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Request for Secretary's Environmental Assessment Requirements

**Oakdale West Estate – Stage 5
Building 4E**



Prepared for Goodman Property Services (Aust.) Pty Ltd
Submitted to the Department of Planning, Industry and
Environment

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Cover image: Oakdale West Estate under construction (Source: Goodman)

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1 Introduction

The purpose of this report is to request the Department of Planning, Industry and Environment (DPIE) to issue Secretary's Environmental Assessment Requirements (SEARs) for the construction of Building 4E at the Oakdale West Industrial Estate (OWE) at 2 Aldington Road, Kemps Creek.

The OWE is situated within the 421 hectare (ha) 'Oakdale Estate' in the Western Sydney Employment Area (WSEA). The OWE accounts for 154 ha of the entire Oakdale Estate. The site is owned by BGMG 11 Pty Ltd, as part of a joint venture between Goodman and Brickworks. Goodman Property Services (Aust.) Pty Ltd (the Applicant) is the development manager for OWE.

On 13 September 2019, the delegate of the Minister for Planning and Public Spaces approved the OWE Concept Proposal and Stage 1 development application as State significant development (SSD) (SSD 7348). SSD 7348 approved the earthworks and infrastructure development for the broader OWE, plus development of warehouses in Precinct 1. A subsequent SSD application was approved on 9 April 2020 (SSD 10397) for development of a warehouse in Precinct 2. Construction under both SSD 7348 and SSD 10397 is underway. A development application for Building 3A was approved by Penrith City Council (Council) on 15 April 2021.

The proposed development comprises the construction, operation, use and fit-out of Building 4E and associated office and hardstand/car parking areas (Appendix 1). Warehouse and distribution use approval is required for the tenancy including office and warehouse fit-out. This use is consistent with the site's IN1 General Industrial zoning under the *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (WSEA SEPP) and the provisions of SSD 7348, as modified.

The capital investment value (CIV) for the development is estimated at \$39,060,173 (excluding GST). A quantity surveyor's report is included at Appendix 2.

The development meets the criteria of State significant development (SSD) in accordance with *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP). Under Schedule 1, clause 12 of the SRD SEPP, development with a CIV of more than \$30 million for the purpose of warehouses or distribution centres at one location and related to the same operation, for which SEARs are notified before 31 May 2023, is classified as SSD.

It is proposed to lodge a development application for these works under section 4.38 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

This report supports a request to DPIE to issue SEARs under section 4.12 of the EP&A Act and Clause 3 of Schedule 2 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) to enable the preparation of an Environmental Impact Statement (EIS) for the project.

The report addresses the applicable statutory planning controls and relevant State and local strategic planning documents and provides a preliminary environmental assessment of the development.

2 The site and locality

2.1 Site description

2.1.1 Oakdale West Estate

The site is located within the OWE at Kemps Creek, in the Penrith Local Government Area (LGA). The OWE site has an area of approximately 154 ha and is legally described as Lot 1 DP 663937 and Lot 11 DP 1178389. The location of the OWE site is shown at Figure 1.

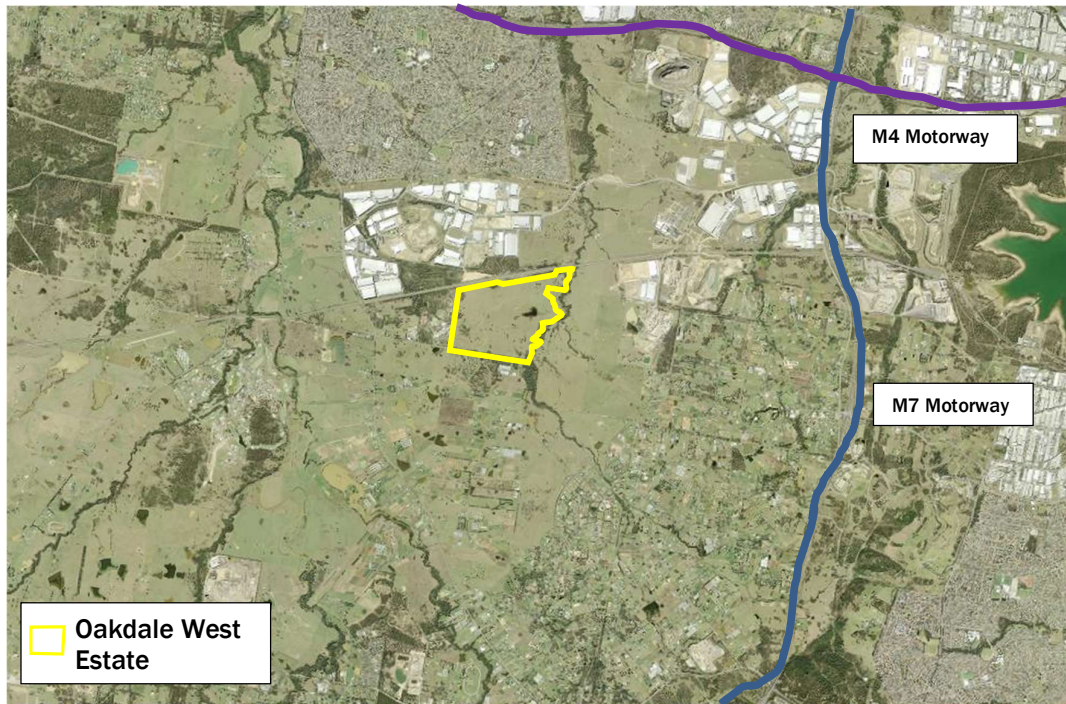


Figure 1: Oakdale West Estate Site Location (Source: SIXMaps)

OWE is located in the south-western extent of the WSEA which was established to provide land for industry and employment. The WSEA SEPP aims to protect and enhance the land to which WSEA applies for employment purposes.

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

Oakdale Central is completed and Oakdale South is nearing completion. Development has commenced over 10 ha of the larger Oakdale East Industrial Estate and will form part of the entire industrial precinct. The progressive development of Goodman's Oakdale Industrial Estate will continue to meet the WSEA objective of employment opportunities through development of warehousing and distribution facilities in an environmentally sensitive and cost-effective manner.

