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30 January 2017

Mr Chris Ritchie
Director - Industry Assessments
NSW Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Dear Chris,

RESPONSE TO SUBMISSIONS - OAKDALE SOUTH ESTATE - SECTION 96(2) (SSDA6917)

On 4 November 2016 an Environmental Impact Statement (EIS) and supporting documentation was submitted to the NSW Department of Planning and Environment (DPE). The EIS related to a Section 96(2) Modification Application regarding an approved State Significant Development Application (SSDA 6917). This Section 96(2) modification application, known as SSDA 6917 MOD 1, seeks approval for revisions to the approved Master Plan and Stage 1 Development in the southern portion of the estate.

The application package was placed on public exhibition from 24 November 2016 until 9 December 2016. Following closure of the public exhibition period, the DPE requested that the applicant – Goodman Property Services (Aust) Pty Ltd (Goodman), provide a response to the submissions received. This letter provides a formal response to the issues raised in relation to the public exhibition of the proposal. A summary of the issues raised by various parties as well as responses by the applicant including documentation of any proposed changes and refinements to the project as exhibited is provided.

NOTIFICATION AND SUBMISSIONS

Adjoining landowners and key state and local government authorities and agencies were formally invited to make comment on the S96(2) modification application and provided a copy of relevant documentation for review. In response to this consultation, a total of 11 submissions were received, ten from State and Local government authorities and agencies and one from an adjoining landowner. The matters raised and responses are provided these are summarised in **Table 1** below.

Table 1 – Summary of Submissions with responses

MATTERS RAISED	APPLICANT RESPONSE
NSW DEPARTMENT OF PLANNING & ENVIRONMENT	
Visual <ul style="list-style-type: none"> <i>Please provide photomontages from view 06 in the Visual Impact Assessment showing the approved and proposed layout of the estate without landscaping treatments.</i> 	<p>The Visual Impact Assessment has been updated to include a comparison between the as approved versus proposed View 06 without landscape. Photomontages of View 06 have been prepared by E8 Urban and are submitted with this RTS at Attachment A.</p>
Noise <ul style="list-style-type: none"> <i>Please provide full details of the dimensions of the noise walls, including all dimensions on updated civil, architectural and landscape plans.</i> 	<p>Civil, Architectural and Landscape plans have been updated to include the dimensions of the noise barrier. Refer to Attachments B, C and D.</p>
Vegetation Management Plan and Biodiversity Offset Area <ul style="list-style-type: none"> <i>Following the meeting between the Department, the Office of Environment and Heritage and yourself on Wednesday 30 November 2016 a revised VMP will need to be provided reflecting the proposed modifications with respect to the current modification application; and</i> <i>Clarification should be provided for references to 'ongoing management works' in sections 2.5.3, 2.6.1, 2.6.6 and 3.4 of the VMP, noting that OEHL do not agree to any ongoing conservation/management works within the proposed bio-banking site.</i> 	<p>The Vegetation Management Plan (VMP) has been updated to reflect the required modifications by EcoHort and is submitted at Attachment E.</p> <p>The changes made to the VMP include the removal of references to ongoing management of the riparian and biodiversity zones. In addition, other landscaping zones which are not part of the bio banking area and which are subject to other consent conditions and were not relevant to the VMP have been clarified. These area included:</p> <ul style="list-style-type: none"> Defendable zones and associated embankment treatment Bio-retention basins Water course re-alignment
Planning Proposal	<p>Goodman are in the process of preparing a planning proposal to rezone the relevant portion of land from E2 Environmental Conservation to IN1 – General</p>

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<ul style="list-style-type: none"> <i>Please advise the status of any request for a Gateway Determination to amend the E2 Environmental Conservation zone so it is consistent with the approved extent of works under SSD 6917</i> 	<p>Industrial zone. The planning proposal will be lodged within three months of approval.</p>
<p>Amenity Lot and Subdivision Layout</p> <ul style="list-style-type: none"> <i>Please provide details of potential uses within the proposed 'amenity lot'.</i> 	<p>Concept proposals for the amenity lot would be subject to future development applications however approval would only be sought for amenity uses which are permissible under the IN1 zone. Future uses will be dependent on market demand, which will become apparent following further analysis as the precinct is developed. This may potentially include passive open space/ recreational uses.</p>
<p>PENRITH CITY COUNCIL</p> <p>Penrith City Council has no objection to the proposed modification however has raised a number of concerns for consideration.</p>	
<p>Precinct 4 and 5 Concept Design</p> <p><i>Council raises concerns regarding the modified building concept for Precinct 3, 4 and 5. These concerns relate to the orientation of the warehouses, the location of parking areas and loading docks as well as a reduction in land available for landscaping relative to the previously approved application.</i></p> <p><i>It is noted however that the construction of these precincts has been removed from the proposal. The design of the Precincts may be addressed through subsequent development applications.</i></p>	<p>Noted. Careful consideration has been given to ensure an optimum layout considering the site constraints and customer demands. Regarding the approved site layout, built form within each precinct will be the subject of future development applications. Sites 3A and 3B are the subject of the following current development applications:</p> <ul style="list-style-type: none"> Site 3A (Sigma Pharmaceuticals) - SSD 7719. Site 3B (Toyota Spare Parts Warehouse and Distribution Centre) - SSD7663.

