



# Oakdale West Estate Stage 3 Development

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Construction, fitout, and operation of warehouses 2A, 2C, and 2D

State Significant Development Assessment

SSD-9794683

December 2021



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# Glossary

Abbreviation	Definition
<b>ADR</b>	Amended Development Report
<b>BCA</b>	Building Code of Australia
<b>BDAR</b>	Biodiversity Development Assessment Report
<b>CIV</b>	Capital Investment Value
<b>Council</b>	Penrith City Council
<b>Department</b>	Department of Planning, Industry and Environment (DPIE)
<b>EES Group</b>	Environment, Energy and Science Group, DPIE
<b>EIS</b>	Environmental Impact Statement
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000 (NSW)
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth)
<b>EPI</b>	Environmental Planning Instrument
<b>ESD</b>	Ecologically Sustainable Development
<b>GFA</b>	Gross Floor Area
<b>GLA</b>	Gross Lettable Area
<b>LEP</b>	Local Environmental Plan
<b>Minister</b>	Minister for Planning and Public Spaces
<b>MNES</b>	Matter of National Environmental Significance
<b>NRAR</b>	Natural Resources Access Regulator DPIE
<b>OWE</b>	Oakdale West Estate
<b>Planning Secretary</b>	Secretary of the Department
<b>RFS</b>	NSW Rural Fire Service
<b>RMS</b>	Roads and Maritime Services, TfNSW
<b>RtS</b>	Response to Submissions
<b>SEARs</b>	Planning Secretary's Environmental Assessment Requirements
<b>SEPP</b>	State Environmental Planning Policy
<b>SLR</b>	Southern Link Road (proposed)
<b>SRD SEPP</b>	State Environmental Planning Policy (State and Regional Development) 2011

Abbreviation	Definition
<b>SSD</b>	State Significant Development
<b>TfNSW</b>	Transport for NSW
<b>vpd</b>	vehicles per day
<b>WNSLR</b>	Western North-South Link Road (now Compass Drive)
<b>WSEA</b>	Western Sydney Employment Area
<b>WSEA SEPP</b>	State Environmental Planning Policy (Western Sydney Employment Area) 2009
<b>WSFL</b>	Western Sydney Freight Line

# Executive Summary

## Introduction

Goodman Property Services (Aust) Pty Ltd (the Applicant) proposes to develop Stage 3 of the approved Oakdale West Estate (OWE) in the Western Sydney Employment Area (WSEA). The proposed development (the development) includes the construction and operation of three warehouses (Buildings 2A, 2C and 2D) in the OWE at Kemps Creek in the Penrith local government area (LGA).

This report details the Department of Planning, Industry and Environment's (the Department) assessment of the State significant development application (SSD 9794683) for Stage 3 of the OWE.

The OWE Concept Plan was approved by a delegate of the Minister for Planning and Public Spaces on 13 September 2019 (SSD-7348). The approval included a masterplan for 22 warehouses, offices and supporting infrastructure and construction of Stage 1. This included bulk earthworks across the whole estate, construction and operation of three warehouses in Stage 1 and construction of the main site access road.

Construction commenced in late 2019 with bulk earthworks and the main access road completed and warehouse buildings underway. The Concept Plan for the OWE has been modified nine times including changes to development stages, warehouse layouts and sizes to accommodate the needs of individual tenants. Separate SSD applications have been approved for other warehouses in the estate, including warehouses 2B and 4E.

## Development Description

The Applicant proposes to develop Stage 3 of the OWE which includes construction, fitout, and operation of three warehouses (Buildings 2A, 2C and 2D) with associated offices, landscaping, loading docks, hardstands and parking. Building 2A covers 42,665 square metres (m<sup>2</sup>) and would house a large parcel receipt, sorting and dispatch centre for Australia Post. Building 2C is 9,885 m<sup>2</sup> and Building 2D is 5,005 m<sup>2</sup> and would house smaller warehousing operations. The Applicant proposes to operate all three warehouses 24 hours, 7 days a week. The development has a capital investment value (CIV) of \$84,210,000 and would generate 450 operational jobs and 500 construction jobs.

## Statutory Context

The development is State significant development (SSD) pursuant to Section 4.36 of the *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act) for the purpose of a warehouse and distribution centre that has a CIV of more than \$30 million, which meets the criteria in clause 12 of Schedule 1 in State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP). Consequently, the Minister for Planning and Public Spaces is the consent authority for the SSD application.

## Engagement

The Department exhibited the Environmental Impact Statement for the development from Thursday 18 February 2021 until Wednesday 17 March 2021 (28 days) and received advice from five government agencies and submissions from two special interest groups. No submissions were received from the public.

Government agencies, including the Department, requested further information on traffic, access and building heights. The Applicant submitted a final Response to Submissions (RtS) report on 8 November 2021 providing updated traffic information, revised site access arrangements and updated architectural and landscape plans.

## **Assessment**

The Department's assessment of the application has fully considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act, and the principles of ecologically sustainable development. The Department has identified the key assessment issues are traffic, access and noise. Other matters were also assessed including urban design, visual impact, landscaping, bushfire risk and air quality.

### **Traffic and Access**

The Concept Plan for the OWE predicted the fully developed estate would generate up to 10,000 vehicles per day. The OWE has been modified to accommodate changes to warehouses, which has resulted in a slight increase in traffic volumes, with the estate estimated to generate 11,394 vehicles per day.

The Applicant provided a transport assessment for the development, using traffic volume data provided by Australia Post for Building 2A. The actual traffic volumes from Building 2A would be higher than the original predictions, with an increase of 552 vehicles per day. Most of these vehicle movements would occur outside the usual AM and PM peak periods as trucks deliver bulk parcels in the early hours, between 5 am and 7 am and small vans are loaded and leave the site between 9 pm and 11 pm. Traffic volumes would decrease during normal traffic peak periods, compared to the original approval. The transport assessment concluded the increased traffic volumes (to 11,948 vehicles per day) would be safely and adequately accommodated on the road network without the need for any upgrades.

The Applicant originally proposed a shared light and heavy vehicle access for Building 2D, which was not supported by Council, Transport for NSW (TfNSW) or the Department, based on potential vehicle conflicts and safety issues. The Applicant's RtS presented a revised access arrangement providing separate light and heavy vehicle accesses. Council did not raise any further issues, however TfNSW requested the Applicant consider moving the driveway access further away from the future intersection with the Southern Link Road (SLR) to avoid potential for queuing and delays at the intersection. The Applicant considered relocating the access further north but indicated this would require 2.5 metres (m) of cutting and lowering the office ground floor level, creating a greater height difference between the office and warehouse building. The Applicant confirmed the car park access is approximately 100 m from the SLR intersection and the maximum queuing length is estimated to be 61 m during peak periods.

The Department considered the transport assessment and access arrangements in consultation with Council and TfNSW. The Department notes the increased traffic volumes would occur outside of peak periods and would be safely and adequately accommodated on the road network. The separate light and heavy vehicle access points for Building 2D resolved the safety concerns associated with a shared access. The Department's assessment concludes the development would have negligible traffic impacts. The Department has recommended conditions for operational traffic management, parking, sustainable travel planning and complying with Australian Standards.

## **Noise Impacts**

The Concept Plan for the OWE includes noise limits for nearby residential receivers to the west and south of the site. Each development within the OWE must comply with these noise limits.

The Applicant prepared a noise and vibration assessment (NVA) considering operation of the Stage 3 development and cumulative noise from the fully developed estate. The NVA modelled noise from heavy vehicle movements on site and operation of rooftop mechanical plant and the use of forklifts at night at Building 2A. Buildings 2C and 2D would not have rooftop mechanical plant operating or use forklifts at night, with the key noise sources being heavy vehicle movements. The assessment confirmed the cumulative noise levels would be below the limits at all receivers during the day, evening and night-time periods.

The development consent for the OWE requires the Applicant to conduct noise verification monitoring once warehouses are operational, and these conditions would cover the operation of Buildings 2A, 2C, and 2D. The Department's assessment concludes the development would result in negligible noise impacts. The Department has recommended noise limits for the development, consistent with the limits in the OWE development consent.

## **Conclusion**

The Department's assessment concluded that the impacts of the development can be mitigated and managed to ensure an acceptable level of environmental performance, subject to the recommended conditions of consent.

The development is consistent with the approved Concept Plan for the OWE (as modified) and would provide high employment uses on industrial land in the WSEA. The development would invest \$84 million in the Penrith LGA and create 450 operational jobs. Consequently, the Department considers the development is in the public interest and is recommended for approval, subject to conditions.

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# 1 Introduction

## 1.1 The Department's Assessment

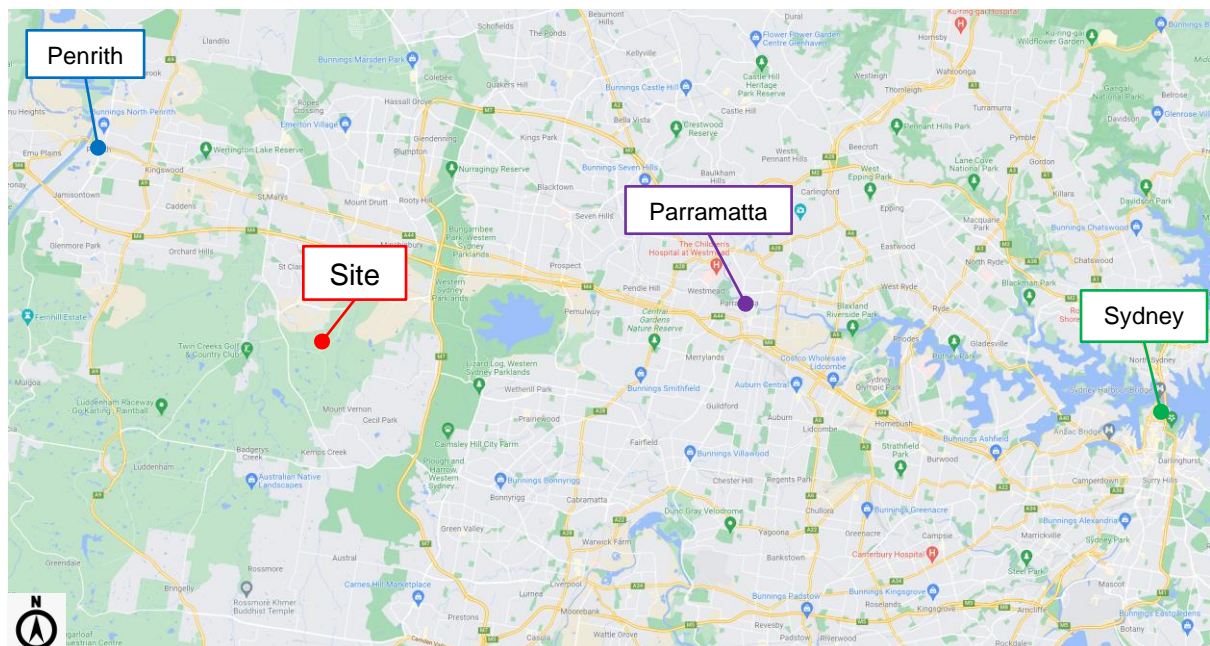
This report details the Department of Planning, Industry and Environment's (the Department) assessment of the State significant development (SSD-9794683) for the Oakdale West Estate (OWE) Stage 3 development. The proposed development (the development) involves construction, fitout, and operation of three warehouse buildings (2A, 2C, and 2D) with associated offices, parking provisions, and landscaping within Precinct 2 of the OWE.

