



# Oakdale West Estate Stage 5

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State Significant Development Assessment  
SSD 22191322

October 2021



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# Glossary

Abbreviation	Definition
<b>CIV</b>	Capital Investment Value
<b>Council</b>	Penrith City Council
<b>Department</b>	Department of Planning, Industry and Environment
<b>EESG</b>	Environment, Energy and Science Group
<b>EIS</b>	Environmental Impact Statement
<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>	Environment Protection and Biodiversity Conservation Act 1999
<b>EPI</b>	Environmental Planning Instrument
<b>ESD</b>	Ecologically Sustainable Development
<b>FRNSW</b>	Fire and Rescue NSW
<b>LEP</b>	Local Environmental Plan
<b>Minister</b>	Minister for Planning and Public Spaces
<b>NRAR</b>	Natural Resources Access Regulator, DPIE
<b>OWE</b>	Oakdale West Estate approved under SSD-7348
<b>RMS</b>	Roads and Maritime Services, TfNSW
<b>RTS</b>	Response to Submissions
<b>SEARs</b>	Planning Secretary's Environmental Assessment Requirements
<b>Planning Secretary</b>	Secretary of the Department of Planning, Industry and Environment
<b>SEPP</b>	State Environmental Planning Policy
<b>SLR</b>	Southern Link Road
<b>SRD SEPP</b>	State Environmental Planning Policy (State and Regional Development) 2011
<b>SSD</b>	State Significant Development
<b>TfNSW</b>	Transport for NSW

<b>WNSLR</b>	West-North-South Link Road, now known as Compass Drive
<b>WSEA</b>	Western Sydney Employment Area
<b>WSEA SEPP</b>	State Environmental Planning Policy (Western Sydney Employment Area) 2009

# Executive Summary

## Introduction

Goodman Property Services (Aust) Pty Ltd (the Applicant) proposes to develop Stage 5 of the approved Oakdale West Estate (OWE) in the Western Sydney Employment Area (WSEA). The development includes construction and operation of a warehouse (Building 4E) in the OWE at Kemps Creek in the Penrith local government area (LGA).

This report details the Department of Planning, Industry and Environment's (the Department) assessment of the State significant development application (SSD 22191322) for the OWE Stage 5.

The Concept Plan for the OWE was approved by a delegate of the Minister for Planning and Public Spaces on 13 September 2019 (SSD-7348). Construction commenced in late 2019 including bulk earthworks across the whole estate and construction of the key access road Compass Drive. Warehouse buildings are currently under construction in Stages 1, 2 and 3. The Concept Plan for the OWE has been modified eight times to include changes to development stages, warehouse layouts and sizes.

## The Development

The Applicant proposes to develop Stage 5 of the OWE which includes construction, fit-out and operation of one warehouse. The warehouse (Building 4E) comprises a 13.7 metre high, 34,000 square metre warehouse that would be used for the storage and distribution of liquor. The proposed development (the development) includes loading docks, awnings, truck circulation areas, office space, parking, subdivision and landscaping. The Applicant proposes to operate the facility 24 hours, 7 days a week. The development has a CIV of \$39 million and would generate 140 operational jobs and 150 construction jobs.

## Statutory Context

The development is State significant development (SSD) pursuant to Section 4.36 of the *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act) for the purpose of a warehouse and distribution centre that has a CIV of more than \$30 million, which meets the criteria in clause 12 of Schedule 1 in State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

## Engagement

The Department exhibited the EIS for the development from 10 August 2021 until 6 September 2021 and received advice from six government agencies and submissions from two special interest groups. No submissions were received from the public and there were no objections to the development.

Government agencies, including the Department, requested further information on noise, traffic and landscaping. The Applicant submitted a Response to Submissions (RTS) report on 28 September 2021 providing an updated noise assessment, clarifications on the transport assessment and updated landscape plans.

## Assessment

The Department's assessment of the application has fully considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development. The Department has identified the key issues for assessment are noise and traffic. Other matters were also assessed including urban design and visual, bushfire, biodiversity and hazards.

## Noise

The Concept Plan for the OWE includes noise limits for nearby residential receivers to the west and south of the site. Each development within the OWE must comply with these noise limits. The Applicant prepared a noise impact assessment considering the operation of Building 4E and cumulative noise from the fully developed estate. The assessment confirmed the cumulative noise levels would be below the limits at all receivers during the day, evening and night-time periods. The development consent for the OWE requires the Applicant to conduct noise verification monitoring once warehouses are operational, and these conditions would cover the operation of Building 4E. The Department's assessment concludes the development would result in negligible noise impacts. The Department has recommended noise limits for the development, consistent with the limits in the OWE development consent.

## Traffic

The Concept Plan for the OWE predicted the fully developed estate would generate up to 10,000 vehicles per day. The OWE has been modified to accommodate changes to warehouses, which has resulted in a slight increase in traffic volumes, with the estate estimated to generate 11,394 vehicles per day. The Applicant provided a transport assessment for the development, using traffic volume data provided by the tenant for Building 4E. The actual traffic volumes from Building 4E would be slightly lower than the original predictions (528 compared to 673 vehicles per day) and would result in a total of 11,294 vehicles per day from the OWE. The transport assessment concluded these volumes would be safely and adequately accommodated on the road network without the need for any upgrades.

The Department considered the transport assessment in consultation with Transport for NSW (TfNSW). TfNSW requested further modelling at a higher trip generation rate, to reflect recent updated rates for the WSEA. The Applicant confirmed most of the estate had been modelled using actual traffic data from known tenants, providing a more accurate assessment than applying a standard rate. The Department also notes the Concept Plan for the OWE was approved in 2019, using the rate that was applicable at the time. The transport assessment has also shown that the development would slightly decrease traffic volumes from the approved OWE. On this basis, the Department concluded that revised modelling was not required, and the traffic impacts of the development were shown to be consistent with the approved envelope of impacts for the OWE. The Department has recommended conditions for operational traffic management, parking and sustainable travel planning.

## Conclusion

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

The development is consistent with the approved Concept Plan for the OWE and would provide high employment uses on industrial land in the WSEA. The development would invest \$39 million in the Penrith LGA and create 140 operational jobs.

Consequently, the Department considers the development is in the public interest and is recommended for approval, subject to conditions.

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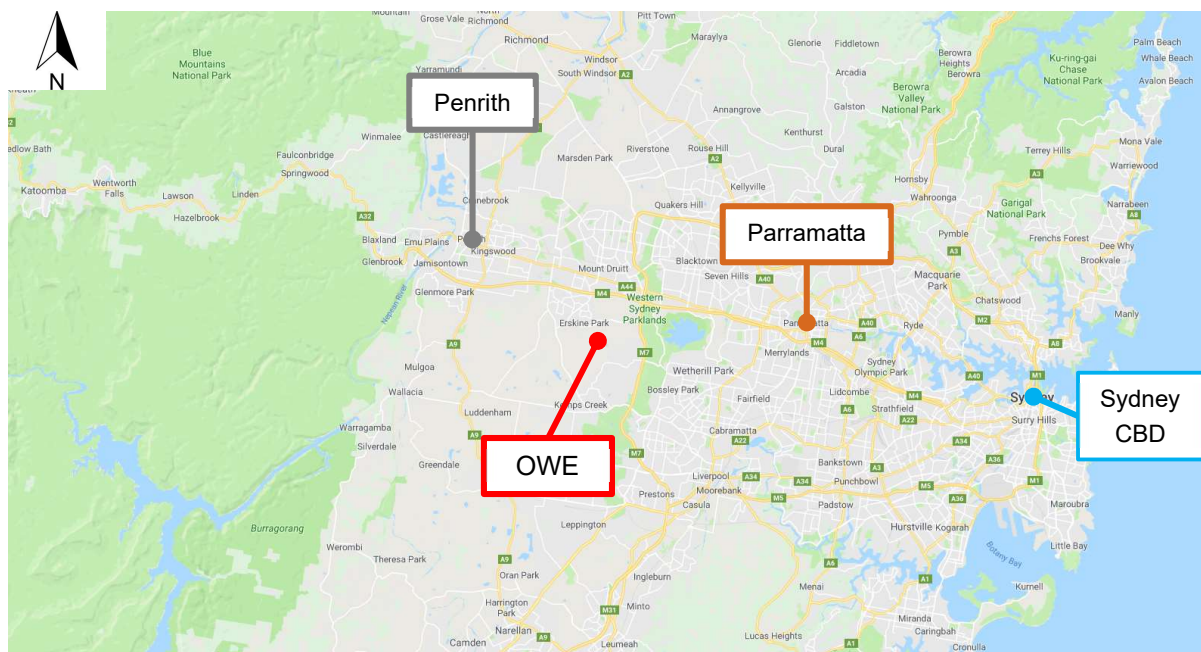
# 1 Introduction

## 1.1 The Department's Assessment

This report details the Department of Planning, Industry and Environment's (the Department) assessment of the State significant development application (SSD-22191322) for Stage 5 of the Oakdale West Estate (OWE) at Kemps Creek in the Penrith local government area (LGA), see **Figure 1**.

