

# WILLOWTREE PLANNING



21 April 2022

REF: WTJ20-302

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## **RE RESPONSE TO SUBMISSIONS ADEQUACY REVIEW – PROPOSED MANUFACTURING FACILITY AND ASSOCIATED WAREHOUSE – SSD 25725029**

### **PROPERTY AT: 657-769 MAMRE ROAD, KEMPS CREEK (LOT 10 APPROVED UNDER 9522)**

Dear Rebecka,

Reference is made in relation to SSD 25725029 and the adequacy review comments articulated in the letter (issued 18 March 2022), prepared by the NSW Department of Planning, Industry & Environment (DPIE) with regard to the Response to Submissions (RTS) prepared by Willowtree Planning for the proposed Manufacturing Facility and associated Warehouse at 657-769 Mamre Road, Kemps Creek.

Following review of the NSW DPIE's comments in relation to the RTS, the matters raised have been taken into consideration and are accurately addressed in the response matrix below. For consistency and completeness, the EIS has been amended in the relevant sections in accordance with the adequacy review comments pertaining to the proposal. This response is supported by the following amended documentation:

- **Ardex Australia Liquid Production (2021 Actual and Forecast)**
- **Civil Engineering Report**
- **Crime Risk Assessment Report**
- **Executed Voluntary Planning Agreement – Kemps Creek West**
- **Fire & Rescue Response**
- **Landscape Plan**
- **MRPDCP Assessment Table**
- **Response to Submissions (RTS)**
- **Site Locality Plan**
- **The Yards Estate – Penrith City Council Letter of Offer**
- **Transport Assessment**
- **Visual Impact Assessment**
- **Waste Management Plan**

It is considered, that this information now provides the NSW DPIE with all the necessary facts and relevant particulars in relation to the Proposed Development identified within the EIS; therefore, enabling determination of this State Significant Development (SSD) Application to proceed.

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We look forward to the NSW DPIE's feedback on the information provided and look forward to progressing with the SSD Application further through to determination.

Should you wish to discuss further, please contact Cameron Gray on 0477003429 or [cgray@willowtp.com.au](mailto:cgray@willowtp.com.au).

Yours Faithfully,

A handwritten signature in black ink, appearing to read 'C Wilson', with a stylized flourish at the end.

Chris Wilson  
Managing Director  
Willowtree Planning Pty Ltd  
ACN 146 035 707



**TABLE 1. SUMMARY OF, AND RESPONSE TO, RTSCOMMENTS**

Comments	Response
<p><b>VPA</b></p> <p>As the Applicant is aware, the Ardex site requires a VPA with Council to satisfy Clause 270 of the Regulations. The Applicant is also aware of the requirement for a VPA with DPE. The following must be provided:</p> <ul style="list-style-type: none"> <li>▪ The RtS provided does not demonstrate that a draft letter of offer / VPA with Council or DPE is being negotiated / entered into.</li> <li>▪ The Department requires both letters of offer / VPA with Council and DPE to be provided upon formal lodgement of the RtS.</li> </ul>	<p>Altis / Frasers have issued a Letter of Offer to Penrith Council and are discussing with Council progression of the local VPA. A copy of the <b>The Yards Estate - Penrith City Council Letter of Offer</b> is attached.</p> <p>A VPA has been executed between Altis / Frasers and the Minister for Planning as part of SSD9522. This VPA covers the whole Site and confirms satisfactory arrangements have been made. A copy of the <b>Voluntary Planning Agreement</b> is attached.</p>
<p><b>Noise and Air Quality Impact Assessment</b></p> <p><u>Environment Protection Licence (EPL)</u></p> <p>The draft RtS does not address the EPA's concerns. The Applicant is to provide the following:</p> <ul style="list-style-type: none"> <li>▪ a breakdown of proposed production volumes of 'liquid products'</li> <li>▪ sufficient details to the consent authority to confirm if an EPL is required, noting that s4.42 of the EP&amp;A Act requires the EPL to be substantially consistent with the consent.</li> </ul> <p>An increase beyond 5,000tpa and the need for an EPL cannot be dealt with via a condition</p> <ul style="list-style-type: none"> <li>▪ the consent will limit the capacity to 5,000tpa as this is what is described in the application, if the Applicant seeks to increase beyond this, this will have to be done via a modification, and an EPL obtained or varied following determination of the modification application (if approved).</li> </ul>	<p>The proposed development will commence chemical production with a maximum annual capacity of less than 5,000t, and as such, an EPL will not be required.</p> <p>A breakdown of the <b>Ardex Australia Liquid Production (2021 Actual and Forecast)</b> is attached. Should the future production capacity exceed 5,000t, a modification to the application will be sought when appropriate.</p> <p>The RTS has been amended accordingly.</p>

