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Assessment Report Section 4.55(1A) Modification

**SSD 7348 Modification 6
2 Aldington Road, Kemps Creek**



Prepared for Goodman Property Services (Aust.) Pty Ltd
Submitted to Department of Planning, Industry, and
Environment

November 2020

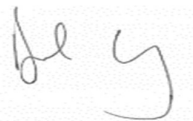


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Cover image: Oakdale West Industrial Estate currently under development (Source: Goodman)

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1 Introduction

This report has been prepared by *Keylan Consulting Pty Ltd* (Keylan) to accompany a section 4.55(1A) application to modify the State significant development (SSD) consent for the Oakdale West Industrial Estate (SSD 7348).

The application has been prepared on behalf of Goodman Property Services (Aust.) Pty Ltd (the Applicant) and is submitted to the Department of Planning, Industry and Environment (DPIE) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

This application is the sixth modification sought to SSD 7348 which was approved by DPIE on 13 September 2019. The proposal seeks to amend the Concept Plan Approval and Stage 1 consent to enable the following:

- minor changes to pad levels in Precinct 3
- minor changes to building height, form and layout in Precinct 2
- minor changes to the layout of Buildings 1B and 1C in Stage 1
- the construction of Estate Road 08 as part of the Stage 1 Development Approval
- removal of speed limits per Transport for NSW (TfNSW) and Penrith City Council
- minor change to Vegetation Management Plan (VMP) area.

Further details of the proposed modifications are provided in Section 3. There are no further changes proposed to any other development controls.

In support of this modification application, the following reports and updated plans have been prepared (Table 1), which are included as appendices to this report.

Appendices	Supporting documentation
Appendix 1	Architectural Plans - Masterplan
Appendix 1a	Architectural Plans - Stage 1
Appendix 2	Civil Engineering Report
Appendix 2A	Civil Engineering Plans - Masterplan
Appendix 2B	Civil Engineering Plans - Stage 1
Appendix 3	Landscape Plans
Appendix 4	Transport Statement
Appendix 5	Biodiversity Statement
Appendix 6	Bushfire Protection Assessment
Appendix 7	Noise Assessment
Appendix 8	Visual Impact Assessment

Table 1: List of Appendices

This report concludes that the proposed modifications will involve minimal environmental impact and result in substantially the same development as the development for which consent was originally granted, pursuant to section 4.55(1A) of the EP&A Act.

Accordingly, we recommend that the proposed modification be supported and approved by DPIE.

2 Background

The Oakdale West Industrial Estate (OWE) is located at 2-18 Aldington Road, Kemps Creek NSW within the boundaries of the Western Sydney Employment Area. The land is legally described as Lot 1 DP 663937 and Lot 11 DP 1178389.

On 13 September 2019, DPIE approved SSD 7348 for the staged development of the OWE. SSD 7348 comprises a Concept Proposal and Stage 1 development application (DA) which includes estate-wide earthworks, infrastructure, and services and construction of warehouses in Precinct 1.

The original SSD 7348 includes approval for the following development:

Concept Proposal

- Concept layout of 22 warehouse buildings inclusive of dock offices and ancillary offices providing 476,000 square metres (m²) of gross lettable area (GLA), built over five development stages (Figure 1)
- Concept layout of development lots, internal roads, drainage, landscaping, noise walls, basins and biodiversity offsets
- Development controls including building height, setbacks, lot size, and site coverage.



Figure 1: Approved (as modified) Masterplan Layout (Source: SBA Architects)

Stage 1 Development

- 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 118,000 square metres of gross lettable area
- Western North-South Link Road and associated subdivision, basins and drainage
- Estate roads 1, 2 and 6 and eastern part of road 7
- Landscaping of Stage 1, the western boundary, Western North-South Link Road, estate roads 1, 2 and 6 and the eastern part of road 7, detention basins and the amenity lot
- Subdivision of Stage 1 lots and road infrastructure including the service (substation) lot
- Stormwater drainage infrastructure for Lots 2A and 2B and all basins
- Temporary works to facilitate construction including but not limited to swales, haul road (construction access), landscaping and basins
- Works including construction of traffic signals at Lenore Drive/Grady Crescent/WNSLR intersection.

The consent has been modified on five previous occasions as outlined in Table 2 below.

