**SYDNEY WESTERN CITY PLANNING PANEL - REFERENCE NO. 2019WCI022**

|  |  |  |
| --- | --- | --- |
| 011SYW028 |  |  |

**Proposal**: Construction and use of a Masonry Plant ,Construction of Four (4) Industrial Warehouses, Estate Wide Earthworks, Infrastructure, Subdivision and Services.

The proposed masonry plant is Designated Development in accordance with Part 1 Schedule 3 of the Environmental Planning and Assessment Regulation 2000 as the development involves concrete works that produce pre-mixed concrete or concrete products.

The development is also defined as Integrated Development under the provisions of Section 91 of the Environmental Planning and Assessment Act 1979 as the development requires the concurrence of the Natural Resources Access Regulator under Section 91 of the Water Management Act 2000.

**Location**: LOT: 20 DP 1246626

no. 224-398 Burley Road, horsley park NSW 2175

**Owner:** Austral Bricks Pty Ltd

**Applicant:** Austral Bricks Pty Ltd

**Lodged:** 12 March 2019

**Capital Investment Value:** $55,839,581.00

**File No:** DA/93.1/2019

**Submissions:** Nil

**Author:** Jason Liang, Senior Development Planner, Fairfield City Council

**RECOMMENDATION**

1. That Development Application No. 93.1/2019, for the Construction of an Industrial Complex Comprising of Four (4) Industrial Warehouse Buildings, Construction and Fit Out of a Masonry Plant and Associated Site Works, Signage and Subdivision, at No. 224-398 Burley Road, Horsley Park be ‘deferred’, until such time that the following documentation has been issued by the Department of Planning:
2. **Satisfactory Arrangement Certificate**

A ‘Satisfactory Arrangement Certificate’ in accordance with Clause 29 of the State Environmental Planning Policy (Western Sydney Employment Area) 2009 shall be issued for the proposed development and prior to the determination of the application.

1. **Transport and Arterial Road Infrastructure**

A ‘Confirmation of Compatibility’ in accordance with Clause 26 of the State Environmental Planning Policy (Western Sydney Employment Area) 2009 shall be issued for the proposed development and prior to the determination of the application.

**SUPPORTING DOCUMENTS**

|  |  |  |
| --- | --- | --- |
| **AT-** **A** | Architectural Plans |  |
| **AT-** **B** | Landscape Plan | 18 Pages |
| **AT-** **C** | Civil Works Plan | 68 Pages |
| **AT-** **D** | Subdivision Plan | 1 Page |
| **AT- E** | Environmental Impact Statement | 134 Pages |
| **AT- F** | Biobanking Development Assessment Report | 42 Pages |
| **AT- G** | Noise Impact Assessment | 76 Pages |
| **AT- H** | Civil and Stormwater Management Report | 104 Pages |
| **AT- I** | Geotechnical Report | 74 Pages |
| **AT- J** | Bushfire Protection Assessment | 36 Pages |
| **AT- K** | Building Code of Australia Report | 20 Pages |
| **AT- L** | Transport Assessment Report | 57 Pages |
| **AT- M** | Sustainability Management Plan | 33 Pages |
| **AT- N** | Heritage Impact Statement | 33 Pages |
| **AT- O** | Archaeology Survey Report | 51 Pages |
| **AT- P** | Flood Impact Assessment | 17 Pages |
| **AT- Q** | Air Quality Assessment | 73 Pages |
| **AT- R** | Waste Management Plan | 26 Pages |
| **AT- S** | Fire Safety Statement | 35 Pages |
| **AT- T** | Draft Conditions of Consent | 37 Pages |

**EXECUTIVE SUMMARY**

Council is in receipt of Development Application No. 93.1/2019, seeking consent for the Construction of an Industrial Complex Comprising of Four (4) Industrial Warehouse Buildings, Construction and Fit Out of a Masonry Plant and Associated Site Works, Signage and Subdivision at No. 224-398 Burley Road Horsley Park.

In accordance with Schedule 7 (*Regionally Significant Development)* under the State Environmental Planning Policy (State and Regional Development) 2011, development that has a capital investment value of more than $30 million is required to be determined by a Regional Panel. In this regard, the Sydney Western City Planning Panel (SWCPP) is the determining authority as the proposal’s capital investment value is $55,839,581.00.

The subject site is zoned ‘IN1 General Industrial’ under the provisions of the State Environmental Planning Policy (Western Sydney Employment Area) 2009. The proposed development is permissible within the zone and considered to meet the objectives of zone.

The proposed Construction of an Industrial Complex Comprising of Four (4) Industrial Warehouse Buildings, Construction and Fit Out of a Masonry Plant and Associated Site Works, Signage and Subdivision include:

* Bulk earthworks and support structures (batters and retaining walls);
* Estate stormwater management including construction of detention basin;
* Construction of site access, estate road, utility infrastructure and connection of services;
* Construction, fit out and operation of a masonry plant with a production capacity of 220,000 tonnes per annum. The plant is proposed to operate 24 hours a day, 7 days per week;
* Construction, fit out (office fit-out and racking in warehouse) and use of 4 industrial warehouse buildings for generic ‘warehousing and distribution’ with 24 hours a day, 7 days week operation;
* Construction of hardstand, loading and car parking;
* Associated landscaping and site signage;
* Landscaping and public domain works to estate road and estate entrance;
* Land stabilisation and rehabilitation;
* Southern boundary landscaping; and
* Environmental protection and management measures.

On 20 August 2019, the Sydney Western City Planning Panel was briefed on the subject proposal. The key issues raised includes:

* The finalisation of the Oakdale East Development Control Plan;
* Issuance of the Satisfactory Arrangement Certificate by the NSW Department of Planning;
* Long term arrangements for managing/maintaining the riparian corridor;
* Removal of Vegetation;
* Manoeuvrability of heavy vehicles on site;
* Lack of articulation of masonry plant along the Estate Road;
* Sequencing of roadworks; and
* Compatibility of masonry plant with warehousing uses.

Revised plans and documentation have reflected the above recommendations resulting in the improvements to the building articulation along the estate road elevation of the masonry plant and the submission of satisfactory swept path plans.

It is noted that the NSW Department of Planning has since endorsed the Oakdale East Development Control Plan, however, has not as yet issued the Satisfactory Arrangement Certificate to cover regional transport infrastructure upgrades and public services.

It is also noted that other concerns relating to the removal of vegetation, sequencing of road works, long term arrangements of managing the riparian corridor and compatibility of the masonry plant have been satisfactorily addressed through the Biobanking Report, Civil Infrastructure Plans, Noise & Air Quality Assessment and through conditions of consent.

Further, given that the on-site detention proposes a controlled discharge to Reedy Creek via a scour protection outlet, a controlled activity approval is required in accordance with Section 90 and 91 of the Water Management Act 2000. The Natural Resources Access Regulator (NRAR) has reviewed the proposal and no concerns were raised in response.

In accordance with Appendix B of the Fairfield Citywide Development Plan 2013, the application was notified for a period of 30 days in the local newspaper and via written notification letters to surrounding properties. The application was notified between the periods of 4 April 2019 to 2 May 2019. No submissions were received in response.

The application was referred to Transgrid, Endeavour Energy, Roads and Maritime Services, NSW Environmental Protection Authority, Natural Resources Access Regulator, Sydney Water, Rural Fire Services, Office of Environment and Heritage, Council’s Building Certification Branch, Environmental Management Section, Development Engineers, Heritage Advisor, Traffic Engineers and Landscape Officer. In response, no concerns were raised subject to conditions of consent.

The application has been assessed pursuant to Section 4.15 of the Environmental Planning and Assessment (EP&A) Act, 1979 and is found to be satisfactory in terms of any likely impacts on the natural and built environment and any social and economic impacts on the surrounding locality.

The application has been assessed in accordance with the recently adopted Oakdale East Estate Development Control Plan and it has demonstrated compliance with these controls.

Based on the assessment of the application, the proposed development has demonstrated sufficient merit and is unlikely to result in an adverse impact on the amenity of adjoining properties or prejudice the sustainability of other enterprises or the environment.

Whilst the assessment of the proposal has found the application to be acceptable, the application cannot be determined until such time that the following has been released by the Department of Planning:

1. **Satisfactory Arrangement Certificate**

A ‘Satisfactory Arrangement Certificate’ in accordance with Clause 29 of the State Environmental Planning Policy (Western Sydney Employment Area) 2009 is required to be issued prior to the determination of the application.

1. **Transport and Arterial Road Infrastructure**

A ‘Confirmation of Compatibility’ in accordance with Clause 26 of the State Environmental Planning Policy (Western Sydney Employment Area) 2009 is required to be issued prior to the determination of the application.

Until such requirements have been met, the application is recommended to be ‘deferred’. Notwithstanding, the draft conditions are contained within Attachment X of this report.

**SITE DESCRIPTION AND LOCALITY**

The subject site is on the eastern side of Old Wallgrove Road at Horsley Park within the Western Sydney Employment Area. The subject site is legally described as Lot 20 DP 1246626. The overall lot also known as the Oakdale East Estate is a large land parcel encompassing an area of 88 hectares and accommodates the Austral Brickworks Building, quarry site, transmission easement and the Reedy Creek riparian corridor. The development proposed as part of this application is concentrated to the south western part of the overall site, at the corner of Burley Road and Old Wallgrove Road, with the proposed resultant lot measuring a total of 12.39 hectares. Council’s records reveals that a development application for the subdivision of the proposed development lot from the overall larger lot was approved on 20 November 2019.

The Oakdale East Estate is irregular in shape and is bounded by the Water NSW Pipeline to the north, Reedy Creek to the east, Burley Road to the south and Old Wallgrove Road and Oakdale Central Estate to the west. Land further east is known as the Jacfin Estate which is also zoned for industrial uses. Land further south of the Oakdale East Estate are also zoned IN1 General Industrial or are rural land zoned RU4 – Primary Production.

Historic vegetation is largely cleared or degraded due to historical land clearing, grazing animals and quarry operations, and there are small remnant patches of vegetation connected by the creek system. Despite the highly modified nature of the development site, the subject site is mapped as containing high biodiversity values on the NSW Biodiversity Values Map as defined by the Biodiversity Conservations Regulation 2017. This is due to remnant Cumberland Plain Woodland vegetation that crosses over the southern boundary into the development site from the vegetated Burley Road easement. The plant community types that have been identified being of significance includes Forest Red Gum (PCT 835) and Grey Box (PCT 849).



***Figure 1:*** *A map outlining the location of the Oakdale East development site.*

**PROPOSAL**

The application seeks approval for:

Construction of an Industrial Complex Comprising of Four (4) Industrial Warehouse Buildings, Construction and Fit Out of a Masonry Plant and Associated Site Works, Signage and Subdivision.

**Estate works**

* Bulk Earthworks would be undertaken across the Oakdale East Estate to achieve finished site levels ranging from 77.80 RL for the Masonry Plant to 79.4 RL for Warehouse 2;
* A new estate road and access will be provided via a new Estate Road off Old Wallgrove Road. The new Estate Road comprises of a 23m wide road reserve, 15.5m wide carriageway consisting of 2 x 3.5m wide traffic lanes and 2 x 4.25m wide traffic lanes adjacent to the kerb; and a Cul-De-Sac with 30m diameter to accommodate B-Double vehicles;
* Stormwater and Drainage works includes the construction of a combined bio-retention and detention basin with final discharge to Reedy Creek. Discharge from the basin would be controlled via an underground pipe that will intersect the existing creek system;
* Utilities and Infrastructure includes a new lead in for potable water, sewerage, communications, gas and electricity;
* Installation of estate signage in accordance with Goodman’s signage standards; and
* Landscaping works.

**Masonry Plant**

* Construction of an 18m high purpose built masonry plant building providing 10,430 sqm of floor space;
* Ancillary office over two levels providing 1,040 sqm of floor area for office space and amenities.

**Warehouse 1 – Northern Elevation**

* Construction of an ancillary office providing 1571sqm of floor area to accommodate office and amenities;
* A separate truck entry/exit with a security gate providing access from New Estate Road which accesses the storage hardstand area, crusher, conveyors and silos;
* Construction of a 4 hectare external hardstand area for brick and pallet storage;
* Construction of a 13.7 metre high building providing 3,056 sqm of floor space; and
* Car parking for 120 cars located on the western side of the masonry plant building accessed via a separate secure driveway further east of the truck entry/exit point.

**Warehouse 2, 3 and 4 – Southern Elevation**

* Construction of 3 x warehouses with a maximum height of 13.7m and floor plates ranging from 4,100 sqm to 5,6000sqm;
* Construction of two recessed docks and three loading docks (Warehouse 2) and two recessed docks and four loading docks (Warehouse 3A, 3B and 4);
* Fit out internal warehouse area with an automated racking system, fit out of office space and lobby area;
* Car parking for 145 cars (Warehouse No. 2 – 28 spaces, Warehouse No. 3 – 48 spaces and Warehouse No. 4 – 69 space).

**Subdivision**

* Subdivision of site into two lots, comprising of one development lot and one road lot.