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Comments	Response
<ul style="list-style-type: none"> <li>alternatively, if the Applicant wants to have the ability to increase the production capacity in three years as part of this application, then all the impact assessments supporting the application have to assess that as the ultimate worst case, confirm if an EPL is required and then obtain an EPL following the determination of this application (if approved).</li> </ul>	
<p><u>Air Quality</u></p> <p>Despite the fact the EPA has recommended conditions, the EPA states the SEARs requirements have not been addressed. This raises the following concerns for the Department:</p> <ul style="list-style-type: none"> <li>Schedule 2 of the Regulations requires the EIS to address the SEARs</li> <li>the Department cannot satisfy the requirements of s4.15(1)(b) of the EP&amp;A Act to consider likely impacts if the assessment is deficient</li> <li>the Applicant's assessment needs to be complete, robust and transparent for the consent authority to be satisfied the potential impacts have been appropriately assessed and can be managed or mitigated without unacceptable residual impacts</li> </ul> <p>The SEARs require an assessment of odour impacts, however, the EPA has indicated the assessment is not satisfactory as Section 2.3.2 of the AQIA identifies the potential for gaseous and odour emissions during receipt of liquid materials by silo or trucks and storage in tanks. The Applicant is to clarify.</p> <p>The Applicant's response does not address the EPA's concerns for the following reasons:</p> <ul style="list-style-type: none"> <li>the response only talks to storage of liquids, not the receipt of liquid materials</li> <li>Section 2.3.2 of the AQIA makes reference to the emission controls in Section 2.2.3, but this section does not address odour control during the receipt of liquid materials</li> </ul>	<p>Potential impacts associated with particulate emissions to air have been considered in the AQIA in a quantitative manner.</p> <p>Potential impacts associated with odour are discussed below. A quantitative assessment of those potential impacts is not considered to be required, given the nature of the materials, and the manner of their receipt, storage and handling.</p> <p>Further information provided by the Applicant indicates that liquid materials will be brought to Site in sealed 20 000 L tankers, in sealed 1 000 L IBC, or in sealed 200 L drums.</p> <p>Tankers will be connected by hose directly to the liquid silos, which are located within the building. The system is a closed system, with the tanker being connected to the liquid silo, which in turn is connected to the dosing and mixing equipment. The management of any minor fugitive odours/fumes within the building during mixing/dosing is performed within the building using local fume extraction. No odours are anticipated to be emitted external to the building during silo filling.</p>



