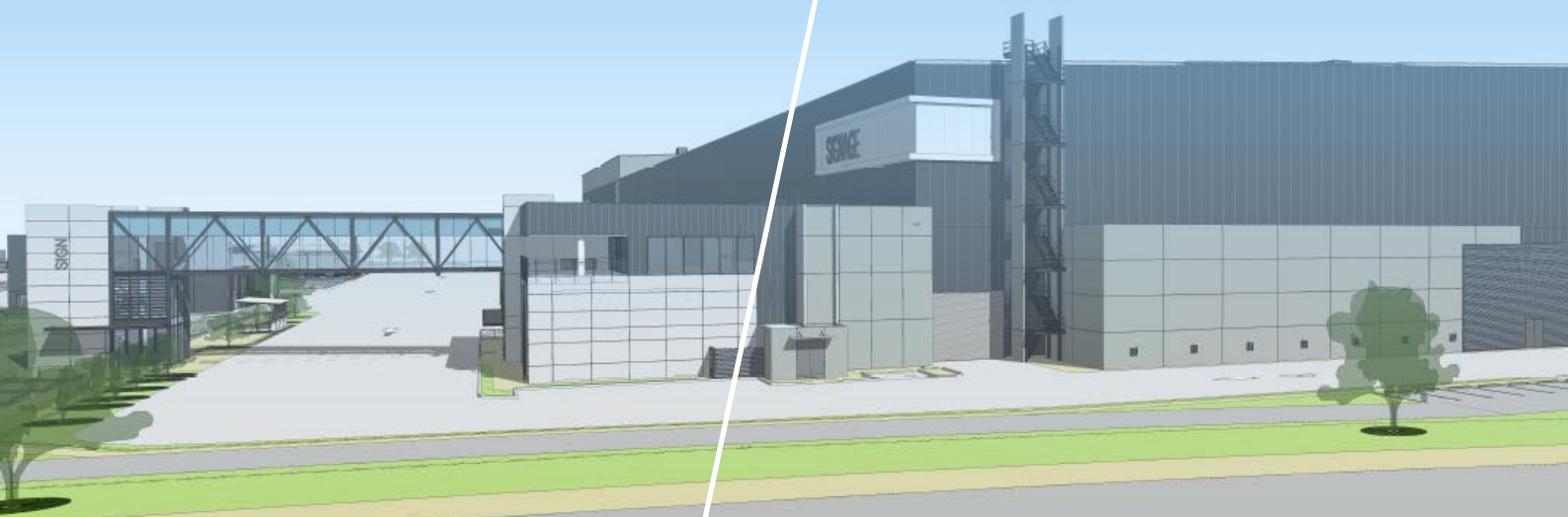




Oakdale West Estate MOD 2

*State Significant Development
Modification Assessment
(SSD 7348 MOD 2)*



April 2020

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Cover photo

Photomontage of the proposed Building 1A, SBA Architects, 2020

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Glossary

Abbreviation	Definition
Applicant	Goodman Property Services (Aust) Pty Ltd
Consent	Development Consent
Council	Penrith City Council
Department	Department of Planning, Industry and Environment (DPIE)
EA	Environmental Assessment
EES	Environment, Energy & Science Group, DPIE
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
FRNSW	Fire and Rescue NSW
GFA	Gross floor area
GLA	Gross lettable area
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
RtS	Response to Submissions
SEPP	State Environmental Planning Policy
SLR	Southern Link Road
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development
TfNSW	Transport for New South Wales
WNSLR	West-North-South Link Road
WSEA	Western Sydney Employment Area
WSEA SEPP	<i>State Environmental Planning Policy (Western Sydney Employment Area) 2009</i>



Executive Summary

Introduction

Goodman Property Services (Aust) Pty Ltd (the Applicant) proposes to modify its development consent for the Oakdale West Estate (OWE) at Kemps Creek in the Penrith local government area.

In September 2019, the Applicant obtained State significant development (SSD) consent from the Minister for Planning and Public Spaces for a concept proposal for 22 warehouse buildings, development of Stage 1 which included 3 warehouses and construction of the main site access road (SSD 7438).

The Applicant now proposes to modify the concept layout and Stage 1 development to accommodate the design of warehouse Building 1A within Stage 1.

Modification

The modification to the concept proposal and Stage 1 development (SSD 7348 MOD 2) involves a change to the layout of Stage 1, an increase in the height of Building 1A and an increased finished pad level for buildings 1B and 1C in Stage 1.

The modified Stage 1 development has a capital investment value of \$242 million and would create 606 operational jobs.

Statutory Context

The modification was submitted in accordance with section 4.55(2) of the *Environmental Planning and Assessment Act, 1979* (EP&A Act). The Minister for Planning and Public Spaces is the consent authority for the modification.

Engagement

The Department exhibited the modification application from 13 December 2019 to 31 January 2020. A total of 13 submissions were received, including 12 from government agencies providing comments, and 1 objection from a private business. The objection raised concerns about a lack of public transport to service the Stage 1 development.

Issues raised in Government agency submissions related to noise impacts, landscape setbacks, traffic and access and fire safety. The Applicant provided a Response to Submissions (RtS) on 25 March 2020 addressing these issues.

Assessment

The Department considers the key assessment issue for the modification is noise.

The modification involves an increase in the height of Building 1A, with a high-bay component at 39 metres (m) and a low-bay component at 27 m, compared with the approved 15 m. The warehouse is setback from the nearest residences on the western boundary by 650 m and forms part of a much larger warehouse estate that has been previously assessed and approved. The modification to the warehouse would slightly increase noise levels, but the development would still comply with the noise limits included in the original consent (SSD 7348). There is potential for a minor exceedance of sleep disturbance criteria at residences on the western boundary during adverse weather conditions. The Applicant's assessment demonstrated these exceedances would be unlikely to cause sleep disturbance, given they are minor and infrequent.

The Department has recommended noise monitoring once the building is operational, to establish actual noise levels at night and implement any additional controls if required. Other measures including a noise barrier on the western boundary, restrictions and limits on future warehouses closest to this boundary and installation of barriers on rooftop mechanical plant, have been incorporated in other recently approved modifications to the OWE consent, and would also apply to this modification.

With the mitigation measures in place, the Department considers noise can be adequately controlled to comply with the noise limits and the modification would not have an adverse noise impact on nearby sensitive receivers.

Other impacts including visual and traffic were considered consistent with the approved OWE consent.

Summary

The Department's assessment has concluded the modification would:

- provide a range of benefits for the region and the State through a capital investment of \$242 million in the Penrith local government area
- provide 606 jobs in western Sydney
- assist in delivering the strategic objectives of the Western Sydney Employment Area, to provide employment generating development in western Sydney

The Department's assessment concluded the impacts of the modification can be mitigated and managed to an acceptable level, subject to the modified conditions.

Consequently, the Department considers the modification is in the public interest and should be approved, subject to conditions.



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1. Introduction

This report details the Department of Planning, Industry and Environment's (the Department) assessment of an application to modify State significant development consent SSD 7348 for the Oakdale West Estate (OWE) at Kemps Creek in western Sydney. The application seeks to modify the approved Concept Proposal and Stage 1 development, pursuant to section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Development Background

In September 2019, Goodman Property Services (Aust) Pty Ltd (the Applicant) obtained development consent (SSD 7348) from the Minister for Planning and Public Spaces, to develop the OWE at Kemps Creek in the Penrith City Local Government Area, see **Figure 1**. The development consent includes:

- a Concept Proposal for a warehouse and distribution centre including 22 warehouses, offices and associated infrastructure, to be constructed over 5 stages
- development in Stage 1, including 3 warehouses and the main site access road (West-North-South Link Road)
- requirements for future development applications for the remaining stages 2 to 5.

