OAKDALE WEST INDUSTRIAL ESTATE (SSD 7348) MODIFICATION 1

9 DECEMBER 2019
P0013471
FINAL
PREPARED FOR GOODMAN LIMITED

URBIS

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

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Project Code	P0013471
Report Number	FINAL

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Land Details	2 Aldington Road, Kemps Creek Lot 1 DP 663937, Lot 2 DP 1215268, Lot 6 DP 229784, Lot 2 DP 84578, Lot 3 DP 85393, Lot 11 DP 1178389, Lot 9 DP 1157476.
Applicant Details	Goodman Property Services (Aust) Pty Ltd
Applicant Address	Level 17, 60 Castlereagh Street, Sydney
Project Summary	Minor amendments to pad levels, stormwater changes and refinement of the infrastructure design of OWE has resulted in the need for minor amendments to the approved masterplan layout and necessitates minor modifications to SSD 7348. Changes proposed will result in amendments to both the concept approval, and the Stage 1 approval conditions. An overview of the proposed modifications are included below: • Updated Architectural Plans • Updated Civil Plans • Updated Landscape Plans • Biodiversity Assessment Report and Vegetation Management Plan • Updated Noise Impact Statement • Updated Visual Impact Assessment A complete and detailed overview of the changes are provided at **Section 4** of this report.

I certify that the content of the Environmental Impact Statement, to the best of our knowledge, has been prepared as follows:

- In accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation);
- Containing all available information that is relevant to the environmental assessment of the development, activity or infrastructure to which the statement relates; and
- The information contained in this report is true in all material particulars and is not misleading.

Jacqueline Parker, 13 November 2019

EXECUTIVE SUMMARY

This Modification Report has been prepared by Urbis on behalf of the applicant, Goodman Property Services (Aust) Pty Ltd, and is submitted to the New South Wales Department of Planning, Industry and Environment (DPIE) in support of a modification under section 4.55(1A) of the *Environmental Planning & Assessment Act, 1979* (EP&A Act) to a State Significant Development (SSD) approval SSD 7348 issued on the 13th of September 2019 for the Staged Development of the Oakdale West Industrial Estate (OWE).

SSD 7348 approved the Concept Proposal and Stage 1 Works relating to the overall development of the OWE including the establishment of road layouts, site levels, subdivision and infrastructure delivery. This section 4.55(1A) modification application to SSDA 7348 seeks approval for minor amendments to the approved Concept and Stage 1 consent for the estate and is herein referred to as MOD 1.

The Modification Report describes the site and the proposed modifications, provides relevant background information, and assesses the development against relevant legislation, environmental planning instruments, planning policies and the original SEARs issued for SSD 7348.

The specialist technical studies provided to support SSDA 7348 have been amended where relevant to this section 4.55(1A) modification application and have informed assessment of the potential environmental impacts within this Modification Report.

The proposed modification to the OWE Concept and Stage 1 approval seek :

- Changes in sewer servicing and subsequent earthworks design levels for Precinct 2 building pads;
- Minor redesign and relocation of bioretention basins 4 and 5;
- Updated design of western bund maintenance track;
- Updated design of Stormwater on Road 1 to allow for Endeavour Energy transmission ducts;
- Updated Biodiversity Assessment Report reflecting a change in biodiversity strategy for the site and the inclusion of a Vegetation Management Plan, and
- Modification to condition C35(c)(ii) to seek the use of a polymer spray rather than grass seeding for pad stabilisation during construction phase.

The proposal is consistent with the relevant legislative and policy framework including the *Environmental Planning and Assessment Act 1979* and *State Environmental Planning Policy (Western Sydney Employment Area)*.

It is noted that SSD 7348 concerns the concept layout of the Oakdale West Estate with building approval limited to Precinct 1 only. Precinct 2, 3, 4 & 5 building approval will be subject to separate development consents and as such will be informed by the amended pad levels sought in this modification application. Environmental site constraints and impact management has been addressed in detail within the Environmental Impact Statement (EIS) for the approved Stage 1 SSDA for the OWE. As such this Modification Report addresses the impacts relevant to the proposed modifications. All other impacts have been reviewed and updated to ensure that there will be no additional impacts arising from the proposed modification beyond those impacts assessed as being acceptably mitigated within the original SSDA assessment.

The relevant impacts identified to result from MOD 1 include:

- Visual;
- Noise;
- Civil, Stormwater and earthworks;
- Ecological;
- Landscape; and
- Traffic.

Having regard to the above, the assessment of the proposed modification application does not result in additional environmental, social or economic impacts. The changes proposed are minor and all mitigation measures previously adopted are sufficient to ensure acceptable environmental impact and are therefore recommended for continued adoption.

Summary Findings

The findings of this section 4.55(1A) Modification Report and the revised technical reports identify that the proposed development as modified can be accommodated without generating impacts over and above those which were previously approved under SSD 7348 and are considered appropriate by relevant legislation.

A positive assessment and determination of the project should prevail for the following reasons:

- The proposed development will not change the approved land use of the site contemplated in the Concept and Stage 1 application, and will remain consistent with the zoning of the land. It will contribute an employment generating use in line with strategic goals for the Western Sydney Employment Area.
- The proposal demonstrates consistency with the relevant environmental planning instruments including strategic planning policy, and State and local planning legislation, regulation and policies.
- The proposal will operate within the operational bounds assessed and considered to be satisfactory as determined in the approval of the Stage 1 SSDA 7348.
- It has been demonstrated that the proposed works will result in minimal environmental impacts and will result in substantially the same development as approved by SSDA 7348.
- It has been demonstrated that all impacts can be appropriately managed or mitigated through the recommendations outlined within this report.

Given the merits of the proposal, it is requested that the Minister approve the modification subject to the mitigation measures outlined in this report.

1. INTRODUCTION

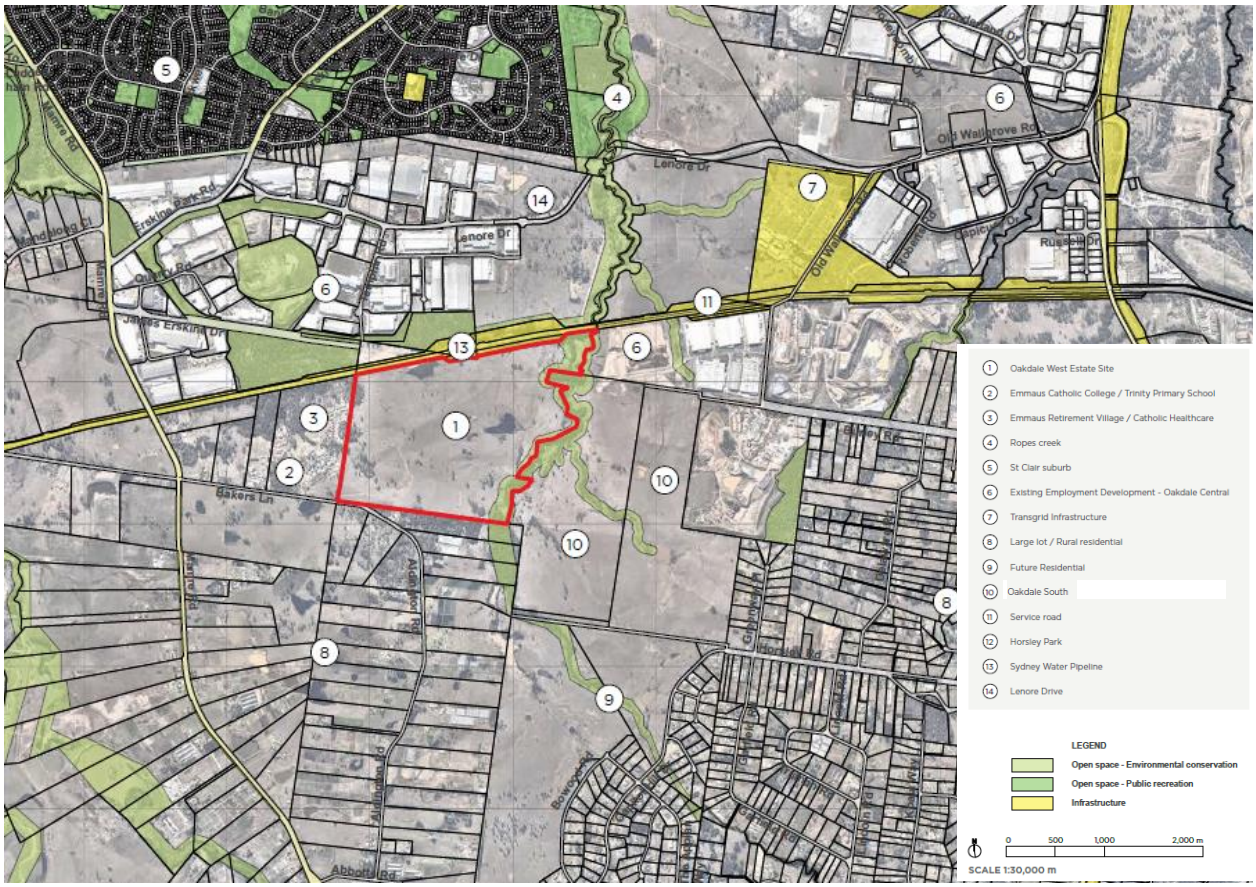
This Modification Report has been prepared by Urbis on behalf of the applicant, Goodman Property Services (Aust) Pty Ltd, and is submitted to the New South Wales Department of Planning, Industry and Environment (DPIE) in support of a modification under section 4.55(1A) of the *Environmental Planning & Assessment Act, 1979* (EP&A Act) to State Significant Development (SSD) approval SSD 7348 issued on the 13th of September 2019 in respect to the Oakdale West Estate (OWE).

SSD 7348 approved the Concept Proposal and Stage 1 Works relating to the overall development of the OWE including the establishment of road and warehouse building layouts, site levels, subdivision, infrastructure delivery, development controls, landscaping, earthworks and construction of the West-North-South Link Road.

The Modification Report describes the site and the proposed modification, provides relevant background information, and assesses the development against relevant legislation, environmental planning instruments and planning policies.

The OWE is a 154ha site located within the Western Sydney Employment Area (WSEA) and is the third stage of the broader 'Oakdale Estate' under the management of Goodman. **Figure 1** depicts the Oakdale Estate and the OWE.

Figure 1 – Oakdale West Location Plan



Source: e8urban

This application seeks to modify SSD 7348 Concept Approval as follows:

- Changes to sewer infrastructure and subsequent changes to pad levels contained within Precinct 2;
- Onsite stormwater management including bioretention basins redesign;
- Amend the Biodiversity Assessment Report (BAR) to reflect changes to the extent of native vegetation clearing;

- Amend references to the Biodiversity Offset Strategy (BOS) as Goodman propose to fulfil offsetting requirements through purchasing of ecosystem credits instead of establishing an onsite biodiversity offset area to create and retire ecosystem credits; and
- Include the Vegetation Management Plan (VMP) which has been prepared to meet the objectives of the Water Management Act 2000 which were previously addressed in the BOS.

Stage 1 Consent is proposed to be modified as follows:

- Minor redesign and relocation of bioretention basins 4 and 5;
- Updated design of Western bund maintenance track;
- Updated design of Stormwater on Road 1 to allow for Endeavour Energy transmission ducts;
- Updated Biodiversity Assessment Report reflecting a change in biodiversity strategy for the site and the inclusion of a Vegetation Management Plan; and
- Modification to condition C35(c)(ii) to seek the use of a polymer spray rather than grass seeding for pad stabilisation during construction phase.

This report describes the site and proposed modifications, provides relevant background information, assesses the development against relevant legislation, environmental planning instruments and planning policies, and addresses the SEARs issued in respect to the subject application.

The technical reports and original plans submitted with the original SSDA have been reviewed and updated to address the proposed modifications to the Concept and Stage 1 Approval. Updated technical statements or addenda have been provided where necessary to confirm any change to environmental impact resulting from the proposed changes.

These updated technical assessments conclude that there are no material changes in impact arising from the proposed modification from that that considered as part of the original SSDA assessment.

Where modified impacts are identified in these reports, the issue is addressed in this application. Where confirmation is provided that the nature of the impact is the same as that originally approved, no specific mention is made of that issue but correspondence to that effect is appended to the report for confirmation.

2. CONSENT FRAMEWORK

The development of the OWE is part of the development of the broader Western Sydney Employment Area (WSEA) and, within that, the wider Oakdale Estate.

2.1. SSD 7348 – STAGED SSDA FOR THE OWE

A State Significant Development approval (SSD 7348) was the 13th of September 2019 for Concept Plan and Stage 1 Estate and Precinct Development works within the OWE. The components approved by the Concept Approval and Project Approval are detailed below.

OWE Concept Approval

The Concept Approval included:

- Concept layout of 16 warehouse buildings inclusive of dock offices and ancillary offices providing 476,000 square metres of gross lettable area, built over five development stages (Refer to **Figure 2** below);
- Concept layout of development lots, internal roads, drainage, landscaping, noise walls, basins and biodiversity offsets;
- Site specific development controls.

Assessment and determination of the Concept Proposal included detailed consideration of impacts generated by the proposed future use of the site, including an assessment of estate-wide traffic generation and infrastructure demand, impact on Aboriginal and non-Indigenous heritage, impact on flora and fauna, riparian lands and creeks, acoustic, visual and air quality impact and overall consistency of the proposal with the strategic objectives of the *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (WSEA SEPP) and metropolitan planning strategy.

Figure 2 – OWE Masterplan

Source: SBA Architects

Stage 1 Development

The Stage 1 Approval included the following Estate-wide works:

- Bulk earthworks across all five stages including retaining walls and noise walls;
- Lead in services including but not limited to drainage, power, sewer, water and telecommunications;
- Service infrastructure to Precinct 1, including drainage, power, sewer, water and telecommunications;
- Construction and operation of three warehouse buildings inclusive of dock offices and ancillary offices in Precinct 1 (1A, 1B and 1C) providing 118,000sqm of gross lettable area (GLA);
- West-North-South Link Road and associated subdivision, basins and drainage;
- Estate roads 1, 2, 6 and the eastern part of road 7;
- Landscaping of Stage 1, the western boundary, West-North-South Link Road, estate roads 1, 2, 6 and the eastern part of road 7, detention basins and the amenity lot;
- Subdivision of Stage 1 lots and road infrastructure including the services (substation) lot;
- Stormwater drainage infrastructure for Lots 2A and 2B and all basins; and
- Temporary works to facilitate construction including but not limited to swales, haul road (construction access), landscaping and basins.

3. RATIONALE FOR THE PROPOSED MODIFICATION (MOD 1)

The approved OWE development comprises a regional warehouse and distribution hub that will ultimately operate as part of an integrated and synergistic network of custom designed, state of the art facilities incorporating all of the Oakdale Estate lands within the Western Sydney Employment Area (WSEA).

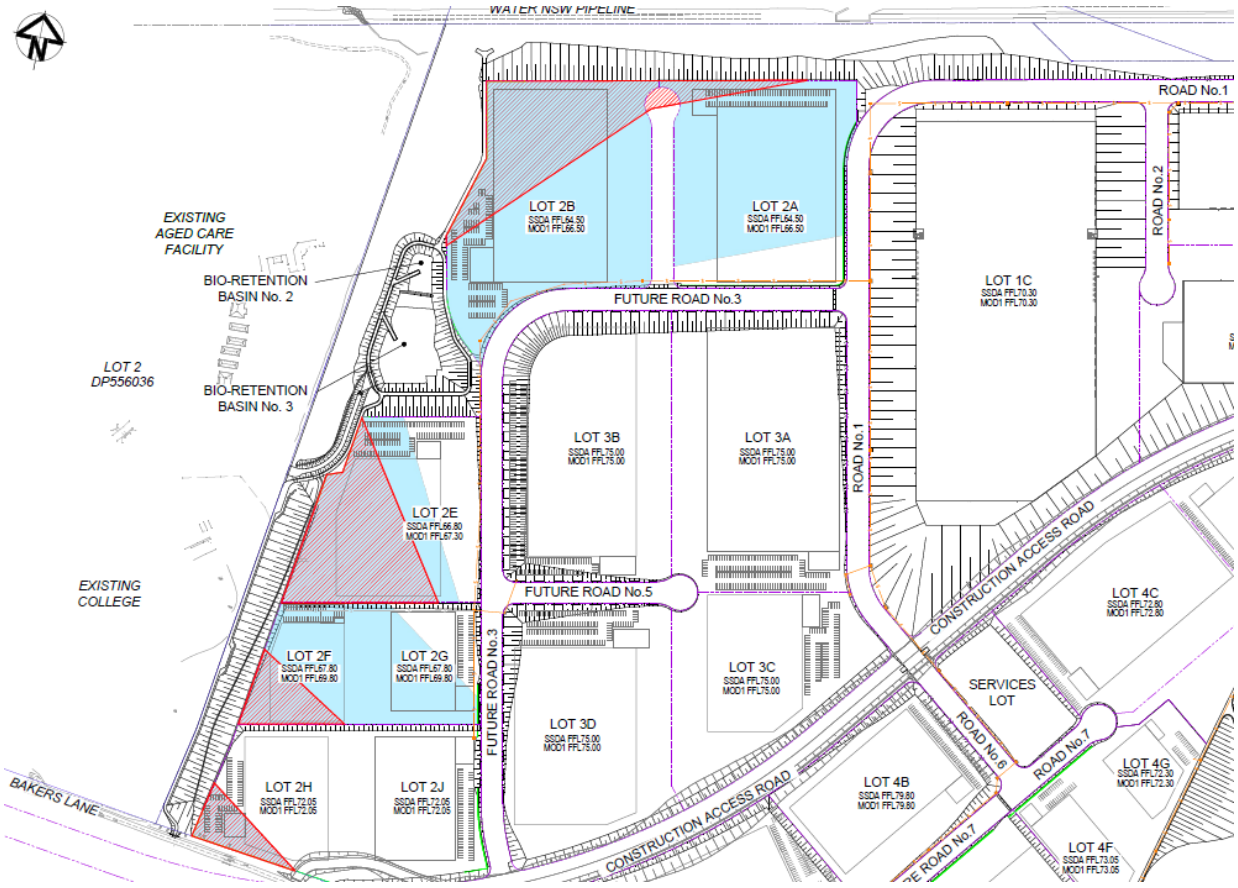
During assessment of SSD 7438 the applicant has continued to refine the infrastructure design of the OWE, while developing the servicing strategy. This has resulted in a number of changes, which are detailed below:

Sewer Design / Pad Level Changes

This has resulted in a refinement to the sewer design, which has originally been developed on a spec basis. Changes to the requirements of the sewer infrastructure have resulted in the need for changes to the pad levels within Precinct 2. While completing a detailed sewer servicing plan, it was discovered that signification portions of the sewer main had been assumed at 0.5% grade. The detailed design revealed that the sewer line was required to be at a grade of 0.8% to enable the reliance of gravity. Over the 660m distance along road 1 to precinct 2, this change in grade resulted in the need to increase Precinct 2 by 2m.

