



Statement of Environmental Effects

Oakdale West Industrial Estate
Buildings 4C and 4D
Lot 119 DP 1281374



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

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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 9-11 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 (SSD) 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) with a further modification currently under assessment. Subsequent DAs for other stages have since been approved by Penrith City Council (Council) or DPE. Modification 12 to SSD 7348 (Mod 12) was recently lodged with DPE and relates to this proposal with an updated masterplan and an increase in the maximum warehouse ridge height to 14.6 metres (m).

This DA seeks consent from Council for the construction, operation, use and fit-out of Buildings 4C and 4D 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 4C and 4D, providing two separate tenancies (4C & 4D), 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, landscaping, electric vehicle charging stations, solar panels, signage and associated civil works including retaining walls.

As the Applicant has not secured specific tenants at this stage, the approval being sought is for 24/7 general warehousing and distribution use. 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 4C and 4D 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 \$50,880,000 excluding GST 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 Visual 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 bulk, height and scale of the development is consistent with the prevailing built form character of the OWE and surrounding development of Oakdale Central, Oakdale South and Erskine Park, which includes similar warehousing and distribution development.

The proposed warehouse buildings are consistent with the building height and layout of the Modification 12 to SSD 7348. To ensure cohesive built form design outcomes within the OWE, buildings 4C and 4D utilise colorbond metal wall sheet cladding and metal deck roofing, Architectural Brickwork, precast concrete dado panels, and metal roller shutters, consistent with the design intent of the broader OWE.

Furthermore, it is noted that buildings 4C and 4D are located centrally within the OWE and distant from sensitive receivers to the west and south. The site's topography and approved development in Precincts 1, 2, 3 and 4 further ensure visibility of Buildings 4C and 4D will be limited from sensitive receivers.

The built form and design of the proposal 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 4C and 4D includes over 200 native and exotic trees to maximise planting and mitigate potential urban heat island effects from the required hardstand areas.

Proposed planting also aims to screen the development from users along the future Southern Link Drive and Tundra Close.

Landscaped strips have been generally provided between 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 modification, 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 4C and 4D will result in a total hourly traffic generation of 60 vehicle trips during the AM and PM peak periods. The development is anticipated to generate a total of 697 vehicle trips throughout the day.

The proposal provides 164 on-site spaces, 136 spaces for Lot 4C and 28 spaces for Lot 4D, in accordance with the car parking requirements under Condition B13 of SSD 7348 and satisfying the needs of the future tenants. Three accessible parking spaces are provided at Lot 4C and one is provided at Lot 4D, in line with the requirements of Condition B13 of SSD 7348. Additionally, to encourage and support Electric Vehicles (EV) use, 8 EV charging stations are provided within the parking areas (6 in Lot 4C and 2 in Lot 4D).

Twenty truck loading bays are provided for Building 4C and six for Building 4D to cater for the use of each lot as a warehouse and distribution centre. A covered bike area is proposed next to the Building 4C office area and in the south west corner of Lot 4D. Fourteen bicycle spaces are provided for Building 4C and six are provided for Building 4D.

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.

In particular, a 4m noise wall will be constructed along part of the southern boundary of the OWE site as part of DA22/1110 for Lots 4A/4B. The noise wall, in addition to buildings on Lot 4A and 4E, will provide noise attenuation to nearby sensitive receivers.

A Noise and Vibration Assessment specific to the proposal has been prepared by RWDI (Appendix 14). It 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 noise scenarios are predicted to be fully compliant with the Construction Noise Management Levels established by the *NSW Interim Construction Noise Guideline* for all receivers. Mitigation measures are provided, should any revised predictions be found to exceed the Construction Noise Management Levels.

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). The SEE accompanies a development application (DA) for the construction of Buildings 4C and 4D, providing two separate tenancies and their use and fit out as warehouse and distribution centres in Precinct 4 at the Oakdale West Industrial Estate (OWE), at 9-11 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 (SSD) 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 DAs for other stages have since been approved by Penrith City Council (Council) or the Department of Planning and Environment (DPE). This DA is for the final two lots in the OWE.

The proposed buildings form part of the larger OWE which comprises 154 hectares (ha) 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 4C and 4D as warehouse and distribution centres
- fitout of both tenancies (office area and warehouse racking)
- ancillary office space
- external hardstand, car and truck parking and storage
- temporary set down and storage of goods on hardstand area as they are moved from loading bay to warehouse
- retaining walls and minor civil works to provide a pad ready site for development
- site landscaping
- signage
- electric vehicle charging stations
- 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
Bushfire Risk Assessment	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
Penrith DCP Assessment	Appendix 15
Response to issues raised in Pre-Lodgement Meeting	Appendix 16

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 \$50,880,000 excluding 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. It is understood that modification 12 must be determined prior to determination of this application.

1.3 Pre-lodgement meeting with Council

On 27 October 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 16.

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 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.

