

SSD-10448 ASPECT INDUSTRIAL ESTATE

Amended Development Report

Prepared for MIRVAC 5 May 2022

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1. INTRODUCTION

This Amended Development Report (**ADR**) 'has been prepared by Urbis Pty Ltd (**Urbis**) on behalf of Mirvac Projects Pty Ltd (**Mirvac**) to summarise the project response to matters raised by government agencies and the Department of Planning and Environment (**the Department**) in relation to the proposed Aspect Industrial Estate (**AIE**) Concept and Stage 1 State Significant Development (**SSD**) Development Application (**DA**) (**SSD-10448**).

This ADR outlines the proposed changes to the Concept Masterplan and Stage 1 works which have occurred since the submission of the Response to Submissions (**RTS**) Report (Urbis 5 March 2021) including responding to an additional information request issued by the Department on 29 March 2021. It provides an assessment of these changes against the relevant statutory framework and undertakes an environmental assessment of anticipated impacts.

1.1. OVERVIEW

The AIE Concept and Stage 1 SDD DA (**SSD-10448**) was lodged with the Department on 10 November 2020 and placed on exhibition from 18 November 2020 to 15 December 2020.

An RTS Report detailing the proposed response to matters raised in submissions was lodged with the Department on 5 March 2021.

Since the RTS Report, Mirvac have continued to work with the Department and key agencies to resolve outstanding matters as outlined within this Consolidation Report.

1.2. ADDITIONAL INFORMATION REQUEST MARCH 2021

An RFI letter dated 29 March 2021 was received from the Department' Industrial Assessments Team seeking additional information in relation to:

- Traffic, Access and Parking
- Noise and Vibration
- Integrated Water Cycle Management
- Urban Design and Built Form
- Earthworks
- Noise and Vibration

A detailed response to each of the issues raised within the March 2021 RFI letter was provided to the Department in June 2021. Whilst the majority of issues raised in March 2021 have since been resolved, a revised response matrix has been prepared to encompass refinements to the scheme which have ensued since June 2021 (see **Appendix K**).

2. PROPOSED DEVELOPMENT

The proposal seeks approval for the staged development of the Aspect Industrial Estate (AIE). The SSD DA seeks consent for:

- A Concept Masterplan for the AIE comprising 11 industrial or warehouse and distribution centre buildings, a café space, internal road network layout, building locations, gross floor area (GFA), car parking, concept landscaping, building heights, setbacks and built form parameters.
- Detailed Stage 1 Development of the AIE including:
 - Pre-commencement works including:
 - o Demolition and removal of existing rural structures.
 - Site remediation works as defined within the Remediation Action Plan.
 - Heritage salvage works (if applicable).
 - Subdivision construction works including:
 - Creation of roads and access infrastructure, including a signalised intersection with Mamre Road.
 - Clearing of existing vegetation on the subject site and associated dam dewatering and decommissioning.
 - Realignment of existing creek and planting in accordance with a Vegetation Management Plan.
 - o On-site bulk earthworks across the AIE including any required ground dewatering.
 - Where required importation, placement and compaction of:
 - Virgin Excavated Natural Material (VENM) within the meaning of the POEO Act, and/or
 - Excavated Natural Material (ENM) within the meaning of the NSW EPA's Resource Recovery Exemption under Part 9, Clause 91 and 92 of the POEO (Waste) Regulation 2012 – The Excavated Natural Material Order 2014, and/or
 - materials covered by a specific NSW EPA Resource Recovery Order and Exemption which are suitable for their proposed use.
 - Construction of boundary retaining walls.
 - o Delivery of stormwater infrastructure, trunk service connections, utility infrastructure.
 - o Boundary stormwater management, fencing and landscaping.
 - Construction and dedication of internal road network to Penrith City Council.
 - o Construction and operation of signalised intersection with Mamre Road.
 - Building works including:
 - Construction and fit out of a warehouse and distribution building on Lot 1 which will operate 24 hours/day, seven days/week,
 - Construction and fit out of a light industry and warehouse and distribution building on Lot 3 which will operate 24 hours/day, seven days/week.
 - o Construction and fit out of a café, which will operate 12 hours/day, seven days/week.
 - Subdivision of Stage 1.
 - Signage.

Future stages of the Estate, including subsequent warehouse or industrial buildings, will be subject to separate assessment and approval in line with the fundamental layout established under the AIE Concept

Masterplan and in accordance with the Mamre Road DCP. The following sections of this report outline how the proposed development has evolved since the submission of the Response to Submissions (RTS) Report in response to design development, the finalisation of the Mamre Road Precinct (MRP) Development Control Plan (DCP) in December 2021 and in consultation with the Department and Public Authorities.

2.1. CONCEPT PLAN

The Concept Plan has been amended since the RTS submission to reflect the following changes:

- Amended road reservation for the Mamre Road and Access Road 1 intersection to respond to the modelling undertaken by TfNSW and Council as part of the finalisation of the Road Network within the MRP DCP 2021. The amendments reflect designs submitted to TFNSW as part of Mirvac's and TfNSW consultation.
- Provision of a slip lane into Lot 1 off Access Road 1.
- The roundabout at the Access Road 1 and Access Road 3 intersection has been updated from a single through traffic lane to dual through traffic lanes. This is in response to the revised road typologies in the MRP DCP 2021 which illustrates Access Road 1 and Access Road 3 as having 2 lanes of traffic approaching the roundabout as opposed to the previous kerb side parking.
- Refinement of warehouse building footprints as detailed in **Table 1** and **Table 2** in response to updates to the road network and landscape/ setback requirements set out in the MRP DCP 2021. Notably this includes an amended building footprint for Warehouse 8 to provide a 12m setback (an increase from 7.5m) from Access Road 1 with a landscape setback of 6m (increased from 3.75m). This change to warehouse footprints has resulted in a reduction in GFA by 805m2 across warehouses 2, 4, 5, 6, 7, 8 and 10 (ranging from -20m2 to -755m²). No warehouses have increased in GFA.
- Revised building envelope levels on lots 7, 9, 10 and 11 achieving a general balance of cut and fill in accordance with the MRP DCP 2021 without impacting boundary retaining walls or road levels as discussed in Section 2.5.



Figure 1 Estate Masterplan [Drawing MP02 Rev AL Dated 25.02.22]

Source: SBA Architects

Table 1 Summary of Concept Plan Areas

	RTS	Proposed	Difference
Total Site Area	558,213 m²	558,213 m ²	No change
Mamre Rd Reserve Area	14,004 m²	14,004 m²	No change
Revised boundary Site Area	544,209 m²	544,209 m ²	No change
Access Roads Area	45,601 m²	46,465 m²	+ 864 m²
Future Roads Area	3,558 m²	3,415 m²	- 143 m²
Creek Riparian Area	29,596 m²	29,617 m²	+ 21 m ²
Basin Lot Area	17,290 m²	17,300 m²	+ 10 m ²
Total Developable Area	444,204 m ²	443,408 m ²	- 796 m²
Total Office Area	11,480 m²	11,480 m²	No change

	RTS	Proposed	Difference
Total Warehouse Area	237,315 m ²	236,510 m ²	- 805m²
Café Area	122	122	No change
Total Building Area (GFA)	248,917 m ²	248,112 m ²	- 805 m²
Car Parking	1,257*	1,283	+26

Table 2 Detailed changes to Concept Plan Lot Areas, GFA and Car Parking

Warehouse	Metric	RTS	Proposed	Difference
Warehouse 1	Lot Area	58,156 m²	58,130 m²	-26 m²
(Stage 1)	GFA	36,722 m²	36,722 m²	No change
	Car parking	231*	230	-1*
Warehouse 2	Lot Area	41,501 m²	41,500 m ²	-1 m²
	GFA	26,315 m ²	26,175 m ²	-140 m²
	Car parking	142	143	+1
Warehouse 3	Lot Area	42,811 m ²	41,961 m²	- 850 m²
(Stage 1)	GFA	21,535 m²	21,535 m²	No change
	Car parking	89	125	+36
Warehouse 4	Lot Area	40,864 m²	41,109 m²	+245 m ²
	GFA	18,935 m²	18,885 m²	- 80 m²
	Car parking	93	93	No change
Warehouse 5	Lot Area	28,224	28,225	+ 1 m ²
	GFA	12,820	12,800	- 20 m²
	Car parking	60	60	No change
Warehouse 6	Lot Area	37,563	37,425	- 138 m²
	GFA	23,390	23,340	- 50 m²
	Car parking	106	106	No change
Warehouse 7	Lot Area	37,636	37,636	No change
	GFA	22,350	22,300	- 50 m²
	Car parking	100	100	No change

Warehouse	Metric	RTS	Proposed	Difference
Warehouse 8	Lot Area	49,979	49,610	- 369 m²
	GFA	29,415	28,660	- 755 m²
	Car parking	172	164	- 8
Warehouse 9	Lot Area	35,289	35,168	- 121 m²
	GFA	18,205	18,205	No change
	Car parking	85	85	No change
Warehouse 10	Lot Area	33,366	33,366	No change
	GFA	18,325	18,300	- 25 m²
	Car parking	87	87	No change
Warehouse 11	Lot Area	38,815	38,815	No change
	GFA	21,190	21,190	No change
	Car parking	90	90	No change

*There was an error on the RTS Architectural Plan with the number of car parking spaces incorrectly noted as 233 instead of 231.

