

## Appendix A – Detailed record and response to submissions and additional information

Extracts from Government agency and authority submissions received in relation to SSD 10479, and a response to each of these matters, has been outlined in the table below.

### List of abbreviations

<b>Council</b>	Penrith City Council
<b>DPE</b>	Department of Planning and Environment
<b>MRP DCP</b>	Mamre Road Precinct Development Control Plan
<b>WSEA SEPP</b>	Former State Environmental Planning Policy (Western Sydney Employment Area) 2009
<b>The site</b>	200 Aldington Road
<b>FKC</b>	Fife Kemps Creek Pty Ltd
<b>VPA</b>	Voluntary Planning Agreement
<b>LOG</b>	Land Owners Group
<b>I&amp;E SEPP</b>	Industry and Environment SEPP

Comment / Extract	Response
<b>Department of Planning and Environment</b>	
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.	Ason Group is currently working closely with TfNSW on behalf of the Land Owners 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.
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.	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). 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 on-lot. Further elaboration is provided in <b>Section 7.2</b> of the RTS Report and within the Civil Report at <b>Appendix E</b> .
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.	<p>The draft MRP DCP was finalised on 19 November 2021. Because of this, a full review of the DCP within its finalised form and the Project has been undertaken. The Project is overall consistent with the provisions of the final MRP DCP. A complete Table of Compliance is provided at <b>Appendix B</b> of the RTS Report. Minor departures from the MRP DCP are identified and assessed in <b>Section 8.0</b> of the RTS Report in accordance with Section 1.5.2 of the MRP DCP. These departures are primarily limited to:</p> <ul style="list-style-type: none"> <li>• Minor encroachments of development sitting with the 1% AEP;</li> <li>• Building design and sitting; and</li> <li>• Road levels adjacent to open space.</li> </ul>
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.	Former Clause 270 of the EP&A Regulations (nothing this Regulation has been repealed and updated with clause 66 of the EP&A Regulations 2021) spoke to contribution plans for Western Sydney Employment Area and mandated 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 Contributions Plan for the Mamre Road Precinct and contributions (works in kind) are being prepared in line with this Plan, in consultation with Council and in accordance with clause 66 of the EP&A Regulations 2021
<b>Local Infrastructure Contributions</b>	
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.	<p>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 (refer to Section 7.4 of the RTS Report).</p> <p>FKC as part of the Land Owner Group East has submitted a Letter of Offer for a VPA in relation to upgrade of the Abbotts Road / Mamre Road intersection. This follows a design being prepared and submitted to TfNSW for the interim and ultimate intersection of Abbotts 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</p>

Comment / Extract	Response
	<p>with TfNSW and the DPE Contributions Team in line with broader precinct traffic modelling being undertaken by ASON Group.</p> <p>Consistency with Section 270 is discussed above.</p>
Traffic and Access	
<p>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.</p>	<p>The interim 2026 modelling and 75% traffic assumption assessment was undertaken whilst the LOG sites consisted of sites which provided a degree of certainty on the anticipated level of GFA and traffic within the surrounding area. The 75% assumption also represents a conservative assumption for the purposes of assessment, noting that these sites are in different stages of the planning process and would be unlikely to deliver to the total quantum of GFA (~1,000,000sqm) over the next four years. Irrespective of this previous working assumption, TfNSW has subsequently requested an assessment of just the approved developments and the site itself (this includes SSD 17552047 (155-217 Aldington Road) and SS -9138102 (59-63 Abbots Road and 290-308 Aldington Road)). This, at the time of writing, is currently being undertaken directly by Ason Group in consultation with the TfNSW Assessments Team. The results will be submitted under separate cover to DPE when they are complete.</p>
<p>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.</p>	<p>Noted.</p>
<p>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.</p>	<p>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 / Abbots Road upgrades. This process is currently ongoing in consultation with TfNSW Assessment's Team.</p>
Transport & Accessibility Management Plan (TMAP) – Appendix D	<p>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.</p>
<p>The SIDRA model used optimum cycle times of between 90 – 120 secs. In order to determine the worst case scenario the intersection should be modelled at a cycle time of 120-140 secs and no less. TfNSW suggests that different phasing options are investigated with the 120+sec cycle time to assist with managing queue lengths.</p>	<p>The Land Owners Group consists of the developments being considered under this application (SSD-10479), as well applications SSD- 17552047 (155-217 Aldington Road) and SSD-9138102 (59-63 Abbots Road and 290-308 Aldington Road).</p>
<p>There are some anomalies in the SIDRA outputs. It is unclear why the 3% growth rate has not been included on all legs. The base model for 2026, 2031 and 2036 does not change for the traffic entering and exiting Abbots Road</p>	

Comment / Extract	Response
<p>The report mentions that the 2036 model does not include the SLR. It is unclear why is there a reduction in vehicle movements entering and exiting Abbots Road for the 2036 outputs. Further clarity is required to understand the reduction</p>	
<p>A traffic assignment diagram should be provided showing what percentage of vehicle movements is proposed to travel north or south on Aldington Road. In addition, further clarity is needed to ensure that the model provided directs all heavy vehicle movements to access Mamre Road from Abbots Road intersection and not Bakers Lane. This is due to the presence of schools along Bakers Lane.</p>	
<p>Appendix A2 - 2031 AM Project Case – the SIDRA outputs indicate that the 95% back of queue is at 127.3m for the Mamre Road (south) right turn movement, which will queue out into through lane. This indicates that the right turn bay will not adequately support the proposed traffic specified in the Masterplan</p>	
<p>TfNSW believes that there is a need for further refinement and clarification to determine the scope of the intersection. The modelling indicates that a critical leg is at risk of not being able to accommodate for the traffic proposed under this proposal in isolation in 2031. Whilst it is understood that there are constraints in the road reserve at this location, there is still a need to ensure that the intersection can operate at a safe level. The length of the right turn bay on Mamre Road (south) needs to be lengthened to accommodate for the proposed traffic. TfNSW requests that any updated model associated with this development is accompanied with the raw SIDRA files for review</p>	
<p>Appendix A1 - 2026 PM MRP LOG – the right turn movement from Mamre Road is operating at LOS E. The 95% back of queue is showing to be at 97m, whereas the right turn bay only has 100m storage. This results in a risk of traffic queuing out into through lane. Therefore should further investigations be undertaken which take into account the MRP LOG the intersection design would need to ensure that the additional traffic can be accommodated for.</p>	
<p>Appendix Z - Civil Drawings - Intersection (1) &amp; (2) – Turning path plans are provided for 30m PBS type 2B. According to the Draft Mamre Road Precinct DCP Road design item (16), it should be tested for 36.5m PBS Level 3 type A vehicles.</p>	
<p>TfNSW requests the abovementioned information to be addressed/provided for further assessment prior to the determination of the application. TfNSW will further review and provide response upon receipt of the additional information</p>	
<p>TfNSW notes that the applicant has provided a Framework Sustainable Travel Plan. In their previous submission TfNSW advised that the applicant prepare a Green Travel Plan in consultation with TfNSW for the warehouse and ancillary office buildings proposed for Lot F. The applicant shall submit a copy of the final plan to TfNSW for endorsement prior to the issue of the first occupation certificate</p>	Noted.

Comment / Extract	Response
TfNSW has reviewed the Response to Submission documents for the 200 Aldington Street Kemps Creek development (Stage 1); these are the Framework Sustainable Travel Plan and the Transport and Accessibility Management Plan (TAMP)	Noted. The final FSTP will be updated to include both short and long term measures prior to the issue of the first occupation certificate.
TfNSW recommends that the Framework Sustainable Travel Plan (FSTP) adopt both short and long term measures in the FSTP given the lack of public transport and active transport infrastructure facilities in this area.	
In Section 5.2 Strategies and Actions TfNSW recommends that short term goals be implemented in the FSTP; one of these is the internal shuttle service (Table 3 Section 2.5) and the second would be implementing car-pooling (Table 3, Section 3) schemes. The other longer term goals in Section 5.2 Strategies and Actions would all be implemented in the FSTP just prior to and during public and active transport infrastructure being made available. Due to this advice TfNSW recommends that a detailed implementation strategy for the FSTP be developed noting all the tasks for completion, how they will be completed and completion date, including an implementation checklist to achieve the proposed initiatives. TfNSW notes there is a separate communications strategy to guide this, and TfNSW recommends that the implementation strategy be updated with the communication tasks to promote initiatives.	
TfNSW recommends that the Travel Access Guide or TAG includes the short term initiatives discussed earlier (shuttle and carpooling), and removes the bus travel map (as bus travel in the site area is not recommended). The longer term TAG can be updated once public and active transport infrastructure are upgraded. For further helpful information – please check this link <a href="#">How to Create a Travel Access Guide doc here</a> .	The recommendations are noted however the success and feasibility of a measure such as a shuttle bus requires that a certain level of take up can be achieved. Individual sites within the Precinct to be responsible for providing shuttle buses in isolation is unlikely to deliver the desired outcome nor will it be a long-term solution. As such, it is recommended in the FSTP, that the feasibility of such a service be investigated, once the site is operational; alongside the Travel Plan Coordinator being responsible for consideration for a precinct wide solution. This process will be conducted in consultation with TfNSW and Council prior to the issue of the first occupation certificate for the site.
TfNSW also recommends that the Travel Survey to staff promotes these options of the shuttle and the carpooling scheme short term, and that the survey is updated longer term to reflect changes to public and active transport	The survey updates will form part of the updated documentation prior to OC.
TfNSW recommends that the applicant submit a copy of the updated FSTP for TfNSW endorsement, prior to the issue of the Occupation Certificate.	Noted.
<b>Stormwater Management</b>	
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.	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 Report and Plans prepared by AT&L (refer to <b>Appendix E</b> of the RTS Report).
Provide consideration of the trunk drainage infrastructure controls in section 2.6.1 of the	Consideration to the trunk drainage infrastructure controls has been provided within <b>Appendix B</b> (MRP DCP Table of Compliance) and Section 11 of the AT&L Civil Report

