



Oakdale West Estate Modification 5

State Significant Development Modification Assessment
(SSD 7348 MOD 5)

November 2020



Published by the NSW Department of Planning, Industry and Environment

dpie.nsw.gov.au

Title: Oakdale West Estate Modification 5

Subtitle: State Significant Development Modification Assessment (SSD 7348 MOD 5)

Cover image: Aerial view of the proposed Oakdale West Estate

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Glossary

Abbreviation	Definition
Council	Penrith City Council
Department	Department of Planning, Industry and Environment (DPIE)
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
Minister	Minister for Planning and Public Spaces
RMS	Roads and Maritime Services, TfNSW
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
TfNSW	Transport for NSW

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1 Introduction

This report provides the Department of Planning, Industry and Environment's (the Department's) assessment of an application to modify the State significant development consent (SSD 7348) for the Oakdale West Estate (OWE) to amend the approved Concept Proposal and Stage 1 development (collectively described as the modification).

The modification application seeks approval for increasing the Southern Link Road (SLR) road reserve with associated reduction in building and landscaping setbacks, amending Precinct 1A layout and car parking spaces, quantities of dangerous goods to be stored in Building 1A. The application also seeks to set up an alternative biodiversity offset site and extending the required completion date for the noise barrier along the western site boundary.

The application has been lodged by Goodman Property Services (Aust) Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

On 13 September 2019, the then Executive Director, Compliance, Industry and Key Sites as the delegate of the Minister for Planning and Public Spaces (the Minister) granted development consent (SSD 7348) to develop the OWE at Kemps Creek in the Penrith City Local Government Area (see **Figure 1**).



Figure 1 | Regional Context Map

The approved OWE includes:

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

Since the approval of the OWE, the Applicant has secured a tenant for Building 1A in the Stage 1 development. In April 2020, modification application SSD 7348 MOD 2 approved amendments to the approved Concept Proposal and Stage 1 development to facilitate the tenant's design and operational requirements.

The Applicant consulted with Transport for NSW (TfNSW) during the assessment of SSD 7348 which confirmed the SLR road reserve width would be up to 30.9 metres (m). The confirmed SLR road reserve was incorporated into the approved Concept Plan and Stage 1 development and the required building and landscaping set back established. However, following the approval of SSD 7348, TfNSW identified the need to widen the future SLR and requested the Applicant dedicate additional lands for the SLR road reserve. To accommodate the additional road reserve, the Applicant has lodged this modification application seeking amendments to the SSD 7348 MOD 2 approved Concept Proposal and Stage 1 development.

1.2 Site Description

The OWE comprises 154 hectares (ha) of IN1 General Industrial zoned land located at 2 Aldington Road, Kemps Creek in the Western Sydney Employment Area (WSEA), which is strategically zoned to support employment generating developments in Western Sydney. Primary access to the OWE will be provided by the WNSLR from Lenore Drive to the north, which forms part of the strategic road network designed to service the WSEA (see **Figure 2**).

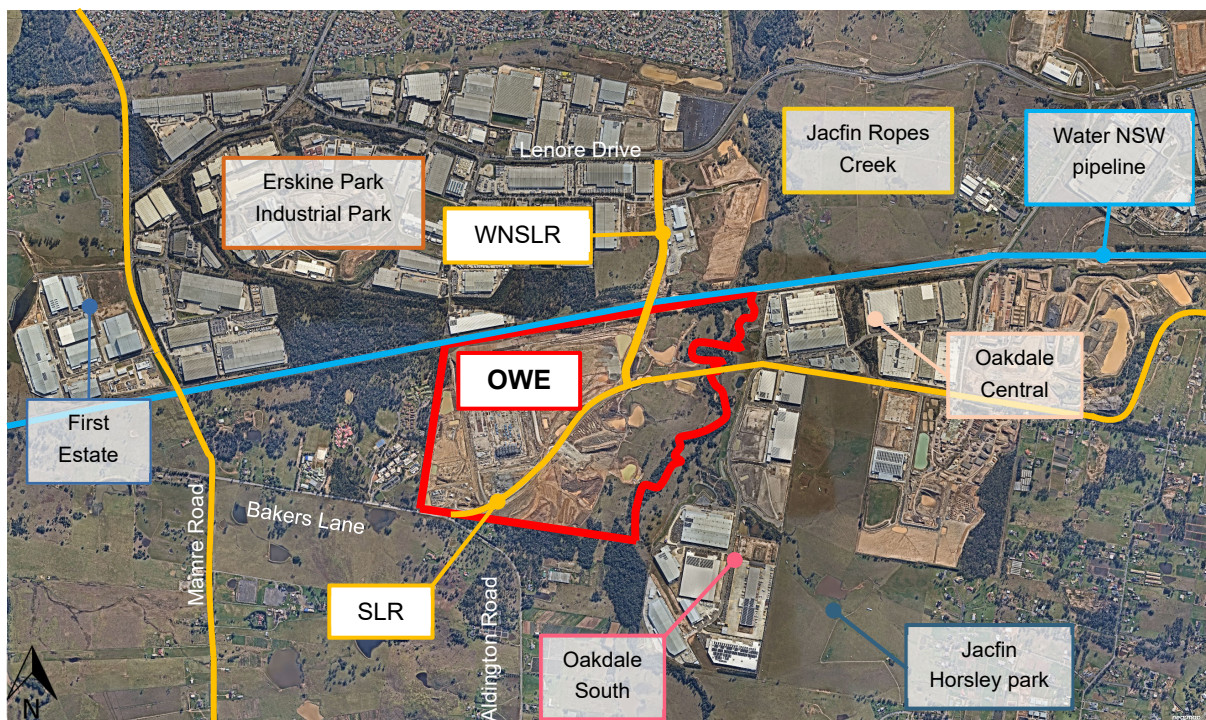


Figure 2 | Regional Context Map

1.3 Approval history

The Applicant has lodged five modification applications for the OWE, see **Table 1**:

Table 1 | Summary of Modifications to SSD 7348

MOD No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Changes to pad levels across the Concept Proposal, amendments to bio-retention basins and changes to the biodiversity offset strategy	Department	4.55(1A)	27 March 2020
MOD 2	Changes to Stage 1 pad levels, building layout and the height of Building 1A	Department	4.55(2)	21 April 2020
MOD 3	Changes to the Concept Proposal layout, Stage 2 area and height of Building 2	Department	4.55(1A)	3 April 2020
MOD 4	Include an additional lot for construction works for the WNSLR	Department	4.55(1A)	24 March 2020
MOD 5	Increase in SLR road reserve and associated reduction in building and landscaping setbacks, amendments to Precinct 1A layout and car parking spaces, quantities of dangerous goods to be stored in Building 1A, setting up an alternative biodiversity offset site, and extension to required completion date for the noise barrier	Department	4.55(1A)	This application

2 Proposed Modification

2.1 Description of Modification

The Applicant proposes to modify the OWE Concept Proposal and Stage 1 development. The modification is described in full in the Environmental Assessment (EA) included in **Appendix A** and shown in **Figure 3** to **Figure 8**. The components of the modification are summarised in **Table 2**.

