

Attachment A

Response to Agency Submissions

Penrith City Council

PCC Issue

Architectural Plans

The plans indicate a maximum Ridge RL of 89.255 and an effective height of 13.7m. While it is appreciated that the method of building height measurement is not expressed in the DCP, it is typical and appropriate practice to measure height above natural ground level and not finished ground level established via a preceding earthworks development application. It is therefore recommended that natural ground levels (predating the approval of altered grounds levels) should be reflected on a revised elevation or section drawing to then confirm if the DCP requirements have been met

Comment/Response

We note the controls for the development are established in the concept approval under SSD 7348 and the proposal is consistent with these controls.

The proposed building is consistent with the maximum height restrictions under Conditions B10 and B11 of the concept approval and constructed on a floor level which is also approved under the Stage 1 development consent.

Additionally, the bulk earthworks are approved under Stage 1 of SSD 7348 and these are now largely complete.

This is consistent with other approved developments within the estate.

On the basis of the above, no further consideration of building height is required.

Traffic Management and Road Wide Design Considerations

The swept paths provided by the applicant demonstrate that the B-Triples are not able to be accommodated by the current road design layout at a number of locations on the route to the site.

The applicant should be required to redesign / reconstruct all affected sections of road to accommodate B-Triple swept paths with required clearances. Alternatively, B-Triple access should be refused / denied.

If B-Triple or B-Double access is approved (and subject to the above broader road upgrade requirements) it is recommended that a condition be placed on the development for an operational traffic management plan similar to the one below that was placed on the St Marys Intermodal development.

Prior to the commencement of operation, the Applicant must prepare an Operational Traffic and Access Management Plan (OTAMP) and submit it to the Planning Secretary for approval. The OTAMP must be prepared by a suitably qualified and experienced person(s) in

The estate is designed to accommodate B-Double and super B-Double vehicles.

While the swept path analysis shows encroachment of B triple paths into adjoining lanes, we note that only one B-triple vehicle would be required to access the site per day.

As noted in the transport assessment, the B-Triple routes will be subject to the approval of the National Heavy Vehicle Regulator.

An OTAMP will be prepared and submitted to the Planning Secretary prior to commencement of operation of Building 4E.



consultation with Council and TfNSW. The OTAMP must address the following: a) detail numbers and frequency of truck movements, sizes of trucks, vehicle routes and hours of operation; b) detail access arrangements for the site to ensure road and site safety, and demonstrate there will be no queuing on the road network; c) detail measures to ensure turning areas and internal access roads are kept clear of any obstacles, including parked cared, at all times; Biodiversity and Waste Management Considerat A minor amendment to the Waste Management Plan for Building 4E is however requested to be addressed by the applicant. As the transfer of refuse can represent a problem within Vegetation Management Plan areas, it is	The Applicant does not agree with this recommendation based on the following: • no waste will be transported within the Vegetation Management Plan area.
requested that the Waste Management Plan is updated to include a weekly inspection and removal of accumulated waste within the Vegetation Management Plan areas/waterway. In addition, at Table 6 of the Waste Management Plan, it is requested that the reuse of garden organics is not to occur within the Vegetation Management areas, and specify that garden organics must only be reused within the development footprint for landscaping treatments. It is also recommended that where possible, any overarching or associated waste management plans for previous stages be updated to reflect these same recommendations.	 waste from the site is unlikely to accumulate in the waterway management of waste across the estate is managed under an approved VMP and the proposed Waste Management Plan for Stage 5 includes measures to store, handle and dispose of waste generated at the site.
Waterways Considerations	
The proposed civil design plans confirm that a GPT will be provided, however the GPT sizing, and type was not confirmed. A CDS GPT will should be requested as per the approved overarching strategy for the development site.	Details of proposed GPTs are generally undertaken during the detailed design construction phase. This can be conditioned in the consent for Stage 5.
The site drains into bio basin No.4. All proposed WSUD systems must be accompanied by an electronic MUSIC model in sqz format to confirm compliance with councils WSUD policy. The MUSIC model is to include the bio-basin and a copy of this is requested to be made available for Council to verify compliance with the necessary performance targets.	The MUSIC model will be provided to Council during detailed design



