



Oakdale West Estate Modification 7

Changes to Precincts 3 and 4 including earthworks, retaining walls, building layouts in Precinct 4 and estate road 7
State Significant Development Modification Assessment (SSD-7348-Mod-7)

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Glossary

Abbreviation	Definition
Council	Penrith City Council
Department	Department of Planning, Industry and Environment (DPIE)
EES	Environment, Energy and Science, DPIE
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
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
OWE	Oakdale West Estate approved under SSD-7348
Planning Secretary	Secretary of the Department
RMS	Roads and Maritime Services
RTS	Response to Submissions
SEARs	Planning Secretary's Environmental Assessment Requirements
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	West-North-South Link Road, now known as Compass Drive
WSEA	Western Sydney Employment Area

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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 (SSD-7348) consent for the Oakdale West Estate (OWE).

The modification application seeks consent to modify Precincts 3 and 4 of the approved OWE, including changes to bulk earthworks, retaining walls, building layouts in Precinct 4 and estate road 7.

The application was lodged on 27 July 2021 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**).

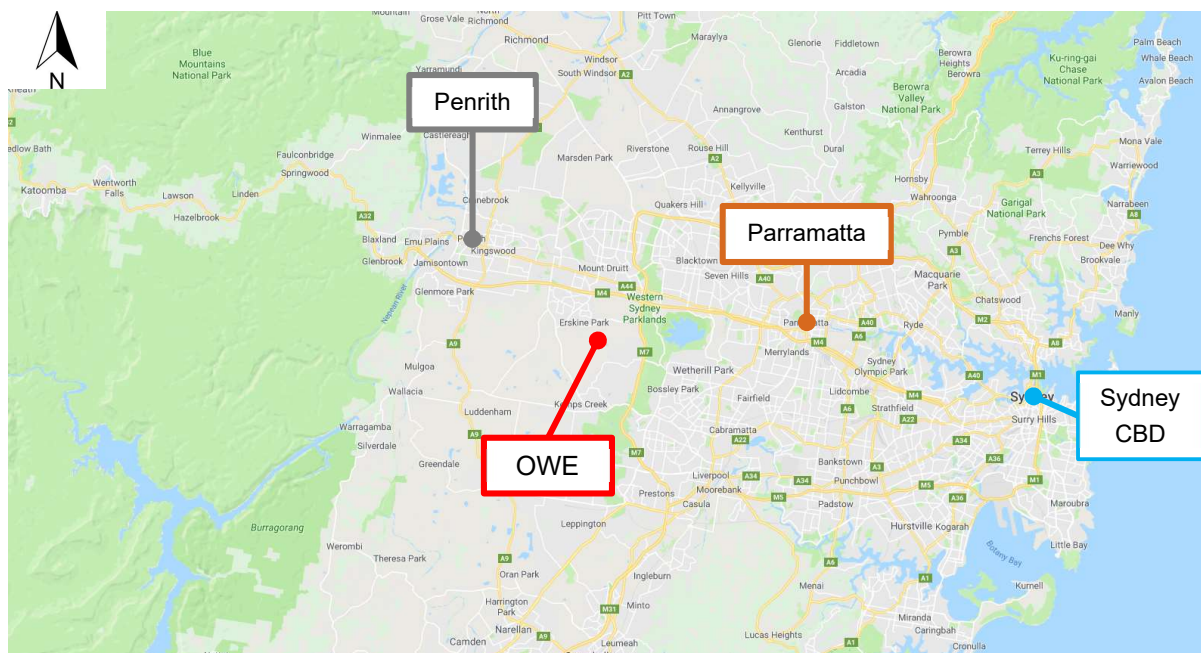


Figure 1 | Regional Location

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) (now known as Compass Drive); and
- requirements for future development applications for the remaining Stages 2 to 5.

Construction works commenced in late 2019, including bulk earthworks across the whole site, installation of service infrastructure and construction of Compass Drive, which is now complete. Warehouse buildings are currently under construction in Precincts 1 and 2 and detailed design has

commenced for warehouses in Precincts 3 and 4. The Applicant has modified the Concept Proposal and Stage 1 development six times (see Section 1.3) to meet the needs of individual warehouse tenants. This has included changes to development stages, warehouse layouts and sizes and corresponding changes to bulk earthworks, infrastructure and estate roads.

1.2 Site Description

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

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

Road access to the OWE is provided by the WNSLR from Lenore Drive, which forms part of the strategic road network designed to service the WSEA. Emmaus Residential Village, Emmaus Catholic College, Trinity Catholic Primary School and Mamre Anglican School are located immediately to the west of the OWE. To the south is rural-residential land and native vegetation, with one dwelling located close to the southern boundary. Water NSW drinking water supply pipelines are located along the northern boundary. TransGrid power lines run through the eastern part of the site and Ropes Creek runs along the eastern boundary.

