

ASSESSMENT REPORT

Section 96(2) Modification Oakdale South Industrial Estate (SSD 6917 MOD 1) Concept Proposal and Stage 1 DA Layout

1. INTRODUCTION

This report assesses a modification application by Goodman Property Services (Aust) Pty Ltd (the Applicant) to the Concept Proposal and Stage 1 development application (DA) for the Oakdale South Industrial Estate (SSD 6917). The application has been lodged pursuant to section 96(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

2. BACKGROUND

The Oakdale South Industrial Estate is located in the suburb of Kemps Creek in the Penrith local government area (LGA). The site is also located in Precinct 8 of the Western Sydney Employment Area (WSEA) which is strategically identified industrial land under *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (WSEA SEPP) (see **Figure 1**).

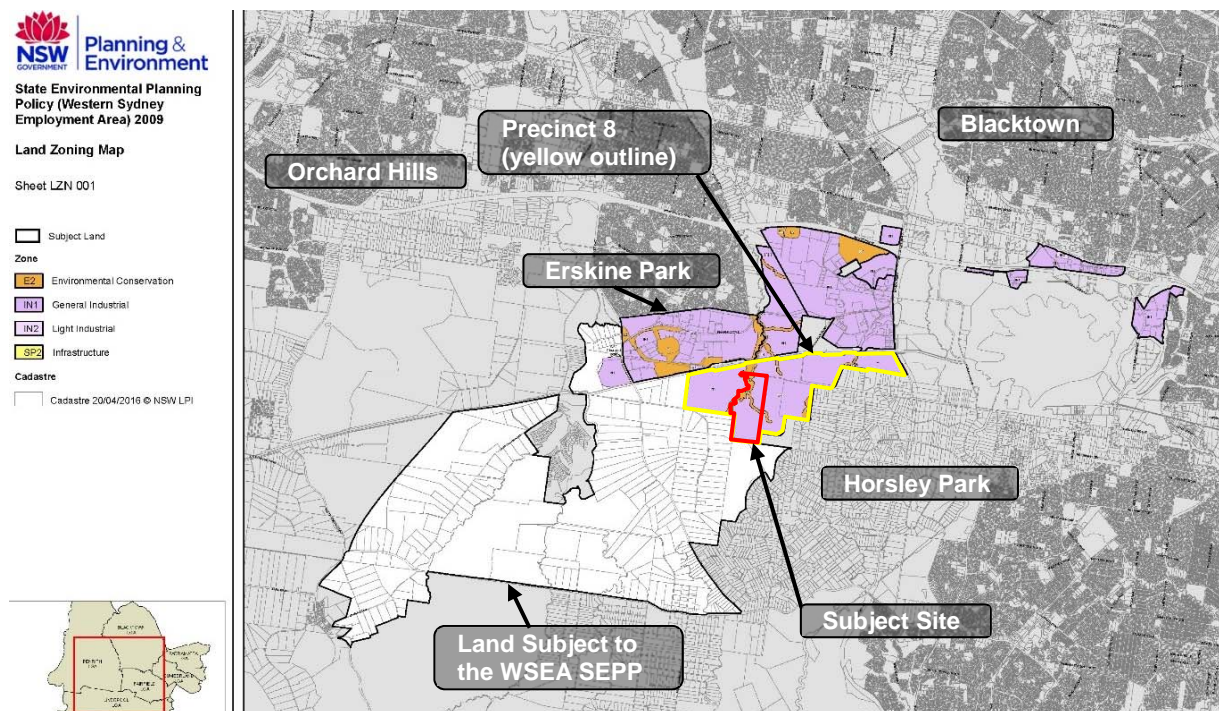


Figure 1: Western Sydney Employment Area

The site is currently vacant land previously used for pastoral grazing. Remnant vegetation exists along the western boundary and along two ephemeral tributaries. Ropes Creek also passes along the western boundary and two unnamed tributaries traverse the site from the north-west to the south-east. High voltage electricity transmission lines cross the south-western corner of the site.

The site is located wholly in the Penrith LGA. Surrounding land uses and approved developments include:

- warehousing operations in the Oakdale Central Industrial Estate (SSD 6078 and MP 08_0065) to the north including:

- the DHL logistics hub (MP 08_0066) currently operating 24/7;
- general warehousing and distribution on lots 1C, 2B and 3. Warehouses on lots 1C and 2B are operational. Construction of warehouses 3A, 3C and 3D are underway; and
- the Reckitt Benckiser dangerous goods facility (SSD 7491) (warehouse 3B on Lot 3) awaiting the commencement of construction;
- the Jacfin Horsley Park warehousing hub (MP 10_0129 and MP 10_0130) to the east. To date no construction has commenced;
- vacant RU4 - Primary Production Small Lots zoned land to the east (within the Jacfin owned land);
- vacant RU2 - Rural Landscape zoned land to the west; and
- vacant E4 - Environmental Living zoned land with an existing approval for a residential subdivision (the Capitol Hill Subdivision) to the south (**Figure 2** and **Figure 3**).

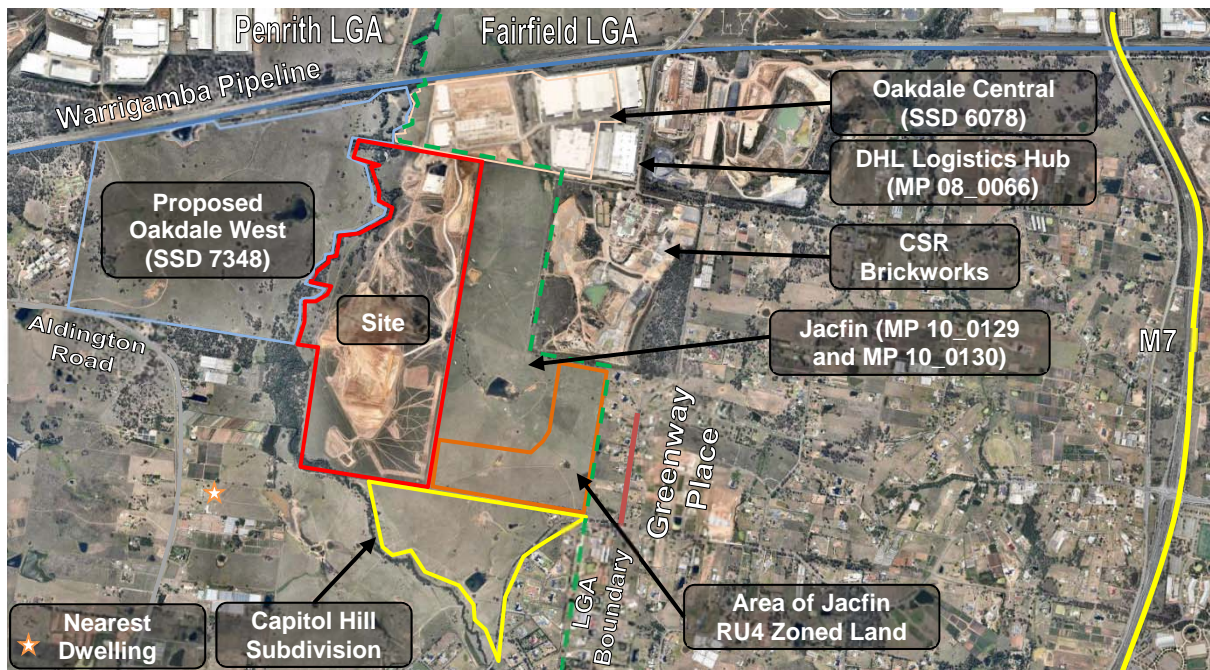


Figure 2: Local Context

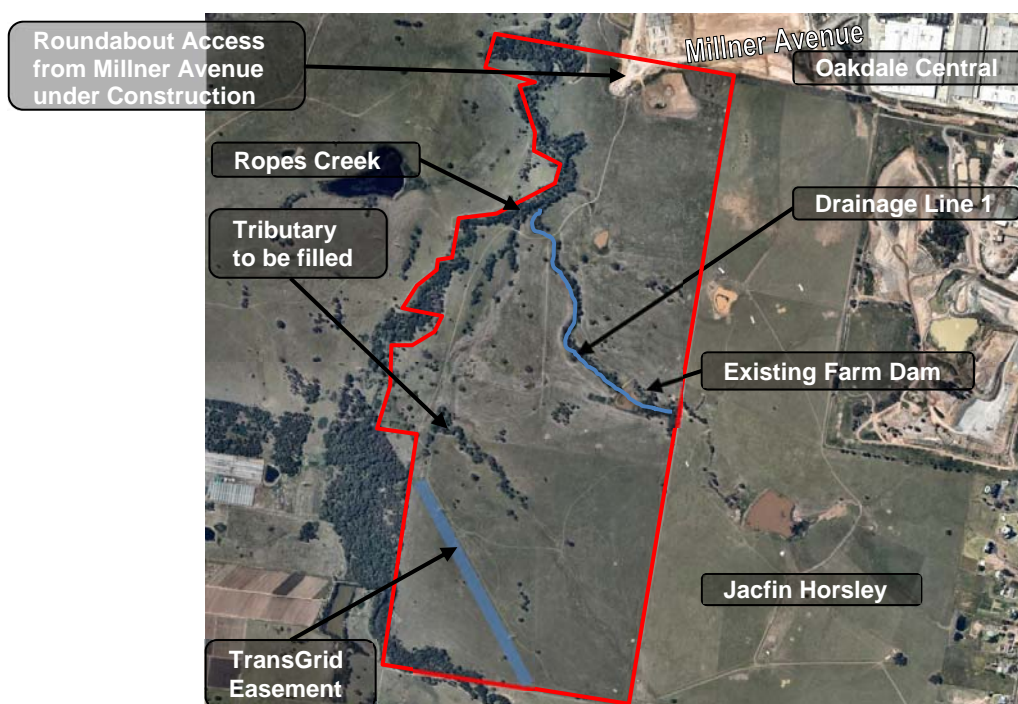


Figure 3: Site Features

The Applicant has lodged the modification application to amend the Concept Proposal and Stage 1 DA layouts to accommodate future tenants site layout requirements for access, loading and unloading and building orientation. The Department is presently assessing two SSD applications for warehouses on Lot 3A and Lot 3B which have proposed a layout conducive to the proposed layout of this modification application. The two applications relate to a Sigma pharmaceuticals warehouse on Lot 3A (SSD 7719) and a Toyota automotive spare parts warehouse on Lot 3B (SSD 7663).

3. APPROVAL HISTORY

On 22 October 2016, the Executive Director, Key Sites and Industry Assessments granted development consent for the Oakdale South Industrial Estate (SSD 6917). The development consent permits a staged development application (DA) comprising the following:

- a Concept Proposal for a warehousing and distribution complex with:
 - a total gross floor area (GFA) of 395,880 m² across six development precincts;
 - 15 building envelopes for warehouse and distribution uses; and
 - subdivision layout, site levels, landscaping, infrastructure services and development controls; and
- a Stage 1 DA involving:
 - construction and operation of nine warehouse buildings with a total GFA of 237,070 m² across precincts 1, 4 and 5;
 - estate wide bulk and detailed earthworks;
 - importation of 1,007,000 m³ of fill; and
 - road construction, drainage and landscaping across the site.

The Applicant has commenced bulk earthworks under the Stage 1 DA to facilitate warehouse pad levels and estate infrastructure construction.

4. PROPOSED MODIFICATION

On 18 November 2016, the Applicant lodged a modification application under section 96(2) of the EP&A Act to modify the Oakdale South Industrial Estate to amend the site layout. The modification is described in full in the modification application included in **Appendix B** and illustrated in **Figures 4 to 8**.

4.1 Proposed Amendments to Concept Proposal

The modification application seeks to amend the Concept Proposal to:

- amend the building envelope and lot layout in precincts 2, 3, 4 and 5;
- remove the 'potential services' lot no longer required by Endeavour Energy in precinct 2;
- realign Estate Road 01, realign Estate Road 03, and include new Estate Road 04;
- amend the subdivision layout of the site;
- include a 5,800 m² 'amenity lot' to the north of Lot 3A, with uses to be sought as part of a future DA;
- revise the creek realignment works along Drainage Line 1 of Ropes Creek;
- increase the overall developable area from 70.28 ha to 71.33 ha; and
- amend the allocation of developable and non-developable land within the estate (see **Table 1**).

Table 1: Proposed Amendments to Developable Areas in the Concept Proposal

Site Area	Approved	Proposed	Difference
Total Site Area	117.00 ha	117.11 ha	+000.11 ha
Less Non Developable Land	35.85 ha	33.46 ha	-2.39 ha
Easements	3.73 ha	4.56 ha	+1.13 ha
Regional Roads	1.74 ha	1.74 ha	No change
Service Lots	1.66 ha	N/A	Removed
Estate Roads	5.38 ha	5.70 ha	+0.32 ha
Total	48.36 ha	45.46 ha	-2.9 ha
Developable Areas			
Precinct 1	18.81 ha	18.81 ha	No change
Precinct 2	4.38 ha	5.43 ha	+1.05 ha
Precinct 3	16.53 ha	18.94 ha	+2.41 ha
Precinct 4	9.45 ha	14.27 ha	+4.82 ha
Precinct 5	14.01 ha	6.46 ha	-7.6 ha
Precinct 6	7.09 ha	6.48 ha	-0.25 ha
Amenity Lot	-	0.58 ha	+0.58 ha
Total Developable Area	70.28 ha	71.33 ha	+1.05 ha
Total Warehouse	376,295 m ²	316,596 m ²	-59,699 m ²
Total Office	19,585 m ²	14,715 m ²	-4,870 m ²
Total Facility	395,880 m²	331,311 m²	-64,569 m² (-16.31%)

4.2 Proposed Amendments to Stage 1 DA

The proposed amendments to the Stage 1 DA seek to reflect the amendments sought under the Concept Proposal. The modifications involve amendments to the approved estate civil infrastructure works and the development of the Stage 1 DA precincts. These include:

- removing warehouse building construction works in precincts 4 and 5 from the development consent to be assessed under future DAs, and a corresponding reduction of GFA under the Stage 1 DA as detailed in **Table 2** below;
- amending the subdivision layout of the estate to reflect removal of the services lot and new amenities lot;
- amending the detailed road and civil works designs including bulk earthworks, site levels and retaining walls to reflect the revised layout;
- amending the estate landscape works;
- increasing the extent of realignment works of Drainage Line 1 of Ropes Creek;
- amending stormwater infrastructure to reflect the revised layout and add a fifth stormwater basin;
- amending landscape plans to address the revised estate layout; and
- constructing extended noise walls along the eastern and southern site boundaries.

