URBIS

STATEMENT OF ENVIRONMENTAL EFFECTS – BULK EARTHWORKS & SUBDIVISION

221-227 and 289-317
Luddenham Road, Orchard Hills

Prepared for
HB+B
September 2024

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Bruce Colman
Associate Director	Anthony Kong
Consultant	Taylah Brito
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Urbis acknowledges the important contribution that Aboriginal and Torres Strait Islander people make in creating a strong and vibrant Australian society.

We acknowledge, in each of our offices, the Traditional Owners on whose land we stand.

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1. 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 bulk earthworks and subdivision at 211-227 and 289-317 Luddenham Road, Orchard Hills.

The project seeks to complete site preparation works and subdivision across the estate to facilitate future development. This development will contribute to the larger transformation of the Alspec Industrial Business Park (AIBP) estate which was recently subject to a Planning Proposal lodged with Penrith City Council. The Local Environmental Plan amendment arising from this will come into operation on 20th May 2024.

The project vision is to create a state of the art, sustainable and accessible business park, which secures a wide range of jobs for the local community of Penrith and wider Western Sydney. The Business Park respects and protects adjacent ecological communities and provides appropriate mitigation measures to protect the amenity of nearby rural residential residents.

SITE DESCRIPTON

The site is known as 221-227 and 289-317 Luddenham Road, Orchard Hills and spans across multiple lots. Orchard Hills is a suburb within the Penrith Local Government Area (LGA), located at the heart of Western Sydney. The site is bound by Patons Lane to the north, Luddenham Road to the east, Stockdale Road to the west, and a rural residential property to the south.

The site was formally used for rural residential purposes and agricultural activities. These uses have now been demolished in preparation for site development.

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. It is also 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. Luddenham Road has been identified by Transport for NSW as one of the key roads to be upgraded to help deliver the access vision for the Aerotropolis.

DEVELOPMENT DESCRIPTION

The DA seeks development consent for the following:

- 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.

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 (Resources and Energy) 2021 (Resources and Energy SEPP);*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation 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).*

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:

- Aboriginal heritage
- Air quality and odour
- Noise and vibration
- Flora and fauna
- Stormwater
- Flooding
- Heritage
- Contamination
- Geotechnical investigation
- Traffic
- Waste management
- Bushfire

These assessments demonstrate the site can be made suitable for the proposed bulk earth works with no adverse impacts to the surrounding land uses. The associated subdivision pattern supports the long term use of the land.

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 works 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 make the site ready for future development to support industrial lands and employment opportunities. Currently there is limited use of the site, and therefore the proposed works will unlock the potential for future social and economic benefits.
- *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 enabling future development to occur which will provide employment and compatible uses with the 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.

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

2. 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 bulk earthworks and subdivision at 211-227 and 289-317 Luddenham Road, Orchard Hills.

The development application seeks consent to commence bulk earthworks and subdivision, specifically site preparation works across the estate to facilitate future development. This includes the subdivision of land into nine (9) lots. This development will contribute to the larger transformation of the Alspec Industrial Business Park (AIBP) estate which was subject to a recent Planning Proposal with Penrith City Council.

The project vision is to create a state of the art, sustainable and accessible business park, which secures a wide range of jobs for the local community of Penrith and wider Western Sydney. The Business Park respects and protects adjacent ecological communities and provides appropriate mitigation measures to protect the amenity of nearby rural residential residents.

The proposed works have an estimated cost of $36,519,853 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 Development Application.

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

Table 1 Supporting Documentation

Document Title	Consultant
Aboriginal Cultural Heritage Assessment	EMM Consulting
Air Quality Assessment	EMM Consulting
Architectural Plans	Nettleton Tribe
ASIC Extract	-
Biodiversity Management Plan	Ecoplanning
Bulk Earthworks Specification	Construction Sciences
Bulk Fill Import Protocol	Construction Sciences

Document Title	Consultant
Bushfire Assessment	Peterson Bushfire
Civil Documentation and Drawings	Henry & Hymas
Construction Noise and Vibration Assessment	EMM Consulting
Dam Dewatering Protocol (Appendix to BMP)	Ecoplanning
DCP Compliance Table	Urbis
Draft Plan of Subdivision	LTS Lockley
Deposited Plans	LTS Lockley
Detailed Lifecycle Cost Assessment (within the IWCMR)	Henry and Hymas
Ecology Letter	Ecoplanning
Final Validation Report	Development Risk Management
Flood Impact Risk Assessment	Arcadis
Flora and Fauna Assessment	Ecoplanning
Geotechnical Investigation	Construction Sciences
Heritage Impact Statement	EMM Consulting
Infrastructure Services Report	Arcadis
Integrated Water Cycle Management Report	Henry & Hymas
Landscape Plans	Geoscapes
Noise Impact Assessment (Planning Proposal)	EMM Consulting
Maintenance Plan for WSU Measures (within the IWCMR)	Henry and Hymas
Owners Consent	-
Plan of Redefinition	LTS Lockley
QS Report	Napier and Blakeley
Residual Lots Plan	Henry and Hymas
Riparian Vegetation Management Plan	Ecoplanning
Salinity Management Plan	Construction Sciences
Site Survey Plan	LTS Lockley
Traffic Impact Assessment	Arcadis
Utilities Servicing Report	Arcadis

Document Title	Consultant
Vegetation Management Plan	Ecoplanning
Waste Management Plan	HB+B Property

3. SITE CONTEXT

3.1. SITE DESCRIPTION

The site is known as 221-227 and 289-317 Luddenham Road, Orchard Hills. The lots relating to the site are listed in the following table.

Orchard Hills is a Suburb within the Penrith Local Government Area, located at the heart of Western Sydney. The 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 proposed corridor for the Outer Sydney Orbital forms the western boundary of the Business Park.

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 Lot 2 in Deposited Plan 1293805
Site Area	1,253,773m^2
Site Dimensions	The site is generally irregular in shape. The northern and eastern site boundaries are staggered. An approximate measurement of the site dimensions are detailed below. North: 1060m East: 755m South: 929m West: 763m
Easements and Restrictions	An electrical easement is identified as a 60.96 metre wide transmission line located in the north west corner of the site. It is approximately 23,329m^2 running diagonally from north east to south west. There is an existing easement for water pipes over Lot 1 DP 1293805 (northern lot). The water pipe supplies raw water from the Warragamba Pipeline (Water NSW) to the Croatian Club and the adjoining 5 residential properties.
Site Topography	The site has undulating topography terrain throughout.
Vegetation	The site is predominantly grassed with scattered pockets of tall grass. Tall trees are also scattered across the site.
Hydrology	Three dams are located on the southern half of the site.

Figure 1 Aerial Photograph of Subject Site

3.2. EXISTING DEVELOPMENT

The site previously had rural residential dwellings located towards the north eastern portion of the site. In this corner of the site, the primary site access was via a driveway from Luddenham Road travelling east west across the property to the dwellings and ancillary structures.

There are currently no existing buildings or structures on the site as they have been previously removed in early 2023. Stables and ancillary agricultural structures were located to the rear of the dwellings. These structures related to horse agistment which previously occurred in the northern portion of the site.

Figure 2 Site Photos

Picture 1 View of the north east site corner, from the junction of Patons Lane and Luddenham Road

Picture 2 View of the eastern adjacent lot at 229 Luddenham Road

Picture 3 View of the Luddenham Road site accessway

Picture 4 View of the south east corner of the site from Luddenham Road

Source: Google Maps

3.3. 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. It is adjacent to the northern boundary of the Western Sydney Aerotropolis.

The site is near the Western Sydney Aerotropolis (**Aerotropolis**). Immediately south of the site is the Northern Gateway Precinct which is envisaged to transform into a specialised employment and business centre to support future Airport operations. This area south of the site is identified as a strategic corridor of growth areas and precincts which define the Western parkland City, all of which are connected through a series of proposed transport corridors, such as the Outer Sydney Orbital (**OSO**) and Sydney Metro Western Sydney Airport (**SMWSA**).

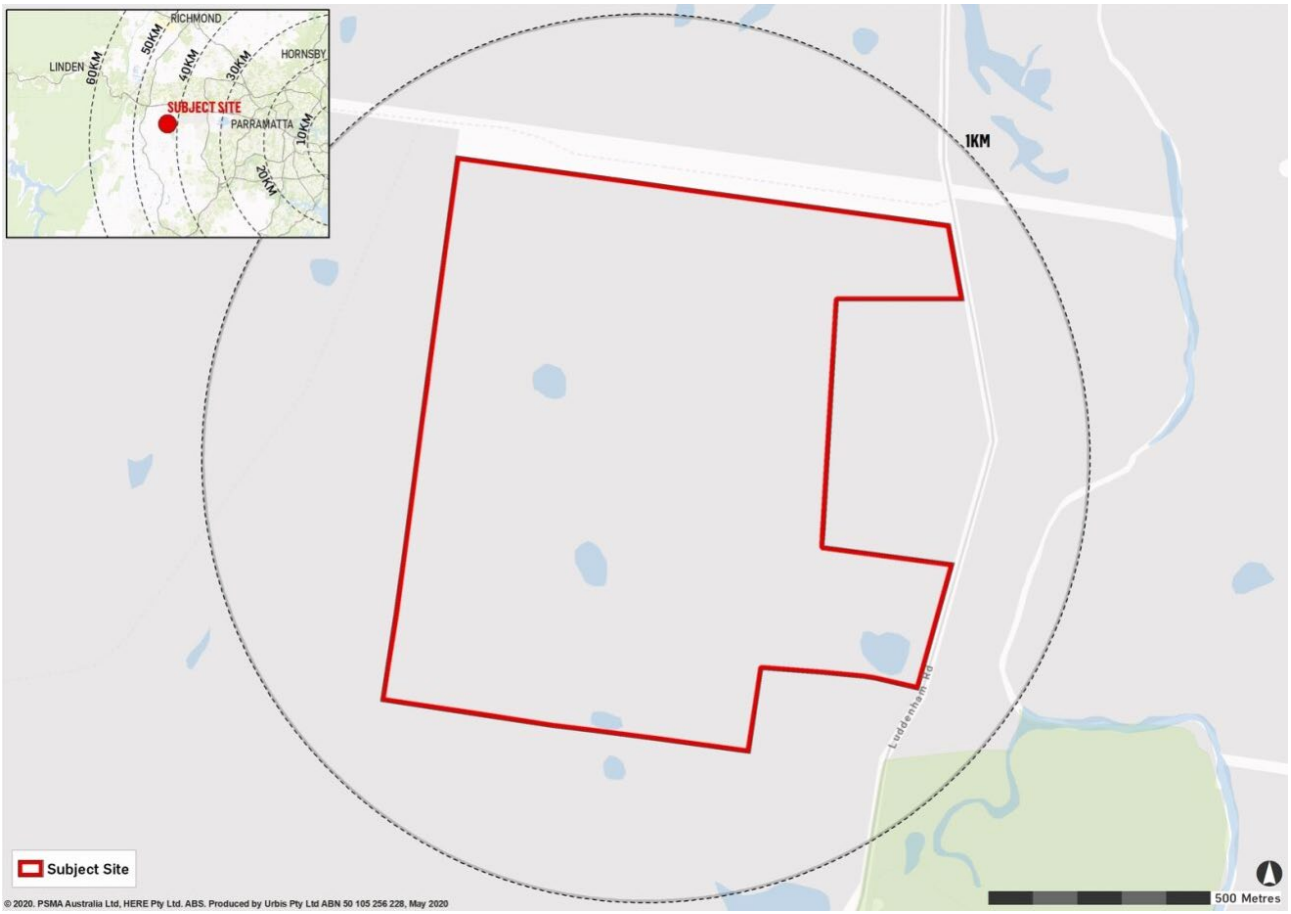
The surrounding development includes:

- **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 relating 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 relating to a recycling and landfill centre.

Table 3 Site Location Map



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 underserviced by public transport. It can be assumed the level of service provision reflects the low travel demands of the locality, which will improve as development progresses.

4. PROJECT HISTORY

4.1. PLANNING PROPOSAL

The development application forms part of the larger AIBP estate which was subject to a recent Planning Proposal that has been approved by Penrith Council. The Penrith Local Environmental Plan was updated and complete in April 2024. The Local Environmental Plan comes into operation on the 20th May, 2024.

The AIBP Planning Proposal sought to rezone the central and eastern portion of the subject site to E4 General Industrial and partly C2 Environmental Conservation, under which warehouse and distribution centres are a permissible use.

Specifically, the planning proposal sought to:

- Rezone part of the site from RU2 Rural Landscape to the E4 General Industrial zone,
- Amend the Minimum Lot Size map to reduce the minimum lot size to 1,000m2,
- Introduce a Height of Building control of 24 metres to the site,
- Introduce density provisions to ensure a mixture of large and small lots that meet the needs of the local market. A minimum lot provision of 40 lots will apply to part of the site and a minimum lot density provision of 60 lots will apply to the remainder of the site,
- Maintain a 40 metre wide corridor of land zoned E4 General Industrial on the western side of Luddenham Road to allow for the future widening of Luddenham Road.

This established the framework under which this DA is being progressed. The employment zone will become operable on the 20th May 2024.

4.2. PRE-LODGEMENT DISCUSSIONS

An online Prelodgment meeting was held with Penrith City Council in December 2023, which discussed the draft proposal for bulk earthworks at 211-227, 289-317 Luddenham Road, Orchard Hills. Following the meeting, HB+B received Prelodgement Advice which covered the topics including; planning, environmental management, traffic, and waste.

The comments raised by Council have been collated and addressed within the SEE. The responses are also collated in the Prelodgement Advice Response Table, submitted with this SEE.

5. PROPOSED WORKS

5.1. OVERVIEW

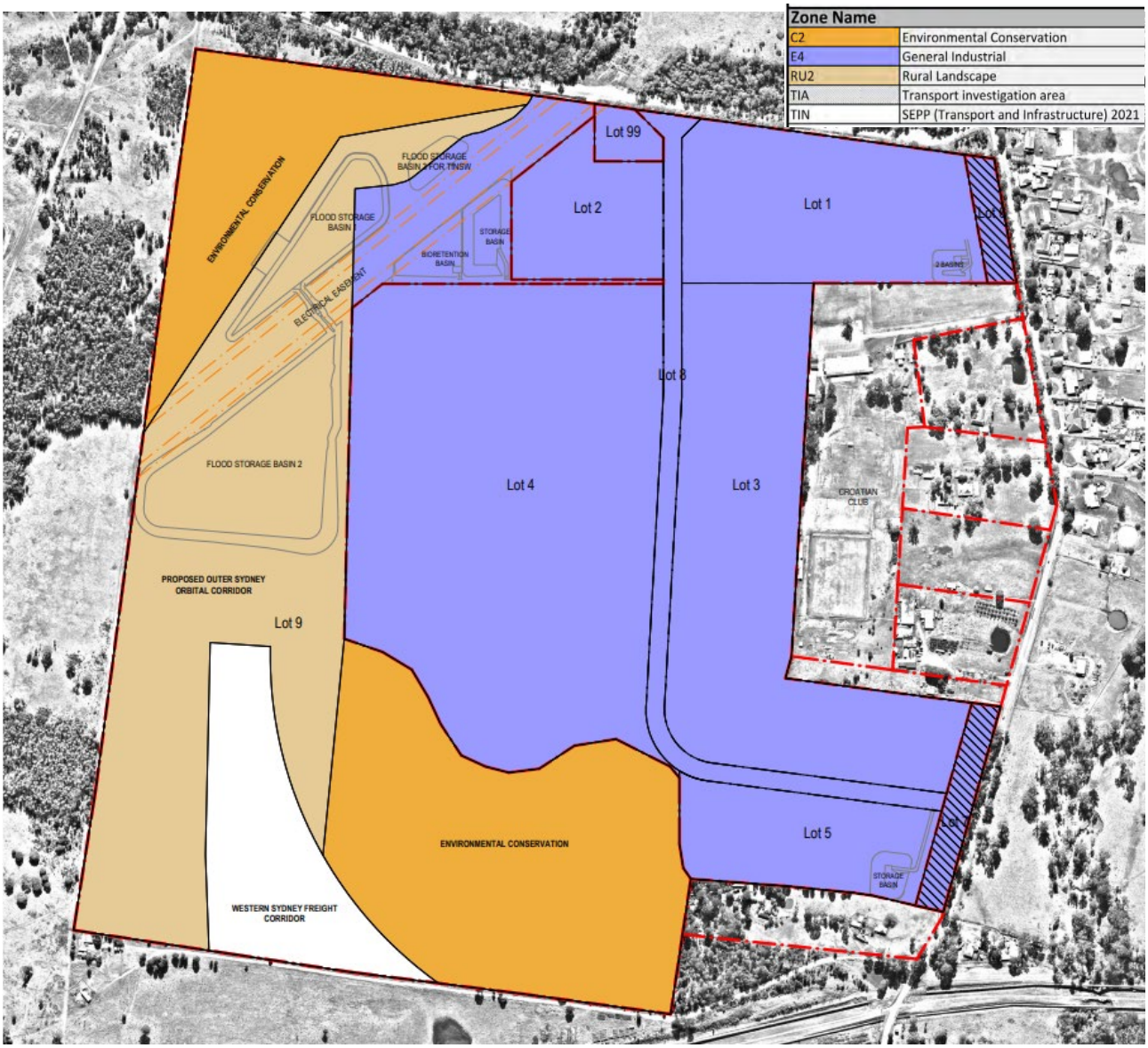
The proposal comprises bulk earthworks and subdivision to commence site preparation works across the estate to facilitate future development. The proposed works seeking consent as part of this development application include:

- 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.

Architectural plans have been prepared by Nettleton Tribe. The proposal is described in further detail within the following sections of this report. **Figure 3** contains the zoning plan demonstrating the future land uses of the site following the approval of the AIBP Planning Proposal. A summary of the site's land uses is described below:

- C2 Environmental Conservation: 252,574m^2
- E4 General Industrial: 664,317m^2
- RU2 Rural Landscape: 248,738m^2
- Transport Investigation Area: 22,091m^2
- TIN SEPP: 66,054m^2

Figure 3 Zoning Plan



Source: Nettleton Tribe

5.2. SUBDIVISION

The application seeks consent for the subdivision of the site into nine (9) lots. The proposed subdivision ensures the site layout is optimised and protection of key site features is achieved. The outcome ensures the environmental conservation area is retained alongside the smaller lot subdivision for future building and road development.

Lot 8 is proposed to be dedication to Council for public road.

Lots 6 and 7 are proposed to be dedicated to Council for the future widening of Luddenham Road in accordance with the Voluntary Planning Agreement.

Figure 4 contains the lot subdivision plan which depicts a layout of the lot boundaries. A breakdown of the lots is described in **Table 4**.

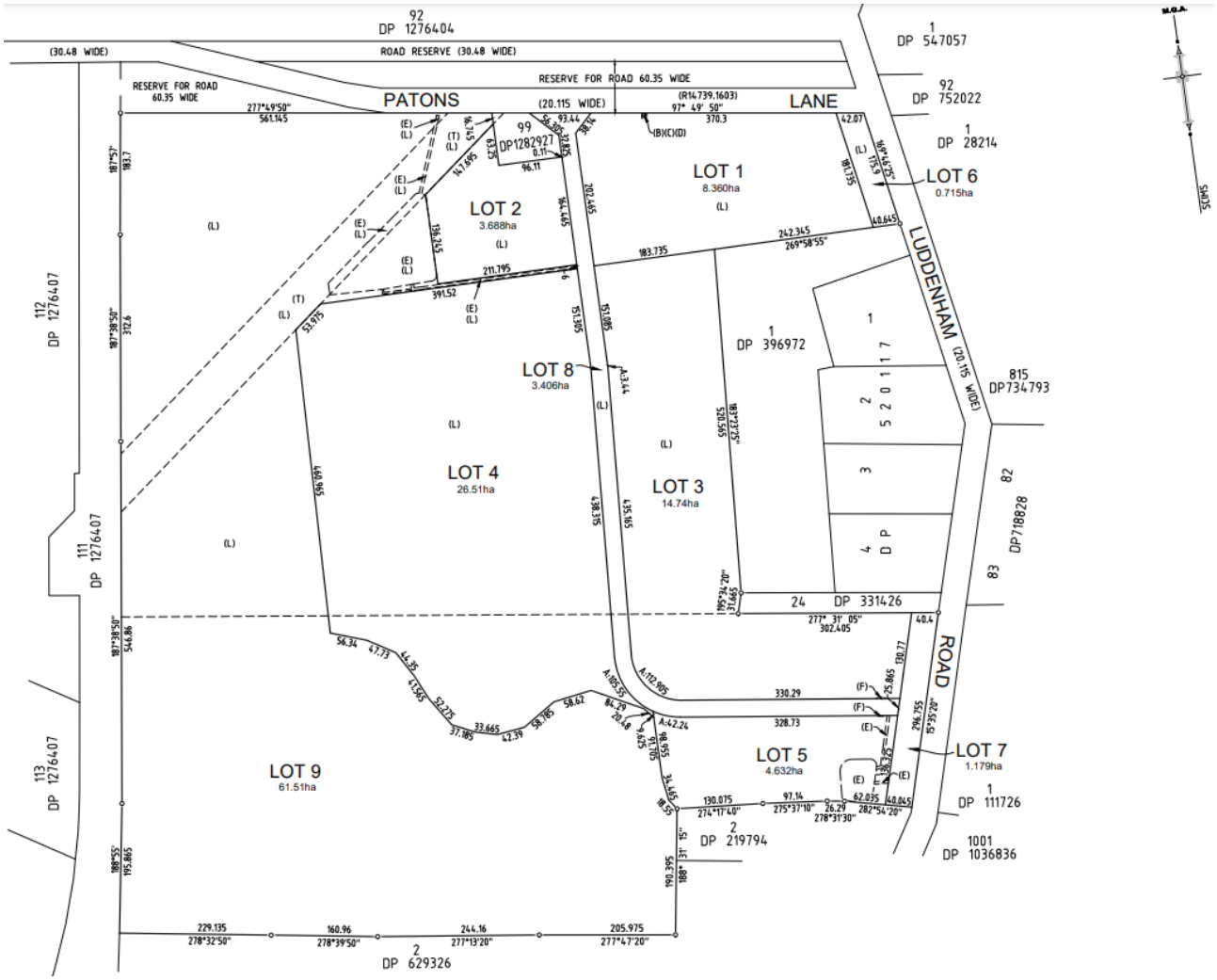
Table 4 Lot Subdivision Breakdown

Lot Name	**Area**
Lot 1	83,563 m²
Lot 2	36,878 m²
Lot 3	147,357 m²
Lot 4	265,110 m²
Lot 5	46,321 m²
Lot 6	7,152 m²
Lot 7	11,794 m²
Lot 8	34,138 m²
Lot 9	615,089 m²
Lot 99	6,372 m²
Lot Subdivision Total	**1,253,773m²**

Figure 4 Lot Subdivision Plan

Source: Nettleton Tribe

Figure 5 Plan of Subdivision



Source: LTS Lockley

5.3. PROPOSED SITE PREPARATION AND CIVIL WORKS

The proposed works include the following:

- Bulk earthworks for the entire estate
- 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
- Construction of the main estate road (Collector Road - 34,138m^2)

The site is proposed to be an overall fill site; with fill to be imported and placed above existing soils, to raise the surface to required design levels. Any cut material generated from the bulk earthworks will be reused to fill the site, no material will be exported from the site.

The proposed construction works involve the development of the main internal estate road, which is proposed to be a 25.6m collector road (34,131m^2) and an access road (2,326m^2). It includes footpaths, cycleways, street lighting and street landscaping. Landscaping is further discussed in Section 4.6.

Lot Arrangement Plan

The development of Lot Pads are proposed, with their arrangements depicted in the Architectural Plans and Figure 6. The proposed arrangement consists of Lot 1 and Lot 2 with singular lot pads. Lot 3, and Lot 4 propose three lot pads each, and Lot 5 comprises of two. A breakdown of each respective area is contained in Table 5.