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	Detail of the layout and hardstand areas are addressed in the Sigma and Toyota applications and subsequent RTS documents.
<p>Landscape Buffer</p> <p><i>Given the likely building layouts for Precincts 4 and 5 as well as the extended noise wall required, it is considered that the 30 m setback with 5 m high landscaped mound should also be provided along the eastern boundary where the site directly adjoins the RU4 zoned 'Jacfin rural-residential' land. This will ensure that the noise wall and new industrial buildings will be adequately screened from view of the rural-residential allotments which will increase their future amenity.</i></p>	<p>A 30m setback is not appropriate or necessary along the eastern boundary adjoining the RU4 zoned land. The sloping nature of the topography from the RU4 land down to the Goodman site as well as the proposed 10m landscaping setback and 5m noise wall is sufficient to provide adequate visual and acoustic buffering between the sites. Adequacy of this acoustic treatment has been assessed in the Noise Impact Assessment. The approved landscaping setback includes a range of planting heights and a range of landscaping management measures have also been committed to by the application to ensure the landscaping becomes well established and serves as an effective visual screen.</p> <p>The proposed landscape treatment within the 10m setback a consists of a mixture of native groundcovers, shrubs and trees.</p> <p>Trees proposed include <i>Eucalyptus moluccana</i>, <i>Eucalyptus tereticornus</i> and <i>Eucalyptus cebra</i>. This tree combination shall be planted in groups and consist of mature heights from 15-30 metres and canopy width of 8- 15. Providing a substantial visual screen, planted in these groups or 'copses', akin to natural growth habits.</p> <p>The mid 'layer' of shrubs shall consist of <i>Acmena smithii</i> 'Minor', a native lily pili, growing to approx. 5-6 metres. These shrubs shall be planted in groups</p>

MATTERS RAISED	APPLICANT RESPONSE
	<p>and alternate, from the front to the back of the setback, creating a mid- height screen. This planting shall also directly screen the acoustic wall proposed.</p> <p>Finally, Pennisetum ‘Nafray’ shall be planted at the base, and complement the tree and shrub plants by providing a 60cm tall understory throughout this setback.</p> <p>The 10m landscape setback to the eastern boundary is already 5m greater than the DCP control. The approximate height that the OSE is set down from existing levels by approximately 3.5-7.5m.</p> <p>Furthermore, the Assessment Report accompanying the Jacfin land rezoning approval included the following statement: <i>“An important consideration is that the rural residential proposal does not impact on the industrial activities owned and operated by others to the north and west. This is a key reason why the two hectare minimum lot size is needed.”</i></p> <p>It should be noted that Industrial employment land use is the priority for the precinct, with RU4 uses only recently approved to operate as a <i>“buffer use to solve an existing land use conflict”</i>. The Assessment report also included the following statements <i>“While it is acknowledged that new landowners moving into the interface area are likely to do so with the knowledge of adjoining industrial land uses, the Department considers that the number of potential new dwellings should be limited to ensure that future land use conflicts are not created ...”</i></p>

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<p>Amenities Precinct</p> <p><i>Indications of the anticipated development within the amenities precinct such as likely tenants and the number of allotments or units as well as an indicative building concept should be provided.</i></p> <p><i>There are limited permissible 'amenity' type land uses in the IN1 zone and the Department should have regard to the implications of the fragmentation of large lots into such a relatively small lot of land as per clause 24 of the SEPP (WSEA) 2009. An area of 5800 sqm of land is significant for food and drink premises or neighbourhood shops given that these are the only permissible 'amenity or recreation' land uses and that these land uses should only service or support the needs of employment-generating uses in the IN1 zone.</i></p> <p><i>A restaurant or industrial retail outlet centre precinct within Oakdale South would not be supported by Council. This is due to the site's location well outside of established centres and the fact that the precinct's size would likely go beyond the needs of the other users in the locality and undermine established centres.</i></p>	<p>The amenities lot is a sizeable portion of land at 5,800sqm and Goodman has not settled on the design or use of the amenities lot nor the portion that will be developed. This will be determined at a later stage once the development of the OSE has progressed and there is greater clarity regarding the amenity demand for the Estate. The amenities precinct may potentially also include passive recreation elements such as an outdoor gym. The amenity lot is intended to service the entire Oakdale Estate, including the sizeable Oakdale Central, South and West Estates, providing workers with local amenity for their convenience based on future analysis of their forecast needs.</p> <p>Any uses proposed will be consistent with zoning and applicable development constraints.</p> <p>The Department and Penrith Council will have the opportunity to comment on the design and extent of the amenity precinct development once the DA for this lot is lodged for assessment.</p>
<p>Previous Submissions</p> <p><i>It is noted that Council's previous submission on the Oakdale South subdivision and masterplan was largely addressed by way of the applicant's Response to Submissions. However, the following matters raised in that submission remain pertinent and should be noted by the Department in their assessment:</i></p>	<p>Noted. Responses provided below.</p>