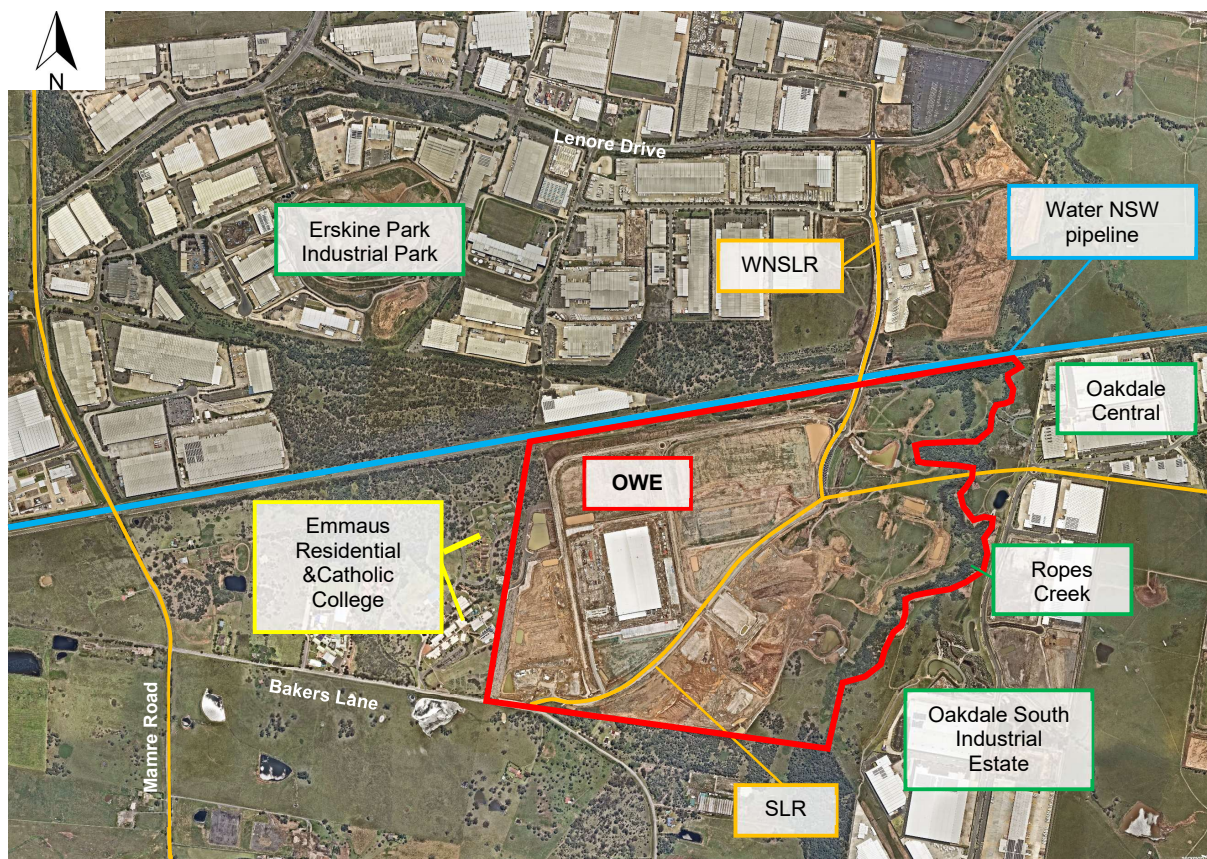


Figure 2 | Local Context

1.3 Approval History

The OWE consent has been modified seven times, 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 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 2B	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 landscape setbacks, amendments to Precinct 1A layout and car parking, quantities of dangerous goods stored in Building 1A, setting up an alternative biodiversity offset site, and extending the completion date for the noise barrier	Department	4.55(1A)	5 November 2020
MOD 6	Amend building form and layouts in Precincts 1 and 2, including height increase of Building 2A, reduced gross lettable area for Buildings 1B and 1C, removing estate road speed limits and increasing the vegetation management area adjacent to Ropes Creek	Department	4.55(1A)	10 March 2021
MOD 8	Minor changes to layout, facades and signage on Buildings 1A, 1B and 1C	Department	4.55(1A)	10 September 2021

2 Proposed modification

2.1 Description of Modification

The Applicant proposes to modify Precincts 3 and 4 of the approved OWE, see **Table 2**. The modification is described in full in the Modification Report in **Appendix A**. **Figure 3** shows the proposed OWE Masterplan and **Figure 4** shows the approved Masterplan under MOD 6. **Figure 5** and **Figure 6** show the proposed changes to earthworks in Precincts 3 and 4.

Table 2 | Components of the Modification

Aspect	Description
Modifications to Concept Proposal	
Precinct 4	<ul style="list-style-type: none"> minor changes to approved earthworks levels for lots 4A and 4B (+0.70 m), lots 4C and 4D (+0.30 m), lot 4F (+0.05 m) and lot 4G (+0.80 m) alterations to building 4E layout and area, increased lot size and additional car parking (no change to approved earthworks level) increase gross floor area in Precinct 4 by 55 square metres (m²) relocate buildings 4F and 4G to the north and reduce the footprint to accommodate the increased area of building 4E remove part of estate road 7 to accommodate building 4E and insert a private right-of-way to buildings 4A and 4B increase development area by 0.7 ha in Precinct 4 remove restriction on the night-time use of forklifts at building 4E
Precinct 3	<ul style="list-style-type: none"> minor change to the boundary between lots 3B and 3C to move it further south to accommodate changes to building 3B (changes to building 3B being assessed under separate development application with Council) extending the approved earthworks pad for lot 3B further south to increase the lot size, with a corresponding reduction in lot size for 3C. There is no change to the approved earthworks levels decrease gross floor area in Precinct 3 by 55 m²
Modifications to Stage 1 Development	
Precinct 4	<ul style="list-style-type: none"> bulk earthworks to increase the approved pad level for building 4E construction of retaining walls between lot 4E and lot 4A and 4B
Precinct 3	<ul style="list-style-type: none"> bulk earthworks to increase the approved pad level for building 3B construction of retaining walls between lot 3B and 3C
Precinct 1	<ul style="list-style-type: none"> construct a 2.4 m high fence on the lot boundary between building 1A and buildings 1B and 1C

