

| <b>Key Assessment Issues – Oakdale South Industrial Estate</b> |   |
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| <b>Rural-Residential Interface</b>                             | <ul style="list-style-type: none"> <li>Clause 23 of WSEA SEPP states that consent must not be granted on land within 250 metres of land zoned primarily for residential purposes, unless the proposal is compatible with the height, scale, siting and character of the surrounding area.</li> </ul> <p>The current concept is not considered to be compatible with the character of the surrounding area given the extensive excavation within south east portion of the site, the limited visual assessment of the proposed buildings and the proposed buffer to existing and proposed residential land uses.</p> <p>It is noted that there is a current planning proposal for the re-zoning of 35ha of industrial land to RU4 primary production on the adjoining Jacfin site. This zoning permits residential development and as such, the current proposal must consider the potential amenity impacts.</p>  |
| <b>Earthworks</b>  | <ul style="list-style-type: none"> <li>The severe cut and fill proposed has little regard for the interface with adjacent developments (Jacfin Estate) and adjoining rural-residential land uses.</li> </ul>  |
| <b>Built Form<br/>(key principles)</b>                         | <ul style="list-style-type: none"> <li>Ordinarily buildings of this scale would go through Council's Urban Design review process to discuss and address key urban design issues. Prominent elevations, such as those with a frontage to the street or public reserves or those that are visible from public areas, must present a building form of significant architectural and design merit.</li> </ul> <p>Large expanses of wall or building mass shall be broken up with by the use of additional architectural treatments, building articulation, fenestration or alternative architectural enhancements. The development must incorporate a variety of external finishes in terms of both colour and type of material used.</p> <ul style="list-style-type: none"> <li>Servicing requirements for the buildings such as sprinkler tanks and the like, should not be located within the front setback or be visible from public places. These requirements shall be integrated with the building and landscaping design.</li> <li>The Site Identification Sign (S1) is not supported within the biodiversity lot. In this regard, the height of the sign is excessive and location of the sign is inappropriate. The sign should be integrated with the overall development proposal.</li> <li>All front fencing shall be located behind the landscape setback and not along the front boundary, be a maximum height of 2.1m and of an 'open' nature.</li> </ul> |

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|   | <ul style="list-style-type: none"> <li>Any retaining walls visible from public places shall be stepped and contain suitable landscaping to soften their visual impact. This is of particular importance for the retaining walls provided at the entrance of the estate.</li> </ul>   |
| <b>Water Sensitive Urban Design (WSUD) &amp; Bio-retention Basins</b> | <ul style="list-style-type: none"> <li>Council's policy requires that all industrial sites treat their stormwater discharge on-site for both water quantity and quality prior to discharge into Council's drainage systems. Larger communal basins that are proposed to be handed over to Council are not supported as they place additional burdens upon Council's maintenance budget. No objections are raised to the basins being owned and maintained by the occupants / owners of the industrial lots.</li> </ul> <p>If Council was to consider the dedication of the basins the following information is to be provided:</p> <ul style="list-style-type: none"> <li>detailed operation and maintenance manual as well as maintenance cost estimates for the bio-retention basins.</li> <li>a proposed maintenance and management period. In this regard, the bio-retention basins shall have a minimum 3 year maintenance period prior to final handover to Penrith City Council. The bio-retention basins shall be maintained by the applicant until handover to Council.</li> </ul> <p>Note: A deed of agreement or similar mechanism must be entered into with Council.</p> <ul style="list-style-type: none"> <li>Further consideration shall be given to the permissibility of the bio-retention basins within the E2 zone in relation to the definitions of 'artificial waterbodies' and 'flood mitigation works' contained in the SEPP (WSEA) 2009.</li> <li>All stormwater discharge from the industrial lots shall be treated in accordance with Council's Water Sensitive Urban Design Policy.</li> <li>Design structural certification is required for all structures, box culverts and pits greater than 2m in depth.</li> <li>All temporary sediment and bio-retention basins shall be located clear of the 1% AEP flood event from Ropes Creek and Ropes Creek tributaries.</li> <li>The weirs of all temporary sediment and bio-retention basins shall be located above the 1% AEP flood event from Ropes Creek and Ropes Creek tributaries.</li> <li>Gross pollutants from the lots and from the road are to be captured prior to the discharge of stormwater into any bio-</li> </ul> |

