



# Statement of Environmental Effects

Oakdale West Industrial Estate  
Buildings 4A and 4B  
2 Cuprum Close, Kemps Creek



Prepared for Goodman Property Services (Aust) Pty Ltd  
Submitted to Penrith City Council

**January 2023**



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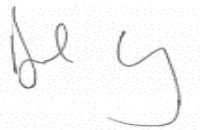


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Cover image: Warehouse 4A & office perspective looking from north east boundary junction (Source: SBA 2022)

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## Table of Contents

1	Introduction .....	12
1.1	Report Structure.....	12
1.2	Consent authority .....	13
1.3	Pre-lodgement meeting with Council .....	14
2	The site and locality .....	15
2.1	Site description .....	15
2.1.1	Oakdale West Industrial Estate.....	15
2.1.2	Oakdale West Estate Precinct 4 .....	17
2.1.3	Lot 4A and 4B .....	19
2.2	Surrounding locality .....	20
2.3	Previous Approvals .....	20
2.3.1	SSD 7348.....	20
2.3.2	Subsequent SSD Applications .....	22
2.3.3	Subsequent Development Applications with Penrith City Council.....	23
3	The Proposal.....	24
3.1	Built Form.....	26
3.2	Landscaping.....	27
3.3	Signage.....	30
3.4	Access and Parking .....	30
4	Strategic Planning Context .....	31
4.1	State Infrastructure Strategy .....	31
4.2	Greater Sydney Region Plan .....	31
4.3	Western City District Plan .....	32
4.4	Penrith Local Strategic Planning Statement .....	32
4.5	Economic Development Strategy – Building the New West .....	33
4.6	Western Sydney Aerotropolis Structure Plan .....	33
5	Statutory Planning Framework.....	35
5.1	Environmental Planning and Assessment Act 1979 .....	35
5.1.1	Objects of the Act.....	35
5.1.2	Matters for consideration .....	36
5.2	Rural Fires Act 1997 .....	37
5.3	Environmental Protection and Biodiversity Conservation Act 1999 .....	37
5.4	Biodiversity Conservation Act 2016 .....	38
5.5	Heritage Act 1977 .....	38
5.6	Contaminated Land Management Act 1997 .....	39
5.7	State Environmental Planning Policies .....	39
5.7.1	State Environmental Planning Policy (Industry and Employment) 2021 .....	39
5.7.2	State Environmental Planning Policy (Precincts – Western Parkland City) 2021 .....	47
5.7.3	State Environmental Planning Policy (Planning Systems) 2021 .....	48
5.7.4	State Environmental Planning Policy (Transport and Infrastructure) 2021.....	49
5.7.5	State Environmental Planning Policy (Resilience and Hazards) 2021 .....	50
5.7.6	State Environmental Planning Policy (Biodiversity and Conservation) 2021.....	50
5.8	SSD 7348 Concept Approval.....	51
5.9	Penrith Local Environmental Plan 2010.....	56
5.10	Penrith Development Control Plan 2014.....	56
5.11	Environmental Planning and Assessment Regulation 2021 .....	56
6	Environmental Planning Assessment .....	57
6.1	Built Form.....	57
6.2	Open Space, Public Domain and Landscaping .....	62
6.3	Adjoining Residential Amenity .....	63

6.4	Traffic and Transport.....	63
6.5	Noise and Vibration.....	65
6.6	Air Quality.....	66
6.7	Waste Management.....	67
6.8	Stormwater Management.....	67
6.9	Earthworks .....	68
6.10	Bushfire .....	69
6.11	Environmental Sustainability .....	71
6.12	Construction Management .....	71
6.13	Development Contributions .....	71
6.14	Building Code of Australia .....	71
6.15	Fire Safety Strategy.....	72
6.16	Suitability of the site .....	72
6.17	Submissions .....	72
6.18	Public interest.....	72
7	Conclusion .....	74

## Figures

Figure 1:	Oakdale West Industrial Estate in context .....	15
Figure 2:	Oakdale Industrial Precinct and surrounding Regional Road network .....	16
Figure 3:	Photograph of extent of vegetation on Western Landscape Bund .....	17
Figure 4:	OWE Masterplan under Mod 10 .....	18
Figure 5:	Aerial of OWE showing Precinct 4 in context.....	18
Figure 6:	Proposed development site area 'the Site'.....	19
Figure 7:	The Site as of 21 August 2022.....	20
Figure 8:	Proposed layout of Buildings 4A and 4B.....	25
Figure 9:	Warehouse 4B North Elevation.....	27
Figure 10:	Proposed Landscape Plan .....	29
Figure 11:	Western Sydney Aerotropolis Structure Plan .....	34
Figure 12:	WSEA boundary identifying the OWE .....	40
Figure 13:	Oakdale West Estate location in regard to the Aerotropolis .....	48
Figure 14:	Major Corridors SEPP Map .....	50
Figure 15:	Warehouse 4A north and west Elevations .....	58
Figure 16:	Warehouse 4B north and west elevations .....	59
Figure 17:	West elevation of Office 4A .....	60
Figure 18:	East elevation of Office 4A .....	60
Figure 19:	Landscaping northwest corner of Lot 4B .....	63
Figure 20:	Sensitive Noise Receivers and Noise Wall Locations .....	65
Figure 21:	Location of retaining walls .....	68
Figure 22:	Asset Protection Zones .....	70

## Tables

Table 1:	SEE Report Structure.....	13
Table 2:	List of Appendices .....	13
Table 3:	Summary of relevant SSD approvals .....	23
Table 4:	Summary of DAs approved by Council within the OWE .....	23
Table 5:	Project Overview .....	24
Table 6:	Warehouse detailed design.....	26
Table 7:	Summary of proposed signage to each warehouse.....	30
Table 8:	Assessment of proposal against priorities in the Greater Sydney Region Plan.....	32
Table 9:	Assessment against the Objects of the EP&A Act.....	36
Table 10:	Section 4.15(1) assessment.....	37
Table 11:	Assessment against the IN1 zone of the Industry and Employment SEPP .....	40

Table 12: Assessment against the provisions of the Chapter 2 - WSEA .....	44
Table 13: Schedule 5, SEPP Industry and Employment Consideration .....	46
Table 14: Assessment against key numerical condition requirements of SSD 7348 .....	54
Table 15: Assessment against Urban Design Assessment of Condition C3 of SSD 7348 .....	55
Table 16: Urban Design Assessment Recommendations .....	61

## Appendices

Appendix 1	Architectural Plans
Appendix 2	Civil Engineering Plans
Appendix 3	Civil Report
Appendix 4	Landscape Plans
Appendix 5	Urban Design Report
Appendix 6	Quantity Surveyor's Report
Appendix 7	Transport Assessment
Appendix 8	Biodiversity Impact Assessment
Appendix 9	Fire Safety Strategy
Appendix 10	Waste Management Plan
Appendix 11	Sustainability Management Plan
Appendix 12	BCA Compliance Assessment
Appendix 13	Air Quality Statement
Appendix 14	Noise and Vibration Assessment
Appendix 15	Bushfire Risk Assessment
Appendix 16	Penrith DCP Assessment
Appendix 17	Response to issues raised in Pre-Lodgement Meeting
Appendix 18	OWE Masterplan Mod 12

## Executive Summary

This Statement of Environmental Effects (SEE) has been prepared by *Keylan Consulting Pty Ltd* (Keylan) on behalf of *Goodman Property Services (Aust.) Pty Ltd* (the Applicant) to accompany a development application (DA) for the development of two warehouse buildings in Precinct 4 at the Oakdale West Industrial Estate (OWE), at 2 Cuprum Close, Kemps Creek.

On 13 September 2019, the delegate of the then Minister for Planning and Public Spaces approved the OWE Concept Proposal and Stage 1 DA under the State significant development consent (SSD 7348). The OWE Concept Proposal, approved under SSD 7348, consists of 5 precincts to be developed in stages.

SSD 7348 also approved the earthworks and infrastructure development for the broader OWE, plus development of three warehouses in Precinct 1. Eleven modification applications for SSD 7348 have since been approved by the Department of Planning and Environment (DPE) and subsequent development applications for other stages have since been approved by Penrith City Council (Council) or the DPE. Modification 11 to SSD 7348 has been submitted to DPE but does not relate to this proposal. Modification 12 to SSD 7348 (Mod 12) was recently lodged with DPE and relates to this proposal in relation to the updated Masterplan, an increase in the maximum warehouse ridge height to 14.6m and changes to forklift operating hours.

This DA seeks consent from Council for the building, layouts, design and landscaping for Lots 4A and 4B within Precinct 4 of the OWE (the Site).

This SEE has been prepared and is submitted to Council pursuant to the provisions of Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

### The Site and locality

The Site is located within Precinct 4 of the OWE which forms part of the 421 hectare (ha) 'Oakdale Industrial Estate' in the Western Sydney Employment Area. The OWE accounts for 154 ha of the entire Oakdale Industrial Estate.

The OWE is bound to the north by the Water NSW Sydney Warragamba Pipelines, to the east by Ropes Creek and to the south by adjoining rural landholdings. Education and aged care land uses, including Emmaus Catholic College, Trinity Primary School, Mamre Anglican School and Emmaus Retirement Village, adjoin the western boundary of the OWE. The OWE site is roughly rectangular in shape with an irregular eastern boundary which follows the Ropes Creek corridor alignment.

Precinct 4 of the OWE is adjacent to the southern boundary of the OWE site, to the south of the future Southern Link Road, to the east of Precinct 3 and west of the Transgrid easement.

The Site and surrounding locality are described in more detail at Section 2.



## **The proposal**

The proposed development includes the construction of Buildings 4A and 4B, providing two separate tenancies, and their use and fit out as warehouse and distribution centres within Precinct 4 of the OWE (the proposal). The proposal also includes ancillary office space, car and truck parking, loading bays, erection of a 4 metre (m) noise barrier on the southern boundary, construction of retaining walls, landscaping, electric vehicle charging, solar panels and signage.

As the Applicant has not secured any specific tenants at this stage, the approval being sought is for general warehousing and distribution use for 24/7 operation.

The proposed use is consistent with the site's IN1 General Industrial zoning under *State Environmental Planning Policy (Industry and Employment) 2021* (Industry and Employment SEPP) and the provisions of SSD 7348, as modified.

## **Public Benefits**

The public benefits associated with the development of Building 4A and 4B include:

- the provision of new warehousing and distribution centres on a site that is appropriately zoned for such purposes
- delivery of employment generating development in Western Sydney close to key transport links, in accordance with the strategic objectives of the Industry and Employment SEPP and the Western City District Plan
- positive contribution to the wider development of the Western Sydney Employment Area
- provision of a range of benefits for the region, through a capital investment value of over \$48 million in the Penrith LGA

## **Strategic Planning Context**

The strategic justification for the proposal is outlined in Section 4 of this SEE.

In summary, the proposal is consistent with the aims and objectives of the following strategic plans:

- State Infrastructure Strategy
- Greater Sydney Region Plan
- Western City District Plan
- Penrith Local Strategic Planning Statement
- Penrith Economic Development Strategy – Building the New West
- Western Sydney Aerotropolis Structure Plan

## **Statutory Planning Framework**

Section 5 of the SEE considers relevant State legislation and State and local environmental planning instruments, including:

- Environmental Planning and Assessment Act 1979

- *Environmental Planning and Assessment Regulation 2021*
- *Rural Fires Act 1997*
- *Environmental Protection and Biodiversity Conservation Act 1999*
- *Biodiversity Conservation Act 2016*
- *Heritage Act 1977*
- *Contaminated Land Management Act 1997*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Precincts – Western Parkland City) 2021*
- *Penrith Local Environmental Plan 2010*
- *Penrith Development Control Plan 2014*

### **Environmental Planning Assessment**

A detailed assessment of the potential environmental impacts of the proposal is contained in Section 6. This section considers the following key issues:

### **Built Form and Amenity**

The Concept Approval (SSD 7348) establishes the planning framework for the site including layout, built form, roadways, and noise attenuation. This framework forms the basis for the assessment of future staged DAs for the OWE, including this application.

The proposed ridgeline height for Building 4A and 4B is 14.6 m. Modification 12 seeks to change the SSD 7348 maximum ridgeline height control from 13.7 m to 14.6 m in relation to both Building 4A and 4B. The proposed height increase of 0.9 m will have negligible visual impact given the built form character of the OWE which is defined by large-scale warehouse buildings in a landscaped setting.

An independent Urban Design Assessment for Lot 4A has been undertaken by Allen Jack+Cottier Architects, as required by Condition C3 of SSD 7348. The design of this proposal has addressed the recommendations in the Urban Design Assessment to mitigate adverse impacts to adjoining sensitive receivers to the west and south of the Site. These design considerations include:

- the 20m southern setback includes a minimum 6m landscaped area for screening
- Warehouse 4A is greater than 150m from the southwestern boundary corner of Lot 4A
- passive landscape design is provided within the western setback area, including perimeter chainwire fencing, to avoid use of the area as open space by OWE staff
- offices, parking and hardstand areas are positioned well outside the western setback area
- proposed façade finishes are of low reflectivity and muted tones
- no surveillance equipment is proposed to be visible from or facing towards southern sensitive receivers.



The built form and design of the development is considered appropriate in the context of the Site and its response to the surrounding locality.

### **Open Space, Public Domain and Landscaping**

An appropriate interface with the public domain is established by the proposal through the provision of dense landscaping as shown on the Landscape Plans (Appendix 4).

The proposed landscape design has been informed by previous individual lots' designs within the OWE, expanding on the robust landscape character and adhering to the high standard the OWE aims to achieve. The landscaping for Lot 4A and 4B includes over 100 native and exotic trees to maximise planting and mitigate potential urban heat island effects from the required hardstand areas.

Substantial tree planting to the west of the OWE was approved under SSD 7348, including dense planting along the landscaped bund. Proposed planting also aims to screen the development from sensitive receivers and internal users along future Southern Link Drive and Sepia Avenue.

Landscaped strips have been provided between at least every 6 car parking spaces to soften hardstand areas. Vegetation is also proposed adjacent to the associated outdoor areas for each tenancy to improve employee amenity.

There is no tree removal as part of this proposed development, beyond what was approved under SSD 7348.

### **Traffic and Transport**

SSD 7348 established requirements for traffic and transport which are addressed in the relevant conditions of consent for SSD 7348. A Transport Assessment prepared by Ason Group accompanies this SEE (Appendix 7).

The Transport Assessment anticipates that the development of Building 4A and 4B will result in a total hourly traffic generation of 53 vehicle trips during the AM and PM peak periods. The development is anticipated to generate a total of 624 vehicle trips throughout the day.

The proposal provides 144 on-site spaces, 73 spaces for Lot 4A and 71 spaces for Lot 4B, in accordance with the car parking requirements under Condition B13 of SSD 7348 and satisfying the needs of the future tenants. Two accessible parking spaces are proposed for each lot in line with the requirements of Condition B13 of SSD 7348. Additionally, to encourage and support Electric Vehicles (EV) use, 5 EV charging stations capable of providing ten charges, are provided within each parking area.

A covered bike area is proposed next to each of the office areas. Eight bicycle spaces are provided for Building 4A and 8 are provided for Building 4B.

The Transport Assessment confirms that traffic conditions will not be detrimentally impacted by the development, the proposed parking arrangements are appropriate and

that site access, parking and service areas have been designed with regard to the relevant Australian Standards.

### **Noise and Vibration**

Existing background noise on land to the south and west of the Site is typical of a rural environment. The elevated noise and vibration levels as a result of the approved staged development will be managed and mitigated in accordance with the conditions of SSD 7348.

A Noise and Vibration Assessment specific to the proposal has been prepared by RWDI (Appendix 14). Note, SSD 7348 Mod 12, which is currently being drafted, seeks to remove restrictions applying to Lot 4A under Condition B9 relating to operation of forklifts during the night-time period. The Noise and Vibration Assessment submitted with this application includes an assessment of night-time operation of forklifts.

The Noise and Vibration Assessment notes that the 150m western setback and landscape bund along the western boundary will assist to mitigate noise and vibration impacts and also assumes that the 4m noise wall to the south of Building 4A, as proposed under this DA, has been completed. The Noise and Vibration Assessment concludes that the operation of the development will comply with the operational noise criteria, which includes the noise limits established under Conditions B18 and B19 of SSD 7348, during the day, evening and night periods.