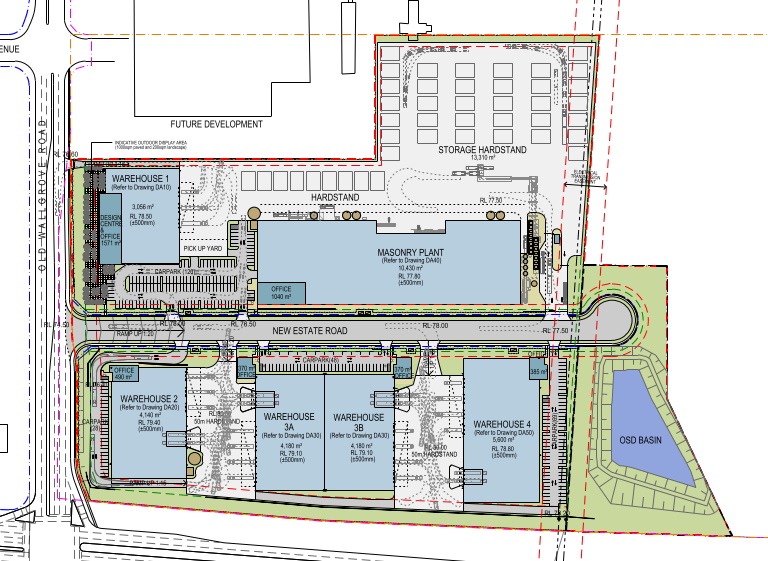
**Use of the Site**

Masonry Plant

* Masonry Plant to operate 24-hours a day, seven days a week; and
* A maximum of thirty eight (38) staff including 20 factory employees, 6 administration staff and 12 drivers.

**Vegetation Removal**

* A total of 0.74 hectares of remnant and derived native vegetation is proposed to be cleared to accommodate the design footprint, access ways and bushfire planning requirement;
* A further 8 hectares of land is proposed to be cleared comprising of exotic grass lands and non-native plant species.



***Figure 2:*** *The site plan.*

**BRIEFING MEETING – SYDNEY WESTERN CITY PLANNING PANEL**

On 20 August 2019, the Sydney Western City Planning Panel was briefed on the subject proposal. The panel’s comments and the subsequent response is provided below.

|  |  |
| --- | --- |
| **Panel’s Comments** | **Response** |
| The requirement for the Oakdale East Estate Development Control Plan to be determined before the development application can be determined. | The Oakdale East Estate Development Control Plan was endorsed by the Department of Planning, Industry & Environment on 16 September 2019.  The development application (DA/93.1/2019) has been assessed in accordance with this Development Control Plan. |
| The requirement for a Satisfactory Arrangement Certificate to be issued before the development application can be determined. | It is recommended that a satisfactory arrangement certificate be issued and prior to the determination of the application. |
| Tree Removal and Offset Methodology | Areas of native vegetation to be retained on the site in perpetuity are in accordance with the NSW Biodiversity Offsets Scheme. Ten ecosystem credits are required to offset the proposed clearing of native vegetation using the BAM calculator. Eight of the ten ecosystem credits are required to offset the derived (planted) woodland. The payment of the ten (10) ecosystem credits are required to offset the proposed clearing of native vegetation in accordance with the Biobanking Assessment Methodology calculator shall be made to the Biodiversity Conservation Fund under Division 6, Section 6.30 (1) of the Biodiversity Conservation Act 2016. This is to be paid prior to the issue of a construction certificate.  Council’s Natural Resources Officer and OEH – Biodiversity Regional Local Government Officer has reviewed the Biobanking Development Assessment Report and raises no concerns subject to conditions. |
| Ongoing management of the riparian corridor | The Oakdale East Estate is setback approximately 300-600m from the riparian corridor and with the exception of the stormwater drainage easement, no construction works are proposed within the riparian zone.  Noting the significant presence of feral goats and the subsequent damage to the riparian corridor, the developer and the consultant ecologist has recommended that all feral goats be removed from the subject site and a goat proof fence be installed at the boundary between the subject site and the property to the east, No. 198-222 Burley Road to prevent further incursions. The removal of goats will provide opportunity for the riparian corridor to recover over time.  This will be included as a condition of consent.  Any development to the east of the proposed development will necessitate corridor maintenance in accordance with the Oakdale East Estate DCP. |
| Stormwater Management | The proposed stormwater system proposes to collect all stormwater runoff from the development into an on-site detention system at the eastern side of the site and eventually discharge via a piped easement into Reedy Creek. Council’s Development Engineer has reviewed the proposed stormwater design and raises no concerns subject to conditions.  Noting that the on-site detention proposes a controlled discharge to Reedy Creek via a scour protection outlet, a controlled activity approval is required in accordance with Section 90 and 91 of the Water Management Act 2000. The Natural Resources Access Regulator (NRAR) has reviewed the proposal and no concerns were raised. |
| Manoeuvrability of Heavy Vehicles on Site | Council’s Traffic Engineer has reviewed the proposal and is satisfied that vehicle manoeuvrability concerns have been addressed subject to conditions of consent. |
| Lack of Articulation of Masonry Plant at the Estate Road Elevation | A diagonally arranged paint scheme has been incorporated to the façade of the masonry plant at the Estate Road to improve the visual amenity at this elevation. |
| Discrepancy between the car parking rate of Fairfield DCP 2013 and Draft Oakdale East Estate DCP | The Oakdale East Estate Development Control Plan (OEEDCP) was endorsed by the Department of Planning, Industry & environment on 16 September 2019.  The proposal has provided parking in accordance with Chapter 3.4 of the OEEDCP. |
| Sequencing of Roadworks | In addition to the proposed Estate Road, the development proposes upgrades and duplication works to Old Wallgrove Road between Milner Avenue and Burley Road. The works includes:  North Bound   * Widening and replacement of existing carriageway to form two lanes, including a dedicated right turn lane (60km/hr sign post speed and 70 km/hr design speed); * New median island to segregate directional traffic.   South Bound   * Widening and replacement of existing carriageway to form two lanes including the creation of a left turn deceleration lane into the proposed Estate Road.   Council’s Traffic Engineer and Roads and Maritime Services have reviewed the proposal and raises no concerns subject to conditions of consent. All works shall be finalised prior to the issue of any occupation certificate. |
| Compatibility of Masonry Plant with Other Warehousing Uses | An acoustic, air quality and transport assessment with consideration between the masonry plant and adjoining warehouse uses was submitted. Council’s Environmental Management Officer and NSW Environmental Protection Authority has reviewed the proposal and raises no concerns subject to conditions. |

**STATUTORY REQUIREMENTS APPLICABLE TO THE APPLICATION**

**Integrated Development – Water Management Act 2000**

The on-site detention proposes a controlled discharge to Reedy Creek via a scour protection outlet, a controlled activity approval is required in accordance with Section 90 and 91 of the Water Management Act 2000. Post development have been designed to mimic pre-development runoff into Reedy Creek. The outflow has been located within a cleared area within the Reedy Creek riparian zone, therefore avoiding native vegetation clearing. Further, the outlet has been intended to allow adequate flow dissipation for heavy rainfall events and to minimise the risk of erosion in the downstream Reedy Creek.

The Natural Resources Access Regulator (NRAR) has reviewed the proposal and no concerns were raised in response.

**State Environmental Planning Policy 33 – Hazardous and Offensive Development**

State Environmental Planning Policy 33 – Hazardous and Offensive Development requires the consent to consider whether an industrial proposal is a potentially hazardous or a potentially offensive industry. In doing so, the consent authority must give careful consideration to the specific charactertistics and circumstances of the development, its location and the way in which the proposed activity is to be carried out.

A SEPP 33 assessment was undertaken by Riskcon. The assessment found that the SEPP 33 threshold quantities for dangerous goods to be stored and transported at the site would not be exceeded. The NSW Environmental Protection Authority and Council’s Environmental Management Officer has reviewed the documentation and raises no concerns.

**State Environmental Planning Policy 55 – Remediation of Land**

State Environmental Planning Policy No. 55 aims to promote the remediation of contaminated land for the purposes of reducing risk of harm to human health or any other aspect of the environment.

Concern was raised about site contamination given that the site was formerly utilised for mining and extractive industries which is a land use identified within Table 1 of the contaminated land planning guideline as potentially causing contamination.

The application was referred to NSW Environmental Protection Authority and Council’s Environmental Management Section whom has recommended that the proponent engage a *site auditor accredited by the EPA under the Contaminated Land Management Act 1997. The site auditor should be engaged to provide a Section A site audit statement (SAS) and accompanying site audit report certifying suitability of the land for the proposed use. Note: By engaging a site auditor to provide a section A SAS, the site auditor will review the adequacy of the investigations; unexpected finds protocol, any remedial works or management plan required and confirm suitability of the land uses’.*

In this regard, it is considered that the site is able to be suitably remediated under the authority of the accredited site auditor. A construction certificate shall not be issued without certification from the site auditor stating that the site is suitably remediated.

The Draft Remediation of Land Environmental Planning Policy seeks to repeal and replace SEPP No. 55 (Remediation of Land) in relation to the management and remediation of contaminated land. The draft SEPP was exhibited between January and April 2018. New provisions will be added which will:

* Require all remediation work carried out without the need for development consent to be reviewed and certified by qualified contamination land consultant;
* Categorise remediation work based on scale, risk and complexity of the work; and
* Require environmental management plans relating to post remediation, maintenance and management of on-site remediation measures to be provided to Council.

The development proposal has been assessed against the provisions of SEPP No. 55 and it is considered that the land is suitable for the proposed works and continuation of the existing use. Further, the proposal is considered satisfactory with respect to the provisions of Draft SEPP Remediation of Land.

Accordingly, the site is considered satisfactory for the development having regard to the relevant matters for consideration under SEPP 55.

**Sydney Regional Environmental Plan No. 20 Hawkesbury Nepean Catchment**

The site is located within the designated hydrological catchment of the Hawkesbury Nepean Catchment and is subject to the provisions of the above SEPP.

The Catchment Planning Principles must be considered and where possible achieved in the carrying out of development within the catchment. The key relevant principles include:

* Protect and improve hydrological, ecological and geomorphologic processes;
* Consider cumulative impacts of development within the catchment;
* Improve water quality of urban runoff and reduce quantity and frequency of urban runoff; and
* Protect and rehabilitate riparian corridors and remnant vegetation.

The site is not located on the foreshore. The proposed development is consistent with the aims of the deemed SEPP.

**STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007**

The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

Clause 45 – Development likely to affect an electricity transmission

The application is subject to clause 45 of the SEPP as the development proposes works within the vicinity of electricity infrastructure. The application was referred to Endeavour Energy who raised no concerns subject to recommended conditions.

Clause 101 – Development with frontage to classified road

The application is not subject to clause 101 of the SEPP as the site does not have frontage to a classified road.

Clause 102 - Impact of road noise or vibration on non-road development

The application is not subject to clause 102 of the SEPP as the average daily traffic volume of Old Wallgrove Road & Burley Road is less than 40,000 vehicles

Clause 104 – Traffic generating development

The application is subject to clause 104 of the SEPP as the development is considered a traffic generating development being a warehouse or distribution centre in excess of 8000 sqm.

The application was referred to the NSW Roads and Maritime Services who raises no concerns subject to recommended conditions.

**SEPP (Western Sydney Employment Area) 2009**

The subject site is zoned IN1 – General Industrial pursuant to the SEPP (Western Sydney Employment Area) 2009. The proposed use is defined as ‘industry’ and ‘warehouse or distribution’ under the SEPP (Western Sydney Employment Area) 2009.

The definition states:

***industry*** means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing or adapting, or the research and development of any goods, chemical substances, food, agricultural or beverage products, or articles for commercial purposes, but does not include extractive industry or a mine.

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

The proposal satisfies the definition of “industry” and “warehouse or distribution centre” which are permissible with consent in the IN1 General Industrial zone.

The objectives of the IN1 General Industrial zone are as follows:

*•   To facilitate a wide range of employment-generating development including industrial, manufacturing, warehousing, storage and research uses and ancillary office space.*

*•   To encourage employment opportunities along motorway corridors, including the M7 and M4.*

*•   To minimise any adverse effect of industry on other land uses.*

*•   To facilitate road network links to the M7 and M4 Motorways.*

*•   To encourage a high standard of development that does not prejudice the sustainability of other enterprises or the environment.*

*•   To provide for small-scale local services such as commercial, retail and community facilities (including child care facilities) that service or support the needs of employment-generating uses in the zone.*

The proposed development is considered to be consistent with the relevant aims and objectives of the IN1 General Industrial zoning applying to the land.

