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15 October 2021

The General Manager  
Penrith City Council  
PO Box 60  
Penrith NSW 2751

**Attachment A** - Architecture Plans  
**Attachment B** - Acoustic Assessment  
**Attachment C** - SSD6917 MOD16 SEE

Dear Sir/Madam,

## **SECTION 4.55 (1A) - MODIFICATION OF DA20/0685: SITE 2B OAKDALE SOUTH ESTATE (MOD 2)**

### **1. INTRODUCTION**

This Section 4.55(1A) modification application has been prepared by Urbis on behalf of Goodman Property Services (Aust) Pty Ltd (the **Applicant**).

Development Application (**DA**) DA20/0685 was approved by Penrith City Council on 31 May 2021 for the construction of a warehouse and distribution building included two tenancies at Site 2B, Precinct 2, Oakdale South Estate.

This Section 4.55(1A) application is seeking to amend this original consent to allow for design changes to meet tenant requirements. Specifically, the modifications include:

- Installation of mechanical units on the roof of the warehouse and commensurate increase in overall building height by 1m (from 15m to 16m).
- Change of use of a portion of the tenancy to light industry as an ancillary use to the primary purpose of the site for warehouse and distribution, to meet tenant requirements.
- Relocation of 2B-1 dock office (with associated minor increased in GFA of 25m<sup>2</sup>).
- Minor amendments to the approved fit out plans to meet tenant requirements.

This letter includes a description of the site, a description of the approved development, details of the proposed modification, consideration of the proposed modification against Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act); and an assessment of the proposed modifications against Section 4.15 of the EP&A Act.

The proposal is the subject of a Section 4.55(1A) application, as the proposed amendments will result in substantially the same development approved under DA20/0685 and the proposed amendments will result in minimal environmental impacts. Further, this modification will be consistent with the SSD-6917 concept approval (as modified), noting that there is a current modification application to that consent (MOD16) to increase the overall maximum building height on the Precinct 2B to 16m.

## 2. THE SITE

The Oakdale South Estate is a 117 hectare site located within the Western Sydney Employment Area (WSEA) and is the second of four stages of the broader 'Oakdale Estate' under the management of Goodman Limited. Refer to **Figure 3** which depicts the Oakdale Estate and the OSE.

The subject site is referred to as Site 2B, within Precinct 2 of the Oakdale South Estate and will be accessed by Chelodina Street and Entolasia Close. The Oakdale South precinct is highlighted in blue and Precinct 2 is highlighted red below.

Figure 1 – Site Context Plan



Source: Nearmap and Urbis

## 3. PROJECT BACKGROUND AND CONSENT FRAMEWORK

The development of the OSE is part of the development of the broader Western Sydney Employment Area (WSEA) and, within that, the wider Oakdale Estate.

### 3.1. SSDA6917

SSDA 6917 was approved on 26 October 2016, setting the framework for the future development of the OSE. The approval was for a staged development application as provided for by Clause 4.22 of the EP&A Act, which sets out the requirements for concept proposals and subsequent separate detailed development applications which must be consistent with the Concept Approval.

The environmental matters in relation to the overall development of the OSE have been addressed in the EIS for the approved Concept and Stage 1 Approval SSD 6917. The Approval covers the establishment of road layouts, bulk earthworks, site levels, subdivision, vegetation clearing, archaeological site clearing and infrastructure delivery for the site. These details are covered by the Stage 1 Consent.

SSD6917 also approved the general building footprints and building heights within Oakdale South, including for Precinct 2.

Fifteen (15) modifications to SSD-6917 have since been approved. MOD16 was lodged in October 2021 to modify Condition B10 of SSD6917 to increase the maximum building height within Precinct 2B to 16m (from currently approved 15m). It is acknowledged that this current 4.55(1A) application cannot be approved prior to the approval of SSD-6917 MOD 16.

An assessment against the SSD-6917 Conditions of Consent is provided in **Section 7.1.7**.

### **3.2. DA20/0685**

Development Application (**DA**) DA20/0685 was approved by Penrith City Council on 31 May 2021 for the construction of a warehouse and distribution centre included two tenancies at Site 2B, Precinct 2, Oakdale South Estate. The development application received approval for the following specific works:

- Construction and operation of a warehouse and distribution facility and associated ancillary office space.
- Operation on a 24 hour / 7 day a week basis.
- Car and truck access, loading area and car parking accessed from Entolasia Close and Chelodina Street.
- Minor site grading.
- On-lot stormwater works.
- Significant landscaping.

This modification application is seeking to amend the architectural plans approved under DA20/0685.

## **4. PROPOSED MODIFICATIONS**

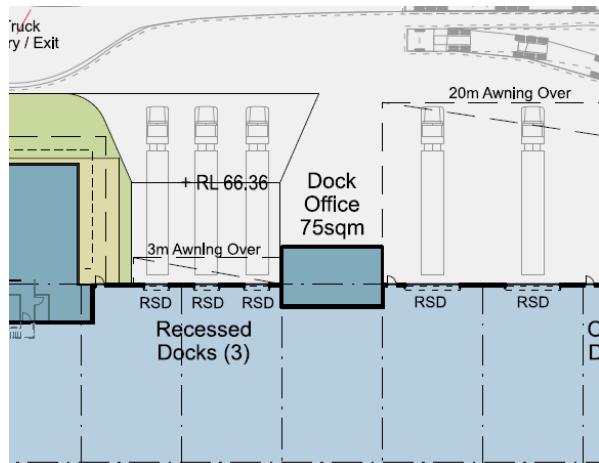
This section describes the proposed modifications to the architectural plans including a summary of the key changes and the rationale underpinning the amendments. Copies of the amended Architectural Plans have been prepared by SBA Architects and are attached as **Attachment A**.

The proposed modifications primarily relate to amendments to meet tenant demands, specifically:

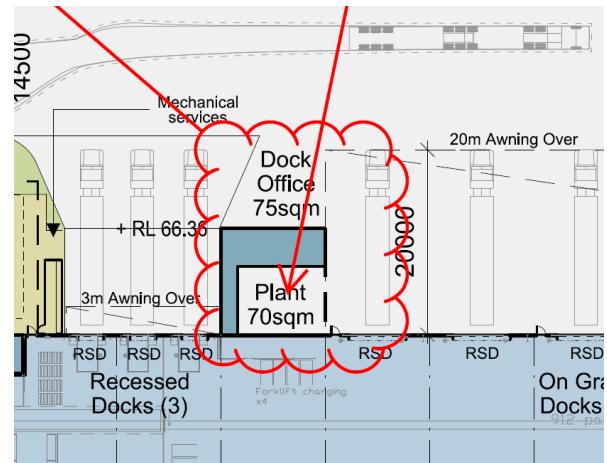
- Installation of mechanical units on the roof of the warehouse and commensurate increase in overall building height by 1m (from 15m to 16m).
- Change of use of a portion of the tenancy to light industry as an ancillary use to the primary purpose of the site for warehouse and distribution, to meet tenant requirements.
- Relocation of 2B-1 dock office, with a minor increase in approved GFA of 25m<sup>2</sup> (from 27,595m<sup>2</sup> to 27,620m<sup>2</sup>).
- Minor amendments to the approved fit out plans to meet tenant requirements.

