



**ANGEL PLACE
LEVEL 8, 123 PITT STREET
SYDNEY NSW 2000**

URBIS.COM.AU
Urbis Pty Ltd
ABN 50 105 256 228

22 August 2019

The General Manager
Penrith City Council
PO Box 60
Penrith NSW 2751

Dear Alan,

STATEMENT OF ENVIRONMENTAL EFFECTS | SUBDIVISION - PART OF OAKDALE WEST ESTATE

This Statement of Environmental Effects (SEE) has been prepared by Urbis Pty Ltd on behalf of Goodman Property Services (Australia) Pty Ltd (the 'applicant') to accompany a Development Application (DA) to subdivide part of the Oakdale West Industrial Estate at Kemps Creek, Penrith (the site) to create four (4) new development lots along with four (4) new road lots. No physical works are proposed as part of this application.

This SEE has been prepared in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and the relevant provisions of the *Environmental Planning and Assessment Regulations, 2000*.

The following documentation is provided in support of this DA:

- Completed Development Application form including owner's consent;
- Draft Subdivision Plan (**Appendix A**);
- Contamination Assessment (**Appendix B**);
- Geotechnical and Hydrological Report (**Appendix C**);
- Salinity Management Plan (**Appendix D**);
- Soil Salinity and Agressivity Investigation (**Appendix E**);
- Flood Impact Assessment (**Appendix F**);
- Cumulative Noise Assessment (**Appendix G**);
- Air Quality Assessment (**Appendix H**);
- Biodiversity Assessment Report (**Appendix I**);
- Biodiversity Offset Strategy (**Appendix J**); and
- Electronic copies of the complete development application.

The inclusion of the abovementioned documentation has been provided for Council's information to demonstrate that the Department of Planning & Environment (DPE) has previously assessed the environmental impacts of the OWE (SSD 7348).

This SEE includes a description of the site and surrounding context; details of the proposal; an assessment of the proposed development against Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and an assessment of the likely impacts.

The SEE concludes that the proposal is a suitable development for the site that will not result in any unreasonable impacts. Council should therefore have no hesitation in approving the application, subject to appropriate conditions.

1. SITE AND LOCALITY

1.1. THE SITE

The site, known as the Oakdale West Industrial Estate (OWE), Kemps Creek, is legally described as Lot 11 in DP 1178389 and is located within the Penrith local government area (LGA). The site has an area of 154.12 ha and is roughly rectangular in shape, with an irregular eastern boundary that follows the alignment of a creek line.

The site is bound to the north by the Water NSW Pipeline, to the east by the Ropes Creek riparian corridor and to the south and west by adjoining rural lands.

