



Our reference: 7928272
Contact: Gavin Cherry
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NSW Department of Planning & Environment
Email: Thomas.Piovesan@planning.nsw.gov.au

Dear Mr Piovesan

State Significant Development Application (SSD 7348) for Oakdale West Industrial Estate at Kemps Creek

I refer to your correspondence regarding the above State Significant Development Application and thank you for providing Council with an opportunity to comment on the proposal.

Council Officers have reviewed the Environmental Impact Statement and accompanying plans and reports submitted with the application. Comments in relation to key assessment issues for the proposal are attached.

Given the extent of issues, Council would appreciate the opportunity to review the applicants response to the issues raised through submissions and any proposed draft conditions of consent prior to determination of the application.

Should you require any further information or clarification on the above comments, please don't hesitate to contact me on (02) 4732 8125.

Yours sincerely

Gavin Cherry
Development Assessment Coordinator

Attach

Key Assessment Issues – Oakdale West Estate	
Rural-Residential Interface	<ul style="list-style-type: none"> The setbacks on the southern boundary do not allow for appropriate landscaping or screening resulting in a poor interface with the rural areas to the south. Similar setbacks and treatments of the western boundary should be incorporated along the southern boundary. The extensive cut and fill proposed has little regard for the adjoining land uses and is not a suitable outcome. In addition, the retaining walls will be highly visual during the short-medium term while the vegetation is being established. The Visual Impact Assessment includes an assessment from a private residence on Bakers Lane. The assessment concludes that no mitigation measures are required given the proposed level changes. However the assessment indicates that the industrial building roofs will be highly visible which will result in undesirable glare for adjoining residents. These need to be further considered and addressed.
Built Form	<ul style="list-style-type: none"> Ordinarily buildings of this scale would go through Council's Urban Design review process to discuss and address key urban design issues. Prominent elevations, such as those with a frontage to the street or public reserves or those that are visible from public areas, must present a building form of significant architectural and design merit. Large expanses of wall or building mass should be broken up with by the use of additional architectural treatments, building articulation, fenestration or alternative architectural enhancements. The development must incorporate a variety of external finishes in terms of both colour and type of material used and this has not as yet been sufficiently demonstrated. Servicing requirements for the building such as tanks and the like, should not be located within the front setback or be visible from public places. These requirements shall be integrated with the building and landscaping design. All front fencing shall be located behind the landscape setback and not along the front boundary, be a maximum height of 2.1m and of an 'open' nature.
Water Sensitive Urban Design (WSUD) &	<ul style="list-style-type: none"> All OSD and Bio retention basins shall remain under the care, control and ownership of the registered proprietor of the lots and not proposed for dedication to Council. No MUSIC modelling was available for review and as such, Council could not assess the effectiveness of the

Bio-retention Basins	<p>proposed treatment. This modelling is required to be submitted to allow for adequate assessment to occur.</p> <ul style="list-style-type: none"> • In relation to the MUSIC modelling, the report indicates that the Horsley Park rainfall station was used. This is inconsistent with Council's WSUD policy and further no details of the data used (i.e. timeframe) were included in the report. • The types of GPTs proposed were not specified. The proposed GPTs should be specified as their performance will be important in relation to the long term management of the bioretention systems. • In relation to the designs of the basins, the report indicates that the extended detention depth will be 300mm and filter media depth of 500mm. It is unclear how deep the extended detention is for OSD purposes (over the filter media) as no information was provided on the plans. • In relation to the design of the combined OSD / Bioretention systems, storage of greater than 400mm above the bioretention systems extended detention level is not recommended as it can adversely impact on maintenance costs due to the higher volumes of stormwater, increased pollutants loads and impacts vegetation. <p>Additional details/clarification should be provided on the concept plans to indicate how the systems will operate during larger storm events.</p>
Biodiversity	<ul style="list-style-type: none"> • All of the recommendations identified in the Biodiversity Assessment Report are to be implemented in their entirety.
General Engineering	<ul style="list-style-type: none"> • The 2000 Series – Stage 1 On-Lot Package for the site works and stormwater drainage plan has not been included in the SSD Application attachments on the planning portal. In this regard, an assessment of the site drainage for Stage 1 - Lots 1A, 1B and 1C could not be undertaken. In this regard, the stormwater drainage design shall be in accordance with Council's Stormwater Drainage Specifications for Building Development. • Owners consent is required for works proposed within the adjoining property to the west of Bio-Retention Basin No.2 and the continuation of the Basin No.1 outlet swale. A drainage easement shall also be created over the proposed channel within the adjoining downstream lot in accordance with Council's requirements.