The Department's assessment considers all documentation submitted by Goodman Property Services (Aust) Pty Ltd (the Applicant), including the Environmental Impact Statement (EIS) and Response to Submissions (RTS), advice received from government agencies and submissions from special interest groups. The Department's assessment also considers the legislation, policy and planning instruments relevant to the site and the development.

This report evaluates the key issues associated with the development and provides recommendations for managing any impacts during construction and operation.



**Figure 1 | Regional Context**

## 1.2 Development Background

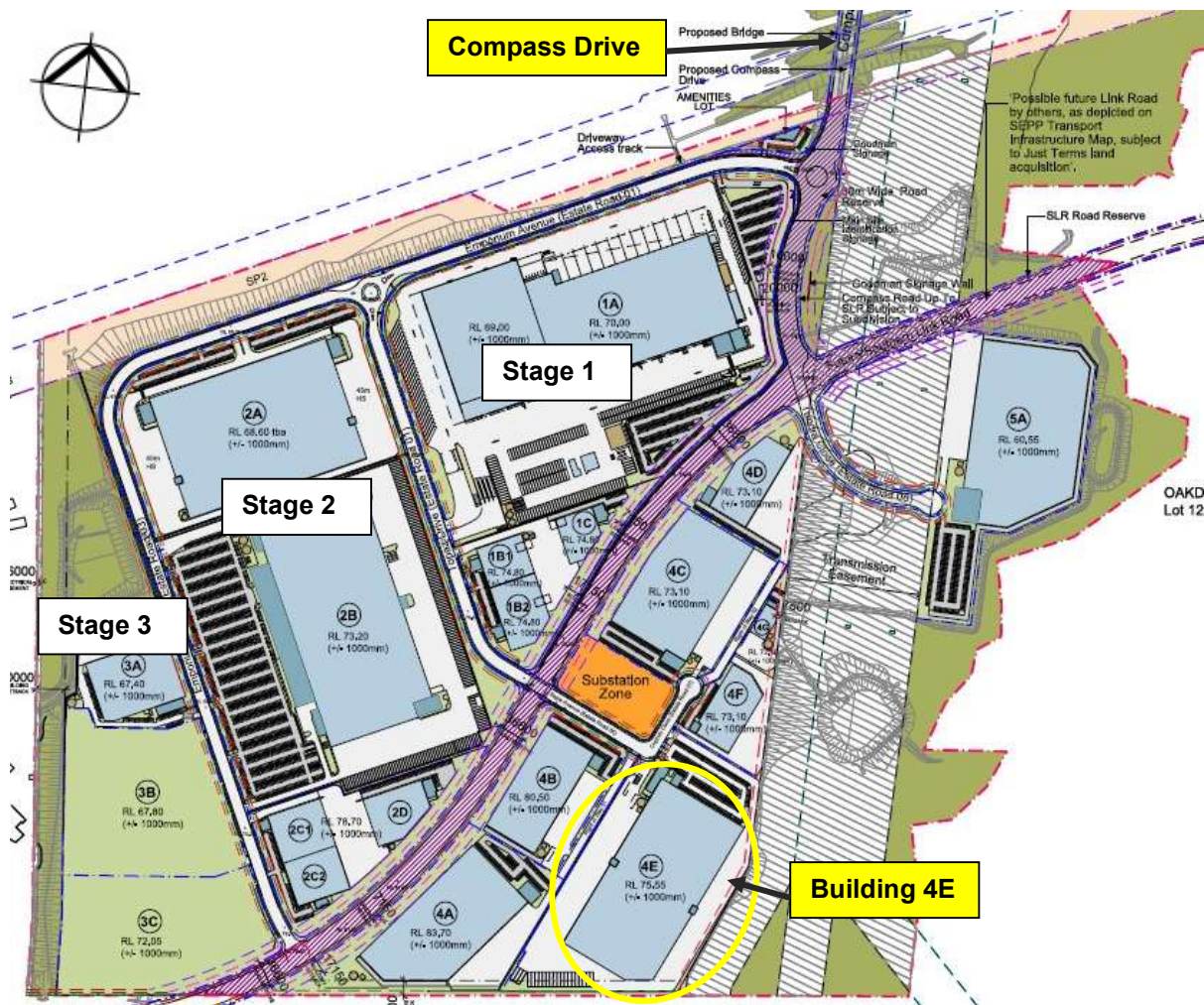
The Applicant proposes to develop Stage 5 of the OWE (the proposed development), involving construction, fit-out and operation of Building 4E, associated office space, truck and car parking. The proposed development (the development) is located within the Concept Plan of the OWE, which was approved by a delegate of the Minister for Planning and Public Spaces on 13 September 2019 (SSD-7348).

The approved OWE includes:

- a Concept Plan for a warehouse and distribution centre including 22 warehouses, offices and associated infrastructure, to be constructed over 5 stages;

- Stage 1 development including 3 warehouses and the main site access road being the West North-South Link Road (WNSLR) (now known as Compass Drive); and
- requirements for future development applications for the remaining Stages 2 to 5.

Construction works commenced in late 2019, including bulk earthworks across the whole estate, installation of service infrastructure and construction of Compass Drive, which is now complete. Warehouse buildings are currently under construction in Stages 1, 2 and 3 and detailed design has commenced for warehouses in Stages 3 and 4. The Applicant has modified the Concept Plan and Stage 1 development eight times to meet the needs of individual warehouse tenants. This has included changes to development stages, warehouse layouts and sizes and corresponding changes to bulk earthworks, infrastructure and estate roads. Modification 7 approved on 8 October 2021 included changes to support the construction of Building 4E. The modified concept proposal layout and location of Building 4E is shown on **Figure 2**.