Since approval of the OWE, the Applicant has secured a tenant for Building 1A in Stage 1 of the development. Modifications to the approved site layout for Stage 1 are required to facilitate the tenant's design and operational requirements.

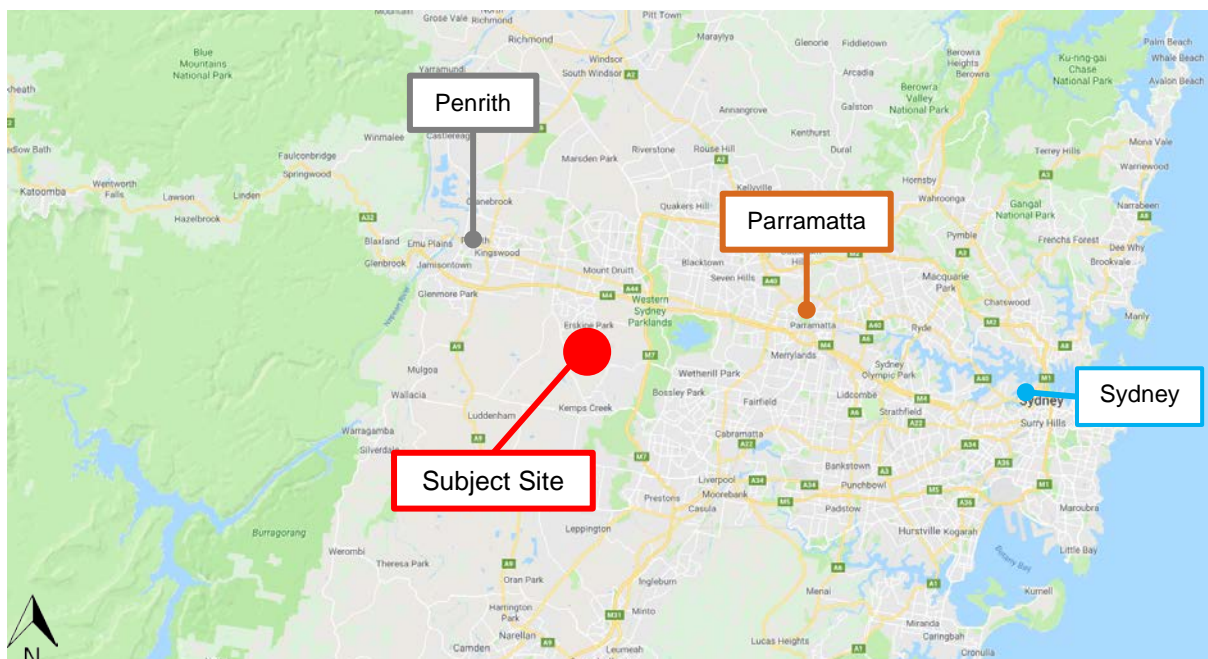


Figure 1 | Location of the Oakdale West Estate

1.2 Site Description

The OWE covers 154 hectares (ha) of industrial zoned land at 2 Aldington Road, Kemps Creek (see **Figure 2**). The site is located within the Western Sydney Employment Area (WSEA), which is strategically zoned to support employment generating developments in Western Sydney.

The land has historically been used for grazing and is currently being developed as part of the OWE approval, with earthworks commencing in January 2020. The Applicant has also developed other land immediately to the east for warehouses and distribution centres.



Figure 2 | Site Context

1.3 Surrounding Land Uses

Emmaus Retirement Village, Emmaus Catholic College, Trinity Catholic Primary School and Mamre Anglican School are located immediately to the west of the OWE. To the south is rural-residential land and native vegetation, with one dwelling located close to the southern boundary. Water NSW drinking water supply pipelines are located along the northern boundary. TransGrid power lines run through the eastern part of the site and Ropes Creek runs along the eastern boundary, see **Figure 3**.

The OWE is currently accessed via Bakers Lane, a local road at the south-western corner, extending west to Mamre Road. Bakers Lane also services the three schools to the west and school zone speed limits are in place for approximately 900 m between the site and Mamre Road (see **Figure 4**).

