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URBIS

COPE SENSITIVE FREIGHT

Statement of
Environmental Effects

Prepared for
HB+B
April 2024

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Report Number	Final 23 rd April, 2024

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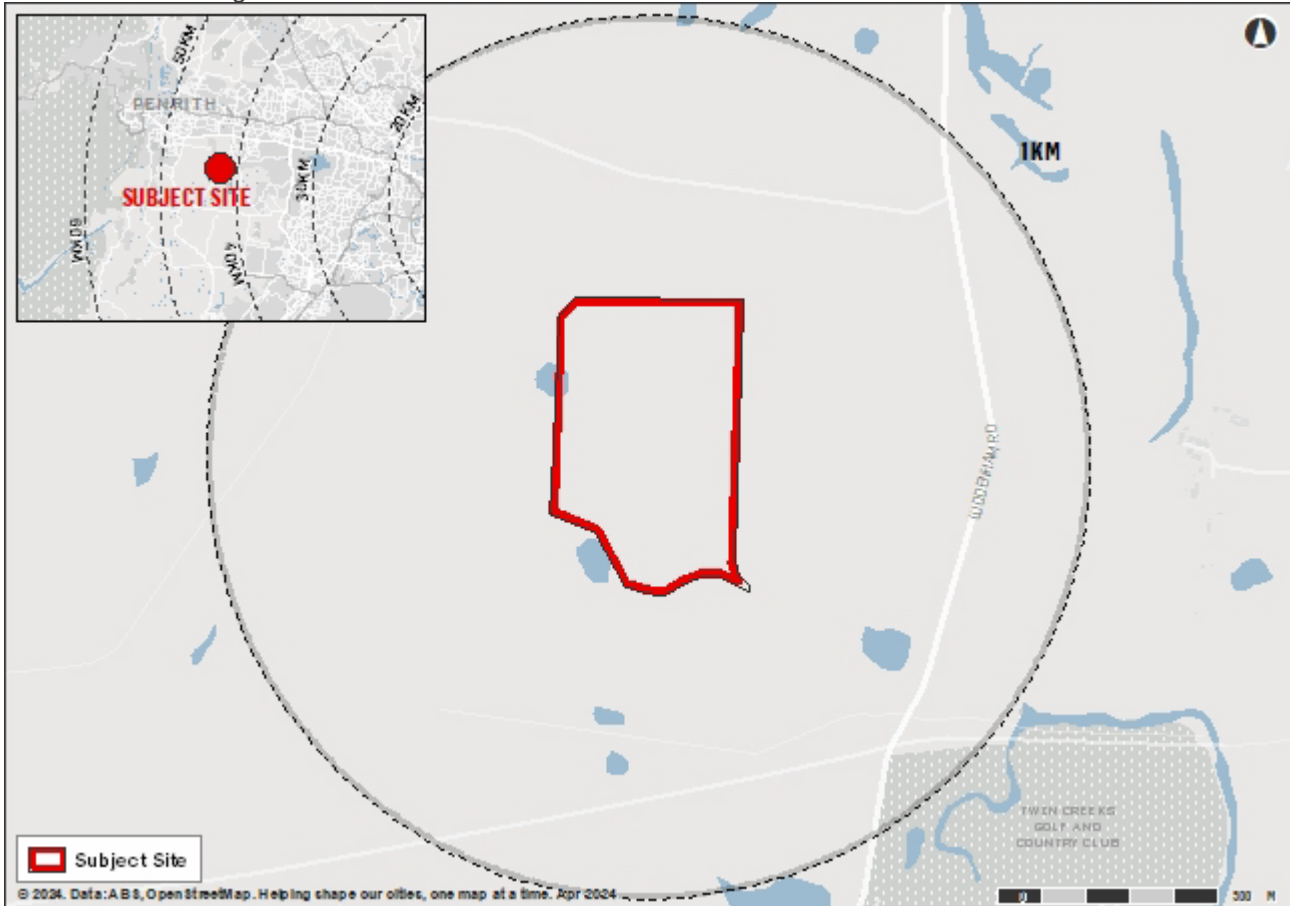
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EXECUTIVE SUMMARY

This Statement of Environmental Effects (SEE) has been prepared on behalf of HB+B Property (HB+B) (the Applicant) and in support of a Development Application (DA) for the construction of a warehouse and distribution building within the Alspec Industrial Business Park (AIBP) development at 211-227 Luddenham Road, Orchard Hills.

The project seeks to construct a warehouse and distribution building for COPE Sensitive Freight within the AIBP estate. Specifically, the proposal seeks consent for site preparation works for the construction and use of a single warehouse building with a total gross floor area (GFA) of 38,500m². This development will contribute to the larger transformation of the AIBP estate which



h was subject to a recent Planning Proposal lodged with Penrith City Council. This was completed in April 2024, with the rezoning coming into operation on the 20th May, 2024.

As one of the first facilities planned for the AIBP, it will set the example as a well designed and functioning employment hub, that is instrumental to the establishment of the site. The individual site will generate critical employment for the locality, that can also support the broader region once the precinct is further established.

SITE DESCRIPTION

The site located within the AIBP estate at 221-227 Luddenham Road, Orchard Hills and is legally described as Lot 1 in Deposited Plan 1293805. Orchard Hills is a Suburb within the Penrith Local Government Area (LGA), located at the heart of Western Sydney. The broader site is bound by Patons Lane to the north, Luddenham Road to the east, Stockdale Road to the west, and a residential property to the south. The subject site is located towards the western end of the AIBP site with a direct interface with an electrical easement to the north west, and two future basins to the north and south.

The subject site is broadly rectangular in shape, with a total area of 78,429sqm. The site has frontage to an internal road within the AIBP site. The internal access road provides access to the broader road network via Patons Lane and Luddenham Road

Orchard Hills is situated in the southern portion of the Penrith LGA. It is located approximately 49 km west of the Sydney CBD as well as adjacent to the northern boundary of the Western Sydney Aerotropolis.

The site is in proximity to existing road networks and planned infrastructure corridors. Luddenham Road provides direct access to the Western Sydney Aerotropolis and the Airport. It also provides connections to Mamre Road with access to the M4 Western Motorway towards the north, and connections to Elizabeth Drive to the south.

DEVELOPMENT DESCRIPTION

The Development Application seeks development consent for the construction and operation of a single warehouse building with a total gross floor area (GFA) of 38,500 sqm, with associated site preparation works, hardstand areas, car parking and landscaping. The warehouse and distribution building is proposed for COPE Sensitive Freight on a single landholding within the Alsip Industrial Business Park (AIBP) development and is intended to be operated as a storage facility for bulky goods and fragile products. The proposed warehouse and distribution development is consistent with the zone objectives under the E4 General Industrial zone.

The proposal seeks consent for the following works:

- Construction and operation of a purpose-built warehouse and distribution facility, with an ancillary office and a total GFA of 38,500 sqm to be primarily used for the storage of bulky products and sensitive/fragile products.
- Installation of an in-ground weighbridge at the north eastern site corner, adjacent to the truck exit.
- Construction of a separate car and truck entry/exit locations to the carpark and hardstand areas.
- Provision of hardstand areas and parking areas around the building.
- Provision of a car park comprising 222 parking spaces across 36,770 sqm.
- Provision of site servicing infrastructure to allow the 24/7 operation of the warehousing and distribution building, 7 days a week.
- Landscaping, including the provision of trees and various shrubs.

PLANNING CONTEXT

The proposal has been assessed in accordance with the key planning objectives, priorities and actions outlined within relevant strategic land use and transport planning policies including:

- *Greater Sydney Region Plan*
- *Western District Plan*
- *Penrith Local Strategic Planning Statement*
- *Penrith Employment Lands Strategy*

This SEE also provides a comprehensive assessment of the proposed development in accordance with the following statutory controls and regulatory instruments:

- *State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP);*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP);*
- *State Environmental Planning Policy (Precincts – Western Parkland City) 2021 (WPC SEPP); and*
- *Penrith Development Control Plan 2014 (DCP).*

Overall, the assessment concludes that the proposal complies with the relevant provisions within the relevant instruments. It also delivers upon the key priorities and objectives sought out in the region, district and local plans.

ASSESSMENT OF KEY ISSUES

The SEE identifies and assesses the key environmental, social and economic impacts of the proposal and recommended measures to mitigate, minimise or manage these impacts. These include:

- Heritage
- Biodiversity
- Traffic
- Water and Flooding
- Noise and Vibration
- Bushfire
- Ecologically Sustainable Design
- Visual Impacts

These assessments demonstrate the site can be made suitable for the proposed warehouse facility with no adverse impacts to the surrounding land uses.

CONCLUSION

The SEE demonstrates the proposed development is appropriate for the site and the locality as summarised below:

- *The proposal satisfies the applicable planning controls and policies:* the proposal satisfies the objectives of all relevant planning controls and achieves compliance with the applicable zones.
- *The proposal will not result in any adverse environmental impacts:* it has been demonstrated that the proposal will not generate adverse environmental, social or economic impacts. The supporting technical reports assess how the proposed development will not result in any unacceptable amenity impacts in terms of noise, air pollution, dust, or other issues to nearby land uses.
- *The proposal will result in positive social and economic impacts:* the proposal will deliver a high-quality warehouse facility that will unlock employment opportunities and industrial services for both the locality and broader region.
- *The proposal is highly suitable for the site:* the proposed works are permitted within the relevant zone, is consistent with the zone objectives and compatible with the character of the area.
- *The proposal is in the public interest:* the proposal is in the public interest as it will optimise the use of the site by providing employment and compatible uses within the Aerotropolis.
- *The proposal has been through a recent comprehensive planning proposal.* This means that the proposed works have been subject to close scrutiny at both the local and State government level.

Accordingly, it is submitted that the proposal is in the public interest and should be approved subject to appropriate consent conditions.

1. INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by Urbis Pty Ltd on behalf of HB+B Property (HB+B) (the Applicant) in support of a Development Application (DA) for the construction of a warehouse and distribution building within the AIBP estate at 211-227 Luddenham Road, Orchard Hills.

The development application seeks consent for site preparation works for the construction and use of a single warehouse building with a total gross floor area (GFA) of 38,500m².

The proposed works have an estimated development cost of \$47,465,142 and development consent is sought in accordance with Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

This SEE is structured as follows:

- **Section 2 - Site Context:** identifies the site and describes the existing development and local and regional context.
- **Section 3 - Project History:** outlines the approvals history and pre-lodgement discussions with key stakeholders.
- **Section 4 -Proposed Development:** provides a detailed description of the proposal.
- **Section 5 - Strategic Context:** identifies and analyses the State, regional and local strategic planning policies relevant to the site and proposed development.
- **Section 6 - Statutory Context:** provides a detailed assessment of the State and local environmental planning instruments and plans relevant to the site and development.
- **Section 7 – Assessment of Key Issues:** identifies the potential impacts arising from the proposal and recommends measures to mitigate, minimise or manage these impacts.
- **Section 8 - Section 4.15 Assessment:** provides an assessment of the proposal against the matters of consideration listed in section 4.15 of the EP&A Act.
- **Section 9 – Conclusion:** provides an overview of the development assessment outcomes and recommended determination of the DA.

This report should be read in conjunction with the supporting documentation listed in **Table 1**.

Table 1 Supporting Documentation

Document Title	Consultant
Architectural Plans	Nettleton Tribe
Biodiversity Impacts Letter	Ecoplaning
Bulk Fill Protocol	Construction Sciences
Bushfire Assessment	Peterson Bushfire
Concept Design Report	Nettleton Tribe
Construction Noise and Vibration Assessment	EMM Consulting
Cost Report	Napier & Blakeley
Final Validation Report	Development Risk Management
Flood Review	Arcadis
Geotechnical Investigation	Construction Sciences
Green Travel Plan	Arcadis

Document Title	Consultant
Heritage Letter of Advice	EMM Consulting
Integrated Water Cycle Management Report	Henry & Hymas
Landscape Plans	Geoscapes
Lighting Plan	C Level Design and Engineering
NABERS Embodied Carbon	Napier and Blakeley
Plan of Subdivision	LTS
Resilience and Hazards	Riskcon
Stormwater Concept Plan Checklist	Henry & Hymas
Sustainability Report	Northrop
Traffic Impact Assessment	Arcadis
Utilities Servicing Report	Arcadis
Visual Impact Assessment	Geoscapes
Waste Management Plan	Arcadis

2. SITE CONTEXT

2.1. SITE DESCRIPTION

The site is located within the AIBP estate at 221-227 Luddenham Road, Orchard Hills and is legally described as Lot 1 in Deposited Plan 1293805.

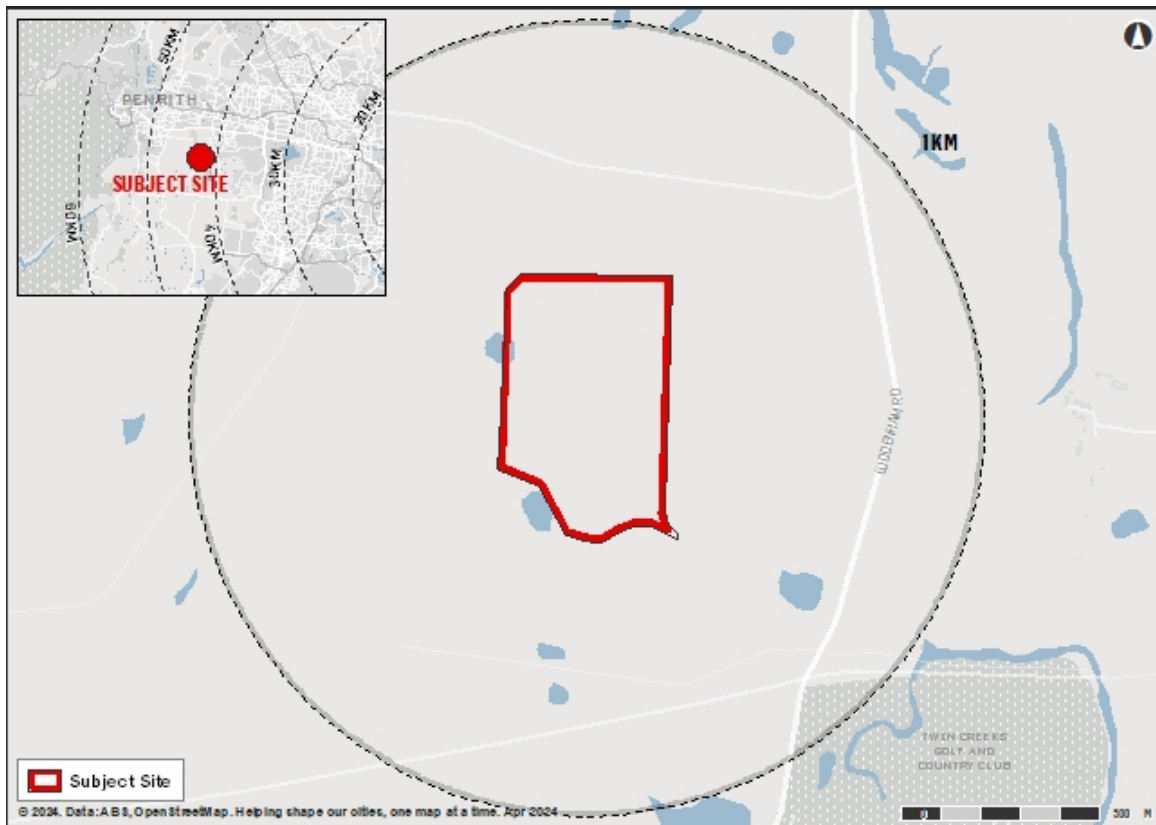
Orchard Hills is a Suburb within the Penrith Local Government Area (LGA), located at the heart of Western Sydney. The broader site is bound by Patons Lane to the north, Luddenham Road to the east, Stockdale Road to the west, and a residential property to the south. The subject site is located towards the western end of the AIBP site with a direct interface with an electrical easement to the north west, and two future basins to the north and south.

The key features of the site are summarised in the following table.

Table 2 Site Description

Feature	Description
Legal Description	Lot 1 in Deposited Plan 1293805
Site Area	78,429m ²
Site Dimensions	The site is regular in shape. The following site boundaries are approximately measured below: North: 390 metres East: 180 metres South: 435 metres West: 205 metres
Easements and Restrictions	Electrical easement located outside the site boundary, at the north western corner. It traverses the broader AIBP site, occupying 23,335sqm.
Site Topography	The site has undulating topography terrain throughout. It has recently been cleared and to be made suitable during the bulk earthworks development application.
Vegetation	As above. The site comprises of grassed land with most vegetation cleared to make way for the building pad as proposed under the bulk earthworks development application.

Figure 1 Location Plan



Source: Urbis

Figure 2 Aerial Photograph



Source: Urbis

2.2. EXISTING DEVELOPMENT

The subject site is broadly rectangular in shape, with a total area of 78,429sqm. The site has frontage to an internal road within the AIBP site. The internal access road provides access to the broader road network via Patons Lane and Luddenham Road.

The original dwelling and associated agricultural structures have now been demolished.

2.3. LOCALITY CONTEXT

The site is in the suburb of Orchard Hills which is situated in the southern portion of the Penrith LGA. The site is located approximately 49 km west of the Sydney CBD as well as adjacent to the northern boundary of the Western Sydney Aerotropolis.

The site is in proximity to the Western Sydney Aerotropolis. Immediately south of the site is the Northern Gateway Precinct which is envisaged to transform into a specialised centre linking the Airport with the metropolitan cluster.

The surrounding development includes:

- **North:** The surroundings north of the site are predominantly rural residential and agricultural facilities. The Erskine Park Fire Service and Dogs NSW are also located to the north-east. The Western Motorway (M4) is located further north of the site accessed via the Luddenham Road and Mamre Road connection. South Creek flows north-south, with a tributary connection beginning north of the site and breaking away to the west.
- **East:** The eastern boundary divides its interface with Luddenham Road (northern half) and several properties (southern half). These include agricultural, community and cultural uses pertaining to the Bosna Croatian Club, a plant nursery and Luddenham Oval. Further east across Luddenham Road are several rural residential dwellings and South Creek, a major creek line.
- **South:** Immediately south of the site are more residential dwellings. Further south is the Northern Gateway Precinct of the Western Sydney Aerotropolis.
- **West:** To the west of the site is an environmental conservation zone which is adjacent to a tributary of South Creek. To the north west of the site is a waste management service pertaining to a recycling and landfill centre.

The site is in proximity to existing road networks and planned infrastructure corridors. Luddenham Road provides direct access to the Western Sydney Aerotropolis and the Airport. It also provides connections to Mamre Road with access to the M4 Western Motorway towards the north, and connections to Elizabeth Drive to the south.

The surrounding public transport network indicates the area is currently underserved by public transport. It can be assumed the level of service provision reflects the low travel demands of the locality.

3.2. BULK EARTHWORKS DEVELOPMENT APPLICATION

A Development Application was lodged with Penrith City Council on the 18th April, 2024 which seeks consent for bulk earthworks and subdivision of the AIBP site. This is DA24/0294.

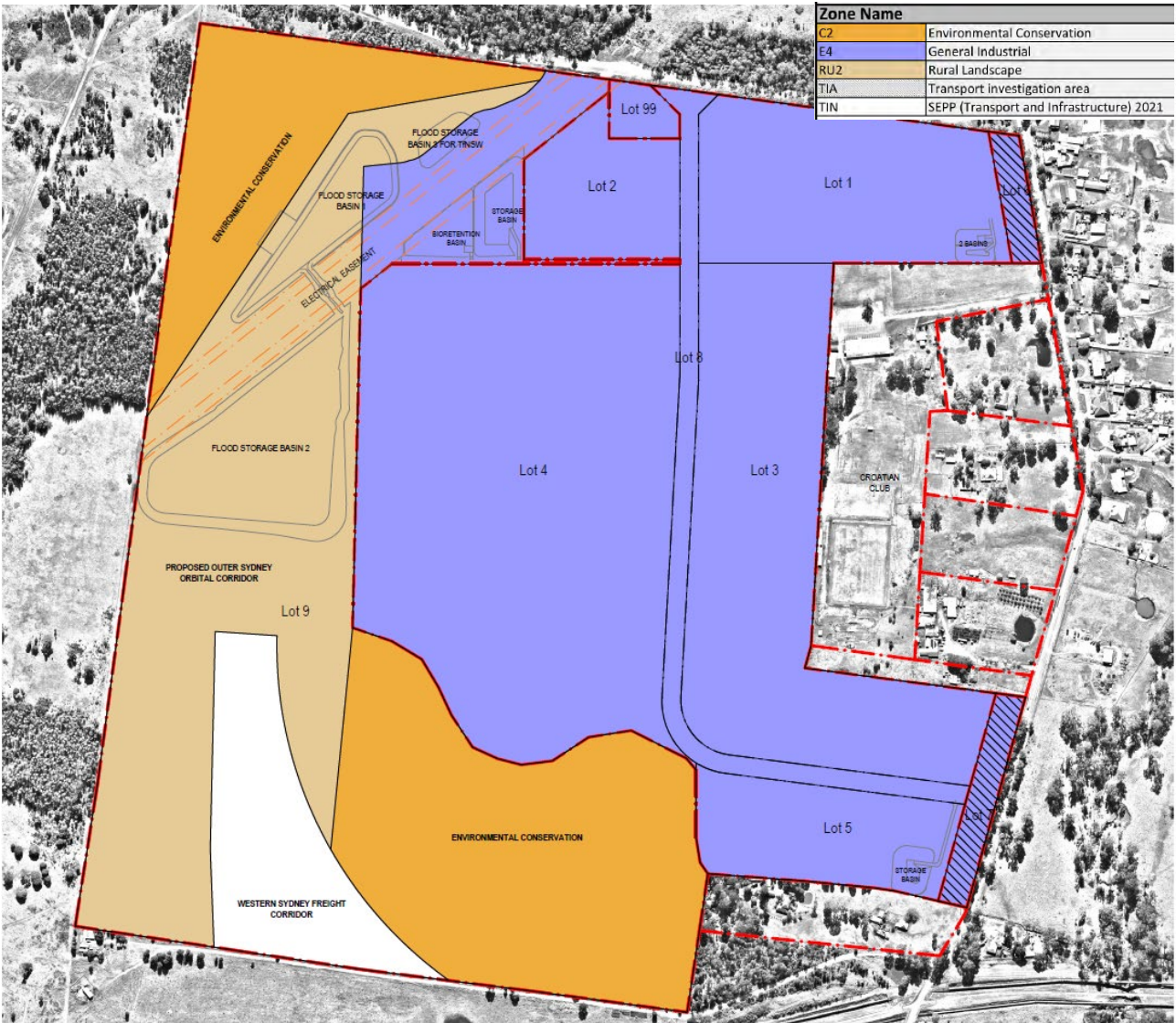
This local DA facilitates site preparation works across the estate to allow for future development to commence. The proposed works pertain to:

- Clearing of bio certified vegetation within the development footprint;
- Dam dewatering;
- Bulk earthworks for the entire estate;
- Construction of the main internal estate road, including footpaths, cycleways, street lighting and street landscaping;
- Proposed flood storage basins in the northwest corner of the site;
- Proposed water quality (bioretention) basins, on-site detention basins and water storage basins;
- New services reticulation within the road reserve including water, sewer, electrical and telecommunications; and
- Subdivision of the site into nine (9) lots.
- Dedication of the estate road to Council as public road.
- Dedication of land to Council for the future widening of Luddenham Road in accordance with the VPA

A summary of the site's land uses is described below:

- C2 Environmental Conservation: 252,574m²
- E4 General Industrial: 664,317m²
- RU2 Rural Landscape: 248,738m²
- Transport Investigation Area: 22,091m²
- Transport and Infrastructure SEPP: 66,054m²

Figure 4 Zoning Plan



Source: Nettleton Tribe

3.3. PRE-LODGEMENT DISCUSSIONS

On 21st December 2023, HB+B engaged in a pre-lodgement meeting with Penrith City Council. The meeting discussed the draft proposal for a warehouse and distribution facility at 211-227 Luddenham Road, Orchard Hills. In response HB+B received Pre-lodgement Advice (dated 18 January 2024) from Penrith City Council (PCC), pertaining to planning, environmental management, development engineering, and traffic.