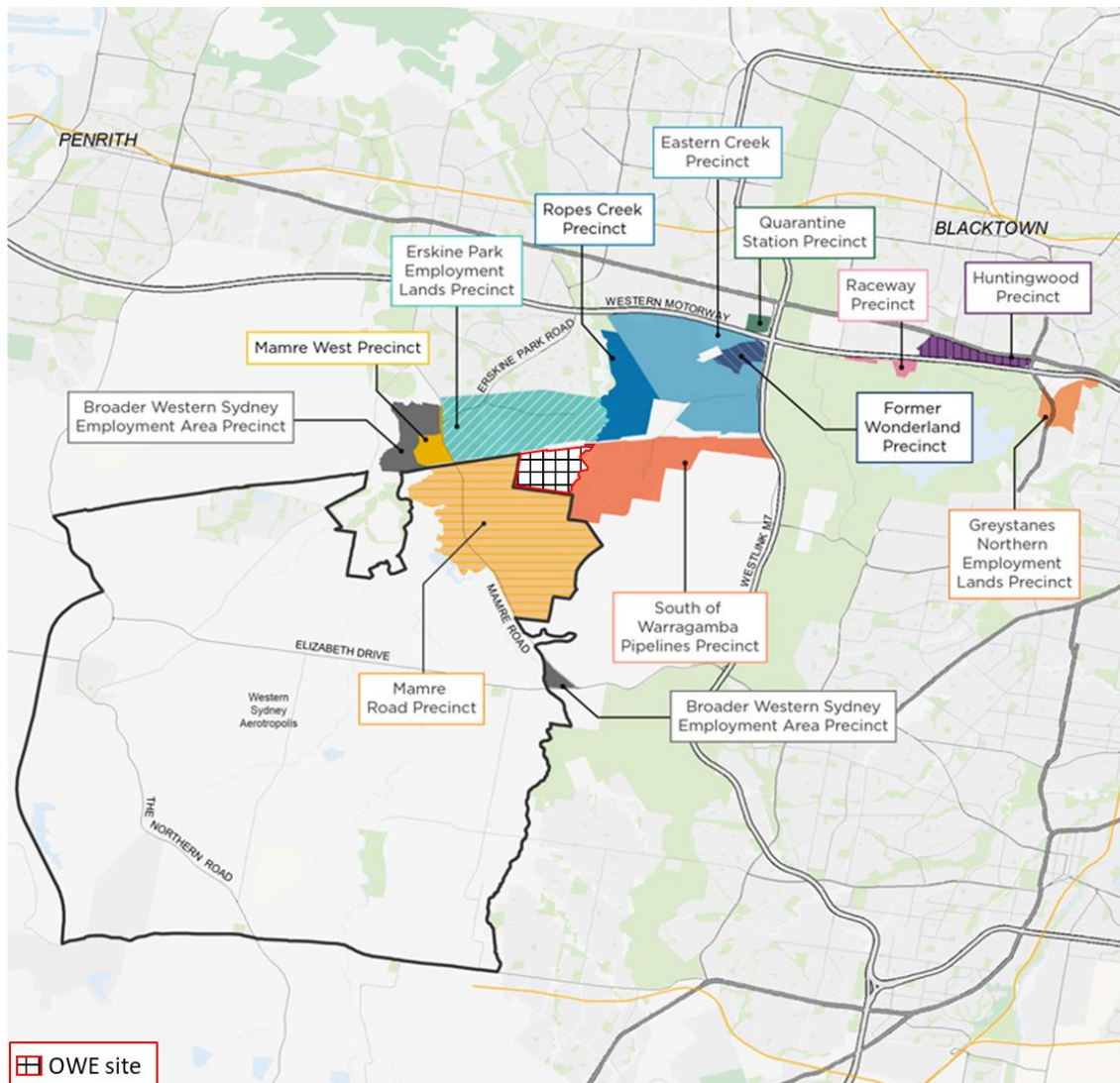


Figure 2: OWE site and surrounding OWEA context (Base Source: DPE)

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.

Development of the OWE site commenced in 2020 following the approval of SSD 7348, including the construction of OWE site infrastructure and warehouses in Precinct 1. At this stage, warehouse buildings in Precincts 1 to 4 are operational or currently under construction.

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 5 m 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, on the western boundary of the OWE site, also completed.

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 22.79 ha. Figure 3 shows the OWE Masterplan proposed under Mod 12 (OWE Masterplan). Figure 4 shows the Precinct 4 context including works approved under SSD 7348.

Under Condition B3 of SSD 7348, the building layout for Buildings 4C and 4D are approved (noting that it currently proposed to modify this layout through MOD 12, as discussed in Section 2.3.1). The warehouse pads within Precinct 4 are benched, serviced and ready for aboveground construction. SSD7348 approved the infrastructure to these development pads. It is noted that additional minor civil works and retaining walls are proposed under this current application.

As noted above, a noise wall as required under the consent for SSD 7348 has been constructed along the western boundary of the OWE site. A 4 m high noise wall is proposed to be constructed south of Precinct 4 under the Lot 4A/4B DA (DA22/1110), which is currently being assessed by Council. This wall will be completed by practical completion of the proposed development.



Figure 3: OWE Masterplan under Mod 12 (Source: SBA Architects)



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

2.1.3 Lot 4C and 4D

The proposed development is located in the northern portion of Precinct 4 and is in the southwestern corner of Lot 111 DP 1262310. The Site is located to the west of a Transgrid transmission easement. The Site is shown at Figure 5 with Figure 6 showing the earthworks and infrastructure that exists at the Site, as of 29 November 2022.

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
- Transgrid Transmission Easement, 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.



Figure 6: The Site as of 29 November 2022 (Source: Nearmap)

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:

- **Masterplan update** - to account for proposed Building Lot 4C & 4D building footprint update
- **Condition B9(e)** - remove night-time forklift operation restrictions at Lot 4A

- **Condition B11** - update ridgeline height for Warehouse 4A, 4B, 4C & 4D from 13.7m to 14.6m

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>	<p>Approved: 9/04/2020</p> <p>Operational</p>
SSD 9794683	<p>Stage 3 development of the OWE approved the following:</p> <ul style="list-style-type: none"> • construction of Warehouses 2A, 2C and 2D within Precinct 2 of the OWE • the subsequent fitout and use of the proposed warehouses • associated earthworks and landscaping. <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>	<p>Approved: 16/12/2021</p> <p>2A operational 2C/2D under construction</p>
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 35,560m² 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 of the condition B28 (requiring an updated fire study), was approved by DPE on 14 July 2022.</p>	<p>Approved: 29/10/2021</p> <p>Operational</p>

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	A development application for Building 3A within Precinct 3 was approved for: <ul style="list-style-type: none"> the construction and use of Building 3A as a warehouse and distribution centre signage, landscaping and associated works Torrens Title subdivision of Precinct 3. 	Approved: 15/04/2021 Operational
DA 21/0440	A development application for Building 3B within Precinct 3 of the OWE was approved for: <ul style="list-style-type: none"> the construction and use of Building 3B, providing two tenancies, for warehouse and distribution centre uses signage, landscaping and associated works Torrens Title subdivision to create 2 lots. 	Approved: 25/11/2021 Operational
DA 22/0550	A development application for Building 3C-1 and 3C-2 was submitted for: <ul style="list-style-type: none"> the construction and use of Building 3C-1 and 3C-2 as a warehouse and distribution centre signage, offices, parking, hardstands and associated site works. 	Lodged: 06/06/2022 Under assessment
DA22/0546	A development application for Building 5A and 5B within Precinct 5 was submitted for: <ul style="list-style-type: none"> the construction and use of Building 5A and 5B as a warehouse and distribution centre signage and associated landscape and civil works and 2 Lot Torrens Title Subdivision 	Lodged: 15/06/2022 Under assessment
DA22/1110	A development application for Building 4A and 4B within Precinct 4 was submitted for: <ul style="list-style-type: none"> Construction and use of Buildings 4A & 4B as a warehouse and distribution facility and ancillary works 	Lodged: 21/11/2022 Under assessment

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 4C and 4D, 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 4C and 4D as warehouse and distribution centres including:</p> <ul style="list-style-type: none"> • ancillary office space • associated truck and car parking areas • loading bays • temporary set down of goods on hardstand area as they are moved from loading bay to warehouse • site landscaping • signage • fit-out (office area and warehouse racking) • earthworks • electric vehicle charging • solar panels • 24/7 hour operation

Table 5: Project Overview

The proposed development includes the construction of Buildings 4C and 4D, within Precinct 4 of the OWE, providing two separate tenancies and their use and fit out as warehouse and distribution centres 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 and retaining walls 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 7 and Appendix 1.

