

Modification Requests  
Concept Plan MP08\_0065 MOD2  
Project Approval MP08\_0066 MOD5

**Oakdale Central Industrial Estate, Horsley Park**

**1 THE SITE**

The Oakdale Central Industrial Estate is a 62ha site, adjacent to and south of the Sydney Water pipeline in the Western Sydney Employment Area. It is owned by Goodman Property Services (the proponent) and is being developed for warehouse, distribution and freight logistics purposes. The estate is accessed off Old Wallgrove Road. See **Figures 1 and 2**.

The south eastern corner of the site has been developed for two warehouse and distribution buildings operated by DHL Logistics. These are located on lot 2A, see **Figures 2 and 3**. The remainder of the site is undeveloped.

The proposed modifications to the concept plan and project approval relate to the subdivision layout, the shape and location of the stormwater basin in lot B, bulk earthworks, pad levels, staging and the importation of fill.



**Figure 1: Site location**



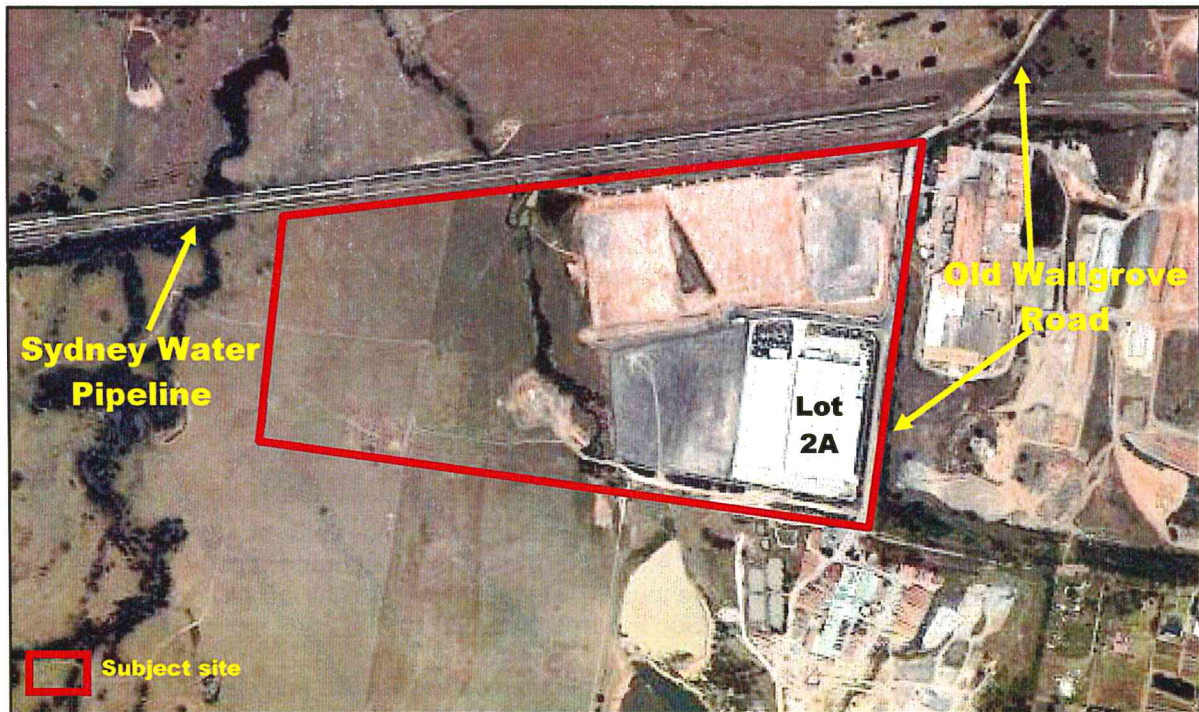


Figure 2: Subject site

## 2 BACKGROUND

### 2.1 Concept Plan MP08\_0065 and Stage 1 Project Approval MP08\_0066

On 2 January 2009, the then Minister for Planning approved a concept plan for the establishment of the Oakdale Central estate including subdivision, internal road layout, recreation and biodiversity land, seven industrial buildings, pad levels, external road upgrades and infrastructure. See **Figure 3** for the approved site layout.

The concept plan approval listed the land breakdown on site:

- 40ha for employment generating uses;
- 8.0ha for regional road reserves;
- 1.0ha for services;
- 4.6ha for environmental conservation; and
- 7.4ha for recreational open space.

The 4.6ha allocated to environmental conservation land and the 7.4ha allocated to recreational open space (total 12ha) consisted of four lots; conservation lots A-D (see **Figure 3**). The environmental conservation land (4.6ha) was to be allocated to the revegetation of the riparian corridors located in lots A and C.

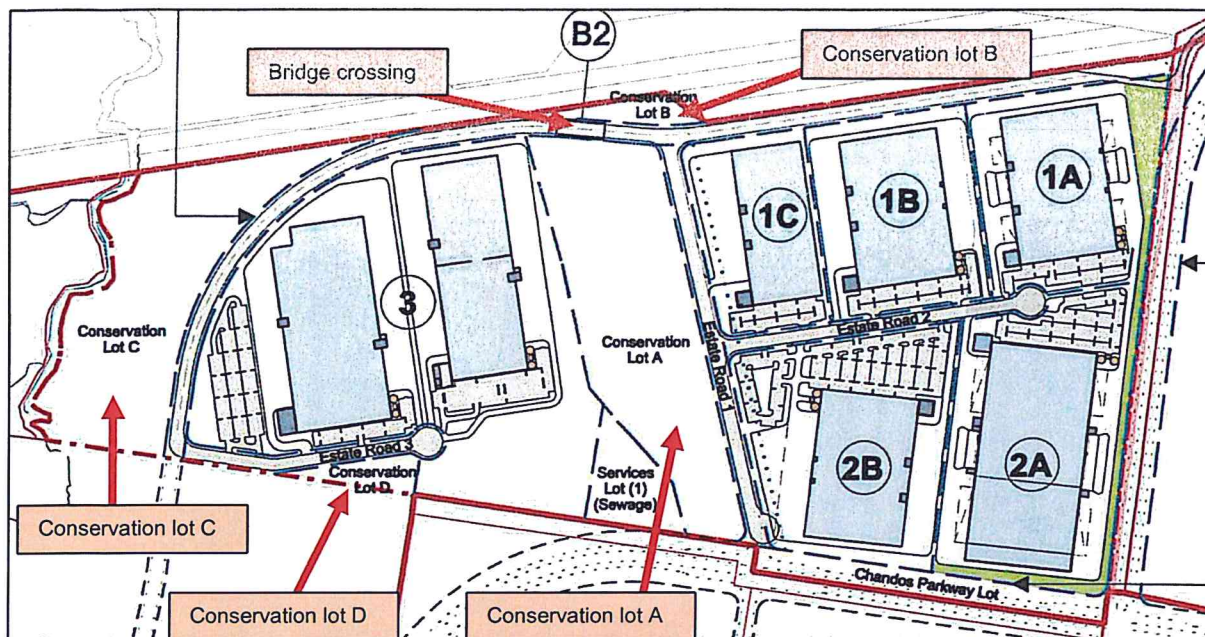
The Minister also approved the concurrent stage 1 project application for the establishment of a DHL Logistics Hub and associated infrastructure. The project approval included subdivision, bulk earthworks, the construction of warehouses on lots 1A and 2A and, internal roads and parking. See **Figure 3**.

At the time of approval, the estate fell under Fairfield Local Environmental Plan 1994 and the proposal was prohibited. However, the estate was located in the Western Sydney Employment Hub which was earmarked in the Metropolitan Strategy to become part of the biggest employment areas in western Sydney.

State Environment Planning Policy (Western Sydney Employment Lands) (WSEL) had been exhibited and the estate was proposed to fall under WSEL and would therefore be permissible with consent.



