

Our Ref: 2210427
Council Ref: SSD 6917

06 September 2022

2210427

Mick Cassell
Secretary
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Dear Mr Cassell,

Section 4.55(1A) Modification Application – SSD 6917 – Oakdale South Industrial Estate

This application has been prepared by Ethos Urban on behalf of Costco Wholesale (Australia) Pty Ltd, pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and in accordance with the NSW Government's *State Significant Development Guidelines – preparing a modification report - Appendix E to the state significant development guidelines, July 2021*. It seeks to modify development consent SSD 6917 which relates to the Oakdale South Industrial Estate.

The purpose of this modification request is to seek approval for an amendment to Conditions B11 and D8 of SSD 6917.

Conditions B11 and D8 currently require all warehouse buildings in Precincts 4, 5 and 6 to not exceed a ridgeline height of 13.7m. Accordingly this modification application seeks to increase the ridgeline height control for Precinct 4, in order to facilitate an increase in the building height of the Stage 2 dry depot component of the Costco development (located within Precinct 4) approved under SSD 8209.

This application identifies the consent, describes the proposed modifications, and provides an assessment of the relevant matters contained in Section 4.55(1A) of the EP&A Act. This application is submitted concurrently with a section 4.55(1A) modification application to SSD 8209 and is accompanied by the following documents:

- Acoustic Impact Advice, prepared by Norman Disney Young (**Attachment A**); and
- Visual Impact Images, prepared by Group GSA (**Attachment B**).

1.0 The Site

Precinct 4A (the site, the subject of this modification application) within the Oakdale South Industrial Estate is now known as 15 Ottelia Road, Kemps Creek. It is located within the south-central part of the Western Sydney Employment Area (WSEA), approximately 3km south of Erskine Park, 8km north-east of Badgery's Creek and 4km west of Horsely Park. The site, is also situated within the south-eastern portion of the Oakdale South Industrial Estate.

The site's location is shown in **Figure 1**, and an aerial photograph (**Figure 2**) identifies the site, its existing development and its location in the context of the Oakdale South Industrial Estate.

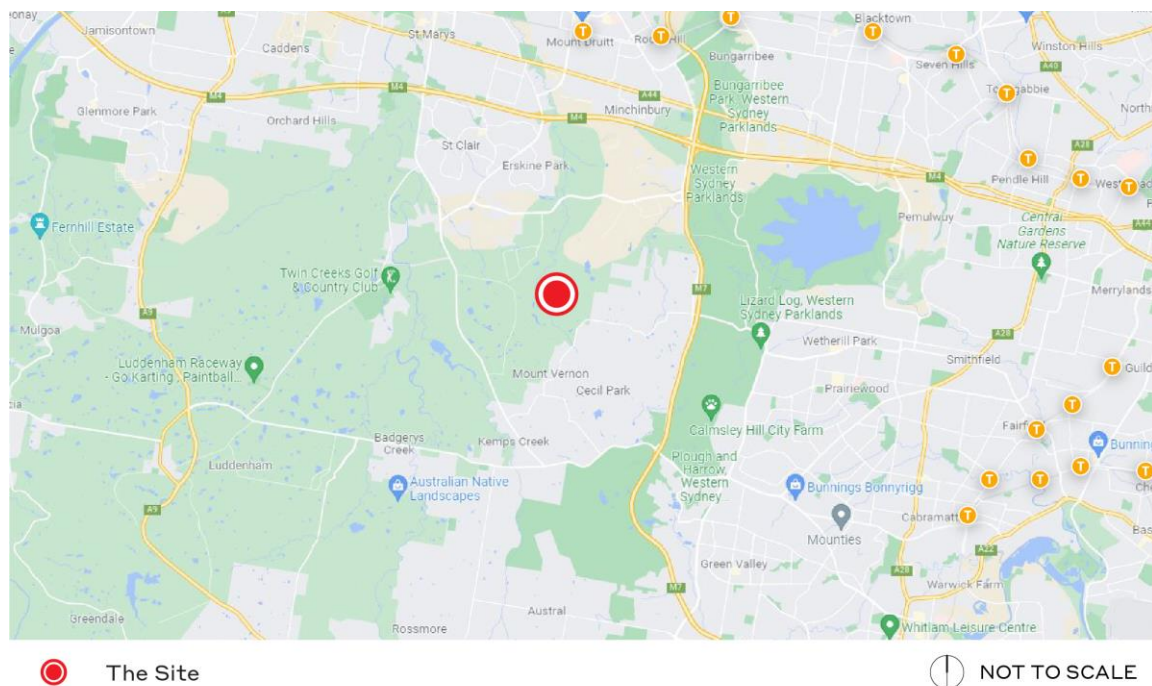


Figure 1 Site location

Source: DPE and Ethos Urban



Figure 2 Aerial photograph of the site and existing development in relation to the Oakdale South Industrial Area