Comment / Extract	Response
draft MRP DCP and the stormwater management issues raised by Council in its letter dated 19 October 2021.	<b>(Appendix E</b> of the RTS Report). Section 11.5 of the Civil Report sets out a response to Council's letter dated 19 October 2021. The site is largely compliant with the relevant controls. Notably, as the contributing catchment is less than 15ha, the controls within the MRP DCP relating to provision of naturalised trunk drainage are not applicable.
Please clarify where the proposed temporary swale on the site's northern boundary (identified in Figure 5 of the RTS report) will drain to	The temporary swale on the site's northern boundary will drain to the east to Basin B.
<b>Earthworks and Retaining Walls</b>	
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.	<p>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 <b>Section 8.0</b> of the RTS Report and includes consideration of:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Provisioning for connectivity to adjoining lands and managing existing upstream catchment flows.</li> <li>• Minimising height of retaining walls fronting Aldington Road and mitigating retaining walls fronting internal public road reserves.</li> <li>• Mitigate extensive cut in bedrock sub-surface units.</li> <li>• Meet the requirements for the site to cater for IN1 – General Industrial employment which requires large flexible allotments.</li> </ul> <p>Overall, the balance of cut and fill is now at 3,462 cubic metres. 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.</p> <p>How the Project meets clause 2.40 of the Industry and Employment SEPP is summarised in Section 7.7 of the RTS Report. Further, all retaining walls across the Project have been reviewed and amended to be compliant with the retaining wall controls of the MRP DCP.</p>
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.	It is noted that the draft MRP DCP control (draft control 7 of Section 4.4.1) which requires the tiering of retaining walls over 3m in height, has been superseded and is no longer in 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 2m setback and the provision of suitable landscaping. Tiering of retaining walls is only required for retaining walls

Comment / Extract	Response
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.	fronting the public domain or a public road, which is not the case along the southern boundary of the site. Further, additional consultation has occurred with the neighbouring development to the south (refer to <b>Appendix R</b> of the RTS Report) which demonstrates that the neighbouring landowner is satisfied with the proposed retaining wall design and treatment along the southern boundary.
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 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.	<p>The retaining wall at Lot C is 2.8m in height (refer to fill Retaining Wall RW35 within <b>Appendix E</b> of the Civil Plans). No retaining walls are proposed for Lot A and B. The site is compliant with the required landscaping setbacks of 6.0m provided along this boundary.</p> <p>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.</p> <p>The Project continues to depart from Control 23 in Section 3.4.1 as the finished road level of R05 (the Park 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 <b>Section 8.0</b> of the RTS Report. Overall, the departure from the control arises from three very deliberate and functional reasons being stormwater runoff and overland flow and ensuring the road is higher than the 1% and PMF flood levels. The retaining wall in this location supports an improved outcome for the site and neighbouring development and because of this, is considered to be acceptable on merit.</p>
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.	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 maintenance 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 I&E SEPP, both roads and environmental protection works are permissible with consent.
Internal Road Construction	
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.	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 / Extract	Response
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).	Evidence of consultation to the landowner to the east is provided at <b>Appendix R</b> of the RTS Report.
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.	The MRP has now been finalised and all roads have been reviewed and 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 <b>Appendix C</b> of the RTS Report).
Landscaping	
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.	Noted. Updated landscaping plans have been provided at <b>Appendix F</b> of the RTS Report, which include landscaping plans for Stage 1.
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.	Each of Council's landscape comments are addressed within this table below.
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.	Adequate solar access will be achieved with the proposed landscaping along the southern boundary as indicated on the updated Landscape Plans at <b>Appendix F</b> .
Please clarify how landscaping between the proposed retaining walls and the external property boundaries will be accessed and maintained.	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.
Visual Impact	
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.	Noted, the shadow diagrams have been revised and provided in <b>Appendix A</b> (Architectural drawings) of the RTS Report.
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).	<p>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.</p> <p>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 DPE. 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.</p>



Comment / Extract	Response
	The specific detail needed for each noise wall barrier will form part of a future DA, therefore allowing for reconsideration at each detailed DA 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 time.
Noise	
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).	Following consultation with DPE, Section 5.1.1 of the NVIA has been updated (refer to <b>Appendix T</b> ) 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).
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.	Noise levels have been assessed within Table 17 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.
Flooding	
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.	The development has been assessed in accordance with Clause 33I of the former WSEA SEPP as part of the Flood Impact Assessment prepared by Cardno 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.
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.	Basin B (Lot D) is wholly within the IN1 zone but does in fact slightly intrude into the 1% AEP flood extent. The physical extent of the intrusion is shown in <b>Appendix A</b> (Flood Constraints Plan) and elaborated in <b>Section 8.4</b> of this RTS Report. Cardno has assessed this intrusion and has considered that it will have negligible impacts on the 1% AEP given it is located in a shielded position behind a bund, as well as being outside the area of effective flow. The intrusion is not located in a floodway or critical flood storage area and addresses the criteria in Control 17 of Section 2.5 of the MRP DCP.
Sydney Water	
Provide a response to the submission from Sydney Water dated 10 March 2021.	Noted, provided below within the Sydney Water section of this response table.

Comment / Extract	Response
Other MRP DCP compliance	
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.	The proposed carparking for the overall concept plan exceeds the minimum DCP requirement by 6 spaces, providing a total of 1517 car parking spaces over the entire site. The proposed car parking spaces for Stage 1 also achieves the minimum rates specified by the DCP, being 221 car parking spaces. A breakdown of the proposed car parking against the MRP DCP controls is provided in Table 5 of <b>Section 7.15</b> of the RTS Report.
The proposed pylon signs are to be consistent with Control 2 in Section 4.2.7 of the draft MRP DCP.	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.
Heritage NSW	
Management recommendations prior to any development impacts occurring within the study area, the following is recommended;	Noted.
Recommendation 1: Development of a CHMP. A CHMP should be developed to provide management and mitigation measures for cultural heritage values identified within the study area. THE CHMP should be prepared to include the following recommendations in consultation with Registered Aboriginal Parties (RAPs)	
Recommendation 2: No further works within Area 1 (AHIMS 45-5-5467), Area 2 (AHIMS 45-5-5469), and part of Area 3 (AHIMS 45-5-5468), Area 1 (AHIMS 45-5-5467), Area 2 (AHIMS 45-5-5469), and part of Area 3 (AHIMS 45-5-5468) will be impacted by the proposed development. Further testing and salvage of these sites is not recommended. The proposed works may therefore proceed with caution in these areas in line with an approved CHMP following SSD approval .	
Recommendation 3: Archaeological salvage of part of Area 3 (AHIMS 45-5-5468) if impacts cannot be avoided.	
Recommendation 5: Long term care	
Recommendation 6: Heritage inductions Heritage inductions for all site workers and contractors should be undertaken in order to prevent any unintentional harm to Aboriginal sites located within the site area and its surrounding.	
Recommendation 7: Discovery of unanticipated Aboriginal objects	
Western Sydney Planning Partnership	
Application assessed against the Western Sydney Aerotropolis State Environmental Planning Policy (Aerotropolis SEPP)	