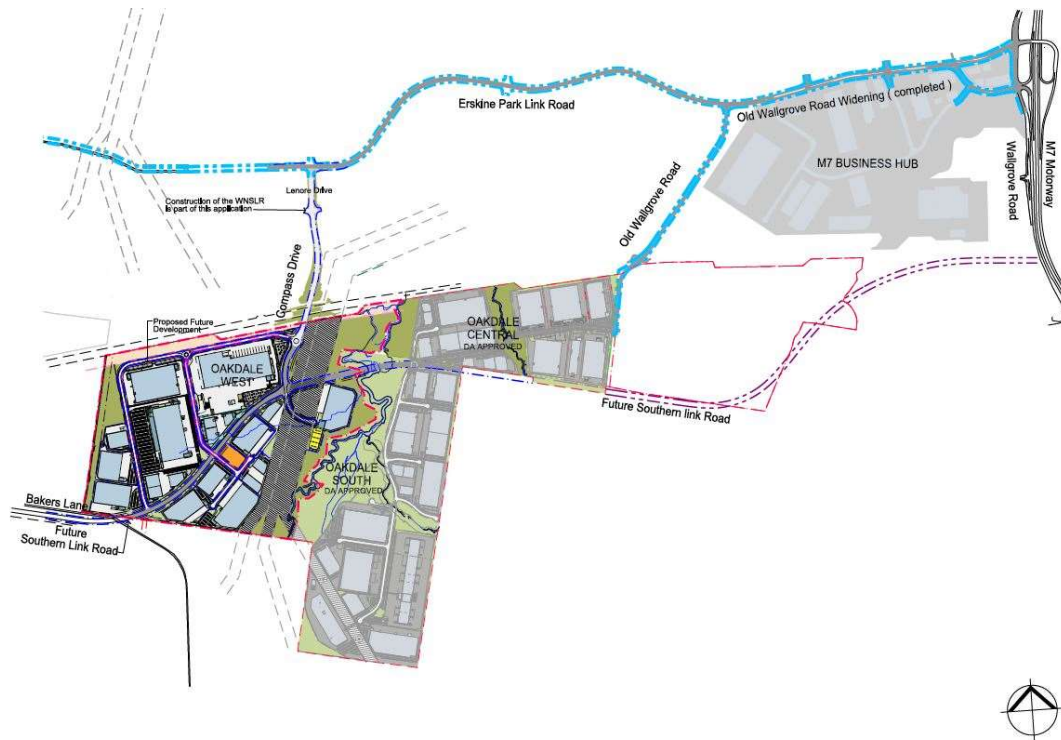


Figure 2: Oakdale Industrial Precinct and surrounding Regional Road network (Source: Goodman)

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

The site is currently undergoing construction under the approvals of SSD 7348 and SSD 10397 (see Section 0). This includes vegetation clearing, earthworks, roads, service infrastructure, landscaping, stormwater drainage, subdivision and the construction of Building 1A and Building 2B.

Vehicular access to the site is currently via Compass Drive (formerly Western North South Link Road [WNSLR]). The roadworks for Compass Drive were completed in December 2020 under SSD 7348. Compass Drive provides road access from Lenore Drive to OWE and the future Southern Link Road including Sydney's broader motorway network. Compass Drive will be used for both construction and operation access for the subject developments.

2.1.2 OWE Precinct 4

The site, which forms Stage 5 of the OWE development, is located in the southern area of the OWE within the 22.81 ha Precinct 4 and is located to the south of the proposed Southern Link Road (Figure 3).

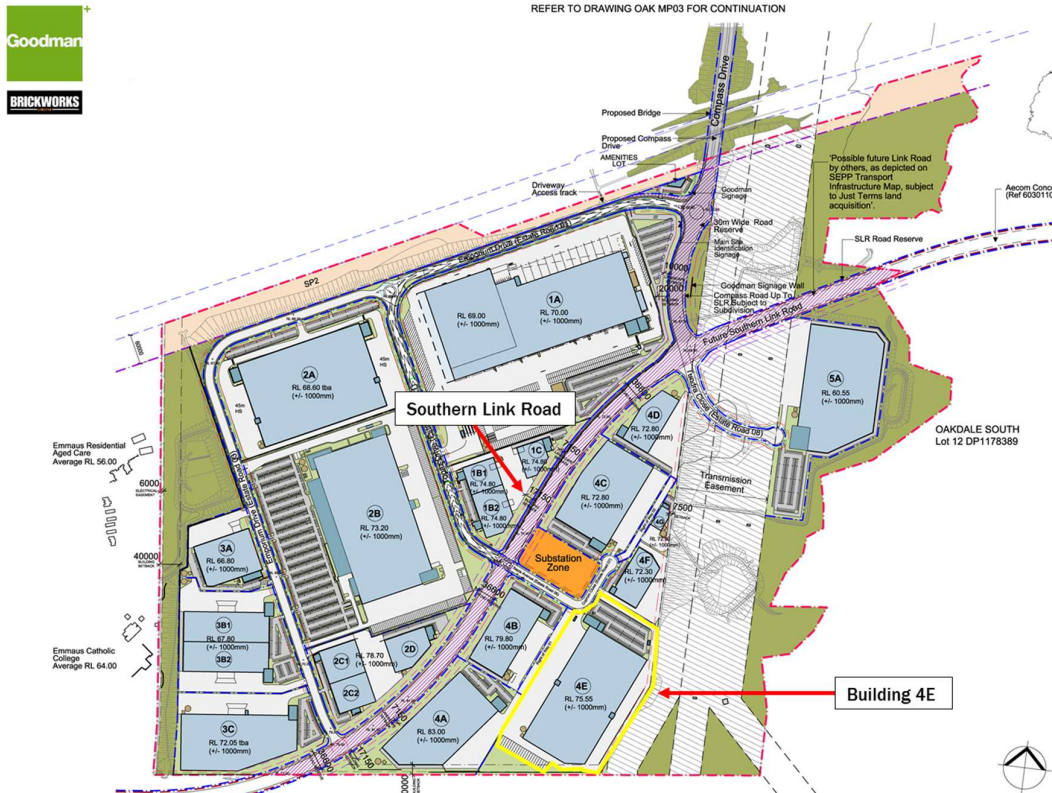


Figure 3: OWE and Building 4E subject to the proposed development (Source: Goodman)

The site subject of this request for SEARs comprises an area of 7.48 ha within Precinct 4. The proposed development is the first stage of development proposed within Precinct 4 of the OWE.

2.2 Surrounding locality

Building 4E is located within Precinct 4 of the OWE, which comprises the development of 7 small to large scale warehouses under the Concept Approval. The surrounding locality is characterised by a variety of general industrial, education, aged care and rural land uses, including:

- TransGrid electricity powerline easement immediately to the east
- Water NSW Sydney Warragamba Pipeline and other industrial land at least 1.2km to the north
- Ropes Creek corridor and Oakdale South Estate 500m to the east
- Rural residential land to the south, with the closest residence approximately 400m from Building 4E
- An aged care facility and three schools – Trinity Primary School, Mamre Anglican School and Emmaus Catholic College – 1km to the west. Other uses include rural residential and recreational facilities further west.

2.3 Previous approvals

The OWE is subject to two previous SSD approvals, under SSD 7348 and SSD 10397. A further SSD application for Stage 3 of the OWE, for Buildings 2A, 2B and 2C, is currently under assessment by DPIE (SSD 9794683). A development application for Building 3A was approved by Council on 15 April 2021 (DA 20/0843).

2.3.1 SSD 7348

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

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

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

These matters will be addressed in the EIS for Stage 3, with key issues discussed further in Section 6.

SSD 7348 has been subject to six modifications:

- **Modification 1:** modification to the approved Concept Plan and Stage 1, including changes to sewer servicing, building pad level of Precinct 2, bioretention basins and biodiversity offset strategy. Approved 26 March 2020.
- **Modification 2:** modification to approved Concept Plan and Stage 1, including master plan layout, reconfiguration of Precinct 1 layout, change to height control (Building 1A), changes to internal roads, civil design and building pad levels. Approved 21 April 2020.
- **Modification 3:** modification to the approved Concept Plan including change in building and road layout at Precinct 2. Change in height control for Building 2B. Construction of Estate Road 3. Approved 2 April 2020.
- **Modification 4:** inclusion of Lot 9 DP1157476 to facilitate the construction of the WNSLR. Approved 24 March 2020.
- **Modification 5:** Sought changes to Precinct 1A layout, Stage 1 development dangerous goods quantity, biodiversity offset site, and noise wall completion timing. Approved 5 November 2020.
- **Modification 6:** Sought changes to Precinct 2 building height and layout and inclusion of construction Estate Road 8 as part of Stage 1 development. Approved 10 March 2021.