The assessment found that while construction noise scenarios are generally predicted to be within the Construction Noise Management Levels established by the *NSW Interim Construction Noise Guideline*, exceedances are predicted during some stages for two receivers south of the Site. The Noise and Vibration Assessment details a series of noise mitigation measures to be applied during works to minimise and mitigate noise impacts to these receivers.

### **Other Matters**

This SEE also considers matters (Section 6) relating to:

- Air Quality
- Bushfire
- Stormwater Management
- Waste Management
- Sustainability
- Site suitability
- Construction management

### **Conclusion**

This SEE provides a comprehensive environmental assessment of the proposal including impacts and proposed mitigation measures. The proposal has been shown to provide for a development that will significantly contribute to wider growth of the Western Sydney Employment Area.



This SEE concludes that the proposal will provide substantial net public benefits to future occupants and the broader community and not result in any significant environmental impacts.

Accordingly, given the positive planning merits of the development, the SEE concludes that the proposal warrants approval.

## 1 Introduction

This Statement of Environmental Effects (SEE) has been prepared by *Keylan Consulting Pty Ltd* (Keylan) on behalf of *Goodman Property Services (Aust.) Pty Ltd* (the Applicant) to accompany a development application (DA) for the development of two warehouse buildings in Precinct 4 at the Oakdale West Industrial Estate (OWE) at 2 Cuprum Close, Kemps Creek (the Site).

On 13 September 2019, the delegate of the then Minister for Planning and Public Spaces approved the OWE Concept Proposal and Stage 1 DA under the State significant development consent (SSD 7348). The OWE Concept Proposal, approved under SSD 7348 consists of 5 precincts. It also approved the earthworks and infrastructure development for the broader OWE, plus development of warehouses in Precinct 1. Several modification applications to SSD 7348 and subsequent development applications for other stages have since been approved by Penrith City Council (Council) or the Department of Planning and Environment (DPE).

The proposed buildings form part of the larger OWE which comprises 154 hectares of land within the Western Sydney Employment Area (WSEA) and is owned by a Joint Venture (JV) between the Applicant and Brickworks Limited.

This SEE has been prepared and is submitted to Penrith City Council (Council) pursuant to the provisions of Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The proposed development comprises:

- construction and use of Buildings 4A and 4B as warehouse and distribution centres
- fitout of both tenancies (office area and warehouse racking)
- construction of a 4m high noise barrier south of Building 4A
- ancillary office space
- car and truck parking
- set down of goods on hardstand area as they are moved from loading bay to warehouse
- site landscaping
- signage
- electric vehicle charging
- solar panels
- 24/7 operation

This SEE concludes that the proposal will provide substantial net benefits and will not result in any significant environmental impacts. Therefore, we recommend that Council approve the DA subject to the content and findings outlined in this SEE.

### 1.1 Report Structure

The SEE has been prepared in accordance with the requirements of Part 4 of the EP&A Act. The structure of the report is as follows:

Section	Overview
Executive Summary	An overarching summary of the findings and conclusions of the assessment contained within this SEE.
1 Introduction	Introduction to the SEE.
2 Site and Locality	A description of the Site, the context and an assessment of the opportunities and constraints presented by the site.
3 The Proposal	A detailed description of the proposed development.
4 Strategic Planning Context	A detailed review of the proposal against the State and local planning framework including an assessment of statutory and strategic planning considerations.
5 Statutory Planning Context	A detailed review of the proposal against relevant statutory planning legislation.
6 Environmental Planning Assessment	An in-depth assessment of the relevant planning controls, existing environment, proposal and potential impacts and public benefits arising from the proposed development application.
7 Conclusion	A concluding statement taking into account the assessment of the proposal and a recommended course of action with regard to the determination of the application.

Table 1: SEE Report Structure

This SEE should be read in conjunction with the following supporting documents:

Supporting documentation	Appendices
Architectural Plans	Appendix 1
Civil Engineering Plans	Appendix 2
Civil Report	Appendix 3
Landscape Plans	Appendix 4
Urban Design Report	Appendix 5
Quantity Surveyor's Report	Appendix 6
Transport Assessment	Appendix 7
Biodiversity Impact Statement	Appendix 8
Fire Safety Strategy	Appendix 9
Waste Management Plan	Appendix 10
Sustainability Management Plan	Appendix 11
BCA Compliance Assessment	Appendix 12
Air Quality Statement	Appendix 13
Noise and Vibration Assessment	Appendix 14
Bushfire Risk Assessment	Appendix 15
Penrith DCP Assessment	Appendix 16
Response to issues raised in Pre-Lodgement Meeting	Appendix 17
Mod 12 Estate Masterplan	Appendix 18

Table 2: List of Appendices

## 1.2 Consent authority

The *cost of works* for the purpose of determining the DA fee for the proposal is calculated in accordance with Clause 208(1) of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) at \$ 48,785,000 including GST (Appendix 6).

Therefore, the DA is Regionally Significant development, as per clause of Schedule 6 Section 2 of the *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP) and will be determined by the Sydney Western City Planning Panel.

It is noted that the proposal is not State Significant development as per clause 12 of Schedule 1 of the Planning Systems SEPP as the warehouses will not be related to the same operation.

### **1.3 Pre-lodgement meeting with Council**

On 2 August 2022, a DA pre-lodgement meeting and was convened with Council to discuss key issues associated with the proposal.

A summary of the key issues raised, and the response is provided at Appendix 17.



## 2 The site and locality

### 2.1 Site description

#### 2.1.1 Oakdale West Industrial Estate

The proposed development is located within the OWE at Kemps Creek, in the Penrith Local Government Area (LGA). The OWE site has an area of approximately 154 hectares (ha). The location of the OWE site is shown in Figure 1.



Figure 1: Oakdale West Industrial Estate in context (Base source: Nearmap)

The OWE is located in the south-western extent of the WSEA which was established to provide land for industry and employment. Chapter 2 of *State Environmental Planning Policy (Industry and Employment) 2021* (Industry and Employment SEPP) aims to protect and enhance the land to which WSEA applies for employment purposes.

The OWE forms part of the broader industrial development of Oakdale Industrial Estate lands being developed by the Applicant, covering an area of around 421 ha within the WSEA as shown in Figure 2.

Oakdale Central Industrial Estate is completed and Oakdale South Industrial Estate is nearing completion. Stage 1 of the Oakdale East Industrial Estate has been completed and the Concept SSD application for the wider Oakdale East Industrial Estate is currently under assessment. The progressive development of OWE will continue to meet the WSEA objective of employment opportunities through development of warehousing and distribution facilities in an environmentally sensitive and cost-effective manner.

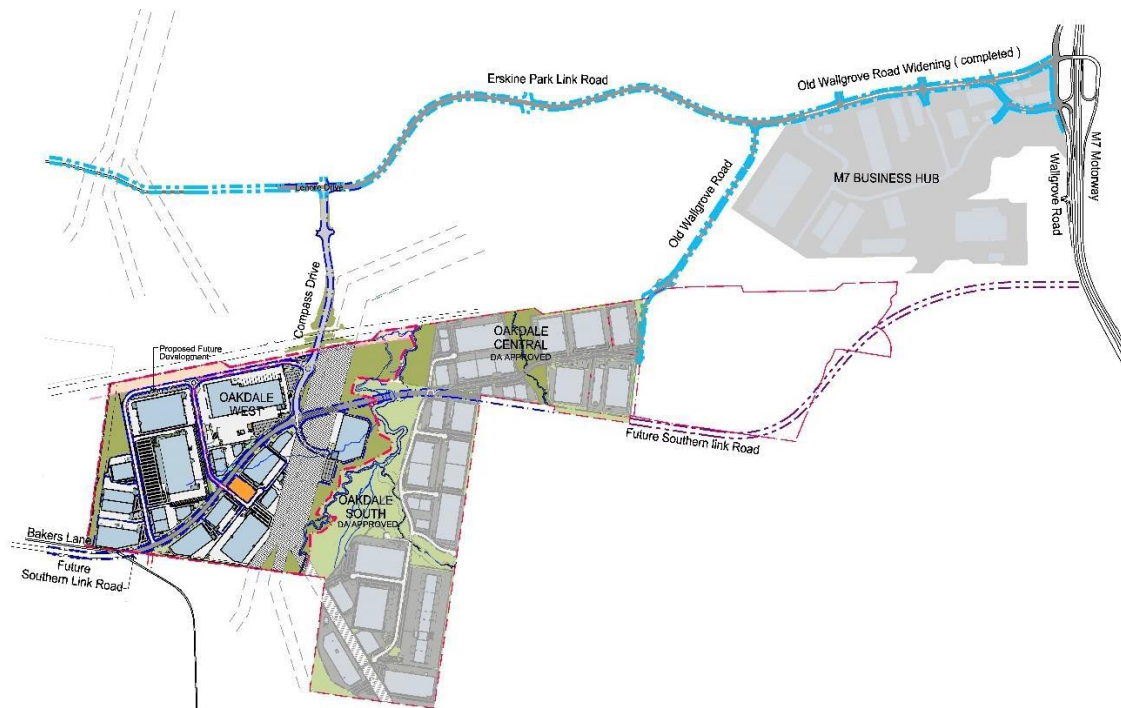


Figure 2: Oakdale Industrial Precinct and surrounding Regional Road network (Source: Goodman)

The OWE site is bound to the north by the WaterNSW Warragamba Pipelines, to the east by Ropes Creek and to the south by adjoining rural landholdings. Education and aged care land uses, including Emmaus Catholic College, Trinity Primary School, Mamre Anglican School and Emmaus Retirement Village, adjoin the western boundary of the OWE site. The OWE site is roughly rectangular in shape with an irregular eastern boundary which follows the Ropes Creek corridor alignment.

The OWE site is currently undergoing construction under SSD 7348, SSD 22191322 (Building 4E) and SSD 9794683 (Building 2A), along with Buildings 3A (DA 20/0843) and 3B (DA 21/0440) approved by Council. Warehouse Building 2B, approved under SSD 10397, commenced operations in December 2021. DA's for Lot 3C (DA 22/0550) and Precinct 5 (DA 22/0546) are currently under assessment by Council.

Compass Drive (formerly the Western North South Link Road, WNSLR) was completed in December 2020. Compass Drive provides road access from Lenore Drive to OWE and the future Southern Link Road including Sydney's broader motorway network. This will be used for both construction and operation access for the subject development.

A noise wall as required under the consent for SSD 7348 has been constructed along the western boundary of the OWE site, with the western landscaped bund also completed (Figure 3).





Figure 3: Photograph of extent of vegetation on Western Landscape Bund (Source: Goodman - September 2021)

### **2.1.2 Oakdale West Estate Precinct 4**

Precinct 4 of the OWE is adjacent to the southern boundary of the OWE site, to the south of the future Southern Link Road, to the east of Precinct 3 and west of the Transgrid easement. Precinct 4 has a development area of 22.22 ha. Figure 4 shows the OWE Masterplan as approved under SSD 7348 Mod 10 which was approved by DPE 17 August 2022 (OWE Masterplan). Figure 5 shows the Site context including works approved under SSD 7348.

Under Condition B3 of SSD 7348, the building layout for Building 4A layout is not approved. However, the OWE Masterplan envisages that the precinct is to contain seven warehouse pads.

The seven warehouse pads within Precinct 4 are benched, serviced and ready for aboveground construction. SSD7348 approved the infrastructure to these development pads.

A noise wall as required under the consent for SSD 7348 has been constructed along the western boundary of Precinct 4, with the western landscaped bund also completed. (Figure 3).



Figure 4: OWE Masterplan under Mod 10 (Source: SBA Architects)



Figure 5: Aerial of OWE showing Precinct 4 in context (Base source: Nearmap)



### 2.1.3 Lot 4A and 4B

The proposed development is located in the southwestern corner of Precinct 4.

The Site is in the southwestern corner of Lot 111 DP 1262310 and at 2 Cuprum Close, Kemp's Creek, NSW. The Site is shown at Figure 6 below.

SSD 7348 approved the earthworks and infrastructure development for the broader OWE. Figure 7 below illustrates the earthworks and infrastructure that exists at the Site, as of 21 August 2022.

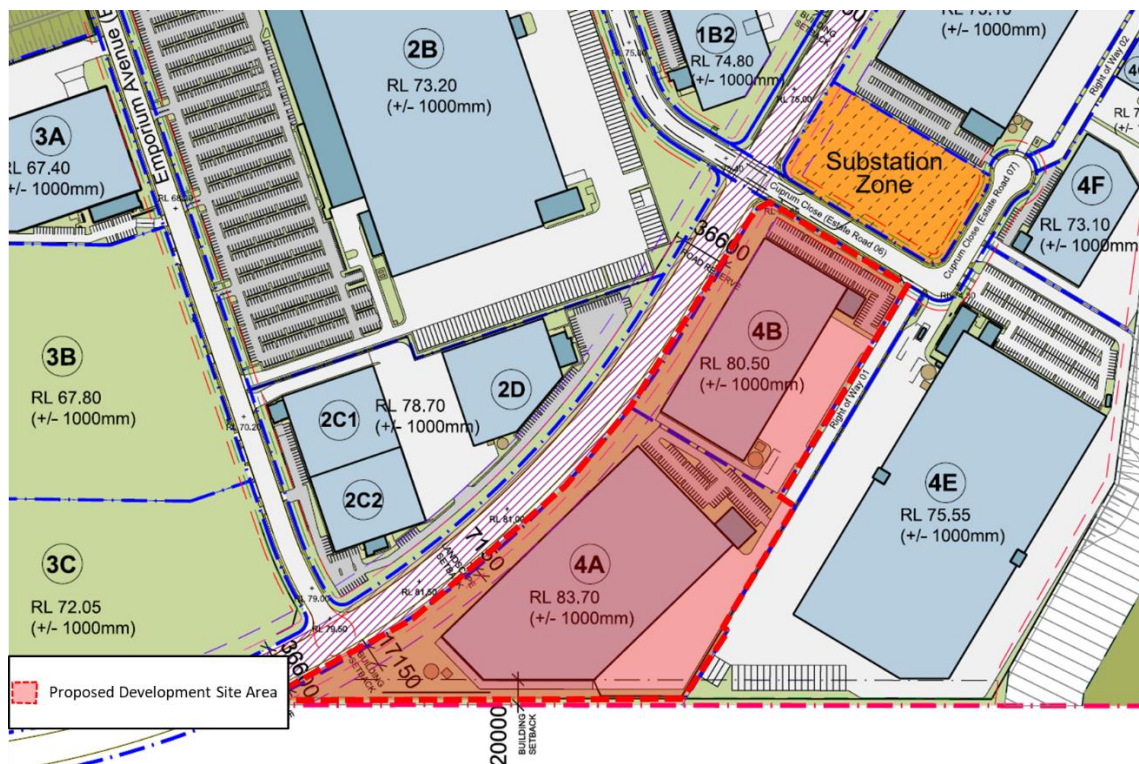


Figure 6: Proposed development site area 'the Site' (Source: OWE Estate Masterplan, SBA Architects)



Figure 7: The Site as of 21 August 2022 (Source: Nearmap)

## 2.2 Surrounding locality

The locality is characterised by a variety of general industrial, education, aged care and rural land uses, including:

- WaterNSW Warragamba Pipelines and other industrial land further north
- Ropes Creek corridor and Oakdale South Estate to the east
- industrial zoned land to the south currently occupied by residences
- an aged care facility and three schools – Trinity Primary School, Mamre Anglican School and Emmaus Catholic College – to the west. Other uses include rural residential and recreational facilities.

The nearest residential property to the Site has three residential structures positioned within a small area of a 13.4 ha lot at 20-52 Aldington Rd, directly south of Precinct 4. This property can be seen in Figure 7 above.

## 2.3 Previous Approvals

The OWE is subject to several previous approvals as outlined below.

### 2.3.1 SSD 7348

SSD 7348 was approved on 13 September 2019 for the OWE concept layout and Stage 1 works. The approved works under SSD 7348 include:

- preparatory works including estate wide bulk earthworks, lead-in services, retention and detention basins for the estate
- service provisions for Precinct 1



- infrastructure provision including the WNSLR
- construction of Estate Road 1
- Precinct 1 building construction

The concept approval requires future DAs to be consistent with the conditions in SSD 7348 (Schedule B) and outlines the matters to be addressed in future DAs within the OWE (Schedule C). These matters include visual amenity; transport, access and parking; noise and vibration; stormwater management; servicing; waste management; construction management and community consultation.