To clearly identify how the proposal addresses the items raised in Council's advice, Urbis has prepared a response table with the proponent's comment to each item. This document is included as Appendix B to this document.

4. PROPOSED WORKS

4.1. OVERVIEW

The Development Application seeks development consent for the construction and operation of a single warehouse building with a total gross floor area (GFA) of 38,500 sqm, with associated site preparation works, hardstand areas, car parking and landscaping. The warehouse and distribution building is proposed for COPE Sensitive Freight on a single landholding within the Alspeg Industrial Business Park (AIBP) development and is intended to be operated as a storage facility for bulky goods and fragile products. The proposed warehouse and distribution development is consistent with the zone objectives under the E4 General Industrial zone.

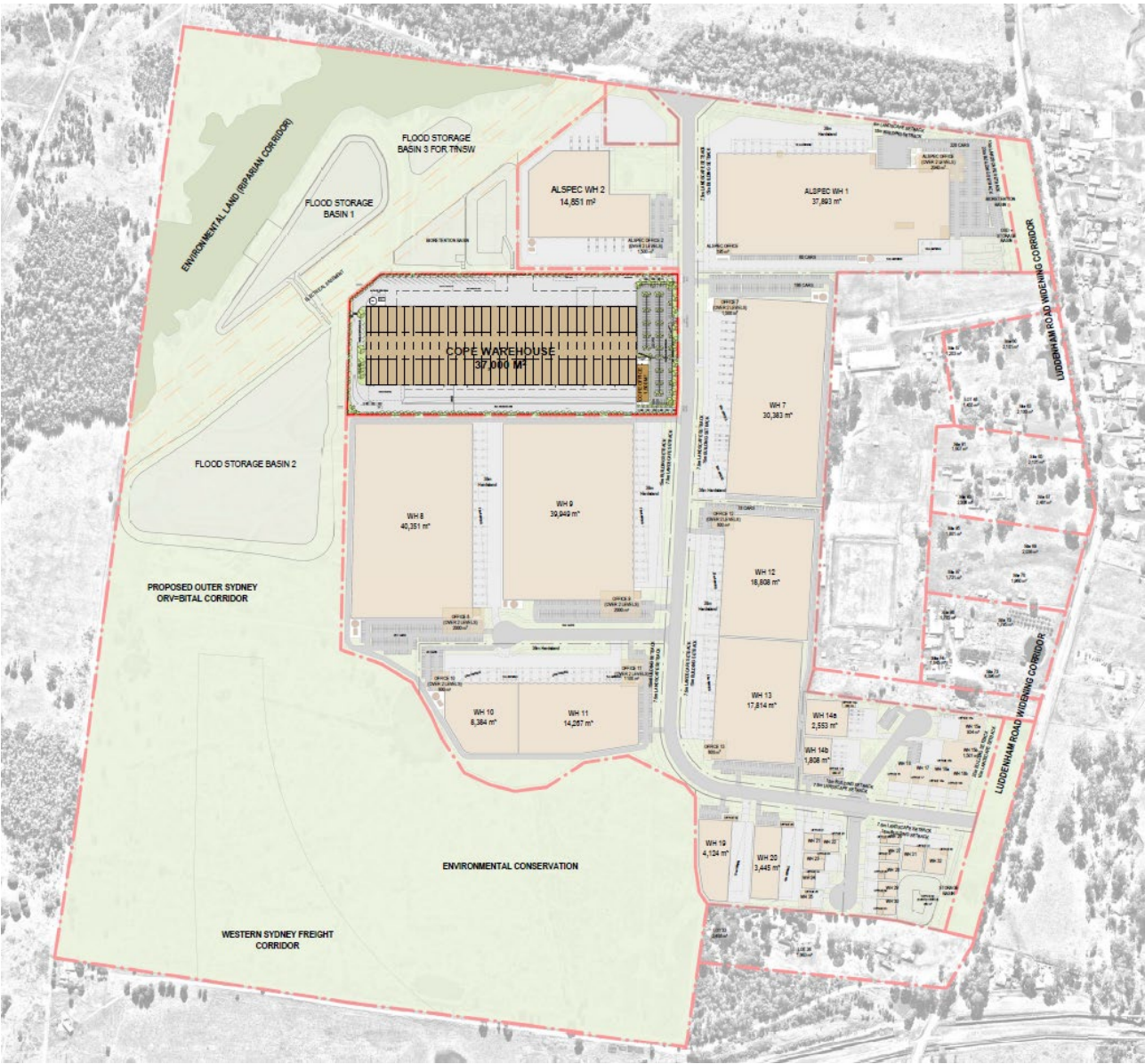
The proposal seeks consent for the following works:

- Subdivision of Lot 4 into two smaller land parcels.
- Construction and operation of a purpose-built warehouse and distribution facility, with an ancillary office and a total GFA of 38,500 sqm to be primarily used for the storage of bulky products and sensitive/fragile products.
- Installation of an in-ground weighbridge at the northeastern site corner, adjacent to the truck exit.
- Construction of a separate car and truck entry/exit locations to the carpark and hardstand areas.
- Provision of hardstand areas and parking areas around the building.
- Provision of a car park comprising 222 parking spaces across 36,770 sqm.
- Provision of site servicing infrastructure to allow the 24/7 operation of the warehousing and distribution building, 7 days a week.
- Landscaping, including the provision of trees and various shrubs.
- Construction of 7 building identification and wayfinding signs.

Figure 5 contains the estate location plan identifying the proposed warehouse and distribution building in the context of the broader AIBP estate Planning Proposal. **Figure 6** depicts the Site Plan.

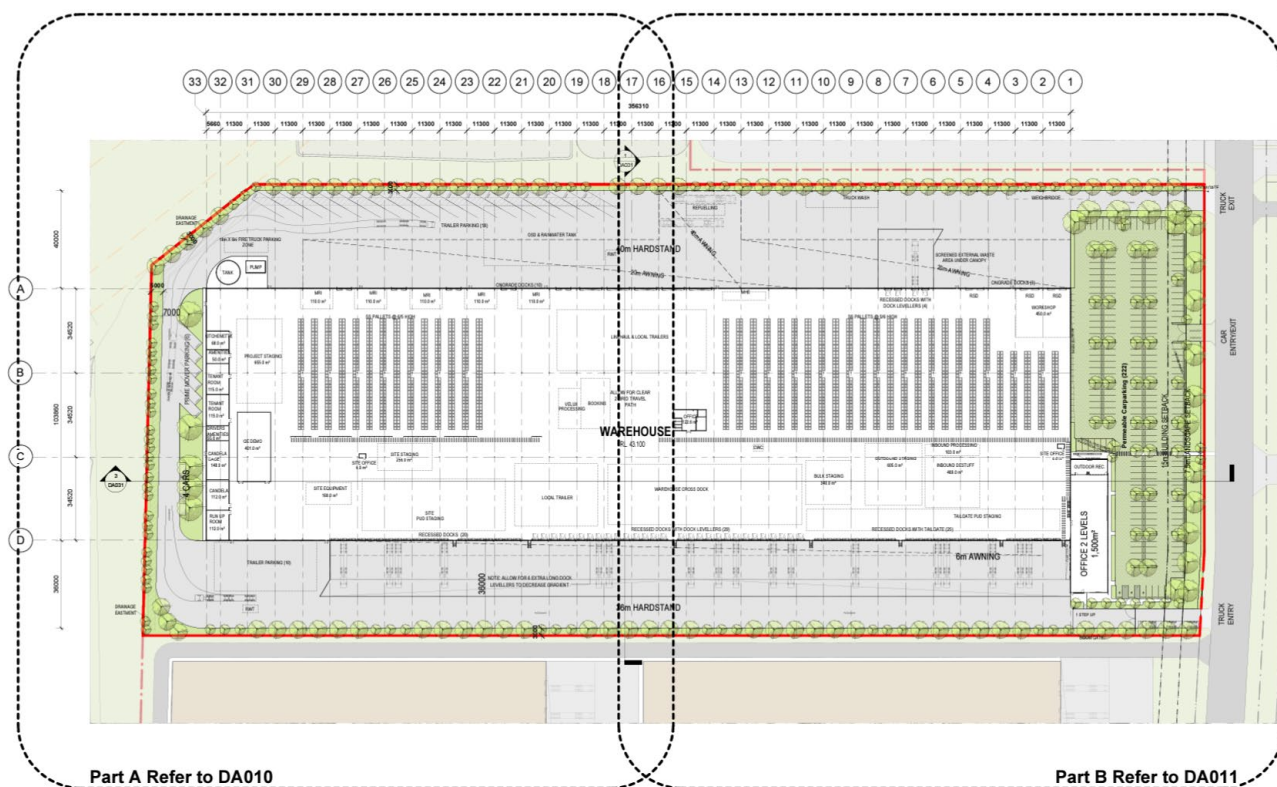
Architectural plans have been prepared by Nettleton Tribe. The proposal is described in further detail within the following sections of this report.

Figure 5 Master Plan



Source: Nettleton Tribe

Figure 6 Proposed Site Plan



Source: Nettleton Tribe

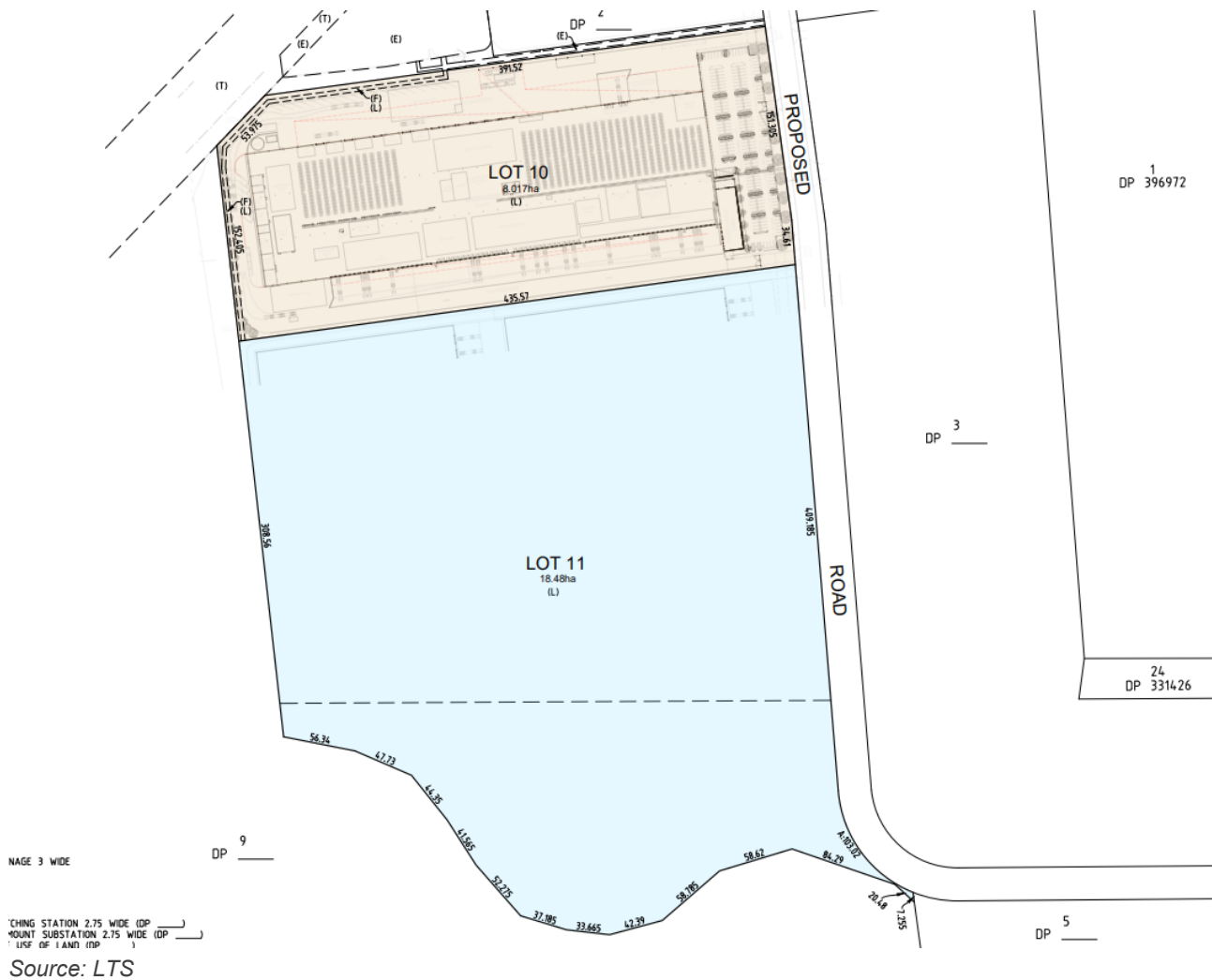
4.2. SUBDIVISION

The proposal seeks to divide Lot 4 into two smaller land parcels to provide a better site arrangement for the warehouse development and maximise the use of the land within the AIBP. The proposed lot shape allows for the design of an east to west building that maintains views towards the conservation and rural areas. The subdivision will create a northern and southern lot with the following areas:

- Proposed Lot 10: 8.017ha
- Proposed Lot 11: 18.48ha

Figure 7 contains the proposed subdivision plan, with an overlay of the proposed warehouse at the northern lot. It is clear the northern lot (Lot 10) is significantly smaller than the southern lot (Lot 11). The two land parcels will have an adequate frontage to the AIBP internal road, with the subject site achieving a 185.9m frontage length.

Figure 7 Plan of Subdivision



4.3. BUILT FORM

The project seeks to develop a single storey warehouse comprising 37,000sqm of warehouse GFA and 1,500sqm of office area. The built form is generally rectangular in shape, with the longest length of the warehouse approximately 356 m long, and the shortest length 103 m long. The offices are spread across two levels, and located at the southeast corner of the building facing the street frontage. The office space protrudes from the primary warehouse building envelope to clearly delineate the office space from the industrial uses. This design feature also adds architectural detail and visual interest to the built form by breaking up the lengths of the façade.

To maintain cohesion throughout the rest of the AIBP, the selection of colours, materials and finishes seek to enhance the streetscape and complement the landscape. The selection of materials are high quality and are commensurate of industrial land uses. Refer to **Figure 8** for the proposed building perspectives.

Figure 8 Building Perspectives



Source: Nettleton Tribe

4.4. SITE PREPARATION AND CIVIL WORKS

Bulk earthworks and site preparation works are the subject of a separate development application with Council (DA24/0294).

4.5. PROPOSED CONSTRUCTION

4.5.1. Access

Three driveways are proposed for the development, with all to be provided off the Site Access Road for the AIBP development. Access for trucks and larger vehicles is to be provided via two separate, one-way driveway access points, with the truck entry access located on the southern boundary, and the exit located on the northern boundary. A separate combined entry and exit access point is provided for the car park.

4.5.2. Parking

The proposed parking arrangement are in accordance with the Luddenham Industrial Business Park Site Specific DCP requirements. The following parking provisions are proposed:

- 222 car spaces (office and warehouse)
- 4 car spaces designated for electric vehicles
- 4 car spaces are to be provided for car sharing spaces
- 16 motorcycle spaces (minimum).
- At least 2 accessible parking spaces
- 39 bicycle parking spaces will be provided
- 4 electric bicycle charging stations will be provided

4.5.3. End of Trip Facilities

The following bicycle facilities are to be provided:

- For ancillary office and retail space with a gross floor area over 2500m², at least 1 shower cubicle with ancillary change rooms
- For industrial activities with a gross floor area over 4000m², at least 1 shower cubicle with ancillary change rooms
- Change and shower facilities for cyclists and are to be conveniently located close to the bicycle storage areas
- Where the building is to be strata-titled, the bicycle storage facilities and shower/ change facilities are to be made available to all occupants of the building.

4.6. LANDSCAPING

A Landscape Masterplan has been prepared by Geoscapes to demonstrate the proposed landscaping works for the COPE Sensitive Freight site, which are in accordance with the Estate Specific DCP Landscape setbacks. **Figure 9** contains the Landscape Masterplan.

Figure 9 Landscape Masterplan

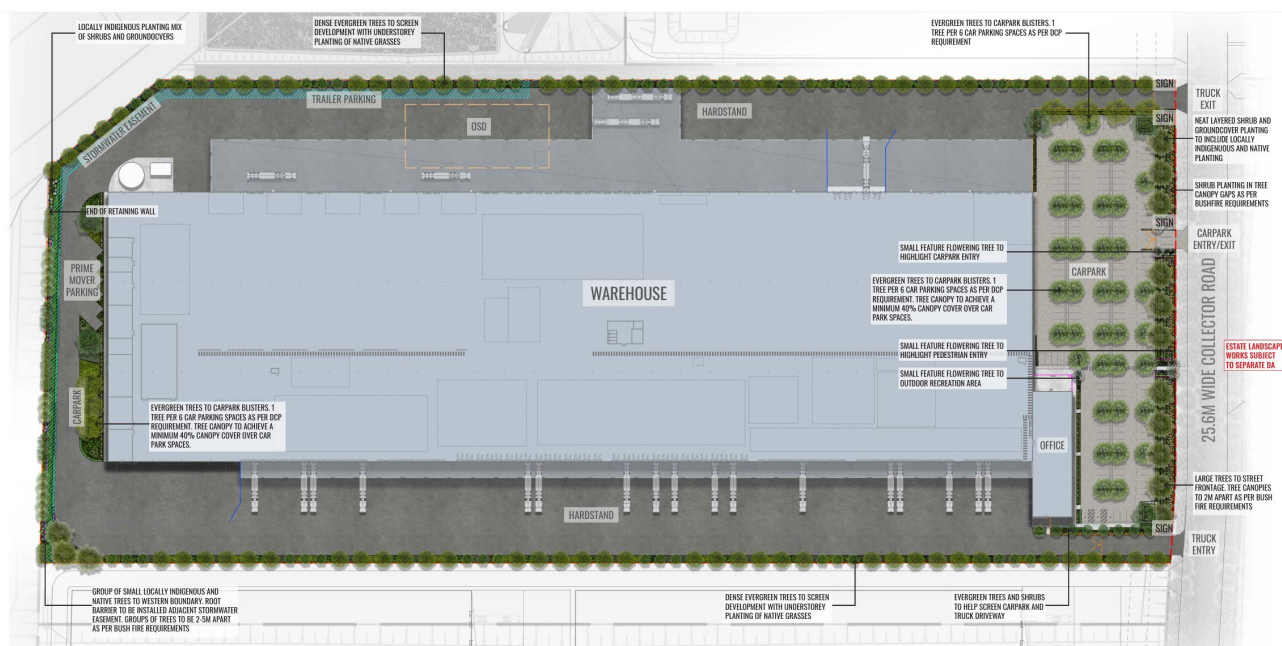
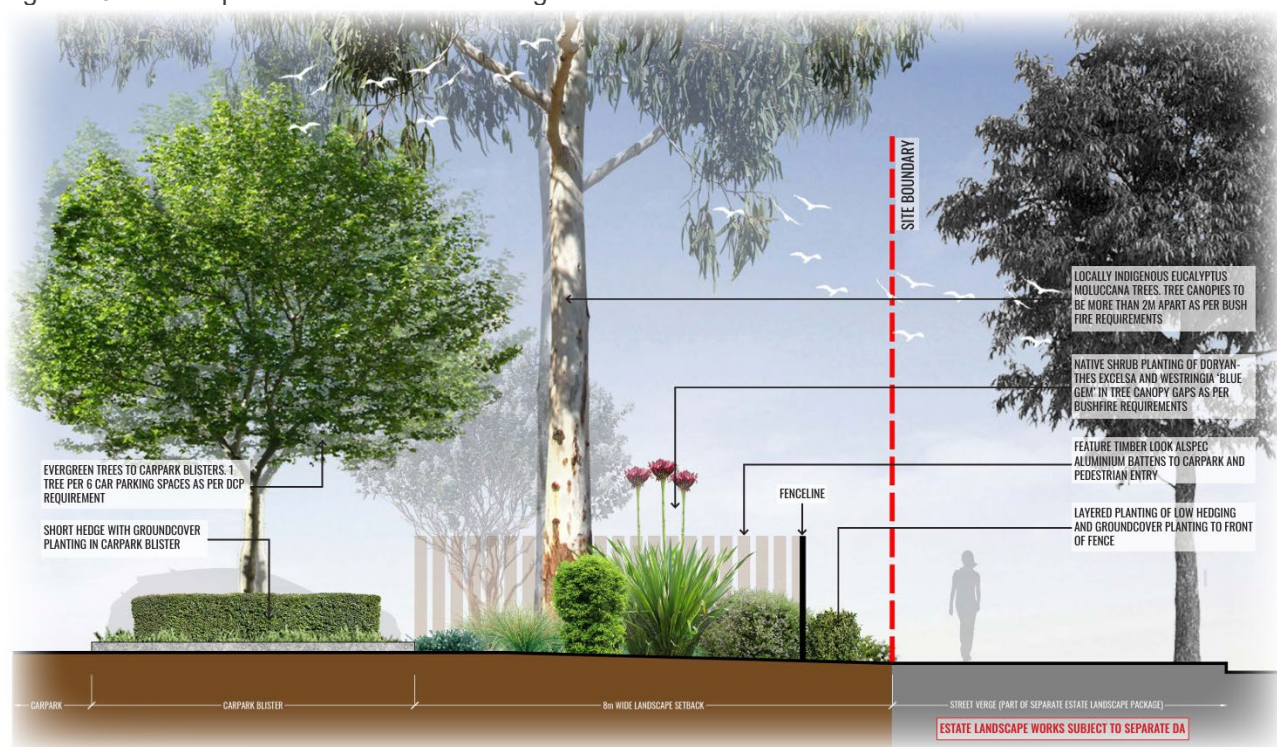


Figure 10 Landscape Section – Street Frontage



Source: Geoscapes

HB+B propose high quality landscape works across the site to create an attractive and welcoming environment that supports ecological outcomes. A total 12,007sqm of landscape area is to be provided.

The buildings frontage to the estate's collector road employs a 7.5m wide landscape setback containing shrubs, groundcover and tree plantings (refer **Figure 10**). Plantings will be a range of locally indigenous and native planting to create a green buffer along the site boundary. This setback will also be a landscape feature marking the vehicular carpark accessway.

Opposite the landscape setback, is the site carpark which is complemented by tree planting located every 6 car parking spaces in accordance with the DCP. This will provide shading to the carpark and further screening of the building. This is accompanied by additional native groundcover plantings at the base of the tree plantings to divide the carparking hardstand area.