2.2. STAGE 1 ROAD WORKS AND SUBDIVISION STAGING

The proposed scope of work included within Stage 1 of the application is consistent with that proposed within the RTS as illustrated in **Figure 2**. Stage 1 will continue to deliver an interim intersection with Mamre Road and the staged delivery of the internal road network as illustrated in the draft Subdivision Plans at **Figure 3**.

It is proposed to deliver Access Road 1 in two phases to respond to the construction phasing and earthworks.

- The estate earthworks have been designed to achieve a balanced cut to fill and across the estate to
 avoid creation of additional construction truck traffic as would be required if material was to be imported
 or exported to / from the estate
- Due to existing topography the cut to fill process will generally require cut from southern portion of the site and filling in the northern portion to create building platforms including those for the Stage 1 buildings (warehouse 1 & 3)
- To avoid creation of additional construction traffic on public roads and to safely manage transportation of material on site a temporary haul road will be created to facilitate filling activities from the south to the north of site.

As Access Road 1 would bisect this temporary access for construction traffic, the delivery of Access Road 1 will be split into two phases to avoid delays to completion of the filling works and reduce the need for this construction traffic to traverse Access Road 1 during construction or operation.

- Stage 1 Phase 1 roadworks will include construction of the signalised intersection to Mamre Road, Access Road 1 from Mamre Road through to the intersection with Access Road 2, as well as the construction of Access Road 2. Stage 1 Phase 1 road works will occur prior to the issuance of Occupation Certificate of Building 1 or 3 (whichever occurs first).
- Stage 1 Phase 2 roadworks will include construction of Access Road 1 from the intersection of Access Road 2 to and including the roundabout and Access Road No.3 south of the roundabout. A temporary right of way will be provided from the roundabout to the eastern neighbour however this temporary right of carriageway will not be suitable for construction or operational access to adjoining landowners. Stage 1 Phase 2 road works will be provided prior to the issuance of Occupation Certificate of any warehouse which connects to it other than WH1 or WH3.

In relation to the Northern extension of Access Road 3 from the roundabout, Mirvac will coordinate delivery of this road with the landowner of 784-786 Mamre Road, Kemps Creek (Lot 59 DP259135) with 50% of the road reserve to be completed on the landowner of 784-786 Mamre Road, Kemps Creek (Lot 59 DP259135) side and 50% of the road reserve on the Mirvac site. The AIE Concept Masterplan has accounted for this.

The proponent will coordinate with the landowner of 784-786 Mamre Road, Kemps Creek (Lot 59 DP259135) for the delivery of Access Road 3 (North) 50% once the design is resolved in coordination with their proposed site design.

It is understood that the landowner of 784-786 Mamre Road, Kemps Creek (Lot 59 DP259135) intends to realign the riparian corridor within their site which means that Access Road 03 North cannot be delivered until this is resolved on their land and consent granted. Figure 2 Estate Works Stage 1 Plan [Drawing MP03 Rev W Dated 21.02.22]



Figure 3 Draft Subdivision Plans



Source: LTS Lockley Surveyors

Picture 2: Stage 1 Phase 2

STAGE 1 BUILT FORM AND USE 2.3.

The Stage 1 built form including Warehouse 1 and Warehouse 3 remains largely unchanged as illustrated in Figure 4.

Figure 4 Stage 1 Built form Overall Site Plan [Drawing DA100 Rev I Dated 02.05.2022]



Source: SBA Architects

2.3.1. Lot 1 / Warehouse 1

The access arrangement to Lot 1 off Access Road 1 has been modified slightly with the introduction of a slip lane. There is no change to the bulk earthwork levels, provision of car parking spaces, loading arrangements, building heights or GFA configuration (Office, Warehouse, Café).

2.3.2. Lot 3 / Warehouse 3

A new use is proposed to be introduced to Warehouse 3. It is proposed that the Warehouse 3 building be used in part for light industry and in part for warehouse and distribution purposes to support the same tenant. A letter outlining the proposed additional use was issued to DPE dated 22 April 2022 and is included at **Appendix M**. The use within the building will be a 50/50 split of the Warehouse 3 floorspace.

As a result of this part change in use, an additional 36 car parking spaces are proposed to be located on Lot 3, along the eastern circulation road taking the total number of car parking spaces on this site to 125 spaces to meet DCP requirements.

An assessment of the light industrial use within Warehouse 3 is undertaken within section 5 of this ADR (Revised Environmental Impact Assessment).

2.4. STAGE 1 SIGNAGE

The Estate Signage Plan has been revised to reduce the height of the Estate Pylon Sign from 12m as proposed within the EIS drawings to 10m as illustrated in **Figure 5**.

Figure 5 Revised Signage



Picture 3: Extract from EIS Stage 1 drawings

Picture 4: Extract from revised Stage 1 drawings

Source: SBA Architects

2.5. LANDSCAPING

Minor amendments to the estate wide landscaping are proposed in response to the Concept Plan amendments. Amendments to landscaping since the RTS include an increased landscape setback to the north of Warehouse 8 along Access Road 1 along with amendments to align with the revised Mamre Road intersection and Warehouse 1 slip lane off Access Road 1 in consultation with TFNSW. Revised Concept and Stage 1 Landscape general arrangement plans can be found at **Figure 6** and **Appendix B**.

Figure 6 Landscape masterplan



Source: Site Image

2.6. CIVIL EARTHWORKS

Civil works across the site remain largely consistent with those outlined within the EIS and RTS, with the exception of a revised approach to site levels in the southwestern portion of the site.

The proposed adjusted levels provide a general balance of cut and fill across the site (without impacting boundary retaining walls or road levels) in accordance with the Section 3.1 Control 3 of the MRP DCP which states:

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

Table 3 Bulk Earthwork Level (BEL) Amendments and Resultant Earthworks

Warehouse	Original SSD Levels	Proposed Revised SSD
Warehouse 7	BEL 56.0 +/-1m	BEL 52.6 +/-1m
Warehouse 9	BEL 54.0 +/-1m	BEL 52.3 +/-1m
Warehouse 10	BEL 56.0 +/-1m	BEL 52.6 +/-1m
Warehouse 11	BEL 49.0 +/-1m	BEL 51.6 +/-1m
Earthworks	Approximately 270,000m ³ import (up to 13,500 truck and trailers)	Approximately 50,000m ³ import subject to final levels <i>(up to</i> <i>11,000 truck and trailers)</i>

A bulk earthworks plan is provided within the revised Civil drawings at **Appendix D** with an extract at **Figure 7** below. As illustrated in **Table 3** the revised earthworks remove the requirement for approximately 220,000m³ of import and the associated construction traffic (truck and trailer movements) to and from site.

Figure 7 Bulk earthworks plan



Source: AT&L

The near balance of cut and fill has been achieved by lowering the BELs of Warehouses 7, 10 and 11 which will result in reduced visual impacts along the site's Mamre Road frontage as discussed further in **Section 5.4** and illustrated in the comparison diagrams provided at **Appendix D3**.

It is noted that the BEL of Lot 9 is raised slightly, however analysis indicates that no tiered retaining walls will be required fronting the public domain and that the proposal is consistent with the objectives and controls within the MRP DCP 2021.

The proposed lowering of the Warehouse 7 and 11 BELs provides a reduced change in levels between the estate and that of the neighbouring Altis Access Logistics Park (SSD-17647189) to the south.

While bulk earthworks levels have changed internally to the site, no changes have been proposed to the boundary retaining walls or the road levels to accommodate the bulk earthworks changes.