The Department's assessment considers all documentation submitted on behalf of Goodman Property Services (Aust) Pty Limited (the Applicant), including the Environmental Impact Statement (EIS), Response to Submissions (RtS), Amended Development Reports (ADRs), advice received from government agencies and submissions from special interest groups. The Department's assessment also considers the legislation and environmental planning instruments relevant to the site and the development.

This report describes the development, surrounding environment, relevant strategic and statutory planning provisions, and the issues raised in advice from Government agencies and submissions. The report evaluates the key issues associated with the development and provides recommendations for managing any impacts during construction and operation.

## 1.2 Development Background

The development is located within the Concept Plan of the OWE, which was approved by a delegate of the Minister for Planning and Public Spaces on 13 September 2019 (SSD-7348). The OWE is located at Kems Creek in the Penrith City Local Government Area (see **Figure 1**).



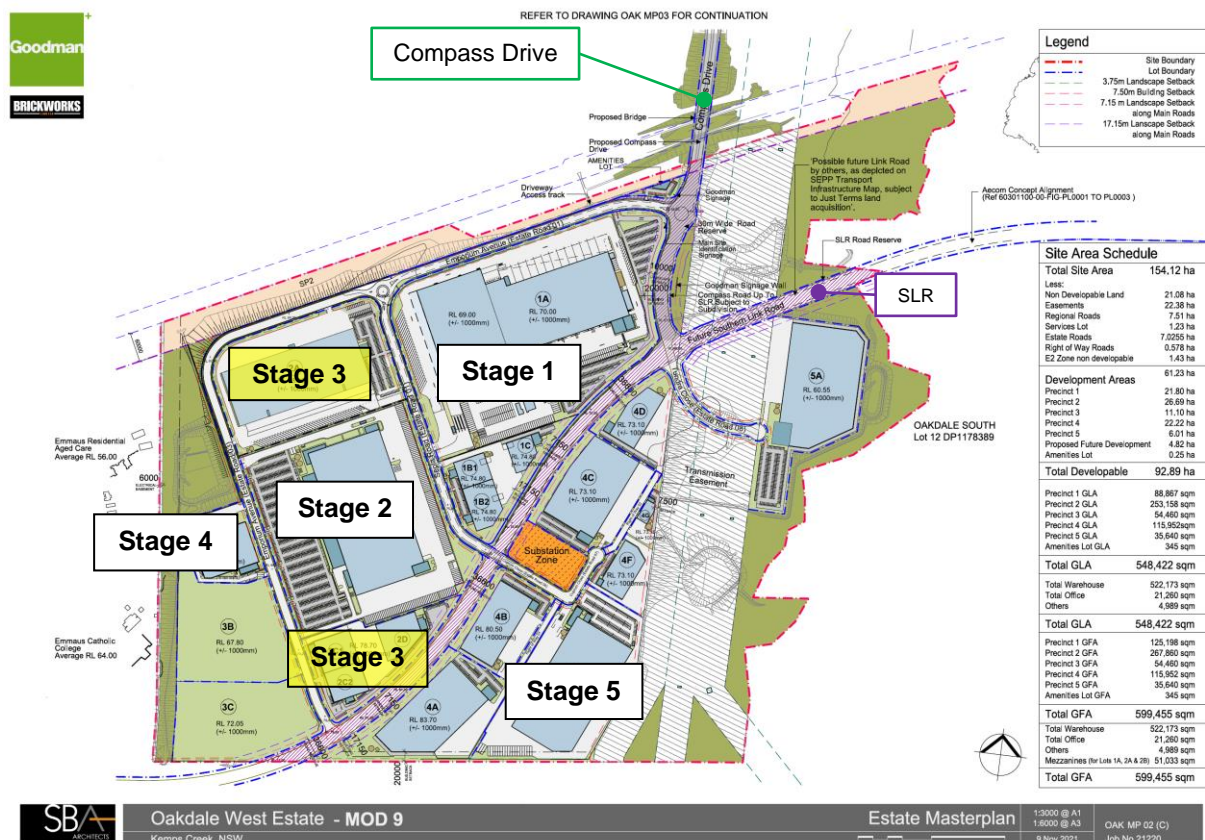
**Figure 1 | Regional Context Map**

The approved OWE includes:

- a Concept Plan for a warehouse and distribution centre including 22 warehouses, offices, and associated infrastructure, to be constructed over 5 stages
- Stage 1 development including three warehouses in Precinct 1 and the main site access road (West-North-South Link Road), now known as Compass Drive
- requirements for future development applications for the remaining stages 2 to 5.

Construction works commenced in late 2019, including bulk earthworks across the whole estate, installation of service infrastructure and construction of Compass Drive, which is now complete. Warehouse buildings are currently under construction in Stages 1 and 2, including Building 1A for Coles and Building 2B for Amazon. Detailed design has commenced for warehouses in Stages 4 and 5.

The Applicant has modified the Concept Plan and Stage 1 development nine times to meet the needs of individual warehouse tenants, including changes to building heights, layouts and loading areas to facilitate specific operational activities such as automated warehousing. This has included changes to development stages and corresponding changes to bulk earthworks, infrastructure, and estate roads. Modification 9 approved on 8 December 2021 included changes to support the construction of Buildings 2A, 2C, and 2D. The modified Concept Plan layout and location of Stage 3 (Buildings 2A, 2C, and 2D) is shown in **Figure 2**.



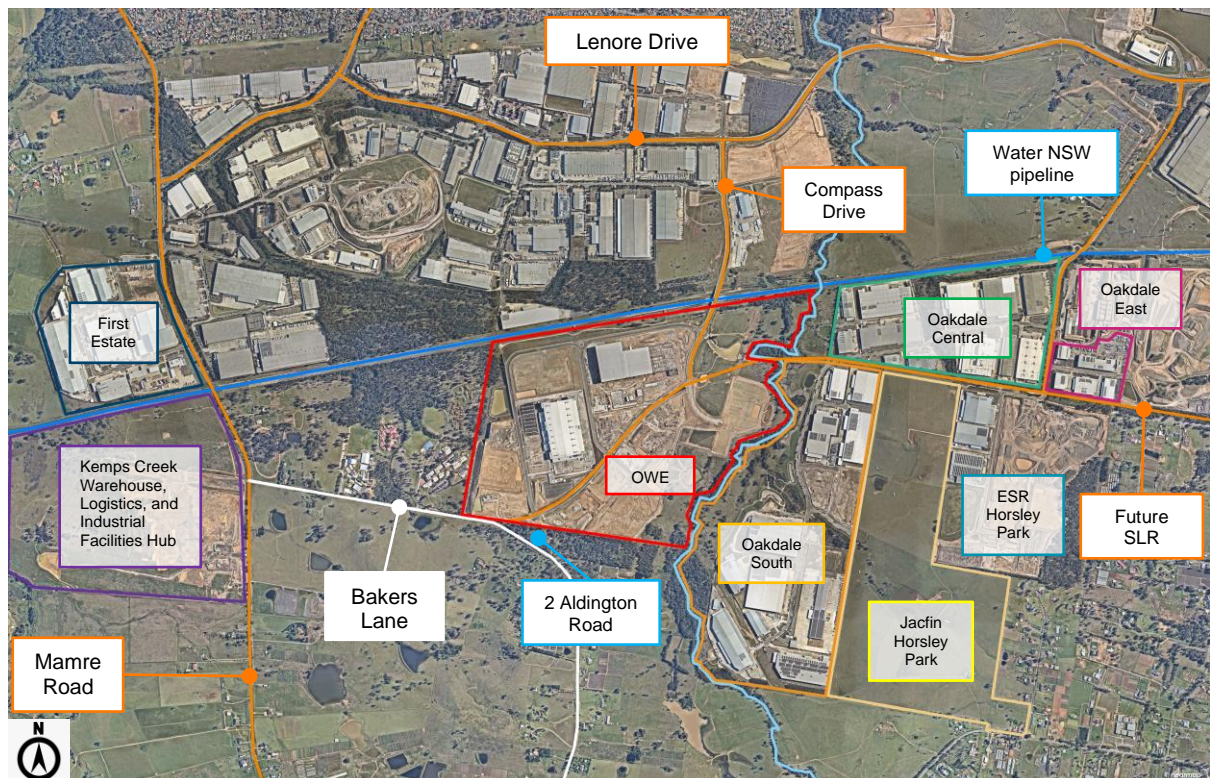
**Figure 2 | Approved Concept Plan Layout & Location of Stage 3**

### 1.3 Site Description

The OWE covers 154 hectares (ha) of industrial zoned land located at 2 Aldington Road, Kemps Creek, (see **Figure 3**). The site is in the Western Sydney Employment Area (WSEA), which is strategically zoned to support employment generating developments in Western Sydney.

The land has historically been used for grazing and is currently being developed under the OWE consent. The Applicant has also developed other land immediately to the east for warehouses and distribution centres.

Road access to the OWE is provided by Compass Drive from Lenore Drive, which forms part of the strategic road network designed to service the WSEA. Emmaus Retirement Village, Emmaus Catholic College, Trinity Catholic Primary School, and Mamre Anglican School are located immediately to the west of the OWE. To the south is the Mamre Road Precinct, an industrial zoned area as the latest expansion of the WSEA. One dwelling at 2 Aldington Road and native vegetation are located to the immediate south of the OWE. Water NSW drinking water supply pipelines are located along the northern boundary. TransGrid power lines run through the eastern part of the site and Ropes Creek runs along the eastern boundary.



**Figure 3 | OWE and Surrounding Land Uses**

## 2 Development

### 2.1 Amended Development

The Applicant proposes to construct and operate three warehouses in the OWE at Kemps Creek. Following exhibition of the EIS, the Applicant sought to amend the development to address issues raised by the Department and other government agencies in relation to vehicle access for Buildings 2C and 2D and to accommodate changes to Building 2A to meet the operational needs of Australia Post as the tenant of Building 2A. The changes include:

#### Warehouse 2A

- revised warehouse layout, reduction in footprint (- 9,738 m<sup>2</sup>) and height (from 14.9 m to 13.7 m), amended location of loading docks and vehicle access points
- increased daily traffic numbers (+ 554 vehicles per day), but reduced peak hour traffic generation
- increased car parking spaces (from 208 to 255), and
- use of temperature control on the southern dock of the warehouse

#### Warehouses 2C and 2D

- separation of light and heavy vehicle access to Building 2D, including a driveway and parking along the southern boundary within the building setback
- increase in gross floor area of warehouse 2D (+ 855 m<sup>2</sup>), and
- additional car parking spaces for warehouses 2C (3 additional) and 2D (1 additional).

The changes were reviewed, and the requested amendment was accepted by the Department in accordance with Clause 55AA of the Environmental Planning & Assessment Regulation 2000 (EP&A Regulation). The amended development is described below and forms the basis of the Department's assessment in this report.

