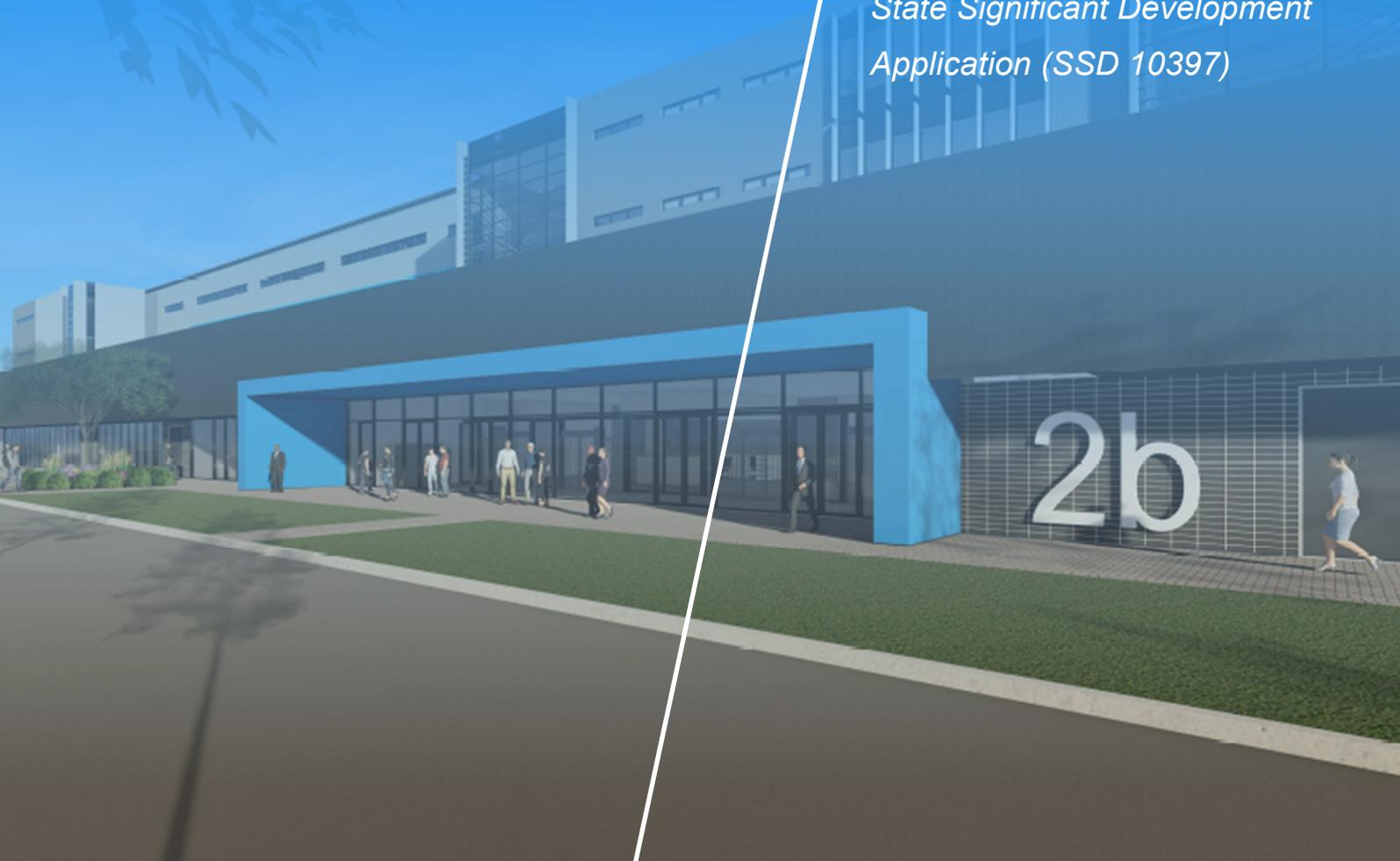




# *Oakdale West Estate Stage 2 Development*

*State Significant Development  
Modification (SSD 7348 MOD 3)  
State Significant Development  
Application (SSD 10397)*



March 2020

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### **Cover photo**

3D View of the proposed Oakdale West Estate Stage 2 Warehouse Building (Source: SBA Architects, 2020)

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# Glossary

Abbreviation	Definition
<b>Applicant</b>	Goodman Property Services (Aust) Pty Ltd
<b>CCS Division</b>	Climate Change and Sustainability Division of the Department
<b>CEMP</b>	Construction Environmental Management Plan
<b>CIV</b>	Capital Investment Value
<b>Construction</b>	Detailed earthworks, erection of buildings and other infrastructure covered by this consent
<b>Consent</b>	Development Consent
<b>Council</b>	Penrith City Council
<b>DA</b>	Development Application
<b>DAWE</b>	Department of Agriculture, Water and the Environment (Commonwealth)
<b>Department</b>	Department of Planning, Industry and Environment (DPIE)
<b>Development</b>	The development as described in the EIS and RtS
<b>EIS</b>	Environmental Impact Statement titled Oakdale West Industrial Estate Concept Plan and Stage 1 Modification (MOD 3 SSD 7348) and Stage 2 Development Application (SSD 10397) prepared by GHD dated January 2020
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i>
<b>EPI</b>	Environmental Planning Instrument
<b>ESD</b>	Ecologically Sustainable Development
<b>FRNSW</b>	Fire and Rescue NSW
<b>GLA</b>	Gross Lettable Area
<b>LEP</b>	Local Environmental Plan
<b>Minister</b>	Minister for Planning and Public Spaces
<b>Planning Secretary</b>	Planning Secretary of the Department of Planning, Industry and Environment
<b>RFS</b>	NSW Rural Fire Service
<b>RtS</b>	Response to Submissions titled Oakdale West Estate SSD 7348 – MOD 1, 2, 3 Consolidated Response to Submissions prepared by Goodman Property Services (Aust) Pty Ltd dated March 2020
<b>SEARs</b>	Secretary's Environmental Assessment Requirements
<b>SEPP</b>	State Environmental Planning Policy

<b>Abbreviation</b>	<b>Definition</b>
<b>SRD SEPP</b>	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
<b>SSD</b>	State Significant Development
<b>TfNSW</b>	Transport for NSW



# Executive Summary

## Introduction

Goodman Property Services (Aust) Pty Ltd (the Applicant) is constructing a large warehouse and distribution centre at Kemps Creek in the Penrith local government area. The development, referred to as the Oakdale West Estate (OWE), is located within the Western Sydney Employment Area.

In September 2019, the Applicant obtained State significant development (SSD) consent from the Minister for Planning and Public Spaces for a concept proposal for 22 warehouse buildings, development of Stage 1 including 3 warehouses and construction of the main site access road (SSD 7438).

The Applicant now proposes to modify the concept layout to facilitate development in Stage 2 and have lodged a concurrent SSD application for a large warehouse in Stage 2.

## Development Description

The modification to the concept proposal (SSD 7348 MOD 3) involves changes to the layout and development staging, reconfiguration of the internal road network and changes to height controls. Other modifications include finished pad levels and changes to retaining walls and noise walls. These changes are required to accommodate a large level building pad for a tenant in Stage 2.

The Stage 2 development (SSD 10397) involves construction, fit-out and operation of a four-level automated warehouse and associated landscaping, parking and subdivision.

The warehouse in Stage 2 has a capital investment value of \$502 million and would generate 1,500 operational jobs. Construction of the building would generate 700 jobs.

## Statutory Context

The modification of the concept proposal was submitted in accordance with section 4.55(1A) of the *Environmental Planning and Assessment Act, 1979* (EP&A Act). The SSD for the warehouse in Stage 2 is SSD under Part 4 of the EP&A Act as it meets the criteria in State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP). Consequently, the Minister for Planning and Public Spaces is the consent authority for the modification and SSD.

## Engagement

The Department exhibited the Environmental Impact Statement (EIS) for the modification and SSD from Thursday 16 January 2020 until Friday 21 February 2020. A total of 14 government agency submissions were received. No submissions were received from the public and no submissions objected to the development.

Penrith City Council (Council) and Transport for NSW (TfNSW) requested further analysis of the construction traffic route. Council also requested additional information on the potential noise impacts.

The Applicant provided a Response to Submissions (RtS) in March 2020 to address and clarify matters raised in the submissions.

The Department consulted the schools adjacent to the site in relation to construction traffic. Further information was provided by the Applicant to address the safety concerns raised by the schools.

## Assessment

The Department considers the key assessment issues are visual, noise and traffic impacts.

The modification and Stage 2 development involves increasing the warehouse height to 28 metres (m), compared with the approved 15 m. The warehouse is setback from the nearest residences by 170 m but would be clearly visible until the intervening landscape buffer is established. The Department considers the development is consistent with the industrial zoning of the site and has recommended conditions for early planting and incorporation of mature trees into the landscape buffer to minimise these impacts.

The Department's assessment of construction and operational noise has concluded the development would meet relevant noise criteria at the nearest residential receivers to the west. A range of measures would be implemented to ensure noise remains below the criteria and these have been incorporated into the recommended conditions. Some measures are already in place to limit construction noise impacts on the residences to the west, and these would be augmented for construction of the warehouse in Stage 2.

The modification and Stage 2 development would generate larger volumes of traffic during operation than identified in the concept proposal. This is due to the scale of the warehouse and needs of the tenant. The Department's assessment has concluded the road network can adequately accommodate the increased traffic from Stage 2, as well as predicted volumes for the remainder of the OWE.

Large volumes of construction traffic are expected over the 18-month construction period, however volumes would be small initially, ramping up to a peak in November 2020. The Applicant is currently constructing the main site access road, and this would be used by construction traffic once operational in November 2020. In the interim, construction traffic would utilise local roads Bakers Lane, Aldington Road and Abbotts Road to access the site. The Department consulted extensively with Council, TfNSW and the schools in relation to the construction routes over this interim 8-month period. The Department's assessment concluded Bakers Lane, Aldington Road and Abbotts Road could safely accommodate the construction vehicles provided a range of measures are implemented, most importantly, the continued restriction on using Bakers Lane during school peak periods. The Department has also recommended the Applicant obtain approval from Council for roadworks on Aldington and Abbotts Roads, before using this route.

## Summary

The Department's assessment has concluded the modification and Stage 2 development would:

- provide a range of benefits for the region and the Stage through a capital investment of \$502 million in the Penrith local government area
- provide 1,500 jobs in western Sydney

- assist in delivering the strategic objectives of the Western Sydney Employment Area, to provide employment generating development in western Sydney

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

Consequently, the Department considers the development is in the public interest and should be approved, subject to conditions.



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# 1. Introduction

## 1.1 The Department's Assessment

This report details the Department of Planning, Industry and Environment's (the Department) assessment of an application to develop Stage 2 of the Oakdale West Estate (OWE) at Kemps Creek in western Sydney. The application includes a modification to the approved Concept Proposal for the OWE and a State significant development (SSD) application for a warehouse within Stage 2 of the development.

The Department's assessment considers all documentation submitted by the Applicant, including the Environmental Impact Statement (EIS) and Response to Submissions (RtS), and submissions received from government authorities, stakeholders and the public.

This report evaluates the key issues associated with the development and provides recommendations for managing any impacts during construction and operation. The Department's assessment has concluded the development is in the public interest and should be approved, subject to conditions.

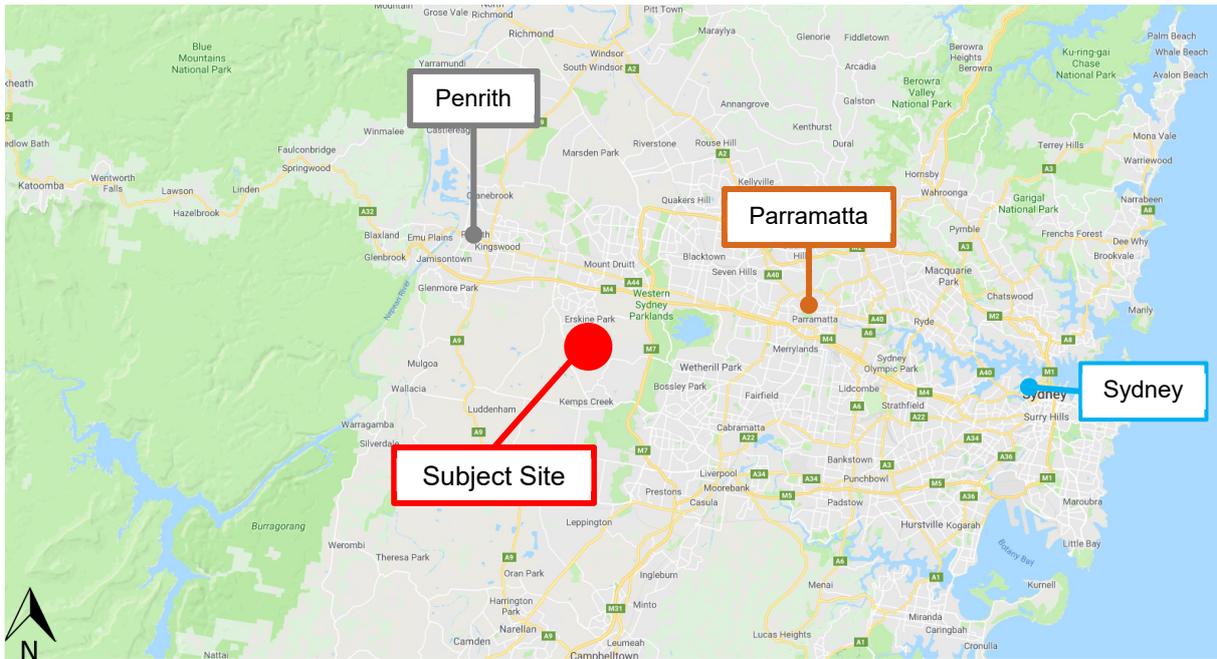
## 1.2 Development Background

In September 2019, Goodman Property Services (Aust) Pty Ltd (the Applicant) obtained development consent (SSD 7348) from the Minister for Planning and Public Spaces, to develop the OWE at Kemps Creek in the Penrith City Local Government Area, see **Figure 1**. The development consent includes:

- a Concept Proposal for a warehouse and distribution centre including 22 warehouses, offices and associated infrastructure, to be constructed over 5 stages
- development in Stage 1, including 3 warehouses and the main site access road (West-North-South Link Road)
- requirements for future development applications for the remaining stages 2 to 5.

Since approval of the OWE, the Applicant has been securing tenants for each warehouse. Stage 1 is currently the subject of a modification application and the Applicant has now secured a tenant for a large warehouse in Stage 2 (the subject of this application). The remainder of development within Stage 2 would be completed at a later stage and form part of separate applications.

The construction, fitout and operation of the warehouse in Stage 2 requires separate SSD approval (SSD 10397) due to its capital investment value. Modifications to the Concept Proposal and Stage 1 development are required to facilitate the Stage 2 development. The Applicant has lodged a modification to SSD 7348 (MOD 3) concurrently with the application for SSD 10397 (collectively referred to as 'the development').

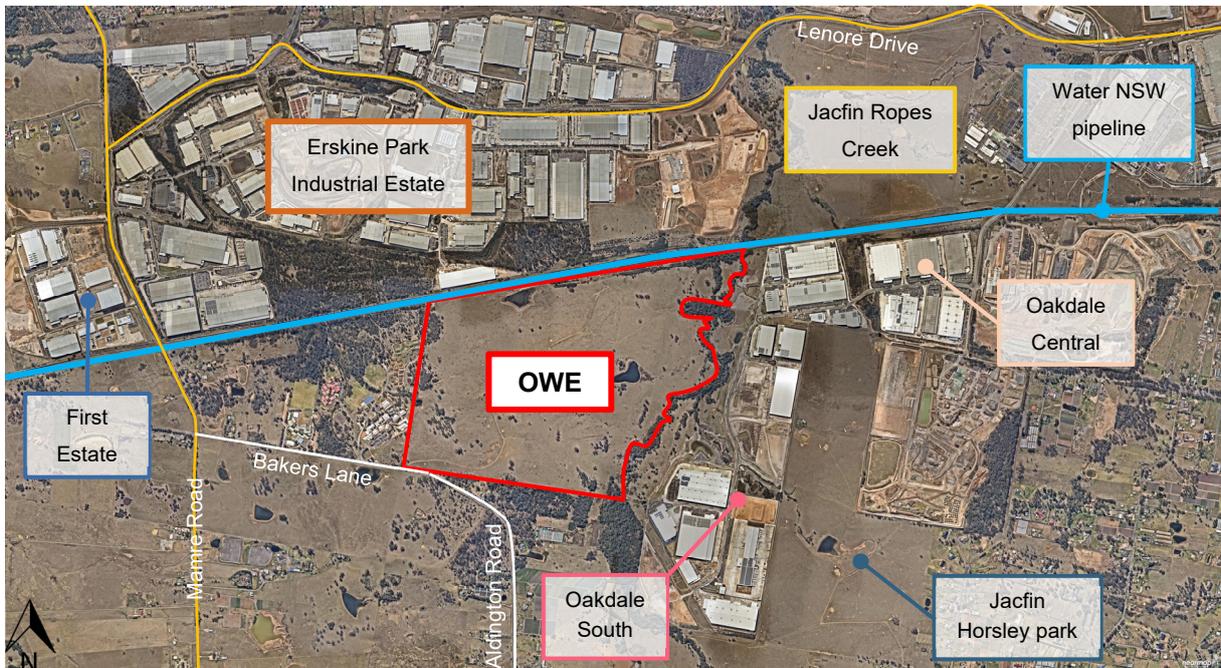


**Figure 1 | Location of the Development**

### 1.3 Site Description

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

The land has historically been used for grazing and is currently being developed as part of the OWE approval, with earthworks commencing in January 2020. The Applicant has also developed other land immediately to the east for warehouses and distribution centres.

