

## Statement of Environmental Effects

Oakdale West Industrial Estate  
Precinct 5 – Buildings 5A and 5B  
Tundra Close, Kemps Creek



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

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## Executive Summary

This Statement of Environmental Effects (SEE) has been prepared by *Keylan Consulting Pty Ltd* (Keylan) on behalf of *Goodman Property Services (Aust.) Pty Ltd* (the Applicant) to accompany a development application (DA) for the development of Precinct 5 of the Oakdale West Industrial Estate (OWE) which comprises two warehouse buildings at Tundra Close, Kemps Creek (the site).

On 13 September 2019, the delegate of the Minister for Planning and Public Spaces approved the OWE Concept Proposal and Stage 1 DA under the State Significant Development (SSD) consent SSD 7348. The OWE Concept Proposal consists of 5 precincts. SSD 7348 approved the earthworks and infrastructure development for the broader OWE, plus development of three warehouses in Precinct 1. Several subsequent applications for other stages have since been approved by Penrith City Council (Council) and the Department of Planning and Environment (DPE).

The two buildings proposed under this DA are referred to as Building 5A and Building 5B and comprise the entirety of Precinct 5 of the OWE.

### The site and locality

The subject site is located within the OWE which forms part of the 421 hectare (ha) 'Oakdale Industrial Estate' in the Western Sydney Employment Area (WSEA). The OWE accounts for 154 ha of the entire Oakdale Industrial Estate.

The OWE site is bound to the north by the Water NSW Sydney Warragamba Pipelines, to the east by Ropes Creek and to the south by adjoining rural landholdings. Education and aged care land uses, including Emmaus Catholic College, Trinity Primary School, Mamre Anglican School and Emmaus Retirement Village, adjoin the western boundary of the site. The site is roughly rectangular in shape with an irregular eastern boundary which follows the Ropes Creek corridor alignment.

### The proposal

The proposed development includes the construction of Buildings 5A and 5B, providing two separate tenancies, and their use and fit out as warehouse and distribution centres within Precinct 5 of the OWE. The proposal also includes ancillary office space, car and truck parking, loading bays, landscaping, construction of additional retaining walls, electric vehicle charging, solar panels, signage and subdivision.

The proposed use is consistent with the site's IN1 General Industrial zoning under the *State Environmental Planning Policy (Industry and Employment) 2021* (Industry and Employment SEPP) and the provisions of SSD 7348, as modified.

### SSD 7348 Mod 10

The tenth application to modify SSD 7348 is currently under assessment with DPE. SSD 7348 Mod 10 seeks to amend the approved Concept Plan in relation to Precinct 3 and Precinct 5 as well as to amend approved signage within Precinct 1.

Mod 10 seeks several amendments to the approved Concept Plan, development controls and operational requirements under SSD 7348 to align with the development proposed under this DA and a separate DA being lodged for Precinct 3C.

Amendments to SSD 7348 sought under Mod 10 relevant to this DA include:

- modifying the approved layout of Precinct 5 to include two warehouses rather than one
- reducing the approved GFA for Precinct 5 from 35,560m<sup>2</sup> to 32,325m<sup>2</sup>
- removing restrictions applying to Precinct 5 under Condition B9 relating to night time operation of forklifts

### **Public Benefits**

The public benefits associated with the development of Precinct 5 include:

- the provision of new warehousing and distribution centres on a site that is appropriately zoned for such purposes
- delivery of employment generating development in Western Sydney close to key transport links, in accordance with the strategic objectives of the Industry and Employment SEPP and the Western City District Plan
- positive contribution to the wider development of the Western Sydney Employment Area
- provision of a range of benefits for the region, through a capital investment value of over \$39 million in the Penrith LGA

### **Strategic Planning Context**

The strategic justification for the proposal is outlined in Section 4 of this SEE. In summary, the proposal is consistent with the aims and objectives of the following strategic plans:

- State Infrastructure Strategy
- Greater Sydney Region Plan
- Western City District Plan
- Penrith Local Strategic Planning Statement
- Penrith Economic Development Strategy – Building the New West
- Western Sydney Aerotropolis Structure Plan

### **Statutory Planning Framework**

Sections 5 of the SEE considers relevant State legislation and State and local environmental planning instruments, including:

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulations 2021*
- *Rural Fires Act 1997*
- *Environmental Protection and Biodiversity Conservation Act 1999*
- *Biodiversity Conservation Act 2016*
- *Heritage Act 1977*
- *Contaminated Land Management Act 1997*
- *State Environmental Planning Policies (SEPPs)*, including:
  - *State Environmental Planning Policy (Planning Systems) 2021*



- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Precincts – Western Parkland City) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *Penrith Local Environmental Plan 2010*
- *Penrith Development Control Plan 2014*

### **Environmental Planning Assessment**

A detailed assessment of the potential environmental impacts of the proposal is contained in Section 6. This section considers the following key issues:

#### ***Built Form***

The Concept Approval (SSD 7348) establishes the planning framework for the site including layout, built form, roadways, and noise attenuation. This framework forms the basis for the assessment of future staged DAs for the OWE, including this application.

The proposed buildings have maximum ridgeline heights of 13.7m. External finishes include charcoal and grey metal wall sheet cladding, brickwork, stainless steel mesh for vertical plantings, pre-cast concrete and glazing to ensure the proposal is in keeping with the surrounding landscape and facilitates the development to settle within the surrounding estate.

Furthermore, it is noted Precinct 5 is located at the farthest point of the OWE from sensitive receivers to the west and is also over 800m from sensitive receivers to the south. The site's topography and approved development in Precincts 1, 2, 3 and 4 further ensures visibility of Buildings 5A and 5B will be limited from sensitive receivers.

Given the above site and design features, the built form and design of the development is considered appropriate in the context of the site and its response to the surrounding locality.

#### ***Open Space, Public Domain and Landscaping***

An appropriate interface with the public domain is established by the proposal through the provision of dense landscaping as shown on the Landscape Plans (Appendix 4).

The development of Precinct 5 aims to expand on previous individual lot design within the OWE, reinforcing a consistent and robust landscape character, adhering to the high standard within the estate. The landscaping for Precinct 5 includes over 100 native and exotic trees to maximise planting and mitigate urban heat island effects caused by the required hardstand areas.

The site also adjoins the biodiversity offset area approved under SSD 7348 to the east and south. The biodiversity offset area adjoins Ropes Creek and forms part of the riparian corridor. The biodiversity area has been revegetated and regenerated in accordance with the conditions of that consent and this will further increase the amount of vegetation surrounding and screening the development.



Additional and extended retaining walls are also proposed around the site to establish level warehouse pads, accommodate site drainage infrastructure and enable fire access to Building 5B and ensure no impacts to the existing batter, retention basin or the vegetation management and biodiversity offset areas.

Landscaped strips have been provided between at least every 6 car parking spaces to soften hardstand areas. Vegetation is also proposed adjacent to the associated outdoor areas for each tenancy's office for employee amenity.

### ***Traffic and Transport***

SSD 7348 established requirements for traffic and transport which are addressed in the relevant conditions of consent for SSD 7348. A Transport Assessment (TA) prepared by Ason Group accompanies this SEE (Appendix 6).

The TA anticipates that the development of Building 5A and 5B will result in a total hourly traffic generation of 53 vehicle trips during the AM and PM peak periods. The development is anticipated to generate a total of 613 vehicle trips throughout the day.

The proposal provides 147 on-site spaces, 120 spaces for Tenancy 5A and 27 spaces for Tenancy 5B, in accordance with the car parking requirement established for the site as per Condition B13 of SSD 7348 and satisfying the needs of the future tenants. Three accessible parking spaces are proposed for Tenancy 5A and 1 is proposed for Tenancy 5B. Additionally, to encourage and support Electric Vehicles (EV) use, 8 EV charging stations are provided as part of the development.

28 loading bays are provided for Building 5A and five truck loading bays are provided for Building 5B to cater for the use of each tenancy as a warehouse and distribution centre. A covered bike area is proposed next to each of the office areas.

The assessment provided by Ason Group confirms that traffic conditions will not be detrimentally impacted by the development, the proposed parking arrangements are appropriate and that site access, parking and service areas have been designed with regard to the relevant Australian Standards.

### ***Pedestrian Access***

At the pre-lodgement meeting, Council raised concerns with the layout of carparking and loading areas as pedestrian access from the carparking area to Building 5A requires crossing the truck exit driveway.

The Applicant has investigated alternatives to the proposed layout which include relocation of the car parking areas and reconfiguration of the warehouse layout. Some of these options are detailed at Section 6.5.

Given the constraints of the site, being hindered by the Vegetation Management Plan area (biodiversity offset area), Transgrid easement, and Tundra Close, these options resulted in an unsatisfactory design that was inefficient and not market appropriate. The alternative design options could not work given Transgrid's requirement in the easement. Further designs resulting in a substantial loss of GFA have not been considered given the building is being purpose built to a customer's requirements.

To ensure pedestrian safety is appropriately managed, the Applicant proposes to include multiple controls at the pedestrian crossing including a boom gate, traffic signals and zebra crossing. This will ensure right of way is clearly established for pedestrians and a physical divider between the two groups is present in the form of the boom gate. These measures are not uncommon in industrial areas, where full drive around capability is required for trucks. Details of the pedestrian safety measures are included within the TA at Appendix 6.

### **Noise and Vibration**

Existing background noise on land to the south and west of the site is typical of a rural environment. The elevated noise and vibration levels as a result of the approved development will be managed and mitigated in accordance with the conditions of SSD 7348.

A Noise and Vibration Assessment (NVA) specific to the proposed development has been prepared by RWDI. Note, SSD 7348 Mod 10 which is currently under assessment by DPE, seeks to remove restrictions applying to Precinct 5 under Condition B9 relating to operation of forklifts during the night-time period. The NVA submitted with this application includes the night time operation of forklifts.

The NVA concludes that the operation of the development will comply with the operational noise criteria, which includes the noise limits established under Conditions B18 and B19 of SSD 7348, during the day, evening and night periods.

The NVA found that construction noise scenarios are generally predicted to be within the Construction Noise Management Levels established by the *NSW Interim Construction Noise Guideline* at most receiver locations except for N11 (99-111 Aldington Road), N12 (53 Aldington Road) and N13 (54-72 Aldington Road) due to its close proximity. The Noise and Vibration Assessment details a series of noise mitigation measures to be applied during works to minimise and mitigate noise impacts to these receivers.

### **Other Matters**

This SEE also considers matters (Section 6) relating to:

- Air Quality
- Bushfire
- Stormwater Management
- Waste Management
- Sustainability
- Site suitability
- Construction management

### **Conclusion**

This SEE provides a comprehensive environmental assessment of the proposal including impacts and proposed mitigation measures. The proposal has been shown to provide for a development that will significantly contribute to wider growth of the Western Sydney Employment Area

This SEE concludes that the proposal will provide substantial net public benefits to future occupants and the broader community and not result in any significant environmental impacts.

Accordingly, given the positive planning merits of the development, the SEE concludes that the proposal warrants approval.

## 1 Introduction

This Statement of Environmental Effects (SEE) has been prepared by *Keylan Consulting Pty Ltd* (Keylan) on behalf of *Goodman Property Services (Aust.) Pty Ltd* (the Applicant) to accompany a development application (DA) for the development of Precinct 5 of the Oakdale West Industrial Estate (OWE) which comprises two warehouse buildings at Tundra Close, Kemps Creek (the site).

On 13 September 2019, the delegate of the Minister for Planning and Public Spaces approved the OWE Concept Proposal and Stage 1 DA under the State Significant Development (SSD) consent SSD 7348. The OWE Concept Proposal consists of 5 precincts. SSD 7348 approved the earthworks and infrastructure development for the broader OWE, plus development of three warehouses in Precinct 1. Several subsequent applications for other stages have since been approved by Penrith City Council (Council) and the Department of Planning and Environment (DPE).

The two buildings proposed under this application are referred to as Building 5A and Building 5B and comprise the entirety of Precinct 5 of the OWE.

This SEE has been prepared and is submitted to Penrith City Council (Council) pursuant to the provisions of Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The proposed development comprises:

- construction and use of Buildings 5A and 5B as warehouse and distribution centres
- fitout of both tenancies (office area and warehouse racking)
- ancillary office space
- car and truck parking
- 2 x gatehouses and 2 x dock offices
- site landscaping
- construction of additional retaining walls
- signage
- electric vehicle charging
- solar panels
- 24/7 operation
- subdivision

This SEE concludes that the proposal will provide substantial net benefits and will not result in any significant environmental impacts. Therefore, we recommend that Council approve the development application subject to the content and findings outlined in this SEE.

This SEE should be read in conjunction with the following supporting documents:

Supporting documentation	Appendices
Architectural Plans	Appendix 1
Civil Engineering Plans	Appendix 2
Civil Report	Appendix 3
Landscape Plans	Appendix 4
Quantity Surveyor's Report	Appendix 5

Supporting documentation	Appendices
Transport Impact Assessment	Appendix 6
Biodiversity Statement	Appendix 7
Fire Safety Strategy	Appendix 8
Waste Management Plan	Appendix 9
Sustainability Management Plan	Appendix 10
BCA Compliance Assessment	Appendix 11
Air Quality Report	Appendix 12
Noise and Vibration Assessment	Appendix 13
Bushfire Risk Assessment	Appendix 14
Penrith DCP Assessment	Appendix 15
Response to issues raised in pre-lodgement meeting	Appendix 16

Table 1: List of Appendices

### 1.1 Consent authority

The *cost of works* for the purpose of determining the DA fee for the proposal is calculated in accordance with Clause 208(1) of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) at \$39,978,000 including GST (Appendix 5).

Under Chapter 2 of *State Environmental Planning Policy (Planning Systems) 2021*, warehouse or distribution centres at one location related to the same operation with a capital investment value (CIV) over \$30 million are State Significant Development. Building 5A has a CIV of \$31,150,000 and will be related to a single operation.

However, the OWE Concept Approval (SSD 7348) states:

- b) *that pursuant to section 4.37 of the Environmental Planning and Assessment Act 1979, any subsequent development not being for the purpose of a warehouse or distribution centre with a capital investment value in excess of \$50 million is to be determined by the relevant Consent Authority and that development ceases to be State Significant Development.*

Accordingly, the DA is not SSD and is therefore submitted to Penrith City Council.

### 1.2 Pre-lodgement meeting with Council

On 24 February 2022, a DA pre-lodgement meeting was convened with Council to discuss key issues associated with the development application. This application has been prepared with consideration of the issues raised by Council during the pre-lodgement meeting.

A summary of the key issues raised and responses is provided at Appendix 16.

## 2 The site and locality

### 2.1 Site description

#### 2.1.1 Oakdale West Industrial Estate

The site is located within the OWE at Kemps Creek, in the Penrith Local Government Area (LGA). The OWE site has an area of approximately 154 ha. The location of the OWE site is shown in Figure 1.



Figure 1: Oakdale West Industrial Estate in context (Base source: Nearmap)

OWE is located in the south-western extent of the WSEA which was established to provide land for industry and employment. Chapter 2 of *State Environmental Planning Policy (Industry and Employment) 2021* (Industry and Employment SEPP) aims to protect and enhance the land to which WSEA applies for employment purposes.

OWE forms part of the broader industrial development of Oakdale Industrial Estate lands being developed by Goodman, covering an area of around 421 ha within the WSEA as shown in Figure 2.

Oakdale Central Industrial Estate is completed and Oakdale South Industrial Estate is nearing completion. Stage 1 of the Oakdale East Industrial Estate has been completed and the concept SSD application for the wider Oakdale East Industrial Estate is currently being prepared.