**Figure 2 | Approved Concept Plan Layout & Location of Building 4E**

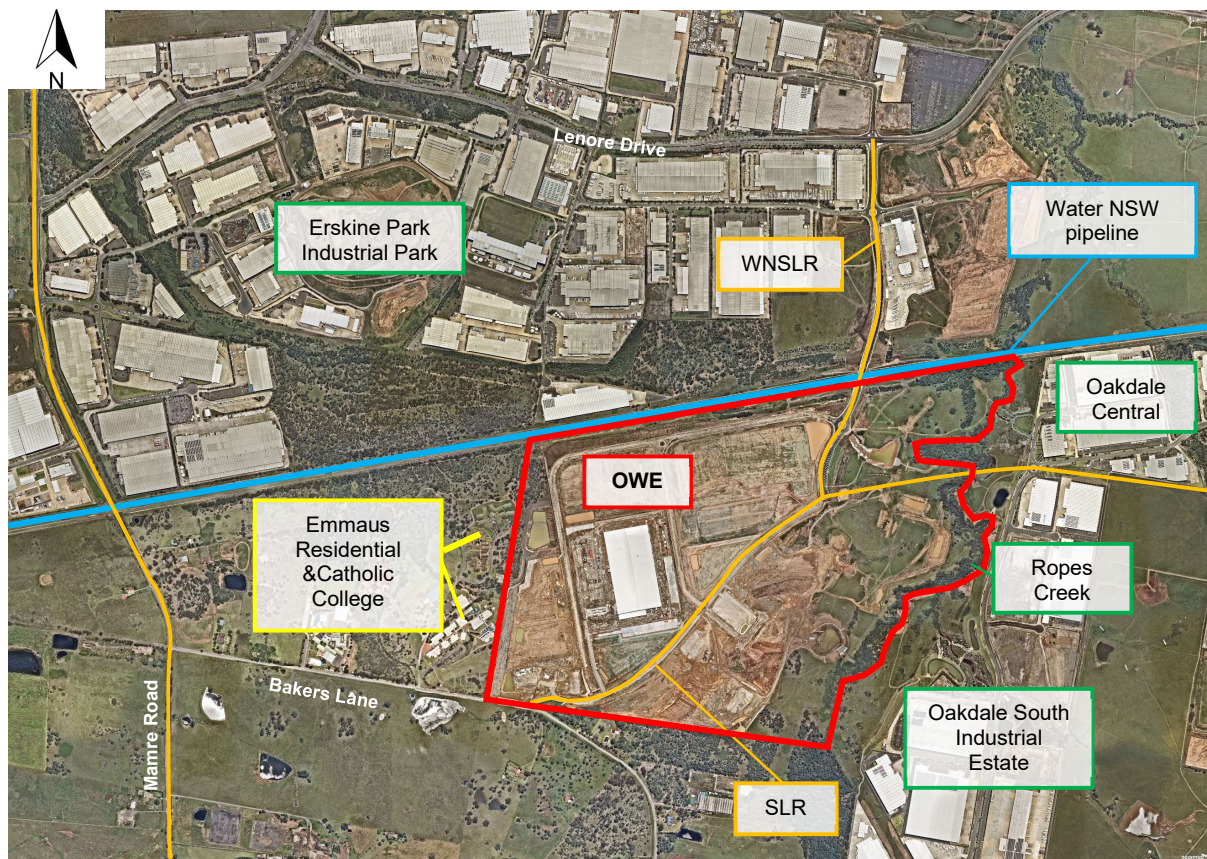


### 1.3 Site Description

The OWE covers 154 hectares (ha) of industrial zoned land located at 2 Aldington Road, Kemps Creek, see **Figure 3**. 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 under the OWE consent. The Applicant has also developed other land immediately to the east for warehouses and distribution centres.

Road access to the OWE is provided by Compass Drive from Lenore Drive, which forms part of the strategic road network designed to service the WSEA. Emmaus Residential Village, Emmaus Catholic College, Trinity Catholic Primary School and Mamre Anglican School are located immediately to the west. 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.



**Figure 3 | OWE and Surrounding Land Uses**

## 2 Development

### 2.1 Description of the Development

The major components of the development are summarised in **Table 1**, shown on **Figure 4** to **Figure 6** and described in full in the Environmental Impact Statement (EIS) and Response to Submissions (RTS) in **Appendix A**.

**Table 1 | Main Components of the Development**

Aspect	Description
<b>Summary</b>	Construction, fit-out and operation of a warehouse (Building 4E) and associated infrastructure totalling 35,560 square metres (m <sup>2</sup> )
<b>Warehouse</b>	<ul style="list-style-type: none"> <li>34,000 m<sup>2</sup> warehouse, 13.7 m high with 42 loading docks, awnings and truck circulation areas</li> <li>Corrugated cladding, pre-cast concrete panels, glazing, brickwork and bronze panels</li> <li>Used for storage and distribution of liquor</li> </ul>
<b>Office</b>	1,000 m <sup>2</sup> office space
<b>Ancillary works</b>	Gatehouse, workshop, dock offices and signage
<b>Access</b>	Estate Road 7 (Cuprum Close), constructed under SSD-7348 with separate entry and exit points for light and heavy vehicles
<b>Parking</b>	237 car spaces, 12 bike spaces and 23 trailer spaces
<b>Landscaping</b>	Consistent with the approved Concept Plan (SSD-7348) comprising over 100 native and exotic trees at the site entrance on Cuprum Close and on the southern and western boundaries
<b>Subdivision</b>	Subdivide part Lot 111 into two separate lots (117 and 118). Building 4E to be located wholly on Lot 117.
<b>Constructure schedule</b>	Approximately 18 months
<b>Hours of operation</b>	24 hours, 7 days
<b>Employment</b>	140 operational jobs, 150 construction jobs
<b>Capital investment value</b>	\$39,060,173



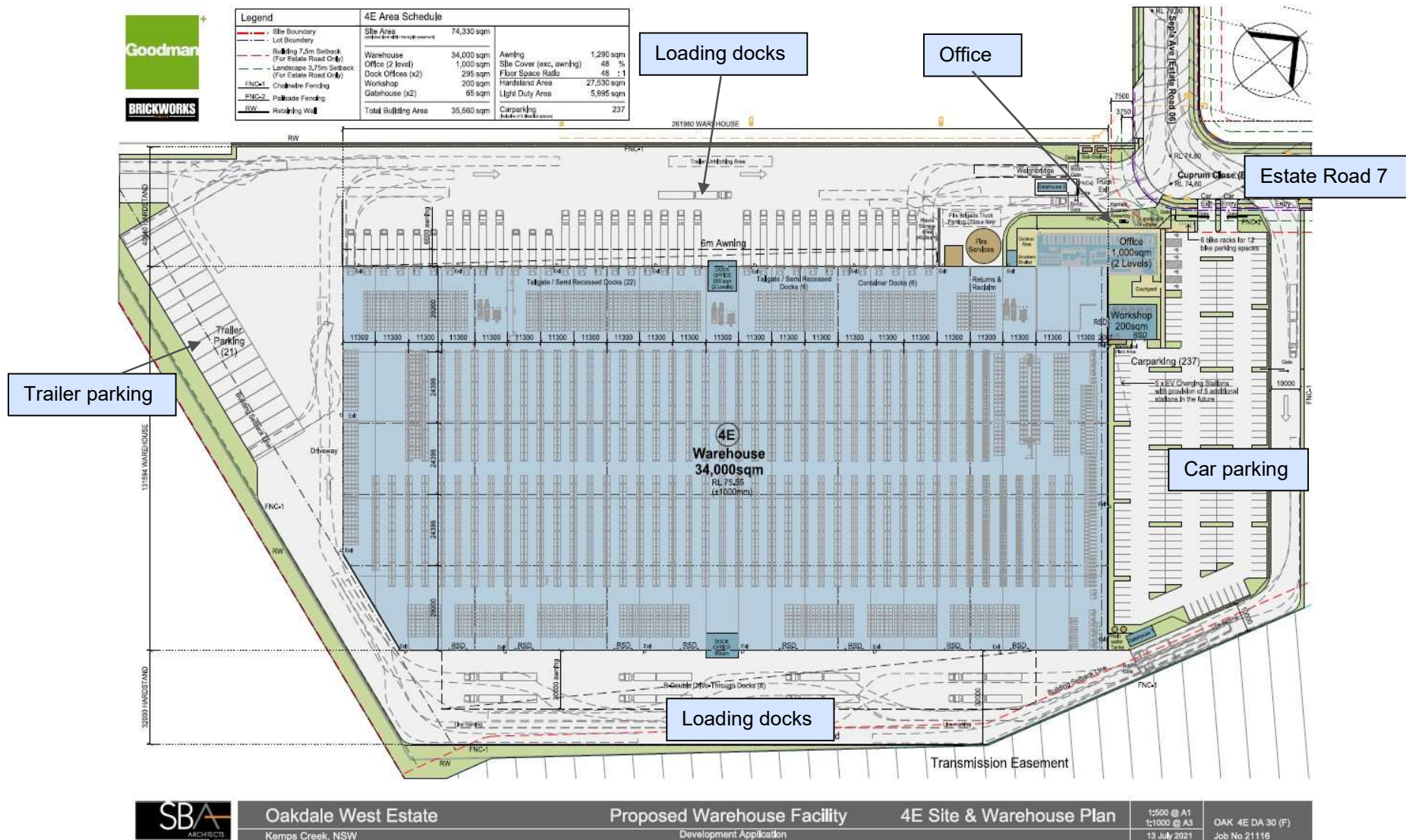


Figure 4 | Warehouse 4E Layout



Figure 5 | Warehouse 4E Elevations



## **2.2 Related Development**

### **2.2.1 Compass Drive and Southern Link Road**

Compass Drive (previously referred to as the WNSLR) and the Southern Link Road (SLR) are identified in State Environmental Planning Policy (Western Sydney Employment Area) 2009 as part of the strategic regional road network in the WSEA. Compass Drive provides a north-south connection between Lenore Drive and the SLR. The SLR provides an east-west connection between the M7 Motorway and Mamre Road.