Source: Nearmap and Ethos Urban

1.1 Legal Description

The site is legally described as Lot 12 in DP1229850 and is owned by Costco Wholesale Australia Pty Ltd. It is approximately 117ha in area and is generally rectangular in shape.

2.0 Background

2.1 State Significant Development 6917

In November 2015, a joint Concept Proposal and Stage 1 Development Application was submitted on behalf of Goodman Property Services (Goodman) for a warehousing and employment precinct, known as the Oakdale South Industrial Estate (OSE) and approval was subsequently granted on 26th October 2016.

The Concept Proposal established 15 building envelopes for warehouse and distribution facilities across six precincts, conceptual subdivision, landscaping, stormwater and infrastructure designs, conceptual site levels, conceptual car parking and biodiversity offset requirements. The Stage 1 Development Application also gained approval for estate works (site preparation, civil infrastructure and bulk excavation works, as well as the construction, fit out, use and operational parameters of buildings within Precincts 1, 4 and 5.

As part of the original application, a site-specific development control plan (DCP) was also approved. This has since been incorporated into the Penrith DCP 2014, E6 - Erskine Business Park.

Since the original approval was issued, there have been 16 applications seeking to amend the original Concept and Stage 1 development. Of particular note is Modification 1, which amongst other things, amended the Concept Proposal estate layout (**Figure 3**) resulting in an increase of the Precinct 4 development area. It also removed the construction works approved for Precincts 3, 4 and 5, including Precinct 4A – the Costco site. The result of this amendment meant that future building works on those Precincts would be subject to separate development applications. Notwithstanding this, the Concept Plan approval contained conditions to guide the future development.