Table 5 Proposed Lot Pad Areas

Developable Area	**Area**
Pad 1	83,563m²
Pad 2	36,878m²
Pad 3a	53,360m²
Pad 3b	60,747m²
Pad 3c	33,249m²
Pad 4a	90,404m²
Pad 4b	122,263m²
Pad 4c	52,443m²
Pad 5a	26,588m²
Pad 5b	19,733m²
Total Developable Area	**579,228m²**

Figure 6 Lot Pad Arrangement Plan

Source: Nettleton Tribe

5.3.1. Site Access

The site has three existing access points:

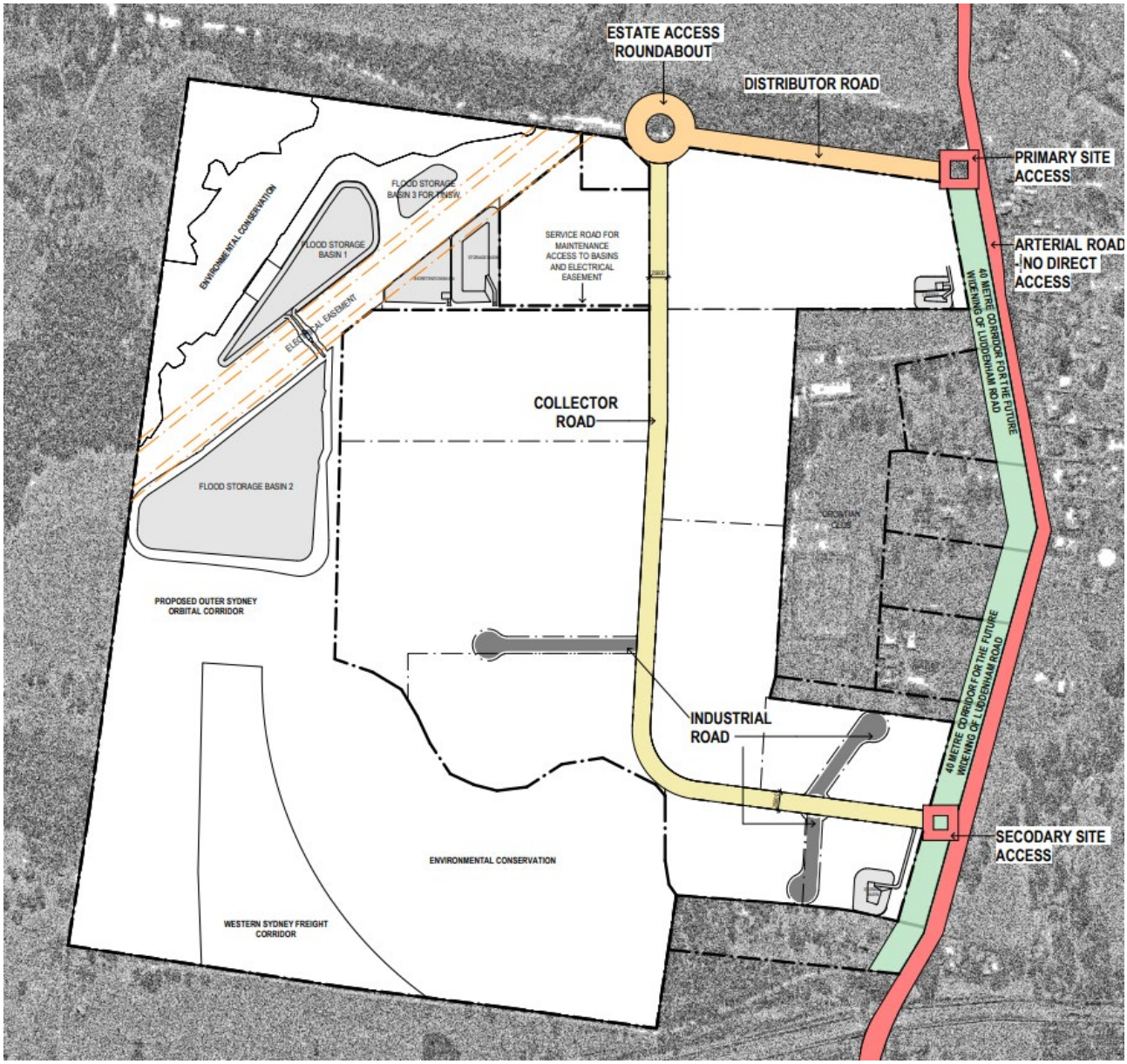
- Patons Lane, on the northern boundary of the site
- A secondary access point located on Luddenham Road, approximately 200 metres south of the Luddenham Road and Patons Lane intersection
- A third access point located on Luddenham Road, approximately one kilometre south of the Luddenham Road and Patons Lane intersection

The site is proposing the main construction vehicular access to be provided via Patons Lane. The majority of vehicles will enter and exit the site using the Patons Lane site access via the priority-controlled intersection at Luddenham Road and Patons Lane. Vehicles will turn around on the main estate road to exit via Patons Lane. Heavy vehicles will only be permitted to head north on Luddenham Road. The proposed vehicular movement is shown in **Figure 7**.

Secondary access is located on the eastern boundary of the site. It will not be used for vehicular access as Pad 1 will be constructed first.

The third access point, located one kilometre south of the Luddenham Road and Patons Lane intersection, will only be used for heavy vehicles exiting the site as shown on **Figure 7**. The intensity of the vehicular movements onto Patons Lane will be reduced by enabling heavy vehicles to exit directly onto Luddenham Road via a left turn. Patons Lane will remain the sole vehicular entry access for all vehicles.

Figure 7 DCP Mapping Overlay of Road Network and Site Access



Source: Arcadis

5.4. LANDSCAPING

A Landscape Masterplan has been prepared by Geoscapes to demonstrate the proposed landscaping works for the estate. **Figure 8** contains the Landscape Masterplan. HB+B propose high quality landscape works across the estate to create an attractive, sustainable and welcoming environment.

The clearing of vegetation is required to facilitate site preparation. This includes existing site trees and other residual vegetation.

The internal street network is proposed to have a continuous row of street trees line the corridors to provide shade and create an attractive entrance into the site and throughout. The trees will be planted at 8m centres

and consisting of evergreen and deciduous trees. To accommodate future driveways, the street trees will be planted with a gap between groups.

Water Sensitive Urban Design (WSUD) strategies have been employed throughout the precinct to align with Council's WSUD guidelines. This includes the addition of two Bioretention basins with planting. One will be located to the north east corner of the site at the Patons Lane and Luddenham Road junction. The other Bioretention basin will be located further west of the site, adjacent to Pad 2.

Figure 8 Landscape Masterplan

Source: Geoscapes

5.5. INFRASTRUCTURE DELIVERY

The Civil Drawings demonstrate the stormwater services for the site. In addition, a Utilities Servicing Report has been prepared by Arcadis to demonstrate opportunities and network capacity to service the development, as well as identify any augmentation and servicing options to support the proposal.

It is understood High Voltage (HV) power forms part of a separate application with Endeavour Energy. HBB Property received detailed design approval from Endeavour Energy on the 10th October 2023 to bring HV feeders to the site from the Erskine Park Zone Substation. High Voltage (HV) and Low Voltage (LV) reticulation within the estate will form part of a separate detailed design approval with Endeavour Energy. Street lighting for the estate road will form part of this detailed design application with Endeavour Energy.

The water and sewer servicing strategy for the estate was agreed with Sydney Water and Penrith Council during the Planning Proposal phase. An onsite sewer treatment facility will be constructed on site, this will form part of a separate DA with Council. Sewer from each of the future warehouses will be treated on site and the treated water will be reticulated back via a third pipe (treated water pipe) to be reused for toilet flushing in each of the warehouses. The remaining treated water will be irrigated on site. As noted above, the details will be documented as a separate DA.

A potable water connection is to be made to the existing water main located on Patons Lane. Sydney Water are carrying out an extension of this network in Q1/Q2 2024. The connection into this system will be made after Sydney Water complete these works. HBB Property will provide the water reticulation infrastructure within the estate road to service the future warehouse development.

NBN infrastructure is located on Luddenham Rd. HBB will provide NBN services within the estate road to service future warehouse developments.

6. STRATEGIC CONTEXT

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

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

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

  The proposal will prepare the site for future development of employment lands in a location earmarked for future transport infrastructure investment. The works will unlock the potential of the site, which can contribute to the region being more productive and connected.

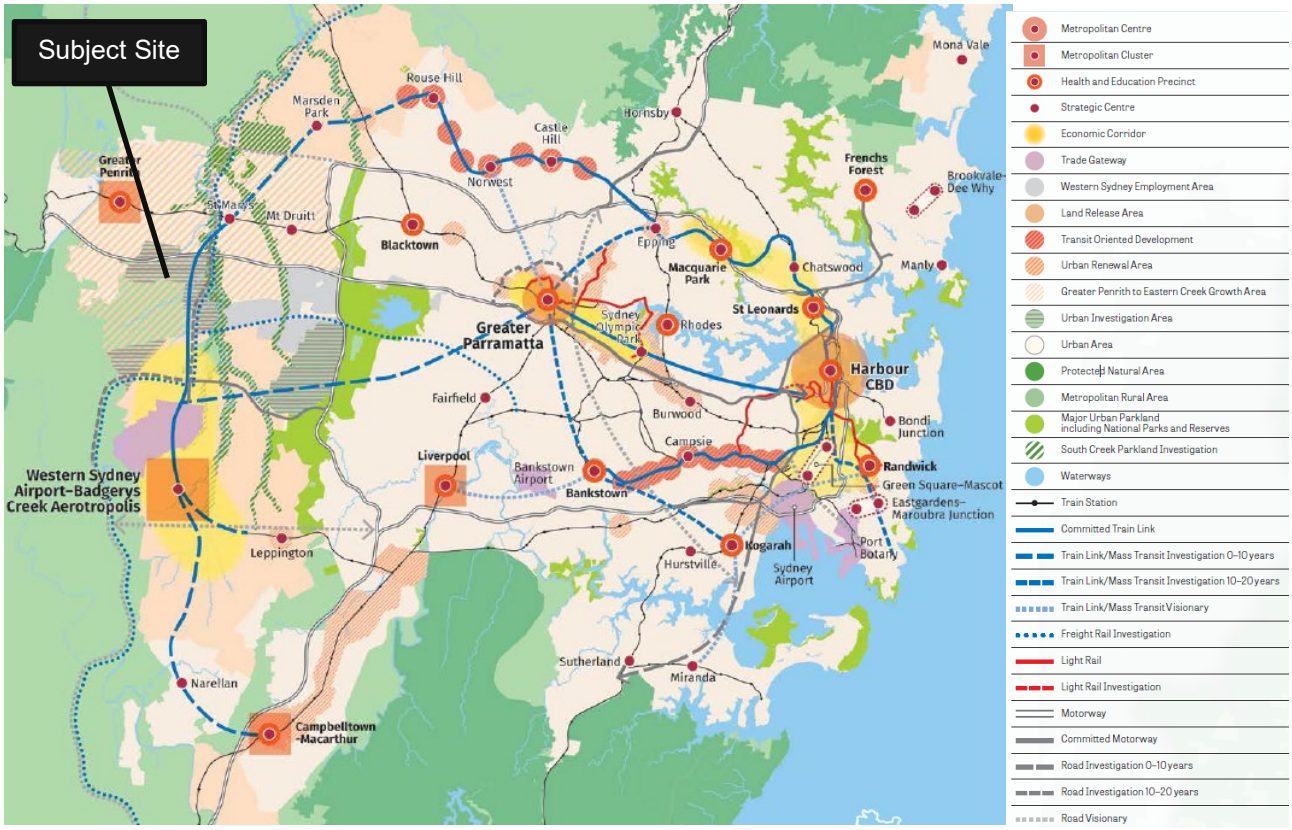
- *Objective 20 Western Sydney Airport and Badgerys Creek Aerotropolis are economic catalysts for Western Parkland City*

  The proximity of the site to the Western Sydney Airport and Aerotropolis is attractive for future tenants, businesses and industries to locate. The proposed works are in a strategic location to leverage off these opportunities.

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

  The proposed site preparation works and subdivision will help facilitate the transition of the site into an industrial precinct to support industrial and urban services within the Aerotropolis.

Figure 9 Greater Sydney Region Plan Structure Plan



Source: Greater Sydney Region Plan

6.2. 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 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 do not seek consent for the construction of buildings or structures. The subdivision and site preparation seeks to optimise the existing use of the site and maximise its opportunities for future investment. It will renew and optimise the existing site by making it ready for future development that will positively contribute to the attractiveness and functionality of its locality.

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

  This proposal is seeking consent to subdivide the land and make the site suitable for future construction. These works will unlock future opportunities to optimise the existing use of the site to accommodate industrial activities which will leverage the complementary activities of the Western Sydney Airport and Badgery's Creek. These works enable the future transformation of the site into a hub attracting investment, employment and industrial opportunities that would benefit the broader WSA.

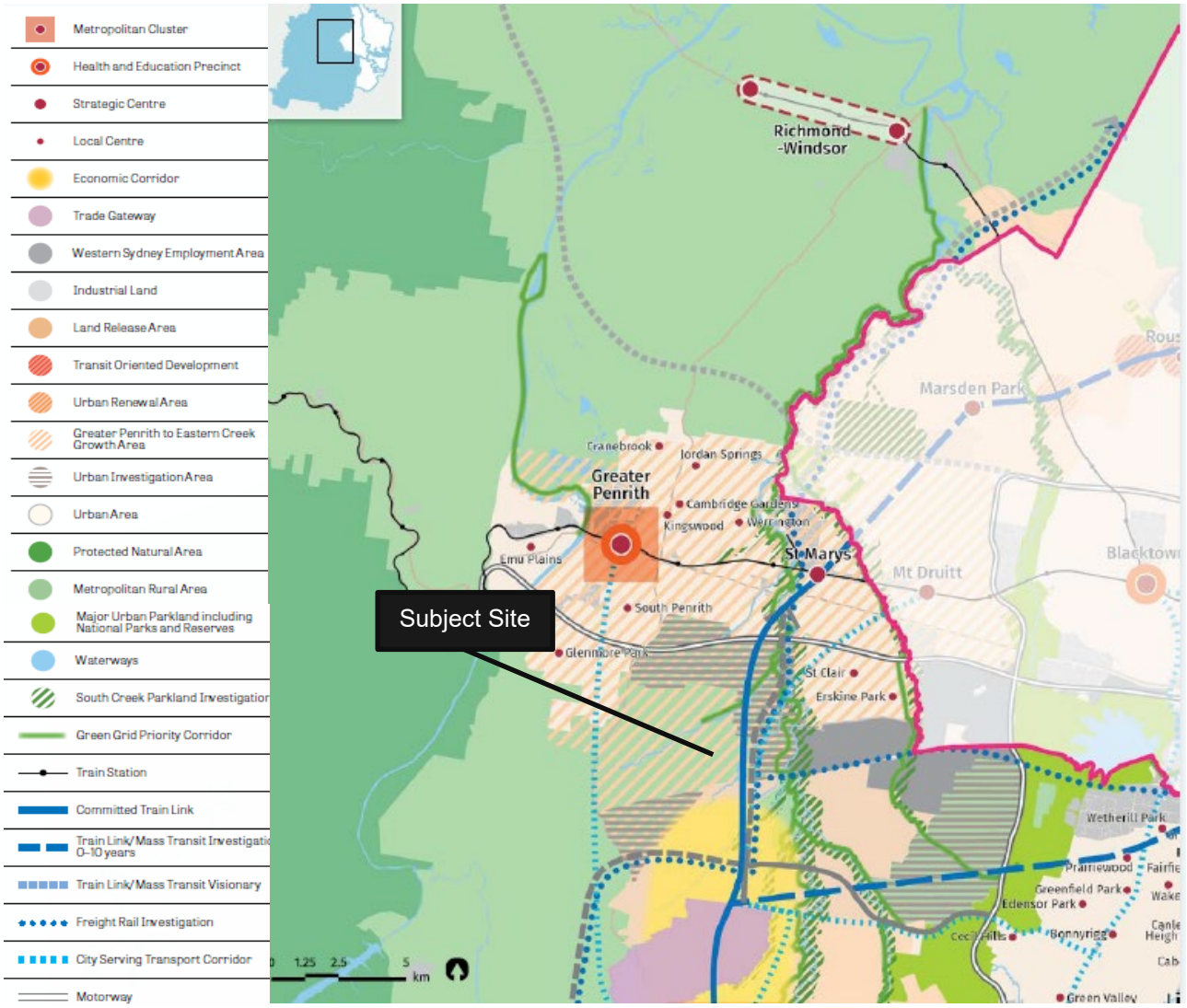
- *Planning Priority W10 Maximising freight and logistics opportunities and planning and managing industrial and urban services land*

  The proposed subdivision and site preparation works will facilitate the future development of the site for an industrial precinct that supports freight and logistics activities. The proposed works will make the site suitable for future warehouse and distribution opportunities, adding 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 site preparation works is the first step to maximising the industrial and business opportunities of the site. 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. At this stage, the proposed subdivision and bulk earthworks will create short term jobs during construction. Unlocking the potential of the site to generate greater construction and operation jobs in the future.

Figure 10 Western City District Plan Structure Plan



Source: Greater Sydney Region Plan

6.3. PENRITH LOCAL STRATEGIC PLANNING STATEMENT

The Penrith Local Strategic Planning Statement was published by Penrith City Council in March 2020 and provides an overview 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 close to 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 site 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.

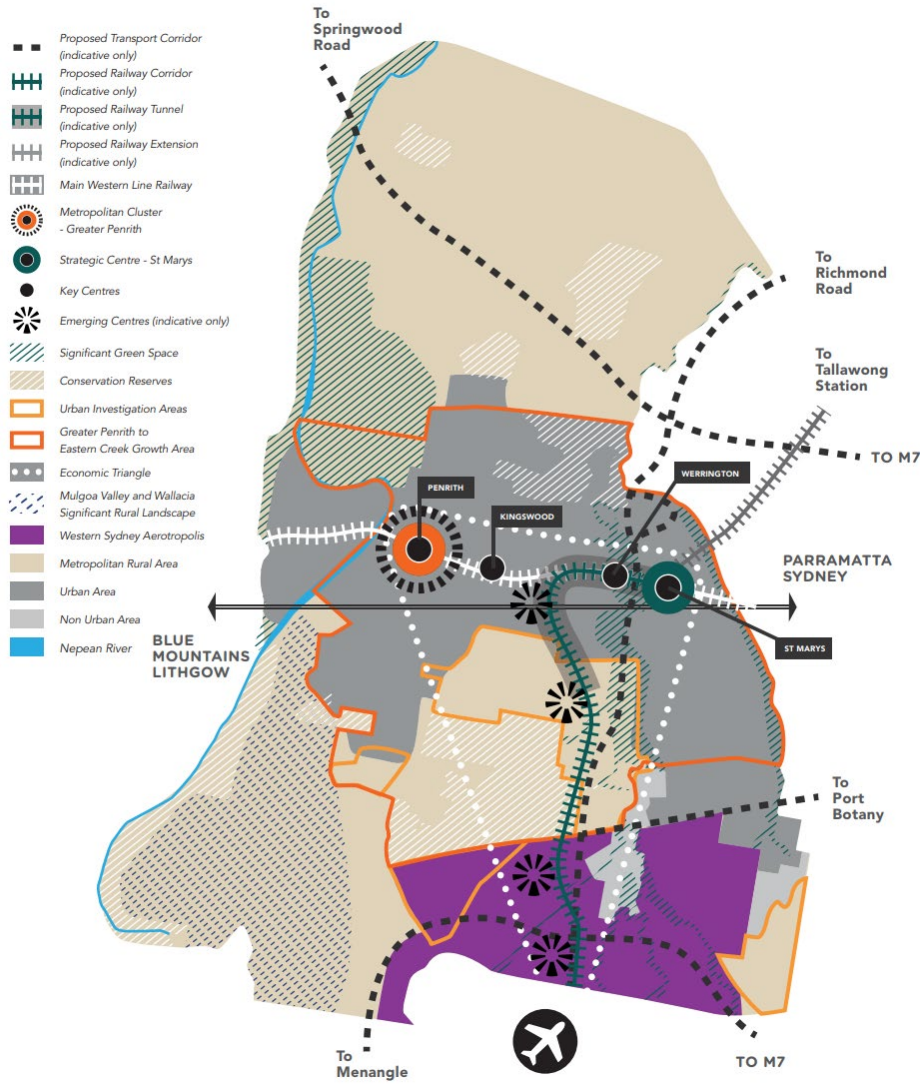
- *Planning Priority 11: Support the planning of the Western Sydney Aerotropolis*

  The proposed works will ultimately enable future development of the for industrial and freight operations, which will maximise the benefits of the Aerotropolis. It will unlock the future delivery of an industrial precinct to 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 a catalyst to the emergence of a significant economic corridor that supports diverse industries and a range of job opportunities. The proposal will help support this emerging trade and investment hub by preparing the site for future freight and industrial activities to service these industries.

Figure 11 Penrith LSPS Structure Plan



Source: Penrith Council

6.4. 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.

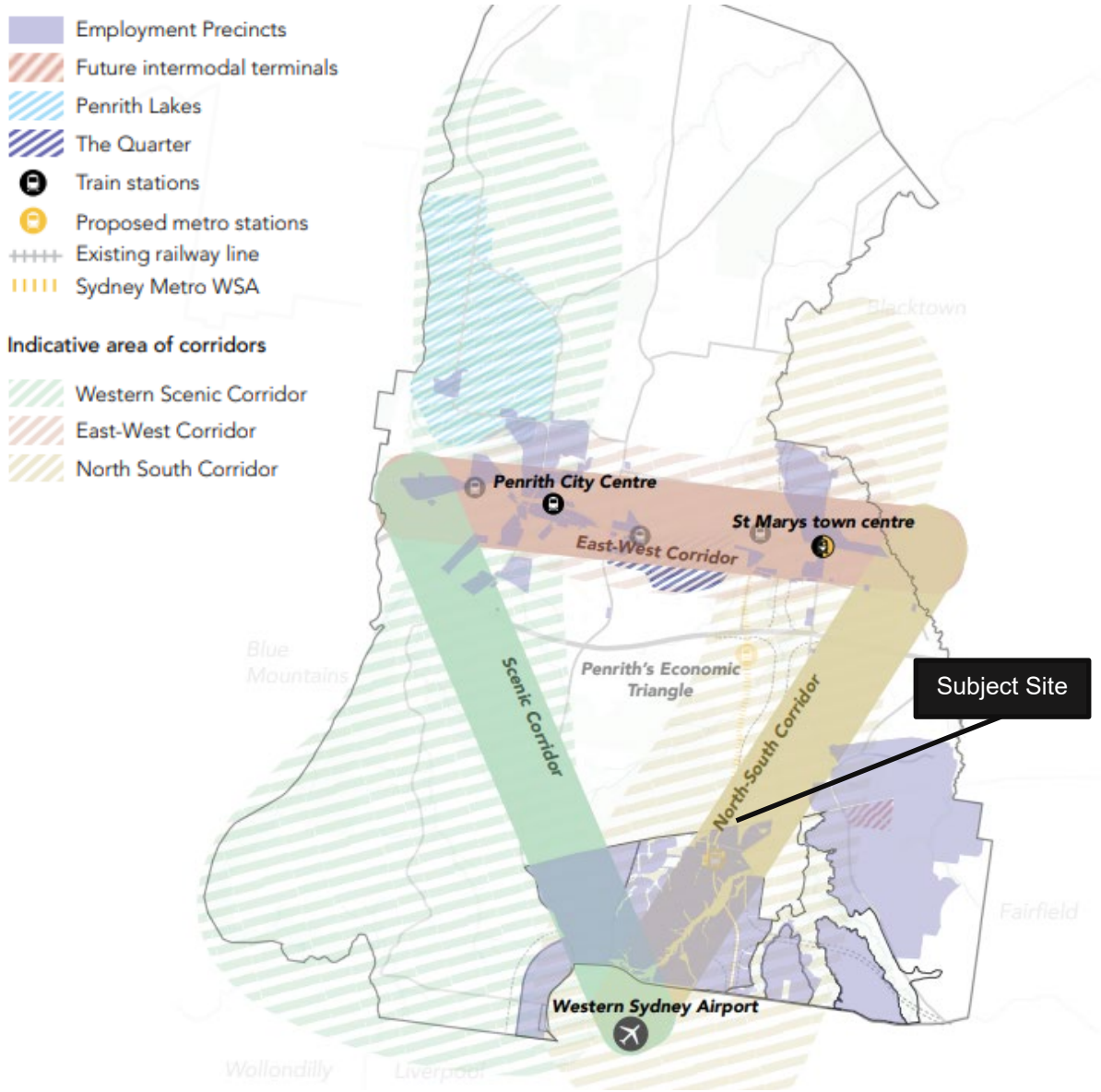
The ELS considers employment lands to be land zoned for:

- 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 12 Penrith's Economic Triangle

