

SWCPP Ref. No.:	PPSSWC-446
DA No.:	DA24/0654
PROPOSED DEVELOPMENT:	Construction and Use of a Sewage Management System Comprising Underground Tanks, Above Ground Tanks, Plant Shed Area and Irrigation Areas to Serve the Alspec Industrial Estate. Works Include Associated Civil Works, Landscaping and Tree Planting.
PROPERTY ADDRESS:	211 - 227 Luddenham Road, ORCHARD HILLS NSW 2748 289 - 317 Luddenham Road, ORCHARD HILLS NSW 2748
PROPERTY DESCRIPTION:	Lot 2 DP 1293805, Lot 1 DP 1293805,
CLASS OF BUILDING:	N/A
ASSESSING OFFICER	Jake Bentley
APPLICANT:	Hb & B Property Pty Ltd
DATE RECEIVED:	26 August 2024
REPORT BY:	Jake Bentley, Senior Development Assessment Planner, Penrith City Council
RECOMMENDATIONS:	Approve

Assessment Report

Executive Summary

The proposed sewage system will service the entire Alspec Industrial Business Park estate in the absence of Sydney Water reticulated sewage connections. The applicant has specified the proposed sewage system is sought to operate on a permanent basis and Sydney Water have responded to the proposal acknowledging that a private sewage system will manage wastewater treatment for the estate. The applicant has specified that the sewage system has been designed to allow for potential connections to Sydney Water reticulations should this be pursued in the future, however, it is reiterated that the sewage system is proposed to operate on a permanent basis (without reliance on Sydney Water at a later date).

The Development Application has been accompanied by a letter signed by the Director of Regulation and Compliance at the Independent Pricing and Regulatory Tribunal (IPART) dated 11 June 2025. The letter specifies that the proposal requires regulation under the Water Industry Competition Act 2006 (WICA) and therefore requires approvals and licensing via IPART (as opposed to regulation by Council). The IPART letter acknowledges that the Development Application will consider the planning legislation and environmental impacts of the proposal and that IPART will then provide licensing and ongoing regulation pursuant to the WICA. The applicant specifically engaged with IPART at the request by Council staff. This was to ensure that IPART were familiar with the proposal and did not object to the Development Application.

In addition, Council's Senior Environmental Management Officer has contacted IPART officers to inform the recommended condition wording in relation to ensuring IPART approvals are obtained at relevant milestones such as prior to construction and operation of the development.

The IPART letter includes snippets of legislative requirements to assist understanding of the matters of consideration by IPART during the assessment of the scheme application. These requirements relate to safe and

reliable operation, consistent with national safety guidelines for control of public health risks, operation in a way which does not present significant harm to the environment, financial viability of the operator, no significant adverse financial implications on small retail customers, the operator holds the relevant licenses and agreements, area of operations is appropriate, and that staged development has adequate servicing. In this regard, the IPART review will consider a magnitude of factors which may overlap with considerations assessed under the Development Application. As such, and to ensure consistency, a recommended condition will require modifications to the Development Consent should the IPART assessment/approval result in more than minor inconsistencies with the Development Consent.

It is understood that the applicant is preparing a scheme approval application for the development which will be issued to IPART for consideration and will be required to be issued to allow the operation of the sewage system. Notwithstanding the above, it is noted that Council staff have reviewed the proposed sewage system in relation to environmental impacts (including availability of the system noting staggered development of the precinct) which is discussed within this report and considered generally satisfactory.

It is noted that the intended operator Aquacell are the operator of numerous systems with approval under the WICA.

The below commentary discusses the provisions of the WICA and how the proposed development is captured by its terms. The proposal is captured under the meaning of water industry infrastructure defined in Section 3A of the WICA. Part 2 of the WICA specifies approval and license requirements which relate to certain types of water industry infrastructure. Section 5 of WICA specifies that when identifying whether the water industry infrastructure under this clause applies the initial and planned future stages of development of the infrastructure are to be taken into account. In this regard, the entire proposed operations of the sewage system are to be taken into account, which includes servicing the entire Alspec Industrial Business Park estate.

Section 5 states Part 2 applies to water industry infrastructure used or to be used for providing water or sewerage services to 30 or more small retail customer premises. The Dictionary of the WICA defines a small retail customer premises and the applicant has confirmed the Alspec Industrial Business Park will service 30 or more small retail customer premises.

In light of the above, the WICA applies.

It is noted that Division 18 Sewerage Systems of State Environmental Planning Policy (Transport and Infrastructure) 2021 includes 'development permitted without consent' (Part 5) provisions which may be utilised for sewage treatment plants in the E4 General Industry zone which require a scheme approval under the WICA. The applicant has stated that these provisions have been discussed with IPART and that a Part 5 assessment process under the Environmental Planning and Assessment Act 1979 was not favourable from IPART. As such, the Development Application is being pursued.

The proposed sewage system relies upon sewage and recycled water reticulations which have been endorsed via the bulk earthworks approval, DA24/0294. The DA24/0294 consent includes the Community Title Subdivision of the land, Collector Road construction, bulk earthworks for pad establishment and stormwater and flood management works. The reticulations endorsed under DA24/0294 are located within private land parallel to the Collector Road which reflects the private use of the pipework. The pipework runs from the sewage plant system to the south-eastern extent of the Collector Road. The approved pipework will allow sewage from industrial operations to connect to the sewage plant system with the recycled water pipes transporting treated wastewater back to the lots/buildings for toilet flushing, cooling towers and irrigation.

The Community Title Subdivision approved in DA24/0294 includes easements over the pipework ensuring separate lots have access to the pipework. Furthermore, the Community Title Subdivision sets up the shared ownership of the sewage treatment plant ensuring access to the system for all lots. The Community Title

Subdivision also includes irrigation area easements on all industrial lots. The irrigation easement coverage provides flexibility should the irrigation areas need to be increased following IPART's review and noting that all built forms within the estate are not finalised.

In this regard, the preceding subdivision has accounted for a shared sewage management system which will be used to service the Alspec Industrial Business Park estate.

The proposal includes replacement of soil within the recycled wastewater irrigation areas to a depth of 1m with loamy soils to improve drainage and manage rainfall and wastewater irrigation conflicts. The application has been accompanied by documentation specifying that the quality of treated wastewater and the replacement soils are suitable for the high quality landscaping proposed within the recycled wastewater irrigation areas. This is of importance as some recycled wastewater irrigation areas are situated within front setbacks where canopy plantings are required to be commiserate with the built form.

The proposal is not identified as Designated Development as discussed with the title "The provisions of the regulations" of this report.

The proposal is identified as regionally significant development as the private infrastructure has an estimated development cost above \$5 million in accordance with Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021.

The built form of the proposal is significantly smaller in scale when compared to the envisioned industrial development within the estate. The proposal complies with building and landscape setback provisions and has located above ground tanks toward the rear of the site away from the Collector Road. The proposed landscaping consists of canopy plantings with understory. The proposal has been accompanied by Noise Impact and Odour Impact Assessment Reports which conclude no adverse impacts are likely. In this regard, there are no adverse impacts envisioned as a result of the proposal.

The proposal has been accompanied by the required Endeavour Energy authorisation noting the works required in the adjoining land which houses the Orchard Hills North Switching Station.

The Voluntary Planning Agreement which applies to the land relates to the delivery and dedication of external road upgrade and intersection works prior to operation of the industrial estate. Recommended conditions of consent will ensure the Voluntary Planning Agreement obligations are satisfied at the required milestones.

The proposal was neighbour notified and advertised in the local newspaper, the Western Weekender, with exhibition dates from 23 September to 6 October 2024 in accordance with Council's Community Participation Plan. No submissions were received in response apart from a response issued by Water NSW dated 11 October 2024. The Water NSW response states *"As there are no WaterNSW lands or assets on the subject site, or in the vicinity that would be impacted by the proposal, we have no particular comments."*

The applicant has reviewed the recommended conditions of consent attached to this report and has agreed to the conditions.

In light of the above, and findings of this report, the application is recommended for approval subject to the attached recommended conditions of consent.

Site & Surrounds

The site is identified in the below figure.

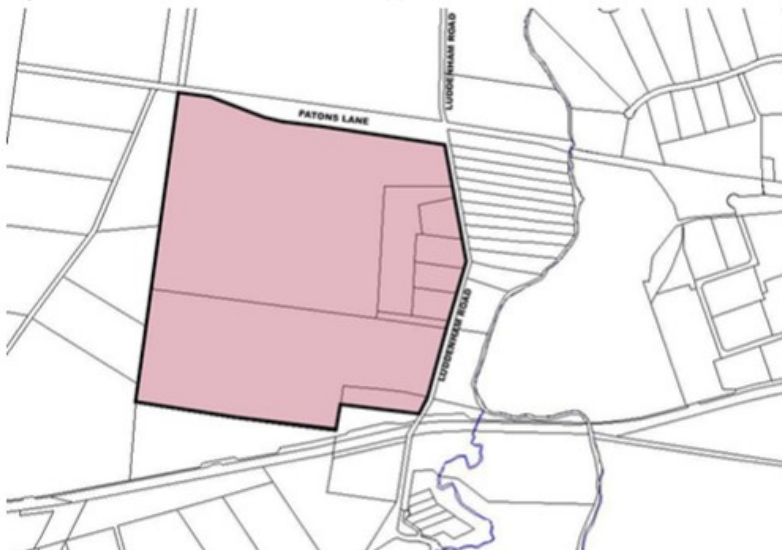


(Image of Site - NearMaps)

The site and surrounding land to the east and south-east are subject of a rezoning proposal leading to an amendment of Penrith Local Environmental Plan 2010 (PLEP) changing the zoning of the site from RU2 Rural Landscape to E4 General Industrial. The land subject of the rezoning is known as the Alspeck Industrial Business Park estate. The rezoning was accompanied by a new Chapter within Penrith Development Control Plan 2014 (DCP), specific to the estate, providing contemporary development controls to guide development. The new Chapter is E18 Luddenham Road Industrial Business Park.

