

Submissions Report

Warehouse and Distribution Centre

805-817 Mamre Road, Kemps Creek

Submitted to Department of Planning, Housing and Infrastructure
on behalf of 805 Mamre NSW Pty Ltd

SSD-30871587



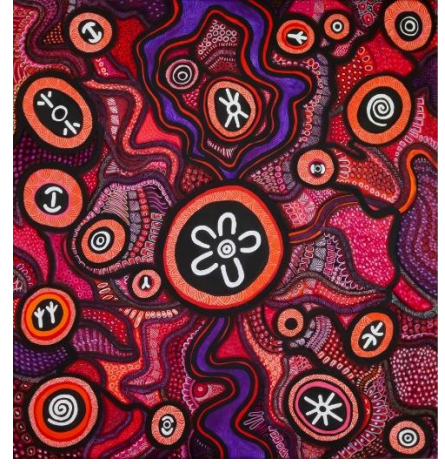
'Gura Bulga'
Liz Belanjee Cameron

'Gura Bulga' – translates to Warm Green Country. Representing New South Wales.



'Dagura Buumarri'
Liz Belanjee Cameron

'Dagura Buumarri' – translates to Cold Brown Country. Representing Victoria.



'Gadalung Djarri'
Liz Belanjee Cameron

'Gadalung Djarri' – translates to Hot Red Country. Representing Queensland.

Ethos Urban acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We pay our respects to their Elders past, present and emerging.

In supporting the Uluru Statement from the Heart, we walk with Aboriginal and Torres Strait Islander people in a movement of the Australian people for a better future.

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A. Revised Architectural Drawings Package	<i>Watch This Space Design</i>	<i>P2</i>	<i>December 2024</i>
B. Revised Landscape Drawings	<i>Geoscapes</i>	<i>S</i>	<i>04/02/2025</i>
C. Revised Civil Works Package		<i>F</i>	<i>19/03/2025</i>
D. Landscape and Visual Impact Assessment RTS Letter	<i>Geoscapes</i>		<i>11/07/2024</i>
E. Revised Watercourse and Biodiversity Assessment	<i>écologique</i>	<i>12</i>	<i>20/02/2025</i>
F. Revised Noise Impact Assessment	<i>RWDI Consulting</i>	<i>H</i>	<i>16/04/2025</i>
G. Consultation with adjoining landowner	<i>Gibb Group</i>		<i>March 2025</i>
H. Lighting Concept Design Report	<i>LCI Consultants</i>	<i>02</i>	<i>21/06/2024</i>
I. Updated Mamre Road Precinct DCP Compliance Table	<i>Ethos Urban</i>		<i>March 2025</i>
J. 'Response to DPHI' Letter – Traffic RTS Submission	<i>Ason</i>		<i>16/07/2024</i>
K. Mamre Road Widening Concept Design	<i>MU Group</i>	<i>A</i>	<i>26/04/2024</i>
L. Water and Stormwater Management Plan	<i>AT&L</i>	<i>03</i>	<i>31/03/2025</i>
M. Soil Salinity Investigation	<i>Geo-Logix</i>	<i>V04</i>	<i>24/08/2024</i>
N. Updated Flood Impact Risk Assessment Report	<i>Costin Roe Consulting</i>	<i>J</i>	<i>24/03/2025</i>
O. Site Survey Plan	<i>LTS Surveyors</i>	<i>B</i>	<i>01/08/2024</i>

Appendix	Author	Revision	Date
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S. Evidence of AHIMS Search	<i>Artefact</i>		<i>04/10/2024</i>
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Y. Architectural Design Statement	<i>Watch This Space Design</i>	<i>G</i>	<i>16/4/2025</i>
Z. Land Dedication Plan	<i>AT&L</i>	<i>P8</i>	<i>03/02/2025</i>
AA. Proposed Subdivision Plans	<i>LTS</i>		<i>19/3/2025</i>
BB. Addendum Geotechnical Letter	<i>Geo-Logix</i>		<i>28/11/2024</i>
CC. Updated Geotechnical Report	<i>Geo-Logix</i>	<i>V02</i>	<i>28/11/2024</i>
DD. Updated ACHAR	<i>Artefact</i>	<i>7</i>	<i>20/03/2025</i>
EE. TMAP Addendum Letter	<i>Ason Group</i>		<i>3/4/2025</i>
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GG. Updated BCA Assessment Report	<i>BM+G</i>	<i>6</i>	<i>20/11/2024</i>
HH. Drainage Culvert Extension Plans	<i>MU Group</i>	<i>02</i>	<i>21/02/2025</i>
II. Temporary Construction Access	<i>MU Group</i>		
Separate cover: Additional Agency Consultation	<i>Various</i>		

Executive Summary

This Submissions Report has been prepared by Ethos Urban on behalf of 805 Mamre NSW Pty Ltd (Gibb Group) (the Applicant) to address the matters raised during the Public Exhibition of the Warehouse and Distribution Centre (SSD-30871587) located at 805-817 Mamre Road, Kemps Creek.

The State Significant Development Application (SSDA) was publicly exhibited from 14 November 2023 until 11 December 2023, with the subsequent request for response to submissions issued on 12 December 2023. Since that time, the applicant has carried out substantial consultation with agencies including Sydney Water, Penrith City Council and Transport for NSW regarding design works. The SSDA, as exhibited, sought approval for the construction and operation of a warehouse and distribution centre with a total gross floor area (GFA) of 24,370m² in warehouse space and 970m² in office space (the Proposal) at 805-817 Mamre Road, Kemps Creek.

Overview of Submissions

In relation to the Public Exhibition of the SSDA, a total of 15 submissions were received. These include submissions made by relevant government agencies and organisations. No submissions were received from members of the public.

Specifically, submissions were received from the following government agencies:

- Department of Planning and Environment (now Department of Planning, Housing and Infrastructure);
- Penrith City Council;
- Transport for NSW;
- DPE Environmental and Heritage Group;
- Heritage NSW;
- DPE Water
- Department of Primary Industries – Fisheries
- Fire and Rescue NSW;
- Rural Fire Service;
- Western Parkland City Authority; and
- Sydney Water.

Additionally, submissions were received from the following organisations:

- Sydney Airport;
- Western Sydney Airport;
- Endeavour Energy; and
- Transgrid.

The submissions related to a range of issues inclusive of:

- Urban Design;
- Levels and setbacks;
- Trees and Landscaping;
- Noise and Vibration;
- Signage;
- Lighting;
- Traffic, Transport and Accessibility;
- Flooding; and
- Stormwater Management.

Actions taken since Exhibition

Following the Public Exhibition of the SSDA, the Applicant has undertaken further engagement with the key relevant authorities being the Department of Planning, Housing and Infrastructure (DPHI) and Sydney Water. A series of productive meetings occurred to discuss the key issues identified within the submissions received and the Applicant's proposed response.

Since the Public Exhibition stage and in direct response to the submissions received, design refinements and changes have been made, in addition to other minor design development refinements made to improve the efficiency and functionality of the development. These include the relocation and rearranging of the proposed stormwater basins to align with Sydney Water's Regional Integrated Stormwater Scheme Plan, the delivery of a private road aligning with the future Open Space Edge Road, alterations to cut and fill bulk earthworks to allow for better screening outcomes, and other minor revisions as outlined within this report. It is noted that any design changes or assessments undertaken are in response to issues raised in submissions or further design development.

Additionally, extensive additional consultation has been undertaken with Penrith Council and Sydney Water on the location and operation of the open space edge road and adjacent stormwater infrastructure through September 2024 to February 2025. These changes have been collaboratively worked through between parties and are reflected in the updated RTS pack.

Notwithstanding this, in response to the submissions received and the design refinements made, further assessment of the impact of the Proposal has been undertaken where appropriate.

Response to Submissions

In response to the submissions received, the Applicant has made changes to the Proposal. The key issues associated with the Proposal were identified as being the designated stormwater management solution, site levels, retaining wall heights, design and delivery of the Open Space Edge Road, and concerns relating to the provision of landscaping. Through the RTS process the Applicant has undertaken further consultation with Council and Sydney Water and explored potential improvements in response.

In summary, the following key amendments have been made in response to the submission received:

- Warehouse refinements;
- Adjustments to levels;
- Grading and design to ensure future connectivity for the Industrial Collector and Open Space Edge roads;
- Retaining wall amendments; and
- Proposed revised stormwater solution to be re-aligned to match that as proposed by Sydney Water.

Updated Project Justification

The changes do not alter the strategic merits of the Proposal, fulfilling the objectives as outlined within the Mamre Road Precinct Development Control Plan (MRP DCP), *State Environmental Planning Policy (Industry and Employment) 2021* (IE SEPP), and *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* (Parkland City 2021). The proposed development displays strong alignment with the intended outcomes for the broader precinct and Greater Sydney through the Greater Sydney Region Plan and the Western City District Plan. Delivering on employment and industrial uses as proposed under the Mamre Road Structure Plan, the proposal remains entirely consistent and therefore continues to be appropriate for the site.

The refined proposal is the optimal outcome for the site, providing an appropriate and workable scenario which meets the objectives of the project whilst mitigating adverse impacts on the surrounding environment and sensitive receivers. It is commensurate with the Mamre Road Structure Plan and maximises potential for employment generating floorspace, which is the key objective of the WSEA, whilst maintaining a high standard of amenity.

The changes made to the proposal ensure that it meets the future demand and industrial context of the immediately adjoining area. The revisions to elements of the proposal including the stormwater basin approach, road network, Open Space Edge Road, levels, and retaining walls at the site ensure that it will align with the future development of industrial uses surrounding the site. Additionally, the amendments to the proposal ensure that it will better align with the relevant legislation and strategic direction for the area, especially in regard to compliance with the MRP DCP.

For the reasons discussed above, the Proposal remains suitable for the site and in the public interest and can deliver needed industrial floor space in the growing Western Sydney region.

1.0 Introduction

This Submissions Report has been prepared by Ethos Urban on behalf of 805 Mamre NSW Pty Ltd (Gibb Group, the Applicant) to address the matters raised during the Public Exhibition of the Warehouse and Distribution Centre (SSD-30871587) located at 805-817 Mamre Road, Kemps Creek.

The State Significant Development Application (SSDA) was lodged with the then Department of Planning and Environment (DPE, now DPHI) on 7 November 2023 and was publicly exhibited for 28 days from 14 of November until 11 of December 2023. The subsequent Request for a Response to Submissions (RTS) was issued on 12 of December 2023. There were 15 submissions received from relevant government agencies and organisations. No submissions were received from members of the public.

This Submissions Report provides an analysis of submissions, actions taken since Public Exhibition, the Applicant's response to submissions and provides an updated justification of the Proposal. It is accompanied by supporting information and technical reports (refer to the Table of Contents).

This Submissions Report, as required under section 59(2) of the *Environmental Planning and Assessment Regulation 2021*, has been prepared in accordance with the DPE's *State Significant Development Guidelines*, including *Appendix C – Preparing a Submissions Report*.

1.1 Exhibited Development

The SSDA, as exhibited, sought approval for the construction and operation of a warehouse and distribution centre (the Proposal) at 805-817 Mamre Road, Kemps Creek. Specifically, the exhibited development sought consent for the following:

- Subdivision of Lot 26 DP 258414 into seven (7) lots, comprising the following:
 - Two (2) lots for warehouse and distribution development and on-site detention/drainage channels;
 - One (1) part lot to contain the RE1 Riparian Corridor adjacent to Mamre Road and the RE1 Public Recreation land in the west of the site;
 - One (1) residual lot for the future internal Collector Industrial Road (expected to be acquired by Penrith City Council at the relevant time);
 - One (1) residual lot for a future Open Space Edge Road (expected to be acquired by Penrith City Council at the relevant time);
 - One (1) lot for the future road widening of Mamre Road; and
 - One (1) residual lot to the west of the site containing the ENZ Environment and Recreation zoned land.
- Staged site preparation works comprising:
 - Demolition of all existing infrastructure on Lot 26 in DP258414;
 - Clearing of existing vegetation on the proposed development areas
 - Bulk earthworks including 'cut and fill' to create flat development platforms for the proposed buildings, and topsoiling, grassing and site stabilisation works;
 - Re-establishment of the riparian corridor
- Connection to required site utility infrastructure;
- Integrated water cycle management infrastructure;
- Staged road construction including:
 - interim connection to Mamre Road via a private access road shared between both existing lots; and
 - construction of the internal Collector Industrial Road.
- Staged construction and use of a warehouse (Warehouse 1) of approximately 9,290sqm within proposed Lot 1 for logistics and warehousing purposes including:
 - associated office floorspace
 - vehicle loading and parking areas
 - signage; and
 - hours of operation of 24 hours a day, 7 days a week; and
- Staged construction and use of a warehouse (Warehouse 2) of approximately 13,637sqm within proposed Lot 2 for logistics and warehousing purposes including:
 - associated office floorspace

- vehicle loading and parking areas
- signage: and
- hours of operation of 14 hours a day, 7 days a week

A description of the actions taken since Public Exhibition including the refinements and changes made to the proposed development provided in **Section 3.0**.

2.0 Analysis of Submissions

This section analyses the submissions received by providing a breakdown of the type of submissions received and identifies the issues raised.

2.1 Breakdown of Submissions

In relation to the Public Exhibition of the SSDA, a total of 15 submissions were made by relevant government agencies and organisations, as identified in **Table 1**. No submissions were received from members of the public.

Table 1 Summary of Submissions Received

Submissions Received	Position
Government Agencies	
Department of Planning and Environment (now Department of Planning, Housing and Infrastructure)	Comments for consideration.
Penrith City Council	Comments for consideration.
Transport for NSW	Comments for consideration.
DPE Environment and Heritage Group	Comments for consideration.
Heritage NSW	Comments for consideration.
DPE Water	Comments for consideration.
Department of Primary Industries – Fisheries	No comments.
Fire and Rescue NSW	No comments.
NSW Rural Fire Service	No comments.
Western Parkland City Authority	Comments for consideration.
Sydney Water	Comments for consideration.
Organisations	
Sydney Airport	No comments.
Western Sydney Airport	Comments for consideration.
Endeavour Energy	No comments.
Transgrid	No comments.

Additional comments received from the DPPI in October 2024 have also been considered and addressed.

2.2 Categorising of Issues

A categorical summary of the issues raised in the submissions received is provided in **Table 2** below.

Table 2 Summary of Issues Raised

Matters	Summary of Issues Raised
Urban Design	<ul style="list-style-type: none"> Integration of offices for each warehouse External container storage
Levels and setbacks	<ul style="list-style-type: none"> Bulk and scale of proposed retaining walls Screening of retaining walls, limiting impacts on view corridors
Trees and Landscaping	<ul style="list-style-type: none"> Trees to be retained Provision of street trees

Matters	Summary of Issues Raised
Noise and Vibration	<ul style="list-style-type: none"> • Clarify noise impacts • Identify main contributor of noise from the development • Exceedance of residential project noise trigger levels
Signage	<ul style="list-style-type: none"> • Confirmation of compliance with MRP DCP
Lighting	<ul style="list-style-type: none"> • Confirm lighting details
Traffic, Transport and Accessibility	<ul style="list-style-type: none"> • Clarification required on the delivery and layout of the open space edge road. • Design of collector industrial road passing through the site. • Details required for decommission of temporary access road to Mamre Road • Provision of temporary turning head within the site • Assessment of Mamre Road widening works
Flooding	<ul style="list-style-type: none"> • Various revisions to Flood Risk Management reporting, including consideration of the private road Open Space Edge Road (OSER).
Stormwater Management	<ul style="list-style-type: none"> • Preference for interim wetlands and basin to be located within the adjoining ENZ zoned land instead of the RE1 zoned land. • Design of trunk drainage to be reconfigured.
Open Space Edge Road	<ul style="list-style-type: none"> • Alignment of Open Space Edge Road corridor and relationship with future Sydney Water infrastructure.

3.0 Actions taken since Exhibition

This section summarises the further engagement undertaken by the Applicant, describes any refinements or amendments to the Proposal and further impact assessment undertaken.

3.1 Further Engagement Undertaken

Following the Public Exhibition of the SSDA, the Applicant has undertaken further engagement with the key relevant authorities, as described in **Table 3** below.

Table 3 Summary of Further Engagement Undertaken

Stakeholder	Engagement Undertaken
Department of Planning, Housing and Infrastructure	<ul style="list-style-type: none"> Through the preparation of this RTS package, the applicant has been involved in numerous discussions with the DPHI in relation to broader Mamre Road Precinct matters that have further informed this RTS. These matters largely relate to road considerations and broader traffic matters.
Sydney Water	<ul style="list-style-type: none"> On 20 March 2024, the project team met with Sydney Water to discuss the intended stormwater approach with basin relocations as outlined in the submission by Sydney Water. The Applicant met on 3 July 2024 to discuss Basin 7 Request for Feasibility plans for the Regional Stormwater scheme layout were submitted on the 8 August 2024. On 22 October 2024, the project team met with Sydney Water and Penrith Council to discuss the preferable approach to the Open Space Edge Road and stormwater basins layout. On 2 December 2024, the project team met with Sydney Water and Penrith Council to discuss an updated arrangement plan and new approach for the Open Space Edge Road that facilitated access to the Sydney Water infrastructure. On 21 February 2025, Sydney Water issued a MUSIC Model to the project team. On 7 March 2025, updated MUSIC, DRAINS models and drawings were issued to Sydney Water. On 1 April 2025, updated documentation was issued to Sydney Water, with responses to some of the design development queries and feedback raised up to that point.
Penrith Council	<ul style="list-style-type: none"> On 22 October 2024, the project team met with Sydney Water and Penrith Council to discuss the preferable approach to the Open Space Edge Road and stormwater basins layout. This has informed the revised treatment of the interface between the two infrastructure items. On 2 December 2024, the project team met with Sydney Water and Penrith Council to discuss an updated arrangement plan and new approach for the Open Space Edge Road that facilitated access to the Sydney Water infrastructure. This meeting resulted in the proposal as now forming part of this RTS being refined and finalised, with an acknowledgement it will be referred to both entities as part of the RTS process. On 6 February 2025, updated architectural plans were issued with adjustments for the OSER as discussed in the prior meeting. On 19 February 2025, a meeting was held with Penrith Council to discuss the updated scheme/alignment, land acquisition and dedication. No major concerns were raised during the meeting, and no formal response was received. On 3 March 2025, Penrith Council indicated via email it would compile responses with respect to the delivery of the OSER before the end of March 2025. On 4 March 2025, additional clarification responding to queries from the proponent was received via email.
Transport for NSW	<ul style="list-style-type: none"> On 7 November 2024, in-principal acceptance of the 805 Mamre Road Concept Design submission was received. On 11 February 2025, a LILO Coordination meeting with Daniel Attala was held. On 28 February 2025, MU Group issued an email to TfNSW requesting approval for concept amendments.

Stakeholder	Engagement Undertaken
DCCEEW Water Assessments	<ul style="list-style-type: none"> On 6 March 2025, the updated RTS package was issued to DCCEEW as the Creeks Authority On 10 March 2025, a response was received indicating that the updated proposal would not be reviewed until the package was formally referred.

3.2 Refinements and Amendments to the Proposal

Following the Public Exhibition of the Proposal, a number of design refinements have been made in direct response to the submissions received, including warehouse refinements, adjustments to levels and retaining walls, and relocation of the proposed stormwater basins to the western part of the site on land zoned Environment and Recreation (ENZ) under the *State Environmental Planning Policy (Precincts—Western Parkland City) 2021* (Parkland City SEPP).

The design refinements to the Proposal are detailed within the Revised Architectural Drawings Package prepared by Watch This Space Design (**Appendix A**) and are supported by revised Landscape Drawings prepared by Geoscapes (**Appendix B**) and revised Civil Engineering Plan prepared by AT&L (**Appendix C**).

A detailed summary of the refinements and amendments to the exhibited Proposal as well as reasoning is provided in **Table 4** below.