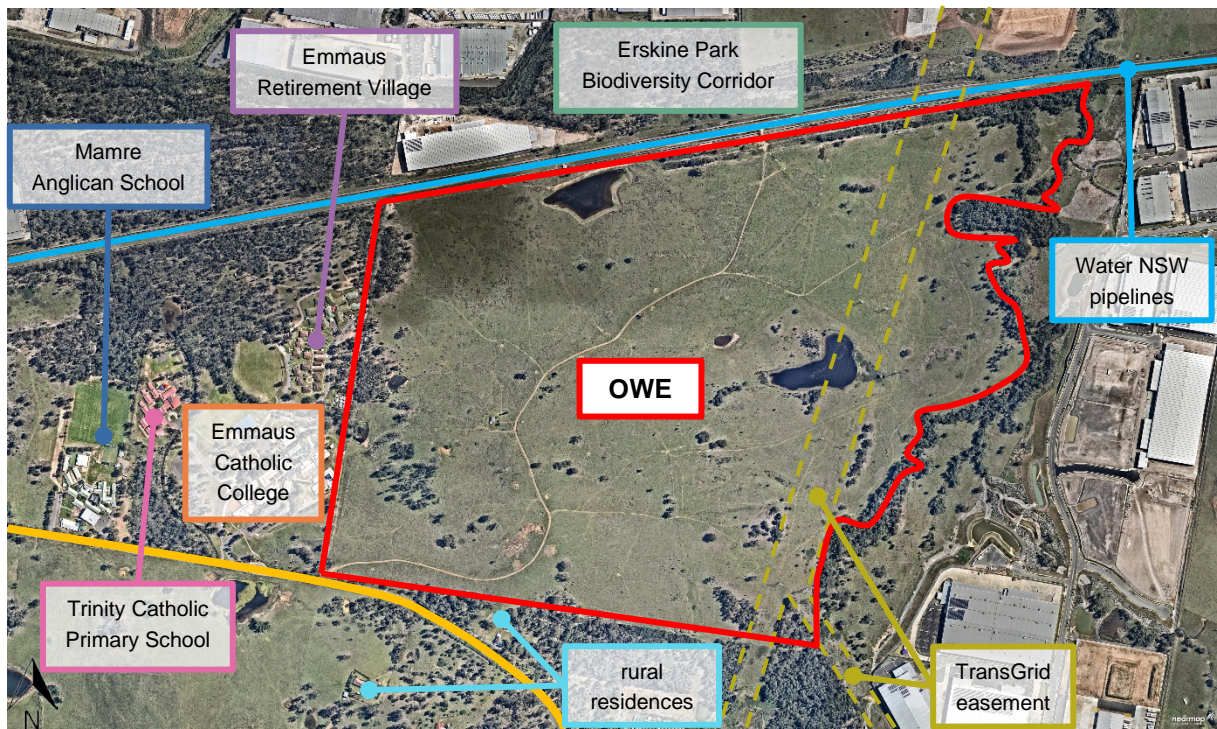


Figure 3 | Surrounding Land Uses

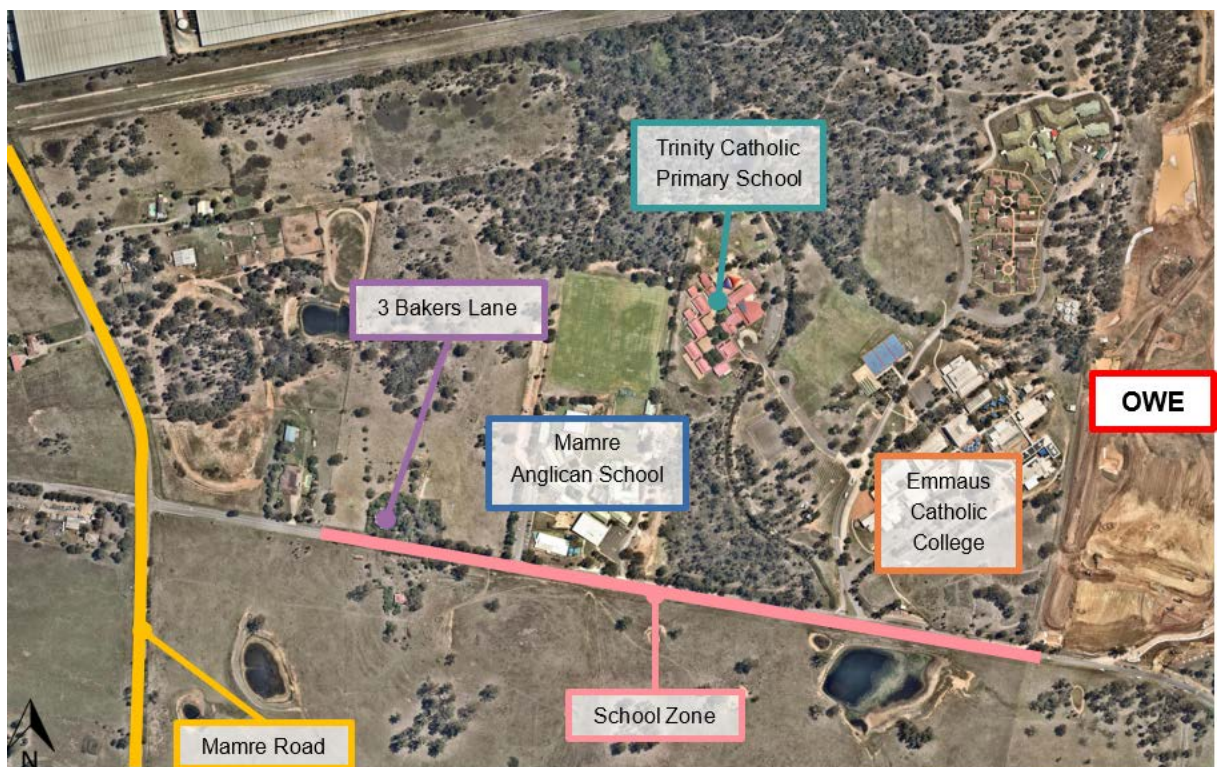


Figure 4 | Location of School Zone

1.4 Modifications to SSD 7348

The Applicant has lodged four separate modification applications for the OWE, see **Table 1**.

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
1	Changes to pad levels across the Concept Proposal, amendments to bioretention basins and changes to the biodiversity offset strategy	Department	4.55(1A)	27 March 2020
2	Changes to Stage 1 pad levels, building layout and the height of Building 1A.	Department	4.55(2)	This application
3	Changes to the masterplan layout, Stage 2 area and height of Building 2B	Department	4.55(1A)	3 April 2020
4	Include an additional lot for construction works for the West North South Link Road (WNSLR)	Department	4.55(1A)	24 March 2020



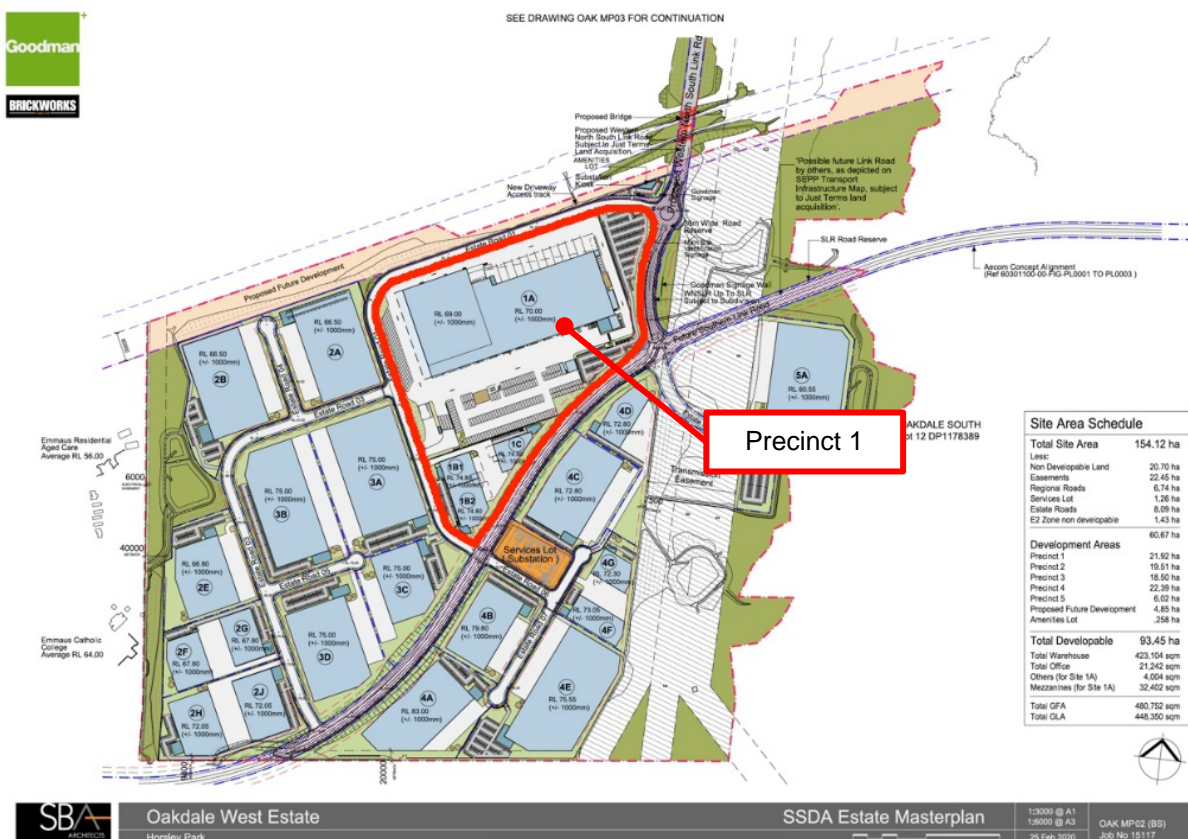
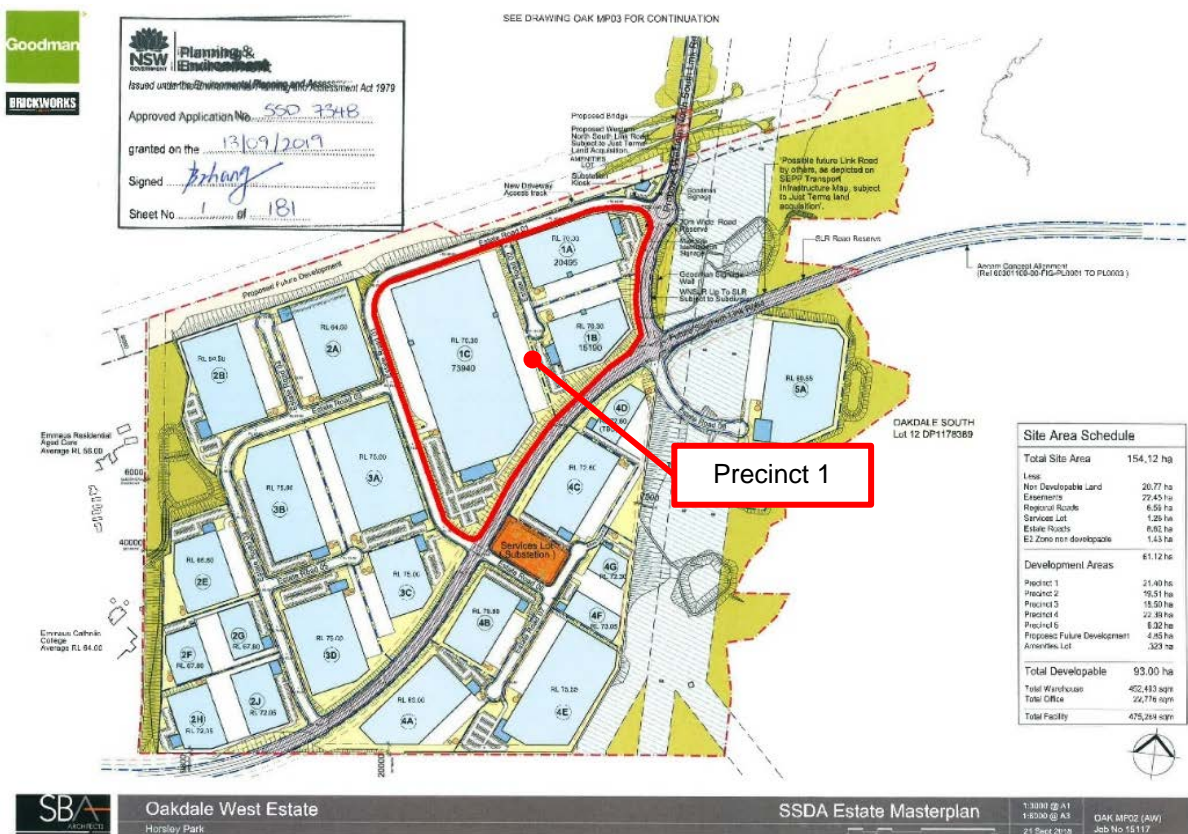
2. Proposed Modification