Table 2 | Summary of Modifications

Aspect	Description
Modifications to Concept Proposal	
Setbacks to SLR	<ul style="list-style-type: none">• a decrease in building setback from 20 m to 17 m across the OWE• a decrease in landscape setback from 10 m to 7 m across the OWE
Landscape Master Plan	<ul style="list-style-type: none">• amendments to the landscape master plan reflecting changes to the SLR setbacks
Modifications to Stage 1 Development	
Precinct 1A (Building 1A)	<ul style="list-style-type: none">• reconfiguration of layout, entry/exit onto Estate Road 1 and internal car park road• installation of boom gates at the Building 1A car park entry/exit• increase in car parking spaces from 472 to 473• modifications to trailer parking, the energy complex, truck wash, workshop, and refuelling areas layout and landscaping in Precinct 1A
Civil Works	<ul style="list-style-type: none">• amendments to civil works (earthworks, services and utilities) for changes to Precinct 1A carpark
Dangerous Goods	<ul style="list-style-type: none">• an increase in the dangerous goods (Class 8) quantity stored within Building 1A from 45,000 kilograms (kg) to 60,000 kg• storage of 1.1 million kilograms of combustible liquid within Building 1A
Biodiversity Offset	<ul style="list-style-type: none">• use of an alternative site for biodiversity offsets, being Lot 10 in DP 1157491 (see Figure 8)
Noise Barrier	<ul style="list-style-type: none">• correction of typographic errors of Condition D75A by updating reference of Figure 7 to Figure 6 and Condition D75C by updating reference of Figure 7B to Figure 7• extension of time for the noise barrier completion date required by Condition D75C from 31 October 2020 to 30 November 2020