The carpark is located adjacent to the ancillary offices and the recreation area. This eastern interface of the building with the carpark is supplemented by landscape design features including the planting of small narrow trees to line the transitions of building footprint and the external hardstand area. There is also the addition of small feature flowering trees in the outdoor recreation area to enhance the outdoor experience for visitors and workers. The canopy cover requirements for carpark areas are achieved, with the proposal providing 40% of canopy cover area.

In addition, to the rear of the site is a landscape setback at the western site boundary. It comprises groups of tree plantings every 2-5 metres as per bushfire requirements. These landscape design features positively contribute to the high quality design of the warehouse and distribution building by adding a visually appealing transition at the eastern and western interfaces. The proposed tree plantings provide appropriate shading on site as well as a visual buffer to filter views to the proposed building.

4.7. INFRASTRUCTURE DELIVERY

A Utilities Servicing Report was prepared by Arcadis to identify the existing utility infrastructure and network capacity to service the development. The report details the following:

- Potable Water: Sydney Water Corporation have confirmed that there are works underway in the area that once completed will provide enough water capacity to service the development. This work is scheduled for completion Q1/Q2 2024.
- Wastewater: Wastewater will be serviced privately through an onsite sewer management (OSSM) facility. As the OSSM is privately operated, Sydney Water have confirmed that they have no objections to the use of the facility. The proposed OSSM is a Blackwater Treatment Plant designed by Aquacell Pty Ltd.
- Electrical: HV lead in works from the substation at Mamre Road to the development have been approved by Endeavour Energy. A separate application will be submitted for the internal reticulation and street lighting.
- Data and Telecommunications: Telstra and NBN Co. have assets in the vicinity of the site along Patons Lane and Luddenham Road and it is proposed that the developer connects into the existing infrastructure.

4.8. OPERATIONAL DETAILS

The warehouse will comprise of loading docks, office space, amenities, car park and hardstand areas.

The proposed development is designed to handle the intricate logistics of sensitive equipment, ranging from MRI machines to gaming devices. The facility serves as a comprehensive hub, accommodating the delivery, storage, testing, and subsequent on-delivery of these and other specialised items. The site is designed to meet the unique requirements of its clients, ensuring the safe and secure handling of sensitive equipment from arrival to final distribution and set up.

COPE Sensitive Freight will store materials classified as Dangerous Goods (DGs). The DGs that will be stored at the site revolve around the sensitive equipment that is stored at the site which involve Magnetic Resonance Imaging (MRI) machines. The site will also have a diesel storage tank with a volume of 55,000 L with an accompanying AdBlue tank with a volume of 7,000 L. The site will operate as a standard logistics facility receiving goods which are temporarily stored before dispatch to the intended user.

An assessment has been prepared to review the quantities of DGs stored at the proposed facility and the associated vehicle movements was conducted and compared to the threshold quantities outlined in Chapter 3 of SEPP. The analysis indicates the threshold quantities for the DGs to be stored and transported are not exceeded; hence, the Chapter 3 of SEPP (Resilience and Hazards) does not apply to the project.

4.8.1. Hours of Operation

The proposed operating hours of the warehouse facility is 24 hours, 7 days a week.

4.8.2. Staff Capacity

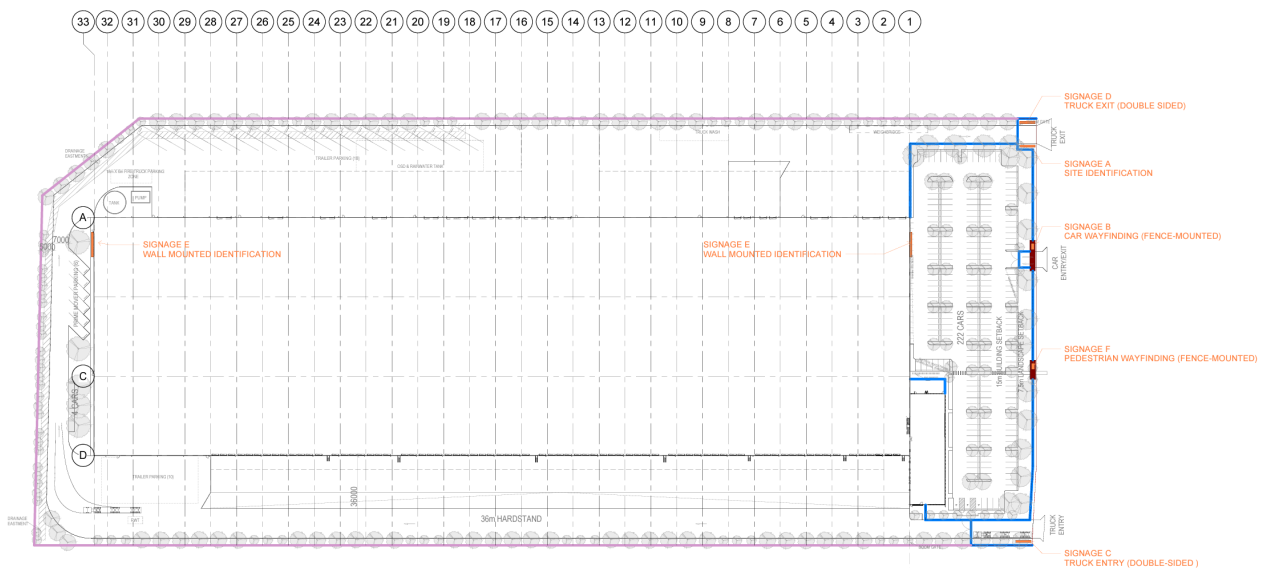
The estimated number of staff based at the site will be 134 capacity.

4.9. SIGNAGE

The proposal seeks to construct 7 signs, as depicted in **Figure 11**. The proposed signs are described as follows:

- 1x site identification sign
- 2x wall mounted identification sign
- 2x truck entry/exit sign
- 2x fence mounted signs for wayfinding

Figure 11 Signage Location and Fence Plan



Source: Nettleton Tribe

The proposed site identification sign will be located at the northeastern site corner accessway and facing the street frontage. It will be 4 metres in height, and 1.5 metres wide to clearly communicate the site address and warehouse identification.

The additional identification and wayfinding signs will improve pedestrian and vehicular access to the site as well as circulation through the site. These signs will be constructed of similar materials and colours to the building, to ensure they effectively communicate to visitors and workers key information, but also to ensure they are sympathetic to the character of the industrial precinct.

5. STRATEGIC CONTEXT

5.1. GREATER SYDNEY REGION PLAN: A METROPOLIS OF THREE CITIES

The *Greater Sydney Region Plan: A Metropolis of Three Cities* (Region Plan) provides the overarching strategic plan for growth and change in Sydney. It is a 20-year plan with a 40-year vision that seeks to transform Greater Sydney into a metropolis of three cities - the Western Parkland City, Central River City and Eastern Harbour City. It identifies key challenges facing Sydney including increasing the population to eight million by 2056, 817,000 new jobs and a requirement of 725,000 new homes by 2036.

The proposal will unlock significant employment opportunities to existing and future residents through the delivery of a high-quality warehouse. The site is strategically located within the Penrith LGA and located on the periphery of the Western Sydney Aerotropolis. The land uses are compatible with the employment lands identified in the area and will help support the function and operations of the future airport.

The Region Plan includes objectives and strategies for infrastructure and collaboration, liveability, productivity and sustainability. The following matters are relevant to the proposed development:

- *Objective 15 The Eastern, GPOP and Western Economic Corridors are better connected and more competitive*

The proposal will deliver employment lands in a location earmarked for future transport infrastructure investment. This will benefit the site, as well as integrate land use and infrastructure to ensure the region is more productive and connected.

- *Objective 20 Western Sydney Airport and Badgerys Creek Aerotropolis are economic catalysts for Western Parkland City*

The proximity of the site to the Western Sydney Airport and Aerotropolis is attractive for future tenants, businesses and industries to locate. The proposed warehouse is in a strategic location to leverage off these opportunities as well as provide compatible land uses to support the function of the aerotropolis.

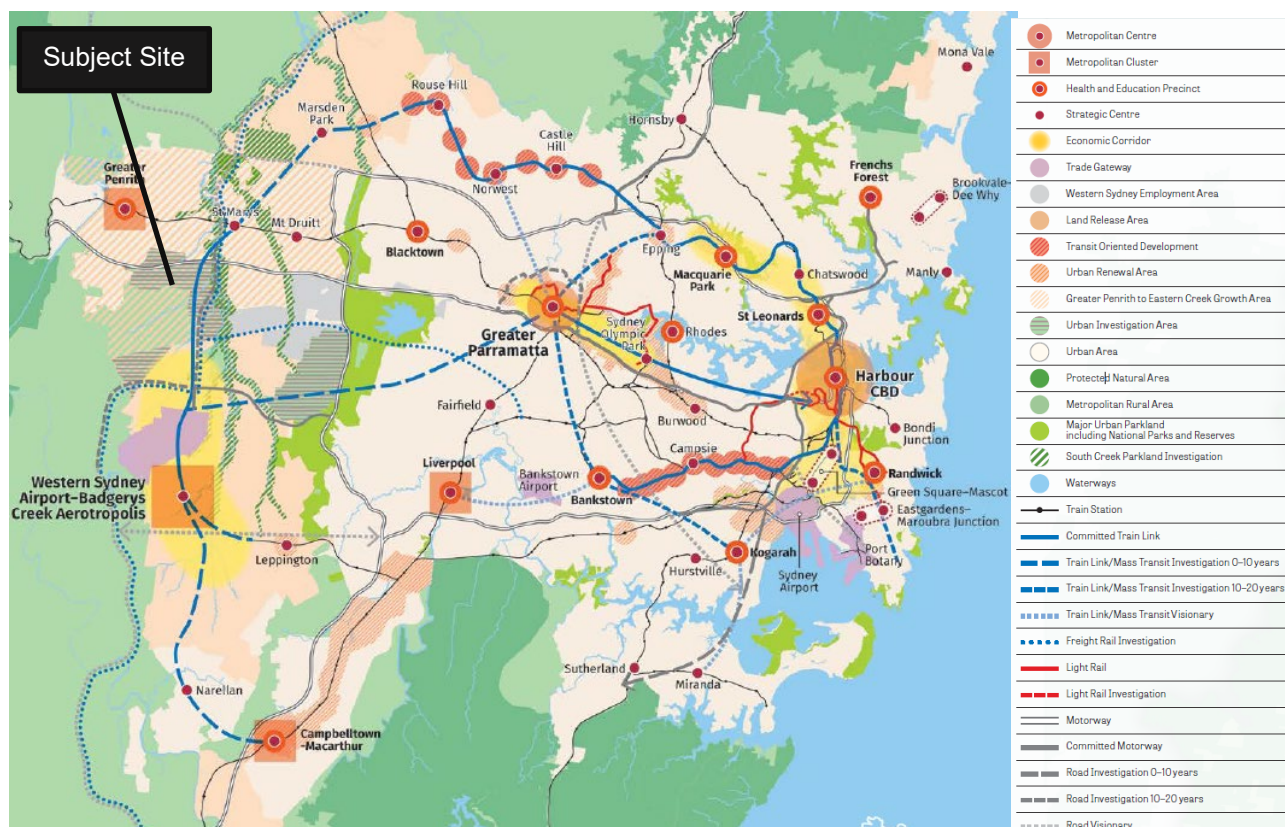
- *Objective 23 Industrial and urban services land is planned, retained and managed*

The proposed warehouse will help facilitate the transition of the site into an industrial precinct to support industrial and urban services near the Aerotropolis. The proposal will optimise the current underutilised land by delivering a high-quality warehouse unlocking economic investment for the site and broader locality.

- *Objective 28 Scenic and cultural landscapes are protected*

The proposed development will respond to the scenic and cultural landscape values relating to the site. Landscape setbacks are provided to ensure an attractive, considered approach to the site's interface, as well as creating a modern, appealing warehouse that is sympathetic to its context.

Figure 12 Greater Sydney Region Plan Structure Plan



Source: Greater Cities Commission

5.2. OUR GREATER SYDNEY 2056: WESTERN CITY DISTRICT PLAN

The *Western City District Plan* (District Plan) is a 20-year plan to manage growth in the context of economic, social and environmental matters to implement the objectives of the Greater Sydney Region Plan. The intent of the District Plan is to inform local strategic planning statements and local environmental plans, guiding the planning and support for growth and change across the district.

The District Plan contains strategic directions, planning priorities and actions that seek to implement the objectives and strategies within the Region Plan at the district-level. The Structure Plan identifies the key centres, economic and employment locations, land release and urban renewal areas and existing and future transport infrastructure to deliver growth aspirations.

The site is located within Greater Penrith, on the periphery of the Western Sydney Aerotropolis. The site is located in a suitable location for the proposed industrial uses as it is located north of the Northern Gateway Precinct, and is in proximity to existing and planned infrastructure corridors. This includes the planned north-south transport connection provided by the Outer Sydney orbital corridor which is enabling infrastructure for economic opportunities. The development will contribute to the job growth targets of the district, by providing construction and ongoing jobs for existing and future residents.

The planning priorities and actions likely to have implications for the proposed development are listed and discussed below:

- *Planning Priority W6 Creating and renewing great places and local centres, and respecting the District's heritage*

The proposed works seek to optimise the existing use of the site and maximise its opportunities for future investment. The development will renew the existing site by making it ready for future freight and industrial operations to positively contribute to the attractiveness and functionality of its locality.

- *Planning Priority W7 Establishing the land use and transport structure to deliver a liveable, productive and sustainable Western Parkland City*

The proposal will deliver employment lands in a location earmarked for future transport infrastructure investment. The site will benefit from existing and planned infrastructure corridors to aid in creating a productive Western Parkland City.

- Planning Priority W8 Leveraging industry opportunities from the Western Sydney Airport and Badgerys Creek Aerotropolis

This proposal is seeking consent to develop a warehouse which will contribute to the broader industrial precinct. These works will unlock future opportunities to leverage the industrial and business growth of the Western Sydney Airport and the Aerotropolis. These works will optimise the site, enabling the transformation into a hub attracting investment, employment and industrial opportunities that would benefit the broader WSA.

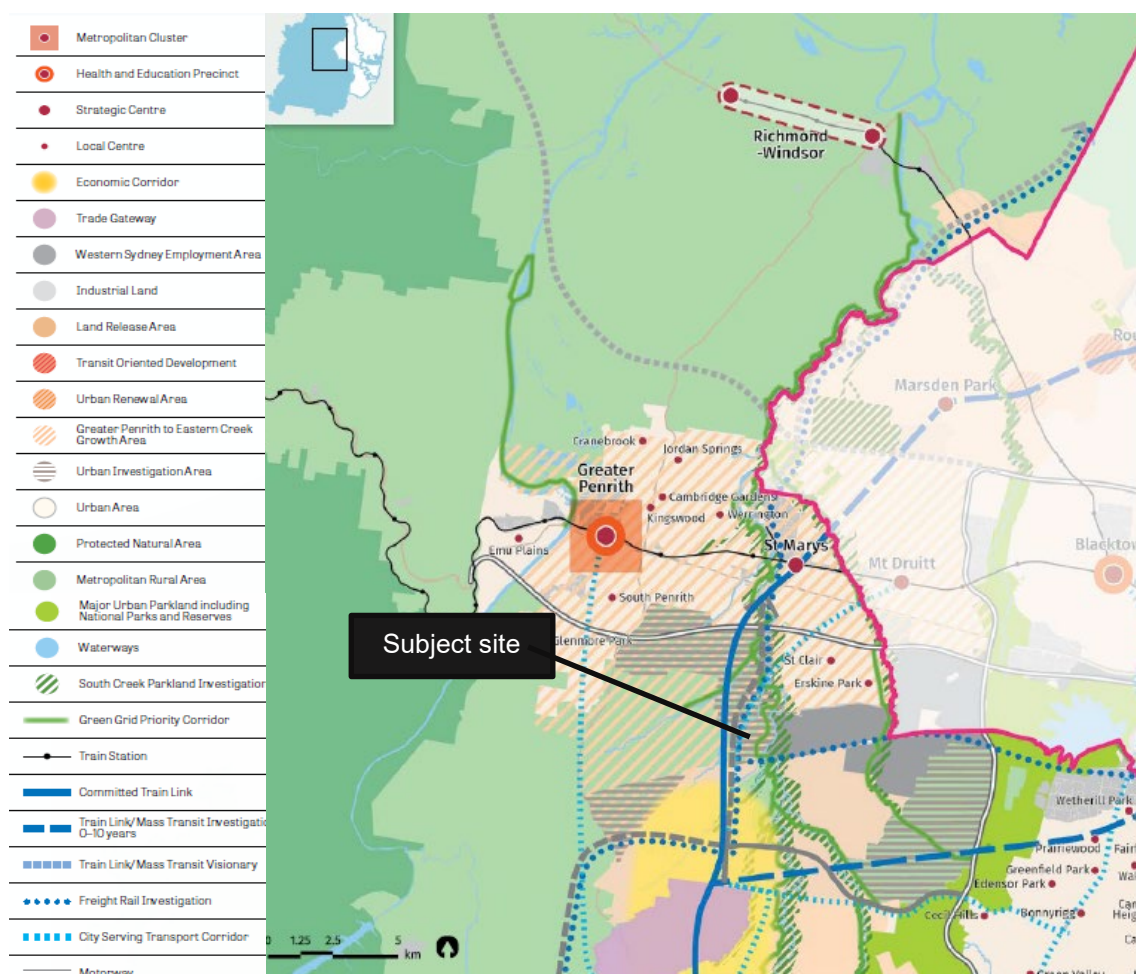
- *Planning Priority W10 Maximising freight and logistics opportunities and planning and managing industrial and urban services land*

The warehouse and future AIBP supports freight and logistics activities. The proposed works deliver additional industrial floorspace that will generate investment and employment growth for the locality and broader Western City District.

- Planning Priority W11 Growing investment, business opportunities and jobs in strategic centres

The warehouse development is the beginning of the broader transition to maximising the industrial and business opportunities of the AIBP. This will enable the critical redevelopment of the site to support an industrial precinct which will generate jobs as well as local and regional investment due to its strategic location to the WSA. The proposed warehouse building will create construction and operation jobs at the subject site. However, it will initiate the broader site transformation into a precinct that generates considerable employment and business.

Figure 13 Western City District Plan Structure Plan



Source: Greater Cities Commission

5.3. PENRITH LOCAL STRATEGIC PLANNING STATEMENT

The Penrith Local Strategic Planning Statement was published by Penrith City Council in March 2020 and provides a snapshot of the Penrith LGA as well as setting out the 2036 vision for the Penrith, anchored on the key themes of connected, healthy, innovative and balanced.

The site is situated on the fringe of the State-nominated Orchard Hills Urban Investigation Area. The Urban Investigation Areas within Penrith LGA will help deliver new housing over next 20 years. The Western Sydney Aerotropolis is a major priority within the LSPS which highlights the importance of maximising the benefits and minimising impacts that the Aerotropolis and Western Sydney International Airport will generate.

The Plan includes planning priorities for infrastructure, partnerships, and collaboration, liveability, productivity and sustainability. Key priorities that are relevant to the site include:

- *Planning Priority 1: Align development, growth and infrastructure*

The development of Penrith and the broader WSA will be supported by the development of industrial and employment lands. The proposed warehouse will provide jobs in proximity to residential growth and emerging centres. This ensures development of the site, and its surrounding district is aligned and benefits off each other's growth.

- *Planning Priority 9: Support the North South Rail Link and emerging structure plan*

The site is within an area that is rapidly developing in regard to its strategic context. A significant portion of future land uses surrounding the site will incorporate industrial uses or employment generating uses, and as such, the proposed development is complementary of the surrounding urban environment. The proposal will leverage off the Sydney Metro Greater West and Outer Sydney Orbital Corridor to provide efficient access to employment for Western Sydney residents.

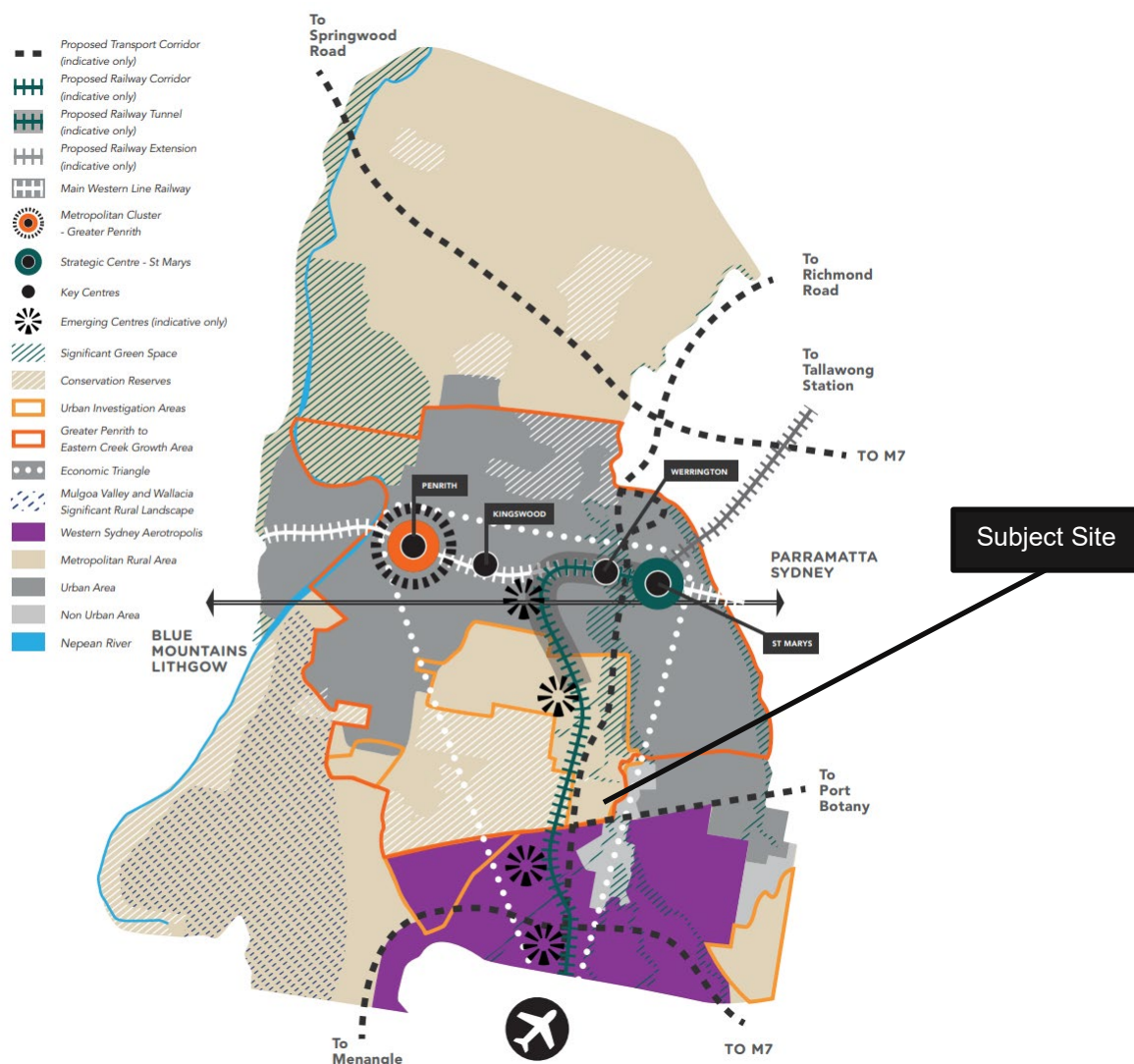
- *Planning Priority 11: Support the planning of the Western Sydney Aerotropolis*

The proposed warehouse development will contribute to maximising the benefits of the Aerotropolis. It will deliver an industrial precinct that will support the activities of the WSA and simultaneously leverage the benefits of it due to the site's strategic location. The site has the opportunity to accommodate a considerable amount of jobs projected for the WSA.