Refer to Appendix D for a Civil Impact Statement.

2.7. MAMRE ROAD INTERSECTION

Since the RTS package was submitted to the Department the MRP DCP was adopted (19 November 2021). The DCP was accompanied by a finalisation report which outlined the traffic modelling undertaken to determine the road hierarchy and confirm the road network for the Mamre Road Precinct in consultation with Council and TfNSW (DCP Road Network Modelling). SIDRA intersection modelling was used to determine

ultimate intersection configurations and layouts to accommodate the full development of the Mamre Road Precinct (2036).

Mirvac have engaged Orion Consulting to document the ultimate 2036 signalised intersection arrangement (Ultimate Intersection) for the AIE intersection with Mamre Road in accordance with:

- TFNSW's main line alignments determined by TfNSW within the Mamre Road Strategic Design; and
- SIDRA intersection layouts completed as part of the DCP Road Network Modelling.

The Ultimate Intersection arrangement (2036) requires land acquisition on both the eastern and the western verges of Mamre Road. As part of the proposed AIE Concept Plan, Mirvac are proposing to construct the Ultimate Intersection along the eastern verge of the site. These works and the required land dedication to TfNSW are included within the Voluntary Planning Agreement (VPA) for the AIE that was executed on 31 March 2022.

As the Ultimate Intersection arrangement (2036) also requires land acquisition along the western verge by TfNSW, Mirvac are limited to constructing an Interim Intersection (Interim Intersection) in advance of a land acquisition and future upgrade of Mamre Road by TfNSW.

As agreed with TfNSW, the Interim Intersection (proposed within Stage 1) has been designed to cater for the traffic requirements of the entire AIE Concept Plan as well as other approved developments within the Mamre Road Precinct noting that other development applications yet to be approved will be subject to their own traffic assessment which will consider the traffic generation from the approved AIE Concept Plan. Following completion of the Interim Intersection proposed as part of the AIE, there will be no further requirements for land acquisition on the eastern verge fronting the AIE.

The Ultimate Intersection is illustrated in the Concept Plan at **Appendix A.1** and the interim intersection is shown in the Stage 1 Plans at **Appendix A.2**.

The intersections design are in accordance with details in correspondence with TFNSW.

2.8. STORMWATER MANAGEMENT

Since the RTS package was submitted to the Department the MRP DCP was adopted (19 November 2021). The MRP DCP along with the Operational phase targets as set within the *MUSIC modelling toolkit* – *Wianamatta (20 April 2022)* (MUSIC toolkit) as prepared by the *Environmental and Heritage Group* (EHG) of the *Department of Planning and Environment* provides the waterway health requirements to be met either on-lot, estate, catchment or a regional solution.

2.8.1. Waterway Health – Stage 1

To meet the waterway health requirements for the Stage 1 operational phase, the Stage 1 proposal has been amended since the RTS package as follows:

- to include a temporary 0.7ha pond. This temporary pond is to be clay lined with site won material to mitigate infiltration; and
- allocating the residual lands south of Road No.1 to be irrigated.

Mirvac understand that DPIE have no further comments on the Stage 1 waterway health proposal.

Reference plan for the AIE Stage 1 waterway health solution is included within Appendix J.

2.8.2. Waterway Health – Concept Masterplan

No specific amendments have been made to the Concept Masterplan built form from the RTS package in order to demonstrate compliance to meet the waterway health requirements for the Concept Masterplan operational phase.

Whilst supporting the built form of the Concept Masterplan, Mirvac has provided three (3) potential waterway health estate-based configurations to demonstrate compliance with waterway health requirements for the Concept Masterplan operational phase.

Options No.1 – 3 (inclusive) are outlined below with amendments to the RTS package concept masterplan WSUD controls italicised for ease of reference:

Option No.1:

- Gross pollutants traps on all allotments;
- Utilisation of the non-validated portion of the re-aligned watercourse for:
 - 0.8ha swamp forest to provide a detention and evapotranspiration solution inclusive of infiltration to deep soil
 - 0.6ha detention basin with wicking bed system inclusive of underground 2,100m3 storage tank for landscape irrigation;
- 0.68ha conventional bio-retention system within the potential warehouse No.3 future expansion area
- RTS Estate basin to be removed and replaced with the following:
 - o 0.28ha conventional bio-retention system
 - 0.6ha detention basin with wicking bed system inclusive of 2,100m3 storage tank used for landscape irrigation
 - 0.6ha swamp forest to provide a detention and evapotranspiration solution inclusive of infiltration to deep soil
- Addition of 0.2ha conventional bio-retention system within the landscape setback to Mamre Road south of Road No.1

Option No.2:

- Gross pollutants traps on all allotments;
- Utilisation of the non-validated portion of the re-aligned watercourse for:
 - 0.8ha swamp forest to provide a detention and evapotranspiration solution inclusive of 8,000m3 wicking bed system for roof thin film irrigation. No reliance on infiltration to deep soil;
 - 0.6ha swamp forest to provide a detention and evapotranspiration solution inclusive of 6,000m3 wicking bed system for roof thin film irrigation. No reliance on infiltration to deep soil;
- 0.68ha conventional bio-retention system within the potential warehouse No.3 future expansion area
- RTS Estate basin to be removed and replaced with the following:
 - o 0.28ha conventional bio-retention system
 - 0.6ha detention basin with wicking bed system inclusive of 2,100m3 storage tank used for landscape irrigation
 - 0.6ha swamp forest to provide a detention and evapotranspiration solution excluding infiltration to deep soil
- Addition of 0.2ha conventional bio-retention system within the landscape setback to Mamre Road south of Road No.1
- Utilising approximately 5ha of roof area for thin film irrigation for evaporative cooling in a closed loop system.

Option No.3:

- Gross pollutants traps on all allotments;
- No reliance on utilisation of the permanent section of non-validated portion of the re-aligned watercourse:
- 1.2ha wicking bed system with perimeter storage of 10,000m3 for roof thin film irrigation. No reliance on infiltration to deep soil;
- RTS Estate basin to be removed and replaced with the following:
 1.1ha conventional bio-retention system
- Utilisation of approximately 50% of total roof area for thin film irrigation for evaporative cooling in a closed loop system with each allotment providing an average underground storage of 1,800m3.

A detailed package of Options 1 - 3 (inclusive) including associated MUSIC modelling files and post processing spreadsheet documentation was provided to the Department in February 2022. This package of work demonstrates that the current AIE concept masterplan is capable of support with multiple options available to achieve waterway health objectives at an estate scale without amendment to the current AIE concept masterplan. Mirvac understands that DPE have no further comments on the Concept Masterplan waterway health proposals at this stage.

Reference concept plans for the AIE Concept Masterplan waterway health solutions options 1 - 3 (inclusive) are included within **Appendix J**.

Refer to Section 5.3 for further discussion on waterway health.

2.9. CONTRIBUTIONS

Local Contributions: The revised draft Mamre Road Precinct Section 7.11 Contributions Plan was prepared and publicly exhibited following finalisation of the Mamre Road DCP in November 2021 with public exhibition concluding in January 2022. Council resolved to adopt the Mamre Road Precinct Development Contributions Plan on 28 March 2022, with the Development Contributions Plan coming into effect on 4 April 2022.

Mirvac will enter into a Voluntary Planning Agreement (VPA) with Council prior to occupancy of the first building based on the letter of offer (included in **Appendix M**) which has been endorsed by Council this includes the associated works in kind and land contribution offsets arising from the estate works included in this application.

State Contributions: A VPA in relation to state contributions has been negotiated, agreed and executed on 31 March 2022.

2.10. OTHER

A detailed schedule of documents provided to the Department with the initial Environmental Impact Statement (EIS), the Response to Submissions (RTS) and this RFI and Consolidation Report is provided at **Appendix L**.

3. COMMUNITY ENGAGEMENT

3.1. OVERVIEW

An extensive and ongoing dialogue has been established between Mirvac, DPE, Penrith Council and key public authorities with regard to the development of the Mamre Road Precinct and the AIE. This program of consultation, undertaken over a number of years, has provided a comprehensive understanding of the key issues and requirements of these stakeholders with regard to their site in the Precinct.

A summary of key consultation undertaken since the RTS (March 2021) is outlined in Table 4.

Discussions with adjoining landowners GPT and Altis regarding access to their sites via the AIE internal road network, and coordination of road and creek corridor design and alignment has been ongoing.