PCC Issue	Comment/Response
Landscape Design Considerations	
Front Setback and Verge The proposed sandstone block features are not supported as they are an element of low visual quality and diminish streetscape quality. A more appropriate outcome would be to provide feature planting and feature canopy trees in these locations	Sandstone blocks are provided in addition to plantings at entries and exits. Sandstone block features are utilised throughout the Oakdale West Estate (OWE) as landscaping features, consistent with other approved DAs at the OWE and other Oakdale lands. Therefore, the proposed incorporation of these into the landscaping scheme for Stage 5 ensures consistency with the approved
	components of the OWE to ensure a robust and cohesive approach to estate landscaping.
Vistas along Roads 07 and 06 terminate poorly at the development due to the bend in the road and the location of proposed driveways with infrastructure directly visible from the street. While opportunities are limited in this location, further consideration is requested as to how the resulting vista alignment can be improved by way of design changes via relocation of infrastructure or improved landscaping.	The Landscape Plans have been updated following consideration of Council's advice (Attachment B). The updated Landscape Plans include added feature plantings at the site entrance where available while maintaining adequate sight lines at driveways. Landscaping is designed to minimise the frontage of driveways and infrastructure from the road alignment as much as possible and remain consistent with the industrial context of the estate. We also note that the alignment of the road in
	this location is consistent with the approved estate under SSD 7348.
Additional street trees are recommended to create a continuously canopied verges (excepting at driveways and street lighting)	Street landscaping is designed to ensure adequate sight lines for drivers as approved under Stage 1 of SSD 7348 and is not subject of this application.
Fencing and gates along the front boundary should be setback min. 2m from the property boundary to allow for landscaping up to the boundary to reduce their visual impact	Planting is provided both in front of and behind the proposed fencing and gates which is generally 2m from the property boundary.
Entry marker detail has been proposed at other developments. For wayfinding and placemaking, a different maker design should be provided. This may be designed with consideration of proposed signage, and vice versa. Entry markers should feature a tree of significant scale, as well as interest, noting that a significantly larger tree than the proposed Crepe Myrtle is recommended.	Given the reduced frontage to the street, providing significant entry marker detail is limited.
	Updated Landscape Plans are provided in Attachment B.
	Utilising crepe myrtle for entry marker breaks up the use of larger trees in other parts of the development and acts as a wayfinding identifier for entries to each warehouse building.



POOL	
PCC Issue Insufficient canopy plantings in front setback	Comment/Response Consideration has been given to the extent of
of entry areas is evident and this should be reconsidered.	canopy plantings in front setback. Additional canopy plantings are proposed at the setback and office frontage where available (see updated Landscape Plans in Attachment B).
	Given number of access points provided within close proximity along the Estate Road, plantings have been designed to ensure acceptable sightlines.
Carpark Design It is considered there is insufficient canopy and cooling of the carpark. The planting proposed is not 'significant' in terms of tree canopy, as per the statement. Larger trees with broader canopies are appropriate and will provide greater cooling of pavement areas, meeting Council's Cooling the City and NSW Greener Places Guide objectives and targets.	Constructed tree pits are provided under the hardstand to provide larger plantings throughout the car parking areas.
Carpark tree pit system – both an arborist and the 'strata cell or similar' product provider should be conditioned to certify or signoff that the planting details, size and specifications are appropriate to the species to be planted as well as the site conditions including soil and drainage, so that optimal conditions are provided long term for healthy tree growth to maturity.	Noted. Trees have been sized so that pit systems can accommodate such vegetation and consistent with other approved development in the estate, the tree pit systems will be certified.
Mounding with shrub planting should be considered to contribute to the screening of parking areas from the public domain.	The Landscape Plans have been updated to soften the carpark entry. Due to the operational nature of the development, shrub planting on mounds is not preferred as it requires significant upkeep.
Boundary Landscape Design In areas of high visibility, palisade fencing is preferred over chain mesh eg. Truck entry/exit road	Palisade fencing is provided. No chain mesh fencing is proposed in areas of high visibility.
An increase in the mix of tree species is required along boundaries for greater biodiversity and cooling - monocultures are a less resilient design response.	Monocultures are not generally proposed except for at a shrub level, consistent with landscaping of other precincts within the OWE.
	A mix use of tree species has been provided. Tree species provided in boundary setbacks have been selected based on width of landscape setback and provided soil dimensions.
Boundaries generally are inadequately landscaped. The graphics and annotations do not provide sufficient information to interpret the proposed scale, species mix and appearance of boundary treatments.	The land beyond the southern site boundary adjoining Stage 5 is heavily vegetated which assists in screening the southern and western boundaries.