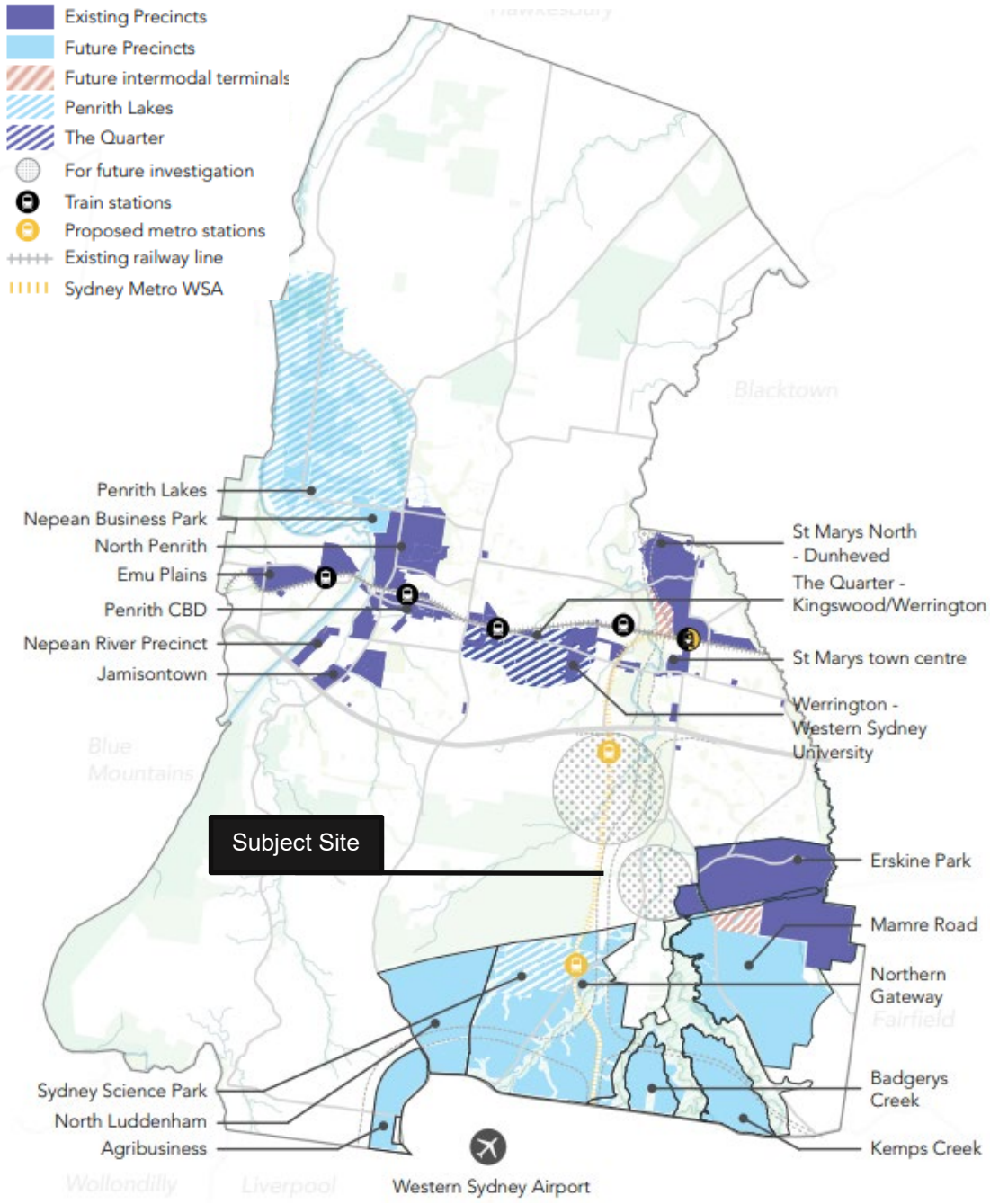


Source: Penrith City Council

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 13 Existing and Future Precincts



Source: Penrith City Council

7. 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 (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP);*
- *State Environmental Planning Policy (Precincts – Western Parkland City) 2021 (WPC SEPP);*
- *Penrith Local Environmental Plan 2010 (LEP);*
- *Penrith Development Control Plan 2014 (DCP);*
- *EP&A Division 4.8 Integrated Development.*

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

7.1. 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 within and adjoining 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. It involves the realignment of boundaries which is permitted with development consent. It involves the affected western and southern extents of the site to be consolidated into one lot that is to be subdivided from the rest

of the site not affected by the SEPP. 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 site preparation to make the land suitable for future development. 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 is consistent with this TfNSW advice.

Water Supply Systems

The site is identified as being adjacent to water supply infrastructure, known as the Warragamba Pipeline (refer to the following Figure). This is in Section 2.163 of the SEPP. Development must appropriately address the *Guideline for Development Adjacent to the Upper Canal and Warragamba* Pipelines 2021. It explains a consent authority must take into account the potential effects of the development on:

- *the safety, security and structural integrity of bulk water supply infrastructure*
- *the safety of WaterNSW staff and contractors working within the Corridors*
- *access to bulk water supply infrastructure for maintenance and operation by Water NSW (and Sydney Water Corporation and their contractors)*
- *the risk of illegal access to the bulk water supply infrastructure*
- *stormwater management and flooding risk to the bulk water supply infrastructure;*

Separate Stormwater and Flooding assessments have been completed and assessed in **Section 7.5** and **Section 7.6** of this report. They conclude no adverse impact on water quality and water quantity is expected to arise, and appropriate measures are in place. The mapping outline of 'affected land' only slightly captures the corner of the site. Nonetheless, the proposal ensures consistency with these guidelines and no impacts to the water supply system are anticipated as a result of any aspect of the bulk earthworks proposal or any future development arising from this.

Figure 14 Water Supply Infrastructure - Warragamba Pipeline

Source: DPHI

7.2. 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.

In accordance with the SEPP, a Site Validation Report has been prepared to assess any present potential sources of contamination. The report details all structures and buildings have been removed from the site. Any sources of contamination or potentially hazardous materials were identified and the site has been made suitable from a contamination perspective for the proposed works.

Refer to **Section 7.8** for further discussion.

Table 6 Resilience and Hazards SEPP – Chapter 4 Remediation of Land Compliance

Clause	Compliance
4.1 Object of this Chapter 1. *The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.* 2. *In particular, this Chapter aims to promote the remediation of contaminated land for the*	The objectives of Chapter 4 are complied with, as the site has been remediated and made suitable for the proposed development. Processes have been undertaken to ensure the safety to human health and any other environmental impact is protected.

Clause	Compliance
purpose of reducing the risk of harm to human health or any other aspect of the environment— *a. by specifying when consent is required, and when it is not required, for a remediation work, and* *b. by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and* *c. by requiring that a remediation work meet certain standards and notification requirements.*	
4.6 Contamination and remediation to be considered in determining development application *(1) A consent authority must not consent to the carrying out of any development on land unless—* *a. it has considered whether the land is contaminated, and* *b. if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and* *c. if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.* *(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.* *(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the*	Development consent can be granted as the Site Validation Report confirms the site has been made suitable from a contamination perspective. The land has had remediation works completed and can adequately support the proposed works.

Clause	Compliance
applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation. *(4) The land concerned is—* *a. land that is within an investigation area,* *b. land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,* *c. to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—* *i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and* *ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*	
4.7 Remediation work permissible *(1) A person may carry out a remediation work in accordance with this Chapter, despite any provision to the contrary in an environmental planning instrument, except as provided by section 4.16(3).* *(2) A person must not carry out a category 1 remediation work except with the consent of the consent authority.* *(3) A person may carry out a category 2 remediation work without the consent of the consent authority.* *(4) A person who carries out a remediation work must ensure that section 4.13 (if it applies) and sections 4.14 and 4.15 are complied with in relation to the work.*	Remediation work has already been completed. No further remediation is required for the land. Further assessment against the SEPP is not required.

Clause	Compliance
4.8 Category 1 remediation work: work needing consent	As above.
4.9 Consent authority in relation to remediation works	As above.
4.10 Refusal of consent to category 1 remediation work	As above.
4.11 Category 2 remediation work: work not needing consent	As above.
4.12 Remediation work that is ancillary to other development	As above.
4.13 Prior notice of category 2 remediation work	As above.
4.14 Guidelines and notices: all remediation work	As above.
4.15 Notice of completion of remediation work	The Site Validation Report details the information relevant to this clause.
4.16 Relationship to other environmental planning instruments	This is complied with.
4.17 Application of SEPP to certain development at Barangaroo subject to Part 3A approvals	N/A
4.18 Clean-up notice remediation—special provision	N/A

7.3. 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 7, that the proposed development will not adversely impact the surrounding land uses. Notwithstanding, as this application does not propose construction of a building or structure, it is considered the proposed development will not be adversely affected by nearby extractive industry.

7.4. STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021 provides planning provisions for the protection and management of the natural environment including waters, urban bushland, and water catchments.

The site is mapped as Certified – Urban Capable land under the CPCP. Therefore, assessment is required under Part 13.5 of the Biodiversity Conservation SEPP which provides development controls for Certified - Urban Capable Land under the CPCP. The Biodiversity Conservation SEPP states that development consent must not be granted to development on Certified - Urban Capable Land unless the consent authority has considered whether the development is consistent with the CPCP Mitigation Measures Guideline (DPE 2022).

A Biodiversity Management Plan (BMP) has been prepared by Ecoplanning to demonstrate the management and application of the required mitigation measures within the CPCP guideline. Only mitigation measures relevant to the Greater Penrith Eastern Creek Growth Centre and for Certified Urban Capable Land have been listed. The mitigation measures outlined in Section 3 of the BMP are to be implemented as part of the application to satisfy the requirement of the Biodiversity and Conservation SEPP.

7.5. 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—

(a) to facilitate development in the Western Sydney Aerotropolis in accordance with the objectives and principles of the Western Sydney Aerotropolis Plan,

(b) to promote sustainable, orderly and transformational development in the Western Sydney Aerotropolis,

(c) 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,

(d) to promote employment and world-class innovation and provide for residential development in suitable locations,

(e) 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,

(f) to preserve land for future infrastructure development,

(g) 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,

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

The site directly adjoins the Northern Gateway precinct to the south which has been rezoned to Enterprise with the gazettal of the SEPP WSA. The proposed works will make the site suitable for future industrial development. These works enable the site to align directly with the adjoining enterprise zone by delivering complementary employment uses to 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 7 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 operation of the Airport, including, for example, measures relating to— (i) waste management, landscaping, grass, fencing, stormwater or water areas, or	The site is located within the 8km wildlife buffer zone. The proposed 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
	(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 works will not impact airspace operations.	Yes

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

7.6. 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 recently approved Planning Proposal to rezone the site will come into operation on 20th May 2024. Accordingly, an assessment with the additional land uses under this approval has been completed. Once operational, the site will be zoned part E4 General Industrial zone, part RU2 Rural Landscape, and part C2 Environmental Conservation 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.*

RU2 Rural Landscape

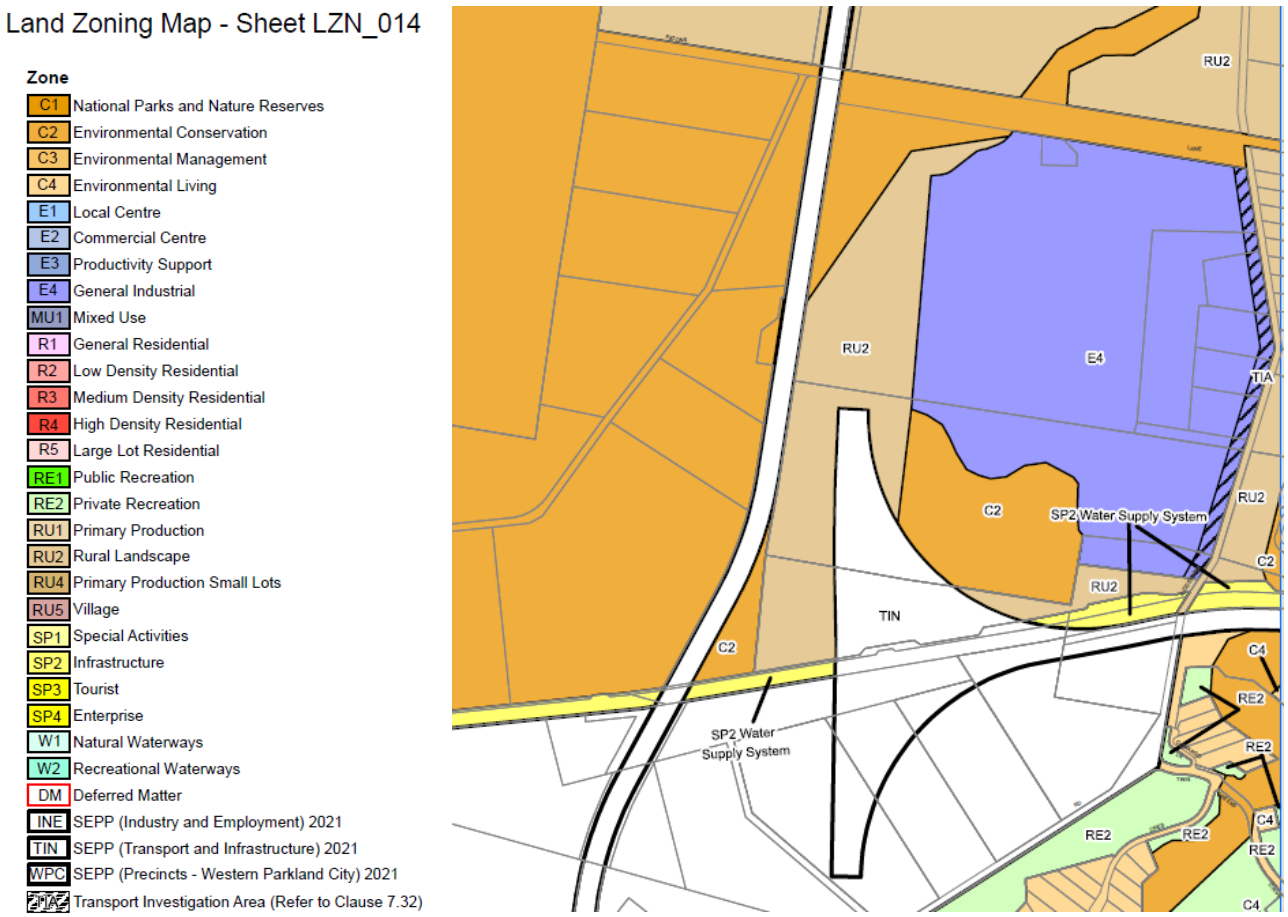
- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To minimise conflict between land uses within the zone and land uses within adjoining zones.*
- *To preserve and improve natural resources through appropriate land management practices.*
- *To ensure development is compatible with the environmental capabilities of the land and does not unreasonably increase the demand for public services or public facilities.*

C2 Environmental Conservation

- *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*
- *To protect, manage, restore and enhance the ecology, hydrology and scenic values of riparian corridors and waterways, wetlands, groundwater resources, biodiversity corridors, areas of remnant indigenous vegetation and dependent ecosystems.*
- *To allow for low impact passive recreational and ancillary land uses that are consistent with the retention of the natural ecological significance.*

The proposal seeks consent for site preparation works and subdivision across the site to enable future development that is consistent with the zone aims and objectives.

Figure 15 Land Zoning Map



Source: Penrith City Council

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

Table 8 LEP Compliance Table

Clause	Provision	Proposed	Complies
2.1 Land Use Zones	The site is zoned RU2 Rural Landscape.	The proposed site preparation works are permissible in the RU2 zone. Once the additional zonings become operational, it will remain compliant.	Yes
Clause 4.1 – Minimum Subdivision Lot Size	The site is subject to a 1,000m^2 minimum lot size.	Subdivision is proposed to create nine (9) lots, refer to **Section 4.5** for the subdivision breakdown. Each proposed lot aligns with the minimum subdivision lot size.	Yes
Clause 4.2 – Rural Subdivision	Clause applies to rural zoned land to be subdivided for primary production.	Whilst the current land zoning is rural, it is confirmed to be rezoned and will become an employment zone on 20th May 2024.	Yes

Clause	Provision	Proposed	Complies
		Therefore, this newly zoned land proposed to be subdivided is not subject to this clause. The portion of the site to remain RU2 is not proposed to be subdivided, and therefore this clause does not apply.	
Clause 4.3 – Height of Building	The site is subject to a 24 metres maximum building height.	The proposed earthworks do not relate to building works. No buildings are proposed in this scope of works, and therefore will align with this control.	Yes
Clause 4.4 – Floor Space Ratio	The site is not subject to a Floor Space Ratio (FSR) control.	No buildings are proposed and therefore this control does not apply.	Yes
Clause 5.10 – Heritage Conservation	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: Item 232: Leeholme Horse Stud Rotunda, 391–395 Mamre Road, and Item 843: Luddenham Road Alignment	The proposal does not seek works that would directly affect these sites. However, the bulk earthworks would result in soil disturbance across the project area. A heritage impact statement has been prepared and discussed in **Section 7.7**. It concludes no direct impacts are predicted as a result of the bulk earthworks.	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 opposite side of Luddenham Road.	Further assessment of flooding is outlined in **Section 7.6**. It concludes the proposed works incorporate adequate flood mitigation measures and is not expected to have adverse impacts on flood conditions.	Yes
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.	A Geotechnical Investigation has been prepared and discussed in **Section 7.9**. It assesses the proposed development and recommends measures to ensure there are no detrimental impacts.	Yes

Clause	Provision	Proposed	Complies
Clause 7.4 Sustainable Development	The proposed development must have regard to the principles of sustainable development.	The proposed works do not seek to construct a building and therefore the assessment of principles of sustainable development does not apply. Sustainable development principles will be assessed in subsequent DAs.	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 works do not seek consent to develop the site for the construction of buildings. The proposed subdivision and site preparation works will make the site suitable for future development that is not sought under this application. The subsequent development will consider the potential visual impacts. Notwithstanding, the Heritage assessment contained in **Section 7.7** identifies the heritage item pertaining to the Luddenham Road alignment. The scenic and landscape values relating to the site and this 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. The curtilage of Luddenham Road will be protected in the short term under this application while the longer-term road upgrades, which are outside the control of this project, are likely to change the heritage significance.	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 impact on salinity processes, and (b) whether or not salinity is likely to have an impact on the proposed development, and	A Geotechnical Investigation and Salinity Management Plan has been prepared for the site and is discussed in **Section 7.9**. It concludes a substantial area of the site contains moderately saline soils. Accordingly, the report details salinity management measures designed to reduce impacts of salinity, aggressivity and sodicity on the proposed development and associated structures; and minimize the impact of the proposed	Yes

Clause	Provision	Proposed	Complies
	(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).	development on the existing salinity characteristics of the site and the environment.	
Clause 7.7 - Servicing	The objective of this clause is to ensure that development of land reflect the availability of services.	A Utility Servicing Report has been prepared by Arcadis (refer Section 7.12). The report outlines the existing utilities services in and around the site. Sydney Water has acknowledged that suitable on site solutions can be provided to the site.	Yes
Clause 7.24 – Minimum Number of Lots at 221-325 Luddenham Road, Orchard Hills	(1) This clause applies to land at 221–325 Luddenham Road, Orchard Hills, identified as "Area 5" and "Area 6" on the *Lot Size Map*. (2) Development consent must not be granted for the subdivision of the land to which this clause applies unless the consent authority is satisfied that— (a) at least 40 lots will be created in "Area 5" on the *Lot Size Map*, and (b) at least 60 lots will be created in "Area 6" on the *Lot Size Map*.	This DA seeks to subdivide the site into 7 lots to facilitate the future warehouse developments. Future lots will be further subdivided as part of the specific warehouse DA's. The concept masterplan included with this DA shows how the minimum lot clause 7.24 can be achieved as the precinct is developed.	Yes

Based on the above, it is considered that the proposal complies with the relevant provisions within the LEP.

7.7. PENRITH DEVELOPMENT CONTROL PLAN 2014

Penrith Development Control Plan 2014 (the DCP) provides detailed planning controls relevant to the site and the proposal. An assessment against the relevant controls is provided in the attached DCP Compliance Table document.

Based on the assessment, it is considered that the proposal complies with the relevant provisions within the DCP.

7.8. INTEGRATED DEVELOPMENT

Under Division 4.8 Integrated Development of the EP&A Act, the site is deemed integrated development and requires development consent and the following approvals:

- ***Rural Fires Act 1997 (s100B):*** *authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes.*
- ***Water Management Act 2000 (controlled activity):*** *water use approval, water management work approval or activity approval under Part 3 of Chapter 3.*

As the proposal consists of the subdivision of bushfire prone land for future industrial uses, approval under the Rural Fires Act (s100B) is required. A Bushfire Assessment has been prepared by Peterson Bushfire to demonstrate the proposal does not give rise to additional bush fire danger to people, property or the environment. In summary, the assessment details the proposals alignment with the *Planning for Bush Fire Protection 2019* (PBP). Refer to **Section 7.13**.

In addition, under the Water Management Act 2000 the proposal requires a controlled activity approval for development on waterfront land. The proposed pipeline works will occur within the waterfront land of a fourth Strahler order watercourse and is therefore considered a controlled activity. As such, a Riparian Vegetation Management Plan (RVMP) was prepared to review the riparian corridor as per the requirements. In summary, the staging of works is employed to guide restoration of the VMP area by a suitably qualified bushland regeneration practitioner. The VMP will be implemented over a five year period. Refer to **Section 7.4.**

7.9. 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 HBB Property to facilitate the development. This VPA is currently being Notified.

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. ASSESSMENT OF KEY ISSUES

8.1. ABORIGINAL HERITAGE

An Aboriginal Cultural Heritage Assessment (ACHA) was completed by EMM Consulting to assess any Aboriginal heritage sites and values within the project area and provide recommendations to minimise potential impacts to Aboriginal heritage.

Key Findings

A predominant portion of the proposed works are situated in areas of high disturbance, as vegetation clearance, grazing activities, landscaping, dam construction, and the establishment of a transmission easement were found to have created significant impacts to the site.

Desktop and field surveys were undertaken which convey the site is comparable with the wider cultural landscape of the Cumberland Plain. Archaeological evidence suggests people utilised a wide range of resources across the region with a range of archaeological site types found across the Cumberland Plain. However, much of the landscape constrains cultural material to stone artefacts located on the surface and/or in the upper soil profile.

Field survey and test excavations undertaken in the project area confirm this, with cultural material identified in two locales. Low densities of stone artefacts were also found across the site. Within this broader cultural landscape, two key locales were identified consisting of higher densities of stone artefact materials. Both sites contained artefact densities >20/m2, and both were considered to be <3 ha in size. These sites were considered of moderate significance with the excavated assemblage suggesting brief/intermittent visitation over the last 5,000 years and having research potential for further understanding of past activity and behaviour.

Whilst significant portions of the project area are within the proposed environmental conservation area, some impacts and disturbances to the sites would result.

Recommendations

Strategies have been recommended to offset and manage the potential impacts to the identified locales which should be integrated into the management of the project.

Where feasible, attempts should be made to maximise retention of all identified Aboriginal sites. Where avoidance is not feasible, an Aboriginal heritage impact permit (AHIP) should be sought from Heritage NSW to allow harm to identified cultural materials.

The following recommendations have been provided:

- No ground disturbance activities are permitted within the project area without having obtained an AHIP. The AHIP application should be accompanied by an archaeological research design (Appendix F) that outlines specific mitigation measures (including salvage excavation) at AIBP23 AS1 and AHIMS #45-5-5408, developed in consultation with the registered Aboriginal parties.
- Any identified Aboriginal sites, objects and/or places outside of proposed development impact activities should be suitable protected during the development works. This should include suitable cultural inductions to key project team members, and the installation of suitable active avoidance measures (e.g. fencing, signage, surface protection) where determined at risk of inadvertent harm.
- An Aboriginal heritage-interpretation strategy and plan should be developed by an Aboriginal heritage specialist, in consultation with Aboriginal traditional owners, which will identify the interpretive values of the project area (and specifically Aboriginal heritage values) and provide direction for interpretive installations and devices. The strategy and plan should incorporate registered Aboriginal parties' views on traditional and contemporary values, local ethnographic and post-Contact information, and archaeological data developed for the project.
- If human skeletal material is discovered, the NSW Coroners Act 2009 requires that all works should cease, and the NSW Police and the NSW Coroner's Office be contacted. Once direction from these organisations has been undertaken and, where relevant, the current WINSW guidelines for managing the unexpected discovery of Aboriginal objects, sites and/or human remains should be implemented.
- Consultation should be maintained with the registered Aboriginal parties during further investigations recommended in this assessment and subsequent ground disturbance stages of the project.
- A copy of the ACHA should be lodged with AHIMS for the AHIP application, and provided to each of the RAPs.
- AHIMS Site Recording Forms for the newly identified Aboriginal objects and/or sites within the project area should be submitted to the AHIMS database once their validation has been completed. This should include updates to sites that are impacted by the works.
- If any part of the project area is located outside the areas identified in this ACHA, or if any alteration is proposed that could result in additional impact to material culture, further assessment of these area(s) should be undertaken to identify and appropriately manage Aboriginal objects and/or sites that may be present.
- Where the heritage consultant changes through the project, suitable hand over should be undertaken to ensure no loss or mistranslation of the intent of the information, findings and future steps in heritage management occur.