A seventh modification application is currently being prepared which is to be lodged shortly. The modification seeks minor changes to the approved Concept Plan under SSD 7348. This includes minor changes to building and lot layout in Precinct 3 and Precinct 4 and associated

civil amendments to facilitate the layout change within these precincts. The SSDA for Building 4E will be consistent with the proposed modifications described in Modification 7.

2.3.2 SSD 10397

SSD 10397 was approved on 9 April 2020 for Building 2B within Precinct 2. SSD 10397 includes the construction, subdivision, fit-out, operation and use of a four-level automated warehouse, associated office space, internal roads and parking.

A modification (MOD1) seeking minor updates to Building 2B, including revisions to the architectural plans and addition of fire stairs on the northern elevation, was approved on 23 September 2020.

A second modification (MOD2) was approved by DPIE on 4 May 2021. MOD2 approved amendments to the approved architectural plans to include two solar inverter enclosures and modify Condition B8, relating to fencing, to increase the permissible height to 2.4 metres.

2.3.3 SSD 9794683

SSD 9794683 was lodged in November 2020 and publicly exhibited between 18 February and 17 March 2021. SSD 9794683 seeks approval for the construction, fit out and use of Buildings 2A, 2C and 2D within Precinct 2 of the OWE and associated earthworks and landscaping.

The Applicant is currently preparing a response to the submissions received during public exhibition.

2.3.4 DA 20/0843 Building 3A

A development application for Building 3A within Precinct 3 of the OWE, which forms Stage 4 of the OWE, was approved by Council on 15 April 2021 (DA 20/0843). DA 20/0843 approved:

- the construction and use of Building 3A as a warehouse and distribution centre
- signage, landscaping and associated site works and
- Torrens Title subdivision of Precinct 3.

3 The Proposal

The proposal includes the construction, fit-out and use of Building 4E as the first stage of development within Precinct 4 of the OWE. The proposed development comprises a warehouse and associated car and truck parking, office facilities and loading bays along with landscaping, signage and lighting.

The proposed development will facilitate warehouse and distribution uses, consistent with the IN1 General Industrial zone under the WSEA SEPP and includes the storage and distribution of liquor, classified as a Dangerous Good.

The proposal does not require clearing or supporting infrastructure as all necessary infrastructure installation and other investigations were approved and undertaken under SSD 7348.

A modification to the SSD 7348 Concept Approval (MOD 7) will be lodged separately to this SSD application. MOD 7 will seek minor changes to bulk earthworks to suit the redesigned pad levels required to accommodate the proposed building footprint. The SSD application for Building 4E will be consistent with the proposed amendments subject to MOD 7.

The key elements of the warehouse are described in Table 1. The proposed layout plan for the development is provided in Figure 4.

| Element | Building 4E |
|--------------------|-----------------------------------|
| Site Area | 74,801m ² |
| GFA | |
| Warehouse | 34,000m ² |
| Office | 1,000m ² |
| Dock Offices | 295m ² |
| Workshop | 200m ² |
| Gatehouses | 65m ² |
| Total | 35,560m ² |
| GLA | 35,560m ² |
| Height | |
| Max | 15m |
| Ridge | 13.7m |
| Car Parking | 237 (including 5 disabled spaces) |
| CIV | \$39,060,173 |
| Staff | 300 (during peak) |

Table 1: Warehouse elements

The building will include 2.4 m high dado precast panels around warehouse walls, with a colour scheme utilising monument and shale grey Dulux colours, similar to the approved buildings in Precinct 1 and Building 2B within the Estate. The proposal also seeks approval for associated landscape works, hardstand areas and light duty areas for the building.

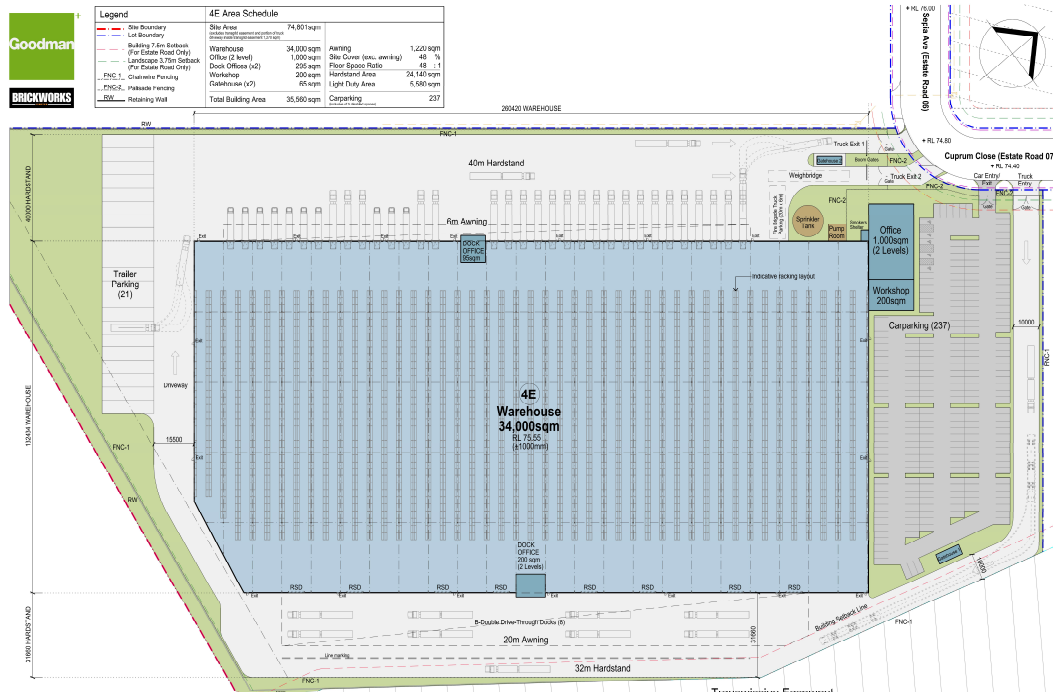


Figure 4: Proposed layout of Building 4E (Source: Goodman)

Building 4E will comprise a standard warehouse layout suitable for large-scale distribution users with a generic racking fit out. The warehouse will not be automated or temperature controlled. The design has regard to Greenstar initiatives including a significant solar panel array spanning the roof, LED lighting within the warehouse and office areas, and ample landscaping will be provided.

3.1.1 Parking

SSD 7348 outlines the following minimum parking rates to be implemented within the OWE:

- Warehousing and Distribution – one space per 300 m²
- Ancillary office – to be included as ‘warehousing and distribution’ or ‘industry’ for the purpose of car parking calculations – one space per 40 m².

The design of the proposed development incorporates truck and car parking to service its needs with parking spaces in accordance with the rates specified in the Concept Approval.

3.2 Need for the development

The provision of warehousing and distribution facilities will generate ongoing employment on a site identified for employment purposes. The proposed development is consistent with the strategic objectives of the WSEA and the concept approval under SSD 7348.

The WSEA is recognised as pivotal in the long-term supply of Sydney's industrial and employment land.