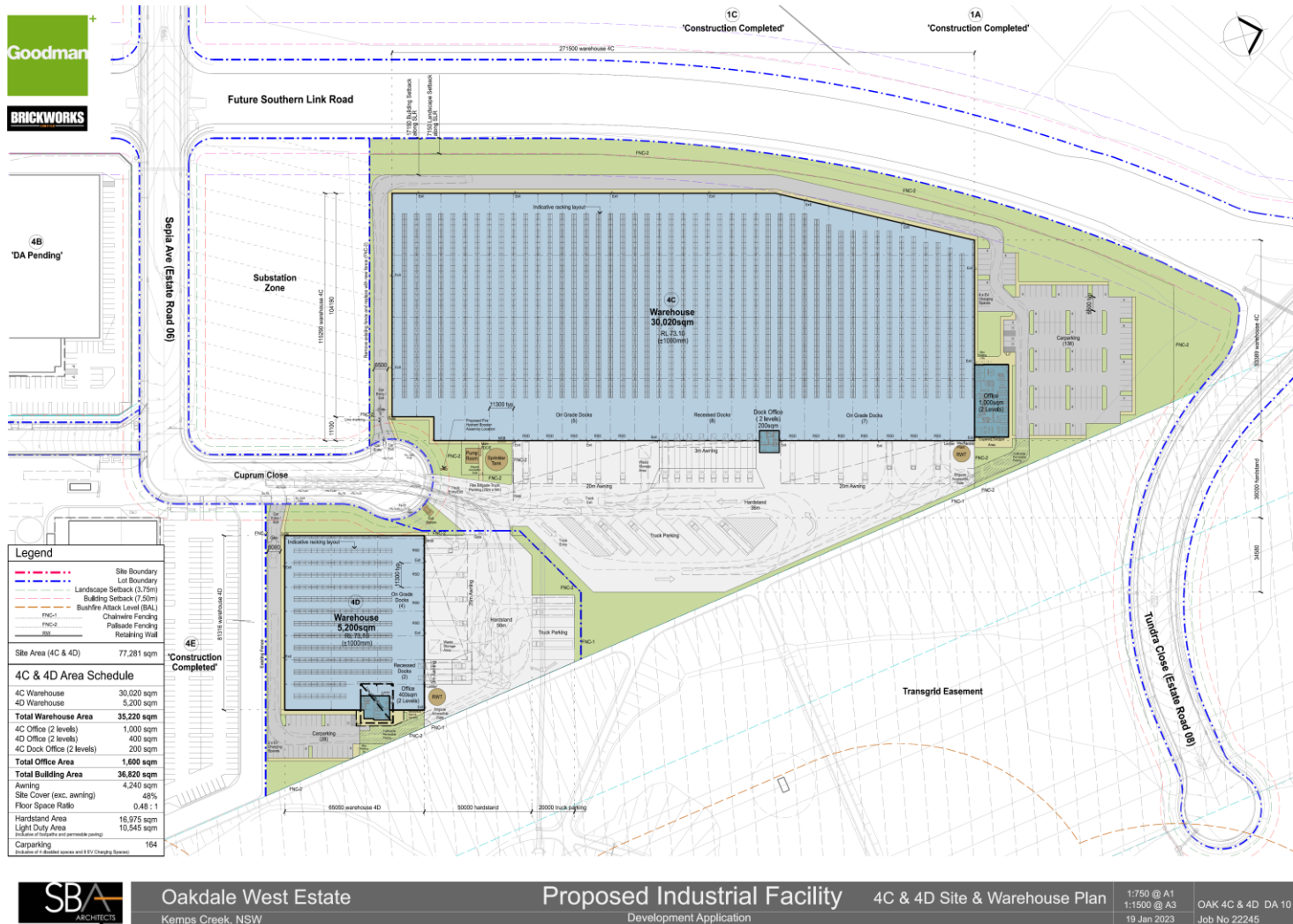


Figure 7: Proposed layout of Buildings 4C and 4D (Source: SBA Architects)

Element	Warehouse 4C		Warehouse 4D	
Site Area	77,281m ²			
GFA	36,820m ²			
Warehouse	30,020 m ²		5,200 m ²	
Office	1,000 m ²		400 m ²	
Dock office	200 m ²		-	
Total	31,220m ²		5,600 m ²	
Height				
Ridge (excl rooftop solar and mechanical plant)	14.6m	14.6m	14.6m	14.6m
Car Parking	136		28	
Loading Docks	20		6	
Cost	\$50,880,000 (excluding GST)			
Hours of Operation	24 hours, 7 days a week			

Table 6: Warehouse detailed design

The layout of Lot 4C and 4D differs slightly to the approved OWE Masterplan and requires a modification to SSD 7348. As detailed at Section 2.3.1, Mod 12 currently seeks to amend the consent approval to reflect the proposed development.

3.1 Built Form

The height and scale of the proposed Buildings 4C and 4D are generally consistent with the building envelopes in the approved OWE Masterplan (as modified).

The proposed warehouses are generally rectangular in shape, with a truncated corner on the north-west corner of Warehouse 4C. The office at Building 4D is two levels and located in the south eastern corner of Building 4D, partly within the warehouse footprint and partly projecting outwards. The main office at Building 4C is two levels and extends outwards from the building envelope at the northern elevation. Building 4C includes a two level, 200 m² dock office on its eastern elevation. The office components have been designed to face over the carparking and landscaped areas, 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 elevation of Building 4C incorporates 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.

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

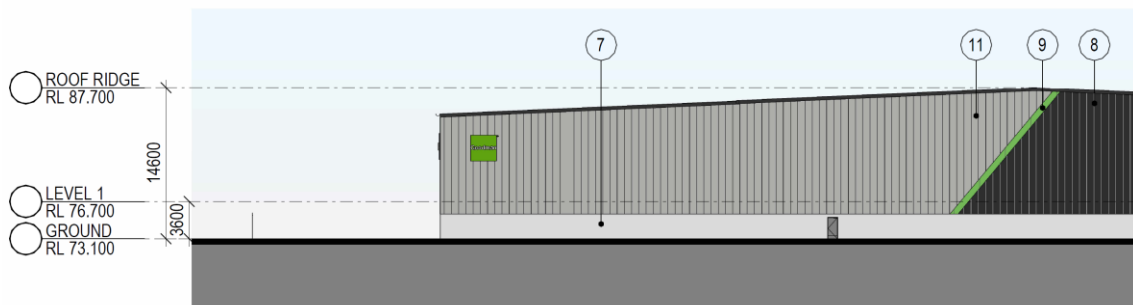


Figure 8: Warehouse 4C South Elevation (Source: SBA)

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 200 native and exotic tree species which seek to ensure all large expanses of built form, parking and utility areas are appropriately screened by vegetation. 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 have been generally provided between every 6 car parking spaces which softens the hardstand areas.

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 users of internal roads and footpaths. Once within the site, tall feature trees help define the building edge and reinforce the main pedestrian entry points. Landscape verticality will also be provided through entry markers where possible, which are used at precinct nodes and driveway entry points to establish a network of wayfinding features.

Extensive landscaping is provided along the northern 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 9 below.



Figure 9: Proposed Landscape Plan (Source: Scape Design)

3.3 Signage

The proposal includes provision of sixteen (13) 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	Warehouse 4C	Warehouse 4D
Illuminated Goodman Façade Signs	2	1
Non-illuminated Tenant Signs	4	2
Illuminated Car Wayfinding Pylon Signs	1	1
Illuminated Truck Wayfinding Pylon Signs	1	1

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. Two non-illuminated tenant signs are proposed on the northern and western elevations of Building 4C. In addition, illuminated wayfinding signs are proposed in the north-western and south western corners of Building 4C. These signs may be visible by users of future Southern Link Road, however, are considered appropriate given they will be effectively screened by setbacks and landscaping.

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 4C and 4D contain 136 and 28 car parking spaces respectively. The car parking spaces for Building 4C are separated for each tenancy – Warehouse 4C on the northern boundary and Warehouse 4D on the eastern side. All of the car parking is adjacent to the relevant buildings and office spaces for ease of access. The car parking is to be accessed from specific car entry/exit driveways on the western and eastern side of the Cuprum Close cul-de-sac for entry to Building 4C and 4D respectively.

The proposed truck access to Buildings 4C and 4D will be facilitated via a shared access driveway at the Cuprum Close cul-de-sac. Separate car and truck entry / exit points are provided for Lots 4C and 4D on Cuprum Close.

