



AIE Stormwater Management Modification Report

SSD-10448 MOD 11

SSD-46516461 MOD 4

SSD-58257960 MOD 3

SSD-60513208 MOD 3

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Executive Summary

This Modification Report has been prepared by Urbis Ltd on behalf of Mirvac Industrial Developments Pty Ltd (**Mirvac**) (**the Applicant**) in support of four separate modification applications pursuant to Section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**).

Mirvac is seeking an amendment to the development consent issued in respect of Concept Plan Approval and Stage 1 Development under SSD-10448 for the Aspect Industrial Estate (**AIE**), along with related amendments in respect of the subsequent stage State Significant Development Application (**SSDA**) consents for the development of Warehouse 9 (SSD-46516461), Warehouse 2 (SSD-58257960), and Warehouse 8 (SSD-60513208) within the AIE.

The AIE is located 788-882 Mamre Road, Kemps Creek (Lots 104 and 105 in Deposited Plan 1305965, Lot 301 in Deposited Plan 1305254) and the land at Mirvac's Elizabeth Enterprise Precinct at 1169A and 1669-1732 Elizabeth Drive, Badgerys Creek (**EEP**, also referred to as SEED in other applications) is also embedded in the Concept Consent SSD-10448 to facilitate a cumulative stormwater management strategy across both the AIE and EEP sites.

The four separate modification applications (herein, referred to as the **proposals**) seek to update the cumulative stormwater management strategy for the AIE. The updated strategy has been prepared to reflect changes to the intended development outcome at the EEP site that is being progressed under a separate SSDA for works at the EEP site, EEP Stage 1A SSDA (SSD-19618251).

The updated strategy demonstrates continued interim compliance with stormwater quality, quantity and flow targets in accordance with the Mamre Road Precinct Development Control Plan (**DCP**) at both the AIE and EEP sites, inclusive of the intended development outcome at EEP (proposed under EEP Stage 1A SSDA).

Site History

The AIE is currently in the process of being developed out as a warehouse and distribution estate in accordance with the Concept Plan Approval and subsequent stage SSDAs.

SSD-10448

The Concept Plan Approval and Stage 1 Development, SSD-10448 was granted consent by the Minister for Planning under delegation on 24 May 2022. The SSDA-10448 consent granted approval for:

- A Concept Plan for the staged development of an industrial estate comprising 11 buildings with a total GFA of up to 248,112m² for industrial, warehouse and distribution centres, and café uses;
- A Stage 1 development comprised of:
 - site preparation works,
 - vegetation clearing,
 - realignment of the existing creek,
 - construction of access road including eastern half of Mamre Road / Access Road 1 intersection works,
 - construction fit-out and operation of two warehouse buildings (Warehouse 1 and Warehouse 3) with ancillary offices, car parks, landscaping, signage and a café construction and operation of services and utilities, and subdivision of the site into three lots.

Warehouse 1 and Warehouse 3 have been constructed and are currently operational.

SSD-46516461

The Stage 2 SSDA (**SSD-46516461**) was approved by DPHI on 2 March 2023 for the development of Warehouse 9 on the Lot 9 at AIE. This was for a 66,341m² 'warehouse and distribution' built to a ridge height of 14.6m with supporting ancillary uses (loading docks, main offices, at-grade parking etc.). Several modification applications were subsequently progressed for the Stage 2 SSDA (latest approval, SSD-46516461 MOD 3, approved 7 May 2025) and Warehouse 9 has been constructed and is currently occupied and operating, with an operational Stormwater Management Plan.

SSD-58257960

The Stage 3 SSDA (**SSD-58257960**) was approved by DPHI on 5 July 2024 for the development of Warehouse 2 on the Lot 2 at AIE. This was for a 24,295m² 'warehouse and distribution' built to a ridge height of 13.7m with supporting ancillary uses (loading docks, main offices, at-grade parking etc.). Multiple modification applications were subsequently progressed for the Stage 3 SSDA (latest, SSD-58257960 MOD 2, lodged June 2025, under assessment as of the time of writing, with the modification application seeking to revise the internal layout of the building). Notwithstanding the progression of SSD-58257960 MOD 2, Warehouse 2 has been constructed as per the latest approval and is currently occupied and operating, with an operational Stormwater Management Plan.

SSD-60513208

The Stage 4 SSDA (**SSD-60513208**) was approved by DPHI on 11 October 2024 for the development of Warehouse 8 on the Lot 8 at AIE. Multiple modification applications were subsequently progressed for the Stage 4 SSDA, the latest SSD-60513208 MOD 2, which approved adjustments to the building form and layout, was approved 26 June 2025 for a 42,630m² 'warehouse and distribution' centre to a ridge height of 13.7m with supporting ancillary uses (loading docks, main offices, at-grade parking etc.).

A further fit-out and use application (SSD-80331959) was approved on 25th September 2025 for the use of the Warehouse 8 building (as approved under the Stage 4 SSDA MOD 2) for the purposes of 'Manufacturing (printing)' operations.

Other Staged Warehouse Approvals

The Stage 5 DA was progressed as a Local DA, approved by Penrith City Council on 19 March 2025 (Ref: DA24/0264) for the development of Warehouse 6, Warehouse 7 (with relevant ancillary uses) and an estate café within the AIE. As the Stage 5 DA was progressed as a Local DA, it does not form part of the proposals being progressed as per this Modification Report. However, it is noted that the development approved under the Stage 5 is considered as part of the updated cumulative stormwater management strategy.

Previous Waterway Health Modifications

A number of previous modification applications have been progressed in due course to update the stormwater management strategy supporting the development of the AIE. Notably, as it relates to the subject proposals, the following modification applications have been progressed:

- **SSD-10448 MOD 4:** the fourth modification to SSD-10448 was approved on 21 December 2023 and updated the stormwater management approach for AIE to incorporate the EEP site into the overall development site for Aspect Industrial Estate, in order to meet the Integrated Water Cycle Management (**IWCM**) targets as required by Mamre Road DCP. To enable subsequent warehouse and distribution development across the AIE, it was conditioned that an updated Water and Stormwater Management Plan be prepared in support of future applications. These would assess the subsequent stages of the stormwater management measures to be delivered in support of the development, further to that approved under SSD-10448 MOD 4, and to demonstrate continued compliance with the IWCM targets. Compliance with this overall approach, established under SSD-10448 MOD 4, at each development stage, will ensure compliance with the stormwater and waterway health requirements for the site.
- **SSD-10448 MOD 8 / SSD-46516461 MOD 3 / SSD-58257960 MOD 1 / SSD-60513208 MOD 1:** modifications approved on 7 May 2025 to remove a 5-hectare section of the southern lot at EEP (Lot 100 in DP1283398)

from the SSD-10448 AIE Concept Plan approval, whilst continuing to ensure that AIE and EEP would cumulatively meet the requisite stormwater management and water quality targets, contained within the IWCM targets.

Overview of Proposals

Mirvac is seeking approval for a modification of:

- SSD-10448 Concept and Stage 1 Development Consent, for warehouse and distribution premises at AIE.
- SSD-46516461 applicable to Lot 9 within AIE which approved the construction and operation of warehouse and distribution premises at the lot (Warehouse 9).
- SSD-58257960 applicable to Lot 2 within AIE which approved the construction and operation of warehouse and distribution premises at the lot (Warehouse 2).
- SSD 60513208 applicable to Lot 8 within AIE which approved the construction and operation of warehouse and distribution premises at the lot (Warehouse 8, note, a separate land use application (SSD-80331959) has recently been approved for the use of the Warehouse 8 building for the purposes of 'Manufacturing (printing)' but this does not affect the current proposal which relates to stormwater management).

As part of this modification application, the cumulative stormwater management strategy is proposed to align with the Water Management Strategy that has been established for the EEP Stage 1A SSDA.

In the current approved model, a conservative approach was adopted where the majority of the available land within the EEP site was approved under the AIE assessment, to only be used for stormwater management purposes and be preserved as undeveloped land for the purposes as to ensure compliance with the IWCM targets across both the AIE and EEP sites.