It is therefore crucial that the development of land in the WSEA ensures a reliable pipeline of employment land to meet the expected demand over the next decade. The proposed

development of Stage 5 in the OWE would contribute to the supply of serviced industrial land required to meet forecasted market demand. This supply is critical to ensuring that the Sydney industrial market does not suffer supply constraints that would inhibit the planned growth of the WSEA and broader Western Sydney region.

Development of Stage 5 of the OWE would provide additional employment opportunities for the Western Sydney region, support the delivery of critical infrastructure and services to the WSEA for the benefit of Sydney and ultimately support the strategic role and objectives of the WSEA.

3.3 Consultation

A Community Communication Strategy was prepared and approved under SSD 7348¹. Currently, Agency and Community meetings are held monthly to provide a project update and an opportunity for the community and stakeholders to discuss recent experiences and upcoming construction activities.

Goodman is committed to ensure stakeholder consultation is continued throughout the approval process for the application, including during the preparation of the EIS. Groups that have been engaged in relation to SSD 7348 and SSD 10397 will continue to be consulted, including:

- DPIE
- Office of Regional Development
- Transport for NSW (TfNSW)
- Environmental Protection Authority (EPA)
- TransGrid
- Local Members of Parliament and Ministers Office
- WSEA Community
- Water NSW
- Endeavour Energy
- Fire & Rescue NSW
- Penrith City Council
- General public, neighbours, adjoining schools to the west and surrounding community.

Stakeholder engagement will include a range of formal and informal stakeholder consultation tools according to the particular needs of individual stakeholders. These will include newsletters, briefing sessions, phone calls, meetings, community sessions and targeted stakeholder surveys. The proposed DA was discussed at the most recent CCC meeting held on 28 April 2021. The minutes of this CCC meeting are attached at Appendix 3.

In accordance with Condition C13 of SSD 7348, the Applicant will consult with TransGrid regarding measures to ensure the protection of the TransGrid easement to the east of Building 4E.

¹ Refer <https://au.goodman.com/oakdale-industrial-estate/oakdale-west-planning> for meeting minutes and CC Strategy

4 Statutory Planning Considerations

4.1 Environmental Planning and Assessment Act 1979

The EP&A Act provides the statutory framework for planning in NSW. The Act aims to promote the orderly and economic use and development of land, facilitate ecologically sustainable development and integrate economic, environmental and social considerations as part of the decision-making processes for environmental planning and assessment matters. The EIS will demonstrate how the development addresses the objects of the EP&A Act.

Section 4.36 of the EP&A Act enables certain developments to be declared SSD by means of a State Environmental Planning Policy (SEPP) or by order of the Minister for Planning. The project meets the criteria of SSD under Schedule 1 of the SRD SEPP (discussed further at Section 4.8.2).

This report requests the issue of the SEARs for the project under section 4.12 of the EP&A Act.

The Minister (or the Minister's delegate) will be required to take into consideration the matters listed under section 4.15 of the EP&A Act when determining the development application. These matters will be addressed in the EIS for the development.

4.2 Environmental Planning and Assessment Regulation 2000

The EP&A Regulation contains key operational provisions for the NSW planning system. This includes procedures relating to development applications, requirements for environmental assessments, environmental impact assessments, building regulations and other miscellaneous matters.

Once SEARs for the project have been issued, an EIS will be prepared in accordance with Part 3, Schedule 2 of the EP&A Regulation. This section of the Regulation sets out the form and content required of an EIS.

4.3 Environment Protection and Biodiversity Conservation Act 1999

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

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

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

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

4.4 Biodiversity Conservation Act 2016

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

In accordance with section 7.9(2) of the BC Act, SSD applications are required to be accompanied by a biodiversity development assessment report (BDAR). However, a BDAR waiver may be granted should it be determined by the Planning Agency Head (DPIE) and the Environment Agency Head (DPIE Biodiversity Conservation Division) provided that the proposed development is not likely to have any significant impact on biodiversity values.

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

The assessment of biodiversity impacts for the site has been undertaken for SSD 7348. Approval for the Concept Plan included a Biodiversity Assessment and Offset Strategy for the entire OWE. The EIS will include a memo discussing how biodiversity impacts have been addressed through the Oakdale West Estate Concept Plan or a waiver for the preparation of a Biodiversity Development Assessment Report under the *Biodiversity Conservation Act 2016*.

4.5 Heritage Act 1977

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

Notwithstanding that the development comprises SSD, approval under section 139 of the Heritage Act was required prior to activities likely to disturb a relic at the OWE.

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

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

4.6 Rural Fires Act 1997

The site is identified as bushfire prone land under PLEP 2010.

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

Under section 4.41 of the EP&A Act, SSD is exempt from the requirement for a bushfire safety authority under Section 100B of the Rural Fires Act.

4.7 Contaminated Land Management Act 1997

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

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

4.8 State Environmental Planning Policies

4.8.1 State Environmental Planning Policy (Western Sydney Employment Area) 2009

The WSEA SEPP establishes the WSEA and identifies eleven precincts within its boundary, as shown in Figure 5. The site is located within Precinct 8 – South of Sydney Catchment Authority Warragamba Pipelines. Consideration of the proposed development against the applicable detailed provisions of the WSEA SEPP is provided in Table 2.

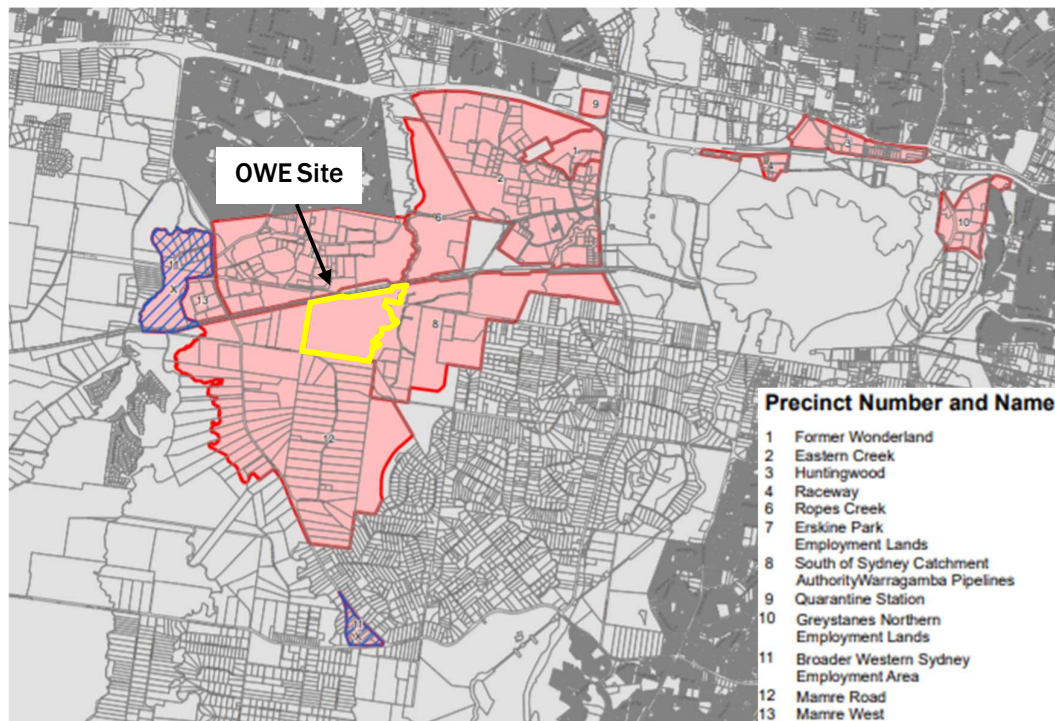


Figure 5: WSEA SEPP Boundary (Source: legislation.nsw.gov.au)

