

Response to Submissions Report

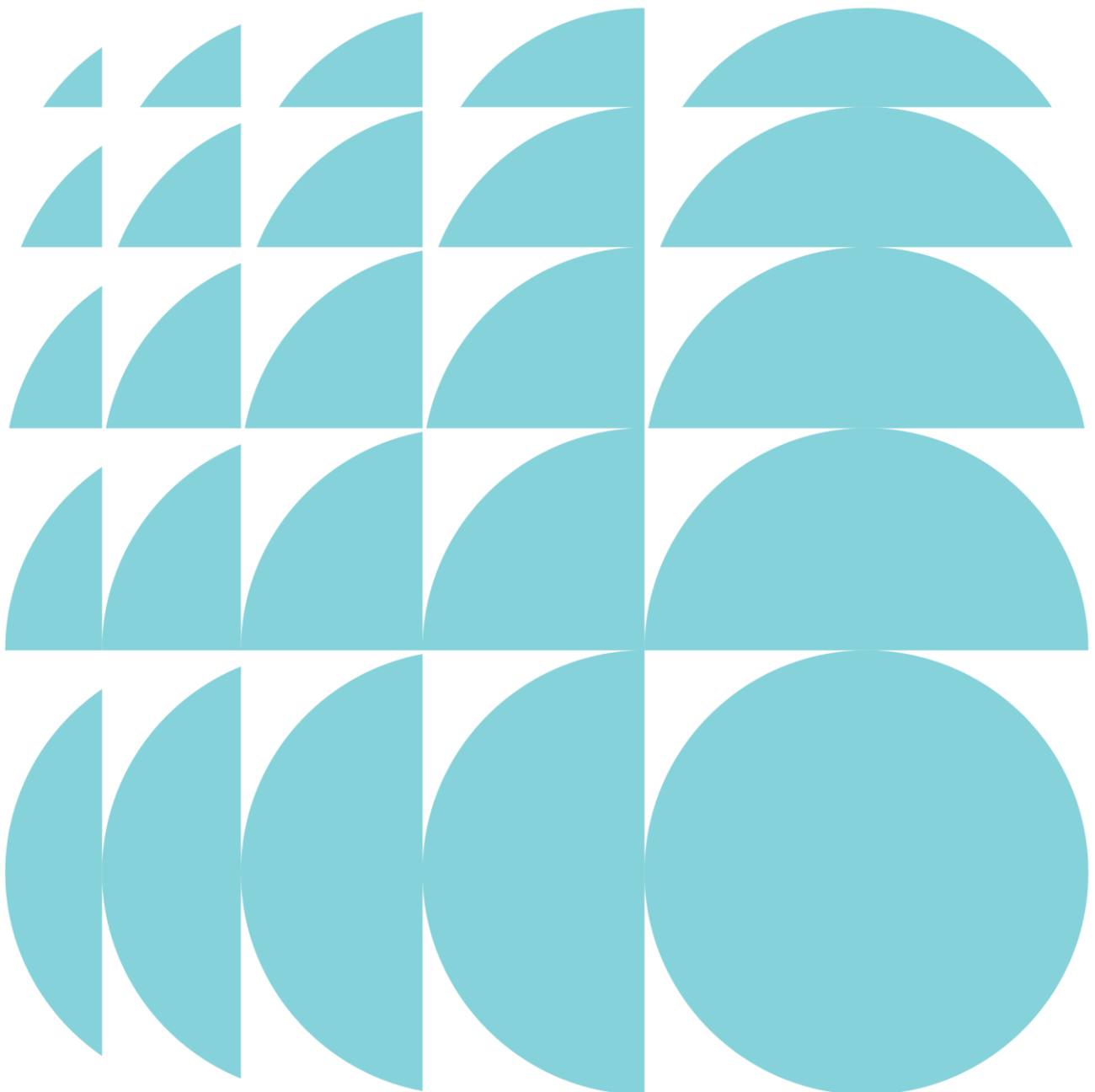
State Significant Development Application 10479

200 Aldington Road Industrial Estate

Submitted to the Department of Planning and
Environment

On behalf of Fife Kemps Creek Pty Ltd

May 2022 | 2200292



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

We acknowledge the Gadigal people, of the Eora Nation, the Traditional Custodians of the land where this document was prepared, and all peoples and nations from lands affected.

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

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VERSION NO.	DATE OF ISSUE	REVISION BY	APPROVED BY
1 (Draft)	30 March 2022	AN/AA	GK
2	26 April 2022	AN/AA	GK
3 (Final)	9 May 2022	AN	GK

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1.0 Introduction

1.1 Overview and purpose of the report

Fife Kemps Creek Pty Ltd (**FKC**) (a joint venture between Fife Capital and Stockland Managed entities) has lodged with the Department of Planning and Environment (**DPE**) an Environmental Impact Statement (**EIS**) for a Concept State Significant Development Application (**SSDA**) under Part 4 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**). The SSDA relates to the concept approval and Stage 1 works for a proposed new industrial estate (**the Project**) of land at 106 – 228 Aldington Road, Kemps Creek (200 Aldington Road) (**the site**).

As the Project is for the purposes of warehouse or distribution centre that has a capital investment value in excess of \$30 million, it is SSD by virtue of Schedule 1 of the State Environmental Planning Policy (Planning Systems) 2021.

The EIS for the project was placed on public exhibition between 18 November 2020 and 15 December 2020. During this period, a total of 18 submissions were received. These submissions were addressed in the initial Response to Submissions Report prepared by Ethos Urban dated 23 March 2021.

In written correspondence dated 28 April 2021, it was requested that FKC provide a further response to additional commentary raised by DPE, as well as additional comments raised by public authorities in their review of the first Response to Submissions Report. This was responded to via a second Response to Submissions Report prepared by Ethos Urban (dated 22 September 2021).

This third Response to Submissions Report addresses additional correspondence by DPE dated 15 November 2021. It provides:

- A response to the submissions received, in accordance with clause 82(2) of the *Environmental Planning and Assessment Regulation 2021*;
- Details of further amendments to the Project in response to the submissions received; and
- a revised project description for the amended development for which consent is now sought.

In response to the key issues raised by DPE and the public authorities, this report includes:

- A review of the proposal against the finalised *Mamre Road Precinct Development Control Plan (MRP DCP)* which was released in November 2021, and minor amendments to the proposal to ensure overall compliance with the MRP DCP; and
- Minor amendments to the Project as a result of the key issues raised by DPE and the public authorities. The Project overall remains generally consistent with that proposed as part of the previous RTS Report.

1.2 Summary of the project for which development consent is now sought

Consent is sought for the following development. It represents minor amendments and does not represent a significant material change to what was previously proposed under the second RTS Report (22 September 2021):

- A concept masterplan with an indicative total building area of 342,865 sqm, comprising:
 - 325,865 sqm of warehouse gross floor area (GFA);
 - 17,010 sqm of ancillary office GFA;
 - 13 individual development lots for warehouse buildings with associated hardstand areas and two lots for water management infrastructure purposes (each including a bio-retention basin);
 - Roads, including:
 - Internal road layouts;
 - Southern road connection to Aldington Road;
 - Northern boundary road (half road corridor) connection to Aldington Road;
 - Road connections to adjoining landholdings to the north and east;
 - Provision for 1,516 car parking spaces; and
 - Associated concept site landscaping.
- Detailed consent for progressive delivery of site preparation, earthworks and infrastructure works (i.e., Stage 1 works) on the site, including:
 - Demolition and clearing of all existing built form structures;
 - Drainage and infill of existing farm dams and any ground dewatering;
 - Clearing of existing vegetation;
 - Subdivision of the site into 15 individual lots;
 - Construction of a warehouse building with a total of 50,300 sqm of GFA, including:
 - 47,800 sqm of warehouse GFA;
 - 2,500 sqm of ancillary office GFA; and
 - 221 car parking spaces.
 - Bulk earthworks including 'cut and fill' to create level development platforms for the warehouse buildings, and site stabilisation works (if required);
 - Roadworks and access infrastructure, including an interim access road and a temporary junction with Aldington Road;
 - Stormwater works including stormwater basins, diversion of stormwater;
 - Utilities services including sewer and potable water reticulation
 - Road and boundary retaining walls.

2.0 Background

2.1 Development vision

FKC's vision for the site is to create a high-quality industrial estate which will support the transition and establishment of the Mamre Road Precinct into a new warehousing and industrial hub and contribute overall to the provision of in-demand industrial land supply in Western Sydney. The vision leverages off the significant size of the site and its strategic location within the Mamre Road Precinct and Western Sydney Employment Area which is capable of delivering a project of this scale and significance.

By constituting a significantly large and unified portion of land, the project makes the most of recently rezoned land (for industrial purposes) to deliver significant warehouse and employment generating floor space while minimising environmental impacts and not compromising the amenity of surrounding land.

The site benefits from proximity to the existing road infrastructure (including the M7 and M4 Motorways) as well as the future planned Western Sydney Freight Line. The site is also located within the Western Sydney Aerotropolis and the proposed development will support the Western Sydney International (Nancy-Bird Walton) Airport.

2.2 Planning framework

The site is located within the Mamre Road Precinct and as previously mentioned, the vision of this Project is to facilitate the redevelopment of the site for industrial purposes in line with the desired future outcomes of the Precinct, and the recent amendments (which occurred in June 2020) to the (former) *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (WSEA SEPP), which now forms part of *State Environmental Planning Policy (Industry and Employment) 2021* (Industry and Employment SEPP).

The amendments to the (former) WSEA SEPP (gazetted on 12 June 2020) extended the controls of the SEPP to include the Mamre Road Precinct and rezoned the Precinct for general industrial purposes (IN1) with areas zoned for private recreation (RE2), environmental conservation (C2) and special purpose infrastructure (SP2). The intent was to facilitate and transition the Mamre Road Precinct into a future industrial hub, capable of supporting in-demand industrial land supply.

In November 2021, DPE released the final MRP DCP. It provides for an overarching vision for future development in the Mamre Road Precinct and includes a suite of principles, objectives and controls to guide future development. The final MRP DCP was released after the lodgement of this SSDA as well as after the second Request for Additional Information (15 November 2021). The Project has therefore been amended to ensure overall consistency with the final MRP DCP.

2.3 Summary of Project as lodged

This section of the report provides a summary of the Project description as originally lodged (11 November 2020) and publicly exhibited, as well as the changes to the Project following the first Response to Submissions and the subsequent Response (23 March 2021).

2.3.1 Summary of project as lodged and publicly exhibited (November 2020)

As lodged and exhibited, the SSDA sought approval for the following development:

- A concept masterplan with an indicative total building area of 375,755 sqm, comprising:
 - 357,355 sqm of warehouse GFA;
 - 18,200 sqm of ancillary office GFA;
 - 200 sqm of café GFA;
 - 13 individual development lots for warehouse buildings with associated hardstand areas and two lots for drainage infrastructure purposes;
 - Internal road layouts and road connections to Aldington Road;
 - Provision for 1700 car parking spaces; and
 - Associated concept site landscaping.
- Detailed consent for progressive delivery of site preparation, earthworks and infrastructure works (i.e. Stage 1 works) on the site, including:
 - Demolition and clearing of all existing built form structures;
 - Drainage and infill of existing farm dams and any ground dewatering;
 - Clearing of all existing vegetation;
 - Subdivision of the site into 15 individual lots;

- Construction of a warehouse building with a total of 50,930 sqm of GFA, including:
 - o 48,430 sqm of warehouse GFA;
 - o 2,500 sqm of ancillary office GFA; and
 - o 231 car parking spaces.
- Bulk earthworks including 'cut and fill' to create flat development platforms for the warehouse buildings, and site stabilisation works (if required);
- Roadworks and access infrastructure;
- Stormwater and drainage works including stormwater basins, diversion of stormwater lines, gross pollutant traps and associated swale works;
- Sewer and potable water reticulation; and
- Inter-allotment, road and boundary retaining walls.

2.3.2 Response to Submissions (March 2021)

Following the public exhibition of the Project, changes were undertaken in response to the issues raised during the public exhibition (via correspondence by DPE dated 22 December 2020). This included a full assessment of the Project against the (then) draft MRP DCP which was released subsequent to lodgement of the SSDA.

The key changes and additional information on the Project that then followed included:

- A revised riparian solution in the north-east corner of the site which relocated the existing first order water course and re-established the riparian corridor with a 10-metre buffer on each side in accordance with the Natural Resources Access Regulator (**NRAR**) guidelines;
- An evidence-based case for the proposed location of the high order road south of the site's northern boundary which was seen to provide a more logical and feasible road network outcome (for both FKC and its northern neighbour) compared to that envisioned under the draft MRP DCP;
- Revised technical inputs for the flood assessment to address the submissions raised, including revised flood modelling which addresses post development conditions in the 2-, 20- and 100-year ARI events, and providing further commentary on the flooding impacts of surrounding and downstream land;
- An integrated water management solution which can effectively allow the progressive redevelopment of the site to occur while still recognising and meeting stormwater runoff targets set out in the draft and eventual final MRP DCP;
- A revised Visual Impact Assessment showing the impact of proposed landscaping mitigation over time; and
- Rationale for minor departures from the draft MRP DCP in relation to building design and sitting, pylon signage and retaining walls.