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Comments	Response
<p>While the EPA notes some representative data could have been sourced from similar Ardex facilities, the Applicant is to justify why they have not used representative data for the assessment</p> <p>The Applicant's response (p27) makes a statement that something can be dealt with via a condition, but it is not clear what this comment is referring to. Please clarify.</p>	<p>With respect to IBC and drums, these are moved into the building before being opened. No liquids would be exposed to atmosphere outside of the building.</p> <p>As described in the AQIA:</p> <p><i>"A list of chemicals to be used in liquids manufacturing has been provided by the Applicant. None of those chemicals has been identified as being particularly odorous. All chemicals are stored in line with the Applicant's Hazardous Area Verification Dossier:</i></p> <p><i>"Raw material flammable liquids and corrosive substances are stored in dedicated DG cabinets within the manufacturing area. All DG cabinets are compliant with the relevant sections of the applicable standard (AS1940 for flammable liquids and AS3780 for corrosive substances). Procedures are used for the transfer and loading of flammable liquids to mixers. Spill kits are also located adjacent to the flammable liquids handling areas to commence immediate spill clean up in the event of an accidental release".</i></p> <p>Given the lack of odour associated with liquid materials being received, stored and handled at the Site, routine monitoring of odour is not performed, and no data was therefore available.</p> <p>This comment was included in error and has been updated in the attached <b>Amended RTS</b>.</p>
<p><b>TfNSW Comments</b></p> <p>The Department notes that in its advice on the EIS, TfNSW did not support the proposal in its current form. The Applicant's RtS does not address TfNSW concerns in relation to:</p> <ul style="list-style-type: none"> <li>Modelling - the trip rate modelled in the Traffic Impact Assessment is lower than TfNSW requested</li> </ul>	<p>As noted within attached <b>Transport Assessment</b>, the approved SSD-9522 and approved Modification 1 (MOD 1) applications include the following peak and daily traffic generation rates for the assessment:</p> <ul style="list-style-type: none"> <li>AM Rate: 0.247 trips per 100m<sup>2</sup> of GFA;</li> </ul>



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	<ul style="list-style-type: none"> <li>PM Rate: 0.182 trips per 100m<sup>2</sup> of GFA; and</li> <li>Daily Rate: 2.64 trips per 100m<sup>2</sup> of GFA.</li> </ul> <p>These rates were applied to the indicative 'ultimate built-form' with the following Gross Floor Areas (GFAs) at the respective sequences:</p> <ul style="list-style-type: none"> <li>Approved Sequence 1A: 421,820m<sup>2</sup> of GFA with 20,000m<sup>2</sup> Southern Lots' GFA; and</li> <li>Sequences 2 and 3: 421,820m<sup>2</sup> of GFA with 20,000m<sup>2</sup> Southern Lots' GFA</li> </ul> <p>No changes to the above rates have been made for the current SSD-25725029 application. As these rates have already been approved in subsequent applications, it is noted that TfNSW's rates are considered conservative.</p> <p>Furthermore, Ason Group has referenced the surveyed rates for vehicle trips during adjacent road AM and PM peak periods for the following three (3) industrial sites:</p> <ul style="list-style-type: none"> <li>Site 1: Erskine Park Industrial Estate, Erskine Park;</li> <li>Site 2: Wonderland Business Park, Eastern Creek; and</li> <li>Site 3: Riverwood Business Park, Riverwood.</li> </ul> <p>These Sydney sites all exhibit similar attributes to those proposed for this SSD, including land-use and size of development.</p> <p>The approved Mamre West Precinct – known as the First Estate – TIA adopted the trip generation rates surveyed for Site 1 (Erskine Park Industrial Estate) which was entirely reasonable given that the First Estate lies directly opposite the Erskine Park Industrial Estate. The rates surveyed at the Erskine Park Industrial Estate (and applied to the MWP) are:</p> <ul style="list-style-type: none"> <li>AM Rate 0.134 trip per 100m<sup>2</sup> of GFA; and</li> <li>PM Rate 0.139 trip per 100m<sup>2</sup> of GFA.</li> </ul> <p>While it would be equally appropriate to apply these same rates to the MSP assessment, for the purposes of a worst-case assessment, this SSD has adopted rates which reflect the average rate of the 3 Sydney industrial sites.</p>

