

Oakdale West Estate Modification 6

Changes to the building design and layout within the approved Concept and Stage 1 development, timing of Estate Road 8 construction and vegetation management area

State Significant Development Modification Assessment (SSD-7348-MOD-6)

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
BCA	Building Code of Australia
CIV	Capital Investment Value
Council	Penrith City Council
Department	Department of Planning, Industry and Environment
EESG	Environment, Energy and Science Group, 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
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</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
RMS	Roads and Maritime Services, TfNSW
SEARs	Planning Secretary's Environmental Assessment Requirements
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SLR	Southern Link Road
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
TfNSW	Transport for NSW
WNSLR	Western North-South Link Road

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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 amendments to building form and layout of the approved Concept Proposal within Precincts 1 and 2 including increasing the height of Building 2A, reducing the gross lettable area (GLA) of Buildings 1B and 1C and removing estate road speed limits as per Penrith City Council and Transport for NSW (TfNSW) requirements. The modification application also seeks to amend the Stage 1 development to include construction of Estate Road 8, amend the detailed architectural design of Buildings 1B and 1C to be consistent with the amendments to the Concept Proposal and increase the vegetation management area adjacent to Ropes Creek.

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) for the OWE at Kemps Creek in the Penrith City local government area (see **Figure 1**).

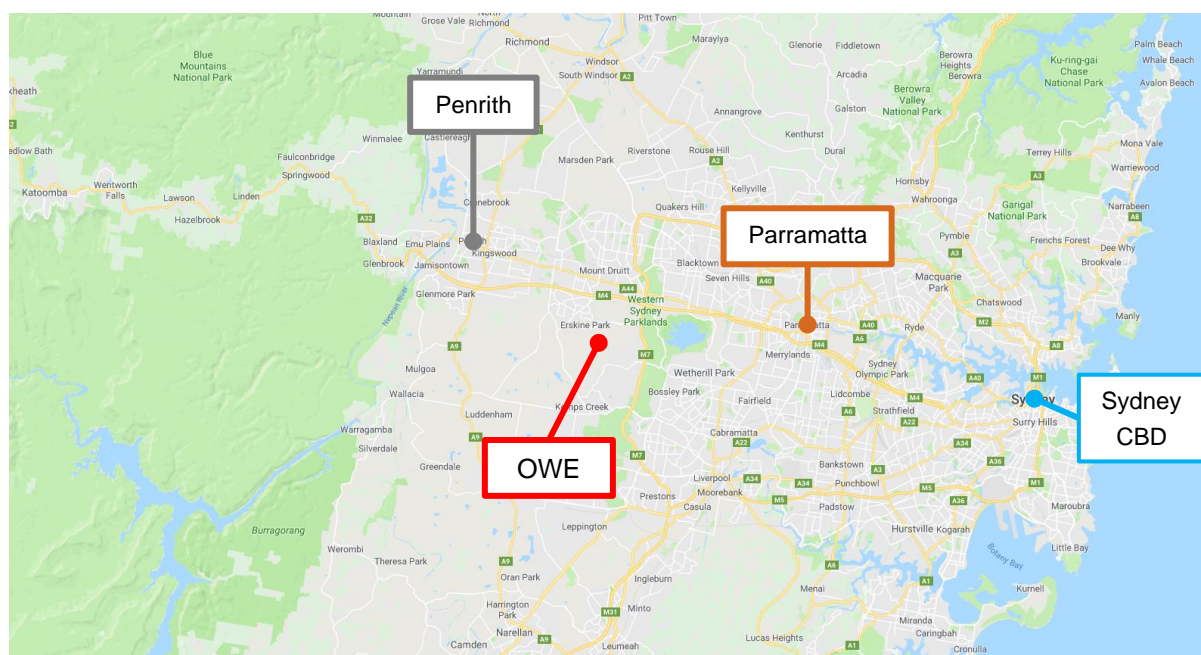


Figure 1 | Regional Context Map

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.

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 is 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**).