The proposed modifications are shown in red clouding on the Architectural Plans prepared by SBA Architects and extracted below.

Figure 2 – Comparison of Approved and Proposed Office Locations



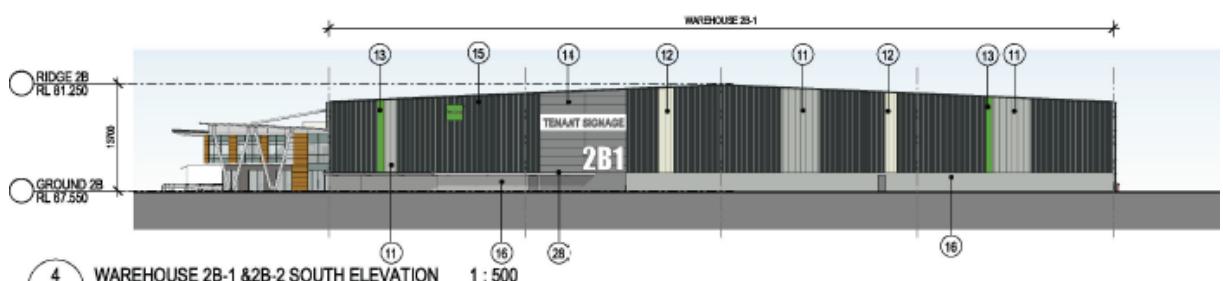
Picture 1 Approved 2B-1 Office



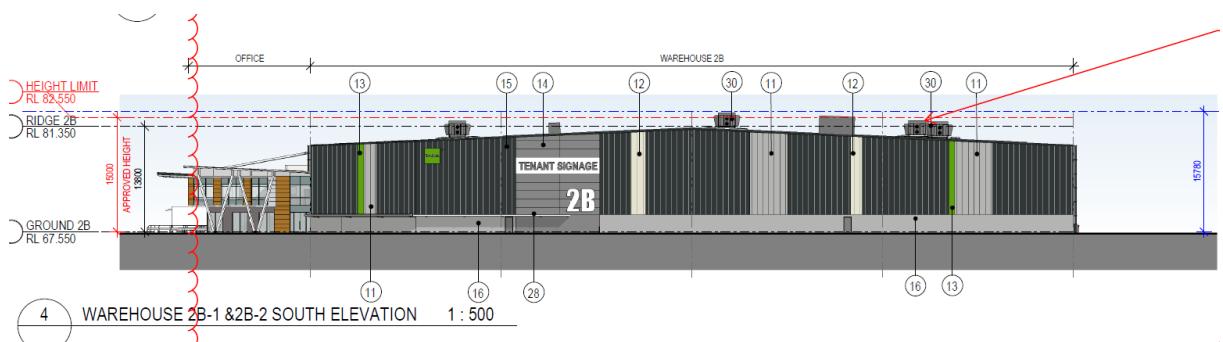
Picture 2 Proposed 2B-1 Office

Source: SBA Architects

Figure 3 – Comparison of Approved and Proposed South Elevation Plans



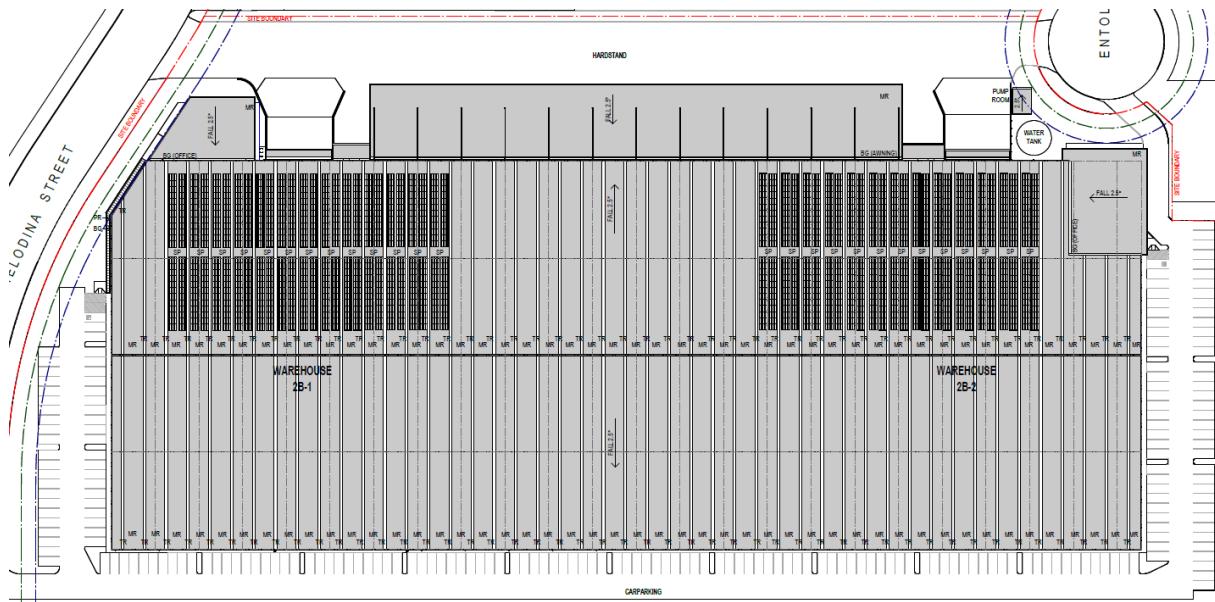
Picture 3 Approved South Elevation Plan



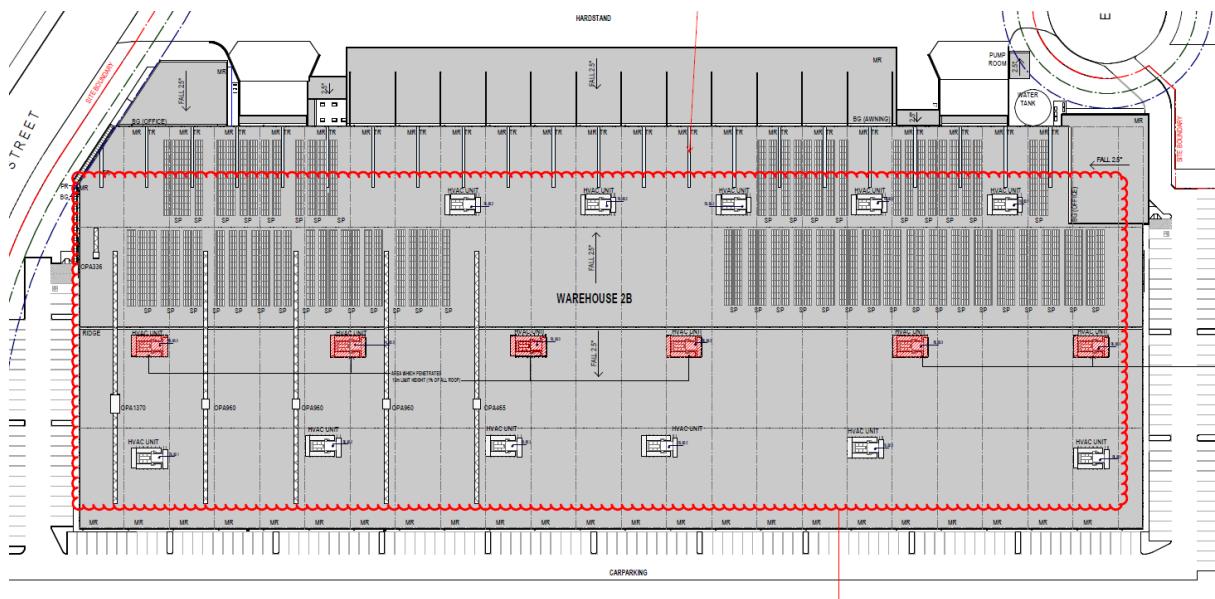
Picture 4 Proposed South Elevation Plan

Source: SBA Architects

Figure 4 – Comparison of Approved and Proposed Roof Plans



Picture 5 Approved Roof Plan



Picture 6 Proposed Roof Plan

Source: SBA Architects

#### Proposed Ancillary Light Industry Use

The approved operation for the tenancy is defined as the following land use term:

- **Warehouse or distribution centre** means a building or place used mainly, or exclusively for the storing or handling of items (whether goods or materials) pending their sale, but from which no retail sales are made.

The proposed ancillary use for 'light industry' is to support the approved warehouse and distribution centre use and will not operate as its own separate light industry facility. The proposed light industry component is inextricably linked to the principal warehousing use and involves

- Receipt of bulk medical supplies (pills) in drum containers from the principal manufacturing location.
- Emptying of the pill contents onto machinery to allow the splitting of the contents into smaller receptacles (pill bottles) suitable for retail pharmaceutical sale to the public.
- Packaging of the smaller receptacles into cartons, and then transfer of those cartons into the warehousing facility for storage pending their distribution to retail outlets for sale.

The light industry component is delineated on the plans and comprises approximately 14% of the overall tenancy floorspace for Warehouse 2B, comprising a minor component of the overall GFA.

## 5. MODIFICATIONS TO CONDITIONS OF CONSENT

To facilitate the proposed modification, amendments to the approved architectural plans are required. Pursuant to the provisions of Section 4.55(1A) of the EP&A Act 1979, the proposed modification seeks to amend the approved conditions of D20/0685 as outlined below.

The proposed modifications to the approved conditions are described below. Text proposed to be deleted is indicated by ~~strike through~~ and text proposed to be added is indicated by **red text**.

### ATTACHMENT 1: CONDITIONS OF CONSENT

#### General

1 The development must be implemented in accordance with the following plans stamped approved by Council, the application form and any supporting information received with the application, except as may be amended in red on the stamped approved plans and by the following conditions.

Drawing Title	Prepared By	Reference No.	Dated	Revision