Consultation

Mirvac has been in ongoing consultation with DPHI. This has included ad-hoc correspondence (emails, calls etc.) as well as briefing memos to Officers at DPHI. Overall, it has been communicated that there are four (4) key objectives that are integral for Mirvac to facilitate the timely progression of development across the EEP and AIE sites. These are as follows:

1. **Determination of EEP Stage 1A** – determination of an SSDA to develop Stage 1A of the EEP site under SSD-19618251. This requires an update to the cumulative waterway health strategy to allow for its development, while meeting the IWCM controls across both the AIE and EEP sites
2. **Deliver Regional Stormwater Basin** – delivery of the Regional Stormwater Detention Basin (7A or 7B) to support the full development of AIE.
3. **Develop Warehousing at Lots 4 & 5 in AIE** – develop a single warehouse across Lot 4 and Lot 5 within the AIE, comprising Stage 6, and the final staged development of AIE. Note, a separate application is being prepared concurrently to achieve this objective.
4. **Decouple the AIE & EEP Sites** – to ultimately decouple the waterway health strategy and consents between the AIE and EEP (SEED) Sites.

The subject modification applications seek to facilitate Objective 1 only, as communicated with DPHI.

Justification of the Project

This Modification Report assesses the development as proposed with regard to relevant planning instruments and policies and outlines the mitigation measures to ensure the project does not result in unreasonable or adverse environmental effects. The key issues for all components of the project as proposed to be modified have been assessed in detail, with specialist Stormwater Management Plan Reports underpinning the key

findings and recommendations identified in the Assessment of Impacts in Section 6. Project alternatives were considered and the 'do nothing' approach.

The EEP site is embedded within the Concept Plan Approval (SSD-10448) and consequently, the subject modification applications are required to be progressed and determined, to facilitate the determination of the EEP Stage 1A SSDA.

The updated cumulative stormwater management strategy prepared in support of the proposals align with the modelled outcomes within the stormwater management strategy provided in support of the EEP Stage 1A SSDA. The information has been provided to DPHI to facilitate the efficient and concurrent progression of these applications and allow for the timely development at EEP.

1

Introduction

1 Introduction

This Modification Report has been prepared by Urbis Ltd on behalf of Mirvac Industrial Developments Pty Ltd (**Mirvac**) (**the Applicant**) in support of four separate modification applications pursuant to Section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**).

- The first modification application seeks to modify Development Consent SSD-10448, which approved a warehouse and distribution premises at Aspect Industrial Estate (**AIE**) 788-882 Mamre Road, Kemps Creek and the associated land to which the Concept Plan Approval and Stage 1 Development also applies at 1669A and 1669-1723 Elizabeth Drive, Badgerys Creek, being EEP (Elizabeth Enterprise Precinct).
- The second modification application seeks to modify Development Consent SSD-46516461 applicable to Lot 9 (Warehouse 9) within AIE which approved construction and operation of warehouse and distribution premises at the site.
- The third modification application seeks to modify Development Consent SSD-58257960 applicable to Lot 2 (Warehouse 2) within AIE which approved construction and operation of warehouse and distribution premises at the site.
- The fourth modification application seeks to modify Development Consent SSD-60513208 applicable to Lot 8 (Warehouse 8) within AIE which approved construction and operation of warehouse and distribution premises at the site.

The four separate modification applications (herein, referred to as the **proposals**) seek to update the cumulative stormwater management strategy for the AIE. The updated strategy has been prepared to reflect changes to the intended development outcome at the EEP site that is being progressed under a separate SSDA for works at the EEP site, EEP Stage 1A SSDA (SSD-19618251).

The updated strategy demonstrates continued interim compliance with stormwater quality, quantity and flow targets in accordance with the Mamre Road Precinct Development Control Plan (**DCP**) at both the AIE and EEP sites, inclusive of the intended development outcome at EEP (proposed under EEP Stage 1A SSDA).

1.1 Applicant Details

The application details for the proposed development are listed below in **Table 1**.

Table 1 Applicant Details

| Descriptor | Proponent Details |
|-------------------|--|
| Full Name(s) | Mirvac Industrial Developments Pty Ltd |
| Postal Address | Level 28, 200 George Street, Sydney NSW 2000 |
| ABN | 47 127 755 239 |
| Nominated Contact | Stephen Foster |
| Contact Details | stephen.foster@mirvac.com |

1.2 Project Description

The proposed modifications seek to facilitate the continued compliance of the Aspect Industrial Estate and Elizabeth Enterprise Precinct with the cumulative stormwater management strategy, enabling the timely determination of the EEP Stage 1A SSDA while maintaining alignment with the Mamre Road Precinct DCP and Integrated Water Cycle Management targets.

The key objectives for the modification applications and the way in which these have been achieved are summarised in **Table 2**.

Table 2 Project Objectives

| Project Objective | Proposed Development |
|---|--|
| Align with the Mamre Road Precinct's aim to support the need for additional logistics, industrial and urban services land in response to long-term projected population and development growth in Sydney. | The modification seeks to facilitate the continued operation of the approved warehouse developments at AIE, thus providing the intended logistics and warehouses uses to support the population growth within Sydney in a timely manner. |
| Contribute to the employment options for Western Sydney and build upon the opportunities presented by the Western Sydney Aerotropolis | The modifications seek to facilitate the continued operation of the approved warehouse developments at AIE, thus providing the intended employment opportunities within the Mamre Road Precinct in a timely manner. |
| Ensure minimal environmental and amenity impact by responding to the site context and key interfaces with surrounding lands including sensitive receivers. | The proposed modifications have been designed to minimise any adverse environmental impacts as detailed in Section 6 . |
| Deliver high quality market leading industrial and logistics facilities. | The proposals will facilitate the continued operation of the warehouse developments at the AIE site which has been approved and will be delivered to a high-quality design. |
| Deliver sustainable development in line with Mirvac's sustainability objectives. | The proposals will facilitate the operation of the warehouses at AIE which will be operated in accordance with the established ESD strategy. |

1.2.1 Project Terminology

The proposed modification to the approved SSD-10448 Concept Proposal and Stage 1 works will be referred to '**SSD-10448 MOD 11**' for the purposes of this report. The approved industrial estate development which will be modified by the proposed modification application will continue to be referred to as the Aspect Industrial Estate (**AIE**).

The proposed modification to the SSD-46516461 applicable to Warehouse 9 will be referred to as '**SSD-46515461 MOD 4**' for the purposes of this report.

The proposed modification to SSD-58257960 applicable to Warehouse 2 will be referred to as '**SSD-58257960 MOD 3**' for the purposes of this report.

The proposed modification to SSD 60513208 applicable to Warehouse 8 will be referred to as '**SSD-60513208 MOD 3**' for the purposes on this report.

The precinct at 1669A Elizabeth Drive, Badgerys Creek and 1669-1723 Elizabeth Drive, Badgerys Creek (Lot 100 DP1283398 & Lot 741 DP810111), formerly known as the 'Elizabeth Enterprise Precinct' and also referred to as SEED in other applications, will be referred to as '**EEP**' for the purposes of this report.

The SSD-10448 MOD 1, SSD-46515461 MOD 4, SSD-58257960 MOD 3 and SSD-60513208 MOD 3 will be collectively referred to as '**the proposals**' for the purposes of this assessment.

1.3 Project Background

1.3.1 Modifications to SSD-10448 and Staged SSDAs

1.3.2 Previous Approvals and other AIE Applications

The AIE is currently in the process of being developed out as a warehouse and distribution estate in accordance with the Concept Plan Approval and subsequent stage SSDAs. Mirvac has, and continues to respond to a number of tenant enquiries across the AIE, this resulting in the need to prepare various modifications in addition to the staged SSDAs.

