

Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning and Public Spaces, under delegation executed on 11 October 2017, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions outlined in Schedule 2.



Chris Ritchie
Director
Industry Assessments

Sydney 28 OCTOBER 2019

File: EF19/22642

SCHEDULE 1

Development Consent

- Development Consent:** SSD 6917 granted by the then Minister for Planning on 26 October 2016
- For the following:** The Staged Development Application for the Oakdale South Industrial Estate comprised of:
- A Concept Proposal with:
- 395,880 m² of GFA comprised of 376,295 m² of warehousing and 19,585 m² of ancillary office floor space;
 - six development precincts with a total of 15 building envelopes; and
 - conceptual lot layout, site levels, road layout, urban design controls, conceptual landscape designs and infrastructure arrangements.
- A Stage 1 Development Application including:
- staged subdivision;
 - construction of bulk and detailed earthworks;
 - construction of internal estate roads, water, sewer, telecommunications and gas infrastructure;
 - construction of stormwater management devices;
 - installation of estate landscaping; and
 - construction and operation of nine warehouse and distribution buildings across precincts 1, 4 and 5 as follows:
 - Precinct 1: five warehouse buildings with a total GFA of 104,739 m²;
 - Precinct 4: three warehouse buildings with a total GFA of 48,256 m²; and
 - Precinct 5: one warehouse building with a GFA of 84,075 m².

Modification 11

Modification Application: SSD 6917 MOD 11

Applicant: Goodman Property Services (Aust) Pty Ltd

Consent Authority: Minister for Planning and Public Spaces

Land: Lot 12 in Deposited Plan 1178389 and Lot 87 in Deposited Plan 752041, Kemps Creek, Penrith local government area

Modification: Modification to update the Vegetation Management Plan (VMP) and remove the Biodiversity Offset Strategy (BOS)

SCHEDULE 2

This consent is modified as follows:

1. Delete references to Secretary and replace with Planning Secretary.
2. Add the following to the definition of Modification Assessments in order:

Modification Assessments	j) Modification Application SSD 6917 MOD 11 lodged by the Applicant on 16 July 2019 to update the Vegetation Management Plan (VMP) and remove the Biodiversity Offset Strategy (BOS)
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In Schedule E: Environmental Performance and Management

3. Delete Condition E46 and replace with the following:

E46. Within six months of the date of the determination of Modification Application SSD 6917 MOD 11, or as otherwise agreed by the Planning Secretary, the Applicant must retire 148 ecosystem credits to offset the residual biodiversity impacts of the development. The number and class of ecosystem credits required to be retired is set out in Part 2 of the Statement of assessment of reasonable equivalence of biodiversity credits authorised by the Delegate of the Environment Agency Head issued on 15 July 2019.

4. Insert new Condition E46A after E46 as follows:

E46A. The requirement to retire the 148 ecosystem credits in condition E46 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the number and classes of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator. Evidence of the retirement of credits in satisfaction of condition E46 or payment to the Biodiversity Conservation Fund must be provided to the Planning Secretary within six months of the date of the determination of Modification Application SSD 6917 MOD 11, or otherwise as agreed by the Planning Secretary.

5. Delete and replace Condition E47 as follows:

E47. Prior to the issue of any Construction Certificate that includes creek realignment works, the Applicant must submit a revised **Vegetation Management Plan** (VMP). The revised VMP must;

- (a) be submitted to the satisfaction of the Planning Secretary;
- (b) be prepared in consultation with the Natural Resources Access Regulator (NRAR);
- (c) be consistent with the management measures and recommendations of the Vegetation Management Plan prepared by EcoHort Pty Ltd, dated 31 August 2015;
- (d) be implemented for a period of no less than five (5) years; and
- (e) must be provided to the Planning Secretary within six months of the date of the determination of Modification Application SSD 6917 MOD 11, or otherwise as agreed by the Planning Secretary.

6. Delete Condition E47A:

7. Delete and replace Appendix 3 as follows:

APPENDIX 3 - MANAGEMENT AND MITIGATION MEASURES (Source: SSDA 6917 MOD 11)

Consolidated Mitigation Measures

The collective measures required to mitigate the impacts associated with the proposed works are detailed in the table below. These measures have been derived from the impact assessment and response to submissions prepared in respect of the SSDA.

OSE SSDA – Consolidated Summary of Mitigation Measures

ISSUE	SSDA COMPONENT	MITIGATION AND MANAGEMENT
Construction Management		
General Construction Management	Stage 1 Development	– A CEMP to be prepared for the OSE Stage 1 Development capturing standard and specific management and mitigation measures as described in the SSDA, EIS and supporting technical documents.
Operational Management		
General Operational Management	Concept Proposal Stage 1 Precinct Development	– An OEMP to be prepared for the OSE capturing standard and specific operational management and mitigation measures as described in the SSDA, EIS and supporting technical documents.
Transport		
Construction Traffic	Stage 1 Development	– Preparation of a CTMP to form part of the CEMP addressing issues such as: <ul style="list-style-type: none"> • Truck haul routes, delivery schedules and curfews; • Protocols for the management of construction traffic moving onto and off the site.
Urban Design and Visual		
Site Layout and Design	Concept Proposal	– Future development of the OSE to proceed in accordance with the approved Development Concept Proposal and DCP.
Development Controls	Concept Proposal	– Design and development controls to be established for the OSE in the form of a DCP to guide future development on the site.