Comment / Extract	Response
Part 3 Development controls—Airport safeguards	
As mentioned in advice from the Partnership provided on 11 December 2020 and 14 April 2021, a key planning objective for the Aerotropolis is to safeguard the 24-hour operations of Western Sydney International (Nancy-Bird Walton) Airport. The site is partially within the 8 km wildlife buffer zone on the Wildlife Buffer Zone Map of the Aerotropolis SEPP and careful consideration must be given to any proposed vegetation or landscaping to minimise wildlife attraction as per Clause 21 of Part 3 of the Aerotropolis SEPP.	The site is located inside the 8km wildlife buffer zone. Given the nature of the proposed use, the proposal development is not considered to attract wildlife which may impact the operation of the Western Sydney Airport. The proposed development is for warehouse and distribution purposes with the storage of goods being enclosed within buildings. The site does not propose any waste management facilities, therefore is not necessary to provide further assessment as no further generation of wildlife will occur. The proposed landscaping chosen has considered wildlife attraction and will continued to be assessed in the Vegetation Management Plan.
Whilst the EIS has referenced this clause, the Partnership is of the view there is a requirement to provide a written assessment of the wildlife that is likely to be present on the land, and the risk of the wildlife to the operation of the Airport. The sites' RE2 and E2 land and proposed landscaping has the potential to attract wildlife. The previous advice requested a written assessment be provided as part of the SSD application.	It should also be noted that this comment was in response to an earlier concept masterplan for the site, addressed in RTS No.2, that proposed removal of the farm dams on Lot D (the RE2 and E2 zoned land) and recreation of a riparian corridor in this location. The concept masterplan now proposed that the farm dams be retained, and the area be managed. No significant new vegetation is proposed in this area.
In the updated response to submissions, a written assessment has not been provided. It is noted Attachment T (Biodiversity Development Assessment Report) advises ' <i>The development site is partially mapped within the 8-13 Km Wildlife Buffer Zone Map of the Aerotropolis SEPP for the Western Sydney International (Nancy- Bird Walton) Airport. Careful consideration of plant species must be given for any proposed landscaping or revegetation. These items will be considered and assessed when preparing the Vegetation Management Plan for the north-east corner</i> '. The timing of this shall be provided prior to the commencement of construction. Not receiving a separate assessment now is seen to be a gap in the overall assessment of this proposal and the Partnership is of the view this is not acceptable.	Noted, a condition of consent can be provided to ensure that the Vegetation Management Plan can be prepared and will consider plant species and their relationship to the Western Sydney Airport post approval prior to a construction certificate.
Application assessed against the Western Sydney Aerotropolis Plan (WSAP)	
Generally, the proposed development appears to be consistent with these. The revised plans have now excluded prohibited components of development from the RE2 Private Recreation zone. The revised building footprints are wholly contained within the IN1 General Industrial zone and above the 1:100-year flood prone land. It is noted the bio-retention basin is now wholly located within the IN1 zone which is an improvement	Noted.
<u>On site recreation</u>	
The proponent has previously responded to comments for the proposed SSD application to take into consideration the Aerotropolis planning principles contained in the Appendix (pages 92-94). Nevertheless, objective SU4 – 'Orient urban development towards creeks and integrate into the landscape through quality open space, a high degree of solar access and tree canopy', it is seen more could be done to creating usable quality open space for future workers whilst achieving environmental outcomes and mitigating flood impacts.	Noted, the area holds a functional use to support the bio-retention basin in order to achieve the precinct Integrated Water Cycle Management controls outlined in Section 2.4 of the MRP DCP. There is a height difference between the RE2 zone and the Park Edge Road, due to the flood plain, and therefore is not desirable for open space. Whilst the detention basin isn't proposed to be publicly accessible the bio-retention basin still meets the objective of the zone as it enables development that does not increase the risk of natural

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<p>The previous response to submissions report advises in this regard, <i>The RE2 zone in the north east section of the site's primary purpose is to delineates the 1 in 100 year flood limit and not recreation. The development proposes to recreate a riparian corridor through this section with revegetation with riparian species. It is not considered desirable for public access to this area given the risk of illegal activities such as dumping etc. Suitable amenities for workers are proposed to be provided in open space areas within lots. These will be detailed in future DAs for individual buildings.</i></p> <p>However, The WSEA SEPP advises the following objectives for the RE2 Private Recreation zone,</p> <ul style="list-style-type: none"> <li>• To enable land to be used for private open space or recreational purposes.</li> <li>• To provide a range of recreational settings and activities and compatible land uses.</li> <li>• To protect and enhance the natural environment for recreational purposes.</li> <li>• To enable development that does not increase the risk of natural hazards of the surrounding land (including, but not limited to, bush fire and flooding).</li> </ul> <p>Therefore, a greater focus of this RE2 zoned land should be for recreational purposes which should allow accessibility for workers. There should be further examination on how this land can achieve recreational spaces whilst also achieving environmental outcomes and mitigating flood impacts. It should be noted that due to the proposed building floorplates and hardstand areas, there will be limited opportunities for open space areas within lots as shown on the revised concept masterplan unless roofed areas can provide this space.</p>	<p>hazards of the surrounding land. If the bio-retention basin wasn't constructed in this location, it would result in drainage of stormwater into surrounding developments causing flooding which on balance would generate an adverse environmental outcome.</p> <p>The presence of existing farm dams in this location that are proposed to be retained, creates safety issues for general public access to this part of the site. Access for workers to Lot D could be arranged through lease arrangements.</p>
<b>Environment, Energy and Science Group</b>	
<u>Biodiversity</u>	
<p>EES notes that Appendix D: Biodiversity credit report has not been included in the BDAR. In addition, the credit report has not been finalised in the BAM-C and submitted to consent authority, so EES is not able to verify the calculator data. EES assumes the credits in the credit report and calculator align with the credit summary in Section 3.3.3 of the BDAR.</p>	<p>The BDAR has been updated and now includes the biodiversity credit report at Appendix D of the BDAR Report. The credit report matches the credit summary in the BDAR. Refer to <b>Appendix L</b> for further information.</p>
<p>There is also no explanation provided for how the species polygon for Southern Myotis (<i>Myotis macropus</i>) was defined. Table 17 suggests that hollow bearing trees within 200m of the riparian zone were used to define the polygon. However, this geographic limitation is used to determine whether the species should be surveyed for on-site and is not relevant to the definition of the species polygon. Despite this, it appears that the species polygon has been defined appropriately, i.e. in accordance with the Threatened Biodiversity Data Collection (TBDC), which states that the 'Species polygon boundaries should align with PCTs on the subject land to which the species is associated that are within 200m of waterbodies mapped.' EES considers all matters previously raised have been adequately addressed.</p>	<p>Noted.</p>

Comment / Extract	Response
<u>Waterway health</u>	
EES has reviewed the Civil Infrastructure Report dated September 2021 and associated concept plan and drawings for the SSD and provides the following comments:	Noted.
Section 8 – Sedimentation and Erosion Control	
Sedimentation and erosion controls should demonstrate that EES's Construction Phase Targets are being achieved. Please refer to Table 1 of the EES 'MUSIC MODELLING TOOLKIT – WIANAMATTA' previously provided to DPIE Planning and Assessments Group on 5 August 2021.	The Erosion and Sediment Control Plan (which is Appendix F of the Environmental Construction Management Plan at <b>Appendix I</b> ) demonstrates that the sediment and erosion controls are designed to meet the Construction Phase targets set by EES.
Section 11 – Stormwater Management	
EES seeks further clarification of section 11.3, where it is identified that part of the overall stormwater strategy for the site involves conveying the stormwater flows associated with upstream (external) catchments. Specifically, if this strategy is adopted, the applicant will be required to demonstrate that the development site will still achieve the Operation Phase Targets Stormwater Quality and Quantity Targets in the Mamre Road Precinct Development Control Plan (DCP) (see Tables 2, 3 of the 'MUSIC MODELLING TOOLKIT – WIANAMATTA').	Refer to Section 10 of the Civil Report prepared by AT&L Engineers ( <b>Appendix E</b> of the RTS Report). Compliance is achieved with Option 2: Flow Duration Curve Approach targets which the exception of the cease to flow target of 10-30% of the time. The site discharge ceases to flow 7% of the time. Between the 7% and 10% percentile flow the average flow is 0.04L/ha/day, which for the site (72.09ha) is 2.88L/day. The 10-percentile discharge is 0.08L/ha/day equating to a flow of 5.8L from the site per day, which is less than a standard 10L bucket per day. This departure has been considered within the order of magnitude of error of modelling and is it is recommended that 0.1 L/ha/day be considered as effectively zero by the assessor. It must be acknowledged the Model for Urban Stormwater Improvement Conceptualisation (MUSIC), is a model for conceptualisation and is not exact, therefore this marginal difference is not viewed as a strict non-compliance.
Section 12 – Water Balance and Quality	
The revised concept plan is similar to the previous concept plan, reviewed by EES as part of the applicant's previous RTS, although EES notes that the size of Basin B at Lot D has increased. EES cannot provide advice on whether the concept plan being proposed complies with/achieves the Stormwater Quantity and Quality Targets in the Mamre Road Precinct DCP, for the following reasons:	Noted.
<ul style="list-style-type: none"> <li>No information is provided on the rainfall period and potential evapotranspiration parameters that were used for the development of MUSIC X. EES therefore requests that the applicant supply the MUSIC X model as part of the submission to review.</li> </ul>	Noted, Music model is submitted as a part of the response to submissions package (refer to <b>Appendix E</b> of the RTS Report).
<ul style="list-style-type: none"> <li>Scenario 1 cannot be considered by EES, as we have not had confirmation that a regional approach is a viable strategy for the Mamre Road Precinct.</li> </ul>	The approach to stormwater management is not reliant on a regional approach to stormwater management, but rather, an on-lot approach.
<ul style="list-style-type: none"> <li>Scenario 2 meets the Operation Phase Targets Stormwater Quality and Quantity Targets, on the basis that much of the site is undeveloped. To demonstrate that the larger Basin (B) at lot D in the concept plan achieves the targets, EES requests that the applicant provide their MUSIC X model and supporting excel spreadsheet titled 'Flow Duration Curve</li> </ul>	The Music Model is provided at <b>Appendix E</b> of the RTS Report.