Table 3 Site Consent and Application History

| DA Number | Description of Development |
|-----------|--|
| SSD-10448 | <p>The Concept Plan Approval and Stage 1 Development, SSD-10448 was granted consent by the Minister for Planning under delegation on 24 May 2022. The SSDA-10448 consent granted approval for:</p> <ul style="list-style-type: none">▪ A Concept Plan for the staged development of an industrial estate comprising 11 buildings with a total Gross Floor Area (GFA) of up to 248,112m² for industrial, warehouse and distribution centres, and café uses;▪ A Stage 1 development comprised of:<ul style="list-style-type: none">– site preparation works,– vegetation clearing,– realignment of the existing creek,– construction of access road including eastern half of Mamre Road / Access Road 1 intersection works,– construction fit out and operation of two warehouse buildings (Warehouse 1 and Warehouse 3) with ancillary offices, car parks, landscaping, signage and a café construction, operation of services and utilities, and subdivision of the site into three lots. <p>Warehouse 1 and Warehouse 3 have been constructed and are currently operational. SSD-10448 assessed and approved all the ground works, ecology, flooding and Aboriginal and non-Aboriginal impacts, as well as mitigation measures to facilitate the development of the AIE.</p> <p>The original Concept Approval layout for the AIE is illustrated in Figure 1 below.</p> |

Figure 1 Original AIE Concept Approval Layout



Source: SBA

| | |
|----------------------------|---|
| SSD-10448 MOD 1 | The first modification to SSD-10448 (SSD-10448 MOD 1) sought to amend a condition of consent relating to temporary construction access and permanent signalised intersection works. This was approved by the DPHI on 25 August 2022. |
| SSD-10448 MOD 2 | A second modification to SSD-10448 (SSD-10448 MOD 2) sought to amend the Concept Plan incorporating changes to the Access Road 2 layout, lot configuration and driveways and building footprints north of Access Road 1. The Stage 1 construction works were also modified for Warehouses 1 and 3, associated access, hardstand, ridge heights and landscaping, along with the layout and arrangements of Access Roads 1 and 2. SSD-10448 MOD 2 was approved by DPHI on 30 November 2022. |
| SSD-10448 MOD 3 | A third modification to SSD-10448 (SSD-10448 MOD 3) sought to amend the Concept Plan to reconfigure the estate to reduce the overall number of lots from 11 to 9, relocate Access Road 4 and create new warehouse footprints, along with updating road subdivision, civils works and landscaping. This modification application was prepared to align with the Warehouse 9, Stage 2 SSDA detailed below. SSD-10448 MOD 3 was approved by DPHI on 2 March 2023. |
| SSD-46516461 (Warehouse 9) | The Stage 2 SSDA (SSD-46516461) was approved by DPHI on 2 March 2023 for the development of Warehouse 9 on the Lot 9 at AIE. This was for a 66,341m ² 'warehouse and distribution' built to a ridge height of 14.6m with supporting ancillary uses (loading docks, main offices, at-grade parking etc.). Several modification applications were subsequently progressed for the Stage 2 SSDA (latest approval, SSD-46516461 MOD 3, approved 7 May 2025) and Warehouse 9 has been constructed and is currently operational. |
| SSD-46516461 MOD 1 | A modification application to the Warehouse 9, Stage 2 development was lodged as to remove the conflicting stormwater works on those lots which were approved as part of that consent and to build on the SSD-10448 MOD 4 approach to demonstrate how waterway health requirements can continue to be achieved on the site. This application was approved on 23 July 2024. |

| | |
|---------------------------------------|--|
| SSD-10448 MOD 4 | <p>A fourth modification to SSD-10448 (SSD-10448 MOD 4) was approved on the 21 December 2023 and updated the stormwater approach for Lots 1 and 3 of the AIE, and incorporated Mirvac owned land at 1669A and 1669-1723 Elizabeth Drive, Badgerys Creek known as EEP into the overall development site for Aspect Industrial Estate to meet the Integrated Water Cycle Management targets as required by Mamre Road DCP. To enable subsequent warehouse and distribution development across the AIE, it was conditioned that an updated Water and Stormwater Management Plan be prepared in support of future applications. These would assess the subsequent Stages of stormwater management measures to be delivered in support of the development, further to that approved under SSD-10448 MOD 4 and demonstrate continued compliance with the Integrated Water Cycle Management targets. Compliance with this overall approach, established under SSD-10448 MOD 4, at each development stage, will ensure compliance with the waterway health requirements for the site. This approach to stormwater management and waterway health is now being proposed to be amended through this application, which has led to the requirement for several concurrent modifications to each of the relevant stages of development at AIE.</p> |
| SSD-10448 MOD 5 | <p>A fifth modification to SSD-10448 (SSD-10448 MOD 5) was approved on 12th December 2023, to modify the Stage 1 Approval at the AIE site to support temporary vehicular access to the approved Warehouse 1, CEVA tenant operations.</p> |
| SSD-10448 MOD 6 | <p>A sixth modification to SSD-10448 (SSD-10448 MOD 6) sought to amend the Concept Plan to reconfigure the estate to align with the Warehouse 8 (Stage 4 SSDA) application.</p> <p>This application was approved on 11 October 2024</p> |
| SSD-58257960 (Warehouse 2) | <p>The Stage 3 SSDA (SSD-58257960) for the development of Warehouse 2 on the Lot 2 at AIE. This was for a 24,295m² 'warehouse and distribution' built to a ridge height of 13.7m with supporting ancillary uses (loading docks, main offices, at-grade parking etc.).</p> <p>This application was approved on 11th October 2024</p> |
| SSD-60513208 (Warehouse 8) | <p>The Stage 4 SSDA (SSD-60513208) for the development of Warehouse 8 on AIE Lot 8 in accordance with the masterplan layout established by SSD-10448 MOD 6. This includes:</p> <ul style="list-style-type: none"> Construction of a single warehouse and distribution building to a height of 13.7m and a GFA distribution of 40,200m² warehouse GFA, 850m² of office space and 300m² dock office. 180 car parking spaces. <p>This application was approved on 11 October 2024.</p> |
| SSD-10448 MOD 7 SSD-46516458 MOD 2 | <p>Multiple modification applications to the Warehouse 9, Stage 2 development SSD-46516461 (MOD 2) and to SSD-10448 (SSD-10448 MOD 7) was prepared as to enable temporary access for operational vehicles associated with Warehouse 9 to be facilitated over two phases.</p> <p>SSD-10448 MOD 7 & SSD-46516458 MOD 2 was approved on 15 July 2024.</p> |
| DA24/0264 (Warehouse 6 & 7) | <p>The Stage 5 Local DA was approved by Penrith City Council on 19 March 2025 for the construction of two new warehouse and distribution centre buildings</p> |

(Warehouse 6 and Warehouse 7) at Lots 6 and 7 of the AIE, as well as an estate café at the north-western end of Lot 7.

| | |
|--------------------|---|
| SSD-10448 MOD 8 | An eighth modification (SSD-10448 MOD 8) to SSD-10448 concurrent with modifications to the Stage 2, Stage 3 and Stage 4 development consents. These modifications serve to facilitate the removal of a 5-hectare section of the southern lot at EEP (Lot 100 in DPI283398) from the SSD-10448 AIE Concept Plan approval, whilst continuing to ensure that AIE and EEP would cumulatively meet the requisite stormwater management and water quality targets, contained within the IWCM targets. |
| SSD-46516461 MOD 3 | |
| SSD-58257960 MOD 1 | |
| SSD-60513208 MOD 1 | |
| | The AIE Concept Plan approval conditions are updated to allow for development consent to be issued for works beyond the scope of stormwater management works on EEP land (Lot 100 in DPI283398 and Lot 741 in DP810111), subject to demonstrating ongoing cumulative compliance with the IWCM targets across both EEP and AIE. |

These modification applications were approved on 7 May 2025.

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|---------------------------------------|--|
| SSD-10448 MOD 9 | The development of Warehouse 8 building as a warehouse and distribution was approved under latest approval for the AIE Concept Masterplan SSD-10448 MOD 6 and the Stage 4, detailed SSDA (SSD-60513208). To facilitate the intended tenants of Warehouse 8 (IVE Group) and the intended manufacturing (printing) operations, multiple applications were progressed into two “series” of applications, the first series of applications updating to the base building layout, while the second series of application updating the manufacturing (printing) land use and operations. These were broken down below: |
| SSD-60513208 MOD 2 | |
| SSD-80331959 | |
| SSD-10448 MOD 10 (Warehouse 8 IVE) | |

Series 1 – Base Build

1a. Update the Concept Approval (SSD-10448 MOD 9) – Base Build: to reflect the updated Lot / Warehouse 8 building layout, which will ultimately be required to support the IVE tenant operations.