The progressive development of Goodman's Oakdale Industrial Estate will continue to meet the WSEA objective of employment opportunities through development of warehousing and distribution facilities in an environmentally sensitive and cost-effective manner.



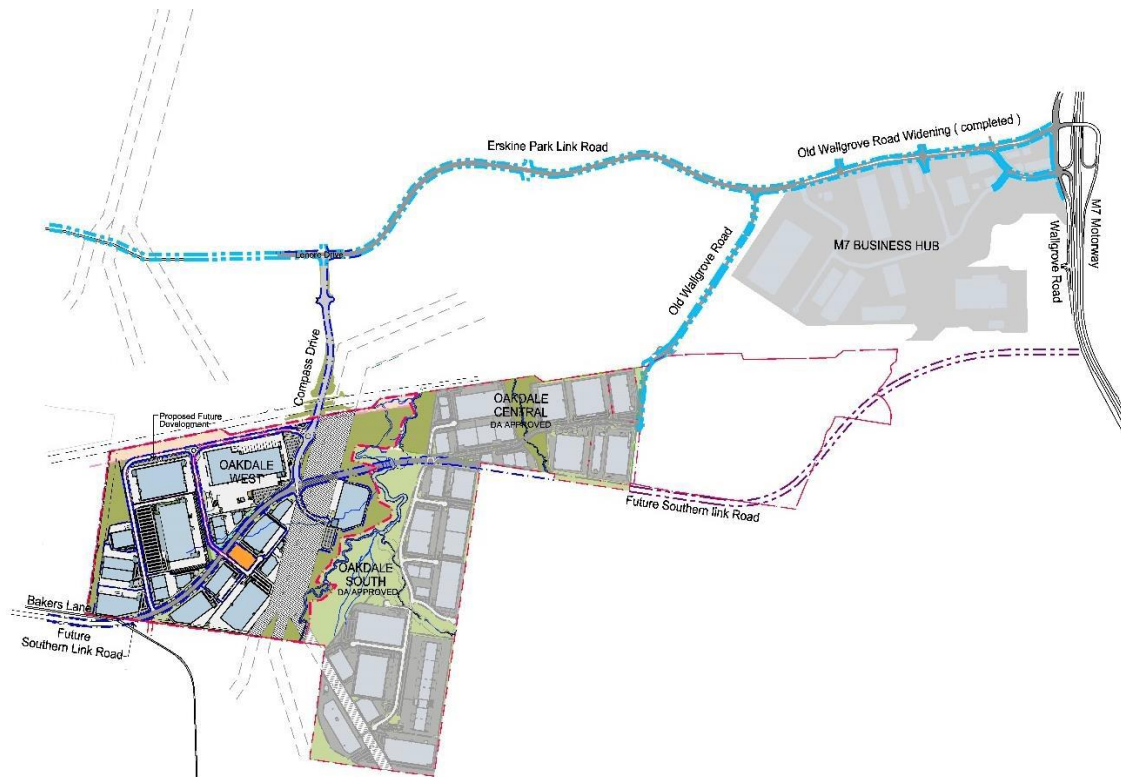


Figure 2: Oakdale Industrial Precinct and surrounding Regional Road network (Source: Goodman)

The OWE site is bound to the north by the Water NSW Sydney Warragamba Pipelines, to the east by Ropes Creek and to the south by adjoining rural landholdings. Education and aged care land uses, including Emmaus Catholic College, Trinity Primary School, Mamre Anglican School and Emmaus Retirement Village, adjoin the western boundary of the site. The site is roughly rectangular in shape with an irregular eastern boundary which follows the Ropes Creek corridor alignment.

The site is currently undergoing construction under the consents for SSD 7348, SSD 22191322 (Building 4E) and SSD 9794683 (Building 2A), along with Buildings 3A (DA 20/0843) and 3B (DA 21/0440) approved by Council. Warehouse Building 2B, approved under SSD 10397, commenced operations in December 2021.

Compass Drive (formerly WNSLR) was completed in December 2020. Compass Drive provides road access from Lenore Drive to OWE and the future Southern Link Road including Sydney's broader motorway network. This will be used for both construction and operation access for the subject development.

### 2.1.2 Oakdale West Precinct 5

Precinct 5 is located near the eastern boundary of the OWE. The precinct has a development area of 6.01 ha and is separated from the remainder of the OWE by the transmission easement owned by Transgrid. Figure 3 below shows the OWE Masterplan as proposed under SSD 7348 Mod 10 which is currently under assessment by DPE.

Precinct 5 is accessed via Tundra Close (Estate Road 8) which was approved under SSD 7348 and has been constructed as part of Stage 1 of SSD 7348. Tundra Close connects to Compass Drive and will also connect with the future Southern Link Road once constructed.



To the east of the site is the Ropes Creek riparian corridor which is being restored and rehabilitated as an approved biodiversity offset area associated with SSD 7348. immediately to the east of the site is a stormwater detention basin (Bio-retention Basin No.5) approved and constructed under SSD 7348.

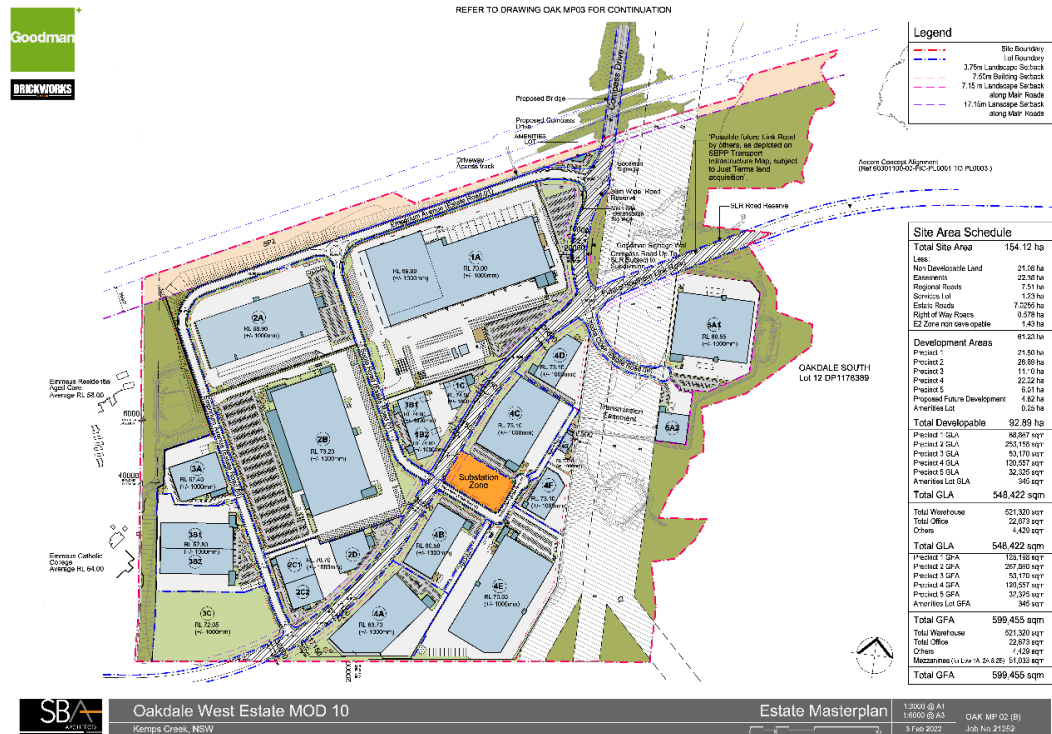


Figure 3: OWE Masterplan under latest modification under assessment (Mod 10) (Source: SBA Architects)



Figure 4: Aerial of OWE showing Precinct 5 in context (Base source: Nearmap)

## 2.2 Surrounding locality

The locality is characterised by a variety of general industrial, education, aged care and rural land uses, including:

- Water NSW Sydney Warragamba Pipelines and other industrial land further north
- Ropes Creek corridor and Oakdale South Estate to the east
- industrial land to the south
- an aged care facility and three schools – Trinity Primary School, Mamre Anglican School and Emmaus Catholic College – to the west. Other uses include rural residential and recreational facilities.

## 2.3 Previous Approvals

The OWE is subject to several previous approvals as outlined below.

### 2.3.1 SSD 7348

SSD 7348 was approved on 13 September 2019 for the OWE concept layout and Stage 1 works. The approved works under SSD 7348 include:

- preparatory works including estate wide bulk earthworks, lead-in services, retention and detention basins for the estate
- service provisions for Precinct 1
- infrastructure provision including the proposed WNSLR
- construction of Estate Road 1
- Precinct 1 building construction

The concept approval requires future DAs to be consistent with the conditions in SSD 7348 (Schedule B) and outlines the matters to be addressed in future DAs within the OWE (Schedule C). These matters include visual amenity; transport, access and parking; noise and vibration; stormwater management; servicing; waste management; construction management and community consultation.

SSD 7348 has been subject to nine modifications:

- **Modification 1:** modification to the approved Concept Plan and Stage 1, including changes to sewer servicing, building pad level of Precinct 2, bioretention basins and biodiversity offset strategy. Approved 26 March 2020.
- **Modification 2:** modification to approved Concept Plan and Stage 1, including master plan layout, reconfiguration of Precinct 1 layout, change to height control (Building 1A), changes to internal roads, civil design and building pad levels. Approved 21 April 2020.
- **Modification 3:** modification to the approved Concept Plan including change in building and road layout at Precinct 2. Change in height control for Building 2B. Construction of Estate Road 3. Approved 2 April 2020.
- **Modification 4:** inclusion of Lot 9 DP1157476 to facilitate the construction of the WNSLR. Approved 24 March 2020.
- **Modification 5:** minor changes to Building 1A car park, hardstand and landscape layout, and dangerous goods quantity for this building. Changes to biodiversity offset location, noise wall completion timing and the WNSLR landscape setback were also included. Approved 5 November 2020.

- **Modification 6:** minor changes to the approved Concept Plan, an increase in building height control and detailed design development across Precinct 2 and 3 resulting in minor changes to building form and layout. Construction of Estate Road 8. Approved 10 March 2021.
- **Modification 7:** changes to earthworks levels and building layouts in Precinct 4, earthworks pad and lot boundary in Precinct 3 and layout of estate road 7. Amended Stage 1 Development to include bulk earthworks and construction of retaining walls in Precincts 3 and 4 and construction of a lot boundary fence in Precinct 1. Approved 8 October 2021.
- **Modification 8:** amendment to architectural plans for Stage 1 Buildings 1A, 1B and 1C. Approved 10 September 2021.
- **Modification 9:** changes to layout of Buildings 2A, 2C, and 2D and an increase of the maximum height of Building 2C from 15 m to 22.2m. Approved 8 December 2021.

A tenth modification application is currently being prepared and will be lodged with DPE shortly (Mod 10). The modification seeks to amend the approved Concept Plan and Stage 1 works as follows:

- minor changes to signage within Precinct 1
- minor changes to Precinct 3 and Precinct 5 to reflect the detailed designs of these precincts, including GFA values and changes to the layout of Precinct 5 to provide two warehouses
- removing restrictions applying to Precinct 3 and Precinct 5 under Condition B9 relating to night time operation of plant and forklifts
- clarifying the 20m southern boundary setback development control under Condition B10 should not apply to Lot 3C, noting that the site adjoins a landscaped area and the Future Southern Link Road in this location rather than sensitive receivers

Specific amendments to SSD 7348 sought under Mod 10 relevant to this application include:

- modifying the approved layout of Precinct 5 to include two warehouses rather than one
- reducing the approved GFA for Precinct 5 from 35,560m<sup>2</sup> to 32,325m<sup>2</sup>
- removing restrictions applying to Precinct 5 under Condition B9 relating to night time operation of forklifts

### 2.3.2 Subsequent SSD Applications

The table below summarises the subsequent SSD applications lodged with DPE for the various stages of the OWE.

SSD Number	Description	Status
SSD 10397	<p>Stage 2 development of the OWE for Warehouse 2B within Precinct 2. SSD 10397 includes the construction, subdivision, fit-out, operation and use of a four-level automated warehouse, associated office space, internal roads and parking.</p> <p>SSD 10397 has been modified on two occasions in relation to architectural plans, inclusion of additional solar inverters and increase in fence height.</p>	Approved 9 April 2020

SSD Number	Description	Status
SSD 9794683	Stage 3 development of the OWE which was approved for the following: <ul style="list-style-type: none"> <li>Construction of Warehouse 2A, 2C and 2D within Precinct 2 of the OWE;</li> <li>The subsequent fitout and use of the proposed warehouses; and</li> <li>Associated earthworks and landscaping.</li> </ul>	Approved 16 December 2021
SSD 22191322	Stage 5 development of the OWE was approved for the construction, fitout, and operation of warehouse building 4E with a total gross floor area of 35,560m <sup>2</sup> and associated office, hardstand areas, loading docks, car parking spaces, landscaping, and services.	Approved 29 October 2021

Table 2: Summary of relevant SSD approvals

### 2.3.3 Subsequent Development Applications determined by Penrith City Council

The table below provides a summary of the subsequent DAs approved by Council following the Concept Approval under SSD 7348.

DA Number	Description	Status
DA 20/0843	A development application for Building 3A within Precinct 3 was approved for: <ul style="list-style-type: none"> <li>the construction and use of Building 3A as a warehouse and distribution centre;</li> <li>signage, landscaping and associated site works; and</li> <li>Torrens Title subdivision of Precinct 3.</li> </ul>	Approved 15 April 2021
DA 21/0440	A development application for Building 3B within Precinct 3 of the OWE was approved for: <ul style="list-style-type: none"> <li>the construction and use of Building 3B, providing two tenancies, for warehouse and distribution centre uses;</li> <li>signage, landscaping and associated works; and</li> <li>Torrens Title subdivision to create 2 lots.</li> </ul>	Approved 25 November 2021

Table 3: Summary of DAs approved by Council within the OWE

### 3 The Proposal

The proposed development is described in the table below:

<b>Address/Property</b>	Tundra Close, Kemps Creek Lot 111 in DP 1262310
<b>Description</b>	Development of Precinct 5 within the OWE
<b>Ownership</b>	BGMG 11 Pty Ltd, a joint venture between Goodman and Brickworks
<b>LGA</b>	Penrith
<b>Zoning</b>	IN1 General Industrial
<b>Permissibility</b>	Permitted with consent
<b>Project</b>	<p>The development comprises the construction, use and fit-out of Buildings 5A and 5B (two tenancies) as warehouse and distribution centres including:</p> <ul style="list-style-type: none"> <li>• ancillary office space</li> <li>• associated truck and car parking areas</li> <li>• loading bays</li> <li>• 2 x gatehouses and 2 x dock offices</li> <li>• site landscaping</li> <li>• signage</li> <li>• fit-out (office area and warehouse racking)</li> <li>• earthworks and construction of additional retaining walls</li> <li>• electric vehicle charging</li> <li>• solar panels</li> <li>• subdivision</li> <li>• 24/7 hour operation</li> </ul>

Table 4: Project Overview

The proposed development comprises the construction of Buildings 5A and 5B, providing two separate warehouses, and their fit out and use as warehouse and distribution centres within Precinct 5 of the OWE. The proposal also includes ancillary office space, car and truck parking, loading bays, gate houses, dock offices, EV charging stations, solar panels landscaping, signage and subdivision.

The proposed development will facilitate warehouse and distribution uses consistent with the IN1 General Industrial zone under the Industry and Employment SEPP. The proposal does not require clearing or supporting infrastructure as all necessary vegetation removal, infrastructure installation and other investigations were approved and have been undertaken in accordance with SSD 7348.

Minor earthworks and additional retaining walls are proposed as shown in the Civil Engineering Plans (Appendix 2). These detailed earthworks are required to accommodate the building and external levels.