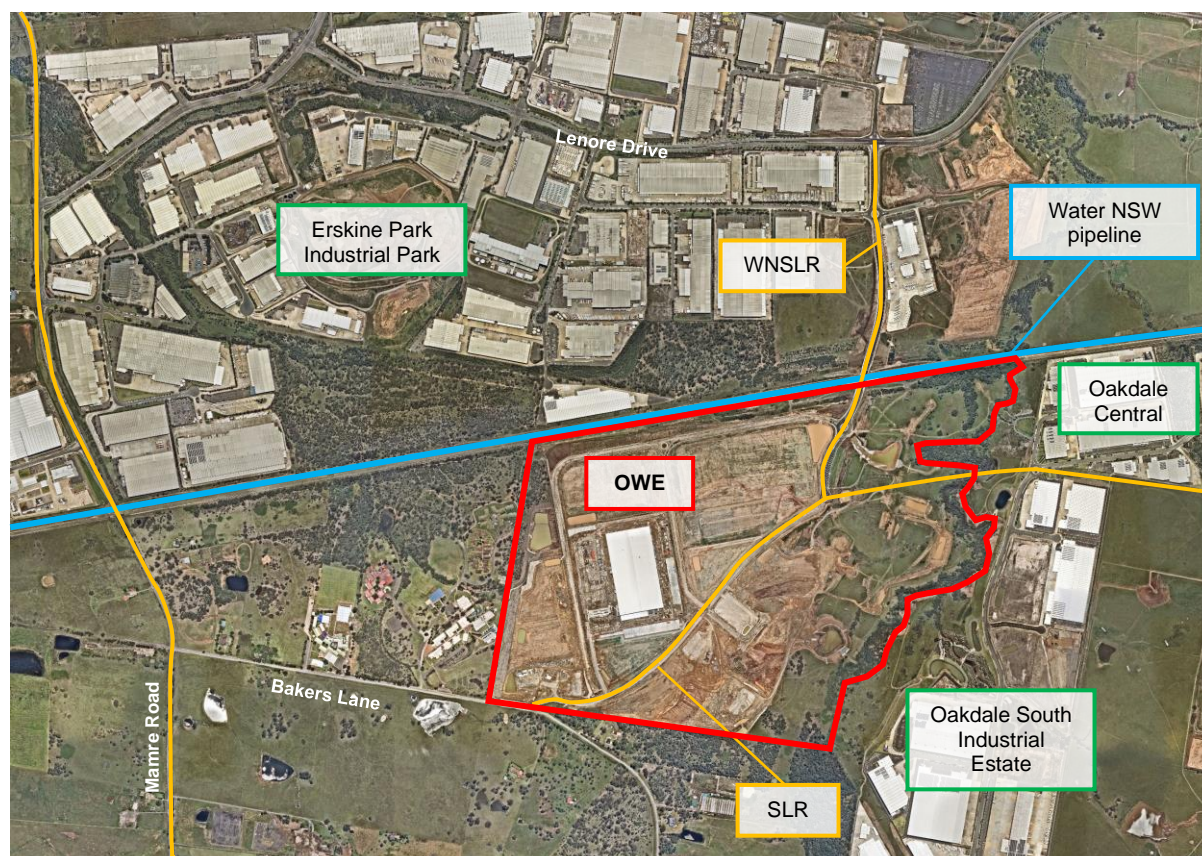


Figure 2 | Local Context Map

1.3 Approval history

The Applicant has lodged five previous 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 No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 2	Changes to Stage 1 pad levels, building layouts 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)	5 November 2020

2 Proposed Modification

2.1 Description of Modification

The Applicant proposes to modify the latest approved 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 6**. The components of the modification are summarised in **Table 2**.

Table 2 | Components of the Modification

Aspect	Description
Modifications to Concept Proposal	
Built Form and Layout	<ul style="list-style-type: none"> amendments to built form and layout of Buildings 1B, 1C, 2A, 2C and 2D
Height	<ul style="list-style-type: none"> increase in height of Building 2A from 15 m to 18 m
Gross Lettable Area (GLA) / Gross Floor Area (GFA)	<ul style="list-style-type: none"> decrease in GLA and GFA in Precincts 1, 3 and 4 and increase in GLA and GFA in Precinct 2 – resulting in no overall change to GLA/GFA across the development
Road Speed Limit	<ul style="list-style-type: none"> removal of road speed limits stipulated in Condition B9(f) of SSD-7348 development consent (as modified) in line with Penrith City Council and TfNSW requirements
Staging	<ul style="list-style-type: none"> change from construction over five stages to seven stages
Earthworks	<ul style="list-style-type: none"> minor amendments to the earthworks and retaining walls in Precinct 3 to match amended building numbers and layout.
Modifications to Stage 1 Development	
Estate Road	<ul style="list-style-type: none"> inclusion of construction of Estate Road 8 in Stage 1 development rectification of temporary works and positioning of Estate Road 3 interim cul-de-sac
Building Design	<ul style="list-style-type: none"> amendments to detailed architectural design of Buildings 1B and 1C in line with the amended building form and layout
Vegetation Management and Biodiversity Offsetting	<p>Changes to the vegetation management area adjacent to Ropes Creek including:</p> <ul style="list-style-type: none"> removal of vegetation management area adjacent to the future Southern Link Road increase the vegetation management area from 4.2 ha to 4.45 ha widening the riparian vegetation zone to provide connection to isolated patches of retained vegetation.

