



# Aspect Industrial Estate

---

State Significant Development Assessment

SSD-10448

May 2022



NSW Department of Planning and Environment | [planning.nsw.gov.au](https://planning.nsw.gov.au)

Published by the NSW Department of Planning and Environment

[dpie.nsw.gov.au](http://dpie.nsw.gov.au)

Title: Aspect Industrial Estate

Subtitle: State Significant Development Assessment SSD-10448

Cover image: Proposed Warehouse Building 1 and Café (Source: Mirvac Projects Pty Ltd, 2021)

---

© State of New South Wales through Department of Planning and Environment 2022. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Industry and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (May 2022) and may not be accurate, current, or complete. The State of New South Wales (including the NSW Department of Planning and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

# Glossary

Abbreviation	Definition
<b>ADR</b>	Amended Development Report
<b>AHD</b>	Australian Height Datum
<b>AIE</b>	Aspect Industrial Estate
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i> (NSW)
<b>CIV</b>	Capital Investment Value
<b>Council</b>	Penrith City Council
<b>Crown Lands</b>	Crown Lands, DPE
<b>DAWE</b>	Department of Agriculture, Water and the Environment (Cth)
<b>Department</b>	Department of Planning and Environment (DPE)
<b>DPI</b>	Department of Primary Industries, DRNSW
<b>EES Group</b>	Environment, Energy and Science Group, DPE
<b>EIS</b>	Environmental Impact Statement
<b>EPA</b>	Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000 (NSW)
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth)
<b>EPI</b>	Environmental Planning Instrument
<b>ESD</b>	Ecologically Sustainable Development
<b>FRNSW</b>	Fire and Rescue NSW
<b>HNSW</b>	Heritage NSW, Department of Premier and Cabinet
<b>LEP</b>	Local Environmental Plan
<b>Minister</b>	Minister for Planning
<b>MNES</b>	Matters of National Environmental Significance
<b>MRP</b>	Mamre Road Precinct
<b>NRAR</b>	Natural Resources Access Regulator, DPE

Abbreviation	Definition
<b>RMS</b>	Roads and Maritime Services, TfNSW
<b>SEARs</b>	Planning Secretary's Environmental Assessment Requirements
<b>Planning Secretary</b>	Secretary of the Department of Planning and Environment
<b>SEPP</b>	State Environmental Planning Policy
<b>SIC</b>	Special Infrastructure Contribution
<b>SSD</b>	State Significant Development
<b>TfNSW</b>	Transport for NSW
<b>WAD</b>	Works Authorisation Deed
<b>WPC</b>	Western Parkland City
<b>WPC SEPP</b>	State Environmental Planning Policy (Precincts – Western Parkland City) 2021
<b>WSEA</b>	Western Sydney Employment Area



# Executive Summary

## Introduction

This report details the Department of Planning and Environment's (the Department) assessment of a State significant development application (SSD) for the Aspect Industrial Estate (SSD-10448). Mirvac Projects Pty Ltd (the Applicant) has submitted a Concept Proposal and Stage 1 development application for an industrial estate on Mamre Road, Kemps Creek in the Penrith local government area (LGA).

The proposed development (the development) is located in the Mamre Road Precinct (MRP) of the Western Sydney Employment Area (WSEA). The WSEA covers multiple LGAs and is progressively being developed for employment generating industrial purposes, with warehousing and distribution centres a predominant use. The WSEA was expanded in 2020 to include the MRP, given the growing demand for industrial land and the area's proximity to the new Western Sydney Airport. The development is the first industrial estate proposed in the MRP.

## Site Context

The site is located on Mamre Road, Kemps Creek, approximately 39 kilometres (km) west of the Sydney central business district and covers around 56 hectares (ha) of industrial zoned land. The site is currently used for dairy farming, horticulture and grazing and includes farm dams, small watercourses, greenhouses and rural residences. The site has a 950 metre (m) long frontage to Mamre Road and adjoins industrial zoned land on all boundaries. Rural residences that have been rezoned for industrial uses are located immediately to the west on Mamre Road. The main residential areas near the site are in Luddenham, 1.5 km to the west and Mount Vernon, 2.3 km to the south-east.

## Proposed Development

The development includes a Concept Proposal for an industrial estate comprising 11 buildings and associated offices covering 248,112 square metres (m<sup>2</sup>) of gross floor area (GFA) and a Stage 1 development application (DA). The Stage 1 DA includes bulk earthworks across the entire site, construction of the eastern half of an intersection on Mamre Road, construction and operation of the first 2 buildings and phased construction of internal access roads. Subsequent stages of the Concept Proposal would be subject to separate DAs. The capital investment value of the Concept Proposal is \$341 million, with the Stage 1 DA comprising \$99 million. The full development would generate 1,703 operational jobs in western Sydney and Stage 1 would generate 387 operational jobs.

## Statutory Context

The development is classified as SSD pursuant to Section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for the purpose of a warehouse and distribution centre that has a capital investment value (CIV) of more than \$30 million. This meets the criteria in clause 12 of Schedule 1 in State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP). Consequently, the Minister for Planning (the Minister) is the consent authority for the development under section 4.5(1) of the EP&A Act.

## Strategic Context

In 2020, the WSEA was expanded by rezoning land further west to include the MRP. The rezoning was supported by a Structure Plan which provided a broad outline of development areas, key infrastructure and environmental protection areas.

In November 2021, the Mamre Road Precinct Development Control Plan (MRP DCP) was finalised. The MRP DCP builds on the Structure Plan, providing more detailed planning outcomes and development controls to ensure the MRP is developed in an orderly and coordinated manner. The MRP DCP sets planning outcomes for the transport network, riparian land, water cycle management, flooding and other aspects. Specific controls are also included for industrial developments covering built form, heights, setbacks, landscaping and amenity issues. The Applicant has designed the development to be consistent with the Structure Plan and the MRP DCP, including delivery of key infrastructure that will support development in the MRP and reservation of land for road and freight networks and environmental conservation.

## Engagement

The Department exhibited the Environmental Impact Statement (EIS) for the development from Wednesday 18 November 2020 until Tuesday 15 December 2020. During the exhibition period, the Department received six submissions from the public (five special interest groups/private businesses, 1 individual). Of these submissions, one objected to the development and the remainder provided comments. The Department also received advice from 12 government authorities including Penrith City Council (Council).

Key concerns raised relate to compliance with the Structure Plan and MRP DCP, traffic impacts, site access and connections to neighbouring sites, riparian corridor relocation, integrated water management, development contributions and landscaping.

The Applicant submitted a response to submissions in March 2021 and then an Amended Development Report (ADR) in May 2022 to address the issues raised. The key changes to the development included a reduced development footprint, extension of the internal road network to allow connections to neighbouring properties, revision of the stormwater management strategy and relocation of an asset protection zone outside of the riparian corridor.

The Applicant submitted a request to amend the application in accordance with Section 38 of the Environmental Planning & Assessment Regulation 2021 (EP&A Regulation). The Department reviewed and accepted this request on 12 May 2022.

The Department engaged an independent expert to review the Applicant's proposed stormwater management strategy and assess whether the development complies with the waterway health objectives of the MRP DCP. The Department also consulted closely with Transport for NSW (TfNSW) to resolve traffic and access issues and worked with the Environment and Heritage (E&H) of the Department on waterway health aspects.

Following reviews of the ADR, TfNSW, E&H, Penrith City Council and other Government agencies recommended conditions for the development.

## Assessment

The Department's assessment has fully considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development. The Department has identified the key issues for assessment are access and traffic, water management, operational noise, visual impacts and landscaping.

### Access and Traffic

#### Access

Managing the traffic impacts of the development and ensuring key access roads are designed and delivered in accordance with the MRP DCP was a key assessment issue. The Department worked closely with TfNSW, Council and the Applicant throughout the assessment to ensure these aspects were adequately addressed and measures would be put in place to manage traffic and access for all stages of the Concept Proposal. The Department also considered submissions from neighbouring landowners, that may use the access roads being delivered by the Applicant for their proposed developments in the future.

The Structure Plan and MRP DCP establishes the road network for the MRP which includes an intersection on Mamre Road and two industrial collector roads (referred to as Access Roads 1 and 3) within the Applicant's site. As part of the Stage 1 development, the Applicant would construct the eastern half of the intersection and the western portions of the collector roads. The remaining portions of the collector roads would be delivered in two subsequent stages. TfNSW reviewed the proposed intersection design and following revisions by the Applicant, was satisfied subject to conditions covering construction management, removal/relocation of a nearby driveway and design of the internal access roads.

Delivery of Access Roads 1 and 3 through the site would ultimately connect the proposed developments to the north and south, which was another key assessment issue. The neighbouring landowners raised questions about the proposed timing to complete these roads. The Applicant noted the eastern portion of these roads could not be completed as part of Stage 1 due to the scheduling of earthworks and their delivery would need to be coordinated with the neighbouring landowners to ensure site levels are consistent with the adjoining properties. The Department has recommended conditions requiring the Applicant to deliver these access roads including a Staging Plan for the northern portion of Access Road 3, which would require further coordination with the landowner to the north.

The Department has also recommended the Applicant establish a Working Group with other developers in the MRP to ensure these broader traffic connection issues are regularly discussed and the infrastructure is delivered in a coordinated manner.

The Department's assessment concludes the development provides sufficient access to the site for the Concept Proposal and Stage 1 DA and is consistent with the MRP DCP. Access for subsequent stages would be delivered in an orderly manner and coordinated with neighbouring landowners.

#### Traffic Impacts

Once fully operational, the Concept Proposal is anticipated to generate 7,310 vehicles per day of which 2,010 would be heavy vehicles. The Applicant provided traffic modelling to demonstrate the proposed intersection on Mamre Road could accommodate all traffic generated by the Concept Plan including background traffic growth up to the year 2036.

The Department and TfNSW were satisfied the traffic modelling adequately demonstrated the intersection design would accommodate the development. The Department notes the intersection would likely receive additional traffic in the future when neighbouring developments progress, and further upgrades may be required. However, this will be considered as part of the assessment of future proposals in the MRP. The Department has recommended the Applicant monitor operational traffic movements and incorporate this information into the traffic assessments for future stages.

Construction traffic impacts were assessed, with predicted traffic volumes expected to be safely accommodated on the road network, using a temporary access to the site while the main intersection works are underway. The Department has recommended the Applicant engage an independent Environmental Representative to oversee construction works and for the Applicant to coordinate construction works with other developers through the Working Group, to ensure cumulative impacts are appropriately managed.

The Department's assessment concluded the traffic impacts of the Concept Proposal and Stage 1 DA would be appropriately managed to maintain road safety and efficiency.

### **Water Management**

The site is largely undeveloped farm land with several dams and two minor watercourses. As the development would create large impervious areas for buildings, hardstands and parking, there is potential for changes in stormwater flows and quality to impact on the catchment of Wianamatta-South Creek. The development also proposes to remove the existing farm dams and realign a watercourse that is a tributary of Wianamatta-South Creek. There is currently no regional stormwater infrastructure in place for the MRP, so the Applicant has been required to demonstrate the Concept Proposal and Stage 1 development can manage stormwater flows and quality within the site, while meeting the waterway health objectives of the MRP DCP. The Applicant has also considered how subsequent stages of the development may integrate with any future regional stormwater infrastructure in the MRP.

The Department engaged an independent expert (IDC Consulting) to review the stormwater management strategy and the vegetation management plan for the watercourse realignment. The Department and its independent expert consulted closely with the Applicant, Council and E&H to ensure the development would meet the requirements of the MRP DCP.

The Department's independent expert reviewed the proposed system in detail and was satisfied it would meet the objectives of the MRP DCP. E&H and Council noted the Applicant had addressed the issues raised and recommended conditions including a requirement to reserve sufficient land for on-site stormwater management and provision of detailed design and maintenance plans to Council. The Department has recommended the Applicant prepare a Stormwater Management Plan prior to operation of Stage 1 and update the plan for future stages, considering any regional stormwater infrastructure that may be in place at that time. The proposed Working Group and Environmental Representative would also assist with co-ordination of stormwater issues including during bulk earthworks and construction.

The proposed watercourse realignment would establish a 40-metre-wide riparian corridor that would be planted with aquatic vegetation and species consistent with native River-flat Eucalypt Forest. The Department's independent expert was satisfied with the Applicant's vegetation management plan for the watercourse realignment and riparian corridor works and recommended an appropriate variety of plant species are provided to ensure a full hierarchy of groundcover, shrubs and trees can be supported within the corridor. The Department's assessment concluded the realignment and revegetation works

would provide a substantial improvement in waterway health and habitat value compared to existing conditions. The Department has recommended the Applicant implement the vegetation management plan, including maintenance of the riparian corridor for a 5 year period.

### **Operational Noise Impact**

The Department considered the potential operational noise impacts of the development in detail, adopting a precinct-wide approach to ensure cumulative noise from future industrial developments in the MRP would not adversely impact the amenity of the established residential areas of Luddenham and Mount Vernon. Operational noise impacts were also considered for the closest rural residential receivers that have been rezoned for industrial use but may still be residential when Stage 1 is operating. The Department worked closely with the Applicant to establish noise mitigation and management strategies that would assist in achieving the noise amenity objectives of the MRP DCP.

The Department's assessment concluded there would be considerable but short-term road traffic and intrusive operational noise impacts at nearby rural residential properties within the MRP. However, these impacts may only occur for a handful of receivers as many of the properties have active development applications for industrial uses. The Department has recommended negotiated agreements between the Applicant and noise-affected landowners to manage these temporary night-time noise impacts.

The Applicant's noise modelling, adopting the precinct-wide approach, predicted noise levels from operation of Stage 1 operation and the fully developed estate would be well below the amenity criteria at the residential areas of Luddenham and Mount Vernon. The Applicant would implement a range of mitigation measures to ensure on-going compliance with the amenity noise goals, including the use of quieter or noise-attenuated mechanical plant and incorporation of noise amelioration features into the site layout and building design. The Department has also recommended the Applicant undertake operational noise monitoring for Stage 1 to verify the predicted noise levels and submit additional noise assessments for subsequent stages of the development.

The Department's assessment concludes the noise impact from the operation of the development can be appropriately managed through the implementation of best-practice measures and the recommended conditions of consent.

### **Visual Impact and Landscaping**

The MRP has been rezoned for industrial uses which will, over time, transform the area from a rural landscape to a developed landscape with substantial buildings and infrastructure. Many of the rural residences will be replaced by industrial and warehouse buildings, with visual impacts limited to passing motorists or residential areas outside of the MRP. Several SSD applications are currently proposed immediately to the north, south and east of the site and land to the west is also zoned for industrial uses.

The Department considers that in the short term, visual impacts at the adjacent rural residential receivers would be high but these impacts would be negated once the proposed industrial developments proceed on these sites. Visual impacts at other residential receivers outside of the MRP are located sufficiently far away that the impacts would be low or negligible. The Applicant has proposed a 10-metre-wide landscaping setback along the Mamre Road frontage to soften the appearance of the industrial buildings, with trees expected to reach 30 m high at maturity. The development is also setback between 50 to 90 metres from Mamre Road and the buildings would be a maximum of 15 m high, further

reducing the visual prominence when viewed from Mamre Road. The Department has concluded the development would have minimal visual impacts and has recommended conditions for the installation and maintenance of landscaping.

## **Conclusion**

Overall, the Department's assessment concludes the development:

- is consistent with the strategic objectives of the Mamre Road Precinct as a dedicated industrial area to deliver employment generating developments in Western Sydney
- would provide up to 248,112 m<sup>2</sup> of GFA for industrial, warehousing and distribution centre land uses
- would generate a total of 1,703 operational jobs in the Penrith LGA
- is consistent with the objectives of the MRP Structure Plan and DCP for the provision of transport infrastructure and the improvement and maintenance of waterway health
- would not have a significant impact on the local environment subject to implementation of the recommended conditions.

The development is located on industrial land and is consistent with the objectives of the Industry and Employment SEPP, to promote high employment generating uses close to major transport and distribution networks. Consequently, the Department considers the development is in the public interest and is recommended for approval, subject to conditions.



# Contents

<b>1</b>	<b>Introduction .....</b>	<b>1</b>
1.1	The Department's Assessment .....	1
1.2	Development Background .....	1
1.3	Site Description .....	3
1.4	Surrounding Land Uses .....	4
<b>2</b>	<b>Development .....</b>	<b>5</b>
2.1	Amended Development .....	5
2.2	Description of the Development .....	5
2.3	Concept Proposal .....	5
2.4	Stage 1 Development .....	6
2.5	Development Contribution .....	14
2.6	Land Uses and Activities .....	14
2.7	Layout and Design .....	14
2.8	Applicant's Need and Justification for the Development .....	14
<b>3</b>	<b>Strategic Context .....</b>	<b>15</b>
3.1	Greater Sydney Region Plan – A Metropolis of Three Cities .....	15
3.2	Western City District Plan .....	15
3.3	Future Transport Strategy 2056 .....	15
3.4	State Environmental Planning Policy (Industry and Employment) 2021 .....	15
3.5	Mamre Road Precinct Structure Plan 2020 .....	16
3.6	Mamre Road Precinct Development Control Plan 2021 .....	17
3.7	Western Sydney Aerotropolis .....	17
<b>4</b>	<b>Statutory Context .....</b>	<b>18</b>
4.1	State Significance .....	18
4.2	Permissibility .....	18
4.3	Consent Authority .....	19
4.4	Other Approvals .....	19
4.5	Mandatory Matters for Consideration .....	19
4.6	Public Exhibition and Notification .....	20
4.7	Objects of the EP&A Act .....	20
4.8	Ecologically Sustainable Development .....	22
4.9	Biodiversity Development Assessment Report .....	22
4.10	Commonwealth Matters .....	23
<b>5</b>	<b>Engagement .....</b>	<b>24</b>
5.1	Department's Engagement .....	24
5.2	Summary of Submissions and Advice .....	24
5.3	Key issues raised in Government and Council Advice .....	24

5.4	Key Issues raised by Special Interest Groups and Private Businesses .....	26
5.5	Public Submission .....	27
5.6	Responses to Submissions.....	27
5.7	Amended Development Report.....	28
<b>6</b>	<b>Assessment .....</b>	<b>29</b>
6.1	Traffic and Access.....	29
6.2	Water Management.....	38
6.3	Visual Impact and Landscaping .....	44
6.4	Operational Noise Impact.....	49
6.5	Other Issues .....	54
<b>7</b>	<b>Evaluation.....</b>	<b>62</b>
<b>8</b>	<b>Recommendation.....</b>	<b>64</b>
<b>9</b>	<b>Determination.....</b>	<b>65</b>
	<b>Appendices .....</b>	<b>66</b>
	Appendix A – List of referenced documents .....	66
	Appendix B – Considerations under Section 4.15 of the EP&A Act .....	67
	Appendix C – Consideration of Environmental Planning Instruments .....	69
	Appendix D – Key Issues – Community Views.....	79
	Appendix E – Recommended Instrument of Consent .....	80

# 1 Introduction

## 1.1 The Department's Assessment

This report details the Department of Planning and Environment's (the Department) assessment of the State significant development (SSD-10448) for the Aspect Industrial Estate (AIE). The proposed development (the development) involves a Concept Proposal for the establishment of up to 248,112 square metres (m<sup>2</sup>) of gross floor area (GFA) for industrial and warehouse and distribution uses with ancillary offices, and a café. The development also includes a Stage 1 development application (DA) which seeks to undertake site preparation works, construction of a signalised intersection at the site entry on Mamre Road, construction and operation of two buildings with a total GFA of 58,257 m<sup>2</sup> and subdivision of the site into three lots.

The Department's assessment considers all documentation submitted on behalf of Mirvac Projects Pty Ltd (the Applicant), including the Environmental Impact Statement (EIS), Response to Submissions (RtS), Amended Development Report (ADR), advice received from government authorities and submissions received from special interest groups and the public. The Department's assessment also considers the legislation and planning instruments relevant to the site and the development.

This report describes the development, surrounding environment, relevant strategic and statutory planning provisions, and the issues raised in submissions. The report evaluates the key issues associated with the development and provides recommendations for managing any impacts during construction and operation. The Department's assessment has concluded the development is in the public interest and should be approved, subject to conditions.

## 1.2 Development Background

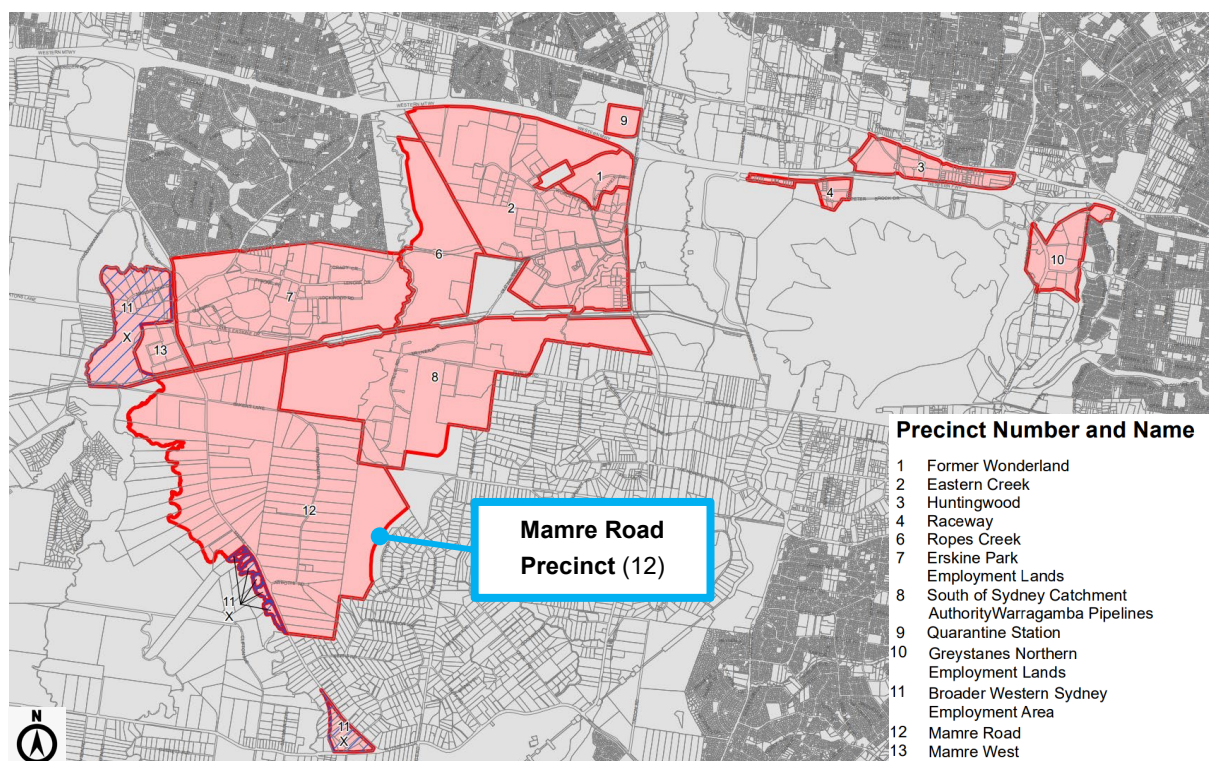
The Applicant is an Australian property group with operations across property investment, development, and retail services. The Applicant's development portfolio includes the Australian Technology Park, 8 Chifley Square, Nexus Industrial Park at Prestons and Birkenhead Point Shopping Centre.

The Applicant is seeking development consent for a Concept Proposal for the staged development of the AIE for industrial, warehouse and distribution centre uses at Kemps Creek in the Penrith Local Government Area (LGA) (see **Figure 1**). The application also seeks approval for a Stage 1 development, which would comprise bulk earthworks, road upgrades, subdivision and the construction and operation of two buildings, ancillary offices, and a cafe.

The site is located within the Western Sydney Employment Area (WSEA), which is the largest dedicated employment area in Sydney (see **Figure 2**). The WSEA was established in 2009 through State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP), now consolidated into the State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP).



**Figure 1 | Regional Context Map**



**Figure 2 | Western Sydney Employment Area including the Mamre Road Precinct**

The Industry and Employment SEPP aims to promote economic development and employment in key areas of Western Sydney, spanning the Blacktown, Cumberland, Fairfield, and Penrith LGAs. The Industry and Employment SEPP also includes provisions for conservation and rehabilitation of areas with high biodiversity, heritage or cultural values.