To facilitate the development proposed under this application, SSD 7348 Mod 10 has been lodged with DPE. Relevant amendments to SSD 7348 sought under Mod 10 include revising the approved layout of Precinct 5 to include two warehouses, reducing the approved GFA for Precinct 5 shown on the concept proposal layout and removing operational restrictions relating to forklifts.

The key elements of the proposed warehouses are described in Table 5. The proposed layout plan for the development is provided at Figure 4 and Appendix 1.



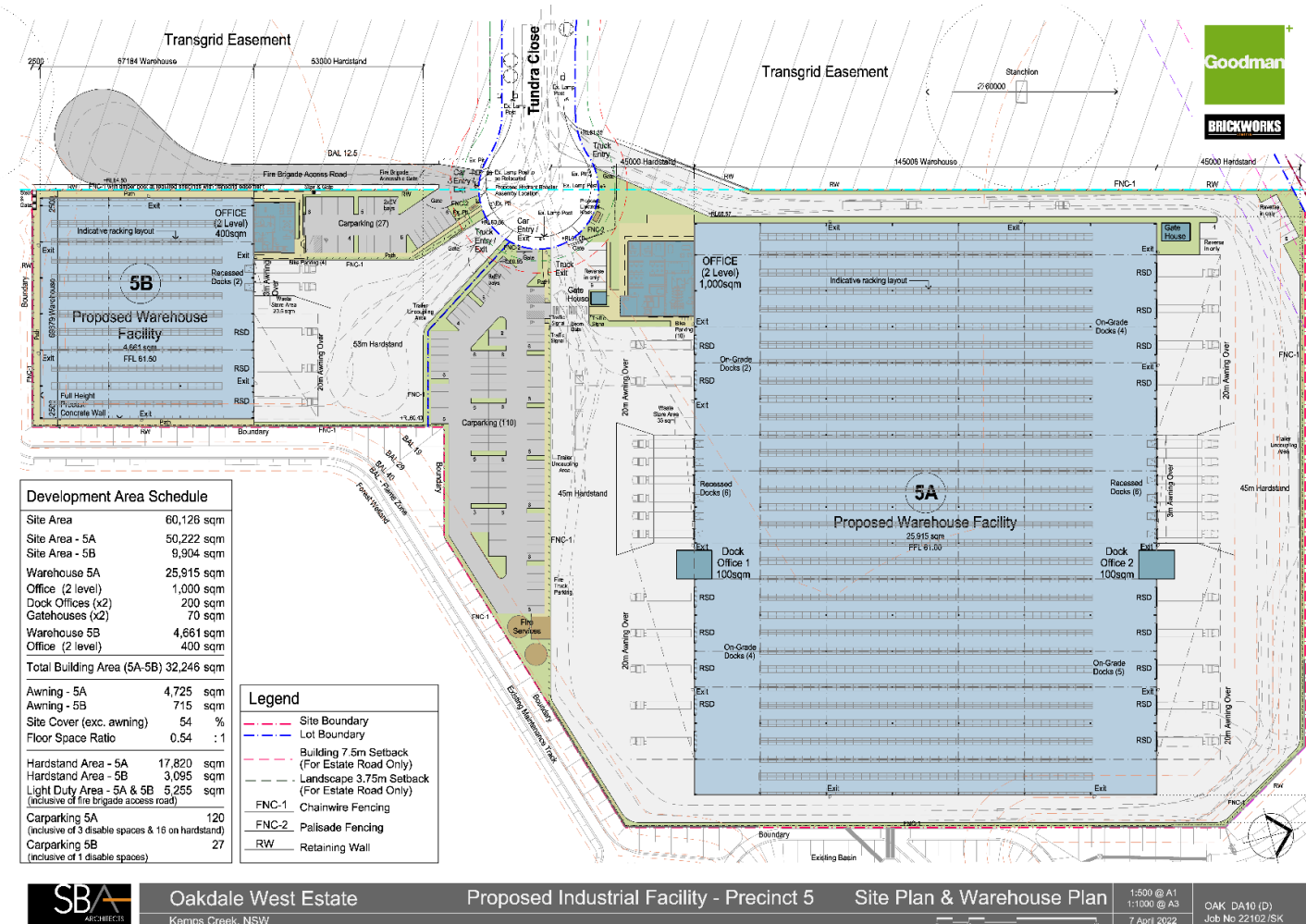


Figure 5: Indicative layout of Buildings 5A and 5B (Source: SBA)

Element	Warehouse 5A	Warehouse 5B
Site Area	60,126m <sup>2</sup>	
GFA	32,246m <sup>2</sup>	
Warehouse	25,915m <sup>2</sup>	4,661m <sup>2</sup>
Office	1,000m <sup>2</sup>	400m <sup>2</sup>
Dock Offices	200m <sup>2</sup>	-
Gatehouses	70m <sup>2</sup>	-
Total	27,185m <sup>2</sup>	5,061m <sup>2</sup>
Height		
Ridge (excludes rooftop solar)	13.7m	13.7m
Car Parking	120	27
Loading Docks	28	5
Cost (including GST)	\$34,264,656	\$5,713,344
Hours of Operation	24 hours, 7 days a week	

Table 5: Warehouse detailed design

### 3.1 Built Form

The height and scale of the proposed Buildings 5A and 5B are generally consistent with the building envelopes in the approved Concept Proposal (as modified). The warehouses utilise a pitched roof form with a maximum ridge height of 13.7m, in accordance with Condition B11 of SSD 7348.

The proposed warehouses are generally rectangular in shape, with the exception of the office spaces located to the southwest and northwest of the main warehouse buildings. These office components have been designed to present Tundra Close, with large windows providing casual surveillance.

To soften the industrial nature of the development a variety of materials and finishes are proposed, utilising a neutral palette of colours. These elements include charcoal and grey metal wall sheet cladding, brickwork, stainless steel mesh for vertical plantings, pre-cast concrete and glazing to ensure the proposal blends with the surrounding landscape. The use of the stainless steel mesh for climbing plants and metal cladding provide vertical elements to breakdown any perceived bulk.

Furthermore, the office element together with glazing and a variety of materials provides articulation. The stainless steel mesh provided to office entrances allows for vertical plantings to ensure an appropriate presentation to the street incorporating greenery into the building articulation.

### 3.2 Earthworks and Landscaping

Additional and extended retaining walls are proposed around the site to establish level warehouse pads, accommodate site drainage infrastructure and enable fire access to Building 5B. The retaining walls facilitate the detailed earthworks for the warehouse pads and are designed to ensure no impacts to the existing approved batters, retention basin or vegetation management and biodiversity offset areas.



The landscape design prepared for Precinct 5 aims to expand on previous individual lot design within Oakdale West, reinforcing a consistent and robust landscape character, adhering to the high standard this development aims to achieve.

The proposed landscape scheme incorporates over 100 native and exotic trees to provide screening of hardstand and built form. This ensures landscape setbacks will be densely vegetated, consistent with landscape schemes in other precincts of the OWE.

The provision of large spans of permeable surfaces has been included, comprising of vegetation, low maintenance turf and gravel to reduce run-off and increase water sensitivity to respond to the climatic conditions of Western Sydney.

Landscape strips are provided between at least every 6 car parking spaces which softens the hardstand areas.

The proposed Landscape Plan for the site is provided at Appendix 4 and Figure 6.

### 3.3 Signage

The proposal includes provision of 13 identification and wayfinding signs. A signage plan has been included within the Architectural Plans (Appendix 1) identifying the following proposed signs as described in Table 6.

Signage Typology	Building 5A	Building 5B
Illuminated Goodman Façade Signs	1	1
Illuminated Tenant Signs	5	2
Illuminated Car Wayfinding Pylon Signs		2
Illuminated Truck Wayfinding Pylon Signs		2

Table 6: Summary of proposed signage to each warehouse

Given the location of Precinct 5, the proposed signs are not anticipated to be visible from any sensitive receivers.

All signage is proposed to be illuminated. All signage has been designed to comply with the relevant Australian Standards as well as the provisions of the Industry and Employment SEPP as demonstrated in Section 5.7.1.

### 3.4 Access and Parking

The proposed car parking areas for Building 5A and 5B contain 120 and 27 car parking spaces respectively. The parking area for Building 5A is located centrally between the two tenancies and the parking area for Building 5B is located at the western boundary adjacent to the office for Building 5B. The two car parking areas are to be accessed from driveway entry and exits to Tundra Close. A pedestrian crossing, traffic signal and boom gate will be installed to enable safe and easy access between Building 5A and the parking area.

28 loading bays are provided to Building 5A along its northern and southern elevations and 5 loading bays are provided to Building 5B along its northern elevation. Materials and goods associated with the use of Buildings 5A and 5B will be loaded from the warehouses. This may require goods being temporarily set down outside as they are moved from the warehouses to the loading bays. The loading bays are accessed from dedicated truck entry and exits on to Tundra Close.

### **3.5 Subdivision**

Subdivision of Lot 111 in DP 1262310 is proposed as part of this DA to create a single, separate lot for Precinct 5. A Draft Plan of Subdivision is provided at Appendix 17 and at Figure 7.

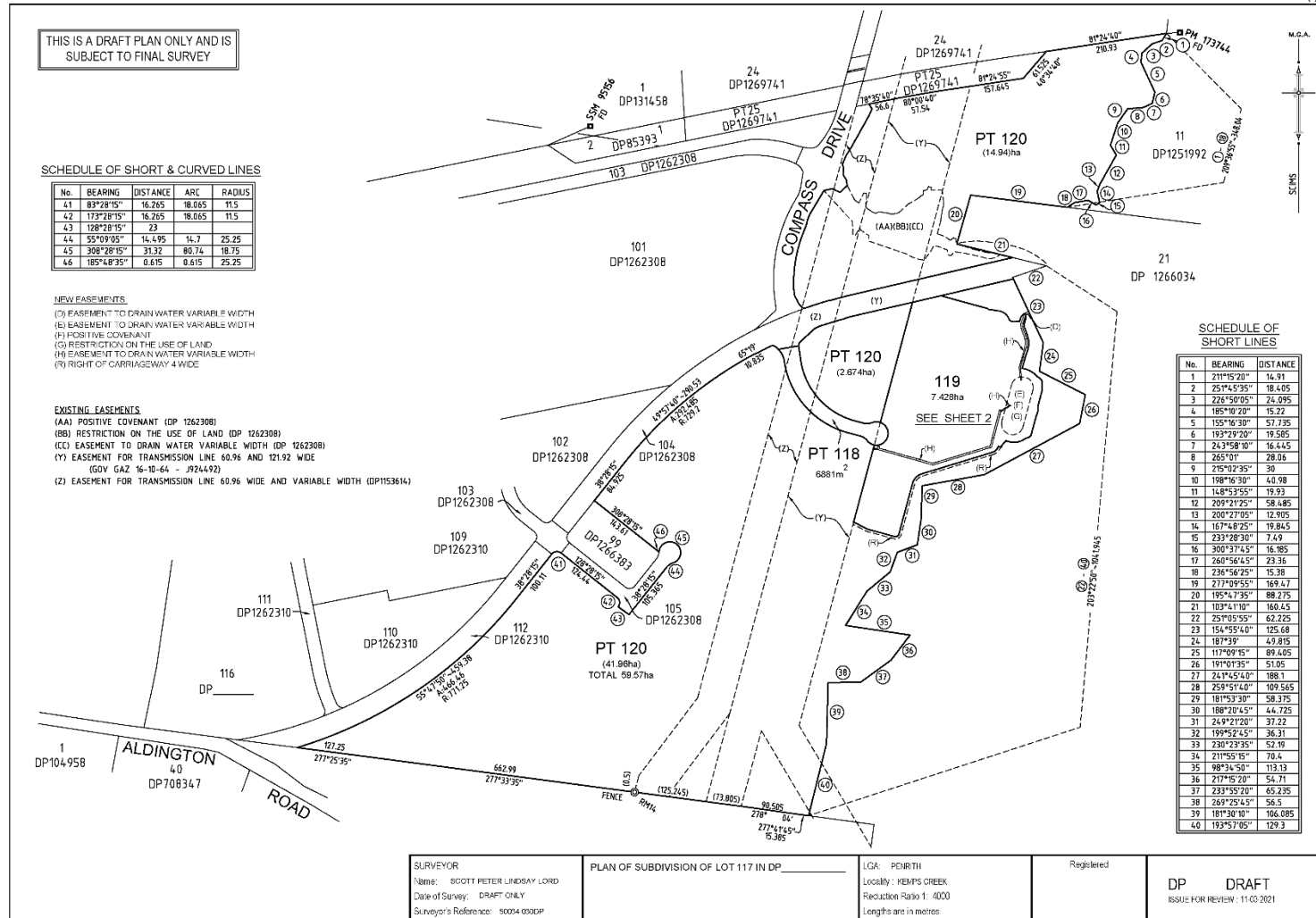


Figure 6: Proposed Landscape Plan (Source: Scape Design)

PLAN FORM 2 (A2)

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

Sheet 1 of 3 sheet(s)



## 4 Strategic Planning Context

### 4.1 State Infrastructure Strategy

The *State Infrastructure Strategy* sets out the NSW Government's Rebuilding NSW Plan, which involves the investment of \$20 billion in new infrastructure across the state. The Strategy identifies policies and strategies needed to provide infrastructure that meets the needs of a growing population and a growing economy.

Although the Strategy relates to investment in Government infrastructure, the proposal will contribute to the integration of land use and infrastructure planning as the site is strategically located near the future Western Sydney Aerotropolis, as well as including the construction of the Western North South Link (WNSL) Road as approved under the Stage 1 approval.

### 4.2 Greater Sydney Region Plan

The *Greater Sydney Region Plan* (Region Plan) outlines how Greater Sydney will manage growth and change in the context of social, economic and environmental matters. It sets the vision and strategy for Greater Sydney, to be implemented at a local level through District Plans. The overriding vision for Greater Sydney in the Region Plan is to rebalance Sydney into a metropolis of 3 unique but connected cities:

- the established Eastern Harbour City
- the developing Central River City
- the emerging Western Parkland City

The Region Plan provides broad *Priorities and Actions* which focus on the following four key themes. A high-level analysis of the proposal against these themes is provided in Table 7.

Theme	Response
<b>Infrastructure and Collaboration</b>	The site is located within close proximity to both the M4 and M7 Motorways as well as the future Western Sydney Aerotropolis. Stage 1 of the development was also approved for the construction of the Western North South Link (WNSL) Road which connects the site to the regional road network.
<b>Liveability</b>	The provision of the WNSL Road facilitates connection of the site to surrounding areas, including residential areas to the north in Erskine Park. Given the site is to provide a large number of employment opportunities, this connection to residential areas ensures viability for future workers.
<b>Productivity</b>	The site is within an area identified as industrial and urban services land and the Region Plan sets the objective for planning authorities to adopt an approach of "retain and manage" to most industrial land in the Penrith LGA (Objective 23 – Industrial and urban services land is planned, retained and managed). The proposal is consistent with the retain and manage principle as it proposes employment generating development on land zoned for industrial purposes.
<b>Sustainability</b>	The Development has been designed with initiatives to achieve a 5 Star Green Star 'as-built' rating, and include consideration of water sensitive urban design principles, energy efficiency, and biodiversity conservation.

Table 7: Assessment of proposal against priorities outlined in the Greater Sydney Region Plan

### 4.3 Western City District Plan

The *Western City District Plan* (District Plan) was prepared by the Greater Sydney Commission (GSC) in March 2018. It seeks to manage growth in the context of economic, social and environmental matters in the Penrith LGA. It provides the district level framework to implement the goals and directions outlined in the Region Plan for the Western City District.