SSD 7348 has been subject to eleven modifications:

- **Modification 1:** modification to the approved Concept Plan and Stage 1, including changes to sewer servicing, building pad level of Precinct 2, bioretention basins and biodiversity offset strategy. Approved 26 March 2020.
- **Modification 2:** modification to approved Concept Plan and Stage 1, including master plan layout, reconfiguration of Precinct 1 layout, change to height control (Building 1A), changes to internal roads, civil design and building pad levels. Approved 21 April 2020.
- **Modification 3:** modification to the approved Concept Plan including change in building and road layout at Precinct 2. Change in height control for Building 2B. Construction of Estate Road 3. Approved 2 April 2020.
- **Modification 4:** inclusion of Lot 9 DP1157476 to facilitate the construction of the WNSLR. Approved 24 March 2020.
- **Modification 5:** minor changes to Building 1A car park, hardstand and landscape layout, and dangerous goods quantity for this building. Changes to biodiversity offset location, noise wall completion timing and the WNSLR landscape setback were also included. Approved 5 November 2020.
- **Modification 6:** minor changes to the approved Concept Plan, an increase in building height control and detailed design development across Precinct 2 and 3 resulting in minor changes to building form and layout. Construction of Estate Road 8. Approved 10 March 2021.
- **Modification 7:** changes to earthworks levels and building layouts in Precinct 4, earthworks pad and lot boundary in Precinct 3 and layout of Estate Road 7. Amended Stage 1 Development to include bulk earthworks and construction of retaining walls in Precincts 3 and 4 and construction of a lot boundary fence in Precinct 1. Approved 8 October 2021.
- **Modification 8:** amendment to architectural plans for Stage 1 Buildings 1A, 1B and 1C. Approved 10 September 2021.
- **Modification 9:** changes to layout of Buildings 2A, 2C, and 2D and an increase of the maximum height of Building 2C from 15 m to 22.2m. Approved 8 December 2021
- **Modification 10:** minor changes to signage within Precinct 1, minor changes to Precinct 3 and Precinct 5 to reflect the detailed designs of these precincts, including GFA values and changes to the layout of Precinct 5 to provide two warehouses. Approved 17 August 2022
- **Modification 11:** changes to the layout of Lot 3C & Lot 5. Removal of the night-time operation restrictions of rooftop plant and forklift operation for Lot 3C & 5. Removal of reference to surplus lots that no longer exist under the masterplan. Update building height controls for building 3C2 and updated setback controls for

OWE Amenity Precinct and Lot 3C to reflect site constraints. Approved 16 December 2022.

A further modification to SSD 7348 (Mod 12) was recently lodged with DPE, and relates to the current proposal. MOD 12 seeks the following:

- update to Condition B10 & B11 to amend maximum ridgeline height to 14.6m for warehouses 4A, 4B, 4C and 4D
- amend condition B9(e) 'Forklifts' to remove the night-time restriction applying to Lot 4A
- update the Estate masterplan to reflect final design of Precinct 4.

### 2.3.2 Subsequent SSD Applications

Table 3 summarises the subsequent SSD applications lodged with DPE for the various stages of the OWE.

SSD Number	Description	Status
SSD 10397	<p>Stage 2 development of the OWE for Warehouse 2B within Precinct 2. SSD 10397 includes the construction, subdivision, fit-out, operation and use of a four-level automated warehouse, associated office space, internal roads and parking.</p> <p>SSD 10397 has been modified on two occasions in relation to architectural plans, inclusion of additional solar inverters and increase in fence height.</p>	Approved 9 April 2020
SSD 9794683	<p>Stage 3 development of the OWE approved the following:</p> <ul style="list-style-type: none"> <li>• construction of Warehouses 2A, 2C and 2D within Precinct 2 of the OWE</li> <li>• the subsequent fitout and use of the proposed warehouses</li> <li>• associated earthworks and landscaping.</li> </ul> <p>An application to modify SSD 9794683 was lodged with DPE on 19 August 2022 seeking amendments to the approved warehouse Buildings 2C and 2D, including relocation of car park access, reconfiguration of car park and building layouts, inclusion of a fire access and permeable trafficable paving, and building and signage design changes.</p>	Approved 16 December 2021
SSD 22191322	<p>Stage 5 development of the OWE was approved for the construction, fitout, and operation of warehouse Building 4E with a total gross floor area of 35,560m<sup>2</sup> and associated office, hardstand areas, loading docks, car parking spaces, landscaping, and services.</p> <p>Modification 1 of SSD 22191322 including amendment to Building 4E elevations and removal</p>	Approved 29 October 2021

SSD Number	Description	Status
	of the condition B28 (requiring an updated fire study), was approved by DPE on 14 July 2022.	

Table 3: Summary of relevant SSD approvals

### 2.3.3 Subsequent Development Applications with Penrith City Council

Table 4 provides a summary of the subsequent DAs approved by Council or currently under assessment, following the Concept Approval under SSD 7348.

DA Number	Description	Status
DA 20/0843	<p>A development application for Building 3A within Precinct 3 was approved for:</p> <ul style="list-style-type: none"> <li>the construction and use of Building 3A as a warehouse and distribution centre</li> <li>signage, landscaping and associated site works</li> <li>Torrens Title subdivision of Precinct 3.</li> </ul>	Approved 15 April 2021
DA 21/0440	<p>A development application for Building 3B within Precinct 3 of the OWE was approved for:</p> <ul style="list-style-type: none"> <li>the construction and use of Building 3B, providing two tenancies, for warehouse and distribution centre uses</li> <li>signage, landscaping and associated works</li> <li>Torrens Title subdivision to create 2 lots.</li> </ul>	Approved 25 November 2021
DA 22/0550	<p>A development application for Building 3C-1 and 3C-2 was submitted for:</p> <ul style="list-style-type: none"> <li>the construction and use of Building 3C-1 and 3C-2 as a warehouse and distribution centre</li> <li>signage, offices, parking, hardstands and associated site works.</li> </ul>	<p>Lodged:06/06/2022</p> <p>Under assessment</p>
DA22/0546	<p>A development application for Building 5A and 5B within Precinct 5 was submitted for:</p> <ul style="list-style-type: none"> <li>the construction and use of Building 5A and 5B as a warehouse and distribution centre</li> <li>signage and associated landscape and civil works and 2 Lot Torrens Title Subdivision</li> </ul>	<p>Lodged:15/06/2022</p> <p>Under assessment</p>

Table 4: Summary of DAs approved by Council within the OWE

### 3 The Proposal

The proposed development is described in the table below:

Address/Property	2 Cuprum Close, Kemps Creek (Lot 111 DP 1262310)
Description	Development of Lots 4A and 4B, within Precinct 4 of OWE
Ownership	BGMG 11 Pty Ltd, a joint venture between the Applicant and Brickworks Limited
LGA	City of Penrith
Zoning	IN1 General Industrial
Permissibility	Permitted with consent
Project	<p>The proposed development comprises the construction, use and fit-out of Building 4A and 4B (2 tenancies) as warehouse and distribution centres including:</p> <ul style="list-style-type: none"> <li>• ancillary office space</li> <li>• associated truck and car parking areas</li> <li>• loading bays</li> <li>• set down of goods on hardstand area as they are moved from loading bay to warehouse</li> <li>• construction of 4m high noise barrier south of Building 4A</li> <li>• site landscaping</li> <li>• signage</li> <li>• fit-out (office area and warehouse racking)</li> <li>• earthworks</li> <li>• retaining walls (RW01 - centered on the boundary between Building 4A and 4B, RW02 - centered on the Northern boundary of Building 4B)electric vehicle charging</li> <li>• solar panels</li> <li>• 24/7 hour operation</li> </ul>

Table 5: Project Overview

The proposed development includes the construction of Buildings 4A and 4B, providing two separate tenancies, and their use and fit out as warehouse and distribution centres within Precinct 4 of the OWE, as well as associated works as listed above (the proposal).

As the Applicant has not secured any specific tenants at this stage, the approval being sought is for general warehousing and distribution use.

These uses are consistent with the IN1 General Industrial zone under the Industry and Employment SEPP.

The proposal does not require clearing or supporting infrastructure as all necessary vegetation removal, infrastructure installation and other investigations were approved and have been undertaken in accordance with SSD 7348.

Minor earthworks are proposed as shown in the Civil Engineering Plans (Appendix 2). These detailed earthworks are required to accommodate the building and external levels.

The key elements of the proposal are described in Table 5. The proposed layout plan for the proposal is provided at Figure 8 and Appendix 1.



Figure 8: Proposed layout of Buildings 4A and 4B (Source: SBA Architects)



Element	Warehouse 4A	Warehouse 4B
Site Area	73,073m <sup>2</sup>	
GFA	32,985m <sup>2</sup>	
Warehouse	16,270m <sup>2</sup>	14,700m <sup>2</sup>
Office	600m <sup>2</sup>	800m <sup>2</sup>
Dock office	50m <sup>2</sup>	50m <sup>2</sup>
Total	17,435m <sup>2</sup>	15,550m <sup>2</sup>
Height		
Ridge (excl rooftop solar)	14.6m	14.6m
Car Parking	73	71
Loading Docks	12	12
Cost	\$48,785,000 (including GST)	
Hours of Operation	24 hours, 7 days a week	

Table 6: Warehouse detailed design

In accordance with Condition B3 of SSD 7348, Building 4A layout within Precinct 4 was not approved. As such, introducing the layout of Lot 4A to the approved OWE Masterplan under SSD 7348 does not require a modification to the current consent for SSD 7348. For clarity, condition B3 is provided below:

*B3. This Concept Proposal consent does not approve the building layouts shown on Lots 3A, 3B, 3C, 3D, 3E, 3F, 3G and 4A on Figure 1 in Appendix 1. The location of the buildings on these lots must be assessed by separate DAs, and must satisfy the interface requirements of Conditions C3 and C4.*

The proposed layout of Lot 4B remains generally consistent with the OWE Masterplan, subject to the minor amendments to be sought through Mod 12.

### 3.1 Built Form

The height and scale of the proposed Buildings 4A and 4B are generally consistent with the building envelopes in the approved OWE Masterplan (as modified). Further, the design of Building 4A also responds to and implements the recommendations of the Urban Design Assessment (Appendix 5) prepared in accordance with Condition C3 of SSD 7348. A detailed response to the recommendations of the Urban Design Assessment is provided at Section 6.1.

The proposed warehouses are generally rectangular in shape, with a truncated corner on the southern corner of Building 4A and the office spaces located in the south-east of the main warehouse buildings. These office components have been designed to present away from any identified sensitive receivers and with large windows providing casual surveillance.

To soften the industrial nature of the development a variety of materials and finishes are proposed, utilising a neutral palette of colours. These elements include charcoal and grey metal wall sheet cladding, brickwork, stainless steel mesh for vertical plantings, pre-cast concrete and glazing to ensure the proposal blends with the surrounding landscape. The use of the stainless steel mesh for climbing plants and metal cladding provide vertical elements to breakdown any perceived bulk.



The western elevations of both buildings incorporate a graphic artwork element that will provide visual interest when viewed from future Southern Link Road. In addition, the proposed landscaping scheme includes trees and in-situ shrubs planted along the western boundary of the Site to ensure sufficient screening of the warehouses and to soften the perceived bulk.

Furthermore, the office element together with glazing and a variety of materials provides articulation wrapping around the warehouse corner. The stainless steel mesh provided to office entrances allows for vertical plantings to ensure an appropriate presentation to the street incorporating greenery into the building articulation.

Mod 12 seeks to change the SSD 7348 maximum ridgeline height control from 13.7 m to 14.6 m, in order to facilitate the proposed 14.6 m ridgeline for Building 4A and 4B (Figure 9). Further discussion of the proposed height increase and an assessment of its environmental impacts is contained in Section 6.1.

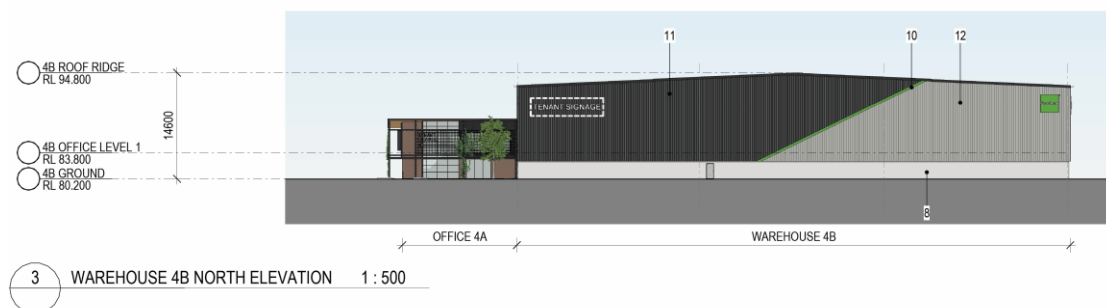


Figure 9: Warehouse 4B North Elevation (Source: SBA)

### 3.2 Landscaping

The landscape design prepared for the Site aims to expand on previous individual lot design within OWE, reinforcing a consistent and robust landscape character, adhering to the high standard the broader OWE development aims to achieve.

The proposed landscape scheme incorporates over 100 native and exotic species to provide screening of hardstand and built form. Permeable surfaces of planting, low maintenance turf and gravel, will be maximised in order to reduce run-off. Plants are to be low maintenance and drought resistant, ensuring all new landscaped areas are water sensitive and tolerant of the harsh Western Sydney climate.

With the utilisation of water sensitive elements in carparks such as structural soil structure systems or similar, the large amounts of carpark hardscape will be broken up with significant tree planting. Landscape strips are provided between at least every 6 car parking spaces which softens the hardstand areas.

The Site falls under Stage 7 of construction, which has already seen the completion of the vegetated bund along the Western edge of the OWE. This vegetated bund provides large amounts of visual screening, particularly to the sensitive receivers in the west. A noise wall constructed along the southern boundary will also further reduce the visual

impacts of the development. This will be accompanied by screening vegetation in order to further soften built elements within the OWE.

Generous landscape setbacks within Precinct 4 will foster a clustered, yet dense approach to tree planting with native species, in accordance with the landscape plans approved under SSD 7348. This will provide visual screening to the immediate neighbours of the Site, but also for users of internal roads and footpaths.

Extensive landscaping is provided along the northerner and eastern boundaries of the Site, adjacent to Southern Link Road and Cuprum Close. Large strips of canopy trees with mass planting of shrubs and groundcovers will form a dense vegetative screen for the development.

The proposed Landscape Plan for the site is provided at Appendix 4 and Figure 10 below.



Figure 10: Proposed Landscape Plan (Source: Scape Design)

### 3.3 Signage

The proposal includes provision of sixteen (16) identification and wayfinding signs. A signage plan has been included within the architectural plans (Appendix 1) identifying the following proposed signs as described in Table 7.

Signage Typology	Building 4A	Building 4B
Illuminated Goodman Façade Signs	2	2
Non-illuminated Tenant Signs	3	3
Illuminated Car Wayfinding Pylon Signs		3
Illuminated Truck Wayfinding Pylon Signs		3

Table 7: Summary of proposed signage to each warehouse

The majority of signs are located centrally, facing towards other roads and warehouses within the OWE.

One tenant sign is proposed on the southwestern elevation of Building 4A, and one is proposed on the south eastern elevation of Building 4A. These signs are considered appropriate given they will be effectively screened by setbacks and landscape screening.

All remaining signage is oriented within the OWE and is proposed to be illuminated with the exception of customer signage. All signage has been designed to comply with the relevant Australian Standards as well as the provisions of the Industry and Employment SEPP as demonstrated in Section 5.7.1. The directional signs will be internally illuminated.

### 3.4 Access and Parking

The proposed car parking areas for Building 4A and 4B contain 73 and 71 car parking spaces respectively. These are located to immediate north of each warehouse, adjacent to the relevant building and office space for ease of access. The car parking is to be accessed from an internal road that was approved under SSD 7348 MOD 7, which originates off Cuprum Close (formerly Sepia Avenue).

Shared access to both lots is provided as separate vehicle access is not feasible given the level differences between Cuprum Close and the warehouse pad levels, particularly at Lot 4B.

12 loading bays are provided to each of the warehouses buildings along their eastern elevations. Materials and goods associated with the use of Buildings 4A and 4B will be loaded to and from the warehouses. This may require goods being set down outside as they are moved from the warehouses to the loading bays.