2.1 Description of the Modification

The Applicant proposes to modify the OWE Concept Proposal and Stage 1 development (SSD 7348 MOD 2). The modification is described in full in the Environmental Assessment (EA) included in **Appendix A** and shown in **Figure 5** to **Figure 11**. The components of the modification are summarised in **Table 2**.

Table 2 | Summary of Modifications

Aspect	Description
Modifications to Concept Proposal	
Layout	<ul style="list-style-type: none">• modify the building layouts in Stage 1• remove Estate Road 2
Gross Lettable Area (GLA)	<ul style="list-style-type: none">• decrease in the total estate GLA from 476,000 m² to 448,350 m²
Building Height	<ul style="list-style-type: none">• increase the height of Building 1A from 15 m to 39 m for high-bay and 27 m for low bay components
Noise Wall	<ul style="list-style-type: none">• amend the layout and height of the approved noise wall on the western boundary
Modifications to Stage 1 Development	
Building 1A	<ul style="list-style-type: none">• modify the building layouts in Stage 1• construct and operate Building 1A with high-bay (39 m) and low-bay (27 m) components• provide for future warehouse expansion on the western facade
GLA	<ul style="list-style-type: none">• decrease in the GLA for Stage 1 from 116,359 m² to 89,440 m²
Car parking	<ul style="list-style-type: none">• reduce car parking from 592 spaces to 549 spaces
Other infrastructure	<ul style="list-style-type: none">• update landscaping, signage and civil works including stormwater management, estate roads and retaining walls
Pad Level	<ul style="list-style-type: none">• a 4.8 m increase in the pad level for Lot 1B (including Building 1B and 1C)
Employment	<ul style="list-style-type: none">• 606 operational jobs (147 additional jobs compared to approved Stage 1)