Table 2: Proposed Amendments in Stage 1 DA Maximum GFAs

Precinct	Approved Precinct GFA (m ²)	Proposed (m ²)	Change (m ²)
Precinct 1	104,739	104,739	Nil
Precinct 4	48,256	0 (removed)	-48,256
Precinct 5	84,075	0 (removed)	-84,075
Total	237,070	104,739	-132,331

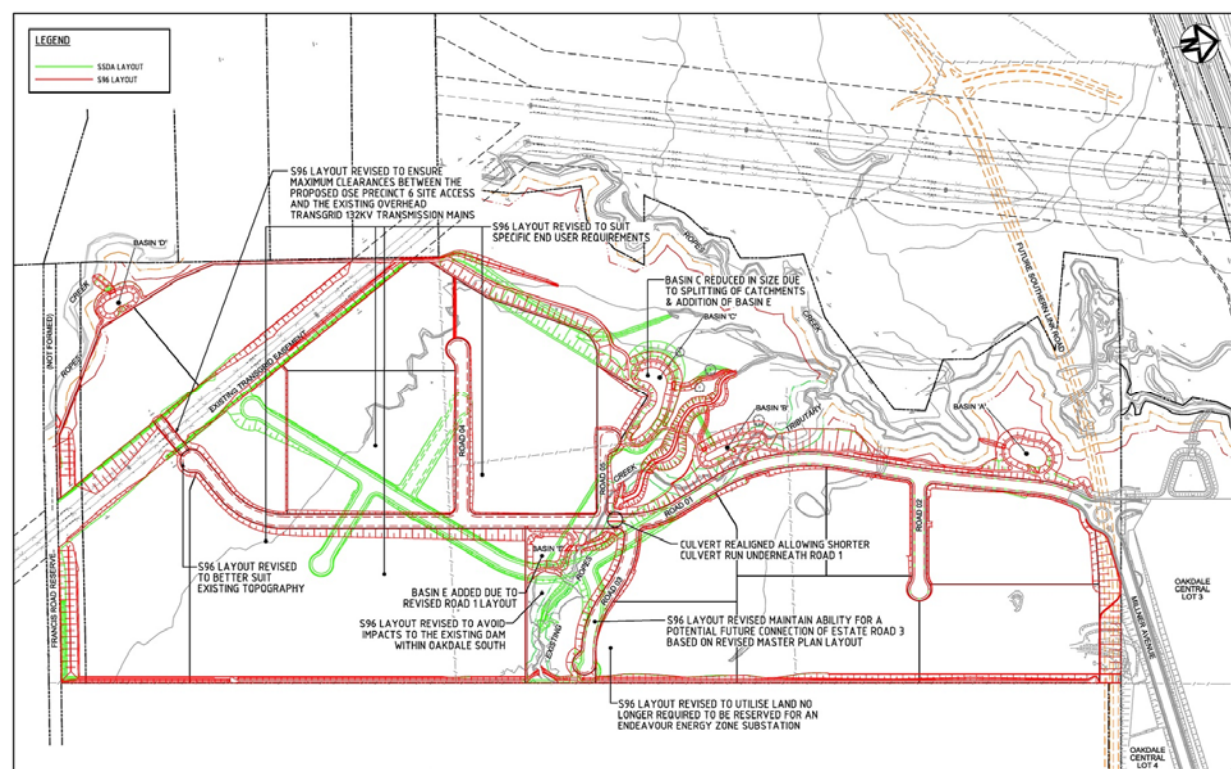


Figure 4: Comparison of Approved and Proposed Estate Layout - Proposed Layout is shown in Red

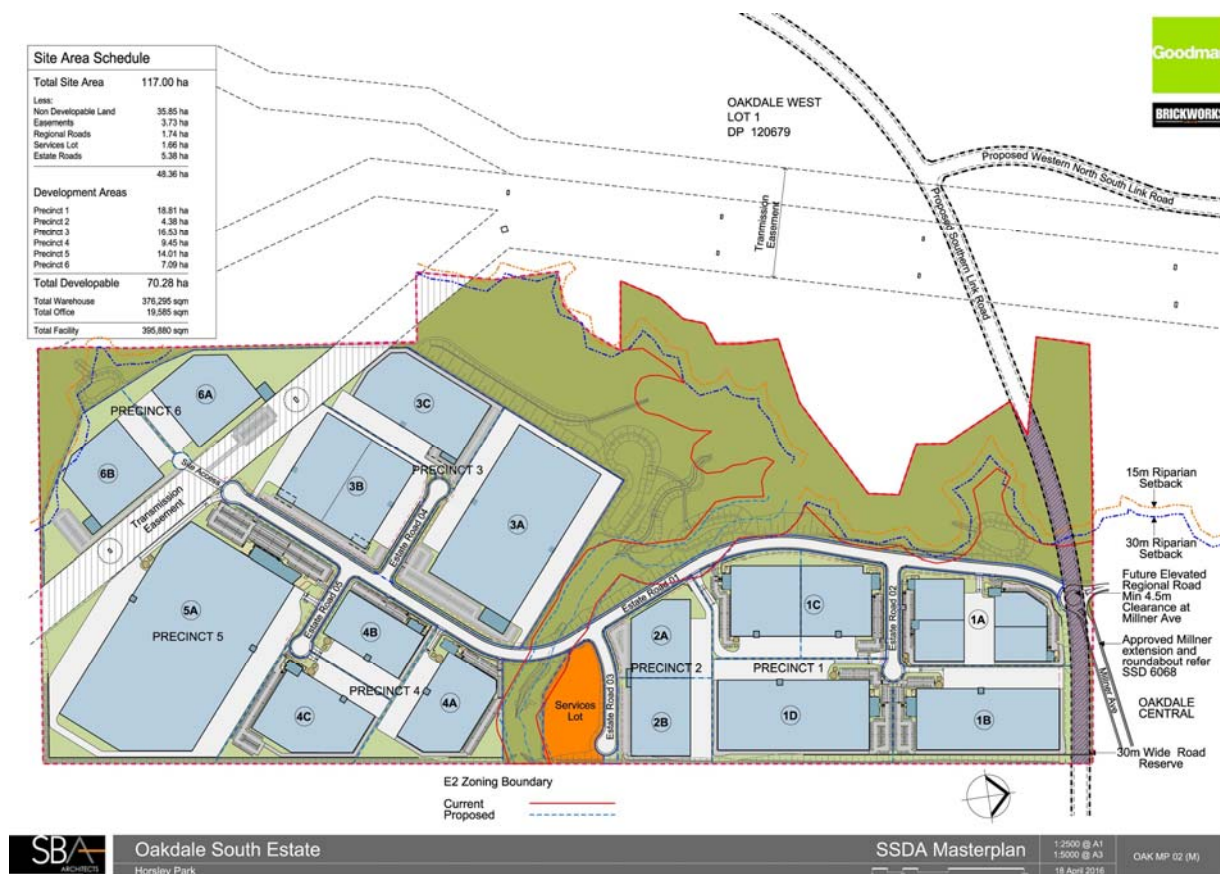


Figure 5: Approved Concept Proposal Layout

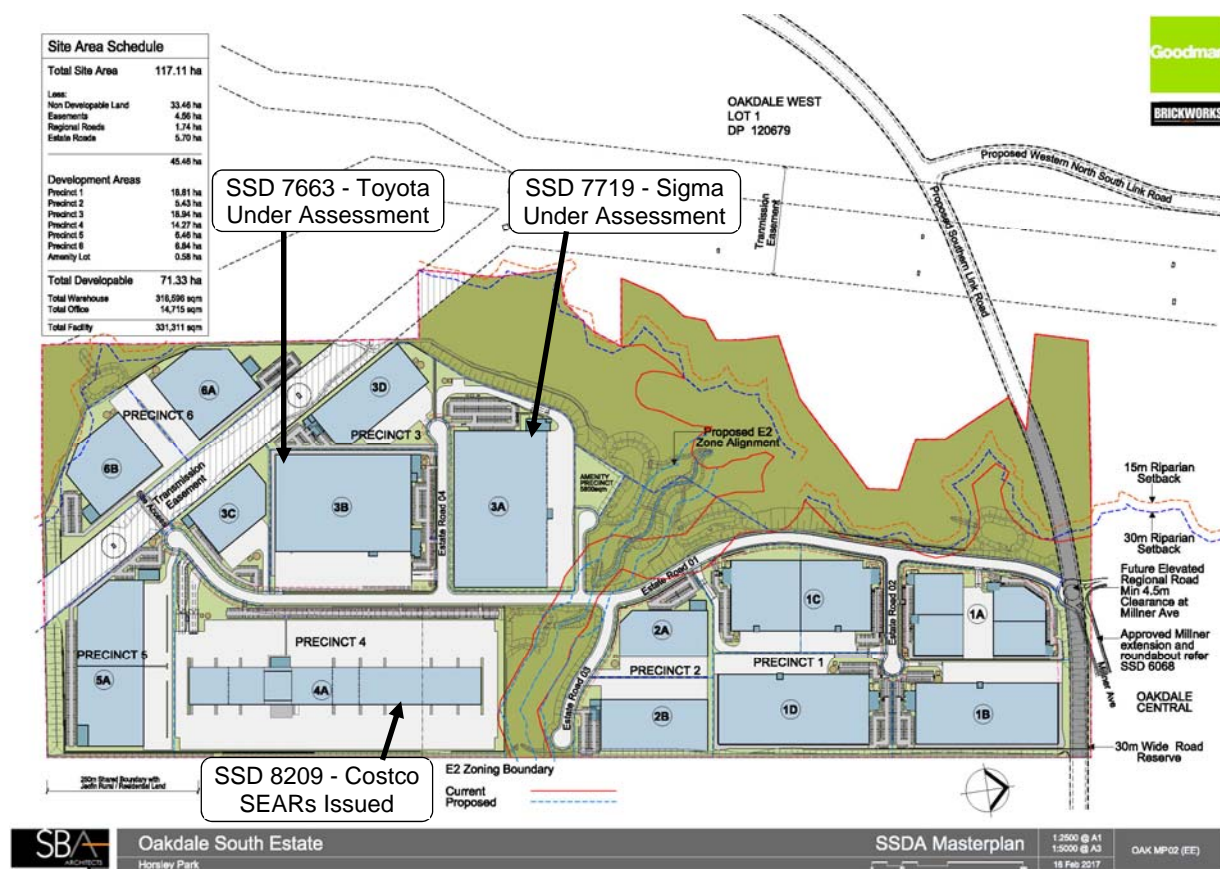


Figure 6: Proposed Modified Concept Proposal Layout

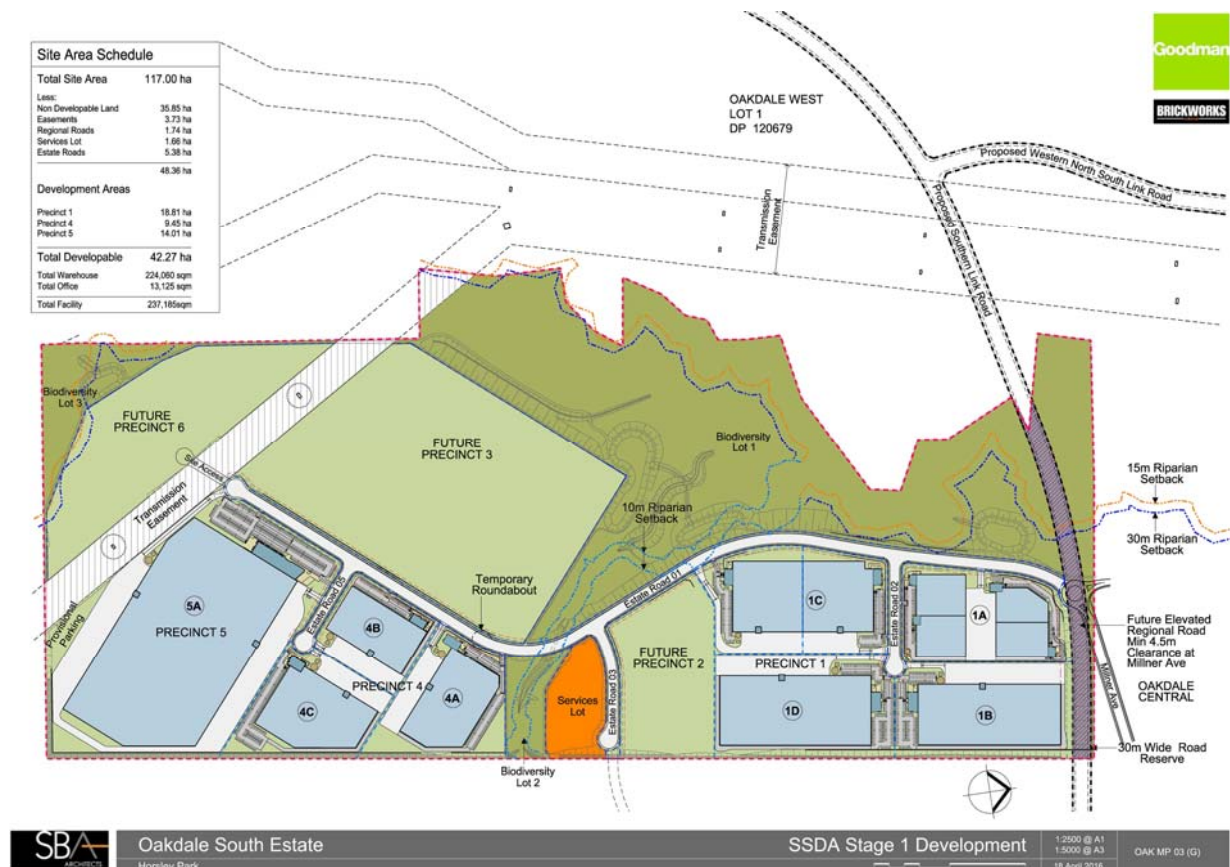


Figure 7: Approved Stage 1 DA Layout

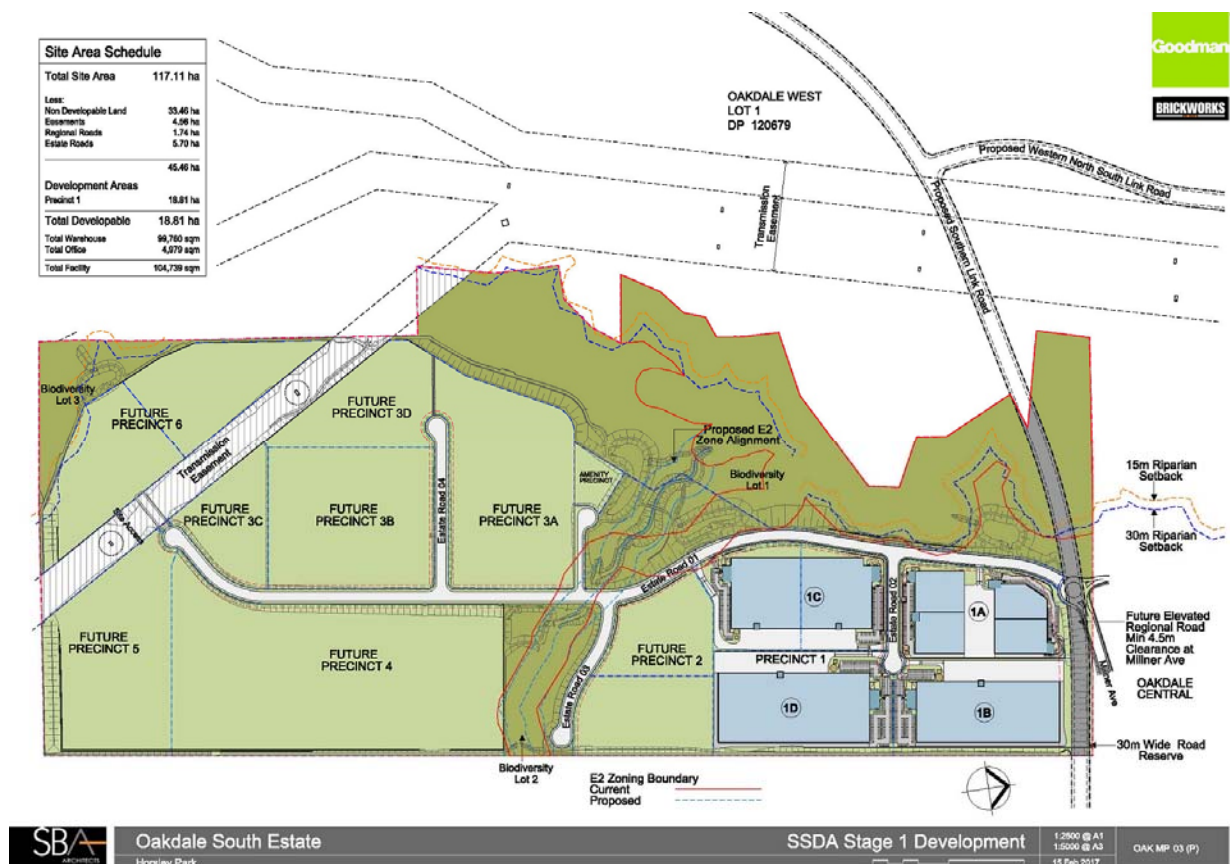


Figure 8: Proposed Modified Stage 1 DA Layout

Note: The Applicant has lodged separate SSD Applications for Lot 3A (SSD 7719) and Lot 3B (SSD 7663) with the Department

5. STATUTORY CONTEXT

5.1 Consent Authority

The Minister for Planning is the consent authority for the application. Under the Minister's delegation of 16 February 2015, the Director, Industry Assessments may determine the application under delegation as:

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

5.2 Section 96(2) - Modification of SSD Approval

The Department has reviewed the scope of the modification application and is satisfied it relates to substantially the same development as the original development consent which was granted on the basis that:

- the primary function and purpose of the approved development would not change as a result of the proposed modification;
- the modification is of a scale that warrants the use of section 96(2) of the EP&A Act as the potential impacts of the proposed modifications were not considered minimal;
- the modification application has been notified and the submissions received have been considered in this assessment; and
- any potential environmental impacts beyond the approved development would be minimal and appropriately managed through the existing or modified conditions of approval.