1b. Update the Stage 4 Detailed SSDA (SSD-60513208 MOD 2) – Base Build: to reflect the updated Lot / Warehouse 8 building layout, which will ultimately be required to support the IVE tenant operations

The Series 1 applications were approved 27 June 2025

Series 2 – Fit out & Use

2a. Introduce New ‘Printing’ Land Use (SSD-80331959) – Fit out & Use: to introduce a new ‘printing’ land use and operational fit out within the updated Lot / Warehouse 8 layout facilitated in applications 1a and 1b.

2b. Update the Concept Approval (SSD-10448 MOD 10) – Fit out & Use: to reflect the updates the carparking and landscaping details across Lot / Warehouse 8 to support the new ‘printing’ operations.

The Series 2 applications were approved 25 September 2025.

The Series 2 applications approved 39,800m² of manufacturing (printing) GFA across the Warehouse 8 building in addition to 2,000m² office, 370m² dock office, 460m² storeroom and 360 car parking spaces. SSD-10448 MOD 10 provides the latest version of the approved AIE Concept Plan, shown in **Figure 2** below.

Figure 2 AIE Concept Approval Layout as per MOD 10



Source: SBA

SSD-58257960 MOD 2 Modification to the design and layout of the approved Warehouse 2 building to introduce a temperature-controlled facility with an increase to the building roofline (13.8m) updated rooftop plant and internal updates to the floorplan. This application was approved on 16th October 2025.

SSD-10448 MOD 12 Modification to the AIE concept plan to consolidate the built form located on Lots 4 and 5 from two buildings to a single building, identified as Warehouse 4. MOD 12 also seeks to amend the Automated Guided Vehicle network alignment on Lots 4 and 5 to align with adjacent approvals. SSD-10448 MOD 12 is being prepared such that it can be assessed concurrently with a DA for Warehouse 4 on the remaining lot. This is currently at the scoping stage with DPHI.

Warehouse 4 SSDA An SSD application for the development of Warehouse 4 on Lots 4 and 5 in accordance with the masterplan layout as established by MOD 12. Warehouse is being prepared to seek consent for a warehouse and distribution premises. This is currently at the scoping stage with DPHI.

2

Strategic Context

2 Strategic Context

This section describes the way in which the proposals address the strategic planning policies relevant to the site. It identifies the key strategic issues relevant to the assessment and evaluation of the proposals.

2.1 Project Justification

The proposals are aligned with the state, district and local strategic plans and policies applying to the site as outlined below.

2.1.1 Greater Sydney Region Plan: A Metropolis of Three Cities

The Greater Sydney Region Plan: A Metropolis of Three Cities (Region Plan) provides the overarching strategic plan for growth and change in Sydney. It is a 20-year plan with a 40-year vision that seeks to transform Greater Sydney into a metropolis of three cities - the Western Parkland City, Central River City and Eastern Harbour City. It identifies key challenges facing Sydney including increasing the population to eight million by 2056, 817,000 new jobs and a requirement of 725,000 new homes by 2036.

The proposed development supports the vision of the Region Plan as summarised below:

- **Infrastructure and Collaboration:** The site is accessible to existing road infrastructure which provides strong connections to the wider region. The precinct fronts Mamre Road which provides direct access to the M4 Motorway, Great Western Highway and Elizabeth Drive. This road is undergoing detailed design for an upgrade by TfNSW to service the future employment lands. Through the Western Sydney City Deal, there are significant infrastructure commitments proposed to service the Western Sydney International Airport (**WSIA**) with significant road upgrades and public transport projects to support the future employment of the site and surrounding area. The proposals will ensure that the employment land uses are delivered in alignment with the intended infrastructure growth in the area.
- **Liveability:** The proposals ensure the realisation of employment opportunities at the site are accessible to nearby residents, thus contribution to the 30-minute city vision.
- **Productivity:** The proposals respond to the industrial land shortfall identified in the Region Plan and aims to respond to market requirements. The proposals will further realize the provision of industrial, employment land within the Western Sydney Aerotropolis. The site is well-located to the M4 and M7 Motorways and will support the vision for employment within the Western Sydney Aerotropolis.

2.1.2 Our Greater Sydney 2056: Western City District Plan

The Western District Plan (District Plan) is a 20-year plan to manage growth in the context of economic, social and environmental matters to implement the objectives of the Greater Sydney Region Plan. The intent of the District Plan is to inform local strategic planning statements and local environmental plans, guiding the planning and support for growth and change across the district. The proposals align with the vision of the District Plan, as summarised below:

- **Infrastructure and Collaboration:** The proposals will align with the approved collaboration between the AIE precinct development for the delivery of essential infrastructure needed to support the Western Parkland City. The proposals will support employment land uses which align with the intended road infrastructure upgrades in the area as well as the necessary utility infrastructure. The proposals will not compromise the approved AIE's delivery of essential infrastructure needed to support the Western Parkland City.
- **Liveability:** The proposals will ensure the realisation of employment opportunities at the site accessible to nearby residents, thus contributing to the 30-minute city vision.
- **Productivity:** The site is within the Western Sydney Aerotropolis (**WSA**) and surrounded by land identified for future employment. The proposals will support the supply industrial lands within a land release area in response to long-term projected population and development growth.

- **Sustainability:** The proposals include a range of measures to mitigate, minimise or manage the potential environmental impact of the proposals. This Modification Report details stormwater management measures to protect and manage the existing natural systems as well as the ecologically sustainable development initiatives to minimise demand on infrastructure systems, such as sewer, water and electricity.

2.1.3 Future Transport Strategy

The NSW Future Transport Strategy is a long-term blueprint for transforming New South Wales's transportation landscape. It aims to establish a modern, efficient, and customer-centric transport system that can adapt to emerging technologies and meet the evolving needs of a growing population. The identified and relevant Greater Sydney outcomes include:

- Successful places,
- A strong economy,
- Safety and performance,
- Accessible services, and
- Sustainability.

Transport networks in the Western Parkland City will be developed in order to support sustainability and jobs growth in the District. The plan identifies that strategic transport corridors will integrate the city to create 30-minute connections to strategic centres and metropolitan centres and clusters. The WSA, as an economic catalyst, is also identified as a key node in this network that will be served by north-south rail links and east-west connections.

The site is well placed to gain from the future transport network upgrades, especially with regard to the intended upgrade of Mamre Road which fronts the AIE precinct. The proposals will support the generation much needed increases to employment, activity and demand of travel in conjunction with the future increases in transport capacity.

2.1.4 Penrith Local Strategic Planning Statement

The Penrith Local Strategic Planning Statement (LSPS) was finalised on 23 March 2020. The LSPS identifies the vision and priorities for land use across the Local Government Area (**LGA**), as well as outlines the special character and values of the place and how they will be managed into the future. The Structure Plan identifies land within Mamre Road Precinct within the Western Sydney Aerotropolis. The LSPS identifies Western Sydney Aerotropolis as a key employment generator for the LGA and seeks to create an economic triangle with Penrith CBD and St Marys.

The LSPS defers the details on the types of employment within the Western Sydney Aerotropolis to the Western Sydney Aerotropolis Plan, the main strategic planning document guiding this growth area.

2.1.5 Western Sydney Aerotropolis Plan

The Western Sydney Aerotropolis Plan (**WSAP**) finalised in October 2020, has been developed by the Western Sydney Planning Partnership and sets the planning framework for the Western Sydney Aerotropolis. Mamre Road Precinct, including the site, is identified as one of ten precincts within the growth area. Mamre Road Precinct is an initial precinct to be brought forward to create early employment opportunities and better coordinate infrastructure planning.

