

Modification of Development Consent

Section 96(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning, under delegation executed on 16 February 2015, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions outlined in Schedule 2.

Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

Sydney 5 October, 2017

File: 17/05468

SCHEDULE 1

| | |
|----------------------------------|--|
| Application No: | SSD 6917 |
| Applicant: | Goodman Property Services (Aust) Pty Ltd |
| Consent Authority: | Minister for Planning |
| Development: | Oakdale South Industrial Estate, Lot 12 DP 1178389 and Lot 87 DP 752041, Kemps Creek, Penrith local government area |
| Date of Original Consent: | 26 October 2016 |
| Modification: | SSD 6917 MOD 3 – Extended construction hours to permit temporary out of hours fill importation in precincts 1 and 2 of the Stage 1 Development Application |

SCHEDULE 2

This consent is modified as follows:

In the list of definitions

- Delete and replace the following items in the list of definitions in alphabetical order as follows:

| | |
|-------------|--|
| Development | The development as described in the EIS, RTS known as SSD 6917 for the Oakdale South Industrial Estate, approved by this Development Consent and as described in Schedule A and modified by the section 96(2) modification application (SSD 6917 MOD 1) and the section 96(1A) modification application (SSD 6917 MOD 3) |
|-------------|--|
- Insert the following new definitions in the list of definitions in alphabetical order as follows:

| | |
|--|---|
| SSD 6917 MOD 3 | The section 96(1A) modification application lodged by the Applicant on 5 April 2017 to temporarily extend the permissible construction hours for fill importation under the Stage 1 DA, excluding the proposed amendments to the management at Appendix E of the modification application |
| Out of Hours Fill Importation Activities | The temporary importation of fill material as part of the bulk earthworks phase of construction including transport, unloading, spreading and compacting fill material on-site in work zones labelled 1A, 1B, 1C, 1D and 2A as shown in Appendix 7 |

In Schedule D: Conditions of Consent for the Stage 1 DA

3. Delete and replace Condition D2 as follows:

D2. Development Consent is granted to the 'Stage 1 works' as described in Schedule A, the conditions contained in this Development Consent and the EIS, as amended by the RTS, SSD 6917 MOD 1 and SSD 6917 MOD 3.

4. Delete and replace Condition D3 as follows:

D3. The Applicant shall carry out the Development in accordance with the:

- (a) EIS and RTS;
- (b) the letter titled '*Re: SSD6917 Oakdale South Industrial Estate, Trans Grid Easement Flood Extents*', ref 14-193-ATL-TRANSGRID-L2, prepared by At&I, dated 18 May 2016 and all appendices;
- (c) the Supplementary Response to Submissions titled '*Re: Oakdale South Estate SSDA_6917*' and all annexures, prepared by Urban Advisory Services, dated 12 July 2016;
- (d) the letter report titled '*Oakdale South Estate, Operational Noise Contours, Adverse Weather Conditions*', prepared by SLR, dated 13 July 2016;
- (e) the letter titled '*Re: Oakdale South Estate - State Significant Development Application Ref. 6917*' and all annexures, prepared by Urban Advisory Services, dated 8 September 2016;
- (f) the section 96(2) Modification Application SSD 6917 MOD 1, prepared by Urbis, dated 4 November 2016 and all supporting documentation;
- (g) the section 96(1A) Modification Application SSD 6917 MOD 3, prepared by Goodman, dated 5 April 2017 and all supporting documentation, excluding Appendix E;
- (h) the development layout plans and drawings listed at **Appendix 1**; and
- (i) the Management and Mitigation Measures at **Appendix 3**.

5. Insert new Condition E27A as follows:

Out of Hours Fill Importation

E27A. In addition to the construction hours detailed in Condition E27 above, the Applicant may undertake fill importation activities that meets the imported soil requirements under Condition B23, in work zones 1A, 1B, 1C, 1D and 2A, within precincts 1 and 2 of the Stage 1 DA, as shown in **Appendix 7** between the hours of 8:00 PM to 4:00 AM, Mondays to Fridays inclusive for a period of four months in the following staged manner:

- (a) Stage 1 – 60 deliveries per night for two weeks;
- (b) Stage 2 – 120 deliveries per night for two weeks; and
- (c) Stage 3 – 200 to 300 deliveries per night for 4 months or until bulk earthworks levels in precincts 1 and 2 under the Stage 1 DA are achieved, whichever is sooner.