Site Plan/Floor Plan	SBA Architects	19146 <b>OAKDA210</b>	25/09/20 <b>11/10/21</b>	<del>E</del> <b>M</b>
Signage Plan	SBA Architects	19146 <b>OAK DA215</b>	28/09/20 <b>11/10/2021</b>	<del>D</del> <b>E</b>
Roof Plan <b>Warehouse 2B</b>	SBA Architects	19146 <b>OAK 2B DA311</b>	29/09/20 <b>01/10/21</b>	<del>D</del> <b>K</b>
Floor Plan – <b>Office</b> 2B-1	SBA Architects	19146 <b>OAK 2B DA312</b>	28/01/21 <b>23/08/2021</b>	<del>E</del> <b>G</b>
Floor Plan – Office 2B-2	SBA Architects	19146 <b>OAK2B DA313</b>	28/01/21 <b>26/08/2021</b>	<del>E</del> <b>I</b>
Floor Plan – Dock Office <b>2B-1 &amp; 2B-2</b>	SBA Architects	19146 <b>OAK 2B DA314</b>	28/01/21 <b>05/10/2021</b>	<del>E</del> <b>F</b>
Elevations & Section Warehouse 2B1 & 2B2 <b>2B</b>	SBA Architects	19146 <b>OAK 2B DA315</b>	28/01/21 <b>05/10/21</b>	<del>E</del> <b>K</b>
Elevations – Office 2B-1	SBA Architects	19146 <b>OAK 2B DA316 (E)</b>	28/01/21 <b>21/08/2021</b>	<del>E</del> <b>E</b>
Elevations – Office 2B-2	SBA Architects	19146	28/01/21 <b>23/08/2021</b>	<del>E</del> <b>E</b>

		<b>OAK 2B DA</b> <b>317</b>		
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## 6. SECTION 4.55(1A) ASSESSMENT

This application will be determined in accordance with Section 4.55 (1A) of the EP&A Act. The consent authority may modify the consent if it is satisfied that

- the modification is of minimal environmental impact,
- the development to which the consent as modified relates is substantially the same development as that originally approved,
- it has notified the application in accordance with the relevant provisions.

### 6.1. MINIMAL ENVIRONMENTAL IMPACT

The potential environmental impacts of the proposed amendments are minimal and can be considered under the provisions of Section 4.55(1A) as:

- The proposed modifications do not alter the compliance of the development with the objectives and controls of the relevant State, regional or local Environmental Planning Instruments.
- The proposed 1m increase in building height relates to the addition of mechanical units to the rooftop and does not generate additional bulk or gross floor area of the approved building. The proposed mechanical units are required to meet tenant demand and are consistent with the industrial setting of the Oakdale Industrial Estate. The increase in overall maximum height allowance for the Precinct 2B is being considered concurrently by DPIE as part of SSD-6917 MOD 16.
- The proposed increase in 25m<sup>2</sup> of office space will not create any additional bulk or traffic generation impacts.
- The Noise Impact Assessment prepared by SLR Consulting (**Attachment B**) demonstrates the proposed modifications will have minimal noise impacts. The proposal remains compliant with the operational noise criteria approved for the site under condition B18 of SSD-6917.
- The proposed change of use for a portion of the tenancy to light industry as an ancillary use to the primary purpose of the site for warehouse and distribution will not create additional environmental impacts.