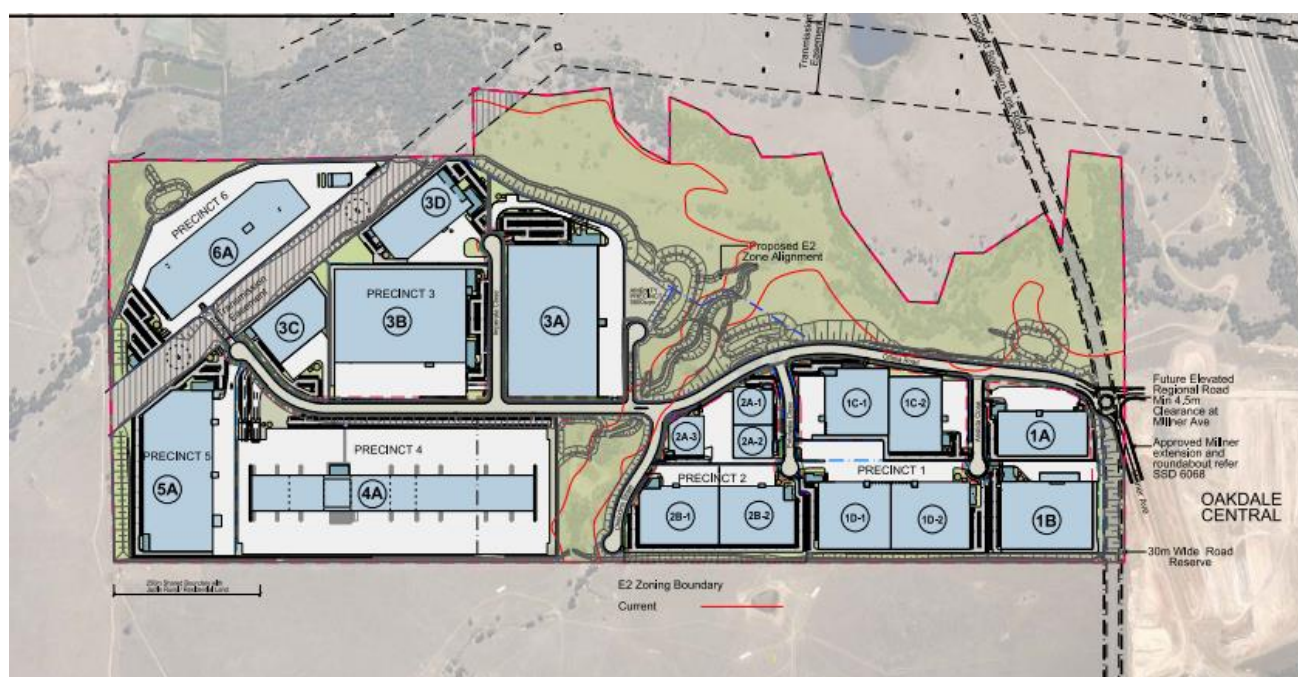


Figure 3 Approved Concept Plan Layout under SSD 6917

Source: DPE and SBA Architects

2.1.1 Maximum height controls under SSD 6917

Development consent SSD 6917 includes Conditions B11 and D8 which specify that no warehouse buildings in Precincts 4,5 or 6 of the Oakdale South Industrial Estate are to have a ridgeline height greater than 13.7m.

Notwithstanding this, Condition B10 sets the maximum height control for buildings within the OSE as 15m for all precincts, except for Precincts 2B and 15, which allow maximum heights of 16m and 16.5m respectively. It is understood that this maximum height control has been set to ensure that all development, including plant and mechanical ventilation equipment does not protrude above the set limits.

2.2 State Significant Development 8209

In August 2017, a State Significant Development Application (SSDA) was submitted on behalf of Goodman for the development of Precinct 4A within the OSE for the construction, fit-out and use of a warehouse and distribution facility that would be operated by Costco. Development consent was subsequently granted on 23rd February 2018 for the construction and operation of a warehouse and distribution centre in two stages, comprising the following:

- a warehouse and distribution building;
- ancillary office space;
- car parking;
- stormwater and rainwater infrastructure; and
- landscaping.

Two modification applications have been submitted and approved by the DPE and Stage 1 of the Costco warehouse development is constructed and operational.

A third modification application is submitted concurrently with this modification application. It seeks minor design changes to the Stage 2 component of the development following refinement and development of the design. Specifically, the proposed changes to the approved design comprise:

- Extension of the Stage 2 building length by 2,514mm (2.54m) (i.e. with the overall building length increasing from 448,421mm (448.42m) to 490,935mm (490.93m)), resulting in an increase in overall GFA by 212m²;
- Increase in the Stage 2 dry depot building height from 9.66m to 14.25m with air conditioning plant rising to 14.90m;
- Provision of 4 x new egress doors and stairs;
- Amendment to the Stage 2 dry depot roof pitch and provision of additional 13 AC and 5 exhaust units;
- Incidental changes to Stage 1 including the demolition of the existing southern (Stage 1) wall and provision of doorway opening in the northern wall;
- Provision of a roof access stair between Stage 1 and Stage 2 dry depot; and
- Provision of new louvres to the exterior of the office.

3.0 Proposed modifications to the consent and justification

This modification application to SSD 6917 seeks to amend Conditions B11 and D8 by altering the ridgeline height control for Precinct 4 which then in turn will facilitate the proposed increase in height of the Stage 2 dry depot within the Costco warehouse and distribution centre as sought under Mod 3 to SSD 8209.

The proposed amendments to SSD 8209 seek to increase the height of the Stage 2 dry depot, in order to meet Costco's operational requirements. Since the original application was approved, Costco's eComm business has grown significantly in the last year. Globally, Costco's facilities are now being fitted with elaborate conveyor and gravity flow systems that require additional vertical height. Accordingly, the design of the Stage 2 dry depot is being amended to meet these vertical racking and conveyor systems.

Whilst the roof height and all plant equipment on the roof does not exceed the 15m maximum height limit set by Condition B10 of SSD 6917, it will exceed the 13.7m ridgeline height control set by Conditions B11 and D8.

Accordingly, the proposed amendments to Conditions B11 and D8 are shown below. Words proposed to be deleted as shown in ~~bold strike through~~ and words to be inserted are shown in **bold italics**.

