

25 January 2022

Bruce Zhang
Industry Assessments
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Mr Zhang

**RESPONSE TO SUBMISSIONS – ASPECT INDUSTRIAL ESTATE – LOTS 54-58, DP259135 –
MAMRE ROAD – KEMPS CREEK**

Please see below responses to key items raised within TfNSW' letter dated 20 December 2022 (TfNSW reference: SYD19/01350/27).

TfNSW comment No.1:

1) *Comments No.1, 4 & 5 – TfNSW notes Mirvac's response to TfNSW comments No.1-5 and understands that the modelling provided indicates that the full AIE masterplan can be accommodated for with Mirvac's proposed interim intersection design. The issue as states in TfNSW letter dated 4 November 2021 arises when the internal roads connecting to adjoining sites are provided which would increase demand on the proposed signalised intersection.*

As stated by Mirvac the requirement for further modelling and potential infrastructure improvements would need to be addressed by others.

TfNSW highlighted this issue with DPIE, however TfNSW would be happy to continue to work with DPIE and Penrith City Council to develop the strategy for managing the staging of developments, provision of the internal road network in-line with delivery of future road upgrades based on realistic timeframes considering delivery constraints.

Response:

Mirvac note TfNSW' comments and agree.

For the avoidance of doubt, Mirvac's understanding is that following determination of the AIE SSD-10448, other applications within the Mamre Road Precinct are to include for the entire AIE Concept Masterplan and associated traffic generation within any modelling and / or potential infrastructure improvements in order to support the Development Application in question.

TfNSW comment No.2:

- 2) *Comments No.2 and 3 – Matters relating to modelling are being addressed with DPIE and Landowners and consultants as part of a broader process. This may result in further refinement of the models to enable it to be fit for purpose for assessment of current and future development applications.*

Response:

Noted. Mirvac understand this comment to be directed to the DPIE.

Mirvac understand that the above-mentioned modelling refinements will not impact on the AIE interim intersection modelling provided to support the AIE SSD10448 Concept Masterplan.

TfNSW comment No.3:

- 3) *Comment No.8 – TfNSW notes Mirvac's objection to comment No.8 requesting a condition to limit further development of Mirvac's Masterplan. As stated above TfNSW understands that the full AIE Masterplan can be accommodated for and therefore this request can be limited to discussion with other developments within the area.*

It should be noted however that TfNSW has made it clear that the micro simulation transport model was developed fit for purpose to inform the DCP and will require further refinement should it be used to support assessment of Development Applications.

Response:

Mirvac note TfNSW' comments and agree.

For the avoidance of doubt, Mirvac's understanding is that following determination of the AIE SSD-10448, other applications within the Mamre Road Precinct are to include for the entire AIE Concept Masterplan and associated traffic generation within any modelling and / or potential infrastructure improvements in order to support the Development Application in question

TfNSW comment No.4:

- 4) *Comments No.9, 10 & 13 – TfNSW notes the light vehicle entrance to Warehouse 1 is now proposed to be relocated ease of Access Road 4. The light vehicle access (physically restricted to egress only) to the café and broader carpark (to the north) has been updated to include a deceleration lane.*

Contrary to Mirvac's response in comment 10, TfNSW was never supportive of any access to be retained at the current proposed location. However TfNSW understand that the access is being retained for the purpose of fire compliance.

TfNSW would not support an access close to the intersection on safety grounds. This access would encourage a weaving manoeuvre when a vehicle turns right from Mamre Road and moves across 2 lanes and into the deceleration land when the ultimate intersection arrangement of dual right turns is provided to manage the high traffic demand.

The café and rear carpark has a higher turnover than the potential fire truck needing to access the site. Consideration could be given to providing fire compliance access only with the use of a mountable kerb and relocating the café parking to the proposed carpark to the east and with provision for a deceleration lane.

In this regard TfNSW suggests the following condition which allows for further time to find a solution to Warehouse 1 access arrangements:

Prior to the commencement of any construction (excluding bulk earthworks) on Warehouse 1 the Applicant must prepare a concept design demonstrating the access arrangement from Access Road 1 that considers fire compliance and TfNSW access requirements. The design must be prepared in consultation with TfNSW and to the satisfaction of the Planning Secretary.

Response:

Mirvac will accept a condition on this basis.

TfNSW key comment No.5:

- 5) *Comment No.12 – TfNSW notes that the updated plans show access to 819-831 fall just north of the intersection and the access to 833B is located just south of the intersection. The accesses are outside of the intersection and therefore not required to be relocated.*

However there is an unofficial secondary driveway located directly in the middle of the intersection (see image 1 and 2 below). Whilst it does happen, it is undesirable to have driveway accesses within signals. Therefore as this driveway is a secondary access where alternative access to the lot is enabled to the south of the intersection, this driveway is to be removed as is not considered essential to the access to the Lot.



Image 1



Image 2

Additional to the above, the following response from Mirvac expecting TfNSW to undertake negotiations on their behalf is not supported. It is the responsibility of the developer to undertake the necessary consultation with the affected landowner not TfNSW.

'Suitable arrangements shall be made to maintain existing driveways. However, the relocation of those driveways more broadly is not practicable at this late stage in the assessment of the AIE and may need to be deferred to a later phase of the design and require TfNSW to facilitate consultation regarding driveway relation. However Mirvac do not support driveway relocation to be a condition of consent for the AIE'

In this regard TfNSW provides the following updated condition:

The secondary driveway access for number 833B Mamre Road depicted in the middle of the intersection of the draft TCS plan and other civil plans is to be removed from the signal footprint and written agreement from the landowner is to be provided prior to entering into a WAD with TfNSW.

Response:

Mirvac does not support a condition per the above as this would result in the AIE delivery being subject to obtaining written concurrence from another landowner.

As stated above by TfNSW:

'as this driveway is a secondary access where alternative access to the lot is enabled to the south of the intersection, this driveway is to be removed as is not considered essential to the access to the Lot.'

Therefore, Mirvac propose the following conditions in this regard for the Departments consideration as part of the AIE determination:

- The Applicant must enter into a Work Authorisation Deed (WAD) with TfNSW for any works that need to be carried out on TfNSW land.
- The Applicant must remove the redundant secondary driveway within the signalised intersection on Mamre Road western verge and replace with kerb and gutter. The design and construction of the kerb and gutter on Mamre Road must be in accordance with TfNSW requirements. Detailed design plans of the proposed kerb and gutter are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any TfNSW road works.

We believe this letter adequately closes out all residual TfNSW related items for the AIE SSD-10448. For future reference, we respectfully request TfNSW' concurrence to the responses provided within this letter.

Should it assist DPIE and TfNSW to expedite a final review to the items contained within this letter, Mirvac would be happy to facilitate a meeting with our consultants to step through.

Yours sincerely