notified the application in accordance with the regulations.*

Refer to **Section 5** of this report.

4. *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.*

Submissions are considered in **Section 6** of this report.

4.2 Approval Authority

On 16 February 2015, the Minister for Planning delegated responsibility for the determination of section 96(1A) modification applications to Directors and Managers who report to the Executive Directors in the Planning Services division where:

- the relevant local Council has not made an objection; and
- a political disclosure statement has not been made; and
- there are less no public submissions in the nature of objections.

The modification complies with the terms of the delegation as Fairfield City Council (Council) did not object to the proposal, a political disclosure has not been made in relation to the request and no public submissions were received in the nature of objections. Accordingly, the Manager, Industry Assessments may determine the request in accordance with the Minister's delegation.

5. CONSULTATION

The application was notified in accordance with the *Environmental Planning & Assessment Regulation 2000*. The modification application was made available on the Department's website and referred to Council and various agencies for comment. Fairfield Council advised that it would not be providing any comments. No agency or public submissions were received.

5.1 Additional Information

During the assessment period, the Department sought clarification over a number of issues. The additional information received includes:

- confirmation that the landscaped setback is larger than the required minimum 3.75 m;
- confirmation that the volume of stormwater discharge would not change as a result of the modification;
- confirmation that the revised FFL is above the 100 year average recurrence interval flood level plus 300 mm freeboard;
- confirmation that an additional 1,440 truck movements are required to facilitate the removal of 36,000 m^3 of additional cut required to achieve the reduced finished floor level; and

- an additional noise assessment showing compliance with the development consent.

6. ASSESSMENT

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

- the Environmental Impact Statement (EIS), Response to Submissions (RTS) and the Secretary's Environmental Assessment Report for the approved development;
- the existing conditions of approval;
- relevant environmental planning instruments, policies and guidelines; and
- the requirements of the EP&A Act, including the objects of the Act.

In regard to the proposed modification, the Department considers the key issue for assessment is consistency with the Concept Plan. An assessment of other issues including, traffic, noise, visual, water and building safety is provided in **Table 3**.

7.1 Consistency with Concept Plan

Clause 3B2(d) of Schedule 6A specifies that a consent authority must not grant consent under Part 4 of the EP&A Act unless it is satisfied that the proposed development is generally consistent with the terms of an approved concept plan. The Department's assessment of consistency with the Concept Plan is provided in **Sections 7.1.1** and **7.1.2** below.

7.1.1 Design and Layout

The Department notes that the key changes proposed by the modification relate to the design and layout of the warehouse on Lot 1C. The approved Concept Plan sets out a series of development standards to guide future development applications in this area. The Department's assessment concludes that the modified development generally complies with these standards. The relationship of the modified development to the development standards is summarised in **Table 1** below.

Table 1: Modified Development Compared Against Concept Plan Development Standards

Issue	Development standard	Development as proposed to be modified	Compliance
Lot Dimensions • Minimum lot area • Minimum lot frontage • Minimum lot width • Minimum built area (including awnings)	 5,000 m^2 40 m 35 m 2,500 m^2	 No change >40 m >25 m 30,525 m^2	Yes
Site Coverage	65 per cent	58 per cent	Yes
Minimum setbacks and landscaping • Local Estate Road • Side Boundary • Rear Boundary	 Setback 7.5 m and landscaping 50 per cent average Setback and landscaping zero Setback 5 m and landscaping 2.5 m	 32.4 m to warehouse, 22.5 m to office and >3.75 m landscaping - > 5 m and 2.5 m	Yes
Car Parking • Warehouse/bulk storage • Office	 1/200 m^2 (25,545 m^2) = 128 1/40 m^2 (1,600 m^2) = 40 Total = 168	168 (including provisional spaces)	Yes

7.1.2 Consistency with Other Terms of the Concept Plan Approval

The Department has reviewed the terms of the Oakdale Central Concept Plan and has concluded that the Applicant must demonstrate that the proposed development is generally consistent with:

- the noise limits specified for future developments in Term 6 of the Concept Plan;
- the design requirements for sewerage systems specified in Term 11 of the Concept Plan; and
- the Statement of Commitments approved in Appendix 2 of the Concept Plan.

The Department has assessed the Development Application against the requirements of the Concept Plan and is satisfied that:

- the proposed change to the warehouse layout on Lot 1C would result in very minor changes to the predicted noise levels at sensitive receivers (that is plus 1 dBA at Location D* which would equate to a 1 dBA increase in cumulative noise impact), however, noise levels would comply with both the limits in the development consent, and the cumulative noise limits in the Concept Plan approval (see **Table 2** below); and
- the proposed modification seeks approval for the installation of a rainwater tank under the carpark of warehouse 1C. The use of a rainwater tank is consistent with the Water Sensitive Urban Design Strategy approved under the Concept Plan and therefore the proposed modification complies with the Applicant's Statement of Commitments in Appendix 2 of the Concept Plan approval.

Table 2: Noise Levels Predicted by the SSD and Modification Applications and Compliance with Concept Plan

Location	**Predicted SSD dB(A) L_{Aeq} (15 minute)**		**Predicted Modification dB(A) L_{Aeq} (15 minute)**		**Concept Plan limits dB(A) L_{Aeq} (15 minute)**
	Lots 1C, 2B and 3	**Cumulative**	**Lots 1C, 2B and 3**	**Cumulative**	**Day/Evening/Night**
A – Erskine Park Residents	33	<35	33	<35	39
B – Emmaus College	33	<35	33	<35	39
C – Bakers Road, Kemp Creek	32	<34	32	<34	39
D* – Greenway Place	36	<38	37*	<39*	39
E – 315-321 Burley Road	38	<39	38	<39	39

As implementation of the proposed modification would result in very little change to the development as assessed and approved, the Department considers that the proposed modification is generally consistent with all other terms of the Concept Plan Approval.