2.3.3 Response to Submissions (September 2021)

A second RTS Report was prepared by Ethos Urban to address correspondence received by DPE on 28 April 2021. To address the correspondence, material changes to the concept masterplan proposed were undertaken to better align the Project overall to the (then) Draft MRP DCP.

The key changes and additional information on the Project subsequently included:

- Reconfiguration of the internal road network and external road connections to be generally consistent with the (then) Draft MRP DCP including:
 - Provision of a land reservation corridor along the northern boundary to facilitate half the required future DCP road and intersection with Aldington Road;
 - Inclusion of the open space edge road in the north-east section of the site with connections through to the adjoining properties to the north and east;

- Intersections with Aldington Road including a signalised south intersection and roundabout northern intersection (with sufficient corridor allocation to accommodate a signalised intersection if determined at a future date); and
- Amendments to road corridor widths to reflect the current understanding of the future DCP road corridors.
- Reconfiguration of proposed Lot G to facilitate the open space edge road to the adjoining eastern property and to locate the proposed warehouse footprint and car park areas wholly within the IN1 zone;
- Relocation of on-site detention basin within proposed Lot D to be outside the RE2 Private Recreation Zone and wholly within the IN1 zone;
- Retention of existing farm dams and riparian corridor within the RE2 zoned area in the north-east corner of the site;
- Consequential amendments to bulk earthwork pads, retaining walls, lot and future warehouse layout, car parking and landscaping;
- Overall revisions to site preparation, earthworks and infrastructure consistent with the revised concept masterplan;
- Inclusion of an interim access road and temporary junction connecting to Aldington Road in the northern portion of the site, to facilitate site access prior to the implementation of the northern boundary road; and
- Revision to the internal road network in line with the concept master plan revisions with the provision of temporary turning heads at the site boundary where those roads will connect to properties to the east and north of the site in the future. The road levels at the boundary interface of the site will align with existing ground level (or as required to manage drainage).

Response to Submissions (May 2022)

Two supplementary requests for additional information were issued by DPE on 15 November 2021 and 11 April 2022. It included supplementary comments and issues raised by public authorities in the previous RTS prepared for the Project in September 2021.

The request for additional information included a number of minor matters and clarifications which are summarised in **Section 3.0** and addressed in **Section 6.0** of this Report. It has necessitated only minor changes to the Project as previously proposed in the previous RTS Report (dated September 2021).

3.0 Analysis of additional information

The key issues raised by DPE, and public authorities is summarised in **Table 1**.

Table 1 Summary of issues

Heading	Issues
DPE	<p>Traffic, including:</p> <ul style="list-style-type: none"> Performance of the Mamre Road and Abbots Road intersection; The design and upgrade of Aldington Road and Abbots Road; The design and performance of the Mamre Road/Abbots Road intersection; and Internal road construction. <p>Achieving greater consistency with the MRP DCP;</p> <p>The provision of infrastructure contributions;</p> <p>Stormwater management, including:</p> <ul style="list-style-type: none"> Ensuring the concept proposal can achieve the stormwater management and quality targets of the MRP DCP; Consideration of the trunk drainage controls of the MRP DCP; and Clarifying the temporary swale on the site. <p>Achieving balanced cut and fill;</p> <p>Height and design of retaining walls;</p> <p>Landscaping and visual impact;</p>

Heading	Issues
	Noise; and Flooding.
DPE Water	N/A. The previous RTS and amendments report were reviewed by NRAR, and all outstanding issues have been adequately addressed by the proponent in the view of DPE Water.
EES	Erosion and sediment control; Stormwater management; and Water balance and quality.
Heritage NSW	Management recommendations.
Penrith City Council	Development contributions; Traffic management and road design; Waterway considerations; Biodiversity; Landscape design; and Engineering and stormwater management.
TfNSW	Transport and Accessibility Management Plan; and Green Travel Plan.
Western Sydney Planning Partnership	Airport safeguarding and wildlife; and On site recreation.

4.0 On-going Stakeholder and community engagement

This section of the report outlines all stakeholder and community engagement undertaken during and after exhibition of the EIS. It excludes the separate and additional consultation with stakeholders and authorities which has been undertaken by FKC as part of the Mamre Road Precinct Landowners Group across the Precinct. A summary of the engagement undertaken is provided in **Table 2**.

Following more recent discussion with DPE (detailed below), the following additional consultation is currently underway (at the time of writing). Evidence of the consultation will be issued to DPIE at the relevant time when responses are received:

- Further ongoing discussions with Penrith City Council to progress local developer contributions (works-in-kind) discussions; and
- Additional consultation with the landowner to the immediate north (90 Aldington Road) to discuss the proposed road reserve along the northern boundary.

Table 2 Summary of post exhibition engagement

Date	Stakeholder	Matters discussed / Comment
17 February 2021	Adjoining landowners (Fraser's)	High order road location.
1 February 2021 15 February 2021	Other Aldington Road landowners (ESR, Fraser's)	Proposed VPA or works-in-kind agreement between council and developer/s to fund design and delivery of interim road solution. Aldington Road upgrades, and Mamre Road / Abbotts Road intersection upgrades.
3 February 2021	Penrith City Council	Proposed Aldington Road upgrades and works-in-kind / developer contribution framework

Date	Stakeholder	Matters discussed / Comment
12 February 2021	DPIE	Proposed road layout; Draft MRP DCP compliance, including, Retaining walls; Road network and hierarchy; and Building orientation. Additional view studies; Noise impacts; Cultural heritage; Developer contribution; and Land owners' consent.
3 March 2021	Transport for NSW	Arterial Road network and potential upgrades.
30 March 2021	TransGrid	Proposed road network. TransGrid requirements for development within and adjacent to easements.
15 April 2021	DPIE	Draft MRP DCP.
27 May 2021	DPIE (Contributions Team)	Satisfactory arrangements and voluntary planning agreement.
30 July 2021	DPIE	Project revisions and compliance with the Draft MRP DCP, including; Reconfiguration of the concept plan – footprints and road network; Stage 1 roads and interim road solution; Permissibility; Retention of existing farm dam and basin reconfiguration; an Retaining walls. Visual Impact; Landscaping; and Bulk Earthworks.
6 August 2021	DPIE	Proposed temporary road and meeting with Council; Draft MRP DCP compliance, including, Retaining walls; Road network and hierarchy; and Bulk earthworks Setbacks Landscaping Satisfactory arrangements.
2 September 2021	Penrith City Council	Proposed road network and temporary road arrangements. Proposed changes to the bio-retention basin and reconfiguration of development to avoid the RE2 zone.
17 December 2021 and 22 February 2021	Penrith City Council	Aldington/Abbotts Road design (road design details) discussion for VPA lodgement.
20 April 2022	Adjoining landowner to the south of the site	Proposed retaining wall and landscaping interface of the site with southern boundary.
14 April 2022	Adjoining landowner to the east of the site	Discussion on finished road levels on eastern boundary and Basin B spillway (results of the discussion are shown in the updated Civil Drawings).

5.0 Additional information provided

This section of the report describes the additional assessment undertaken in response to issues raised in DPE's correspondence dated 15 November 2021. The additional assessment and associated documentation include the following:

- Revised Concept Masterplan and Stage 1 Plans (**Appendix C**), reflecting minor changes to retaining walls, landscaping and car parking as a result of the finalisation of the MRP DCP;
- Revised Civil Infrastructure Report and Plans (**Appendix E**) to support the revised Concept Masterplan and Stage 1 works (including retaining wall details). The report also contains the Water Management Strategy and Utilities Plan;
- Revised Landscaping Plans (**Appendix F**) to provide updated landscaping treatment and landscape setbacks as outlined within the Concept Masterplan and the Stage 1 Plans;
- Crime Prevention Through Environmental Design Assessment (**Appendix G**) assessing the potential opportunities and perceived fear of crime that may be associated with the development and strategies used to mitigate crime;
- Consequential revisions and updates to other relevant technical specialist reports to address the changes to the Concept Masterplan and Stage 1 development plans; and
- Additional technical specialist reports to meet MRP DCP requirements, including:
 - Salinity and Sodidity Assessment and Salinity Management Plan (**Appendix H**);
 - Construction Environmental Management Plan (**Appendix I**), comprising:
 - Community Consultation Strategy;
 - Construction Air Quality Management Plan;
 - Construction Noise and Vibration Management Plan;
 - Flora and Fauna Management Plan (including Vegetation Management Plan, Dam dewatering Plan and Weed Eradication Management Plan);
 - Aboriginal Cultural Heritage Management Plan;
 - Erosion and Sediment Control Plans;
 - Unexpected Contamination Protocol.
 - Detailed Site Investigation (**Appendix K**);
 - A Geotechnical Report (Farm Dam Assessment) (**Appendix O**);
 - Aeronautical Impact Assessment (**Appendix P**);
 - Hazardous Waste Assessment (**Appendix Q**);
 - Correspondence from adjoining landowners (**Appendix R**); and
 - Sustainability Report (**Appendix S**).

6.0 Proposed changes to the project

Additional assessment and minor amendments have been made to the Project to address the comments raised by DPE and State agencies and make the Project overall compliant with the final MRP DCP which was recently endorsed. The general layout and structure of the masterplan proposed in the previous Response to Submissions dated September 2021 submitted for the Project remained largely unchanged.

The changes to the Project are summarised below.

6.1 Revised metrics

Table 3 provides a numerical overview of the revised to the Concept Masterplan. The revised Concept Masterplan is shown in **Figure 1**.

Table 3 Numerical Overview of the Concept Masterplan

Element	
Site area	720,906 sqm
Net developable area	585,059 sqm
Total building area	342, 875 sqm: <ul style="list-style-type: none"> - 325,875 sqm (warehouse); and - 17,0010 sqm (office).
Site coverage	57%
Site permeability	23.7%
Carparking	1,516
Lot breakdown	
Lot A	Site area: 11,316 sqm Warehouse: 3,125 sqm Office: 200 sqm GFA: 3,325 sqm Car spaces: 16
Lot B	Site area: 49,712 sqm Warehouse: 20,110 sqm Office: 900 sqm GFA: 21,010 sqm Car spaces: 90
Lot C	Site area: 37,237 sqm Warehouse: 20,350 sqm Office: 1,210 sqm GFA: 21,560 sqm Car spaces: 99
Lot D (non-developable)	Site area: 52,516 sqm
Lot E	Site area: 33,430 sqm Warehouse: 17,350 sqm Office: 900 sqm GFA: 18,250 sqm Car spaces: 81
Lot F	Site area: 73.690 sqm Warehouse: 47,800 sqm Office: 2,500 sqm GFA: 50,300 sqm Car spaces: 221
Lot G	Site area: 42,818sqm Warehouse: 23,630 sqm Office: 1,200 sqm GFA: 24,830 sqm Car spaces: 109

Element	
Lot H	Site area: 47,285 sqm Warehouse: 28,590 sqm Office: 1,500 sqm GFA: 30,090 sqm Car spaces: 133
Lot I	Site area: 40,671qm Warehouse: 23,445 sqm Office: 1,200 sqm GFA: 24,645 sqm Car spaces: 109
Lot J	Site area: 122,997 sqm Warehouse: 74,130 sqm Office: 3,750 sqm GFA: 77,880 sqm Car spaces: 341
Lot K	Site area: 36,725 sqm Warehouse: 20,345 sqm Office: 1,200 sqm GFA: 21,545 sqm Car spaces: 98
Lot L (non-developable)	12,426 sqm
Lot M	Site area: 26,908 sqm Warehouse: 13,865 sqm Office: 750 sqm GFA: 14,615 sqm Car spaces: 65
Lot N	Site area: 30,833 sqm Warehouse: 16,655 sqm Office: 900 sqm GFA: 17,555 sqm Car spaces: 79
Lot O	Site area: 31,487 sqm Warehouse: 16,470 sqm Office: 800 sqm GFA: 17,270 sqm Car spaces: 75

Table 4 provides a numerical overview of the Stage 1 components of the project. The revised Stage 1 Plan is shown in **Figure 2**

Table 4 Numeric Overview of Stage 1

Element	
Estate road reserve	64,245 sqm
Lot D basin	52,516 sqm
Lot L basin	12,426 sqm
Lot F	

