



Mr Guy Smith
Planning Manager

Goodman Property Services Pty Ltd
Level 17 / 60 Castlereagh Street
Sydney, New South Wales 2000

Dear Mr Smith,

**Oakdale West Industrial Estate (SSD 7348 MOD 2)
Environmental Assessment Requirements (EARs)**

I refer to the correspondence received by the Department of Planning, Industry and Environment (the Department) entitled 'Scoping Report for Updated Secretary's Environmental Assessment Requirements Oakdale West Estate Mod 2' prepared by Urbis, dated 29 October 2019.

In accordance with section 5.25(3) of the *Environmental Planning & Assessment Act 1979* (EP&A Act), the Secretary may notify the Applicant of environmental assessment requirements (EARs) with respect to the proposed modification. The Applicant must comply with these requirements before the matter is considered by the Minister. The EARs below have been prepared in consultation with Transport for NSW (TfNSW), Water NSW and Penrith City Council (Council) (see **Attachment A**) and are based on the information provided to date.

Your modification application must be accompanied by an Environmental Assessment (EA) which addresses the requirements of agencies (**Attachment A**) and includes the following:

- **Detailed Description of the Modification** – including:
 - the need for the proposed modification;
 - justification for the proposed modification;
 - the likely staging of the modification;
 - the likely interactions between the modification and existing, approved and proposed construction works and operations in the vicinity of the site;
 - detailed plans of all proposed building works; and
 - identification of conditions proposed to be modified.
- **Statutory Context** - including:
 - demonstration that the application constitutes a modification under section 4.55 of the EP&A Act; and
 - consideration of all relevant environmental planning instruments, including identification and justification of any inconsistencies with these instruments.
- **Strategic Context** – including:
 - consistency with relevant strategic planning documents and policies, including *The Greater Sydney Region Plan - A Metropolis of Three Cities*, the *Western City District Plan* and *Future Transport 2056*.
- **Consistency with the Approved Oakdale West Estate Concept Plan** – including:
 - details of the consistency of the modification with the approved Oakdale West Estate Concept Proposal and Stage 1 Development (SSD 7348) (the existing approval). This must include a detailed assessment of the potential impacts of the modification against the

existing approval, including, but not limited to, urban design and visual impact, traffic and transport and noise and vibration; and

- justifications for any departures from the existing approval.
- **Community and Stakeholder Engagement** – including:
 - a community and stakeholder participation strategy identifying key community members and other stakeholders (including previous submitters) and the proposed consultation approach;
 - issues raised by the community and surrounding land owners and occupiers;
 - details of how issues raised during consultation have been addressed and whether they have resulted in changes to the modification; and
 - details of the proposed approach to future community and stakeholder engagement based on the results of consultation.
- **Identification of Environmental Impacts of the Modification** – including a detailed assessment and identification of any additional impacts resulting from the modification and details of the proposed management and mitigation measures. This should include, but not be limited to, an assessment of the following key issues:
 - **Urban Design** – including:
 - a detailed urban design review of the proposed changes to approved building heights, design and setbacks in the context of the entire Oakdale West Estate and the topography of the site, the immediate locality and the wider area;
 - justifications for any departures from the existing approval and Penrith Development Control Plan 2014, including, but not limited to, building height, setbacks, landscaping and site coverage;
 - an updated assessment in accordance with Clause 31 Design Principles of the *State Environmental Planning Policy (Western Sydney Employment Area) 2009*; and
 - an updated landscaping plan showing proposed landscaping within the setback areas and car park, in the context of the building form, height, bulk and scale.
 - **Visual** – including:
 - a detailed assessment (including photomontages and perspectives) of the modification (buildings and parking areas), including the proposed extension to the noise wall, including consideration of height, colour, scale, building materials and finishes, signage and lighting, particularly from nearby public receivers and significant vantage points of the broader public domain;
 - a comparison of the finished ground levels, building heights, setbacks and landscaping of the existing approval and the proposed modification in the context of visual impacts at key receptors; and
 - an assessment of the adequacy of the proposed landscaping for minimising the overall visual impacts of the modification, which shows any landscaping over various periods of time.
 - **Traffic, Parking and Access** – including:
 - an updated Traffic Impact Assessment detailing any changes to daily and peak traffic and transport movements likely to be generated (vehicle, public transport, pedestrian and cycle trips) during construction and operation of the development, including a description of vehicle access routes (construction and operation) and the impacts on nearby intersections;