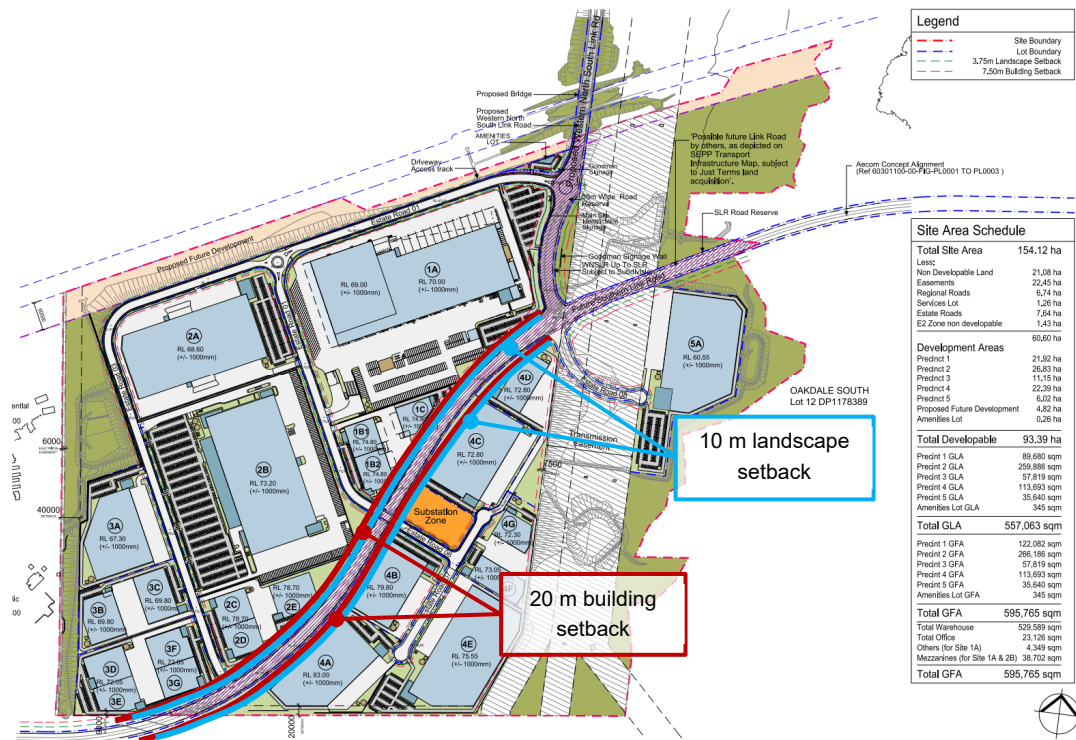


Figure 3 | Approved Concept Proposal under SSD 7348 MOD 3

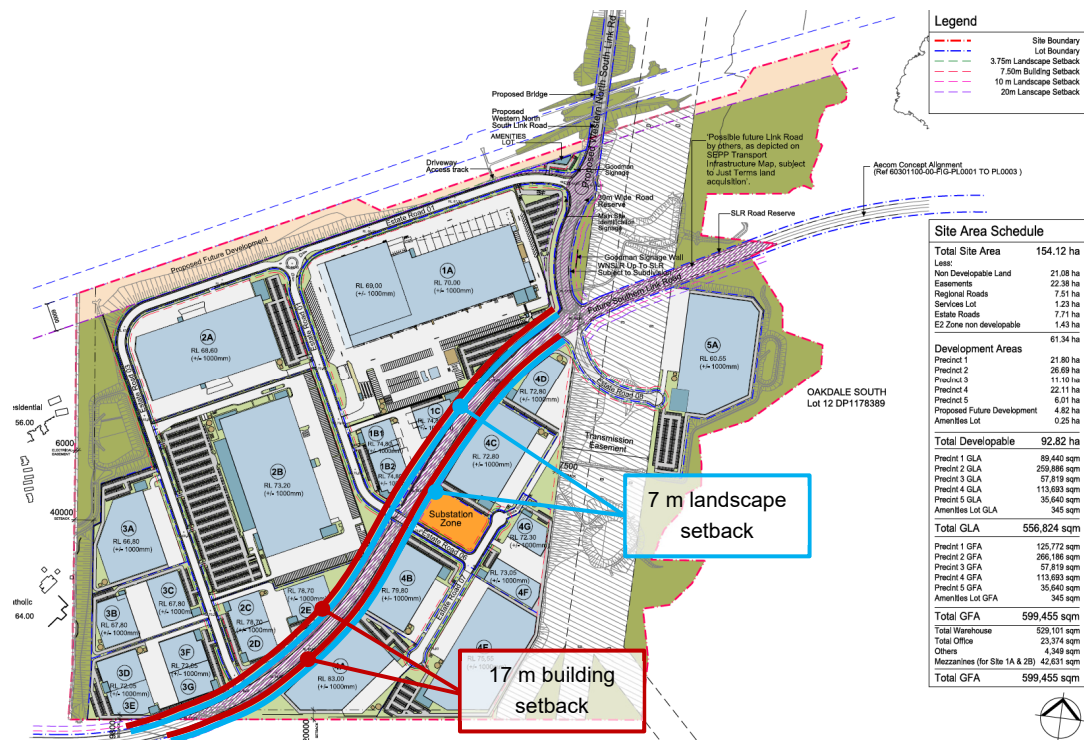


Figure 4 | Proposed Concept Proposal

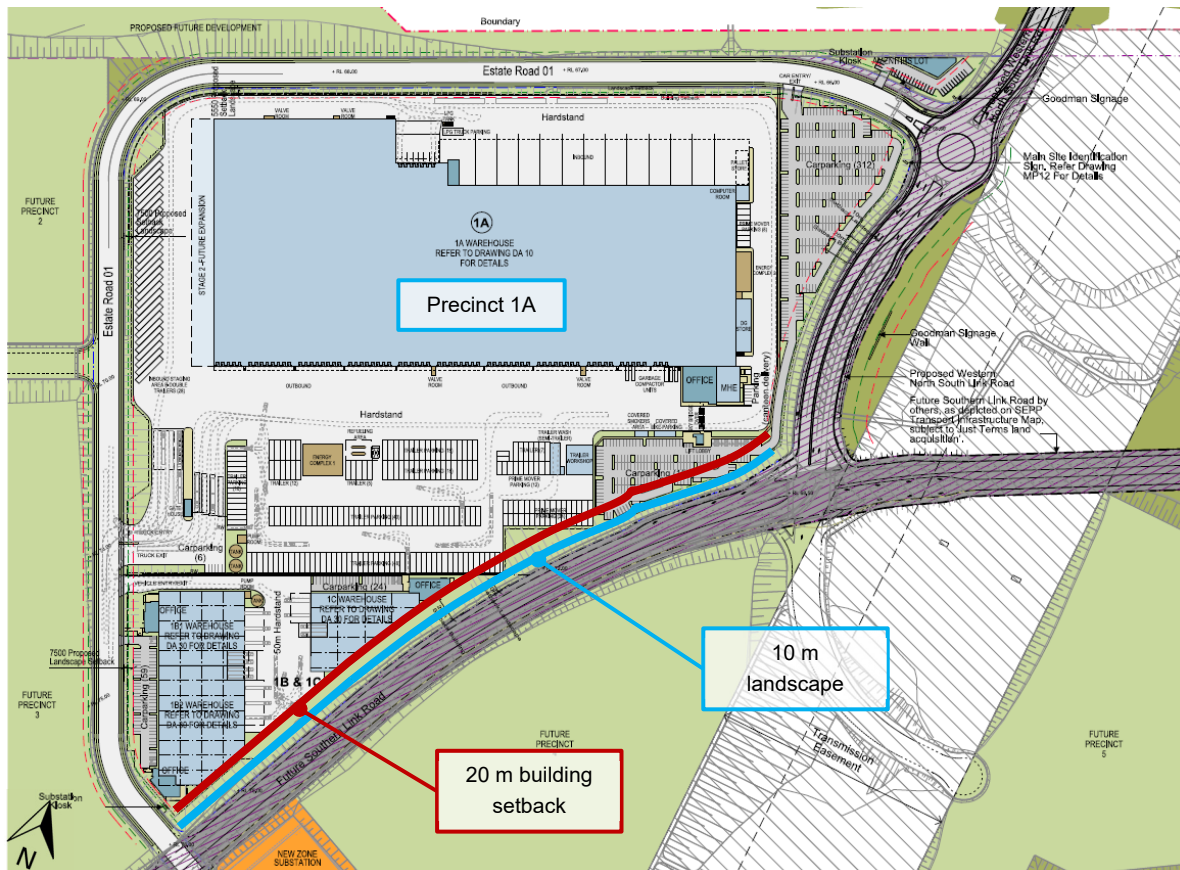


Figure 5 | Approved Stage 1 Layout under SSD 7348 MOD 2

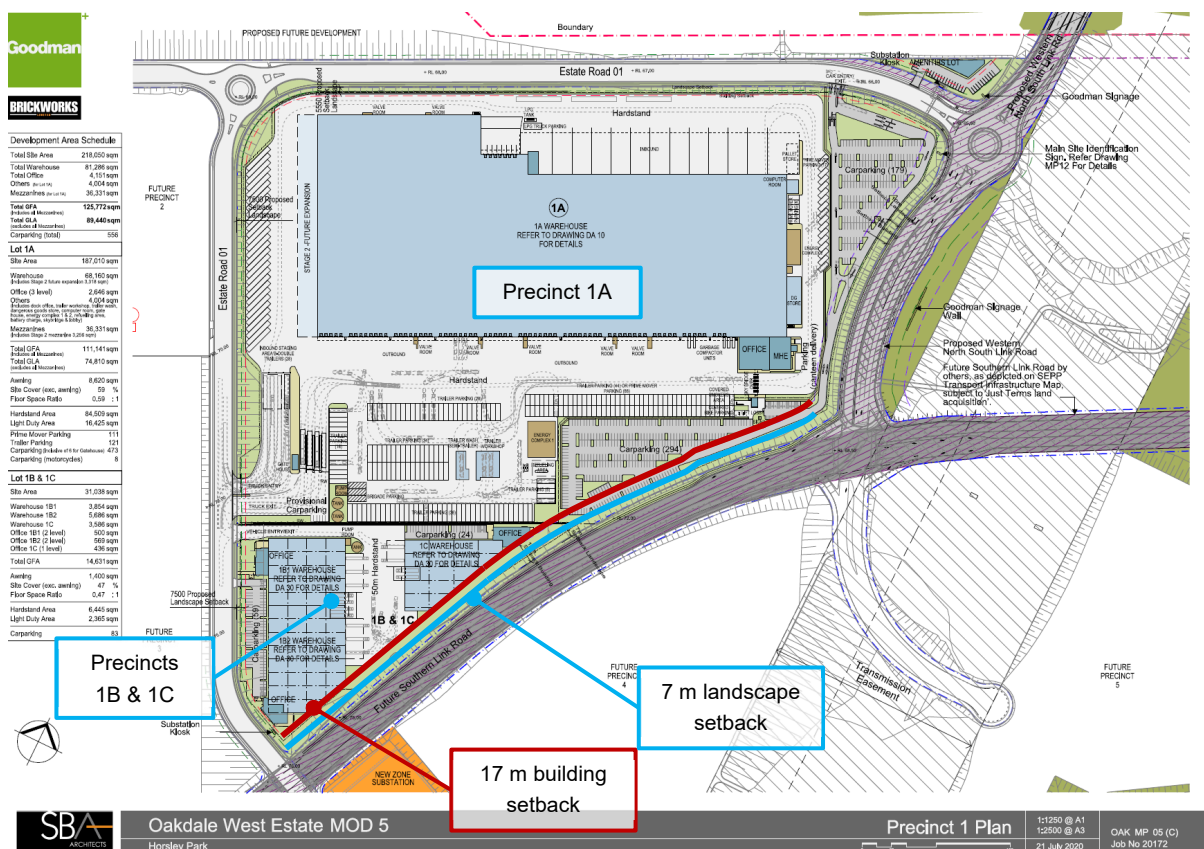


Figure 6 | Proposed Stage 1 Layout

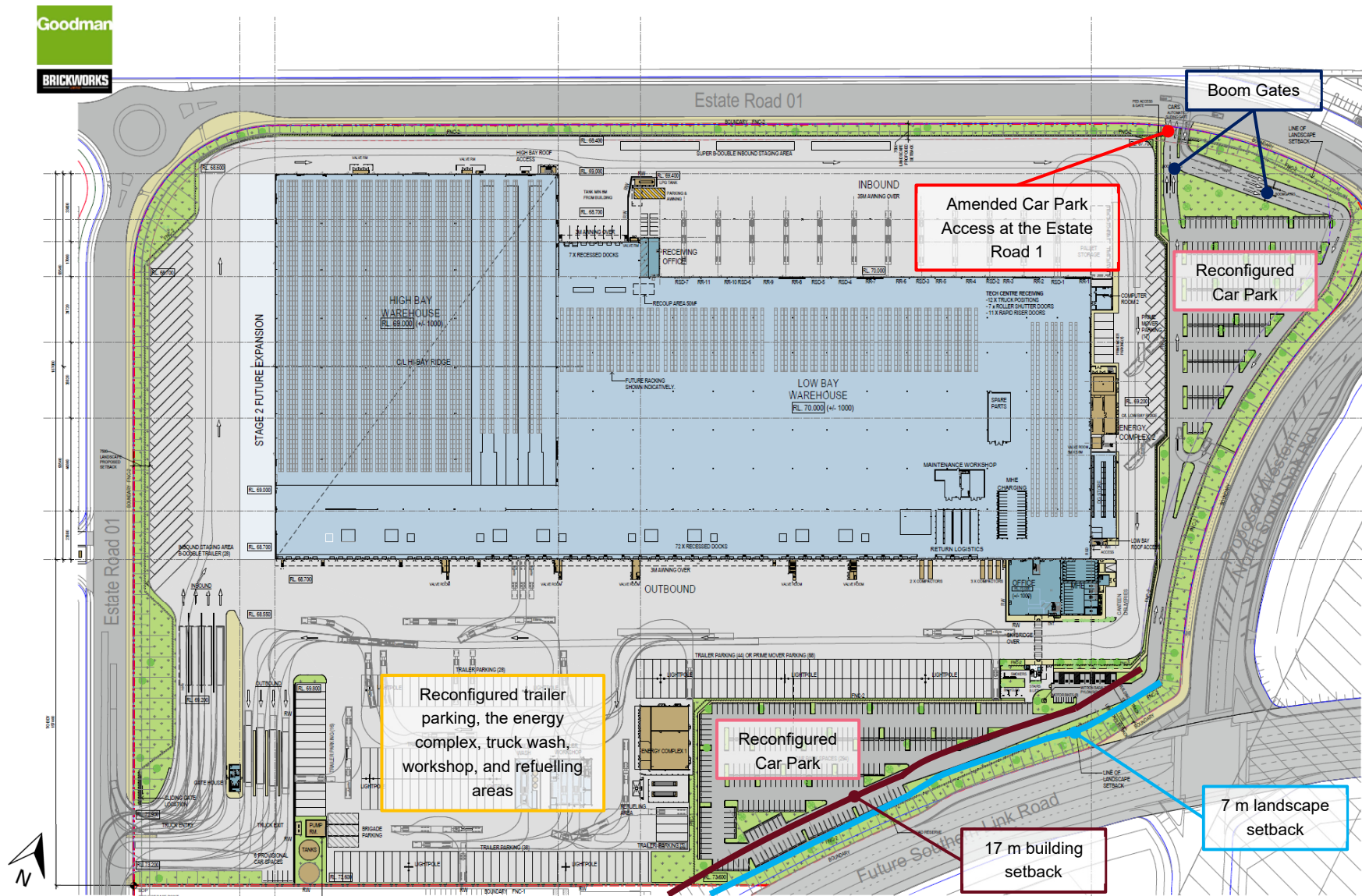


Figure 7 | Proposed Precinct 1A Layout

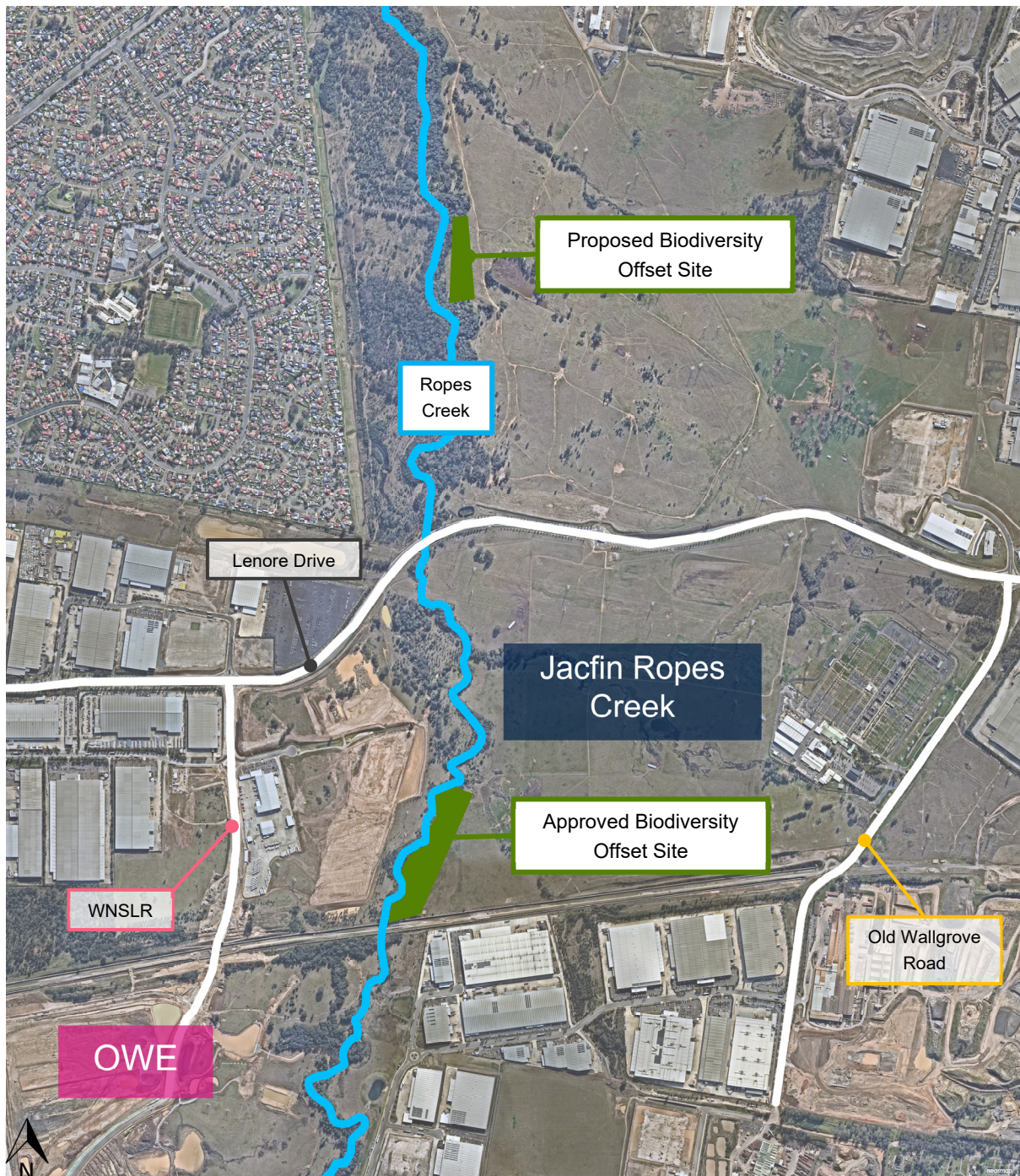


Figure 8 | Approved and Proposed Biodiversity Offset Sites

2.2 Applicant's Justification for Modification

The Applicant advised that during the assessment of SSD 7348, it had undertaken extensive consultation with TfNSW regarding the proposed SLR alignment and width. The consultation confirmed a 30.9 m wide SLR reserve would be required which was incorporated into the approved Concept Plan and Stage 1 development. However, following the approval of SSD 7348, TfNSW identified the need to widen the future SLR and requested the Applicant dedicate additional lands for the SLR reserve.