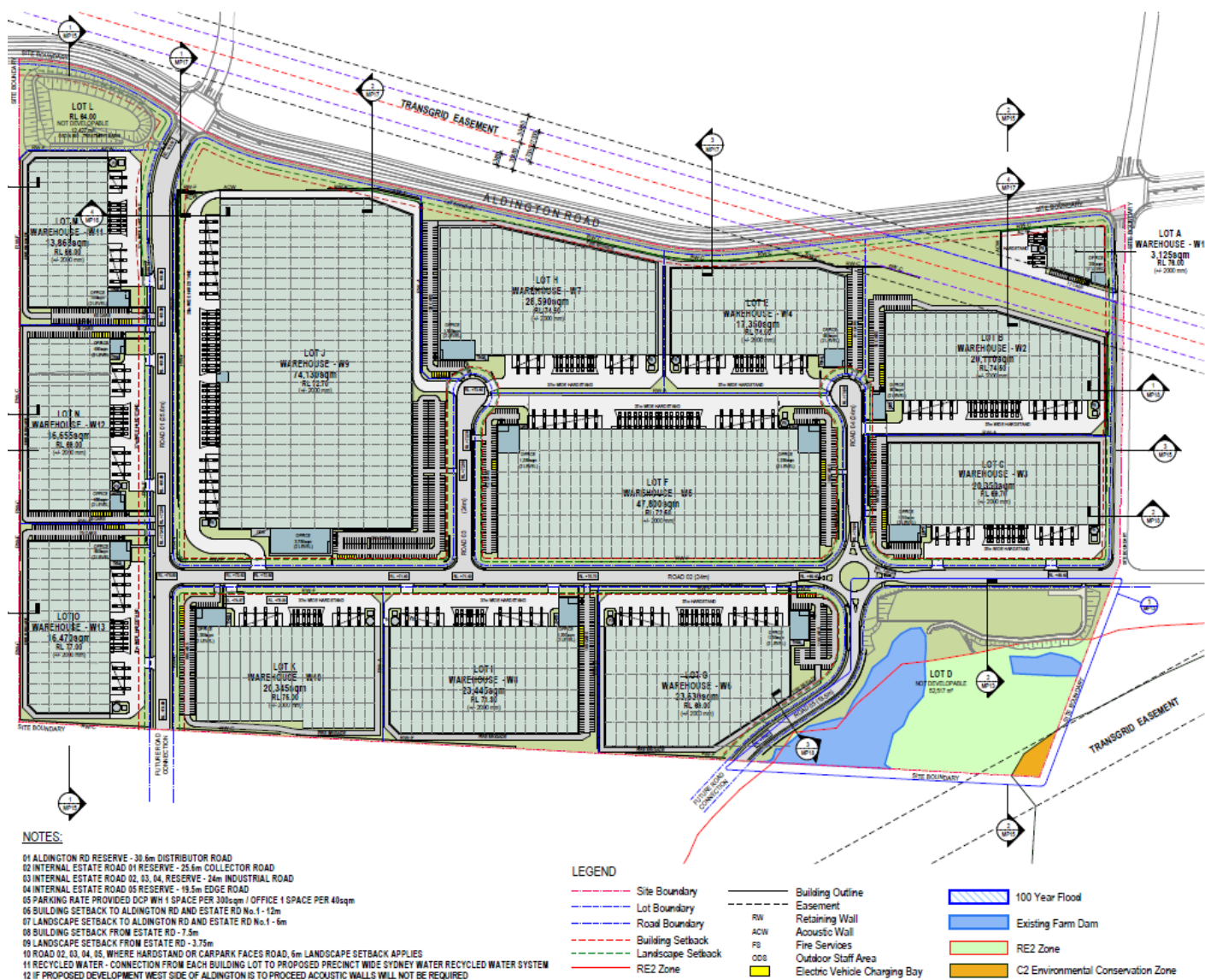


Figure 1 Revised Concept Masterplan

Source SBA Architects

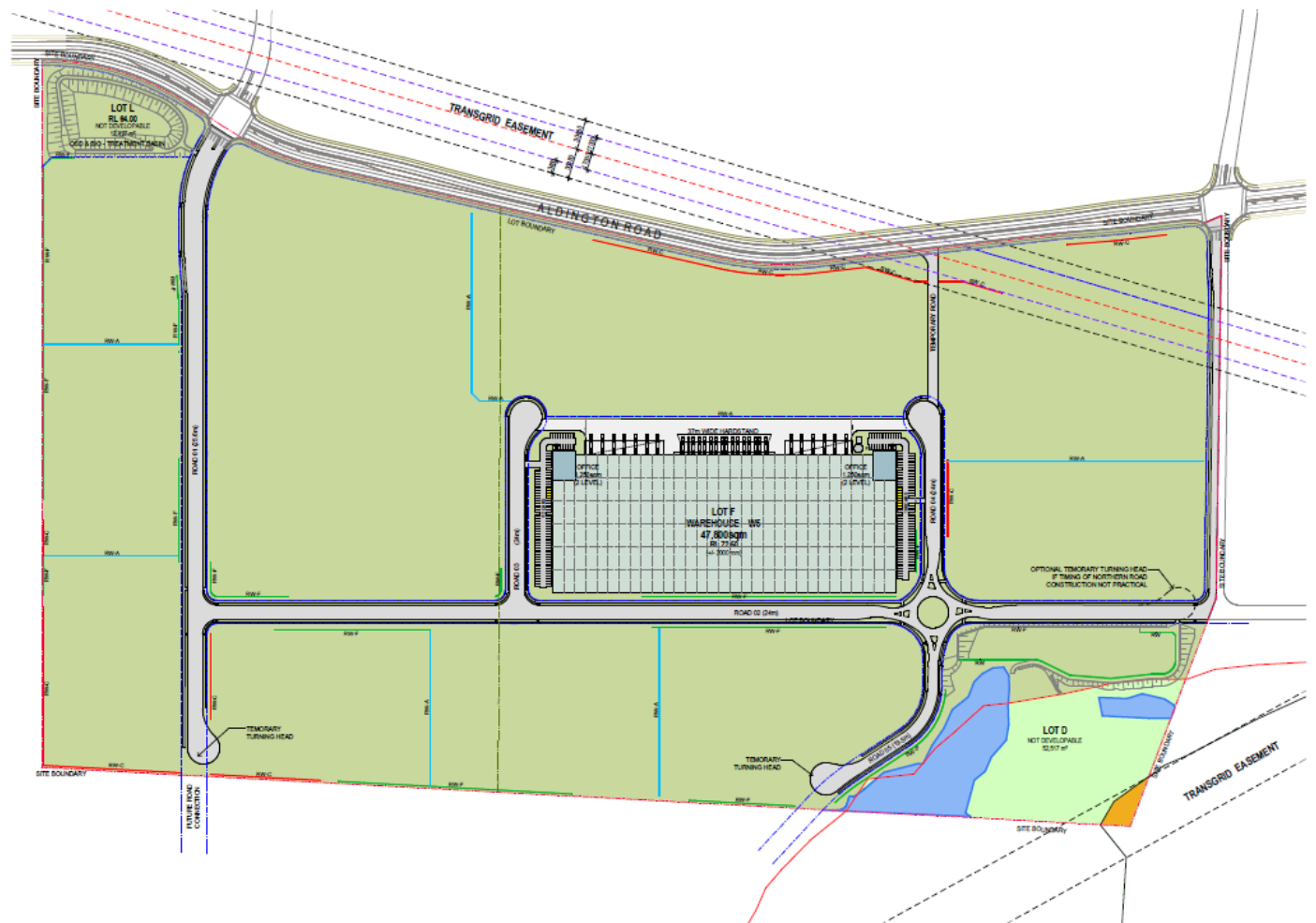


Figure 2 Revised Stage 1 Plans

Source: SBA Architects

7.0 Response to Key DPE Issues

This section of the report provides a response to the key issues raised by the DPE in its correspondence dated 15 November 2021. A full response to all issues raised by DPE and other agencies is provided at **Appendix A**.

7.1 Mamre Road and Abbotts Road intersection

Comment

Further consideration is required of the performance of the Mamre Road/Abbotts Road intersection including the extent of upgrades required and the cumulative impacts of the development and other approved or proposed developments utilising the intersection, in consultation with Transport for NSW.

Response

Ason Group is currently working closely with TfNSW on behalf of the Land Owner Group (East) to agree and deliver the modelling assessment to identify the required performance and staging of the Mamre Road / Abbotts Road upgrades. This process is currently ongoing and will consider cumulative impacts. Because this process is ongoing, the results will be documented and formally submitted to DPE under separate cover once complete.

7.2 Waterway Health Controls

Comment

The development must comply with the waterway health controls established within the draft Mamre Road Precinct Development Control Plan (MRP DCP), to be applied on an on-lot basis or estate basis. While detailed technical assessment of compliance with waterway health requirements will be undertaken by EES, it is noted that the concept development application does not demonstrate compliance with the controls for the precinct. The concept development application must demonstrate compliance with the waterway health controls.

Response

The Project team has reviewed the final waterway health controls established for the site under the final MRP DCP (noting these controls now supersede the draft controls mentioned above). The Project has been designed to achieve full compliance with the waterway health targets for Stage 1 and for the overall concept. Compliance with the targets is demonstrated at the on-lot level.

As detailed in the previous RTS Report, to ensure ongoing compliance through the life of the development, it is recommended that a condition of development consent be imposed which can effectively allow the redevelopment of the estate to occur while still recognising and meeting the DPE water quality and stormwater targets at every stage of development.

Indicative drafting of the proposed condition is provided below.

Integrated Water Cycle Management

Future development on each lot in accordance with the Concept Plan must demonstrate that the cumulative stormwater impacts created by the proposed development and previously approved development under the Concept consent framework, meets the relevant stormwater requirements specified under Clause 2.4 of the Mamre Road Precinct Development Control Plan or as approved by a Water Management Authority. The requirements may be met on site and/or through the Applicant electing to participate in a regional or precinct solution if implemented by a Water Management Authority.

Note: solutions to comply with Clause 2.4 of the Mamre Road Precinct Development Control Plan may be undertaken on a regional, precinct, estate or per lot basis which can include, but not be limited to natural or man-made water storage and consumption methods such as temporary onsite waterbodies, water tank storage, irrigation, building misting and the like.

An explanation of compliance is provided in the Civil Infrastructure Report and Plans prepared by AT&L (refer to **Appendix E**).

7.3 Consistency with the MRP DCP

Comment

Greater consistency should be achieved with the draft MRP DCP, including road widths and retaining wall design. Should the DCP be finalised in the meantime, consideration of any updated controls should be provided.

Response

The final MRP DCP was released after this comment was raised by DPE. Subsequently, the Project was reviewed against the controls of the final MRP DCP. Overall, the Project has been amended to be consistent overall with the final DCP. A full Table of Compliance of the Project against the final MRP DCP is provided at **Appendix B**.

Departures from the MRP DCP are identified and assessed in **Section 8.0** of this report. These departures are primarily limited to:

- Minor encroachments of development sitting with the 1% AEP;
- Building design and sitting; and
- Road levels adjacent to open space.

7.4 Local Infrastructure Contributions

Comment

Provide evidence that the application appropriately addresses section 270 of the Environmental Planning and Assessment Regulation 2000 and that Council is satisfied with regard to the provision of local infrastructure contributions and the delivery of infrastructure supporting the development.

Response

Clause 66 of the EP&A Regulations 2021 (formerly clause 270 of the EP&A Regulations) speaks to contribution plans for the WSEA, mandating that a DA in relation to any IN1 zoned land within the WSEA not be determined unless a contribution plan applicable to the land has been prepared and approved by Council. Council has since endorsed (on 28 March 2022) its Section 7.11 Contributions Plan for the Mamre Road Precinct and therefore there is no longer a requirement for a VPA for the site for local contributions (i.e., the Abbots and Aldington Road upgrades). Following consultation with Council, these upgrade works will now be undertaken as Works-in-Kind as they are consistent with and have already been costed under the final Section 7.11 Contributions Plan.

Comment

In addition to the Department's letter dated 5 October 2021, requesting confirmation satisfactory arrangements have been made in accordance with Section 29 of State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP), please provide evidence that the subject application satisfies Section 270 of the Environmental Planning and Assessment Regulation 2000.

Response

A proposed condition of consent in relation to Satisfactory Arrangements was put forward in the previous RTS Report (dated 22 September, Section 8.2) to address Satisfactory arrangements.

FKC as part of the Land Owner Group (East) has submitted a Letter of Offer for a VPA in relation to upgrade of the Abbots Road / Mamre Road intersection. This follows a design being prepared and submitted to TfNSW for the interim and ultimate intersection of Abbots Road and Mamre Road for review. The design was supported by technical information including traffic modelling and preliminary costing which is currently being worked through with TfNSW and the DPE Contributions Team in line with broader precinct traffic modelling being undertaken by ASON Group.

Satisfactory Arrangements

Prior to the issue of the first Occupation Certificate, the Applicant must enter into a planning agreement with the Minister in terms of the offer made to the Minister by the Applicant in connection with SSD-10479 by letter dated dd/mm/yy, being an offer to enter into a planning agreement in the terms of the agreement attached to the letter.

Should a planning agreement not be entered into, prior to the issue of an Occupation Certificate for any part of the development, a monetary payment must be made to the Minister in accordance with the Aerotropolis Special Infrastructure Contribution at the time of consent for that part of the development.

7.5 Traffic and Access

Comment

The Department notes that the interim 2026 modelling is based on 75% of the traffic associated with the LOG sites. Provide detailed justification for this approach and why traffic generated by other developments (approved or proposed) within the Precinct were not considered.

Response

We note that additional modelling is currently being undertaken directly by Ason Group in consultation with TfNSW and the DPE Assessments Team which will supersede the previous modelling undertaken (and which will be submitted to DPE under separate cover when finalised).

Nonetheless, the following is noted in relation to the interim modelling:

- The interim 2026 modelling and 75% traffic assumption assessment was undertaken whilst the Land Owners Group (LOG) sites consisted of sites which provided a degree of certainty on the anticipated level of GFA and traffic within the surrounding area and
- The 75% assumption also represented a conservative assumption for the purposes of assessment, given that each of the LOG sites were in different stages of the planning process and would be unlikely to deliver the total anticipated quantum of GFA (~1,000,000sqm) over the next four years.