### 2.2 Description of the Development

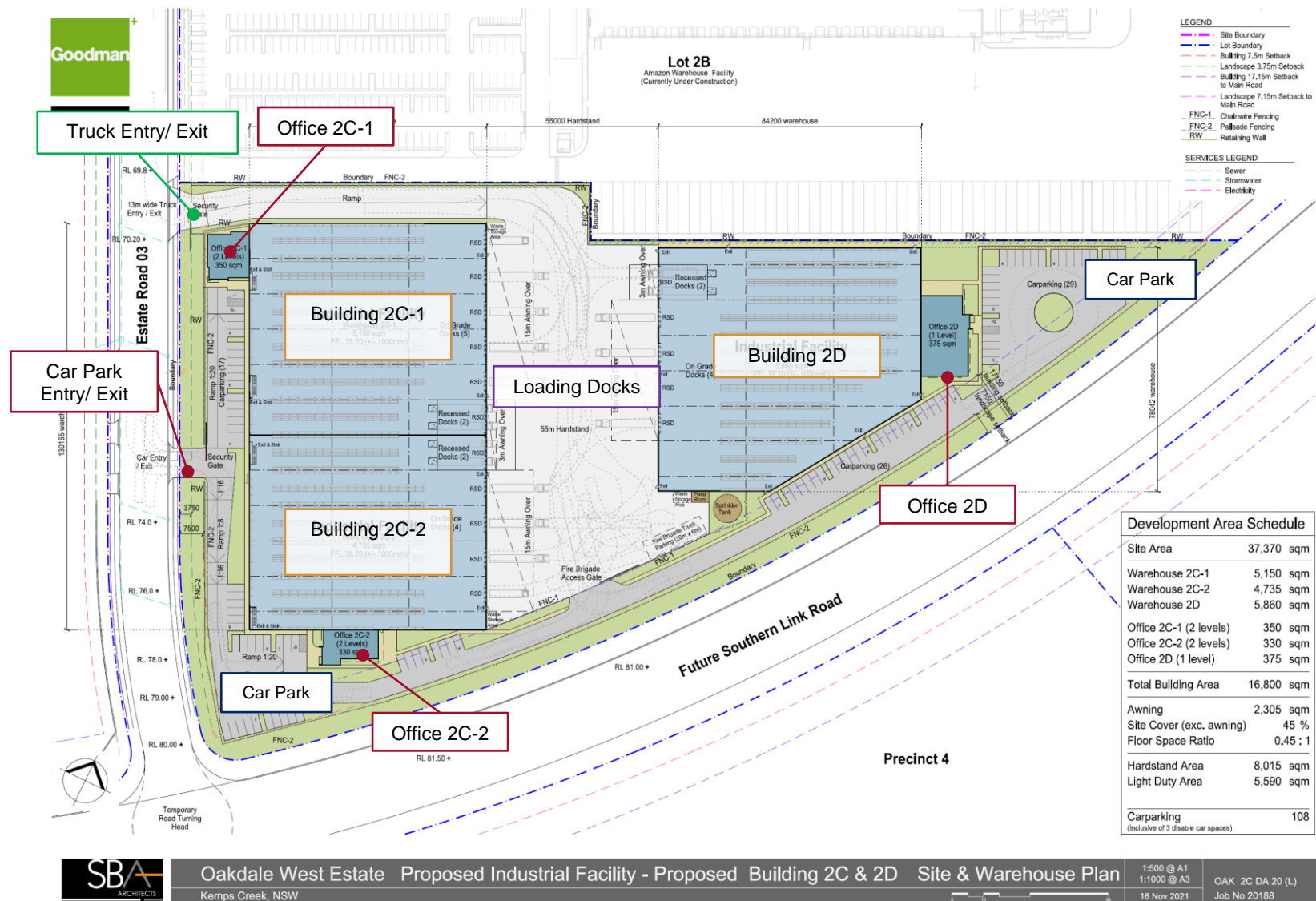
The major components are summarised in **Table 1**, shown in **Figure 4** and **Figure 5**, and described in full in the EIS, RtS, and ADRs (see **Appendix A**).

**Table 1 |** Main Components of the Development

Aspect	Description
Summary	<b>Construction, fitout, and operation of three warehouses (2A, 2C, and 2D) with associated offices, parking, and landscaping</b>
Warehouses	<ul style="list-style-type: none"><li>• Building 2A - 42,665 m<sup>2</sup> warehouse, 13.7 m high, used for sorting and distribution of parcels for Australia Post</li><li>• Building 2C1 and 2C2 - 9,885 m<sup>2</sup> warehouse, 22.2 m high at the northern end reducing to 13.7 m at the SLR boundary (southern end)</li><li>• Building 2D - 5,005 m<sup>2</sup> warehouse, 13.7 m high</li><li>• All warehouses comprise metal cladding, concrete panels, blockwork, metal roller shutters and colorbond roofing</li></ul>

Aspect	Description
<b>Associated Offices</b>	<ul style="list-style-type: none"> <li>• Building 2A - 1,050 m<sup>2</sup></li> <li>• Building 2C1 and 2C2 – 680 m<sup>2</sup></li> <li>• Building 2D – 375 m<sup>2</sup></li> </ul>
<b>Access</b>	<ul style="list-style-type: none"> <li>• Building 2A – two car park entries/exit on Sepia Road, one truck entry/exit on Emporium Avenue (Estate Road 1 to the north of Lot 2A), one truck entry on Sepia Road and one truck exit on Emporium Avenue (Estate Road 3 to the west of Lot 2A)</li> <li>• Buildings 2C and 2D – one car park entry/exit and one truck entry/exit on Emporium Avenue</li> </ul>
<b>Landscaping</b>	Over 300 native and exotic species, with minimum 5 m landscaped setbacks from estate roads, feature planting at site entrances and office areas and canopy tree planting in car parking areas.
<b>Parking</b>	<ul style="list-style-type: none"> <li>• Building 2A – 255 car spaces, 6 motorcycle spaces, and 25 van spaces</li> <li>• Building 2C – 53 spaces</li> <li>• Building 2D – 56 car spaces</li> </ul>
<b>Hours of operation</b>	24 hours a day, 7 days a week
<b>Capital Investment Value</b>	\$84,210,000
<b>Employment</b>	500 construction jobs, 450 operational jobs







**Figure 6 | Perspective of Building 2A**



**Figure 7 | Perspective of Building 2C**

## 2.3 Uses and Activities

Building 2A would be used by Australia Post as a sortation and distribution facility for receiving, sorting and distributing up to 450,000 parcels per day. Buildings 2C, and 2D would also be operated as warehouse and distribution centres. Warehouses at nearby Oakdale South and Central Estates and Altis Warehouse and Logistics Hub are occupied by businesses including Toyota, Sigma, Costco, DHL and Snack Brands.

## 2.4 Related Developments

### 2.4.1 Compass Drive and Southern Link Road

Compass Drive (previously referred to as the WNSLR) and the Southern Link Road (SLR) are identified in State Environmental Planning Policy (Western Sydney Employment Area) 2009 as part of the strategic regional road network in the WSEA. Compass Drive provides a north-south connection

between Lenore Drive and the SLR. The SLR provides an east-west connection between the M7 Motorway and Mamre Road.

The Applicant constructed Compass Drive as part of Stage 1 development. The construction was completed in February 2021. The alignment of the SLR was identified in the WSEA SEPP and through a concept design prepared for the Department and TfNSW in 2014. Detailed design work for the SLR is presently underway by TfNSW. Delivery of the SLR would be supported by contributions from development in the WSEA. The timeframe for delivering the SLR is currently unknown but is estimated to be completed by 2026.

#### **2.4.2 Western Sydney Freight Line**

In 2018, the NSW Government finalised the Future Transport Strategy 2056 and the Greater Sydney Services and Infrastructure Plan. Future Transport 2056 is a 40-year strategy for the development and improvement of the NSW transport system which identifies the Western Sydney Freight Line (WSFL) as a Greater Sydney Initiative for Investigation in 10-20 years.

The proposed WSFL corridor runs along the northern boundary of the OWE, adjacent to the Water NSW pipelines. The WSFL corridor is zoned SP2 Infrastructure under the State Environmental Planning Policy (Major Infrastructure Corridors) 2020.

The OWE is located immediately south of the proposed WSFL corridor. The Stage 3 development would continue to support the construction of WSFL through retaining a 60 m wide corridor along the OWE northern boundary dedicated for the future freight line.

### **2.5 Applicant's Need and Justification for the Development**

The Applicant advised the Stage 3 development would provide 450 operational jobs in the Western Sydney region, support the delivery of warehousing and distribution facilities in the WSEA and fulfil the strategic objectives of the WSEA.

Building 2A would be used by Australia Post for the storage and distribution of parcels, with the OWE providing large warehouses with good connections to key road networks for efficient distribution.

## 3 Strategic Context

### 3.1 A Metropolis of Three Cities

The Greater Sydney Plan, A Metropolis of Three Cities, seeks to transform Greater Sydney into a metropolis of three cities: the Western Parkland City, the Central River City, and the Eastern Harbour City. The OWE is located within the 'Western Parkland City'. The development is consistent with the directions and principles outlined in the Greater Sydney Plan and the Western Parkland City District Plan, specifically the principles of utilising industrial zoned land and providing employment opportunities in western Sydney. The OWE is anticipated to provide more than 3,000 jobs when fully operational, of which the Stage 3 component would provide 450 jobs.

### 3.2 State Environmental Planning Policy (Western Sydney Employment Area) 2009

The WSEA SEPP aims to promote economic development and employment, provide for the orderly and coordinated development of land, ensure development occurs in a logical, cost-effective, and environmentally sensitive manner.

The development is generally consistent with the relevant aims set out in clause 3 of the WSEA SEPP as:

- it is for a warehousing and distribution development
- it would provide 500 construction jobs and 450 operational jobs.

The Department's assessment of the development against the relevant development standards in the WSEA SEPP is provided in **Appendix C**.

### 3.3 Future Transport Strategy 2056

Future Transport 2056 is a 40-year strategy for the development and improvement of the NSW transport system. It identifies the WSFL as a Greater Sydney Initiative for Investigation in 10-20 years. The OWE is located immediately south of the WSFL corridor. The Stage 3 development would not impact on the 60 m wide corridor that has been retained for the future WSFL.

## 4 Statutory Context

### 4.1 State Significance

The development is SSD pursuant to Section 4.36 of the *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act) because it is for the purpose of a warehouse and distribution centre that has a CIV of more than \$30 million, which meets the criteria in clause 12 of Schedule 1 in State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

### 4.2 Permissibility

The site is zoned IN1 General Industrial zone under the WSEA SEPP. Warehouses and distribution centres are permissible with consent in the IN1 zone. As such, the Minister for Planning and Public Spaces (the Minister) or delegate may determine the carrying out of the development.

### 4.3 Consent Authority

The Minister is the consent authority for the development under Section 4.5 of the EP&A Act. On 26 April 2021, the Minister delegated the functions of determining SSD applications to the Director, Industry Assessments where:

- the relevant local council has not made an objection and
- there are less than 15 unique public submissions in the nature of objections and
- a political disclosure statement has not been made.

Penrith City Council did not object to the development, no public submissions were received during the exhibition period, and no reportable political donations were made by the Applicant in the last two years. Accordingly, the SSD application could be determined by the Director, Industry Assessments under the delegation.

### 4.4 Other Approvals

Under Section 4.42 of the EP&A Act, other approvals may be required and must be approved in a manner that is consistent with any Part 4 consent for the SSD under the EP&A Act. No other approvals listed under Section 4.42 are required for the development.