Correspondence was received from GPT confirming concurrence with the proposed creek realignment location and staging requirements and in relation to GPT's proposed road alignments and levels and the proposed development provides for this connection to be achieve if approved on the GPT land (subject to separate assessment under SSD 10272349).

3.2. AUTHORITY CONSULTATION

The following table outlines a high-level summary of consultation with each key authority.

Table 4 Summary of Consultation following RTS

Agency/ Authority	Key consultation activities
DPE	Various meetings with the DPE Industrial Assessments team to discuss outstanding matters associated with office setbacks, water cycle management and access to the broader road network.
Penrith Council	Mirvac has continued to engage with Penrith City Council's City Planning and Engineering teams in relation to the Mamre Precinct Development Contributions Plan and AIE development design.
DPE Environment, Energy and Science	Mirvac has undertaken extensive consultation with EES in relation to Waterway Health, most recently submitting a letter dated 11 February (refer Appendix J).
DPE Natural Resource Access Regulator (NRAR)	NRAR confirmed in an email issued to the Department on 12 February 2021 that they have no objections to the realigned creek corridor as proposed.
Transport for NSW	Mirvac has undertaken extensive consultation with TFNSW. A copy of the letters submitted to DPIE on 26 November 2021 and 25 January 2022 are provided within Appendix F . We understand the letters submitted to TfNSW addressed requests for additional information in relation traffic and access.

4. REVISED PLANNING ASSESSMENT

The AIE proposal is classified as SSD pursuant to Section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and is also 'staged development' as defined under Section 4.37 of the EP&A Act. The AIE proposal therefore seeks consent for a staged SSD as described under Section 89D of the *State Environmental Planning Policy State and Regional Development* (SRD SEPP). The Minister for Planning is the consent authority.

Pursuant to Section 4.41 of the EP&A Act, the following approvals, permits and concurrences do not apply to SSD:

- A permit under section 201, 205, or 219 of the Fisheries Management Act 1994,
- Approval under Part 4 or an excavation permit under section 139 of the Heritage Act 1977;
- An Aboriginal heritage impact permit under section 90 of the National Parks and Wildlife Act 1974;
- A bushfire safety authority under section 100B of the Rural Fires Act 1997; and
- A water use approval under Section 89, a water management work approval under section 90 or an activity approval (other than an aquifer interference approval) under section 91 of the *Water Management Act 2000.*

Table 5 Statutory Planning Assessment

Legislation	Revised Assessment
Environmental Protection and Biodiversity Conservation Act 1999 The Commonwealth's Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) aims to protect the environment and matters of national environmental significance, including flora, fauna, ecological communities and heritage.	A revised Biodiversity Development Assessment Report (BDAR) has been prepared to assess the revised development footprint resulting from amended utility lead in infrastructure requirements in accordance with the EPBC Act and in consultation with Natural Resources Access Regulator (NRAR). A habitat assessment was undertaken and identified the Latham's Snipe and Grey-headed Flying-fox as 'Matters of National Environmental Significance'. The assessment concluded that the development will not have a significant impact on either species. See the revised BDAR at Appendix H and Section 5.6 for further discussion.
Biodiversity Conservation Act 2016 The Biodiversity Conservation Act 2016 (BC Act) aims to maintain a healthy, productive and resilient environment in accordance with Ecologically Sensitive Development (ESD) principles, including an assessment framework for determining the likely impacts of development on biodiversity and threatened species and a consistent methodology for calculating measure to off-set those impacts.	A revised Biodiversity Development Assessment Report (BDAR) has been prepared been prepared in accordance with the NSW BC Act to assess the revised development footprint resulting from amended utility lead in infrastructure requirements. The report concludes that although 0.61 ha of Cumberland Plain Woodland will be removed as a result of the proposal, due to its poor condition, no offsets consistent with the Biodiversity Offsets Scheme are required. The proposal's compliance with the BC Act is detailed in the revised BDAR at Appendix H .

Legislation	Revised Assessment
	See Section 5.6 for further discussion.
Environmental Planning and Assessment Act 1979	The proposed development as amended since the RTS remains consistent with the EP&A Act.
The Environmental Planning and Assessment Act 1979 (EP&A Act) outlines the strategic and statutory planning framework for the State and establishes the process by which any development is to be considered for approval by the relevant consent authority.	Consent is sought for the staged development of the land for industrial or warehouse and distribution uses, as provided for by Clause 4.22 of the EP&A Act.
	The application also relies upon the provisions of s4.38(3) of the EP&A Act for the purpose of seeking consent for construction of an 'artificial waterbody' (the re-aligned constructed waterway) within the IN1 zoned portion of the site. Section 4.38(3) states:
	'Development consent may be granted despite the development being partly prohibited by an environmental planning instrument.'
	An 'artificial waterbody', defined below, is prohibited in the IN1 zone under SEPP WSEA.
	'an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.'
State Environmental Planning Policy (Planning Systems) 2021	The works comprising Stage 1 of the SSD DA and AIE (incorporating early works and building works)
Chapter 2 of the <i>State Environmental Planning</i> <i>Policy (Planning Systems) 2021</i> (Planning Systems SEPP) identifies and established assessment frameworks for SSD and State Significant Infrastructure (SSI). Projects that fall within these categories are subject to an alternative assessment and approval process with	would have a value of approximately \$100 million including Lot 1 building works totalling approximately \$79,200,000. The project is therefore appropriately characterised as SSD and approval is sought via a SSD DA to NSW DPE with the Minister for Planning as the consent authority.
the Minister for Planning being the consent authority.	Other notable provisions of the Planning Systems SEPP including:
Schedule 1 of the SEPP identifies the general classes of SSD including development for the	 Clause 2.10 which states that Development Control Plans do not apply to SSD.
purposes of 'warehouse and distribution centres' with a capital investment value (CIV) of more than \$50 million at one location and related to the same operation as SSD. A temporary amendment to the SRD reduces this threshold to \$30 million until 31 May 2023.	 Clause 2.11 which confirms that staged development applications may still be considered as SSD despite whether individual stages of the development do not meet the minimum threshold.

Legislation	Revised Assessment
State Environmental Planning Policy (Transport and Infrastructure) 2021 Chapter 2 of State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&ISEPP) requires referral to and concurrence of Transport for NSW, for certain development which is expected to generate significant traffic. Schedule 3 of the T&ISEPP identifies 'traffic generating development' which must be referred to the Transport for NSW for concurrence. The schedule includes development for the purposes of industry incorporating 20,000m ² or more of gross floor area (GFA).	The proposed development would create in the order of 251,000m ² GFA and would therefore exceed the threshold under Schedule 3 of the T&ISEPP. Consultation with Transport for NSW has been ongoing throughout the assessment of the development application as detailed in Section 3.2 .
State Environmental Planning Policy (Industry and Employment) 2021	The site is zoned partially IN1 General Industrial and partially E2 Environmental Conservation
Chapter 2 of the State Environmental Planning Policy (Industry and Employment) 2021 (I&E SEPP) applies to the land and establishes core development controls and design principles as well as setting the framework for regional infrastructure contributions. Part 2.3 of the I&E SEPP requires the preparation of a development control plan (DCP) for any land within the WSEA prior to development consent being granted.	The proposal relies upon clause 2.33 of the I&E SEPP (Development Near Zone Boundaries) to seek consent for industrial or warehouse and distribution development over the currently zoned E2 land. As noted above the realignment of the creek corridor is sought in accordance with section 4.38(3) of the EP&A Act as partially prohibited State Significant Development.
	The creek realignment is proposed along the northern boundary of the site which will result in an improved ecological outcome. The proposed creek realignment results in warehouse and distribution centre use on a portion of the E2 land and riparian land on a portion of the IN1 land (facilitated under clause 4.38 of the EP&A Act as discussed above).
	Clause 2.17 - The Mamre Road Precinct DCP was finalised in December 2021 and as such the proposed development no longer relies upon a site specific DCP to satisfy the I&E SEPP.
	Clause 2.28 – A State Planning agreement is underway to ensure satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure and services in relation to the land.
	The requirement for regional infrastructure contributions will be satisfied via a monetary contribution in accordance with the satisfactory arrangement requirement for the WSEA.