- updated site access details including access to the site from the road network, intersection location, design and sight distance;
- an updated assessment of predicted impacts on road safety and the capacity of the road network to accommodate the modification;
- updated plans of the proposed site access and parking provision on site in accordance with the relevant Australian Standards and with reference to the existing approval; and
- updated details of impact mitigation, management and monitoring measures.
- **Noise and Vibration** – including:
 - an updated description of all potential noise and vibration sources during the construction and operational phases of the development, including on and off-site traffic noise;
 - an updated cumulative noise impact assessment of all potential noise sources in accordance with relevant Environment Protection Authority guidelines;
 - demonstration that the modification will comply with the noise limits set out in the existing approval;
 - justification for any proposed changes to the approved noise limits; and
 - updated details of noise mitigation, management and monitoring measures.
- **Soil and Water** – including:
 - justify the need for any additional fill, detail the resulting finished ground levels and describe any changes to the approved drainage design;
 - a detailed and consolidated site water balance;
 - an updated assessment of potential impacts on surface and groundwater sources (quality and quantity), soil (including contamination, salinity and acid sulphate soil), related infrastructure, and watercourses;
 - an updated description of surface and stormwater management measures designed in accordance with Penrith City Council's Water Sensitive Urban Design Policy and principles, including drainage design, on-site detention, measures to treat or reuse water, and proposed uses of potable and non-potable waters;
 - an updated description of the proposed erosion and sediment controls during construction and operational phases of the development; and
 - updated details of impact mitigation, management and monitoring measures.
- **Infrastructure Requirements** – including:
 - details of any potential changes to infrastructure required on the site and identification of any upgrades required to facilitate the modification;
 - details of any impacts on existing easements; and
 - an assessment of the impacts of the modification (construction and operation) on existing infrastructure surrounding the site.
- **Biodiversity** – including:
 - details of how biodiversity impacts have been addressed through the existing approval or a waiver for the preparation of a Biodiversity Development Assessment Report under the *Biodiversity Conservation Act 2016*; and
 - an assessment of any potential changes to biodiversity impacts associated with the modification.
- **Waste Management** – including:
 - an updated description of the quantities and classification of waste streams to be generated during construction and operation;
 - details of proposed waste storage, handling, transport and disposal; and

- details of the measures that would be implemented to ensure the modification is consistent with the aims, objectives and guidelines in the *NSW Waste Avoidance and Resource Recovery Strategy 2014-21*.
- **Air Quality** – including:
 - an updated description of all air quality impacts (including dust) from the modification including an assessment of air quality impacts at private properties during construction and operation, in accordance with Environment Protection Authority guidelines; and
 - updated details of mitigation, management and monitoring measures.
- **Hazards and Risks** – including:
 - a preliminary risk screening completed in accordance with *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development and Applying SEPP 33*, with a clear indication of class, quantity and location of all dangerous goods and hazardous materials associated with the modification. Should preliminary screening indicate that the project is “potentially hazardous” a preliminary hazard analysis (PHA) must be prepared in accordance with *Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis* (DoP, 2011) and *Multi-Level Risk Assessment* (DoP, 2011).
- **Ecologically Sustainable Development and Energy Efficiency** – including:
 - an assessment of how the modification will incorporate ecologically sustainable development principles in all phases of the development;
 - consideration of the use of green walls, green roof and/or cool roof into the design;
 - climate change projections developed for the Sydney Metropolitan area and how they are used to inform the building design and asset life of the project; and
 - an assessment of the energy uses on-site, and demonstration of the measures proposed to ensure the modification is energy efficient.
- **Socio-Economic** – including:
 - an analysis of the economic and social impacts of the modification, particularly any costs or benefits to the community.
- **Planning Agreement/Developer Contributions** – including:
 - consideration of whether the existing arrangements for both regional infrastructure and local contributions made under the existing approval are adequate and consideration of whether any amendments to these arrangements are required to account for the modification.
- **Subdivision** – including:
 - details of any proposed subdivision and demonstration the lots will be released in an orderly and coordinated manner, with appropriate access and servicing.