Therefore, the Department is satisfied the proposed modification is within the scope of section 96(2) 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 96(2) of the EP&A Act rather than requiring a new development application to be lodged.

5.3 Environmental Planning Instruments

The Department has considered the following Environmental Planning Instruments (EPIs) in its assessment of the modification application:

- *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;*
- *State Environmental Planning Policy No. 64 – Advertising and Signage;*
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007;*
- *Sydney Regional Environmental Plan No. 9 – Extractive Industry (No. 2);*
- *Sydney Regional Environmental Plan No. 20 – Hawkesbury – Nepean River;* and
- *Penrith Local Environmental Plan 2010.*

6. CONSULTATION

Due to the complex nature of the proposal and the potential for public interest, the Department exhibited the modification application from 24 November 2016 to 9 December 2016:

- on the Department's website;
- at the Department's information centre (320 Pitt Street, Sydney); and
- at Penrith City Council's offices (High Street, Penrith).

The modification application was advertised in the Penrith Press and Fairfield City Champion. Adjoining landowners and previous submitters for the original SSD application were notified of the modification application and invited to make a submission. The modification application was also referred to Penrith City Council, Fairfield City Council, Blacktown City Council, Roads and Maritime Services (RMS), Transport for New South Wales (TfNSW), Fire and Rescue NSW (FRNSW), Department of Primary Industries (DPI), Environment Protection Authority (EPA), Office of Environment and Heritage (OEH), Sydney Water, Water NSW and the Heritage Council of NSW.

During the exhibition period, a total of 14 submissions were received, including 13 from public authorities and one from a nearby landowner. Of the submissions received, none objected to the proposed modifications to the development. No response was received from Blacktown City Council or the EPA.

6.1 Public Authorities

Penrith City Council (Council) did not object to the modification application and raised the following concerns:

- the potential amenity impacts associated with the orientation of the proposed building envelopes, location of car parks and loading docks and loss of land for landscaping in precincts 3, 4 and 5;
- Council requested the 30 m landscape buffer along the part of the southern site boundary be applied to the eastern boundary adjacent to the RU4 zoned land on the Jacfin site (MP 10_0129 and MP 10_0130) to increase the future amenity of this land;
- Council noted it would not support a restaurant or industrial retail outlet centre on the proposed 5,800 m² amenity lot as it has the potential to undermine existing centres;
- Council reiterated its comments provided in the assessment of the original DA for Oakdale South regarding built form, general engineering, Water Sensitive Urban Design (WSUD), contamination and biodiversity; and
- Council noted the amenity concerns raised in precincts 3, 4 and 5 would be assessed under future DAs due to the removal of warehouse building works from SSD 6917.

The Department reviewed Council's comments and requested the Applicant respond to the issues raised. However, the Department notes all concerns raised by Council with respect to built form, general engineering, WSUD, stormwater, fill importation and biodiversity are addressed by existing conditions of consent from the original SSD assessment (SSD 6917).

Fairfield City Council did not object to the modification application and requested a revised condition requiring the Applicant to install landscape and noise wall treatments as part of the initial bulk earthworks phase of construction.

Department of Primary Industries (DPI) did not object to the modification application and requested the addition of conditions for the modification application to:

- ensure the expanded realignment works are consistent with DPI's Guidelines for *Controlled Activity on Waterfront Lands (2012)*;
- design the culvert crossing under Estate Road 01 to facilitate fauna passage;
- ensure the realigned waterway establishes a stable naturalised system that mimics local natural creeks;
- incorporate a diverse range of native trees, shrubs and groundcover species in the riparian corridor revegetation works; and
- ensure any encroachment of detention basins into the riparian corridor should be offset by an equivalent area on the site.

WaterNSW did not object to the modification application and noted the modified development would result in flooding and stormwater impacts equal to or less than those of the approved development and advised it supports this approach.

Sydney Water did not object to the modification application and provided recommended conditions for further approvals from Sydney Water under the *Sydney Water Act 1994*.

Roads and Maritime Services (RMS) did not object to the modification application, did not raise any concerns or recommend any conditions.

Transport for NSW (TfNSW) did not object to the modification application, did not raise any concerns or recommend any conditions.

TransGrid did not object to the modification application and advised that the levels of the revised location of Estate Road 01 must maintain Trans Grid's vertical clearance requirements.

Endeavour Energy did not object to the modification application and reaffirmed previous advice that the preferred location of a substation to service the broader Oakdale Estate is within the proposed Oakdale West Industrial Estate (SSD 7348).

Office of Environment and Heritage (OEH) did not object to the modification application and advised due to resource constraints a submission would not be provided in time.

NSW Fire and Rescue (NSWFR) did not object to the modification application and did not provide any recommended conditions. NSWFR advised the proposed amendments should comply with the recommendations of the bushfire assessment submitted with the application and the requirements of *Planning for Bushfire Protection 2006* (PBP 2006) and *Standards for Asset Protection Zones*.

Rural Fire Service (RFS) did not object to the modification application and provided recommended conditions to include in the notice of modification to ensure asset protection zones, electricity, fire access, evacuation, construction standards and landscaping comply with the relevant sections of PBP 2006.

Heritage Council of NSW did not object to the modification and agreed with the conclusions of the EIS and addendum archaeological information provided that no further impact to historic heritage will occur. The Heritage Division also requested the exiting conditions of consent around historic heritage remain in the development consent.

The Department has reviewed the comments received from public authorities and requested the Applicant respond to the issues raised. However, the Department notes existing conditions of consent require the Applicant to obtain relevant additional approvals from government authorities and utility providers. Existing conditions also limit the height of plant and equipment which can be used in and near the TransGrid easement. Furthermore, the Applicant has not applied for any amendments to existing conditions E42 to E45 regarding European heritage.

6.2 Public Submissions

The Department received one submission from Jacfin Pty Ltd (a nearby landowner) on the modification application. The submission did not object to the modification application but raised concerns regarding:

- operational noise impacts and proposed amendments to the noise wall along the eastern boundary;
- provision of updated civil and landscape plans clarifying the delivery of the noise wall;
- a request for the modification application to require the road reserve of Estate Road 03 to be extended and dedicated to the boundary of Lot A Burley Road; and
- clarification that the rezoning of the Jacfin residential land has taken place.

On 30 January 2017, the Applicant submitted a report responding to the issues raised during the exhibition of the modification application, which included:

- updated civil drawings of the increased noise walls;
- updated landscape plans; and
- an amended visual impact assessment.

The Applicant's response was referred to Penrith and Fairfield City Councils. Penrith City Council advised the majority of its comments have been addressed and the Applicant's justification of the 10 m landscape buffer is suitable, subject to achieving satisfactory acoustic mitigation. Council maintained its position that it did not support restaurant or industrial retail outlet uses in the proposed amenities lot.

Fairfield City Council raised no objection and recommended a condition seeking clearer timeframes for landscaping in the southern parts of the site.

Between February and March 2017, the Applicant also submitted updated plans of the Concept Proposal and indicative lot layout with minor amendments.

7. ASSESSMENT

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

- the documents provided, including an amended Environmental Impact Statement (EIS) and RTS to support the proposed modification (see **Appendix B**);
- the assessment report for the original development application;
- submissions from the public, State government authorities and Council (see **Appendix C**);
- relevant environmental planning instruments, policies and guidelines; and
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department considers the key assessment issues are:

- noise;

- traffic;
- biodiversity;
- waterways and riparian areas; and
- urban design and visual impacts.

The Department's assessment of other issues is provided in **Table 8** under **Section 7.6**.

7.1 Noise

The proposed amendments to the Concept Proposal include amended building envelopes in precincts 3, 4 and 5 with relocated loading docks and circulation areas. The proposed layout has the potential to alter the cumulative operational noise emissions from loading docks and warehousing activities and potentially cause adverse amenity impacts to surrounding residential receivers. The Applicant has also requested amendments to the timing of noise verification reports to be submitted to the Secretary for warehouses with external mechanical plant within three months of the commencement of operation.

The application includes a Noise Impact Assessment (NIA) to assess the changes in cumulative operational noise emissions from on-site vehicle movements, loading and unloading activities and external mechanical plant under the revised Concept Proposal layout in neutral and adverse weather conditions (F class temperature inversions). The Applicant also seeks to change the descriptions of the noise receiver locations as detailed in the development consent.

To mitigate potential changes in the cumulative noise impacts of the development, the amended Concept Proposal and Stage 1 DA includes two extended 5 m high noise walls along the southern and eastern boundaries (see **Figure 9**).

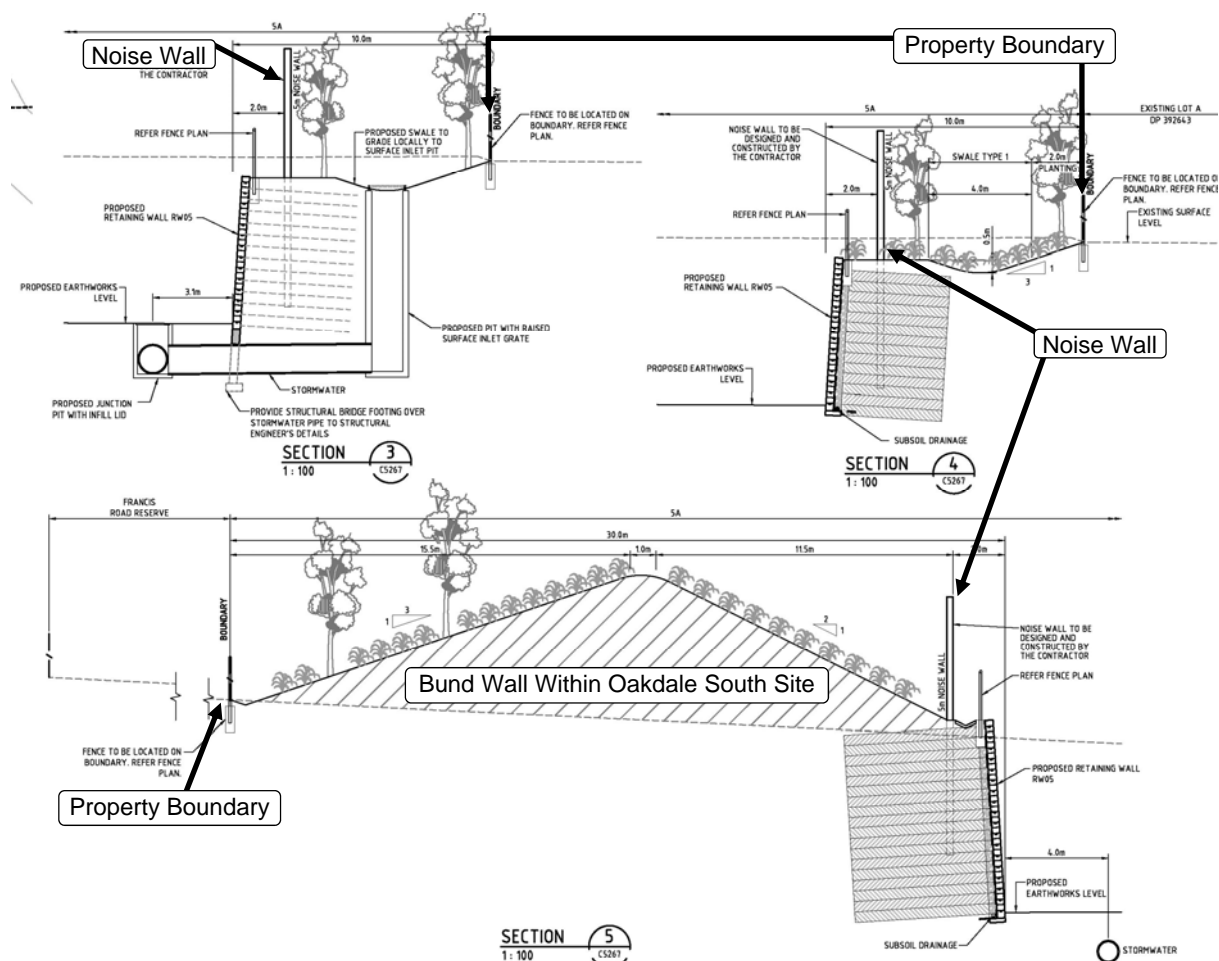


Figure 9: Southern (Bottom) and Eastern (top) Noise Walls and Setback Sections

The NIA concluded:

- the proposed Concept Proposal layout would continue to comply with the approved intrusive noise limits (see **Table 3**) under neutral and adverse weather conditions with the extended noise walls;
- noise impacts at existing residential receivers at Greenway Place and Aldington Road are anticipated to be lower compared to the impacts assessed under the original Oakdale South Industrial Estate;
- noise levels at the rear of part of the vacant Jacfin RU4 zoned land and in a northern lot in the Capitol Hill subdivision affected by the TransGrid easement would be marginally higher (1dB(A))(see **Figures 11 to 14**) but would not result in an exceedance of the existing noise criteria;
- extending the noise wall above what is proposed under the modification application would have a negligible effect on mitigating the cumulative operational noise emissions of the development; and
- no changes to road traffic noise are anticipated as there are no residential receivers along the Oakdale South access route of Millner Avenue and Old Wallgrove Road.

