

## ASSESSMENT REPORT

### Section 96(1A) Modification Oakdale South Industrial Estate (SSD 6917 MOD 3) Stage 1 DA Out of Hour Construction Works for Fill Importation

#### 1. INTRODUCTION

This report assesses a modification application by Goodman Property Services Pty Ltd (the Applicant) to temporarily modify the approved construction hours specified under the Stage 1 DA to a warehousing and distribution complex known as Oakdale South Industrial Estate (Oakdale South).

The application has been lodged pursuant to section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The proposal seeks to temporarily extend the permissible construction hours to allow fill importation and bulk earthworks to occur for an additional 11 hours per day in the northern part of the site during evenings and night-time from 7 pm to 5 am on weekdays for four months.

#### 2. BACKGROUND

##### 2.1 Site and Surrounds

The Oakdale South site is located wholly in the suburb of Kemps Creek in the Penrith local government area (LGA) (see **Figure 1**). The site is 117 hectares (ha) in area with a development footprint of 71.3 ha. Several residential receivers are located near the site in the suburbs of Kemps Creek, Mount Vernon and Horsley Park with the closest located 500 metres (m) to the south east on Aldington Road.

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

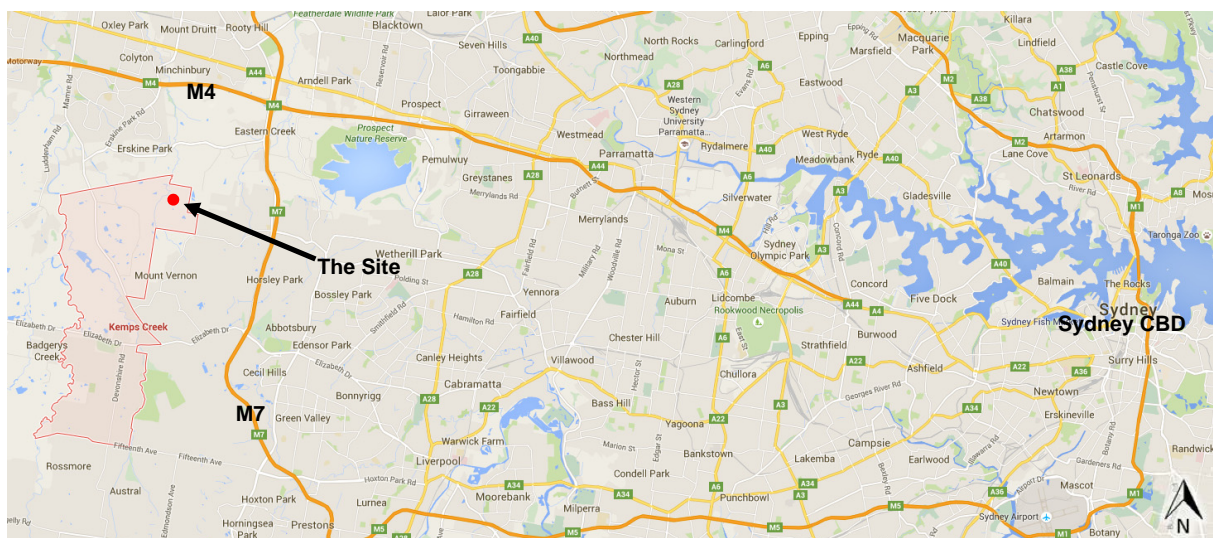


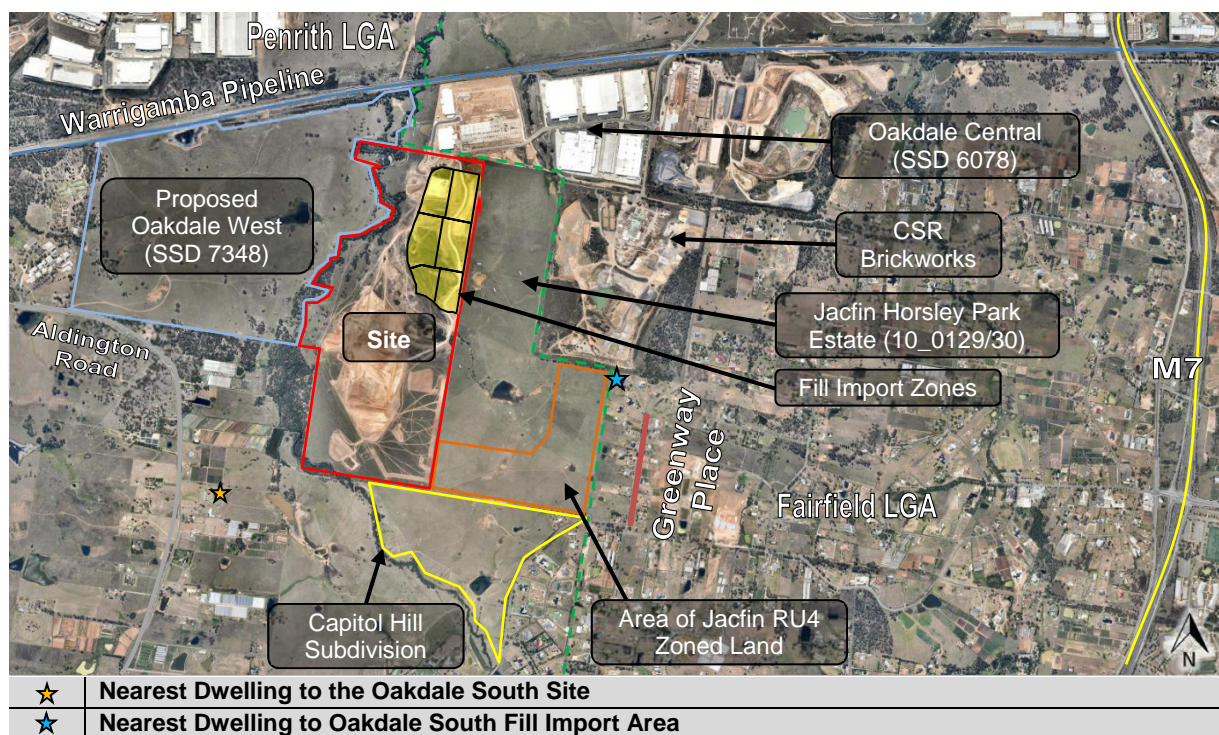
Figure 1: Site Location

The site is also located in the Western Sydney Employment Area (WSEA) which is strategically identified industrial and employment land under *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (WSEA SEPP).

Several existing industrial developments either under construction or currently operating, and rural residential properties are near the site. Surrounding developments and local features are shown in **Figure 2** and include:

- the Oakdale Central Industrial Estate (SSD 6078) and Millner Avenue to the north;
- the Jacfin Horsley Park warehousing hub (MP 10\_0129 and MP 10\_0130) approved in October 2013 and RU4 zoned land to the east;
- vacant RU2 zoned land to the west;
- vacant E4 zoned land immediately south of the site with an existing development consent permitting the creation of 42 residential lots (referred to as the Capitol Hill Subdivision); and
- IN1 General Industrial zoned land within the WSEA and rural residential properties at Kemps Creek are located to the west of the site.

The nearest residential receiver to the boundary of the site is located 500 metres (m) to the south-west at 126 Aldington Road (orange star in **Figure 2**). The closest residential receiver to area subject to this modification application is 930 m to the south east in Greenway Place (blue star in **Figure 2**).