The loading bays are accessed from dedicated truck entry and exit gates on the internal road that originates off Cuprum Close.



## 4 Strategic Planning Context

### 4.1 State Infrastructure Strategy

The *State Infrastructure Strategy* sets out the NSW Government's Rebuilding NSW Plan, which involves the investment of \$20 billion in new infrastructure across the state. The Strategy identifies policies and strategies needed to provide infrastructure that meets the needs of a growing population and a growing economy.

Although the Strategy relates to investment in Government infrastructure, the proposal will contribute to the integration of land use and infrastructure planning as the site is strategically located near the future Western Sydney Aerotropolis, as well as including the construction of the Western North South Link (WNSL) Road as approved under the Stage 1 approval.

### 4.2 Greater Sydney Region Plan

The *Greater Sydney Region Plan* (Region Plan) outlines how Greater Sydney will manage growth and change in the context of social, economic and environmental matters. It sets the vision and strategy for Greater Sydney, to be implemented at a local level through District Plans. The overriding vision for Greater Sydney in the Region Plan is to rebalance Sydney into a metropolis of 3 unique but connected cities:

- the established Eastern Harbour City
- the developing Central River City
- the emerging Western Parkland City

The Region Plan provides broad *Priorities and Actions* which focus on the following four key themes. A high-level analysis of the proposal against these themes is provided in Table 8.

Theme	Response
<i>Infrastructure and Collaboration</i>	The site is located within close proximity to both the M4 and M7 Motorways as well as the future Western Sydney Aerotropolis. Stage 1 of the development was also approved for the construction of the Western North South Link (WNSL) Road which connects the site to the regional road network.
<i>Liveability</i>	The provision of the WNSL Road facilitates connection of the OWE to surrounding areas, including residential areas to the north in Erskine Park. Given the Site is to provide a large number of employment opportunities, this connection to residential areas ensures viability for future workers.
<i>Productivity</i>	The Site is within an area identified as industrial and urban services land and the Region Plan sets the objective for planning authorities to adopt an approach of "retain and manage" to most industrial land in the Penrith LGA (Objective 23 – Industrial and urban services land is planned, retained and managed). The proposal is consistent with the retain and manage principle as it proposes employment generating development on land zoned for industrial purposes.
<i>Sustainability</i>	The proposal has been designed with initiatives to achieve a 5 Green Star 'as-built' rating, and include consideration of water

Theme	Response
	sensitive urban design principles, energy efficiency, and biodiversity conservation. The Sustainability Management Plan at Appendix 11 elaborates on the sustainable initiatives of the proposal.

Table 8: Assessment of proposal against priorities outlined in the Greater Sydney Region Plan

### 4.3 Western City District Plan

The *Western City District Plan* (District Plan) was prepared by the Greater Sydney Commission in March 2018. It seeks to manage growth in the context of economic, social and environmental matters in the Western City District, inclusive of Penrith LGA. It provides the district level framework to implement the goals and directions outlined in the Region Plan for the Western City District.

The District Plan recognises the accessible location of the Site within industrial land to support the growth of the Western City District, given its close proximity to the future Western Sydney Aerotropolis and access to both the M7 and M4 Motorway.

The proposed development effectively addresses Planning Priority W10 – Maximising Freight and Logistics Opportunities and Planning and Managing Industrial and Urban Services Land.

The proposed development is consistent with the District Plan as it will:

- protect employment land through the provision of employment uses
- continue the operation of industrial uses in the WSEA
- attract investment from innovative industries.

### 4.4 Penrith Local Strategic Planning Statement

The *Penrith Local Strategic Planning Statement* (LSPS) was adopted in March 2020. The LSPS is a 20-year plan which sets out Council's land use vision and planning priorities for the LGA.

The document recognises the importance of the industrial lands within the LGA in enhancing and growing Penrith's economy. The proposal will provide a warehouse and distribution centre which is consistent with the LSPS in particular the following priorities:

- *Planning Priority 1: Align development, growth and infrastructure* – The provision of warehousing within the Penrith LGA provides new opportunities for jobs close to homes, creating a more liveable city. The development of Buildings 4A and 4B coincides with new infrastructure in Western Sydney including the Aerotropolis and South Link Road to ensure better connectivity within the Penrith LGA.
- *Planning Priority 12: Enhance and grow Penrith's economic triangle* – The 'retain and manage' principle ensures that industrial lands are safeguarded which ensures economic growth in Western Sydney as reflected in developments such as the proposed development.
- *Planning Priority 19: Create an energy, water and waste efficient city* – The proposed development has been designed to ensure efficiency in energy, water and waste management as demonstrated in the supporting Waste and Sustainability

Management Plans (Appendix 10 and 11). The incorporation of rainwater harvesting in the proposal reflects the priority which aims to facilitate water conservation and reuse.

#### **4.5 Economic Development Strategy – Building the New West**

Council's *Economic Development Strategy* provides a framework as to how Council can best support economic development and foster greater investment within the Penrith LGA. The Strategy provides a goal for Penrith LGA to achieve an increase in local jobs up to 55,000 by 2031.

The Penrith LGA has emerged as an important industrial centre in Western Sydney and recognises the importance of retaining such land uses. The Strategy notes that industrial workers seek jobs all over Western Sydney given its' good connections to road infrastructure including the M4 and M7. The provision of warehousing as proposed under this DA ensures the retention of industrial land in the Penrith LGA and will provide a significant number of employment opportunities in the area to aid in economic growth.

#### **4.6 Western Sydney Aerotropolis Structure Plan**

The OWE site is located adjoining the boundary of the Western Sydney Aerotropolis Structure Plan (Structure Plan). The Structure Plan creates a spatial representation of land-uses, environmental assets and transport infrastructure within the Aerotropolis. As shown in Figure 11, the site adjoins land identified for enterprise uses, with an intermodal terminal nearby.

The proposal will not prevent the implementation of development of the Aerotropolis as envisaged under the Aerotropolis Structure Plan and the Aerotropolis Precinct Plans.

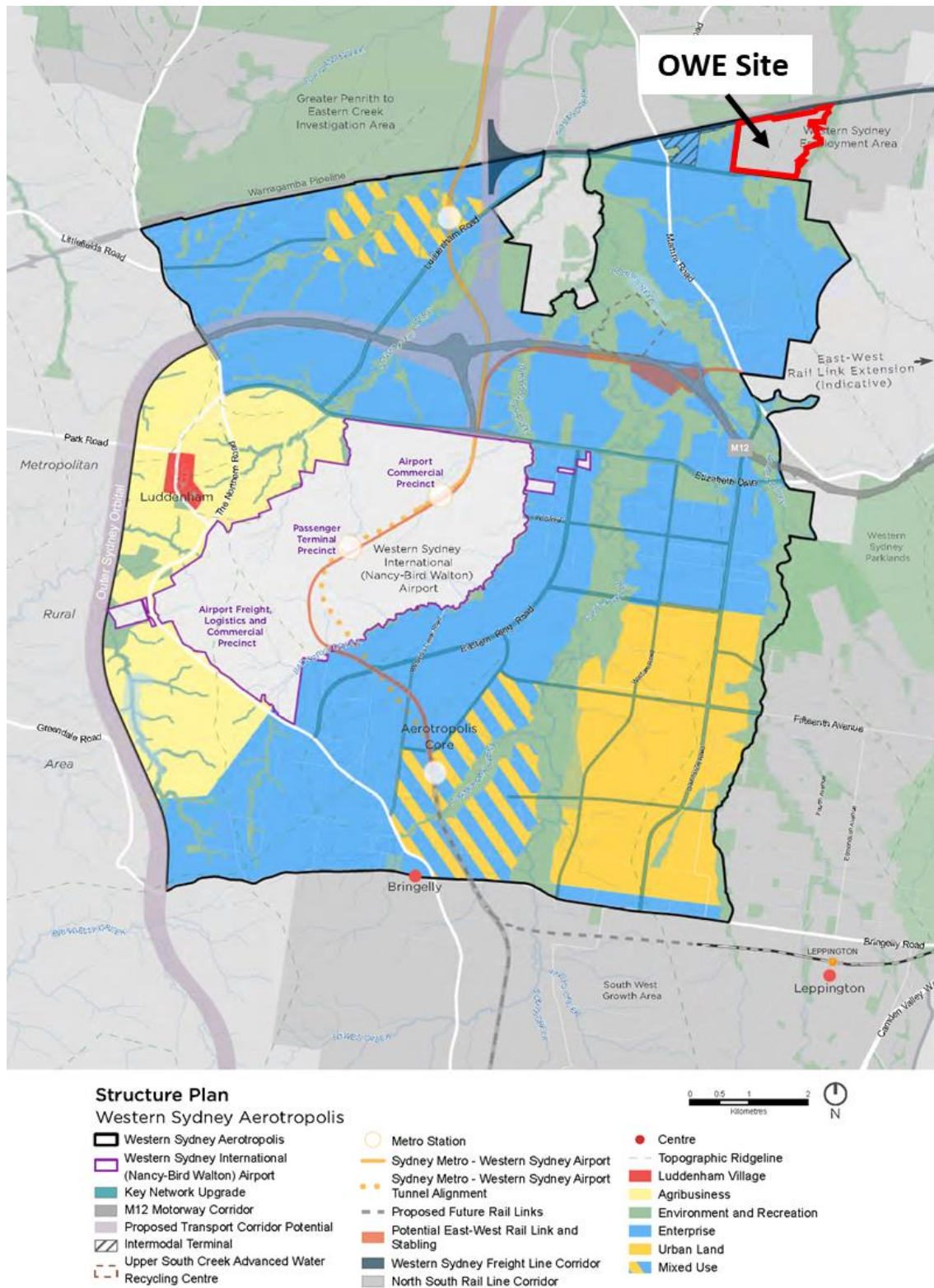


Figure 11: Western Sydney Aerotropolis Structure Plan (Base source: Western Sydney Planning Partnership)



## 5 Statutory Planning Framework

### 5.1 Environmental Planning and Assessment Act 1979

#### 5.1.1 Objects of the Act

The proposal is consistent with the objects of the EP&A Act as it is considered to promote the orderly and economic use and development of land without resulting in an adverse impact on the environment. Detailed assessment against the objects of the EP&A act is provided below.

Objective	Comment
(a) <i>To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,</i>	The land has been identified and zoned for industrial development and employment purposes in the WSEA under the Industry and Employment SEPP. The proposal provides further investment in industrial and employment generating development on this land that will result in a number of positive economic impacts for the local area and Greater Sydney.
(b) <i>to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	This SEE provides information on the relevant economic, environmental and social impacts of the proposed development to enable the consent authority to undertake a thorough environmental assessment and assist in its decision-making on the application.
(c) <i>to promote the orderly and economic use and development of land,</i>	The development promotes the orderly and economic use of the land by providing opportunities for jobs in an area zoned for employment development.
(d) <i>to promote the delivery and maintenance of affordable housing,</i>	Not applicable to the development
(e) <i>to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</i>	The proposed development has no further impact to biodiversity as addressed under SSD 7348. A Biodiversity Statement prepared by Ecologique (Appendix 8) accompanies this SEE and confirms there are no further impacts on biodiversity values as a result of the development.
(f) <i>to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	Heritage for the OWE site was addressed under SSD 7348. Given the site has been exposed to earthmoving, no further investigation is required.
(g) <i>to promote good design and amenity of the built environment,</i>	An Urban Design Assessment prepared by Allen Jack+Cottier Architects accompanies this SEE. The report provides a number of design recommendations which have been incorporated into the scheme to ensure an appropriate built form outcome.

Objective	Comment
	The Urban Design Assessment was prepared to inform the precinct planning of Precinct 4 to ensure best possible design outcomes which reduce impacts to adjoining sensitive receivers
<i>(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i>	The development will be constructed in accordance with any conditions of approval issued by the consent authority and the relevant requirements that relate to health and safety, construction and maintenance.
<i>(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i>	This development application will be submitted to and assessed by Council.
<i>(j) to provide increased opportunity for community participation in environmental planning and assessment.</i>	The proposal will be notified in accordance with the Council's notification policy. Council officers will consider any submissions received prior to the determination of the application.

Table 9: Assessment against the Objects of the EP&A Act

### 5.1.2 Matters for consideration

This section of the report provides the planning assessment against the key statutory environmental planning instruments and Development Control Plans relevant to the development. The following detailed assessment of the proposal is provided and which is based on the heads of consideration contained in section 4.15 of the EP&A Act.

Relevant Provision	Comment
<i>(a) the provisions of:</i>	
<i>(i) any environmental planning instrument, and</i>	The relevant environmental planning instruments are addressed at Section 5.
<i>(ii) 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 (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i>	The relevant proposed environmental planning instruments are addressed at Section 5
<i>(iii) any development control plan, and</i>	The Penrith Development Control Plan 2014 (PDCP 2014) is addressed at Section 5.10 and at Appendix 16.
<i>(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</i>	A Voluntary Planning Agreement (VPA) applies to the OWE site which was entered under section 7.4 of the Act during the approval process for SSD 7348.

Relevant Provision	Comment
(iv) <i>the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i>	The requirements of the EP&A Regulation are addressed in Section 5.11.
(v) <i>(Repealed)</i>	N/A
(b) <i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	The impacts of the proposal are addressed in Section 6.
(c) <i>the suitability of the site for the development,</i>	Site suitability is addressed at Section 6.16.
(d) <i>any submissions made in accordance with this Act or the regulations,</i>	Any submissions made on this subject development application will be duly considered and addressed. In addition, the Council will consider any public submissions relating to the proposal during its assessment.
(e) <i>the public interest.</i>	Public interest is addressed at Section 6.18.

Table 10: Section 4.15(1) assessment

## 5.2 Rural Fires Act 1997

The site is identified as bushfire prone land under the Rural Fire Service's bush fire prone land mapping.

The *Rural Fires Act 1997* requires that consideration be given to the potential bushfire impacts on development at the planning assessment stage to ensure protection of people and property in the event of a bushfire.

Under Section 4.46 of the EP&A Act, the proposal is not required to be referred to NSW Rural Fire Service as it does not include subdivision for residential purposes or development of a special fire protection purpose.

Notwithstanding, a Bushfire Risk Assessment has been prepared by Blackash Bushfire Consulting (Appendix 15). This report provides an assessment of the proposed development against the relevant provisions of *Planning for Bushfire Protection 2019* (PBP 2019) and concludes that the warehouses and the Site are able to respond and implement an appropriate level of bushfire protection measures as per the PBP 2019.

In addition, a Fire Safety Strategy prepared by Core Engineering Group (Refer Appendix 9) accompanies this SEE. The Fire Safety Strategy demonstrates that the proposed construction and operation of Buildings 4A and 4B achieves an acceptable level of life safety within the buildings.

## 5.3 Environmental Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides the legal framework to protect and manage environmental values considered to be of national environmental significance.

The EPBC Act requires approval from the Commonwealth Minister for the Environment and Water for actions that may have a significant impact on listed matters of national environmental significance (MNES).

The Oakdale West Concept Proposal is a “controlled action” that was assessed by the then Commonwealth Department of the Environment and Energy (DoEE) under the EPBC Act. Approval was granted from the delegate of the Commonwealth Minister for Environment on 25 November 2019.

The project was assessed and determined as part of the Oakdale West Concept Proposal. The proposed development will not have potential to impact upon any MNES in addition to those assessed for the OWE Concept Proposal.

A Biodiversity Impact Statement prepared by Ecologique (Appendix 8) accompanies this report and confirms there are no further impacts on biodiversity values as a result of the development.

#### **5.4 Biodiversity Conservation Act 2016**

The *Biodiversity Conservation Act 2016* (BC Act) commenced on 25 August 2017 and establishes a framework to avoid, minimise and offset impacts on biodiversity.

The consent authority must consider if the proposed development is likely to have serious and irreversible biodiversity impacts when assessing this application and determine any additional and appropriate measures that would minimise the impacts if a consent or approval was to be granted.

The assessment of biodiversity impacts for the site has been undertaken for SSD 7348. Approval for the Concept Plan included a Biodiversity Assessment and Offset Strategy for the OWE site.

A Biodiversity Impact Statement prepared by Ecologique (Appendix 8) accompanies this SEE and confirms there are no further impacts on biodiversity values as a result of the development.

#### **5.5 Heritage Act 1977**

The *Heritage Act 1977* (Heritage Act) makes provisions to conserve the State’s environmental heritage. It provides for the identification, registration and protection of items of State heritage significance and constitutes the Heritage Council of New South Wales.

