



31 May 2011

Our ref: DHB/11085

The Director-General
NSW Department of Planning and Infrastructure
23 – 33 Bridge Street,
SYDNEY NSW 2000

Dear Sir,

re: Application to Modify Project Approval No 08_0066

1 Introduction

Application is made under S75W of the *Environmental Planning and Assessment Act, 1979* (the Act) to modify the approval to Application No 08_0066 being a project approval for the establishment of a DHL Logistics Hub and associated infrastructure. The project approval was granted by the Minister on 2 January 2009 ("project approval").

The project approval was modified on 4 November 2010 (Mod 1). The modification approved some amendments to the approved building areas, changes to the hardstand arrangement and redistribution of car parking spaces, a reduction in the number of estate roads from 4 to 1, changes to the subdivision to create 2 estate road allotments rather than 4.

The Project Approval relates to Lot 2 in DP 120673.

Approval is sought for a second modification to the project approval for minor alterations to warehouses 2 and 3 on site 2A. No change is proposed to the concept plan approval (MP 08_0065) or site 1A from the project approval (MP 08_0066). The modifications to warehouses 2 and 3 are considered minor, given the scale of the development and are being made to meet the operational needs of DHL which have changed slightly from when the project was approved in early 2009 and have evolved during the detailed design process.

We are of the opinion that the proposed modifications are of such a minor nature that it would be open to the Department of Planning and Infrastructure (DPI) to form the view that the project, carried out in accordance with the amended plans, would be generally in accordance with Condition 2 of Schedule 2 in the Project Approval and not require a Section 75W Modification of Minister's approval application (as the project as modified will be consistent with the existing approval under Section 75W). This application is submitted to avoid doubt and in the event that the DPI take the view that the project as modified is not generally in accordance with the approved plans as approved under Mod 1. It is critical given that construction works have already commenced on the site, that we receive a timely response to whether a Section 75W Modification Application is required.

2 Background

On the 2 January 2009 the Minister for Planning granted approval for the following subject to conditions:

- Oakdale CENTRAL Concept Plan (MP 08_0065): Concept Plan Approval for the Oakdale employment park (Oakdale Central) for warehousing, distribution and light industrial purposes including associated infrastructure.
- DHL Logistics Hub (Buildings 1A & 2A) Major Project (MP 08_0066): The DHL Logistics Hub Project Approval included the following:
 - Subdivision of the site;
 - Upgrade of Old Wallgrove Road;
 - Bulk Earthworks across Oakdale Central;
 - Provision of infrastructure and services for Oakdale Central; and
 - Construction of two warehouses and associated infrastructure.

The major components of the DHL Logistics Hub Project, as originally approved, are outlined in the table below:

Table 1: Major components of DHL Logistics Hub Project approved under Major Project (MP 08_0066) on 2 January 2009

| Project Summary | Construction and operation of a DHL Logistics Hub consisting of two warehouses and associated infrastructure on an 11 hectare lot |
|-------------------------------------|--|
| <i>Subdivision</i> | Subdivision of the site to create: <ul style="list-style-type: none"> • 6 industrial lots; • 1 services lot (1 ha); • 4 environmental / recreational lots (total area ~ 12 ha) • 5 road corridors |
| <i>Bulk Earthworks</i> | Earthworks include the removal of an earthen bund around the eastern and southern boundaries of the site, with a balance cut to fill to achieve the required levels for building pads, roads and the service lot |
| <i>Industrial Buildings</i> | Construction and operation of two warehouse and distribution buildings for DHL Logistics, including: <ul style="list-style-type: none"> • Building 1A with a gross floor area of ~20,000m² and an office area ~ 620m²; and • Building 2A with a gross floor area of ~32,530m² and an office area of ~1,180m². Buildings would be set back 20m from Old Wallgrove Road and the proposed Chandos Parkway |
| <i>Internal Roads & Parking</i> | Provision of 4 Estate roads to service the site |
| <i>Infrastructure</i> | Provision of an on-site sewerage system, and rainwater harvesting infrastructure. All other infrastructure (potable water, electricity, gas and telecommunications) would be provided through the augmentation and/or extension of existing services. |
| <i>Road Upgrades</i> | Upgrade of a section of Old Wallgrove Road between the site and Roberts Road. The upgrades would include localised widening, provision of a passing bay and installation of signage. |

| | |
|---------------------------|--|
| Project Summary | Construction and operation of a DHL Logistics Hub consisting of two warehouses and associated infrastructure on an 11 hectare lot |
| <i>Capital Investment</i> | \$89 million |
| <i>Employment</i> | 300 during construction and 400 during operation |
| <i>Hours of Operation</i> | 24 hours a day, 7 days a week |