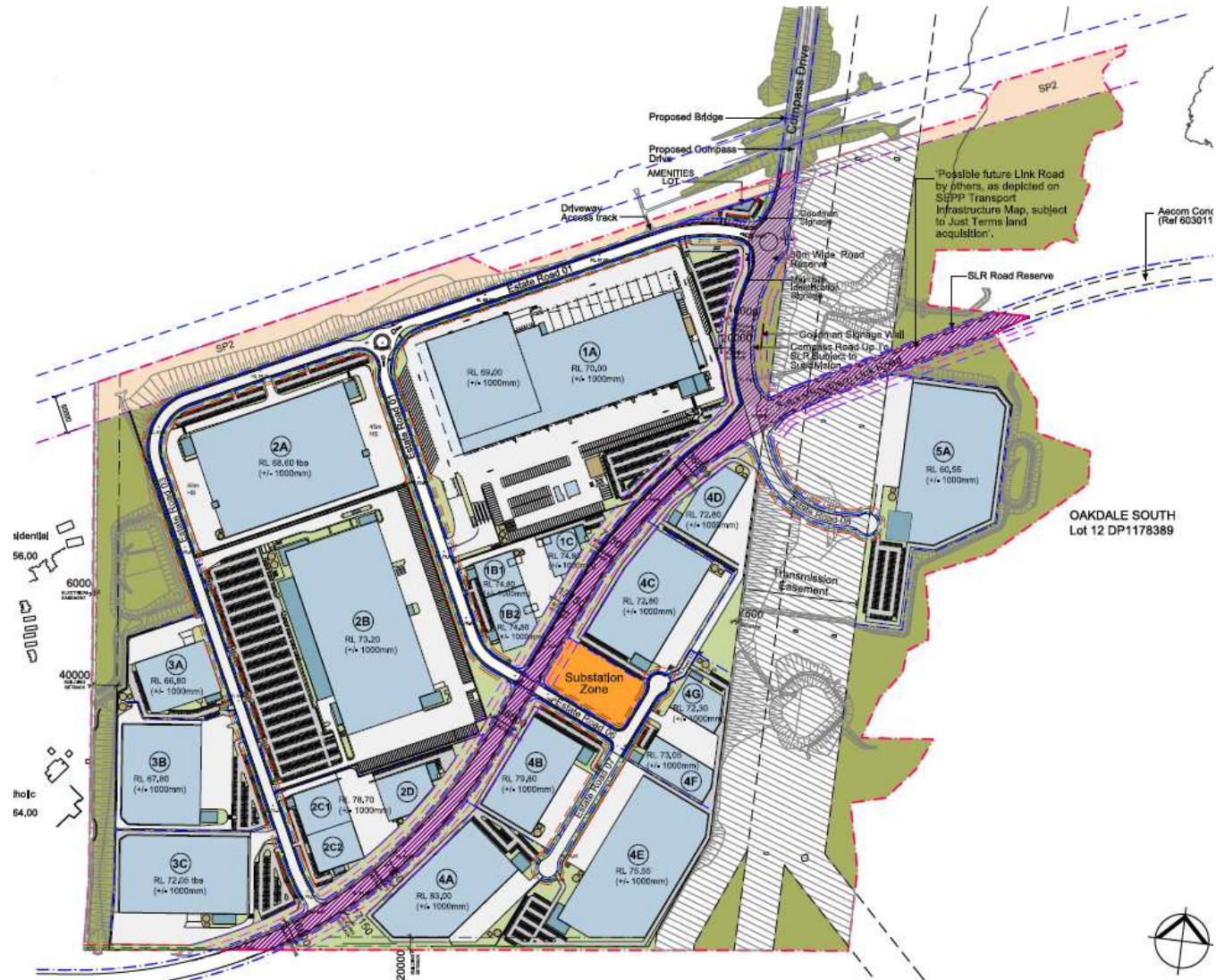


Figure 4 | Estate Masterplan – Approved Modification 6

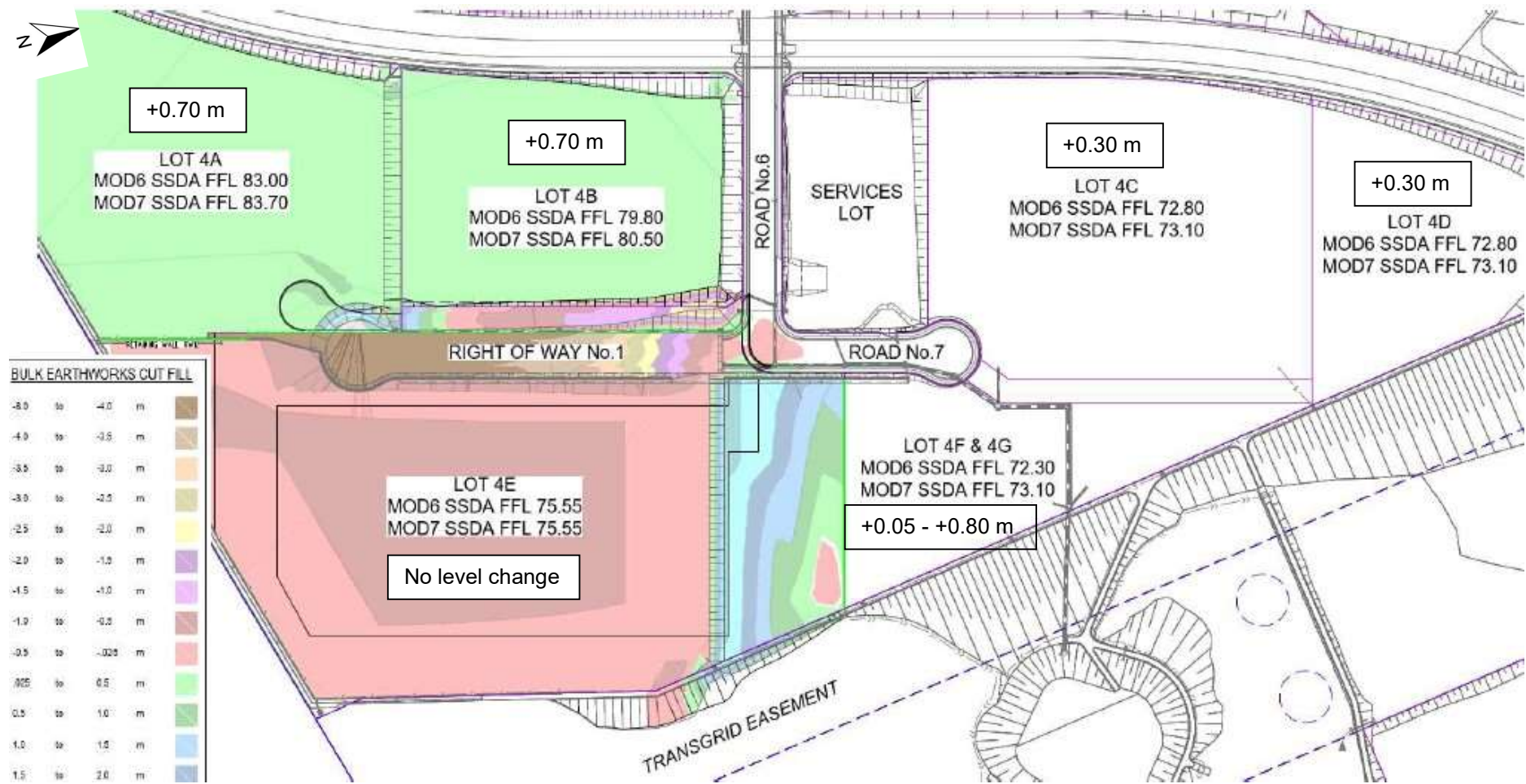


Figure 5 | Changes to earthworks and finished floor levels (comparison of MOD 6 and MOD 7)

2.2 Applicant's Justification for the Proposed Modification

The Applicant proposes to modify the Concept Proposal and Stage 1 development application to respond to the needs of the tenant for warehouse 4E. As warehouse tenants are secured, further detailed design is undertaken to develop the warehouse to suit the tenants' requirements. This has resulted in changes to building layouts and the location of loading docks, hardstands, car parking and access requirements. The proposed layout changes necessitate modifications to the approved earthworks, including minor changes to pad sizes, heights, retaining walls and fencing.

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 (Minister) is the consent authority for the application under section 4.5(a) of the EP&A Act. Under the Minister's delegation of 26 April 2021, the Director, Industry Assessments, may determine the application under delegation as:

- the application has not been made by a person who has disclosed a reportable political donation under section 10.4 of the EP&A Act
- there are no public submissions in the nature of objections, and
- Council has not made a submission by way of objection under the mandatory requirements for community participation listed under Schedule 1 of the EP&A Act.

3.3 Mandatory Matters for Consideration

The Department undertook a comprehensive assessment of the application against the mandatory matters for consideration as part of the original assessment for the OWE (SSD-7348). This modification application does not result in significant changes that would alter the Department's consideration of the mandatory matters for consideration under section 4.15(1) of the EP&A Act and conclusions made as part of the original assessment.

3.4 Biodiversity Conservation Act 2016

Clause 30A(2)(c) of the Biodiversity Conservation (Savings and Transitional) Regulation 2017 specifies that if the determining authority is satisfied a modification will not increase the impact on biodiversity values, a biodiversity development assessment report (BDAR) is not required.

The modification does not require any vegetation clearing and would not impact on any threatened species or ecological communities. All vegetation clearing has been completed under the approved Stage 1 SSD application and the biodiversity offset requirements have been met.