**SEPP (Western Sydney Employment Area) 2009 - Compliance Table**

The proposal has been assessed against the relevant controls stipulated within Part 5 Development Standards and Part 6 Miscellaneous Provisions of the SEPP (Western Sydney Employment Area) 2009.

|  |  |  |
| --- | --- | --- |
| **Criteria** | **Proposed** | **Compliance** |
| **18** - **Requirement for development control plans**  (1) Except in such cases as the Director-General may determine by notice in writing to the consent authority or as provided by clause 19, the consent authority must not grant consent to development on any land to which this Policy applies unless a development control plan has been prepared for that land.  (2) The requirements specified in Schedule 4 apply in relation to any such development control plan.  (3) For the purposes of section 74D (3) of the Act, a development control plan that is required by this clause may be prepared and submitted by 60% of the owners of the land to which the plan applies.  (4) The Minister is authorised, for the purposes of section 74D (5) (b) of the Act, to act in the place of the relevant planning authority in accordance with that section.  (5) Without limiting subclause (2), if a development control plan is required to be prepared for part of a precinct only, the development control plan must:  (a)  demonstrate the manner in which it integrates with planning for the whole of the precinct, and  (b)  take into account any other development control plans applying to the precinct.  (6)  For the purposes of this clause, a development control plan is taken to have been prepared for so much of the land to which this Policy applies as is identified as the “Erskine Park Employment Area” under the *Penrith Development Control Plan 2006* (approved 21 August 2006 and as in force on 15 December 2006). | The site specific Oakdale East Estate Development Control Plan is applicable for the subject site. | Yes |
| **20**   **Ecologically sustainable development**  The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that the development contains measures designed to minimise:  (a)  the consumption of potable water, and  (b)  greenhouse gas emissions. | The proposal is able to comply with the requirements of Section J of the National Construction Code.  Section J of the National Construction Code (NCC) Vol. 1 outlines the energy efficiency requirements of non-residential buildings. The requirements include energy, building fabric, sealing, air movement, ventilation and lighting.  A Section J Report can be submitted to the satisfaction of the principal certifying authority, prior to the issue of a construction certificate. This will be included as a condition of consent. | Yes |
| **21**   **Height of buildings**  The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that:  (a)  building heights will not adversely impact on the amenity of adjacent residential areas, and  (b) site topography has been taken into consideration. | The proposed warehouse is considered to be of similar design and built form to the approved warehouses on Milner Avenue.  The maximum height of the warehouse will be 13.7 metres, the masonry plant will be 18 metres and the silos is 22 metres.  It is not considered that the development will have any significant adverse impact upon neighbouring properties, with the nearest residential property in Horsley Park at least 500m away. | Yes |
| **22**   **Rainwater harvesting**  The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that adequate arrangements will be made to connect the roof areas of buildings to such rainwater harvesting scheme (if any) as may be approved by the Director-General. | Rainwater harvesting would be provided for this development with re-use for non-potable applications. Internal uses include toilet flushing, while external applications would be used for irrigation.  Conditions of consent will be included to ensure that the rainwater recycling system is installed accordingly. |  |
| **23**   **Development adjoining residential land**  This clause applies to any land to which this Policy applies that is within 250 metres of land zoned primarily for residential purposes. | There is no land zoned primarily for residential purposes in the locality. | N/A |
| **24**   **Development involving subdivision**  The consent authority must not grant consent to the carrying out of development involving the subdivision of land unless it has considered the following:   1. the implications of the fragmentation of large lots of land, 2. whether the subdivision will affect the supply of land for employment purposes, 3. whether the subdivision will preclude other lots of land to which this Policy applies from having reasonable access to roads and services. | The subdivision is not considered to result in the fragmentation of land, impact the supply of industrial land or impact access arrangements.  Council’s Subdivision Engineer has reviewed the proposal and is satisfied subject to conditions. | Yes |
| **25**   **Public utility infrastructure**  (1)  The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.  (2)  In this clause, ***public utility infrastructure*** includes infrastructure for any of the following:  (a)  the supply of water,  (b)  the supply of electricity,  (c)  the supply of natural gas,  (d)  the disposal and management of sewage.  (3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause. | Essential services is provided to the Oakdale East Estate via connections to existing utility infrastructure. Infrastructure includes the augmentation to sewer, potable water, telecommunications, gas and electricity. The Utilities and Infrastructure report by AT & L confirms the existence of these services and are able to accommodate the proposed development. A referral was sent to Endeavour Energy, Sydney Water and Jemena Gas. In response, no concerns were raised subject to conditions of consent. | Yes |
| **26**   **Development on or in vicinity of proposed transport infrastructure routes**  (1)  This clause applies to any land to which this Policy applies that is situated on or in the vicinity of a proposed transport infrastructure route as shown on the [Transport and Arterial Road Infrastructure Plan Map](http://www.legislation.nsw.gov.au/fragview/inforce/epi+413+2009+whole+0+N?tocnav=y).  (2)  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.  (3)  The consent authority must, before determining any such development application, consider any comments made by the Director-General as to the compatibility of the development to which the application relates with the proposed transport infrastructure route concerned. | The subject site directly adjoins a proposed road as shown on the Transport and Arterial Road Infrastructure Plan Map which is identified as the Southern Link Road. The development does not propose any connection to this road and is in accordance with the controls contained within the Development Control Plan.  Nonetheless, the application is required to be referred to the Department of Planning for consent in accordance with Clause 26 of the SEPP (WSEA) 2009.  The response from the Department of Planning is still pending and in this regard, it is considered that the application be deferred until such time that the ‘confirmation of compatibility’ has been issued for the site. Once this is issued, then the application is able to be determined. | Yes |
| **27**   **Exceptions to Development Standards** | An exception to development standards is not sought. | N/A |
| **28**   **Relevant acquisition authority** | The subject site is not identified as SP2 – Infrastructure and marked “Classified road” | N/A |
| **29**   **Industrial Release Area—satisfactory arrangements for the provision of regional transport infrastructure and services**  (1)  This clause applies to the land shown edged heavy black on the [Industrial Release Area Map](http://www.legislation.nsw.gov.au/fragview/inforce/epi+413+2009+whole+0+N?tocnav=y), but does not apply to any such land if the whole or any part of it is in a special contributions area (as defined by section 93C of the Act).  (2)  The object of this clause is to require assistance to authorities of the State towards the provision of regional transport infrastructure and services (including the Erskine Park Link Road Network) to satisfy needs that arise from development on land to which this clause applies.  (3)  Despite any other provision of this Policy, the consent authority must not consent to development on land to which this clause applies unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure and services (including the Erskine Park Link Road Network) in relation to the land to which this Policy applies.  (4)  Subclause (3) only applies if the land that is the subject of the application for development consent was not being used for industrial purposes immediately before the application was made.  (5)  Subclause (3) does not apply in relation to:  (a)  any land that is reserved exclusively for a public purpose, or  (b)  any development that is, in the opinion of the consent authority, of a minor nature. | It is recommended that a satisfactory arrangement certificate be required as part of the deferred recommendation. An operative consent shall not be issued prior to the issue of a satisfactory arrangement certificate. | Yes |
| **30**   **Controls relating to miscellaneous permissible** | An industrial retail outlet or neighbourhood shop is not proposed. | N/A |
| **31**   **Design principles**  In determining a development application that relates to land to which this Policy applies, the consent authority must take into consideration whether or not:  (a)  the development is of a high quality design, and  (b)  a variety of materials and external finishes for the external facades are incorporated, and  (c)  high quality landscaping is provided, and  (d)  the scale and character of the development is compatible with other employment-generating development in the precinct concerned. | The proposed warehouse is similar in scale, design and built form to the approved warehouses on Milner Avenue.  The façade onto Old Wallgrove Road and Estate Road incorporates an interesting composition of materials and finishes as illustrated on the submitted architectural drawings.  Old Wallgrove Road Elevation  The landscaping treatment at the Old Wallgrove Road elevation will comprise of a mixture of smaller feature plantings, larger native trees and turf over the 10m side setback area.  The landscaping is considered to be well designed and will provide an attractive side setback to the industrial facility subject to proper maintenance.  Estate Road Elevation  The landscaping treatment at the Estate Road elevation is 3.75m in width, comprising 50% of the setback along the road frontage. The setback comprises of a mixture of smaller feature plantings and dense hedging to provide a transition between the road reserve and the on-site car parking.  Council’s Landscape and Tree Officer has reviewed the landscape plan and has no objections subject to conditions of consent. | Yes |
| **32**   **Preservation of trees or vegetation**  (1)  The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.  (2)  This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made under Division 6 of Part 3 of the Act.  **Note.** Any such development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.  (3)  A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:  (a)  development consent, or  (b)  a permit granted by the Director-General as the relevant planning authority for the purposes of Division 6 of Part 3 of the Act.  (4)  This clause does not apply to a tree or other vegetation that the relevant council or the Director-General (as the relevant planning authority for the purposes of Division 6 of Part 3 of the Act) is satisfied:  (a)   is dying or dead and is not required as the habitat of native fauna, or  (b)   is a risk to human life or property.  (5)  This clause does not apply to or in respect of:  (a)   the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the [*Native Vegetation Act 2003*](http://www.legislation.nsw.gov.au/xref/inforce/?xref=Type%3Dact%20AND%20Year%3D2003%20AND%20no%3D103&nohits=y) or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or  (b)   the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the [*Native Vegetation Act 2003*](http://www.legislation.nsw.gov.au/xref/inforce/?xref=Type%3Dact%20AND%20Year%3D2003%20AND%20no%3D103&nohits=y)) that is authorised by a development consent under the provisions of the [*Native Vegetation Conservation Act 1997*](http://www.legislation.nsw.gov.au/xref/inforce/?xref=Type%3Dact%20AND%20Year%3D1997%20AND%20no%3D133&nohits=y) as continued in force by that clause, or  (c)  trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the [*Forestry Act 1916*](http://www.legislation.nsw.gov.au/xref/inforce/?xref=Type%3Dact%20AND%20Year%3D1916%20AND%20no%3D55&nohits=y), or  (d)  action required or authorised to be done by or under the [*Electricity Supply Act 1995*](http://www.legislation.nsw.gov.au/xref/inforce/?xref=Type%3Dact%20AND%20Year%3D1995%20AND%20no%3D94&nohits=y), the [*Roads Act 1993*](http://www.legislation.nsw.gov.au/xref/inforce/?xref=Type%3Dact%20AND%20Year%3D1993%20AND%20no%3D33&nohits=y) or the [*Surveying Act 2002*](http://www.legislation.nsw.gov.au/xref/inforce/?xref=Type%3Dact%20AND%20Year%3D2002%20AND%20no%3D83&nohits=y), or  (e)  plants declared to be noxious weeds under the [*Noxious Weeds Act 1993*](http://www.legislation.nsw.gov.au/xref/inforce/?xref=Type%3Dact%20AND%20Year%3D1993%20AND%20no%3D11&nohits=y). | **Yes – See discussion below.** |  |
| The development site is largely cleared of native vegetation with approximately 90% of the vegetated cover on the site cleared. The condition of vegetation on the subject site is degraded due to historical land clearing, agricultural use and quarry operations. Remnant native vegetation is concentrated around the riparian zone of Reedy Creek to the east of the site. This part of the site is not impacted by the development.  Due to the lack of fencing and the presence of feral goats, there are no remaining native shrub ground cover.  A Biobanking Development Assessment Report has been submitted in accordance with the Biodiversity Conservation Act 2016. In accordance with the report, the following issues and recommendations are made:  The remnant native vegetation on the site has been assessed as being associated with two Threatened Ecological Communities (TECs) listed under the Threatened Species Act and one Critically Endangered Ecological Communities listed under the Environment Protection and Biodiversity Conservation Act 1999. The threatened and endangered ecological communities on the subject site include:   * Plant Community Type (PTC) 835 Forest Red Gum * Plant Community Type 849 Grey Box * River-Flat-Eucalypt Forest * Cumberland Plain Woodland * Cumberland Plain Shale Woodland and Shale Gravel Transition Forest   As the proposed development involves clearing of vegetation, entry into the Biodiversity Offsets Scheme is automatically triggered. The report identifies the following impacts:   * A total of 0.1 ha of PCT 849 would be cleared by the proposal; * A further 0.64 ha of derived woodland, and 9 ha of exotic grassland would be cleared.   PCT 849 – Grey Box is listed as a critically endangered ecological community in NSW and nationally and is listed as an identified impact, which required additional impact assessment provisions in accordance with Section 10.2 of the Biobanking Assessment Methodology (BAM).  Given that the PCT 849 – Grey Box within the study area does not meet the threshold requirements of the nationally endangered Cumberland Plain Shale Woodlands and Shale Gravel Transition Forest ecological community therefore, a referral under the Environment Protection and Biodiversity Conservation Act 1999 is not required.  Due to the relatively small area and degraded condition of PCT 849, the proposal is considered not to cause a serious and/or irreversible impact on this community.  Derived woodland predominately comprises trees planted for the purpose of stabilising steeply sloping man-made berms and providing aesthetic screening, and with temporary intent.  Despite the planted origin of this vegetation, it must be allocated to a PCT for assessment under the Biodiversity Offset Scheme and in accordance with the BioNet Vegetation Classification.  The impacts associated with the proposal, including the clearing of native vegetation, have been situated to avoid impacts to better condition, more intact and more connected areas of native vegetation located along the Riparian Corridor. Therefore, no prescribed biodiversity impacts are anticipated from the proposed development.  Biodiversity Offset  Areas of native vegetation to be retained on the site in perpetuity are in accordance with the NSW Biodiversity Offsets Scheme. Ten ecosystem credits are required to offset the proposed clearing of native vegetation using the BAM calculator. Eight of the ten ecosystem credits are required to offset the derived (planted) woodland. The payment of the ten (10) ecosystem credits are required to offset the proposed clearing of native vegetation in accordance with the Biobanking Assessment Methodology calculator shall be made to the Biodiversity Conservation Fund under Division 6, Section 6.30 (1) of the Biodiversity Conservation Act 2016. This is to be paid prior to the issue of a construction certificate.  Council’s Natural Resources Officer and OEH – Biodiversity Regional Local Government Officer has reviewed the Biobanking Development Assessment Report and raises no concerns subject to conditions.    ***Figure 3:*** *Vegetation Communities* | | |

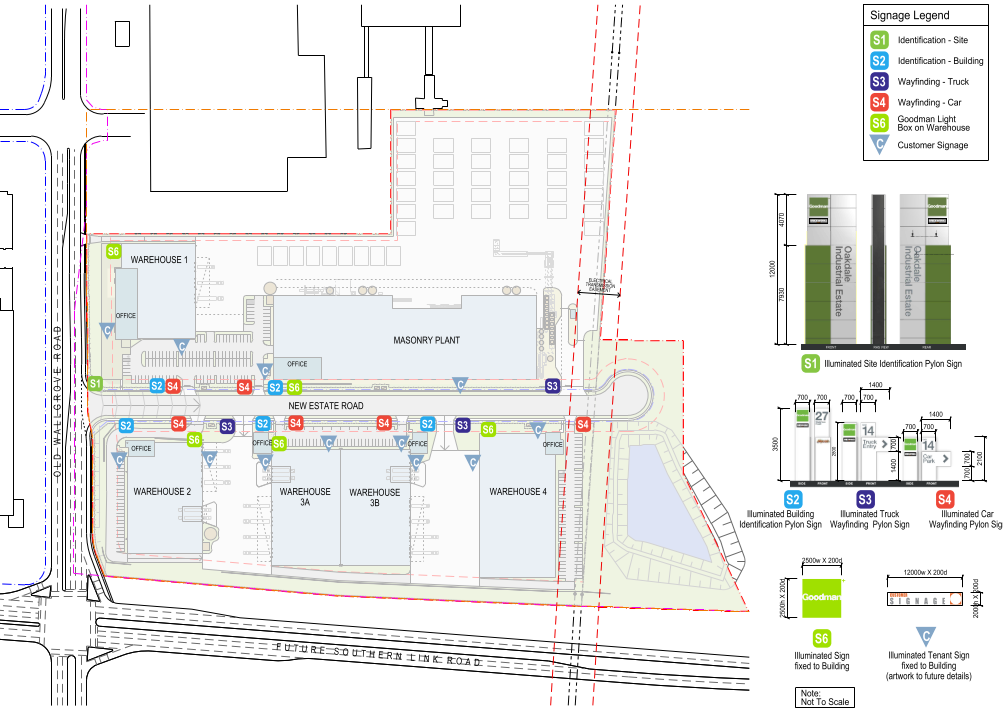
**STATE ENVIRONMENTAL PLANNING POLICY (SEPP) NO. 64 (ADVERTISING AND SIGNAGE) SCHEDULE 1 - ASSESSMENT CRITERIA IS APPLICABLE TO THE SUBJECT SITE IN ACCORDANCE WITH PART 2 – SIGNAGE GENERALLY OF THE SEPP.**

SEPP 64 applies to all signage that requires development consent and aims to ensure that signage is compatible with the desired amenity and visual character of an area.