On the 4 November 2010 a modification approval, issued under Section 75W of the *Environmental Planning and Assessment Act, 1979* (the Act) was granted to Project Application No. 08_0066. The modification to the development included the following:

- Modifications to the project layout including separation of warehouse 2 on Lot 2A into warehouse 2 and 3 to better serve DHL operational requirements;
- Upgrade of a 0.5km section of Old Wallgrove Road from the SCA crossing to the estate entry road to facilitate access to the revised estate entry location;
- Construction of a 260m long portion of the new estate road to facilitate access to Lot 1A and 2A; and
- Revised subdivision plan to reflect the concept plan allotments.

Mod 1 resulted in the creation of warehouses 2 and 3 on Lot 2A. The warehouses are comprised of the following:

Warehouse 2 (Lot 2A):

- 24,650m² warehouse and distribution facility with a 2 level office at the north east corner of 650m² and two dock offices located at the front and rear of the building of 75m² across a single level. The warehouse would be used by DHL for the storage and distribution of primarily pharmaceutical products and would be maintained at a constant temperature of below 25°C via air conditioning. There would also be a Rework area for breaking down of packages into smaller packages and a dangerous goods store which would comprise of full height pre-cast with 4 hour fire rating and would be design and certified in accordance with code and licensing requirements (A Dangerous Goods Assessment was included in the Modification Application).
- A hardstand at either end of the facility with drive around access for trucks. The truck entry/exit would also be shared with Warehouse 3 to west. Car parking is located at the front and eastern side of the building and would be accessed via a separate car park entry / exit.
- External finishes were shown on the Architectural elevations - comprised of concrete dado with metal deck cladding (insulated for temperature control requirements).

Warehouse 3 (Lot 2A):

- 9,291m² warehouse and distribution facility with a 2 level office located on the northern elevation of 929m² and a single level dock office on either side measuring 50m² (eastern elevation), and 120m² western elevation. The facility would be used by DHL for the receipt, storage and distribution of a range of healthcare, technical or domestic merchandise.

- A single hardstand area at the rear of the site with anti-clockwise drive around access for trucks from a truck entry on the west and a shared truck exit on the west. Car park access if via a separate entry/ exit from the estate road.
- External finishes were shown on the Architectural elevations - comprised of concrete dado with metal deck cladding.

Warehouse 2 was approved on 2 January 2009 as a 32,530m² warehouse. The modified building resulted in Warehouse 2 comprising 24,650m² and Warehouse 3 comprising 9,291m². Therefore there was an increase of 1,411m² in building area. The car parking provision was reduced by 25 car parking spaces.

3 The Site

Oakdale Central is a 62 hectare parcel of land located south of the Sydney Water Pipeline within the Fairfield Local Government Area. It is legally described as Lot 2 DP 120673 and is owned by Brickworks Limited (the parent company of The Austral Brick Company Pty Ltd (Austral Bricks)). Goodman and Austral Bricks have entered into a joint venture to develop the Oakdale land. Figure 1 shows the location of the site.