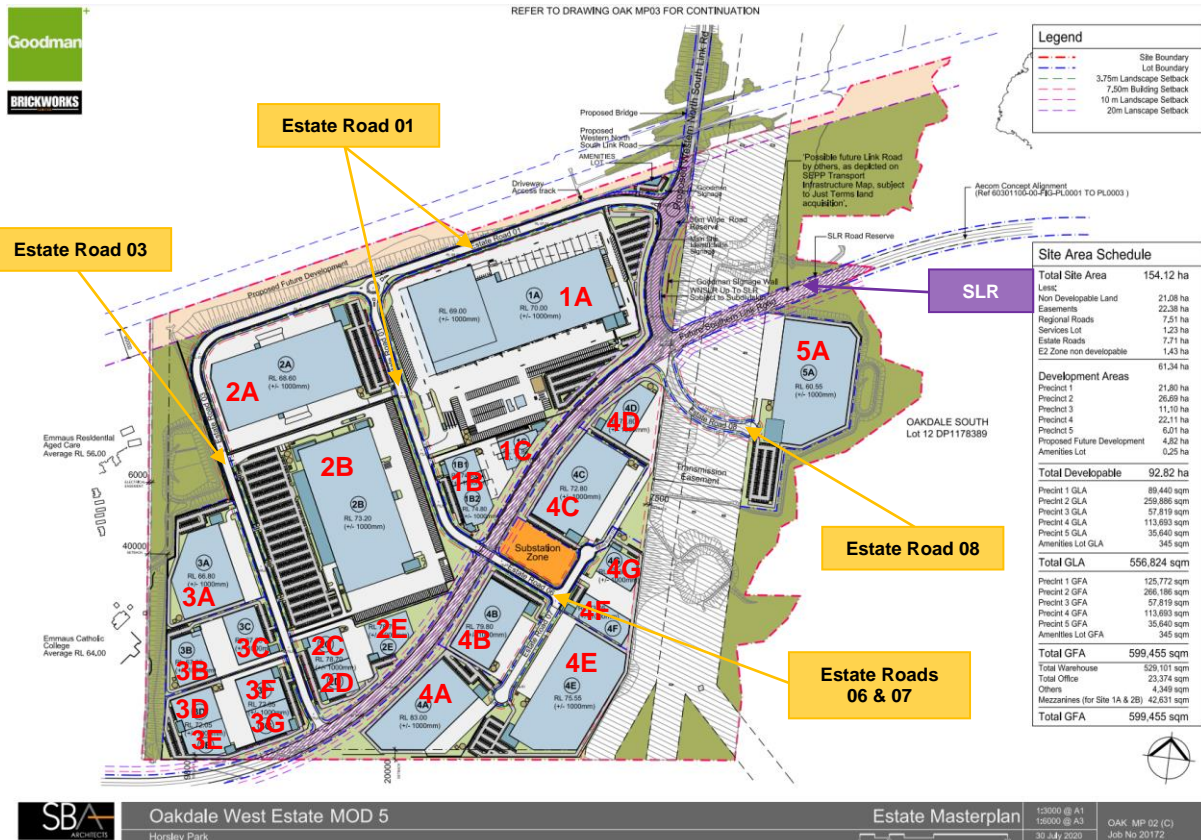


Figure 3 | Approved OWE Concept Proposal under SSD-7348 MOD 5

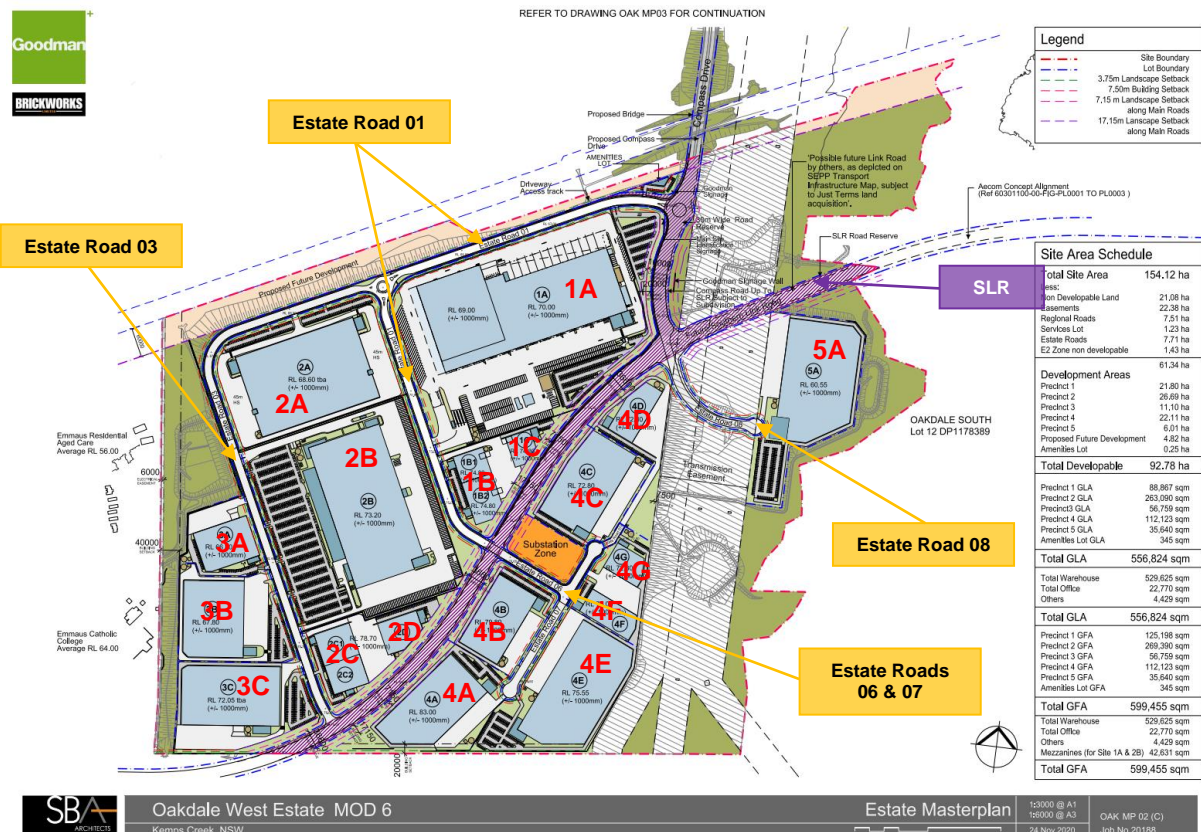


Figure 4 | Proposed OWE Concept Proposal under SSD-7348 MOD 6



Figure 5 | Approved Buildings 1B and 1C under SSD-7348 MOD 2



Figure 6 | Proposed Buildings 1B and 1C under SSD-7348 MOD 6

The modification application proposes changes to the Concept Proposal in relation to Precinct 3, including changes to building layout and a reduction in the number of buildings from five to three. However, in accordance with Conditions B3 and B9(c) of SSD-7348, the location, design and construction of buildings in Precinct 3 are not approved and will be subject to a separate development application. As such, the changes to the Precinct 3 building layout and design have not been assessed

under this subject modification. Conversely, as the bulk earthworks were approved across the whole site as part of Stage 1 works, the updates to civil works in Precinct 3 will form part of this modification.

2.2 Applicant's Justification for Modification

The proposed modifications are a result of further detailed design of some of the previously approved buildings and layouts within the Concept and Stage 1 development. Subsequent changes to earthworks in Precinct 3 are required to reflect the updated building locations and reduction in buildings from five to three, while the proposed removal of speed limits for internal roads in the consent are a result of Council and TfNSW requirements.