Loading bays are provided to each of the warehouse buildings. Materials and goods associated with the use of Buildings 4C and 4D will be loaded to and from the warehouses. This may require goods being temporarily set down and stored outside as they are moved from the warehouses to the loading bays. The loading bays are accessed from dedicated truck entry and exit gates within the Site area.

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 4C and 4D 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 10, 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.

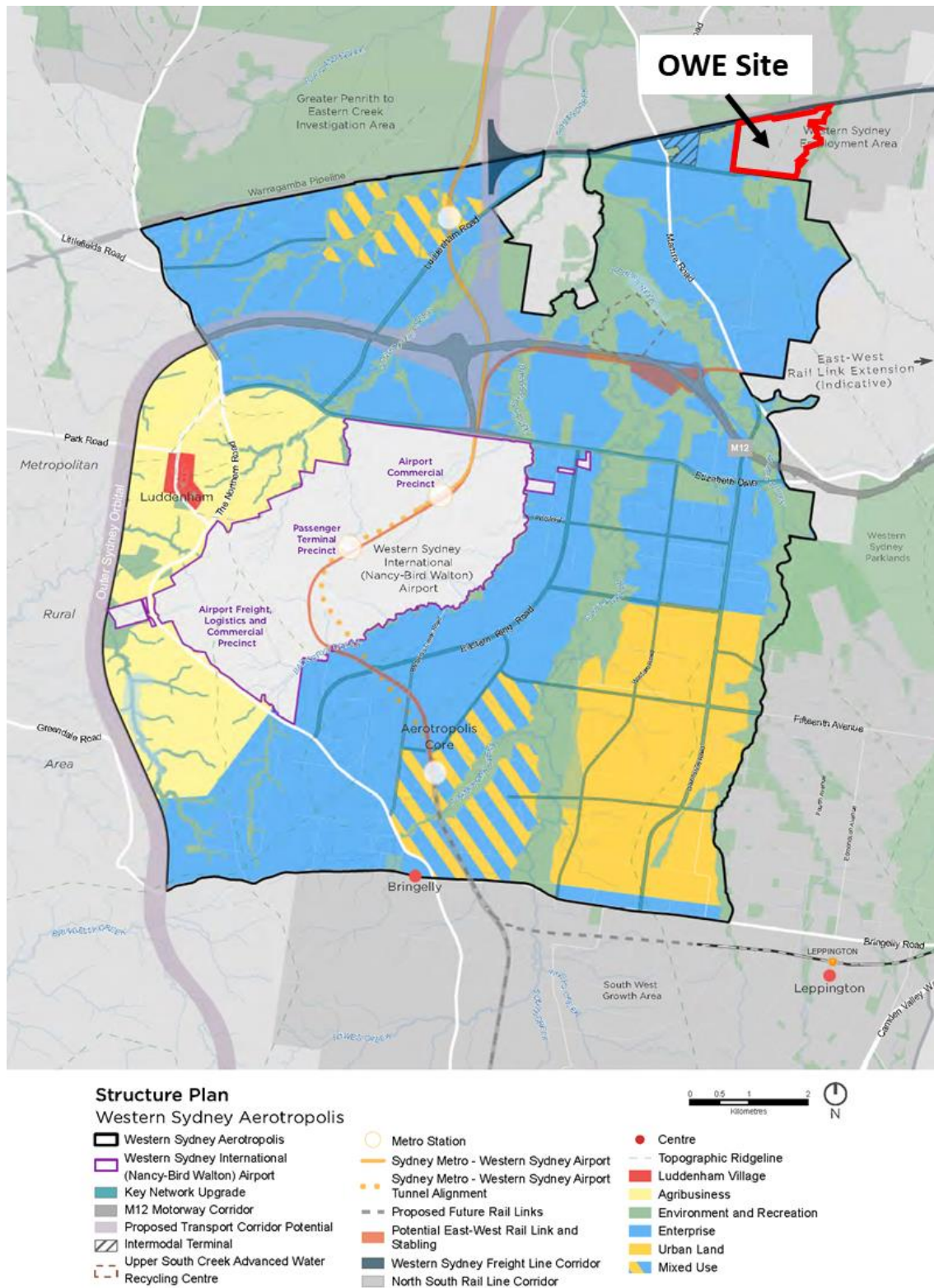


Figure 10: Western Sydney Aerotropolis Structure Plan (Base source: Western Sydney Planning Partnership)

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 Site 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 proposed 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 proposal.
(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>	The proposal meets the Concept Plan requirements of SSD 7348 as well as ensuring good design outcomes by utilising similar colours and materials to approved warehouses within the OWE.
(h) <i>to promote the proper construction and maintenance of buildings, including the</i>	The development will be constructed in accordance with any conditions of approval issued by the consent authority and the

Objective	Comment
<i>protection of the health and safety of their occupants,</i>	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 15.
<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.
<i>(iv) 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.
<i>(v) (Repealed)</i>	N/A
<i>(b) the likely impacts of that development, including environmental impacts on both the natural and built</i>	The impacts of the proposal are addressed in Section 6.

Relevant Provision	Comment
<i>environments, and social and economic impacts in the locality,</i>	
(c) <i>the suitability of the site for the development,</i>	Site suitability is addressed at Section 6.15.
(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 Section 6.17.

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 5). 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 four 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 Affinity Fire Engineering (Refer Appendix 9) accompanies this SEE. The Fire Safety Strategy demonstrates that the proposed construction and operation of Buildings 4C and 4D achieves an acceptable level of life safety within the buildings and satisfy the Performance Requirements of the BCA.

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 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 proposed 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 proposed 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 11. 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.

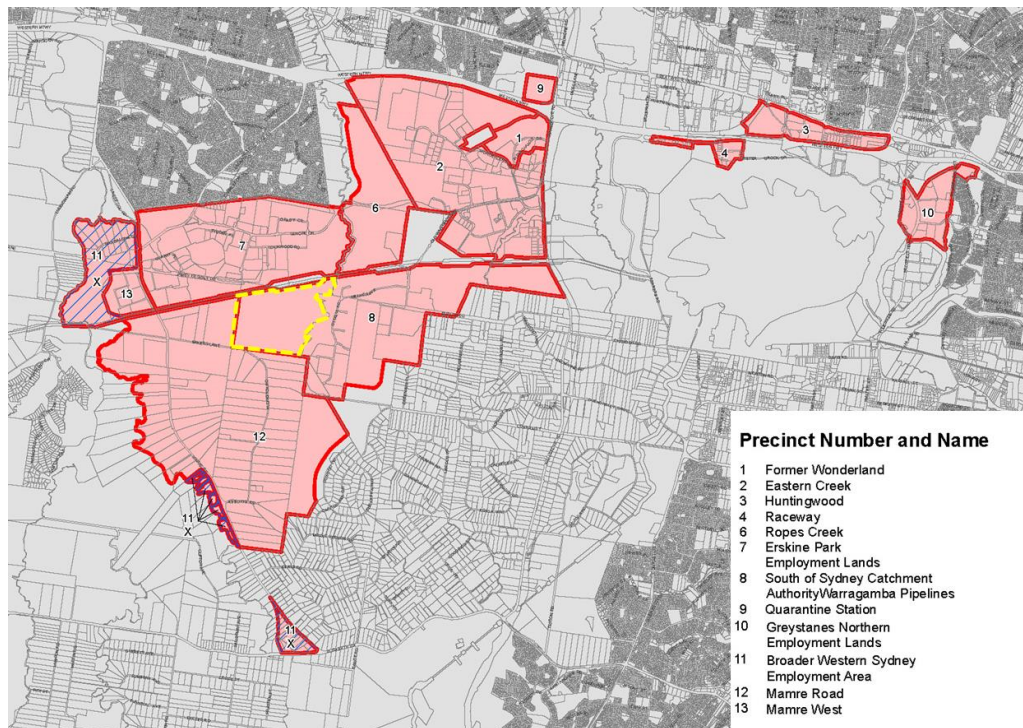


Figure 11: WSEA boundary identifying the OWE (Source: Industry and Employment SEPP)