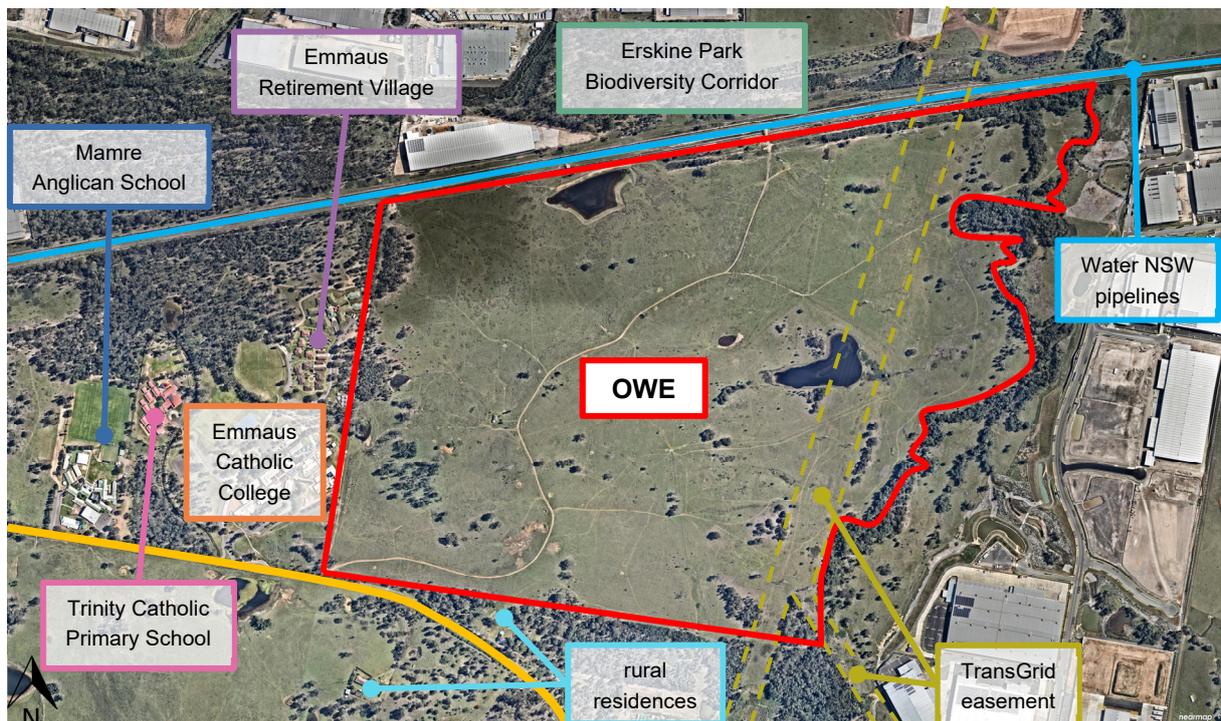


**Figure 2 | Site Context**

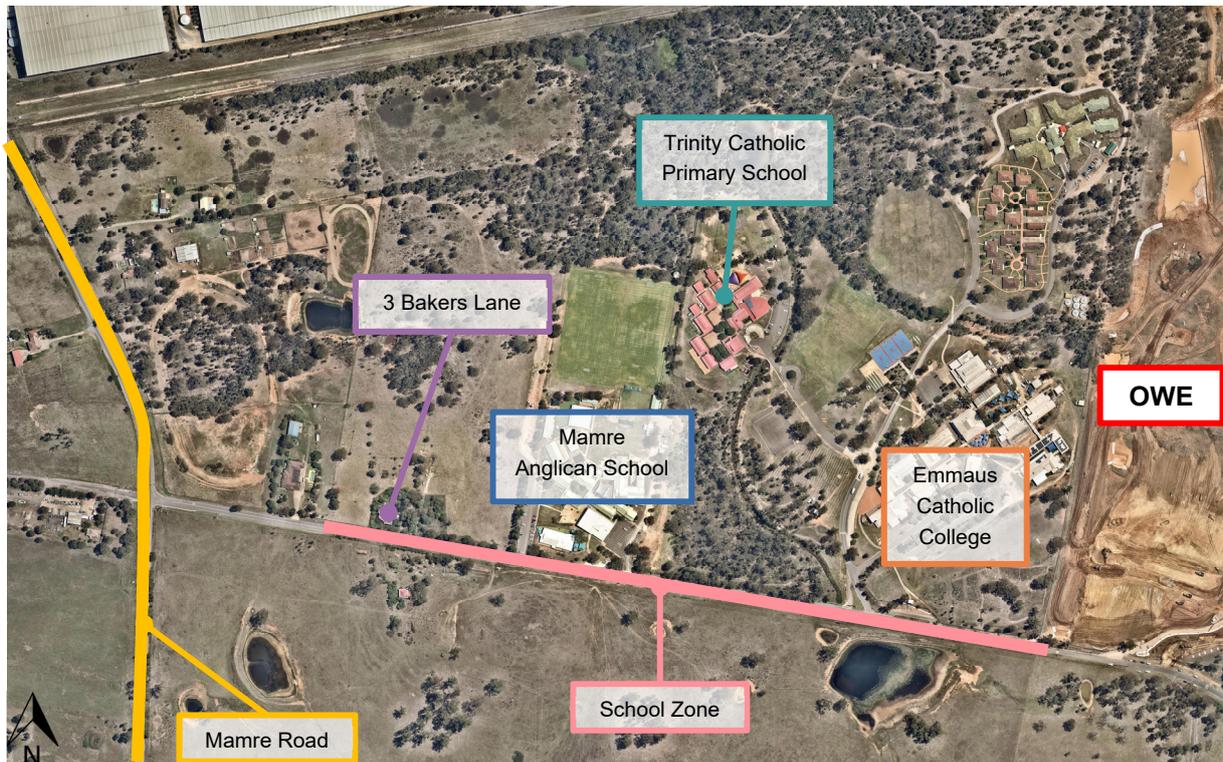
## 1.4 Surrounding Land Uses

Emmaus Retirement Village, Emmaus Catholic College, Trinity Catholic Primary School and Mamre Anglican School are located immediately to the west of the OWE. To the south is rural-residential land and native vegetation, with one dwelling located close to the southern boundary. Water NSW drinking water supply pipelines are located along the northern boundary. TransGrid power lines run through the eastern part of the site and Ropes Creek runs along the eastern boundary, see **Figure 3**.

The OWE is currently accessed via Bakers Lane, a local road at the south-western corner, extending west to Mamre Road. Bakers Lane also services the three schools to the west and school zone speed limits are in place for approximately 900 m between the site and Mamre Road (see **Figure 4**).



**Figure 3 | Surrounding Land Uses**



**Figure 4 | Schools and School Zone on Bakers Lane**

## 1.5 Modifications to SSD 7348

The Applicant has lodged four separate modification applications for the OWE, see **Table 1**.

**Table 1 | Summary of Modifications**

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
1	Changes to pad levels across the Concept Proposal, amendments to bioretention basins and changes to the biodiversity offset strategy	Department	4.55(1A)	27 March 2020
2	Changes to Stage 1 pad levels, building layout and the height of Building 1A. Construction and operation of Building 1A	Department	4.55(2)	Under Assessment
3	See Section 2.1 of this report	Department	4.55(1A)	This application
4	Include an additional lot for construction works for the WNSLR	Department	4.55(1A)	24 March 2020



## 2. Development

### 2.1 Overview

The Applicant is seeking approval for:

- a modification to the Concept Proposal and Stage 1 development (SSD 7348 MOD 3)
- a State significant development application for Building 2B within Stage 2 (SSD 10397).

#### 2.1.1 SSD 7348 MOD 3

The modification includes amendments to facilitate construction and operation of Building 2B, including:

##### Concept Proposal

- changes to the concept proposal layout, see **Figure 5** and **Figure 6**
- changes to the staging plan, with Precincts 2 and 3 switching in development sequence, resulting in re-numbering of all lots within Precincts 2 and 3, see **Figure 7** and **Figure 8**
- re-configuration of the Estate Road layout, with a new roundabout, extending Estate Road 3 along the northern boundary and removing Estate Roads 4 and 5
- increase in total gross lettable area (GLA) from 476,000 m<sup>2</sup> to 556,796 m<sup>2</sup>
- increase in building height for Building 2B from 15 m to 28 m
- amended noise limits to align with the Noise Policy for Industry, 2017.

##### Stage 1 Development

- changes to earthworks, resulting in different finished pad levels in the Stage 2 development area, as follows:
  - Lot 2A increase by 2.1 m
  - Lot 2B decrease by 1.8 m
- revised location of bioretention basin 2/3
- changes to retaining walls and noise walls.

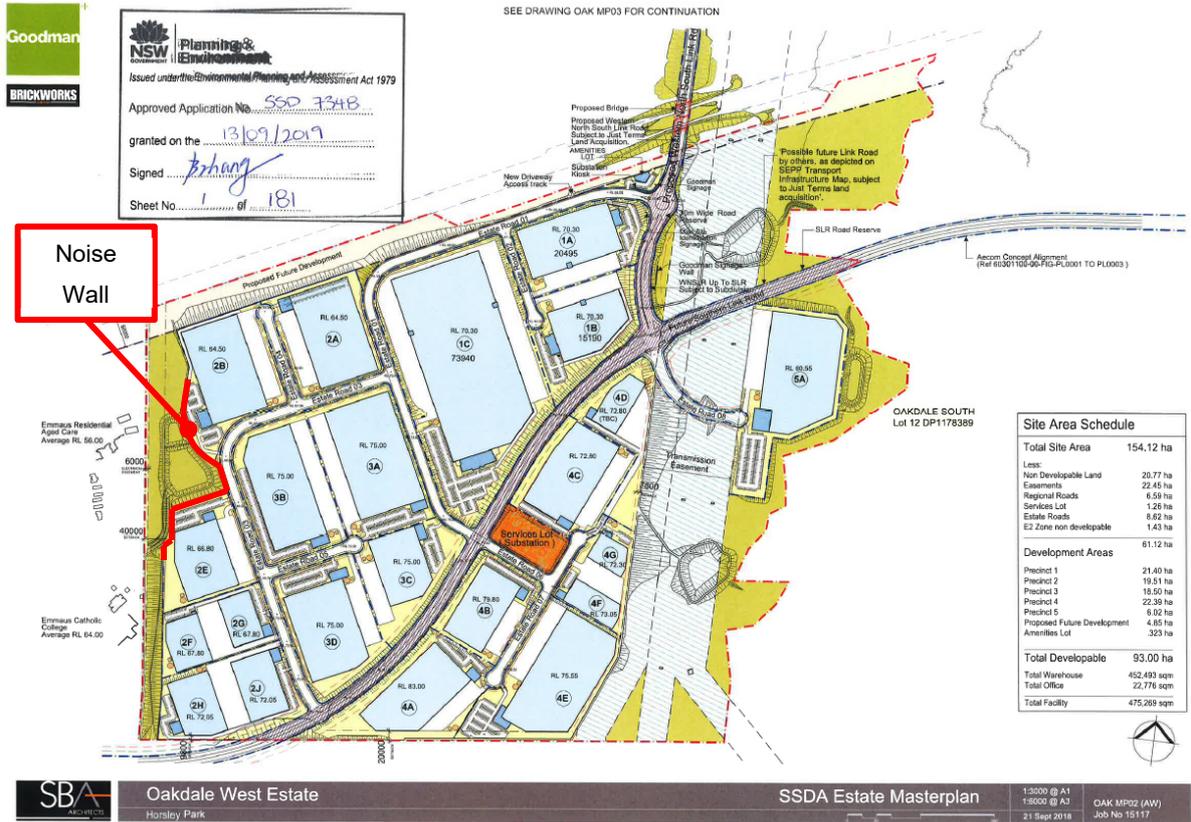


Figure 5 | Approved Layout of OWE Concept Proposal

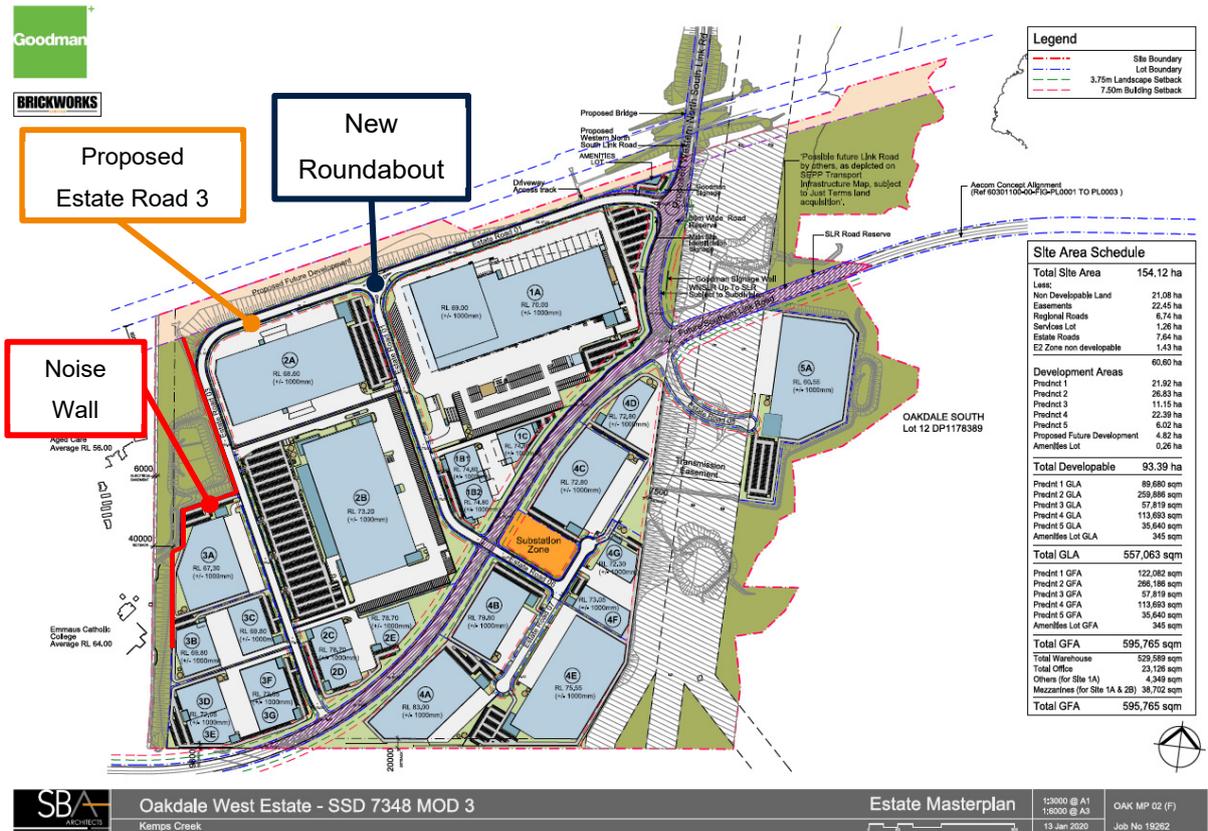


Figure 6 | Proposed Layout OWE Concept Proposal (MOD 3)