Table 4 Summary of Refinements and Amendments to the Proposal

Item	Exhibited	Current	Reason for change
Warehouse refinements	Warehouse 1 GFA (m ²) = 9,290m ²	Warehouse 1 GFA (m ²) = 7,200m²	Increased efficiency, safety, and ease of construction and in response to adjustments needed based on the re-alignment of the Open Space Edge Road.
	Warehouse 2 GFA (m ²) = 13,637m ²	Warehouse 1 GFA (m ²) = 13,938m²	
	A fire tanks and a pump house located adjacent to the future collector industrial road at the north-west corner of the lot inclusive of proposed Warehouse 1.	Two fire tanks and a reconfigured pump house , with one located adjacent to the future collector industrial road and one adjacent to the future OSER, both at the southern end of the site.	
	Warehouse 1 irregular in shape with south-eastern corner of warehouse cut-off.	Warehouse 1 more regular shape with south-eastern corner of warehouse adjusted accordingly	
Office 1 disconnected from Warehouse 1.	Office 1 internally connected with Warehouse 1. Can move from inside of Office 1 to inside of Warehouse 1 without exiting the building.	Responds to commentary from Penrith City Council relating to the integration of the ancillary offices with each warehouse.	
Office 2 disconnected from Warehouse 2.	Office 2 internally connected with Warehouse 2. Can move from inside of Office 2 to inside of Warehouse 2 without exiting the building.		
Office 1 configuration with limited outdoor breakout on original civil drawing plans.	Office 1 design reconfigured to include larger outdoor breakout area. Awnings and roof included in updated drawings. Entry and exit points reconfigured, additional details added.	Revised design based on commentary made by DPHI on the compliance of the warehouse with the MRP DCP in regard to the provision of communal areas for employees.	
Office 2 configuration with limited outdoor breakout	Office 1 design reconfigured to include larger outdoor		

Item	Exhibited	Current	Reason for change
	area and poor detailing on original civil drawing plans.	breakout area. Awnings and roof included in updated drawings. Entry and exit points reconfigured, additional details added. Location of rainwater tank reconfigured to allow for additional outdoor breakout area for employees. Additional detailing regarding parking and context included in revised civil engineering drawings.	
	Finish schedule for Warehouse 1, Warehouse 2, Office 1, and Office 2.	Finish schedule updated for Warehouse 1, Warehouse 2, Office 1 and Office 2.	Updated to ensure the design of a high-quality, with revised more appropriate and aesthetically pleasing finishes.
	External container storage provided for Warehouse 1.	External container storage for Warehouse 1 removed from the proposal.	DPHI provided a comment that the external container storage was not supported in the proposed location due to its visibility from public roads and open space.
Levels	Topsoil stripping (m ³) = -19,520	Topsoil stripping (m ³) = -19,520	<p>The amended bulk earthworks plan within the Civil Engineering Package has been revised to accommodate for the following revisions made in response to submissions received resulting in a complete balanced cut and fill, compared to import being required previously:</p> <ul style="list-style-type: none"> • Relocation and redesign of proposed stormwater basin solution • Refinement of earthworks surrounding trunk swale to respond to Sydney Water requirements as outlined by Penrith City Council • Requirements for retaining walls to meet the MRP DCP height and setback requirements <p>Cut and fill works to take place to the western boundary of Warehouse 2, on the land to be dedicated to the Open Space Edge Road to help facilitate the delivery of the proposed private road in this location. Earthworks at that are also ensure that the height and setback controls from the MRP DCP are met.</p>
	Cut material (m ³) = -11,300	Cut material (m ³) = -37,960	
	Fill material (m ³) = +52,490	Fill material (m ³) = + 57,480	
	Balance (m ³) = +21,670 (IMPORT)	Balance (m ³) = 0 (BALANCE)	
Retaining Walls	Retaining wall along western side of Warehouse 2, adjacent to the future proposed OSER.	Retaining wall along western side of Warehouse 2, adjacent to the future proposed OSER removed. Minor walls located internally to the site and 'sunk' where practical to enable battering on top.	Levels have been adjusted to remove retaining walls fronting the public domain – the only retaining walls now include one at the entrance of Warehouse 1 (0.55m in height), and walls associated with recessed loading docks and the Lot 1 fire access track in the south-western corner. The northern retaining wall of Warehouse 2 has been 'sunk' with battering now proposed over the top for additional landscaping.
Proposed Stormwater Solution	Stormwater Basin solution located in RE1 Zoned Land and oriented to the north-west of Warehouse 2 past the boundary of the proposed Open Space Edge Road.	Stormwater basins relocated to ENZ zoned land to the west of the future Open Space Edge Road. Stormwater basin solution reconfigured to align completely with the Sydney Water Regional Integrated Stormwater scheme.	Proposed stormwater solution has been amended to align with the future proposed location of the Sydney Water Regional Integrated Stormwater scheme, inclusive of the May 2024 Stormwater Scheme update from Sydney Water based on commentary received from Sydney Water and Council. This addresses the concerns of Council over access and management of the land and facilitates

Item	Exhibited	Current	Reason for change
			the realisation of part of Sydney Water's ultimate long term stormwater management strategy. It is the intention of Gibb Group to deliver this part of the basins for Sydney Water in this location, to be under the eventual management and operation of Sydney Water.
Trunk Swale	Trunk swale located in north-eastern corner of the site is oriented in a straight line. Diversion pipe along southern boundary.	Revised trunk swale is oriented in a natural 'meandering' manner at the north-eastern corner of the site. Diversion pipe now removed and replaced by northern boundary culvert network.	Amended to clarify compliance with the MRP DCP, section 2.3 and Sydney Water's requirements for a 'meandering channel' to replicate the natural watercourse, as per Penrith City Council's comments at Table 7 . In addition, the diversion pipe from the southern boundary has been removed and replaced with a culvert system along the northern boundary, which removes the requirement for a swale in the RE1 land – this approach has been discussed with Sydney Water and Council.
Sediment Control Basin	Proposed temporary Sediment Basin A located within the proposed stormwater basin at the western end of the site. Proposed temporary Sediment Basin B located within the site boundary of Warehouse 1.	Proposed temporary Sediment Basin B location unchanged, proposed temporary Sediment Basin A amended to be adjacent to newly located stormwater basin design at the south-west of the site.	Changed based on Environment and Heritage Group comment referencing the erosion and sediment control basins. Reconfigured for higher efficiency. To note that the proposed sediment basins are to be used as a temporary sediment and erosion control basin, with approval subject to a separate application.
Fire Access Track	Fire Access Track along north-western corner of Warehouse 2 and south-eastern corner of Warehouse 1 labelled on civil plans.	Fire Access Track along north-western corner of Warehouse 2 and south-eastern corner of Warehouse 1 labelled and appropriately detailed on revised civil plans.	Revised to include additional detail previously missing from architectural plans.
Acceleration Lane / Mamre Road Widening	Proposed acceleration lane located on the Mamre Road frontage.	Proposed acceleration lane replaced by works to complete a section of the ultimate Mamre Road widening along the site frontage to minimise redundant work. A temporary construction access entrance also proposed to enable construction works to occur.	In response to discussions and feedback from TfNSW.

3.3 Revised Development Description

The SSDA, as revised, seeks approval for the construction and operation of a warehouse and distribution centre (the Proposal) at 805-817 Mamre Road, Kemps Creek. Specifically, the Proposal seeks consent for the following:

- Subdivision of Lot 26 DP 258414 into eight (8) lots, comprising the following:
 - Two (2) lots for warehouse and distribution development and on-site detention;
 - One (1) part lot to contain the RE1 Riparian Corridor adjacent to Mamre Road and the RE1 Public Recreation land in the west of the site;
 - One (1) residual lot for the future internal Collector Industrial Road (expected to be dedicated to Penrith City Council upon completion and certification);

- One (1) residual lot for a future Open Space Edge Road (expected to be dedicated to Penrith City Council at the relevant time);
- One (1) lot for the future road widening of Mamre Road (expected to be acquired by TfNSW during 2025/2026);
- One (1) lot for the regional stormwater basin 7a (zoned ENZ Environmental Land and proposed to be rezoned to SPI/2); and
- One (1) residual lot to the west of the site containing the ENZ Environment land.
- Staged site preparation works comprising:
 - Demolition of all existing infrastructure on Lot 26 in DP258414;
 - Clearing of existing vegetation on the proposed development areas
 - Bulk earthworks including 'cut and fill' to create flat development platforms for the proposed buildings, and topsoiling, grassing and site stabilisation works;
 - Re-establishment of the riparian corridor
- Connection to required site utility infrastructure;
- Integrated water cycle management infrastructure;
- Staged road construction including:
 - interim connection to Mamre Road via a private access road shared between both existing lots;
 - construction of a private road in the location of the future Open Space Edge Road; and
 - construction of the internal Collector Industrial Road.
- Staged construction and use of a warehouse (Warehouse 1) of approximately 6,800sqm within proposed Lot 1 for logistics and warehousing purposes including:
 - associated office floorspace at 400sqm
 - vehicle loading and parking areas
 - signage; and
 - hours of operation of 24 hours a day, 7 days a week;
- Staged construction and use of a warehouse (Warehouse 2) of approximately 13,388sqm within proposed Lot 2 for logistics and warehousing purposes including:
 - associated office floorspace at 550sqm
 - vehicle loading and parking areas
 - signage; and
 - hours of operation of 24 hours a day, 7 days a week; and
- Construction of interim Mamre Road widening works to facilitate temporary access to the development, in accordance with TfNSW specifications and processes

3.4 Further Assessment Undertaken

In response to the submissions received as well as the design refinements and amendments made, further assessment of the impact of the Proposal has been undertaken with the following amended documents provided:

- Revised Architectural Drawings Package prepared by Watch This Space Design (**Appendix A**);
- Revised Landscape Drawings prepared by Geoscapes (**Appendix B**);
- Revised Civil Engineering Plans prepared by AT&L (**Appendix C**);
- Revised Visual Impact Assessment Report prepared by Geoscapes (**Appendix D**);
- Revised Biodiversity Assessment prepared by ecologique (**Appendix E**);
- Revised Noise Impact Assessment prepared by RWDI Consulting (**Appendix F**);
- Revised Air Quality Assessment prepared by RWDI Consulting (**Appendix P**); and
- TMAP Addendum prepared by Ason Group (**Appendix EE**).

The results and findings of the further impact assessment undertaken is outlined in **Section 4.0** below.

4.0 Response to Submissions

This section provides a detailed summary of the Applicant's response to the matters raised in submissions received. The Applicant's responses are provided in the following sections and have been structured as follows:

- Department of Planning and Environment (**Table 5**);
- Penrith City Council (**Table 7**);
- Government Agencies (**Table 8**); and
- Organisations (**Table 9**).

4.1 Department of Planning and Environment

The Applicant's response to the Department of Planning and Environment's (now DPHI's) 'Additional Matters for Response to Submissions Report' dated 2 August 2023 are outlined in **Table 5** below.

Table 5 Response to Department of Planning and Environment (now DPHI) Comments

Summary of Matters Raised	Responses
Environmental Impact Statement	
<p>Provide further consideration of how the development promotes the orderly and economic use and development of land, in accordance with the Objects of the Environmental Planning and Assessment Act 1979, with particular regard to how the remainder of 799-803 Mamre Road (Lot 2001 DP 1036837) will be developed in future and ensure long-term access, including:</p> <ul style="list-style-type: none"> The zoning of the land and intended land use identified in the Mamre Road Precinct Structure Plan How long-term access to all parts of the site will be achieved, with regard to the road network plan in the Mamre Road Precinct Development Control Plan (MRP DCP) Evidence of consultation with the landowner of Lot 2001 DP 1036837 on how orderly development can be achieved on the land Potential for the land to be integrated in future with the proposed development or current proposals for land to the north. 	<p>The proposed development promotes the orderly and economic use and development of land as:</p> <ul style="list-style-type: none"> The development realises an outcome contemplated by the statutory planning controls The proposed development is consistent with the structure plan in the Mamre Road DCP The proposed development responds to strong demand for warehousing and logistics capacity in Greater Sydney <p>With regard to 799-803 Mamre Road, the site is similarly identified for industrial uses and is bisected by a riparian buffer zone. The proposed development at 805-817 Mamre Road does not inhibit future development on this site in accordance with the structure plan or land use controls. The 799-803 site has an existing frontage to Mamre Road, which is suitable for interim access, for which this proposal is providing for. Long term access to the site would be available through the DCP proposed road network via the internal Collector Industrial Road, an adjoining part of which the proposed development includes. The 799-803 site could connect to this collector road at the north and south. The levels of the proposed collector road through the 805-817 Mamre Road site has been refined to ensure that a seamless connection can be made to a future carriageway traversing 799-803 Mamre Road noting works to be carried out on that site are unknown. An approximate road alignment and levels has been shown in civil plans which aligns with work further north on the GPT site and to land in the south (819-843 Mamre Road).</p> <p>Evidence of consultation with the landowner has been included at Appendix G.</p>
<p>Describe the relationship of the development to the unauthorised use and earthworks on Lot 2001 DP 1036837 and any implications for the proposed construction works.</p>	<p>The only relationship that Gibb Group have to the adjoining Lot 2001 DP 1036837 is for the undertaking of works within the scope of this SSDA, as outlined in the Revised Civil Engineering Plans at Appendix C. Gibb Group have no relationship with Lot 2001 besides these works, with no previous or future works to be undertaken on the adjoining lot. Owners consent for the works proposed under this SSDA has been provided.</p>
<p>The external container storage for Warehouse 1 is not supported in the proposed location due to its visibility from public roads and open space. Provide further details on what is proposed to be stored and how the outdoor container storage responds to section 4.2.6 of the MRP DCP.</p>	<p>The proposed external container storage has been removed from the proposal in response to this comment.</p>

Summary of Matters Raised

Responses

The MRP DCP identifies an open space edge road (the edge road) within the site that is to adjoin the RE1 zoned land. Further information is required to justify the proposed relocation of this road, including:

- Respond to the issues raised by Penrith City Council in their comments on the EIS
- Describe how the road location is consistent with the objectives of the RE1 zone and clarify implications for the acquisition of this land as identified under State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP)
- Demonstrate how the proposed relocation of the edge road satisfies Control 7 of Section 3.4.1 of the MRP DCP
- Provide evidence of consultation with adjoining landowners that will be impacted by the realignment of the edge road that clearly demonstrates acknowledgement of any implications for future development of those particular properties
- Provide details on the timing and delivery of this road
- Provide detailed design drawings that are consistent with Table 9 and Figure 16 of the MRP DCP.

- Responses to the issues raised by Penrith City Council in their comments on the EIS are provided for at **Section 4.2, Table 7**.
- It is noted that the location of the OSER, as amended in response to the submissions received and detailed within the Civil Engineering Drawings, is a direct reflection of the intended edge road location within the Road Network Hierarchy Map in the Mamre Road DCP. The use of RE1 zoned land for the provision of part of the proposed road corridor (being the verge and footpath elements, noting the jagged zoning boundary) is permitted with consent under the Industry and Employment SEPP Chapter 2, which is applicable to the eastern half of the site inclusive of the RE1 zoned land to be dedicated for the OSER. The proposed road is consistent with the objectives of Industry and Employment SEPP in that it provides land for the development of services and facilities by public authorities for the benefit of the community.
- The proposed location of the edge road is generally consistent with the Road Network Hierarchy Map in the Mamre Road DCP. Compliance with Control 7 of Section 3.4.1 is achieved as:
 - The proposed location will not detrimentally impact on access to adjoining properties;
 - The proposed arrangement provides for the management of stormwater to drain to the trunk drainage network without negative impacts on other properties;
 - The proposed arrangement will not impede the orderly development of adjoining properties in accordance with the Structure Plan and the DCP;
 - The proposed location does not restrict the ability to provide water, sewer, electricity and other essential services to adjoining properties; and
 - No adjoining landowners are affected.
- Evidence of the consultation with adjoining landowners has been provided at **Appendix G**.
- The construction of the OSER to final standard is proposed as such to enable use by Sydney Water for access to stormwater infrastructure and fire access. The road will remain in private ownership until such time that it can be dedicated when it can connect with the relevant adjoining properties to the north or south of the site.
- The OSER corridor is situated predominantly within the IN1 zoned land, though due to the uneven nature of the zone boundary, does overlap with RE1 zoned land. Importantly, the entirety of the carriageway remains on IN1 zoned land, with only the footpath and verge selectively located within the RE1 land.
- Design of the OSER has been provided as part of the Revised Civil Engineering package at **Appendix C**.
- Detailed design drawings that are consistent with Table 9 and Figure 16 of the MRP DCP are available at Drawing Number 21-894-C1005 of the Revised Civil Engineering Package available at

Appendix C and is reproduced in **Figure 1** below.

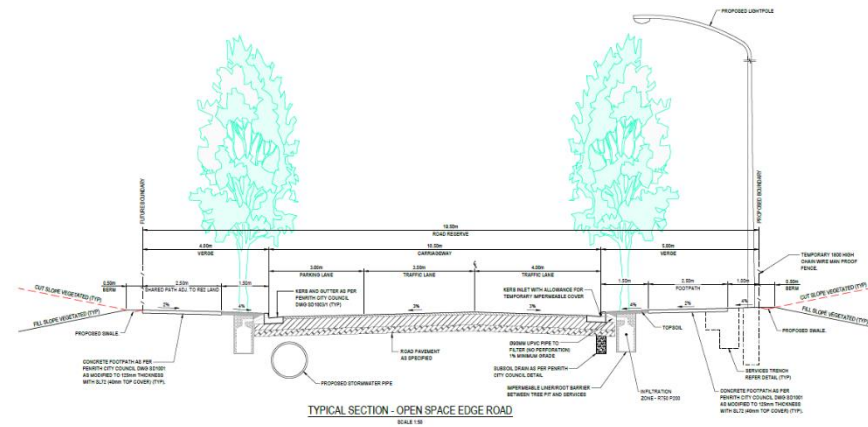


Figure 1 Typical section – OSER

Source: AT&L

Provide further consideration of alternatives for the location of the proposed wetland and storage pond within the RE1 zoned land, including:

- address the concerns raised by Council in their comments on the EIS
 - permissibility of these works in the zone and consistency with the RE1 zone objectives. It is considered that these works do not adequately meet the definition of ‘environmental protection works’, as the primary reason for their construction is as stormwater management measures that service the proposed development, rather than ongoing measures to rehabilitate or protect land.
 - implications for the mapped acquisition of this land as identified under the Industry and Employment SEPP
 - provide details of how this land will be rehabilitated once the interim stormwater measures are no longer required
 - consideration of how the development interacts with the planned regional stormwater infrastructure under the MRP Scheme Plan (Sydney Water) and whether some of the regional infrastructure identified within the site could be delivered as an alternative to the proposed temporary wetland and pond.
- The concerns raised by Penrith City Council in their comments on the EIS have been considered and addressed in **Section 4.2, Table 7** of this document.
 - Following further detailed consultation with Sydney Water and the Department, the proposal has been updated to relocate the wetland and storage pond to the ENZ zoned land instead of the RE1 zoned land. The location of the proposed wetland area is now in alignment with the proposed location of the future Basin 7 of the Sydney Water Regional Scheme. This addresses the concerns of Council over access and management of the land and facilitates the realisation of part of Sydney Water’s long term stormwater management strategy. It is the intention of Gibb Group to deliver this part of the basins for Sydney Water in this location. This change is discussed further in **Section 3.2** and is detailed in the Revised Civil Engineering Plan at **Appendix C**.
 - There are no further implications for the mapped acquisition of this land as identified under the Industry and Employment SEPP. It is understood a SEPP amendment is being explored by the DPHI at present.
 - The land will not require rehabilitation as the updated stormwater solution has been drafted in alignment with Sydney Water’s future proposed MRP Scheme Plan.
 - The wetland aligns with Sydney Water’s MRP Scheme Plan, specifically with the proposed harvesting pond and bioretention to the south of the proposed water management solution on the site. This will enable the stormwater infrastructure to ultimately form part of the longer term solution for the site as opposed to an interim solution either in the RE1 or IN1 zone. For further detail see sheet 4, drawing number 21-894-C1003 at the Revised Civil Engineering Package available at **Appendix C**.

Summary of Matters Raised	Responses
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<p>Provide an indicative timeframe for the construction works of the development.</p>	<p>Construction is intended to commence in later in 2025 following approval of the application. It is expected the construction timeline will be approximately 2 years.</p>
<p>Provide plans and details that demonstrate how the land and riparian corridor within the temporary access road location will be rehabilitated once the road is removed and the trunk drainage channel delivered in this area.</p>	<p>Decommissioning plans have been prepared. Refer to drawings C1401-C1403 of Appendix C. Landscape decommissioning plans have also been prepared and submitted with this RTS.</p> <p>A draft condition for inclusion has been provided below to assist DPHI:</p> <p><i>X.X Removal of Temporary Access Road</i></p> <p><i>Within six months of the completion of a link between the proposed industrial collector road and the wider public road network that enables access to Mamre Road, the Applicant must commence the decommissioning and removal of the temporary access road in accordance with the approved decommissioning plans. The decommissioning is to take no longer than six months, or a suitable timeframe agreed with the Planning Secretary.</i></p> <p>The amended Civil Engineering Package includes plans for the Trunk Drainage Channel to be delivered for the stormwater management solution, instead of at a later stage after the decommissioning of the temporary access road.</p> <p>A plan with additional details demonstrating the rehabilitation strategy for the land upon the decommissioning of the temporary access road has prepared. Refer to drawings C1401-C1403 at the Revised Civil Engineering Plan at Appendix C.</p>

MRP DCP Compliance	
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<p>The retaining wall for Lot 2 must be amended in order to comply with the height and setback controls of section 4.4.1 of MRP DCP.</p>	<p>All retaining walls have been reviewed and adjusted and are now less than 2.0m in height and comply with the setback controls of Section 4.4.1 of MRP DCP noting the Lot 2 wall has been adjusted to be a retaining wall below ground and battering provided to hide the wall and enable planting. Refer drawings at Appendix C.</p>
<p>Further consideration must be given to improvements to the design and appearance of the development to address the requirements of the MRP DCP more appropriately, including:</p> <ul style="list-style-type: none"> Section 3.2 - Responding to view corridors to Wianamatta-South Creek, visual connections with the blue-green network (including RE1 zoned areas) and high-quality landscaping to Mamre Road Section 4.2.5 – Investigate opportunities to improve materials, colours, articulation to street frontages and open space that enhance the appearance of that façade screening of tanks, pump rooms and storage areas facing roads and open space areas (section 4.2.6). 	<ul style="list-style-type: none"> The Visual Assessment Report in the original lodgement package SSD-30871587 addresses the view corridors, explaining that the proposed development is outside of the view corridors as outlined in Figure 10 of the MRP DCP. Notwithstanding this, it is noted that the topography of the subject site and façade near Mamre Road does not permit a visual connection with Wianamatta-South Creek. The blue-green grid, as discussed in Section 2.2.1 of the MRP DCP is inclusive of riparian corridors, native vegetation on public and private lands, aquatic ecosystems, and areas of open space for active and passive recreation. The blue-green network is inclusive of the RE1 zoned land that fronts Mamre Road and has influenced the size and setback of Warehouse 1, allowing for a high degree of screening to motorists travelling southbound on approach to the site. Watch This Space Design and Geoscapes have provided for landscaping details within the Architectural (Appendix A) and Landscape (Appendix B) Drawings Packages, inclusive of the landscape setback, landscaping area, and 3D view inclusive of landscaping details. The total landscape area provided within the site area is 13,114sqm.

Summary of Matters Raised

Responses

- The updated Architectural (**Appendix A**) and Landscape (**Appendix B**) Drawings Packages have added screening to the rainwater tank with finish details of materials and colours detailed at Architectural drawing number SSDA-13. The amended Architectural Plans have also provided screening for the fire tanks and pump house located at Warehouse 1, closest to Mamre Road and the RE1 zone at the eastern side of the site.

Provide further detail on how each proposed warehouse achieves the controls of section 4.2.4 of the MRP DCP, with regard to the provision of communal areas for employees. This includes sufficient area, outlook, embellishment and solar access.

The Revised Architectural Drawings Package available at **Appendix A**, demonstrates the amendments made to the outdoor communal areas for employees. The outdoor breakout area for employees provided at the ground floor of Warehouse/Office 1 has been increased in size, with the bicycle parking area relocated to allow for a larger breakout area. Additionally, the outdoor breakout area provided for employees at the ground floor of Warehouse/Office 2 has been increased, with the rain water tank being relocated to the west of the breakout area to allow for an increase in size.

Confirm whether any signage will be illuminated and provide an assessment against the relevant provisions of Chapter 4 of the Industry and Employment SEPP and section 4.2.8 of the MRP DCP.

The pylon sign is to be internally illuminated. A full assessment against the requirements of the IE SEPP and MRP DCP are included in **Appendix H**.

Provide lighting details in accordance with section 4.2.10 of MRP DCP.

The Concept Lighting Design Report has been prepared by LCI (**Appendix H**) detailing the techniques and design elements of lighting details from the proposal that meet the criteria as established in Section 4.2.10. Consistency with the MRP DCP is detailed in **Appendix I**.

Civil Report and Plans

Clarify whether the proposed deceleration lane on Mamre Road will impact/be impacted by the intersection and road upgrade works on Mamre Road to be undertaken as part of the Aspect Industrial Estate (SSD-10448).

Following comments received from DPHI and TfNSW, a deceleration lane is no longer proposed, and instead an extent of road widening to connect the adjoining Aspect Industrial Estate (on the eastern side of Mamre Road) to the intersection, alongside associated road upgrade works are proposed (in order to avoid redundant works). This alternative arrangement has been endorsed in principle by TfNSW and is detailed at the 'Response to DPHI' Letter at **Appendix J**.

Clarify how access to the site would be achieved if the planned Mamre Road Stage 2 upgrades are undertaken along the frontage of the site prior to long-term access being available via the internal collector road to the north/south of the site.

Noting the above change, the interim access will not rely on a deceleration lane and will be constructed with road widening works completed along the Mamre Road frontage.

As requested by Council, confirm the collector road within the site aligns with the location in the MRP DCP and will tie in with adjoining properties.

AT&L confirms the Collector Road aligns with the MRP DCP. The road continuation for the Open Space Edge Road and Industrial Collector Road is included within the Civil documents to reflect Figure 12 of the DCP. Refer drawings C1003 & C1042 of the Civil Engineering plans at **Appendix C**.