The Applicant constructed Compass Drive as part of Stage 1 of the OWE. The road was completed in February 2021. The alignment of the SLR was identified in the WSEA SEPP and through a concept design prepared for the Department and TfNSW in 2014. Detailed design work for the SLR is currently underway by TfNSW. The SLR would ultimately be delivered by the Department and TfNSW, supported by contributions from development in the WSEA. The timeframe for delivering the SLR is currently unknown but is estimated to be completed by 2026.

### **2.2.2 Western Sydney Freight Line**

In 2018, the NSW Government finalised the Future Transport Strategy 2056 and the Greater Sydney Services and Infrastructure Plan. Future Transport 2056 is a 40-year strategy for the development and improvement of the NSW transport system which identifies the Western Sydney Freight Line (WSFL) as a Greater Sydney Initiative for Investigation in 10-20 years.

The proposed WSFL corridor runs along the northern boundary of the OWE, adjacent to the Water NSW pipelines. The WSFL corridor is zoned SP2 Infrastructure under the State Environmental Planning Policy (Major Infrastructure Corridors) 2020.

The OWE is located immediately south of the proposed WSFL corridor. The Stage 5 development would not impact on the 60 m wide corridor that has been retained along the northern boundary of the OWE for the future freight line.

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

Development of Stage 5 of the OWE would contribute to providing high employment generating uses in the WSEA. The Applicant has indicated there are high levels of demand for large warehouses close to the major road network. Building 4E would also provide 140 operational jobs and 150 construction jobs in western Sydney.



## 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 5 component would provide 140 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. It 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 WSFL corridor. The Stage 5 development would not impact on the 60 m wide corridor that has been retained for the future WSFL.

### 3.4 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 and 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 150 construction jobs and 140 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 State significance

The development is State significant development (SSD) pursuant to Section 4.36 of the *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act) for the purpose of warehouse and distribution centres that has a CIV of more than \$30 million, which meets the criteria in clause 12 of Schedule 1 in State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

### 4.2 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. As such, the Minister for Planning and Public Spaces (the Minister) or delegate may determine the carrying out of the development.

### 4.3 Consent Authority

The Minister is the consent authority for the development under section 4.5 of the EP&A Act. On 26 April 2021, the Minister delegated the functions to determine SSD applications to the Director, Industry Assessments where:

- the relevant local council has not made an objection, and
- there are less than 15 unique public submissions in the nature of objections, and
- a political disclosure statement has not been made by the Applicant.

Of the advice from 6 government agencies and 2 submissions from special interest groups, none objected to the development. Council did not object to the development. 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 application can be determined by the Director, Industry Assessments under delegation.

### 4.4 Other approvals

Under Section 4.42 of the EP&A Act, other approvals may be required and must be approved in a manner that is consistent with any Part 4 consent for the SSD under the EP&A Act. No other approvals listed under Section 4.42 are required for the development.

### 4.5 Mandatory Matters for Consideration

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 set out in **Section 6** and **Appendix B**. In summary, the Department is satisfied the development is consistent with the requirements of Section 4.15 of the EP&A Act.

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 development. The Department has considered the development against the relevant provisions of several key EPIs including:

- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP)
- State Environmental Planning Policy No 33 – Hazardous and Offensive Development (SEPP 33)
- State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64)
- Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2 – 1997) (SREP 20)
- Penrith Local Environmental Plan 2010
- Penrith Development Control Plan 2014.

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.

#### 4.6 Public Exhibition and Notification

In accordance with section 2.22 and Schedule 1 to 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 application was on public exhibition from 10 August 2021 until 6 September 2021 (28 days). Details of the exhibition process and notifications are provided in **Section 5.1**.

#### 4.7 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. 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 **Table 2**).

**Table 2 | Considerations Against the Objects of the EP&A Act**

Object	Consideration
1.3(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	The development would promote economic welfare by generating 140 operational jobs on industrial zoned land in the WSEA.
1.3(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment	The development includes a range of ecologically sustainable development (ESD) design measures in the warehouse building to reduce energy and resource consumption.
1.3(c) to promote the orderly and economic use and development of land	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(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	The development would not impact on threatened species or ecological communities, with no vegetation clearing required. Measures would be

Object	Consideration
	implemented to protect retained native vegetation adjacent to the development.
1.3(g) to promote good design and amenity of the built environment	The warehouse design is consistent with the other industrial warehouses approved under the OWE. The warehouse would be screened by existing native vegetation and the proposed landscaping and the building would not adversely impact on the surrounding built environment.
1.3(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	Building 4E would be constructed to meet the requirements of the Building Code of Australia and Planning for Bushfire Protection, 2019.
1.3(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	The Department assessed the development in consultation with Council and other government agencies, incorporating the recommendations into the conditions of consent.
1.3(j) to provide increased opportunity for community participation in environmental planning and assessment	The application was publicly exhibited for 28 days providing opportunity for public participation in the assessment process.

## 4.8 Ecologically Sustainable Development

The EP&A Act adopts the definition of 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 and environmental safeguards have been recommended.

As demonstrated by the Department's assessment in **Section 6** of this report, the development is not anticipated to have any adverse impacts on native flora or fauna, including threatened species, populations and ecological communities, and their habitats. The Applicant has also proposed ESD design measures to reduce the energy and water requirements of the development. As such, the Department considers that 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.

## 4.9 Biodiversity Development Assessment Report

Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all applications for SSI and SSD to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the

Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.

The Applicant prepared a BDAR for the Concept Proposal and Stage 1 Development which included clearing and earthworks across the whole OWE. The Applicant is implementing the biodiversity offset strategy required by the OWE consent. The Applicant submitted a BDAR Waiver request with the SSD application for Stage 5, as the development does not require any clearing or bulk earthworks.

The Department referred the BDAR Waiver to the Chief Executive of the Environment, Energy and Science Group (EESG) of the Department. The Chief Executive of EESG and a delegate of the Planning Secretary of the Department concluded the development is not likely to have any significant impact on biodiversity values, therefore a BDAR is not required.

#### **4.10 Commonwealth matters**

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

The EIS noted the Concept Proposal and Stage 1 Development was a controlled action and approval was granted by a delegate of the Commonwealth Minister for the Environment on 25 November 2019. Stage 5 development does not require any further clearing and would not impact on MNES. The EIS concluded the development is not a 'controlled action'. As such, the Applicant determined a referral to the Commonwealth Government was not required.

## 5 Engagement

### 5.1 Applicant's Consultation

The Applicant, as required by the Planning Secretary's Environmental Assessment Requirements (SEARs), undertook consultation with relevant local and State authorities as well as the community and affected landowners. The Applicant consulted with neighbouring landowners during preparation of the EIS and holds monthly community meetings to discuss the progress of works on the site and upcoming development applications within the OWE.

### 5.2 Department's Consultation

After accepting the DA and EIS for the development, the Department:

- made it publicly available from **10 August 2021** until **6 September 2021** (28 days) on the Department's website
- wrote to landowners and occupiers in the vicinity of the site to advise them of the public exhibition and the procedures for making a submission
- notified and invited comment from relevant State government agencies and Penrith City Council.