Since the interim modelling, TfNSW has subsequently requested an assessment of just the approved developments and the site itself (this includes SSD 17552047 (155-217 Aldington Road) and SSD-9138102 (59-63 Abbots Road and 290-308 Aldington Road)). This is forming part of the additional modelling being undertaken by ASON Group in consultation with TfNSW.

Comment

The Department notes the outstanding concerns raised by Council in relation to the design and upgrade of Aldington Road and Abbots Road to service the development. The design and delivery of these road upgrades are to be resolved in consultation with Council.

Response

As per **Section 7.4**, Further consultation with Penrith City Council has also occurred in relation to the road design for the Aldington and Abbott design and upgrades (refer back to **Section 4.0**).

Comment

The Department also notes the issues raised by Transport for NSW (TfNSW) with regard to the design and performance of the Mamre Road/Abbots Road intersection in their letter dated 25 October 2021. Please provide a response to these matters and undertake further consultation with TfNSW to ensure the proposed upgrades and modelling undertaken is to their satisfaction.

Response

ASON Group has been working closely with TfNSW on behalf of the Mamre Road Land Owners Group to agree and deliver the modelling assessment to determine the required staging of the Mamre Road / Abbotts Road upgrades. This process is currently ongoing in consultation with TfNSW Assessment's Team.

Because this process is ongoing, it will supersede the previous agreed modelling and thus the comments raised in relation to the existing modelling. It is considered more appropriate to finalise the modelling and then submit under separate cover the results for this proposal once complete.

The Land Owners Group consists of the developments being considered under this application (SSD-10479), as well as applications SSD- 17552047 (155-217 Aldington Road) and SSD-9138102 (59-63 Abbotts Road and 290-308 Aldington Road).

7.6 Stormwater Management

Comment

The Department notes the advice provided by the Environment, Energy and Science Group that a regional approach has not been confirmed as viable option to meet stormwater management and quality targets. As requested previously, please demonstrate that the Concept proposal can achieve the controls in Section 2.6 of the draft Mamre Road Precinct Development Control Plan (MRP DCP), including the scenario where a regional solution will not be available.

Response

As detailed previously, the Project team has reviewed the final waterway health controls established for the site under the final MRP DCP (noting these controls now supersede the draft controls mentioned above). The Project has been designed to achieve full compliance with the waterway health targets for Stage 1 and for the overall concept. Compliance with the targets are demonstrated at the on-lot level.

An explanation of compliance is provided in the Civil Infrastructure Report and Plans prepared by AT&L (refer to **Appendix E**).

Comment

Provide consideration of the trunk drainage infrastructure controls in section 2.6.1 of the draft MRP DCP and the stormwater management issues raised by Council in its letter dated 19 October 2021.

Response

As the draft controls within section 2.6.1 of the draft MRP DCP have been superseded, the Project has been assessed against the final trunk drainage controls in Section 2.4 of the final MRP DCP. The Project does not propose naturalised trunk drainage (required under the MRP DCP for sites which contributing catchments of over 15ha) but rather, it proposes pits and pipe trunk drainage. This represents a technical departure from the MRP DCP (justified in **Section 8.5**). Importantly, we note that:

- 1% AEP flows can be conveyed safely in pipes and overland across the site;
- The proposed pits and pipes have been developed to manage the post development stormwater on the site as well as the relatively small (3.933ha) external upstream catchment of the site;
- The MRP DCP road layout over this site means that the only way to implement naturalised trunk drainage is to run parallel stormwater assets along roads, with pipes picking up stormwater in road reserves and open channels alongside to carry other water which highly inefficient, and an underutilisation of land.

Comment

Please clarify where the proposed temporary swale on the site's northern boundary (identified in Figure 5 of the RTS report) will drain to.

Response

The temporary swale on the site's northern boundary will drain to the east to Basin B (refer to the Civil Plan prepared by AT&L at **Appendix E**).

7.7 Earthworks and Retaining Walls

Comment

The development proposes significant earthworks across the site and does not achieve balanced cut and fill. It must be ensured that earthworks meet the requirements of clause 33H of the WSEA SEPP. The development should seek to deliver balanced cut and fill and minimise retaining walls where possible. Retaining walls addressing the public domain must be stepped and have a maximum height of 6 m. The Department also notes the concerns raised by Council with regard to the design of retaining walls within the site and requests a response is provided to the matters.

Response

It is noted that clause 2.40 of Part 2.5 of the Industry and Employment SEPP (formerly clause 33H of the WSEA SEPP) does not refer to cut and fill balance. However, Control 2 of Section 4.4 of the MRP DCP requires that, where practicable, site design shall balance cut and fill and minimise the extent of earthworks.

The proposed earthworks have balanced cut and fill as far as practical on the site (with a further review of the cut and fill being undertaken as part of this third Response to Submissions). The rationale for the cut and fill proposed is provided in **Section 8.0** of this Report and includes consideration of:

- Undulating topography within the Mamre Road Precinct resulting in the requirement for extensive cut and fill operations to facilitate economic development and provide flexibility to cater for the range of industrial customer requirements.
- Provisioning for connectivity to adjoining lands and managing existing upstream catchment flows.
- Minimising height of retaining walls fronting Aldington Road and mitigating retaining walls fronting internal public road reserves.
- Mitigate extensive cut in bedrock sub-surface units.
- Meet the requirements for the site to cater for IN1 – General Industrial employment which requires large flexible allotments.

Overall, the balance of cut and fill is now at 8,861 cubic metres (import). The Project (when first lodged) proposed a cut and fill balance of 684,242 cubic metres. This represents a significant and extended effort to balance the proposed cut and fill as much as practical across the site and is considered to satisfy the cut and fill controls of the MRP DCP. Further assessment is provided within Section 7.2 of the Civil Infrastructure Report at **Appendix E**.

Comment

The Department continues to have concerns with the proposed fill retaining walls along the southern boundary of the site, including the height, design and adequacy of landscaping treatment to reduce visual and bulk impacts to the adjoining property. The draft MRP DCP requires retaining walls over 3.0m high be tiered.

Response

Further consultation has occurred with the neighbouring development to the south. Correspondence demonstrates that the neighbouring landowner is satisfied with the proposed retaining wall design and treatment along the southern boundary (refer to **Appendix R** and the updated Civil and Landscape Plans at **Appendix E** and **Appendix F**).

Further, it is noted that the draft MRP DCP control (draft control 7 of Section 4.4.1) which required the tiering of retaining walls over 3m in height, has been superseded and this control has not transferred into the final MRP DCP. The retaining walls proposed have been revised and amended to be consistent with the final retaining wall controls with the final MRP DCP. For the retaining wall along the southern boundary, this means complying with a 2m

setback and the provision of suitable landscaping. Tiering of retaining walls is only required for retaining walls fronting the public domain or a public road, which is not the case along the southern boundary of the site.

Comment

Please clarify the likely heights of any retaining walls required along the northern boundary of Lots A, B and C once the northern boundary road is constructed and confirm that the required setbacks and landscaping can be achieved.

Response

The only retaining wall proposed along the northern boundary road is a fill wall fronting Lot B. This wall is proposed to be 6m in height and will be a tiered wall with maximum 2m vertical sections with 1.5m separation. The toe of the wall will be setback 3m from the boundary. This is consistent with the MRP DCP controls. A cross section of the retaining wall is included in the Civil Infrastructure Plans at **Appendix E**.

Comment

The Department notes the inclusion of the 'open space edge road' in the Concept and Stage 1 plans and proposed retaining walls between the road and RE2 zoned land. Consideration is to be given to the provisions of Section 4.4.1 and Control 23 in Section 3.4.1 of the draft MRP DCP with regard to levels and design of retaining walls adjoining the public domain.

Response

As detailed previously, Section 4.4.1 and Control 23 in Section 3.4.1 of the draft MRP DCP has been superseded. The Project has been amended and assessed to achieve compliance with the final MRP DCP controls which relate to development on sloping sites and retaining walls and is overall consistent with these provisions.

The Project continues to depart from Control 23 in Section 3.4.1 as the finished road level of R05 (the Open Space Edge Road) is proposed to be higher (approximately 3.6m) than the adjoining open space, with the use of a retaining wall. The rationale for the departure and an assessment against Section 1.5.2 of the MRP DCP is provided in **Section 8.0** of the report. Overall, the road has been designed:

- To ensure stormwater runoff flows into Basin B (otherwise it will flow into neighbouring development to the east). This in turn allows the water to be treated in accordance with the Integrated Water Cycle Management targets of the MRP DCP;
- Due to the level change between R05 and the open space, to ensure the overland flow and stormwater runoff does not concentrate or flow onto neighbouring development to the east of the site; and
- To ensure the road is above the 1% AEP and PMF, enabling safe access to development land to the east in flood events greater than the PMF.

This provides a far superior outcome compared to having the road and open space at the same level.

Comment

The Department notes there is a portion of earthworks proposed within the RE2 zone on Lot D, as shown on the Estate Masterplan. Please provide consideration of the permissibility of these works in the RE2 zone with regard to the zone objectives and land use table in Section 11 of WSEA SEPP.

Response

The particular element which is encroaching the RE2 zone is the earthworks associated with the proposed maintenance track which will provide access to the RE2 zoned area in Lot D for on-going management of the riparian corridor areas under the Vegetation Management Plan.

The minor encroachment is shown within the dotted yellow line in **Figure 3**. The maintenance access track traverses around the edge of the bio-retention basin which is behind a retaining wall and wholly located in the IN1 zone. The primary purpose of the track is therefore associated with environmental protection. Under the RE2 zone of the SEPP, both *roads* and *environmental protection works* are permissible with consent.

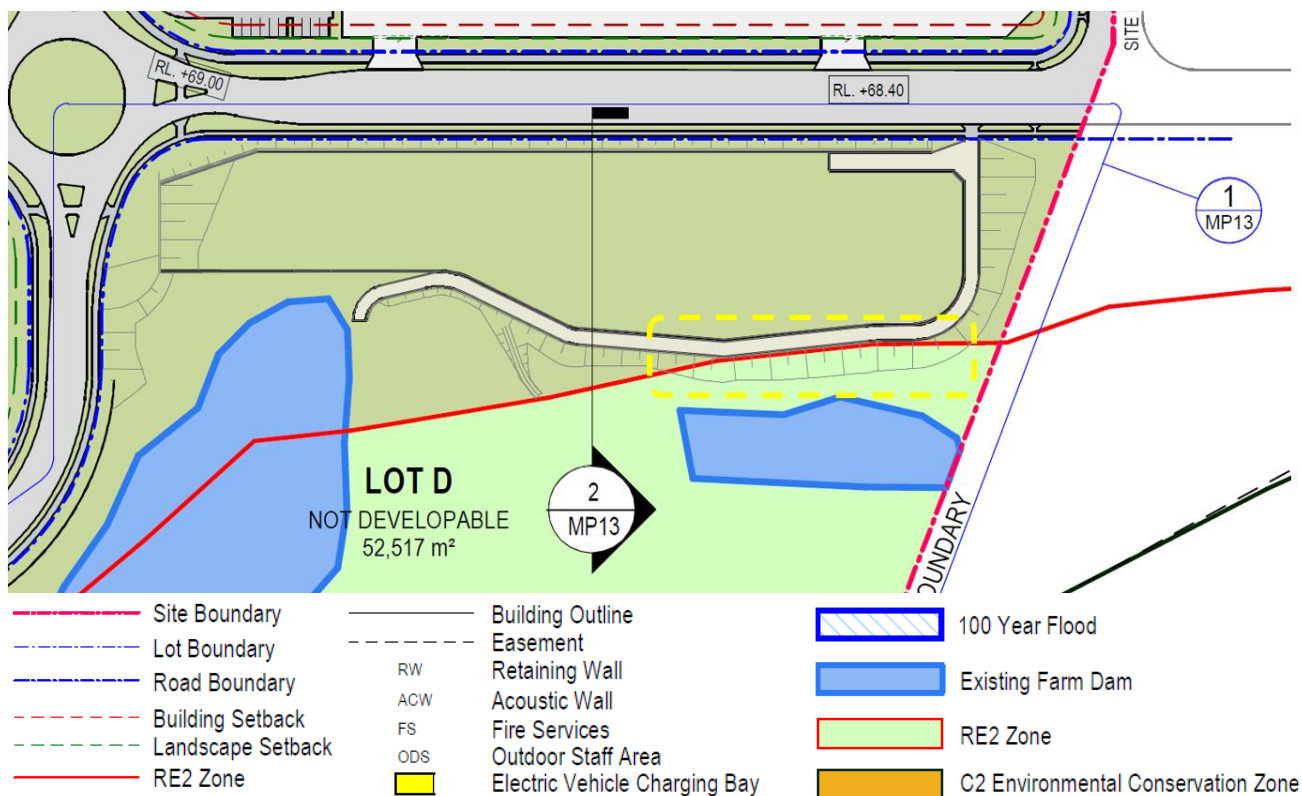


Figure 3 Lot D (encroachment into the RE2 zone highlighted in yellow)

Source: SBA

7.8 Internal Road Construction

Comment

The Department notes that construction is proposed to commence on the northern part of the site, which results in the need for the 'Interim Access Road' to Aldington Road, as detailed in the RTS report. Please clarify the timing of construction of the remaining internal roads proposed as part of Stage 1 (i.e. prior to the issue of an occupation certificate for the Warehouse on Lot F).