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Development Scales – South Creek – Locked.xlsx' for review. On this basis, EES cannot make a comment on the feasibility of Scenario 2, at this stage.	
<b>Penrith City Council</b>	
1. Planning Consideration	
It is confirmed that the applicant has engaged with Council to discuss matters raised in received submissions in an attempt to resolve them and progress the application. This has been appreciated however there are still matters that remain to be resolved, or are still raised as concerns which are outlined below:-	Noted.
Council previously raised a considerable number of landscape design matters that were deemed critical to inform the spatial arrangement of the proposed concept plan and subdivision layout, not to mention car parking design and building footprint locations. The amended and additional information includes additional concept landscape plans with indicative planting schedules only for each proposed allotment. The only plans with detailed planting densities relate to works proposed within the future road reserve.	Noted, updated landscaping plans have been provided at <b>Appendix F</b> .
The suggested planting in the future / proposed road reserve is not supported as this is a maintenance burden on Council as the intended public road authority. The landscaping suggested in the verge is to be limited to street trees with supplementary canopy tree plantings and understorey plantings on each lot in all building and car park setback zones.	Control 10 of Section 4.2.3 of the MRP DCP states that <i>Evergreen shrubs and trees shall screen car parks, vehicular manoeuvring areas, garbage areas, storage areas from the street frontage</i> . Within the MRP DCP a verge is defined as part of the footway and the proposed planting is in line with the DCP. Additionally, a continuous canopy has been achieved whilst ensuring a minimum 5 metre distance from all street trees to light poles.
At present only indicative planting schedules and cross-sectional details are provided within each lot contrary to what has been requested in all previous submissions made on this matter. The opportunities for landscaping in front setback zones, especially at intersection corners is however generally supported (such as Warehouse F & J) however this positive design and streetscape response isn't reflected on Lots C and G (but is reflected on Lot K at the northern western corner). Opportunities to replicate the landscape setback design response from Lots F, J & K on Lot C & G, to increase the intersection landscape setback, should be required to ensure a consistent landscape treatment at each corner of the intersection.	Noted, both the Masterplan and the Landscape plans have been amended to replicated landscape areas as indicated on Lots F, J and K and therefore has increased the landscape treatment for each lot.
If the application is intended to be supported in the absence of detailed on-lot landscape design plans (not indicative schedules only), then this should form a condition of consent applicable to each lot and stage prior to the issue of any construction certificate or development consent. The detailed design plans, particularly front setback landscaping, should be prepared in consultation with Council's Landscape Architecture Team and then submitted to and approved by the consent authority	Lot F has proposed on-lot landscape plans (refer to <b>Appendix F</b> ). All future subsequent detailed DA's will be accompanied by detailed landscaping plans which will reflect the proposed to on-lot landscape.

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<p>Section 1 of the Landscape Design package (Drawing LR-017) omits to detail the resulting retaining wall height despite the heights being indicated for Sections 2 and 3 on the same drawing. The Section 1 wall exceeds the 3m maximum allowance for vertical walls and provides a poor interface outcome to the adjacent land owner. The wall would appear to be 6-7m in height and a tiered wall treatment would be more appropriate to better screen the wall from view (noting it will be visually prominent from Aldington Road as well as the neighbouring property). As an example, the stepped wall in Section 3 is a more appropriate outcome however it is noted that in this scenario, the public road has opportunity to provide for maintenance access whereas Section 1 would not allow this as easily. Nonetheless, the interface treatment of any wall to an adjoining property requires careful consideration and Section 1 and the resulting finished ground level and development arrangement on this lot warrants further consideration.</p>	<p>Section 1 has been updated to identify the proposed height of the retaining wall (identified at 6.9m at within the Architectural drawings). The height is consistent with the controls for retaining walls under the final MRP DCP and tiering is not required as the wall does not front a public road or public domain. The toe of the retaining wall is setback 2m from the property boundary with suitable landscaping. Additional consultation (<b>Appendix R</b> of the RTS Report) has been undertaken with the adjoining landowner to the south and the proposed interface and retaining wall is supported by this landowner.</p>
<p>It is still considered that there is a need for the Government to address matters already raised by Council in response to the exhibition of the Draft Precinct Wide DCP, without duplication and layering of a new site specific DCP. As a result of this, the following concerns continue to be raised:</p>	<p>Noted.</p>
<p>It is still considered that the suggested landscape setbacks between the front property boundary as detailed in the draft DCP are inadequate to achieve necessary streetscape outcomes given the abundance of hard stand parking areas proposed within the front setback. Council has continuously advocated for 5 - 6m minimum landscape setbacks to local streets where extensive car parking or truck manoeuvring areas are proposed forward of a building line and this position has been put to the NSW Government in response to the exhibition of the Draft DCP. If there is a suggestion that the proposed setbacks are reasonable and can be supported then this should be informed via adoption of the final DCP for this precinct and not beforehand.</p>	<p>The landscape setbacks proposed have been undertaken in accordance with finalised MRP DCP controls. This means a 6m landscape setback for setbacks to public roads which incorporate loading dock manoeuvring areas and associated hard stand parking across the site.</p>
<p>The amended master plans submitted still provide no depictions of the actual setback dimensions. References to “landscape setback” or “building setback” do not allow for assessment on the adequacy of that setback noting that the setbacks vary between each and every proposed allotment. This has not been addressed in the response package</p>	<p>The proposed building and landscape setbacks are listed on the Concept Masterplan (MP04) (refer to <b>Appendix C</b> of the RTS Report).</p>
<p>Council reiterates that the proposed height of the estate pylon signs as still pursued is excessive, and these should be reduced in height or deleted altogether as an unnecessary signage feature. Council’s DCP 2014 for the remainder of the LGA only allows for 7m high pylon signs (maximum 2m width) noting the proposed signage is at 12m in height. Further, only one estate pylon sign should be provided to each intersection with Aldington Road. A variation to the draft DCP is unwarranted and unreasonable and the cumulation and visual impact of the proposed signage structures requires reconsideration, especially any suggestion for a signage width of 3m which continues to be excessive and an unsympathetic element within the streetscape.</p>	<p>The proposed signage has been amended to now be a height of maximum 10m, in line with the maximum height for pylon signage under the final MRP DCP.</p>
<p>2. Development Contributions</p>	



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<p>Councils Section 7.12 Citywide Contribution Plan is currently applicable to this site however this will change in the very immediate future. The suggestions in the response documents that Council will pursue acquisition for broader road widening along Aldington Road have also not been agreed / established and requires adoption of a precinct wide Contributions Plan that is yet to be resolved noting that the DCP which informs necessary infrastructure has not yet been adopted. The determination of the application cannot proceed until such time as the Precinct Wide Contributions Plan is adopted, the works / contributions required can be reflected within Condition of Consent or evidence of a planning agreement with Council is provided stemming from agreements via Council's City Planning – Contributions Team.</p>	<p>The Mamre Road Precinct Contributions Plan has been endorsed. The proposed works for the delivery of interim upgrades to Aldington Road and Abbots Road, and associated intersections and land dedication which previously formed part of a Letter of Offer (VPA) to Penrith City Council will now, given the Contributions Plan is final, be formalised through a Works-in-Kind Agreement in accordance with the Contributions Plan.</p>
<p>It is understood that the subject land owner, in conjunction with a number of other land owners on Aldington Road, have provided Council with a draft letter of offer to enter into a VPA to deliver upgrades to Aldington Road. These discussions are ongoing and the application should not be determined until such time as this matter is resolved and agreed to by all parties involved.</p>	
<p>3. Traffic Management and Road Design Considerations</p>	
<p>The SSD amended and further information has not fully addressed the appropriateness of the proposed road network and key intersections with the Mamre Road DCP which is yet to be adopted. Further the amended information has not fully addressed the need for the ultimate Aldington Road / Abbots Road reconstruction prior to any development proceeding.</p>	<p>Noted, the MRP DCP was finalised and adopted on 19 November 2021. As a result of this, the proposed development is consistent with the final road layout. Assessment against the full DCP is provided in <b>Appendix B</b>.</p>
<p>Detailed design plans for the ultimate arrangement of Aldington Road and Abbots Road is required prior to the consideration of any development form, as the development must respond to the adopted design plans for upgrade of existing local roads. Consideration of the proposal ahead of this adoption will not allow for orderly development with on lot arrangements on a master / concept plan that may not be deliverable or suitable when the final alignment and form of the road is known.</p>	<p>This work has been undertaken and provided to DPE as part of the wider MRP modelling assessment.</p>
<p>The proposed intersection and temporary / part road construction works including drainage and civil infrastructure works on Aldington Road must also be informed by infrastructure requirements outlined within the DCP and Contributions Plan when adopted. Key comments outlined in recent advice to the applicant was as follows</p>	<p>Noted, key comments are addressed below and are subjected to ongoing a Works-in-Kind agreement</p>
<ul style="list-style-type: none"><li>• Road widths are to be in accordance with the final adopted Mamre Road Precinct DCP.</li></ul>	<p>Noted, the road widths are now in accordance with the finalised MRP DCP.</p>
<ul style="list-style-type: none"><li>• Full details of the temporary intersection on Aldington Road and the Temporary Road to service Stage 1 works shall be provided with the application.</li></ul>	<p>Full details regarding the temporary intersection on Aldington Road and the Temporary Road, has been provided the within the previous RTS Report dated September 2021.</p>
<ul style="list-style-type: none"><li>• A mechanism is to be proposed for closure of the Temporary Road (from Road 04 to Aldington Road) upon construction and dedication of either the southern access Road 01 or the northern access road.</li></ul>	<p>Noted, the mechanism to close the temporary road will be in the form of a condition of consent, which would require the removal of the interim access road once the northern boundary High Order Road and intersection with Aldington Road is operational.</p>

