



28 August 2018

Minister for Planning
Level 22, 320 Pitt Street
Sydney NSW 2000

Attention: Nikki Matthews

Dear Minister

SSD 6917 MOD 8, OAKDALE SOUTH – S.4.55(1A) APPLICATION TO MODIFY CONDITION B11
CONCERNING EXTERNAL MECHANICAL PLANT HEIGHT

I write on behalf of Goodman, the applicant to SSD 6917 (Oakdale South Industrial Estate), to lodge an application under S.4.55(1A) of the Environmental Planning and Assessment Act 1979 (the Act). S.4.55(1A) of the Act provides that:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) 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)...*

As the consent authority for SSD 6917, the Department of Planning and Environment are authorised to modify the consent provided the above is met. This is the eighth (8) modification sought to SSD6917.

Condition B10 includes a table (Table 2) of controls applying to SSD6917, including a height limit of 15m. This application seeks to update the approved height controls to permit plant height at Precinct 5 up to 16.5m

Appendix A – Approved DA18/0510 plans

Appendix B – Update DA18/0510 roof and elevation plans

Appendix C – Visual impact Assessment

Appendix D – Noise impact

Background

DA18/0510 has recently been approved by Penrith Council, authorising construction of a temperature control facility at Precinct 5, Oakdale South. However, while the approval included detail of the

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temperature control plant and infrastructure, the roof plan omitted the rooftop plant detail.

A S.4.55(1A) application has therefore been lodged (August 2018) with Penrith Council to update the roof plan to include the plant detail. While the ridgeline height of the warehouse building remains as per the permissible 13.7m height, a small portion of the roof top plant (0.4% of the roof area) will penetrate above the maximum 15m maximum height permitted by Condition B10, by approximately 1.33m. The plant at Precinct 5 will therefore have a maximum height of around 16.33m.

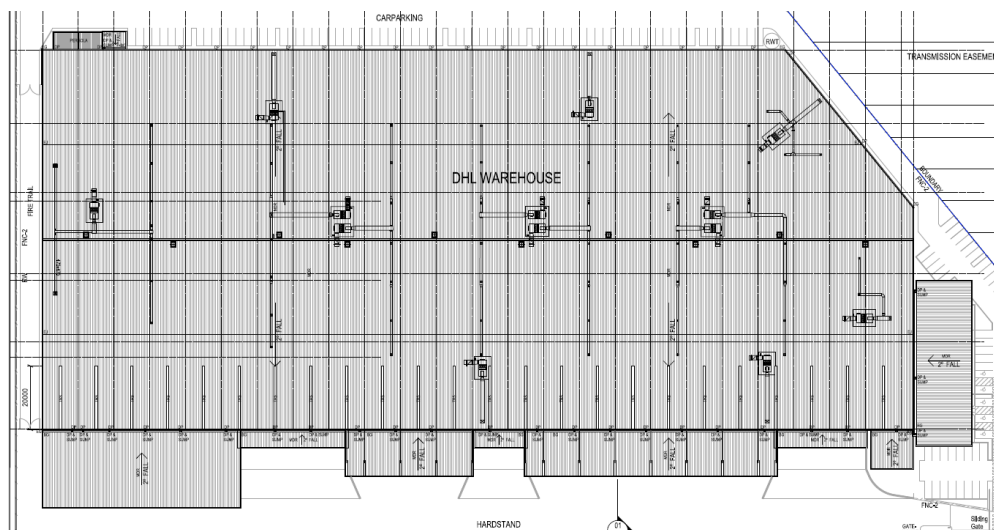


Figure 1 - Roof plan for Precinct 5, including roof plant.

Visual impact assessment has been undertaken of the rooftop plant (**Appendix B**), which concludes that the rooftop plant has no unacceptable visual impact to the surrounds, particularly the rural residential land to the south, and does not increase the perception of bulk and height.