Table 3: Approved Concept Proposal Noise Limits in Condition B18

Location	Day	Evening	Night	
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{A1} (1 minute)
L1 North of Warragamba Pipeline	37	37	37	47
L2 Horsley Park	39	39	39	49
L3 Kemps Creek, Mt Vernon, Jacfin and Capitol Hill	40	40	40	48

In its submission, Jacfin raised concerns regarding potential amenity impacts on their RU4 zoned land to the east of the Oakdale South site from cumulative noise impacts. Jacfin requested:

- the Applicant not be permitted to use the 2 dB(A) increase provided in the approved noise limit (i.e. a noise limit of 38 dB(A);
- the cumulative noise emissions from the Oakdale South and Jacfin lands meet an Amenity Noise Level Leq(period) of 40 dB(A); and
- the descriptions of the noise receiver locations and noise limits for the adjacent RU4 zoned land be revised to list the Jacfin land as a fourth receiver point under the development consent.

The Department has reviewed the NIA and the concerns raised by Jacfin. It should be noted that following the Planning Assessment Commission's determination of the Jacfin Horsley Park Project (MP 10_0129 and MP 10_0130) in October 2013, the Department's Land Release team led a rezoning process on the Jacfin Horsley Park site to create a rural residential buffer between the proposed industrial uses and existing residential dwellings to resolve an existing land use problem. The rezoning resulted in the removal of 35 hectares (ha) of land from the WSEA and rezoning it to RU4 - Primary Production Small Lots under the *Penrith Local Environmental Plan 2010* (PLEP).

The rezoning also imposed a minimum 2 ha lot size on the Jacfin RU4 land under the PLEP. The Department's intent in adopting this minimum lot size was to limit the number of potential future dwellings to ensure future land use conflicts are not created. In rezoning this part of the Jacfin site, the Department also acknowledged that new landowners moving into the buffer area would do so with the knowledge of the nearby industrial uses within the WSEA.

In considering the context of this rezoning in the assessment of the original Oakdale South development, the Department set an Intrusive Leq(15 minute) noise limit of 40 dB(A) to incorporate the predicted 2 dB(A) exceedance of the proposed project specific noise level to the south of the site. This established noise objectives near the vacant Jacfin and Capitol Hill lands that would provide an acceptable level of amenity for existing and future residents, while allowing compliance during operation for the overall estate. The Department notes the two predicted exceedances under the original assessment were at an existing residence 500 m to the southwest and contained in north eastern part of the Capitol Hill land affected by the TransGrid transmission line easement (see **Figure 11**).

Having reviewed Jacfin's request for the development to comply with a cumulative Amenity Leq(period) of 40 dB(A), the Department has calculated that the maximum cumulative intrusive noise emissions under the existing noise limits for the Jacfin and Oakdale South developments would be 41 dB(A) L_{Aeq}(15 minute). The conversion of a Leq(period) to a Leq(15 minute) is plus 3 dB. Therefore, the Leq(15 minute) objective is 40 + 3 = 43 dB(A). Therefore, under a worst case scenario, the cumulative noise impacts from both sites would still be 2 dB(A) less than an amenity noise objective given in Table

2.1 of the Industrial Noise Policy. As such, the Department does consider the request to revise the noise limits is warranted.

The Department's assessment concludes the amended site layout combined with the extended noise walls would continue to allow the development to comply with the existing noise limits at the existing residential properties at Greenway Place and at the vacant Capitol Hill and Jacfin lands. The large minimum lot sizes on surrounding vacant lands (2 ha at Jacfin and 1 ha at Capitol Hill) would limit the number of future dwellings near the development. This is consistent with the intent of the WSEA rezoning to allow the continued development of the area as an employment hub. The lot sizes would also provide enough space to allow future dwellings to be located outside the 40 dB(A) noise contours predicted in the NIA (see **Figure 12** and **Figure 13**).

Furthermore, the NIA adopts a worst case operational scenario involving concurrent maximum vehicle movements from all development precincts on-site under neutral and adverse weather conditions (F class temperature inversions). The Department considers this scenario is conservative and is unlikely to occur in practice. The Department also notes the approved noise limit of 40 dB(A) applies to the entire Oakdale South Concept Proposal of 15 building envelopes which is low in the context of the overall development which is 117 ha in area.

However, the Department agrees there is scope to revise the existing descriptions of receptors in the development consent and clarify the application of the estate wide noise limits between Condition B18 of the Concept Proposal and Condition E35 of the Stage 1 DA. This is because the current wording of Conditions B18 and E35 list the same noise limits. This would potentially allow the Applicant to operate the Stage 1 DA using the full noise 'envelope' under the Concept Proposal and potentially result in the limits being exceeded at nearby sensitive receivers when all potential noise sources in the Concept Proposal become operational. Therefore, the Department has recommended conditions to:

- amend Condition E35 to remove the noise limits table from the Stage 1 DA component of the development consent and require the Applicant to operate the Stage 1 DA to ensure compliance with the noise limits of the Concept Proposal under Condition B18;
- amend the descriptions of the three receiver locations to clarify the areas they relate to; and
- amend Condition E36 to require the Applicant to construct the expanded noise walls as detailed in the modification application.

Finally, the Applicant has also requested an amendment to the timing of Noise Verification Reports for warehouses with external mechanical plant required under Condition E37 of the Stage 1 DA. Due to the reduced scope of the Stage 1 DA from nine warehouse buildings to five, all located in the northern part of the site, the Department considers the Applicant's request to change the timing of Condition E37 from prior to construction to within three months of the commencement of operation is acceptable. Also, the Department considers that it would be difficult for the Applicant to verify the noise emissions for the operation of the Stage 1 DA warehouses prior to their construction. The Department has therefore recommended an amended Condition E37 with the new timeframe to submit noise verification reports to the satisfaction of the Secretary.