ISSUE	SSDA COMPONENT	MITIGATION AND MANAGEMENT
Visual Impact	Concept Proposal/Stage 1 Development	<ul style="list-style-type: none"> - Additional landscape planting to be introduced along the southern and eastern boundaries of the OSE to mitigate visual impacts on existing and proposed rural residential lands to the south and east of the site. - Landscaping of this boundary to be undertaken in accordance with the revised landscape plans included at Appendix D to the RTS. - Landscaping of the southern and eastern site boundaries to be implemented in the early stages of the development to maximise time for vegetation to mature as development on the site progresses. - Adoption of a colour pallet for exposed building elevations that compliments the natural colours of the surrounding landscape and inclusion of provisions with respect to the use of this pallet in the development controls for the site. - Design and development controls to be established for the OSE in the form of a DCP to guide future development on the site.
Soils and Water		
Water Usage	Stage 1 Development	<ul style="list-style-type: none"> - Rainwater tanks to be provided for each development site with size determined in accordance with Penrith Council DCP requirements. - Irrigation and toilet flushing for development to be plumbed to rainwater tanks. - Consideration to be given to other possible rainwater reuse opportunities such as for truck washing. - Measures and considerations for the minimisation of water use during construction and operation to be incorporated into CEMP and OEMP as relevant.
Soils	Stage 1 Development	<ul style="list-style-type: none"> - Mitigation measures inherent to the civil design of the proposal. - Sedimentation and erosion control measures are proposed as detailed in Appendix E and J.
Salinity	Stage 1 Development	<ul style="list-style-type: none"> - A Salinity Management Plan has been prepared for the proposed development and is included in Appendix T. - Management measures described in the Salinity Management Plan to be adopted in the CEMP and OEMP as relevant.
Contamination	Stage 1 Development	<ul style="list-style-type: none"> - Identified areas of potential contamination to be subject to further investigation prior to the development of affected land.
Earthworks	Stage 1 Development	<ul style="list-style-type: none"> - Civil design achieves appropriate site levels with minimal impact upon hydrology. - Import of fill to be managed in accordance with CEMP. - Erosion and sediment controls included in SSDA package (Appendix E).
Mineral Resources	Concept Proposal	<ul style="list-style-type: none"> - No mitigation required provided that mining activities under the existing mining lease applying to land to the east of the site (ref. ML1636) would not be constrained by the OSE development.

ISSUE	SSDA COMPONENT	MITIGATION AND MANAGEMENT
Surface Water	Stage 1 Development	<ul style="list-style-type: none"> - Stormwater issues addressed through design measures incorporated into proposed development. - Stormwater management system designed to meet the requirements of Penrith Council's Engineering Works and WSUD guidelines and relevant NOW guidelines. - Detailed on-lot stormwater for future stages of the OSE to be designed and assessed under future applications.
Groundwater	Stage 1 Development	<ul style="list-style-type: none"> - Methods and management of any required dewatering required during construction works to be detailed in the CEMP.
Flooding	Stage 1 Development	<ul style="list-style-type: none"> - OSD designed to ensure that development does not increase stormwater peak flows in downstream areas for events up to and including 1:100 year ARI. - OSD designed to mitigate post-development flows to pre-development flows for peak ARI events. - Finished floor levels to have minimum 500mm freeboard to 100 year overland flows. - Flood impacts on Transgrid easement would be mitigated through minor compensatory earthworks on the floodplain to convey locally diverted flows. These works are detailed in the civil drawings at Appendix E.
Water Quality	Stage 1 Development	<ul style="list-style-type: none"> - Erosion and sediment controls as detailed in Appendix E and Appendix J to be implemented through CEMP. - Stormwater to be treated to compliant levels prior to discharge. - Gross Pollutant Trap (GPT) to be installed within each development site on the final downstream stormwater pit prior to discharge. - WSUD measures adopted to achieve target reductions for the OSE: <ul style="list-style-type: none"> • 85% Total Suspended Solids • 60% Total Phosphorus • 45% Total Nitrogen • 90% Gross Pollutants
Infrastructure		
Capacity and Upgrades	Concept Proposal	<ul style="list-style-type: none"> - Management of issues in respect of infrastructure capacity and upgrades is in the form of design responses described in Section 4.0 of the EIS.
Delivery and Staging	Concept Proposal/Stage 1 Development	<ul style="list-style-type: none"> - Management of issues in respect of infrastructure capacity and upgrades is in the form of design responses described in Section 4.0 of the EIS. - Staging of development of the OSE would be aligned with infrastructure and services delivery.
Transgrid Easement	Concept Proposal/Stage 1 Development	<ul style="list-style-type: none"> - Further consultation would be undertaken with Transgrid in relation to potential impacts and required mitigation.
Other Environmental Issues		