Legislation	Revised Assessment
	There is no change to the assessment undertaken in the EIS and RTS in relation to the other clauses of the I&E SEPP.
<i>State Environmental Planning Policy</i> (<i>Resilience and Hazards</i>) 2021	There is no change to the assessment undertaken in the EIS and RTS in relation to the provisions of the former <i>State Environmental Planning Policy</i> <i>No. 55 - Remediation of Land</i> (now contained within Chapter 4 of the <i>Resilience and Hazards</i> <i>SEPP</i>). The Remediation Action Plan has been updated to respond to the altered earthworks extent however concludes that the site is capable of remediation for the purposes of a commercial and industrial land use.
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	There is no change to the assessment undertaken in the EIS and RTS in relation to the provisions of the former <i>State Environmental Planning Policy</i> <i>No.</i> 33 – <i>Hazardous and Offensive Development</i> (now contained within Chapter 3 of the <i>Resilience</i> <i>and Hazards SEPP</i>).
State Environmental Planning Policy Precincts – Western Parkland City) 2021	There is no change to the assessment undertaken in the EIS and RTS in relation to the provisions of the former <i>State Environmental Planning Policy</i> (Western Sydney Aerotropolis) 2020 now contained within Chapter 4 of the Precincts – Western Parkland City SEPP.
State Environmental Planning Policy (Industry and Employment) 2021	There is no change to the assessment undertaken in the EIS and RTS in relation to provisions of the former <i>State Environmental Planning Policy No. 64</i> – <i>Advertising and Signage</i> now contained within Chapter 3 of the <i>I&E SEPP</i> .
Mamre Road Development Control Plan 2021	The AIE SSD was lodged prior to the release of
The MRP DCP 2021 was adopted on Friday 19th November 2021. The DCP provides planning controls for future industrial development in the Mamre Road Precinct including building design controls, a road network, drainage strategy and landscaping and biodiversity controls.	both the draft Mamre Road Precinct DCP (November 2020) and the adopted Mamre Road Precinct DCP (December 2021).
	Whilst Clause 2.10 of the Planning Systems SEPP states DCPs do not apply to SSD, Mirvac have revised the Concept Plan as outlined within this Report to better align with the MRP DCP 2021 controls where appropriate. Mirvac have also committed that all future stages of the AIE development will be consistent with the finalised DCP controls where possible.

5. REVISED ENVIRONMENTAL IMPACT ASSESSMENT

5.1. TRAFFIC AND ACCESS

Road Design and Traffic Generation

Mirvac have worked closely with Transport for NSW (TfNSW) throughout the assessment of the AIE SSD DA and believe all residual TfNSW related items have now been resolved.

As discussed in **Section 2.6** as part of the finalisation of the MRP DCP, Council and TfNSW undertook traffic modelling to determine the road network and hierarchy across the Mamre Road Precinct in consultation with Council and TfNSW. SIDRA intersection modelling was used to determine ultimate intersection configurations and layouts to accommodate the full development of the Mamre Road Precinct (2036) (DCP Road Network Modelling).

Mirvac have engaged Orion Consulting to document the ultimate 2036 signalised intersection arrangement (Ultimate Intersection) for the AIE intersection with Mamre Road in accordance with:

- TFNSW's main line alignments determined by TfNSW within the Mamre Road Strategic Design;
- SIDRA intersection layouts completed as part of the DCP Road Network Modelling; and
- Consultation with TFNSW.

The Ultimate Intersection arrangement (2036) requires land acquisition on both the eastern and the western verges of Mamre Road. As part of the proposed AIE Concept Plan, Mirvac are proposing to construct the Ultimate Intersection along the eastern verge of the site. These works and the required land dedication to TfNSW are included within the Voluntary Planning Agreement (VPA) that was on notification in December and November 2021.

As the Ultimate Intersection arrangement (2036) also requires land acquisition along the western verge by TfNSW, Mirvac are limited to constructing an Interim Intersection (Interim Intersection) in advance of a land acquisition and future upgrade of Mamre Road by TfNSW.

As agreed with TfNSW, the Interim Intersection (proposed within Stage 1) has been designed to cater for the traffic requirements of the entire AIE Concept Plan as well as other approved developments within the Mamre Road Precinct noting that other applications which may connect to this intersection will be subject to separate traffic assessments as part of those applications. The Ultimate Intersection is illustrated in the Concept Plan at **Appendix A.1** and the interim intersection is shown in the Stage 1 Plans at **Appendix A.2**. Detailed Civil Plans can be found at **Appendix D**.

Other amendments to the road network since RTS include:

- Provision of a slip lane into Lot 1 off Access Road 1 for left turn entry movements into Lot 1's western most carpark entrance to ensure optimal operation of the Mamre Road intersection.
- The roundabout at the Access Road 1 and Access Road 3 intersection has been updated from a single through traffic lane to dual through traffic lanes. This is in response to the revised road typologies in the MRP DCP 2021 which illustrate Access Road 1 and Access Road 3 as having 2 lanes of traffic approaching the roundabout as opposed to the previous kerb side parking.
- In addition to the above, the draft DCP nominated that the internal road network was to be designed to cater for 26m long B-doubles. The final DCP now requires that road design must cater for 30m PBS Level 2 Type B vehicles. As a result of this change, the geometry of the roundabout has been affected, generally increasing the size of any through lane due to the length of the larger design vehicle.
- The revised bulk earthwork levels on lots 7, 9, 10 and 11 (to achieve a general balance of cut and fill in accordance with the MRP DCP 2021) do not impact existing road levels.

Ason have prepared an addendum TIA letter (**Appendix F**) which the states that the amendments will have minimal impact on the future operational traffic volumes across the Estate. Furthermore, with the reduced volume of import material required, there will be a reduction of some 11,000 truck & trailer movements associated with construction activities.

Impacts resulting from Warehouse 3 Part Change in Use

An assessment of the traffic generation of and parking requirements for the proposed light industry and warehouse and distribution use for Warehouse 3 was undertaken by Ason Group. The impacts are assessed in the addendum TIA letter accompanying this ADR at **Appendix F**. For the purposes of this assessment 100% of the floorspace was assumed to be occupied for light industrial purposes, as a worse-case scenario.

In regard to the additional light industrial use proposed for Warehouse 3 (Stage 1), it is recognised that this use may generate higher volumes of traffic than traditional warehousing uses.

The trip rates adopted for assessment of the Concept Plan were higher than those usually ascribed to warehousing, such that there was spare capacity built into the assessment to provide for future use of some buildings within the AIE for industrial purposes. These rates, as provided by TfNSW are:

- AM Peak 0.23 vehicle trips per hour per 100m² GFA; and
- PM Peak 0.24 vehicle trips per hour per 100m² GFA.

By way of comparison, for the purposes of assessing warehouse development within the Mamre Road Precinct, Ason Group previously conducted surveys of 6 operating sites within the Western Sydney Area. These surveys found the following trip generation rates for warehouse only developments which are significantly less than the rates used for the Concept Plan traffic generation assessment:

- AM Peak 0.17 vehicle trips per hour per 100m² GFA; and
- PM Peak 0.15 vehicle trips per hour per 100m² GFA

Therefore, it is evident that the rates adopted for assessment of the Concept Plan provide for conservative estimates. The purpose of adopting conservative trip rates is to allow for other uses that may be permissible under the current IN1 zoning.

As such, the trip generation to be generated by the additional light industry use now proposed for Warehouse 3 has already been considered in the assessment and the additional use will not have an impact on the conclusions already provided by the traffic modelling undertaken.

An additional 36 car parking spaces will be accommodated on Lot 3 to support the additional part-use of Warehouse 3 for light industry in conjunction with warehouse and distribution purposes. This results in a total car parking provision of 125 spaces on Lot 3 and a total of 1,283 parking spaces across the entire Estate. It is noted that the Mamre Road Precinct Development Control requires a minimum provision of 1,124 spaces. As such, the Site provides compliance with the controls, with all Lots readily satisfying the MRP DCP minimum requirements.

Summary

In summary, the proposed modifications will not have an adverse impact on operational traffic implications or car parking demands. Heavy vehicle movements during construction will be substantially reduced which is beneficial for the surrounding transport network.

5.2. NOISE AND VIBRATION

Mirvac and SLR have engaged with both Jeffrey Peng from DPE and representatives from TfNSW to determine the best approach to the noise modelling requested by the Department (March 2021) particularly in relation to PBS 2B vehicles.

An addendum Noise and Vibration Assessment (**Appendix G**) has been prepared by SLR (Ref 610.19217-M01) dated May 2021 which acts as an addendum to the Noise and Vibration Assessment Report (Ref 610.19127-R02) dated February 2021.