Figure 1 – Aerial Photograph of the Site



Source: Nearmap



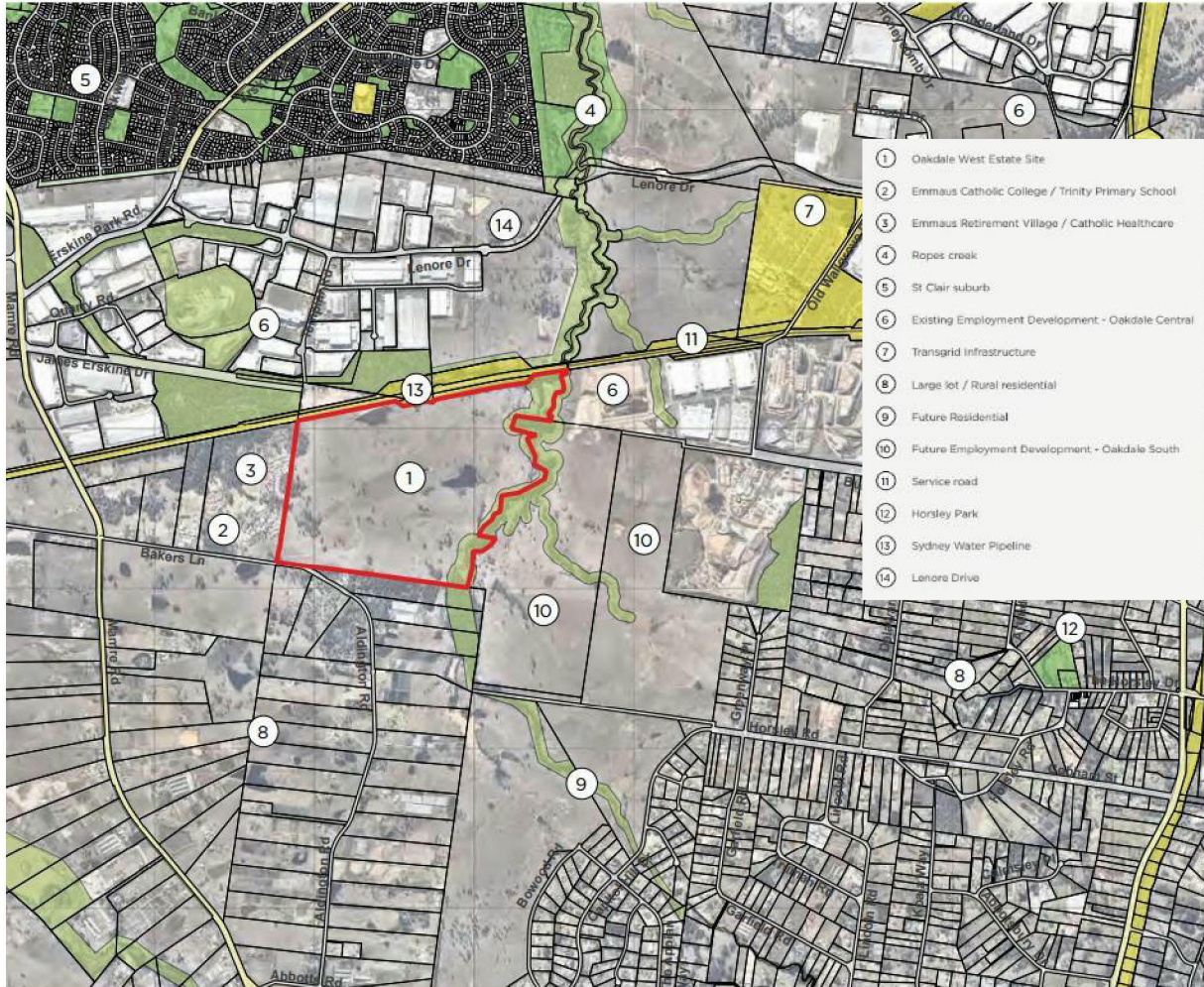
1.2. SURROUNDING CONTEXT

The site is located within the Western Sydney Employment Area (WSEA) approximately 22km from Parramatta CBD, 26km from Penrith and 44km from Sydney CBD. The site is surrounded by the following:

Table 1 – Surrounding Context

Direction	Description
North	To the north of the site is the Water NSW Pipeline with industrial lands within the Western Sydney Employment Area beyond.
South	To the south is rural residential properties and Aldington Road.
East	To the east beyond Ropes Creek is the Oakdale Central and Oakdale South Estates containing a range of warehousing, distribution and logistics facilities.
West	To the west are rural residential land holdings that also include a number of sensitive uses such as an aged care facility (Catholic Health Care) and three schools – Mamre Anglican School, Emmanuel Catholic College and Trinity Primary School.

Figure 2 – Surrounding Context, Site Highlighted in Red



Source: e8urban

2. PROJECT BACKGROUND

The OWE exists as predominantly cleared, rural land previously used for low intensity cattle grazing, which ceased in 2017. Remnant native vegetation is concentrated along the eastern site boundary along the riparian corridor, with some small remaining patches of vegetation in the north-west corner of the site. OWE forms part of the broader 'Oakdale Estate' being developed under the Goodman and Brickworks Limited joint venture.