Application	Description	Status
SSD 7348 Mod 1	Modification to the Concept Plan and Stage 1, including changes to sewer servicing, building pad level of Precinct 2, bioretention basins and biodiversity offset strategy.	Approved 26 March 2020
SSD 7348 Mod 2	Modification to approved Concept Plan and Stage 1, including master plan layout, increase in GFA and expansion of Building 1A, changes to internal roads, civil design and building pad levels.	Approved 21 April 2020
SSD 7348 Mod 3	Modification to the approved Concept Proposal and the Stage 1 development, to support SSD application for Building 2B (SSD 10397).	Approved 2 April 2020
SSD 7348 Mod 4	Sought approval for additional works within Lot 9 DP1157476 associated with the construction of the Western North South Link Road.	Approved 24 March 2020
SSD 7348 Mod 5	Seeks changes to Precinct 1A layout, Stage 1 development dangerous goods quantity, biodiversity offset site, and noise wall completion timing.	Approved 5 November 2020

Table 2: Relevant Planning History – SSD 7348

3 Proposed modification to SSD 7348

The proposed modification (SSD 7348 MOD 6) involves minor changes to the Concept Plan Approval and Stage 1 consent, primarily relating to Precincts 2 and 3 as follows:

Concept Plan Approval

- Increase in height of Building 2A from 15 m to 18 m, with the maximum approved ridge height to be increased from 13.7 m to 14.9 m
- Minor alterations to building form and layout of Buildings 2A & 2C-2D, resulting from detailed design development
- Minor change to building and lot layout at Precinct 3, including a reduction in buildings from five (5) warehouse to three (3)
- Civil design amended to accommodate changes to Precinct 3
- Removal of road speed limits in the consent, to reflect Penrith City Council and Transport for NSW requirements
- Minor changes to VMP area
- There are no proposed changes to road layouts or any other development controls.

Stage 1 Consent

- Construction of Estate Road 8 in its approved alignment under the Concept Plan Approval, as part of the Stage 1 works
- Minor architectural changes to buildings 1B and 1C (see Table 3 and Figure 3)
- Changes to area identified for offsetting in Vegetation Management Plan

Element	Approved (as modified)	Proposed	Change
Warehouse 1B-1 area	3,840 m ²	3,854 m ²	+14 m ²
Warehouse 1B-2 area	5,726 m ²	5,686 m ²	-40 m ²
Warehouse 1C area	3,586 m ²	3,132 m ²	-454 m ²
Office 1B-1 area	484 m ²	500 m ²	+16 m ²
Office 1B-2 area	484 m ²	569 m ²	+85 m ²
Office 1C area	390 m ²	436 m ²	+46 m ²
TOTAL	14,510 m²	14,177 m²	-333 m²
Awning	1,751 m ²	1,400 m ²	-351 m ²
Site cover	45%	47%	+2%
FSR	0.45:1	0.47:1	+0.02
Hardstand area	6,222 m ²	6,445 m ²	+223 m ²
Light duty area	2,540 m ²	2,365 m ²	-175 m ²
Carparking spaces	75	83	+8

Table 3: Proposed changes – Buildings 1B and 1C

The proposed modified Concept Plan layout is shown in Figure 2 and the proposed modified Stage 1 DA layout is shown in Figure 3, with both included in Appendix 1 (Masterplan) and Appendix 1A (Stage 1). Amended civil engineering plans are provided in Appendix 2A (Masterplan) and Appendix 2B (Stage 1), with a supporting Civil Report in Appendix 2.