	<ul style="list-style-type: none"> • All proposed construction works and infrastructure works near or within the Transmission Lines shall conform to TranGrid Easement Guidelines and requirements. Some matters will require TransGrid approval – <ul style="list-style-type: none"> ○ Setback to the Transmission easement SBA Plans show 7.5m – requirement is 8m. ○ Excavation work or alteration to ground levels – Bio Retention basin No. 5, Road 08 & Future Southern link Road • Proposed Road 8 is located over an existing dam. It is not clear whether the dam is to be maintained or filled. • The 2000 Series – Stage 1 On-Lot Package for the site works and stormwater drainage plan has not been included in the SSD Application attachments on the planning portal. In this regard, an assessment of the site drainage for Stage 1 - Lots 1A, 1B and 1C could not be undertaken. In this regard, the stormwater drainage design shall be in accordance with Council's Stormwater Drainage Specifications for Building Development. • Owners consent is required for works proposed within the adjoining property to the west of Bio-Retention Basin No.2 and the continuation of the Basin No.1 outlet swale. A drainage easement shall also be created over the proposed channel within the adjoining downstream lot in accordance with Council's requirements. • SBA Architectural drawings dated 3 April 2017 – drawing OAK MP 04 (L) shows a reference to 'Possible future Link Road by others, as depicted on SEPP Transport Infrastructure Map, subject to Just Terms land acquisition' – could not locate this map in the planning portal.
Road Network	<ul style="list-style-type: none"> • The future Southern Link Road showing a potential connection to Bakers Lane is not supported. Direct vehicular access to Mamre Road shall only be permitted at the signalised intersections with Erskine Park Road and the James Erskine Drive. Direct vehicular access to Erskine Park Road shall only be permitted at signalised intersection to Lenore Drive and at one combined intersection for the property north of Erskine Park Road and the eastern block for Lot 16 DP259146. No other direct vehicular access to these designated roads will be permitted as per Figure E6.10 – Erskine Business Park Traffic Works. In this regard, the Southern Link Road shall terminate at Estate Road 03. • Batters adjoining road reserves shall be a maximum 1 in 5 – not 1 in 4.



<i>Flooding</i>	<ul style="list-style-type: none"> South Creek (including Ropes Creek) Flood Study (2015) and Penrith Overland Flow “Overview” study (2006) should be referred to for the flood behaviour and impact assessment.
<i>Heritage</i>	<ul style="list-style-type: none"> It is recommended that the application be referred to NSW Office of Environment and Heritage.
<i>SEPP 55</i>	<ul style="list-style-type: none"> It is requested that the applicant make available all reports and supporting documentation pertaining to SEPP 55: land contamination matters for the subject land for review and consideration. This should include, at minimum, the Phase I and Phase II investigations, the approved Remediation Action Plan and soil validation. The National Environmental Protection (Assessment of Site Contamination) Measure was amended in 2013, which succeeds the date of the Phase II contamination assessment for the subject site. It is appropriate that the proponent provide updated reports, or provide other documentation which demonstrates that the site is suitable, or capable of being remediated to meet relevant criteria under the amended NEPM (2013) and relevant EPA guidelines. In Section 4.0 of the Contamination proposal, the below conclusions are made: <ul style="list-style-type: none"> The majority of Oakdale West Estate is considered suitable for commercial/industrial land use. Two small areas of surface soils were identified to be impacted with fragments of ACM. The farmhouse has been remediated. The rubbish burial area is approximately 90% remediated. Based on the available data and after successful removal of the identified ACM impacts at the rubbish burial area, the Site would be suitable for commercial/industrial land use. <p>This is inconsistent with statements made in section 6.7.2 of the EIS document which states “A targeted Phase 2 contamination assessment found a low general potential for contamination across the site, however two areas of surface soil were found to be impacted with fragments of asbestos containing material”.</p>
<i>SREP 20</i>	<ul style="list-style-type: none"> It is important to note that clause 11(4) of <i>Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River</i> requires development consent to be obtained for remediation works, so any remediation works in the Penrith Local Government Area are then considered Category 1 remediation works. It is not

	<p>clear through this application how and when development consent for the above stated remediation works was obtained, and this proposal does not seek consent for these works (a Remedial Action Plan has not been provided as required by clause 17 of SEPP 55). Further comment on this matter should be provided by the applicant.</p>
<i>Fill Material</i>	<ul style="list-style-type: none"> • The EIS indicates that only VEMN and ENM will be used and that the material will be screened and validated at the source. However, no information regarding the procedures that will be put in place to inspect the material when it arrives on site or to review the documentation to ensure that the material is suitable. As such, a "Fill Importation Protocol" should be provided prior to works commencing on site and detailed in the Construction Environmental Management Plan.
<i>Landscaping</i>	<ul style="list-style-type: none"> • The proposed street tree treatments are not supported. Ballast stone retains heat, which can cook the roots and impact on tree growth. • The landscape plan provides insufficient detail and is inconsistent in certain sections. • Sections of Estate Roads 1-6 have not been provided. As such, it cannot be confirmed that there is sufficient space within the verge for the proposed street trees species. • A steep batter is located on the southern section of the western boundary. Clarification is sought on the access and maintenance of the landscaping within this area. • Additional shrubs of a screening nature shall be provided within the landscaped setback area along the western boundary.