Should the approved 10 m landscape and 20 m building setbacks to the SLR remain, the widened road reserve would result in an inequitable reduction of developable land for lots along the SLR corridor. As

such, the Applicant maintains that reductions in building and/or landscape setbacks are required to ensure future lots along the SLR remain developable. The Applicant stated the modification would not change the approved building footprints or the ability to deliver the masterplan with the commensurate high standard of landscape setbacks, however, would provide a wider SLR reserve as required by TfNSW.

The Applicant claimed the amended car park layout is required to meet the secured tenant's operational requirements and to address the potential for queuing on Estate Road 1. By reconfiguring the car park internal road layout and installing boom gates, the modification would not result in substantial queueing of vehicles entering the parking lots and queuing on Estate Road 1.

The Applicant advised the increase in Class 8 Dangerous Goods and combustible liquids stored in Building 1A was required to meet the tenant's operational requirements.

Due to difficulties in gaining access to the approved biodiversity offset site, the Applicant has identified an alternative site approximately 1.8 km to the north. The offset requirements, as approved, would still be achieved and the amended location would result in substantially the same ecological outcome.

The Applicant advised that inclement weather conditions have resulted in a delay to the project delivery. The proposed completion date (30 November 2020) for the noise barrier would allow time for this to be completed without compromising the delivery of a noise barrier as required by condition D75A of the SSD 7348 development consent.

3 Strategic Context

3.1 A Metropolis of Three Cities

The Greater Sydney Plan, *A Metropolis of Three Cities*, seeks to meet the needs of a growing and changing population by transforming Greater Sydney into a metropolis of three cities including the Western Parkland City, the Central River City and the Eastern Harbour City.

The OWE is located within the 'Western City District' and is consistent with the directions and principles outlined in A Metropolis of Three Cities and the Western City District Plan, including 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, including 606 jobs associated with the operation of Building 1A. The modification would facilitate the construction and operation of Building 1A supporting the employment-generating role of the OWE and the WSEA.

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 consistent with the WSEA SEPP as it would support the construction and operation of the Building 1A in Stage 1 development for the secured tenant.

4 Statutory Context

4.1 Scope of modifications

The Department has reviewed the scope of the modification application and is satisfied the modification would result in minimal environmental impacts, and relates to substantially the same development as the original development consent on the basis that:

- the primary function and purpose of the approved development would not change as a result of the proposed modification; and
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of consent.

Therefore, the Department is satisfied that the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) 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 application under section 4.5(1) of the EP&A Act. Under the Minister's delegation of 9 March 2020, the Director, Industry Assessments, may determine the application under delegation as:

- the modification application has not already been referred by the Planning Secretary to the Independent Planning Commission for determination as at the date of the delegation
- a political disclosure statement has not been made
- there are no public submissions in the nature of objections.

5 Engagement

5.1 Department's engagement

Clause 117(3B) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to section 4.55(1A) applications, being modifications with minimal environmental impact. Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website and was referred to Council and public authorities for comment.

5.2 Summary of submissions

Council did not object to the modification but raised concerns with the potential impacts of retaining walls along the SLR frontage on the streetscape and the reduced landscaped setback. Council suggested the Applicant reconfigure the entire Precinct 1 and amalgamate warehouse buildings 1B and 1C into one warehouse building to retain a 10 m wide landscaped setback to the SLR.

TfNSW made two submissions on the modification. In its submission of 21 August 2020, TfNSW stated it had reviewed the EA and noted the revised precinct boundaries could accommodate the future SLR. As such, TfNSW were supportive of the application.

TfNSW made an additional submission on 27 September 2020 which stated it did not object to the modification but identified a need to reserve additional lands along the future SLR across the OWE. To achieve this, an easement would be included in subdivision plans for lots along the SLR across the OWE prohibiting construction of any future structures, buildings, and utilities within the easement.

Fire and Rescue NSW (FRNSW) reviewed the EA and Final Hazard Analysis (FHA) and provided recommended conditions of consent regarding the final fire engineering solution, in-rack sprinklers, and the provision of cages/mesh protection for the aerosols stored within the racking system of the high bay warehouse area.

Environment, Energy and Science Group (EES Group) of the Department provided no specific comments.

Water Group of the Department and **Natural Resource Access Regulator** (NRAR) provided no specific comments.

Water NSW provided no specific comments.

6 Assessment

The Department has assessed the merits of the proposed modification. During the assessment, the Department has considered the:

- the Applicant's EA
- the assessment reports for the original development application and subsequent modifications
- submissions from Council and public authorities
- relevant environmental planning instruments, policies and guidelines, and
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department considers the key assessment issues is hazards and risk.

6.1 Hazards and Risk

The modification includes increasing the quantity of dangerous goods (DG) stored within Building 1A from 45,000 kg to 60,000 kg of Class 8 DG (corrosive substances) and an increase in storage of combustible liquids from 250,000 kg to of 1.1 million kg. The proposed storage of DG is above the thresholds defined in Applying SEPP 33 Hazardous and Offensive Development Application Guidelines 33). As such, the operation of Building 1A is considered a 'potentially hazardous industry'.

The Applicant has provided a Final Hazard Analysis (FHA) prepared by Rickson Engineering in the EA in accordance with the *Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis* (HIPAP No. 6) (Department of Planning, 2011). The FHA stated quantities of various classes of DGs stored in Building 1A would remain as approved except the increase in Class 8 DG being corrosive substances. All DGs would be stored in designated areas within the warehouse (see **Figure 9**).

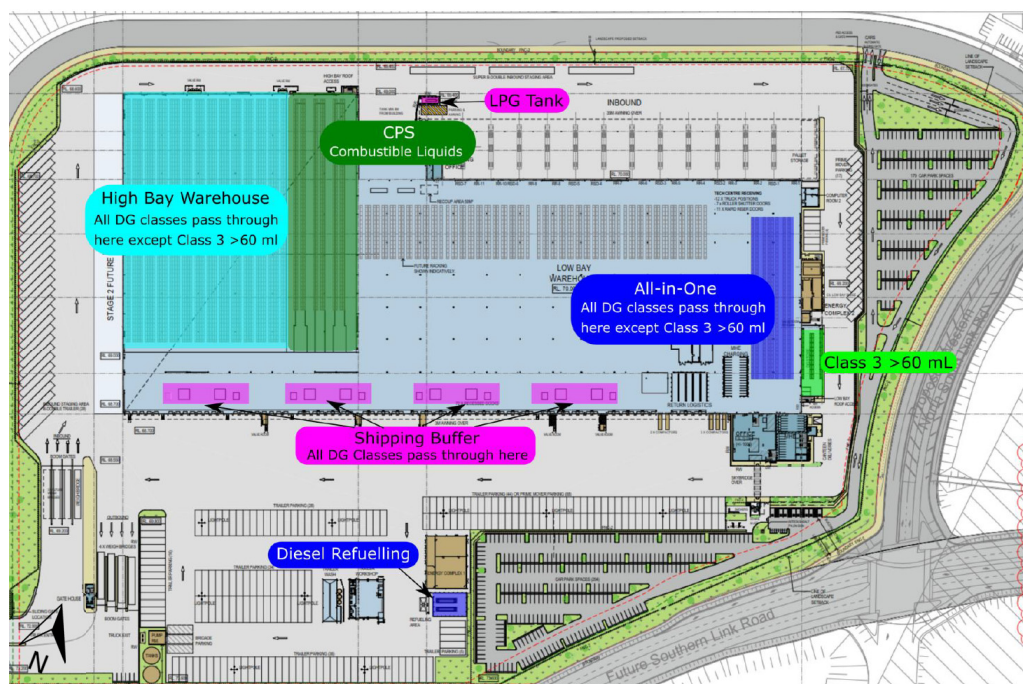


Figure 9 | Designated Dangerous Goods Storage Areas

The FHA considered the potential hazards and risks associated with the storage and handling of DG and combustible liquids. This included consideration of fifteen scenarios that may result in off-site impacts including the spillage of flammable liquids or release of gases, resulting in a fire, explosion or environmental incident. Of the fifteen scenarios, seven required a detailed consequence analysis to establish potential impact distances and only one scenario, being a full warehouse fire, was found to have off-site impacts.