Chapter E18 applies to the land shown in the below image.

Figure E18. 1 Land to which this section applies.



(Image of Chapter E18 applicable land area in Penrith DCP 2014)

The estate is bordered by Luddenham Road to the east which is earmarked for future widening providing connection between the Western Sydney Aerotropolis and Mamre Road. It is noted that the Luddenham Road alignment is a local heritage item under PLEP 2010. The northern boundary of the site is occupied by Patons Lane identified in Penrith DCP 2014 as a distributor road and will be the main access to the estate. Patons Lane is currently used for access to the Sydney Metro Stabling and Maintenance Facility as well as Bingo Industries Resource Recovery. The western boundary of the site is bordered by land identified as major transport corridor and under construction for the Western Sydney Rail Line which connects the new Western Sydney Airport to St Marys Train Station. The land south of the estate is identified as major transport corridor land for the future Western Sydney Freight Line with Water New South Wales asset Warragamba Pipelines located further south.

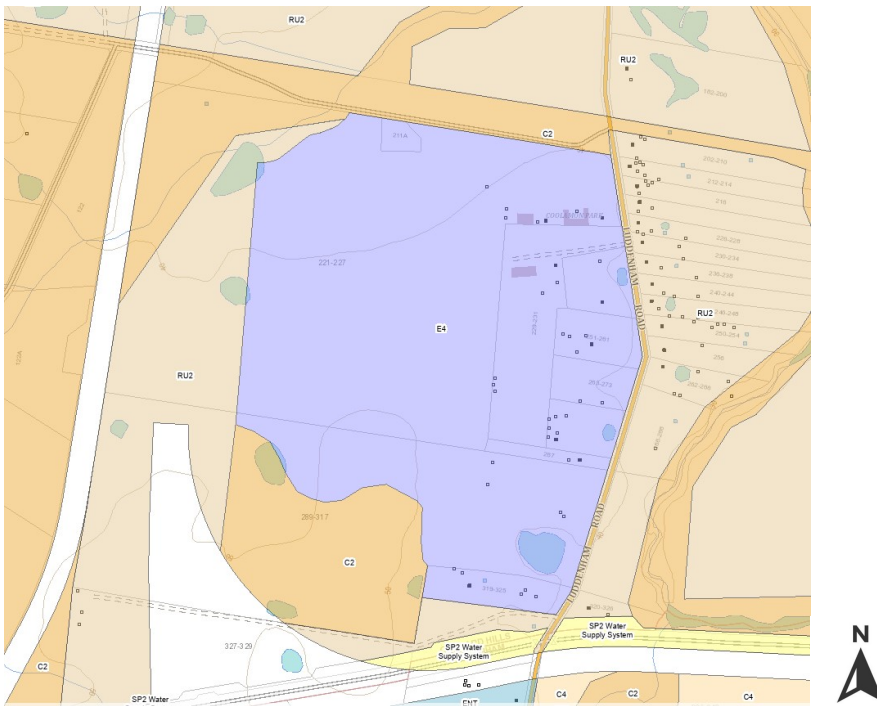
It is noted that land beyond the estate to the east will be retained for rural-residential land uses and the land beyond the estate to the south forms part of the Western Sydney Aerotropolis.

The Alspeck Industrial Business Park estate is subject of a Voluntary Planning Agreement between the developers of the land and Penrith City Council. The terms of the Planning Agreement relate to the delivery of upgrades to Patons Lane, two intersections from the development to Luddenham Road, creation of a site access round-a-bout and dedication of land along the western side of Luddenham Road for future widening. The Planning Agreement terms require initial road infrastructure works to be provided prior to the operation of warehouse/industrial development.

The estate will have connection to Sydney Waters reticulated potable water network however, the estate cannot currently be serviced by reticulated sewage. The site is burdened by a transmission line easement traversing the north-western corner of the estate and an easement for water pipes. A watercourse traverses the north-western corner of the estate and is occupied by dense vegetation along its north-western perimeter. The site is identified as bushfire prone land and is flood affected. The site is subject of the Cumberland Plain Conservation Plan with majority of the land being certified urban capable and pockets of avoided land in areas outside of planned industrial development.

The estate includes a split zoning of E4 Industrial Development, C2 Environmental Conservation and RU2 Rural Landscape under PLEP 2010. The C2 land has been zoned in accordance with the avoided land and strategic conservation land provisions of the Cumberland Plain Conservation Plan. The RU2 zoned land has remained noting Transport for New South Wales have identified an indicative Outer Sydney Orbital road abutting the boundary of the E4 zoned land to the west. It is also noted that an irregular shaped piece of land to the south and south-west is zoned SP2 Infrastructure under State Environmental Planning Policy (Transport and Infrastructure) 2021 for the purposes of the future Western Sydney Freight Line.

The estate zoning is shown below.



(NSW Planning Portal Spatial Viewer - Zoning Map)

The estate is subject of Development Consent DA24/0294 issued by the Sydney Western City Planning Panel issued on 5 May 2025 for site preparation works including bulk earthworks, Community Title subdivision, stormwater management infrastructure, utility service installation (both public and private), flood storage basins, conservation/avoided land works including protection and revegetation and a collector road. This application was accompanied by a Master Plan identifying the envisioned developed estate.



(Image of Alspeck Industrial Business Park Master Plan)

As can be seen in the above image the land within the estate to the east and south-east is not yet included, this is because this land is yet to be acquired by the developer of the precinct however, negotiations with land owners is currently underway. A further Master Plan has been provided demonstrating how the proposal will integrate with

the eastern and southern additional lands.

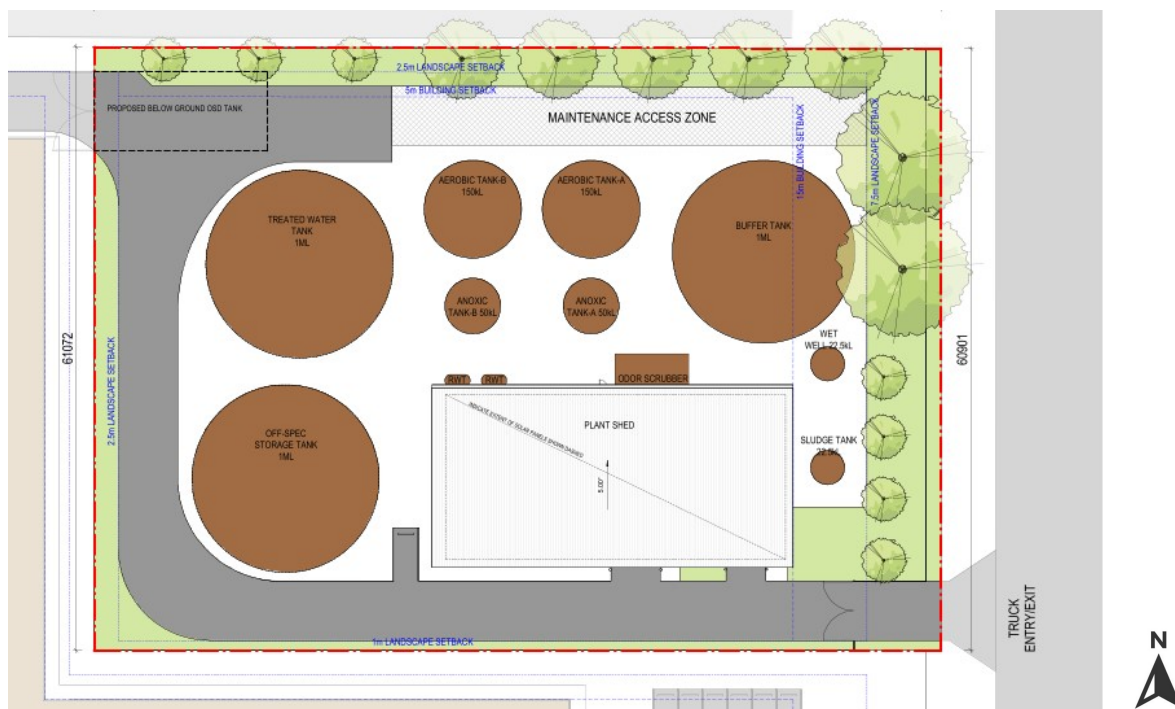
A northern lot within the estate and immediately west of the site access round-a-bout is occupied by Endeavour Energy's Orchard Hills Switching Station Asset. This land will not be redeveloped as part of the proposed estate works however, works within this site will be required to address level changes between the higher industrial estate. It is noted that an easement for batters surrounding the Switching Station exists on the title of the land.

It is noted that the Sydney Western City Planning Panel has also issued consent for DA24/0330 being a warehouse operation within the estate (issued with a temporary pump out system as interim wastewater management solution). Council staff are also assessing DA25/0318 for the intersection works between the southern portion of the Collector Road and Luddenham Road (left in left out). Furthermore, Council staff are currently assessing DA24/0677 for a speculative warehouse within the estate.

The Department of Planning, Housing and Infrastructure are currently considering two applications via a State Significant Development Pathway for the Alspec Manufacturing Warehouse and the Alspec Warehousing Facility at the precinct.