Include a temporary turning head at the end of the collector road within the site or justify why it is not required.

A temporary cul-de-sac has been provided at the southern extent of the Industrial Collector Road. Refer drawing C1093 at **Appendix C**. The road network is designed for 30m Performance Based Standards (PBS) Level 2 Type B vehicles.

With regard to the swept path diagrams provided as part of the civil plans, clarify if there will be any safety risks relating to the overlap of paths for heavy vehicles entering and exiting both warehouse lots.

Swept paths have been amended to ensure no overlap of opposing vehicles. Refer drawings C1090 - C1094 in the Revised Civil Engineering Plans at **Appendix C**.

Summary of Matters Raised	Responses
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<p>Confirm whether the high flow discharge pipe along southern boundary will impact on the mapped regional infrastructure in the MRP stormwater scheme plan (Sydney Water).</p>	<p>The high flow discharge pipe along the southern boundary is in accordance with Mamre Road Precinct Integrated Stormwater Scheme Plan.</p>
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<p>Detail how the trunk drainage channel design is consistent with the Draft Stormwater Scheme Infrastructure Design Guideline (Sydney Water).</p>	<p>Refer to Section 3.2 of the Water and Stormwater Management Plan prepared by AT&L at Appendix L.</p> <p>Additionally, it noted Sydney Water included the following comment '<i>The proposed development does not require any trunk drainage. However, an existing Strahler 2 waterway, which will connect to the Regional Stormwater Scheme, is present on site</i>'.</p> <p>The stormwater design has been amended to reflect the consultation carried out with Sydney Water and Council in terms of interface management along the western side of the industrial land to the ENZ land.</p>
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Water Cycle Management Strategy	
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<p>Section 2.4 of the MRP DCP requires that development does not adversely impact soil salinity or sodic soils and balances the needs of groundwater dependent ecosystems. The Water Cycle Management Strategy refers to the Geotechnical Investigation Report prepared by Geo-Logix, which does not directly confirm that the proposed stormwater infrastructure will have any impacts or whether any specific mitigation measures will be required. Please provide further information that confirms all parts of the proposed development will not adversely impact soil salinity or sodic soils and shall balance the needs of groundwater dependent ecosystems.</p>	<p>The development does not adversely impact the soil salinity or sodic soils. Refer to the Erosion and Sediment Control Plan at Appendix R.</p>
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<p>Section 7.2 of the Water Cycle Management Strategy states that the ultimate arrangement will be implemented without modification to any development approval in place. Please provide further detail on how this will be achieved and how any temporary measures are intended to be decommissioned.</p>	<p>Refer to Section 5.3.3 of the Water and Stormwater Management Plan prepared by ATL at Appendix L. Prior to delivery of the precinct-wide reticulated recycled water system, an interim irrigation system will be required to satisfy the stormwater flow volume targets. The system would need to irrigate an area of approximately 0.5ha (assuming an irrigation rate of 6 ML/ha/year). The irrigation system would be owned and operated by the project proponent and would be decommissioned upon completion of the regional recycled water scheme infrastructure, which will ultimately draw harvested stormwater from the storage pond for reuse across the Mamre Road Precinct. This system would be decommissioned when the ultimate Sydney Water Basin 7 extents are completed by Sydney Water and the RE1 zoned land handed over to Council.</p>
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Landscaping	
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<p>Section 4.2.3 of the MRP DCP requires 10% tree canopy excluding public roads and any non-industrial land. Please confirm that the canopy cover calculation provided in the landscaping plans does not include tree canopy on non-industrial land.</p>	<p>The proposal provides for 10% tree canopy on lot (excluding RE1, public roads and ENZ areas) and this compliance is demonstrated on plan LDA-01a in the Revised Landscape Drawings at Appendix B.</p>
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Summary of Matters Raised	Responses
Clarify the areas that were included in the calculation of site permeability in accordance with section 4.2.3 of the MRP DCP.	In terms of the site permeability, the site area includes the site boundary excluding the Collector Road and Mamre Road widening. The proposal provides for 22.2% permeability (refer to the Revised Landscape Drawings at Appendix B).
Tree planting within car park areas must be provided at a rate in accordance with section 4.2.3 of the MRP DCP.	Where possible trees have been incorporated into the car park areas at a rate of 1:10. Due to bushfire constraints trees are not able to be planted in blisters that are adjacent to the building to maintain required clearance from vegetation.
Confirm proposed landscaping species are consistent with the species list at Appendix C of the MRP DCP.	Landscaping species are generally consistent with Appendix C of the MRP DCP. However, some other species have been selected for variety. Only a small number of trees have been selected which are not within Appendix C. These include Pyrus, Cupaniopsis and Tristaniopsis which are planted in groups of no more than 3 and are separated by at least 50 – 100m. Some shrubs and groundcovers are also not within Appendix C however, these have been used on other projects within the precinct that have been recently approved. Species selected within the RE1 Riparian Zone have been advised by the project ecologist.
Provide details of proposed street tree planting.	Street tree planting is shown on LDA-01a, LDA-02, LDA-03, LDA-04 and LDA-08 in the Revised Landscape Plans at Appendix B .
Noise	
Clarify how the Noise Impact Assessment (NIA) responds to the noise requirements of the additional SEARs issued 25 March 2022.	The Revised Noise and Vibration Impact Assessment (Appendix F) has been updated to reference the March 2022 SEARs.
Section 5.2 of the NIA states that exact usage of the warehouse facilities are not yet known. However, as there is an identified tenant for both proposed warehouses, the particular fit out and operational features of the buildings and use of the site should be considered in the assessment.	The Revised Noise and Vibration Impact Assessment (Appendix F) has been updated to reflect the identified tenant for the site.
Clarify if the modelling undertaken considered shielding from the awnings above the loading dock areas, as well as noise sources relating to the proposed external container storage.	Modelling has included shielding from the awnings. The proposed external container storage has been removed from the proposal.
Identify the main contributor of noise from the development (i.e. mechanical plant vs trucks arriving and departing the site etc).	For residents within the Mamre Road Precinct, truck movements are the main contributor to noise levels. For residents outside of the Precinct, where levels are low, noise is a combination of rooftop mechanical plant and truck movements.
Include consideration of mitigation measures that could reduce predicted noise at the identified receivers (particularly R18-20).	Section 5.10 of the Updated Noise Impact Assessment at Appendix F discusses additional mitigation. Noise barriers at the boundary could achieve up to 4 dB in noise attenuation for receivers within the Mamre Road Precinct. Noise barriers would not have an appreciable reduction on noise levels at receivers outside of the Mamre Road Precinct (R18-R20). Noise levels at receivers R18-R20 are predicted to be less than 27 dB for all assessment periods, which is already less than measured background noise levels. Further mitigation measures to reduce noise levels would not result in any appreciable benefit at R18-R20.

Summary of Matters Raised	Responses
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Clarify what industrial noise sources were considered as part of the assessment of cumulative noise in section 5.9 of the NIA. Include consideration of the influence of future development on surrounding industrial land, including the impact of hard surfaces replacing undeveloped land.

The cumulative noise assessment in Section 5.9 of the Updated Noise Impact Assessment at **Appendix F** involved considering the predicted noise from the development in relation to the Project Amenity Noise Level, which is the cumulative noise mechanism of the Noise Policy for Industry 2017 (NPfI). This section demonstrates that because of the low predicted noise levels, noise from the development would not have any significant influence on the ultimate allowable cumulative noise from the Mamre Road Precinct.

The development is located on the western boundary of the Precinct, with significant separation distance to the residential receivers outside of the Precinct. A significant portion of land in the western part of the subject site will not be developed and remain as soft ground (or as part of the stormwater management scheme). Future development on industrial land and the conversion of soft ground to hard ground would result in increased noise levels, however the increase would be limited to the relevant recommended amenity noise level of the NPfI. As demonstrated in Section 5.9 of **Appendix F**, noise from the development would not be a significant factor in cumulative noise exceeding the NPfI's amenity noise level.

Flooding	
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Clearly describe how the construction of the open space edge road (OSER) has been assessed as part of the flood impact assessment.

- The construction of the OSER to final standard is proposed able to be utilised by Sydney Water for access to stormwater infrastructure and fire access. This will remain in private ownership until such time that it can be dedicated when it can connect with the relevant adjoining properties to the north or south of the site.
- The OSER corridor is situated predominantly within the IN1 zoned land, though due to the uneven nature of the zone boundary, does overlap with RE1 zoned land. Importantly, the entirety of the carriageway remains on IN1 zoned land, with only the footpath and public domain selectively located within the RE1 land.
- The OSER has now been considered in an updated Flood Impact Risk Assessment (FIRA), as available at **Appendix N**.

Survey	
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Provide the site survey plan that accompanies the cover letter provided at Attachment GG of the EIS.

The Site Survey Plan that accompanies Attachment GG of the EIS is included at **Appendix O**.

Transport Assessment	
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The Secretary's Environmental Assessment Requirements (SEARs) issued for this project requested:

- *"an assessment of the predicted impacts of this traffic on road safety and the capacity of the road network, including consideration of cumulative traffic impacts on existing performance levels of nearby intersections"* and

For the midblock capacity of Mamre Road, analysis to support the Proposal has been completed having consideration to the approved developments and demonstrates:

- The midblock operation of Mamre Road, will operate below the 1,400veh/hr LoS E threshold. Notwithstanding this, it is noted that:
 - There are multiple examples of midblock flows within Western Sydney and Sydney more generally with flows above the midblock thresholds nominated in the RTA Guide.

Summary of Matters Raised

- *“A key consideration in the Mamre Road Precinct is the capacity of the regional and local road network (namely Mamre Road, Aldington Road and Abbotts Road) to safely accommodate the number of developments in the precinct and to ensure the functionality of the roads and associate intersections are maintained at an acceptable standard and level of performance. Your project needs to adequately assess and demonstrate both construction and operational traffic, on these regional and local roads, can be accommodated to ensure safety, functionality and performance is maintained to acceptable standards.”*

These requirements were included given the number of active development applications in close proximity to your site and the constrained capacity of the existing road network. The TMAP does not consider mid-block capacity of Mamre Road, nor all or proposed approved developments in the precinct. It is not clear from the submitted TMAP whether traffic from the proposed development can be safely and efficiently accommodated on Mamre Road, with other approved developments in the precinct.

The Department requests you provide an updated TMAP that clearly addresses the SEARs. Please provide the updated TMAP as part of your Response to Submissions Report.

Responses

- Transport planning principles are predicated on route choice of road users, that consider prevailing road network conditions and adapt driving behaviour and route choice assumptions in response to these conditions. Therefore, it is wholly reasonable to expect that there will be some redistribution of background traffic due to the delays associated with the Stage 1 roadworks, regardless of what is occurring in the MRP itself.
- The access arrangements for the Proposal will also increase the midblock capacity from the AIE signalised intersection being delivered, by extending the second northbound lane for 330m past the Site itself. Therefore, while the Proposal itself does not warrant the duplication of Mamre Road, it will provide a benefit to network operation in the vicinity of the Site. Notwithstanding, this upgrade work is now being progressed by TfNSW
- With consideration to the Mamre Road Stage 2 project, the timing for delivery is also unable to be reasonably affected by the proponent. However, it is expected that should all the developments currently approved actually be realised in advance of the upgrade, that it would not be for an extended period. With the alternative routes available for redistribution of through traffic, it is not anticipated that the midblock capacity of Mamre Road would operate above the thresholds acceptable for this location on the basis of the analysis undertaken for this assessment. Notwithstanding, the proposal includes delivery of part of the Mamre Road Upgrade.
- Following assessment of the revised masterplan, the following conclusions are drawn:
 - The design retains the same warehouse functionality and circulation, with a revised swept path analysis included to validate the revised masterplan.
 - The masterplan maintains sufficient parking provision in compliance with the Mamre Road Precinct Development Control Plan.
 - The current proposal generates slightly less traffic than the original scheme assessed under the TMAP as a consequence of reduced overall gross floor area.
 - Indeed, under the new large-format warehouse trip rates published in the TfNSW Guide to Transport Impact Assessments, the proposal would generate only 30 vehicle trips per hour during network peak periods.
 - Notwithstanding, traffic impacts remain well accounted for noting that LOG-E network improvements (2026) are informed by the adoption of higher Mamre Road Precinct trip rates for the site.

Air Quality Impact Assessment

The Secretary's Environmental Assessment Requirements (SEARs) issued for this project requested that the EIS:

- *“Identify significant air emission sources at the proposed development (during construction and operation), assess their potential to cause adverse off-site impacts, and detail proposed management and mitigation measures that would be implemented”* and
- *“Provide an assessment of the cumulative impacts (including noise, air quality and traffic) of the project and other approved and proposed*

A Revised Air Quality Impact Assessment (AQIA) has been prepared by RWDI at **Appendix P**.

- RWDI performed the site inspection on May 09, 2024, and identified the location of the sensitive receptors and other details as requested.
- Locations of sensitive receptors are identified in the appendices of the AQIA, where it shows a table with locations of sensitive receptors and their distances from the site.
- Section 5 of **Appendix P** has been revised to include cumulative impacts from other concurrent construction projects.

Summary of Matters Raised

developments in accordance with the Cumulative Impact Assessment Guidelines for State Significant Projects (DPIE, July 2021)".

These requirements reflect the need to consider the number of active development applications in close proximity to your site and the scale of earthworks proposed. The AQIA provided as part of the EIS is not considered sufficient to address the air quality impacts of the development, particularly the construction works.

The Department requests you provide an updated AQIA that clearly addresses the SEARs and the issues identified in **Attachment 1**. Please provide the updated AQIA as part of your Response to Submissions report.

Attachment 1

- The AQIA must confirm that a site inspection has been undertaken to verify the location of sensitive receivers, understand the terrain and contextualise the proposed earthworks. The project description must explain the volume of material moved during earthworks, the type and number of equipment used, and the duration of works.
- The AQIA must identify each sensitive receiver likely to be impacted, including existing residential receivers within the Mamre Road Precinct. The receivers should be shown clearly on a map and distances stated. This should also be presented in the context of other current and proposed construction projects, as receivers are likely to be impacted by more than one project.
- The AQIA must consider other concurrent construction projects in the precinct (cumulative impacts) and identify receivers that may be impacted by multiple projects.
- The UK IAQM risk-based method used to consider construction impacts in the AQIA is not appropriate for the scale of earthworks proposed, the proximity to sensitive receivers and the cumulative construction works across the precinct. To be consistent with the SEARs a quantitative air quality assessment is needed that includes emissions estimates and dispersion modelling for particulates via a model, such as AERMOD, that includes both annual average and maximum 24-hour average predicted concentrations (PM₁₀ and PM_{2.5}) and comparison against air quality criteria. If exceedances of criteria are identified, further meteorological analysis should be undertaken and consideration should be given to staging the earthworks to minimise impacts on receivers.
- A Trigger Action Response Plan (TARP) should be developed and included in the AQIA. The TARP should be tailored to address the air quality impacts identified in the quantitative assessment. The AQIA included only generic mitigation measures listed in the IAQM and are not site-specific or tailored to the outcomes of the assessment.

Responses

- Section 5 of **Appendix P** has been revised to include emissions estimates and dispersion modelling for particulates using AERMOD.
- Section 7.2 of **Appendix P** includes a Trigger Action Response Plan (TARP), which addresses the air quality impacts identified in the quantitative assessment.

4.1.1 Additional comments (October 2024)

As part of a preliminary review of the RTS package, DPHI provided a series of additional comments for consideration. These are addressed in **Table 6** below.

Table 6 Response to DPHI Preliminary Review Comments

Summary of Matters Raised	Responses
Description of development to include works in Mamre Road	
Please update the description of the development to clarify that works are proposed within Mamre Road, including a left in left out intersection	The description of development has been updated accordingly.
Please update civil plans, neighbours access, and the following reports NIA (construction noise), traffic, air, ACHAR and biodiversity to include the above description of development	The description of development has been updated in the identified reports.
Access to Mamre Road	
It is noted that the Civil plans show road works within the Mamre Road and site as tentative and subject to a WAD approval. All proposed road works need to be included in this SSDA including detailed plans and all relevant environmental assessments	The RTS package has been updated to include and assess works within the Mamre Road corridor, as noted above. This has been the subject of substantial consultation with TfNSW.
Open Space Edge Road – delivery, relocation into RE1, interface with development	
The proposal includes dedication of land to Council for them to deliver open space edge road in future. The Department notes the edge road is not part of 7.11 plan. The intent of DCP is for the edge road to be delivered as part of developments and within IN1 zoned land.	Extensive additional consultation has been undertaken with Penrith Council and Sydney Water on the location and operation of the open space edge road and adjacent stormwater infrastructure. These changes have been generally agreed between parties and are reflected in the updated RTS pack. Key changes include:
Council has recently provided a further response in relation to the siting of the edge road, including the following points:	<ul style="list-style-type: none"> • Realignment of the now private open space edge road to reduce imposition into narrow RE1 corridor (beyond verge and footpath). • Delivery of a private road within the future road reserve able to be utilised by Sydney Water for access to stormwater infrastructure. • Amendments to proposed stormwater infrastructure to minimise imposition of infrastructure on future Council land.
<ul style="list-style-type: none"> • Realignment of the open space edge road for this SSD would require the entire road corridor to be revised. This is inconsistent with the Mamre Road DCP, which clearly depicts the road to be located on individual development sites (figure 12). 	
<ul style="list-style-type: none"> • The open space corridor is already narrow in certain sections and will be further impacted by Sydney Water’s stormwater infrastructure. Realignment of the road would further erode the quantity and quality of the open space corridor and would create awkward and disconnected pockets of open space. 	
<ul style="list-style-type: none"> • The open space edge road is not infrastructure nominated in the Mamre Road Precinct Contributions Plan, which means Council does not have a means to fund the works. 	

Summary of Matters Raised

Responses

- The Industry and Employment SEPP identifies Council as the acquisition authority for RE1 zoned land for the purpose of local open space. Further, the Mamre Road Contributions Plan collects funds for the acquisition of the RE1 zoned land and associated landscaping embellishments. It is our opinion that Council cannot lawfully acquire this land for a purpose other than what is identified in the SEPP or contributions plan.

- If the road corridor is moved onto RE1 zoned land, the Industry and Employment SEPP would need to be amended to remove Council as the acquisition authority for this land. In this scenario, we would reconsider our role as acquisition authority for the remaining RE1 corridor. It is our opinion that Council should not be responsible for acquiring, embellishing or maintaining this land in perpetuity if the integrity of the open space land has been compromised.

The proposed realignment of the open space edge road onto RE1 zoned land instead of IN1 zoned land is not supported by Council. Please amend the proposal to address Council's comments and engage further with Council as required.

Stormwater

The proposed stormwater strategy includes the storage pond and wetland within ENZ land. Please advise how Sydney Water will access this stormwater infrastructure.

Please confirm if the diversion pipe (pink) shown in site to south are 'future works', as per the scheme plan Sydney Water.

The Applicant should consult further with Council regarding the RE1 land and the proposed swale as Council and Sydney Water are preparing a masterplan for the interface between the open space and stormwater infrastructure.

The detailed design of the trunk drainage is not consistently detailed in the RTS package. The civil plans detail the trunk drainage however the landscape plans do not. Please update the RTS package to consistently detail the proposed trunk drainage.

The landscape plans should also be revised to include detailed design for the storage pond and wetlands.

Extensive additional consultation has been undertaken with Penrith Council and Sydney Water on the location and operation of the open space edge road and adjacent stormwater infrastructure. These changes have been generally agreed between parties and are reflected in the updated RTS pack. Key changes include:

- Realignment of the now private open space edge road to reduce imposition into narrow RE1 corridor (beyond verge and footpath).
- Delivery of a private road within the future road reserve able to be utilised by Sydney Water for access to stormwater infrastructure.
- Amendments to proposed stormwater infrastructure to minimise imposition of infrastructure on future Council land.

The landscape plans have been appropriately updated in the revised package.

Development in ENZ

Summary of Matters Raised	Responses
<p>Please clarify whether the flooding report considered infrastructure in flood zone (i.e. basins)</p>	<p>The focus of the flood impact assessment is the re-alignment and re-design of the trunk drainage channel in the north-east corner of the site and the impacts associated. The basins are currently located within the ENZ land below the south creek 1:100-year flood extent and have not been included in the modelling. The design by AT&L will ensure that all works within the South Creek 1:100-year flood extent are within cut only (no filling) to address this requirement in accordance with the Mamre Road DCP.</p>
Biodiversity	
<p>The BDAR must be revised to consider all necessary works within the Mamre Road corridor noting it is CPCP excluded land</p>	<p>The BDAR has been updated to assess the Mamre Road works accordingly at Appendix E.</p>
DCP compliance	
<p>The Applicant is requested to:</p> <ul style="list-style-type: none"> demonstrate 10% tree canopy is proposed on the development lot (excluding public roads and any non-industrial land). The Department notes that 4,918m² tree canopy is proposed which is below the minimum 4,948m² required 	<p>The ultimate tree canopy proposed on the development lot achieves the 10% minimum, at 4,706m². For evidence of compliance see Drawing Number LDA-01a of the Updated Landscape Drawings for TOA.</p> <p>It is to note that the developable area has been revised within the Landscape Drawings (Appendix B) to 47,034m², clarifying that the total tree canopy cover meets the required 10% minimum.</p>
<ul style="list-style-type: none"> demonstrate the proposal is consistent with the requirement for 1 tree per 10 car spaces 	<p>For confirmation see drawing number LDA-01 within the Landscape Drawings (Appendix B).</p>
<ul style="list-style-type: none"> demonstrate how the proposal achieves 15% site area to be pervious surface as per the MRP DCP 	<p>The ultimate permeable area has been calculated to 12,153m², which is 22.2% of the total site area of 54,655m², as per drawing number LDA-01a of the Landscape Drawings (Appendix B).</p>
<ul style="list-style-type: none"> consider the appropriateness of trees proposed within the edge road reserve, noting that these trees cannot be relied upon for the site's landscaping compliance 	<p>Noted.</p> <p>The trees proposed within the edge road reserve have not been relied on for the site's landscaping compliance.</p>
799-803 Mamre Road	
<p>Please provide consideration of impacts to any future development on 799-803 Mamre Road including how ongoing access would be achieved</p>	<p>The site at 799-803 Mamre Road is similarly zoned for industrial uses. The site has an existing frontage to Mamre Road suitable for interim access for which the proposal is providing for. Long term access to the site will be available through the DCP proposed road network via the internal Collector Industrial Road, which will be available to 799-803 Mamre Road in the case of future development. The 799-803 site could connect to this collector road at the north and the south. The levels of the proposed collector road through the 805-817 Mamre Road site has been refined to ensure that a seamless connection can be made to a future carriageway traversing 799-803 Mamre Road noting works to be carried out on that site are unknown. The above-mentioned access pathways can all be utilised by the 799-803 Mamre Road site both in the interim and over the long-term.</p>
Noise	

Summary of Matters Raised

Responses

Please update the NIA to include the rural residential properties located at 930-966 Mamre Road.

This receiver was not included due to the separation distance to the Project site. This receiver has now been added and no noise impacts are expected. See the updated NIA (**Appendix F**) for details of noise compliance.