Please also provide additional justification for retaining the temporary road until the northern boundary road is constructed, rather than removing the road once the southern intersection with Aldington Road is completed and provide evidence of discussion with Council on this issue.

Response

All internal roads will be constructed prior to occupation certificate for the warehouse on Lot F (Stage 1). The interim access road will provide early access to the site during construction associated with Stage 1. The road will be removed on completion of the first of the two intersections with Aldington Road, most likely to the southern intersection (Road 01).

Comment

Provide evidence of consultation with landowner directly to the east with regard to the proposed road connections to their site (as mentioned in Section 7.2 of the RTS report).

Response

In the previous RTS report (dated 22 September 2021) it was noted that the interface of the proposed road connections was designed to meet the level of neighbouring property. However, after agreement with the neighbouring landowners this has been updated to an agreed level as outlined within the Architectural plans

provided in **Appendix C**. Furthermore, evidence of consultation to the landowner to the east has been provided at **Appendix S**.

Comment

The Department notes that the proposed roads have been designed with widths based on the 'expected' final MRP DCP. Unless the DCP is finalised in the meantime, the development should be designed to be compliant with the draft MRP DCP.

Response

All roads have been updated to comply with the road widths specified in Section 3.4.1 of the final MRP DCP (refer to the Masterplan and Stage 1 Plans at **Appendix C**).

7.9 Landscaping

Comment

The Department notes that updated landscape plans have been provided for the Concept proposal, but the Stage 1 plans submitted with the EIS have not been updated. Please update and provide Stage 1 landscape plans as required

Response

Updated Landscape Plans have been prepared and are provided at **Appendix F**. Included are the landscaping plans for Stage 1.

Comment

Provide a response to the landscaping and street tree issues raised by Council in its letter dated 19 October 2021 and update landscape plans accordingly.

Response

Each of council's landscape queries have been addressed in the RTS table. Refer to **Appendix A**

Comment

Please clarify whether adequate solar access will be achieved for the proposed landscaping along the southern boundary where it adjoins retaining walls of up to 7.5m above the ground level.

Response

The vegetation screening along the southern side of the retaining walls in this location will be overshadowed for significant periods during the day. The landscape plans have been updated to annotate that plant species suitable for shade will be planted in this location. Species proposed for this area include:

- *Acer palmatum - Glochidion ferdinandi*
- *Pyrus calleryana 'Capital'*
- *Pyrus ussuriensis - Elaeocarpus reticulatus*
- *Elaeocarpus eumundi*
- *Tristanopsis laurina 'luscious'*
- *Backhousia myrtifolia*
- *Pittosporum revolutum*
- *Podocarpus elatus*
- *Liquidambar styraciflua*

Refer to **Appendix F**.

Comment

Please clarify how landscaping between the proposed retaining walls and the external property boundaries will be accessed and maintained.

Response

The vegetation screening the proposed retaining wall on Lot M will be accessed via Lot L (Bio-retention Basin A). The retaining walls on Lots N, O, K, I and G do not traverse the entire lot boundary and therefore are all able to be accessed from points of level ground (where there is no retaining wall) within each lot.

7.10 Visual Impact

Comment

The shadow diagrams in Figure 8 of the RTS report are not included in Appendix A, as suggested in Section 7.3 of the RTS report.

Response

Noted, the shadow diagrams have been revised and provided in **Appendix A**.

Comment

Provide consideration of the visual impact on the public domain from the 9m high noise walls fronting Aldington Road proposed as mitigation measures in the revised Noise and Vibration Impact Assessment (NVIA).

Response

The 9m high noise barriers have been proposed as a potential noise mitigation measure, should the current dwellings north of the site still be standing and occupied when operations comment on Lots M, J and A. The current application only seeks consent for the construction of the warehouse on Lot F. The construction and operation of warehouses on all other lots will be the subject of future separate applications. Details of any noise barrier, should such a mitigation measure be required, will be submitted as part of the detailed future development applications for Lots M, J and A.

It should be noted that, with regard to Lots M and J, the identified affected residential properties (Receiver 2 at 201-217 Aldington Road and Receiver 3 at 169-18 Adlington Road) are located within the proposed warehouse and distribution development SSD-17552047. This application proposes the demolition of the dwellings and is currently under assessment by the Department. Residential Receiver 4 at 129-139 Aldington Road, is located within the site of SSD 32722834. Again, this property is proposed for demolition as part of that application.

An acoustic assessment will be prepared to support future DAs for these warehouses. This will enable informed consideration of the need or otherwise for a noise barrier at that time, based on the surrounding receivers and development of the adjoining lots. FKC propose that a condition of consent be implemented for each sequential detailed DA to ensure consideration is given to the visual impact of any noise mitigation barriers, should the residential receivers still be standing and occupied at that that time.

7.11 Noise

Comment

The cumulative impact assessment, as requested in the SEARs and Department's letter dated 28 April 2021, required an assessment of the cumulative impacts of other existing and proposed developments within the vicinity of the site. It does not appear that the revised NVIA has considered other existing or proposed developments surrounding the site. The reference to the Warragamba pipeline in the Department's comments related to the consideration of receivers within the area between the site and the pipeline, rather than noise impacts from the

pipeline itself, as considered in Section 8 of the NVIA. For further guidance on assessing cumulative impacts, please refer to the Cumulative Impact Assessment Guidelines for State Significant Projects (DPIE, July 2021).

Response

Following consultation with DPE, Section 5.1.1 of the Noise and Vibration Impact Assessment has been updated (refer to **Appendix T**) to include an additional assessment for projects for total industrial noise from all sources (including new and proposed developments) to the surrounding receivers. This cumulative assessment is based on *EPA Noise Policy for Industry* which is referred to in the Cumulative Impact Assessment Guidelines for State Significant Projects (DPIE, July 2021).

Comment

The Department notes the predicted noise criteria exceedances in Table 17 of the revised NVIA. Please provide further consideration of potential mitigation measures that would ensure the development meets the identified criteria.

Response

The noise levels have been assessed within Table 17 of the NVIA and have indicated levels to be slightly above (less than 2dBA above) the criteria. Based on this negligible noise level impact, the EPA Requirements allow for no additional mitigation measure to be made. Notwithstanding this, recommendations for additional screening have been proposed as a mitigation measure within Section 6.4 of the NVIA which would provide additional measures against noise, should the affected receivers still be in place when operations commence on Lots A, M and J. It is proposed that details of these measures be addressed in the future detailed DAs for the affected lots.

7.12 Flooding

Comment

Please provide further justification that the identified local impacts on flood levels and velocities will not have detrimental impacts on other properties or the environment in accordance with clause 33I of WSEA SEPP.

Response

The development has been assessed in accordance with Clause 33I of the WSEA SEPP which concludes there are negligible to low flood impacts to surrounding properties and the environment. Specifically, there are no detrimental flood level impacts on other properties or the environment in floods up to the PMF or the 1% AEP flood.

Comment

Section 6.3 of the RTS report advises that the basin on Lot D has been relocated outside of the 1:100 flood level. However, Figure 3 of the updated Flood Assessment shows parts of the basin within this area. Please clarify.

Response

Basin B (Lot D) and a small portion of Road R05 is wholly within the IN1 zone but does in fact intrude into the 1% AEP flood extent. The total volume of flood storage lost through these earthworks in the 1% AEP event is 370m³. This minor non-compliance is addressed in **Section 8** of the RTS Report.

Comment

Please provide further justification that the identified local impacts on flood levels and velocities will not have detrimental impacts on other properties or the environment in accordance with clause 33I of WSEA SEPP.

Response

Cardno has previously undertaken an assessment of flooding impacts against each provision of the (former) Clause 33L of the WSEA SEPP, within Chapter 5 their Flood Impact Assessment (FIA) prepared and submitted as part of the second Response to Submissions (dated September 2021). The estimated impact of the Project on the 2, 20 and 100 year ARI flood levels and PMF levels (compared to benchmark conditions) have been shown in Figures 10, 16, 22 and 29 respectively of the FIA.

Overall, the FIA noted that:

- There are minor local adverse impacts on flood levels in the vicinity of the northeast corner of the site and negligible incremental impacts further downstream of the site;
- The impacts on the PMF levels are confined to the northeast corner of the site and environs and are minor; and
- The same minor impacts occur in regard to the 2, 20, 100 and PMF flood velocities. There are minor impacts on flood velocities in the vicinity of the Basin B outlet and the northeast corner of the site. There are negligible incremental impacts downstream of the site in the 2, 20, 100 ARI events. For the PMF, there are minor local flood impacts on PMF velocities in the northeast corner of the site and immediately downstream with negligible incremental impacts further downstream.

Overall, Cardno have concluded that:

- There are no detrimental flood level impacts on other properties or the environment in floods up to the PMF;
- There are no detrimental flood velocity impacts on other properties or the environment in floods up to the 100 year ARI flood;
- In the PMF, there local minor impacts on PMF flood velocities in the vicinity of the northeast corner of the site, and immediately downstream of the Estate where PMF velocities however these impacts are to be expected in a flood event as such as the PMF.

7.13 Sydney Water

Comment

Provide a response to the submission from Sydney Water dated 10 March 2021

Response

The response from Sydney Water has been reviewed and a response to each of the matters is provided within **Appendix A**. Much of the correspondence does not require a formal response. We note that the relevant Section 73 Water Certificate will be obtained at the relevant time post approval and that the Project has been designed to eventually enable the site to connect to Sydney Water's integrated water servicing scheme when it is delivered.

7.14 Cumulative Construction Traffic Impacts

The DPE sought further clarification (in a letter dated 11 April 2022) on cumulative construction traffic impacts arising from the Project and several other developments within the Mamre Road Precinct proposing to access by way of Aldington Road and Abbots Road.

Comment

Several developments in the Mamre Road Precinct will have overlapping construction periods. As such, a key issue for the Department's assessment concerns the potential impacts from construction activities by individual projects as well as the potential cumulative impact with other developments in the Mamre Road Precinct. Further details on how these impacts will be managed is required to assist with the Department's assessment, including how construction traffic will be co-ordinated and mitigated to ensure impacts are managed to acceptable levels.

Response

A detailed response to each matter raised by DPE in the supplementary letter is provided at **Appendix U**. Overall, to ensure potential traffic impacts of construction activities will be managed effectively, FKC and the Land Owners Group East propose a cumulative traffic management framework for construction on their respective sites. The framework will be in line with the proposed upgrades to the Mamre Road and Abbots Road intersection junction (via a State VPA) and the upgrades to Aldington Road and Abbots Road (via a local Works in Kind agreement) that are being undertaken jointly between FKC and Landowner Group East. This cumulative management framework will be maintained until these road upgrades have been completed under the agreements and will include a combined Construction Traffic Management Plan which will ensure a coordinated response to all movement

patterns across this section of the MRP. A Consultation and Communication plan will also be prepared to ensure engagement with residents and developers are provided regarding traffic management.

7.15 Other MRP DCP Compliance

Comment

The Department notes that the car parking provision for the overall Concept proposal exceeds the DCP requirement, however the parking spaces provided for Warehouse W5 does not fully comply with the parking rates.

Response

The quantum of car parking proposed is now consistent with the requirements of the MRP DCP, as summarised in Table 5.

Table 5 Proposed Project car parking

Component	MRP DCP Car Parking Rate	Required (Minimum)	Proposed
Overall concept masterplan	1 space per 300 sqm of gross floor area (warehouse); and 1 space per 40 sqm of gross floor area (ancillary office)	1086 warehouse spaces; and 425 ancillary office spaces (1511 spaces total)	1516 car spaces
Stage 1		159 warehouse spaces; and 62 ancillary office spaces (221 spaces total)	221 car spaces

Comment

The proposed pylon signs are to be consistent with Control 2 in Section 4.2.7 of the draft MRP DCP.

Response

As this section of the DCP has been superseded, the proposed signage has been designed and assessed against Section 4.2.8 (Signage and Estate Entrance Walls) under the final MRP DCP. The signage zones proposed are consistent with these controls. In particular, the free-standing pylon signage does not exceed a height of 10m from finished ground level, in accordance with Control 2 of Section 4.2.8.

8.0 Departures from the Mamre Road Precinct DCP

This section of the Report outlines the proposal's departures from the MRP DCP and provides an assessment of the departures in accordance with Section 1.5.2 of the MRP DCP. This section states that consent may be granted to a proposal that does not comply with the controls of the MRP DCP, providing the variation can be justified and the intent of the controls is achieved.

Clause 3A of Section 4.15 of the EP&A Act also allows flexibility in the application of DCP development standards and allows reasonable alternative solutions that achieve the objects of those standards irrespective of the departure from the control.

The proposed development results in a total of 9 departures from the MRP DCP. The justification for the non-compliances is grouped into sub-headings for specific issues.