Notwithstanding, the Minister was able to approve the project due to the provisions of clause 80 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) because the estate was not located in an environmentally sensitive area of State significance.



**Figure 3:** Site layout approved under MP08\_0065 & MP06\_0066

## 2.2 Modification 1 to Concept Plan and Project Approval

On 4 November 2010 the Executive Director, Major Projects Assessment, as delegate of the then Minister for Planning approved amendments to the concept plan and project approval.

The concept plan subdivision was amended to change the configuration and reduce the number of internal estate roads, in response to the finalised alignment of the adjoining regional road infrastructure. See **Figure 4** for the new layout.

At this stage, State Environmental Planning Policy (Western Sydney Employment Area) (WSEA) had been gazetted and this affected regional road layouts which had not been decided at the time of concept plan and project application approval.

Subdivision changes included converting conservation lot D (see **Figure 3**) to a developable lot. This then changed the land breakdown as approved under the concept plan. Also as a result of the gazettal of the WSEA, modifications were made to the land breakdown because the WSEA did not include a recreation zone so all open space designated as such under the concept plan was included in the E2 Environmental Conservation zone.

The new concept plan land breakdown was as follows:

- 45.27ha for employment generating uses;
- 2.74ha for regional road reserves;
- 2.64ha for local road reserves;
- 1.0ha for services; and
- 10.56ha for environmental conservation.

The 10.56ha for environmental conservation consisted of the previous 4.6ha allocated to environmental conservation land which was now proposed to be spread between the newly named 'biodiversity' lots A-C (see **Figure 4**) and recreational land reduced to 5.96ha as a result of the conversion of conservation lot D.

By way of information, condition 19 of the project approval, as modified, incorrectly referred to 4.27ha of native vegetation to be established, conserved and maintained. This figure should be 4.6ha to



match the concept plan land breakdown. This anomaly is proposed to be corrected as part of this current modification request.  
Other amendments included:

- Concept plan and project approval – a culvert crossing of the creek in the middle of the site to replace the bridge crossing in the north of the site. This was because the road layout changes resulted in only one road running centrally through the site from east to west.
- Project approval - stage 1 on lots 1A and 2A, was modified with 2 warehouse buildings on lot 2A being proposed, instead of one larger building.

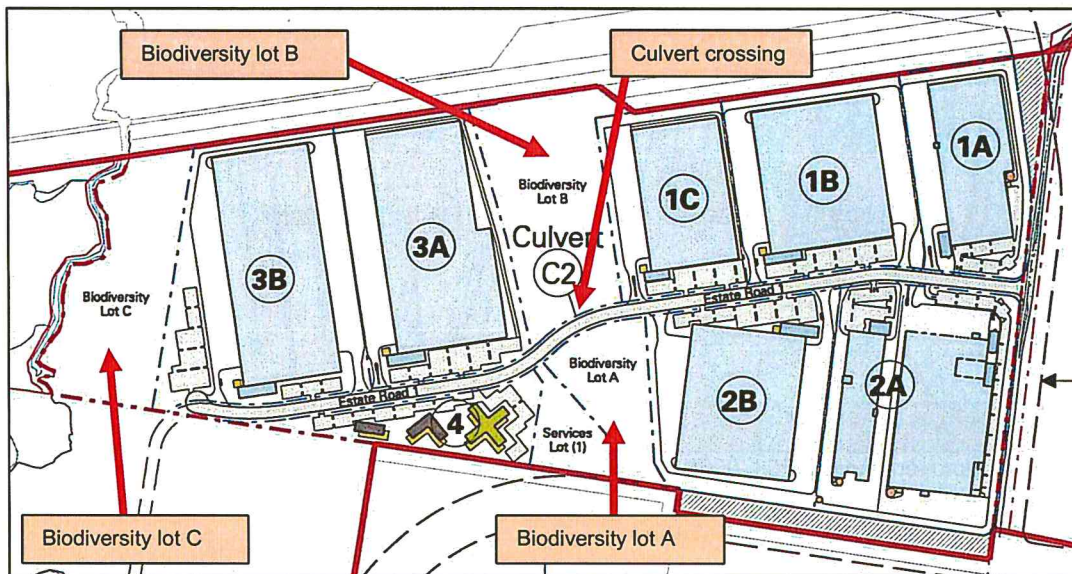


Figure 4: Site layout approved under MP08\_0065 MOD1

### 2.3 Modification 2 to Project Approval

On 17 February 2011, the Executive Director Major Projects Assessment, as delegate of the then Minister for Planning, approved an application to modify the project approval in order to amend the timing for entry into the Voluntary Planning Agreement (VPA).

Originally, entry into the VPA between the Minister for Planning, Goodman and the land Trustee for contributions towards regional transport infrastructure and services for lots 1A and 2A was prior to the commencement of building works on lot 2A, or the issue of a subdivision certificate (which was sooner). There were delays in notifying the VPA so the construction timeframe and the timing into the VPA were then out of sequence. The condition was amended so entry into the VPA was prior to occupation or subdivision certificate.

The VPA was subsequently entered into on 25 March 2011.

### 2.4 Modification 3 to Project Approval

On 8 July 2011, the Director-General as delegate of the Minister for Planning & Infrastructure approved an application to modify the project approval to provide for some minor changes to warehouses 2 and 3 on lot 2A. The proposed alterations involved changes to the appearance of the warehouses, the site layout and the quantum of office floor space.

### 2.5 Modification 4 to Project Approval

On 20 September 2012, the Director Metropolitan and Regional Projects North as delegate of the Minister for Planning & Infrastructure approved an application to modify the project approval to reorient and reposition the warehouse to be constructed on lot 1A. The warehouse building was rotated 180 degrees and sited in a position similar to that originally approved.



### 3 PROPOSED MODIFICATION

#### 3.1 Modification Summary

The key aspects of the current modification request are listed in **Table 1**.

**Table 1:** Key aspects of the proposed modification

Aspect	Details	Amendments required to concept plan and/ or project approval
<b>Subdivision</b>	<ul style="list-style-type: none"> <li>Alteration to the approved subdivision to widen lot 1C by approximately 20m to the west. The lot will increase from 4.14ha to 4.63ha. The increase in lot size is sought to provide flexibility for future tenancy requirements.</li> <li>Reduce the size of the adjoining biodiversity lot B from 4.49ha to 4.00ha.</li> <li>See <b>Figure 5</b> for the proposed site layout.</li> </ul>	Amend concept plan and project approval to reflect revised subdivision plan.
<b>Stormwater basin</b>	<ul style="list-style-type: none"> <li>As a result of increasing the size of lot 1C, the stormwater basin proposed within biodiversity lot B will change shape. See <b>Figure 6</b>.</li> </ul>	Amend concept plan to show new location of stormwater basin.
<b>Staging</b>	A much more detailed staging plan has been provided. See <b>Figures 7 and 8</b> for the approved and proposed plans.	Amend project approval to include revised staging plan.
<b>Bulk earthworks &amp; levels</b>	<ul style="list-style-type: none"> <li>The importation of fill is required to meet the approved pad levels within the estate, for the construction of the Estate Road extension, the construction of retaining walls and to raise the pad level of lot 1C to match the adjoining lot 1B.</li> <li>Lot 1C will have a maximum RL of 67 (approved at RL 65).</li> </ul>	Amend concept plan and project approval to reflect revised bulk earthworks plans.
<b>Construction of stage 2 of Estate Road</b>	Minor alignment changes are proposed due to the detailed design of the culvert crossing being finalised. See <b>Figure 9</b> for a plan that shows both the approved and proposed alignments.	Amend concept plan and project approval to reflect revised drawings.
<b>Earth retaining walls</b>	Details of the retaining walls to three site boundaries of lot 1C are provided. They include 6m to the northern boundary, 6-8m to the western boundary and 3m to the southern boundary.	Amend project approval to reflect revised bulk earthworks plans.
<b>Creek crossing</b>	<ul style="list-style-type: none"> <li>Amend the project approval instrument to reflect a culvert crossing.</li> <li>The creek crossing was approved as a bridge crossing in the north of the site under the concept plan and project approval (see <b>Figure 3</b>).</li> <li>The wording of conditions 4 and 5 of the project approval then referred to a</li> </ul>	Amend conditions in the project application and include detailed civil engineering drawings.