The WSAP identifies the planning pathway for Mamre Road Precinct under the WSEA SEPP, as the future employment land uses anticipated for the precinct align with the existing objectives of the WSEA. The Structure Plan identifies land within Mamre Road Precinct to be zoned for flexible employment with intended land uses being industrial, warehousing and logistics. The statutory planning pathway will be separate from the remaining Aerotropolis precincts, and the Mamre Road Precinct will have its own Development Control Plan.

The WSAP identifies the following with regard to the MRP:

- Desirable land uses including warehousing and logistics, high technology industry, manufacturing, intermodal facilities, circular economy uses;
- intermodal facilities, circular economy uses; and
- Strategic outcomes including in particular:
 - Opportunities for logistics and distribution, connecting Western Sydney to the broader freight network;
 - Support the future operations of the Airport through enabling export freight and logistics; and
 - Zoning to prioritise warehousing and distribution to support freight and logistics movements..

The proposals support a land use that is consistent with this vision, the desirable land uses, and the strategic outcomes identified for the MRP.

2.1.6 Western Sydney Employment Area

The AIE forms part of the strategically significant employment precinct known as the Western Sydney Employment Area (**WSEA**), which is identified and endorsed in Region, District and local planning strategies.

Since the delivery of the M7 Motorway, the WSEA has developed rapidly into a freight and logistics hub which rivals many other industrial locations in Greater Sydney. The greenfield location offers opportunities for modern, custom design facilities and its proximity to Sydney's Motorway Network provides convenient access to Port Botany and Sydney Airport without the exposure to the congestion and vehicle restrictions present in many of the more established, inner ring industrial areas. Shifting land economies in these inner ring areas has also contributed to the growing dominance of the WSEA in Sydney's industrial market due to its ability to offer a supply of large, flat sites at a competitive market rate.

The importance of WSEA for employment will further be amplified through the delivery of the WSIA, which will open 24-hour airport operations to Greater Sydney. The WSEA supports the economy's global function and promotes employment, such as industrial uses, freight, logistics, research and development functions, as well as opportunities for agribusiness and food production.

The proposals align with the strategic intentions of the Western Sydney Employment Area as it aims to deliver freight and logistics employment land within the area, satisfying the opportunities afforded to the area.

2.1.7 Mamre Road Precinct Structure Plan

The Mamre Road Precinct Structure Plan identifies the development intent for the precinct, highlighting future industrial, environment and drainage areas, as well as identifying key infrastructure required to support the precinct. The proposals deliver on the intent of the Structure Plan as it relates to the subject land. Consistent with the vision of the precinct, the development will not result in any adverse ecological impacts and will appropriately mitigate any potential acoustic impacts to noise sensitive receivers. The proposals will not negatively impact the quality of the riparian corridor within the AIE precinct.

2.1.8 Mamre Road Upgrade

The NSW Government has started planning for a future upgrade of Mamre Road between Kerrs Road and the M4 Motorway, to support economic and residential growth in the area. The Mamre Road upgrade is part of a plan to progressively upgrade arterial roads in Western Sydney to deliver a more efficient, reliable network that meets the future needs of the community and the economy. This includes the need to support the WSIA and the Aerotropolis. The intended corridor width for Mamre Road as a Primary Arterial Road is 50 metres. Transport for NSW has completed the strategic design for the Mamre Road upgrade. The proposals will deliver additional employment opportunities that will utilize and benefit from the intended Mamre Road portion upgrade (including the intended upgrade of the interim intersection to Mamre Road).

2.2 Key Features of Site and Surrounds

2.2.1 Aspect Industrial Estate

The AIE site is located at 788-882 Mamre Road, Kemps Creek within the Penrith LGA. The AIE site, that covers 788-882 Mamre Road, is legally described as Lots 104 and 105 in Deposited Plan 1305965 and Lot 301 in Deposited Plan 1305254 and is currently owned by Mirvac.

*Note: previous applications and approvals at the AIE site had identified Lot 305 in Deposited Plan 1305254 as part of the AIE site legal description. Lot 305 in Deposited Plan 1305254 has since been dedicated for the purposes public roads and therefore, no longer forms part of the AIE site. This administrative update is reflected in this Modification Report and the Updated Project Description at **Appendix A**.*

The AIE site is located within the suburb of Kemps Creek, which is situated within the Penrith Local Government Area. The site is approximately 4 kilometres (km) north-east of the WSIA, 12km south-east of Penrith CBD, 40km west of the Sydney CBD and located within the Mamre Road Precinct within the broader WSEA.

The AIE is identified as employment land, as this site is within the broader Mamre Road Precinct which is zoned to primarily 'IN1 General Industrial' under the *State Environmental Planning Policy (Industry and Employment) 2021 (I&E SEPP)*. The site is located Deerubbin Country.

The AIE site and current site context is illustrated in Figure 3.

Figure 3 AIE Site Aerial



Source: Nearmap, May 2025

The key features of the AIE site are summarised in Table 4 below.

Table 4 Key Features of AIE Site

| Descriptor | Site Details |
|-------------------|--|
| Street Address | 788-882 Mamre Road, Kemps Creek |
| Legal Description | AIE: Lots 301 in Deposited Plan 1305254, Lot 104 and Lot 105 in Deposited Plan 1305965, and intervening road lots. |

| | |
|---|---|
| Existing Development | The site has previously supported agricultural uses including farming and grazing. Following the Concept Consent under SSD-10448 and the subsequent, staged DAs, the site is currently under development for the establishment of the approved estate. This includes Warehouse 1, Warehouse 2, Warehouse 3 and Warehouse 9 which are constructed and operational, with the other remaining warehouses at differing stages of progression. Other supporting infrastructure, such as utilities, landscaping and stormwater management infrastructure are also being progressed across the AIE site. |
| Site Ownership | Mirvac |
| Zoning | IN1 General Industrial |
| Site Area | AIE Site Area: approx. 55.83ha |
| Site Access | Vehicular Access into the AIE is provided from a signalised intersection with Mamre Road. |
| Services | Services connections to the AIE are to be provided in accordance with SSD-10448. |
| Vegetation | Native vegetation across the AIE is limited to small patches and sparsely scattered through the site. Conservation and removal of vegetation at the site has been conducted in accordance with the Concept Proposal and Stage 1 Approval SSD-10448. |
| Hydrology | The AIE is located within the South Creek sub-catchment. |
| European Heritage | No identified State or Local items of environmental heritage are located within the AIE. |
| Aboriginal Heritage | Aboriginal archaeology identified various artefacts and objects across the AIE. An Aboriginal Cultural Heritage Assessment Report was completed for the Concept and Stage 1 Development, and conditions of consent relating to Aboriginal heritage have been established under the SSD-10448 approval. |
| Contamination | A Phase 1 and 2 Contamination Assessment was prepared in support of SSD-10448 by JBS&G and Arcadis. These reports identified contaminates on the site as well as the recommended mitigation measures to appropriately dispose of the contamination. Conditions were included in the consent that will remove the contamination from the site before the works commenced. This remediation work has been completed. |
| Bushfire | The AIE is mapped as containing Category 2 Bushfire Prone Vegetation. Principles to address bushfire risk were established as part of the Concept Approval SSD-10448 including an APZ along the site's northern extent. The proposals will not change the findings of the bushfire risk assessment that were conducted in support of the approvals across the site. |
| Western Sydney International Airport ANEF | The site is affected by the contour 20, as stipulated under <i>State Environmental Planning Policy (Precincts – Western Parkland City) 2021</i> . |