For the reasons discussed above, the Department's assessment concludes a BDAR is not necessary for the proposed modification.

4 Engagement

4.1 Department's Engagement

Clause 117(4) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) requires a section 4.55(1A) modification application to be notified or advertised if specified by a community participation plan. The Department's Community Participation Plan notes the exhibition requirements for such modifications are discretionary, and based on the urgency, scale and nature of the proposal.

Given the proposed changes would result in minimal environmental impacts (see **Section 5**), the application was not notified or advertised. However, it was made publicly available on the Department's website on 12 August 2021, and was referred to Penrith City Council and relevant government agencies for comment.

Advice was received from five government agencies and two special interest groups (utility providers). A summary of the advice is provided below.

4.2 Government Agency Advice

Penrith City Council (Council) did not object to the modification but requested the Department consider the potential impacts on adjacent properties of increased finished ground levels and additional filling works within the transmission line easement. Council also provided detailed comments on the landscape design plans, requesting amendments to the proposed street tree planting schedule (spacing and species type), shrubs, groundcovers and mulching.

Transport for NSW (TfNSW) and **Roads and Maritime Services (RMS)** provided support for the modification but noted the vehicle trip generation rate used to assess the development and modification was very low. TfNSW noted that land use changes in the WSEA have led to a much higher trip generation rate and stated there may be unknown adverse impacts on the road network in the future, if an assessment against the higher rate is not completed.

Environment, Energy and Science Group (EES) of the Department and **Water NSW (WNSW)** noted they had no comments on the modification.

Rural Fire Service (RFS) reviewed the bushfire report and requested clarification on how the 40 m wide revegetated area on the western boundary had been considered in the fire modelling for buildings 3B and 3C.

Fire & Rescue NSW (FRNSW) had not provided a response at the time of writing.

4.3 Special Interest Groups

Advice was received from two special interest groups, Endeavour Energy and Sydney Water.

Endeavour Energy stated the modification does not appear to impact on existing electricity infrastructure. Endeavour Energy noted the Applicant would submit an amended reticulation design for Endeavour Energy's approval for minor adjustments to the electrical reticulation and street lighting for the amended estate road 7 layout.

Sydney Water stated that it had no comments on the modification.

4.4 Applicant's Engagement

The Applicant consulted TransGrid as the modification involves changes to the earthworks pad for Building 4E that would encroach into the TransGrid easement. On 13 July 2021, TransGrid provided a letter to the Applicant advising it had no issues with the encroachment into the easement and provided conditions for carrying out the work in accordance with TransGrid and WorkCover guidelines. The Department has reviewed the letter and notes the existing conditions require the Applicant to comply with all requirements of TransGrid for work in the easement.

4.5 Response to Submissions

On 16 September 2021, the Applicant submitted a Response to Submissions (RTS) report responding to the issues raised in submissions. The RTS included a updated noise assessment to address issues raised by the Department and a transport statement to address issues raised by TfNSW. The RTS was made publicly available on the Department's website and referred to relevant agencies for comments.

TfNSW provided its support for the modification provided it does not affect the future Southern Link Road corridor. TfNSW also reiterated that the trip generation rate for the WSEA has increased from the rate used in the modification assessment. The Department's consideration of traffic impacts from the modification is included in **Section 5.2**.

Penrith Council – noted it had no further comments on planning and design but requested its comments on landscaping be addressed in updated plans. The Department's consideration of landscaping is included in **Section 5.2**.

5 Assessment

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

- the modification assessment report and RTS (see **Appendix A**)
- the Department's assessment report for the original development application and subsequent modifications (see **Appendix A**)
- advice from government agencies (see **Appendix A**)
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department considers the key assessment issue is noise. The Department's assessment of other issues is provided in **Table 4**.

5.1 Noise

The modification has the potential to alter noise levels from the approved development, which may impact on residential receivers to the west and south.

Approved OWE

The Department's assessment of the OWE concluded the fully developed estate would comply with noise limits established in accordance with the *NSW Industrial Noise Policy, 2000* (INP), which was the relevant policy the time of assessment. The approved development includes a noise wall along part of the western boundary to minimise noise at the adjacent Emmaus Residential Village and Emmaus Catholic College. A noise wall was also approved for a section on the southern boundary, as there is one residence immediately to the south, see **Figure 7**.

Subsequent modifications to the OWE have altered the approved noise controls, including the location and height of the noise wall on the western boundary and restrictions on night-time operations for future warehouses in Precincts 2, 3, 4 and 5. The restrictions include no night-time operation of mechanical plant and no night-time use of forklifts. These changes were made to accommodate larger warehouses (Building 1A and 2B) that have substantial rooftop mechanical plant and higher traffic generation rates.

The western noise wall was completed in November 2020 and is 5 m high in the north-western section, reducing to 3 m high near Emmaus Catholic College. The southern noise wall would be constructed at a later time as part of construction of Building 4A. The Applicant has also entered into noise agreements with three receivers to the south (N3, N4 and N5) to mitigate noise impacts.

Table 3 shows the noise limits in the OWE consent. The noise limits do not apply to receivers N3, N4 and N5 as they have noise agreements in place. Receivers further to the south, referred to as 'all other non-associated residences' were added to the consent as part of a previous modification, acknowledging that these are now the closest receivers to the south without noise agreements.