Aspect	Details	Amendments required to concept plan and/ or project approval
	<p>'bridge' crossing.</p> <ul style="list-style-type: none"> <li>The crossing was amended to a culvert under project application modification 1 (see Figure 4).</li> <li>The conditions were not modified to reflect the 'culvert' crossing and the detailed design was not approved.</li> <li>This modification request details the design of the culvert (done in consultation with the NSW Office of Water and Fisheries NSW) and seeks to modify conditions 4 and 5.</li> </ul>	

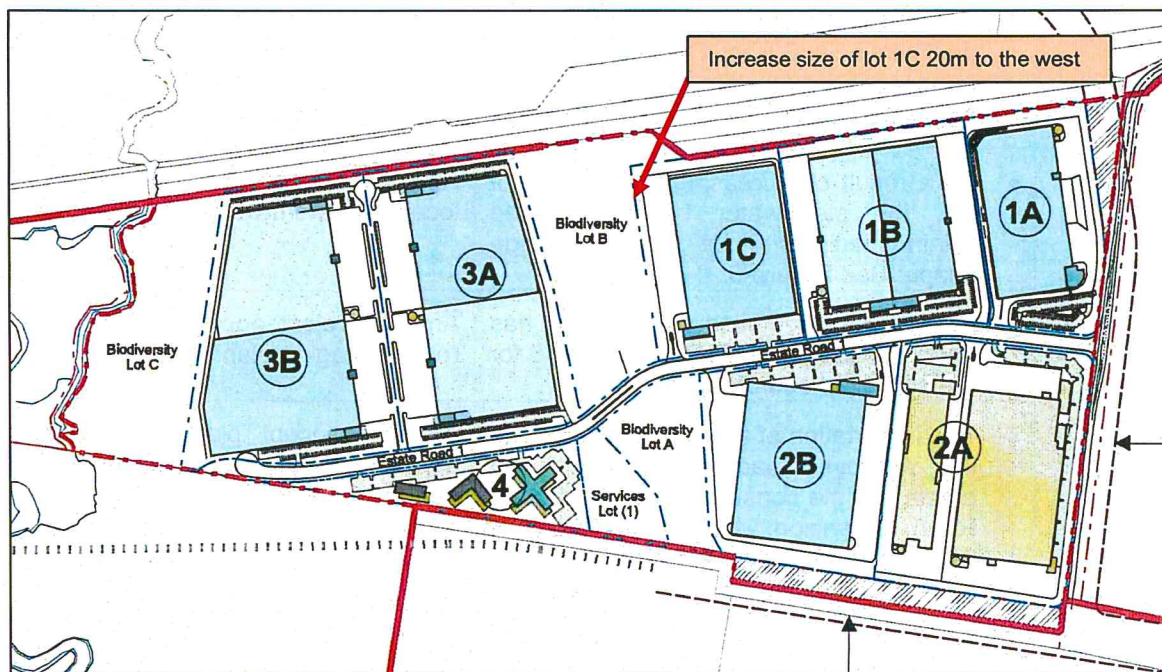


Figure 5: Proposed site layout

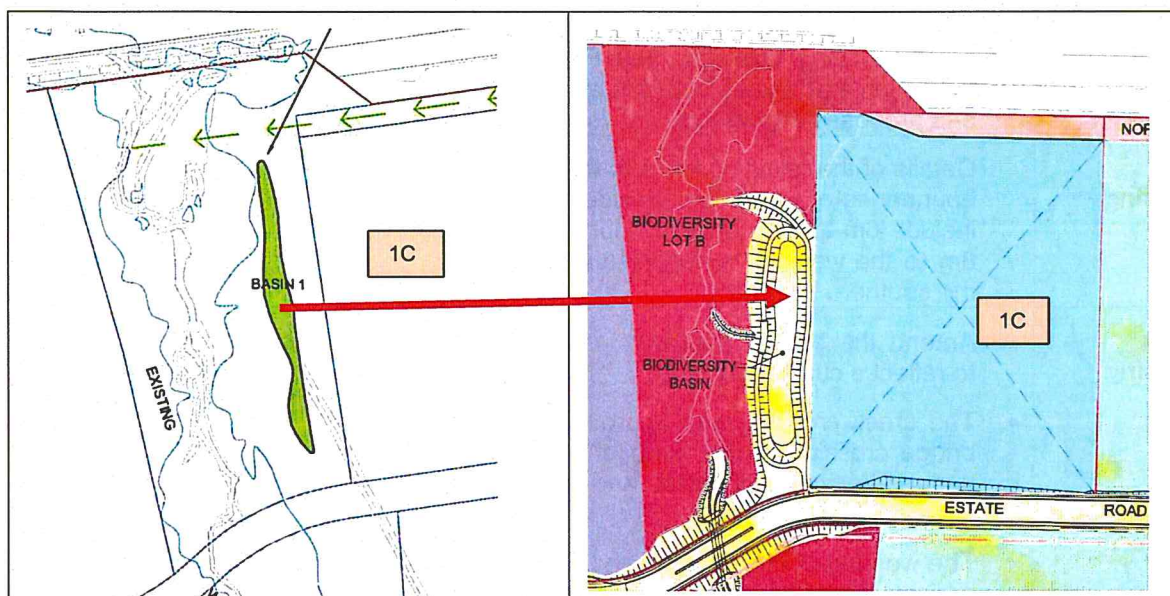


Figure 6: Approved and proposed location of stormwater basin



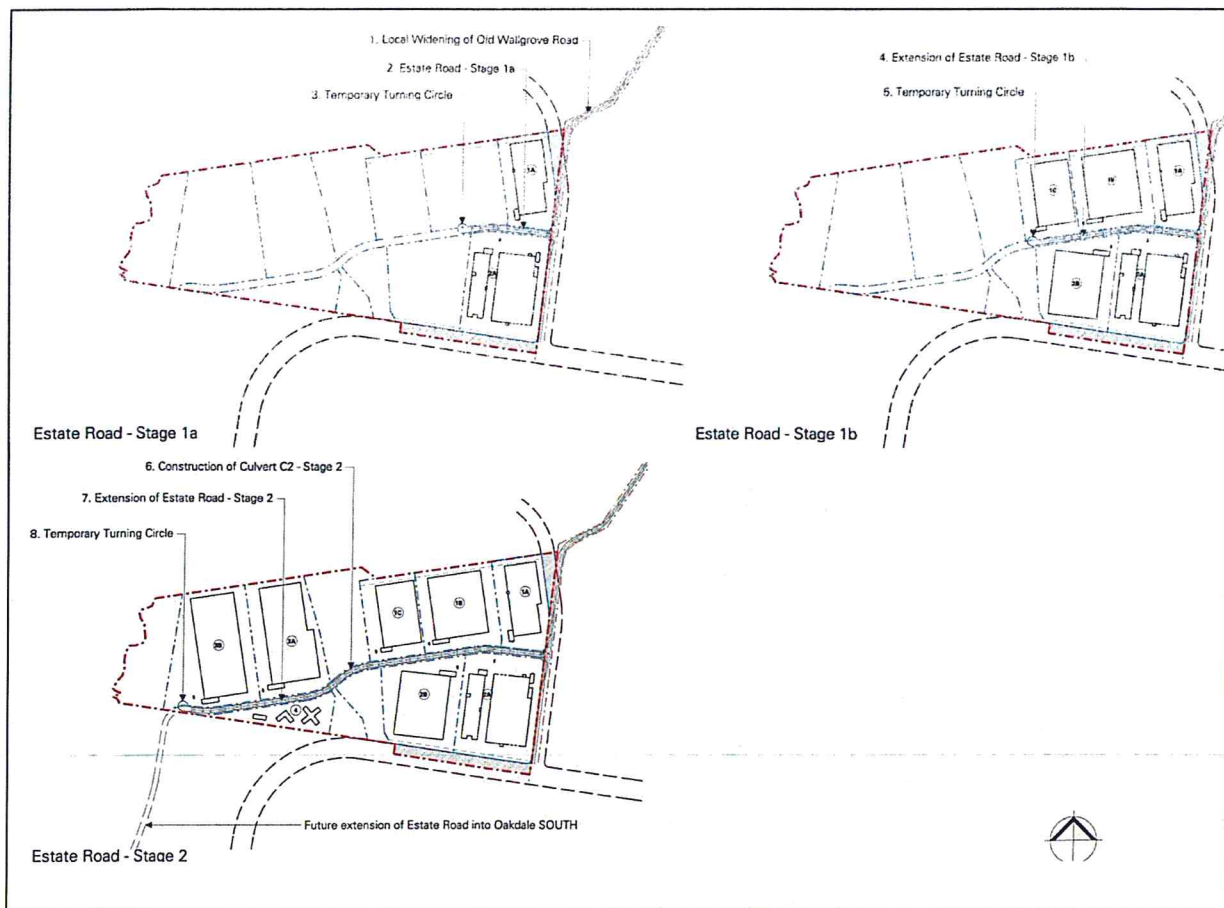


Figure 7: Approved staging – only detailed the staging of road construction

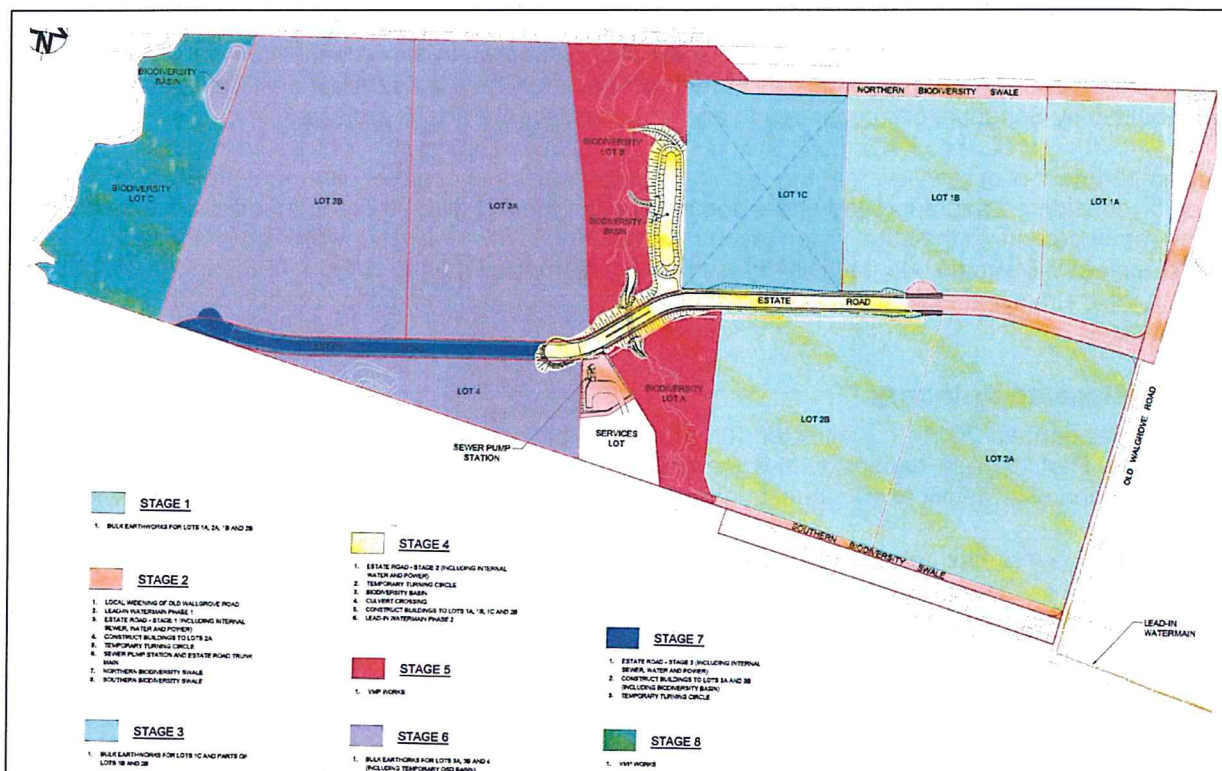


Figure 8: Proposed staging – details all works across the estate