### 6.2. SUBSTANTIALLY THE SAME DEVELOPMENT

The NSW Land and Environment Court has established several precedents on what may be considered as being “substantially the same development”, and what should be factored into the consideration of this threshold test.

The consideration of this test should not only include the physical characteristics of the approved and modified schemes, but also the nature and magnitude of the environmental impacts of the developments. In these respects, the modified scheme should be “essentially or materially” the same as that originally approved.

The proposed modifications are substantially the same as approved, as outlined in the table below.

Table 1 – Comparison of Approved and Proposed Development

Component	Approved	Proposed	Substantially the Same
Land use	Warehouse or distribution centre	Warehouse or distribution centre (with minor ancillary light industry use)	✓
Total building area	27,595m <sup>2</sup>	27,620m <sup>2</sup> (increase in 25m <sup>2</sup> )	✓
Floor space ratio	0.56:1	TBC	✓
Awning area	2,815m <sup>2</sup>	No change	✓
Maximum building height	15m	16m (1m increase due to mechanical plant on roof)	✓
Site coverage	56%	No change	✓
Hardstand area	7,335m <sup>2</sup>	No change	✓
Light duty area	6,346m <sup>2</sup>	No change	✓
Car parking spaces	211	No change	✓
Bicycle spaces	12	No change	✓
Landscaping	In accordance with Landscape Plans prepared by Site Image Landscape Architects	No change	✓
Building setbacks	7.5m building setback to all internal roads 3.75m landscaped setback	No change	✓
Acoustic impact	Compliant with Condition B18 of SSD6917	Compliant with Condition B18 of SSD6917	✓
Site access	Via Chelodina Street and Entolasia Close	No change	✓
Traffic generation	In accordance with SSD6917	No change	✓

Component	Approved	Proposed	
Façade materiality	Profiled metal wall cladding, with precast concrete dado panels to the base of the buildings	No change	✓
Building footprint	SSD6917 also approved the general building footprints within Oakdale South, including for Precinct 2.	Nominal change to dock office.	✓
Waste Generation	In accordance with SLR Consulting's Waste Management Plan approved under DA20/0685	No change	✓

The proposed modifications will result in development that is substantially the same as approved under DA20/0685.

### 6.3. PUBLIC NOTIFICATION AND SUBMISSIONS

In accordance with Section 4.55(1A)(c) of the EP&A Act the Council can undertake any relevant notification of the proposed modification in accordance with the regulations and any development control plan.

## 7. SECTION 4.15 ASSESSMENT

In accordance with Section 4.15(1A) of the EP&A Act, the consent authority must take into consideration the relevant matters outlined in Section 4.15 as outlined in the following sections.

### 7.1. ENVIRONMENTAL PLANNING INSTRUMENTS

#### 7.1.1. Environmental Planning and Assessment Act 1979

Section 4.24(2) of the EP&A Act provides that

*While any consent granted on the determination of a concept development application for a site remains in force, the determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposals for the development of the site.*

The Concept Consent SSD-6917 applies to the land and contains conditions of consent that must be addressed by future stage applications as well as environmental conditions for the ongoing operation of Oakdale South Estate.

Table 3 below provides a response to those conditions contained within the Stage 1 Consent relevant to the subject proposal and includes a reference to where these matters are addressed within this SEE.

Table 2 – Relevant SSD-6917 Consent Conditions

Condition	Comment/ Change Proposed
<b>Limits of Consent</b>	
B9 (a) the maximum GFA for the land uses in the Development shall not exceed the limited outlined in Table 1 below: Total General Warehousing: 321,249m <sup>2</sup> GFA Total Office: 15,486m <sup>2</sup> GFA Total GFA: 336,735m <sup>2</sup>	This modification application seeks to increase the total building area of Site 2B by 25m <sup>2</sup> . SSD-6917 MOD16 has recently been lodged to increase the maximum GFA by 25m <sup>2</sup> . Once SSD-6917 MOD16 is approved, the proposal will comply with this provision.
B10 The Applicant shall ensure that the development is consistent with development controls in Table 2.	Complies Addressed in <b>Section 7.1.8</b> below.
<b>Development Aspect</b>	
Southern Link Road Setback - 20m	N/A the development does not have a frontage to the Southern Link Road.
Internal Estate Roads Setback – 7.5m	Partially complies. No change proposed to the building setbacks approved under DA20/0685.
Rear and side boundary setbacks to development adjacent to the Oakdale South Estate, excluding the southern property boundary – 5m	Complies No change proposed to rear and side boundary setbacks.
Side Boundaries within the Oakdale South Estate – 0m.	Complies No change proposed
Height – 15m	Does not currently comply. SSD-6917 MOD16 has recently been lodged to change the maximum height for Precinct 2B to 16m.

<b>Condition</b>	<b>Comment/ Change Proposed</b>
	Once SSD-6917 MOD16 is approved, the proposal will comply with this provision.
Minimum Lot Size 5,000m <sup>2</sup>	Complies  No changes proposed, the site area is 48,881m <sup>2</sup>
Minimum Frontage 40m (excl. cul-de-sacs)	Complies  No changes proposed, the site has a 130m frontage to Chelodina Street.
Site Coverage 65% (site coverage control excludes building awnings)	Complies  No changes proposed, site coverage (excluding awnings) is 56%
B13 A maximum of one illuminated sign is permitted on each elevation of each warehouse building. All illuminated signage shall be orientated away from residential receivers.	Complies  No changes proposed to approved signage.
B15 The Applicant shall provide bicycle racks, and amenity and change room facilities for cyclists in accordance with Planning Guidelines for Walking and Cycling (December, 2004), NSW Department of Infrastructure, Planning and Natural Resources; Roads and Traffic Authority.	Complies  No changes proposed to approved bicycle racks.
<b>Noise Limits</b>	
B18 The Applicant shall ensure the Development does not exceed the noise limits provided in Table 3 and the receiver locations (L1, L2 and L3 shown in Appendix 4)	Complies  Addressed in Section 7.6.1 and the Noise Impact Assessment prepared by SLR Consulting at <b>Attachment B</b> .
<b>Schedule C – Conditions to be met in future development applications</b>	
<b>Development Contributions</b>	The Penrith City Wide 7.12 Development Contributions Plan for Non-Residential