The NIA identifies operational noise exceedances at night time for sensitive receivers R04-R06 (comprising residential dwellings) ranging from 45 dBA to 55 dBA at nighttime

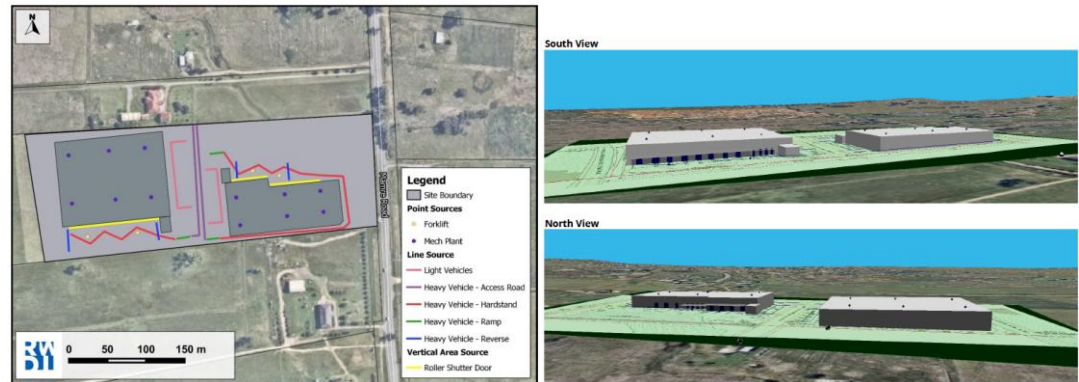
Previous modelling assumed the entire frontage of the warehouses were an emitting vertical area source. This has now been updated to only the roller shutter door areas. Exceedances within the MRP are limited to receivers R04-R09, with levels ranging between 39 dBA to 49 dBA.

The NIA does not consider acoustic mitigation measure as previously requested. The NIA states mitigation is not reasonable or feasible given the above properties are unlikely to be occupied at the time the site commences operation. The Department requests that the Applicant identify and justify all user adjusted variables in the model and demonstrate with screenshots or figures of the 3D model that the following was factored into operational noise levels predicted in the NIA (as per Section 5.1 of the NIA):

Additional mitigation measures were considered under Section 5.10 of the NIA, which identifies that predicted noise levels have not considered noise barriers along the boundary. Noise barriers could be implemented and may reduce exceedance by up to 4 dB within the receivers within the Mamre Road Precinct but will have no reduction on receivers outside the Mamre Road Precinct.

- screening effects from buildings and barriers i.e. proposed awnings and other industrial buildings in the MRP
- ground topography
- ground absorption and atmospheric absorption

Screenshots of the 3D model has been provided at Appendix B of the NIA, and are provided below as evidence of the listed factors being considered in the modelling:



- details of all user parameters should be reported in accordance 3.3 of the NPFI

Section 5.1 of the NIA (**Appendix F**) has been updated to include further details of modelling parameters, identifying that the factors addressed in the modelling are as follows:

- Equipment sound level emissions (in octave bands) and locations
- Screening effects from buildings and barriers
- Receiver locations
- Ground topography
- Noise attenuation due to geometric spreading
- Ground absorption and atmospheric absorption.

Summary of Matters Raised	Responses
<p>The Department does not support section 6.3 out of hours construction – separate approval from the Department would be needed outside of the conditions of consent hours of construction. Please remove this section from the NIA</p>	<p>Noted. This section has been removed from the NIA as requested.</p>
<p>Air Quality Impact Assessment Monitoring</p>	
<p>Please update the AQIA to include real time monitoring with monitor locations informed by modelling of predicted dispersion patterns</p>	<p>Dispersion modelling has been completed using AERMOD. For further details see the updated Air Quality Assessment at Appendix P.</p>
<p>The monitoring location is to include wind speed and direction monitoring</p>	<p>Real time monitoring location has been included in Section 7.2 of Appendix P – three locations are proposed.</p>
<p>The TARP must be updated to include the trigger responses in the event there are exceedances at the monitoring locations</p>	<p>A TARP is included and has been updated to refer to trigger criteria and action responses, including additional TARP elements. Refer to Section 7.3 of Appendix P.</p>

4.2 Penrith City Council

The Applicant's response to Penrith City Council's submission dated 11 December 2023 are outlined in **Table 7** below.

Table 7 Response to Penrith City Council Submission

Summary of Matters Raised	Responses
Planning Considerations	
<p>DPE are requested to carefully consider the proposed staging and delivery of the Open Space Edge Road. This road is shown in the Mamre Road Precinct DCP (Figure 12) and is an important piece of infrastructure to serve the adjoining open space corridor.</p>	<ul style="list-style-type: none"> The construction of the OSER to final design standard is proposed able to be utilised by Sydney Water for access to stormwater infrastructure and fire access. This road will remain in private ownership until such time that it can be dedicated when it can connect with the relevant adjoining properties to the north or south of the site.
<p>The Open Space Edge Road should be delivered as part of the proposed development and detailed engineering plans provided. The applicant should provide information to support their statement that Council has agreed in principle to the road being delivered by others, possibly through contributions or a Planning Agreement. If a Letter of Offer to enter into a Planning Agreement has been made to Council, the applicant should provide DPE with a letter confirming at least in principle support from Council. (Note that Council's City Planning Team have provided further comments about this at the end of this letter).</p>	<ul style="list-style-type: none"> The OSER corridor is situated predominantly within the IN1 zoned land, though due to the uneven nature of the zone boundary, does overlap with RE1 zoned land. Importantly, the entirety of the carriageway remains on IN1 zoned land, with only the footpath and public domain selectively located within the RE1 land. Further details are included in the Revised Civil Engineering package at Appendix C.
<p>The proponent includes an email from Council's Development Assessment Coordinator, dated 07 August 2023, which indicates no objection in principle to the Open Space Edge Road being realigned to be within the RE1 zoned land. This position remains given the previous advice by Council staff. If such a realignment is permitted, DPE should be satisfied that the realigned road will suit the future road alignment on adjoining properties and beyond, to result in the full length of the road being realised as per Figure 12 of the DCP.</p>	<p>Noted.</p> <p>The long section for the Open Space Edge Road concept extends beyond the site limits to Lots 24 (north) and 27 (south) to show how this would, ultimately, be connected. Refer drawings C1003 & C1052. of the Civil Engineering package at Appendix C.</p>
<p>The proponent should also demonstrate that the realignment, particularly road levels, can work having regard to the knock-on implications for adjacent landowners in terms of regrading and earthworks. DPE should be satisfied that the proposed levels for warehouse 2, currently shown as below the proposed level for the Open Space Edge Road and adjoining open space, is satisfactory, given the proposed retaining walls around three boundary edges of the warehouse.</p>	<ul style="list-style-type: none"> The proposal includes the delivery of a private road within the future road reserve able to be utilised by Sydney Water for access to stormwater infrastructure and fire access. This will remain in private ownership until such time that it can be dedicated ahead of the eventual construction of the OSER when it can connect with the relevant adjoining properties to the north or south of the site. As part of these works, earthworks will raise the ground level to match the 38.5 FFL of Warehouse 2 and therefore reduce implications for adjacent landowners for future earthworks to accommodate for the OSER on their site. As fill earthworks are proposed in the area for the private road (the future OSER), increasing the level height to match Warehouse 2, this ensures the retaining wall to the northern boundary will not be exceed the height, and in fact is now buried, with battering to hide this wall and enable planting to occur.

Summary of Matters Raised

Responses

Regarding the local collector road, DPE should be satisfied that this road alignment accords with the DCP structure plan in terms of alignment, location, and width, and will tie in with the adjoining properties as shown in Figure 12 of the DCP.

The road continuation for the Industrial Collector Road and future OSER is included within the Civil documents to reflect Figure 12 of the DCP. Refer to **Appendix C**.

The proposed wetlands are located on land zoned RE1 which are identified as being on land to be dedicated to Council as public open space. Given that the wetland is the applicant's interim stormwater solution, and will ultimately serve the developable industrial land, the stormwater infrastructure should be located on industrial zoned land, not on RE1 land. This could be accommodated by staging the proposed warehouses in a manner that allows the first warehouse to be constructed, with the water management infrastructure located on lot 2, and the second warehouse constructed only after the Sydney Water strategy is adopted and the relevant wetland located as per the adopted strategy (likely within the ENZ zoned land).

The wetland has been relocated to align with the ultimate Sydney Water Basin 7 location within the ENZ zoned land. The intention is for the developer to construct the portion of Basin 7 that resides within their lot. The Sydney Water Basin 7 extents are larger than the required dimensions to achieve the development target reductions for the proposed warehouse development. Sydney Water has provided approval in principle with this proposal which is part of an active Section 73 and Feasibility.

Positioning the wetland/pond on the RE1 zoned land also has implications for the timing of when the RE1 land is made available for public use and dedicated to Council as open space. The proposed positioning of the wetland on RE1 land also has implications for the long-term public use and enjoyment of the open space, particularly considering the objectives of the RE1 zone in the SEPP (Industry and Employment). It is unclear how the proposed wetland is permissible in the RE1 zone using the definition for "environmental protection works" given that the basin is primarily a stormwater detention and treatment basin for the industrial development. It is also unclear how (and by whom) the stormwater infrastructure will be maintained if it is on public open space while serving industrial development. In this regard, Council would be unlikely to have the RE1 land dedicated until such time that the wetlands are decommissioned, and the site restored and rehabilitated.

The wetland has been relocated to align with the ultimate Sydney Water Basin 7 location within the ENZ zoned land. The intention is for the developer to construct the portion of Basin 7 that resides within their lot. The Sydney Water Basin 7 extents are larger than the required dimensions to achieve the development target reductions. Sydney Water has provided approval in principle with this proposal which is part of an active Section 73 and Feasibility.

The dedication of land and maintenance of infrastructure will be resolved via a Letter of Offer and Voluntary Planning Agreement that has been submitted under separate cover.

DPE could consider whether alternatively the wetland/pond should be located within the ENZ land, as this land is part of Sydney Water's regional strategy. The wetland could align with Sydney Water's Scheme Plan.

The wetland has been relocated to align with the ultimate Sydney Water Basin 7 location within the ENZ zoned land. The intention is for the developer to construct the portion of Basin 7 that resides within their lot. The Sydney Water Basin 7 extents are larger than the required dimensions to achieve the development target reductions. Sydney Water has provided approval in principle with this proposal and is part of an active Section 73 and Feasibility.

DPE should liaise with Sydney Water regarding the proposed trunk drainage channel at the front north-eastern corner of the site. The EIS documents state that this trunk drainage channel will be located on RE1 zoned land which is to be dedicated to Council as open space. Given the proposed trunk drainage channel, and that the riparian corridor is shown on Figure 4 of the Mamre Road DCP as a trunk drainage path, DPE should ascertain if Sydney Water would be the most appropriate custodians of this area.

Noted.

Summary of Matters Raised

Responses

In addition, the proposed alignment (straight run) of the trunk drainage / riparian corridor does not appear to be consistent with the DCP, section 2.3 and Sydney Water's requirements for a 'meandering channel' to replicate the natural watercourse. The engineering plans should be amended to reflect these design principles.

Civil engineering drawings at **Appendix C** detail the amended natural 'meandering channel' design of the proposed trunk drainage channel at the north-east of the site. For more detail see drawing number C1003 and C1021 of the Civil Engineering Package.

Compliance of the trunk drainage and riparian corridor with the MRP DCP is included in the Water and Stormwater Management Plan, Section 5.1, available at **Appendix L**.

Additionally, Sydney Water have included the following comment in their RTS submission: *The proposed development does not require any trunk drainage. However, an existing Strahler 2 waterway, which will connect to the Regional Stormwater Scheme, is present on site.*

There is a large extent of retaining wall shown around the northern, southern, and western edges of proposed warehouse 2. The western edge is of particular concern as this facade fronts the Open Space Edge Road and adjoining open space beyond. The DCP requires facades along primary street frontages to strengthen passive surveillance and streetscape character. The DCP also requires retaining walls to be no more than 2m in height adjoining public domain/roads.

Section 5 on C1008 in the Civil Engineering Drawings at **Appendix C** shows that Warehouse 2 is above both the existing levels and the proposed open space road levels and shows a battering outcome. All retaining walls are less than 2.0m in height.

It appears that warehouse 2 will be above the road and open space levels, requiring extensive lengths of retaining walls and not interacting with the adjoining (future) public road. This is a poor outcome. DPE should consider in the first instance whether this is a satisfactory solution and whether the proposed batter adequately reduces the impacts.

Section 5 on C1008 shows that Warehouse 2 is above both the existing levels and the proposed open space road levels. Section 5 further demonstrates that battering is proposed. All retaining walls are less than 2.0m in height.

If this proposed arrangement is acceptable to DPE, the consent authority should also be satisfied that the retaining walls remain mostly screened from public view, and that the landscaped setback between the road and the warehouse lot is adequate to provide vegetation to screen the retaining walls. At a preliminary review, the batter (setback) between the wall and the Open Space Edge Road appears inadequate to accommodate suitable screening vegetation.

This appears to particularly be the case in the north-west corner of the warehouse 2 lot. In this location, at chainage 140, the proposed retaining wall is about 2.42m high. The position of this section of retaining wall would also be highly visible to (future) passing pedestrians and motorists using the Open Space Edge Road. In addition, the retaining wall at chainage 140.00 (on the corner) is positioned close to the northern boundary which would not allow suitable screen planting. DPE should be satisfied that the proposed tree planting along these edges is realistic, and whether the proposed landscaping is adequate to provide a suitable landscape screen and public road interface.

Figure 29, taken from Viewpoint 5, in the Visual Impact Assessment shows the resulting view at both 'Year 0' and 'Year 15'. This demonstrates that the western frontage to the Open Space Edge Road relies heavily on the long-term success

- Retaining walls to the western side of Warehouse 2 have been removed within the Civil design and only remain to part of the northern boundary of Warehouse 2 – with this wall to be buried and battered on top. This will enable allow tree and shrub planting to be incorporated for screening. Refer to plans LDA-02 on the Landscape Design Package (**Appendix B**).
- The private road/future OSER is now shown to be landscaped which will further screen buildings when viewed from Wianamatta South Creek. This is detailed on landscape plans LDA-01, 01a, LDA-02 and LDA-10. Figure 28 (previously Figure 29) of **Appendix B** within the visual impact assessment has been updated to reflect the changes.
- The typical road cross sections of the OSER, at drawing number 21-894-C1005 in the Civil Engineering Drawings at **Appendix C**, includes landscaping within the verge between the end of the batter and the road pavement. The design also details that the cut slope from the batter for Warehouse 2 will be vegetated.

Summary of Matters Raised	Responses
<p>of tree growth, rather than the matter being addressed through the design of the building and development.</p>	
<p>In addition, as shown in part 6 of the Civil Engineering Report, the retaining wall along the northern boundary adjoining warehouse 2 encroaches upon the 2m side setback.</p>	<p>Revised Civil Engineering Plans, as available at Appendix C, detail the cut and fill works to be completed at the northern boundary to introduce a batter and to ensure the retaining wall is now buried and battered on top for additional landscaping – and sits outside of the 2m setback.</p>
<p>DPE should be satisfied that the landscape design is reconciled with the civil design, particularly for stormwater pipes.</p>	<p>Stormwater pipes are now shown on landscape drawings and landscape treatments have been considered with all easements. Refer to the southern boundaries on LDA-02 and LDA-03 shown in the Landscape Plans at Appendix B.</p>
<p>Both offices for each warehouse should be integrated into the warehouses' built form rather than being positioned external to the main building envelope, as required by clause 4.2.5 of the DCP. It is noted that the DCP refers to the office not being a 'tack on' addition.</p>	<p>The architectural plans detail the integration of the Office 1 with Warehouse 1 and Office 2 with Warehouse 2. The re-design has allowed for each office to be internally connected with their corresponding warehouse, allowing personnel to move between the office and warehouse without needing to exit either building. For further detailing of the integration of Office 1 with Warehouse 1, see drawing number SSDA-11, and for further detailing the integration of Office 2 with Warehouse 2 see drawing number SSDA-21 of the Architectural Plans at Appendix A.</p> <p>Additionally, each office façade is to integrate with the warehouse design of the corresponding warehouse, for more detailing see 3D photomontages on drawing number SSDA-34 of the Architectural Plans at Appendix A.</p> <p>The colours and materiality of the finishes, and the overall design of Office 1 and Office 2 have been amended in the Architectural Design Package to ensure that the façades are better integrated with the warehouse design and finishes.</p>
<p>DPE should consider suitable conditions that enable the interim connection from Mamre Road and the private access road to be removed at the appropriate time and the land suitably rehabilitated with landscaping, particularly in the north-western corner of Lot 3 (accommodating warehouse 1). The applicant should provide information relating to the period in which the interim access and private road will be retained, as this has implications for the adjoining RE1 zoned land.</p>	<p>Noted.</p>
<p>DPE are requested to ensure that the proposed Lot 3 (warehouse) provides a suitable area to allow for edge landscaping along the future Mamre Road widening on Lot 5.</p>	<p>A 10m setback from the edge of the 20m future Mamre Road extension has been included as per DCP controls. This has been landscaped with trees, shrubs and ground covers. Refer to LDA-03 of the Landscape Drawings (Appendix B).</p>
<p>Given that car parking areas are proposed fronting the local estate road, DPE should consider whether either the current proposed landscaping is adequate to address this non-compliance, or whether additional landscaping (and/or an increased setback) is required.</p>	<p>The proposed landscape setback as detailed in Appendix B complies with the DCP requirements. Accordingly, the proposed landscaping is considered adequate.</p>

Summary of Matters Raised	Responses
<p>The EIS states that operational noise predictions show that noise levels could exceed the relevant noise emission targets at some residential receivers during the night-time period. DPE should consider whether this is acceptable, given the likely cumulative impacts as further properties are developed for industrial uses.</p>	<p>It is noted that exceedances are only predicted for receivers within the MRP.</p>
<p>Proposed way-finding signage should be reconciled with the landscape plans and ensure that the position of the signage does not impact on trees to be provided as part of the approved landscape design.</p>	<p>Proposed signage included in the architectural plans have been considered and landscaping adjusted to ensure signs are not visually impacted. Refer to the Landscape Plans at Appendix B.</p>
<h3>Development Engineering Considerations</h3>	
<p>Council's Development Engineering Department have reviewed the proposal and have raised the following considerations:</p>	<p>Noted.</p>
<p>The long section of the collector industrial road passing through the site is to be extended beyond the property boundaries, to demonstrate future tie-in with the adjoining developments.</p>	<p>The long section for the Industrial Collector road extends beyond the site limits to Lots 24 (north) and 27 (south), noting delivery of this road on these adjoining lots does not form part of this application. Refer drawings C1003 & C1051 of Appendix C.</p>
<p>Further engineering details of the post-development scenario with respect to decommissioning of the temporary access road to Mamre Road should be provided. Engineering plans/details showing removal of the culverts under this temporary access road and extension of the trunk drainage swale through to the adjoining property could be provided to this extent.</p>	<ul style="list-style-type: none"> Decommissioning plans have been prepared. Refer to drawings C1401 and C1403 at Appendix C. Through discussions with TfNSW, Gibb Group have agreed to extend the culvert under Mamre Road and build it in its ultimate eventual position, rather than building a temporary culvert and further extending it at a later date. The result of this is changes to the drainage swale and the truck draining channel / riparian corridor. Refer to the Civil Engineering Drawings at Appendix C.
<p>The department should provide condition(s) to address this requirement (removal of this temporary access road).</p>	<p>Noted. The Applicant intends to remove the temporary access road on completion of external connections to the road network via the industrial collector road. A draft condition for inclusion in the determination has been provided below:</p> <p><i>X.X Removal of Temporary Access Road</i></p> <p><i>Within six months of the completion of a link between the proposed industrial collector road and the wider public road network that enables access to Mamre Road, the Applicant must commence the decommissioning and removal of the temporary access road in accordance with the approved decommissioning plans. The decommissioning is to take no longer than six months, or a suitable timeframe agreed with the Planning Secretary.</i></p>
<p>Provision needs to be provided on-site for errant vehicles that have entered the site. The use of private development to re-direct public traffic out of the site is not appropriate. A temporary cul-de-sac or other arrangement may need to be negotiated on the adjoining lot to facilitate manoeuvring out of the site in this interim arrangement.</p>	<p>A cul-de-sac has been provided at the southern end of the Industrial Collector Road within the site. Refer drawings C1093 at Appendix C. The road network is designed for 30m Performance Based Standards (PBS) Level 2 Type B vehicles.</p>

Summary of Matters Raised	Responses
<p>The temporary access road is to be tested for a 36.5m PBS Level 3 Type A Vehicle, as this road will be operating functionally as a public road in the interim arrangement. Swept paths for this design vehicle are to be provided demonstrating adequate entry/exit to Mamre Road as well as entry/exit from temporary road onto the collector road.</p>	<p>The proposed interim arrangements are not able to accommodate a 36.5m Level 3 Type A Vehicle. Instead, paths for 30m Performance Based Standards (PBS) Level 2 Type B vehicles has been provided for the internal collector industrial road, as included in the Civil Engineering Drawing package at Appendix C. As per the response below, a draft condition has been proposed to facilitate this outcome.</p>
<p>The trunk drainage swale shall remain in private ownership with maintenance covenants placed over them to the satisfaction of Council. Easements will also be required to benefit upstream land.</p>	<p>Noted.</p>
<h3>Traffic Considerations</h3>	
<p>Council's Traffic Engineers have reviewed the proposal and have raised the following considerations:</p>	<p>Noted.</p>
<p>It is recommended that Interim access will require provision of a deceleration lane off Mamre Road. The proposal should be amended to reflect this, and a further referral issued to Transport for NSW for review, to ensure that their previous issues raised are satisfactorily addressed by this provision.</p>	<p>Following receipt of this comment, in consultation with Transport for NSW, a localised widening of Mamre Road is proposed to fulfil the role of a deceleration lane. Refer to Appendix K.</p>
<p>It is recommended Ason Group liaise with Transport for NSW regarding the proposed interim access arrangements.</p>	<p>Refer above.</p>
<p>Swept path analysis has been provided for the largest vehicle (30m PBS Level 2 Type B vehicle). A condition reflecting this as the largest permitted vehicle to service the development should be considered.</p>	<p>A condition of consent has been drafted below, to be confirmed by DPHI as part of the determination issued:</p> <p>X.X Vehicle size limit</p> <p><i>The operator must limit the size of vehicles accessing the site via the temporary access road to no greater than 30m, equivalent to a Level 2 Type B vehicle. No 36m vehicles may enter the site until such a time that permanent access arrangements are in place.</i></p>
<p>Construction traffic along with the required staging requires conformation at the relevant stage.</p>	<p>Noted.</p>
<h3>Flooding</h3>	
<p>Unfortunately, Council's Floodplain Engineers have been unable to review the proposal during the allocated time. However, if comments are received, Council staff will email the same to DPE separately.</p>	<p>Noted. No comments have been received.</p>
<h3>Environmental Management Considerations</h3>	

Summary of Matters Raised

Responses

A Noise Report prepared by RWDI Australia (dated 25 August 2023, ref 2200333) has been provided. It is noted that there are exceedances of the residential project noise trigger levels for the nearby residential receivers located within the Mamre Road Precinct, but these levels are below the industrial receiver project noise trigger levels. It has been concluded that additional mitigation to resolve the residential project noise trigger levels would be neither feasible nor reasonable as it is expected that the nearby residential receivers would likely be uninhabited or no longer existing at the time of operation of the proposed development.