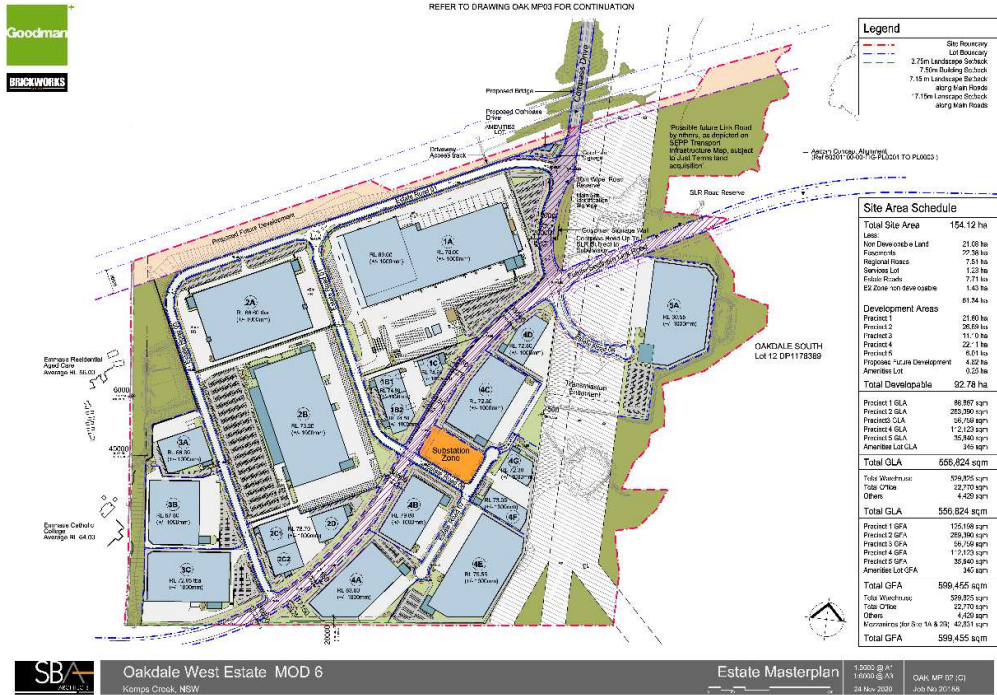


Figure 2: Proposed Masterplan Layout (Source: SBA Architects)

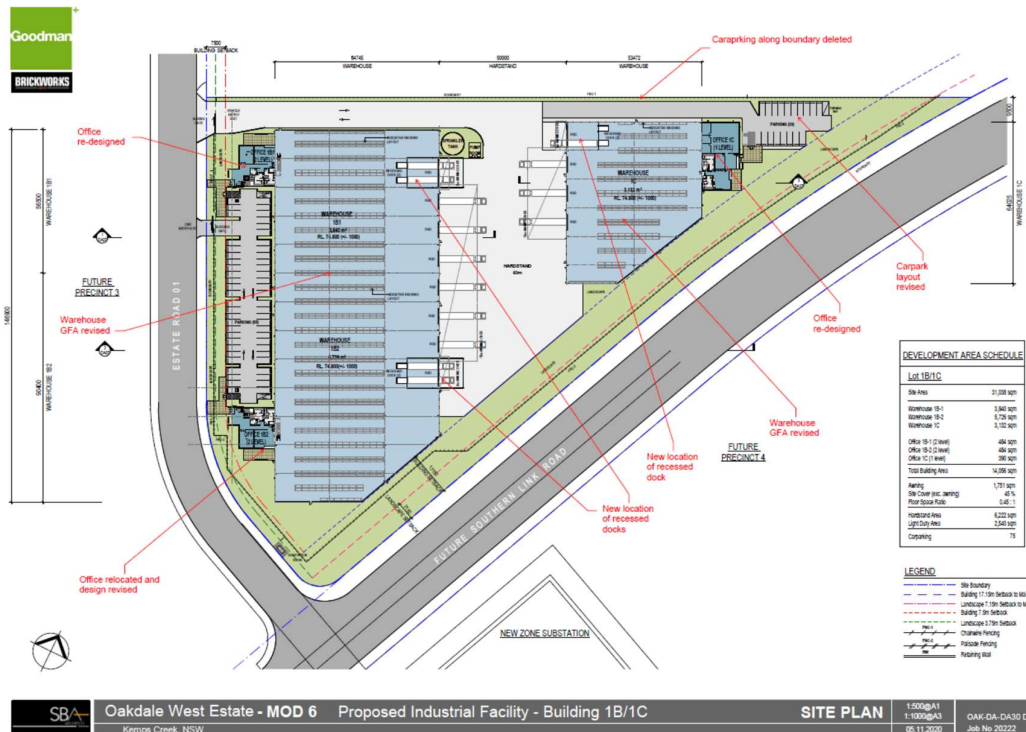


Figure 3: Stage 1 DA layout changes (Source: SBA Architects)

While the modified Concept Plan layout includes changes to the layout of buildings in Precinct 3, consistent with conditions B3 and B9(c) of SSD 7348, this application does not formally seek approval of a modified layout of these buildings. The layout of the buildings in Precinct 3 will be subject to separate DAs in accordance with the requirements of Schedules B and C of SSD 7348.

The proposed modification also includes minor administrative changes to the conditions of consent to reflect previous modifications which include changes to commitments and figures related to the biodiversity offset. The reasons for amending the biodiversity offsets, and consequently the vegetation management plan (VMP), include:

- The area of land that will be disturbed as a result of the proposed future Southern Link Road (SLR) dissects the original extent of the VMP and will inevitably impact on the original VMP's extent of works; and
- Providing contractor access to the OWE VMP area from Oakdale South which ensures unimpeded access while construction activities are still being undertaken in the OWE

3.1 Request to modify the Conditions of Consent

The following conditions in SSD 7348 are proposed to be modified, as outlined below (~~striketrough~~ for deletions and additions shown **bold**).