Proposal

The proposal seeks to construct a sewage system servicing the Alspec Industrial Business Park estate.



(Site Plan)

The proposal consists of a series of tanks and plant equipment which will store and treat wastewater generated by the estate. The wastewater is delivered to the sewage treatment facility via the sewer reticulation pipework endorsed via DA24/0294. The wastewater then goes through a series of treatment processes via tanks and equipment within the plant shed. The treated wastewater (recycled water) is stored in the treated water tank which is then issued back to the estate via the recycled water pipework (endorsed via DA24/0294). The recycled water is then used for cooling towers, toilet flushing and irrigation within the identified recycled water irrigation zones (RWIZ) within the estate.

The sewer and recycled water pipework within the estate (endorsed via DA24/0294) is located within private lots

and has not been identified within the future Collector Road (with the exception of short crossings).

The applicant has conducted modelling based upon operational assumptions within the estate to calculate RWIZ land area requirements. Noting the layout of future industrial buildings will be subject to future development applications, the RWIZ locations have been identified on the indicative masterplan. In this regard, whilst the RWIZ locations have been identified, the locations may be subject to change as the detailed designs of future built forms are known. However, for now, the RWIZ locations are located within setbacks to the Collector Road, Patons Lane and some side setbacks.

The proposal includes the following components:

- construction of a plant shed structure housing treatment plant equipment,
- external underground aerobic tanks x2, anoxic tanks x2, wet well x1, sludge tank x1 and 1ML buffer tank x1. The largest structure is below ground 4.4m,
- external above ground 1ML treated water tank x1 and 1ML off-spec storage tank x1 both 4.4m high,
- abutting the northern elevation of the plant shed sits x2 rainwater tanks and a odour scrubber,
- driveway access to the estate collector road with a perimeter driveway. The driveway connects with a driveway servicing the neighbouring future warehouse currently under assessment by Council (DA24/0677). The driveway connection is treated with a swing gate and used only for fire truck access,
- gravel treated maintenance zone surrounding external tank locations,
- perimeter fencing, including swing gate entrance from driveway connecting to Collector Road,
- refine the site pad levels endorsed via facilitating application DA24/0294. The extent of earthworks requires a retaining wall along the northern boundary to retain the proposal from the lower Endeavour Energy Orchard Hills Switching Station,
- a swale is proposed within the Endeavour Energy site on the bottom side of the retaining wall to prevent ponding,
- drainage of the site in a north-westerly direction to a below ground on-site detention (OSD) tank. The OSD tank discharges to the storage basin endorsed via DA24/0294 which serves the catchment in which the proposed works are located within. The discharge connection from the OSD tank to the storage basin requires pipe works within the area subject of proposed works within DA24/0677,
- a swale is proposed at the bottom of the batter within the front setback of the site to transfer flows to the road stormwater drainage network,
- landscaping proposed to all boundaries with trees occupying the northern and eastern (front) boundaries, and
- one parking space is provided adjacent the plant shed and a truck turning area is provided along the northern extent of the driveway.

The sewage treatment plant system will treat wastewater via the following mechanisms; membrane bioreactor, ozone, carbon filter, ultraviolet disinfection and chlorine disinfection. The proposal also includes an off-spec storage tank which will capture recycled water that does not meet quality targets ensuring this recycled water filters back through the treatment process.

The method of effluent disposal will be via sub-surface and surface irrigation methods. Sub-surface methods will be employed for narrower irrigation areas to avoid spray drift and potential conflicts with nearby structures/operations. The proposal requires the removal of natural soils to a depth of 1m within the effluent irrigation area to be replaced by loamy soils of a preferable texture for the effluent disposal use. Further, the soil layer below the loamy soil will be ameliorated site subgrade to provide adequate drainage.



(Location of sewage system in context of estate)



(Image of RWIZ Indicative Masterplan - purple colour identifies RWIZ)

The applicant has specified the sewage system is sort to be run on a permanent basis and is not an interim sewage management measure. The sewage system is intended to, and has been designed, to service the entire envisioned Alspec Industrial Business Park (inclusive of eastern and southern additional lands).

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Precincts—Western Parkland City) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- State Environmental Planning Policy (Transport and Infrastructure) 2021

Planning Assessment

• **Section 1.7 - Application of Part 7 of Biodiversity Conservation Act 2016**

The *Biodiversity Conservation Act 2016* (BC Act) seeks to conserve biodiversity and establishes a framework to avoid, minimise and offset impacts from proposed development on biodiversity values. *Part 7* of the BC Act identifies development likely to significantly affect threatened species which must be accompanied by a Biodiversity Development Assessment Report (BDAR). A BDAR assess the impact on biodiversity values and nominates required offsetting where applicable. In this regard, Part 7 of the BC Act sets requirements for proposed development which impacts biodiversity values.

It is noted that *Clause 7.6 Part does not apply to biodiversity certified land* states that Part 7 of the BC Act does not apply to development or activities on biodiversity certified land under Part 8.

The area of proposed works, inclusive of the effluent disposal areas, is located on land identified as certified urban capable under the Cumberland Plain Conservation Plan. In this regard, the provisions within Part 7 of the BC Act are not applicable in this instance. It is noted that State Environmental Planning Policy (Biodiversity and Conservation) 2021 includes provisions specific to biodiversity certified land under the Cumberland Plain Conservation Plan. These biodiversity provisions have been addressed later within this report.

It is noted that Council's Senior Biodiversity Officer has reviewed the proposal and is satisfied with the effluent disposal area setbacks from avoided lands.

• **Section 2.12 – Sydney Western City Planning Panel (SWCPP)**

The Sydney District Planning Panel applicable to the site is identified as the Sydney Western City Planning Panel being constituted for particular Sydney districts including the City of Penrith as per Part 3 of Schedule 2 in the Environmental Planning and Assessment Act 1979.

In accordance with Section 2.15, the Sydney Western City Planning Panel has the function of consent authority for regionally significant development. In accordance with State Environmental Planning Policy (Planning Systems) 2021 (SEPP) the private infrastructure and community facilities (which includes sewage systems under the SEPP) proposal has an estimated development cost (EDC) exceeding \$5 million therefore the development is identified as regionally significant in accordance with Schedule 6.

The application has been accompanied by a Registered Surveyors Estimated Development Cost Report which identifies the EDC as \$10,302,609.

• **Section 4.14 - Bushfire prone land assessment**

The provisions of this clause requires development on bushfire prone land to conform to the specifications and requirements of the document Planning for Bushfire Protection 2019. The site is identified as bushfire prone land on Council's Bushfire Prone Land Map therefore, the provisions of this clause applies. To address these provisions the application has been accompanied by a Bushfire Assessment Report.

The Report states that Planning for Bushfire Protection 2019 does not prescribe any specific provisions for sewage treatment facilities nor are there any bushfire attack level deemed to satisfy provisions for industrial development. As such, relevant bushfire safety considerations relate to safe access and egress, providing defensible space and access to reticulated water for firefighting efforts.

The proposal is distanced from vegetation threats, a perimeter driveway is provided allowing access to the built forms on-site and neighbouring properties and reticulated water will be available for firefighting purposes.

In this regard, the Report concludes that the proposal complies with Planning for Bushfire Protection 2019.

- **Section 4.15 - Evaluation**

The development has been assessed in accordance with the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration.

- **Section 7.12 - Developer Contributions**

Penrith City Council have adopted a Section 7.12 Citywide Development Contributions Plan for Non-Residential Development. The Plan applies to the subject site and to non-residential development with a proposed cost of more than \$100,000. The Plan nominated a contribution rate of 1% of cost of work when the cost of work exceeds \$200,000.

In light of the provisions of the Plan specified above, the proposed development requires a contribution of \$113,300.44.

In accordance with the Plan, the timing of the above payment will be prior to the issue of a Construction Certificate. A condition has been recommended requiring the contribution at the relevant milestone.

- **Section 7.26 - Housing and productivity contributions**

The VPA between Council and the landowner does not exclude the application of Division 7.1, Subdivision 4 of the Environmental Planning and Assessment Act, 1974. Subdivision 4 of the Act which relates to Housing and Productivity Contributions (HPC).

The HPC has been implemented to facilitate the provision of regional infrastructure that supports and promotes housing and economic activity in a region by enabling a contribution. The Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2024 provides details regarding how to administer the contribution including development for which a contribution is required, calculation of the contribution, timing of payment etc. The HPC Order 2024 commenced on 1 July 2024 being prior to the lodgement of the subject Development Application therefore, this Order applies.

The HPC is applicable to development of the following types:

- residential subdivision,
- medium or high-density residential development,
- commercial development, and
- industrial development.

The proposal is for the purposes of a sewerage facility which is not identified as a development type requiring a HPC.

It is noted that the HPC also includes a Strategic Biodiversity Component (SBC) which applies to development of land on the Cumberland Plain Conservation Plan that is biodiversity certified. An SBC is not applicable in this instance considering the sewerage facility is not a listed development type requiring such a contribution.

In light of the above, the proposal does not require a HPC or SBC.

Section 4.15(1)(a)(i) The provisions of any environmental planning instrument

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 6 Water catchments

Clause 6.6 Water quality and quantity

The proposal drains to the broader storage basin and bio-retention system endorsed via DA24/0294 which serves the catchment in which this development is located. The sewage management facility will drain to this infrastructure via piped connections to an on site detention (OSD) tank or via the piped network within the Collector Road endorsed via DA24/0294.