**Figure 2: Local Context**

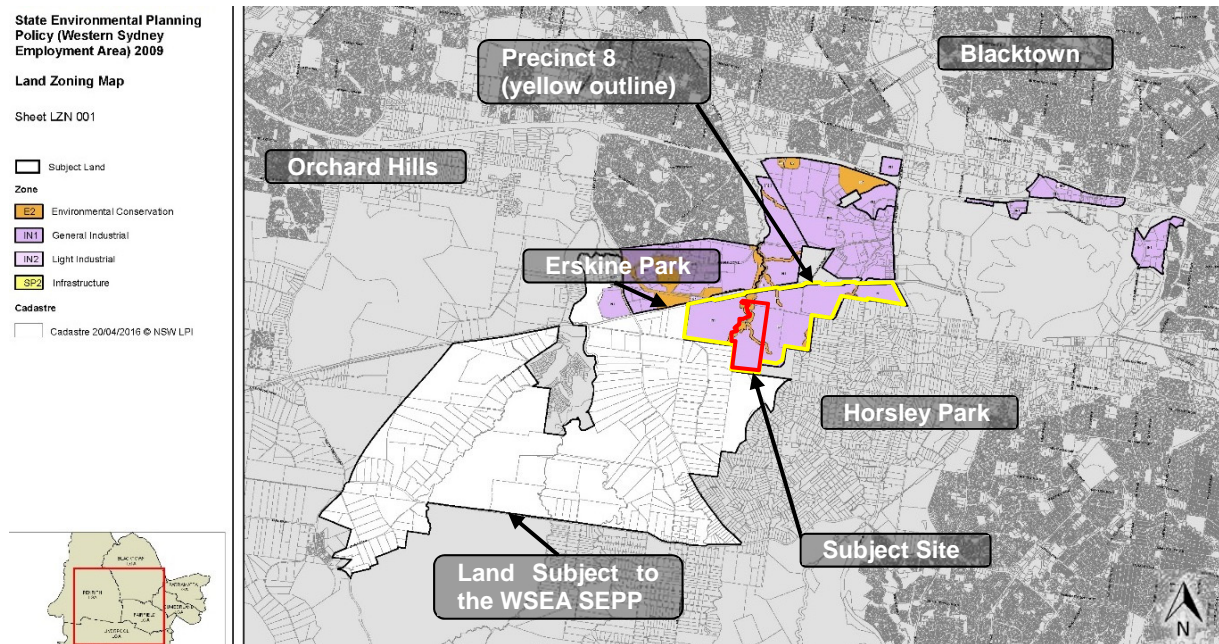
## 2.2 Western Sydney Employment Area

The WSEA is 2,450 hectares (ha) of zoned and strategically located industrial and employment land near the intersection of the M4 and M7 motorways, stretching across the Penrith, Fairfield, Blacktown and Cumberland (formerly Holroyd) Local Government Areas. A further 7,053 ha of land is identified in the WSEA SEPP, but is currently unzoned. The Oakdale South site is in Precinct 8 of the WSEA, to the south of the Warragamba Pipeline corridor (see **Figure 3**).

Key operations in the WSEA include:

- manufacturing e.g. food and beverage facilities and electronic goods;
- warehousing, transport and logistics (typically operating on a 24/7 basis) such as DHL, Toll, Coles Myer and cold storage facilities between 5,000 m<sup>2</sup> to 100,000 m<sup>2</sup> in size;
- construction activities from infrastructure delivery, residential and industrial development; and
- retail trade including convenience food and drink premises to service staff in large business hubs/warehousing estates.





**Figure 3:** Location of Site Within the Western Sydney Employment Area

## 2.3 Approval History

On 26 October 2016, the Executive Director, Key Sites and Industry Assessments granted development consent for a warehousing and distribution complex known as the Oakdale South Industrial Estate (SSD 6917). The approval was a concept development application and concurrent detailed Stage 1 DA to permit:

- a Concept Proposal for a warehousing and distribution complex with:
  - a total gross floor area (GFA) of 395,880 m<sup>2</sup> across six development precincts;
  - 15 building envelopes for warehouse and distribution uses; and
  - subdivision, 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 m<sup>2</sup> across precincts 1, 4 and 5;
  - estate wide bulk and detailed earthworks involving the importation of 1,007,000 m<sup>3</sup> of fill to achieve warehouse and infrastructure levels during standard construction hours; and
  - infrastructure works including road construction, drainage and landscaping across the site.

The Concept Proposal and Stage 1 DA both permit operations 24 hours a day, seven days per week.

Since its approval, the development has been modified on one occasion. A second modification application was lodged but subsequently withdrawn. A fourth modification application is currently under assessment.

On 4 November 2016, the Applicant lodged a section 96(2) modification (SSD 6917 MOD 1) seeking approval to amend the site layout, building envelope layout and GFA mix. The modification also reduced the GFA under the Concept Proposal and Stage 1 DA. This modification was approved by the Director, Industry Assessments on 21 April 2017. **Figure 4** shows the approved Concept Proposal layout. **Figure 5** shows the approved Stage 1 DA layout. **Figure 6** shows the approved bulk earthworks levels under the Stage 1 DA.

SSD 6917 MOD 1 also reduced the total volume of fill required to be imported to the site to achieve building levels of estate infrastructure and warehouse buildings.

On 18 November 2016, the Applicant lodged a section 96(1A) modification (SSD 6917 MOD 2) to amend Condition D16e regarding the registration of a Section 88E restriction for bushfire protection. The Applicant withdrew SSD 6917 MOD 2 on 25 January 2017.

On 23 June 2017, the Applicant lodged a section 96(1A) modification (SSD 6917 MOD 4) seeking to amend the Concept Proposal and Stage 1 DA to revise the building envelope and internal road layouts in Precinct 1 and 2. SSD 6917 MOD 4 is currently under assessment.

To date, the Applicant has commenced bulk earthworks across the site as part of the approved Stage 1 DA component of SSD 6917.