A complete Heritage assessment was undertaken and provided in the Oakdale West Environmental Impact Statement for SSD 7348. The report provided a detailed analysis of heritage items in proximity to the OWE site as well as any necessary mitigation and management measures. Within the OWE site boundaries, Aboriginal sites Oakdale Campsite 4 and OW IF 2 were identified to be impacted by the overall development.

As the OWE site has now been disturbed following Stages 1, 2 and 3 works, further heritage approval is not considered necessary.

## **5.6 Contaminated Land Management Act 1997**

The *Contaminated Land Management Act 1997* (CLM Act) establishes a process for investigating and (where appropriate) remediating land where contamination poses a significant risk of harm to human health or the environment.

Contamination for the entire OWE site was addressed as part of the Stage 1 development and Concept Plan under SSD 7348. The Site was assessed and approved to be generally suitable for commercial and industrial uses.

## **5.7 State Environmental Planning Policies**

The proposal has been designed with regard to the objectives and standards of the relevant planning instruments and policies that apply to the site. Under the provisions of the EP&A Act, the key applicable state environmental planning policies are:

- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Precincts - Western Parkland City) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*

The application of the above plans and policies is discussed in detail in the following sections of this SEE.

### **5.7.1 State Environmental Planning Policy (Industry and Employment) 2021**

#### *Chapter 2 - Western Sydney Employment Area*

Chapter 2 of the Industry and Employment SEPP establishes the WSEA and identifies eleven precincts within its boundary, as shown in Figure 12. The site is located within Precinct 8 – South of Sydney Catchment Authority Warragamba Pipelines.

Consideration of the proposed development against the objectives of the IN1 General Industrial zone have been provided in Table 11 and an assessment against applicable detailed provisions of Chapter 2 of the Industry and Employment SEPP is provided in Table 12.



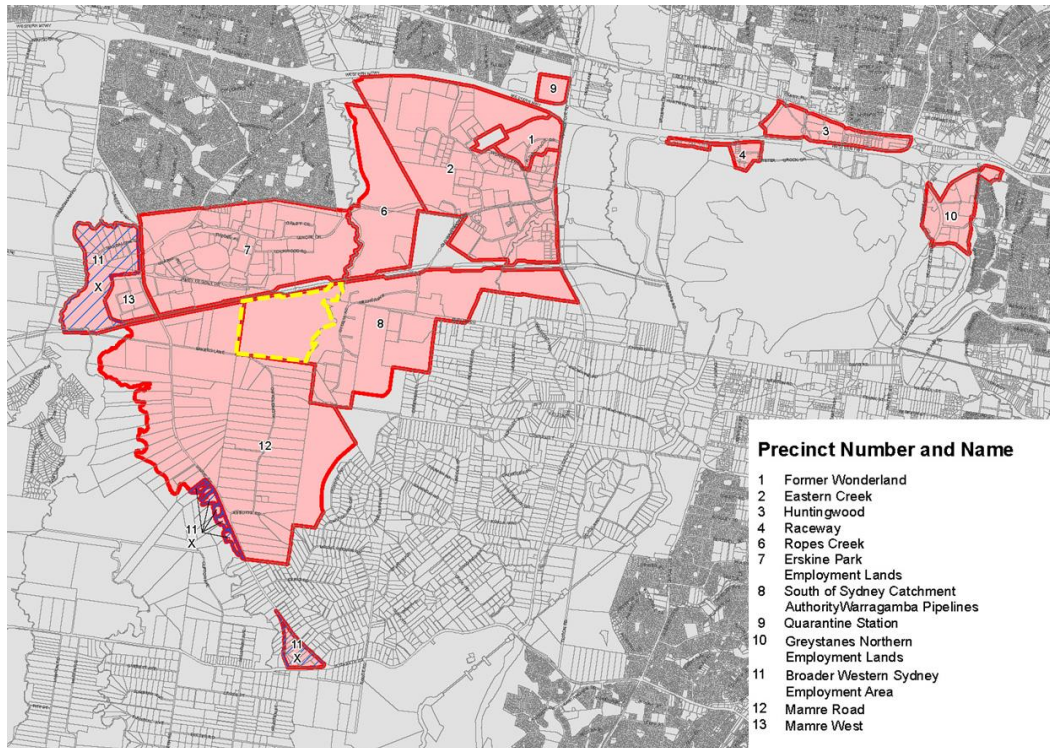


Figure 12: WSEA boundary identifying the OWE (Source: Industry and Employment SEPP)

Objective	Comment
<i>To facilitate a wide range of employment-generating development including industrial, manufacturing, warehousing, storage and research uses and ancillary office space.</i>	The proposal provides a total of 32,985m <sup>2</sup> of warehouse and ancillary office floor space which will provide employment during both construction and operational phases.
<i>To encourage employment opportunities along motorway corridors, including the M7 and M4.</i>	The OWE is located approximately 14km south west of the M4 and 6km west of the M7, making it highly accessible for future employees.
<i>To minimise any adverse effect of industry on other land uses.</i>	As part of the development of the OWE, frequent consultation with community members is undertaken to ensure any potential impacts are mitigated.
<i>To facilitate road network links to the M7 and M4 Motorways.</i>	The construction of Compass Drive ensures access to surrounding networks is improved, including nearby motorways.
<i>To encourage a high standard of development that does not prejudice the sustainability of other enterprises or the environment.</i>	The Architectural Plans (Appendix 1) and Sustainability Management Plan (Appendix 11) demonstrate that the proposal is of a high calibre, ensuring sustainability is at the forefront of the intended design outcomes.
<i>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.</i>	Future uses of Buildings 4A and 4B will support the development of small scale local services.

Table 11: Assessment against the IN1 General Industrial zone of the Industry and Employment SEPP

Section	Provision	Response
2.1 Aims of Chapter	To protect and enhance employment lands within the WSEA boundary.	The proposed development satisfies the aims of Chapter 2 as it will provide employment during both construction and operation phases.
2.9 Zoning of land	The Site is mapped as IN1 General Industrial on the Industry and Employment SEPP Land Zoning Map (Sheet LZN 001).	The proposed development is permissible with consent (warehouse or distribution centres) in the IN1 zone and is consistent with the zone objectives as outlined in Table 11.
2.12 Subdivision	Land to which this Policy applies may be subdivided, but only with consent.	There is no subdivision proposed under this application.
2.17 Requirement for development control plans	Requirement for the preparation of a development control plan.	<p>Under SSD 7348 it was determined that a site specific DCP for OWE was not required to be prepared. It is noted that an assessment has been undertaken against the provisions of PDCP 2014 (Appendix 16) and the development controls provided under the consent for SSD 7348 (Section 5.8).</p> <p>It is noted that controls prescribed under SSD 7348 are in the process of being incorporated into the next amendment to the PDCP 2014.</p>
2.19 Ecologically Sustainable Development (ESD)	Development must include measures to minimise the consumption of potable water and greenhouse gas emissions.	<p>A Sustainability Management Plan has been prepared by SLR Consulting Australia (Appendix 11).</p> <p>The Sustainability Management Plan outlines a number of ESD measures and concludes that the proposed initiatives will help to achieve significant reductions in the energy required by the development both in building and operation.</p>
2.20 Height of Buildings	Building heights for proposed development to adequately respond to site topography and preserve the amenity of adjacent zones.	There is no applicable height control under the Industry and Employment SEPP. Buildings 4A and 4B will have a maximum ridge height of 14.7 m (excluding solar panels). Building heights for the OWE are established through Condition B10 of SSD 7348. As discussed in Sections @@, it is proposed to increase the maximum ridgeline height for Warehouses 4A and 4B.
2.21 Rainwater Harvesting	Adequate arrangements must be made to connect the roof areas of buildings to any rainwater harvesting scheme.	<p>A Sustainability Management Plan has been prepared by SLR Consulting Australia (Appendix 11).</p> <p>Section 6 of this SEE outlines that rainwater will be harvested from the roof and reused for irrigation and toilet flushing.</p>

Section	Provision	Response
2.22 Development adjoining residential land	To address potential amenity and parking impacts of development within 250m of land zoned primarily for residential purposes.	<p>The proposal is not within 250m of land zoned primarily for residential purposes.</p> <p>As required under Condition C3 of SSD 7348 an independent Urban Design Assessment accompanies this statement demonstrating the proposed development has no detrimental impacts to adjoining residential receivers (Appendix 5).</p> <p>The Noise and Vibration Assessment (Appendix 14), Traffic Impact Assessment (Appendix 7) and Air Quality Report (Appendix 13) accompany this DA and demonstrate there are no adverse impacts to adjoining residential receivers subject to the implementation of mitigation measures. Further assessment of the aforementioned technical reports and their recommendation is provided in Section 6 of this SEE.</p>
2.24 Public Utility Infrastructure	Requirement to demonstrate that adequate public utility infrastructure for the development is available or suitable arrangements are in place.	All public utility infrastructure is readily available and suitable arrangements are in place to service the proposed warehouses.
2.25 Development on or in the vicinity of proposed transport infrastructure routes	Consider any comments of the Director-General as to the compatibility of the development with proposed transport infrastructure routes.	This clause has been considered as part of the development of the Concept Proposal for the OWE.
2.28 Industrial Release Areas	Development to obtain formal certification that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure and services prior to consent being granted.	A voluntary planning agreement (VPA) for the provision of regional transport infrastructure and services was entered into between the Applicant and the Minister for the OWE site under SSD 7348. This is discussed in more detail at Section 6.13.
2.30 Design Principles	A requirement for the consent authority to consider building design and finishes, landscaping and the scale and character of the development.	<p>As detailed in the Architectural Plans, the proposal incorporates a high quality design considering its industrial nature (Appendix 1).</p> <p>Materials and finishes utilise a neutral external colour palette to enable the proposal to blend with the surrounding environment. In addition, the western elevation of both buildings incorporate a graphic artwork element that will provide visual interest.</p>

Section	Provision	Response
		<p>The bulk and scale of the development is in keeping with surrounding development and the desired future character of the area.</p> <p>The proposed landscaping scheme includes trees planted along the northern and western boundaries of the Site to ensure sufficient screening of the warehouses from future Southern Link Road and Cuprum Close. It is noted that substantial tree planting to the west of the OWE site was approved under SSD 7348 which will further screen the 4A and 4B warehouses and associated loading docks.</p> <p>Allen Jack+Cottier Architects have undertaken an independent Urban Design Assessment which accompanies this SEE (Appendix 5).</p> <p>Relevant stakeholders have been included in the preparation with consideration of the requirements of Condition C3 of SSD 7348. The assessment confirms that the proposed layout, design and built outcome of Building 4A and 4B aligns with the Urban Design Assessment and ensures good integration with surrounding residential receivers.</p>
2.36 Development in areas subject to aircraft noise	Consideration should be given as to whether the development will result in an increase in the number of people affected by aircraft noise and the location of the development in relation to ANEF contours and OLS mapping.	<p>The ANEF contour mapping for the Western Sydney Aerotropolis crosses the south-eastern corner of the OWE site and does not affect Precinct 4.</p> <p>The Site is within the Horizontal Section of OLS mapping which restricts the maximum building height to 223.2m AHD. As noted on the Architectural Plans, the 14.6m warehouse buildings will result in a height of approximately 98.3 m AHD, well below the OLS height limit.</p>
2.37 Airspace operations	To provide for the effective and ongoing operation of the Airport by ensuring that such operation is not compromised by development that penetrates the prescribed airspace.	The proposal will not penetrate the prescribed airspace.
2.38 Development of land adjacent to Airport	To ensure the effective and ongoing operation of the Airport by ensuring that such operation is not compromised by proposed	As detailed above, the development and operation of Buildings 4A and 4B will not hinder the operation of the airport

Section	Provision	Response
	development in close proximity to the Airport.	
2.40 Earthworks	Earthworks for which development consent is required are not to have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land	<p>The majority of earthworks required to facilitate the development of Buildings 4A and 4B are approved under SSD 7348 (as modified).</p> <p>Nonetheless, some earthworks are proposed under this application and are considered at Section 6. The earthworks are not considered to result in adverse impacts on surrounding land.</p>
2.41 Development on flood prone land	Development on flood prone land is to consider whether the development will adversely affect floor behaviour or alter flow distributions and will enable safe occupation of floor prone land.	As required by the Condition C11 of SSD 7348, the proposal has been designed in accordance with the <i>Flood Impact Assessment: Oakdale West Estate</i> prepared by Cardno. This ensures all necessary mitigation measures and pad levels respond to the flood prone nature of the Site.
2.44 Stormwater, water quality and water sensitive design	Development is to avoid or minimise the adverse impacts of stormwater on the land on which development is to be carried out, adjoining properties, riparian land, native bushland, waterways, groundwater dependent ecosystems and groundwater systems.	<p>The proposal ensures the effective management of stormwater as demonstrated by the Civil Report prepared by AT&amp;L (Appendix 3).</p> <p>The Civil Report details the stormwater management measures and water sensitive urban design principles implemented to ensure the development results in effective water quality treatment.</p>

Table 12: Assessment against the provisions of the Chapter 2 - WSEA

### Chapter 3 - Advertising and Signage

Chapter 3 of Industry and Employment SEPP aims to ensure that advertising and signage is well located, compatible with the desired amenity of an area and of high quality.

Chapter 3 of the Industry and Employment SEPP applies to all signage, advertisements that advertise or promote any goods, services or events and any structure that is used for the display of signage that is permitted under another environmental planning instrument.

The proposal includes signage as detailed in Section 3.3 of this report.

Section 3.11 of Chapter 3 of the SEPP requires the consent authority to assess the proposal against the criteria within Schedule 5 prior to granting consent to carrying out of any development on that land.

An assessment of these matters is provided in Table 13:



Schedule 5	Comment	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?	The proposed signage ensures compatibility with the desired character of the area as it will identify two future tenancies within the industrial estate and aids in wayfinding. The design of the signs is compatible with the proposed design of the warehouses reflected in materials and colour schemes.	Complies
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?		Complies
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?	<p>The proposal does not detract from any special areas.</p> <p>Signage oriented towards the west and south of the development has been limited and the two 'customer signs' proposed on these elevations at Building 4A are not illuminated to minimise impacts to nearby residential development. Further, landscaping will screen these signs from residences.</p> <p>All other signage is oriented within the OWE.</p>	Complies
3. Views and vistas		
Does the proposal obscure or compromise important views?	The proposed signs do not obstruct any views or vistas. No sign protrudes above the maximum building height or compromises an important view.	Complies
Does the proposal dominate the skyline and reduce the quality of vistas?		Complies
Does the proposal respect the viewing rights of other advertisers?		Complies
4. Streetscape, Setting or Landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposal is consistent with the streetscape, setting and landscape as it will identify the future Buildings 4A and 4B tenants and ancillary parking areas within the approved OWE.	Complies
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?		Complies
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage does not obscure, protrude or create unsightliness. There is no vegetation proposed with signage.	Complies
Does the proposal screen unsightliness?		Complies
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?		Complies

Schedule 5	Comment	Compliance
Does the proposal require ongoing vegetation management?		Complies
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?	The proposed signage is compatible with the characteristics of the Site and buildings as it provides wayfinding for the Site and identification signage.	Complies
Does the proposal respect important features of the site or building, or both?	The proposed signage scheme, including number of signs per tenant, is similar of that approved for other OWE development to the north west within precinct 3.	Complies
Does the proposal show innovation and imagination in its relationship to the site or building, or both?		Complies
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?	No associated devices proposed. The proposed signage is to be illuminated and will comply with the relevant Australian Standards.	Complies
7. Illumination		
Would illumination result in unacceptable glare?	The proposed illuminated signage will comply with the relevant Australian Standards so as to not result in unacceptable glare.	Complies
Would illumination affect safety for pedestrians, vehicles or aircraft?		Complies
Would illumination detract from the amenity of any residence or other form of accommodation?		Complies
Can the intensity of the illumination be adjusted, if necessary?		Complies
Is the illumination subject to a curfew?		Complies
8. Safety		
Would the proposal reduce the safety for any public road?	The proposal does not reduce the safety for any public roads, pedestrians or bicyclists. All signs have been located and designed not to compromise safety.	Complies
Would the proposal reduce the safety for pedestrians or bicyclists?		
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?		