The OSD tank (which includes filter cartridges) will ensure adequate flows and treated stormwater is provided to the storage basin and the wider precinct bio-retention and storage basin systems will ensure treated stormwater flows into the natural system at a satisfactory rate. In this regard, the proposal includes works to manage flows into the natural system and ensure suitably treated stormwater enters natural systems. It is noted that the storage basin and bio-retention system which services the broader catchment was endorsed via DA24/0294 and found suitable in relation to stormwater quantity capacity and treatment targets.

The effluent irrigation area masterplan identifies the landscaped areas to be irrigated via harvested rain water and treated wastewater. The southern and western landscaped portions surrounding the sewage system will be treated with harvested rain water. The landscaped road setback will be treated with recycled wastewater from the sewage system.

It is noted that treated wastewater irrigation areas include stormwater pits. As such, there was concern that treated wastewater could be discharged into stormwater management infrastructure which has the potential to impact stormwater quality. The applicant has responded to these concerns with mitigation measures inclusive of a deep 1m loamy soil in treated wastewater irrigation areas providing storage volume during irrigation application and storm events. Furthermore, the applicant has established modelling criteria based upon historic rainfall data, soil-water volume and irrigation rates to understand circumstances where treated wastewater surcharge in irrigation areas could occur. Based upon this criteria the applicant has generated climate monitoring and soil moisture monitoring provisions which could activate irrigation suspension. It is noted that the sewage management system includes a large quantum of storage which could accommodate the treated wastewater should irrigation suspension occur to address treated wastewater surcharge. Additionally, the treated wastewater tanks proposed as part of the system will have access to pump out measures should this be required.

It is acknowledged that IPART may review stormwater and treated wastewater management conflicts

however, the application includes measures to address this conflict which are considered generally satisfactory.

It is noted that both Council's Waterways and Environmental Management Teams have reviewed the proposal and raised no objections subject to recommended conditions of consent.

Clause 6.20 On-site domestic sewerage systems

The provisions within this clause relate to on-site sewerage systems for domestic purposes however, the provisions have been addressed below.

The proposed sewage system seeks to treat and reuse sewage generated by the estate for toilet flushing, cooling towers and landscape irrigation. In this regard, the system will reuse treated wastewater and minimise demand on potable water service. It is acknowledged that IPART will review the system as part of their system approval pathway however, this Development Application has been accompanied by extensive wastewater generation modelling based upon assumptions of future industrial development within the precinct. This modelling has been used to inform irrigation area requirements. The treated wastewater irrigation areas are situated across the estate and are proposed to replace the clay earth beneath to a depth of 1m with loamy soils to improve soil-water volume for appropriate drainage. The proposal has also been accompanied by documentation stating that both the treated wastewater quality and replacement soils are suitable for the landscaping proposed within the treated wastewater irrigation areas noting the importance of high quality landscaping in irrigation areas, particularly those with a public road frontage.

It is noted that Development Consent DA24/0294 included Community Title Subdivision with a series of easements and restrictions on the use of the land providing lots with access to the sewage and recycled wastewater pipework and nominating irrigation areas across the entirety of lots. In this regard, the preceding subdivision of the land allows access to pipework which connects the sewage plant to the estate and includes irrigation areas across the entire precinct. This is of importance as majority of the precinct remains undeveloped and not subject to a Development Application. As such, adequate land is available should the irrigation area need to be increased or modified as the estate develops.

The documents accompanying the proposal details the treatment process which includes multiple stages of disinfection. The final treated wastewater product is reported as being of high quality. It is noted that IPART will review the treated wastewater quality in regard to public health.

The sewage system is subject to IPART's approval however, the application has been accompanied by information which suggest the system can operate as a permanent system without significant adverse long term impacts. Should IPART's review and potential approval result in changes to the Development Consent, a recommended condition of consent will require, that a Modification Application is lodged to address any changes which are more than minor.

The applicant has confirmed that the sewage system has been designed to allow for connection to Sydney Water's asset should that be available and should the applicant be willing to connect to that system. As current, the applicant has stated that the proposed sewage system is sought to operate on a permanent basis, independent of Sydney Water's future assets.

The proposal has been accompanied by a Noise Impact Assessment and Odour Impact Assessment which conclude no adverse impacts are envisioned as a result of the proposed development.

The capacity of the system to operate during wet weather has been discussed in the above clause.

It is understood that monitoring of the sewage system details will be assessed under IPART's review which

includes requirements for operator details and licenses.

Chapter 13 Strategic conservation planning

Part 13.5 Development on certified urban capable land

The provisions within this part specify that development consent must not be granted to development on certified urban capable land, unless the following matters have been addressed. It is noted that the proposed works are identified as being certified urban capable land under the Cumberland Plain Conservation Plan.

- any asset protection zones must be located wholly on certified urban capable land,
- the development must be consistent with the Cumberland Plain Conservation Plan.

As mentioned earlier within this report, the development type does not warrant any asset protection zones.

The proposal is situated on land subject of bulk earthworks in which vegetation has been endorsed for removal (DA24/0294). It is noted that DA24/0294 has addressed the Cumberland Plain Conservation Plan Mitigation Measures Guideline. Council's Biodiversity Team are satisfied with the treated wastewater irrigation area distance from mapped avoided land.

State Environmental Planning Policy (Planning Systems) 2021

As mentioned previously within this report, *Schedule 6 Regionally significant development* of this policy identifies regionally significant development of which the nominated regional planning panel is the consent authority. Section 5 of Schedule 6 specifies that sewage systems with an estimated development cost of more than \$5 million is regionally significant development.

The estimated development cost is more than \$5 million, therefore, Sydney Western City Planning Panel is the consent authority.

State Environmental Planning Policy (Precincts—Western Parkland City) 2021

Chapter 4 Western Sydney Aerotropolis

Clause 4.19 Wildlife hazards

As defined in this clause, the proposal is located within the 13km wildlife buffer as per the Wildlife Buffer Zone Map.

The provisions of this clause specifies that development consent must not be granted to development for sewage treatment plants on land within the 13km wildlife buffer zone unless the consent authority:

(a) has consulted the relevant Commonwealth body, and

The Western Sydney Airport Corporation responded to the proposal (inclusive of a Wildlife Hazards Statement) dated 22 October 2024 stating support of the following strategies:

- spikes, wires or nets to be employed wherever necessary,
- landscaping to be chosen from the "Western Sydney Aerotropolis Landscape Species List",
- site monitoring to ensure food sources and potential nesting sites are removed, and
- waste disposal to include bin with fixed lids, and where possible, waste storage areas to be contained within enclosures that cannot be accessed by birds or flying foxes.

(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

(ii) the dispersal of wildlife from the land by the removal of food or the use of spikes, wire or nets.

The supporting Wildlife Hazards Statement reports on the expected wildlife to be present on-site and concludes that whilst the site currently includes habitat supporting wildlife the development will not create new habitat features that would attract wildlife noting that nature of the application and the inclusion of closed tanks. The planned landscaping, incorporating native species, is designed to mitigate potential hazards. These measures, combined with adaptive management strategies to minimise attractants, and waste management, aim to effectively manage the risk posed by wildlife.

In light of the above development consent can be granted.

Clause 4.22 Airspace operations

This Clause applies to development that will penetrate the prescribed airspace. The proposal will not penetrate the prescribed airspace inclusive of the velocity within the plume from the scrubbers.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land

Clause 4.6 Contamination and remediation to be considered in determining development application

The provisions of this clause requires the consent authority to be satisfied that the land is suitable for its intended use, with regard to land contamination, prior to granting development consent. When considering suitability of the land, the consent authority must consider if land is contaminated, that the land is suitable in its contaminated state, or if remediation works are required to make the land suitable than these works are carried out prior to the use commencing.

The proposal is situated on land subject of bulk earthworks endorsed via DA24/0294. The assessment of DA24/0294 found the land suitable for its intended industrial use. Furthermore, the Fill Management Protocol for the facilitating bulk earthworks will ensure only suitable fill materials will be located in the area subject of the proposed works.

In this regard, the site is considered suitable for the proposal in regard to land contamination so long as the earthworks occur prior to the use commencing. The endorsed earthworks will set the pads levels required for the sewage management facility to operate. In this regard, the endorsed earthworks will occur prior to the sewage management facility operating.

State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 3 Standards for Non-Residential Development

The provisions of this Chapter applies to development, other than development for the purposes of residential accommodation that involves the erection of a new building, if the development has an estimated cost of \$5 million or more. As such, the provisions of this Chapter apply to the proposal.

Section 3.2 includes the following provisions to which an assessment has been provided. It is noted that majority of the provisions below have been addressed in the applicants Environmental Sensitive Design report (ESD).

1) In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following:

(a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,

The application has been accompanied by a Waste Management Plan which nominated construction materials to be re-used on-site or disposed of off-site pending upon the nature of the construction material. It is noted that demolition works are not required for the proposal. In this regard, the application has demonstrated minimisation of construction waste.

(b) a reduction in peak demand for electricity, including through the use of energy efficient technology,

Noting the use of the proposal for a sewage management facility will not attract large amount of people to the site, the consumption of electricity is considered to be relatively low. It is noted that the ESD report specifies compliance with Section J provisions of the National Construction Code relating to facilities for energy monitoring and allowance for solar photovoltaic systems and battery systems.

In this regard, the application has demonstrated measures to reduce electricity demand.

(c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,

The proposal includes translucent wall sheeting to allow natural light to enter the plant shed. It is noted that the use of the plant shed (being the only enclosed building structure) will be occasionally occupied for maintenance and operation requirements of the sewage system. In this regard, the artificial lighting and heating demand is already considered low.