SCHEDULE 1

Development

A concept Proposal including:

- concept layout of **1822** warehouse buildings inclusive of dock offices and ancillary offices providing **476,000 556,824** square metres of gross lettable area, built over **five seven** development stages;

A Stage 1 Development including:

- ...
- estate roads 1, 2, ~~and 6~~, **and 8** and eastern part of road 7;
- landscaping of Stage 1, the western boundary, Western North-South Link Road, estate roads 1, 2 ~~and 6~~, **and 8** and the eastern part of road 7, detention basins and the amenity lot

Definitions

Insert a new definition for SSD 7348 Mod 6.

SCHEDULE B

Limits of Consent

Delete condition B9(f)

B10 The Applicant shall ensure the Concept Proposal is consistent with the development controls in Table 2.

Table 2: Development Controls

Development Aspect	Control
Minimum building setbacks from:	

Development Aspect	Control
• Southern Link Road	17.15 m
• Western North-South Link Road	20 m
• Local estate Roads	7.5 m
• Western site boundary	40 m
• Southern site boundary	20 m (excluding parking areas)
Rear boundary setbacks within the estate	5 m
Side boundary setbacks within the estate	0 m, subject to compliance with fire rating requirements
Height	15 m
- Building 1A	39 m
- Building 2A	18 m
- Building 2B	28 m
Minimum lot size	5,000 m
Minimum frontage	40 m (excluding cul-de-sacs) 35 m minimum lot width at the building line
Site coverage	Maximum of 65 per cent (excluding awnings)

B11 Notwithstanding the controls listed in Table 2 in Condition B10, no warehouse building in the Concept Proposal, except Building 1A in Precinct 1 and Buildings **2A and 2B** in Precinct 2, shall exceed a ridgeline height of 13.7m, excluding roof mounted mechanical plant and solar panels

APPENDIX 1 – Concept Proposal

Table 7: Schedule of Approved Plans – Concept Proposal

Architectural Plans prepared by SBA Architects			
Drawing	Title	Issue	Date
OAK MP 02	Estate Masterplan	C	30 July 2020 24 November 2020
OAK MP 03	Western North South Link Road	B	30 July 2020
OAK MP 05	Precinct 1 Plan	F	30 July 2020
OAK MP 06	Precinct Plan	B-C	30 July 2020 24 November 2020
OAK MP 07	Indicative Ultimate Lot Layout	B	30 July 2020 18 November 2020
OAK MP 08	Site Analysis Plan	B	30 July 2020
OAK MP 11	Building Staging Plan (Indicative)	A	24 November 2020
OAK MP 12	Signage Precinct 1 Plan	B	30 July 2020
OAK MP 13	Fire Protection Plan	B-F	30 July 2020 25 November 2020
OAK MP 14	Biodiversity Management Plan	B	14 July 2020 9 November 2020

Landscape Plans prepared by Scape Design Landscape Architecture			
Drawing	Title	Revision	Date
LSK-000	Cover Sheet	F A	20/7/20 26/10/20
LSK-100	Landscape Concept Master Plan – OWE MOD 5 OWE Mod 6	G A	20/7/20 26/10/20
LSK-101	Street trees and Planting Master Plan	F A	20/7/20 26/10/20
LSK-102	Planting Schedule Master Plan – OWE MOD 5 OWE Mod 6	F A	20/7/20 26/10/20
LSK-200	Landscape Sections – OWE MOD 5 OWE Mod 6	B A	20/7/20 26/10/20

Civil Plans prepared by AT&L			
Drawing	Title	Revision	Date
15-272-C0000	Cover Sheet	A5 A9	24-07-19 20-10-20
15-272-C0001	General Arrangement Master Plan	A7 A13	19-02-20 20-10-20
15-272-C0002	Existing Site Plan	A6 A12	24-07-19 20-10-20
15-272-C0003	Precinct Plan	A5 A13	20-03-20 20-10-20
15-272-C0006	Cut/Fill Plan	A5 A11	24-07-19 20-10-20
15-272-C0007	Stormwater Drainage Catchment Plan (Pre-Developed)	A5 A9	24-07-19 20-10-20
15-272-C0008	Stormwater Drainage Catchment Plan (Developed)	A5 A9	24-07-19 20-10-20
15-272-C0009	Erosion and Sediment Control Master Plan	A4 A12	24-07-19 20-10-20
15-272-C0010	Typical Sections Sheet 1	A6 A11	21-08-19 20-10-20
15-272-C0011	Typical Sections Sheet 2	A5 A9	24-07-19 20-10-20
15-272-C0012	Typical Sections Sheet 3	A6 A10	20-03-20 20-10-20
15-272-C0013	Typical Sections Sheet 4	A4 A8	24-07-19 20-10-20
15-272-C1003	Precinct General Arrangement Plan	A15 A16	20-07-20 20-10-20
15-272-C1004	Typical Site Sections Sheet 1 of 6	A11 A12	20-07-20 20-10-20
15-272-C1005	Typical Site Sections Sheet 2 of 6	A10 A11	20-07-20 20-10-20

APPENDIX 2 – Stage 1 DA Plans

Insert references to Stage 1B and 1C architectural plans in Appendix 1A

APPENDIX 6 – Biodiversity

Delete Biodiversity Offset Figure 10 and replace with the following.