- *Planning Priority 12: Enhance and grow Penrith's economic triangle*

The WSA is catalyst to the emergence of a significant economic corridor that supports diverse industries and a range of job opportunities. The proposed warehouse and future AIBP will help support this emerging trade and investment hub by offering freight and industrial activities to service the future industries.

Figure 14 Penrith LSPS Structure Plan



Source: Penrith Council

5.4. PENRITH EMPLOYMENT LANDS STRATEGY

Penrith City Council's Employment Lands Strategy (ELS) 2021 aims to guide the development of employment lands within the LGA, in order to strengthen the economic development and resilience of Penrith. The Strategy is a response to Action 12.1 of the LSPS under Planning Priority 12 to 'Enhance and grow Penrith's Economic Triangle'. The Employment Lands Strategy also responds to the Western City District Plan's 6 principles to 'retain and manage' existing employment lands, and to 'plan and manage' new employment lands.

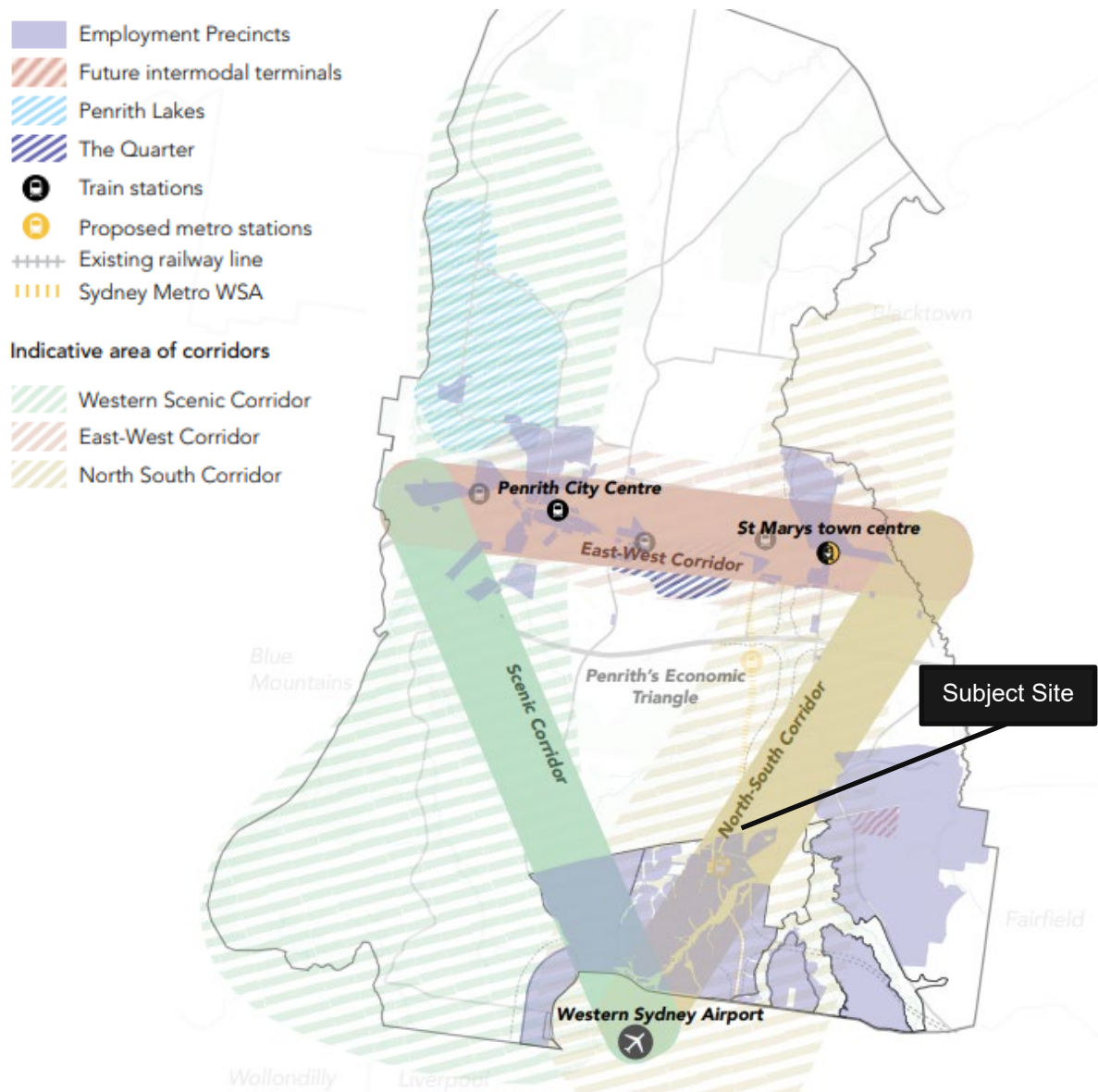
The ELS considers employment lands to be land zoned for:

- Industrial and urban services lands;
- Commercial centres and business park; and
- Special purpose zoned land.

The ELS recognises the significant state-wide economic benefits associated with industrial and urban services land and their importance in ensuring the effective functioning of urban area. It identifies the existing function of land within Penrith's Economic Triangle, noting that land within the north-south corridor will form a new enterprise arc from St Marys to the Western Sydney Airport and Aerotropolis. The site located within the

north-south corridor (see **Figure 12**) benefits from connections to Mamre Road and future connections along the Sydney Metro WSA rail line and the Outer Sydney Orbital.

Figure 15 Penrith's Economic Triangle

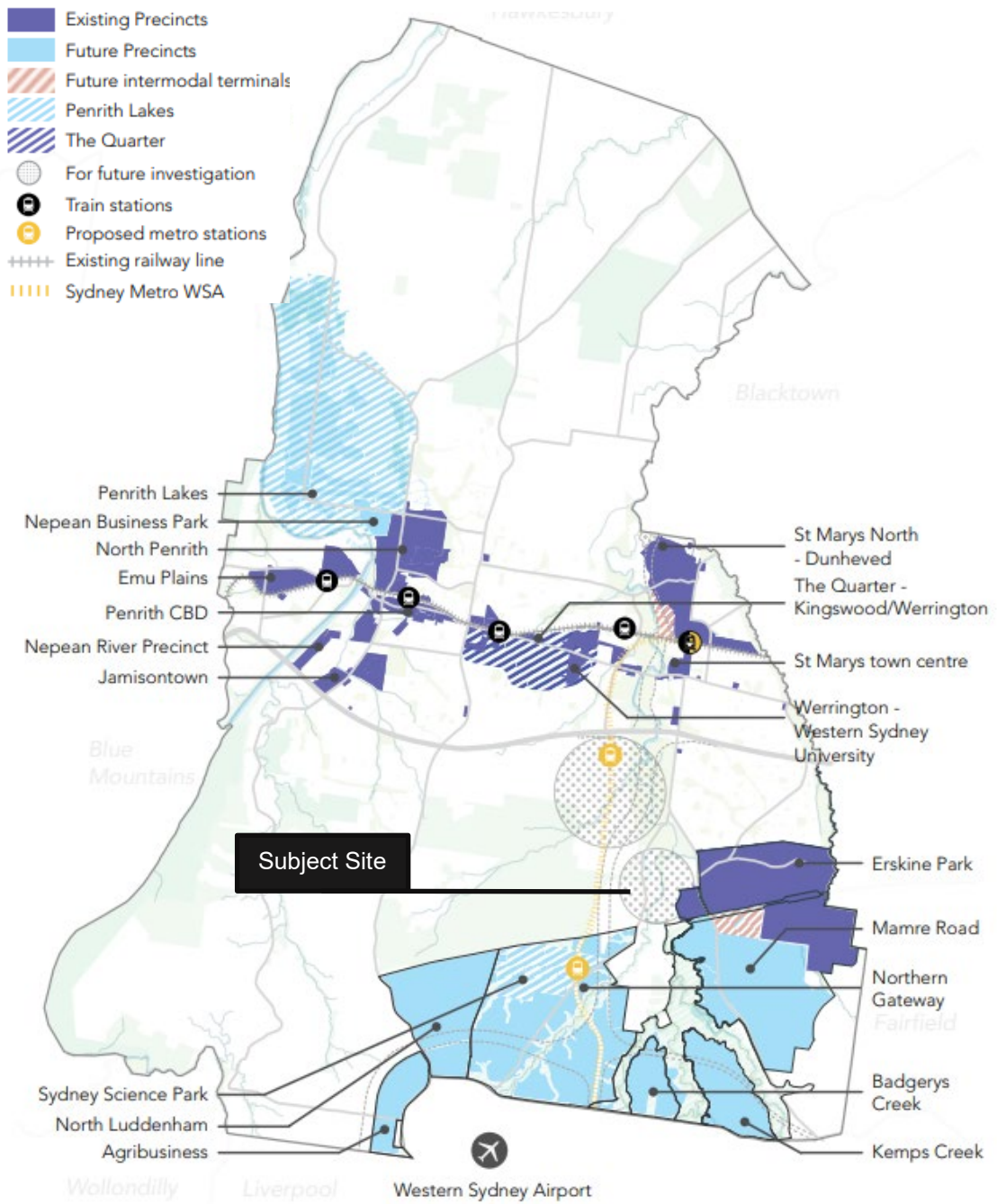


Source: Penrith City Council

Penrith's population is expected to grow significantly by around 370,000 people over the next 20-years. With this comes the need to provide sufficient jobs across a range of industries and to ensure that future employment lands are serviced and delivered within a timely manner.

The ELS identifies future employment lands as well as new precincts with potential to strengthen the diversity of the LGA's economic function and provide critical employment. The ELS recognises the potential of Penrith Lakes, Orchard Hills urban investigation area and the Broader WSEA. Accordingly, the site located within the Orchard Hills urban investigation area will help support the short-term and medium-term demand for jobs, of which are not expected to be met should land continue to be developed at the rate of which it has occurred previously.

Figure 16 Existing and Future Precincts



Source: Penrith City Council

6. STATUTORY CONTEXT

The Proposal demonstrates a high level of consistency with the objects of the EP&A Act. The Proposal is consistent with the site-specific provisions outlined within relevant environmental planning instruments and has been designed having regard to the environmental sensitivities of the site.

The Proposal is consistent with the following policies and instruments:

- *State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP);*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP);*
- *State Environmental Planning Policy (Resources and Energy) 2021 (Resources and Energy SEPP);*
- *State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP); State Environmental Planning Policy (Precincts – Western Parkland City) 2021 (WPC SEPP); and*
- *Penrith Development Control Plan 2014 (DCP).*

An assessment against Section 4.15 of the EP&A Act is provided in Section 7 of this SEE.

6.1. STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

The aim of State Environmental Planning Policy (Transport and Infrastructure) 2021 is to facilitate the effective delivery of infrastructure across NSW. This is achieved by identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure, including classified roads, rail corridors and prescribing consultation requirements for certain development.

Chapter 4 Major Infrastructure Corridors

The aim of this chapter is to identify land that is intended to be used in the future as an infrastructure corridor and establish appropriate planning controls for land to allow for the ongoing use and development until it is needed for the future infrastructure corridor. It seeks to protect land from development that would adversely impact on or prevent the land from being used as an infrastructure corridor in the future.

The site is subject to Chapter 4 major Infrastructure Corridors as the following corridors affect the site:

- The site adjoins the proposed north-south rail link to the west,
- The Western Sydney Freight Corridor is located at the southern extent of the site,
- The proposed Outer Sydney Orbital (OSO) Corridor is located on the western extent of the site.

The OSO corridor and the Western Sydney Freight Corridor have both of been zoned SP2 Infrastructure under the Corridor Protection SEPP. As there are several infrastructure corridors identified in proximity to the site, the following provisions apply.

4.8 Subdivision of land prohibited

(1) The subdivision of land within a future infrastructure corridor is prohibited.

(2) Despite subsection (1), a subdivision for the purpose of a realignment of boundaries that does not create or include any additional lot (or part lot) within a future infrastructure corridor is permitted with development consent.

The proposed subdivision of the site ensures the boundaries do not intrude on the identified corridors. The proposed subdivision does not create or include any additional lot within these future infrastructure corridors. Accordingly, the proposed subdivision satisfies the SEPP and is permitted with consent.

4.9 Excavation in, above, below or adjacent to future infrastructure corridors

(1) This section applies to development that involves the penetration of ground to a depth of at least 2 metres below ground level (existing) on land—

- (a) within, below or above a future infrastructure corridor, or*
- (b) within 25 metres (measured horizontally) of a future infrastructure corridor, or***
- (c) within 25 metres (measured horizontally) of the ground directly below a future infrastructure corridor, or*
- (d) within 25 metres (measured horizontally) of the ground directly above an underground future infrastructure corridor.*

Due to the above, concurrence to Transport for NSW will be needed for the application. The proposed works seek to facilitate development on the site. It will not adversely impact the safe and efficient movement of people and freight throughout Western Sydney. Positive consultation with TfNSW occurred during the planning proposal stage. The proposed subdivision pattern and development is consistent with this TfNSW advice.

In addition, under Schedule 3 Traffic-generating development to be referred to TfNSW—Chapter 2, the proposal is deemed traffic generating development.

6.2. STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 has replaced State Environmental Planning Policy 55 – Remediation of Land (SEPP 55) and provide a state-wide planning approach for the remediation of land and aims to promote the remediation of contaminated land to reduce the risk of harm to human health or the environment. Clause 7(1) of SEPP 55 (chapter 4 of the Resilience and Hazards SEPP) requires the consent authority to consider whether land is contaminated prior to the issuance of consent to a development application. Any sources of contamination or potentially hazardous materials will be identified, and the site will be made suitable from a contamination perspective for the proposed works.

The site is also subject to Chapter 3 of the SEPP, as COPE Sensitive Freight will store materials classified as Dangerous Goods (DGs). An assessment has been prepared to review the quantities of DGs stored at the proposed facility and the associated vehicle movements was conducted and compared to the threshold quantities outlined in Chapter 3 of SEPP. The results of this analysis indicates the threshold quantities for the DGs to be stored and transported are not exceeded; hence, the Chapter 3 of SEPP (Resilience and Hazards) does not apply to the project. Furthermore, a review of the potential to cause offense was conducted which indicated the site operations would be unlikely to result in noise or odour to occur at levels which would cause offense.

As the facility is not classified as potentially hazardous or offensive, it is not necessary to prepare a Preliminary Hazard Analysis for the facility as Chapter 3 of SEPP (Resilience and Hazards) does not apply.

6.3. STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

The Sustainable Buildings SEPP helps ensure new and renovated buildings are sustainable and resilient for the future climate and closer to achieving net zero emissions. This is through the design and construction of sustainable buildings through the implementation of new sustainability standards.

The proposed development is to demonstrate how it addresses the requirements outlined in the Sustainable Buildings SEPP, including the following:

- (a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,*
- (b) a reduction in peak demand for electricity, including through the use of energy efficient technology,*
- (c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,*
- (d) the generation and storage of renewable energy,*
- (e) the metering and monitoring of energy consumption,*

- (f) *the minimisation of the consumption of potable water.*

The ESD Report prepared by Northrop highlights the ESD principles incorporated into the development, and further explained in Section 6.7. It illustrates the development incorporates strategies for energy efficiency, energy generation, indoor environment quality, water efficiency, transportation plan, bushfire resilience, and green infrastructure. In summary, the development has worked to address key climate related risks posed to the site, aligning it to the NSW Government's commitment to carbon neutrality by 2050.

6.4. STATE ENVIRONMENTAL PLANNING POLICY (RESOURCES AND ENERGY) 2021

State Environmental planning Policy (Resources and Energy) 2021 contains planning provisions for the assessment and development of mining and extractive industries in proximity to the population of the Sydney Metropolitan area. Clause 3.11 - Restrictions on development in the vicinity of extractive resource sites, contains provisions to protect existing waste resource facilities from future development.

Division 1 - Clay/shale extraction areas of regional significance – current and potential; identifies Lot 4, DP 521268, Patons Lane, Erskine Park, Erskine Quarries, Erskine Park. This site is in proximity to the subject land and located to the north east.

Accordingly, development consent can only be granted if it is demonstrated the development will not be adversely affected by noise, dust, vibration or reduced visual amenity from any nearby extractive industry nor will it impact the extractive industry and its full economic potential.

The accompanying suite of technical documentation assesses the proposed development for potential risk to the above mentioned impacts, as well as any proposed potential impacts and mitigation measures to manage the proposal. The investigations confirm in Section 6, that the proposed development will not adversely impact the surrounding land uses. Similarly, the proposed development will not be impacted by the operations of the nearby Resource Recovery Centre and the development will implement appropriate measures to mitigate any potential risks.

6.5. STATE ENVIRONMENTAL PLANNING POLICY (WESTERN PARKLAND CITY) 2021

State Environmental Planning Policy (Precincts – Western Parkland City) 2021 (WPC SEPP) applies to the Western Sydney Aerotropolis (Aerotropolis) and aims to facilitate the growth and development of the precinct in accordance with the Western Sydney Aerotropolis Plan. The site is not subject to the statutory planning process applicable to the WSA SEPP. Nonetheless, given the sites proximity to the WSA, consideration is given to the aims of the SEPP and any application clauses.

Chapter 4 Clause 4.1 Aims of Chapter

The aims of this Chapter are as follows—

- (g) to facilitate development in the Western Sydney Aerotropolis in accordance with the objectives and principles of the Western Sydney Aerotropolis Plan,*
- (h) to promote sustainable, orderly and transformational development in the Western Sydney Aerotropolis,*
- (i) to ensure development is compatible with the long-term growth and development of the Western Sydney Airport (including in relation to the operation of the Airport 24 hours a day) and other critical transport infrastructure,*
- (j) to promote employment and world-class innovation and provide for residential development in suitable locations,*
- (k) to recognise the physical and cultural connection of the local Aboriginal community to the land and to incorporate local Aboriginal knowledge, culture and tradition into development,*
- (l) to preserve land for future infrastructure development,*

(m) to protect, maintain and enhance, and to minimise the impact of development on, trees and vegetation, soil quality and the health of waterways and to contribute to the conservation of biodiversity,

(n) to recognise and protect the ecological and cultural value of Wianamatta–South Creek

The site is adjacent to the Northern Gateway precinct to the south which has been rezoned of Enterprise with the gazettal of the SEPP WSA. The proposed development will facilitate industrial and freight services and operations which directly align with the adjoining enterprise zone. The complementary employment uses support the operations of the precinct and broader WSA.

The following table assesses the compliance of the proposal in accordance with the relevant clauses within the SEPP.

Table 3 WWPC SEPP Compliance Table

Clause	Provision	Proposed	Complies
Clause 4.17 – Aircraft Noise	(2) Development consent must not be granted to noise sensitive development if the development is to be located on land that is in an ANEF or ANEC contour of 20 or greater.	The site is not affected by aircraft noise and the proposed industrial land uses are not considered a noise sensitive land use	Yes
Clause 4.18 – Building wind shear and turbulence	(2A) Development consent must not be granted to the development unless the consent authority has consulted the relevant Commonwealth body.	The site is not affected by building wind shear and turbulence	Yes
Clause 4.19 – Wildlife hazards	Development consent must not be granted to relevant development on land in the 13 km wildlife buffer zone unless the consent authority – (a) has consulted the relevant Commonwealth body, and (b) has considered a written assessment of the wildlife that is likely to be present on the land and the risk of the wildlife to the operation of the Airport provided by the applicant, which includes— (i) species, size, quantity, flock behaviour and the particular times of day or year when the wildlife is likely to be present, and (ii) whether any of the wildlife is a threatened species, and (iii) a description of how the assessment was carried out, and (c) is satisfied that the development will mitigate the risk of wildlife to the	The site is located within the 8km wildlife buffer zone. The proposed works have been assessed landscaping works have been independently assessed by Geoscapes to validate that bird attracting species have been minimised. The nominated tree species on the landscape plans have been selected from the Sydney Aerotropolis Landscape Species List.	Yes

Clause	Provision	Proposed	Complies
	operation of the Airport, including, for example, measures relating to— (i) waste management, landscaping, grass, fencing, stormwater or water areas, or (ii) the dispersal of wildlife from the land by the removal of food or the use of spikes, wire or nets		
Clause 4.21(2) - Lighting	(2) Development consent must not be granted to development for the following purposes on land shown as the “6km Lighting Intensity Radius”, a “Light Control Zone” or a “Runway Boundary” on the Lighting Intensity and Wind Shear Map unless the consent authority has consulted the relevant Commonwealth body—	The site does not fall within the lighting intensity radius or lighting control zones established within the Lighting Intensity and Wind Shear Map.	Yes
Clause 4.22(3) – Airspace operations	(3) Development consent must not be granted to development to which this section applies unless— (a) the consent authority has consulted the relevant Commonwealth body, and (b) the relevant Commonwealth body advises the consent authority that— (i) the development will penetrate the prescribed airspace but it does not object to the development, or (ii) the development will not penetrate the prescribed airspace	The site is located within the Conical Surface 190 AHD on the OLS map. The proposed development will not impact airspace operations.	Yes

The assessment concludes that the proposal complies with the relevant provisions within the relevant instruments.

6.6. PENRITH LOCAL ENVIRONMENTAL PLAN 2010

Penrith Local Environmental Plan 2010 (the LEP) is the primary environmental planning instrument applying to the site and the proposed development.

The site is zoned E4 General Industrial zone in accordance with the LEP. The proposed development is consistent with the zone objectives as outlined below:

E4 General Industrial

- *To provide a range of industrial, warehouse, logistics and related land uses.*

- *To ensure the efficient and viable use of land for industrial uses.*
- *To minimise any adverse effect of industry on other land uses.*
- *To encourage employment opportunities.*
- *To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.*

The proposal supports the land zoning and aligns with the industrial and warehouse land uses. The development of the warehouse will deliver upon the zone objectives to help generate employment whilst minimising adverse impacts to surrounding areas.

The following table assesses the compliance of the proposed development with other relevant clauses in the LEP.