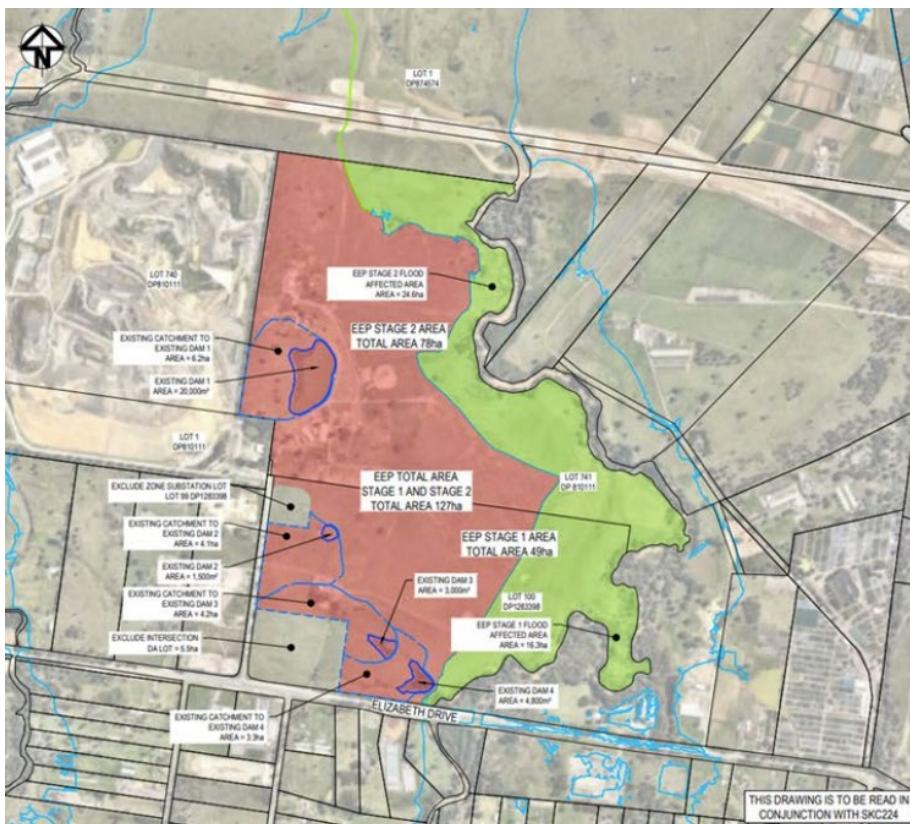
2.2.2 Elizabeth Enterprise Precinct

The Elizabeth Enterprise Precinct (EEP, also referred to as SEED in other applications) site is located at 1669A and 1669-1723 Elizabeth Drive, Badgerys Creek within the Penrith LGA. The site is approximately 15km south-east of the Penrith CBD and 40km west of the Sydney CBD, and approximately 800m to the east of the currently under construction WSA. The site was included into the Concept approval area of SSD-10448 by MOD 4 to that consent.

The EEP site is comprised of two lots and is legally described as Lot 100 in DP1283398, interfacing with Elizabeth Drive to the north with an area of approximately 55.4 ha, and to the north, Lot 741 in DP810111 with an area of approximately 77.6 ha.

Existing structures on the EEP site consist of rural residential uses including a single storey farm shed located towards the site's western boundary, surrounded by smaller storage sheds. Surrounding this are paddocks utilised for minor grazing. As detailed in **Section 1.3**, the EEP site has been approved under SSD-10448 to only be used for stormwater management purposes and be preserved as undeveloped land for the purposes as to ensure compliance with the Integrated Water Cycle Management (IWCM) targets across both the AIE and EEP sites. The area of the EEP site that is embedded in the SSD-10448 consent and the relevant stormwater management plans is illustrated in Figure 4 below.

Figure 4 EEP Site Relevant to SSD-10448 (following MOD8)



Source: AT&L

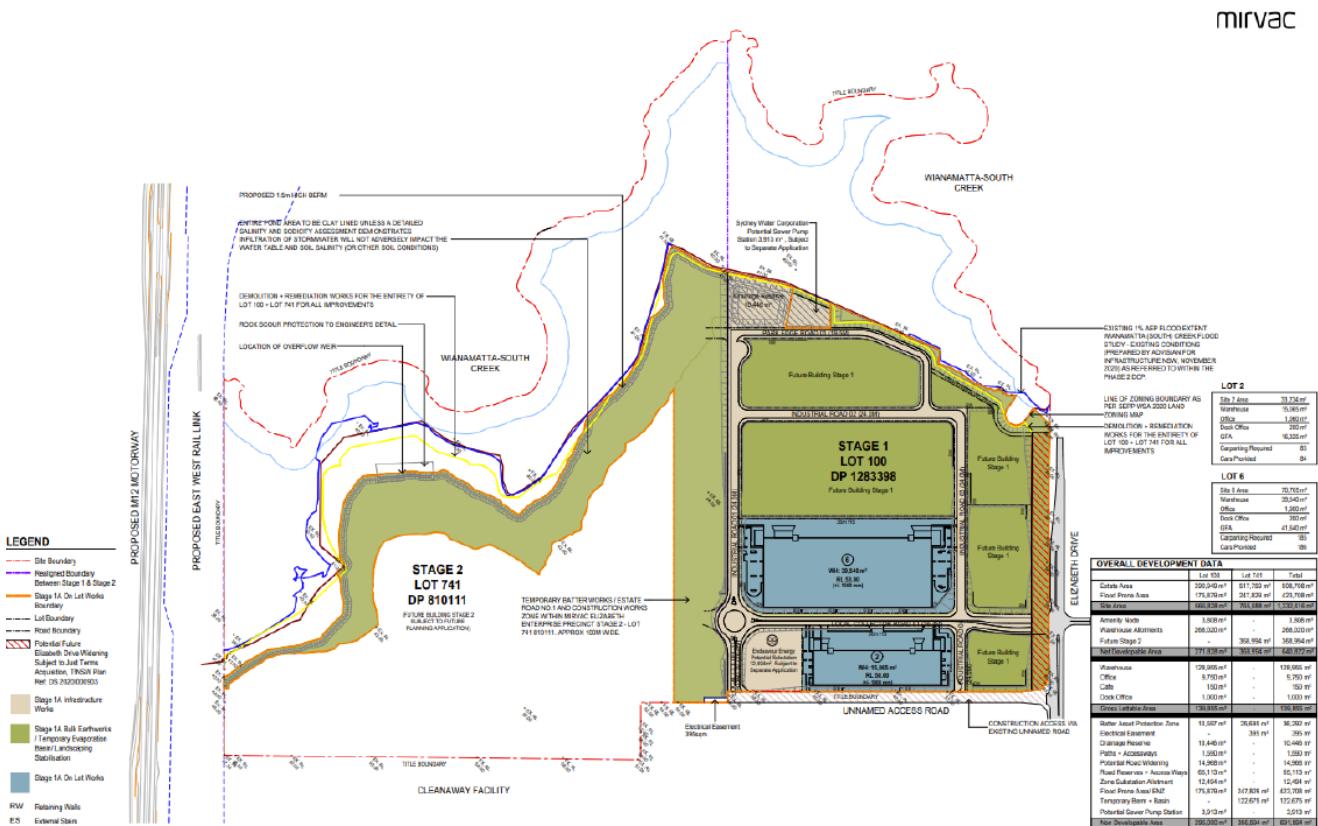
Currently, a separate SSDA for works at the EEP site, EEP Stage 1A SSDA (SSD-19618251) is being progressed and is currently under assessment. An overview of the EEP Stage 1A SSDA is as follows:

- Stage 1 Concept Masterplan for EEP comprising seven (7) industrial buildings, internal road network layout, building locations, GFA, car parking, concept landscaping, building heights, setbacks and built form parameters.
- Stage 1A infrastructure works, including:
 - Demolition and removal of existing rural structures;
 - Heritage salvage works (if applicable);

- Creation of roads and access infrastructure, including a signalised intersection with Elizabeth Drive;
- Clearing of existing vegetation on the subject site and associated dam dewatering and decommissioning;
- On-site bulk earthworks including any required ground dewatering;
- Construction of boundary retaining walls;
- Delivery of catchment level stormwater infrastructure, trunk service connections, utility infrastructure;
- Construction and fit-out of warehouse and distribution buildings on proposed Lots 2 and 6 (approximately 58,000m² GFA), which will operate 24 hours per day, seven days per week.
- Office buildings on proposed Lots 2 and 6 (approximately 3,000m² GFA).
- Ancillary works including signage, fencing and landscaping.
- Subdivision of the Site.
- Construction of an earth bund within Lot 741 in DP810111 (also identified as Stage 2) lands to form an interim evaporative storage basin, for stormwater management purposes.