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 36,820 m ² 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 14 km south west of the M4 and 6 km 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 Warehouses 4C and 4D 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.	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 15) and the development controls provided under the consent for SSD 7348 (Section 5.8). It is noted that controls prescribed under SSD 7348 are in the process of being

Section	Provision	Response
		incorporated into the next amendment to the PDCP 2014.
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 4C and 4D will have a maximum ridge height of 14.6 m (excluding solar panels). Building heights for the OWE are established through Condition B10 of SSD 7348. As discussed in Section 3, it is proposed to increase the maximum ridgeline height for Warehouses 4C and 4D through the Mod 12 request.
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>
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>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 in the aforementioned technical reports and their recommendations are 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.	The availability and connection to public utility infrastructure was addressed under SSD 7348. Notwithstanding, the proposed development can be connected to public infrastructure as detailed in the accompany Civil Report.
2.25 Development on or in the vicinity of proposed	Consider any comments of the Director-General as to the compatibility of the development with proposed	This clause has been considered as part of the development of the Concept Proposal for the OWE.

Section	Provision	Response
transport infrastructure routes	transport infrastructure routes.	
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 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 Building 4C incorporates a graphic artwork element that will provide visual interest.</p> <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 Tundra Close.</p> <p>Design details and landscaping are further discussed in Section 6.2 demonstrating appropriate design outcomes for the development given its context and location within the OWE and broader WSEA.</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 Buildings will result in a height of approximately 87.7m 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	The proposal will not penetrate the prescribed airspace.

Section	Provision	Response
	compromised by development that penetrates 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 development in close proximity to the Airport.	As detailed above, the development and operation of Buildings 4C and 4D will not hinder the operation of 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	The majority of earthworks required to facilitate the development of Buildings 4C and 4D are approved under SSD 7348 (as modified). 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.
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.	The proposal ensures the effective management of stormwater as demonstrated by the Civil Report prepared by AT&L (Appendix 3). 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.

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 four 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>There are no residential receivers that will be able to view the signage proposed. Signage on the northern and western boundaries of Warehouse 4C is limited to two non-illuminated customer signs and two illuminated Applicant signs.</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 Warehouse 4C and 4D 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
The proposed signage does not obscure, protrude or create		

Schedule 5	Comment	Compliance
<i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i>	unsightliness. There is no vegetation proposed with signage.	Complies
<i>Does the proposal screen unsightliness?</i>		Complies
<i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i>		Complies
<i>Does the proposal require ongoing vegetation management?</i>		Complies
5. Site and Building		
<i>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?</i>	The proposed signage is compatible with the characteristics of the Site and buildings as it provides wayfinding for the Site and identification signage. The proposed signage scheme, including number of signs per tenant, is similar of that approved for other OWE development.	Complies
<i>Does the proposal respect important features of the site or building, or both?</i>		Complies
<i>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</i>		Complies
6. Associated Devices and Logos with Advertisements and Advertising structures		
<i>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?</i>	No associated devices proposed. The proposed signage is to be illuminated and will comply with the relevant Australian Standards.	Complies
7. Illumination		
<i>Would illumination result in unacceptable glare?</i>	The proposed illuminated signage will comply with the relevant Australian Standards so as to not result in unacceptable glare.	Complies
<i>Would illumination affect safety for pedestrians, vehicles or aircraft?</i>		Complies
<i>Would illumination detract from the amenity of any residence or other form of accommodation?</i>		Complies
<i>Can the intensity of the illumination be adjusted, if necessary?</i>		Complies
<i>Is the illumination subject to a curfew?</i>		Complies
8. Safety		

Schedule 5	Comment	Compliance
<i>Would the proposal reduce the safety for any public road?</i>	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
<i>Would the proposal reduce the safety for pedestrians or bicyclists?</i>		
<i>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</i>		

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 12. 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 4C and 4D.

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.