Noted. RWDI suggests (**Appendix F**) that a proactive approach is taken in determining the status of these residential receivers at the appropriate time through the pre-construction stage.

It is recommended that this assumption be confirmed prior to works commencing on site, and further assessments be undertaken if necessary to ensure that additional contingency mitigation can be prepared in the instance that the nearby residential receivers located within the Mamre Road Precinct remain to occupy these adjacent properties.

A detailed Waste Management Plan prepared by Land and Groundwater Consulting Pty Ltd (dated 25 August 2023, ref Penrith City Council PO Box 60, Penrith NSW 2751 Australia T 4732 7777 F 4732 7958 penrith.city LG2128.01) has been provided along with the development proposal. The Waste Management Plan addresses the demolition, construction, and operational phases of the proposed development. This is satisfactory, subject to conditions of consent.

Noted.

Biodiversity Considerations

The proposed development footprint has been classed as Certified-urban capable as identified in the Cumberland Plain Conservation Plan (CPCP) spatial viewer. The Watercourse and Biodiversity Assessment has concluded that the 'majority of the site is located on biodiversity certified land and does not need an assessment of impacts. Consistency with the Cumberland Plain Conservation Plan (CPCP) Mitigation Measures Guidelines is required for development on urban capable land. The development has been assessed against these and found to be consistent, with the majority of these measures not applicable to the site.'

Noted.

The Watercourse and Biodiversity Assessment states that 'the subject site does not contain any trees that will be retained.' The author states that there are two isolated paddock trees present within the subject site. The development has not been designed to try and retain these trees and incorporate them into the development to demonstrate this mitigation measure has been incorporated. The CPCP mitigation measures asks for 'Retain large trees (including dead trees but excluding noxious weeds) ($\geq 50\text{cm}$ DBH) during precinct planning where possible and avoid impacts to soil within the dripline of these trees during construction.'

The Revised Water and Biodiversity Assessment report (**Appendix E**) prepared by Ecologique notes that the existing trees on the subject land comprise two isolated paddock trees, which do not provide any substantive area of native vegetation or canopy cover and are not $\geq 50\text{cm}$ DBH.

The CPCP mitigation measures are addressed in Table 4-1 'Certified-urban capable land development controls' of **Appendix E**.

Summary of Matters Raised

Responses

As per the objectives of the Mamre Road DCP under Section 4.2.2 Building Setbacks and Section 4.2.3 Landscaping (Point 1 and 5) the development should be designed to retain existing trees where possible. Retaining existing trees can assist with achieving required canopy targets and can reduce costs in landscaping and maintenance of planting more trees. DPE should consider that the development could be designed to try to retain the existing trees which could form part of the landscaping of the site.

The Revised Water and Biodiversity Assessment report (**Appendix E**) prepared by Ecologique notes that existing trees cannot be feasibly retained. The existing trees on the subject land comprise two isolated paddock trees, which do not provide any substantive area of native vegetation or canopy cover.

If the application is to be approved the following consent conditions should include:

Noted.

- Requirement for a qualified and experienced wildlife Ecologist to undertake a pre-clearance survey prior to clearing of trees and supervise clearing of the trees approved to be removed present on the site.
- As per Section 2.2.2 of the Mamre Road DCP A Weed Eradication and Management Plan identify existing weeds, outlining weed control measures methods for control and disposal during and after construction.
- A Vegetation Management Plan should be prepared for the Riparian Corridor and temporary sediment basins.
- A Dam dewatering report or requirement to supervise the dewatering of any standing water that might be present in the watercourse to rescue and relocate any aquatic fauna that may be present.

Waterways Consideration

Prior to determination of the application, the department should ensure that the controls are met in terms of compliance with the stormwater and waterway health targets (for both the construction and operational stages). The department should ensure that the MUSIC modelling has been prepared in accordance with the Technical guidance for achieving Wianamatta South Creek stormwater management targets. At this stage there are several departures from the guidelines.

Refer to Section 6 of the Water & Stormwater Management Plan prepared by ATL at **Appendix L** for the Compliance with the target parameters of the DCP and MUSIC Modelling Toolkit – Wianamatta (NSW DPIE, 2021).

It is recommended that the prior to determination, approval in relation to the trunk drainage / riparian corridor is required from Sydney Water and DPE - Water. Additional information is required to be included on the designs. The designs need to be consistent with the Draft Stormwater Scheme Infrastructure Design Guideline including planting list prepared by Sydney Water. Further, the design should be done in a manner consistent with the relevant DCP controls. It is also suggested that the alignment of the realigned waterway should be designed to reflect the design intent shown on Figure 3-1 in Sydney's Water's guidelines.

Noted. The trunk drainage corridor has been updated to reflect the DCP Section 2.3 and Figure 3-1 in Sydney Waters Guidelines for a "meandering channel". Refer drawings C1003, C1021 & C1064 at **Appendix C**.

The planting schedule/list for the riparian buffer zone – Cumberland river flat forest is available at LDA-09 and the indicative trunk drainage planting schedule, and inactive storage pond & wetland planting are available at drawing number LDA-10 of the Landscape Drawings (**Appendix B**). The planting schedule for the proposal remains consistent with the planting list prepared by Sydney Water, with each plant species

Summary of Matters Raised

Responses

Noting the development includes the restoration of a 2nd order waterway, the proposed changes and embellishment of the riparian corridor will also be subject to approval from DPE – Water in relation to controlled activity requirements. An updated (and detailed) set of engineering and landscaping plans, with updated planting specifications and cross sections, also needs to be provided for review and approval by Sydney Water and the relevant authority, including DPE – Water.

labelled as compliant with the Mamre Road Precinct DCP 2021/Mamre Road Precinct Regional Stormwater Technical Guidelines (Appendix B – Planting Palette).
Compliance of the trunk drainage and riparian corridor with the MRP DCP is included in the in the Water and Stormwater Management Plan, Section 5.1, as available at **Appendix E**.
Additionally, it is noted Sydney Water have included the following comment in their submission: *The proposed development does not require any trunk drainage. However, an existing Strahler 2 waterway, which will connect to the Regional Stormwater Scheme, is present on site.*

The report and plans (and MUSIC modelling) have no reference to the provision of any gross pollutant traps (GPTs). With respect to the GPTs, these should be provided and additional detail (e.g., access arrangements and type) is required on the plans. Further, the GPTs need to be prepared as per the specifications outlined in Sydney Water Technical Design Guidelines.

The proposed GPTs that form part of the WSUD strategy would be managed and maintained by the proponent. An Inspection and Maintenance Plan will be prepared and lodged with the construction certificate for the subdivision works, once final design details and the extent and layout of all proposed water management measures is confirmed. It is anticipated that the Inspection and Maintenance Plan would be prepared using current best practice guidance such as Water sensitive urban design inspection and maintenance guidelines (Penrith City Council, 2020). Refer drawings C1323 & C1344 at **Appendix C**.

Additional details are required on the proposed pond and temporary wetlands. This should include full details including a functional design, cross sections, landscaping plans etc., and include an operation and maintenance manual/s for the infrastructure.

Refer to drawings C1344-C1348 for Basin 7 plan details and C1011 for Sections at **Appendix C**. For details of the wetlands, refer to Section 5.3 of the Stormwater Management Plan prepared by ATL at **Appendix L**.

It is noted that the Stormwater report assumes that rainwater tanks would remain in place following delivery of the regional stormwater management scheme, unless reticulated recycled water is deemed to be a more viable solution for subsequent development beyond the completion of the project. This should be clarified prior to determination, as it is Council staff's understanding that the tanks are to be temporary until connection to the regional infrastructure is available.

On the basis that development will ultimately be serviced by a recycled water scheme, rainwater tanks are not proposed to be incorporated into the development. Refer Table 5 of Water & Stormwater Management Plan prepared by ATL (**Appendix L**).

Passively irrigated street trees should be incorporated into the design of the streets. This can be considered in detail as part of detailed designs. However, a condition should be considered to ensure that prior to completing detailed design the plans must be submitted to Council for review and approval (in the case the roads will be dedicated). It is staff's understanding that they have some reliance in the scheme.

The draft Penrith City Council Passively Irrigated Street Tree Detail for the Mamre Road Precinct has now been included within the landscape set. Refer to sheet no LDA-08 at **Appendix B**. A typical detail for passively irrigated street trees is also included within the civil documentation. Refer drawing C1020 at **Appendix C**.

It appears that high efficiency sediment basins are proposed to meet the construction phase IWCM controls in the MRP DCP. Conditions should also be considered to require high efficiency sediment basins to be used during the construction stages of the development, and that they are designed and audited by a CPESC as per the Technical guidance for achieving Wianamatta South Creek stormwater management targets.

Erosion and Sediment Control Plans and details are shown on drawings 21-894-C1200 & C1201 at the Civil Engineering Plans at **Appendix C**. Considering the nature of the development of the site and the availability of land to install sediment basins, enlarged Type D basins are proposed. Refer to Section 5 of the Erosion and Sediment Control Plan prepared by AT&L at **Appendix R**.

Summary of Matters Raised	Responses
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Should the application be approved, adequate conditions will need to be in place to ensure that all temporary infrastructure is maintained until the regional infrastructure is available. The conditions should ensure that future development on the site achieves compliance with the Integrated Water Cycle Management (IWCM) controls in the MRP DCP and in accordance with the Technical Guidance for achieving Wianamatta South Creek Stormwater Management Targets (NSW Government, 2022).

Noted. The interim stormwater management solution has been superseded by the accelerated delivery of part Basin 7 of Sydney Water’s MRP Integrated Stormwater Scheme Plan that will eventually be handed to Sydney Water as the regional waterway manager.

Should the application be approved conditions should also be applied to ensure that all stormwater infrastructure, including GPTs, rainwater tanks, irrigation systems temporary ponds etc., remains under the ownership, control, and care of the registered proprietor of the lots. It is suggested that positive covenants and restrictions of use should be placed to ensure that all privately owned systems will be maintained in perpetuity. It is also acknowledged some infrastructure will not be required once the regional scheme is available. Conditions may need to be included to manage the transition and decommissioning of the infrastructure once connection to the regional infrastructure is available.

Stormwater infrastructure that is located at the site Lot 26 DP 258414, excluding the proposed wetland and storage ponds, are to remain under the ownership, control and care of the proponent during their construction and operation.

As per the Water and Stormwater Management Plan (**Appendix L**), it is made clear that the proposed GPTs and Onsite Stormwater Detention (OSD) tanks as part of the Water Sensitive Urban Design (WSUD) Strategy are to be managed and maintained by the proponent. An Inspection and Maintenance Plan is to be prepared as per best practice guidance and will describe the following:

- *Each of the functional components of each water management measure*
- *Expertise required to inspect, maintain and (where necessary) repair or replace component*
- *Minimum required frequency of inspection, repair or replacement activities*
- *Inspection and maintenance forms that list all necessary activities and contain a record of activities completed.*

It is noted that the proposed wetland and storage ponds form part of Basin 7 of Sydney Water’s MRP Integrated Stormwater Scheme Plan and therefore will eventually be handed to Sydney Water as the regional waterway manager. Furthermore, as the proposed solution will form part of the future desired regional stormwater solution, the solution is permanent and decommissioning of the infrastructure will not be a required condition of consent.

Landscape Considerations	
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Council’s Landscape Architect team have reviewed the proposal and have raised the following considerations:

Noted.

Paths and active transport:
 Acknowledging the development is an industrial use of the site, the works within the public realm should still accommodate the dignified access for free movement within developed public space regardless of whether one has access to a vehicle or whether they use a mobility aid, or a carer. It is recommended a minimum 2.5m path is provided within all verges adjoining roads.

The verge is 5.6m on one side and 4.6m on the other of the Industrial Collector Road. A 2.5m wide shared path is provided on the 5.6m wide verge and a 1.5m path on the 4.6m verge to maintain a 2.5m tree planting zone in accordance with the DCP. Refer Typical Section on Drawing C1004 at **Appendix C**.
 Confirm

Summary of Matters Raised

Responses

Mass of site and expanse on concrete: There will be a significant area of concrete and impervious surface at a percentage of the site's footprint. It is noted that if this footprint of development were replicated throughout the precinct, it would result in a significant impact on the urban heat island effect in the area.

Noted. The proposed development meets the relevant canopy cover targets set out in the DCP.

Vegetation:

- Trees provided along the southern boundary may be dependent on adjoining soil volume to thrive. Structural cells under the proposed pavement or reduced hardstand width are recommended in this location to allow the tree to thrive.
- Continuous landscaping and canopy is required along boundary north of warehouse 2 / adjacent to fire access track. For improved growing conditions, consideration should be given to a permeable surface of the fire access track.
- Understorey plantings shall be sufficient to provide full height and dense screening to built forms on the development site, including large and medium native shrubs as required. The screening effect should continue through the riparian corridor planting and along the edge of northern pavements at Warehouse 1, ameliorating the visual impact of built form from Mamre Rd.

Trees previously shown along the southern boundary have been removed due to underground service constraints. Structural tree soil has been added to carpark areas. Refer to LDA-02 and LDA-03 at **Appendix B**.

Consideration will be given to a permeable surface at the appropriate time during detailed design. Landscaping along the northern boundary was considered, but due to the need to maintain an appropriate setback for retaining walls and maintaining adequate access to the fire access track canopy planting is not feasible along this frontage.

In coordination with the Bushfire consultant planting to the Mamre Road setback has been increased to include more informal groups of trees and shrubs. Refer to drawings LDA-03 and LDA-06 (detail 4) of the Landscape Drawings at **Appendix B**.

Street Trees:

- No street trees are proposed as part of the development. Considering Council's urban heat controls, and expected temperature rises predicted in the future, street tree planting and deep soil canopy cover across the site should be prioritised as much as can be reasonably prescribed.
- Given Penrith's susceptibility to the urban heat island effect, the canopy requirements and deep soil are expected to be higher than perhaps other less vulnerable areas of Sydney to compensate for this factor. In the current proposal there is insufficient canopy tree planting and cooling of the carpark to meet standards. Additional tree planting, with engineered tree pits is required.
- It is unclear whether the internal collector road and the open space edge road are to be delivered as part of this development. Regardless it is recommended that the;
 - Open space edge road be planted with street trees.
 - o East side: Melaleuca decora, White Feather Honeymyrtle
 - o West side: Eucalyptus amplifolia, Cabbage Gum.
 - Internal collector road be planted with:
 - o Eucalyptus leucoxyton 'Rosea' (both sides of the road).

- Street trees are now proposed along both sides of the Collector Road. Tree planting has been maximised where possible and meets the on-lot 10% requirements (refer to LDA-01a at **Appendix B**). In addition, further canopy is provided across the development within the trunk drainage and Open Space Edge Road treatment.
- Structural tree soil is shown on landscape plans (**Appendix B**) around carpark blister islands.
- The Industrial Collector Road and Temporary Access Road off Mamre Road will be delivered as part of this development. The Open Space Edge Road is being delivered as a private road under this application, with intention to be dedicated to Council in the future.
- Landscaping is proposed to the Open Space Edge Road as per DPHI and Council requirements. Street trees have been added to both sides of the Collector Road with the species nominated by Council, refer to landscape plan LDA-01a at **Appendix B**.
- The Mamre Road setback has been redesigned to show more informal groups of planting which include the species listed. Refer to LDA-03 and LDA-09.
- Following consultation with the bushfire consultant, a continuous row of tall shrubs has been added along the south, west, and northern boundaries.

Summary of Matters Raised

Responses

- It is recommended the Mamre Rd setback be planted informally with the following mix of tree species, delivering consistency along the corridor, biodiversity and maximum canopy coverage:
 - *Eucalyptus tereticornis*, Forest Red Gum
 - *Eucalyptus moluccana*, Grey Box Gum
 - *Eucalyptus crebra*, Narrow-Leaved Ironbark
 - *Corymbia maculata*, Spotted Gum
 - *Waterhousia floribunda*, Weeping Lilly Pilly
 - *Tristaniopsis laurina* 'Luscious,' Water Gum
 - *Cupaniopsis anacardioides*, Tuckeroo
 - *Melaleuca decora*, White Feather Honey Myrtle.
- Unless otherwise required by fire management, tall shrubs shall be continuous along the south, west and north boundaries, rather than small clusters between trees.

Irrigation: It is recommended that all vegetated areas be irrigated, including site boundaries.

Irrigation has been added to landscape details and specification notes. Refer to LDA-06 at **Appendix B**.

Conflicting Plans:

Landscape matrix 1 South Boundary - There is a conflict between the detail on drawing LDA-05 which includes trees, and the plan for Warehouse 2 (drawing LDA-02) on which no trees are shown. Canopy trees should be included. If the landscaped area cannot be extended to provide trees, planting within the easement should include tall shrubs as a minimum in lieu of canopy

Trees in Matrix 1 have been removed, trees along the southern boundary of Warehouse 1 have also been removed due to an electrical easement. Taller shrubs along the boundaries have been included in lieu of trees. Refer to LDA-06 (Detail 01) at **Appendix B**.

City Planning Considerations

The EIS indicates that a Planning Agreement with Council will be progressed concurrently with the SSD. It does not appear that Council's City Planning department has yet had a formal meeting with the proponent regarding a planning agreement, nor a Letter of Offer lodged.

A Land Dedication Plan has been prepared at **Appendix Z**. This plan includes:

- Land identified for dedication under the IE SEPP to Transport for NSW and Penrith City Council
- Stormwater infrastructure to be dedicated to Sydney Water
- Land comprising the industrial collector road to Penrith City Council
- Land comprising the Open Space Edge Road as identified in the MRDCP

Concurrent to the progression of this Submissions Report, a draft letter of offer has been submitted to Penrith City Council to inform discussions noting dedication of land will occur at the appropriate time in the future.

The Open Space Edge Road is not infrastructure nominated in the Mamre Road precinct development contribution plan. As such Council is unlikely to be delivering the Open Space Edge Road or accepting a monetary contribution through a Voluntary Planning Agreement (VPA) for the delivery of this road. It

Noted.

Bulk earthworks details for the grading of the private road and future connections on either side of the lot have been provided as part of the Civil Engineering package, at **Appendix C**.

Summary of Matters Raised

Responses

is requested that the Open Space Edge Road is considered and delivered as part of the SSD application.

There are wetland/storage ponds located in the RE1 zone that service the development. Council will eventually acquire the RE1 zoned portion of the site (the EIS indicates that the RE1 zoned portion of land will be dedicated through a future planning agreement to Council). Council is unlikely to support the receipt of land with such encumbrances. It is suggested that any basins that service the development are contained within the IN1 zoned portion of the site.

The wetland has been relocated to the ultimate Sydney Water Basin 7 location within the ENZ zoned land. The intention is for the developer to construct the portion of Basin 7 that resides within their lot. The Sydney Water Basin 7 extents are larger than the required dimensions to achieve the development target reductions. Sydney Water has provided approval in principle with this proposal and is part of an Active Section 73 and Feasibility Works within the RE1 zoned land in the west of the site include the proposed swale from the private road alignment through to the ENZ zoned land.

4.3 Government Agencies

The Applicant’s response to the various government agency submissions are outlined in **Table 8** below.

Table 8 Response to Government Agency Submissions

Summary of Matters Raised	Response
Transport for NSW	
<p>TfNSW has reviewed the Environmental Assessment and advises that the issues that were of concern and raised for inclusion in the Secretary’s Environmental Assessment Requirements (SEARs) have generally been adequately addressed.</p>	<p>Noted.</p>
<p><u>Interim Access Arrangement</u></p> <ul style="list-style-type: none"> The proposed left turn deceleration lane on Mamre Road shall be designed to the satisfaction of TfNSW with a 90km/h design speed limit and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTRROADS. The certified copies of the civil design plans shall be submitted to TfNSW for review and approval prior to the release of the Construction Certificate and commencement of any road works. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work, and as required by the various public utility authorities and/or their agents. Once the temporary access road is no longer required for the development, the developer will carry out the works to remove the deceleration lane as instructed by TfNSW and at no cost to TfNSW. The developer is required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the WAD will need to be executed prior to TfNSW assessment of the detailed civil design plans. A plan checking fee and lodgement of a performance bond are required from the applicant prior to the release of the approved road design plans by TfNSW. The bond shall include the cost of the works to remove the deceleration lane. Any infrastructure (e.g., batter, retaining wall, drainage basins etc.) that is required to support the development shall not be located within land zoned as SP2. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on Mamre Road during construction activities. A ROL can be obtained through https://myrta.com/oplinc2/pages/security/oplincLogin.jsf. 	<ul style="list-style-type: none"> Based on discussions with both TfNSW and DPHI, further consideration has been given to the temporary LILO access proposed from Mamre Road into the Site and a revised design has been prepared which has been approved in principle by TfNSW. Please refer to Ason Groups 'Response to DPHI' letter at Appendix J and MU Groups Mamre Road Widening plans at Appendix K for further detail. The Developer will continue to work with TfNSW, Ason Group and MU Group to progress the Temporary Access Solution and WAD Design noting the intention is to avoid redundant works. Noted. As above, the temporary deceleration lane is no longer proposed, with widening of Mamre Road instead the favoured approach. As such, no decommissioning will be necessary. Noted. The WAD process is being progressed separately. Noted. Noted. Noted.

Summary of Matters Raised

Response

Construction Pedestrian and Traffic Management

Noted. This will be addressed prior to the issue of any construction certificate.

- Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is the earlier, the applicant shall:
 - Prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with TfNSW. The CPTMP needs to specify matters including, but not limited to, the following:
 - A description of the development;
 - Location of any proposed work zone(s) noting Mamre Road is not a suitable location,
 - Details of crane arrangements including location of any crane(s) and crane movement plan;
 - Haulage routes;
 - Proposed construction hours;
 - Predicted number of construction vehicle movements, detail of vehicle types and demonstrate that proposed construction vehicle movements can work within the context of road changes in the surrounding area, noting that construction vehicle movements are to be minimised during peak periods;
 - Construction vehicle access arrangements;
 - Construction program and construction methodology, including any construction staging;
 - A detailed plan of any proposed hoarding and/or scaffolding;
 - Measures to avoid construction worker vehicle movements within the precinct;
 - Consultation strategy for liaison with surrounding stakeholders, including other developments under construction and Mamre Road Upgrade and Elizabeth Drive Upgrade Projects;
 - Identify any potential impacts to general traffic, cyclists, pedestrians, and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works. Proposed mitigation measures should be clearly identified and included in the CPTMP; and
 - Identify the cumulative construction activities of the development and other projects within or around the development site, including Mamre Road Upgrade and Elizabeth Drive Upgrade Projects and private development. Proposed measures to minimise the cumulative impacts

Summary of Matters Raised

Response

- o on the surrounding road network should be clearly identified and included in the CPTMP;
- o Submit a copy of the final plan to TfNSW for endorsement via development.CTMP.CJP@transport.nsw.gov.au; and
- o Provide the builder's direct contact number to TfNSW via development.CTMP.CJP@transport.nsw.gov.au to resolve issues relating to traffic, public transport, freight, servicing and pedestrian access during construction in real time. The applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.

