



Oakdale West Estate

○ *State Significant
Development Assessment
(SSD 7348)*



September 2019

© Crown Copyright, State of NSW through its Department of Planning, Industry and Environment 2019

Cover photo

Aerial image of proposed Oakdale West Estate and proposed road network, looking west (Source: Environmental Impact Statement, Urbis 2017)

Disclaimer

While every reasonable effort has been made to ensure this document is correct at time of printing, the State of NSW, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance or upon the whole or any part of this document.

Copyright notice

In keeping with the NSW Government's commitment to encourage the availability of information, you are welcome to reproduce the material that appears in Oakdale West Estate – Assessment Report. This material is licensed under the Creative Commons Attribution 4.0 International (CC BY 4.0). You are required to comply with the terms of CC BY 4.0 and the requirements of the Department of Planning, Industry and Environment. More information can be found at: <http://www.planning.nsw.gov.au/Copyright-and-Disclaimer>



Glossary

Abbreviation	Definition
Applicant	Goodman Property Services (Aust) Pty Ltd
AS	Australian Standard
BCA	Building Code of Australia
CEMP	Construction Environmental Management Plan
CIV	Capital Investment Value
Construction	The demolition of buildings or works, carrying out of works, including earthworks, erection of buildings and other infrastructure covered by this consent
Consent	Development Consent
Council	Penrith City Council
DA	Development Application
DoEE	Federal Department of the Environment and Energy
Department	Department of Planning, Industry and Environment
Development	The development as described in the EIS and RtS for Oakdale West Estate (SSD 7348)
DPI	NSW Department of Primary industries
EIS	Environmental Impact Statement titled <i>Environmental Impact Statement Oakdale West Estate State Significant Development Application</i> prepared by Urbis dated 1 November 2017
EPA	New South Wales Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth)
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces (or delegate)
OEH	Former Office of Environment and Heritage (now Biodiversity and Conservation Division of the Department)
OSL	Office of Strategic Lands
Planning Secretary	As defined in section 1.4 of the EP&A Act
RMS	Former Roads and Maritime Services (now TfNSW)
RtS	Response to Submissions
SLR	Southern Link Road

Abbreviation	Definition
TfNSW	Transport for New South Wales
TSC Act	Threatened Species Act 1995
VPA	Voluntary Planning Agreement
WNSLR	Western North-South Link Road
WSEA	Western Sydney Employment Area
WSFL	Western Sydney Freight Line



Executive Summary

Introduction

Goodman Property Services (Aust) Pty Ltd (the Applicant) has lodged a State significant development (SSD) application and accompanying Environmental Impact Statement (EIS) seeking approval for an industrial warehouse estate within the Western Sydney Employment Area (WSEA) at Kemps Creek in the Penrith local government area (LGA).

The site is located on 154 hectares (ha) of IN1 General Industrial zoned land immediately south of the Water NSW (WNSW) Sydney drinking water supply pipelines. Other industrial developments are located to the east (Oakdale South and Central) and north (Erskine Park Industrial Estate). Immediately to the west are three schools (Emmaus Catholic College, Trinity Primary School, Mamre Anglican School) and a retirement village (Emmaus Retirement Village). To the south is one rural-residential property on Aldington Road. Ropes Creek runs along the eastern site boundary and a high voltage transmission line easement runs through the eastern part of the site.

Development Descriptions

The proposed development (the development) includes a Concept Proposal for 22 warehouse buildings, offices and associated infrastructure and a Stage 1 development application (DA) for bulk earthworks across the site, construction and operation of the first 3 warehouse buildings and construction of the Western North-South Link Road (WNSLR). The Concept Proposal would be delivered over 5 stages, with Stages 2 to 5 the subject of separate DAs. The capital investment value of the Concept Proposal is \$447 million, with the Stage 1 DA comprising \$129 million. The full development would generate 1,845 operational jobs in western Sydney and Stage 1 would generate 459 operational jobs.

The development is classified as State Significant Development (SSD) as it satisfies clause 12, Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP), being for construction of a warehouse and distribution complex with a capital investment value over \$50 million. Consequently, the Minister for Planning and Public Spaces (the Minister) is the consent authority for the development.

Engagement

Prior to lodging the application, the Department of Planning, Industry and Environment (the Department) advised the Applicant to consult with the adjacent landowners and address any potential land use conflicts with the adjacent sensitive uses, being the schools, retirement village and the rural-residence. The Department also met with representatives from the schools and retirement village and attended the site prior to the exhibition of the development.

The Department exhibited the Environmental Impact Statement (EIS) for the development from 16 November 2017 until 20 December 2017. A total of 15 submissions were received during the public exhibition, with one public objection from the adjacent Mamre Anglican School, citing land use conflict as the reason for the objection.

During the exhibition of the EIS, other land use constraints were also identified. These included the future Western Sydney Freight Line (WSFL) corridor, proposed to run through the site, and the need to offset biodiversity impacts on the Erskine Park Biodiversity Corridor, which would be intersected by the WNSLR.

Following further consultation with key agencies and the adjacent schools, the Applicant revised the concept layout and Stage 1 DA in its Response to Submissions (RtS). The key changes included retaining a 60-metre-wide

corridor for the future WSFL, design changes to the WNSLR bridge and alterations to site levels, building layouts and gross floor areas. The Department consulted key agencies on the RtS and met again with representatives from the schools and retirement village. The Applicant also met with the schools and retirement village to discuss the design changes. Residual issues were addressed through further consultation and the Department's recommended conditions for the development.

Assessment

The Department's assessment of the application has fully considered all relevant matters under section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the objects of the EP&A Act and the principles of ecologically sustainable development. The Department has broadly considered the impacts of the entire Concept Proposal, noting further DAs would be submitted for subsequent stages, and this is when a detailed assessment of the impacts of the subsequent stages would be undertaken. For the Stage 1 DA, the Department has assessed the impacts in greater detail.

On 31 August 2017, the development was declared to be a 'controlled action' under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) as it was likely to have a significant impact on Commonwealth listed threatened species and communities. Under the current Bilateral Agreement between the Commonwealth and NSW Governments, the Department must undertake an assessment of these potential impacts under Part 4 of the EP&A Act and make a recommendation to the Commonwealth Minister for the Environment on whether the controlled action should be approved under the EPBC Act.

The key issues identified during assessment and through consultation include visual impacts, transport and access, noise and biodiversity. The Department's assessment of these and other issues concluded the development can be designed, constructed and operated to achieve acceptable levels of amenity at the adjacent sensitive land uses.

The development would transform the existing rural nature of the site into a fully developed warehouse and distribution estate, consistent with its industrial zoning and the objectives of the State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP). This transformation would have moderate to high visual impacts for the adjacent schools, retirement village and one rural residence. The visual impacts would be reduced to an acceptable level through early construction of earthen mounds and landscape planting along the western boundary which would have around 2 to 3 years to establish before buildings are constructed near the boundary. Due to high likelihood of visual impacts along the western and southern boundaries, the Department has recommended that the siting of buildings including setbacks, bulk and building pads in this area not be approved as part of the development. The Department has recommended future DAs for warehouses along these boundaries be subject to an urban design review process to determine appropriate setbacks, layouts and façade treatments to ensure visual impacts are minimised.

The Applicant has demonstrated the traffic generated by the development would be safely accommodated on the road network and has worked with key agencies, including Roads and Maritime Services (RMS) (now Transport for NSW (TfNSW)), Penrith City Council (Council), TfNSW, Water NSW and Office of Strategic Lands (OSL) to ensure the WNSLR will meet relevant requirements. During the Department's assessment, both TfNSW and Council indicated they would not accept ultimate ownership of the WNSLR. This has delayed the design process for the road as it is not clear whether the design should follow TfNSW or Council requirements. There has been no agreement on the intersection treatments, with TfNSW preferring roundabouts and Council preferring signals. The Department notes the Applicant has entered into a Voluntary Planning Agreement with the Minister to deliver the WNSLR and a satisfactory arrangements certificate has been issued in accordance with the WSEA SEPP. The Department considers the Applicant has sufficiently demonstrated the road can be delivered to meet all relevant requirements and concludes the design aspects can be resolved following determination of the application. The Department has recommended conditions to ensure these aspects are resolved prior to construction.

The development would meet relevant noise criteria with construction of landscape mounds and noise barriers, as well as at receiver mitigation for one residence that requested no noise barrier. The resident is satisfied with the proposed mitigation measures offered by the Applicant.

The development would require removal of a small area of threatened ecological communities, which would be offset by protection and enhancement of riparian vegetation along Ropes Creek through formal biodiversity offset legislation. The Applicant would also offset the loss of vegetation from the Erskine Park Biodiversity corridor in accordance with the requirements of the OSL, which manages the corridor on behalf of the Planning Ministerial Corporation. The Department has assessed the development's impacts on biodiversity in accordance with the NSW Offset Strategy and Framework for Biodiversity Assessment. The principal biodiversity impact of the development is the removal of 2.06 ha of Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest which is protected under both Commonwealth and NSW biodiversity legislation. The Department's assessment concludes the biodiversity impact can be adequately managed, mitigated and/or offset. The development would be able to be undertaken in a way that would result in the maintenance or improvement of the biodiversity of the locality. The Department therefore considers the development's impacts on biodiversity, including on Matters of National Environmental Significance, is acceptable and has recommended the Commonwealth Minister for the Environment approve the action, subject to the recommended conditions.

The Department has recommended the construction phase, involving bulk earthworks across the whole site, be managed by an independent environmental representative. This would ensure adequate protection of Ropes Creek and infrastructure assets on and adjacent the site during construction.

Overall, the Department's assessment has concluded the development would:

- provide a range of benefits for the region and the State, through a capital investment of \$447 million in the Penrith LGA
- provide a total of 1,845 jobs in western Sydney
- be consistent with the strategic objectives of the WSEA SEPP and the Western City District Plan to deliver employment generating development in western Sydney, close to key transport links
- not have a significant impact on the local environment.

Consequently, the Department considers the development is in the public interest and should be approved, subject to conditions for the Concept Proposal, for future DAs to address and for the Stage 1 DA.



Contents

Glossary	1
Executive Summary	3
1. Introduction	8
1.1 The Development	8
1.2 Development Setting	8
2. Development	11
2.1 Concept Proposal	11
2.2 Stage 1 Development Application	12
2.3 Physical Layout and Design	16
2.4 Construction Works and Staging	16
2.5 Uses and Activities	16
2.6 Related Development	16
2.7 Planning Agreement	16
2.8 Applicant's Need and Justification for the Development	17
3. Strategic Context	21
3.1 Greater Sydney Region Plan	21
3.2 Western City District Plan	21
3.3 Future Transport Strategy 2056	21
3.4 Western Sydney Aerotropolis Land Use and Infrastructure Implementation Plan Stage 1	21
3.5 State Environmental Planning Policy (Western Sydney Employment Area) 2009	22
4. Statutory Context	23
4.1 State Significant Development	23
4.2 Permissibility	23
4.3 Consent Authority	23
4.4 Other Approvals	23
4.5 Considerations under Section 4.15 of the EP&A Act	24
4.6 Environmental Planning Instruments	24
4.7 Public Exhibition and Notification	24
4.8 Objects of the EP&A Act	24
4.9 Ecologically Sustainable Development	26
4.10 Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)	26

5. Engagement	28
5.1 Consultation	28
5.2 Consultation by the Applicant	28
5.3 Consultation by the Department	28
5.4 Summary of Submissions	29
5.5 Response to Submissions	29
5.6 Key Issues – Government Agencies	30
5.7 Key Issues – Special Interest Groups	31
5.8 Key Issues – Community	32
6. Assessment	33
6.1 Visual Impacts	33
6.2 Traffic, Access and Parking	46
6.3 Noise	53
6.4 Biodiversity	57
6.5 Other Issues	66
7. Evaluation	77
8. Recommendation	79
9. Determination	80
Appendices	81
Appendix A - List of Documents	82
Appendix B - Statutory Considerations	83
Appendix C – Consideration of Matters of National Environmental Significance	93
Appendix D - Recommended Instrument of Consent	101



1. Introduction

1.1 The Development

Goodman Property Services (Aust) Pty Ltd (the Applicant) proposes to develop an industrial warehouse estate referred to as the Oakdale West Estate (the development). The development is located within the Western Sydney Employment Area (WSEA) at Kemps Creek, approximately 37 kilometres (km) west of the Sydney central business district, in the Penrith local government area (see **Figures 1 and 2**).

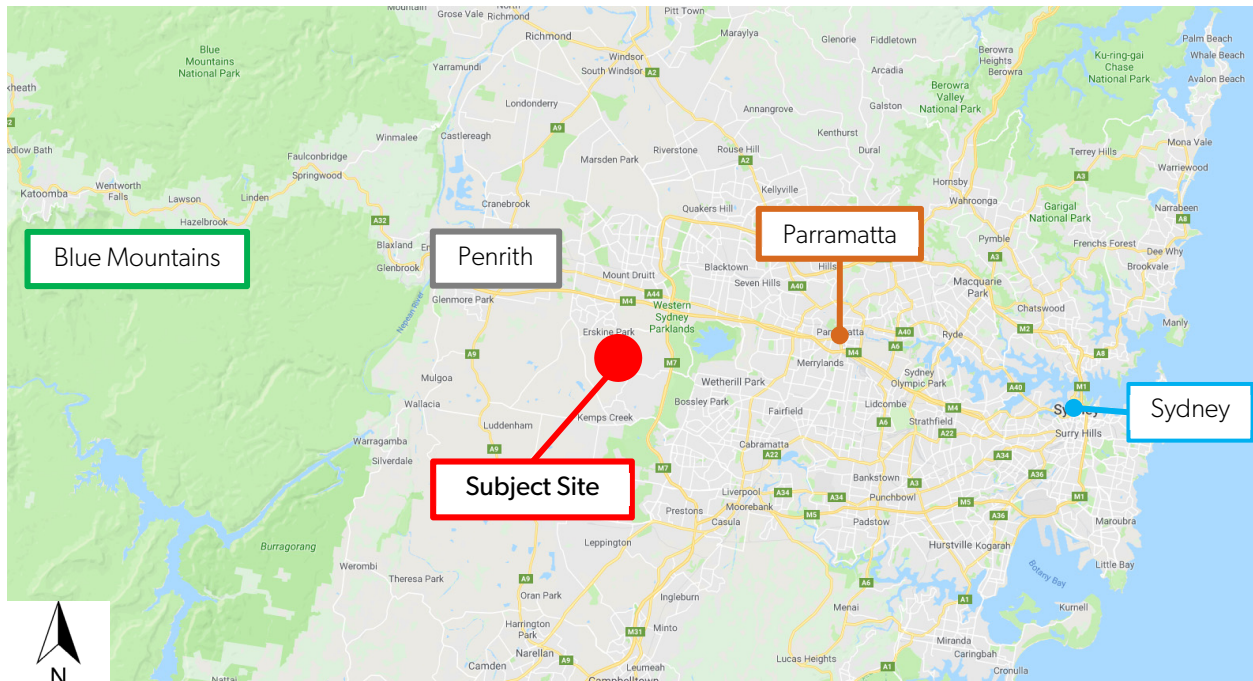


Figure 1 | Location of the Development

1.2 Development Setting

The development is located on 154 hectares (ha) of land within the WSEA. The land has historically been used for grazing and is currently vacant, grassed fields with patches of remnant native vegetation and farm dams (see **Figure 2** and **Plate 1**). The land has been zoned for industrial use since 2009. The Applicant has developed other land immediately to the east for industrial warehouses including the Oakdale Central (SSD 6078) and Oakdale South (SSD 7719) Estates.

Immediately west of the site is the Emmaus Catholic College, Emmaus Retirement Village, Trinity Primary School and Mamre Anglican School (see **Figure 2**). To the south is rural-residential land and native vegetation, with one dwelling located close to the southern site boundary (see **Plate 2**). Two large Sydney drinking water supply pipelines (water pipelines) are located along the northern site boundary on land owned by Water NSW, and the Erskine Park Biodiversity Corridor is located immediately north of the water pipelines. High voltage power lines run through the eastern part of the site within a TransGrid easement and Ropes Creek runs along the eastern site boundary. The proposed Southern Link Road (SLR) will pass through the site in a north-east to south-west alignment, and forms part of the strategic road network designed to service the WSEA, linking Wallgrove Road in the east with Mamre Road in the west, see **Figure 15**. The site is currently accessed via Bakers Lane, a local road at the south-western corner of the site, extending west to Mamre Road. Bakers Lane services the schools and has

school zone speed limits in place for around 900 metres (m) in length. **Plate 3** shows the existing site access point from Bakers Lane.

In 2018, the NSW Government finalised the Future Transport Strategy 2056 and the Greater Sydney Services and Infrastructure Plan, which identified land for future construction of the Western Sydney Freight Line (WSFL). The proposed WSFL would pass through the site along the northern boundary, adjacent to the water pipelines.

The established residential areas of Horsley Park and Mount Vernon are located 2.5 km to the east and south-east and Erskine Park is located 1.8 km to the north.

The Applicant proposes to develop an industrial warehouse estate to service the growing need for large warehouse and logistics operations to efficiently distribute products across Sydney and NSW. The site is strategically located within the WSEA and within 10 km of the proposed Western Sydney Aerotropolis. The development will provide increased employment opportunities in Western Sydney, generating around 1,800 operational jobs when fully developed.



Figure 2 | Local Context



Plate 1: School Buildings on the Western Boundary, Remnant Native Vegetation in North-West Corner of Site



Plate 2: Rural-Residential Property Adjacent to Southern Boundary



Plate 3: Existing Site Access from Bakers Lane



2. Development

In late 2017, the Applicant lodged a State Significant Development (SSD) application under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for the Oakdale West Estate. The Applicant proposes to develop 22 warehouse buildings for industrial use over five stages. The development includes a Concept Proposal for all 22 warehouses and a DA for Stage 1, comprising three warehouse buildings, the main access road, landscaping and service infrastructure. The Applicant amended the layout of the development throughout the assessment process to address key constraints including the boundary interface with the schools and retirement village, the proposed Western Sydney Freight Line (WSFL) corridor and the Erskine Park Biodiversity (EPB) corridor.

Table 1 summarises the key components of the Concept Proposal. **Figures 3** and **4** shows the concept layout and staging plan. **Table 2** summarises the key components of the Stage 1 DA. **Figures 5, 6** and **7** show the Stage 1 layout, including the WNSLR. The development is described in full in the Environmental Impact Statement (EIS) and Response to Submissions (RtS) in **Appendix A**.

2.1 Concept Proposal

The key components of the Concept Proposal, as amended by the RtS, are summarised in **Table 1** and shown in **Figure 5**.

Table 1 | Key Components of the Concept Proposal

Aspect	Description
Summary	A Concept Proposal for the development of the Oakdale West Estate comprising 22 warehouse buildings and associated infrastructure
Layout	<ul style="list-style-type: none">• concept layout for 22 warehouse buildings and ancillary office space, developed over five stages (Figures 3 and 4)• a total gross lettable area (GLA) of 476,000 square metres (m²)• conceptual layout of development lots, internal roads, drainage, landscaping, noise walls and basins• biodiversity offsets• development controls covering lot size, site coverage, building and landscape setbacks and parking rates
Boundary interfaces and easements	<ul style="list-style-type: none">• western – minimum 40 m landscaped setback to Emmaus Catholic College and 60 m landscaped setback to Emmaus Retirement Village• southern – minimum 20 m setback to buildings, some parking included within setback• northern – 60 m corridor to allow for the WSFL corridor• eastern – biodiversity offset along Ropes Creek riparian corridor, and no development in the 61 m wide transmission line easement

Aspect	Description
Employment	<ul style="list-style-type: none"> 1,845 operational jobs and 1,065 construction jobs
Development timeframe	Five stages delivered over approximately 13 years, dependent on demand for warehouses
Capital investment value	\$447 million

2.2 Stage 1 Development Application

Table 2 | Key Components of the Stage 1 DA

Aspect	Description
Summary	Stage 1 DA for the Oakdale West Estate comprising 3 warehouse buildings and associated infrastructure, bulk earthworks across the site, and construction of the WNSLR
Development Application – Stage 1	<ul style="list-style-type: none"> bulk earthworks across all five stages including construction of batters, retaining walls and noise walls construction and operation of three warehouse buildings (1A, 1B and 1C), dock offices and ancillary office space with a total GLA of 118,000 m² (Figures 5 and 6) lead in services including drainage, power, sewer, water and telecommunications service infrastructure to Precinct 1 including Lots 1A, 1B and 1C (drainage, power, sewer, water, electricity, telecommunications) construction of estate roads 1, 2, 6 and the eastern part of estate road 7 subdivision of Stage 1 lots and road infrastructure construction of the WNSLR, associated basins and drainage, including dedication of the land and infrastructure to the roads authority (Figure 7) landscaping of Stage 1, the western boundary, the WNSLR, estate roads 1, 2, 6 and the eastern part of estate road 7, detention basins and the amenity lot stormwater drainage infrastructure for Lots 2A and 2B and all basins temporary works to facilitate construction including but not limited to, swales, haul road (construction access), landscaping and basins
Site Access	<p><u>Construction – Stage 1 and WNSLR</u></p> <ul style="list-style-type: none"> use of Bakers Lane for earthworks, construction of Stage 1 buildings and the WNSLR south of the water pipelines use of Lenore Drive and Lockwood Road for the WNSLR north of the water pipelines <p><u>Operation</u></p> <ul style="list-style-type: none"> use of the WNSLR for operation of Stage 1

Aspect	Description
Boundary interfaces and easements	Consistent with the concept layout
Construction	18 months (concurrent construction of WNSLR and Stage 1 buildings)
Hours of operation	24 hours, 7 days
Employment	459 operational jobs, 263 construction jobs
Capital investment value	\$129 million

Goodman

BRICKWORKS



Figure 3 | Concept Plan Layout



Figure 4 | Indicative Staging Plan

2.3 Physical Layout and Design

The concept layout provides level building pads for large warehouses and loading docks to accommodate businesses that distribute goods across Sydney and NSW. The Applicant has sought to minimise cut and fill across the site and has designed the development to accommodate several site constraints including setbacks to schools and retirement village, the WSFL corridor, transmission line easement, Ropes Creek riparian corridor, the alignment of the SLR, and the need to bridge the WNSLR across the water pipelines. The warehouse buildings would be a standard 13.7 m high and primarily constructed with colourbond metal wall cladding and concrete base panels. The buildings would include large areas of hardstand paving for truck loading docks and staff car parking.

2.4 Construction Works and Staging

The Applicant proposes to complete the development in five stages, aiming to provide continuity of warehouses to meet market demand, see **Figure 4**. In relation to construction, the SSD application seeks approval for:

- bulk earthworks across all five stages, construction of retaining walls and noise walls
- Stage 1 detailed earthworks, building construction (buildings 1A, 1B and 1C) and installation of service infrastructure
- WNSLR construction
- construction of estate roads 1, 2, 6 and the eastern part of estate road 7
- installation of stormwater drainage infrastructure to lots 2A and 2B
- landscaping for Stage 1 buildings, estate roads 1, 2, 6 and the eastern part of estate road 7, WNSLR and the western site boundary.

Construction works for Stage 1 (including the WNSLR) are anticipated to take 18 months to complete. Detailed earthworks and construction of Stages 2 to 5 would be subject to separate DAs and have an estimated timeframe of up to 13 years for full development.

2.5 Uses and Activities

The development includes warehouses and associated office space for the storage and distribution of goods. Warehouses at the adjacent Oakdale Central and South Estates are occupied by businesses including Toyota, Sigma, Costco and DHL. The development would house similar businesses.

2.6 Related Development

The proposed SLR would pass through the development site and intersect with the WNSLR in the eastern part of the site (see **Figure 15**). The alignment of the SLR was identified in the WSEA SEPP and through a concept design prepared for the Department and Transport for NSW (TfNSW) in 2014. Detailed design work for the SLR is presently underway by the 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 complete by 2026. The development has been designed to accommodate the concept layout of the SLR.

2.7 Planning Agreement

The concept application and Stage 1 DA is accompanied by a Planning Agreement (PA) that details the contribution the Applicant will make to regional infrastructure. The PA provides for the Applicant to deliver the WNSLR as part of the Stage 1 DA as a works-in-kind (WIK) contribution towards regional infrastructure. This is consistent with Clause 29 of the WSEA SEPP.

2.8 Applicant's Need and Justification for the Development

The Applicant has developed several warehouse estates and distribution centres in the WSEA including the Erskine Park Industrial Estate, Oakdale Central and Oakdale South Estates. The Applicant states its broad aim for the Oakdale Estates is to provide high quality warehouse and logistics centres that provide flexibility to suit a range of end user requirements. The Applicant also notes an increasing demand for large warehouses to increase efficiencies in product storage and distribution. The development would ensure continuity of supply of warehouses to meet the growing demand.

The development would also maximise employment opportunities in western Sydney by providing high employment uses on industrial zoned land, consistent with the strategic objectives of the WSEA SEPP. Stage 1 would deliver road infrastructure to service the site and other developments in the WSEA.