The District Plan recognises the accessible location of the site within industrial land to support the growth of the Western City District, given its close proximity to the future Western Sydney Aerotropolis and access to both the M7 and M4 Motorway.

In particular, the development effectively addresses Planning Priority W10 – Maximising Freight and Logistics Opportunities and Planning and Managing Industrial and Urban Services Land.

The proposed development is consistent with the District Plan as it will:

- protect employment land through the provision of employment uses;
- continue the operation of industrial uses in the WSEA; and
- attract investment from innovative industries

### 4.4 Penrith Local Strategic Planning Statement

The *Penrith Local Strategic Planning Statement* (LSPS) adopted in March 2020. The LSPS is a 20-year plan which sets out Council's land use vision and planning priorities for the LGA.

The document recognises the importance of the industrial lands within the LGA in enhancing and growing Penrith's economy. The proposal will provide a warehouse and distribution centre which is consistent with the LSPS in particular the following priorities:

- *Planning Priority 1: Align development, growth and infrastructure* – The provision of warehousing within the Penrith LGA provides new opportunities for jobs close to homes, creating a more liveable city. The development coincides with new infrastructure in Western Sydney including the Aerotropolis and South Link Road to ensure better connectivity within the Penrith LGA.
- *Planning Priority 12: Enhance and grow Penrith's economic triangle* – The 'retain and manage' principle ensures that industrial lands are safeguarded which ensures economic growth in Western Sydney as reflected in developments such as this.
- *Planning Priority 19: Create an energy, water and waste efficient city* – The proposed development has been designed to ensure efficiency in energy, water and waste management as demonstrated in the supporting Waste and Sustainability Management Plans. The incorporation of rainwater harvesting in the proposal reflects the priority which aims to facilitate water conservation and reuse.



## 4.5 Economic Development Strategy – Building the New West

Penrith Council's *Economic Development Strategy* provides a framework as to how Council can best support economic development and foster greater investment within the LGA. The Strategy provides a goal for Penrith to achieve an increase in local jobs up to 55,000 by 2031.

The Penrith LGA has emerged as an important industrial centre in Western Sydney and recognises the importance of retaining such land uses. The Strategy notes that industrial workers seek jobs all over Western Sydney given its' good connections to road infrastructure including the M4 and M7. The provision of warehousing as proposed under this DA ensures the retention of industrial land in the Penrith LGA and will provide a significant number of employment opportunities in the area to aid in economic growth.

## 4.6 Western Sydney Aerotropolis Structure Plan

The subject site is located adjoining the boundary of the Western Sydney Aerotropolis Structure Plan. The Structure Plan creates a spatial representation of land-uses, environmental assets and transport infrastructure within the Aerotropolis. As shown in Figure 8, the site adjoins land identified for enterprise uses, with an intermodal terminal nearby.

The proposal will not prevent the implementation of development of the Aerotropolis as envisaged under the Aerotropolis Structure Plan and the Aerotropolis Precinct Plans.

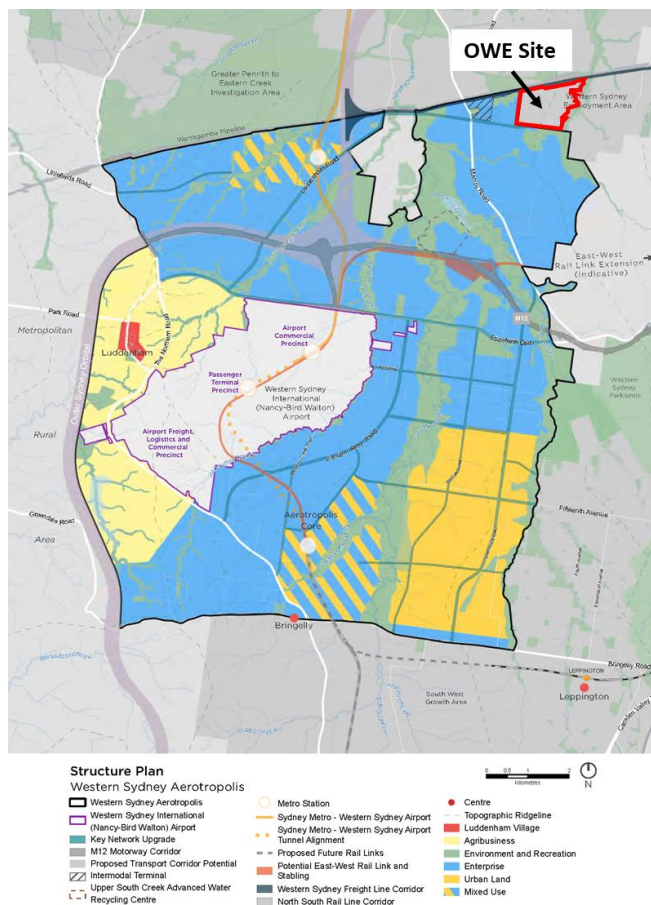


Figure 8: Western Sydney Aerotropolis Structure Plan (Base source: Western Sydney Planning Partnership)



## 5 Statutory Planning Framework

### 5.1 Environmental Planning and Assessment Act 1979

The proposal is consistent with the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as it is considered to promote the orderly and economic use and development of land without resulting in an adverse impact on the environment. Detailed assessment against the objects of the EP&A act is provided below.

Objective	Comment
(a) <i>To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,</i>	The land has been identified and zoned for industrial development and employment purposes in the WSEA under the Industry and Employment SEPP. The proposal provides further investment in industrial and employment generating development on this land that will result in a number of positive economic impacts for the local area and Greater Sydney.
(b) <i>to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	This SEE provides information on the relevant economic, environmental and social impacts of the proposed development to enable the consent authority to undertake a thorough environmental assessment and assist in its decision-making on the application.
(c) <i>to promote the orderly and economic use and development of land,</i>	The development promotes the orderly and economic use of the land by providing opportunities for jobs in an area zoned for employment development.
(d) <i>to promote the delivery and maintenance of affordable housing,</i>	Not applicable to the development.
(e) <i>to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</i>	The proposed development has no further impact to biodiversity as addressed under SSD 7348. A Biodiversity Statement prepared by Ecologique (Appendix 7) accompanies this report and confirms there are no further impacts on biodiversity values as a result of the development.
(f) <i>to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	Heritage for the entire site was addressed under SSD 7348. Given the site has been exposed to earthmoving, no further investigation is required.
(g) <i>to promote good design and amenity of the built environment,</i>	The proposal exhibits good design through compliance with the design conditions under SSD 7348, utilisation of a variety of materials and finishes and landscaping to soften the built form. The proposal is not anticipated to result in any adverse amenity impacts to sensitive receivers.
(h) <i>to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i>	The development will be constructed in accordance with any conditions of approval issued by the consent authority and the relevant requirements that relate to health and safety, construction and maintenance.

Objective	Comment
(i) <i>to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i>	This development application will be submitted to and assessed by Penrith City Council.
(j) <i>to provide increased opportunity for community participation in environmental planning and assessment.</i>	The proposal will be notified in accordance with the Council's notification policy. Council officers will consider any submissions received prior to the determination of the application.

Table 8: Assessment against Objectives of the EP&A Act

This section of the report provides the planning assessment against the key statutory environmental planning instruments and Development Control Plans relevant to the development. The following detailed assessment of the proposal is provided and which is based on the heads of consideration contained in section 4.15 of the EP&A Act.

Relevant Provision	Comment
(a) <i>the provisions of:</i>	
(i) <i>any environmental planning instrument, and</i>	The relevant environmental planning instruments are addressed at Section 5.
(ii) <i>any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i>	The relevant proposed environmental planning instruments are addressed at Section 5.
(iii) <i>any development control plan, and</i>	The <i>Penrith Development Control Plan 2014</i> (PDCP 2014) is addressed at Section 5.10 and Appendix 15.
(iiia) <i>any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</i>	A Voluntary Planning Agreement (VPA) applies to the site which was entered under section 7.4 of the Act during the approval process for SSD 7348.
(iv) <i>the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i>	The requirements of the EP&A Regulations are addressed in Section 5.11.
(v) <i>(Repealed)</i>	N/A
(b) <i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	The impacts of the proposal are addressed in Section 6.
(c) <i>the suitability of the site for the development,</i>	Site suitability is addressed at Section 6.17.
(d) <i>any submissions made in accordance with this Act or the regulations,</i>	Any submissions made on this subject development application will be duly considered and addressed. In addition, the Council will consider any public submissions relating to the proposal during its assessment.
(e) <i>the public interest.</i>	Public interest is addressed at Section 6.19.

Table 9: Section 4.15(1) assessment

## 5.2 Rural Fires Act 1997

The site is identified as bushfire prone land under the Rural Fire Service's bush fire prone land mapping.

The *Rural Fires Act 1997* requires that consideration be made to the potential bushfire impacts on development at the planning assessment stage to ensure protection of people and property in the event of a bushfire.

Under Section 4.46 of the EP&A Act, the proposal is not required to be referred to NSW Rural Fire Service as it does not include subdivision for residential purposes or development of a special fire protection purpose.

Notwithstanding, a Bushfire Risk Assessment has been prepared by Blackash Bushfire Consulting (Appendix 14). This report provides an assessment of the development against the relevant provisions of *Planning for Bushfire Protection 2019* (PBP 2019) and concludes that the warehouses and the site is able to respond and implement an appropriate level of bushfire protection measures as per the PBP 2019.

In addition, a Fire Safety Strategy prepared by Core Engineering Group (Appendix 8) accompanies this statement. The strategy demonstrates that the proposed construction and management of Buildings 5A and 5B can achieve an acceptable level of life safety within the buildings.

## 5.3 Environmental Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides the legal framework to protect and manage environmental values considered to be of national environmental significance.

The EPBC Act requires approval from the Commonwealth Minister for the Environment and Resources for actions that may have a significant impact on listed matters of national environmental significance (MNES).

The Oakdale West Concept Proposal is a "controlled action" that has undergone assessment by the Commonwealth Department of the Environment and Energy (DoEE) under the EPBC Act. Approval was granted from the delegate of the Commonwealth Minister for Environment on 25 November 2019.

The project was assessed and determined as part of the Oakdale West Concept Proposal. The proposed development will not have potential to impact upon any MNES in addition to those assessed for the OWE Concept Proposal.

A Biodiversity Statement prepared by Ecologique (Appendix 7) accompanies this report and confirms there are no further impacts on biodiversity values as a result of the development.

## **5.4 Biodiversity Conservation Act 2016**

The *Biodiversity Conservation Act 2016* (BC Act) commenced on 25 August 2017 and establishes a framework to avoid, minimise and offset impacts on biodiversity.

The consent authority must consider if the proposed development is likely to have serious and irreversible biodiversity impacts when assessing this application and determine any additional and appropriate measures that would minimise the impacts if a consent or approval was to be granted.

The assessment of biodiversity impacts for the site has been undertaken for SSD 7348. Approval for the Concept Plan included a Biodiversity Assessment and Offset Strategy for the entire OWE.

A Biodiversity Statement prepared by Ecologique (Appendix 7) accompanies this report and confirms there are no further impacts on biodiversity values as a result of the development.

## **5.5 Heritage Act 1977**

The *Heritage Act 1977* (Heritage Act) makes provisions to conserve the State's environmental heritage. It provides for the identification, registration and protection of items of State heritage significance and constitutes the Heritage Council of New South Wales.

A complete Heritage assessment was undertaken and provided in the Oakdale West Environmental Impact Statement for SSD 7348. The report provided a detailed analysis of Heritage items in proximity to the site as well as any necessary mitigation and management measures. Within the site boundaries, Aboriginal sites Oakdale Campsite 4 and OW IF 2 were identified to be impacted by the overall development.

As the sites have now been disturbed following Stages 1, 2 and 3 works, further heritage approval is not considered necessary.

## **5.6 Contaminated Land Management Act 1997**

The *Contaminated Land Management Act 1997* (CLM Act) establishes a process for investigating and (where appropriate) remediating land where contamination poses a significant risk of harm to human health or the environment.

Contamination for the entire site was addressed as part of the Stage 1 development and Concept Plan under SSD 7348. The site was assessed and approved to be generally suitable for commercial and industrial uses.

## 5.7 State Environmental Planning Policies

The proposal has been designed with regard to the objectives and standards of the relevant planning instruments and policies that apply to the site. Under the provisions of the EP&A Act, the key applicable state environmental planning policies are:

- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Precincts - Western Parkland City) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*

The application of the above plans and policies is discussed in detail in the following sections of this SEE.

### 5.7.1 State Environmental Planning Policy (Industry and Employment) 2021

#### Chapter 2 - Western Sydney Employment Area

Chapter 2 of the Industry and Employment SEPP establishes the WSEA and identifies eleven precincts within its boundary, as shown in Figure 9. The site is located within Precinct 8 – South of Sydney Catchment Authority Warragamba Pipelines.

Consideration of the proposed development against the objectives of the IN1 General Industrial zone have been provided in Table 10 and an assessment against applicable detailed provisions of the Chapter 2 is provided in Table 10.

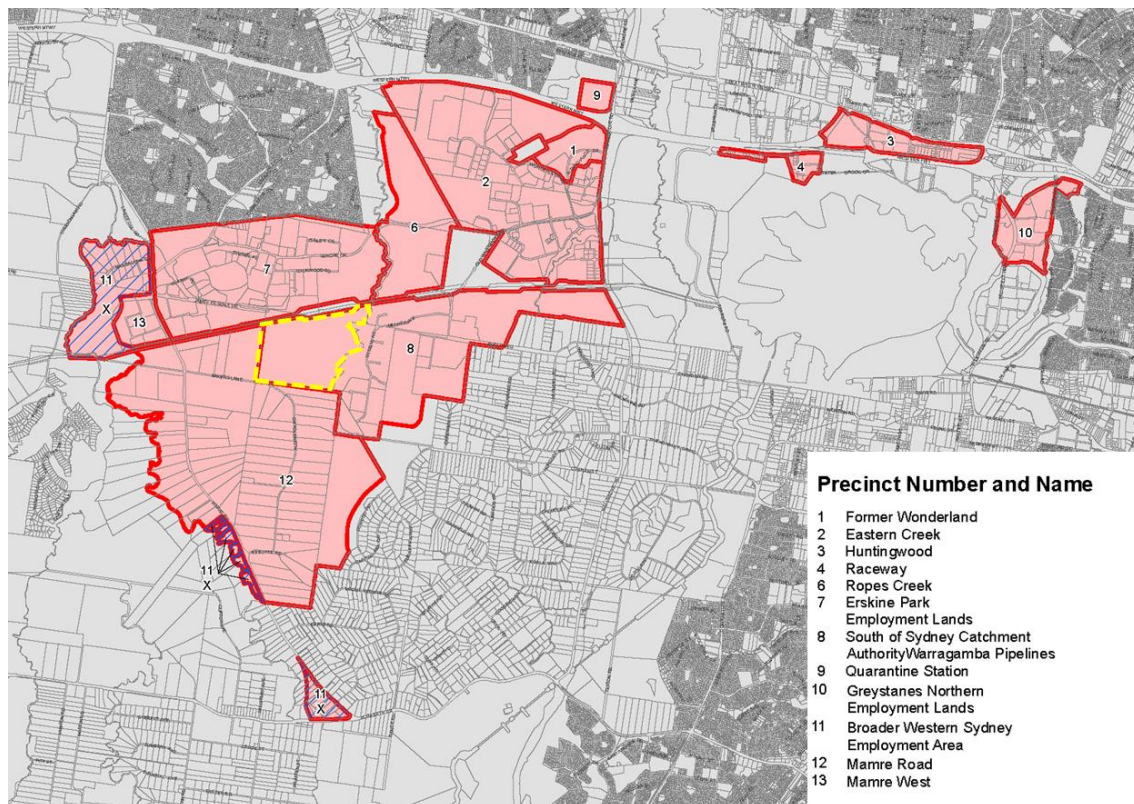


Figure 9: WSEA SEPP boundary identifying the OWE (Source: Industry and Employment SEPP)



Objective	Comment
<i>To facilitate a wide range of employment-generating development including industrial, manufacturing, warehousing, storage and research uses and ancillary office space.</i>	The proposal provides a total of 32,246m <sup>2</sup> of warehouse and ancillary office floor space which will provide employment during both construction and operational phases.
<i>To encourage employment opportunities along motorway corridors, including the M7 and M4.</i>	The OWE is located approximately 14km south west of the M4 and 6km west of the M7, making it highly accessible for future employees and heavy vehicles.
<i>To minimise any adverse effect of industry on other land uses.</i>	As part of the development of the OWE, frequent consultation with community members is undertaken to ensure any potential impacts are mitigated.
<i>To facilitate road network links to the M7 and M4 Motorways.</i>	The construction of Compass Drive and the Future Southern Link Road ensures access to surrounding networks is improved, including nearby motorways.
<i>To encourage a high standard of development that does not prejudice the sustainability of other enterprises or the environment.</i>	The Architectural Plans and Sustainability Management Plan submitted with this application demonstrates that the proposal is of a high calibre ensuring sustainability is at the forefront of the intended design outcomes.
<i>To provide for small-scale local services such as commercial, retail and community facilities (including child care facilities) that service or support the needs of employment-generating uses in the zone.</i>	Future uses of Buildings 5A and 5B will support the development of small scale local services.