B11. Notwithstanding the controls listed in Table 2 in Condition B10 above, no warehouse building in ~~Precinct 4~~, ***Precinct 5*** or 6 shall exceed a ridgeline height of 13.7m. ***No warehouse building in Precinct 4 shall exceed a ridgeline height of 14.25m.***

D8. No building in ~~Precincts 4 or Precinct 5~~ shall exceed a ridgeline height of 13.7m. ***No building in Precinct 4 shall exceed a ridgeline height of 14.25m.***

4.0 Substantially the same development

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if *"it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)"*.

The development, as proposed to be modified, is substantially the same development as that originally approved in that:

- The proposed modifications to Conditions B11 and D8 do not seek to modify the approved maximum GFA controls, the Concept Plan layout, the use, the landscaping arrangements, traffic and parking numbers, or noise and air quality controls.
- The proposed modifications will not result in any additional noise impacts or visual impacts;
- The proposed modifications will not alter the Bushfire Protection Plan or any other approved plans;
- The proposed modifications has minimal environmental impact and the environmental impacts; and
- The proposed modifications will not give rise to any new matters for consideration.

The DPE may therefore be satisfied that the development consent proposed to be modified, will remain substantially the same as the original development consent, with the proposed modifications to Conditions B11 and D8 representing a very minor amendment to the ridgeline line height control. The proposed modification of Development Consent SSD 6917 may therefore be lawfully approved under Section 4.55(1A) of the EP&A Act.

5.0 Environmental assessment

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if *“it is satisfied that the proposed modification is of minimal environmental impact.”* Under Section 4.55(3) the consent authority must also take into consideration the relevant matters to the application referred to in Section 4.15(1) of the EP&A Act and the reasons given by the consent authority for the grant of the original consent.

The following assessment considers the relevant matters under Section 4.15(1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

5.1 Consistency with Statutory and Strategic Context

The Environmental Impact Statement submitted with the original State Significant Development Application addressed the proposed development's level of compliance against the relevant plans, policies, guidelines and statutory planning instruments, including:

- *NSW Environmental Planning and Assessment Act 1979*;
- *NSW Threatened Species Conservation Act 1995*;
- *NSW Native Vegetation Act 1997*;
- *NSW National Parks and Wildlife Act 1974*;
- *NSW Heritage Act 1977*;
- *NSW Roads Act 1973*;
- *NSW Water Management Act 2000*;
- *NSW Rural Fires Act 1997*;
- *NSW Protection of the Environment Operations Act 1997*;
- Environmental Planning and Assessment Regulation 2000;
- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP);
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy 55 (Remediation of Land); and
- State Environmental Planning Policy 33 – Hazardous and Offensive Development.

The proposed modifications do not affect the development's level of compliance with the majority of the applicable planning instruments and strategic documents. Whilst it is noted that many of the SEPPs listed above have been repealed and consolidated recently into new SEPPs, for the purpose of this application, it is only necessary to re-examine the development's level of compliance with certain provisions contained in the former WSEA SEPP, which is now Chapter 2 of State Environmental Planning Policy (Industry and Employment) 2021 and remains the principal planning instrument that relates to the site.

In addition, compliance with the relevant controls within the Penrith DCP 2014, E6 – Erskine Business Park has also been re-examined.

5.1.1 Consistency with Chapter 2 of State Environmental Planning Policy (Industry and Employment) 20221 (Industry and Employment SEPP)

Table 1 Summary of consistency with the relevant provisions of Chapter 2 of the Industry and Employment SEPP