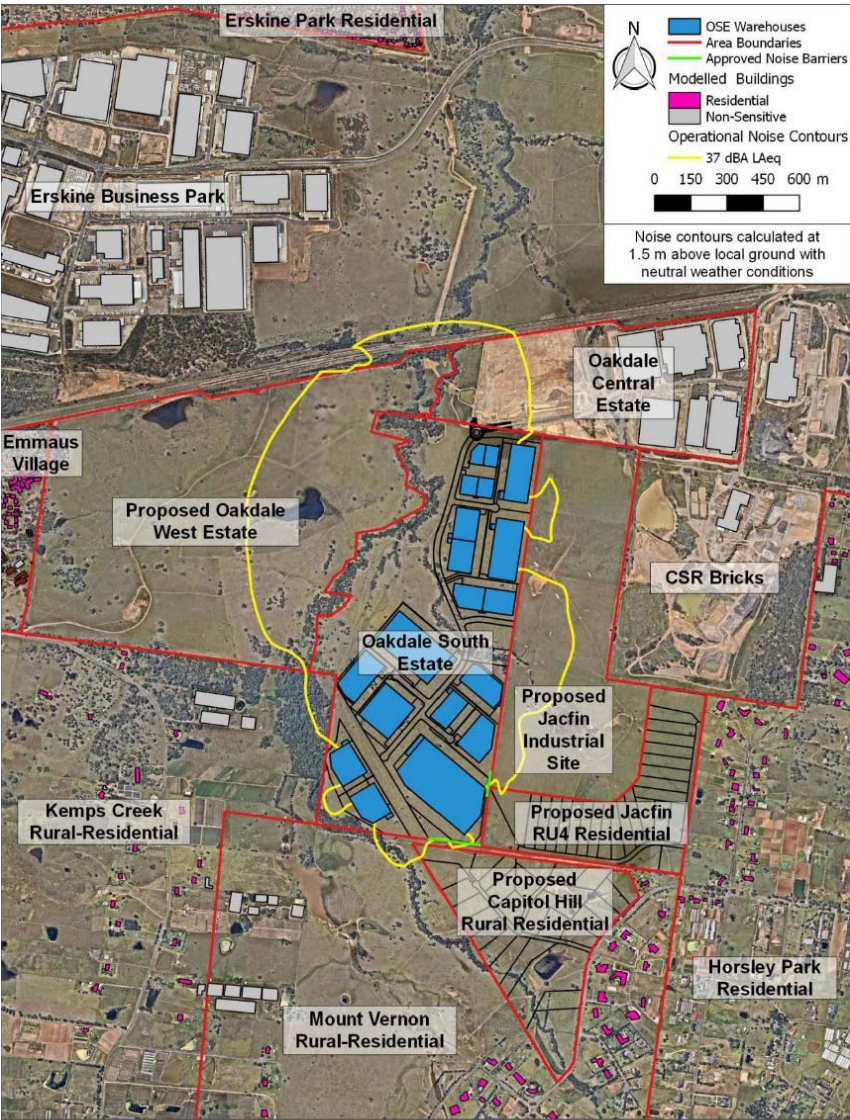


Figure 10: Noise Contours of Approved Concept Proposal - Neutral Conditions

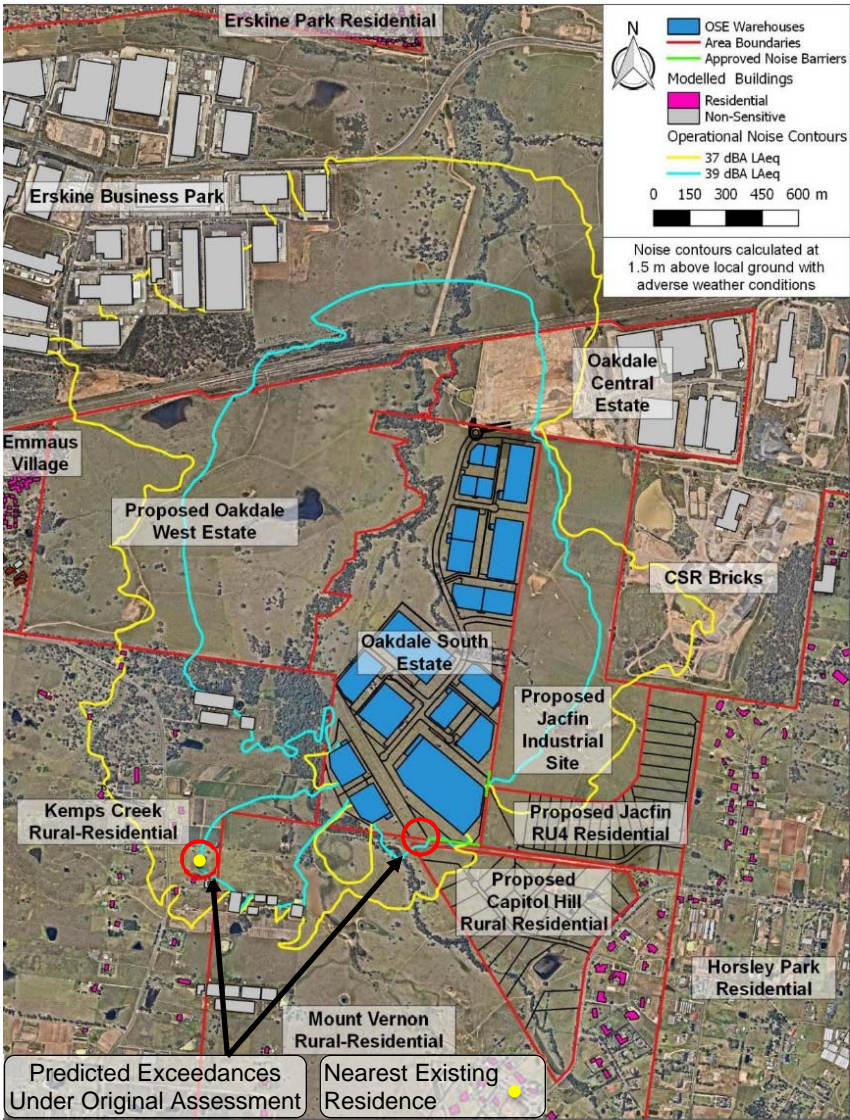


Figure 11: Noise Contours of Approved Concept Proposal - Adverse Conditions

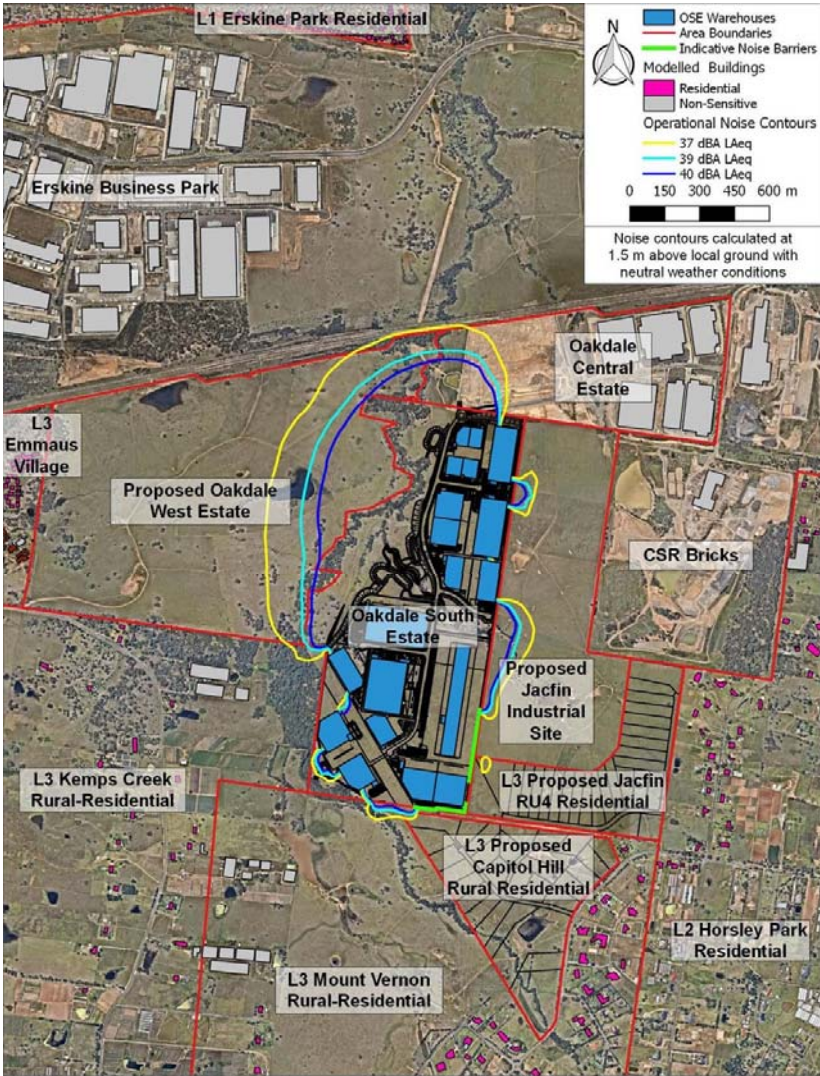


Figure 12: Proposed Cumulative Operational Noise Contours - Neutral Conditions

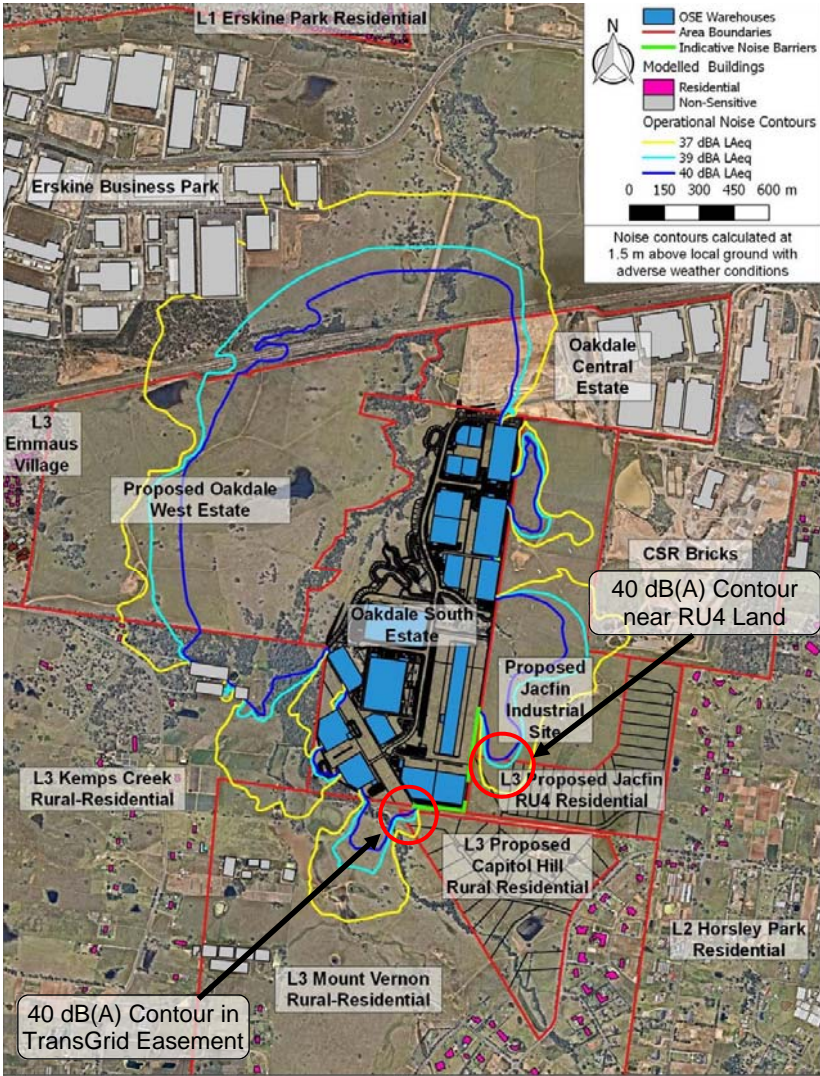


Figure 13: Proposed Cumulative Operational Noise Contours - Adverse Conditions

7.2 Traffic

The proposed modifications to the Concept Proposal and Stage 1 DA seek to amend the estate's internal road layout and access points, building envelopes and reduce the approved GFA's by 132,331 m². These amendments have the potential to impact internal vehicle movements and anticipated traffic volumes when applying the trip generation rates for similar industrial developments under the *RMS Guide to Traffic Generating Development* (2002) (RMS Guide). The Applicant has also suggested revised site levels would reduce the volume of imported fill and consequently the volume of construction traffic delivering fill.

The modification application includes a Traffic Impact Assessment (TIA), assessing the changes in anticipated traffic volumes and access impacts of the proposed modification.

The Department considers the key issue for assessment is the anticipated change in traffic volumes for construction and operation of the development, discussed in the following section. The Department's assessment of access and car parking amendments are provided in **Table 8**.

7.2.1 Construction Traffic Volumes

The Applicant has stated the revised site layout results in amended site levels which reduce the total volume of fill required to be imported from 1,007,000 m³ to 932,400 m³ (a reduction of 7.4%). The TIA predicts the amended development would not generate additional volumes of construction traffic in excess of the volumes originally assessed. The Department is satisfied the local road network can adequately cater for construction traffic for the duration of the Stage 1 DA works.

7.2.2 Operational Traffic Volumes

The modified Concept Proposal layout equates to an overall reduction in warehouse and office GFA. In modelling the road infrastructure requirements in the WSEA, the Department's Lands Release team assigned a vehicle generation volume of 672 veh/hr for the Oakdale South area.

The approved Concept Proposal anticipated 645 veh/hr for the entire estate during operation. The Stage 1 DA was anticipated to generate 388 veh/hr based on the approved GFAs. As shown in **Table 4** below, the proposed modification would generate 104 less vehicle trips under the Concept Proposal and 217 fewer trips under the Stage 1 DA and would remain below the anticipated volume for the regional road network. The TIA concluded this would result in reduced traffic movements when applying the RMS Guide.

Table 4: Concept Proposal and Stage 1 DA Predicted Traffic Volumes - Approved vs Proposed

	Approved Vehicle Trips / Hour (Trips/Day)	Proposed Vehicle Trips / Hour (Trips/Day)	Change in Vehicle Trips / Hour
Concept Proposal	645 (15,400)	541 (12,984)	-104
Stage 1 DA	388 (9,312)	171 (4,104)	-217

Neither RMS, TfNSW or Council raised any concerns regarding the amended traffic impacts or traffic volumes of the modified development.

The Department's assessment concludes the amendments to the predicted traffic volumes for the Concept Proposal and Stage 1 DA would lower than those originally assessed and approved. The Department is satisfied the proposed modification would reduce the cumulative traffic impacts of the development during construction and operation. Existing conditions require future DAs to include traffic assessments to ensure the cumulative traffic impacts remain consistent with the development as originally assessed. On this basis, the Department has recommended conditions in the notice of modification incorporating the revised plans.

7.3 Biodiversity

The proposed amendments to the estate layout will cause an increase in the total development footprint and the amount of site clearing which could impact biodiversity values and ecosystem credits generated in the proposed biodiversity offset area.

The approved Stage 1 DA will clear 3.58 ha of native vegetation from the site. Existing conditions of consent require the Applicant to retire 160 ecosystem credits in accordance with the *Framework for Biodiversity Assessment* (FBA). To offset these impacts, the Applicant intends to establish a biodiversity offset area adjacent to the development footprint of the Stage 1 DA.

The Applicant prepared a revised Biodiversity Assessment Report (BAR) and Biodiversity Offset Strategy (BOS) in accordance with the FBA. The Applicant has also prepared a revised Vegetation Management Plan (VMP) to address the existing conditions of consent and the revised creek realignment works, discussed in **Sections 7.3.2** and **7.4** respectively.

7.3.1 Biodiversity Assessment and Biodiversity Offset Strategy

Proposed amendments to the development footprint and subdivision layout will increase the area of precinct 3 by 2.41 ha. Part of this increase requires the north western boundary of Lot 3A to move into the proposed offset area to accommodate bulk earthworks and heavy vehicle route from Estate Road 04 to the loading dock area (see **Figure 14** and **Figure 15**). This would increase the area of site clearing by approximately 0.42 ha. The Applicant suggests the additional clearing is limited to the removal of exotic grasslands and no increase in plant community type (PCT) clearing is anticipated (see **Table 5**).

The BAR suggests the proposed modification would reduce the total number of ecosystem credits generated in the proposed offset area by 22, comprising of 7 credits for Forest Red Gum - Rough-barked Apple grassy woodland and 15 credits for the Swamp Oak swamp forest fringing estuaries PCTs (see **Table 6**).

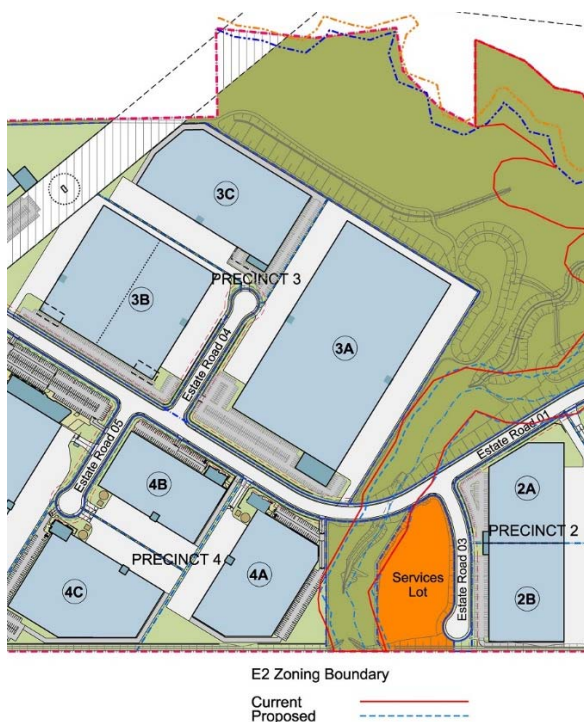


Figure 14: Approved Lot 3A Boundary

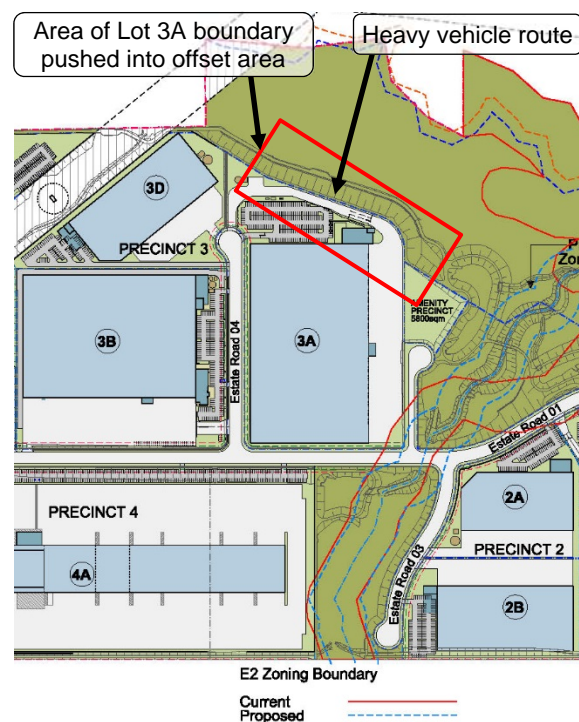


Figure 15: Proposed Lot 3A Boundary

Table 5: Comparison of Vegetation Clearing - Approved vs Proposed

PCT	TSC Status	Approved removal area under SSD 6917 (ha)	Proposed removal under SSD 6917 MOD 1 (ha)	Change (ha)
HN526: Forest Red Gum - Rough-barked Apple grassy woodland on alluvial flats of the Cumberland Plain, Sydney Basin.	EEC	2.11	2.11	Nil
HN528: Grey Box - Forest Red Gum grassy woodland on flats of the Cumberland Plain.	CEEC	0.31	0.29	-0.02
HN594: Swamp Oak swamp forest fringing estuaries, Sydney Basin Bioregion and South East Corner Bioregion.	EEC	1.16	1.15	-0.01
Cleared Land (Exotic Grasslands)	-	91.27	91.72	+0.45
Total	-	94.85	95.27	+0.42

Table 6: Changes in Ecosystem Credits in On-site Offset under Proposed Modification - Approved vs Proposed

PCT	Credits Required from SSD 6917 Clearing	Credits Generated in SSD 6917 Offset Area	Credits Generated in SSD 6917 MOD 1 Offset Area	Credit Surplus Under SSD 6917 Mod 1 Offset Area
HN526: Forest Red Gum - Rough-barked Apple grassy woodland	104	145	140	36
HN528: Grey Box - Forest Red Gum grassy woodland	13	0	0	0
NH594: Swamp Oak swamp forest fringing estuaries	43	95	79	36
Total	160	240	218	72

Despite the reduction in ecosystem credits, the assessment concluded the proposed offset area would still be capable of providing 147 of the 160 credits required. The Applicant intends to purchase and retire the 13 Grey Box PCT ecosystem credits from an off-site location to offset its loss as the PCT is not present in the proposed offset area. The establishment of the offset area and the requirement to secure Grey Box PCT credits would be subject to a formal application to the OEH.

The Department's assessment concludes the modification would not create any additional biodiversity impact in excess of those impacts previously assessed. The Department is satisfied the proposed on-site offset area can offset the full vegetation loss from site clearing under the Stage 1 DA. This is consistent with the Department's original assessment. Existing conditions of consent would ensure these impacts are mitigated, subject to minor administrative amendments to reference updated documents.

7.3.2 Vegetation Management Plan

The Applicant submitted a revised VMP to reflect the revised management zones in the offset area and riparian corridor. The revised VMP identifies revised restoration zones and delineates the offset area the Applicant intends to lodge a BioBanking application for with the OEH.

During the assessment of the Oakdale South Industrial Estate (SSD 6917), OEH advised it preferred an approach where the VMP encompassed both the proposed offset area and riparian corridor to ensure the lands are managed comprehensively. However, OEH advised the management works in the riparian areas would be retired without transfer and would not contribute to the credit offset needed for the development. This would ensure the VMP works do not trigger an existing conservation measure under clause 4(1) or 11 of the *Threatened Species Conservation (Biodiversity Banking) Regulation 2008*.

To clarify this arrangement, the revised VMP details the overall vegetation management zones (see **Figure 16**) and specific management zones along the riparian corridor where the Applicant intends to implement management measures consistent with the *Water Management Act 2000* (see **Figure 17**).

The Department has reviewed the revised VMP and is satisfied it clarifies the management measures that would be implemented in the riparian corridor and creek realignment area, subject to including reference to the updated documents in the recommended notice of modification.