The extent of the EEP Stage 1A SSDA is illustrated in Figure 5.

Figure 5 EEP Stage 1A SSDA



Source: SBA Architects

2.3 Cumulative Impacts with Future Projects

The AIE site is located within the Mamre Road Precinct which is zoned for employment uses under the Industry and Employment SEPP. Given that the proposals only addresses the extent of land to which the SSD-10448 Concept Consent relates, for the purposes of cumulative stormwater management, cumulative assessment of other projects in the precinct is not considered relevant. The cumulative impacts associated with the EEP site and the respective EEP Stage 1A SSDA is provided in **Section 6** of this Modification Report.

2.4 Feasible Alternatives

Clause 192(c) of the Environmental Planning and Assessment Regulation 2021 (the Regulation) requires an analysis of any feasible alternatives to the proposed development, including the consequences of not carrying out the development.

Table 5 Analysis of Feasible Alternatives

| Option | Assessment |
|--|---|
| Option 1 – Do Nothing | <p>The EEP site is embedded within Concept Consent (SSD-10448) and consequently, the subject modification applications are required to be progressed and determined for the EEP Stage 1A SSDA to be determined.</p> <p>The updated cumulative stormwater management strategy prepared in support of the proposals align with the modelled outcomes within the stormwater management strategy provided in support of the EEP Stage 1A SSDA. The information has been provided to DPHI to facilitate the efficient and concurrent progression of these applications and allow for the timely development at EEP.</p> <p>The do-nothing approach would mean that the application and intended works at EEP could not proceed.</p> |
| Option 2 – Preferred Solution as proposed by: <ul style="list-style-type: none">▪ SSD-10448 MOD 11▪ SSD-46516461 MOD 4▪ SSD58257960 MOD 3▪ SSD 60513208 MOD 3 | <p>As the above option is not conducive to progressing the EEP Stage 1A SSDA, Mirvac is seeking to progress modification applications to update the cumulative stormwater management strategy as contained under the AIE Concept and Subsequent Staged SSDA consents.</p> <p>The AIE and EEP sites will continue to cumulatively meet the requisite stormwater management and water quality targets required by the DCP and Technical Guidance for achieving <i>Wianamatta South Creek Stormwater Management Targets</i> (NSW Government, 2022).</p> <p>This is a largely administrative modification to ensure compliance with Section 4.24 of the <i>Environmental Planning and Assessment Act 1979 (EP&A Act)</i> which provides that where a concept development consent exists for a site, the determination of further development applications in respect of the site cannot be inconsistent with the concept consent. Additionally, this will ensure that the WSMP and SMPs for the staged SSDAs correctly reflect the updated cumulative stormwater management strategy.</p> |

3

Project Description

3 Project Description

3.1 Overview

This section of the report describes the proposals, including the project description and relevant conditions that are sought to be modified. It includes a comparative analysis of the original development and the proposed modifications, justifying the lodgement of the application in accordance with Section 4.55(1A) of the EP&A Act.

The modification applications seek to modify the following development consents:

- SSD-10448 Concept and Stage 1 Development Consent, for warehouse and distribution premises at AIE.
- SSD-46516461 applicable to Lot 9 within AIE which approved the construction and operation of warehouse and distribution premises at the lot (Warehouse 9).
- SSD-58257960 applicable to Lot 2 within AIE which approved the construction and operation of warehouse and distribution premises at the lot (Warehouse 2).
- SSD 60513208 applicable to Lot 8 within AIE which approved the construction and operation of warehouse and distribution premises at the lot (Warehouse 8, note, a separate land use application (SSD-80331959) has recently been approved for the use of the Warehouse 8 building for the purposes of 'Manufacturing (printing)' but this does not impact the current proposal, given it relates to stormwater management only).

The four separate modification applications seek to update the cumulative stormwater management strategy for the AIE. The updated strategy has been prepared to reflect changes to the intended development outcome at the EEP site that is being progressed under a separate SSDA for works at the EEP site, EEP Stage 1A SSDA (SSD-19618251) (detailed in **Section 2.2.2** of this Modification Report).

The updated strategy demonstrates continued interim compliance with stormwater quality, quantity and flow targets in accordance with the Mamre Road Precinct DCP and the IWCM controls at both the AIE and EEP sites, inclusive of the intended development outcome at EEP (proposed under EEP Stage 1A SSDA). Further details of the updated cumulative stormwater management strategy, including modelling outcomes, compliance with quality, quantity and flow targets, and the specific measures proposed for both the AIE and EEP sites, are provided in Section 6.1 of this report.

The modification applications do not propose any physical works at the AIE or EEP sites.

3.2 Modification to Cumulative Stormwater Management Strategy

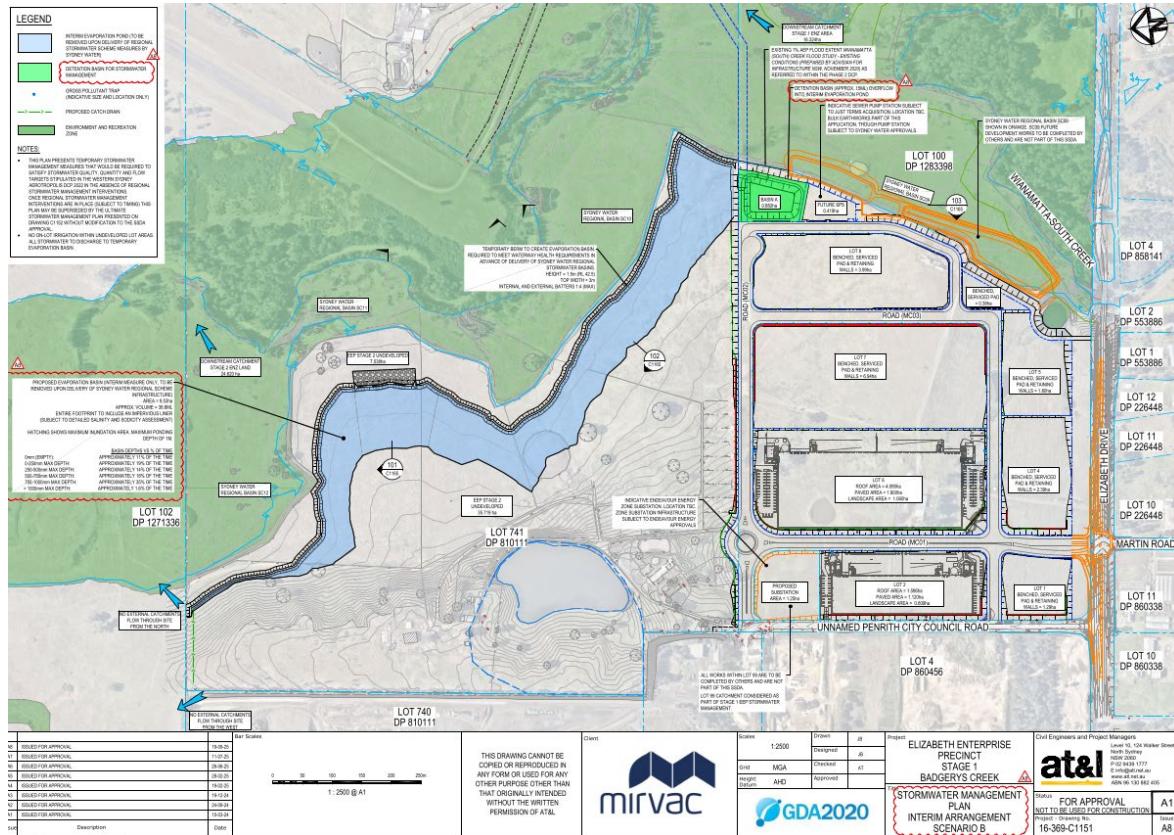
In the current approved model, a conservative approach was adopted where the majority of available land within the EEP site was approved under the AIE assessment, to only be used for stormwater management purposes and be preserved as undeveloped land, for the purposes as to ensure compliance with the IWCM targets across both the AIE and EEP sites. The EEP site approved to be embedded within the established stormwater management strategy is demonstrated in Figure 4 above (**Section 2.2.2** of this Modification report).