Table 3 | Existing Noise Limits (SSD 7348)

Location	Day L _{Aeq} (15 minute)	Evening L _{Aeq} (15 minute)	Night L _{Aeq} (15 minute)	L _{AMax}
N1 (Emmaus Village)	44	43	41	52
N3	39	39	37	52
N4 & N5	39	39	37	52
All other non-associated residences	40 ²	35 ²	35 ²	52
N2 (Emmaus College)	When in use: 45 L _{Aeq} (1h)			

Notes:

1. Noise generated by the development is to be measured in accordance with the relevant procedures and modifications, including certain meteorological conditions, of the Noise Policy for Industry (EPA, 2017). Refer to the plan in Appendix 2 for the location of residential sensitive receivers.
2. or background + 5 dB, whichever is higher.



Figure 7 | Noise Receivers and Noise Wall Locations

Modification 7

This modification involves minor changes to earthworks in Precincts 3 and 4, changes to estate road 7 and proposed operation of one forklift at night at Building 4E. The modification originally proposed changes to the layout of Buildings 3B and 3C, however these were later removed from the modification

and are being considered in a separate development application with Council that includes construction and operation of Building 3B.

The Applicant prepared a Noise Assessment (NA) for Modification 7, assuming a layout consistent with the development application submitted to Council for Building 3B, see **Figure 7**. This would ensure any separate approval by Council would be consistent with the Concept Proposal.

The NA modelled noise emissions from the modified development for comparison with the noise limits. In relation to the 'other non-associated residences', which are the closest receivers to the south without a noise agreement (N9 – N14), the NA adopted the limit of 'background + 5 dB'. Background noise levels were established by analysing data from a 24/7 noise monitor on the southern boundary of the site. The data indicated background noise levels at the residences to the south are 42 dBA during the day and 37 dBA in the evening and night, meaning the noise limits would be 47 dBA and 42 dBA respectively.

The Department reviewed the noise modelling and requested the Applicant provide further detail on the noise sources used in the modelling and consideration of potential impacts from intermittent noises at night (such as truck reversing alarms, and other noise sources that increase suddenly). Sudden changes in noise levels are more likely to cause annoyance and disturb residences, so a 5 dB penalty is applied in the assessment to account for these sources.

An updated NA was submitted in the RTS to address these issues. Key aspects of the updated NA include:

- verification of sound power levels for heavy vehicle movements using data from a noise survey of a similar operation to the proposed Building 4E
- application of higher sound power levels to account for truck reversing alarms and air brake releases (this did not include a 5 dB penalty for intermittent noise as the Applicant argued there would not be a sudden change in noise given the large number of noise sources from the OWE)
- use of peak traffic generation rates provided by tenants and generic rates from RMS data, consistent with the approved Concept Proposal
- use of one forklift at night at Building 4E
- no change to the restrictions on the night-time use of mechanical plant in Precincts 3 and 4 and Buildings 2C and 2D

The noise modelling predicted the modified development would comply with the noise limits at all receivers during the day, evening and night-time periods. The modified development would also comply with sleep disturbance criteria at all receivers. The assessment considered worst-case noise levels during peak operations, predicting noise levels would be between 8 – 12 dB below the limits at receivers to the south, between 4 – 8 dB below the limits at receivers to the west and 2 dB below the limits at Emmaus Catholic College.

Truck noise at Building 4E is the key contributor to noise levels at residences to the south, resulting in noise levels of 34 dB at night, compared with a limit of 42 dB. Truck noise is also the key contributor to the increased day-time noise levels at Emmaus Catholic College on the western boundary, with noise levels of 43 dB compared to the limit of 45 dB.

While the Applicant maintained that the large number of noise sources on the OWE would mean there are no sudden changes in noise levels, the NA considered the potential impacts of applying a 5 dB penalty to account for intermittent noise across the OWE. The NA concluded there would be a negligible exceedance of the night-time criteria at receivers to the south (up to 2 dB) and moderate exceedance at the Emmaus Residential Village to the west (up to 5 dB). The key contributor to the moderate exceedance at Emmaus Village is from truck movements in Precinct 2.

Assessment and Recommendations

The Department reviewed the noise assessment in detail and considered the modification in the context of the approved OWE. The Department also met with Council to ensure any changes proposed in the modification were consistently reflected in the development application for Building 3B.

The development consent for the OWE established limits that would protect neighbouring residences from excessive noise and required all future development within the OWE to comply with these limits. The background noise environment at the time the development was assessed was low and reflective of the rural-residential land uses. The area is undergoing significant change as previously undeveloped agricultural land is replaced by warehousing and distribution centres, consistent with the industrial zoning under the WSEA SEPP.

The development consent required the Applicant to protect the amenity of adjacent residences by constructing a noise wall and a 40 m wide landscape buffer along the western boundary and a noise wall or noise agreements for residences to the south. Modifications 2 and 3 involved larger, high-bay warehouses with more roof-mounted mechanical plant than envisaged in the original Concept Proposal. Detailed noise assessments for these modifications concluded the development would comply with the noise limits if restrictions were placed on other warehouses in the OWE. These included restrictions on the night-time use of roof-top mechanical plant and forklifts for certain warehouses in Precincts 2, 3, 4 and 5.