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<p>Built Form</p> <ul style="list-style-type: none"> • <i>Prominent elevations, such as those with a frontage to the street or public reserves or those that are visible from public areas, must present a building form of significant architectural and design merit.</i> • <i>Large expanses of wall or building mass shall be broken up with the use of additional architectural treatments.</i> • <i>The development must incorporate a variety of external finishes in terms of both colour and type of material used.</i> • <i>Servicing requirements for the buildings such as sprinkler tanks and the like, should not be located within the front setback or be visible from public places. These requirements shall be integrated with the building and landscaping design.</i> • <i>All front fencing shall be located behind the landscape setback and not along the front boundary. Fencing to be a maximum height of 2.1m and of an 'open' nature.</i> • <i>Any retaining walls visible from public places shall be stepped and contain suitable landscaping to soften their visual impact. This is of particular importance for the retaining walls provided at the entrance of the estate.</i> 	<p>No additional built form is proposed in this modification. Any future development application will be of high quality design.</p> <p>All warehouses are architecturally designed to ensure that they present as attractive, high quality warehouses when viewed from the public domain in keeping with Goodman's desire to create high quality investment grade warehouses.</p>

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<p>General Engineering</p> <ul style="list-style-type: none"> <i>Measures to prevent contamination of Ropes Creek when filling natural gullies and dams are to be incorporated into the documentation.</i> 	<p>All works have been designed in accordance with the Penrith City Council (PCC) latest revision of the 'Engineering Construction Specification for Civil works' and the NSW Department of Housing 'Managing Urban Stormwater, Soils and Construction'.</p>
<ul style="list-style-type: none"> <i>All subdivision and engineering works shall be designed and constructed in accordance with Council's 'Design Guidelines for Engineering Works for Subdivisions and Developments' and Council's 'Engineering Construction Specification for Civil Works'.</i> 	<p>Generally all works have been designed in consultation with PCC and in accordance with their design specification.</p>
<ul style="list-style-type: none"> <i>All retaining walls shall be located within private property and not within the road reserve.</i> 	<p>All retaining walls have been designed to be located within private property.</p>
<ul style="list-style-type: none"> <i>All retaining walls shall have pedestrian and vehicular safety barriers in accordance with Austroads Guidelines</i> 	<p>All retaining walls adjacent to public roadways have been designed to incorporate the appropriate fence or barrier in accordance with the Austroads Guidelines. Where walls are located within development lots, the requirements of the BCA will be met subject to the final on lot design approval.</p>
<ul style="list-style-type: none"> <i>All batter slopes shall be a maximum of 1 in 5 (horizontal to vertical) to permit mowing. Any batter slopes steeper than 1 in 5 shall be vegetated.</i> 	<p>Where batter slopes are flatter than 1:5, these have been identified to be turfed, where slopes are steeper than 1:5, these will be planted out with vegetation that does not require mowing.</p>
<ul style="list-style-type: none"> <i>A proposed plan of subdivision is to be submitted to Council clearly identifying proposed public roads, proposed drainage reserves, drainage easements, rights of carriageway etc.</i> 	<p>A plan of subdivision will be prepared and issued to Council for review prior to the works being completed.</p>

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<ul style="list-style-type: none"> <i>A Stage 3 Road Safety Audit shall be undertaken upon the completion of detailed design plans.</i> 	A Stage 3 Road Safety Audit will be undertaken at the completion of the detailed design documentation.
<ul style="list-style-type: none"> <i>The use of any public road within the Penrith LGA as a haul road for the purposes of importation of fill into the estate shall be approved by Penrith City Council. An application is to be made to Penrith City Council for approval of the haul road route prior to the commencement of fill operations.</i> 	Noted.
<ul style="list-style-type: none"> <i>Any works (road crossings, car parking and drainage works) within and adjoining the transmission line easement shall require approval from the relevant authority. The use of the transmission line easement shall require approval from the relevant authority. The use of the transmission easement as a drainage corridor is not supported as the area is required for access and maintenance to the transmission line towers.</i> 	Noted.
<ul style="list-style-type: none"> <i>The provision of any utility lead in services in a public road will require formal approval from Penrith City Council as the Roads Authority.</i> 	Noted.
Water Sensitive Urban Design	All works are to be undertaken in accordance with the PCC latest revision of the 'Engineering Construction Specification for Civil works' and the NSW Department of Housing 'Managing Urban Stormwater, Soils & Construction'.