As shown in Figure 3 below, the detailed design revealed that the areas shown in blue below couldn't be serviced. Under the proposed modifications included under MOD 1, the areas that cannot be serviced are shown in red. This highlights that the minimum amount of pad level change was incorporated into the design to accommodate the future occupants, as opposed to providing complete serviced lots which would require further height increase to the pad levels.

Figure 3 – Serviceable Land – Sewer – MOD 1



Source: at&l

Additional Changes

- Changes to the stormwater design is required to avoid conflicts with Endeavour Energy's transmission ducts.
- Changes to the western bund are required in order to accommodate an updated track design that provides access for two passing vehicles and the inclusion of maintenance/passing bays. This also requires the relocation of planting on the bund.
- The change to condition C35(c)(ii) seeks to enable a more economical, more easily manageable and more environmentally sensitive erosion management solution for the building pads prior to building construction.

Biodiversity Offset Changes

The approved BOS was prepared under the *Threatened Species Conservation Act 1995* (TSC Act) which has since been replaced by the *Biodiversity Conservation Act 2016* (BC Act), for which transitional arrangements have since expired. In order to fulfil Condition 90 of the Development Consent, Goodman proposes to purchase and retire offset credits from the market. This will avoid potential lengthy delays in preparing a Biodiversity Stewardship Site Assessment Report which is required to establish an onsite biodiversity offset area (now referred to as Biodiversity Stewardship Site) under the BC Act.

The approved BOS included area of riparian restoration associated with Ropes Creek, which met the objectives of the *Water Management Act 2000* as agreed to in consultation with the Department of Industry Natural Resources Access Regulator (NRAR). The accompanying Vegetation Management Plan (VMP) has been prepared to ensure these objectives are still met without reliance on the previously approved BOS.

4. PROPOSED MODIFICATIONS - OVERVIEW

This application seeks a modification to the approved SSD 7348 Concept and Stage 1 consent for the OWE. The proposed modification includes the following changes:

Concept Approval is modified as follows:

- Changes to pad levels contained in the Stage 1 consent;
- Onsite stormwater management including bioretention basins redesign; and
- Amend the Biodiversity Assessment Report (BAR) to reflect changes to the extent of native vegetation clearing;
- Amend references to the Biodiversity Offset Strategy (BOS) as Goodman propose to fulfil offsetting requirements through purchasing of ecosystem credits instead of establishing an onsite biodiversity offset area to create and retire ecosystem credits; and
- Approve the Vegetation Management Plan (VMP) which has been prepared to meet the objectives of the Water Management Act 2000 which were previously addressed in the BOS.

Stage 1 Consent is modified as follows:

- Changes in pad level design for Precinct 2 to accommodate refined sewer design;
- Minor redesign and relocation of bioretention basins 4 and 5;
- Updated design of Western bund maintenance track;
- Updated design of Stormwater on Road 1 to allow for Endeavour Energy transmission ducts;
- Updated Biodiversity Assessment Report reflecting a change in biodiversity strategy for the site and the inclusion of a Vegetation Management Plan.; and
- Modification to condition C35(c)(ii) to seek the use of a polymer spray rather than grass seeding for pad stabilisation during construction phase.

A summary of the proposed civil design changes is also included within the addendum attached to the Civil. Report prepared by AT&L at **Appendix C.** The following sections provide further details of these changes.

4.1. CONCEPT APPROVAL MODIFICATIONS

4.1.1. Change to Pad and Road Levels

The proposed modification seeks approval to amend the existing building pad levels in Precinct 2 due sewerage issues. The minor changes to the pad levels are driven by the need to refine the sewer design to ensure the future buildings within Precinct 2 can be appropriately serviced by the gravity sewerage system.

While completing a detailed sewer servicing plan, it was discovered that signification portions of the sewer main had been assumed at 0.5% grade. The detailed design revealed that the sewer line was required to be at a grade of 0.8% to enable the reliance of gravity. Over the 660m distance along road 1 to precinct 2, this change in grade resulted in the need to increase Precinct 2 by 2m. The detailed design revealed that the majority of Precinct 2 could not be serviced by a gravity fed sewer system.

AT&L sought to solve this inadequacy by fine turning the design however this could not achieve a significant improvement to the serviceability. A number of options were explored to determine the most suitable approach to pursue. These are detailed below:

- Liaising with Sydney Water to seek consent to development a pumping / lift station to service Precinct 2, noting this infrastructure would become the asset of Sydney Water
- Providing individual pumping / lift stations for each of the four lots within Precinct 2, to ensure sewer was pumped up and into the gravity main system

Ultimately it was decided that it was more efficient and sustainable to change pad levels in Precinct 2 and retain a self-draining system, noting Sydney Water were unlikely to accept custodianship of a pump station as part of the estate. Accordingly, pad levels within Precinct 2 have been updated to facilitate the minimum serving height.

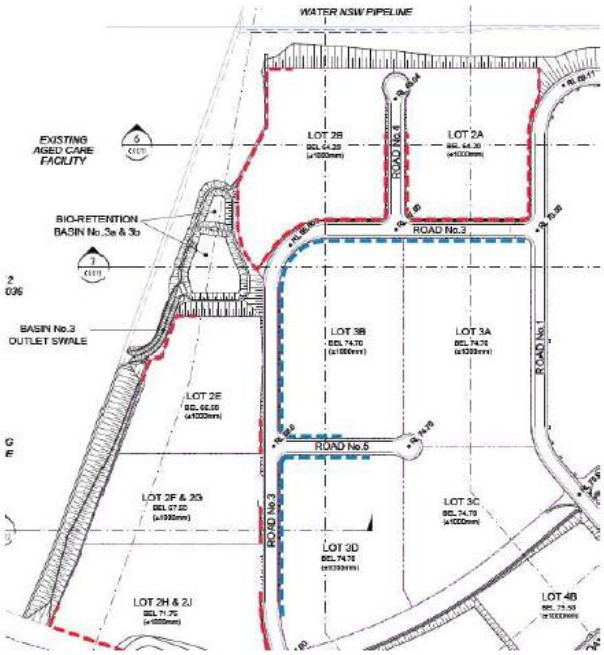
Table 1 outlines the approved, proposed and overall net change to the bulk excavation level (BEL) and Reduced Level (RL) of the entire site. As illustrated in **Figure 5,** the modification will result in the following increases to BEL and RL level of lots 2A, 2B, 2E, 2F & 2G. As illustrated in **Figure 4**, the associated retaining walls have been raised or reduced to compensate the proposed changes to the pad levels.

In addition to the above, the modification will alter the RL levels of the surrounding road network, however the BEL levels will still have a 1 metre tolerance. The road network RL changes are summarised in **Table 2** and illustrated in **Figure 5.**

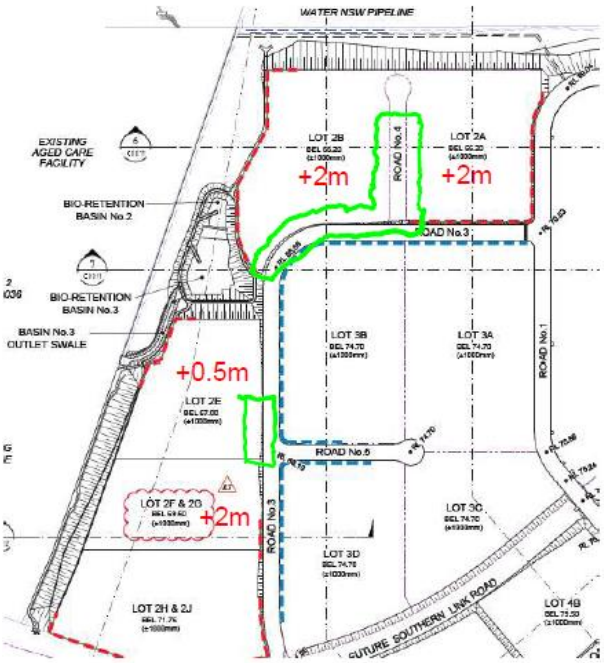
Table 1 – Approved & Proposed BEL & RL Levels

Precinct	Approved BEL	Proposed BEL	Net BEL change	Approved RL	Proposed RL	Net RL change
Lot 2A & 2B	64.20	66.20	+2.00	64.50	66.50	+2.00
Lot 2E	66.50	67.00	+0.50	66.80	67.30	+0.50
Lot 2F & 2G	67.50	69.50	+2.00	67.80	69.80	+2.00

Figure 4 – Existing and proposed retaining walls

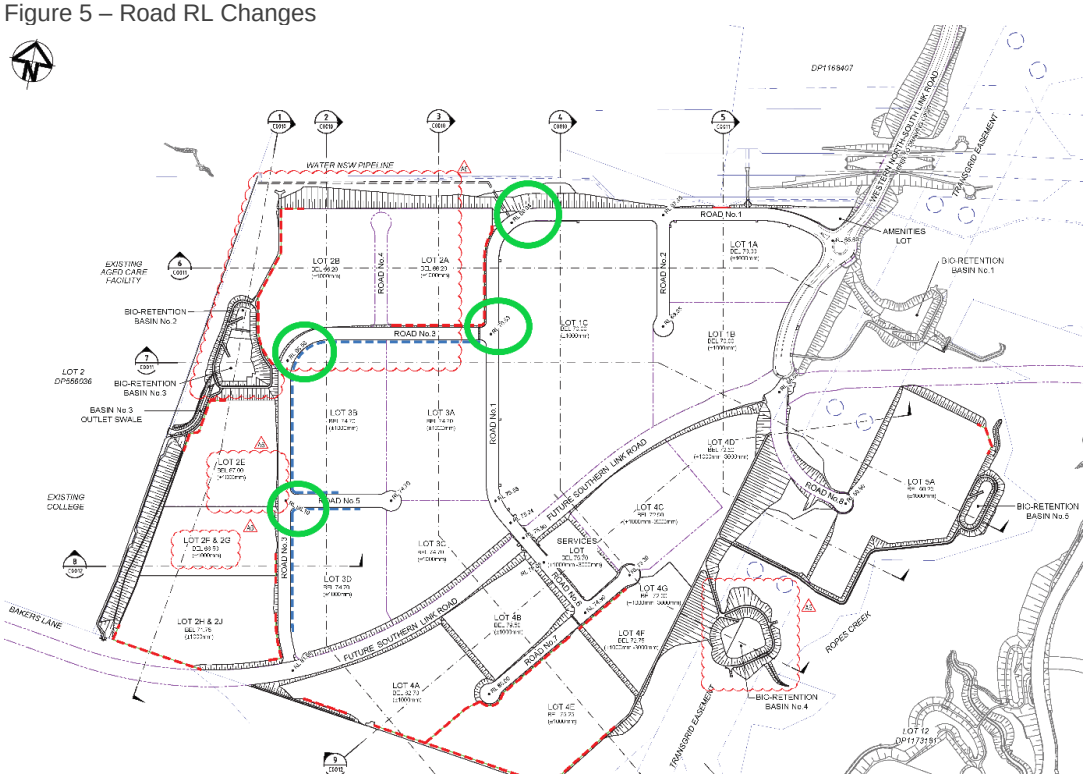


Source: AT&L



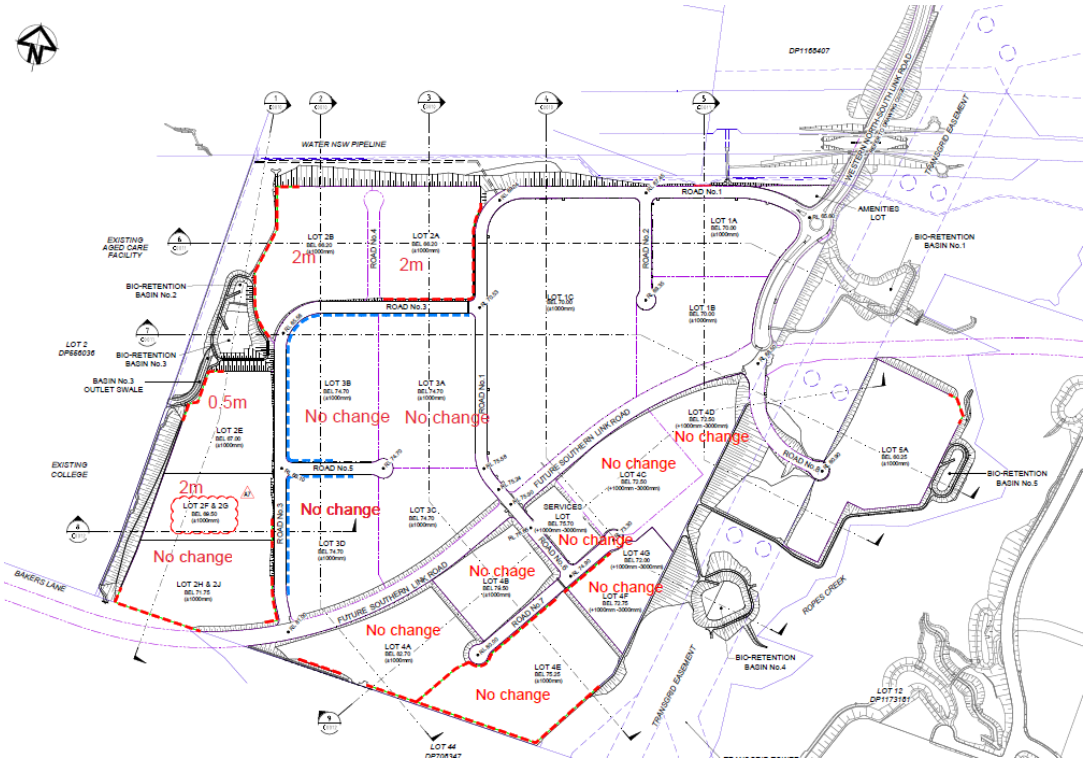
Source: AT&L

Figure 5 – Road RL Changes



Source: AT&L

Figure 6 – Proposed Pad Level Changes



Source: AT&L

Table 2 – Existing and Proposed Road levels

Road	Approved RL	Proposed RL	Net RL Change
Intersection of Road 3 & Road 5	68.00	68.10	+0.10
Road 3 bend	65.80	65.56	-0.24
Intersection of Road 3 and Road 1	70.50	70.53	+0.03
Road 1 bend	69.11	69.04	-0.07

4.1.2. Biodiversity Strategy

During the assessment of SSD 7348 the Biodiversity Offset Strategy (BOS) was prepared under the *TSC Act* which has since been replaced by the *BC Act*, for which transitional arrangements have since expired. In order to fulfil Condition 90 of the Development Consent, Goodman proposes to purchase and retire offset credits from the market. This will avoid potential lengthy delays in preparing a Biodiversity Stewardship Site Assessment Report which is required to establish an onsite biodiversity offset area (referred to as a Biodiversity Stewardship Site under the *BC Act*).