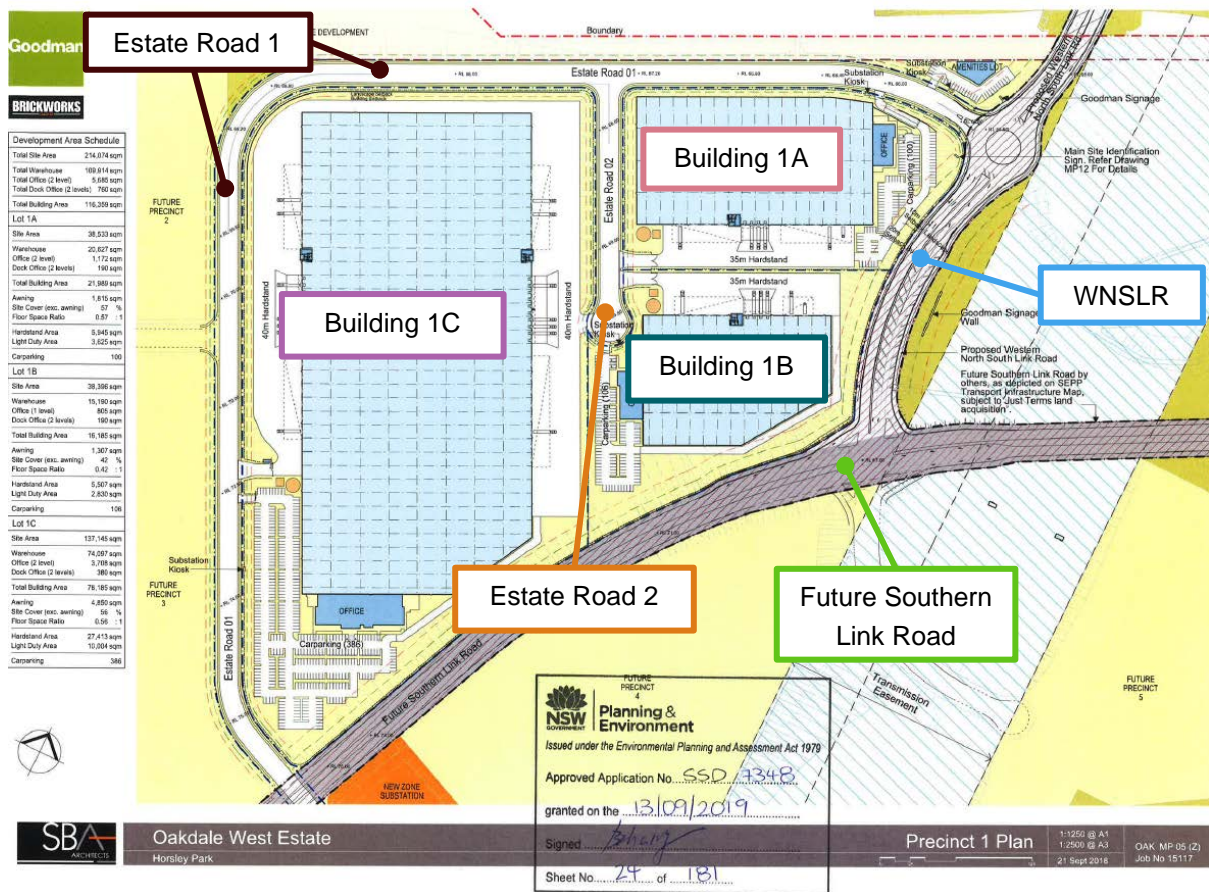


Figure 7 | Approved Stage 1 Layout

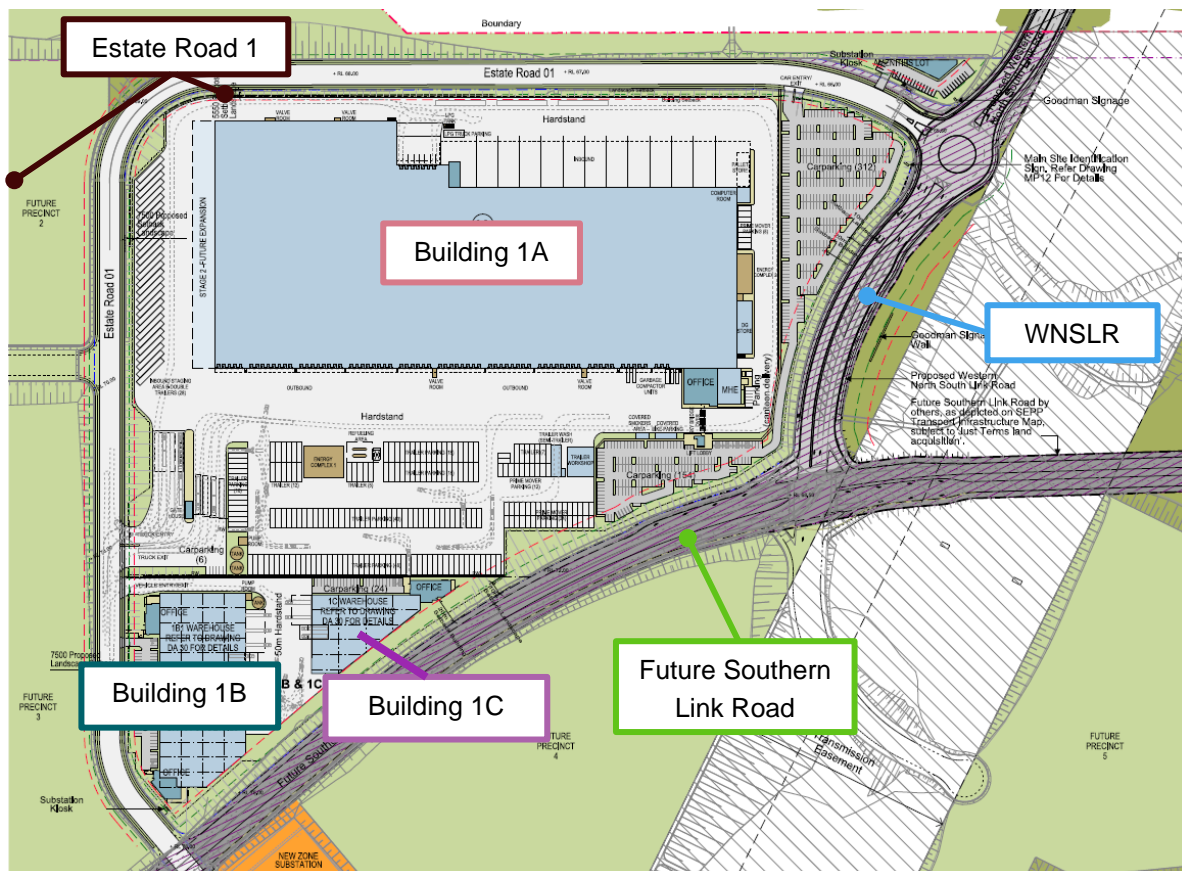


Figure 8 | Proposed Stage 1 Layout

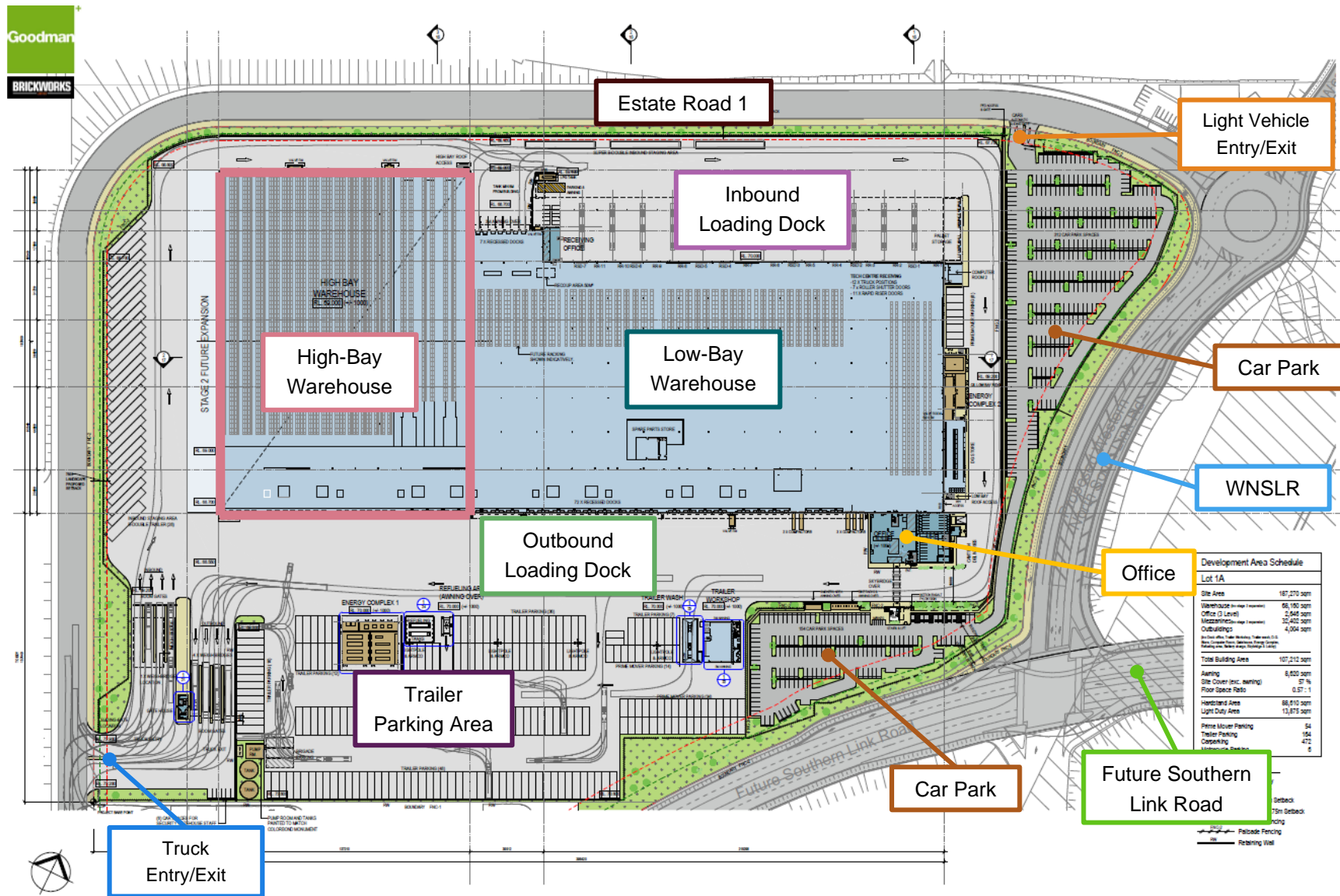


Figure 9 | Proposed Building 1A Layout



Figure 10 | Perspective view looking north-east towards Building 1A



Figure 11 | Perspective view looking north-west towards Building 1A

2.2 Justification for the Modification

The Applicant stated the modification is required to allow the tenant to operate a large and highly automated warehouse, to improve operational efficiency and meet growing market demand. The proposed changes to the layout, estate roads and height of Building 1A are driven by the future tenant's design and operational requirements. The need for a large level building pad has necessitated changes to the Stage 1 layout. The increase in pad level for Lot 1B is required to enable separate truck access from the Estate Road rather than requiring a shared access with Lot 1A.



3. Strategic Context

3.1 Greater Sydney Region Plan

The Greater Sydney Plan, A Metropolis of Three Cities, seeks to transform Greater Sydney into a metropolis of three cities: the Western Parkland City, the Central River City and the Eastern Harbour City. OWE is located within the 'Western Parkland City'. The modification is consistent with the directions and principles outlined in the Greater Sydney Plan and the Western Parkland City District Plan, specifically the principles of utilising industrial zoned land and providing employment opportunities in western Sydney. The OWE is anticipated to provide more than 3,000 jobs when fully operational, with the modification providing an additional 147 operational jobs.

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

The WSEA SEPP aims to promote economic development and employment, provide for the orderly and coordinated development of land, ensure development occurs in a logical, cost-effective and environmentally sensitive manner. The modification is generally consistent with the relevant aims set out in the WSEA SEPP as it would:

- facilitate a modern warehousing and distribution facility
- provide up to 606 operational jobs in western Sydney.