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<ul style="list-style-type: none"> <li>Aldington Road and Abbots Road are currently rural roads and are unsuitable for heavy vehicle traffic in their current state. As the development will rely upon Aldington Road for access to the site, Aldington Road and Abbots Road are to be upgraded to a distributor road (as per Mamre Road Precinct Draft DCP) from the development site to the intersection with Mamre Road, including a signalised intersection with Mamre Road. Earthworks and Boundary / Road Interface Treatments “</li> </ul>	Noted.
In the event that the assessment advances to a point of determination ahead of the DCP adoption (contrary to the recommendations within this letter), then the following conditions are considered essential:-	Noted. The MRP DCP was adopted on 19 November 2021.
<b>Prior to the commencement of any Construction Certificate or any works approved by this consent</b> , the Certifier shall ensure that any possible agreed staged connection to Aldington Road with access only from the south includes that Aldington Road fronting the site and south of the site, Abbots Road, Mamre road and intersections are reconstructed to the ultimate design or any staged works are agreed and constructed to the satisfaction of the Department of Planning, Industry and Environment, TfNSW and Council. This shall include:	Noted
– Any contributions plans or Voluntary Planning Agreements being agreed and complied with to the satisfaction of Department of Planning, Industry and Environment, TfNSW and Council.	Noted
– An Operational Traffic Management Plan that restricts or controls heavy vehicle, staff and visitor vehicle access to only from Aldington Road (fronting and south of south of site), Abbots Road, Mamre Road until the ultimate Aldington Road (fronting and north of site), Aldington Road connection to Southern Link Road, Bakers Lane, Mamre Road and Southern Link Road are completed to the satisfaction of the Department of Planning, Industry and Environment, TfNSW and Council	Noted
<b>Prior to the commencement of any works approved by this consent</b> , the Certifier shall ensure that a minimum of four Electric Vehicle Charging Stations (EVCS) are to be provided within the car parking areas of each warehouse development. The charging stations are to be designed to accommodate the requirement of commercially available public vehicles and their required connector types (currently known as Type 1 and Type 2 connectors). A minimum of six additional car parking spaces are to be designed to be readily retrofitted as EVCS parking spaces at each warehouse development. The installed EVCS car parking spaces are to be signposted and marked as for the use of electric vehicles only and are to be located as close as possible to the building accesses after accessible parking space priority. EVCS are to be free of charge to staff and visitors.	Noted
<b>Prior to the issue of any Construction Certificate or the commencement of any works approved by this consent</b> , the Certifier shall ensure that complying numbers of secure, all weather bicycle parking, end of journey facilities, change rooms, showers, lockers are to	Noted

Comment / Extract	Response
be provided at convenient locations at each warehouse development in accordance with Council Development Control Plan (DCP) C10 Section 10.7, AS 2890.3 Bicycle Parking Facilities and Planning Guidelines for Walking and Cycling (NSW Government 2004).	Noted
<b>Prior to the issue of any Construction Certificate or the commencement of any works approved by this consent</b> , the Certifier shall ensure that:	
(a) Off street access and parking complies with AS 2890.1, AS 2890.2 and AS2890.6.	Noted
(b) Sight distances for driveways at the street frontage have been provided in accordance with AS 2890.1 and AS 2890.2. The required sight lines around the driveway entrances shall not to be compromised by landscaping, fencing or signage.	Noted
(c) All vehicles can enter and exit the site in a forward direction.	Noted
The access driveway widths must accommodate swept movements of the largest vehicle servicing the site and be designed to conform with AS 2890.1, AS 2890.2 and Council requirements.	Noted
The entry and exit driveways in the car park are to be presented in a way to highlight the right of way of pedestrians and cyclists on the road frontage.	Noted
All car spaces are to be sealed/line marked and dedicated for the parking of vehicles only and not be used for storage of materials/products/waste materials etc	Noted
<b>4. Waterways considerations</b>	
The revised information notes that the two OSD/Water treatment basins are proposed to ensure Council's stormwater management requirements are met, alongside future GPT's positioned on each development lot. The basins must remain in the ownership and maintained by the Developer and not be dedicated to Council.	Noted, the two basins in the proposed development are to remain in private ownership and maintained by the developer and will not be dedicated to Council.
There is currently no suggestion for on-lot OSD or stormwater treatment. As such, the proposed bioretention basins will also need to have capacity for OSD. As raised previously, Council does not support the resulting combined OSD / WSUD functions and resulting configurations of the 2 stormwater management basins nor the outcomes established via the proposed master plan. This includes the proposed depth which will not accommodate suitable planting to meet WSUD requirements.	The proposed combined OSD and WSUD design of the bioretention basin mitigates redundant infrastructure once the regional solution for WSUD is adopted. Once adopted the proposed basin will only be required to operate as an OSD basin. The proposed combined basin has been utilised within other developments in the MRP and has been successful in doing so. The basin is proposed to remain in private ownership and maintained by the developer, therefore providing no further maintenance burden to council.
-The proponent is again requested to reconsider the design and configuration of the stormwater management basins. This should include but not be limited to, the inlet design and flow configuration, depth of maximum ponding, sizing of basin, provision for access for maintenance, and vegetation densities and species. In this regard, there are many technical design guidelines (including those referenced in the Draft DPIE Music Modelling Toolkit	

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which was referenced), available to assist in any revised design, including on Council's website which includes specifications for the design of bioretention systems.	
The proposed the stormwater management approach is not fully consistent with Section 2.6 (Integrated Water Cycle Management) of the Draft DCP and this should be resolved prior to the approval of any stage.	The proposal is now compliant with the Section 2.4 - Integrated Water Cycle Management of the finalised MRP DCP.
The application is seeking approval of Stage 1 works with a request to resolve the management for future stages as part of future applications, and when the Mamre Precinct Regional stormwater management arrangements are in place. The approach to stormwater management as a whole should be resolved prior to any approvals being granted as any early allowance would be premature if an overall strategic plan to manage stormwater is not established.	The MRP regional stormwater management strategy has been reviewed and the proposed development is not dependent on the regional solution. The proposal remains compliant with the MRP DCP and stormwater treatment is managed effectively throughout the proposed development.
5. Biodiversity Consideration	
<p>Allocation of Plant Community Types and TEC status</p> <p>- A table provided in the Executive Summary and further provided in Table 8 incorrectly identifies that PCT 835 is not listed under the EPBC Act. This community is listed as critically endangered ecological community under the EPBC Act. Like the other two threatened ecological communities that are listed under the EPBC, the reporting should include a statement as to whether the vegetation present within the development site meets the condition threshold for listing under the EPBC Act.</p>	The submitted BDAR has been reviewed by the Environment, Energy and Science Group of DPE and has been considered acceptable. Nonetheless, a response to each of Council's comments has been prepared and provided. These comments are not material to the BDAR or its contents and only relate to how the BDAR is written.
<p>Predicted Species</p> <p>- Table 15: Justification for exclusion of predicted ecosystem credit species has not adequately given proper assessment to the inclusion and exclusion of species as per Section 6.4 of the Biodiversity Assessment Method (2017). As per Section 6.4.1.4 A threatened species is predicted as requiring assessment if that species meets all of the criteria a) – f) that are relevant to the species. A criterion is not relevant to a species if the species' profile in the Threatened Biodiversity Data Collection does not contain information for that criterion. According to the DPIE guidance provided in the BAM Assessor Up-date – Number 19 – July 2019 any species can be taken off the list if the species:</p>	<p>Justification for the predicted species is provided below.</p> <p>Australasian Bittern:</p> <ul style="list-style-type: none"> <li>This species was included as an ecosystem credit species in the BAM-C and the BDAR will be updated accordingly. The development site only contains marginal foraging habitat in the form of poor condition dams. The better condition habitat would be retained (dams 9-11). This is consistent with the habitat mapping in the CPCP, which maps areas of habitat as those to be retained and no habitat in development footprint.</li> </ul>
a) has habitat constraints listed in the Threatened Biodiversity Data Collection (TBDC) and none of these constraints are present on the site. Documentation in the Biodiversity Assessment Report should reflect the TBDC information and evidence that the features are not present.	<p>Speckled Warbler</p> <ul style="list-style-type: none"> <li>Generally found on rocky ridges or in gullies</li> <li>Requires large and intact patches of native vegetation to persist in an area</li> <li>The development site is not on a rocky ridge or in a gully. The development site does not contain large patches of intact native vegetation, and is comprised of small, isolated remnants.</li> </ul>
b) is vagrant to the area. Vagrancy is taken as the record being well outside the species range or natural distribution. The suspect record will need to be reviewed against the species known distribution and the assessor will need to confirm with species experts that it is likely to be a vagrant. If agreed by experts the assessor should contact DPIE to have the record quarantined from BioNet Atlas and re-labelled as vagrant. The BAR will need to	<ul style="list-style-type: none"> <li>Given the absence of landscape features and disconnected, fragmented nature of the vegetation present, this species was determined highly unlikely to occur. Any occurrences would be opportunistic and infrequent. The CPCP also states that there is no suitable habitat for this species in the development site.</li> </ul>