Table 13: Schedule 5, SEPP Industry and Employment Consideration

### **5.7.2 State Environmental Planning Policy (Precincts – Western Parkland City) 2021**

#### *Chapter 4 - Western Sydney Aerotropolis*

The Aerotropolis Plan including Chapter 4 of *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* (Western City Precincts SEPP) and a Phase 1 DCP for the precinct was finalised on 13 September 2020.

Chapter 4 of the Western City Precincts SEPP rezones 6,500 ha of land to a range of employment, residential and environmental uses. The numerous rezoned precincts are the catalyst for the third city centred around the airport.

The OWE site is located to the north-west of the boundary of the Western Sydney Aerotropolis as shown in Figure 13. Notwithstanding, the OWE site is included in the Obstacle Limitation Surface (OLS) and the Wildlife Buffer Zone mapping under the Western City Precincts SEPP.

The OLS mapping prescribes a height limitation of 223.2 m for the eastern portion of the site and a limitation of 230.5m for the western portion of the site. Given the proposed warehouse height is within the limitations of SSD 7348, it will not impact flight paths. The application of the Western City Precincts SEPP does not impact the proposed construction of Buildings 4A and 4B.

The Wildlife Buffer Zone map includes the site between both the 13 km and 8 km buffer zones. Biodiversity issues were addressed under SSD 7348. Notwithstanding, a Biodiversity Impact Statement prepared by Ecologique (Appendix 8) accompanies this SEE and confirms there are no further impacts on biodiversity values as a result of the development.



Figure 13: Oakdale West Estate location in regard to the Aerotropolis (Source: Western City Precincts SEPP)

### 5.7.3 State Environmental Planning Policy (Planning Systems) 2021

The Planning Systems SEPP seeks to achieve an effective planning system that looks to the future, led by long term, evidence-based strategic planning that is inclusive, democratic, responsive to climate change and injects predictability into decision-making.

## Chapter 2 – State and regional development

Chapter 2 aims to identify development that is State Significant development (SSD), State Significant infrastructure, Critical State Significant infrastructure and Regionally Significant development.



While the Quantity Surveyor's Report (Appendix 6) estimates a total development cost of \$48,785,000 including GST, each building has a CIV of less than \$30 million and are not related to the same operation. Accordingly, the proposal is not classified as SSD under clause 12 of Schedule 1 of the Planning Systems SEPP.

However, the DA is regionally significant development, as per clause 2 of Schedule 6 of the Planning Systems SEPP and will be determined by the Sydney Western City Planning Panel.

#### **5.7.4 State Environmental Planning Policy (Transport and Infrastructure) 2021**

##### *Chapter 2 - Infrastructure*

Chapter 2 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP) aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, providing greater flexibility in the location of infrastructure and service facilities, allowing development of surplus government owned land, identifying environmental assessment categories and matters to be considered in assessments, and providing for consultation with relevant public authorities.

##### *Traffic generating development*

Section 2.121 requires that DAs for certain traffic generating development, as set out in Schedule 3 of the policy, be referred to Transport for NSW (TfNSW) and that any submission from TfNSW be considered prior to the determination of the application.

In accordance with the Transport and Infrastructure SEPP, warehouse and distribution development of 8,000m<sup>2</sup> or greater in size require referral to TfNSW. The application is therefore required to be referred to TfNSW.

An assessment of the key traffic impacts is provided at Section 6.4.

##### *Chapter 4 - Major Infrastructure Corridors*

In July 2020, DPE gazetted the Major Infrastructure Corridors SEPP which now forms Chapter 4 of the Transport and Infrastructure SEPP. Chapter 4 of the SEPP aims to preserve corridors for future major infrastructure and covers the Fairfield, Blacktown, Penrith, Liverpool, Camden and Campbelltown LGAs.

As shown on the mapping for the Major Infrastructure Corridors (Figure 14), an SP2 Infrastructure zone runs along the northern boundary of the site.



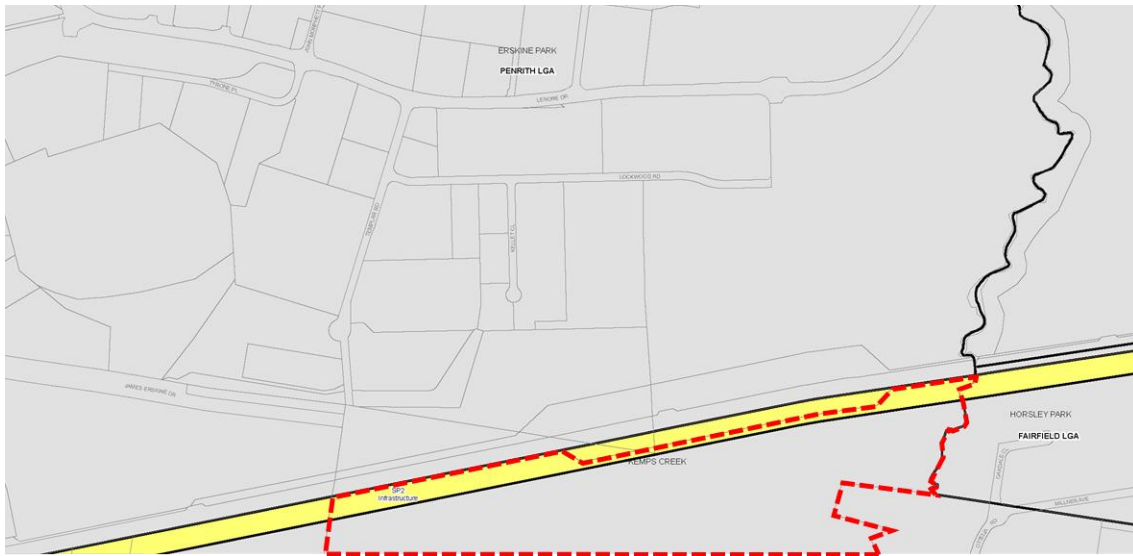


Figure 14: Major Corridors SEPP Map (OWE site outlined in red) (Base map source: Transport and Infrastructure SEPP)

The proposed construction of Buildings 4A and 4B does not impact on the application of Chapter 4 of the Transport and Infrastructure SEPP. Given the location and proximity of the Site to the SP2 zone, there is no potential for future conflicts between the corridor and the proposed development.

### 5.7.5 State Environmental Planning Policy (Resilience and Hazards) 2021

#### *Chapter 4 – Remediation of Land*

Chapter 4, *Remediation of Land* applies to the State and states that where a DA is made concerning land that is contaminated, the consent authority must not grant consent unless:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Contamination for the entire site was addressed as part of the Stage 1 development and Concept Plan under SSD 7348. The Site was assessed to be generally suitable for commercial and industrial uses.

### 5.7.6 State Environmental Planning Policy (Biodiversity and Conservation) 2021

#### *Chapter 2 - Vegetation in Non-Rural Areas*

Chapter 2 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (Biodiversity and Conservation SEPP) applies to the Penrith LGA.

As discussed in Section 2.1, estate-wide clearing was approved under SSD 7348 and biodiversity measures were implemented and satisfied as part of SSD 7348 (Section 5.4).

The Site does not require any further clearing of vegetation provided the approved Stage 1 works have been undertaken in accordance with SSD 7348. The attached Biodiversity Impact Statement prepared by Ecologique demonstrates that the proposal will not have any additional adverse impacts to biodiversity considering the approvals under SSD 7348 (Appendix 8).

#### *Chapter 9 - Hawkesbury-Nepean River*

Chapter 9, Hawkesbury-Nepean River sets out objectives and planning principles for development within the Hawkesbury/Nepean River catchment.

The OWE site is located within the Hawkesbury/Nepean River catchment designated in the Chapter 9 and the provisions are therefore applicable to the site.

The aim of the policy is to:

*“protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.”*

Section 9.4 of Chapter 9 provides general planning considerations to be considered for any DA located within the catchment of the Hawkesbury-Nepean.

The proposed development will ensure the protection of the Hawkesbury-Nepean River system through implementing mitigation measures to effectively manage construction and operational impacts.

This includes appropriate stormwater treatment processes, water sensitive urban design and sediment and erosion control measures to reduce any impacts and protect the Hawkesbury-Nepean River system as detailed in the attached Civil Report (Appendix 3).

The proposed development is examined to be an appropriate use and development of the Site given the existing approvals under SSD 7348, DA 20/0843 and DA 21/0440.

Section 6 of this report provides an assessment against all potential environmental impacts, including how the proposal will effectively address and alleviate any subsequent impacts to the surrounding environment, including the Hawkesbury-Nepean River.

### **5.8 SSD 7348 Concept Approval**

As discussed under Section 2.1.2, the Site is located within Precinct 4 of the OWE which was granted concept approval and Stage 1 works under SSD 7348. Schedule B and C of SSD 7348 include a number of conditions which need to be considered as part of future DAs. An eleventh modification to SSD 7348 is currently under assessment by DPE (SSD 7348 Mod 11). A further modification to SSD 7348 (Mod 12) is currently being prepared for lodgement with DPE shortly.

Schedule B provides a number of conditions for the concept proposal, including built form requirements for subsequent stage DAs. An assessment against the key numerical requirements of Schedule B is provided in

Condition	Control	Proposed	Complies
<b>Schedule B – Conditions for the Concept Proposal</b>			
B3 & B9(c)	Building Layout of Lot 4A not approved	Approval of building layout for Lot 4A is sought under this application	N/A
B9(a)	Max GLA for concept proposal	<p><b>Established</b> under Table 1 of SSD 7348 and the approved Estate Masterplan.</p> <p>Warehousing: 521,320m<sup>2</sup> Office: 22,673m<sup>2</sup> Other: 4,429m<sup>2</sup> Total: 599,455m<sup>2</sup></p> <p><b>Building 4A</b> Warehousing: 16,785m<sup>2</sup> Office: 650m<sup>2</sup> Other: N/A Total: 17,435m<sup>2</sup></p> <p><b>Building 4B</b> Warehousing: 14,700m<sup>2</sup> Office: 850m<sup>2</sup> Other: N/A Total: 15,550m<sup>2</sup></p> <p>As illustrated on the approved Mod 10 Masterplan, the maximum GLA for Precinct 4 is 120, 557 m<sup>2</sup>.</p> <p>The proposed development within Precinct 4 is in accordance with the Estate Masterplan approved under Mod 10 and would not exceed the maximum GLA.</p>	Y
B9(d)	Rooftop mechanical plant	<p>Rooftop mechanical plant on buildings on Lots 2C, 2D, 2E, 3A, 3B, 3C, 3D, 3E, 4A, 4B and 4E are not to be operated during the night-time period.</p> <p>The proposal does not include the night-time operation of rooftop mechanical plant.</p>	Y
B9(e)	Forklifts	<p>Forklifts are not to operate during the night-time period on Lots 2C, 2D, 2E, 3B, 3C, 3D, 3E, 4A, 4E and 5A.</p> <p>A modification application to SSD 7348 (Mod 12) to remove this restriction applying to Lot 4A is currently under preparation</p>	Y (subject to Mod 12)
B9(g)	Traffic operations	<p>All traffic associate with operation of the Development</p> <p>All future traffic associated with the development will utilise Compass Drive and future Southern Link Road.</p>	Y

Condition	Control	Proposed	Complies
		shall use the West North South Link Road, and the future SLR, to access the site and shall not use Bakers Lane or Aldington Road.	
B10	Min. building setbacks	Southern Link Road: 17.15m	Y
		Local estate roads: 7.5m	Y
		Southern site boundary: 20m	Y
		Rear boundary setbacks within the estate: 5m	Y
	Height	15m (including plant)	Y
	Minimum lot size	5,000m <sup>2</sup>	Y
	Minimum frontage	40m (excluding cul-de-sacs) 35m minimum lot width at the building line	Y
	Site coverage	Maximum of 65 per cent (excluding awnings)  Building 4A: 39% Building 4B: 53%  Total site coverage (Building 4A & 4B) is 45%	Y
B11	Ridge height	13.7m	Y (subject to Mod 12)
B13	Car parking	<p>1 space per 300m<sup>2</sup> of warehouse GFA; 1 space per 40m<sup>2</sup> of office GFA; and 2 spaces for disability parking for every 100 car parking spaces.</p> <p><b>Building 4A</b> 16,785 m<sup>2</sup> requires 56 spaces 650 m<sup>2</sup> requires 17 spaces Total required: 73</p> <p>Total provided: 73 inclusive of 2 disabled spaces</p> <p><b>Building 4B</b> 14,700 m<sup>2</sup> requires 49 spaces 850 m<sup>2</sup> requires 22 spaces Total required: 71 spaces</p> <p>Total provided: 71 inclusive of 2 disabled spaces</p>	Y

Condition	Control	Proposed	Complies
B14	Bicycle Parking and EoT facilities	<p>Bicycle racks, and amenity and change room facilities for cyclists in accordance with <i>Planning Guidelines for Walking and Cycling</i></p> <p>8 covered bike parks provided at each warehouse.</p> <p>End of trip facilities have also been provided in each respective office component of Buildings 4A and 4B</p>	Y
B18 and B19	Noise Limits	<p>Max noise limits provided in Table 3 of consent.</p> <p>Noise limits and mitigation measures are addressed in the Noise and Vibration Impact Assessment.</p> <p>The noise limits in Table 3 do not apply to receiver N3, N4 and N5 if the Applicant has a Noise Agreement with the relevant landowner to exceed the noise limits, and the Applicant has provided written evidence to the Planning Secretary that an agreement is in place.</p>	Y

Table 14: Assessment against key numerical condition requirements of SSD 7348

Schedule C of the consent provides a number of conditions for future DAs. An assessment against the key requirements of Schedule C is provided in Table 15.

Condition		Response	Complies
Schedule C – Conditions for Future Development Applications			
C1 & C2	Development Contributions	Noted	Y
C3.	Interface with Residential Areas	Urban Design Assessment prepared by Allen Jack+Cottier Architects applies to Lot 4A and is considered in Section 6.1.	Y
C4.	Future design approval	Approval from the consent authority for the design and layout of Lot 4A is sought under this application.	Y
C5.	Future DAs shall be accompanied by a Landscape Assessment	A Landscape Assessment accompanies the DA.	Y



Condition		Response	Complies
C6.	Outdoor lighting	The proposed outdoor lighting associated with Buildings 4A and 4B will be capable of complying with <i>AS/NZS 1158.3.1:2005 Pedestrian Area (Category P) Lighting</i> and <i>AS/NZS 4282:2019 Control of Obtrusive Effects of Outdoor Lighting</i>	Y
C7.	Signage – Illuminated signage is oriented away from the sensitive receivers	Illuminated signage is designed to be oriented away from sensitive receivers on the western and southern boundaries. Refer to the signage plans contained within the Architectural Drawings (Appendix 1). An assessment against the provisions of Industry and Employment SEPP – <i>Chapter 3 Advertising and Signage</i> is provided in Section 5.7.1	Y
C8.	Reflectivity – Buildings shall be designed to minimise glare	The façade materials and finishes will be of low reflectivity and neutral in colour to facilitate the proposal blending with the surrounding landscape	Y
C9.	Future DAs shall be accompanied by a transport, access and parking assessment	A Traffic Assessment has been prepared by Ason Group and contains transport, access and parking assessments (Appendix 7).	Y
C10.	Future DAs shall be accompanied by a noise and vibration impact assessment	A Noise and Vibration assessment has been prepared by RWDI (Appendix 14)	Y
C11.	Stormwater Management	Civil Engineering Plans and a Civil Report have been prepared by AT&L and detail how stormwater management from the proposed development will occur (Appendix 2 and Appendix 3 respectively).	Y
C12.	Bushfire Protection	A Bushfire Risk Assessment has been prepared by Blackash Bushfire Consulting (Appendix 15), which assesses the proposed development against the relevant provisions of <i>Planning for Bushfire Protection 2019</i> (PBP 2019)	Y
C17.	Waste	A Waste Management Plan has been prepared by SLR in accordance with Condition C17 (Appendix 10)	Y

Table 15: Assessment against Urban Design Assessment requirements of Condition C3 of SSD 7348

## **5.9 Penrith Local Environmental Plan 2010**

The Site is within the Penrith LGA. The *Penrith Local Environmental Plan 2010* (PLEP) regulates development throughout the Penrith LGA.

However, the provisions of the PLEP do not apply given the site is within the boundaries of the WSEA. Notwithstanding, the Applicant has consulted with Council during pre-lodgement meetings as detailed in Section 1.3 of this SEE.