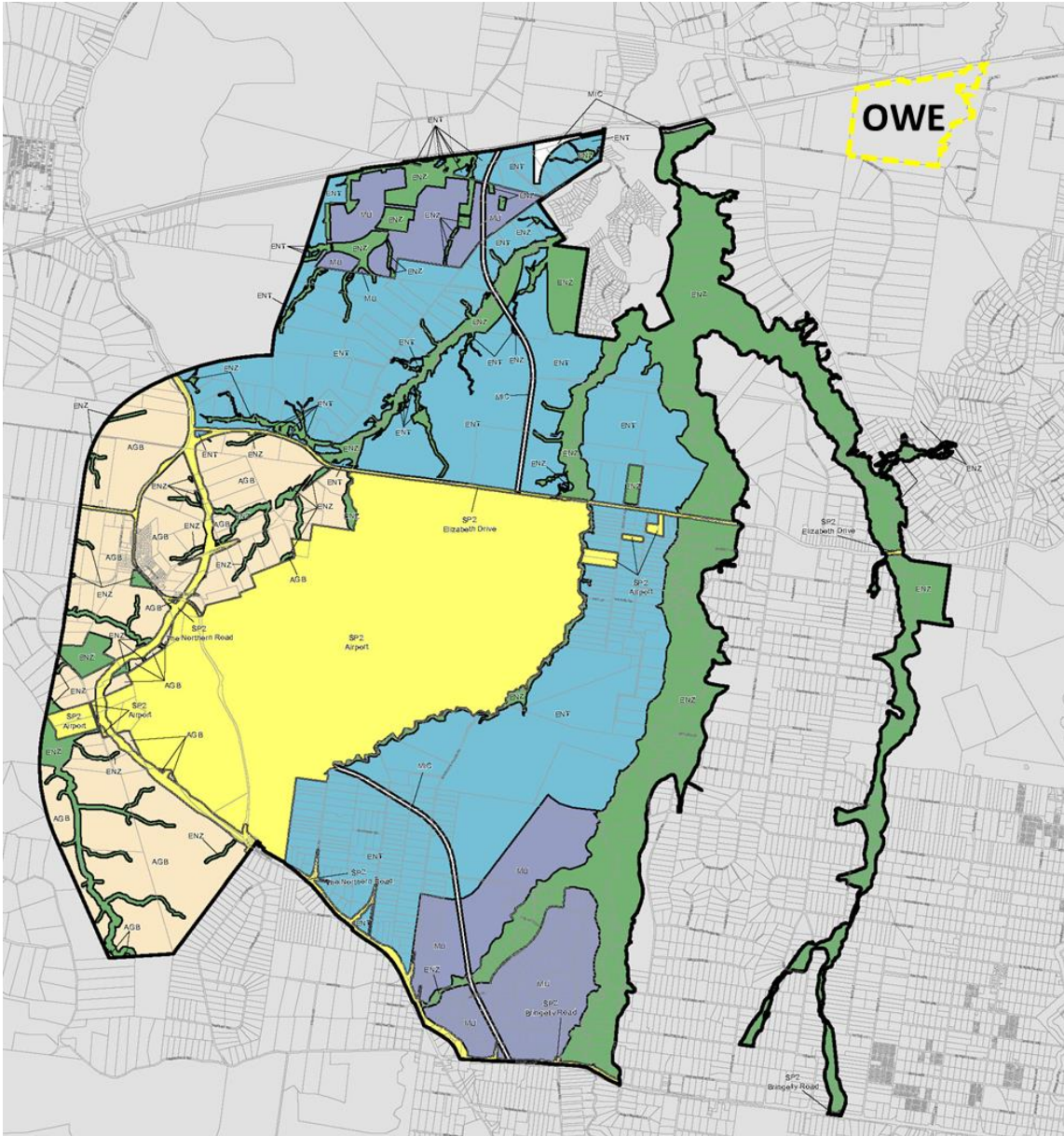


Figure 12: Oakdale West Estate location in regard to the Aerotropolis (Source: Western City Precincts SEPP)

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 \$50,880,000 excluding 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 8,000m² 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 6.3.

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 13), an SP2 Infrastructure zone runs along the northern boundary of the OWE site.

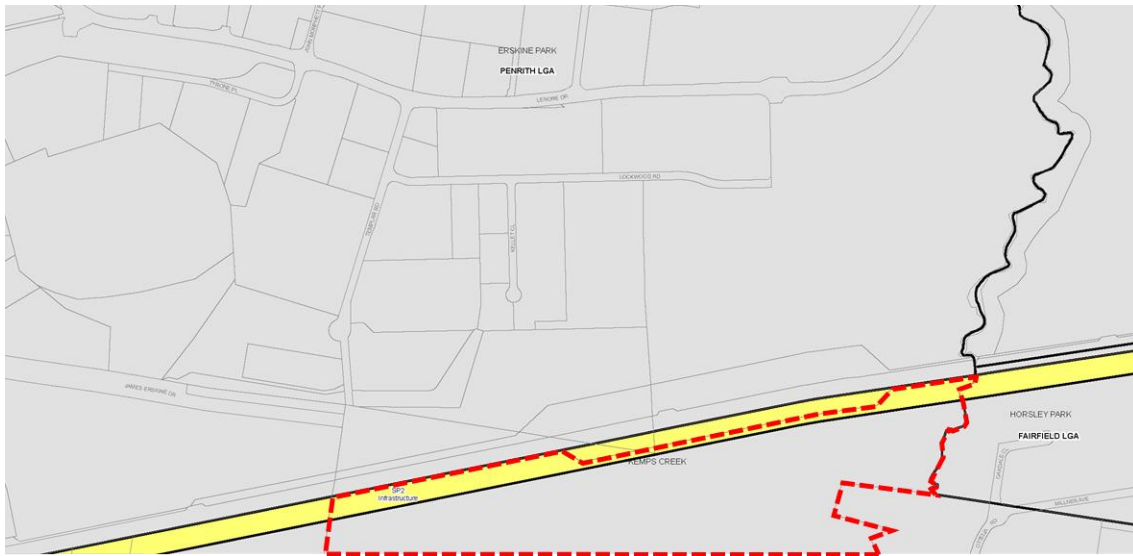


Figure 13: Major Corridors SEPP Map (OWE site outlined in red) (Base map source: Transport and Infrastructure SEPP)

The proposed construction of Buildings 4C and 4D 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).

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 the table below.

Condition	Control	Proposed	Complies
Schedule B – Conditions for the Concept Proposal			
B3 & B9(c)	Building Layouts of Lot 4C and 4D were approved.	SSD 7348 Mod 12 seeks an amendment to the approved building layouts for Lot 4C and 4D to reflect the layout of the proposed buildings.	Y
B9(a)	Max GLA for concept proposal	<p>Established under Table 1 of SSD 7348 and the approved Estate Masterplan under Mod 10.</p> <p>Warehousing: 521,320m² Office: 22,673m² Other: 4,429m² Total: 599,455m²</p> <p>Building 4C Warehousing: 30,020 m² Office: 1,200 m² Other: Total: 31,220 m²</p> <p>Building 4D Warehousing: 5,200 m² Office: 400 m² Other: N/A Total: 5,600 m²</p> <p>As illustrated on the approved Mod 10 Masterplan, the maximum GLA for Precinct 4 is 120,557 m².</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

Condition	Control		Proposed	Complies
B9(g)	Traffic operations	All traffic associate with operation of the Development 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.	All future traffic associated with the development will utilise Compass Drive and future Southern Link Road.	Y
B10	Min. building setbacks	Southern Link Road: 17.15m	>17.15m setback provided to SLR	Y
		Local estate roads: 7.5m	>7.5m setback provided to Cuprum Close and Tundra Close	Y
		Side boundary setbacks: 0 m subject to compliance with fire rating requirements	>0m	Y
	Height	15m (including plant)	14.6 m ridge height proposed	Y
	Minimum lot size	5,000 m ²	Lot size is 77,281 m ²	Y
	Minimum frontage	40m (excluding cul-de-sacs) 35m minimum lot width at the building line	Lot 4C frontage to Future Southern Link Road exceeds 40 m minimum.	Y
	Site coverage	Maximum of 65 per cent (excluding awnings)	Total site coverage (Building 4C & 4D) is 48%	Y
B11	Ridge height	14.6m (subject to Mod 12)	14.6m ridge height proposed	Y (subject to Mod 12)
B13	Car parking	1 space per 300m ² of warehouse GFA; 1 space per 40m ² of office GFA; and 2 spaces for disability parking for every 100 car parking spaces.	Building 4C Warehouse GFA: 30,220 m ² requires 101 spaces Office GFA: 1,200 m ² requires 30 spaces Total required: 131 Total provided: 136 inclusive of 3 disabled spaces Building 4D Warehouse GFA: 5,200 m ² requires 18 spaces	Y

Condition	Control		Proposed	Complies
			Office GFA: 400 m ² requires 10 spaces Total required: 28 spaces Total provided: 28 inclusive of 1 disabled space	
B14	Bicycle Parking and EoT facilities	Bicycle racks, and amenity and change room facilities for cyclists in accordance with <i>Planning Guidelines for Walking and Cycling</i>	Bicycle racks are proposed as follows: <ul style="list-style-type: none"> 14 at Warehouse 4C 6 at Warehouse 4D End of trip facilities have also been provided in each respective office component of Warehouses 4C and 4D.	Y
B18 and B19	Noise Limits	Max noise limits provided in Table 3 of consent.	Noise limits are addressed in the Noise and Vibration Impact Assessment.	Y
B21	TransGrid Easement	The Applicant must: <ul style="list-style-type: none"> (a) provide safe and unobstructed access for TransGrid plant and personnel to access the transmission towers, lines and easement on the Site, 24 hours a day, 7 days a week; (b) comply with the requirements of TransGrid for any works in the TransGrid easement; and (c) advise TransGrid of any proposed amended or modified encroachment into the easement. 	The Applicant has commenced consultation with TransGrid during the preparation of this application and will continue this consultation following DA lodgement. The design and layout of Building 4C and 4D has ensured that no built form encroaches on the TransGrid easement.	Y
B22.	Endeavour Energy	The Applicant must comply with the requirements of Endeavour Energy for the provision of land for a new zone substation as	The proposed development is compliant with the requirements of the Endeavour Energy substation zone. This is demonstrated in the Architectural Plans at	

Condition	Control	Proposed	Complies
	shown on the plans in the RtS.	Appendix 1, that align with the Mod 12 Masterplan.	