DPE Environment and Heritage Group

Biodiversity

EHG issued a Biodiversity Development Assessment Report (BDAR) waiver determination for the development on 12 July 2022. It is noted that the Department issued the BDAR waiver on 22 July 2022.

Following the issuing of the BDAR waiver, most of the land within the entire site was identified as certified - urban capable land under State Environmental Planning Policy (Biodiversity and Conservation) 2021 and the Cumberland Plain Conservation Plan (CPCP) in August 2022, except for the parts of the site identified as excluded and avoided land.

Regarding the excluded land, the Watercourse and Biodiversity Assessment dated 29 August 2023 (Appendix O) states that *The BDAR waiver previously issued (12/07/2022) and the amended BDAR application submitted to the Department (6/01/2023) both provide justification that the 'excluded' land on the subject site does not require further assessment of impacts on biodiversity values.* Furthermore, EHG notes that the amended BDAR waiver application submitted to the Department dated 6 January 2023 is attached to the Watercourse and Biodiversity Assessment and the cover letter of the amended BDAR waiver application also dated 6 January 2023 states:

The enclosed BDAR waiver application is provided to address the Department's request for additional information (RFI) dated 15 December 2022, which stated:

"The BDAR waiver issued for the development identifies that if the proposed development changes so that it is no longer consistent with the layout and description that formed part of the waiver request, a further waiver request is required.

As the area of works has changed, particularly the relocation of the proposed evaporation pond outside of the site area identified in the

The Revised Biodiversity Assessment Report (**Appendix E**) prepared by Ecologique notes that the amended BDAR Waiver dated 6 January 2023 was identified by the Department as no longer required due to the Cumberland Plain Conservation Plan (CPCP) commencement (refer to Sections 1.4.2 and 4.2 of the Biodiversity Assessment Report, as available at **Appendix E**).

Summary of Matters Raised

Response

waiver request, the BDAR waiver granted may no longer be valid and further consultation with DPE Environment and Heritage Group is required as to whether a new waiver request is necessary.”

The enclosed BDAR waiver application has been amended to reflect the proposed basin’s relocation. The proposed basin relocation does not impact on any biodiversity values.

It appears that the amended BDAR waiver application dated 6 January 2023 was not referred to EHG. Given that the proposed development has changed and is no longer as described in Schedule 1 of the EHG determination dated 12 August 2022, the applicant will need to lodge a new BDAR waiver request or prepare a BDAR.

Flood risk management

From a flood risk management perspective, the Flood Impact Risk Assessment (FIRA) prepared by CRC dated August 2023 is inadequate.

The FIRA does not provide the minimum level of information to ensure flood constraints have been effectively considered. It does not consider Kemps Creek and South Creek flooding as the flood assessment study area is trimmed to the development footprints and to the east of Mamre Road.

EHG highlights that the flood assessment must be amended to meet the minimum requirements of an adequate FIRA.

The study area for the FIRA must extend from the upstream hydraulic structure to the downstream hydraulic structure, downstream of Kemps Creek and South Creek confluence. The FIRA must also address:

- the full range of Kemps Creek and South Creek flood risk within the study area extent as explained above
- the constraints that Kemps Creek and South Creek flood places on the land (i.e., floodways, flood storage, flood hazard and emergency response issues) for the full range of events
- the appropriateness of the development or development types for the location based on the flood constraints on the land
- the adequacy of management measures and controls to:
 - address identified constraints and ensure the flood risks to the proposed development and its users are acceptable
 - manage flood and address emergency management requirements and impacts to the existing community due to the development
- climate change impacts. Both existing and post-development flood behaviour needs to consider climate change impacts on flood behaviour so the robustness of decisions over time can be understood.

- The flooding assessment includes both South Creek and the local flow path within the development, as available at the Updated Flood Impact Risk Assessment Report prepared by Costin Roe Consulting at **Appendix N**.
- The assessment adopts the tailwater levels from the Wianamatta South Creek Flood Study Existing Conditions (Advisian 2022) and the overland flows from upstream catchments that flow through the proposed development and into South Creek. The study is centred around the overland flow path realignment at the north-east corner of the site. The proposed development is clear of the 1% AEP flood extent from South/Kemps Creek and as such has no impact criteria associated with flooding within the Wianamatta South Creek Floodplain.
- Appropriate assessment of flood risk in relation to South Creek, and the flow path have been included in the assessment. The focus of the study, being the north-east corner of the site is adequately captured in the drawings and figures provided.
- Costin Roe note the reporting content and extent of modelling is similar in scope to other assessments completed in the precinct.
- Costin Roe also note that recent comments on adjacent development sites have requested that the inclusion of surrounding approved developments in both the pre-and post-developed condition should be made, and those not approved should not be included in either the pre or post development conditions. The current model includes the adjacent approved and constructed Mirvac development in the both the pre-and post-development conditions as per consultation and advice on adjacent developments. Furthermore, the focus of the Flood Impact Risk Assessment is on the flow path re-alignment in the north-east corner of the site. The proposed development does not encroach into the 1% AEP flood plain of Wianamatta South Creek based on information and results from the Wianamatta South Creek Catchment Flood Study Existing Conditions (May 2022) which is the basis of the impact assessment criteria.
- Climate change impacts and assessments have been provided in Section 9.2 of the FIRA (**Appendix N**). Flood Emergency Management has been addressed in Section 10 of the FIRA. The maps and results presented cover the flood study area and focus of the assessment, that being the existing flow path-realignment in the north-east corner of the site.

Summary of Matters Raised

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The amended FIRA must be based on the Wianamatta South Creek Catchment Flood Study Existing Conditions (Advisian, May 2022). The consultant must verify their models against this flood study which is the best available flood information for the South Creek Catchment.

The maps must cover the flood study area and are to be presented with a suitable scale to facilitate their review. EHG highlights that it is impossible to read the figures provided in the current CRC report. The consultant should refer to the Flood Risk Management Manual 2023 guideline LU01 Flood

Impact and Risk Assessment Guideline to understand the typical considerations when addressing existing scenario, post-development scenario and impacts due to development. Appendix A of the guideline provides an overview about the analysis and reporting requirements for the required FIRA. Table 6 of the guideline provides the typical outputs to be included in the FIRA report to support the proposal.

Waterway health and stormwater management

Noted.

As detailed below, there are a range of technical issues with implementation of the stormwater strategy that need to be resolved. It is important to note that the site contains a large land area which will remain undeveloped. This land is flood affected and sits outside of the Mamre Road Precinct Development Control Plan (DCP) boundary. This land has been included in the MUSIC modelling and plays a significant role in the achievement of the water quality and flow performance targets. While it is appropriate for this land to be included in the model, conditions of consent will be required to ensure that this land is not developed at any time in the future if approval of the application is granted.

Water Cycle Management Strategy

Update the Water Cycle Management Strategy and associated engineering plans to address the following:

- Include on-lot GPTs to treat ground-level surface runoff from each of the warehouses.
- Provide calculations justifying the irrigation reuse rate adopted for the pond and show the area proposed for irrigation.
- As the site is within 13km of the airport, provide the required Wildlife Hazard Assessment and Management Plan and make any required changes to the design of the wetland and pond to mitigate the hazard.

- On-lot GPTs have been incorporated into the revised Water and Stormwater Management Plan at **Appendix L**.
- The annual irrigation rate required from the storage pond prior to completion of the regional stormwater scheme infrastructure (including treatment and reuse via Sydney Water's recycled water network) is 3 ML per year. Applying an irrigation rate of 6 ML per hectare per year, the minimum irrigation area required would be 0.5 hectares. The proposed extent of the irrigation area is 0.54 hectares as shown on drawing C1003 in the Civil Works Package at **Appendix C**.
- The detailed design of the wetland and storage pond will continue to be developed in close consultation with Sydney Water and will address feedback from Western Sydney Airport (WSA) to minimise the attraction of birds that pose a risk to the operation of the airport. We understand that Sydney Water will soon release further details and design guidance for the proposed regional scheme measures, which will include measures such as sandstone sleepers along the edges of wetlands and avoiding islands within wetlands / ponds.

Summary of Matters Raised

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Engineering Design Drawings

The design of the constructed wetland appears poorly resolved and is missing a number of functional elements such as inlet pond, high-flow-bypass, varying bathymetry to allow for varied planting zones, water level control structure to provide extended detention, impermeable liner, maintenance access, etc.

- Provide updated engineering design/functional design drawings and associated calculations for the wetland and pond system which provide full functional design details including cross and long sections, and proposed levels for all hydraulic controls.
- Extend the landscape drawing set to also encompass the wetland and pond and incorporate recommendations from the Wildlife Hazard Assessment and Management Plan.

The functional layouts of the proposed wetland and storage pond are presented on drawings C1345 and C1346 respectively at **Appendix C**. As the wetland and pond form part of the ultimate precinct SSP, details will continue to be developed in consultation with Sydney Water.

The design of the wetland and storage pond will address feedback from WSA to minimise the attraction of birds that pose a risk to the operation of the airport. We understand that Sydney Water will soon release further details and design guidance for the proposed regional scheme measures, which will include measures such as sandstone sleepers along the edges of wetlands and avoiding islands within wetlands / ponds.

Erosion and Sediment Control

The Erosion and Sediment Control Plan (ESCP) provides for Type-D sediment basins sized in accordance with the 'Blue Book' to treat rainfall events up to 24mm using these basins on a batch treatment approach. For events greater than 24mm, and in order to meet the Mamre Road DCP target of treating 80% of annual average runoff to <50mg/L TSS, the ESCP seems to advocate for broadscale application of gypsum to all exposed surfaces prior to rainfall (i.e. passive flocculation). Passive flocculation techniques can be effective, but outcomes may also be highly variable due to a reliance on human intervention, adequate warning time prior to an event, accurate forecast of the rainfall total, and inability to deal with consecutive rainfall events (amongst other factors). It is suggested that compliance risk could be reduced using well-established high-efficiency sediment basin approaches, incorporating automatic dosing and fast-acting flocculants/coagulants as documented in IECA BPESC.

- Erosion and sediment control plans and details are shown on drawings 21-894-C1200 & C1201 at **Appendix C**.
- Considering the nature of the development of the Site and the availability of land to install sediment basins, enlarged Type D basins are proposed. Refer to Section 5 of the Erosion and Sediment Control Plan prepared by AT&L at **Appendix R**.

Provide a revised ESCP which addresses the requirements of the Mamre Road Precinct DCP Sections 2.4 and 4.4.2 and Technical guidance for achieving Wianamatta–South Creek stormwater management targets (DPE, 2022), which demonstrates achievement of the targets listed in Table 5 of the DCP. The revised ESCP is to specifically address the following:

- Provide plans for each major phase of works, including clearing and grubbing, bulk earthworks (existing and final levels), civil works, and stabilisation/practical completion.
- Identify the type of sediment basin and provide details for all functional components (e.g., forebay, level spreader, spillway, dosing

- Erosion and sediment control plans and details are shown on drawings 21-894-C1200 & C1201 at **Appendix C**.
- Considering the nature of the development of the Site and the availability of land to install sediment basins, enlarged Type D basins are proposed. Refer to Table 2 and Section 5 of the Erosion and Sediment Control Plan prepared by ATL at **Appendix R**.

Summary of Matters Raised	Response
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system, flocculant type). Note that Type-A/B will likely be required to achieve the DCP Table 5 targets.

- Provide sediment basin calculations demonstrating compliance with the DCP Table 5 targets.
- Provide catchments plans identifying the sub catchments for all major drainage and sediment controls for each phase of works.
- Provide calculation tables and sizing/dimensions for all major controls during all phases of works.
- Provide a construction sequence identifying the order and timing for both the implementation and decommissioning of all controls, relative to specific site activities/hold points.
- Provide details on the timing, methods and performance requirements for stabilisation of each area of site disturbance.
- Provide specific advice in relation to dispersive soil management – particularly in relation to excavated drainage controls. Provide details on how external catchment flows will be managed around or through the works without becoming contaminated during construction of the channel works and associated hydraulic structures.

Heritage NSW	
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The Aboriginal Cultural Heritage Assessment Report (ACHAR) has been prepared with reference to the relevant guidelines as required by the SEARs. Heritage NSW agrees with the proposed Mitigation Measures and Recommendations (Sections 10 and 11 of the ACHAR).

Noted.

Heritage NSW notes that the Aboriginal Heritage Information Management System (AHIMS) search is greater than 12 months old at the time of submission. As per Requirement 1b of the Code of Practice, AHIMS searches must be contemporaneous with the project (less than 12 months). Please update the AHIMS search.

A new AHIMS search was carried out on 12 February 2024, as per **Appendix S**.

Please clarify why the Stage 1 newspaper advertisement was only placed in the Koori Mail and not the local newspaper as per Section 4.1.3 of the Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW).

The ACHAR undertaken by Artefact at the time of Stage 1 was advertised in the Koori Mail on 6 October 2021. At the time there was difficulty in finding a local print newspaper due to a number of local papers deciding to cease print production and continue online only. As a solution it was decided to therefore proceed to advertise with the Koori Mail. This issue was raised with HNSW at the time, but they had not yet come to a policy position on the issue. Evidence of correspondence regarding this issue has also been included in **Appendix T**. This occurred some years ago and Artefact have since ceased to use the Koori Mail as a fall-back option and use online local “print” papers, such as the Daily Telegraph.

Summary of Matters Raised	Response
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Heritage NSW recommends that the Potential Archaeological Deposit (PAD) '05MAMRE-PAD03' identified during the assessment be registered on AHIMS to ensure the area is managed appropriately beyond the lifetime of the current proposal.	The potential archaeological deposit '05MAMRE-PAD03' has now been registered as an Aboriginal site on AHIMS to ensure that the area is managed appropriately beyond the lifetime of the current proposal. The registered number is AHIMS ID 45-5-5794, (refer to Appendix U).
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Recommended conditions:	Noted.
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<u>Aboriginal Heritage</u>	
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| 1) All reasonable steps must be taken to avoid harm, modification, or other impact to Aboriginal objects except as authorised by this approval. | |
| 2) The Registered Aboriginal Parties (RAPs) must be kept informed about the SSD. The RAPs must continue to be provided with the opportunity to be consulted about the Aboriginal cultural heritage management requirements of the SSD. | |
| 3) Arrangements must be made in consultation with Project RAPs for the long-term management of Aboriginal objects retrieved from test excavations. | |

<u>Aboriginal Cultural Heritage Management Plan</u>	
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| 4) Prior to carrying out any development, the Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must: | |
| a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary. | |
| b) be prepared in consultation with Aboriginal Stakeholders and reviewed by Heritage NSW. | |
| c) include a description of the measures that would be implemented for: | |
| i) ongoing consultation with Registered Aboriginal Parties, including consultation regarding changes to the Heritage Management Plan. | |
| ii) a contingency plan and reporting procedure for the management of Unexpected Heritage Finds and Human Remains that is prepared by suitably qualified and experienced heritage specialist in relation to Aboriginal cultural heritage, in consultation with the RAPs and in accordance with the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (2010). The Unexpected Heritage Finds and Human Remains Procedure, as submitted to the Planning Secretary, must be implemented for the duration of construction. | |

Summary of Matters Raised	Response
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iii) ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions.

DPE Water	
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The proponent should clarify if groundwater will be intercepted by this project. If so, the proponent must quantify the maximum annual volume of water take due to aquifer interference activities and demonstrate entitlement can be acquired in relevant water sources unless an exemption applies.

The revised Biodiversity Assessment Report (refer to Section 3 of **Appendix E**) undertaken by Ecologique identifies that groundwater was not encountered at any sample locations investigated by Geo-Logix (2022).

Insufficient information has been provided to understand if the project will intercept groundwater. The EIS notes in section 15.2 that groundwater was not encountered within the investigation depth of 2.2 m. However, no further conclusions were made in relation to groundwater. The maximum depth of cut and fill activities should also be provided to clarify if the groundwater table will be intercepted. If the groundwater table is intercepted, estimated maximum annual volumes and the ability to obtain entitlement must be included.

Should groundwater be intercepted, a water access licence (WAL) must be obtained prior to any take occurring unless an exemption applies under the Water Management (General) Regulation 2018.

Noted.

Under the *Water Management Act 2000*, if groundwater is intercepted a WAL must be obtained prior to any water take occurring unless an exemption under Clause 7 of Schedule 4 of the Water Management (General) Regulation 2018 applies. An exemption may be available if water take is less than or equal to 3 ML per water year, subject to the development meeting other exemption requirements, such as:

- the water is not taken for consumption or supply;
- the person claiming the exemption keeps a record of the water taken under the exemption and provides this to the Minister within 28 days of the end of the water year; and
- the records are kept for 5 years.

The proponent should provide a map that indicates the width of the riparian corridors and any encroachments into the riparian corridor.

Section 3 of the revised Biodiversity Assessment Report (**Appendix E**) prepared by Ecologique provides a detailed assessment of the mapped watercourse within the subject land and how the riparian corridor width was determined. With reference to the Biodiversity Assessment Report:

Insufficient information has been provided to confirm the overall riparian corridor width and any encroachments. The riparian corridor will be

- Section 3.3. identifies how the averaging rule has been applied to achieve the required riparian corridor extent

Summary of Matters Raised	Response
<p>made up of Cumberland river flat on the inner riparian zone and Cumberland plain trees on the outer with a 1.8 m wide footpath separating the two zones. A map showing inner and outer zones, all encroachments and overall widths is requested for clarification. The western part of the corridor looks far narrower than other parts of the proposed corridor. It is requested the footpath be outside the riparian corridor where possible with minor encroachments into the outer riparian zone if required.</p>	<ul style="list-style-type: none"> • Figure 3-3 illustrated the overall riparian corridor proposed • Figure 3-6 provided a cross section showing various widths <p>In accordance with the averaging rule, sufficient riparian corridor is provided to offset the shared pathway, which is located in the outer 50% of the VRZ. The inner 50% of the VRZ will be fully protected and vegetated with native, endemic, riparian plant species. Figure 3-3 of the Biodiversity Assessment Report has been updated to show the inner and outer VRZ) and is notated to show widths along the length of the corridor.</p>
<p>Works within waterfront land need to be in accordance with the Guidelines for Controlled Activities on Waterfront Land.</p>	<p>Noted.</p>
<p>Works within waterfront land including crossings must be in accordance with the Guidelines for Controlled Activities on Waterfront land. The most recent version of the Guidelines for Controlled Activities on Waterfront Land can be found at: https://water.dpie.nsw.gov.au/licensing-and-trade/controlled-activity-approvals/guidelines</p>	
<p>Department of Primary Industries – Fisheries</p>	
<p>DPI Fisheries has reviewed the Environmental Impact Statement and relevant attachments and the proposal will not impact on any watercourses that are identified as KFH (key fish habitats), nor will the proposal involve harm to marine vegetation dredging or reclamation (within KFH) or obstruction of fish passage. Unless there are modifications to the proposal that will impact the nearby KFH of South Creek and/or Kemps Creek, consultation with the DPI Fisheries is not required.</p>	<p>Noted.</p>
<p>Fire and Rescue NSW</p>	
<p>It is deemed that the proposal has limited scope and application in regard to special hazards or special problems of firefighting. FRNSW submit no comments or recommendations for consideration, nor any requirements beyond that specified by applicable legislation.</p>	<p>Noted.</p>
<p>While there is currently no requirement for a Fire Safety Study, FRNSW may recommend one be undertaken at a later stage should information be provided such that the development is deemed to pose special problems of firefighting or special hazards exist that require additional fire safety and management measures.</p>	

Summary of Matters Raised	Response
NSW Rural Fire Service	
<p>The RFS has no objections to the proposal, subject to compliance with the conditions recommended in the report prepared by Peterson Bushfire dated 30 August 2023, reference 21101.</p>	<p>Noted.</p>
Western Parkland City Authority	
<p>WPCA has reviewed the SSD and note that the proposal is consistent with the Mamre Road Precinct vision and will make important contributions towards employment and jobs when fully developed. The subject site fronts the portion of Mamre Road which is subject to a Stage 2 upgrade by Transport for NSW. The applicant has accounted for the future Mamre Road upgrade, consistent with the TfNSW road layout proposal along with the internal collector road layout being consistent with the Mamre road DCP. The applicant proposes an interim access to Mamre road until the internal collector road is constructed, it is noted that TfNSW have reviewed the application previously and have indicated the interim access is appropriate. It is noted that the noise predictions may exceed trigger levels for the nearest residential receivers, these receivers are within the Mamre road precinct on land currently being redeveloped for industrial purposes and thus noise impacts are unlikely to pose an issue during construction and operation.</p> <p>The SSD also notes that interim arrangements are proposed with regards to the capture and treating of stormwater on site via on site detention. It is not clear how these interim arrangements will facilitate the outcomes identified in the Mamre Road Draft Scheme Plan which impacts upon the site. It is recommended that detailed consultation occur with Sydney Water in order to determine their position on managing stormwater as part of the proposed development within the context of the Draft Scheme Plan for the Precinct. The outcomes of these discussions including any required amendments to the proposal should be addressed post exhibition of the EIS.</p>	<p>Detailed consultation with Sydney Water has been ongoing throughout the design process and in addition to Section 73 and Feasibility Applications.</p>
Sydney Water	
<p><i>NOTE: Following ongoing consultation undertaken with Sydney Water, the stormwater management system has been relocated to align with Sydney Water's Regional Scheme Plan, including the proposed wetland, bioretention and storage pond proposed by Sydney Water to the south of the proposed water management solution on the site. This redesign and alignment addresses or nullifies the majority of comments in this section. The Applicant continues to work through the details of alignment and delivery with Sydney Water alongside this application.</i></p>	

Summary of Matters Raised	Response
<p>For ultimate servicing, the development may require the following assets:</p> <ul style="list-style-type: none"> • DN300 and DN500 future mains along Mamre Road between Elizabeth Rd and Abbotts Rd, connecting to existing mains in Elizabeth Drive. The staging and delivery of the future mains are currently under investigation. <p>The supply to the proposed development is dependent on the availability of the above mains.</p> <p>The amplifications required to service this development will be confirmed at Section 73 stage. Additional information about the development's staging, along with forecasted demands, will be required to provide further advice or confirmation of mains required at each stage.</p>	<p>Noted.</p> <p>Refer to Section 4 of the Civil Design Report at Appendix Q. AT&L have made a feasibility application and Section 73 application. AT&L has adopted the requirements of the NOR and will continue ongoing discussions with Sydney Water throughout the detailed design phase.</p>
<p>Precinct trunk drinking water mains and reticulation mains are required to be sized as per the WSAA code.</p>	<p>Noted.</p>
<p>Sydney Water will confirm the requirement for recycled water mains and connections on finalisation of the preferred option and scheme plan for the Initial Precincts. The requirements will include that each lot d have a frontage to a recycled water main that is the right size and can be used for connection of the lot to the recycled water main.</p>	<p>Noted.</p>
<p>In addition to the above, the Mamre Road recycled water reticulation network will initially be supplied by the adjacent potable water reticulation network. This arrangement will remain until supply of treated stormwater and/or recycled wastewater from AWRC is established. Once the stormwater and recycled water supply is established, the connections between the potable water and recycled water networks will need to be decommissioned. The developer must clearly show the locations of any cross connections between the potable water network and recycled water network on the design plans which need to be reviewed by Sydney Water. The developer must also provide to Sydney Water the finished surface levels.</p>	<p>Refer to Section 4 of the Civil Design Report at Appendix Q. A feasibility application and Section 73 application has been submitted to Sydney Water which will guide ongoing discussions and design development through the detailed design phase.</p>
<p>Currently, there are no wastewater services available in this area.</p>	<p>Noted.</p>
<p>This development is located within the proposed wastewater pumping station SP1221 catchment via proposed trunk wastewater carriers.</p>	
<p>SP1221 will be required to transfer flows to the proposed Upper South Creek (USC) Advanced Water Recycling Centre (AWRC) via SP1222.</p>	