An assessment against Schedule 1 – Assessment Criteria has been carried out below to ensure that the signage proposed is in line with SEPP 64 standards.

A number of signage are proposed on the subject site including site identification, building identification, truck wayfinding, car wayfinding, illuminated building signage and customer signage. The signage are concentrated at the road elevations within the landscaped front setback and affixed to the buildings.

The proposed signage are considered to relate to the use of the site and is suitable in providing directional assistance to pedestrian and drivers.



***Figure 4:*** *The proposed signage – site plan.*

**Schedule 1 – Assessment Criteria**

|  |  |
| --- | --- |
| **Standard** | **Compliance** |
| **1. Character of the area** | |
| Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? | Yes, the proposed signs will be compatible with the existing building and surrounding development. The scale and location of the proposed signage is consistent with the scale of the proposed Oakdale East Estate and adjoining industrial development. The proposed street landscaping will further integrate the signage within the streetscape. |
| Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? | The proposed signs will be compatible with the overall theme of the subject premises. |
| **2. Special areas** | |
| Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? | The proposed signs will not detract from the amenity or visual quality of nearby properties. |
| **3. Views and vistas** | |
| Does the proposal obscure or compromise important views? | The site is not identified as having significant views. |
| Does the proposal dominate the skylight and reduce the quality of vistas? | No, the proposed signs will not dominate the skylight and reduce the quality of vistas. |
| Does the proposal respect the viewing rights of other advertisers? | Yes, the proposed signs will not interfere with the visibility of other signs. |
| **4. Streetscape, setting or landscape** | |
| Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? | The proposal is compatible with the existing building and does not detract from the streetscape. The proposed signage will incorporate quality materials, finishes and provide a coherent and integrated colour scheme based on the marketing colours of Goodman and the specific tenants.  The proposal will appropriately reflect the future design and character of the Oakdale East Estate and does not present visual cluster. |
| Does the proposal contribute to the visual interest of the streetscape, setting or landscape? | Proposal provides visual interest to the streetscape by providing a visual link to the premises. |
| Does the proposal reduce clutter by rationalising and simplifying existing advertising? | The proposal does not create clutter within the existing streetscape. |
| Does the proposal screen unsightliness? | No. |
| Does the proposal protrude above buildings, structures or tree canopies in the area or locality? | No. |
| **5. Site and building** | |
| Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? | Yes, the proposal is compatible with the size and scale of building. |
| Does the proposal respect important features of the site or building or both? | Yes, the proposed signs respect the existing features at the subject premises. |
| Does the proposal show innovation and imagination in its relationship to the site or building or both? | Yes. |
| **6. Associated devices and logos with advertisements and advertising structures** | |
| Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? | Given that the development is proposed to operate on a 24 hour 7 day basis, the illuminated pylon wayfinding signage are necessary to ensure motorist and pedestrians are able to sight the signage. The lighting proposed is considered appropriate in its context. |
| **7. Illumination** | |
| Would illumination result in unacceptable glare? | Illumination will occur at low wattage and will not impact the safety or amenity of pedestrians, vehicles or nearby industrial warehouses. The light source for the signage will be static. |
| Would illumination affect safety for pedestrian, vehicles or aircraft? | No. Conditions of consent will ensure the illumination does not result in unreasonable glare. |
| Would illumination detract from the amenity of any residence or other form of accommodation? | No. The illumination of the signage is not considered to result in unacceptable lighting nuisance. |
| Is the illumination subject to a curfew? | No. The illumination of the signage is not considered to result in unacceptable lighting nuisance. |
| **8. Safety** | |
| Would the proposal reduce the safety for any public road? | No, the proposed signs will help road users in identifying the premises. |
| Would the proposal reduce the safety for pedestrians or bicyclists? | No, the proposed signs will assist road users, pedestrians and bicyclists in identifying the site. |
| Would the proposal reduce the safety for pedestrian, particularly children, by obscuring sightliness from public areas? | No, the signs do not obscure internal or external visibility of the site, but rather enhances visibility. |

The development has satisfactorily demonstrated compliance with the provisions set out within Schedule 1 of the SEPP.

**Oakdale East Estate Development Control Plan**

The following compliance table details the assessment of the proposal, in accordance with the relevant requirements of the Oakdale East Estate DCP.