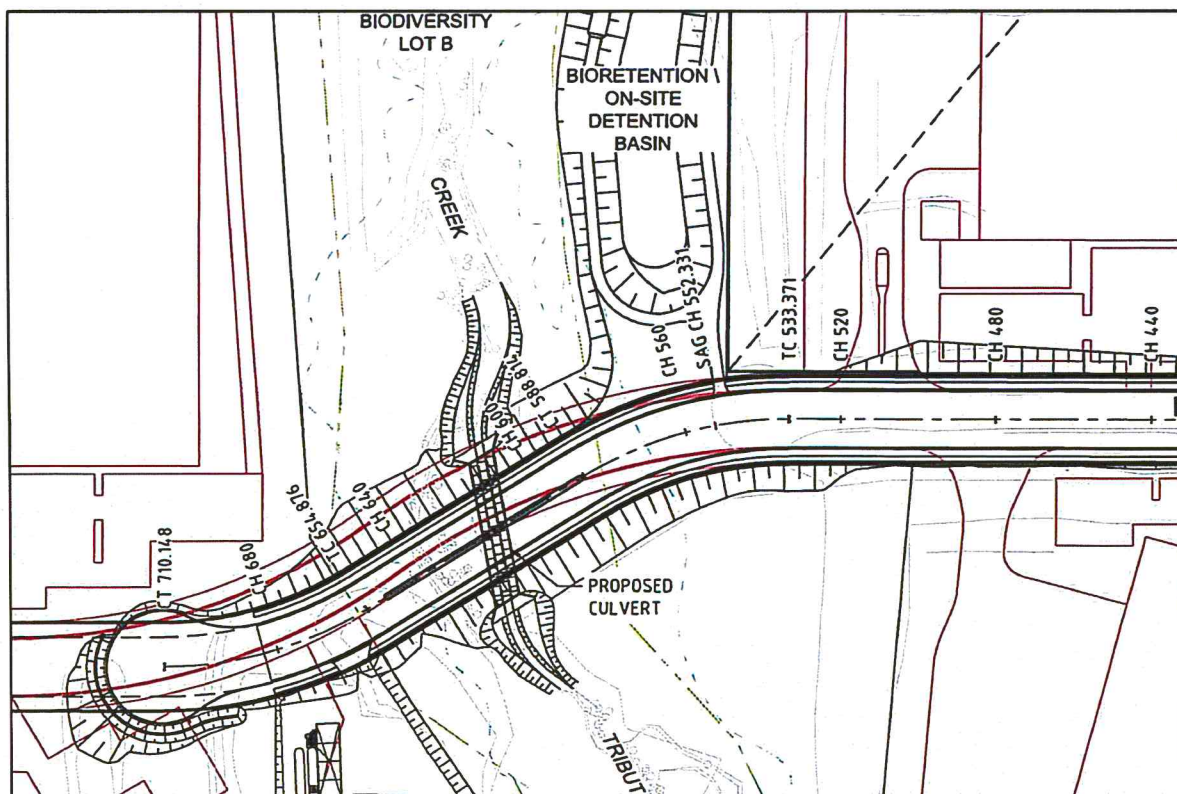


Figure 9: Approved (red line) and proposed (black line) Estate Road alignment

## 4 STATUTORY CONTEXT

### 4.1 Modification of the Minister's Approval

Both the concept plan MP08\_0065 and the project approval MP08\_0066 were approved in accordance with Part 3A under sections 75O and 75J of the Act. In accordance with clause 3 of Schedule 6A of the Act, section 75W as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

The department is of the view that the applications to modify the concept plan and project approval may be considered and approved under section 75W of the Act given that the modifications involve minor amendments to the subdivision layout, earthworks, levels and stormwater basin location. The development will remain substantially the same as that approved under MP08\_0065 and MP08\_0066 and there are minimal environmental impacts and issues arising from consideration of the applications.