(d) the generation and storage of renewable energy,

As mentioned previously, the ESD report commits to Section J compliance regarding solar photovoltaic systems and battery storage systems.

(e) the metering and monitoring of energy consumption,

The proposal includes lighting motion and timing sensors to activate lighting and dimming measures to reduce energy use.

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

The proposal includes rainwater tanks and irrigation via treated wastewater to substitute landscaping irrigation and toilet flushing minimising potable water consumption.

2) Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.

In accordance with the Embodied Emissions Technical Note issued by the Department of Planning and Environment, embodied emissions are reported via the NABERS Embodied Emissions Material Form. The ESD report includes a completed NABERS Embodied Emissions Material Form. As such, the embodied emissions attributable to the development have been quantified.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

Clause 2.48 Determination of development applications - other development

This clause applies to development involving work adjacent a substation and within 5m of exposed overhead powerlines. Prior to determining a development application to which this clause applies the consent authority is required to notify the electricity supply authority and take into consideration any response received.

The proposal is located opposite an Endeavour Energy Switching Station immediately to the north and the pipe connection between the OSD tank and storage basin is nearby TransGrid's overhead powerlines. As such, the proposal was referred to both Endeavour Energy and TransGrid.

Endeavour Energy initially responded on the 27 September 2024 stating they are not necessarily opposed to the proposal however, objected to the application considering the unknown nature of the proposed

developments impacts on their Switching Station asset. Accordingly, Endeavour Energy provided a contact to their Strategic Property Manager for the developer to contact and address their concerns.

Endeavour Energy responded via way of letter to the applicant on 8 November 2024 stating that updated civil plans have been provided addressing their concerns. The amendments relate to managing flows within the Endeavour Energy site via a swale noting the elevated Alspec land and provision of barriers around hardstand that interfaces Endeavour Energy land. As such, Endeavour Energy concerns have been addressed.

TransGrid provided conditional approval for the proposal dated 29 November 2024. It is noted that TransGrid provided conditional approval for DA24/0677 which includes earthworks within and abutting the easement dated 2 December 2024.

Division 18 Sewage systems

Clause 2.126 Development permitted with or without consent

This clause defines sewage treatment plant, sewage reticulation system and water recycling facility as per their definition in the Standard Instrument. The proposal is a sewage treatment plant and includes associated sewage reticulation systems.

This clause defines prescribed zone as including E4 General Industrial zoned land, being the zoning of the land where the works and operations are proposed.

The provisions of this clause include the following:

1) Development is carried out in the prescribed circumstances if the development:

(a) is carried out by or on behalf of a public authority, or

(b) consists of the construction or operation of water industry infrastructure, within the meaning of the Water Industry Competition Act 2006, and a scheme approval under that Act is required before the development may be carried out.

2) Development for the purpose of sewage treatment plants or biosolids treatment facilities may be carried out without consent on land in a prescribed zone in the prescribed circumstances.

(3) In any other circumstances, development for the purpose of sewage treatment plants or biosolids treatment facilities may be carried out with consent on land in a prescribed zone.

It is noted that the development consists of the construction and operation of water industry infrastructure, within the meaning of the Water Industry Competition Act 2006, and a scheme approval under that Act is required before the development may be carried out.

Clause 2 specifies that development for the purposes of sewage treatment plant **may** be carried out without consent on land in a prescribed zone in the prescribed circumstances.

The applicant has confirmed that the proposed sewage treatment plant is not sought to be delivered via the Part 5 'permitted without consent development' pathway. As such, the provisions of Clause 3 state, in any other circumstances, the development for the purposes of sewage treatment plants may be carried out with consent on land in a prescribed zone.

Considering the proponent does not wish to pursue the permitted with consent pathway for the development, the 'in any other circumstances' specified within Clause 3 applies. In accordance with Clause

3 the proposed sewage treatment plant is located within E4 being a prescribed zone. As such, the development is permitted with consent. Council's Senior Development Assessment Planner contacted the applicant to discuss the provisions of this clause. The applicant explained that a Part 5 approval process under the Environmental Planning and Assessment Act 1979 was discussed with IPART however, this option was not sought to be pursued.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 4.3 Height of buildings	Complies - See discussion
Clause 5.21 Flood planning	Complies - See discussion
Clause 7.4 Sustainable development	Complies
Clause 7.5 Protection of scenic character and landscape values	Complies - See discussion
Clause 7.6 Salinity	Complies - See discussion
Clause 7.7 Servicing	Complies
Clause 7.24 Minimum number of lots at 221–325 Luddenham Road, Orchard Hills	Complies - See discussion
Clause 7.30 Urban Heat	Complies - See discussion

Clause 2.3 Permissibility

The proposed development is permissible with consent under State Environmental Planning Policy (Transport and Infrastructure) 2021 as discussed within this report.

Clause 2.3 Zone objectives

The objectives of the E4 zone are specified below:

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

The proposal provides an essential service required for industrial operations within the precinct. Furthermore, the sewage system has been designed to ensure adverse environmental impacts do not occur. The sewage system will be further assessed and scrutinised under IPART's review in which considerations relative to ensuring no risk of harm to the environment apply. In this regard, the proposal is consistent with the E4 zone objectives.

Clause 4.3 Height of buildings

The provisions of this clause require the height of any building to be below the maximum building height nominated for the site as shown on the Height of Buildings Map. The maximum height of building nominated for the site is 24m. The height of the plant room is 6m and the above ground tanks are 4.4m in height. The proposal is below the maximum height of building.

Clause 5.21 - Flood planning

The proposal will sit atop levels endorsed via facilitating bulk earthworks application DA24/0294. In this regard, there are no adverse flooding planning impacts envisioned considering flooding impacts have been assessed and addressed via DA24/0294. Furthermore, the proposal will only attract maintenance staff which infrequently attend the site. In this regard, there are no issues relating to evacuation in the event of a flood event.

Clause 7.5 Protection of scenic character and landscape values

The provisions of this clause require the consent authority to consider whether efforts have been made to reduce visual impact of the development from major roads and other public places for land identified as having scenic and landscape values. The only area identified as having scenic and landscape values applicable to the area of proposed works relates to irrigation areas. The application has been accompanied by documentation stating that landscaping proposed within the treated wastewater irrigation area is suitable to receive the treated wastewater and to grow within the loamy soils. In this regard, no adverse visual impacts are envisioned as a result of the proposal and the proposal will not hinder the ability for future development to provide suitable landscape screening to minimise the visual impact of built forms.

Clause 7.6 Salinity

The provisions of this clause requires the consent authority to consider impacts of salinity on the proposal, the proposals impact on salinity processes and measures taken to avoid or reduce undesirable salinity impacts. The proposed salinity status of the land was considered under the facilitating application known as DA24/0294 which has been endorsed. DA24/0294 included numerous recommendations to manage potential salinity impacts which have formed part of condition requirements in the Development Consent. In this regard, existing salinity has been previously considered.

The proposed treated wastewater irrigation areas include replacement of soils with loamy soils to a depth of 1m in locations where treated wastewater will be irrigated. The irrigation areas also include a ameliorated subgrade level to allow proper soil drainage. As mentioned previously within this report, the application includes measures to ensure surcharge of irrigation areas does not occur during storm events. In this regard, the proposal includes measures to prevent pooling of water and potential salinity accumulation. The application has been referred to both Council's Environmental Management and Waterways Teams which have raised no objections to the proposal subject to recommended conditions of consent.

Clause 7.24 Minimum number of lots at 221–325 Luddenham Road, Orchard Hills

The provisions of this clause are specific to the Alspec Industrial Business Park and apply where subdivision of land is proposed. The provisions include a set number of lots that will be created. The proposal does not include subdivision therefore, the provisions of this clause do not apply. However, it is noted that the proposal will provide sewage services for the estate being a fundamental service for development including subdivision.

Clause 7.30 Urban Heat

The provisions of this clause require the consent authority to be satisfied that measures have been taken to reduce the urban heat island effect prior to granting development consent. The proposal includes canopy plantings facing north and east to provide a shading effect over the proposed impervious areas. Furthermore, the proposal seeks to capture roof water via rainwater tanks and re-use recycled water for irrigation purposes on-site. In this regard, the proposal includes measures to minimise the urban heat island effect.

Section 4.15(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	N/A
C3 Water Management	Complies
C4 Land Management	Complies
C5 Waste Management	Complies
C6 Landscape Design	Complies
C7 Culture and Heritage	Complies
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies
C14 Urban Heat Management	Complies
D4.1. Key Precincts	N/A
D4.2. Building Height	N/A
D4.3. Building Setbacks and Landscape	N/A
D4.4. Building Design	N/A
D4.5. Storage of Materials and Chemicals	N/A
D4.6. Accessing and Servicing the Site	N/A
D4.7. Fencing	Complies - see Appendix - Development Control Plan Compliance
D4.8 Lighting	N/A
E18 - Luddenham Road Industrial Business Park	Complies - see Appendix - Development Control Plan Compliance

Section 4.15(1)(a)(iia) The provisions of any planning agreement

A Voluntary Planning Agreement between the developer, landowner and Council exists which relates to road upgrade works and dedication occurring prior to operation of development within the estate.

The road works and dedication consists of the following.