| Clause | Provision | Response |
|--|---|---|
| 3. Aims of Policy | To protect and enhance employment lands within the WSEA boundary. | The proposed development satisfies the aims of the WSEA SEPP as it will provide for employment of up to 300 jobs during operation. |
| 10. Zoning of land | The site is zoned IN1 General Industrial. | The proposed development is permissible with consent (warehouse or distribution centres) in the IN1 zone and consistent with the zone objectives. |
| 20. Ecologically Sustainable Development (ESD) | Development must include measures to minimise the consumption of potable water and greenhouse gas emissions. | The EIS will address the principles of ESD and the proposed development will be designed to achieve a 5-star Green Star rating. |
| 21. Height of Buildings | Building heights for proposed development to adequately respond to site topography and preserve the amenity of adjacent zones. | Building 4E is proposed to have a maximum building height of 15m. Details of the proposed building height will be included in the EIS and take into consideration the provisions of Clause 21 and SSD 7348. |
| 22. Rainwater Harvesting | Adequate arrangements must be made to connect the roof areas of buildings to any rainwater harvesting scheme. | Details of proposed rainwater harvesting of the development will be provided in the EIS. |
| 23. Development adjoining residential land | To address potential amenity and parking impacts of development within 250 metres of land zoned primarily for residential purposes. | Detailed consideration of the potential impacts to adjoining rural residential receivers as required by Clause 23 will be provided in the EIS. A preliminary assessment has been undertaken in Section 6 of this report. |
| 24. Development involving subdivision | The consent authority must consider the potential land use impacts of proposed subdivision. | No subdivision is proposed. |
| 25. Public Utility Infrastructure | Requirement to demonstrate that adequate public utility infrastructure for the development is available or suitable arrangements are in places. | The EIS will detail all necessary public utility infrastructure and services to be provided. |
| 26. Development on or in the vicinity of proposed transport infrastructure routes | Consider any comments of the Director-General as to the compatibility of the development with proposed transport infrastructure routes. | This clause has been considered as part of the development of the Concept Proposal for the OWE. |
| 29. Industrial Release Areas | Development obtain formal certification that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure and services prior to consent being granted | A voluntary planning agreement for the provision of regional transport infrastructure and services has been entered into between the Applicant and the Minister for the site. |

| Clause | Provision | Response |
|------------------------------|---|---|
| 31. Design Principles | A requirement for the consent authority to consider building design and finishes, landscaping and the scale and character of the development. | Design details and landscaping will be addressed during the ongoing design of the proposal, with details provided in the EIS. This is discussed further in Section 6.1. |

Table 2: Provisions of the WSEA SEPP

4.8.2 State Environmental Planning Policy (State and Regional Development) 2011

The SRD SEPP declares certain types of development and infrastructure to be of State and regional significance.

Clause 8 of SRD SEPP declares development to be SSD where a development is not permitted without consent and is listed in Schedule 1 or 2 of the SRD SEPP. The proposal is SSD in accordance with Clause 12 of Schedule 1 of the SRD SEPP, which states:

Development that has a capital investment value of more than the relevant amount for the purpose of warehouses or distribution centres (including container storage facilities) at one location and related to the same operation.

Under Clause 12(3) of Schedule 12, the relevant amount is described as:

- (a) for development in relation to which the relevant environmental assessment requirements are notified under the Act on or before 31 May 2023—\$30 million, or*
- (b) for any other development—\$50 million.*

The Stage 5 Development will have a capital investment value in excess of \$30 million and is therefore SSD pursuant to Schedule 1 of the SRD SEPP.

4.8.3 State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, providing greater flexibility in the location of infrastructure and service facilities, allowing development of surplus government owned land, identifying environmental assessment categories and matters to be considered in assessments, and providing for consultation with relevant public authorities.

Clause 104 requires that DAs for certain traffic generating development, as set out in Schedule 3 of the policy, be referred to Transport for NSW (TfNSW) and that any submission from TfNSW be considered prior to the determination of the application.

In accordance with the Infrastructure SEPP, warehouse and distribution development of 8,000 m² or greater in size require referral to TfNSW. The Applicant will consult with TfNSW during preparation of the EIS for the project, which will be referred to TfNSW for review and comment during the public exhibition period.

In accordance with Condition C13 of SSD 7348, the Applicant will consult with TransGrid regarding measures to ensure the protection of the TransGrid easement to the east of Building 4E.

4.8.4 State Environmental Planning Policy No.55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) requires that a consent authority must not grant consent to the carrying out of development unless:

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

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

4.8.5 State Environmental Planning Policy No. 33 – Hazardous and offensive development

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33) aims to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact.

The proposed storage of liquor products in Building 4E involves the handling and storage of flammable materials. The quantities, storage design and handling procedures of the liquor products will be assessed against the relevant screening thresholds in SEPP 33. The warehouse and storage layout will be designed to ensure the thresholds for potentially hazardous development under SEPP 33 are not exceeded, therefore not requiring the preparation of a preliminary hazard analysis.

A Dangerous Goods Report and SEPP 33 analysis will be prepared to demonstrate how the proposal will ensure risks associated with the storage of liquor products are appropriately managed.

4.8.6 State Environmental Planning Policy (Western Sydney Aerotropolis) 2020

The Aerotropolis Plan including the *State Environmental Planning Policy (Western Sydney Aerotropolis)* (Aerotropolis SEPP) and a Phase 1 DCP for the precinct was finalised on 13 September 2020.

The Aerotropolis SEPP rezones 6,500 hectares of land to a range of employment, residential and environmental uses. The numerous rezoned precincts are the catalyst for the third city centred around the airport. The SEPP commenced on 1 October 2020.

The Oakdale West Estate is located to the north-west of the boundary of the Western Sydney Aerotropolis as shown in Figure 6. Notwithstanding, the site is included in the Obstacle Limitation Surface (OLS) and the Wildlife Buffer Zone mapping under the SEPP.