Under Condition D90, 172 ecosystem credits will be retired through the following methods:

- Purchase from the market and retire matching BioBanking credits (i.e. those calculated under the former BBAM) and/or
- Purchase from the market of like for like ecosystem credits calculated under the current biodiversity assessment method (BAM) and/or
- Payment of equivalent funds directly to the Biodiversity Conservation Trust.

62 Biobanking credits are required to offset the clearing of listed threatened ecological communities. In accordance with the bilateral agreement, DPIE will be required to provide the Department of Environment and Energy (DoEE) with information regarding the nature of the offset and if relevant its location.

The approved BOS included areas of riparian restoration associated with Ropes Creek, which met the objectives of the *Water Management Act 2000* as agreed to in consultation with the Department of Industry Natural Resource Access Regulator (NRAR). In place of the now redundant BOS, the accompanying VMP has been prepared to ensure these objectives are met.

4.2. STAGE 1 CONSENT MODIFICATIONS

4.2.1. Increased Fill Importation

Minor amendments to the previously approved cut and fill extent are required to enable the modification of the pad levels in Precinct 2. The existing and proposed cut and fill balance levels are outlined **Table 3**.

The proposed modification to Precinct 2 pad levels requires the import of approximately 748,501m^3 of fill. This is an increase in 252,668m^3 from the fill importation required for the approved pad levels.

As outlined in the Civil Engineering Report attached at **Appendix C**, fill material will be screened and validated at the source prior to being trucked to the OWE. Fill importation will be completed via the Western North South Link Road (WNSLR) in accordance with the Constriction Traffic Management Plan (CTMP) approved under SSD 7348. No fill will be brought to the site until the WNSLR is functional in line with the conditions of consent. Until such a time, all works are cut to fill on site. No fill importation will be undertaken via Bakers Lane.

Table 3 – Comparison of approved (SSD 7348) and proposed cut and fill level

Precinct	Approved fill Balance (m^3)	Proposed Fill Balance (m^3)	Net Balance Change (m^3)
Precinct 1	58,927	58,653	-274
Precinct 2	667,878	939,106	+271,228
Precinct 3	-768,538	-772,077	+3,539
Precinct 4	471,314	463,928	-7,386
Precinct 5	151,950	143,103	-8,847
WNSLR	-85,698	-84,212	-1,486
Total OWE	495,833	748,501	**+252,668**

Figure 7 –Cut & Fill Volumes

EARTHWORKS VOLUMES

	A	B	C	D	E = A+B+C+D	F
PRECINCT	EXISTING TOPSOIL STRIPPING VOLUME (cu.m) REFER NOTE No.1	EXCAVATION OF EXISTING CREEKS AND DAMS (cu.m) REFER NOTE No.3	NET CUT (cu.m)	NET FILL (cu.m)	BALANCE (cu.m)	APPROXIMATE VOLUME OF SELECT MATERIAL IMPORT FOR RETAINING WALLS
1	-29,128	-25,591	-427,121	540,767	58,927	7,706
2	-19,315	-13,164	-155,869	856,226	667,878	47,289
3	-29,501	0	-949,380	210,343	-768,538	0
4	-19,582	-14,084	-230,354	735,334	471,314	35,985
5	-4,868	-15,917	-2,891	175,625	151,950	925
SLR	-8,091	-1,362	-106,686	22,258	-93,881	0
WNSLR	-5,707	0	-8,592	22,482	8,183	0
TOTAL	-116,192	-70,118	-1,880,892	2,563,035	495,833	91,905

Picture 1 – SSD 7348 Approved cut& fill

EARTHWORKS VOLUMES

	A	B	C	D	E = A+B+C+D	F
PRECINCT	EXISTING TOPSOIL STRIPPING VOLUME (cu.m) REFER NOTE No.1	EXCAVATION OF EXISTING CREEKS AND DAMS (cu.m) REFER NOTE No.3	NET CUT (cu.m)	NET FILL (cu.m)	BALANCE (cu.m)	APPROXIMATE VOLUME OF SELECT MATERIAL IMPORT FOR RETAINING WALLS
1	-28,813	-25,263	-428,754	541,483	58,653	2,458
2	-18,800	-13,234	-126,994	1,098,134	939,106	61,189
3	-28,643	0	-947,662	204,228	-772,077	0
4	-18,081	-17,634	-214,940	714,583	463,928	35,308
5	-5,123	-14,986	-3,077	166,289	143,103	832
WNSLR STOCKPILE	-	-	-	-84,212	-84,212	-
TOTAL	-99,460	-71,117	-1,721,427	2,640,505	748,501	99,787

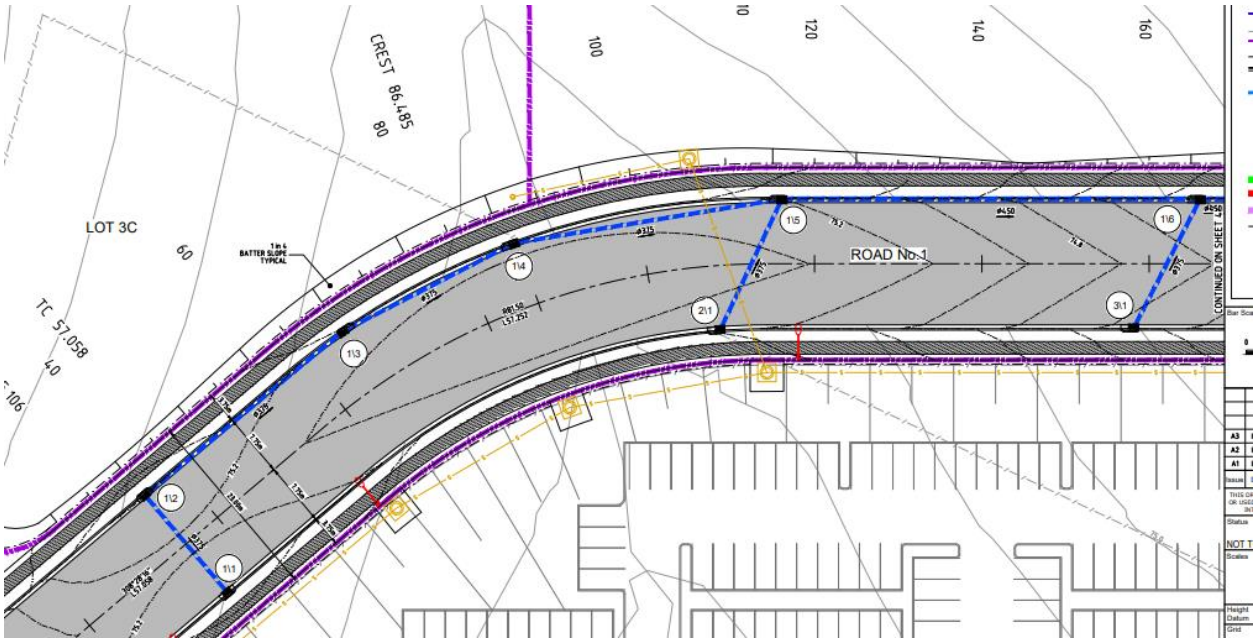
Picture 2 – Proposed cut& fill

Source: AT&L

4.2.2. Updated design of Stormwater on Road 1

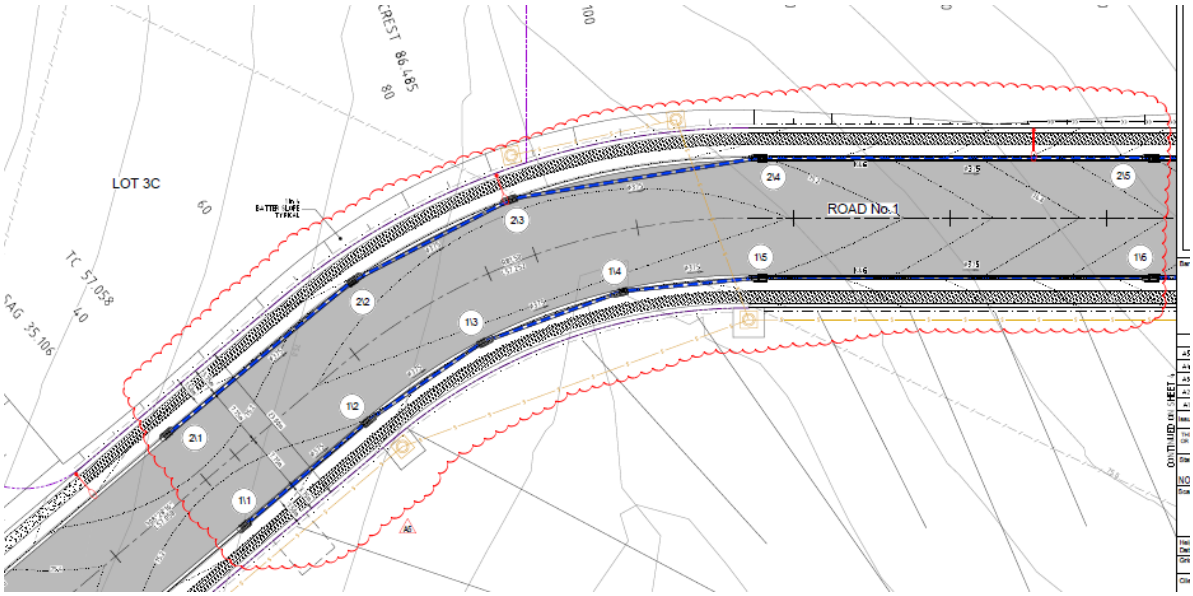
The stormwater system on Road No.1 has been updated to enable more efficient drainage and retention. The updated stormwater system will also ensure any conflict is avoided with the location of Endeavour Energy transmission ducts. The general upgrade to the stormwater system and installation of additional sloped pipes along Road No.1 is illustrated in **Figure 8** and further detailed in the Civil Drawings attached at **Appendix E.**

Figure 8 – Approved Stormwater system on Road No. 1



Source: AT&L

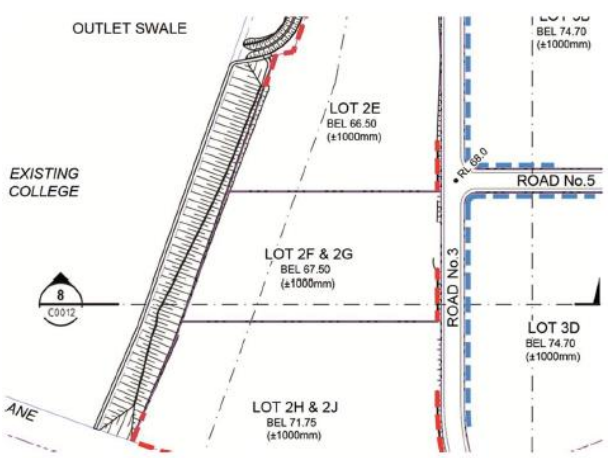
Figure 9 – Proposed Stormwater system on Road No. 1



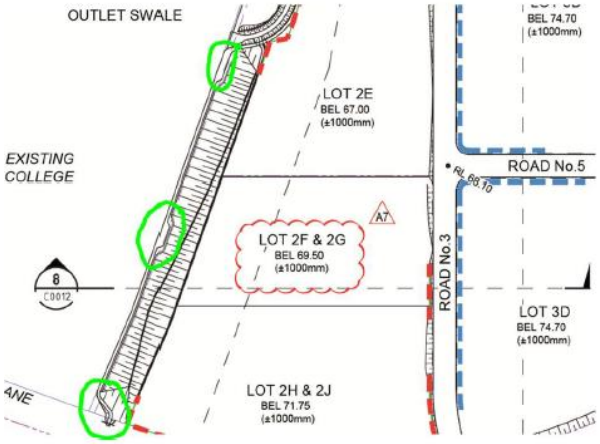
4.2.3. Western Bund Maintenance Track

The modification proposed is to provide two new vehicle passing/parking bays on the maintenance track and to relocate the entry/egress location on Bakers Lane to minimise disturbance to the existing access. The proposed upgrades will allow for better maintenance access to the bund as the new route via Bakers Lane will avoid Council trees and reduce steepness.

Figure 10 – Existing and Proposed Western Bund Maintenance Track



Picture 3 – Existing Western Bund Maintenance Track



Picture 4 – Proposed Western Bund Maintenance Track

Source: AT&L

4.2.4. Vegetation Removal

The change in bioretention basin design has resulted in the retention of additional native vegetation than that contemplated in the Concept approval.

- Redesign of bioretention basins has resulted in a small reduction in native vegetation to be cleared adjacent to the Ropes Creek riparian corridor (specifically PCT 835 and PCT 1232).
- Redesign of internal embankments has resulted in both a reduction and increase in smaller remnants of Cumberland Plain Woodland to be cleared (PCT 849) with no net overall change.

The extent of the reduction to the vegetation removal as a result of MOD 1 is depicted in **Figure 12.**

4.2.5. Redesign of Bio-Retention Basins

Due to the further refinement of the infrastructure and servicing of the OWE, there have been some minor amendments to the design and location of the bio-retention basins as follows:

- **Basin 1** – The basin has been relocated to give sufficient clearance to existing vegetation. The outlet drain has also been relocated to avoid existing vegetation.
- **Basins 2 & 3** – Basins 2 & 3 are combined, and their extent modified as a result of the pad level changes. The bund in the middle was originally oversized and is now proposed to be reduced to reflect the refined basin design requirements.
- **Basin 4** – The basin has been relocated to give sufficient clearance to existing vegetation and reduce the amount of native vegetation clearing in the area. The relocation will also enhance separation from the creek which will allow more space for natural regeneration.
- **Basin 5** – The outlet drain has been adjusted slightly to avoid the trees which were surveyed as part of the detailed design process.

Figure 13 shows the location of the proposed modifications to the bioretention basins. **Figure 14** and **Figure 15** highlight the proposed changes to the bio-retention basins in comparison to that approved.

4.2.6. Landscape Management Plan

The creation of pad levels across the Estate will result in exposed soil sediment and subsequent dust. Condition D35 of the Stage 1 Consent requires the seeding of these pads with grass to mitigate the visual impact and to supress dust generation and erosion, prior to building construction.

Goodman seeks to provide an alternate solution to grass seeding of these pads, through the use of a spray applied polymer to the finished bulk earthworks. This is requested for the following reasons:

- The type of Polymer spray proposed to be used for OWE is compostable and biologically friendly, prevents wind erosion, reduces road-water usage and reduces maintenance costs.
- This method has been used successfully as a soil suppression mechanism at other Goodman Estates.
- The use of a polymer spray rather than grass seedling will reduce the vegetation stripping that would otherwise be required during the construction phase
- Grass seedling takes time to grow and does very little to prevent erosion until the grass is fully established, whereas the polymer spray acts almost immediately upon application
- This method of soil stabilisation is faster and more effective than grass seeding, and can be applied in a green colour if considered desirable to mimic the appearance of grass when viewed from a distance.

Specification documents outlining the type of product proposed for this purpose are contained at **Appendix L. Figure 10** below demonstrates the appearance of an exposed surface before and after the polymer is applied.