3.3 Western Sydney Aerotropolis

The Western Sydney Aerotropolis covers 11,200 ha of land immediately to the west of the OWE. The aerotropolis is anticipated to provide 200,000 jobs in western Sydney. The modification is consistent with the objectives of the Western Sydney Aerotropolis Land Use and Infrastructure Implementation Plan (Aerotropolis Plan), as it would facilitate future job generating development in western Sydney and provide logistics and distribution facilities close to the aerotropolis.

3.4 Future Transport Strategy 2056

Future Transport 2056 is a 40-year strategy for the development and improvement of the NSW transport system. Future Transport 2056 identifies the Western Sydney Freight Line (WSFL) as a Greater Sydney Initiative for Investigation in 10-20 years. The OWE is located immediately south of the proposed WSFL corridor. The modification would not impact on the 60 m wide corridor reserved for the WSFL within the OWE.



4. Statutory Context

4.1 Scope of Modifications

The Department has reviewed the scope of the modification application and considers the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not significantly increase the environmental impacts of the approved development;
- is substantially the same development as originally approved; and
- would not involve any further disturbance outside already approved disturbance areas.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(2) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers the application should be assessed and determined under section 4.55(2) of the EP&A Act rather than requiring a new development application to be lodged.

4.2 Consent Authority

The Minister for Planning and Public Spaces is the consent authority for the modification under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 9 March 2020, the Executive Director, Regions, Industry and Key Sites, may determine the modification application, where:

- it has not already been referred by the Planning Secretary to the Independent Planning Commission for determination as at the date of delegation;
- a political disclosure statement has not been made by the Applicant; and
- there are 10 or less public submissions in the nature of objections.

There was one public submission objecting to the development. Therefore, the modification may be determined by the Executive Director, Regions, Industry and Key Sites, under delegation.

4.3 Mandatory Matters for Consideration

Section 4.15 of the EP&A Act outlines the matters that a consent authority must take into consideration when determining an application that seeks to modify an SSD application. The Department is satisfied the proposed modification is consistent with the matters for consideration under Section 4.15 of the EP&A Act.



5. Engagement

5.1 Department's Engagement

In accordance with clause 10 of Schedule 1 to the EP&A Act and clause 118 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), after accepting the modification application and EA, the Department:

- made it publicly available from Friday 13 December 2019 until Friday 31 January 2020 (50 days):
 - on the Department's website
 - at Penrith City Council (601 High Street, Penrith)
 - at Service NSW centres
- notified landowners in the vicinity of the site and previous submitters about the exhibition period by letter
- notified and invited comment from relevant State government authorities and Penrith City Council by letter
- advertised the exhibition in the Penrith Press.

The Department also met with Penrith City Council to discuss technical aspects of the modification application.

5.2 Summary of Submissions

A total of 13 submissions were received, including 12 from public authorities and one from a private business. All public authorities provided comments and the one private business objected to the modification. Copies of submissions are provided in **Appendix B**.

5.2.1 Key Issues – Government Agencies

Penrith City Council (Council) did not object to the modification. Council raised matters for further consideration including setbacks from the future Southern Link Road (SLR), landscaping design and signage. Council recommended changes to the proposed car park access on the WNSLR and the building configurations on Lots 1B and 1C. Council also requested clarifications on the noise assessment and consideration of cumulative impacts with other concurrent modification applications (MODs 1 and 3).

The Applicant responded to Council's comments by reconfiguring Lots 1B, 1C, the proposed car park layout and increased setbacks and landscaping to the SLR.

Endeavour Energy provided a submission confirming it was liaising with the Applicant regarding electricity connections for the development.

Fire and Rescue NSW (FRNSW) recommended conditions for the Applicant to prepare a fire safety study and consider the National Construction Code when designing the building's fire safety system. FRNSW noted each warehouse in Stage 1 would require its own fire safety system.

TfNSW did not object to the modification and recommended changes to vehicle access points to the WNSLR and near future traffic signals on the SLR to maintain road safety.

TransGrid advised it had no comments on the modification.

Sydney Water recommended conditions for water supply and wastewater requirements, consistent with the OWE consent.

Water NSW advised it had no comments on the modification.

The Office of Strategic Lands (OSL) did not object and noted the modification would not change the conditions of the OWE consent for the Erskine Park Biodiversity Corridor.

Environment, Energy and Science (EES) Group, DPIE noted the modification is unlikely to impact on biodiversity values.

The **NSW Environment Protection Authority (EPA)** had no requirements for the modification, noting the development would not constitute a scheduled activity under the *Protection of the Environment Operations Act 1997*.

Water Group, DPIE and the **Natural Resources Access Regulator (NRAR)** reviewed the modification and made no specific comments.

Crown Lands, DPIE noted it had no comment on the modification.

5.2.2 Key Issues – Private Business

Sigma Health Limited objected to the modification, stating the application had not adequately considered the provision of public transport to service Building 1A. The Department's consideration of this matter is provided in Section 6.2.

5.3 Response to Submissions

The Applicant provided a Response to Submissions report (RtS) on 25 March 2020. The RtS was made publicly available on the Department's website and provided to relevant Government agencies for review. A link to the RtS is included in **Appendix C**.

The RtS included changes to the design of Stage 1 to address the issues raised by Council and TfNSW. Changes were made to remove the driveway access points from the WNSLR and instead provide access from the internal estate road. The layout of Lot 1B and 1C were revised to increase the landscape setbacks to the SLR.



6. Assessment

The Department has considered the EA, the issues raised in submissions, the RtS and supplementary information in its assessment of the modification. The Department considers the key assessment issue is noise. Other issues are assessed in **Section 6.2** and include visual, traffic, hazards, landscaping and stormwater.

6.1 Noise

Operation

The OWE would substantially change the existing noise environment, as it is developed for industrial use, in line with the zoning under the WSEA SEPP.

There are minimal residential areas near the site, with warehouse and distribution centres located to the east and north. To the south are scattered rural-residential properties and to the west lies the Emmaus Catholic College and Emmaus Retirement Village. The retirement village to the west and one rural-residential property on the southern boundary are the closest residential receivers to the OWE. The school is also a sensitive receiver during the daytime when the school is in use. Existing background noise levels surrounding the site are low, although this is gradually changing as the area develops for employment uses.

The OWE consent includes noise limits at residential receivers and approval to construct noise walls on the western boundary and in a small section on the southern boundary. All warehouses within the OWE must be developed to ensure cumulative noise does not exceed the noise limits. The Applicant has recently entered into noise agreements with three rural residences to the south, meaning the noise limits no longer apply to these receivers. The only remaining residential receiver is the Emmaus Retirement Village, which is located immediately adjacent to the western boundary, but around 650 m from the location of Building 1A.

The noise barrier approved as part of Stage 1 works is scheduled for completion by October 2020. The Applicant's Noise Impact Assessment (NIA) for MOD 2 indicated the location and height of the barrier would need to change to ensure Building 1A would not exceed the noise limits at the western receivers. The noise barrier would be extended further north and the 2 m high section would be increased to 5 m, consistent with the remainder of the barrier around the sediment basin. **Figure 12** shows the approved barrier and the barrier proposed for MOD 2.

On 3 April 2020, the Department approved MOD 3 for the OWE, which further modifies the location and height of the noise barrier to attenuate development within Stage 2. The barrier will be constructed in accordance with the approved MOD 3, as it supersedes the design for MOD 2 and has considered cumulative noise impacts from MOD 2, MOD 3 and the fully developed OWE. The Department has also recommended a condition requiring the noise barrier to be installed in accordance with MOD 2, if for

some reason MOD 3 does not proceed. This would ensure noise from the development complies with the noise limits.