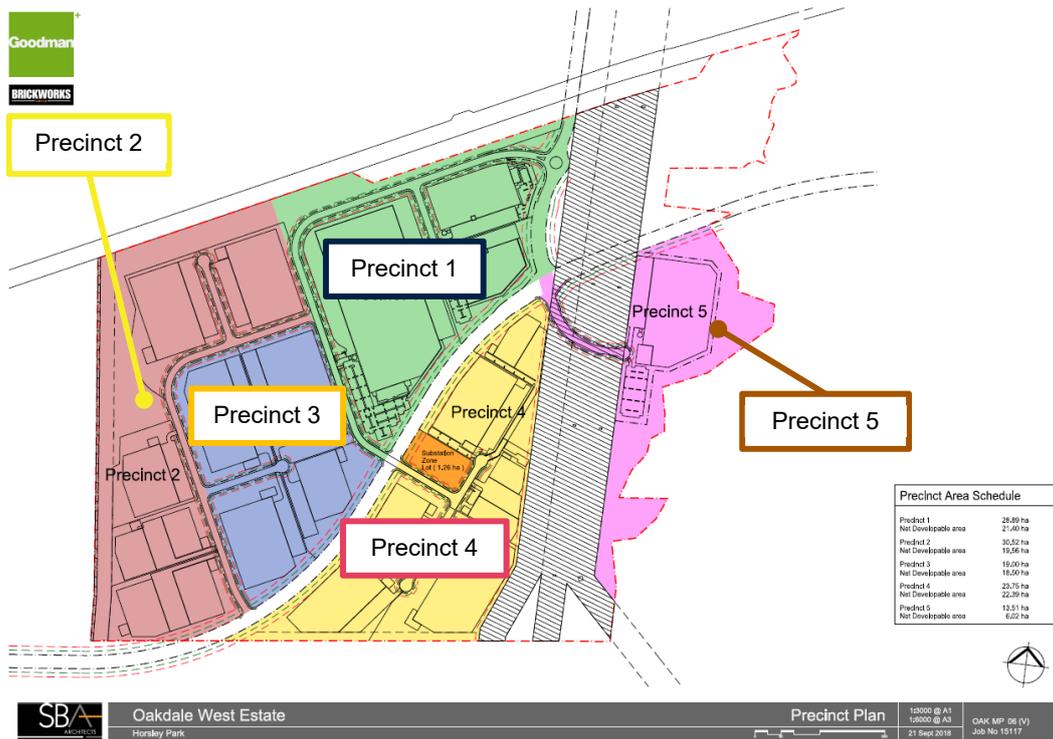


Figure 7 | Approved Staging Plan

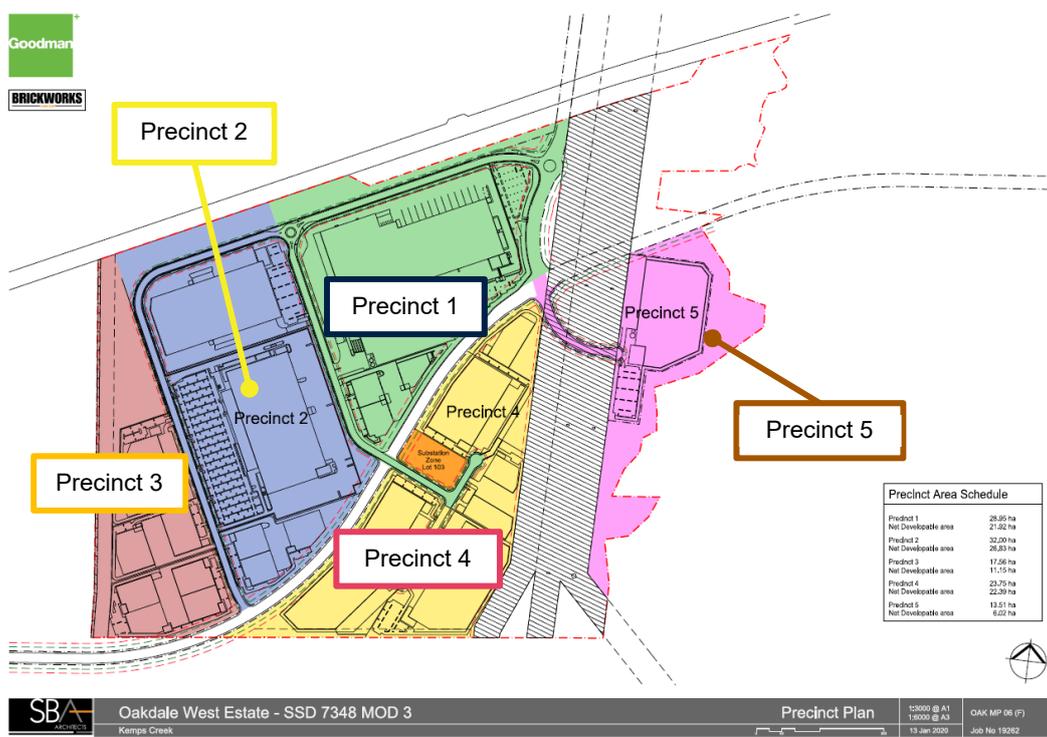


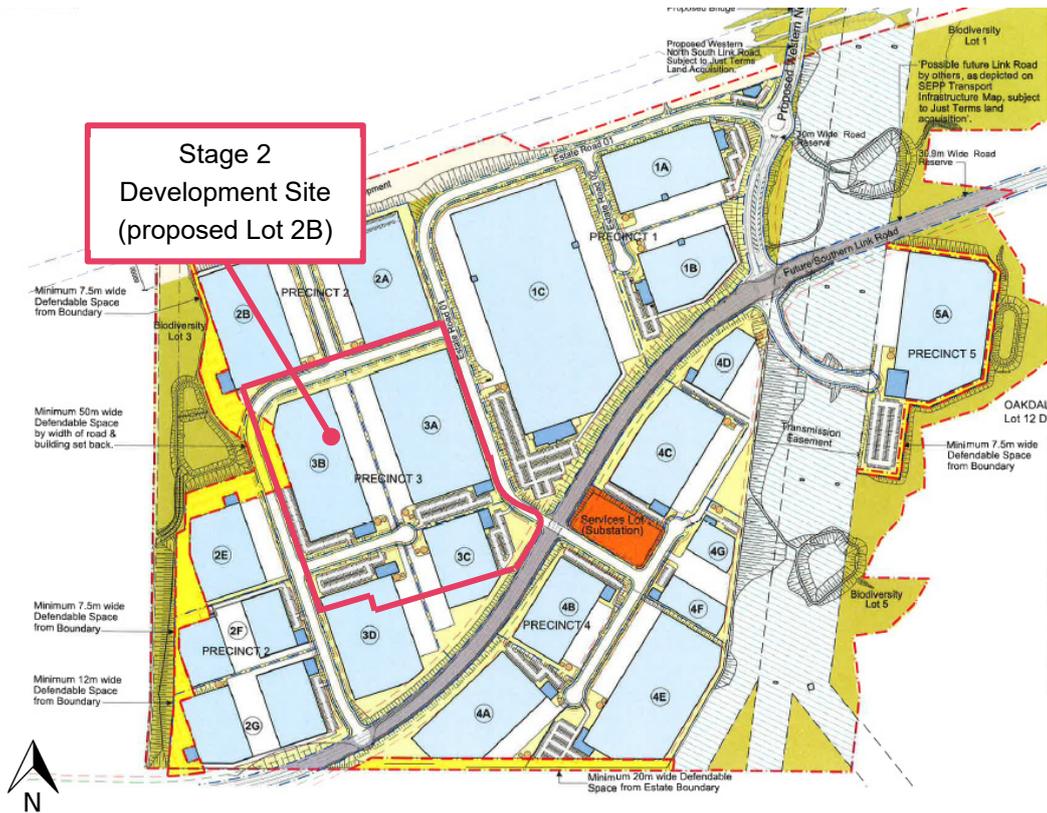
Figure 8 | Proposed Staging Plan

## 2.1.2 SSD 10397

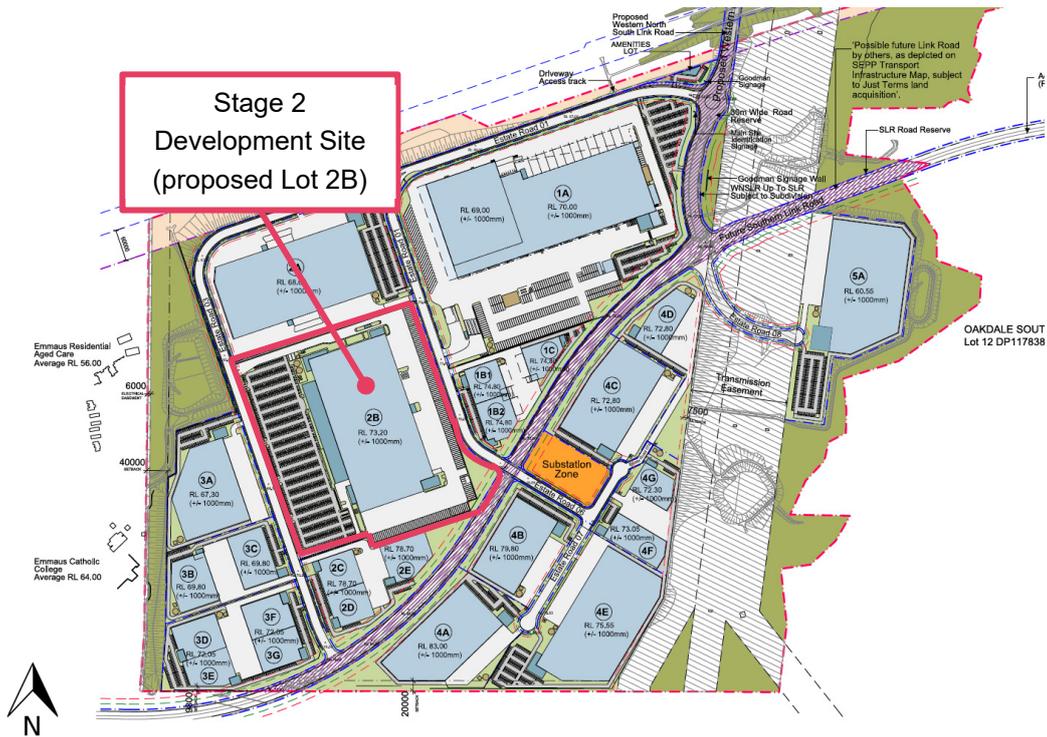
The major components of the Stage 2 development are summarised in **Table 2**, shown in **Figure 10** and **Figure 11**, and described in the EIS and RtS included in **Appendix A**.

**Table 2** | Main Components of the Stage 2 Development

Aspect	Description
<b>Summary</b>	<b>Construction, fitout and operation of a four-level warehouse with automation on each level (Building 2B)</b>
<b>Subdivision</b>	<ul style="list-style-type: none"> <li>subdivision to create Lot 2B and the road reserve (Estate Road 3)</li> </ul>
<b>Footprint</b>	<ul style="list-style-type: none"> <li>warehouse footprint of 50,873 m<sup>2</sup> with a total gross floor area (GFA) of 207,000 m<sup>2</sup> over four levels</li> <li>office space of 5,492 m<sup>2</sup></li> <li>total gross lettable area (GLA) of 200,700 m<sup>2</sup></li> </ul>
<b>Height</b>	<ul style="list-style-type: none"> <li>28 m maximum building height</li> </ul>
<b>Roadworks</b>	<ul style="list-style-type: none"> <li>construction of Estate Road 3 and a new roundabout at the intersection of Estate Roads 1 and 3</li> </ul>
<b>Landscaping</b>	<ul style="list-style-type: none"> <li>landscaping on Lot 2B in setbacks and parking areas</li> </ul>
<b>Parking</b>	<ul style="list-style-type: none"> <li>1,466 parking spaces for light and heavy vehicles</li> </ul>
<b>Access</b>	<ul style="list-style-type: none"> <li>two truck entry / exits from Estate Road 3</li> <li>four light vehicle entry / exits from Estate Road 3</li> <li>temporary construction access using Bakers Lane, Aldington Road and Abbots Road</li> </ul>
<b>Hours of Work</b>	<ul style="list-style-type: none"> <li>Operation - 24 hours a day, 7 days a week</li> <li>Construction – 7am – 10pm, Monday to Sunday, with concrete pours internal to the building from 3am – 10pm, Monday to Sunday</li> </ul>
<b>Capital Investment Value (CIV)</b>	<ul style="list-style-type: none"> <li>\$502,670,000</li> </ul>
<b>Employment</b>	<ul style="list-style-type: none"> <li>700 construction jobs</li> <li>1,500 operational jobs</li> </ul>



**Figure 9 | Location of Lot 2B within the Approved OWE Concept Proposal**



**Figure 10 | Location of Lot 2B within the Proposed OWE Concept Proposal**

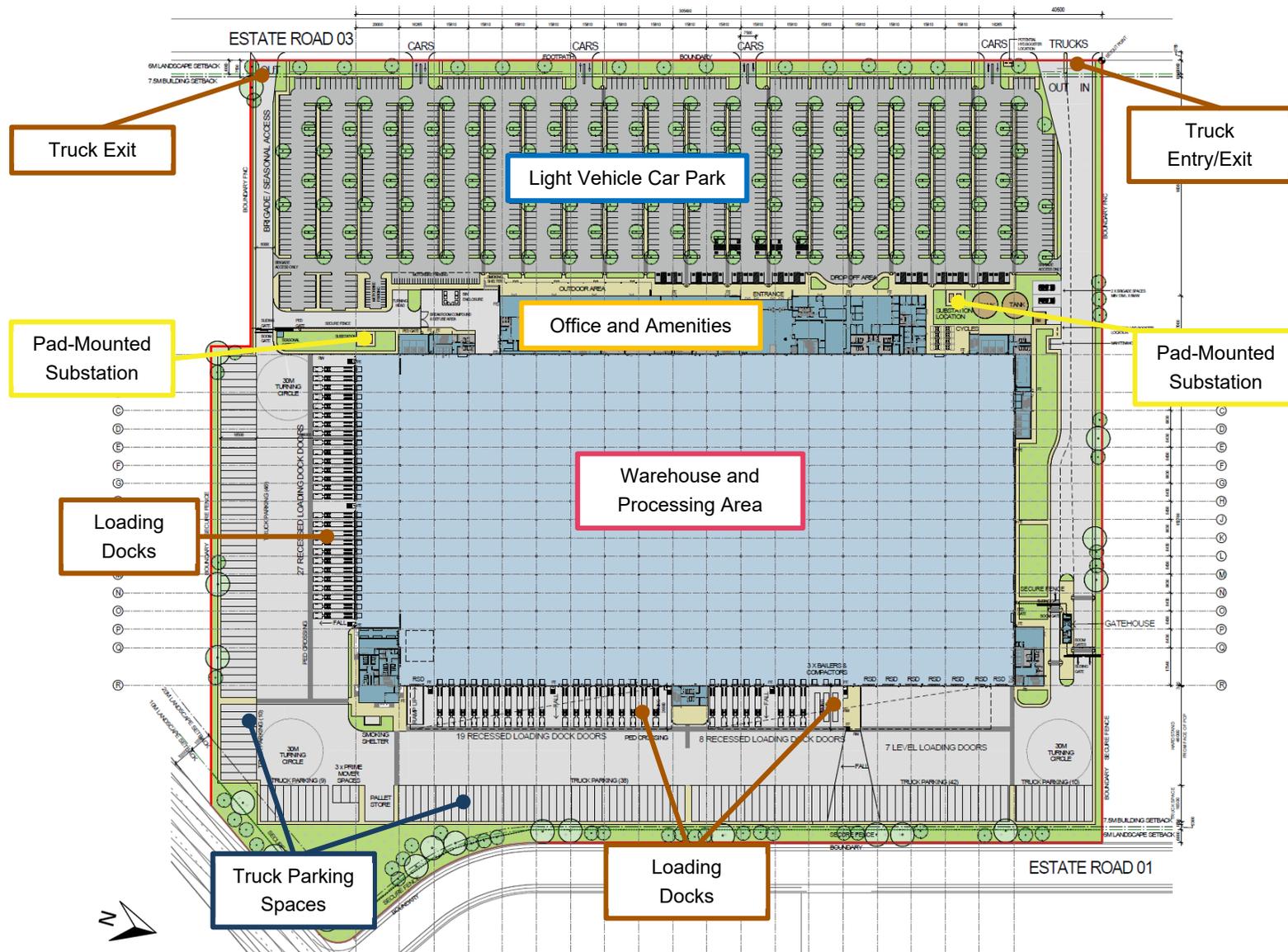


Figure 11 | Stage 2 Development Layout



**Figure 12** | Perspective view looking north-east towards Building 2B

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

The proposed modifications to the Concept Proposal and Stage 1 development are required to accommodate the needs of a specific tenant within the Stage 2 development. The proposed changes to the layout, estate roads and height of building 2B are driven by the future tenant's design and operational requirements which include an automated distribution facility over four levels. The need for large level building pads has necessitated changes to pad levels and associated retaining walls and noise walls in the remainder of Stage 2.

The Stage 2 development would contribute to the provision of high employment generating uses in the WSEA by providing 1,500 jobs when operational.



## 3. Strategic Context

### 3.1 A Metropolis of Three Cities

The Greater Sydney Plan, *A Metropolis of Three Cities*, seeks to transform Greater Sydney into a metropolis of three cities: the Western Parkland City, the Central River City and the Eastern Harbour City. The OWE is located within the 'Western Parkland City'. The development is consistent with the directions and principles outlined in the Greater Sydney Plan and the Western Parkland City District Plan, specifically the principles of utilising industrial zoned land and providing employment opportunities in western Sydney. The OWE is anticipated to provide more than 3,000 jobs when fully operational, of which the Stage 2 component would provide 1,500 jobs.

### 3.2 Western Sydney Aerotropolis

The Western Sydney Aerotropolis covers 11,200 ha of land immediately to the west of the OWE. The aerotropolis is anticipated to provide 200,000 jobs in western Sydney. The development is consistent with the objectives of the Western Sydney Aerotropolis Land Use and Infrastructure Implementation Plan, as it would generate jobs in western Sydney and provide logistics and distribution facilities close to the aerotropolis.

### 3.3 Future Transport Strategy 2056

Future Transport 2056 is a 40-year strategy for the development and improvement of the NSW transport system. Future Transport 2056 identifies the Western Sydney Freight Line (WSFL) as a Greater Sydney Initiative for Investigation in 10-20 years. The OWE is located immediately south of the proposed WSFL corridor. The Stage 2 development would continue to reserve land for the WSFL as the Applicant has retained a 60 m wide corridor on the OWE for the future WSFL.

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

The WSEA SEPP aims to promote economic development and employment, provide for the orderly and coordinated development of land, ensure development occurs in a logical, cost-effective and environmentally sensitive manner. The development is generally consistent with the relevant aims set out in clause 3 of the WSEA SEPP as:

- it is for a warehousing and distribution development
- it would provide 700 construction jobs and 1,500 operational jobs

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



## 4. Statutory Context

### 4.1 Modification

The Department has reviewed the scope of the MOD 3 application and is satisfied it would result in minimal environmental impacts, and relates to substantially the same development as the original development, on the basis that:

- the primary function and purpose of the approved development would not change as a result of the modification
- the modification is of a scale that warrants the use of section 4.55(1A) of the EP&A Act
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of approval.