MATTERS RAISED	APPLICANT RESPONSE
<ul style="list-style-type: none"> <i>Council's policy requires that all industrial sites treat their stormwater discharge on-site for both water quantity and quality prior to discharge into Council's drainage systems.</i> 	
<ul style="list-style-type: none"> <i>Larger communal basins that are proposed to be handed over to Council are not supported as they place additional burdens upon Council's maintenance budget. No objections raised to the basins being owned and maintained by the occupants/ owners of the industrial lots.</i> 	<p>All basins both detain stormwater flows and treat stormwater runoff. It is the intention for the basins to be owned and maintained by the Goodman.</p>
<ul style="list-style-type: none"> <i>All stormwater discharge from the industrial lots shall be treated in accordance with Council's Water Sensitive Urban Design Policy.</i> 	<p>Noted. Refer to the AT&L Report titled '<i>Civil, Stormwater and Infrastructure Services Report Section 96</i>' 14-193-R001 Revision 10 Dated 21/09/2016 for a full description of adopted WSUD strategy.</p> <p>The strategy adopted is identical to the SSDA approved strategy.</p>
<ul style="list-style-type: none"> <i>Design structural certification is required for all structures, box culverts and pits greater than 2m in depth.</i> 	<p>Noted and certification will be provided as part of the final close out package following completion of the works.</p>
<ul style="list-style-type: none"> <i>All temporary sediment and bio-retention basins shall be located clear of the 1% AEP flood event from Ropes Creek and Ropes Creek tributaries.</i> 	<p>Confirmed, all basins, in consultation with PCC, have been located clear of the Ropes Creek and Ropes Creek tributaries 1% AEP flood event.</p>
<ul style="list-style-type: none"> <i>The weirs of all temporary sediment and bio-retention basins shall be located above the 1% AEP flood event from Ropes Creek and Ropes Creek tributaries.</i> 	<p>Confirmed. All basins outlet weirs are above the Ropes Creek and Ropes Creek tributaries 1% AEP flood event.</p>

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<ul style="list-style-type: none"> <i>Gross pollutants from the lots and from the road are to be captured prior to the discharge of stormwater into any bio retention basin. Each lot shall be responsible for the capture of gross pollutants wholly within their lot.</i> 	<p>All lots will have GPT (s) installed prior to the legal discharge point to the road drainage system.</p>
<ul style="list-style-type: none"> <i>All bio-retention basins shall be designed to contain flows for all storm events up to and including the 1% AEP local storm event.</i> 	<p>Confirmed, all basins have been designed to contain flows for all storm events up to and including the 1% AEP local storm event</p>
<ul style="list-style-type: none"> <i>All batter slopes of bio-retention basins shall be a maximum of 1 in 5 (horizontal to vertical) to permit mowing. Any batter slopes steeper than 1 in 5 shall be vegetated.</i> 	<p>Where there are slopes which are flatter than 1:5, these have been documented as turfed, where steeper than 1:5, these will be planted out with native vegetation not requiring mowing.</p>
<ul style="list-style-type: none"> <i>The bio-retention basins are to be utilised as temporary sediment control basins and shall not be converted into the ultimate bioretention basins until such time as all building and construction works within the estate have been completed and 90% of the developed site is stabilised.</i> 	<p>All basins have been designed to act as sedimentation basins until such time that the catchment is either 90% or fully developed, at which point these will be converted to combined water quality & quantity basins.</p>
<ul style="list-style-type: none"> <i>Any swale shall have a minimum longitudinal grade of 1%. Swales within longitudinal grades of less than 1% become problematic for maintenance as they silt up and are not free draining.</i> 	<p>Generally, all swales have been designed to be between 0.5% and 1% longitudinal grade. Noting Council's concern, the majority of swales are located on the outlet of the basins where the flows are reasonably high which is expected to allow for self-cleansing. Also appreciating that once the basins are full established, the amount of silt leaving the basins will be minimal.</p> <p>In addition to the above, all swales will be privately owned and maintained by the owners of the lots.</p>

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<ul style="list-style-type: none"> <i>Storage greater than 400mm above the bio-retention system intended level is not recommended as it can adversely impact on maintenance costs due to higher volumes of stormwater, increased pollutants and impacts on vegetation. However, given that the basins will remain in private ownership and under private management Council has no objection to this storage arrangement.</i> 	<p>It is noted that the basins will remain in private ownership.</p>
<p>Contamination</p> <ul style="list-style-type: none"> <i>Given the significant amount of fill material that needs to be imported, it is considered that a 'Fill Importation Protocol' should be required to be developed prior to works commencing on site.</i> 	<p>Noted. Condition E56 of SSD6917 requires the preparation of an Unexpected Finds Protocol. It is anticipated that this condition will remain in the DDS6917 MOD 1 consent.</p>
<p>Biodiversity</p> <ul style="list-style-type: none"> <i>The proposed development seeks to realign 250m of creek. This creek currently sits within the E2 Environmental Conservation zone. The realignment will shift this section of the creek out of the current zoning. This must be addressed through a planning proposal to amend the LEP following determination of the development application. Care should be taken to ensure that the works proposed within the existing or proposed E2 zone are permissible.</i> 	<p>As per the originally submitted EIS, it is a commitment of Goodman to prepare a Planning Proposal to amend the SEPP to reflect the change in zone/ land use will be prepared.</p> <p>Any subsequent DA over this land will ensure uses are permissible.</p>

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<ul style="list-style-type: none"> <i>The biodiversity lot should be made subject to a biobanking agreement for the ongoing management of the site.</i> 	Noted. This has been prepared for separate submission to OEH.
HERITAGE COUNCIL OF NSW	
<ul style="list-style-type: none"> <i>The Heritage Council has no objection to the proposed modification, conditional upon there being no further impact to historic heritage as a result of the modification. Previous archaeological and heritage conditions of approval for the project should remain in the modification.</i> 	Noted - No formal response required.
DEPARTMENT OF PRIMARY INDUSTRIES	
<ul style="list-style-type: none"> <i>The Department of Primary Industries has no objection to the proposed modification. The DPI have requested that the following be included as conditions of consent:</i> <ul style="list-style-type: none"> <i>The proposed modifications associated with the realigned Ropes Creek Tributary should be consistent with DPI Water's Guidelines for Controlled Activity on Waterfront Lands (2012).</i> <i>The design of the culvert crossing under Estate Road 1 should facilitate fauna passage.</i> <i>The waterway realignment area should be restored to a stable, naturalised system that mimics natural creeks from the local area.</i> 	Noted - No formal response required.