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|                     | <p>retention basin. Each lot shall be responsible for the capture of gross pollutants wholly within their lot.</p> <ul style="list-style-type: none"> <li>• All bio-retention basins shall be designed to contain flows for all storm events up to and including the 1% AEP local storm event.</li> <li>• It is unclear how access would be provided to Basin 4. In this regard, access should be provided by a 4m wide heavy duty stabilised access from a public road to permit maintenance by Council's maintenance fleet should it be dedicated to Council.</li> <li>• All batter slopes of bio-retention basins shall be a maximum of 1 in 5 (horizontal to vertical) to permit mowing. Any batter slope steeper than 1 in 5 shall be vegetated.</li> <li>• Operation and maintenance manuals are to be provided to Penrith City Council for any temporary sediment basins, gross pollutant traps and the ultimate bio-retention basins.</li> <li>• The bio-retention basins are to be utilised as temporary sediment control basins and shall not be converted into the ultimate bio-retention basins until such times as all building and construction works within the estate have been completed and 90% of the developed site is stabilised.</li> <li>• All batter slopes shall be a maximum of 1 in 5 (horizontal to vertical) to permit mowing. Any batter slope steeper than 1 in 5 shall be vegetated.</li> <li>• Any swale shall have a minimum longitudinal grade of 1%. Swales with longitudinal grades of less than 1% become problematic for maintenance as they silt up and are not free draining.</li> <li>• Storage greater than 400mm above the bio-retention system intended level is not recommended as it can adversely impact on maintenance costs due to higher volumes of stormwater, increased pollutants and impacts on vegetation. It is recommended that the plans be amended and that the additional volume is provided in OSD storage elsewhere within the estate.</li> </ul> |
| <b>Biodiversity</b> | <ul style="list-style-type: none"> <li>• The proposed development seeks to realign 250m of creek. This creek currently sits within the E2 Environmental Conservation zone. The realignment will shift this section of the creek out of the current zoning. The proposal does not identify whether a re-zoning application will be sought to ensure that the new creek alignment will continue to be within the E2 zone.</li> <li>• It is unclear how the VMP and the future Biodiversity Management Plan will interact. In particular, it is unclear whether the lands covered by the VMP will be managed in perpetuity under the</li> </ul>   |

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|                    | <p>Biodiversity Management Plan. The draft VMP only provides for a maintenance and management period of 5 years.</p> <ul style="list-style-type: none"> <li>The proposed plans shows driveways associated with warehouse and distribution buildings as well as tanks within the E2 zone. It is noted that these works are not permitted in the E2 Environmental Conservation zone.</li> </ul>  |
| <b>Environment</b> | <ul style="list-style-type: none"> <li><i>State Environmental Planning Policy No 55—Remediation of Land</i> requires that a consent authority consider whether the land is contaminated, and if it is suitable in its contaminated state, or if it requires remediation, that it will be remediated before it is used for that purpose.</li> </ul> <p>The EIS does not demonstrate that the site is suitable for the proposed industrial use. AECOM, in their correspondence dated 9 September 2015, concluded that “relatively small areas of potential environmental (i.e. contamination) concern were identified, which AECOM recommends should be subject to additional investigation”.</p> <p>Whilst a preliminary investigation of the site has been undertaken in line with clause 7(2) of SEPP 55, it does not appear that the recommended additional investigations have been carried out to further delineate the nature and extent of the contamination. In turn, Council considers that insufficient information has been provided to establish whether the site requires remediation, and whether it can be made suitable for the use, in line with SEPP 55.</p> <p>It is important to note that clause 11(4) of Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River requires development consent to be obtained for remediation works, so any remediation works in the Penrith Local Government Area are then considered Category 1 remediation works. It is not clear through this application how and when development consent may be obtained should remediation works be found to be required, and this proposal does not seek consent for these works (a Remedial Action Plan has not been provided as required by clause 17 of SEPP 55).</p> <p>It needs to be ensured that the site is found to be suitable for the proposed use prior to any construction works commencing, particularly given the fill importation proposed.</p> <ul style="list-style-type: none"> <li>The EIS outlines that 1,007,000m<sup>3</sup> of fill will be imported onto the site in three stages. Whilst it is stated that only VENM and ENM will be used, and that the material will be screened and validated at the source, there is no information regarding the procedures that will be put in place to inspect the material when it arrives on</li> </ul> |