Item Contribution	Details	Timing
Works		
1. Upgrade of Patons Lane from Luddenham Road through to the new western estate entry roundabout that provides access into the Land	As shown in Works in Kind Plan.	Prior to the issue of the first Occupation Certificate for the Development
2. Construction of one (1) new roundabout at the estate entry on Patons Lane and one (1) new intersection on Luddenham Rd to the satisfaction of Council and Transport for NSW	As shown in Works in Kind Plan.	Prior to the issue of any Occupation Certificate for the Development
3. Construction of an intersection at the secondary site access to the satisfaction of Council and Transport for NSW	As shown in Works in Kind Plan.	Prior to 1 January 2026
Dedication of Land		
4. Dedication of land to Council for the widening of Luddenham Road	As shown in Land Dedication Plan	Prior to the issue of any Occupation Certificate for the Development.
Other Benefits		
Provision of road access to the 'Additional Lands' in the Eastern and Southern parts of the Land.	As shown in Land Dedication Plan.	

(Schedule 1 Contributions Table of Voluntary Planning Agreement).

The proposal will require an Occupation Certificate as such a recommended condition of consent will ensure the required road works and dedication obligations are completed at the relevant milestones.

Section 4.15(1)(a)(iv) The provisions of the regulations

Clause 7 Designated development - the Act, s 4.10

This section states *Development described in Schedule 3, Part 2 is declared to be designated development unless it is not designated development under Schedule 3, Part 3.*

Schedule 3 Part 2 includes *Clause 42 Sewerage systems and sewer mining systems.*

Clause 42 includes the following provision.

(2) Development for the purposes of a sewerage system or works is designated development if the system or works:

(a) have an intended processing capacity of more than 20 persons equivalent capacity or 6 kilolitres per day, and

(b) are located:

(i) on a floodplain, or

(ii) in a coastal dune field, or

(iii) in a drinking water catchment, or

(iv) within 100 metres of a natural waterbody or wetland, or

(v) within 250 metres of a dwelling not associated with the development.

The intended processing capacity of the sewage system is more than 20 persons equivalent capacity or 6 kiloliters per day and the proposed recycled wastewater irrigation area is located within 250 metres of a dwelling not associated with the development. However, *Clause 49 Ancillary development* states:

(1) Development of a kind specified in this Schedule, Part 2 is not designated development if:

(a) it is ancillary to other development, and

(b) it is not proposed to be carried out independently of the other development.

The proposed sewage system is ancillary to the industrial development within the estate and proposed purely to manage and treat wastewater generated by the future/approved industrial operations within the estate. In this regard, the proposal is ancillary to other development and is not proposed to be carried out independent of other development.

In light of the above, the proposal is not considered to be designated development.

Clause 35BA Embodied emissions for non-residential development under Sustainable Buildings SEPP

The provisions of this clause requires the following:

(1) A development application for non-residential development under State Environmental Planning Policy (Sustainable Buildings) 2022 must:

(a) disclose the amount of embodied emissions attributable to the development, and

(b) describe the use of low emissions construction technologies in the development.

(2) The amount disclosed under subsection (1)(a) must be determined using:

(a) the form published on the NSW planning portal as in force from time to time, and

(b) an itemised list of building materials for the development prepared by a quantity surveyor.

(3) The amount disclosed under subsection (1)(a) must be certified by:

- (a) a quantity surveyor, or*
- (b) a qualified designer, or*
- (c) an engineer, or*
- (d) an assessor accredited under NABERS.*

The accompanying ESD Report includes a completed NABERS Embodied Emissions Material Form which discloses the amount of embodied emissions attributable to the development and is a suitable mechanism of doing so as per the Embodied Emissions Technical Note issued by the Department of Planning and Environment. The Material Form includes a list of building materials and has been signed by a qualified quantity surveyor.

The ESD also specifies the use of low embodied carbon materials for the construction and maintenance of the system to lower overall carbon footprint.

Section 4.15(1)(b)The likely impacts of the development

The proposed development will provide an essential sewage management service to enable the envisioned industrial operation of the estate in the absence of reticulated sewage connection. Whilst it is acknowledged that the proposal will require a review and approval from IPART noting the Water Industry Competition Act scheme approval requirement, which includes reviewing operational and environmental harm considerations, Council has conducted a robust review of the documentation provided to date and have considered operational requirements from a land titling and subdivision configuration perspective.

The preceding subdivision and site preparation works consent (DA24/0294) included Community Title Subdivision and the provision of sewage and recycled water reticulation pipework within private land parallel to the Collector Road. The subdivision component included easements over the private pipework as it was understood the private pipework would connect the sewage treatment plant to the wider estate. As such, the creation of an easement over the pipework would allow access to the pipework noting the creation of separate lots. The subdivision also includes an irrigation area easement across the entire estate (as owned currently by the developer) to provide a substantial area available for recycled wastewater irrigation should these irrigation areas need to expand or be modified as the estate develops. The Community Title Subdivision also creates collective ownership and access to the sewage treatment plant. In this regard, the preceding subdivision consent was molded on the provision of a shared private sewage management system.

The application includes modelling which informs the required recycled wastewater irrigation area. The modelling and resulting area will need to be reviewed by IPART during their scheme approval assessment however, and as noted above, the approved subdivision includes easements should the irrigation area need to expand. The applicant has provided landscape and soil details which specifies the 1m deep loamy soil replacement in wastewater irrigation areas is suitable for the large canopy species and understory. In this regard, the proposal is not considered to compromise landscaping within the estate.

The applicant has detailed appropriate strategies to address stormwater/irrigation surcharge during heavy rainfall periods and the proposal includes Noise Impact and Odour Impact Assessments which found no adverse impacts are to be created from the proposal.

The proposal includes suitable building and landscape setbacks and is not envisioned to create any adverse bulk and scale impacts. The traffic generation from the proposal is miniscule and the proposed driveway integrates with the adjoining proposed warehouse to create access/egress for firefighting vehicles.

The proposal includes the relevant authorisation noting works required on the adjoining Endeavour Energy site and the proposal is consistent with earthworks and roadworks endorsed under DA24/0294.

In light of the above and findings of this report, the proposal is considered to not generate any adverse likely impacts but will rather allow for the industrial operation of the estate as envisioned.

Section 4.15(1)(c)The suitability of the site for the development

The site is subject to consent for Collector Road works and the Voluntary Planning Agreement obligations will ensure the external road network upgrades are complete prior to the operation of the development and wider estate. In this regard, the site will have the appropriate access. As mentioned previously within this report, the preceding approved subdivision allows for connection to the sewage system considering the separate land titles to be created. The land within the recycled wastewater irrigation areas will be made suitable via 1m deep loamy replacement soils to allow for proper management of effluent disposal and drainage. The site has been rezoned for the purposes of industrial development and the proposed sewage management system will allow for the proper disposal of sewage generated by such operations. In this regard, the subject site is suitable for the proposal.

Section 4.15(1)(d) Any Submissions

Community Consultation

The proposal was neighbour notified and advertised in the local newspaper, the Western Weekender, with exhibition dates from 23 September to 6 October 2024 in accordance with Council's Community Participation Plan 2022. No submissions were received in response apart from a response issued by Water NSW dated 11 October 2024. The Water NSW response stated *"As there are no WaterNSW lands or assets on the subject site, or in the vicinity that would be impacted by the proposal, we have no particular comments."*

Referrals

The application was referred to the following stakeholders and their comments have formed part of the assessment:

Referral Body	Comments Received
Development Engineer	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Environmental - Public Health	No objections
Environmental - Biodiversity	No objections

Section 4.15(1)(e)The public interest

There are no significant issues pertaining to the public interest envisioned as a result of the proposed development noting the site has been rezoned for industrial development purposes and the proposal allows for that operation to occur with no adverse likely environmental impacts.

Conclusion

It is acknowledged that the proposed sewage system requires a separate review and approval process under the WICA 2006 in which IPART will review factors including public health risk and environmental harm however, Council staff have conducted a robust review of the documentation (and amended/further documentation) submitted through the assessment of the development application. The proposal has addressed the relevant environmental planning instruments and documents and has been found to not generate any adverse likely impacts whilst providing an essential service to the envisioned industrial development of the estate. In this regard, and subject to recommended conditions of consent, the proposal is considered worthy of support.

Recommendation

That DA24/0654 for the construction and operation of a sewage system with associated building, stormwater, earthworks and landscaping works at 211-227 and 289-317 Luddenham Road, Orchard Hills be approved by the Sydney Western City Planning Panel subject to the attached recommended conditions of consent.