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<ul style="list-style-type: none"> ○ <i>The riparian corridor along either side of the realigned creek should be fully vegetated community. Where possible native plants, topsoil and seedbank should be transferred from areas that are to be permanently cleared.</i> • <i>The Riparian Corridor Assessment Report (Appendix E) indicates the detention basins can be located in the outer 50% of the vegetated riparian zone (page 12). The proponent should note that any encroachment of the basins into the riparian corridor should be offset by an equivalent area on the site.</i> 	
ROADS AND MARITIME SERVICES	
<i>RMS has no objection to the proposed modification.</i>	Noted - No formal response required.
RURAL FIRE SERVICE	
<p>Asset Protection Zones</p> <p><i>The intent of measures is to provide sufficient space for firefighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants.</i></p> <p>1. <i>A 26 metre asset protection zone (APZ) is to be provided along the eastern boundary of Biodiversity Lot 1 and the northern boundaries of Biodiversity Lot 2 and Lot 2 and a 10 metre APZ is to be provided</i></p>	Noted.

MATTERS RAISED	APPLICANT RESPONSE
<p><i>along the southern boundary of Biodiversity Lot 2 as shown on the plan title Section – Modified Estate Masterplan showing the minimum Defendable Space widths to the future buildings prepared by Australian Bushfire Protection Planners (September 2016). APZs are to be maintained in accordance in Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service’s document Standards for Asset Protection Zones.</i></p>	
<p>Water and Utilities</p> <p>The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.</p> <p>2. Water, electricity and gas are to comply with section 4.1.3 of Planning for Bush Fire Protection 2006.</p>	<p>Noted.</p>
<p>Access</p> <p><i>The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.</i></p> <p>3. <i>Public Road Access shall comply with section 4.1.3 (1) of Planning for Bush Fire Protection 2006</i></p>	<p>Noted.</p>

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<p>4. <i>Fire trails shall comply with section 4.1.3 (3) of Planning for Bush Fire Protection 2006.</i></p>	
<p>Evacuation and Emergency Planning</p> <p><i>The intent of the measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments</i></p> <p>5. <i>A Bush Fire Emergency Evacuation Plan shall be prepared that complies with section 4.2.7 of Planning for Bush Fire Protection 2006.</i></p>	<p>Noted.</p>
<p>Design and Construction</p> <p><i>The intent of the measures is to reduce the risk of ignition of a building from a bush fire while the fire front passes.</i></p> <p>6. <i>New construction of the northern, southern and western elevation(s) and roofs of buildings 1A and 1C shall comply with Section 3 and Section 3 and Section 8 (BAL 40) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and Section A3.7 Addendum Appendix 3 of Planning for Bush Fire Protection 2006.</i></p> <p>7. <i>New construction of the eastern elevation(s) of building 1A and 1C shall comply with Section 3 and Section 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone</i></p>	<p>Noted.</p>

MATTERS RAISED	APPLICANT RESPONSE
<i>areas' and Section A3.7 Addendum Appendix 3 of Planning for Bush Fire Protection 2006.</i>	
<p>Landscaping</p> <p><i>The intent of measures is to maintain reduced fuel loads surrounding a building to minimise flame contact and radiant heat, and reduce the risk of spread of fire by minimising the potential for wind driven embers to cause ignition.</i></p> <p>8. <i>Landscaping of the site shall comply with the principles of Appendix 5 of Planning for Bush Fire Protection 2006.</i></p>	Noted.
FIRE AND RESCUE NSW	
<i>FRNSW has no objection to the proposed modification conditional on the proposed changes adhering to the information provided within the 'Bushfire Protection Assessment' and also to the 'Standards for Asset Protection Zones' and 'Planning for Bushfire Protection 2006'.</i>	Noted - No formal response required.
SYDNEY WATER	
<i>Sydney Water has no objection to the proposed modification. A recommendation is made with regard to conditions of consent. In particular the requirement for Building Plan Approval and a Section 73 Certificate.</i>	Noted - No formal response required.
WATERNSW	

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<p><i>WaterNSW has no objection to the proposed modification, conditional upon the realignment works proposed for Ropes Creek and its tributaries is carried out in such a manner that downstream lands such as the Warragamba Pipelines corridor are not adversely impacted. It was noted that the impacts to the Warragamba Pipelines corridor are modelled to remain the same or slightly decrease due to the development of the estate, which is supported.</i></p>	<p>Noted - No formal response required.</p>
ENDEAVOUR ENERGY	
<p><i>Endeavour Energy has no objection to the proposed modification. Comments related to future proposed development applications for the sites within the estate.</i></p>	<p>Noted - No formal response required.</p>
TRANSGRID	
<p><i>TransGrid has no objection to the proposed modification, conditional upon the road RL's complying with relevant vertical clearance requirements.</i></p>	<p>Noted - No formal response required.</p>
JACFIN PTY LTD	
<p>Noise Impacts – Allens Linklaters Letter</p>	<p>Cumulative noise emissions from the Jacfin and Oakdale sites were considered in the Noise Impact Assessment (NIA) for the Oakdale South</p>

