



5 April 2017

Minister for Planning
Level 22, 320 Pitt Street
Sydney NSW 2000
Attention: Kelly McNichol

Dear Minister

SSD 6917: OAKDALE SOUTH INDUSTRIAL ESTATE – S.96 APPLICATION TO MODIFY CONDITION E27 'STANDARD CONSTRUCTION HOURS'

I refer to Development Consent SSD6917, which was approved on 26 October 2016 for Oakdale South Estate (OSE), Old Wallgrove Road, Horsley Park, for the following development:

The Staged Development Approval for OSE comprises:

Concept Proposal for the Oakdale South Industrial Estate comprising:

- 395,880 m² of GFA comprised of 376,295 m² of warehousing and 19,585 m² of ancillary office floor space;
- six development precincts with a total of 15 building envelopes; and
- conceptual lot layout, site levels, road layout, urban design controls, conceptual landscape designs and infrastructure arrangements.

Stage 1 Development Application including:

- staged subdivision;
- construction of bulk and detailed earthworks;
- construction of internal estate roads, water, sewer, telecommunications and gas infrastructure;
- construction of stormwater management devices;
- installation of estate landscaping; and
- construction and operation of nine warehouse and distribution buildings across precincts 1, 4 and 5 as follows:
 - Precinct 1: five warehouse buildings with a total GFA of 104,739m²;
 - Precinct 4: three warehouse buildings with a total GFA of 48,256m²; and
 - Precinct 5: one warehouse building with a GFA of 84,075m²

Background

The Estate infrastructure works commenced in December 2016. The Principal Civil Contractor, Burton Contractors (Burtons) are in the process of constructing the civil infrastructure works for the estate including bulk earthworks.

Goodman Group

Goodman Limited | ABN 69 000 123 071
Goodman Funds Management Limited | ABN 48 067 796 641 | AFSL Number 223621
as responsible entity of Goodman Industrial Trust | ARSN 091213 839

Level 17, 60 Castlereagh Street, Sydney NSW 2000 | GPO Box 4703, Sydney NSW 2001 Australia
Tel +61 2 9230 7400 | Fax +61 2 9230 7444

Goodman Logistics (HK) Limited | Company No. 1700359 | ARBN 155 911 149 | a Hong Kong company with limited liability
Suite 2008, Three Pacific Place, 1 Queen's Road East, Hong Kong | Tel +852 2249 3100 | Fax +852 2525 2070

info-au@goodman.com | www.goodman.com

Approximately 845,000 m³ of fill is required to be imported to the site to establish the approved bulk earthworks levels across the site. Burtons are coordinating with *WestConnex M4 East Joint Venture* on the supply and importation of fill materials from the West Connex M4 East project to the OSE site as required to establish the bulk earthworks for OSE.

Due to site capacity constraints at the Westconnex project, approval has recently been granted to carry out exportation of fill from the Westconnex project out of regular construction hours. Accordingly, it is proposed to carry out importation of fill activities during the hours of 7pm to 5am from Monday to Friday in order to receive this material for the OSE bulk earthworks.

This letter is to be read in conjunction with **AT&L's 16 March 2017 letter**, together with relevant appendices which sets out details of the proposed out of hours operations and measures to be implemented in order to mitigate environmental impact.

The following are relevant to this application:

- + **AT&L letter**, 'Out Of Hours Import', dated 16.03.17
- + **Appendix A** – Hutchison Weller (2016) *Construction Noise and Vibration Impact Statement*, dated 2nd February 2017.
- + **Appendix B** – WestConnex M4 East support letter
- + **Appendix C** – Burtons Night Activity Proposal
- + **Appendix D** – Notifications
- + **Appendix E** – Proposed Amendments Schedule to Approved Management Plans
- + **Appendix F** – Ason (2017) Construction Traffic Impact Assessment, dated 15th March 2017. Ref: 0003103v1
- + **Appendix G** – Burtons Driver Code of Conduct

Proposed Modification

Pursuant to Section 96(1A) of the Environmental Planning and Assessment Act 1979 (the Act), we seek to amend **Condition E27** of SSD 6917 to extend the permissible Standard Construction Hours under this condition as relates specifically to the importation of fill to OSE.