6. Insert new Condition E27B as follows:

E27B. Under the stages for out of hours fill importation described in Condition E27A above, the Applicant shall not progress from Stage 1 to Stage 2 and from Stage 2 to Stage 3, except in accordance with an approval granted by the Secretary, in accordance with conditions E27D and E27E.

7. Insert new Condition E27C as follows:

E27C. Prior to the commencement of out of hours fill importation activities, the Applicant shall notify the Secretary of the date on which the Stage 1 out of hours fill importation activities works detailed under Condition E27A(a) above will commence. As part of this notification, the Applicant shall, to the satisfaction of the Secretary:

- a) demonstrate that erosion and sedimentation control measures in accordance with *Managing Urban Stormwater: Soils and Construction Guideline* (Landcom); and
- b) submit any erosion and sediment control plans prepared under the approved Construction Environmental Management Plan required by Condition C1.

8. Insert new Condition E27D as follows:

E27D. The Applicant may apply to the Secretary for approval to increase the number of fill importation deliveries from 60 deliveries per night to 120 deliveries per night if:

- (a) the Applicant submits a compliance report of the Stage 1 out of hours fill importation activities, to the satisfaction of the Secretary. The Stage 1 compliance report must:

- (i) provide the results of noise monitoring against the noise management levels under Condition E27F; and
- (ii) confirm the number of delivery trucks during the relevant stage of fill importation activities; and
- (iii) provide details of any complaints received and the measures taken to address the complaints.

9. Insert new Condition E27E as follows:

E27E. The Applicant may apply to the Secretary for approval to increase the number of fill importation deliveries from 120 deliveries per night to a maximum of 300 deliveries per night if:

- (a) the Applicant submits a compliance report of the Stage 2 out of hours fill importation activities, to the satisfaction of the Secretary. The Stage 2 compliance report must:
 - (i) provide the results of noise monitoring against the noise management levels under Condition E27F; and
 - (ii) confirm the number of delivery trucks during the relevant stage of fill importation activities; and
 - (iii) provide details of any complaints received and the measures taken to address the complaints.

10. Insert new Condition E27F as follows:

E27F. The Applicant must ensure the noise generated by out of hours fill importation activities undertaken in the hours detailed in Condition E27A above does not exceed the noise management levels set out in **Table 5A** below.

Table 5A: Noise Management Levels for Out of Hours Fill Importation Activities

| Approximate Noise Catchment | Construction Noise Management Levels (LAeq _{15 minute}) | | Sleep Disturbance (LA1, 1 Minute) |
|---|--|--------------------------|--------------------------------------|
| | Evening (6 PM to 10 PM) | Night (10 PM to 7 AM) | |
| L1 - North of the Pipeline | 37 | 37 | 47 |
| L2 - Horsley Park | 39 | 39 | 49 |
| L3 - Kemps Creek, Mount Vernon, Jacfin and Capitol Hill | 38 | 38 | 48 |

11. Insert new Condition E27G as follows:

E27G. Should the noise monitoring compliance reports required by conditions E27D or E27E above show exceedances in the noise management levels detailed under Condition E27F, or if any complaints are received which the Secretary determines are valid, the Applicant must cease out of hours fill importation activities for the relevant stage where exceedances occurred, or as otherwise agreed by the Secretary.

12. Insert new condition E27H as follows:

E27H. For the duration of Stage 3 fill importation activities under Condition E27(c), the Applicant must submit a noise monitoring compliance report demonstrating compliance with the noise management levels detailed under Condition E27F, to the satisfaction of the Secretary every two weeks until 4 months is complete or until bulk earthworks levels in precincts 1 and 2 under the Stage 1 DA are achieved, whichever is sooner.

13. Insert new condition E27I as follows:

E27I. Should any of the noise monitoring compliance reports submitted for Stage 3 fill importation activities show exceedances in the noise management levels detailed under Condition E27F, or if any complaints are received which the Secretary determines are valid, the Applicant must cease out of hours fill importation activities, or as otherwise agreed by the Secretary.