Table 10: Assessment of proposal against objectives of the IN1 zone under the WSEA SEPP

Section	Provision	Response
<b>2.1 Aims of Chapter</b>	To protect and enhance employment lands within the WSEA boundary.	The proposed development satisfies the aims of Chapter 2 as it will provide employment during both construction and operation phases.
<b>2.9 Zoning of land</b>	The site is zoned IN1 General Industrial.	The proposed development is permissible with consent (warehouse or distribution centres) in the IN1 zone and is consistent with the zone objectives as outlined in Table 10.
<b>2.12 Subdivision</b>	Land to which this Policy applies may be subdivided, but only with consent.	Consent for subdivision is sought as part of this DA.
<b>2.17 Requirement for development control plans</b>	Requirement for the preparation of a development control plan.	Under SSD 7348 it was determined that a site specific DCP for OWE was not required to be prepared. It is noted that an assessment has been undertaken against the provisions of Penrith DCP (Appendix 16) and the development controls provided under SSD 7348 (Section 5.8).  It is noted that controls prescribed under SSD 7348 are in the process of

Section	Provision	Response
		being incorporated into the next amendment to the Penrith DCP 2014.
<b>2.19 Ecologically Sustainable Development (ESD)</b>	Development must include measures to minimise the consumption of potable water and greenhouse gas emissions.	<p>A Sustainability Management Plan has been prepared by SLR Consulting Australia (Appendix 10).</p> <p>This report outlines a number of ESD measures and concludes that the proposed initiatives will help to achieve significant reductions in the energy required by the development both in building and operation.</p>
<b>2.20 Height of Buildings</b>	Building heights for proposed development to adequately respond to site topography and preserve the amenity of adjacent zones.	There is no applicable height control under the SEPP. Buildings 5A and 5B will have a maximum ridge height of 13.7m. This is consistent with Condition B10 of SSD 7348.
<b>2.21 Rainwater Harvesting</b>	Adequate arrangements must be made to connect the roof areas of buildings to any rainwater harvesting scheme.	<p>A Sustainability Management Plan has been prepared by SLR Consulting Australia (Appendix 11).</p> <p>Section 6 of this report outlines that rainwater will be harvested from the roof and reused for irrigation and toilet flushing.</p>
<b>2.22 Development adjoining residential land</b>	To address potential amenity and parking impacts of development within 250m of land zoned primarily for residential purposes.	<p>The proposal is not within 250m of land zoned primarily for residential purposes.</p> <p>Nevertheless, the proposal has been designed and mitigation measures implemented to ensure the development does not impact the amenity of to sensitive receivers.</p>
<b>2.23 Development involving subdivision</b>	Requirement to consider implications of subdivision in relation to service access, road access and supply of land for employment purposes.	Consent for subdivision is sought as part of this DA. The lot will have service access, road access and create a single lot for Precinct 5
<b>2.24 Public Utility Infrastructure</b>	Requirement to demonstrate that adequate public utility infrastructure for the development is available or suitable arrangements are in place.	All public utility infrastructure is readily available and suitable arrangements are in place to service the proposed warehouses.
<b>2.25 Development on or in the vicinity of proposed transport infrastructure routes</b>	Consider any comments of the Director-General as to the compatibility of the development with proposed transport infrastructure routes.	This clause has been considered as part of the development of the Concept Proposal for the OWE.
<b>2.28 Industrial Release Areas</b>	Development to obtain formal certification that satisfactory	A voluntary planning agreement for the provision of regional transport



Section	Provision	Response
	arrangements have been made to contribute to the provision of regional transport infrastructure and services prior to consent being granted.	infrastructure and services was entered into between the Applicant and the Minister for the site under SSD 7348.
<b>2.30 Design Principles</b>	A requirement for the consent authority to consider building design and finishes, landscaping and the scale and character of the development.	<p>As detailed in the Architectural Plans, the proposed development incorporates a high quality design considering its industrial nature (Appendix 1).</p> <p>Materials and finishes utilise a neutral external colour palette to enable the proposal to blend with the surrounding environment.</p> <p>The bulk and scale of the development is in keeping with surrounding development being the Oakdale Industrial Estate and is consistent with the desired future character of the area.</p> <p>High quality landscaping is also proposed to soften the appearance of the development and mitigate urban heat island effects (Appendix 4).</p>
<b>2.36 Development in areas subject to aircraft noise</b>	Consideration should be given as to whether the development will result in an increase in the number of people affected by aircraft noise and the location of the development in relation to ANEF contours and OLS mapping.	<p>The ANEF contour mapping for the Western Sydney Aerotropolis crosses the south-eastern corner of the OWE and does not affect Precinct 5.</p> <p>The site is within the Horizontal Section of OLS mapping which restricts the maximum building height to 223.2m AHD. As noted on the Architectural Plans, the 13.7m warehouse buildings will result in a height of approximately 75.2m AHD, well below the OLS height limit.</p>
<b>2.37 Airspace operations</b>	To provide for the effective and ongoing operation of the Airport by ensuring that such operation is not compromised by development that penetrates the prescribed airspace.	The proposal will not penetrate the prescribed airspace as noted above.
<b>2.38 Development of land adjacent to Airport</b>	To ensure the effective and ongoing operation of the Airport by ensuring that such operation is not compromised by proposed development in close proximity to the Airport.	As detailed above, the development and operation of Buildings 5A and 5B will not hinder the operation of the airport
<b>2.40 Earthworks</b>	Earthworks for which development consent is	The majority of earthworks required to facilitate the development of Buildings

Section	Provision	Response
	required are not to have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land	5A and 5B are approved under SSD 7348 (as amended).  Nonetheless, some earthworks are proposed under this application and are considered at Section 6. The Earthworks are not considered to result in adverse impacts on surrounding land.
<b>2.41 Development on flood prone land</b>	Development on flood prone land is to consider whether the development will adversely affect floor behaviour or alter flow distributions and will enable safe occupation of floor prone land.	As required by the Condition C11 of SSD 7348, the proposal has been designed in accordance with the <i>Flood Impact Assessment: Oakdale West Estate</i> prepared by Cardno. This ensures all necessary mitigation measures and pad levels respond to the flood prone nature of the site.
<b>2.44 Stormwater, water quality and water sensitive design</b>	Development is to avoid or minimise the adverse impacts of stormwater on the land on which development is to be carried out, adjoining properties, riparian land, native bushland, waterways, groundwater dependent ecosystems and groundwater systems.	The development ensures the effective management of stormwater as demonstrated by the Civil Report prepared by AT&L (Appendix 3).  The Civil Report details the stormwater management measures and water sensitive urban design principles implemented to ensure the development results in effective water quality treatment.

Table 11: Assessment against the provisions of the Chapter 2 - WSEA

### Chapter 3 - Advertising and Signage

Chapter 3 of SEPP Industry and Employment aims to ensure that advertising and signage is well located, compatible with the desired amenity of an area and of high quality.

Chapter 3 of the SEPP applies to all signage, advertisements that advertise or promote any goods, services or events and any structure that is used for the display of signage that is permitted under another environmental planning instrument.

The proposal includes signage as detailed in Section 3.3 of this report.

Section 3.11 of Chapter 3 of the SEPP requires the consent authority to assess the proposal against the criteria within Schedule 5 prior to granting consent to carrying out of any development on that land.

An assessment of these matters is provided in the Table below:

Schedule 5	Comment	Compliance
1. Character of the Area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage ensures compatibility with the desired character of the area as it will identify two future tenancies within the industrial estate and aids in wayfinding. The design of the signs is compatible with the proposed design of the warehouses reflected in materials and colour schemes.	Complies
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?		Complies
2. Special Areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	<p>The proposal does not detract from any special areas. Precinct 5 is located far from sensitive receivers to the west and south of the OWE. The topography further limits visibility from sensitive receivers.</p> <p>Only one tenancy sign is oriented towards the riparian corridor to the east. This sign will not detract from the amenity or visual quality of the riparian corridor.</p>	Complies
3. Views and vistas		
Does the proposal obscure or compromise important views?	The proposed signs do not obstruct any views or vistas. No sign protrudes above the maximum building height or compromises an important view.	Complies
Does the proposal dominate the skyline and reduce the quality of vistas?		Complies
Does the proposal respect the viewing rights of other advertisers?		Complies
4. Streetscape, Setting or Landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposal is consistent with the streetscape, setting and landscape as it will identify the future Buildings 5A and 5B tenants and ancillary parking areas within the approved OWE.	Complies
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?		Complies
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage does not obscure, protrude or create unsightliness. There is no vegetation management associated with the proposed signage.	Complies
Does the proposal screen unsightliness?		Complies
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?		Complies
Does the proposal require ongoing vegetation management?		Complies
5. Site and Building		

Schedule 5	Comment	Compliance
<i>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</i>	The proposed signage is compatible with the characteristics of the site and building as it provides wayfinding for the site and identification signage.	Complies
<i>Does the proposal respect important features of the site or building, or both?</i>	The proposed signage scheme, including number of signs per tenant, is similar of that approved for other buildings within the OWE.	Complies
<i>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</i>		Complies
6. Associated Devices and Logos with Advertisements and Advertising structures		
<i>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</i>	No associated devices proposed. The proposed signage is to be illuminated and will comply with the relevant Australian Standards.	Complies
7. Illumination		
<i>Would illumination result in unacceptable glare?</i>	The proposed illuminated signage will comply with the relevant Australian Standards so as to not result in unacceptable glare.	Complies
<i>Would illumination affect safety for pedestrians, vehicles or aircraft?</i>		Complies
<i>Would illumination detract from the amenity of any residence or other form of accommodation?</i>		Complies
<i>Can the intensity of the illumination be adjusted, if necessary?</i>		Complies
<i>Is the illumination subject to a curfew?</i>		Complies
8. Safety		
<i>Would the proposal reduce the safety for any public road?</i>	The proposal does not reduce the safety for any public roads, pedestrians or bicyclists. All signs have been located and designed not to compromise safety.	Complies
<i>Would the proposal reduce the safety for pedestrians or bicyclists?</i>		
<i>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</i>		

Table 12: Schedule 5, SEPP Industry and Employment Consideration

## 5.7.2 State Environmental Planning Policy (Precincts – Western Parkland City) 2021

### Chapter 4 - Western Sydney Aerotropolis

The Aerotropolis Plan including Chapter 4 of *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* (Western City Precincts SEPP) and a Phase 1 DCP for the precinct was finalised on 13 September 2020.

Chapter 4 of the SEPP rezones 6,500 hectares of land to a range of employment, residential and environmental uses. The numerous rezoned precincts are the catalyst for the third city centred around the airport.

The OWE is located to the north-west of the boundary of the Western Sydney Aerotropolis as shown in Figure 10. Notwithstanding, the site is included in the Obstacle Limitation Surface (OLS) and the Wildlife Buffer Zone mapping under the SEPP.

The OLS mapping prescribes a height limitation of 223.2 m for the eastern portion of the site and a limitation of 230.5m for the western portion of the site. Given the proposed warehouse height is within the limitations of the concept approval it will not impact flight paths. The application of the SEPP does not impact the proposed construction of Buildings 5A and 5B.

The Wildlife Buffer Zone map includes the site between both the 13 km and 8 km buffer zones. Biodiversity issues were addressed under SSD 7348. Notwithstanding, a Biodiversity Statement prepared by Ecologique (Appendix 7) accompanies this report and confirms there are no further impacts on biodiversity values as a result of the development.

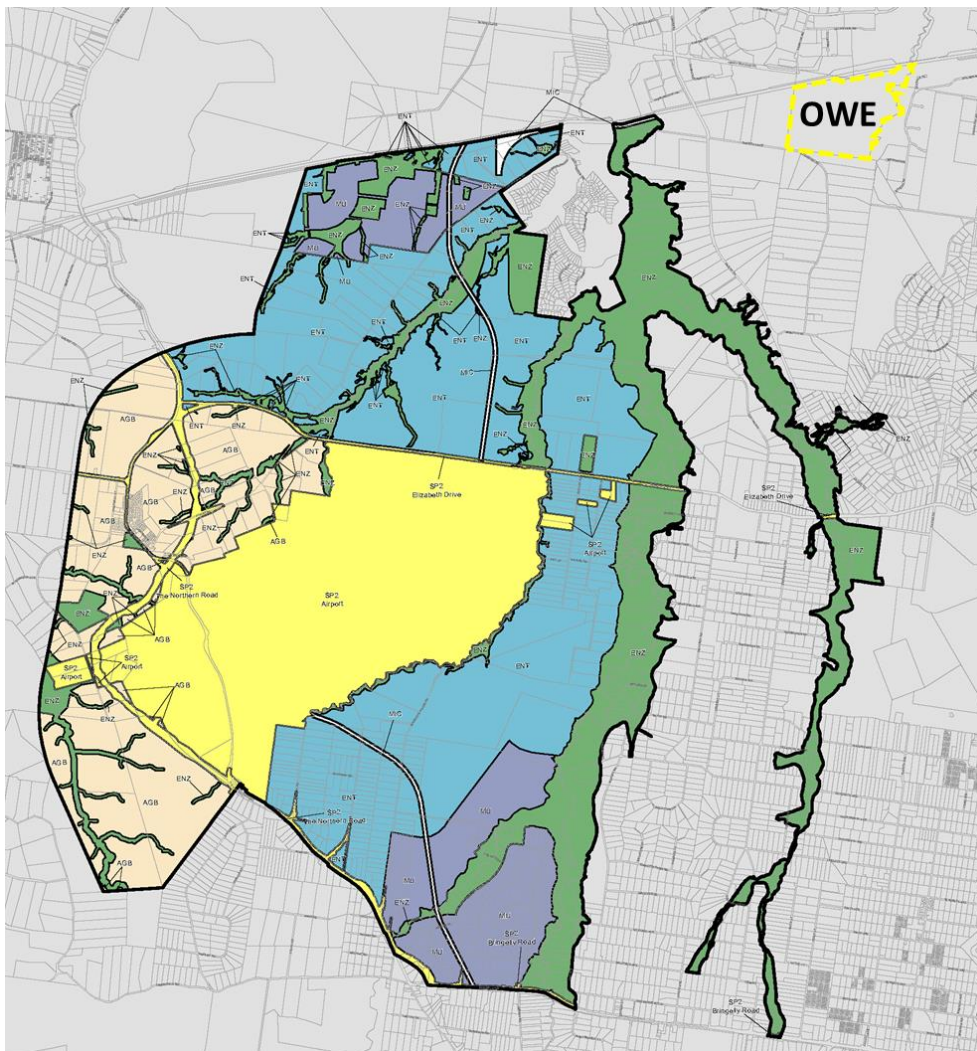


Figure 10: OWE location in regard to the Aerotropolis (Source: Western City Precincts SEPP)



### 5.7.3 State Environmental Planning Policy (Transport and Infrastructure) 2021

#### Chapter 2 - Infrastructure

Chapter 2 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP) aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, providing greater flexibility in the location of infrastructure and service facilities, allowing development of surplus government owned land, identifying environmental assessment categories and matters to be considered in assessments, and providing for consultation with relevant public authorities.