Section 2.10 – Zone objectives and land use table	The Site is currently zoned IN1 – General Industrial under the Industry and Employment SEPP and a small proportion of the northern landscaped area is zoned E2 – Environmental Conservation. The modified development continues to be consistent with the objectives of both the IN1 and E2 zones. The Industry and Employment SEPP identifies warehouse and distribution centres as a permissible use within the IN1 zone, however under the E2 zone, they are prohibited. The small portion of the site that is zoned E2 continues is contained within the landscaped setback area and does not contain the warehouse and distribution centre or any hardstand. Given no physical works are proposed within this development, the site continues to be permissible with consent.
Section 2.17 – Requirement for development control plans	Section 2.17 (1) states that the consent authority must not grant consent to development on any land to which the Industry and Employment SEPP applies, unless a development control plan (DCP) has been prepared for the land. Whilst the core precinct and development controls approved under SSDA 6917 for the OSE were transposed into Penrith DCP 2014, E6 - Erskine Business Park, the proposed modification to SSD 6917 seeks to amend the ridgeline height control and not any physical development on the land.
Section 2.20 – Height of Buildings	Section 2.20 requires that building heights for the proposed development adequately respond to the site topography and preserve the amenity of adjacent residential areas. The proposed modification seeks to retain the 15m building height control but amend the ridgeline height control contained in the Concept Plan. However, as demonstrated in Sections 5.1.3 and 5.2 below, the amendment to the ridgeline height control as it applies to Precinct 4 will not compromise any future developments ability to adequately respond to the site topography, the amenity of adjacent residential areas and will not cause any visual impacts.
Section 2.22 – Development adjoining residential land	Section 2.22 applies to any land that is within 250m of land zoned primarily for residential purposes and requires the consent authority to be satisfied on a number of issues. Accordingly, the proposed amendments to Conditions B11 and D8 will not reduce the ability of the future warehouse development in Precinct 4 to be compatible with the height, scale, siting and character of the surrounding residential development. Furthermore, no visual or amenity impacts will be generated by the proposal as discussed in Section 5.1.3 and 5.2.
Section 2.30 - Design Principles	Section 2.30 requires the consent authority to consider whether the development is of a high-quality design; a variety of materials and external finishes for the facades are incorporated; high quality landscaping is provided; and the scale and character of the development is compatible with other employment generating development in the precinct. The Stage 2 development which will be facilitated by the proposed modifications to SSD 6917 will not materially impact the high quality design, materials and finishes, the landscaping features or the scale and character of the development as already approved under SSD 8209. Accordingly, whilst the proposed modification to SSD 6917 will facilitate the minor increase in overall building height, the development will continue to comply with the 15m building height limit as established in Condition B10 of SSD 6917.

5.1.2 Consistency with Penrith DCP 2014, E6 - Erskine Business Park

As part of the RTS for the Concept and Stage 1 SSDA 6917, a suite of controls were proposed to form part of Section E6 – Erskine Business Park of the Penrith DCP 2014. This DCP now provides the built form controls that have guided the development of the OSE including the subject site.

Given only minor amendments to Conditions B11 and D8 of SSD 6917 are proposed within this application, **Table 2** demonstrates that the overall development within Precinct 4 will continue to be generally consistent with the relevant development controls contained within the Penrith DCP. However, it should be noted that under Section 2.10 of State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP), development control plans do not apply to State Significant Development.

Further assessment of visual impacts resulting from the variation to the ridgeline height control is provided in Sections 5.1.3 and 5.2.

Table 2 Consistency with Penrith DCP - E6 Erskine Business Park

Development Aspect	Control	Comment/ Complies
Setbacks	To Southern Link Road – 20m	n/a
	Estate roads within the OSE – 7.5m	Yes. No changes are proposed within this application to the approved Estate Roads, and the setback to Ottelia Road is consistent with the approved SSD 8209 and is at least 80m from the office to the front boundary.
	- Rear and Side Boundaries – 5m - Side boundaries within the OSE Industrial Estate 0 m subject to compliance with fire rating requirements.	- Yes. No changes are being proposed in this application to rear and side boundaries controls. - The side boundary setback to the north in Precinct 4 is 30.6m and side boundary setback to the south is 26.72m, as approved under SSD 8209.
Height	Maximum height for buildings in the Southern Area is 15m.	Yes. No change is proposed to the maximum height control and the proposed height of the Stage 2 dry depot under SSD 8209 is 14.95m which also complies with this control.