14. Insert new Condition E27J as follows:

E27J. While undertaking fill importation activities during the construction hours detailed in Condition E27A above, the Applicant must:

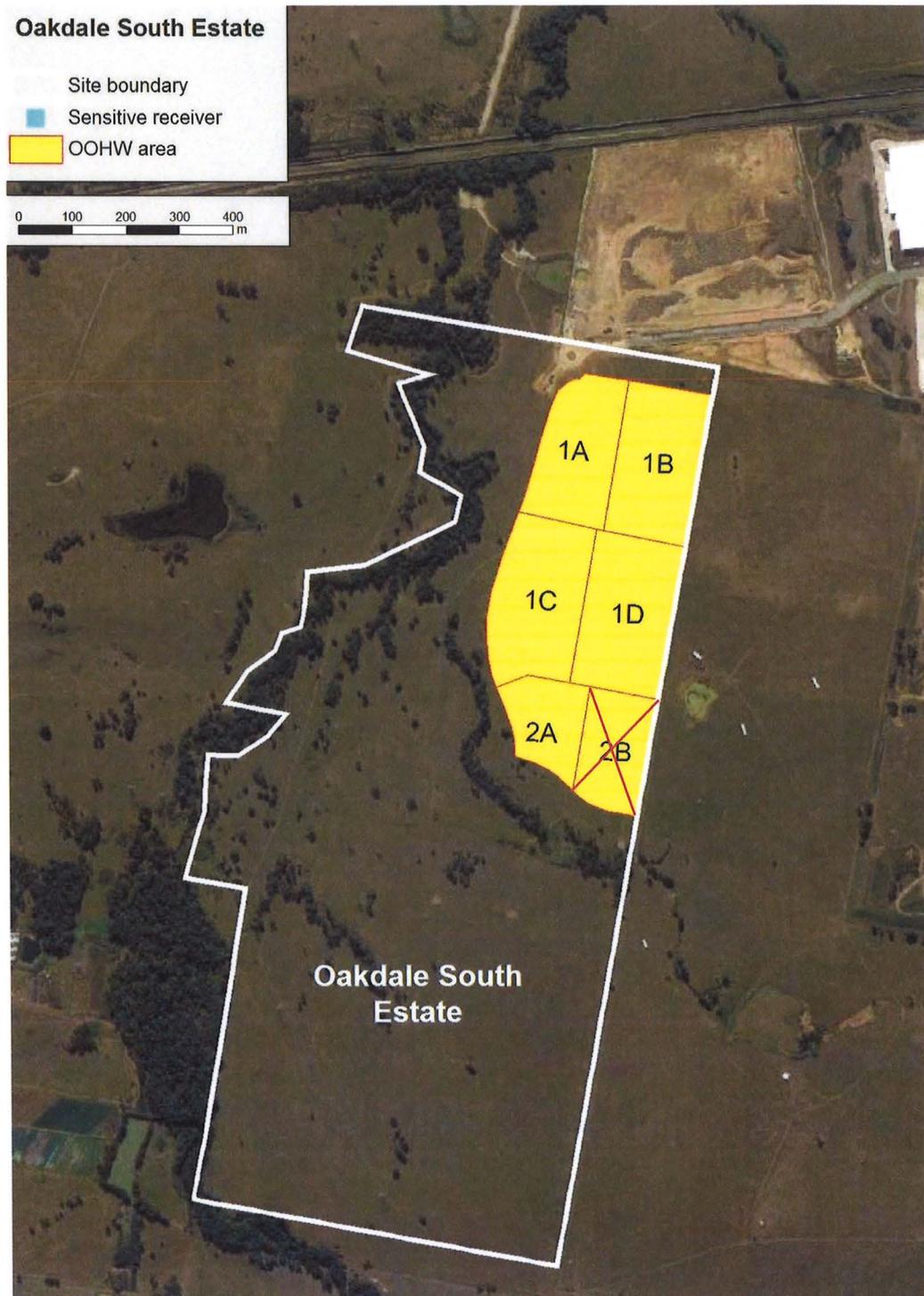
- (a) undertake noise monitoring at points L1, L2 and L3 shown in **Appendix 4**;
- (b) not undertake works in zone 2B as depicted in **Appendix 7**;
- (c) not use a D10 bulldozer at any time;
- (d) not undertake fill importation in more than one work zone at any time consisting of work zones 1A, 1B, 1C, 1D or 2A as shown in **Appendix 7**; and
- (e) implement the management and mitigation measures detailed in SSD 6917 MOD 3.

15. Delete and replace Condition E33 as follows:

E33. The Development shall be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the management and mitigation measures in the RTS and SSD 6917 MOD 3.

16. Insert new Appendix 7 – Work Zones for Out of Hours Fill Importation:

APPENDIX 7: Work Zones for Out of Hours Fill Importation



End of Modification - SSD 6917 MOD 3