PCC Issue	Comment/Response
Sections should also be provided of the full range of boundary situations and how landscaping is addressed. This is particularly relevant at the western boundary where significant retaining walls are provided without apparent landscape treatment such as screening (refer civil cross section 07). The design objective is to ensure canopy and screen planting along all boundaries will reduce the visual impact of the bulk and scale of the built form, large pavement areas, back of house and truck and car parking areas. This is particularly relevant at easement boundaries and high public domain visibility areas.	Required Asset Protection Zones (APZs) also restrict where plantings can be provided along relevant boundaries to ensure minimised bushfire risk.
Drainage pipework should be coordinated with landscaping so both can mutually co-exist without future damage or compromised objectives and outcomes	Noted - to be addressed during detailed design.
Other Design Considerations Further landscaping around the fire services area and other tanks is requested to be investigated.	The fire services area is located on the hardstand area adjacent to the main office and landscaped areas and access is required for vehicles, therefore further landscaping is not appropriate in this location.
The staff rest area appears to have poor amenity and it is recommended that shade trees, seating and other amenity elements should be provided to ensure the space has attractive amenity for user	The landscaping and layout of the staff rest area is shown in the architectural plans and not the landscape plans. It is designed to provide excellent amenity and is adequately shaded with a feature tree for amenity.
Metrics of existing and proposed canopy area in relation to site area should be provided. Refer to canopy targets set in the NSW Greener Places Guide	The landscaping approach is consistent with other approved developments within the estate.
Landscape sections should reflect proposed level changes ensuring the design response is appropriate and enabling an appropriately considered assessment.	Additional sections have been provided in the attached updated Landscape Plans (Attachment B).
It is requested that there is demonstration of safe and functional access to all landscaping for maintenance purposes, including between boundary fences and retaining walls.	The landscaping is designed to ensure it can be properly and safely maintained.
Section 8.2.1 Figure 10 of the Environmental Impact Statement demonstrates the built form blocks views to the horizon line of the mountains escarpment. It is considered the horizon line is worth preserving and if this is a key vantage point, roof height will need to be carefully considered to retain views of the natural landform in the distance.	The building forms shown in Figure 10 are of Buildings in Precinct 2 (2B, 2C and 2D) and buildings in Precinct 3 (Buildings 3A and 3B). The EIS states: Figure 10 demonstrates that Building 4E can not be seen from the closest sensitive receiver to the south given it is located further to the east.



PCC Issue	Comment/Response
	This demonstrates that Building 4E is not visible from the viewpoint shown in Figure 10 and will not obstruct views towards the Blue Mountains.

Table 1: Response to Penrith City Council's comments

Rural Fire Service

RFS Issue

To the satisfaction of the hazard division of the Department of Planning, Industry and Environment (DPIE), the Fire Safety Study (FSS) must be updated and prepared consistently with the Hazardous Industry Planning and Assessment Papers (HIPAPs) detailing fire prevention and mitigation measures for all credible fire hazards, including grass and bush fires.