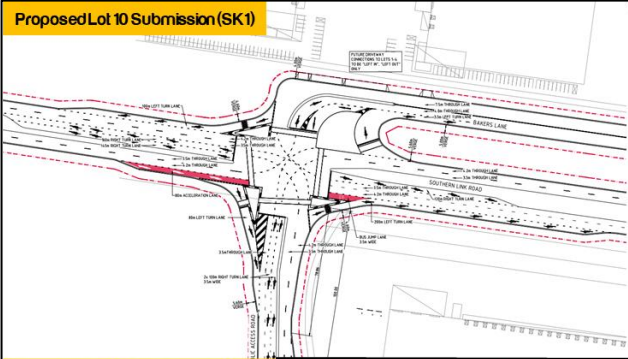
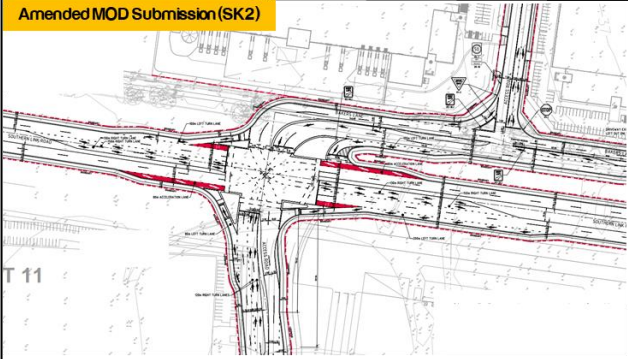
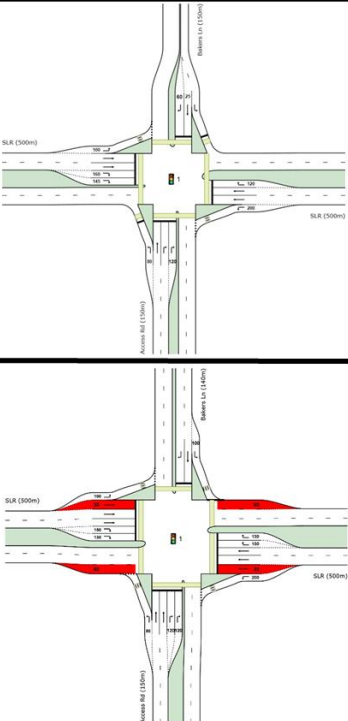


**TABLE 1. SUMMARY OF, AND RESPONSE TO, RTSCOMMENTS**

Comments	Response
<ul style="list-style-type: none"> <li>▪ The future SLR /Bakers Lane/NS Road 01 intersection design the proposal relies upon is not supported by TfNSW</li> </ul>	<p>Accordingly, the results of the assessments presented in this SSD are more conservative than what was undertaken for First Estate. This conservative approach provides flexibility for later developments to reflect minor changes that may occur over the life of the MSP.</p> <p>Therefore, it is our opinion that the TfNSW suggested MRP trip generation rates are considered even more conservative than the above rates and exceed the surveyed trip generation rates. Therefore, the above rates are more suitable for the purpose of this assessment.</p> <p>Notwithstanding, with the adoption of the 0.247 trip rate during the AM peak hour, the resulting traffic generation of 1,091 veh/hr is greater than the traffic generation for the MRP suggested rate of 0.23 and 0.24 veh/hr. Therefore, traffic modelling done with these rates already suggests a level of conservativeness that is beyond the suggested MRP rates.</p> <p>It is noted that the amended design advice from TfNSW (sent on 3 Nov 2021) for the future SLR / Bakers Lane / NS Road 01 was provided to Ason Group after the intersection layout had already been modelled and analysed in SIDRA as part of the original Lot 10 submission. In this regard and as part of the consultation with TfNSW for a separate SSD-9522 Modification (MOD 3), the design of the intersection layout was amended as shown in the figure below.</p>



TABLE 1. SUMMARY OF, AND RESPONSE TO, RTSCOMMENTS

Comments	Response
	<div><div>Proposed Lot 10 Submission (SK1)</div><div>Amended MOD Submission (SK2)</div><div>As TfNSW requested that the design for this intersection be amended, the SIDRA layout was amended as well. Notably, the phasing (double diamond), cycle time (140 seconds) and traffic volumes have not changed from the initial intersection layout design shown within the proposed Lot 10 SSDA TA. A summary of the SLR / Bakers Lane / NS Road 01 SIDRA results (for the SSDA TA layout) is shown below:</div><div></div></div>