ISSUE	SSDA COMPONENT	MITIGATION AND MANAGEMENT
Flora and Fauna	Concept Proposal Stage 1 Development	<ul style="list-style-type: none"> - Implementation of the Biodiversity Offset Strategy for the site including: <ul style="list-style-type: none"> • Ecosystem credits to be acquired and retired to offset impacts to the HN528, HN526 and HN594 EEC as part of the proposal following approval of the SSDA. - Preparation of a Flora and Fauna Management Plan for the site to inform the CEMP and OEMP as relevant to manage potential impacts to biodiversity during construction and operation. - Finalisation and implementation of a VMP for the OSE addressing: <ul style="list-style-type: none"> • Restoration of retained areas of vegetation on the site including riparian corridors; • Native grassland restoration to other areas of the site including road batters and outside batters of bio-retention basins; and • Ongoing maintenance and management of these areas in accordance with the provisions of the VMP.
Waterways and Riparian Lands		<ul style="list-style-type: none"> - Realignment of Drainage Line to occur in accordance with design and management measures described in Appendix M including: <ul style="list-style-type: none"> • Retention of bank and bench vegetation where possible. • Provenance plant material to be used for planting where practicable. • Reinstatement of the realigned drainage line to a plant community type characteristic of the EEC Forest Red Gum – Rough-barked Apple grassy woodland. - Ongoing management of riparian lands on the site to be in accordance with the VMP as described above.
Construction Noise	Stage 1 Development	<ul style="list-style-type: none"> - Construction hours to be limited to 7.00am-6.00pm Monday to Friday and 8.00am-1.00pm Saturdays. - Further noise management measures to be incorporated into the CEMP as appropriate.
Operational Noise	Stage 1 Development	<ul style="list-style-type: none"> - Construction of a five metre noise barrier on the retaining wall along the southern site boundary and along part of the eastern site boundary to the extent of the proposed rural-residential lands to mitigate potential noise impacts. The noise wall would be constructed behind the landscape setbacks to the southern and eastern boundaries. - Cumulative sound power levels of fixed plant for each building within the OSE to be limited to 100dBA. - Further assessment of potential operational noise impacts to be undertaken in respect of any specific operations proposed within the OSE with an atypical noise profile. - Assessment of future fixed plant to ensure specifications minimise noise emissions or apply local attenuation to manage potential noise impacts.\

ISSUE	SSDA COMPONENT	MITIGATION AND MANAGEMENT
Air Quality and Odour - Construction	Stage 1 Development	<ul style="list-style-type: none"> - CEMP to include standard air quality control measures, contingency plans and response procedures and suitable reporting and performance monitoring procedures. - CEMP to include standard odour mitigation measures for construction including keeping excavation surfaces moist, covering excavation faces and/or stockpiles, use of soil vapour extraction systems and regular monitoring of discharges as appropriate.
Air Quality and Odour - Operational	Stage 1 Development	<ul style="list-style-type: none"> - Further assessment of potential air quality impacts to be undertaken in respect of any specific operations proposed within the OSE with an atypical air emissions profile. - Specific operations proposed within the OSE with the potential for generation of odour would be subject to further assessment.
Indigenous heritage	Stage 1 Development	<ul style="list-style-type: none"> - Archaeological salvage excavation and monitoring to be undertaken in the presence of relevant Aboriginal stakeholders prior to ground disturbance and excavation work in identified areas. - Results of detailed archaeological excavation and any suitable salvaged materials to be managed in accordance with the NPW Act and direction from relevant Aboriginal stakeholders.
Non-indigenous heritage	Stage 1 Development	<ul style="list-style-type: none"> - Archaeological salvage excavation and monitoring to be undertaken prior to ground disturbance and excavation work in the Lochwood Estate outbuildings area. - Results of detailed archaeological excavation and any suitable salvaged materials to be considered as part of heritage interpretation within the OSE development.
Greenhouse Gas and Energy Efficiency	Stage 1 Development	<ul style="list-style-type: none"> - Future stages of development within the OSE would be subject to assessment in relation to energy efficiency and greenhouse gas emissions.
Waste Management - Construction	Stage 1 Development	<ul style="list-style-type: none"> - Detailed construction waste minimisation and management measures to be included in the CEMP as described in Appendix W.
Waste Management - Operations	Stage 1 Development	<ul style="list-style-type: none"> - Detailed operational waste minimisation and management measures to be included in the OEMP as described in Appendix W.

**End of modification
(SSD 6917 MOD 11)**