##### *Electricity transmission and distribution*

Section 2.48 of the Transport and Infrastructure SEPP requires consultation with and consideration of responses received from the relevant electricity supply authority for development carried out adjacent to an easement for electricity purposes.

Precinct 5 is located adjacent to the Transgrid easement and therefore notice is required to be given to Transgrid. Further, there are also consultation requirements with Transgrid under Conditions C13 & C14 of SSD 7348.

Council will consult with Transgrid as part of the notification process for this DA.

##### *Traffic generating development*

Section 2.121 requires that DAs for certain traffic generating development, as set out in Schedule 3 of the policy, be referred to Transport for NSW (TfNSW) and that any submission from TfNSW be considered prior to the determination of the application.

In accordance with the Transport and Infrastructure SEPP, warehouse and distribution development of 8,000m<sup>2</sup> or greater in size require referral to TfNSW. The DA is therefore required to be referred to TfNSW.

An assessment of the key traffic impacts is provided at Section 6.3.

#### Chapter 4 - Major Infrastructure Corridors

In July 2020, DPE gazetted the Major Infrastructure Corridors SEPP which now forms Chapter 4 of the Transport and Infrastructure SEPP. Chapter 4 of the SEPP aims to preserve corridors for future major infrastructure and covers the Fairfield, Blacktown, Penrith, Liverpool, Camden and Campbelltown LGAs.

As shown on the mapping for the Major Corridors SEPP (Figure 11), an SP2 Infrastructure zone now runs along the northern boundary of the site.



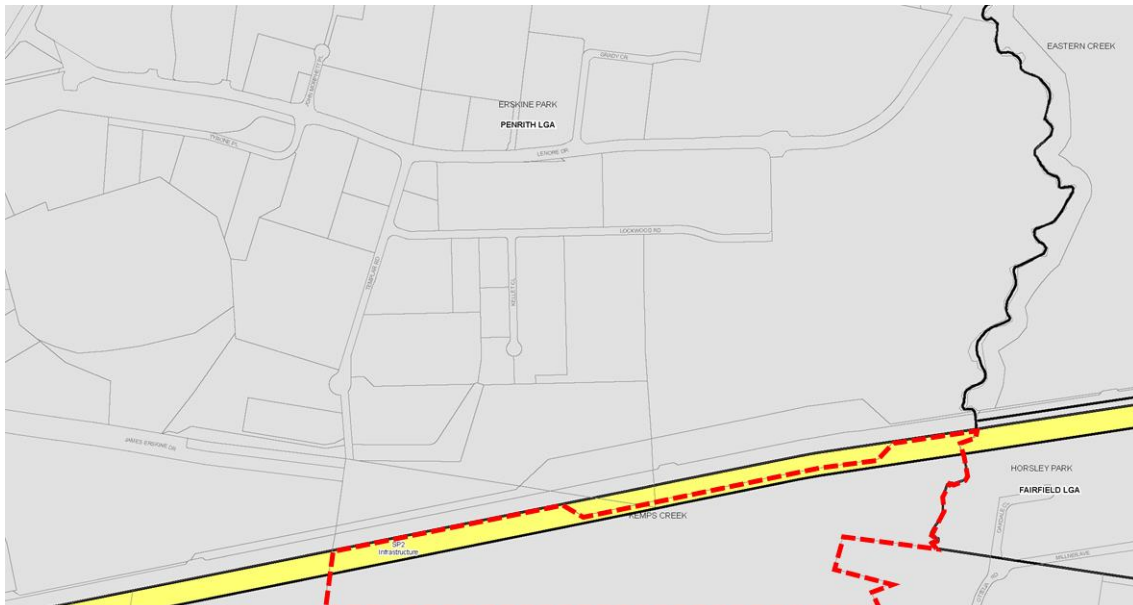


Figure 11: Major Corridors SEPP Map (site outlined in red) (Source: Transport and Infrastructure SEPP)

The proposed construction of Buildings 5A and 5B does not impact on the application of Chapter 4 of the Transport and Infrastructure SEPP. Given the location and proximity of the proposed warehouse and distribution centres to the SP2 zone, there is no potential for future conflicts between the corridor and the proposed development.

#### 5.7.4 State Environmental Planning Policy (Resilience and Hazards) 2021

##### Chapter 4 – Remediation of Land

Chapter 4, *Remediation of Land* applies to the State and states that where a DA is made concerning land that is contaminated, the consent authority must not grant consent unless:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Contamination for the entire site was addressed as part of the Stage 1 development and Concept Plan under SSD 7348. The site was assessed to be generally suitable for commercial and industrial uses.

#### 5.7.5 State Environmental Planning Policy (Biodiversity and Conservation) 2021

##### Chapter 2 - Vegetation in Non-Rural Areas

Chapter 2 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (Biodiversity and Conservation SEPP) applies to the Penrith LGA.

As discussed in Section 2.3, estate-wide clearing was approved under SSD 7348 and biodiversity measures were implemented and satisfied as part of SSD 7348.

The site does not require any further clearing of vegetation provided the approved Stage 1 works have been undertaken in accordance with SSD 7348. The attached Biodiversity Statement prepared by Ecologique demonstrates that the proposal will not have any additional adverse impacts to biodiversity considering the approvals under SSD 7348 (Appendix 7).

## **Chapter 9 - Hawkesbury-Nepean River**

Chapter 9, Hawkesbury-Nepean River sets out objectives and planning principles for development within the Hawkesbury/Nepean River catchment.

The OWE is located within the Hawkesbury/Nepean River catchment designated in the Chapter 9 and the provisions are therefore applicable to the site.

The aim of the policy is to:

*“protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.”*

Section 9.4 of Chapter 9 provides general planning considerations to be considered for any DA located within the catchment of the Hawkesbury-Nepean.

The proposed development will ensure the protection of the Hawkesbury-Nepean River system through implementing mitigation measures to effectively manage construction and operational impacts.

This includes appropriate stormwater treatment processes, water sensitive urban design and sediment and erosion control measures to reduce any impacts and protect the Hawkesbury-Nepean River system as detailed in the attached Civil Report (Appendix 3).

The proposed development is examined to be an appropriate use and development of the site given the existing approval under SSD 7348 for the wider site.

Section 6 of this report provides an assessment against all potential environmental impacts, including how the proposal will effectively address and alleviate any subsequent impacts to the surrounding environment, including the Hawkesbury-Nepean River.

## **5.8 SSD 7348 Concept Approval**

As discussed under Section 2.1.2, the subject site is located within Precinct 5 of the OWE which was granted concept approval and Stage 1 works under SSD 7348. Schedule B and C of SSD 7348 include several conditions which need to be considered as part of future DAs. Note, a modification to SSD 7348 is currently under assessment by DPE (Mod 10).

Schedule B provides conditions for the concept proposal, including built form requirements for subsequent stage DAs. An assessment against the key numerical requirements of Schedule B is provided in the table below.

Condition	Control	Proposed	Complies
<b>Schedule B – Conditions for the Concept Proposal</b>			
B9(a)	Max GLA for concept proposal	<p>Warehousing: 30,576m<sup>2</sup> Office: 1,600m<sup>2</sup> Other: 70m<sup>2</sup> Total: 32,246m<sup>2</sup></p> <p>As illustrated on the Mod 9 Masterplan, the maximum GLA for Precinct 5 is 35,640m<sup>2</sup>. A total building area of 32,246m<sup>2</sup> is proposed for Precinct 5.</p> <p>The Mod 10 Masterplan, which is currently under assessment by DPE seeks to reduce the GLA for Precinct 5 from 35,640m<sup>2</sup> to 32,325m<sup>2</sup> consistent with what is proposed under this application.</p>	Yes
B9(e)	Forklifts	<p>Forklifts are not to operate during the night-time period on Lots 2C, 2D, 2E, 3B, 3C, 3D, 3E, 4A, 4E and 5A.</p> <p>SSD 7348 Mod 10 seeks to amend condition B9 to enable forklifts in Precinct 5 to operate during the night-time period.</p>	Yes (subject to SSD 7348 Mod 10)
B9(g)	Traffic operations	<p>All traffic associate with operation of the Development shall use the West North South Link Road, and the future SLR, to access the site and shall not use Bakers Lane or Aldington Road.</p> <p>As indicated in the Transport Assessment, all future traffic associated with the development will utilise the Compass Drive (West North South Link Road) and future SLR.</p>	Yes
B10	Min. building setbacks	Southern Link Road: 17.15m	Yes
		Local estate roads: 7.5m	Yes
		Rear boundary within estate: 5m	Yes
		Side boundary: 0m	Yes
	Height	15m (including plant)	Yes
	Minimum lot size	5,000m <sup>2</sup>	Yes
	Minimum frontage	40m (excluding cul-de-sacs)	Yes

Condition	Control	Proposed	Complies
		35m minimum lot width at the building line	>35m lot width at building line for both Building 5A and 5B
	Site coverage	Maximum of 65 per cent (excluding awnings)	54%
B11	Ridge height	13.7m	13.7m
B13	Car parking	1 space per 300m <sup>2</sup> of warehouse GFA; 1 space per 40m <sup>2</sup> of office GFA; and 2 spaces for disability parking for every 100 car parking spaces.	<u>Building 5A</u> $25,915/300 = 87$ $1,270/40 = 32$ Total required 5A: 119  <u>Building 5B</u> $4,661/300 = 16$ $400/40 = 10$ Total required 5B: 26  Total: 145  147 provided as follows: <ul style="list-style-type: none"> <li>• 5A: 120</li> <li>• 5B: 27</li> </ul> Includes 4 accessible spaces.
B14	Bicycle Parking and EoT facilities	Bicycle racks, and amenity and change room facilities for cyclists in accordance with <i>Planning Guidelines for Walking and Cycling</i>	As detailed on the Architectural Plans, 14 bicycle racks are provided (10 to 5A and 4 to 5B).  End of trip facilities are also provided in each respective office component of Buildings 5A and 5B.
B18 and B19	Noise Limits	Max noise limits provided in Table 3 of consent	Noise limits and mitigation measures are addressed in Section 6.6.

Table 13: Assessment against conditions under Schedule B of SSD 7348

Schedule C of the consent provides several conditions for future DAs. An assessment against the key requirements of Schedule C is provided in the table below.

Condition	Response	Complies
<b>Schedule C – Conditions for Future Development Applications</b>		
C1 & C2	Development Contributions	Council does not have any development contributions under section 7.11 of the EP&A Act which apply to this proposal. However, Council's development contributions plan for non-residential development under section 7.12 of the EP&A Act applies to the proposal. Contributions are addressed at Section 6.14.

Condition		Response	Complies
C5.	Future DAs shall be accompanied by a Landscape Assessment	<p>The Landscaping package prepared by Scape Design includes a Landscape Design Statement.</p> <p>This Statement outlines that Precinct 5 aims to expand on previous individual lot design within Oakdale West, reinforcing a consistent and robust landscape character, adhering to the high standard this development aims to achieve. The proposed planting scheme seeks to achieve a balance between Council's environmental and planning requirements whilst also ensuring consistency with the high-quality Goodman landscape identity established for the OWE.</p>	Yes
C6.	Outdoor lighting	The proposed outdoor lighting associated with Precinct 5 will be capable of complying with <i>AS/NZS 1158.3.1:2005 Pedestrian Area (Category P) Lighting</i> and <i>AS/NZS 4282:2019 Control of Obtrusive Effects of Outdoor Lighting</i> .	Yes
C7.	Signage – Illuminated signage is oriented away from the sensitive receivers	Precinct 5 is located at the farthest point of the OWE from sensitive receivers located to the west and is also over 800m from sensitive receivers to the south. Further, the site's topography and approved development in Precincts 1, 2, 3 and 4, ensure signage on Buildings 5A and 5B will not impact upon sensitive receivers.	Yes
C8.	Reflectivity – Buildings shall be designed to minimise glare	The façade materials and finishes are of low reflectivity and are neutral in colour facilitating the proposal to blend with the surrounding landscape.	Yes
C9.	Future DAs shall be accompanied by a transport, access and parking assessment	<p>A Transport Assessment has been prepared by Ason Group (Appendix 6). This report provides an assessment of the relevant traffic, transport, and parking implications of the proposal.</p> <p>The assessment concludes that the proposed development is supportable on traffic and transport planning grounds.</p>	Yes
C10.	Future DAs shall be accompanied by a noise and vibration impact assessment	<p>A Noise and Vibration Assessment prepared by RWDI has been prepared to support this development application (Appendix 13).</p> <p>The assessment identifies potential noise and vibration sources and predicts compliance with the noise limits outlined in the conditions for SSD 7348. This report includes an assessment against sleep disturbance considerations.</p>	Yes



Condition		Response	Complies
C11.	Stormwater Management	Civil Engineering Plans and a Civil Report accompany this statement detailing how stormwater management from the proposed development will occur (Appendix 2 and 3). The plans and report have been prepared in accordance with the provisions of Condition C11.	Yes
C12.	Bushfire Protection	<p>A Bushfire Risk Assessment has been prepared by Blackash Bushfire Consulting (Appendix 14). This report provides an assessment of the development against the relevant provisions of <i>Planning for Bushfire Protection 2019</i> (PBP 2019). The report concludes that the building and the site is able to respond and implement an appropriate level of bushfire protection measures in accordance with PBP 2019.</p> <p>In addition, a Fire Safety Strategy prepared by Core Engineering Group (Appendix 8) accompanies this statement. The Strategy demonstrates that the proposed construction and management of the development achieves an acceptable level of life safety.</p>	Yes
C13.	Transgrid Easement – Requirements	Transgrid has reviewed the proposed layout of Precinct 5 as part of SSD 7348 Mod 10 and has advised the proposed amendments do not affect Transgrid's easements or infrastructure.	Yes
C14.	Transgrid Easement – Flood Management	Goodman held several meetings with Transgrid to discuss the restrictions within the easement area. It was from these meetings that it was determined access could not be provided in the exclusion zones of the existing stanchion, which was the only way an alternative design could work. Transgrid did not raise any concerns with access being provided through areas that are not within the exclusion zones.	Yes
C17.	Waste	A Waste Management Plan prepared by SLR Consulting Australia Pty Ltd in accordance with Condition C17 accompanies this statement (Appendix 9).	Yes

Table 14: Assessment against key requirements of Schedule C of SSD 7348

## 5.9 Penrith Local Environmental Plan 2010

The site is within the Penrith LGA. The *Penrith Local Environmental Plan 2010* (PLEP) regulates development throughout the Penrith LGA.

However, the provisions of the PLEP do not apply given the site is within the boundaries of the WSEA. Notwithstanding, the Applicant has consulted with Council during pre-lodgement meetings as detailed in Section 1.2 of this report.