8.2. AIR QUALITY AND ODOUR

A Construction Air Quality Impact Assessment (AQIA) has been prepared by EMM Consulting. It employs a risk-based methodology to consider amenity impacts due to dust soiling, health effects due to an increase in exposure to airborne particulate matter, and harm to ecological receptors.

Key Findings

The assessment determined the level of risk for construction activities as part of the development. The activities are categorised as demolition (not relevant to this project), earthworks, construction and track-out The level of risk is summarised below:

- Dust soiling impacts:

  - **medium** risk for earthworks and construction
  - **low** risk for track-out
- Human health impacts:
  - **low** for earthworks, construction and track-out
- Ecological impacts:
  - **low** for earthworks, construction and track-out.

A Construction Environmental Management Plan (CEMP) was prepared for the project, to include measures to manage dust. Considering the medium-risk activities associated with earthworks and construction, the CEMP should note the dust generated from these activities.

Recommendations

The AQIA identifies mitigation measures to ensure off-site impacts from the project are effectively managed. These include:

- logging dust complaints,
- carrying out regular inspections and recording results,
- deploy a water cart to ensure that exposed areas and topsoils/subsoil are kept moist, where necessary,
- ensuring that vehicles entering and leaving the site are covered to prevent escape of materials during transport,
- erect shade cloth barriers to site fences around potentially dusty activities.

8.3. NOISE AND VIBRATION

A Construction Noise and Vibration Impact Assessment (CNVIA) was prepared by EMM Consulting to assess the potential noise and vibration impacts resulting from construction to the sites surrounds.

Findings

Construction Noise

Predicted construction noise levels were determined to establish the likely levels of noise from each project area, described as pads. Off site assessment locations that could potentially experience noise from the development have been separated into three noise catchment areas (NCAs).

- NCA1: residential assessment locations on the eastern side of Luddenham Road
- NCA2: residential assessment locations on the western side of Luddenham Road
- NCA3: remote assessment locations removed from Luddenham Road

A summary of the predicted construction noise levels at receiver locations within NCA1, is detailed below.

- Construction works on Pads 2, 4a, 4b and 4c are expected to meet the project NML.
- Minor exceedances of the NML (up to 3dB) are expected for works on Pads 3a, 3b and 5a.
- Moderate exceedances of the NML (up to 5-9dB) may occur for works on Pad 3c and 5b, but only in relation to receiver R14 which is in close proximity to the Site.
- Larger exceedances, up to 14dB may occur on Pad 1 given its proximity to Luddenham Road and the receivers which border the roadway.
- No receivers within NCA1 are expected to be highly noise affected from construction works.

A summary of the predicted construction noise levels at receiver locations within NCA2 and NCA3, is detailed below.

- Construction works on Pads 2, 4a and 4b may result in exceedances of the NML by up to 5dB.

- Construction works on Pads 1, 3a, 3b, 4c, 5a and 5b may result in exceedances of the NML of between 6-16dB.
- Construction works on Pad 3c may result in exceedances of up to 29dB due to the location of Receiver R19 to the boundary.
- No receivers within NCA3 are expected to be highly noise affected from construction works.
- One receiver in NCA2 (R19) may be impacted by levels which exceed the “highly noise affected level”. This would only likely be due to works in proximity to the boundary. This property has been purchased by HBB Property, therefore mitigative treatments would only apply whilst the property is occupied by the current owner.

Vibration

A review of vibration impacts was completed, which found vibratory rollers will have the greatest potential for vibration impact on adjoining structures.

Road Traffic Noise

Road noise generated by construction traffic movements from the Site has been addressed for assessment locations along Luddenham Road. Expected road traffic volumes for the Site include up to 800 heavy vehicle movements per day (400 in / 400 out). All traffic will head North along Luddenham Road. Overall, road traffic noise predictions indicate that construction traffic will not increase existing levels by greater than 2dB and will accordingly meet the requirements of the RNP.

Recommendations

It is required where construction noise is predicted to exceed NMLs, feasible and reasonable noise mitigation strategies should be adopted to minimise noise and vibration impacts as practicable. The following measures are proposed as part of the general mitigation and management strategies proposed within the CNVIA.

- regular reinforcement (such as at toolbox talks) of the need to minimise noise and vibration
- regular identification of noisy activities and adoption of improvement techniques
- avoiding the use of portable radios, public address systems or other methods of site communication that may unnecessarily impact upon nearby residents
- develop routes for the delivery of materials and parking of vehicles to minimise noise
- where possible, avoid the use of equipment that generates impulsive noise
- minimise the movement of materials and plant and unnecessary metal-on-metal contact
- minimise truck movements
- schedule respite periods for intensive works as determined through consultation with potentially affected neighbours (e.g. a daily respite period for a minimum of one hour at midday).

8.4. FLORA AND FAUNA

A Flora and Fauna Assessment (FFA) was prepared by Ecoplanning to assess the biodiversity impacts of the proposed development in the Avoided Land. It seeks to assess the proposed works within Certified – Urban Capable Land and Certified – Major Transport Corridors areas for compliance under the CPCP.

Key Findings

The vegetation within the study area has been previously identified as the following Plant Community Type (PCT); PCT 4025 – Cumberland Red Gum Riverflat Forest. Field assessment assessed the vegetation within the study area and confirmed the PCT is situated in one vegetation zone. The remainder of the vegetation on site was confirmed to be weeds and exotics or exotic grassland. This PCT on site is in good condition with intact strata. It is associated with the River-Flat Eucalypt Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin threatened ecological community (TEC).

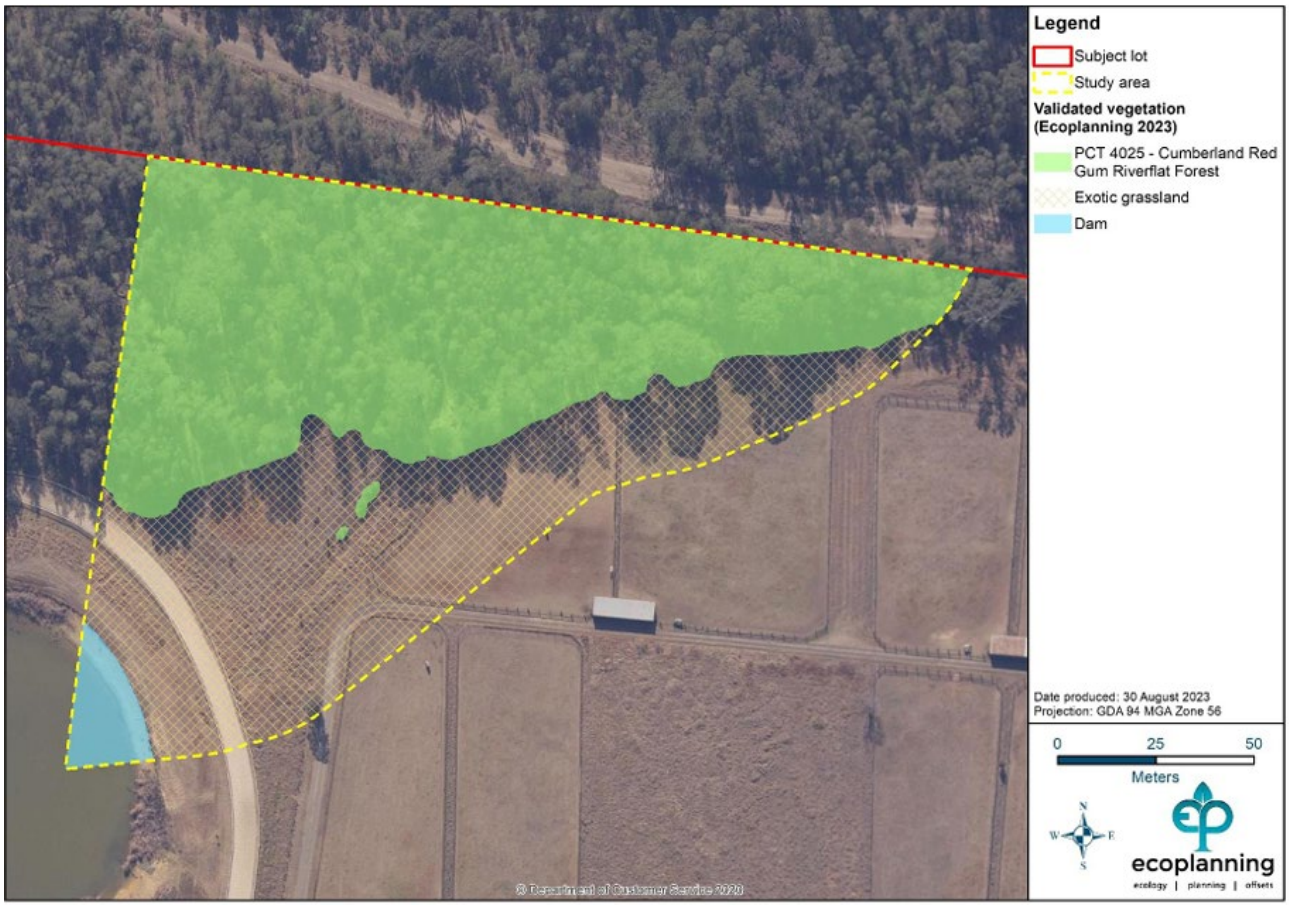
In addition, the paddocks on site consist of cleared or grazed exotic dominated grassland. This exotic grassland is predominately Cenchrus clandestinus and Chloris gayana.

No threatened flora species or populations were identified during the field survey. The NSW BioNet Atlas (DPE, 2023c) identified eight threatened flora species recorded within 5 km of the study area. The EPBC Protected Matters Search Tool Report (DCCEEW, 2023) identified an additional 16 threatened flora species previously recorded within a 5 km radius of the study area or which may have habitat nearby. Of these 24 threatened flora species, none were assessed as having a high likelihood of occurring on the study area.

Impact assessment detailed in the FFA is summarised below according to flora and fauna.

- Fauna: Overall, the direct impacts to fauna during construction are considered negligible in the long term. Indirect impacts during construction pertain to impacts on the habitat of species through disturbance and increased edge effects in the long term.
  - No fauna habitat would be removed as part of the proposal. No hollow bearing trees would be removed by the proposal.
  - Twelve threatened species were found to occur or have a high to moderate likelihood of occurring within the study areas. The proposal would not directly remove potential foraging or breeding habitat for any of these species. No additional threatened fauna would be impacted by the proposal.
  - The waterway present within the study area is mapped as KFH under the FM Act. The construction of a stormwater pipe is proposed within the waterway bank. This would include the temporary blockage of KFH. Following construction the blockage would be removed, therefore the proposal will not have long term direct impacts to KFH.
- Flora: Overall, construction impacts to flora are considered negligible in the long term. During construction, the proposal would remove approximately 0.18ha of exotic grassland. No native vegetation, TECs or threatened flora would be cleared as part of the proposal. However indirect impacts may occur associated with sediment runoff from construction operations as well as increasing the impacts of edge effects on the surrounding bushland.
  - During construction, the proposal would remove approximately 0.18ha of exotic grassland. No native vegetation, TECs or threatened flora would be cleared as part of the proposal.

Figure 16 Vegetation Clearance and Impact Footprint



Source: Ecoplanning

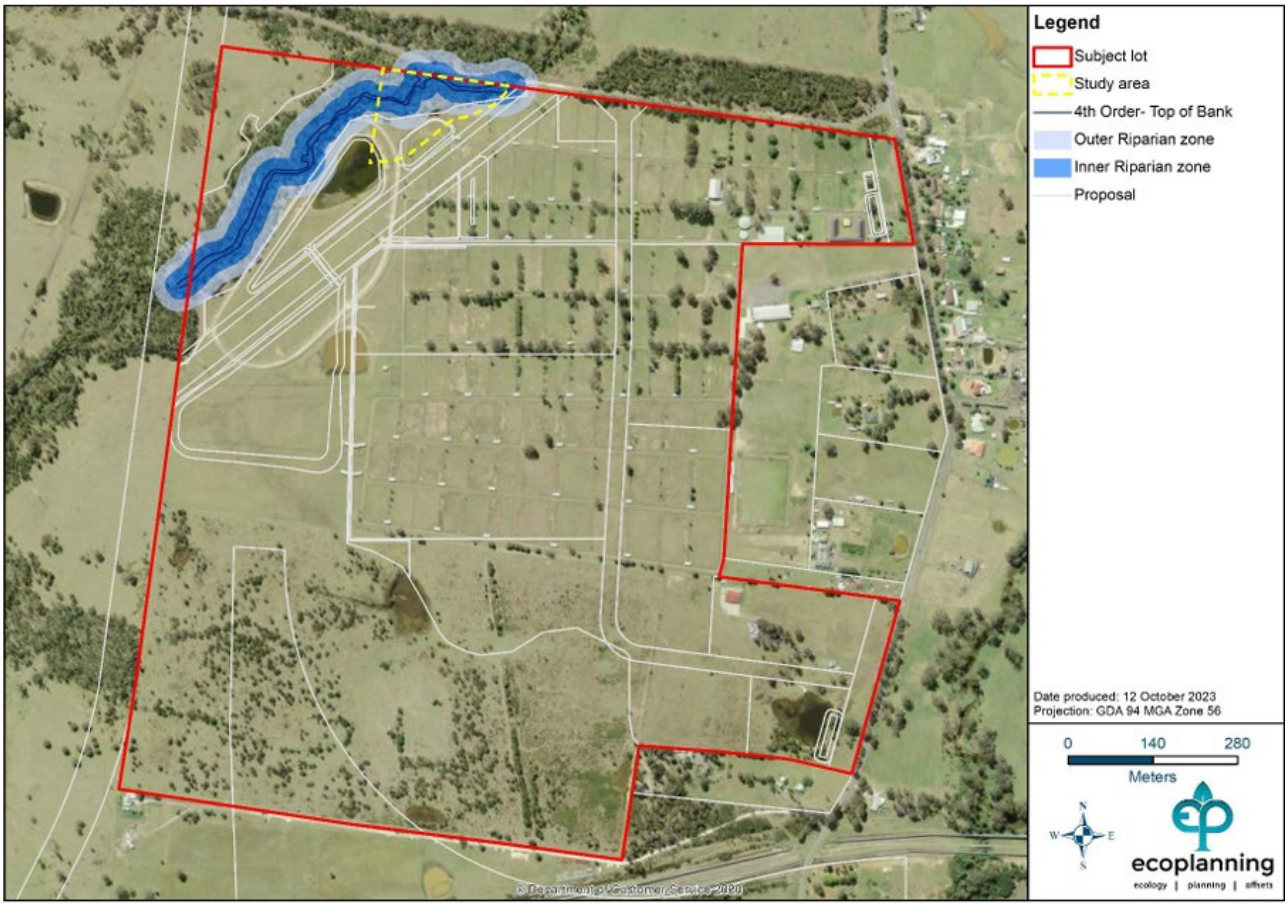
- Key threatening processes:
  - Invasion and establishment of exotic vines and scramblers
  - Invasion of native plant communities by exotic perennial grasses
  - Infection of native plants by Phytophthora cinnamomi
  - Human-caused climate change

The FFA states the proposed development must implement all the required CPCP mitigation measures to be considered compliant with the bio certification under the CPCP. As the proposed development will implement all the required mitigation measures, it is therefore considered compliant and no further assessment under the BC Act is required for the bulk earthworks within the site.

In addition, no significant impacts to any MNES is likely to occur as part of the proposal, therefore referral to the Commonwealth Minister for the Environment is not recommended.

The subject land encroaches intersects with the waterfront land of a fourth Strahler order watercourse. The proposal will encroach 0.157 ha into the outer riparian corridor, as demonstrated in **Figure 11**. The proposed works will occur within the waterfront land and is therefore considered a controlled activity under the WM Act. As such, a Controlled Activity Approval will be required from DPE Water and will also require the preparation of a VMP to offset the proposed encroachment into the riparian corridor.

Figure 17 Riparian Corridor and Encroachment

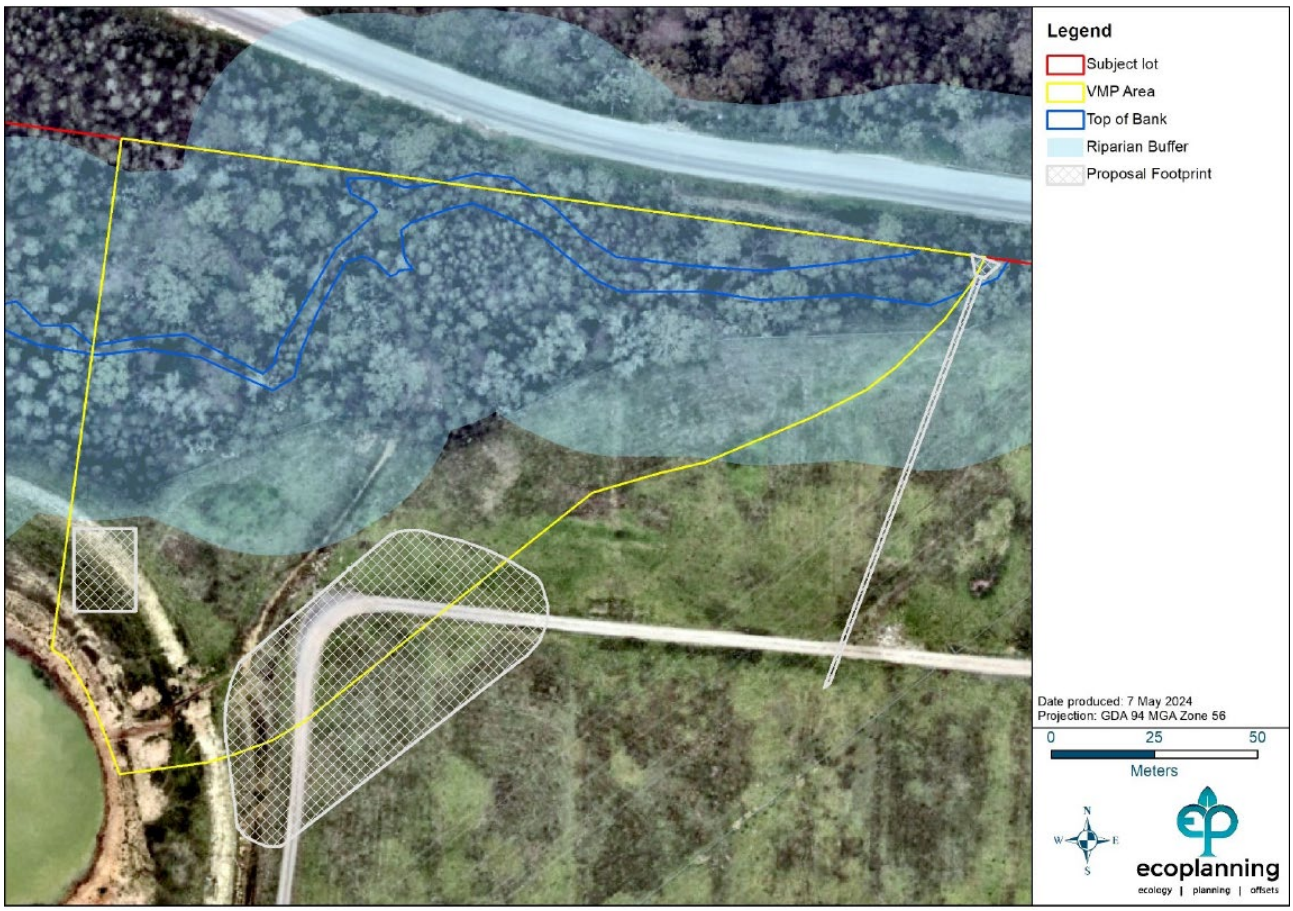


Source: Ecoplanning

A Riparian VMP has been prepared to address this watercourse. The purpose of the VMP is to provide feasible management actions that will enhance and protect biodiversity in the VMP area. Staging of works has been provided to guide restoration of the VMP area. The proposed development associated with this Riparian VMP consists of bulk earth works as part of the subdivision for the Alspec Industrial Business Park (AIBP) development. The proposed works involve construction of a stormwater pipe within the waterway, as shown in the following Figure.

The assessment identified two Vegetation Management zones in this area to prescribe adequate management actions.

Figure 18 Riparian Corridor and Vegetation Riparian Zone



Source: Ecoplanning

Recommendations

Mitigation measures will be implemented as part of the Construction Management Plan to prevent indirect impacts, particularly to the adjacent bushland and TECs.

- All native vegetation will be protected during the entire extent of the works, e.g. temporary fencing, flagging and tree protection. No personnel or machinery are to enter the protected area.
- If any fauna are identified during works and require rescue, a qualified Ecologist, or fauna rescue volunteer, will be notified. Works will not continue until the animal has been rescued. Call either WIRES on 1300 094 737.
- During clearing works or construction works, if any native fauna are identified in the works area, works will stop immediately and a qualified Ecologist should be contacted.
- No sediment will be allowed to move from the works area into the protected area.
- Manage biosecurity in accordance with: Construction contractor - Biosecurity Act 2015 (see NSW Weedwise).
- Best practice hygiene will be implemented to prevent the spread of invasive weeds.
- Stockpiling or refuelling will be undertaken in allocated areas such as existing asphalt and/or hard standing or cleared grassy area.
- Heavy machinery, plant or equipment are to be stored in on existing hardstand areas or previously cleared areas.

8.5. STORMWATER

Henry and Hymas were engaged to prepare an Integrated Water Cycle Management Report which details the stormwater design and demonstrates the proposed design is in accordance with engineering best practice principles.

Key Findings

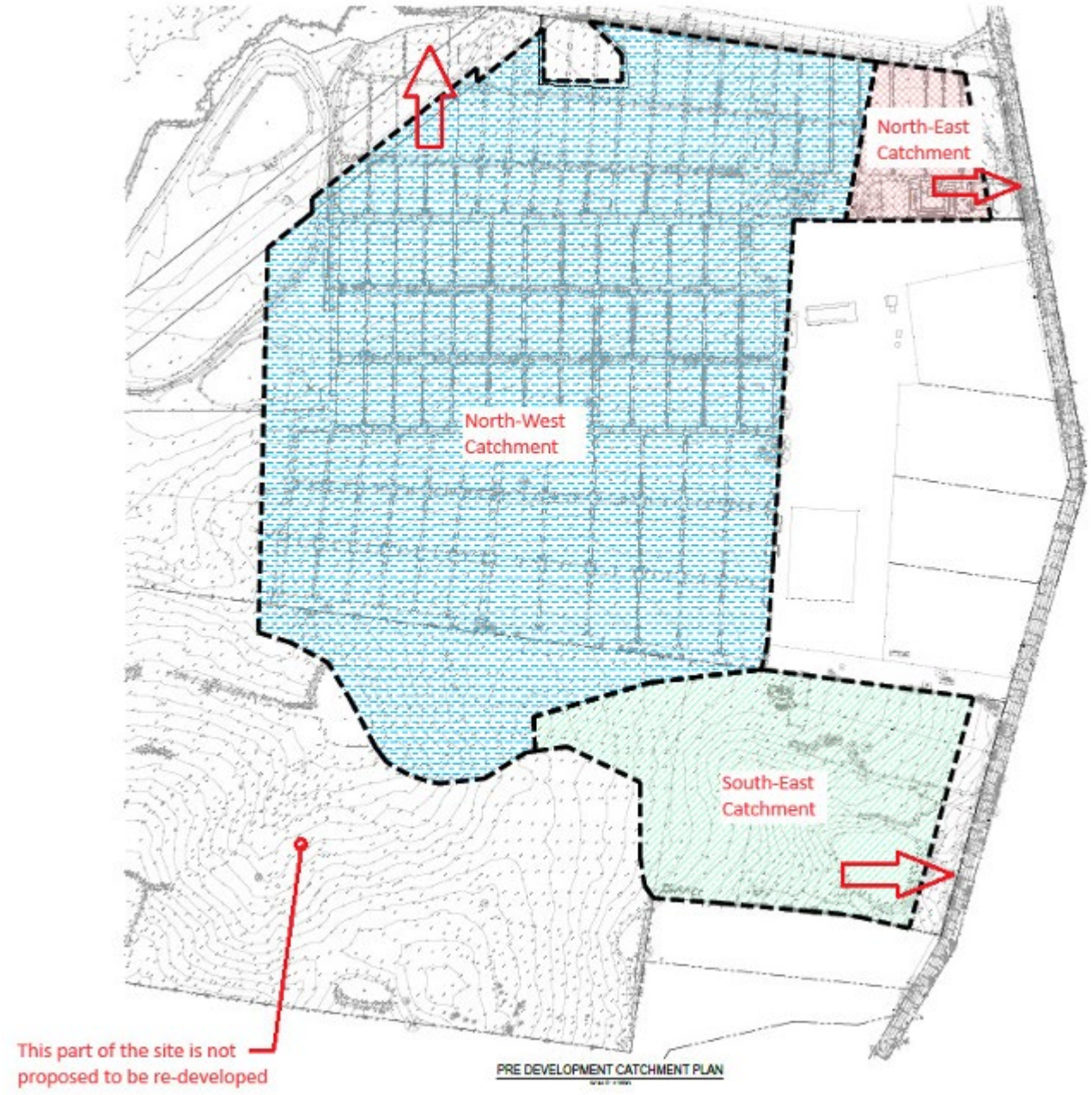
Stormwater Quantity

As per Penrith City Council's engineering specifications, post-developed flow rates are required to be reduced to predeveloped flow rates up to the 100yr ARI storm event. The stormwater detention strategy varies for each sub-catchment within the site, given the site constraints and proposed layout.