<b>Condition</b>	<b>Comment/ Change Proposed</b>
C1 Future Development Applications shall identify whether the provisions of Council's 94 Contributions Plan or any voluntary planning agreement(s) apply to the site.	Development applies to the site and a 1% levy will be paid.
<b>Ecologically Sustainable Development</b>  C2 Future development applications shall demonstrate how the Development incorporates the principles of ESD in the design, construction and on-going operation of the Development.	Complies  No changes proposed to the approved Sustainability Management Plan.
<b>Sustainability Management Plan</b>  C3 Future Development Applications must demonstrate compliance with the Sustainability Management Plan approved under Condition B17. Alternatively, future development applications may include a development specific Sustainability Management Plan which demonstrates compliance with condition B17, items (a) to (d).	Complies  No changes proposed to the approved Sustainability Management Plan.
<b>Traffic and Access</b>  C4 Future Development Applications shall be accompanied by a detailed assessment of the traffic and transport impacts on the surrounding road network and intersection capacity, and shall detail provisions demonstrating that sufficient loading/unloading, access and car parking has been provided having regard to the car parking rates approved under Condition C5, and details to promote non-car travel modes. The traffic and transport impact assessment shall also have specific regard to the scope and timing of road infrastructure works in the surrounding road network.	Complies  No changes proposed to approved parking or access arrangements.
C5 Car parking shall be provided in accordance with the following rates, unless evidence is provided in accordance with Part C10, section 10.5.1, C1) f) of the Penrith DCP:	Complies  No changes proposed to approved parking arrangements.

<b>Condition</b>	<b>Comment/ Change Proposed</b>
<ul style="list-style-type: none"> <li>(a) 1 space per 300m<sup>2</sup> of warehouse GFA</li> <li>(b) 1 space per 40m<sup>2</sup> of office GFA; and</li> <li>(c) 2 disabled spaces for every 100 car parking spaces.</li> </ul>	
<p>C6 To ensure that potential conflicts between heavy vehicles and light vehicles are minimised, future Development Applications shall include details demonstrating satisfactory arrangements have been made to separate heavy and light vehicle movements.</p>	<p>Complies</p> <p>No changes proposed to approved parking or access arrangements.</p>
<p>C7 To ensure that sustainable transport modes are supported, all future Development Applications proposing the construction of new warehouse buildings shall include a Sustainable Travel Plan. All Sustainable Travel Plans shall identify the pedestrian and cyclist facilities proposed to service the proposed warehouse buildings.</p>	<p>Complies</p> <p>No changes proposed to approved Sustainable Travel Plan.</p>
<p><b>Bushfire Protection</b></p> <p>C8 Future Development Applications for warehouse buildings shall demonstrate compliance with</p> <ul style="list-style-type: none"> <li>a) the relevant provisions of Planning for Bushfire Protection 2006 and</li> <li>b) the asset protection zones recommended in the report titled Estate Bushfire Protection Assessment, Section 96 Application for the Modification of the Approved Oakdale Industrial Estate – South, prepared by Australian Bushfire Protection Planners Pty Ltd, dated September 2016</li> </ul>	<p>Complies</p> <p>No changes proposed to approved Bushfire Management Plan.</p>
<p>C9 Future Development Applications for warehouse buildings shall demonstrate compliance with Bushfire Construction Standard - A. S. 3959 - 2009 as recommended in the report titled Estate Bushfire Protection</p>	<p>Complies</p> <p>The buildings will remain compliant with the Bushfire Construction Standard - A. S. 3959 - 2009</p>

<b>Condition</b>	<b>Comment/ Change Proposed</b>
Assessment, Section 96 Application for the Modification of the Approved Oakdale Industrial Estate - South, prepared by Australian Bushfire Protection Planners Pty Ltd, dated September 2016.	
C10 Future Development Applications for the construction of buildings shall demonstrate compliance with the BCA, as relevant.	Complies  The buildings will remain compliant with the Building Code of Australia.
<b>Noise and Vibration</b>  C11 Future Development Applications shall include a noise assessment identifying the noise and vibration impacts associated with the construction and operation of future warehouse buildings. The assessment must also identify whether appropriate acoustic amenity can be achieved at surrounding sensitive receivers and identify all mitigation measures, such as noise barriers, necessary to achieve compliance with the requirements of the project specific noise levels identified in Condition B18.	Complies  Addressed in Section 7.6.1 and the Noise Impact Assessment prepared by SLR Consulting at <b>Attachment B</b> .
<b>Waste</b>  C12 Future Development Applications shall include a Waste Management Plan prepared in accordance with the with the EPA's Waste Classification Guidelines (DECCW, 2009).	Complies  No changes proposed to the approved Waste Management Plan.
<b>Outdoor Lighting</b>  C13 Future Development is to ensure compliance with AS/N21158.3:1999 Pedestrian Area (Category P) Lighting and A54282: 1997 Control of Obtrusive Effects of Outdoor Lighting.	Complies  No changes proposed to the approved outdoor lighting.
<b>Signage</b>  C14 Future Development Applications shall include details of any external advertising signage and demonstrate compliance with the requirements of Condition B13 and State	Complies  No changes proposed to the approved signage.

<b>Condition</b>	<b>Comment/ Change Proposed</b>
Environmental Planning Policy No. 64 - Advertising and Signage.	
<b>Reflectivity</b> C15 The visible light reflectivity from building materials used in the facades of the buildings shall not exceed 20 per cent and shall be designed so as to minimise glare. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority for each future warehouse building prior to the issue of the relevant Construction Certificate.	Complies No changes to the proposed reflectivity.
<b>Road Upgrades</b> C16 Future Development Applications shall identify whether any road upgrades are required as a result of the Development works.	Not required – no change proposed.
<b>Stormwater Management</b> C17 All future Development Applications shall demonstrate that the design of the warehouse buildings, plant and equipment and hardstand areas are consistent with the:  (a) Civil, Stormwater and Infrastructure Services Strategy, rev 10, report no 14-193-R001, prepared by AT&L dated September 2016;  (b) Flood Impact Assessment: Oakdale South Industrial Estate, ref: 59914136, prepared by Cardno, dated 11 July 2016; and  (c) Letter report titled 'SSD6917 Oakdale South Industrial Estate, Trans Grid Easement Flooding', prepared by AT&L, ref: 14-193-ATL-L004, dated 18 April 2016 and all appendices.	Complies No changes proposed to the approved Stormwater Management Plan.
<b>Salinity</b> C18 As part of future Development Applications, the Applicant shall implement the recommendations outlined in the Salinity	Complies No changes proposed to the approved Civil Engineering Report.