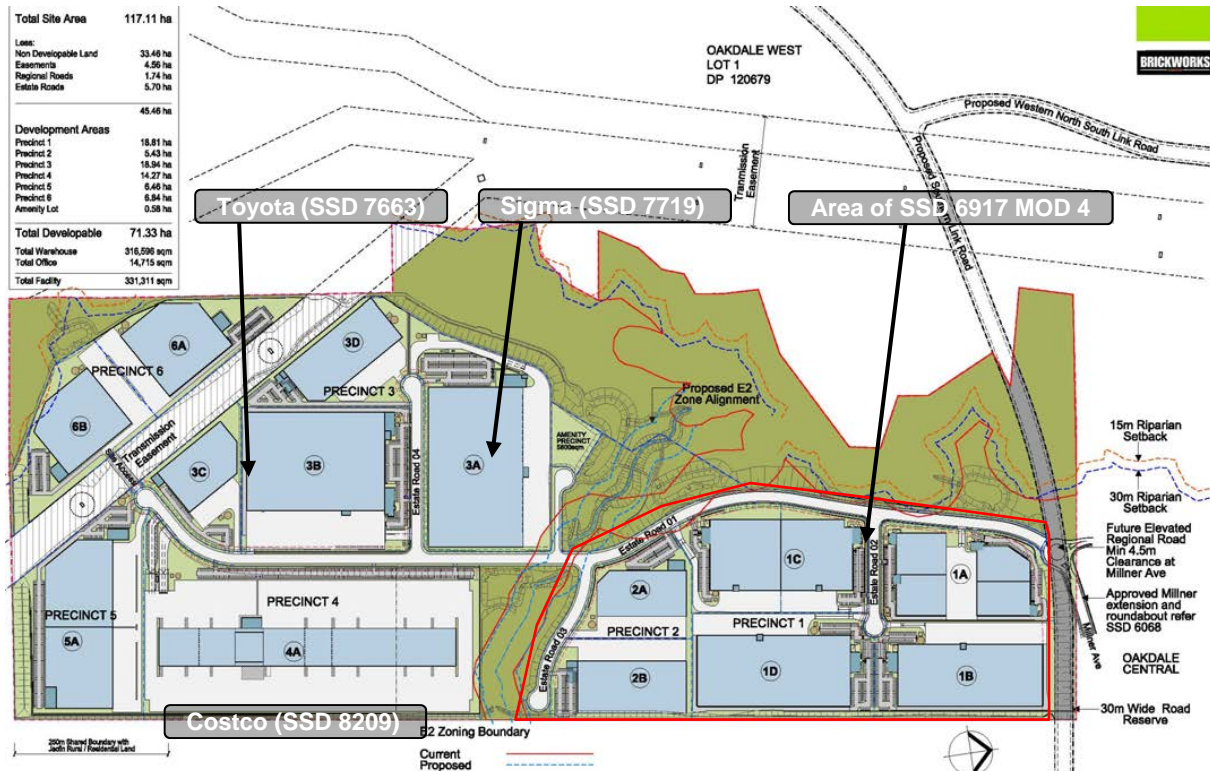


Figure 4: Approved Concept Proposal

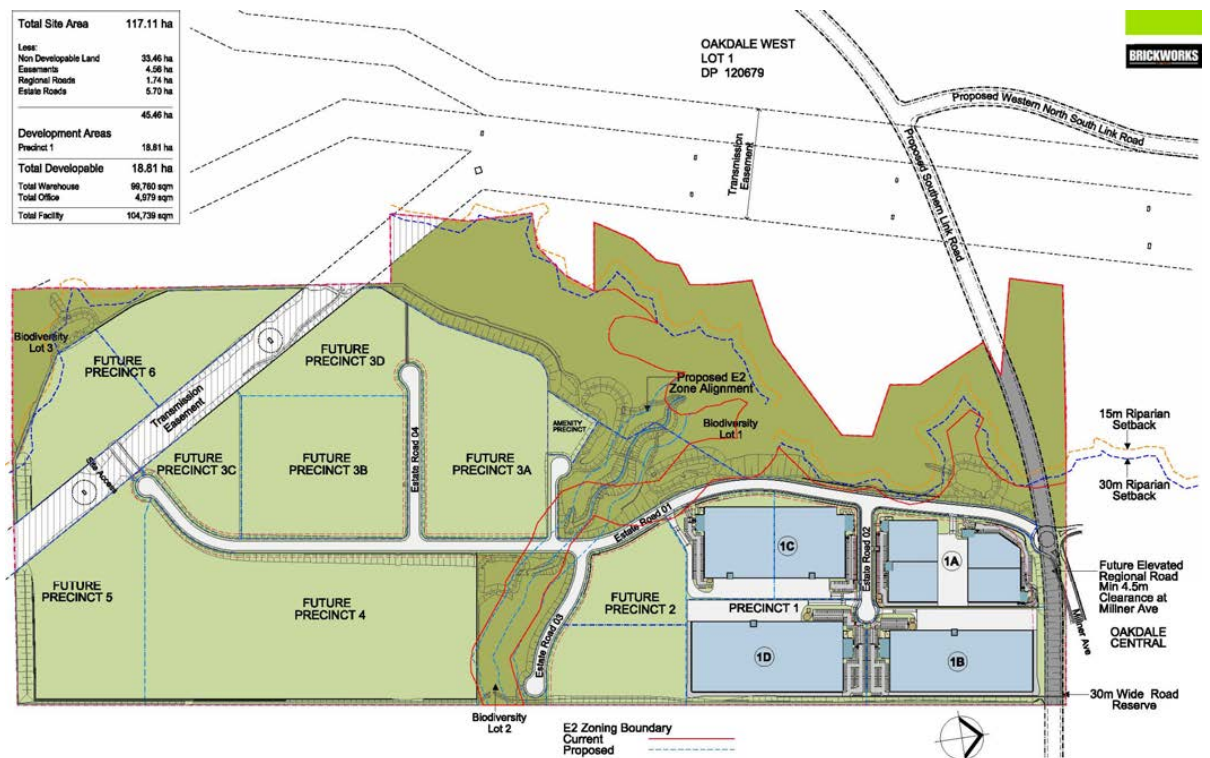


Figure 5: Approved Stage 1 DA



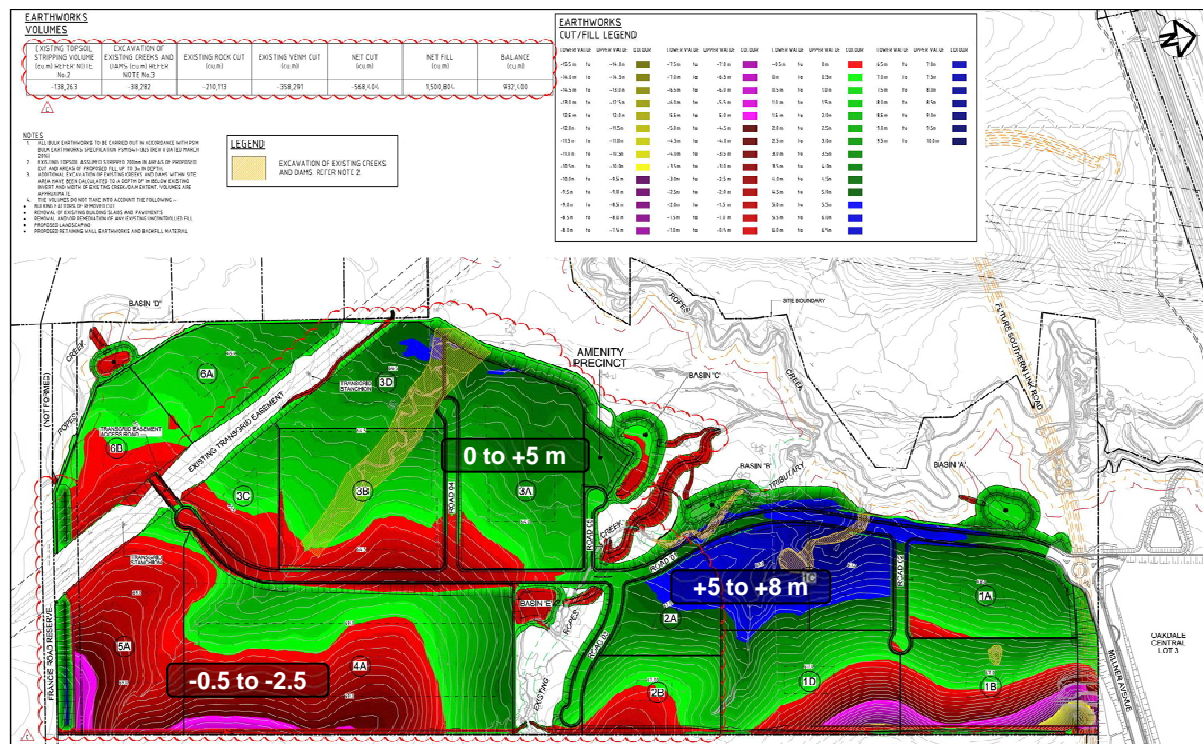


Figure 6: Approved Cut and Fill Plan

### 3. PROPOSED MODIFICATION

On 5 April 2017, the Applicant lodged a modification application under section 96(1A) of the EP&A Act to temporarily extend the permitted construction hours under Condition E27 of SSD 6917 for fill importation on-site. The proposed additional construction hours are from 7 pm to 5 am, Mondays to Fridays inclusive on top of day-time construction hours (see **Table 1**).

The additional construction hours would be used to import approximately 845,000 m<sup>3</sup> of fill material to accelerate the bulk earthworks phase of the Stage 1 DA to allow construction of approved warehouse buildings within the estate to occur sooner. As the Applicant has been importing fill for bulk earthworks during standard construction hours, the volume of fill required under SSD 6917 MOD 1 has reduced as earthworks levels are progressively achieved.

The Applicant initially advised the proposed out of hour works would be undertaken for a period of six months. However, as fill importation has been ongoing since the application was lodged during daytime construction hours, the length of out of hours time to import fill at night has reduced. The Applicant has advised only four months of temporary fill importation are now required.

Table 1: Approved and Proposed Construction Hours for Fill Importation

Day	Approved Construction Hours	Proposed Additional Hours - 6 Months
Mondays to Fridays	7:00 AM to 6:00 PM	Approved plus 7:00 PM to 5:00 AM for fill importation, placement and spreading
Saturdays	8:00 AM to 1:00 PM	No Change
Sundays and Public Holidays	Nil	Nil

Fill would be imported, placed and spread in one of six nominated work zones per night in the northern part of the site (see **Figure 7**). Fill material would primarily be sourced from the WestConnex M4 East infrastructure works (SSI 6307). Fill deliveries would be increased in a staged manner, as follows:

- stage 1: 60 deliveries per night for two weeks;
- stage 2: 120 deliveries per night for two weeks; and
- stage 3: 200 to 300 deliveries per night until sufficient fill is delivered to precincts 1 and 2 of the Oakdale South site.

The Applicant advised work would only be done in one zone per night which may change on a per night basis (i.e. fill may be imported to zone 1A on Monday and then zone 1C on Tuesday).