On the 14th of February 2019 a development application was lodged with Penrith City Council for the creation of (4) new development lots and four (4) new roads. This application was withdrawn on the 11 April 2019 because SSD 7348 was not approved at this time.

There is currently a State Significant Development Application (SSDA) under final assessment with the NSW Department of Planning & Environment (DPE). The application (SSD 7348) is for the staged development of the OWE for a warehousing and distribution hub including a Concept Proposal and Stage 1 DA comprising estate-wide earthworks, infrastructure and services, construction and use of



warehouse buildings is proposed Precinct 1. This subdivision application will facilitate the proposed future development of the Oakdale West Estate.

Council have provided the applicant with pre-lodgement advice including a number of environmental matters to be considered in this application. However, it is understood that these matters have already been assessed by the DPE during the assessment of application SSD 7348. The SSDA package included a comprehensive environmental impact assessment which was undertaken and lodged to the DPE. This was subsequently public exhibited, whereby Council provided comments during this notification period. Council’s comments were addressed through a Response to Submissions and considered as part of the DPE’s assessment and impending approval of SSD 7348.

For Council’s reference, this application includes the previously submitted environmental impact documentation which was submitted and assessed by the DPE for SSD 7348. This is for Council’s information only and not for re-assessment.

Table 2 provides responses to the matters raised by Council.

Table 2 – Pre-Lodgement Comments

Council Comment	Response
<p>Minimum Lot Size Flooding – Not supported</p> <p><i>The subject land is flood affected. Flood safe access for each proposed lot must be demonstrated. Flood information can be obtained through Council’s Flood Information Application form, which is available on our website.</i></p>	<p>A Flood assessment was undertaken by Cardno (“Flood Impact Assessment – Oakdale West Estate, dated 27 March 2017”) and included in the Oakdale West Estate (OWE) assessment, SSD7348. (Appendix F). This assessment, reviewed and approved by DPE, concluded: “...the proposed development will have a minor impact on 100 yr ARI flooding on the Ropes Creek floodplain which will not adversely impact on any adjoining property subject to the target peak outflows at Locations A, B, C, D and E note exceeding the designated 2 yr ARI and 100 yr ARI peak flows (refer Section 2.2 of Appendix F).”</p> <p>The assessment also concluded that the proposed development on site would not be unacceptably flood impacted. There is therefore no flood affectation which should preclude the proposed subdivision of the site.</p>
<p>Environmental Management – Not supported.</p> <p><i>It is important to note that usually on review of this type of application, where large scale industrial lots are being created, consideration of the broader noise impacts and air quality impacts to neighbouring sensitive receivers would be</i></p>	<p>A cumulative noise (Appendix G) and air quality (Appendix H) assessment was undertaken in SSD7348 for the OWE development. This assessment concluded that that there was no unacceptable noise or air quality impacts resulting</p>

Council Comment	Response
<p><i>required. However, this land is subject to a State Significant Development Proposal (SSD 7348) which addresses the development of the Oakdale West Industrial Estate, including earthworks and the staged development of the lots for warehousing and distribution activities. Should this proposal not be approved, then these aspects can also be addresses through individual assessments as development applications are submitted for the use of each land parcel.</i></p>	<p>from the approved development, and was approved by DPE. Additionally, it should be noted that future noise and air quality assessment will be included with any future warehouse DAs lodged with Council for approval.</p> <p>There is no noise and air quality impacts which should preclude the proposed subdivision of the site.</p>
<p>Land contamination – Not supported.</p> <p><i>It is important to note that SEPP 55 requires that Council be satisfied that the land is suitable for the proposed use when approving a development application. Given that this application is creating land parcels for future industrial development (rather than the current agricultural land use), it is considered appropriate that SEPP 55 be comprehensively addressed at this time, prior to the subdivision of the land.</i></p> <p><i>It is noted that the Statement of Environmental Effects does not address SEPP 55, however a 'Contamination Appraisal' prepared by AECOM dated 30 March 2017 was submitted in support of the application.</i></p> <p><i>This document outlines the findings of historic Phase 1 and Phase 2 contamination investigations (carried out in 2007 and 2012 respectively). Six areas of environmental concern were identified, with two of these found to require remediation (rubbish burial area and old farmhouse). It is not clear where the contaminated materials are located on site, as no site plans have been provided as a part of this document.</i></p>	<p>It is noted that the subdivision development application does not seek use approval for the site, which would necessitate an assessment under SEPP 55 and remediation of the site. A Contamination assessment was however undertaken (Appendix B), pursuant to SEPP 55, in SSD7348. This assessment concluded that the site is fit for the proposed warehouse use proposed under that DA. It is noted that Penrith Council provided comments following the notification of SSD7348 which were considered by DPE in their assessment and approval the proposal.</p> <p>The DPE included in SSD7348 consent that an unexpected finds protocol be put in place requiring further remediation be undertaken if contamination is uncovered on the site in the future.</p>