8.1 Road Network, Hierarchy and Design

Section 3.4.1 – Control 23:

For roads adjoining open space, finished road design levels shall match with existing levels of open space and negate the need for retaining walls or battering. Design is to address:

- *Public access to open space;*

- *Function of the road;*
- *Impact on existing vegetation;*
- *Public amenity;*
- *Public safety; and*
- *Impact on ability to provide street tree planting.*

The departure from this control is isolated to the north-east corner of the site. The proposed Park Edge Road (Identified as R05 on the Concept Masterplan) directly adjoins open space. The finished road level of R05 is proposed to be higher (approximately 3.6m) than the adjoining open space, separated by a retaining wall (refer to **Figure 4**). An assessment of the departure from Control 23 against Section 1.5.2 of the MRP DCP is provided in **Table 6**.

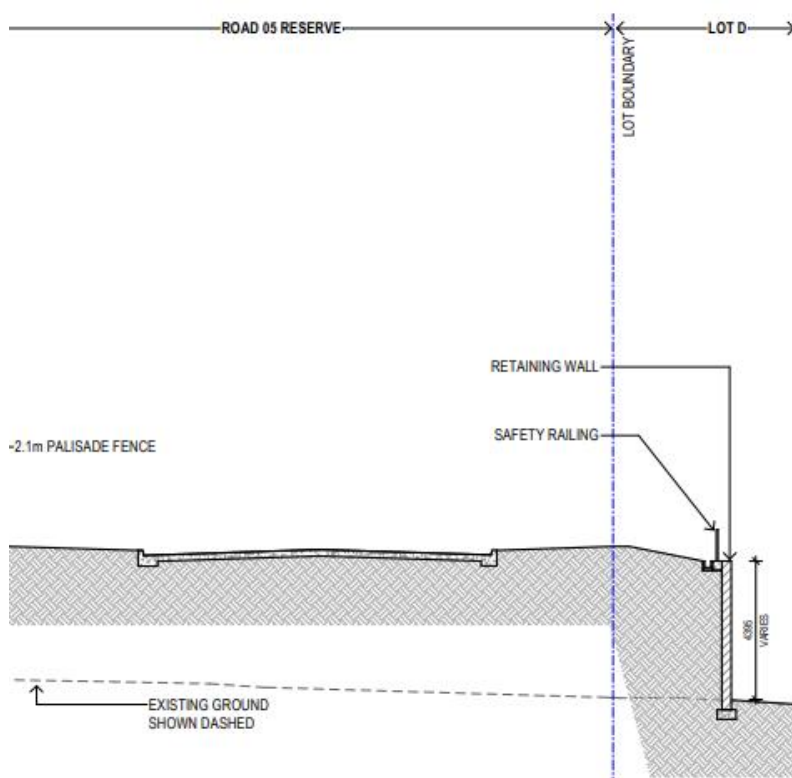


Figure 4 R05 / Lot D Farm Dam Waterbody Section

Source: SBA

Table 6 Assessment of Control 23 against MRP DCP Section 1.5.2

Matter for consideration	Response
<i>Why the controls are unreasonable or unnecessary in the circumstances</i>	<p>The departure from the control arises from three very deliberate and functional reasons:</p> <ol style="list-style-type: none"> 1. The level change between R05 and the open space ensures the overland flow and stormwater runoff does not concentrate or flow onto neighbouring development to the east of the site. 2. The level change also allows the overland flow and stormwater runoff from the road and northern catchment to flow down into the bio-retention B within Lot D. This in turn allows the stormwater to be treated onsite and adhere to the Integrated Water Cycle Management targets of the MRP DCP (section 2.4 of the MRP DCP). 3. The RE2 zoned land is within flood prone land. Road R05 will be constructed at a level higher than the 1% AEP and PMF which will provide safe access to development land to the east in flood events greater than the PMF. Thereby improving the function of the road.

Matter for consideration	Response
	<p>4. The retaining wall along R05 separates the pedestrian path from the adjacent waterbody (former farm dam) and reduces the risk associated with the public accessing the waterbody. A safety railing is proposed at the top of the retaining wall.</p> <p>On balance, the reasons mentioned above results in a far superior and more orderly road outcome compared to reducing the R05 road level to align existing levels of open space / RE2 zoned land solely to meet a more aesthetic aspiration of the MRP DCP.</p> <p>Importantly, we reiterate that the alignment of R05 has been designed to adhere to the preferred road network for the site under the MRP DCP. Adjusting the road alignment will thwart compliance with the preferred road network hierarchy of the MRP DCP.</p>
<p><i>How the development will achieve the aims and objectives of the DCP, Precinct Structure Plan, and Precinct Plan under the State Environmental Planning Policy (Western Sydney Employment Area) 2009 despite the proposed departure.</i></p>	<p>The proposal overall, and irrespective of the departure from Control 23, remains entirely consistent with the objectives of the I&E SEPP and this noncompliance does not thwart the proposal's ability to support economic activity and provide employment lands in the WSEA, support coordinated planning and regulatory efficiency in the WSEA, conserve biodiversity or heritage and provide development, which is logical, environmentally sensitive and cost effective.</p> <p>The proposal, irrespective of the non-compliance with control 23, is still consistent with the Mamre Road Structure Plan and continues to meet the objectives of the Structure Plan.</p> <p>Control 23 and its objectives, relates to road network, hierarchy and design. The level difference between R05 and the adjoining open space does little (if anything) to undermine the objectives of the Section namely:</p> <ul style="list-style-type: none"> • The road safety and efficiency and the minimisation of through traffic on minor roads; • The encouragement of public transport, bicycle or walking; • Safe and efficient access to Mamre Road; • Capacity to Mamre Road and the proposed Southern Link Road and better connectivity between precincts and parts of the WSEA; and or • The orderly and economic provision of road and intersection works. <p>The specific control, requires the following:</p> <ul style="list-style-type: none"> • <i>Public access to open space</i> – the adjoining land is RE2 and not proposed to be publicly accessible. • <i>Function of the road</i> – the retaining wall arrangement does not impact the road function • <i>Impact on existing vegetation</i> - no impact. • <i>Public amenity</i> - the retaining wall does not impact on the pedestrian pathway along Road R05. The retaining wall is a "cut wall" and will provide views across the waterbody. • <i>Public safety</i> – the retaining wall increases public safety by physically separating the public from the waterbody. • <i>Impact on ability to provide street tree planting</i> – no impact.
<p><i>What innovative and improved outcomes will be achieved to justify the departure</i></p>	<p>As detailed above, the road layout has been established to provide Road R05 at a level higher than the 1% AEP and PMF which will provide safe access to development land to the east in flood events greater than the PMF, thereby improving the function and safety of the road.</p> <p>The Road has also been established to provide for drainage to the bio-retention basin and provide water quality improvements and create efficiencies in water quality treatment. This has been designed to achieve the Integrated Water Cycle Management controls of the MRP DCP. These new Water Cycle Management controls are innovative and represent a significant shift away from a business as usual approach to water cycle management to support Wianamatta-South Creek system.</p> <p>Importantly, the design and level of R05 supports the achievement of the following Integrated Water Cycle Management objectives (section 2.4) – supporting the protection of waterway health of Wianamatta-South Creek (objective a), contributing to the achievement of the waterway objectives (flow and water quality) for Wianamatta-South Creek (objective b), service planning for effective management of stormwater flow and quality (objective c) and supporting whole of life cost and ease of maintenance (objective f) through use of a single basin for the northern catchment of the site.</p>
<p><i>That coordinated and orderly development outcomes will be achieved, including a suitable interface with adjoining sites in terms of finished ground levels.</i></p>	<p>R05 has been designed with a temporary turning head at the site boundary where the road will connect to the property to the east. The road levels at the boundary interface will be designed to manage drainage or be the same level as the adjoining land (whichever is most appropriate). This is not materially impacted by the proposed grade of R05 and the fact that the road sits at a higher level compared to the adjoining open space / RE2 zoned portion of the site. The level at the boundary has been adjusted and agreed to in principle with the adjacent landowner.</p>

Matter for consideration	Response
<i>The departure would not result in unacceptable impacts on other sites, nor make it difficult for other sites to comply with the Structure Plan. Where inconsistencies with the DCP may have the potential to significantly impact adjoining landowners, written evidence of consultation with those landowners and support for an agreed alternative solution is required.</i>	<p>As detailed previously, by draining the R05 towards the basin there is no uncontrolled or concentrated flow directed onto the land to the east. The neighbouring lot to the east will also need to raise their land to ensure the development can drain to infrastructure including sewer and stormwater, which will be required to service those lots under any future development scenario.</p> <p>The raising of the road has a positive impact on surrounding properties, as Road R05 is raised to above the 1% AEP and PMF flood extent, ensuring safe road access to land to the east even during extreme flood events</p>
<i>The departure would not impact on accessibility to sites in the precinct and the safety and efficiency of the proposed road system and its relationship to the broader road network.</i>	<p>Irrespective of the level change, R05 still supports a road network which is safe and efficient through the provision of appropriate grades. This grade can still facilitate (and is pleasant for) walking or cycling in accordance with objectives of section 3.4.1 of the MRP DCP.</p> <p>The location and function of R05 remains consistent with the Mamre Road Precinct Structure Plan and MRP DCP road network. The level of the road does not thwart this consistency. Nor does it thwart the proposal's overall ability to meet the objectives of the I&E SEPP or contribute to an efficiency road system across the Precinct.</p> <p>We note that there is an existing farm dam in the RE2 portion of the site adjacent to road R05 which does not provide a suitable interface for public access from the road and requires fencing to prevent access for safety reasons. The open space is private RE2 land which has provision for private access via the access track off road R02, a more appropriate location away from the farm dam, and adjacent to the basin, which has formal access and maintenance track.</p> <p>R05 will provide access to industrial land to the east, while providing views to the adjacent open space and farm dam.</p> <p>The impact on existing vegetation of raising the road is negligibly more than constructing the road at the level of the adjacent land. The alignment of the road meets the alignment set out in the DCP for the road network.</p> <p>Public safety is protected with the provision of fencing to prevent access to the farm dam on RE2 land, which could otherwise form a hazard, due to the variability of levels, potentially muddy edges and lack of a maintenance ramp, as a safe exit point.</p> <p>Street tree planting will be provided in the road verge in accordance with the specified road typology, this will provide shade to the users of the path whilst still enabling visibility to the private open space.</p>

8.2 Building design

Section 4.2.5 - Control 5:

Buildings should be oriented so that loading, servicing and large areas of car parking (i.e., greater than 20 spaces) are accommodated to the rear or the side of the site and not directly visible from the public domain.

The large majority of proposed hardstand space for car parking is internal facing to the site and not visible from the public domain. Lot M, Lot N and Lot O have their service and loading to the front of the lot, rather than the rear or side. This is the same for Lot K, Lot I and Lot G and represents a departure from Control 5. The location of loading and car parking areas on these lots, combined with the proposed landscaping and position of other lots in front of them, ensures they are not visible from the public domain.

It was agreed with DPE (in a meeting dated 15 February 2020) for Lots N to O in particular, that the general arrangement and siting of built form under the concept masterplan provides a significantly improved environmental outcome compared to that which would ordinarily be achieved if strict compliance with the controls were required. This is because the adjoining site to the south (230-242 Aldington Road) has approval for the construction of a new Hindu Temple.

An assessment of the departures from Control 5 against Section 1.5.2 of the MRP DCP is provided in **Table 7** below.