This modification seeks to remove the restriction for night-time forklift operation at Building 4E and retain all other restrictions. Only one forklift is proposed to be used during the night-time period. The Applicant advised that the future tenants of Building 3B confirmed there would be no night-time operations.

The Department is satisfied the Applicant has addressed its concerns about the inputs to the noise model and has provided a robust assessment of the modification. The proposed changes would not result in any exceedance of the noise limits established for the OWE and no additional mitigation measures are required. The consideration of intermittent noises has indicated there is potential for night-time exceedances at residences to the west and these are attributable to already approved warehouses. The Department requested the Applicant review all reasonable and feasible mitigation measures to address the potential for intermittent noise to exceed the noise limits. The Applicant confirmed at source controls had been implemented, such as locating larger buildings and loading docks in the centre of the site away from residences and restricting night-time operations for buildings on the western boundary. Controls had also been implemented to limit noise pathways, such as the noise barrier and raised landscape bund.

The development consent includes a requirement for noise verification monitoring within three months of operation of any buildings on the site to verify the effectiveness of the approved noise controls and compliance with the noise limits. The Applicant is also required to investigate and implement further noise controls if operations exceed the noise limits. The Department recommends this condition be

updated to require further noise verification monitoring two years after the commencement of operation of any buildings on the site. This additional requirement would ensure noise levels are measured when multiple warehouses are operating.

The Department also recommends updating the noise limits in the OWE consent to reflect the recent background monitoring for residences N9 – N14. The recommended noise limits at these residences are 47 dB during the day and 42 dB during the evening and night.

The Department’s assessment concludes the modification would result in negligible noise impacts and would comply with the noise limits in the OWE development consent. The modified conditions would ensure the Applicant is required to implement further noise controls if exceedances occur during operation.

5.2 Other Issues

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

Table 4 | Assessment of Other Issues

Issue	Findings	Recommendations
Traffic	<ul style="list-style-type: none"> The modification does not involve any change to total gross floor area (GFA) for the OWE and would result in slightly reduced traffic generation (11,249 trips per day, compared to 11,394 for the approved MOD 6). A Transport Statement prepared by Ason Group used trip generation rates provided by the tenants of Buildings 1A, 2B and 4E and generic rates from RMS data for other warehouses in the OWE. The Transport Statement concluded there would be negligible change in traffic generation due to MOD 7 and traffic volumes would be adequately accommodated on the road network that has been established to support the OWE. The modification also involves changes to estate road 7 and inclusion of a private right-of-way to buildings 4A and 4B. There is no change to estate road 7 where it connects to the future Southern Link Road (SLR). TfNSW provided support for the modification but noted the development has been assessed against a very low trip generation rate, that no longer reflects the adopted rate for developments in the WSEA. The Applicant’s RTS stated the use of trip generation rates from the tenants of Buildings 1A, 2B and 4E, provides a more accurate representation of traffic impacts than the generic RMS rates. TfNSW reviewed the RTS and provided its support for the modification provided it does not affect the future SLR corridor. The Department notes the use of trip generation rates from the tenants provides a higher level of accuracy in the traffic predictions and notes Buildings 1A, 2B and 4E represent 58% of the GFA of the whole estate. 	<ul style="list-style-type: none"> No change to existing conditions for traffic management.

Issue	Findings	Recommendations
	<ul style="list-style-type: none"> The Transport Statement has shown the modification would result in negligible change to traffic volumes. The Department's assessment concludes there would be no change to traffic impacts and no modified conditions are required. The proposed changes to estate road 7 are minor and would not impact on any intersections or the SLR. 	
Visual and Landscaping	<ul style="list-style-type: none"> Changes to earthworks, minor increases to finished floor levels and changes to retaining walls have the potential to alter visual impacts at sensitive receivers to the south and west. Clouston Associates reviewed the proposed modifications and concluded there would be no discernible visual impacts on the receiver to the south, as most of Precinct 4 is shielded by intervening vegetation. The proposed changes to Precinct 3 would also have a negligible impact at receivers to the west due to the intervening noise wall and 40 m landscape setback. Finished floor levels in Precinct 3 would remain the same as approved, with a slight reduction in the area of the pad for Building 3C (which is at a higher elevation). Council did not comment on the visual impacts but recommended careful consideration of the treatments applied at the boundaries including detailed requirements for landscaping. The Applicant's RTS confirmed the proposed landscaping is consistent with the approved OWE consent. The Department considers the modification would result in minimal change to visual impacts. The modification does not include changes to the layouts or design of buildings in Precinct 3. Any changes to these buildings would be assessed by separate development applications with Council. The Department notes Council's request for changes to the landscaping, but notes the landscape plans for the whole estate were prepared in consultation with Council as part of the Concept Proposal and some of the estate landscaping has already been implemented (Stage 1 area and the western boundary). The proposed landscaping is consistent with the approved plans and would result in a coherent look across the estate. The Department's assessment concludes the modification would have minimal visual impacts and does not require any changes to mitigation measures including landscaping. 	<ul style="list-style-type: none"> No change to existing conditions for visual amenity and landscaping.
Bushfire Safety	<ul style="list-style-type: none"> A Bushfire Hazard Assessment (BHA) prepared by Blackash Bushfire Consulting reviewed the modification against the aims and objectives of <i>Planning for Bushfire Protection 2019</i> (PBP 2019) and the conditions of the OWE consent. 	<ul style="list-style-type: none"> Modify the existing conditions requiring the Applicant to comply with the