The amendments to conditions relating to the vegetation management plan (VMP) are to reflect previous modifications which include changes to commitments and figures related to the biodiversity offsets and results in an undivided area not impeded by the Southern Link Road (SLR) or construction works.

3 Statutory Context

3.1 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 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 the 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.

3.2 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. However, under the Minister's delegation dated 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.

3.3 Mandatory Matters for Consideration

The Department conducted a comprehensive assessment of the OWE against the mandatory matters for consideration as part of the original assessment under SSD-7348. The Department considers this modification application does not result in significant changes that would alter the mandatory matters for consideration under section 4.15 of the EP&A Act and conclusions made as part of the original assessment.

4 Engagement

4.1 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) modifications with minimal environmental impact. Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website on 9 December 2020 and was referred to Penrith City Council and government agencies for comment.

4.2 Summary of Submissions

Penrith City Council (Council) did not object to the modification but requested the Applicant to:

- provide readable diagrams in the EA
- remove Building 1B bicycle parking and accessible ramps which encroach into the 7.5 m wide landscaping setback from Estate Road 1
- confirm no changes would be required to Building 1A, amend layouts of Buildings 3B and 3C to achieve a 7.5 m wide landscaping setback to Estate Road 3
- ensure no driveways would be located within 2 m from any stormwater drainage pit, electricity poles and boxes
- seek endorsement from TfNSW for the temporary turning head of Estate Road 3 into the future SLR to ensure it would not impede the construction of the SLR.

TfNSW requested the Applicant update drawings to clearly identify the Western Sydney Freight Corridor and justify the use of daily traffic generation rates adopted from MOD 3 compared to the currently applicable rate for the broader WSEA.

TransGrid advised fences would be required along the Estate Road 8 and requested the Applicant to clarify access points along Estate Road 8 for TransGrid to access the existing transmission infrastructure.

Biodiversity and Conservation Division (BCD) of the Department reviewed the modification and had no specific comments.

Water NSW advised the modification would not interact or interfere with Water NSW lands, assets or infrastructure.

Fire and Rescue NSW (FRNSW) has not provided comments at the time of writing this report.

4.3 Response to Submissions

The Applicant provided a Response to Submissions (RtS) that included:

- responses to Council's comments and clarification the modified development maintains compliance with the required 7.5m building setback and 3.75m landscape setback, and that only the pedestrian path between the office and the site boundary is within the landscaped area
- further justification for using the previously adopted traffic generation rates, being the GFA remaining the same as that previously approved under MOD 5

- responses to the matters raised by TransGrid, confirming the Road 8 reserve will be fenced to prevent unauthorised access to the land either side with TransGrid access via gated driveways and clear marking of access tracks provided within the easement.

Council maintained its position that the development should retain the landscape depths established under previous layouts of the development and that the proposed paved areas for Warehouses 1B-1 and 1B-2 are inconsistent with the landscape character across the Estate.

TfNSW raised no further objections to the modification, but reiterated that the adopted trip generation rates are below those currently used within WSEA.

5 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 are visual, traffic and biodiversity impacts.

5.1 Visual Impact and Landscaping

The proposed modifications would result in relatively minor changes to the layout and design of buildings across parts of the Estate, thereby limiting the potential for visual impacts. These changes include:

- revisions to the layouts of Buildings 1B and 1C under the Stage 1 development, but do not include changes to setbacks, building heights or access
- 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. The proposed height increase is required to enable installation of rooftop plant, solar panels and equipment
- minor alterations to building form and layout of Buildings 2A, 2C and 2D within the Concept Masterplan, resulting from detailed design development
- changes to buildings in Precinct 3 within the Concept Masterplan, including a reduction from five warehouses to three. However, the building layouts and footprints within Precinct 3 are not approved under SSD 7348, in accordance with Conditions B3 and B9(c) and will be subject to separate assessment under a future development application
- updated landscape plans prepared to reflect the amended building layouts.

The modification application was supported by an amended Visual Impact Assessment (VIA), which updated the assessment of visual impacts on adjoining receivers undertaken for amendments to the development under MOD 3. The VIA considered views of the modified development, including the increased height of Building 2A, from previously assessed viewpoints on the western and southern site boundaries. The VIA concluded that the increase to the height of Building 2A results in a minimal change in the viewer's perception and does not change the impact rating (see **Figure 7**). Overall, the VIA found the changes to be largely visually imperceptible from the previously assessed viewpoints and do not significantly change the overall quantum of view, scale and magnitudes for the viewpoints.