### 5.3 Submissions and Advice

The Department received advice from six government agencies and two special interest groups. No submissions were received from the public and there were no objections to the development. A summary of the advice received is provided below and a link to the advice is provided in **Appendix A**.

#### 5.3.1 Key issues – Government Agencies

**Penrith City Council** (Council) commented on the building height when measured from natural ground levels, access for B-triple vehicles on the surrounding road network, clarifications on waste management, stormwater design and landscaping. Council recommended conditions for an operational traffic management plan.

**Transport for NSW** (TfNSW) noted it did not support the application on the basis of the trip generation rate used in the transport assessment. TfNSW noted the trip generation rates for the WSEA have changed considerably over the two years since the OWE was approved, and requested the transport assessment be revised with a higher trip generation rate. TfNSW also recommended conditions for inclusion of bicycle parking and end-of-trip facilities and finalisation of a sustainable travel plan prior to operation.

**Environment, Energy and Science Group** (EESG) of the Department noted a BDAR waiver had been granted and recommended measures to manage impacts on retained native vegetation adjacent to the site, within the transmission line easement. EESG also noted that flooding impacts had been addressed through the approved SSD 7348.

**Water NSW** (WNSW) noted due to the location and nature of the development, the potential to impact on WNSW's Warragamba Pipelines would be low. WNSW also noted that impact management measures have been addressed through the approved SSD 7348.

**DPIE Water** and the **Natural Resources Access Regulator** (NRAR) noted water issues had been adequately addressed in the EIS and had no further comments.

**Rural Fire Service** (RFS) recommended conditions for updating the Fire Safety Study and preparing a Fire Management Plan and Bushfire Emergency Management and Evacuation Plan. RFS also provided recommendations for managing the site as an inner protection area, maintaining landscaping to meet Planning for Bushfire Protection 2019 and complying with relevant building standards for bushfire prone areas.

**Fire and Rescue NSW** (FRNSW) had not provided comments at the time of writing.

The Department requested clarifications on the assumptions used in the noise assessment.

### **5.3.2 Key issues – Special Interest Groups**

**TransGrid** advised the Applicant would need to engage TransGrid to finalise connections to its network.

**Endeavour Energy** noted the application did not provide details of electricity connections required to service the development.

## **5.4 Response to submissions**

On 28 September 2021, the Applicant provided a Response to Submissions (RTS) to address the issues raised during the exhibition of the development (see **Appendix A**). The RTS included an updated noise assessment, updated landscape plans and a bushfire response.

The RTS was made publicly available on the Department's website and was provided to TfNSW to consider whether it adequately addressed the issues raised. After reviewing the RTS, TfNSW reiterated its request for the transport assessment to be updated with the higher trip generation rate that has been adopted for new development in the WSEA. The Department's consideration of the RTS and TfNSW's response is provided in **Section 6**.

## 6 Assessment

The Department has considered the EIS, the issues raised in submissions and the Applicant's RTS in its assessment of the development. The Department considers the key assessment issues are noise and traffic. Several other issues have also been considered. These issues are considered to be relatively minor and are assessed in **Table 4** under **Section 6.3**.

### 6.1 Noise

The development has the potential to alter noise levels from the approved OWE, which may impact on the nearest residential receivers, which are located to the south of Building 4E.

#### Approved OWE

The Department's assessment of the OWE concluded the fully developed estate would comply with noise limits established in accordance with the *NSW Industrial Noise Policy, 2000* (INP), which was the relevant policy the time of assessment. The approved development includes a noise wall along part of the western boundary to minimise noise at the adjacent Emmaus Residential Village and Emmaus Catholic College. A noise wall was also approved for a section on the southern boundary, as there is one residence immediately to the south, see **Figure 7**.

Subsequent modifications to the OWE have altered the approved noise controls, including the location and height of the noise wall on the western boundary and restrictions on night-time operations for future warehouses in Precincts 2, 3, 4 and 5. The restrictions include no night-time operation of mechanical plant and no night-time use of forklifts. These changes were made to accommodate larger warehouses (Building 1A and 2B) that have substantial rooftop mechanical plant and higher traffic generation rates.

The western noise wall was completed in November 2020 and is 5 m high in the north-western section, reducing to 3 m high near Emmaus Catholic College. The southern noise wall would be constructed at a later time as part of construction of Building 4A. The Applicant has also entered into noise agreements with three receivers to the south (N3, N4 and N5) to mitigate noise impacts.

**Table 3** shows the noise limits in the OWE consent. The noise limits do not apply to receivers N3, N4 and N5 as they have noise agreements in place. Noise limits for receivers further to the south, N9 to N14 were amended in SSD-7348 MOD 7, based on updated background monitoring.

**Table 3 | Existing Noise Limits (SSD 7348 as modified)**

Location	Day	Evening	Night	L <sub>AMax</sub>
	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	
N1 (Emmaus Village)	44	43	41	52
N3	39	39	37	52
N4 & N5	39	39	37	52
N9 – N14	47	42	42	52
N2 (Emmaus College)	When in use: 45 L <sub>Aeq</sub> (1h)			





**Figure 7 | Noise Receivers and Noise Wall Locations**

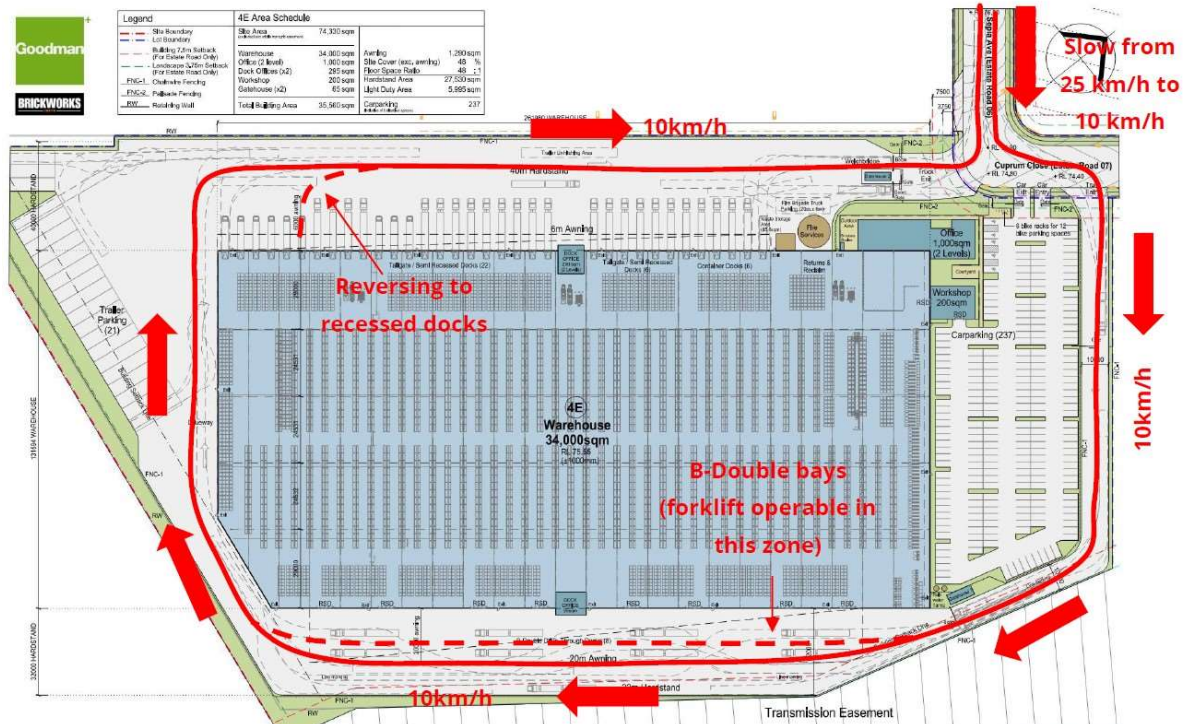
### Building 4E

The Applicant prepared a Noise and Vibration Assessment (NVA) for the development, assessing two scenarios:

1. Noise levels from Building 4E on its own; and
2. Noise levels from the whole OWE.

The Department reviewed the NVA and requested the Applicant provide further detail on the noise sources used in the modelling and consideration of potential impacts from intermittent noises at night. The Applicant revised the NVA, with key updates including:

- verification of sound power levels for heavy vehicle movements using data from a noise survey of a similar operation to Building 4E. **Figure 8** shows how noise from heavy vehicle movements was modelled
- application of higher sound power levels to account for truck reversing alarms and air brake releases (this did not include a 5 dB penalty for intermittent noise as the Applicant argued there would not be a sudden change in noise given the large number of noise sources from the OWE)
- use of peak traffic generation rates provided by tenants and generic rates from RMS data, consistent with the approved OWE
- use of one forklift at night at Building 4E and no operation of mechanical plant (no temperature control or refrigeration required).



