

NSW Department of Planning & Infrastructure
23-33 Bridge Street
Sydney NSW 2000

Section 75W Modification Application (MP08_0066) – Oakdale Central, Horsley Park (Lot 21 in Deposited Plan 1173181)

Attention: Pascal van de Walle

Dear Sir,

This application is submitted to the NSW Department of Planning and Infrastructure in support of a modification to Project Approval MP08_0066 of the approved DHL Logistics Hub at Oakdale Central, Horsley Park (Lot 21 in Deposited Plan 1173181). Based on the minor scope of amendments proposed, we herewith apply to modify Project Approval MP08_0066 pursuant to Section 75W of the *Environmental Planning & Assessment Act 1979*.

Site History

On 2 January 2009, approval was granted for establishment of a DHL Logistics Hub and associated infrastructure including:

- 15 lot subdivision;
- Bulk earthworks;
- Construction of warehouses on sites 1A and 2A; and
- Internal roads and parking

A subsequent Modification (Mod 5) was approved on 5 March 2013 which included the following amendments:

- Subdivision layout;
- Bulk earthworks levels;
- Importation of fill;
- Retaining walls; and
- Conditions relating to creek crossing

The proposed modifications in relation to the approved development seek to amend the previous conditions imposed under MOD 5 in relation to Fill (see **Appendix 1**). The amendments are outlined below in red as shown in bold.

18. Fill

- b) *The compaction of fill shall be in accordance with the council's specifications.*
- c) *The importation of fill must meet the criteria of 'Virgin Excavated Natural Material' as defined in EPA Environmental Guidelines - Assessment Classification and Management of Liquid and Non-Liquid Waste 1999 ~~The proponent is required to keep supporting documentation (receipts/dockets) of VENM imported to the site~~ or 'Excavated Natural Material' as per the Excavated natural material exemption 2012, made under the Protection of the Environment Operations (Waste) Regulation 2005 – General Exemption Under Part 6, Clause 51 and 51A.*

- d) The proponent is required to keep supporting documentation (receipts/ dockets) of VENM/ ENM imported to site.**
- e) The proponent must submit to Council test results, certificates and other relevant documentation to satisfy the requirements of VENM/ ENM proposed prior to being imported.**

It is noted that Fairfield City Council have agreed in principle to the proposed use of ENM, provided it is in accordance with the following:

- i. Earthwork Specification Filling, Cutting and Testing Report, dated 6 May 2013, report number: PSM1541-003S Rev 2
- ii. The Resource Recovery Characterisation Report, number RR-01, Document number S0001265, dated 23 January 2014, prepared by DLA Environmental.
- iii. Proposed soils to be imported to the site shall meet applicable threshold limits for the proposed land use as contained within the Department of Environment and Conversation Guidelines for the NSW Site Auditor Scheme 2006.
- iv. The importation of fill must meet the criteria of 'Virgin Excavated Natural Material' as defined in EPA Environmental Guidelines - Assessment Classification and Management of Liquid and Non- Liquid Waste 1999, or 'Excavated Natural Material' as per the Excavated natural material exemption 2012, made under the Protection of the Environment Operations (Waste) Regulation 2005 – General Exemption Under Part 6, Clause 51 and 51A.
- v. The compaction of fill shall be in accordance with the council's specifications.
- vi. The proponent is required to keep supporting documentation (receipts/ dockets) of VENM/ ENM imported to site.
- vii. The proponent must submit to Council test results, certificates and other relevant documentation to satisfy the requirements of VENM/ ENM proposed prior to being imported.

The above requirements have been reflected in the amended conditions of approval, consistent with Council's request.

Likely Impacts of Development

The proposed modification does not include any alterations or additions to the approved development in terms of layout, access, gross floor area, built form or site coverage as changes pertain to the filling arrangements for the site only. The select fill to be used is classified as 'Excavated Natural Material' (ENM) and will be sourced from 467 Great Western Highway, Eastern Creek.

The methods proposed to be used for the fill on-site are considered environmentally sound thus there will be no unacceptable impact on surrounding properties and the industrial nature of the locality will be maintained consistent with the strategic objectives of *State Environmental Planning Policy (Western Sydney Employment Area) 2009*.

Suitability of the Site for Development

No submissions are apparent at the time of writing in accordance with the Act.

The proposed modifications will have no adverse impact on the public interests.

Based on the above, the modifications are worthy of support by the NSW Department of Planning and Infrastructure.

Should you require further information, please contact the undersigned.

Yours faithfully,



Andrew Cowan
Senior Planner
McKenzie Group Consulting Planning (NSW) Pty Ltd
ACN 146 035 707

Appendix 1

Project Approval MP08_0066 (MOD 5)

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under the instrument of delegation dated 14 September 2011, I approve the modification of the project application referred to in schedule 1, subject to the modified conditions in schedule 2.