The Applicant has also advised the proposed out of hours activities and associated equipment would only be used in one of the six identified work zones at any one time.



**Figure 7:** Proposed Work Zones for Out of Hours Fill Importation within the Oakdale South Site

The activities proposed in the six identified work zones in **Figure 7** include:

- transportation of fill material to the site using truck and dog heavy vehicles;
- offloading of fill material; and
- placement/spreading and compaction of fill material on-site.

During out of hour works periods, the following equipment would be used on-site:

- a D8 bulldozer;
- a 12 tonne (t) smooth drum roller;
- 5 moonlight day-markers for lighting; and
- 1 road sweeper.

The modification is described in full in the Statement of Environmental Effects (SEE), with clarifications in the Applicant's response included in **Appendix B**.

## 4. STATUTORY CONTEXT

### 4.1 Consent Authority

The Minister for Planning is the consent authority for the application. Under the Minister's delegation of 16 February 2015, the Executive Director, Key Sites and 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
- three public submissions objecting to the modification were received.

#### 4.2 Section 96(1A)

The Department has reviewed the scope of the modification application and is satisfied the proposed modification would result in minimal environmental impacts, and relates to substantially the same development as the original development consent on the basis that:

- the primary function and purpose of the approved project would not change as a result of the proposed modification;
- the modification is of a scale that warrants the use of section 96(1A) of the EP&A Act; and
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of consent.

Therefore, the Department is satisfied the proposed modification is within the scope of section 96(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 96(1A) of the EP&A Act rather than requesting a new development application to be lodged.

#### 5. CONSULTATION

Clause 117(3B) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation does not apply to State significant development. However, due to the potential for adverse amenity impacts on nearby residents, the application was notified and was made publicly available on the Department's website on 24 April 2017. The modification application was also referred to Penrith City Council (Council), Fairfield City Council, Blacktown City Council, Roads and Maritime Services and Transport for New South Wales for comment and to nearby landowners for a period of two weeks.

During the notification period, a total of seven submissions were received, including one from Penrith City Council, three from public authorities and three from the general public. Of the submissions received from the general public, all three objected to the modification. No response was received from Fairfield City Council.

##### 5.1 Public Authorities

**Penrith City Council** (Council) did not object to the modification but requested the Applicant clarify the activities proposed and nominate the areas where they would occur within the Oakdale South site.

**Roads and Maritime Services** (RMS) did not object to the modification but raised concerns over the proposed start and finish times for the out of hour works, as they are close to the am and pm peak hours for the existing road network. RMS requested the extended construction hours be amended to 8:00 pm to 4:00 am to ensure network efficiency.

The Department agrees with the RMS and has recommended conditions to reflect out of hours times of 8:00 pm to 4:00 am.

**Transport for NSW** (TfNSW) did not object to the modification, subject to restricting the construction heavy vehicle route to the M7, Old Wallgrove Road and Millner Avenue.

The Department agrees with TfNSW and has recommended a condition requiring the Applicant to use the nominated haul route for out of hours construction traffic.

**WaterNSW** did not object to the modification and raised no concerns.

##### 5.2 Public Submissions

Three submissions from nearby residents were received. All three public submissions objected to the modification application and raised the following concerns:

- whether the fill importation works would involve the dumping, spreading and/or compacting of fill;
- noise impacts and sleep disturbance from heavy vehicle movements and unloading of fill material;
- whether any independent noise monitoring would be undertaken;
- amenity impacts from light spill during night-time from the day-markers, considering no buffer exists between Greenway Place residential properties, which are elevated relative to the Oakdale South site; and
- air quality impacts from dust generation.

On 25 May 2017, the Applicant submitted a response to the submissions received, which:

- confirmed the out of hours fill activities would be undertaken for a period of six months;
- confirmed out of hour works would only be done in one of the six work zones at any one time to manage construction noise;
- confirmed fill importation activities would include transport, offloading, placement and compaction;
- advised day-markers would be positioned inwards towards fill import areas, away from surrounding residential properties to mitigate light spill; and
- advised watercarts would be used during fill unloading and compacting to mitigate the potential for dust.

On 27 June 2017, the Applicant provided additional information requested by the Department including a revised noise assessment and clarifications of the predicted on-site truck movements during the out of hour works.

On 16 August 2017, the Applicant advised the modification application would now seek to undertake out of hour works for only four months.

## 6. ASSESSMENT

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

- SEE and response report provided to support the proposed modification (see **Appendix B**);
- assessment report for the original development application and subsequent modification application(s);
- submissions from the public, State government authorities and Council (**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 impacts on residential properties; and
- traffic impacts from importing fill material.

The Department's assessment of other issues is provided in **Table 4**.

### 6.1 Construction Noise

While the original approval permitted the import of fill material to the site, the modification application seeks to import fill material (as part of the bulk earthworks phase of construction) outside of the standard construction hours specified in the SSD 6917 development consent. As these activities would occur during the evening and night, they have the potential to cause noise impacts on nearby residents, particularly those along Greenway Place in Horsley Park, Fairfield.

The proposed modification seeks consent to allow fill importation from 7 pm to 5 am, Mondays to Fridays. The number of fill deliveries would be staged up to a maximum of 200 to 300 two-way trips per night in the third stage of fill import activities, which represents the majority of the anticipated four-month bulk earthworks phase of construction. Fill would be deposited, spread and compacted using a D8 bulldozer and 12 t vibratory roller. These works, and the plant and equipment involved, have the potential to create adverse amenity impacts from noise emissions on nearby residential receivers.

Several existing residential dwellings are in close proximity to the site in the suburbs of Kemps Creek, Mount Vernon and Horsley Park. The nearest residential receiver to the Oakdale South site is located 500 m to the south-west at 126 Aldington Road. The closest residential receiver to the out of hour fill import zone (south western corner of zone 2B) is approximately 930 m to the south-east in Greenway Place (see **Figure 5**).

The application included a Construction Noise and Vibration Impact Assessment (CNVIA), prepared in accordance with the NSW Environment Protection Authority's *Interim Construction Noise Guideline* (ICNG) and the NSW *Road Noise Policy* (RNP) to determine the extent of impact of noise emissions from out of hours fill import activities. The CNVIA was based on a worst-case scenario, including:

- placing plant and equipment at the closest location relative to a sensitive receiver;



- sound power levels for construction equipment ranging between 98 dB(A)  $L_{Aeq\ 15\ minute}$  (trucks and day-markers) and 116 dB(A)  $L_{Aeq\ 15\ minute}$  (D8 bulldozer and compactors); and
- worst case meteorology consisting of a gentle breeze from sound sources to receivers under stable conditions (south-westerly in the direction of the nearest residence).

### Construction Noise

The ICNG details the requirements for managing construction noise across NSW. For residential receivers, noise emissions up to 10 dB(A) of the Rating Background Level (RBL) during standard construction hours (Monday to Friday, 7 am to 6 pm and Saturday, 8 am to 1 pm) are considered acceptable. However, where construction noise is 10 + dB(A) over the RBL, the receiver is considered noise affected and measures must be implemented to mitigate noise impacts. At night or outside approved construction hours, a residential receiver is considered noise affected if construction noise is more than 5 dB(A) above the RBL.

**Table 2** below shows the RBLs from unattended noise monitoring for Oakdale South for the original SSD application. The CNVIA notes the evening and night-time RBLs (relevant for this modification application) are higher than the day RBLs, probably due to temperature inversions and insect noise at the time of the unattended noise monitoring. **Figure 8** shows the location of the three noise monitors (L1, L2 and L3).

