

Notice of decision – Oakdale West Industrial Estate SSD 7348

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD 7348 Oakdale West Industrial Estate
Applicant	Goodman Property Services (Aust) Pty Ltd
Consent Authority	Minister for Planning and Public Spaces

Decision

The Executive Director, Compliance, Industry and Key Sites under delegation from the Minister for Planning has, under section 4.38 of the *Environmental Planning and Assessment Act 1979* (**the Act**) granted consent to the development application subject to the recommended conditions.

A copy of the development consent and conditions is available at <https://www.planningportal.nsw.gov.au/major-projects/project/11656>.

A copy of the Department of Planning, Industry and Environment's Assessment Report is available at <https://www.planningportal.nsw.gov.au/major-projects/project/11656>.

Date of decision

13 September 2019

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the objects of the Act;
- the considerations under the *Environment Protection and Conservation Act 1999* (Cth);
- the considerations under sections 7.14(2) and 7.16(3) of the *Biodiversity Conservation Act 2016* (NSW);
- all information submitted to the Department during the assessment of the development application and any additional information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision. Additional reasons for making the decision are also recorded in the Department's Assessment Report.

The key reasons for granting consent to the development application are as follows:

- the development would provide a range of benefits for the region and the State as a whole, including a total of 1,845 jobs in western Sydney and a total capital investment value of \$447 million in the Penrith LGA;
- the development is permissible with development consent, and is consistent with NSW Government policies including the Greater Sydney Region Plan – A Metropolis of Three Cities and Western City District Plan;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards; and
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent;
- weighing all relevant considerations, the development is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement for the project from 16 November 2017 until 20 December 2017 (35 days) and received 15 submissions, including 2 objections to the development.

The Department inspected the site on 17 November 2016 and met with representatives of the neighbouring schools and retirement village on 17 November 2016 and 11 December 2017.

Throughout the Department's assessment, multiple meetings were held with Transport for NSW (TfNSW) and the Office of Strategic Lands (OSL) and Penrith City Council to resolve relevant issues.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include built form and visual impact, traffic, noise and vibration and biodiversity. Other issues are addressed in detail in the Department's Assessment Report.

Issue	Consideration
<p><i>Visual impact</i></p> <ul style="list-style-type: none"> • interface with residential areas • potential light pollution • potential glare issues • provide adequate façade treatments 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • the Department has considered the conclusions of the Visual Impact Assessment and peer review and the objectives of Clause 23 of the WSEA SEPP • the Department considers the proposed 60 m landscaped setback and retention of existing mature vegetation (approximately 25 m in height) on the north western boundary and the change in levels between the site and the Retirement Village (approximately 7 m) would provide adequate visual mitigation for the Retirement Village looking towards the buildings in the western part of the site • the Department understands the residence to the immediate south has requested no visual screening as it would interrupt the existing views of the Blue Mountains • the Department also recommends further urban design assessment be undertaken for buildings on Lots 2E, 2F, 2G, 2H, 2J and 4A to minimise the visual impacts for the school on the western boundary and the residence on the southern boundary. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • not approving building heights, bulk, footprint or building envelopes for buildings on Lots 2E, 2F, 2G, 2H and 2J in the south western corner of the site closest to the school and building 4A on the southern boundary which is closest to the southern residence • future development applications for the buildings to include an urban design assessment to establish appropriate setbacks, layouts and building treatments • the Applicant is required to engage an independent urban design consultant to undertake the assessment, in consultation with Council and the Emmaus Catholic College, as part of future development applications • the Applicant is required to undertake landscaping works along the western site boundary as part of Stage 1 to allow time for vegetation to establish and be more effective as a visual screen and buffer, prior to any development occurring adjacent to the school • the Applicant is required to ensure all outdoor lighting complies with the relevant Australian Standards, illuminated signage and security cameras are oriented away from the school and Retirement Village and the materials used on facades and roofs of the warehouses and office buildings are designed to minimise glare • prepare and implement a Landscape Management Plan as part of the Construction Environmental Management Plan.
<p><i>Traffic impact</i></p> <ul style="list-style-type: none"> • Construction traffic impacts on Bakers Lane 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • the Department notes most traffic on Bakers Lane is associated with school arrivals and departures which are critical periods to manage to avoid conflict with construction vehicles and maintain vehicle and pedestrian safety • typically, most construction vehicles arrive to site around 7 am and depart around 5 pm, outside the peak school periods • the Department considers the estimated volume of construction traffic using Bakers Lane, until the WNSLR is completed, would result in minor, short-term (approximately 12 months) disruptions to other road users. These disruptions can be minimised through the implementation of a Construction Traffic Management Plan, prepared in consultation with Council and the neighbouring schools and retirement village.

Issue	Consideration
	<p><i>Conditions</i> Require the Applicant to:</p> <ul style="list-style-type: none"> • prepare and implement a Construction Traffic Management Plan including specific measures to manage construction traffic by avoiding peak school periods as well as critical exam periods for the Higher School Certificate • notify the schools and retirement village of any proposed disruptions to construction traffic haul routes.
<p><i>Noise and Vibration</i></p> <ul style="list-style-type: none"> • noise impacts on the Emmaus College and Emmaus Retirement Village • construction of a noise wall incorporating vegetation along the western boundary 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • ensuring noise impacts on nearby sensitive receivers were minimised was an important consideration for the Department • the Department notes construction works would take place within standard construction hours in accordance with the Interim Construction Noise Guideline (ICNG) • the most intrusive noise levels were modelled to occur only at the boundaries of the site during earthworks associated with detention basins which would be short term and a mitigation strategy in accordance with the ICNG could be prepared to lower construction noise • the Department considers the construction of permanent noise walls as early as practicable during the construction phase could assist in reducing construction noise impacts • the Department's consideration of noise impacts from the fully developed site, shows the development can be carried out to comply with noise limits, that have been established in accordance with relevant noise guidelines. <p><i>Conditions</i> Require the Applicant to:</p> <ul style="list-style-type: none"> • prepare and implement a comprehensive Construction Noise and Vibration Management Plan to detail and ensure the implementation of the mitigation strategy • construct the proposed landscape bund along the western site boundary prior to any site clearing or earthworks occurring in Precinct 2 within the western part of the site • future development applications to include construction and operational noise impact assessments demonstrating compliance with the development noise limits for each subsequent stage.
<p><i>Snake Management</i></p> <ul style="list-style-type: none"> • potential increase of snakes on Emmaus Catholic College grounds 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • the Department has reviewed the Snake Hazard Assessment (SHA) submitted by Emmaus Catholic College and provided a copy of the SHA to the Applicant • the Department notes the Applicant has committed to implement management measures during construction to provide alternative habitat for snakes on the site and to limit movement across the western boundary into the school grounds • the Department also notes the Applicant has committed to construct fencing along the western site boundary and use solar powered snake deterrents • the Department recommends the Applicant include the specific snake management measures in the Construction Environmental Management Plan to minimise the snake movements from the site into the school grounds. <p><i>Conditions</i> Require the Applicant:</p> <ul style="list-style-type: none"> • implement measures during construction to limit movement of snakes into the school grounds • detail these measures in the Construction Environmental Management Plan.