**Figure 8 | Heavy Vehicle Noise Modelling**

The NVA predicted the development would comply with the noise limits at all receivers during the day, evening and night-time periods. The development would also comply with sleep disturbance criteria at all receivers. The assessment considered worst-case noise levels during peak operations, predicting noise levels would be between 3 – 15 dB below the limits at the nearest receivers to the south, between 4 – 8 dB below the limits at receivers to the west and 2 dB below the limits at Emmaus Catholic College.

Truck noise at Building 4E is the key contributor to noise levels at residences to the south, resulting in noise levels of 34 dB at night, compared with a limit of 42 dB.

The NVA also considered noise levels during construction, predicting there would be a moderate exceedance of the construction noise management levels (CNMLs) at the nearest receivers N13 and N14 during detailed earthworks and construction of the hardstand. Noise levels were predicted to exceed the CNMLs by between 1 – 5 dB. The Applicant proposes to consult with these residences and implement measures to minimise construction noise, including scheduling works, minimising multiple equipment use, compliance monitoring and ensuring non-tonal reversing alarms on all plant and vehicles.

### Assessment and Recommendations

The Department reviewed the NVA in detail and considered the development in the context of the approved OWE. The development consent for the OWE established limits and noise controls that would protect neighbouring residences from excessive noise.

The Department is satisfied the Applicant has addressed its concerns about the inputs to the noise model and has provided a robust assessment of the development. The development would not result in any exceedance of the operational noise limits established for the OWE and no additional mitigation measures are required.

The development consent for the OWE includes a requirement for noise verification monitoring within three months of operation of any buildings on the site to verify the effectiveness of the approved noise controls and compliance with the noise limits. The Applicant is also required to investigate and implement further noise controls if operations exceed the noise limits. This condition was recently updated as part of MOD 7 to require further noise verification monitoring two years after the commencement of operation of any buildings on the site, to ensure noise levels are measured when multiple warehouses are operating. These conditions would cover noise from the operation of Building 4E and no other additional noise verification is needed for this SSD. The Department recommends noise limits for the development, consistent with the OWE consent and recommends the Applicant comply with CNMLs and implement a Driver Code of Conduct to minimise road traffic noise.

The Department's assessment concludes the development would result in negligible noise impacts and would comply with the noise limits in the OWE consent.

## **6.2 Traffic**

The Concept Plan for the OWE predicted the fully developed estate would generate up to 10,000 vehicles per day. Subsequent modifications to the OWE to accommodate specific tenants have increased traffic volumes from the OWE to 11,394 vehicles per day. The assessment of these modifications concluded the surrounding road network would adequately and safely accommodate the additional traffic volumes.

### Traffic Impacts

The Applicant provided a Transport Assessment (TA) of the proposed development concluding that operational traffic from Building 4E would be lower than the approved volumes for the OWE (11,249 vehicles per day) and would have a negligible impact on the road network. The TA used traffic data provided by the tenant for Building 4E, based on known operational activities. Building 4E would generate 528 vehicles per day, compared to the estimated 673 vehicles per day originally assessed for the OWE consent for the site.

TfNSW requested the Applicant re-model the traffic impacts using a higher trip generation rate that has recently been adopted for new developments in the WSEA (2.91 vehicles per 100 m<sup>2</sup> of GFA compared to 1.892). TfNSW also recommended conditions be included for the provision of bicycle facilities and implementation of the Sustainable Travel Plan.

The Applicant's RTS confirmed the traffic modelling had used actual traffic data from the tenants of Buildings 1A, 2B and 4E, providing a more accurate representation of traffic impacts than a generic rate. The TA concluded the traffic generated by Building 4E is consistent with approved levels and no upgrades are required to accommodate this traffic on the road network.

### Parking and Access

The TA confirmed the development would provide 237 car parking spaces, which exceeds with the rates required under the OWE consent. Bicycle parking and end-of-trip facilities would be provided and a Sustainable Travel Plan would be implemented to encourage non-car travel.

The development has been designed to accommodate heavy vehicles up to B-triple size (35.4 m), with one B-triple per day expected to access the site. Approval is required from the National Heavy Vehicle Regulator for using B-triple trucks.



## Assessment and Recommendations

The Department reviewed the TA in consultation with TfNSW. The Department notes the development would result in lower traffic volumes than the approved OWE and this traffic would be safely and adequately accommodated on the existing road network. The use of actual traffic data from tenants provides a high level of accuracy in the traffic predictions, with Buildings 1A, 2B and 4E representing 58% of the GFA of the whole estate. The Department also recently approved MOD 7, for which TfNSW provided its support. The Department notes the TA for this SSD application is consistent with MOD 7 and shows the development would result in negligible change to traffic volumes.

The Department's assessment concludes the development would not result in adverse traffic impacts. The Department has recommended conditions requiring approval to use B-triple vehicles, provision of bicycle and end-of-trip facilities on site, implementation of the Sustainable Travel Plan and compliance with Australian Standards for site access and parking.

### 6.3 Other issues

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

**Table 4 | Assessment of Other Issues**

Issue	Findings	Recommendations
Urban design and visual	<ul style="list-style-type: none"><li>SSD-7348 established development controls for the OWE, including building heights, setbacks and site coverage as well as an overarching landscape strategy.</li><li>The Applicant considered the development in the context of the approved controls and concluded the warehouse and office design and proposed landscaping are consistent with SSD-7348 and would provide a coherent and high quality design outcome.</li><li>Building 4E is screened by existing native vegetation to the south, meaning the building would not be visible from the nearest residences.</li><li>The building would be 13.7 m high and would be constructed with metal cladding, concrete panels, brick and timber. The office component fronts the main access road (estate road 7).</li><li>Landscaping along the boundaries and feature planting at the site entrance would soften the visual appearance of the warehouse and maintain consistency across the estate.</li><li>Council requested amendments to the landscape plan, noting that boundary planting and shade trees in the parking areas were inadequate.</li><li>The Applicant's RTS included updated landscape plans including additional feature plantings at the site entrance and canopy plantings near the office and car park entry.</li><li>The Department considered the warehouse design and the landscape plan against the principle development standards of the WSEA SEPP and concluded the development would provide a high</li></ul>	<ul style="list-style-type: none"><li>Construct Building 4E in accordance with the design in the EIS and RTS.</li><li>Implement the landscape plan prior to operation and maintain the landscaping for the life of the development.</li><li>Ensure lighting complies with Australian Standards and signage and fencing is implemented in accordance with the plans in the EIS.</li></ul>