The Department strongly recommends that you consult with relevant agencies and stakeholders including surrounding landowner/occupiers and previous submitters prior to submitting your modification application and EA.

Following the provision of the EA, the Department will advise you of the applicable fee (under Part 15 Division 1AA of the *Environmental Planning and Assessment Regulation 2000*) and consultation requirements.

If you have any enquiries, please contact Olivia Hirst on 9274 6583 or olivia.hirst@planning.nsw.gov.au.

Yours sincerely,

 15/11/19
Chris Ritchie
Director, Industry Assessments

Enclosed: Attachment A

Attachment A

Government Authority and Council Responses to Request for Key Issues



**Transport
for NSW**

Ms Olivia Hirst
Environmental Assessment Officer
Industry Assessments
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Hirst,

Oakdale West Industrial Estate, Kemps Creek, Penrith (SSD 7348) – Advice in relation to the Environmental Assessment Requirements for proposed Modification 2.

Thank you for your recent correspondence requesting Transport for NSW (TfNSW) provide advice in relation to the above.

The proposed modification seeks to facilitate change to the concept design and layout of warehouse buildings 1A – 1C to meet operational needs of the future tenant.

The relevant documentation has been reviewed and TfNSW advises any update or amendment to State Environmental Assessment Requirements (SEARs) should include the relevant planning, policy and legislation documents. This includes the removal of references to *NSW Long Term Transport Masterplan (2014)* to be replaced with *Future Transport Strategy 2056* and the *NSW Port and Freight Plan 2018-2023*.

No additional study requirements are suggested other than those issued for the original SSD application.

If you have any further questions, Mr Lee Farrell, Transport Planner, would be pleased to take your call on (02) 8922 0877. I hope this has been of assistance.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Mark Ozinga', with a circular flourish at the end.

11/11/2019

Mark Ozinga
Principal Manager
Land Use Planning and Development

CD19/08960

Bruce Zhang

Subject: FW: WaterNSW response - Oakdale West SSD 7348 - Modification 2 - Request for Input into Environmental Assessment Requirements

From: Justine Clarke <Justine.Clarke@waternsw.com.au>

Sent: Tuesday, 12 November 2019 11:27 AM

To: Olivia Hirst <Olivia.Hirst@planning.nsw.gov.au>

Cc: Bruce Zhang <Bruce.Zhang@planning.nsw.gov.au>; Chris Ritchie <Chris.Ritchie@planning.nsw.gov.au>

Subject: WaterNSW response - Oakdale West SSD 7348 - Modification 2 - Request for Input into Environmental Assessment Requirements

Dear Olivia

Thank you for seeking input into Environmental Assessment Requirements (EAR) for Oakdale West Estate (SSD 7348) modification 2.

WaterNSW owns and manages the Warragamba Pipelines, critical water supply infrastructure located along the northern boundary of the Oakdale West site. WaterNSW has previously commented on various aspects of the Estate.

WaterNSW understands that modification 2 is a result of future tenant requirements within Precinct 1 and that proposed changes are contained to Precinct 1 only (except for the extended noise wall at the western boundary of Precinct 2).

Given the changes to precinct 1 are set back from WaterNSW land, assets and infrastructure, WaterNSW has no requirements or comments. However, it is noted that the plans refer to an amenities lot backing directly onto the Warragamba Pipelines Corridor. The addition of an amenities lot including car parking is new to WaterNSW and therefore we request further advice be provided on this lot, including its usage.

In addition, it is noted that modification 1 has been lodged with DPIE and seeks approval for minor amendments to Precinct 2, bioretention basins and other minor layout changes within the approved Master Plan. WaterNSW has not seen this proposal and requests to be notified when it is exhibited, so that we can assess any impacts on our lands, assets and infrastructure.