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|  | <p>site or to review the documentation to ensure that the material is suitable.</p> <p>Given the significant amount of fill material that needs to be imported, it is considered that a 'Fill Importation Protocol' should be required to be developed prior to works commencing on site. This document can be used to ensure that no contaminated material is brought onto the site.</p> <ul style="list-style-type: none"> <li>• An acoustic assessment has been prepared by SLR Consulting Australia to address the noise impacts associated with the construction and operational phases of the development. A conservative assessment was undertaken in terms of the background noise levels utilised for the noise criteria, and the assessment did consider the proposed changes to landform.</li> </ul> <p>During the construction phase, it was found that works would generally comply with the required noise levels during the standard construction hours. Some exceedances were noted outside of these hours, particularly for residents to the west of the site during site clearing and earthworks, and during the construction of roadways. Once operational, the development may again impact residents to the west of the site under adverse weather conditions.</p> <p>The assessment does not comment on the noise levels associated with potential loading and unloading activities across the precincts, such as the use of forklifts and any vehicle idling, once the warehouses are operational. Historically, Council has received complaints regarding these activities, with the noise associated with the forklift 'beeper' travelling some distance.</p> <p>In addition, no assessment has been given to the noise associated with the additional traffic generated by the development. Whilst onsite vehicle movements have been addressed, no assessment has been made regarding the use of the roadways. The NSW Road Noise Policy should be considered as a part of the assessment.</p> <p>The recommendations put forward relate to limiting cumulative plant noise levels and carrying out further assessment where the noise profile may differ from that assessed. It needs to be ensured that a means of capturing these aspects is addressed through the approvals issued for the development, particularly given the individual occupiers that may be involved once the warehouses are operational.</p> |
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|                     | <ul style="list-style-type: none"> <li>An air quality assessment has been prepared by SLR Consulting Australia to address the impacts to air quality associated with the construction and operational phases of the development.</li> </ul> <p>This assessment has established the relevant air quality goals and considered the current baseline levels. In devising baseline levels for dust deposition, the consultant has used the data from the monitoring associated with the Oakdale Central Project. However, this method does not appear to enable an assessment of the cumulative impacts associated with developments in this area, rather that the potential emissions from the Central project are now creating a new baseline. Further commentary regarding this aspect should be provided regarding the suitability of this method.</p> <p>For the construction assessment, only a qualitative assessment was undertaken. The assessment states that “in the absence of detailed information on the construction schedule, a qualitative risk based approach to assess the potential for construction-phase impacts has been undertaken”. However, the EIS provides information regarding the amounts of fill required to be imported, the number of vehicular movements and the current and final landforms, whilst the Noise Impact Assessment also provided an outline of the plant that may be required (Table 10). In turn, it is considered that this assessment could have been carried out.</p> <p>Additionally, areas to the west have not been considered in the assessment of sensitivity in Table 22. The actual impacts to sensitive receivers have not been quantified in this assessment, and the level of effectiveness of the proposed mitigation measures is not clear. It is considered that a quantitative assessment would assist in providing this detail.</p> <ul style="list-style-type: none"> <li>Whilst it is appreciated that a Construction Environmental Management Plan (CEMP) is usually developed prior to construction works, rather than at the time of development consent, given the nature and timing of the construction works (and potential air and noise impacts) it would have been preferable to review a Draft CEMP as a part of the EIS.</li> </ul> |
| <b>Heritage</b>     | <ul style="list-style-type: none"> <li>It is recommended that the application be referred to NSW Office of Environment and Heritage.</li> </ul>  |
| <b>Road Network</b> | <ul style="list-style-type: none"> <li>Radius of cul-de-sac heads shall be designed to accommodate the turn path of a 26m B-Double (minimum 15m radius). Consideration to provision of a circular concrete central median island to control traffic movements and 'break up' the 30m expanse of asphalt within cul-de-sac heads.</li> </ul>  |