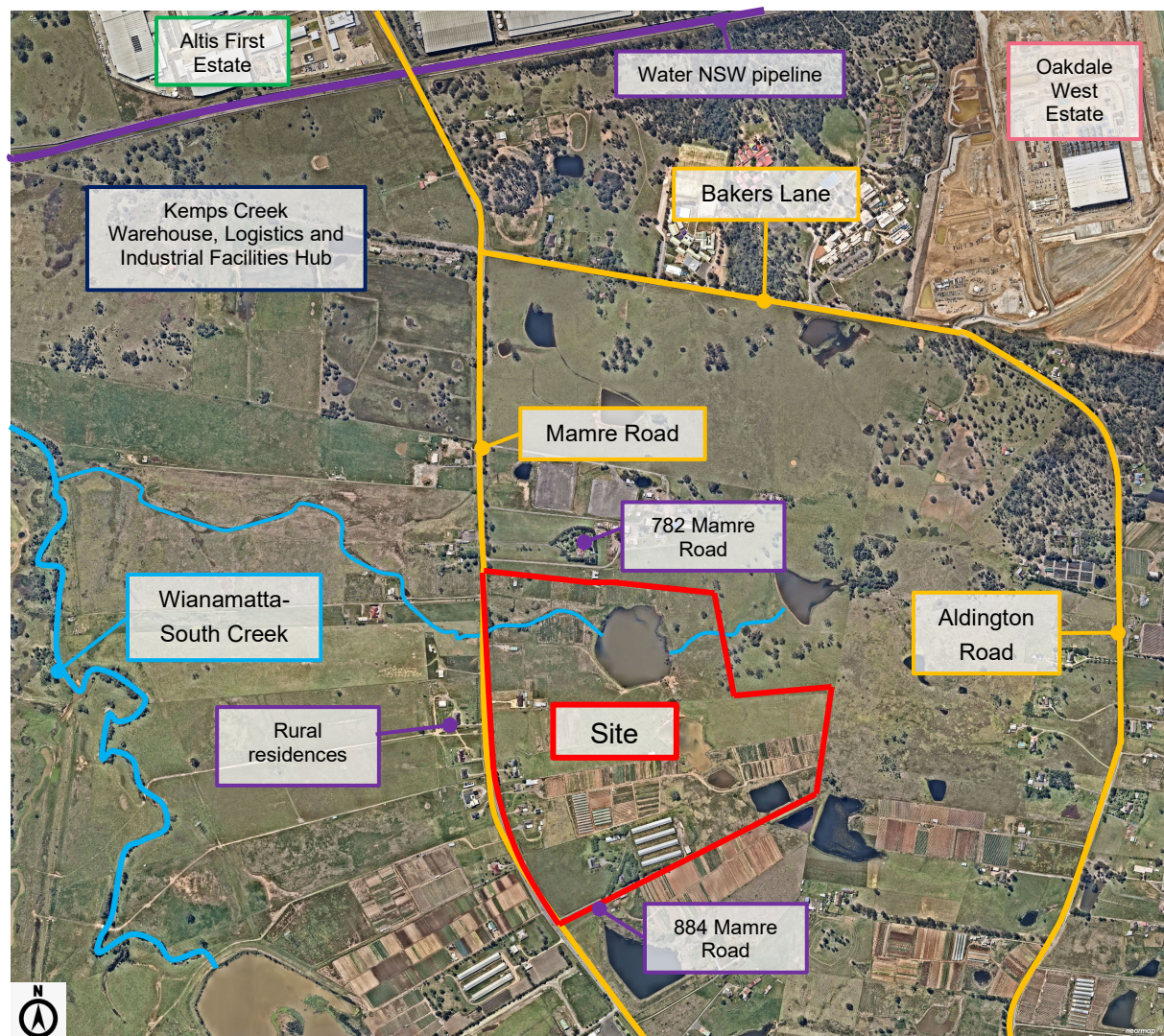
The WSEA has been developing since 2009, with warehousing and distribution centres a predominant use. In recent years, demand for industrial land in Western Sydney has increased largely due to changes in the retail, freight and logistics markets and proximity to the new Western Sydney Airport. In



response, additional land was added to the WSEA through the rezoning of the Mamre Road Precinct (MRP) for industrial purposes (Precinct 12 of the WSEA, see **Figure 2**). The MRP covers 850 hectares (ha) of land that comprised mostly rural-residential uses until it was rezoned industrial as part of the extension to the WSEA. The MRP is expected to deliver 17,000 jobs when fully developed. Development of the MRP is guided by the Mamre Road Precinct Structure Plan 2020 (Structure Plan) and the Mamre Road Precinct Development Control Plan 2021 (MRP DCP), see **Section 3.4**. The development would be one of the first industrial estates to be established in the MRP.

### 1.3 Site Description

The development site comprises 56.3 ha of land located at 788-882 Mamre Road, Kemps Creek (see **Figure 3**). The site is located on the eastern side of Mamre Road between Bakers Lane to the north and Abbots Road to the south and is legally described as Lots 54-58 in Deposited Plan (DP) 259135. The site is bound by industrial zoned properties fronting Mamre Road to the north, north-east and south and properties fronting Aldington Road to the east. The site has a frontage of approximately 950 metres (m) to Mamre Road along its western boundary.



**Figure 3 | Local Context Map**

The site is undulating and falls from approximately 70.33 m Australian Height Datum (AHD) at the north-eastern site boundary to approximately 39.9 m AHD at Mamre Road on the western site boundary. It is predominantly cleared of vegetation except scattered trees and shrubs in the north-eastern part of the site. It is currently used for dairy farming, horticulture and grazing and includes farm dams, two unnamed tributaries of Wianamatta-South Creek, greenhouses, and rural residences.

Access to the site is currently available via existing driveways off Mamre Road. The site has access to the regional road network of the M4 and M7 Motorways which are approximately 6 kilometres (km) to the north and 10 km to the east via Mamre Road and Elizabeth Drive respectively.

#### **1.4 Surrounding Land Uses**

The site is predominantly surrounded by IN1 General Industrial zoned land. Industrial zoned rural residences are located opposite the site on the western side of Mamre Road. The Twin Creek Residential Estate in Luddenham is located approximately 1.7 km to the west of the site and the established residential area of Mount Vernon is located approximately 2.5 km to the south-east of the site.

Notable developments in the vicinity of the site include the:

- proposed Yiribana Logistics Estate (SSD-10272349) to the immediate north at 754-770 and 784-786 Mamre Road
- proposed Access Logistics Park (SSD-17647189) to the immediate south at 884-928 Mamre Road
- approved Oakdale West Estate (SSD-7348) further to the north-east (under construction and partially operational)
- approved Kemps Creek Warehouse, Logistics, and Industrial Facilities Hub (SSD-9522) further to the north-west (under construction)
- approved Altis First Estate (SSD-7173) and Erskine Park Employment Lands further to the north (operational).



## 2 Development

### 2.1 Amended Development

The Applicant is seeking development consent for a Concept Proposal for 11 warehouse / industrial use buildings and associated infrastructure and a Stage 1 development including construction and operation of two buildings, sitewide earthworks, intersection works and internal roads. Following exhibition of the EIS, the Applicant sought to amend the development to address issues raised by the Department and other government agencies in relation to site access, traffic impacts, stormwater management and development controls. The changes include:

- a reduced development footprint, from a GFA of 251,042 m<sup>2</sup> to 248,112 m<sup>2</sup>
- extension of the internal road network to allow connections to neighbouring properties to the north and south
- revision of the stormwater management strategy to achieve the water quality targets established in the MRP DCP
- relocation of an asset protection zone to outside of the riparian corridor
- changes to Building 3 to be for an industrial use.

The changes were reviewed, and the requested amendment was accepted by the Department in accordance with Section 37 of the Environmental Planning & Assessment Regulation 2021 (EP&A Regulation) on 12 May 2022. The amended development is described below and forms the basis of the Department's assessment in this report.

### 2.2 Description of the Development

The major components of the development are summarised in **Table 1** and **Table 2**, shown in **Figure 4** and **Figure 5**, and described in full in the EIS, RtS, ADR and additional information included in **Appendix A**.

### 2.3 Concept Proposal

**Table 1** | Main Components of the Concept Plan

Aspect	Description
<b>Development Summary</b>	<b>A Concept Proposal for the staged development of an industrial estate comprising 11 warehouse / industrial buildings with a total GFA of up to 248,112 m<sup>2</sup>, ancillary offices and café and associated infrastructure.</b>
<b>Site Area</b>	<ul style="list-style-type: none"><li>• 56.3 ha</li><li>• The total development footprint is 44.34 ha</li></ul>
<b>Land Uses</b>	<ul style="list-style-type: none"><li>• 236,510 m<sup>2</sup> of GFA for industrial, warehouses</li><li>• 11,480 m<sup>2</sup> of GFA for offices</li><li>• 122 m<sup>2</sup> of GFA for a café</li><li>• Total GFA: 248,112 m<sup>2</sup></li></ul>

Aspect	Description
<b>Layout</b>	<ul style="list-style-type: none"> <li>Conceptual building pad levels, development footprints and envelopes for 11 warehouse / industrial use buildings, road layout, site access, parking, landscaping, and realigned watercourse</li> </ul>
<b>Infrastructure Reserve</b>	<ul style="list-style-type: none"> <li>14,004 m<sup>2</sup> of Mamre Road reserve along the western site boundary to accommodate future Mamre Road widening and the Mamre Road/ Access Road 1 intersection</li> <li>10 m wide reserve for the future freight corridor along the eastern site boundary (the current reserve runs parallel to warehouses 4 and 5 of the Concept Proposal and includes an alternative alignment pending TfNSW confirmation)</li> <li>Future north-south collector road comprising: <ul style="list-style-type: none"> <li>a road reserve shared between the AIE and the site to the immediate east (Access Road 3 north)</li> </ul> </li> </ul>
<b>Maximum Building height</b>	<ul style="list-style-type: none"> <li>13.7 m</li> </ul>
<b>Setbacks</b>	<ul style="list-style-type: none"> <li>Mamre Road (measured from widened road reserve boundary): <ul style="list-style-type: none"> <li>building setback: 20 m</li> <li>landscape setback: 10 m</li> </ul> </li> <li>Access Roads: <ul style="list-style-type: none"> <li>building setback: 7.5 m</li> <li>landscape setback: 3 m</li> </ul> </li> <li>Rear and side boundary building setbacks: 5 m</li> </ul>
<b>Capital Investment Value (CIV)</b>	\$341,141,742
<b>Employment</b>	<ul style="list-style-type: none"> <li>555 construction jobs</li> <li>1,703 operational jobs</li> </ul>

## 2.4 Stage 1 Development

The key components of Stage 1 development, as described in the EIS, are summarised in **Table 2**, shown in **Figure 5** and **Figure 6**.

**Table 2 | Main Components of Stage 1 development**

Aspect	Description
<b>Development Summary</b>	<b>Stage 1 development including sitewide bulk earthworks, riparian corridor realignment, construction of access roads and the Mamre Road/Access Road 1 intersection, construction and operation of Buildings 1 and 3, services and utilities installation and subdivision.</b>
<b>Land Uses</b>	<ul style="list-style-type: none"> <li>industrial / warehouse and distribution centres including offices</li> </ul>

Aspect	Description
	<ul style="list-style-type: none"> <li>• café</li> </ul>
<b>Subdivision</b>	<ul style="list-style-type: none"> <li>• two stages of subdivision (see <b>Figure 7</b>)</li> <li>• subdivision to create separate lots for Buildings 1 and 3 and separate lots for internal roads</li> </ul>
<b>Earthworks and Civil Works</b>	<ul style="list-style-type: none"> <li>• site preparation works, including farm dam dewatering, bulk earthworks</li> <li>• provision of stormwater management infrastructure, including establishment of a stormwater detention basin and drainage</li> <li>• construction of retaining walls along site boundaries, lead-in services and utilities</li> </ul>
<b>Watercourse Realignment</b>	<ul style="list-style-type: none"> <li>• realignment of the existing unnamed watercourse including establishment of a 40 m wide riparian corridor and construction of a new vegetated channel along the northern boundary</li> </ul>
<b>Site Area</b>	<ul style="list-style-type: none"> <li>• Building 1 lot: 58,130 m<sup>2</sup></li> <li>• Building 3 lot: 41,961 m<sup>2</sup></li> <li>• realigned watercourse: 29,617 m<sup>2</sup></li> </ul>
<b>GFA</b>	<ul style="list-style-type: none"> <li>• Building 1: 36,600 m<sup>2</sup></li> <li>• Building 3: 21,535 m<sup>2</sup></li> <li>• Café: 122 m<sup>2</sup></li> <li>• Total: 58,257 m<sup>2</sup></li> </ul>
<b>Site Coverage</b>	<ul style="list-style-type: none"> <li>• Building 1 lot: 63.2%</li> <li>• Building 3 lot: 51.3%</li> </ul>
<b>Maximum Building Heights</b>	<ul style="list-style-type: none"> <li>• 13.7 m (Buildings 1 and 3)</li> </ul>
<b>Site Access</b>	<ul style="list-style-type: none"> <li>• Construction, operation and dedication of a new signalised Mamre Road/ Access Road 1 intersection</li> <li>• Construction of Access Roads 1, 2 and 3 in two phases: <ul style="list-style-type: none"> <li>– Phase 1: Access Road 1 between Mamre Road and Access Road 2 and all of Access Road 2</li> <li>– Phase 2: rest of Access Road 1, roundabout at Access Roads 1 and 3 intersection, and Access Road 3 south of the roundabout</li> </ul> </li> </ul>
<b>Car Parking</b>	<ul style="list-style-type: none"> <li>• Building 1 and café: 230 spaces</li> <li>• Building 3: 89 spaces</li> </ul>
<b>Signage</b>	<ul style="list-style-type: none"> <li>• one Estate pylon sign identifying Aspect Industrial Estate adjacent to Mamre Road/ Access Road 1 intersection</li> <li>• wayfinding pylon signs for car parking and tenant identification for each warehouse or building</li> </ul>

Aspect	Description
	<ul style="list-style-type: none"> <li>tenant identification signs mounted on façades of each building</li> </ul>
<b>Biodiversity</b>	<ul style="list-style-type: none"> <li>removal of 1.27 ha of native vegetation and associated biodiversity offsetting</li> </ul>
<b>Landscaping</b>	<ul style="list-style-type: none"> <li>landscaping within the realigned riparian corridor, Buildings 1 and 3 lots, Access Roads 1, 2, and 3, and perimeters of the proposed stormwater basin</li> <li>screen planting along Mamre Road frontage (to the north of Access Road 1)</li> </ul>
<b>CIV</b>	\$99,990,063
<b>Construction</b>	<ul style="list-style-type: none"> <li>24 months</li> <li>construction working hours: <ul style="list-style-type: none"> <li>Monday to Friday: 7 am to 6 pm</li> <li>Saturdays: 8 am to 1 pm</li> <li>Sundays and Public Holidays: no works</li> </ul> </li> </ul>
<b>Hours of Operation</b>	<ul style="list-style-type: none"> <li>Buildings 1 and 3: 24 hours a day, 7 days per week</li> <li>Café: 12 hours a day, 7 days per week</li> </ul>
<b>Employment</b>	<ul style="list-style-type: none"> <li>129 construction jobs</li> <li>387 operational jobs</li> </ul>

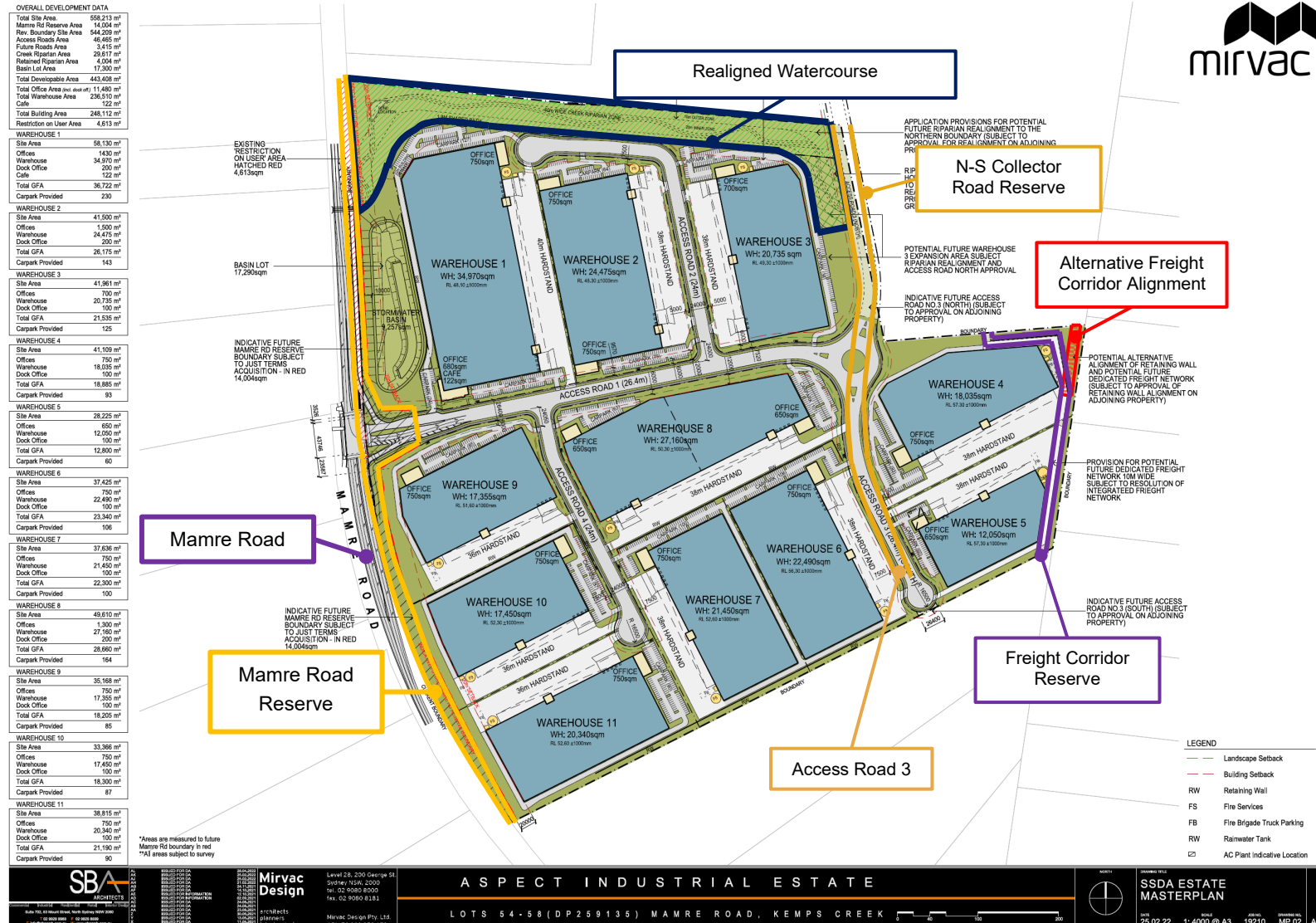


Figure 4 | Proposed Concept Proposal



Figure 5 | General Layout of Proposed Stage 1 Development (with Phases 1 and 2 roads shown)





Figure 6 | Detailed Layout of Proposed Stage 1 Development (with Phase 1 roads shown)



**Figure 7 | Stage 1 Phase 1 Subdivision (left) and Phase 2 Subdivision (right)**

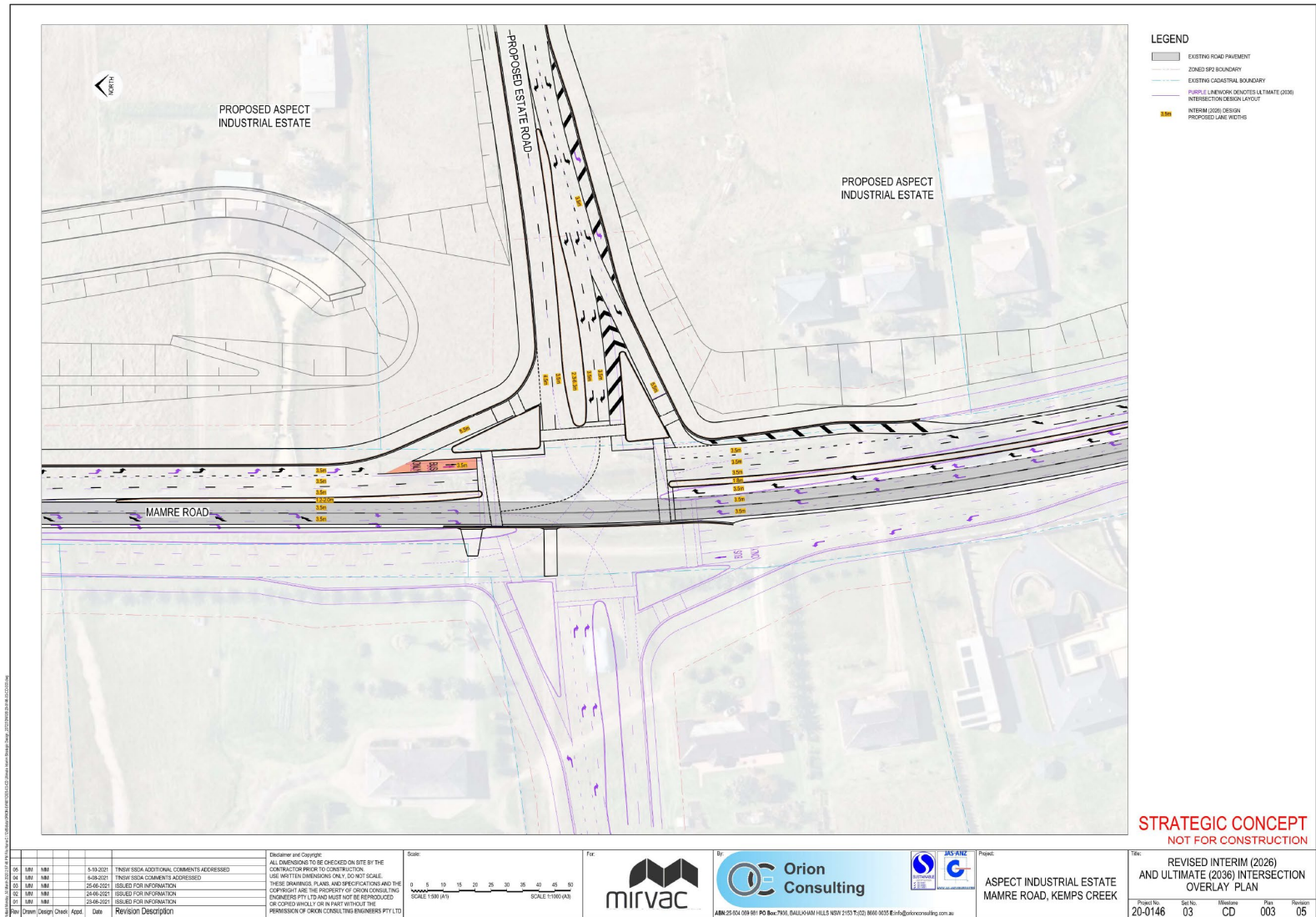


Figure 8 | Proposed Mamre Road / Access Road 1 intersection

## 2.5 Development Contribution

The site is subject to the Western Sydney Aerotropolis Special Infrastructure Contribution (WSA SIC). On 8 April 2022, the Applicant entered into a voluntary planning agreement with the Minister for Planning, which would enable the Applicant to make works-in-kind contributions to the WSA SIC through construction of the eastern side of the Mamre Road/Access Road 1 intersection and dedication of land along the western site boundary for the widening of Mamre Road. In addition, the Applicant would make local development contributions in accordance with the Penrith City Council Mamre Road Precinct Development Contributions Plan 2022. The Applicant has also advised it may enter in a planning agreement with Council to address its local contributions obligation.

## 2.6 Land Uses and Activities

The proposed land uses include industrial and warehouse and distribution centres with associated offices to accommodate the storage and distribution of goods. The proposed uses and activities are consistent with other industrial Estates within the WSEA including Oakdale West, Central and South Estates and Altis First Estate which are occupied by businesses including Amazon, Coles, Costco, DHL, Sigma, Snack Brands, and Toyota. The development would house similar businesses.

## 2.7 Layout and Design

The concept layout provides level building pads for large warehouses/buildings and loading docks to accommodate businesses that distribute goods across Sydney and NSW. The Applicant has sought to minimise cut and fill across the site and has designed the development with regard to several constraints including topography, road widening and freight corridors, a riparian corridor and the need to accommodate the MRP precinct-wide road network.

The buildings would be a standard 13.7 m high and primarily constructed with Colorbond metal wall cladding and concrete base panels. The buildings would include large areas of hardstand paving for truck loading docks and staff car parking with landscaping along road frontages and within parking areas.

The future development of the AIE in subsequent stages including building footprints and design would be determined in response to market trends and be subject to separate Development Applications (DAs).