## **5.10 Penrith Development Control Plan 2014**

The proposal is generally in accordance with the aims, objectives and key provisions of the Penrith DCP. A detailed assessment of the proposal against the relevant provisions of the Penrith DCP is provided at Appendix 16.

## **5.11 Environmental Planning and Assessment Regulation 2021**

There are no known matters prescribed by the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) that are relevant to the consideration of this application. The proposal will be compliant with the Building Code of Australia (BCA) as described in Section 6.14.

## **6 Environmental Planning Assessment**

Section 4.15(1)(b) of the EP&A Act requires an assessment of the impact of development on environmental impacts (natural and built), and social and economic impacts.

### **6.1 Built Form**

The proposed buildings have a maximum ridgeline height of 14.6m. External finishes include charcoal and grey metal wall sheet cladding, brickwork, stainless steel mesh for vertical plantings, pre-cast concrete and glazing to ensure the proposal is in keeping with the surrounding landscape and facilitates the development to settle within the surrounding landscape. The proposed materials and finishes are illustrated in the figures below and on the external finishes legend provided in the Architectural Plans (Appendix 1).

The western elevations of both buildings incorporate a graphic artwork element that will provide visual interest to Southern Link Road. The figures below provide a cross section from the north and western elevations that would be most visible from future Southern Link Road. Significant tree and shrub planting along the boundary to the future Southern Link Road will provide further screening and soften the built form.

A detailed Visual Impact Assessment (VIA) was prepared as part of the OWE Environmental Impact Statement under SSD 7348. The VIA analysed the extent of the visual impact for all stages of development of the OWE. SSD 7348 assessed the visual impact of warehouse building forms across the OWE as being acceptable, within the boundaries of the assessed building height, layout and landscaping. Notably, the VIA assumed that warehouses within the OWE were 'up to approximately 14 metres in height'. Therefore the results of the VIA are considered to remain applicable for the proposed height of Buildings 4A and 4B of 14.6 m.

The proposed 14.6 m ridgeline height is a minor height increase in the context of the built form character of the OWE, which is defined by large-scale warehouse buildings in a landscaped setting. This includes several warehouse buildings significantly higher than 14.6 m, including Building 1A (approved ridgeline height of 39 m), Building 2B (28m), Building 2C (22.2 m) and Building 2A (18 m). The proposed height increase of 0.9 m will have negligible visual impact in this context.



Figure 15: Warehouse 4A north and west Elevations (Source: SBA)

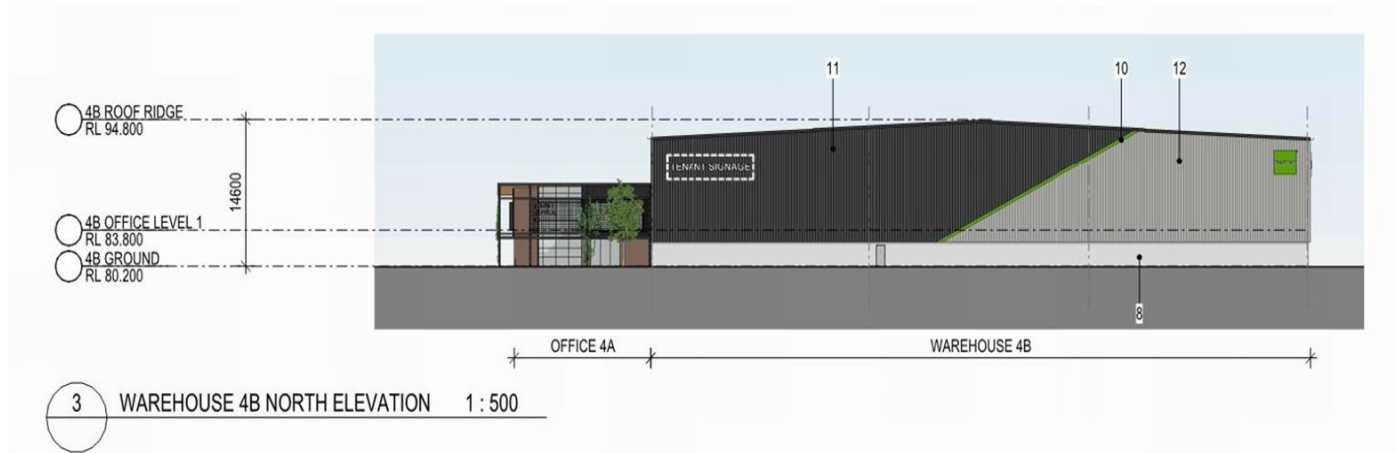


Figure 16: Warehouse 4B north and west elevations (Source: SBA)



The office components of both buildings are located on the nearest corners to the Site entrances, to provide articulation and materials wrapping around the warehouse corners. The stainless steel mesh provided to office entrances allows for vertical plantings to ensure an appropriate presentation to the street incorporating greenery into the building articulation as shown in Figure 17 and Figure 18 below.



Figure 17: West elevation of Office 4A (Source: SBA)



Figure 18: East elevation of Office 4A (Source: SBA)

As required by Condition C3 of SSD 7348, an independent Urban Design Assessment has been prepared by Allen Jack+Cottier Architects (Appendix 5). The proposal has taken into consideration the recommendations of this report and has been designed to mitigate adverse impacts to adjoining residential properties located to the south of the Site.

The Urban Design Assessment was conducted for Precinct 3 and Lot 4A, in relation to the sensitive receivers along their western and southern boundaries respectively. The Urban Design Assessment was undertaken with an assumed 15m warehouse height for building 4A. It concluded that the 20m building setback was appropriate for sensitive receivers to the south. Hence, given the proposed building height of 14.6 is within the height that was assessed, it is considered reasonable.

An assessment against the Urban Design Assessment recommendations is provided in Table 16. On the basis of this assessment, the built form and design of the proposed development is considered appropriate in the context of the Site and the surrounding locality.

Urban Design Assessment Recommendation	Response
<i>The 20m southern setback should include a minimum 6m landscaped area for screening, subject to bushfire analysis.</i>	Noted, the proposal includes a minimum 6m landscaped area for screening with the 20m southern setback.
<i>An approximately 150m western setback, measured from southwestern boundary corner, is required to protect straight-on view corridor to the mountains.</i>	Warehouse 4A is approximately 150m from the southwestern boundary corner of Lot 4A. Limited visual screening is provided along the southern boundary to ensure views to the Blue Mountains are maintained.
<i>Passive landscape design should be provided within the western setback area, with a layout that avoids use of the area as an open space by Estate staff.</i>	Passive landscape design is provided within the western setback area, with a layout including perimeter chainwire fencing, so as to avoid use of the area as an open space by OWE staff.
<i>All uses that generate activity – office, hardstand, parking – should be positioned well outside of the western setback area.</i>	Offices, parking and hardstand areas are positioned well outside the western setback area.  Car parking is located on the eastern side of Building 4A and 4B, away from the western setback area.
<i>Façade finishes should be muted without highlights, using the predominant colours as across the rest of the Estate.</i>	The façade materials and finishes are of low reflectivity and are neutral in colour facilitating the proposal to blend with the surrounding landscape.
<i>All surveillance equipment is to face away from, and not be visible to, southern sensitive receivers.</i>	No surveillance equipment is proposed to be visible from or facing towards southern sensitive receivers.

Table 16: Urban Design Assessment Recommendations

## **6.2 Open Space, Public Domain and Landscaping**

The proposal ensures an appropriate interface with the public domain through the provision of landscaping as shown in the Landscape Plans (Appendix 4).

The development of Lot 4A and 4B aims to expand on previous individual lot design within the OWE, reinforcing a consistent and robust landscape character, adhering to the high standard within the estate. The landscaping for Lot 4A and 4B includes over 100 native and exotic trees to maximise planting and mitigate urban heat island effects caused by the required hardstand areas.

Permeable surfaces of planting, low maintenance turf and gravel, will be maximised in order to reduce run-off. Plant typologies implemented are to be low maintenance and drought resistant, ensuring all new landscaped areas are water sensitive and tolerant of the harsh Western Sydney climate.

With the utilisation of water sensitive elements in carparks such as structural soil structure systems or similar, the large amounts of carpark hardscape will be broken up with significant tree planting.

The proposal includes generous landscape setbacks along the south western boundary to allow dense clustered planting. This will provide screening to immediate adjoining neighbours, road users, and other longer range views. These plantings also assist in defining the building edges and reinforce the main pedestrian entry points.

A landscape strip has been provided between every 6 car spaces as per the Penrith DCP requirements and is proposed to be vegetated with a variety of planting. There is also vegetation proposed around and throughout the outdoor area provided for employee amenity.

The Landscape Plan has been prepared in accordance with Condition C5 of SSD 7348. This ensures cohesion with the entire OWE in terms of a landscaping scheme.

The proposal has considered Part C14.1.4 of the Penrith Development Control Plan 2014, however the proposal was unable to meet the 40% canopy requirement. Across OWE, to date the Applicant has used a guiding principle of 1 tree per 10 spaces based on the number of parking spaces required and the landscape area available. If the car parking spaces were removed the proposal would not comply with the required car parking numbers. The proposed canopy cover of Lot 4A & 4B is 14% and 23% respectively, and the proposed development's tree planting will still provide long term solutions to address the Urban Heat Island Effect.

Landscaping has been carefully considered in relation to the building presentation along future Southern Link Road and Sepia Avenue. When combined with the proposed OWE streetscape design, large, meaningful strips of canopy trees with mass planting of shrubs and groundcovers will form a dense vegetative screen for the development. Once within the Site, tall feature trees help define the building edge and reinforce the main pedestrian entry points (refer to Figure 19 below).

Overall, the planting palette aspires to balance Council's environmental and planning requirements, while also staying consistent to the Applicant's high-quality landscape

identity that is reflected throughout each of their estates both in Oakdale and more broadly in Western Sydney.



Figure 19: Landscaping northwest corner of Lot 4B (Source: Scape Design)

### 6.3 Adjoining Residential Amenity

The nearest residential property has three residential structures positioned within a small area of a 13.4ha superlot at 20-52 Aldington Rd, directly south of the Lot 4A. The primary dwelling is the northernmost structure, set back approximately 17m from the property line and facing directly onto the OWE from a raised vantage point.

As demonstrated in the associated Noise and Vibration Assessment, Transport Assessment, Air Quality Impact Assessment, and Urban Design Assessment located in the appendices of this report, substantial mitigation measures have been implemented to reduce any potential impacts to the adjoining residential receivers.

These design measures have been implemented to alleviate any potential impacts to adjoining residential receivers. This includes carefully selecting materials which respond to the Site context, as well as providing appropriate setbacks and landscaping to minimise any adverse impacts.

### 6.4 Traffic and Transport

Traffic and transport issues and requirements were addressed under SSD 7348 for the OWE. Notwithstanding, a Transport Assessment has been prepared by Ason Group and accompanies this SEE (Appendix 7).



The Transport Assessment evaluates the existing and future road network and analyses the impact that the construction and operation of Lot 4A and 4B would have on its function. It notes the proposal will be serviced by the existing 779 bus route and that a new bus route has recently been approved to provide additional access for workers / visitors within OWE. This new bus service commenced from 24 October 2021 and will provide direct access to and from the St Marys Train Station. This introduction of a direct connection with the St Marys Train Station increases the accessibility of the Site via public transport services

The previous traffic assessment under SSD 7348 (as modified) considered cumulative traffic impacts for the entire OWE and included approved trip generation rates for Precinct 4. Under SSD 7348, Lot 4A and 4B are approved to generate 78 vehicle trips per hour during the AM and PM peak periods and a total of 902 trips per day.

The Transport Assessment anticipates that the development of Building 4A and 4B will result in a total hourly traffic generation of 54 vehicle trips during the AM and PM peak periods. The development is anticipated to generate a total of 624 vehicle trips throughout the day. The traffic generation associated with the proposed development falls within the total approved trip generation under SSD 7348.

The proposal provides 144 on-site spaces, 73 spaces for Tenancy 4A and 71 spaces for Tenancy 4B, in accordance with the car parking requirement established for the OWE site under Condition B13 of SSD 7348 and satisfying the needs of the future tenants.

Landscaped setbacks to Sepia Avenue and the Future Southern Link Road together with tree canopy planting within the car parking areas will be suitably screen these areas when viewed from the public domain.

Two accessible parking spaces are proposed for each tenancy in line with the requirements of Condition B13 of SSD 7348. Additionally, to encourage and support EV use, 5 EV charging stations are provided within each parking area.

Twelve loading bays are provided for Building 4A and 12 loading bays are provided for Building 4B to cater for the use of each tenancy as a warehouse and distribution centre. The loading bays are located to the south of the two warehouses to limit visibility from sensitive receivers and the public domain.

A covered bike area is proposed next to each of the office areas. Eight bicycle spaces are provided each for Building 4A and Building 4B. End of trip facilities provided in each office tenancy, including showers and changing areas are proposed to encourage active modes of transport.

A swing gate is proposed at the end of the right of way (near Cuprum Close) to prevent trucks entering the facility after hours and becoming stuck down the end of the right of way near Building 4A. During operational hours the gates will be programmed to remain open which will allow vehicles to be turned around safely.

The assessment provided by Ason Group confirms that traffic conditions will not be detrimentally impacted by the development, the proposed parking arrangements are



appropriate and that Site access, parking and service areas have been designed with regard to the relevant Australian Standards.

A preliminary Green Travel Plan has been prepared as part of the Transport Assessment (Appendix 7).

## 6.5 Noise and Vibration

A Noise and Vibration Assessment has been prepared by RWDI and is provided at Appendix 14.

A Noise Agreement between the Applicant and receiver N3, N4 and N5 has been made. As such, the criteria in Condition B18 of the Development Consent SSD 7348 are not applicable at receivers N3, N4 and N5. The locations of receivers are shown in Appendix 5 of the Development Consent SSD 7348 and the figure below. Note that the Noise and Vibration Assessment assumed that the 4m noise wall to the south of Building 4A has been completed prior to the warehouses commencing operation.

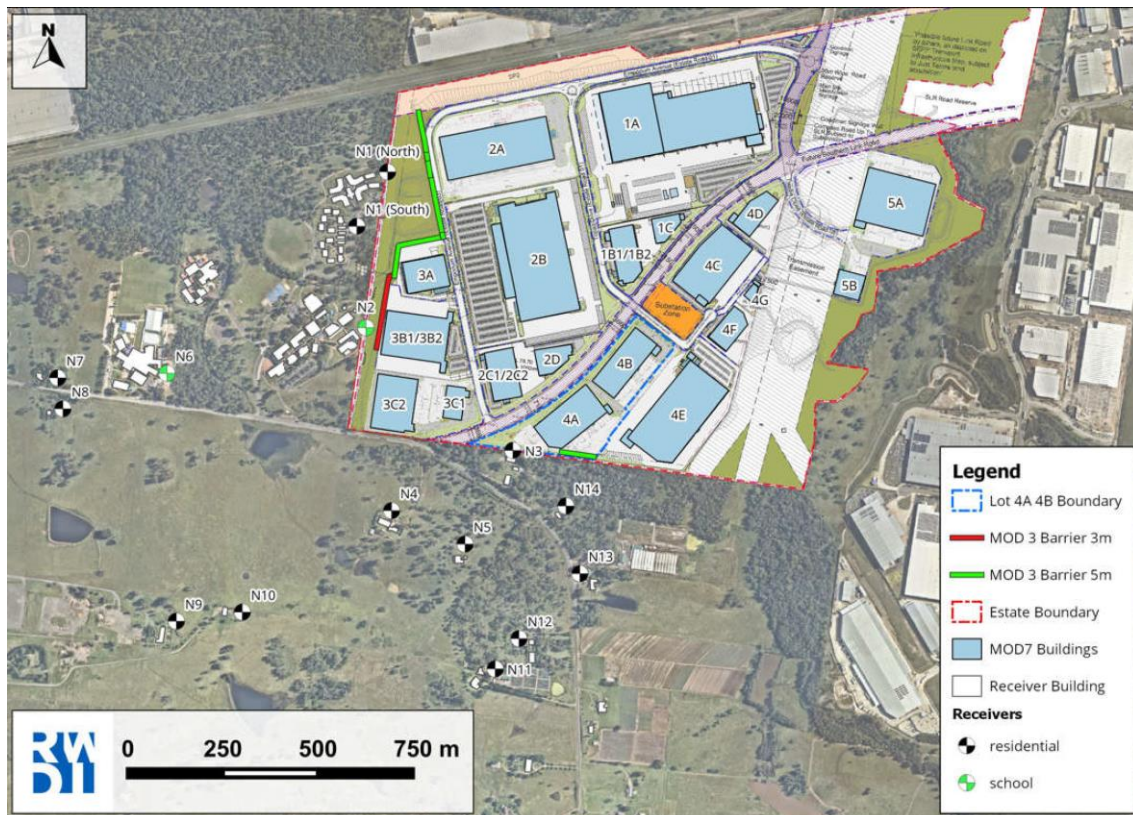


Figure 20: Sensitive Noise Receivers and Noise Wall Locations (Source: RWD1)

Existing background noise on land to the south and west of the Site is typical of a rural environment. The elevated noise and vibration levels as a result of the approved staged development will be managed and mitigated in accordance with the conditions of SSD 7348.