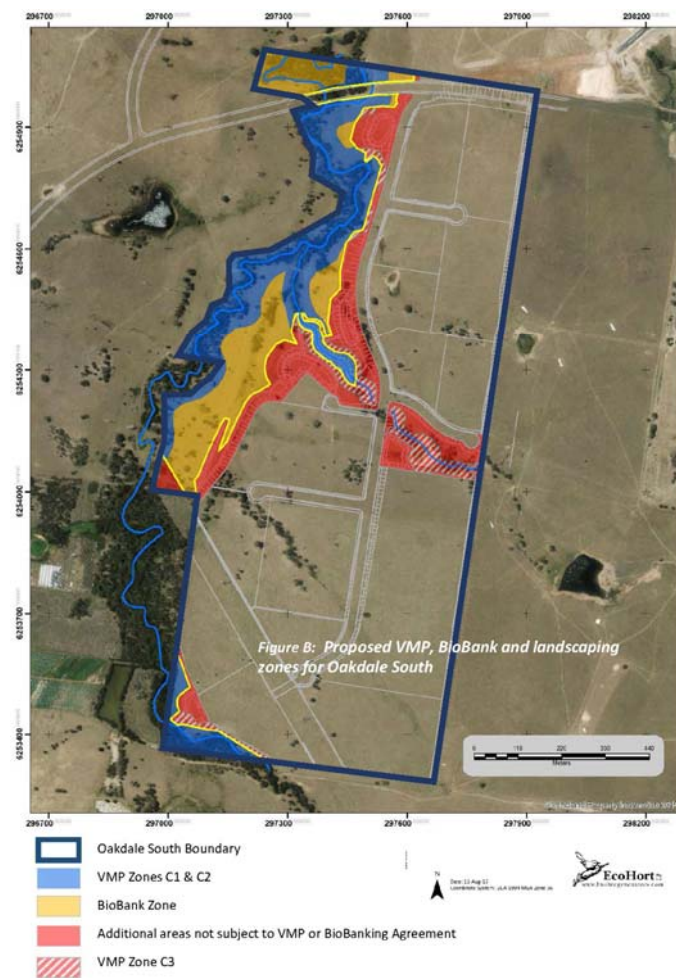


Figure 16: Revised Vegetation Management Zones under VMP

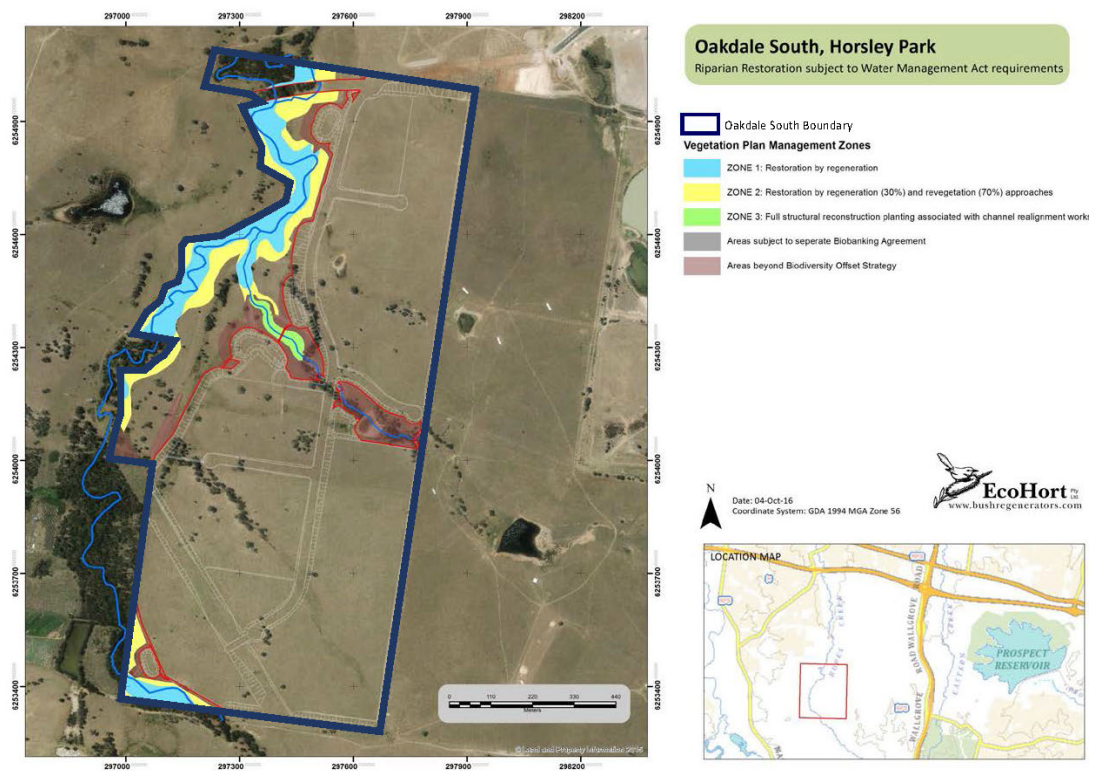


Figure 17: Proposed Riparian Restoration Areas in Revised VMP

7.4 Waterways and Riparian Areas

The proposed site layout amends the crossing of Estate Road 01 over drainage line 1 of Ropes Creek. This has the potential to alter hydraulic performance and may cause downstream impacts on riparian areas. The application includes an amended creek realignment to respond to the revised location of the culvert crossing of Estate Road 01 and a revised assessment of the riparian corridor and realignment works. The assessment aims to meet the requirements of DPI's *Guidelines for Watercourse Crossings on Waterfront Land 2012* and *Guidelines for Instream Works on Waterfront Land 2012*.

The revised realignment design would facilitate the amended site layout and amenity lot and would:

- increase the overall length of realignment works from approximately 250 m to 410 m;
- retain the existing farm dam as a habitat feature;
- retain a small extent (50 m) of creek as a low flow channel;
- include a high flow bypass channel to divert stormwater from the retained extents of Ropes Creek during flood events;
- incorporate instream benches, pools and riffles to improve hydraulic conditions; and
- provide a shorter single road crossing with two box culvert structures (one for drainage and one for fauna passage) (see **Figure 18**).

DPI raised no objection to the revised realignment design and requested conditions requiring the design to: ensure consistency with their guidelines for *Controlled Activity on Waterfront Lands*, facilitate fauna passage, restore the area to a stable, naturalised system; and ensure the banks are fully vegetated with native plant and tree species. The Department notes the updated AECOM watercourse design and updated civil plans by AT&L respond to and incorporate DPI's comments. The revised VMP and riparian management zones have been designed to integrate with the updated design for specific plant species and management measures within the riparian zones.

The Department considers the addition of further riparian features including pools, benches, riffles and a low/high bypass channel will provide improved hydraulic performance of the realigned creek and provide for improved revegetation plantings while facilitating the amended Concept Proposal and Stage 1 DA layout. The Department considers the existing conditions of consent provide satisfactory controls for the riparian area, subject to administrative changes to reference the updated design plans and VMP and require their implementation in the recommended notice of modification.

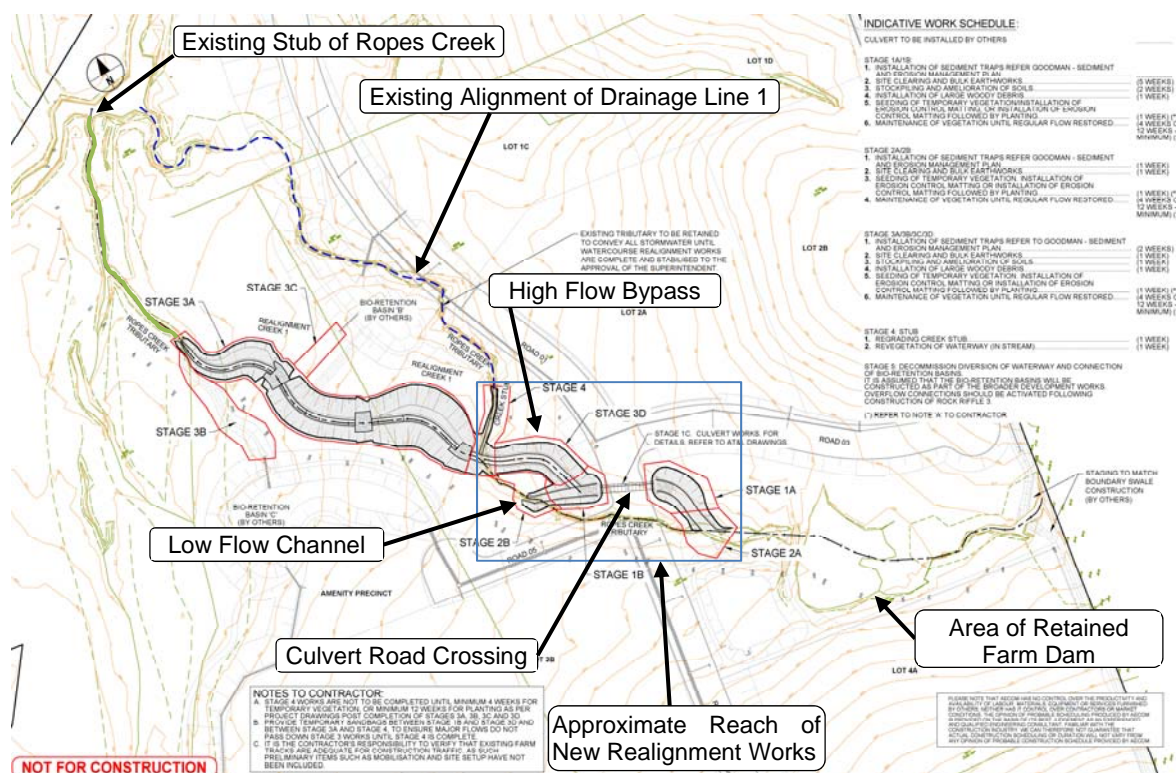


Figure 18: Overview of Amended Ropes Creek Realignment Works

The Department's assessment concludes the modified creek realignment works would have minimal additional environmental impacts beyond those previously assessed under SSD 6917, which would be primarily limited to initial earthworks and the establishment of revegetated areas. These impacts can be effectively managed through the revised VMP submitted with the modification application.

7.5 Urban Design and Visual Impacts

Proposed amendments to the internal road, subdivision and building envelope layout have the potential to alter the visual impact of the development on nearby residential receivers as compared to the original development. The following sections assess the urban design and visual impacts of the proposed modifications.

7.5.1 Urban Design and Built Form

The approved Concept Proposal incorporates a broad lot layout to accommodate six development precincts containing 15 building envelopes for warehousing and ancillary office uses. The modification seeks consent to amend the configuration of building envelopes and conceptual subdivision layout. The Applicant does not seek to change any of the existing development controls for the Oakdale South Industrial Estate (SSD 6917).

The proposed amendments to the estate layout would:

- remove the 'services lot' next to Estate Road 03;
- include a 5,800 m² amenities lot next to Lot 3A;
- include a fifth lot for an additional stormwater basin to the north of Lot 4A;
- amend the subdivision layout of the estate as shown in **Figure 19** to create individual allotments for future tenants proposed under SSD 7663 (Lot 3B) and SSD 7719 (Lot 3A);
- amend the building envelope allocation across the precincts as shown in **Table 7** below; and
- reposition part of Lot 3A into the E2 - Environmental Conservation zoned land.

The Applicant does not seek to change the total number of building envelopes under the Concept Proposal, however the proposed layout would reduce the developable GFA of the estate from 395,880 m² to 331,311 m². The revised Concept Proposal and Stage 1 DA plans comply with existing conditions B7 (requiring revised Concept Proposal drawings to include landscape buffers on the southern and eastern boundaries) and D6 (requiring revised Stage 1 architectural plans showing the same landscape buffer treatments). The proposed amendments to the estate layout would also change the site levels and civil works and reduce the volume of fill required to be imported by 74,600 m³.

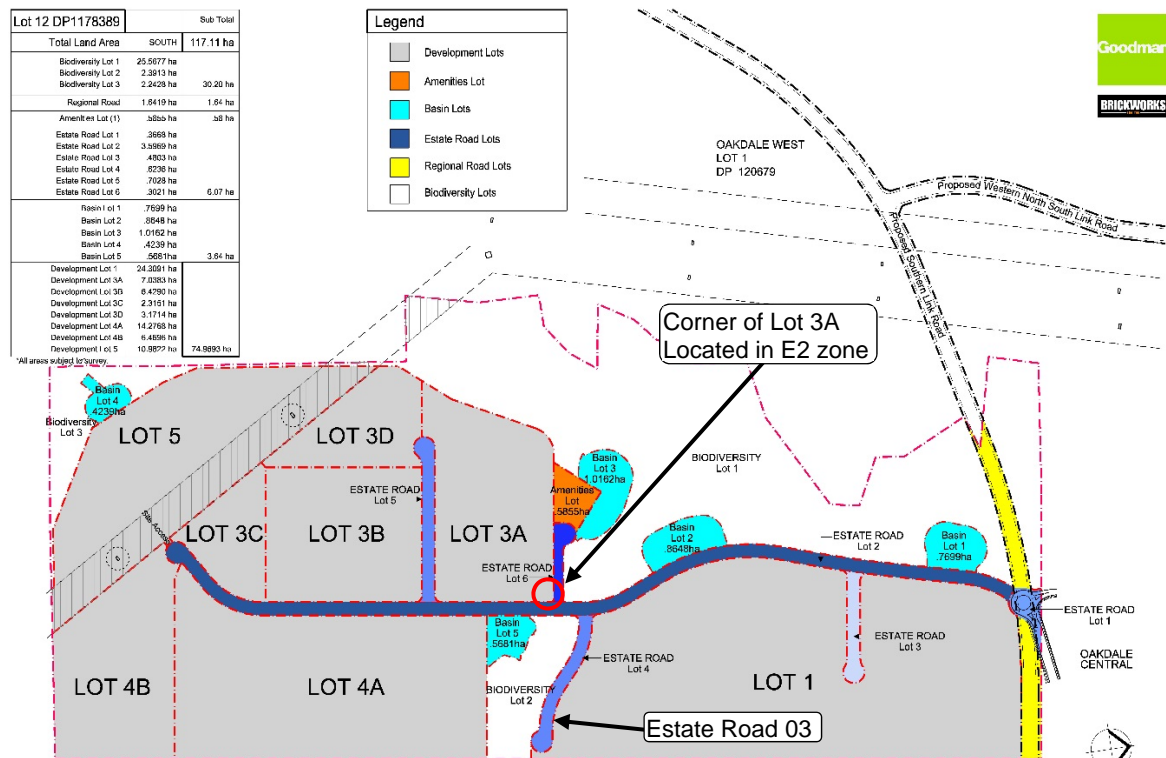


Figure 19: Revised Subdivision Layout

Table 7: Changes to Precinct Building Envelope Allocation

Precinct	Approved Envelope Allocation	Proposed Envelope Allocation/(Change)
1	5	5 / (-)
2	1	2 / (+1)
3	3	4 / (+1)
4	3	1 / (-2)
5	1	1 / (-)
6	2	2 / (-)
Total	15	15

Existing Condition B10 sets out the general development controls for the Concept Proposal, Stage 1 DA and future DAs (frontages, setbacks, height, minimum lot size and site coverage). Existing Condition B11 sets a 13.7 m height limit for all warehouse buildings in precincts 3, 4 and 5.

The Department notes the proposed amended lot sizes comply with the minimum lot size of 5,000 m² and site coverage control of 65 % (60.9 % under the modified Concept Proposal and average site coverage of 55.5 % in precinct 1). The Department is also satisfied the modified Concept Proposal and Stage 1 DA comply with the setback requirements under conditions B10 and B11.

In respect to the encroachment of the north eastern corner of Lot 3A into the E2 corridor, the Applicant has advised the area that falls within the E2 land would not be developed for warehousing purposes. To ensure this occurs, the Department has recommended a condition under the Concept Proposal stating the use of the area zoned E2 on the north east corner of Lot 3A shall be restricted to landscaping.

The Department's assessment concludes the revised building envelope and subdivision layout under the Concept Proposal complies with the development controls within the development consent. The Department is satisfied existing conditions would ensure future developments are consistent with the estate development controls and future applications would assess compliance with the detailed design of warehouse buildings in the remaining estate precincts.

7.5.2 Visual Impacts

The amended site and building envelope layout have the potential to alter the visual impacts of the development from nearby residential dwellings and for future dwellings on adjacent residential and rural residential land.

The Applicant has submitted an updated Visual Impact Assessment (VIA) of the proposed Concept Proposal layout to assess the future visual impacts from a range of vantage points surrounding the site (see **Figure 20**). The Department considers views potentially most affected are those from the south at the vacant Capitol Hill Subdivision and from existing dwellings along Greenway Place to the east.

Precinct 4 would replace three separate smaller envelopes with one elongated envelope parallel to the eastern boundary. The envelope in precinct 5 would be scaled down, but would be moved closer to the 30 m deep, 5 m high earth bund setback along the southern boundary (see **Figure 6**).