Development Aspect	Control	Comment/ Complies
	No warehouse buildings in Precinct 4,5 or 6 shall exceed a ridgeline height of 13.7m.	- No. The proposed ridgeline of the Stage 2 dry depot is 14.25m from the existing ground level. Accordingly, this application seeks to amend Conditions B11 and D8, which set this ridgeline height control within the DCP. The proposed change seeks to increase the ridgeline height control for Precinct 4 by only 0.55m, which is a 4% increase. - Notwithstanding this, as noted above, under Section 2.10 of the Planning Systems SEPP DCPs do not apply to State Significant Development. Furthermore, as set out under Section 4.15C(3A) of the EP&A Act, if a development control plan contains provisions that set standards with respect to an aspect of the development and the development application does not comply with those standards, the consent authority <u>is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development.</u>
Minimum frontage	- Minimum frontage (excluding cul-de-sacs) – 40m. - Minimum lot width at building line – 35m	Yes. No changes are proposed within this application and the lot frontage continues to be approximately 547.33m as originally approved.
Site Coverage	Maximum site coverage - 65%	Yes. No changes are proposed within this application and the proposed site coverage of both Stages 1 and 2 of the Costco development as proposed to be modified under SSD 8209 will be 24.6%.
Car parking	Car parking is to be provided in accordance with the following: 1 space per 300m² of warehouse GFA; 1 space per 40m² of office GFA; and 2 disabled spaces for every 100 car parking spaces.	Yes. No changes are proposed to the car parking provisions approved under SSD 6917.
Landscaping	Minimum landscape setbacks: - Local Estate Road - Average of 50% of setback along the frontage. - Side boundary – no minimum requirement.	Yes. No changes are proposed within this application to the landscape controls.

5.1.3 Exceedance of ridgeline height control

The maximum height control for buildings within the Southern Area of the Erskine Business Park is 15m, No changes are proposed to this control as set out in Condition B10.

Conditions B11 and D8 of SSD 6917 specifies that no warehouse buildings in Precincts 4,5 or 6 of the Oakdale South Industrial Estate are to have a ridgeline height greater than 13.7m.

The proposed amendments to the Costco warehouse development under SSD 8209 however seek to replace the flat roof with a roof profile that has a slight fall and a ridgeline height of 14.25m. Therefore the development will now exceed the ridgeline height control by 0.55m. Accordingly, this modification application seeks to modify Conditions B11 and D8 as set out in Section 3.

On review of the Environmental Assessment Report, prepared by the DPE at the time, it appears the 13.7m ridgeline control was implemented primarily to reduce the perceived visual impacts from the Capitol Hill residential subdivision which is located to the south

In addition, some flexibility is written into the terms of SSD 6917 for future development to consistent with the controls of SSD 6917, under Condition B2 which states that “*Future Development Applications are to be **generally consistent** with the terms of Development Consent SSD 6917 as described in Schedule A and subject to the conditions in Schedules B to F*”.

[Our emphasis]

Furthermore, as set out under Section 4.15C(3A) of the EP&A Act, if a development control plan contains provisions that set standards with respect to an aspect of the development and the development application does not comply with those standards, the consent authority is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development.

However, the DPE has confirmed that a modification application is required to amend Conditions B11 and D8 of SSD 6917 in order for approval to the proposed modifications to SSD 8209 to be granted.

Notwithstanding this, in consideration of the wording of Condition B2 and Section 4.15C(3A) of the EP&A Act, we request that the DPE apply some flexibility in the application of the ridgeline height control in assessing this modification application and take the following matters into consideration and also those in Section 5.2.

Consistency with the objectives of the height controls

The objectives of the height controls within the Penrith DCP 2014, E6 – Erksine Business Park are as follows:

- (a) *To encourage building forms that respond to the topography of the site and the relative position of the allotment to other allotments and the street;*
- (b) *To ensure a scale of buildings which minimises the impact of development on adjoining residential areas;*
and
- (c) *To minimise the impact of development on views from adjoining residential areas.*

In consideration of these objectives, the distance between the eastern boundary of the site and the western boundary of the nearest existing residential property (located directly east of the Stage 2 dry depot site) is approximately 825m. The land between the two property boundaries is also zoned for industrial use (IN1) and site levels incline by from west to east meaning that the residential property is situated approximately 20m higher level than Precinct 4.

In addition, whilst no development currently exists, the nearest residentially zoned land (RU4) is situated approximately 345m south- east of the nearest part of the proposed Costco Stage 2 dry depot, as illustrated in **Figure 4**.

Accordingly, in our view the nearest residential or future residential property will be located a considerable distance away from the proposed Costco Stage 2 dry depot area and as such the additional 0.55m variation to the ridgeline control would cause minimal, if any impacts upon the nearby existing or future residential properties.