<b>Condition</b>	<b>Comment/ Change Proposed</b>
Management Plan prepared by Pells Sullivan Meynink, reference PSM1541-113L Rev 3, dated 9 September 2015	
<b>Transmission Line Easement</b>  C19. As part of future Development Applications for the warehouse buildings located in Precincts 3 and 6, the Applicant shall demonstrate that the design of the warehouse buildings and hardstand allows accumulated stormwater to drain away from the TransGrid easement.	No works are proposed in Precincts 3 or 6.
C20. Any Development Application to develop the amenities lot located to the north of Lot 3A must only provide for small scale local services such as commercial, retail and community facilities (including child care facilities) that service or support the needs of local employment-generating uses.	No works are proposed to the subject amenities lot.
<b>Schedule E Environmental Performance and Management</b>	
<b>Driveways and Retaining Walls</b>  E7 As part of the relevant Construction Certificate for each warehouse building, the applicant shall demonstrate that: <ul style="list-style-type: none"> <li>a) no driveways associated with warehousing and distributions buildings, water tanks and pump stations are located within the E2 zone; and</li> <li>b) all retaining walls are wholly located within private property and do not encroach into road reserves.</li> </ul>	Site 2B does not comprise any E2 zoned land.
<b>Operational Noise Limits</b>  E35 The Applicant shall ensure that the noise generated by the operation of the development does not exceed the noise limits set out in Table 6.	Operational noise limits will be monitored to ensure compliance with the noise criteria.

<b>Condition</b>	<b>Comment/ Change Proposed</b>
<p><b>Noise Verification – External Mechanical Plant E37</b></p> <p>Within three months of the commencement of construction of each warehouse building containing external mechanical plant, the Applicant shall undertake noise testing and prepare a Noise Validation Report (NVR) to demonstrate that operation of the mechanical plant and equipment meets the noise limits in Condition B18: The NVR shall:</p> <ul style="list-style-type: none"> <li>a) be prepared by an appropriately qualified and experienced noise expert;</li> <li>b) be approved by the Secretary, prior to the installation of any external mechanical plant;</li> <li>c) demonstrate that the location, design and operation of external mechanical plant would achieve the noise limits in Condition B18;</li> <li>d) describe any acoustic treatments required to ensure compliance with noise limits in Condition B18; and</li> <li>e) if necessary, recommend, prioritise and implement measures to improve noise controls on-site to ensure the Development meets relevant criteria and protects off-site receivers from excess noise.</li> </ul>	<p>This will be invoked during operational phase.</p>
<p><b>Aboriginal Heritage</b></p> <p>E39 In the event that impacts to Aboriginal Heritage Information Management System (AHIMS) sites 45-5-4528 (Oakdale South AS 3) and 45-5-4529 (Oakdale South AS 4) cannot be avoided; the Applicant shall undertake a salvage excavation prior to the commencement of bulk earthworks at the two AHIMS sites. In undertaking the salvage excavation, the Applicant shall prepare a salvage excavation methodology in consultation with the OEH and Aboriginal stakeholder groups.</p>	<p>No change proposed – this is a construction phase requirement.</p>

<b>Condition</b>	<b>Comment/ Change Proposed</b>
<p>E41 If any Aboriginal archaeological objects are uncovered which were not previously identified in the Archaeological Test Excavation Report, prepared by Artefact Heritage and dated September 2015 during construction works, the Applicant shall cease works immediately and notify the OEH and obtain any necessary approvals to continue the works. The Applicant shall comply with any request made by the OEH to cease works for the purpose of archaeological recording.</p>	<p>Noted. The unexpected finds procedure will be required should any artefacts be discovered during site works.</p>
<p><b>Energy Efficiency and Greenhouse Gasses</b></p> <p>E51. Prior to the issue of a Construction Certificate for each warehouse building, the Applicant shall submit a Sustainability Management Plan outlining the specific sustainability measures that will be installed in each warehouse. Each plan must:</p> <p>a) Be approved by the secretary; b) Be consistent with the Sustainability Strategy approved under Condition B17; c) Confirm the total greenhouse gas savings achieved in comparison to a base case development (i.e. development constructed in accordance with the minimum requirements of Section J of the BCA); d) Include a calculation of water requirements and measures incorporated to reduce water use; e) Include a program to monitor and report annually on the efficiency of the measure implemented; and f) Ensure the Development will continue to operate at industry best practice over time.</p>	<p>Complies</p> <p>No changes proposed to the approved Sustainability Management Plan.</p>
<p>E52. The applicant shall include all sustainability measures outlined in the approved Sustainability Management Plan(s) in the Construction Certificate drawings for each warehouse building prior to the issue of an Occupation Certificate.</p>	<p>Noted. This can be detailed at CC stage.</p>

<b>Condition</b>	<b>Comment/ Change Proposed</b>
<b>Hazards and Risk</b> E53 The storage of Dangerous Goods shall not exceed the thresholds outlined in the Hazardous and Offensive Development Application Guidelines: Applying SEPP 33.	Storage of dangerous goods is not proposed.
E54 Dangerous goods, as defined by the Australian Dangerous Goods Code shall be stored and handled strictly in accordance with all relevant Australian Standards.	The storage of dangerous goods was approved
E74 Prior to the issue of any Construction Certificate of any warehouse building adjacent to the TransGrid easement, the Applicant shall submit revised design drawings prepared in consultation with TransGrid demonstrating that stormwater accumulated on-site is directed away from the Transgrid easement to the satisfaction of the secretary.	The Oakdale South Precinct is not adjacent to the TranGrid Easement.

### 7.1.2. State Environmental Planning Policy (Western Sydney Employment Area) 2009

The table below details a summary assessment against the relevant provisions of the WSEA SEPP.

Table 3 – Assessment against WSEA SEPP

Control	Proposed	Compliance
Clause 11 – Zoning		
IN1 General Industrial	The proposed warehouse and distribution centre with ancillary office and ancillary light industry are permissible land uses in the IN1 zone.	Complies  Proposed light industry use is ancillary to and subservient to the dominant warehouse and distribution use approved.
Clause 20 – Ecologically Sustainable Development		
The development must contain measures designed to minimise:	No change to approved Sustainability Management Plan.	Complies

Control	Proposed	Compliance
(a) the consumption of potable water, and  (b) greenhouse gas emissions.		
<b>Clause 21 – Building Height</b>		
Building heights will not adversely impact on the amenity of adjacent residential areas, and  Site topography must be taken into consideration	The proposed rooftop plant will result in an increase in building height by 1m to 16m for an already approved building form.  Amenity impacts from the proposed rooftop plant have been assessed as negligible.	The proposed building height will be compliant with SSD-6917 once approval is granted by DPEI to MOD 16 (currently under assessment).
<b>Clause 26 – Development on or in the vicinity of proposed transport infrastructure routes</b>		
The consent authority must refer to the Director-General of the Department of Planning any application for consent to carry out development on land to which this clause applies.	Noted. Not applicable to Lot 2B.	N/A
<b>Clause 31 – Design Principles</b>		
High quality design, and  A variety of materials and external finishes for the external facades are incorporated, and  High quality landscaping is provided, and  The scale and character of the development is compatible with other employment-generating development in the precinct concerned.	No change to proposed to the approved external finishes, materials or landscaping.  The additional building height for mechanical units is consistent with the industrial setting and will not create additional bulk impacts.	Complies