WaterNSW would appreciate being advised when the modifications are exhibited for further review and requests the Department continues to consult with us for any development that may impact on our assets, infrastructure or land, using the email address Environmental.Assessments@waternsw.com.au

Regards

Justine Clarke

Catchment and Asset Protection Adviser



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Parramatta NSW 2150

T: 02 9865 2402

M: 0457 535 955

Morning Olivia,

I refer to the attached documents and the email below submitted to Council for comment. Apologies for the delay with this response.

Please find comments below which I hope can be incorporated into the SEAR's for the applicant to address in any DA progressed.

Engineering Matters

The application should demonstrate how the approved major drainage for stage one facilitates the revised hydraulics of the site due to filling, and the proposed deletion of the road.

The updated plans detailing the batters and other civil works within and around the perimeter, and interface with the modified road levels should be provided.

Planning Matters

The amended subdivision arrangement and deletion of Estate Road 2 results in a reorientation of the building envelopes and an increased massing of built form to that previously approved. The approval as issued included 3 x buildings with separations that ameliorated the massing as viewed from Road 1 and the future southern link road. The approval also had significantly less parking protrusion in the road setback zones. The amended proposal however now provides for an elongated building (1A) with land subdivision south excising 1B and 1C. Lot 1A and the built form massing warrants a site area and landscaping capability that proportionately responds to the height variation sought and the reconfiguration of the proposed built form. The current arrangement provides for all staff and customer parking within the road setback zones which is not a suitable or supportable outcome having regard to streetscape presentation and necessary treatments to the link roads. It has been suggested to the applicant on 2 previous occasions that the size and scale of Proposed Lot 1A warrants deletion of Proposed Lots 1B and 1C with the proposed parking which is protruding into the setback zones relocated into this area. This would then enable embellished landscape setbacks that exceed minimum requirements in the DCP to be proportionately reflective of the extent of height variation sought. For example., if the parking from the gateway intersection of the north south link road and estate road 1 was relocated to the location of lots 1B & 1C, then the corner treatment to the intersection and round a bout would present a significantly improved and attractive arrival opportunity which would assist in ameliorating the massing and visual prominence of the elongated built form and would assist to support the proposed height noncompliance as viewed from the link roads. At present, the sites edge conditions, parking locations and resulting streetscape outcome is being adversely impacted by the expansion of the building length, building height and spatial arrangement of the indicated building envelope.

The proposal provides a significant height non-compliance to the applicable DCP for this precinct. The reasoning for the height non-compliance is derived from suggestions for high bay clearance however the height limits in the DCP would have been derived from a character and contextual analysis relevant at the time of its adoption.

Having initial regard to the key test of site suitability noting the DCP height limit, then there is the potential that the site is not suitable for the scale and nature of the proposed development. However, If there is a suggestion that a variation of this extent can be considered, then the application must consider the strategic intentions and reasoning behind the adopted height controls as they currently exist, and then provide analysis for how a variation contextually integrates with the planned outcomes for the entire precinct. Given a site by site departure is not appropriate, the concept plan component should consider and propose suitable alternate building heights for specific nominated sites within the development based on lot size, lot depth and overall orientation. If it is deemed that the DCP height limits are no longer reasonable or suitable contextually, the determination of the concept plan amendment should establish what heights, the consent authority deems to be suitable and reasonable based on a precinct wide analysis.

Given the extent of building height variation, and the contextual analysis that is necessary to underpin this extent of variation, it is recommended that an urban design review panel processes be undertaken. While this is not necessarily typical of industrial and commercial development, the variations sought and massing of the proposal is considered to warrant this level of contextual consideration and demonstration of design quality (if not design excellence). It is recommended that the State Design Review Panel be afforded consideration of this proposal as a development of this scale would be typically considered through Council's Urban Design Review Panel, where Council was the applicable consent authority. This review could consider the built form outcomes proposed but also consider the suitability of the contextual analysis that supports the request for height variation and how changes to height should be considered across the precinct as a whole.

Thank you for the opportunity to comment on the draft SEAR's and the proposal as submitted. If I can provide any further clarification on the comments above, please don't hesitate to contact me on (02) 4732 8125.

Regards

Gavin

Gavin Cherry

Development Assessment Coordinator

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