Director
METROPOLITAN AND REGIONAL PROJECTS NORTH
As delegate of the Minister for Planning and Infrastructure

Sydney 5 March 2013

SCHEDULE 1

Project Approval:

MP08_0066 granted by then Minister for Planning on 2 January 2009.

For the following:

Establishment of a DHL Logistics Hub and associated infrastructure including:

- 15 lot subdivision;
- bulk earthworks;
- construction of warehouses on sites 1A and 2A; and
- internal roads and parking.

On land comprising:

Lot 2 DP 120673

Project:

Establishment of a DHL Logistics Hub and associated infrastructure.

Modification:

MP08_0066 MOD2

Amendments to the:

- subdivision layout;
- bulk earthworks levels;
- importation of fill;
- retaining walls; and
- conditions relating to the creek crossing.

SCHEDULE 2

1. In condition 2 of schedule 2, point (d) after the words "Lo6 Rev D" insert the following words:

"and modification application 08_0066 MOD5 with supporting document titled 'Proposed s75W Modifications to MP08_0065 and MP 08_0066' prepared by Urbis and dated October 2012 and Oakdale Central VMP – Addendum prepared by AECOM dated 4 December 2012 and drawings prepared by Goodman no. OAKPA1 01(G), OAKPA1 02(G), OAKPA1 11(G), OAKPA1 12(G), and drawings prepared by AT&L no. C005 (C), C010(C), C100(C), C101(C), C102(C), C104(C), SKC112(P3), and drawings prepared by Site Image no. 001(F), 002(F), 101(E), 102(E), 103(F), 104(F), 105(E), 401(D), 402(D), 403(E), 404(E), 405(D), 501(C), 011(D), 111(C), 112(C), 113(C), 114(C), 115(C), 411(C), 412(D), 413(C), 414(C) and 415(C);"
2. In condition 2 of schedule 3, delete clause (e) and replace with new clauses (e) and (f) as follows:
 - (e) this project approval does not give approval for the construction of the stormwater basin and outlets as identified on drawings prepared by AT&L no. C005 (C), C010(C), C100(C), C101(C), SKC112(P3), and drawings prepared by Site Image no. 001(F), 002(F), 101(E), 102(E), 103(F), 401(D), 402(D), 403(E), 011(D), 112(C), 114(C), 115(C), 412(D), 414(C) and 415(C) as marked in red. These components are to be subject of a separate application under Part 4 of the EP&A Act; and
 - (f) conditions of approval.
3. In condition 12 of schedule 2 replace the words "OAK PA1 12(D)" with the following words "OAKPA1 12(G) dated 2 October 2012."
4. Delete condition 4 in schedule 3.
5. In condition 5 of schedule 3:
 - in the body of the condition, replace the word "bridge" (two occurrences) with the word "culvert";
 - in part (a), replace the words "DPI and DWE" with the words "the Department of Primary Industries";
 - in part (b), in between the word "and" and the words "Department of Water and Energy's" insert the words "the former"; and
 - insert point (c) to read "in accordance with the culvert section prepared by AECOM dated 15.01.13, approved as part of Modification 5."
6. After condition 8 of schedule 3 insert new condition 8A as follows:

8A. All costs associated with the development are to be at no cost to the Roads and Maritime Services.
7. In condition 11 of schedule 3 replace the words "Soil and Water Management Plan dated September 2010, including drawing number 21-19628-SK001 Rev B, 21-19628-SK002 Rev B and 21-19628-SK003 Rev A, submitted with the modification" with the following words

"Erosion and Sedimentation Control Plan prepared by AT&L dated 11 October 2012 including drawing numbers C100(C), C101(C), C102(C), C103(C), C104(C), approved as part of Modification 5."
8. In condition 12 of schedule 3 replace the words "21-19628-SK001 Rev B" with the words "21-19628-SK002 Rev B C100(C), C101(C), C103(C), C104(C)".

9. After condition 18 of schedule 3 insert new conditions 18A, 18B and 18C and headings as follows:

Retaining walls

- 18A. Any retaining walls shall be certified structurally adequate by a structural engineer.

Fill

- 18B. The compaction of fill shall be in accordance with council's specifications.
18C. The importation of fill must meet the criteria of 'Virgin Excavated Natural Material' (VENM) as defined in EPA Environmental Guidelines – Assessment Classification and Management of Liquid and Non-Liquid Waste 1999. The proponent is required to keep supporting documentation (receipts / dockets) of VENM imported to site."

10. In condition 19 of schedule 3 replace the figure "4.27" with the figure "4.6".

11. In condition 21 of schedule 3 insert a second dot point under "Note" as follows:

"Construction traffic shall be scheduled, where feasible and reasonable, to outside of weekday AM peak traffic periods (7-9am)."