## 2.8 Applicant's Need and Justification for the Development

The Applicant states the development would facilitate the provision of industrial buildings or warehouse and distribution centres and associated land uses within the MRP, generating local employment opportunities within Western Sydney, in line with the strategic visions for the WSEA and the MRP. The proposed land uses are considered complimentary with the 24-hour operations of the Western Sydney Airport and the surrounding land uses envisaged within the MRP.

The Applicant claims that once established, the industrial estate could accommodate a range of land use activities including industrial, freight and logistics and warehouse and distribution facilities. The development would therefore deliver a substantial economic investment in Western Sydney, providing essential business infrastructure and employment opportunities.

The Department has undertaken a detailed assessment of the development against the relevant strategic plans in **Section 3** of this report.

## 3 Strategic Context

The Department has considered strategic planning relevant to the development, including broader plans covering Sydney and the Western City District and the recently adopted plans specific to the WSEA and the MRP.

### 3.1 Greater Sydney Region Plan – A Metropolis of Three Cities

In March 2018, the Greater Sydney Commission (GSC) released the Greater Sydney Region Plan: A Metropolis of Three Cities (the Region Plan) which forms part of the integrated planning framework for Greater Sydney. The Region Plan is built on a vision of three cities: the Western Parkland City, the Central River City, and the Eastern Harbour City.

The development is located within the Western Parkland City and would assist in achieving Objective 16 by supporting the freight and logistics network with a new industrial / warehouse estate and Objective 23 by utilising industrial land to provide local employment opportunities.

### 3.2 Western City District Plan

In March 2018, the GSC released five District plans encompassing Greater Sydney designed to guide the delivery of the Region Plan. The district plans set out the vision, priorities and actions for the development of each District.

The site is located within the Western City District within the Penrith LGA. The Western City District Plan is a 20-year plan to manage growth in Western Sydney in the context of economic, social, and environmental matters to achieve the 40-year vision for Greater Sydney.

The development would assist in achieving Planning Priorities W10 and W11 as it would maximise logistics, investment and business opportunities and provide jobs in strategic centres.

### 3.3 Future Transport Strategy 2056

Future Transport 2056 is a 40-year strategy (the Strategy) for the development and improvement of the NSW transport system. The Strategy identifies the Western Sydney Freight Line (WSFL) as a Greater Sydney Initiative for Investigation in 10-20 years.

The site is located immediately west of the proposed WSFL corridor. The development includes a 10 m wide corridor reserved for the future WSFL, agreed to by Transport for NSW (TfNSW). The development is consistent with the Strategy as it dedicates land for the WSFL corridor.

### 3.4 State Environmental Planning Policy (Industry and Employment) 2021

The Industry and Employment SEPP aims to promote economic development and employment, provide for the orderly and coordinated development of land and ensure development occurs in a logical, cost-effective and environmentally sensitive manner.

The development is generally consistent with the relevant aims set out in clause 2.1 of the Industry and Employment SEPP as:

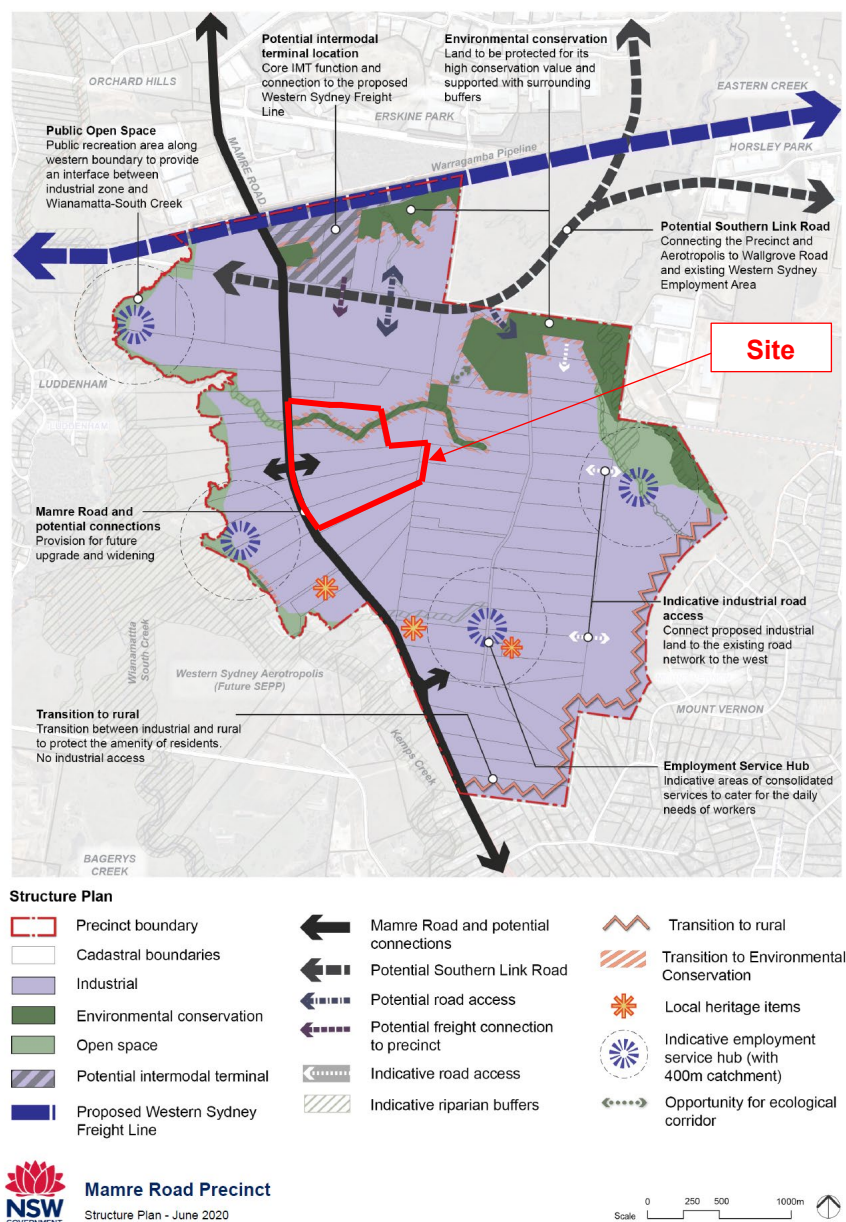
- it is for general industrial, warehousing and distribution purposes
- it would create construction and ongoing employment opportunities
- it would establish and maintain a riparian corridor through the site.



The Department's assessment of the development against the relevant development standards of the Industry and Employment SEPP is provided at **Appendix C**.

### 3.5 Mamre Road Precinct Structure Plan 2020

In 2020, the WSEA was expanded to include the MRP. The rezoning was supported by a Structure Plan which provided a broad outline of development areas, key infrastructure and environmental protection areas, see **Figure 9**.



**Figure 9 | MRP Structure Plan (the site shown in red)**

The Structure Plan sets out the major road network to service development in the MRP. This includes Mamre Road as a critical regional road providing north-south connection between the M4 and Elizabeth Drive. Under the Structure Plan, the site is required to accommodate:

- widening of Mamre Road



- part of a new intersection on Mamre Road connecting with local roads to provide connections to proposed developments to the east of the site
- a corridor for the future WSFL
- a riparian corridor along an unnamed watercourse through the site, for environmental conservation.

The development is generally consistent with the Structure Plan as it reserves corridors for key infrastructure, it would deliver part of the intersection on Mamre Road and it would establish a riparian corridor for the unnamed watercourse.

### **3.6 Mamre Road Precinct Development Control Plan 2021**

On 19 November 2021, the Mamre Road Precinct Development Control Plan (MRP DCP) came into force. The MRP DCP aims to ensure that development in the MRP occurs in an orderly and coordinated manner. The MRP DCP sets planning outcomes for the precinct covering the transport network, biodiversity, riparian land, water cycle management, flooding, heritage, and other aspects. Specific controls are included for industrial / warehouse developments covering built form, heights, setbacks, landscaping, and amenity issues.

The Department's assessment of the development has considered the relevant provisions of the MRP DCP throughout **Section 6** of this report. The Department's assessment concludes the development is consistent with the MRP DCP.

### **3.7 Western Sydney Aerotropolis**

The MRP is located in the north-eastern corner of the Western Sydney Aerotropolis. It should be noted the planning controls for the Western Sydney Aerotropolis do not apply to the MRP as it was zoned under the Industry and Employment SEPP however, the MRP has been identified in the Western Sydney Aerotropolis Plan (WSAP) as an initial precinct for enterprise uses. Due to the site's proximity to the new Western Sydney Airport, certain controls under the State Environmental Planning Policy (Precincts – Western Parklands City) 2021 such as obstacle limitation surface, noise exposure and wildlife buffers apply to the site and have been considered by the Department (see Appendix C).

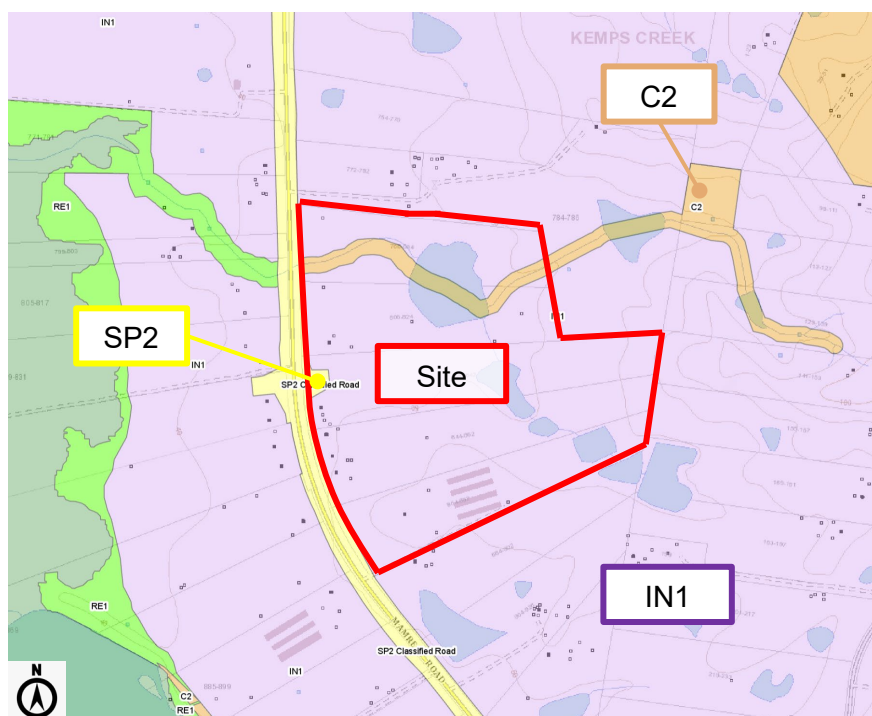
## 4 Statutory Context

### 4.1 State Significance

The development is State significant development (SSD) pursuant to Section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as it would involve the construction and operation of the AIE for industrial, warehouse and distribution centre uses with a capital investment value (CIV) of more than \$30 million, which meets the criteria in clause 12 of Schedule 1 in State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP).

### 4.2 Permissibility

The site is subject to IN1 General Industrial, C2 Environmental Conservation and SP2 Infrastructure (Classified Road) under the Industry and Employment SEPP (see **Figure 10**).



**Figure 10 | Site Zoning Map**

Industrial, warehousing and distribution centre uses are permissible with development consent in the IN1 zone but is prohibited in the C2 zone. However, to facilitate logical and orderly developments and provide flexibility, Clause 2.33 of the Industry and Employment SEPP permits a 20 m wide buffer of C2 zoned land to be developed for uses allowed on the other side of the C2 zone, should the proposed development be compatible with the planning objectives and land uses for the adjoining zone. The proposed realignment of the unnamed watercourse and development of the land for industrial purposes is therefore permissible with development consent.

The development is permissible with consent and the Minister for Planning (the Minister) or a delegate may determine the carrying out of the development.

### 4.3 Consent Authority

The Minister for Planning (the Minister) is the consent authority for the development under Section 4.5 of the EP&A Act. On 9 March 2022, the Minister delegated the functions of determining SSD applications to the Director, Industry Assessments where:

- the relevant local council has not made an objection and
- there are less than 50 unique public submissions in the nature of objections and
- a political disclosure statement has not been made.

Penrith City Council (Council) did not object to the development. Of the six public submissions received during the exhibition period, one objected to the development. No reportable political donations were made by the Applicant in the last two years and no reportable political donations were made by any persons who made a submission. Accordingly, the SSD application can be determined by the Director, Industry Assessments under delegation.

### 4.4 Other Approvals

Under Section 4.42 of the EP&A Act, other approvals may be required and must be approved in a manner that is consistent with any Part 4 consent for the SSD under the EP&A Act.

In its submission, the Environment Protection Authority (EPA) advised that the development does not constitute a scheduled activity under the *Protection of the Environment Operations Act 1997* (NSW) (POEO Act), therefore an Environment Protection Licence (EPL) is not required. The EPA has advised that if any future tenancies involve a scheduled activity pursuant to the POEO Act, an EPL would be required prior to undertaking the activity.

TfNSW advised in its submission that the intersection works in Mamre Road require consent from TfNSW under the *Roads Act 1993* (NSW). TfNSW recommended design amendments for the intersection works and advised that the Applicant is required to enter into a Works Authorisation Deed (WAD) with the TfNSW for the works. The Department has incorporated TfNSW requirements into the recommended conditions.

### 4.5 Mandatory Matters for Consideration

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department's consideration of these matters is set out in **Section 6** and **Appendix B** of this report. In summary, the Department is satisfied the development is consistent with the requirements of Section 4.15 of the EP&A Act.

Under Section 4.15 of the EP&A Act, the consent authority, when determining a development application, must take into consideration the provisions of any environmental planning instrument (EPI) and draft EPI (that has been subject to public consultation and notified under the EP&A Act) that apply to the development.

Since lodgement of the EIS, all NSW State Environmental Planning Policies have been consolidated into 11 policies. The consolidated SEPPs commenced on 1 March 2022, with the exception of State Environmental Planning Policy (Housing) 2021, which commenced on 26 November 2021.

The SEPP consolidation does not change the legal effect of the repealed SEPPs, as the provisions of these SEPPs have simply been transferred into the new SEPPs. Further, any reference to an old SEPP is taken to mean the same as the new SEPP. As such, the Department has considered the development against the relevant provisions of the consolidated SEPPs, including:

- State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)
- State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Environment SEPP)
- State Environmental Planning Policy (Precincts – Western Parkland City) 2021 (WPC SEPP)
- State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)
- State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP).

Development Control Plans (DCPs) do not apply to SSD under Clause 11 of the SRD SEPP. However, developments in the MRP, as identified under the Industry and Employment SEPP, must consider the Mamre Road Precinct DCP (MRP DCP). The MRP DCP provides planning controls for future industrial development such as building controls, road network and drainage to ensure a holistic approach to the development of the MRP and to ensure precinct scale outcomes are achieved. The Department has considered the relevant provisions of the MRP DCP in its assessment of the development in **Section 6** of this report.

Detailed consideration of the provisions of all EPIs that apply to the development and the MRP DCP is provided in **Appendix C**. The Department is satisfied the development generally complies with the relevant provisions of the EPIs and MRP DCP.

#### 4.6 Public Exhibition and Notification

In accordance with Section 2.22 and Schedule 1 to the EP&A Act, the development application and any accompanying information of the SSD application are required to be publicly exhibited for at least 28 days.

The Department publicly exhibited the SSD application from 18 November 2020 to 15 December 2020 (28 days). Details of the exhibition process and notifications are provided in **Section 5.3** of this report.

#### 4.7 Objects of the EP&A Act

In determining the application, the consent authority should consider whether the development is consistent with the relevant objects of the EP&A Act. The Department has fully considered the objects of the EP&A Act, including the encouragement of Ecologically Sustainable Development (ESD), in its assessment of the application (see **Table 3**).

**Table 3** | Considerations Against the Objects of the EP&A Act

Object	Consideration
1.3 (a) to promote the social and economic welfare of the community	The development would ensure the orderly and economic use of the site which is zoned for industrial purposes,

Object	Consideration
and a better environment by the proper management, development, and conservation of the State's natural and other resources,	promote the social and economic welfare of the community through a significant financial investment within the Penrith LGA and employment opportunities associated with construction and operation of the development for the locality and Western Sydney.
1.3 (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental, and social considerations in decision-making about environmental planning and assessment,	<p>The Department has considered the ESD principles in its assessment of the development. The development includes several measures to deliver ESD, including rainwater harvesting, smart metering, water efficient fixtures and fittings, and installation of solar panels for each warehouse or building.</p> <p>The Department's assessment has considered all socio-economic and environmental considerations in a holistic approach and is satisfied the development could avoid potentially serious or irreversible environmental damage whilst providing tangible socio-economic and environmental benefits. The Department is satisfied the development could be carried out in an ESD compliant manner.</p>
1.3 (c) to promote the orderly and economic use and development of land,	<p>The development would promote the orderly and economic development of the land. The Concept Proposal would provide approximately 555 construction and 1,703 operational employment opportunities within the WSEA and promote economic growth within Western Sydney.</p> <p>The development includes construction and operation of Access Road 1 and a new intersection at Mamre Road/ Access Road 1 which would open up development opportunities for the site and developments to the east and north with a direct access to local and regional road network.</p>
1.3 (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities, and their habitats,	The Department's assessment in <b>Section 6</b> of this report demonstrates that with the implementation of the recommended conditions of consent, the impacts of the development could be mitigated and/or managed to ensure an acceptable level of environmental performance.
1.3 (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Department has recommended conditions of consent requiring the development be constructed in accordance with the Building Code of Australia (BCA).

Object	Consideration
<b>1.3 (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</b>	The Department has assessed the development in consultation with, and giving due consideration to, the technical expertise and comments provided by other Government authorities, thereby sharing the responsibility for environmental planning between the different levels of government in the State.
<b>1.3 (j) to provide increased opportunity for community participation in environmental planning and assessment.</b>	The development application was exhibited in accordance with clause 9 of Schedule 1 of the EP&A Act to provide public involvement and participation in the environmental planning and assessment process. The Department publicly exhibited the application as outlined in Section 5 of this report, which included notifying adjoining landowners and public members and displaying the application on the Department's website.

#### 4.8 Ecologically Sustainable Development

The EP&A Act adopts the principles of ESD found in the Protection of the Environment Administration Act 1991. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle*
- (b) *inter-generational equity*
- (c) *conservation of biological diversity and ecological integrity*
- (d) *improved valuation, pricing, and incentive mechanisms.*

The potential environmental impacts of the development have been assessed and, where potential impacts have been identified, mitigation measures and environmental safeguards have been recommended.

The Applicant has proposed a number of initiatives to achieve an ESD development including energy efficient lighting systems, natural ventilation of warehouses and offices, and high thermally performing glazing and façade materials.

As such, the Department considers that the development would not adversely impact on the environment and is consistent with the objectives of the EP&A Act and the principles of ESD.

#### 4.9 Biodiversity Development Assessment Report

Section 7.9(2) of the *Biodiversity Conservation Act 2016* (NSW) (BC Act) requires all applications for SSD to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Authority Head and the Environment Authority Head determine that the proposed development is not likely to have any significant impact on biodiversity values.

The Applicant submitted a BDAR which has assessed each of the relevant matters in accordance with the BC Act. The development requires removal of 1.27 ha of native vegetation which would be offset by the purchase and retiring of credits in accordance with NSW Biodiversity Offsets Policy for Major

Projects. Further, the Applicant would undertake revegetation works in the realigned riparian corridor to establish native species cover within the site.

As discussed in Section 6.5 of this report, the Department's assessment has concluded the biodiversity impacts of the development would be adequately minimised and offset in accordance with the requirements of the BC Act.

#### **4.10 Commonwealth Matters**

Under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act), assessment and approval are required from the Commonwealth Government as the development is likely to impact on matters of national environmental significance (MNES) and may be considered a 'controlled action'.

As stated in Section 4.8 of this report, the EIS included a BDAR which identified the development would require removal of 0.98 ha of *Cumberland Plain Woodland in the Sydney Basin Bioregion* (Plant Community Type, PCT 849) that is Critically Endangered Ecological Community (CEEC) listed under the EPBC Act.

However, the BDAR identified PCT 849 within the site presented as poor conditioned remnants, scattered paddock trees and plantings which did not comprise the endangered ecological community listing under the EPBC Act. Consequently, the development would not have any impacts on MNES, and the Applicant determined a referral to the Commonwealth Government was not required.



## 5 Engagement

### 5.1 Department's Engagement

After accepting the DA and the EIS for the development, the Department:

- made it publicly available from **Wednesday 18 November 2020** until **Tuesday 15 December 2020** (28 days) on the Department's website
- notified landowners in the vicinity of the site about the exhibition by letter
- invited comments from relevant State government authorities, Council and the local Member of Parliament.

### 5.2 Summary of Submissions and Advice

During the exhibition period, the Department received six submissions from the public (five private businesses/special interest groups, 1 individual). Of the submissions received, one objected to the development. The Department also received advice from 12 government authorities including Council. A link to the full copy of the submissions is provided in **Appendix A**.

### 5.3 Key issues raised in Government and Council Advice

#### Penrith City Council (Council)

Council did not object to the development but raised a number of issues including:

- development consent should not be granted until the local development contribution plan is made by Council
- the Applicant should assess the development against the MRP DCP
- the suitability of the Mamre Road setback treatment (particularly the inclusion of batter areas and the siting of a large stormwater basin) and the excessive height of proposed retaining walls along the eastern boundary
- only one Estate pylon sign would be erected
- the Applicant should amend the Noise and Vibration Impact Assessment (NVIA) to assess the potentially significant noise impacts on receivers during operations of Stage 1 development and the Concept Proposal, prepare and implement a Construction Environmental Management Plan (CEMP) to mitigate any construction noise and vibration impacts, and
- the Applicant should provide details of the proposed Interim Operating Procedure for sewers, assess the potential impacts on dam fauna during dam decommissioning, and prepare a waste management plan prohibiting the use of waste plasterboard for landscaping purposes.

Council also made comments on the BDAR, riparian corridor relocation and recommended the Applicant implement measures to protect fauna during site demolition and vegetation removal works. Council also recommended the bushfire asset protection zone be relocated to outside of the vegetation management area.

#### Government Authorities

**Transport for NSW (TfNSW)** (including **Roads and Maritime Services, RMS**) made comprehensive comments on:

- active transport, including a request for the Applicant to provide a revised site-specific DCP consistent with the objectives and controls in the MRP DCP and to prepare a Green Travel Plan encouraging the use of sustainable travel modes
- traffic impact assessment
- proposed Mamre Road/ Access Road 1 intersection
- consideration of widening Lot 3 driveway to improve drivers' sightline
- the largest vehicle associated with the development should be 30 m Performance-Based Standards (PBS) Level 2B vehicles
- future freight corridor, and
- construction traffic management.

**Water Group DPE (Water Group) and Natural Resources Access Regulator (NRAR)** requested the Applicant provide a site water balance and details of any water access licence exemptions and excluded works that might apply under the *Water Management (General) Regulation 2018* for reusing extracted farm dam water on site. Water Group and NRAR also commented on applying for an exemption for intercepting perched aquifers during dewatering.

NRAR advised the entire realigned watercourse should remain connected and mimic natural stream design. NRAR raised no issues regarding the realigned watercourse western end on Mamre Road. The Applicant should consult and agree with the landowner to the east regarding connection of watercourse alignments at the site's eastern boundary.

**Environment and Heritage, DPIE (former Environment, Energy and Science Group) (E&H)** had no specific comments on biodiversity but requested the Applicant revisit the flood impact assessment to adequately assess Stage 1 and include an assessment for the fully developed scenario when the 11 warehouses/ buildings are operational. E&H requested the flood impact assessment consider the earthworks and the proposed drainage system and include updated flooding maps for the ultimate development scenario. With regard to waterway health, E&H requested the Applicant demonstrate compliance with the water quality and flow objectives developed by the NSW Government for the Wianamatta-South Creek catchment. These objectives were released after SEARs were issued for the development and have since been finalised as part of the adopted MRP DCP.

**Central Western Planning Team, DPIE** advised that the development should be assessed against the WSEA SEPP and the MRP DCP, particularly provisions relating to building and landscaping design, the road network, trunk drainage, heritage and setbacks and design treatments for sensitive land use interfaces.