|  |  |
| --- | --- |
| Criteria | Compliance |
| **2.2.1 Subdivision**   1. Industrial lots are to be sited and designed to achieve the criteria listed below:  * Minimum Lot Size – 5000sqm * Minimum Frontage (street) – 40 metres * Minimum Width (at the building line) – 35 metres * Minimum Depth – 30 metres  1. Land adjoining or containing a watercourse (or part thereof) shall be designed to achieve the recommended corridors and buffer zones in accordance with Section 6.1 2. Battle axe lots are prohibited 3. Where a subdivision plan includes battle axe lots, the area of the access handle is not to be included in the calculation of minimum lot size 4. Access to lots should be from an estate road. Direct access from the Link Road and future Southern Link Road is not permitted 5. Where a residual lot is created through subdivision, the applicant must demonstrate that future development of that residual lot can meet the controls of the DCP 6. Pedestrian and vehicular access is to be provided in accordance with the controls set out in Section 3 7. Where a strata or community title subdivision is proposed, any space for parking or other purposes forming part of a sole occupancy unit must be included in the same strata lot as the unit 8. All landscape, access areas and directory board signs not forming part of an individual unit are required to be included in any strata plan of subdivision as common property. | Yes  Proposed Lots:   * Development Lot (Lot 1): 100,240 sqm * Estate Road Lot (Lot 2): 9,893 sqm * On-Site Detention Basin Lot (Lot 3): 13,836 sqm   Minimum Frontage of Development Lots:   * Masonry Plant – 190m * Warehouse 1 – 125.88m (Estate Road) and 138.5m (Old Wallgrove Road) * Warehouse 2 – 124.3m (Estate Road) and 115.5 (Old Wallgrove Road); * Warehouse 3 – 200m (Estate Road); * Warehouse 4 – 124.3m (Estate Road)   Lot Width & Depth:  Both development lots (Lot 1 and 2) exceed the minimum lot width and depth.  The proposed subdivision is not considered to result in the fragmentation of land, impact the supply of industrial land or impact access arrangements. |
| **2.3.1 Site Coverage and Building Setback**   1. Site coverage is not to exceed 65 percent of any lot within the estate. For the purposes of this DCP site coverage is calculation using the definition set out in Fairfield Council LEP 2013. 2. Buildings and structures are to have the minimum setbacks as follows:  * Front setback (Old Wallgrove Road) – 15 metres * Front setback (Estate Road ) – 7.5 metres * Future Southern Link setbacks – 15 metres * Corner Lots (Secondary street frontage) – 5 metres * Rear and side setback – 5 metres  1. Subject to compliance with fire rating standards, side and rear setbacks set out above may be reduced to nil where the lot boundaries are internal to the site 2. No development is to be provided within the front setback apart from landscaping, utility services, approved signage and drainage works. | Yes  Site Coverage:  Based on a developable site area of 100,240 sqm and a GFA of 35,812 sqm, the site coverage is 35.7%.  Building Setbacks:  ***Front Setback from Old Wallgrove Road:***  Warehouse 1 and 2 – 17.5m  ***Front Setback from Estate Road:***  Warehouse 3A, 3B, 4 and Masonry Plant: 7.5m  ***Southern Link Road Setback:***  Warehouse Masonry Plant, 3A, 3B and 4: 7.5m  ***Rear & Side Setback:***  Warehouse 1: 7m from northern boundary  Masonry Plant – In excess of 45m  Rear setback to southern boundary is approximately 20m  Side setback of 20m or more along the eastern boundary. |
| **2.3.2 Building Heights**   1. The maximum building height of a warehouse or general industrial building is to be 15 metres above ground level 2. The maximum building height set out in (a) may be increased to 18 metres for refrigerated warehouse developments where associated plant material is located on the roof 3. The maximum building height set out in (a) and (b) may be varied up to a maximum of 25 metres above ground level for specialised development types involving silos or production areas, subject to the submission of a visual impact assessment 4. Where a development otherwise achieves the objectives of section 2.3.2, Council may consider varying the controls set out in (a) – (c) above depending on the merits of the proposal 5. Where development involves the alteration of ground levels, building height (for the purpose of compliance with this section) will be measured from the post-development finished ground level. | Yes  Warehouse 1, 2, 3 and 4 – 13.7m  Masonry Plant – 18m  Silos – 22m  While it is acknowledged that the proposed silo is 22 metres, the visual impact assessment reveals that there is no additional visual impact from residential properties approximately 350 metres to the south east.  Further, the silos and associated façade of the silos incorporates an interesting composition of materials and finishes, as illustrated on the submitted architectural drawings. |
| **2.3.3 Building Layout and Design**   1. Industrial and warehouse facades orientated towards the street frontage should    1. be articulated using architectural elements and avoid long expanses of unbroken blank walls;    2. use a variety of materials and finishes (refer to **section 2.3.5**). 2. Where industrial and warehouse components incorporate commercial office space or showroom areas, building facades should include large windows at least every 20m. 3. Where possible, loading docks and roller doors should not be visible from a primary street frontage. 4. Above ground water tanks and plant where possible should be located behind the front facade of any development. 5. Rooftop structures such as plant rooms, solar panels, air conditioning and ventilation systems are to be incorporated into the design of the building or located within a well-designed, integrated roof top element | **Yes – See Discussion Below** |
| The site layout has been designed in response to the surplus land available from the existing Plant No. 3 adjacent to the northern boundary. It also takes into consideration the southern boundary, specifically the bund and Future Southern Link Road. Building envelopes have been sited to create visual buffers between the hardstand areas and surrounding residential properties. The design of Oakdale East includes:   * The incorporation of defined landscaped entries and boundaries with appropriately selected and designed landscape setbacks, trees, planters and gardens. * The external walls of offices and amenities provide a mix of construction types including painted precast concrete panels, glazing and prefinished composite panels including architectural treatments that are consistent with a high quality industrial office. * Appropriate sized and oriented outdoor break out spaces provide opportunities for external meetings and passive recreation during work breaks * Sympathetically landscaped setbacks which will soften the visual appearance of the proposed warehouses at the frontages to the Estate Road. * The character, height and scale of the proposed warehouse and office buildings are consistent with the buildings in the adjoining Oakdale Central and South Development. * The typical external façade material palette consisting of painted precast concrete, painted dement dado panels, prefinished aluminium cladding and colorbond steel metal wall claddings are incorporated to provide a high standard of building façade. The colour palettes are consistent with Goodman’s branding which include neutral tones to warehouse buildings and swatches of ‘Austral Orange’ and ‘Goodman Green’ to highlight colours to office areas and individual identification of the building. * The proposed office components of the four warehouses provide extensive natural lighting for the office space to support the distribution operations. The office spaces incorporate high ceilings, visual connection to external spaces and landscapes. * All loading docks and associated roller doors face inwards, away from the public domain. All loading areas are well setback from the public road and screened by landscaping. * A diagonally arranged paint scheme has been incorporated to the façade of the masonry plant at the Estate Road to improve the visual amenity. | |
| **2.3.4 Storage Area**   1. Where practical and appropriate, storage areas should be provided within buildings. 2. Where screening of outdoor storage areas is required, the applicant will need to demonstrate consistency with the fencing provisions of **section 2.3.8**. Where practical additional landscaping may be provided to ensure visual amenity is preserved. 3. Where open storage areas are proposed a Development Application may be required to provide suitable technical assessment to support the use. This may include an Air Quality Assessment to manage dust and/or acoustic impacts associated with the use. 4. Open storage areas must not be located on areas designated for parking or truck/vehicle manoeuvring. |  |
| **2.3.5 Materials and Finishes**   1. Building materials and colours used on facades fronting any street shall be compatible with the design of the building and contribute positively to the streetscape. 2. Materials used should achieve a balance between solid surfaces (that may include coloured metal cladding, masonry or brick and render) and vertical walling which contains large areas of glass. 3. Solid surfaces should dominate the overall building facade. 4. Where metal cladding is used on walls or roofs, colour selection should avoid those of high reflectivity. | Yes  The typical external façade material palette consisting of painted precast concrete, painted dement dado panels, prefinished aluminium cladding and colorbond steel metal wall claddings are incorporated to provide a high standard of building façade.  The colour palettes are consistent with Goodman’s branding which include neutral tones to warehouse buildings and swatches of ‘Austral Orange’ and ‘Goodman Green’ to highlight colours to office areas and individual identification of the building.  The types of material proposed are consistent with those incorporated in Oakdale Central and Oakdale South.  A condition of consent will be included to ensure the reflectivity index of external finishes do not exceed 20% as not to result in nuisance glare to any person or place. |
| **2.3.6 Landscape Design**   * Landscaped area is to be provided generally in accordance with the requirements: * Southern Link Road and Old Wallgrove Road – 10 metre landscape setback to the road frontage * Collector Road – 7.5 metres or 50% of the setback along the road frontage * Local Estate Road – Average of 50% of setback along the road frontage * Side Boundary (Internal) – No minimum requirement * Rear boundary – 2.5 metres from the rear boundary * A landscape plan prepared by a Landscape Architect is to be submitted with all Development Applications involving new developments or major additions and alterations. Landscape plans submitted in accordance with this control should include:   + Any existing vegetation to be retained or removed;   + Planting scheme including trees, shrubs, grasses and ground covers;   + Parking and associated access driveways;   + Paved and grassed areas;   + Boundary fencing to adjoining properties;   + Loading/unloading areas   + Any outside storage areas; and   + Any open space and any outdoor furniture.  1. Where a watercourse occurs through or adjacent to the site, a riparian vegetated zone in accordance with **section 6.1** will be required. 2. Landscaped front setbacks should include canopy trees whose mature height is in scale with the proposed development. 3. Tree planting in the form of island planter beds should be provided at a rate of one planter bed per 10 car spaces within car parks to reduce the heat effect and soften the hard surfaces. 4. Screen planting with evergreen shrubs and trees is required to screen car parks, vehicular manoeuvring areas, garbage areas, storage areas from the street frontage. 5. Outdoor recreation areas for staff should be integrated into landscaped areas, where possible, to provide shade and an appropriate level of amenity and comfort. | Yes  Landscape Setbacks:  Old Wallgrove Road Elevation: 10 m  Local Estate Road: 3.75m which is equivalent to 50% of building setback.  Southern Link Road: 10m  Rear Boundary – 2.5m  The landscaping treatment at the front elevation along Old Wallgrove Road will comprise of a mixture of smaller feature plantings, larger native trees and turf over the 10m front setback area. A variety of native trees (Grey Box, Forest Red Gum, Water Gums and Crepe Myrtles), shrubs and turf are also proposed along the Estate Road elevation to provide an attractive interface between the private and public domain.  A number of island planter beds are also proposed within the car parks. Each island planter is proposed to have 1-2 native trees and native ground cover plantings.  The landscaping is considered to be well designed and will provide an attractive front setback to the industrial facility subject to proper maintenance.  Council’s Landscape and Tree Officer has reviewed the landscape plan and has no objections subject to conditions of consent. |
| **2.3.7 Cut and Fill**   1. Excavation and fill in excess of 1 metre may be permitted to allow for the establishment of a level construction pad providing the excavations are adequately retained and drained in accordance with engineering requirements. 2. Cut and fill batters shall not:    1. exceed a slope of 1:4 (v:h) unless geotechnical reports result in the consent authority being satisfied with the site stability. All batters are to be provided with both short term and long term stabilization to prevent soil erosion.    2. extend onto Council’s road reserve. 3. Retaining walls in excess of 3 metres and likely to be visible from adjacent land, such as those along street edges or external boundaries, should be in a stepped form with landscaped areas in between level changes to soften the visual impact of the retaining wall. 4. Where fill material is required to be imported to the site, all material is required to be Excavated Natural Material (ENM). 5. Where fill material is proposed to be reused on site, material must first be validated by a suitably qualified contamination consultant as clean. 6. Development Applications involving cut and fill must be accompanied by detailed survey of the site prepared by a registered surveyor combined with detailed cut and fill plans including quantities of material required to create an appropriate construction pad. 7. Applications for bulk earthworks shall be accompanied by detailed Geotechnical investigations to include:    1. subsurface conditions, including the location of the base of the existing stockpiles, where possible;    2. site reactivity and its effects on earthworks and foundations; (iii)excavatability, with particular reference to deep cuttings; 8. groundwater flow, soil erosion and soil permeability, and their effects on site drainage; 9. foundation design; and 10. pavement thickness design. 11. Any material brought to a development site must comply with the EPA's Resource Recovery Orders and Exemptions and any other relevant regulation. 12. Any fill that is being transported from a development can only be transported to sites that are lawfully able to receive such material The EPA legislation and guidelines should be consulted and consent should be sought for any such activity where required. 13. Any VENM, ENM or material received under an EPA Resource Recovery Order and Exemption must be validated by a suitably qualified person to demonstrate that it is fit for its intended use. | Yes |
| Bulk earthworks across the site includes cut and fill, road grading, benching and stabilisation with batters and retaining walls.  Due to the numerous voids and stockpiles created as part of the quarry operation, a considerable volume of cut and fill earthworks is required to create the various levelled building pads and road alignments. Conditions have been included to ensure suitable filling material and stability.  Up to 7-8m of cutting and/or filling may be required to achieve final design levels. The majority of retaining walls are located at the southern part of the site, adjoining the Southern Link Road corridor. The retaining wall ranges from 1m at the rear of Warehouse No. 3 to 7.2 m at the southern side of Warehouse No. 4. The retaining walls are setback approximately 11 metres from the boundary by a sloped landscaped area and chain wire fence.    ***Figure 5:*** *Retaining wall with the greatest height – Southern Elevation near Warehouse 4.* | |
| **2.3.8 Fencing**   1. Fencing along street frontages should provide open style fencing, which does not obstruct views of landscaping from the street or reduce visibility. 2. The maximum height of a front boundary fencing is 1.8 metres. 3. Where enhanced safety and security is required for development, the maximum height of front boundary fencing may be increased to a maximum of 2.4 metres. 4. Palisade fencing is encouraged. 5. Solid fences above 1 metre in height are not permitted along street frontages. | At the Old Wallgrove Road and Estate Road elevation, the proposed fencing comprises of 1.8m high palisade fencing.  At the boundary between the Southern Link Road corridor and the subject site, a 2.4m chain link fence is proposed. Due to the significant distance in elevation, the fence is required to be 2.4m to prevent entry and injury. |
| **2.3.9 Signage and Estate Identification**   1. Building identification signage is to be considered on a case by case basis in the context of the building design and scale of the facade. 2. Building identification signage should have a maximum advertising area of up to 0.5 square metres for every metre of lineal street frontage. 3. Sky signs and other roof signs that project vertically above the roof of a building are not permitted. 4. Flat mounted wall signs for business identification signage are to be no higher than 15 metres above existing ground level. 5. Where illuminated signage is proposed,    1. a maximum of one illuminated sign is permitted on each elevation of each building, and    2. should be orientated away from residential properties. 6. In the case of Estate Signage involving multiple occupancies of a building or site:    1. Each development should have a single directory board listing each occupant of the building or site; and    2. Where possible, multiple tenancies in the same building should use consistent sign size, location and design to avoid visual clutter and promote business identification 7. Signage is to be installed and secured in accordance with relevant Australian Standards 8. Signage in the form of banners, flags and other fabric signs are not permitted. 9. Other forms of signage not provided for in this section, may be permitted and is subject to an assessment of merit. | Larger corporate signage have been designed for clear visibility from moving vehicles have been located in strategic positions to reinforce the interface with streets and provide a consistent identity across the whole estate. Smaller tenant signs are located closer to office entrances to reinforce and clearly identify office buildings.  The proposed signage are in accordance with the Goodman signage standard as adopted in Oakdale Central and Oakdale South.  The flat mounted wall business identification signage does not exceed 9 metres above the proposed ground level.  The illuminated pylon signage does not exceed 3.5m, an appropriate height to provide guidance to trucks. |
| **2.3.10 Lighting**   1. Street lighting within new subdivisions is to be designed to the principles and guidelines of the Public Lighting Standard "Lighting for Roads and Public Spaces" AS 1158 and a Crime Risk Assessment. 2. Lighting provided on private land should:    1. have fully shielded fittings to reduce light spill onto adjoining properties; and    2. be generally in accordance with Australian Standard 4282 Control of the Obtrusive Effects of Outdoor Lighting. 3. External lighting shall be positioned to avoid light spillage to adjoining residential properties. In this regard, Council may require additional information such as Light Spill diagrams where it considers there is potential for negative impacts on residential amenity from any proposed development. | The development is not in the vicinity of residential land and will not result in unreasonable light spillage that would affect the amenity of the locality. |
| **2.3.11 Transmission**   1. Land identified as being for the purpose of a transmission line, shall not be permitted to be utilised for the following purposes unless expressly authorised by the relevant energy authority:    1. Construction of permanent buildings or fixed plant and equipment, 2. Storage of combustible materials, garbage or fallen timber, 3. The planting of large trees that grow in excess of three metres, 4. Driven fence posts or stakes in easements with underground electricity cables, or 5. Installation of unapproved third party utilities such as telecommunications, gas, water or sewerage service. 6. All development applications involving land burdened by an easement for the purpose of transmissions lines shall ensure comprehensive consultation be undertaken with the relevant energy authority prior to development application lodgement. | Yes  The land under the electrical transmission easement comprises of a brick storage hardstand area, road reserve, car parking and landscaping. The application has been referred to Endeavour Energy and no concerns are raised subject to conditions. |
| **2.4 Industrial/Residential Interface**   1. Loading areas, driveways, rubbish, storage areas and roof top equipment shall, where possible, not be located adjacent to residential properties. 2. New buildings or additions to existing buildings shall not unnecessarily overshadow adjoining residential development including private open space. In this regard, Council may require the submission of shadow diagrams where it considers the proposed development may create the potential for overshadowing. | Yes  The proposed development is not located in the vicinity of any residential properties. |
| **3.1 Roads and Traffic**   1. Primary access to the Oakdale East Estate shall be provided by the intersection of Old Wallgrove Road & Estate Road 1. Prior to the completion of the Southern Link Road, this intersection will provide for all movements to and from the Estate. 2. Further to the completion of the Southern Link Road, the intersection of Old Wallgrove Road & Estate Road 1 shall be restricted to provide for left in / left out only movements at Estate Road 1. 3. The layout of the road network for the site is to generally accord with the Indicative Access Plan and Indicative Future Movement Corridor (to be determined/approved pursuant to future approval as shown in **Figure 4.** 4. Road design and hierarchy in accordance with **Table 4** and **Figures 5** and **6.** 5. All vehicles must be able to enter and exit the site in a forward direction. 6. Intersections must be provided with splay corners measuring a minimum of 6m x 6m. 7. New Estate Roads are to provide a turning circle at its eastern end to facilitate turning vehicles within the Estate area until such time as additional access is provided to Old Wallgrove Road. 8. All estate roads are to be designed in accordance with Austroads guidelines, to accommodate the maximum sized vehicles (B-double trucks). 9. Lot access points, internal driveways, service and circulation areas must be designed in accordance with the relevant Australian Standards, most notably AS2890.1 Parking Facilities – Off Street Car Parking and AS2890.2 Parking Facilities – Off Street Commercial Vehicle Facilities. 10. Future access provisions are to be considered in detail during Development Application stages. 11. If appropriate, freight handling facilities are encouraged to be co-located to maximise cooperation between industries with regard to materials handling. | Yes  The layout of the road network is in accordance with the Indicative Access Plan. The primary access to Oakdale East is along the proposed Estate Road, which is accessed off Old Wallgrove Road.  A deceleration lane is proposed which ensures left in/left out movements at Estate Road.  The Roads and Maritime Services and Council’s Traffic Engineer has reviewed the proposal and is satisfied that the proposal is able to comply with Austroads guidelines, AS 2890.1 – Off Street Car Parking and AS2890.2 – Off-street Commercial Vehicle Facilities. |
| **3.2 Loading**   1. Loading and unloading areas shall be appropriately screened from public view. 2. All loading and unloading is to be undertaken on-site and shall be serviced by vehicles. 3. Loading bays are to be designed in accordance with the relevant Australian Standards, such as AS2890.2 Parking Facilities – Off Street Commercial Vehicle Facilities. | Yes  All loading and unloading is to be undertaken on-site in the dedicated hardstand area.  Council’s Traffic Engineer has reviewed the proposal and is satisfied that the loading bays are designed in accordance with AS2890.2. |
| **3.3 Pedestrians and Cycling**   1. Applicants are encouraged to incorporate, in the design of their buildings, safe storage/parking areas for bicycles in secure and accessible locations with weather protection, with adequate shower and change facilities provided for staff (where appropriate). 2. Footpaths are to be provided as set out in **Table 4** of **section 3.1.** | Yes  End of Trip Facilities are proposed near the bicycle racks. The End of Trip Facilities include showers, lockers and change facilities.  Footpaths have been provided in accordance with the DCP. |
| **3.4 Carparking**   1. Car parking to be provided in accordance with the development types set out in **Table 5**.   Table 5 – Car parking rates applying to development within Oakdale East Estate   |  |  | | --- | --- | | **Land use type** | **Parking Rate** | | Light industry, general industry (excluding masonry plant facilities), warehouse or distribution centre | 1 space per 300m² of Gross Floor Area (GFA) | | Office | 1 Space per 40m² of GFA | | Masonry Plant | Parking is to be based on a First Principles Assessment to determine demand. | | Garden centres, Plant nurseries, Landscaping material supply and Rural supplies | Determined by parking survey of an existing operating facility of the same characterisation and a similar scale | | Freight transport facilities and depots | To be determined by a car parking survey of a comparable facility | | Industrial training facilities | 1 space per employee plus 1 space per 5 students | | Neighbourhood shops | 1 space per 40m² of gross leasable area | | Places of public worship | 1 space per 2m² of worship floor area or 1 space per 3m² GFA (whichever is greater) |  1. Parking calculations should be rounded up. Where there is more than one use on a site or within a development each type is to be calculated separately and rounded up separately. 2. All parking areas must provide for disabled parking in accordance with the provisions of the Building Code of Australia (BCA) and the relevant Australian Standards. 3. Underground or basement level parking is not permitted. 4. The use of stack parking is not permitted. 5. The number of on-site truck parking spaces provided should be on the basis of 1 space for each vehicle present at any one time, excluding those vehicles in loading docks. Under no circumstances is the parking of trucks on public streets acceptable. 6. All parking areas and access roadways must be provided with a drainage system comprising surface inlet pits. Details of pipe sizes (with calculations) and drainage layouts (including discharge points) must be submitted with future Development Applications. | Yes  **Required Spaces**  Office – 105 spaces  Warehouse = 105 space  **Total required** = 210 spaces  **Proposed**  Warehouse 1 & Masonry Plant – 120 spaces  Warehouse 2 – 28 Spaces  Warehouse 3A – 24 spaces  Warehouse 3B – 24 spaces  Warehouse 4 – 69 spaces  Total – 265 spaces.  **Total Car parking Ratio:**  1 to 135 sqm |
| **3.5 Public Transport**   1. Bus stop locations should be provided in close proximity to the intersection(s) of Old Wallgrove Road and planned Estate Roads to reduce walking distances. 2. Bus stops should be designed to provide suitable shelter and seating. 3. Consideration is to be given to implementation of a Workplace Travel Plan to encourage non-car transport and increase public transport usage. This is to be done at such a time that the necessary infrastructure is in place for the Workplace Travel Plan to be successful (i.e. public transport links are improved to the broader area). | At present, there are very limited bus services operating within the vicinity of the site. However, it is anticipated that bus services will be established in the future stages of the Oakdale East Development as demand increases. Given that bus services have not been implemented and the overall Austral Brick Site is anticipated to be developed over time, it is considered more appropriate to encourage active transport and provide End of Trip Facilities rather than installing bus stops in this instance. |