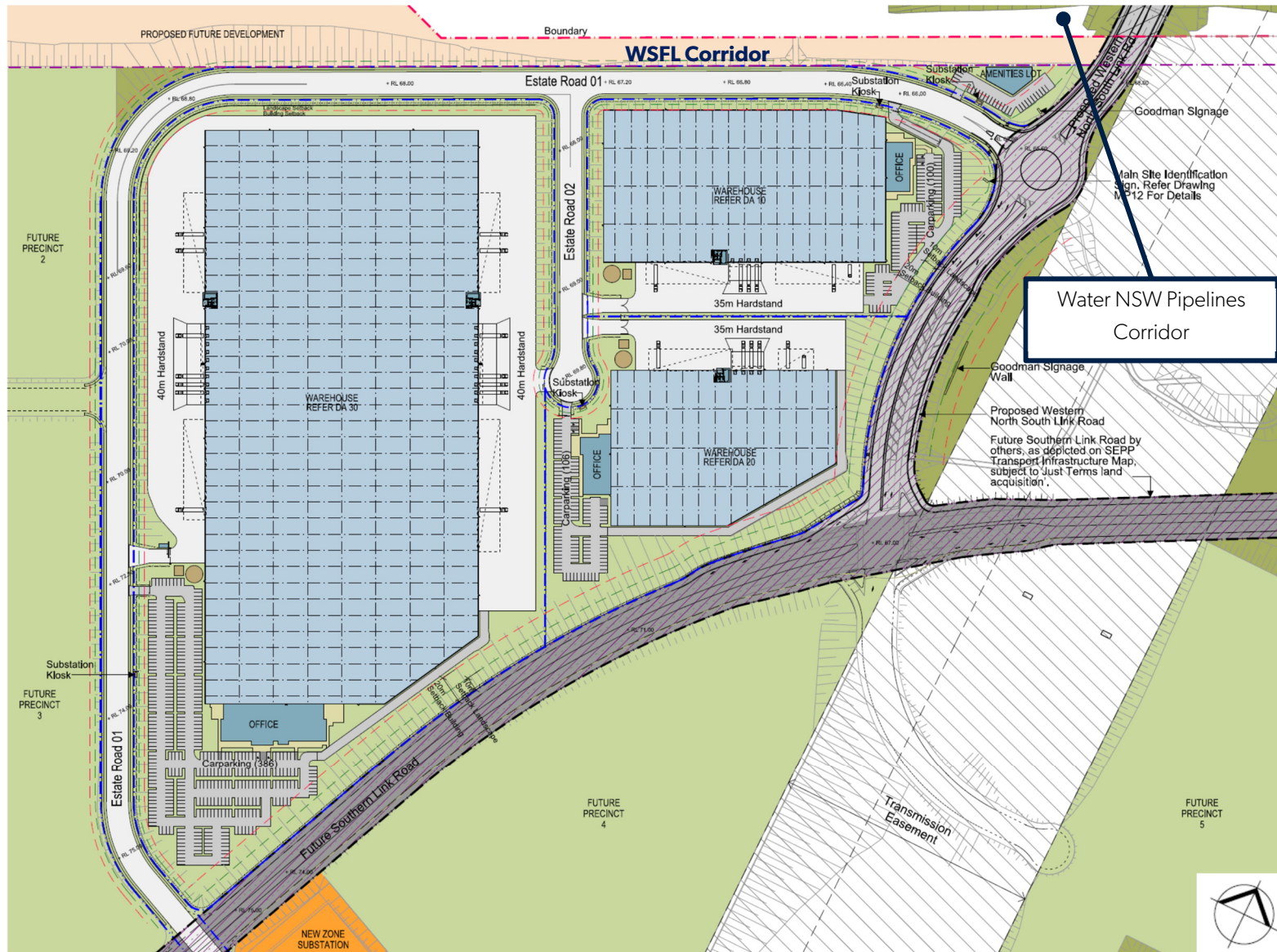


Figure 6 | Stage 1 DA Detail

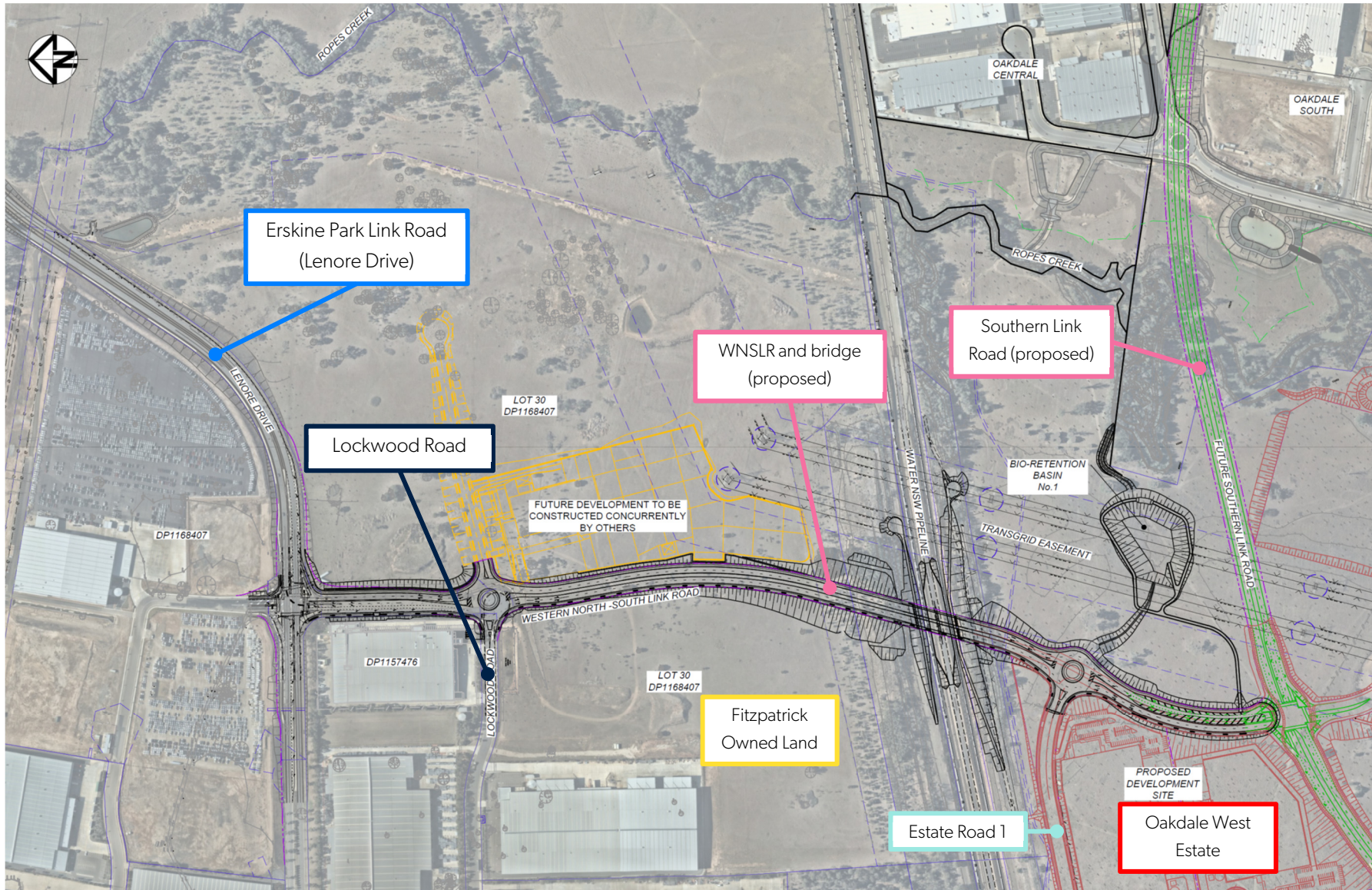


Figure 7 | Proposed Alignment of the Western North-South Link Road, Bridge and Land Ownerships



3. Strategic Context

3.1 Greater Sydney Region Plan

In March 2018, the Greater Sydney Commission (GSC) released the Greater Sydney Region Plan: *A Metropolis of Three Cities* (the Region Plan) which forms part of the integrated planning framework for Greater Sydney. The Region Plan is built on a vision of three cities; the Western Parkland City, the Central River City and the Eastern Harbour City. The 40-year vision to 2056 brings new thinking to land use and transport patterns to boost Greater Sydney's liveability, productivity and sustainability by spreading the benefits of growth.

The development would assist in achieving Objective 16 by utilising industrial zoned land for warehouse and logistics use and Objective 23 by providing employment opportunities in Western Sydney.

3.2 Western City District Plan

The Greater Sydney Commission has released six district plans encompassing Greater Sydney which will guide the delivery of the Greater Sydney Region Plan. The district plans set out the vision, priorities and actions for the development of each district.

The development is located within the Western City District. The Western City District Plan is a 20-year plan to manage growth in Western Sydney in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. It is a guide to implementing the Greater Sydney Region Plan at a district level and is a bridge between regional and local planning.

The development would assist in achieving Planning Priorities W10 and W11 as it would maximise logistics opportunities, investment, business opportunities and jobs in strategic centres.

3.3 Future Transport Strategy 2056

Future Transport 2056 is a 40-year strategy for the development and improvement of the NSW transport system. The vision for future transport is built on six outcomes: customer focused, successful places, a strong economy, safety and performance, accessible services and sustainability. These outcomes are intended to provide a guide for future investment, policy, reform and provision of services, as well as provide a framework to support a modern, innovative transport network.

Future Transport 2056 identifies the WSFL as a Greater Sydney Initiative for Investigation in 10-20 years. The site is located immediately south of the proposed WSFL corridor. The proposal includes a 60 m corridor intended for the future WSFL, agreed to by TfNSW.

3.4 Western Sydney Aerotropolis Land Use and Infrastructure Implementation Plan Stage 1

The Western Sydney Aerotropolis Land Use and Infrastructure Implementation Plan (LUIIP) is a high-level plan illustrating the strategic vision for how Aerotropolis development could look and to set the parameters for appropriate short-term development outcomes, while preserving longer-term opportunities. The LUIIP is to be followed by more detailed planning. The Western Sydney Aerotropolis comprises 11,200 ha of land and is anticipated to provide 200,000 jobs for Western Sydney.

The site is not located within the Western Sydney Aerotropolis. However, the western boundary of the site is a shared border with land identified as the Western Sydney Aerotropolis, therefore the LUIIP was considered in the

Department's assessment of the development. The development is consistent with the LUIPs principles for success by providing jobs in Western Sydney, implementing environmentally sustainable measures and rehabilitating vegetation in the Ropes Creek corridor.

3.5 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, 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. 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
- the Concept Proposal will provide up to 1,845 jobs
- it includes the rehabilitation of riparian vegetation and the establishment of a biodiversity offset area.

In accordance with clause 29 of the WSEA SEPP, the Applicant has entered into a Planning Agreement with the Minister, for the provision of regional transport infrastructure (Planning Agreement between the Minister for Planning and Public Spaces, Goodman Property Services (Aust) Pty Ltd and BGMG 11 Pty Ltd which was executed on 5 August 2019). On 16 August 2019, the Acting Deputy Secretary, Place and Infrastructure Greater Sydney, as the Planning Secretary's delegate, certified satisfactory arrangements are in place for the development.

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



4. Statutory Context

4.1 State Significant Development

The development is classified as State Significant Development (SSD) as it satisfies clause 12, Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP), being for construction of a warehouse and distribution centre with a capital investment value over \$50 million.

4.2 Permissibility

Two land use zones apply to the site pursuant to *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (WSEA SEPP):

- IN1 General Industrial (IN1)
- E2 Environmental Conservation (E2).

Warehousing and distribution centres are permissible with consent in the IN1 zone. Roads and artificial waterbodies are permissible with consent in the IN1 and E2 zones. Therefore, the Minister or a delegate may determine the carrying out of the development.

4.3 Consent Authority

The Minister is the consent authority for the development pursuant to section 4.5 of the EP&A Act. On 11 October 2017, the Minister delegated the functions to determine SSD applications to the Executive Director, Compliance, Industry and Key Sites where:

- the relevant local Council has not made an objection and
- there are less than 25 public submissions in the nature of objections and
- a political donations disclosure statement has not been made.

Of the 15 submissions received, one objected to the development. Penrith City Council (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 Executive Director, Compliance, Industry and Key Sites, 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.

The Environment Protection Authority (EPA) advised the development does not constitute a scheduled activity under the *Protection of the Environment Operations Act 1997* (POEO Act), therefore an Environment Protection Licence (EPL) is not required. If any future tenancies include scheduled activities, an EPL would be required prior to undertaking that activity.

Roads and Maritime Services (RMS) now Transport for NSW (TfNSW) advised in its submission that the proposed works at Lenore Drive requires concurrence from TfNSW under section 138 of the *Roads Act 1993* and the provision of new traffic signals along the WNSLR requires consent from TfNSW under section 87 of the *Roads Act 1993*.

TfNSW recommended design amendments for the intersection works and advised that the Applicant is required to enter into a Works Authorisation Deed (WAD) with the TfNSW for the works. The Department has incorporated TfNSW requirements into the recommended conditions.

4.5 Considerations under Section 4.15 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 provided throughout **Section 6** and **Appendix B**. In summary, the Department is satisfied the development is consistent with the requirements of section 4.15.

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 development.

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

- 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 (ISEPP)
- State Environmental Planning Policy No 33 – Hazardous and Offensive Development (SEPP 33)
- State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)
- 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 (PLEP).

Development Control Plans (DCPs) do not apply to SSD under clause 11 of the SRD SEPP. However, the Department has considered the relevant provisions of the Penrith DCP 2014 in its assessment of the development in **Section 6** of this report.

Detailed consideration of the provisions of all EPIs that apply to the development is provided in **Appendix B**. The Department is satisfied the development generally complies with the relevant provisions of these EPIs.

4.7 Public Exhibition and Notification

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 application was on public exhibition from 16 November 2017 until 20 December 2017. Details of the exhibition process and notifications are provided in **Section 5**.

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:

- 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,*
- to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- to promote the orderly and economic use and development of land,*

- (d) *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (e) *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (f) *to promote good design and amenity of the built environment,*
- (g) *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (h) *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (i) *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.

Table 3 | Considerations Against the EP&A Act

Object	Consideration
1.3(a)	<ul style="list-style-type: none"> the development would ensure the orderly and economic use of land, which is zoned for industrial use and provide employment opportunities for the locality.
1.3(b)	<ul style="list-style-type: none"> the site preparation works for this development, including site clearing and earthworks, form part of the Stage 1 DA. The proposal includes rehabilitation of riparian land and the establishment of a biodiversity offset area. The development also includes a range of proposed sustainability initiatives in the design of the warehouse buildings to reduce energy and resource consumption.
1.3(c)	<ul style="list-style-type: none"> the development would ensure the orderly and economic use of land which is zoned for industrial use and would also deliver local road and drainage infrastructure to facilitate the development of the site.
1.3(e)	<ul style="list-style-type: none"> the Department's assessment in Section 6 of this report demonstrates with the implementation of the recommended conditions of consent, the impacts of the development can be mitigated and/or managed to ensure the environment is protected.
1.3(f)	<ul style="list-style-type: none"> the development is not anticipated to result in any impacts upon built and cultural heritage, including Aboriginal cultural heritage.
1.3(g)	<ul style="list-style-type: none"> the Department's assessment in Section 6 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)	<ul style="list-style-type: none"> buildings would be constructed to meet a combination of deemed to satisfy (DTS) and Performance Requirements of the BCA and relevant construction standards to address nearby bushfire mapped areas. The Department has also recommended a condition requiring any cladding to be used for the warehouse buildings to be of a non-combustible material.
1.3(i)	<ul style="list-style-type: none"> 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) (see Section 5).

Object	Consideration
1.3(j)	<ul style="list-style-type: none"> the application was exhibited in accordance with Schedule 1 of the EP&A Act to provide opportunity for public involvement and participation in the environmental assessment of this application.

4.9 Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1997*. Section 10.1 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 environmental safeguards recommended for potential impacts. ESD initiatives and sustainability measures are also proposed to be incorporated into the design of the development, including:

- rainwater harvesting and reuse to provide up to 50% of water demand for the development
- use of translucent sheeting on warehouse roofs to increase natural light
- solar powered hot water systems
- programmable lighting systems including timers, daylight sensors and motion sensors in warehouses
- louvre grills in building facades to allow cross ventilation
- high efficiency glazing and shading of offices.

The Department's assessment of the development (refer to **Section 6**) is based on a conservative and rigorous assessment of the likely impacts of the development, with consideration of cumulative impacts from existing and approved development in the WSEA. The Department has considered the need to encourage the principles of ESD, in addition to the need for the proper management and conservation of natural resources, the orderly development of land, the need for the development as a whole, and the protection of the environment, including threatened species within **Section 6** of this report.

As demonstrated by the Department's assessment in **Section 6**, 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 development requires removal of 7.407 ha of native vegetation which would be offset in accordance with relevant legislation. As such, the Department considers 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 (EPBC Act)

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 Applicant made a referral to the Commonwealth Department of the Environment and Energy (DoEE) in relation to the development's potential to impact on MNES. On 31 August 2017, the DoEE decided under Section 75 of the EPBC Act, the development constituted a 'controlled action'. In accordance with the current Bilateral Agreement between the Commonwealth and NSW Governments, the Department must undertake an assessment

of these potential impacts under Part 4 of the EP&A Act and make a recommendation to the Commonwealth Minister for the Environment on whether the controlled action should be approved under the EPBC Act. The Department's assessment of the development against the requirements of the EPBC Act is contained in **Appendix C** – Consideration of Matters of National Environmental Significance of this report.

The Applicant prepared a biodiversity assessment to address the requirements of the EPBC Act and the requirements of the NSW Framework for Biodiversity Assessment which has been considered in **Section 6**.



5. Engagement

5.1 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 Department undertook further consultation with these stakeholders during the exhibition of the EIS and throughout the assessment of the application. These consultation activities are described in detail in the following sections.

5.2 Consultation by the Applicant

The Applicant undertook a range of consultation activities throughout preparation of the EIS including:

- meetings with several government agencies, Council and key stakeholders to inform the design of the development
- direct consultation with neighbouring landowners including Emmaus Catholic Primary and High School, the Mamre Anglican School and the Retirement Village.

5.3 Consultation by the Department

Prior to Exhibition of the EIS

The Department consulted the DoEE in relation to the proposal's potential to impact on matters of national environmental significance, see **Section 4.10**. The DoEE confirmed the application would be assessed under the NSW Assessment Bilateral Agreement.

Exhibition of the EIS

After accepting the EIS for the application, the Department:

- made it publicly available from **16 November 2017** until **20 December 2017** (35 days):
 - on the Department's website, at NSW Service Centres and at the Department's Information Centre in Sydney
 - at Penrith City Council and Fairfield City Council offices
- notified landowners in the vicinity of the site about the exhibition period, by letter
- notified relevant State government agencies, Penrith, Fairfield and Blacktown Councils, by letter
- advertised the exhibition in the Sydney Morning Herald, Daily Telegraph, The Australian, Penrith Press and Fairfield City Champion.

The exhibition materials identified the proposal as a 'Controlled Action' under the EPBC Act. Under the current Bilateral Agreement between the Commonwealth and NSW Governments, the Department must undertake an assessment of these potential impacts under Part 4 of the EP&A Act and make a recommendation to the Commonwealth Minister on whether the controlled action should be approved under the EPBC Act. All notification and public participation statutory obligations have been satisfied, including the requirements of the EPBC Act.

Site Visits and Meetings

The Department inspected the site on 17 November 2016 and met with representatives of the neighbouring schools and retirement village on 17 November 2016 and 11 December 2017.

Throughout the Department's assessment, multiple meetings were held with Transport for NSW (TfNSW), Office of Strategic Lands (OSL) and Council to resolve the residual issues. The Department also had discussions with Council regarding the interface of the development with residential areas and to discuss the draft conditions of consent.

5.4 Summary of Submissions

The Department received 15 submissions during the public exhibition of the application. Ten submissions were from Government agencies, three were from special interest groups and two were from the public. One public submission objected to the development. **Table 4** lists the submissions and **Appendix A** includes a link to all submissions. **Sections 5.4 to 5.6** summarise the key issues raised.

Table 4 | Summary of Submissions

Submitter	Type	Status
Department of Industry – Crown Lands & Water	Agency	Comment
Department of Industry – Resources & Energy	Agency	Comment
Heritage Council of NSW	Agency	Comment
Office of Environment & Heritage	Agency	Comment
Office of Strategic Lands	Agency	Comment
Penrith City Council	Agency	Comment
Transport for NSW (previously Roads and Maritime Services)	Agency	Comment
Rural Fire Service	Agency	Comment
Transport for NSW	Agency	Comment
Water NSW	Agency	Comment
Endeavour Energy	Special Interest Group	Comment
Sydney Water	Special Interest Group	Comment
TransGrid	Special Interest Group	Comment
Ingham Planning (on behalf of Anglican Schools Association who operates Mamre Anglican School)	Public	Object
Emmaus Catholic College	Public	Comment

5.5 Response to Submissions

The Applicant provided a response to submissions (RtS) in May 2018. Following consultation with key agencies, the Applicant submitted a final RtS in November 2018. The final RtS was made publicly available on the Department's website and a link is included in **Appendix A**. The Department consulted key agencies on the final RtS, with comments received from Council, TfNSW, RMS, Rural Fire Service (RFS), Water NSW, Sydney Water, Endeavour Energy and TransGrid.

5.6 Key Issues – Government Agencies

Transport for New South Wales (TfNSW)

TfNSW noted the proposed WSFL corridor affects the site. After public consultation on the Draft Future Transport Strategy 2056, TfNSW confirmed they would pursue preservation of an 80 m wide corridor within the site, adjacent to the water pipelines. The Applicant met with TfNSW and the Department and subsequently amended the layout of the Concept Proposal and Stage 1 DA (in the final RtS) to provide a 60 m wide corridor for the future freight line. TfNSW submission on the final RtS confirmed it is likely future freight rail infrastructure within a 60 m wide corridor will be adequate. TfNSW also commented on the Applicant's concept design for the WNSLR bridge crossing of the future WSFL. TfNSW indicated the clearance provided in the concept design is generally acceptable and noted that geotechnical investigations would be required during detailed design. TfNSW recommended conditions requiring TfNSW approval of bridge and geotechnical designs, prior to construction.

TfNSW (previously RMS)

TfNSW commented on the design and construction of the WNSLR and the intersections with the SLR, Lenore Drive, Estate Road 1 and Lockwood Road. TfNSW noted the road should be designed and constructed to meet the requirements of Penrith Council, as the ultimate owner of the road. TfNSW has an approval role (Section 138 of the *Roads Act, 1993*) for the components of the WNSLR that involve Lenore Drive and the design of the four intersections. TfNSW noted it would be unlikely to support signalised intersections at Estate Road 1 and Lockwood Road. The Applicant's final RtS provided a revised design to provide roundabouts at these intersections. TfNSW provided recommended conditions relating to the design of the intersections and delivery of the road works.

Office of Strategic Lands (OSL)

OSL stated the proposed WNSLR should not impact on the Erskine Park Biodiversity (EPB) corridor land and noted the Applicant had not proposed any offset for the loss of land in the biodiversity corridor. OSL also requested the Applicant remove the proposed stormwater basin from the Ropes Creek riparian corridor. After consultation between the Applicant, the Department and OSL, an approach was agreed to offset the loss of vegetation from the EPB corridor and to provide a fauna passage under the WNSLR. The Applicant also amended the final concept layout to remove the stormwater basin from the Ropes Creek riparian corridor.

Penrith City Council (Council)

Council raised several issues for the Applicant to address. These include the visual impacts of the development on adjacent residential uses, interface treatments for the southern and western boundaries, finished levels, landscaping, retaining walls and glare from building roofs. Council requested improved building façade treatments and further details of proposed stormwater management controls, including basin designs. Council also requested clarifications on drainage easements, access, site contamination, import of fill material and landscaping. Following a review of the final RtS, Council noted four residual matters for consideration:

- ownership of the WNSLR, Council preference for TfNSW ownership
- intersection treatments on the WNSLR, Council preference for signalised intersections, not roundabouts
- ownership of stormwater management basins, including those associated with the WNSLR
- suitability of the 20 m setback on the southern boundary, noting the proposed carparking within this setback, and the need to provide appropriate separation from the rural-residential property to the south.

Water NSW (WNSW)

WNSW noted the water pipelines along the northern site boundary are a critical component of Sydney's drinking water supply system and it is essential they are protected from potential development impacts. WNSW recommended conditions requiring a pre-construction dilapidation survey, on-going consultation on detailed

design of Stage 1 and 2 works and the WNSLR bridge crossing, requirements for an access licence, consultation on the Construction Environmental Management Plan (CEMP), early installation of detention basins, fencing and land dedication. The Department has included WNSW's requirements in the recommended conditions.

Biodiversity and Conservation Division of the Department (Former Office of Environment and Heritage (OEH))

Former OEH questioned some aspects of the Biodiversity Assessment Report (BAR) and provided recommended conditions for the unavoidable biodiversity impacts of the development. Former OEH also raised some concerns with the proposed offsetting for the Erskine Park Biodiversity corridor land. This aspect was addressed through discussions with OSL as the authority responsible for maintenance of the Erskine Park biodiversity corridor.

Heritage Council of NSW (Heritage)

Heritage reviewed the historical archaeological assessment and research design and recommended the development proceed with provisions for an unexpected finds protocol in the event substantially intact and unexpected historical archaeological resources are identified and require management. The Applicant agreed in the RtS and Heritage advised it had no further comments.

Former Department of Industry – Crown Lands & Water (Dol Lands & Water) (now Water Group of the Department)

Former Dol Lands & Water requested the Applicant provide a draft vegetation management plan and further details of the proposed restoration of remnant riparian vegetation. Dol Lands & Water advised all works on waterfront land must be undertaken in accordance with Dol's guidelines.

NSW Rural Fire Service (FRS) raised no objection to the development subject to compliance with the recommendations of the Bush Fire Report prepared by Australian Bushfire Protection Planners, submitted in the EIS.

Department of Industry – Resources & Energy did not raise any issues.

The key issues raised by agencies have been addressed through the provision of additional information, amendments to the Concept Proposal and Stage 1 layouts, or through recommended conditions of consent.

5.7 Key Issues – Special Interest Groups

There were three submissions from special interest groups, Endeavour Energy, Sydney Water and TransGrid. These utility providers listed requirements for connections to their infrastructure or protection of their existing assets.