A Fire Management Plan (FMP) must be prepared in consultation with the NSW RFS Cumberland Fire Control Centre. The FMP must include:

- 24-hour emergency contact details including alternative telephone contact;
- Site infrastructure plan;
- Fire fighting water supply plan;
- Site access and internal road plan;
- Implementation of Asset Protection Zones (APZ) and their continued maintenance;
- Location of hazards (Physical, Chemical and Electrical) that will impact on fire fighting operations and
- procedures to manage identified hazards during fire fighting operations; and
- Any such additional matters as required by the Cumberland Fire Control Centre (e.g. FMP review and updates).

A Bush Fire Emergency Management and Evacuation Plan must be prepared consistently with the NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan and must include planning for the early relocation of occupants.

From the start of building works and in perpetuity, the entire subject development site must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019. When establishing and maintaining an IPA, the following requirements apply:

 Tree canopy cover be less than 15% at maturity;

Comment/Response

Agreed. The Fire Safety Study (FSS) will detail all fire prevention and mitigation measures for all credible fire hazards, including grass and bush fires.

This will be undertaken and submitted to the DPIE hazard division prior to commencing operation of the development.

The Applicant would accept a condition of development consent requiring the preparation of a Fire Management Plan (FMP) in consultation with the NSW RFS Cumberland Fire Control Centre addressing all the matters identified in this comment.

The development of a Bush Fire Emergency Management and Evacuation Plan will be prepared consistent with A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan and will include planning for the early relocation of occupants as appropriate.

Noted. The subject development site will be managed as an IPA.



RFS Issue Comment/Response Trees at maturity are not touching or overhang the building; Lower limbs are removed up to a height of 2m above the ground; Tree canopies are separated by 2 to 5m; Preference is given to smooth-barked and evergreen trees; Large discontinuities or gaps in vegetation are provided to slow down or break the progress of fire towards buildings; Shrubs are not located under trees; Shrubs do not form more than 10% of ground cover: Clumps of shrubs are separated from exposed windows and doors by a distance of at least twice the height of the vegetation. Grass to be kept mown (as a guide grass should be kept to no more than 100mm in height); Leaves and vegetation debris are removed; and NSW Rural Fire Service's document Standards for asset protection zones. Landscaping within the entire subject Noted. The principles of PfBFP 2019 have development site must comply with Appendix 4 been considered during the development of of Planning for Bush Fire Protection 2019. In the landscaping scheme for Stage 5. this regard, the following principles are to be incorporated: A minimum 1 metre wide area, suitable for pedestrian traffic, must be provided around the immediate curtilage of the building: Planting is limited in the immediate vicinity of the building; Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters); Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA) at maturity and trees do no touch or overhang buildings; Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies; Use smooth bark species of trees species which generally do not spread fire up the bark into the crown; Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);

Avoid climbing species to walls and

pergolas;



RFS Issue Comment/Response Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building; Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and Low flammability vegetation species are used. New construction must comply with the All new construction undertaken for Stage 5 corresponding Bushfire Attack Level (BAL) as will comply with the corresponding BAL as shown in Figure 3 of the bush fire report outlined in the Bushfire Report prepared by prepared Blackash Bushfire Consulting, dated Blackash Bushfire Consulting. 24 June 2021. The BAL must comply with corresponding sections of the Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas -2014 as appropriate, and Section 7.5 of Planning for Bush Fire Protection 2019. The remainder of the building not denoted with The construction for the remainder of the a BAL in Figure 7 of the submitted bush fire proposed building not denoted with a BAL in report must comply with Sections 3 and 5 (BAL Figure 7 is greater than 100 metres from any 12.5) Australian Standard AS3959-2018 bushfire hazard. Consistent with AS3959, Construction of buildings in bush fireprone construction greater than 100m from a areas or NASH Standard (1.7.14 updated) bushfire hazard is classified as BAL-Low, which National Standard Steel Framed Construction AS3959 describes as "There is insufficient risk in Bushfire Areas - 2014 as appropriate, and to warrant specific construction requirements". Section 7.5 of Planning for Bush Fire Protection 2019. Therefore, the construction for the remainder of the proposed building not denoted with a BAL in Figure 7, is not required to be built to BAL-12.5 and will comply with the National Construction Code (NCC). Any new Class 10b structures as defined per Agreed. Any new Class 10b structures as the National Construction Code must be nondefined per the National Construction Code will combustible. be non-combustible.