Issue	Findings	Recommendations
	<p>quality design that would not adversely impact the visual amenity of neighbouring residential areas.</p> <ul style="list-style-type: none"> <li>• The proposed landscaping would soften views of the industrial buildings from the estate road and the buildings would not be visible from residential areas.</li> <li>• The Department recommends conditions requiring the Applicant to construct Building 4E and implement the landscape plan in accordance with the design in the EIS and RTS and maintain the landscaping for the life of the development.</li> <li>• The Department's assessment concludes the building and landscape designs are consistent with the principles of the WSEA SEPP and the approved concept plan for the OWE.</li> </ul>	
<b>Bushfire</b>	<ul style="list-style-type: none"> <li>• The development is located on bushfire prone land and must comply with the requirements of Planning for Bushfire Protection 2019 (PBP).</li> <li>• A Bushfire Risk Assessment (BRA) was prepared for the development. The BRA concluded the development would meet the aims and objectives of PBP with the implementation of bushfire protection measures, including asset protection zones around the building and construction in accordance with <i>Australian Standard: Construction of buildings in bushfire-prone areas</i> (AS 3959-2018).</li> <li>• RFS reviewed the BRA and recommended conditions for a Fire Management Plan and Bushfire Emergency Management and Evacuation Plan. RFS also provided recommendations for managing the site as an inner protection area, maintaining landscaping to meet PBP and complying with relevant building standards for bushfire prone areas.</li> <li>• The Department has recommended conditions for the development to comply with PBP, the BRA and relevant Australian Standards and has incorporated the recommendations of RFS into the conditions.</li> <li>• The Department's assessment concludes the development would comply with relevant criteria for buildings in bushfire-prone areas.</li> </ul>	<ul style="list-style-type: none"> <li>• Comply with the BRA, PBP and AS 3959-2018</li> <li>• Manage landscaping as an inner protection area in accordance with PBP.</li> <li>• Prepare a Fire Management Plan and Bushfire Emergency and Evacuation Plan for the development.</li> </ul>
<b>Biodiversity</b>	<ul style="list-style-type: none"> <li>• All vegetation removal has been completed under SSD 7348 and the biodiversity impacts offset in accordance with the Biodiversity Conservation Act, 2016 and an EPBC Act approval.</li> <li>• The development is located adjacent to a small stand of retained native vegetation, and the toe of the eastern embankment would extend close to this vegetation.</li> <li>• The BDAR waiver request submitted by the Applicant recommended control measures to ensure the retained vegetation is clearly demarcated and erosion and sediment controls are implemented to minimise any construction impacts on the vegetation.</li> </ul>	<ul style="list-style-type: none"> <li>• Implement measures to protect retained native vegetation adjacent to the site during construction and operation.</li> </ul>

Issue	Findings	Recommendations
	<ul style="list-style-type: none"> <li>• EESG recommended these measures be included in the conditions.</li> <li>• The Department notes that all clearing has been completed as part of SSD 7348 and the development would not have any further direct biodiversity impacts. The potential to impact on adjacent retained vegetation has been identified and control measures recommended to ensure this vegetation is protected during construction and operation.</li> <li>• The Department's assessment concludes the development would not impact on biodiversity values.</li> </ul>	
<b>Hazards</b>	<ul style="list-style-type: none"> <li>• The development would store flammable liquids and flammable gas, which must be stored in accordance with relevant guidelines to ensure the facility is not potentially hazardous.</li> <li>• The Applicant provided a SEPP 33 report, confirming that flammable liquids would be stored greater than 10 m from the site boundary and flammable gas storage would be below the threshold quantities in SEPP 33.</li> <li>• The Department's hazards team reviewed the SEPP 33 report and concluded the development is not considered potentially hazardous.</li> <li>• The Department recommends conditions for the storage of dangerous goods below the threshold quantities in SEPP 33 and for storage and handling to comply with Australian Standards.</li> </ul>	<ul style="list-style-type: none"> <li>• Quantities of dangerous goods stored and handled at the site must be below the threshold quantities in SEPP 33.</li> <li>• Dangerous goods must be stored and handled in accordance with Australian Standards.</li> </ul>

## 7 Evaluation

The Department has assessed the OWE Stage 5 development (SSD 22191322) considering all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development. The Department has considered the development in the context of the aims and objectives of the WSEA and other relevant statutory planning instruments.

The development is State significant development as it is development for the purpose of a warehouse and distribution centre that has a CIV of more than \$30 million. The development would generate 150 construction jobs, 140 operational jobs and invest \$39 million in the Penrith LGA.

The development involves construction, fit-out and operation of a 34,000 square metre warehouse (Building 4E) within the approved OWE.

The Department has carried out a detailed assessment of the merits of the development, has consulted with key government agencies and the public and closely considered the issues raised during its assessment of the application. The key assessment issues are noise and traffic. Other issues considered included urban design and visual, bushfire risk, biodiversity and hazards.

None of the State government agencies, Council or the community have objected to the proposal and the Department has sought to address any issues raised through consultation with both the government agencies and the Applicant. Council and TfNSW recommended conditions for operational traffic management. EESG recommended conditions for biodiversity management and RFS recommended conditions for managing bushfire risks.

The Department's assessment concluded the development:

- would provide high employment generating uses in an approved industrial estate, meeting the objectives of the WSEA SEPP
- would meet noise limits established for the OWE
- would result in a minor decrease in traffic from the approved OWE, with negligible impacts on the surrounding road network
- would have minimal visual impacts as it is screened from residential receivers by intervening mature vegetation
- provides a high quality design and landscaping consistent with the approved OWE
- incorporates adequate measures for managing indirect biodiversity impacts
- would be designed in accordance with Planning for Bushfire Protection 2019.

The Department's assessment concluded that the impacts of the development can be mitigated and managed to ensure an acceptable level of environmental performance.

The Department has recommended conditions to manage the residual impacts of the development, including noise limits, traffic management, landscaping, bushfire protection and hazards management. The Department's assessment has concluded 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 that the **Director, Industry Assessments**, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **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
- **grants consent** for the application in respect of the Oakdale West Estate Stage 5 (SSD 22191322), subject to the conditions in the attached development consent
- **signs** the attached development consent and recommended conditions of consent (see **Appendix D**).

**Recommended by:**



28 October 2021

**Deana Burn**  
Specialist Planner  
Industry Assessments

**Recommended by:**



## 9 Determination

The recommendation is **Adopted** by:

A handwritten signature in dark ink, appearing to read 'C. Ritchie', is positioned above the date.

29 October 2021

**Chris Ritchie**

Director

Industry Assessments

# Appendices

## Appendix A – List of referenced documents

The Department has relied upon the following key documents during its assessment of the proposed development:

### Environmental Impact Statement

- Environmental Impact Statement State Significant Development Application (SSD-22191322) prepared by Keylan Consulting Pty Ltd dated July 2021

### Submissions

- All submissions received from relevant public authorities

### Response to Submissions

- Response to Submissions Report Oakdale West Estate (SSD-22191322) Stage 5 – Response to Request for further information prepared by Keylan Consulting Pty Ltd dated 15 September 2021

### Statutory Documents

- Relevant considerations under section 4.15 of the EP&A Act (see **Appendix B**)
- Relevant environmental planning instruments, policies and guidelines (see **Appendix C**)

All documents relied upon by the Department during its assessment of the application may be viewed at: <https://www.planningportal.nsw.gov.au/major-projects/project/42081>

## Appendix B – Considerations under Section 4.15 of the EP&A Act

### Matters for Consideration under Section 4.15 of the EP&A Act

Matter	Consideration
a) the provisions of: <ul style="list-style-type: none"> <li>i.) any environmental planning instrument, and</li> <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> <li>iii.) any development control plan, and</li> <li>iiia) 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> <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>	<p>The Department has considered the relevant environmental planning instruments in its assessment of the development, see <b>Appendix C</b>.</p> <p>The Department has considered the relevant draft environmental planning instruments in its assessment of the development, see <b>Appendix C</b>.</p> <p>Under clause 11 of the SRD SEPP, development control plans do not apply to State significant development.</p> <p>A Planning Agreement for the OWE Concept Plan was executed between the Minister for Planning and Public Spaces and the Applicant on 5 August 2019 and a Satisfactory Arrangements Certificate (SAC) was issued by a delegate of the Planning Secretary on 16 August 2019. A SAC for Stage 5 was issued on 29 October 2021.</p> <p>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.</p>
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.
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.	The development would generate up to 150 jobs during construction, 140 jobs during operation and

Matter	Consideration
	<p>direct \$39 million in CIV in the Penrith local government area. 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

To satisfy the requirements of section 4.15(1) of the EP&A Act, the following EPI's were considered as part of the Department's assessment:

- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)
- State Environmental Planning Policy No. 64 – Advertising Structures and Signage (SEPP 64)
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No 2) 1997 (SREP 20)
- Penrith Local Environmental Plan 2010
- Penrith Development Control Plan 2014.