Table 4 LEP Compliance Table

Clause	Provision	Proposed	Complies
Clause 4.1 – Minimum Subdivision Lot Size	The site is subject to a 1,000m ² minimum lot size.	Subdivision is proposed and compliant.	Yes
Clause 4.3 – Height of Building	The site is subject to a 24 metres maximum building height.	The proposed development will have a maximum building height of 14.6 metres, which is below the control.	Yes
Clause 4.4 – Floor Space Ratio	The site is not subject to a Floor Space Ratio (FSR) control.	Not applicable.	Yes
Clause 5.10 – Heritage Conservation	<p>The site is not identified as a local heritage item, nor is it located within a heritage conservation area. However, there are two local heritage items located east of the site, specifically:</p> <p>Item 232: Leeholme Horse Stud Rotunda, 391–395 Mamre Road, and</p> <p>Item 843: Luddenham Road Alignment</p>	<p>A Heritage Letter of Advice has been prepared by EMM Consulting, and discussed further in Section 6.1.</p> <p>The project area has undergone extensive heritage assessment prior investigations and assessments. As no heritage constraints were identified in the bulk earthworks, the need to revisit these assessments is not considered to be necessary, as it is unlikely that new findings will be identified.</p>	Yes
Clause 5.21 – Flood planning	The site is not identified as being affected by the flood planning area. However, the flood planning corridor is located in proximity to the east of the site, at the properties on the	A previous flood assessment was prepared by Arcadis for the overall site. Based on the review conducted, it can be concluded that the proposed development is generally in accordance with the	Yes

Clause	Provision	Proposed	Complies
	opposite side of Luddenham Road.	assumptions outlined in the overall site flood assessment. Further assessment of flooding is outlined in Section 6.4 .	
Clause 7.1 - Earthworks	This clause ensures earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	Bulk earthworks are currently subject to a separate Development Application, which is currently with Council.	Yes
Clause 7.4 Sustainable Development	The proposed development must have regard to the principles of sustainable development.	The proposed warehouse considers the principles of sustainable development and proposes several sustainability initiatives into the development. Refer to Section 6.7 of this report and the ESD report prepared by Northrop.	Yes
Clause 7.5 – Protection of Scenic Character and Landscape Values	Areas that are identified as having scenic value either from major roads, identified heritage items or other public places, are to be protected. Development in these areas are to be located and designed to minimise its visual impact. The eastern portion of the site is identified as land with Scenic and Landscape Values.	The proposed warehouse is not within this area. Nonetheless, the development considers the scenic values of the area and ensures development will be sympathetic to the landscape values. It is important to note the scenic and landscape values relating to the site and the Luddenham Road alignment heritage item will be affected in the long term by the Luddenham Road upgrades delivering a 40 m wide strip of land along Luddenham Road which has been set aside for the future proposed widening.	Yes
Clause 7.6 - Salinity	Development consent must not be granted to any development unless the consent authority has considered— (a) whether or not the proposed development is likely to have an	A previous Salinity Management Plan and Geotechnical Assessment was prepared for the overall site, as part of the Bulk Earthworks DA. The report details salinity management measures designed to reduce impacts of salinity,	Yes

Clause	Provision	Proposed	Complies
	<p>impact on salinity processes, and</p> <p>(b) whether or not salinity is likely to have an impact on the proposed development, and</p> <p>(c) appropriate measures that can be taken to avoid or reduce any undesirable effects that may result from the impacts referred to in paragraphs (a) and (b).</p>	<p>aggressivity and sodicity on the proposed development and associated structures; and minimize the impact of the proposed development on the existing salinity characteristics of the site and the environment.</p>	
Clause 7.7 - Servicing	The objective of this clause is to ensure that development of land reflect the availability of services.	The site will be independently serviced with an on-site waste water disposal system and future connection to Sydney Water potable water.	Yes

Based on the above, the proposal complies with the relevant provisions within the LEP.

6.7. PENRITH DEVELOPMENT CONTROL PLAN 2014

Penrith Development Control Plan 2014 (the DCP) provides detailed planning controls relevant to the site and the proposal. Additional assessment is required in accordance with the *E17 Luddenham Road Industrial Business Park*. An assessment against the relevant controls is provided in Appendix A.

Based on the assessment, the proposal complies with the relevant provisions within the DCP.

6.8. INFRASTRUCTURE CONTRIBUTIONS

A Voluntary Planning Agreement has been prepared with Council which outlines land to be dedicated and 'works in kind' to be delivered by HB+B Property to facilitate the development.

The development is subject to the Penrith City Section 7.12 Citywide Development Contributions Plan for Non-Residential Development.

The development area is subject to Housing and Productivity Contributions (HPC) with the State Government.

7. ASSESSMENT OF KEY ISSUES

7.1. HERITAGE

EMM Consulting were engaged to prepare a Historical Heritage Letter of Advice to assess the potential impacts to surrounding heritage values. It was prepared for the AIBP project area and the COPE Sensitive Freight development. The estate has undergone extensive prior investigations and assessments, each aligned with specific development phases. As no heritage constraints were identified, the need to revisit these assessments is not considered to be necessary, as it is unlikely that new findings will be identified. No historical heritage impacts are identified.

The letter of advice has identified six listed properties within 3 km of the site. Of these, the AIBP development is directly adjacent to two heritage items listed in the Penrith LEP 2010 as being of local significance:

- “Luddenham Road Alignment” (PLEP 2010, I843)
- “Leholme Horse Stud Rotunda” (PLEP2010, I232)

The assessment demonstrates the overall estate has a continuous history of rural and economic development, contributing to the rural character of Luddenham Road and is representative of long-occupied rural estates in the Penrith region.

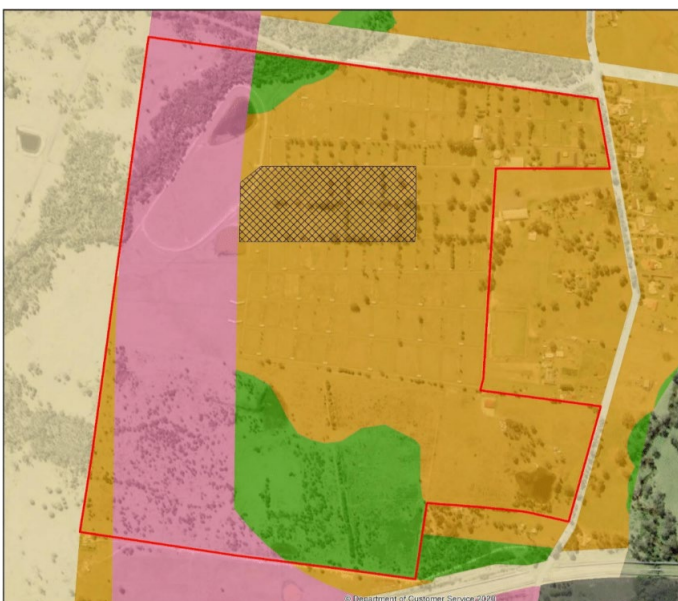
The sites historical archaeological potential pertains to four historical lots granted to free settlers and military officers between 1809 and 1823. However there is no indication that the estate is likely to have contained substantial structures that have been preserved archaeologically. If encountered, the archaeological resource would be contained to isolated finds with limited research value. Consequently, the potential for relics within the project area is low.

In addition, the Statement of Heritage Impact previously prepared concludes no direct impacts are identified stemming from the bulk earthworks. As no impacts arising from the bulk earthworks were identified, the construction of the COPE warehouse is likewise expected to have no significant heritage impacts.

7.2. BIODIVERSITY

Ecoplanning have prepared a Biodiversity letter to assess the potential biodiversity impacts and the proposals compliance with the CPCP. The site is mapped as Certified-Urban Capable Land and Certified-Major Transport Corridors, as depicted in Figure 17.

Figure 17 Biodiversity Certified Land under the Cumberland Plain Conservation Plan



Source: Ecoplanning

Ecoplanning confirm the proposed development will implement all the required CPCP mitigation measures. Accordingly, it is compliant with the biocertification under the CPCP. No significant impact to any MNES is likely to occur as part of the proposal, therefore referral to the Commonwealth Minister for the Environment and Water is not recommended.

7.3. TRAFFIC

A Traffic Impact Assessment (TIA) was prepared by Arcadis to identify the potential traffic, parking and access impacts. The TIA confirms the proposed development is supportable on traffic planning grounds, as discussed in the following sections.

Traffic

The likely traffic impacts have been assessed to understand the proposed developments implications on the surrounding network. The traffic demands associated with the potential development during construction and the operation of the site is expected to be accommodated safely.

During construction, adequate separation is provided between the access points of the warehouse, to minimise potential impacts to development construction occurring in conjunction with surrounding warehouse lots. Adequate separation is provided within the internal road network for the mixture of vehicles requiring access to each individual site. Construction traffic mitigation measures have been provided to manage the impacts of traffic and transport during construction.

In addition, a Green Travel Plan has been prepared to support non-private vehicle access to the site during operations.

Car Parking

The site is subject to the Luddenham Road Industrial Business Park DCP site-specific provisions. The following parking requirements apply to the development.

Figure 18 Parking Requirements

Land Use	Area (m ²)	Parking Rate	Parking Requirement (Spaces)
Cope Sensitive Freight Development	38,500		
• Warehouse	37,000	1 space per 300 m ² GFA	124
• Office	1,500	1 space per 40 m ² GFA	38
		TOTAL	162

Source: Arcadis

The proposed development will deliver 222 parking spaces for the development, and meets the parking demand generated by the proposal.

In addition, the provisions for accessible parking within the DCP estimates the development must provide a minimum of 2 accessible parking spaces. The plans propose 3 designated accessible parking spaces, and therefore complies with the DCP requirements.

As the proposal is developed, appropriate bicycle parking and storage will be provided in accordance with the Penrith DCP. A total of 39 bicycle parking spaces will be provided on site.

Access

Access to the site will be provided via a site access road within the AIBP development with access to the broader road network via Patons Lane. Three vehicle access points into the site are proposed. Entry point for heavy vehicles is provided along the southern side of the project boundary, with the exit provided along the northern project boundary.

Light and passenger vehicle movements are separated from heavy vehicle movements, with the car park access driveway located on the southern side of the development, between the entry and exit points for heavy vehicles.

Along the frontage of the site, the road reserve width is sufficient to accommodate footpaths along both sides of the road in accordance with the requirements of the Penrith DCP. Within the site, pedestrian access is provided to the office and warehouse, by a dedicated pedestrian entry point and footpath at the site boundary to facilitate access to the carpark and the building entrance.

7.4. INTEGRATED WATER CYCLE MANAGEMENT & FLOODING

Integrated Water Cycle Management

An Integrated Water Cycle Management (IWCM) Report has been prepared by Henry & Hymas to address the site's stormwater design, in particular the application of Water Sensitive Urban Design (WSUD), stormwater detention, and sediment and erosion control.

In relation to stormwater quantity, the increased impervious surfaces associated with the development will result in an increase in peak stormwater flows from the site during storm events. As such, the development proposed Onsite Stormwater Detention (OSD) to ensure runoff is appropriately managed in accordance with Council's requirements. The site stormwater system has been designed to safely convey the flows through the site and within the capacity of the downstream system.

In addition, the water quality assessment highlights the proposed development will provide water quality measure at source and end of line treatments to limit the impact on downstream water quality. Regarding water conservation, Council's DCP requires 80% of non-potable demand to be provided through rainwater or stormwater harvesting storages. This requirement and reuse rate is achieved by the proposed development as calculated in the IWCM.

Overall, the IWCM Report confirms appropriate stormwater management practices are proposed to be implemented to minimise the impact of development on the existing stormwater system.

Flooding

In addition, Arcadis has prepared a Flood Review as part of the AIBP Bulk Earthworks Application Flood Assessment Report (dated 13/10/2023). The letter confirms that the proposed development is generally in accordance with the flood assessment conducted for the business park.

The regional studies conducted by council identify the site as affected by the 1% Annual Exceedance Probability (AEP) and Probable Maximum Flood (PMF) extents from the unnamed creek to the west.

The flood assessment outcomes indicate the proposed development will not significantly affect the hazard conditions along Patons Lane. In the 1% AEP event, the southern carriageway will remain trafficable and has a maximum flood hazard category of H2, which is less hazardous than the existing conditions (H3). For the 0.5% and 0.2% AEP flood events, the southern carriageway is marginally trafficable, predominantly with a hazard category of H2.

Under the PMF flood scenario, the assessment indicates Patons Lane sag is highly hazardous (H5). However, the road is already considered highly hazardous in the PMF event under existing conditions. There are no material changes to the flood hazard conditions as an evacuation route under the pre-and post-development conditions. In a PMF event, access and egress to the site can be achieved by heading north to Patons Lane, which remains a low hazard route leading to the east.

7.5. NOISE AND VIBRATION

A Noise and Vibration Impact Assessment has been prepared by EMM Consulting. EMM were previously engaged to complete preliminary construction and operational noise impact assessments for AIBP.

Construction noise predictions indicate some minor exceedances, up to 2 dB, of NMLs for some receivers in proximity to the boundary. No exceedances of the highly noise affected management level are predicted. In relation to construction vibration, the assessment highlights the nearest location to the project is 225 m. Due to this distance, no significant vibration impacts are predicted.

In addition, operational noise levels are predicted to comply with project amenity noise levels. Sleep disturbance assessment demonstrates no exceedances of the NPfI night-time maximum screening noise level predicted.

Additional road traffic movements on Luddenham Road will be generated by the development. Increases in road traffic noise along Luddenham Road due to site generated traffic is not expected to exceed the 2dB requirement of the RNP.

Mitigation and management measures are recommended for construction noise predicted to exceed NMLs. The assessment details the following areas to employ management measures where possible:

- Work practices
- Plant and equipment
- Quantifying noise reductions

7.6. BUSHFIRE

Peterson Bushfire were engaged to prepare a Bushfire Assessment. It indicated the subject lot is identified as being bush fire prone land. Bushfire hazard consists of potential grassland within the estate adjoining the northern and western boundaries of the lot.

The bushfire protection measures employed by the proposal ensures adequate defensible space is provided in the form of a 20-47 metre wide heavy vehicle access road and hardstand.

Due to the adequate hazard separation distances, and the low risk nature of the site, the application of Bushfire Attack Levels construction specifications is not required. Overall, the proposal satisfies all the relevant 'Planning for Bush Fire Protection 2019' aims and objectives.

7.7. ECOLOGICALLY SUSTAINABLE DESIGN

Northrop were engaged to prepare an Ecologically Sustainable Design (ESD) report to demonstrate how the proposed development aligns with the requirements outlined in Clause 7.4 of the LEP, the Sustainable Buildings SEPP, and the DCP.

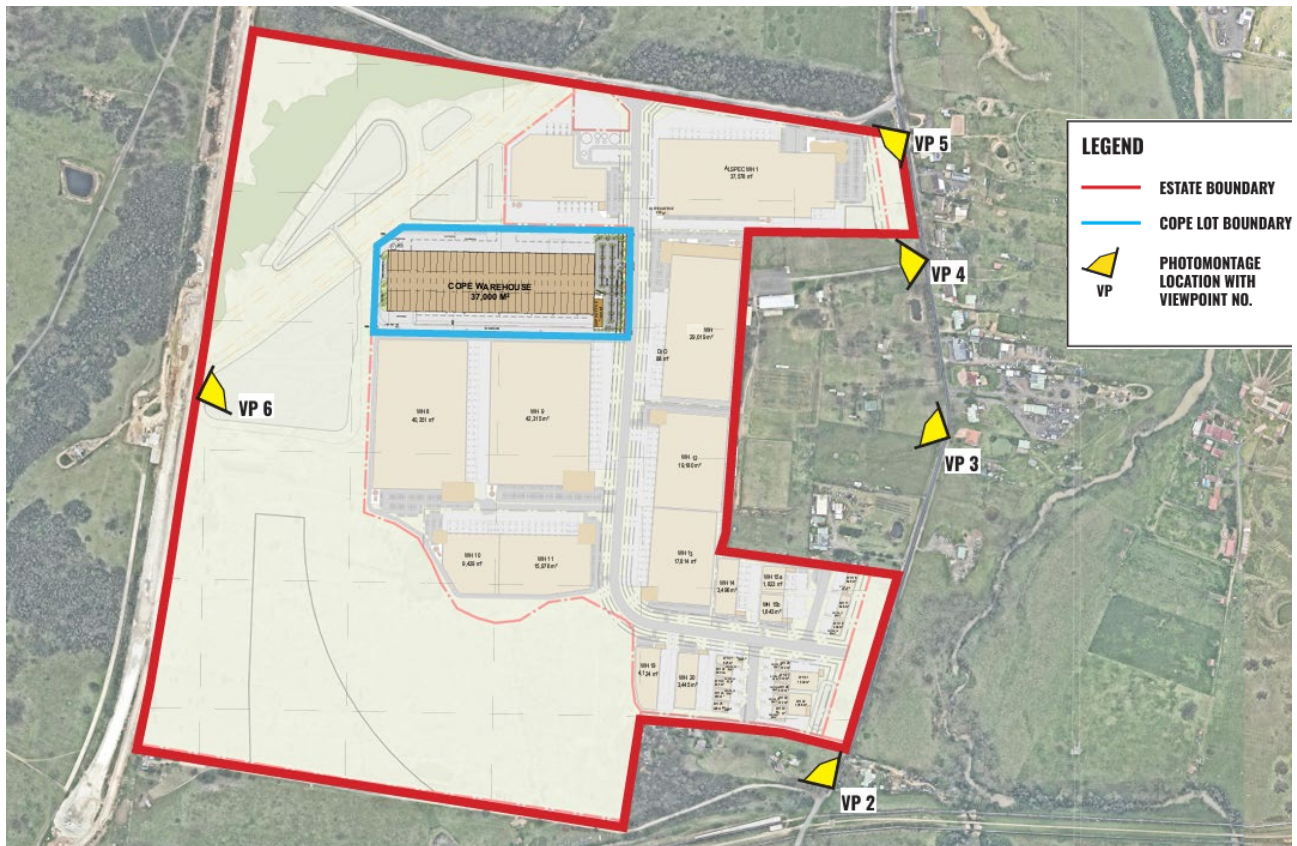
The report highlights the project proposes the following ESD measures to support the overall achievement of the desired sustainability outcomes:

- Water Sensitive Urban Design principles
- Considerate site layout and design to enable employee comfort
- Low embodied emission materials
- High efficiency electrical systems
- High performance fabric and glazing
- Water efficient fixtures and fittings
- Large scale on-site renewable energy generation
- Bio-retention basin available on broader estate for rainwater capture and reuse
- On-site stormwater treatment through incorporation of broader estate bio-retention basin
- Waste management and minimization strategies
- Electric charging station onsite
- Solar energy capacity to reduce the load that the precinct will place on the broader energy network.
- Considered vegetation and plant selection and design to encourage biodiversity and land resilience

7.8. VISUAL IMPACT

A Visual Impact Assessment (VIA) has been prepared by Geoscapes for the proposed development. The VIA selected six viewpoints to undertake the assessment, which are depicted in Figure 19 below.

Figure 19 Viewpoint Locations



Source: Geoscapes

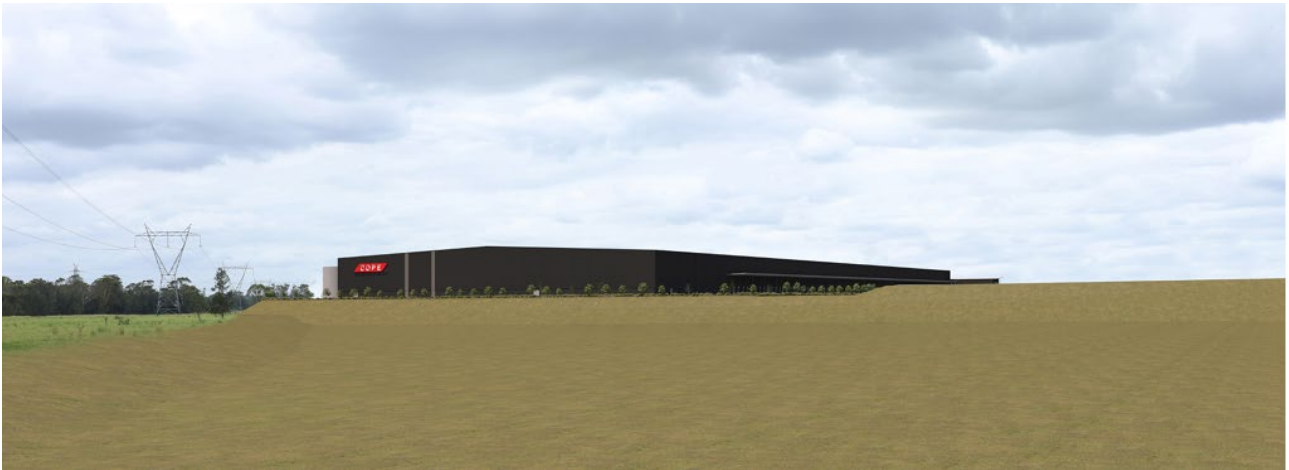
The analysis identified Viewpoint 6 – View from future North South Rail Link to receive moderate/minor visual impacts from the proposed development. The following figure captures a massing model of the proposed development viewed from this location. The images demonstrate that over time, the landscape treatment will screen the development further as they mature.

Figure 20 Viewpoint 6 Photomontage



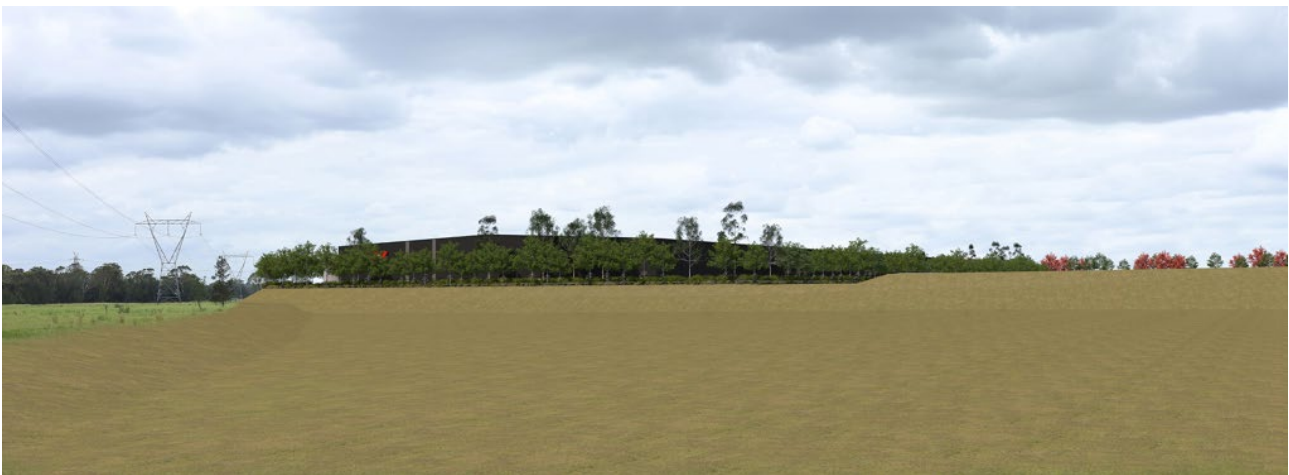
Picture 1 Baseline Photo – Viewpoint 6

Source: Geoscapes



Picture 2 Year 0 – Viewpoint 6

Source: Geoscapes



Picture 3 Year 15 – Viewpoint 6

Source: Geoscapes

Two locations were judged to receive minor visual impacts from the proposed development:

- Viewpoint 1: 443-457 Luddenham Road, Luddenham - (VP1)
- Viewpoint 4: Opposite Bosna Croatian Club on Luddenham Road, Orchard Hills - (VP4)

The remaining three locations were judged to receive no visual impacts from the proposal:

- Viewpoint 2: Luddenham Road (Approach from South), Orchard Hills - (VP2)
- Viewpoint 3: Adjacent to 262 Luddenham Road, Orchard Hills - (VP3)
- Viewpoint 5: Luddenham Road (Approach from North), Orchard Hills - (VP5)

In summary, the impacts assessed range from moderate/minor to minor. Accordingly, landscaping has been proposed to filter views to the site and effectively reduce the bulk and scale of the development. In the longer term, the completion of future surrounding industrial development within the AIBP, the COPE building will no longer be visible to the majority of visual receivers.