Pipe drainage within the internal road reserve has been designed to cater, at a minimum, for the 20 year ARI storm event as per Penrith City Council's requirements. The stormwater overflow system has been designed such that overland flows during the 100 year ARI storm event are wholly contained within the road's kerb and gutter system.

- North - western Catchment:
  - The North-Western Catchment totals 49.59ha and drains towards an existing watercourse that runs through the North-western part of the site.
  - Stormwater detention is to be provided in each individual lot. Most likely be in the form of below ground tanks, will be constructed as part of the development works for each pad site. OSD storages have been designed to ensure that the post-developed flows are reduced to below the pre-developed flow rates.
  - Sediment basins are proposed to be constructed a part of the subdivision works, to control sediment and erosion from the pad sites.
- South – eastern Catchment:
  - The south-east catchment totals 11.35 hectares and discharges towards Luddenham Road.
  - As per the north-western catchment, stormwater detention is proposed to be provided in each individual lot. These on lot detention storages, which will most likely be in the form of below ground tanks, will be constructed as part of the development works for each pad site.
  - The stormwater system is proposed to discharge towards a 3000m3 storage basin. As per the north-west catchment, the key purpose of this storage basin is to provide water quality treatment and to ensure that Council's Mean Annual Run-off Volume (MARV) requirements are satisfied.
- North - Eastern Catchment
  - The north–east catchment totals 2.68 hectares and discharges towards Luddenham Road.
  - On-site detention, water quality and storage has been provided for the north-east catchment. A total detention storage of 380m3 has been provided in the form of a combined detention and storage basin.

Figure 19 Catchment Plan



Source: Henry&Hymas

Water Quality

Water quality treatment measures have been proposed in order to satisfy Council's water quality requirements. MUSIC modelling conveys the proposed development meets Council's water quality targets (refer table 10).

Table 9 Catchment Pollutant Loads

Pollutant	Target Reduction	Pollutant Reduction
Total Nitrogen	65%	67.4%
Phosphorus	80%	80.1%

Pollutant	Target Reduction	Pollutant Reduction
Suspended Solids	90%	94.4%
Gross Pollutants	90%	100%

Water reuse is employed through rainwater harvesting and stormwater harvesting being implemented. The site will achieve Council's non-potable demand through rainwater or stormwater harvesting storages.

Mean Annual Runoff Volume (MARV)

MARV stormwater controls are to align with Council's requirements. To manage the volume of stormwater discharging from the subject site in various storm events, storage basins are required to be implemented as part of the stormwater strategy. Each storage basin will be connected to an irrigation system, which will ensure that the stored water in the basins are being used, and that there is available volume to capture runoff from future storm events.

Sediment and Erosion

Sediment and Erosion Control measures have been implemented to ensure that site run-off is appropriately treated of sediments in accordance with the Council's guidelines. Sediment and Erosion Control measures have been designed for each pad site. Catch Drains have been designed to collect site run-off during construction. Since each pad site is more than 2000m^2, a sediment basin has been designed for every pad site.

Recommendations

Stormwater controls are proposed to be implemented that ensure that the development does not adversely impact on stormwater flows and water quality of the stormwater system downstream of the site.

The key issues and the proposed mitigation measures to be implemented as part of the proposed development are:

- Stormwater Quantity:
  - 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 Detention is required to be considered to ensure that runoff 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.
- Water Quality:
  - Urban developments have the potential to increase gross pollutants, sediments, hydrocarbons and nutrient concentrations in stormwater runoff. To limit impact on the downstream water quality, stormwater treatment in the form of gross pollutant traps, and bio retention basins will be provided.

8.6. FLOODING

A Flood Assessment has been prepared by Arcadis which builds upon the previously prepared assessment for the Planning Proposal, with updates made to reflect minor changes in the proposed development footprint and layout.

Key Findings

A TUFLOW flood model was developed to simulate pre-development and post-development flow regimes, as well as assess the effectiveness of proposed flood mitigation measures.

The developed condition flood modelling indicates the proposed development would not cause adverse flood impacts on adjoining properties up to 0.2% Annual Exceedance Probability (AEP) events. The assessment demonstrates the flood hazard and velocity distribution across the floodplain would not be significantly altered, and Patons Lane hazard conditions would not be affected for events ranging from 5% AEP to

Probable Maximum Flood (PMF). In the 1% AEP event, the southern carriageway will remain trafficable and has a maximum flood hazard category H2 which is less hazardous than in the existing conditions (H3).

In addition, the modelling conveys an increase in floodplain storage compared to the existing conditions for events from the 5% AEP to PMF, indicating sufficient compensatory storage under the developed conditions.

Proposed stormwater design and flood mitigation measures proposed include the Water Supply Basin, designed to collect stormwater runoff for water reuse within the ALSPEC Industrial Business Park. Furthermore, additional flood storage has been included in this flood assessment to provide flexibility for future Orbital (TfNSW) works. This will be achieved by expanding the Southern Supplementary Basin to provide an additional flood storage volume.

In summary, the flood modelling concludes the proposed development incorporates adequate flood mitigation measures and therefore is not expected to have significant adverse impacts on flood conditions.

8.7. HERITAGE

EMM Consulting were engaged to complete a historical heritage assessment for the site. It builds upon the previous assessment completed in 2022 which assessed the heritage constraints across the initial proposed area relating to rezoning.

Key Findings

A review of heritage registers was undertaken and confirmed no heritage items listed in the disturbance area of the site. One item was identified on the Penrith Local Environmental Plan 2010 as abutting the project area to the east; item I843 known as Luddenham Road Alignment (Luddenham Road).

The assessment demonstrates the site has a continuous history of rural and economic development. The site also contributes to the rural character of Luddenham Road and is representative of long-occupied rural estates in the Penrith region. Following background research and a site survey, it concludes the potential for relics at the site is low and there are no items of built heritage.

Regarding the adjoining heritage listed item, the report notes there is no works proposed for Luddenham Road. Notwithstanding, in the short-term Luddenham Road will be impacted by an increase in the volume of traffic due to future proposed development across Penrith. Similarly, the proposed works will change the character and cultural landscape of the site. However, in the long-term Luddenham Road is proposed to be upgraded and therefore a 40 metre wide strip of land along Luddenham Road has been set aside for the future proposed widening. This land is included in the voluntary Planning Agreement with Council. Therefore, the curtilage of Luddenham Road will be protected in the short term while the longer-term road upgrades, which are outside the control of this project, are likely to remove all heritage significance.

Recommendations

EMM recommend the development of a Historical Heritage Management Plan (HHMP) that includes an unexpected finds procedure to ensure they are not destroyed without mitigation being identified. The HHMP is also recommended to identify survey of the blocks of land outside of this assessment should be purchased and become part of the project in the future.

8.8. CONTAMINATION

Construction Sciences were engaged to prepare a Preliminary Site Investigation (PSI) to identify the land contamination risks at the site and conclude the site's suitability for future land uses. It involved a desktop review of readily available documentation pertaining to the site, a site walkover, intrusive works involving excavation of 25 test pits, soil sampling, and screening of results against the proposed commercial/industrial land use.

Key Findings

The assessment found several areas of environmental concern on the site. The assessment makes the following conclusions about the risks associated with the proposed land use scenario:

- Bonded asbestos contamination was identified in fill, at sample location TP21, which may present an unacceptable human health exposure risk. It was also identified on the surface near TP16 and the old fibro cottage, which may present an unacceptable human health exposure risk and unacceptable

aesthetic risk. Potential unexpected finds of underground asbestos containing infrastructure may also pose an unacceptable human health exposure risk.

- It is likely that other buildings located onsite may contain hazardous building materials, including asbestos, lead and zinc, which may present an unacceptable human health exposure risk and currently pose an aesthetic risk;
- In addition, potential underground septic tanks are considered likely, which may pose an aesthetic risk, as well as the above ground diesel tanks, surface household/demolition waste and IBC containing waste engine, may pose an aesthetic risk;
- The site could be made suitable for the proposed land use scenario, subject to:
  - A hazardous building material survey of all buildings prior to demolition;
  - Validation sampling of soils around the footprints of buildings, following demolition;
  - Decommissioning of septic tanks and above ground tanks;
  - Inspection and removal of all household/demolition waste; and
  - Management and/or remediation of the bonded ACM and potential friable asbestos / asbestos fines in soil at TP21; and
  - Procedures being detailed for management and/or remediation of unexpected finds of asbestos infrastructure.

As recommended by the PSI, a Final Site Validation Report was prepared by DRM. DRM undertook a review of the PSI and sought to demonstrate the site has been satisfactorily remediated and confirmed to be suitable for the proposed industrial land use. The report concludes the minor contamination identified at AEC01 to AEC09 have been successfully remediated and validated. Accordingly, the site is suitable, from a contamination perspective, for the proposed industrial land use.

It is important to note DRM's conclusion does not assume no other contamination is present on the site. It is possible that, yet unidentified isolated pockets of contamination may be encountered during future bulk earthworks. Such unexpected contamination, if encountered, should be managed in accordance with the unexpected finds protocol in consultation with a qualified consultant.

8.9. GEOTECHNICAL

Construction Sciences were engaged to prepare a Geotechnical Investigation which discusses the preliminary pavement thickness design for subdivision roads and preliminary foundation design recommendations for the proposed warehouse structures.

Key Findings

Fieldwork was completed and involved 79 test pits spread across the site. The test pits found groundwater was encountered at one test pit only during the investigation within the residual soil layer. It should be noted that field works were undertaken after a period of moderate rainfall, however, the depth to groundwater may vary in response to environmental factors including weather and seasonal change.

Laboratory testing results determined the following:

- Soil salinity: It is seen that a substantial area contains moderately saline soils. A Salinity Management Plan may be required prior to undertaking earthworks, construction of infrastructure and proposed buildings.
- Exposure classification: All samples tested would be rated as Exposure classification A1 or A2. The exposure ratings are for standard footings designed in accordance with AS 2870-2011. If deeper pier footings are proposed, site specific geotechnical investigations may be required to assess exposure classifications.

Recommendations

Several recommendations have been outlined following the geotechnical investigation.

- Salinity Management: The following salinity management aspects may be undertaken during the development of the subdivision.
  - An erosion and Sediment Control Plan must be developed. All sediment and erosion controls by the plan are to be installed prior to excavation/site stripping.
  - The programming of development road works and major excavations should minimise the time of soil exposure and should also be planned for times where rainfall is not forecasted.
  - Locate moderately and highly saline soils areas on site and clearly flag out. Excavation in these areas should follow recommendations in this report.
  - Avoid water collecting in low lying areas, depressions, behind fill embankments or near trenches on the uphill sides of the roads. This can lead to water logging of the soils, evaporate concentrations of the salts, eventual breakdown in soil structure, resulting in accelerated erosion.
- Excavation: No major bulk excavation is expected as part of the proposed development. However, should shallow excavations
  - Care should also be taken to ensure that there is no surcharge from stockpiled materials and building or vehicular loads near the crest of excavations.
  - Temporary excavation batters to 1.5m depth may be carried out no steeper than 1Horizontal :1Vertical due to the presence of firm to stiff residual CLAY layers.
  - Long term excavation batters to 1.5m depth may be carried out no steeper than 3Horizontal :1Vertical
- Earthworks:
  - All earthworks should be carried out following removal of unsuitable materials (e.g. uncontrolled fill, topsoil etc) in accordance with AS3798-2007.
  - Prior to any placement of any structural fill, should it be required, the site should be proof rolled using a medium weight vibrating pad foot roller. Should isolated soft/loose/deflecting areas be encountered during this process, this material should be removed and replaced with select fill.
  - Due to the large volume of earthworks involved, it is recommended that earthworks specification be prepared and, earthworks should be subjected to geotechnical auditing based on earthworks specifications.
- Surface and groundwater:
  - It is considered likely that shallow excavations, should they be required, will intercept the groundwater or seepage flows. Should seepage or adverse soil moisture condition be encountered during construction, further geotechnical advice should be sought.

8.10. TRAFFIC

Arcadis were engaged to prepare a Traffic Impact Assessment (TIA) to assess the potential traffic impacts associated with the site construction. The TIA proposed mitigation and management measures to be applied.

Key Findings

Vehicular access to the proposed development site will be facilitated by Patons Lane. Heavy vehicles can additionally exit the site using the vehicular access point located approximately one kilometre south of the intersection between Luddenham Road and Patons Lane. The estimated daily traffic volumes generated by construction is summarised below.

AM Peak

- Light Vehicle: 80
- Heavy Vehicle: 120

PM Peak

- Light Vehicle: 80

- Heavy Vehicle: 120

Accordingly, the TIA assumes:

- 100 per cent of construction worker employees will arrive and leave site during the peak hours, resulting in an increase of up to 80 light vehicle trips along Patons Lane and Luddenham Road in the AM and PM peak. These vehicles are assumed to consist exclusively of light vehicles.
- Up to 400 heavy vehicles transporting construction equipment, materials, and earthworks is expected per day. It is anticipated that 30 per cent of the heavy vehicles, 120 vehicles, will arrive and leave during the peak hours.
- All vehicles will enter the site via the site access on Patons Lane, and all light vehicles will exit the site from the same intersection. Heavy vehicles will exit the site from the southern site access located on Luddenham Road and travel northbound.

A high-level assessment of roadway capacity to facilitate this demand was undertaken. The estimated total demand on Luddenham Road during the 2024 construction period demonstrates there is over 30 per cent spare capacity remaining. The construction works therefore are not expected to result in adverse traffic impacts from a capacity perspective.

Moreover, intersection assessment was completed on the proposed roundabouts on Patons Lane, connecting to the site access within Luddenham Road. It concludes both the Patons Lane site access and Luddenham Road/ Patons Lane intersection are expected to operate at LOS B or better.

Recommendations

The construction period traffic assessment recommends a Traffic Management Plan be prepared when applying for the construction certificate to manage heavy vehicles traffic movements efficiently throughout the day and to minimise any traffic impacts during the peak periods.

8.11. WASTE MINIMISATION AND MANAGEMENT

A Waste Management Plan has been prepared by HB+B Property to detail the proposed waste management for the construction, and operation phases of the development. This is to demonstrate the proposal aligns with waste generation requirements.

Key Findings

Demolition phase waste management is not required, as there are currently no existing building or structures on the site. All previous demolition waste including any identified hazardous materials have been removed from the site and a Final Validation Report has been prepared by DRM.

Construction phase waste management considers the following:

- Existing vegetation within the development footprint is intended to be cleared prior to commencement of the bulk earthworks. Trees will be woodchipped and reused on site where possible as part of the proposed landscaping works.
- The bulk earthworks across the estate will generate 580,405m^3 of cut and 905,403m^3 of fill material. Excavated material will be reused on site, and total of 325,025m^3 of virgin excavated natural materials (VENM) and/or excavated natural materials (ENM) will be imported to the site.
- Rubbish skips and bins will be used during the course of the project for the collection of general construction waste and material packaging. All rubbish placed in skips will be removed from site by a designated waste removal contractor and taken to an approved and licensed waste disposal and recycling facility.

Post construction/operations of the proposed development is not applicable to the proposed works. Any future warehouse developments will address waste storage and collection as part of their individual Development Applications.

8.12. UTILITY SERVICING

Arcadis were engaged to prepare a Utilities Servicing Report to identify existing utility infrastructure and consider opportunities, and network capacity to service the development. The report also outlines any augmentation and servicing options to support the proposed development.

Key Findings

Discussions with relevant agencies were undertaken, including Sydney Water and Endeavour Energy to present solutions and design to each utility provider in order to demonstrate project feasibility. In addition, a review of the BYDA for NBN Co and Telstra which identified local inground services on Luddenham Road and Patons Lane where connections could be made.

The existing utility services in and around the development have been identified, and described below:

- Potable Water: Sydney Water Corporation (SWC) 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.
- Gas: At this stage, it is not proposed to supply the development with reticulated gas and has therefore been excluded from this report.
- 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.

8.13. BUSHFIRE

A Bushfire Assessment has been prepared by Peterson Bushfire. The site is identified as bushfire prone land, with bushfire prone vegetation present throughout the AIBP and surrounding lands. The bushfire hazard consists of a mixture of grassland, woodland and forest corridors within and adjoining the site. Accordingly, any development within a lot containing mapped bushfire prone land is to comply with the requirements of PBP.

PBP requires the assessment of a suite of bushfire protection measures that in total provide an adequate level of protection for development proposals on bush fire prone land. The proposed public road that will service the subdivision will provide an adequate and compliant level of access. A minimum 6 m wide fire access road (defendable space) is required around future warehouses that adjoin the bushfire hazard. Protection measures that require assessment for future warehouse applications are property access roads, application of BALs, bushfire evacuation plan, hydrants, and the storage of hazardous materials.

In summary, the assessment concludes the aims and objectives of the PBP are satisfied with the adoption of the list of recommendations.

9. 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.

9.1. 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 (Resources and Energy) 2021 (Resources and Energy SEPP);*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation 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.

9.2. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No draft environmental planning instruments are relevant to this proposal.

9.3. 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 **Section 6.5.**

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

9.4. PLANNING AGREEMENT

A drat Voluntary Planning Agreement has been prepared and is being Publicly Notified until 2nd May.

9.5. REGULATIONS

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

9.6. 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.

9.7. 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 enable the future delivery of 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.

9.8. SUBMISSIONS

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

9.9. 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.

10. CONCLUSION

The proposed site preparation works and subdivision 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 convey the proposed works 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 make the site ready for future development pertaining to industrial lands and employment opportunities. Currently there is limited use of the site, and therefore the proposed works will unlock the potential for future social and economic benefits.
- *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 enabling future development to occur which will provide employment and compatible uses appropriate for the zone.

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.

APPENDIX A DCP COMPLIANCE TABLE

Penrith Development Control Plan 2014 (the DCP) provides detailed planning controls relevant to the site and the proposal. An assessment against the relevant controls is provided in the table below.

Based on the assessment, it is considered that the proposal complies with the relevant provisions within the DCP.

Table 10 DCP Compliance Table

Clause	Provision	Proposed	Complies
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 proposal is for earthworks and site subdivision which does not entail any additional construction. 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. Notwithstanding, the curtilage of Luddenham Road will be protected in the short term under this application while the longer-term road upgrades, which are outside the control of this project, are likely to impact on heritage significance.	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.	The portion of the site zoned environmental protection will not to be affected by the site preparation works as this is identified as 'Avoided Land' under CPCP mapping. No clearing of native vegetation is to occur within the avoided land within the subject lot.	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	The site is partially identified as bushfire prone land. The proposed works do not seek	Yes

Clause	Provision	Proposed	Complies
	and property due to bushfires by providing for development compatible with bushfire hazard.	consent for the construction of buildings. Future development of the site will comply with the relevant bushfire provisions.	
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; and where possible, to recycle water for non-drinking uses.	An Integrated Water Cycle Management Plan has been prepared by Henry and Hymas (refer **Section 7.5**). Both rainwater harvesting and stormwater harvesting is proposed to be implemented as part of the water quality strategy for the subject site. Council requires 80% of non-potable demand to be provided through rainwater or stormwater harvesting storages. The proposal demonstrates reuse rates have been achieved with each storage.	Yes
3.2 Catchment Management and Water Quality	Catchment management requires protecting water systems from: ▪ Chemicals (including pesticides and insecticides); ▪ Untreated sewage from on-site effluent treatment and disposal systems; ▪ Nutrient run-off from application of fertilisers and animal manure; ▪ Soil erosion and sedimentation from poor construction/land use practices; ▪ Removal of natural vegetation around watercourses that could trap sediment and provide treatment of surface run-off to reduce pollution entering water systems; and ▪ Stormwater run-off and surface pollution.	Refer to Integrated Water Cycle Management Plan (**Section 7.5**). To limit impact on the downstream water quality, stormwater treatment in the form of gross pollutant traps, and bio retention basins will be provided. The proposed development meets Penrith City Council's water quality targets. In addition, the requirements for on-site reuse have been achieved, as stated above.	Yes

Clause	Provision	Proposed	Complies
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.	In order 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 systems, 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. Further assessment of flooding is outlined in **Section 7.6**. It concludes the proposed works incorporates adequate flood mitigation measures and is not expected to have adverse impacts on flood conditions.	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 upgraded to manage any additional stormwater flows.	Refer to Integrated Water Cycle Management Report (**Section 7.5**). The proposed works seek to construct multiple water quality, detention and stormwater harvesting basins to satisfy Council's WSUD and stormwater detention requirements. Additional controls are provided in the Luddenham Road Industrial Business Park DCP, which is also discussed in the below sections.	Yes
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.	Storage basins are proposed for the site and discussed in **Section 7.5**. Both rainwater harvesting and stormwater harvesting is proposed to be implemented as of the water quality strategy for	Yes

Clause	Provision	Proposed	Complies
		the subject site. Council requires 80% of non-potable demand to be provided through rainwater or stormwater harvesting storages	
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.	Rainwater tanks will be required to be installed in the future lots. A total of 3 hectares (over the entire estate) within the future lots has been allocated as landscaping area to be irrigated by rainwater tanks.	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.	Refer to clause 7.1 Earthworks in the LEP compliance table. A Geotechnical Report has been prepared to address the controls outlined in this section.	Yes
4.3 Erosion and Sedimentation	To minimise site disturbance during the construction and operation of developments and land uses.	An Integrated Water Cycle Management Report has been prepared which contains sediment and erosion control measures that have been implemented to ensure that site run-off is appropriately treated of sediments in accordance with the Council's guidelines.	Yes
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, and further assessment in **Section 7.8** of the SEE. A Site Validation Report has been prepared by DRM to confirm the site, is suitable, from a contamination perspective, for the proposed industrial land use.	Yes

Clause	Provision	Proposed	Complies
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 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. Refer to **Section 7.11** of the report for further discussion.	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.	The existing structures on site were demolished in early 2023 under a separate Complying Development Application. Prior to demolition, a Hazardous Materials Survey was carried out by Construction Sciences for all the existing structures. All previous demolition waste including any identified hazardous materials have been removed from the site and a Final Validation Report has been prepared by DRM to confirm the site's suitably for the proposed industrial uses form a contamination perspective.	Yes
6.1 Landscape Design Controls	To promote landscape design and planning as part of a fully integrated approach to site development. Council requires that all landscape designs promote best practice Environmentally Sustainable Development principles	The proposal seeks to provide estate wide landscaping in the form of streetscape landscape design, and the location of flood storage basins. Further landscape considerations will be proposed at future DA stage of each lot. Additional Landscape controls are provided in the Luddenham Road Industrial Business Park DCP, and discussed in the below sections	Yes

Clause	Provision	Proposed	Complies
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.	Refer to the above clause 5.10 heritage conservation in the LEP compliance table. A Heritage Impact Assessment has been prepared with further discussion contained in **Section 7.7**. It concludes no direct impacts are predicted as a result of the bulk earthworks.	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.	An Aboriginal Cultural Heritage Assessment has been prepared and is further discussed in **Section 7.1**. It contains recommendations to be integrated to manage potential impacts.	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.	The proposed development supports public transport on Luddenham Road.	Yes
10.2 Traffic Management and Safety	This section seeks to ensure safe and efficient travel routes for all vehicles in the Penrith LGA.	A Transport Assessment has been prepared	Yes
10.3 Transport Corridors	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. ▪ Luddenham Road	The proposed works will ensure the character of the transport corridor is retained and accessways will protect the landscape character of any heritage values. A Transport Assessment has been prepared, as well as a heritage impact assessment.	Yes
10.4 Roads	To regulate the key characteristics of new streets to provide traffic safety and efficient traffic flow, appropriate parking	A Traffic Impact Assessment has been prepared by Arcadis. Further discussion of the TIA is	Yes