Figure 4 Illustration of distance between the Stage 2 dry Depot and the nearest part of the RU4 zoned land

Source: Nearmaps and Ethos Urban

5.2 Visual Impact

The visual impacts of the proposed variation to the ridgeline control should also be examined. We have noted above that the residential properties identified are located at a higher level than the proposed Costco Stage 2 dry depot and accordingly it is considered that any potential views of the roof of Costco Stage 2 dry depot will likely be obscured by the bunded wall and landscaping that runs along the eastern site boundary as well as the future industrial development on the neighbouring IN1 land.

5.2.1 Original Visual Impact Analysis

It is noted that the Visual Impact study, prepared by E8urban, that accompanied SSD 6917 included an analysis of the view from the existing residential properties located to the east of the site. It was referenced View 1 – Greenway Place and was assessed from the view location identified in **Figure 5**. The photomontages of the proposed built form envelopes proposed in the visual impact analysis were produced, (as replicated in **Figures 6** and **7**), which showed that there is a high potential for visibility, however the view would be blocked by the industrial proposal and natural fall of the landscape to the west.

In addition, E8urban also considered that the introduction of boundary landscape planting would further screen the long elevation and provide a satisfactory outcome in this location, in particular the views to the Blue Mountains would not be impacted.



Figure 7: View location key

Figure 5 View 1 – Greenway Place view location

Source: Visual Impact Assessment – E8urban



Figure 6 Photomontage of original proposal under SSD 6917 into existing landscape with industrial proposal incorporated

Source: Visual Impact Assessment – E8urban



Figure 7 Photomontage of original proposal under SSD 6917 into existing landscape with industrial proposal incorporated and proposed landscaping

Source: Visual Impact Assessment – E8urban

5.2.2 Visual Impact Assessment – Proposed Modification

As noted in Section 5.1.3, the 13.7m ridgeline control was implemented primarily to reduce the perceived visual impacts from the Capitol Hill residential subdivision which is located to the south of the site. In consideration of the reasons why the 13.7m ridgeline height control was implemented by the DPE in SSD 6917, a new visual impact assessment has been undertaken.

Representatives from Group GSA undertook a site visit of the existing Costco development on 25th July 2022. It was established that views of the Costco site would be obtained from the residential locations on Greenway Place and Horsley Road as well as the industrial development on Chelodina Street. Three locations have been identified and considered as part of this visual impact assessment, as identified in **Figure 8**. Group GSA has also prepared 'red-line' envelopes of the proposed modified Stage 2 development to provide an indication of the scale of the modification and views of it in the future, these are provided in **Attachment B** and discussed further below.



Figure 8 Viewpoints

Source: Group GSA and Nearmap

Viewpoint 1, taken from Greenway Place is a long-range view (distance approximately 1040m) which looks towards the north-west. As illustrated in **Figures 9** and **10**, the Stage 2 wet depot will not be able to be seen, and the Stage 2 dry depot will have a moderate to negligible visual impact, given that the views are long range and the Stage 2 dry depot will comfortably sit within the surrounding development. Furthermore, over time, vegetation will grow up, and the proposed Jacfin development will also further obscure views.

Figures 11 and **12** illustrate the existing and proposed view of the development from Horsley Road. The view is a long-range view (distance approximately 1020m) which looks towards the north-west. The Stage 2 wet depot (already approved) will be able to be seen, as will the Stage 2 dry depot. It is considered however that the visual impact of the proposed modification to the Stage 2 dry depot will be moderate to negligible given the top level of the building will continue to sit below the height of the warehouse building in the background.

Viewpoint 1 - Greenway Place



Figure 9 Existing view from Greenway Place

Source: Group GSA



Figure 10 Proposed view from Greenway Place

Source: Group GSA

Viewpoint 2 – Horsley Road



Figure 11 Existing view from Horsley Road

Source: Group GSA



Figure 12 Proposed view from Horsley Road

Source: Group GSA

Viewpoint 3 – Chelodina Street



Figure 13 Existing view from Chelodina Street

Source: Group GSA



Figure 14 Proposed view from Chelodina Street

Source: Group GSA

Viewpoint 3, taken from Chelodina Street is a medium range view (distance approximately 185m) which looks south. The view is also not considered a view from a sensitive land use, as it is taken from Chelodina Road, which is located within the OSE will only be viewed by people within the surrounding warehouse developments. As illustrated in **Figures 13** and **14** the northern façade of the Stage 2 Dry Depot will be generally obscured by existing landscaping and whilst the increased height of the Stage 2 dry depot will easily be seen, the visual impacts from this commercial context are negligible.