### **5.10 Penrith Development Control Plan 2014**

The proposal is generally in accordance with the aims, objectives and key provisions of the PDCP 2014. A detailed assessment of the proposal against the relevant provisions of the DCP is provided at Appendix 15.

It is noted that Condition B12 of SSD 7348 requires the PDCP 2014 to be amended in accordance with Table 2 in Condition B10. An assessment of the proposal against the relevant provisions of Table 2 in Condition B10 is provided in Section 5.8 of this report.

### **5.11 Environmental Planning and Assessment Regulations 2000**

There are no known matters prescribed by the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) that are relevant to the consideration of this application. The proposal will be compliant with the Building Code of Australia (BCA) as described in Section 6.15.

## 6 Environmental Planning Assessment

Section 4.15(1)(b) of the EP&A Act requires an assessment of the impact of development on environmental impacts (natural and built), and social and economic impacts.

### 6.1 Built Form

A detailed Visual Impact Assessment (VIA) was prepared as part of the OWE EIS under SSD 7348. The assessment analysed the extent of the visual impact for all stages of development of the OWE. SSD 7348 assessed the visual impact of warehouse building forms across the OWE as being acceptable, within the boundaries of the assessed building height, layout and landscaping.

The proposed buildings have maximum ridgeline heights of 13.7m (excluding solar panels). External finishes include charcoal and grey metal wall sheet cladding, brickwork, stainless steel mesh for vertical plantings, pre-cast concrete and glazing to ensure the proposal is in keeping with the surrounding landscape and facilitates the development to settle within the surrounding estate. The proposed materials and finishes are illustrated in the below figure and on the external finishes legend provided in the Architectural Plans (Appendix 1).

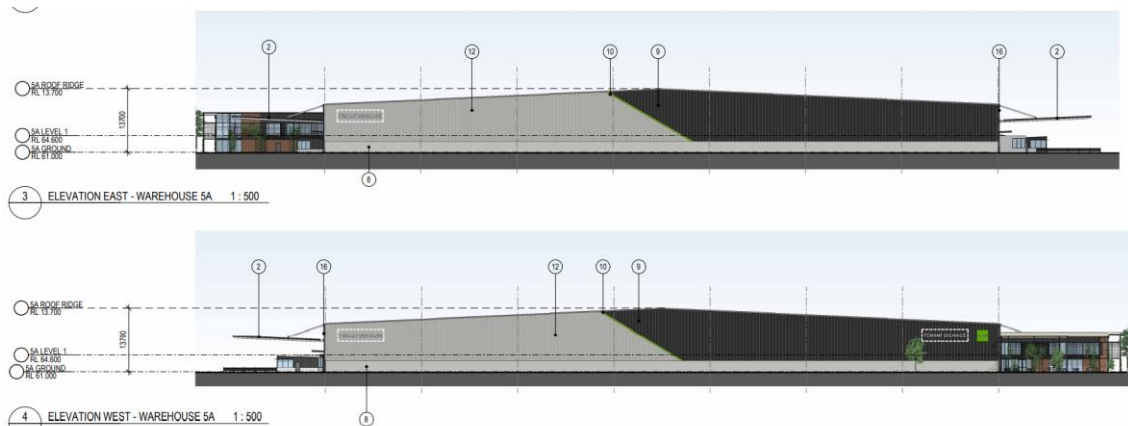


Figure 12: Building 5A east and west elevations (Source: SBA)



Figure 13: Building 5B east and west elevations (Source: SBA)

The office components of both Building 5A and 5B are located on the most prominent corners of the warehouses nearest to Tundra Close to provide articulation and activation towards the street. The stainless steel mesh provided to office entrances allows for vertical plantings to ensure an appropriate presentation to the street incorporating greenery into the building articulation as shown in Figure 14.



Figure 14: West elevations of Office 5A and Office 5B (Source: SBA)

Furthermore, it is noted Precinct 5 is located at the farthest point of the OWE from sensitive receivers to the west and is also over 800m from sensitive receivers to the south. The site's topography and approved development in Precincts 1, 2, 3 and 4 further ensures visibility of Buildings 5A and 5B will be limited from sensitive receivers.

It is also noted surrounding uses to the east and northeast beyond the Ropes Creek riparian corridor are industrial and comprise part of the wider Oakdale Industrial Estate (Oakdale South Industrial Estate and Oakdale Central Industrial Estate).

Further, the site layout of the development incorporates the majority of hardstand and car parking areas centrally between the two buildings to minimise visual impacts associated with the large concrete hardstand and loading activities.

## 6.2 Open Space, Public Domain and Landscaping

The proposal ensures an appropriate interface with the public domain through the provision of landscaping as shown in the Landscape Plans (Appendix 4).

The development of Precinct 5 aims to expand on previous individual lot design within the OWE, reinforcing a consistent and robust landscape character, adhering to the high standard within the estate. The landscaping for Precinct 5 includes over 100 native and exotic trees to maximise planting and mitigate urban heat island effects caused by the required hardstand areas.

The proposed landscaping approach includes permeable surfaces to reduce runoff and also utilises species which are low maintenance and drought resistant to reflect the Western Sydney climate.

Further, when combined with the proposed estate streetscape design and perimeter revegetation, large canopy trees with mass planting of shrubs and groundcover will form a vegetative screen for the development. The landscaping approach will also utilise feature trees and topography to reinforce entry points and establish a network of wayfinding features across the estate.

The site also adjoins the biodiversity offset area approved under SSD 7348 to the west and south (Figure 15). The biodiversity offset area adjoins Ropes Creek and forms part of the riparian corridor. The biodiversity area has been revegetated and regenerated in accordance with the conditions of that consent and this will further increase the amount of vegetation surrounding and screening the development.



Figure 15: Biodiversity offset area under SSD 7348 / VMP (Source: SSD 7348)



Retaining walls are proposed around the site's eastern, western and southern boundaries to create level warehouse pads, ensuring no impacts to the existing batter, basin or biodiversity offset area.

A landscape strip has also been provided between every 6 car spaces as per the DCP requirements and is proposed to be vegetated with a variety of planting. This will soften the proposed areas of hardstand. There is also vegetation proposed around and throughout the outdoor area provided for employee amenity.

### **6.3 Residential Amenity**

As noted above, Precinct 5 is located at the farthest point of the OWE from sensitive receivers located to the west and is also over 800m from sensitive receivers to the south. The site's topography and approved development in Precincts 1, 2, 3 and 4 further ensures visibility of Buildings 5A and 5B will be limited from sensitive receivers.

Further, as demonstrated in the Noise and Vibration Assessment, Transport Assessment, Air Quality Impact Assessment, and plans located in the appendices of this report, substantial mitigation measures have been implemented to reduce any potential impacts to the adjoining residential receivers.

These design measures have been implemented to alleviate any potential impacts to residential receivers and subsequently there will be no adverse impacts on the amenity of nearby residential uses

### **6.4 Traffic and Transport**

The TA evaluates the existing and future road network and analyses the impact that the construction and operation of Precinct 5 would have on its function. It notes the proposal will be serviced by the existing 779 bus route and that there are further opportunities for bus services within the locality.

The previous traffic assessment under SSD 7348 (as modified) considered cumulative traffic impacts for the entire OWE and included approved trip generation rates for Precinct 5. Under SSD 7348, Precinct 5 is approved to generate 58 vehicle trips during the AM and PM peak periods and a total of 674 trips per day.

The TA anticipates that the development of Building 5A and 5B will result in a total hourly traffic generation of 53 vehicle trips during the AM and PM peak periods. The development is anticipated to generate a total of 613 vehicle trips throughout the day. The traffic generation associated with the development of Precinct 5 is lower than the total approved trip generation for Precinct 3 under SSD 7348.

The proposal provides 147 on-site spaces, 120 spaces for Tenancy 5A and 27 spaces for Tenancy 5B, in accordance with the car parking requirement established for the site as per Condition B13 of SSD 7348 and satisfying the needs of the future tenants. Estate landscaping and tree canopy planting within the car parking areas will suitably screen these areas when viewed from the public domain.

Three accessible parking space are proposed for Tenancy 5A and one accessible space is proposed for Tenancy 5B in line with the requirements of Condition B13 of SSD 7348.

Additionally, to encourage and support Electric Vehicles (EV) use, 6 EV charging stations are provided for Tenancy 5A and 2 EV charging stations are provided for Tenancy 5B.

28 loading bays are provided for Building 5A and five truck loading bays are provided for Building 5B to cater for the use of each tenancy as a warehouse and distribution centre.

A bike parking area is proposed next to each of the office areas. 10 bicycle spaces are provided for Building 5A and four are provided for Building 5B. End of trip facilities provided in each office tenancy, including showers and changing areas are proposed to encourage active modes of transport.

The TA confirms that traffic conditions will not be detrimentally impacted by the development, the proposed parking arrangements are appropriate and that site access, parking and service areas have been designed with regard to the relevant Australian Standards.

A preliminary Sustainable Travel Plan has also been prepared as part of the Transport Assessment and is included at Appendix 6.

## **6.5 Access**

At the pre-lodgement meeting, Council raised concerns with the layout of carparking and loading areas as pedestrian access from the carparking area to Building 5A requires crossing the truck exit driveway.

To ensure pedestrian safety is appropriately managed, the Applicant proposes to include multiple controls at the pedestrian crossing including a boom gate, traffic signals and zebra crossing. This will ensure right of way is clearly established for pedestrians and a physical divider between the two groups is present in the form of the boom gate. Details of the pedestrian safety measures are included within the TA at Appendix 6

It is also noted that a one-way access arrangement is proposed for trucks accessing the Building 5A hardstand area. Accordingly, pedestrians crossing the truck exit driveway will only need to consider traffic coming from one direction.

Furthermore, the site layout as proposed is the result of significant options testing undertaken by the Applicant to determine the most efficient and productive layout given the irregular shape of Precinct 5. Alternatives to the proposed layout considered include relocation of the car parking areas and reconfiguration of the warehouse layout.

Given the constraints of the site, including the adjacent VMP area, Transgrid easement, and Tundra Close, these options resulted in an unsatisfactory design that was not market appropriate. These design options were not possible given Transgrid's requirements in the easement. Further designs resulting in a substantial loss of GFA were not considered feasible given the building is being purpose built for a customer.

The alternative design layouts which were considered and determined to be incompatible with the Transgrid easement are shown at Figure 16 and Figure 17.

Given the objectives of the WSEA and the IN1 General Industrial zone as well as the significant pedestrian safety measures proposed, the site layout and access arrangements are considered justified.

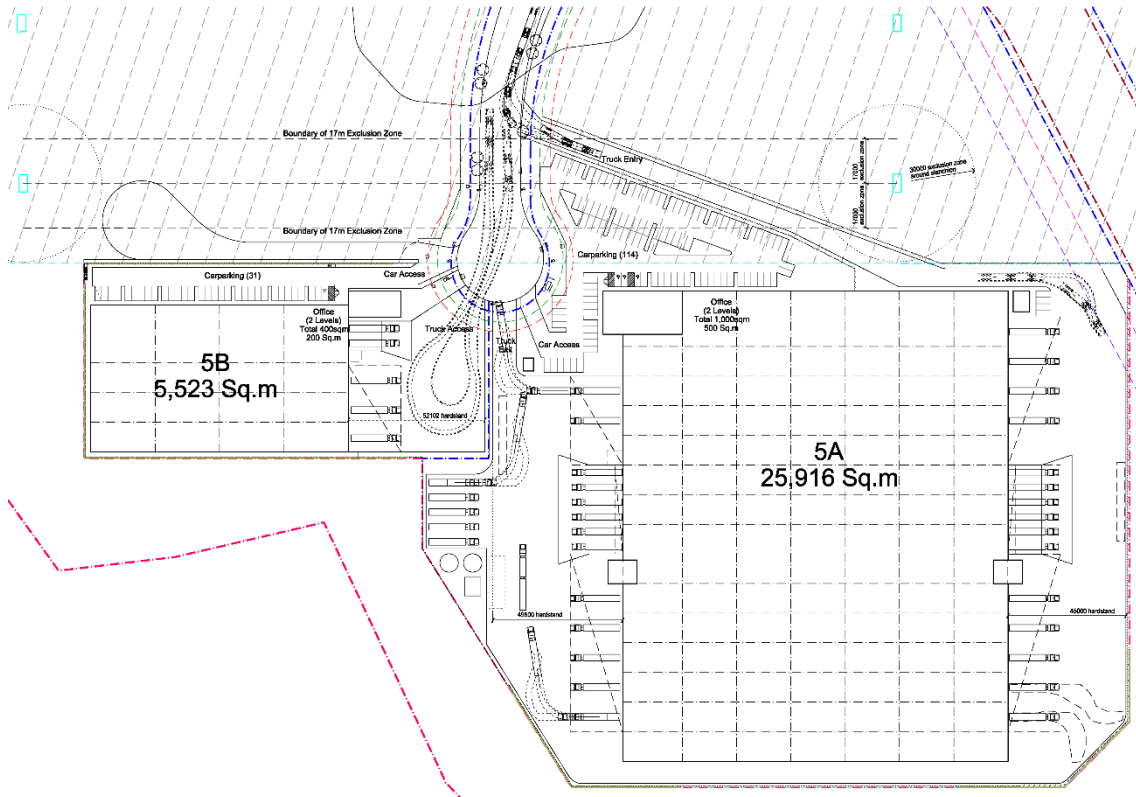


Figure 16: Alternative layout considered (Source: Goodman)

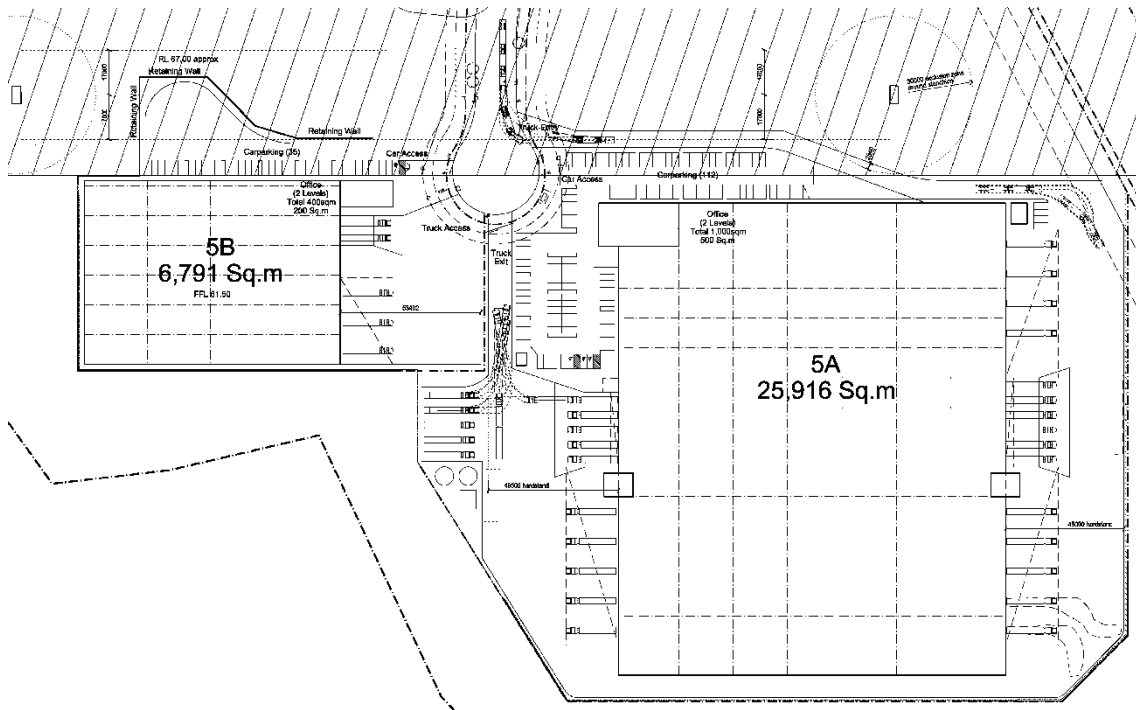


Figure 17: Alternative layout considered (Source: Goodman)

## 6.6 Noise and Vibration

A Noise and Vibration Assessment (NVA) has been prepared by RWDI and is provided at Appendix 13.