### 4.5 Mandatory Matters for Consideration

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department's consideration of these matters is set out in **Section 6** and **Appendix B** of this report. In summary, the Department is satisfied the development is consistent with the requirements of Section 4.15 of the EP&A Act.

Under Section 4.15 of the EP&A Act, the consent authority, when determining a development application, must take into consideration the provisions of any environmental planning instrument (EPI) and draft EPI (that has been subject to public consultation and notified under the EP&A Act) that apply to the development. The Department has considered the development against the relevant provisions of several key EPIs including:

- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

- State Environmental Planning Policy (Major Infrastructure Corridors) 2020 (Corridors SEPP)
- State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP)
- State Environmental Planning Policy No 33 – Hazardous and Offensive Development (SEPP 33)
- State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64)
- Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2 – 1997) (SREP 20)
- draft State Environmental Planning Policy (Environment) (draft Environment SEPP).
- Penrith Local Environmental Plan 2010.

The Department is satisfied the development generally complies with the relevant provisions of these EPIs. Detailed consideration of the provisions of all EPIs that apply to the development is provided in **Appendix C**.

## 4.6 Public Exhibition and Notification

In accordance with Section 2.22 and Schedule 1 to the EP&A Act, the development application and any accompanying information of the SSD application are required to be publicly exhibited for at least 28 days.

The Department publicly exhibited the SSD application from 18 February 2021 to 17 March 2021 (28 days). Details of the exhibition process and notifications are provided in **Section 5.3** of this report.

## 4.7 Objects of the EP&A Act

In determining the application, the consent authority should consider whether the development is consistent with the relevant objects of the EP&A Act. The Department has fully considered the objects of the EP&A Act, including the encouragement of Ecologically Sustainable Development (ESD), in its assessment of the application (see **Table 2**).

**Table 2 | Considerations Against the Objects of the EP&A Act**

Object	Consideration
<b>1.3 (a) 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,</b>	The development would ensure the orderly and economic use of the site which is zoned for industrial use, promote the social and economic welfare of the community through a significant financial investment and employment opportunities in Western Sydney.
<b>1.3 (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental, and social considerations in decision-making about environmental planning and assessment,</b>	The Department has considered the ESD principles in its assessment of the development. The development includes several measures to deliver ESD, including rainwater harvesting, smart metering, water efficient fixtures and fittings, and installation of solar panels for each warehouse building. The Department's assessment has considered all socio-economic and environmental considerations and concludes the development would avoid potentially serious

Object	Consideration
	or irreversible environmental damage while providing tangible socio-economic benefits.
<b>1.3 (c) to promote the orderly and economic use and development of land,</b>	The development is a permissible use which would promote the orderly and economic development of the land. The development would provide approximately 450 operational jobs in the WSEA and promote economic growth in Western Sydney.
<b>1.3 (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</b>	The Department's assessment in <b>Section 6</b> of this report demonstrates that with the implementation of the recommended conditions of consent, the impacts of the development could be mitigated and/or managed to ensure an acceptable level of environmental performance.
<b>1.3 (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</b>	The Department has recommended conditions of consent requiring the development be constructed in accordance with the Building Code of Australia (BCA).
<b>1.3 (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</b>	The Department has assessed the development in consultation with, and giving due consideration to, the technical expertise and comments provided by other Government agencies, thereby sharing the responsibility for environmental planning between the different levels of government in the State.
<b>1.3 (j) to provide increased opportunity for community participation in environmental planning and assessment.</b>	The development application was exhibited in accordance with clause 9 of Schedule 1 of the EP&A Act to provide public involvement and participation in the environmental planning and assessment process. The Department publicly exhibited the application as outlined in Section 5 of this report, which included notifying adjoining landowners and displaying the application on the Department's website.

## 4.8 Ecologically Sustainable Development

The EP&A Act adopts the principles of ecologically sustainable development (ESD) found in the *Protection of the Environment Administration Act 1991* (NSW). Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle*
- (b) *inter-generational equity*
- (c) *conservation of biological diversity and ecological integrity*
- (d) *improved valuation, pricing, and incentive mechanisms.*

The potential environmental impacts of the development have been assessed and, where potential impacts have been identified, mitigation measures and environmental safeguards have been recommended.

As demonstrated by the Department's assessment in **Section 6** of this report, the development is not anticipated to have any adverse impacts on native flora or fauna, including threatened species, populations and ecological communities, and their habitats. The Applicant has also proposed ESD design measures to reduce the energy and water requirements of the development. As such, the Department considers that the development would not adversely impact on the environment and is consistent with the objectives of the EP&A Act and the principles of ESD.

#### **4.9 Biodiversity Development Assessment Report**

Section 7.9(2) of the *Biodiversity Conservation Act 2016* (NSW) (BC Act) requires all applications for SSI and SSD to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.

The Applicant prepared a BDAR for the Concept Plan and Stage 1 Development which included clearing and earthworks across the whole OWE. The Applicant is implementing the biodiversity offset strategy required by the OWE consent. The Applicant submitted a BDAR Waiver request with the SSD application for Stage 3, as the development does not require any clearing or bulk earthworks.

The Department referred the BDAR Waiver to the Chief Executive of the Environment, Energy and Science Group (EESG) of the Department. The Chief Executive of EESG and a delegate of the Planning Secretary of the Department concluded the development is not likely to have any significant impact on biodiversity values, therefore a BDAR is not required.

#### **4.10 Commonwealth Matters**

Under the EPBC Act, assessment and approval is required from the Commonwealth Government if a development is likely to impact on a matter of national environmental significance (MNES) and is considered to be a 'controlled action'.

The EIS noted the Concept Plan and Stage 1 Development was a controlled action and approval was granted by a delegate of the Commonwealth Minister for the Environment on 25 November 2019. The Stage 3 development does not require any further clearing and would not impact on MNES. The EIS concluded the development is not a 'controlled action'. As such, the Applicant determined a referral to the Commonwealth Government was not required.

## 5 Engagement

### 5.1 Applicant's Consultation

The Applicant, as required by the Planning Secretary's Environmental Assessment Requirements (SEARs), undertook consultation with relevant local and State authorities as well as the community and affected landowners.

The Applicant consulted with neighbouring landowners during the preparation of the EIS and holds monthly community meetings to discuss the progress of works on the site and upcoming development applications within the OWE.

### 5.2 Department's Engagement

After accepting the DA and the EIS for the development, the Department:

- made it publicly available from **Thursday 18 February 2021** until **Wednesday 17 March 2021** (28 days) on the Department's website
- notified landowners in the vicinity of the site about the exhibition by letter
- invited comments from relevant State government authorities, Penrith City Council, and the local Member of Parliament (MP).

### 5.3 Submissions and Advice

The Department received advice from five government agencies and submissions from two special interest groups. No submissions were received from the public and there were no objections to the development. A summary of the advice received is provided below and a link to the advice is provided in **Appendix A**.

#### Council and Government Agencies

**Council** supported the layout and setbacks of Building 2A and raised concerns about the height of Building 2C, requesting further consideration of visual impacts. Council also raised concerns about the potential for conflict between light and heavy vehicles accessing Building 2C and Building 2D and recommended additional canopy tree planting in the landscape design.

**TfNSW** raised concerns about potential safety impacts due to the shared access arrangements for light and heavy vehicles for Building 2C and Building 2D. TfNSW requested further vehicle swept paths, recommended the Applicant apply a higher trip generation rate to assess traffic impacts and recommended conditions for a green travel plan and provision of bicycle parking and end of trip facilities.

**Water Group DPIE** and **Natural Resources Access Regulator (NRAR)** recommended conditions regarding a water access licence should the Applicant take water from groundwater and/or surface water sources.

**Water NSW** advised that the development would be unlikely to impact on or interfere with Water NSW lands, assets, or infrastructure. Water NSW considered that the EIS included adequate mitigation measures and recommended conditions.

**EESG** had no specific comments.

## Special Interest Groups

**Endeavour Energy** requested the Applicant consult Endeavour Energy regarding electricity supply for the development prior to commencement of construction.

**Sydney Water** commented on water supply, wastewater, and recycled water and recommended a condition regarding a Section 73 application.

### 5.4 Response to Submissions and Additional Information

On 10 May 2021, the Applicant submitted a Response to Submissions (RtS) report addressing concerns and issues raised during the public exhibition. The RtS report included additional assessments of noise and traffic impacts and included amended plans. The Department referred the RtS to Council and key government agencies for comment.

**Council** reiterated its concerns about the height of Building 2C, the shared driveway for light and heavy vehicles accessing Building 2D and landscaping. Council also commented on pedestrian accessibility within the development, bicycle parking and end of trip facilities.

**TfNSW** noted the shared driveway would require careful management through an operational traffic management plan. TfNSW also recommended the carpark entry for Building 2C be relocated further north to avoid potential conflict with the future Southern Link Road intersection.

**Water NSW** had no further comments and recommended conditions of consent regarding construction erosion and sediment controls and protection of the Water NSW pipelines.

The Department concurred with Council and TfNSW and requested the Applicant amend the layout of Buildings 2C and 2D to provide separate driveways for light and heavy vehicles.

On 7 July 2021, the Applicant submitted a Supplementary RtS responding to comments on the RtS. The Supplementary RtS was referred to Council and TfNSW for comments. The Department noted the Applicant did not provide adequate responses to the building height and traffic safety concerns. Further, the Department advised that in order to consider the proposed building height, a modification application to amend the building height control for Building 2C under the Concept Plan would be required.

On 25 October 2021, the Applicant submitted an Amended Development Report (ADR) addressing issues raised by the Department, Council and TfNSW which included the changes to the development described in **Section 2.1**. The ADR included supporting technical assessments, updated architectural, landscaping and civil plans. The Department referred the ADR to Council, TfNSW and NSW Rural Fire Service (RFS) for comment (given a revised bushfire report was included).

**Council** noted the amended access for Buildings 2C and 2D resolved the safety issues but stated it did not support the reduction in landscape setback to achieve this. Council requested further landscaping in the parking areas, additional canopy tree planting and revised treatments at key corners of the development. Council requested the Applicant consider relocating the driveway access for Building 2A to avoid a stormwater pit and requested swept paths for the longest vehicles intended to access the site.

**TfNSW** noted its general support for the revised access to Buildings 2C and 2D but raised concern with the proximity of the light vehicle access to the proposed signalised intersection on the future SLR. TfNSW recommended that the access be located further northwest (away from the future signals) or the Applicant demonstrate that there would be no disruption to the future signalised intersection.

**RFS** reviewed the Bushfire Hazard Assessment in the ADR and recommended conditions for bushfire planning and management.

On 6 December 2021, the Applicant provided a final RtS responding to the landscaping and access issues raised by Council and TfNSW. The final RtS included updated plans including additional landscaping within the carparks of Buildings 2C and 2D.

## 6 Assessment

The Department has considered the EIS, the issues raised in the submissions, the RtS, the Supplementary RtS, and the ADR in its assessment of the development. The Department considers the key assessment issues are:

- traffic
- noise.

Other issues have been considered and are assessed in **Table 4** in **Section 6.3**.

### 6.1 Traffic

The development would result in additional traffic movements to those predicted for the approved OWE. The Applicant submitted an amended Traffic Assessment (TA) in the ADR assessing the traffic impacts of the development on the performance of regional and local road networks.