The FHA included a frequency analysis and risk assessment of a full warehouse fire and estimated the total fatality risk at the site boundary would be 7.06 chances per million per year (pmpp), which is well below the criteria for industrial land uses set out in HIPAP No. 4 – Risk Criteria for Land Use Safety Planning (50 chances pmpp). The FHA also considered the potential cumulative impacts of the modification and noted Building 1A would be the first development to store DGs on site. The adjacent warehouses in Precinct 1B and 1C would not store any DGs. As such, the modification would not have the potential to generate cumulative impacts.

Following a risk assessment carried out in accordance with the *Best Practice Guidelines for Potentially Contaminated Water Retention and Treatment Systems* (Department of Planning, 1994), the FHA adopted a 90 minutes allowance for potentially contaminated water to be contained within Precinct 1A. The FHA stated all stored DGs would be protected by a Storage Mode Sprinkler System (SMSS) of 12 sprinkler heads and hose reels with foam generating capability. As the SMSS has a total volume flow rate of 5.46 cubic metre per minute (m^3/min) and 3 hydrant hoses have a volume flow rate of $1.8 \text{ m}^3/\text{min}$, the firefighting system would discharge 653.4 m^3 ($7.26 \text{ m}^3/\text{min} \times 90 \text{ min}$) of firefighting water. As such, the FHA recommended that the warehouse building 1A and/or Precinct 1A boundaries would be capable of containing 653.4 m^3 of potentially contaminated firewater containing leaked DGs.

The FHA included a number of recommendations including that the Precinct 1A should be designed to contain any spills or contaminated water from a fire incident within the boundaries of the Precinct, installation of a stormwater penstock isolation valve for the Building 1A which would automatically isolate and contain any spills or contaminated water from a fire incident, and provision of spill kits around the DG storage areas to ensure spills could be cleaned up immediately following identification.

FRNSW reviewed the FHA and recommended that if the Building 1A would incorporate a fire engineered solution (FES), the Applicant should engage with FRNSW in the fire engineering brief (FEB) consultation process at the preliminary FES design phase, the FES should address clauses E1.10 and E2.3 of the National Construction Code (NCC), particularly for firefighter intervention and accessibility. FRNSW made comments on in-rack sprinklers and the provision of cages/mesh protection for the aerosols stored within the racking system of the high bay warehouse area.

The Applicant responded to FRNSW comments that the FEB consultation had commenced and a Fire Safety Study (FSS) incorporating the FES was provided to FRNSW. The submitted FES addressed Clauses E1.10 and E2.3 of the NCC required by FRNSW. Firefighter intervention and accessibility has been addressed via the introduction of the fire tunnel and a walkway above the Receiving Canopy. In-rack sprinklers and caged areas for aerosols would be included in the fire safety system design described in the FSS prepared in consultation with FRNSW prior to commencement of construction of Building 1A. The Department provided the Applicant's response to FRNSW who did not provide further comments. Council has also reviewed the modification, the FHA and recommended revising conditions of consent in accordance with the amended quantities of DGs stored within Building 1A.

The Department's Hazards Specialist has reviewed the FHA and identified one of the critical hazards is the potential for spillage of Class 8 DGs. The Department acknowledged this would be managed on site as the development includes sufficient safeguards to capture any spillage, including spill kits in the DG storage area and spill containment within the site boundary to prevent spillage running off-site. The FHA updated the full warehouse fire scenarios with the increase of total DG quantities stored within the Building 1A. As Building 1A and surrounding developments are located within the industrial zoned WSEA, the FHA adopted the individual fatality risk criteria for industrial development in its full warehouse fire scenario assessment. The FHA demonstrated with the increased DG quantities in place, operation of the Building 1A would remain in compliance with the relevant criteria.

The Department's Hazards Specialist also noted the modification included an increase of storage of combustible liquid from 250,000 kg to 1.1 million kg, which would not be subject to SEPP 33 screening as it is stored separately from Class 3 material. The Department is satisfied with the FHA undertaken and, subject to implementing all safeguards and recommendations listed in the FHA, considers the operation of the Building 1A would adequately manage the potential hazards and risk.

The Department has recommended amending conditions of consent to ensure the recommendations of the FHA are implemented and monitored and to reflect the increase in quantity of Class 8 DG. The Department's assessment concludes the modification would meet the tenant's operational requirements while remaining in compliance with the individual fatality risk criteria for industrial development.

6.2 Setbacks and Landscaping

During the assessment of SSD 7348, the Department and the Applicant had undertaken extensive consultation with TfNSW regarding the proposed SLR alignment and width which confirmed a 30.9 m wide SLR road reserve would be required. The 30.9 m wide SLR road reserve was incorporated into the approved Concept Plan and Stage 1 development. However, following the approval of SSD 7348, TfNSW identified a need to widen the SLR road reserve by 5.70 m to 36.6 m and requested the Applicant dedicate an additional 2.85 m on both sides of the SLR road reserve to accommodate this.

To satisfy the requirements of TfNSW, the Applicant proposes to decrease the building and landscaping setbacks to the SLR road reserve from 20 m and 10 m to 17 m and 7 m in the Concept Plan for all lots. This would result in an additional 3 m on both sides of the SLR road reserve. The modification also includes revised landscaping for the Stage 1 development that aligns with the reduced setbacks. The proposed Stage 1 landscaping includes trees with mature heights ranging from 6 m to 30 m, shrubs along the SLR frontage, and planting within the site and along the perimeters.

Council raised concerns with the potential visual impact of retaining walls along the SLR on the streetscape and suggested the Applicant reconfigure Precinct 1 and amalgamate several buildings to retain a 10 m wide landscape setback. In its submission, TfNSW indicated it was satisfied with the proposed 36.6 m wide SLR road reserve and proposed landscape and building setbacks, provided no future buildings, structures or utilities would be built within an area outside of the widened SLR road reserve that was identified on a plan attached to the submission. Development consent has not been granted under SSD 7348 for any building, structures or utilities within the area outside the widened SLR reserve identified by TfNSW nor are any proposed under this modification application.

The Department has identified the EA provides inconsistent information about the reduced setbacks to the SLR road reserve, nominating building setbacks of both 17 m and 17.15 m and landscape setbacks

of both 7 m and 7.15 m. The Department considers reducing the building setback to 17.15 m and landscape setback to 7.15 m could sufficiently accommodate the widened SLR required by TfNSW, being an additional 2.85 m on both sides of the SLR road reserve.