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|                            | <ul style="list-style-type: none"> <li>• All concrete footpaths shall be 1.5m wide at 2% cross fall in accordance with Penrith City Council's engineering standards.</li> <li>• A 2.5m wide shared path network shall be provided throughout the estate to permit cyclists to ride to work.</li> <li>• Minimum verge widths are 3.8m for 1.5m wide path and 4.8m for 2.5m wide shared path.</li> </ul>   |
| <b>Flooding</b>            | <ul style="list-style-type: none"> <li>• The flood levels and flood extents predicted by Cardno for the site under existing condition are generally comparable with the flood levels and flood extents predicted in the Updated South Creek Flood Study 2015. Cardno's report includes minor tributaries that run through the site whereas South Creek Flood Study 2015 did not provide levels/ extents for these tributaries.</li> <li>• Ropes Creek runs through the site however the proposed development is located fully to the eastern side mostly outside high hazard areas thus minimising adverse flood impacts. It is also proposed to divert one of the tributary (located upstream) mainly through an easement for electrical transmission, thus increasing flood levels within the easement under proposed scenarios. Consultation is to occur with the owner of the transmission line / easement. Cardno's report claims that no other properties are affected by the changes.</li> <li>• There are four basins proposed that address peak flood flows as well as water quality objectives, however, Cardno's report does not provide adequate details to review the results.</li> <li>• With regards to flooding, Cardno's report found that the proposal does not cause any significant adverse flood impacts outside the development site. It is therefore supported for approval, however, conditions to address basin locations and WSUD will need to be included.</li> </ul> |
| <b>General Engineering</b> | <ul style="list-style-type: none"> <li>• Measures to prevent contamination of Ropes Creek when filling natural gullies and dams are to be incorporated into the documentation.</li> <li>• All subdivision and engineering works shall be designed and constructed in accordance with Council's 'Design Guidelines for Engineering Works for Subdivisions and Developments' and Council's 'Engineering Construction Specification for Civil Works'</li> <li>• All retaining walls shall be located within private property and not within the road reserve areas.</li> <li>• All retaining walls shall have pedestrian and vehicular safety barriers in accordance with Austroads Guidelines.</li> </ul>  |

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|  | <ul style="list-style-type: none"> <li>• All batter slopes shall be a maximum of 1 in 5 (horizontal to vertical) to permit mowing. Any batter slope steeper than 1 in 5 shall be vegetated.</li> <li>• A proposed plan of subdivision is to be submitted to Council clearly identifying proposed public roads, proposed drainage reserves, drainage easements, rights of carriageway etc.</li> <li>• The piers of the Southern Link Road (SLR) proposed within the roundabout central island may pose as a safety hazard to vehicles as clear sight distances will be impeded. No objections are raised if the piers for the overhead SLR are removed from the roundabout central island.</li> <li>• A Stage 3 Road Safety Audit shall be undertaken upon the detailed design plans.</li> <li>• The use of any public road within the Penrith LGA as a haul road for the purposes of importation of fill into the estate shall be approved by Penrith City Council. An application is to be made to Penrith City Council for approval of the haul road route prior to the commencement of fill operations.</li> <li>• Any works (road crossings, car parking and drainage works) within and adjoining the transmission line easement shall require approval from the relevant authority. The use of the transmission easement as a drainage corridor is not supported as the area is required for access and maintenance to the transmission line towers.</li> <li>• The provision of any utility lead in services in a public road will require formal approval from Penrith City Council as the Roads Authority.</li> </ul> |
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