### 4.2 Delegated Authority

On 14 September 2011 the Minister for Planning and Infrastructure delegated his functions to determine Part 3A applications to the Department. Under the Instrument the Minister delegated determination of a modification request under Section 75W to senior staff of the department where:

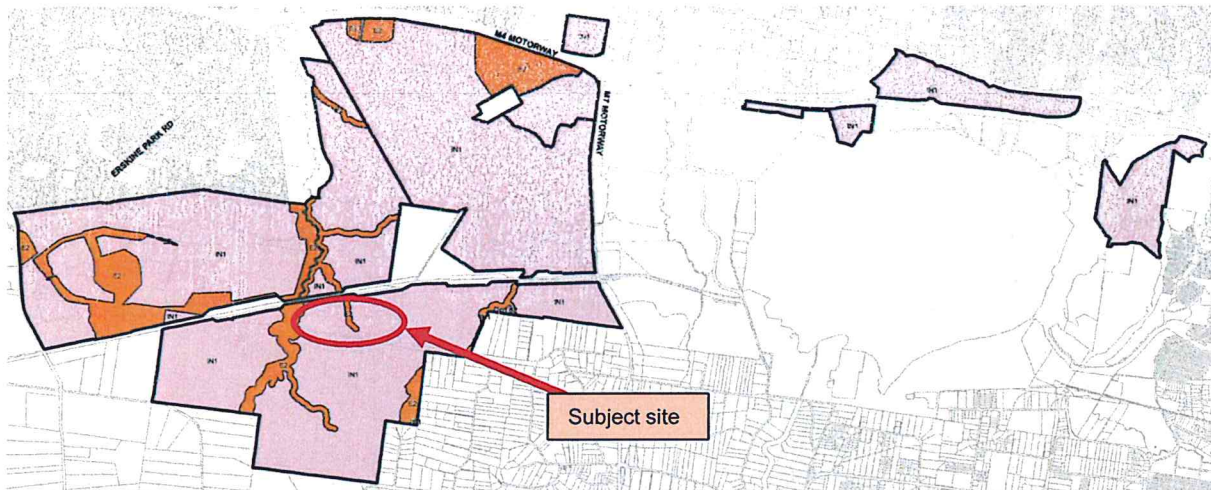
- the council has not made an objection; and
- there are less than 10 public submissions objecting to the proposal; and
- a political disclosure statement has not been made in relation to the application.

Fairfield City Council (council) has not made an objection, no public submissions were received and no current or previous political donations have been made. Accordingly the application is able to be determined by the Director, Metropolitan & Regional Projects North, under delegation.



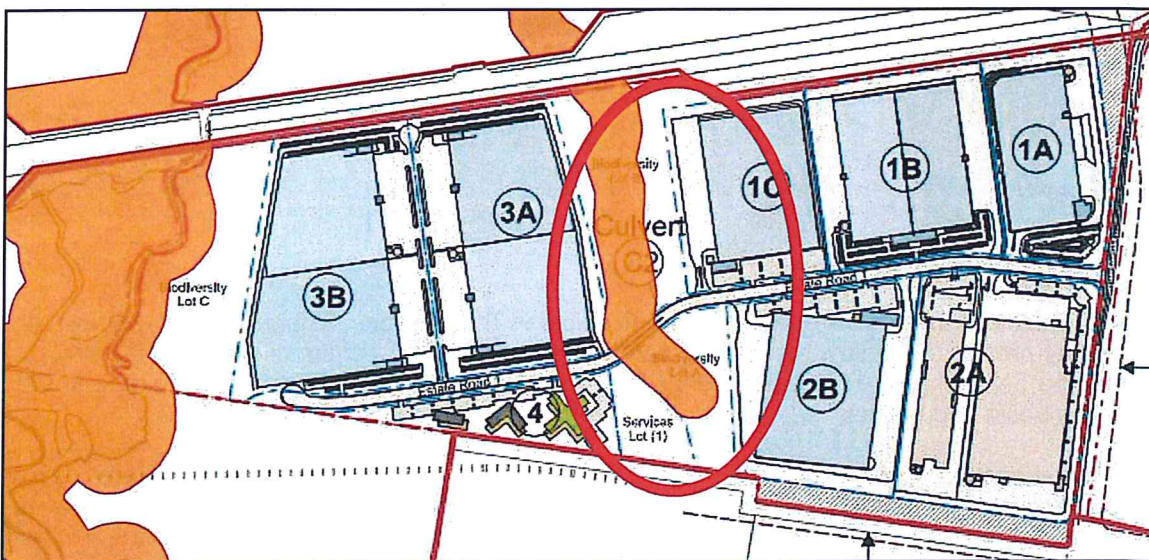
### 4.3 Permissibility

As discussed in section 2, the site now falls under the provisions of State Environmental Planning Policy (Western Sydney Employment Area) (WSEA) and is zoned IN1 – General Industrial (purple) and E2 – Environmental Conservation (orange) under the WSEA, see **Figure 10**.



**Figure 10:** Location of site within WSEA SEPP

**Figure 11** shows the E2 zone running through the centre of the estate, roughly following the riparian corridor.

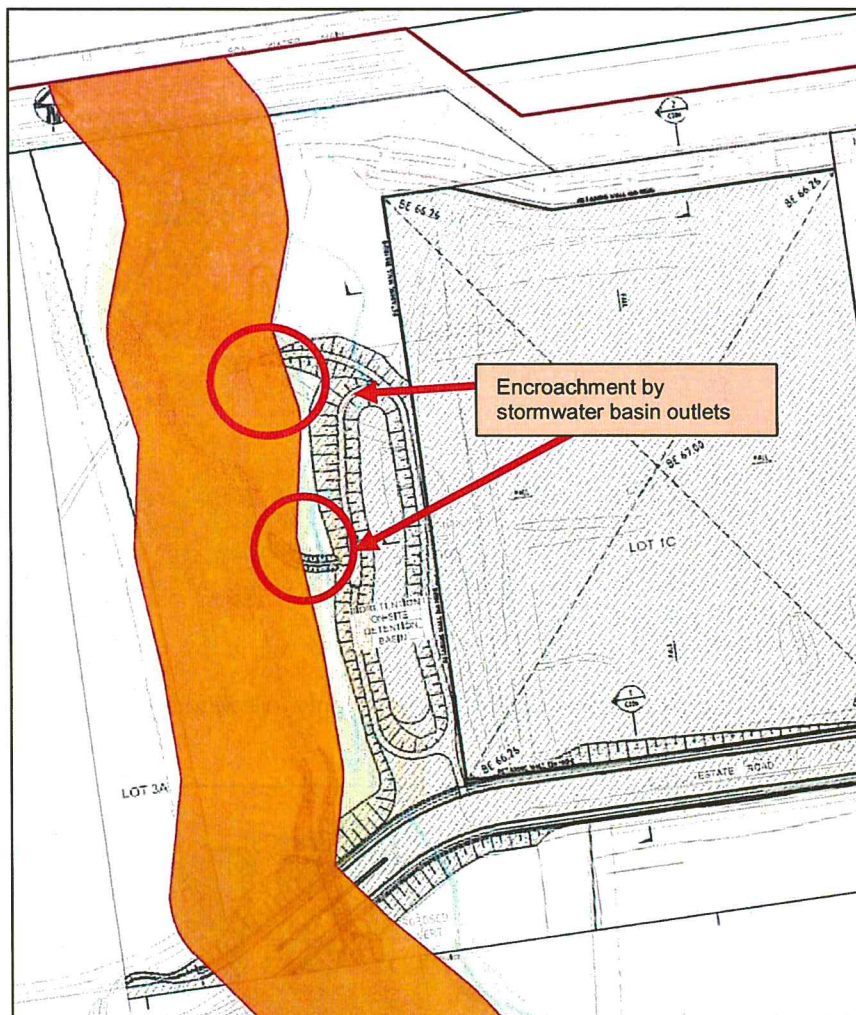


**Figure 11:** Location of E2 zone within biodiversity lot B

In the IN1 zone, industries (other than offensive or hazardous industries) and warehouse or distribution centres are permissible with consent. In the E2 zone, permissible uses include artificial waterbodies, environmental facilities, environmental protection works, flood mitigation works and roads.