#### 6.1.1 Regional Road Network and Site Access

The Applicant recently constructed Compass Drive as part of the Stage 1 development to provide the primary access to the OWE. Buildings 2A, 2C, and 2D would be accessed from Emporium Avenue (previously known as Estate Roads 1 and 3) and Sepia Road which connect to Compass Drive. Emporium Avenue would ultimately connect to the SLR to the south when it is constructed.

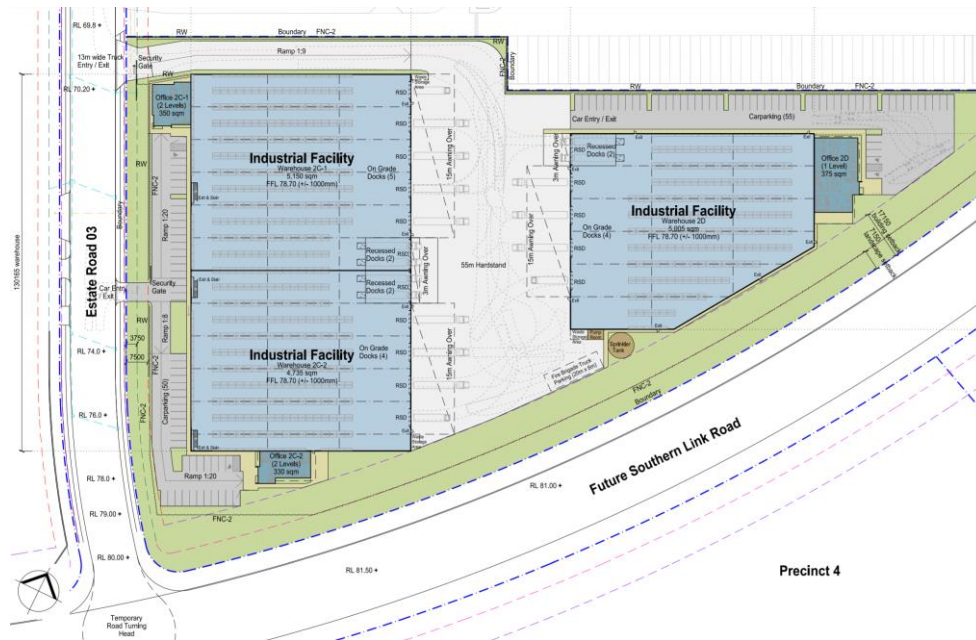
The proposed Building 2A car park would have two access points for light vehicles at Sepia Road, both for entry / exit. Three access points are proposed for trucks including one entry / exit at Emporium Avenue (Estate Road 1) to the north, one truck entry at Sepia Road, and one truck exit at Emporium Avenue (Estate Road 3) to the west. The TA noted that three access points were proposed to provide trucks with the shortest distance to the two loading areas, thereby limiting the number of trucks travelling around Building 2A for improved traffic safety.

The Applicant initially proposed a shared driveway for light vehicles accessing Building 2D and heavy vehicles accessing the loading docks at Buildings 2C and 2D (see **Figure 8**). The Department, Council and TfNSW raised concerns about the traffic safety and potential conflicts of movements between light and heavy vehicles using the same access. The Applicant responded to the traffic safety concerns by providing a separate light vehicle driveway running along the SLR frontage serving Buildings 2C and 2D car parks. The driveway to the north of Building 2C would be used by trucks only (see **Figure 9**).

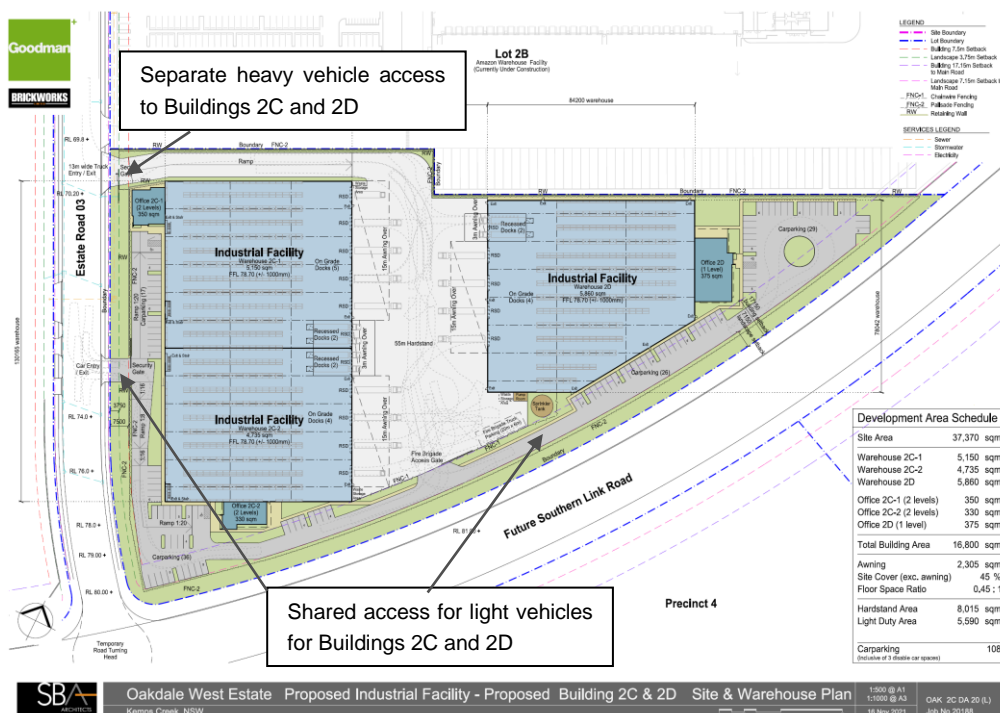
The amended TA included swept path diagrams which demonstrate that all truck accesses could accommodate 30 m performance based standard (PBS) Level 2 B-Doubles.

Council reviewed the amended design and made comments on driveway design, compliance with Australian Standards, and requested the Applicant provide a swept path diagram for a 26m B-Double turning left out of the Buildings 2C and 2D heavy vehicle driveway onto Emporium Avenue (Estate Road 3).

TfNSW recommended that the light vehicle access for Buildings 2C and 2D be located further northwest (away from the future signals at the SLR) or the Applicant demonstrate that there would be no disruption to the future signalised intersection.



**Figure 8 | Originally Proposed Buildings 2C and 2D Layout denoting the shared driveway**



**Figure 9 | Amended Buildings 2C and 2D Layout denoting separate driveways**

The Applicant responded that the maximum queue length at Emporium Avenue and the future SLR intersection during peak hours would be approximately 61 m. The proposed light vehicle driveway is approximately 100 m from the intersection with the future SLR, providing sufficient queuing capacity between the driveway and the future intersection.

### 6.1.2 Operational Traffic

The approved OWE would generate an estimated 11,394 vehicles per day. The Applicant provided a transport assessment for the development, using traffic volume data provided by the tenants of

Buildings 1A, 2A, 2B, 3B1 and 4E and using RMS rates for other buildings in the estate. The transport assessment was updated in the ADR.

The updated transport assessment stated that operation of warehouse 2A would increase the approved total daily traffic by 552 vehicles to 11,948 vehicles per day. However, as Australia Post's operational requirements vary from traditional distribution activities, its transport activities would result in peak traffic movements occurring outside the road network peak hours, with semi-trailers delivering bulk parcels to the facility between 5 – 7 am for sorting during the day and small vans loading and leaving the facility between 9 – 11 pm. This results in a minor reduction of traffic during the standard AM peak (7 – 8 am) of 103 vehicles per hour and during the PM peak (5 – 6 pm) of 44 vehicles per hour. The updated transport assessment noted the road network surrounding the site, including the estate roads and Compass Drive, were designed to accommodate peak traffic volumes and the development would not increase peak hour traffic volumes. As such, the updated transport assessment concluded the operational traffic would be adequately accommodated on the road network without the need for upgrades.

Council and TfNSW did not raise any concerns about the increased daily traffic movements from operation of the development.

### **6.1.3 Construction Traffic**

The TA notes that detailed construction traffic management measures outlined in the Construction Traffic Management Plan (CTMP) for the OWE Stages 1 and 2 development have been approved. The approved measures would be incorporated into a separate CTMP for the Stage 3 development. The TA concludes implementation of these management measures would ensure that construction traffic would not impact on efficient operation of the surrounding road network.

### **6.1.4 Car Parking**

The Applicant has proposed a parking ratio that exceeds the minimum requirements in the OWE consent. The proposed carparking includes:

- Building 2A: 255 spaces
- Building 2C: 53 spaces
- Building 2D: 56 spaces.

The Department considers the proposed parking provision is adequate and has recommended a condition requiring provision of parking in accordance with the ADR.

### **6.1.5 Assessment and Recommendation**

The Department reviewed the transport assessment and access arrangements in consultation with Council and TfNSW and considers the construction and operational traffic impacts of the Stage 3 development could be managed to maintain road safety and efficiency and has recommended a range of conditions for traffic management.

The Department notes the development would increase the approved total daily traffic. However, the Department considers that the increase would not impact on the performance of the surrounding road network given the development's peak hour traffic would occur outside of the road network peak hours and the total traffic volumes would slightly decrease during road network peak hours. On this basis, the

Department considers the increased traffic would be safely and adequately accommodated on the road network.

The separate light and heavy vehicle access points for Building 2D resolved the safety concerns associated with a shared access. The driveways would be designed in accordance with relevant Australian standards and would provide sufficient manoeuvrability for trucks up to 30 m PBS Level 2 vehicles. Additionally, the Department notes the Applicant has proposed a parking provision above the minimum requirements and has recommended a condition requiring the Applicant to construct the proposed parking spaces.

The Department has recommended the Applicant prepare a CTMP, outlining the measures to be implemented during construction to adequately manage traffic impacts. The Department has previously approved traffic management measures for the OWE Stage 1 and 2 developments which would be incorporated into a CTMP for the Stage 3 development.

The Department's is satisfied the development would have negligible traffic impacts and has recommended conditions for operational traffic management, parking, sustainable travel planning and complying with Australian Standards. The Department's assessment concludes the construction and operational traffic from the development would be appropriately managed.

## 6.2 Noise Impact

The development has the potential to alter noise levels from the approved OWE, which may impact on the nearest residential receivers, which are located to the west at Emmaus Retirement Village and to the south on Aldington Road.

### 6.2.1 Approved OWE

The Department's assessment of the OWE concluded the fully developed estate would comply with noise limits established in accordance with the *NSW Industrial Noise Policy, 2000* (INP), which was the relevant policy the time of assessment. The approved development includes a noise wall along part of the western boundary to minimise noise at the adjacent Emmaus Residential Village and Emmaus Catholic College. A noise wall was also approved for a section on the southern boundary, as there is one residence immediately to the south, see **Figure 10**.