Endeavour Energy

Endeavour Energy advised a new zone substation would be required to service the development. Endeavour Energy reviewed the RtS and noted it had reached 'in principle' agreement with the Applicant for the location of the substation to service the area and had commenced acquisition negotiations. The requirements of Endeavour Energy for provision of land for the substation and for electricity supply to the development have been included as recommended conditions.

Sydney Water

Sydney Water reviewed the EIS and advised there are no water and wastewater servicing strategies for the site. Sydney Water confirmed the Applicant will need to obtain a Section 73 compliance certificate for water and wastewater infrastructure prior to operation. Sydney Water reviewed the RtS and advised it had no further requirements.

TransGrid

TransGrid reviewed the EIS and RtS and provided recommended conditions for the development. TransGrid requested the Applicant consult with them prior to lodging development applications for Stages 4 and 5, or any other stage or road infrastructure that may affect the existing transmission line easement. The Department has included conditions requiring the Applicant to meet the requirements of TransGrid.

5.8 Key Issues – Community

There were two submissions from the community, including the Catholic and Anglican schools adjoining the western site boundary. One submission objected to the development.

Emmaus Catholic College (Emmaus)

The submission from Emmaus incorporated comments from the primary school, high school and retirement village. Emmaus did not object to the development but requested the incorporation of design elements to minimise impacts on the school and retirement village and raised concerns regarding the disturbance of brown snakes. Emmaus requested noise barriers in addition to the vegetation screen planting, dust controls during construction, traffic controls including notification of the timing of any disruptions, measures to minimise the movement of snakes from the site into the school grounds and privacy from any security cameras on the site. The school also noted the need for better access to potable water, sewer and telecommunications.

Ingham Planning

Ingham Planning made an objection on behalf of the Anglican Schools Corporation who operates the Mamre Anglican School located to the west of the site on Bakers Lane. The objection was based on land use conflict between the proposed industrial uses and the existing sensitive receivers (schools and retirement village). The Ingham Planning objection raised concerns about the safety and capacity of Bakers Lane if used by traffic from the development and the broader WSEA. The objection also raised concerns about the strategic planning for the alignment of the Southern Link Road and noted the land use conflicts had not been adequately addressed.

The Department has considered all issues raised in submissions throughout its assessment which are detailed in **Section 6** of this report.



6. Assessment

The Department has considered the EIS, issues raised in submissions and the RtS in its assessment of the development. The Department considers the key assessment issues are:

- visual impacts
- traffic and access
- noise
- biodiversity.

Several other issues have also been considered. **Table 8** in **Section 6.5** includes the Department's consideration of these issues.

6.1 Visual Impacts

The development has the potential to permanently alter views from vantage points in the locality including adjacent residences, schools and the retirement village by transforming an existing rural landscape to a warehouse and distribution estate.

6.1.1 Background

The area has been zoned for industrial use as part of the WSEA since 2009. Progressive development of the WSEA has provided a range of employment generating uses, with warehousing, freight and distribution centres the primary building types to the east. Undeveloped portions of the WSEA include rural land that has historically been used for grazing, market gardens and some industrial uses such as quarries.

As the area is changing from rural land uses to employment and industrial uses, substantial alterations are occurring to the visual environment in and surrounding the WSEA. This has the potential to impact on the Emmaus Catholic College, Emmaus Retirement Village, Trinity Primary School and Mamre Anglican School immediately to the west, the rural-residential landholdings along Bakers Lane and Aldington Road to the south and the established residential areas of Horsley Park, Mount Vernon and Erskine Park. The Department has assessed the potential for visual impacts on all receptors, with a focus on the land uses to the west, given the proximity to the development and the lower elevation of the schools and retirement village compared to the site (see **Plate 4**). **Figure 8** shows the surrounding land uses and key visual receptors identified in the Applicant's EIS.

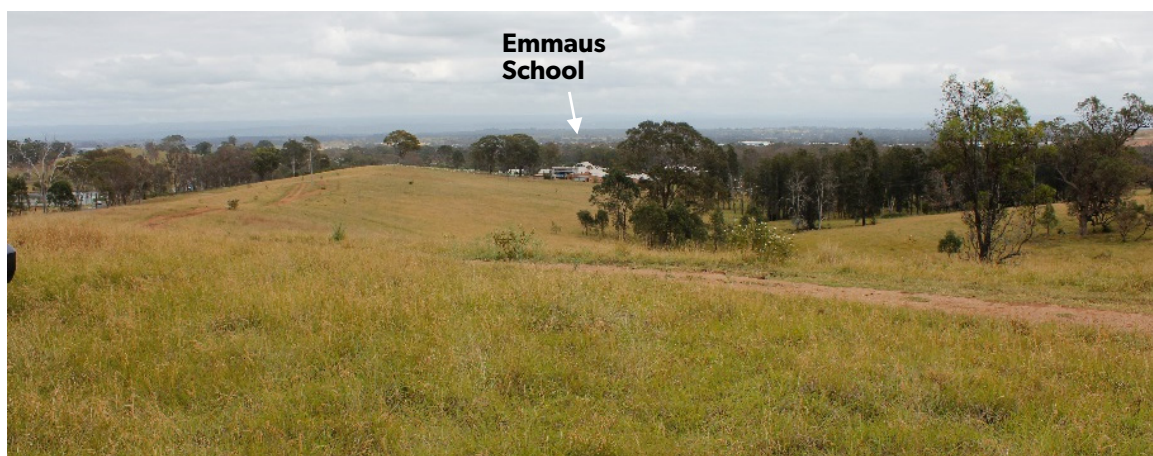


Plate 4: Central Ridgeline of the Site Looking West Toward Schools

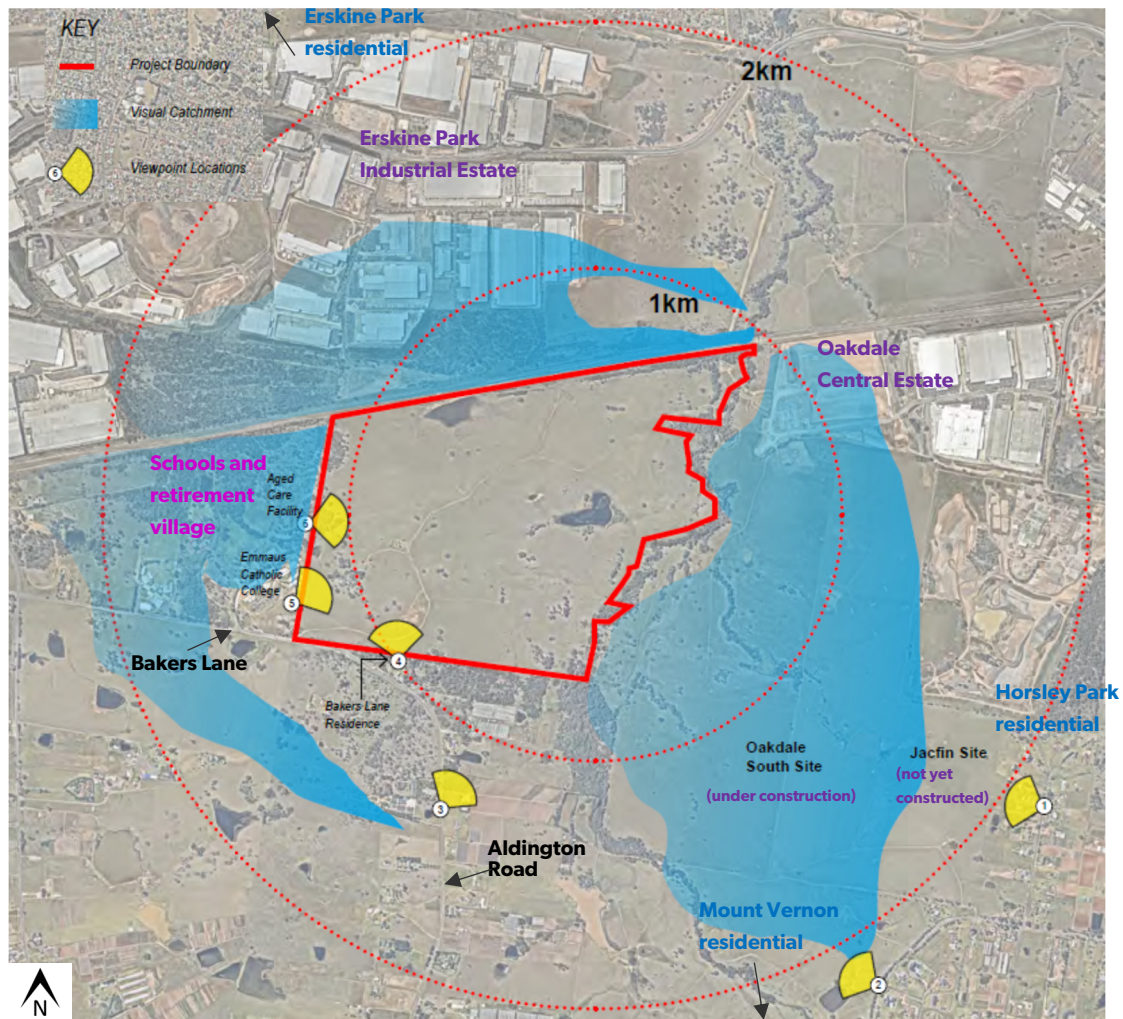


Figure 8 | Visual Catchment and Key Receptors around the Site

6.1.2 Applicant's Visual Assessment and Peer Review

The EIS included a Visual Impact Assessment (VIA) prepared by e8urban and a peer review by Clouston Associates. The VIA aims to provide an objective view of the potential impacts, it does not represent the opinions of individual receptors, as people's perception of visual impacts may vary considerably.

The VIA provided an analysis of the impacts of the entire development, with all five stages built and operating. This provides a complete assessment of the visual impacts of the full development; however, the impacts will be progressive as the development would be constructed over an estimated 13 years. The VIA also considered Clause 23 of the WSEA SEPP which outlines matters for consideration for development adjoining residential land. The VIA did not assess the visual impacts associated with construction. While construction works are temporary, the Department notes construction may be occurring on parts of the site over a long timeframe, and bulk earthworks would be completed across the entire site in one construction phase (Stage 1). For these reasons, the Department has qualitatively considered construction phase impacts as part of its assessment.

The key aspects of the development likely to have visual impacts include:

- changing from a rural landscape to a fully developed industrial estate
- cut and fill across the site to create large level building pads and to align with road infrastructure. The ridgeline from the southern part of the site will be lowered over 10 m, with areas along the western and northern boundaries filled. The western site boundary would be raised by 9.3 m in the north-west corner near the retirement village and by 10.6 m near the school

- large building facades and rooftops, roads, intersections and traffic movements
- bulk earthworks and exposed soil across large areas, retaining walls and noise walls, prior to landscaping.

The key receptors that may be affected by visual changes in the landscape include the retirement village and school to the west (see **Figure 9** and **Figure 10**) and one rural residential property to the south (see **Figure 11**).

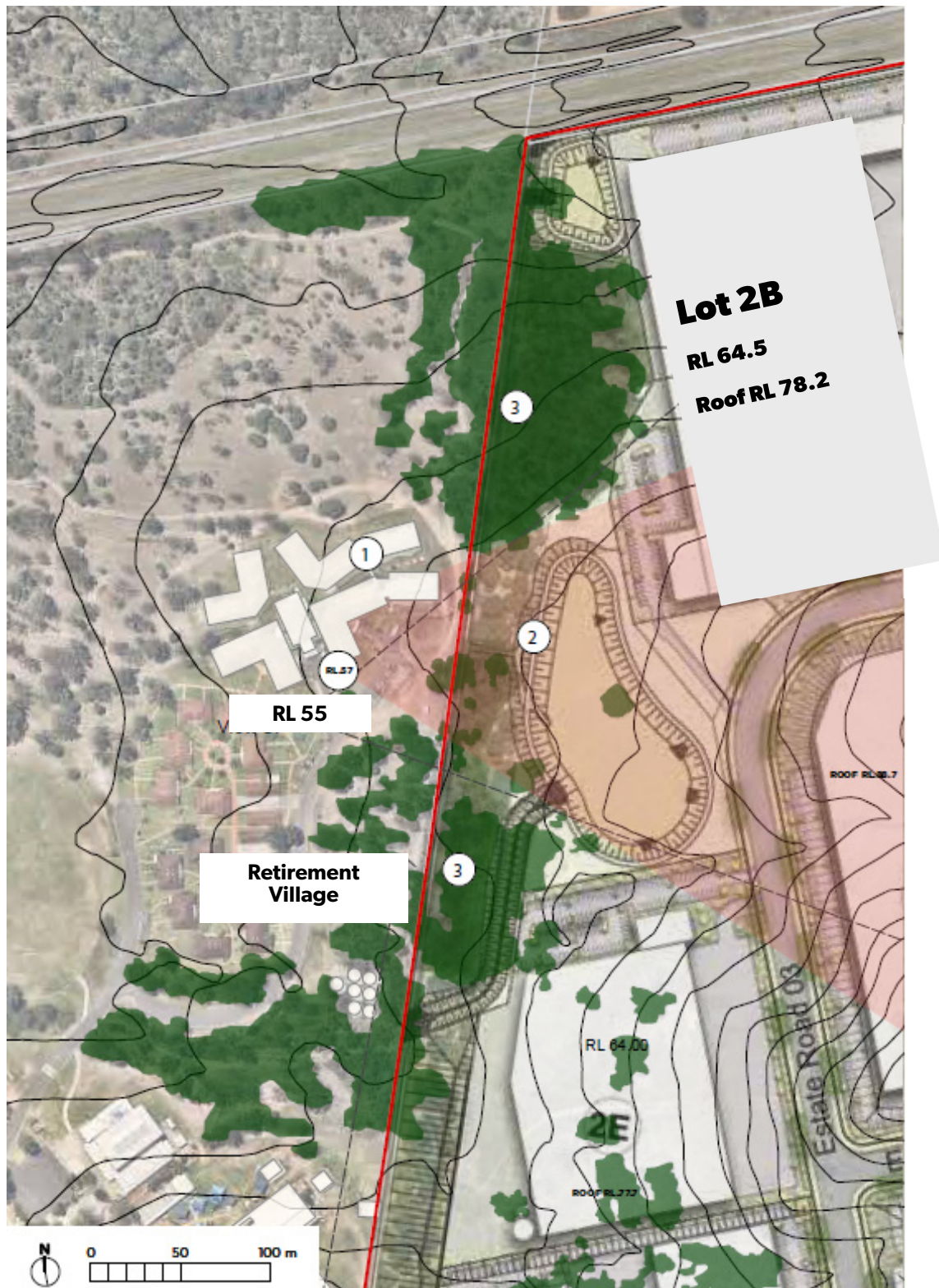


Figure 9 | Plan View – Retirement Village and Lot 2B and 2E

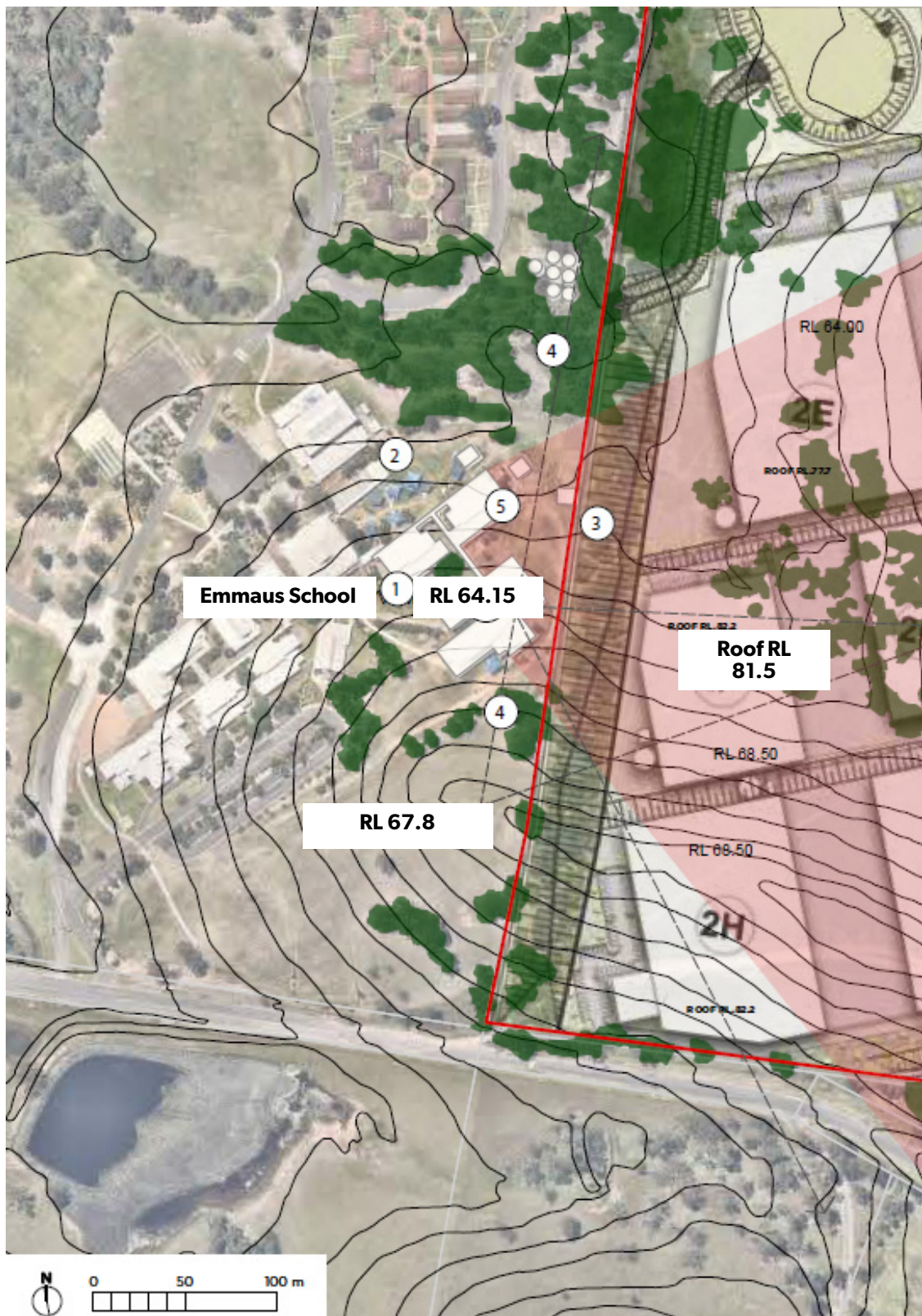


Figure 10 | Plan View – Emmaus School and Lot 2E, 2F and 2H



Figure 11 | Plan View – Southern Residence and Lot 4A and 3D

The VIA found the potential for visual impacts on the residential areas of Horsley Park and Mount Vernon is substantially reduced by distance (located over 1.5 km from the site) and the intervening industrial development recently approved and currently under construction at Oakdale South, Oakdale Central and Jacfin. Similarly, visual impacts on the residential area of Erskine Park would be limited due to distance (located over 1.5 km from the site)

and the intervening Erskine Park Industrial Estate. This conclusion is supported by the peer review by Clouston, which states the development will not be visible from these residential areas.

The VIA evaluated the existing landscape character of key receptors around the site, noting:

- the north-western boundary contains mature trees which partially shield views of the site from the retirement village
- the school at the south-western boundary has views across much of the western part of the site and has buildings located within 10 m of the western boundary
- one rural residential property is located 20 m from the southern boundary. It is elevated above most of the site as it sits on the main ridgeline (see **Plate 2**). Other properties to the south along Aldington Road are shielded from view by stands of mature vegetation
- the rural residential land to the south has been identified as a possible extension area for the WSEA, which may in the long-term, change the character of this area from rural to employment uses
- the Ropes Creek corridor contains mature trees on either side and in the south-eastern corner of the site which shields views from the residential areas of Horsley Park and Mount Vernon.

The VIA concluded the development would have:

- high-moderate impacts from the classrooms of Emmaus Catholic College closest to the western boundary (see **Plates 5 to 7**)
- moderate impacts from the open space area of Emmaus Catholic College closest to the western boundary (see **Plate 8**)
- moderate-low impacts from the Emmaus Retirement Village (see **Plate 9**)
- high-moderate impacts from one rural-residential property on the southern boundary (see **Plate 10**).

Proposed Mitigation

The Applicant proposes to mitigate the visual impacts by:

- retaining existing mature vegetation in the north-western corner of the site
- providing a 40 m building setback from Emmaus Catholic College and 60 m setback to Emmaus Retirement Village
- constructing a 10 m high landscape bund along part of the western boundary between the development and Emmaus Catholic College and the planting screening vegetation
- extensive landscaping along the western bund including mature trees and shrubs
- establishing landscape planting in Stage 1, approximately four years prior to constructing the Stage 2 buildings along the western boundary, giving time for vegetation to grow
- no landscape screening is proposed near the residence on the southern boundary as views from this property are elevated above the rooflines of the development and any screening would shield the existing long-range views of the Blue Mountains from this property (see **Plate 10**)
- developing a site-specific colour palette for the building facades on the western and southern boundaries.

The Applicant states the Concept Proposal layout has considered several site constraints including setbacks to residential areas, the transmission line easement, Ropes Creek riparian corridor, the alignment of the SLR, the north-south ridgeline through the site, the need for large level building pads and the alignment of the WNSLR across the Sydney Water pipelines. These constraints, along with an objective to minimise cut and fill requirements, has shaped the layout of the Concept Proposal.

The Applicant also proposes specific urban design controls for the development. These are consistent with the design controls approved for the Oakdale South Estate, which were established by an amendment to the Penrith DCP 2014. The primary controls that affect visual impacts include:

- buildings setback a minimum of 20 m from the SLR and WNSLR and 40 m from the western boundary
- buildings setback a minimum of 20 m from the residential property on the southern boundary
- maximum site coverage of 65%
- 10 m depth of landscaping along the frontage to the SLR and 3.75 m depth of landscaping on frontage to local estate roads
- varied depth of landscaping adjacent the WNSLR, with pedestrian/cycleway on the eastern verge.

With the proposed design controls and mitigation measures, the Applicant's VIA concluded the visual impacts would be acceptable.

The peer review concluded the scale of the buildings when viewed from Emmaus Catholic College are significant, despite the 40 m setback. The peer review notes the visual impacts can be reduced from high to moderate with the growth of proposed screening trees and shrubs. At the Retirement Village, the high visual impacts can be mitigated to moderate-low with proposed screening vegetation, retention of existing mature vegetation and the 60 m setback to the warehouse buildings. The residence on the southern boundary indicated a preference for no visual barrier between the residence and the development, given the elevated location of the residence above the site and the existing long-range views to the Blue Mountains.