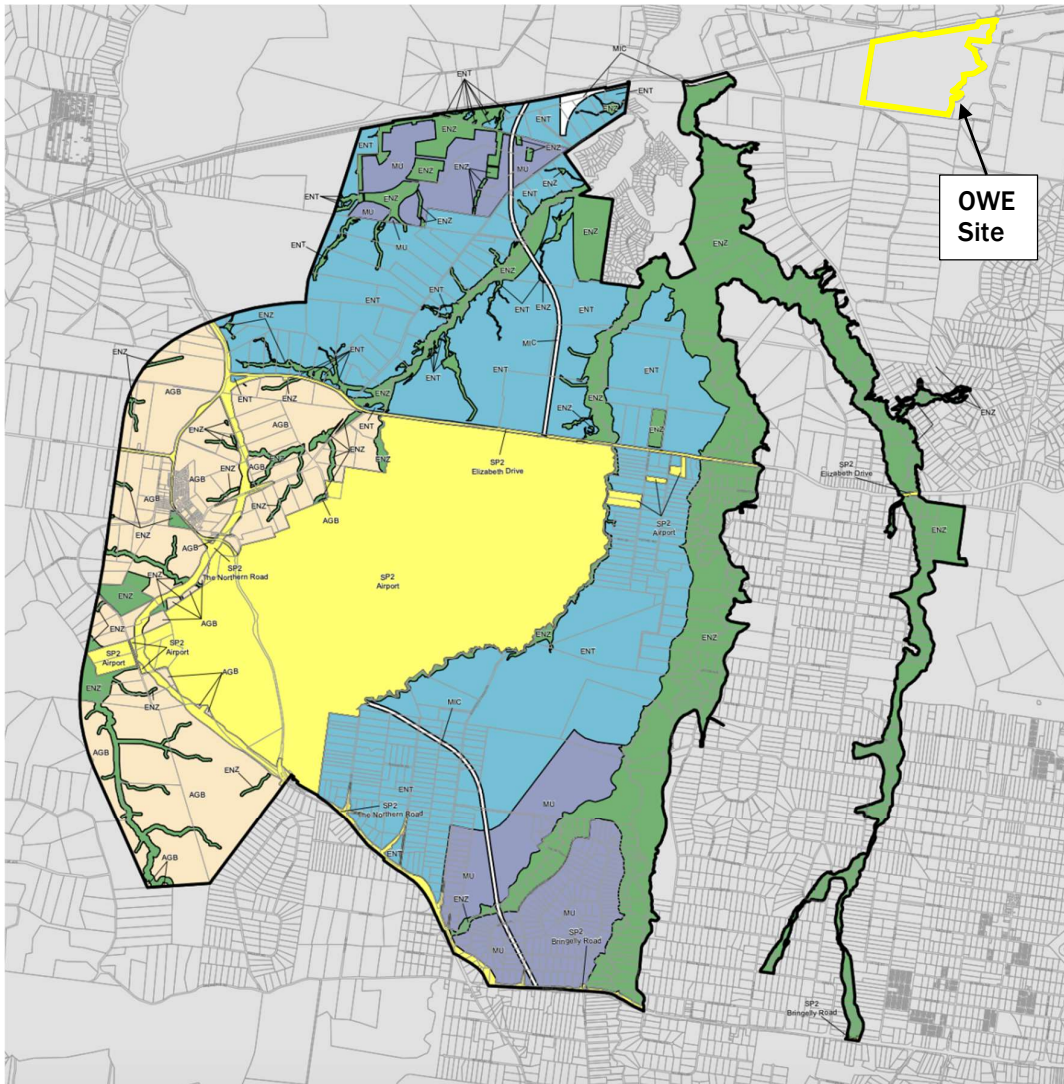


Figure 6: Oakdale West location in regard to the Aerotropolis SEPP Area (Source: Aerotropolis SEPP)

The OLS mapping prescribes a height limitation of 223.2 m for the eastern portion of the site and a limitation of 230.5m for the western portion of the site. The Wildlife Buffer Zone map includes the site between both the 13 km and 8 km buffer zones. The EIS will address the provisions of the Western Sydney Aerotropolis SEPP relating to OLS and Wildlife Buffers.

4.8.7 State Environmental Planning Policy (Major Infrastructure Corridors) 2020

In July 2020, the Department of Planning, Industry & Environment gazetted *State Environmental Planning Policy (Major Infrastructure Corridors) 2020* (Major Corridors SEPP). The Major Corridors SEPP aims to preserve corridors for future major infrastructure and covers the Fairfield, Blacktown, Penrith, Liverpool, Camden and Campbelltown LGAs.

As shown on the mapping for the Major Corridors SEPP (Refer Figure 7), a SP2 Infrastructure zone now runs along the northern boundary of the site.

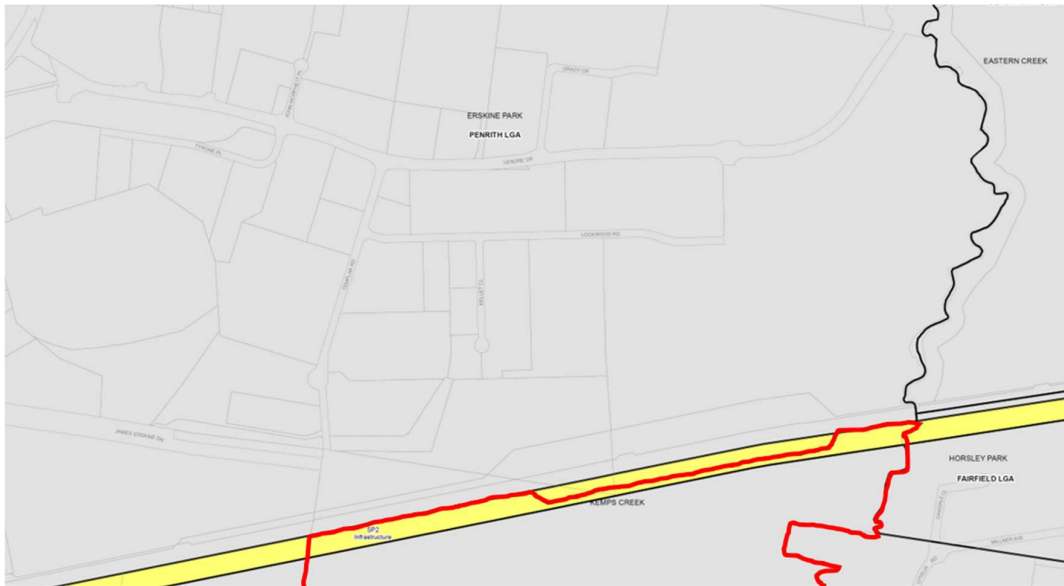


Figure 7: Major Corridors SEPP Map (site outlined in red) (Base map Source: NSW Legislation)

The proposal does not impact on the application of the Major Corridors SEPP. Given the location and proximity of the proposed warehouse to the SP2 zone, there is no potential for future conflicts between the provisions of the SEPP and the proposal.

4.8.8 Draft Remediation of Land State Environmental Planning Policy

Draft Remediation of Land State Environmental Planning Policy (Remediation SEPP) aims for better management of remediation works by aligning the need for development consent with the scale, complexity and risks associated with the proposed works.

If adopted, the Draft Remediation SEPP will:

- Provide a state-wide planning framework for the remediation of land
- Require consent authorities to consider the potential for land to be contaminated when determining DAs
- Clearly list the remediation works that require development consent
- Introduce certification and operational requirements for remediation works that can be undertaken without development consent

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

4.9 Penrith Local Environmental Plan 2010

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

However, the provisions of the PLEP do not apply given the site is within the boundaries of the WSEA SEPP. Notwithstanding, the Applicant will consult with Council during the preparation of the EIS.

5 Strategic Planning Considerations

5.1 State Infrastructure Strategy

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

Although the Strategy relates to investment in Government infrastructure, the proposal will contribute to the integration of land use and infrastructure planning as the site is strategically located near the future Western Sydney Aerotropolis.