Overall, it is considered that the visual impacts resulting from the proposal are therefore considered minimal and acceptable.

5.3 Acoustic Impacts

Condition B18 of SSD 6917 identifies noise sensitive receivers and sets operational noise limits for the entire Oakdale South Industrial Estate. These noise sensitive receivers and the operational noise limits are replicated in **Table 3** below.

Table 3 Oakdale South Estate Operational Noise Limits - Residential

Location	Day	Evening	Night	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	37
L2 Horsley Park	39	39	39	49
L3 Kemps Creek, Mt Version, Jacfin and Capital Hill	40	40	40	48

Note: As per the NSW Industrial Noise Policy (INP), the above criteria are applicable at the most-affected point on or within the residential property boundary or, if this is more than 30m from the residence, at the most affected point within the 30m of the residence.

Source: SLR Consulting, 14 June 2017

Conditions E27 to E38 of SSD 6917 also stipulates several conditions relating to noise and vibration impacts and their management. In consideration of these controls, Norman Disney Young (NDY) has prepared advice (**Attachment A**) that assesses the proposed modifications to the Costco Stage 2 development, that will be facilitated by the proposed modification to Conditions B11 and D8 as sought under this application.

In NDY's view, the key elements of the proposed Costco Stage 2 modification that would have the potential to generate noise impacts are:

- The mechanical services equipment comprising, 13 external ODU units and 5 smoke extraction fans.
- The potential for increased traffic noise. However as confirmed in Section 5.4 and in the Traffic Statement included at **Appendix C**, no additional traffic movements and no additional traffic impacts are likely to be generated.

Furthermore, no changes to the number of loading docks, the loading dock movements or the number of car spaces that are approved on site are proposed. Accordingly, Norman Disney Young (NDY) has prepared advice (**Appendix E**) which assesses whether the proposed modifications to the Stage 2 development gives rise to any additional acoustic impacts.

In regard to operational noise impacts, NDY's assessment has confirmed that:

- During the day, the proposed ODU units will work at 100% (full load) and testing of the smoke extraction fans will also occur;
- During the evenings and at night time, the ODU units will only work at a partial load (i.e. not 100%) with no smoke fan testing during that time. However, in order to provide a worst-case scenario, the acoustic assessment has assumed that the 13 ODU units will operate at 100% (full load) during the evening and night time, with no smoke fan testing during that time.

- The 5 proposed smoke extractor fans will only be use in an emergency, but tested every three months during the day only for maintenance purposes.
- The proposed ODU units working at 100% (full load) and with high speed fans (smoke fans) are estimated to produce a total of 35dBA at the nearest critical / sensitive receiver Location 3 (being the Jacfin residential zone), which complies with day time, evening and night time criteria at that location.
- No additional loading activities or additional traffic will be generated by the proposal, and therefore no additional noise impacts will be generated by the proposed modifications.
- Construction equipment and methodology will match that of the Stage 1 works, as such the conclusions and management measures outlined in SLRs Noise Impact Assessment Report will be implemented during the Stage 2 construction.

Whilst the final equipment selection and conditions of the operation will be confirmed at the construction certificate design stage, it is important to note that NDY have estimated that the critical estimated noise levels will be substantially below the acceptable noise limits during the day, evening and night. Accordingly, no additional or significant acoustic impacts will be generated by the proposed modification.

6.0 Conclusion

The proposed modifications seek approval for amendments to Conditions B11 and D8 by altering the ridgeline height control for Precinct 4 which then in turn will facilitate the proposed increase in height of the Stage 2 dry depot within the Costco warehouse and distribution centre as sought under Mod 3 to SSD 8209.

The proposed amendments will support the ongoing use of the Costco warehouse and distribution centre within Precinct 4 of the OSE and will provide much needed building height to meet Costco's operational requirements.

In accordance with Section 4.55(1A) of the EP& A Act, DPE may modify the consent as:

- It is substantially the same development as the development for which the consent was granted;
- The proposed modifications are minor in the context of the development and will not result in any unreasonable or additional environmental impacts; and
- The proposal continues to be suitable for the site and the development is in the public interest, for the reasons set out in the original application.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request.

Yours sincerely,



Claire Burdett
Associate Director
0423066002
cburdett@ethos urban.com