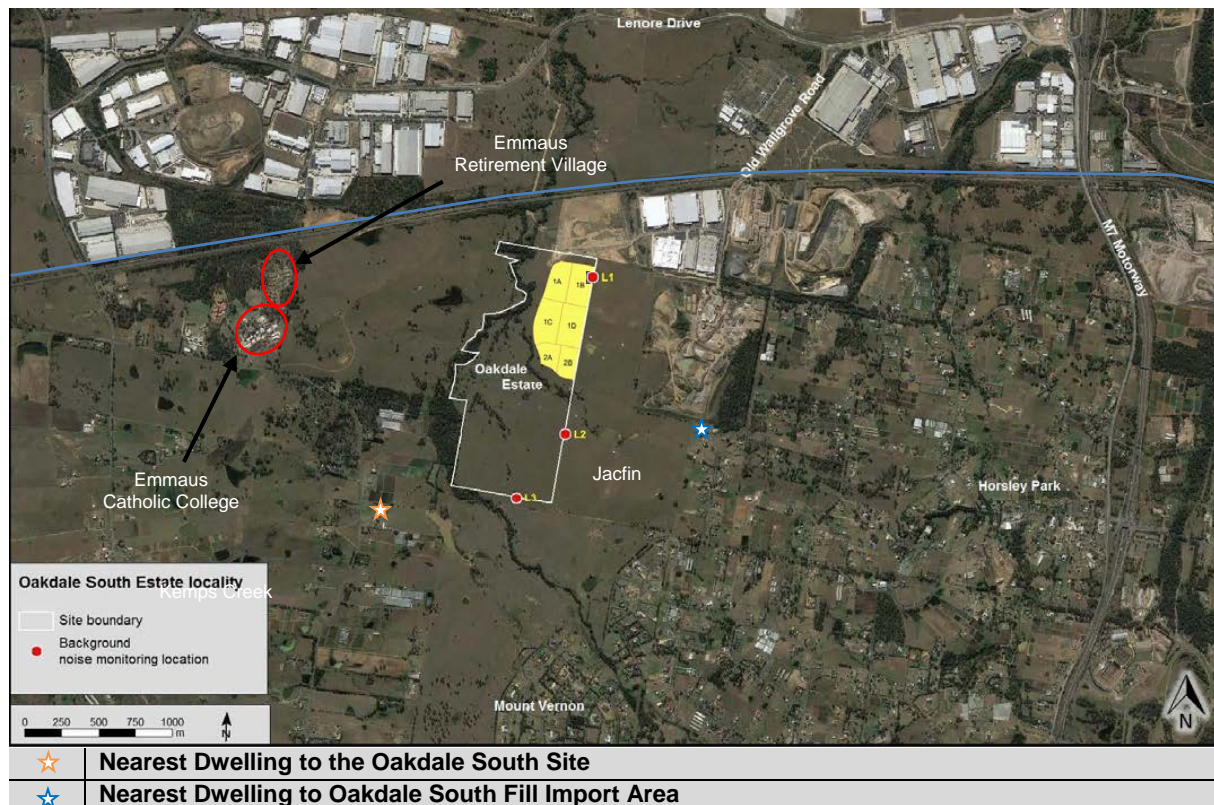
**Table 2: Rating Background Noise Levels**

Monitor No.	Representative Noise Catchment	Rating Background Level (RBL)		
		Day (7 AM to 6 PM)	Evening (6 PM to 10 PM)	Night (10 PM to 7 AM)
L1 – Northern part of eastern site boundary	North of the Pipeline	32	46	45
L2 – Eastern site boundary	Horsley Park	34	47	44
L3 – Southern site boundary	Kemps Creek, Mount Vernon, Jacfin and Capitol Hill	33	46	47

As the evening and night-time RBLs are higher than the daytime RBLs, the Applicant has set construction noise management levels (NMLs) for the development consistent with the recommendations of the application notes of the EPA's *Industrial Noise Policy* (INP) which state that the intrusive noise levels for night-time should be no greater than the intrusive noise level for the day or evening.

In adopting this approach, the Applicant has set the evening NMLs as the daytime RBL+5 dB(A) given works are proposed in the evening and night periods. The Applicant has then adopted the evening NML as the night-time NML to ensure the amenity of residential receivers is maintained (**Table 3**). The CNVIA also adopted:

- a sleep disturbance screening criteria of RBL + 15 dB(A); and
- a sleep disturbance awakening criteria of 65 dB(A) (external) and 55 dB(A) (internal) (**Table 3**).



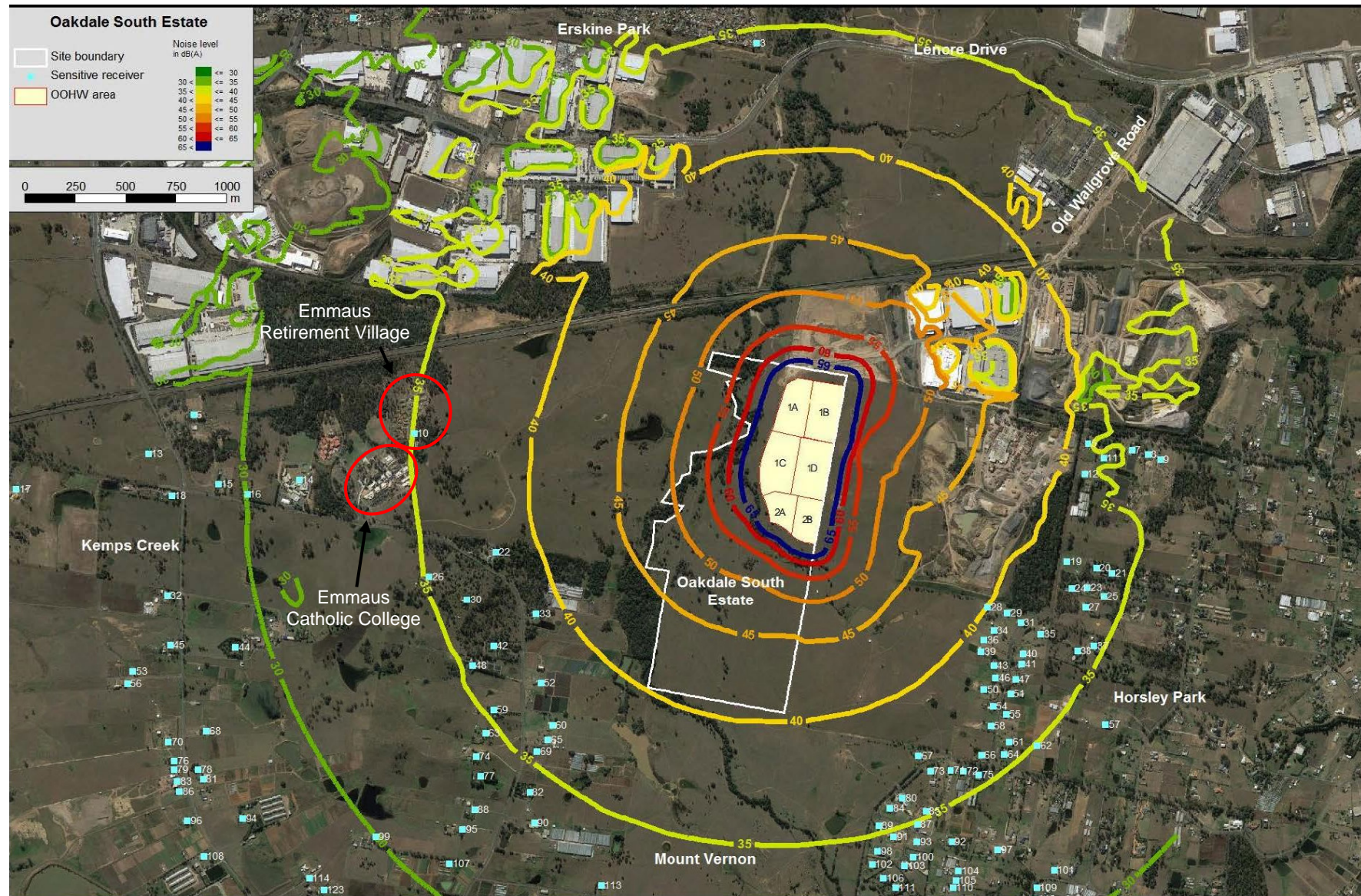
**Figure 8:** Location of Noise Monitors

**Table 3:** Construction Noise Management Levels (NMLs) for Residential Receivers

Approximate Noise Catchment	Construction Noise Management Levels ( $L_{Aeq15 \text{ minute}}$ )			Sleep Disturbance ( $L_{A1, 1 \text{ Minute}}$ )	
	Day (7 AM to 6 PM) (RBL +10 dB(A))	Evening (6 PM to 10 PM) (Day RBL + 5 dB(A))	Night (10 PM to 7 AM) (Evening NML)	Screening (Day RBL + 15 dB)	Awakening (External)
L1 - North of the Pipeline	42	37	37	47	65
L2 - Horsley Park	44	39	39	49	65
L3 - Kemps Creek, Mount Vernon, Jacfin and Capitol Hill	43	38	38	48	65

The predicted noise contours for the out of hour works assessed in the CNVIA are shown in **Figure 9**. It should be noted the contours assume two bulldozers and compactors operating in zones 1A, 1B and 1C and a single compactor and bulldozer operating in zones 1D, 2A and 2B.