CONDITIONS

General

- The development must be implemented substantially in accordance the following stamped approved plans and supporting information received with the application, except as may be amended in red or by the following conditions within this consent:

Plan No.	Plan Title	Prepared By	Revision	Date
DA201	OSSM Facility - Masterplan	Nettletontribe	B	18/07/2024
DA205	OSSM Facility - Site Plan Roof Plan	Nettletontribe	D	14/01/2025
DA210	OSSM Facility - General Arrangement Plan	Nettletontribe	D	14/01/2025
DA220	OSSM Facility - Elevation Sheet 1	Nettletontribe	C	14/01/2025
DA221	OSSM Facility - Elevation Sheet 2	Nettletontribe	B	18/07/2024
DA230	OSSM Facility - Section	Nettletontribe	B	18/07/2024
DA240	OSSM Facility - Fence	Nettletontribe	D	14/01/2025
C000	Cover Sheet, Drawing Schedule, Notes and Locality Sketch	Henry & Hymas	02	5/07/2024
C100	General Arrangement Plan	Henry & Hymas	04	10/02/2025
C101	Detail Plan Sheet 1 of 2	Henry & Hymas	07	10/02/2025
C102	Detail Plan Sheet 2 of 2	Henry & Hymas	04	10/02/2025
C110	Site Sections	Henry & Hymas	02	28/01/2025
C200	Stormwater Miscellaneous Details and Pit Lid Schedule	Henry & Hymas	02	05/07/2024
C201	OSD Tank and Sections	Henry & Hymas	04	28/01/2025
C202	Stormwater Typical Details	Henry & Hymas	02	05/07/2024
C203	Stormwater Longitudinal Sections	Henry & Hymas	03	28/01/2025
C251	Post Development Catchment Plan	Henry & Hymas	05	11/02/2025
SE01	Sediment and Erosion Control Plan	Henry & Hymas	05	10/02/2025
SE02	Sediment and Erosion Control Details	Henry & Hymas	03	31/10/2024

BE01	Bulk Earthworks Cut and Fill Plan	Henry & Hymas	03	28/01/2025
00	Landscape Cover Sheet	Geoscapes	D	04/02/2025
01	Landscape Master Plan	Geoscapes	D	04/02/2025
02	Landscape Section A-A	Geoscapes	D	04/02/2025
03	Typical Frontage Landscape Section	Geoscapes	D	04/02/2025
04	Specification, Details & Planting Schedule	Geoscapes	D	04/02/2025
Indicative Irrigation Plans prepared by Nettletontribe Sheets 280-286.				
Report / Document Title		Prepared By		Date
Soil Science Advice Recycled Water Irrigation Areas		SESL Australia		03/02/2024
ESD Report		Arcadis		28/10/2024
Wildlife Hazards Letter		Ecoplanning		27/09/2024
Odour Impact Assessment		EMM		22/08/2024
Noise Impact Assessment		EMM		21/08/2024

- 2 **Prior to the issue of an Occupation Certificate**, a lighting system shall be installed for the development to provide uniform lighting across common areas and driveways. Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding landuses. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 "Control of the obtrusive effects of outdoor lighting" (1997).

- 3 **Prior to the issue of a Construction Certificate**, the Certifying Authority is required to ensure approval has been granted through Sydney Water's online 'Tap In' program to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 13 20 92

- 4 **Prior to the issue of a Construction Certificate**, a Water Industry Competition Act Scheme Approval to Construct the On-site Wastewater Management System must be obtained and held. Evidence of such is to be provided to Council.

- 5 **Prior to operation of the On-site Wastewater Management System**, all required Water Industry Competition Act approvals must be obtained and held. Evidence of such is to be provided to Council.

- 6 Should any IPART Water Industry Competition Act 2006 approvals provide inconsistencies with the Development Consent, that are deemed to be more than minor, the Development Consent may require modification to ensure consistency between the Development Consent and IPART approvals.

- 7 **Prior to the issue of an Occupation Certificate**, the subdivision endorsed under Development Consent DA24/0294 shall be finalised with the plan of subdivision created via Land Registry Services.

- 8 The stamped approved recycled wastewater irrigation area plans are indicative only.
- 9 **Prior to the issue of a Construction Certificate**, retaining wall details in relation to finish and colour shall be provided to Penrith City Council's Development Services Team for review and approval.

The retaining wall shall be constructed to the approved finish and colour.

- 10 The Development shall adhere to the conditions provided by TransGrid in their conditional approval dated 29 November 2024.

Environmental Matters

- 11 No fill material shall be imported to the site unless expressly approved as part of this consent, and not until such time as a certificate demonstrating that the material is suitable has been submitted to, considered and approved by Council. This certificate may be in the form of a validation certificate, waste classification, or appropriate resource recovery order/exemption. A copy of a report forming the basis for the validation is also to be provided. The certification shall:
- be prepared by an appropriately qualified person with consideration of all relevant guidelines, standards, planning instruments and legislation (e.g. EPA, NEPM, ANZECC, NH&MRC),
 - clearly state the legal property description of the fill material source site and the total amount of fill tested,
 - provide details of the volume of fill material to be used in the filling operations,
 - provide a classification of the fill material to be imported to the site in accordance with the NSW Environment Protection Authority's "Waste Classification Guidelines" 2014, and
 - (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment

If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation work may be requested. In these circumstances the works shall be carried out prior to any further approved works.

Note: An appropriately qualified person is defined as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, ecotoxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."

- 12 Where a building is to take place on any land that is to be filled, such filling is to be compacted in accordance with AS3798-1996. Certification is to be submitted to the Principal Certifying Authority by a Geotechnical Engineer verifying that the work has been undertaken prior to the commencement of the construction of any building.

If Penrith City Council is not the Principal Certifying Authority, a copy of the certification is to be submitted to Council for their reference.

- 13 All resulting waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas are to be fully enclosed when the site is unattended.

- 14 Waste materials associated with the development are to be classified and disposed of at a lawful waste facility, or, if suitable, re-used / recycled. Such works are to be undertaken in accordance with the approved Waste Management Plan, where applicable.

Where the disposal location or waste materials have not been identified in an approved waste management plan, details shall be provided to the Certifier prior to those works commencing.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

- 15 The operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.
- 16 All works and storage areas where spillages are likely to occur shall be bunded. Where Australian Standards apply, bunding construction and capacity must comply with those standards. Where Australian Standards do not apply, the size of the area to be bunded shall be calculated as being equal to 10% of the total volume of containers stored, or 110% of the largest container stored, whichever is the greater.
- 17 Offensive odours are not to be emitted from the site. Vapours, fumes, gases, particles or any other substance that are considered to be harmful to human health or the environment or impact unreasonably on a person outside of the premises are not to be emitted from the site.
- 18 Should any "unexpected finds" occur during site excavation and earthworks including, but not limited to, the identification/finding of contaminated soils, buried building materials, asbestos, odour and/or staining, works are to cease immediately and Penrith City Council is to be notified. Any such "unexpected finds" shall be addressed by an appropriately qualified environmental consultant.
- 19 Dust suppression techniques are to be employed during all works to reduce any potential nuisances to surrounding properties.
- 20 Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 21 All works that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties, are restricted to the following hours in accordance with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009:
- Mondays to Fridays, 7am to 6pm
 - Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
 - No work is permitted on Sundays and Public Holidays.

In the event that the work relates to activities inside the building and does not involve external walls or the roof, and does not involve the interim use of equipment that emits offensive noise, then the works are not restricted to the hours stated above. The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all works.

BCA Issues

22 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

(a) complying with the deemed to satisfy provisions, or

(b) formulating an alternative solution which:

- complies with the performance requirements, or
- is shown to be at least equivalent to the deemed to satisfy provision, or

(c) a combination of (a) and (b).

Utility Services

23 A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water, which verifies that water infrastructure is available to the development. The application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s website at www.sydneywater.com.au then the “e-developer” icon, or telephone 13 20 92.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority **before an Occupation Certificate is issued for the development.**

24 **Prior to the issue of a Construction Certificate**, a written clearance is to be obtained from Endeavour Energy stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.

Construction

25 Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details is to be erected:

- at the commencement of, and for the full length of the, construction works onsite, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Occupation Certificate has been issued for the development.

26 Prior to the commencement of construction works:

(a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a standard flushing toilet connected to a public sewer, or
- if that is not practicable, an accredited sewage management facility approved by Council, or
- alternatively, any other sewage management facility approved by Council.

(b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

(c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).

(d) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:

- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
- the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
- any such hoarding, fence or awning is to be removed when the work has been completed.

Engineering

- 27 An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets **(should the Collector Road be dedicated to Council at the time of works)**. The bond is to be lodged with Penrith City Council **prior to commencement of any works on site** or prior to the issue of any Construction Certificate, whichever occurs first. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

An application form together with an information sheet and conditions are available on Council's website.

Contact Penrith City Council's Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

- 28 Lodgment of relevant Section 138 Roads Act applications, including payment of application and Council fees together with any applicable bonds, shall be lodged with and approved by Penrith City Council (being the Roads Authority for any works required in a public road). **This condition applies pending timing of Collector Road dedication.**

You are required to lodge the applicable Section 138 Roads Act application for the below works that apply to your specific development prior to that work activity commencing. Please liaise with your builder to determine what applications are required for your development.

These works may include but are not limited to the following:

- a) Construction of driveways (including kerb reinstatement of redundant driveway crossings and reconstruction of any affected footpaths and/or cycleways)
- b) Temporary road reserve occupancies
- c) Road reserve openings for the installation of:
 - i. Utilities (water, sewer, power, telecommunications)
 - ii. Private stormwater connections to the kerb (including stormwater connection to Penrith City Council owned drainage)
 - iii. Reconstruction of concrete footpath and/or cycleways across the frontage
- d) Establishment of a construction work zone
- e) Establishment of road reserve hoardings and temporary structures/fencing etc.
- f) Operation of a tower crane over the road reserve

All works shall be carried out in accordance with the Roads Act Approval and the conditions outlined in the Roads Act Applications, the development consent, including the stamped approved plans, and Penrith City Council's Driveway and Road Reserve Restoration Works Specification, guidelines and engineering best practice.

Contact Penrith City Council's Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

Note:

- All works associated with the Roads Act approval(s) must be completed **prior to the issue of any Occupation Certificate.**

- 29 The stormwater management system shall be consistent with the plan/s lodged for development approval, prepared by Henry & Hymas, reference number 231664_DA_C000 to 231664_DA_BE01.

Prior to the issue of any Construction Certificate, the Certifier shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage Specification for Building Developments and Water Sensitive Urban Design (WSUD) Policy.