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<ul style="list-style-type: none"> <i>The modification Application should not be approved unless and until an adequate noise assessment has been provided, which includes cumulative noise impact assessment and demonstrates that the OSE, as proposed to be modified, can comply with the applicable Project Specific Noise Criteria of 38 dBA and (cumulative) Amenity Noise Level of 40 dBA at the Jacfin Residential Land.</i> 	<p>Estate (OSE) when determining the Acceptable Noise Level (ANL) for the OSE in accordance with the procedures outlined in Section 2.2 of the NSW Industrial Noise Policy (NSW INP).</p> <p>Based on the discussion of project specific noise criteria in the NIA, the DPE determined that an intrusive LAeq(15minute) criteria of 40Dba is suitable and applicable to the Jacfin Residential Land, as outlined in Condition B.18 of the OSE's approved Development Consent SSD 6917. The following is extracted from the DP&E Assessment Report:</p> <p><i>'The Department has concluded this exceedance is acceptable on the basis that exceedences less than 2 dB(A) are generally not audible, and the noise modelling is based on an absolute worst-case operating scenario, which is unlikely to occur and considers the mitigation provided by the proposed noise walls along the southern and eastern boundaries would further mitigate any potential impacts. The Department also notes the proposal fully complies with the sleep disturbance criterion outlined in the INP in all weather conditions.'</i></p> <p>The S.96 Modification Operational Noise Impact Assessment (S.96 Noise Assessment) has assessed the operational noise emissions of the revised OSE masterplan against PSNL outlined in the Development Consent. The predicted noise levels in the S.96 Noise Assessment show compliance with the PSNL.</p>
<ul style="list-style-type: none"> <i>The conditions of consent for the OSE should be modified as set out in Annexure A to this submission (refer to Jacfin submission) to ensure</i> 	<p>As noted above, the Department determined that an intrusive LAeq(15minute) criteria of 40dBA is suitable and applicable to the Jacfin Residential Land</p>

MATTERS RAISED	APPLICANT RESPONSE
<p><i>that the appropriate Project Specific Noise Criteria of 38 dBA is applied to the Jacfin Residential Land.</i></p>	<p>based on SLR's discussion of project specific noise criteria in the NIA, as outlined in Condition B.18 of the OSE's approved Development Consent SSD 6917.</p>
<ul style="list-style-type: none"> <i>The Department should require Goodman to provide the noise modelling data underlying SLR's noise assessment and confirm the precise dimensions of the proposed noise wall.</i> 	<p>Noise modelling data has been outlined in both the S.96 Noise Assessment and the NIA for the approved development and its submissions. Further details and clarifications have been provided in subsequent emails and letters, and are provided below for convenience:</p> <p>Loading dock activities including heavy vehicle movements and forklift operations have been modelled in the loading areas of the hardstands around the site. Heavy vehicle movements have been modelled on estate roads and hardstand areas with a sound power level (SWL) of 106 dBA. Gas powered forklifts have been modelled on the unloading areas of the hardstands with a SWL of 93 dBA. It has been conservatively assumed that unloading activities (forklift operations) occur simultaneously (at all warehouses) and continuously during any 15 minute period of the intrusive noise assessment.</p> <p>As per the traffic volumes provided by the traffic consultants for the project, peak one hour vehicle movements for the OSE are 550 vehicles of which 15% are heavy vehicles (82 heavy vehicles). This equates to approximately 20 heavy vehicle movements in any one 15 minute period across the OSE site. 40 operating forklifts have been modelled in the hardstand areas to account for vehicles being loaded / unloaded during the 15 minute period.</p>

MATTERS RAISED	APPLICANT RESPONSE
<ul style="list-style-type: none"> <i>The dimensions of the noise wall should be expressly recorded in the conditions of consent for the Modification Application.</i> 	<p>The S.96 Modification is seeking approval for a modification to the OSE Concept Masterplan and, as noted in the submission to which these responses are applicable, assesses predicted operational details of the OSE as a whole. Final operational details of the later stages of the OSE are not yet known and should be assessed in a later design stage.</p> <p>As noted in the S.96 Noise Assessment, the recommended noise barriers are indicative and should be optimised and finalised during the detailed design stage of this area of the OSE. As such, it is not suitable that precise dimensions for the noise barrier be recorded in the conditions of consent.</p> <p>Goodman has prepared elevations for the proposed noise barriers for approval. Refer to AT&L drawings SKC313, CKX314 and SKC315 at Attachment X.</p>
<p>Noise Impacts – Wilkinson Murray Letter</p> <p><i>The noise criteria applied to the Oakdale South site with respect to Jacfin and Mt Vernon receivers is now too high, the result being that cumulative noise levels at the future residences could be above the Amenity Noise Level (ANL) of 40 dBA.</i></p>	<p>It is noted that the assessment against the LAeq(15minute) PSNL is based on worst-case assessment of peak 15-minute vehicle movements and operations throughout the OSE in order to provide a conservative assessment, as required by the procedures in the NSW INP.</p> <p>The ANL of 40 dBA is applicable over the entire amenity period, ie Daytime period: 7.00 am to 6.00 pm Monday to Saturday, 8.00 am to 6.00 pm Sunday; Evening period: 6.00 pm to 10.00 pm; Night-time period: 10.00 pm to 7.00 am Monday to Saturday, 10.00 pm to 8.00 am Sunday.</p>