5.2 Greater Sydney Region Plan

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

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

The Region Plan provides broad *Priorities and Actions* which focus on the following four key themes. A high-level analysis of the proposal against these themes is provided in Table 3.

| Theme | Response |
|---|--|
| Infrastructure and Collaboration | The site is located close to both the M4 and M7 Motorways as well as the future Western Sydney Aerotropolis. Stage 1 of the development also includes the construction of the Western North South Link (WNSL) Road which connects the site to the regional road network. |
| Liveability | The provision of the WNSL Road ensures better connection of the site to surrounding areas, including residential areas to the north in Erskine Park. Given the site is to provide a large number of employment opportunities, this connection to residential areas ensures viability for future workers. |
| Productivity | The site is within an area identified as industrial and urban services land and the Region Plan sets the objective for planning authorities to adopt an approach of "review and manage" industrial land (Objective 23 – Industrial and urban services land is planned, retained and managed) |
| Sustainability | The Development will be planned and designed with initiatives to achieve a 5 Green Star 'as-built' rating, and include consideration of water sensitive urban design principles, energy efficiency, and biodiversity conservation. |

Table 3: Preliminary analysis against the Greater Sydney Region Plan

5.3 Western City District Plan

The *Western City District Plan* (District Plan) was prepared by the Greater Sydney Commission (GSC) in March 2018. It provides the district level framework to implement the goals and directions outlined in the Region Plan for the Western City District.

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

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

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

- Protect employment land through the provision of employment uses
- Continue the operation of industrial uses in the WSEA and
- Attract investment from innovative industries.

5.4 Western Sydney Aerotropolis Structure Plan

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

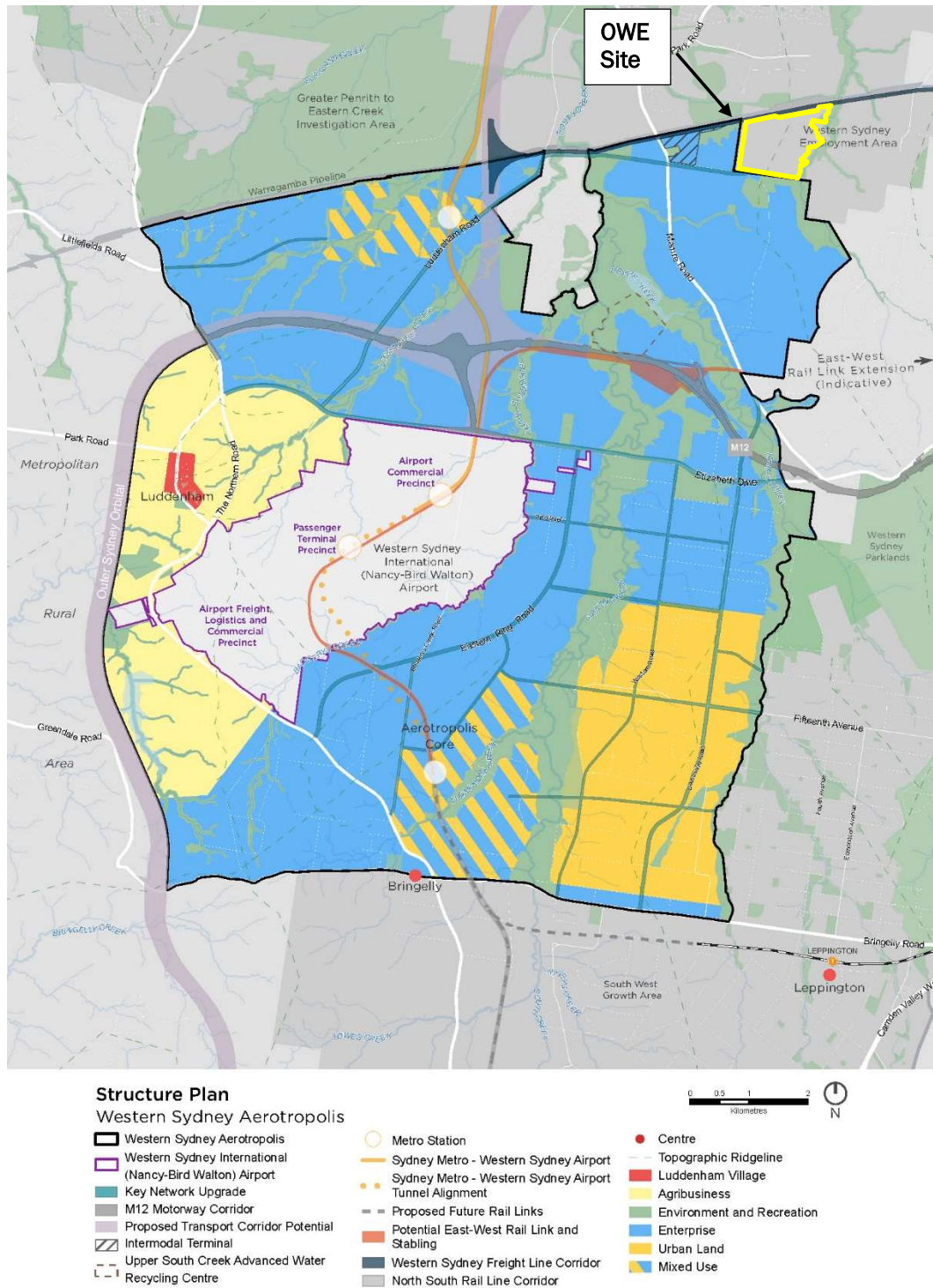


Figure 8: Western Sydney Aerotropolis Structure Plan (Source: Western Sydney Aerotropolis SEPP)

6 Potential Environmental Issues

Potential environmental issues associated with the development will be comprehensively addressed as part of an EIS. This report has identified the likely key issues, including:

- Built form, visual character and landscaping
- Traffic and car parking
- Noise and vibration
- Soil and water
- Air quality
- Waste management
- Hazards and Risk
- Biodiversity
- Heritage

The EIS will consider the requirements of SSD 7348 and applicable policies, guidelines and plans included in the SEARs for the development. It will also consider the potential impacts of all stages of the development on the key issues and detail proposed measures to avoid, mitigate and, where necessary, offset these potential impacts.

6.1 Built form, visual character and landscaping

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

A seventh modification application is currently being prepared for SSD 7348 to alter the built form and layout of Building 4E, consistent with the detailed designs to be assessed in the EIS for Stage 5. These alterations in built form and layout are minor in nature compared with the current approved Concept Plan and do not involve an increase in the current approved building height under SSD 7348. Condition C3 of SSD 7348, requiring an Urban Design Assessment, does not apply to Building 4E.

Proposed Building 4E will incorporate a similar design and colour scheme to that of buildings within Precinct 1 and Building 2B and address the relevant requirements in Conditions C6-C8 of SSD 7348 relating to outdoor lighting, signage and reflectivity. This includes monument and shale grey Dulux colours and masonry products with colourbond cladding and architectural blade features for associated offices. Detailed architectural designs and a description of the building design will be included in the EIS. A indicative depiction of the estate is provided in see Figure 9.

As required by Condition C5 of SSD 7348, a Landscape Assessment will be prepared by a qualified landscape design consultant in consultation with Council. The Landscape Assessment will describe the landscaping for the proposed warehouses including that required to minimise visual impacts on surrounding receivers (if any) consistent with the approved Staging Plan.



Figure 9: Indicative perspective of OWE including Building 4E (Source: Goodman)

The EIS will describe how the detailed design of Building 4E addresses the relevant requirements of SSD 7348, including appropriate recommended mitigation measures to minimise visual impact.

The EIS will also include consideration of the requirements of Planning for Bushfire Protection 2019, the *Oakdale Industrial Estate - West Bushfire Protection Assessment*, prepared by Australian Bushfire Protection Planners Pty Ltd and the requirements of AS2419.1 – 2005 *Fire Hydrant Installations*.