Issue	Findings	Recommendations
	<ul style="list-style-type: none"> The BHA noted the modification complies with PBP 2019, for provision of defensible space, asset protection zones, fire-fighting water supply, and access for evacuation and emergency vehicles. The BHA concluded the modification would not increase bushfire risk and is generally consistent with the bushfire protection assessment for the OWE. The BHA provided recommendations for establishing asset protection zones and construction of buildings in accordance with <i>Australian Standard AS 3959-2009 Construction of buildings in bushfire-prone areas</i>. RFS requested clarification on how the 40 m wide landscaped area on the western boundary had been considered in the fire modelling for buildings 3B and 3C. In the RTS, the Applicant confirmed the 40 m wide landscaped area had been appropriately assessed based on its separation from the fragmented woodland to the west. RFS did not provide any further comments. The Department concludes there would be no increased bushfire risk from the modification and recommends the conditions are modified to refer to the BHA, to ensure its recommendations for construction are implemented. 	<p>construction standards and asset protection zone requirements detailed in the BHA for the modification.</p>
Other Conditions	<ul style="list-style-type: none"> The modification includes construction of a 2.4 m high fence between Lots 1A and 1B/1C. The existing conditions require all boundary fences to be a maximum of 2.1 m high. The Department notes the change in fence height is required due to the level difference between the lots. The fence is not located along a building frontage or road boundary. The Department's assessment concludes the increased fence height would have negligible impacts. The Department has recommended the conditions be amended to allow a 2.4 m high fence between Lots 1A and 1B/1C. 	<ul style="list-style-type: none"> Modify the conditions to allow a 2.4 m high fence between Lots 1A and 1B/1C.

6 Evaluation

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. The Department's assessment has included consultation with government agencies and Penrith City Council.

The Applicant proposes to modify the Oakdale West Estate Concept Proposal and Stage 1 Development Application (SSD 7348) to facilitate development in Precincts 3 and 4 of the estate. The modification includes minor changes to earthworks levels, retaining walls and amended building layouts in Precinct 4 and a minor change to earthworks and retaining walls in Precinct 3. The modification also includes the use of one forklift on Building 4E during the night-time period.

The key assessment issue for the modification is noise. Other issues including traffic, visual impacts and bushfire safety were considered consistent with the approved OWE consent. Consultation with government agencies and Council identified minor matters for clarification which were addressed in the Applicant's RTS.

The modification would slightly increase noise levels at nearby receivers, but the whole development would still comply with the noise limits in the OWE consent. The Applicant has completed construction of a noise wall on the western boundary and has obtained noise agreements with some residents to the south. The existing consent requires noise verification monitoring once the warehouses are operational to ensure the development complies with noise limits at the receivers. The conditions also require the Applicant to implement additional noise controls if exceedances occur. The Department recommends this condition be updated to require additional noise verification monitoring two years after the commencement of operation of any buildings on the site. With these measures in place, the Department considers noise can be adequately controlled to comply with the noise limits and the modification would not have an adverse noise impact on nearby sensitive receivers.

The Department considers the proposed modification is appropriate on the basis that:

- the proposed modification will result in minimal environmental impacts beyond the approved development
- it would provide warehouses suited to the specific needs of each tenant and would assist in delivering employment generating development in western Sydney.

The Department is satisfied that the modification should be approved, subject to 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 7 falls within the scope of section 4.55(1A) of the EP&A Act
- **forms the opinion** under clause 30A(2)(c) of the Biodiversity Conservation (Savings and Transitional) Regulation 2017 that a BDAR is not required to be submitted with this application as the application will not increase the impact on biodiversity values on the site
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **agrees** with the key reasons for approval listed in the draft notice of decision
- **modifies** the consent SSD 7348
- **signs** the attached approval of the modification (**Appendix B**).

Recommended by:


07.10.21

Deana Burn
Specialist Planner
Industry Assessments

8 Determination

The recommendation is **Adopted** by:



08.10.21

Chris Ritchie

Director

Industry Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of Documents

The Department has relied upon the following key documents during its assessment of the proposed development:

Modification Application

- Assessment Report Section 4.55(1A) Modification SSD 7348 Modification 7, 2 Aldington Road Kemps Creek prepared by Keylan Consulting Pty Ltd, dated July 2021, <https://www.planningportal.nsw.gov.au/major-projects/project/42476>

Government Agency Advice

- <https://www.planningportal.nsw.gov.au/major-projects/project/42476>

Response to Submissions

- Oakdale West Estate (SSD 7348) Modification 7 – Response to request for further information, prepared by Keylan Consulting Pty Ltd dated 13 September 2021, <https://www.planningportal.nsw.gov.au/major-projects/project/42476>

Department's Assessment Report for SSD-7348

- <https://www.planningportal.nsw.gov.au/major-projects/project/11656>

Appendix B – Notice of Modification

Appendix C – Consolidated Consent