The Department notes while landscaping along the Precinct 1A car park fronting the SLR reserve would be reduced to a minimum of 7.15 m wide, the Applicant would provide landscaping areas greater than 7.15 m wide along the SLR frontage in other parts of the Precinct 1A. Furthermore, in Precincts 1B and 1C, the Applicant has proposed landscaping within the entire 17.15 m wide building setback area along the SLR road reserve, thereby exceeding the approved 10 m landscaping requirement by 7.15 m (see **Figure 10**). The Department considers the decrease in landscaped area is a necessity to facilitate the future SLR without compromising the Applicant's approved developable land. As a significant portion of the landscaping provided within the Precinct 1 would exceed 7.15 m, the Department considers the proposed landscaping would be sufficient to screen and soften the built form when viewed from the future SLR.

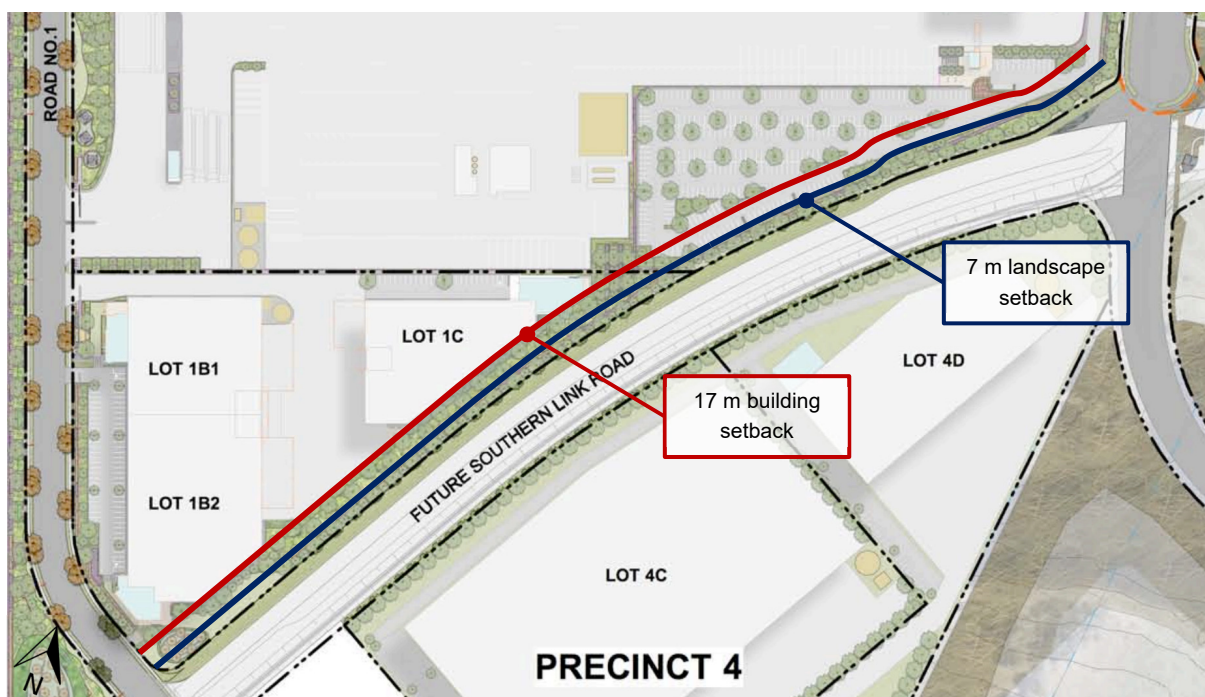


Figure 10 | Proposed Landscaping along the SLR in Precinct 1

The Department acknowledges Council's request for a 10 m wide landscaped area along the future SLR across the OWE as originally approved under SSD 7348. On balance, the Department considers the Applicant has maximised landscaped areas where possible, while satisfying the updated requirements of TfNSW for additional lands for the future SLR without compromising the developable area approved under the Concept Plan or the Stage 1 development. The Department notes, during the preparation of future DAs for Precincts 2C-2E, 3 and 4, the Applicant would consult with Council regarding detailed design and potentially reconfigure the Concept Plan approved layout and achieve the originally approved 20 m and 10 m building and landscaping setbacks along the future SLR.

The Department acknowledges the request from TfNSW for an additional area beyond the 36.60 m SLR road reserve to be free from buildings, structures or utilities. As building, structures or utilities are not proposed within the area identified by TfNSW under the modification, the Department considers this request has been satisfied.

The Department has recommended revising Condition B10, Schedule B of the SSD 7348 development consent to require the Applicant to provide 17.15 m building setback from the SLR road reserve across the OWE. This would include a 7.15 m landscape setback. It is also recommended to update Figure 4 in Appendix 2 of the SSD 7348 development consent to show the landscaping plans included in the MOD 5 EA.

6.3 Other Issues

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

Table 3 | Assessment of Other Issues

Issues	Recommended Conditions
Traffic and Parking	
<ul style="list-style-type: none"> The modification would amend the internal car park road and accesses to Estate Road 1, reconfigure the car park layout, and increase the total parking spaces from 472 to 473 in Precinct 1A. The EA stated the amendments would be required to improve the internal manoeuvrability and minimise the potential for queuing on Estate Road 1. Ason Group prepared a Traffic Impact Assessment (TIA) for the modification. The TIA stated the amended car park access, which would include the addition of 3 entry lanes and 3 boom gates and improve traffic movements within the car park. This would result in no substantial queueing of vehicles entering the parking lots that may impact traffic on the road frontage. The TIA noted the additional entry lanes and boom gates would require the reconfiguration of the car park layout. As the modification would not increase the development's approved gross floor area, traffic generation rates would remain unchanged. However, the minor increase in parking spaces is considered beneficial to meet parking demand. TfNSW and Council have reviewed the modification and did not provide specific comments on the revised car park layout and access to Estate Road 1. The Department considers the modification would improve the traffic movements by separating inbound and outbound traffic within the car park and adding three dedicated inbound lanes. The proposed boom gates are located within the site sufficiently away from car park access on Estate Road to increase queuing capacity and ensure vehicles waiting before the boom gates would be 	<p>Amend Condition D69, Schedule D of SSD 7348 development consent by requiring the Applicant to:</p> <ul style="list-style-type: none"> provide the Building 1A parking spaces in accordance with the MOD 5 EA construct the Building 1A car park as proposed in the MOD 5 EA.