**Figure 9: Predicted Worst Case Noise Contours for Out of Hours Fill Importation Works**

**Note:** The contours assume the operation of two bulldozers and compactors on zones 1A to 1C and one bulldozer and compactor in zones 1D, 2A and 2B



The updated CNVIA concluded:

- works in zones 1A and 1B are not expected to exceed the NMLs at any receiver;
- works in zones 1C, 1D and 2A may exceed the NMLs by 1-2 dB and only works with a single bulldozer and compactor are recommended;
- individual receiver noise levels predict up to seven exceedances from work zone 2B where all equipment is used;
- noise levels at residences along Greenway Place are predicted to exceed the evening and night-time NMLs by 2-4 dB(A);
- where the use of a D10 bulldozer is excluded, two exceedances between 0-10 dB are predicted from zone 2B; and
- where two or more zones are proposed to operate with two bulldozers and two compactors, cumulative impacts of up to 9 dB are predicted. Where a single bulldozer is used in multiple work zones, exceedances are predicted up to 6 dB(A).

The Department notes the Applicant does not intend to use a D10 bulldozer during the out of hour works.

The three public submissions raised concern regarding noise impacts (including sleep disturbance) from trucks importing fill and the use of plant and equipment to place and compact imported fill during the evening and night. In this regard, the Department notes the Applicant's assessment for the proposed out of hour works are conservative as:

- the CNVIA adopted a worst case construction scenario during the evenings and night-times using more plant and equipment than currently proposed by the Applicant;
- the night-time NMLs have been pegged back to the evening NMLs, which are under the daytime RBLs, consistent with the approach recommended in the INP;
- the NMLs for Horsley Park (L2 in **Table 3**) are equal to the operational noise limits for the Oakdale South site under Condition B18 under the Concept Proposal (39 dB(A) operational limit);
- the NMLs for Kemps Creek, Mount Vernon, Jacfin and Capitol Hill are 2 dB(A) more stringent than the operational limits under Condition B18 (40 dB(A) operational limit);
- the predicted exceedances under the CNVIA are within 5 dB(A) of the proposed NMLs; and
- under strict application of the ICNG and the RBLs from the original Oakdale South assessment, the relevant NMLs would be:
  - 52 dB(A) in the evening and 49 dB(A) at night at Horsley Park; and
  - 51 dB(A) in the evening and 52 dB(A) at night at Kemps Creek, Mount Vernon, Jacfin and Capitol Hill.

The Applicant proposes to implement the following management measures to minimise potential noise impacts:

- implementing a staged ramp-up of fill deliveries as described in **Section 4**;
- unattended noise monitoring at the three receiver locations shown in **Figure 6**; and
- limiting works to one of the six proposed work zones at any one time.

The Department has considered the submissions from Council and nearby residents in its assessment of the modification application. Based on the information provided in the CNVIA and clarification in the Applicant's response, the Department is satisfied the CNVIA is a conservative assessment of a worst-case scenario for construction noise. The Department also notes the Applicant intends to progressively increase the number of fill deliveries to the site over three stages to ensure compliance with the construction NMLs and local amenity is maintained. However, the Department notes the CNVIA predicts exceedances of the NMLs from work zones 2A and 2B when modelled individually and where works in multiple work zones are done at the same time.

Work zone 2B is the closest zone to the nearest residential receiver and is the source of the highest number of NML exceedances. These exceedances are also the highest above the NMLs. Due to the number and magnitude of the exceedances, the Department considers the Applicant should not be allowed to undertake out of hours fill import activities in zone 2B to mitigate the potential noise impacts at the nearest residential receivers. Furthermore, as exceedances from cumulative works are predicted to be 6 to 9 dB(A) over the NMLs, the Department does not support out of hour works in more than one zone at any one time. Finally, the Department notes the Applicant does not intend to use a D10 bulldozer for out of hour works, however, as this piece of equipment was shown to cause exceedances in the NMLs from work zones 1D, 2A and 2B the Department considers a limit preventing its use is appropriate.

While the Department considers it is unlikely the out of hour works would exceed the construction NMLs, new conditions addressing the proposed out of hour works are recommended to:

- limit the timeframe of out of hour works to 8 pm to 4 am as requested by RMS;
- require the Applicant to request further approvals from the Department to progress from stage 1 to stage 2 and from stage 2 to stage 3 fill importation activities, subject to the submission of compliance reports detailing noise monitoring, truck movement and complaints received (if any);
- adopt the NMLs assessed under the CNVIA for the out of hour works for fill importation;
- exclude out of hour works from being undertaken in work zone 2B;
- only allow fill importation activities to be carried out in one work zone at any one time as committed to by the Applicant;
- exclude the use of a D10 bulldozer during the out of hour works;
- require the Applicant to notify the Department when stage 1 fill deliveries for the out of hour works commence;
- require the Applicant to cease out of hour works if the compliance reports demonstrate exceedances during the current stage, or if any substantiated and valid complaints are received by the Secretary; and
- update the Construction Environmental Management Plan (CEMP), CNVMP and Construction Traffic Management Plan (CTMP) which also includes updates to the approved Drivers Code of Conduct.

#### Road Traffic Noise

Construction traffic on public roads is assessed under the RNP. The RNP states that where land uses increase road traffic noise by more than 2 dB, noise mitigation is required. Construction traffic would use a haul route from the M7 motorway, Old Wallgrove Road and Millner Avenue. Only existing industrial operations exist along the proposed haul route. No residential receivers are located along these roads. The CNVIA also advised no trucks would queue or idle on Millner Avenue. Only five trucks are expected to be in the vicinity of the site at any one time during out of hour works.

The Applicant has advised an increase of 2 dB would require an increase in traffic volumes of 60 %. Old Wallgrove Road forms most of the proposed haul route and currently experiences around 30,000 vehicles per day. A 60 % increase in current traffic volumes on Old Wallgrove Road would require an additional 18,000 vehicles. Out of hours fill importation would consist of up to 200-300 deliveries (two way trips), or 400-600 individual vehicle movements over a ten-hour period.

The Department's assessment concludes the predicted evening and night-time construction volumes and the distances to the nearest residential receiver from the proposed haul route would not result in an increase in road traffic noise.

#### Sleep Disturbance

Where works occur over more than two consecutive nights, the ICNG recommends maximum noise levels should be analysed in terms of their extent and the frequency they exceed the RBLs. The RNP also states that:

- the  $L_{A1, 1 \text{ minute}}$  levels for short or impulsive noise sources should not exceed the ambient noise levels by more than 15 dB;
- internal noise levels below 50-55 dB(A) are unlikely to awaken people from sleep; and
- one or two noise events of 65-70 dB(A) are not likely to affect health or wellbeing significantly.

The CNVIA adopted a sleep disturbance screening criteria of RBL + 15 dB(A) as a  $L_{A1, 1 \text{ minute}}$  measure (see **Table 3**). This provides a screening level 10 dB above the evening and night NMLs for each of the three noise catchments.

The CNVIA concluded the proposed out of hour works would result in exceedances of the NMLs between 2 to 4 dB for residential receivers along Greenway Place, when all equipment is used. However, no exceedances of the NMLs are predicted were only a single bulldozer and single compactor are used. Under this scenario, neither the sleep disturbance or sleep awakening criteria are expected to be exceeded at any sensitive receiver location from any work zone.