Figure 11 – Example of Polymer Treatment – Before & After

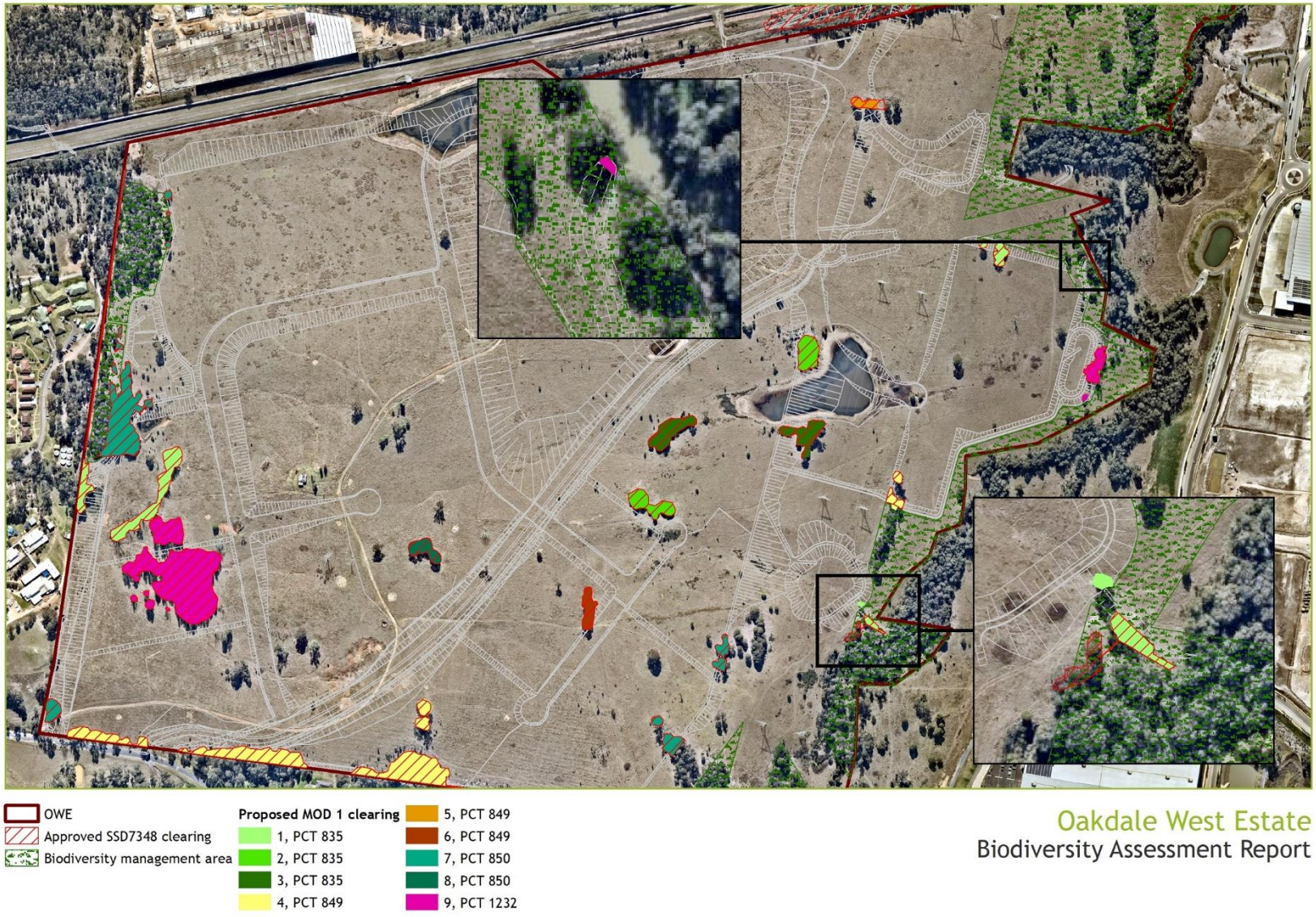
Picture 5 – Prior to Application of Polymer Spray

Source: Dustex

Picture 6 – After Application of Polymer Spray

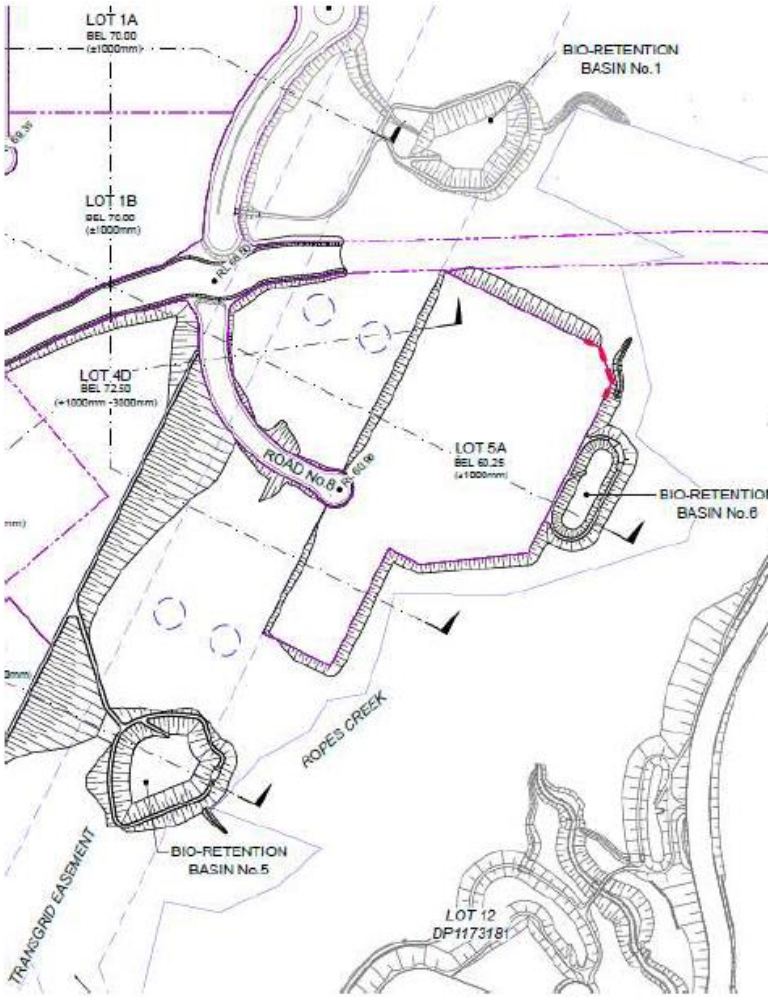
Source: Dustex

Figure 12 – Comparison of Vegetation Removal

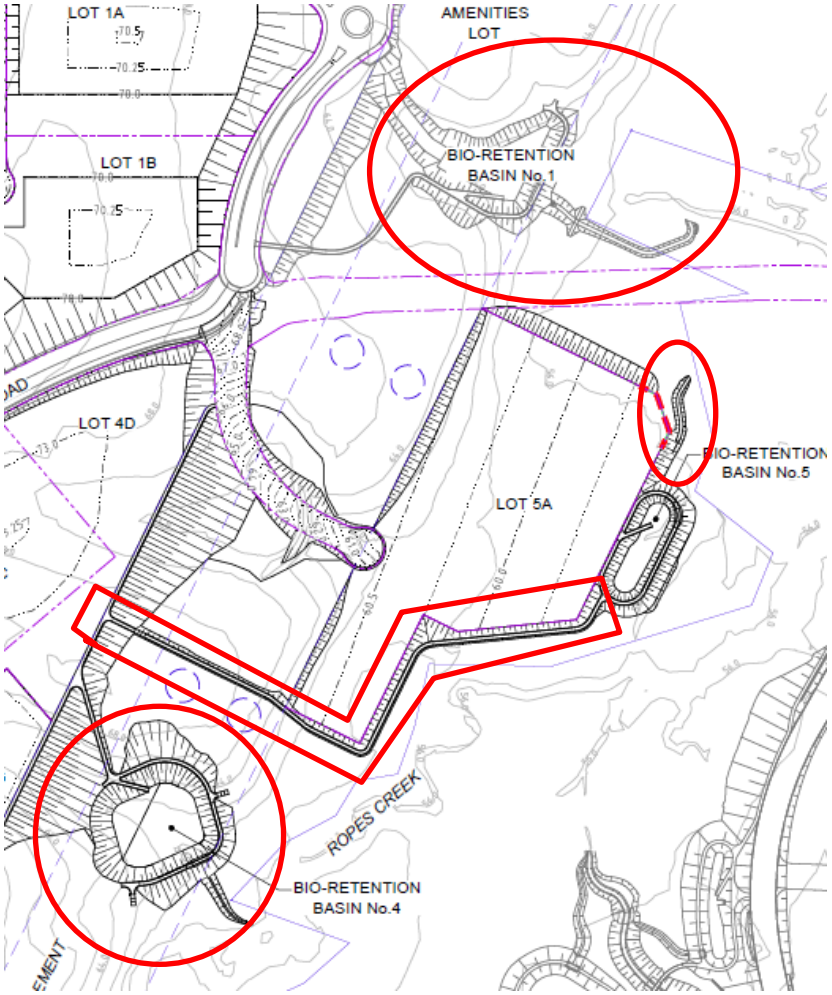


Source: ecologique

Figure 13 – Existing and proposed Bio-retention Layout

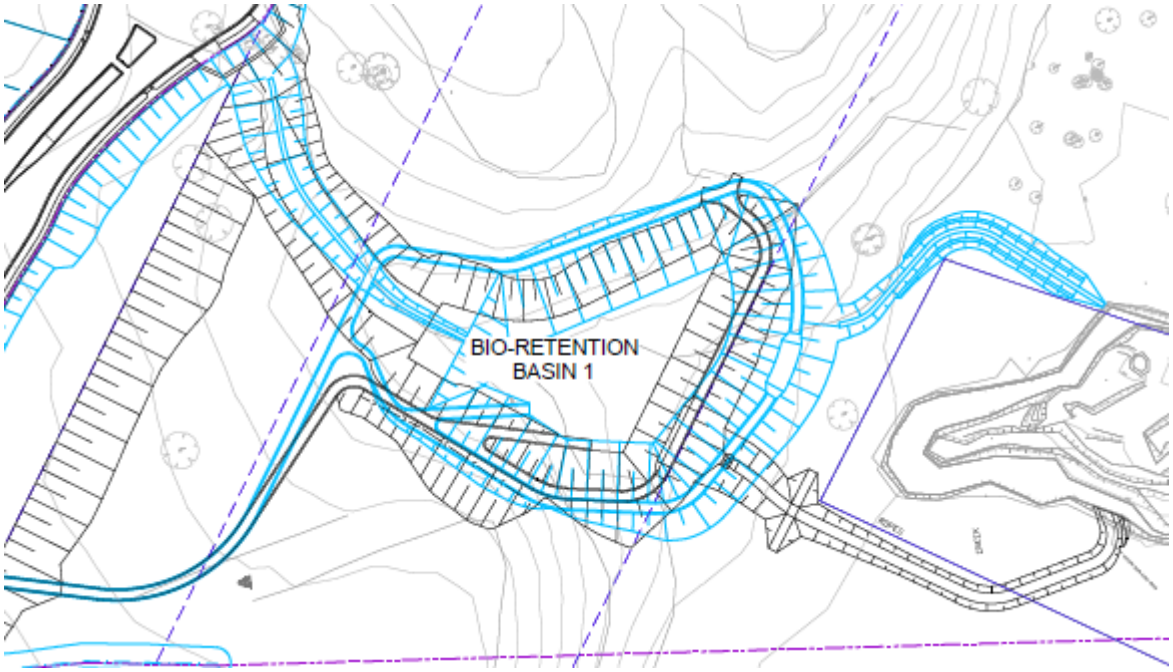


Source: AT&L



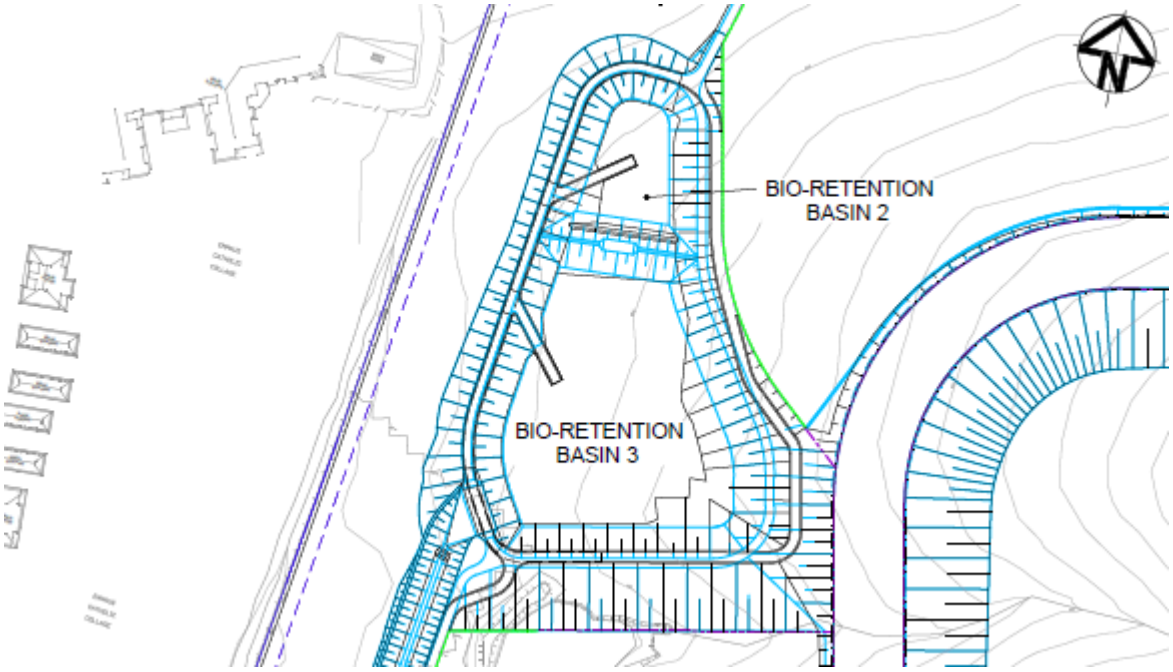
Source: AT&L

Figure 14 – SSDA approved basins layout with overlaid proposed MOD 1 basin layout



Picture 7 – Bio-retention Basin 1 plan

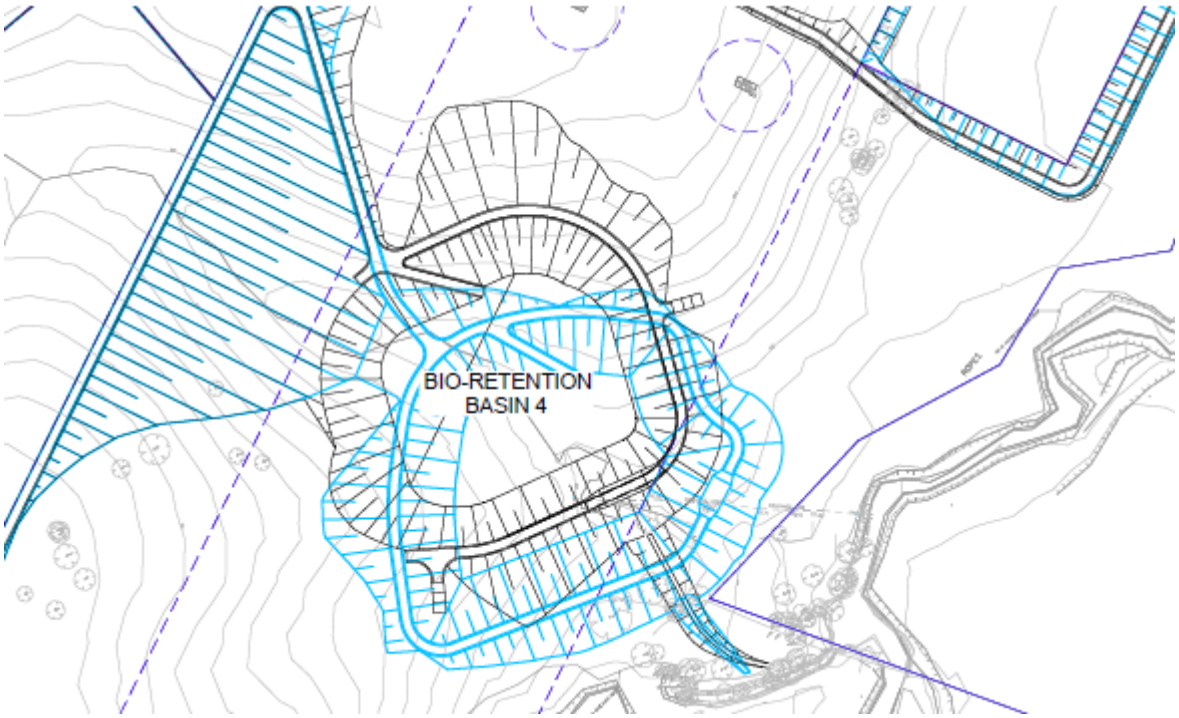
Source: AT&L



Picture 8 – Bio-retention Basin 3 plan

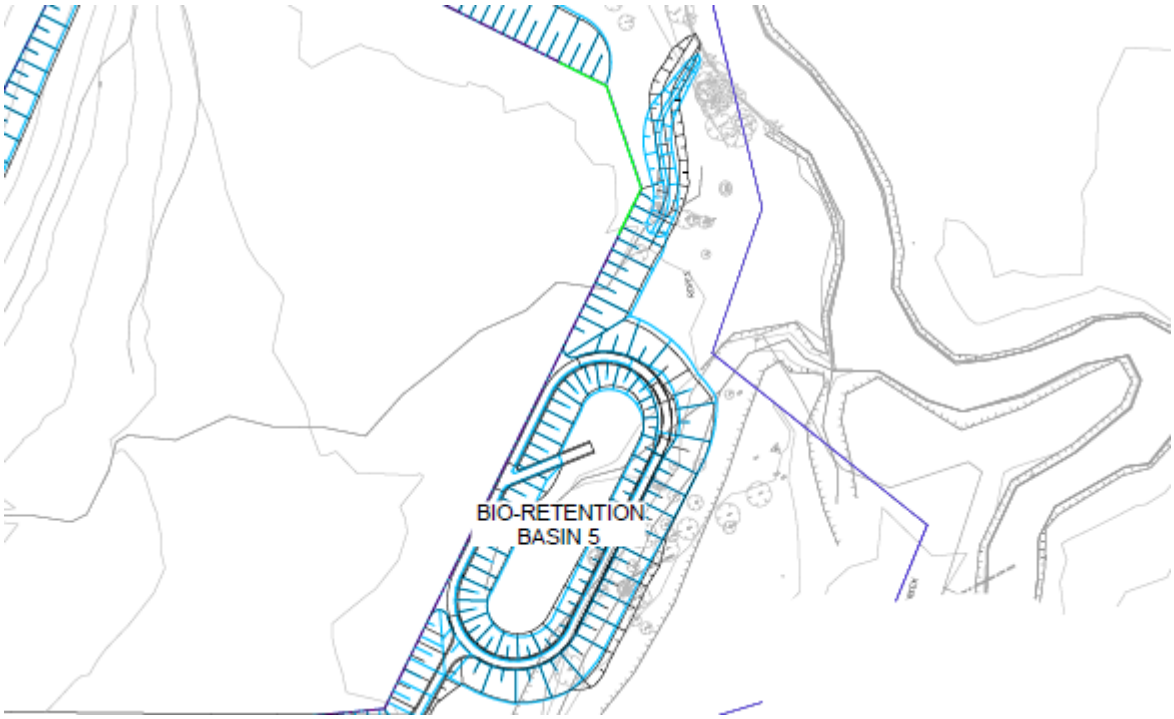
Source: AT&L

Figure 15 – SSDA approved basins layout with overlaid proposed MOD 1 basin layout



Picture 9 – Bio-retention Basin 4 plan

Source: AT&L



Picture 10 – Bio-retention Basin 5 plan

Source: AT&L

5. REQUIRED AMENDMENTS TO SSD 7438

5.1. PROPOSED MODIFICATIONS TO THE CONDITIONS OF APPROVAL

Pursuant to Section s 4.55 (1A) of the *Environmental Planning and Assessment Act 1979* (the Act), this application seeks to amend the following conditions of SSD 7438 consent conditions.