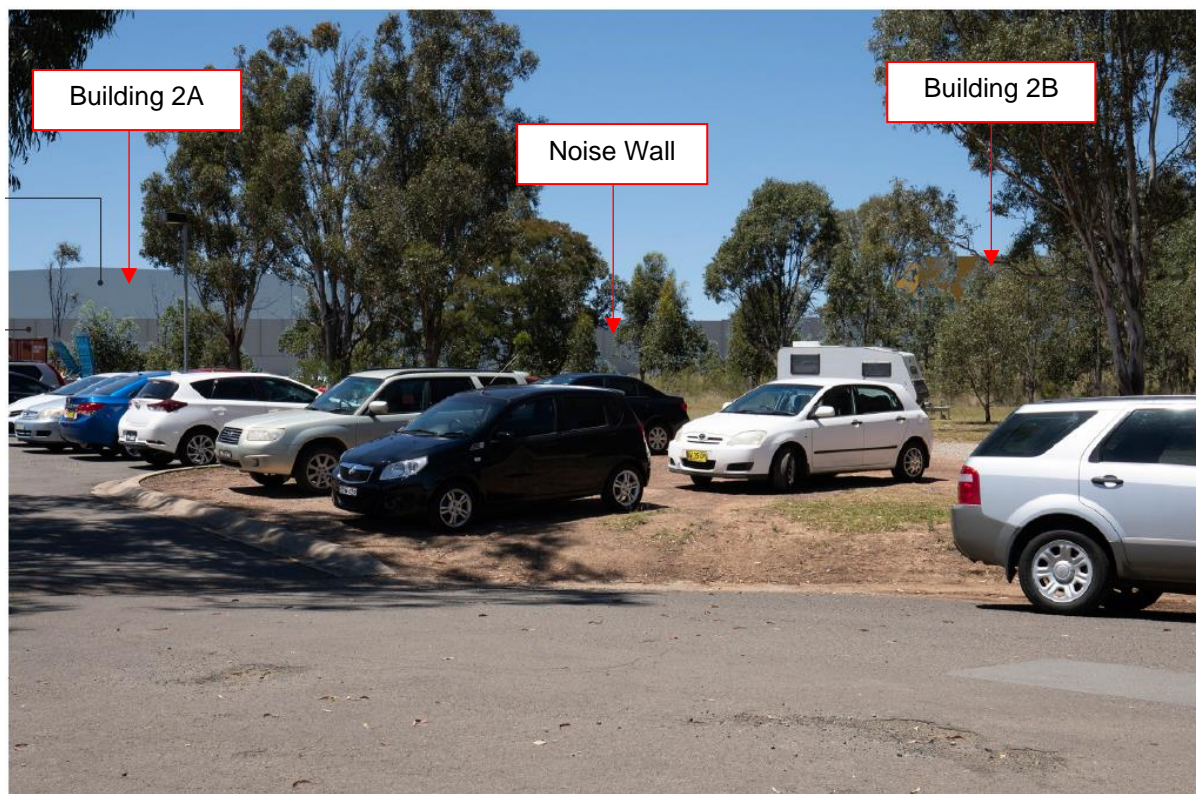


Figure 7 | Comparison of photomontage from Viewpoint 1, west of the site looking towards Buildings 2A and 2B, under MOD 3 (top) and MOD 6 (bottom)

The Department considers the proposed modifications to building design and layout to be relatively minor and in keeping with the appearance of the development as previously approved. The buildings maintain the established setbacks from external and internal boundaries and roads, and the visual

impacts from the proposed changes are considered minor relative to the approved development. Overall, the proposed amendments do not result in an increased Gross Floor Area (GFA) across the site compared to what was approved under MOD 5. The majority of amendments to the plans would be mostly only visible internally within the site, particularly in Precincts 1 and 2, as they will be behind other buildings in the OWE closer to the site boundary. The increased height and layout of Building 2A will not have a significant impact on the view of the site from the neighbouring aged care facility, as shown in **Figure 7**. Existing mitigation measures, including a landscaped bund and noise wall on the western boundary, are considered to be still appropriate for reducing visual impacts from the modified development.

The Department notes Council's concerns in relation to the provision of paving within the building setback area of Warehouse 1B along Estate Road 01. This area is shown to provide pedestrian access from the offices to the street and the car park and includes the provision of new bicycle parking spaces that were not previously included in approved plans. Plans approved under MOD 5 included a paved pedestrian access from the office of Warehouse 1B-1 to the Estate Road 01 frontage. Council's preference is that this area should be maintained as a continuation of the 7.5m landscaped area along the frontage of the lot to Estate Road 01. In the RtS, the Applicant argued the proposal maintains compliance with the DCP setback requirements for a 3.75m landscaped setback and 7.5m building setback and that only the pedestrian path between the office and site boundary is located within the landscape setback area.

The Department considers the provision of a footpath between the office areas and the car park and site boundary is appropriate and notes only a small paved area is located within the required landscape setback area. It is noted that Council has encouraged a wider (7.5m) landscaped area along the Estate Road 01 frontage under previous modifications, and it is noted that this is still achieved for the majority of the frontage of the lot. The Department concludes that a satisfactory landscaping outcome is still achieved for Lot 1B.

The Department also notes Council's similar concerns in relation to the setbacks and landscaping width for Precinct 3. However, the building layouts and footprints within Precinct 3 are not approved under SSD 7348, in accordance with Conditions B3 and B9(c) and will be subject to separate assessment under a new development application. As such, the Department notes the matter of setbacks and landscaping for Precinct 3 will be considered in detail under a separate development application and no further assessment is required under the subject modification.

The Department concludes there will not be any additional significant visual impacts from the proposed modifications and the changes to building design maintain compliance with the development controls of the consent for SSD 7348, as modified. The updated landscape plans reflect the amended building layouts, while maintaining the intention of the previously approved landscaping scheme for the site and appearance of the development. An assessment of the detailed design of Buildings 2A, 2C and 2D and the buildings in Precinct 3 will be undertaken under separate development applications. As such, no amendment to landscaping or visual amenity conditions is recommended.

5.2 Traffic

Estate Road 8

The proposed modification includes amending the staging plan for the concept development to include construction of Estate Road 8 as part of the Stage 1 works. The design and alignment of the road will

remain the same as previously approved. The Transport Statement accompanying the modification report identified that traffic from the proposed modifications would have no significant additional impact from that previously assessed. The Applicant stated that the earlier construction of Estate Road 8 would not result in additional traffic movements given the works are already approved and will simply occur sooner than previously intended. These works would be incorporated into the program for ongoing site establishment and construction works occurring across the OWE. Consequently, construction traffic would not substantially increase as the construction of Estate Road 8 would be integrated into other Stage 1 works.