**Department of Primary Industries, Agriculture (DPI Agriculture)** acknowledged the area had been identified to transition from rural to industrial land uses. However, DPI Agriculture stated consideration should be given to surrounding existing agricultural uses particularly during the transition of the site from agricultural to industrial. As such, DPI Agriculture requested the Applicant provide a Land Use Conflict Risk Assessment (LUCRA) assessing potential impacts on agricultural uses in the vicinity and identify mitigation measures to ensure existing businesses can remain operational during the transition.

**Department of Primary Industries, Fisheries (DPI Fisheries)** commented the site and the Wianamatta-South Creek catchment did not provide habitats for threatened species and the site did not contain key fish habitat. While DPI Fisheries supported the riparian corridor realignment and the 5-year Vegetation Management Plan as proposed, it requested the Applicant clarify why the realigned watercourse would be classified as an artificial waterbody and to ensure any discharged water from the

development flowing into Ropes Creek or Kemps Creek would meet the relevant ANZECC guidelines for water quality.

**Environment Protection Authority (EPA)** noted the development would not require an environment protection licence and made no specific comments.

**Aboriginal Cultural Heritage, E&H (ACH, E&H)** reviewed the Aboriginal Cultural Heritage Assessment Report and recommended conditions regarding archaeological salvage excavation.

**Rural Fire Service (RFS)** reviewed the EIS and recommended conditions regarding asset protection zones, construction standards, property access, water, utilities and landscaping.

**Water NSW** noted the development would have a low potential risk to its land, assets and infrastructure and had no specific comment.

**Western Sydney Airport (WSA)** commented on potential wildlife hazards, importation of fill materials, waste storage, cumulative traffic impacts and obstacle limitation surface for the new airport.

## **5.4 Key Issues raised by Special Interest Groups and Private Businesses**

### **Special Interest Group and Private Businesses**

**Endeavour Energy** commented on electricity network capacity and connections to the development, easements, construction of the three proposed padmount substations, access to electricity infrastructure during bushfire and safety clearances. It also raised issues around removal of redundant electricity infrastructure, and remediation of site contamination caused by electricity infrastructure such as transformer oil associated with leaking substations and pole treatment chemicals at the base of timber poles.

**Sydney Water** reviewed the EIS and made comments on water supply infrastructure, installation of infrastructure to reticulate recycled water, wastewater collection and discharge requirements. Sydney Water also advised Section 73 Compliance Certificate requirements.

**GPT Group** (GPT) objected to the development as the proposed Access Road 1 would be constructed in stages and Stage 1 development would construct Access Road 1 terminating as a cul-de-sac. The development would jeopardise the role of Access Road 1 to provide key access to adjoining sites, including the GPT development to the immediate north, as required by the MRP Structure Plan and the MRP DCP. As such, GPT Group requested the Applicant extend Access Road 1 to the eastern site boundary as part of Stage 1.

GPT Group also raised concerns about the development not providing a 10 m wide landscaping setback to the riparian corridor required by the MRP DCP.

**Altis Property Partners** (Altis) raised concerns about the proposed Access Road 1 would be built as a cul-de-sac under Stage 1 development which would not provide the required access from Mamre Road to adjoining properties to the east and north as required by the MRP Structure Plan and the MRP DCP.

## 5.5 Public Submission

The Department received one submission from the public which did not object to the development but requested the Applicant only source the imported fill from within the Mamre Road Precinct as required by the MRP DCP.

## 5.6 Responses to Submissions

On 9 March 2021, the Applicant submitted a Response to Submissions (RtS) on the issues raised during the exhibition of the development. The RtS was supported by amended architectural and landscape plans as well as revised technical reports assessing traffic, noise, biodiversity, visual, flooding, Aboriginal cultural heritage impacts, riparian corridor realignment and waterway health.

The RtS was made publicly available on the Department's website and was provided to Council and key government authorities to consider whether it adequately addressed the issues raised. A summary of the responses is provided below.

**Council** reiterated its comments on the EIS and provided additional comments including:

- the Applicant should assess the ultimate traffic generation at 2036 and the impacts on Mamre Road/ Access Road 1 intersection and the adjoining Precinct road network
- Access Roads 1 and 2 should be designed as Distributor/ Collector Road and local industrial road respectively
- additional information on the proposed stormwater management system including the on-site detention basin and compliance with the MRP DCP waterway health requirements were required
- the NVIA recommend mitigation measures should be reassessed prior to commencing construction to ensure adequate mitigation would be implemented during construction and operation
- the Applicant should consult with Council regarding local development contributions.

**E&H** raised concern with the Applicant's proposal to rely on the site-specific controls submitted as part of the RtS, rather than the waterway health objectives provided in E&H's submission. Further information was requested to support the modelling undertaken and to achieve compliance with the waterway health objectives. E&H had no further comments on flooding impacts, as the Applicant had updated the flood impact assessment in accordance with their previous comments.

**TfNSW** raised concerns about Mamre Road/ Access Road 1 intersection including the length of Mamre Road northbound right-turn lane, level of service and future installation of lanterns and pedestrian crossing. TfNSW requested the Applicant provide a traffic signal warrant assessment for Mamre Road/ Access Road 1 intersection, raw SIDRA modelling data and signage and line marking plans for Estate access roads. TfNSW also requested the Applicant reduce the number of driveways onto Access Road 1. TfNSW also commented on bicycle parking and green travel plan.

**DPI Agriculture** noted the RtS included a land use conflict risk assessment and had no further comments.

**DPI Fisheries** advised it was satisfied with the RtS and had no further comments.

**ACH HNSW** was satisfied with the methodology for the reburial of all salvaged Aboriginal objects within the subject area and had no further comments.

**WSA** commented on wildlife hazards and waste storage and recommended relevant conditions.

## 5.7 Amended Development Report

Since submission of the RtS, the Applicant has consulted closely with the Central Western Planning Team of the Department, the EES Group, and TfNSW on traffic, access, waterway health, and the MRP DCP. The Applicant submitted a series of responses to issues and comments raised.

On 6 May 2022, the Applicant submitted a request to amend the development under Section 37 of the EP&A Regulation and an Amended Development Report (ADR) which consolidated all responses and amendments made to the development. The ADR was provided to TfNSW and the E&H for review and comment.

TfNSW recommended conditions regarding the Mamre Road/Access Road 1 intersection construction including relocation of an existing driveway to the west of Mamre Road, Warehouse 1 access arrangements, design and construction of Stage 1 Phase 2 roads.

E&H Group continued to refine its waterway health objectives as the MRP DCP was finalised and provided the Applicant with updated stormwater quality and flow targets, as well as a MUSIC modelling toolkit to assist in assessing how the development complies with the waterway health requirements. Following submission of the ADR and additional information, E&H is satisfied the development can achieve compliance with the MRP DCP waterway health controls and has recommended that an adequate area of land be reserved within the site in order to meet the waterway health targets for future stages until adequate regional stormwater infrastructure is available.

The Department engaged an independent expert (Infrastructure and Development Consulting) to review the Applicant's stormwater management strategy outlined in the ADR and the MUSIC modelling undertaken, to ensure the development complies with the MRP DCP. Additional information was requested, including revisions to the modelling and an assessment of salinity impacts, particularly with regard to stormwater infiltration. The Applicant provided additional information and revised modelling, as well as meeting with the Department and the independent expert to discuss how the development can achieve the waterway health requirements. The independent expert was satisfied with the additional information provided and considers that the Concept and Stage 1 development can achieve compliance with the MRP DCP, subject to conditions.

## 6 Assessment

The Department has considered the EIS, the issues raised in the submissions, the Applicant's RtS, ADR, and additional information in its assessment of the development. The Department considered the key assessment issues are:

- traffic and access
- water management
- visual impact and landscaping
- operational noise impact.

Several other issues have also been considered. These issues are considered to be minor and are addressed in **Table 6** in **Section 6.5** below.

### 6.1 Traffic and Access

Managing the traffic impacts of the development and ensuring key access roads are designed and delivered in accordance with the MRP DCP is a key assessment issue. The Department has consulted closely with TfNSW, Council and the Applicant throughout the assessment to ensure these aspects have been adequately addressed and measures are in place to manage traffic and access for all stages of the Concept Proposal. The Department has also considered submissions from neighbouring landowners, that may use the access roads being delivered by the Applicant in the future, for their proposed developments that are subject to further assessment outside of this DA.

The Applicant provided a Traffic Management and Accessibility Plan (the Traffic Report) and an updated Traffic Report in the ADR prepared by Ason Group, which assessed the operational and construction traffic impacts of Stage 1 and the Concept Proposal.

#### 6.1.1 Road Network and Site Access

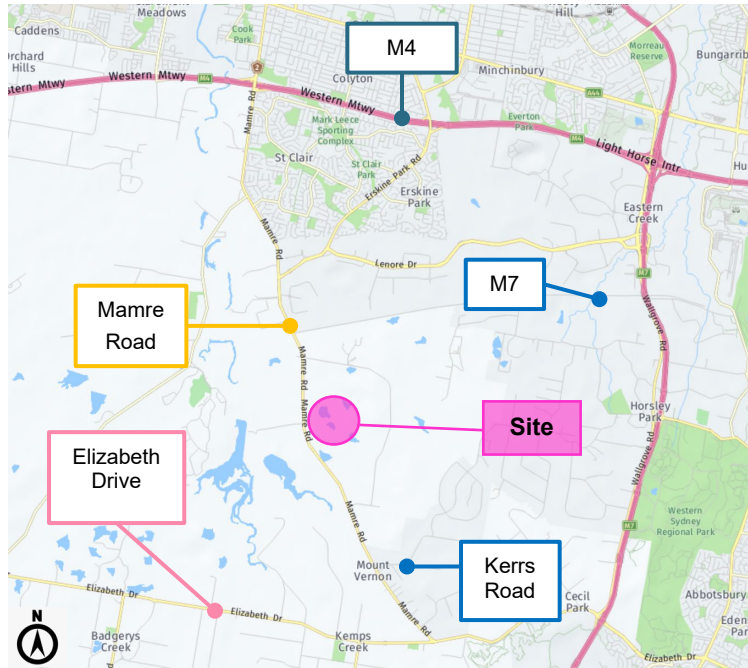
##### Existing road network

The site is currently accessed from Mamre Road which connects the site to the Great Western Highway and M4 Motorway approximately 6 km to the north and Elizabeth Drive approximately 5 km to the south (see **Figure 11**).

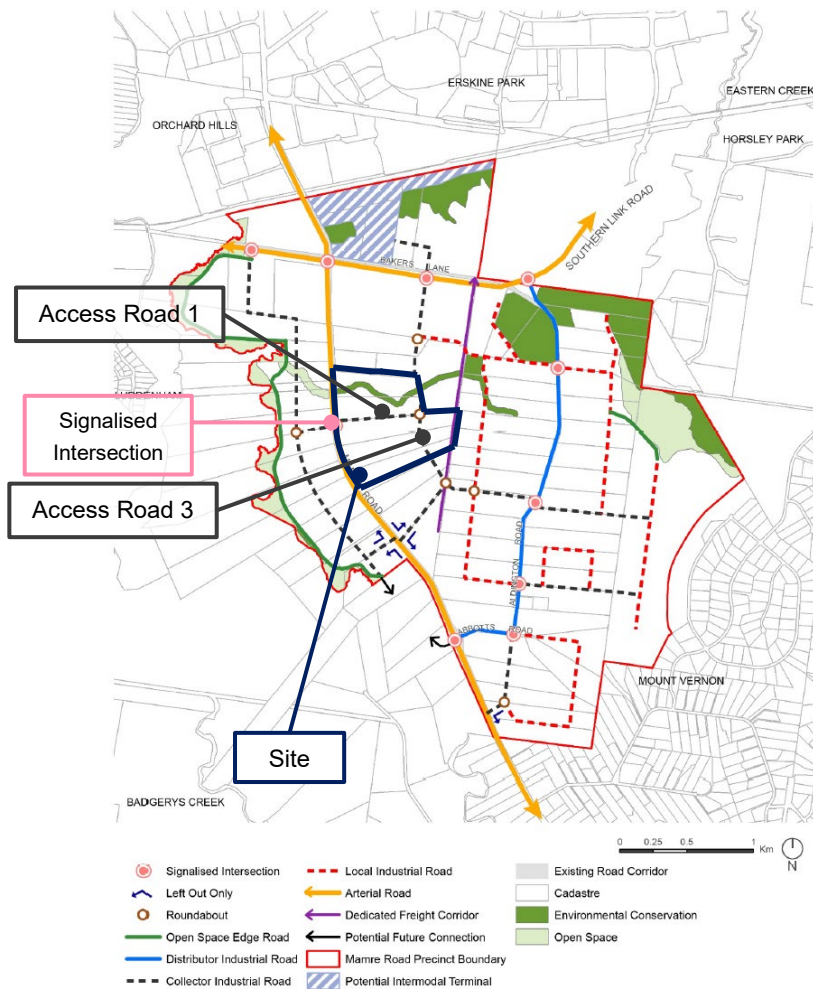
##### Road network identified in the MRP Structure Plan and DCP

The MRP Structure Plan identifies Mamre Road as a major transport corridor to support the growth of the MRP. There are proposals to widen Mamre Road in the future to increase its capacity to serve growing traffic demands as the area transitions from rural to industrial land uses. The proposed widening would include additional traffic lanes in each direction between the M4 Motorway and Kerrs Road, and new and upgraded signalised intersections. The MRP DCP also identifies two collector industrial roads and a signalised intersection on Mamre Road that are located within the Applicant's site. These would provide connections throughout the broader MRP in the future, including access for the properties directly to the north and south of the site (see **Figure 12**).





**Figure 11 | Regional Road Context**



**Figure 12 | Proposed Road Network in the MRP**



## Proposed road network and access within the site

The Concept Proposal has been designed to be consistent with the proposed road network identified in the MRP Structure Plan and DCP. The main intersection and collector industrial roads would be delivered as part of Stage 1. A signalised intersection at Mamre Road / Access Road 1 would be constructed prior to operation of the buildings in Stage 1. The Applicant would construct the eastern half of this intersection, with the western half to be delivered by others at a later stage (likely to be the applicant on the western side of Mamre Road). The Concept Proposal also includes the reservation of land along the western boundary of the Applicant's site to allow future widening of Mamre Road, see **Figure 13**.

Internal roads would be constructed in stages as the Concept Proposal is delivered. The Stage 1 development includes construction of Access Roads 1, 2 and 3. The Applicant proposes to split construction of Access Roads 1 and 3 into two phases, with the first phase providing access to buildings 1 and 3 and the second phase involving an extension of these roads to provide access for future buildings on the site and neighbouring properties to the north and south, see **Figure 14**. The Applicant would reserve land along the north-eastern boundary to allow for the northern extension of Access Road 3, as only part of the road lies within the site boundary.



**Figure 13 | Proposed Intersection and Access Roads**



Figure 14 | Staged Construction of Access Roads

## Intersection Design

The Applicant proposes to construct the eastern half of the Mamre Road / Access Road 1 intersection as the primary access point for the development (see **Figure 15**). The western half of the intersection is not proposed under this DA. It is likely to be constructed at a later stage when development on that side of Mamre Road proceeds, which will be considered by TfNSW at that time.



Figure 15 | Interim Mamre Road/ Access Road 1 Intersection Layout in 2026

The Applicant, along with other major landowners with development interests in the MRP, formed a Landowners Group (LOG) to collaborate on traffic and access issues in the MRP. Through the LOG, the Applicant was able to determine traffic generation from nearby developments and combined with traffic generation from the AIE, established an intersection design that would accommodate traffic generated by the initial stages of these developments.

The Department and the Applicant have consulted closely with TfNSW to ensure the proposed intersection satisfies TfNSW's requirements and aligns with the planned widening of Mamre Road. TfNSW's reviews identified some concerns about capacity, intersection performance, traffic signal cycle time and the length of a north-bound right-turn lane on Mamre Road. TfNSW also commented on existing driveways from properties to the west of Mamre Road that would be located directly in the intersection, which has the potential to impact on traffic safety. The Applicant amended the intersection design to address TfNSW's concerns. The revised design includes a longer northbound right-turn lane on Mamre Road and an additional right-turn and slip lanes on Access Road 1.

On 31 March 2022, TfNSW provided further comments on the revised design and concurrence for the development as required by the Industry and Employment SEPP. The concurrence is subject to a set of requirements regarding construction of the intersection, removal of one existing driveway to the west of Mamre Road, design and construction of internal access roads, Warehouse 1 access and construction traffic management.

The Department has incorporated TfNSW's requirements in its recommended conditions of consent. In addition, the Department has recommended conditions requiring the eastern part of the intersection to be completed prior to the operation of any buildings in Stage 1. The Department has also recommended conditions for subsequent stages of the Concept Proposal to be supported by a transport assessment that considers the cumulative traffic generation from the AIE and adjoining developments, to ensure the intersection capacity remains adequate for servicing future development.

### **Staged construction of internal access roads**

Neighbouring landowners, GPT and Altis raised concerns about the staged internal access road construction. GPT were concerned about the timing to deliver the full length of Access Road 1 which would provide access to their site to the north. Altis commented on the delivery of Access Road 3 – South, which would provide access to their site to the south. Both Altis and GPT requested the Applicant construct Access Road 1 to the eastern site boundary as part of the Phase 1 road works.

As described earlier, the Applicant identified the full length of Access Road 1 and part of Access Road 3 would be delivered under the Stage 1 development as follows:

- Phase 1 – construction of part of Access Road 1 to provide immediate access to buildings 1 and 3
- Phase 2 – extension of Access Roads 1 and 3 (South only) to the eastern and southern site boundaries.

A third phase would involve a half road construction of Access Road 3 – North from the roundabout to the northern site boundary, but these works would not form part of the Stage 1 development.

The Applicant advised the phasing described above is required because of the scheduling of earthworks to be carried out across the site. The Applicant is proposing a balanced cut and fill approach which would require Access Road 1 to be delivered over two stages while the earthworks are taking place. As such, the Applicant advised it is unable to provide the balance of Access Road 1 upfront, but it has

committed to ensuring the remainder of Access Roads 1 and 3 (South only) would be constructed and operational prior to the operation of the next building in the Development.

TfNSW reviewed the proposed staging and while it did not raise concerns with the Phase 1 road works, it recommended conditions requiring the Applicant to prepare a concept design for the Phase 2 road works and make arrangements to dedicate the required land to the roads authority, prior to the construction of buildings 1 and 3. The Applicant accepted this recommendation and the Department has formalised these requirements in the recommended instrument.

The Applicant acknowledged ongoing coordination and consultation (beyond this DA) with Altis and GPT is required to ensure the timely delivery of these road works. While no additional concerns were raised by Altis in relation to Access Roads 1 and 3 (South), GPT commented on the timing and delivery of the Access Road 3 – North half road connection which adjoins its site.

Throughout the assessment, the Applicant has regularly engaged with GPT and is committed to delivering the half road connection. At this stage, the Applicant has advised that these works cannot be undertaken straight away without coordinating with the GPT on the design and site levels of their half of the roadway and final riparian corridor location. The Department notes that a portion of the Access Road 3 - North and adjoining riparian corridor alignment works would need to be approved under a separate DA for the Yiribana Logistics Estate (SSD-10272349), in which GPT is the Applicant.

To ensure a timely and coordinated delivery of the Access Road 3 - North half road, the Department has included conditions requiring the Applicant to submit a Staging Plan and detailed design for delivering Access Road 3 to the north, which must be coordinated with the proposed creek realignment works and the neighbouring landowner, GPT. The Staging Plan and detailed design is required within six months of development consent and the road works must be completed in accordance with the Staging Plan in consultation with Council and GPT. GPT understood the coordination and sequencing issues would need to be addressed in conjunction with its existing DA.

The Department has encouraged the Applicant to continue to engage and discuss the timing of the delivery of these roads with both the GPT and Altis. The Department acknowledges the need for these roads to be delivered under the DCP and in line with development on the adjoining sites and considers the abovementioned recommended conditions set out an appropriate sequence and delivery program that would ensure the orderly development of the site and adjoining sites.

### **Stage 1 development (Warehouses 1 and 3) access**

TfNSW identified some concerns with the proposed access points to Warehouse 1, with proposed entry and exit points located too close to the Mamre Road intersection and the design not being sufficient to accommodate B-triple vehicles if they would be used. The Department also noted the proposed number of driveways onto Access Road 1 does not comply with the MRP DCP.

The Applicant amended the driveway designs in the ADR, relocating the car park access and adding a deceleration lane on Access Road 1 for the café driveway. TfNSW reviewed the revised design and recommended conditions requiring detailed design of the accesses prior to construction of Warehouse 1. The design must satisfy the requirements of TfNSW, Fire & Rescue NSW and Council and be to the satisfaction of the Planning Secretary.

The Department notes the Applicant has amended the design of the access points to address the safety concerns raised. The addition of a deceleration lane would ensure light vehicles can slow down without impeding through flows on Access Road 1. The Warehouse 1 car park entry/exit has been moved



further away from the Mamre Road/Access Road 1 intersection so as not to impact on safe operation of the intersection. The Department has also recommended conditions limiting the length of vehicles accessing the site to 30 m PBS Level 2 vehicles, which excludes B-triples. With these conditions in place, the Department considers the access points will safely accommodate the development and the detailed design will comply with relevant TfNSW standards.

### **6.1.2 Operational Traffic Impact**

The Traffic Report assessed operational traffic impacts for Stage 1 and the Concept Proposal. The Applicant consulted closely with TfNSW to determine traffic generation rates to be adopted in the traffic modelling.

#### **Traffic generation**

Once fully developed and operational, the Concept Proposal would generate up to 567 trips in the AM peak and 592 trips in the PM peak. This would equate to daily traffic numbers of 7,310 vehicles, of which 2,010 are heavy vehicles.

The Stage 1 development is anticipated to generate up to 138 trips in the AM peak and 144 trips in the PM peak. Daily traffic numbers would equate to around 1,696 vehicles, of which 466 are heavy vehicles.

#### **Operational traffic impacts and Mamre Road/Access Road 1 intersection performance**

The Traffic Report considered background traffic generation plus traffic from the Concept Proposal for the year 2026 to assess the capacity of the proposed Mamre Road / Access Road 1 intersection.

The traffic modelling found the intersection would operate at a Level of Service (LoS) A (good operation) in the AM peak and an acceptable LoS B in the PM peak for the fully developed Concept Proposal, concluding there would be sufficient capacity to accommodate the initial stages of development while the wider road upgrades are completed.

TfNSW and Council requested the Applicant model the years 2031 and 2036 assuming the site is fully operational, there is 3% background traffic growth and with the traffic signal cycle at 140 seconds (s). In the ADR, the Applicant provided additional modelling which found that when the traffic signal cycle time is 140 s, both the Stage 1 development and fully developed Concept Proposal, the intersection could operate at a LoS B for all AM and PM peaks in 2026, 2031 and 2036. The assessment found the eastern half of the intersection would have sufficient capacity to accommodate traffic generated by the fully developed Concept Proposal. TfNSW reviewed the amended assessment and raised no further concerns.

The Department has reviewed the findings of the Traffic Report, revised designs submitted in the RtS, the ADR, the MRP structure plan and DCP and has consulted extensively with TfNSW. The Department considers the Applicant has designed the intersection to its maximum extent to provide adequate capacity, using land within its ownership. The Traffic Report has shown the predicted operational traffic volumes from the Concept Proposal would be adequately accommodated through the proposed intersection on Mamre Road.

In the longer-term, the Mamre Road/Access Road 1 intersection is likely to receive traffic from the Yiribana Logistics Estate to the north and Access Logistics Park to the south, which will be considered separately as part of the assessment of these two proposals. The intersection may require future intersection upgrades should it reach capacity as a result of these additional developments, however this will be considered as part of the assessment of future proposals in the Precinct. To ensure



operational traffic levels are monitored as the various industrial estates are being developed, the Department has recommended the Applicant monitor all operational traffic from Stage 1 and subsequent stages of the Concept Proposal, which would help to inform future traffic assessments and road upgrade requirements for the site and surrounding road network. The Department has also recommended the Applicant prepare an Operational Traffic Management Plan as part of the OEMP to ensure operational traffic impacts associated with the Stage 1 Development are adequately managed by the Applicant. The Department has also recommended the Applicant establish an MRP Working Group with other landowners, to regularly coordinate on traffic management across the various developments.

### **6.1.3 Stage 1 Development Construction Impacts**

Construction of Stage 1 would be carried out over a period of 2-3 years including bulk earthworks which is expected to occur over a 12-18 month period and general construction works to last for 12-24 months. This work would be undertaken at the same time as the construction of the Mamre Road/ Access Road 1 intersection. Construction access to and from the site would be via a temporary access driveway on Mamre Road which would be constructed on the alignment of the future Access Road 1. All heavy vehicles would be required to turn left in and left out of the site. This temporary access point would be located south of the permanent signalised intersection and would include a deceleration lane. To ensure no sediment is tracked onto Mamre Road, the Applicant has proposed a wheel wash internal to the site and associated measures.