Therefore, the Department is satisfied the modification is within the scope of section 4.55(1A) of the EP&A Act. Accordingly, the Department considers the proposed modification should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

### 4.2 State Significant Development

The Stage 2 development is a State significant development pursuant to section 4.36 of the EP&A Act as it has a CIV of \$502 million, which meets the criteria in Clause 12 of Schedule 1 in *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP).

### 4.3 Permissibility

The site is zoned IN1 General Industrial zone under the *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (WSEA SEPP).

Warehouses and distribution centres are permissible with consent in the IN1 zone. Therefore, the Minister for Planning and Public Spaces (the Minister) or a delegate may determine the carrying out of the development.

### 4.4 Consent Authority

The Minister is the consent authority for the development under section 4.5 of the EP&A Act. On 9 March 2020, the Minister delegated the functions to determine SSD applications to the Executive Director, Regions, Industry and Key Sites where:

- the SSD application has not already been referred by the Planning Secretary to the Independent Planning Commission for determination as at the date of delegation and
- the relevant local council has not made an objection and
- there are no unique public submissions in the nature of objections and
- a political disclosure statement has not been made by the Applicant.

There were no public submissions or objection to the development and Penrith City Council did not object. No reportable political donations were made by the Applicant in the last two years and no reportable political donations were made by any persons who lodged a submission. Accordingly, the modification and SSD applications can be determined by the Executive Director, Regions, Industry and Key Sites under delegation.

#### 4.5 Mandatory Matters for Consideration

Section 4.55(1A) of the EP&A Act outlines the matters that a consent authority must take into consideration when determining an application that seeks to modify an SSD application and results in minor environmental impacts. The Department is satisfied the proposed modification is consistent with the matters for consideration under Section 4.55(1A) of the EP&A Act.

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department's consideration of these matters is contained throughout **Section 6** and summarised in **Appendix B**. The Department is satisfied the proposed development is consistent with the requirements of section 4.15 of the EP&A Act.

#### 4.6 Environmental Planning Instruments

Under section 4.15 of the EP&A Act, the consent authority, when determining a development application, must take into consideration the provisions of any environmental planning instrument (EPI) and draft EPI (that has been subject to public consultation and notified under the EP&A Act) that apply to the proposed development. Detailed consideration of the provisions of all EPIs that apply to the development is provided in **Appendix C**. The Department is satisfied the development generally complies with the relevant provisions of these EPIs.

#### 4.7 Public Exhibition

In accordance with section 2.22 and Schedule 1 of the EP&A Act, the development application and any accompanying information of an SSD application are required to be publicly exhibited for at least 28 days. The modification and SSD application were publicly exhibited from Thursday 16 January 2020 to Friday 21 February 2020 (37 days). Details of the exhibition process and notifications are provided in **Section 5.3**.

#### 4.8 Objects of the EP&A Act

In determining the application, the consent authority should consider whether the development is consistent with the relevant objects of the EP&A Act. These objects are detailed in section 1.3 of the EP&A Act. The objects of relevance to the merit assessment of this application include:

- (a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) *to promote the orderly and economic use and development of land,*
- (g) *to promote good design and amenity of the built environment,*

- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
- (j) to provide increased opportunity for community participation in environmental planning and assessment.

The Department has fully considered the objects of the EP&A Act, including the encouragement of Ecologically Sustainable Development (ESD), in its assessment of the application (see **Section 4.9**).

**Table 3** | Considerations Against the EP&A Act

Object	Consideration
1.3(a)	The development would promote economic welfare by generating 1,500 operational jobs on industrial zoned land in the WSEA.
1.3(b)	The development includes a range of ecologically sustainable development (ESD) design measures in the Stage 2 warehouse building to reduce energy and resource consumption, refer to Section 4.9 of this report.
1.3(c)	The development would ensure the orderly and economic use of land which is zoned for industrial use and would also deliver infrastructure to facilitate the development.
1.3(g)	The Department's assessment in <b>Section 6</b> of this report demonstrates the amenity of the surrounding built environment has been considered and the Department has recommended conditions aimed at protecting the amenity of nearby sensitive receivers.
1.3(h)	The Stage 2 warehouse building would be constructed to meet the requirements of the National Construction Code and Planning for Bushfire Protection, 2016.
1.3(i)	The Department has assessed the development in consultation with, and giving due consideration to, the technical expertise and comments provided by other government authorities, including Penrith City Council.
1.3(j)	The Application was exhibited in accordance with Schedule 1 of the EP&A Act to provide opportunity for public engagement and participation in the environmental assessment of this application.

## 4.9 Ecologically Sustainable Development

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

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

The potential environmental impacts of the development have been assessed and, where potential impacts have been identified, mitigation measures have been recommended. The Applicant submitted a Sustainability Management Plan (SMP) as part of the EIS. The SMP outlined a series of ESD initiatives and sustainability measures including:

- rainwater harvesting to provide up to 80% of non-potable water demand
- use of low energy LED type luminaire
- daylight harvesting to offices with external windows
- installation of a photovoltaic system with a minimum capacity of 100 kilowatts (KW)
- programmable lighting systems including timers, daylight and motion sensors.

The Department's assessment in **Section 6** has concluded the development would not adversely impact on the environment and is consistent with the objectives of the EP&A Act and the principles of ESD.

#### **4.10 Environment Protection and Biodiversity Conservation Act 1999**

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

On 25 November 2019, the then Commonwealth Department of the Environment and Energy (DoEE) issued an approval (EPBC 2017/7952) for clearing 2.06 ha of Cumberland Plain Shale Woodland and Shale-Gravel Transition Forest ecological community for the OWE.

The development would not impact the extent of clearing of the EPBC Act listed ecological communities, therefore the development would not result in any additional impacts on MNES.

The Department referred the development to the Commonwealth, who advised it had reviewed the modification and Stage 2 development and had no comments.



## 5. Engagement

### 5.1 Consultation by the Department

After accepting the DA and EIS for the modification and SSD application, the Department:

- made it publicly available from **Thursday 16 January 2020** until **Friday 21 February 2020** (37 days):
  - on the Department's website
  - at Penrith City Council (601 High Street, Penrith)
  - at Service NSW centres
- notified landowners in the vicinity of the site and previous submitters about the exhibition period by letter
- notified and invited comment from relevant State government authorities and Penrith City Council by letter
- advertised the exhibition in the Penrith Press.

The Department also met with Penrith City Council and Transport for NSW to discuss technical aspects of the modification and SSD application.

### 5.2 Submissions

A total of 14 submissions were received during the exhibition period, all from public authorities. No submissions objected to the development. A summary of the issues raised is provided below.

**Penrith City Council (Council)** did not object to the modification and Stage 2 development. Council requested the Applicant provide a revised Noise Impact Assessment (NIA), considering the cumulative impacts of Modifications 1, 2 and 3. Council also requested some amendments to the landscaping design and the bioretention basin 2/3. Subsequent correspondence from Council requested further clarifications on proposed pad level changes and consistency of landscaping treatments fronting the Southern Link Road.

**Transport for NSW (TfNSW)** (incorporating the former Roads and Maritime Services) had no objection to the development. TfNSW requested further information to assess the capacity of the WNSLR/Lenore Drive intersection and the proposed construction access route off Aldington Road and Abbots Road. TfNSW noted a preference for construction traffic to use the signalised intersection of Mamre Road and Bakers Lane for safe turning, but noted the need to avoid school peak periods. TfNSW noted the proposed traffic management controls at Abbots Road would require approval from Council's traffic management committee.

**Water NSW** did not object to the development and noted the modification moves the building footprints further away from the Warragamba Pipelines corridor, presenting fewer risks to the security of the corridor.

**Climate Change & Sustainability Division (CCS Division), Environment, Energy and Science Group of the Department** reviewed the EIS and considered the development would be unlikely to increase biodiversity impacts from those assessed for the OWE.

**Endeavour Energy** provided recommendations for the location and design of the proposed pad mounted substations for Building 2B.

**Fire and Rescue NSW (FRNSW)** raised no objection to the development and recommended conditions requiring the Applicant to prepare a Fire Safety Study (FSS) prior to the commencement of construction.

**Heritage NSW** did not object and recommended a condition for an unexpected finds protocol.

**NSW Rural Fire Service (RFS)** raised no objection subject to compliance with the bush fire reports.

**Sydney Water** did not object and provided comments regarding water supply and wastewater.

**TransGrid** noted the Stage 2 development would not impact on TransGrid's easement and assets.

The following agencies advised they had no comments: **Crown Lands, Department of Primary Industries (DPI) – Fisheries, DPI - Agriculture, Water Group of the Department.**

### 5.3 Consultation by the Applicant

The Applicant undertook a range of consultation activities throughout the preparation of the EIS and following exhibition, including:

- meetings with the Department, key State government authorities and Penrith City Council
- consultation with utility service providers including Endeavour Energy and TransGrid
- community consultation meetings with neighbouring properties, including the schools.

### 5.4 Response to Submissions

On 25 March 2020, the Applicant provided a Response to Submissions (RtS) including additional traffic and noise impact assessments to address the issues raised. The RtS also clarified the proposed finished pad levels for the modification and responded to questions from Council about the interaction between the modification and other modifications (1 and 2).

The RtS was made publicly available on the Department's website and was provided to key agencies. Following review of the RTS, Council and TfNSW requested additional clarifications on the construction access route. The Department coordinated meetings with both agencies to resolve the residual issues.



## 6. Assessment

The Department has considered the EIS, the issues raised in the submissions, the RtS and supplementary information in its assessment of the development. The Department considers the key assessment issues are consistency with the Concept Proposal, visual impacts, traffic and noise.

Other minor issues have been considered and are addressed in **Table 4** in **Section 6.5**.

### 6.1 Consistency with the Concept Approval

The OWE development consent established development controls for the OWE including maximum gross lettable area, building setbacks and heights, lot sizes, site coverage and parking rates. The consent restricted development along the northern boundary to provide for the future Western Sydney Freight Line and required further urban design and visual assessment for buildings adjacent to the western and southern boundaries.

The modification and Stage 2 development would amend two development controls, including:

- the height of Building 2B, increasing from 15 m to 28 m
- the total GLA for the OWE, increasing from 453,000 m<sup>2</sup> to 556,796 m<sup>2</sup> (as the building is over four levels).

The Department has assessed the proposed height and GLA increases throughout **Section 6** of this report, noting the potential impacts relate to visual, noise and traffic generation. The Department's assessment concluded the height increase would have additional visual impacts, until the landscape buffer is established, however these impacts are consistent with the industrial zoning of the site. The increased GLA would generate additional traffic, and this can be safely accommodated on the road network. The Department's assessment of noise impacts concluded the modified development would comply with relevant criteria at the nearest residences.

The Department's assessment has concluded the proposed changes to development controls would not substantially alter the approved impacts of the development.

### 6.2 Visual Impacts

#### 6.2.1 Background

The OWE is located on industrial zoned land within the WSEA but borders residential land to the west and south. The WSEA SEPP requires the consent authority to consider the industrial / residential interface. The Department's consent for the OWE included conditions for managing this interface, including further urban design and visual assessment for buildings on the western and southern boundaries. The Stage 2 development is setback 170 m from the western boundary and 300 m from the southern boundary and is not subject to these conditions. However, the modification and Stage 2 development have the potential to increase the visual impacts of the overall OWE due to the building height increase and pad level increase.

The Department's assessment of the original OWE concluded the development would result in moderate-high visual impacts at the residences and school on the western boundary, with these impacts partially mitigated by a 40 m wide intervening landscape buffer. Visual impacts on one rural residence to the south would also be high given its elevated position above the OWE.

The development consent included conditions for early construction of the 40 m wide landscape buffer and planting with mature trees to establish the visual mitigation as early as possible. Earthworks are currently underway, and it is expected the landscape bund will be planted by around July 2020.

## 6.2.2 Proposed Changes

The proposed modification and Stage 2 development involve further changes that may alter the visual appearance of the approved OWE. The future tenant for Building 2B requires a large level building pad with multiple vehicular access points to Estate Road 3. This has necessitated a change to the Estate Road 3 layout and subsequent changes to all pad levels in Stage 2. The changes include increased pad levels (Lot 2A by an additional 2.1 m and Lots 2C, 2D and 2E by 3.7 m), building height increase (Building 2B from 15 m to 28 m), changes to the estate road layout and increased noise wall height from 2 m to 5 m.

The EIS included a visual impact assessment (VIA) considering impacts from the primary viewpoints including Emmaus Retirement Village and Emmaus Catholic College and one residence on the southern boundary, see **Figure 13**.

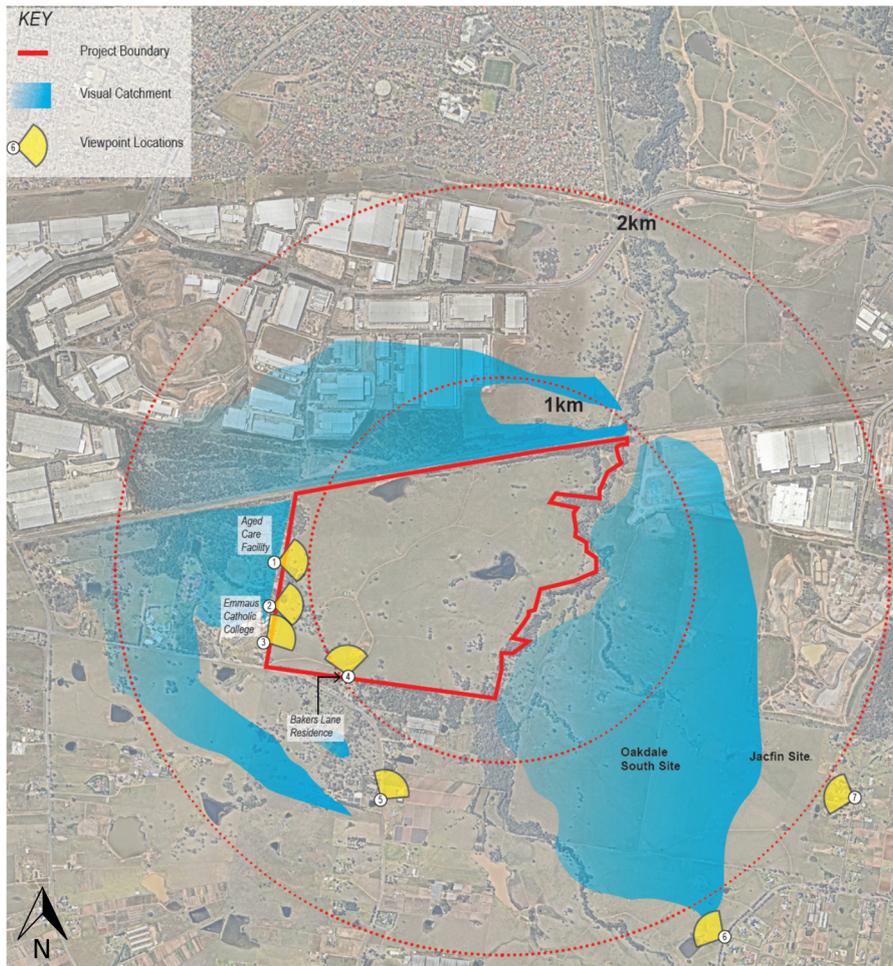
## 6.2.3 Changes in Visual Impacts

The VIA predicted the modification and Stage 2 development would have similar visual impacts to the approved OWE when viewed from Emmaus Retirement Village. There would be an increase in visual impacts from the Emmaus Catholic College (from moderate to moderate/high) and from the residence on the southern boundary (from moderate/high to high).

The VIA included photomontages of the modification and Stage 2 development as viewed from the western and southern boundaries, including the development with no mitigation, and once the landscaping has established, see **Figure 14** to **Figure 17**. The photomontages also show the intervening buildings that would be constructed in Stage 3, to demonstrate the impacts of the fully developed OWE. In some cases, Building 2B is not visible behind the Stage 3 buildings.

The buildings in Stage 3 would be subject to future applications and additional urban design assessment.

The photomontages demonstrate that early establishment and on-going maintenance of the landscaping is paramount for reducing the visual impacts of the development.



**Figure 13 | Viewpoint Locations**

The VIA notes the proposed Building 2B is setback 170 m from the Emmaus Retirement Village with this setback containing the 40 m wide landscape corridor, sediment basin, retaining wall, noise wall and Estate Road 3. The 2.1 m pad level increase on Lot 2A would slightly increase the visual impacts when viewed from the western boundary, however the lot would be set further back from the Emmaus Retirement Village due to the revised Estate Road 3 layout. This setback would reduce the visual impacts of the pad level increase on Lot 2A and the height increase of Building 2B.

Building 2B would be located approximately 300 m from the residence on the southern boundary. The intervening space would include the SLR and smaller industrial buildings 2C, 2D and 2E, which would be subject to separate development applications. There is little opportunity to screen the development in this location, as any barriers or landscaping would disrupt the long-range views of the Blue Mountains.