Council Comment	Response
<p><i>The document states that remediation works were initiated in 2016 and that they have been "largely completed". The document concludes that the old farmhouse has been remediated and the rubbish burial area is "90% remediated", with asbestos containing materials still needed to be removed from this area. It was put forward that on removal of the identified ACM impacts at the rubbish burial area, the site would be suitable for the proposed commercial/industrial land use.</i></p> <p><i>It is important to note that clause 11(4) of Sydney Regional Environmental Plan No 20— Hawkesbury Nepean River requires development consent to be obtained for remediation works. In turn, any remediation works in the Penrith Local Government Area are then considered Category 1 remediation works under SEPP 55. It is not clear through this application how and when development consent for the above stated remediation works was obtained, as no record of a development application for remediation works on the site could be located in Council's records. Further, it is noted that copies of these investigation reports have been provided to the Department as a part of the SSD application for the future development of the site. In addition, a 'Remediation Report' has also been submitted. This documentation has not been submitted to Council for review as a part of this application. Given that the 'Contamination Appraisal' submitted with this application identifies that additional remediation work is still required on site for the land to be made suitable for future use, and that the approval of this application provides for the creation of development lots, it is appropriate that the applicant provide all reports, and other associated documentation, which confirm that the site is suitable for the proposed commercial/industrial land use. Further, should</i></p>	<p>The majority of OWE is considered suitable for commercial and industrial land uses. Two small areas of surface soils were identified by the previous owners to be impacted with fragments of asbestos containing materials (ACM), namely the farmhouse (area 1) and the rubbish burial (area 2). AECOM have confirmed that based on the available data indicating the previous owners' successful removal of the all contaminated material, the site is suitable for industrial land use.</p> <p>Noted. SSD7348 did not seek development consent for remediation works, as all remediation occurred prior to the OWE site purchase, and was undertaken by the previous owner (refer to Aecom's OWE, Remediation Report 22.08.2017 for The Austral Brick Co Pty Ltd). The required unexpected finds protocol does however put in place mechanisms for any future discovery of contamination on the site.</p>