8. SECTION 4.15 ASSESSMENT

The proposed development has been assessed in accordance with the relevant matters for consideration listed in section 4.15 of the EP&A Act.

8.1. ENVIRONMENTAL PLANNING INSTRUMENTS

The proposed development has been assessed in accordance with the relevant State and local environmental planning instruments in **Section 6** of this SEE including:

- *State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP);*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP);*
- *State Environmental Planning Policy (Precincts – Western Parkland City) 2021 (WPC SEPP); and*
- *Penrith Local Environmental Plan 2010 (LEP)*
- *Penrith Development Control Plan 2014 (DCP).*

The assessment concludes that the proposal complies with the relevant provisions within the relevant instruments.

8.2. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No draft environmental planning instruments are relevant to this proposal.

8.3. DEVELOPMENT CONTROL PLAN

The *Penrith Development Control Plan 2014* provides detailed planning controls relevant to the site and the proposal. An assessment against the relevant controls is provided in **Appendix A**.

The assessment concludes the proposal complies with the relevant general and site specific provisions within the DCP.

8.4. PLANNING AGREEMENT

A Voluntary Planning Agreement has been prepared with Council which outlines land to be dedicated and 'works in kind' to be delivered by HB+B Property to facilitate the development.

The development is subject to the Penrith City Section 7.12 Citywide Development Contributions Plan for Non-Residential Development.

The development area is subject to Housing and Productivity Contributions (HPC) with the State government.

8.5. REGULATIONS

This application has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Regulations 2021*.

8.6. LIKELY IMPACTS OF THE PROPOSAL

The likely impacts of the proposal are discussed in Section 7 of this SEE. The assessment concludes the proposal will have minimal impacts on the social, natural and built environment.

8.7. SUITABILITY OF THE SITE

The site is considered highly suitable for the proposed development for the following reasons:

- The proposed works are permissible within the zone. The proposed subdivision will facilitate development consistent with the intent of the zone objectives.
- The proposal will deliver employment generating uses in proximity to the Western Sydney Aerotropolis.
- The proposed site preparation works will ensure no significant adverse effects to the environment or surrounding amenity will occur.

8.8. SUBMISSIONS

It is acknowledged that submissions arising from the public notification of this application will need to be assessed by Council.

8.9. PUBLIC INTEREST

The proposed development is considered in the public interest for the following reasons:

- The proposal is consistent with relevant State and local strategic plans and demonstrates a high level of consistency with the relevant planning controls.
- No adverse environmental, social or economic impacts will result from the proposal.

The proposal will provide employment generating benefits by contributing to the establishment of the AIBP and contributing to the growth and investment of the WSA.

9. CONCLUSION

The proposed warehouse has been assessed in accordance with section 4.15 of the EP&A Act and is considered appropriate for the site and the locality:

- *The proposal satisfies the applicable planning controls and policies:* the proposal satisfies the objectives of all relevant planning controls and achieves compliance with the applicable zones.
- *The proposal will not result in any adverse environmental impacts:* it has been demonstrated that the proposal will not generate adverse environmental, social or economic impacts. The supporting technical reports assess how the proposed development will not result in any unacceptable amenity impacts in terms of noise, air pollution, dust, or other issues to nearby land uses.
- *The proposal will result in positive social and economic impacts:* the proposal will deliver a high-quality warehouse facility that will unlock employment opportunities and industrial services for both the locality and broader region.
- *The proposal is highly suitable for the site:* the proposed works are permitted within the relevant zone, is consistent with the zone objectives and compatible with the character of the area.
- *The proposal is in the public interest:* the proposal is in the public interest as it will optimise the use of the site by providing employment and compatible uses to the adjacent Aerotropolis.
- *The proposal has been subject to a recent comprehensive planning proposal.* This means that the proposed works have been subject to close scrutiny at both the local and State government level.

Having considered all relevant matters, we conclude that the proposed development is appropriate for the site and approval is recommended, subject to appropriate conditions of consent.

DISCLAIMER

This report is dated 20th April 2024 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of HB+B (**Instructing Party**) for the purpose of SEE (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A DCP COMPLIANCE TABLE

Table 5 DCP Compliance Table

Clause	Provision	Proposed	Complies
1.1.1 Site Analysis	To be included in the application.	A site analysis is included in the Architectural Plans prepared by Nettleton Tribe. Refer to drawing number 13102_DA003.	Yes
1.1.2 Key Areas with Scenic and Landscape Values	The key principles contained in this section should be addressed in a visual impact assessment to minimise the visual impact of the development and protect areas with high scenic and landscape values.	The proposed warehouse is not located within this identified area. As mentioned in the LEP compliance table, the scenic and landscape values relating to the site and the adjacent heritage item will be affected in the long term by the Luddenham Road upgrades.	Yes
1.2.1 Application of Certification System	Non-residential developments, including mixed-use developments, with a construction cost of \$1 million or more are to demonstrate a commitment to achieving no less than 4 stars under Green Star or 4.5 stars under the Australian Building Greenhouse Rating system, now part of the National Australian Built Environment Rating System (NABERS).	HB+B is committed to achieving this outcome.	Yes
1.2.2 Built Form – Energy Efficiency and Conservation	Buildings should be designed on passive solar design principles, and the selection criteria for construction materials, including internal fit-out work, should include detailed documentation of their energy efficiency properties.	<p>A Sustainability Report has been prepared by Northrop to detail the proposed developments implementation of ESD measures.</p> <p>Energy efficiency is considered throughout the development. Provisions include energy-efficient lighting fixtures and electric vehicle and bicycle charging stations.</p> <p>Daylighting systems are integrated throughout the internal and external areas, to support the admission of natural light and</p>	Yes

Clause	Provision	Proposed	Complies
		direct sunlight throughout especially during Winter and particularly in areas that are regularly occupied	
1.2.3 Building Form – Height, Bulk and Scale	a) Context: An applicant must demonstrate how all proposed buildings are consistent with the height, bulk and scale of adjacent buildings and buildings of a similar type and use.	The immediate surrounds of the site relate to the undeveloped AIBP land. Future DAs and industrial warehouses are planned for these lots, to create a high quality and modern industrial precinct. The proposed design of the warehouse adopts a height and scale that is sympathetic to the future development to occur in the surrounds. The proposed warehouse is setback a large distance from the street frontage, and will be visually screened by future development to surrounding land uses.	Yes
	b) Character: An applicant must demonstrate how any building's height, bulk and scale will avoid or minimise negative impacts on an area's landscape, scenic or rural character (where relevant) taking into account the topography of the area, the surrounding landscape and views to and from the site.	<p>As described above, the proposed design will be significantly setback from the street and be screened from view via landscaping and other future development.</p> <p>Over the last 15 years, industrial development has become increasingly prevalent within the region, with additional development in Erskine Park and the rezoning of rural lands in Kemps Creek and Orchard Hills. Large scale industrial development has occurred along other areas of Luddenham Road. This is further accelerated by the development of the Western Sydney Airport. This highlights the slow transition to industrial land uses and character for the area. As such, the proposed industrial warehouse is commensurate of the changing character of the area.</p>	Yes

Clause	Provision	Proposed	Complies
		A Visual Impact Assessment has been prepared to demonstrate the developments predominantly minor visual impacts in the short term. In the medium term, following the completion of future development, the development is likely to be fully screened from views from many public and private lands.	
	c) Articulation: Where the dimension of the building is 20m or more, an applicant must demonstrate how the building or surface has been articulated (either through built form or materials) to minimise impact on bulk and scale.	<p>The longest length of the warehouse is 356 m long, and the shortest is 103 m. To break up this façade and create visual interest, the office component protrudes from the main building mass. In addition, awnings are provided at these facades, to provide covered hardstand areas.</p> <p>Materials have been thoughtfully selected to create façade articulation and present a modern, high quality industrial aesthetic. The material and colour selection of the building entrance and office area is more vibrant and employs aluminium blades to add a creative patternation. The other materials and colours reflect a sympathetic palette that will be cohesive with future development of the area and to the surrounding landscape features.</p>	Yes
	d) Overshadowing: Building locations, height and setbacks should seek to minimise any additional overshadowing of adjacent buildings and/or public spaces where there would be a significant reduction in amenity for users of those buildings/spaces.	The building is centrally located within the lot parcel, and appropriately setback from the streetscape. It is further separated by the car park and landscape setback at this frontage. Hardstand areas are situated to either side of the building, at the north and south to separate the building from neighbouring land parcels. As such, the shadows generated by the site will not reduce the	Yes

Clause	Provision	Proposed	Complies
		amenity of surrounding buildings or public areas.	
	<p>e) Setbacks/Separations: Buildings should be sufficiently set back from property boundaries and other buildings to:</p> <p>i) Maintain consistency with the street context and streetscape character, especially street/front setbacks;</p> <p>ii) Maximise visual and acoustic privacy, especially for sensitive land uses;</p> <p>iii) Maximise deep root planting areas that will support landscape and significant tree plantings integrated with the built form, enhancing the streetscape character and reducing a building's visual impact and scale;</p> <p>iv) Maximise permeable surface areas for stormwater management; and</p> <p>v) Minimise overshadowing.</p>	<p>As stated above, the building is appropriately setback from the frontage and adjacent land parcels. There is no existing development to demonstrate precedent setback design, however the design outcome ensures a substantial building setback occupied by tree planting and landscape features. These considerations ensure visual and acoustic privacy can be achieved on site.</p>	
	<p>f) Building Façade Treatment: The aim is to ensure that any built form will:</p> <p>i) promote a high architectural quality commensurate with the type of building and land use;</p> <p>ii) adopt façade treatments which define, activate and enhance the public domain and street character;</p> <p>iii) ensure that building elements are integrated into the overall building form and façade design;</p> <p>iv) compose façades with an appropriate scale, rhythm and proportion that responds to the</p>	<p>The proposed façade treatment is reflective of modern, high quality and attractive industrial buildings. The selection of materials and colours clearly defines the façade and identifies the site entrance and office from the warehouse operations.</p> <p>The frontage which addresses the streetscape adopts a more diverse colour palette and materiality, creating more visual interest.</p> <p>The size and scale of the building is commensurate of other industrial developments, adopting materials that are reflective of the desired character of the AIBP.</p>	Yes

Clause	Provision	Proposed	Complies
	<p>building's desired contextual character;</p> <p>v) design façades to reflect the orientation of the site using elements such as sun shading, light shelves and appropriate glazing as environmental controls;</p> <p>vi) express important corners by giving visual prominence to parts of the façade, for example, a change in building articulation, material or colour, roof expression or building height, and</p> <p>vii) co-ordinate and integrate building services to improve the visual presentation.</p>	<p>The facades adopt vertical aluminium blades at the eastern office glazing to address sun control. Similarly, the northern and southern facades employ an awning to provide cover.</p> <p>Building services have been integrated into the building to improve visual presentation and façade cohesion.</p>	
	<p>g) Roof Design: The roof is an important architectural element of any building and:</p> <p>i) the shape and form of the roof should respond to its surrounding context and minimise visual impact from any key viewpoints; and</p> <p>ii) should consider opportunities for incorporating 'green roofs'.</p>	<p>The roof has been designed to support the provision of solar panels at the site. It is a low angle pitch roof to ensure the panels are generally flat, with a slight slope to the roof structure.</p> <p>It will not create adverse visual impacts to the surrounding context.</p>	Yes
1.2.4 Responding to the Site's Topography and Landform	Applicants must demonstrate how the development responds to the natural topography and landform of the site based on analysis drawings.	Another DA relates to the site preparation works and creating of lot pads across the entire AIBP. Accordingly, the existing topography of the site will not remain, and the building pad will be provided through a separate application.	Yes
1.2.5 Safety and Security (Principles of Crime Prevention through Environmental Design)	<p>Applicants should demonstrate their ability to deliver upon the four main principles of CPTED:</p> <ul style="list-style-type: none"> ▪ Surveillance ▪ Access control ▪ Territorial reinforcement 	The proposed development undertook thorough design consideration and iteration to ensure risk and harm are minimised and safe behaviour and use are supported. Passive surveillance is permitted, as well as adequate external lighting.	Yes

Clause	Provision	Proposed	Complies
	<ul style="list-style-type: none"> Space management 		
1.2.6 Maximising Access and Adaptability	New developments and the spaces around them should be accessible and useable to all people. Developments should be designed and constructed beyond their initial or first use to ensure that buildings are durable and capable of adaptability in the future	The proposed development ensures a flexible, high quality industrial design that can be catered to a range of industrial operations. It is highly accessible within a business park, and provides an adequate provision of parking to adapt to evolving tenancy requirements.	Yes
2.1 Preservation of Trees and Vegetation	This section seeks to address the requirements for tree and vegetation management while achieving an appropriate balance between protecting and enhancing trees and other vegetation.	<p>The Bulk Earthworks DA involved site preparation works to make the site suitable for future development. The existing trees on site were assessed in this previous DA.</p> <p>Notwithstanding, a Landscape Plan has been prepared for the site and is further discussed in Section 3.4. The proposed landscaping includes the provision of tree plantings in the front setback, and within car parking areas.</p>	Yes
2.2 Biodiversity Corridors and Areas of Remnant Native Vegetation in Non-Urban Areas	This section of the Plan seeks to reinforce and supplement the controls set out in the 'Development on natural resources sensitive land' clause of Penrith LEP 2010.	The site is not identified as being affected by the 'Development on natural resources sensitive land' map.	Yes
2.3 Bushfire Management	This section applies to land identified on the Bushfire Prone Land Map. To prevent loss of life and property due to bushfires by providing for development compatible with bushfire hazard.	<p>A Bushfire Assessment has been prepared for the proposed development. It identifies the site as being near bushfire prone land and confirms that all PBP objectives are satisfied with the adoption of the recommendations.</p> <p>Further discussion is contained in Section 6.6.</p>	Yes
3.1 The water cycle/water conservation	To minimise impacts on the water cycle and natural ecosystems from redirection of water for human land uses and activities.	Refer to Section 6.4 of this report and the Integrated Water Cycle	Yes

Clause	Provision	Proposed	Complies
	Where possible, to recycle water for non-drinking uses.	Management Plan prepared by Henry and Hymas. The report demonstrates how the project has been designed in accordance with the requirements outlined in this section.	
3.2 Catchment Management and Water Quality	To adopt a total catchment management approach to water quality and protection of water systems.	As above. The proposed development meets the requirements of 80% non-potable demand.	Yes
3.3 Watercourses, Wetlands and Riparian Corridors	To protect water quality and terrestrial and aquatic life forms by identifying a riparian corridor along identified waterways and establishing specific planning controls for land within those corridors.	To ensure no negative impact on downstream ecosystems and waterways, stormwater from the subject site is proposed to be managed through the implementation of water quality system, detention and sediment and erosion control.	Yes
3.4 Groundwater	To protect groundwater supplies against excessive water extraction, pollution and contaminants.	A Salinity Management Plan has been prepared by Construction Sciences. The assessment highlights groundwater table was encountered at one test pit and assessed to be perched water table due to recent rain before the investigation.	Yes
3.5 Flood Planning	To ensure floodplain risk management minimises the potential impact of development and other activity upon the aesthetic, recreational and ecological value of the waterway corridors	Refer to clause 5.21 in the LEP compliance table. It concludes that the proposed development is generally in accordance with the assumptions outlined in the overall site flood assessment. Further assessment of flooding is outlined in Section 6.4 .	Yes
3.6 Stormwater Management and Drainage	The aim of these controls is to ensure that developments minimise their impact on the water cycle by minimising impervious surfaces, providing on-site storage for stormwater to reduce peak events and ensuring that stormwater systems are	The increased impervious surfaces (such as roads, roofs, driveways, etc) associated with the development will result in an increase in peak stormwater flows from the site during storm events. On-site Stormwater Detention (OSD) is proposed for the development to ensure that runoff	Yes

Clause	Provision	Proposed	Complies
	upgraded to manage any additional stormwater flows.	from the development is appropriately managed in accordance with Council's requirements. The site stormwater system has been designed to safely convey the flows through the site and within the capacity of the downstream system.	
3.7 Water Retention Basins/Dams	To provide controls for water harvesting to limit the impacts on the natural water cycle and ensure water flows to natural waterways and river systems.	As stated above. To limit impact on the downstream water quality, water quality measures at source and end of line treatments will be provided.	Yes
3.8 Rainwater/Storage Tanks	To ensure that rainwater or other water storage tanks and associated structures are appropriately located and designed (with appropriate types, materials and colours) to minimise the visual impact on any rural, scenic or landscape character of any area.	Two rainwater tanks are proposed to achieve the applicable reuse rates.	Yes
4.1 Site Stability and Earthworks	This section seeks to ensure that site planning for any proposed development takes into account the topography, geology and soils of the site and surrounding land. This is necessary to minimise disturbance to existing landforms and costly earthworks, to protect existing and proposed development from becoming unstable, and to minimise erosion.	As stated in clause 7.1 Earthworks in the LEP compliance table, Bulk Earthworks are currently subject to a separate Development Application, which is currently with Council. An additional Geotechnical Investigation has been prepared for this site, to reiterate the findings pertaining solely to this subject land.	Yes
4.3 Erosion and Sedimentation	To minimise site disturbance during the construction and operation of developments and land uses.	As stated above, a previous Salinity Management Plan and Geotechnical Assessment was prepared for the overall site, as part of the Bulk Earthworks DA. This report assessed the development's compliance with this control to find it is satisfied.	Yes

Clause	Provision	Proposed	Complies
4.4 Contaminated Lands	To prevent or minimise the risk of contamination of land and any associated impacts or harm from any such contamination.	See discussions under the Resilience and Hazards SEPP in Section 5.2 . It concludes the facility is not classified as potentially hazardous or offensive, and therefore not necessary to prepare a Preliminary Hazard Analysis for the facility as Chapter 3 of SEPP (Resilience and Hazards) does not apply.	Yes
4.5 Salinity	This section seeks to ensure that consideration is given to the impact of new development on salinity processes, as well as the impact of salinity on new development. It seeks to supplement the salinity controls set out in the LEP.	As referred to in clause 7.6 Salinity in the LEP compliance table above, a Salinity Management Plan has been prepared for the broader AIBP site.	Yes
5.1 Waste Management Plans	To facilitate sustainable waste management within the City of Penrith in accordance with the principles of Ecologically Sustainable Development.	A Waste Management Plan has been prepared for the proposal. It specifies compliance with this objective by adopting an 80% target for recycling and reuse for construction stages for the proposed development.	Yes
5.2.4 Non-Residential Development Controls	<p>Waste storage and collection areas should be:</p> <p>a) Flexible in their design so as to allow for future changes in the operation, tenancies and uses;</p> <p>b) Located away from primary street frontages, where applicable;</p> <p>c) Suitably screened from public areas so as to reduce the impacts of noise, odour and visual amenity.</p>	<p>A Waste Management Plan has been prepared by Arcadis.</p> <p>Construction:</p> <p>The indicative location of the waste storage area is at the north eastern building corner. It is to be confirmed by the construction management team upon commencement of construction works and may be relocated as each stage commences. It is located away from the street frontage and public areas.</p> <p>All demolition and construction waste generated on site will be stored in bins by material type. Bins will largely constitute skip bins of a range of sizes, and for</p>	Yes

Clause	Provision	Proposed	Complies
		<p>smaller waste streams 240L MGBs will be provided.</p> <p>Operation:</p> <p>The waste storage area is provided at the northern building façade, under the awning. The size complies with the relevant requirements and waste generation rates.</p> <p>Waste vehicles would enter the site from the southern truck access on the Site Access Road, travel around the site to the hardstand area to access the waste loading area, and exit the site from the northern truck access back onto the Site Access Road.</p>	
5.3.1 Site Management	Proposals are to include a Waste Management Plan which addresses the likely waste to be generated, areas of storage, transport and disposal of waste.	A Waste Management Plan has been prepared by Arcadis to outline the onsite waste management provisions and its consistency with applicable requirements.	Yes
5.3.2 Selection of Building Materials	Choose materials with low embodied energy properties and/or materials that have been salvaged/recycled for the construction/fit out of the development.	<p>Practices that can be adopted to achieve this are:</p> <ul style="list-style-type: none"> ▪ Maximising the re-use and recycling of existing materials as part of material selection ▪ Planning deliveries to ensure the right quantity of materials is provided at the right time in the construction process to avoid damage and wastage, and returning unused materials ▪ Considering the full lifecycle of the development in planning for the re-use and recycling of materials. 	Yes

Clause	Provision	Proposed	Complies
5.3.3 Designing for Waste Minimisation	The design of developments should incorporate principles on how waste can be minimised.	To align with Penrith Council's DCP, an 80% target for recycling and reuse for construction stages has been set for the proposed development. The construction contractor will be responsible for monitoring levels of wastage and meeting the 80% target for recycling and reuse of materials.	Yes
5.3.4 Siting and Design of Waste Storage and Collection Areas	Waste storage and/or collection areas (or the required space for these facilities) should be available both on-site and within individual tenancies of all developments for the source separation of waste, recyclables and compostable materials.	The location of the waste storage area is in an accessible location. An indicative location is provided in accordance with the DCP requirements.	Yes
5.3.5 Management of Waste Storage and Collection Areas	<ol style="list-style-type: none"> 1. Administrative arrangements for ongoing waste management must be provided, including signs. 2. Waste storage and/or collection areas (including individual containers) should be suitably signposted so as to ensure appropriate use. 3. The responsibility for the ongoing management of waste facilities must be determined prior to the commencement of construction work on a development. 	This will be complied with.	Yes
5.4 Hazardous Waste Management	Any applications that will involve hazardous waste may require a licence or permit from the EPA in addition to approval from Council.	Refer to section 6.2 Resilience and Hazards SEPP. It states, the facility is not classified as potentially hazardous or offensive.	Yes
6.1 Landscape Design Controls 6.1.1 Development Process	<p>The process for preparing and submitting landscape designs for development is described.</p> <p>Development is classified into three categories, with different</p>	<p>Landscape Plans have been prepared by Geoscapes.</p> <p>The site is categorised as a Category 3 development, and will</p>	Yes

Clause	Provision	Proposed	Complies
	<p>requirements for landscape design.</p> <p>Relevant information is to be provided, as specified in this section.</p>	<p>align with the applicable provisions.</p> <p>Landscape documentation includes:</p> <ul style="list-style-type: none"> ▪ site analysis (within architectural set) ▪ Landscape masterplan ▪ Canopy cover calculation ▪ Landscape detail plans ▪ Specifications and details ▪ Planting schedule <p>As the site preparation works and construction of pad levels are proposed under a different application, there is no need to prepare a tree survey for the site.</p>	
6.1.2 Protection of the Environment	<ul style="list-style-type: none"> ▪ Council requires that all landscape designs promote best practice Environmentally Sustainable Development principles. ▪ Any Landscape Plan or assessment should include a study of the soil profile on the particular site and select plant species accordingly ▪ Landscaping works must comply with the 'Erosion and Sedimentation' in the 'Land Management' section of this DCP. ▪ Avoidance of Excavation and Filling ▪ Conserving site soil ▪ Plant selection for all landscaping works must consider and will be assessed for its suitability to existing site conditions 	<p>The proposed landscape treatment selects low water and low maintenance plants, including drought tolerant species. It employs the planting of indigenous species which appropriately suite the sites conditions.</p> <p>The 40% canopy cover target over the car parking area is achieved to ensure adequate shading and cooling is provided.</p> <p>Tree planting is in accordance with bushfire requirements.</p>	Yes