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contain supporting information such as who was contacted, when, their credentials and the resultant response from DPIE.	Spotted-tailed Quoll
c) is unable to use the habitat constraints listed in the TBDC, or known microhabitats that the species requires to persist on or use because the habitat constraints are degraded to the point where the species will no longer be present. Evidence in the BAR could include reference to the attribute scores for in the vegetation integrity assessment to illustrate the poor condition of the site. Other information sources include peer reviewed or other published information relating to the microhabitats the species, photographic evidence and maps etc that illustrate these features are significantly degraded	<ul style="list-style-type: none"> <li>The spotted-tailed Quoll requires large, intact patches of native vegetation that have not been disturbed or previously logged, and which contain a stable resource of food to persist</li> <li>The vegetation within the development site is highly fragmented, and exists as small, isolate patches. It is highly unlikely that the native vegetation would provide suitable habitat for the species as it does not form a large, continuous patch throughout the development site, or throughout the broader landscape. Nor is it likely that the development site would provide suitable and stable food resources for this species, also a result of the fragmented and isolated nature of the remaining vegetation.</li> </ul>
The BDAR has excluded the following predicted species: Australasian Bittern, Speckled Warbler, Spotted Quoll, White-bellied Sea-Eagle, Eastern Osprey, Australian Painted Snipe, Freckled Duck. This justification is not in accordance with the BAM as a number of the species excluded do not have listed habitat constraints and the justification has not detailed the habitat constraints identified in the BAM-C and the Threatened Biodiversity Data Collection Tool that needs to be considered and how the habitat within the development site or within specified buffer distances is not present. This reporting requirement may not change the Ecosystem credits required for the development. However, this should be communicated back to the applicant and addressed.	<p>White-bellied Sea Eagle</p> <ul style="list-style-type: none"> <li>The BDAR documents this species was excluded as an ecosystem credit species due to the absence of suitable foraging habitat (large waterbodies) in the development site. Where waterbodies were present, they were small in extent and not large enough to support foraging activities.</li> <li>This species was excluded as a species credit species because there were no large stick nests identified in the development site during survey, within 1 km of suitable foraging habitat.</li> </ul> <p>Eastern Osprey</p> <ul style="list-style-type: none"> <li>The BDAR documents this species was excluded as an ecosystem credit species due to the absence of suitable foraging habitat (large rivers, lagoons or lakes) in the development site. Where waterbodies were present, they were small in extent and not large enough to support foraging activities.</li> <li>This species was excluded as a species credit species because there were no large stick nests identified in the development site during survey, within 100 m of wetlands.</li> </ul> <p>Australian Painted Snipe</p> <ul style="list-style-type: none"> <li>This species was included in the BAM-C. The BDAR will be updated accordingly. This prefers swamp fringes, marshy areas and dams. The development site only contains marginal foraging habitat in the form of poor condition dams. The better condition habitat would be retained (dams 9-11).</li> </ul> <p>Freckled Duck</p> <ul style="list-style-type: none"> <li>This species was included in the BAM-C. The BDAR will be updated accordingly.</li> </ul>
Flora Candidate Species Credit species	
- The justification for exclusion of species is not sufficient for <i>Pimelea spicata</i> , <i>Caladenia tessellata</i> , <i>Cynanchum elegans</i> , <i>Grevillea juniperina</i> subsp. <i>juniperina</i> , <i>Hibbertia</i> sp. Bankstown, <i>Marsdenia viridiflora</i> subsp. <i>viridiflora</i> endangered population, <i>Maundia triglochinos</i> , <i>Persicaria elatior</i> , <i>Persoonia hirsuta</i> , <i>Pilularia novae hollandiae</i>	<p>Justification for the Flora Candidate Species Credit species is provided below</p> <ul style="list-style-type: none"> <li><i>Caladenia tessellata</i>, <i>Pimelea spicata</i>, <i>Grevillea juniperina</i> subsp. <i>juniperina</i>, are only associated with PCT 850. The patch of PCT 850 in the development site was highly degraded. The Groundcover was dominated by pervasive exotic species and showed a</li> </ul>

Comment / Extract	Response
	<p>long history of disturbance, including clearing. These species are highly unlikely to occur in habitat that is highly degraded and has been consistently disturbed.</p> <ul style="list-style-type: none"> <li>• <i>Cynanchum elegans</i> and <i>Marsdenia viridiflora</i> subsp. <i>viridiflora</i> are associated with PCTs 850 and 835. The patches of these PCTs were in moderate to low condition, lacked structural complexity and showed ongoing signs of disturbance and the effects of weed invasion. The Groundcover across these zones was dominated by pervasive exotic. These species are highly unlikely to occur in habitat that is highly degraded and has been consistently disturbed.</li> <li>• <i>Hibbertia</i> sp. Bankstown, <i>Persoonia hirsuta</i>, <i>Persicaria elatior</i>, <i>Pilularia novae hollandiae</i> 835. The patches of this PCT were in moderate to low condition, lacked structural complexity and showed ongoing signs of disturbance and the effects of weed invasion. The Groundcover across this zone was dominated by exotic species. These species are highly unlikely to occur in habitat that is highly degraded and has been consistently disturbed.</li> <li>• <i>Maundia triglochinosoides</i> is only associated with PCT 1232. The patches of this PCT were in moderate to low condition, lacked structural complexity and showed ongoing signs of disturbance and the effects of weed invasion. The Groundcover across this zone was dominated by exotic species. This species is highly unlikely to occur in habitat that is highly degraded and has been consistently disturbed.</li> </ul>
No survey efforts in forms of survey tracks across the development site has been provided to demonstrate that these species have not been detected through surveys performed.	Survey was not conducted for species credit species listed as 'excluded' in Table 15 of the BDAR.
Fauna candidate Species credit species	
The plot data suggests there a number of hollow-bearing trees present within the development site, but no details have been provided in the BDAR of what the size of the hollows are. The Glossy Black-cockatoo has been removed as the assessor has stated 'The presence of this species was not identified, and it was determined that the habitat is substantially disturbed such that this species is unlikely to occur in the development site.' Hollow-bearing trees are identified as a habitat constraint for breeding. This justification is not in accordance with the BAM.	The Cumberland Plain Conservation Plan excluded the Glossy Black Cockatoo as requiring survey in the Western Sydney Airport precinct due to lack of suitable habitat in urban capable lands. Despite the presence of hollow bearing trees and PCTs associated with this species, the vegetation is highly fragmented, and unlikely to be suitable such that the species could persist.
The justification for <i>Petaurus norfolcensis</i> (Squirrel Glider) "It was determined that the habitat is substantially disturbed such that this species is unlikely to occur within the development site" was also considered not sufficient. Further explanation is required to exclude this species from further assessment.	The Cumberland Plain Conservation Plan excluded the Squirrel Glider as requiring survey in the Western Sydney Airport precinct due to lack of suitable habitat in urban capable lands. Despite the presence of hollow bearing trees and PCTs associated with this species, the vegetation is highly fragmented, and unlikely to be suitable such that the species could persist.
Based on the survey effort for Cumberland Plain Land Snail it appears the survey has not extended to all areas of mapped native vegetation. This species is known to occur in small areas of habitat including at the base of paddock trees.	Areas that were not surveyed were not determined to be areas of suitable habitat. Although the species can persist in small, fragmented areas of habitat, the species requires patches of native vegetation with a predominantly native groundcover which contains leaf litter. Patches of native vegetation that are dominated by exotic groundcover species generally provide habitat for exotic gastropods, including <i>Bradybaena similaris</i> (Asian Tramp Snail).

Comment / Extract	Response
	In areas where exotic gastropods are present, these species are likely to have outcompeted any native snails (including CPLS) that may have previously occurred. The areas that were not surveyed were dominated exotic grasses and contained minimal leaf litter. The habitat was deemed unsuitable, due to the absence of suitable habitat features and the likely presence of exotic gastropod species.
Serious and Irreversible impact assessment	
The information provided in Table 30: Evaluation of an impact on a TEC is not consistent with the question in Section 10.2.2 of the Biodiversity Assessment Method 2017 specifically question 2. The BDAR has provided calculations for the question: The extent and overall condition of the TEC within an area of 1500 metres, and then 5000 metres, surrounding the proposed development footprint. In the case of strategic biodiversity certification projects, the extent and overall condition of the TEC may be assessed across the IBRA sub region. Section 10.2.2.1 (d) states ‘the extent and overall condition of the potential TEC within an area of 1000ha, and then 10,000ha, surrounding the proposed development footprint.’	The BDAR was prepared consistent with BAM 2020. The reference to BAM 2017 in the introduction is incorrect and has been amended.
The assessment area for the SAIL assessment in the BDAR is conflicting with the BAM 2017	
6. Landscape Design Considerations	
In addition to the planning comments earlier in this correspondence, please see below further comments from Council's Landscape Architecture Team for consideration and address in the assessment.	Noted.
Walls with fencing require full height screen planting, for full length. Additional height and screening to be provided if there is storage or parking (trucks or cars). The Department is requested to ensure that any exposed retaining walls can be suitably screened and ameliorated noting walls are proposed in excess of 5 metres in height throughout the development.	All retaining walls are proposed to have full height screen planting and or suitable landscaping. The exception is in places across the site where landscaping would interfere with the Asset Protection Zone.
Carpark planting is inadequate with small trees which are not acceptable. Maximum canopy and shading is to be provided across the carpark with supporting engineered tree pits for rootzones and to support and enable the health and longevity of trees planted. Note comments above in the planning section regarding conditions of consent for detailed landscape design plans and / or separate development applications for development on each created allotment (excluding Stage 1 works).	The car parking landscaping has been reviewed with the species reconsidered to maximise tree canopy. Larger species are now proposed. These species would be accommodated by way of a ‘stratacell’ system to maximise the growth and support root management.
Some boundaries involve 6m high retaining walls only 3m off the boundary with no detail regarding fencing or maintenance to these difficult to access areas. This requires further consideration.	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 appear to be the most inaccessible however these walls do not traverse the entire lot boundary and therefore these and the landscaping are all able to be accessed from points of level ground (where there is no retaining wall) within each lot to achieve access and maintenance.