Council Comment	Response
<p><i>remediation works still be required, then development consent needs to be obtained for these works (through an amendment to this application or through an additional development application).</i></p>	
<p>Biodiversity – Not supported.</p> <p><i>The applicant is seeking approval for a four (4) lot subdivision of the Oakdale West Industrial Estate Kemps Creek. The subject site is 152.12 ha in size, within the site vegetation has been identified on the Biodiversity Values Maps and on OEH vegetation mapping. This has identified that the vegetation belongs to Threatened Ecological Communities (TECs), Cumberland Plain Woodland (CPW) listed as Critically Endangered Ecological Community (CEEC) under the NSW Biodiversity Conservation Act 2016 (BC Act) and the Commonwealth Environmental Protection Biodiversity Conservation Act 1999 (EPBC Act) and Shale Hills Woodland a CEEC under both acts which is a Plant Community Type (PCT) comprising CPW.</i></p> <p><i>It is assumed that as a result of the subdivision and associated road lots that future development will occur on the land and this will significantly impact on the TEC, threatened species present, and the riparian corridor. No assessment of the Flora and Fauna has been submitted.</i></p> <p><i>Please note that the Penrith LGA is within the Interim Designated Areas (IDA's), as such we are still assessing DA's under the repealed Threatened Species Conservation Act 1995 using the 7-Part Test of Significance. This period ends on the 25th of November 2019, after this point and development with required to be assessed under the Biodiversity Offset Scheme</i></p>	<p>It is noted that no vegetation clearing is proposed under this subdivision DA and that all clearing works have been sought and approved under SSD7348. SSD7348 included a comprehensive ecological assessment which included a Biodiversity Assessment Report (BAR) (Appendix I) and Biodiversity Offset Strategy (BOS) (Appendix J), which assessed the ecological impacts of the proposed development. In their approval of the proposed vegetation removal in SSD7348, DPE have included the following conditions of consent:</p> <ol style="list-style-type: none"> 1) The purchase and retirement of 172 ecosystem credits prior to clearing the approved 4.41 hectares of native vegetation and commencement of construction. 2) Preparation of a Biodiversity and Riparian Management Plan to the satisfaction of the Secretary. <p>Noted. While the approval of dam removal is not sought under this subdivision DA, relevant approvals will be obtained prior to any dam de-watering or removal.</p>

Council Comment	Response
<p><i>(BOS) using the Biodiversity Assessment Method (BAM) as detailed in the BC Act.</i></p> <p><i>Additionally, there are two large dams on the subject. if these are going to be removed, the applicant will need to submit a Dam De-watering report, and assessment of Flora and Fauna utilising the dam and a Fauna Handling procedure to deal with any species displaced by the de-watering of the dams.</i></p>	

3. PROPOSED DEVELOPMENT

Development consent is sought to subdivide OWE, Kemps Creek to enable the creation of four (4) new development lots and associated road lots. The new lots are proposed to be legally defined as follows:

Table 3 – Proposed New Lots

Lot Name	Site Area (ha)	Type
101	18.67	Development Lot
102	3.262	Development Lot
103	1.258	Development Lot
104	1.312	Road Lot
105	2.929	Road Lot
106	3.396	Road Lot
107	0.693	Road Lot
108	122.5	Development Lot

No physical works are proposed in this application. The proposed subdivision is to be carried out in accordance with the Draft Subdivision Plan attached at **Appendix A**.

4. SECTION 4.15 ASSESSMENT

The following planning assessment has been undertaken in accordance with the requirements of Section 4.15 of the *Environmental Planning and Assessment Act 1979*. The relevant matters for consideration are addressed below

4.1. ENVIRONMENTAL PLANNING INSTRUMENTS

4.1.1. State Environmental Planning Policy (Western Sydney Employment Area) 2009

The WSEA SEPP is the principal environmental planning instrument governing development at the site. The proposal does not propose building forms and WSEA SEPP does not contain a minimum lot size requirement. The other relevant provisions of the WSEA SEPP are discussed in **Table 4** below.

The development of future physical works including built form, road access and services will be provided pursuant to the separate OWE SSDA currently under assessment or future detailed built form proposals.

Table 4 – Relevant Provisions of the WSEA SEPP

Clause	Requirement	Response
Clause 3	Aims to protect and enhance the land within the WSEA for employment purposes.	The proposal seeks consent to subdivide the land for the future OWE. This will facilitate the future development of the OWE for employment uses, consistent with the overarching aim of the WSEA SEPP.
Clause 10	The OWE is zoned IN1 – General Industry and E2 – Environmental Conservation pursuant to this clause.	Subdivision is permissible with consent.
Clause 14	Land to which the Policy applies may be subdivided only with consent.	As the proposal involves the creation of additional lots, consent is required.
Clause 18	Requires that a DCP be in place before consent can be granted for development within the WSEA.	Penrith DCP 2014 applies to the subject site, specifically those provisions related to subdivision and the Erskine Business Park. Clause 18(6) of the SEPP recognises the provisions of this DCP for the purposes of the clause. The requirement for a DCP is therefore satisfied.
Clause 24	The consent authority must not grant consent to the carrying out of	The proposed subdivision will enable the future development of the land for

4.1.2. Local Planning Matters

There are no local environmental planning instruments applicable to the OWE. The OWE lies within the Penrith LGA in the 'Erskine Business Park' precinct. Penrith Development Control Plan 2014 (DCP 2014) establishes development controls for the Erskine Business Park.