Clause	Provision	Proposed	Complies
	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.	included at Section 7.10 of the SEE. The assessment concludes the intersections at Patons Lane and the primary Site Access Road is anticipated to operate satisfactorily. The traffic demands associated with the potential development of the surrounding land is expected to be accommodated safely with the proposed upgrades of the intersections of Patons Lane/ Site Access Road and Luddenham Road/ Patons Lane.	
10.5 Parking, Access and Driveways	Minimum parking requirements have been set by Council to ensure that development functions efficiently and there is limited impact on street parking and congestion.	A Transport Assessment has been prepared (refer Section 7.10 of SEE). 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.	Yes
10.6 Pedestrian Connections	To provide a safe, convenient and legible movement network for people with diverse abilities, including those using wheelchairs, mobility scooters, people with prams, small children, elderly people and people with temporary injuries, between residences and points of attraction within and beyond the development.	Shared paths and footpaths will be provided by the development to ensure pedestrian movement is safe and convenient throughout the site. The Landscape Plan provides a continuous row of street trees to be planted to provide pedestrian amenity.	Yes
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 off a detailed assessment of the site's constraints and environmental factors. The consideration of environmental	Yes

Clause	Provision	Proposed	Complies
		areas, flooding, topography, transport corridors, heritage and infrastructure services has been undertaken against the future use of the site.	
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.	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 ensures the safe and efficient movement of traffic through the site, and ensures connections to the broader road network are also safe and efficient. Compliance with Councils engineering standards is achieved, and further discussed in **Section 7.10**.	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 implement, as stated in the previous sections. Similarly, effective management measures are to be employed regarding potential Aboriginal Archaeology.	Yes
12.1 Road traffic noise	This section seeks to minimise the impact of road traffic noise.	A construction noise and vibration assessment was completed. Road noise generated by construction traffic movements from the Site has been addressed for assessment locations along Luddenham Road. It confirms that construction traffic will not increase existing levels by greater than 2dB and meet the relevant requirements. Refer to **Section 7.10** for further assessment.	Yes

Clause	Provision	Proposed	Complies
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 proposed works do not include the development of any building or sensitive land uses. Therefore, this control does not apply.	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.	As stated above, a construction noise and vibration assessment was completed. It indicates some exceedances of construction noise for receivers in close proximity to the site boundary. Accordingly, noise mitigation measures have been recommended to minimise potential construction noise impacts from the development. Refer to **Section 7.3** for further assessment	Yes
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.	A construction noise and vibration assessment has been prepared. Further assessment is contained in **Section 7.3**.	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.	The electrical easement at the site is identified and considered in subdivision plan. Future development of the site will make further considerations regarding building setbacks and management.	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	On site services will be provided as part of the next stage of the development. These services have been recognised by Sydney Water, with no objections raised. Refer to Section 7.12 for further details regarding utility services.	Yes

Clause	Provision	Proposed	Complies
	required to fund necessary system upgrades or alternatives.		
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.	Engineering works have been designed to comply with Council's standards and provisions for stormwater and civil design.	Yes
14.2 Cooling with Landscaping 1.1 Landscape Design	To reduce the contribution of development on the Urban Heat Island Effect in Penrith.	There are no buildings proposed under this application. Notwithstanding, the landscape treatment to the proposed streetscape ensures a continuous line of trees are planted to provide adequate canopy coverage and shading. It will provide passive cooling and pedestrian amenity.	Yes
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.	The landscape plan complies with this objective. Tree plantings will mature gradually over time and is provided with sufficient deep soil area.	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.	Street trees are designed to be planted to produced effective cooling effects by maximising shade to the pedestrian footpath.	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.	The proposed re-use system will be used for irrigation purposes. It achieves the 80% non-potable water demand.	Yes
1.7 Street Trees	Ensuring that there is adequate and appropriate provision of trees	The predominant length of the street runs north south, and therefore deciduous trees are	Yes

Clause	Provision	Proposed	Complies
	and that conditions for healthy growth and canopy are provided.	proposed to align with the DCP control.	
E17 LUDDENHAM ROAD INDUSTRIAL BUSINESS PARK			
17.2.2 Landscaping	To ensure high quality landscaping and high amenity streetscape.	A Landscape Plan has been prepared and demonstrates the landscaping will be sustainable and achieve maturity. It demonstrates the proposed street tree planting within the site, in accordance with the controls of the DCP.	Yes
17.2.6 Services	To ensure that adequate services are available to facilitate development	Sydney Water has recognised that the site can be serviced. Endeavour Energy has approved the detailed design work for the new high voltage feeders being provided for the development. Details regarding the existing utility infrastructure is outlined at Section 7.12.	Yes
17.2.7 Interface with the Transmission Line Easement	To create a physical buffer between the Luddenham Road Industrial Business Park and the riparian corridor within the north-western corner of the site.	Future development of the site will consider this control and the relevant setback requirements.	Yes
17.2.8 Interface with the Outer Sydney Orbital	To ensure the proposed development does not impede on the future development of the Outer Sydney Orbital (OSO) and requirements of Transport for NSW (TfNSW).	Future development of the site will consider this control and the relevant setback requirements.	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.	A construction noise and vibration assessment has been prepared. Further assessment is contained in **Section 7.3** which demonstrates compliance with the applicable controls.	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	A Construction Air Quality Impact Assessment has been prepared with mitigation measures to	Yes

Clause	Provision	Proposed	Complies
	development does not adversely affect existing air quality.	ensure off-site impacts from the project are effectively managed. Further assessment is contained in **Section 7.2**.	
17.3.3 Trading/Operating Hours of Premises	To ensure the amenity of adjoining residential and rural areas is preserved.	The proposed construction works will operate within the standard construction hours as to ensure amenity to surrounding residential areas is protected. Future tenant operating hours are not relevant to this application.	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, any sources of contamination or potentially hazardous materials will be identified, and the site will be made suitable from a contamination perspective. Refer to the Site Validation Report and the Hazardous Materials Survey.	Yes
17.4 Road network and Site Access	To ensure development takes into consideration the future widening of Luddenham Road and to enable a road network that is safe and efficient for all users and minimises through traffic on minor roads.	A Traffic Impact Report has been prepared to demonstrate the proposed main estate road within the site. Description of the access and transport arrangements proposed is detailed in **Section 4.3**. The proposed road compliance and assessment of impacts is further discussed in **Section 7.10**. It confirms temporary and localised impacts to Patons Land are likely during construction, with several mitigation measures proposed to reduce impacts.	Yes
17.5 Access and Parking	To facilitate an appropriate number of vehicular spaces having regard to the activities proposed on the land, the nature of the locality and the intensity of the use.	The proposed works do not include the provision of parking and access arrangements within this application. These controls will be considered at a future DA stage.	Yes

Clause	Provision	Proposed	Complies
		Notwithstanding, the design and subdivision of the estate considers the parking and access provisions.	
17.6 Integrated Water Cycle Management	To protect, maintain or restore waterway health within Wianamatta-South Creek and its tributaries by managing development impacts.	An Integrated Water Cycle Management Report has been prepared in accordance with the controls under this section of the DCP. The proposed stormwater design, as summarised within the report and in **Section 7.5**, satisfies each of the controls.	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.	Flood planning considerations will be employed to ensure the proposed works do not adversely impact flooding. Further assessment of flooding is outlined in **Section 7.6**. It concludes the proposed works incorporates adequate flood mitigation measures and is not expected to have adverse impacts on flood conditions	Yes

APPENDIX B PRELODGEMENT ADVICE RESPONSE TABLE

Prelodgement Advice

HB+B received Prelodgement Advice from Penrith City Council (PCC), in response to the prelodgement meeting on 7th December 2023 which discussed the draft proposal for a warehouse and distribution facility at 211-227, 289-317 Luddenham Road, Orchard Hills.

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

Table 11 Response to Council Advice

Issue Raised	Proponents Response
Planning	
It is understood that Council endorsed the Planning Proposal for the site at a meeting on 23 November 2023. The Council staff report included some proposed changes to the Planning Proposal following public exhibition. These are in the proposed new DCP chapter E18. It is understood that the Planning Proposal will progress to the next steps, however, you should continue to liaise with the City Planning team about this.	Noted.
It is pertinent to wait until the LEP and DCP amendments are made so that the controls are adopted, transparent, and your proposed development able to directly respond to the final controls.	Noted.
The timing of DA (or SSD) lodgement should occur after the relevant and appropriate stage of both the future LEP and DCP amendments. Council staff are unlikely to hold a DA in abeyance awaiting the required legislation changes to enable a potential positive determination of a DA.	Noted.
Timing around the Voluntary Planning Agreement is also relevant. The staff report to Council for the Planning Proposal refers to "deferred commencement of up to 6 months to allow a Voluntary Planning Agreement to be executed for the provision of enabling infrastructure".	Following execution of the Draft VPA the deferred commencement concludes on 20th May 2024.
Lodgement of the DA, in the absence of at least in-principle support of a Planning Agreement, is likely to raise concerns about the resulting enabling infrastructure, primarily in terms of stormwater and roads. Therefore, the DA should be supported by an accepted Planning Agreement that clearly	The draft VPA has been supported by Council for Public Notification which concludes on 2nd May 2024.

Issue Raised	Proponents Response
outlines the specific works-in-kind and the timing for delivery of that infrastructure.	
The Planning Proposal report (paragraph 5.2) states that the public benefit offer may include two roundabout intersections to provide access to the development site, dedication of internal estate roads, and drainage and water quality infrastructure. This is a matter for the applicant to negotiate with Council's City Planning team. However, some question is raised about balancing the infrastructure that is directly required to support the proposed redevelopment of the site for industrial purposes, versus the infrastructure that has a broader public benefit to allow contribution off-sets.	The bulk earthworks DA will be submitted after the draft VPA has been agreed in principal at the Council Ordinary Meeting in March 2024. The Letter of Offer has been agreed with Council and the acceptance letter was issued 23/11/23. The Letter of Offer describes the following benefits: ▪ Dedication of land to Council for the widening of Luddenham Rd - this has a broader benefit to the public (not just the development site) which contributes to the overall delivery of the upgrade works to Luddenham Rd from Elizabeth Dr to Mamre Rd. ▪ The upgrade of Patons Lane - this will benefit Endeavour Energy, Sydney Metro and Bingo Bins who all share access via Patons Lane. ▪ S7.12 local contributions will be paid to facilitate infrastructure upgrades across the Penrith LGA this is a public benefit.
Ultimately, some of the accepted works-in-kind should form part of the DA given that the early works DA (earthworks, subdivision, and roads) will set up the future capacity, access to, and arrangement of the site. For example, the upgrade to Patons Lane would tie in with the bulk earthworks DA given the interface relationship between the site and the main access road. In the same manner, you should consider the timing and planning approval pathway for the Luddenham Road intersection and whether those works should also form part of the DA.	HBB proposes to submit separate DA's for all the 'works in kind' under the VPA which are located on public road reserve land. The civil documentation has been updated to overlay the concept design for Patons Lane. The road alignment and proposed levels for the Patons lane upgrade works have been considered in this bulk earthworks DA.
Please consider and address whether the proposed development is likely to be lodged with Council as a local Development Application (DA) or as a State Significant Development (SSD) with the Department of Planning and Environment (DPE). For example, you may wish to lodge one application that covers both the proposed earthworks, subdivision, and site preparation works, with the construction and use of the first warehouse building, and relevant road upgrades and access points.	Individual DA's will be lodged with Council and only those warehouse's that trigger SSD requirements will be lodged with DPE.

Issue Raised	Proponents Response
It is beneficial to lodge a comprehensive DA that addresses the services and infrastructure needs of the site to support the future industrial development (both on-site and off-site). Although your DA is for bulk earthworks, roads, and subdivision to create large lots, the DA must still contain adequate information (and potentially a broader scope of works) to demonstrate that the site is capable of the desired development outcome.	The site has been carefully planned with a master plan which outlines the future location of individual buildings. The master plan formed the basis of the Planning Proposal.
The DA must demonstrate if the development will be relying on Sydney Water for on-site water management solutions and if Sydney Water have capacity. Otherwise, the site itself is to provide on-site solutions for all water management strategies, including stormwater, wastewater, and potable water. The DA should include evidence of any private agreement for potable water and wastewater to demonstrate that the site can be serviced. The subdivision proposal must include information from a suitably qualified surveyor outlining the required easement and/or restrictions for each proposed lot.	A Utilities Servicing Report has been prepared by Arcadis which demonstrates the existing infrastructure services available (refer Section 7.12 of the SEE). It indicates, Sydney Water Corporation (SWC) has confirmed that there are works underway in the area that once completed will provide enough water capacity to service the development. In addition, 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.
The proposed development must address a stormwater and water cycle management strategy (discussed by Council's Waterways officer below). If proposed basins are positioned on environmental conservation (C2) or rural (RU2) zoned land, the applicant should provide evidence that the location of that infrastructure on non-industrial land is supported in-principle. Basins that serve industrial development should ideally be located on industrial land and not impact on land zoned for an open space or vegetated purpose. Unless this approach has already been supported in-principle through the LEP/DCP provisions and/or the Planning Agreement, the stormwater infrastructure should be located on the industrial developable land. This may also necessitate a staging plan that reserves undeveloped, pervious land (within the industrial land) until an overall strategy is adopted.	An Integrated Water Cycle Management Report has been provided with the DA. All stormwater bio retention and storage basins are located on E4 zoned land. The flood compensation basins located on RU2 land within the future OSO corridor was agreed with Council and TfNSW during the Planning Proposal process. These basins are required to be located near the creek and overland flow area to provide flood compensation storage during a flood event. These basins will remain dry and will hold flood water temporarily during a flood event.
The DA should include clear and detailed information to show how the proposed development complies with, and has responded to,	The SEE provides a table showing compliance with section E17 'Luddenham Road Industrial Business Park' of the DCP (refer Section 6.7).

Issue Raised	Proponents Response
the outcomes of the Planning Proposal, including consistency with the new chapter of the Penrith DCP. Overlays will assist in visually presenting compliance and consistency (particularly for zoning, lot layouts, roads, density provisions for lots, and the Transport Investigate Area).	The masterplan document includes LEP & DCP overlays for the zoning, lot layouts, roads, density provisions and the transport investigation area.
The DA should include information to demonstrate that each of the proposed lots, and corresponding road frontage, has an adequate size and dimensions capable of accommodating a future warehouse building and use. This includes adequate room for truck access and manoeuvring, landscaping around lot boundary and road edges, space for the 6m wide fire access roads, and tree planting within the car parking areas.	The masterplan document indicatively shows how the warehouses, hardstand areas, car parking, access points, and landscaping could work on each of the lots - it should be noted that this is indicative only and will be addressed further in each of the warehouse DA's.
The Planning Proposal information does not seem to contain detailed information about proposed earthworks to create building pads across the site, including the resulting levels in context with adjoining properties and stages. The DA should include adequate information to demonstrate what has informed the proposed levels, particularly regarding any existing landscape, water features, existing topography, and Aboriginal cultural heritage.	The proposed levels are based on a number of existing and proposed factors including: ▪ Existing levels at each of the site boundaries including the neighbouring properties. ▪ Existing levels along both Patons Lane and Luddenham Rd frontage. ▪ Existing levels of the creek and existing stormwater catchments and features. ▪ Existing landscape features including the CPCP avoided land to the south and in the north western corner of the riparian corridor. ▪ Proposed levels of the recently constructed EE switching station on Patons Lane. ▪ Flood levels from the creek (ensuring the developable land sits above the site PMF levels in the north western corner of the site. ▪ Proposed stormwater and services infrastructure (ensuring minimum grades are met for proposed pipework). Refer to drawings C140 and C141 which show sections through the subject site and existing levels in the adjacent properties. Also refer to drawing C120 showing a long section through the collector road centreline. Section 06 within the Integrated Water Management Plan also addresses the site grading

Issue Raised	Proponents Response
	and what site constraints have informed the pad levels and road levels. The levels across the site have been designed to ensure the existing catchment areas are generally maintained (more specifically this has dictated the location and level of the ridge line in the collector road). Refer to drawings C250 and C251 demonstrating that pre and post development catchment areas have been maintained. Given the water quality and water quantity requirements for the site, large volumes of stormwater retention and detention have been provided at the downstream ends of the site. These detention volumes are required to be above the adjacent flood levels. Additionally, all building pad levels should be above any flood level. Finally, OSD will be required for the lots in the NW and NE catchments in order to reduce post-development flows. This detention volume needs to be provided below the pad FFL (with appropriate freeboard) but above the HGL in the adjacent street drainage. These design constraints have led us to the proposed road grading and pad levels as shown on the civil DA drawings. The bulk earthworks drawing shows the expected cut and fill over the site. The calculations result in an excess of fill of 320,660m3 (material to be brought to the subject site). This is considered reasonable given that the total subject site area is approximately 1,230,530m2, and the above stormwater considerations which are vital in achieving a complaint, functional stormwater strategy.
It is understood that your stormwater and flooding design is the primary driver for proposed levels across the site. This should be reconciled with the resulting outcomes for boundary edge (interface) treatments, potential need for retaining walls, and ability to provide meaningful edge landscaping.	Batters are provided along all edge treatments for the bulk earthworks, this allows opportunities and flexibility for future landscaping to be designed wholistically with the warehouse designs. Refer to site sections in drawings C140 showing pad levels in relation to the collector road. Additionally, the site plans C101-C106 show the proposed road contours, pad levels and batter extent, which gives a clear picture of the pad levels in relation to the collector road levels. The collector road levels and levels of downstream basins have been set based on existing stormwater/flooding constraints to ensure the road

Issue Raised	Proponents Response
	drainage is functional. A consistent longitudinal fall to the collector road was required (sag pits were avoided) in order to ensure adequate flood hazard categories in the PMF event. The pad levels have been set to ensure that the stormwater system (including on-site detention) for each of the pads will be functional, with the ability for underground detention to be provided above the 100yr HGL of the collector road drainage. Finally, the pads themselves are quite large, which means the cut/fill in relation to the collector road will vary along the length of that road reserve boundary. Batters have been proposed in lieu of retaining walls wherever possible to allow for future flexibility of the design for the future lots.
The applicant should demonstrate that the proposed earthworks are fit for purpose, as well as show how the resulting levels work, in terms of; interface and boundary edge treatments (including interface with roads, the environmental conservation land, adjoining private properties, and the Stage 2 and 3 land); implications for existing levels on adjoining sites (including the Stage 2 and 3 land), and future development of adjoining sites (including roads); and the need for retaining walls or other mechanisms to deal with level changes.	As advised above, batters will be adopted in lieu of retaining walls in order to provide design flexibility for the future lots. Refer to site sections in drawings C140 showing pad levels in relation to the collector road. Additionally, the site plans C101-C106 show the proposed road contours, pad levels and batter extent, which gives a clear picture of the pad levels in relation to the collector road levels.
Regarding proposed levels, it is unclear how the levels have been resolved in the potential absence of the known levels for the Luddenham Road widening, as well as other edge roads (upgraded Patons Lane), and an adopted holistic strategy for water management across the site and for each warehouse lot. These matters would dictate future site levels and how boundary edges and interfaces are treated. The information submitted appears to show a lot of proposed fill in the western parts of the site, and a lot of proposed cut in the south-eastern part of the site.	Assumptions have been made for the future Luddenham Road widening levels, including the assumption that the boundary levels for the properties east of Luddenham Rd will be maintained and assuming the new road will have a max crossfall of 3%. This approximate level is depicted in blue on drawing C120. There is sufficient flexibility in the longitudinal grade over the road widening corridor and approach, so that the collector road design levels can accommodate any realistic Luddenham road widening levels. A proposed cul-de-sac has been incorporated into the design as a temporary solution.
It is understood that the submitted civil drawings unintentionally omitted the long sections marked as A, B, C, D, and E on Drawing C130 (with the correct reference being drawing C140).	The cut and fill on site has been limited. Some cut and fill is to be expected with significant fall in the existing levels, and large pad sizes.

Issue Raised	Proponents Response
Notwithstanding this, the general advice is that cut and fill should be limited. The matters raised above should be considered in terms of the implications for proposed finished levels across the whole site, as well as impacts on adjoining sites, and at road and open space frontages.	Refer to drawing BE01 showing the cut and fill over the site, and drawings C140 and C141 showing site sections.
Although edge batters and some levels are shown, the DA should demonstrate what future retaining walls are likely to be needed. Excessive cut and fill is unlikely to be supported because of the resulting poor interface treatments. It appears that the proposed pad levels will sit higher than the corresponding access roads, although at the meeting you clarified that the 3m high retaining wall only relates to a limited part of a bend in the collector road. The DA must include further detail about retaining walls. A 3m high wall between part of the road and the adjoining open space is a poor design outcome.	As advised previously, batters are being proposed in lieu of retaining walls to provide flexibility in the design of the future lots. This interface between the lots and the collector road in the setback zone is to be managed in the future design of those lots. Refer to drawing C112 showing two sections through the proposed retaining wall adjacent to the environmental conservation zone. The road has been moved further off from the boundary, and a tiered retaining wall approach has been proposed to soften the visual impact of the level difference.
Where needed, retaining walls should be no higher than 2m and should be stepped or tiered to break up the visual massing of the wall. Tiers should be set back at least 1.5m to allow landscaping in planter beds at the top of each tier. This should include tree planting.	Refer to updated retaining wall design shown on drawing C112.
All DA's should include staging plans outlining the proposed delivery of infrastructure (roads, stormwater management, etc) and warehouse buildings. You should demonstrate that essential services (road access and capacity, water supply, sewer, electricity, telecommunications, and stormwater infrastructure) are available or will be available when required for the development.	The civil documentation outlines the proposed bulk earthworks and stormwater works to be delivered for the entire development. The infrastructure report outlines the services that are required for the development and the current update from the relevant authority. The masterplan document shows the staging of the works, the current infrastructure and warehouse applications that are committed to and in the process of being prepared for either local or state approval.
During the meeting you mentioned lodging a separate DA (around June 2024) for works to upgrade Patons Lane and provide a signalised intersection at Luddenham Road. You should provide clarification as to the overall staging of the development (as a whole). Some of the stages (such as road and intersection upgrades) might need to be included in the bulk earthworks stage	The masterplan document includes a staging plan for the proposed infrastructure and warehouse planning applications. The levels for the bulk earthworks have been designed based on a number of existing and proposed factors, this is described in a previous note above.