The following change is sought under this S.96(1A) application to Condition E27 of the SSD 6917 with additions in red italics and deletions in strikethrough:

Existing Condition E27

E27. Construction activities associated with the Development shall be undertaken during the following hours:

- (a) 7:00 am to 6:00 pm Mondays to Fridays, inclusive; and*
- (b) 8:00 am to 1:00 pm Saturdays; and*
- (c) At no time on Sundays or public holidays.*

Proposed Condition E27

E27. Hours of Construction

(a) *Construction activities associated with the Development shall be undertaken during the following hours:*

- i. 7:00 am to 6:00 pm Mondays to Fridays, inclusive; and*
- ii. 8:00 am to 1:00 pm Saturdays; and*
- iii. At no time on Sundays or public holidays.*

(b) In addition to the above construction hours, fill importation to the site which includes transportation and offloading of fill material, may be conducted during the additional hours of 7:00 pm to 5:00 am Mondays to Fridays, inclusive.

The additional out of hours timing for importation of fill material to OSE (*the proposal*), is anticipated for the duration of between 8-11 months.

The Construction Environmental Management Plan (CEMP) for OSE is proposed to be updated as detailed in the AT&L letter. The updated CEMP will detail measures to mitigate impacts resulting from the proposal.

Justification for Modification

The WestConnex M4 East joint venture has provided support for the importation of fill materials to the OSE site stating the proposal will reduce the construction program for the WestConnex M4 East project (a State Significant Infrastructure project) and reduce congestion on the surrounding road networks in the vicinity of each WestConnex site. The WestConnex M4 East project has approval to operate 24/7 and supports importing fill material to OSE to assist in shortening its construction programme.

The proposal will reduce the previously envisaged construction duration of 22 months, reducing ultimate disruptions to the surrounding road networks.

Statutory Provisions

Section 96(1) 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 traffic generation or noise impacts in the vicinity of OSE as discussed below:

1.1 Traffic

The proposal seeks to import a minimum quantity of material consisting of 200no deliveries to a maximum of 300no truck and dogs with an average of 33t per load. This would equate to a load tipping every 2-3 minutes over a 10 hour period with a duration of 8-11 months.

ASON Traffic Consultants have prepared a Traffic Impact Assessment (TIA) (**Appendix F**) which assesses the proposal against the capacities of the existing road networks. The TIA states that there will be negligible impact on the surrounding road network of both the OSE and WestConnex projects, resulting from the proposal, with a reduction in peak traffic periods due to undertaking import out of hours. Traffic congestion may therefore benefit from the proposal.

1.2 Noise

Hutchison Weller Acoustic consultants have prepared a Construction Noise and Vibration Impact Statement (CNVIS) assessing the impacts of the proposal to ensure compliance with the nominated noise management levels required within the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009) and the OSE conditions of consent. The CNVIS provides mitigation measures which will be implemented to ensure compliance with the Nominated Noise Management Levels (NNML) referred to within the OSE SSD6917 conditions of approval E28ai & e28aii. The assessment confirms the proposed fill importation works are unlikely to exceed NNML.

Further, Burton Contractors have proposed to install noise monitors at 3 locations on the OSE eastern & southern boundaries to monitor noise compliance with the OSE SSD6917 conditions of approval E28ai & E28aii throughout out of hour's construction activities. Monitoring of noise emissions will occur during the proposal time.

Appendix G includes 'Burtons Driver Code of Conduct', provides measures proposed for drivers to reduce potential noise impacts.

1.3 Community concerns

The AT&L letter and CEMP includes process for dealing with complaint handling which may result from the proposal.

(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 the same as that approved.

(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 96(1A) of the Environmental Planning and Assessment Act 1979 (the Act), we hereby seek to amend SSD 6078 to update **Condition E27**, to include additional timing in which to permit fill importation material to the site.

Based on the reasons provided above, we are of the opinion that the proposed change to Condition E27 is justified.

Yours sincerely

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

Guy Smith
Planning Manager