For ease of reference, text proposed to be deleted is indicated by a ~~strike through~~ and text proposed to be added is indicated by **bold text.**

In SCHEDULE D – CONDITIONS FOR STAGE 1:

- Update Condition D35:

  VISUAL AMENITY

  Landscape Management Plan

  D35. Prior to the commencement of construction of Stage 1, the Applicant must prepare a Landscape Management Plan (LMP), to the satisfaction of the Planning Secretary. The plan must form part of the CEMP in accordance with Condition D119 and the OEMP in accordance with Condition D130 and must:

  (a) be prepared in consultation with Council;

  (b) Detail procedures for the retention of existing native vegetation in north-western corner of the Site and protection of this vegetation from construction impacts;

  (c) include visual impact mitigation measures for construction including but not limited to:

  (i) the location of site sheds, compounds and machinery parking areas, avoiding the western and southern site boundaries, or other locations highly visible from adjacent residential properties;

  (ii) ~~procedures for progressive grassing of exposed soil, as soon as reasonably practicable after disturbance, focusing on areas where building construction will occur at a later stage;~~ ***The contractor shall employ the use of a dust supressing polymer agent ideally with a green tint to reduce the visual impact of the exposed buildings pads & to assist in reducing the dust generated on site.***

  (d) detail the works required to construct the landscape bund along the western boundary of the Site, as shown on Figure 5 in Appendix 2, including provision for the landscaping to incorporate mature trees (no less than 75 litre pot size);

  (e) include a schedule of works which prioritises the construction of the landscape bund along the western boundary of the Site, as shown on Figure 5 in Appendix 2.

  (f) include a program for implementing the landscape bund as soon as reasonably practicable, and no later than prior to operation of Stage 1;

  (g) describe the integration of landscaping with fixed elements, including retaining walls and noise walls; and

  (h) describe the monitoring and maintenance procedures to ensure the success of the landscaping works over the life of the Development.

- Update Condition D88:

  BIODIVERSITY

  Flora and Fauna Management Plan

  D88. The Applicant must prepare a ***Terrestrial and Aquatic*** *Flora and Fauna Management Plan (FFMP) for Stage 1, including the WNSLR, to the satisfaction of the Planning Secretary. The Plan must form part of a CEMP in accordance with Condition D119 and must:*

  (a) be prepared by a suitably qualified and experienced person(s);

(b) describe procedures to manage impacts on biodiversity values during earthworks, clearing and dam decommissioning;

(c) include procedures for clearing marking and protecting the areas of vegetation to be retained on the Site, including the mature vegetation in the north-western corner and the ~~Biodiversity Offset Area, established in accordance with Condition D91 adjacent to Ropes Creek; and~~ **Riparian Corridor adjacent to Ropes Creek;**

(d) detail the specific erosion and sediment controls to protect the retained vegetation.

- *Update Condition D90:*

  Offsets for Stage 1

  D90: Within 12 months of the date of this development consent, or as otherwise agreed with the Planning Secretary, the Applicant must retire 172 ecosystem credits to offset the removal of ~~4.41~~ 4.36 hectares of native vegetation on the site

  Note: *If the Applicant seeks a variation to the offset rules, the Applicant must demonstrate that reasonable steps have been taken to find like-for-like offsets in accordance with Section 10.5.4.2 of the FBA and Appendix A of the OEH's NSW Biodiversity Offsets Policy for Major Projects 2014.*

  In accordance with Principle 3 of the OEH's NSW Biodiversity Offsets Policy for Major Projects 2014, the Policy does not allow variations to the offset rules to be applied to 'threatened species and ecological communities that are considered nationally significant (listed under the Environmental Protection and Biodiversity Conservation Act 1999)'. These must be offset in a like for like manner.

- Delete Condition D91, as the Biodiversity Offset Strategy is now redundant due to new legislation:

  ~~*D83. The Applicant shall establish a Biodiversity Offset Area on the Site, consistent with the area described in the RTS, in accordance with a Biodiversity Stewardship Agreement with the Biodiversity Conservation Trust.*~~

- *Delete Condition D92:*

  ~~***Biodiversity Management Action Plan***~~

  ~~*D92. The Applicant must maintain the Biodiversity Offset Area on the Site in accordance with a Biodiversity Management Action Plan approved by the Biodiversity Conservation Trust.*~~

In the APPENDICES:

Delete and replace the table in APPENDIX 1 CONCEPT PROPOSAL as follows:

Table 6: Schedule of Approved Plans – Concept Proposal

Architectural Plans prepared by SBA Architects		
Drawing	**Title**	**Date**
~~OAK MP 02 (AW)~~ OAK MP 02 (AWA)	SSDA Estate Masterplan	~~21 Sept 2018~~ 7 August 2019
OAK MP 03 (X)	Western North South Link Road	21 Sept 2018
OAK MP 07 (U)	Indicative Ultimate Lot Layout	21 Sept 2018
OAK MP 13 (S)	Fire Protection Plan	21 Sept 2018
OAK MP 14 (Y)	Biodiversity Management Plan	21 Sept 2018

Civil Plans prepared by AT&L			
Drawing	**Title**	**Issue**	**Date**
LC-002	Introduction and Key Plan	H	19.06.2019
LC-002	Landscape Concept Master Plan	~~G~~ H	~~11.10.2018~~ 19.06.2019
LC-003	Landscape Concept Master Plan	~~G~~ H	~~11.10.2018~~ 19.06.2019
LC-004	Vegetations Typologies	~~G~~ H	~~11.10.2018~~ 19.06.2019
LC-005	Vegetations Typologies	~~G~~ H	~~11.10.2018~~ 19.06.2019
LC-006	Vegetations Typologies – Indicative Species List and Reference Table	~~G~~ H	~~11.10.2018~~ 19.06.2019
LC-007	Typical Landscape Site Section	H	19.06.2019
LC-008	Street Tree Master Plan	G	11.10.2018
LC-009	Streetscape Typical Detail	H	19.06.2019
LC-010	Signage Landscape Treatment	H	19.06.2019
LC-011	Boundary Landscape treatment Key Plan	G	11.10.2018
LC-012	Western Boundary Treatment Plan	G	11.10.2018
LC-013	Western Boundary Treatment Section A & B	H	19.06.2019

Civil Plans prepared by AT&L			
LC-014	Western Boundary Treatment Section C & D	H	19.06.2019
LC-015	Western Boundary Treatment Sections E & F	H	19.06.2019
LC-016	Southern Boundary treatment Section G, H & I	H	19.06.2019
LC-017	Southern Boundary Treatment Sections J & K	H	19.06.2019

Civil Plans prepared by AT&L			
Drawing	**Title**	**Issue**	**Date**
15-272-C0000	Cover Sheet	A5	24-07-19
15-272-C0001	General Arrangement Master Plan	~~A4~~ A7	~~05-10-18~~ 21-08-19
15-272-C0002	Existing Site Plan	A6	24-07-19
15-272-C0003	Precinct Plan	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C0006	Cut/Fill Plan	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C0007	Stormwater Drainage Catchment Plan (Pre-Developed)	A5	24-07-19
15-272-C0008	Stormwater Drainage Catchment Plan (Developed)	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C0009	Erosion and Sediment Control Master Plan	~~A2~~ A4	~~21-09-18~~ 24-07-19
15-272-C0010	Typical Sections Sheet 1	~~A3~~ A6	~~21-09-18~~ 21-08-19
15-272-C0011	Typical Sections Sheet 2	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C0012	Typical Sections Sheet 3	~~A3~~ A6	~~21-09-18~~ 21-08-19
15-272-C0013	Typical Sections Sheet 4	~~A2~~ A4	~~21-09-18~~ 24-07-19

Delete and replace the table in APPENDIX 2 STAGE 1 PLANS as follows:

Table 7: Schedule of Approved Plans – Stage 1 DA

Civil Plans prepared by AT&L			
Drawing	**Title**	**Issue**	**Date**
15-272-C0004	Stage 1 SSD Approval Extents Sheet 1 of 2	~~A5~~ A7	~~11-10-18~~ 24-07-19
15-272-C0005	Stage 1 SSD Approval Extents Sheet 2 of 2	~~A4~~ A6	~~21-09-18~~ 24-07-19
15-272-C0020	Western North-South Link Road General Arrangement Plan	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C0021	Western North-South Link Road Stormwater Drainage Catchment Plan (Pre-Developed)	A5	24-07-19
15-272-C0022	Western North-South Link Road Stormwater Drainage Catchment Plan (Developed)	~~A3~~ A5	~~21-09-18~~ 19-07-19
15-272-C0023	Western North-South Link Road Proposed Land Acquisition Plan	A8	24-07-19
15-272-C1000	Cover Sheet	A6	24-07-19
15-272-C1001	Drawing List	A6	24-07-19
15-272-C1002	General Notes	A6	24-07-19
15-272-C1003	Precinct General Arrangement Plan	A8	24-07-19
15-272-C1004	Typical Site Section Sheet 1 of 6	~~A4~~ A7	~~21-09-18~~ 21-08-19
15-272-C1005	Typical Site Sections Sheet 2 of 6	~~A4~~ A6	~~21-09-18~~ 24-07-19
15-272-C1006	Typical Site Sections Sheet 3 of 6	~~A4~~ A7	~~21-09-18~~ 21-08-19
15-272-C1007	Typical Site Sections Sheet 4 of 6	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1008	Typical Site Sections Sheet 5 of 6	~~A3~~ A5	~~11-10-18~~ 24-07-19
15-272-C1009	Typical Site Sections Sheet 6 of 6	~~A4~~ A6	~~28-09-18~~ 24-07-19
15-272-C1010	Typical Road Sections	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1011	Contour Plan	A5	24-07-19
15-272-C1014	Bulk Earthworks Cut/Fill Plan	A6	24-07-19
15-272-C1015	Earthworks and Stormwater Drainage Plan Sheet 1 of 20	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1016	Earthworks and Stormwater Drainage Plan Sheet 2 of 20	~~A3~~ A5	~~21-09-18~~ 24-07-19

Civil Plans prepared by AT&L			
15-272-C1017	Earthworks and Stormwater Drainage Plan Sheet 3 of 20	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1018	Earthworks and Stormwater Drainage Plan Sheet 4 of 20	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1019	Earthworks and Stormwater Drainage Plan Sheet 5 of 20	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1020	Earthworks and Stormwater Drainage Plan Sheet 6 of 20	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1021	Earthworks and Stormwater Drainage Plan Sheet 7 of 20	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1022	Earthworks and Stormwater Drainage Plan Sheet 8 of 20	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1023	Earthworks and Stormwater Drainage Plan Sheet 9 of 20	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1024	Earthworks and Stormwater Drainage Plan Sheet 10 of 20	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1025	Earthworks and Stormwater Drainage Plan Sheet 11 of 20	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1026	Earthworks and Stormwater Drainage Plan Sheet 12 of 20	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1027	Earthworks and Stormwater Drainage Plan Sheet 13 of 20	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1028	Earthworks and Stormwater Drainage Plan Sheet 14 of 20	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1029	Earthworks and Stormwater Drainage Plan Sheet 15 of 20	~~A4~~ A6	~~04-10-18~~ 24-07-19
15-272-C1030	Earthworks and Stormwater Drainage Plan Sheet 16 of 20	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1031	Earthworks and Stormwater Drainage Plan Sheet 17 of 20	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1032	Earthworks and Stormwater Drainage Plan Sheet 18 of 20	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1033	Earthworks and Stormwater Drainage Plan Sheet 19 of 20	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1034	Earthworks and Stormwater Drainage Plan Sheet 20 of 20	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1040	Roadworks and Stormwater Drainage Plan Sheet 1 of 10	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1041	Roadworks and Stormwater Drainage Plan Sheet 2 of 10	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1042	Roadworks and Stormwater Drainage Plan Sheet 3 of 10	~~A3~~ A5	~~21-09-18~~ 24-07-19

Civil Plans prepared by AT&L			
15-272-C1043	Roadworks and Stormwater Drainage Plan Sheet 4 of 10	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1044	Roadworks and Stormwater Drainage Plan Sheet 5 of 10	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1045	Roadworks and Stormwater Drainage Plan Sheet 6 of 10	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1046	Roadworks and Stormwater Drainage Plan Sheet 7 of 10	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1047	Roadworks and Stormwater Drainage Plan Sheet 8 of 10	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1048	Roadworks and Stormwater Drainage Plan Sheet 9 of 10	~~A2~~ A4	~~21-09-18~~ 24-07-19
15-272-C1049	Roadworks and Stormwater Drainage Plan Sheet 10 of 10	~~A2~~ A4	~~21-09-18~~ 24-07-19
15-272-C1050	Road and Longitudinal Sections Sheet 1 of 5	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1051	Road and Longitudinal Sections Sheet 2 of 5	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1052	Road and Longitudinal Sections Sheet 3 of 5	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1053	Road and Longitudinal Sections Sheet 4 of 5	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1054	Road and Longitudinal Sections Sheet 5 of 5	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1058	Western Boundary Layout And Sections	A4	24-07-19
15-272-C1059	Southern Boundary Layout and Sections	A4	24-07-19
15-272-C1062	~~Bio-Retention Basin No. 3 Detail Plan Sheet 1 of 2~~ Bio-Retention Basin 2 and 3 Detail Plan Sheet 1 of 2	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1063	~~Bio-Retention Basin No. 3 Detail Plan Sheet 2 of 2~~ Bio-Retention Basin 2 and 3 Detail Plan Sheet 2 of 2	~~A2~~ A4	~~21-09-18~~ 24-07-19
15-272-C1064	~~Bio-Retention Basin No. 5 Detail Plan Sheet 1 of 2~~ Bio-retention Basin 4 Detail Plan Sheet 1 of 2	~~A1~~ A3	~~21-09-18~~ 24-07-19
15-272-C1065	~~Bio-Retention Basin No. 5 Detail Plan Sheet 2 of 2~~ Bio-Retention Basin 4 Detail Plan Sheet 2 of 2	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1066	~~Bio-Retention Basin No. 6 Detail Plan~~ Bio-Retention Basin 5 Detail Plan	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1068	Stormwater Drainage Catchment Plan (Pre-developed)	A4	24-07-19
15-272-C1069	Stormwater Drainage Catchment Plan (Post-developed)	A4	24-07-19
15-272-C1070	Retaining Wall General Arrangement Plan	~~A4~~ A6	~~11-10-18~~ 24-07-19