écologique



Figure 10: Stage 1 Vegetation Management Plan (Mod 6)

Appendix 7 Applicant's Management and Mitigation Measures

Other Environmental Issues

Flora and Fauna	Concept Proposal Stage 1 Development	<ul style="list-style-type: none"> • Implementation of the Biodiversity Offset Strategy for the site. • Preparation of a Flora and Fauna Management Plan for the site to inform the CEMP and OEMP as relevant to manage potential impacts to biodiversity during construction and operation. • Retained areas of native vegetation, including the Ropes Creek riparian corridor, will be rehabilitated and/or restored in accordance with the Vegetation Management Plan and conserved in perpetuity under a Biodiversity Stewardship Agreement to be entered into with the Biodiversity Conservation Trust. • Other areas of the site including road batters, embankments and bio-retention basins will be planted with native plant species and turf species as specified in the Landscape Planting Schedule. • Ongoing maintenance and management of these areas in accordance with the provisions of both the Biodiversity Vegetation Management Action Plan and Landscape Management Plan.
Waterways and Riparian Lands		<ul style="list-style-type: none"> • Restoration and ongoing management of Ropes riparian corridor to be in accordance with the Biodiversity Vegetation Management Action Plan

4 Statutory Planning Framework

4.1 Environmental Planning and Assessment Act 1979

The EP&A Act sets out the statutory planning framework for NSW. The Act aims to promote the orderly and economic use and development of land, facilitate ecologically sustainable development and integrate economic, environmental and social considerations as part of the decision-making processes for environmental planning and assessment matters.

4.1.1 Section 4.55(1A) of the EP&A Act

The provisions under Section 4.55(1A) of the EP&A Act are required to be considered by the consent authority in determining a modification application. Section 4.55(1A) of the EP&A Act states:

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

Section 4.55(1A) Provision	Response
(a) <i>it is satisfied that the proposed modification is of minimal environmental impact, and</i>	<p>The proposed modification seeks minor changes to civil design in Precinct 3, concept layout design of Precinct 2 including increased building height of Building 2A and construction of Estate Road 8.</p> <p>As bulk earthworks for the OWE are approved under the Stage 1 DA, the proposed modification would require no additional ground disturbance.</p> <p>These amendments would result in minimal additional impacts compared with the approved overall development of the OWE and will ensure better design outcomes and the efficient delivery of road infrastructure.</p> <p>Consideration of key potential environmental impacts arising due to the proposed modification is provided in Section 5.</p>
(b) <i>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</i>	<p>No substantial changes to the development are proposed as part of this modification.</p> <p>The proposed changes include minor amendments to levels in Precinct 3, and minor changes to building height, form and layout in Precinct 2. The Proposed modification also includes minor amendments to architectural designs of Buildings 1B and 1C and construction of Estate Road 8 in the alignment as shown in the approved Concept Plan.</p> <p>Therefore, the development as modified by SSD 7348 MOD 6 would be substantially the</p>

Section 4.55(1A) Provision	Response
	same as the development for which consent was originally granted.
(c) <i>it has notified the application in accordance with:</i> <ul style="list-style-type: none"> i. <i>the regulations, if the regulations so require, or</i> ii. <i>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</i> 	<p>The application will be notified in accordance with the Regulations.</p> <p>In accordance with conditions B21, C13 and D30 of SSD 7348, the Applicant has consulted with TransGrid about the design of Estate Road 8 which crosses the TransGrid easement.</p> <p>TransGrid has confirmed there are no impacts due to there being no change in alignment or proposed levels.</p>
(d) <i>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.</i>	Consideration will be given to any submissions received.

Table 4: Section 4.55(1A) Assessment

4.1.2 Section 4.55(3) of the EP&A Act

Section 4.55(3) of the EP&A Act states:

In determining an application for modification of a consent under this section, the consent authority must take into consideration of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

The following section of the report provides an assessment against the statutory environmental planning instruments relevant to the development. The section also includes discussion and evaluation of the key issues and matters for consideration under section 4.15(1) of the EP&A Act.