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Comments	Response																																																	
	<div><div>Previous SIDRA Results of SLR / Bakers Lane / NS Road 01 (Lot 10 original SSD TA (Refer to SK1 on Page 5 for Layout Configuration))</div><table><tr><th colspan="5">AM Peak Hour</th></tr><tr><th>Direction</th><th>Queue (m)</th><th>Delay (sec)</th><th>DoS</th><th>Overall LoS</th></tr><tr><td>South</td><td>63</td><td>57.9</td><td>0.46</td><td rowspan="4">C</td></tr><tr><td>East</td><td>65</td><td>22.1</td><td>0.46</td></tr><tr><td>North</td><td>23</td><td>52.0</td><td>0.13</td></tr><tr><td>West</td><td>152</td><td>27.8</td><td>0.48</td></tr><tr><th colspan="5">PM Peak Hour</th></tr><tr><td>South</td><td>97</td><td>53.6</td><td>0.45</td><td rowspan="4">C</td></tr><tr><td>East</td><td>137</td><td>25.4</td><td>0.44</td></tr><tr><td>North</td><td>47</td><td>60.0</td><td>0.34</td></tr><tr><td>West</td><td>87</td><td>31.8</td><td>0.32</td></tr></table></div> <div><p>As noted above, the REVISED SIDRA modelling results indicate that the signalised intersections operate at LoS “C” or better in both the AM and PM peak hours.</p><p>A summary of the SLR / Bakers Lane / NS Road 01 SIDRA results (for the amended layout as part of MOD 3 submission) are shown below:</p></div>	AM Peak Hour					Direction	Queue (m)	Delay (sec)	DoS	Overall LoS	South	63	57.9	0.46	C	East	65	22.1	0.46	North	23	52.0	0.13	West	152	27.8	0.48	PM Peak Hour					South	97	53.6	0.45	C	East	137	25.4	0.44	North	47	60.0	0.34	West	87	31.8	0.32
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Comments	Response																																																	
	<div>Amended SIDRA Results of SLR / Bakers Lane / NS Road 01 - MOD 3 Submission (Refer to SK2 on Page 5 for Layout Configuration)</div> <table><tr><th colspan="5">AM Peak Hour</th></tr><tr><th>Direction</th><th>Queue (m)</th><th>Delay (sec)</th><th>DoS</th><th>Overall LoS</th></tr><tr><td>South</td><td>64</td><td>55</td><td>0.51</td><td rowspan="4">B</td></tr><tr><td>East</td><td>58</td><td>23</td><td>0.44</td></tr><tr><td>North</td><td>5</td><td>26</td><td>0.05</td></tr><tr><td>West</td><td>154</td><td>27</td><td>0.49</td></tr><tr><th colspan="5">PM Peak Hour</th></tr><tr><td>South</td><td>100</td><td>45</td><td>0.52</td><td rowspan="4">C</td></tr><tr><td>East</td><td>157</td><td>24</td><td>0.51</td></tr><tr><td>North</td><td>11</td><td>23</td><td>0.10</td></tr><tr><td>West</td><td>100</td><td>33</td><td>0.37</td></tr></table> <p>Therefore, it is noted that the results from the previous and amended SIDRA layouts are almost similar and that the intersections operates at a satisfactory LoS for both layouts.</p> <p>To conclude, Ason Group believes that even with the amended intersection layout, the intersection operates at a satisfactory LoS and DoS, inclusive of the traffic volumes from the masterplan (which includes the volumes from the proposed Lot 10).</p> <p>Hence, the amended intersection provides updated traffic results and satisfies the commentary raised by TfNSW.</p> <p>In addition, the proximity of the northern driveway (exit driveway) to the future SLR right hand turn bays on the northern approach of the SLR and N-S collector road in line has been shown on the attached <b>Site Locality Drawing</b>.</p>	AM Peak Hour					Direction	Queue (m)	Delay (sec)	DoS	Overall LoS	South	64	55	0.51	B	East	58	23	0.44	North	5	26	0.05	West	154	27	0.49	PM Peak Hour					South	100	45	0.52	C	East	157	24	0.51	North	11	23	0.10	West	100	33	0.37
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Comments	Response