Issue Raised	Proponents Response
DA as it is unclear how the proposed site levels will relate to the upgraded Patons Lane if the road upgrades are detailed at a later stage. This may also have implications for the bulk earthworks DA if that DA relies of the Planning Agreement for infrastructure works to occur in a holistic manner (noting that the bulk earthworks DA will include subdivision).	The internal road interface with Patons lane and the future roundabout ties in with the proposed levels for Patons Lane which is based on the flood levels to the west of Patons Lane, this was addressed during the Planning Proposal when Council noted that Patons Lane should be designed to ensure safe access during a flood event. Parts of Patons Lane particularly around the roundabout will be raised above the PMF, these levels are based on the current flood modelling for the development. To the east of the new roundabout, Patons Lane will tie back into the existing levels. To the west of the new roundabout, Patons Lane will tie back into the existing levels and considers the proposed levels and access requirements for the recently constructed EE switching station
You should clearly outline how Stage 2 (which appears to include the area affected by the proposed Outer Sydney Orbital Road/M9, and the Environmental Conservation land) relates to the industrial development of Stage 1. For example, does the Stage 1 development rely on stormwater infrastructure located within the Stage 2 lands? Is there a requirement for the developer to rehabilitate and regenerate the environmental conservation land in Stage 2, and if so by whom and when? Who will be the future landowners and caretakers of the environmental land? How will the management and maintenance of basins in the C2 land be achieved (in terms of landownership, responsibilities, and easements).	The bulk earthworks DA includes the main estate road and infrastructure works is for the entire development (Stages 1-3 as outlined in the original Planning Proposal). We are no longer proposing the delivery of infrastructure in stages. Infrastructure will be delivered for the entire estate as part of this DA. The existing levels to the west of the site within the OSO corridor, the proposed C2 zoned land (CPCP) and the adjoining properties have all been considered in the pad levels for the estate bulk earthworks. The stormwater infrastructure that is proposed as part of this bulk earthworks DA considers the entire development and future warehousing. The sewer treatment facility (separate DA) has been designed and sized for the entire development and future warehousing The services within the estate road, including water, sewer, stormwater, and telecommunications has been designed for the entire development. A Vegetation Management Plan has been prepared for the C2 riparian corridor in the NW corner of the site and for the C2 (CPCP) land to the south of the site. The areas listed under the VMP will be managed by the current landowner, who will engage a specialised contractor to carryout the works. The works listed in the VMP will commence

Issue Raised	Proponents Response
	with the bulk earthworks and will be ongoing for the entirety of the development. No basins are proposed within the C2 land. The site stormwater basins and flood basins will be maintained by the current landowner. Easements for the stormwater infrastructure are documented on the draft Plan of Subdivision. A Maintenance Plan has been prepared for the sites stormwater infrastructure and is included in the Integrated Water Cycle Management Report
You should continue to liaise with Transport for NSW and Council's Traffic Engineering and Development Engineering Teams regarding Luddenham Road, both in relation to the levels for the future widening, and for the primary site access (and secondary site access) as shown in Figure E18.6 of the DCP. At the meeting you stated that proposed Lots 6 and 7 will be dedicated to Council for the Luddenham Road widening. It is assumed that this is the subject of ongoing discussions between yourself, Council and Transport for NSW. It is unclear as to the timing of the proposed dedication in terms of the timeline for the proposed road widening works. In addition, regarding Pad 1 (the Alspec manufacturing warehouse) you should clarify if any land in the north-east corner of this lot will be required for the primary site access from Luddenham Road, including the intersection.	Lots 6 & 7 will be dedicated to Council for the future widening of Luddenham Rd as part of this bulk earthworks DA. This was agreed with Council during the Planning Proposal process and forms part of the agreed VPA with Council. The draft Plan of Subdivision notes both Lots 6 & 7 being dedicated to Council. No further land is required to be dedicated from Lot 1 for the new intersection at Luddenham Rd. The new intersection and slip lanes can be accommodated within the current road reserve including the additional 40m wide strip of land which is to be dedicated to Council (Lots 6 & 7).
Regarding building height, and the new LEP height control for the site, consideration should be given to the definition of height in the LEP (measures from ground level – existing). This may have implications should extensive cut be proposed, potentially resulting in a building that might strictly comply with the control and definition but result in a bulky mass not anticipated by the new height development standard.	The majority of warehousing in areas of cut are generally the medium to smaller scale warehousing which have building heights around 10 - 13.7m. Buildings are not expected to result in excessive bulk and mass as a result of the LEP definition.
Please ensure the SEE clearly identifies any proposed triggers for Integrated and/or Designated development, such as dam dewatering; environment protection licence; quantum of incoming fill (waste recycling being soil importation to the site); bush fire, and the like. Please also identify any external referrals and concurrence requirements (such as Water NSW / DPE- Water	Transgrid - Include previous approval letter and current email correspondence confirming they have reviewed the civil plans for the works proposed within the easement. NRAR - for the minor works within the 40m riparian corridor. This is addressed in the Ecoplanning FFA report

Issue Raised	Proponents Response
for the Warragamba Pipeline and dam dewatering, TfNSW, Endeavour Energy, Sydney Water, Heritage NSW for Aboriginal heritage, etc).	Heritage NSW - for Aboriginal heritage, this is addressed in EMM's ACHA TfNSW (OSO) - corridor team for the works proposed within the OSO - this was confirmed in their response letter to the Planning Proposal public exhibition period. TfNSW (Traffic) - traffic advice received from TfNSW during the Planning Proposal public exhibition period has been incorporated into the latest traffic report for the PP, the same outcomes form part of the traffic report for the bulk earthworks report. Sydney Water/Endeavour Energy - Arcadis Infrastructure Report will include correspondence from Sydney Water and Endeavour Energy.
Please also consider State Environmental Planning Policy (Resource and Energy) 2021. Section 3.11, Division 1 contains provisions that protect existing waste resource facilities from future development. This section identifies Site 12 Erskine Park which appears to be the existing Patons Lane resource recovery facility located near the subject site.	Refer to Section 6 of the SEE.
Please include up to date Deposited Plans and accompanying section 88B instruments that show all encumbrances and easements affecting the subject site. Evidence of the correct landowner of each lot should also be provided, noting that written landowners consent is required to lodge the DA. Please provide information about lot 99 in terms of land ownership and relationship to proposed development.	Lot 99 was sold to Endeavour Energy in 2022. EE have recently completed the construction of the new Metro switching station on this site. A temporary batter was agreed with HBB and EE around Lot 99. The temporary batter currently has an easement around it, which will be relinquished on completion of the bulk earthworks around Lot 99. There is an existing easement for water pipes over Lot 1 DP 1293805 (northern lot). The water pipe supplies raw water from the Warragamba Pipeline (Water NSW) to the Croatian Club and the adjoining 5 residential properties. The exact location of the water pipe will need to be identified on site and relocated as required for the new development. The easement will need to be redefined/amended to suit the exact location of the pipe. The raw water pipes will no longer be needed once these properties are redeveloped and feed with potable water from this new development.

Issue Raised	Proponents Response
	The DA includes a copy of the registered Plan of Redefinition which shows the existing easement across the site. The DA includes copies of the current DP's for both Lots 1 & 2.
The DA should include details demonstrating how the objectives and controls of the proposed new DCP chapter E18 will be addressed by the proposal development. A table format and possible plan overlays will assist. It is expected and assumed that the development will comply with the new DCP chapter controls. This Pre-lodgement advice does not include a detailed assessment of the proposal against the DCP. The detailed assessment will occur with the DA and the onus is on you to ensure compliance.	The SEE provides a table showing compliance with section E17 'Luddenham Road Industrial Business Park' of the DCP (Refer Section 6.7). The masterplan document provides overlays from the DCP showing alignment with the proposed road network. The building and landscape setbacks have been shown on the indicative concept masterplan showing how the future warehouses can comply with the DCP controls.
Notwithstanding that your initial DA may not be for new warehouse buildings, the proposed subdivision and/or lot arrangement for future warehouses will need to demonstrate that the lots are fit for purpose, and able to accommodate the setback, car parking, and landscaping requirements in accordance with the DCP controls.	The masterplan document provides an indicative concept masterplan for the development showing that the proposed lots are capable of complying with the DCP controls.
Figure E18.1 of the proposed new DCP chapter shows the land to which the chapter applies. In the bottom (southern) edge there is a smaller, narrower lot that is included in the land identified as ‘Luddenham Road Industrial Business Park’, but which is not included in the proposed development documentation. This is the lot adjoining proposed lot 5 to the south. Given that this lot is much smaller and narrower than the remaining lots proposed, it is unclear if this lot can be developed in isolation. This requires clarification. Using the planning principle for ‘lot isolation’ you may wish to demonstrate how this lot could be developed in the future if it is not to be part of your current scheme.	The masterplan document shows a future road connection to the boundary of the southern lot. This road connection will form part of a separate DA with Council and will be design wholistically with the adjacent warehouses. The masterplan document demonstrates how the road connection could be extended into the southern lot to facilitate a future subdivision of 8 additional warehouse lots
The north-south road running through lots 3 and 5 (into the area currently occupied by the Croation Club) does not appear to be positioned in the same alignment as the proposed Structure Plan. The Structure Plan aligns the road with the corresponding (rear and front) property boundaries of the sites to the north, while your documentation still shows the proposed road aligned further to the	The north south road has been updated in the masterplan document to reflect the structure plan and DCP. An additional plan has been provided in the masterplan document showing how the north south road could be extended north into the adjoining properties to facilitate a future lot subdivision of additional smaller warehouses.

Issue Raised	Proponents Response
west. It is understood that this was a change reported to Council as part of the Planning Proposal review. The realigned road has implications for how Lot 5 is divided into pads A and B and how these sub-lots will accommodate future smaller warehouses.	
The Master Plan drawing submitted with the Pre-lodgement request does not appear to show the round-abouts indicated on the Figure 20 Indicative Development Concept (as shown on the Council report for the Planning Proposal). You can clarify this as it is assumed you have ongoing discussions with Transport for NSW and/or Council (in relation to the letter of offer).	These roundabouts do not form part of this application. The roundabouts will be designed along with the additional estate roads wholistically with the adjoining warehouse developments. The roundabouts and additional roads will form part of separate DA's to Council. The future roundabouts are documented in the masterplan document.
Where car parking and hardstand areas are proposed in front of the warehouse building/s, and fronting a road, the setbacks as per Table 18.1 (clause 18.2.1) of the DCP (new chapter E18) should be met. From the Master Plan provided, it does not appear that this control is achieved for all lots (such as warehouses 9, 10, and 11) where car parking areas seem to abut roads without a setback for landscaping.	The masterplan document provides an indicative concept masterplan showing how car parking and hardstand areas could comply with the DCP controls.
In addition, the interface between all warehouse lots abutting the southern boundary need to provide suitable edge landscaping to appropriately buffer the developed lots from the adjoining environmental lots (warehouses 10, 11, and 17), and between the private lot to the south of warehouses 18, 25, 29, and 31.	Landscape edge treatment between the southern warehouses and the CPCP land will be designed with each warehouse DA.
It appears that the proposed basins abutting the area reserved for the Luddenham Road widening do not comply with the setback controls at clause 18.2.1, which do not allow on-site detention within the building setback to the street. The area abutting the road widening (between the building/hardstand and the road) should contain landscaping to provide a visual green buffer from the road to the development.	Refer to drawings C202 and C203. All detention/retention basins/structures have been moved outside of the building setback to the street.
Plans showing the setback widths as per Table 18.1 will assist Council staff when assessing the proposal.	The masterplan document provides a setback plan in accordance with the DCP controls.

Issue Raised	Proponents Response
Office areas associated with warehouses should be an integral part of the building envelope, not positioned or designed as a ‘tack-on’ protruding from the warehouse.	Office areas will be addressed with the future warehouse DA's.
Environmental Management	
Noise Impact	
A Noise and Vibration Impact Assessment is required to be submitted with the application to demonstrate the future industrial development can achieve all noise and vibration criteria and that it will not have any impact on nearby receivers surrounding the development site. Whilst it is noted that the development proposal is not seeking consent for the operation of industrial activities on the proposed industrial lots, it is known that the activities will generate noise and the site has several sensitive receivers nearby. As such, a ‘worst-case scenario’ is to be applied giving consideration to activities on site, including vehicular movements, deliveries (loading and unloading), mechanical plant and equipment. This will assist in identifying the level of potential impact and potential opportunities for mitigation. The Noise and Vibration Impact Assessment, prepared by a suitably qualified acoustic consultant, is to consider: The ‘Noise Policy for Industry’ October 2017 in terms of assessing the noise impacts associated with the development, including potential noise from each future lot, as well as overall cumulative noise impact. • The potential impact from road traffic noise resulting from vehicles entering and exiting site, demonstrating compliance with NSW ‘Road Noise Policy’; and • The ‘Interim Construction Noise Guideline’ in assessing the impacts associated with the subdivision works. The Noise and Vibration Impact Assessment needs to demonstrate that mitigation measures (both construction and operational mechanisms) can be put in place to ensure that all noise and vibration goals can be achieved. As the final design and	A Construction Noise & Vibration Assessment has been prepared for the bulk earthworks DA (refer to Section 7.3 of the SEE). EMM prepared a Noise Impact Assessment for the Planning Proposal which assessed the noise and vibration impacts for the entire development. A copy of the previous Noise Impact Assessment has been submitted along with the CNVA for the bulk earthworks DA.

Issue Raised	Proponents Response
occupancy of future development is not certain, the Noise and Vibration Impact Assessment is to acknowledge this and provide adequate detail and recommendations to demonstrate that compliance with established criteria is achievable.	
Land Contamination	
The application is to address all relevant requirements under SEPP (Resilience and Hazards) 2021 – Chapter 4 'Remediation of Land'. From reviewing aerial photography, the property appears to have been historically subjected to the importation of unknown material and potentially unauthorised filling. As such, the application is to demonstrate that the land is suitable for the proposed purpose by the submission of a Phase 2 Detailed Site Investigation. Should remediation works be found to be required these works will require development consent and are to be included in the development application, with the submission of a Remedial Action Plan. All reports need to be prepared by an appropriately qualified person with consideration of the relevant NSW Environmental Protection Authority Guidelines and the National Environment Protection (Assessment of Site Contamination) Measure. An appropriately qualified person(s) is defined as "a person who, in the opinion of the Council, has a demonstrated experience or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies". In addition, the person(s) or company will be required to have appropriate professional indemnity and public liability insurance.	Remediation works has been completed on the site. Compliance with the SEPP is demonstrated in Section 6 of the SEE. A Site Validation Report has been submitted along with the bulk earthworks DA detailing the completed remediation works and demonstrating that the site is suitable for industrial and commercial uses.
Waste Management	
A Waste Management Plan is to be provided to Council for review, addressing waste produced during the demolition, construction, and operational phases of the development. It should address waste quantities, storage locations and removal. Vehicular access for collection also needs to be addressed. It is noted that Council's Waste	A Waste Management Plan has been submitted with the bulk earthworks DA

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Services section may have more prescriptive requirements for these types of developments.	
Wastewater Management	
The application shall confirm that the proposed development will be connected to Sydney Water's reticulated sewer and that capacity exists for the development. Should connection to Sydney Water's reticulated sewer system be unavailable, a Wastewater Report is required to be prepared by an appropriately qualified person(s) and is to be provided to Council for review. The Wastewater Report is to provide appropriate sizing and calculations for the proposed On-site Sewage Management System(s) to service each of the future properties and show appropriate buffer distances in accordance with Council's On-Site Sewage Management and Greywater Reuse Policy on a suitably prepared Wastewater Effluent Management Plan for each respective property.	An on site sewer management system is proposed for the development. This will be detailed in a separate DA to Council. The on site sewer management system was agreed with Council and Sydney Water during the Planning Proposal. Copies of the correspondence with Sydney Water are included in the Infrastructure Report submitted with this bulk earthworks DA.
Air quality	
An Air Quality Impact Assessment is required to be undertaken to demonstrate that the proposed development will not have any impact on the health of nearby sensitive receivers or the environment. This report is to be prepared by an appropriately qualified consultant with consideration of the relevant NSW EPA guidelines.	A Construction Air Quality Impact Assessment has been prepared and submitted with the bulk earthworks DA.
General	
In any application, the environmental impacts associated with the construction phase of the development will need to be addressed, such as water quality, noise, dust/air quality and erosion and sediment control. This can be included in the Statement of Environmental Effects and plans.	The SEE and associated technical reports address the environmental impacts from the bulk earthworks phase of the development.
The development will need to be designed to comply with the requirements of DCP prepared in support of the proposed rezoning that was recently reported to Council. Information will also need to be provided to outline what stormwater management arrangements will be in place to comply with the objectives for the Wianamatta South Creek	An Integrated Water Cycle Management Report has been prepared and submitted with the bulk earthworks DA. The existing creek is addressed in the current Ecology reports and NRAR approval is expected for the works within the riparian corridor - this is addressed in the Flora and Fauna Assessment.

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catchment. This should include details about proposed staging of development. There is also a mapped waterway 2nd order waterway passing through the site. This will need to be restored and maintained to the requirements of DPE Water. Some of the proposed basins are in the alignment of the proposed Outer Sydney Orbital which will require further consideration and input from Transport for NSW. Basins are also proposed in the environmental conservation zone. The suitability with this proposed location has been referenced above. The proposed development also seeks to irrigate harvested stormwater on the conservation area which requires further consideration as to suitability. It was noted this was discussed in the meeting and concerns were raised. The applicant may need to consider irrigating part of the developable area as it directly relates to servicing the industrial use. The Draft DCP that was prepared (for the Rezoning / Planning Proposal) included the waterway health objectives for the Wianamatta- South Creek Catchment. This is appropriate for the site given the location. It is noted that the MARV targets included in the SEE indicate a general intent to comply, but this would need to be detailed in the stormwater report prepared in support of the development. The SEPP (Biodiversity and Conservation) 2021 also requires consideration in the context of any application. I suggest that should the targets be achieved for the Wianamatta-South Creek Catchment, that would be appropriate as they were developed using the Risk Based Framework specifically for Wianamatta South Creek. The stormwater treatment infrastructure should be retained in the ownership of the developer, with maintenance responsibilities remaining with the landowners in perpetuity. The stormwater treatment measures would not be able to be dedicated to Council.	The location of the flood compensation basins has been agreed with Council and TfNSW during the Planning Proposal phase. The flood compensation basins are located within the RU2 land on site (not the C2 conservation land). The majority of the flood compensation basins are located within the Certified - Major Transport Corridor mapped under the CPCP. A small portion of flood compensation basin 3 is located within the Avoided Land under the CPCP, this is addressed further in the Flora and Fauna Assessment. The proposal no longer seeks to irrigate stormwater within the C2 conservation area. Stormwater is proposed to be irrigated over the RU2 land within the OSO corridor and within the landscaped verges on both sides of the estate roads. The Integrated Water Cycle Management Report submitted with this bulk earthworks DA demonstrates how the MARV requirement has been complied with under the DCP. The stormwater treatment infrastructure will be retained and maintained by the landowner. In addition, the report verifies that the proposed design is in accordance with the MARV and water quality requirements. Refer to drawing C260 showing the parts of the subject site (outside of the future lots) which are proposed to be irrigated. No irrigation is shown in the environmental conservation zone as directed by Council. In achieving the MARV water quality requirements, and adhering to Council's OSD policy, the controls outlined in the SEPP 2021 Chapter 6 in relation to water quality and water quantity have been achieved. The music model submitted as a part of this DA package verifies this.
A Stormwater Management Strategy for the proposal will need to be prepared by a suitably qualified professional. The strategy will need to	An Integrated Water Cycle Management Report has been prepared and submitted with the bulk earthworks DA.

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outline how both surface and groundwater resources will be managed. The strategy will need to articulate the staging of the development and include details of proposed interim and ultimate arrangements. The site will need to be developed in a manner that ensures compliance with the Draft DCP Luddenham Road Industrial Business Park controls and the Waterway health targets developed for Wianamatta South Creek (i.e., irrigation of undeveloped lots would likely be required as buildings are proposed). The strategy also needs to demonstrate how the full development would comply with the waterway health objectives.	Refer to the Integrated Water Cycle Management Report and music model which verifies that the proposed design is in accordance with the MARV and water quality requirements. The final, fully developed scenario has been modelled and used as the base case to size all water quality infrastructure (basins, irrigation areas etc). Any intermediate scenario until the site is fully developed will result in a more favourable MARV/Water Quality outcome than the fully developed scenario. Refer to drawing C260 showing all areas that are proposed to be irrigated. The IWCMR also summarises how the site stormwater is proposed to be managed in general, and compliance with Council's DCP.
Details of the proposed irrigation are also required to be provided to demonstrate compliance with the waterway health objectives (i.e., MARV). Irrigation should be done in a manner consistent with the requirements of the Technical guidance for achieving Wianamatta–South Creek stormwater management targets. Full details should be included on Stormwater Report. This should include a plan showing the irrigation areas as well as details about irrigation rates and storage details. This would need to be supported with MUSIC Modelling and flow duration curve etc.	Refer to the Integrated Water Cycle Management Report and music model which verifies that the proposed design is in accordance with the MARV and water quality requirements. Refer to drawing C260 showing all areas that are proposed to be irrigated.
The Strategy is to be prepared in accordance with the Technical guidance for achieving Wianamatta–South Creek stormwater management targets (Technical Guidelines), prepared by DPE, 2022 and associated MUSIC modelling toolkit.	Refer to above comment
Full details of submission requirements for Development Applications in relation to Stormwater Management are outlined Chapter 2 of the Technical Guidelines.	Confirmed, the design complies with Chapter 2 of the technical guidelines.
Concept engineering plans must include all details of proposed on-lot stormwater treatment devices and treatment systems and storage ponds etc. The engineering plans must be prepared in accordance with the Technical Guidelines and DCP requirements and Council's WSUD Specifications and Standard Drawings.	A detailed civil and stormwater package of documentation has been submitted with the bulk earthworks DA. The IWCM Report notes compliance with the listed documentation. The concept engineering plans do not show any future on-lot treatment or detention, only the downstream estate wide treatment. The music

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	modelling and drains modelling incorporates generic treatment and detention that is expected to be required. Each lot will need to provide water quality treatment in the form of pit baskets and psborb catridges (for the lots in the SE catchment where there is no downstream bio-retention basin). Each lot will need to provide an on-site detention system that reduces post-developed flow rates to the appropriate pre-developed flow rates. A concept design for these detention tanks and cartridge systems has been included in the music and drains models and summarised in the IWCM Report, however those designs will not form any part of the concept plans as they are not being proposed as a part of the scope for this DA. The design of the stormwater management for each lot will be documented in further detail in the DA submission for each lot.
Details of proposed water conservation measures also need to be provided. Council will require that a minimum of 80% non-potable demands are serviced by harvested rainwater through allotment rainwater tanks.	Refer to the IWCM Report which summarises the various stormwater and rainwater storages and associated yields for reuse. Wholistically, the development will be achieving greater than 80% non-potable demand through rainwater tanks and storage ponds.
There is also a 2nd order waterway passing through the site. This will need to be restored and maintained to the requirements of DPE Water's Controlled activities – Guidelines for riparian corridors on waterfront land.	A Vegetation Management Plan has been provided with the DA which outlines the management requirements for the riparian corridor.
An Erosion and Sediment Control Plan must be prepared in support of the application. This will need to be prepared in accordance with the construction stage requirements outlined in Draft DCP Luddenham Road Industrial Business Park and with the Technical guidance for achieving Wianamatta–South Creek stormwater management targets. Conditions will be required around its implementation. It is noted that plan is to be developed by a CPESC.	Erosion and Sediment Control measures are detailed in the civil and stormwater documentation and in the IWCM Report. Sediment and erosion control plans have been included in the concept engineering plans, with a sediment basin proposed on each lot. The sediment and erosion control measures are in accordance with the Soils and Construction Handbook, 2004.
Operation and Maintenance Manuals will need to be provided for all on-lot stormwater treatment infrastructure / sediment basins, irrigation systems and associated infrastructure etc.	Operation and Maintenance Requirements have been provided in the IWCM Report Refer to appendix C of the IWCM Report.

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It is noted that all stormwater infrastructure will need to be maintained in perpetuity by the Developer / owners of the site. The assets will not be able to be dedicated to Council. Positive covenants and restrictions on use will be required.	The stormwater treatment infrastructure will be retained and maintained by the landowner.
Biodiversity / Tree	
Much of the land within the proposed development is identified as 'Certified – Urban Capable'. The development does not need to further assess the impacts on biodiversity within the 'Certified – Urban Capable' land in accordance with the Biodiversity Conservation (BC) Act 2016. In addition, the Cumberland Plain Woodland that occurs within the certified land may meet the condition threshold for the Endangered Ecological Community under the Environment Protection and Biodiversity Conservation Act 1999. In this regard the application must consider whether it is likely to have a significant impact on a matter of national environmental significance. The land being biodiversity certified under CPCP turns off the requirement for biodiversity assessment under the BC Act but there are still the mitigation measures that would apply such as retaining large trees under CPCP. There is also a requirement that future development applications within land identified as 'Certified – Urban Capable Land' in the State Environmental Planning Policy (Biodiversity and Conservation) 2021 demonstrate that specific mitigation measures for threatened ecological communities and species will be implemented. The proposal includes development within an area mapped as avoided land under the CPCP. Development within avoided land will require ecological assessment and is to be designed to ensure biodiversity impacts are avoided and minimised. Part of proposed Lot 9 includes land mapped as strategic conservation under the CPCP. Strategic conservation areas represent areas with strategic biodiversity value that include threatened ecological communities and species, and have important connectivity across the landscape and ecological restoration potential. I note that this area is shown	As the vegetation within the paddocks is historically cleared and heavily degraded its does not have the patch size, native cover or characteristics to conform with the requirements for listing as the EPBC Act TEC Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest. CPCP mitigation measures have been outlined in the Biodiversity Management Plan prepared by Ecoplanning. An FFA has been performed for the avoided land.

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as Environmental Conservation Area on the subdivision plan provided.	
The biodiversity certification of land under the CPCP does not turn off the requirement for the application to address LEP and DCP controls to avoid and minimise impact to trees and biodiversity including: 3. Designing to avoid impacts to trees and biodiversity values. 4. The siting of a development to favour the retention of trees. This includes addressing the requirement within the CPCP to 'Retain large trees (including dead trees but excluding noxious weeds) (≥50cm DBH) during precinct planning where possible and avoid impacts to soil within the dripline of these trees during construction.' 5. Preserve and retain significant environmental and cultural features of the site, such as waterways, riparian corridors, and heritage items. 6. Not more than 10% of the vegetation on the site shall be cleared (or required to be cleared) because of the subdivision proposal. 7. No encroachment of fill or batter into the Strategic Conservation Area. The proposed works are to be suitably setback from this area to buffer the impacts of any development to this area.	8. More than 50% of the site will remain undeveloped. 9. The proposed development footprint avoids impacts to existing conservation areas in the NE corner of the site along the riparian corridor. The trees and vegetation in this area will be protected and maintained under a Vegetation Management Plan. 10. The proposed development seeks to set aside approx. 16ha of strategic conservation area under the CPCP which was rezoned to C2 as part of the Planning Proposal phase. The trees and vegetation in this area will be protected and maintained under a Vegetation Management Plan. 11. Existing trees and vegetation in the SW corner of the site will be retained as part of this development. This area is mapped as Certified - Major Transport Corridor under the CPCP. 12. Additionally, the VMP area will be revegetation to restore TECs present. 13. As noted above the siting of the development footprint has avoided the key vegetation and conservation areas on the site. The area marked for development is in line with the CPCP - Certified Urban Capable Land which was agreed with Council during the Planning Proposal phase. 14. All trees outside the development area will be managed as part of a VMP. The VMP area will be marked as a no-go zone for machinery throughout the life of works and all vegetation will be protected. 15. As noted above the riparian corridor and creek line in the NW corner of the site is being retained and protected. 16. The strategic conservation area to the south of the site is being retained and protected as C2 land.