MATTERS RAISED	APPLICANT RESPONSE
	<p>Peak 15-minute operations on the OSE site would not continue for the entire amenity period, and as such, the LAeq(period) would likely be considerably lower than the worst-case predicted 15-minute noise levels.</p>
<p><i>Cumulative noise at receivers has not been assessed in the application even though this was conducted in relation to the original Oakdale South application and was required by the Department of Planning.</i></p>	<p>As noted, cumulative noise emissions from the Jacfin and Oakdale sites were considered in the Noise Impact Assessment (NIA) for the Oakdale South Estate (OSE) when determining the Acceptable Noise Level (ANL) for the OSE in accordance with the procedures outlined in Section 2.2 of the NSW Industrial Noise Policy (NSW INP).</p> <p>Based on the discussion of project specific noise criteria in the NIA, the Department of Planning and Environment determined that an intrusive LAeq(15minute) criteria of 40 dBA is suitable and applicable to the Jacfin Residential Land, as outlined in Condition B.18 of the OSE's approved Development Consent SSD 6917.</p> <p>As noted above, the assessment against the LAeq(15minute) PSNL is based on worst-case assessment of peak 15-minute vehicle movements and operations throughout the OSE in order to provide a conservative assessment, as required by the procedures in the NSW INP.</p> <p>The ANL of 40 dBA is applicable over the entire amenity period, ie Daytime period: 7.00 am to 6.00 pm Monday to Saturday, 8.00 am to 6.00 pm Sunday; Evening period: 6.00 pm to 10.00 pm; Night-time period: 10.00 pm to 7.00 am Monday to Saturday, 10.00 pm to 8.00 am Sunday.</p>

MATTERS RAISED	APPLICANT RESPONSE
	Peak 15-minute operations on the OSE site would not continue for the entire amenity period, and as such, the LAeq(period) would likely be considerably lower than the worst-case 15-minute noise levels.
<i>There is no indication of the locations of the noise sources from loading docks that have been assessed or if reversing alarms have been included in the modelling. As a result, there is no confidence that the proposed noise barrier will be adequate when it comes time to develop Precincts 4 and 5 and further details of the development become known.</i>	As noted above, loading dock activities including heavy vehicle movements and forklift operation have been modelled in the loading areas of the hardstands around the OSE. LAmax noise emissions from operational activities on the OSE have been modelled including reverse alarms, vehicle movements and heavy vehicle brake air releases with a LAmax SWL of 115 dBA. The predicted noise levels in the S.96 Noise Assessment show compliance with the PSNL, including night-time LA1(1minute) noise limits.
<i>Maximum noise levels from trucks could be significantly higher under adverse weather conditions thereby resulting in an exceedance of noise criteria at the Jacfin Residential Land.</i>	Noise emissions from the OSE under adverse weather conditions have been assessed in the S.96 Noise Assessment and show compliance with the PSNL under both neutral and adverse weather conditions.
<i>A revised assessment based on achieving a PSNL of 38 dBA at the Jacfin Residential Land should be conducted. In addition, the conditions of consent for location L3 should be revised so that there is a separate area classification for the Jacfin Residential Land and Mt Vernon residential land (L4) where the PSNL of 38 dBA is applicable. Once the above issues have been addressed confirmation that maximum noise levels comply with sleep disturbance criteria should also be demonstrated.</i>	As noted above, based on the discussion of project specific noise criteria in the NIA, the Department of Planning and Environment determined that an intrusive LAeq(15minute) criteria of 40 dBA is suitable and applicable to the Jacfin Residential Land, as outlined in Condition B.18 of the OSE's approved Development Consent SSD 6917.