During the peak construction period, up to 400 workers would be employed at any one time resulting in approximately 800 light vehicle movements a day. The EIS notes most of the trips would occur outside peak periods in the local road network. In addition, around 120 heavy vehicle movements would occur during peak hours, with up to 600 movements a day.

The EIS found the construction works are likely to have a minimal impact on traffic in the surrounding road network. Traffic modelling of the temporary access driveway on Mamre Road during construction found that the intersection would have capacity to accommodate the anticipated light and heavy vehicle movements during AM and PM peak periods. As the site also has direct access to and from Mamre Road, construction traffic is likely to have minimal impacts on the performance of existing intersections in close proximity to the site.

A draft Construction Traffic Management Plan (CTMP) was included in the EIS that outlined the proposed traffic monitoring and management strategies including a driver code of conduct, a traffic control plan and a vehicle management plan to be implemented during the construction period. However, further information was requested by the Department on specific controls that are proposed to be implemented to ensure construction traffic could be appropriately managed. The Applicant has advised traffic control measures that may be implemented on the site as part of the CTMP include:

- limited construction hours
- dedicated heavy vehicle truck routes
- temporary signs, traffic control locations and devices and temporary pavement markings
- use of an authorised traffic controller which would supervise all construction vehicle movements in and out of the site, loading and unloading of construction materials and pedestrian management
- restricted traffic volumes informed by SIDRA modelling
- ongoing monitoring and review of the CTMP.

The Department has formalised the requirement of a CTMP in the consent. Council and TfNSW did not raise any significant concerns relating to construction traffic impacts.

The Department considers the proposed construction works for the Stage 1 Development are temporary in nature and any traffic impacts can be managed by the Applicant via the proposed traffic measures to be included in the CTMP. The Department is of the view the proposed construction works are unlikely to impact on the local road network with appropriate traffic management and monitoring measures in place.

Notwithstanding the above, the Department acknowledges the site is likely to be developed at the same time as adjoining approved developments within the MRP, which has the potential to result in cumulative traffic impacts on the local and regional road network, particularly key intersections like Abbots Road / Mamre Road and Bakers Lane / Mamre Road.

The Department recognises that managing construction impacts across the precinct would require coordination and consultation between landowners and regular monitoring of interim traffic measures. As such, the Department has recommended a condition requiring the Applicant establish and participate in an MRP Working Group with other landowners. The purpose of the working group is to create a forum for knowledge sharing between the developers, help coordinate activities within the precinct and to identify any emerging issues such as traffic where the performance of traffic control measures across the MRP can be coordinated and monitored. The Department considers the implementation of a working group will encourage regular dialogue with relevant stakeholders including developers, Council, TfNSW and the Department, and would be beneficial for the first few years that construction in the precinct is well underway.

In addition, the Department has recommended an Environmental Representative be appointed to oversee the construction of the Stage 1 Development and monitor the implementation of the CEMP and any relevant construction related conditions contained in the recommended instrument. The Environmental Representative would also assist the Department in resolving any community complaints and would be required to participate in MRP working group meetings in a consultation role.

The Department's assessment concludes the potential construction traffic impacts associated with the development can be managed by the Applicant and the proposed conditions of consent.

#### **6.1.4 Conclusion**

The Department considered the Applicant's Traffic Report and comments received from Council and TfNSW. The Department also met with the Applicant and TfNSW on various occasions to discuss traffic, access and intersection design.

The Department considers the proposed access roads are consistent with the MRP Structure Plan and DCP. The Applicant has consulted with TfNSW to refine the Mamre Road / Access Road 1 intersection design, which would accommodate traffic from the fully developed site without the need for additional upgrades. The Applicant would continue to liaise with TfNSW and nearby landowners during detailed design and intersection construction. The Department has also recommended conditions to ensure the access road connections for neighbouring land to the north and south would be designed and delivered before any further warehouses in the Concept Proposal. The conditions require coordination with the neighbouring landowners on the detailed design and delivery.

Further, the Department has recommended conditions for the internal access roads and parking areas to comply with the relevant requirements of Council, TfNSW and Australian Standards. Recommended

conditions have also been included in the consent, which require the Applicant to establish and participate in a working group for MRP developments to encourage consultation and coordination between landowners while the precinct is being developed.

The Department's assessment concludes the Stage 1 development and Concept Proposal would be adequately accommodated on the proposed road network. With the recommended conditions in place, the Department concludes traffic from the development would be adequately managed and would not impact the performance of the local and regional road network.

## **6.2 Water Management**

### **6.2.1 Stormwater Management**

The Applicant seeks consent to carry out bulk earthworks across the site that would impact the existing flow of stormwater within the site and would generate loose soils and sediment which have the potential to impact on water quality. Once constructed, the development would result in increased impervious surfaces (buildings, hardstand areas and roads) across the site, which has the potential to impact stormwater quality and increase stormwater volumes discharged from the site. Increased runoff has the potential to impact downstream catchments if not controlled by an adequate stormwater management system.

The site currently is mostly undeveloped comprising of pervious areas and farm dams. The highest point of the site is on the eastern boundary sloping down towards the western boundary. Runoff from the site drains to the west underneath Mamre Road via existing culverts.

The MRP DCP includes stormwater management objectives that seek to improve and maintain the biodiversity and health of Wianamatta-South Creek and its tributaries. These objectives are consistent with the *Mamre Road Flood, Riparian Corridor and Integrated Water Cycle Management Strategy* (2020) prepared by Sydney Water. The NSW Government is currently considering a regional-scale approach to waterway health and stormwater management for the MRP and has appointed Sydney Water as the regional water management authority. However, at this stage there is no regional stormwater infrastructure in place, thereby requiring stormwater management to be addressed on site.

The Department engaged an independent expert to review the Applicant's proposed stormwater management strategy and assess whether the Concept Proposal and Stage 1 development comply with the MRP DCP requirements.

#### **MRP DCP Integrated Water Cycle Management**

New developments within the MRP are required to implement stormwater infrastructure that demonstrates compliance with the waterway health objectives in the MRP DCP. These objectives aim to protect or restore waterway health within Wianamatta-South Creek and its tributaries, ensure development is integrated with water cycle management measures, manage stormwater flow and quality and enable a transition to regional water infrastructure, where feasible. E&H has prepared technical notes and guidance documentation on the modelling parameters and software packages that can be used to demonstrate compliance with these objectives and the controls of the DCP.

The MRP DCP includes stormwater quality and flow targets to be met by developments during construction and operational phases. Quality targets involve a reduction in gross pollutants (such as litter and coarse sediment), suspended solids, phosphorus and nitrogen compared to an unmitigated development. Stormwater flow targets for the operational phase of the developments involves limiting

the amount of stormwater discharged from the site to the local waterway. The DCP outlines a number of acceptable solutions for Water Sensitive Urban Design (WSUD) to retain and treat stormwater within the development, including rainwater/stormwater harvesting, use for irrigation of landscaping, bioretention and use of naturalised trunk drainage paths.

### **Proposed stormwater management approach**

#### **Construction**

The EIS included a Soil and Water Management Plan (SWMP) as part of the Civil report that outlined the methods to be employed to minimise the impact of sedimentation during construction works. This includes the diversion of sediment-laden water into temporary sediment control basins. A Dam Decommissioning Strategy also formed part of the EIS, which recommends re-use of the dam water for site management purposes, if appropriate, and bunding will be installed around the dams during decommissioning works. The Department has included recommended conditions requiring the Applicant to install and maintain suitable erosion and sediment control measures on-site during construction works and to implement the Dam Decommissioning Strategy.

#### **Concept Proposal**

To ensure post-development catchment flows within the site do not exceed the pre-developed flows, the EIS and civil engineering plans identify that stormwater on all lots and the road reserve would be collected via pits and pipes and discharged into an on-site detention basin on the western side of the site, north of Access Road 1 (see **Figure 5**). External upstream stormwater flows will be collected at the site boundary and conveyed through the site, outside of the public road reserve, and discharged to the proposed realigned riparian corridor.

As part of the ADR, the Applicant has prepared a stormwater management strategy that demonstrated, using the MUSIC Modelling toolkit prepared by E&H, that the entire concept masterplan can achieve compliance with the MRP DCP stormwater quality and flow targets on site. This can be achieved through a number of methods, including using part of the realigned riparian corridor to provide an area of swamp forest to help achieve the waterway health objectives for water quantity and quality. Other WSUD infrastructure that can be incorporated to meet the DCP requirements include the detention basin, a bio-retention system, gross pollutant traps, rooftop thin-film irrigation and landscape irrigation. It is intended that the waterway health strategy will be refined and developed as part of future stages of the development. This flexible approach will also respond to the future provision of precinct-wide stormwater infrastructure managed by Sydney Water, which may alleviate the need for some future waterway health infrastructure to be provided on site.

#### **Stage 1 Development**

To ensure the Stage 1 development can meet the waterway health and stormwater flow targets, the Applicant proposes to construct a temporary stormwater basin to the south of Access Road 1 (see **Figure 16**). To achieve the flow targets in the MRP DCP and re-use excess stormwater collected on-site, it is also proposed to utilise irrigation across the area of the site south of Access Road 1 given this area remains unsealed and only subject to earthworks under Stage 1. Future stages of the development will be required to demonstrate that the development maintains compliance with the relevant requirements of the DCP.

The MRP DCP requires developments to not adversely impact soil salinity and sodic soils, particularly where infiltration of collected stormwater is proposed. The Applicant provided an assessment of soil

salinity and sodicity impacts from the proposed development and stormwater infrastructure, as well as a Salinity Management Plan. The assessment found the development is not expected to affect groundwater levels as it was not encountered during test excavations. Given that existing farm dams are to be removed as part of the development and much of the site will be sealed when the site is fully developed, it was concluded that there will be less infiltration than currently occurs. The Salinity Management Plan provided a number of recommendations to be considered in the design and construction of the development to reduce potential impacts on salinity.



**Figure 16 | Stage 1 Development Stormwater Management System**

### Council and Agency advice

Council's comments on the EIS included a requirement that the development demonstrate compliance with the MRP DCP and provide MUSIC modelling to support the assessment provided, as well a request that the proposed stormwater treatment system demonstrate compliance with Council's WSUD Technical Guidelines. Following a review of the RtS, Council requested the stormwater treatment system remain in private ownership and be maintained by the Applicant (or future landowner) in perpetuity. The Applicant has agreed to this approach and advised that details on the design of the stormwater treatment system, as well as maintenance and operation plans for WSUD infrastructure, would be provided to Council prior to the issue of a Subdivision Works Certificate.

E&H raised concerns with the waterway health information provided as part of the EIS and RtS and requested the development demonstrate greater compliance with the waterway health objectives of the MRP DCP. Since the EIS was lodged, E&H also developed a MUSIC Modelling toolkit to be used for assessing projects in the Precinct. The Applicant provided an updated waterway health strategy and MUSIC modelling to demonstrate how the development, both the Concept and Stage 1, can achieve compliance with the MRP DCP. E&H have raised no further objection to the proposed development, subject to conditions, including the reservation of sufficient land for stormwater management purposes



until a regional stormwater solution is available and compliance with the *Technical Guidance for achieving Wianamatta South Creek Stormwater Management Targets*.

### **The Department's Assessment and Recommendation**

Throughout the assessment of the development, the Department worked closely with E&H to establish an appropriate stormwater management approach for the Concept Proposal and Stage 1 development that meets the waterway health objectives outlined in the MRP DCP. The Department also engaged an independent expert to review the proposed stormwater and waterway health approach to ensure the development complies with the DCP.

The independent expert reviewed the Applicant's stormwater management strategy and the MUSIC modelling undertaken with regard to the MRP DCP controls. Additional information was requested, including revisions to the modelling and an assessment of salinity impacts, particularly with regard to stormwater infiltration. The Applicant provided additional information and revised modelling, as well as meeting with the Department and the independent expert to discuss how the development can achieve the waterway health requirements. The independent expert was satisfied with the additional information and considers that the Concept and Stage 1 development can achieve compliance with the MRP DCP. It was recommended that a condition of consent be imposed requiring the Applicant to undertake additional assessment of potential salinity impacts from the swamp forest within the riparian corridor (proposed under the Concept stormwater management strategy) with detailed commentary and recommendations at this specific location, should this be implemented as part of a WSUD solution under a future development application.

With consideration of the recommendations of the independent expert and E&H, the Department considers that the Applicant's stormwater management strategy (and additional information provided) demonstrates that the Concept Proposal can achieve compliance with the MRP DCP waterway health requirements. Similarly, the Department considers the proposed stormwater management system is appropriate for managing the stormwater quality and volumes generated by the development during construction and operation of the Stage 1 development. The Department has included conditions requiring the Applicant install and maintain suitable erosion and sediment control measures on-site during construction works, as well as construct and maintain the proposed stormwater management system during operation of Stage 1 in accordance with the MRP DCP and the *Technical Guidance for achieving Wianamatta South Creek Stormwater Management Targets*, as recommended by E&H. As recommended by the independent expert, the Applicant will be required to submit a salinity assessment as part of a future development application, should that stage propose use of the non-validated portion of the re-aligned watercourse for swamp forest as a stormwater management solution.

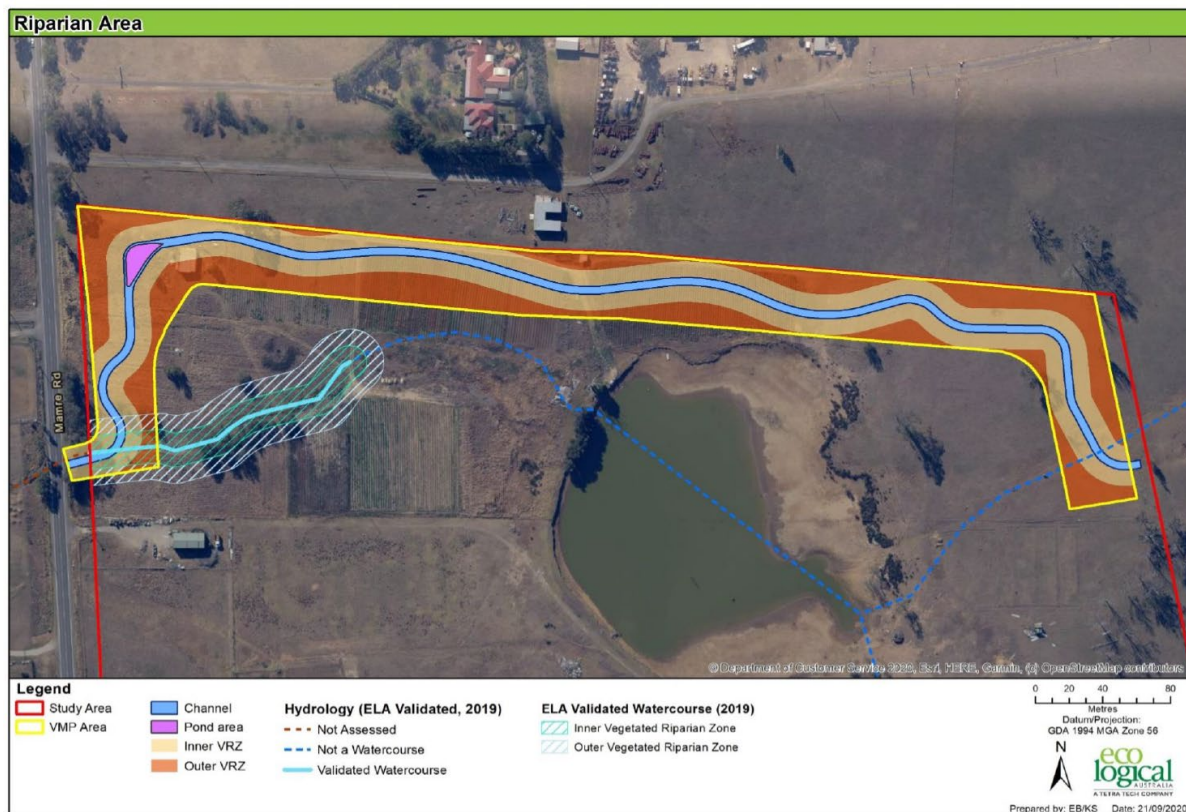
To ensure that the development achieves the required waterway health objectives and targets, the Department has recommended a condition requiring the Applicant to prepare a Stormwater Management Plan prior to the commencement of operation of the Stage 1 buildings, which will detail how the development will achieve and maintain compliance with the MRP DCP, including monitoring measures. This Plan will be required to be updated as part of applications for future stages of the development, and with consideration of the precinct-wide stormwater infrastructure that may be in place at that time. In addition, to ensure a coordinated approach to waterway health, the Department has recommended a condition requiring the Applicant to form a working group with other developers in the Precinct to review the performance of approved developments with regard to stormwater management and compliance with the MRP DCP, in addition to other matters. The Department has also

recommended a condition requiring the Applicant to engage an Environmental Representative to oversee construction of Stage 1 and provide advice on reducing construction impacts, including from earthworks and sediment control.

### 6.2.2 Riparian Corridor Realignment

Two unnamed watercourses are currently located within the site, which are tributaries of Wianamatta-South Creek within the Hawkesbury-Nepean catchment. The watercourse located in the northern section of the site meets the definition of a 'river' under the *Water Management Act 2000* (WM Act) but is considered to have poor aquatic habitat values and limited riparian native vegetation. The second watercourse connects the five existing farm dams on the site but does not meet the definition of a 'river' under the WM Act.

The development would require the realignment of the watercourse along the northern section of the site to facilitate the construction of buildings 1 and 3 and the associated access road (see **Figure 17**). The development would also involve the removal of five existing farm dams across the site and the second watercourse.



**Figure 17 | Proposed Riparian Corridor**

The creek realignment works has the potential to:

- cause surface erosion and transportation of sediment overland into downstream sections of Wianamatta-South Creek which may impact water quality
- alter vegetation structure and riparian function as well as flooding patterns across the site (See **Flooding** section in **Table 5**).

The ADR included a Riparian Assessment Report (RAR) and a Vegetation Management Plan (VMP) prepared by Eco Logical Australia. The VMP was prepared in accordance with NRAR's *Guidelines for Vegetation Management Plans on Waterfront Land* and Penrith City Council's Development Control Plan 2014 and describes how the proposed works would be carried out and the management and mitigation strategies to be implemented over the long-term. The initial maintenance period will run for five years or until VMP objectives and performance criteria are achieved.

The proposed works would involve the removal of the existing watercourse and the establishment of a 40 m wide riparian corridor comprising an 800 m long channel, inner Vegetated Riparian Zone (VRZ), an outer VRZ, and a pond with an area of approximately 300 m<sup>2</sup> (see **Figure 17**). The channel would incorporate a 3.75 - 5.7 m wide low-flow channel and a typically 20 m wide high-flow channel. The proposed riparian zone also includes a retained area to the east of building 3. This area may be removed in the future subject to the watercourse alignment under the development of the site to the immediate east (not included in this DA).

The new waterway would be constructed from materials such as sandstone boulders and blocks to minimise the chance of erosion while stabilising the bed and bank along the realigned watercourse. The VMP noted the riparian zone (including the channel) would be planted with native aquatic macrophyte species and groundcover and mid-storey species consistent with the vegetation community River-flat Eucalypt forest. These species plantings would provide stability to the banks of the waterway, habitat for fauna and a filter for stormwater runoff. The VMP also recommended any hollow-bearing trees proposed to be removed within the site area be relocated to the VMP area for on-ground fauna habitat.

Additionally, weed removal and maintenance within the riparian corridor would be undertaken on a regular basis to control a number of weed species including pasture grasses and aquatic weeds.

The EIS also identified several management and mitigation measures that would be implemented during construction to minimise downstream water quality and aquatic ecology impacts. This includes erosion, sediment, and water quality controls such as installation of sediment fences and relocation of any aquatic fauna that may be found in the decommissioned dams. The Department has formalised the Applicant's commitments in the recommended instrument.

Council commented on the realignment design particularly regarding the connection with the drainage line on the adjoining lot to the east. Council also requested whether remnant vegetation along the entire length of the waterway could be retained and whether advice had been received from NRAR regarding the realignment design and removal of the five existing farm dams.

In its RtS, the Applicant noted the realignment design had been developed in consultation with NRAR. NRAR did not raise any issues with the proposed design approach and connection with the adjacent site, and considered the approach taken within the VMP would be acceptable. The Applicant also reiterated that the remnant vegetation along the corridor would not be retained due to the bulk earthworks and grading required to establish the channel. However, the Applicant would be seeking to purchase and retire biodiversity credits under the Biodiversity Offsets Scheme to offset this activity (see **Biodiversity** section). Council did not raise any further concerns.

NSW Fisheries advised there are no Key Fish Habitat in the site or records of threatened species within the Wianamatta-South Creek catchment area. NSW Fisheries supported the size of the riparian zone and the five-year VMP maintenance period.

The Department has considered the findings of the EIS, RtS and submissions and is of the view that the proposed realignment works would improve waterway management outcomes as well as habitat values of the area. While the new watercourse would not be in the same location as the existing watercourse, the new vegetated area would allow for an increase in the amount of native vegetation which would be a vast improvement on existing conditions. In addition, the new channel would result in an increase in the amount of waterfront land within the development area, therefore creating a larger area to be maintained as a VRZ. In their review of the waterway health aspects of the development, the independent expert recommended that a variety of vegetation species be utilised to ensure a full hierarchy of appropriate ground cover, shrubs and trees – rather than a concentration of one particular tree species.

The Department is satisfied the VMP would facilitate the restoration and long-term management of the riparian corridor. The Applicant will be required to undertake these works as part of the Stage 1 construction and undertake the maintenance period in accordance with the VMP. As discussed above, the Department also recommended conditions to manage water quality impacts during construction to ensure the works would have minimal downstream impacts.

### **6.2.3 Conclusion**

The Department has consulted regularly with the Applicant and relevant agencies to ensure that the development meets waterway health requirements of the MRP DCP and the realigned riparian corridor results in a suitable outcome. The Department engaged an independent expert to review the stormwater management strategy developed for the Concept Proposal and the infrastructure to be constructed for the Stage 1 development to ensure that the MRP DCP controls were met, with particular regard to the stormwater quality and flow targets adopted for the Wianamatta-South Creek catchment.

The Department's assessment concludes that with the appropriate mitigation measures in place, the Concept Proposal and Stage 1 operation would not adversely impact waterway health, provides an appropriate riparian corridor and can adequately manage stormwater within the site. The Applicant's proposed mitigation measures and the Department's recommended conditions will require the development to achieve the MRP DCP requirements during construction and operation, as well as monitor the performance the system and incorporate any findings into the stormwater management system for future stages and with consideration of any future regional stormwater infrastructure that may be in place. Mitigation measures implemented during construction of the Stage 1 development will be overseen by the Environmental Representative.

## **6.3 Visual Impact and Landscaping**

### **6.3.1 Visual Impact**

The site and its surrounds are presently characterised by agricultural and rural uses such as grazing, market gardens and horticulture. The surrounding topography is mainly undulating, with some elevated points enabling views towards the Blue Mountains. The established industrial areas including Erskine Business Park, First State Estate and Oakdale West Estate are located north of the site with warehouses and offices of various scales and heights. The site falls from the east to the west towards Mamre Road. Extensive cut and fill are proposed in the eastern part of the site to create level building pads across the Estate.

As the area is transforming from rural land uses to employment and industrial uses, substantial alterations are occurring to the visual environment surrounding the site. Several SSD applications are



currently proposed immediately to the north (Yiribana Logistics Estate SSD-10272349), south (Access Logistics Estate SSD-17647189) and east of the site with land west of the site also zoned for industrial uses. This has the potential to alter the landscape and views towards the site and cause visual impacts on surrounding receivers. A number of sensitive receivers (including a school) are remaining and these are located 800 m from the site.

### The Applicant's Assessment

The Applicant submitted a Landscape Character and Visual Impact Assessment (LCVIA), revised as part of the RtS and ADR, to assess the potential visual impacts of the development on surrounding receivers. The LCVIA identified 17 viewpoints surrounding the site (see **Figure 18**) and included an analysis of the impacts of the entire development with all 11 buildings constructed and operating to provide a complete assessment of the visual impacts of the full development. In addition, the LCVIA includes a visual impact assessment of the Stage 1 development.