<ul style="list-style-type: none"> <li>The overarching Construction Traffic Management Plan the Applicant wishes to rely upon has not been provided to TfNSW to support the current SSD</li> <li>The requested swept path for a 36m PBS vehicle has not been provided</li> </ul> <p>The Applicant is to update the response provided and relevant appendices to address the concerns raised by TfNSW.</p>	<p>The overarching CTMP prepared previously by Ason Group has been included within the original SSD-9522 submission and has been reviewed and approved by TfNSW.</p> <p>For clarity, construction of the proposed Lot 10 will be undertaken via the TfNSW approved existing Left in / Left out access along Mamre Road, until such time that the Sequence 1A signalised intersection has been delivered.</p> <p>In summary – the applicant accepts a Condition of Consent that requires a detailed CTMP once the SSD is approved.</p> <p>It is emphasised that the largest size truck expected for Lot 10 based on the operational information provided by the immediate tenant will be a 26.0m B-Double truck.</p> <p>Regardless and to address this comment, the swept path assessment showcasing a 36.2m A-double entering and exiting the Site is attached within the latest attached <b>Transport Assessment</b>.</p>
<p><b>Mamre Road Precinct (MRP) DCP</b></p> <p>The following responses to the MRP DCP are to be updated:</p> <ul style="list-style-type: none"> <li>Demonstrate a min of 10% tree canopy is achieved onsite as per Clause 4.2.3.1</li> <li>Demonstrate a min of 15% of the site is provided as pervious surfaces as per Clause 4.2.3.1</li> <li>Detailed assessment of the proposed signage against the controls is required. It is unclear how the proposal seeks a merit assessment when limited detail is provided in the Applicant's response to Clause 4.2.8</li> <li>A Crime Risk Assessment Report is to be provided as per Clause 4.2.9</li> <li>A detailed response is required in response to Clause 4.4.1 development on sloping sites.</li> <li>The WMP provided in the EIS is to be updated to address Clause 4.5 of the MRP DCP (WMP refers to Clause 4.6):</li> <li>MRP DCP requires a Waste and Resource Recovery Management Plan be provided. The Applicant is to review the DCP to ensure</li> </ul>	
	<p>The attached <b>Landscape Plan</b> demonstrates compliance with the tree canopy target on lot.</p> <p>The attached <b>Landscape Plan</b> demonstrates compliance with the permeability target within the Site and the attached <b>MRDCP Assessment Table</b> has been updated accordingly.</p> <p>The attached <b>MRDCP Assessment Table</b> has been updated accordingly.</p> <p>A <b>Crime Risk Assessment Report</b> has been attached and the <b>MRDCP Assessment Table</b> has been updated accordingly.</p> <p>The attached <b>MRDCP Assessment Table</b> has been updated accordingly.</p> <p>The attached <b>Waste Management Plan</b> has been updated accordingly.</p> <p>The attached <b>Waste Management Plan</b> has been updated accordingly.</p>



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<b>Comments</b>	<b>Response</b>
the Report submitted is consistent with the relevant controls of Clause 4.5 of the MRP DCP.	
<b>Visual Impact Assessment (VIA)</b>	
The VIA provides an assessment against draft MRP DCP. The VIA is to be updated to address the adopted MRP DCP.	The attached <b>Visual Impact Assessment</b> has been updated accordingly.
<b>Civil Report</b>	
The Civil Report has not been updated and refers to final pad and building floor levels being within +/- 500mm. The Civil Report is to be updated to reflect the worst-case scenario.	The attached <b>Civil Engineering Report</b> has been updated accordingly.
<b>Fire and Rescue</b>	
Comments from Fire and Rescue NSW have been received on the EIS for Ardex (attached).  Please ensure these comments are also addressed in the RtS.	The attached <b>RTS</b> has been amended to adequately respond. A <b>Fire &amp; Rescue Response</b> has been prepared by Riskcon and is attached.