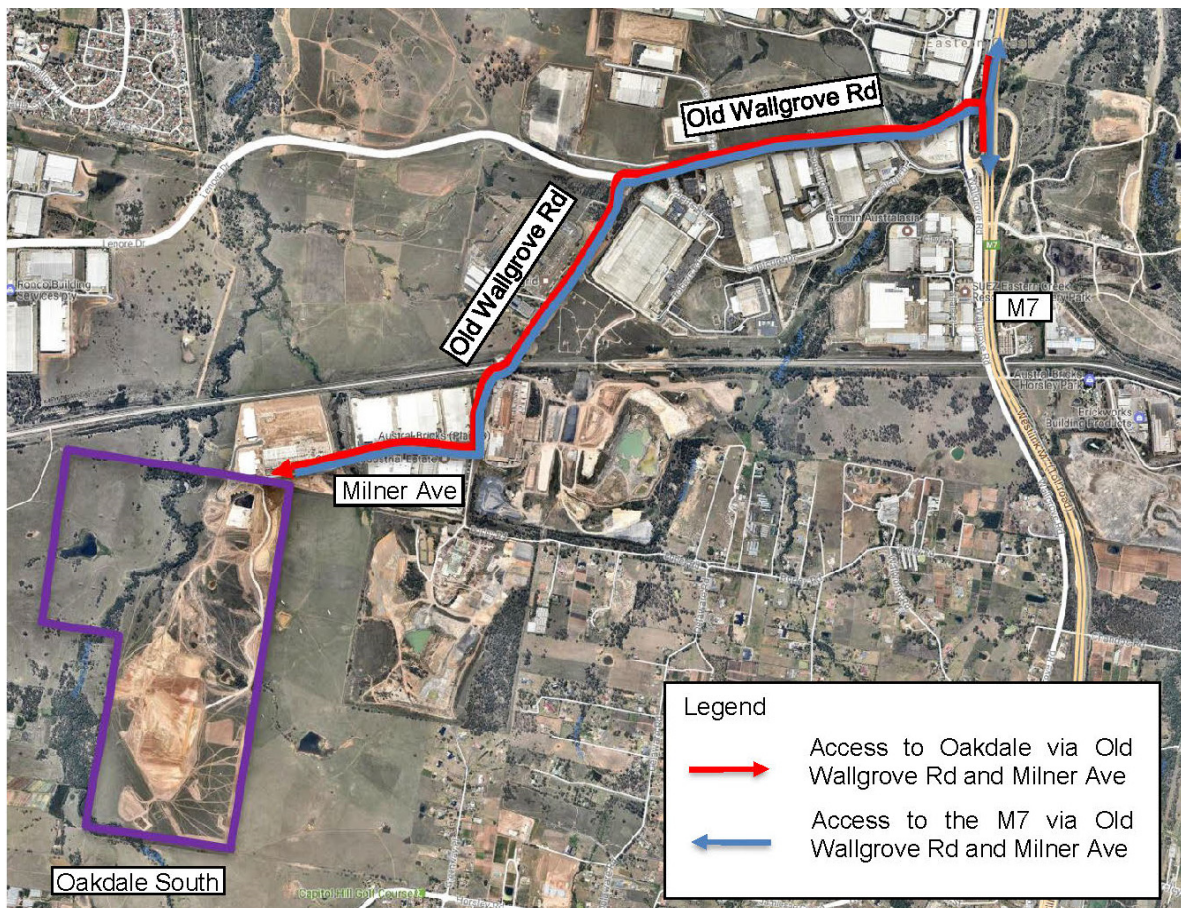
On this basis, the Department's assessment concludes the risk of sleep disturbance during the out of hour works is low.

### Conclusion

The Department has considered the information submitted with the modification application, the comments received from Council and the issues raised in the submissions received. The Department's assessment concludes the construction activities associated with the temporary out of hour works for fill importation and earthworks would comply with the construction NMLs assessed by the Applicant, subject to the recommended conditions of consent detailed above. The Department is also satisfied the construction traffic from the importation of fill material would not contribute to additional road traffic noise under the RNP. Finally, the Department is satisfied the out of hour works are unlikely to result in sleep disturbances for the temporary four-month duration as the screening criteria adopted in the CNVIA are conservative and unlikely to be exceeded.

### 6.2 Construction Traffic

The proposed out of hour works will compress the bulk earthworks phase of construction by shifting daytime construction trips along the M7, Old Wallgrove Road (OWR) and Millner Avenue from the daytime to evening and night-time periods. Warehouses located in Oakdale Central consisting of the DHL Logistics Hub (MP 08\_0066) and warehouses 1C, 2B, 3A, 3C and 3D (SSD 6078) are currently operating 24 hours a day, seven days a week. The application includes a Traffic Impact Assessment (TIA) which assessed the capacity of the local and regional road network to accommodate the out of hours traffic volumes. Construction access would follow a haul route from the M7 along Old Wallgrove Road and Millner Avenue (see **Figure 10**).



**Figure 10: Construction Traffic Haul Routes**

The TIA concluded:

- the out of hour works would generate up to 200 to 300 two-way trips per night consisting of fill deliveries to the site and the return journey of empty trucks. These traffic movements are in addition to the 90 trips per day during daytime construction;
- the additional construction traffic would be less than the Oakdale South site as originally assessed when at full operation (645 trips per hour) and would not have an adverse impact on the performance of nearby intersections during the day or night;



- the upgrades to OWR completed in Q1 of 2017 provide enough capacity to accommodate the increase in night-time construction traffic; and
- out of hours construction traffic will occur when commuter and resident traffic is reduced, thereby providing spare capacity at key intersections during evenings and night-times.

In its response, the Applicant advised the additional night-time construction traffic would occur for a period of four months, rather than a period of eight to 11 months, as bulk earthworks have progressed during daytime construction hours on-site and less fill would need to be imported to reach the approved levels.

Council raised no concerns regarding construction traffic impacts. RMS raised concern that the proposed hours for the out of hour works (7 pm to 5 am) are close to the peak hours for the existing road network, and recommend the hours be revised to 8 pm to 4 am to maintain the efficiency of the road network.

The Applicant has advised the site currently receives 90 two-way construction trips per day for daytime construction. The original TIA for Oakdale South concluded this volume of construction traffic would occur for 22 months, assuming 8 hours of construction per day. The proposed out of hour works would compress the timeframe of these construction movements into a four-month period and allow the Applicant to establish earthwork levels and building pads sooner, to bring the construction timeframes of approved warehouse buildings forward.

The Department considers the potential construction traffic volumes are acceptable and would not result in any adverse traffic impacts on the regional road network for the proposed four-month period as the roads along the proposed haul route (see **Figure 10**) currently handle large volumes of traffic, with:

- Old Wallgrove Road currently experiencing 30,000 vehicles per day; and
- Wallgrove Road currently handling 7,500 vehicles per day.

The Department is satisfied the traffic for the out of hour works would be limited to the proposed haul route along Old Wallgrove Road and Wallgrove Road, which have sufficient capacity to handle the evening and night-time traffic volumes. The proposed haul route is also located well away from residential areas and would not impact the local road network in terms of congestion or road traffic noise.

The Department's assessment concludes the anticipated total volume of construction traffic is consistent with the original assessment of Oakdale South as the overall volume of construction traffic required to construct the development would not increase. The Department notes the proposed modification will also compress the timeframe for overall construction traffic movements. This would result in a greater number of vehicle movements over a shorter period. However, the Department is satisfied construction traffic for the out of hour works would have negligible impact on the local and regional road network, subject to adopting the recommended hours from the RMS. The Department notes an existing Construction Traffic Management Plan (CTMP) is in place for the site, including a Drivers Code of Conduct.

On this basis, the Department has recommended conditions requiring the Applicant to:

- limit out of hour works from 8 pm to 4 am as requested by RMS;
- ensure heavy vehicles only utilize the haul route depicted in **Figure 10**; and
- implement updated management measures, including:
  - limiting vehicle speeds, truck idling and the use of compression braking;
  - use of a run out or two stage approach when unloading material to avoid tailgates slamming into bins; and
  - limiting truck queueing.

### 6.3 Other Issues

The Department's assessment of other issues is provided in **Table 4**.