No issue is raised with the warehouse and distribution uses proposed in the IN1 zone. The works proposed in the E2 zone include environmental protection works, roads and the stormwater basin outlets. **Figure 12** shows the stormwater basin outlets encroaching the E2 zone.





**Figure 12:** Stormwater basin outlets encroaching the E2 zone

Under the WSEA stormwater outlets are not permissible in the E2 zone. Therefore, the stormwater outlets (and by default the stormwater basin) cannot be approved for construction under the project approval by the department. The department could however, modify the concept plan to amend the location of the basin and outlets.

As discussed in section 6, the department is satisfied with the new location of the stormwater basin and outlets and recommends it be approved. An amendment to the concept plan approval is recommended in this regard. In order to enable the proponent to carry out the works, there are two options:

- 1) amend the WSEA to permit the stormwater outlets in the E2 zone and subsequently, amend the project approval to enable these works to be carried out, or
- 2) make a further determination under the concept plan that approval to carry out the stormwater basin and outlets be subject to other provisions of the Act (namely that a development application under Part 4 of the Act seeking to carry out the works, is required).

The transitional arrangements under Schedule 6A of the Act for transitional Part 3A projects then enable development assessed under Part 4 that would otherwise be prohibited by an environmental planning instrument (as in this case), to be carried out with development consent (see clause 3B(2)(a)).

The department considers the most appropriate way forward is option 2.



In this respect, the concept plan modification will approve the basin relocation but the project approval modification will not approve its construction and separate approval under Part 4 of the Act must be sought by the proponent.

## **5 CONSULTATION AND SUBMISSIONS**

### **5.1 Exhibition**

Under Section 75X(2)(f) of the EP&A Act, the Director-General is required to make the modification request publicly available. The modification request was made available on the department's website.

Due to the minor nature of the proposed modifications, the modification requests were not exhibited by any other means. The applications were referred to council, NSW Office of Water (NOW), Fisheries NSW, Roads and Maritime Services (RMS) and Blacktown City Council as an adjoining council.

No public submissions were received. Submissions were received from council, NOW, Fisheries NSW and RMS.

### **5.2 Public Authority Submissions**

#### **5.2.1 Fairfield City Council**

Council did not object to the modification requests. It provided comment that:

- the proposed retaining walls shall be certified structurally adequate by a structural engineer;
- the compaction of fill shall be in accordance with council specifications; and
- the importation of fill must meet the criteria of 'Virgin Excavated Natural Material' (VENM) as defined in EPA Environmental Guidelines – Assessment Classification and Management of Liquid and Non-Liquid Waste 1999. The applicant is required to keep supporting documentation (receipts / dockets) of VENM imported to site.

#### **5.2.2 NSW Office of Water**

The following issues were raised by NOW:

- The Statement of Commitments for the concept plan included a requirement that the proponent would establish and conserve vegetation in the riparian areas to the creek to offset vegetation clearing on the greater Oakdale Central site. Concern is raised that with the increase of the size of lot 1C and the relocation of the stormwater basin, any reduction to the riparian corridor widths should not compromise offset area requirements.
- Clarification is sought on the approved area for environmental conservation as there are differing figures in the submitted material.
- The bridge crossing being replaced by a culvert crossing is supported but again the proponent should demonstrate no net loss of offset area requirements.

#### **5.2.3 Fisheries NSW**

Fisheries NSW advised it can support the proposed modifications, however, it requested the opportunity to comment on the detailed engineering plans and the construction environmental management plan for the waterway crossing.

#### **5.2.4 Road and Maritime Services**

The RMS raised no objections to the modification requests subject to the following conditions:

1. Construction traffic shall be scheduled, where feasible and reasonable, to outside of weekday AM peak traffic periods (7-9am).
2. All costs associated with the development are to be at no cost to RMS.



## 6 ASSESSMENT

The department has reviewed the proposed modification provides the following assessment of each of the key changes.

### 6.1 Stormwater basin relocation and reduction in size of lot B

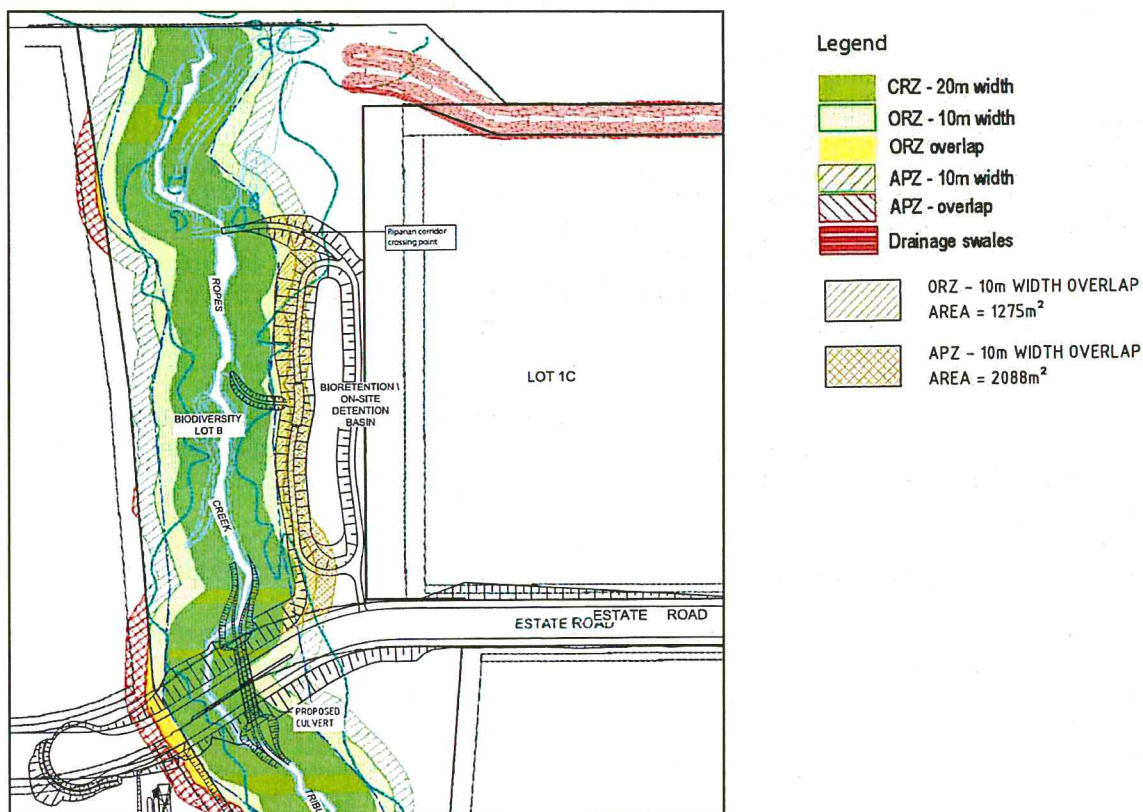
As identified in section 3, development lot 1C is proposed to be increased from 4.14ha to 4.63ha (0.49ha difference) by widening the lot 20m to the west. The increase in lot size is sought to provide flexibility for future tenancy requirements. The adjoining 'biodiversity' lot B will decrease in size from 4.49ha to 4.00ha.