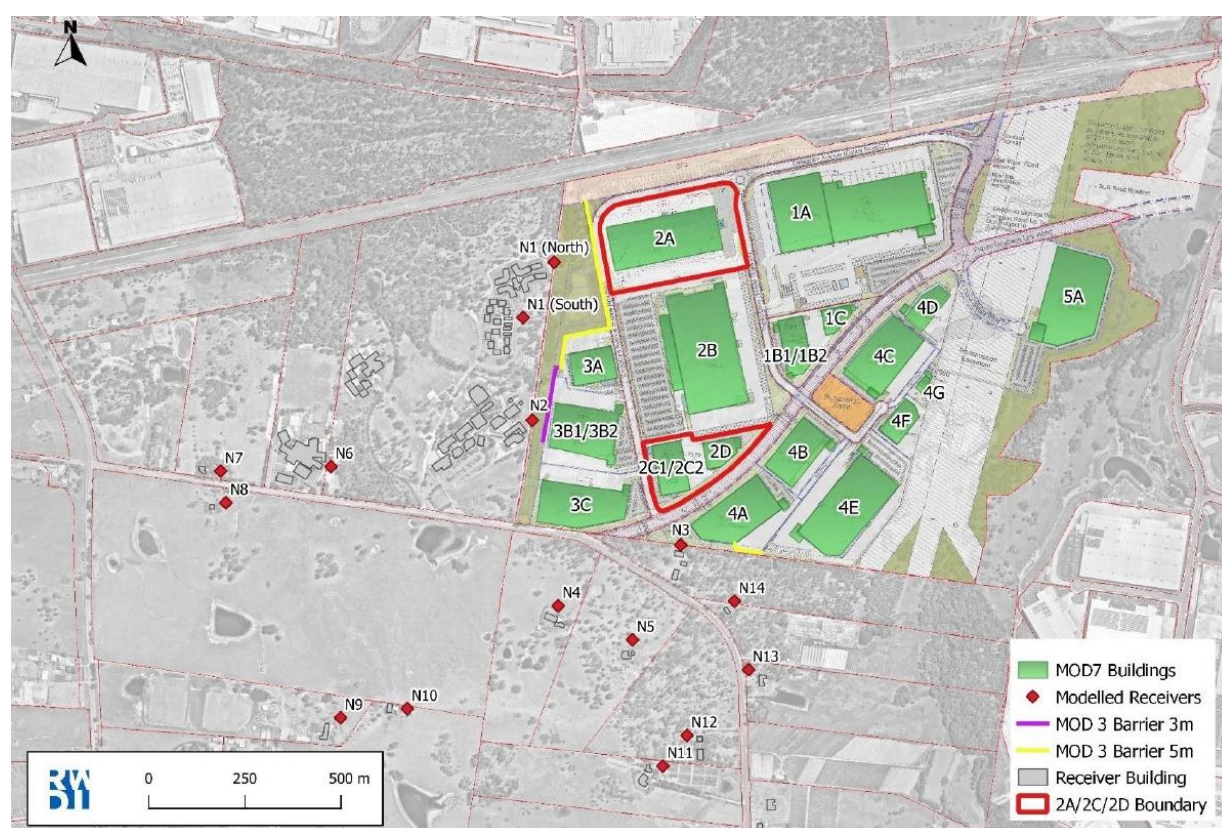
Subsequent modifications to the OWE have altered the approved noise controls, including the location and height of the noise wall on the western boundary and restrictions on night-time operations for future warehouses in Precincts 2, 3, 4 and 5. The restrictions include no night-time operation of mechanical plant and no night-time use of forklifts. These changes were made to accommodate larger warehouses (Building 1A and 2B) that have substantial rooftop mechanical plant and higher traffic generation rates.

The western noise wall was completed in November 2020 and is 5 m high in the north-western section, reducing to 3 m high near Emmaus Catholic College. The southern noise wall would be constructed at a later time as part of construction of Building 4A. The Applicant has also entered into noise agreements with three receivers to the south (N3, N4 and N5) to mitigate noise impacts.

**Table 3** shows the noise limits in the OWE consent. The noise limits do not apply to receivers N3, N4 and N5 as they have noise agreements in place. Noise limits for receivers further to the south, N9 to N14 were amended in SSD-7348 MOD 7, based on updated background monitoring.

**Table 3 | Existing Noise Limits (SSD-7348 as modified)**

Location	Day LAeq (15 minute)	Evening LAeq (15 minute)	Night LAeq (15 minute)	L <sub>AMax</sub>
N1 (Emmaus Village)	44	43	41	52
N3	39	39	37	52
N4 & N5	39	39	37	52
N9 – N14	47	42	42	52
N2 (Emmaus College)	When in use: 45 L <sub>Aeq</sub> (1h)			



**Figure 10 | Noise Receivers and Noise Wall Locations**

## 6.2.2 Buildings 2A, 2C and 2D

The Applicant prepared a Noise and Vibration Assessment (NVA) for the development, assessing two scenarios:

1. Noise levels from Buildings 2A, 2C and 2D only; and
2. Noise levels from the whole OWE.

The NVA modelled noise from heavy vehicle movements on site and operation of rooftop mechanical plant and the use of forklifts at night at Building 2A. Buildings 2C and 2D would not have rooftop mechanical plant operating or use forklifts at night, with the key noise sources being heavy vehicle movements. These restrictions are included in the conditions of consent for the OWE (SSD-7348). The

NVA also assessed the potential for sleep disturbance, considering noise from heavy vehicle brake releases and reversing alarms.

The NVA predicted both scenarios (Buildings 2A, 2C and 2D and the whole OWE) would comply with the noise limits at all receivers during the day, evening and night-time periods. The development would also comply with sleep disturbance criteria at all receivers. The assessment considered worst-case noise levels during peak operations from the whole OWE, predicting noise levels would be between 0 – 7 dB below the limits at Emmaus Retirement Village, between 3 – 12 dB below the limits at the nearest receivers to the south and 2 dB below the limits at Emmaus Catholic College.

The NVA also considered noise levels during construction, predicting there would be a negligible exceedance of the construction noise management levels (CNMLs) at Emmaus Retirement Village of 1dB during detailed earthworks. The Applicant proposes to consult with these residences and implement measures to minimise construction noise, including scheduling works, minimising multiple equipment use, compliance monitoring and ensuring non-tonal reversing alarms on all plant and vehicles.

Road traffic noise from the development was assessed against the *NSW Road Noise Policy 2011*, with the assessment concluding the development would not increase existing road noise by more than 2dB.

### **6.2.3 Assessment and Recommendations**

The Department reviewed the NVA in detail and considered the development in the context of the approved OWE. The development consent for the OWE established limits and noise controls that would protect neighbouring residences from excessive noise.

The Department is satisfied the Applicant has provided a robust noise assessment that is consistent with the limitations included in the OWE consent. The development would not result in any exceedance of the operational noise limits established for the OWE and no additional mitigation measures are required.

The development consent for the OWE includes a requirement for noise verification monitoring within three months of operation of any buildings on the site to verify the effectiveness of the approved noise controls and compliance with the noise limits. The Applicant is also required to investigate and implement further noise controls if operations exceed the noise limits. This condition was recently updated as part of MOD 7 to require further noise verification monitoring two years after the commencement of operation of any buildings on the site, to ensure noise levels are measured when multiple warehouses are operating. These conditions would cover noise from the operation of Buildings 2A, 2C and 2D and no other additional noise verification is needed for this SSD. The Department recommends noise limits for the development, consistent with the OWE consent and recommends the Applicant comply with CNMLs and implement a Driver Code of Conduct to minimise road traffic noise.

The Department's assessment concludes the development would result in negligible noise impacts and would comply with the noise limits in the OWE consent.

### 6.3 Other Issues

The Department's assessment of other issues is provided in **Table 4**.

**Table 4** | Assessment of Other Issues

Findings	Recommendations
<b>Urban Design and Visual Impact</b>	
<ul style="list-style-type: none"><li>SSD-7348 established development controls for the OWE, including building heights, setbacks and site coverage as well as an overarching landscape strategy.</li><li>Some development controls have been modified to suit the requirements of individual warehouse tenants. MOD 6 approved an increase to the height of Building 2A from 15 m to 18 m and MOD 9 approved an increase in the height of Building 2C from 15 m to 22.2 m.</li><li>Both modifications considered the urban design and visual impacts of the increased building heights, concluding there would be no change to visual impacts from the nearest viewpoints (Emmaus Retirement Village and Catholic College).</li><li>The warehouse buildings would be constructed with metal cladding, concrete panels, brick and timber. Office facades would incorporate concrete, glass and colorbond panels to articulate the design. The Applicant advised the offices for Buildings 2A, 2C and 2D have been designed to be consistent with other office facades in the OWE to provide a coherent design across the estate.</li><li>Council initially raised concerns about the bulk and scale of Building 2C and recommended a stepped down warehouse to align with the sloping site. Following a review of the final design, Council did not raise any further concerns.</li><li>The Department reviewed the architectural plans, design strategy and landscape plans for the development and considered the amended building heights and layouts.</li><li>Building 2A would be visible from Emmaus Retirement Village and Catholic College, but the visual impacts would remain the same as the approved OWE. Existing mitigation measures, including the 40 m wide landscape bund and noise barrier would reduce the visual impacts of the development to moderate as the landscaping matures.</li><li>Building 2C is constructed on a sloping site and would be 13.7 m high at the SLR frontage, increasing to 22.2 m on the northern façade, when measured from the ground level (see <b>Figure 7</b>). The warehouse would sit on a retaining wall, incorporated into the building façade. Additional treatments to the northern and western facades, including the office building have been included to soften the visual appearance of the warehouse.</li></ul>	<p>Require the Applicant to:</p> <ul style="list-style-type: none"><li>construct Buildings 2A, 2C and 2D in accordance with the design in the ADR.</li><li>ensure lighting complies with Australian Standards and signage and fencing is installed in accordance with the plans in the ADR.</li></ul>

## Findings

## Recommendations

- The Department notes the increased height of Building 2C on its northern and western facades would only be visible from within the estate and notes the adjacent Building 2B is 28 m high. The incorporation of a retaining wall into the building structure would reduce the need for significant volumes of fill and retaining walls on the lot boundary. The proposed façade design and landscaping treatments would adequately mitigate the minor visual impacts associated with an increased building height in this location.
- The Department has recommended standard conditions for implementation of the design as presented in the ADR.
- The Department's assessment concludes the development is consistent with the modified OWE Concept Plan and the proposed building heights would not increase the visual impacts of the approved OWE. The architectural designs and landscaping would present a consistent and coherent design outcome across the estate.

## Landscaping

- The development would include landscaping within setbacks to Emporium Avenue (Estate Roads 1 and 3), Sepia Road, and the SLR reserve as well as in car parks.
- The Applicant has proposed a mix of native vegetation including trees with mature heights between 6 m and 30 m which is consistent with landscaping across the OWE.
- Council requested the Applicant provide a 20 m wide landscaped setback along the SLR frontage and increase the density of landscaping around the development.
- The Department acknowledges Council's request for 20 m wide landscaping but notes the 7.5 m landscape setback is required to accommodate a wider SLR road reserve requested by TfNSW and is approved by SSD-7348-MOD-5. The proposed internal driveway in Lot 2C and 2D is located outside the landscape setback. In addition, the Applicant has proposed screening planting along the internal driveway where possible to maximise landscaping in Lot 2C and 2D.
- The Department notes the Applicant has proposed a minimum 5 m wide landscape setback along Emporium Avenue and Sepia Road consistent with the approved Concept Plan (as modified) and other developments in the estate. At the northern-western corner of Lot 2A, the level difference between Emporium Avenue and the Lot 2A pad is approximately 1.9 m. The Applicant has proposed screening trees at this location with maximum mature heights of 30 m sufficient to screen the hardstand and 13.7 m high warehouse building when viewed from streets.