However, as part of the Concept Proposal under assessment for the OWE, a set of development controls have been drafted. The proposed controls have been designed to be consistent with those



applied at Oakdale Central and Oakdale South and to respond to the particular constraints and characteristics of the OWE.

In addition, the following consultant reports have been prepared in conjunction with this subdivision application:

- Contamination Report prepared by AECOM (**Appendix B**);
- Geotechnical and Hydrological Report prepared by PSM Consult Pty Ltd (**Appendix C**);
- Salinity Management Plan prepared by PSM Consult Pty Ltd (**Appendix D**); and
- Soil Salinity and Agressivity Investigation prepared by PSM Consult Pty Ltd (**Appendix E**).

The reports address the general subdivision controls outlined in the Penrith DCP 2014, specifically, in relation to land management. The abovementioned reports demonstrate that the site is suitable for future industrial land use that will be facilitated by the proposed subdivision. As mentioned, there are no physical works proposed as part of this application.

Refer to **Table 5** below for the relevant subdivision layout controls extracted from the Penrith DCP 2014 and the proposed OWE development controls:

Table 5 – Relevant Subdivision Controls

Control	Penrith DCP 2014	OWE Development Control	Proposed Subdivision	Compliance
Minimum Lot Size	10,000sqm	5,000sqm	All development lots have a site area of 10,000sqm or more.	Yes
Minimum Frontage (street)	60m (excluding cul-de-sacs)	40m (excluding cul-de-sacs)	The proposed subdivision will enable the creation of development and road lots. All development lots will have a minimum street frontage of 60m or more.	Yes
Minimum Width (at the building line)	N/A	40m	N/A	N/A

The proposal is consistent with the objectives, controls and technical standards contained within the Penrith DCP 2014.

4.2. LIKELY ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS

The proposed works are minor in scale and do not propose any physical development works. The draft subdivision plan locates roads across the land that align with the masterplan currently being assessed by NSW DPE. Roads on the draft plan of subdivision align with and connect to the location of the proposed Western North South Link Road and future Southern Link Road, ensuring future road access to the development lots 101, 102, 103 and Part 108.



4.3. SUITABILITY OF THE SITE

The proposed works are considered highly suitable for the site as:

- The proposal accords with the objectives of all relevant planning controls and is permissible with consent;
- The proposal will have no adverse environmental impacts to the site;
- The proposal will not result in any changes to the physical appearance of the site or create an undesirable precedent within the Oakdale West Industrial Estate; and
- The proposal will enable the future delivery of employment generating uses within the OWE in accordance with SSD 7348.

4.4. SUBMISSIONS

It is acknowledged that any submissions received by Council in response to this proposal will be considered under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

4.5. PUBLIC INTEREST

The proposed development is considered to be in the public interest, as the proposal accords with the principles and objectives of all relevant planning controls and it has been demonstrated that no social, environmental or economic impacts will result from the proposal.

5. CONCLUSION

This SEE has been prepared by Urbis Pty Ltd on behalf of Goodman Property (Australia) Pty Ltd to support a DA to subdivide part of the Oakdale West Industrial Estate, Kemps Creek to create three new development lot and a series of road lots.

As demonstrated within this report and the attached documentation, the proposal is considered to be satisfactory under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. As such, it is recommended that approval be granted.

If you have any questions please don't hesitate to contact me on 02 8233 9938.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Dayle Bennett".

Dayle Bennett
Senior Consultant