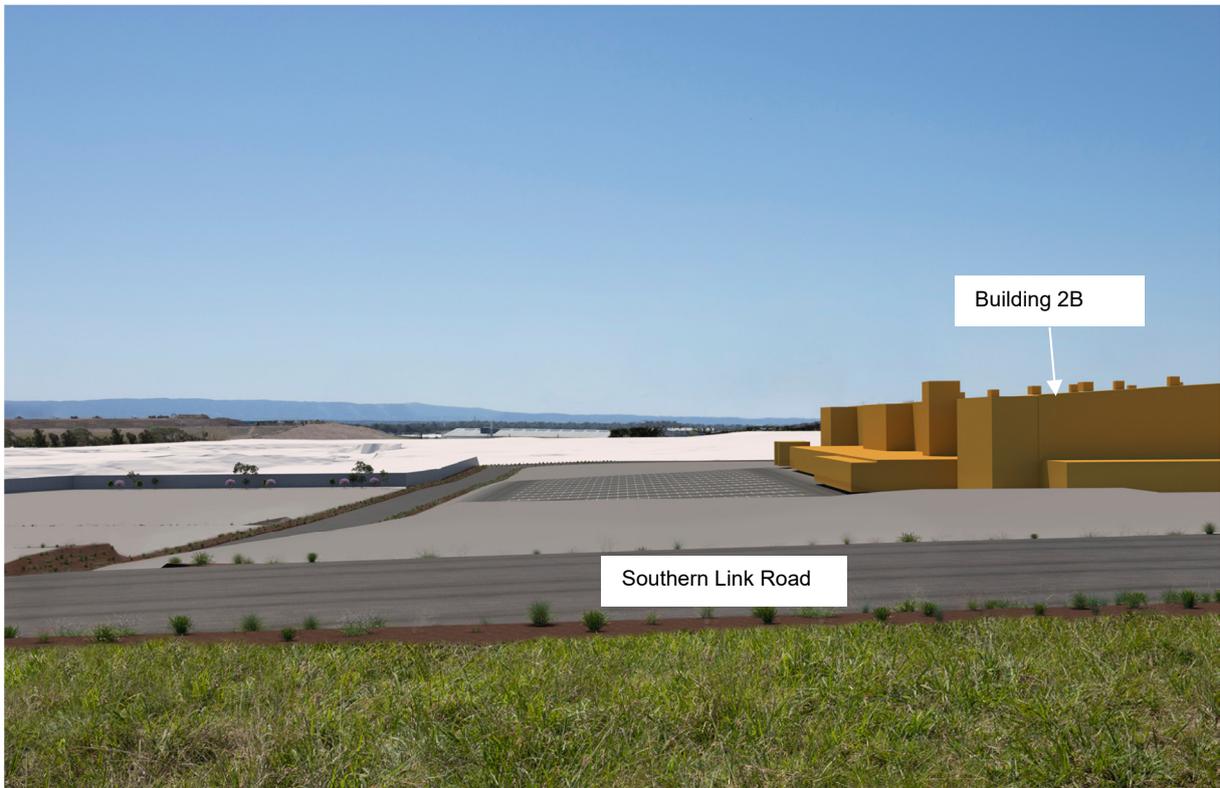
**Figure 14** | View from Emmaus Retirement Village (no mitigation)



**Figure 15** | View from Emmaus Catholic College (early planting of landscape bund)



**Figure 16** | View from Emmaus Catholic College (fully established landscape bund)



**Figure 17** | View from southern residence (no mitigation)

## 6.2.4 Conclusion and Recommendation

The proposed modification and Stage 2 development would alter the visual impacts of the approved OWE; however, these changes are generally consistent with the approved industrial development and the zoning of the WSEA. The existing topography of the site strongly influences the visual impacts, as the Emmaus Retirement Village and Catholic College are located at a lower elevation than most of the OWE. The residence on the southern boundary is elevated above the site, with limited opportunity for screening without interrupting views of the Blue Mountains.

The approved OWE would already substantially change the visual character of the locality, like surrounding areas that have been undergoing similar changes as the WSEA is gradually developed.

No submissions raised concerns about visual impacts, although Council requested amendments to the proposed landscaping around Building 2B, which were included in the final designs in the Applicant's RtS. Council raised concerns about the visual impacts of the increased pad levels as part of MOD 1, noting the importance of providing a suitable interface with the adjacent residential land uses. The OWE consent currently requires further urban design and visual assessment for buildings adjacent to these boundaries, which would be constructed as part of Stages 3 and 4.

The modification and Stage 2 development would increase the scale of the development when viewed from the western boundary, however these impacts would be lessened by the intervening landscape bund and a 170 m buffer between the residences and the permanent infrastructure on the site.

Views from Emmaus Catholic College would be more substantial, given the reduced separation distance. Building 2B would be clearly visible due to its height of 28 m, see **Figure 15**. Once Stage 3 is constructed, additional buildings would fill the intervening space, partly shielding Building 2B from the Emmaus Catholic College.

The Department notes the visual impact rating of 'moderate/high' for the Emmaus Catholic College could be considered less significant than if it were a residential land use, as impacts are experienced only when the school is in use. The visual impacts of the modification and Stage 2 development are slightly increase when compared to the approved OWE. Successful implementation of the landscape bund is critical for ensuring these impacts are minimised to the extent possible.

The visual impact rating of 'high' from the southern residence would be unmitigated, given a preference by the landowner for no screening in this location as it would disrupt the long range views of the Blue Mountains.

Despite the level of visual change, the Department considers the modification and Stage 2 development are still consistent with the industrial zoning of the site under the WSEA SEPP, and the existing conditions require further visual assessment for buildings closest to the western and southern boundaries.

The Department considers the establishment and maintenance of the landscape buffer is vital for providing visual screening of the development and notes these requirements are reflected in the existing conditions for the OWE. The Applicant is required to establish the landscape bund within 6 months of commencing bulk earthworks. The works have commenced and are scheduled to be complete in

October 2020. This would provide 12 months for the landscaping to establish before Building 2B is operational.

The Department and Council met with the Applicant to discuss the building design, with the Applicant incorporating additional articulation on the building façade to add depth and break up the scale of the building. The western façade of the building includes the main entry, office and landscaped parking area, with loading docks located on the southern and eastern facades, away from the closest residences. The Department considers the building has been designed and oriented to provide an improved visual appearance when viewed from the western residences.

The recommended conditions require early establishment and on-going maintenance of the landscape bund and implementation of design controls for building lighting, reflectivity of materials and signage. These measures are consistent with the OWE development consent and would assist in reducing the overall visual impacts of the development to the extent possible.

### **6.3 Traffic**

The EIS for the approved OWE estimated traffic volumes from the fully developed estate could be safely accommodated on the local and regional road network. The modification and Stage 2 development would result in additional traffic movements to those approved. The Applicant submitted a Traffic Impact Assessment (TIA) to assess the impacts of the increased traffic on the road network.

#### **6.3.1 Road Network and Site Access**

The Applicant is presently constructing the Western North-South Link Road (WNSLR) which will be the primary access to the OWE. The WNSLR would be completed by late 2020, prior to the Stage 2 operation. Lot 2B would be accessed from Estate Road 3 with connection to the WNSLR via Estate Road 1. Estate Road 3 would ultimately connect to the SLR to the south, when it is constructed.

The development includes four entry/exit points to the employee and visitor car park and two heavy vehicle driveways off Estate Road 3. The southern heavy vehicle driveway would be used by emergency services vehicles and delivery trucks during the seasonal peak period (e.g. Christmas). The TIA included swept path diagrams which demonstrate B-Doubles could safely enter, exit and manoeuvre within the site. The heavy vehicle driveway widths exceed the requirements of FRNSW ensuring adequate access for fire trucks and emergency service vehicles.

#### **6.3.2 Operational Traffic**

The approved OWE was predicted to generate 9,776 vehicles per day (vpd). All operational vehicles would access the site via the WNSLR and its intersection with Lenore Drive. The Applicant has designed the WNSLR to accommodate the predicted volumes from the fully developed OWE and neighbouring industrial developments to the north. When the SLR is built, traffic from the OWE would use both the SLR and WNSLR.

The modification and Stage 2 development would increase the overall traffic volumes by 784 vehicles per day during standard operations and 2,332 per day during the seasonal peak period (this is in addition to the 9,776 vpd). The increase accounts for increases for Stage 2 and corresponding decreases for

Stages 3 and 4 (as the development area of these later stages has reduced with the modified layout). The TIA confirmed the WNSLR has adequate capacity to accommodate the additional vehicle movements. Analysis of the intersection with Lenore Drive indicated that adequate levels of service (LOS) would be maintained during the AM and PM peaks until 2026, however the intersection would be nearing capacity. TfNSW noted any further increases on the OWE (in future stages) would require an upgrade of this intersection to maintain capacity.

During its assessment of the OWE, TfNSW indicated the WNSLR/Lenore Drive intersection would require upgrading by 2036 to accommodate forecast future traffic growth in the area. The Applicant provided designs for a future intersection arrangement (2036 design) and reserved adequate land for the future intersection works through a Planning Agreement with the Department. As the intersection requires upgrading to accommodate future traffic growth in the area, the works would be completed by TfNSW. The TIA for the modification and Stage 2 development noted the upgraded 2036 intersection design would also operate satisfactorily during the AM and PM peaks with the increased traffic from the development.

The Department is satisfied the Applicant has shown the performance of key intersections would be satisfactory and the efficiency of local and regional roads would not be adversely impacted by the development. Operational traffic would be adequately accommodated by the WNSLR given it has been designed as a regional road to meet traffic generations from the fully developed OWE and neighbouring industrial developments to the north. The Department has recommended a condition requiring the Applicant to prepare an Operational Traffic Management Plan (OTMP) detailing operational traffic management measures to the satisfaction of the Planning Secretary prior to the commencement of operation of the Stage 2 development.

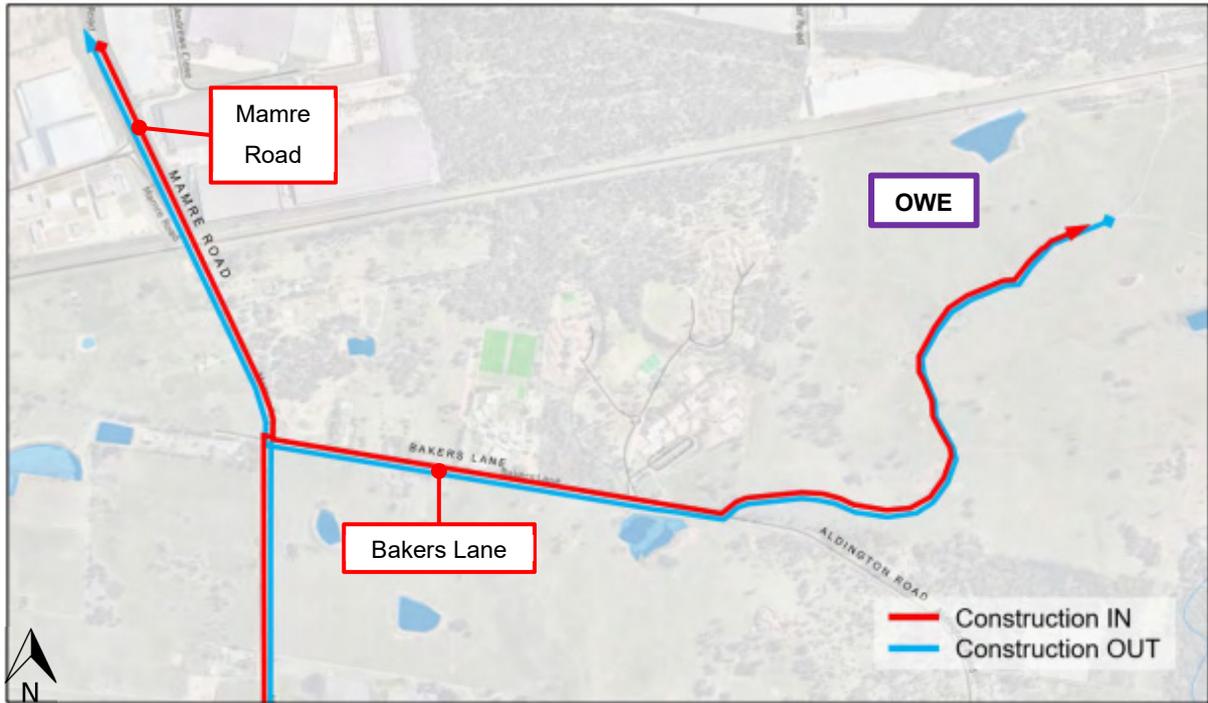
### 6.3.3 Construction Traffic

The Applicant proposes to construct Building 2B over an 18-month period and requires access to the site via Bakers Lane. Once the WNSLR is complete (in November 2020), all construction and operational traffic would cease to use the Bakers Lane access.

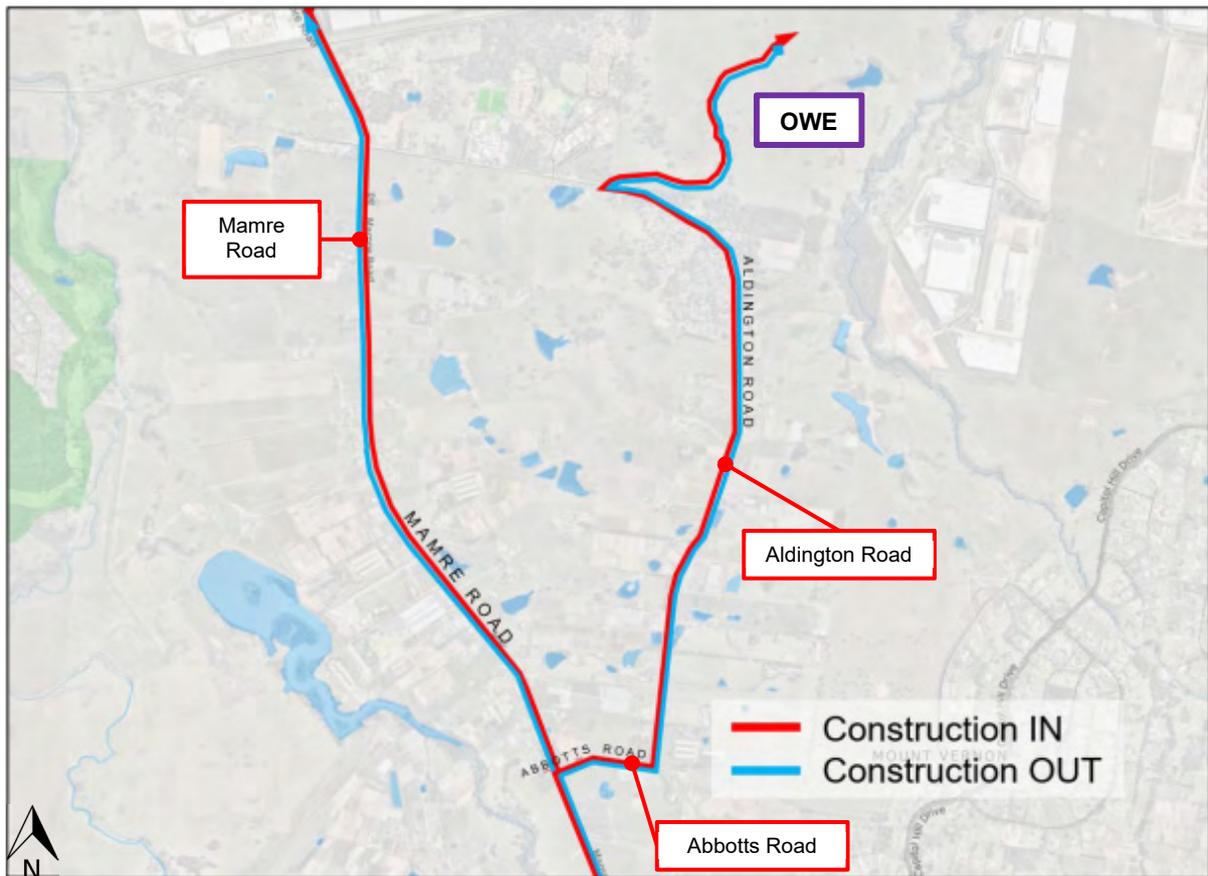
Vehicle movements would vary throughout the construction period, ramping up from April 2020 to a peak of 1,670 light vehicle movements (835 one way) and 200 heavy vehicle movements (100 one way) by November 2020. The Applicant has scheduled concrete works to start at 3 am, avoiding concrete truck deliveries during the AM peak traffic period.

During its assessment of the original OWE, the Department noted the potential for conflict between construction traffic and school peak traffic, as there are close to 2,000 students at the three schools on Bakers Lane. The Department recommended conditions restricting the use of Bakers Lane by construction vehicles during the school drop off and pick up times (8 am – 9.30 am and 2.30 pm – 4 pm, Monday to Friday) to manage traffic congestion and safety.

To comply with this restriction, the Applicant proposes to use Aldington Road and Abbotts Road during the school peak times and use Bakers Lane at all other times. The two construction routes are shown on **Figure 18** and **Figure 19**.