The widening of lot 1C for development means that the stormwater basin previously adjoining the riparian corridor is now moved closer to be partially within the outer riparian zone (ORZ). As approved, the stormwater basin was to be located in between the outer boundary of the riparian corridor of Ropes Creek and the boundary of lot 1C.

Concern was raised by NOW that the increase in lot 1C and the relocation of the stormwater basin should not compromise the approved riparian corridor widths and any offset areas.

The concept plan, as amended by modification 1, approved 10.56ha for environmental conservation land within lots A-C (see **Figure 4**). This comprised of 5.96ha for recreational land and 4.6ha for conservation land. On lot B, the riparian corridor was included within the 'conservation' land and the land outside the riparian corridor (on either side the ORZ) was included in the 'recreational' lands. While the stormwater basin will encroach into the 'conservation' land, the offset area will be retained (and the corridor width) because the encroachment will be planted to function as a riparian corridor.

The proposed location of the stormwater basin will now encroach 1,275m<sup>2</sup> into the ORZ. This can be seen in **Figure 13**. The riparian planting will now be partially located within the banks of the stormwater basin. This encroachment is considered acceptable by the department because the riparian corridor width and offset area are still maintained.



**Figure 13:** Proposed location of stormwater basin in relation to riparian corridor (source Aecom)



In discussions with NOW, the encroachment proposed is considered acceptable. This is because the total conservation land area of 4.6ha will not decrease and that part of the stormwater basin that encroaches into the ORZ will still be planted as a riparian corridor.

The proposed increase in lot 1C to enable flexibility for future tenancy requirements and the resultant decrease in biodiversity lot B and the relocation of the stormwater basin is considered acceptable by the department because the amount of conservation land will be retained at 4.6ha and the riparian corridor widths will be maintained with appropriate planting. All proposed plantings will be treated in accordance with the approved VMP.

As stated, the stormwater basin relocation can be approved under the concept plan modification but construction cannot be approved under the project approval modification. The proponent will have to seek separate approval under Part 4 of the Act for the basin construction.

## 6.2 Bulk earthworks and levels

The concept plan and project approvals established the pad levels across the estate. The project approval approved balanced cut and fill to achieve those levels as the Environmental Assessment submitted in support of the application stated that no importation of fill would be required to meet the desired levels on site.

It was subsequently determined that in order to meet the approved levels, 300,000m<sup>3</sup> of fill was required to be brought to site. The proponent proceeded to import fill to the site in early 2012 and was advised by the department to stop work as no approval had been given for the importation of fill, including no assessment of the environmental impacts such as truck movements and air and noise quality. A total of 279,300m<sup>3</sup> was imported to the site.

The importation of fill now forms part of this modification request, along with an environmental assessment of any impacts. Fill is required to:

- meet the approved pad levels on site;
- increase the level of lot 1C from the approved RL 65 to RL 67;
- construct retaining walls to lot 1C; and
- construct the Estate Road batters.

The total amount of fill proposed to be imported is now 138,500m<sup>3</sup>. This consists of:

- 20,700m<sup>3</sup> remaining from the 300,000m<sup>3</sup> needed to meet the approved levels;
- 109,400m<sup>3</sup> to achieve the proposed pad level for lot 1C, including the fill required for the retaining walls; and
- 8,400m<sup>3</sup> for the proposed Estate Road batters.

### *Virgin Excavated Natural Material*

Council has suggested a condition that requires fill imported to the site meet the requirements of Virgin Excavated Natural Material. A condition to meet this requirement is supported by the department.

### *Traffic*

A Construction Traffic Management Plan prepared by Traffix has been submitted with the modification request.

Traffix has undertaken traffic surveys at the most critical intersection nearest the site, being that of Wallgrove Road and Old Wallgrove Road immediately north-east of the site (see **Figure 1**). This intersection operates unsatisfactorily under the existing 'base case' scenario, with a Level of Service F at AM peak period. This is the lowest level based on SIDRA intersection modelling. The Traffix report notes that this intersection is proposed to be upgraded in line with the construction of the approved Northern Link Road, which is under construction and due to be completed this year.

A mid-block capacity analysis was also undertaken on Old Wallgrove Road. This found that there is presently sufficient spare mid-block capacity within the network.



The construction period for site preparation and road building will be approximately 162 days under the project approval. This includes the importation of 138,500m<sup>3</sup> of fill, road materials, stormwater pipes and culverts, retaining wall blocks and landscape materials. Based on this construction period 80 truck movements a day will occur (10 per hour over an 8 hour day).

The Traffix report concluded the increase in truck movements for the construction period will be short term and can be accommodated with minimal impact on the surrounding network.

The RMS raised no issue with the number of truck movements but has required a condition to limit construction traffic where feasible and reasonable to outside 7-9am. This requirement can be met as condition 21 of project approval MP08\_0066 gives construction hours of 7am – 6pm (11 hours). With a 2 hour reduction, the proposal can still meet the construction period of 162 days based on an 8 hour day. A note is proposed to be added to the condition limiting construction traffic to outside the AM peak.

The department is satisfied that the small increase in truck movements to import the fill and other materials will be short term and will not significantly impact the surrounding road network.

#### *Noise*

An additional noise assessment report prepared by SLR has been submitted with the modification. The report concludes the additional noise associated with bringing fill to the site will not cause an increase in noise levels and the project will continue to comply with condition 6 of MP08\_0065 which sets noise levels. The department accepts these findings.

#### *Dust*

An additional air assessment report prepared by SLR has been submitted with the modification. The report advises that higher than normal background dust levels, as set by EPA targets, are experienced in the area and that the existing brick and paver manufacturer to the east of the site plus other manufacturing in the greater area are likely contributors.

As a result, the report concludes the earthworks stage of the project will not cause significant emissions and the baseline conditions would not be significantly impacted. Mitigation measures have nevertheless been proposed to control dust emissions which the department supports.

Overall, the department is satisfied that the importation of fill will not generate any long term adverse impacts on the surrounding environment and raises no objection to its importation to site.

### **6.3 Culvert crossing**

A bridge crossing over Ropes Creek was approved in the north of the estate under the concept plan and project approval (see **Figure 3**). A culvert crossing of the creek in the centre of the estate was approved under concept plan and project application modification 1 when the estate road layout was finalised and modified (see **Figure 4**).

At the time of the concept plan and project application modification 1, the project approval conditions relating to the creek crossing were not modified to delete references to a required 'bridge' crossing.

This modification request seeks to amend the conditions of the project application relating to the crossing so they no longer refer to a bridge crossing. The proponent requested the conditions only refer to a 'crossing' but as the culvert has been approved and now designed, the conditions are proposed to be amended to reflect a 'culvert crossing'.

The design of the culvert has also been finalised in consultation with NOW and Fisheries NSW. The design will not reduce the amount of conservation land within the riparian corridor.

The batters to the road/ culvert crossing are currently shown as being grassed within the submitted landscape drawings rather than planted with riparian vegetation. These grassed batters encroach the riparian corridor as shown in **Figure 13**.