**Figure 18 | Viewpoints identified in the LCVIA**

The LCVIA states most of the Estate's presentation to public vantage points is from the Mamre Road frontage. Key receivers are the nearest residences on Mamre Road to the west of the site. The key aspects of the development likely to have visual impacts include:

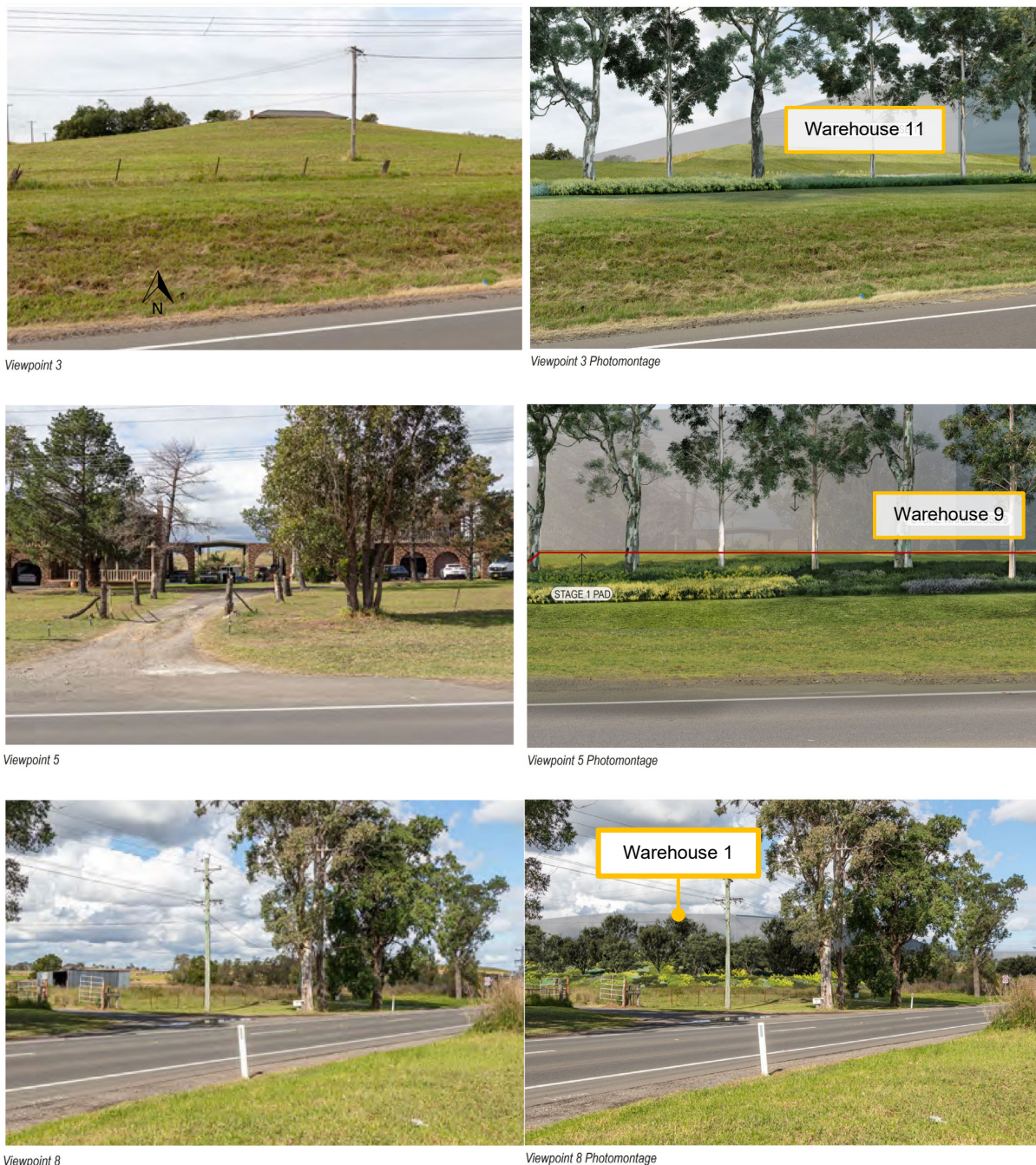
- the site transitioning from a rural landscape to a fully developed industrial estate
- bulk earthworks and exposed soils across the site to create large level building pads and road infrastructure
- retaining walls prior to landscaping



- large building footprints and hardstand areas.

For the Concept Proposal, the LCVIA states the visual impacts would be highest when viewed from the residences along Mamre Road (viewpoints 2 to 8) and the adjacent receivers to the south (viewpoint 14) (see **Figure 19** for indicative views of the development). As discussed above, an active SSD application is proposed to the south of the site where viewpoint 14 is located and it is expected the visual impacts on receivers immediately surrounding the site would be short-term until proposed industrial developments are constructed in the future.

Visual impacts at all other receivers, particularly receivers on Bakers Lane (including the schools and childcare centre) would be of moderate to low or negligible impact.



**Figure 19** | Indicative envelope of future buildings at viewpoints 3, 5, and 8 on Mamre Road

With regard to the Stage 1 development (which comprises of two buildings and building pads), the Applicant's assessment identified high impacts at viewpoints 4, 6, 8, and 14. All other receivers would have low/moderate or negligible impacts.

Notwithstanding, the Applicant proposes several mitigation measures to alleviate the visual impacts along the Mamre Road frontage including:

- implementation of a 10 m wide landscaping buffer along Mamre Road at early stage of the development to advance maturity of plants and effective screening of the buildings at the Mamre Road frontage
- retention of existing vegetation where possible
- planting across the site, including the riparian corridor, with a mix of low, medium and high-level plants and implementation of a landscaping management and maintenance regime (see **Section 6.4.2**)
- selection of colours that complement the existing landscape.

Council did not raise any concerns around visual impacts of the development.

### **Department's Assessment**

The Department notes the site and surrounds are zoned IN1 general industrial and over time it is expected that the character of the area would change from rural to an industrial setting dominated by warehousing and distribution centres.

The Department considers in the short term, visual impacts would be high at the receivers immediately surrounding the site, however many of these receivers have active SSD applications for industrial uses. The proposed 10 m wide landscaping setback would sufficiently screen the development as the landscaping matures over time. Building 1 is setback further from Mamre Road with additional tiered landscaping near the Mamre Road/ Access Road 1 intersection and around the proposed stormwater basin, which would soften the building form and mitigate visual impacts. The Department has recommended conditions requiring the Applicant to implement the proposed landscaping at an early stage of the development.

The Department also notes the site is surrounded on all sides by active and proposed industrial developments and in the long term, visual impacts at adjoining receivers would no longer be an issue when the adjoining sites are redeveloped into industrial uses. Receivers at Bakers Lane are located 800 m from the development and visual impacts at these locations would be of low or negligible impact.

The Department's assessment concludes the development would not cause significant visual impacts on nearby receivers and any temporary short term impacts can be managed by the Applicant and via conditions of consent.

### **6.3.2 Landscaping**

The Applicant has proposed landscaping at site boundaries, along frontages to Mamre Road and internal access road, within each development lot and along the realigned riparian corridor. The proposed landscaping setback width along road frontages would be 10 m at Mamre Road, 6 m at Access Roads 1 and 3, and 3.5 m at other estate access roads, which complies with the requirements of the DCP. In addition, the Applicant has proposed extensive vegetation within the inner and outer VRZs of the riparian corridor where a range of native species would be planted.

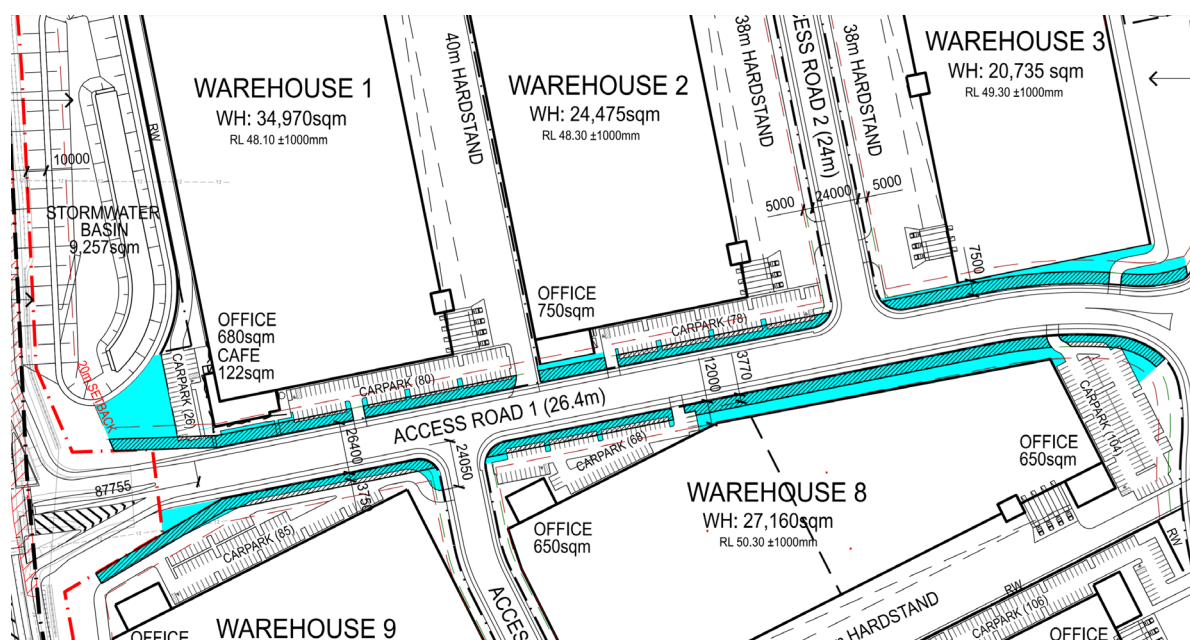


Council raised the following concerns around landscaping:

- insufficient width of landscaping setbacks for estate access roads, particularly where car parks are proposed between access roads and the buildings
- inadequacy of streetscape planting and its combination of landscaping within development lots,
- the landscaping at Mamre Road frontage including the suitability of the inclusion of batters,
- siting of a large stormwater basin and heights of retaining walls at site boundaries.

### Department's Assessment

The Department acknowledges Council's concerns about the landscaping setback widths for access roads within the Estate and WSA's concerns regarding wildlife attraction risk. The Department notes minor encroachment of car parks at warehouses 1, 2, 8 and 9 into the landscaping setback from Access Road 1 (see **Figure 20** where hatched area overlaps with parking spaces and access road within lots).



**Figure 20 | Minor encroachment of car parks into landscaping setbacks from Access Road 1**

However, the Department considers that except Warehouse 1, the other warehouses fronting Access Roads 1 would be subject to future DAs and detailed design where amendments to the conceptual layout could be made with the required landscaping setbacks. For Warehouse 1, the Applicant has proposed parking spaces above the minimum requirement which provides opportunities to substitute surplus spaces with additional landscaping during detailed design prior to construction commencement.

The Department considers that the Estate's stormwater basin would be screened by the 10 m wide landscaping setback along Mamre Road. As most receivers would be passing traffic, the duration of stormwater basin presentation to receivers would be short which could reduce its visual impacts.

The Department has considered the relevant provisions of the MRP DCP. The Department considers the Applicant has proposed high-quality landscaping across the Estate and the proposed landscaping setbacks are consistent with the DCP requirements. The realigned riparian corridor would form part of the DCP identified view corridor towards Wianamatta-South Creek. The vegetated corridor would rejuvenate the currently degraded creek, mimic natural landscaping characters, and make positive contributions to the view corridor. The Department considers the proposed landscaping would screen

the buildings and hardstands and the proposed landscaping setbacks include canopy trees whose mature height is in scale with the proposed buildings.

### **6.3.3 Conclusion**

The Department's assessment concludes the development would not result in significant visual impacts and could be appropriately managed through the recommended conditions. The Department has recommended conditions requiring the Applicant to implement the proposed landscaping and replace any unsuccessful planting with new plants to ensure the integrity of landscaping is maintained.

## **6.4 Operational Noise Impact**

The development includes a number of warehouse and industrial uses which will operate 24 hours a day and 7 days per week. This represents the first of a series of similar proposals in the MRP which will significantly change the area from a rural setting to an industrial and employment precinct. The change will also alter the acoustic environment of the area which needs to be carefully and holistically managed. The management of noise impacts, including cumulative noise, on existing residential receivers in the MRP and potential impacts on established residential areas such as Mout Vernon and Luddenham are key assessment issues for the proposal.

The development would involve 24-hour general warehousing and industrial use across 11 distinct buildings and hardstand areas. The Applicant advised the main noise generating activities associated with the operation of the industrial estate includes:

- light and heavy vehicle movements along public roads and on the site through the access roads, parking and hardstand areas
- unloading and loading operation in the hardstand areas
- operation of rooftop mechanical plant.

During consultation on the EIS, several concerns were raised by Council regarding operational noise impacts on receivers during Stage 1 operations and on-going operation of the fully developed estate. Council also recommended the Department comprehensively consider the potential for sleep disturbance from the operation of the development and ensure the conditions of consent capture the required noise management and mitigation measures, including receiver-based measures.

### **6.4.1 Intrusive Noise Impact**

Operation of a 24-hour industrial estate near rural residences has the potential to intrude over and beyond the existing low background noise and cause night-time disturbance.

The Applicant undertook noise monitoring at the boundary of the site to determine existing background noise and 3-D noise modelling to predict noise levels at surrounding rural residential receivers. For the assessment of intrusiveness noise levels as set out in the EPA Noise Policy for Industry (NPfI), the Applicant considered the night-time assessment scenario to be the most stringent due to the low existing rating background noise levels (from 29 dBA to 34 dBA) and the occurrence of noise-enhancing temperature inversion conditions across all four seasons.

The Applicant's operational noise assessment considered a typical noise emission scenario and predicted energy-average noise levels at all surrounding residential receivers in close proximity to the site (see **Figure 3**). The assessment predicted the night-time background noise level would be exceeded by more than 10 dBA for Stage 1 operations and the fully developed Concept Proposal.

Specifically, energy-average noise levels were predicted to be 45 dBA (exceed background noise level by 13 dBA) and 50 dBA (exceed background noise level by 18 dBA) under noise-enhancing conditions for Stage 1 and the Concept Proposal, respectively, at the most-affected residential receivers to the west of the site and fronting Mamre Road. The operational noise assessment also reported maximum noise levels at surrounding residential receivers in the range 61 to 69 dBA for the Concept Proposal, whereas predicted maximum noise levels for Stage 1 operation are marginally lower by no more than 2 dBA. The Applicant noted maximum noise levels would generally be attributed to noise from heavy vehicle reversing alarms (non-tonal) and release of air brakes.

The Applicant's assessment acknowledged the hierarchy of noise mitigation which prioritises the reduction of noise at the source in the first instance (e.g. staggering heavy vehicle deliveries, minimising concurrent use of forklifts and using quieter mobile plant and equipment), and subsequently measures to reduce noise in the source-to-receiver transmission path before at-receiver control is considered. However, the Applicant contended that it is not reasonable and feasible to require source and path controls to be implemented given the land within the MRP has been rezoned to general industrial uses and the acoustic environment will change as the Western Sydney Aerotropolis and WSEA becomes progressively established. The operational noise assessment has not identified any specific source control measures to be implemented and the Applicant only committed to investigating the applicability of receiver-based controls post approval.

#### **6.4.2 Road Traffic Noise Impact**

The proposed industrial estate is a significant traffic generating development and has the potential to increase road traffic noise at night. In combination with the increase in general traffic noise, a new access point along Mamre Road has the potential to increase heavy vehicle noise impact in the area.

The Applicant's operational traffic noise assessment considered the criteria as set out in the NSW Road Noise Policy, which considered the change in energy-average road traffic noise between the existing and proposed scenarios. Mamre Road in 2017 carried just over 3,600 vehicles per night between 10pm and 7am, comprising approximately 11% heavy vehicles (that is, 400 heavy vehicles per night). Stage 1 operations are expected to add 285 light vehicles per night and 107 heavy vehicles per night. In the longer-term, the fully developed Concept Proposal is expected to add an additional 945 light vehicles per night and 360 heavy vehicles per night.

The Applicant utilised a simple calculation method which did not recognise the different noise emission characteristics of small and large trucks to predict the change in noise. The noise assessment concluded that the predicted change in energy-average traffic noise of 2 dBA or less does not warrant the consideration of noise mitigation measures at residential receivers along Mamre Road. The Applicant's assessment also noted the typical maximum noise levels from site-related heavy vehicles would be consistent with the existing traffic noise environment.

During consultation on the EIS, TfNSW provided comprehensive advice in relation to the traffic and transport assessment and specifically requested the Applicant consider longer and heavier vehicle types as the design vehicle for the site. Consistently, the Department requested the Applicant evaluate the potential road traffic noise impact associated with the use of 26m B-doubles and 30m A-doubles.

The Applicant's revised road traffic noise assessment considered a variety of heavy vehicle noise emission and acceleration profiles, which translated to higher vehicle pass-by noise, elevated engine/exhaust noise and longer duration of noise event compared to the assumptions adopted in the original noise assessment. The revised modelling indicated a greater than 2 dBA increase in energy-



average traffic noise is likely to occur at receiver locations near Mamre Road and in the vicinity of the site access. Consequently, the Applicant advised the consideration of noise mitigation would be required and listed a range of traffic noise mitigation measures, including B-double/A-double vehicle restrictions to the proposed site, use of quieter road surface, in-corridor barriers and receiver-based controls. The additional information also included an assessment of what measures are reasonable and feasible to implement, and the Applicant considered receiver-based controls to be the most appropriate measure in this specific circumstance.

#### **6.4.3 Cumulative Noise Impact on Acoustic Amenity**

The proposed development would contribute to the cumulative noise impact at surrounding residential areas bordering or farther away from the MRP as the precinct becomes progressively established by a new cluster of noise generating developments. Compared to intrusive noise, cumulative noise from the MRP is anticipated to be the aggregate sound of many unidentifiable industrial noise sources.

The Applicant provided an operational noise impact assessment as part of the EIS that considered the guidance within the NPfI intended for assessing noise in an area subjected to noise from a limited number of industrial developments. As a result, the Applicant's noise assessment only considered noise sensitive receivers near the site.

The Department requested the Applicant consider a precinct-wide approach in its noise assessment of amenity noise levels, consistent with the assessment method given in the NPfI and the objectives of the MRP DCP. Note that the recommended amenity noise level of 40 dBA during the night-time period for rural residential areas (such as environmental living zone) and 45 dBA for school classrooms (with windows opened) from the NPfI represent the objective of total industrial noise at a receiver location. The precinct-wide approach requires the allowable energy-average contribution level from each noise generating development be apportioned based on the number of developments in an industrial precinct. For example, the allowable contribution level is 10 dBA below the recommended amenity level where a receiver is likely to be impacted by 10 noise generating developments. The allowable contribution level would be further reduced at a rate of 3 dB per doubling in the number of developments.

Furthermore, the Department requested the Applicant adopt contingency factors in its noise emission assumptions. Additionally, the Department also provided a list of sensitive receiver locations to the Applicant for inclusion in the assessment of cumulative operational noise impact.

The Applicant subsequently provided additional information and advised the following:

- noise contribution level at the most-affected residential receivers in Luddenham to the west of the site would be up to 34 dBA at night under noise-enhancing conditions (around 7 dBA lower for standard meteorological conditions)
- noise contribution level at the most-affected residential receivers in Mount Vernon to the east would be up to 27 dBA at night under noise-enhancing conditions (around 7 dBA lower for standard meteorological conditions)
- noise contribution level at the most-affected residential receivers in Mount Vernon to the south-east would be up to 30 dBA at night under noise-enhancing conditions (around 7 dBA lower for standard meteorological conditions)
- noise contribution level at the schools to the north of the site would be up to 29 dBA during the daytime period.

The Applicant noted that the above noise contribution levels reflect the typical noise emission profile of general warehousing activities operating in the context of the proposed site configuration and would be well below the recommended amenity noise levels for schools and rural residential areas.

#### 6.4.4 Department's Assessment

To address Council's concerns in relation to night-time sleep disturbance, the Department has carefully considered the Applicant's assessment, the objectives of the MRP DCP and best-practice guidance from the EPA.

The Department acknowledges the significant night-time intrusive operational noise impact on rural residences within the MRP and considers:

- operational noise would temporarily affect existing residences within the MRP until each property owner ceases residing at the property (such as being purchased for development)
- restriction on heavy vehicle use and warehousing operations during the night-time period would hinder the viability of intended industrial activities in the MRP.

Furthermore, the Department notes the proposed development and other existing and future developments within the MRP would substantially increase traffic noise at all receivers that already experience noise from Mamre Road. Consequently, noise mitigation measures would need to be implemented to ensure operational noise is appropriately managed.

By way of managing intrusive operational noise and road traffic noise at nearby residential properties within the MRP in a holistic manner, the Department accepts that negotiated agreement with each noise-affected landowner to determine the appropriate receiver-specific controls is an appropriate approach for addressing the significant night-time noise impact. To this end, a condition requiring that prior to the commencement of operation of the Stage 1 development, the Applicant must enter into an arrangement with the owner(s) of each identified noise affected property to the west of Mamre Road and the site (see **Figure 21**) is recommended. The Department notes the effect of this recommended condition on each eligible property is temporary and would end once the property owner(s) cease residing at the property.

For surrounding residential areas farther away, that are subjected to cumulative operational noise impact from the anticipated cluster of new industrial developments in MRP, the Department considers the noise contribution levels associated with the proposed development are predicted to be sufficiently below the recommended amenity noise level for the rural residences. Additionally, the Department considers the precinct-wide approach to manage cumulative operational noise would also address Council's concern in relation to sleep disturbance, given the night-time amenity noise level of 40 dBA for rural residential areas is consistent with the sleep disturbance trigger level for continuous industrial noise.



**Figure 21 | Noise mitigation eligible receivers to the west of Mamre Road**

Notwithstanding the above, the Department notes the Applicant claimed its operational noise assessment considered a typical noise emission scenario for general warehousing use and has not made allowance for more noise intensive warehousing use (e.g. uses dedicated to the storage and dispatch of chilled/frozen products). Having regard to the MRP DCP, the Department notes that noise attenuation measures need to be incorporated into the selection of mobile and fixed mechanical plant to ensure the range of potential operating activities can take place without incurring additional noise contribution at rural residential areas in Luddenham and Mount Vernon. In combination, the design of site layout and building envelope also need to incorporate effective noise attenuation features should the actual use of the development be found with a higher noise emission profile than the assumed activities.

To ensure the development is operated in a manner that is consistent with the anticipated noise emission performance, the Department has recommended conditions requiring the Applicant to:

- carry out the development in accordance with the EIS, RtS and ADR (e.g. the cumulative noise emission of fixed mechanical plant for each warehouse building must be no more than 90 dBA and must not exhibit tonal characteristic or strong low frequency content)
- submit an operational noise verification report within three months of the commencement of operation of the Stage 1 development to verify predicted noise levels
- submit an accompanying operational noise impact assessment for each future development application for the site and ensure these future developments associated with the Concept Proposal demonstrate compliance with the recommended noise limits.

The recommended compliance locations and noise levels are situated within the site boundary rather than at noise sensitive locations in the surrounding residential areas. This is due to site-specific noise contribution level at distant locations being difficult to measure, noting that cumulative operational noise is expected to be the aggregate sound of many unidentifiable industrial noise sources. Compliance with the operational noise levels within the boundary of the site would imply consistency with predicted noise contribution levels at distant noise sensitive areas. Should any unforeseen noise impact be identified during the noise verification study or the development attracts noise intensive uses, the Applicant would be required to implement additional noise management and mitigation measures (excluding receiver-based controls) to address exceedances of the noise emission performance limits.

#### 6.4.5 Conclusion

The Department has worked closely with the Applicant to establish noise mitigation and management strategies that would assist in achieving the human health and amenity objectives of the MRP DCP. The Department recognised the considerable but short-term nature of road traffic and intrusive operational noise impacts at nearby rural residential properties within the MRP and recommended negotiated agreements between the Applicant and noise-affected landowners be established to manage night-time noise. The Department also requested a precinct-wide approach which established the allowable noise contribution for the subject site to manage the cumulative operational noise impact of existing and future industrial developments in the WSEA on the acoustic amenity in surrounding residential areas.

The Department has recommended conditions to limit noise emission from the Stage 1 operation and the fully developed Concept Proposal. In combination, the Department has also recommended conditions which require the Applicant to undertake operational noise verification and implement noise mitigation measures to address exceedances of the noise emission performance limits. The recommended conditions require noise control measures relevant to the management of cumulative noise impact be implemented so that the range of operating activities can take place whilst ensuring the acceptable amenity goals for surrounding residential areas in Luddenham and Mount Vernon are met.

The Department's assessment concludes the noise impact from the operation of the development can be appropriately managed through the implementation of best-practice measures and the recommended conditions of consent.