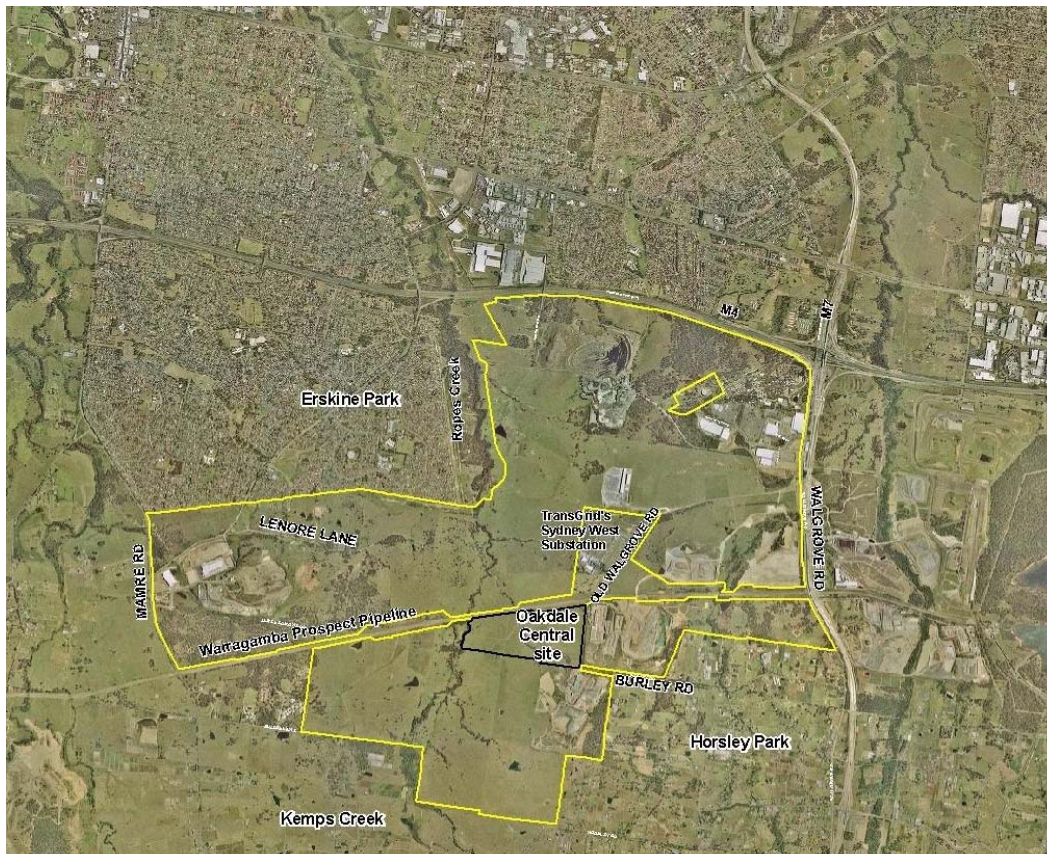


Figure 1: Site Location

4 Modification to Project Approval

The proposed modifications are outlined in Drawing Nos. OAK PA1 08(E), 09(E), 10(E) 10b(E), dated 21 April 2011. These drawings are contained in Attachment 1. The modifications proposed as part of this Section 75W application are outlined in **Table 2** below.

Table 2: Summary of the proposed modifications (Modification 2).

| Item No. On Plans | Description | Reason stated for the Amendment |
|-------------------|--|---|
| A | Increased hardstand areas | To cater for truck turning circles |
| A | Revised landscaping layout | To cater for the increase in hardstand areas for the truck turning circles |
| B | Fences relocated | To cater for tenant's security requirements. |
| B | New gates at entries | To cater for tenant's security requirements. |
| H | Rainwater tank moved underground | Moved underground for efficiency. |
| C | Revised main office layout with increased floor area | Tenant has increased the floor area by 200m ² to provide a training facility for forklift drivers. DHL are providing this to improve the skills of the Western Sydney employment population. |
| D + I | New hydrant tanks | The water flow is low from the new lead in main, so a hydrant tank is required to ensure there is sufficient water flow when a fire occurs. The tanks are only temporary until the balance of the water main from Horsley Drive is upgraded. This is expected to be completed in the next 12 - 18 months. |
| E | Chilled water plant | The tenant has changed from an air-cool system to a chilled water system to improve the energy consumption of the building. The plant on the roof is the same, but an additional plant room is required for the cooling towers and pumps. These have been located at the back of the building and will be screened off. |
| F + J | Sub-station location | Location now defined by Integral Energy. |
| M | Revised main office elevations | Tenant has increased the floor area by 200m ² to provide a training facility for forklift drivers. DHL are providing this to improve the skills of the Western Sydney employment population. The facade remains the same. |
| N | Façade colour scheme defined | Colours were not defined on the original consent. The colours have now been noted and finalised. |
| O | Additional egress doors / location of doors amended | Doors added to cater for fire engineering to ensure safe egress for all occupants. |
| Q | Mechanical plant on roof | Plant location defined. |

| Item No. On Plans | Description | Reason stated for the Amendment |
|----------------------|--|---|
| K | Revised transport office layout - no change to floor area | Tenant fit-out amended internally to suit staffing needs. |
| L | Revised dock office layouts and increased floor area | Tenant fit-out amended internally to suit staffing needs. |
| S | External stair case. | Roof access shown |
| K | Amendment to the car parking layouts | To accommodate the changes in the office layout and to ensure the number of car parking spaces provided on the site is not reduced. |
| N/A | A lowering of the floor level of Warehouse 2 by 300mm (SSL of 71.500 compared with the approved SSL of 71.800) | To cater for the stormwater design. |

5 Planning Process

Section 75W of the Environmental Planning and Assessment Act, 1979 (the Act) provides that a proponent may request the Minister to modify an approved Project Application. This application seeks to modify the approval of the Project Application No 08_0066 in so far as it relates to the approved buildings on Site 2A.