Clause	Provision	Proposed	Complies
	<ul style="list-style-type: none"> Minimisation of impervious surfaces 		
6.1.3 Neighbourhood Amenity and Character	Provisions relating to: <ul style="list-style-type: none"> Landscape character Integration of design Streetscape Community safety Fencing and retaining walls Planting on structures Buffer zones 	<p>Onsite landscape treatment is reflective of modern, high quality industrial developments. Generous tree and vegetation planting is provided at each boundary, with larger landscape setbacks and coverage at the street frontage and rear boundary. This will deliver a green and attractive entrance to the site, which balances visual amenity with landscape design.</p> <p>Estate landscape works are subject to a separate DA. Nonetheless, both employ the similar landscape design and planting to create cohesion and enhance environmental outcomes for the estate.</p> <p>Fencing aligns with Council requirements. Retaining walls are proposed along the northern site boundary, and are compliant with relevant controls.</p>	Yes
6.1.4 Site Amenity	Provisions relating to: <ul style="list-style-type: none"> Contextual design Open space requirements Deep soil zones Equal access Heritage Noise, vibration and dust reduction Location of utility services Utility areas Landscaping and above ground on-site stormwater detention 	<p>The design of the proposed landscaping seeks to enhance the environmental outcomes of the site and leverage the cooling and visually amenity benefits. Significant planting at the front landscape setback will filter views of the development as well as accentuate site entry for improved accessibility.</p> <p>The relevant provisions identified have been considered and complied with.</p>	Yes

Clause	Provision	Proposed	Complies
	<ul style="list-style-type: none"> On-site effluent disposal and landscaping Car wash bays 		
6.1.5 Construction	All landscaping construction is to meet the minimum 'Landscape Technical Specifications' in Appendix F4 Technical Information to this DCP.	This information has been considered and complied with.	Yes
7.1 European Heritage	Controls include guidelines to conserve the heritage significance of the natural and built environment and ensure new development is sympathetic with the identified heritage values.	<p>Refer to the above clause 5.10 heritage conservation in the LEP compliance table.</p> <p>A Heritage Letter of Advice has been prepared with further discussion contained in Section 6.1. It concludes no direct impacts are predicted.</p>	Yes
7.2 Aboriginal Culture and Heritage	If Aboriginal items are present on the site, the development should be designed, wherever possible, to ensure there is no disturbance or impact on their significance or setting.	The bulk earthworks DA conducted an Aboriginal Cultural Heritage Assessment for the entire AIBP. It concludes whilst portions of the site are within the proposed environmental conservation area, some impacts and disturbances to the sites would result.	Yes
7.3 Significant Trees and Gardens	To promote greater public awareness of the significant trees and gardens in the City of Penrith and their significance is retained and protected.	Site preparation works and pad level construction are subject to a separate DA. The assessment of the existing site conditions are considered under this separate application and not applicable to this proposal.	Yes
8.3 Lighting	The objective of this section is to provide lighting that improves the amenity and public domain of the City.	<p>Lighting will be provided to ensure safety, amenity and accessibility of the site for workers and visitors.</p> <p>An Obtrusive light compliance report has been prepared to demonstrate the proposal's ability to comply with the relevant standards.</p>	Yes

Clause	Provision	Proposed	Complies
9.1 General Requirements for Signs	The purpose of this Section is to provide details and requirements for advertising and signage within the City of Penrith in order to protect the amenity of the environment, minimise visual clutter and reduce the proliferation of signs throughout the City.	Signs are designed and located to relate to the use of the building and wholly located within the property. The proposed signs are compliant with the DCP requirements.	Yes
9.2 Signs in the Vicinity of Heritage Items	To permit the adequate display of information concerning the identification of premises, name of the occupier and the activity conducted on the land and to not detract from the heritage significance.	The Heritage Impact Statement concludes the proposed development, including the proposed signs, will have no impacts to the heritage significance of the nearby heritage items.	Yes
9.4 Commercial, Mixed Use and Industrial Zones	To promote an integrated design approach to all signage in character with the locality and its architectural and landscape features.	As stated above, the proposed signage will be constructed of high quality materials and be wholly contained within the site. The site proposes two wall mounted building identification signs, on the eastern and western building facades as the future OSO corridor will have some views to the rear of the site.	Yes
10.1 Transport and Land Use	This section seeks to maximise the benefits to the community of an effective and well-used public transport system by promoting planning and development outcomes that will support and sustain public transport use, improve community health, and which will achieve the more effective integration of land use and public transport infrastructure.	<p>A Traffic Impact Assessment (TIA) has been prepared by Arcadis. It provides a review of the existing public transport conditions at the site, indicating it is currently underserved by public transport. Notwithstanding, safe and accessible pedestrian access arrangements are provided to and from the site including footpaths in accordance with DCP requirements.</p> <p>The site has direct access to Luddenham Road via the internal estate road which provides transport connectivity to broader Western Sydney.</p>	Yes

Clause	Provision	Proposed	Complies
10.2 Traffic Management and Safety	This section seeks to ensure safe and efficient travel routes for all vehicles in the Penrith LGA.	The TIA includes traffic studies to assess the potential impacts to the surrounding road network. The assessment is provided in Section 6.3	Yes
10.3 Transport Corridors	<p>This section seeks to identify key transport corridors in the City of Penrith that have specific functions, character or requirements that need to be protected when approving development along those corridors.</p> <ul style="list-style-type: none"> ▪ Luddenham Road 	The TIA includes assessment of the Luddenham Road corridor and demonstrates how the proposed access arrangements to this road are appropriate and align with the character.	Yes
10.4 Roads	To regulate the key characteristics of new streets to provide traffic safety and efficient traffic flow, appropriate parking provision, appropriate pedestrian and cycle provision, and suitable verge and road reserve widths in accordance with each road's function and use within the general road hierarchy.	No roads are proposed as part of the development. Internal circulation around the site is provided and is compliant with the applicable standards.	Yes
10.5 Parking, Access and Driveways	This section provides a set of principles to be used when assessing the need for car parking requirements in the City of Penrith.	The TIA demonstrates the provided car parking meets the anticipated demands generated by the site. Provisions for accessible parking and bicycle parking will be accommodated during further development of the proposal. The internal configuration of the site has been designed in accordance with Penrith City Council's DCP and the relevant Australian Standards.	Yes
10.6 Pedestrian Connections	To provide a safe, convenient and legible movement network for people with diverse abilities.	The proposed development provides accessible and safe movement networks through the site, and adequate arrangement to the footpaths external to the site.	Yes
10.7 Bicycle Facilities	To encourage bicycle use by providing sufficient number of	Provisions for accessible parking and bicycle parking will be	Yes

Clause	Provision	Proposed	Complies
	secure and accessible bicycle parking spaces with new developments.	accommodated during further development of the proposal.	
11.1 General Subdivision Requirements	To address site planning principles in the design of the subdivision layout; and to preserve and retain significant environmental and cultural features of the site, such as waterways, riparian corridors and heritage items.	Refer to Section 4.2 for explanation of the proposed subdivision. The proposed subdivision of the site has been determined based on a detailed assessment of the site's constraints and environmental factors. The consideration of environmental areas, flooding, topography, transport corridors, heritage and infrastructure services has been undertaken against the future use of the site.	Yes
11.4 Industrial Subdivision 11.4.1 Subdivision – Lot Standards	To ensure that access for all industrial lots will not significantly affect the function, efficiency and safety of all classified roads in Penrith. To provide opportunities for parcels of land of varying size and dimensions to satisfy market demand and the needs of industry;	The proposed lots comply with the minimum lot sizes as stated in the LEP. They comply with the minimum lot width control and will create a variety of lot sizes to diversify the industrial operations.	Yes
11.4.2 Subdivision – Access Roads	The objective of this section is to ensure safe and efficient conditions for the movement of vehicles, cyclists and pedestrians into and within the industrial precincts.	The proposed internal estate road can be adequately accessed from the two proposed lot parcels. An adequate frontage is provided to uphold safe and efficient pedestrian and vehicular conditions.	Yes
11.4.3. Subdivision – Other Requirements	To implement measures to promote high quality of discharge to the sewer and drainage system that will result in improving the water quality of the Hawkesbury-Nepean River system and tributaries. As well as preserve Aboriginal archaeological resources.	The required water quality treatment measures are to be implemented, as stated in the previous sections.	Yes

Clause	Provision	Proposed	Complies
12.1 Road traffic noise	The controls seek to minimise the impact of road traffic noise.	A Noise and Vibration Assessment was completed. It details increases in road traffic noise along Luddenham Road due to site generated traffic is not expected to exceed the 2dB requirement of the RNP. Refer to Section 6.5 for further assessment.	Yes
12.2. Rail Traffic Noise and Vibration	This Section of the DCP applies to all development in the vicinity of the rail corridor as defined by Council. The objective is to ensure that the amenity of all development, including residential development and other sensitive land uses is not adversely affected by rail traffic noise.	The site does not propose sensitive land uses and will not be adversely affected.	Yes
12.4 Industrial and commercial development	To ensure that industrial development does not adversely impact on the amenity of neighbouring residential development and other sensitive land uses.	<p>A Noise and Vibration Assessment was completed. It concludes:</p> <ul style="list-style-type: none"> Construction noise predictions indicate some minor exceedances, up to 2 dB, of NMLs for some receivers in close proximity to the development boundary. No exceedances of the highly noise affected management level are predicted. Operational noise levels are predicted to comply with project noise trigger levels and cumulative impact assessment criteria. The sleep disturbance assessment demonstrated that no exceedances of the NPfl night-time maximum screening noise level is predicted. Additional road traffic movements on Luddenham Road will be generated by the development. 	Yes

Clause	Provision	Proposed	Complies
		Refer to Section 6.5 for further assessment	
12.7. Vibration and Blasting	When development may have a vibration impact on neighbouring premises, a Vibration Impact Assessment is to be prepared by a suitably qualified consultant and submitted with the development application.	The Noise and Vibration Assessment identifies the nearest assessment location to the project is 225m. Due to the distance between the project site and the nearest assessment location no significant vibration impacts are predicted.	Yes
13.1 Location of Easements for Infrastructure	The objective of this section is to ensure existing infrastructure and services, including easements, are taken into account in siting and designing any proposed development, and relevant service authorities are consulted.	This provision has been considered in the design of the development. The relevant service authorities have been consulted and the site will be appropriately serviced.	Yes
13.2 Utilities and Service Provision	This section aims to ensure that development consent is only granted where a proposal can be appropriately serviced, either through the existing system having sufficient capacity or being upgraded, or an alternative system being provided. In most cases, the developer will be required to fund necessary system upgrades or alternatives.	Arcadis has prepared a Utilities Servicing Report which identifies the site will be adequately serviced for the proposed development.	Yes
13.4 Engineering Works and Construction Standards	The purpose of this section is to ensure that engineering works, such as earthworks, roads, traffic management devices, footpaths, stormwater and drainage systems, are designed and constructed to appropriate standards, and in accordance with sound engineering practice.	Future engineering works have been designed to comply with Council's standards.	Yes
14.2 Cooling with Landscaping 1.1 Landscape Design	To reduce the contribution of development on the Urban Heat Island Effect in Penrith.	The proposed landscape treatment of the site will provide passive cooling and pedestrian amenity. The 40% canopy cover target for the car park area is achieved. The plantings employed are an appropriate selection of species which are	Yes

Clause	Provision	Proposed	Complies
		<p>tolerant and suitable for the site context.</p> <p>Solar panels are proposed for the roof of the development.</p> <p>Further discussion of the proposed landscape design is included at Section 3.5.</p>	
1.3 Soil Volumes	To ensure development provides long term solutions to address the Urban Heat Island Effect by ensuring the longevity of tree plantings through provision of adequate and appropriate conditions for healthy growth, including sufficient deep soil area and structure.	Structural Tree Soil has been provided to car park areas adjacent to proposed trees in landscaped blister islands. The tree species in the car park blisters have been swapped to Cupaniopsis anacardioides which has a larger tree canopy, and additional trees have been proposed surrounding the car parking spaces.	Yes
1.4 Tree Planting Specifications	Delivering green infrastructure which positively contributes to the amenity of the locality, and ensuring adequate and appropriate vegetation and conditions for healthy growth.	A neat, layered planting approach has been implemented with the use of mass planted hedges and groundcovers to achieve a high quality landscape. A high proportion of native planting has been retained within this design. Small flowering feature trees are located near the car park entrance, pedestrian entrance, outdoor amenity area, and the site identification signage to highlight those locations.	Yes
1.5 Irrigation	To reduce demand on potable water resources through an appropriate and sustainable supply of non-potable water for irrigation for cooling.	Councils requirement of 80% non-potable water demand will be achieved at the site which will be used for irrigation.	Yes
1.6 Street Trees Cooling with Water	To reduce the contribution of new development on the urban heat island effect by minimising impermeable surfaces to increase rainwater infiltration and allow improved cooling effects of evaporation.	As stated above, the proposed development will use non-potable water for irrigation and permeable landscape areas. No water features are proposed for the site, and would not be appropriate for the industrial uses.	Yes

Clause	Provision	Proposed	Complies
1.7 Street Trees	Ensuring that there is adequate and appropriate provision of trees and that conditions for healthy growth and canopy are provided.	<p>A green and attractive vegetated landscape is proposed for the site, incorporating a variety of planting and trees to improve site amenity and enhance the environmental outcomes on site.</p> <p>Trees at the street frontage are proposed with canopies every 2m apart as per bush fire requirements. Trees are proposed every 6 car parking spaces within the car park area.</p>	Yes
14.3 Cool Colours and Materials	To ensure new development provides long term solutions to the Urban Heat Island effect. The design and construct roofs and exterior walls and hardscaping with consideration of the impacts of material selection on urban heat.	The architectural plans include a schedule of finishes and materials. The selection of materials is focused on enhancing the indoor environment of development buildings and employing low embodied emission materials. Moreover, the external building materials are required to have a reflectivity index under 20%, and the office areas will feature high-performance glazing for all glass areas. Further information is provided in the ESD report prepared by Northrop.	Yes
14.4 Cooling through Building Design	To ensure development in zones which are vulnerable to urban heat island impacts incorporates additional design responses to effectively manage increased heat loads on hot and extreme heat days. In addition, reduce carbon emissions from the development, considering both construction and operational emissions.	As stated above, the supplementary ESD report demonstrates the ecologically sustainable design measures incorporated into the building design. The proposal delivers upon the provisions in this section.	Yes
14.5 Optimising Mechanical Heating and Cooling	To minimise excess power usage and heat gain from mechanical heating and cooling systems.	The design will incorporate provisions for both natural and mechanical ventilation in warehouse areas and insulation for all spaces, ensuring	Yes

Clause	Provision	Proposed	Complies
		compliance with NCC 2022 requirements.	
E17 LUDDENHAM ROAD INDUSTRIAL BUSINESS PARK			
17.2.1 Building Setbacks	<p>Minimum building setbacks:</p> <ul style="list-style-type: none"> Arterial Road - Luddenham Road (from the ultimate boundary of the road widening corridor): Distributor – Paton's Lane: 15m Collector Road – North South Boulevard: 15m Estate Roads: 7.5m Rear and Side Boundaries: 5m Outer Sydney Orbital Corridor: 5m 	<p>The proposed building setbacks align with these minimum requirements.</p> <ul style="list-style-type: none"> Side/rear boundary: 36m (south), 40m (north) Collector Road: 15m OSO/or rear: 12m <p>These setbacks consist of parking and hardstand areas, landscaping, and driveways.</p>	Yes
17.2.2 Landscaping	<p>Landscape setback requirements:</p> <ul style="list-style-type: none"> Luddenham Road (from the boundary of the ultimate road widening corridor): 10m Paton's Lane: 6m All other Roads: 50% of building setback Rear Boundaries: 2.5m Outer Sydney Orbital corridor: 5m 	<p>The proposed landscape setbacks align with these minimum requirements.</p> <ul style="list-style-type: none"> All other roads: 7.5m including footpath (front/east setback) OSO/or rear: 5m 	Yes
17.2.3 Building and Urban Design	<p>This section aims to encourage a high standard of landscape and architectural design, utilising quality materials and finishes.</p>	<p>The proposed development has undergone considerable design and iteration to ensure it achieves a modern aesthetic that complements its context. This includes:</p> <ul style="list-style-type: none"> The building facades are architecturally designed to ensure articulation and attractiveness. 	

Clause	Provision	Proposed	Complies
		<ul style="list-style-type: none"> Materials and finishes are of high quality and respond to its context and streetscape. The resolved design is a result of sun and shadow assessment, landscape treatment, energy efficient strategies, and an analysis of the climatic conditions. 	
17.2.4 Signage and Estate Entrance Walls	To promote an integrated design approach to all signage in character with the locality and its architectural and landscape features.	<p>The proposal seeks consent for several signs including:</p> <ul style="list-style-type: none"> One site identification sign Two wall mounted identification signs Two signs for truck entry and exit One sign for car wayfinding One sign for pedestrian wayfinding <p>These signs comply with the dimension requirements and reflect the recommended design controls. They will be cohesive and high quality to ensure it does not detract from the site or its context.</p>	Yes
17.2.5 Lighting	To provide adequate security lighting, whilst ensuring that there are no adverse impacts on the use and enjoyment of adjoining premises and surrounding areas. As well as ensure there is safe visibility of the site achieved.	The lighting plan prepared by C-Level Design and Engineering demonstrates the proposed developments lighting strategy, which will be adequately designed to improve the site's amenity without impacting surrounding land uses.	Yes
17.2.6 Services	To ensure adequate services are available to facilitate development, and do not detract from landscaping and streetscapes.	<p>All services proposed for the site will be designed according to these controls.</p> <p>Refer to the Utilities Servicing Report prepared by Arcadis which demonstrates the servicing arrangements and capacity</p>	Yes

Clause	Provision	Proposed	Complies
		available at the site for the proposed development.	
17.2.7 Interface with the Transmission Line Easement	All buildings are to be setback a minimum of 5 meters from the Transmission easement corridor.	The proposed warehouse is setback from the corridor.	Yes
17.2.8 Interface with the Outer Sydney Orbital	All buildings are to be setback a minimum of 5 meters from the OSO corridor and not to directly front the corridor.	The building is setback 12m from the OSO corridor.	Yes
17.3.1 Noise Pollution	To ensure there is minimal noise pollution and impact to the existing rural residential uses to the east of Luddenham Road.	This control is complied with. Refer to the Noise and Vibration Assessment discussion in clause 12.4 of the PDCP. Further assessment is contained in Section 6.5 .	Yes
17.3.2 Air Pollution	The aim of this control is to maintain existing air quality and improve local air quality where possible; and to ensure future development does not adversely affect existing air quality.	Refer to section 6.2 Resilience and Hazards SEPP. It confirms a review of the potential to cause offense was conducted which indicated the site operations would be unlikely to result in noise or odour to occur at levels which would cause offense.	Yes
17.3.3 Trading/Operating Hours of Premises	To ensure the amenity of adjoining residential and rural areas is preserved.	The COPE sensitive Freight will operate 24/7 with the consideration to ensure amenity to surrounding residential areas is protected.	Yes
17.3.4 Storage, transportation and/or processing of chemical substances	To ensure that the use, storage or transportation of any chemical substance/s do not have any detrimental impact on the environmental quality of the surrounding area; and has regard to the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021.	As detailed in resilience and hazards SEPP assessment, as the facility is not classified as potentially hazardous or offensive, it is not necessary to prepare a Preliminary Hazard Analysis for the facility as Chapter 3 of SEPP (Resilience and Hazards) does not apply.	Yes
17.4 Road network and Site Access	Development applications shall be accompanied by a Traffic and Transport Report. The Traffic and Transport Report shall include a Green Travel Plan and Travel	A Traffic Impact Assessment has been prepared and a Green Travel Plan for the proposed	Yes

Clause	Provision	Proposed	Complies
	<p>Access Guide and assess the impact of projected pedestrian and vehicular traffic associated with the proposal and outline the extent and nature of traffic facilities necessary to preserve or improve the safety and efficiency of the road system.</p> <p>Road design is to comply with the road configurations and cross-sections contained in the DCP.</p>	<p>development. Further discussion is outlined in Section 6.3.</p> <p>It details the internal configuration of the site has been designed in accordance with Penrith City Council's DCP and the relevant Australian Standards.</p>	
17.5 Access and Parking	<p>Car parking requirements:</p> <ul style="list-style-type: none"> Warehouse or distribution centres: 1 space per 300 m² of gross floor area or 1 space per 4 employees, whichever is the greater (124 spaces required) Ancillary office space: 1 space per 40 m² of gross floor area (38 spaces required) Accessible Parking: Accessible car spaces should be in accordance with the Access to Premises Standards, Building Code of Australia and AS2890. (minimum 2 spaces) Bicycle Parking: 1 space per 1000m² of gross floor area of industrial activities (over 2000m² gross floor area). 1 space per 600m² of gross floor area of office and retail space (over 1200m² gross floor area) Electric vehicle: 1 space per 40 car spaces Car share: 1 space per 40 car spaces Electric bicycle: A charging station for electric bicycles is provided for the first 5 bicycle 	<p>Proposed parking:</p> <ul style="list-style-type: none"> 222 car spaces (office and warehouse) 4 car spaces designated for electric vehicles 4 car spaces are to be provided for car sharing spaces 16 motorcycle spaces minimum. At least 2 accessible parking spaces 39 bicycle parking spaces will be provided 4 electric bicycle charging stations will be provided <p>Provisions for accessible parking and bicycle parking will be accommodated during further development of the proposal.</p>	Yes

Clause	Provision	Proposed	Complies
	<p>spaces within a development, and for every 10 bicycle spaces thereafter.</p> <ul style="list-style-type: none"> Motorcycle Parking: 1 space per 10 car spaces <p>The following bicycle destination facilities for staff are to be provided:</p> <ul style="list-style-type: none"> For ancillary office and retail space with a gross floor area over 2500m² , at least 1 shower cubicle with ancillary change rooms; For industrial activities with a gross floor area over 4000m² , at least 1 shower cubicle with ancillary change rooms; Change and shower facilities are to be located close to the bicycle storage areas; and Where the building is strata-titled, the facilities are to be available to all occupants. 		
17.6 Integrated Water Cycle Management	To protect, maintain or restore waterway health within Wianamatta-South Creek and its tributaries by managing development impacts.	The proposed application demonstrates compliance with the stormwater quality targets and stormwater flow targets as demonstrated within Section 6.4.	Yes
17.7 Flood Prone Land	To ensure development in the floodplain is consistent with the NSW Flood Prone Land Policy and principles in the NSW Government Floodplain Development Manual.	<p>Refer to clause 5.21 in the LEP compliance table. It concludes that the proposed development is in accordance with the assumptions outlined in the overall site flood assessment.</p> <p>Further assessment of flooding is outlined in Section 6.4.</p>	Yes

APPENDIX B PRELODGE MENT ADVICE

HB+B received Prelodgement Advice from Penrith City Council (PCC), in response to the prelodgement meeting on 21st December 2023 which discussed the draft proposal for a warehouse and distribution facility at 211-227 Luddenham Road, Orchard Hills.