In particular, a 4m noise wall will be constructed along part of the southern boundary (as part of this DA), which will provide noise attenuation to nearby sensitive receivers.

Further, the 150m western setback and landscape bund along the western boundary will also assist to mitigate noise and vibration impacts.

### ***Operational Noise and Vibration***

The Noise and Vibration Assessment considers an operational noise scenario where the whole OWE is operational. The principal OWE operational noise sources comprise light and heavy vehicle movements, loading activities and fixed mechanical service plant. Noise modelling of these sources has been undertaken to determine potential noise impacts associated with the proposed staged operation of the modified OWE.

In conclusion, the noise and vibration assessment found:

- *The operation of full development of the OWE is predicted to comply with the operational noise criteria during the day, evening and night time periods.*
- *An assessment of potential sleep disturbance has been undertaken considering heavy vehicle brake releases and reverse alarms. Sleep disturbance prediction indicate that noise impact would comply with the relevant criterion.*

### ***Construction Noise and Vibration***

The Noise and Vibration Assessment found that construction noise scenarios are generally predicted to be within the Construction Noise Management Levels established by the *NSW Interim Construction Noise Guideline*. The assessment noted that exceedances are predicted for receivers N11 to N14 and details a series of noise mitigation measures to be applied during construction to minimise and mitigate noise impacts to the impacted receivers.

These mitigation measures include minimising use of multiple noisy plant items, enforcing regular compliance checks, orienting equipment away from sensitive receivers and pre-construction community consultation with affected receivers.

The assessment found no vibration impacts are anticipated during the proposed works.

## **6.6 Air Quality**

An Air Quality Statement has been prepared by SLR Consulting (Appendix 13). The purpose of the statement is to review the existing Air Quality Impact Assessment that was approved under SSD 7348 and determine whether a revision of this was required for the proposed construction of Building 4A and 4B.

The construction and operation of Building 4A and 4B will not have a detrimental impact to air quality. The operation of the warehouse and distribution centres within the development are not expected to be of an offensive or hazardous nature.

The statement concludes that the extent of construction works is unlikely to change from the concept approval as a result of Building 4A and 4B and, therefore, dust emissions would remain low. In addition, the emissions arising from the operation of the development are well below the guideline levels. On this basis, SLR has determined that an updated Air Quality Impact Assessment was consequently unwarranted by the proposal.

## **6.7 Waste Management**

The proposal ensures that waste management occurs in a safe and orderly manner. Waste is to be recycled and disposed of in accordance with the *Waste Avoidance and Resource Recovery Act 2001*.

In accordance with Condition C17 of the consent under SSD 7348, a Waste Management Plan (WMP) has been prepared by SLR Consulting (Appendix 10). This plan seeks to identify all potential waste likely to be generated at the site during construction and operational phases, including a description of how waste would be handled, processed and disposed of, or re-used or recycled, in accordance with Council's requirements.

The plan includes a comprehensive waste management methodology for variation waste types expected at the site. The WMP effectively addresses construction and operational waste generated by the proposal.

## **6.8 Stormwater Management**

The Site is a part of a larger catchment which discharges into Bio-Retention Basin No.4, located directly east of Precinct 4.

Lot 4A is approximately 4.73 ha The proposed stormwater discharge point is located to the northeast of Lot 4A. An existing stormwater stub is provided into Lot 4A for connection into stormwater system contained within the Right of Way 01 (constructed under SSDA 7348). A Gross Pollutant Trap (GPT) will be provided to capture the gross pollutants generated within Lot 4A before discharging to Right of Way 01.

Lot 4B is approximately 2.61 ha The proposed stormwater discharge point is located to the northeast of Lot 4B. An existing stormwater stub is provided into Lot 4B for connection into the stormwater system within Road No. 6 (now called Cuprum Close). A GPT will be provided to capture the gross pollutants generated within Lot 4B before discharging into Road No.6.

The use of rainwater harvesting in rainwater tanks from runoff on the roofs of the warehouse is proposed and provides a valuable alternative to potable water for a variety of non-potable end uses, such as air conditioning cooling, toilet flushing and watering. Rainwater tank size is determined in accordance with the Penrith DCP 'C3 Water Management' to meet 80% of non-potable demand for irrigation and toilet flushing.

Condition C11 of SSD 7348 requires that all future DAs within the OWE are to be consistent with the *Civil, Stormwater and Infrastructure Services Report* prepared by AT&L and the *Flood Impact Assessment: Oakdale West Estate* prepared by Cardno approved under SSD 7348.

A Civil Report (Appendix 3) has been prepared by AT&L detailing stormwater drainage from the proposal and demonstrates how it meets Council requirements. This includes Finished Floor Levels (FFLs) having minimum 500mm freeboard to 1 in 100 year overland flows and the installation of a GPT on the final downstream stormwater pit which will be maintained by the Applicant. These litter baskets will catch 90% of all gross pollutants in accordance with Council's *Water Sensitive Urban Design Policy*.

## 6.9 Earthworks

Civil Engineering Plans have been prepared by AT&L and are provided at Appendix 2. The plans demonstrate that construction of the development will require earthworks including 39,437m<sup>3</sup> of cut and 5,907m<sup>3</sup> of fill which results in an export balance of 33,831m<sup>3</sup>.

The following retaining walls are proposed:

- RW01 - centred on the boundary between Building 4A and 4B
- RW02 - centred on the Northern boundary of Building 4B

Refer to Figure 21 below for the location of the proposed retaining walls.

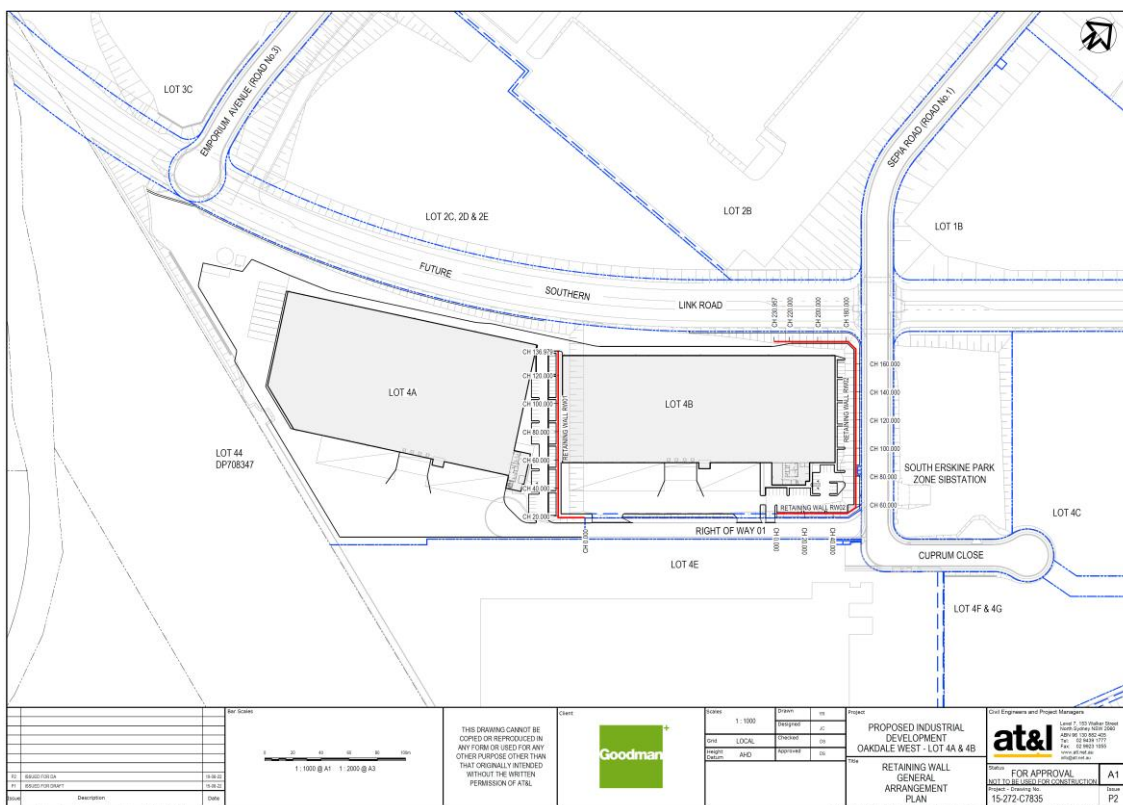


Figure 21: Location of retaining walls (Source: AT&L)

The Civil Plans and Civil Report (Appendix 3) demonstrate that the retaining walls will not impede, divert or concentrate stormwater runoff passing through the Site.

A cross section is provided at the start of the internal road, showing: the maximum height of the retaining wall adjoining Warehouse 4B; the retaining wall adjoining the Warehouse 4A site; the location of the safety / guard rail; footpath, and landscaping. Refer to the Civil Plans at Appendix 2.

The proposed earthworks are not anticipated to result in any adverse impacts.



## 6.10 Bushfire

The Site and surrounding land is identified on Council's Bushfire Prone Land Map as 'Vegetation Category 2', except for an area of Category 1 to the south. All the vegetation within the OWE has since been cleared as part of the OWE development.

Under section 4.46 of the EP&A Act, the proposal is not required to be referred to NSW Rural Fire Service as it does not include subdivision for residential purposes or development of a special fire protection purpose.

A Bushfire Risk Assessment (BRA) for the development was prepared by Blackash Bushfire Consulting (BBC) (Appendix 15), which provides an assessment of the development against the relevant provisions of *Planning for Bushfire Protection 2019* (PBP 2019).

The BRA has modelled the Bushfire Attack Levels (BALs) applicable to the Site to measure the severity of the site's potential exposure to ember attack, radiant heat and direct flame contact. The BRA modelling concludes that the majority of the Site is 'BAL-Low', meaning there is insufficient risk to warrant specific construction requirements. The southern perimeter of the Site is identified as BAL 19, BAL 29, BAL 40 and BAL Flame Zone.

Accordingly, the BRA recommends that Asset Protection Zones (APZs) be established and maintained as an inner protection area in accordance with Figure 22 below.

The BRA concludes that the proposed development conforms to the relevant specifications and requirements of PBP 2019 and can respond and implement an appropriate level of bushfire protection measures.




**Legend**

- |   |  |
|---|--|
|  Subject Land          | <b>Vegetation Formation</b>  |
|  Asset Protection Zone |  Coastal Valley Grassy Woodland |



Date: 27/09/2022  
 0 12.525 50 75  
 Metres

Coordinate System: GDA 1994 MGA Zone 56

Figure 22: Asset Protection Zones (Source: Blackash Bushfire Consulting)

### **6.11 Environmental Sustainability**

The proposal allows for ecologically sustainable development (ESD) principles to be implemented through the incorporation of Australian best practice sustainability initiatives and is consistent with the principles of ESD.

A Sustainability Management Plan (SMP) prepared by SLR Consulting has been provided at Appendix 11. The plan identifies all potential energy saving schemes that are to be implemented during the operational phase of the development, as well as water saving recommendations.

An assessment has also been provided in the SMP of the energy use onsite and the implementation of ESD principles. This ensures that there is no unnecessary growth in greenhouse gas emissions or consumption of natural resources.

### **6.12 Construction Management**

A Construction Environmental Management Plan (CEMP) will be prepared as required by Condition C18 of SSD 7348 prior to any construction works commencing on this stage of development. The CEMP will address the following key matters:

- pedestrian and traffic management
- hours of construction work
- noise and vibration
- waste management
- air quality.

It is considered subject to the preparation and implementation of the CEMP, that the impacts arising from the construction of the development can be mitigated and managed.

### **6.13 Development Contributions**

A Voluntary Planning Agreement (VPA) between the Applicant and DPE was entered under Section 7.4 of the EP&A Act. In accordance with the adopted VPA, the application of Sections 7.11 and 7.12 of the EP&A Act is not excluded in respect of the development.

Therefore, Council's Section 7.12 Development Contributions Plan for non-residential development applies to the proposed development.

### **6.14 Building Code of Australia**

A BCA Assessment Report has been prepared by Blackett Maguire + Goldsmith and is included at Appendix 12. The report provides an assessment of the current design proposal for the development against the Deemed-to-Satisfy Provisions (DtS) of the Building Code of Australia 2019. The report also considers the *Disability Discrimination Act 1992 Disability (Access to Premises — Buildings) Standards 2010*, which are generally consistent with the accessibility provisions of the BCA.

The BCA report concludes that the proposed development can readily achieve compliance with the relevant provisions of the BCA. Where compliance matters are proposed to comply with the Performance Requirements (rather than DtS Provisions), the development of a Performance Solution Report will be required prior to the issue of

the relevant Construction Certificate. The design will be reviewed by an appropriately qualified person prior to the issue of a Construction Certificate for the proposed works.

### **6.15 Fire Safety Strategy**

A Fire Safety Strategy (FSS) was prepared by Affinity Fire Engineering and is included at Appendix 9. The objective of the FSS is to inform the design of the buildings and meet the requirements of the acceptable level of fire safety. The FSS considers Performance Solutions intended to satisfy the Performance Requirements of the BCA to account for non-compliances with the DtS provisions and proposed fire engineering requirements.

The FSS found that the proposal is capable of meeting the Performance Requirements of the BCA and included proposed performance solutions where non-compliances were identified to ensure an appropriate level of fire safety.

### **6.16 Suitability of the site**

The characteristics of the Site, its land use context and its location are described in Section 2 of this SEE. The Site is suitable in accommodating the proposed development for the following reasons:

- the proposal facilitates the development for industrial uses which will generate job opportunities within an area identified and zoned for industrial and employment related uses
- there are multiple constructed and approved warehouses in the locality and the proposal is entirely consistent with the prevailing land uses and built form
- the proposal is consistent with the approved Concept and Stage 1 SSD 7348 approval as modified
- adequate separation and mitigation measures have been provided for surrounding sensitive land uses.

Accordingly, it can be concluded that the site is entirely suitable to accommodate the nature and scale of the proposal.

### **6.17 Submissions**

The proposal will be notified in accordance with the Council's notification policy. Council officers will consider any submissions received prior to the determination of the application.

### **6.18 Public interest**

The proposal is in the public interest as it will achieve the following:

- provides two large new warehouse and distribution centres on a site that is appropriately zoned for such purposes
- delivers employment generating development in Western Sydney in close proximity to key transport links, in accordance with the strategic objectives of the Industry and Employment SEPP and the District Plan
- positively contributes to the wider development of the WSEA
- provides a range of benefits for the region, through a capital investment value of over \$48 million in the Penrith LGA.

In addition, Council will consider any public submissions relating to the proposal during its assessment. Accordingly, it can be concluded that the proposed development is entirely in the public interest.



## **7 Conclusion**

This SEE supports a DA for the construction and operational use of Building 4A and Building 4B within Precinct 4 of the OWE.

This SEE has been prepared and is submitted to Council pursuant to the provisions of Part 4 of the EP&A Act. A detailed examination of the proposed warehouses in their legislative and physical context has found that the proposal:

- is consistent with the current legislative framework
- is consistent with the relevant strategic documents
- is suitable for the Site and the area, after an assessment against the heads of consideration of section 4.15(1) of the EP&A Act
- meets the objectives of the IN1 zone under the Industry and Employment SEPP
- is in accordance with the requirements of the conditions of consent under SSD 7348
- will not lead to any adverse traffic or pedestrian safety issues
- will not result in any environmental impacts or adverse impacts on the amenity of surrounding land

Consequently, approval of this DA is recommended.