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
C5.	Future DAs shall be accompanied by a Landscape Assessment	A Landscape Assessment accompanies the DA (Appendix 4).	Y
C6.	Outdoor lighting	The proposed outdoor lighting associated with Buildings 4C and 4D 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. 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	Y

Condition		Response	Complies
		(Appendix 5), which assesses the proposed development against the relevant provisions of <i>Planning for Bushfire Protection 2019</i> (PBP 2019)	
C13, C14	TransGrid Easement	The Applicant has consulted with TransGrid regarding the proposed encroachments into the TransGrid easement, with no concerns raised during these discussions.	Y
C15	Endeavour Energy	The relevant approvals from Endeavour Energy will be obtained prior to the construction of any utility works to service Lots 4C and 4D of the OWE development.	Y
C17.	Waste	A Waste Management Plan has been prepared by SLR in accordance with Condition C17 (Appendix 10)	Y
C18	Construction Management	A CEMP will be prepared for the construction of Buildings 4C and 4D, in accordance with this condition, and will be implemented for the proposal.	Y
C19	Community Communication Strategy	This strategy has been prepared for the OWE and will be implemented for the proposal.	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 PDCP 2014. A detailed assessment of the proposal against the relevant provisions of the PDCP 2014 is provided at Appendix 15.

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 6.13.

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 elevation of Building 4C incorporates 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 4C and 4D of 14.6 m. The VIA did not identify any sensitive receivers that would have sightlines to the proposed development.

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 14: Building 4C north and west elevations (Source: SBA)

The office component of Warehouse 4D is located on its eastern boundary and would not be visible from Cuprum Close. The office at Warehouse 4C is located in the northeast corner of Lot 4C and would have limited visibility from future Southern Link Drive and would be visible from Tundra Close. 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 the figures below.



Figure 15: Perspective of Office 4C from north east (Source: SBA)



Figure 16: Perspective of Office 4D from south east (Source: SBA)

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 4C and 4D 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 4C and 4D includes over 200 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.

Landscape strips have been generally provided between every 6 car parking spaces as per the PDCP 2014 requirements and are proposed to be vegetated with a variety of planting. There is also vegetation proposed around and throughout the outdoor areas provided for employee amenity.

The proposal includes generous landscape setbacks along the north and western boundaries to allow dense clustered planting. Landscaping has been carefully considered in relation to the building presentation along future Southern Link Road, Cuprum Close and Tundra Close. 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 17 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 17: Landscaping northern corner of Lot 4C (Source: Scape Design)

6.3 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 4C and 4D would have on its function. A public transport study of the locale demonstrates that currently, the Site and surrounding area is serviced by an existing bus route, 779, within very close proximity. This 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 4C and 4D are approved to generate 56-58 vehicle trips per hour during the AM and PM peak periods and a total of 675 trips per day.

The Transport Assessment anticipates that the development of Building 4C and 4D will result in a total hourly traffic generation of 60 vehicle trips during the AM and PM peak periods. The development is anticipated to generate a total of 697 vehicle trips throughout the day. The traffic generation associated with the proposed development is a minor increase of total approved trip generation under SSD 7348. The Transport Assessment notes however, that this minor increase will have no material traffic impacts.

The proposal provides 164 on-site spaces; 136 spaces for Lot 4C and 28 spaces for Lot 4B. These parking spaces are 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 Tundra Close and the Future Southern Link Road together with tree canopy planting within the car parking areas will suitably screen these areas when viewed from the public domain.

Three accessible parking spaces are proposed for Building 4C and one is proposed for Building 4D, in line with the requirements of Condition B13 of SSD 7348. Additionally, to encourage and support EV use, eight EV charging stations are provided in the parking areas (6 in Lot 4C & 2 in Lot 4D).

Twenty loading bays are provided for Building 4C and six loading bays are provided for Building 4D to cater for the use of each tenancy as a warehouse and distribution centre. The loading bays are located towards the eastern boundary of Precinct 4, to limit visibility and views from the office components and from road users.

A covered bike area is proposed in each lot. Fourteen bicycle spaces are provided for Building 4C and 6 bicycle spaces are provided for Building 4D. End of trip facilities are to be provided in each office tenancy, including showers and changing areas to encourage active modes of transport and to comply *with Planning Guidelines for Walking and Cycling*.

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).

6.4 Noise and Vibration

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

The locations of receivers are shown in Appendix 5 of the Development Consent SSD 7348 and the figure below. As seen in the figure below Building 4C and 4D are located centrally within the OWE and the nearest identified sensitive receivers are located more than 700 m south east of the Site.

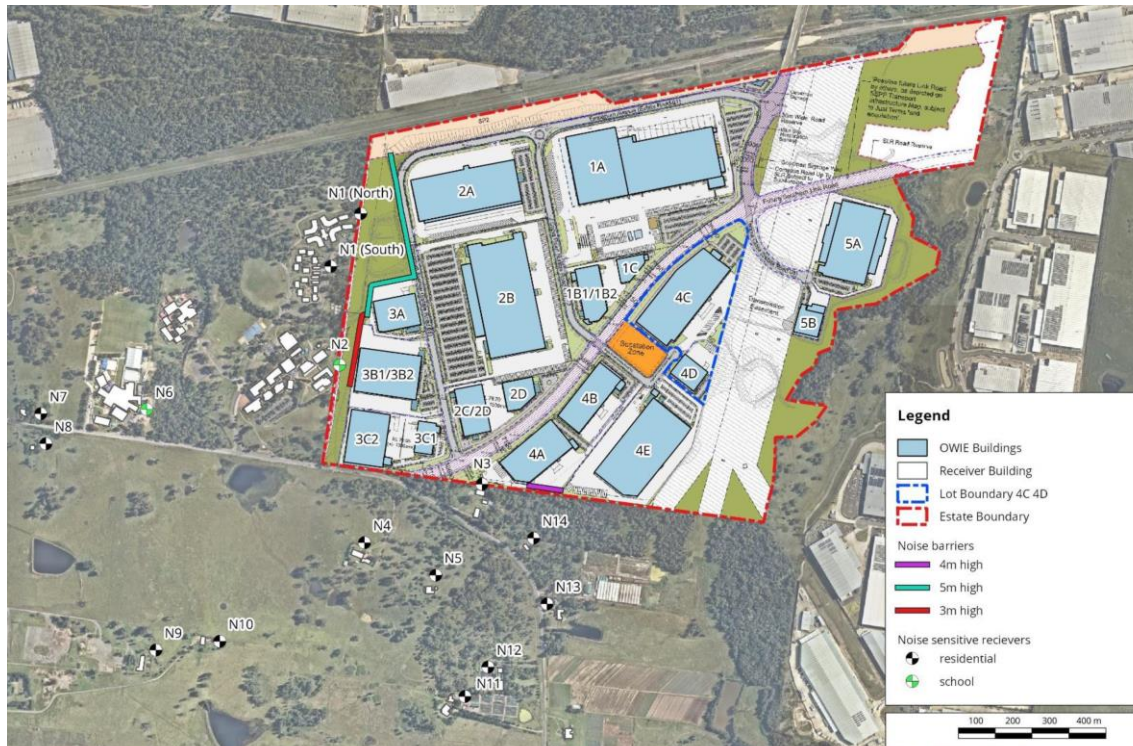


Figure 18: Sensitive Noise Receivers and Noise Wall Locations (Source: RWD1)

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, which will provide noise attenuation to nearby sensitive receivers.