The application seeks to remove all warehouse building construction works in precincts 4 and 5 from the Oakdale South Industrial Estate development consent. The Department notes detailed assessment of the impacts of future warehouse buildings in these precincts will form part of separate DAs.

Existing conditions of consent require the Applicant to:

- provide 30 m vegetated setbacks along the southern property boundary, straddling the TransGrid easement;
- provide a minimum landscape setback of 10 m along the eastern property boundary;
- provide 5 m setbacks along all other property boundaries to adjacent lands; and
- prohibit operational activities along the southern property boundary to preserve the visual amenity of future residential dwellings in the Capitol Hill Subdivision to the south.

Council requested a 30 m landscape buffer be constructed along the eastern boundary, adjacent to the Jacfin RU4 zoned land to ensure the future amenity of this land is maintained. In its RTS, the Applicant argued a 30 m landscape buffer is not warranted as the local topography (undulating slopes which increase in height moving from west to east) at the site boundary, the proposed 10 m landscape buffer treatment and noise wall would provide sufficient visual amenity and acoustic performance. The

Applicant has also advised the proposed buffer would incorporate plantings with mature heights between 8 and 30 m to screen the development.

Council advised the Applicant's justification of the required 10 m landscape setback is suitable, subject to the development achieving acoustic amenity.

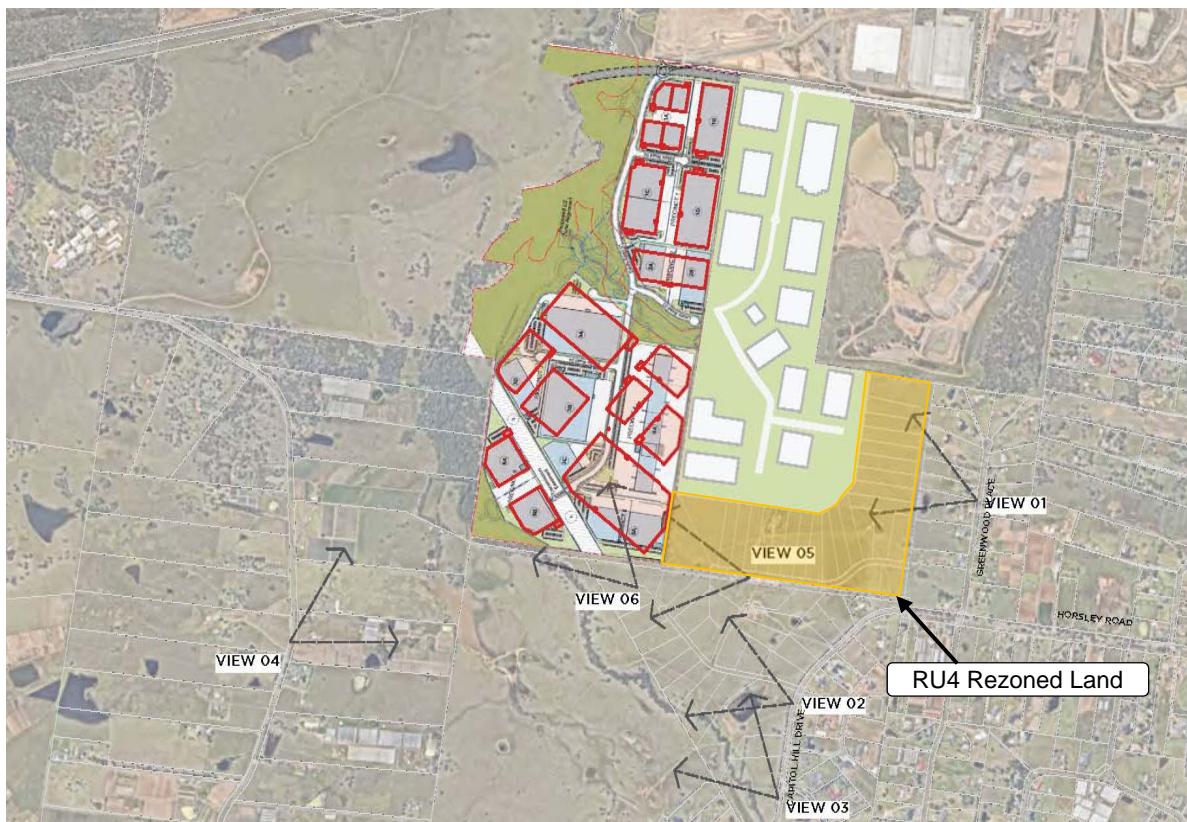


Figure 20: View Locations from Approved (Red Outlines) and Proposed Concept Proposal Layout

The Department has reviewed the Applicant's updated VIA and has formed the opinion that:

- views from Greenway Place (view 01 in **Figure 20**) would be screened by future development and the extended noise walls. The 10 m landscape buffer required under the Concept Proposal and Stage 1 DA would screen the noise walls;
- revised bulk earthwork levels would create building pads below the existing ground levels and reduce the visual prominence of future warehouse buildings along the eastern and southern boundaries;
- views from locations 02 and 03 (see **Figure 20**) would be obscured by an existing ridgeline running east to west in the Capitol Hill subdivision and are generally consistent with the visual impacts of the development as originally approved; and
- views to the north from the Capitol Hill subdivision (view 06 in **Figure 20**) would be impacted by the development, however these impacts would be consistent with those originally assessed. The amended layout would be partially screened by the 30 m landscape setback containing the 5 m high vegetated earth bund wall (see **Figure 21**) and further mitigated by earthwork levels in the south west corner of the site (up to 6 m of cut). The Department notes the presence of the TransGrid easement prevents the bund wall from covering the entire southern site boundary (see **Figure 22 to 25**).



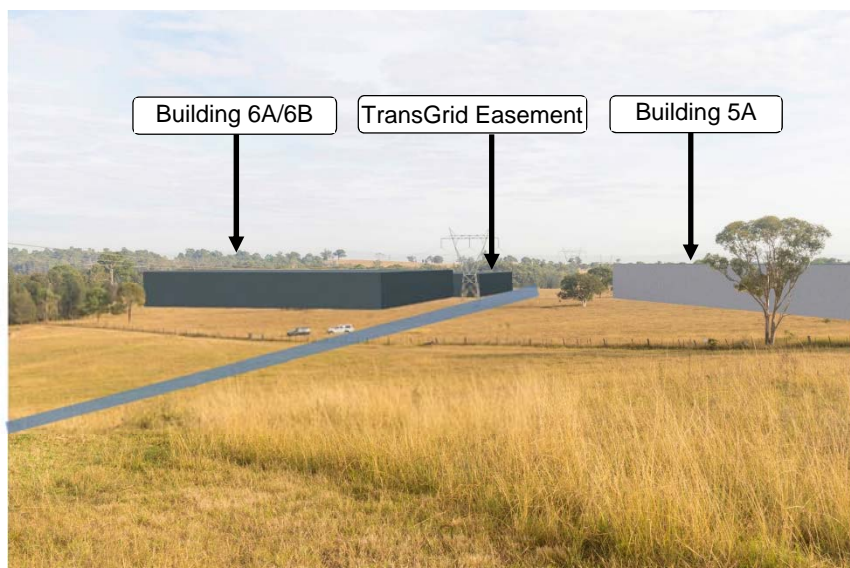


Figure 22: Approved Layout - No Landscaping

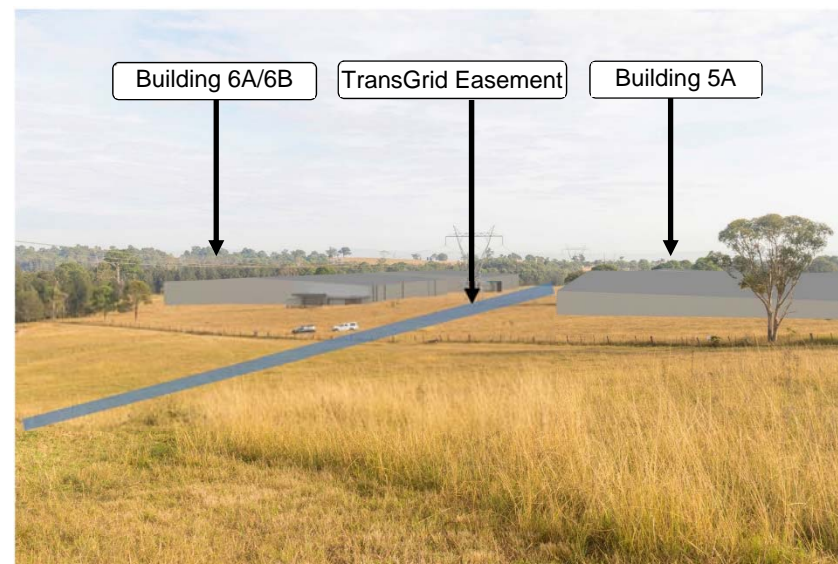


Figure 23: Proposed Layout - No Landscaping

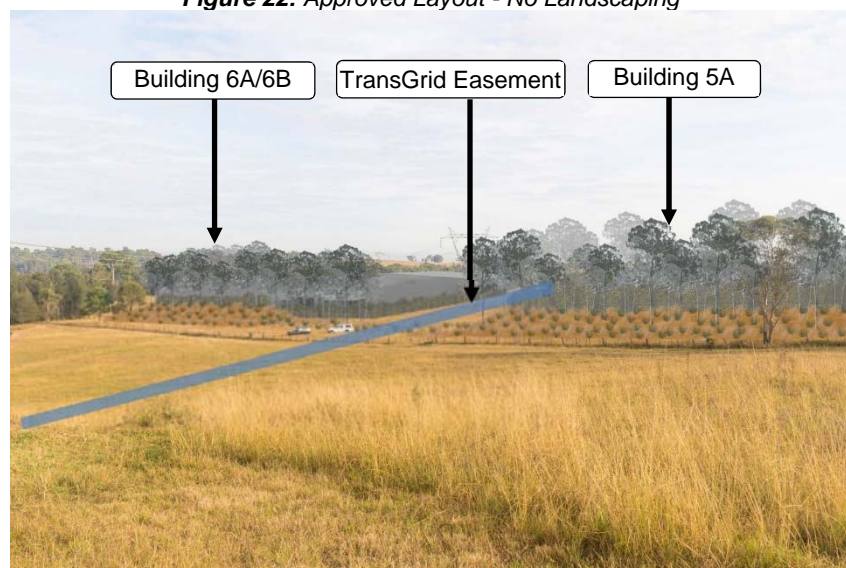


Figure 24: Approved Layout with Landscape Buffer

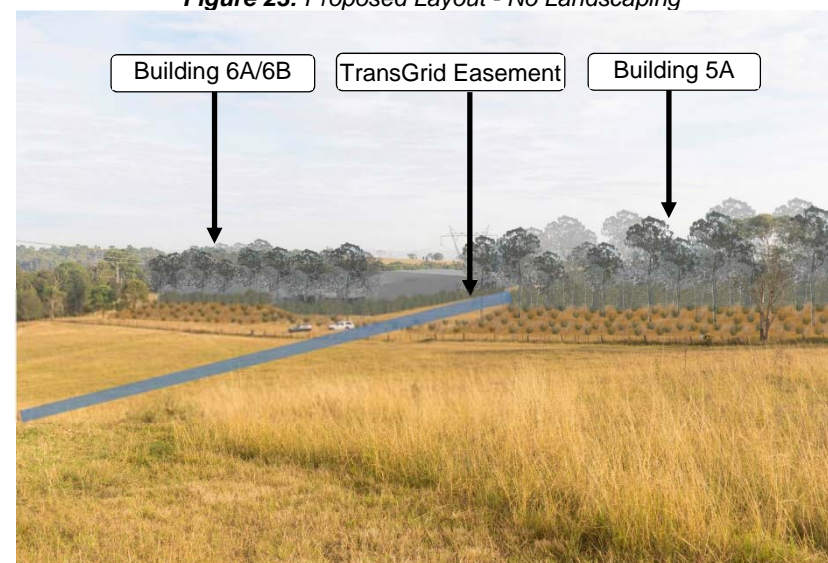


Figure 25: Proposed Layout with Landscape Buffer

Accordingly, the Department considers the amended Concept Proposal and Stage 1 DA would not be considered a dominant feature in views of the broader visual landscape from vantage points surrounding the site. The Department is satisfied the visual impact of the modified Concept Proposal and Stage 1 DA is acceptable and similar to the development as originally approved.

The Applicant has provided plans incorporating the required design amendments for the southern and eastern boundary treatments as required by Condition B7. On this basis the Department has recommended updated conditions in the notice of modification to reflect the revised interface designs, including updated landscape, architectural and boundary treatment plans.

7.6 Other Issues

The Department's assessment of other issues is provided in **Table 8**.

Table 8: Assessment of Other Issues

Issue	Assessment	Recommendation
Stormwater, Drainage and Flooding	<p><u>Stormwater and Drainage</u></p> <ul style="list-style-type: none"> Amendments to the site layout and levels may potentially change post-development stormwater catchments and flows. The application includes a Civil, Stormwater and Infrastructure Services Report (Stormwater Strategy) assessing the amendments to civil and stormwater infrastructure in the revised Concept Proposal and Stage 1 DA. The revised Stormwater Strategy includes a fifth stormwater detention basin (Basin E) located to the north of Lot 4A and amended stormwater catchments. The Stormwater Strategy concluded the updated stormwater and civil works would: <ul style="list-style-type: none"> meet Council's nutrient targets and not place extra pressure on Council's stormwater system; provide a combined on-site detention (OSD) capacity of 26,093 m³, consistent with the minimum OSD capacity under the Concept Proposal (~21,000 m³), sized to accommodate flows up to and including a 100 year ARI event continue to provide rainwater storage to achieve a minimum of 50 % re-use. Council reiterated its comments on stormwater provided for the assessment of SSD 6917. The Department addressed these concerns via conditions of consent. The Department is satisfied the revised stormwater strategy is consistent with the Concept Proposal and is able to ensure post-development stormwater flows are managed to pre-development flow levels. <p><u>Flooding</u></p> <ul style="list-style-type: none"> Revised site levels and building footprints have the potential to alter flood behavior and cause off-site flood impacts. The application includes an addendum Flood Impact Assessment (FIA) to assess any changes in flooding impacts from the proposed modifications. The FIA concluded: <ul style="list-style-type: none"> localised increases and decreases in 100 ARI flood event levels would occur in the revised layout but are confined within the existing Ropes Creek flood plain; and the localised changes would not impact any adjoining property or infrastructure assets. Council and TransGrid raised no issues regarding flooding impacts. WaterNSW raised no objection to the modification and supported the conclusions of the FIA that impacts to the Warrigamba Pipelines would remain the same or slightly decrease under the proposed modification. The Department is satisfied flooding impacts for the modification application are minor and can be managed through existing conditions of consent. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> submit an updated Stormwater Management Plan to reflect the modified development; and update documents in the development consent.