The addendum assessment indicates the potential for noise impacts from off-site road traffic (increased volumes, altered mix of heavy vehicles, and from additional PBS A-double trucks accelerating) and that mitigation may need to be considered. It is noted that this assessment is based on several assumptions regarding the likely traffic requirements of the prospective future tenants and should be regarded as indicative of the potential impacts.

Where noise impacts from off-site traffic are confirmed, Transport for NSW as the Roads Authority for Mamre Road would be the appropriate party for determining the appropriate mitigation strategy and implementing

the selected measures. Noise mitigation strategies that may be appropriate are outlined within the addendum Noise and Vibration Assessment.

It is not proposed to amend the mitigation measures outlined within the EIS and RTS which will minimise the impact of acoustic pollution to neighbouring sites. Given the strategic context of surrounding lands and mitigation measures, it is concluded the proposed development can be supported on the site.

We understand the addendum submitted to DPIE has addressed the Department's request for additional information in relation to Noise and Vibration.

Impacts resulting from Warehouse 3 Part Change in Use

An assessment of the proposed light industry and warehouse and distribution use for Warehouse 3 was undertaken by SLR. An acoustic addendum letter accompanies this Consolidation Report at **Appendix G**.

The external noise sources associated with Warehouse 3 are not proposed to change from the previously assessed warehouse and distribution use. External noise sources include light vehicle and heavy vehicle movements, loading dock operations, and external mechanical plant.

The proposed change of use would potentially affect the internal equipment used within the warehouse structure.

It is anticipated that noise emissions from equipment within the warehouse structure would be able to be mitigated sufficiently to minimise external noise breakout to a level equivalent to the previous use. This would be achieved via building facade construction and/or noise source mitigation on the internal equipment, as appropriate. This would be assessed during the detailed design stage for Warehouse 3.

As such, SLR considers that the change of use for Warehouse 3 as part of the Stage 1 application is not likely to result in substantial changes to the noise impacts compared to those assessed previously.

5.3. WATERWAY HEALTH

5.3.1. Waterway Health – Stage 1

Mirvac has provided AIE Stage 1 waterway health documentation to demonstrate an estate-based solution to compliance with the Operational phase targets as set within the *MUSIC modelling toolkit – Wianamatta (20 April 2022)* (MUSIC toolkit) as prepared by the *Environmental and Heritage Group* (EHG) of the *Department of Planning and Environment*.

The Stage 1 proposal has demonstrated compliance with the MUSIC toolkit operational phase stormwater quality targets Option 2 – allowable loads and the *operational Phase stormwater quantity (flow) targets* option 1 - MARV.

Mirvac understand that DPIE have no further comments on the Stage 1 waterway health proposal.

Reference plan for the AIE Stage 1 waterway health solution is included within Appendix J.

5.3.2. Waterway Health – Concept Masterplan

Mirvac has provided three (3) potential waterway health estate-based configurations to demonstrate compliance with the *MUSIC modelling toolkit – Wianamatta (20 April 2022)* (MUSIC toolkit) as prepared by the *Environmental and Heritage Group* (EHG) of the *Department of Planning and Environment.*

Each option demonstrates an estate scale waterway health solution to demonstrate compliance with the waterway health objectives whilst supporting the Concept Masterplan.

Following DPE review, Mirvac understands that the following elements have been endorsed in principle:

- Utilisation of the non-validated portion of the re-aligned watercourse for swamp forest to provide a
 detention and evapotranspiration solution as set out in Options 1 & 2 is approved in principle by NRAR,
 EES & IDC (& DPIE) however this is subject to confirming that the site-specific infiltration rates are field
 validated as being appropriate based on ground conditions and do not pose a salinity risk to the
 satisfaction of DPIE; and
- Utilising 'thin film' irrigation as set out in Options 2 & 3 which could be scaled to be applied to one or more buildings and delivered on a staged basis as part of the overall estate solution

Reference plans for the AIE Concept Masterplan waterway health solutions are included within Appendix J.

5.4. LANDSCAPE CHARACTER AND VISUAL IMPACT

Clouston Associates have prepared an addendum statement (**Appendix C**) to the original Landscape Character and Visual Impact Assessment (LCVIA) which accompanied the EIS.

The statement addresses the proposed amendments to the Concept Plan including the proposed amendments to the bulk earthworks levels (BELs) which have been reassessed to achieve a balanced cut to fill development.

The LCVIA statement concludes that the lowering of pads for Warehouses 7, 10 and 11 will not raise the visual impact ratings on views towards the warehouses outlined in the LCVIA. The reduction in pad levels will lower the overall heights of the warehouses once complete and would therefore contribute to the slight reduction in the visual profile of the warehouses from Mamre Road. The reduction in height of the pad levels will be of further benefit once the proposed landscaping has reached maturity, with proposed tree planting helping to further filter views of the upper sections of the warehouses as a result of the level reduction.

The increase in height of the pad level for Warehouse 9 will not result in the requirement for a retaining wall visible to the public domain (Mamre Road). The BEL increase remains consistent with the relevant controls and objectives of the MRP DCP 2021 and the proposed increase in BEL is not considered to be significant enough to have a consequential visual impact.

The LCVIA statement concludes that the proposed modifications are such that they would have a minor to negligible visual impact on the assessed viewpoints within the LCVIA, and they are considered not to have any notable impact on the ratings and conclusions contained within the LCVIA.

5.5. CIVIL

As discussed in **Section 2.5** a revised approach to estate wide bulk earthworks has resulted in a near balance of cut and fill replacing the original proposal for 270,000m³ of imported fill with a requirement now for the importation of approximately 50,000 m³ of general fill material. This results in significantly reduced construction traffic (truck and trailer movements) to and from site. The proposed bulk earthworks are illustrated in the bulk earthworks plan provided within the revised Civil drawings at **Appendix D**.

The near balance of cut and fil has been achieved by lowering the bulk earthwork levels (BELs) of Warehouses 7, 10 and 11 which will result in reduced visual impacts along the sites Mamre Road frontage as discussed further in **Section 5.4**.

It is noted that the BEL of Lot 9 is raised slightly, however analysis indicates that no tiered retaining walls will be required fronting the public domain and that the proposal is consistent with the objectives and controls within the MRP DCP 2021.

The proposed lowering of the Warehouse 7 and 11 BELs reduces the level difference between the estate and that of the neighbouring Altis Access Logistics Park (SSD-17647189) to the south providing for a more co-ordinated interface.

Refer to Appendix D for a Civil Impact Statement.

5.6. ECOLOGY

A revised Biodiversity Development Assessment Report (BDAR) has been prepared to address additional assessment areas. The additional assessment areas were required to incorporate construction works and ground disturbance outside the AIE site boundary. The revised extent includes the Signalised Intersection with Mamre Road, Temporary Construction Access, access to the Sydney Water Interim Operating Plant and any associated lead-in infrastructure. The revised development footprint is illustrated in **Figure 8**.

The BDAR outlines the measures taken to avoid, minimise and mitigate impacts on the vegetation and species habitat present within the development site and measures to minimise impacts during construction and operation of the development. Following consideration of the above aspects, the residual unavoidable impacts of the project were calculated in accordance with Biodiversity Assessment Method (BAM) by utilising the Biodiversity Assessment Method Credit Calculator.

Figure 8 BDAR footprint amendment



Picture 5 BDAR version 5 (September 2020)



Picture 6 Revised BDAR version 7 (February 2022)

Source: Eco Logical Australia

In summary:

- The following Plant Community Types (PCTs) were identified in the development site and are in poor condition:
 - PCT 835 Forest Red Gum Rough-barked Apple grassy woodland on alluvial flats of the Cumberland Plain, Sydney Basin Bioregion
 - PCT 849 Grey Box Forest Red Gum grassy open woodland on flats of the Cumberland Plain, Sydney Basin Bioregion.
- The following species credits are required (no change from the EIS BDAR)
 - Three species credits are required to offset the impact to PCT 835.
 - One species credit is required to offset the impact to PCT 849.

No ecosystem credits are required for PCT 849 or PCT 835 as they received a vegetation integrity score of < 17. These PCTs achieved scores of 7.2 and 9.5 respectively in the EIS BDAR and 8.6 and 5.7 respectively in the revised BDAR.

Approximately 0.78 ha of Cumberland Plain Woodland will be removed as a result of the development an increase from the 0.61 ha assessed within the BDAR submitted with the EIS. However, due to the condition of this community within the development site, no offsets consistent with the Biodiversity Offsets Scheme (BOS) are required.