Estate Road 8 crosses the Southern Link Road corridor and a TransGrid easement. TfNSW, TransGrid and Council raised no objection to the proposed amended staging of the road construction.

The Department considers the earlier construction of Estate Road 8 is acceptable as it would not have any further impacts from those assessed previously and the modification application maintains the design and location of the road reserve as previously approved. It is recommended that the development description in the SSD-7348 consent be modified to include the construction of Estate Road 8 as part of the Stage 1 works.

Car parking

The proposed changes to the layouts of Warehouses 1B and 1C would result in changes to the gross floor area (GFA) and, subsequently, car parking requirements in accordance with Condition B13 of SSD 7348. In accordance with the parking rates established under the Concept approval, the parking spaces required for these warehouses are outlined in **Table 3** below.

Table 3 | Car parking requirement for modified Warehouses 1B and 1C

Land Use	GFA	Parking Spaces Required
Warehouse 1B-1 and 1B-2	9,566 m ²	32
Office 1B-1 and 1B-2	968 m ²	24
Warehouse 1C	3,132 m ²	10
Office 1C	390 m ²	10

The proposed modified development does not fully comply with the above parking requirements, with 55 spaces proposed for Warehouse 1B (56 required) and 20 spaces proposed for Warehouse 1C (20 required). However, the minor departure of one parking space is considered acceptable in the context of the broader site. No changes to car parking related conditions are recommended.

Traffic Generation

The Transport Statement (TS) supporting the modification application identified that the proposed modifications do not result in an overall change in GFA to that approved under MOD 5. On that basis, vehicular trip generation would remain unchanged from that previously assessed.

In addition, the TS included an assessment of traffic generation from the modified development under a “worst-case” scenario based on known operational requirements of specific tenants (Building 1A and Building 2B), including seasonal peak factors. For those buildings where a tenant is unknown, the

generic 'approved rates' referencing standard RMS data for large format industrial warehouses were used. This approach was also adopted in the traffic assessment of MOD 3.

The assessment in the TS compared the proposed modifications with the detailed modelling undertaken in the assessment of MOD 3 and found the proposed modifications result in an additional 70 daily trips. It is noted that this increase is consistent with the traffic increase caused by the increase in GFA across the development approved under MOD 5 (the most recent modification). As the GFA is not further increasing under MOD 6, the TS considered the development would not result in additional traffic in accordance with the previously adopted traffic generation rates and the development as assessed under MOD 5. The TS concluded the traffic impact of proposed MOD 6 is expected to have no significant departure from the previously approved development, and does not warrant any further traffic modelling assessment.

TfNSW and Council raised no objections in relation to traffic generation or impacts resulting from the proposed modifications. However, the Department notes TfNSW's concerns in relation to the adopted trip generation rate established under MOD 3, compared to the higher rate now used within the WSEA.

The Department considers the proposed modifications to the layout of some buildings within the approved masterplan to be relatively minor and acknowledges they will not result in additional GFA from that previously approved under MOD 5. Detailed traffic assessment was not undertaken for MOD 5, however, no concerns were raised in regard to traffic generation under that modification. The changes to some of the building layouts in Precincts 1 and 2 are unlikely to generate more operational traffic than the development as currently approved as the changes do not increase the building areas for operational use. Changes to the building layout within Precinct 3, and consequential traffic impacts, will be assessed in detail under a future development application as buildings within this Precinct are not approved under SSD-7348. The Department is therefore satisfied there will not be a significant change in traffic generation or impacts from the modified development.

5.3 Biodiversity

The modification application proposes to remove part of the Vegetation Management Plan (VMP) area identified in the Concept masterplan, while adding additional area to another part of the VMP corridor. Condition D91 of SSD 7348 required the Applicant to prepare a VMP for the restoration and rehabilitation of 4.2 ha of riparian corridor adjacent to Ropes Creek. Under the proposed modification, the total extent of the area covered by the VMP is shown to increase by 2,822 m² in total while there is no change to the amount of vegetation to be removed as part of the approved development.

The Applicant proposes to remove a section of the VMP area from the northern side of the future Southern Link Road (SLR), which currently dissects the existing VMP corridor (see **Figure 8**) and increase the size of the southern section of the VMP area. The Applicant maintains the modified corridor would:

- provide a wider riparian zone connecting isolated patches of retained vegetation
- remove locations adjacent to the SLR and reduce disturbance from its future construction
- provide unimpeded contractor access to the VMP area from the Oakdale South Industrial Estate (to the east of the site) while construction activities are still being undertaken within the site.

The modified corridor would provide a continuous area of restored riparian land up to the boundaries of both Precinct 5 and the existing retained native vegetation to the south of Precinct 5. The areas

proposed to be removed from the approved VMP would remain within the site's Biodiversity Management Area (BMA) and would continue to be protected and allowed to regenerate naturally.

A Biodiversity Statement supporting the application states there will be no impacts on biodiversity within the site as a result of the proposed modifications. It identifies that a number of biodiversity requirements in the consent for SSD-7348 have been completed or are in progress in accordance with the relevant conditions, and that the amendments to the building layouts in Precincts 1 and 2 and the construction of Estate Road 8 would not have an impact on these matters.

DPIE Biodiversity and Conservation Division reviewed the modification and raised no concerns with the amended VMP area.