Summary of Matters Raised	Response
<p>Sydney Water have completed concept design phase for the pumping station and carriers.</p>	
<p>The delivery date for SP1221 and carriers is currently 2027 and this is subject to delivery funding approval and delivery contractor schedule.</p>	
<p>Additional reticulation mains are required to service the development and are required to be sized to service the natural catchment as per the WSAA code.</p>	
<p>Sydney Water does not endorse the proposed stormwater management measures. Attachment 1 provides details on what actions are required to meet these requirements.</p>	<p>The stormwater management solution has been relocated and redesigned. The location of the proposed wetland area forms part of the permanent regional stormwater basin arrangement in this location. It is the intention of Gibb Group to deliver this part of the Basin 7 for Sydney Water in this location, as described elsewhere in this report, and shown in the Civil Plans at Appendix C.</p>
<p>The proponent is required to modify their Civil Plans and Water and Stormwater Management and re-submit them to Sydney Water for review.</p>	<p>Refer to Section 4 of the Civil Design Report at Appendix Q. A feasibility application and Section 73 application has been submitted to Sydney Water. Updated Civil Plans are available at Appendix C.</p>
<p>The DPHI is advised to defer the approval of this SSD and re-refer this application to Sydney Water for review once stormwater concerns have been addressed.</p>	<p>Noted.</p>
<p>The proponent has indicated that they intend to maintain interim, non-potable water arrangements, including rainwater tanks. Sydney Water does not support the use of interim stormwater infrastructure after implementation of the regional stormwater scheme. The Mamre Road Precinct DCP requires connection of new development to the Regional Recycled Water Scheme and the decommissioning of all interim arrangements.</p>	<p>The stormwater management system has been amended to align with Sydney Water's Scheme Plan, including the proposed wetland, bioretention and storage pond proposed by Sydney Water to the south of the proposed water management solution on the site. For further details on how the site's stormwater management solution aligns with the MRP Draft Stormwater Scheme Plan, see sheet 4, drawings number 21-894-C1003 at Appendix C.</p>
<p>Sydney Water have no objections with the temporary storage ponds on the western side of the site, as it is outside the organisation's remit. As the land is zoned RE1, the land will be under the care and control of Penrith City Council (PCC). Approval for these works must be granted by PCC.</p>	<p>As above, the stormwater management solution has been relocated to the ENZ zoned land, to align with the future delivery of Sydney Water's MRP Stormwater Scheme Plan (specifically Basin 7).</p>
<p>Sydney Water expects these temporary ponds to be removed once the site is connected to the regional scheme.</p>	
<p>The restoration of the RE1 zoned must be completed in consultation with PCC. This process should be carried out once the Regional Stormwater Scheme, servicing this site, is operational.</p>	

Summary of Matters Raised	Response
<p>Sydney Water, as Regional Stormwater Authority, requires that the naturalised trunk drainage and rehabilitated waterways are designed and constructed in accordance with the published Draft Stormwater Scheme Infrastructure Design Guidelines (2022). This document gives direction on the acceptable form and function of the trunk drainage.</p>	<p>The proposed stormwater and basin approach for naturalised trunk drainage and rehabilitated waterways have been designed in accordance with the relevant Design Guidelines. Additionally, it is noted that Sydney Water have included the following comment: <i>The proposed development does not require any trunk drainage. However, an existing Strahler 2 waterway, which will connect to the Regional Stormwater Scheme, is present on site.</i></p>
<p>The proposed development does not require any trunk drainage. However, an existing Strahler 2 waterway, which will connect to the Regional Stormwater Scheme, is present on site.</p>	<p>Noted.</p>
<p>The proposed stream rehabilitation works have not been prepared in accordance with the Draft Stormwater Scheme Infrastructure Design Guidelines (2022), particularly regarding sinuosity.</p>	<p>The proposed stream rehabilitation works have been revised in accordance with the Design Guidelines. The Revised Civil Engineering Plans at Appendix C detail the updated meandering overland flow path. All documentation, including flood modelling available at the Updated Flood Report (see Appendix N) has been updated based on the updated meandering design.</p>
<p>The private road on the northern border of the site crosses the Strahler 2 stream. As such, DPE- NRAR will be consulted, and evidence of this will be provided to Sydney Water.</p>	<p>Noted. Sydney Water discussions are ongoing and will likely be ongoing throughout the detailed design phase. Typically the client would initiate the DPE-NRAR approvals as part of the applications.</p>
<p>Sydney Water expect the culverts that are crossing the stream will be designed as a minimum of 1% AEP capacity and include an assessment of the failsafe flow path for the Probable Maximum Flood flows.</p>	<p>Confirmed culverts are 100-year capacity.</p>
<p>We have assessed the submission and found that Sydney Water require the following provisions for the proposal:</p> <ul style="list-style-type: none"> • On the delivery of the Regional Recycled Water Scheme, Sydney Water expect the proponent to decommission all interim stormwater infrastructure and connect to the Regional Recycled Water Scheme. This includes the decommissioning of rainwater tanks, temporary sedimentation basins and temporary wetlands. Sydney Water do not support the permanent use of interim arrangements on the site. • Ongoing consultation with Sydney Water will be required throughout the detailed design phase. This aims to ensure that the proposed stream rehabilitation and culverts are designed in accordance with the Stormwater Scheme Infrastructure Design Guideline DRAFT. • Rehabilitation of the Strahler 2 stream must occur in consultation with Sydney Water, particularly regarding sinuosity and erosion control. • The proponent has indicated an interest in providing permanent stormwater infrastructure, to work within the Stormwater Scheme Plan (see extract from the Stormwater Scheme Plan below). With regard to this, Sydney Water supports the proponent delivering or partially delivering the portion of the scheme infrastructure shown on 	<p>Refer to above responses and the Civil Design Report at Appendix Q.</p>

Summary of Matters Raised	Response
<p>805-817 Mamre Road, to contribute towards their interim stormwater requirements, as an alternative to constructing interim basins on RE1 zoned land. These works will require the design to be approved by Sydney Water. Additionally, the pipe infrastructure shown on the site could be provided to further augment these works. Such an option will also require the concurrence of Penrith City Council.</p>	

4.4 Organisations

The Applicant's response to the organisation submissions received are outlined in **Table 9** below.

Table 9 Response to Organisation Submission

Summary of Matters Raised	Response
Sydney Airport	
<p><i>In my capacity as Manager, Airfield Spatial & Technical Planning and an authorised person of the Civil Aviation Safety Authority (CASA) under Instrument Number: CASA 229/11, in this instance, I have no objection to the erection of this development to a maximum height of 38 metres AHD.</i></p> <p><i>Should you wish to exceed this height a new application must be submitted. Should the height of any temporary structure and/or equipment be greater than 15.24 metres AEGH, a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.</i></p>	Noted.
<p><i>Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations. Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct</i></p>	Noted.
Western Sydney Airport	
<p><u>Wildlife hazards</u></p> <p>Given that the site is within the 3-8 km wildlife buffer, further detail is required in relation to the:</p> <ul style="list-style-type: none"> the landscape design and species selected, to ensure that wildlife attraction risk is adequately addressed and mitigated Appendix B of the Aerotropolis DCP should be used to inform the species list the temporary basin and wetland should be designed to minimise the attraction of wildlife Design measures to be considered include: <ul style="list-style-type: none"> use of steeply sloping banks avoiding islands within water bodies/wetlands basins not permanently retaining water (i.e. draining with 48 hours) ongoing monitoring and management of wildlife on the site 	<p>The design of the wetland and storage pond will continue to be developed in close consultation with Sydney Water and will address feedback from WSA to minimise the attraction of birds that pose a risk to the operation of the airport. We understand that Sydney Water will soon release further details and design guidance for the proposed regional scheme measures, which will include measures such as sandstone sleepers along the edges of wetlands and avoiding islands within wetlands / ponds.</p> <p>Appendix B of the Aerotropolis DCP has been used to inform the species selection. Only a small number of trees have been selected which are not within Appendix B. These include Pyrus, Cupaniopsis and Tristaniopsis which are planted in groups of no more than 3 and are separated by at least 50 – 100m. Some shrubs and groundcovers are also not within Appendix B however, these have been used on other projects within the precinct that have been recently approved. Species selected within the RE1 Riparian Zone have been advised by Geoscapes' project ecologist.</p>
<p><u>Prescribed Airspace</u></p> <p>Based on the information provided it appears that the height of the development is below the OLS</p>	Noted.

Summary of Matters Raised	Response
<p>Should the proposal and design change with potential to impact the prescribed airspace the proposal will need to assess the development's potential impacts on the OLS, during construction and operation</p> <p>Any condition of consent should note that the Airports Act 1996 covers any intrusions into prescribed airspace, which could include:</p> <ul style="list-style-type: none"> a constructing permanent structures, such as buildings, into the protected airspace; b temporary structures such as cranes protruding into the protected airspace; or c activities causing non-structural intrusions into the protected airspace such as air turbulence from stacks or vents, smoke, dust, steam or other gases or particulate matter <p>If it is likely that any of the above components would result in an impact on protected airspace, then approval will need to be obtained in accordance with the <i>Airports Act 1996</i> and the <i>Airports (Protection of Airspace) Regulations 1996</i></p>	
<p>Any additional information provided by the applicant in relation to aviation safeguarding should be referred to WSA for assessment</p>	<p>Noted.</p>
<p>Endeavour Energy</p>	
<p>Before commencing any underground activity the applicant must obtain advice from the Before You Dig service.</p>	<p>Noted.</p>
<p>Before commencing any activity near overhead power lines the applicant must obtain advice from the Look Up and Live service</p>	<p>Noted.</p>
<p>Amendments can impact on electricity load and the contestable works required to facilitate the proposed development</p>	<p>Noted.</p>
<p>Design electricity infrastructure for safety and environmental compliance consistent with safe design lifecycle principles</p>	<p>Noted.</p>
<p>Network Connection: Applicants will need to submit an appropriate application based on the maximum demand for electricity for connection of load.</p>	<p>Noted.</p>
<p>Endeavour Energy's network asset design policy is generally to progressively underground all new urban developments. All new cabling / reticulation infrastructure must be of an underground construction type.</p>	<p>Noted.</p>

Summary of Matters Raised	Response
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Where existing overhead construction is present on or in proximity of the site, it may require undergrounding as the development proceeds.

The Development Application is supported by Endeavour Energy Design Certification UIS0996 – LOT 26, DP 258414, Land Subdivision Application: 805-817 Mamre Road, KEMPS CREEK dated 7 September 2023.

The following extract of the Electrical Connection Concept Design shows the establishment of two padmount substations (which are also shown in the Architectural Plans and Proposed Plan of Subdivision).

Transgrid

Please be advised there is no impact to Transgrid's infrastructure as the proposed development is located off Transgrid's Easement. Please ensure to advise Transgrid of any future development on this site.

5.0 Updated Project Justification

This section provides an updated justification and evaluation of the project, incorporating any relevant issues raised in submissions and the Applicant's response to these issues.

No additional mitigation measures have been proposed as a result of the revised technical reports.

Any design changes or assessments undertaken are in response to issues raised in submissions or further design development and have not increased the impact of the development. As such, the justification for the project as previously outlined in the EIS is reiterated and strengthened through the presented responses which comprise meaningful design refinements to the Proposal in direct response to submissions made by authorities.

5.1 Project Design

The project design has been altered to facilitate better design outcomes and to appropriately respond to the comments made by the 15 government agencies and organisations that made submissions. The amended design of the development achieves stronger outcomes due to the following key changes:

- Adjustments to Warehouse 1, inclusive of an 20m² increase to GFA, addition of a fire tank and minor design reconfigurations;
- Design integration of offices into adjoining warehouses, inclusive of an increase in outdoor breakout space for employees;
- Removal of external container storage;
- Relocation and redesign of stormwater basins/wetlands to align with ultimate Sydney Water Regional Scheme;
- Refinement of earthworks surrounding the trunk swale;
- Refinements of earthworks to allow for retaining walls compliance with MRP DCP height and setback controls; and
- Revised trunk swale design to a natural 'meandering' channel.

In summary, the design of the development is justified as it will deliver the highest and best use of the site, while responding to the context of the site and its surroundings to deliver a scheme that is consistent with the desired future character of the area.

5.2 Strategic Context

The proposed development remains consistent with the strategic context and will deliver critical warehouse floorspace to meet current market demands and enable the creation of a more efficient logistics supply chain, improving the flow of goods between consumers, industry and businesses. The development involves an industrial development that is consistent with the MRP Structure Plan.

Specifically, the development is consistent with the objectives of the Greater Sydney Region Plan as it will support the projected growth in transport and distribution activity principally by virtue of its location, which is poised to leverage the proximity to WSA and service the requirements of such a major trade gateway. Further, the proposed development aligns with the intention for industrial land to be planned, retained, and managed. In addition, the development will facilitate employment development at a suitable scale and will assist in repurposing a strategically significant site within the Western Sydney Employment Area (WSEA) that is in line with the strategic direction for the area.

The development will support freight opportunities and deliver significant industrial and urban services land by meeting the needs of modern tenants and businesses, supporting the long-term potential and objectives of the locality including WSI Airport. The Western Parkland City includes a cluster of centres within the Western District and provides land uses to support the delivery and operation of WSI Airport and broader Western Sydney Aerotropolis, supporting a range of jobs within the Western Parkland City.

5.3 Statutory Context

5.3.1 Environmental Planning and Assessment Act 1979

Development in NSW is regulated pursuant to the EP&A Act, which sets out the procedures and objects for all development. Section 1.3 of the EP&A Act sets out the objects of the Act, which are as follows:

- (a) *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,*
- (b) *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) *to promote the orderly and economic use and development of land,*
- (d) *to promote the delivery and maintenance of affordable housing,*
- (e) *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) *to promote good design and amenity of the built environment,*
- (h) *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) *to provide increased opportunity for community participation in environmental planning and assessment.*

The Proposal seeks to develop an industry leading and connected employment precinct focused on quality, technology, flexibility and sustainability which complements the development of the Mamre Road Precinct and nearby Aerotropolis. The proposal involves the development of a warehouse and distribution centre development that is strategically aligned to the desired outcomes and use for the site and is consistent with the IN1 General Industry zoning of the site, plus the RE1 Public Recreation and ENZ Environment and Recreation zonings which are appropriately managed and responded to through the proposed built form design.

Therefore, the proposed development promotes the orderly and economic use and development of the land. The Proposal further looks to promote good design and amenity of the built environment through the architectural features of the warehouses that have been designed to meet the needs of the future tenant while providing for appealing facades and interfaces with surrounding sites. It is noted that the industrial built form typology is subject to tenant requirements and the proposed warehouse buildings have been designed with this in mind. The proposed development also provides for the proper construction and maintenance of these buildings including protecting occupant health and safety.

5.3.2 Environmental Planning and Assessment Regulation 2021

The development is consistent with principles of ESD under section 193 of the EP&A Regulation, as outlined below:

- **Precautionary principle** – The development does not result in any unmanageable threat or irreversible damage to the environment and will seek to minimise any environmental impact employing strategies to reduce climate change impacts.
- **Intergenerational equity** – The development has been designed to benefit both the existing and future generations by implementing safeguards and management measures to protect environmental values, facilitating job creation in close proximity to future residential areas and ensuring the WSEA is maintained and enhanced into the future for use by future generations.
- **Conservation of biological diversity and ecological integrity** – The development is classified as certified-urban capable land under the CPCP. The Applicant will employ mitigation measures to ensure that any biodiversity value impacts are minimised.
- **Improved valuation and pricing of environmental resources** – The development will seek to target a 5-star rating against the Green Building Council of Australia's Green Star rating scheme to guide environmental goals with the aim to achieve the sustainability improvements wherever feasible. Mitigation measures for avoiding, reusing, recycling and managing waste during construction and operation would be implemented to ensure resources are used responsibly in the first instance. Additional measures will be implemented to

ensure no environmental resources in the locality are adversely impacted during the construction or operational phases.

5.3.3 State Environmental Planning Policy (Resilience and Hazards) 2021

The consistency of the proposed development with Chapter 3 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP) remains unchanged from that assessed in the EIS.

5.3.4 State Environmental Planning Policy (Industry and Employment) 2021

Chapter 2 – Western Sydney Employment Area

The consistency of the proposed development with Chapter 2 of *State Environmental Planning Policy (Industry and Employment) 2021* (Industry and Employment SEPP) remains unchanged from that assessed in the EIS.

Chapter 3 – Advertising and Signage

Chapter 3 – Advertising and Signage of the Industry and Employment SEPP applies to advertising and signage within NSW. Clause 3.1(1)(a) aims to ensure that advertising and business or site identification signage is compatible with the desired amenity and visual character of an area; provides effective communication in suitable locations; and is of high-quality design and finish. The proposed business identification signage strategy complies with the assessment criteria in Chapter 3 of the Industry and Employment SEPP as follows:

- The signage is commensurate with the future character of the area and is suitable given its location within an industrial estate;
- The signage will be located on a facility within a future industrial area. It will not detract from the amenity or visual quality of any sensitive areas;
- The signage does not block views or vistas or penetrate the skyline;
- The proposed signage is commensurate with the nature of the proposed facility, which has been designed to assist in wayfinding and tenancy identification;
- The signage may contain internal illumination;
- Illumination or lighting could be managed to ensure no adverse impacts; however, it is noted that there is no sensitive receivers surrounding the site; and
- The signage will not impede safety sightlines.

Schedule 5 of Industry and Employment SEPP contains assessment criteria that are to be considered by the consent authority. It is to be noted future assessment against Chapter 3 and Schedule 5 of the Industry and Employment SEPP and separate approval will be required for detailed signage proposed in the signage zones and are to be consistent with the proposed signage strategy.

A Signage Compliance Table assessing the proposal's compliance against Chapter 3 – Advertising and Signage of the Industry and Employment SEPP and Section 4.2.8 – Signage and Estate Entrance Walls is provided at **Appendix V**.

5.3.5 State Environmental Planning Policy (Precincts – Western Parkland City) 2021

Chapter 4 – Western Sydney Aerotropolis of *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* (Parkland City SEPP) establishes the assessment framework and controls to guide future development within the Western Sydney Aerotropolis. The western portion of the site sits within Aerotropolis and is zoned ENZ Environment and Recreation under the Parkland City SEPP. As lodged, the EIS contemplated no works within the ENZ land, however, as outlined in this submissions report; in order to align with the permanent regional stormwater scheme, stormwater basins have been relocated from the RE1 zoned land further west to the ENZ zoned land under the Parkland City SEPP.

Accordingly, additional assessment against the requirements of the SEPP has been considered as part of this Submissions Report, noting the only works proposed in the Aerotropolis area are the stormwater basins. Furthermore, consideration of the relevant parts of the Aerotropolis Precinct Plan and Phase 2 Development Control Plan are provided below, and comprehensively at **Appendix W** and **Appendix X** respectively.

Relevant clauses and considerations

Under Chapter 4 of the Western Parkland City SEPP there are several clauses that apply to the site and need to be considered by the proposed development. The following sections assesses the proposed development's compliance with the relevant controls of Chapter 4.

Clause 4.12 – Zone Objectives and Land Use Table

The western portion of the site is zoned as Environment and Recreation (ENZ). The proposed development’s consistency with zone objectives for this zone is shown in **Table 10** below. The proposed stormwater basins in this land use zone are defined as:

waterbody (artificial) or artificial waterbody means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

The proposed basins each have a permanent pool volume, notwithstanding their ability to cycle and evaporate stormwater in accordance with the relevant guidelines, and as such, meet the definition of an artificial waterbody (being one that is not a dry detention basin or intended to hold water intermittently).

This proposed use is permissible with consent as an innominate use within the ENZ land use zone and remains consistent with the broader Sydney Water Scheme Plan, with the design being largely agreed through discussions with Sydney Water.

Table 10 Consistency with Zone Objectives and Land Use Table

Zone	Assessment
Environment and Recreation Zone Objectives	
To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.	The proposed development provides an opportunity for an appropriate interface from the proposed employment uses to the South Creek corridor to the west through appropriate design responses, including; <ul style="list-style-type: none"> • The considerable setback of the development from the South Creek corridor given the separation of the industrial zoning of the site by the ENZ Environment and Recreation and REI Public Recreation zone; • No industrial buildings or works are proposed in the ENZ zoned land outside of integrated water cycle management infrastructure being stormwater basins.
To protect the ecological, scenic and recreation values of waterways, including Wianamatta–South Creek and its tributaries.	
To provide a range of recreational settings and activities and compatible land uses.	
To protect and conserve the environment, including threatened and other species of native fauna and flora and their habitats, areas of high biodiversity significance and ecological communities.	

Relevant clauses and considerations

Under Chapter 4 of the Parkland City SEPP there are several clauses that need to be considered by the proposed development. These are considered in the following sections.

Part 4.3 Development Controls – Airport safeguards, and Section 4.27 Transport Corridors

The proposed development’s compliance with the Part 4.3 Development Controls – Airport safeguards of the Parkland City SEPP is unchanged from that assessed in the EIS.

Part 4.4 Development Controls – general

The proposed development’s compliance with the Part 4.4 Development Controls – general of the Parkland City SEPP is assessed in **Table 11** below.

Table 11 Consistency with Part 4.4 Development Controls – general

Clause	Assessment
4.24 – Flood Planning	
The objectives of this clause are— <ol style="list-style-type: none"> a) to minimise the flood risk to life and property associated with the use of land, and 	An updated Flood Impact Risk Assessment (FIRA) has been prepared by Costin Roe (refer to Appendix N) for the proposed development.