MATTERS RAISED	APPLICANT RESPONSE
<p>Landscape and Civil Plans</p> <ul style="list-style-type: none"> <i>The Landscape Plans and Civil Works Package should be updated to include the extended noise wall.</i> 	<p>As noted in the submission prepared on behalf of Jacfin Pty Ltd, discussion between Jacfin and Goodman has confirmed that the construction of the noise wall is part of the scope of works to be undertaken by Goodman.</p> <p>The Landscape Plans, and Civil Works Package have been updated to include the extended noise wall along the eastern boundary of the OSE. These amended plans have been submitted with this RTS.</p>
<p>Local Road Connection</p> <ul style="list-style-type: none"> <i>The conditions of consent for the Modification Application should require the continuation and dedication of the road reserve for Local Road 03 to the boundary of Lot A and the Department should require Goodman to provide updated plans with the centre line of Estate Road 03 relocated 17.5 metres to the north to align with the approved location of Local Road 1 on Lot A.</i> 	<p>The Local Road 03 alignment has been retained at the same location on the eastern boundary as the approved development. The location is based on detailed constraints analysis which have informed the improved design. Should Jacfin wish to co-ordinate the centreline of the road with their estate road works they may consider shifting their Estate road 17.5 m south as part of a development application for works in this part of their estate (which is currently subject to concept approval only).</p> <p>A small portion of development land will remain between the proposed Road 03 and the eastern boundary. Whilst the alignment of Road 03 protects the opportunity for a future connection to this application adjoining land, this application does not seek approval for a connection. The traffic modelling of the OSE road network is based on OSE traffic only.</p>
<p>Zoning of Jacfin Residential Land</p>	<p>It is acknowledged that the Jacfin site has been rezoned to RU4 – Rural Small Holdings by way of an amendment to the WSEA SEPP. Subsequently, the zoning map in Penrith Local Environmental Plan 2010 was updated through Amendment No 9.</p>

MATTERS RAISED	APPLICANT RESPONSE
<ul style="list-style-type: none"> <i>The Department should require Goodman to update the references to the Jacfin Residential Land in the application materials submitted to acknowledged the rezoning of the Jacfin Land to RU4.</i> 	<p>It is noted that the assessment report prepared by the Department of Planning and Environment in relation to the rezoning of the Jacfin site makes references that prioritises the industrial use over that of rural-residential uses. Refer below:</p> <ul style="list-style-type: none"> <i>“It is noted that the introduction of rural residential land uses to this area is being considered in order to solve an existing land use problem. While it is acknowledged that new landowners moving into the interface area are likely to do so with the knowledge of adjoining industrial land uses, the Department considers that the number of potential new dwellings should be limited to ensure that future land use conflicts are not created...”</i> <i>The Department considers that for this reason a 2ha minimum is required to ensure that residential development within the interface area is of a similar character as the surrounding land uses. Further, one hectare lots results in long, narrow lots which do not allow buildings to respond to the topography...</i> <i>An important consideration is that the rural residential proposal does not impact on the industrial activities owned and operated by others to the north and west. This is a key reason why the two hectare minimum lot size is needed.”</i>

ADDITIONAL INFORMATION PROVIDED

In response to the comments provided by the Department of Planning & Environment and other stakeholders, the following additional information is provided in support of the Modification Application.

Visual

- Amended Visual Impact Assessment Addendum prepared by Urban8 – photomontages from view 06 showing the approved and proposed layout of the estate without landscaping. Submitted at **Attachment A**.

Noise

- Amended Architectural, Civil and Landscape Plans – providing full details of the dimensions of the noise wall.
 - Amended Civil Plans prepared by AT&L submitted at **Attachment B**;
 - Amended Architectural Plans prepared by SBA Architects submitted at **Attachment C**; and
 - Amended Landscape Plans prepared by Site Image submitted at **Attachment D**.

Vegetation Management Plan and Biodiversity Offset Area

- Amended Vegetation Management Plan prepared by EcoHort submitted at **Attachment E**.

CONCLUSION

This letter highlights the issues raised by relevant government authorities and adjoining landowners in respect to the proposed modification. Each submission has been considered individually and responded to accordingly with additional supporting information provided where required. It is considered that the RTS adequately addressed the concerns raised.

The proposal will generate:

- 331,311m² of warehouse, distribution and office floorspace to meet specific operational demands of the estate.
- 1,500-2,000 jobs;
- \$220 million of direct investment by Goodman in undertaking the proposed development.

The proposal is consistent with the strategic objectives of the Western Sydney Employment Area and a *A Plan for Growing Sydney*. The delivery of Badgerys Creek Airport will permanently alter the land use pattern of the Broader WSEA, through changes to the surrounding environment in terms of noise, traffic and air quality. The changing context of the OSE reinforces its role as a critical component of a strategically important employment hub, serving the direct and indirect needs of the growing Western Sydney region, including the future proposed airport at Badgerys Creek.

The proposal as modified will continue to realise outcomes that support the strategic role and objectives of the OSE as part of the WSEA and Broader WSEA.

- The proposal as modified will continue to realise outcomes that align with the future context and role of the WSEA and Broader WSEA as an economic hub for Greater Sydney.
- The proposal as modified will deliver critical infrastructure and services to the WSEA for the benefit of the broader area.
- The proposal as modified will continue to generate significant private sector investment in the area and indirect benefits for productivity of the local economy.

- The proposal as modified will continue to realise the generation of significant employment for the Western Sydney Region.

The revisions made to the estate layout are in response to the need to accommodate three committed customers (namely Toyota, Sigma and Costco) and their specific operational requirements which will result in substantial employment outcomes for the estate.

The proposed modification to the approved layout of the OSE is wholly consistent with the broader strategic framework for the locality and broader WSEA area and as such should be supported by the Department of Planning and Environment.

If you have any questions please don't hesitate to contact me on 02 8233 7698.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S. Gunasekara', written in a cursive style.

Simon Gunasekara
Consultant