6.4.1 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.*

6.4.2 Construction Noise and Vibration

The Noise and Vibration Assessment found that construction noise scenarios for the development of Buildings 4C and 4D are predicted to be within the Construction Noise Management Levels established by the *NSW Interim Construction Noise Guideline* at all receiver locations. The noise assessment recommended that the noise predictions

should be reviewed prior to an issue of a construction certificate and that mitigation measures should be incorporated should the revised predictions are found to exceed the noise management levels.

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

6.4.3 Off-Site Traffic Noise Impact

The Noise and Vibration Assessment notes that an increase in traffic noise due to the OWE of greater than 2 dB is not considered likely. No mitigation is likely to be required as a result of the proposed development.

6.5 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 4C and 4D.

The construction and operation of Building 4C and 4D 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 4C and 4D 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.

6.6 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.

6.7 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 4C is approximately 5.8 ha in area. The main proposed stormwater discharge point is located to the east of Lot 4C by connecting into the existing stormwater line

(constructed under SSDA 7348). A Gross Pollutant Trap (GPT) will be provided to capture the gross pollutants generated within Lot 4C before discharging into Basin 4. There is a catch drain provided to the north of Lot 4C which collects no hardstand run off and discharges into the Road 8 network.

Lot 4D has a catchment of approximately 1.3Ha. The proposed stormwater discharge point is to the northeast of Lot 4D by connecting into the existing stormwater line. A GPT will be provided to capture the gross pollutants generated within Lot 4D before discharging into Basin 4.

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 GPTs within Lot 4C and Lot 4D on the final downstream stormwater pits 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*.

6.8 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 33,523 m³ of cut and 5,429 m³ of fill which results in an export balance of 28,093 m³.

Sections are provided demonstrating the interface between the adjoining Substation Zone and Lot 4C.

No retaining walls or filling are proposed that will impede, divert or concentrate stormwater runoff passing through the Site.

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

6.9 Bushfire

The Site and surrounding land are identified on Council's Bushfire Prone Land Map as 'Vegetation Category 2', except for an area of 'Vegetation Category 1' to the south and east of the OWE site. 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 5), 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 whole the Site is 'BAL-Low', meaning there is insufficient risk to warrant specific construction requirements.

Asset Protection Zones (APZs) were established under the SSD 7348 and there is considerable separation (>180 metres) from the nearest bushfire prone vegetation and the Site. See Figure 19 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.

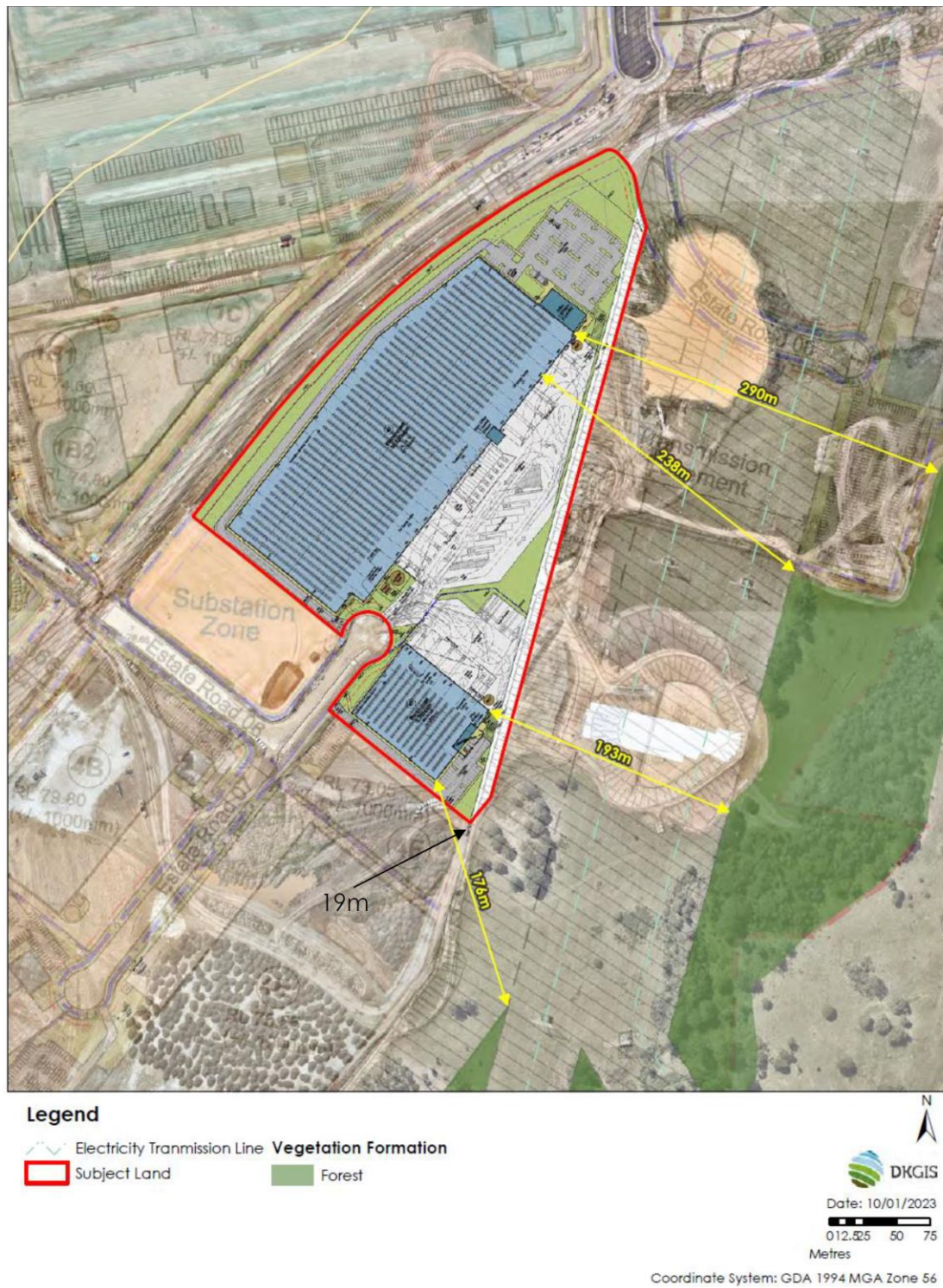


Figure 19: Asset Protection Zones (Source: Blackash Bushfire Consulting)

6.10 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.

6.11 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.

6.12 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.

6.13 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.

6.14 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.

6.15 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.

6.16 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.

6.17 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 \$50 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, fit-out and operational use of Building 4C and Building 4D 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.