Require the Applicant to:

- implement the landscape plan included in the ADR, prior to the commencement of operation
- maintain the landscaping for the life of the development and replace any landscaping that has been unsuccessful.

Findings	Recommendations
<ul style="list-style-type: none"> <li>• The Department has recommended conditions to ensure the landscaping is implemented and maintained in accordance with the plans in the ADR.</li> <li>• The Department's assessment concludes that the proposed landscaping is appropriate for the industrial development. Once established along the boundaries, within the car park, and feature planting at site entrances, the landscaping would soften the visual appearance of the warehouses, obscure direct views towards the buildings from public vantage points, minimise visual dominance of warehouses on the streetscape, and provide shade for staff and visitors.</li> </ul>	
<b>Bushfire Management</b>	
<ul style="list-style-type: none"> <li>• The development is located on bushfire prone land and must comply with the requirements of Planning for Bushfire Protection 2019 (PBP).</li> <li>• A Bushfire Risk Assessment (BRA) for the development concluded it would meet the aims and objectives of PBP with the implementation of bushfire protection measures, including asset protection zones around the building and construction in accordance with <i>Australian Standard: Construction of buildings in bushfire-prone areas</i> (AS 3959-2018).</li> <li>• RFS reviewed the BRA and recommended conditions for constructing Building 2A with non-combustible materials, managing the site as an inner protection area, maintaining landscaping to meet PBP and complying with relevant building standards for bushfire prone areas.</li> <li>• The Department met with the Applicant and RFS to clarify the construction requirements for Building 2A as only part of the building is located within a bushfire attack level (BAL) area. RFS noted the building location is low risk and confirmed the Department could rely on the recommendations of the BRA with regard to the building construction requirements.</li> <li>• The Department has recommended conditions for the development to comply with PBP, the BRA, and relevant Australian Standards and has incorporated the recommendations of RFS into the conditions. The Department has also recommended the Applicant prepare a Fire Management Plan, consistent with the requirements for other buildings in the OWE.</li> <li>• The Department's assessment concludes the development would comply with relevant criteria for buildings in bushfire-prone areas.</li> </ul>	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> <li>• comply with the BRA, PBP and AS 3959-2018</li> <li>• ensure the part of Building 2A within the BAL 12.5 area is constructed entirely with non-combustible materials and includes measures to improve ember protection</li> <li>• manage landscaping as an inner protection area in accordance with PBP</li> <li>• construct Buildings 2A, 2C, and 2D in accordance with relevant Australian Standards.</li> </ul>

## Findings

## Recommendations

### Air Quality

- The development would generate dust during construction and vehicle emissions during operation.
- The air quality assessment (AQA) for the OWE Concept Plan concluded the development would meet all relevant air quality criteria at neighbouring sensitive receivers during construction and operation.
- The Applicant provided a review of the AQA, to assess whether construction and operation of Buildings 2A, 2C and 2D would change the air quality impacts of the approved OWE.
- The AQA review concluded the development would not change the air quality impacts, with construction impacts considered to be low, and operational impacts below relevant criteria. Major earthworks have been completed across the estate, so dust impacts during construction would be minor.
- The AQA review noted operational traffic volumes assessed for the OWE Concept Plan were conservative and higher than the volumes expected from the estate, now that tenants have been secured for most of the buildings and actual traffic volumes are known. Air quality impacts from the fully developed estate including Buildings 2A, 2C and 2D are likely to be lower than the original predictions.
- The AQA review noted that some operational air quality controls are required to manage vehicle emissions inside Building 2A as vans enter the building for loading. The AQA recommended vehicle engines are switched off once inside the building, no refuelling occurs inside, and extractions systems are installed and directed to rooftop vents to remove air pollutants.
- The Department reviewed the original AQA and the review submitted for this SSD and concluded the development would not result in adverse air emissions and would comply with relevant criteria.
- The Department notes the Applicant needs to implement controls to minimise vehicle emissions inside Building 2A and recommends the Applicant prepare and implement an operational air quality management plan for Building 2A.
- The Department's assessment concludes the air quality impacts of the development would be minimal and can be managed through conditions.

Require the Applicant to:

- minimise dust emissions during construction through a Construction Environmental Management Plan
- implement an operational air quality management plan to manage vehicle emissions inside Building 2A.

## 7 Evaluation

The Department's assessment of the development has fully considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act, and the principles of ecologically sustainable development. The Department has considered the development in the context of the aims and objectives of the WSEA and other relevant statutory planning instruments.

The development is State significant development as it is development for the purpose of a warehouse and distribution centre that has a CIV of more than \$30 million. The development would generate 500 construction jobs, 450 operational jobs and invest \$84.21 million in the Penrith LGA.

The development involves construction, fit-out and operation of three warehouses (2A, 2C and 2D) within the approved OWE.

The Department has carried out a detailed assessment of the merits of the development, has consulted with key government agencies and the public and closely considered the issues raised during its assessment of the application. The key assessment issues are traffic and noise. Other issues considered included urban design, visual impact, landscaping, bushfire risk and air quality.

None of the State government agencies, Council or the community have objected to the proposal and the Department has sought to address any issues raised through consultation with both the government agencies and the Applicant. Council and TfNSW recommended conditions for landscaping and operational traffic management. RFS recommended conditions for managing bushfire risks.

Building 2A would provide a significant processing centre for Australia Post with the capacity to receive, sort and distribute 450,000 parcels per day. The building is a standard height warehouse at 13.7 m which would reduce the overall visual impacts of the approved OWE.

The Department's assessment concluded the development would:

- provide high employment generating uses in an approved industrial estate, meeting the objectives of the WSEA SEPP
- result in a minor increase in traffic from the approved OWE, with negligible impacts on the surrounding road network
- meet noise limits established for the OWE
- have minimal visual impacts as it is partially screened from residential receivers by intervening mature vegetation and the landscape bund established for the OWE
- provide high-quality design outcomes and landscaping consistent with the approved OWE
- be designed in accordance with Planning for Bushfire Protection 2019.

The Department considers that the impacts of the development can be mitigated and managed to ensure an acceptable level of environmental performance.

The Department has recommended conditions to manage the residual impacts of the development, including traffic management, noise limits, landscaping, and bushfire protection. The Department's assessment has concluded the development is in the public interest and should be approved, subject to recommended conditions.

## 8 Recommendation

It is recommended that the Director, Industry Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of SSD-9794683, subject to the conditions in the attached development consent
- **signs** the attached development consent (see **Appendix D**).

Recommended by:



15 December 2021

**Bruce Zhang**

Senior Environmental Assessment Officer  
Industry Assessments

Recommended by:



15 December 2021

**William Hodgkinson**

Team Leader  
Industry Assessments

## 9 Determination

The recommendation is **Adopted** by:

A handwritten signature in dark ink, appearing to read 'C. Ritchie', written in a cursive style.

16 December 2021

**Chris Ritchie**

Director

Industry Assessments

# Appendices

## Appendix A – List of referenced documents

The Department has relied upon the following key documents during its assessment of the proposed development:

### Environmental Impact Statement

- Environmental Impact Statement, State Significant Development Application (SSD 9794683), Oakdale West Industrial Estate Stage 3, 2 Aldington Road, Kemps Creek, prepared by Keylan Consulting Pty Ltd, dated 9 February 2021 with all supporting documents

### Submissions

- All submissions received from relevant public authorities

### Response to Submissions

- Response to Submission, Oakdale West Estate Stage 3 (SSD-9794683), prepared by Goodman Property Services (Aust) Pty Ltd, dated April 2021 and Oakdale West Industrial Estate Stage 3 (SSD 9794683) – Amended Development Application, dated 9 November 2021 with all supporting documents

### Statutory Documents

- Relevant considerations under section 4.15 of the EP&A Act (see **Appendix B**)
- Relevant environmental planning instruments, policies and guidelines (see **Appendix C**)

All documents relied upon by the Department during its assessment of the application may be viewed at: <https://www.planningportal.nsw.gov.au/major-projects/project/40341>

## Appendix B – Considerations under Section 4.15 of the EP&A Act

Section 4.15 of the EP&A Act requires that the consent authority, when determining a development application, must take into consideration the following matters:

**Table 5 |** Considerations under section 4.15 of the EP&A Act

Provision	Comment
(a) the provisions of: (i) any environmental planning instrument, and (ii) 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 Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	Detailed consideration of the provisions of all environmental planning instruments (including draft instruments subject to public consultation under the EP&A Act) that apply to the development is provided in <b>Appendix C</b> of this report.
(iii) any development control plan, and	Under Clause 11 of the SRD SEPP, development control plans do not apply to State significant development.
(iia) 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	A Planning Agreement for the OWE Concept Plan was executed between the Minister for Planning and Public Spaces and the Applicant on 5 August 2019. On 25 June 2021, the Department issued a Satisfactory Arrangement Certificate (SAC) pursuant to Clause 29 of the WSEA SEPP for Stage 3 development.
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,	The Department has assessed the development in accordance with all relevant matters prescribed by the regulations, the findings of which are contained in this report.
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department has considered the likely impacts of the development in detail in <b>Section 6</b> of this report. The Department concludes that all environmental impacts can be appropriately managed and mitigated through the recommended conditions of consent.
(c) The suitability of the site for the development,	The development is for warehousing and distribution on IN1 General Industrial zoned land which is permissible with development consent. The development is within the WSEA which has

Provision	Comment
	been zoned for employment generating development.
(d) any submissions made in accordance with this Act or the regulations,	All matters raised in submissions have been summarised in <b>Section 5</b> of this report and given due consideration as part of the assessment of the development in <b>Section 6</b> of this report.
(e) the public interest.	<p>The development would generate up to 500 construction jobs and 450 ongoing operational jobs. The development is a considerable capital investment in Western Sydney that would contribute to the provision of local jobs.</p> <p>The environmental impacts of the development would be appropriately managed via the recommended conditions. On balance, the Department considers the development is in the public interest.</p>

## Appendix C – Consideration of Environmental Planning Instruments

### State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The SRD SEPP identifies certain classes of development as SSD. In particular, the construction and operation of a warehouse and distribution centre meets the criteria of clause 12 of Schedule 1 of the SRD SEPP and is consequently classified as State significant development. The development satisfies the criteria in clause 12 of Schedule 1, as it would involve the development of a warehouse and distribution centre with a CIV of \$84.21 million.

### State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The ISEPP aims to facilitate the effective delivery of infrastructure across the State and lists the type of development defined as Traffic Generating Development. The development constitutes traffic generating development in accordance with the ISEPP as it includes a warehouse and distribution centre on a site whose area is more than 8,000 m<sup>2</sup> as per Schedule 3 of the ISEPP. Consequently, the development was referred to TfNSW for comment and consideration of accessibility and traffic impacts.

TfNSW comments are considered in Sections 5 and 6 of this report. The Department has incorporated TfNSW recommendations into the conditions of consent.

### State Environmental Planning Policy (Major Infrastructure Corridors) 2020 (Corridors SEPP)

The Corridors SEPP aims to identify land that is intended to be used in the future as an infrastructure corridor, allow the ongoing use and development of the identified major infrastructure corridor land until it is needed for the future infrastructure, and to protect the land from development that would adversely impact on or prevent the land from being used as an infrastructure corridor in the future.