### 7.1.3. State Environmental Planning Policy (Western Sydney Aerotropolis) 2020

Table 4 – Compliance with the Aerotropolis SEPP

Clause	Comment	Compliance/ Changes Proposed
<b>5 Land to which the policy applies</b>	<p>The site is not identified as land to which the policy applies per the Land Application Map.</p> <p>However, the site is within zones on maps referred to in Part 3 of the Aerotropolis SEPP. Therefore, clauses 19- 25 of the Aerotropolis SEPP have been addressed.</p>	N/A
<b>19 Aircraft Noise</b>  Development consent must not be granted to noise sensitive development if the development is to be located on land that is in an ANEF or ANEC contour of 20 or greater.	<p>The site is identified as being located within the ANEC 20 -25 contour on the Noise Exposure Contour Map.</p> <p>However, the proposed development is not noise sensitive development, as defined under subclause 6 (a-k).</p>	Yes  No change proposed
<b>20 Building wind shear and turbulence</b>  Development consent must not be granted to the following development unless the consent authority has consulted the relevant Commonwealth body—  (a) development on land shown on the Lighting Intensity and Wind Shear Map,  (b) development that penetrates the 1:35 surface.	<p>The site is not within the lighting intensity radius on the Lighting Intensity and Wind Shear map.</p> <p>The development does not penetrate the 1:35 surface.</p>	Yes  No change proposed
<b>21 Wildlife Hazards</b>  The objective of this clause is to regulate development on	The site is located within the 13km wildlife buffer zone. The warehouse development is not of a type or nature that would attract birdlife or animals in	Yes  No change proposed

<b>Clause</b>	<b>Comment</b>	<b>Compliance/ Changes Proposed</b>
land surrounding the Airport where wildlife may present a risk to the operation of the Airport.	such numbers that they would affect the safety of airport operations.	
<b>22 Wind Turbines</b> The clause applies to the development of electricity generating works comprising a wind turbine.	Electricity generating works comprising a wind turbine is not proposed.	N/A No change proposed
<b>23 Lighting</b> This clause applies to land shown on the Lighting Intensity and Wind Shear Map.	The site is not within the 6km lighting intensity radius as identified on the Lighting Intensity and Wind Shear Map. Notwithstanding this, the external lighting proposed will not impact the operations of the airport.	Yes No change proposed
<b>24 Airspace Operations</b> This clause applies to development on land shown on the Obstacle Limitation Surface Map that is a controlled activity within the meaning of Part 12, Division 4 of the Airports Act 1996 of the Commonwealth.	The Obstacle Limitation surface level is 223.2RL. The proposed warehouse has a maximum height of 83.3RL and does not trigger the requirements of Clause 24.	Yes 1m height limit increase to approved height is still well within the 223RL control.
<b>25 Public Safety</b> Development for the following purposes is prohibited on land shown as the "public safety area" on the Public Safety Area Map  <i>Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Commercial premises; Community facilities; Correctional centres;</i>	The site is not located within a public safety area as prescribed on the public safety area map. Further, the proposed development is defined as a warehouse and distribution centre which is not prohibited.	Yes No change proposed

Clause	Comment	Compliance/ Changes Proposed
<p><i>Crematoria; Eco-tourist facilities; Education establishments; Entertainment facilities; Function centres; Funeral homes; Health services facilities; Heavy industrial storage establishments; Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Tourist and visitor accommodation.</i></p>		

#### 7.1.4. State Environmental Planning Policy (Infrastructure) 2007

Pursuant to Clause 104 and Schedule 3 of the Infrastructure SEPP, the proposal qualifies as a 'traffic generating development' and was referred to RMS for review. RMS raised no objection to the proposed development. Whilst there is a minor GFA increase of 25m<sup>2</sup> the overall traffic generation and car parking rates will not change. The proposal remains compliant with the Infrastructure SEPP.

#### 7.1.5. State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

*State Environmental Planning Policy No. 33 – Hazardous and Offensive Development* (SEPP 33) requires the consent authority to consider whether an industrial proposal is potentially hazardous or comprises a potentially offensive industry. In doing so, the consent authority must give careful consideration to the specific characteristics and circumstances of the development, its location and the way in which the proposed activity is to be carried out.

The storage of dangerous goods is not proposed.

#### 7.1.6. State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7 of SEPP 55 requires Council to consider whether the development site is contaminated and, if it is, whether it is suitable for the proposed development either in its contaminated state or following

remediation works. No works are proposed that would penetrate the ground level or change the contamination assessment that informed the base consent.

### 7.1.7. Sydney Regional Environmental Plan No.20- Hawkesbury- Nepean River (No.2- 1997)

Compliance with the *Sydney Regional Environmental Plan (SREP) No.20 - Hawkesbury-Nepean River* was assessed as part of DA/0685. As no changes are proposed to the approved Soil and Erosion Plan, the proposal remains compliant with the SREP 20.

### 7.1.8. Site Specific Development Controls

A site-specific development control plan was submitted as part of the Concept and Stage 1 SSDA for the OSE. This DCP provided built form controls to guide the future development of the OSE which includes Site 2B.

Condition B10 of the Development consent for SSD-6917 requires that development within the OSE is consistent with the development controls as detailed within the Table below.

Table 5 – Site Specific DCP Assessment Table

Development Aspect	Control	Change Proposed/ Comment
Southern Link Road Setback	20m	No frontage to Southern Link Road ( <u>no change proposed</u> ).
Internal Estate Roads Setback	7.5m	Setbacks to Chelodina Street and Entolasia Close are 7.5m ( <u>no change proposed</u> )
Rear and side boundary setbacks to development adjacent to the Oakdale South Estate, excluding the southern property boundary	5m	The rear boundary has a 30m setback ( <u>no change proposed</u> ).
Boundary setbacks along the southern property boundary of the Oakdale South Estate	30m	Site 2B does not have a boundary along the southern property boundary of Oakdale South Estate ( <u>no change proposed</u> ).
Side boundary setbacks within the Oakdale South Estate	0m, subject to compliance with fire rating requirements	The side boundary setbacks are greater than 0m ( <u>no change proposed</u> ).
Height	Maximum 15m	15.78m building height proposed. It is noted that MOD16 to SSD-6917 is currently being assessed by DPIE, which seeks to increase the Precinct 2B building

Development Aspect	Control	Change Proposed/ Comment
		height to 16m. Once approved the proposed building height will comply with the maximum building height.
Minimum lot size	5,000m <sup>2</sup>	The site area is 48,881m <sup>2</sup> ( <u>no change proposed</u> ).
Minimum frontage	40m (excluding cul-de-sacs)  35m minimum lot width at building line	The site has a 130m frontage to Chelodina Street ( <u>no change proposed</u> )
Site Coverage	Maximum 65%	Site coverage is 56% ( <u>no change proposed</u> ).