The Department notes the Applicant's NIA for MOD 2 assumed other mitigation measures would be in place to control noise from Building 1A. These include acoustic screening around rooftop mechanical plant. Other measures that relate to the approved concept proposal require restrictions on the night-time use of forklifts on future warehouses on the western and southern boundaries.

The Department incorporated these noise mitigation measures into the recommended conditions for the MOD 3 approval, including the night-time restrictions on forklifts and noise verification monitoring within three months of commencing operation of any buildings on the site.

With these measures in place, the NIA predicted there would be a residual exceedance of the night-time sleep disturbance criteria at Emmaus Retirement Village, under noise-enhancing weather conditions (i.e. when there are easterly winds and during cold nights). The criteria would be exceeded by up to 3 dB(A). The NIA evaluated this exceedance in the context of the Noise Policy for Industry, 2017 and the Road Noise Policy, 2011. The NIA concluded the modification would be unlikely to cause sleep disturbance, given the attenuation provided by the retirement village buildings and the infrequent nature of the predicted exceedances.

The Department considers the potential for sleep disturbance should be monitored once Building 1A is operational and has recommended monitoring during the night-time period once operational and a requirement for additional noise mitigation, if exceedances are identified.

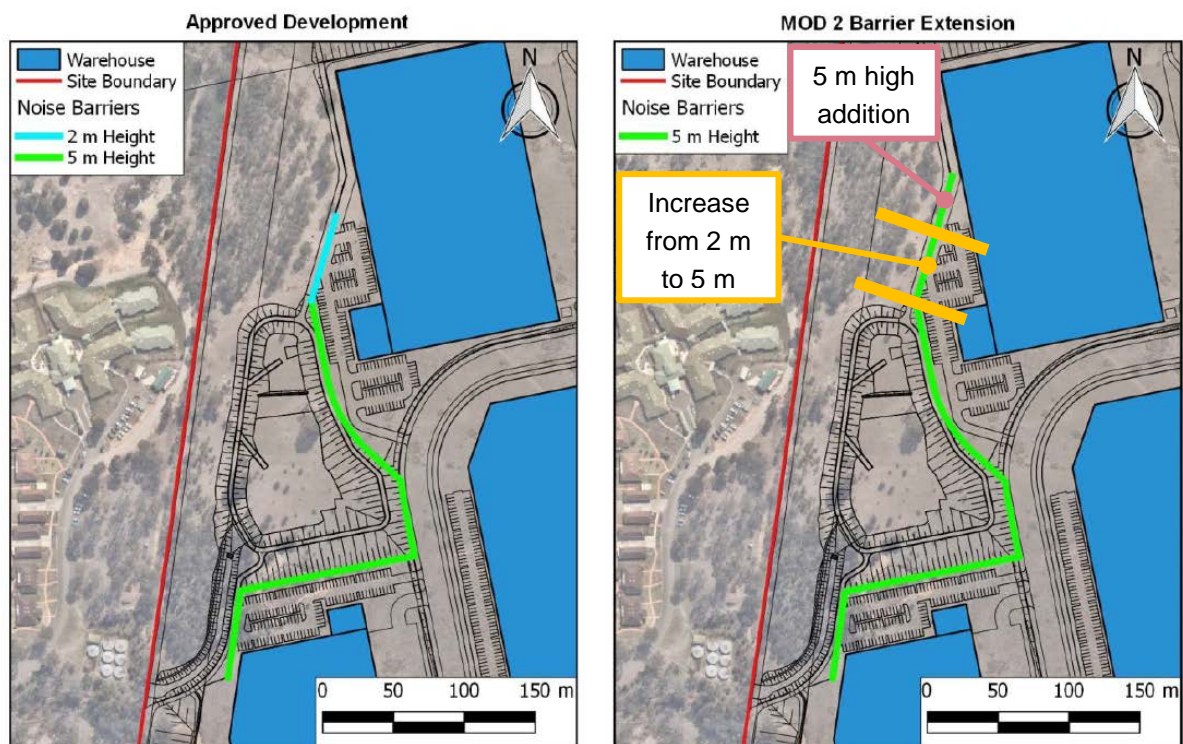


Figure 12 | Approved and Proposed Noise Wall

Construction

Noise from construction was assessed in detail for the OWE consent. Stage 1 construction activities involve earthworks across the whole estate, construction of roadways, sediment basins and other infrastructure and construction of Buildings 1A, 1B and 1C. The construction noise assessment indicated certain works would exceed construction noise goals established in accordance with the Interim Construction Noise Guideline (ICNG). Noise levels would be highest when works are conducted close to the western boundary including earthworks and the sediment basin. The Applicant prepared a Construction Noise and Vibration Management Plan (CNVMP) for these works and has recently installed a temporary noise curtain along the boundary with the Emmaus Retirement Village to minimise construction noise impacts.

The NIA confirmed the construction noise levels for MOD 2 would not change from those assessed for the OWE consent and noise would continue to be managed in accordance with the approved CNVMP.

The Department notes the permanent noise barrier is likely to be complete prior to construction of Building 1A, which would provide substantial noise reductions for the remainder of construction works.

Conclusion

The Department considers noise from MOD 2 would not significantly change from the noise levels assessed for the approved OWE. Building 1A is located over 650 m from the nearest sensitive receivers and forms part of a much larger warehouse estate that has been previously assessed and approved. MOD 2 proposes some additional controls to minimise noise, including acoustic shielding on rooftop mechanical plant and an extended noise wall on the western boundary. The Department has incorporated these measures in the recommended conditions.

The potential for an exceedance of sleep disturbance criteria at residences on the western boundary should be monitored once Building 1A is operational, to determine if impacts are occurring, and if further mitigation is required. The Department notes the recently approved MOD 3 and Stage 2 development is scheduled for construction prior to Building 1A and would provide some noise attenuation of Building 1A. The potential for sleep disturbance has been considered and is noted to be minor and infrequent. With construction of the noise wall scheduled ahead of the Building 1A works, further noise reduction would be expected.

With the mitigation measures in place, the Department considers noise can be adequately controlled to comply with the noise limits and the modification would not have an adverse noise impact on nearby sensitive receivers.

6.2 Other Issues

The Department's assessment of other issues is included in **Table 3**.

Table 3 | Assessment of Other Issues

Assessment	Recommendations
Visual	
<ul style="list-style-type: none">• The OWE consent included a standard warehouse building height control of 15 m for all warehouses.• Building 1A is a large warehouse with high-bay components to allow for automated distribution. The high-bay component is located on the north-western corner and has a total height of 39 m. The remainder of the warehouse has a height of 27 m.• The modification also increases the pad levels on Lot 1B by 4.8 m, which is a result of the reorientation of Building 1A, the size of the building pad required and the tie-in (connection) to the estate road and SLR.• The buildings in Stage 1 are located approximately 650 m from the nearest residence on the western boundary and 800 m from one residence on the southern boundary.• The modification would not substantially change the visual impacts of the approved development, given the distance to receivers and the intervening development that has been approved in the OWE. This includes the recently approved Building 2B in Stage 2, which is scheduled for construction before Building 1A and sits between Building 1A and the residences to the west.• Building 1A would be clearly visible from the residence on the southern boundary, as this property is elevated above the OWE. The Department understands the landowner has expressed a preference for no visual screening, as it would disrupt the long-range views of the Blue Mountains. As the OWE is developed over time, intervening buildings and the SLR would be built between this residence and the buildings in Stage 1.• The Applicant's Visual Impact Assessment (VIA), indicated there would be limited change in visual impacts when viewed from the western and southern residences.• The Department considers the existing conditions in the OWE consent, which require a 40 m wide landscaped bund along the western boundary, would be adequate for minimising the visual impacts to the extent possible. The landscape bund is scheduled for planting by October 2020. The OWE consent requires the landscape bund to include some mature	<p>Require the Applicant to:</p> <ul style="list-style-type: none">• submit a final architectural design for Building 1A detailing building articulation, colour schemes and signage, for the Planning Secretary's approval, prior to construction of Building 1A.

trees, to provide early visual screening of the development. The Department notes the preference of the southern residence for no visual screening.