Plate 5: Existing view of the site from the Emmaus College buildings



Plate 6: View of Warehouse Building 2F from Emmaus College Buildings (no landscaping)



Plate 7: View with Landscaping Bund Established (1-3 years)



Plate 8: View from Open Space Area at Emmaus College with Landscaping Bund Established (1-3 years)



Plate 9: View from Emmaus Retirement Village with Landscaping Bund Established (1-3 years)



Plate 10: View from Residence on Southern Boundary

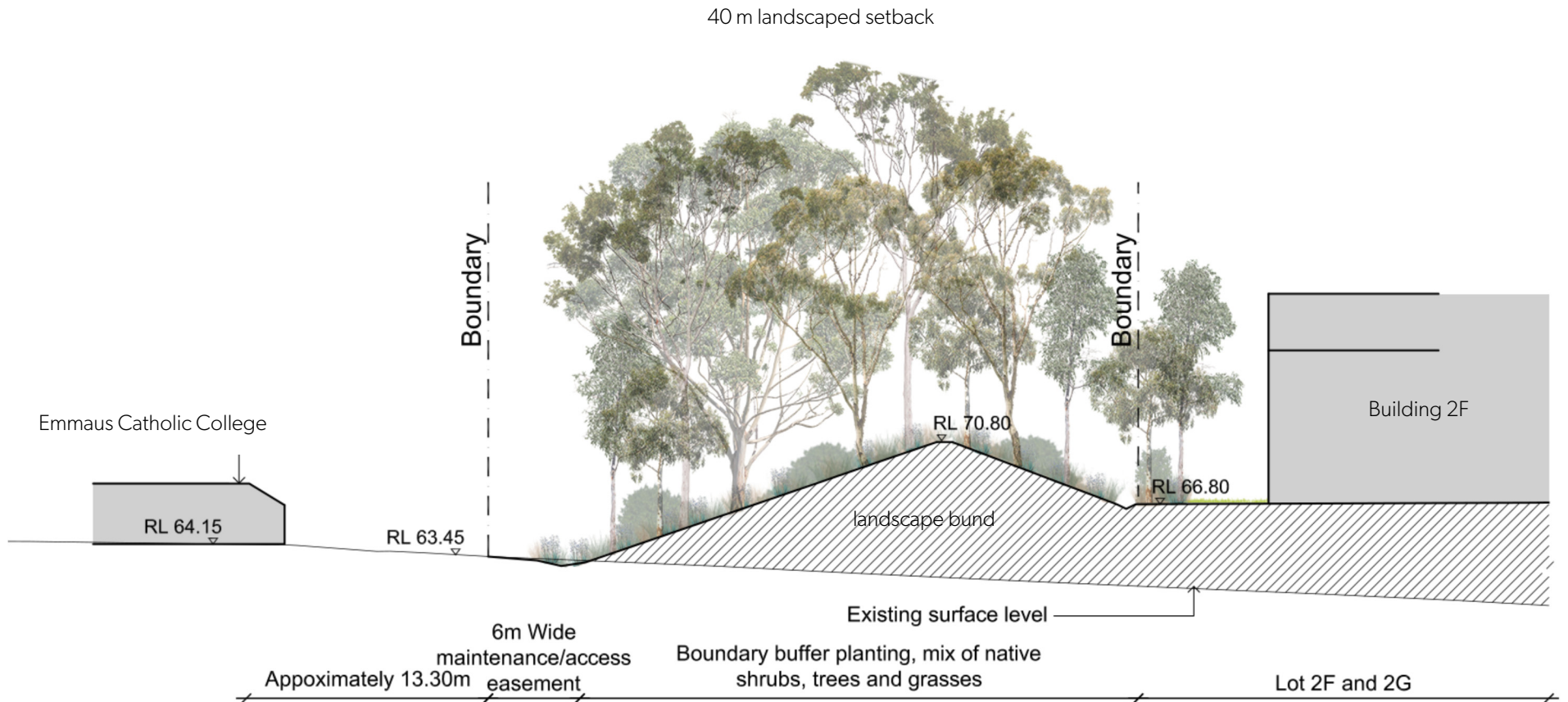


Figure 12 | Elevation Changes, Setback and Landscape Bund – Emmaus Catholic College to Warehouse Building 2F

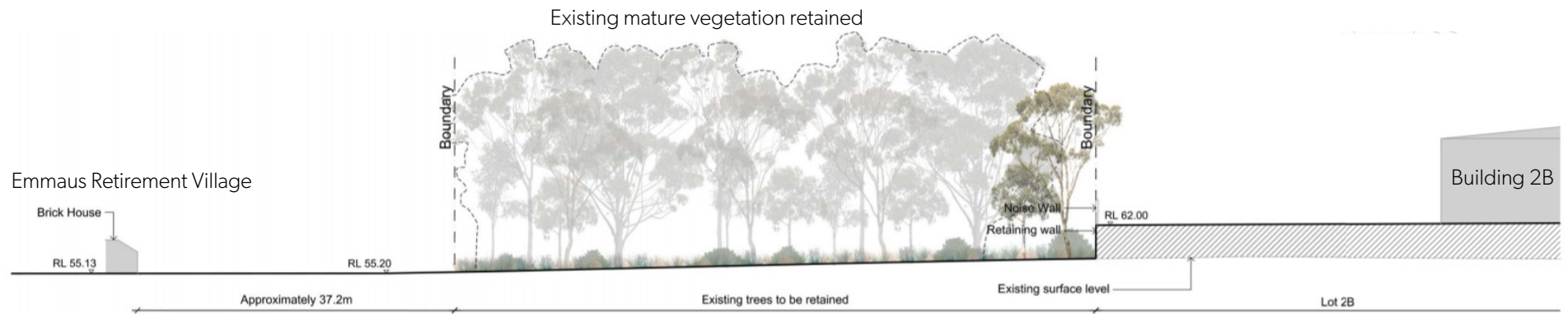


Figure 13 | Elevation Changes and Setback – Emmaus Retirement Village to Warehouse Building 2B

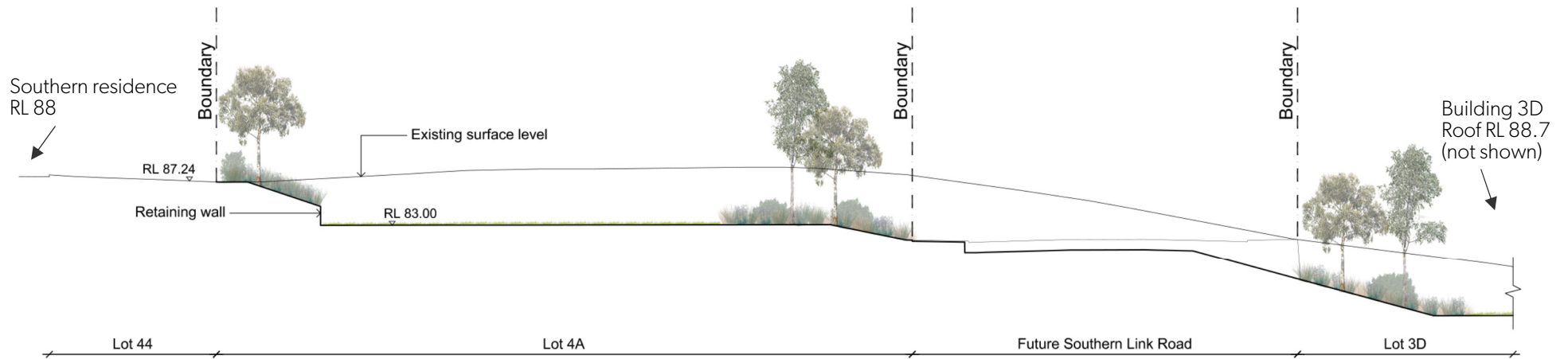


Figure 14 | Elevation Changes and Setback – Southern Residence to Warehouse Building 3D

6.1.3 Issues Raised in Submissions

Council raised concerns about the visual impacts of the development on adjacent residential uses. Council noted the setbacks on the southern boundary do not allow for adequate landscape screening and the industrial building roofs will be highly visible from this location, with potential glare issues. Council also questioned the proposed carparking within the 20 m setback. Council raised concerns about the cut and fill proposed and the finished levels and retaining walls having adverse impacts on adjacent residential areas. Council also stated the proposed design had not provided adequate façade treatments such as building articulation, and a variety of material and colour finishes for the facades that are visible from public areas.

The Emmaus Catholic College requested the control of lighting and noted any building security cameras should be pointed away from the school and village to protect privacy. Mamre Anglican School objected to the development based on it presenting a land use conflict with the adjacent residential uses but did not specifically refer to visual impacts.

6.1.4 Department's Consideration

The Department has considered the conclusions of the VIA and peer review and the objectives of Clause 23 of the WSEA SEPP. Specifically, Clause 23 requires the consent authority to consider whether proposed buildings are compatible with the height, scale, siting and character of existing residential buildings, located within 250 m of the site. It also requires attractive design of elevations facing residential dwellings, landscaping between buildings and streets and measures to ensure lighting does not cause nuisance impacts. Clause 23 also addresses operational aspects, including the requirement for goods, plant and equipment to be screened from view from residential areas.

The Department has also drawn on its experience of other similar and recent developments within the WSEA that have an interface with non-industrial uses. The Department met with representatives of the Emmaus Catholic College and Retirement Village on a number of occasions during its consideration of the application and spoke with Council about the visual appearance of the development.

The Department considers the development will permanently and substantially alter views from Emmaus Catholic College and Retirement Village and the rural-residential property on the southern boundary on Aldington Lane. The Department acknowledges the development is an appropriate use of the site, given its industrial zoning and the intent of the WSEA SEPP. The Department also notes the proposed mitigation measures and design controls will go some way to screening the development and reducing its visual impact. However, as the development presents a permanent change to the landscape character of the site, the Department considers it imperative the western and southern interfaces have careful regard to and provide an optimal urban design outcome for the adjacent sensitive uses.

The Department considers the proposed 60 m landscaped setback and retention of existing mature vegetation (approximately 25 m in height) on the north western boundary and the change in levels between the site and the Retirement Village (approximately 7 m) would provide adequate visual mitigation for the Retirement Village looking towards the building on Lot 2B (see **Figure 13**). There would also be approximately 150 m between the retirement village and the Lot 2B building.

Visual impacts would be highest for the school looking at the buildings on lot 2E and 2F. At the closest point, the warehouse buildings would be 52 m from the school buildings, with 40 m of landscaping in between (see **Figure 12**). The building pad for Lot 2E and 2F would be raised to sit 3.65 m higher than the ground level of the school, with a warehouse height of 13.7 m. This contributes to an overall moderate-high visual impact, with the landscape buffer reducing the visual impacts over time as it matures. The Department's assessment has concluded that further urban design assessment is required in subsequent DAs to minimise the visual impacts of the buildings in this location. A number of recommended conditions are summarised below.

At the southern boundary, visual impacts will be moderate-high given the residence is located immediately adjacent to the boundary. The primary views from this location is looking west across the site towards the Blue Mountains in the far distance. **Figure 14** shows the elevation of the residence relative to the proposed SLR and Lot 3D, meaning views from the residence would be across the warehouse rooftops. The Department understands the residence has requested no visual screening as it would interrupt the existing views of the Blue Mountains. The Department also notes building 4A is located closest to the residence, although it is partly screened by existing mature vegetation at the residence (see **Figure 11**). The Department also recommends further urban design assessment be undertaken for the building on Lot 4A, to minimise the visual impacts for the southern residence.

The construction phase would also present visual impacts for neighbouring residential areas, particularly during bulk earthworks when the landscape is altered from grassed rural land to exposed soil. This is the first phase of visual change in the landscape and is often associated with other amenity impacts such as dust and noise from construction machinery. Whilst these impacts are temporary, the Department considers it important to minimise the impacts, noting the proposed 13-year development timeframe and the large development area (93 ha).

6.1.5 Recommendation

The Department recommends limiting the scope of the Concept Proposal by not approving the building layouts for buildings on Lot 2E, 2F, 2G, 2H and 2J in the south western corner of the site closest to the school and building 4A on the southern boundary which is closest to the southern residence. This includes not approving building heights, bulk, footprint or building envelopes for these buildings. The Department recommends future DAs for these buildings include an urban design assessment to establish appropriate setbacks, layouts and building treatments noting the proposed development controls are the minimum boundary setbacks. The Department notes Stage 1 seeks consent for the bulk earthworks and ultimate finished levels for the development. Given the numerous site constraints and the need to tie in with planned road infrastructure, the Department recommends approval of the proposed finished pad levels, however future building layouts, heights, bulk and setbacks would be subject to further detailed design and assessment.

The recommended conditions require an independent urban design consultant to undertake the urban design assessment, in consultation with Council and the Emmaus Catholic College as part of future development applications. The assessment must determine the optimal building location and setback and provide detailed justification for the preferred option. The Applicant must not commence construction of warehouses on Lots 2E, 2F, 2G, 2H, 2J and 4A, until the preferred design option has been approved by the relevant consent authority.

The Applicant has committed to undertake landscaping works along the western site boundary as part of Stage 1 to allow time for vegetation to establish and be more effective as a visual screen and buffer prior to any development occurring adjacent to the school. The Department has reflected this commitment in the recommended conditions. The Department has also recommended the landscaping include some mature tree planting and recommends the Applicant monitor the success of landscaping over the life of the development.

To address the concerns of Emmaus Catholic College and Retirement Village in relation to lighting and security cameras and those of Council in relation to the control of glare from building roofs the Department has recommended conditions that require the Applicant to ensure all outdoor lighting complies with the relevant Australian Standards, illuminated signage and security cameras are oriented away from the school and Retirement Village and the materials used on facades and roofs of the warehouses and office buildings are designed to minimise glare.

To minimise impacts during the construction phase, the Department recommends the Applicant prepare a Landscape Management Plan as part of the Construction Environmental Management Plan (CEMP). The plan shall detail visual impact mitigation measures such as siting construction sheds and compounds away from publicly visible areas and grassing of exposed areas as soon as possible.

The Department's assessment concludes the Concept Proposal and Stage 1 DA would result in permanent visual changes in the landscape that are consistent with the industrial zoning of the site and other industrial estates within the WSEA. The Department considers further detailed assessment is required in subsequent DAs for warehouses adjacent to the sensitive receivers on the western and southern boundaries to ensure the design and scale of future buildings is appropriate and compatible with the existing adjacent developments and an optimal visual outcome is achieved. The proposed landscaping works in Stage 1 will have time to establish before building works commence along the western boundary, providing some visual screening of construction impacts and ultimately of the buildings. The Department has considered the development in the context of Clause 23 of the WSEA SEPP and is satisfied the development can be designed and constructed to provide an attractive visual appearance at the boundary with residential areas.

6.2 Traffic, Access and Parking

6.2.1 Background

The development has the potential to impact on local and regional roads and intersections during construction and operation. The development would generate light and heavy vehicle movements, including B-Doubles, transporting goods to and from the warehouse distribution centres, operating 24 hours a day.

The site's location within the WSEA is strategically located near the junction of the M4 and M7 Motorways. The WSEA is being developed to increase jobs in western Sydney and take advantage of the strategic road network for the efficient distribution of goods across Sydney. Warehouse and distribution centres typically provide a high number of jobs and generate substantial traffic movements, as the primary activity is to receive and distribute goods. Development of warehouse and distribution centres in the WSEA will also support the future development of the Western Sydney Aerotropolis (WSA), as goods previously transported from Sydney Airport would be received at the WSA, considerably reducing transport distances and costs.

The Department has considered the following in its assessment of traffic, access and parking:

- impacts of the Concept Proposal - full development of all five stages
- cumulative impacts, including development of the adjacent Fitzpatrick lands to the north
- impacts of the Stage 1 DA from construction and operational traffic
- delivery of the road infrastructure, including design aspects and the relevant roads authority.

6.2.2 WSEA Regional Road Network

The Department and TfNSW have prepared several transport studies to identify the additional infrastructure required to service development across the WSEA. These studies have identified the need to construct the:

- Southern Link Road (SLR) to provide an east-west connection between Wallgrove Road and Mamre Road
- West-North-South Link Road (WNSLR) to provide a north-south connection between Lenore Drive and the future SLR.

These two roads intersect within the site and would provide the primary access to the site, see **Figure 15**. Currently, access to the site is from the local road Bakers Lane, in the south-west corner, adjacent to the Emmaus Catholic College (see **Plate 3**).

Delivery of the regional road network in the WSEA is funded through developer contributions required under the WSEA SEPP. The SLR will be delivered by the Department and TfNSW supported by contributions from developers in the WSEA. The timeframe for delivering the SLR is currently unknown, however it is estimated the road will be complete sometime prior to 2026.

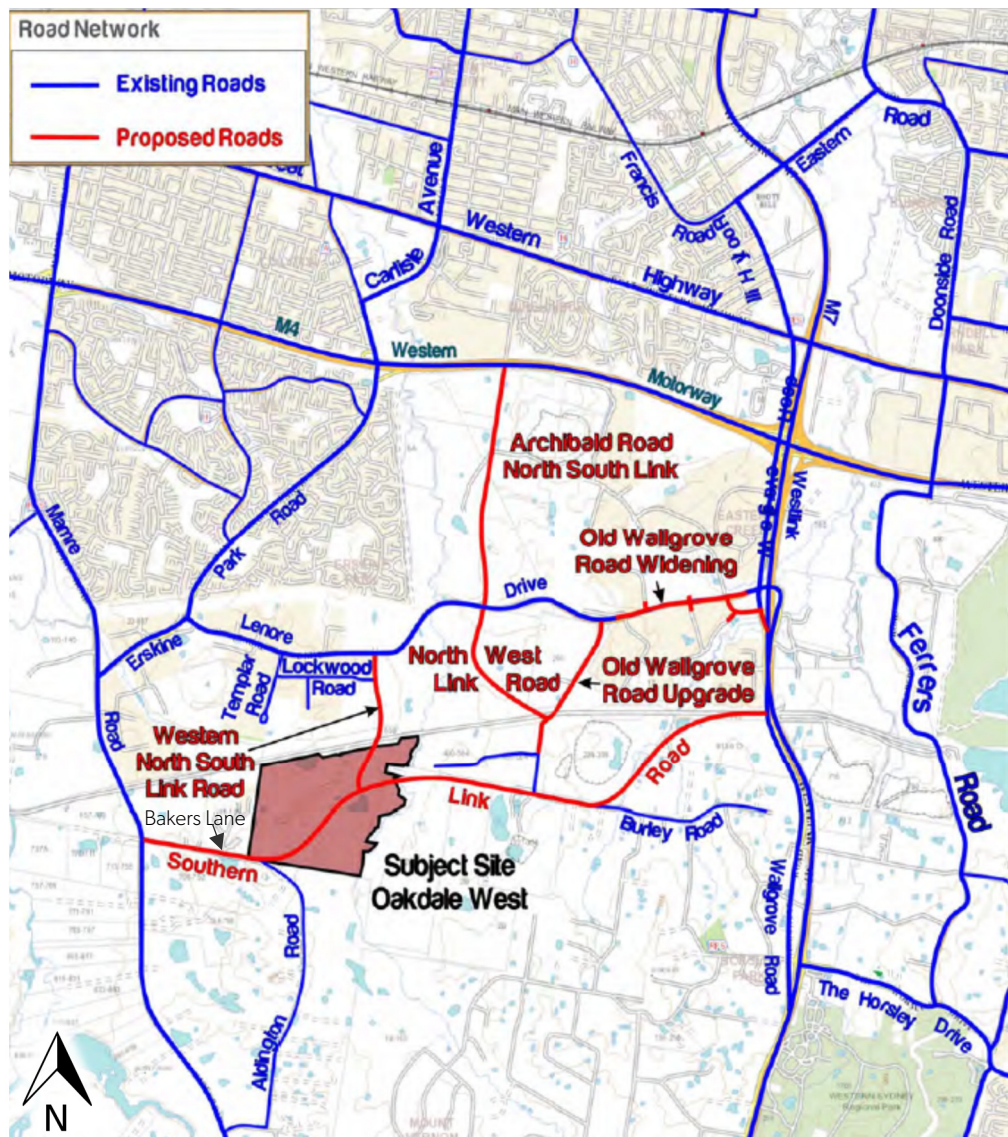


Figure 15 | Existing and Proposed Road Network in the WSEA

6.2.3 West-North-South Link Road (WNSLR)

The Applicant will deliver the WNSLR as part of Stage 1, as it will provide the primary access to the development. The Applicant will construct the WNSLR as a WIK contribution, consistent with the WSEA SEPP. The WNSLR passes through land owned by Fitzpatrick to the north of the water pipelines and will also be used to service development on the Fitzpatrick land, with a connection to Lockwood Road. Financial arrangements for construction of the road and dedication of the land are detailed in Voluntary Planning Agreements (VPAs) between the Applicant, Fitzpatrick and the Minister. Further discussion of the VPAs is provided in **Section 6.5**.

The Applicant would deliver the WNSLR to align with the concept design of the SLR, prepared by AECOM in 2014. The Applicant has designed the layout of the development to enable access to all five stages via the WNSLR and Estate Road 1 (given it is unknown when the SLR will be constructed). Key aspects of the WNSLR design include (see **Figure 16**):

- provision of a four lane, dual carriageway arterial road
- a four-leg signalised intersection with the SLR, including a southern approach (Estate Road 8) to access Stage 5 of the development, see **Figure 7**. Note, this intersection does not form part of the Stage 1 DA and would

be provided at a later stage, when the SLR is constructed by TFNSW or when Stage 5 is constructed by the Applicant. Stage 1 shows the WNSLR constructed to a turning head for later connection to the SLR.

- a three-leg roundabout with Estate Road 1, in the north of the site, providing the primary access for the development
- two left-in, left-out intersections on the SLR with Estate Road 1 (centre of the site) and Estate Road 3 (southern part of the site). These would be delivered at a later stage to coincide with construction of the SLR
- a 100 m long bridge over the water pipelines
- a 5m wide fauna passage through the Erskine Park Biodiversity corridor on Fitzpatrick's land
- a four-leg roundabout with Lockwood Road, to provide access to Fitzpatrick's land
- a four-leg signalised intersection with Lenore Drive (designed to allow for a future upgrade of this intersection by others)
- extension of Grady Crescent to the WNSLR/Lenore Drive intersection
- bio-retention basin no.1 within the transmission line easement.

6.2.4 Concept Proposal Traffic Impacts

The EIS included a transport impact assessment (TIA), prepared by Ason Group (Ason). The TIA was updated in the RtS to assess the amended site layout. The TIA drew upon the strategic transport studies of the WSEA and modelling for the WNSLR, previously undertaken by GHD. The TIA considered the existing approved alignments of the SLR and the WNSLR and evaluated the impacts of the development on key intersections when fully operational (in 2026) and with an additional 10 years of background traffic growth (in 2036). The TIA also considered public transport, cycle and pedestrian infrastructure.

The TIA predicted the development would generate 775 vehicles per hour (vph) during peak periods and 8,992 vehicles per day (vpd), with all five stages operating. The predicted traffic volumes were based on the *RMS Guide to Traffic Generating Developments 2002* (RMS Guide), which provides traffic generation rates based on the gross floor area (GFA) of the development. The value of 775 vph is less than the values used in modelling for the WNSLR of 942 vph for the site, as more accurate GFA figures are now known. Therefore, the modelling for the WNSLR and intersection performance is considered conservative.

The modelling was updated to assess the impacts of the fully developed Oakdale West and Fitzpatrick sites. SIDRA intersection modelling was used to consider the impacts on key intersections in the WSEA in 2026 and 2036 (see **Figure 17**). The modelling presented a worst-case assumption of all traffic from the development utilising the WNSLR, if the SLR is not constructed. **Table 5** shows the predicted performance of the intersections relevant to the development.

Table 5 | Intersection Performance

Figure Ref No.	Intersection	2026		2036	
		AM	PM	AM	PM
5	SLR & Mamre Road	-	-	D	D
6	Lenore Drive & WNSLR	C	B	F	B
7	SLR & WNSLR	B	C	C	C

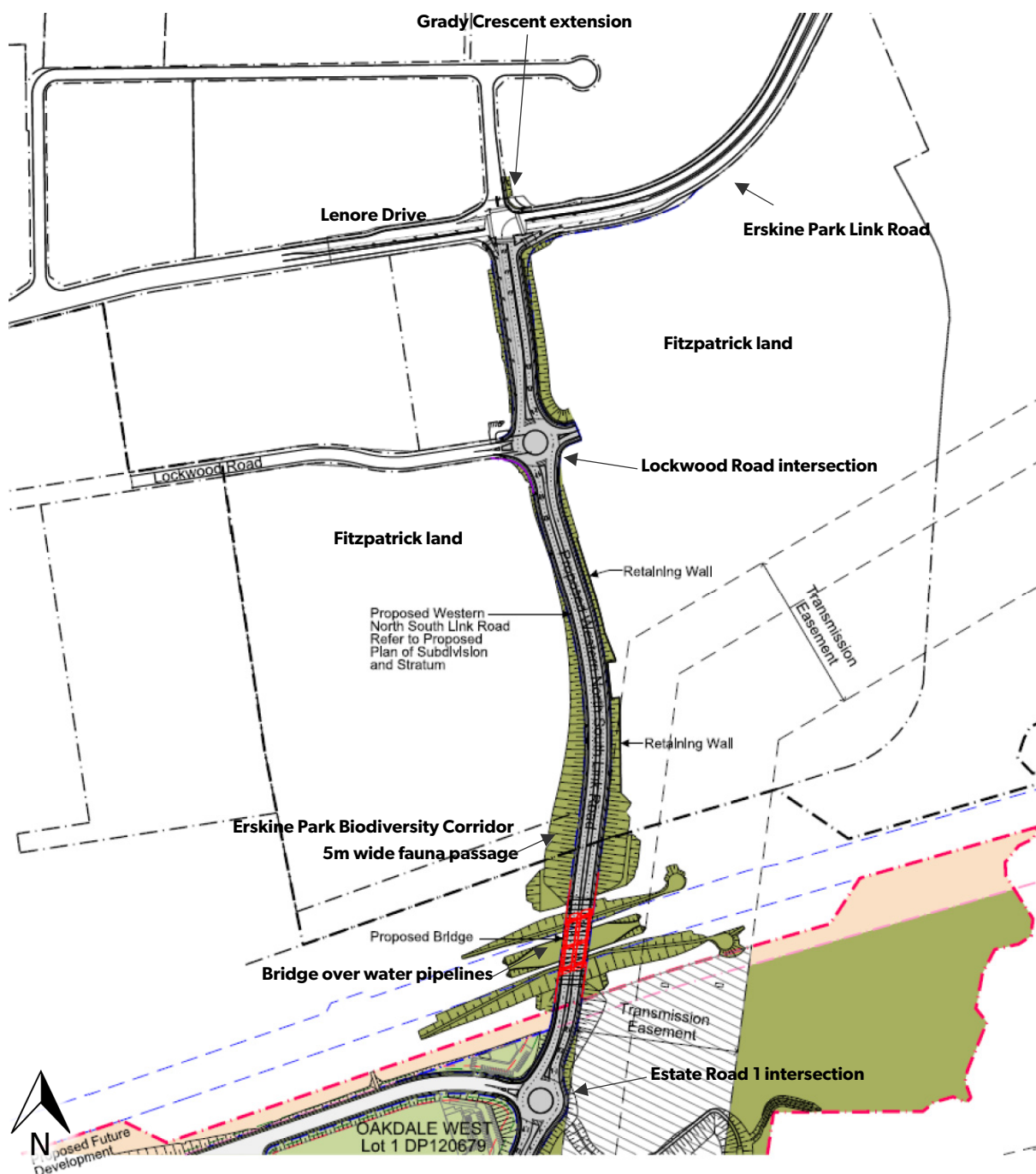


Figure 16 | WNSLR Design

The SIDRA analysis indicates the Lenore Drive and WNSLR intersection would perform satisfactorily (LOS C in the AM peak) in 2026 with full development of the Oakdale West and Fitzpatrick lands. However, by 2036, the increases associated with background traffic growth (including other development in the WSEA) results in a reduction to LOS F (over capacity) in the AM peak. This assumes all traffic from the development uses this intersection, if the SLR is not complete by 2036. The estimated contribution from the development to traffic volumes at the intersection is 35%. The SLR should be operational by 2036 (as a detailed design work is presently underway), which would see a re-distribution of traffic to the SLR, reducing volumes through the Lenore Drive/WNSLR intersection. A potential future upgrade to the Lenore Drive/WNSLR intersection was also modelled to improve capacity in 2036, should it be required. The design upgrades include additional turning lanes at this intersection. The modelling indicated these upgrades would improve the 2036 LOS to C (satisfactory) in the AM peak. The Applicant is not proposing to construct the upgraded 2036 intersection design, as it notes the

intersection would operate satisfactory (LOS C) with full development of the Oakdale West and Fitzpatrick lands, with the reduction in LOS attributable to background traffic growth. The Applicant has provided the revised design for the Department and TfNSW to consider in future planning for the Broader WSEA. The additional land required for the revised intersection design has been included in the PA with Fitzpatrick.