| **4.1 Flood Management**   1. Where development occurs on land identified in the flood maps contained on Council’s website as being flood affected, a proposal will be required to consider the relevant controls contained within the Fairfield City Council Development Control Plan, Chapter 11 *Flood Risk Management Controls* and Schedule 6. 2. For land where the flood risk is unknown and alteration of existing ground level may result in, an increased potential for flood risk, a proposal must be accompanied by an appropriate engineering statement to determine the extent of the risk and provide guidance as to an appropriate management response. For mainstream flooding, refer to Council’s latest flood model through the Developer Agreement Process. For overland flooding, the development should be modelled by a suitably qualified engineering consultant. | Yes  The Flood Impact Assessment prepared by BMT Consultants concludes that the site is not located in an area of high hazard flooding and the proposed development is not expected to increase flood impact.  Council’s Development Engineer has reviewed the proposal and raises no concern subject to conditions of consent. |
| **4.2 Stormwater Drainage Management**   1. Stormwater management systems shall be designed and constructed in accordance with the provisions of Fairfield City Council Stormwater Management Policy – September 2017. 2. Where Onsite Detention (OSD) is required or proposed, applicants should demonstrate consistency with the provisions of the Fairfield City Council Chapter 4 of the Stormwater Management Policy – September 2017. 3. In general, where OSD is required the following standards may be applied;    1. OSD to mitigate post development flows to pre-developed flows for peak Average Recurrence Interval (ARI) events.    2. OSD to restrict the peak discharge from the site for 100 year 9-hour storm even to 140/1/s/ha.    3. OSD to restrict the peak discharge from the site to the pre-developed site discharge for the 5, 15, 30, 60, 90, 120 and 540-minute duration storms for the 5 and 100-year ARIs for the total site. | Stormwater from the development is primarily drained into a proposed on-site detention basin located at the south eastern side of the site which discharges in a controlled manner to Reedy Creek via a piped easement. An emergency overflow weir draining via a natural overland flow path swale is also proposed.  A small portion of the Estate Road also drains to Old Wallgrove Road.  The NSW Natural Resources Access Regulator and Council’s Development Engineer has reviewed the proposal and raises no concerns with the stormwater design subject to conditions. |
| **4.3 Stormwater Quality Management**   1. All development applications for first builds, subdivision or substantial alterations or additions involving ground disturbance works or an increase in impervious surface shall be accompanied by a suitable stormwater quality assessment that demonstrates consistency with the following Stormwater Quality Improvement Targets for Industrial Developments:    1. 85% Total Suspended Solids (TSS)    2. 55% Total Phosphorus (TP)    3. 40% Total Nitrogen (TN)    4. 90% Gross Pollutants (GP)   A Water Sensitive Urban Design Strategy Report will be required detailing the stormwater quality control measures and how these measures will be implemented as part of the development and should include details of MUSIC modelling prepared to reflect how the improvement targets are met.   1. Erosion and sediment control plans are required to accompany all Development Applications involving subdivision or construction works. Plans are to be prepared in accordance with *Managing Urban Stormwater – Soils and Construction 2004.* 2. Any matters relating to the management of potential salinity set out in **section 6.8** must be addressed. 3. Implement measures to collect, treat and manage any seepage waters from basement or underground car parking areas in order to prevent pollution of waters INSW should also be consulted in relation to work being undertaken on the South Creek Corridor Plan to help understand relationships with this area and current work and strategies that could help shape the DCP provisions. | Yes  Gross pollutant traps are proposed to be installed for each lot prior to discharge into the stormwater system. The on-site detention basin also functions as a sediment basin. Sediment and debris is required to be cleared of accumulated debris as part of a regular maintenance schedule to ensure the proper function of the site’s stormwater system.  A soil and water management plan has been prepared to outline erosion management procedures during construction. The recommendations include the requirement for inspection and maintenance of erosion prevention installation whilst earthworks are carried out and during rainfall events.  Council’s Development Engineer has reviewed the stormwater quality management and sediment/erosion control design and raises no concerns subject to conditions of consent. |
| **5.1 Infrastructure and Services**   1. The developer shall liaise with relevant service providers, as set out in **Table 6,** and confirm the suitability of the indicative layout plan plans provided in **Appendix A**.   Table 6 – Utility and Service Providers   |  |  |  | | --- | --- | --- | | **Utility** | **Identified Provider** | **Concept Figure Reference** | | Water | Sydney Water | Appendix A – Figure 11 | | Sewer | Sydney Water | Appendix A – Figure 12 | | Electricity | Endeavour Energy | Appendix A – Figure 13 | | Telecommunications | Telstra and Optus | Appendix A – Figure 14 | | Gas | Jemena | Appendix A – Figure 15 |  1. The developer shall submit sufficient evidence at subdivision stage to demonstrate that satisfactory arrangements have been made to ensure the delivery and construction utilities and services connections. 2. All utilities are to be accommodated in the road reserve. The design of the estate roads will need to take this into consideration. 3. Developers will be required to fund and construct necessary utilities to and throughout the DCP area. Where necessary to enable the development, the developer is also responsible for the amplification of existing utilises and services to ensure there is adequate capacity. 4. Future Development Applications will be required to demonstrate that satisfactory arrangements have been made with the relevant utility nominated in **Table 6**. 5. Applicants are required to demonstrate consistency with any other matters required by this DCP including, but not limited, **section 6.9** *Bushfire Risk.* | Yes  A Infrastructure Servicing Report prepared by At & L Civil Engineers outlines that all utilities (Water, Sewer, Electricity, Telecommunications and Gas) are able to be satisfactorily provided to the development through the augmentation to the north and west of the subject site.  Sydney Water, Jemena Gas and Endeavour Energy and Council’s Subdivision Engineer raises no concerns subject to condition of consent. |
| **6.1 Biodiversity & Riparian Land**   1. Any future development on land identified as being of ecological sensitivity that involves the removal of native vegetation as shown in **Figure 7** shall be the subject of a Biodiversity Development Assessment Report (BDAR) prepared in accordance with the provisions of *Biodiversity Conservation Act 2017*, *Biodiversity Regulations 2017* (BC Regulations) and any relevant associated guidelines. The BDAR will determine if the development will trigger the NSW Biodiversity Offsets Scheme and whether a ‘test of significance’ is required.    1. The DCP area mapped in Figure 7 contains land identified as containing endangered ecological communities and areas of High Biodiversity Value as defined by the BC Regulation.    2. Clearing of any native vegetation within the DCP area automatically triggers the Biodiversity Offsets Scheme and requires the application of the Biodiversity Assessment Methodology and calculation of offsetting requirements. 2. Council may require Development Applications proposing the removal or substantial pruning of trees to be supported by an Arboriculture Report prepared by an arborist with a minimum AQF Level 5. 3. Where future development is within 40 metres of the top of the channel embankment of Reedy Creek are required to obtain a *“Controlled Activity Approval”* in accordance with the *Water Management Act 2000.* 4. Prior to any development works, including subdivision works, being undertaken within the DCP area those areas identified in **Figure 7** as being of high ecological sensitivity should be fenced to prevent damage associated with the storage of materials or uncontrolled and unauthorised dumping of waste materials. | Yes  Refer to Clause 32 of the SEPP (WSEA) 2009 section of this report.  Biodiversity Offset  Areas of native vegetation to be retained on the site in perpetuity are in accordance with the NSW Biodiversity Offsets Scheme. Ten ecosystem credits are required to offset the proposed clearing of native vegetation using the BAM calculator. Eight of the ten ecosystem credits are required to offset the derived (planted) woodland. The payment of the ten (10) ecosystem credits are required to offset the proposed clearing of native vegetation in accordance with the Biobanking Assessment Methodology calculator shall be made to the Biodiversity Conservation Fund under Division 6, Section 6.30 (1) of the Biodiversity Conservation Act 2016. This is to be paid prior to the issue of a construction certificate.  The development proposes stormwater to be discharged to Reedy Creek via a piped stormwater drainage pipe. The application was reviewed by Natural Resources and Resources Regulator and no concerns were raised. |
| **6.2.1 Heritage Conservation**   1. All applications involving subdivision or construction works that require interference with existing ground levels within an area of sensitivity as indicated in **Figure 8** must prepare a construction management plan (CMP) that includes an unexpected finds protocol. The protocol must include the following methods to manage:    1. unexpected Aboriginal objects or potential objects that remain protected by the *National Parks and Wildlife Act 1974* that may be uncovered in the course of future activities. This should include the immediate cessation of works and a qualified archaeologist being contacted to assess the find and the Office of Environment and Heritage (OEH) and Deerubbin LALC must be notified.    2. unexpected Non-aboriginal objects or potential objects that remain protected by the *Heritage Act 1977* that may be uncovered in the course of future activities. This should include the immediate cessation of works and a qualified archaeologist being contacted to assess the find and the Office of Environment and Heritage (OEH) being notified.    3. human remains, or suspected human remains, that may be found in the course of the activity. Methods of management should include cessation of all work in the vicinity of the remains, the site being be secured, and notification of the NSW Police and OEH. 2. The requirement to prepare a CMP for applications described in (a) above may be a condition of consent. | Yes  The Heritage Impact Statement prepared by Arctefact Heritage Consultants outlined that that the proposed works will have no visual or material impact on any heritage items.  Council’s Heritage Advisor concurs with the Heritage Impact Statement and raises no concerns subject to the implementation of the unexpected finds policy as a condition of consent. |
| **6.2.2 Aboriginal Archaeology**   1. Development Applications on land identified in an area of potential archaeological sensitivity, as shown in **Figure 8**, for subdivision works or first builds involving land disturbance must submit an Aboriginal archaeological survey prepared in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (Code of Practice) (Department of Environment, Climate Change & Water [DECCW] 2010a). 2. Where identified by an Archaeological Survey Report (required by (a) above) Development Applications should be supported by an Aboriginal Cultural Heritage Assessment Report. 3. Consultation with the local Aboriginal Land Council must be undertaken to establish whether Aboriginal archaeological sites, PADs or values are present within the study area. Further archaeological assessment such as test excavation may be required. Test excavation should be undertaken in accordance with *the Guide to investigating, assessing and reporting of Aboriginal cultural heritage in NSW* (Office of Environment and Heritage 2011) and *the Aboriginal cultural heritage consultation requirements for proponents 2010* prepared by DEECW. | Yes  An Archaeological Survey Report prepared by Arctefact Heritage Consultants outlined that there are unlikely to be any archaeological deposits on the subject site due to the highly disturbed nature of the site.  Council’s Heritage Advisor concurs with the Archaeological Survey and raises no concerns subject the implementation of the unexpected finds policy as a condition of consent. |
| **6.2.3 Non-Aboriginal Heritage & Archaeology**   1. Development Applications for first builds involving subdivision works or physical disturbance to the existing ground levels, as at the time of this DCP being prepared (excluding stockpiles), are to be accompanied by an historical archaeological assessment undertaken in accordance with the following:    * The Burra Charter (Australia ICOMOS 2013);    * Assessing heritage significance (NSW Heritage Office 2001); and    * Assessing significance for historical archaeological sites and ‘relics’ (Heritage Branch 2009). 2. Where an archaeological assessment identifies an item of non-aboriginal heritage, the applicant must prepare and submit a Statement of Heritage Impact as part of the Development Application. | Yes  The Heritage Impact Statement prepared by Artefact found that there are no listed or unlisted heritage items located on the site and the majority of the site has nil to low potential for archaeological remains due to the highly disturbed nature of the site.  Council’s Heritage Advisor has reviewed the Heritage Impact Statement and the Archaeological Survey and raises no concerns subject the implementation of the unexpected finds policy as a condition of consent. |
| **6.3 Ecological Sustainable Development**   1. Applications for new development or substantial alterations and additions shall be accompanied by water conservation measures in accordance with *Section 5 Water Conservation* of the Fairfield City Council, Stormwater Management Policy, September 2017. 2. Water conservation measures provided for developments referred to in (a) above may include:    1. the roof area of the development being drained to a tank to meet part of the water use demand of that development, and    2. 50 per cent of water use demand for irrigation of landscaped areas and toilet flushing to, where possible, being supplied from sources other than potable mains. 3. Applications are to demonstrate consistency with **section 6.1** Biodiversity and **section 2.3.6** Landscape Design, to encourage the capture and retention of carbon dioxide. 4. New developments are to incorporate measures that encourage employees to utilise alternative modes of transport - refer to **sections 3.2** and **3.4**. 5. New developments and significant alterations and additions should be sited and design to enhance passive solar heating and cooling opportunities and optimise natural light and ventilation. | Yes  As part of the development application, the proposal has demonstrated that the building is capable of rainwater harvesting and appropriate re-use via toilet flushing and irrigation.  Nonetheless, the majority of the criteria of ecological sustainable development will be able to satisfied in the post-development application stage, prior to the issue of a construction certificate.  The proposal is able to comply with the requirements of Section J of the National Construction Code.  Section J of the National Construction Certificate (NCC) Vol. 1 outlines the energy efficiency requirements of non-residential buildings. The requirements include energy, building fabric, sealing, air movement, ventilation and lighting.  A Section J Report can be submitted to the satisfaction of the principal certifying authority, prior to the issue of a construction certificate. This will be included as a condition of consent.  Further, a condition of consent will be included requiring the submission of an updated waste management plan demonstrating that the ongoing use of the operations is able to achieve the applicable waste targets. This will be submitted to the satisfaction of the principal certifying authority. |
| **6.4 Noise and Vibration**   1. An acoustic assessment prepared by a suitably qualified acoustic consultant must be submitted with any Development Application for the construction of a new industrial building, or any major modifications to an existing industrial development, that could give rise to concerns regarding potential acoustic impacts. The assessment is to be prepared with consideration of the relevant guideline documents, including the *Noise Policy for Industry (2017),* the *NSW Road Noise Policy* and the *Interim Construction Noise Guidelines,* or any subsequent revisions*.* The acoustic assessment should specifically identify:    * Noise emission goals for the site (including sleep disturbance) and demonstrate compliance.    * Proposed numbers of vehicles movements associated with the use, and consider impacts associated with road traffic noise.    * Any noise generating activities to be conducted onsite (such as mechanical plant and equipment) and activities in external areas (such as use of forklifts, truck washes or similar).    * Recommended noise attenuation and management methods.   For new industrial developments, the siting and design of buildings should take into account the location of sensitive receivers (i.e. residential properties) and, where possible, adopt a site configuration that aims to baffle potential noise generating activities, such as external loading and unloading, forklift movements and the like.   1. “Operating hours outside of the following hours:  * 7.00am and 6.00pm Monday to Friday * 7.00am and 12.00pm on Saturday * No operations on Sunday   must be supported by an acoustic assessment confirming proposed operations meet the relevant criteria”.   1. To ensure the noise criteria are achieved the construction certificate should include certification by an appropriately qualified acoustical consultant that any acoustic design measures have been satisfactorily incorporated into the development. Validation of the criteria should be provided by an appropriately qualified acoustical consultant and included as part of the Occupation Certificate. | Yes  The acoustic assessment prepared by Benbow Environmental was reviewed by NSW Environmental Protection Authority and Council’s Environmental Health Officer. The proposal is able to demonstrate compliance with the Noise Policy for Industry Guidelines. It is considered that the level of acoustic impact between the various industrial developments and any adjoining land uses is minor and considered acceptable.  Mitigation measures include replacement of beeping reverse alarms of vehicles that are permanently on the subject site such as fork lifts, minimising the use of truck exhaust brakes, enforcement of low on-site speed limits and adherence to standard construction hours.  Conditions of consent have been included to ensure ongoing compliance with noise and vibration standards as recommended in the Acoustic Assessment. |
| **6.5 Air Quality and Odour**   1. A Development Application seeking approval for the construction of a new building, major alterations and additions to an existing building and/or the occupation of an existing building may be required to be accompanied by an assessment of the potential impacts of the development on air quality and odour in the region. 2. All development should be designed to avoid, minimise or manage potential air quality and odour impacts, including the appropriate selection of plant and equipment, minimising emissions and the like. 3. All development should consider (but are not limited to) the following guidelines when assessing air quality and odour impacts:    1. The Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales (EPA 2017)    2. The Technical framework - assessment and management of odour from stationary sources in NSW (EPA Nov2006 | Yes  The air quality and odour assessment prepared by Airlabs Environmental Pty Ltd was reviewed by NSW Environmental Protection Authority and Council’s Environmental Health Officer. The report outlines that the majority of dust emission is generated during the temporary construction phase and the ongoing operations including the masonry plant is unlikely to impact air quality or cause nuisance odour.  Recommended dust emissions during construction includes minimising earthworks during high wind conditions, applying water through water trucks, minimising exposed areas  Conditions of consent have been included to ensure compliance with air quality mitigation requirements as recommended in the air quality and odour assessment. |
| **6.6 Waste Management**   1. A Waste Management Plan is to be prepared and lodged with a Development Application involving demolition, construction and/or changes of use. 2. A Waste Management Plan shall include details regarding:    * The types and volumes of waste and recyclables generated during the demolition, construction and operational phases.    * Details of on-site storage and/or treatment of waste during the demolition, construction and operational phases.    * Disposal of waste generated during the demolition and construction phases which cannot be re-used or recycled.    * Ongoing management of waste during the operational phase of the development. 3. A Waste and Resource Recovery Plan (Plan) should be developed by a specialist in environmental and/or waste management. The Plan should include a vision and strategy for how waste and recycling can be managed in an integrated way across the development. This includes construction through to the operation stage. The Plan should be informed by the following principles which should guide and underpin the planning and design of waste and resource recovery systems. 4. Any waste generated during demolition and construction needs to be classified in accordance with the EPA's Waste Classification Guidelines and managed in accordance with that classification. 5. Any waste stored on site may require the applicant to obtain an Environmental Protection Licence in accordance with the POEO Act 1997 from the EPA for the storage of waste. 6. Any waste being removed from the site can only be transported to a site that can lawfully receive that type of waste, The EPA legislation and guidelines should be consulted in relation to this. | Yes  The waste management plan prepared by LG Consult outlining waste management during construction and ongoing operations was reviewed by Council’s Environmental Health Officer who raises no concerns subject to conditions of consent.  It is recommended that the waste and resource recovery plan be prepared by an environmental specialist prior to the issue of an occupation certificate as the tenants occupying the industrial units are tentative. |
| **6.7 Site Contamination**   1. Development Applications are to be consistent with the provisions of State Environmental Planning Policy No. 55 Remediation of Land. 2. All subdivision Development Applications shall be accompanied by a Stage 1 Preliminary Site Investigation prepared in accordance with State Environmental Planning Policy 55 — Remediation of Land and guidelines made or approved by the NSW EPA under the Contaminated Land Management Act, 1997. The investigation should also be informed by information provided at the time of rezoning the land including any supporting Stage 1 or Stage 2 Investigation. 3. Where the Stage 1 Investigation identifies potential or actual site contamination, a Stage 2 Detailed Site Investigation must be prepared in accordance with State Environmental Planning Policy 55 — Remediation of Land and guidelines made or approved by the NSW EPA under the Contaminated Land Management Act, 1997. The Stage 2 Detailed Site Investigation must include at a minimum, an assessment of soil and groundwater, and where required, assessment of other environmental media. 4. A Remediation Action Plan (RAP) will be required for areas where contamination has been identified or contains contaminates at levels that may pose a risk to human health and the environment. If necessary, the consent authority can require or engage a NSW contaminated site auditor accredited by the EPA to review the works including the RAP and prepare a Part B Site Audit Statement and Site Audit Report to certify if the land will be suitable for the intended use subject to any remediation plans. 5. All investigation, reporting and identified remediation works must be undertaken in accordance with the following policy and guidelines. This include but should not be limited to the following:    1. *Councils protocols/Policies — Management of Contaminated Lands*    2. *State Environmental Planning Policy 55 Remediation of Land*    3. *EPA Sampling Design Guidelines (NSWEPA 1995)*    4. *Guidelines for the NSW Site Auditor Scheme (3rd edition) (NSW EPA 2017)*    5. *Guidelines for Consultants Reporting on Contaminated Sites (NSW OEH 2014)*    6. *Guidelines for the Assessment and Management of Groundwater Contamination (NSW DEC 2007)* | Council’s Environmental Management Officer and NSW Environmental Protection Agency (EPA) has reviewed the contamination validation report and is satisfied that the site is able to be remediated subject to the engagement of a site auditor accredited by the EPA under the Contamination Land Management Act 1997.  The site auditor would be required to provide a Section A site audit statement (SAS) certifying suitability of the land for the proposed land use.  Any remedial works or ongoing management will be borne by the developer.  This will be included as a condition of consent. |
| **6.8 Salinity**   1. A salinity report should accompany all Development Applications for land within the DCP area identified as having a moderate to high potential for salinity. 2. A comprehensive Salinity Management Plan must be submitted where required, based on the findings of the site specific investigation, and prepared in accordance with the Western Sydney Salinity Code of Practice 2004 (WSROC) and **Appendix C**. 3. All subdivision, earthworks and building works are to be in accordance with the Salinity Management Plan. | Yes  The area of the development is not affected by moderate to high saline soil. Nonetheless, all construction shall be in accordance with Fairfield City Council’s Building in Saline Environments Policy. This is included as a condition of consent. |
| **6.9 Bushfire Risk**   1. A bushfire protection assessment is to be submitted for any development on land identified as being bushfire prone. This may be confirmed using the Rural Fire Service on line mapping system, *“check if you’re bushfire prone”* at [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au/) . 2. Assessment of threat from bushfire is to examine impacts of the proposal both within and external to the site. 3. Fire protection measures are to be capable of being maintained by the owners and the occupants of the land/building. 4. Asset Protection Zones (APZ)/Defendable spaces and access roads are to be provided in accordance with the *Bushfire Assessment (2018)*. 5. Asset Protection Zones (APZ)/Defendable spaces are to be:    1. sufficient in width to prevent flame contact with buildings, and    2. located wholly within the boundaries of a future development site or lot, and    3. located and designed to minimise impacts on native flora and fauna, and where possible located outside environmentally sensitive areas. 6. APZs may be accommodated within boundary setbacks. 7. Public roads are to be designed and located to comply with the relevant provisions of Planning for Bushfire Protection 2006. 8. Perimeter or fire-access roads should be provided between development and any identified bushfire hazard, unless otherwise varied by a detailed investigation carried out in accordance with sub-clause (b). 9. Hydrants for reticulated water are to be located outside the road carriageway. 10. Buildings to be constructed in accordance with *Australian Standard 3959 Construction of Buildings in Bushfire prone areas.* 11. Water supply for fire-fighting operations is to be provided in accordance with *Australian Standard 2419.1*   *– 2005 Fire Hydrant installation system design, installation and commission.*   1. All Development Applications for initial construction, substantial modification or redevelopment of a site are to be accompanied by an appropriate management plan for Defendable Space to the standard of an *“Inner Protection Area”* as defined by Planning for Bushfire Protection 2006 and the NSW Rural Fire Services document *“Standards for Asset Protection Zones”.* 2. All Development Applications for initial construction are to be accompanied by a Bushfire Emergency Evacuation Plan. | Yes  A bushfire protection assessment report was prepared by Australian Bushfire Protection Planners. The report outlines that the eastern portion of the Oakdale East Estate and areas along the Burley Road corridor are considered bushfire prone.  The report includes recommendations for provisions of building setbacks (defendable space), water supply for firefighting purposes, access requirements for emergency service vehicles, evacuation management and construction standards to be implemented to minimise the vulnerability of buildings. The report outlines that the proposed development has incorporated all recommended mitigation measures.  NSW Rural Fire Service has reviewed the application and raises no concerns subject to conditions. |