4.1.3 Section 4.15(1)(a) Planning Instruments

This section provides an assessment against section 4.15(1) of the EP&A Act.

Relevant Provision	Comment
(a) <i>the provisions of:</i>	
(i) <i>any environmental planning instrument, and</i>	<p>The original SSD application addressed the development's level of compliance against the relevant planning instruments, including:</p> <ul style="list-style-type: none"> ▪ <i>State Environmental Planning Policy (State and Regional Development) 2011</i> ▪ <i>State Environmental Planning Policy (Western Sydney Employment Area) 2009</i> ▪ <i>State Environmental Planning Policy (Infrastructure) 2007</i>

Relevant Provision	Comment
	<ul style="list-style-type: none"> State Environmental Planning Policy No 55 – Remediation of Land State Environmental Planning Policy No 33 – Hazardous and Offensive Development Penrith Local Environmental Plan 2010 <p>Since the determination of the original SSD application, the following State Environmental Planning Instruments (SEPPs) were gazetted:</p> <ul style="list-style-type: none"> State Environmental Planning Policy (Major Infrastructure Corridors) 2020 State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 <p>The proposed modification will not impact the approved development's compliance with the above planning instruments.</p>
(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	<p>A review of the <i>Draft Remediation of Land State Environmental Planning Policy</i> and <i>Draft Environment State Environmental Planning Policy</i> has demonstrated that the proposed modification will not impact compliance with these instruments.</p> <p>Given the original SSD assessed the site's contamination and subsequent remediation and environmental impacts including biodiversity offsets, no further assessment is required.</p>
(iii) any development control plan, and	<p>The site is subject to the <i>Penrith Development Control Plan 2014</i>, with site specific controls established in Schedule C of SSD 7348 for the OWE.</p> <p>The modification is seeking to add specific controls in SSD 7348 to reflect the proposed design of Building 2A.</p>
(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	<p>The Applicant has entered into a planning agreement for the development at OWE with the Minister for Planning and Public Spaces, in accordance with the requirements of clause 29 of the WSEA SEPP.</p>
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	<p>There are no known matters prescribed by the Regulations that are relevant to the consideration of this application.</p>
(v) (Repealed)	N/A
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	<p>The request to modify the conditions of consent will not result in any adverse environmental impacts as discussed in Section 5 of this report and will facilitate the orderly development and operation of the land.</p>
(c) the suitability of the site for the development,	<p>The site is suitable for the proposed modification.</p>
(d) any submissions made in accordance with this Act or the regulations,	<p>Any submissions made will be considered.</p>

Relevant Provision	Comment
(e) <i>the public interest.</i>	The original SSD application addressed public interest. Given the minor amendments proposed by this modification, the proposal remains consistent with the original assessment of the public interest.

Table 5: Section 4.15(1) Assessment

4.2 State Environmental Planning Policy (Major Infrastructure Corridors) 2020

In July 2020, the Department of Planning, Industry & Environment gazetted *State Environmental Planning Policy (Major Infrastructure Corridors) 2020* (Major Corridors SEPP). The Major Corridors SEPP aims to preserve corridors for future major infrastructure and covers the Fairfield, Blacktown, Penrith, Liverpool, Camden and Campbelltown LGAs.

As shown on the mapping for the Major Corridors SEPP (Refer Figure 4), a SP2 Infrastructure zone now runs along the northern boundary of the site.