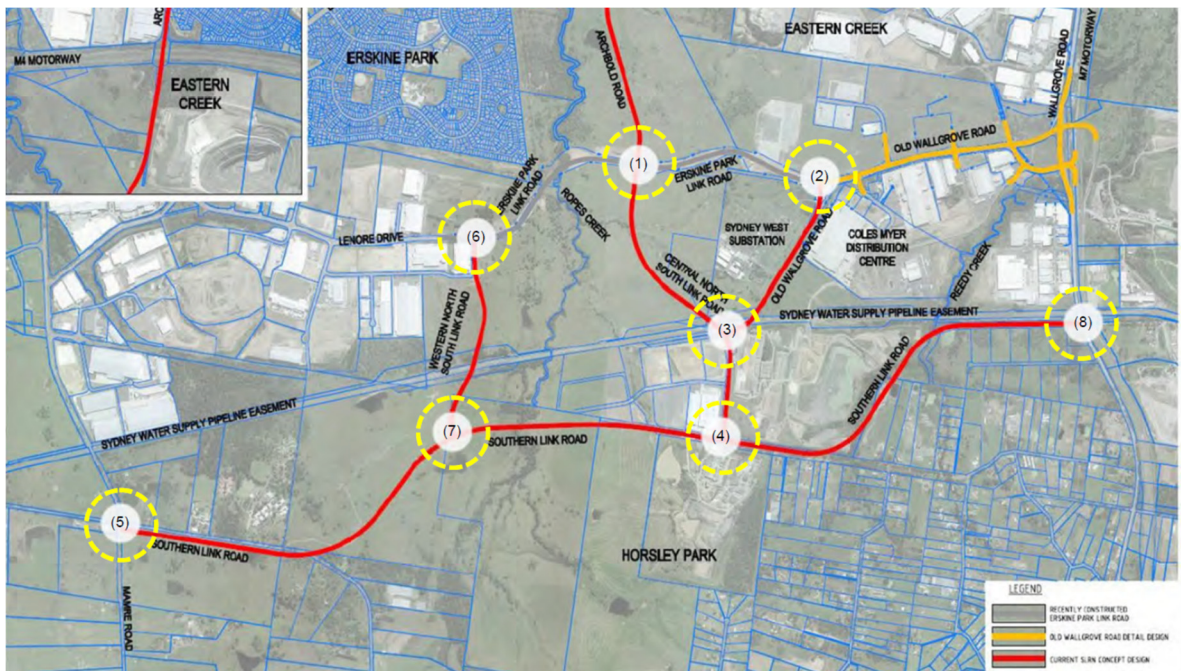


Figure 17 | Key Intersections in the WSEA (Future)

6.2.5 Stage 1 Design – WNSLR Intersections and Bridge

Following a review of the RtS, TfNSW requested further changes to the design of the WNSLR/Lenore Drive intersection to accommodate the 2036 scenario, and confirmed the Applicant is only required to construct the interim scenario.

TfNSW also indicated it may not support the proposed signalisation of the WNSLR/Lockwood Road and Estate Road 1 intersections and requested further information to conduct a warrants assessment (i.e. the analysis to determine if traffic lights are required). The Applicant's RtS provided a revised design for these two intersections as roundabouts and an intersection performance analysis showing a satisfactory LOS.

TfNSW advised it would not be the responsible roads authority for the WNSLR and these intersections would need to be designed to the satisfaction of Council. Council reviewed the RtS and indicated its preference for the WNSLR to be a State Road under the responsibility of TfNSW. Council also indicated its preference for signalised intersections of the WNSLR with Estate Road 1 and Lockwood Road, based on road safety and longevity considerations.

The design of the WNSLR and its intersections with Lenore Drive, Lockwood Road and Estate Road 1 have been subject to considerable consultation between the Department, the Applicant, TfNSW, Water NSW, Council, OLS and Fitzpatrick. Delivery of the WNSLR is essential to provide access to the development and its design has had to accommodate many constraints, including the future WSFL corridor, the water pipelines, the EPB Corridor, tie-ins with the future SLR and Lenore Drive, as well as provision for a future upgrade of this intersection. The majority of the WNSLR traverses land owned by Fitzpatrick, with delivery of this infrastructure subject to VPAs to ensure the land and WIK contributions are consistent with the WSEA SEPP.

Since the application was exhibited in late 2017, the Department and the Applicant have met with all agencies involved to ensure the WNSLR is designed, constructed and dedicated to meet the requirements of each agency. This has been a lengthy process involving several design changes to accommodate the WSFL corridor, the bridge crossing of the water pipelines, a fauna passage in the EPB corridor and intersection designs. These matters have been sufficiently resolved to enable determination of the application and a satisfactory arrangement certificate (SAC) has been issued in accordance with the WSEA SEPP. The Applicant is currently working with Water NSW, TfNSW and Council on detailed design aspects, which can be resolved after determination and prior to construction.

OSL met with the Applicant on several occasions to discuss the requirements for offsetting the loss of vegetation from the EPB corridor due to construction of the WNSLR. Further discussion of the offset requirements is provided in **Section 6.4**. OSL and the Applicant agreed on the offset requirements and the Department has included these as recommended conditions. The Applicant has obtained consent from the Planning Ministerial Corporation (PMC) to construct the WNSLR over the biodiversity corridor.

6.2.6 Relevant Roads Authority

During consultation with the Applicant, TfNSW and Council, it was unclear which agency would take final ownership of the WNSLR. At the time of completing this report, the road ownership issue was still unresolved. The Applicant proposes to design and construct the WNSLR including the intersection with Lockwood Road and Estate Road 1, in accordance with the requirements of Council. The Lenore Drive intersection works would be designed to TfNSW requirements and in accordance with a works authorisation deed (WAD). In order to finalise its assessment of the SSD application in a timely manner, the Department has developed conditions requiring the Applicant to construct the WNSLR in accordance with the requirements of the relevant roads authority. The Department acknowledges the relevant roads authority will need to be established before detailed design can be undertaken and before road construction commences. This is a matter for the Department, TfNSW and Council to resolve and should not impede the Applicant from obtaining development consent and can be dealt with post determination.

6.2.7 Stage 1 – Construction Traffic Impacts

Construction associated with Stages 2 to 5 will be subject to separate DAs and will be undertaken over an estimated 13 years. The Stage 1 DA proposes the following construction activities:

- bulk earthworks across the entire site (93 ha)
- installation of drainage infrastructure, retaining walls, noise walls and some boundary landscaping
- the WNSLR, Estate Roads 1, 2, 6 and the eastern part of Estate Road 7
- detailed earthworks and services installation for Stage 1
- Stage 1 buildings (3 warehouses)
- stormwater drainage infrastructure for Lots 2A and 2B.

Earthworks, roads, drainage and services and Stage 1 buildings would be constructed over an estimated 18-month period. This work would be undertaken at the same time as the WNSLR construction. The Department's recommended conditions require the construction of the WNSLR to be completed to the satisfaction of Council and the Principal Certifying Authority prior to operation of the Stage 1 buildings.

The TIA proposed two key construction access routes:

- construction traffic for the WNSLR from Lenore Drive, on temporary access roads
- construction traffic for earthworks and Stage 1 building pads via Bakers Lane
- once the WNSLR is complete all construction traffic would use Lenore Drive/WNSLR to access the site.

The TIA estimated 200 vpd would access via Bakers Lane and 260 vpd would access via Lenore Drive. The TIA analysed the performance of the Bakers Lane and Mamre Road intersection to accommodate the construction vehicles. The intersection is predicted to operate at a satisfactory LOS C in the AM peak and B in the PM peak, compared with existing LOS C in the AM and LOS A in the PM. The slight reduction in LOS in the afternoon peak is still satisfactory. The Applicant noted that construction vehicle movements can be managed via a Construction Traffic Management Plan (CTMP), including restrictions on heavy vehicle movements during school zone times, to minimise impacts on the adjacent schools.

Both Emmaus Catholic College and Mamre Anglican School raised concerns about traffic impacts on Bakers Lane, noting it is the only access road for 1,800 students, 180 staff and visitors to the three schools and the retirement village. The Department met with the schools on two occasions and both times, traffic was raised as a primary concern. Bakers Lane is a two-lane local road with a 40 km/hr school zone speed limit extending for 900 m along the frontage of Mamre Anglican School and Emmaus Catholic College and ending just east of the entrance to the site. Two bus layovers are located adjacent to the two schools.

The Department acknowledges Bakers Lane is a local road consistent with the rural character of the area, with unsealed shoulders and gravel driveways to individual rural properties. Most traffic on Bakers Lane is associated with school arrivals (8 - 9.30am) and departures (2.30 – 4pm), when traffic is traveling less than 40 km/hr and buses are loading and unloading. These are critical periods to manage to avoid conflict with construction vehicles and maintain vehicle and pedestrian safety.

Typically, most construction vehicles arrive to site around 7am and depart around 5pm, outside the peak school periods. Deliveries of materials may occur at other times during the day, although the estimated volume on Bakers Lane is low, at around 20 vehicles per hour. Large earth moving equipment remains on site for the duration of works.

The Department considers the estimated volume of construction traffic using Bakers Lane, until the WNSLR is completed, would result in minor, short-term (approximately 12 months) disruptions to other road users on Bakers Lane. These disruptions can be minimised through the implementation of a Construction Traffic Management Plan (CTMP) prepared in consultation with Council and the neighbouring schools and retirement village. The Department has recommended the CTMP includes specific measures to manage construction traffic by avoiding peak school periods as well as critical exam periods for the Higher School Certificate. As requested by Emmaus Catholic College, the Department has included a requirement for the Applicant to notify the schools and retirement village of any proposed disruptions to routes. The Department considers these measures will be effective in minimising short-term disruptions associated with sharing the road with construction vehicles. The Department has recommended a condition requiring completion and use of the WNSLR for all operational traffic from the development.

6.2.8 Stage 1 – Operational Traffic Impacts

Stage 1 of the development involves operation of three warehouses with a total GLA of 118,000m². The estimated traffic volumes for Stage 1 are 190 vph (peak), being 25% of the total development. Stage 1 involves construction of the WNSLR prior to operation of the Stage 1 warehouses. Traffic from Stage 1 would be adequately accommodated on the WNSLR as it would be designed and constructed to accommodate traffic from the fully developed site and the Fitzpatrick lands. As shown above, the key intersections would operate satisfactorily under full development, therefore, they will perform satisfactorily, or considerably better for the Stage 1 development only.

Figure 5 shows the local estate roads (coloured pink) that would be constructed in Stage 1 including Estate Roads 1, 2, 6 and the eastern part of Estate Road 7. All estate roads and the WNSLR would be designed to accommodate

B-doubles. The WNSLR would be constructed to a turning head, terminating before the proposed intersection with the SLR. Extension of the turning head to connect with the SLR would be undertaken at a later stage.

6.2.9 Car Parking

The Applicant proposes a parking ratio consistent with the approved OSE. The proposed parking ratios are:

- 1 parking space per 300 m² of warehouse space
- 1 parking space per 40 m² of office space (where office space is greater than 20% of the total GFA).

These ratios are consistent with the RMS Guide and other developments in the WSEA. Ason surveyed eight similar developments in the WSEA, which showed an average ratio of 1 space per 400 m² of GFA.

Based on a ratio of 1 space per 300 m², the Applicant proposes to provide a minimum of 2,078 parking spaces across the five development stages, including 1 accessible space for every 100 spaces. The actual numbers would be confirmed in subsequent DAs for each stage. The Applicant proposes a slightly higher parking ratio for Stage 1, with 592 spaces (1 space per 197 m² of GFA). The higher parking ratio provides the Applicant with flexibility in securing tenants.

The Department notes the proposed parking rates are consistent with the RMS Guide and the rates approved at the neighbouring OSE, which were established via a variation to the Penrith DCP 2014. The Department considers the proposed parking provision is adequate and has included a condition requiring the Applicant to provide parking spaces consistent with the RtS.

6.2.10 Department's Consideration and Recommendations

The Department has reviewed the TIA, strategic transports studies for the WSEA, revised designs submitted in the RTS and has consulted extensively with relevant agencies in relation to the delivery of the WNSLR. The Department's assessment has concluded traffic from the full development and Stage 1 would be adequately accommodated on the existing and future (planned) local and regional road network. Construction traffic on Bakers Lane can be adequately managed for the estimated 12-18 months construction period, and all operational traffic will use the WNSLR. The Department, Applicant and relevant agencies have worked to resolve many design aspects, including provision for 2036 traffic growth. The Department is satisfied the Applicant has adequately demonstrated the development would not have adverse traffic impacts and considers the detailed design aspects of the WNSLR can be resolved following determination, once the relevant roads authority has been nominated. The Department has recommended conditions requiring the WNSLR to meet the design requirements of the relevant roads authority, WNSW and TfNSW, and dedication of the WNSLR and associated land in accordance with the PA. The Department has also recommended conditions requiring a CTMP, restricting all operational traffic to using the WNSLR, and for intersection designs to meet the requirements of the relevant roads authority. The Department has also recommended conditions for parking and management of operational traffic. With these measures in place, the Department concludes the traffic and access components of the development will be adequately managed.

6.3 Noise

The construction and operational noise generated by the development has the potential to impact on the amenity of the nearest sensitive receivers being the Emmaus Retirement Village (N1), Emmaus Catholic College (N2) and residential dwellings located to the south (N3, N4 and N5) (see **Figure 18**).

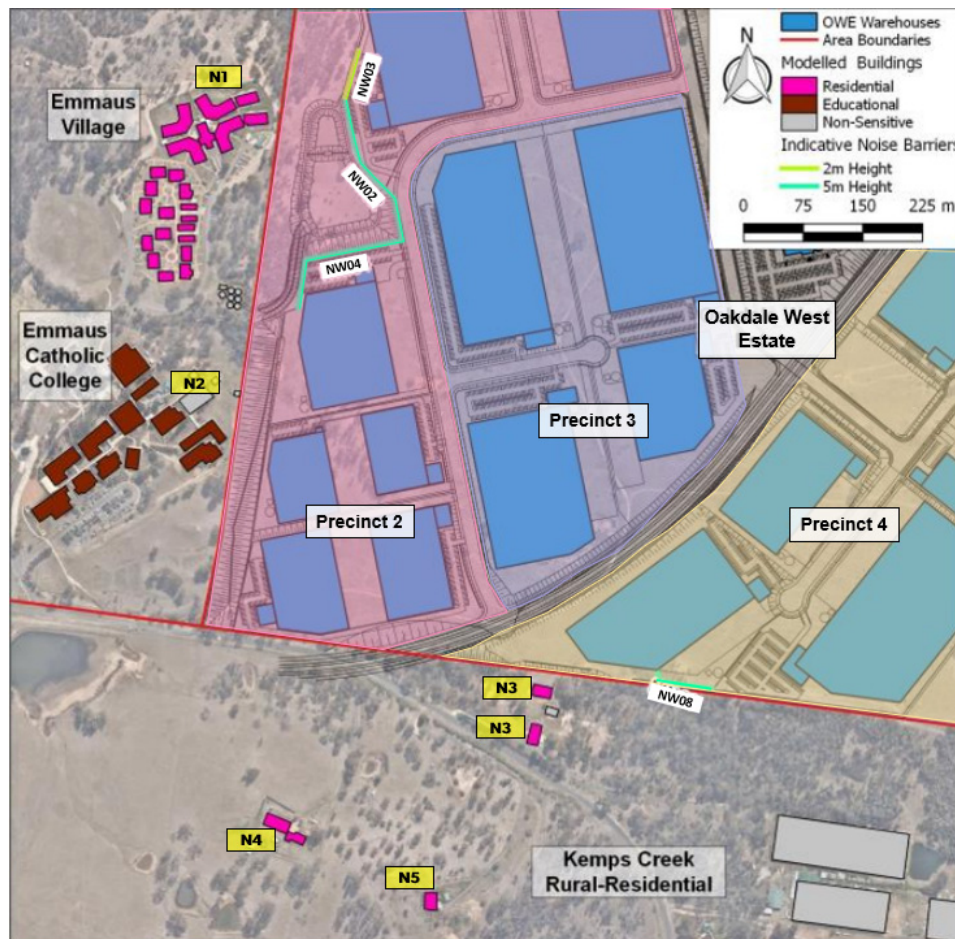


Figure 18 | Nearby Sensitive Receivers and Proposed Noise Wall Locations

6.3.1 Applicant's Noise Assessment and Peer Review

The EIS included a noise impact assessment (NIA) (2017), prepared by SLR consulting and was accompanied by a peer review of the NIA undertaken by Wilkinson Murray. The NIA (2017) assessed the construction and operational impacts of the development on nearby sensitive receivers in accordance with the Industrial Noise Policy (INP) (EPA, 2000), Assessing Vibration: A Technical Guideline (EPA, 2006) and the Road Noise Policy (DECCW, 2011). The Department notes the INP has been replaced by the Noise Policy for Industry (2017) however the INP is still applicable to development under the transitional arrangements.

Following exhibition of the EIS, the proposal was amended such that operational impacts changed from the original assessment and an updated NIA (October 2018), prepared by SLR consulting, was submitted and is applicable to the operational noise impacts. The original NIA (2017) remains applicable for construction noise impacts.

During the exhibition, the Department received one public submission raising noise concerns which requested the inclusion of noise barriers, in addition to the proposed vegetation buffer, adjacent to the Emmaus Retirement Village (N1). Submissions received from Council and relevant Government agencies did not raise noise related concerns.

6.3.2 Construction Noise

The Applicant proposes to stage the construction of the development as shown in **Figure 4**, with estate-wide earthworks, roadworks and Precinct 1 works forming part of the Stage 1 DA. The Department notes future construction stages will be the subject of separate DAs. The NIA (2017) assesses the worst-case scenario for

construction works, being all equipment for each construction activity operating at the same time, at the closest point to the affected receiver.

The NIA (2017) establishes construction noise management levels (CNMLs) for affected sensitive receivers (shown in **Figure 18**). In accordance with the EPA's Interim Construction Noise Guideline (ICNG), the highly noise affected criteria at all sensitive receivers during construction works is 75 dB(A). The CNMLs for the residential receivers are as follows:

- N1 (Emmaus Village): up to 49 dB(A) during day time hours, 43 dB(A) during evening and 41 dB(A) during night-time
- N3, N4 and N5 (rural-residential houses): up to 44 dB(A) during day time hours, 39 dB(A) during evening and 37 dB(A) during night-time.

The CNML for the Emmaus Catholic College (N2) is 35 dB(A) measured internally, or 45 dB(A) measured externally, when the school is in use.

Stage 1 works will involve site clearing and earthworks across the whole site, construction of Precinct 1 buildings and construction of roads as shown in **Figure 5**. The Applicant has broken down the construction activities into four key categories, including earthworks, construction of roadways, construction of pads and hardstands (including concrete pours) and construction of warehouse buildings and offices.

The Department notes 'pad and hardstand works' and 'construction of buildings' would only occur at Precinct 1 as part of the Stage 1 works which is located a substantial distance from the sensitive receivers. Stage 1 would not include 'pad and hardstand works' or 'construction of buildings' at any other part of the site. These works would occur during subsequent stages at Precincts 2-5, the impacts of which would be assessed as part of future DAs.

The NIA concluded there would be no exceedances of the CNMLs at N4 and N5 as a result of any construction activities in a worst-case scenario. The modelling demonstrates there would be some exceedances of the CNMLs at the closest receivers to the development, being N1, N2 and N3. Site clearing and earthworks is anticipated to be the noisiest construction activity which would result in exceedances of up to 22 dB at N1, 15 dB at N2 and 26 dB at N3. The highest impacts are predicted for these works in the vicinity Precinct 2 (see **Figure 18**), being the closest lots to the sensitive receivers. The worst-case scenario modelling predicts further exceedances of the CNMLs of up to 8 dB at N1 and 9 dB during construction of roadways. There would be an exceedance of up to 2 dB at N3 during pad and hardstand works within Precinct 1, which the Department considers to be minor, and no exceedances at any sensitive receivers during the construction of buildings.

The NIA (2017) modelled a worst-case scenario with all plant operating at the nearest point of construction to sensitive receivers. As such, the predicted exceedances are not expected to occur throughout the duration of construction. The largest predicted exceedances occurred near the boundaries of the site during construction of detention basins. The NIA suggests construction noise near the boundaries of the site can be managed through mitigation strategies in accordance with the ICNG, including:

- construction works to take place within standard
- avoiding plant operating simultaneously
- the use of temporary acoustic hoarding
- orienting equipment with directional noise emissions away from sensitive receivers
- and ensuring adequate maintenance and servicing of machinery.

The Department has recommended conditions of consent requiring the implementation of the proposed mitigation and management measures.

The Applicant has stated Stage 1 works are anticipated to take 18 months to complete. The Department is satisfied that although the noise modelling demonstrates some significant exceedances of the CNMLs, the worst-case scenario would be infrequent and is not representative of the entire Stage 1 phase from start to finish because all equipment would not be required to operate at the same time at the nearest point to any sensitive receiver for an extended period of time. The Department notes the most intrusive noise levels were modelled to occur only at the boundaries of the site during earthworks associated with detention basins. The Department considers these works would be short lived and a mitigation strategy in accordance with the ICNG could be prepared to lower construction noise at site boundaries to levels which do not negatively impact the amenity of the sensitive receivers. The Department has recommended conditions requiring the preparation of a comprehensive Construction Noise and Vibration Management Plan (CNVMP) to detail and ensure the implementation of the mitigation strategy.

The NIA (2017) also recommends the construction of the permanent noise walls as early as practicable during the construction phase to assist in reducing construction noise impacts. The Department supports this approach to minimise impacts to adjoining properties from the earliest practicable stage of construction and has recommended a condition requiring this. To further mitigate the potential construction noise impacts, the Department has also recommended a condition that requires the Applicant to construct the landscape bund along the western site boundary prior to any clearing or earthworks occurring in Precinct 2 (see **Figure 18**). The early construction of the landscape mound and the noise walls is expected to further reduce the predicted intrusiveness of construction noise near the western boundary of the site.

The Department also notes construction works would take place within standard construction hours in accordance with the ICNG and the Department has recommended a condition requiring the Applicant to seek prior approval from the Secretary for any out of hours works. As an additional measure to avoid potential noise impacts on sensitive receivers, the Department has required the Applicant to liaise with the schools and retirement village to better understand the periods of time when the receivers could be adversely impacted by noise and times considered sensitive (exam periods etc.). The Department would further review and approve these measures as part of the CNVMP to ensure an appropriate level of consultation has occurred and the concerns of the receivers have been addressed. The Department is satisfied these noise management measures and conditions will minimise construction noise for the nearest receivers for Stage 1 works. As part of future DA's for buildings outside of Precinct 1, a recommended condition on the Concept Proposal requires the preparation of a NIA to the satisfaction of the consent authority. This will ensure an adequate assessment of potential noise impacts throughout the estate are quantified and should an impact be predicted, managed and mitigated.

6.3.3 Operational Noise

The Applicant is seeking consent for the development to operate 24 hours per day, seven days a week. Noise associated with warehouse operations include machinery, plant and traffic noise. The NIA (October 2018) modelled a worst-case operation scenario (all warehouses at full operation during adverse weather conditions) at the sensitive receivers for comparison with the project specific noise levels (PSNLs) established in accordance with the INP. The PSNLs are 44 dB(A) at the Retirement Village, 39 dB(A) at the southern residences (N3, N4 and N5) during the day, and 45 dB(A) at the classrooms of the Emmaus Catholic College.

The NIA (October 2018) predicts operational noise levels would comply with the PSNLs at all sensitive receivers except for N3. At this location, noise exceedances of up to 1 dB are expected during the daytime and evening periods during neutral weather conditions and up to 3 dB during the night time period under adverse weather conditions. The predicted exceedances occur due to the western-most noise wall on the southern boundary (north of N3) being removed from the proposal. The Applicant stated they consulted with the landowner at N3 and the proposed noise wall was removed at the request of the landowner as they wish to preserve their long-range views of the Blue Mountains. In lieu of the noise wall, the Applicant has proposed to mitigate noise impacts

to the N3 receiver by applying acoustic glazing on all the windows as a noise treatment at the existing dwelling. This has been accepted by the landowner and a noise agreement has been signed between the two parties. To provide flexibility to both parties in terms of the at-receiver noise mitigation measures, the Department has recommended a condition providing an exception to the noise limits at receiver N3, where the Applicant and the landowner establish a noise agreement.

During the exhibition period, Emmaus Catholic College (also on behalf of Emmaus Retirement Village) made a submission which raised concerns regarding noise and requested noise barriers as well as vegetation be incorporated along the boundary with the Emmaus Retirement Village. The NIA (October 2018) demonstrates that the PSNLs can be achieved at the Emmaus Retirement Village and the Catholic College with the incorporation of noise walls adjacent to the warehouse buildings (see **Figure 18**). As discussed in **Section 6.1**, a vegetation buffer will be established along the western boundary to address visual impacts and therefore addresses the requirements of the Emmaus Catholic College.

6.3.4 Department's Consideration and Recommendations

The Department has reviewed the EIS, NIA (2017) and NIA (October 2018) and is satisfied the Applicant can sufficiently manage construction and operational noise impacts through the implementation of mitigation and management measures and the preparation and implementation of a comprehensive CNMP. Ensuring noise impacts on nearby sensitive receivers were minimised was an important consideration for the Department. As the noise management protocols for construction will be finalised during the preparation of the CNMP, the Department has recommended a condition of consent requiring the Applicant to carry out direct and genuine consultation to understand and consider the needs of the nearby sensitive receivers. This will ensure the proposed construction noise management protocols are selected in a collaborative manner. The Department has also required the early construction of the landscape mound and noise walls near the western boundary as a recommended condition of consent to provide an additional level of noise mitigation during construction.