Existing background noise on land to the south and west of the OWE is typical of a rural environment. However, Precinct 5 is located at the farthest point of the OWE from sensitive receivers to the west and is also over 800m from sensitive receivers to the south.

The elevated noise and vibration levels as a result of the approved staged development will be managed and mitigated in accordance with the conditions of SSD 7348.

### ***Operational Noise and Vibration***

The NVA considers an operational noise scenario where the whole OWE is operational. The principal OWE operational noise sources comprise light and heavy vehicle movements, loading activities and fixed mechanical service plant. Noise modelling of these sources has been undertaken to determine potential noise impacts associated with the proposed staged operation of the modified OWE.

Note, SSD 7348 Mod 10 which is currently under assessment by DPE, seeks to remove restrictions applying to Precinct 5 under Condition B9 relating to operation of forklifts during the night-time period. The Noise and Vibration Assessment submitted with this application anticipates operation of forklifts during the night-time period.

In conclusion, the NVA found:

- *The operation of full development of the OWE is predicted to comply with the operational noise criteria during the day, evening and night time periods.*
- *An assessment of potential sleep disturbance has been undertaken considering heavy vehicle brake releases and reverse alarms. Sleep disturbance prediction indicate that noise impact would comply with the relevant criterion.*

### ***Construction Noise and Vibration***

The NVA also found that construction noise scenarios are generally predicted to be within the Construction Noise Management Levels established by the *NSW Interim Construction Noise Guideline* at most receiver locations except for N11 (99-111 Aldington Road), N12 (53 Aldington Road) and N13 (54-72 Aldington Road) due to close proximity.

The NVA details a series of noise mitigation measures to be applied during construction to minimise and mitigate noise impacts to the receivers noted above. These mitigation measures include minimising use of multiple noisy plant items, enforcing regular compliance checks, orienting equipment away from sensitive receivers and undertaking pre-construction consultation with affected receivers.

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

## 6.7 Air Quality

The construction and operation of Precinct 5 will not have a detrimental impact to air quality. The operation of the warehouse and distribution centres within the development are not expected to be of an offensive or hazardous nature.

An Air Quality Statement has been prepared by SLR Consulting. The purpose of this report is to review the existing Air Quality Impact Assessment that was approved under SSD 7348 and determine whether a revision of this was required for the proposed construction of Precinct 5.

The Statement concludes that the extent of construction works is unlikely to change from the concept approval as a result of Precinct 5 and, therefore, risk of dust emissions during construction remains low. In addition, the emissions arising from the operation of the development are well below the guideline levels. On this basis, SLR has determined that an updated Air Quality Impact Assessment was consequently unwarranted by the proposal.

## 6.8 Waste Management

The proposal ensures that waste management occurs in a safe and orderly manner. Waste is to be recycled and disposed of in accordance with the *Waste Avoidance and Resource Recovery Act 2001*.

In accordance with Condition C17 of the consent under SSD 7348, a Waste Management Plan (WMP) has been prepared by SLR Consulting (Appendix 9). This plan seeks to identify all potential waste likely to be generated at the site during construction and operational phases, including a description of how waste would be handled, processed and disposed of, or re-used or recycled, in accordance with Council's requirements.

The WMP includes a comprehensive waste management methodology for variation waste types expected at the site. The WMP effectively addresses construction and operational waste generated by the proposal as requested by Council at the pre-lodgement meeting.

## 6.9 Stormwater Management

The site is a part of a larger catchment which discharges into Bio-Retention Basin No.5, located directly east of the proposal. The site is approximately 60,126m<sup>2</sup> with stormwater discharge points proposed within Precinct 5 that drain to Basin No.5. An existing stormwater stub is provided into the site for connection into Basin No. 5. Filter baskets will be provided to capture the gross pollutants generated within the lot before discharging into Basin No.5.

Rainwater tanks will be used to store runoff from the roofs of the warehouse which provides a valuable alternative to potable water for a variety of non-potable end uses, such as air conditioning cooling, toilet flushing and watering of landscaping.

Condition C11 of SSD 7348 requires that all future DAs within the OWE are to be consistent with the *Civil, Stormwater and Infrastructure Services Report* prepared by AT&L and the *Flood Impact Assessment: Oakdale West Estate* prepared by Cardno approved under the concept approval.

A Civil Report detailing stormwater management has been prepared by AT&L detailing stormwater drainage from the proposal and demonstrates how it meets Council requirements. This includes Finished Floor Levels (FFLs) having minimum 500mm freeboard to 100 year overland flows and the installation of a gross pollutant trap on the final



downstream stormwater pit, which will be maintained by Goodman. These litter baskets will catch 90% of all gross pollutants in accordance with Penrith City Council Water Sensitive Urban Design Policy.

## **6.10 Earthworks**

Civil Engineering Plans have been prepared by AT&L and are provided at Appendix 2. The plans demonstrate that construction of the development will require earthworks including 8,396 m<sup>3</sup> of cut and 30,616 m<sup>3</sup> of fill which results in an import balance of 22,220 m<sup>3</sup>.

Additional and extended retaining walls are proposed around the site to establish level warehouse pads, accommodate site drainage infrastructure and enable fire access to Building 5B. The retaining walls facilitate the detailed earthworks for the warehouse pads and are designed to ensure no impacts to the existing approved batters, retention basin or vegetation management and biodiversity offset areas.

The proposed earthworks are not anticipated to result in any adverse impacts, subject to the implementation of sediment and erosion controls to be described in a Construction Environmental Management Plan (CEMP) to be developed prior to commencing construction of the development. As detailed at Section 6.13, the CEMP will consider noise, vibration, air quality and traffic impacts associated with the development including earthworks.

## **6.11 Bushfire**

The site is identified as bushfire prone land under the Rural Fire Service bush fire prone land mapping. Under section 4.46 of the EP&A Act, the proposal is not required to be referred to NSW Rural Fire Service as it does not include subdivision for residential purposes or development of a special fire protection purpose.

A Bushfire Risk Assessment (BRA) for the development was prepared by Blackash Bushfire Consulting (BBC) (Appendix 14), which provides an assessment of the development against the relevant provisions of *Planning for Bushfire Protection 2019* (PBP 2019).

The BRA has modelled the Bushfire Attack Levels (BALs) applicable to the site to measure the severity of the site's potential exposure to ember attack, radiant heat and direct flame contact. The BRA modelling concludes that the majority of the site is BAL 12.5 with small areas of BAL 19, BAL 29, BAL 40 and BAL Flame Zone along the site perimeter.

Accordingly, the BRA recommends that Asset Protection Zones (APZs) be established and maintained as an inner protection area in accordance with Figure 18.

The BRA concludes that the proposed development conforms to the relevant specifications and requirements of PBP 2019 and can respond and implement an appropriate level of bushfire protection measures.

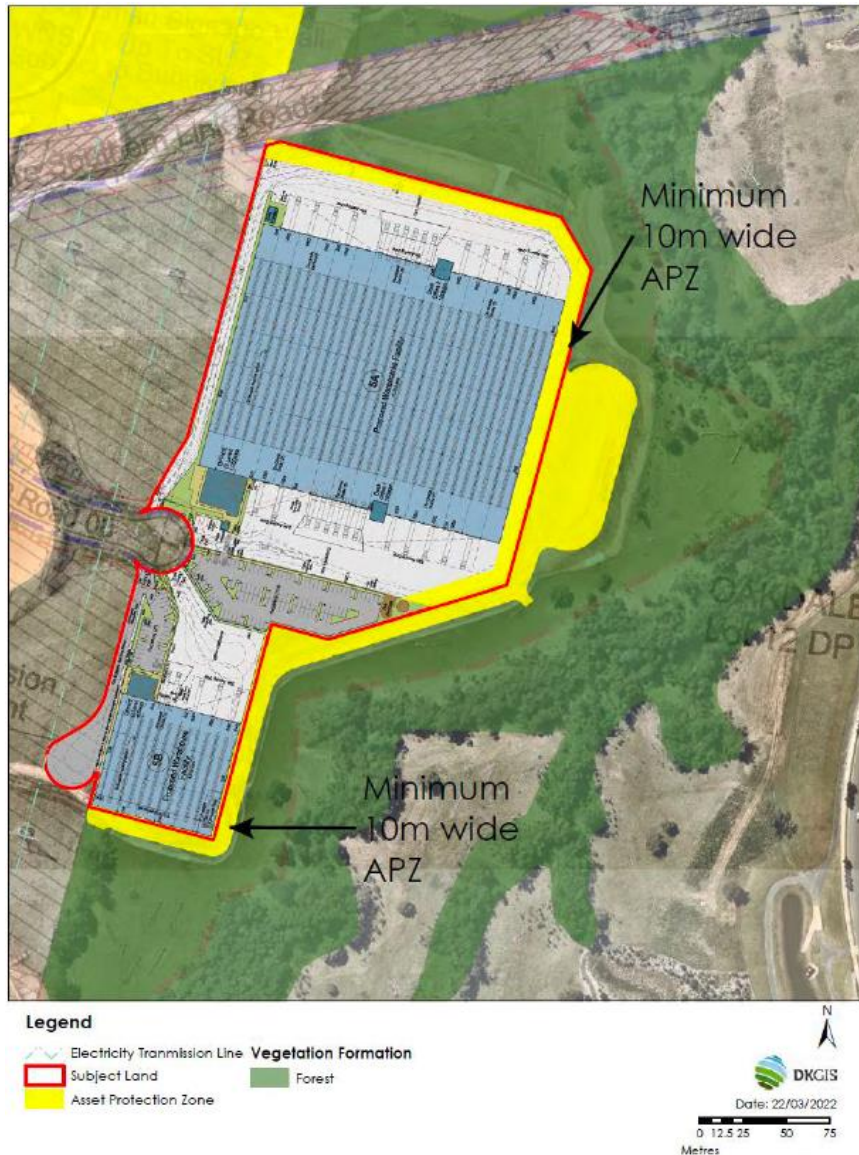


Figure 18: Recommended APZ (Source: BBC)

## 6.12 Environmental Sustainability

The proposal allows for ecologically sustainable development (ESD) principles to be implemented through the incorporation of Australian best practice sustainability initiatives and is consistent with the principles of ESD.

A Sustainability Management Plan (SMP) prepared by SLR Consulting has been provided at Appendix 10. The Plan identifies all potential energy saving schemes that are to be implemented during the operational phase of the development, as well as water saving recommendations.

An assessment has also been provided in the SMP of the energy use onsite and the implementation of ESD principles. This ensures that there is no unnecessary growth in greenhouse gas emissions or consumption of natural resources.

### **6.13 Construction Management**

A CEMP will be prepared as required by Condition C18 of SSD 7348 prior to any construction works commencing on this stage of development. The CEMP will address the following key matters:

- pedestrian and traffic management;
- hours of construction work;
- noise and vibration;
- waste management; and
- air quality.

It is considered subject to the preparation and implementation of the CEMP, that the impacts arising from the construction of the development can be mitigated and managed.

### **6.14 Development Contributions**

A Voluntary Planning Agreement (VPA) between Goodman and the Department was entered under Section 7.4 of the EP&A Act. In accordance with the adopted VPA, the application of Sections 7.11 and 7.12 of the Act is not excluded in respect of the development.

Therefore, Council's Section 7.12 Development Contributions Plan for non-residential development applies to the proposed development.

### **6.15 Building Code of Australia**

A BCA Assessment Report has been prepared by Blackett Maguire + Goldsmith and is included at Appendix 12. The report provides an assessment of the current design proposal for the development against the Deemed-to-Satisfy Provisions of the Building Code of Australia 2019.

The report also considers DDA Access to Premises – Buildings Standards which are generally consistent with the accessibility provisions of the BCA.

The BCA report concludes that the proposed development can readily achieve compliance with the relevant provisions of the BCA. Where compliance matters are proposed to comply with the Performance Requirements (rather than DtS Provisions), the development of a Performance Solution Report will be required prior to the issue of the relevant Construction Certificate.

The design will be reviewed by an appropriately qualified person prior to the issue of a Construction Certificate for the works

### **6.16 Fire Safety Strategy**

A Fire Safety Strategy (FSS) was prepared by Core Engineering Group and is included at Appendix 8. The objective of the FSS is to inform the design of the buildings and meet the requirements of the acceptable level of fire safety. The FSS considers Performance Solutions intended to satisfy the Performance Requirements of the BCA to account for non-compliances with the DtS provisions and proposed fire engineering requirements.

The FSS found that the proposal is capable of meeting the Performance Requirements of the BCA and included proposed performance solutions where non-compliances were identified to ensure an appropriate level of fire safety.

### **6.17 Suitability of the site**

The characteristics of the site, its land use context and its location are described in Section 2 of this report. The site is suitable in accommodating the proposed redevelopment for the following reasons:

- the proposal facilitates the development for industrial uses which will generate job opportunities within an area identified and zoned for industrial and employment related uses;
- there are multiple constructed and approved warehouses in the locality and the proposal is entirely consistent with the prevailing land uses and built form;
- the proposal is consistent with the approved Concept and Stage 1 SSD 7348 approval and the current modification being assessed by the Department (MOD 10); and
- adequate separation and mitigation measures have been provided for surrounding sensitive land uses noting that Precinct 5 is located at the farthest point of the OWE from sensitive receivers located to the west and is over 800m from sensitive receivers to the south.

Accordingly, it can be concluded that the site is entirely suitable to accommodate the nature and scale of the proposal.

### **6.18 Submissions**

The proposal will be notified in accordance with the Council's notification policy. Council officers will consider any submissions received prior to the determination of the application.

### **6.19 Public interest**

The proposal is in the public interest as it will achieve the following:

- provides two new warehouse and distribution centres on a site that is appropriately zoned for such purposes;
- delivers employment generating development in Western Sydney in close proximity to key transport links, in accordance with the strategic objectives of the Industry and Employment SEPP and the Western City District Plan;
- positively contributes to the wider development of the Western Sydney Employment Area; and
- provides a range of benefits for the region, through a capital investment value of over \$39 million in the Penrith LGA.

In addition, Council will consider any public submissions relating to the proposal during its assessment. Accordingly, it can be concluded that the proposed development is entirely in the public interest.

## 7 Conclusion

This SEE supports a DA for the construction and operation of Building 5A and Building 5B within Precinct 5 of the OWE.

This SEE has been prepared and is submitted to Council pursuant to the provisions of Part 4 of the EP&A Act. A detailed examination of the proposed warehouses in their legislative and physical context has found that the proposal:

- is consistent with the current legislative framework
- is consistent with the relevant strategic documents
- is suitable for the site and the area, after an assessment against the heads of consideration of section 4.15(1) of the EP&A act
- meets the objectives of the IN1 zone under the Industry and Employment SEPP
- is in accordance with the requirements of the conditions of consent under SSD 7348
- will not lead to any adverse traffic or pedestrian safety issues noting that significant pedestrian safety measures have been implemented to ensure safe crossing of the Building 5A hardstand
- will not result in any environmental impacts or adverse impacts on the amenity of surrounding land

Consequently, approval of this DA is recommended.