Civil Plans prepared by AT&L			
15-272-C1071	Retaining Wall Profiles Sheet 1 of 7	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1072	Retaining Wall Profiles Sheet 2 of 7	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1073	Retaining Wall Profiles Sheet 3 of 7	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1074	Retaining Wall Profiles Sheet 4 of 7	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1075	Retaining Wall Profiles Sheet 5 of 7	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1076	Retaining Wall Profiles Sheet 6 of 7	~~A3~~ A5	~~21-09-18~~ 24-07-19
15-272-C1077	Retaining Wall Profiles Sheet 7 of 7	~~A2~~ A4	~~21-09-18~~ 24-07-19
12-272-C1080	Stage 1 Services and Utilities Coordination Plan Sheet 1 of 6	~~A3~~ A5	~~21-09-18~~ 24-07-19
12-272-C1081	Stage 1 Services and Utilities Coordination Plan Sheet 2 of 6	~~A3~~ A5	~~21-09-18~~ 24-07-19
12-272-C1082	Stage 1 Services and Utilities Coordination Plan Sheet 3 of 6	~~A3~~ A5	~~21-09-18~~ 24-07-19
12-272-C1083	Stage 1 Services and Utilities Coordination Plan Sheet 4 of 6	~~A3~~ A5	~~21-09-18~~ 24-07-19
12-272-C1084	Stage 1 Services and Utilities Coordination Plan Sheet 5 of 6	~~A3~~ A5	~~21-09-18~~ 24-07-19
12-272-C1085	Stage 1 Services and Utilities Coordination Plan Sheet 6 of 6	~~A3~~ A5	~~21-09-18~~ 24-07-19
12-272-C1086	Existing Transgrid Overhead Electrical Cables Plan	A5	24-07-19
12-272-C1087	Existing Transgrid Overhead Electrical Cables and Longitudinal Sections	A5	24-07-19
12-272-C1088	Existing Transgrid Overhead Electrical Cables Typical Sections Sheet 1 of 2	A5	24-07-19
12-272-C1089	Existin Transgrid Ovehead Electrical Cables Typical Sections Sheet 2 of 2	A5	24-07-19
12-272-C1090	Erosion and Sediment Control Plan Sheet 1 of 7	~~A3~~ A5	~~21-09-18~~ 24-07-19
12-272-C1091	Erosion and Sediment Control Plan Sheet 2 of 7	~~A3~~ A5	~~21-09-18~~ 24-07-19
12-272-C1092	Erosion and Sediment Control Plan Sheet 3 of 7	~~A3~~ A5	~~21-09-18~~ 24-07-19
12-272-C1093	Erosion and Sediment Control Plan Sheet 4 of 7	~~A3~~ A5	~~21-09-18~~ 24-07-19

Civil Plans prepared by AT&L			
12-272-C1094	Erosion and Sediment Control Plan Sheet 5 of 7	~~A3~~ A5	~~21-09-18~~ 24-07-19
12-272-C1095	Erosion and Sediment Control Plan Sheet 6 of 7	~~A3~~ A5	~~21-09-18~~ 24-07-19
12-272-C1096	Erosion and Sediment Control Plan Sheet 7 of 7	~~A3~~ A5	~~21-09-18~~ 24-07-19
12-272-C1097	Erosion and Sediment Control Details	~~A1~~ A4	~~21-09-18~~ 24-07-19
15-272-C2003	General Arrangement Plan	A3	21-09-18
15-272-C2010	Siteworks and Stormwater Drainage Plan Sheet 1 of 15	A3	21-09-18
15-272-C2011	Siteworks and Stormwater Drainage Plan Sheet 2 of 15	A3	21-09-18
15-272-C2012	Siteworks and Stormwater Drainage Plan Sheet 3 of 15	A3	21-09-18
15-272-C2013	Siteworks and Stormwater Drainage Plan Sheet 4 of 15	A3	21-09-18
15-272-C2014	Siteworks and Stormwater Drainage Plan Sheet 5 of 15	A3	21-09-18
15-272-C2015	Siteworks and Stormwater Drainage Plan Sheet 6 of 15	A3	21-09-18
15-272-C2016	Siteworks and Stormwater Drainage Plan Sheet 7 of 15	A3	21-09-18
15-272-C2017	Siteworks and Stormwater Drainage Plan Sheet 8 of 15	A3	21-09-18
15-272-C2018	Siteworks and Stormwater Drainage Plan Sheet 9 of 15	A3	21-09-18
15-272-C2019	Siteworks and Stormwater Drainage Plan Sheet 10 of 15	A3	21-09-18
15-272-C2020	Siteworks and Stormwater Drainage Plan Sheet 11 of 15	A3	21-09-18
15-272-C2021	Siteworks and Stormwater Drainage Plan Sheet 12 of 15	A3	21-09-18
15-272-C2022	Siteworks and Stormwater Drainage Plan Sheet 13 of 15	A3	21-09-18
15-272-C2023	Siteworks and Stormwater Drainage Plan Sheet 14 of 15	A3	21-09-18
15-272-C2024	Siteworks and Stormwater Drainage Plan Sheet 15 of 15	A3	21-09-18
15-272-C2030	Pavement Plan	A3	21-09-18
15-272-C3003	General Arrangement Plan	A3	21-09-18
15-272-C3010	Typical Road Sections	A3	21-09-18
15-272-C3020	Roadworks Plan and Longitudinal Section Sheet 1 of 5	A3	21-09-18
15-272-C3021	Roadworks Plan and Longitudinal Section Sheet 2 of 5	A3	21-09-18
15-272-C3022	Roadworks Plan and Longitudinal Section Sheet 3 of 5	A3	21-09-18
15-272-C3023	Roadworks Plan and Longitudinal Section Sheet 4 of 5	A3	21-09-18
15-272-C3024	Roadworks Plan and Longitudinal Section Sheet 5 of 5	A3	21-09-18

Civil Plans prepared by AT&L			
15-272-C3030	Road Longitudinal Sections	A3	21-09-18
15-272-C3040	Bridge Elevation and Typical Section	A4	04-10-18
15-272-C3050	Stormwater Drainage Plan Sheet 1 of 5	A3	21-09-18
15-272-C3051	Stormwater Drainage Plan Sheet 2 of 5	A3	21-09-18
15-272-C3052	Stormwater Drainage Plan Sheet 3 of 5	A3	21-09-18
15-272-C3053	Stormwater Drainage Plan Sheet 4 of 5	A3	21-09-18
15-272-C3054	Stormwater Drainage Plan Sheet 5 of 5	A3	21-09-18
15-272-C3058	Stormwater Drainage Catchment Plan (Post-Developed)	A2	21-09-18
15-272-C3060	Bio-Retention Basin NO. 1 Detail Plan	A3	21-09-18
15-272-C3070	Pavement Plan Sheet 1 of 5	A3	21-09-18
15-272-C3071	Pavement Plan Sheet 2 of 5	A3	21-09-18
15-272-C3072	Pavement Plan Sheet 3 of 5	A3	21-09-18
15-272-C3073	Pavement Plan Sheet 4 of 5	A3	21-09-18
15-272-C3074	Pavement Plan Sheet 5 of 5	A2	21-09-18
15-272-C3080	Retaining Wall Plan and Elevation	A1	21-09-18
15-272-C3081	Retaining Wall Sections Sheet 1 of 4	A1	21-09-18
15-272-C3082	Retaining Wall Sections Sheet 2 of 4	A1	21-09-18
15-272-C3083	Retaining Wall Sections Sheet 3 of 4	A1	21-09-18
15-272-C3084	Retaining Wall Sections Sheet 4 of 4	A1	21-09-18

6. STATUTORY PLANNING FRAMEWORK

This section assesses and responds to the relevant legislative and policy frameworks in accordance with the EP&A Act, Regulations and the SEARs. The following environmental planning instruments, policies and guidelines have been considered in the assessment of this modification proposal:

- *Environmental Planning and Assessment Act 1979;*
- *State Environmental Planning Policy (State and Regional Development) 2011;*
- *State Environmental Planning Policy (Western Sydney Employment Area) 2009;*
- *State Environmental Planning Policy (Infrastructure) 2007; and*
- *State Environmental Planning Policy No.55 (Remediation of Land).*

6.1. ASSESSMENT OF ENVIRONMENTAL PLANNING INSTRUMENTS

The proposed modifications to the approval of SSD 7348 are such that it is considered there will be no material alteration to the level of compliance achieved with the above EPIs, as shown in **Table 4** below.

Table 4 – Statement of Consistency with Environmental Impacts

Schedule/Clause	Provision	Consistency
SEPP (State and Regional Development)		
Schedule 1	Schedule 1, Group 12 of the SRD SEPP identifies development for the purposes of 'warehouses or distribution centres' to be SSD if it: *'has a capital investment value of more than **$50 million for the purpose of warehouse or distribution centres** (including container storage facilities) at one location and related to the same operation.'* The works comprising Stage 1 of the SSDA for the OSE (incorporating infrastructure and building works) will have a value of approximately $398,534,000 million.	The proposed modification to the approval of SSD7348 will remain consistent with this SEPP and is appropriately characterised as SSD.
SEPP (Western Sydney Employment Area) 2009		
Clause 3 – Aims	Aims to protect and enhance the land to which the Policy applies (the Western Sydney Employment Area) for employment purposes.	The proposal continues to seek consent for employment uses consistent with the overarching aim of the WSEA SEPP.
Clause 10 – Land Use Zoning	The OSE is zoned IN1 – General Industry and E2 – Environmental Conservation pursuant to this clause.	All uses are consistent with the appropriate zone.

Schedule/Clause	Provision	Consistency
Clause 18 – Development Control Plans	Requires that a DCP be in place before consent can be granted for development within the WSEA.	Site specific development controls were approved by SSD 7348. No changes are proposed to these development controls.
Clause 20 – Ecologically Sustainable Development	The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that the development contains measures designed to minimise: The consumption of potable water, and Greenhouse gas emissions.	No changes are proposed to the ESD measures approved by way of SSD 7348.
Clause 21 – Height of Buildings	The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that: Building heights will not adversely impact on the amenity of adjacent residential areas, and Site topography has been taken into consideration.	No changes are proposed to the maximum height of buildings. Nevertheless, the impact of potential future building height, having regard to the increased pad level heights, has been assessed as acceptable having regard to the amenity of adjacent areas.
Clause 22 – Rainwater Harvesting	The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that adequate arrangements will be made to connect the roof areas of buildings to such rainwater harvesting scheme (if any) as approved by the Director-General.	No changes are proposed to the provisions for rainwater harvesting.
Clause 23 – Development Adjoining Residential Land	This clause applies to any land to which this Policy applies that is within 250 metres of land zoned primarily for residential purposes.	Minor changes to the pad levels in Precinct 2 will result in slight changes to the existing RLs. However, as demonstrated in the VIA (**Appendix H**) there will be no material visual impact to the adjoining residential properties.
Clause 24 – Development Involving Subdivision	The consent authority must not grant consent to the carrying out of development involving the subdivision of land unless it has considered the following: The implications of the fragmentation of large lots of land,	The proposed modifications to SSD7348 does not include any changes to the approved subdivision boundaries.

Schedule/Clause	Provision	Consistency
	Whether the subdivision will affect the supply of land for employment purposes, Whether the subdivision will preclude other lots of land to which this Policy applies from having reasonable access to roads and services.	
Clause 25 – Public Utility Infrastructure	The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.	Provision of public utility infrastructure will be maintained. These services will continue to be provided within the Estate in a manner consistent with that originally approved.
Clause 26 – Proposed Transport Infrastructure Routes	The consent authority must, before determining any such development application, consider any comments made by the Director-General as to the compatibility of the development to which the application relates with the proposed transport infrastructure route concerned.	No changes are proposed to the provision of transport infrastructure routes as part of this modification application.
Clause 29 – Industrial Release Area	Despite any provision of this Policy, the consent authority must not grant consent to development on land to which this clause applies unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure and services (including the Erskine Park Link Road Network) in relation to which this Policy applies.	A current VPA arrangement is in place for Oakdale West Estate and sets out the required SIC contributions.
Clause 31 – Design Principles	In determining a development application that relates to land to which this Policy applies, the consent authority must take into consideration whether or not: The development is of a high quality design, and A variety of materials and external finishes for the external facades are incorporated, and High quality landscaping is provided, and The scale and character of the development is compatible with other employment-generating development in the precinct concerned.	The OWE Estate layout, remains consistent with the original approval.
State Environmental Planning Policy (Infrastructure) 2007		
Schedule 3 – Traffic	The *Infrastructure SEPP* aims to facilitate the effective delivery of infrastructure across the	The SSD as modified by MOD 1 does not alter the

Schedule/Clause	Provision	Consistency
Generating Developments to be referred to the RMS	State by providing a consistent planning regime for infrastructure and the provision of services. The SEPP deals with traffic generating development and requires referral and concurrence of the NSW RMS for certain development which is expected to generate significant traffic.	approved warehousing GFA. The project was referred to RMS as part of the SSDA process. Subsequent referral may occur as part of this modification application.
State Environmental Planning Policy No. 33 – Hazardous and Offensive Development		
Part 3 – Potentially hazardous or potentially offensive development	*SEPP 33* requires the consent authority to consider whether an industrial proposal is a potentially hazardous or a potentially offensive industry. In doing so, the consent authority must give careful consideration to the specific characteristics and circumstances of the development, its location and the way in which the proposed activity is to be carried out. Any application to carry out potentially hazardous development must be supported by a preliminary hazard analysis (PHA)	As previously assessed the overall proposal is not potentially hazardous or potentially offensive development. The proposed modification does not seek to introduce or increase the amount of hazardous material as approved. SEPP 33 will be addressed for all future sites not yet developed if required.
State Environmental Planning Policy No. 55 (Remediation of Land)		
Clause 7- Contamination and remediation to be considered in determining development application	*SEPP 55* seeks to provide a State-wide planning approach to the remediation of contaminated land. Clause 7(1)(a) of the SEPP requires that the consent authority, when assessing a development application, consider whether the land is contaminated and whether it is suitable for the proposed use. It also requires that consent authority review a report specifying the findings of a preliminary contamination investigation of the land concerned when considering an application which involves a change of use of the land.	The original ESA findings apply consistently to the proposed modifications. The proposed development does not result in a change of use to the land from that approved under SSDA 7348. Potential contamination and its management has been considered and documented in the original EIS and SSDA. There will be no change to the location of development pads as approved – as a result there is no change to the contamination status of the soils since completion of the ESA submitted with the original SSDA.

7. ASSESSMENT OF KEY IMPACTS

The EIS submitted with the original SSDA addressed the likely impacts of the concept proposal and Stage 1 works, including:

- Visual;
- Noise;
- Civil, Stormwater and earthworks;
- Ecological;
- Landscape; and
- Traffic Impact

Each of the potential impacts arising from the proposed modification is assessed in detail within the following sections of the report, supported by relevant specialist consultant input.

7.1. VISUAL IMPACT

A Visual Impact Assessment (VIA) has been prepared by e8urban and is included at **Appendix H**. The purpose of the VIA is to assess the potential visual impacts of the proposed MOD 1 works on surrounding public and private receivers and to outline strategies for mitigation.

The VIA assessed the visual impacts from the identified seven view locations as shown in

Figure 16, via the following methodology:

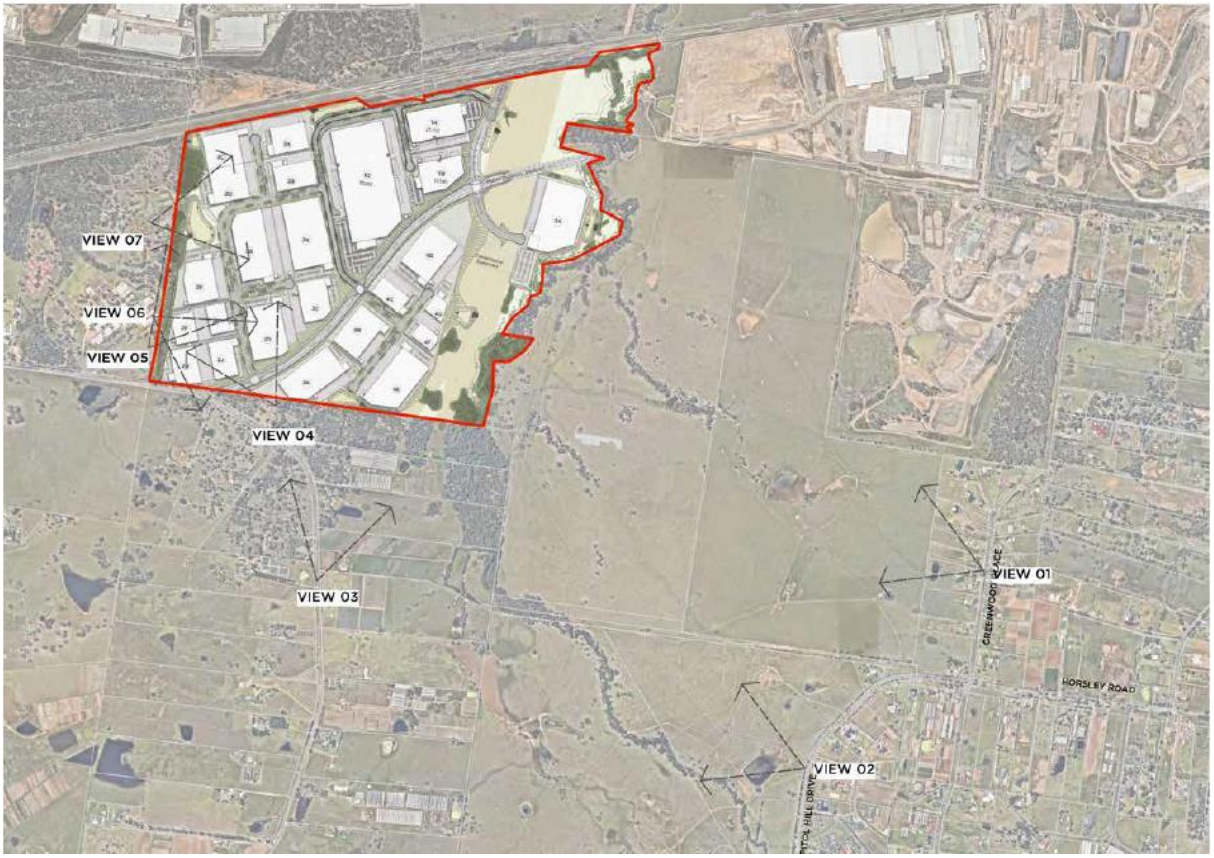
- Desktop review of the previous work undertaken;
- Meetings with Goodman and the appointed architectural, landscape and civil engineering consultants to understand the extent of changes across the OWE;
- Review of the updated OWE master plan; and
- Production of updated photomontages to illustrate how the proposed changes to the relative levels and form of development on the site would be perceived from the surrounding context.