The Department notes the NIA's assess the operational impacts of Precinct 1, which forms Stage 1 of the Concept Proposal. As such, the Department recommends a condition be imposed requiring future DAs to include construction and operational NIA's demonstrating compliance with the development noise limits for each subsequent stage. The Department's consideration of noise impacts from the fully developed site, shows the development can be carried out to comply with noise limits, that have been established in accordance with relevant noise guidelines. The Department's assessment concludes the development provides adequate buffers to adjacent sensitive land uses and appropriate mitigation measures to ensure noise from on-going operation is below the noise limits.

6.4 Biodiversity

The Concept Proposal includes removal of 7.407 ha of native vegetation and has the potential to impact on the conservation of threatened species and biodiversity values. The EIS included a Biodiversity Assessment Report (BAR), a Biodiversity Offset Strategy (BOS) and a Supplementary EPBC Act Assessment prepared by Cumberland Ecology in accordance with the *Threatened Species Conservation Act 1995* (NSW) (TSC Act). écologique also submitted an amended BAR as part of the RtS in accordance with the NSW Framework for Biodiversity Assessment (FBA).

The Department notes the TSC Act was repealed and replaced by the *Biodiversity Conservation Act 2016* (BC Act) on 25 August 2017. However, as the SSD application was made prior to the commencement of the BC Act, the application may continue to be assessed under the TSC Act in accordance with the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*.

6.4.1 Biodiversity Context

The site currently comprises cleared paddocks previously used for agricultural and pastoral grazing purposes. Presently, native vegetation counts for approximately 5% of the site's vegetation cover. Existing vegetation predominantly occurs along tributaries associated with Ropes Creek and remnant patches throughout the site. However, the BAR identified the condition of vegetation across the site is degrading due to historical land clearing and agricultural and grazing activities.

6.4.2 Vegetation Communities and Endangered Ecological Communities

Under NSW's vegetation classification system of plant community types (PCTs), four native vegetation communities in the site are identified including:

- Forest Red Gum – Rough-barked Apple grassy woodland on alluvial flats of the Cumberland Plain, Sydney Basin Bioregion (PCT: HN526)
- Grey Box – Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion (PCT: HN528)
- Grey Box – Forest Red Gum grassy woodland on shale of the southern Cumberland Plain, Sydney Basin Bioregion (PCT: HN529)
- Swamp Oak swamp forest fringing estuaries, Sydney Basin Bioregion and South East Corner Bioregion (PCT: HN594).

The ecological BAR summarised areas of the proposed native vegetation removal as follows (see **Table 6**):

Table 6 | Plant Community Types and Ecosystem Credits

PCT and Native Vegetation	Condition	Area (ha)
HN526	Moderate_Good	0.49
HN526	Moderate_Good_Medium	0.31
HN526	Moderate_Good_High	0.28
HN528	Moderate_Good	0.97
HN528	Moderate_Good_Medium	0.10
HN528	Moderate_Good_High	0.05
HN529	Moderate_Good	0.84
HN529	Moderate_Good_High	0.10
HN594	Moderate_Good	1.26
Subtotal		4.41
Native vegetation removal in Water NSW landholding		2.578
Erskine Park Biodiversity Corridor		0.419
Subtotal		2.997
Total		7.407

6.4.3 Threatened Fauna

Cumberland Ecology conducted targeted surveys for identified fauna including Regent Honeyeater (*Anthochaera phrygia*), Swift Parrot (*Lathamus discolor*) and Green and Golden Bell Frog (*Litoria aurea*). The targeted survey did not record the Regent Honeyeater and Swift Parrot within the site.

The Supplementary EPBC Act Assessment noted Regent Honeyeater and Swift Parrot were highly mobile species that foraged over large areas and it would be unlikely the development would fragment an existing population into two or more populations. Meanwhile, the Applicant's EPBC Act Assessment stated notwithstanding the Concept Proposal and the Stage 1 development would remove a small area of potential but marginal foraging habitat for Regent Honeyeater and Swift Parrot, the potential habitat contained low quality vegetation and was adjacent to cleared areas. As such, these species would not be likely to depend on this habitat.

6.4.4 Commonwealth Requirements

The BAR noted PCTs HN528 and HN529 constituted the EPBC Act listed Critically Endangered Ecological Community (CEEC) being Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest. In accordance with the EPBC Act, the Applicant made a referral to the Commonwealth Department of the Environment and Energy (DoEE). On 31 August 2017, the DoEE decided the proposed native vegetation clearing was a 'controlled action' under the EPBC Act as the development would remove approximately 2.06 ha of the identified CEEC (see **Figure 19**).

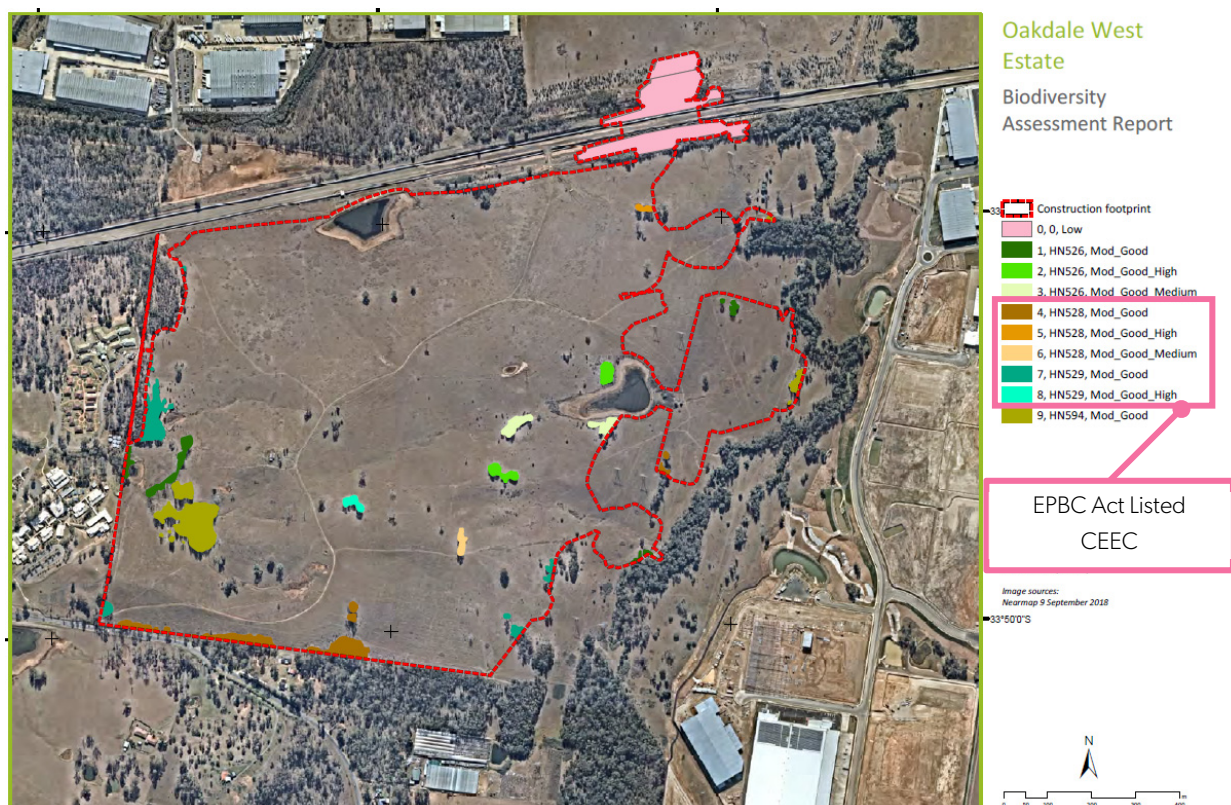


Figure 19 | Proposed Commonwealth CEEC Removal (HN528 and HN529 constitute EPBC Act listed CEEC)

6.4.5 Assessment of Direct Biodiversity Impacts

Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest

Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest is listed as CEEC under the EPBC Act. It is typically dominated by *Eucalyptus moluccana* (grey box), *E. tereticornis* (forest red gum) and/or *E. fibrosa* (red ironbark). It also provides habitat for several threatened native animals, including but not limited to, *Lathamus*

discolor (swift parrot), *Anthochaera phygia* (regent honeyeater), *Burhinus grallarius* (bush stone curlew), *Dasyurus maculatus* (spotted-tail quoll) (south-eastern mainland population) and *Pteropus poliocephalus* (grey-headed flying fox).

Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest is endemic to NSW, specially the area in and around Western Sydney. It used to be extensive across Western Sydney, but now occurs mostly in small patches due to the historical agricultural activities and associated land clearing as well as the more recent urbanisation.

Under the NSW legislation, this community is represented by two separate threatened ecological communities, Cumberland Plain Woodland in the Sydney Basin Bioregion (listed as Critically Endangered) and Shale Gravel Transition Forest (listed as Endangered). The Applicant conducted a site survey in 2017 and concluded the site contained Cumberland Plain Woodland community only. The BAR concluded there would be residual direct impacts upon Cumberland Plain Woodland which were irreversible. To compensate the residual impacts, the Applicant proposed to establish a Biodiversity Offset Area and the 'like-to-like' credits generated at the offset area could fully meet the credit requirement for the Cumberland Plain Woodland removal.

The BARs submitted by the Applicant stated the EPBC Act listed CEEC loss would be offset through the retirement of the required ecosystem credits in accordance with the FBA. **Section 6.4.8** of this report details the proposed Biodiversity Offset Strategy (BOS).

The Department is satisfied the BOS and the implementation of a series of management and mitigation measures would adequately manage and/or mitigate any potential impacts on the Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest CEEC. The Department has recommended a number of conditions including preparation and implementation of a Flora and Fauna Management Plan (FFMP) and a Biodiversity Management Action Plan. Particularly, the FFMP will detail procedures to manage impacts on biodiversity values during earthworks, clearing and dam decommissioning, alongside measures to manage retained vegetation in the north-western corner and the Biodiversity Offset Area (BOA) along Ropes Creek and its tributaries.

On balance, the Department considers the implementation of the BOS as described in the RtS, and as required in the recommended conditions, would result in an improvement in both the quantity and connectivity of Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest CEEC in and surrounding the site.

***Pultenaea parviflora* (Prickly Bush-pea)**

The Prickly Bush-pea is listed as Vulnerable under the EPBC Act which is confined to the Cumberland Plain. The BAR stated this plant might be abundant within scrubby/dry heath areas within Castlereagh Ironbark Forest and Shale Gravel Transition Forest, neither found on site.

Eucalyptus fibrosa (red ironbark) is usually the dominant canopy species for the Prickly Bush-pea. According to the former OEH (now Biodiversity and Conservation Division (B&C Division) of the Department) lists the following vegetation communities as being associated with the Prickly Bush-pea, including:

- Broad-leaved Ironbark – Grey Box (*Melaleuca decora*) grassy open forest on clay/gravel soils of the Cumberland Plain)
- Broad-leaved Ironbark (*Melaleuca decora*) shrubby open forest on clay soils of the Cumberland Plain)
- Derived shrubland on Tertiary Gravels of the Cumberland Plain
- Hard-leaved Scribbly Gum – Parramatta Red Gum heathy woodland of the Cumberland Plain
- Derived grasslands on shale hills of the Cumberland Plain
- Derived grasslands on shale plains of the Cumberland Plain.

The Applicant undertook vegetation mapping which determined the above species communities did not present within the site. The BAR stated the former agricultural and grazing activities cleared much of the derived grasslands. Furthermore, the Applicant's targeted flora surveys did not record any occurrences of this species, despite presences of other associated threatened species listed under the NSW legislation such as *Grevillea juniperina* (juniper-leaf grevillea). The BAR concluded it would be unlikely for Prickly Bush-pea to occur within the site and the development would not have significant impacts on the long-term viability of the species.

The Department is satisfied the Concept Proposal and the Stage 1 development is unlikely to impact on the Prickly Bush-pea and that no further actions are required in relation to this species.

Regent Honeyeater (*Anthochaera Phrygia*) and Swift Parrot (*Lathamus discolor*)

The Regent Honeyeater is a woodland bird endemic to south-eastern Australia. It has a patchy distribution that extends from south-east Queensland through NSW and the ACT to central Victoria. The Regent Honeyeater has declined significantly over the last three decades, with national population estimated in 2011 to consist of only 350-400 mature individuals.

The Swift Parrot is listed as Critically Endangered under the EPBC Act. The breeding season of Swift Parrot is summer in north-western Tasmania and the entire population migrates to the mainland for winter where the population disperses widely and forages on flowers and psyllid lerps in eucalyptus.

The B&C Division lists the Regent Honeyeater and Swift Parrot as being associated with Broad-leaved Ironbark – Grey Box (*Melaleuca decora* grassy open forest on clay/gravel soils of the Cumberland Plain) and Broad-leaved Ironbark (*Melaleuca decora* shrubby open forest on clay soils of the Cumberland Plain).

The Supplementary EPBC Act Assessment noted neither of the associated ecological community presented within the site. The Supplementary Assessment further stated the existing vegetation mainly consisted of fragmented patches of relatively young regrowth vegetation in a highly modified landscape and was marginal habitat for the Regent Honeyeater. The Applicant undertook a diurnal bird survey and did not observe any indication of Regent Honeyeater and Swift Parrot on site.

The Supplementary Assessment further stated the proposed BOS including the establishment of a BOA mainly within the Ropes Creek riparian area would conserve native vegetation in perpetuity and improve habitat conditions in the long-term and has the potential to provide foraging habitat for Regent Honeyeater and Swift Parrot.

On balance, the Department considers the Concept Proposal and Stage 1 development would not have significant impacts on Regent Honeyeater and Swift Parrot habitats. Through implementing the BOS as described in the RtS, and as required in the recommended conditions, conditions of native vegetation could be improved and there is a potential to provide habitats for Regent Honeyeater and Swift Parrot in the BOA.

Green and Golden Bell Frog (*Litoria aurea*)

The Green and Golden Bell Frog is listed as Vulnerable under the EPBC Act. Habitats of the Green and Golden Bell Frog are mainly located along coastal lowland areas of eastern NSW and Victoria stretching from Grafton, NSW in the north to Lake Wellington, Victoria in the south.

In NSW, the Green and Golden Bell Frog has been found in a wide range of water bodies except fast flowing streams. It inhabits many disturbed sites, including abandoned mines and quarries. Breeding habitat includes water bodies that are still, shallow, ephemeral, unpolluted, unshaded, with aquatic plants and free of Mosquito Fish.

The Applicant carried out targeted surveys and did not find the Green and Golden Bell Frog on site. The BAR stated visual observations showed the presence of Mosquito Fish within the dams which meant the site would not be suitable for the Green and Golden and Bell Frog as breeding habitat. The BAR therefore concluded the development would not have significant impacts on the Green and Golden Bell Frog habitat.

The Department is satisfied the development is unlikely to provide suitable habitat for the Green and Golden Bell Frog and that no further actions are required for this species.

6.4.6 Assessment of Indirect Biodiversity Impacts

The development has the potential to indirectly impact on biodiversity values through:

- noise and vibration impacts
- water quality impacts
- erosion and sedimentation
- weed and edge effects.

As explained in Section 6.3, the Department's assessment of the development's potential noise and vibration impacts concludes the development provides adequate buffers to adjacent sensitive land uses and appropriate mitigation measures to ensure noise from on-going operation is below the noise limits.

The development could potentially have indirect impacts on biodiversity through erosion and sedimentation and subsequent deterioration of downstream water quality. The Department has assessed the stormwater and flooding impacts of the development and reviewed the Applicant's proposed erosion and sediment control measures.

The Department has concluded the proposed stormwater management system including erosion and sediment control devices has been designed in accordance with Council's requirements and would adequately manage the treatment of stormwater flows from the site. The Department has recommended a condition requiring the stormwater management system be installed and operated in accordance with specific guidelines and concludes stormwater from operation would be managed appropriately to avoid off-site impacts. Therefore, the Department is satisfied that any indirect impacts on biodiversity as a result of erosion and sedimentation would not be significant.

6.4.7 Avoidance, Mitigation and Management

The Department has reviewed the Concept Proposal, the Stage 1 development, BARs and BOS prepared by the Applicant. The Department notes the proposed development footprint is mainly within highly disturbed parts of the site which were used for agricultural and grazing purposes. The Applicant endeavoured to avoid areas containing native vegetation for future developments at the greatest degree (see **Figure 20**).

The Department considers the Applicant proposed to retain native vegetation in the north-western corner of the site which is consistent with the visual impact mitigation measure as described in **Section 6.1**. The Department notes the Applicant proposed to construct a landscaped bund along the southern half of the western boundary which will be landscaped. This will provide an opportunity for selecting native vegetation consistent with the Cumberland Plain Woodlands as part of the landscaped bund which will conserve and enhance the biodiversity values.

The Department has recommended a condition of consent requiring the Applicant to prepare and implement Landscape Management Plan detailing procedures for the retention of existing native vegetation in the north-western corner of the site and protection of native vegetation from construction impacts. In order to secure a long-term management of the BOA, the Department has imposed a condition requiring the Applicant to enter into a

Biodiversity Stewardship Agreement (BSA) with the NSW Biodiversity Conservation Trust. The BSA will provide permanent conservation and management of the biodiversity values of the BOA.



Figure 20 | Development Footprint of the Oakdale West Estate showing locations of native vegetation

6.4.8 Biodiversity Offset Strategy

The BAR concludes that 95% of the existing vegetation within the site comprises revegetation areas or exotic low diversity grassland. The 5% balance includes EECs and TECs, comprising PCTs shown in **Table 7**. The BAR assessed the condition of this vegetation and concluded that if left in its current state, the condition of the vegetation would likely decline. As such, the BAR concluded the removal of this vegetation could be adequately offset through the retirement of 172 ecosystem credits.

Table 7 | Plant Community Types and Ecosystem Credits

Plant (PCT)	Community	Type	TSC Act	EPBC Act	Clearing Hectares (ha)	Credits required offset clearing	to Credits generated through BOS	Balance
Forest Red Gum – Rough Barked Apple woodland on alluvial flats of the Cumberland Plain (HN526)		grassy	EEC	n/a	1.08	33	21	-12
Grey Box – Forest Red Gum grassy woodland on flats of the Cumberland Plain (HN528)			CEEC	CEEC	1.12	40	55	+15

Plant (PCT)	Community	Type	TSC Act	EPBC Act	Clearing Hectares (ha)	Credits required to offset clearing	Credits generated through BOS	Balance
Grey Box – Forest Red Gum grassy woodland on shale of the southern Cumberland Plain (HN529)			CEEC	CEEC	0.94	30	48	+18
Swamp Oak swamp forest fringing estuaries (HN594)			EEC	n/a	1.26	69	64	-5
Total			-	-	4.4	172	188	-

The Applicant's BOS proposes to establish a BOA to offset the unavoidable impacts to the EEC and CEEC. The proposed BOA covers 17.36 ha adjacent to Ropes Creek in the eastern part of the site, see **Figure 21**. The BOA would generate a total of 188 ecosystem credits which would satisfy the Applicant's offsetting obligation for the two CEECs of Grey Box – Forest Red Gum grassy woodland, with some excess credits generated. The BOA would not generate all ecosystem credits required for the two endangered ecological communities (EECs) of Forest Red Gum – Rough Barked Apple and Swamp Oak swamp forest, leaving a shortfall of 12 and 5 credits respectively. To fully satisfy the offsetting obligations, the Applicant proposes to purchase and retire the shortfall in credits from the Biobanking market.

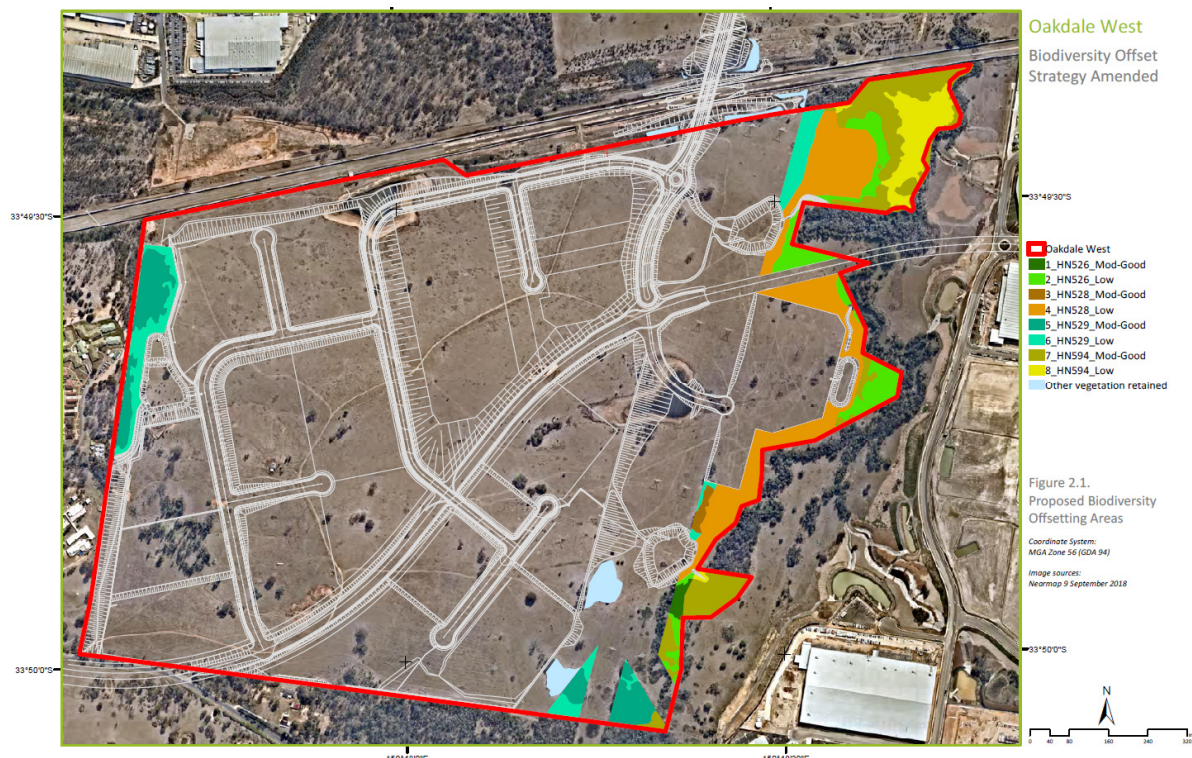


Figure 21 | Biodiversity Offset Area

The Department notes the site currently has limited ecological habitat as it has historically been used for grazing. The site is zoned for industrial use and has been identified as land suitable for development of employment generating uses under the WSEA SEPP. The Applicant proposes to retain the mature vegetation in the north-western corner of the site and establish a biodiversity offset area adjacent to Ropes Creek to offset the loss of 4.4

ha of native vegetation. The Department is satisfied the proposed loss of native vegetation can be appropriately offset and has recommended conditions requiring the retirement of ecosystem credits within 12 months of the receiving development consent.

6.4.9 Erskine Park Biodiversity (EPB) Corridor/WNSLR

The development includes the removal of 0.42 ha of native vegetation from within the EPB Corridor which runs from Lenore Drive to the water pipelines (see **Figure 21**). This land is an existing conservation site owned and managed by the PMC and was established in 2009 to offset the impacts of the adjacent Erskine Park Industrial Estate.



Figure 22 | Offset Planting Area for EPB Corridor

The proposed loss of native vegetation within the EPB Corridor is the result of the alignment of the WNSLR as set out in the WSEA SEPP. OSLs initial submission on the EIS did not accept the construction of the WNSLR through the EPB Corridor due to the loss of biodiversity land. Subsequently, OSL requested the construction of a bridge for the portion of the WNSLR traversing the EPB Corridor to minimise impacts. Further, OSL requested the relocation of the WNSLR basin to be outside the corridor.

The Applicant has undertaken consultation with OSL, Water NSW and TfNSW to determine the preferred design of the WNSLR, with the final design incorporating a bridge to clear the WSFL and the Water NSW pipelines. The final design agreed upon would result in some loss of EPB Corridor land and vegetation as a result of the proposed bridge pylons. The Applicant proposes to include a fauna passage to maintain a physical connection across the corridor. OSL and the Applicant have agreed on a portion of land on the east side of Ropes Creek, within the corridor, for offset planting. As part of the required offsetting works, OSL requires the Applicant to:

- offset the 0.42 ha of vegetation lost from the EPB Corridor

- plant vegetation species similar to those identified for 'site 4a' (in the Biodiversity Management Plan Erskine Park Employment Area, prepared by HLA-Envirosciences Pty Limited, date 2 May 2006) on the south eastern side of Ropes Creek, within the EPB Corridor
- ensure minimum 85% survival rate of plants for the first six months
- notify the PMC a month before the completion of planting works to enable the PMC to enable ongoing maintenance
- prepare a vegetation management plan.

The Department has recommended a condition requiring compliance with OSLs offsetting requirements. The Department notes the Applicant has obtained consent from the PMC for construction of the WNSLR over the EPB Corridor. The Department is satisfied the Applicant has committed to implement an offset that is acceptable to OSL and has included this requirement in the conditions. The WNSLR would impact on a very small section of the corridor, as the design needs to accommodate various constraints including the WNSW pipelines and WSFL corridor. The Department's assessment concludes the biodiversity impacts would be adequately offset by planting works within the corridor.

6.5 Other Issues

The Department has assessed other issues identified in the EIS, RtS and in submissions. The Department's assessment of these issues is provided below.