7.3 Other Issues

A number of other environmental aspects were considered as a result of the modification request. **Table 3** presents the Department's consideration of these issues.

Table 3: Assessment of other issues

Issue	***Assessment***	***Recommendation***
Traffic	Construction • The original assessment predicted 120 construction vehicle movements per day during peak construction periods. • This traffic did not include the proposed soil removal as the earthworks required to facilitate the development were completed under separate approvals (MP08_0066 and DA 652.1/2013). However, the Applicant now seeks a reduction to the final FFL for the warehouse from 66.95 m to 66.05 m. • The Applicant has identified that removal of approximately 36,000 m^3 excess soil is required to achieve the new FFL. This would require an additional 1,440 truck movements over the earthworks construction period. This equates to approximately 33 movements per day over a period of eight weeks, or an additional 28 per cent.	No change to existing conditions.

Issue	Assessment	Recommendation
	• The Department's assessment concludes that, although truck movements would increase during earthworks, given the very short duration of these works the additional movements can be managed appropriately via the existing conditions of consent. Operation • Two methods have been used to estimate the traffic volumes that would be generated by the modified development. The first uses the rates generated by the RMS in its assessment of regional road upgrades within the WSEA. This method calculates generation of traffic based on developable area. As the modification does not change the developable area of the development, traffic generation rates calculated using this method remains the same as the approved development, that is 275 vehicles peak hour. • The second method uses trip rates published in the *RMS Guide to Traffic Generating Developments Updated Traffic Surveys – Technical Direction 04a.* This method calculates rates based on vehicle trips per 100 m^2 of gross floor area. Using this method, the Applicant estimates that the modification would result in a reduction to the original Development's traffic generation by up to 0.7 trips during the peak hours. • The Department's assessment concludes that, as traffic volume would not be affected by the proposed modification, existing measures contained in the consent are sufficient to ensure traffic impacts are managed appropriately. This includes requirements for a comprehensive Construction Traffic Management Plan to be prepared and implemented during the construction period. Car Parking • Overall, the number of parking spaces has been reduced by one; however, the numbers still comply with the Concept Plan requirements (168 required and 168 proposed). Internal Circulation • The modification will alter the traffic movements within the site, as trucks would enter via the shared hardstand adjacent the warehouse on Lot 1B and exit via a separate access point rather than a shared entry/exit point. In addition, the loading docks are proposed to be relocated from the eastern side of the building to the western side. Small vehicles would still be separated from heavy vehicles and internal circulation would still result in an adequate level of safety and amenity. • The Department's assessment concludes that, given the minor nature of the proposed changes in relation to traffic, the modification would not result in traffic impacts beyond those originally assessed and approved.	
Noise	Construction • The proposed modification would not affect predicted construction noise levels. Operation • The layout changes will increase operational noise	Replace the figure in Appendix 3 with one showing the correct the noise receiver locations as referenced in the original noise assessment.

Issue	Assessment	Recommendation
	levels by up to 1 dBA at one residential receiver identified in the Concept Plan, however, as discussed in Section 7.1.2, cumulative noise levels would comply with the limits contained in the Concept Plan (location D). • Predicted noise levels also comply with the limits identified in the Development Consent. • Given the above, the Department has concluded that the modified development would have negligible noise impacts beyond those approved. Notwithstanding, the Department has identified that the noise receiver location figure included in Appendix 3 of the Development Consent is incorrect. It is recommended that this figure is replaced.	
Visual	• As the built form and landscaping will remain substantially the same, the Department's assessment concludes that that the proposed modification would not result in any visual impacts beyond those originally assessed and approved.	No change to existing conditions.
Water	<u>Stormwater</u> • The proposed change to the warehouse layout would result in minor changes to the stormwater drainage network. However, the changes would not affect the volume of water being discharged to the on-site detention basin in Biodiversity Lot B. <u>Flooding</u> • The Applicant proposes to reduce the finished floor level of warehouse 1C from RL 66.95 (+/- 500mm) to RL 66.05 (+/- 500 mm). • The Applicant confirms that the FFL would remain above the 1 in 100 year average recurrence interval flood level (62 m) with 300 mm freeboard in accordance with the approved Development Consent. <u>Conclusion</u> • Given the above, the Department has concluded that the revised FFL and drainage network location would not result in any impacts beyond those originally assessed and approved.	No change to existing conditions
Building Safety	• The modification includes a Building Code of Australia (BCA) report demonstrating that the proposed development is capable of complying with the requirements of the BCA. • The Department has concluded that the conditions of consent are sufficient to ensure the development is constructed in accordance with the BCA.	No changes to existing conditions.

7. CONCLUSION

The Department has assessed the merits of the proposal in accordance with the requirements of the EP&A Act. This assessment has concluded that the proposed modification would have negligible impacts beyond those originally assessed and approved. Furthermore, the Department considers that any impacts can be managed by the existing and modified conditions of approval.

Consequently the Department believes the proposal should be approved subject to some minor amendments to the existing conditions of consent.

8. RECOMMENDATION

It is RECOMMENDED that the Manager, Industry Assessments:

- **consider** the findings and recommendations of this report;
- **determine** that the proposed modification is within the scope of section 96(1A) of the EP&A Act;
- **approve** the application subject to conditions; and
- **sign** the attached notice of modification (see **Appendix B**).

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15.06.15

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15/6/15.

APPENDIX A GOODMAN'S REQUEST

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7001

APPENDIX B NOTICE OF MODIFICATION