The assessment is summarised in **Table 5** below.

Table 5 – Summary of Visual Impact

View	Existing Impact	Proposed Impact	Difference
01 – Greenway Place (RL 99)	Moderate-Low	Moderate-Low	N/A
02 – Capitol Hill Drive (RL 7.5)	Negligible	Negligible	N/A
03 – Aldington Road (RL 81.1)	Negligible	Negligible	N/A
04 – Private Residence Bakers Lane (RL 89.5)	High-Moderate	High-Moderate	N/A
05 – Emmaus Catholic College (RL 76.9)	Moderate	Moderate	N/A
06 – Emmaus Catholic College (RL 65.3)	High-Moderate	High-Moderate	N/A
07 – Seniors Living Development	Moderate-Low	Moderate-Low	N/A

Figure 16 – View Locations



Source: e8urban

Changes to the pad levels in Precinct 2 will result in slight changes to the existing approved pad heights. The Lots to be affected by the proposed changes to the pad levels in Precinct 2 are outlined in **Table 6.**

Table 6 – Existing & Proposed Precinct 2 RL levels

Precinct	Approved RL	Proposed RL	Net RL Change
Lot 2A & 2B	64.50	66.50	+2.00
Lot 2E	66.80	67.30	+0.50
Lot 2F & 2G	67.80	69.80	+2.00

The proposed pad level changes will result in the minor increase of building heights of:

- Lot 2A & 2B by 2.00m
- Lot 2E by 0.50m
- Lot 2F and 2G by 2.00m.

Due to the minor nature of these height increases the VIA concludes that the proposed changes will not create any additional visual impacts from the surrounding identified public and private receivers. Furthermore, the approved landscape buffers will continue to provide sufficient mitigation once fully established. **Figure 17** provides a summary of the visual impact assessment in comparison to the previously approved assessment. As depicted in the table there are no additional impacts, and therefore, no further mitigation measures are required as a result of the pad level changes.

Figure 17 – VIA Summary

View No	Location	2017 VIA Assessment	Updated 2019 VIA Assessment	Comments
1	Greenway Place	Moderate-Low	Moderate-Low	The distance between the receiver and the OWE make any visual impact negligible.
2	Capitol Hill Drive	Negligible	Negligible	The distance between the receiver and the OWE make any visual impact negligible.
3	Adlington Road	Negligible	Negligible	The distance between the receiver and the OWE make any visual impact negligible.
4	Private Residence Bakers Lane	High-Moderate	High-Moderate	The distance between the receiver and the OWE make any visual impact negligible.
5	Emmaus Catholic College	Moderate	Moderate	The extent of the changes to the built form are minor in relation to the 2019 approved development. Furthermore the proposed landscape buffer would provide an effective screen mitigating the visual impacts.
6	Emmaus Catholic College	High-Moderate	High-Moderate	The extent of the changes to the built form are minor in relation to the 2019 approved development. Furthermore the proposed landscape buffer would provide an effective screen mitigating the visual impacts.
7	Emmaus Residential Aged Care	Moderate-Low	Moderate-Low	The extent of the changes to the built form are minor in relation to the 2019 approved development. Furthermore the proposed landscape buffer would provide an effective screen mitigating the visual impacts.

Source: e8urban

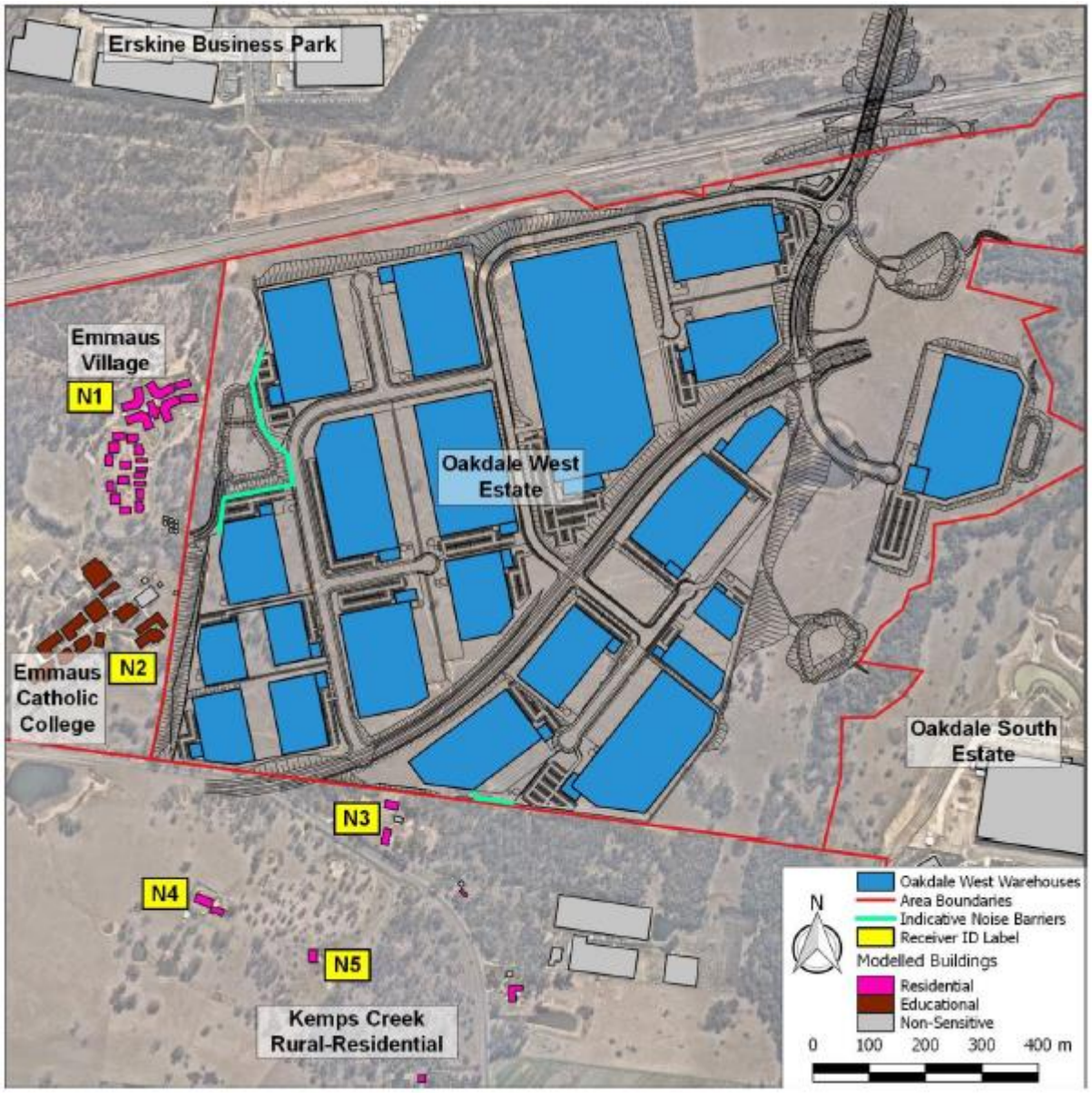
7.2. NOISE IMPACT

The proposed modification involves minor changes to the pad levels heights in Lots 2A, 2B, 2E, 2F, 2G and the subsequent modification of the retaining walls to suit these pad level changes. As a result of these pad level changes the base height of the noise barriers in Precinct 2 has been changed to suit the new levels, however the height of the noise barriers above their base does not change (i.e. the noise wall itself remains the same height).

In order to ensure the ongoing ability of the OWE to operate within the noise limits as specified in the Development Consent SSD 7348, an Operational Noise Impact Statement **(Appendix J)** was undertaken by SLR with consideration of the proposed modification. **Table 7** outlines the operational noise criteria which was used to undertake that assessment, which is specified in Conditions B18 and B19 of the Development Consent.

All assumptions and inputs used for the noise model and assessment of the proposed modification are consistent with the assumptions and inputs used for the assessment of SSD 7348. The predicted operational noise levels associated with the proposed modification were modelled using the SoundPLAN noise model used for the assessment of SSD 7248. **Figure 18** shows the locations of the noise receivers.

Figure 18 – Noise Receiver Locations



Source: SLR

Table 7 – SSD 7348 Noise Limits

Location	Day	Evening	Night	
	LAeq (15 minute)	LAeq(15 minute)	LAeq (15 minute)	LA1 (1 minute)
N1 Emmaus Village Residential	44	43	41	51
N3 Kemps Creek – nearest residential property	39	39	37	47
N4 & N5 Kemps Creek – other residences	39	39	37	47

Location	Day	Evening	Night
Location	**When in Use**		
N2 Emmaus Catholic College (school)	35 (internal)		

The predicted resultant noise levels for the proposed modification are compared to the relevant criteria in **Table 8** below and result in lower noise levels than the approved development at N1, N2 and N4 due to the changes in pad level heights.

Lower noise levels are predicted at N1 as the pad height increase on lots 2A and 2E results in the noise barrier located on those pads also increasing in height relative to these receivers. This increases the shielding provided by the barrier to other areas of the OWE which are not being modified by this application and subsequently results in lower predicted noise levels. Similarly, lower noise levels are predicted at N2 and N4 as the pad height increase on lots 2E, 2F and 2G raises the height of the warehouse structures on these lots relative to these receivers. the increased shielding provided by the structures; result is in slightly lower predicted noise levels.

Therefore, the changes to Precinct 2 will result in acceptable operational noise emissions that are consistent with the approved design. No further mitigation measures are required as a result of the pad level changes.

Table 8 – Predicted Operational Noise Levels

Receiver	Period (weather)	Assessment	LAeq (15 minute) Noise Level (dBA)					Change in Predicted Noise Level (dB)
			Criteria	Approved Design	MOD 1 Design			
				Predicted	Predicted	Exceedance	Compliance?	
N1 – Emmaus Village Residential	Day (neutral)	15-min	44	35	33	-	Yes	-2
	Eve (neutral)	15-min	43	35	33	-	Yes	-2
	Night (noise-enhancing)	15-min	41	35	32	-	Yes	-3
N2 – Emmaus Catholic College (school)	When in use	1-hour	45 (external)[1]	37	36	-	Yes	-1
N3 – Kemps Creek – nearest residential property	Day (neutral)	15-min	39	40	40	1	No_2	0
	Eve (neutral)	15-min	39	40	40	1	No_2	0
	Night (noise-enhancing)	15-min	37	40	40	3	No_2	0
N4/N5 – Kemps Creek – other residences	Day (neutral	15-min	39	34	33	-	Yes	-1
	Eve (neutral)	15-min	39	34	33	-	Yes	-1
	Night (noise-enhancing)	15-min	37	35	34	-	Yes	-1

7.3. CIVIL, STORMWATER & EARTHWORKS

Full details of stormwater management, including hydraulic modelling and analysis, hydraulics, site drainage and external catchments and flooding are provided in the Civil, Stormwater and Infrastructure Services Report and Civil Plans prepared by AT&L at **Appendix C** and **Appendix D.**

The proposed modification does not seek to change the existing and approved on-site stormwater infrastructure as approved under SSD 7348. The on-site stormwater management system will continue to meet the requirements of Penrith City Council's Design Guidelines for Engineering Works, WSUD Policy and C3 of the Development Control Plan.

The proposed modification will not impact the catchment flow levels and will ensure pre-development flows are still greater than or equal to the post-development flows. This will ensure that downstream catchments do not overflow and cause flooding to the development.

7.4. ECOLOGICAL IMPACT

An amended Biodiversity Assessment Report (BAR) **(Appendix G)** has been prepared by écologique for the purpose of this modification. The BAR provides an updated assessment of native vegetation being cleared as a result of the amended development footprint. The amended development footprint results in a decrease in native vegetation being cleared from 4.41 ha to 4.38 ha. This does not change the number of ecosystem credits that must be retired to offset native vegetation clearing. **Figure 19** identifies the native vegetation also referred to as Plant Community Types (PCT) that will be cleared as a result of MOD 1.

Four PCTs were identified within OWE:

- PCT 835: Forest Red Gum - Rough-barked Apple grassy woodland on alluvial flats of the Cumberland Plain, Sydney Basin (HN526)
- PCT 849: Grey Box - Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin (HN549)
- PCT 850: Grey Box - Forest Red Gum grassy woodland on shale of the southern Cumberland Plain, Sydney Basin (HN550)
- PCT 1232: Swamp Oak floodplain forest fringing estuaries, Sydney Basin Bioregion and South East Corner Bioregion (HN594)

Figure 19 – PCTs to be cleared

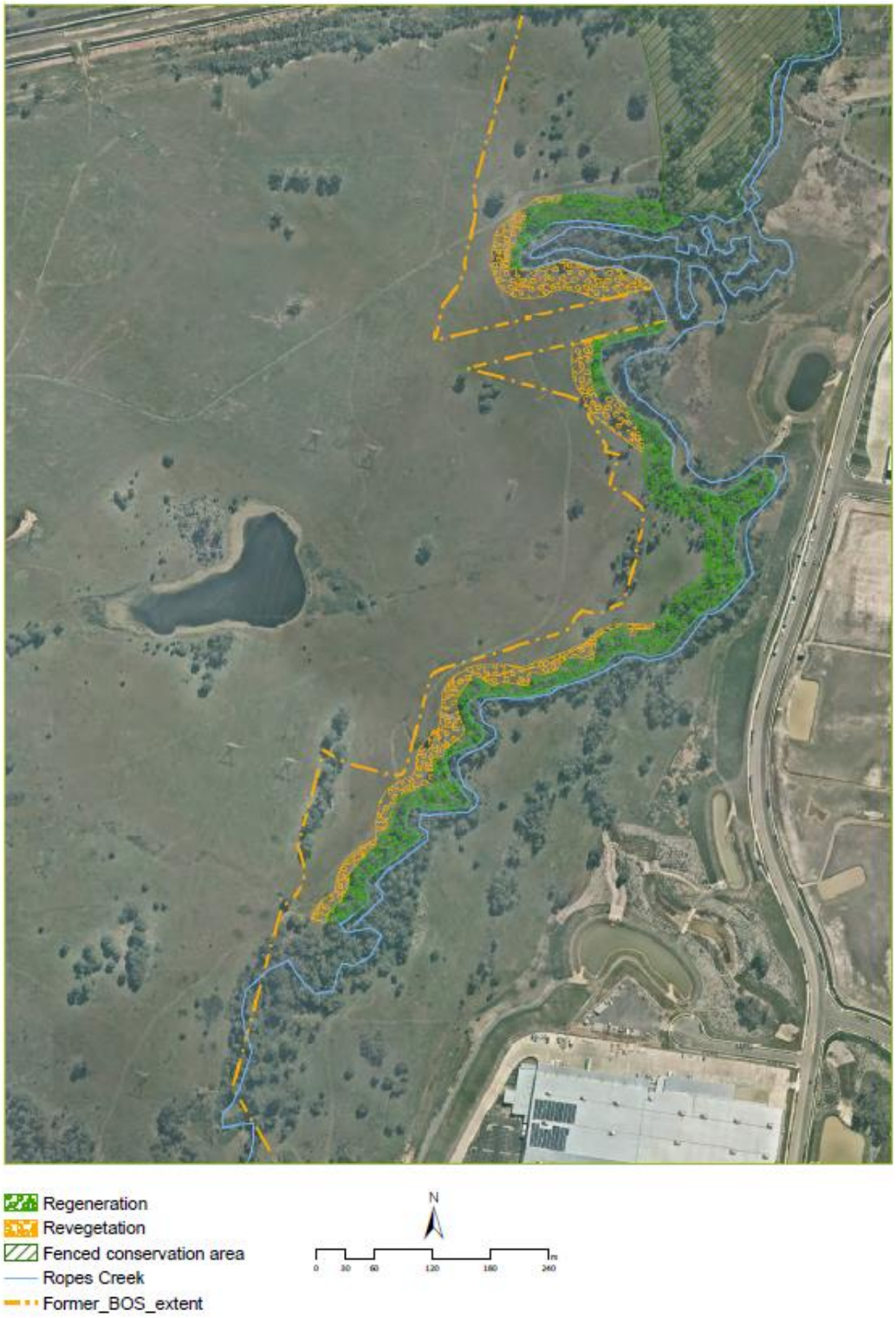
Zone	PCT code	Condition	SSDA approved	MOD 1	Change
1	PCT 835	Mod_Good	0.49	0.46	-0.03
2	PCT 835	Mod_Good_High	0.28	0.28	0.00
3	PCT 835	Mod_Good_Medium	0.31	0.32	+0.01
4	PCT 849	Mod_Good	0.97	0.97	0.00
5	PCT 849	Mod_Good_High	0.05	0.05	0.00
6	PCT 849	Mod_Good_Medium	0.10	0.10	0.00
7	PCT 850	Mod_Good	0.84	0.84	0.00
8	PCT 850	Mod_Good_High	0.10	0.10	0.00
9	PCT 1232	Mod_Good	1.26	1.25	+0.01
		Total PCT Clearing	**4.43**	**4.38**	**-0.03**

Source: ecologique

172 Ecosystem credits will be purchased for retirement from the market or payment made directly to the Biodiversity Conservation Trust for credits unable to be obtained from the market. 62 Biobanking credits are required to offset the clearing of EPBC Act listed threatened ecological communities.