The Department considers the proposed amendment to the VMP area would result in an improved outcome given the revised layout is no longer intersected by the SLR road reserve and connects areas of retained vegetation, while also ensuring continued access to the VMP area for revegetation and maintenance works via the Oakdale South Estate (also owned by the Applicant). The increased VMP area would result in the restoration of an additional 2,822 m² of land and ensure the land included in the VMP area is not disturbed by the future construction of the SLR. In accordance with Conditions D133 and D134 of SSD 7348, the Applicant is required to review and update the VMP to the satisfaction of the Planning Secretary following approval of a modification. The updated VMP will require separate consideration and endorsement following approval of the modification. The Department concludes the proposed modified, larger VMP area would maintain the biodiversity outcome as previously approved. It is recommended that the plans referenced in the consent be updated to reflect the modified layout and the Mitigation Measures in Appendix 7 be updated to reflect the VMP and previous modifications.

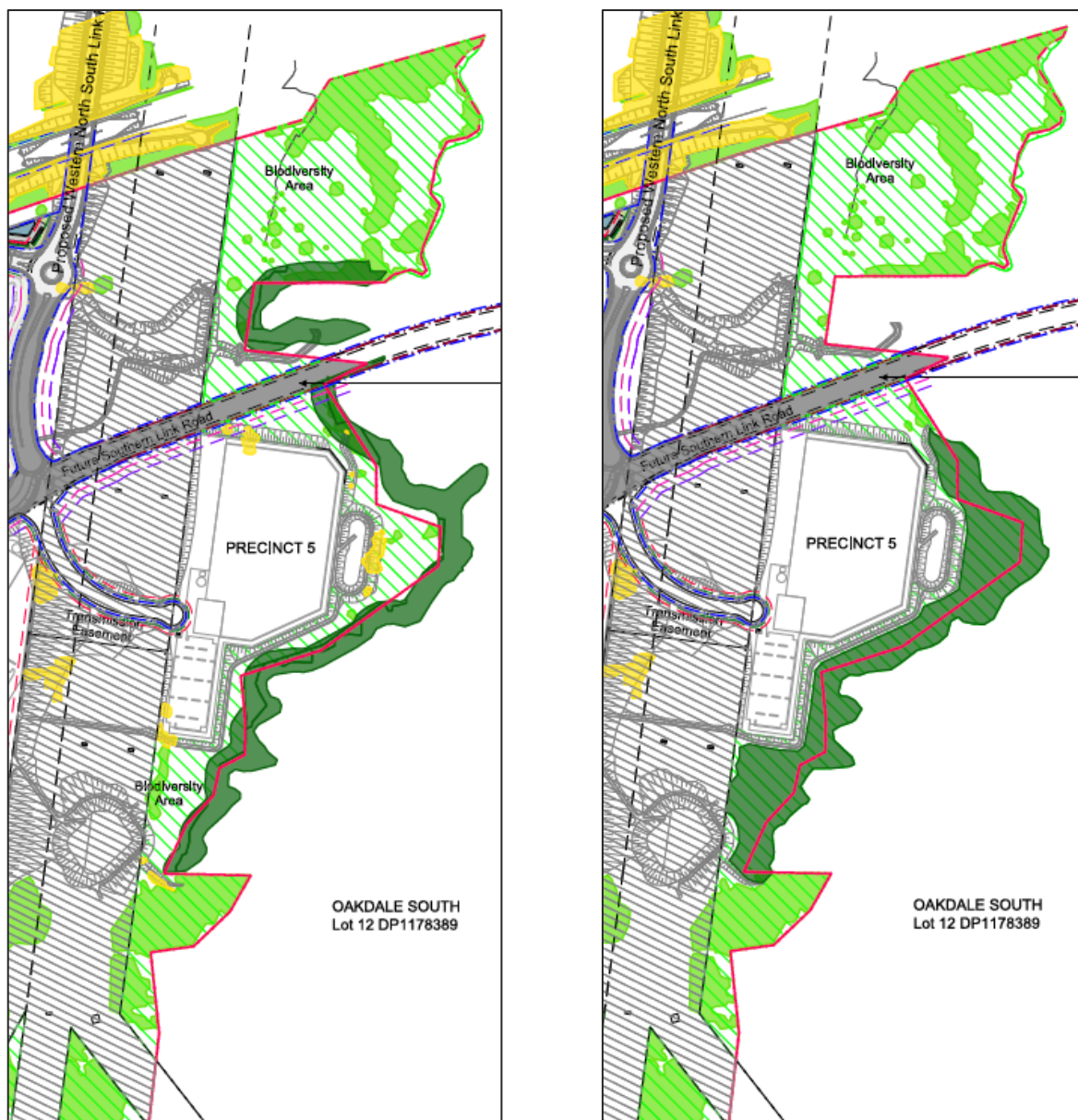


Figure 8 | Comparison of approved (left) and proposed (right) VMP extent of works shown in dark green

5.4 Other Issues

The Department's assessment of other issues is provided in **Table 4**.

Table 4 | Assessment of Other Issues

Issues	Recommended Conditions
Noise Impact	
<ul style="list-style-type: none">The proposed modifications to the building layouts, civil design and vehicle speed limits may have implications on the noise impacts previously assessed for the development.The Applicant has executed noise agreements with the closest residential receivers to the south of the site and, as such, the only receivers considered to remain sensitive to noise effects from the site are aged care facility (N1) and school (N2) to the west.The Applicant submitted a Noise Assessment to support the application, which adopted the noise model developed during MOD3 to reflect the proposed changes. It found that noise levels would increase by less than 1dB at the receivers to the west as a result of the modifications, which is identified as an unperceivable increase. Noise levels would remain in compliance with the site's approved noise levels at these receivers under all operational and meteorological conditions.A decrease in noise level at receiver N2 was predicted due to the additional shielding from the modified building layout in Precinct 3.The assessment found that noise from the earlier construction of Estate Road 8 would have minimal influence on the overall OWE construction noise at the surrounding receivers as the road works are farther away than the main construction works on the site. In addition to this, the construction of the road is likely to occur when the exterior façade of building 2B is finished, which will provide shielding between road works and receivers to the west.The modification application also includes the removal of Condition B9(f), which specifies that vehicles associated with the Development shall adhere to the following speed limits when using estate roads within the Development:<ul style="list-style-type: none">(i) 25 kilometres per hour (km/hr) for heavy vehicles; and(ii) 40 km/hr for light vehicles.Condition B9 was included under MOD 3 as it was a mitigation measure proposed to limit noise impacts.The Applicant has proposed deleting this condition because Council, as the relevant roads authority, has advised it will not	<p>It is recommended that Condition B9(f) is deleted.</p>