Issues	Recommended Conditions
<p>contained within the site on three inbound lanes to minimise queuing impacts on Estate Road 1.</p> <ul style="list-style-type: none"> • The Department considers the modification would provide sufficient parking spaces for warehouse building 1A as it would increase the parking spaces from 472 spaces approved under SSD 7348 MOD 2 to 473 spaces. • The Department's assessment concludes the amended Precinct 1 car park layout has balanced the requirements for providing a wider SLR reserve, providing a 7 m wide landscaping area, improving the site's internal manoeuvrability and ensuring the Building 1A tenant's operational efficiency. • The Department has recommended updating Condition D69, Schedule D of the SSD 7348 development consent to require the Applicant to ensure parking for Stage 1 is provided in accordance with the MOD 5 EA and to construct the Building 1A car park as proposed in the MOD 5 EA. 	
<p>Biodiversity</p> <ul style="list-style-type: none"> • Construction of the WNSLR requires removal of 0.42 ha of native vegetation within the Erskine Park Biodiversity Corridor. To compensate for this, Condition D93, Schedule D of the SSD 7348 development consent requires the Applicant to set up a biodiversity offset site and plant native vegetation within the offset site adjacent to the proposed Jacfin Ropes Creek industrial park to the north-east of the OWE. • The Applicant is required to plant native vegetation and undertake ongoing management of the biodiversity offset site as part of the approved Biodiversity Offset Strategy (BOS) under SSD 7348. • Condition D94 requires the Applicant to monitor and maintain the planting for a period of six months to ensure a minimum 85% survival rate. • As the proposed offset site has limited accessibility for planting and maintenance purposes, the modification proposes the use of an alternative biodiversity offset site at Lot 10 in DP 1157491 (see Figure 8) owned by the Office of Strategic Lands (OSL). The modification would not amend the number of approved biodiversity offset credits required. 	<ul style="list-style-type: none"> • amend Condition D93, Schedule D of SSD 7348 development consent to require the Applicant to set up a biodiversity offset site at Lot 10, DP 1157491 by 13 November 2020. • retain Condition D94, Schedule D of SSD 7348 development consent.

Issues

Recommended Conditions

- In order to facilitate consultation with Council and TfNSW, during the assessment of this modification application, the Department issued an approval to extend the deadline for set-up of the biodiversity offset site from 13 September 2020 to 13 November 2020 under Condition D93, Schedule D of the SSD 7348 development consent.
- The EES Group has reviewed the modification and provided no specific comments on this issue.
- The Department notes the EES Group did not have comments on the use of the alternative biodiversity offset site and further notes the modification would only change the location of biodiversity offset site and would not amend the approved native vegetation removal and biodiversity offset credits.
- As such, the Department's assessment concludes that improving accessibility to the biodiversity offset site for planting and maintenance by changing its location would not result in additional impacts and would be beneficial for restoring native vegetation and fulfilling the Applicant's biodiversity offset obligations, including the planting and maintenance of the biodiversity offset site required by Conditions D93 and D94.
- The Department has recommended revising Condition D93 to align with the change of biodiversity offset site and retaining Condition D94.

Noise Barriers

- The modification includes an extension to the completion timeframe for the noise barrier approved under MOD 2 to SSD 7348 from 31 October 2020, as required in Condition D75C Schedule D of the SSD 7348 development consent, to 30 November 2020.
- The modification also includes correction of administrative errors in Condition D75A (updating a reference to Figure 7 to Figure 6) and Condition D75C (updating reference to Figure 7B to Figure 7).
- The EA justified the need for these modifications by stating recent weather conditions had resulted in a delay to the project delivery. However, the modification would not remove the Applicant's commitment to construct the approved noise barriers along the OWE western boundary to mitigate operational noise impacts.
- delete Condition D75C, Schedule D of the SSD 7348 development consent
- update reference to Figure 7 in Condition D75A to Figure 6
- amend Condition D75A to refer to 30 November 2020 as date for installation of the noise barrier

Issues

Recommended Conditions

- Council did not object to the proposed extension of the noise barrier completion date.
- The Department notes the noise barrier approved under SSD 7348 MOD 3 (OWE Stage 2 development) would supersede the noise barrier approved under MOD 2 as it would attenuate cumulative noise impacts from the Stages 1 and 2 developments as well as the fully developed OWE.
- The Department notes Condition D75C was originally imposed to ensure the Applicant would construct the noise barrier required under MOD 2 in the case that the noise barrier proposed under MOD 3 was not approved or did not proceed. As the Applicant is currently constructing the MOD 3 approved noise barrier, the Department considers Condition D75C is redundant and should be deleted in its entirety to avoid confusion and simplify the consent.
- Noting that Council had no objection, to ensure the timing for finalisation of construction of the noise barrier approved under MOD 3 remains within an approved timeframe, the Department considers it appropriate to amend Condition D75A (instead of Condition 75C) to refer to the noise barrier completion date of 30 November 2020 requested in the modification application.
- To correct the administrative error, the Department has also recommended amending Condition D75A by changing reference to 'Figure 7' to 'Figure 6'.

7 Evaluation

The Department has reviewed the EA and advice from Council and State government agencies, taking into consideration the relevant matters under section 4.15 and the objects of the EP&A Act.

During the assessment of SSD 7348, TfNSW confirmed the SLR road reserve width to be 30.9 m which was incorporated within the approved Concept Plan and Stage 1 development. However, post approval TfNSW identified a need to widen the SLR road reserve by an additional 2.85 m land on either side. The Applicant is proposing to modify the approved Concept Proposal and Stage 1 development to facilitate the required additional lands on each side of the SLR by reducing the building setback by 3 m from 20 m to 17 m and the landscape setback by 3 m from 10 m to 7 m. The Applicant is also proposing to increase quantities of dangerous goods and reconfigure the Precinct 1A car park to meet the tenant's operational requirements.

The Department considers the key assessment issues are hazards, risk, fire safety as well as setbacks and landscaping. The Department's hazard specialist and FRNSW have reviewed the EA and the FHA. The Department considers that with a series of management measures in place, the development could adequately manage any risks associated with the storage of increased quantities of dangerous goods and combustible liquid.

The Department considers the reduced setbacks are required to facilitate the design and construction of the future SLR without compromising the Applicant's approved developable land. The Department acknowledges Council's request to provide a 10 m wide landscaping area along the SLR across the OWE. The Department notes that while a reduced landscaped setback of 7.15 m to the SLR road reserve would be provided forward of the Precinct 1A car park, the Applicant would be able to provide landscaping areas greater than 7.15 m wide along the majority of the SLR frontage in other parts of Precinct 1 including a landscaped setback of up to 17.15 m to Precincts 1B and 1C. During the assessment of future DAs in Precincts 2C-2E, 3 and 4, the Applicant could potentially reconfigure the approved building footprints under the concept plan to achieve the 10 m landscape and 20 m building setbacks as originally approved.

The Department considers the modification can be undertaken as it would:

- result in minimal environmental impacts beyond the approved development
- facilitate the design and construction of the SLR
- mitigate any risks from the storage of DGs with management measures in place
- minimise the potential for queuing on Estate Road 1 and improve traffic movements within the car park at Precinct 1
- not result in changes in the native vegetation removal and biodiversity offset credits.

The Department is satisfied that the modification should be approved, subject to updated conditions.

8 Recommendation

It is recommended that the Director, Industry Assessments, as the delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 7348 MOD 5 falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modify** the consent SSD 7348
- **signs** the attached approval of the modification (**Appendix D**).

Recommended by:



Bruce Zhang

Senior Environmental Assessment Officer
Industry Assessments

Recommended by:



Sheelagh Laguna

Principal Planning Officer
Industry Assessments

9 Determination

The recommendation is **Adopted** by:



04/11/2020

Chris Ritchie

Director

Industry Assessments

as the delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of referenced documents

Oakdale West Estate SSD 7348 Section 4.55(1A) Modification No. 5 Environmental Assessment Report, prepared by Urbis, dated 23 July 2020

Appendix B – Modification report

Available on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/39491>

Appendix C – Submissions

Available on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/39491>

Appendix D – Notice of modification