**Table 4: Assessment of Other Issues**

Issue	Assessment	Recommendation
Air Quality	<ul style="list-style-type: none"> <li>• Bulk earthworks under the Stage 1 DA have the potential to generate dust emissions, which can be deposited in the surrounding area, including nearby residential properties.</li> </ul>	<ul style="list-style-type: none"> <li>• Manage through existing conditions and updated</li> </ul>

Issue	Assessment	Recommendation
	<ul style="list-style-type: none"> <li>Public submissions raised concern regarding air quality impacts from dust generated during out of hours fill importation.</li> <li>The Applicant has advised the fill imported from the WestConnex M4 East sites has a moisture content of approximately 8.5 %, which would assist in limiting dust generation.</li> <li>The Applicant has also advised the primary dust source is from cut and fill works of the existing landform in precincts 3, 4 and 5 in the Oakdale South site. No out of hour works is proposed in these areas of the site.</li> <li>The scope of construction works would not change under the proposed modification.</li> <li>The use of water carts would be extended to cover the evening and night-time works during placement and compaction of fill material delivered to the site to further manage dust in addition to existing dust monitoring under the approved CEMP.</li> <li>The Department's assessment of the Air Quality Impact Assessment for the original Oakdale South assessment concluded air quality impacts from construction (from earthworks and vegetation clearing) would present a negligible risk of adverse air quality impacts.</li> <li>The out of hour works will not increase the total amount of fill imported to the site. As such, the potential for dust generation will not change because of the proposed modification.</li> <li>Existing management measures including sprays and screens would be implemented to further control dust during construction.</li> <li>On this basis, the Department's assessment concludes the potential air quality impacts are consistent with those originally assessed and can be managed through existing conditions of consent and management measures.</li> </ul>	management measures/plans.
Construction Vibration	<ul style="list-style-type: none"> <li>Vibration impacts from construction plant and equipment have the potential to impact nearby properties and human comfort.</li> <li>The CNVIA assessed the predicted vibration impacts from the proposed construction activities against the <i>Environmental Noise Management Assessing Vibration: A Technical Guideline</i> (Department of Environment and Conservation, 2006) for human exposure and the German Standard <i>DIN 4150-3: Structural Vibration - effects of vibration on structures</i> for structural damage.</li> <li>The safe working distances for vibration intensive equipment range from 1 m (jackhammer) to 100 m (12 tonne vibratory roller).</li> <li>The nearest residential receiver to the fill importation work zones (zone 2B) is 930 m to the south east, along Greenway Place.</li> <li>The CNVIA concluded none of the Applicant's nominated pieces of plant and equipment (see <b>Section 4</b>) would be located within the safe working distance buffers.</li> <li>On this basis, the Department's assessment concludes any impacts on human health or nearby structures from the out of hour works would be negligible and can be managed through existing conditions of consent.</li> </ul>	<ul style="list-style-type: none"> <li>Manage through existing conditions.</li> </ul>
Lighting	<ul style="list-style-type: none"> <li>Up to five moonlight day-makers would be placed and used on-site from 8 pm to 4 am to provide light for visibility.</li> <li>Existing light sources in the area consist of on-lot and street lighting from Oakdale Central and Millner Avenue to the north, associated with 24/7 warehousing operations.</li> <li>Public submissions received raised concern regarding light spill from day-makers and truck lighting.</li> <li>Work zone 2B is the closest of the six proposed work zones to residential receivers. The closest residential receiver to zone 2B is 930 m to the south east along Greenway Place.</li> <li>These residents are up to 20 m higher than the Oakdale South site. The land between construction activities and residential receivers consists of vacant, industrial zoned land.</li> <li>The Applicant has advised that moonlight day-makers would be angled towards the fill areas and away from residential areas to manage light spill during the evening and night.</li> </ul>	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> <li>Manage through existing conditions of consent.</li> </ul>

Issue	Assessment	Recommendation
	<ul style="list-style-type: none"> <li>The Department notes existing Condition E66 requires the Applicant to ensure the lighting associated with the Development complies with the latest version of AS 4282 (INT) - <i>Control of Obtrusive Effects of Outdoor Lighting</i> and is mounted and screened in a manner that it does not cause a nuisance to surrounding properties or the road network.</li> <li>The Department's assessment concludes light generated from the out of hour works is unlikely to impact nearby residential receivers due to the distances to nearby properties and the presence of existing light sources.</li> </ul>	
Erosion and Sedimentation	<ul style="list-style-type: none"> <li>The Stage 1 DA of the development involves extensive cut and fill earthworks to establish building levels of estate infrastructure and building pads for approved and future warehouse buildings.</li> <li>During its assessment, the Department raised concern whether adequate erosion and sedimentation controls were in place on-site, in accordance with <i>Managing Urban Stormwater: Soils and Construction Guideline</i> (Landcom) (the Blue Book) required by Condition E25.</li> <li>As the out of hour works would import and move imported fill during the evening and night, the Department considers a new condition of consent is warranted, requiring the Applicant to demonstrate adequate erosion and sedimentation control measures are in place, prior to the commencement of out of hour works.</li> <li>The Applicant has advised it is amendable to such a condition.</li> <li>Therefore, the Department has recommended new Condition E27C requiring the Applicant to demonstrate adequate erosion and sediment controls are in place prior to the commencement of out of hour works.</li> </ul>	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> <li>Validate erosion and sedimentation controls are in place prior to commencing out of hour works.</li> </ul>
Updated Management Plans	<ul style="list-style-type: none"> <li>The Applicant has submitted a schedule of proposed changes to the approved management plans for the development, including the Construction Traffic Management Plan, Noise and Vibration Management Plan, Construction Environmental Management Plan and Construction Community Liaison Plan.</li> <li>The updates also reflect revised staging from the proposed works.</li> <li>The Department agrees the management plans relating to the development should be updated to address the out of hour works.</li> <li>However, there are inconsistencies between the approved CEMP and proposed changes in relation to construction hours that will need to be corrected via a revised CEMP.</li> <li>On this basis, the Department has excluded the proposed amendments to the management plans at Appendix E of the modification application from the list of approved documents in the SSD 6917 development consent.</li> <li>To ensure the development is carried out in accordance with the information submitted with the modification application, the Department has recommended administrative changes to the development consent, including updating the management plans in accordance with Condition F9.</li> </ul>	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> <li>Submit revised management plans in accordance with Condition F9 to the satisfaction of the Secretary.</li> </ul>

## 7. CONCLUSION

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. The Department considers the proposed modification is appropriate on the basis that the out of hour works will:

- result in minimal environmental impacts in terms of noise emissions, construction traffic and air quality beyond the approved development, subject to the recommended conditions including a staged increase of fill deliveries and required compliance with the ICNG;
- ensure adequate erosion and sedimentation controls are in place prior to the Applicant starting the out of hour works;
- potentially reduce peak traffic periods by shifting construction traffic associated with bulk earthworks from the day to night-time, where resident and commuter traffic on the local and regional road network is reduced; and
- reduce the time to complete bulk earthworks under the Stage 1 DA by several months.



On this basis, the Department is satisfied that the modification should be approved, subject to the recommended modified and new conditions.


## 8. RECOMMENDATION

It is recommended that the Acting Executive Director, Key Sites and Industry Assessments, as delegate for the Minister for Planning:

- Consider the findings and recommendations of this report;
- Determine that the modification application SSD 6917 MOD 3 falls within the scope of section 96(1A) of the EP&A Act;
- Modify the consent SSD 6917; and
- Sign the attached approval of the modification (Attachment A).

Prepared by:  
Thomas Piovesan  
Planning Officer

Recommended by:

  
Kelly McNicol 22/09/17  
Team Leader  
Industry Assessments

Recommended by:

  
Chris Ritchie 22/9/17  
Director  
Industry Assessments

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## DECISION

Approved by:



Anthea Sargeant 5/10/17  
Executive Director  
Key Sites and Industry Assessments  
as delegate of the Minister for Planning

## **APPENDIX A – NOTICE OF MODIFICATION**

See link: [http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8380](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8380)

## **APPENDIX B – STATEMENT OF ENVIRONMENTAL EFFECTS**

See link: [http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8380](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8380)



## **APPENDIX C – SUBMISSIONS**

See link: [http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8380](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8380)