Issues

Recommended Conditions

impose speed limits that do not comply with Transport for NSW guidelines, which are set at 50 km/hr.

- The Noise Assessment included vehicle speeds at 50 km/hr in all modelling scenarios and found the development would remain in compliance with the site's approved noise levels.
- Council and TfNSW did not object to the removal of this condition.
- The Department considers that the proposed modifications would have minimal impact on noise generated by the development during construction and operation. The Department also considers it appropriate that Condition B9(f) be removed as it is not supported by the road authority and there would be no additional noise impact from raising the speed limit to the standard 50 km/hr.
- The Department concludes that the proposed modifications would not result in additional noise impacts when complying with existing and proposed mitigation measures for the development.

Bushfire Safety

- The site is identified as bushfire prone land and the development as approved has been assessed with consideration of relevant bushfire safety requirements.
- The proposed modifications include changes to building layouts and design. Accordingly, the application was supported by a Bushfire Hazard Assessment (BHA) report that demonstrates the proposed modified development satisfies the requirements of the guideline *Planning for Bush Fire Protection 2006* and *2019*, in particular the provision of asset protection zones, access (including perimeter roads) and water supply for firefighting purposes.
- Existing conditions of consent require the development to comply with the relevant provisions of *Planning for Bushfire Protection 2006* and a previous bushfire assessment report for the site, as recommended by NSW Rural Fire Service in response to the original application for SSD-7348 and subsequent modifications. It recommended that an additional provision be included in the conditions to require compliance with the recommendations of the BHA for this modification application and update references to the 2019 bushfire guidelines.
- The Department concludes that the updated BHA and conditions requiring adherence to the relevant bushfire guidelines would ensure the construction and operation of the site, as modified, will continue to meet bushfire safety requirements.

It is recommended that Conditions B20, C12 and D97 be amended to include a requirement that the development complies with the recommendations of the BHA prepared for MOD 6 and *Planning for Bush Fire Protection 2019*.

Civil Plans

- The modification application proposes relocating the temporary cul-de-sac at the end of Estate Road 3 from within Lot 2 to within the SLR corridor. Previously, this cul-de-sac temporarily encroached on to Lot 2C to allow for a construction access road on the SLR alignment, which is no longer required.
- The modified cul-de-sac would be an interim arrangement until the final permanent intersection with the SLR is designed and constructed by TfNSW.
- TfNSW and Council did not object to the relocation of the temporary cul-de-sac.
- Minor changes are also proposed to the civil and earthworks plans to reflect changes to building layouts/lot boundaries, however finished levels for the lots remain the same.
- The Department considers the temporary relocation of the Road 3 cul-de-sac would have no impact on the broader construction and operation of the site. The minor changes to earthworks reflect the modified lot/building layout and would have no impact on the overall appearance of the development. The Department concludes the amended civil works are relatively minor and appropriate to support the modified development.

It is recommended the plans referenced in Appendix 1 be updated to reflect the modified civil plans.

6 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.

The Department considers the key assessment issues are visual impacts, traffic and biodiversity.

It is considered that proposed modification to building layouts and designs will have minimal impact on the overall appearance and scale of the development as previously approved. The changes will not have a significant impact on the views from surrounding receivers and the buildings in Precinct 3 will undergo separate approval that will need to consider impacts on adjoining sites. The landscaping of the site is generally consistent with what has been approved throughout the Estate previously and in line with the DCP controls. Minor areas of paved surfaces in front of Warehouse 1B are considered acceptable in the context of the site.

Given the overall GFA across the site remains unchanged from that previously approved, the traffic impacts and parking provision are considered acceptable and will have minor change from that previously assessed.

Changes to the civil plans and road construction are considered acceptable and no concerns were raised by TfNSW and Council in regard to these modifications. The Applicant has addressed access issues raised by TransGrid in relation to its easement.

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

- result in minimal environmental impacts beyond the approved development
- result in a negligible change to view of the development from adjoining sites, which are mitigated by existing landscaping and building setback requirements
- not result in significant additional traffic impacts as the modifications do not result in an increase of the total floor area of the development across the site
- not result in changes to native vegetation removal and increases the area under the VMP.

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

7 Recommendation

It is recommended that the Director, Industry Assessments, 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 6 falls within the scope of section 4.55(1A) 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 approve the modification
- **modify** the consent SSD 7348
- **signs** the attached approval of the modification.

Recommended by:



David Schwebel
Planning Officer
Industry Assessments

Recommended by:



4 March 2021

Sheelagh Laguna
A/Team Leader
Industry Assessments

8 Determination

The recommendation is **Adopted** by:

A handwritten signature in dark ink, appearing to read 'C. Ritchie', is positioned above the date.

10 March 2021

Chris Ritchie

Director

Industry Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – Modification report and additional information

<https://www.planningportal.nsw.gov.au/major-projects/project/40351>

Appendix B – Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/40351>