The following table contains PCC's comments and the proponent response to each issue raised.

Table 6 Response to Council Advice

Issue Raised	Proponents Response
Planning	
<p>a) As the proposal is dependent upon the completion of an industrial estate development across the broader site (including bulk earthworks, road construction and 9-lot subdivision), and the upgrade to Patons Lane (including the 'Primary Site Access', 'Distributor Road' and 'Estate Access Roundabout'), for which Development Applications have not yet been made, the timing of lodgement for an application in relation to the subject proposal should not occur until determination of the aforementioned development/s is made.</p> <p>Council staff are unlikely to hold a Development Application in abeyance pending the determination of a preceding development.</p>	Noted.
<p>b) It is noted that the Pre-lodgement Advice for the industrial estate development across the broader site (Council Reference No. PL23/0072), dated 15 December 2023, raised many matters and issues that need to be satisfied, which may have implications upon the final configuration of any future industrial estate over the broader site.</p>	Noted.
<p>c) The 'Capital Investment Value' of the development is to be calculated in accordance with Planning Circular No. PS21-020.</p> <p>Pursuant to Section 2.6 (Schedule 1) of State Environmental Planning Policy (Planning Systems) 2021, development for the purpose of single occupancy 'Warehouse or Distribution Centre' that has a 'Capital Investment Value' of more than \$50 million constitutes a 'State Significant Development'. Assessment of any such application will be undertaken by the NSW Department of Planning, Housing and Infrastructure, and</p>	The proposed works have an estimated development cost of \$47,465,142 and therefore considered regionally significant.

Issue Raised	Proponents Response
<p>accordingly consultation would need to be had with in progressing any associated design plans.</p> <p>Pursuant to Section 2.19 (Scheule 6) of State Environmental Planning Policy (Planning Systems) 2021, ('General') development that has a 'Capital Investment Value' of more than \$30 million. constitutes a 'Regionally Significant Development'. A Development Application in relation to a 'Regionally Significant Development', is to be made to Council, for determination by the Sydney Western City Planning Panel.</p>	
<p>d) Any Development Application must include a detailed Site Analysis, which has been prepared in accordance with Parts C1.1 and F3.4.1 of the Penrith Development Control Plan 2014.</p>	<p>Site context and site analysis provided (DA002,003).</p>
<p>e) Any such application should demonstrate how the proposed development complies with, and has responded to, the outcomes of the pending Planning Proposal. It is recommended that graphic overlays be used, to assist presenting compliance and consistency</p>	<p>The SEE provides a table showing compliance with section E17 'Luddenham Road Industrial Business Park' of the DCP (refer Section 6.7).</p> <p>The masterplan document includes LEP & DCP overlays for the zoning, lot layouts, roads, density provisions and the transport investigation area.</p>
<p>f) Comprehensive operating details are to be provided with any such application, including the types of items to be stored onsite, an inventory of dangerous goods, heavy vehicle types, heavy vehicle maintenance and / or servicing (including re-fuelling), vehicles to be kept / garaged on-site, staffing numbers (including breakdown of management, office, warehousing, driver and maintenance personnel), shift arrangements, operating hours, environmental safeguards, loading dock management, and access and security arrangements.</p>	<p>A review of the quantities of DGs stored at the proposed facility and the associated vehicle movements was conducted and compared to the threshold quantities outlined in Chapter 3 of SEPP (Resilience and Hazards). The results of this analysis indicates the threshold quantities for the DGs to be stored and transported are not exceeded; hence, the Chapter 3 of SEPP (Resilience and Hazards) does not apply to the project. Furthermore, a review of the potential to cause offense was conducted which indicated the site operations would be unlikely to result in noise or odour to occur at levels which would cause offense.</p> <p>Many of these details are included within the assessments undertaken by specialist consultants and submitted with this application.</p>
<p>g) Any such Development Application will need to demonstrate that Luddenham Road and the broader regional road network is able to facilitate likely traffic generated by the development</p>	<p>SIDRA modelling outputs have been added to the TIA</p>

Issue Raised	Proponents Response
h) Given the overall nature of traffic and road related matters, consultation should be had with Transport for NSW, prior to progressing the proposal and lodging any such Development Application. Please note a Development Application will not be held in abeyance waiting for threshold matters to be resolved.	Noted.
i) The proposal constitutes 'Traffic Generating Development' pursuant to Clause 2.122 of State Environmental Planning Policy (Transport and Infrastructure) 2021	The proposal will be referred to TfNSW under this provision.
j) It is considered that the proposal could be enhanced from an urban design perspective through the embellishment of the main front building facade, by providing greater architectural interest, vertical variation, an increased range of materials and finishes, and greater relationship between the main warehouse and office components. Any such application must carefully consider and respond to the design provisions outlined within Draft Part E18.2.3 of the Penrith Development Control Plan 2014.	2 strip windows added to the warehouse front façade; Architect statement provided to support the design intent.
k) Concern is raised regarding the lack of architectural interest and variation within the western / rear building facade, noting this element addresses the Outer Sydney Orbital Corridor and the Sydney Metro Western Sydney Airport Line. Careful consideration must be given to the materials and finishes, and associated provisions (including Draft Part E18.2.3 of the Penrith Development Control Plan 2014).	<p>Large Eucalyptus trees have been proposed near the western Prime Mover Parking and Carpark to help screen the Western façade. This is accompanied by groups of indigenous trees along the rear western boundary</p> <p>Building articulation provided reflecting to the front façade; Architect statement provided to support the design intent.</p>
l) Concern is raised regarding the loading docks and associated (20m deep) awning, along the northern building facade. Consideration should be given to refining the proposed arrangement around the north eastern portion of the building, to ensure that the building provides suitable visual amenity when the site is being approached from the north and is desirable from a streetscape perspective.	<p>Screening of the warehouse from the north is provided via planting of dense evergreen trees along a 3m landscaped setback. This has been increased in width since the Pre-DA meeting. Please refer to LDA-03, LDA-05, and LDA-07.</p> <p>Architect statement provided to support the design intent; Additional landscaping has been added.</p>
m) The building design should make provision for any proposed and future likely associated rooftop plant, to enable such to be installed without detracting from the overall building appearance.	All plant located on ground


Issue Raised	Proponents Response
n) The overall design and layout should make provision for any proposed and / or future likely associated signage (including business identification signage). It is expected that any associated signage be modest and simply provide for the identification of the premises, and satisfy associated provisions, including of Draft Part E18.2.4 of the Penrith Development Control Plan 2014.	Signage plans included in the DA pack
o) The landscaped blister islands throughout the car parking area, are to be provided with engineered tree pits or vaults and aeration infrastructure, in order to facilitate tree root growth beneath car parking spaces, to allow trees to grow to maturity, and achieve a minimum of 40% tree canopy cover over the combined area of all car parking spaces, as required by Part C14.1.4 of the Penrith Development Control Plan 2014.	Structural Tree Soil has been provided to car park areas adjacent to proposed trees in landscaped blister islands. The tree species in the car park blisters have been swapped to Cupaniopsis anacardioides which has a larger tree canopy, and additional trees have been proposed surrounding the car parking spaces. The total tree canopy cover over the combined area of all car parking spaces is currently 1236.5m ² (40.2%) as per drawing LDA-02.
p) It is unclear whether the front setback of the proposed car parking area, provides for adequate landscaped areas.	<p>In accordance with the DCP, a 7.5m landscaping setback has been provided including permeable paving to the entire carpark.</p> <p>The landscape design is a high quality design featuring locally indigenous Eucalyptus Moluccana trees. The design features a neat, layered planting approach with the use of mass planted hedges and groundcovers to achieve a high quality landscape. Additionally, fencing has been setback from the eastern site boundary to allow for better landscape transition to the public domain.</p>
q) The overall layout does not facilitate adequate tree planting along the northern and western building elevations, to provide shading and cooling of the warehouse. Landscaped areas are to be provided within these areas, to facilitate the planting of tree species of sufficient size to adequately shade the proposed large-scale development.	<p>3m landscape setback to north and south boundary provided.</p> <p>The northern landscape setback has been increased to 3m and consists of dense evergreen trees. Additional landscape areas have been added to the western side of the building since the Pre-DA meeting which consists of planting of large Eucalyptus trees.</p>
r) Concern is raised regarding the relationship of the driveway and manoeuvring areas, to both side boundaries, as such does not appear to provide for suitable site edge landscaping.	As stated for comment q, landscape areas have been increased in width to increase landscape areas to the edges of driveways.
s) The 1m wide landscape strip alongside the north western (splayed) site boundary does not provide for adequate site edge landscaping and is	Please refer to response to point r).

Issue Raised	Proponents Response
inconsistent with associated provisions of the Penrith Development Control Plan 2014.	
t) High quality landscaping is required and a stock standard 'business-as-usual' approach to landscaping will not be supported. Areas for planting are to be genuine and meaningful, to ensure trees survive and thrive into maturity	The landscape design has been amended particularly to the front landscaped areas. A neat, layered planting approach has been implemented with the use of mass planted hedges and groundcovers to achieve a high quality landscape. A high proportion of native planting has been retained within this design. Small flowering feature trees are located near the car park entrance, pedestrian entrance, outdoor amenity area, and the site identification signage to highlight those locations. Additionally, fencing has been setback from the eastern site boundary to allow for better landscape transition to the public domain. Areas of feature fencing are also included at key activity nodes. Please refer to LDA-03 & LDA-04.
u) Electric Vehicle Charging Stations are to be provided in accordance with the requirements of Draft Part E18.5 of the Penrith Development Control Plan 2014.	Plan updated. Sufficient amount of EV charging stations have been added to the private carpark, in compliance with the Penrith DCP. Report has been updated.
v) Provision should be made in the overall design / layout for services (such as substation, hydrants, and the like).	Has been referenced in the Design Statement.
w) It is expected that any associated drainage basins servicing the development are located on industrial zoned land, and not impact upon environmental or open space type areas.	The downstream storage basin, which is proposed as part of the subdivision works, caters for all lots which discharge towards the north-west part of the overall site.
x) The layout of the broader estate / site shown on the accompanying Master Plan, varies from the layout details shown on the Civil Plans for the broader industrial estate development, presented to Council through a separate pre-lodgement meeting on 7 December 2023 (Council Reference No. PL23/0072).	Masterplan updated.
y) While it is unclear if the specific proposal is to involve any substantial earthworks and / or retaining walls, it is expected that any retaining walls would be no higher than 2m and be stepped or tiered, to break up visual massing.	Bulk earthworks and site preparation works are the subject of a separate development application with Council (DA24/0294). Retaining walls are proposed along the northern site boundary, and are compliant with relevant controls.
z) Consideration should be given to the 'Development Adjacent to Future Infrastructure	This has been discussed in Section 6.1 of the SEE. Concurrence to TfNSW will be needed for the

Issue Raised	Proponents Response
Corridors' provisions of Clause 4.9 of State Environmental Planning Policy (Transport and Infrastructure) 2021.	application. The proposed works seek to facilitate development on the site. It will not adversely impact the safe and efficient movement of people and freight throughout Western Sydney. Positive consultation with TfNSW occurred during the planning proposal stage. The proposed subdivision pattern and development is consistent with this TfNSW advice.
aa) Any such application must address the relevant 'Hazardous and Offensive Development' provisions of Chapter 3 of State Environmental Planning Policy (Resilience and Hazards) 2021.	Section 6.2 of the SEE provides an assessment against the relevant provisions. Riskcon prepared a review of the quantities of DGs stored at the proposed facility and the associated vehicle movements was conducted and compared to the threshold quantities outlined in Chapter 3 of SEPP (Resilience and Hazards). The results of this analysis indicates the threshold quantities for the DGs to be stored and transported are not exceeded; hence, the Chapter 3 of SEPP (Resilience and Hazards) does not apply to the project.
bb) Any such application must respond to relevant 'Sustainable Development' provisions (for both the construction and operational components), including those outlined in Clause 7.4 of the Penrith Local Environmental Plan 2010.	An ESD report has been prepared by Northrop which demonstrates how the proposed development implements sustainable development provisions.
cc) Adequate amenities, including showers, lunchrooms, and outdoor recreation space / facilities, are to be provided for all associated staff.	The proposed provision complies with the DCP.
dd) Lighting details are to be provided in accordance with the requirements of Draft Part E18.2.5 of the Penrith Development Control Plan 2014.	A lighting plan has been prepared and demonstrates compliance with the DCP.
ee) Consideration should be given to the 'Heritage Conservation' provisions of Clause 5.10 of the Penrith Local Environmental Plan 2010, given the proximity of the proposed development to two (2) Heritage Items.	This has been considered in the Heritage Letter prepared by EMM Consulting.
ff) The visual impacts of the proposed development are to be addressed through a Visual Impact Assessment, which is to include photomontages from relevant public and private vantage points. Furthermore, in this regard, consideration should be given to the 'Protection of Scenic Character and	A VIA has been prepared and discussed in Section 7.8 of the SEE. It includes photomontages highlighting the future development. In addition, the outlined DCP provision is included in the DCP compliance table. It highlights the proposed warehouse is not within this area. Nonetheless, the development considers the scenic

Issue Raised	Proponents Response
Landscape Values' provisions of Clause 7.5 of the Penrith Local Environmental Plan 2010.	values of the area and ensures development will be sympathetic to the landscape values.
gg) The site is identified as being bush fire prone land. Accordingly, consideration must be given to Planning for Bush Fire Protection 2019 and a Bushfire Assessment Report is to accompany any Development Application made for the site.	A Bushfire Assessment has been prepared for the proposed development. Several recommendations in Planning for Bush Fire Protection 2019 have been implemented.
hh) Any such application is to demonstrate that the proposed development is to be suitably serviced (with supply of water, electricity and natural gas, and the disposal and management of sewage), and address the associated provisions of Draft Part E18.2.6 of the Penrith Development Control Plan 2014.	Arcadis has prepared a Utilities Servicing Report which identifies the site will be adequately serviced for the proposed development.
ii) In accordance with Section 25 of the Environmental Planning and Assessment Regulation 2021, any such Development Application is to include lists of concurrence authorities and other approvals, which must be obtained before the development can be carried out.	There are no other concurrences required at this stage.
Environmental Management	
a) A Fill Management Plan, including details of the processes and procedures that to be implemented to ensure only suitable fill material is imported to the site, needs to be prepared and submitted with any such application.	A Fill Management Plan has been prepared to support this DA.
b) Consultation must be had with Sydney Water, and any such application is to confirm whether the proposed development will be connected to Sydney Water's reticulated sewer system and that capacity exists for the development. Should connection to Sydney Water's reticulated sewer system be unavailable, a Wastewater Report is to be prepared (by an appropriately qualified person) which details appropriate sizing and calculations for the associated On-site Sewage Management System, in accordance with Council's On-Site Sewage Management and Greywater Reuse Policy.	The site will be independently serviced with an on-site waste water disposal system. This approach has been supported by Sydney Water as part of the rezoning process.
c) An Acoustic Assessment is to be undertaken in accordance with relevant guidelines (including the NSW Environment Protection Authority's, Noise	A Noise and Vibration Impact Assessment has been prepared by EMM Consulting, which has been prepared in accordance with the following guidelines and policies:

Issue Raised	Proponents Response
Policy for Industry 2017) and submitted with any such application.	<ul style="list-style-type: none"> ▪ NSW Environment Protection Authority (EPA) 2017,Noise Policy for Industry(NPfl) ▪ NSW Department of Environment and Climate Change (DECC) 2009,Interim Construction Noise Guideline(ICNG) ▪ NSW Department of Environment, Climate Change and Water (DECCW) 2011,Road Noise Policy(RNP) ▪ Department of Environment and Conservation NSW 2006,Assessing Vibration: a Technical Guideline
d) A Construction Noise and Vibration Assessment is to be undertaken by a suitably qualified and experienced consultant, in accordance with the Department of Climate Change, Energy, the Environment and Water's, Interim Construction Noise Guideline, and submitted with any such application.	As above.
Development Engineering	
a) A Stormwater Concept Plan, accompanied by supporting report, calculations and completed 'Checklist' in accordance with Appendix A of Council's Stormwater Drainage Guidelines for Building Developments, shall be submitted with the any such application.	Refer to civil drawings
b) The proposed development is required to be supported by infrastructure providing water quantity and water quality treatment for the site. It is noted that this infrastructure may be established as part of the preceding industrial estate development across the broader site, as presented to Council through a separate pre-lodgement meeting on 7 December 2023 (Council Reference No. PL23/0072).	Refer to civil drawings
c) Any such application is to demonstrate that downstream stormwater systems have adequate capacity to accommodate stormwater flows generated from the proposed development. This may require the provision of on-site detention to reduce stormwater flows or upgrade of stormwater infrastructure to increase capacity.	Refer to civil drawings

Issue Raised	Proponents Response
d) Water Sensitive Urban Design (WSUD) is required to be provided for the site. The application shall include MUSIC modelling (*.sqz file) demonstrating compliance with Council's adopted Water Sensitive Urban Design Policy and associated Technical Guidelines.	Refer to civil drawings
e) Any on-site detention system or water quality system must be accessible from the street.	Refer to civil drawings
f) A water sensitive urban design strategy (prepared by a suitably qualified person) is to be provided in support of the proposed development, addressing water conservation, water quality, water quantity, and operation and maintenance matters.	Refer to civil drawings
<p>g) The site has been identified as being subject to flood related development controls, as local overland flood flows through the site. Please see the extract below from Council's records.</p> 	Refer to letter provided by Arcadis – flood.
h) Further information regarding Council's Overland Flow Flood Overview Study is available at: https://www.penrithcity.nsw.gov.au/services/other-services/floodplain-management .	Noted.
i) Any such application must demonstrate that the proposal is compatible with the State Government Floodplain Development Manual and associated Council provisions, including Section 5.21 of the Penrith Local Environmental Plan 2010 and Part C3.5 of the Penrith Development Control Plan 2014.	Refer to letter provided by Arcadis – flood.
j) Any such application must demonstrate that the proposed development is consistent with the final / endorsed Flood Impact Risk Assessment provided	Refer to letter provided by Arcadis – flood.

Issue Raised	Proponents Response
in support of the preceding industrial estate development across the broader site.	
k) All habitable floor levels shall be a minimum RL 500mm AHD above the 1% AEP flood level impacting the development site. Flood levels shall be set based on the abovementioned Flood Impact Risk Assessment and shall be consistent with Council's adopted flood level for the development site.	Refer to letter provided by Arcadis – flood.
l) It is expected that any such application will be referred to the Transport for NSW.	Noted.
m) Any such application is to be accompanied by a Traffic Assessment Report (prepared by a suitably qualified person), which includes an assessment of traffic generation, access, car parking, and manoeuvring.	These items are covered within the TIA
n) Any such application is to demonstrate that access, car parking and manoeuvring areas, comply with AS2890 Parts 1, 2 & 6 and any associated provisions of the Penrith Development Control Plan 2014.	Compliance has been stated with the Penrith DCP and AS2890 Parts 1, 2 & 6 within the car parking assessment (Section 5) of the TIA.
o) The proposed development is to facilitate servicing by B-Double Vehicles.	B-doubles have been used as the design vehicle for heavy vehicle manoeuvring around the site
p) Any such application is to be supported by turning paths, demonstrating satisfactory manoeuvring on-site, forward entry and exit to and from the site, and compliance with AS2890. Turning paths are to show full vehicular movements as shown in Figure B8 of AS2890.1, indicate required clearances and shall not encroach over kerbs or garden beds.	Swept paths have been adjusted to include turning movements around the hardstand and private vehicle car park
q) Any driveway crossover shall be at a minimum of 1m clearance from any public utility service lid, power / light pole or stormwater kerb inlet pit and lintel, and be located a minimum of 1.5m from any street tree.	Noted.
r) Consideration shall be given to the relationship of the heavy vehicle driveways with the side boundaries, to ensure that adequate pedestrian refuge is available along the site frontage.	Refer to architectural drawings
s) Swept paths shall also be provided for the largest design vehicle expected to access the site	Swept paths have been provided within the TIA

Issue Raised	Proponents Response
and demonstrate that relevant driveways can wholly contain all associated manoeuvres.	
t) No retaining walls or filling is to impede, divert or concentrate stormwater runoff passing through the site.	Refer to civil drawings.
Traffic	
<p>a) A Traffic and Parking Assessment Report is to be prepared (by a suitably qualified traffic practitioner) in accordance with the Guide to Traffic Generating Development 2002 and submitted with any such application. In addition to the requirements detailed in the Guide, the Traffic and Parking Assessment Report, is to assess / consider the:</p> <ul style="list-style-type: none"> • Impact of the proposed development on local roads, with consideration of the local road environmental capacities and impact on residential amenities. • Impact of the proposed development on surrounding and key intersections, subject to traffic generation assessment of the proposed development, using SIDRA or similar traffic model in accordance with Transport for NSW requirements. • Predicted impacts on road safety • Approved and proposed, developments, Planning Proposals, Major Projects and road upgrades, across the area. 	SIDRA outputs have been added to the TIA, along with the recommended intersection treatments
b) The 'Primary' and 'Secondary' access intersections off Luddenham Road to the industrial estate development across the broader site, are to be signalised.	<p>The primary access intersection is proposed to be signalised as per the draft VPA and will be detailed in a separate DA.</p> <p>The secondary access intersection is proposed to be a 'left in' and 'left out' only (not signalised) as per Council's previous advice.</p> <p>TfNSW are unlikely to support a second signalised intersection for site access. Previous advice from Council supported this as a left-in left out arrangement which is what the masterplan currently adopts. Introducing a new signalised access would likely reduce demand at the intersection of Patons Lane and Luddenham Road</p>

Issue Raised	Proponents Response
	to the north, which may impact the ultimate design of the intersection.
c) All vehicles must be able to enter and exit the site in a forward direction.	Covered in section 6.1 of TIA
<p>d) Swept path diagrams are to be provided, in accordance with the relevant Australian Standards and the Penrith Development Control Plan 2014, and include details of:</p> <ul style="list-style-type: none"> • The largest associated heavy vehicle, entering and exiting the site (with the road, kerb line, signs, traffic devices, power poles, other structures and neighbouring driveways being shown). • The largest associated heavy vehicle manoeuvring through the associated road network. • A B99 vehicle and a B85 vehicle passing, throughout the car parking area. • A car turning around within the site, when all car spaces are occupied, using no more than a three-point turn. 	Swept paths have been adjusted to include turning movements around the hardstand and private vehicle car park
e) The purpose of the four (4) car parking spaces adjacent to the south western corner of the building is unclear. It is expected that car parking areas, are completely separated away from heavy vehicle loading and manoeuvring areas.	Parking is for external technicians visiting the site and accessing on site customer rooms located at the rear of the building.
f) Any driveway gates are to be located so that the largest vehicle associated vehicle can be contained wholly within the site (and not cause queuing on the street or impact upon the footpath). Furthermore in this regard, details are to be provided as to how driveway gates are to be managed.	All gates are shown, B-double fits the truck entry (DA011)
g) Bicycle parking is to be provided in accordance with the relevant provisions of the Penrith Development Control Plan 2014 and AS2890.3.	Bike parking will be compliant with DCP.