Comment / Extract	Response
The proposed warehouses adjacent to the easement at the north western corner of the development has little capability for canopy tree planting. The built forms are sized and positioned so there is no or minimal opportunity for screening and canopy which should reduce visual impact, particularly as seen from Aldington Rd / public domain. Opportunities to reconfigure the truck turning area to increase the Aldington Road landscape setback is encouraged (with potential that further manoeuvring areas could extend into the easement).	The level of planting and configuration of Lot A, including the truck turning area, is considered acceptable and is not proposed to change and or interfere with the easement. Landscaping proposed seeks to shield built form for as much as possible and the updated Visual Impact Assessment demonstrates that the visual impact of Lot A warehouse will assist to mitigate development when viewed from Aldington Road.
Drawing No LR-014 may be incorrectly suggesting trees are proposed within the easement. This should be clarified as to whether this is permitted.	The proposed planting is above the retaining wall; therefore, out of the easement.
The submission package does not sufficiently address the constraints that come with the easement – a typical cross section should be provided through the easement and adjacent warehouses to demonstrate what landscaping can be provided and resultant visual impact. There should also be a 'vegetation type' for easement planting, as distinguished from Type 3 On Lot Planting (refer drawing LR-004)	As per above, no planting is proposed in the easement. Refer to the Landscape Plans at <b>Appendix F</b>
Street Tree Plantings: Species and spacings are not supported due to suitability to soils and conditions, available rootzone volume, lack of biodiversity, interest, and lack of contribution to wayfinding and place identity. There must be demonstration of continuous canopy and appropriately sized trees in the verges, backed up by densely planted (with large trees providing continuous canopy) setbacks and carparks. Canopies in the public and private domains should overlap. Depending on the species, Council's Street and Park Tree Management Plan suggests trees are positioned 5m from light poles. The proposal indicates 12m+ from light poles, which is not supported. Additional street trees and spacing adjustments are required to fill these gaps to maximise canopy along verges. It is not possible for verges with less than 2m between path and kerb to sustain anything larger than a medium sized tree. Without larger verges, large trees must be only accommodated in setbacks. The spacing of medium sized trees must be appropriate to the canopy width to achieve continuous canopy	Noted, the street tree plantings; species and spacings have been updated on Landscape Plans at <b>Appendix F</b> . All street trees are positioned to be a minimum 5 metres from light poles
Street Tree planting is also required along Aldington Road.	Street planting is proposed along Aldington Road, refer to the Concept Masterplan and Landscape Plans at <b>Appendix C</b> and <b>Appendix F</b> .
Organic mulch under street trees in turf is requested. No stone or gravel mulch, groundcovers, shrubs or native grasses are permitted as outlined within the planning comments in this letter.	Noted.
Bio-basin Design: There is likely opportunity to provide canopy trees on the embankments of OSD / Bio-basins with appropriate species, and as a result increase canopy cover and cooling. This should be clarified.	The amount of canopy trees on the embankments of the Bio-retention basins are deemed as adequate as engineering constraints limit the placement of additional canopy trees.
There may be opportunity to consolidate paths to avoid parallel duplication paths. This should be clarified.	Noted, paths have been provided in line with the finalised MRP DCP (in line with the road sections).

Comment / Extract	Response
Given there is a suggestion of a 75m wide hardstand area between warehouses, 4,5 and 7, canopy planting in 7m wide garden beds should be provided where currently only provision is made for shrubs and groundcovers.	Noted, additional canopy planting has been provided, refer to the updated Landscape Plans at <b>Appendix F</b> .
7. Engineering and Stormwater Management Considerations	
The civil engineering drawings (Lot F) indicate that Aldington Road and Abbots Road is the subject of works within this application with no design detail for those works. Any suggestion of works must form part of the application via design drawings. If the indication of works is due to the suggested letter of offer, this is yet to be agreed to by Council and is a critical threshold issue requiring resolution prior to the progression of this application.	Noted, refer to detail design drawings provided in the Architectural Plans at <b>Appendix C</b> .
Basin A still discharges low and emergency overflow to private property owned by others without an indication or demonstration of a secured easement or owners' consent for the resulting discharge. This aspect is critical to the assessment of stormwater management and if consent cannot be obtained, a substantial redesign of the proposal may be required in this event, Council would typically request an application be withdrawn until such time as a legal point of discharge is demonstrated and the proposal suitably responds to this.	Landowners consent from the adjoining owner is provided at <b>Appendix R</b> .
In the event that the matters raised within this correspondence are all resolved to the satisfaction of the consent authority, the following engineering conditions of consent are requested to be reflected within any notice of determination issued:-	The proposed conditions of consent are noted.
<b>Prior to the commencement of any Construction Certificate or any works approved by this consent</b> , Prior to the commencement of construction works for any estate road(s) that connects to the existing public road network, the Applicant shall obtain approval for the works under section 138 of the Roads Act 1993	
<b>Prior to the commencement of any Construction Certificate or any works approved by this consent</b> , Construction Certificate is to be approved by the Certifying Authority for the provision of engineering works (road, drainage, earthworks, subdivision works).	
A <b>Subdivision Works Certificate</b> shall be issued for any subdivision works.	
<b>Prior to the issue of any Construction Certificate</b> , the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved concept plan/s prepared by AT&L, reference number 19-609-C1000 revision, B, dated 08-09-21, and that all subdivision works have been designed in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines and best engineering practice.	
The subdivision works may include but are not limited to the following:	
Public and private roads	

Comment / Extract	Response
<ul style="list-style-type: none"> <li>Stormwater management (quantity and quality)</li> </ul>	
<ul style="list-style-type: none"> <li>Private access driveways</li> </ul>	
<ul style="list-style-type: none"> <li>Sediment and erosion control measures</li> </ul>	
<ul style="list-style-type: none"> <li>Flood control measures</li> </ul>	
<ul style="list-style-type: none"> <li>Overland flow paths</li> </ul>	
<ul style="list-style-type: none"> <li>Traffic facilities</li> </ul>	
<ul style="list-style-type: none"> <li>Earthworks</li> </ul>	
<ul style="list-style-type: none"> <li>Bridges, culverts, retaining walls and other structures</li> </ul>	
<ul style="list-style-type: none"> <li>Landscaping and embellishment works</li> </ul>	
<p>The Construction Certificate must be supported by engineering plans, calculations, specifications and any certification relied upon.</p>	
<p>A copy of the pavement design prepared and certified by a suitably qualified geotechnical engineer must accompany the application for Construction Certificate.</p>	
<p>A Stage 3 (detailed design) Road Safety Audit (RSA) shall be undertaken in accordance with Austroads Guide to Road Safety Part 6: Road Safety Audit on the proposed roadworks by an accredited auditor who is independent of the design consultant. A copy of the RSA shall accompany the design plans submitted with the Construction Certificate or Roads Act application.</p>	
<p>Prior to the Section 138 Roads Act approval, the Certifying Authority shall ensure that the recommendations of the RSA have been considered in the final design, through review of the Road Safety Audit Checklist, including Findings, Recommendations and Corrective Actions.</p>	
<p>A copy of the Road Safety Audit shall be submitted to Penrith City Council by the applicant or Certifying Authority for information purposes.</p>	
<p>The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by (AT&amp;L, reference number 19-609-C1000 revision, B, dated 08-09-21.</p>	
<p>Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.</p>	

Comment / Extract	Response
Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design (WSUD) policies.	
Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the proposed development is compatible with the recommendations of the Flood Report prepared by Cardno reference number NW30034 revision 3, dated 16 September 2021	
Prior to commencement of any works associated with the development, sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Managing Urban Stormwater series from the Office of Environment and Heritage.	
The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised	
Prior to commencement of any works associated with the development, a Traffic Control Plan, including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Maritime Services' publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Maritime Services Traffic Controller.	
Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.	
Note:	