**Figure 18** | Proposed non-school peak hour construction haul route

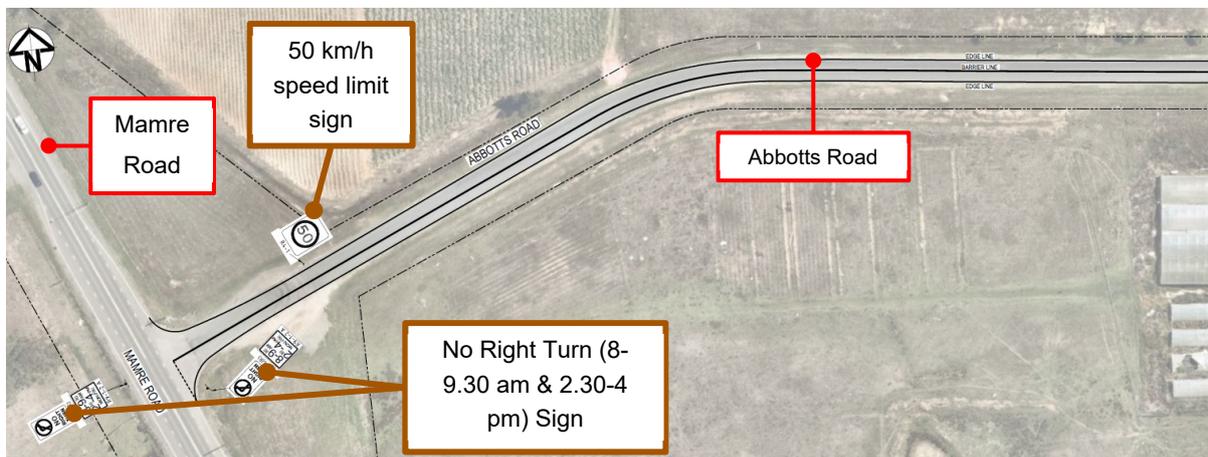


**Figure 19** | Proposed school peak hour construction haul route

TfNSW raised concerns with the alternative route (Aldington/Abbotts Roads), as there is no signalised intersection with Mamre Road. TfNSW indicated Bakers Lane provides a safer access with a signalised intersection at Mamre Road, however noted the concerns around conflicts with school peak periods. The Applicant consulted with the Schools, and the Department subsequently received a request from two of the schools for the construction traffic to avoid school peaks as required by the OWE consent.

The Applicant undertook further analysis for the alternative route (Aldington/Abbotts Road) concluding that right-turn restrictions would be required at the intersection to maintain road safety and minimise queue lengths (see **Figure 20**). The Applicant also proposes to install signage, speed limits and line-marking along the route to improve safety. These works require approval from Council as the road authority, prior to construction vehicles using this route.

TfNSW provided recommendations for the works at the Abbots Road / Mamre Road intersection, confirming the movements should be limited to left-in, left-out for construction vehicles. The Department also consulted Council, confirming that the route could not be used unless Council's traffic management committee approve the works.



**Figure 20** | Proposed Upgrades to Abbots Road/Mamre Road Intersection

The construction vehicle movements can be safely accommodated on Bakers Lane if school peak periods are avoided and the alternate route (Aldington/Abbotts Road) can accommodate construction traffic with upgrades in place. The Department has recommended conditions limiting the use of Bakers Lane and Aldington Road/Abbotts Road and requires all construction vehicles to use the WNSLR once it is open to traffic. The Department notes the construction routes are temporary and conditions are recommended to minimise disruptions and manage safety concerns for the schools on Bakers Lane. The Department recommends the Applicant prepare a Construction Traffic Management Plan in consultation with the Schools, Council and TfNSW prior to commencing construction.

#### 6.3.4 Cumulative Construction Traffic

The construction works for Building 2B would coincide with other construction activities on the site, including the approved earthworks and the WNSLR construction. The Applicant provided a TIA Addendum outlining the approved and proposed traffic volumes, including all construction traffic. The

Department notes the TIA Addendum indicated substantially higher construction traffic volumes for the earthworks and WNSLR construction, to those originally assessed for the OWE. The Department considers the proposed increase in traffic volumes for the earthworks and WNSLR construction should be managed in accordance with the existing OWE consent and note they were not included in the modification or Stage 2 development applications. The Department has therefore recommended limits on construction vehicle movements for the Stage 2 development to those assessed, being 1,670 light vehicle trips (835 one way) and 200 heavy vehicle trips (100 one way). These are total daily limits which apply to all construction access routes (Bakers Lane, Aldington Road and Abbots Road).

### 6.3.5 Conclusion and Recommendation

The Department's assessment of the construction and operational traffic impacts of the modification and Stage 2 development has included consultation with the schools, Council and TfNSW. The Department considers the construction and operational traffic movements can be managed to maintain road safety and efficiency and has recommended a range of conditions for traffic management. The existing limits on using Bakers Lane during school peak periods have been reflected in the conditions for the Stage 2 development and any use of Aldington/Abbots Road, first requires the approval of Council, as the road authority. The Department consulted the schools to ensure their concerns about road safety were adequately addressed. The commitment to restrict construction vehicles from using Bakers Lane during school peak periods would maintain safety during these critical periods.

The Department notes the construction traffic movements on local roads are temporary, from April to November 2020, with the WNSLR providing adequate capacity to manage construction traffic volumes once it is open. The Department consulted with Council and TfNSW on the alternative route and has incorporated conditions for upgrading Aldington/Abbots Road to address the issues raised by Council and TfNSW. The Department has also recommended a limit on construction vehicle numbers to ensure road capacity and safety is maintained.

The Department has recommended the Applicant prepare traffic management plans, prior to construction and operation, with the Planning Secretary to approve these plans prior to each phase commencing. With these measures in place, the Department is satisfied the construction and operational traffic from the modification and Stage 2 development can be appropriately managed.

## 6.4 Noise

### 6.4.1 Background

The Department's assessment of the OWE concluded the fully developed estate would comply with relevant noise limits (being the *NSW Industrial Noise Policy, 2000* (INP) at the time of assessment). The approved development included noise walls to the west and south to minimise noise at the adjacent residential receivers. The noise walls were scheduled for construction in Stage 1, with the western noise wall forming part of the landscape bund, to be established within 6 months of commencing bulk earthworks.

The Applicant has recently entered into noise agreements with the closest landowners to the south of the site, therefore the noise limits no longer apply to these receivers. The Emmaus Retirement Village

and Emmaus Catholic College next to the western boundary are the nearest sensitive receivers for the noise assessment.

### 6.4.2 Proposed Changes

The proposed modification and Stage 2 development involve changes that may increase noise levels from the approved OWE, including extended construction hours, increased pad levels and building height, increased traffic and changes to the road layout and truck loading areas.

The EIS included a noise and vibration assessment (NVA) to evaluate the change in noise impacts for comparison with the approved OWE. Supplementary noise assessment was provided in the RTS to respond to issues raised by the Department and Council.

The NVA considered noise from:

- construction and operation of Building 2B only (noting it would be operating for around 6 months before any other buildings in the OWE)
- cumulative operation of Building 2B and Stage 1
- cumulative operation of the fully developed OWE.

The NVA was prepared in accordance with the EPA's *Noise Policy for Industry, 2017* (NPI) which replaced the INP. Under the NPI, the night-time noise criteria are slightly less stringent than in the INP and adopted in the OWE development consent. The Applicant has applied to amend the night-time noise limits in the development consent to be consistent with the new NPI. The criterion at Emmaus Retirement Village would increase from 51 dB(A) to 52 dB(A).

### 6.4.3 Operation

The NVA predicted noise from operation of the fully developed OWE (including the modification and Stage 2 development) would exceed the noise criteria at the Emmaus Retirement Village by between 1dB(A) during the daytime to 4dB(A) at night during adverse weather conditions and worst-case peak seasonal operations. Noise levels would comply with the criteria for schools of 45dB(A) at the Emmaus Catholic College. Noise agreements are in place for the closest residences to the south of the site, therefore the noise limits do not apply to these receivers. The Department understands the Applicant has installed double-glazing on windows at the nearest southern residence, in agreement with the landowner.

The NVA predicted noise from Building 2B operating on its own would comply with all noise criteria, as would operation of both Building 2B and the buildings in Stage 1.

Council and the Department raised concerns about the potential noise exceedances at Emmaus Retirement Village, particularly at night-time. The Applicant provided supplementary assessment information analysing the predictions in more detail and considering other relevant guidelines on sleep disturbance, such as the World Health Organisation Guidelines, 1999 and enHealth Council Report, 2004. The additional assessment considered the Emmaus Retirement Village building facades would provide up to 25 dB noise shielding with windows closed, and around 10 dB with windows open, noting the building is fitted with air conditioning units for ventilation. The assessment also noted noise from the development would not exceed the sleep disturbance criteria in the OWE consent of 51dB(A).

The Applicant proposes a range of mitigation measures to achieve compliance with the noise limits for the OWE. These measures include a modified noise wall on the western boundary (increasing from 2 m to 5 m in height in some sections), silencers or barriers on rooftop mechanical plant on Building 2B, noise agreements with landowners to the south, speed limits within the estate and restrictions on development in Stages, 3, 4 and 5. The restrictions involve limiting night-time operations on these future lots.

With these measures in place, the NVA predicts the fully developed OWE would comply with the noise criteria at the Emmaus Retirement Village and Emmaus Catholic College during day, evening and night-time under all weather conditions and during peak operations.

Council reviewed the RtS and confirmed it was satisfied the Applicant had demonstrated noise from the development would comply with the relevant limits and noise agreements were in place for residences to the south. The Department's noise specialist was also satisfied with the NVA and recommended conditions for the development.

#### 6.4.4 Construction

The Applicant proposes to construct Building 2B over an 18-month period, to open before the 2021 Christmas peak period. This timeframe requires extended construction working hours, with work starting at 6 am and continuing until 10 pm, seven days a week. The Applicant also proposes to start concrete pouring inside Building 2B, once the walls and roof are on, from 3 am to provide enough time for the concrete to set before the end of the construction working day. This would also ensure the majority of concrete truck deliveries to the site occur before the school peak traffic commences.

The NVA predicted the construction noise goals (established in accordance with the *Interim Construction Noise Guideline*) would be met during standard working hours at Emmaus Retirement Village but would exceed the noise goals during the evening, night-time and on Sundays. Predicted exceedances range from 3 dB(A) to 8 dB(A), with the largest exceedance predicted at night-time, during adverse weather conditions when the warehouse is being constructed.

The Applicant proposes a range of measures to reduce the predicted exceedances including minimising coinciding noisy works and consulting with the Emmaus Retirement Village residences. The Applicant recently installed a temporary noise curtain along the boundary of the Emmaus Retirement Village for the earthworks phase, which is predicted to reduce construction noise levels by up to 5dB(A). The western landscape bund and noise wall approved for the OWE is scheduled for completion by October 2020 and would provide substantial noise shielding of construction activities.

Given the potential for night-time noise level exceedances, the Department requested further justification for commencing concrete pours at 3 am. A supplementary noise assessment was provided for these works utilising background data from a noise monitor recently installed on the western boundary. The noise assessment predicted concrete pours and associated light and heavy vehicle movements on the site would comply with the night-time noise limits for the 3 am to 6 am period. These predictions were based on the concrete pumps being located to the east of Building 2B, and all walls and the roof in place, to provide shielding to the Emmaus Retirement Village. The Department's noise

specialist reviewed the noise predictions, was satisfied the works can comply with the construction noise goals and recommended conditions, including noise monitoring.

#### 6.4.5 Conclusion and Recommendation

The Department considers that noise from construction and operation of the modification and Stage 2 development can be managed to achieve relevant noise limits, provided mitigation measures are in place. There is potential for noise to cause a nuisance to residences on the western boundary, given the current low levels of background noise. However, the site is zoned for industrial use, forms part of the WSEA and the proposed development is consistent with other warehouse and distribution centres recently constructed nearby at Oakdale South, Oakdale Central and Erskine Park.

The Department’s noise specialist noted the mitigation measures are vitally important for minimising noise disturbance for the residences at Emmaus Retirement Village. The Department has incorporated these measures as recommended conditions, they include restrictions on night-time operations for future buildings on the western and southern boundaries, silencers on mechanical plant, on-site speed limits and increased noise wall heights. The Department also requires the Applicant to conduct noise monitoring during construction and operation and consult regularly with the residences.

Noise from construction activities would be temporary, with substantial noise shielding provided once the permanent noise barrier is completed by October 2020. The Department has recommended the Applicant maintain the temporary noise curtain along the western boundary until the permanent noise wall is completed.

The OWE consent included a requirement for an independent environmental representative to oversee construction impacts. The representative is responsible for reporting to the Department on environmental impacts and implementing measures to ensure the development complies with relevant criteria. The Department has included a condition for the Stage 2 development requiring the environmental representative to oversee noise monitoring and report the results to the Department.

With these measures in place, the Department is satisfied the modification and Stage 2 development would not have an adverse noise impact on adjacent sensitive receivers.

#### 6.5 Other Issues

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

**Table 4** | Assessment of other issues

Consideration	Recommended Conditions
<b>Stormwater Management</b>	
<ul style="list-style-type: none"> <li>The layouts, volumes and discharge points of bioretention basin 2/3 would change due to the modification layout of the development.</li> <li>A Civil, Stormwater and Infrastructure Services (CSIS) report for the modification and Stage 2 development confirmed the modified basin 2/3 would ensure post-development flows are</li> </ul>	Require the Applicant: <ul style="list-style-type: none"> <li>prepare and implement erosion and sediment control measures during construction;</li> </ul>

## Consideration

- lower than pre-development conditions and would meet pollution reduction targets.
- Council reviewed the CSIS and RtS and were satisfied with the proposed design.
- The Stage 2 development incorporates rainwater tanks to provide 80% of non-potable water for the development.
- The Department has recommended conditions for erosion and sediment control during construction and finalisation of the stormwater infrastructure design, in consultation with Council.
- The Department's assessment concludes the revised bioretention basin 2/3 would adequately manage stormwater and appropriate measures are included to reduce water demand.

## Recommended Conditions

- finalise the stormwater system design prior to the commencement of construction of Building 2B, in consultation with Council.

## Landscaping

- The modification would not alter the approved landscape bund along the western boundary.
- Landscape plans for the Stage 2 development include landscaping within setbacks to Estate Roads 1 and 3 and in on-site car parks.
- Council requested several revisions to the landscape setbacks; species mix and incorporation of larger trees to assist in achieving Council's Cooling the City Strategy. Council also requested details on irrigation and maintenance.
- The Applicant has addressed Council's concerns and the Department has recommended conditions to ensure the landscaping on Lot 2B is consistent with Council's requirements.
- The Department's assessment concludes the proposed landscaping is appropriate for the industrial zone and once established, would soften the built form and provide shade for staff and visitors.

Require the Applicant to:

- prepare and implement a detailed landscape management plan, including monitoring and maintenance procedures, in consultation with Council.

## Bushfire Protection

- The EIS included a Bushfire Protection Assessment (BPA 2019), which concluded the modification and Stage 2 development would comply with the Bushfire Protection Assessment (BPA 2016) for the OWE, the conditions of SSD 7348 and other relevant bushfire regulations (*Planning for Bushfire Protection, 2006*).
- The BPA 2019 recommended firefighting water supply and asset protection zones (APZ) for Stage 2 be consistent with BPA 2016

Require the Applicant to:

- comply with relevant bushfire protection requirements;
- prepare and implement a BEEMP for the Stage 2 development.

**Consideration****Recommended Conditions**

and also recommended the Applicant prepare a Bushfire Evacuation & Emergency Plan (BEEP).

- RFS advised the Applicant to carry out the development in accordance with the BPA recommendations.
- The Department's assessment concludes the development would comply with relevant bushfire protection requirements and has recommended conditions consistent with SSD 7348.

**Air Quality**

- Air quality impacts from the approved OWE were predicted to meet all relevant air quality criteria at off-site receivers for both construction and operation.
- The EIS for the modification and Stage 2 development concluded the development would continue to meet all relevant air quality criteria for construction and operation.
- The Department's assessment concludes the air quality impacts would be minimal and can be managed in accordance with the existing air quality management plan for the OWE, which would be updated to include the modification and Stage 2 development.

Require the Applicant to:

- Update and implement the Construction Air Quality Management Plan (CAQMP) for the OWE to include the modifications and Stage 2 development.

**Biodiversity**

- The modification and Stage 2 development would not change the total extent of approved clearing or biodiversity credits required to offset the clearing, established in SSD 7348.
- The CCS Division of the Department and the Commonwealth Department of Agriculture, Water and the Environment advised they had no comments.
- The Department's assessment concludes the modification and Stage 2 development would not require any conditions to manage biodiversity, as it is adequately covered by SSD 7348.

No conditions required.



## 7. Evaluation

The Department's assessment of the application has fully considered all relevant matters under section 4.55 and 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development. The Department consulted with key agencies including Council and TfNSW and consulted with the schools on Bakers Lane.

The Applicant is proposing to modify the approved concept proposal for the OWE to facilitate development of a large warehouse in Stage 2. The changes are required to accommodate a large level building pad for the future tenant. The Applicant has lodged a concurrent SSD application for the warehouse in Stage 2, as it meets the criteria in State Environmental Planning Policy (State and Regional Development) 2011.

The Stage 2 development includes construction, fit-out and operation of a four-level automated warehouse and has a capital investment value of \$502 million. The warehouse would provide 1,500 operational jobs and 700 construction jobs.

The Department exhibited the EIS for the modification and SSD and received 14 submissions from government agencies. No objections were received. The Department also consulted the schools adjacent to the site in relation to construction traffic.

The Department considers the key assessment issues are visual, noise and traffic impacts.

The modification and Stage 2 development involves increasing the warehouse height to 28 metres (m), compared with the approved 15 m. The warehouse is setback from the nearest residences by 170 m but would be clearly visible until the intervening landscape buffer is established. The Department considers the development is consistent with the industrial zoning of the site and has recommended conditions for early planting and incorporation of mature trees into the landscape buffer to minimise these impacts.

The Department's assessment of construction and operational noise has concluded the development would meet relevant noise criteria at the nearest residential receivers to the west. A range of measures would be implemented to ensure noise remains below the criteria and these have been incorporated into the recommended conditions. Some measures are already in place to limit construction noise impacts on the residences to the west, and these would be augmented for construction of the warehouse in Stage 2.