## 7.2. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No draft environmental planning instruments are relevant to this proposal.

## 7.3. DEVELOPMENT CONTROL PLAN

A site-specific development control plan was submitted as part of the Concept and Stage 1 SSDA for the OSE. A full assessment against the site development control plan is included in **Section 7.1.7**.

The assessment demonstrated that the proposal will achieve full compliance with the site specific development control plan, pending approval of SSD-6917 MOD16.

## 7.4. PLANNING AGREEMENT

The proposed modifications do not impact the terms of any Voluntary Planning Agreement applying to the site.

## 7.5. REGULATIONS

The application has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Regulations 2000*.

## 7.6. LIKELY IMPACTS OF THE PROPOSED DEVELOPMENT

### 7.6.1. Acoustic

An Operational Noise Impact Assessment has been prepared by SLR Consulting (**Attachment B**) to assess potential noise impacts from the proposed design changes.

The Noise Impact Assessment (DA NIA) conservatively modelled external fixed mechanical plant on each of the office rooftops with an assumed cumulative sound power level (SWL) of 80 dBA per office.

The proposed design changes the location of the external mechanical plant, detailing specific units and locations for each of the offices and dock offices. Additionally, temperature control units are proposed on the warehouse roof, and freezer plant on the 2B-1 dock office roof. It is noted that no other operational details of Site 2B are proposed to be modified.

SLR Consulting conclude the operational noise emissions from the development are predicted to comply with the relevant criteria at the surrounding sensitive receivers. Noise levels are predicted to increase by up to 5 dB at the most-affected receivers compared to the approved Site 2B design. This is due to the additional mechanical plant.

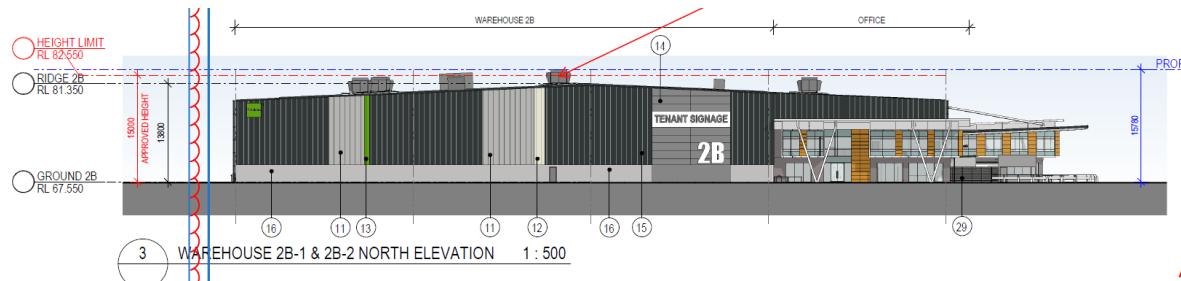
Cumulative operational noise emissions from Site 2B with Oakdale South are predicted to comply with the relevant criteria at the surrounding sensitive receivers. While noise levels from Site 2B are predicted to increase, the cumulative noise levels are consistent with the approved cumulative noise levels due to the relatively low contribution from Site 2B to the cumulative noise levels.

SLR Consulting conclude that the predicted operational noise impacts from the proposed modification are consistent with the approved design and comply with the relevant operational noise criteria.

### 7.6.2. Visual Impact

The proposed 1m increase in building height relates to the addition of mechanical units to the rooftop and does not relate to additional bulk or gross floor area of the approved building. The proposed mechanical units are required to meet tenant demand and are consistent with the industrial setting of the Oakdale Industrial Estate. The site is not immediately adjacent to residential land and as such would be viewed from a distance within the context of the broader industrial character of the OSE. Therefore, the location of mechanical units to the rooftop is anticipated to have a negligible visual impact to the locality.

Figure 5 – North Elevation Plan



Source: SBA Architects

## 7.7. SUITABILITY OF THE SITE

The proposed modifications to the consent will not result in any changes that would affect the suitability of the site to accommodate the development approved under D20/0685. Further:

- The proposed development is permissible in the IN1 General Industrial zone of the WSEA SEPP, and the site is zoned specifically to accommodate the anticipated warehouse and distribution uses. The small light industry component is subservient to and inextricably linked to the primary warehousing purpose of the tenancy.
- The proposed land uses are in keeping with surrounding development and associated industrial activities.
- The proposed increase in 25m<sup>2</sup> of office space will not create any additional bulk or traffic generation impacts.

- The site is adequately separated from sensitive land uses, including residential.
- The site is not adversely burdened by heritage or other environmental constraints.
- The site is located within close proximity to the regional road network, including the M4 and M7.
- The proposed modification does not alter the principal use of the site as approved by SSD-6917 and D20/0685. That principal use will remain warehouse and distribution.

## 7.8. SUBMISSIONS

It is acknowledged that any submissions arising from the public notification of this application will need to be assessed by Council.

## 7.9. THE PUBLIC INTEREST

The modified proposal is considered in the public interest for the following reasons:

- It will continue to contribute to growth of the industrial sector in the Western Sydney Employment Area throughout its operation.
- The modifications will support the efficient use of warehouse floorspace within western Sydney servicing the increase in online sales which requires distribution of goods.
- The proposed modifications will meet tenant requirements, supporting the building's use for warehouse and distribution purposes.

This is achieved with no unreasonably adverse impacts on the environment and amenity of Oakdale South Estate and adjoining areas.

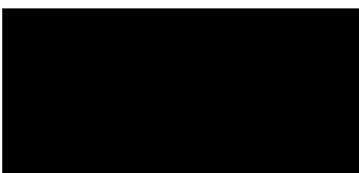
## 8. CONCLUSION

This Section 4.55(1A) modification application has been prepared by Urbis Pty Ltd on behalf of Goodman Property Services (Aust) Pty Ltd to amend D20/0685 for the construction of a warehouse and distribution centre included two tenancies at Site 2B, Precinct 2, Oakdale South Estate.

Based on the content contained throughout this letter and the supporting documentation, it is considered that the proposed modifications to the building design and operation should be approved, subject to appropriate conditions.

If you have any questions, please do not hesitate to contact the undersigned.

Kind regards,



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