This Application is made pursuant to Section 75W(2) of the Act, whereupon a proponent may request the Minister to modify the Minister's approval for a project. The Director-General may, in accordance with Section 75W(3), notify the proponent of environmental assessment requirements with respect to the proposed modification which must be complied with prior to the matter being considered by the Minister. Given the minor nature of the proposed modifications it is unlikely that any additional environmental assessment requirements will be required. Should the Minister see a need for additional environmental assessment requirements (DGR's) these will be addressed in accordance with the Act.

The proposed modifications are considered to be of a minor nature, in the context of the approved project. The modifications to the DHL Logistics Hub are considered to be consistent with the existing approvals for the project, as:

- the proposed modifications would involve minimal environmental impact (see below);
- the proposed modifications do not alter the purpose or broad layout of the project; and
- the (DHL Logistics Hub) project as modified remains compliant with the applicable development controls (see below).

6 Assessment of Impacts

6.1 Oakdale CENTRAL Concept Plan

The Oakdale CENTRAL Concept Plan sets out the development controls for the Oakdale Central Precinct.

Table 3 provides a review of the compliance of the project (as modified) against these controls. As shown in the table, the proposed modifications do not alter the compliance of the project with these controls.

Table 3: Compliance table - key controls from Oakdale CENTRAL concept plan.

| Issue | Key Provisions | Compliance (As modified) | Comments (Nb. 'Proposal' refers to both the CENTRAL Concept Plan and the DHL Project) |
|-----------------------|--|---|---|
| Lot dimensions | <ul style="list-style-type: none"> • Min lot area 5,000m² • Min built area 2,500m² | Yes Yes | Complies Complies |
| Site Coverage | <ul style="list-style-type: none"> • Max site coverage 65% | Yes – still 57% despite increase in hardstand area | Complies |
| Building Setbacks | Relevant Building setbacks: <ul style="list-style-type: none"> • 20m link road • 15m collector road • 7.5m estate roads | <p>Proposal complies with the relevant building setbacks.</p> <p>Old Wallgrove Road is considered a link road. The proposal will provide a setback of 15.7m metres to Old Wallgrove Road.</p> <p>The main building is set back over 20m from Old Wallgrove Road. The chiller plan on the eastern side of Warehouse 2 is set back 15.7m from Old Wallgrove Road.</p> | <p>No the chilled plant will encroach into the required 20m setback. The majority of the warehouse is setback the required 20m. The chilled plant is lower than the rest of the building, is located below the street level and there is no change in the landscaping between the security fence and the boundary. In light of the above matters, the non-compliance is considered quite minor.</p> |
| Car Parking Provision | Warehouses: <ul style="list-style-type: none"> • 1 per 200m² Office: <ul style="list-style-type: none"> • 1 per 40m² | <p>A total of 34,674m² of warehousing is proposed = 174 spaces required</p> <p>A total of 1,863m² of office is proposed = 47 spaces required.</p> <p>A total of 249 spaces is provided which exceeds the required number of spaces (221).</p> | No change to total number – Complies |

Accordingly, the proposed modifications are consistent with the Oakdale Central Concept Plan controls.

6.2 Fairfield Development Control Plan 2006

Chapter 9 of the Fairfield DCP provides development controls for industrial development. An assessment of the both the CENTRAL Concept Plan and the DHL Project (as modified) against the relevant provisions of the Fairfield DCP is provided in Table 4.