### 6.5 Other Issues

The Department's assessment of other issues is provided in **Table 4**.

**Table 4 | Department's Assessment of Other Issues**



## Construction Noise and Vibration Impacts

### Construction Noise

- Construction activities would occur during standard hours between 7 am and 6 pm, Monday to Friday, 8 am to 1 pm on Saturdays. Construction noise has the potential to impact on sensitive receivers in the surrounding area.
- The Applicant's construction noise assessment considered the potential construction noise impact under the worst-case scenario during both peak and typical works. Construction of the development is expected to be noisy and could at times be considered 'highly noise affected' (above 75 dBA as defined in the Interim Construction Noise Guideline) at residential receivers within 70 m of the site boundary.
- The construction noise assessment indicated the use of rock breakers during the demolition and excavation phase and woodchippers during vegetation clearing to be the highest sources of construction noise. Peak energy-average noise level over a 15-minute assessment period were predicted up to 92 dBA at the nearest residential receivers. However, these noise intensive activities are only expected to occur during the demolition, vegetation clearing and excavation stages of the construction program over a period of approximately 20 months.
- Lower levels of energy-average construction noise in the range of 61 to 82 dB(A) are anticipated during typical site enabling works, general bulk earthworks and building/infrastructure construction when works are carried out in proximity to residential receivers. The Applicant's assessment noted construction noise at any receiver location is expected to vary throughout the duration of construction depending on the works being undertaken, proximity to receivers, and whether line-of-sight between a source and a receiver is obstructed.
- To address construction noise impact, the Applicant has put forward a series of mitigation and management measures in the construction noise assessment, with an emphasis on communication and cooperation with all involved, or affected by, construction noise. These measures include the selection of quieter plant and work methods, use of acoustic barriers, use of acoustic silencing devices and the provision of respite. Suitable combination of feasible and reasonable measures will be established by the construction contractor for each construction activity with reference to the mitigation decision-making process in the CEMP. If physical mitigation measures are ineffective at reducing construction noise, the decision-making process would recommend respite periods be implemented to restrict the hours or days that the very noisy activities can occur.
- During consultation on the EIS, Council recommended the Applicant prepare and implement a CNMP outlining noise mitigation and management controls to be implemented during construction of the development.
- The Department has considered the information submitted by the Applicant and is satisfied construction noise impact would be adequately managed and minimised where feasible and reasonable. The Department has subsequently recommended conditions requiring the Applicant prepare and implement a CNMP.

### Require the Applicant to:

- prepare and implement a CNMP including a management plan for undertaking high noise generating works
- prepare and implement a Driver Code of Conduct
- participate in the MRP working group to managed construction noise impact and co-ordinate with other developments in the Precinct
- engage an independent ER to oversee the implementation of the CNVMP
- undertake pre-construction dilapidation survey and vibration monitoring.



Consideration	Recommended Conditions
<ul style="list-style-type: none"> <li>As part of the CNMP, the Applicant would be required to undertake real-time noise monitoring to notify construction contractors of excessive construction noise and temporary relocate noise mitigation eligible receivers identified in <b>Figure 21</b> where short-term construction respite is ineffective at managing noise impact at highly noise affected properties.</li> </ul> <p><i>Vibration Impacts</i></p> <ul style="list-style-type: none"> <li>During bulk earthworks and enabling works, equipment such as rockbreakers and vibratory rollers are proposed to be used across the site, which has the potential to result in vibration impacts with potential for structural damage at two nearby receivers – a shed at 784-786 Mamre Road and a residence and shed at 884-902 Mamre Road.</li> <li>While an assessment has been carried out on these two receivers, the Department notes that the shed located at 784-786 Mamre Road has since been demolished and SSD applications are proposed on the sites where these receivers are located (Yiribana Logistics Estate and Access Logistics Park).</li> <li>The assessment also found that the proposed works would not cause human discomfort to receivers immediately to the west of Mamre Road opposite the site.</li> <li>The Applicant has committed to a number of measures which would be detailed in the CEMP including undertaking building dilapidation surveys prior to commencement of construction and carrying out vibration monitoring during activities that are causing vibration.</li> <li>The Department considers the proposed activities that may cause vibration impacts would be short term in nature, intermittent and limited to bulk earthworks and enabling works only.</li> <li>The Department has formalised the Applicant's commitment requiring the Applicant to undertake a dilapidation survey and vibration monitoring particularly for the residence and shed at 884-902 Mamre Road. The Department also recommends that as part of the CEMP, the Applicant undertakes consultation with affected receivers particularly at 884-902 Mamre Road</li> </ul> <p><i>Conclusion</i></p> <ul style="list-style-type: none"> <li>The Department's assessment concludes the noise and vibration impacts during the construction of the development can be appropriately managed through best practice noise management and the recommended conditions of consent.</li> </ul>	
<p><b>Biodiversity</b></p> <ul style="list-style-type: none"> <li>The development would require the clearing of approximately 1.27 ha of native vegetation comprising:             <ul style="list-style-type: none"> <li>0.29 ha of Forest Red Gum – Rough-barked apple grassy woodland on alluvial flats of the Cumberland Plain (Plant Community Type (PCT) 835), which is listed as an Endangered Ecological Community (EEC) under the <i>Biodiversity Conservation Act 2016</i> (NSW) (BC Act)</li> <li>0.98 ha of Grey Box – Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion (PCT 849), which is listed as a Critically Endangered Ecological Community (CEEC) under the BC Act and EPBC Act</li> <li>0.84 ha of habitat for the <i>Myotis macropus</i> (Southern Myotis), which is listed as vulnerable under the BC Act.</li> </ul> </li> </ul>	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> <li>offset and retire the calculated ecosystem credits</li> <li>implement the measures in the BDAR and the flora and fauna management plan.</li> </ul>

Consideration	Recommended Conditions
<ul style="list-style-type: none"> <li>The EIS included a Biodiversity Development Assessment Report (BDAR) prepared by Ecological Australia, which noted the site was predominantly cleared and that PCT 835 and 849 are poor condition remnants with scattered paddock trees and plantings.</li> <li>The BDAR stated the development would require the purchase and retirement of four biodiversity credits including 1 ecosystem credit (PCT 849) and 3 species credits (for the Southern Myotis). The Applicant confirmed it would purchase the required credits payable to the NSW Biodiversity Conservation Trust.</li> <li>The development also requires relocation of hollow bearing trees from adjacent to the existing watercourse to the realigned riparian corridor within the proposed vegetation zone.</li> <li>EES Group did not provide comments on this aspect of the development.</li> <li>Council requested the retention, protection and enhancement of PCT 849 particularly along the waterway.</li> <li>In its RtS, the Applicant noted that retaining patches of PCT 835 and 849 would not be feasible as the bulk earthworks are required across the site to facilitate the development.</li> <li>Nonetheless, the Applicant has committed to implementing a number of measures outlined in the BDAR, which would be incorporated into the CEMP, including pre and post clearance surveys and procedures for vegetation removal. The Department has formalised this commitment in the recommended conditions.</li> <li>Given the highly fragmented nature of the site, the Department considers the potential for remnant PCTs to provide suitable habitat for threatened species would be low.</li> <li>Council also requested the Applicant provide an assessment of dam fauna and necessary management and protection measures during dam dewatering. As part of the RtS, the Applicant provided a Flora and Fauna Management Plan that identified safeguards to manage potential impacts, including to aquatic biodiversity, and responsibilities for their implementation.</li> <li>The Department considers the development can be appropriately offset and has recommended conditions requiring the Applicant to offset and retire all credits, in addition to the Applicant's commitments.</li> <li>The Department's assessment concludes the potential biodiversity impacts would be minimal.</li> </ul>	

### Aboriginal Cultural Heritage

<ul style="list-style-type: none"> <li>Bulk earthworks across the site would result in impacts to one identified Aboriginal site known as MAM AS 1901, which is in the eastern portion of the site.</li> <li>MAM AS 1901 contains artefacts with moderate archaeological significance.</li> <li>The EIS included an Aboriginal Cultural Heritage Assessment Report (ACHAR), which was prepared in consultation with the registered Aboriginal parties and groups and included a search of Aboriginal Heritage Information Management System (AHIMS), and surveys of the site.</li> <li>While the ACHAR noted the proposed works would impact MAM AS 1901, it recommended several mitigation measures to ensure these artefacts can be relocated for conservation purposes, including:</li> </ul>	<p>Require the Applicant to implement:</p> <ul style="list-style-type: none"> <li>recommendations outlined in the ACHAR</li> <li>an unexpected find protocol.</li> </ul>
--	--

## Consideration

## Recommended Conditions

- undertaking a salvage excavation program
- reburying encountered artefacts retrieved from the test excavation and salvage excavation
- providing registered Aboriginal parties opportunities to collect encountered Aboriginal artefacts.
- ACH and E&H did not raise any concerns and provided recommendations consistent with the mitigation measures outlined in the ACHAR.
- The Department is satisfied the measures proposed by the Applicant and recommendation of ACH and E&H would protect any identified artefacts and has formalised these requirements in the recommended consent. The Department has also recommended a condition requiring the Applicant to implement unexpected finds procedures if additional heritage items are located during construction.
- The Department's assessment concludes that Aboriginal cultural heritage impacts of the development can be appropriately managed by the Applicant and through conditions of consent.

## Air Quality

- The development has the potential to generate air quality impacts during construction and operation at the nearest sensitive receivers located within 100 m of the site boundary.
- An Air Quality and Odour Impact Assessment (AQOIA) was prepared by SLR in accordance with relevant guidelines.

### Construction

- During construction, the main emission sources would be dust from earthworks, vegetation clearing, demolition, and stockpiling.
- The AQIA found the risk of dust impacts on sensitive receivers would be negligible subject to the implementation of management measures including erecting solid screens or barriers around dusty activities, covering of stockpiles and the use of other dust suppression techniques.
- The Applicant has committed to implementing these measures which would be included in the CEMP. The Department has formalised this requirement in the recommended consent.
- As discussed in Section 5.1 – Traffic, the Department has recommended conditions requiring the Applicant to establish and participate in an MRP working group with other consent holders in the MRP to assist with managing cumulative construction impacts including air quality impacts and engage an independent environmental representative (ER) oversee the implementation of the CEMP including management of construction air quality impacts.
- While there may be short-term air quality impacts during construction, the Department considers the impacts would be temporary and can be appropriately managed via the abovementioned mitigation measures as part of the CEMP.

### Operation

- During operation of the Stage 1 development, potential air quality emissions would generally be from exhausts and particulate matter from vehicle movements and activities.
- The AQIA noted emissions would be of a similar nature to existing emissions from traffic on Mamre Road and found the risk of air

Require the Applicant to:

- take all reasonable steps to minimise dust generated during construction
- implement air quality management and mitigation measures as part of the CEMP
- establish and participate in an MRP working group to manage construction air quality impacts collectively with other consent holders in the Precinct
- engage an ER oversee the implementation of the CEMP.

Consideration	Recommended Conditions
<p>quality impacts on the nearest sensitive receivers would be negligible.</p> <ul style="list-style-type: none"> <li>• The Department considers the operation of the development is unlikely to result in significant air quality and odour impacts on nearby receivers.</li> <li>• The Department's assessment concludes the air quality impacts from construction and operation of the development would be minimal subject to implementation of the recommended conditions.</li> </ul>	
<b>Parking Provision</b>	
<ul style="list-style-type: none"> <li>• The Applicant proposed parking rates for both the Concept Plan and Stage 1 development in accordance with the RMS <i>Guide to Traffic Generating Developments 2002</i> (RMS Guide) and Penrith Development Control Plan (PDCP).</li> <li>• Based on the above rates, a total of 1,099 spaces are required for the Concept Proposal including 260 spaces for Stage 1 development. The Applicant has proposed: <ul style="list-style-type: none"> <li>– Concept Proposal: 1,262 spaces</li> <li>– Stage 1 Development: 322 spaces</li> <li>– Warehouse 1: 207 spaces</li> <li>– Building 3: 89 space</li> <li>– Café: 26 spaces</li> </ul> </li> <li>• As such, the proposed parking spaces would exceed the RMS Guide and PDCP requirements.</li> <li>• The Department's assessment concludes the proposed parking rates are consistent with the RMS Guide and the rates approved at other developments in the WSEA.</li> </ul>	<p>Require the Applicant:</p> <ul style="list-style-type: none"> <li>• provide parking spaces consistent with the TIA.</li> <li>• future DAs to confirm consistency with parking requirements.</li> </ul>
<b>Bushfire Management</b>	
<ul style="list-style-type: none"> <li>• The site is identified as being bushfire prone with category 2 vegetation in accordance with Council's Bushfire Prone Land Map (2014).</li> <li>• The EIS included a Bushfire Protection Assessment Report (BPAR), which found the development would comply with the aims and objectives of <i>Planning for Bushfire Protection 2019</i> (PBP 2019), subject to implementation of Asset Protection Zones (APZ) and additional bushfire protection measures including construction standards for the proposed buildings.</li> <li>• RFS did not raise any concerns and recommended conditions relating to APZ management, property access and landscaping requirements.</li> <li>• Council noted the APZ needed revision as the defensible spaces encroached into the riparian corridor in the north of the site.</li> <li>• The Applicant updated the concept masterplan to remove the APZ from the riparian corridor.</li> <li>• The Department has considered the findings of the BPAR and is satisfied the development could comply with PBP 2019, subject to implementing the recommendations and conditions recommended by the RFS.</li> <li>• The Department's assessment concludes the development would adequately manage bushfire risks subject to implementation of the BPAR recommended management and mitigation measures.</li> </ul>	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> <li>• implement recommendations by RFS and management and mitigation measures contained in the BPAR.</li> </ul>

## Consideration

## Recommended Conditions

### Flooding

- The site is located within the Wianamatta-South Creek Catchment where an unnamed watercourse drains into Wianamatta-South Creek. The development would increase impervious areas and realign the existing watercourse, thereby the development has the potential to increase overland flow, alter flooding patterns across the site and cause downstream impacts during a flood event.
- The Applicant submitted a Flood Impact Assessment (FIA) considering impacts of the Concept Proposal and Stage 1 development on flooding behaviour during various flooding events.
- The FIA considers flooding scenarios for an Average Recurrence Interval (ARI) of 1, 2, 5, 100, 200 and 500 years, as well as the Probably Maximum Flood (PMF) using TUFLOW modelling.
- The FIA concluded that except the realigned riparian zone where velocities and flood depths would increase during all ARI events, the Concept Proposal and Stage 1 development would have negligible impacts on velocities and levels across the remainder of the site in all ARI events. For downstream properties, except the watercourse channel where flood depth would increase up to 1.5 m during the 500 year ARI, the development would result in a minor increase in flood velocities and depths on downstream inundation areas adjacent to the watercourse.
- The FIA also advised that during a PMF event, for the downstream properties, the Concept Proposal and Stage 1 development would decrease its flood levels but increase its velocities modestly.
- Council and NRAR did not comment on flooding.
- The Department's assessment concludes the development would adequately address on- and off-site flooding impacts associated with the development to an acceptable level subject to the recommended conditions.
- The recommended conditions include requirements for the construction of Finished Floor Levels (FFLs) of buildings above the 1% AEP flood height and a further 500 millimetres (mm) freeboard and for all buildings to be constructed from flood compatible materials.

Require the Applicant to:

- construct warehouse buildings with FFLs above the 1% AEP flood height and a further 500 mm freeboard
- ensure all buildings would be required to be constructed from flood compatible materials.

### Development Contributions

#### *Regional Contribution*

- The site is located within the Western Sydney Aerotropolis Special Infrastructure Contributions Area, which came into effect on 25 March 2022. The Applicant is required to make a contribution towards the provision of infrastructure in the Aerotropolis.
- The Applicant entered into a planning agreement with the Minister on 8 April 2022 to construct the Mamre Road/Access Road 1 intersection and dedicate the area of land in the site identified for the widening of Mamre Road. It is intended that this planning agreement will be used to meet the Applicant's WSA SIC obligations.

#### *Local Contribution*

- The site is subject to the Penrith City Council Mamre Road Precinct Development Contributions Plan 2022, which came into effect on 4 April 2022. The Applicant is required to make a contribution in accordance with this plan under Section 7.11 of the EP&A Act.

Require the Applicant to:

- satisfy their obligations under the WSA SIC and Section 7.11 contributions plan prior to the issue of a Construction Certificate for any Stage building, via monetary contribution or planning agreement, to the satisfaction of the relevant authority.
- future stages of the development will also be required to make any further contributions that may apply.



Consideration	Recommended Conditions
<ul style="list-style-type: none"> <li>• The Applicant has submitted a letter of offer to Council to enter into a planning agreement to offset the monetary contribution that would apply by constructing infrastructure identified under the contributions plan and dedicating road reserves within the site to Council.</li> <li>• The Department's assessment concludes contributions required by the Applicant for its development will be satisfied and have been addressed by the recommended conditions of consent.</li> </ul>	
<b>Western Sydney Airport</b>	
<ul style="list-style-type: none"> <li>• The development is located close to the new Western Sydney Airport, which is currently under construction.</li> <li>• WSA provided advice in relation to wildlife hazards, noting the proposed riparian corridor and stormwater basin on-site may present an increased risk of wildlife attraction to the future airport. WSA recommended certain landscaping species should be selected to deter the attraction of birds and flying foxes.</li> <li>• Additionally, WSA requested the Applicant to confirm what material would be used for fill, whether waste would be enclosed and if the proposal complies with the Obstacle Limitation Surface (OLS) limitations.</li> <li>• In its response, the Applicant confirmed it would only bring clean fill to the site and that all waste would be stored in enclosed bins. The Department has formalised the Applicant's commitments in the recommended instrument.</li> <li>• The Applicant's RtS also demonstrated the proposed building height would be no more than 14 m, which is below the OLS limitation and the MRP DCP height limit.</li> <li>• In terms of the vegetated areas, the Applicant committed to ensuring landscaping species as outlined in the Western Sydney Aerotropolis DCP – Phase 2 (Aerotropolis DCP) would be selected.</li> <li>• At the time of WSA's review, the Aerotropolis DCP was not finalised and WSA recommended a condition requiring the Applicant to carry out a wildlife assessment to ensure the species list chosen is acceptable from a wildlife attraction perspective. The Applicant accepted this requirement.</li> <li>• The Department notes the Aerotropolis DCP is yet to be finalised and has recommended the Applicant demonstrate the suitability of landscaping species in relation to wildlife management as part of the landscaping plan for the site.</li> <li>• The Department considers the development has adequately addressed WSA's requirements, subject to conditions of consent. The Department's assessment concludes that with implementation of recommended conditions, the development would not impact on the operation of the future airport.</li> </ul>	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> <li>• Prepare a landscaping plan that considers the suitability of landscaping species in relation to wildlife management</li> <li>• ensure waste stored on-site is enclosed in bins.</li> </ul>

## 7 Evaluation

The Department has assessed the Concept Proposal and Stage 1 application for the Aspect Industrial Estate (SSD 10448) considering all relevant matters under Section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development. The Department has considered the development in the context of the aims and objectives of the Mamre Road Precinct Structure Plan and Development Control Plan and other relevant statutory planning instruments.

The development is State significant development as it is development for the purpose of a warehouse and distribution centre that has a CIV of more than \$30 million. Development of the Concept Proposal would generate 1,703 operational jobs, with Stage 1 development generating 387 operational jobs in the Penrith LGA. The CIV of the Concept Proposal is \$341 million, with Stage 1 comprising \$99 million.

The development includes:

- a Concept Proposal for an industrial estate comprising 11 buildings and associated offices covering 248,112 m<sup>2</sup> of GFA
- a Stage 1 DA for bulk earthworks, construction and operation of the first 2 buildings, construction of the eastern half of an intersection on Mamre Road and phased construction of internal access roads.

In 2020, the Western Sydney Employment Area was expanded by rezoning land to the west to include the Mamre Road Precinct (MRP). Strategic planning for development in the MRP is established by the MRP DCP, which includes planning outcomes for the transport network and includes controls for industrial developments, covering built form, heights, setbacks, landscaping, and amenity issues.

The development is the first industrial estate proposed in the MRP and the Applicant has designed the development to be consistent with the MRP DCP, including the delivery of key transport infrastructure and reservation of land for road and freight networks and environmental conservation.

The Department has carried out a detailed assessment of the merits of the development, has consulted with key government agencies and the public and closely considered the issues raised during its assessment of the application. The Department also engaged an independent water quality expert to review the proposed stormwater management strategy and riparian corridor realignment works. The key assessment issues are traffic and access, water management, operational noise impact, and visual impact and landscaping.

None of the State government agencies or Council objected to the development. One special interest group (a neighbouring landowner) objected based on the proposed timing to deliver the internal access roads. The Department has sought to address these issues through consultation with Government agencies and the Applicant. TfNSW recommended conditions for delivery of the intersection, Council recommended conditions for construction management and landscaping and the E&H Group recommended conditions for the riparian corridor realignment works.

The Department's assessment concluded the development:

- is consistent with the strategic objectives of the Mamre Road Precinct as a dedicated industrial area to deliver employment generating developments in Western Sydney
- would provide up to 248,112 m<sup>2</sup> of GFA for industrial, warehousing and distribution centres, generating 1,703 operational jobs in the Penrith LGA

- is consistent with the objectives of the MRP Structure Plan and DCP for the provision of transport infrastructure and the improvement and maintenance of waterway health
- would deliver the eastern half of the Mamre Road / Access Road 1 intersection prior to operation of Stage 1 and the internal access roads on a staged basis
- would be adequately accommodated on the existing and upgraded road network throughout operational of the fully developed estate
- would improve waterway health and the value of the riparian corridor through stormwater management and revegetation works
- would have minimal visual impacts and would implement landscaping consistent with the DCP
- would meet the noise amenity goals for the precinct at established residential areas throughout operation of the fully developed estate.

The Department's assessment concluded the impacts of the development can be mitigated and managed to ensure an acceptable level of environmental performance.

The Department has recommended conditions to manage the residual impacts of the development, including limits on the Concept Proposal, assessment requirements for future stages of the Concept Proposal and specific controls for the Stage 1 development. These relate to the delivery of transport infrastructure, operational traffic management, coordination of a Working Group with other landowners to assist with co-ordinating the management of cumulative construction impacts and noise limits. The Department's assessment has concluded the development is in the public interest and should be approved, subject to conditions.

Overall, the development is consistent with the strategic direction for the site set under the WSEA SEPP, the MRP Structure Plan, and the MRP DCP. The development would assist with providing employment generating uses within Western Sydney by providing up to 248,112 m<sup>2</sup> of GFA for industrial, warehousing and distribution uses, \$341 million in capital investment, and provision of 387 construction jobs and 1,703 operational jobs.

The Department concludes the impacts of the development can be appropriately managed through implementation of the recommended conditions of consent. On balance, the Department considers the development is in the public interest and should be approved, subject to conditions.

## 8 Recommendation

It is recommended that the Director, Industry Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of Aspect Industrial Estate (SSD-10448), subject to the conditions in the attached development consent
- **signs** the attached development consent and recommended conditions of consent (see **Appendix E**).

**Recommended by:**



13 May 2022

**Pamela Morales**  
Acting Team leader  
Industry Assessments

## 9 Determination

The recommendation is **Adopted** by:



24 May 2022

**Chris Ritchie**

Director

Industry Assessments



# Appendices

## Appendix A – List of referenced documents

The Department has relied upon the following key documents during its assessment of the development:

### Environmental Impact Statement

- Environmental Impact Statement and associated technical reports, titled *Aspect Industrial Estate, Environmental Impact Statement*, prepared by Urbis, dated November 2020 (see <https://www.planningportal.nsw.gov.au/major-projects/projects/aspect-industrial-estate>)

### Submissions and Advice

- submissions received during the exhibition of the SSD-10448 (see <https://www.planningportal.nsw.gov.au/major-projects/projects/aspect-industrial-estate>)
- advice from government authorities and Penrith City Council (see <https://www.planningportal.nsw.gov.au/major-projects/projects/aspect-industrial-estate>)

### Response to Submissions

- Response to Submissions titled *Aspect Industrial Estate, Response to Submissions*, prepared by Urbis, dated 5 March 2021 (see <https://www.planningportal.nsw.gov.au/major-projects/projects/aspect-industrial-estate>)
- Amended Development Report titled SSD-10448 Aspect Industrial Estate Amended Development Report, prepared by Urbis, dated 5 May 2022 (see <https://www.planningportal.nsw.gov.au/major-projects/projects/aspect-industrial-estate>)

### Statutory Documents

- relevant environmental planning instruments, policies, and guidelines (described in **Appendix B**)
- relevant requirements of the EP&A Act.