No change to mitigation measures outlined in the EIS and RTS is required.

5.7. ABORIGINAL ARCHAEOLOGY

A revised Aboriginal Cultural Heritage Assessment Report (ACHAR) has been prepared to encompass a slight increase in assessment area as illustrated in **Figure 9**. The additional assessment areas incorporate construction works and ground disturbance outside the AIE site boundary including the signalised intersection with Mamre Road, temporary construction access, access to the Sydney Water Interim Operating Plant (IOP) and associated lead-in infrastructure.

Figure 9 Additional ACHAR Study Area



2019 Study Area

Source: Artefact

An addendum Archaeological Survey Report (ASR) and revised ACHAR were prepared in accordance with statutory requirements under the *National Parks and Wildlife Act 1974* and in accordance with the project SEARs.

The ASR identified that:

- Bakers Lane SLR AFT 1 (AHIMS ID 45-5-5274) is an Aboriginal site located near to, but outside, the additional study area.
- Bakers Lane SLR PAD1 is a Potential Aboriginal Deposit (PAD) located within the alignment of the electricity feeder works. Installation of the feeder works. It was assessed that installation of the feeder service through the area of PAD would be conducted via horizontal under-boring which would occur below the potentially artefact-bearing soil body of the PAD, resulting in no adverse impact to the site.
- No other area of archaeological sensitivity was identified in the additional study area.

The assessment of the original study area remains unchanged. The ACHAR was revised from the original to incorporate the following recommendations:

- Horizontal underboring through the area of PAD should adhere to the following management controls:
 - "Spatial mapping information of the site extents of the Bakers Lane SLR PAD1 and Bakers Lane SLR AFT1 (AHIMS ID 45-5-5274) should be included in all design documents and information. The location of these sites must be provided to contractors who undertake ground disturbing works on Bakers Lane and included in environmental management policies for the works"
 - Launch pits for the horizontal underboring must be located at least 5 m away from the boundaries of the Bakers Lane SLR PAD1. Once the final location of the launch pits is determined in design, the

excavation pits must be precisely surveyed in the field to ensure they are not inadvertently excavated within the area of PAD.

The final depth of the launch pit must be in excess of 1.2 m and the horizontal boring must be within
a clay layer visually identified by the excavator and environmental team during works.

Aboriginal community consultation was undertaken in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010b). The revised ACHAR was distributed to all registered Aboriginal stakeholders for a 28-day review period on 1 February 2022. Support and agreement with the proposed recommendations was received from the following organisations:

- Amanda Hickey Cultural Services;
- Butucarbin Aboriginal Corporation;
- Didge Ngunawal Clan; and
- Muragai.

The final ACHAR is submitted as **Appendix I.2** of this Consolidated Report.

5.8. GROUNDWATER

An updated Groundwater Management Plan has been prepared by Arcadis in light of the changed earthworks extent and reduced quantum of fill import to the site. This is included at **Appendix N**.

The GMP assessment notes that, based on the revised bulk earthworks levels, the inferred groundwater contours and the PSM 2021 geotechnical investigation, Lots 3, 4, 5, 7, 8, and 11 have the potential to encounter groundwater (either perched or contiguous aquifer) during site development (based on final site level and/or presence of service trenches/footings, which may extend up to 2.0 m below final bulk earthworks level). In light of this, consideration should be given to permanent / ongoing groundwater management approaches including civil engineering (drainage, groundwater management systems) and building and foundation design including subsurface infrastructure.

Consideration should be given to ongoing impacts to the local hydrogeological regime which may need to be managed in accordance with the requirements set out by Water NSW and relevant NSW regulations, including but not limited to Water Act 1912, the Water Management Act 2000, and Water Management Regulation, 2011.

In the event that be measured groundwater is encountered the extracted groundwater volume would be required to be measured with a flow meter. The groundwater would be collected and directed to a water storage pond where upon on site reuse options would be considered. A Water Access Licence will only be required if groundwater is intersected and exceeds the inflow criteria of 3ML/year.

The GMP otherwise provides the methodology for groundwater management during construction phase which will be implemented via the CEMP.

5.9. DAM DECOMMISSIONING STRATEGY

The Dam Decommissioning Strategy has been updated to respond to the change in earthworks levels and reduced overall fill import and is included in **Appendix O**. It proposes an amendment to the methodology of dam dewatering to respond to the changed earthworks approach on the Estate.

Whilst originally no off site water discharge was anticipated, the changed approach identifies that given the volume of water retained on site, it is expected that dewatering of the dams via off-site discharge will be required. This can be undertaken in conjunction with on-site re-use.

Prior to any off-site discharge to the downgradient creek system, approval from the appropriate regulatory authority should be granted. Only water compliant with the criteria stipulated within the following guidelines would be suitable for discharge to the downgradient system.

- Australian and New Zealand Governments, Australian and New Zealand Guidelines (ANZG), Direct Guideline Values (DGV) for Toxicants in Freshwater, 2021 – 95% Species Proptection.
- National Health and Medical Research Council, National Water Quality Management Strategy, Australian Drinking Water Guidelines (ADWG), 2020

 National Health and Medical Research Council, Guidelines for Managing Risks in Recreational Water, with Non-volatile Contaminants, 2018 – Contaminants from ADWG corrected by a factor of 10 for primary contact recreation (PCR).

Remediation action may be required prior to dewatering if concentrations are found to exceed the criteria. An assessment should be undertaken prior to any dewatering and discharge to the downgradient creek system, to determine appropriate maximum discharge rates to prevent localised or widespread downstream flooding, souring or ecological shock to the receiving waters.

As a result of the changed earthworks levels, it is proposed that Dam 1 e dewatered and decommissioned first with Dam 2 to be utilised during subsequent construction works as the on site sediment basin.

5.10. ODOUR

SLR has provided supplementary advice in respect to the likely impacts of a light industry use within Warehouse 3 on their original Odour Assessment. The supplementary advice is included at **Appendix P**.

The air quality sources associated with Warehouse 3 (ie emissions of products of combustion and particulate matter from trucks and other vehicles accessing and idling at the site), as assessed in SLR (610.19127-R01-v1.4 19 October 2020), are not likely to change as part of the proposed change of use.

However, the proposed change of use may potentially affect the internal equipment used within the warehouse structure. For example equipment may be used to manufacture or process materials, which may result in air pollutants being emitted from Warehouse 3.

Based on this anticipated change, the air emissions from Warehouse 3 may need to be assessed separately during the detailed design stage for Warehouse 3. At the time of writing this memorandum, however, detailed design for the proposed industry is not available.

If it is identified during detailed building design for Warehouse 3 that air filtration would be required, an air filtration system would be installed to ensure odour emissions do not interfere with the amenity of the surrounding area and air quality is not worsened by the proposed change of use.

The proposed inclusion of a light industry use within Warehouse 3 would therefore not change the air quality impacts from those already assessed as acceptable.

5.11. REMEDIATION ACTION PLAN

An updated Remediation Action Plan has been prepared by Arcadis and is included at **Appendix Q**. The updated RAP addresses changes in bulk earthworks levels for the site and increased levels of excavation proposed in some areas.

The RAP identifies areas of potential additional contamination exposure and includes updated validation sampling requirements to address these additional potential areas of contamination.

No change is proposed to the other areas of the RAP.

The Rap concludes that the objectives of the on-site remediation will be achieved subject to the successful implementation of the actions contained in the RAP, which will enable the site to be suitable for proposed commercial / industrial land use.

Validation of on-site soils will be undertaken over the remediation surfaces across the site. Due to the scale of the development, proposed cut/fill levels, no impacted material is anticipated to remain on-site, or be at a depth at which it is anticipated to be encountered and pose a potential risk to health or the environment.

5.12. **OTHER**

5.12.1. Waterways and Riparian

The amended Concept Plan and Stage 1 works do not result in any change to the Waterways and Riparian assessment undertaken and submitted with the RTS and EIS. It is noted that NRAR confirmed in an email issued to the Department on 12 February 2021 that they have no objections to the realigned creek corridor as proposed.

5.12.2. Flooding

The amended Concept Plan and Stage 1 works do not result in any change to the flood impact assessment undertaken and submitted with the EIS.

5.12.3. Bushfire

The amended Concept Plan and Stage 1 works do not result in any change to the bushfire impact assessment undertaken and submitted with the EIS.

5.12.4. Ecologically Sustainable Development

The amended Concept Plan and Stage 1 works do not result in any change to the ESD assessment undertaken and submitted with the EIS.