### REFERRALS

The application was referred to Environmental Protection Authority, Department of Planning, Rural Fire Service, Roads and Maritime Services, Natural Resources and Access Regulator, Office of Environment & Heritage, Sydney Water, Transgrid, Endeavour Energy, Jemena Gas, Council’s Development Engineer, Subdivision Engineer, Traffic Engineer, Building Control Branch, Environmental Management Section, Heritage Advisor, Natural Resources Officer and Tree Protection Officer. No concerns were raised subject to conditions of consent.

### PUBLIC NOTIFICATION

In accordance with Appendix B of the Fairfield Citywide Development Plan 2013, the application was notified for a period of 30 days in the local newspaper and via written notification letters to surrounding properties. The application was notified between the periods of 4 April and 2 May 2019. No submissions were received during the notification period.

### SECTION 4.15 CONSIDERATIONS

In determining a Development Application consideration must be given to the matters referred to within Section 4.15 (1) of the Environmental Planning and Assessment Act 1979, being:

*(a) (i) the provisions of any environmental planning instrument.*

As outlined earlier, consideration has been given to the following Environmental Planning Instruments, which were identified as being of relevance to the proposal:

* Sydney Regional Outline Plan No. 20 – Hawkesbury Nepean;
* State Environmental Planning Policy (Western Sydney Employment Area) 2009;
* State Environmental Planning Policy (Infrastructure) 2007;
* State Environmental Planning Policy No. 64 (Advertising and Signage); and
* State Environmental Planning Policy No. 55 – Remediation of Land

*(a) (ii) the provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority.*

There are no Draft Environmental Planning Instruments of relevance which apply to the site.

*(a) (iii) the provisions of any development control plan.*

The proposed development has been assessed against the development controls stipulated in the Oakdale East Estate Development Control Plan and found to satisfactorily address the relevant controls.

*(a) (iiia) the provisions of any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F.*

There are no Planning Agreements or Draft Planning Agreements which apply to the site.

*(a) (iv) the provisions of the regulations.*

There are no matters prescribed by the Regulations that apply to the proposal.