Clause	Assessment
<ul style="list-style-type: none"> b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change, and c) to avoid significant adverse impacts on flood behaviour and the environment. 	
Development consent must not be granted to development on land to which this clause applies unless the development –	
a) is compatible with the flood hazard of the land, taking into account projected changes as a result of climate change, and	The proposed development is compatible with the flood hazard of the land, as per above FIRA has been prepared by Costin Roe (refer to Appendix N) that takes into account projected changes.
b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and	The proposed development will not adversely affect flood behaviour.
c) incorporates appropriate measures to manage risk to life from flood, and	A FIRA has been prepared by Costin Roe (refer to Appendix N) which provides assessment of the measures to manage flood risks.
d) will enable safe occupation of and evacuation from flood prone land, and	A FIRA has been prepared by Costin Roe (refer to Appendix N) which ensures the safe occupation of the proposed development and evacuation from flood prone land.
e) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and	The proposed development will not adversely affect the environment or cause avoidable erosion, siltation destruction of riparian vegetation or a reduction in the stability of river bank. A FIRA has been prepared by Costin Roe (refer to Appendix N) for the proposed development.
f) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding, and	The proposed development will not result in unsustainable social and economic costs to the community as a consequence of flooding.
g) is consistent with any relevant floodplain risk management plan adopted by the council for the land in accordance with the Floodplain Development Manual.	A FIRA has been prepared by Costin Roe (refer to Appendix N) for the proposed development which is consistent with the Penrith Flood Study undertaken in 2015.
3. Development consent may be granted to development on land below the flood planning level only if the development—	
<ul style="list-style-type: none"> d) does not involve earthworks that will affect flood storage capacity or flood behaviour, and e) is not located on a floodway area or flood storage area. 	The proposed development in not located on land below the flood planning level and the proposed bulk earthworks will not affect flood storage capacity. A FIRA has been prepared by Costin Roe (refer to Appendix N).
4.25 – Preservation of trees and vegetation in Environment and Recreation Zone and Cumberland Plain	
1. The objectives of this clause are—	
<ul style="list-style-type: none"> a) to preserve the amenity of the Western Sydney Aerotropolis through the preservation of trees and vegetation, and b) (b) to promote the conservation of, and minimise the impact of development on, native vegetation. 	The proposed site is currently cleared and used for grazing, and the proposed development will therefore not impact on biodiversity values. A Biodiversity Assessment Report has been prepared by Ecologique at Appendix E .
3. A person must not clear native vegetation on land to which this clause applies without development consent.	The proposed site is generally cleared and used for grazing, and the proposed development has been identified as not impacting on biodiversity values as per the Biodiversity Assessment Report at Appendix E .
4. Development consent under subclause (3) must not be granted unless the consent authority is satisfied that, in relation to the disturbance of native vegetation caused by the clearing—	Noted.
<ul style="list-style-type: none"> a) there is no reasonable alternative available to the disturbance of the native vegetation, and 	The proposed site is generally cleared and used for grazing, and the proposed development has been

Clause	Assessment
	identified as not impacting on biodiversity values as per the Biodiversity Assessment Report at Appendix E .
b) any impact of the proposed clearing on biodiversity values is avoided or minimised, and	The impact of proposed clearing on biodiversity values has been avoided and minimised and is addressed in Appendix E .
c) the disturbance of the native vegetation will not increase salinity, and	The proposed site is generally cleared and used for grazing, and the proposed development has been identified as not impacting on biodiversity values as per the Biodiversity Assessment Report at Appendix E .
d) native vegetation inadvertently disturbed for the purposes of construction will be re-instated where possible on completion of construction, and	The proposed site is generally cleared and used for grazing, and the proposed development has been identified as not impacting on biodiversity values as per the Biodiversity Assessment Report at Appendix E .
e) the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid a net loss of remnant native vegetation, and	Not applicable.
f) the clearing of the vegetation is unlikely to cause or increase soil erosion, salination, land slip, flooding, pollution or other adverse land or water impacts.	To minimise and avoid impacts of vegetation clearing, appropriate sediment and stormwater control measures are to be implemented during earthworks to prevent sedimentation and contamination of downstream waterbodies through the preparation of an Erosion and Sediment Control Plan.
5. Development for the following purposes is prohibited on land shown as "high biodiversity value" on the High Biodiversity Value Areas Map—	Noted.
4.26 – Heritage Conservation	
1. The objectives of this clause are— a) to conserve the environmental heritage of the land to which this Policy applies, and b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, and c) to conserve archaeological sites, and d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	An Aboriginal Cultural Heritage Assessment Report (ACHAR) was prepared by Artefact and appended to the EIS to assess the proposed development's impact on the non-aboriginal and aboriginal heritage value of the site. The report confirms the suitability of the development and details mitigation measures where necessary, as was considered in the EIS.
Development consent is required for the following—	
a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)— i) a heritage item, ii) an Aboriginal object, iii) a building, work, relic or tree within a heritage conservation area,	Noted. This is addressed in the ACHAR as appended to the EIS, which identifies that one Aboriginal artefact of low significance will be directly impacted by the proposed works.
b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 2 in relation to the item,	There are no heritage items located on the site.
c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,	Noted. This is addressed in the ACHAR as appended to the EIS, which identifies that one Aboriginal

Clause	Assessment
d) disturbing or excavating an Aboriginal place of heritage significance,	artefact of low significance will be directly impacted by the proposed works.
e) erecting a building on land— i) on which a heritage item is located or that is within a heritage conservation area, or ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,	Noted. This is addressed in the ACHAR as appended to the EIS, which identifies that one Aboriginal artefact of low significance will be directly impacted by the proposed works.
f) subdividing land— i) on which a heritage item is located or that is within a heritage conservation area, or ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.	
4.27 – Transport Corridors	
1. Development consent must not be granted to the following development unless the consent authority has obtained the concurrence of Transport for NSW— a) development on transport corridor land with a capital investment value of more than \$200,000, b) development that involves the penetration of ground to a depth of at least 2 metres below ground level (existing) on land within 25 metres (measured horizontally) of transport corridor land.	The site is located on land within 25m of a transport corridor (Mamre Road) and will require concurrence from Transport for NSW.
2. In deciding whether to grant concurrence, Transport for NSW must take into account the following— a) the appropriateness of the development in relation to planned infrastructure on transport corridor land, including the service capability of planned infrastructure and the provision of sustainable transport options, b) the timing of the carrying out of the proposed development and the timing for constructing infrastructure on transport corridor land, c) the effect of the development on planned infrastructure, including the additional costs of constructing infrastructure on transport corridor land if the development is carried out.	
4.28 – Warragamba Pipelines	
1. Development consent must not be granted to development on land shown on the Warragamba Pipelines Map unless the consent authority— a) has obtained the concurrence of Water NSW, and b) is satisfied that the development will not adversely affect— i) the quantity or quality of water in the Warragamba Pipelines controlled area (declared under the Water NSW Act 2014), or ii) the operation and security of water supply pipelines from Warragamba Dam to Prospect Reservoir and associated infrastructure.	N/A. The development is not located on land shown on the Warragamba Pipelines Map.
4.28B – Aboriginal cultural guidelines	
Development consent must not be granted to development on land to which this Policy applies unless the consent authority has considered <i>Recognise Country: Guidelines for development in the Aerotropolis</i> published in November 2022 on the Department's website.	The proposal has been through substantial Aboriginal engagement through the prepared ACHAR that was exhibited with the SSD (with the study area of that ACHAR covering the entirety of the 805-817 Mamre Road site including the ENZ zoned land). It is also noted that test excavations were carried out with Aboriginal community participation from six Registered Aboriginal Parties. Again, it is noted that the scope of works subject to this ENZ zoned part of the site, subject to this clause, is limited to that of stormwater basins. These basins will be subject to ultimate configuration and

Clause	Assessment
	<p>operation by Sydney Water who continue to undertake engagement with traditional owners and consider the Recognising Country Guidelines as the regional scheme is further developed. In particular, Sydney Water undertook engagement with custodians which identified the following high level outcomes that are informing design work for the Scheme:</p> <ul style="list-style-type: none"> • <i>General support for Sydney Water’s naturalised approach to drainage in the Aerotropolis. A natural approach to waterway management is considered best for Country</i> • <i>A more holistic approach to planning in the region should be considered. Cultural values and groundwater mapping will help to identify places of significance, and identify the best location for wetlands.</i> • <i>Embedding of First Nations voices into ongoing Management of the region is important. Opportunities for ongoing direct land management by Aboriginal people should be explored.</i> • <i>Scheme Planning to identify opportunities for access to waterways, for Aboriginal community members to gather, practice culture, and Care for Country.</i> • <i>Sydney Water’s approach presents an opportunity to reintroduce and protect existing habitat for local flora and fauna, such as the Mulgoa (black swan).</i> <p>As directed and in accordance with this process, the proponent will reflect these elements through details design of the basins at the appropriate time.</p> <p>Accordingly, for the scope of works subject to this section, the consent authority should be satisfied that the <i>Recognise Country: Guidelines for development in the Aerotropolis</i> have been adequately considered.</p>

Part 4.5 Design Excellence

The following table (**Table 12**) assesses the proposed development's compliance with the design excellence controls under the Parkland City SEPP.

Table 12 Compliance with design excellence controls

Clause	Assessment
4.29 – Objectives	
<p>1. The objectives of this Part are—</p> <p>a) to ensure development in the Western Sydney Aerotropolis is consistent with the policy entitled Better Placed, published by the Government Architect NSW in May 2017, and</p> <p>b) to deliver the highest standard of architectural, urban and landscape design.</p>	<p>The only element of the proposed development subject to this requirement is the proposed stormwater basins.</p>
4.31 – Design review panel	

Clause	Assessment
<p>1. This clause applies to the following development—</p> <ul style="list-style-type: none"> a) State significant development, b) development with a capital investment value of more than \$30 million, c) development with a site area of at least 5,000 square metres or a gross floor area of at least 7,500 square metres, d) development in relation to a building that has, or will have, 3 or more storeys above ground level (existing). 	<p>It is noted that the majority of the proposed development is located outside of the area subject to the Parkland City SEPP, and that the only works situated within this area are the proposed stormwater basins. As such, a design review panel is not considered appropriate in this circumstance as the remit of the design review panel would only extend to review of the proposed artificial waterbody (noting the proposed built form does not sit within the area subject to the Parkland City SEPP). It is understood DPPI have discussed this with the Government Architect who have agreed no design review panel consideration is necessary.</p>
<p>2. Development consent must not be granted to the development unless—</p> <ul style="list-style-type: none"> a) a design review panel reviews the development, and b) the consent authority takes into account the findings of the design review panel, and c) the consent authority is of the opinion that the development exhibits design excellence. 	<p>Noted.</p>
<p>4.32 – Architectural design competition</p>	
<p>1. This clause applies to the following development—</p> <ul style="list-style-type: none"> a) development in relation to a building that has, or will have, a height above ground level (existing) greater than 40 metres or 12 storeys, b) development with a capital investment value of more than \$40 million. 	<p>Not applicable.</p>
<p>2. Development consent must not be granted to the development unless—</p> <ul style="list-style-type: none"> a) an architectural design competition approved by the Government Architect NSW is held, and b) the design of the development is the winner of the architectural design competition, and c) the consent authority is of the opinion that the development exhibits design excellence. 	<p>Not applicable.</p>
<p>4.33 – Consideration of design excellence</p>	
<p>1. In considering whether development exhibits design excellence for the purposes of this Part, the consent authority must have regard to the following matters—</p> <ul style="list-style-type: none"> a) whether the development responds to the physical and cultural connection of the local Aboriginal community to the land, b) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved, c) whether the form and external appearance of the development will improve the quality and amenity of the public domain, d) whether the development detrimentally impacts on view corridors. 	<p>As indicated above, the only element of the proposal subject to this clause is the proposed stormwater basins (artificial waterbody) that sits within the ENZ zoned land. The basins will be designed in a manner that responds to the connection of the local Aboriginal community to the land while utilising natural appearances and aesthetics yet ensuring the practical nature of the wetland area is achieved.</p>
<p>2. The consent authority must also have regard to how the development addresses the following matters—</p> <ul style="list-style-type: none"> a) the suitability of the land for development, b) the existing and proposed uses and use mix, c) Aboriginal heritage, d) the relationship of the development with other buildings (existing or proposed) on the same site or neighbouring sites in terms of separation, setbacks, amenity and urban form, e) the bulk, massing and modulation of buildings, f) street frontage heights, g) environmental performance and amenity standards, such as sustainable design, 	<p>As indicated above, the only element of the proposal subject to this clause is the proposed stormwater basins (artificial waterbody) that sits within the ENZ zoned land.</p>

Clause	Assessment
<ul style="list-style-type: none"> overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity, h) the achievement of the principles of ecologically sustainable development, i) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of pedestrian networks, j) the impact on, and proposed improvements to, the public domain, k) the impact on special character areas, l) achieving appropriate interfaces at ground level between the building and the public domain, m) architectural diversity where the development is to consist of more than 2 buildings. 	

Division 1 Precinct Plans

The proposed development is to be consistent with the prescribed precinct plan. A high level summary of the proposed development's consistency with the precinct plan controls under the Parkland City SEPP is shown in **Table 13**. A detailed compliance table of the proposal's consistency with the relevant precinct plan is discussed in **Appendix W**.

Table 13 Consistency with Division 1 Precinct Plans

Clause	Assessment
4.39 – Development must be consistent with the precinct plan	
1. Development consent must not be granted to development on land to which a precinct plan applies unless the consent authority is satisfied that the development is consistent with the precinct plan.	Compliance with the adopted Precinct Plan is provided per Appendix W .
4.40 – Development prior to precinct plan	
3. Development consent must not be granted to development to which this clause applies, unless the consent authority has considered whether the development— <ul style="list-style-type: none"> a) is consistent with the aims of this Policy, and b) will result in further fragmentation of land holdings, and c) will hinder the orderly and co-ordinated provision of infrastructure that is planned for the land to which this Policy applies, and d) is incompatible with, or will adversely affect, the long-term operations and development of the Airport, and e) appropriately takes into account the development and infrastructure in areas adjacent to the development, and f) will be adequately serviced by public utility infrastructure. 	The proposed development is consistent with the aims of this policy, as it provides a key employment land that is supportive of the development and operations of the WSIA and broader Aerotropolis – noting that the development is not located within land subject to the SEPP and the only component situated in that land is the proposed evaporation pond.

Western Sydney Aerotropolis Development Control Plan 2022

The Western Sydney Aerotropolis Development Control Plan 2022 (known as Phase 2) supports the implementation of the Precinct Plan by providing controls to guide development across the Aerotropolis. It contains specific development controls to support healthy communities, high-quality building design, construction standards, stormwater management, vegetation and canopy cover, and heritage and environmental conservation.

An assessment is provided against those relevant parts in **Appendix X**, noting that the only work proposed in land subject to the Phase 2 DCP are the stormwater basins.

5.3.6 Other Acts, Legislation and Environmental Planning Instruments

The consistency of the proposed development with the following is unchanged from the assessment undertaken in the EIS:

- *Protection of the Environment Operations Act 1997*

- *Water Management Act 2000*
- *National Parks and Wildlife Act 1974*
- *Heritage Act 1977*
- *Roads Act 1993*
- *Rural Fires Act 1997*
- State Environmental Planning Policy (Biodiversity and Conservation) 2021

5.3.7 Mamre Road Development Control Plan

The site is located within the area identified within the Mamre Road Development Control Plan, with the requirement for a DCP sitting under Section 2.17 of the Industry and Employment SEPP.

A detailed assessment against the MRDCP is provided at **Appendix I**. The proposal is generally compliant with the requirements of the MRDCP. No variations over those contemplated in the EIS are proposed.

5.4 Community Views

Prior to the Public Exhibition, the Applicant consulted with relevant stakeholders to understand the communities and stakeholders views. As outlined in **Section 2.1**, no public submissions were received with only comments for consideration received from State Government agencies and organisations, and Penrith Council. As outlined in **Section 3.1**, the Applicant has undertaken further consultation with relevant parties through the response to submission process that has led to productive feedback in preparation of this Submissions Report.

5.5 Likely Impacts of the Development

5.5.1 Natural Environment

The environmental impact assessment of the proposed development has demonstrated that there are not anticipated to be more than minor impacts as a result of the development, and these are not considered to be of significance, either in nature or extent.

Following further detailed consultation with Sydney Water and the DPHI, the proposal has been updated to relocate the wetland and storage pond location to the ENZ zoned land instead of the REI zoned land. The location of the proposed wetland area now aligns with the future proposed location of the Sydney Water Wetland and Pond at the adjoining Lot 27 to the south of the site and, as per the Sydney Water strategy to be adopted. This addresses the concerns of Council over access and management of the land and facilitates the realisation of part of Sydney Water's long term stormwater management strategy. It is the intention of Gibb Group to deliver this part of the basins for Sydney Water in this location.

The originally lodged EIS document considered and confirmed the suitability of impacts and mitigation measures relating to the following environmental factors:

- Assessment of impacts for Ecologically Sustainable Development,
- Greenhouse Gas Emissions,
- Biodiversity,
- Watercourse,
- Air quality,
- Ground water and conditions,
- Stormwater and wastewater,
- Flooding risk,
- Hazards and risks,
- Contamination and remediation,
- Waste management,
- Environmental heritage, and
- Bushfire risk.

The relevant supporting documents have been updated accordingly in response to the submissions received and carry out assessments of the design changes made as required.

5.5.2 Built Environment

The development has been designed with consideration of the site's strategic context, characteristics of the site and the desired future character to deliver on balance the most appropriate and beneficial built environment outcome. Specifically, the development will include high quality materials and a responsive design response that includes generous and dense landscaping that provides a visual buffer, reduces urban heat and creates an inviting environment.

5.5.3 Traffic and Transport

The traffic and transport impacts associated with the proposed development have been comprehensively assessed as part of the updated Transport Management and Accessibility Plan (TMAP) and subsequent addendum (refer to **Appendix EE**). The revised proposal includes the interim widening of Mamre Road to facilitate temporary access to the development in accordance with TfNSW specifications. This interim widening is part of a broader coordinated approach with TfNSW and local authorities, consistent with the strategic intent for the Mamre Road Precinct.

The environmental assessment of these works has concluded that there are not anticipated to be more than minor traffic impacts as a result of the Mamre Road widening. The widening is intended as an interim measure and has been designed to integrate with the future permanent road upgrades anticipated by TfNSW. Traffic generated by the proposed warehouses remains within the capacity assumptions for the precinct and will be safely accommodated by the existing and planned road infrastructure. The proposal maintains compliance with the Mamre Road Precinct DCP with respect to parking, access, and active transport infrastructure, and incorporates appropriate end-of-trip and electric vehicle provisions. Specifically, the following assessment of the revised masterplan, the following conclusions are drawn:

- The design retains the same warehouse functionality and circulation, with a revised swept path analysis included to validate the revised masterplan.
- The masterplan maintains sufficient parking provision in compliance with the Mamre Road Precinct Development Control Plan.
- The current proposal generates slightly less traffic than the original scheme assessed under the TMAP as a consequence of reduced overall gross floor area.
- Indeed, under the new large-format warehouse trip rates published in the TfNSW Guide to Transport Impact Assessments, the proposal would generate only 30 vehicle trips per hour during network peak periods.
- Notwithstanding, traffic impacts remain well accounted for noting that LOG-E network improvements (2026) are informed by the adoption of higher Mamre Road Precinct trip rates for the site.

No significant adverse traffic impacts have been identified as a result of the Mamre Road widening or associated site access arrangements. These impacts are considered to be minimal and manageable within the context of the staged development and ongoing infrastructure planning in the Mamre Road Precinct. Accordingly, the traffic impacts are not considered significant in either nature or extent.

5.5.4 Social and Economic

The development will deliver social benefit to the community through the creation of jobs in an area of high demand, delivery of warehouse and distribution centres with strong worker facilities and amenity, protection of environmental land and inclusion of sustainability initiatives.

Specifically, the development will not result in any likely significantly detrimental economic impacts. On the contrary, the proposed development will generate up to 220 job years (direct and indirect) during the construction phase, as well as a further 370 FTE annual direct and indirect ongoing jobs once the development is complete and fully occupied. These ongoing jobs will generate additional economic output, including up to \$67.8 million in direct Value Added to the local and regional economy each year. Importantly, jobs generated by the development will contribute to the ongoing growth of the Mamre Road Precinct and deliver on higher order employment opportunities across Western Sydney, specifically within the WSEA and Western Sydney Aerotropolis.

5.6 Suitability of the Site

Having regard to the characteristics of the site and its location within the MRP at Kemps Creek, the development is considered suitable in that:

- The site is zoned as IN1 General Industrial within the MRP which has been identified and recognised as appropriate for the development of warehouse and distribution centre;
- The development involves an industrial development that is consistent with the MRP Structure Plan;
- Development of the site for employment uses is complementary to the Western Sydney Aerotropolis and the soon to be operational WSI Airport, through ensuring logistics and warehousing is available in close proximity;
- It appropriately responds to the sloping and undulating topography of the site to deliver the most contextually and economically appropriate design in consideration of the design criteria;
- The bulk earthworks for the site have been carefully considered to ensure a balanced cut and fill is achieved and to minimise the height and visual impacts of retaining walls; and
- The surrounding area will be developed for industrial purposes consistent with the development, ensuring a well-structured and accessible employment precinct is established to provide for ongoing jobs for workers within the broader WSEA.

5.7 Public Interest

The development is identified as being in the public interest for the following reasons:

- It is consistent with relevant state and local strategic plans and complies with the relevant state and local planning controls;
- It is estimated to contribute to the creation of up to 220 job years (direct and indirect) during the construction phase, as well as a further 370 FTE annual direct and indirect ongoing jobs and \$67.8 million in additional economic output in the local and regional economy each year;
- It will deliver warehousing space to meet current market demands enabling the creation of a more efficient logistics supply chain enabling consumers and businesses to receive goods faster;
- It will align with the needs of modern tenant and business requirements, supporting the long-term potential and objectives of the locality including WSI Airport; and
- It minimises any environmental impacts.

6.0 Conclusion

This Submissions Report has been prepared on behalf of 805 Mamre NSW Pty Ltd to address the matters raised during the Public Exhibition of the Warehouse and Distribution Centre (SSD-30871587) located at 805-817 Mamre Road, Kemps Creek.

The Applicant has thoroughly considered the submissions received from Public Exhibition and refined the Proposal accordingly, as well as undertaken consultation with the key relevant authorities. The justification of the Proposal remains consistent with that of the EIS in that:

- It is permissible with consent, meets the objectives and complies with the provisions of the Industry and Employment SEPP;
- It is consistent with the desired future character of the area and relevant strategic planning documentation, including the Greater Sydney Region Plan and Mamre Road Precinct Structure Plan;
- It will deliver large-format warehouse and distribution centres to meet current market demands for warehouse floorspace enabling the creation of a more efficient logistics supply chain enabling consumers and businesses to receive goods faster;
- It will align with the needs of modern tenant and business requirements, supporting the long-term potential and objectives of the locality including WSA;
- It is estimated to contribute to the creation of up to 220 job years (direct and indirect) during the construction phase, as well as a further 370 FTE annual direct and indirect ongoing jobs and \$67.8 million in additional economic output in the local and regional economy each year;
- It will deliver warehousing to meet current market demands enabling the creation of a more efficient logistics supply chain and improving the flow of goods between consumers, businesses and industry;
- It will not result in adverse environmental impacts, with the inclusion of appropriate mitigation measures that will minimise any potential impact of the development; and
- It is suitable for the site and in the public interest.

Given the merits described above, significant benefits associated with the Proposal and the refinements made in response to submissions received, the proposal is considered supportable.