The modification and Stage 2 development would generate larger volumes of traffic during operation than identified in the concept proposal. This is due to the scale of the warehouse and needs of the tenant. The Department's assessment has concluded the road network can adequately accommodate the increased traffic from Stage 2, as well as predicted volumes for the remainder of the OWE.

Large volumes of construction traffic are expected over the 18-month construction period, however volumes would be small initially, ramping up to a peak in November 2020. The Applicant is currently constructing the main site access road, and this would be used for construction traffic once operational in November 2020. In the interim, construction traffic would utilise local roads Bakers Lane, Aldington Road and Abbotts Road to access the site. The Department consulted extensively with Council, TfNSW and the schools in relation to the construction routes over this 8-month period. The Department's assessment concluded Bakers Lane, Aldington Road and Abbotts Road could safely accommodate the construction vehicles provided a range of measures are implemented, most importantly, the continued restriction on using Bakers Lane during school peak periods. The Department has also recommended the Applicant obtain approval from Council for roadworks on Aldington and Abbotts Roads, before using this route.

The Department's assessment has concluded the modification and Stage 2 development would:

- provide a range of benefits for the region and the Stage through a capital investment of \$502 million in the Penrith local government area
- provide 1,500 jobs in western Sydney
- assist in delivering the strategic objectives of the Western Sydney Employment Area, to provide employment generating development in western Sydney

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

Consequently, the Department considers the development is in the public interest and should be approved, subject to conditions.



## 8. Recommendation

For the purpose of section 4.38 of the *Environmental Planning and Assessment Act 1979*, it is recommended the Executive Director, Regions, Industry and Key Sites, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report;
- **determines** that the application SSD 7348 MOD 3 falls within the scope of Section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application;
- **agrees** with the key reasons for approval listed in the notice of decision
- **modifies** the consent SSD 7348
- **grants consent** for the application SSD 10397 for the Stage 2 Development
- **signs** the attached development consent (see **Appendix E**).

**Prepared by**  
Bruce Zhang  
Industry Assessments

Recommended by:

31.03.20

**Deana Burn**  
Specialist Planner  
Industry Assessments

Recommended by:

01.04.20

**Chris Ritchie**  
Director  
Industry Assessments



## 9. *Determination*

The recommendation is: **Adopted by:**

*Sargeant*

3/4/2020

**Anthea Sargeant**

Executive Director

Regions, Industry and Key Sites



# Appendices

## Appendix A List of Documents

The Department has relied upon the following key documents during its assessment of the modification application and SSD application:

- Environmental Impact Statement
- submissions
- Applicant's Response to Submissions
- relevant requirements of the EP&A Act (**Appendix B**)
- relevant environmental planning instruments, policies and guidelines (**Appendix C**)

All above documents can be seen at the Department's website:

<https://www.planningportal.nsw.gov.au/major-projects/project/25921>

## Appendix B Considerations under Section 4.15 of the

Section 4.15 of the EP&A Act requires that the consent authority, when determining a development application, must take into consideration the matters contained in **Table 5**.

**Table 5** | Matters for consideration under section 4.15

Matter	Consideration
a) the provisions of: <ul style="list-style-type: none"> <li>i) any environmental planning instrument, and</li> </ul>	The Department has considered the relevant environmental planning instruments in its assessment of the development.
<ul style="list-style-type: none"> <li>ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</li> </ul>	There are no relevant draft EPIs.
<ul style="list-style-type: none"> <li>iii) any development control plan, and</li> </ul>	Under clause 11 of the SRD SEPP, development control plans do not apply to State significant development.
<ul style="list-style-type: none"> <li>(iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</li> </ul>	A Planning Agreement was executed between the Minister for Planning and Public Spaces and the Applicant on 5 August 2019. On 16 August 2019, a satisfactory arrangements certificate was issued by a delegate of the Planning Secretary. No further planning agreement is required for the stage 2 development.
<ul style="list-style-type: none"> <li>iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,</li> </ul>	The Department has assessed the development in accordance with all relevant matters prescribed by the regulations, the findings of which are contained in this report.
b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department has considered the likely impacts of the development in detail in <b>Section 6</b> of this report. The Department concludes that all environmental impacts can be appropriately managed and mitigated through the recommended conditions of consent.

Matter	Consideration
c) the suitability of the site for the development,	The development is a warehousing and light industry project located on industrial zoned land which is permissible with development consent.
d) any submissions made in accordance with this Act or the regulations,	All matters raised in submissions have been summarised in <b>Section 5</b> of this report and given due consideration as part of the assessment of the development in <b>Section 6</b> of this report.
e) the public interest.	<p>The development would generate up to 700 jobs during construction, 1,500 jobs during operation and direct \$502 million in capital investment in the Penrith local government area .</p> <p>The environmental impacts of the development would be appropriately managed via the recommended conditions. The Department considers to the development is in the public interest.</p>

## Appendix C Consideration of Environmental Planning Instruments

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

The SRD SEPP identifies certain classes of development as SSD. In particular, the construction and operation of a warehouse and distribution centre meets the criteria of clause 12 of Schedule 1 of the SRD SEPP and is consequently classified as State significant development. The development satisfies the criteria in clause 12 of Schedule 1, as it would involve the development of a warehouse and distribution centre with a CIV of \$502 million.

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

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

TfNSW did not object to the development but recommended the Applicant obtain approval from Penrith City Council for works on Aldington Road and Abbots Road to manage construction traffic. The Department has included this requirement in the conditions.

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

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

**Table 6** | WSEA SEPP Assessment

Development Standard	Proposed	Department Comment
<b>CI 18(1) Requirement for development control plans</b> A consent authority must not grant consent to a Development Application unless a development control plan (DCP) has been prepared for that parcel of land.	Development controls have been prepared as part of the approved Concept Proposal, which would be incorporated into the Penrith DCP 2014. Site specific 28 m height control for the new Building 2B is proposed in this modification application and SSD application.	The Department is satisfied with the proposed approach, which is consistent with Oakdale Central and Oakdale South. Council did not raise any objection in this regard.

Development Standard	Proposed	Department Comment
<p><b>CI 20 Ecologically Sustainable Development</b></p> <p>The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that the development contains measures designed to minimise:</p> <p>(a) the consumption of potable water, and</p> <p>(b) greenhouse gas emissions.</p>	<p>The development incorporates a range of sustainability measures designed to reduce energy and resource use during operation.</p>	<p>The Department's assessment concludes the development has considered the ESD principles in building design to minimise the consumption of potable water and greenhouse gas emissions.</p>
<p><b>CI. 21 Height of buildings</b></p> <p>The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that:</p> <p>(a) building heights will not adversely impact on the amenity of adjacent residential areas, and</p> <p>(b) site topography has been taken into consideration.</p>	<p>The modification seeks consent to permit Building 2B to have a maximum height limit of 28 m. The height is required to facilitate the future tenant's automated operation.</p> <p>The Applicant submitted a VIA to support the height variation. The VIA concluded with mitigation measures in place, the development would not have adverse impacts on the amenity of adjacent residential properties.</p>	<p>The Department considers the building height variation will not have adverse impacts on amenity of adjacent residential areas.</p> <p>The Applicant will construct a landscaped bund along the western boundary to mitigate any impacts of the development on residential areas to the west. Refer to Section 6.2 for detailed urban design and visual impact assessments.</p>
<p><b>CI. 22 Rainwater harvesting</b></p> <p>The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that adequate arrangements will be made to connect the roof areas of buildings to such rainwater harvesting scheme (if any) as may be approved by the Director-General.</p>	<p>The Applicant advised in the submitted Civil Report that the Stage 2 development includes rainwater harvesting tanks to collect and reuse rooftop rainwater runoff which will provide 80% of all non-potable water for the Stage 2 development.</p>	<p>The Stage 2 development is facilitated with rainwater harvesting measures. Detailed rainwater design would be finalised prior to construction of the Stage 2 building.</p>

Development Standard	Proposed	Department Comment
<p><b>Cl. 23 Development adjoining residential land</b></p> <p>(1) This clause applies to any land to which this Policy applies that is within 250 metres of land zoned primarily for residential purposes.</p>	<p>Rural residential uses occur to the south and west of the site.</p>	<p>The site is located adjacent to land zoned RU2 Rural Landscape. The objectives of the RU2 zone indicate the zone is not primarily for residential purposes.</p> <p>Notwithstanding, as there are existing residences near the site, the Department has considered clause 23 of the WSEA SEPP in its assessment of the development.</p>
<p>(2) The consent authority must not grant consent to development on land to which this clause applies unless it is satisfied that:</p>		
<p>(a) wherever appropriate, proposed buildings are compatible with the height, scale, siting and character of existing residential buildings in the vicinity, and</p>	<p>The Applicant submitted a VIA assessing the potential visual impacts of the development.</p> <p>The Applicant will construct a 40 m wide landscape setback along the western boundary to mitigate the potential visual impacts.</p>	<p>Visual impact has been assessed in detail in <b>Section 6.2</b> of this report.</p> <p>The Department's assessment concludes the development would not cause significant visual impacts. Any potential visual impacts could be adequately managed through mitigation measures.</p>
<p>(b) goods, plant, equipment and other material resulting from the development are to be stored within a building or will be suitably screened from view from residential buildings and associated land, and</p>	<p>Goods, plant and equipment would be stored inside at all times or suitably screened to avoid potential visual impacts in compliance with these requirements.</p>	<p>The Department considers the Stage 2 warehouse building would adequately screen rooftop plant and machinery. Other goods, plant and equipment would be stored within the building to minimise visual impacts on nearby receivers.</p>
<p>(c) the elevation of any building facing, or significantly exposed to view from, land on which a dwelling house is situated has been designed</p>	<p>The proposed development would not be significantly exposed to view from existing dwellings but would be visible in certain locations.</p>	<p>The Department has assessed the development's impacts on visual amenity of nearby receivers. The Department considers that with the 40 m</p>

Development Standard	Proposed	Department Comment
to present an attractive appearance, and		wide landscaped buffer the visual impacts would be minimised to the extent possible.
(d) noise generation from fixed sources or motor vehicles associated with the development will be effectively insulated or otherwise minimised, and	A Noise Impact Assessment has been completed as part of this EIS. The noise assessment concludes that noise impacts on surrounding lands can be effectively maintained at acceptable levels with the mitigation measures proposed.	The Department has assessed the development's noise impacts in Section 6.4 of this report and concluded that with mitigation measures, operation of the Stage 2 development would not have significant impacts on the acoustic amenity of nearby receivers. The Applicant consulted with Emmaus Retirement Village prior to the lodgement of the Stage 2 development regarding construction noise impacts. The Applicant would implement a series of noise attenuation measures such as use of noise curtain along the western boundary to mitigate any potential construction noise.
(e) the development will not otherwise cause nuisance to residents, by way of hours of operation, traffic movement, parking, headlight glare, security lighting or the like, and	The development has been designed to be sympathetic to surrounding residential properties.	The Department's assessment of noise, traffic and visual impacts is provided in <b>Section 6</b> .  The Department's assessment concludes impacts of the development could be managed and has recommended conditions to protect the amenity of nearby residential receivers.
(f) the development will provide adequate off-street parking, relative to the demand for	The proposal makes provision for parking as outlined in the TfNSW Guidelines. Section	The Department notes the proposed parking rates are consistent with the TfNSW

Development Standard	Proposed	Department Comment
parking likely to be generated, and	5.11.2 of the TfNSW Guide requires parking for warehouse developments be provided at the rate of 1 space per 300 m <sup>2</sup> of GFA and 1 space per 40 m <sup>2</sup> of GFA for office use.	Guide and condition B13 of the SSD 7348 development consent.
(g) the site of the proposed development will be suitably landscaped, particularly between any building and the street alignment.	Landscape and visual analysis in respect of the proposal has informed the design of the landscape treatment and confirms that the proposed landscaping response is appropriate to preserve the amenity of surrounding residential areas.	The Applicant refined the landscaping design in the RtS to address Council's comments. The Department considers landscaping in the employee and visitor car parks has adequately responded to Council's submission. The proposed landscaping would soften the built form when viewed from Estate Road 3 and provide shading for staff and visitors.
<p><b>CI.24 Development involving subdivision</b></p> <p>The consent authority must not grant consent to the carrying out of development involving the subdivision of land unless it has considered the following:</p> <p>(a) the implications of the fragmentation of large lots of land,</p> <p>(b) whether the subdivision will affect the supply of land for employment purposes,</p> <p>(c) whether the subdivision will preclude other lots of land to which this Policy applies from having reasonable access to roads and services.</p>	<p>MOD 3 seeks approval to revise the Lot Layout plan approved by SSD 7348.</p> <p>Subdivision staging would be aligned with infrastructure and services delivery and would not result in land fragmentation or isolation. The subdivision proposed in the Stage 2 DA is for Estate Road 3 and Precinct 2 only which is consistent with the amended Concept Proposal.</p>	<p>The Department has assessed the proposed subdivision and notes the subdivision pattern is consistent with the proposed Staging Plan and will ensure an orderly development of the OWE without creating fragmentation of large lots or impeding development potential of other lots across the Estate. Adequate local and regional networks are proposed to serve each proposed lot.</p>

Development Standard	Proposed	Department Comment
<p><b>CI.25 Public utility infrastructure</b></p> <p>The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.</p>	<p>Public utility infrastructure to service the Stage 2 Development is being delivered as part of the proposed modification to the Concept Proposal and the Stage 1 development approved in SSD 7348.</p>	<p>The Department notes services and utilities will be installed to serve the OWE as part of the Stage 1 development. The Department referred the Stage 2 development to Essential Energy who provided comments about the proposed two pad-mounted substations.</p>
<p><b>CI.26 Development on or in the vicinity of proposed transport infrastructure routes</b></p> <p>The consent authority must consider any comments made by the Director-General as to the compatibility of the development with the proposed transport infrastructure route.</p>	<p>The proposal would integrate and be compatible with surrounding planned transport infrastructure routes. The internal estate roads link to the proposed WNSLR which will provide direct access to the OWE from Lenore Drive, Erskine Park. Lenore Drive link to the M7 and M4 Motorways which are key regional roads.</p>	<p>The Department notes the WNSLR will be constructed as part of the Stage 1 development prior to operation of the Stage 2 warehouse. Operational traffic would be adequately accommodated on the WNSLR as it is designed to accommodate traffic from the fully developed OWE and the Fitzpatrick development to the north of Water NSW pipelines.</p>
<p><b>CI.29 Industrial release area</b></p> <p>Assistance to the State authorities for the provision of regional transport infrastructure and services is required.</p> <p>The consent authority must not grant consent unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of regional</p>	<p>The Applicant has entered into a Planning Agreement with the Minister for constructing the WNSLR, executed on 5 August 2019.</p>	<p>On 16 August 2019, the Acting Deputy Secretary, Place and Infrastructure Greater Sydney, as delegate of the Planning Secretary issued a satisfactory arrangements certificate in accordance with Clause 29 of the WSEA SEPP, which covers the whole site.</p>

Development Standard	Proposed	Department Comment
transport infrastructure and services.		
<p><b>CI.31 Design Principles</b></p> <p>The consent authority must take into consideration whether or not:</p> <p>(a) the development is of a high-quality design, and</p> <p>(b) a variety of materials and external finishes for the external façades are incorporated, and</p> <p>(c) high quality landscaping is provided, and</p> <p>(d) the scale and character of the development is compatible with other employment-generating development in the precinct concerned.</p>	<p>The Applicant submitted a VIA assessing the potential visual impacts of the development.</p> <p>In the RtS, the Applicant refined the building design to address Council concerns around landscaping and façade design.</p> <p>The Applicant has further stated that considerations in the design process included bulk, scale, landscaping, public domain, materials, finishes and local character.</p>	<p>The Department has assessed urban design, landscaping and visual impacts on <b>Section 6.2</b> of this report.</p> <p>The Department is generally satisfied with the design of the development.</p>

**State Environmental Planning Policy 33 – Hazardous and Offensive Development (SEPP 33)**

SEPP 33 outlines the items that a consent authority must consider assessing whether a development is hazardous or offensive. The Applicant reviewed the development in accordance with SEPP 33 and advised that the proposed development would not potentially hazardous or offensive. The Department’s hazard specialist reviewed the EIS and recommended relevant conditions regarding storing and handling dangerous goods during operation of Stage 2 development.

**State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)**

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. Contamination matters were assessed as part of the original OWE, concluding the site is suitable for commercial/industrial land use.

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

SEPP 64 aims to ensure that outdoor signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, and is of high-quality design and finish. The Department’s assessment of the development against relevant SEPP 64 criteria is contained in **Table 7**.