Table 2: Response to NSW RFS comments

Environment, Energy and Science Group within DPIE

The provision of water, electricity and gas must

comply with Table 7.4a of Planning for Bush

EES Issue

Fire Protection 2019.

Biodiversity

Bushland protection fencing is to be installed around native vegetation for retention prior to works commencing on site. Clear signage is to be installed identifying that the vegetation is protected and that the area is a 'no go zone' for construction activities. Fencing should be

Comment/Response

Bush Fire Protection 2019.

To ensure protection of biodiversity during construction, a Construction Environmental Management Plan (CEMP) will be submitted to the consent authority which will include erosion and sediment controls, vegetation protection areas and site inductions.

Agreed. The provision of water, electricity and

gas will comply with Table 7.4a of Planning for



EES Issue	Comment/Response
installed a minimum of 5m from the outer edge of retained vegetation.	
To protect the retained vegetation from potential sediment laden runoff, sediment and erosion controls are to be installed prior to construction and maintained until the embankment has stabilised.	
Site induction processes must include details of vegetation to be retained and necessary protection measures when working within proximity to these areas.	

Table 3: Response to EES comments

Endeavour Energy	
EES Issue	Comment/Response
Civil Report Does not appear to provide any advice addressing the suitability of the site for the development in regard to whether electricity services are available and adequate for the development.	We note that Endeavour Energy has approved an application for services connection to the building. There is an existing feeder within the road network that will be used to supply power to this building.
Bushfire Risk Assessment Mentions the requirement to locate electricity so as not to contribute to the risk of fire to a building does not appear to include any specific recommendations related to electricity services.	We note that the substation is located outside of the BAL zones identified in the Bushfire Risk Assessment as it is near the entry to the site away from vegetation.

Dangerous Goods (DG) Report

Section 3.2 'Adjacent Land Uses' to both the north and east described as 'Industrial warehousing' with no reference to the South Erskine Park Zone Substation

State Environmental Planning Policy No. 33 -**Hazardous and Offensive Development** (SEPP33)

Does not appear to include any specific recommendations related to electricity services on or near the site

Fire Safety Strategy

Does not appear to include any specific recommendations related to electricity services on or near the site

Table 4: Response to Endeavour Energy comments

The SEPP 33 thresholds are based upon assessing potential for offsite risk (i.e. adjacent sites including their infrastructure).

Because the storage is below the SEPP 33 thresholds, the potential for offsite risk is considered to be low and the impact to the Endeavour Energy infrastructure is considered to be negligible.

Section 6.2.2 of the FSS discusses the proximity of the site to the substation and describes measures to ensure compliance with AS 2419.1:2005.



Transport for NSW

TfNSW Issue

Active Transport Considerations

It is requested that prior to the issue of the Construction Certificate, the applicant be conditioned to provide bicycle parking and end of trip facilities for staff and visitors in accordance with Australian Standard AS1742.9:2018 Manual of Uniform Traffic Control Devices - Bicycle Facilities, and Cycling Aspects of Austroads Guides.

Comment/Response

Bicycle parking and end of trip facilities are included in the proposed development.

As outlined in section 6.4 of the submitted Transport Assessment (TA):

.. development includes a provision of 12 bicycle parking spaces near the proposed office with relevant EoT facilities (i.e. lockers, showers and change rooms) provided at office ground floor.

The Applicant would accept a condition of consent as recommended by Transport for NSW (TfNSW).