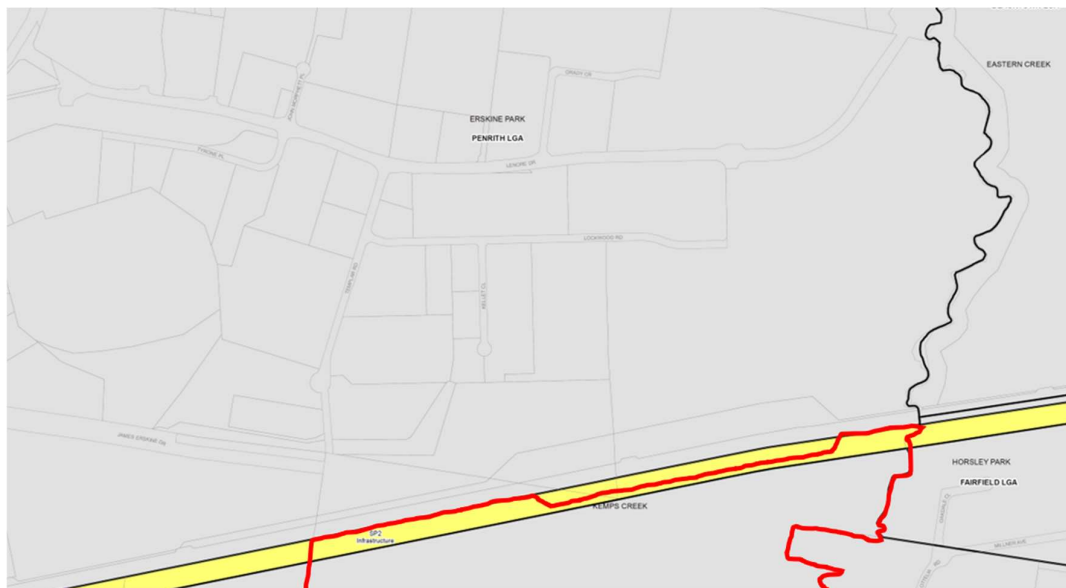


Figure 4: Major Corridors SEPP Map (site outlined in red) (Base map Source: NSW Legislation)

The proposed modification does not impact on the application of the Major Corridors SEPP. Given the location and proximity of the proposed modifications to the SP2 zone, there is no potential for future conflicts between the provisions of the SEPP and the proposed amendments.

5 Environmental Planning Assessment

The modification is consistent with the conclusions of the EIS submitted with the original DA that the development is compatible with the zoning of the land and generates employment within the WSEA, will result in minimal environmental impacts, it appropriately mitigates any impacts on surrounding sensitive receivers, and it demonstrates consistency with the Concept Plan and Stage 1 Approval (SSD 7348) and relevant environmental planning instruments.

Notwithstanding, Section 4.15(1) of the EP&A Act requires an assessment of the impact of development on environmental impacts (natural and built) and social and economic impacts. These are discussed in detail below.

5.1 Built Form

The modification proposes to increase the maximum height envelope of Building 2A from 15 m to 18 m, with the maximum approved ridge height to be increased from 13.7 m to 14.9 m. The proposed height increase is required to enable installation of rooftop plant, solar panels and equipment.

The proposed changes to Buildings 1B and 1C (Table 3 and Figure 3) comprise minor revisions to the layout and GFA of offices and carparking, revised locations of recessed docks and amended water tank and pump layout. The layout and scale of these warehouse buildings is generally consistent with the approved Stage 1 layout and there are no proposed changes to setbacks, building heights or access.

A memorandum regarding visual impacts, prepared by Clouston Associates, is included with this report (Appendix 8). The memorandum confirms that given the minimal 1.2 m increase in height of Building 2A, the visual impact rating of the building does not change. In particular, the sensitive receivers to the west will not be further impacted as demonstrated in the photomontages provided by Clouston Associated (Figure 5 and Figure 6).

Therefore, the proposed change is visually imperceptible from the previously approved heights and assessed viewpoints.



Figure 5: Photomontage from Emmaus Residential Aged Care showing proposed Building 2A (Source: Clouston Associates)



Figure 6: Photomontage view from Emmaus Catholic College showing proposed Building 2A (Source: Clouston Associates)

5.2 Earthworks

Minor changes to the bulk earthworks are required in Precinct 3 to facilitate the proposed building layout and new lot shapes. A report and plan showing the proposed changes in cut and fill levels in Precinct 3 is provided in Appendix 2 and Appendix 2A. The proposed changes involve a redistribution of fill to reflect the amended lots and do not result in changes to the approved pad levels.

These earthworks are within an approved disturbance area and would not require importing of additional material or use of earthmoving equipment not currently approved for operation under the approved Stage 1 works.

5.3 Traffic

A Transport Statement prepared by Ason Group accompanies this report (Appendix 4). The Transport Statement was prepared by analysing the “worst-case” scenario by adopting a first-principles assessment as utilised in the Traffic Assessment prepared and approved for Building 2B (SSD 10397 and SSD 7348 Mod 3). The analysis showed that the proposed modification is consistent with approved trip generation in Mod 3.

The Transport Statement demonstrates that the construction of Estate Road 8 will not result in any adverse impacts as a result of traffic generated by the OWE.

The modification does not propose any changes to the approved parking provisions of the estate. Nor would the construction of Estate Road 8 require additional traffic movements given the works would be an extension of construction activities currently underway at the estate.

5.4 Noise

The key elements of the proposed modification that influence changes in noise emissions from the site include the construction of Estate Road 8 within Stage 1 and shielding provided by changes to layout within Precinct 3.

