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Your Ref: SSD 6917 MOD 1  
Contact: Mathew Rawson  
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2 December 2016

Kelly McNicol  
Team Leader - Industry Assessments  
Department of Planning and Environment

Dear Kelly

**NOTIFICATION OF MODIFICATION REQUEST FOR OAKDALE SOUTH  
INDSUTRIAL ESTATE (SSD 6917 MOD 1)**

I refer to the Notice of Exhibition dated 22 November 2016 inviting Council comment on the modification application to modify the Concept Proposal and Stage 1 Development Application for the Oakdale South Industrial Estate, located at Milner Avenue, Kemps Creek (Lot 12 DP 1178389 and Lot 87 DP 752041).

Council officers have reviewed the modification application and offer no objection to the proposed modification however the following comments are provided:

Precinct 4 and 5 Concept Design

Council raises concerns regarding the modified building concept for Precincts 3, 4 and 5. These concerns relate to the orientation of the warehouses, the location of parking areas and loading docks as well as a reduction in land available for landscaping relative to the previously approved application.

It is noted however that the construction of these precincts has been removed from the proposal. The design of the Precincts may be addressed through subsequent development applications.

Landscape Buffer

Given the likely building layouts for Precincts 4 and 5 as well as the extended noise wall required, it is considered that the 30 m setback with 5 m high landscaped mound should also be provided along the eastern boundary where the site directly adjoins the RU4 zoned 'Jacfin rural-residential' land. This will ensure that the noise wall and new industrial buildings will be adequately screened from view of the rural-residential allotments which will increase their future amenity.

Amenities Precinct

Indications of the anticipated development within the amenities precinct such as likely tenants and the number of allotments or units as well as an indicative building concept should be provided.

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There are limited permissible 'amenity' type land uses in the IN1 zone and the Department should have regard to the implications of the fragmentation of large lots into such a relatively small lot of land as per clause 24 of the SEPP (WSEA) 2009. An area of 5800 sqm of land is significant for food and drink premises or neighbourhood shops given that these are the only permissible 'amenity or recreation' land uses and that these land uses should only service or support the needs of employment-generating uses in the IN1 zone.

A restaurant or industrial retail outlet centre precinct within Oakdale South would not be supported by Council. This is due to the site's location well outside of established centres and the fact that the precinct's size would likely to go beyond the needs of the other uses in the locality and undermine established centres.

#### Previous Submission

It is noted that Council's previous submission on the Oakdale South subdivision and masterplan was largely addressed by way of the applicant's Response to Submissions. However, the following matters raised in that submission remain pertinent and should be noted by the Department in their assessment:

#### *Built Form:*

- 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.
- Large expanses of wall or building mass shall be broken up with the use of additional architectural treatments.
- The development must incorporate a variety of external finishes in terms of both colour and type of material used.
- 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.
- All front fencing shall be located behind the landscape setback and not along the front boundary. Fencing to be a maximum height of 2.1m and of an 'open' nature.
- 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.

#### *General Engineering:*

- Measures to prevent contamination of Ropes Creek when filling natural gullies and dams are to be incorporated into the documentation.
- 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'
- All retaining walls shall be located within private property and not within the road reserve areas.



- All retaining walls shall have pedestrian and vehicular safety barriers in accordance with Austroads Guidelines.
- 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.
- 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
- A Stage 3 Road Safety Audit shall be undertaken upon the completion of detailed design plans.
- 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.
- 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.
- The provision of any utility lead in services in a public road will require formal approval from Penrith City Council as the Roads Authority.

*Water Sensitive Urban Design:*

- 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.
- All stormwater discharge from the industrial lots shall be treated in accordance with Council's Water Sensitive Urban Design Policy.
- Design structural certification is required for all structures, box culverts and pits greater than 2m in depth.
- All temporary sediment and bio-retention basins shall be located clear of the 1% AEP flood event from Ropes Creek and Ropes Creek tributaries.
- 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.
- Gross pollutants from the lots and from the road are to be captured prior to the discharge of stormwater into any bio retention basin. Each lot shall be responsible for the capture of gross pollutants wholly within their lot.
- All bio-retention basins shall be designed to contain flows for all storm events up to and including the 1% AEP local storm event.

- 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. –
- The bio-retention basins are to be utilised as temporary sediment control basins and shall not be converted into the ultimate bioretention basins until such times as all building and construction works within the estate have been completed and 90% of the developed site is stabilised.
- 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.
- 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. However given that the basins will remain in private ownership and under private management Council has no objection to this storage arrangement.

*Contamination:*

- 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.

*Biodiversity:*

- 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. This must be addressed through a planning proposal to amend the LEP following determination of the development application. Care should be taken to ensure that the works proposed within the existing or proposed E2 zone are permissible.
- The biodiversity lot should be made subject to a biobanking agreement for the ongoing management of the site.

Council would appreciate the opportunity to review the applicant's response to the issues raised through submissions and any proposed draft amendments prior to determination of the modification application.

Should you require any further information or would like to discuss this matter further, please do not hesitate to contact me on (02) 4732 7522.

Yours faithfully



**Mathew Rawson**  
**Senior Environmental Planner**