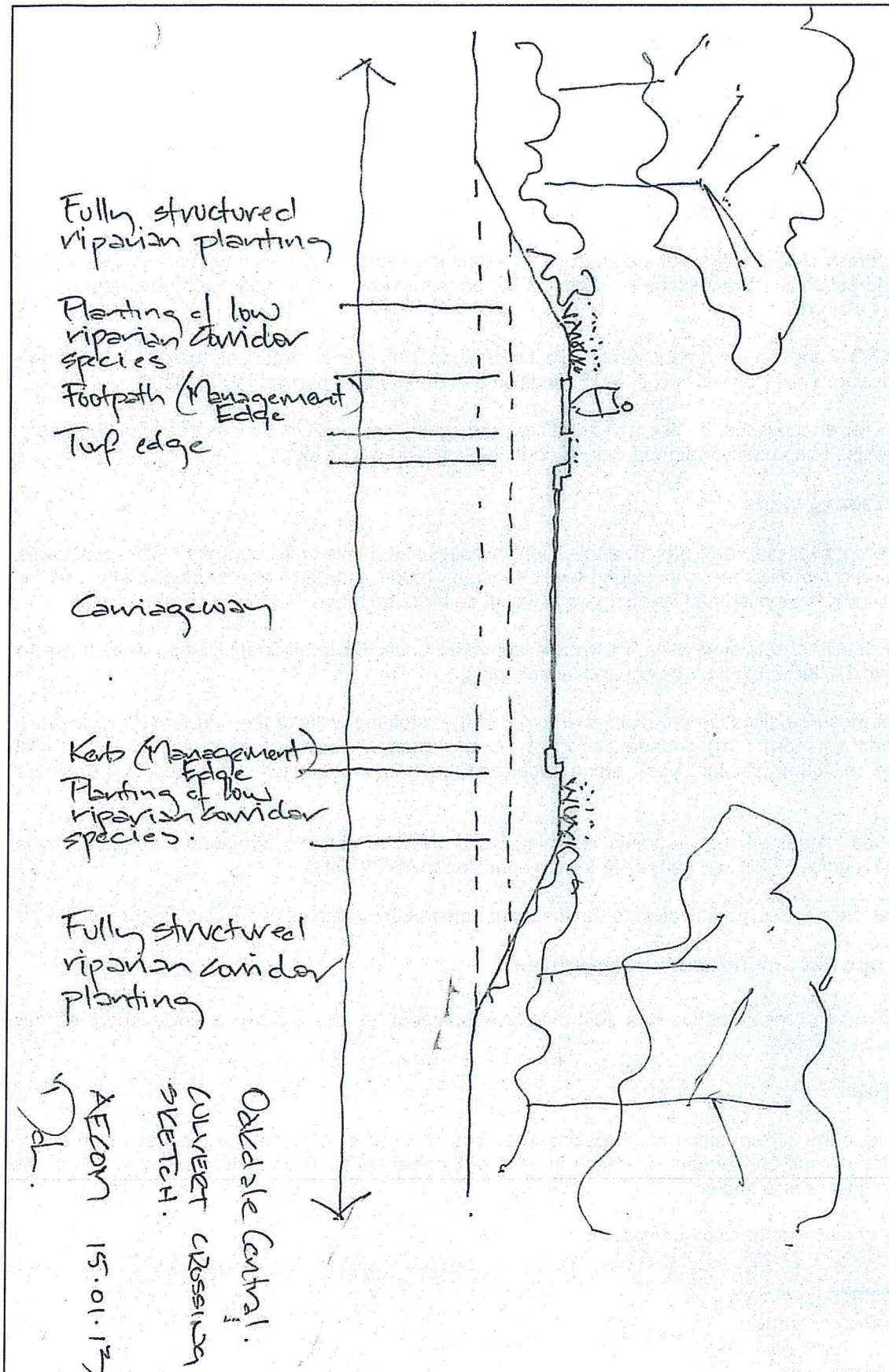


Figure 14: Proposed culvert batter treatment (source Aecom)



It is not ideal, as with the stormwater basin/ riparian corridor interface above, to have grass treatment adjoining the riparian planting. A management edge should separate grass from riparian planting.

Therefore, it is proposed to vegetate the batters as shown in the culvert section in **Figure 14**. From the riparian corridor edge, this would involve fully structured riparian planting, planting of low riparian corridor species, the footpath (management edge), turf and the carriageway. This would be mirrored on the other side of the carriageway.

This treatment is proposed to be included in condition 5 of schedule 3 of MP08\_0066. This condition requires the final design of the creek crossing to be provided to the Director-General, designed in accordance with the Department of Primary Industries (ie Fisheries NSW) and relevant guidelines.

The amendments to conditions of the approval to reflect the approved crossing type are supported by the department as is the landscape treatment of the batters to ensure the integrity of the riparian corridor as a whole.

Fisheries NSW support the amendment subject to the opportunity to comment on the detailed design of the crossing. This is already covered in condition 5 of the project approval MP08\_0066.

The NOW raised the issue that the amended crossing should not result in the loss of any offset area requirements. It has been confirmed that no conservation land will be lost.

## 6.4 Retaining walls

Under the concept plan and project application, building pad levels were approved. The pad levels approved and the differences in ground levels between roads and between the biodiversity lots, for example would have assumed retaining walls would be required to the majority of lot boundaries.

The only details of retaining walls known and approved under the project application were those to lots 1A and 2A, including their height and landscaping.

As part of these modification requests, the height of the retaining walls to the northern (6m), western (6-8m) and southern (3m) boundaries of lot 1C are sought. They will be constructed of Boral 'Keystone' or other similar mock stone face and built to manufacturer or structural engineer standards.

Council has requested the proposed retaining walls shall be certified structurally adequate by a structural engineer. This is proposed to form a condition to MP08\_0066.

The department raises no objection to the height or construction material of the retaining walls.

## 6.5 Proposed amendments to approvals

The department recommends the following amendments to the approvals in support of this modification request:

### *Concept plan*

Reference to the current plans and breakdown of land allocations to reflect the proposed increase in area of lot 1C and consequent decrease in area of biodiversity lot B as shown in **Table 2** with the approved figures also shown.

**Table 2:** Key aspects of the proposed modifications

Land use	Proposed area (ha)	Approved area (ha)
Employment generating uses	45.76	45.27
Regional road reserves	1.74	2.74
Local road reserves	unchanged	2.64
Services	unchanged	1.0
Environmental conservation	10.07	10.56



The figure for employment generating uses is being increased by 0.49ha and correspondingly the figure for environmental conservation is being decreased by 0.49ha.

The figure for regional road reserves is being decreased by 1.0ha because of an earlier error in the concept plan modification 1 approval. The current approved plan "Scope of Application OAKCP102(D)" lists the site area schedule for regional infrastructure consisting of 1.00ha for services and 1.74ha for regional roads (total 2.74ha). However, condition 1 lists services and regional roads separately. The proposed plan "Scope of Application OAKCP102(E)" also lists a total of 2.74ha for regional infrastructure. The condition is being amended to align with the figures in the approved plan.

#### *Project approval*

The amendments include:

- update current plans and supporting documents;
- update relevant conditions to show a culvert crossing;
- RMS requirement regarding no development costs imposed on the RMS;
- RMS requirement limiting construction traffic outside AM peak;
- council requirement that retaining wall construction to be certified;
- council requirements regarding compaction of fill and importation of Virgin Excavated Natural Material only; and
- correction of the native vegetation (conservation land) figure in condition 19. It currently states 4.27ha which is incorrect and should be 4.6ha.

## 7. CONCLUSION AND RECOMMENDATIONS

The department is satisfied that the proposed amendments to the approved concept plan MP08\_0065 and project approval MP08\_0066 are justified and would not result in any additional environmental impacts occurring.

The amendments involving subdivision, the relocation of the stormwater basin in lot B, bulk earthworks, pad levels, staging and the importation of fill mean the development will remain substantially the same as that originally approved. Furthermore, they will facilitate the continued development of the site, including proposed future tenants and support the provision of jobs in Western Sydney.

No public submissions were received and council did not object to the modifications.

Consequently, the department is satisfied that the proposed modifications are minor and should be approved. Accordingly, it is recommended that the Director Metropolitan & Regional Projects North, as delegate of the Minister:

- approve** the proposed modification under Section 75W of the EP&A Act to the Concept Plan MP08\_0065 and **sign** the Instrument of Approval, **Tag A**.
- approve** the proposed modification under Section 75W of the EP&A Act to the Project Approval MP08\_0066 and **sign** the Instrument of Approval, **Tag B**.

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