## Appendix B – Considerations under Section 4.15 of the EP&A Act

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a DA. The Department's consideration of these matters is set out in **Table 7**. In summary, the Department is satisfied the development is consistent with the requirements of section 4.15 of the EP&A Act.

**Table 5 |** Consideration under Section 4.15 of the EP&A Act

Matter	Consideration
<p>a) the provisions of:</p> <ul style="list-style-type: none"> <li>(i) any environmental planning instrument, and</li> <li>(ii) any proposed instrument that is or has been the subject to public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</li> <li>(iii) any development control plan, and <ul style="list-style-type: none"> <li>(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</li> </ul> </li> <li>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph).</li> </ul>	<p>Detailed consideration of the provisions of all environmental planning instruments (including draft instruments subject to public consultation under this Act) that apply to the development is provided below in Appendix C.</p> <p>The Applicant has entered into a planning agreement to meet the obligations of the WAS SIC and has provided a letter of offer to enter into a planning agreement with Council to meet the obligations of the local contributions plan. The Department has recommended conditions requiring the Applicant to make the appropriate contribution, or otherwise meet the requirements through a planning agreement, prior to construction of any Stage 1 building.</p> <p>The Department has undertaken its assessment of the development in accordance with all relevant matters as prescribed by the regulations, the findings of which are contained within this report.</p>
b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department has considered the likely impacts of the development in detail in Section 6 of this report. The Department concludes that environmental impacts can be appropriately managed and mitigated through the recommended conditions of consent.
c) the suitability of the site for the development,	<p>The site has been identified as being suitable for the purposes of industrial, warehousing and distribution centres. The site is industrial zoned and strategically identified to support industrial developments in the WSEA, nearby Western Sydney Aerotropolis and the broader Western Sydney.</p> <p>The site also has connections to local and regional road networks including M4 and M7 Motorways. The Department therefore considers that the site is suitable for the development.</p>
d) any submissions made in accordance with this Act or the regulations,	The Department publicly exhibited the development. All matters raised in submissions have been summarised in Section 5 of this report and given due consideration

Matter	Consideration
	as part of the assessment of the development in Section 6 of this report.
e) the public interest.	<p>The Concept Plan would generate 1,703 operational jobs and 555 construction jobs. The development is a considerable capital investment in the Penrith LGA and would be an anchor development in the Mamre Road Precinct that would contribute to the provision of local jobs and promote realisation of the Mamre Road Precinct strategic visions. The development would establish a vegetated riparian corridor to rejuvenate the currently degraded watercourse which would encourage biodiversity conservation.</p> <p>The environmental impacts of the development would be appropriately managed via the recommended conditions. On balance, the Department considers the development is in the public interest.</p>

## Appendix C – Consideration of Environmental Planning Instruments

To satisfy the requirements of Section 4.15(1) of the EP&A Act, the following EPIs were considered as part of the Department's assessment:

- State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)
- State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP)
- State Environmental Planning Policy (Precincts – Western Parkland City) 2021 (WPC SEPP)
- State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)
- State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP).

The Department's assessment also considers the Mamre Road Precinct Development Control Plan (MRP DCP).

### State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)

The aims of this SEPP are to identify State significant development and State significant infrastructure and confer the necessary functions to joint regional planning panels to determine development applications.

The development is for State significant development because it is development for the purposes of warehousing and distribution centres with a CIV in excess of \$30 million which is identified as a State significant development site under clause 12 of Schedule 1 of the SRD SEPP.

### State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)

The Biodiversity and Conservation SEPP aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. The Department's assessment has concluded the proposal does not compromise the aims and objectives of the Biodiversity and Conservation SEPP.

### State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP)

The Industry and Employment SEPP aims to promote economic development and employment, provide for the orderly and coordinated development of land, rezone land for employment or conservation purposes, ensure development occurs in a logical, cost-effective and environmentally sensitive manner and conserve and rehabilitate areas with high biodiversity, heritage or cultural value within the WSEA.

Chapter 2 of the Industry and Employment SEPP sets out the principal development standards within the WSEA. The development has been assessed against these standards and a summary of the Department's assessment is provided in **Table 6**.

**Table 6 | Department's Assessment of the Development against Chapter 2 of the Industry and Employment SEPP**

Consideration	Proposed	Department's Comment
<p><b>CI 2.17 Requirement for development control plans</b></p> <p>A consent authority must not grant consent to a Development Applicant unless a development control plan (DCP) has been prepared for that parcel of land.</p>	<p>The MRP DCP applies to the site.</p> <p>The Applicant has assessed the development against provisions of the MRP DCP.</p>	<p>The Department has assessed the development against the relevant provisions of the MRP DCP. The Department considers that the development generally complies with the MRP DCP.</p>
<p><b>CI 2.19 Ecologically sustainable development</b></p> <p>The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that the development contains measures designed to minimise:</p> <p>(a) the consumption of potable water, and</p> <p>(b) greenhouse gas emissions.</p>	<p>The Applicant has proposed a number of initiatives to achieve an ESD development including energy efficient lighting systems, natural ventilation of warehouses and offices, and high thermally performing glazing and façade materials.</p>	<p>The development includes a number of design measures to reduce consumption of potable water and greenhouse gas emissions.</p> <p>The proposed measures are satisfactory for minimising resource use and emissions from the development when applied across the site.</p>
<p><b>CI 2.20 Height of buildings</b></p> <p>The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that:</p> <p>(a) building heights will not adversely impact on the amenity of adjacent residential area, and</p> <p>(b) site topography has been taken into consideration.</p>	<p>The proposed maximum building height is 13.7 m consistent with other warehousing and distribution centres in the WSEA.</p>	<p>The Industry and Employment SEPP does not prescribe a height limit for the site.</p> <p>The Department has considered the visual impact of the proposed bulk and scale of the development at section 6.4 of this report. The Department's assessment concludes that the proposed heights are consistent with the surrounding warehouses.</p>
<p><b>CI 2.21 Rainwater harvesting</b></p> <p>The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that adequate arrangements will be made to connect the roof areas of buildings to such rainwater harvesting scheme (if any) as may be approved by the Director-General.</p>	<p>The Applicant proposes to implement rainwater harvesting techniques to minimise potable water use by using rainwater collected from warehouse/building and/or office roofs for non-potable uses.</p> <p>Rainwater tanks are provided for each proposed warehouse.</p>	<p>The provision of rainwater tanks and proposed use of rainwater is satisfactory.</p>
<p><b>CI 2.23 Development involving subdivision</b></p> <p>The consent authority must not grant consent to the carrying out of development involving the</p>	<p>The development includes two stages of subdivision to create separate lots for buildings 1 and 3 and separate lots for internal roads.</p>	<p>The Department is satisfied the subdivision would not result in fragmentation of land. The subdivision of land will facilitate the provision of employment lands, as well providing lots in accordance</p>



Consideration	Proposed	Department's Comment
<p>subdivision of land unless it has considered the following:</p> <ul style="list-style-type: none"> <li>(a) the implications of the fragmentation of large lots of land,</li> <li>(b) whether the subdivision will affect the supply of land for employment purposes,</li> <li>(c) whether the subdivision will preclude other lots of land to which this Policy applies from having reasonable access to roads and services.</li> </ul>		<p>with the proposed C2 zone and the Concept Proposal.</p> <p>The subdivision also makes provision for internal roads a future connection to the land to the north of the site.</p>
<p><b>CI 2.24 Public utility infrastructure</b></p> <p>The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.</p>	<p>It is proposed to extend services to the site in consultation with utility providers including Sydney Water, Endeavour Energy, and Jemena.</p>	<p>Service providers were consulted during exhibition of the proposal and following the receipt of the RtS. The Department is satisfied that adequate arrangements have been made to ensure infrastructure will be available to the site as required.</p>
<p><b>CI 2.25 Development on or in vicinity of proposed transport infrastructure routes</b></p> <p>The consent authority must consider any comments made by the Secretary as to the compatibility of the development with the proposed transport infrastructure route.</p>	<p>The site adjoins Mamre Road which is identified as transport infrastructure routes under the WSEA SEPP. The Applicant has proposed to construct Mamre Road/ Access Road 1 to accommodate traffic generated by the AIE.</p>	<p>The development layout includes appropriate provisions for the future upgrades to Mamre Road.</p>
<p><b>CI 2.28 Satisfactory arrangements for the provision of regional transport infrastructure and services</b></p> <p>Assistance to the State authorities for the provision of regional transport infrastructure and services is required. The consent authority must not grant consent unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to</p>	<p>The Applicant entered into a planning agreement with the Minister on 8 April 2022 to construct the Mamre Road/Access Road 1 intersection and dedicate the area of land in the site identified for the widening of Mamre Road. It is intended that this planning agreement will be used to meet the Applicant's WSA SIC obligations. The Applicant has submitted a letter of offer to Council to enter into a planning agreement to offset the</p>	<p>The Department has recommended conditions requiring the Applicant to satisfy their obligations under the WSA SIC and Section 7.11 contributions plan prior to the issue of a Construction Certificate for any Stage building, via monetary contribution or planning agreement, to the satisfaction of the relevant authority and future stages of the development will also be required</p>

Consideration	Proposed	Department's Comment
contribute to the provision of regional transport infrastructure and services.	monetary contribution that would apply by constructing infrastructure identified under the contributions plan and dedicating road reserves within the site to Council.	to make any further contributions that may apply.
<b>CI 2.30 Design Principles</b> The consent authority must take into consideration whether or not: <ul style="list-style-type: none"> <li>(a) the development is of a high-quality design, and</li> <li>(b) a variety of materials and external finishes for the external façades are incorporated, and</li> <li>(c) high quality landscaping is provided, and</li> <li>(d) the scale and character of the development is compatible with other employment generating developments in the Precinct concerned.</li> </ul>	The Applicant submitted a LCVIA assessing the potential visual impacts of the development.  The proposed buildings would incorporate a variety of materials and finishes to provide architectural interests with high quality urban design outcome.  The Applicant has proposed landscaping contemplating the proposed site topography, bulk and scale of buildings, and the proposed riparian corridor.	The Department has assessed the visual impacts of the development in section 6.4 of this report.  The proposed materials and landscaping are considered appropriate for the location of the site within a growing industrial Precinct. The Department has included the requirement for implementing the proposed landscaping at the early stage of the development to facilitate formation and mature of landscaping as soon as possible.
<b>CI 2.23 Development near zone boundaries</b> (1) The objectives of this section is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone. (2) This section applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is in the case of a boundary to land zoned E2 Environmental Conservation – 20 metres.	Industrial, warehousing and distribution centre use is permissible with development consent in the IN1 zone but is prohibited in the C2 zone. Clause 33A of the WSEA SEPP permits a 20 m wide buffer of C2 zoned land to be developed for uses allowed on the other side of the C2 zone, should the proposed development be compatible with the planning objectives and land uses for the adjoining zone.  The Applicant has proposed to construct a new and relocated watercourse connecting the current stream in the north eastern corner of the site to the location where the C2 zone currently crosses the western site boundary at Mamre Road. The Applicant has also committed to pursue a planning proposal rezoning the realigned riparian corridor to the C2 zone so as to protect, manage and restore areas of ecological, scientific,	The Department considers the Applicant's proposed approach is adequate as it would facilitate orderly development though an efficient Concept Proposal design and layout, separate the riparian corridor from buildings where a 10 m wide buffer could be provided between the watercourse and adjacent buildings, and rejuvenate the currently degrading ecological value of the riparian corridor through vegetation planting within the realigned riparian corridor.

Consideration	Proposed	Department's Comment
	cultural, and aesthetic values of the riparian area.	
<p><b>CI 2.35 Development within the Mamre Road Precinct</b></p> <p>Consent must not be granted to development on the land identified on the Land Application Map as Precinct 12 (Mamre Road) that has a capital investment value of more than \$200,000 without the concurrence of Transport for NSW.</p>	<p>The site is located within the Mamre Road Precinct and the development has a CIV over \$200,000.</p> <p>TfNSW concurrence is therefore required.</p>	<p>On 31 March 2022, TfNSW provided its further comments on the revised design and concurrence for the development pursuant to the Industry and Employment SEPP.</p>
<p><b>CI 2.40 Earthworks</b></p> <p>Before granting development consent for earthworks, the consent authority must consider the matters outlined in clauses 2.40(3)(a) to (j).</p>	<p>The proposal includes earthworks across the site to create level pads for building construction. The final landform will include retaining walls and battered slopes along some of the boundaries of the works area.</p>	<p>The Department has considered the visual impacts of the proposed earthworks at section 6.3 Consideration of stormwater management and sediment and erosion control is at section 6.2.</p> <p>To ensure earthworks are appropriately managed, the Department has included the requirement of a detailed CEMP which includes an erosion and sediment control plan.</p>
<p><b>CI 2.42 Heritage conservation</b></p> <p>Development consent is required for:</p> <ol style="list-style-type: none"> <li>(1) demolishing or moving or altering the exterior of a heritage item and an Aboriginal object.</li> <li>(2) Disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged, or destroyed.</li> </ol>	<p>The EIS included an Aboriginal Cultural Heritage Assessment Report (ACHAR), which was prepared in consultation with the registered Aboriginal parties and groups and included a search of Aboriginal Heritage Information Management System (AHIMS), and surveys of the site.</p> <p>While the ACHAR noted that the proposed works would impact MAM AS 1901, it recommended several mitigation measures to ensure these artefacts can be relocated for conservation purposes, including undertaking a salvage excavation program, reburial of encountered artefacts retrieved from the test excavation and salvage excavation, and providing registered Aboriginal parties opportunities to collect encountered Aboriginal artefacts.</p>	<p>The Department's assessment of Aboriginal cultural heritage is in section 6.5.</p> <p>ACH, E&amp;H reviewed the ACHAR and recommended conditions.</p> <p>The Department has recommended conditions requiring the Applicant to implement recommendations outlined in the ACHAR and an unexpected finds protocol.</p>

Consideration	Proposed	Department's Comment
<p><b>CI 2.43 Consent for clearing native vegetation</b></p> <p>Development consent under this clause is not to be granted unless the consent authority is satisfied of the matters listed in subclauses (a) to (f) in relation to the disturbance of native vegetation caused by the clearing of the vegetation.</p>	<p>The development would require the clearing of approximately 1.27 ha of native vegetation.</p> <p>The Applicant has submitted a BDAR which states that the Applicant would purchase the required credits payable to the NSW Biodiversity Conservation Trust to offset impacts on native vegetation.</p>	<p>The Department consider that the site contains highly fragmented native vegetation the potential for remnant PCTs to provide suitable habits for threatened species would be low.</p> <p>The Department is satisfied the development can be appropriately offset and has recommended conditions requiring the Applicant to offset and retire all credits, in addition to the Applicant's commitments.</p>
<p><b>CI 2.44 Stormwater, water quality and water sensitive design</b></p> <p>Before granting development consent to development on land to which this Policy applies, the consent authority must take into consideration of matters listed in subclauses (a) to (f).</p>	<p>The Applicant has proposed comprehensive stormwater management strategies for the Concept Plan and Stage 1 development as described in Section 6.2 of the report.</p>	<p>The Department has consulted with the EES Group and the Applicant extensively during the course of assessment.</p> <p>The Department considers the proposed stormwater strategy for Stage 1 development could meet waterway health targets in the MRP DCP.</p> <p>The Department has recommended conditions requiring that, the Applicant must demonstrate compliance with Waterway Health targets for each future DA until such time that the proposed regional stormwater basin for the MRP is finalised.</p>

Chapter 3 of the Industry and Employment SEPP aims to ensure that outdoor signage is compatible with the desired amenity and visual character of an area, and provides effective communication in suitable locations, that is of a high-quality design and finish.

The development includes erection of pylon signs, wall-mounted signs, and wayfinding signs. The Department's assessment of the proposed signage against the relevant provisions of Chapter 3 of the Industry and Employment SEPP is provided in **Table 7**.

**Table 7 | Department's Assessment of the Development against Chapter 3 of the Industry and Employment SEPP**

Assessment Criteria	Compliance
<p><b>1. Character of the area</b></p> <p>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</p>	<p>The proposed signage is compatible with the future character of the area, being industrial land use.</p>

Assessment Criteria	Compliance
Is the proposal consistent with a particular theme or outdoor advertising in the area or locality?	The proposed signage would be generally consistent with other industrial signage in the locality.
<b>2. Special areas</b>	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage would be in keeping with the proposed industrial warehousing Estate uses.
<b>3. Views and vistas</b>	
Does the proposal obscure or compromise important views?	The proposed signage would not exceed the height of the proposed buildings and would not obscure views.
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage would not dominate the skyline.
Does the proposal respect the viewing rights of other advertisers?	The proposed signage would not impact on other advertisers and would ensure an orderly identification of the site and individual buildings, provide necessary wayfinding for employees and visitors.
<b>4. Streetscape, setting or landscape</b>	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale of the proposed signage is considered appropriate for the proposed development is consistent with existing industrial developments in site's surrounds.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	<p>The proposed signage strategy includes a variety of signs with different sizes, shapes, functions, materials and colours. The Applicant has proposed an entry feature at Mamre Road/future SLR intersection incorporating the site identification sign and the Applicant's logos.</p> <p>The entry feature includes steel pickets and blades, aluminium panels and gabion wall with planting in various shapes and colours which would add point of interests and necessary site identification. As such, the Department consider the proposed signage would make positive contributions to the streetscape and visual interests.</p>
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	N/A
Does the proposal screen unsightliness?	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage would not exceed the maximum building height proposed on site.
Does the proposal require ongoing vegetation management?	No
<b>5. Site and building</b>	



Assessment Criteria	Compliance
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage is compatible with the scale of the proposed warehousing buildings and the entire industrial facilities hub.
Does the proposal respect important features of the site or building, or both?	The proposed signage would not detract from important features.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage is compatible with the scale of the proposed warehousing buildings and the entire industrial facilities hub.
<b>6. Associated devices and logos with advertisements and advertising structures</b>	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposed lighting devices would be integrated into the proposed signage.
<b>7. Illumination</b>	
Would illumination result in unacceptable glare?	The Applicant has advised the lightboxes would be a low wattage and would not result in unacceptable glare.
Would illumination affect safety for pedestrians, vehicles or aircraft?	The proposed illumination level would be low and would not affect safety for pedestrians, vehicles or aircraft.
Would illumination detract from the amenity of any residences or other form of accommodation?	The proposed signage would be contained within the site boundary and oriented away from nearby residences. As such, the proposed signage would not detract from the amenity of any residences.
Can the intensity of the illumination be adjusted, if necessary?	The intensity of the illumination would not be adjusted but consider the low illumination level, there is no need to adjust illumination.
Is the illumination subject to a curfew?	The illumination would not subject to a curfew.
<b>8. Signage</b>	
Would the proposal reduce the safety for any public road?	The proposed signage would be unlikely to reduce safety for any public road.
Would the proposal reduce the safety for pedestrians or bicyclists?	The proposed signage would be unlikely to reduce safety for pedestrians and bicyclists.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage would not obscure important sightlines from public areas.

## State Environmental Planning Policy (Precincts – Western Parkland City) 2021 (WPC SEPP)

The WPC SEPP aims to facilitate the operation of the Western Sydney Airport (the Airport) and developments in the Western Sydney Aerotropolis (WSA) in accordance with the objectives and principles of the WSA.

The Department considers the overall height of the development including warehouse buildings of maximum 13.7 m in height built on pads of maximum 57 m high would be well below the obstacle limits ranging between RL190 m and RL210 m applying to the site as stipulated in the WPC SEPP.

Despite the site is located in areas where the Australian Noise Exposure Concepts (ANECs) associated with the operation of the Western Sydney Airport are between 20 and 25 units, but as the development is for industrial, warehousing and distribution centre purposes which are not noise sensitive developments defined under Section 19(6) of the WPC SEPP, as such no further assessment of aircraft noise impact on the development would be required.

The Department notes the site is located in the 13 km wildlife buffer zone for the Western Sydney Airport. However, the development would not introduce potential wildlife hazards to the operation of the Western Sydney Airport and is not defined as relevant development under Section 21(4) of the WPC SEPP. As such, no further assessment would be required.

### **State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)**

Resilience and Hazards SEPP aims to identify developments with the potential for significant off-site impacts, in terms of risk and/or offence, and promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying:

- under what circumstances consent is required
- the relevant considerations for consent to carry out remediation work
- the remediation works undertaken meet certain standards and notification requirements.

A development is defined as potentially hazardous and/or potentially offensive if, without mitigating measures in place, the development would have significant risk and/or adverse impact on off-site receptors.

The Concept DA seeks consent for a Concept Proposal of 11 warehouses / buildings and Stage 1 development of a warehouse, an industrial building, one café and demolition and site preparation, subdivision, infrastructure and associated works. As future tenancies for the site are not known at this stage, the Applicant did not undertake a risk screening assessment under the Resilient and Hazards SEPP. However, the Applicant acknowledges this SEPP will apply to future DAs. The Department's hazard specialists have reviewed the EIS and the development. Conditions have been recommended to ensure future development does not impact upon the continued operation of the pipeline and that future development will need to consider the cumulative societal risk of the pipeline. Other conditions have been recommended to ensure the appropriate storage and handling of chemicals, fuels or oils used on site.

Contamination was considered in the Department's assessment of the development given the site had historically used for grazing and horticulture. The Department's assessment concludes the site would be suitable for the proposed uses subject to implementation of the Remedial Action Plan in the EIS.

### **State Environmental Planning Policy (Transport and Infrastructure) 2007 (Transport and Infrastructure SEPP)**

The Transport and Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to certain types of infrastructure development, and providing for

consultation with relevant public authorities about certain types of development during the assessment process.

The Concept Proposal and Stage 1 development constitutes traffic generating development in accordance with clause 104 of the Transport and Infrastructure SEPP as it will facilitate future industrial developments on-site with an area exceeding 20,000 m<sup>2</sup>. Therefore, the application was referred to TfNSW for assessment. TfNSW comments are detailed in Section 5 of this report.

### **Mamre Road Precinct Development Control Plan (MRP DCP)**

The MRP DCP aims to ensure that development in the MRP occurs in an orderly and coordinated manner. Key development controls in the MRP DCP include transport network, landscaping and setbacks, waterway health objectives.

The Department's assessment of the development has considered the relevant provisions of the MRP DCP (see **Section 6**) and concluded that with mitigation measures in place, the development would comply with the relevant provisions of the MRP DCP.

## Appendix D – Key Issues – Community Views

The Department public exhibited the EIS for the Aspect Industrial Estate between 18 November 2020 and 15 December 2020. During the exhibition period, the Department received six public submissions on the development including one from a nearby resident and five from private businesses and special interest groups. Of the submissions received, one objected to the development. The Department also received advice from 12 government authorities including Council.

The issues raised by these public submissions and how each issue has been addressed is summarised in **Table 8**.

**Table 8 | Department's Response to Issues raised in Submissions from the Community**

Issue	Consideration
<b>Internal Access Road</b> <ul style="list-style-type: none"><li>the timing to deliver the full length of Access Road 1 which would provide access to their site to the north</li><li>the delivery of Access Road 3 – South, which would provide access to their site to the south</li><li>both Altis and GPT requested the Applicant construct Access Road 1 to the eastern site boundary as part of the Phase 1 road works.</li></ul>	<p>To ensure a timely and coordinated delivery of the Access Road 3 - North half road, the Department has included conditions requiring the Applicant to submit a Staging Plan and detailed design for delivering Access Road 3 to the north, which must be coordinated with the proposed creek realignment works and the neighbouring landowner, GPT. The Staging Plan and detailed design is required within six months of development consent and the road works must be completed in accordance with the Staging Plan in consultation with Council and GPT.</p> <p>The Department has encouraged the Applicant to continue to engage and discuss the timing of the delivery of these roads with both the GPT and Altis. The Department acknowledges the need for these roads to be delivered under the DCP and ahead in line with development on the adjoining sites and considers the abovementioned recommended conditions set out a logical appropriate sequence and delivery program that would ensure the orderly and economic development of the site and adjoining sites.</p>
<b>Imported Fill Materials</b> <ul style="list-style-type: none"><li>the Applicant should only source the imported fill from within the Mamre Road Precinct as required by the MRP DCP.</li></ul>	<p>The Department has recommended a condition requiring the Applicant ensure that only Virgin Excavated Natural Material, excavated natural material, or any other material approved in writing by the EPA would be brought onto the site.</p>

## **Appendix E – Recommended Instrument of Consent**

The recommended conditions of consent for SSD-10448 can be viewed on the Department's website at: <https://www.planningportal.nsw.gov.au/major-projects/projects/aspect-industrial-estate>