Sustainable Travel Plan and Transport Access Guide

It is requested that prior to commencement of operation, the applicant be conditioned to finalise the Preliminary Sustainable Travel Plan and Transport Access Guide in consultation with TfNSW to reduce the proportion of single-occupant car travel and increase the mode share of car sharing, public transport and active transport for the development.

The applicant is to submit a copy of the final Sustainable Travel Plan and Transport Access Guide to TfNSW for review.

Transport Assessment

a. TfNSW raises concerns to the Department with regard to the adopted trip generation rate. The adopted trip generation rate for this development of 1.892 vehicles per day per 100m² of GFA is considered very low.

The various land-use changes within the Western Sydney Employment Area (WSEA) has meant that the current adopted trip generation rate is 2.91, which is a much higher than what has been used to assess this development. If an assessment is not completed based on the current adopted figure then there might be unknown adverse impacts on the network in future.

As the adopted trip generation rate was implemented prior to this development assessment, TfNSW would not support the

The Applicant would accept a condition of consent to provide the final Sustainable Travel Plan and Transport Access Guide to TfNSW for review prior to commencement of operation, as recommended by TfNSW.

The Applicant has considered the TfNSW comments on the traffic assessment and provides the following advice in response:

- 1. The trip generation rate used in the traffic modelling is consistent with that adopted for the approved Concept Plan under SSD 7348. Detailed modelling was undertaken as part of Modification 3 to SSD 7348 and the proposed development for Stage 5 of the OWE does not result in an overall increase in estate GFA and trip generation.
- 2. With reference to Section 7.2 of the TA, the adopted trip generation rate for the purpose of the modelling results in higher estimated traffic than the "operational traffic volumes" indicated by the warehouse tenant. This results in a conservative assessment and suggests that the likely operation traffic will be lower than modelled in the previous transport assessments.



TfNSW Issue

lower trip generation rate used in this assessment.

It is recommended that the Transport Assessment is updated to ensure that the current adopted trip generation rate of 2.91 vehicles per day per 100m² of GFA is used.

- b. However as TfNSW has requested adjusted trip generation rates this will result in an increase in projected traffic impacts to a more realistic rate. In order to understand the impacts of this development TfNSW would require modelling to be undertaken.
- b. Given that over two years have been passed since the base model was developed for the OWE, the traffic conditions of the study area may have changed significantly. The study needs to take into account the current traffic volumes.

Due to the Covid-19 Pandemic, counts undertaken at the moment may not be representative. Alternative approaches to understand the impact outside of Covid-19 on traffic patterns should be discussed with TfNSW.

- c. The traffic impacts are to be assessed without Southern Link Road (SLR). As noted in the report whilst the SLR network planning and development process is ongoing, there is no funding or timing for construction at this stage.
- d. In addition the electronic SIDRA files should be submitted for review.

Recommendation

The application is to be modified with the abovementioned requirements and submitted to TfNSW for review prior to the determination of the application. Upon receipt of the information TfNSW will undertake an assessment and provide a response accordingly

Table 5: Response to TfNSW comments

Comment/Response

The approved adopted traffic generation rates for the modelling purposes results in a theoretical approved traffic generation threshold of 58veh/hr during peak periods and 673veh/day for the Stage 5 DA. The immediate tenant expected operational traffic volumes are significantly lower. This represents an acceptable outcome with additional contingency for traffic generation from Lot 4E.

3. The rate suggested by TfNSW is used for the Mamre Road precinct which is a different traffic scenario to the Oakdale West Estate.

It is also noteworthy that the Applicant has already discussed the above responses with TfNSW and it has agreed to consider this response for further review.

Therefore, the traffic modelling adopted for the proposed development of Stage 5 is considered to be a conservative and appropriate representation of traffic generation.

As noted above, the Applicant believes the traffic modelling is appropriate and no amendments to the traffic assessment are necessary.

Attachment B

Updated Landscape Plans

Attachment C

Response to NSW Rural Fire Service Submission

Attachment D

Updated Noise and Vibration Assessment