5.12.5. BCA and Fire Engineering

The amended Concept Plan and Stage 1 works do not result in any change to the BCA assessment undertaken and submitted with the EIS.

5.12.6. Waste Management

The amended Concept Plan and Stage 1 works do not result in any change to the BCA assessment undertaken and submitted with the EIS.

5.12.7. Social and Economic Impacts

The amended Concept Plan and Stage 1 works continue to result in an acceptable social and economic impact.

5.13. SUMMARY OF ADDITIONAL MITIGATION MEASURES RECOMMENDED

In response to the updated Environmental Assessment, the following additional mitigation measures are recommended for incorporation into the final consent conditions.

5.13.1. Stage 1 Conditions

Dam Dewatering – Quality of Off-Site Water Discharge

Prior to any off-site discharge to the downgradient creek system, approval from the appropriate regulatory authority should be granted. Only water compliant with the criteria stipulated within the following guidelines would be suitable for discharge to the downgradient system.

- Australian and New Zealand Governments, Australian and New Zealand Guidelines (ANZG), Direct Guideline Values (DGV) for Toxicants in Freshwater, 2021 – 95% Species Proptection.
- National Health and Medical Research Council, National Water Quality Management Strategy, Australian Drinking Water Guidelines (ADWG), 2020
- National Health and Medical Research Council, Guidelines for Managing Risks in Recreational Water, with Non-volatile Contaminants, 2018 – Contaminants from ADWG corrected by a factor of 10 for primary contact recreation (PCR).

Remediation action may be required prior to dewatering if concentrations are found to exceed the criteria.

Dam Dewatering – Quantity of Off Site Water Discharge

An assessment should be undertaken prior to any dewatering and discharge to the downgradient creek system, to determine appropriate maximum discharge rates to prevent localised or widespread downstream flooding, souring or ecological shock to the receiving waters.

Odour Management

Prior to issue of a Construction Certificate for Warehouse 3, an air quality assessment is to be undertaken to assess the likely impact on air quality as a result of the final operator. If air quality is likely to exceed those levels identified in the SLR Air Quality Assessment (610.19127-R01-v1.4) then an air filtration system is to be

installed within the building to ensure emissions do not exceed those originally assessed and determined as acceptable.

6. CONCLUSION

This Consolidation Report has been prepared by Urbis on behalf of Mirvac to address the matters raised by government agencies in relation to the Aspect Industrial Estate SSD-10448 and to provide an updated scope of works proposed and associated assessment of the revised proposal.

To address the matters raised and ongoing design development, the proposal has been subject to design refinements, testing, and ongoing reviews. Overall, the responses within this Amended Development Report along with those detailed within the RtS and the EIS submitted with the SSD DA demonstrate that the proposal is considered appropriate for the site and warrants approval by the Minister for Planning for the following reasons:

- The proposed development (as amended) is consistent with the NSW Government and Penrith City Council policies for the site and surrounding area including the Region Plan, Western City District Plan, Penrith Local Strategic Planning Statement, Western Sydney Aerotropolis Plan, Mamre Road Precinct Structure Plan and development controls contained in the State Environmental Planning Policy (Industry and Employment) 2021.
- The proposal (as amended) results in an orderly and economic use of the land that leverages significant NSW Government investment in the Western Sydney Aerotropolis, including delivery of the Western Sydney Airport, M12 Motorway and arterial road upgrades including Mamre Road.
- The proposed development (as amended) responds to industrial land shortfall across Greater Sydney and will enable jobs creation through its construction and operational phases. It supports the 30-minute city vision for Greater Sydney.
- The proposal and the amendments are permissible under the IN1 General Industrial and E2 Environmental Conservation zones under the State Environmental Planning Policy (Industry and Employment) 2021. The proposed development (as amended) meets the aims and objectives of this SEPP.
- The proposed design amendments respond to the feedback received from the Department and Government Agencies including:
 - Amendment to the road reservation for the Mamre Road and Access Road 1 intersection to respond to the detailed design.
 - Provision of a slip lane into Lot 1 off Access Road 1.
 - Amendment of the Access Road 1 round-about to respond to the road typology outlined in the MRP DCP.
 - Refinement of the Stage 1 Staging Plan to provide staged access to adjacent properties north and south of the site.
 - Refinement of warehouse building footprints which respond to updates to the road network and landscape/setback requirements set out in the MRP DCP notably by setting Warehouse 8 back further from Access Road 1.
 - Revised approach to site levels to achieve a general balance of cut and fill without impacting retaining wall heights at boundary interfaces.
- The Concept Masterplan and Stage 1 development (as amended) facilitate the delivery of the broader Mamre Road Precinct Transport Network Map, including providing interim access to lots north and south of the site.
- The realigned riparian corridor provides an improved ecological outcome for the site and broader precinct.
- The proposed development (as amended) has been updated to reflect the MRP DCP which was finalised in December 2021. The proposal no longer relies on a site specific DCP.

In relation to the proposed additional light industrial land use for Warehouse 3, the updated acoustic, traffic and odour assessment found that the additional use does not result in any operational matters that require mitigation measures to be included within the conditions of consent beyond those already contemplated. The use is of a scale and operation that is consistent with the prior assessment of the operation as a warehouse and distribution premises. Additional car parking spaces have been included to address the increased parking demand of the light industry component. The introduction of light industry as a part use within Warehouse 3 is suitable for the site.

Subject to incorporation of the recommended mitigation measures included in section 5.13.1 of this report, the proposal will have negligible detrimental impacts on the site conditions or surrounding environment.

Overall, the proposed development is appropriate to the site and surrounding context. The revised design results in an improved outcome for both the subject development and neighbouring lots. The proposed development meets the objectives of the WSEA, Western Sydney Aerotropolis and Western Parkland City, and addresses all strategic and statutory planning framework. Overall, the proposal is in the public interest and should be approved by the NSW DPE, subject to conditions of consent.

7. **DISCLAIMER**

This report is dated 5 May 2022 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd **(Urbis)** opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of MIRVAC **(Instructing Party)** for the purpose of Consolidation Report and RFI Response **(Purpose)** and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A **ARCHITECTURAL PLANS**

- A.1 CONCEPT ESTATE MASTERPLAN
- A.2 STAGE 1 ESTATE WORKS PLAN
- A.3 STAGE 1 PLANS

APPENDIX B LANDSCAPE PLANS

APPENDIX C LANDSCAPE CHARACTER AND VISUAL IMPACT STATEMENT

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APPENDIX D **CIVIL PLANS**

- D.1 REVISED CIVIL PLAN SHEETS
- D.2 CIVIL WORKS IMPACT STATEMENT
- D.3 BUILDING ENVELOPE LEVEL COMPARISON

APPENDIX E SUBDIVISION PLANS

APPENDIX F TRAFFIC RFI RESPONSE

F.1	TFNSW RESPONSE LETTER 26 NOVEMBER 2021
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- F.2 TFNSW RESPONSE LETTER 25 JANUARY 2022
- F.3 ASON CONSTRUCTION TRAFFIC MEMO 28 APRIL 2022
- F.4 ASON SUMMARY TRAFFIC ASSESSMENT 5 MAY 2022

APPENDIX G NOISE ASSESSMENT ADDENDUMS

- G.1 31 MAY 2021 SLR STATEMENT
- G.2 31 AUGUST 2021 SLR STATEMENT
- G.3 28 APRIL 2022 SLR STATEMENT

APPENDIX H BIODIVERSITY ASSESSMENT REPORT

- H.1 BDAR COVER LETTER
- H.2 **REVISED BDAR**

APPENDIX I ACHAR

- I.1 ACHAR COVER LETTER
- I.2 REVISED ACHAR

APPENDIX J WATERWAY HEALTH PACKAGE

- J.3 WATERWAY HEALTH CONCEPT MASTERPLAN OPTIONS
- J.4 WATERWAY HEALTH STAGE 1

APPENDIX K **RFI DETAILED RESPONSE MATRIX**

APPENDIX L SCHEDULE OF DOCUMENTS AND PLANS

APPENDIX M WAREHOUSE 3 USE CLARIFICATION

APPENDIX N GROUNDWATER MANAGEMENT PLAN

APPENDIX O DAM DECOMMISSIONING STRATEGY

APPENDIX P AIR QUALITY

APPENDIX Q REMEDIATION ACTION PLAN

APPENDIX R EXECUTED VPA