Table 8 | Assessment of Other Issues

Findings	Recommended Condition
Stormwater & Flooding	
<u>Stormwater – Concept Plan & Stage 1 - Operation</u>	Require the Applicant to:
<ul style="list-style-type: none"> • The development would substantially increase impervious areas across the site, which would alter infiltration and natural flow paths. • AT&L designed a stormwater management system for operation of the development, including piped stormwater drains, on-site bio-retention basins and outlets discharging to Ropes Creek and a tributary of South Creek. The system has been designed to meet Council requirements to ensure post-development flows do not exceed pre-development flows downstream. • Council commented on some design aspects of the bio-retention basins, but requested the care, control and ownership of the basins be the responsibility of the proprietor of the individual lots. The Applicant has agreed to Council's request. • Water NSW recommended a condition requiring peak stormwater flows from the development do not exceed existing flows in the Water NSW drainage lines and water pipelines corridor. • The RTS included a revised design to accommodate the 60 m wide freight corridor, including modified basin 	<ul style="list-style-type: none"> • install and operate the stormwater management system in accordance with specific guidelines and ensure stormwater flows from the site do not exceed pre-development flows on any downstream areas, including the Water NSW corridor • ensure all stormwater drainage infrastructure on the site remains under the care, control and ownership of the registered proprietor of the lots • design and construct the stormwater management system for the WNSLR in accordance with AUSTROADS guidelines, Council and RMS' Water Sensitive Urban Design Guidelines and NRAR's Controlled Activities on Waterfront Land • retain care, control and ownership of basin 1 with the registered proprietor of the lot

Findings	Recommended Condition
<p>locations and sizes. The Department notes the stormwater management system has been designed in accordance with Council's requirements. The Department has recommended a condition requiring the stormwater management system be installed and operated in accordance with specific guidelines and concludes stormwater from operation would be managed appropriately to avoid off-site impacts.</p> <p><u>Stormwater – WNSLR</u></p> <ul style="list-style-type: none"> • AT&L designed a stormwater management system for the WNSLR consistent with TFNSW and Council requirements. The system includes pits and pipes to direct stormwater from the road into two bio-retention basins discharging to Ropes Creek via rock-lined swales. • The northern bio-retention basin adjacent to the Erskine Park Link Road has already been constructed by others. AT&L reviewed the constructed basin and confirmed it meets the requirements for managing stormwater from the northern catchment of the WNSLR. • The southern catchment of the WNSLR would drain to the proposed bio-retention basin 1, which also services the development. • Council and TFNSW did not raise any concerns with the proposed stormwater management system. Council requested all basins remain under care and control of the proprietor of the individual lots, including basin 1. The Department has recommended a condition to this effect. • The Department considers the proposed stormwater design for the WNSLR meets relevant requirements and has recommended conditions for design and construction and on-going care and control of the infrastructure. <p><u>Flooding</u></p> <ul style="list-style-type: none"> • Cardno prepared a flood impact assessment, considering the impacts from both the development and the Oakdale South Estate (OSE). • The assessment concluded the development would result in local impacts during the 100-year average recurrence interval (ARI) event from the filling to create Precinct 5, adjacent to Ropes Creek. The impacts would occur within the TransGrid easement and would not extend off site. The assessment concluded the impacts are primarily from the approved OSE, with the 	<ul style="list-style-type: none"> • consult with TransGrid prior to lodging a DA for Precinct 5, identifying any required flood management measures.

Findings	Recommended Condition
<p>incremental increase from the development being insignificant.</p> <ul style="list-style-type: none"> • The Applicant advised TransGrid of the potential flooding impacts. TransGrid did not comment on flooding, but requested the Applicant meet with TransGrid prior to future DAs for Precincts 4 and 5. The Department has included a condition to formalise this request. • The flooding assessment noted the WNSLR is outside the extent of the 100-year ARI and probable maximum flood events. • The Department notes the potential flooding impacts of the development would not extend off the site. Given the potential for increases within the TransGrid easement, the Department has recommended the Applicant consult with TransGrid prior to developing Precinct 4 and 5, to identify any required flood management measures. 	
Construction – Erosion Control & Dust Management	
<ul style="list-style-type: none"> • The Stage 1 DA seeks approval to carry out bulk earthworks across the whole site, to achieve the cut and fill balances presented in the RTS. • The RtS included erosion and sediment control plans (ESCPs) prepared in accordance with Landcom’s Managing Urban Stormwater: Soils and Construction. The ESCPs include diversion drains, temporary sediment basins, inspection and maintenance procedures. The ESCPs also propose to use the bio-retention basins for sediment control, prior to converting them for the permanent operational phase. • Management of dust was raised as a concern in the public submissions. • WaterNSW recommended effective erosion and sediment controls be installed and maintained until works have been completed, the ground surface stabilised or ground cover re-established. Monitoring of cut and fill activities was also recommended. • The Department considers the earthworks require careful management, given the Applicant proposes to conduct bulk earthworks in one phase, across 93 ha of the site. Also, loose soils and sediment would gravitate towards the lower elevations along the western (school and retirement village) and eastern (Ropes Creek) boundaries, so careful management is necessary to avoid off-site impacts. 	<p>Require the Applicant to</p> <ul style="list-style-type: none"> • appoint an independent Environmental Representative to oversee the bulk earthworks phase and report to the Department on environmental performance.

Findings	Recommended Condition
<ul style="list-style-type: none"> • The Department also notes there were problems during construction of the adjacent OSE, where the bulk earthworks were not appropriately managed resulting in adverse impacts on adjacent creeks. • To ensure the bulk earthworks do not adversely impact on adjacent areas, the Department has required the Applicant to prepare and implement a detailed CEMP for Stage and 1 for each subsequent stage of the development. This includes an erosion and sediment control plan and a construction air quality management plan for Stage 1 works. • The recommended conditions also require the Applicant to appoint an independent Environmental Representative (ER) to oversee the bulk earthworks phase and report regularly to the Department on the effectiveness of the erosion and sediment controls. The ER would also report on other environmental management aspects, including dust, noise and traffic management. The Department also requires the ER to be involved with the preparation and implementation of the CEMP. • WaterNSW has confirmed it is satisfied with the Applicant's commitment to effective erosion and sediment controls and requested it be consulted on the CEMP prior to works commencing. • The requirement to prepare and implement a CEMP, including the proposed erosion and sediment control and dust management measures, will ensure any potential environmental impacts during bulk earthworks can be managed. The appointment of an independent ER will ensure bulk earthworks are carried out in accordance with the CEMP and the Department is kept up to date with construction activities on the site. 	
Snake Management	
<ul style="list-style-type: none"> • Emmaus Catholic College raised concerns about increased numbers of snakes on school grounds due to disturbance and removal of habitat during construction of the development. • The College provided a copy of a snake hazard assessment, conducted by SSSafe, which included a survey of the school grounds and surrounding bushland for snake habitat. • The assessment indicated the land surrounding the school is high value habitat for eastern brown and red 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> • implement measures during construction to limit movement of snakes into the school grounds • detail these measures in the CEMP.

Findings	Recommended Condition
<p>bellied black snakes, including the natural drainage line cutting through the school grounds to the west. Snakes would also be likely to use underneath school buildings, undercut pathways and garden beds for shelter.</p> <ul style="list-style-type: none"> The assessment concluded snakes would continue to be a hazard within the school grounds and it is not possible or practical to completely prevent this. The assessment recommended solutions for managing the risks posed by snakes, including regular garden maintenance, filling gaps under buildings and paths, controlling rodents, continued staff and student awareness and snakebite first aid training. The Applicant has committed to implement management measures during construction to provide alternative habitat for snakes on the site and to limit movement across the western boundary into the school grounds. Other proposed management measures include fencing along the western boundary and use of solar powered snake deterrents. The Applicant also notes the completed development would continue to provide snake habitat around bio-retention basins. The Department recommends the Applicant include the specific snake management measures in the CEMP to minimise the movement of snakes from the site into the school grounds. 	

Easements and Services	
<p><u>TransGrid</u></p> <ul style="list-style-type: none"> A 60.96 m wide transmission line easement runs through the eastern part of the site. The Applicant proposes some development within the easement including, Estate Road 8 and bio-retention basins 1 and 5. The Applicant consulted TransGrid throughout the assessment process and the Department sought comments from TransGrid on the EIS and RtS. TransGrid provided recommended conditions for the development, requesting the Applicant consult with TransGrid prior to lodging a DA for Stages 4 and 5, and any other Stage or road infrastructure that may affect the easement. The Department is satisfied the Applicant has designed the development to comply with the requirements of TransGrid and recommends the Applicant consult with TransGrid prior to lodging DAs for subsequent stages. 	<p>Require the Applicant to</p> <ul style="list-style-type: none"> comply with the requirements of TransGrid consult with TransGrid prior to lodging DAs for subsequent stages meet the requirements of Endeavour Energy for the provision of land for the substation and electricity supply to the development create a drainage easement for the outlet swales from the bio-retention basins, in accordance with Council requirements. obtain a Section 73 compliance certificate from Sydney Water prior to operation of the development.

Findings	Recommended Condition
----------	-----------------------

<u>Endeavour Energy</u>	
<ul style="list-style-type: none"> • The Applicant consulted Endeavour Energy regarding electricity connection for the development. Endeavour Energy confirmed a new zone substation would be required to service the development. • The Applicant has provided for a new zone substation in the design - referred to as the Services Lot and has consulted Endeavour Energy on acquisition requirements. • Endeavour Energy commented on the RtS and noted it had reached ‘in principle’ agreement with Goodman for the location of the substation to service the area and had commenced acquisition negotiations. • The Department has included a condition requiring the Applicant to meet the requirements of Endeavour Energy for the provision of land for the substation and for electricity supply to the development. 	
<u>Council Drainage Infrastructure</u>	
<ul style="list-style-type: none"> • Council requested the on-site detention and bio-retention basins be owned and maintained by future lot owners and not dedicated to Council. Council requested the creation of an easement for the drainage outlet swale from bio-retention basin 1 into the adjoining lot. 	
<u>Sydney Water</u>	
<ul style="list-style-type: none"> • Sydney Water reviewed the EIS and advised there are no water or wastewater servicing strategies for the site. Sydney Water advised the Applicant must obtain a Section 73 compliance certificate for water and wastewater infrastructure and must obtain approval for any trade wastewater discharges. • The Department’s recommended conditions include a requirement to obtain a Section 73 compliance certificate prior to operation. 	

Contamination	
<ul style="list-style-type: none"> • A Phase 1 Environmental Site Assessment undertaken in 2007 identified six areas of environmental concern (AEC) on the site. • A Phase 2 Contamination Assessment undertaken in 2012 included targeted sampling from 40 test pits across the six AECs. • Minor contamination was identified including fragments of asbestos containing materials (ACMs) and buried waste 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> • implement an unexpected finds protocol for construction.

Findings	Recommended Condition
<p>containing scrap metal in two areas, near an old farmhouse and in an area used to bury waste.</p> <ul style="list-style-type: none"> • In 2016 the landowner undertook remediation works including excavations near the old farmhouse and of the buried waste. AECOM conducted validation sampling which confirmed the successful removal of ACMs and buried waste in these two locations (AECOM Remediation Report, August 2017). • AECOM concluded the site is suitable for commercial and industrial use but recommended an unexpected finds protocol be included in the CEMP, to manage any unexpected contamination that may be encountered. • The Department is satisfied with the conclusions of the Phase 2 assessment and the AECOM Remediation Report and notes the site is suitable for industrial and commercial use. • The Department has also included the recommendation for an unexpected finds protocol in the conditions. 	
Heritage	
<p><u>Aboriginal Heritage</u></p> <ul style="list-style-type: none"> • The EIS included an Archaeological Survey Report (ASR) prepared by Artefact Heritage in accordance with relevant guidelines. • The ASR referenced field surveys of the OWE site and the WNSLR, carried out with representatives of the Deerubbin Local Aboriginal Land Council (DLALC). • The ASR identified nine archaeological sites (eight within the OWE and one in the WNSLR alignment). The sites include artefacts with potential archaeological deposits (PADs), artefact scatters and isolated finds, ranging from moderate to low significance. The one site in the WNSLR alignment was excavated and the artefacts retrieved in 2003. • The ASR also noted the alluvial soils adjacent to Ropes Creek and the ridgeline immediately to the west have potential archaeological sensitivity given known regular use of creek lines by Aboriginal people. • The development would have a direct impact on four sites (one already retrieved, two in the Stage 1 DA footprint and one on the western boundary) and would not impact five sites (adjacent to Ropes Creek). 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> • undertake test excavation in the identified area of archaeological sensitivity, prior to construction and in accordance with a methodology developed in consultation with registered Aboriginal parties • provide a test excavation report to the Planning Secretary, prior to construction, detailing any further work, including archaeological salvage and monitoring in the presence of Aboriginal stakeholders • cease works and notify OEH if any other archaeological deposits are discovered during construction • prepare and implement an unexpected finds protocol as part of the CEMP.

Findings	Recommended Condition
<ul style="list-style-type: none"> • The ASR recommended further test excavation of the area of archaeological sensitivity that would be impacted by the development. The test excavations shall investigate the potential for sub-surface cultural material, determine the extent and significance of any material and inform proposed management measures. The ASR recommends the test excavation methodology be developed in consultation with registered Aboriginal stakeholders. • No further investigation was recommended for other areas due to the low archaeological sensitivity informed by previous land disturbance, landform type and distance from Ropes Creek. • OEH did not comment on the Aboriginal heritage assessment. • The Department notes the development would impact on three sites of low significance (isolated finds) and one site of moderate significance (campsite). The Department agrees with the conclusions of the ASR, that these impacts would be minor, and further test excavation should be undertaken in the identified area of archaeological sensitivity. • The Department recommends the Applicant provide a test excavation report prior to construction, detailing any further management measures, such as salvage and monitoring, if required. 	
<p><u>Non-Indigenous Heritage</u></p> <ul style="list-style-type: none"> • Artefact Heritage Services (AHS) undertook an assessment of the potential for non-indigenous heritage to be present on the site, identifying the 'collapsed cottage site' containing a timber slab hut. • The Heritage Council of NSW commented on the assessment, noting it did not establish the collapsed cottage site as containing archaeological resources of significance and requiring management. The Heritage Council did not recommend conditions for further archaeological work but recommended the Applicant implement an unexpected finds protocol. The Department agrees with the Heritage Council's conclusion and has included the recommendation as a condition. 	
<p>Bushfire Management</p>	
<ul style="list-style-type: none"> • Bushfire Prone Land Maps show most of the site as Category 2 bushfire prone vegetation with areas of 	<p>Require the Applicant to comply with:</p>

Findings	Recommended Condition
<p>Category 1 vegetation along the Ropes Creek corridor, the western site boundary and to the south of the site.</p> <ul style="list-style-type: none"> The EIS included a Bushfire Assessment (BA) to establish construction standards for the buildings to meet Planning for Bushfire Protection 2006 (PBP) and the provision of Asset Protect Zones (APZs) around the buildings. The BA also considered fire-fighting access, water supplies, evacuation protocols and management of the APZs. The BA concluded the development complies with PBP and recommended specific construction standards for buildings in the western (2C, 2D, 2E, 2F & 2G), southern (4A & 4E) and eastern (5A) parts of the site. The BA recommended setback requirements and noted the development provides adequate APZs. RFS reviewed the BA and raised no objection subject to compliance with the recommendations of the BA. The Department is satisfied the Applicant has demonstrated the development will comply with relevant bushfire protection requirements. The recommended conditions require the Applicant to implement the construction standards and APZs recommended in the BA for the concept plan, stage 1 DA and future DAs. 	<ul style="list-style-type: none"> PBP the construction standards and APZ requirements of the BA AS2419.1 – 2005 for fire-fighting water supply for the concept plan, Stage 1 DA and future DAs.
Air Quality	
<ul style="list-style-type: none"> The EIS included an Air Quality Impact Assessment (AQIA) prepared by SLR Consulting (SLR) which used a qualitative risk-based approach to assess the air quality impacts during construction and a quantitative assessment of the entire Concept Proposal in full operation. The AQIA noted the main sources of emissions during construction would be dust from earthworks, vegetation clearing, excavation and stockpiling. The assessment of construction impacts concluded demolition, earthworks and building activities proposed under the Stage 1 DA would present a negligible risk of adverse air quality impacts, subject to the implementation of the recommended management measures including preparation an Air Quality Management Plan (AQMP) prior to the commencement of construction of Stage 1 DA. Air emissions from the operation of the warehouse and distribution buildings would generally be from wheel-generated dust and vehicle exhaust emissions. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> prepare and implement an AQIMP as part of the CEMP for the Stage 1 DA implement best management practices to prevent and minimize dust emissions associated with construction activities through the CEMP.

Findings	Recommended Condition
<ul style="list-style-type: none"> Atmospheric dispersion modelling was used to assess potential air quality impacts at the nearest receivers, including the schools, rural-residences and retirement village. The result of the modelling showed the operation of all buildings within the Concept Proposal including a worst-case scenario of truck and light vehicle movements would comply with all relevant ambient air quality criteria at all receivers. The Department considers the industrial estate operating to the extent proposed in the Concept Proposal would be unlikely to have an air quality impact on nearby receivers. However, during construction, short term air quality impacts due to dust generation are likely. Therefore, the Department has recommended the CEMP include protocols to ensure dust generation is minimised during construction which would include limiting activities during adverse weather conditions, wetting stockpiles and using water carts throughout construction. With these measures in place, the Department considers dust impacts can be adequately minimised. 	

Developer Contributions	
<u>Regional Infrastructure</u> <ul style="list-style-type: none"> Development within the WSEA is subject to developer contributions for the provision of regional infrastructure and services across the WSEA. The contribution rate is \$193,636 per hectare of net developable area. Contributions can be paid as monetary, works-in-kind (WIK) or land contributions. The Applicant will deliver the WNSLR as part of the Stage 1 DA and has entered into a Voluntary Planning Agreement (VPA) with the Minister for the provision of this infrastructure as a WIK contribution. As the WNSLR is located on land owned by Fitzpatrick, the Minister for Planning and Public Spaces has entered into a VPA with Fitzpatrick which sets out the infrastructure delivery arrangements including the Applicant would construct the WNSLR with associated contingency management measures should the Applicant not commence the WNSLR construction by a certain timeframe. On 16 August 2019, the Acting Deputy Secretary, Place and Infrastructure Greater Sydney, as delegate of the 	Require the Applicant to <ul style="list-style-type: none"> provide contributions in accordance with the PA identify if a Development Contributions Plan applies to future DAs (at the time of lodging) and pay contributions to Council in accordance with the relevant plan.

Findings	Recommended Condition
<p>Planning Secretary has issued a satisfactory arrangements certificate in accordance with Clause 29 of the WSEA SEPP. The Department is satisfied the Applicant is providing contributions in accordance with the WSEA SEPP and has recommended a condition requiring the Applicant to provide the contributions in accordance with the PA.</p>	
<p><u>Local Contributions</u></p>	
<ul style="list-style-type: none"> • Penrith Council has several development contributions plans for various parts of the local government area (LGA), but there is currently no contributions plan covering the site. Council advised they are reviewing their contributions plans across the LGA, with the potential for future plans to cover industrial zoned land. • The Department has recommended a condition requiring future DAs to identify if a contributions plan applies to the site (at the time of lodging the DA) and to pay contributions to Council in accordance with the relevant plan. This would ensure Council is able to collect local contributions from future DAs, if a plan is in place at the time. Council confirmed it was satisfied with the recommended condition. 	



7. Evaluation

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 development would provide additional warehouse and industrial space within the WSEA which is strategically identified lands for employment purposes. The Concept Proposal, when fully developed, would provide 1,845 operational jobs and 1,065 construction jobs and the Stage 1 DA will provide 459 operational jobs, 263 construction jobs. As such, the development is expected to have a positive economic impact on the Penrith LGA and western Sydney in general.

The Department worked closely with the Applicant to minimise potential impacts on adjacent receivers, including the schools, retirement village and nearby rural-residences, prior to lodgement and during the assessment of the DA. Engagement with these receivers was also prioritised and their needs and concerns were considered throughout the assessment process. The Department's assessment concluded the development will result in a significant change to the visual and acoustic character of the locality and have some traffic and biodiversity impacts which can be managed through the recommended conditions of consent.

The visual impacts of the development are to be mitigated through several measures including retaining mature vegetation, constructing a 10 m high landscape bund and extensive planting of new screening vegetation as part of the first stages of construction – four years prior to the development of buildings near the receivers. The Department has also limited the scope of the Concept Proposal by not approving building layouts for those buildings near the schools and retirement village. This will allow more detailed consideration of visual impacts including appropriate siting, bulk and architectural design to be carried out by an independent urban design consultant during the assessment of DAs for these buildings.

The acoustic impacts of the development during construction and operation, will be minimised and managed through the implementation of a comprehensive CNMP and the construction of noise walls near sensitive receivers. As part of the preparation of the CNMP the Department has required the Applicant to closely engage with nearby receivers and ensure construction schedules and management measures address their needs.

The traffic impacts of the development can be managed through the early construction of the WNSLR which will provide the development access to the regional road network. The Department is satisfied that the existing and future regional road network including the WNLR and SLR can cater for the full build out of the Concept Proposal. Although, a road's authority has not been established for the WNSLR, the Department is satisfied this can occur post determination and has recommended conditions of consent to this end.

The biodiversity impacts of the development will be reduced by the Applicant through the retention of mature trees, the development of a BOA around Ropes Creek through extensive planting and offsetting any clearing or disruption of the EPB Corridor caused by the alignment of the WNSLR to the satisfaction of the OLS. The Department has included strict conditions of consent to ensure the implementation of these measures including the preparation of a vegetation management plan and a requirement to purchase and retire any ecosystem credits which cannot be offset.

The Department has recommended a range of detailed conditions to address the residual impacts of the development and detail the environmental assessment requirements for subsequent stages. The conditions were

developed in conjunction with government agencies and Council. The Applicant has reviewed and accepted the recommended conditions.

On balance, the Department considers the development is in the public interest and should be approved, subject to the recommended conditions of consent.



8. Recommendation

For the purpose of section 4.38 of the EP&A Act, it is recommended that the Executive Director, Compliance, Industry & Key Sites, 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 Oakdale West Estate Concept Application and Stage 1 DA (SSD 7348)
- **signs** the attached development consent and recommended conditions of consent (see **Appendix C**).

Recommended by:

Bruce Zhang

Acting Senior Environmental Assessment Officer
Industry Assessments

Recommended by:

Chris Ritchie

Director
Industry Assessments



9. Determination

The recommendation is: **Adopted by:**

Sargeant

Anthea Sargeant 13/9/19
Executive Director
Compliance, Industry & Key Sites



Appendices

Appendix A – List of Documents

Appendix B – Statutory Considerations

Appendix C – Consideration of Matters of National Environmental Significance

Appendix D - Recommended Instrument of Consent

Appendix A - List of Documents

The Department has considered the following documents, saved at the link below:

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

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7348

Appendix B - Statutory Considerations

Section 4.15 of the EP&A Act

Table 9 | Considerations under Section 4.15 of the EP&A Act

Matter	Consideration
<p>a) the provisions of:</p> <ul style="list-style-type: none"> i) any environmental planning instrument, and 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 iii) any development control plan, and (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 iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), <p>that apply to the land to which the development application relates,</p>	<p>The Department has considered the relevant Environmental Planning Instruments in its assessment of the development.</p>
	<p>There are no relevant draft EPIs.</p>
	<p>Under clause 11 of the SRD SEPP, development control plans do not apply to State significant development. Notwithstanding, the Department has assessed the development against the Penrith DCP 2014 and the Applicant's proposed development controls at Appendix B.</p>
	<p>The Applicant has entered into the Planning Agreement between the Minister for Planning and Public Spaces, Goodman Property Services (Aust) Pty Ltd and BGMG 11 Pty Ltd which was executed on 5 August 2019.</p> <p>On 16 August 2019, the Acting Deputy Secretary, Place and Infrastructure Greater Sydney, as the Planning Secretary's delegate, certified satisfactory arrangements are in place for the development.</p>
	<p>The Department has assessed the proposed 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,	<p>The Department has considered the likely impacts of the development in detail in Section 6 of this report. The Department concludes that all environmental impacts can be appropriately managed and mitigated through the recommended conditions of consent.</p>
c) the suitability of the site for the development,	<p>The development is predominantly a warehousing and light industry project located on light industrial zoned land which is permissible with development consent.</p>
d) any submissions made in accordance with this Act or the regulations,	<p>All matters raised in submissions have been summarised in Section 5 of this report and given due consideration as part of the assessment of the development in Section 6 of this report.</p>

Matter	Consideration
e) the public interest.	<p>The development would generate up to 1,065 jobs during construction and 1,854 jobs during operation. The development would be a \$447 million capital investment in the Penrith local government area that would contribute to the provision of local jobs.</p> <p>The environmental impacts of the development would be appropriately managed via the recommended conditions. The Department considers the development is in the public interest.</p>

Environmental Planning Instruments (EPIs)

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 or 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 warehousing and distribution Estate that has a capital investment value of more than \$50 million.

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, 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 10**.