In addition to offsetting native vegetation being cleared, an area of approximately 4.2 ha will be restored within the riparian zone of Ropes Creek. A Vegetation Management Plan (VMP) (**Appendix H**) has been prepared in accordance with NRAR's guidelines for controlled activities on waterfront land – riparian corridors and guidelines for vegetation management plans. The VMP applies to the area illustrated in **Figure 20** and is scheduled to be implemented in accordance with **Table 9.**

Figure 20 – OWE VMP extent Plan



Source: écologique

Table 9 – VMP Implementation Schedule

Task	Timing	Performance measure
Plant procurement	Minimum 4-6 months pre-commencement of VMP implementation	Plants that are not: true to species; vigorous and healthy; with a well developed root system; free from disease / pests; and are not without scars or dead wood; shall be rejected at delivery.
Completion of revegetation planting works	Practical Completion	• 100% management zones treated • 100% of plants installed
Plant establishment	6 months	• Minimum 90% survival rate of each species planted in all zones • Maximum 10% weed cover in reconstruction zones • Maximum 20% weed cover in regeneration zones
Defects Liability Period	18 months	• Minimum 80% survival rate of each species planted in all zones • Maximum 10% weed cover in reconstruction zones • Maximum 20% weed cover in regeneration zones
Maintenance Period	36 months	• Minimum 80% survival rate of each species planted in all zones • Maximum 5% weed cover in reconstruction zones • Maximum 10% weed cover in regeneration zones

The Commonwealth Department of Environment and Energy (DoEE) were advised of the proposed changes to Biodiversity management resulting from this modification. DoEE reviewed the changes and were supportive of the proposed approach. Verbal advice received from Ali Strouss (DoEE) confirmed that formal referral of the MOD to DoEE in respect of the Environmental Protection and Biodiversity Conservation Act (EPBC) is not required. DPIE should liaise with DoEE in this regard.

7.5. LANDSCAPE

The proposed modification will not impact the existing and approved landscape design of the site. The proposed update to the approved landscape plans is required to reflect the modification of the western bund maintenance track. The proposed modification will not impact the existing vegetation and plantings on-site.

7.6. TRAFFIC AND ACCESS

A Traffic Impact Statement (TIA) has been prepared by Ason Group to assess the potential traffic impacts of the proposed modification **(Appendix F).** Access to and from the site during the construction stages will remain relatively the same as that approved under SSD7348. During the initial stages of construction, traffic movements will occur across three different access locations – from Lenore Drive, Bakers Lane/Aldington Road and a smaller component via the Water NSW pipeline between Mamre Road and Old Wallgrove Road.

It is noted that the access route via the Water NSW pipeline is existing and approval is sought to address the construction requirements for the bridge crossing works for the WNSLR. There is also an existing gate on Old Wallgrove Road that provides access to the track, which is fully sealed. Currently, conditional approval has been granted for the access, which has been sought from Water NSW.

Upon completion of the WNSLR, all site access is to occur via Lenore drive which is consistent with that approved under SSD7348. **Table 10** outlines the cumulative count of both light and heavy vehicles accessing the site both prior to and post the completion of the WNSLR.

Table 10 – Total Daily Traffic

	Prior to WNSLR Completion		**Post Completion of WNSLR**	
Vehicle Class	RtS Report	Proposed	RtS Report	Cumulative
LV	160	600	Not specified	200
HV	300	856	Not specified	1,200
Total	460	1,516	<8,992[1]	1,400

It is anticipated that the transportation of fill using WNSLR will take approximately 12 months. Furthermore, the TIA refers to construction volumes in “movements” compared to the previous TIA for SSD 7348 where construction volumes were in “vehicles”. This means that 1 “vehicle” equates to 2 “movements”. Ason Group notes the perception that there has been a doubling of the perceived number of vehicles, however volumes remain unchanged.

The total volume of traffic does not triple as a result of MOD 1 but rather as a result of the inclusion of construction traffic from the WNSLR Construction Traffic Management Plan (CTMP). In addition, the TIA submitted with SSD 7348 was based on estimated construction vehicle volumes (available at the time) prior to involvement of contractors. The intent at the time was that a CTMP would confirm and finalise these traffic movements. The supposed increase or ‘tripling’ of traffic is not due to MOD 1 but is a result of the inclusion of construction traffic from the WNSLR CTMP which was assessed separately.

Table 11 outlines the differences between the estimated construction traffic volumes. The Cumulative CTMP will utilise a single access point via Bakers Lane, while construction traffic for the WNSLR works will utilise the three access points (Bakers Lane, Water NSW and Lenore Drive). Utilising the three access points will minimise the relative impacts to the wider road network.

Table 11 – Construction Vehicle Volumes

	OWE (veh/day)	**WSLR (veh/day)**
SSDA TIA	200	260
CTMP	400	1,006

The assessment concludes that the proposed modifications will have no operational traffic impact as the modification does not seek to change the building floor area or the approved road connections. There will be an increase in construction traffic during the construction stage associated with the modification due to increased quantities of fill material imported to the site. However, these impacts will be relatively minor

when dispersed across the day and managed in accordance with the Construction Environmental Management Plan which will be approved prior to the commencement of construction.

7.7. EROSION MITIGATION

It is considered that the use of a polymer spray for pad stabilisation prior to building construction phase will generate the following benefits:

- site stabilisation can be achieved almost instantaneously by use of the polymer spray rather than the time taken for the establishment and growth of grass from seed;
- the polymer spray will reduce the requirement for site watering during establishment of the grass from seed, and for ongoing maintenance;
- The polymer spray will remove the need for grass removal once construction phase is due to commence;
- The polymer can be applied as a clear solution or as a green solution to give the visual appearance, from afar, of grass planting if required.

As the environmental impacts of the polymer spray are negligible it is considered to be a more efficient, cost effective and environmentally sensitive method of pad stabilisation than grass seeding and has been used successfully across other Goodman estates for this similar purpose.

8. SECTION 4.55 OF THE EP&A ACT 1979

Section 4.55 of the EP&A Act provides a mechanism for the modification of development consents. This section of the Act sets out the statutory requirements and heads of consideration for the assessment of such a modification application, depending on whether the application is made under section 4.55(1), 4.55(1A) or 4.55(2).

As is relevant to this application, pursuant to section 4.55(1A), a consent authority may, subject to and in accordance with the Regulations, modify a development consent if:

> *(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), and*
>
> *(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*
>
> *(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.*
>
> *Subsections (1), (2) and (5) do not apply to such a modification.*

Further, subsection (3) requires that the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application, and the reasons given by the consent authority for the grant of the consent that is sought to be modified.

These heads of consideration are addressed below.

8.1. MINIMAL ENVIRONMENTAL IMPACT

The proposed modification is for minor changes to the Concept and Stage 1 consent which do not significantly alter the context, scale, built form or amenity of the approved development. As demonstrated by the accompanying updated consultant information provided within the appendices, the SSDA 7348 as proposed to be modified by MOD 1 will have minimal additional environmental impacts over and above that which has already been assessed as acceptable in the original development application and subsequent modifications. A summary of the impact assessment from Section 7 above is provided below.

Visual Impact

- The Visual Impact Assessment concludes that there will be no change in visual impact resulting from the seven assessed view locations.

Stormwater Management

- The revised stormwater management plan ensures that post-development catchment flows will not exceed the pre-development catchment flows and the OSD systems in place will ensure that downstream catchments do not overflow and cause flooding to the development.

Noise

- The Operational Noise Impact Statement finds that there will be no change to the noise generation from future site operations resulting from the revised pad levels, and anticipates that the future operation of the site for industrial purposes will be able to meet the approved maximum noise criteria at nearby sensitive receivers.

Biodiversity

- The change in vegetation removal will result in less clearing and therefore an improved environmental impact than originally approved.

Landscape

- Despite minor updates to the landscape plans, the proposed modifications will have no impact on the existing landscape design of the site.

Traffic Generation

- The Traffic Impact Assessment concludes that the proposed modification will not result in any operational traffic impacts. There will be increased traffic during the construction stage of the modification works, however this will be easily managed in accordance with the CEMP.

8.2. SUBSTANTIALLY THE SAME DEVELOPMENT

The proposed modifications (MOD 1) will result in substantially the same development as that originally approved in SSD 7348.

From a quantitative and qualitative perspective, the proposed modifications will not substantially alter the approved development for the following reasons:

- The proposal will retain the same use of the OWE as a warehouse and distribution hub, consistent with the aims of the WSEA SEPP.
- The estate layout and built form remain unchanged.
- There is no change to the overall developable area of 89.5ha.
- There is no change to the maximum 15 metre building height and maximum GFA for the estate.
- The only changes to the development are to the building pad levels, design of the Western Bund Maintenance Track and the stormwater design of Road 1.
- The level of environmental impact resulting from this section 4.55 modification application (MOD 1) is minimal and consistent with that approved by way of SSD 7348.
- Minor change to the biodiversity strategy and a minor increase in retained vegetation improving the biodiversity retention within the Estate.

9. SECTION 4.15 ASSESSMENT

This section assesses the development as proposed to be modified by MOD 1 against the heads of Section 4.15(1) of the Act.

9.1.1. Environmental Planning Instruments

The proposed modification has been assessed against all relevant environmental planning instruments as detailed at **Section 6.**

9.1.2. Draft Environmental Planning Instruments

There are no relevant draft environmental planning instruments.

9.1.3. Development Control Plans

Development Control Plans are not applicable to this SSD DA. The proposal has been assessed against the site-specific development controls contained within SSD 7348 and is consistent with these provisions.

9.1.4. Planning Agreement

Planning agreements are in place for the Oakdale West Estate and will not be affected by the proposed modification.

9.1.5. The EP&A Regulation 2000

All relevant regulations have been considered in the preparation of this modification application.

9.1.6. Likely Impacts of the Development

The likely impacts of the proposed modification have been assessment in detail within the supporting specialist consultant reports and plans, as described in **Section 7.** Overall it is considered that the impacts are minimal and acceptable.

9.1.7. Suitability of The Site

As demonstrated within this report and the original EIS in respect to the approved SSD 7348, the proposed development as modified is expected to provide positive employment impacts both locally and in the broader economy. It is envisaged that the proposal will approximately 1,065 construction jobs and 1,854 operational jobs.

The site is located within the Western Sydney Employment Area and aligns with the desired future land use outcomes for this area, particularly in promoting economic development for major warehousing and distribution uses in an industrial setting with access to the road network connecting to the broader metropolitan area.

The site is suitable for the proposed development as it provides the following:

- Outcomes that support the strategic role and objectives of the OWE as part of the WSEA and Broader WSEA.
- Outcomes that align with the future context and role of the WSEA and Broader WSEA as an economic hub for Greater Sydney.
- The delivery of critical infrastructure and services to the WSEA for the benefit of the broader area.
- Significant private sector investment in the area and indirect benefits for productivity of the local economy.
- Generation of significant employment for the Western Sydney Region.
- The proposal as proposed to be modified will continue to accord with the relevant State objectives and provisions.

Modifications the subject of this request do not alter the site suitability.

9.1.8. Submissions

Any submission received as part of the public notification period must be considered in accordance with the Section 4.15(1)(d) of the EP&A Act. If submissions are made, the Proponent would respond to them as required by the Department.

9.1.9. Public Interest

The proposal has been assessed against the current planning framework for the site and is consistent with the objectives of the Western Sydney Employment Area. The assessment has demonstrated that no significant adverse impacts will result to the surrounding area. The proposal is in the public interest.

9.1.10. Stakeholder Consultation

As part of Goodman's consultation obligations, the following properties have been informed of the proposed minor changes to the OWE as outlined in this report:

- **Edmond David – Neighbouring Site to the South**

  Goodman has engaged in email correspondence with Edward David to advise of the proposed changes to the OWE.

- **School/Retirement Village – Neighbouring Site to the West**

  Goodman are awaiting a meeting with the School to discuss the proposed changes to the OWE.

Due to the minor nature of the proposed changes, Goodman does not anticipate that they will receive any objections from the above neighbouring properties.

In addition, Goodman has consulted with the following government agencies in respect to MOD 1:

- Environment Energy & Science (EES), formerly the Office of Environment & Heritage (OEH).
- Department of Industry – Natural Resource Access Regulator (NRAR).
- Water NSW.

All agencies were consulted with in the preparation of the MOD 1 assessment reports and are aware of the proposal. Feedback obtained during consultation has been incorporated into the proposed modification.

The Commonwealth Department of Environment and Energy (DoEE) were advised of the proposed changes to Biodiversity management resulting from this modification. DoEE reviewed the changes and were supportive of the proposed approach. Verbal advise received from Ali Strouss (DoEE) confirmed that formal referral of the MOD to DoEE in respect of the Environmental Protection and Biodiversity Conservation Act (EPBC) is not required. DPIE should liaise with DoEE in this regard.

9.2. REASONS FOR APPROVAL

As part of the determination of the SSD 7348, the Minister/DPIE provided the following reasons for the grant of the consent:

- *the development would provide a range of benefits for the region and the State as a whole, including a total of 1,845 jobs in western Sydney and a total capital investment value of $447 million in the Penrith LGA;*
- *the development is permissible with development consent, and is consistent with NSW Government policies including the Greater Sydney Region Plan – A Metropolis of Three Cities and Western City District Plan;*
- *the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards; and*
- *the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent;*
- *weighing all relevant considerations, the development is in the public interest.*

As illustrated throughout this report, the proposed modifications are minor and do not seek to alter the approved building envelope, use or purpose of the approved development as approved under SSD 7348.

Furthermore, the proposed modification is consistent with the above reasons for approval and is therefore considered appropriate for the site.

10. CONCLUSION

This section 4.55(1A) application seeks consent for modifications to the Concept Plan and Stage 1 Works approved in SSDA 7348 for the Staged Development of the Oakdale West Estate. The proposal continues to support the delivery of the estate and essential infrastructure and services.

The key issues relevant to the proposed modifications have been assessed within the Modification Report and amended specialist sub-consultant reports submitted with this application.

A review of all other relevant impacts identified within the original SSDA approval has also been undertaken to ensure that no increased impacts would result from the proposed modifications. Where relevant, proposed mitigation measures have either been recommended or updated and have been incorporated into the measures identified in the approved SSDA to ensure all potential environmental impacts are appropriately managed throughout the construction and operation of the OWE.

The proposed modification to the approved Concept Proposal and Stage 1 Development of the OWE has been considered and assessed in accordance with the requirements of the *EP&A Act 1979*. This Modification Report has assessed the relevant matters prescribed under this Act and its Regulation, and those matters identified in the SEARs for the proposal.

The modifications align with the strategic direction and objectives established for the site and surrounding lands under the WSEA SEPP. The modification has been assessed as being of minimal environmental impact and substantially the same as the original approved SSDA as required under section 4.55(1A) of the *EP&A Act 1979*.

Based upon a balanced review of key issues and in consideration of the benefits and residual impacts of the proposal, the staged development of the OWE as proposed under the approved SSDA and this modification, is considered justified and warrants approval subject to the implementation of the management and mitigation measures described in this report and nominated supporting documents.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A ARCHITECTURAL PLANS

APPENDIX B LANDSCAPE PLANS

APPENDIX C CIVIL, STORMWATER AND INFRASTRUCTURE SERVICES REPORT

APPENDIX D CIVIL MASTERPLAN CONCEPT DRAWINGS

APPENDIX E CIVIL INFRASTRUCTURE WORKS DRAWINGS

APPENDIX F TRAFFIC IMPACT STATEMENT

APPENDIX G BIODIVERSITY ASSESSMENT REPORT

APPENDIX H VEGETATION MANAGEMENT PLAN

APPENDIX I VISUAL IMPACT STATEMENT

APPENDIX J OPERATIONAL NOISE IMPACT STATEM

APPENDIX K VISUAL IMPACT STATEMENT

APPENDIX L LANDSCAPE MANAGEMENT ADDITIONAL EXPLANATORY INFORMATION

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