During assessment of SSD-7348, the Department and the Applicant consulted with TfNSW regarding the proposed WSFL traversing the northern part of the site parallel to Water NSW pipelines. TfNSW raised no objection to the development as the Applicant has avoided development within the SP2 zoned land by providing a 60 m corridor for the planned WSFL. The corridor would be maintained under the development. As such, the development is consistent with the Corridors SEPP.

### State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP)

The WSEA SEPP aims to promote economic development and employment, provide for the orderly and coordinated development of land, rezone land for employment or conservation purposes, ensure development occurs in a logical, cost-effective and environmentally sensitive manner and conserve and rehabilitate areas with high biodiversity, heritage or cultural value within the WSEA. Part 5 of the WSEA SEPP sets out the principal development standards within the WSEA. The development has been assessed against these standards and a summary of the Department's assessment is provided in **Table 6**.

**Table 6 |** Compliance Assessment of the Development against the WSEA SEPP

Development Standard	Proposed	Department Comment
<b>CI 18(1) Requirement for development control plans</b> A consent authority must not grant consent to a Development	Development controls were prepared for the OWE Concept Plan and have been	The development is consistent with the development controls for the OWE as modified.

Development Standard	Proposed	Department Comment
Application unless a development control plan (DCP) has been prepared for that parcel of land.	incorporated into the Penrith DCP 2014.	
<b>CI 20 Ecologically Sustainable Development</b> The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that the development contains measures designed to minimise: (a) the consumption of potable water, and (b) greenhouse gas emissions.	The development incorporates a range of sustainability measures designed to reduce energy and resource use during operation, including building materials, solar panels and utilising rainwater – as detailed in the Applicant's ESD Report. The Applicant also prepared a greenhouse gas and energy efficiency assessment, which includes measures to minimise energy use and maximise energy efficiency.	The proposal includes a number of design measures to reduce consumption of potable water and greenhouse gas emissions. The Applicant aims to achieve a Six-Star Green Star Design and an As-Built V1.1 rating, as defined by the Green Building Council of Australia, for the development.
<b>CI 21 Height of buildings</b> The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that: (a) building heights will not adversely impact on the amenity of adjacent residential areas, and (b) site topography has been taken into consideration.	The proposed maximum heights of Buildings 2A, 2C, and 2D are 13.7 m, 22.2 m, and 13.7 m respectively.	The Department has considered the visual impacts of the proposed building heights and concluded the development would not adversely impact the amenity of adjacent residential areas (see <b>section 6.4</b> ).
<b>CI 22 Rainwater harvesting</b> The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that adequate arrangements will be made to connect the roof areas of buildings to such rainwater harvesting scheme (if any) as may be approved by the Director-General.	The Applicant proposes to implement rainwater harvesting to minimise potable water use by using rainwater collected from warehouse and/or office roofs for non-potable uses. Rainwater tanks would be provided on each warehouse.	The provision of rainwater tanks and proposed use of rainwater is satisfactory.
<b>CI 24 Development involving subdivision</b> The consent authority must not grant consent to the carrying out of development involving the subdivision of land unless it has considered the following:	The application does not involve subdivision.	Not Applicable.

Development Standard	Proposed	Department Comment
<p>(a) the implications of the fragmentation of large lots of land,</p> <p>(b) whether the subdivision will affect the supply of land for employment purposes,</p> <p>(c) whether the subdivision will preclude other lots of land to which this Policy applies from having reasonable access to roads and services.</p>		
<p><b>CI 25 Public utility infrastructure</b></p> <p>The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.</p>	<p>Essential public utility infrastructure to service the development is being delivered as part of the approved Concept Plan and Stage 1 development.</p>	<p>The Department notes services and utilities would be installed to serve the OWE as part of Stage 1 development. The Department referred the development to Endeavour Energy who provided comments about connections to their network.</p>
<p><b>CI 26 Development on or in the vicinity of proposed transport infrastructure routes</b></p> <p>The consent authority must consider any comments made by the Secretary as to the compatibility of the development with the proposed transport infrastructure route.</p>	<p>The development would integrate and be compatible with surrounding planned transport infrastructure routes. The internal estate roads link to Compass Drive, providing access to the OWE from Lenore Drive which would connect to regional road networks.</p>	<p>The Department's assessment concludes the development is compatible with the road network designed for the WSEA.</p>
<p><b>CI 29 Industrial release area</b></p> <p>Assistance to the State authorities for the provision of regional transport infrastructure and services is required. The consent authority must not grant consent unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of regional</p>	<p>The Applicant has provided a letter of offer to enter into a Planning Agreement with the Minister, for the provision of regional transport infrastructure.</p>	<p>On 25 June 2021, the Acting Deputy Secretary, Greater Sydney, Place, and Infrastructure issued a Satisfactory Arrangement Certificate (SAC) for the development in accordance with clause 29 of the WSEA SEPP.</p>

Development Standard	Proposed	Department Comment
transport infrastructure and services.		
<p><b>CI 31 Design principles</b></p> <p>The consent authority must take into consideration whether or not:</p> <ul style="list-style-type: none"> <li>(a) the development is of a high-quality design, and</li> <li>(b) a variety of materials and external finishes for the external facades are incorporated, and</li> <li>(c) high quality landscaping is provided, and</li> <li>(d) the scale and character of the development is compatible with other employment generating development in the precinct concerned.</li> </ul>	<p>The Applicant provided finishes and materials, landscaping for the development demonstrating the design is consistent and compatible with adjoining warehouses and the broader OWE.</p>	<p>The Department has assessed urban design, landscaping, and visual impacts of the development in <b>sections 6.3</b> and <b>6.4</b> of this report.</p> <p>The Department is satisfied that the development would provide a high-quality building design and landscaping.</p>

### State Environmental Planning Policy No 33 – Hazardous and Offensive Development (SEPP 33)

SEPP 33 aims to identify proposed developments with the potential for significant off-site impacts, in terms of risk and/or offence. A development is defined as potentially hazardous and/or potentially offensive if, without mitigating measures in place, the development would have a significant risk and/or offence impact on off-site receptors.

The Applicant prepared a risk screening which confirmed the development would not store dangerous goods above the threshold quantities listed in SEPP 33. The Department's hazards specialist reviewed the risk screening and recommended conditions requiring the storage of dangerous goods below the threshold quantities listed in SEPP 33.

### State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64)

SEPP 64 aims to ensure that outdoor signage is compatible with the desired amenity and visual character of an area, and provides effective communication in suitable locations, that is of high-quality design and finishes.

The Applicant has submitted a signage plan which includes a combination of Estate entry signage, building identification signage, wayfinding signage for vehicles and pedestrians, and the Applicant's logo signage. Schedule 1 of SEPP 64 stipulates assessment criteria for outdoor signage. The Department's assessment against these provisions is at **Table 7**.

**Table 7 | Assessment of SEPP 64**

Assessment Criteria	Compliance
<b>1. Character of the area</b>	
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 is compatible with the future character of the area, being industrial land use.
Is the proposal consistent with a particular theme or outdoor advertising in the area or locality?	The proposed signage would be generally consistent with other industrial signage in the locality.
<b>2. Special areas</b>	
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?	The proposed signage would be in keeping with the proposed industrial warehouse estate.
<b>3. Views and vistas</b>	
Does the proposal obscure or compromise important views?	The proposed signage would not exceed the height of the proposed buildings and would not obscure important views.
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage would not dominate the skyline.
Does the proposal respect the viewing rights of other advertisers?	The proposed signage would not impact on other advertisers and would ensure orderly identification of the site and individual buildings and provide necessary wayfinding for employees and visitors.
<b>4. Streetscape, setting or landscape</b>	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale of the proposed signage is considered appropriate for the development and consistent with existing industrial developments in site's surrounds.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage strategy includes a variety of signs with different sizes, shapes, functions, materials and colours. The Applicant has proposed pylon signs at site accesses which feature the tenant's business colours and the Applicant's logos. The proposed signage strategy is consistent with other signs across the OWE. The Department considers the proposed signage would make positive contributions to the streetscape and visual interests.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	N/A

Assessment Criteria	Compliance
Does the proposal screen unsightliness?	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage would not exceed the maximum building height proposed on site.
Does the proposal require ongoing vegetation management?	No
<b>5. Site and building</b>	
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?	The proposed signage is compatible with the scale of the proposed warehousing buildings and the entire industrial estate.
Does the proposal respect important features of the site or building, or both?	The proposed signage would not detract from important features.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage is compatible with the scale of the proposed warehousing buildings and the entire industrial estate.
<b>6. Associated devices and logos with advertisements and advertising structures</b>	
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?	The proposed lighting devices would be integrated into the proposed signage.
<b>7. Illumination</b>	
Would illumination result in unacceptable glare?	The Applicant has advised the lightboxes would be a low wattage and would not result in unacceptable glare.
Would illumination affect safety for pedestrians, vehicles or aircraft?	The proposed illumination level would be low and would not affect safety for pedestrians, vehicles or aircraft.
Would illumination detract from the amenity of any residences or other form of accommodation?	The proposed signage would be contained within the site boundary and oriented away from nearby residences. As such, the proposed signage would not detract from the amenity of any residences.
Can the intensity of the illumination be adjusted, if necessary?	The intensity of the illumination would not be adjusted but considering the low illumination level, there is no need to adjust illumination.
Is the illumination subject to a curfew?	The illumination is not subject to a curfew.
<b>8. Signage</b>	
Would the proposal reduce the safety for any public road?	The proposed signage would be unlikely to reduce safety for any public road.

Assessment Criteria	Compliance
Would the proposal reduce the safety for pedestrians or bicyclists?	The proposed signage would be unlikely to reduce safety for pedestrians and bicyclists.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage would not obscure important sightlines from public areas.

### **Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (SREP 20)**

SREP 20 aims 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. The plan includes provisions to address water quality and quantity, environmentally sensitive areas, riverine scenic quality, agriculture, and urban and rural residential development. The Department's assessment has concluded the proposal does not compromise the aims and objectives of SREP 20.

### **Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP)**

The Draft Environment SEPP proposes to consolidate seven existing SEPPs, including SREP 20. There is some duplication between SREP 20 and the Standard Instrument local environmental plans, Ministerial Directions and other SEPPs. The Draft Environment SEPP proposes to repeal provisions in SREP 20 that are satisfactorily addressed in other legislation or planning instruments. In considering SREP 20, the Department has also considered the relevant matters under the Draft Environment SEPP.

### **Draft State Environmental Planning Policy (Remediation) (Draft Remediation SEPP)**

The Draft Remediation SEPP will replace the core aims and structure of SEPP 55, however the proposed changes are not substantial and primarily relate to technical clarifications. In considering SEPP 55, the Department has also considered the relevant matters under the Draft Remediation SEPP.

### **Penrith Local Environmental Plan 2010 (PLEP 2010)**

Clause 8 (2) of the WSEA SEPP specifies the WSEA SEPP prevails to the extent of any inconsistency with any local environmental plan (LEP) or environmental planning instrument (EPI). The Department has reviewed the relevant provisions of the Penrith LEP 2010 and notes the site is not identified in any maps of the PLEP 2010 relating to principal development standards. The Department also notes the provisions relating to clauses 7.3 and 7.4 have been assessed through the provisions of the WSEA SEPP in **Appendix C**.

## **Appendix D – Recommended Instrument of Consent**

The recommended conditions of consent for SSD-9794683 can be viewed on the Department's website at: <https://www.planningportal.nsw.gov.au/major-projects/project/40341>