- The Department notes Building 1A is a prominent and large warehouse which will front the WNSLR at the entrance to the OWE. The Department considers it important the design of the building is optimised to present an attractive appearance and has recommended the Applicant provide a final design for the Planning Secretary's approval, prior to construction of the building.
- The Department's assessment concludes the modification would not substantially change the visual appearance of the approved development and is consistent with the industrial zoning of the WSEA.

Traffic

Operation

- The modification would result in a small reduction in operational traffic volumes from Stage 1, compared with the approved OWE.
- There would be a slight increase for a 6-week period prior to Christmas, when demand for deliveries increases. During this time, total daily vehicle trips would increase by 301, compared to the approved development.
- A Traffic Impact Assessment (TIA) for the modification confirmed the WNSLR has adequate capacity to cater for the seasonal traffic increase, noting the road has been designed to accommodate the fully developed OWE and other industrial development to the north of the site.
- The modification would slightly reduce the number of car parking spaces in Stage 1, however the number still exceeds the parking rates in the OWE consent. Council and TfNSW did not raise any concerns with parking provision.

Construction

- Construction traffic volumes are predicted to be minor (460 vehicles per day) and would be adequately accommodated on the WNSLR as it has been designed for significantly higher operational traffic volumes and would be the only access used by construction vehicles.
- The Department notes the Applicant is conducting bulk earthworks across the site and will soon commence construction of a large warehouse in Stage 2. These works are generating construction traffic on Bakers Lane, which is the only site access until the WNSLR is

Require the Applicant to:

- prepare an Operational Traffic Management Plan.
- ensure all construction traffic for Building 1A uses the WNSLR.

completed. This has required strict traffic management to avoid conflict with the school zones.

- The Department recommends the construction of Building 1A be scheduled to avoid construction traffic using Bakers Lane to minimise cumulative traffic impacts. The Department has included a condition requiring all construction traffic for Building 1A to use the WNSLR (estimated to be open in November 2020).
- The Department also recommends the Applicant prepare an Operational Traffic Management Plan including measures to manage seasonal peak traffic.
- The Department concludes the modification would have minimal traffic impacts, with the recommended measures in place.
- The Department consulted with TfNSW regarding the provision of public transport to the development area, to address the objection raised by a nearby private business. The Department notes this is not an assessment issue for individual developments, but a matter to be addressed as part of broader transport planning.

Hazard and Risk

- | | |
|--|--|
| <ul style="list-style-type: none"> • A Preliminary Hazard Assessment (PHA) was prepared for the modification as Building 1A would store dangerous goods (DG) in quantities exceeding the thresholds in SEPP 33 – Hazardous and Offensive Development. • The PHA identified hazardous scenarios and safeguards for each hazard. • The Department notes the only scenarios likely to contribute to off-site impacts are full warehouse fires and the associated toxic smoke. • The Department reviewed these scenarios and concluded they would be well below the relevant fatality, serious injury and irritation risk criteria. • Based on the preliminary warehouse design information and the risk analysis provided in the PHA, the Department is satisfied the project would comply with all relevant risk criteria. • To ensure safe operation throughout the life of the facility, several hazards-related conditions are recommended. | <p>Require the Applicant to:</p> <ul style="list-style-type: none"> • ensure dangerous goods do not exceed specific quantities • prepare a fire safety study, final hazard analysis, emergency plan and safety management system • complete a hazard audit within 12 months of operation. |
|--|--|

Assessment	Recommendations
Landscaping	
<ul style="list-style-type: none"> The modification proposed landscaping for Stage 1 including perimeter planting and within parking areas. Council requested increased landscaped setbacks to the future SLR and WNSLR to optimise the interface of the development with publicly accessible areas. Council recommended the setbacks be increased to offset the increased building scale. Council also requested some changes to the proposed signage. The Applicant increased the landscape setbacks and incorporated more canopy trees in the landscape plans. The Department notes the increased landscaped setbacks exceed the requirements of the approved OWE. There are some carparking spaces within the 20 m building setback, but this encroachment is considered minor. The Department recommends the Applicant implements the landscaping plans included in the RtS and consult with Council on the final signage strategy. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> implement the landscaping plans included in the RtS consult with Council on the final signage strategy.
Stormwater Management	
<ul style="list-style-type: none"> The modification would require a revised stormwater system design to accommodate the altered layout of Stage 1. The Applicant's Civil, Stormwater and Infrastructure Services report confirmed the stormwater management system would comply with the requirements of the approved OWE in relation to controlling flows and pollutant reduction. The Applicant would also implement erosion and sediment controls during construction, consistent with the construction environmental management plan for the OWE. The Department considers the stormwater aspects of the modification would comply with relevant requirements and has recommended conditions for implementation of erosion and sediment controls and design of the stormwater system. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> implement erosion and sediment controls finalise the stormwater management system design prior to construction.



7. Evaluation

The Department has reviewed the EA, RtS and all submissions, taking into consideration the relevant matters under section 4.15 of the EP&A Act and the objects of the EP&A Act.

The Applicant is proposing to modify the approved concept proposal and Stage 1 development to facilitate the design of warehouse Building 1A. The modified Stage 1 development would provide 606 operational jobs a capital investment of \$242 million.

The Department exhibited the modification application and received 12 submissions from government agencies and 1 submission from a private business. The private business objected on the basis there is no public transport provision for the modification. The Department notes this is not an assessment issue for individual developments. The Department discussed the matter with TfNSW, who are looking at public transport planning for the area more broadly.

The Department considers the key assessment issue is noise.

The modification involves an increase in the height of Building 1A, with a high-bay component at 39 metres (m) and a low-bay component at 27 m, compared with the approved 15 m. The warehouse is setback from the nearest residences by 650 m and forms part of a much larger warehouse estate that has been previously assessed and approved. The modifications to the warehouse would slightly increase noise levels, but the development would still comply with the noise limits included in the OWE consent. There is potential for a minor exceedance of sleep disturbance criteria at residences on the western boundary during adverse weather conditions. The Applicant's assessment demonstrated that these exceedances would be unlikely to cause sleep disturbance, given they are minor and infrequent.

The Department has recommended noise monitoring once the building is operational, to establish actual noise levels at night and implement any additional controls if required.

With the mitigation measures in place, the Department considers noise can be adequately controlled to comply with the noise limits and the modification would not have an adverse noise impact on nearby sensitive receivers.

Other impacts including visual and traffic were considered consistent with the approved OWE consent.

The Department's assessment has concluded the modification would:

- provide a range of benefits for the region and the Stage through a capital investment of \$242 million in the Penrith local government area
- provide 606 jobs in western Sydney
- assist in delivering the strategic objectives of the Western Sydney Employment Area, to provide employment generating development in western Sydney

The Department's assessment concluded the impacts of the modification can be mitigated and managed to an acceptable level. The Department considers the modification is in the public interest and should be approved, subject to conditions.



8. Recommendation

It is recommended that the Executive Director, Regions, Industry and Key Sites, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 7348 MOD 2 falls within the scope of section 4.55(2) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the modification application
- **modify** the consent SSD 7348
- **signs** the attached instrument of modification (**Attachment A**).

Recommended by:

08/04/2020

Deana Burn

Specialist Planner

Industry Assessments

Recommended by:

08/04/2020

Chris Ritchie

Director

Industry Assessments



9. *Determination*

The recommendation is: **Adopted by:**

21/4/2020

Anthea Sargeant

Executive Director

Regions, Industry and Key Sites



Appendices

Appendix A – Environmental Assessment

<https://www.planningportal.nsw.gov.au/major-projects/project/25911>

Appendix B – Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/25911>

Appendix C – Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/25911>

Appendix D – Notice of Modification