The proposed modification also seeks to remove the project specific road speed limits of 40 km/hr for light vehicles and 25 km/hr for heavy vehicles, which were recommended as a noise mitigation measure under the Concept Plan Approval (SSD 7348 Condition B9(f)). Goodman has been advised by Council as the relevant roads authority that it will not agree to imposing speed limits that do not comply with Transport for NSW guidelines, which are set at 50 km/hr.

Wilkinson Murray has prepared a noise assessment (Appendix 7) to assess the proposed amendments and measure any potential acoustic impacts resulting from this modification.

The assessment compared the proposal to the most recent modification which included a noise assessment (SSD 10397 and SSD Mod 3). The results of this analysis demonstrate that the noise emissions as a result of the proposed modification would increase by less than 1 decibel at Emmaus Village Aged Care and Emmaus Catholic College, and levels would remain within the noise limits of SSD 7348.

The noise assessment also confirms that operational noise criteria would not be exceeded by vehicles travelling at the posted road speed limit of 50 km/hr.

It was determined that construction noise would have minimal influence on the overall OWE construction noise emissions. This is mainly because the road works are located farther away from the main construction works within the OWE relative to the sensitive receivers to the west of the site. The construction of Building 2B provides a subsequent shield from noise emissions to surrounding receivers as a result of the construction of Estate Road 08.

The Noise Assessment concludes that the proposed modification will not result in any significant changes to acoustic amenity for surrounding receivers.

5.5 Bushfire

An updated Bushfire Protection Assessment (BPA) prepared by Blackash Bushfire Consulting has been included as part of this modification application (Appendix 6). The BPA assesses whether any of the proposed changes under this modification have any impacts on the existing bushfire protection status of the current approval under the latest modification.

The report concludes that the modification to the Master Plan under SSD 7348 is consistent with the provisions under Condition B20 of the consent which relates to bushfire protection. The updated BPA concludes that the proposed modification does not hinder the existing bushfire protection measures currently in place for the OWE and will not increase any bushfire risks.

5.6 Biodiversity

A Biodiversity Statement prepared by Ecologique accompanies this modification request (Appendix 5). The Statement confirms that the proposed modification will not have any impacts on biodiversity within the OWE, given the site is disturbed consistent with the existing approved development consent.

This modification includes changes to the VMP area to increase the approved area by 0.1 hectares. The modification provides a continuous area of restored riparian corridor up to the boundaries of both Precinct 5 and existing retained native vegetation to the south of Precinct 5 as shown in the modified Figure 10 in Appendix 6 (Section 3.1).

The reason for the proposed amendment is to remove locations adjacent to the future Southern Link Road (SLR). Future construction disturbance of the SLR will undoubtedly result in disturbance outside of the current finished alignment extent (shown in Figure 2) and impact on the existing VMP restoration works.

The areas proposed to be removed from the approved VMP remain within the Oakdale West Estate's Biodiversity Management Area (BMA) and will continue to be protected and allowed to regenerate naturally.

6 Conclusion

This report has assessed the proposed modification of SSD 7348 against the requirements of sections 4.15 and 4.55(1A) of the EP&A Act, supported by technical studies. This assessment has concluded that the proposed modification is acceptable for the following reasons.

- The approved use, being for the purpose of warehouse and distribution, remains unchanged. The proposed changes do not alter the anticipated intensity of the use at the site.
- The quantitative elements of the approval, including gross floor area, spatial arrangement, will not be substantially altered by the proposed modifications.
- The environmental impacts associated with the proposed modifications are comparable to those associated with the approved development.
- The proposal as modified will continue to align with aims and objectives of relevant State and local planning instruments, and planning guidelines.

This assessment has concluded that on balance, and in the context of the entire estate, the changes proposed are of minimal environmental impact and would be substantially the same as the development for which consent was originally granted. The proposed modification will not result in any adverse environmental impacts and will facilitate the orderly economic development of the land.

Based on the assessment in this report, we consider that the applicant has shown good cause for the Department to modify the consent as requested.

Appendix 1 - Architectural Plans (SBA Architects) – Masterplan

Appendix 1A - Architectural Plans (SBA Architects) – Stage 1

Appendix 2 - Civil Engineering Report (AT&L)

Appendix 2B - Civil Engineering Plans (AT&L) – Masterplan

Appendix 2B - Civil Engineering Plans (AT&L) – Stage 1

Appendix 3 – Landscape Plans (Scape Design)

Appendix 4 – Transport Statement (Ason Group)

Appendix 5 – Biodiversity Statement (Ecologique)

Appendix 6 – Bushfire Protection Assessment (Blackash Bushfire Consulting)

Appendix 7 – Acoustic Assessment (Wilkinson Murray)

Appendix 8 – Visual Impact Assessment (Clouston Associates)