Figure 2 - View of Precinct 5 from the South, including land scape berm

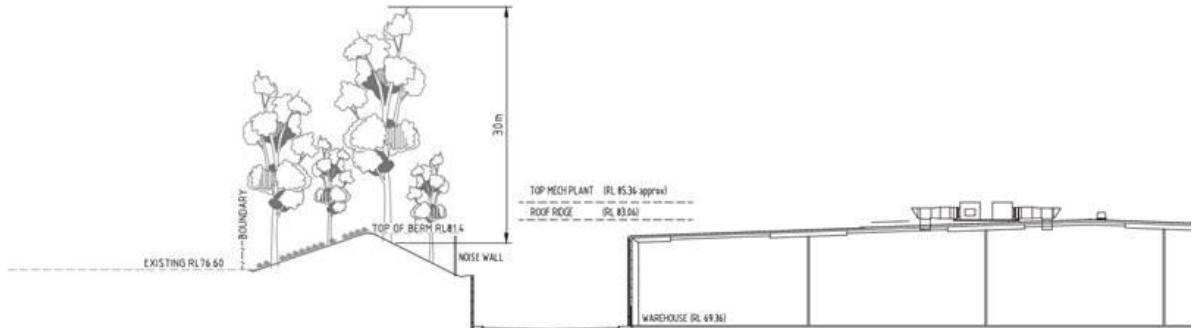
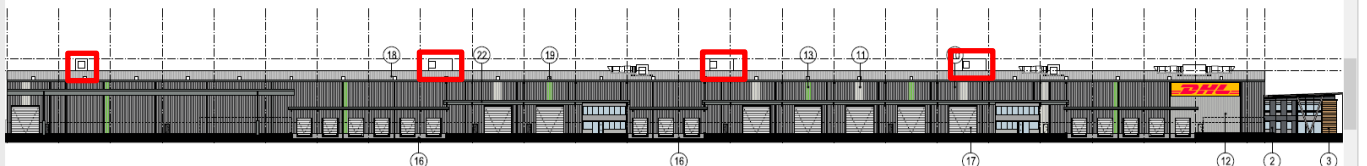


Figure 3: 18-540-SKC001[A] (Source at&I 2018)

Figure 3 - Section showing the screening effect of the topography and landscape bund to the South of Lot 5

As demonstrated by Figure 2 & 3, the visual impact arising from the rooftop plant is acceptable for the following reasons:

- The proposed plant exceeding 15m is located on a nominal 0.4% of the warehouse roof area (refer to Fig. 4).
- the topography of the site drops from south to north, away from sensitive receivers which reduces appearance of bulk and scale of the warehouse building.
- the 30m landscape bund on the southern boundary includes significant landscaping which screens the building on the site from the land to the south.



Proposal Modification

While Council are supportive of the updated rooftop plant, they require DA18/0510 to be consistent with the SSD6917 concept approval in respect of height and other controls. There is therefore a requirement for the conditions of SSD6917 to be updated to permit plant extension above the 15m height limit.

Condition B11 is therefore proposed to be updated as follows to permit additional height for the rooftop plant (new proposed wording in red), to a maximum of 16.5m:

B11. Notwithstanding the controls listed in Table 2 in Condition B10 above, no warehouse building in Precinct 4, 5 or 6 shall exceed a ridgeline height of 13.7 m. Rooftop plant is permitted in Precinct 5 to have a maximum height of 16.5m

Statutory Provisions

Section 96(1A) of the Act stipulates the following provisions:

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) it is satisfied that the proposed modification is of minimal environmental impact, and

The proposal will not have an unacceptable impact on either noise or visual impact in the vicinity of the proposal as discussed below. There are no other environmental impacts anticipated as a result of the rooftop plant:

1.1 Visual Impact

As discussed above, the proposal does not seek to update the approved warehouse building for Precinct 5, merely to update the roof plan with relevant plant. The proposal will therefore not impact the approved bulk and scale of the existing building. The proposed temperature control plant units penetrating over a 15m height plane only applies to 0.4% of the warehouse roof area and will therefore have only nominal visual impact to the approved elevational presentation (**Appendix B**). Other factors such as site topography and landscape screening ensures further reduction in visual impact and that the environmental impact is considered minimal and acceptable.

1.2 Noise

Noise assessment included with DA18/0510 assessed the noise impacts resulting for the proposed rooftop plan and concluded that the noise impacts were acceptable and aligned with the noise criteria approved under SSD6917. Penrith Council approved this noise assessment. As discussed above, this application does not seek additional plant from that approved in DA18/0510, but rather to correct the roof plan which omitted the plant detail. There are therefore no additional noise impacts resulting from the proposal (**Appendix C**).

(b) 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), and

The proposed development remains for warehouse and distribution uses, with the building footprint of the Precinct 5 resembling that of the approved Concept masterplan. The proposal therefore related substantially the same as that approved under SSD6917.

(c) it has notified the application in accordance with:

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

Noted.

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Noted.

Conclusion

Pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (the Act), we hereby seek to amend Condition B11 to permit roof top plant within Precinct 5, to enable the facility to operate as a temperature control facility. As demonstrated above, the proposal will not result in unacceptable environmental impacts. For this reason, we seek the Secretary's approval of this modification.

Yours sincerely

A handwritten signature in black ink, appearing to be "Guy Smith", with a stylized flourish.

Guy Smith
Planning Manager