Table 7 Assessment of Control 5 against MRP DCP Section 1.5.2

Matter for consideration	Response
<i>Why the controls are unreasonable or unnecessary in the circumstances</i>	<p>Strict compliance with the control in this instance would be unreasonable and unnecessary because the neighbouring lot adjacent to Lots M, N and O contains a recently approved place of public worship. The orientation of these buildings allows the built form to shield and reduce noise emissions to the proposed temple to the south which in turns provides a significantly and more appropriate environmental outcome.</p> <p>The proposed Lots along the western boundary (Lots K, I and G) also have loading bays and parking located to the west of the lots and fronting Road 02. For the same reasons as for the southern boundary, these lots are currently exposed to residential areas to the east of the development. The adjoining land that separates these proposed lots from the residential development is undeveloped and at this point, has no plans submitted for future development. The location of the loading bays has therefore been designed to internalise and shield potential noise from residential receptors to the east.</p> <p>Lot J is located in the south-west section of the site near the intersection of Aldington Road with proposed Road 01. The level differences between the Lot J pad and Road 01 requires that the built form of the warehouse should be set back from the top of the retaining wall to improve its visual amenity, particularly given its prominent location at the entry to the estate.</p> <p>It's noted that Control 8, Section 4.2.3 of the MRP DCP outlines that noise generating activities should be located away from sensitive receivers to ensure higher amenity and safety. This contradicts Control 5 which proposes the building's loading, servicing and parking should be oriented towards the rear of the site in this case. If the proposed lots along the southern and eastern boundaries have their loading and parking areas at the rear of the warehouses, it would cause negative noise impact to sensitive receivers.</p>
<i>How the development will achieve the aims and objectives of the DCP, Precinct Structure Plan, and Precinct Plan under the State Environmental Planning Policy (Western Sydney Employment Area) 2009 despite the proposed departure.</i>	<p>The departure from Control 5 is not material for the proposal to meet to objectives of Section 4.2.5. In particular, the positioning of the hardstand loading area to the rear of the subject lots will not impact the buildings' ability to meet a high standard of architectural design (including articulated frontages and rooflines), sustainability or performance, recycling and material reuse or passive surveillance.</p> <p>The proposal overall, and irrespective of the departure from Control 5, remains entirely consistent with the objectives of the WSEA SEPP and this non-compliance does not thwart the proposal's ability to support economic activity and provide employment lands in the WSEA, support coordinated planning and regulatory efficiency in the WSEA, conserve biodiversity or heritage and provide development, which is logical, environmentally sensitive and cost effective.</p> <p>The proposal, irrespective of the non-compliance with Control 5, is still consistent with the Mamre Road Structure Plan and continues to meet the objectives of the Structure Plan.</p>
<i>What innovative and improved outcomes will be achieved to justify the departure</i>	<p>The departure from the MRP DCP will improve the outcome of the site by protecting the amenity for the site's southern neighbour and residents to the east of the Mamre Road Precinct.</p>
<i>That coordinated and orderly development outcomes will be achieved, including a suitable interface with adjoining sites in terms of finished ground levels.</i>	<p>As detailed previously, an improved outcome by reducing noise emissions to surrounding sensitive receivers is achieved by the proposed arrangements of buildings across the site. This provides the best possible interface between the adjoining sensitive receiver to the south and any further receiver to the east.</p> <p>The positioning of the buildings and loading areas will no material effect on adjoining sites in terms of their ground level.</p>
<i>The departure would not result in unacceptable impacts on other sites, nor make it difficult for other sites to comply with the Structure Plan. Where inconsistencies with the DCP may have the potential to significantly impact adjoining landowners, written evidence of consultation with those landowners and support for an agreed alternative solution is required.</i>	<p>As detailed above, the departure from Control 5 leads to an improved environmental outcome with the adjoining landowner south of the site and residential receivers to the east of the Mamre Road Precinct. Achieving strict compliance with the control would generate an inferior outcome to surrounding receivers.</p>
<i>The departure would not impact on accessibility to sites in the precinct and the safety</i>	<p>The departure from Control 5 does not materially affect site access, nor will it affect overall access to the Mamre Road Precinct or broader road network.</p>

Matter for consideration	Response
<i>and efficiency of the proposed road system and its relationship to the broader road network.</i>	

8.3 Balanced cut and fill

Section 4.4.1 (Development on Sloping Sites) - Control 2

2) Where practicable, site design shall balance cut and fill and minimise the extent of earthworks and need for retaining walls

Section 3.1 (Subdivision) – Control 3,

3) Subdivision design shall balance cut and fill as far as practicable. Development applications must include an Earthworks Plan, detailing the proposed cut and fill strategy, how the design minimises cut and/or fill, and justification for the proposed changes to the landform.

Both controls are set out below and are materially requiring the same outcome – to ensure cut and fill is balanced as far practical on development sites to minimise earthworks and retain the natural topography and physical characteristics of sites within the Mamre Road Precinct.

Both controls use the terms ‘practical’. They do not mandate a full balance of cut and fill across development sites. The flexibility inbuilt within the controls appears to rightly recognise that achieving a full balance of cut and fill is not always possible due to topography.

Overall, the balance of cut and fill is now at 8,861 cubic metres (import). The Project (when first lodged) proposed a cut and fill balance of 684,242 cubic metres. This represents a significant and extended effort to balance the proposed cut and fill as much as practical across the site and is considered to satisfy the cut and fill controls of the MRP DCP.

Further detail on the proposed cut and fill strategy, including earthworks plans, is provided in the Civil Infrastructure Report prepared by AT&L (refer to **Appendix E**).

An assessment of the departures from these controls against Section 1.5.2 of the MRP DCP is provided in **Table 7** below.

Table 8 Assessment of cut and fill controls against MRP DCP Section 1.5.2

Matter for consideration	Response
<i>Why the controls are unreasonable or unnecessary in the circumstances</i>	<p>Industrial estates overall (including the proposal) are designed to balance cut and fill and minimise the export or import of fill, reduce retaining walls and to minimise construction costs and improve feasibility.</p> <p>Due to the site's location within the wider Mamre Road Precinct, balanced cut and fill has been difficult due to achieve because:</p> <ul style="list-style-type: none"> The site has undulating topography which makes a balance cut difficult. At the northern end of the site, the western portion (along Aldington Road) is higher than the eastern portion. At the southern end of the site, the opposite occurs. The lower levels are at the western end and higher at the eastern end. Large level pad areas are needed to facilitate warehouses and associated loading areas of a sufficient size to meet market needs; and The MRP DCP and Structure Plan fixes certain infrastructure including roads and stormwater management requirements which in turn dictates levels, particularly at boundaries where roads connect (e.g., the proposed industrial road along the site's northern boundary), necessitating retaining walls and making a balanced cut and fill difficult to achieve on this site.

Matter for consideration	Response
	The balance of cut and fill at the site is difficult in that the southern end is lower on its western edge adjacent to Aldington Road, and then higher towards the east and at the northern edge end the highest point of the lots is adjacent to Aldington Road and the lowest point is on the east of the lots.
<i>How the development will achieve the aims and objectives of the DCP, Precinct Structure Plan, and Precinct Plan under the State Environmental Planning Policy (Western Sydney Employment Area) 2009 despite the proposed departure.</i>	The proposal overall, and irrespective of the departure from the MRP DCP, remains entirely consistent with the objectives of the I&E SEPP and the departures do not thwart the proposal's ability to support economic activity and provide employment lands in the WSEA, support coordinated planning and regulatory efficiency in the WSEA, conserve biodiversity or heritage and provide development, which is logical, environmentally sensitive and cost effective. The proposal, irrespective of the departures, is still consistent with the Mamre Road Structure Plan and continues to meet the objectives of the Structure Plan.
<i>What innovative and improved outcomes will be achieved to justify the departure</i>	The cut and fill proposed provides for the most logical and feasible development outcome for the site, while accommodating other infrastructure requirements enforced by the MRP DCP and market forces, both of which dictate levels. The outcome proposed is considered to be the most appropriate outcome for the site. Achieving complete balance of cut and fill with limited retaining walls would thwart compliance with other key provisions and outcomes envisioned by the MRP DCP, including DCP road levels and alignments and stormwater management which on balance would create an inferior outcome.
<i>That coordinated and orderly development outcomes will be achieved, including a suitable interface with adjoining sites in terms of finished ground levels.</i>	The cut and fill and associated retaining walls proposed present an orderly outcome for the site and the interfaces with the site with adjoining developments remain at existing levels (or as required by drainage) and have been specifically designed to support future road connections from the site to adjoining development.
<i>The departure would not result in unacceptable impacts on other sites, nor make it difficult for other sites to comply with the Structure Plan. Where inconsistencies with the DCP may have the potential to significantly impact adjoining landowners, written evidence of consultation with those landowners and support for an agreed alternative solution is required.</i>	The design of the proposed landform has considered adjoining development and will not impact neighbouring development achieving compliance with the MRP DCP. The road levels at the boundaries have been determined taking into account the constraints and the neighbour's feedback (refer to Appendix R).
<i>The departure would not impact on accessibility to sites in the precinct and the safety and efficiency of the proposed road system and its relationship to the broader road network.</i>	The departure does not materially affect site access, nor will it affect overall access to the Mamre Road Precinct or broader road network.

8.4 Flood prone land

Section 2.5 - Control 3

New development in floodway's, flood fringe and/or flood storages or in high hazard areas in the 1% AEP flood event considering climate change is not permitted;

Section 2.5 - Control 13

Stormwater basins are to be located above the 1% AEP

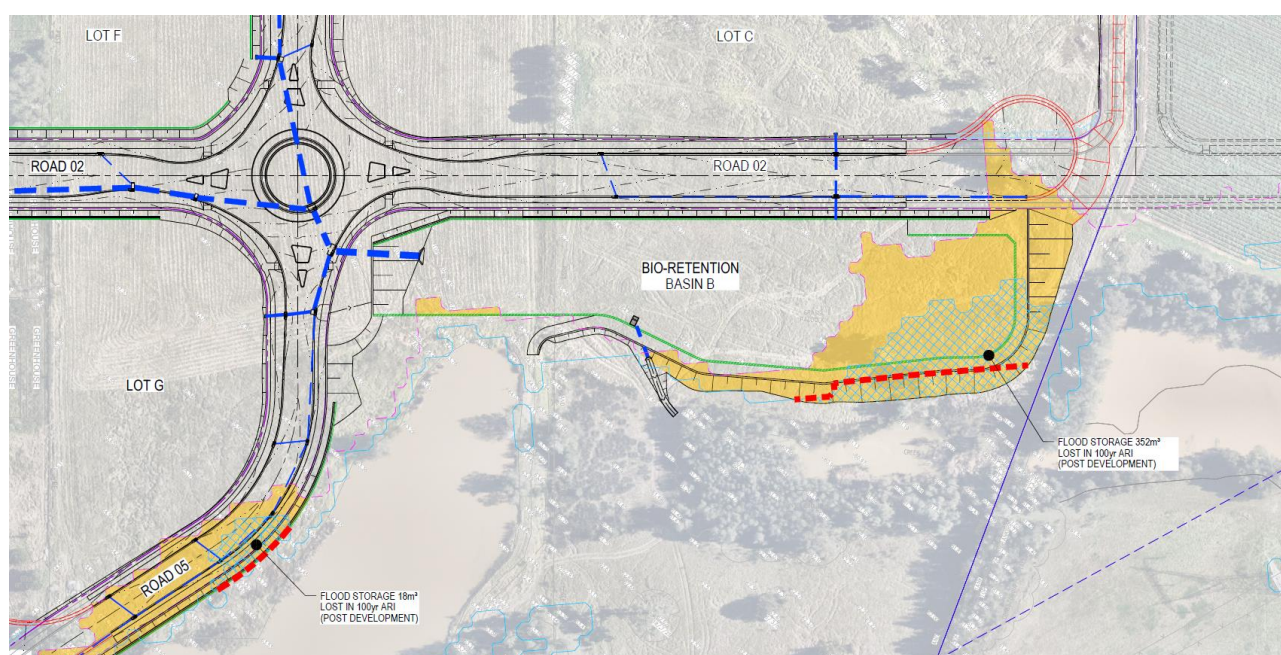
Section 2.5 - Control 17

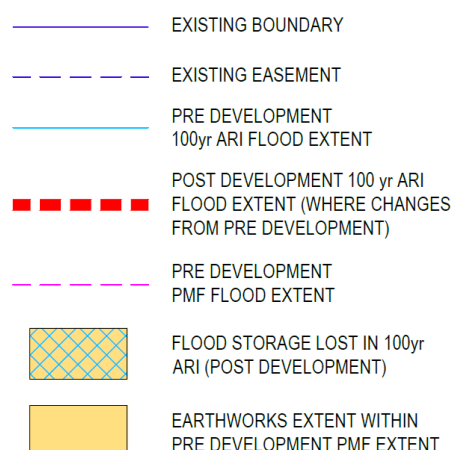
The filling of floodway's and or critical storage areas within the 1% AEP flood will not be permitted. Filling of other land at or below the 1% AEP is also discouraged, but will be considered in exceptional circumstances where:

- *The below criteria have been addressed in detail in the supporting FIRA;*
- *The purpose for which the filling is to be undertaken is adequately justified;*
- *Flood levels are not increased by more than 10mm on surrounding properties;*
- *Downstream velocities are not increased by more than 10%;*
- *Flows are not redistributed by more than 15%;*
- *The cumulative effects of filling proposals is fully assessed over the floodplain;*
- *There are alternative opportunities for flood storage;*
- *The development potential of surrounding properties is not adversely affected;*
- *The flood liability of buildings on surrounding properties is not increased;*
- *No local drainage flow/runoff problems are created; and*
- *The filling does not occur within the drip line of existing trees.*

The proposal represents a technical departure from the abovementioned controls because Detention Basin B (within Lot D) has a minor encroachment into the 1% AEP flood zone (albeit being located entirely within the IN1 zone) (refer to blue hatched area within **Figure 5**). Part of Road R05 is also in the 1% AEP. Given Basin B is partly within the % AEP flood zone, it necessitates earthworks in the flood zone. The total volume of flood storage lost by these encroachments is 370m³ (refer to **Figure 5**).

An assessment of the departures from these controls against Section 1.5.2 of the MRP DCP is provided in **Table 9** below. The Flood Impact Assessment was included as provided as Appendix O of the previous Response to Submissions Report prepared by Ethos Urban and dated 22 September 2021.