Comment / Extract	Response
<p>a) A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.</p> <p>b) Traffic control measures may require road occupancy / road closure approvals issued under Section 138 of the Roads Act by</p> <p>Work on the subdivision shall not commence until:</p> <ul style="list-style-type: none"> <li>• a Construction Certificate (if required) has been issued;</li> <li>• a Principal Certifying Authority has been appointed for the project, and;</li> <li>• any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with.</li> <li>• A Notice of Commencement of works is to be submitted to Penrith City Council five (5) days prior to commencement of engineering works or clearing associated with the subdivision.</li> </ul> <p>c) Street lighting is to be provided for all new and existing streets within the proposed subdivision to Penrith City Council's standards.</p> <p>d) All earthworks shall be undertaken in accordance with AS3798 and Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments and Engineering Construction Specification for Civil Works.</p> <p>e) The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Principal Certifying Authority.</p> <p>f) Upon completion of all works in the road reserve, all verge areas fronting and within the development are to be turfed. The turf shall extend from the back of kerb to the property boundary, with the exception of concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge.</p> <p>g) Prior to the issue of any Subdivision Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval have been inspected and signed off by Penrith City Council.</p> <p>h) Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority shall ensure that all subdivision works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Penrith City Council for any outstanding works.</p> <p>i) Prior to the issue of select Subdivision Certificate, and installation of regulatory / advisory linemarking and signage, plans are to be lodged with Penrith City Council and approved by the Local Traffic Committee.</p>	
Notes:	

Comment / Extract	Response
<ol style="list-style-type: none"> <li>1. Contact Penrith City Council's Engineering Services Department on 4732 7777 for further information on this process.</li> <li>2. Allow eight (8) weeks for approval by the Local Traffic Committee.</li> <li>3. Applicable fees are indicated in Council's adopted Fees and Charges</li> <li>4. Prior to the issue of a Subdivision Certificate, an application for proposed street names must be lodged with and approved by Penrith City Council and the signs erected on-site.</li> <li>5. The proposed names must be in accordance with Penrith City Council's Street Naming Policy.</li> </ol>	
Notes:	
a) Contact Penrith City Council's Engineering Services Department on 4732 7777 for advice regarding the application process and applicable fees.	Noted
b) Allow eight (8) weeks for notification, advertising and approval.	
c) Prior to the issue of the Subdivision Certificate, a bond for the final layer of outstanding asphalt works (AC Bond) is to be lodged with Penrith City Council.	
d) The final layer of asphalt on all roads shall not to be placed without the written consent of Penrith City Council (consent will generally be provided when 80% of the housing within the subdivision has been completed).	
e) The value of the bond shall be determined in accordance with Penrith City Council's adopted Fees and Charges.	
Note:	
a) Contact Penrith City Council's Engineering Services Department on 4732 7777 for further information relating to bond requirements.	Noted
b) Prior to the issue of the Subdivision Certificate, an Outstanding Works Bond for the construction, landscaping and implementation of the Bio-retention basins is to be lodged with Penrith City Council.	
c) The Outstanding Works bond will be refunded once the stormwater management system works have been completed to Penrith City Council's satisfaction and a separate Maintenance Bond has been lodged with Penrith City Council.	
d) The value of the bonds shall be determined in accordance with Penrith City Council's adopted Fees and Charges	

Comment / Extract	Response
Note:	
<p>1. Contact Penrith City Council's Engineering Services Department on 4732 7777 for further information relating to bond requirements.</p> <p>Prior to the issue of a Subdivision Certificate a Maintenance Bond is to be lodged with Penrith City Council for all public roads and road works.</p> <p>The value of the bond shall be determined in accordance with Penrith City Council's adopted Fees and Charges.</p> <p>Prior to the issue of a Subdivision Certificate, the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Penrith City Council where Penrith City Council is not the Principal Certifying Authority:</p>	Noted
<p>a) Works As Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The WAE drawings shall be prepared in accordance with Penrith City Council's Engineering Construction Specification for Civil Works.</p>	
<p>b) The WAE drawings shall clearly indicate the 1% Annual Exceedance Probability flood lines (local and mainstream flooding).</p>	
<p>c) The WAE drawings shall be accompanied by plans indicating the depth of cut / fill for the entire development site. The survey information is required to show surface levels and site contours at 0.5m intervals. All levels are to be shown to AHD.</p>	
<p>d) CCTV footage in DVD format to Penrith City Council's requirements and a report in "SEWRAT" format for all drainage as identified as Council's future assets. Any damage that is identified is to be rectified in consultation with Penrith City Council.</p>	
<p>e) A copy of all documentation, reports and manuals required by Section 2.6 of Penrith City Council's WSUD Technical Guidelines for handover of stormwater management facilities to Penrith City Council.</p>	
<p>f) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries, private or public lands.</p>	
<p>g) Documentation for all road pavement materials used demonstrating compliance with Penrith City Council's Engineering Construction Specification for Civil Works.</p>	



Comment / Extract	Response
<p>h) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Penrith City Council's Design Guidelines and Construction specifications. The report shall include:</p> <ul style="list-style-type: none"><li>• Compaction reports for road pavement construction</li><li>• Compaction reports for bulk earthworks and lot regarding.</li><li>• Soil classification for all residential lots</li><li>• Statement of Compliance</li></ul>	Noted
<p>i) Structural Engineer's construction certification of all structures</p>	Noted
<p>Prior to the issue of a Subdivision Certificate the following easements shall be created on the plan of subdivision</p> <p>a) Easements for drainage</p> <p>b) Right of carriageway</p> <p>c) Any other easements identified during the construction process</p>	
<p>The stormwater management systems shall continue to be operated and maintained in perpetuity for the life of the development in accordance with the final operation and maintenance management plan.</p>	
<p>Regular inspection records are required to be maintained and made available to Penrith City Council on request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the stormwater management systems.</p>	
Sydney Water	
<p>Water Servicing</p> <p>Sydney Water are currently delivering the following trunk drinking water infrastructure to increase supply to the area –</p> <ul style="list-style-type: none"><li>• Rising Main (DN900) and pump WP0432 and 60ML reservoir at Liverpool</li><li>• DN1200/DN1050 from Cecil Park reservoir up to Western Rd, with offtakes at Range Rd and Western Rd connecting existing mains in Elizabeth Drive. This work is in delivery and proposed to be operational in 2022.</li><li>• Once the above infrastructure is operational (c2022), additional amplification works are required to service this development via the Cecil Park Remainder WSZ due to high ground levels –</li><li>• CN189915 – requires approximately 0.9km of DN300 amplification to connect to the proposed developer delivered main servicing the Oakdale development, refer to attached plan.</li><li>• Note - CN186839 also requires this section of main.</li></ul>	Noted

Comment / Extract	Response
<ul style="list-style-type: none"> <li>Precinct trunk drinking water mains and reticulation mains are required to be sized as per the WSAA code</li> </ul>	
<p>Waste Water Servicing</p> <p>The Mamre Road precinct does not have wastewater servicing available. Sydney Water have finalised the preferred wastewater servicing option for the precinct.</p> <p>The above noted development stage is located within the eastern catchment of the Mamre Road precinct which can be serviced by the proponent with extension of the St Marys wastewater network. Wastewater mains are required to be sized to service the natural catchment as per the WSAA code. Please note that this advice applies to SSD-10479 only as updated advice will be required for future developments spanning across the eastern and western catchments.</p>	Noted.
<p>Recycled Water Servicing</p> <p>Sydney Water are currently developing an integrated water servicing scheme as part of the Mamre and Aerotropolis' precinct planning process. This is part of our strategy to deliver sustainable urban water services including recycled water for new homes and businesses in Western Sydney.</p>	Noted, the development proposes the use of onsite detention to hold recycle water until the integrated water servicing scheme by Sydney Water is available.
<p>Sydney Water Servicing</p> <p>A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.</p> <p>The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.</p>	A Section 73 certificate will be obtained post approval.
<p>Building Plan Approval</p> <p>The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.</p>	Noted.
<p>Trade Wastewater Requirements</p> <p>If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission. A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.</p> <p>If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.</p>	Noted, an application will be submitted during the detailed design phase.

Comment / Extract	Response
<p>Backflow Prevention Requirements</p> <p>Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.</p> <p>All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.</p> <p>Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.</p>	<p>Noted, the backflow prevention requirements are able to be met post approval.</p>
<p>Water Efficiency Recommendations</p> <p>Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment. Some water efficiency measures that can be easily implemented in your business are:</p> <ul style="list-style-type: none"> <li>• Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme,</li> <li>• Consider installing rainwater tanks to capture rainwater runoff, and reusing it, were cost effective.</li> <li>• Install water-monitoring devices on your meter to identify water usage patterns and leaks.</li> <li>• Develop a water efficiency plan for your business.</li> </ul>	<p>Noted.</p>
<p>Contingency Plan Recommendations</p> <p>Under Sydney Water's customer contract Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.</p> <p>Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.</p> <p>Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.</p> <p>Have you thought about a contingency plan for your business? Your Business Customer Representative will help you to develop a plan that is tailored to your business and minimises productivity losses in the event of a water service disruption.</p>	<p>Noted.</p>
<p>DPIE Water and Natural Resources Access Regulator</p>	

Comment / Extract	Response
The project is a staged development including a Concept Proposal and Stage 1 Development Application comprising estate-wide earthworks, infrastructure and services, construction, fit-out and operation of Stage 1 warehouse building.	Noted. No further response required.
The supplementary RTS and Amendment report have been reviewed by NRAR and all outstanding issues have been adequately addressed by the proponent, therefore DPIE Water and NRAR have no further comments.	

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