Issue	Assessment	Recommendation
	<p><u>Conclusion</u></p> <ul style="list-style-type: none"> The Department's assessment concludes the proposed modifications to the Concept Proposal and Stage 1 DA would have minimal stormwater, drainage and flooding impacts. The Department has recommended administrative amendments to Condition C17 to include the most recent assessments and new Condition F9 requiring the Applicant to update the approved Stormwater Management Plan to reflect the new layout. The Department has also updated the list of approved plans in the development consent. 	
Internal Road Layout and Connections	<ul style="list-style-type: none"> The modification application seeks to amend the Concept Proposal layout and alter the internal road layout and access points for the majority of development lots. The amendments would realign the central Estate Road 01 (spine road), remove Estate Road 05, add new Estate Road 04 to provide access to the 'amenities lot' and realign Estate Road 03 to provide driveway access to lots 2A and 2B. No changes to the access arrangements leading to the site via the roundabout at Millner Avenue are proposed. Council raised no concerns regarding access. The Applicant's proposed road layout intends to provide for a future local connection between the site and the adjacent Jacfin site. The Applicant does not seek to construct this connection as part of the current approval. However, the revised Estate Road 03 alignment is inconsistent with Condition B7, which requires the alignment to be revised in accordance with the plans listed in that Condition and shows a gap between Estate Road 03 and the property boundary of the site (see Figure 19). The Jacfin submission requested the Applicant extend Estate Road 03 through to the boundary of Lot A at Burley Road and alter its position 17.5 m to the north to facilitate a future connection to Local Road 1 under the Jacfin Horsley Park Concept Plan (MP 10_0129). The Department notes the location of Local Road 1 only forms part of the Concept Plan approval (MP 10_0129). The Department acknowledges a road connection between the sites may provide greater connectivity in the local road network and would be possible under the revised lot layout. However, no connection is proposed as part of the modification and no traffic assessment for such a connection has been provided. Notwithstanding, the Department considers the Estate Road 03 alignment should be extended to the property boundary, consistent with the original assessment of SSD 6917, to facilitate a possible future connection. On this basis, the Department has recommended an amendment to Condition B7 and a new Condition B7A requiring the Applicant to submit revised Concept Proposal drawings showing Estate Road 03 being extended to the Boundary of Lot A, Burley Road. The Department's assessment concludes the revised internal road layout would continue to provide adequate internal access to each development precinct for up to B-Double class vehicles. Existing conditions require the Applicant to finalise detailed road designs in accordance with Council's engineering requirements and the relevant Australian Standards. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> submit revised Concept Proposal drawings showing the cul-de-sac of Estate Road 03 extended to the boundary of Lot A, Burley Road.
Car Parking	<ul style="list-style-type: none"> The net reduction in GFA of 64,569 m² under the Stage 1 DA will reduce the number of car parking spaces required under the approved rates. The Applicant seeks to remove car parking provisions for precincts 4 and 5 from Condition E5 to reflect the amended Stage 1 DA. This will reduce the number of car parks provided from 1,256 to 591. No changes to the existing car parking rates are proposed. The proposed amendment would still provide a surplus of 117 car parks over the minimum required by the approved Concept Proposal rates under Condition C5. Car parking for the remaining stages would be assessed as part of future DAs. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> provide the amended number of car parking spaces in accordance with Australian Standards.

Issue	Assessment	Recommendation
	<ul style="list-style-type: none"> • Council and RMS raised no issues with the proposed amendments to the provision of car parking spaces. • The Department has assessed the proposed amendments to car parking under the Stage 1 DA and is satisfied the provision of car parking is consistent with the Concept Proposal, despite the reduction of six car parks in precinct 1. • The Department also notes the revised plans remove the proposed car parks from precinct 6 to outside of the TransGrid Easement limited by Condition B9(b). • The Department has recommended administrative amendments to Condition E5 to reflect the Applicant's proposed modification for proposed car parking provisions in the Stage 1 DA. 	
Proposed Amenity Lot	<ul style="list-style-type: none"> • As part of the amended estate layout, the Applicant proposes to include a 5,800 m² amenity lot to the north of Lot 3A, with the construction and use of the lot to be sought in a future DA. • Council advised it does not support a restaurant or industrial retail outlet precinct/centre on the amenity lot due to its potential to exceed the needs of the development site and potentially undermine existing centres. • The Applicant advised a preferred use, design or layout in the proposed amenities lot has not been confirmed. • The Applicant advised the lot would be developed to service the future amenity needs of employees of the broader Oakdale Estate encompassing Oakdale Central, South and West, dependent on future analysis and forecast of amenity needs. • The Department notes the only permissible 'amenity' uses under the IN1 zone include food and drink premises, industrial retail outlets and neighbourhood shops. • The Department also notes the objectives of the IN1 zone in the WSEA allows for the provision of small-scale local services that service or support the needs of employment generating uses. • Any future DA would be considered on its own merits and need to demonstrate consistency with the requirements of the WSEA SEPP and the objectives of the IN1 zone. • To guide the future consent authority in the assessment of a future DA on the amenity lot, the Department has recommended new Condition C20 requiring the potential uses of the lot be consistent with the objectives of the IN1 - General Industrial Zone of the WSEA SEPP. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> • comply with new Condition C20 to guide future uses on the amenity lot.
Landscaping	<ul style="list-style-type: none"> • The revised estate layout results in amended internal and perimeter landscape treatments to soften the visual impact of the development. • The Applicant provided revised landscape plans to reflect the revised site layout and perimeter landscape buffers to the east and south. • Fairfield City Council requested a condition requiring the Applicant to install the southern and eastern landscape treatments as part of the initial bulk earthworks phase of construction. • Existing Condition E63 requires the Applicant to install perimeter landscape works prior to the commencement of construction where practical and feasible. • To provide more certainty regarding the implementation of mitigation measures in precincts 4 and 5, a revised Condition E63 has been recommended requiring the Applicant to install perimeter landscaping treatments along the outside boundaries of precincts 4 and 5 following the completion of bulk earthworks and retaining walls where planting would occur. • The Department is satisfied the updated landscape treatments would soften the visual bulk and scale of the development and existing conditions afford adequate controls for ongoing management and maintenance. • The Department has also updated the list of approved landscape plans to ensure works are carried out as approved. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> • implement landscape plantings along the outside boundaries of precincts 4 and 5 following the completion of final site levels and retaining walls; and • manage through existing conditions of consent.
Bushfire and Fire Protection	<ul style="list-style-type: none"> • Mapped bushfire prone land is located adjacent to several proposed warehouse building envelopes. The proposed revegetation works 	<p>Require the Applicant to:</p>

Issue	Assessment	Recommendation
	<p>also have the potential to introduce a bushfire risk to the revised site layout.</p> <ul style="list-style-type: none"> The Applicant has submitted a revised bushfire protection plan detailing the APZ's required by <i>Planning for Bushfire Protection 2005</i> (PBP 2006). Existing conditions of consent require the Applicant to register a section 88E restriction for the defendable zones and construct bushfire affected buildings in accordance with the construction standards of PBP 2006 and the <i>Bushfire Construction Standard - A.S. 3959 - 2009</i>. The Applicant also submitted an updated APZ plan with revised defendable zones within the estate. The RFS raised no objection to the modification application and recommended conditions to establish asset protection zones (APZ) along the eastern boundary of Biodiversity Lot 1 and the northern boundaries of Biodiversity Lot 2 and 3 and a 10 m APZ along the southern boundary of Biodiversity Lot 2. RFS also recommended conditions to ensure water, electricity and gas, access, evacuation and emergency planning, bushfire construction standards and landscaping comply with the relevant provisions of PBP 2006. The Department has reviewed comments from the RFS and considers the addition of specific compliance with PBP 2006 is administrative in nature but appropriate. The Department has therefore recommended revisions to conditions C8, C9 and D16 to ensure building and lot references are consistent with the modified layout, and require an updated section 88E restriction to the amended APZs. The Department has also recommended new condition E76 requiring the Applicant to prepare a Bushfire Emergency Evacuation Plan in accordance with PBP 2006. 	<ul style="list-style-type: none"> comply with the relevant sections of PBP 2006; update the Section 88E restriction for the amended APZs; and prepare a bushfire emergency evacuation plan.
Air Quality	<ul style="list-style-type: none"> The application includes an air quality impact assessment (AQIA) of the revised Concept Proposal and Stage 1 DA. The AQIA concluded the modified development would comply with the relevant ambient air quality criteria at all surrounding sensitive receptors and dust emissions during construction are not anticipated to change from those already assessed. The Department considers existing conditions of consent requiring the Applicant to implement best practice air quality management during construction and operation would afford adequate controls to manage air quality impacts of the modified development. 	<ul style="list-style-type: none"> N/A
Aboriginal Cultural Heritage	<ul style="list-style-type: none"> The DA included an addendum letter to the aboriginal cultural heritage assessment for SSD 6917. The addendum letter concluded the revised development layout would have no additional impact to identified Aboriginal sites investigated as part of SSD 6917. The NSW Heritage Council agreed with the conclusions of the addendum. The Department's assessment concludes that existing conditions of consent and recommendations from the ACH assessment for SSD 6917 would provide adequate controls to manage and mitigate aboriginal cultural heritage impacts. 	<ul style="list-style-type: none"> N/A
European Heritage	<ul style="list-style-type: none"> The DA includes an addendum letter to the European heritage assessment for SSD 6917. The addendum letter concluded the revised development layout would have no additional impact to identified sites of the Lockwood Estate and associated outbuildings. The NSW Heritage Council agreed with the conclusions of the addendum. The Department's assessment concludes existing conditions of consent and recommendations from the European heritage assessment for SSD 6917 would provide adequate controls to manage and mitigate European heritage impacts. 	<ul style="list-style-type: none"> N/A
Proposed Changes to the Limits	<ul style="list-style-type: none"> Condition B9 sets out GFA and design limits for the Concept Proposal, including a limit preventing the location of loading docks 	<ul style="list-style-type: none"> N/A

Issue	Assessment	Recommendation
Under the Concept Proposal	<p>along the southern property boundary to maintain acoustic amenity of the Capitol Hill lands.</p> <ul style="list-style-type: none"> The Applicant seeks to amend Condition B9 relating to the limits of the development consent to reflect the amended site and building layout including: <ul style="list-style-type: none"> updating the plan reference in B9(b) regarding access to precinct 6 through the TransGrid easement; removing B9(c) and (d) from the development consent; and amending Table 1 in B9 to show the revised maximum GFAs under the Concept Proposal. The Department is satisfied the amended Concept Proposal designs submitted with the application comply with Condition B9(c) and B9(d). The Department does not support the removal of these two limits from the development consent due to the potential to compromise the amenity impacts of future properties to the south. However, the Department has recommended administrative changes to Condition B9 to include the revised maximum GFAs and clarify the revised Concept Proposal in precinct 6. 	
Contributions	<ul style="list-style-type: none"> The proposed layout results in amended subdivision, road layouts and developable area of the project. This alters the net developable area (NDA) and monetary contributions for each lot under the <i>Oakdale Central and Oakdale South, Horsley Park Voluntary Planning Agreement</i> (VPA), executed on 12 March 2015. On 17 October 2016, the Deputy-Secretary, Growth, Design and Programs, as the Secretary's delegate, certified the VPA would ensure satisfactory arrangements are in place for regional transport infrastructure and services for SSD 6917. Subject to existing condition D30, the Applicant entered into a Deed of Variation to the VPA on 22 December 2016 to incorporate Lot 87 DP 752041 (Lot 87) in the VPA, include Austral (as landowner of Lot 87) as a party to the VPA, amend the staging of Oakdale South and amend the monetary contributions for the revised layout. On 23 January 2017, the Applicant provided a second irrevocable letter of offer to amend the VPA a second time to reflect the proposed amendments to the development layout. The Department is satisfied satisfactory arrangements are in place for the provision of regional transport infrastructure and services, however, to ensure the required monetary contributions are reflected in the VPA, the Department has recommended amendments to Condition D30 to require the Applicant to enter into a second deed of variation, consistent with its new letter of offer. The Department has recommended an amendment to Appendix 5 of the consent to include the second deed of variation with an annexure containing a conformed VPA incorporating the amendments executed under the first Deed of Variation. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> enter into a second Deed of Variation to amend the VPA within 30 days of the date of SSD 6917 MOD 1.
Energy Efficiency and Sustainability	<ul style="list-style-type: none"> The application includes a revised energy efficiency report detailing ESD initiatives for the reduced scope of the Stage 1 DA. The Department has reviewed the revised assessment and considers it is consistent with the original assessment against clause 20 of the WSEA SEPP. On this basis, the Department is satisfied the modified development is capable of supporting a range of ESD measures to reduce energy use and greenhouse gas emissions. However, the Applicant has advised tenant specific requirements for SSD 7663 (Toyota) and SSD 7719 (Sigma) may differ from the measures required to be implemented under the Sustainability Strategy under Condition B17 of the Concept Proposal Sustainability Management Plans required under Condition C3 for matters to be met in future DAs. Therefore, the Department has recommended an amendment to Condition C3 to allow future DAs to include development specific Sustainability Management Plans that demonstrate compliance with Condition B17 as an alternative to demonstrating compliance with the Sustainability Strategy under Condition B17. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> submit development specific Sustainability Management Plans Proposal, as an alternative to demonstrating compliance with the Sustainability Strategy under Condition B17 of the Concept Proposal.

Issue	Assessment	Recommendation
Amended Plans and Documents	<ul style="list-style-type: none"> The modification application includes updated architectural, civil and landscape plans to reflect the proposed modifications. The Department has assessed the impacts of the proposed amendments in these plans in Section 7 of this report. To ensure the Concept Proposal and Stage 1 DA are carried out in accordance with what has been assessed, the Department has updated the development consent and appendices to include the documents and plans submitted in the notice of modification. Finally, to ensure the approved management plans for the development are consistent with the modification application, the Department has included new Condition F9 requiring the Applicant to update the approved management plans within three months of the determination of the current or future modification applications. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> update approved management plans to reflect the modification application within three months where necessary.

8. CONCLUSION

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act, including the issues raised in the submissions received. The Department considers the proposed modification is appropriate on the basis that:

- it will result in minimal environmental impacts beyond the approved estate;
- the revised layout would result in reduced construction and operational impacts due to a reduced volume of imported fill and reduced predicted operational traffic volumes;
- the addition of extended noise walls would manage worst case cumulative operational noise emissions under adverse weather conditions;
- the existing noise limits for the site provide a balanced outcome to allow the development of industrial activities in the WSEA while still providing an acceptable level of amenity at the vacant Capitol Hill and Jacfin lands and at existing residencies in Horsley Park;
- it will provide greater clarity around the riparian corridor restoration works and proposed biodiversity offset area; and
- it would facilitate end user requirements for SSD applications currently under assessment by the Department (SSD 7663 and SSD 7719).

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

9. RECOMMENDATION

It is RECOMMENDED the Director, Industry Assessments:

- consider** the findings and recommendations of this report;
- approve** the modification application SSD 6917 MOD 1, subject to conditions, under section 96(2) of the EP&A Act; and
- sign** the attached notice of modification (**Appendix A**).

Thomas Piovesan
Planning Officer
Industry Assessments



12/04/17

Kelly McNicol
Team Leader
Industry Assessments



21/4/17.

Chris Ritchie
Director
Industry Assessments

APPENDIX A – NOTICE OF MODIFICATION

The Notice of Modification is on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8056

APPENDIX B – STATEMENT OF ENVIRONMENTAL EFFECTS AND RESPONSE

The modification application and all supporting information is available on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8056

APPENDIX C – SUBMISSIONS

All submissions received are available on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8056