*(a) (v) the provisions of any coastal zone management plan.*

Not applicable

*(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.*

Subject to conditions of consent, it is considered that the proposal is unlikely to

result in an unreasonable environmental impact to the surrounding locality.

*(c) the suitability of the site for the development*

The site is considered suitable for the proposed development. There are no known constraints which would render the site unsuitable for the proposed development.

*(d) any submissions made*

No submissions were received.

*(e) the public interest*

The application is consistent with the objectives of the zone and will provide for a compatible land use in the General Industrial zone. The proposal is an orderly development of the site while providing employment opportunity in the Western Sydney Employment Area. Given this, it is considered that the proposal is in the public interest.

**TOWN PLANNING ASSESSMENT**

In addition to the relevant aforementioned provisions and requirements, including those contained within the State Environmental Planning Policy (Western Sydney Employment Area) 2009 and the Oakdale East Estate Development Control Plan , the other key planning considerations with the application relate to built form, natural environment, bushfire planning, remediation of land, traffic, car parking, noise and dust, landscaping and visual impact. The following provides a detailed discussion in relation to these matters.

**Built form and Urban Design**

The site layout has been designed in response to the surplus land available from the existing Plant No. 3 adjacent to the northern boundary and the future Southern Link Road at the southern boundary. Building envelopes have been sited to create visual buffers between the hardstand areas and surrounding rural properties. The overall masterplan proposes a central roadway (Estate Road) with pedestrian footways with varied street tree plantings and wayfinding/identification signage across the Oakdale East Estate. There has been a consideration of all critical design dimensions of the masonry plant including the plant’s size, proportions and interface with the existing Plant No. 3. The built form of Oakdale East largely resembles the built form of other existing Oakdale Estates including Oakdale Central and Oakdale West, comprising of large modern warehouses with large floor plates, ancillary office administration space, a large apron for loading and at grade parking in a landscaped setting.

Specific initiatives adopted in the design of the proposed Oakdale East Estate include:

* The reinforcement of important urban spaces, entries and boundaries of the site with appropriately selected and designed landscaped setbacks, trees, planters and garden areas;
* External walls for offices and amenities provide a mix of construction types including painted precast concrete panels, glazing and prefinished composite panels include architectural treatments that are consistent with a high quality industrial office;
* Appropriately sized and oriented outdoor break out spaces provide opportunities for external meetings and passive recreation during work breaks;
* Sympathetically landscaped setbacks which will soften the visual appearance of the proposed warehouses at the frontages to the new Estate Road.
* Large areas that have been provided for loading and unloading of trucks to allow for safe operational movement.
* The character, height and scale of the proposed warehouse and office buildings have been designed to blend in with the existing adjoining and nearby industrial sites.

The typical external façade material palette consisting of painted precast concrete, painted cement panels, prefinished aluminium cladding and colourbond steel metal wall claddings will be used in various combinations to provide a high standard of building façade. Colours will be of neutral tones to warehouse buildings and office façades with tones of orange and green colours to office areas for branding and individual identification of the building.

The proposed office components of the four warehouses benefit from extensive natural light and transparency due to the northern orientation and are designed to provide work spaces with high ceilings and visual connections to external spaces and landscapes.

The buildings are considered to be well integrated into the landscaped setting and to be of appropriate bulk and scale. The schedule of colours and materials are high quality and is sympathetic to the industrial context of the area.

The overall layout also has the potential to satisfy the minimum access requirements contained within the Building Code of Australia and Australian Standard 1428 – Design for Access and Mobility. Notwithstanding, conditions have been included within the recommendation requiring compliance with such.

**Natural Environment**

The development site is largely cleared of native vegetation with approximately 90% of the vegetated cover on the site cleared. The condition of vegetation on the subject site is degraded due to historical land clearing, agricultural use and quarry operations. Remnant native vegetation is concentrated around the riparian zone of Reedy Creek to the east of the site. This part of the site is not impacted by the development.

Due to the lack of fencing and the presence of feral goats, there is no remaining native shrub ground cover.

In accordance with the Biobanking Development Assessment Report, the following issues and recommendations are made:

The remnant native vegetation on the site has been assessed as being associated with two Threatened Ecological Communities (TECs) listed under the Threatened Species Act and one Critically Endangered Ecological Communities listed under the Environment Protection and Biodiversity Conservation Act 1999. The threatened and endangered ecological communities on the subject site include:

* Plant Community Type (PTC) 835 Forest Red Gum
* Plant Community Type 849 Grey Box
* River-Flat-Eucalypt Forest
* Cumberland Plain Woodland
* Cumberland Plain Shale Woodland and Shale Gravel Transition Forest

As the proposed development involves clearing of vegetation, entry into the Biodiversity Offsets Scheme is automatically triggered. The report identifies the following impacts:

* A total of 0.1 ha of PCT 849 would be cleared by the proposal;
* A further 0.64 ha of derived woodland, and 9 ha of exotic grassland would be cleared.

PCT 849 – Grey Box is listed as a critically endangered ecological community in NSW and nationally and is listed as an identified impact, which required additional impact assessment provisions in accordance with Section 10.2 of the Biobanking Assessment Methodology (BAM).

Given that the PCT 849 – Grey Box within the study area does not meet the threshold requirements of the nationally endangered Cumberland Plain Shale Woodlands and Shale Gravel Transition Forest ecological community, therefore, a referral under the Environment Protection and Biodiversity Conservation Act 1999 is not required.

Due to the relatively small area and degraded condition of PCT 849, the proposal is considered not to cause a serious and/or irreversible impact on this community.

Derived woodland predominately comprises trees planted for the purpose of stabilising steeply sloping man-made berms and providing aesthetic screening, and with temporary intent.

Despite the planted origin of this vegetation, it must be allocated to a PCT for assessment under the Biodiversity Offset Scheme and in accordance with the BioNet Vegetation Classification.

The impacts associated with the proposal, including the clearing of native vegetation, have been situated to avoid impacts to better condition, more intact and more connected areas of native vegetation located along the Riparian Corridor. Therefore, no prescribed biodiversity impacts are anticipated from the proposed development.

Biodiversity Offset

Areas of native vegetation to be retained on the site in perpetuity are in accordance with the NSW Biodiversity Offsets Scheme. Ten ecosystem credits are required to offset the proposed clearing of native vegetation using the BAM calculator. Eight of the ten ecosystem credits are required to offset the derived (planted) woodland. The payment of the ten (10) ecosystem credits are required to offset the proposed clearing of native vegetation in accordance with the Biobanking Assessment Methodology calculator and shall be made to the Biodiversity Conservation Fund under Division 6, Section 6.30 (1) of the Biodiversity Conservation Act 2016. This is to be paid prior to the issue of a construction certificate.

Ongoing Management of Riparian Corridor

The Oakdale East Estate is setback approximately 300-600m from the riparian corridor and with the exception of the stormwater drainage easement, no construction works are proposed within the riparian zone.

Noting the significant presence of feral goats and the subsequent damage to the riparian corridor, the developer and the consultant ecologist has recommended that all feral goats be removed from the subject site and a goat proof fence be installed at the boundary between the subject site and the property to the east, No. 198-222 Burley Road to prevent further incursions. The removal of goats will provide opportunity for the riparian corridor to recover over time.

This will be included as a condition of consent.

Any development to the east of the proposed development will necessitate corridor maintenance in accordance with the Oakdale East Estate DCP.

Proposed Landscaping

The landscaping is considered to be well designed, having regard to building transitions by providing large amount of landscaping opportunities at the site boundaries and between the proposed buildings.

The landscaping treatment at the front elevation along Old Wallgrove Road will comprise of a mixture of smaller feature plantings, larger native trees and turf over the 10m front setback area. A variety of native trees (Grey Box, Forest Red Gum, Water Gums and Crepe Myrtles), shrubs and turf are also proposed along the Estate Road elevation to provide an attractive interface between the private and public domain.

A number of island planter beds are also proposed within the car parks. Each island planter is proposed to have 1-2 native trees and native ground cover plantings.

The landscaping is considered to be well designed and will provide an attractive front setback to the industrial facility subject to proper maintenance.

The Office of Environment and Heritage, Council’s Tree and Landscape Officer and Natural Resources Office has reviewed the proposal and is satisfied subject to conditions of consent.

**Bush Fire Planning**

The subject site is identified as bushfire prone land. NSW Rural Fire Service (RFS) reviewed the proposal and raises no concerns subject to conditions relating to the provision of asset protection zones, utilities to comply with Section 4.1.3 of ‘Planning for Bush Fire Protection 2006’, water supply for firefighting purposes, provision of access for fire fighters, preparation of an evacuation plan and construction to comply with relevant bushfire prone building standards. All recommended conditions have been included as conditions of consent.

**Security and Safety**

The overall layout is in accordance with the ‘principles for minimising crime risk’ (Crime Prevention through Environmental Design) and it is considered that the proposal is satisfactory in this regard. A detailed Traffic and Parking Impact Assessment Report accompanied the application, which outlined that the proposal provides for a safe road environment.

**Transport, access and traffic**

In addition to the proposed Estate Road, the development proposes upgrades and duplication works to Old Wallgrove Road between Milner Avenue and Burley Road. The works includes:

North Bound

* Widening and replacement of existing carriageway to form two lanes, including a dedicated right turn lane (60km/hr sign post speed and 70 km/hr design speed);
* New median island to segregate directional traffic.

South Bound

* Widening and replacement of existing carriageway to form two lane including the creation of a left turn deceleration lane into the proposed Estate Road.

Council’s Traffic Engineer and Roads and Maritime Services have reviewed the proposal and raises no concerns subject to conditions of consent. All works shall be finalised prior to the issue of any occupation certificate.

**Car Parking**

A total of 265 car parking spaces will be provided within the proposed development. The number of spaces provided is in accordance with the minimum requirements of the Oakdale Estate Development Control Plan.

**Acoustic Impact**

The acoustic assessment prepared by Benbow Environmental was reviewed by NSW Environmental Protection Authority and Council’s Environmental Health Officer. The proposal is able to demonstrate compliance with the Noise Policy for Industry Guidelines. It is considered that the level of acoustic impact between the various industrial developments and any adjoining land uses is minor and considered acceptable.

Mitigation measures include replacement of beeping reverse alarms of vehicles that are permanently on the subject site such as fork lifts, minimising the use of truck exhaust brakes, enforcement of low on-site speed limits and adherence to standard construction hours.

Conditions of consent have been included to ensure ongoing compliance with noise and vibration standards as recommended in the Acoustic Assessment.

**Air Quality**

The air quality and odour assessment prepared by Airlabs Environmental Pty Ltd was reviewed by NSW Environmental Protection Authority and Council’s Environmental Health Officer. The report outlines that the majority of dust emission is generated during the temporary construction phase and the ongoing operations including the masonry plant is unlikely to impact air quality or cause nuisance odour. In respect to odour, there is not anticipated to be noxious odour associated with masonry production. It is identified that there may be slight odour generated which are like wet concrete. However, it is unlikely that these would be considered offensive in nature or have an impact to the local environment.

To manage air quality during construction, it is recommended that dust emission mitigation during construction include minimising earthworks during high wind conditions, applying water through water trucks and minimising exposed areas.

**Visual Impact**

A visual impact assessment prepared by Clouston Associates reveals that the greatest visual impact of the development will be for road users along Old Wallgrove Road and does not impinge on the amenity surrounding rural properties to the south.

Nonetheless, mitigation measures adopted includes maintaining the proposed setback of the new built form from the boundary on the west and southern perimeter of the site and creating a vegetation buffer zone on the western and southern edges of the site including adopting plant selections to match existing landscape character including mature tree plantings. All recommendations have been incorporated into the proposal.

**DEVELOPER CONTRIBUTIONS**

As the cost of works for the development exceeds $200,000, a Section 7.12 development contribution of **1.0%** is required to be paid. A quantity surveyors’ report was provided at lodgement which provided a development cost of $55,839,582.00 The figure is appropriate for the scale of works proposed. The monetary contribution to be paid is **$558,395.82.**

**CONCLUSION**

Having regard to the assessment of the application, the proposed development is considered acceptable for the following reasons:

1. The subject site is zoned ‘IN1 – General Industrial under the provisions of the SEPP (Western Sydney Employment Area) 2009. The proposed development is defined as ‘industry’ and ‘warehouse or distribution’ which is permissible within the zone.
2. The proposed development is considered to meet the objectives of the ‘IN1 – General Industrial’ zone.
3. The proposed development satisfactory addresses key planning considerations; such as in relation to built form, natural environment, bushfire planning, security and safety, traffic, car parking, noise/air quality and visual impact.
4. The application was referred to external referral bodies and Council’s internal specialists, and no concerns were raised, subject to conditions of consent.
5. Assessment of the Application has considered all relevant requirements of Section 4.15 of the Environmental Planning and Assessment Act 1979 and finds that there will be no significant adverse or unreasonable impacts associated with the development, subject to the development operating in accordance with the conditions of consent.

The relevant matters pertaining to the suitability of the site for the proposed development have been considered in this report. The constraints of the site together with the design issues have been assessed and the site is considered suitable for the proposed development.

**RECOMMENDATION - DEFERRED**

Whilst the assessment of the proposal has found the application to be acceptable, the application cannot be determined until such time that the following has been issued by the Department of Planning:

1. **Satisfactory Arrangement Certificate**

A ‘Satisfactory Arrangement Certificate’ in accordance with Clause 29 of the State Environmental Planning Policy (Western Sydney Employment Area) 2009 shall be issued for the proposed development prior to the determination of the application.

1. **Transport and Arterial Road Infrastructure**

A ‘Confirmation of Compatibility’ in accordance with Clause 26 of the State Environmental Planning Policy (Western Sydney Employment Area) 2009 shall be issued for the proposed development prior to the determination of the application.

Until such requirements have been met, the application is recommended to be ‘deferred’. Notwithstanding, the draft conditions are contained within Attachment X of this report.