Engineering plans and supporting calculations for the stormwater management system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

- 30 **Prior to the issue of any Construction Certificate**, the Certifier shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with Penrith Development Control Plan 2014, AS2890.1, AS2890.2 and AS2890.6.

31 **Prior to the commencement of any works on-site (including demolition works)**, a Construction Traffic Management Plan (CTMP) shall be submitted to Penrith City Council's Asset Management Department for endorsement. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from Transport for NSW. The CTMP shall include details of any required road closures, work zones, loading zones and the like. Approval of the CTMP may require approval of the Local Traffic Committee. Please contact Council's Asset Management Department on 4732 7777 and refer to Council's website for a copy of the Temporary Road Reserve Occupancy Application Form.

32 **Prior to commencement of any works** associated with the development, sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Managing Urban Stormwater series from the Office of Environment and Heritage.

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

33 **Prior to the issue of any Occupation Certificate**, Works As Executed drawings, final operation and maintenance management plans and any other compliance documentation for the stormwater management system shall be submitted to the Principal Certifier in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, Stormwater Drainage Specification for Building Developments and Water Sensitive Urban Design Technical Guidelines.

An original set of Works As Executed drawings and copies of the final operation and maintenance management plans and compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation Certificate where Penrith City Council is not the Principal Certifier.

34 **Prior to the issue of any Occupation Certificate**, the Principal Certifier shall ensure that the stormwater management systems (including on-site detention and water sensitive urban design)

- have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent;
- have met the design intent with regard to any construction variations to the approved design, and;
- Any remedial works required to be undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the Works As Executed drawings.

35 **Prior to the issue of any Occupation Certificate**, a restriction on the use of land and positive covenant relating to the stormwater management systems (including on-site detention and water sensitive urban design) shall be registered on the title of the property. The restriction on the use of land and positive covenant shall be in Penrith City Council's standard wording as detailed in Council's Stormwater Specification for Building Developments - Appendix F.

- 36 The stormwater management system shall continue to be operated and maintained in perpetuity for the life of the development in accordance with the final operation and maintenance management plan.

Regular inspection records are required to be maintained and made available to Penrith City Council on request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the stormwater management systems.

- 37 Works cannot commence until an updated Sediment and Erosion Control Report and Plans are prepared and submitted to the Certifier for approval. The following plans must be updated to include use of Type A or B sediment basins with an automated system of flocculant dosing, and as per the requirements of the Technical guidance for achieving Wianamatta–South Creek stormwater management targets (DPE 2002).

- Civil Plans, prepared by Henry and Hymas, project number 231664, Drawing numbers C000 – BE01,
- Integrated Water Cycle Management Report Sewer Treatment Facility prepared by Henry and Hymas, Issue 2, dated July 2024

The Applicant must ensure the delivery and operation of all construction phase erosion and sediment controls on the site is supervised and certified by a Certified Professional Erosion Sediment Control (CPESC). Monthly audits are to be completed by CPESC and kept on record for the duration of the works and an additional 12 months following completion of works.

- 38 The Applicant must ensure any stormwater that is harvested for reuse during the interim stormwater management phases is first treated and disinfected in accordance with Australian Guidelines for Water Recycling: Managing Health and Environmental Risks: Stormwater harvesting and reuse (NRMC, EPHC and NHMRC 2009).

- 39 **Prior to the issue of an Occupation Certificate**, it shall be ensured that any private pipe infrastructure that is required to cross a public road to service properties is subject to an accepted formal maintenance agreement entered into with Council.

Landscaping

- 40 All landscape works are to be constructed in accordance with the stamped approved plans and Chapter C6 Landscape Design of Penrith Development Control Plan 2014.

Landscaping shall be maintained:

- in accordance with the approved plan, and
- in a healthy state, and
- in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity, as the vegetation which died or was removed.

- 41 Upon completion of the landscape works associated with the development and **prior to the issue of an Occupation Certificate for the development**, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development.

An Occupation Certificate should not be issued until such time as a satisfactory Implementation Report has been received and endorsed. If Penrith City Council is not the Principal Certifying Authority, a copy of the satisfactory Implementation Report is to be submitted to Council together with the Occupation Certificate for the development.

- 42 No trees are to be removed, ring barked, cut, topped, or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Chapter C2 – Vegetation Management of Penrith Development Control Plan 2014.

Development Contributions

- 43 This condition is imposed in accordance with **Penrith City Council's Section 7.12 Contributions Plan for Non-Residential Development**. Based on the current rates applicable to contributions payable under this plan, **\$113,300.44** is to be paid to Council **prior to issue of a Construction Certificate** being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.12 Contributions plan.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The Section 7.12 Contributions Plan for Non-Residential Development is available on Council's website.

- 44 **Prior to the issue of an Occupation Certificate**, a compliance matrix / statement is to be submitted to and endorsed by Council's City Planning – Contributions Officers that outlines the relevant infrastructure, contributions payable or commitments to be delivered in accordance with the registered or applicable Planning Agreement. It must be demonstrated that the applicable commitments have been satisfied **prior to the issue of an Occupation Certificate**.

Certification

45 Prior to the commencement of any earthworks or construction works on site, the proponent is to:

(a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act 1979, and accompanying Regulation, and

(b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 6.6 of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing of site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 6.6 of the Environmental Planning and Assessment Act 1979.

46 An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation/use of the development.

The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding.

A copy of the Occupation Certificate and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

Operation of OSSM

47 There shall be no effluent runoff from the subject site to adjoining premises, public places or waterways including stormwater drains.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

D4 Industrial Development

The proposal includes 2.1m high black palisade fencing to the northern, eastern and southern boundaries of the sewage system site. The open style fencing is slightly setback from the Collector Road to account for a landscape swale. The open style palisade fencing is located in visible locations including atop the northern boundary retaining wall and fronting the future public road. The rear boundary being not visible from the road is treated with 1.8m high chain-link fencing with 3 rows of barbed wire. Overall the proposed fencing is considered satisfactory.

E18 Luddenham Road Industrial Business Park

E18.2.1 Building Setbacks

The minimum building setback requirements under this section include; 15m from the Collector Road (east of the works) and 5m for rear and side setbacks.

The proposed plant shed is located 15m from the Collector Road with only underground tanks, landscaping, fencing, driveway, retaining wall and gravel maintenance areas forward of the plant shed. The gravel maintenance area is situated behind a 7.5m wide landscape buffer and therefore considered acceptable. The above ground treated water tank and off-spec storage tank (toward the rear of the site) is setback beyond 5m from the side and rear perimeter.

In this regard, the proposal complies with the building setback controls.

E18.2.2 Landscaping

The landscape setback controls applicable in this instance include 7.5m from the Collector Road and 2.5m from the rear boundary. It is noted that the proposed sewage system is located on the same parcel of land subject to a speculative warehouse Development Application (DA24/0677). As such, the southern and western perimeters of the proposed sewage system are not boundaries but rather perimeters of the extent of works. Nonetheless, a 7.5m Collector Road landscape buffer and a 2.5m landscape rear offset has been provided.

The front landscape setback is treated with larger canopy plantings with associated understory located clear of sewage reticulations running parallel to the Collector Road. The northern boundary is treated with smaller plantings noting a retaining wall is required immediately adjacent the Endeavour Energy site and larger plantings could compromise the wall. Noting the proximity of works required for the adjoining warehouse to the southern and western perimeter of the sewage system land only small plantings are proposed.

In this regard, suitable plantings have been provided from the most visible aspect of the development being from the Collector Road and northern plantings have been provided (noting constraints) to provide some canopy coverage over the hardstand from the northern sun.

E18.2.3 Building and Urban Design

The proposed building layout of the sewage system is relatively minor when compared to the large warehouse and manufacturing proposals surrounding. The only visible built form structures will be the plant shed and x2 above ground tanks located toward the rear of the sewage system. The plant shed has a height of 6m and the tanks 4.4m. The plant shed has a combination of translucent wall sheeting, profiled wall sheeting and concrete pre-cast panels as

well as a skillion roof design. When considering the minor extent of the built form and compliant building and landscape setback, there are no adverse built form impacts envisioned.

E18.3.2 Noise Pollution

The proposal has been accompanied by a Noise Impact Statement which has conducted noise modelling to understand cumulative noise impacts associated with the development based upon operational requirements and equipment used. It is noted that majority of noise emitting equipment is located within the plant shed and as such noise emissions are reduced. The Noise Impact Assessment has found no adverse noise impacts are envisioned as a result of the proposal.

E18.3.3 Air Pollution

The proposal has been accompanied by an Odour Impact Assessment which conducted modelling using Sydney Water Corporation Database. The Odour Impact Assessment concludes that the results of the modelling showed the predicted odour concentrations from the facility were below the applicable NSW Environment Protection Authority odour impact assessment criteria for urbanised areas at all assessment locations.

E18.4 Road Network and Site Access

The proposal will only generate one employee on-site who attends from time to time. This is reflected on the plans noting one parking space is provided nearby the plant shed. In this regard, there are no adverse traffic generation impacts as a result of the proposal.

The perimeter driveway and maintenance access zone is of sufficient size to allow turning movements. It is noted that the driveway connects with the adjoining driveway for the neighbouring development currently under assessment via (DA24/0677) for fire fighting vehicles. The front access driveway includes a swing gate fence which has been tucked into the property to avoid overhanging vehicles in the road whilst waiting for the fence to open.

E18.6 Integrated Water Cycle Management

The proposed water cycle management has been discussed in detail within this report under title "State Environmental Planning Policy (Biodiversity and Conservation) 2021".