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

The SRD SEPP identifies certain classes of development as SSD. The proposal is State significant development pursuant to section 4.36 of *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves development of a warehouse and distribution centre that has a CIV of more than \$30 million, which meets the criteria in clause 12 of Schedule 1 in State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

### 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 5**.

**Table 5 | 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 were prepared for the OWE Concept Plan and have been incorporated into the Penrith DCP 2014.	The development is consistent with the development controls for the OWE, as incorporated into the Penrith DCP 2014.
<b>CI 20 Ecologically Sustainable Development</b>	The development includes:	The Department's assessment concludes the development has

Development Standard	Proposed	Department Comment
<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>	<ul style="list-style-type: none"> <li>rainwater harvesting to reduce potable water use</li> <li>use of low energy LED lighting and translucent panels in roofing for natural lighting</li> <li>installation of solar panels to reduce grid electricity consumption</li> <li>programmable lighting systems including timers, daylight sensors and motion sensors in warehouses.</li> </ul>	<p>considered the ESD principles in building design to minimise the consumption of potable water and greenhouse gas emissions.</p>
<p><b>Cl. 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 proposed building height of 13.7 m is consistent with the approved development controls for the OWE.</p>	<p>The building height is consistent with a standard warehouse height, meets the development controls for the OWE and would not adversely impact on the amenity of adjacent residential areas.</p>
<p><b>Cl. 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>Rainwater harvesting tanks would be installed and the captured water used for toilet flushing and irrigation.</p>	<p>The development includes adequate connection of roof areas to a rainwater harvesting system.</p>
<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</p>	<p>Rural residential uses occur to the south and west of the site.</p>	<p>The nearest residential areas are located to the south of Building 4E.</p>

Development Standard	Proposed	Department Comment
within 250 metres of land zoned primarily for residential purposes.		
(2) The consent authority must not grant consent to development on land to which this clause applies unless it is satisfied that:		
(a) wherever appropriate, proposed buildings are compatible with the height, scale, siting and character of existing residential buildings in the vicinity, and	The Applicant submitted a visual impact assessment concluding the development would not be visible from residential areas due to existing mature vegetation that screens Building 4E.	The Department's assessment concludes the development would not have adverse visual impacts.
(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	Goods, plant and equipment would be stored inside at all times or suitably screened to avoid potential visual impacts in compliance with these requirements.	Building 4E is adequately screened from view from residential areas by stands of existing mature vegetation.
(c) the elevation of any building facing, or significantly exposed to view from, land on which a dwelling house is situated has been designed to present an attractive appearance, and	The proposed development would not be exposed to view from existing dwellings and includes a high quality design finish and landscaping.	The Department's assessment concludes the development is not significant exposed to view from residential areas and has been designed to present an attractive appearance with landscaping along the boundaries and at the site entrance.
(d) noise generation from fixed sources or motor vehicles associated with the development will be effectively insulated or otherwise minimised, and	The Noise Impact Assessment concluded the development would comply with the noise limits approved for the OWE Concept Plan during the day, evening and night-time periods.	The Department's assessment has concluded the development would comply with the approved noise limits and would not adversely impact on sensitive receivers.
(e) the development will not otherwise cause nuisance to residents, by way of hours of operation, traffic movement, parking, headlight	The development has been designed to be sympathetic to surrounding residential properties.	The Department's assessment concludes the impacts of the development would be appropriately managed

Development Standard	Proposed	Department Comment
glare, security lighting or the like, and		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 parking likely to be generated, and	The development includes parking spaces that exceed the requirements in the OWE Concept Plan.	The Department's assessment concludes the parking provision is adequate and consistent with approved levels.
(g) the site of the proposed development will be suitably landscaped, particularly between any building and the street alignment.	The Applicant updated the landscape plans to address comments by Penrith Council requesting additional planting at the site entrance and additional shade trees.	The proposed landscaping is consistent with the overarching strategy for the OWE Concept Plan and incorporates adequate boundary planting.
<b>CI.24 Development involving subdivision</b> The consent authority must not grant consent to the carrying out of development involving the subdivision of land unless it has considered the following: (a) the implications of the fragmentation of large lots of land, (b) whether the subdivision will affect the supply of land for employment purposes, (c) whether the subdivision will preclude other lots of land to which this Policy applies from having reasonable access to roads and services.	The Applicant proposes to subdivide the site to provide a single lot for Building 4E.	The Department has assessed the proposed subdivision and notes the subdivision plan is consistent with the approved building layouts in the Concept Plan and will ensure orderly development of the OWE.
<b>CI.25 Public utility infrastructure</b> 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	Public utility infrastructure to service the development is being delivered as part of the approved Concept Plan and Stage 1 development.	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 5 application to Endeavour Energy who



Development Standard	Proposed	Department Comment
been made to make that infrastructure available when required.		provided comments about connections to their network.
<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>	The proposal would integrate and be compatible with surrounding planned transport infrastructure routes. The internal estate roads link to Compass Drive, providing access to the OWE from Lenore Drive, Erskine Park. Lenore Drive link to the M7 and M4 Motorways which are key regional roads.	The Department's assessment concludes the development is compatible with the road network designed for the WSEA.
<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 transport infrastructure and services.</p>	A Planning Agreement for the OWE Concept Plan was executed between the Minister for Planning and Public Spaces and the Applicant on 5 August 2019 and a Satisfactory Arrangements Certificate (SAC) was issued by a delegate of the Planning Secretary on 16 August 2019.	On 29 October 2021, the 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.
<p><b>CI.31 Design Principles</b></p> <p>The consent authority must take into consideration whether or not:</p> <ul style="list-style-type: none"> <li>(a) the development is of a high-quality design, and</li> <li>(b) a variety of materials and external finishes for the external façades are incorporated, and</li> <li>(c) high quality landscaping is provided, and</li> <li>(d) the scale and character of the development is compatible with other employment-generating development in the precinct concerned.</li> </ul>	The Applicant provided architectural drawings and a landscape plan showing the types of materials, finishes and plantings for the development.	The Department has assessed urban design, landscaping and visual impacts and is satisfied the development provides a high quality warehouse and office design.

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

The ISEPP aims to facilitate the effective delivery of infrastructure across the State and lists the types 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's comments are considered in **Sections 5** and **6** of this report. The Department has incorporated TfNSW recommendations into the conditions of consent.

### **State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)**

SEPP 33 aims to identify developments with the potential for significant off-site impacts, in terms of risk and/or offence. A development is defined as potentially hazardous and/or potentially offensive if, without mitigating measures in place, the development would have significant risk and/or adverse impact on off-site receptors. The Applicant prepared a risk screening which confirmed the development would not store dangerous goods above the threshold quantities listed in SEPP 33. The Department's hazards specialist reviewed the risk screening and recommended conditions requiring the storage of dangerous goods below the threshold quantities listed in SEPP 33.

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

SEPP 64 aims to ensure that outdoor signage is compatible with the desired amenity and visual character of an area, and provides effective communication in suitable locations, that is of a high-quality design and finish. The Department reviewed the proposed signage strategy and notes it is consistent with the signage strategy across the approved OWE Concept Plan and provides a high-quality design.

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

SEPP 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 Environmental 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 and 7.4 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. Detailed assessments are contained in Section 6 of this report. The Department's assessment concludes the development is generally consistent with the PDCP 2014 requirements

## Appendix D – Recommended Instrument of Consent