Table 4: Compliance table - key controls from Fairfield DCP 2006.

| DCP Section | Issue | Key Development Standards | Complies (Yes or No) | Comment (Nb. 'Proposal' refers to both the CENTRAL Concept Plan and the DHL Project) |
|-------------|---|---|----------------------|--|
| 9.1 | Site Dimensions | <ul style="list-style-type: none"> • Lot Frontage; • Lot Size. | No Change | No Change |
| 9.2 | Setbacks | <ul style="list-style-type: none"> • Min. setback 10 metres (generally) with 5m landscaping | Yes | Minimum setback provided is 15.7m with no change in the landscaping fronting Old Wallgrove Road. |
| 9.3 | Car Parking, vehicle and access management | <ul style="list-style-type: none"> • General; • Car Parking Requirements; • Loading Facilities; • On-site Manoeuvring; • Vehicle Access; • Pedestrian Movement; • Splay Corners. | No | There is a change in the car parking layout but not the overall number of spaces. Proposal complies with all standards, except car parking rates – which are assessed against the Concept Plan controls. |
| 9.4 | Advertising Signs | Assessment Criteria | Yes | Condition No. 30 of Schedule 3 of the Project Approval requires detailed plans of the signage to be submitted to the Director-General and Council for approval. This will be done before the signage is installed. |
| 9.5 | Streetscape Amenity | <ul style="list-style-type: none"> • Landscaping; • Traffic Management; • Building Materials; • Hours of Operation; • Residue Land. | Yes | A lot of these issues were addressed via Conditions in Schedule 3 of the Project Approval. No change to these conditions is required. |
| 9.6 | Additional controls for specific activities | <ul style="list-style-type: none"> • Storage Yards | Yes | The storage and service areas will continue to be effectively screened. |

6.3 State Environmental Planning Policy (Western Sydney Employment Area) 2009

Part 4 of the *SEPP (Western Sydney Employment Hub) 2009* requires that consent must not be granted for development of land within the Western Sydney Employment Area unless a development control plan (or Precinct Plan) applies to that land, unless as otherwise agreed in writing by the Director-General.

There is an Approved Concept Plan for Oakdale Central. It is deemed that the Oakdale Central Concept Plan Approval adequately addresses all matters of consideration in Schedule 4 to enable the Director-General to confirm that the requirements for a Development Control plan have been satisfied.

Part 5 of SEPP (WSEA) 2009 provides 'Principal Development Standards' for development in the employment area. The proposed changes will not affect the proposals compliance with these 'Principal Development Standards'.

The proposed modification generally complies with all other relevant environmental planning instruments and controls relating to the site as identified in the Environmental Assessment for the Project Application, including:-

- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy No. 64 – Advertising and Signage;
- State Environmental Planning Policy (Major Development) 2005; and
- State Environmental Planning Policy (Infrastructure) 2007.

7 Changes to the Statement of Commitments

An assessment of the impacts of the proposed modifications finds that the conclusions of the environmental assessments of the concept plan and subsequent modifications remain valid. These were that, subject to the implementation of appropriate mitigative measures and in particular, those identified in the Draft Statement of Commitments forming part of the Environmental Assessment, the project as modified will not result in any significant adverse long-term social or environmental outcomes. With the exception of reference to the approved plans, no modification to the Statement of Commitments is required.

8 Modification to Conditions of Consent

We suggest that the consent be modified by deleting Condition 2 of Schedule 2 and replace with new Condition 2 as follows:-

Terms of Approval

2. *The proponent shall carry out the project generally in accordance with the:*

- EA;*
- Response to submissions;*
- statement of commitments;*
- modification application 08_0065 Mod 1 with supporting document titles Proposed s75W Modifications to Oakdale Central and DHL Logistics Hub, Oakdale Industrial Estate, Horsley Park EA prepared by Goodman Ltd and dated October 2010; and modification application 08_0065 MOD 2 with supporting document titled Application to Modify Project Approval No 08_0066 prepared by BBC Consulting Planners and dated 26 May 2011 and Drawing Nos. OAK PA1 03(E) to 06 (E), dated 21 April 2011 prepared by Goodman Ltd;***
- conditions of approval.*

9 Conclusion

We are of the opinion that the proposed modifications are of such a minor nature that it would be open to the Department of Planning and Infrastructure (DPI) to form the view that the project, carried out in accordance with the amended plans, would comply with Condition 2 of Schedule 2 of the Project Approval in that the development would be carried out generally in accordance with the approved plans. This a Section 75W Modification of the Minister's approval may not be required.

Should the DPI not hold this view, it is considered that the site is suitable for the development envisaged in the project application, as modified, and that the project is consistent with the public interest. Any potential negative impacts will be substantially mitigated by the measures outlined in the Environmental Assessment and in the approval.

Should you require any further information, please do not hesitate to contact the undersigned on 9211 4099.

Yours faithfully,

BBC Consulting Planners

A handwritten signature in black ink, appearing to read 'D. Brindle', with a small dot at the end of the signature.

Daniel Brindle

Director

Email dan.brindle@bbcplanners.com.au