**Table 7 | SEPP 64 Assessment**

Assessment Criteria	Comments	Compliance
<b>1 Character of the area</b>		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is compatible with the future character of the site dominated by warehouse and distribution centre uses.	Y
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage would be generally consistent with other industrial signage in the locality and with the Applicant's standard logo erected in the Oakdale South and Oakdale Central Estates.	Y
<b>2 Special areas</b>		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscape or residential areas?	The proposed signs are for business identification and wayfinding purposes with consistent theme and presentation with other industrial developments in the surrounding areas. The proposed signs would not detract from the amenity or visual quality of any listed areas.	Y
<b>3 Views and Vistas</b>		
Does the proposal obscure or compromise important views?	The proposed signs would not obscure or compromise important views.	Y
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signs include pylon signs and wall-mounted signs. The maximum height of the pylon would be 3.5 m. As such, the proposed signs would not dominate the skyline and reduce the quality of vistas.	Y
Does the proposal respect the viewing rights of other advertisers?	The proposed wayfinding signs would serve the overall OWE and the proposed business identification signs would exclusively serve the future tenant. Therefore, the proposed signs would not impede the viewing rights of other advertisers.	Y
<b>4 Streetscape, setting or landscape</b>		

Assessment Criteria	Comments	Compliance
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed scale and design of the signage is appropriate for the streetscape and warehouse and distribution facilities setting in the broader WSEA.	Y
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signs would not impede the visual interest of the streetscape, setting or landscape. The standard Goodman branding and presentation would enhance the industrial setting of the locality.	Y
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	N/A	N/A
Does the proposal screen unsightliness?	N/A	N/A
Does the proposal protrude above building, structures or tree canopies in the area or locality?	The proposed business identification signage would be mounted on the building façade and would not protrude above building, structure or tree canopies.	Y

### **Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2) 1997 (SREP 20)**

SREP 20 aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. The Department's assessment has concluded the proposal does not compromise the aims and objectives of SREP 20.

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

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

### **Penrith Development Control Plan 2014 (PDCP 2014)**

The PDCP 2014 includes specific development controls for land in the Penrith LGA which has been zoned under the PLEP 2010. The Department has assessed the relevant impacts of the development including urban design and visual impacts, transport, access and parking, noise and vibration, and stormwater management impacts. The Department's assessment concludes the development is generally consistent with the PDCP 2014 requirements.

## Appendix D Consistency with Concept Proposal

The Department's assessment of the Stage 2 development against the Concept Proposal in SSD 7348 as modified is provided in **Table 8** below.

**Table 8** | Compliance with relevant conditions requirements of SSD 7348

Conditions Requirements	Department Comment re the Stage 2 Development								
<p><b>B9, Schedule B</b></p> <p>The following limits apply to the Concept Proposal:</p> <p>(a) the maximum GLA for the land uses in the Development shall not exceed the limits in Table 1;</p> <p>(b) a minimum 60 m wide corridor along the northern Site boundary shall not be developed and shall be maintained and preserved for the future WSFL corridor, in accordance with the requirements of TfNSW, and</p> <p>(c) the building layouts and footprints shown on Lot 2E, 2F, 2G, 2H, 2J and 4A on Figure1 in Appendix 1, are not approved. The position, layouts and footprints of the buildings on these lots must be assessed by separate DAs and must satisfy the interface requirements of Conditions C3 and C4.</p> <p><b>Table 1: GLA Maximum for Concept Proposal</b></p> <table border="1" data-bbox="204 1099 858 1290"> <thead> <tr> <th>Land Use</th> <th>Maximum GLA (m<sup>2</sup>)</th> </tr> </thead> <tbody> <tr> <td>Total Warehousing</td> <td>453,000</td> </tr> <tr> <td>Total Office</td> <td>23,000</td> </tr> <tr> <td>Total GLA</td> <td>476,000</td> </tr> </tbody> </table>	Land Use	Maximum GLA (m <sup>2</sup> )	Total Warehousing	453,000	Total Office	23,000	Total GLA	476,000	<p>Total GLA: 556,796 m<sup>2</sup></p>
Land Use	Maximum GLA (m <sup>2</sup> )								
Total Warehousing	453,000								
Total Office	23,000								
Total GLA	476,000								
<p><b>B10, Schedule B</b></p> <p>The Applicant shall ensure the Concept Proposal is consistent with the development controls:</p> <p>Southern Link Road minimum setback: 20 m</p> <p>Western North-South Link Road minimum setback: 20 m</p> <p>Local estate roads minimum setback: 7.5 m</p> <p>Southern site boundary minimum setback: 20 m (excluding parking areas)</p> <p>Rear boundary setbacks within the estate: 5 m</p> <p>Side boundary setbacks within the estate: 0 m, subject to compliance with fire rating requirements</p> <p>Height: 15 m</p> <p>Minimum lot size: 5,000 m<sup>2</sup></p>	<p>&gt;20 m</p> <p>N/A</p> <p>Estate Road 3 setback: 100.8 m Estate Road 1 setback: 72.3 m</p> <p>N/A</p> <p>72.3 m</p> <p>Northern boundary setback: 40.6 m Southern boundary setback: 62.5 m</p> <p>25.955 m (to top of the ridge)</p> <p>14.92 ha</p>								

Conditions Requirements	Department Comment re the Stage 2 Development																														
Minimum frontage: 40 m (excluding cul-de-sacs) 35 m minimum lot width at the building line	305.49 m Estate Road 3 frontage at the building line																														
Site coverage: Maximum 65% (excluding awnings)	34.2%																														
<b>Condition B13, Schedule B</b> The Applicant shall ensure the Concept Proposal provides car parking in accordance with the following rates: (a) 1 space per 300 m <sup>2</sup> of warehouse GFA; (b) 1 space per 40 m <sup>2</sup> of office GFA; and (c) 2 spaces for disability parking for every 100 car parking spaces. Stage 2 development requirements: 782 spaces (including 23 accessible spaces)	1,466 spaces (including 34 accessible spaces)																														
<b>Condition B18, Schedule B</b> The Applicant shall ensure the Development does not exceed the noise limits in Table 3 at the receiver locations N1, N2, N3, N4 and N5 shown on the plan in Appendix 5. <i>Table 3: Noise Limits dB(A)</i> <table border="1" data-bbox="204 1070 863 1402"> <thead> <tr> <th>Location</th> <th>Day</th> <th>Evening</th> <th colspan="2">Night</th> </tr> </thead> <tbody> <tr> <td></td> <td>L<sub>Aeq</sub> (15 minute)</td> <td>L<sub>Aeq</sub> (15 minute)</td> <td>L<sub>Aeq</sub> (15 minute)</td> <td>L<sub>A1</sub> (1 minute)</td> </tr> <tr> <td>N1</td> <td>44</td> <td>43</td> <td>41</td> <td>51</td> </tr> <tr> <td>N3</td> <td>39</td> <td>39</td> <td>37</td> <td>47</td> </tr> <tr> <td>N4 &amp; N5</td> <td>39</td> <td>39</td> <td>37</td> <td>47</td> </tr> <tr> <td>N2</td> <td colspan="4">When in use: 35 (internal)</td> </tr> </tbody> </table> <p><i>Note: Noise generated by the Development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the Noise Policy for Industry (EPA 2017).</i></p>	Location	Day	Evening	Night			L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>A1</sub> (1 minute)	N1	44	43	41	51	N3	39	39	37	47	N4 & N5	39	39	37	47	N2	When in use: 35 (internal)				The modification and Stage 2 development would require changes to the night-time limit. The Department has assessed the noise impact in detail and concluded the potential impacts would be adequately mitigated.
Location	Day	Evening	Night																												
	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>A1</sub> (1 minute)																											
N1	44	43	41	51																											
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N4 & N5	39	39	37	47																											
N2	When in use: 35 (internal)																														
<b>Condition C1, Schedule C</b> Future DAs shall identify whether any Development Contributions Plan made by Council (under Section 7.11 of the EP&A Act) applies to that stage of the Concept Proposal (excluding Stage 1).	Penrith City Council does not have specific Development Contribution Plan that applies to the OWE site.																														
<b>Condition C2, Schedule C</b> Prior to the issue of a Construction Certificate for any stage of the Development, the Applicant shall pay contributions to	Noted																														

Conditions Requirements	Department Comment re the Stage 2 Development
Council in accordance with the relevant Development Contributions Plan identified in accordance with Condition C1.	
<p><b>Condition C3, Schedule C</b></p> <p>Future DAs for warehouses on lots 2E, 2F, 2G, 2H, 2J and 4A shall be accompanied by an Urban Design Assessment. The assessment must:</p> <ul style="list-style-type: none"> <li>(a) be prepared by an independent urban design consultant;</li> <li>(b) be prepared in consultation with Council and the Emmaus Catholic College;</li> <li>(c) detail the key objectives for the interface with the sensitive receivers on the western and southern Site boundaries, including consideration of optimal uses and operational hours;</li> <li>(d) determine the optimal building location and setbacks on the western and southern boundaries, noting the design controls in Condition B10 are the minimum setback requirements;</li> <li>(e) present the optimal design for the building layouts along the western and southern site boundaries with detailed justification for the preferred option;</li> <li>(f) identify appropriate orientations and architectural treatments for the facades facing sensitive receivers; and</li> <li>(g) incorporate noise mitigation into the layout and design of buildings, internal roads, loading docks and parking areas to ensure the Development can meet the noise limits in Condition B18.</li> </ul>	N/A
<p><b>Condition C4, Schedule C</b></p> <p>Prior to the commencement of construction of warehouses or office buildings on lots 2E, 2F, 2G, 2H, 2J and 4A, the Applicant must obtain approval from the Consent Authority for the preferred design option, including uses, building and loading dock layouts, setbacks, façade treatments and colours.</p>	N/A
<p><b>Condition C5, Schedule C</b></p> <p>Future DAs shall be accompanied by a Landscape Assessment. The assessment must:</p> <ul style="list-style-type: none"> <li>(a) be prepared by a qualified landscape design consultant;</li> <li>(b) be prepared in consultation with Council;</li> </ul>	Scape Design prepared a Landscape Plan with a Landscape Assessment. The Landscape Assessment stated the Stage 2 development would encompass substantial planting of over 500

Conditions Requirements	Department Comment re the Stage 2 Development
<p>(c) describe how the landscaping for the relevant Stage of the Development is consistent with the Staging Plan approved in accordance with Condition B15;</p> <p>(d) describes the landscaping works to be completed as part of the relevant Stage of the Development and details a program for monitoring the success of landscaping works overtime;</p> <p>(e) assesses the condition of and adequacy of landscaping completed as part of earlier Stages of the Development, in providing visual screening for adjacent sensitive receivers; and</p> <p>(f) details any additional landscaping or rehabilitation works required to ensure the visual impacts of the Development are minimised for the adjacent sensitive receivers.</p>	<p>plants to further ensure the large expanses of built form, parking and utility spaces would be visually screened by vegetation. Prior to the construction of the Stage 2 development, the vegetated bund along the western boundary would be completed to maximise the growth period and to mitigate visual impacts to the sensitive receivers to the west.</p>
<p><b>Condition C6, Schedule C</b></p> <p>Future DAs must ensure compliance with AS/NZS 1158.3.1:2005 Pedestrian Area (Category P) Lighting and AS/NZS 4282:2019 Control of Obtrusive Effects of Outdoor Lighting.</p>	<p>The development would comply with relevant Australian Standards requirements.</p>
<p><b>Condition C7, Schedule C</b></p> <p>Future DAs must ensure illuminated signage is oriented away from the sensitive receivers on the western and southern Site boundaries.</p>	<p>Two illuminated tenant signs are oriented towards the west. However, with the landscaped bund along the western boundary and the distance between Building 2B and residential areas to the west, these signs would not cause any significant detrimental impacts on the visual amenity of existing residents.</p>
<p><b>Condition C8, Schedule C</b></p> <p>The visible light reflectivity from materials used on the façades and roofs of the warehouses and office buildings shall be designed to minimise glare. A report demonstrating compliance with these requirements must be submitted to the satisfaction of the Certifying Authority for each future warehouse and office building prior to the issue of the relevant Construction Certificate.</p>	<p>Noted</p>

Conditions Requirements	Department Comment re the Stage 2 Development
<p><b>Condition C9, Schedule C</b></p> <p>Future DAs shall be accompanied by a transport, access and parking assessment. The assessment must:</p> <ul style="list-style-type: none"> <li>(a) assess the impacts on the safety and capacity of the surrounding road network and access points during construction and operation of the relevant Stage;</li> <li>(b) demonstrate internal roads and car parking complies with relevant Australian Standards and the car parking rates in Condition B13;</li> <li>(c) detail the scope and timing of any required road upgrades to service the relevant Stage; and</li> <li>(d) detail measures to promote non-car travel modes, including a Sustainable Travel Plan identifying pedestrian and cyclist facilities to service the relevant Stage of the Development.</li> </ul>	<p>Ason Group prepared a Traffic Impact Assessment in the EIS complying with this condition.</p>
<p><b>Condition C10, Schedule C</b></p> <p>Future DAs shall be accompanied by a noise and vibration impact assessment. The assessment must:</p> <ul style="list-style-type: none"> <li>(a) identify the noise and vibration impacts during construction and operation;</li> <li>(b) demonstrate compliance with the noise limits in Condition B18;</li> <li>(c) provide an analysis of all external plant and equipment, including but not limited to, forklifts, air conditioners and refrigeration systems;</li> <li>(d) incorporate noise mitigation measures, such as increased building setbacks, building insulation, noise barriers, layout of truck loading areas or source controls, to demonstrate the noise limits in Condition B18 can be achieved;</li> <li>(e) detail the timing to construct the noise walls shown in Appendix 5, to ensure noise from operation of the Development does not exceed the noise limits in Condition B18; and</li> <li>(f) recommend mitigation and management measures to be implemented to minimise noise during construction.</li> </ul>	<p>Wilkinson Murray prepared a Noise and Vibration Assessment in the EIS addressing Condition C10 requirements.</p>
<p><b>Condition C11, Schedule C</b></p> <p>Future DAs shall demonstrate the design of the warehouses, offices and hardstand areas are consistent with (or the latest revision of) the:</p>	<p>AT&amp;L prepared Civil Reports for Lot 2B and the amended Concept Proposal in accordance with Condition C11.</p>

Conditions Requirements	Department Comment re the Stage 2 Development
<p>(a) Civil, Stormwater and Infrastructure Services Report, prepared by At&amp;L, dated October 2018; and</p> <p>(b) Flood Impact Assessment: Oakdale West Estate, prepared by Cardno, dated 27 March 2017.</p>	
<p><b>Condition C12, Schedule C</b></p> <p>The Applicant shall ensure future DAs comply with:</p> <p>(a) the relevant provisions of Planning for Bushfire Protection 2006;</p> <p>(b) the construction standards and asset protection zone requirements recommended in the Oakdale Industrial Estate - West Bushfire Protection Assessment, prepared by Australian Bushfire Protection Planners Pty Ltd, dated September 2016; and</p> <p>(c) AS2419.1 – 2005 Fire Hydrant Installations for firefighting water supply.</p>	<p>Australian Bushfire Protection Planners prepared an updated Bushfire Protection Assessment in the EIS which demonstrates the Stage 2 development would comply with Condition C12 requirements.</p>
<p><b>Condition C13, Schedule C</b></p> <p>The Applicant must consult with TransGrid, prior to lodging DAs for Stages 4 and 5 of the Development as shown on Figure 2 in Appendix 1, and any other Stage or road infrastructure that may affect the TransGrid easement. The Applicant must design, construct and operate each Stage of the development in accordance with the reasonable requirements of TransGrid relating to their use of the TransGrid easement.</p>	<p>N/A</p>
<p><b>Condition C14, Schedule C</b></p> <p>The Applicant must consult with TransGrid, prior to lodging DAs for buildings in Stage 5 adjacent to Ropes Creek, to identify and implement any required flood management measures within the transmission line easement.</p>	<p>N/A</p>
<p><b>Condition C15, Schedule C</b></p> <p>The Applicant must obtain relevant approvals from Endeavour Energy, prior to the construction of any utility works to service each Stage of the Development.</p>	<p>Prior to the lodgement of MOD 3 and SSD 10397, the Applicant met with Endeavour Energy on 13 November 2019. The Applicant would obtain relevant approvals prior to commencement of construction of the Stage 2 development.</p>
<p><b>Condition C16, Schedule C</b></p>	<p>Noted</p>

Conditions Requirements	Department Comment re the Stage 2 Development
<p>The Applicant must consult with Water NSW, prior to lodging DAs for works on Lot 2A and 2B adjoining the Water NSW pipelines corridor, to identify and implement any requirements of Water NSW for protection of the pipelines.</p>	
<p><b>Condition C17, Schedule C</b>            Future DAs shall include a Waste Management Plan prepared in accordance with the NSW Waste Classification Guidelines (DECCW, 2009).</p>	<p>SLR Consulting prepared a Waste Management Plan in the EIS in accordance with Condition C17.</p>
<p><b>Condition C18, Schedule C</b>            A Construction Environmental Management Plan (CEMP) shall be submitted to the Consent Authority for each stage of the Concept Proposal prior to the commencement of construction of the relevant stage. The CEMP must:</p> <ul style="list-style-type: none"> <li>(a) be prepared by a suitably qualified and experienced environmental consultant, or the Environmental Representative appointed for Stage 1 of the Development;</li> <li>(b) be prepared in consultation with relevant Government agencies, infrastructure and utility providers, including but not limited to, TransGrid, Endeavour Energy, Water NSW and TfNSW, where relevant for each stage;</li> <li>(c) detail the construction activities to be undertaken in the relevant Stage of the Development;</li> <li>(d) include detailed procedures for managing the environmental impacts of construction, including stormwater, erosion and sediment controls, dust, noise and traffic management; and</li> <li>(e) detail the roles and responsibilities for environmental management on the Site.</li> </ul>	<p>Noted</p>
<p><b>Conditions C19 and C20, Schedule C</b>            Community Communication Strategy</p>	<p>Noted</p>

## Appendix E Recommended Conditions of Consent

The recommended conditions of consent for SSD 7348 MOD 3 and SSD 10397 can be found on the Department's website at: <https://www.planningportal.nsw.gov.au/major-projects/project/26046> and <https://www.planningportal.nsw.gov.au/major-projects/project/25921>