**Figure 5** Section of Lot D within the 1% AEP flood zone

Source: SBA

Table 9 Assessment of flood controls against MRP DCP Section 1.5.2

Matter for consideration	Response
<i>Why the controls are unreasonable or unnecessary in the circumstances</i>	<p>The control is unreasonable for this circumstance as overall the intrusion into the 1% AEP zone is minor and flood modelling undertaken for the proposal demonstrates that the minor encroachment is not located in a floodway, nor is it located in a critical flood storage area.</p> <p>The detailed criteria in Control 17 can be met. The flooding impact is negligible as the intrusion is isolated to an area of the basin shielded behind a local bund and outside the area of expected indicative limit of effective flow.</p> <p>Relocating the basin west to be outside the 1% AEP would be uphill, therefore requiring the realignment of the R05 Open Space Edge Road and R02 (both of which have been positioned to be consistent with the preferred road network for the site under the MRP DCP). This would therefore create an inconsistency with the DCP road network.</p> <p>Construction of Road R05 further south outside of the 1% AEP and PMF extent would result in loss of IN1 land. The proposed alignment and raising of the road provides access to the land to the east that is free from flooding up to and including the PMF.</p> <p>There is no risk to the development or adjacent developments through the proposed works in the flood zone. The velocities in a 1% AEP are identified in the FIA prepared by Cardno as 0.5 m/s. A velocity of greater than 1.5 m/s is the typical velocity at which scour of channels and banks can commence while prolonged velocities > 2 m/s would be expected to also initiate scour of vegetated watercourses and the floodplain.</p> <p>Road R05 will be protected from erosion by a retaining wall that will be designed for flood flows up to the PMF. The bund on Basin B, which will be subject to flooding, will be protected from the flood flows with planting.</p>
<i>How the development will achieve the aims and objectives of the DCP, Precinct Structure Plan, and Precinct Plan under the State Environmental Planning Policy (Western Sydney Employment Area) 2009 despite the proposed departure.</i>	<p>The departure from the controls is not material for the proposal to meeting to objectives of the Section 2.5. In particular, the positioning of the basin itself is required to be at a level below Road R02 and the Park Edge Road (R05) to enable stormwater from the northern catchment of the site to drain into Basin B and importantly avoid the drainage of stormwater flowing into adjoining land.</p> <p>The proposal overall and irrespective of the departure from the controls, remains entirely consistent with the objectives of the WSEA SEPP and this noncompliance does not thwart the proposal's ability to support economic activity and provide employment lands in the WSEA, support coordinated planning and regulatory efficiency in the WSEA, conserve biodiversity or heritage and provide development, which is logical, environmentally sensitive and cost effective.</p> <p>The proposal, irrespective of the non-compliance with the controls, is still consistent with the Mamre Road Structure Plan and continues to meet the objectives of the Structure Plan.</p>
<i>What innovative and improved outcomes will be achieved to justify the departure</i>	<p>The departures from the MRP DCP will improve the outcome of the site as it enables stormwater from DCP roads in the northern catchment of the site to drain into Basin B and therefore, avoid the drainage of stormwater into adjoining land, as previously mentioned.</p>

Matter for consideration	Response
<i>That coordinated and orderly development outcomes will be achieved, including a suitable interface with adjoining sites in terms of finished ground levels.</i>	As detailed previously, the minor encroachment of Detention Basin B provides an improved outcome by mitigating the risk of stormwater flow into the adjoining properties to the east and north.
<i>The departure would not result in unacceptable impacts on other sites, nor make it difficult for other sites to comply with the Structure Plan. Where inconsistencies with the DCP may have the potential to significantly impact adjoining landowners, written evidence of consultation with those landowners and support for an agreed alternative solution is required.</i>	The departure leads to an improved environmental outcome with the adjoining landowner east of the site, as detailed above. The flood modelling undertaken for the site also indicates that this minor intrusion will not cause adverse flooding impacts because the intrusion is isolated to an area of the basin shielded behind a local bund and outside the area of expected indicative limit of effective flow.
<i>The departure would not impact on accessibility to sites in the precinct and the safety and efficiency of the proposed road system and its relationship to the broader road network.</i>	If compliance with the controls were upheld, this would therefore require the need to relocate the basin west to be outside the 1% AEP which would be uphill, therefore requiring the realignment of the Park Edge Road and Road R02 (both of which have been positioned to be consistent with the preferred road network for the site under the MRP DCP). Realigning these roads would cause a non-compliance with the road layout established for the site under the MRP DCP and potentially impact on future development plans for adjoining landowners. Therefore, the departure does not materially affect site access, nor will it affect overall access to the Mamre Road Precinct or broader road network.

8.5 Trunk Drainage

Section 2.4.1 – Control 11

Naturalised trunk drainage paths are to be provided when the contributing catchment exceeds 15ha; or 1% AEP overland flows cannot be safely conveyed overland as described in Australian Rainfall and Runoff – 2019; unless otherwise agreed by the consent authority.

Naturalised trunk drainage is not proposed but rather, pits and pipes will be utilised across the site, managing water towards Basin A and B. The site is proposed to be divided into two catchments (being a north catchment and south catchment) with a size of 39.56ha 27.79ha respectively (refer to Section 9.9 of the Civil Infrastructure Report at **Appendix E**). The northern catchment will flow to Basin B and the southern to Basin A. The external upstream catchment outside the site is 3.933ha and will discharge north of Basin B to an outlet where it can flow overland to enter the waterway in the north-east of the site.

An assessment of the departures from Control 11 against Section 1.5.2 of the MRP DCP is provided in **Table 10** below.

Table 10 Assessment of Control 11 against MRP DCP Section 1.5.2

Matter for consideration	Response
<i>Why the controls are unreasonable or unnecessary in the circumstances</i>	The 1% AEP flows can be conveyed safely in pipes and overland across the site as demonstrated by the DRAINS model for the site. The MRP DCP road layout over this site means that the only way to implement naturalised trunk drainage is to run parallel stormwater assets along roads, with pipes picking up stormwater in road reserves and open channels alongside to carry other water (which highly inefficient and an underutilisation of land). To generate a more efficient natural trunk drainage outcome would necessitate amendments to the road network which in itself would cause a departure from the road network under the MRP DCP.
<i>How the development will achieve the aims and objectives of the DCP, Precinct Structure</i>	The departure from Control 11 is not material for the proposal to meet to objectives of Section 4.2.5. In particular, the use of pit and pipes over natural trunk drainage has not thwarted the

Matter for consideration	Response
<i>Plan, and Precinct Plan under the State Environmental Planning Policy (Western Sydney Employment Area) 2009 despite the proposed departure.</i>	<p>proposal's ability to meet the waterway health objectives or effectively manage stormwater flow and quality safely and efficiency.</p> <p>Piped stormwater is much safer as no one can become submerged into a pipe and more efficient because the infrastructure is not duplicated in parallel to the road. If anything, introducing naturalised trunk drainage would be contrary to the 'consideration of whole of life costs and ease of maintained in water planning' in this particular case given the required duplication and inefficiency of land take.</p> <p>The proposal overall, and irrespective of the departure from Control 11, remains entirely consistent with the objectives of the WSEA SEPP and this non-compliance does not thwart the proposals ability to support economic activity and provide employment lands in the WSEA, support coordinated planning and regulatory efficiency in the WSEA, conserve biodiversity or heritage and provide development, which is logical, environmentally sensitive and cost effective.</p> <p>The proposal, irrespective of the non-compliance with Control 11, is still consistent with the Mamre Road Structure Plan and continues to meet the objectives of the Structure Plan.</p>
<i>What innovative and improved outcomes will be achieved to justify the departure</i>	<p>Innovation is still achieved given the proposed approach to stormwater supports the delivery of the waterway objectives (flow and water quality). These objectives represent a material shift from business as usual and innovative solution to the protection and restoration of Wianamatta-South Creek and its tributaries.</p> <p>The pit and pipe is also considered an improved outcome because it is safer and allows more efficient stormwater infrastructure which is inline with the road network desired for the site under the MRP DCP whilst still capable of accommodating 1% AEP flows.</p>
<i>That coordinated and orderly development outcomes will be achieved, including a suitable interface with adjoining sites in terms of finished ground levels.</i>	Pit and pipe infrastructure will support a more coordinated and orderly outcome for the reasons set out above without any impact to neighbouring development.
<i>The departure would not result in unacceptable impacts on other sites, nor make it difficult for other sites to comply with the Structure Plan. Where inconsistencies with the DCP may have the potential to significantly impact adjoining landowners, written evidence of consultation with those landowners and support for an agreed alternative solution is required.</i>	As detailed above, the departure from Control 11 does not impact surrounding sites nor make it difficult for other sites to comply with the Structure Plan.
<i>The departure would not impact on accessibility to sites in the precinct and the safety and efficiency of the proposed road system and its relationship to the broader road network.</i>	The departure from Control 11 does not materially affect site access, nor will it affect overall access to the Mamre Road Precinct or broader road network.

8.6 Engineering standards

Section 3.5 (Council Engineering Works and Construction Standards) – Control 1

Engineering works shall be consistent with Council's standards, as amended:

- Stormwater Drainage Specifications for Building Developments;
- Council's Water Sensitive Urban Design (WSUD) Technical Guidelines;
- Engineering Design Specifications for Civil Works; and
- Engineering Construction Specifications for Civil Works.

The basins will remain a private asset and will be maintained by the landowner. The proposed design which is a component of the sites' Water Management Strategy meets the DCP water quality and flow duration targets. The design has also been used on nearby sites successfully. It is a cost-effective design that minimises land area whilst still achieving the water management objectives and targets of the MRP DCP. If the proposed regional solution comes into operation, it will not require bioremediation, only OSD. Hence a redesign to meet the PCC standard drawings to provide separate OSD and bioretention would in future result in redundant infrastructure.

An assessment of the departures from Control 1 against Section 1.5.2 of the MRP DCP is provided in **Table 11** below.

Table 11 Assessment against Control 1 against MRP DCP Section 1.5.2

Matter for consideration	Response
<i>Why the controls are unreasonable or unnecessary in the circumstances</i>	This control is unreasonable as the proposed Water Management Strategy is able to reach the standards and objectives outlined within the MRP DCP. Furthermore, compliance with the Penrith City Council standards would result in construction of both bioretention and OSD separately, however once the proposed regional solution is in operation the bioremediation infrastructure would be made redundant.
<i>How the development will achieve the aims and objectives of the DCP, Precinct Structure Plan, and Precinct Plan under the State Environmental Planning Policy (Western Sydney Employment Area) 2009 despite the proposed departure.</i>	<p>The departure from Control 1 is not material for the proposal to meet to objectives of Section 3.5. In particular, the use of the site's Water Management Strategy allows a better transition to the proposed regional water infrastructure.</p> <p>The proposal overall, and irrespective of the departure from Control 1, remains entirely consistent with the objectives of the WSEA SEPP and this non-compliance does not thwart the proposals ability to support economic activity and provide employment lands in the WSEA, support coordinated planning and regulatory efficiency in the WSEA, conserve biodiversity or heritage and provide development, which is logical, environmentally sensitive and cost effective.</p> <p>The proposal, irrespective of the non-compliance with Control 1, is still consistent with the Mamre Road Structure Plan and continues to meet the objectives of the Structure Plan.</p>
<i>What innovative and improved outcomes will be achieved to justify the departure</i>	Innovation is still achieved given the proposed approach as the design meets the DCP water quality and flow duration targets. It also allows for better transition to once the regional strategy is operational.
<i>That coordinated and orderly development outcomes will be achieved, including a suitable interface with adjoining sites in terms of finished ground levels.</i>	The departure from the control does not cause any impacts to the interface with adjoining sites, rather promotes the efficiency and better outcomes for waterways once the regional water infrastructure is operational.
<i>The departure would not result in unacceptable impacts on other sites, nor make it difficult for other sites to comply with the Structure Plan. Where inconsistencies with the DCP may have the potential to significantly impact adjoining landowners, written evidence of consultation with those landowners and support for an agreed alternative solution is required.</i>	As detailed above, the departure from Control 1 does not impact surrounding sites nor makes it difficult for other sites to comply with the Structure Plan.
<i>The departure would not impact on accessibility to sites in the precinct and the safety and efficiency of the proposed road system and its relationship to the broader road network.</i>	The departure from Control 1 does not materially affect site access, nor will it affect overall access to the Mamre Road Precinct or broader road network.

9.0 Conclusion

This Report has been prepared by Ethos Urban on behalf of FKC in relation to the Request for Additional Information dated 15 November 2021 issued by the Department of Planning, Industry and Environment on the proposed State Significant Development Application seeking concept approval and Stage 1 works for a proposed new industrial estate on land at 106 – 228 Aldington Road, Kemps Creek (200 Aldington Road Industrial Estate).

The site is located on land which has recently been rezoned to facilitate the creation of jobs in Western Sydney and help address an undersupply of employment land. Stage 1 of the Project will create 250 construction jobs and 330 ongoing operational jobs. The overall Concept development on the site is expected to generate 1,000 construction jobs and 2,300 operational jobs.

Job creation in the Mamre Road Precinct is consistent with the strategic directions of the Greater Sydney Region Plan, the Western City District Plan and Penrith Council's Local Strategic Planning Statement - which all include directions to create jobs and skills by developing industrial and urban services land.

The more detailed planning framework to support this rezoning (which includes the Mamre Road Precinct Development Control Plan and Mamre Road Precinct Contributions Plan) has recently been finalised and the Project as (as detailed in this report) has been reviewed and amended to ensure overall consistency, ensuring development and can achieve the desired outcomes of the Mamre Road Precinct.

We trust that the responses provided above will enable DPIE to finalise their assessment of the SSDA. Given the environmental planning merits (and the ability to suitably manage and mitigate any potential impacts) and significant public benefits proposed, it is requested that the Minister approve the application.