6.2 Traffic and parking

A Traffic and Transport Impact Assessment has been provided in the OWE EIS which assessed the entirety of traffic generation anticipated from the OWE. Detail has been provided on the impact to the existing and proposed road networks as well as internal access and parking, based on assumed traffic generation rates from each Precinct, vehicle types and car parking provision. The impact assessment undertaken in the OWE EIS supported the development in respect to the level of access, transport and traffic.

A standalone traffic and transport impact assessment will be undertaken as part of the Stage 5 EIS, as required by the conditions of consent under SSD 7348, to understand the impact of the Stage 5 development during construction and operation. It will identify any mitigation measures required in order to ensure acceptable operation of the road network especially at peak operating times of the OWE.

Any changes to truck movements during the construction phase will be a result of earthworks completion and delivery of materials for warehouse construction. Changes to construction phase traffic will be addressed for the wider Estate, if necessary.

The assessment will address car parking requirements of the future operator, with regard to the car parking requirements of the Concept Approval and the *RMS Guide to Traffic Generating Development*.

6.3 Noise and Vibration

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

An updated noise and vibration assessment will be submitted as required under Schedule C of the conditions of consent for SSD 7348. This will ensure impacts are limited on sensitive receivers in the area.

The Noise and Vibration Assessment prepared for the OWE EIS and subsequent modifications provides a detailed description of the anticipated acoustic impact of the development. The assessment, based on the approved building layout and site configuration, recommends specific mitigation measures to ensure that noise generation at nearby sensitive receivers remain within acceptable noise limits. This includes specified maximum operation phase noise limits at the nearby sensitive receivers.

Noise management during construction will be managed and mitigated by commitments governing the use of mechanical equipment on site. Subject to these measures, the acoustic impact was assessed as being within the acceptable range and the development approved on this basis.

6.4 Soil and Water

Ropes Creek is in proximity to OWE, sharing a common border with Precinct 4. This will be addressed in both the Biodiversity Statement and revision of the approved documentation for stormwater management under SSD 7348. Stormwater and drainage are established across the OWE as part of the Stage 1 development.

Consideration of potential impacts associated with the Stage 5 works and interactions with the approved water management system will be outlined in the EIS. This will include demonstration that the design of the proposed warehouses and stormwater management infrastructure is consistent with the *Civil, Stormwater and Infrastructure Services Report* (AT&L, 2018) and *Flood Impact Assessment: Oakdale West Estate* (Cardno, 2017).

A Phase 2 contamination assessment demonstrated low general potential for contamination as part of the Oakdale West EIS. Two areas were found with asbestos which has been removed prior to the start of construction of Stage 2. Control measures have been implemented throughout the site.

A review of existing documentation related to the Stage 5 development area will be undertaken as part of the EIS.

6.5 Air Quality

Potential emissions during the construction and operation of the project are anticipated to have minimal potential to impact upon the surrounding locality due to the distance to the nearest residential receivers. Any identified impacts are anticipated to be adequately

managed through appropriate construction site management and environmental controls included in the Oakdale West EIS – Air Quality Impact Assessment.

The Oakdale West EIS – Air Quality Impact Assessment indicates a low risk of adverse air quality. However, this is subject to the standard modelling used for warehouses, as the future operation of Precinct 2 is unknown.

Consideration of potential air emissions during construction and operation of the facility will be undertaken as part of the EIS, including an updated Air Quality Impact Assessment relevant to the development undertaken in Stage 5.

6.6 Waste Management

In accordance with Condition C17 of SSD 7348, the EIS will include a Waste Management Plan (WMP) in accordance with the *NSW Waste Classification Guidelines* (DECCW, 2009).

The WMP will detail the quantities and classification of waste streams to generated during demolition, remediation, construction and operation of the development and includes measures to ensure the development is consistent with the aims and objectives of the *NSW Waste Avoidance and Resource Recovery Strategy 2014-2021* (EPA, 2014).

6.7 Hazards and Risk

As noted in section 4.8.5, the proposed storage of liquor in Building 4E involves flammable materials. The quantities, storage and handling of liquor will be assessed against the relevant screening thresholds in SEPP 33.

A Dangerous Goods Report and SEPP 33 analysis will be prepared to demonstrate how the proposal will ensure risks associated with the storage of liquor products are appropriately managed.

6.8 Biodiversity

The proposed development site is located within the approved OWE site under SSD 7348. SSD 7348 incorporates estate wide earthworks and the supporting assessment considered the potential impacts of the OWE development on biodiversity values.

An associated Biodiversity Statement will also be provided with the EIS, noting that the development of Stage 5 will not impact on biodiversity matters and these matters have been addressed through the OWE Concept Plan approval under SSD 7348.

Consequently, an assessment of biodiversity impacts of the warehouse development subject to the application is not required.

6.9 Heritage

A full heritage Impact Assessment (HIA) was undertaken as part of the EIS for the OWE Concept Proposal. The HIA identified 3 sites between moderate significance to low significance that will be disturbed/destroyed during the works of OWE.

Mitigation measures have been outlined in response to sensitive heritage items identified within the OWE site. The approved Stage 1 works consisted of excavations and earth works and there is considered to be limited potential to impact upon any previously unidentified heritage items.

A due diligence assessment is proposed to be prepared in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (OEH 2010). The Code will assist in documenting the history of disturbance and assess Aboriginal heritage risk for the project.

7 Conclusion

This report is a formal request to DPIE to issue SEARs for the Stage 5 development at Oakdale West Estate.

This request for SEARs describes the proposed construction works for a warehouse and distribution use, an overview of relevant legislative requirements and key strategic plans and documents and a preliminary assessment of potential environmental issues.

The proposed development in Stage 5 includes the construction of Building 4E and its future use as a warehouse and distribution facility. There is no proposed clearing or infrastructure construction given this has been approved under the concept approval for OWE under SSD 7348.

A modification to the SSD 7348 Concept Approval (MOD 7) will be lodged separately to this SSD application. MOD 7 will seek minor changes to bulk earthworks to suit the redesigned pad levels required to accommodate the proposed building footprint. The SSD application for Building 4E will be consistent with the proposed amendments subject to MOD 7.

The development will significantly contribute to the provision of jobs within the Western Sydney Employment Area. It ensures the efficient use of employment land to satisfy the strategic objectives of the WSEA SEPP.

The development meets the criteria of State significant development (SSD) in accordance with Schedule 1, clause 12(1) (as amended 1 June 2021) of the *State Environmental Planning Policy (State and Regional Development) 2011*.

The key environmental issues associated with the development relate to built form, visual character and landscaping, traffic and parking, noise and vibration, soil and water, air quality and waste management. These issues will be comprehensively addressed as part of an EIS for the project. Other issues have been addressed under the Stage 1 Concept Approval (SSD 7348) including biodiversity and heritage impacts.

The EIS will be prepared in accordance with the SEARs and the legislative requirements defined under the EP&A Regulation. The EIS will outline recommendations to address any environmental impacts of the project to inform DPIE in its assessment and recommendation on the project.

APPENDIX 1 – Proposed layout plans (SBA Architects)

APPENDIX 2 – Cost Estimate Summary (Rider Levett Bucknall)

APPENDIX 3 – CCC Meeting Minutes – 28 April 2021