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	17. There are no heritage items located on site. 18. As noted above the key vegetation areas on site will be retained and protected. The vegetation including scattered trees within the development footprint is aligned with the CPCP - Certified Urban Capable Land and was agreed with Council during the Planning Proposal, and is proposed to be removed to facilitate the development. 19. The riparian corridor equates to 57,566m2 of tree vegetation. 20. The southern portion of the site including the CPCP equates to 332,420m2 of tree and shrub vegetation. 21. The vegetation in the southern portion of the site being removed equates to 17,960m2 22. The vegetation in the south eastern corner around the dam which is to be removed equates to 10,517m2 23. The scattered trees on the northern property equate to 7,493m2 24. Total vegetation on site = 425,956m2 25. Total vegetation being removed = 35,970m2 (8.4%) 26. No fill or battering is proposed within the Strategic Conservation Area. The bulk earthworks is contained on the CPCP - Certified Urban Capable Land.
In addition to addressing the above requirements, the application must include the following information: 1. An arboricultural impact assessment in accordance with AS 4970 – 2009, Protection of trees on development sites is to be provided for the site and neighbouring trees close to the property boundary. Where trees proposed for retention have a major encroachment (greater than 10%) the Project Arborist must demonstrate that the tree would remain viable. The report must also document the location of all large trees (≥50cm DBH).	5. Trees located along neighbouring boundaries are areas that are proposed for development under the Planning Proposal (Zoned E4), whilst these areas do not form part of this specific bulk earthworks DA, these properties will be developed and the trees located along the fence line are likely to be removed to facilitate developed over the E4 zoned land 6. A Flora and Fauna Assessment has been provided for the small portion of basin works within the Avoided Land adjacent to the riparian corridor

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2. Biodiversity Assessment for proposed works outside of the biodiversity certified land. 3. A Vegetation Management Plan (VMP) for riparian corridor (Avoided Land) associated with the watercourse that transverses the north west corner of the site and land identified as Strategic Conservation Area. 4. A Biodiversity Management Plan demonstrating compliance with the mitigation measure guidelines within Appendix E of the CPCP and the State Environmental Planning Policy (Biodiversity and Conservation) 2021.	7. A Vegetation Management Plan has been prepared for both the riparian corridor and the C2 zoned Strategic Conservation Area to the south. 8. A Biodiversity Management Plan has been prepared demonstrating compliance with the mitigation guidelines of the CPCP and SEPP Biodiversity and Conservation 2021
In addition, Council's Natural Systems Team does not support: • The placement of onsite wastewater management systems within Avoided Land or Strategic Conservation Area. • Irrigation of wastewater/stormwater within Avoided Land or Strategic Conservation Areas.	1. No onsite wastewater management systems are proposed within the Avoided land or Strategic Conservation Area 2. No irrigation is proposed in the Avoided land or Strategic Conservation Area.
Engineering	
The proposed earthworks and subdivision must be in accordance with the requirements of the (future) Penrith DCP chapter for 'Luddenham Road Industrial Business Park	Noted
Council's engineering requirements for subdivisions and developments, including policies and specifications listed herein, can be located on Council's website at the following link: https://www.penrithcity.nsw.gov.au/building-development/development/engineering-requirements-for-development-subdivision	Noted.
All engineering works must be designed and constructed in accordance with Council's Design Guidelines for Engineering Works for Subdivisions and Developments and Council's Engineering Construction Specification for Civil Works.	Noted.
A detailed survey of the site, including Council's verge area and the adjoining surrounds, shall be submitted with the application. All plans for the site shall have levels and details to AHD.	Detailed survey has been provided

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Any staging of the civil works and infrastructure delivery must be clearly shown on the plans.	Noted.
Stormwater	
Stormwater drainage for the site must be in accordance with the following: ▪ Council's Development Control Plan, ▪ Stormwater Drainage Specification for Building Developments policy, and ▪ Water Sensitive Urban Design Policy and Technical Guidelines	Noted.
A stormwater concept plan, accompanied by a supporting stormwater report and hydraulic calculations, shall be submitted with the application.	Refer to concept engineering plans, IWCW Report and drain model included in DA submission.
The proposed stormwater basins must be located clear of the 1% AEP flood extents and above 1% AEP flood level. These basins will require maintenance accesses, which must be shown on the plans with their details.	The proposed basins are above the 1% AEP flood levels. Maintenance access to the basins has been shown on the concept engineering plans.
Water Sensitive Urban Design (WSUD) is required to be provided for the site. A WSUD Strategy shall be developed and submitted with the Development Application and shall include MUSIC modelling (*.sqz file) demonstrating compliance with Council's adopted Water Sensitive Urban Design Policy and Technical Guidelines. The Strategy shall address (but not be limited to) water conservation, water quality, water quantity, and operation and maintenance. The Strategy and MUSIC Modelling must also demonstrate compliance with the SEPP (Biodiversity and Conservation) 2021 Chapter 6 Water Catchments, Division 2 Section 6.6 Water Quality and Quantity.	Refer to previous comments about the IWCM Report, water quality design and SEPP 2021 compliance.
Council will not accept the dedication of any estate stormwater quantity or water quality basins. Any estate drainage basins are to be maintained in perpetuity by the estate. It is Council's preference that all water quantity and water quality treatment be provided on the individual lots. Any on-site detention system or water quality system must be within common property and accessible from the street.	The estate water quality and storage basins will be privately maintained and owned by the estate (not Council). OSD systems will be provided on lot and will be accessible from the street. The estate water quality system is required to meet the water quality requirements under the DCP, this

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	can not be achieved alone with filter cartridges within the OSD tanks. The estate water quality system is located on common property and is accessible off the service road.
Please refer to Council's waterways section's comments for any stormwater quality and quantity requirements	Noted.
Local Overland Flow Flooding	
The site has been identified as being subject to flood related development controls as the site is located within the Flood Planning Area. The Flood Planning Area (FPA) is defined as the 1% Annual Exceedance Probability (AEP) flood level + 0.5m freeboard. Although the site is not directly impacted by local overland flow flood waters, the application shall address Council's Flood Liable Lands policies. An extract of Council's flood maps is provided below.	A Flood Impact Risk Assessment is included with the DA.
	

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The application must demonstrate that the proposal is compatible with the State Government Floodplain Development Manual and Council's LEP and DCP Controls for Flood Liable Lands. The application shall specifically address all parts of Clause 5.21 Flood Planning of Penrith Local Environmental Plan 2010 and Part C3.5 Flood Planning of Penrith Development Control Plan 2014.	The FIRA addresses compliance with the nominated policies and controls
A comprehensive Flood Impact Risk Assessment (FIRA), prepared by a qualified hydrologist and hydraulic engineer, is to be submitted and shall determine behaviour for existing and developed scenarios for the full range of flooding including the 5% Annual Exceedance Probability (AEP), 1% AEP, 0.5% AEP, 0.2% AEP and Probable Maximum Flood (PMF) where proposed works are within the extent of flood.	The FIRA addresses the nominated flood scenarios.
The flood assessment report shall assess and determine flood behaviour and characteristics under future climate change flooding conditions in accordance with Clause 5.21 Flood Planning of Penrith Local Environmental Plan 2010. The following rainfall increases shall be used as a minimum when assessing the various climate change scenarios: 4.9% (High 2030); 9.1% (Low 2090); 13.9% (Medium 2090) and 18.6% (High 2090).	The FIRA addresses the nominated climate change scenarios.
To assist with flood modelling, Council's 2D flood model is available for purchase. A link to the application form is provide below: https://www.penrithcity.nsw.gov.au/council/our-organisation/forms?download=798:flood-model-data-application-form-fy023-24	Noted.
Further information regarding Council's Flood Studies is available from Council's website at the following address: https://www.penrithcity.nsw.gov.au/services/other-services/floodplain-management	Noted.
Roads and Traffic	
To enable orderly development, the development shall deliver the full length of the internal road network from the intersection with Luddenham Road to the east and through to the intersection	A separate DA will be prepared for the following road and intersection upgrade works after the completion of the VPA.

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with Patons Lane on north including the intersections. In addition, the proposal will require upgrade to Patons Lane with construction of the intersection, as a primary entrance/access, prior to the operation. Full details of these roads and their expected delivery timeframes are to accompany the application. A temporary turning head at the end of the internal road may be required based on the delivery timings of the road upgrades and intersections on existing roads.	▪ Primary Access - Upgrade of Patons Lane and the intersection with Luddenham Rd, including the roundabout access into the estate. ▪ Secondary Access - Upgrade of the southern intersection off Luddenham Rd. The timing for the completion of these works: ▪ Primary Access - These upgrade works will be completed prior to the OC for the first warehouse on the site as per the VPA. ▪ Secondary Access - These upgrade works will be completed before the 1st January 2026 as per the VPA. A temporary turning head will be provided in the SE end of the estate road until the southern intersection is completed in accordance with the VPA. The primary access is shown on the bulk earthworks DA civil documents. The concept design will be formalised after the VPA is agreed. The roundabout entry off Patons Lane will form part of the Primary Access DA.
The future upgrade to existing Patons Lane and Luddenham Road as well as the approval of proposed intersections (Council and TfNSW approvals, as required) on these roads are likely to govern the layout/levels for the proposed internal collector road. Detail road design (including provision of street lighting) will be required and shall demonstrate that the proposed internal collector road will align with future upgrades of Luddenham Road and Patons Lane.	The levels of the new estate collector road are based on the proposed Patons Lane upgrade works. As noted above the upgrade works will form part of a separate DA with Council. The roundabout access off Patons lane is shown indicatively on the bulk earthworks DA civil documents. The concept design for Patons Lane will be finalised after the VPA is agreed and executed. Street Lighting is addressed in the Infrastructure Report prepared by Arcadis which includes a concept street lighting design.
The planning proposal indicates a network of internal industrial roads with multiple roundabouts to facilitate future developments on the subject lots as well as on neighbouring lots which should be consistent in any future planning applications for earthworks and subdivision works and justification should be provided if any changes are proposed. The proposal should demonstrate that the proposed road network is sufficient to service the proposed lots and retain/provide opportunity for neighbouring lots to be developed.	The internal road network has been designed in accordance with the DCP and structure plan. The masterplan document shows the overall internal road network, including the main estate road (collector road) which forms part of this bulk earthworks DA, the remaining internal industrial roads which will be subject to future DA's, and an indicative layout for the future road connections into the adjoining properties.

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	The only change being the east/ west internal road which is no longer required due to the current warehouse designs. A service road is proposed in its place to provide access for maintenance to the basins and electrical easement. The proposed road connections into the adjoining properties will be designed holistically with the adjacent warehouses. This will form part of a separate DA with Council
The application must demonstrate that access, car parking, and manoeuvring details comply with AS 2890 Parts 1, 2 & 6, and Council's DCP.	This will be addressed in the future warehouse DA's
A fully dimensioned car parking plan is to be provided demonstrating that car parking bays, car parking aisles and manoeuvring details comply with AS 2890 Parts 1, 2 & 6, and Council's DCP.	N/A
It should be noted that at this stage, engineering advice is based on the assumption that additional land dedication will not be required along the Patons Lane for future road upgrades. Further details will be required.	The Patons Lane upgrade works will not require any additional land dedication, the works are within the current Council owned public road reserve.
Earthworks	
Earthworks and retaining walls must comply with Council's DCP.	Noted.
Any proposed fill material must comply with Council's DCP.	Noted.
A site cut / fill plan is to be submitted that includes all retaining walls, retaining wall heights, and batter extents. The plan shall include any batters or retaining walls along the boundaries. The potential impact of any retaining walls upon future development of adjoining lands must be addressed.	The civil documentation addresses these details. A cut to fill plan has been provided. No retaining walls are proposed along boundaries to adjoining lands
All retaining walls are to be located within the subject site.	No retaining walls are proposed external to the site.
No retaining walls or filling is permitted which will impede, divert or concentrate stormwater runoff passing through the site.	Correct, no walls or filling has been proposed that will impede or divert stormwater runoff passing through the site.
Consideration shall be given to the ultimate interface between the proposed lots and adjoining road reserves (existing and proposed). Any cut/fill adjoining roads shall be designed to remove	The current batters along the road reserve allow flexibility for future driveway locations, landscaped areas, car parking, and hardstand areas.

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excessive retaining walls and batters along the interface resulting in the road reserve sitting significantly lower/higher than the proposed lots.	Refer to previous comments in relation to the proposed pad levels, batters, retaining walls and road levels. The pad levels have been set at an appropriate level with respect to the road levels that ensures: ▪ Functional stormwater system for each lot. ▪ Batter/retaining minimisation on road reserve side and also to other boundaries. ▪ Cut/fill balancing where possible.
The application is to be supported by a geotechnical report prepared by a suitably qualified person and shall address, but not be limited to, land/slope stability, ground water movement, salinity, contamination, and potential damage to private properties, if any.	A Geotech report, bulk fill import protocol, bulk earthworks specification and a salinity report have been provided with the DA.
Sections are to be provided extending into adjoining lands showing existing and proposed site levels, retaining walls, batters, and the impacts upon adjoining properties	Refer to previous comments in relation to this Council comment. Refer to drawings C140 and C141 showing site sections.
Subdivision Works	
The application is to be accompanied by a subdivision concept plan.	A draft plan of subdivision has been provided.
The subdivision layout shall be in general accordance with Council's DCP.	Noted.
A Stage 2 Road Safety Audit is to be submitted with the application.	A Stage 2 Road Safety Audit will be provided with the road upgrade and intersection DA, following completion of the VPA.
External Works	
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. The driveway shall also be located a minimum of 1.5m from any street tree. Utility services may be required to be relocated to accommodate the crossover. The applicant is to contact the utility service provider to obtain requirements.	Note for future warehouse DA's.
Traffic	

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Transport for NSW	
The proposed development will require referral to Transport for NSW (TfNSW).	Noted.
Traffic and Parking Report	
A Traffic and Parking Assessment Report prepared by a suitably qualified traffic practitioner in accordance with RTA (now TfNSW) Guide to Traffic Generating Development 2002 shall be submitted with any DA. In addition to the requirements detailed in the TfNSW guide, the report shall assess the following: • Impact of the proposed development on low density local roads with consideration for local road environmental capacities and impact on residential amenities. • Impact of the proposed development on surrounding intersections subject to traffic generation assessment of the proposed development.	A Traffic Impact Assessment has been provided for the bulk earthworks DA and includes assessment against the identified requirements.
Part 7.10 of the submitted SEE states that “The construction works therefore are not expected to result in adverse traffic impacts from a capacity perspective”. However, Luddenham Road is already carrying a significant amount of additional construction traffic because of various projects and developments in the area. Any traffic Impact Assessment shall consider the cumulative impact of traffic from surrounding projects (such as the Metro, M12, Western Sydney Airport, and the like.)	Cumulative traffic impacts will be outlined within the TIA. According to the traffic section of the EIS for each surrounding projects mentioned, majority do not have their access routes travelling through Luddenham Road/Patons Lane. The only exception is the Western Sydney Airport Stabling and Maintenance facility, which has been accounted for in the capacity impacts of Luddenham Road & Patons Lane.
The proposed road layout shall be consistent with the Luddenham Road Industrial Business Park site specific section of the Penrith DCP, with any variations needing to be satisfactorily justified.	The proposed road layout is consistent with the site specific DCP. The collector road forms part of this DA. The remaining internal industrial roads will form part of separate DA's
The proposed primary and secondary access intersections off Luddenham Road shall be signalised.	The primary access intersection is proposed to be signalised as per the draft VPA and will be detailed in a separate DA. The secondary access intersection is proposed to be a 'left in' and 'left out' only (not signalised) as per Council's previous advice.

Issue Raised	Proponents Response
	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 to the north, which may impact the ultimate design of the intersection.
Details of road upgrades, infrastructure works, or new roads or access points required for the development shall be provided. All new roads and road upgrades connecting to the development shall be delivered up front as part of the subdivision development.	Details for the new estate road are provided with this DA. Details for the proposed upgrade works to Patons Lane and the new signalised intersection will form part of a separate DA after the completion of the VPA. These works will be delivered by HBB prior to the OC being issued for the first warehouse as per the VPA. Details for the secondary intersection will form part of a separate DA after the completion of the VPA. The secondary intersection will be delivered by HBB prior to 1 July 2026 as per the VPA
An assessment shall be provided on the predicted impacts of traffic generated by the development on road safety and the capacity of the road network, including consideration of cumulative traffic impacts at key intersections using SIDRA or similar traffic model, in accordance with TfNSW requirements. This should include the identification and consideration of approved and proposed developments/planning proposals/major projects/road upgrades in the area. The assessment needs to consider the impact on all surrounding roads connected to the subdivision for the cumulative operation of the site.	The Traffic Impact Assessment which formed part of the Planning Proposal addressed all these issues.
Details shall be provided showing how the proposed subdivision connects to adjoining sites to facilitate their future development for their intended purposes.	The two internal industrial roads in the south east corner will provide access to the adjoining sites. These are shown on the architectural plans as future applications, the intent is to design these two roads wholistically with the adjoining warehouses.
Details of all traffic types and volumes likely to be generated during construction and operation, including a description of haul routes. Traffic flows are to be shown diagrammatically to a level of detail sufficient for easy interpretation.	Construction traffic is addressed in the Traffic Impact Assessment. Operational traffic was addressed in the Planning Proposal Traffic Impact Assessment.

Issue Raised	Proponents Response
	Traffic modelling has been conducted for the earthworks with traffic flow diagrams shown in the TIA.
Plans shall be provided demonstrating how all vehicles likely to be generated during construction and operation and awaiting loading, unloading, or servicing can be accommodated on the site to avoid queuing in the street network.	Construction traffic is addressed in the Traffic Impact Assessment. Operational traffic will be addressed in each individual DA. These items are covered in the TIA. Construction traffic has been accounted for within Section 4 and a summary of AIBP's operational traffic results and their impact, carried out by SIDRA modelling is summarised.
Swept path diagrams shall be provided depicting the design vehicles entering, exiting, and manoeuvring throughout the proposed road network of the development.	Refer to drawings C650 and C651 showing swept paths.
Details of the adequacy of public transport routes and infrastructure (existing and future) and measures to integrate the development with the existing/future public transport network within the vicinity of the development shall be provided. Consideration shall be given to future driveway locations when analysing potential bus stops/shelters.	Public transport routes are addressed in the Traffic Impact Assessment. HBB are in support of bus stops being integrated as part of the development or external to the site along the future alignment of Luddenham Rd.
Detailed plans shall be provided of the site access and proposed layout of the internal road and pedestrian network and parking on site in accordance with the relevant Australian Standards and Development Control Plan.	Refer to plans C100-C106 showing the internal collector road layout. Refer to plan C130 showing the typical details for the collector road.
A concept signage and line marking plan shall be provided for the road network layout. The plan shall show intersection controls and parking restrictions and consider sight distances at intersections and vertical curves and grades.	Refer to plans C100-C106 showing the internal collector road layout. The design of the intersections is not forming part of this DA submission. Refer to drawing C130 showing the typical linemarking in the collector road. This linemarking will be consistent throughout the length of the collector road, with the exception of the future intersections.
Indicative driveway locations shall be shown on any plans ensuring that they meet Australian standards requirements.	Indicative driveway locations are shown on the architectural plans. The driveways for the future lots are not going to form part of these works and thus have not been included in the proposed plans. Driveway locations

Issue Raised	Proponents Response
	and compliant grades will be developed and designed along with the progression of each design at the DA phase.
Should the development proceed before adjacent subdivisions, a temporary circulating road network shall be provided (such as temporary cul-de-sacs or connecting roads) until the surrounding developments provide connections to adjacent sites.	Refer to the updated concept engineering plans showing a temporary cul-de-sac at the south-east end of the collector road.
Off street Car Parking Provision	
The provision of off-street parking spaces shall be in accordance with the Luddenham Road Industrial Business Park site specific section of the Penrith DCP.	Noted - this will be addressed with the future warehouse DA's.
Loading	
Details of loading (deliveries and garbage collection) shall be provided.	N/A
Adequate facilities shall be provided on-site for servicing of the proposed development. Details shall be provided demonstrating that the design (largest) heavy/delivery vehicle is suitable for the proposed development. Heavy vehicles shall not reverse in the general car park areas.	N/A
Heavy vehicle loading and manoeuvring areas/routes shall be completely separated from customers/visitors to the site.	N/A
Carpark and Driveway Layout	
The design of the driveway, internal roadways and ramps, car parking spaces, aisles, sight distance, and loading areas shall comply with Council's DCP and the relevant Australian Standards (AS 2890.1, AS 2890.2 for heavy vehicles and AS 2890.6 for disabled spaces).	N/A
Gates shall be located so that the largest vehicle accessing the site is contained wholly within the site boundary and does not cause queuing on the street.	N/A
All vehicles shall be able to enter and exit the site in a forward direction.	N/A

Issue Raised	Proponents Response
Safe pedestrian routes shall be provided throughout the site.	N/A
Bicycle parking complying with AS 2890.3 and end of trip facilities shall be provided.	N/A
The application shall consider possible provision of electrical car charging points being accommodated in the future.	N/A
Swept path analysis shall be provided demonstrating the following: A B99 vehicle can pass a B85 vehicle at all passing areas. • A car can turn around within the site when all car spaces are occupied using no more than a three-point turn. • The largest heavy vehicle can enter and exit the driveway to each warehouse in a forward direction. Details of the road including, kerb line, signs, traffic devices, power poles, other structures and neighbouring driveways shall be shown on the plans.	N/A
Waste	
Service Classification	
The following controls relate to developments outlined within Part D – Land Use Controls of the Penrith Development Control Plan 2014.	Waste collection details will be provided with each of the warehouse DA's
Integrated On-site waste collection	
Waste collection vehicles proposed to service commercial and industrial developments are to be designed in accordance with the vehicle specifications outlined in section 3.5 of the 'Industrial, commercial and mixed-use waste management guideline' document	N/A
On-site Collection (section 2.2.1)	
The vehicle must be able to safely and efficiently access the site and the nominated collection point to perform on-site waste collection. There must be sufficient manoeuvring area on-site to allow the collection vehicle to enter and exit the site in a	N/A

Issue Raised	Proponents Response
forward direction and service the development efficiently with little or no need to reverse.	
2.2.2 Architectural Plans	
Scaled architectural plans are required to support the development application which demonstrate the site's entry point, vehicle's route of travel and manoeuvring comply with a standard waste collection vehicle (section 3.5).	N/A
Swept Path models (section 2.2.3)	
Swept path models to be provided illustrating how a standard waste collection vehicle (section 3.5) will enter, service and exit the site. A 0.5m unobstructed clearance is required from all obstructions for the vehicle's ingress and egress maneouvres. The model to provide on-street parking on both sides of the road adjacent to the development to demonstrate unobstructed access during a 'business as usual' configuration.	N/A
Service Clearances (section 2.2.4)	
For rear loaded vehicles an additional 2m unobstructed loading zone is required behind the vehicle for the loading of 660L and 1,100L bins. Additionally, a 0.5m side clearance is require on either side of the vehicle for driver movements and accessibility.	N/A
Plans of Operations (2.2.6)	
All development applications to be submitted with accompanying 'Plan of Operations', outlining proposed; Bin Infrastructure Sizes, Collection Frequency, Waste Collection Vehicle Dimensions, Hours of Collection and Access to Waste Collection Room.	N/A
Waste Collection Infrastructure	
Waste collection infrastructure to be provided in accordance with section 3.1 of the 'Industrial, commercial and mixed-use waste management guideline' document.	N/A
Waste Generation Rates	
Proposed generates rates for respective developments are required to be provided to permit	N/A

Issue Raised	Proponents Response
waste collection in accordance with section 3.3 of the ‘Industrial, commercial and mixed-use waste management guideline’ document.	
Waste Collection Rooms	
All developments are required to provide a waste collection room which is integrated wholly within the developments built form, to permit a safe and efficient waste collection service. The room to incorporate infrastructure into its design in accordance with section 3.4 of the ‘Industrial, commercial and mixed-use waste management guideline’ document.	N/A
Waste Infrastructure Guidelines	
For further specific waste operational and infrastructure information refer to the ‘Industrial, commercial and mixed-use waste management guideline’ document attached: https://www.penrithcity.nsw.gov.au/images/documents/building-development/planning-zoning/planning-controls/Waste_Management_Guidelines_Industrial_Commercial_Mixed_Use.pdf	N/A

11. DISCLAIMER

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