Table 10 | Compliance with the WSEA SEPP Development Standards

Development Standard	Proposed	Department Comment
<p>Cl. 18(1) Requirement for development control plans</p> <p>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.</p>	<p>Draft controls have been prepared as part of the Concept Proposal, which would be incorporated into the Penrith DCP 2014.</p>	<p>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.</p>
<p>Cl. 20 Ecologically Sustainable Development</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>The proposed development incorporates a range of sustainability measures designed to reduce energy and resource use during operation. These include:</p> <ul style="list-style-type: none"> passive building design for natural ventilation 	<p>The proposal includes a number of design measures to reduce consumption of potable water and greenhouse gas emissions, including:</p> <ul style="list-style-type: none"> rainwater harvesting and reuse to provide up to 50% of water demand for the development

Development Standard	Proposed	Department Comment
<p>(a) the consumption of potable water, and</p> <p>(b) greenhouse gas emissions.</p>	<ul style="list-style-type: none"> • controlled fluorescent lighting • individual on-lot water harvesting and re-use • solar hot water systems • translucent roof panelling for natural light. <p>The Applicant also prepared an Energy Efficiency Report, which details design measures to minimise greenhouse gas emissions and promote energy efficiency in the proposed warehouse buildings in the Stage 1 DA.</p>	<ul style="list-style-type: none"> • use of translucent sheeting on warehouse roofs to increase natural light • solar powered hot water systems • programmable lighting systems including timers, daylight sensors and motion sensors in warehouses • louvre grills in building facades to allow cross ventilation • high efficiency glazing and shading of offices.
<p>Cl. 21 Height of buildings</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 Concept Proposal seeks consent to permit buildings with a maximum height limit of 15 m. The maximum proposed height of each warehouse building in the Stage 1 DA is 13.7 m.</p>	<p>The WSEA SEPP does not prescribe a height limit for development. The Department has assessed the bulk and scale of the proposed development in Section 6.1</p>
<p>Cl. 22 Rainwater harvesting</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 tanks proposed in each Precinct.</p>	<p>The Concept Proposal includes rainwater harvesting to provide for up to 50% of the development's water demand.</p>
<p>Cl. 23 Development adjoining residential land</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 land uses occur to the south and the 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 is existing residential development near the site, the Department has</p>

Development Standard	Proposed	Department Comment
		considered clause 32 of the WSEA SEPP.
(2) The consent authority must not grant consent to development on land to which this clause applies unless it is satisfied that:		N/A
(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 VIA assessing the potential visual impacts of the development. The proposal includes a 40 m landscape setback at the western boundary.	Visual impact has been assessed in detail in Section 6.1 . The Department has recommended a condition which excludes the building footprints on lots 2E-2H, 2J and 4A and requires further consideration of the interface of these lots with the adjacent development in future DAs to protect the amenity of the existing developments. The Department considers
(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	The Applicant has stated that goods, plant and equipment would be stored indoors at all times or otherwise screened to avoid visual impacts.	General warehousing and distribution operations would be shielded from future residential buildings via landscape treatments and appropriate siting of plant and equipment.
(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 Applicant has stated that the design of warehouses includes articulating features to break up the visual bulk and scale of the buildings.	Visual impact has been assessed in detail in Section 6.1 . The Department has recommended a condition requiring further consideration of the development's interface with adjoining developments for DAs on lots 2E-2H, 2J and 4A.
(d) noise generation from fixed sources or motor vehicles associated with the development will be effectively insulated or otherwise minimised, and	The Applicant has submitted a NIA assessing the potential construction and operational noise impacts.	Noise impact has been assessed in detail in Section 6.3 . The Department's assessment concludes noise emissions can be managed through the implementation of mitigation and management measures. Future DAs would be required to include a NIA ensuring compliance with the developments noise limits. The Department has recommended

Development Standard	Proposed	Department Comment
		conditions requiring compliance with noise limits and the preparation of a noise management plan.
(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 Applicant is seeking consent for 24-hour operation, seven days per week. The Applicant has submitted a NIA, TIA and a VIA assessing potential amenity impacts.	The Department's assessment of noise, traffic and visual impacts is provided in Section 6 . 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 parking likely to be generated, and	Car parking has been provided at a rate of 1 space per 300 m ² of warehouse GFA and 1 space per 40 m ² of office GFA. The Applicant has proposed 2% of all parking spaces to be accessible spaces.	Vehicle parking has been assessed in detail in Section 6.2 . The Department's assessment concludes car parking rates have been provided in accordance with RMS and Council requirements.
(g) the site of the proposed development will be suitably landscaped, particularly between any building and the street alignment.	Estate-wide street landscaping is proposed. The Applicant has also proposed a 40 m landscaped setback along the western boundary.	The Department considers the proposed internal street landscaping to be adequate and in keeping with other industrial developments in the area. The Department's assessment of screen landscaping as visual mitigation has been assessed in Section 6.1
Cl. 24 Development involving subdivision 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	The Applicant has proposed to subdivide the site as follows: <ul style="list-style-type: none"> • six lots for the development precincts • one biodiversity lot • one services lot • six estate roads lot • one regional road lot • seven lots for stormwater basins. 	The Department is satisfied the subdivision would not result in fragmentation of land. The subdivision of land will facilitate the provision of employment lands and the proposed regional road construction would contribute to providing transport access for WSEA land.

Development Standard	Proposed	Department Comment
which this Policy applies from having reasonable access to roads and services.		
<p>Cl. 25 Public utility infrastructure</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>	The proposal requires a new substation. The majority of services connections would be made via the adjacent Oakdale South development.	The Department is satisfied adequate services would be provided and has recommended relevant conditions.
<p>Cl. 26 Development on or in the vicinity of proposed transport infrastructure routes</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 SLR and WNSLR run through the site.	The Department has considered the proposed development in the context of the SLR and WNSLR in Section 6.2 .
<p>Cl. 29 Industrial release area</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>	The Applicant has entered into a Planning Agreement with the Minister executed on 5 August 2019.	On 16 August 2019, the Acting Deputy Secretary, Place and Infrastructure Greater Sydney, as delegate of the Planning Secretary has issued a satisfactory arrangements certificate in accordance with Clause 29 of the WSEA SEPP.
<p>Cl. 31 Design principles</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>	The Applicant submitted a VIA assessing the potential visual impacts of the development. The Applicant has further stated that considerations in the design process included bulk, scale,	<p>The Department has assessed urban design and landscaping in Section 6.1.</p> <p>The Department is generally satisfied with the design of the development however, has</p>

Development Standard	Proposed	Department Comment
(b) a variety of materials and external finishes for the external facades are incorporated, and (c) high quality landscaping is provided, and (d) the scale and character of the development is compatible with other employment-generating development in the precinct concerned.	landscaping, public domain, materials, finishes and local character.	recommended conditions requiring greater consideration of the industrial interface with adjoining sensitive receivers as part of future DAs.

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 is development for the purpose of a Warehouse or distribution centre with more than 8,000 m² of GFA in accordance with Schedule 3 of the ISEPP. Consequently, the development was referred to the former RMS (now TfNSW) for comment and consideration of accessibility and traffic impacts.

The TfNSW did not object to the development but recommended conditions requiring TfNSW approval of bridge and geotechnical designs, prior to construction and the design of the intersections and delivery of the road works.

The development is therefore considered consistent with the ISEPP.

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 is not potentially hazardous or offensive. The Applicant noted that should any future warehouses be occupied by a tenant whose activities would constitute a potentially hazardous or offensive development, a Preliminary Hazard Assessment would be prepared and submitted with the relevant development application.

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.

The RtS included a Remediation Report prepared by AECOM (dated 22 August 2017) which validated previous remediation works undertaken at the site. The report concludes that the site is suitable for commercial/industrial land use however an Unexpected Finds Protocol should be implemented during construction.

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, and provides effective communication in suitable locations, that is of high-quality design and finish.

The Applicant has submitted a signage plan for Stage 1 which includes a combination of Estate entry signage, building identification signage, wayfinding signage for vehicles and pedestrians and Goodman logo signage. Signage outside of Precinct 1 would form part of future development applications.

Schedule 1 of SEPP 64 stipulates assessment criteria for outdoor signage. The Department's assessment against these provisions is at **Table 11**.

Table 11 | Compliance with SEPP 64

Assessment Criteria	Compliance
1. Character of the area	
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 area, being industrial land use.
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.
2. Special areas	
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 landscapes or residential areas?	The proposed signage is in keeping with the proposed industrial warehousing estate.
3. Views and vistas	
Does the proposal obscure or compromise important views?	The proposed signage does not exceed the height of proposed buildings and would not obscure views.
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage would not dominate the skyline.
Does the proposal respect the viewing rights of other advertisers?	The proposed signage does not impact on other advertisers.
4. Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale of the proposed signage is considered appropriate for the proposed Industrial Estate.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signage plan includes a variety of Goodman logo signage.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	N/A.
Does the proposal screen unsightliness?	N/A.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage does not exceed the maximum building height proposed on site.
Does the proposal require ongoing vegetation management?	No.

Assessment Criteria	Compliance
5. Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage is compatible with the scale of the proposed Industrial Estate.
Does the proposal respect important features of the site or building, or both?	The proposed signage would not detract from important features.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The design of the proposed signage is compatible with the proposed Industrial Estate.
6. Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No.
7. Illumination	
Would illumination result in unacceptable glare?	The Applicant has advised the lightboxes would be a low wattage and would not result in unacceptable glare.
Would illumination affect safety for pedestrians, vehicles or aircraft?	No.
Would illumination detract from the amenity of any residence or other form of accommodation?	The proposed signage is for Stage 1 only and would not impact amenity for nearby sensitive receivers.
Can the intensity of the illumination be adjusted, if necessary?	No. Proposed signage is a low wattage.
Is the illumination subject to a curfew?	No.
8. Signage	
Would the proposal reduce the safety for any public road?	The proposed signage would be unlikely to reduce safety for any public road.
Would the proposal reduce the safety for pedestrians or bicyclists?	The proposed signage would be unlikely to reduce safety for pedestrians and bicyclists.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage would not obscure important sightlines from public areas.

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

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 Environmental Plan 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 Penrith LEP 2010 relating 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 B**.

Appendix C – Consideration of Matters of National Environmental Significance

In accordance with the bilateral agreement between the Commonwealth and NSW Governments, the Department provides the following additional information required by the Commonwealth Minister, in deciding whether or not to approve a proposal under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

C1. Requirements for Decisions About Threatened Species and Endangered Ecological Communities

In accordance with section 139 of the EPBC Act, in deciding whether or not to approve, for the purposes of section 18 or section 18A of the EPBC Act, the taking of an action and what conditions to attach to such an approval, the Commonwealth Minister must not act inconsistently with certain international environmental obligations, Recovery Plans or Threat Abatement Plans. The Commonwealth Minister must also have regard to relevant approved conservation advices.

Australia's International Obligations

Australian obligations under the *Convention on Biological Diversity* (Biodiversity Convention) include the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding.

The Department considers that the development has been designed to avoid and minimise adverse impacts on biodiversity, as required under the Convention. The Department is satisfied that its assessment and recommendations with regard to the proposed clearing of 1.9 ha of Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest CEEC and potential habitats for Prickly Bush-pea, Regent Honeyeater, Swift Parrot, the Green and Golden Bell Frog are not inconsistent with the Biodiversity Convention, which promotes environmental impact assessment that avoids and minimises adverse impacts on biological diversity.

The Department has recommended a number of conditions that include mitigation and management measures to minimise any indirect impacts on Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest CEEC. The Department has recommended a condition requiring the Applicant offset the development's direct impacts to the Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest CEEC in accordance with the NSW Offsets Policy. The Department is therefore satisfied that the environmental impact assessment process has avoided and minimised adverse impacts on biological diversity.

As required under the Biodiversity Convention, the recommended conditions require that all information related to the proposed action be publicly available to ensure equitable sharing of information and improved knowledge relating to biodiversity.

Australia's obligations under the *Convention on Conservation of Nature in the South Pacific* (Apia Convention) include encouraging the creation of protected areas which, together with existing protected areas, will safeguard representative samples of natural ecosystems (particular attention being given to endangered species), as well as superlative scenery, striking geological formations and regions. Additional obligations include using best endeavours to protect such fauna and flora (special attention being given to migratory species) so as to safeguard them from unwise exploitation and other threats that may lead to their extinction. The Apia Convention was suspended with effect from 13 September 2016. Nonetheless, Australia's obligations under the Convention have been taken into consideration. The recommendations are not inconsistent with the Convention which has the general aim of conservation of biodiversity.

The *Convention on International Trade in Endangered Species of Wild Flora and Fauna* (CITES) is an international agreement between governments which seeks to ensure that international trade in specimens of wild animals and plants does not threaten their survival. The recommendations are not inconsistent with CITES as the proposed action does not involve international trade in specimens of wild animals or plants.

Approved Conservation Advice – Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest CEEC

The Conservation Advice for Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest CEEC was approved by the Commonwealth Minister for the Environment on 17 November 2009 in accordance with Section 266B of the EPBC Act. The Conservation Advice provides information about what could appropriately be done to stop the decline of, or support the recovery of, the endangered species or community.

The Conservation Advice states that the main and ongoing threats to the Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest CEEC include clearing and fragmentation for urban, industrial or rural development, inappropriate grazing and fire regimes, weed invasion and the low level of protection in reserves. The continuing decline is predominantly a consequence of dispersed, small scale clearing actions associated with urban development. The overall objective of this Conservation Advice is to promote the recovery and prevent the extinction of the community.

The Conservation Advice also identifies the regional priority actions can be done to support the recovery of the Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest CEEC, including:

- monitor known sites to identify key threats
- implement appropriate management regimes to maintain the biodiversity, including threatened species, of the ecological community
- development and implement best practice standards for management of remnants on private and public lands
- liaise with local councils and State authorities to ensure new development, road widening, maintenance activities or other activities involving substrate or vegetation disturbance in areas where the Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest ecological community occurs do not adversely impact on known remnants
- investigate formal conservation arrangements, management agreements and covenants on private land, and for crown and private land investigate inclusion in reserve tenure if possible. This is particularly important for areas that link remnants and create wildlife corridors.

The Department is satisfied that the retirement of biodiversity credits for the clearing of 2.06 ha of Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest, required by conditions of consent, would result in an increase in the area of the listed community under a conservation management agreement (specifically through a Biodiversity Stewardship Agreement with the NSW Biodiversity Conservation Trust) that would provide permanent protection and management of biodiversity and allow for the creation of biodiversity credits. In addition to retiring biodiversity credits, the Applicant would also be required to establish a Biodiversity Offset Area (BOA) along Ropes Creek and its tributaries, which would create a biodiversity corridor along the riparian area and align with the regional priority actions listed above.

In summary, the Department is satisfied that the development would be able to satisfy the objects of the Conservation Advice and align with the identified regional priority actions to contribute to the long-term viability of the Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest CEEC.

National Recovery Plan and Approved Conservation Advice – Regent Honeyeater (*Anthochaera phrygia*) and Swift Parrot (*Lathamus discolor*)

National Recovery Plan and Approved Conservation Advice for Regent Honeyeater

The National Recovery Plan for the Regent Honeyeater (*Anthochaera phrygia*) was most recently made in April 2016, as a revision of the 1999-2003 Recovery Plan. It reiterates the findings of the earlier Recovery Plan that the probable major cause of long-term decline of the Regent Honeyeater is the clearing and fragmentation of woodland and forest habitat containing the species' preferred eucalypt foraging habitats. The Recovery Plan notes that the major continuing threat is habitat degradation, particularly ongoing reductions in habitat quality, lack of regeneration of key habitat types and potentially altered flowering patterns within preferred habitat.

The Conservation Advice for the Regent Honeyeater was approved by the Commonwealth Minister on 25 June 2015. The Advice includes a description of the distribution, biology and threats to the species' decline which is noted to be mainly due to clearing, fragmentation and degradation of its habitat. The Department has considered the relevant Conservation Actions listed in the Advice, particularly the need to improve the extent and quality of habitat available to the Regent Honeyeater.

The objectives of the Recovery Plan and the Conservation Advice are to:

- reverse the long-term population trend of decline and increase the numbers of Regent Honeyeaters to a level where there is a viable, wild breeding population, even in poor breeding years, and
- maintain key Regent Honeyeater habitat in a condition that maximises survival and reproductive success and provides refugia during periods of extreme environmental fluctuation.

National Recovery Plan and Approved Conservation Advice for Swift Parrot

The National Recovery Plan for the Swift Parrot (*Lathamus discolor*) was most recently made in 2011 which replaces the previous 2001 Recovery Plan. The Recovery Plan considers the conservation requirements of the species across its range, identifies the actions to be taken to ensure its long-term viability in nature and the parties who will undertake these actions. It reiterates the main threats to this species by loss and alteration of habitat from forestry activities including firewood harvesting, clearing for residential, agricultural and industrial developments, attrition of old growth trees in the agricultural landscape, suppression of forest regeneration and frequent fire.

The Recovery Plan sets out the overall objective to prevent further population decline of the Swift Parrot and to achieve a demonstrable sustained improvement in the quality and quantity of Swift Parrot habitat to increase carrying capacity. The Recovery Plan also identifies four specific objectives to be achieved by implementing recovery actions, including:

1. to identify and prioritise habitats and sites used by the species across its range, on all land tenures
2. to implement management strategies to protect and improve habitats and sites on all land tenures
3. to monitor and manage the incidence of collisions, competition and Beak and Feather Disease (BFD)
4. to monitor population trends and distribution throughout the range.

The Conservation Advice for the Swift Parrot was approved by the Commonwealth Minister on 5 May 2016 following the transfer of this species from the Endangered to the Critically Endangered Category. The Advice includes a description of the distribution, biology and threats to the species' decline which is noted to be mainly due to clearing, fragmentation and degradation of its habitat. The Department has considered the relevant Conservation Actions listed in the Advice, particularly the need to improve the extent and quality of habitat available to the Swift Parrot.

The Conservation Advice identifies the following conservation and management priorities:

- review and update management prescriptions for swift parrots for use in the Forest Practices System and Local Government land use planning and approvals processes across the breeding and non-breeding range of Swift Parrots
- revise and update forestry prescriptions to reflect the most recent habitat information available in Victoria and New South Wales
- develop and implement strategies to reduce predation from sugar gliders when circumstances require
- continue to raise public awareness of the risks of collisions and how these can be minimised, targeting known high-risk areas such as the greater Hobart, Melbourne and Western Sydney areas, and the central coast region of New South Wales (Wyong, Gosford, Lake Macquarie and Penrith Local Government areas)
- encourage and support the protection, conservation management and restoration of Swift Parrot nesting and foraging habitat through agreements with landowners, incentive programs and community projects.

Cumberland Ecology prepared an additional assessment of the development's impacts on the MNES as an addendum to the BAR. Cumberland Ecology concluded the development would not result in clearing of habitat critical to the survival of the Regent Honeyeater and Swift Parrot and is therefore unlikely to result in significant impacts on the Regent Honeyeater and Swift Parrot population as:

- the site does not occur in a core or other breeding area for the Regent Honeyeaters (there are three key habitats in NSW which are critical to the survival of the Regent Honeyeaters being Bundarra-Barraba, Hunter Valley/Central Coast and Captee Valley) and the Swift Parrot
- the site contains low quality potential foraging habitat for the two species.

The Department has reviewed the BAR, BOS and the Applicant's EPBC Act Assessment in consultation with the Biodiversity and Conservation Division of the Department (former OEH) and considers the development would not cause removal of critical habitats to the survival of these species as it is not located within or near a key breeding area and the area proposed to be cleared for the development contains only poor quality foraging resources and marginal habitats for the Regent Honeyeater and Swift Parrot.

The Department has considered the objectives, strategies and actions in the Recovery Plans and Conservation Advices. The Department considers the Applicant's Biodiversity Offsetting Area managed under the Biodiversity Stewardship Agreement required by the conditions of consent would result in the medium to long term improvement in the extent and quality of habitats suitable for the Regent Honeyeater and Swift Parrot, should the distribution of the populations extend to the site vicinity in the future.

Threat Abatement Plans

The Threat Abatement Plans (TAPs) relevant to this action are discussed below and are available at <http://www.environment.gov.au/biodiversity/threatened/threat-abatement-plans/approved>

The following TAPs are relevant to this assessment:

- Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest CEEC: *Threat Abatement Plan for Disease in Natural Ecosystems caused by Phytophthora cinnamomi* (Commonwealth of Australia, 2018)
- Regent Honeyeater: *Threat Abatement Plan for Competition and Land Degradation by Rabbits* (Commonwealth of Australia, 2016)
- Swift Parrot: *Threat Abatement Plan for Predation by Feral Cats* (Commonwealth of Australia, 2015).

The TAP aims to establish a national framework to guide and coordinate Australia's response to *Phytophthora dieback*. The Department considers the Applicant is required to enter into a Biodiversity Stewardship Agreement with the NSW Biodiversity Conservation Trust for the proposed Biodiversity Offset Area which provides an opportunity for the Applicant to implement management measures to reduce threats caused by *Phytophthora cinnamomi*. The Department has also recommended a condition requiring the Applicant maintain the Biodiversity Offset Area in accordance with a Biodiversity Management Action Plan approved by the NSW Biodiversity Conservation Trust which provides further assurance of abating *Phytophthora cinnamomi* threat. The Department considers the development is consistent with this TAP.

Threat Abatement Plan for Competition and Land Degradation by Rabbits and Threat Abatement Plan for Predation by Feral Cats

The relevant objective of the Competition and Land Degradation by Rabbits TAP is to promote the maintenance and recovery of native species and ecological communities that are affected by rabbit competition and land degradation. The Predation by Feral Cats TAP is the revision of the 2008 Abatement Plan and its objectives are effectively controlling feral cats in different landscapes, improving effectiveness of existing control options for feral cats, developing or maintaining alternative strategies for threatened species recovery and increasing public support for feral cat management and promote responsible cat ownership.

The Department considers the development is for an industrial estate with the surrounding land uses dominated by warehouse and distribution centres with minimum opportunities to provide foraging habitats for rabbits and feral cats. As such, there is a low likelihood the development would introduce rabbits and feral cats on site. The Department considers the development is consistent with these TAPs.

C2. Additional EPBC Act Considerations

Table 12 contains the additional mandatory considerations, factors to be taken into account and factors to have regard to under the Act, additional to those already discussed, which the Commonwealth Minister must consider in determining the proposed action.

Table 12 | Consideration of Additional EPBC Act Matters

EPBC Act Provision	Consideration	Conclusion
Mandatory Consideration		
136(1)(b)	The Department has considered the social and economic impacts of the development throughout this assessment report.	The Department considers the development is desirable and justified having a capital investment value of \$447 million. The Concept Proposal, when fully developed, would provide 1,845 operational jobs and 1,065 construction jobs and the Stage 1 DA will provide 459 operational jobs, 263 construction jobs. As such, the development is expected to have a positive economic impact on the Penrith LGA and western Sydney in general. The social impacts of the development primarily relate to amenity impacts being

EPBC Act Provision	Consideration	Conclusion
		visual, noise and vibration and traffic impacts. The Department has assessed these impacts in consultation with State government agencies, Council and neighbouring properties. The Department's assessment concludes through imposition of conditions and implementation of management measures, these impacts can be adequately management and/or mitigated.

Factors to be taken into account

3A, 136(2)(a), 391(2)	<p>Principles of ecologically sustainable development (ESD), including the precautionary principle, have been taken into account, particularly:</p> <ul style="list-style-type: none"> the long-term and short-term economic, environmental, social and equitable considerations that are relevant to this decision; conditions that restrict environmental impacts and impose monitoring and adaptive management to reduce any lack of certainty related to the potential impacts of the development; conditions requiring the development to be delivered and operated in a sustainable way to protect the environment for future generations and conserving the relevant MNES; advice provided within this report reflects the importance of conserving biological diversity and ecological integrity in relation to the controlling provisions for the development; and mitigation measures to be implemented which minimize potential impacts of the development on biodiversity within the site. 	<p>The Department considers the potential environmental impacts of the development have been assessed and environmental safeguards recommended for potential impacts. ESD initiatives and sustainability measures are also proposed to be incorporated into the design of the development, including:</p> <ul style="list-style-type: none"> rainwater harvesting and reuse to provide up to 50% of water demand for the development use of translucent sheeting on warehouse roofs to increase natural light solar powered hot water systems programmable lighting systems including timers, daylight sensors and motion sensors in warehouses louvre grills in building facades to allow cross ventilation high efficiency glazing and shading of offices. <p>The Department's assessment of the development (refer to Section 6) is based on a conservative and rigorous assessment of the likely impacts of the development, with consideration of cumulative impacts from existing and approved development in the WSEA. The Department has considered the need to encourage the principles of ESD, in addition to the need for the proper management and conservation of natural resources, the orderly development of land,</p>
-----------------------	---	---

EPBC Act Provision	Consideration	Conclusion
		<p>the need for the development as a whole, and the protection of the environment, including threatened species within Section 6 of this report.</p> <p>As demonstrated by the Department's assessment in Section 6, 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 development requires removal of 7.407 ha of native vegetation which would be offset in accordance with relevant legislation. As such, the Department considers 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.</p>
136(2)(e)	Other information on the relevant impacts of the proposed action – the Department is not aware of any relevant information not addressed in this assessment report.	<p>The Department considers all significant information relevant to the impacts of the development has been taken into account in its assessment.</p> <p>The Department's assessment of key issues is provided in Section 6 of this report.</p>

Factors to have regard to

176(5)	Bioregional plans	There are no applicable bioregional plans.
--------	-------------------	--

Considerations on deciding on conditions

134(4)	<p>Must consider:</p> <ul style="list-style-type: none"> information provided by the person proposing to take the action or by the designated proponent of the action; and the desirability of ensuring as far as practicable 	<p>The Department's assessment includes review of the EIS, RtS and supplementary EPBC Act Assessment submitted by the Applicant (Appendix A).</p>
--------	---	--

C3. Threatened Species and Communities (Sections 18 & 18A of the EPBC Act)

For the reasons set out in **Section 6.4** of the assessment report, the Department considers that the impacts of the action on threatened species and communities are acceptable, subject to the implementation of the avoidance and mitigation measures described in the EIS and RtS, and compliance with the requirements of the recommended conditions of consent.

The Department believes that draft conditions D80 to D88 in Schedule D of the recommended development consent provide a suitable regulatory framework to manage the risk of impact to listed threatened species from the Concept Proposal and the Stage 1 development.

Accordingly, the Department recommends that the Commonwealth Minister for the Environment requires the Applicant to implement conditions D80 to D88 in Schedule D of the recommended development consent, where they relate to the management of potential impacts on listed MNES under the EPBC Act.

C4. Other Protected Matters

The Commonwealth Department of the Environment and Energy determined that other matters under the EPBC Act are not controlling provisions with respect to the proposed action. These include migratory species, Ramsar Wetlands, World Heritage properties, National Heritage places, Commonwealth marine environment, whether the referring party is a Commonwealth agency or undertaken on Commonwealth land, nuclear action, Great Barrier Reef Marine Park, Commonwealth Heritage places overseas and a water resource in relation to coal seam gas or large coal mining development.

Appendix D - Recommended Instrument of Consent