As part of this modification application, the cumulative stormwater management strategy is proposed to align with the Water Management Strategy that has been proposed for the EEP Stage 1A SSDA. Notably, the strategy developed for EEP Stage 1A is an 'interim arrangement' only. The updated stormwater management arrangement across the EEP site is shown in outlined below and shown at Figure 6 overleaf. The updated stormwater management arrangement across the EEP and AIE sites is shown at Figure 7 overleaf.

- **Street trees** – either passively or actively irrigated, subject to ongoing discussions and coordination with Sydney Water and Penrith City Council.

- **Temporary Evaporation Basin** – with the potential for evaporative losses. Large evaporation basin is proposed within EEP Stage 2 lands via an earth bund to store all stormwater runoff generated from Stage 1 development. This is required to satisfy stormwater quality and flow controls on proposed Lots 2 and 6 in Stage 1 as an interim measure. The evaporative storage basin will capture and store surface water runoff from the Stage 1 development area (via the proposed OSD basin), as well as local catchment runoff from the Stage 2 land to the west.
- **On-site stormwater detention (Basin A)** – required to satisfy stormwater quantity controls. The stormwater on the lots and within the road reserve for the overall development of the Site is proposed to be collected via pits and pipes and connect into a proposed detention basin to be located east of Road 1.

Figure 6 EEP Stormwater Management Plan Interim Arrangement

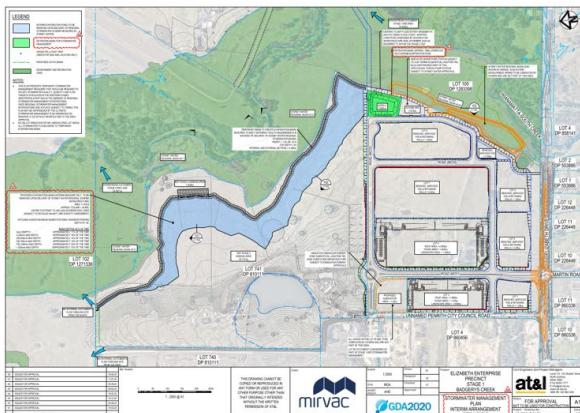


Source: AT&L Civil Drawing - 16-369-C1151

Figure 7 Amended AIE Stormwater Management Strategy

Aspect Amended Stormwater Management Strategy (Stage 4)

EEP Stormwater Measures



The outcome of the updated strategy is detailed in **Section 6.1** of this Modification Report.

3.3 SSD-10448 MOD 11 – Concept Plan and Stage 1 Modification

This modification application is sought under Section 4.55 (1A) of the EP& Act. The key components of the proposed development are listed in the following table:

Table 6 SSD-10448 MOD 11 Project Details

| Option | Assessment |
|---------------------|--|
| Project Area | <p>The AIE has a total site area of 55.83 ha. Approval has been granted for the disturbance for the entire site area.</p> <p>EEP site extends to some 127ha.</p> |
| Site Description | <p>Aspect Industrial Estate: 788-882 Mamre Road, Kemps Creek / Lots 301 DP 1305254, Lots 104 and 105 DP 1305965</p> <p>Elizabeth Enterprise Precinct: Part of 1669A and 1669-1723 Elizabeth Drive, Badgerys Creek / Lot 100 DP1283398 & Lot 741 DP810111.</p> |
| Project Description | <p>This modification application will facilitate an update to the cumulative stormwater management strategy to align with the Water Management Strategy that has been established for the EEP Stage 1A SSDA.</p> <p>This modification will ensure continued compliance with the requisite stormwater management and water quality targets required by the Mamre Road DCP and the <i>Technical Guidance for achieving Wianamatta South Creek Stormwater Management Targets (NSW Government, 2022)</i> across both AIE and EEP.</p> <p>The proposed modification includes the following.</p> <ul style="list-style-type: none">Updating the "Site" to remove Lot 305 in Deposited Plan 1305254 as it has been dedicated and no longer forms part of the AIE site (administrative update).Update to the Modification Assessments referenced in the consent to refer to this Modification Report.Update Condition A9B, A9C and A9E to allow for development consent to be issued for works on EEP land under a separate consent where cumulative achievement of stormwater requirements are demonstrated.Update the Water and Stormwater Management Plan for the project (Appendix D). |

3.3.1 Modifications to Concept Plan Conditions – SSD-10448 MOD 11

It is proposed that the following conditions of the Concept Plan Approval are modified as part of the application.

Site: Lots 301 ~~and 305~~ DP 1305254, Lots 104 and 105 DP 1305965

Elizabeth Enterprise Precinct

A9B. Under this consent, the part of the EEP site illustrated on drawing reference 18-596-SKC178 / P4 must only be used for stormwater management purposes as required by Condition A9E and as shown on Figure 5 and 5A, until the Precinct-Wide Stormwater Infrastructure becomes available for

the AIE to connect into. **This condition does not prevent development consent being issued for works on EEP land under a separate consent, where cumulative achievement of stormwater requirements are demonstrated as required by Condition A9E.**

~~Note: Any future use of the EEP site other than for stormwater management purposes may be considered by the Department as part of a separate future modification and/or application should alternative stormwater management strategies become available.~~

A9C. This consent does not permit the use of the part of the EEP site identified in Condition A9B for any other development or use ~~and must be preserved as undeveloped land for the purposes described in Condition A9E. However, a separate development consent may be issued on EEP subject to that development, and AIE, cumulatively meeting IWCM compliance in accordance with the requirements of Condition A9E.~~

Stormwater Management

A9E. ~~The site must achieve compliance with the Integrated Water Cycle Management (IWCM) controls in the MRP DCP in accordance with the Technical Guidance for achieving Wianamatta South Creek Stormwater Management Targets (NSW Government, 2022).~~

The AIE and EPP sites must achieve cumulative compliance with either:

- **The Integrated Water Cycle Management (IWCM) controls in the MRP DCP in accordance with the Technical Guidance for achieving Wianamatta South Creek Stormwater Management Targets (NSW Government, 2002) – where EEP remains otherwise undeveloped, or**
- **The Integrated Water Cycle Management (IWCM) controls in the MRP DCP 2021 and Western Sydney Aerotropolis DCP 2022 in accordance with the Technical guidance for achieving Wianamatta–South Creek stormwater management targets (NSW Government, 2002) – where separate development consent is issued for works on EEP land not otherwise covered by this consent.**

The staging and delivery of any works approved on EEP in accordance with a separate consent must demonstrate how AIE IWCM compliance will be achieved at all times.

3.3.2 Substantially the Same Development – SSD-10448 MOD 11

Based on the extent of the proposed modifications detailed above, it is considered that SSD-10448 MOD 11 remains substantially the same development as that to which consent was originally granted for SSD-10448, as is required by section 4.55(1A) of the Act. This is due to the following:

- The key principles of the approved development remain unchanged with the Concept Proposal retaining warehouse and distribution centre buildings in their approved location and yield. The development will remain consistent with the land use objectives for Zone IN1 General Industrial. The AIE site will continue to consist of warehouse and distribution centre land uses.
- No changes are proposed to the overall number of lots, the internal road network layout, warehousing footprints, parking, and landscaping across the site. The hours of operation remain unchanged.
- The on-site stormwater works do not change as a result of this modification application. The modification to the Concept Consent conditions are simply to allow consistency with the approach being adopted at the EEP site while maintaining the conditioned stormwater targets.
- In terms of a quantitative assessment the proposed development will not result in any significant changes to the numerical features of the approved development (under SSD-10448). No new works are proposed as part of this application and so no physical amendments are proposed to the scheme that may generate impacts for consideration.
- With regard to a qualitative assessment, the modification application demonstrates that the AIE site will continue to meet the requisite stormwater management and water quality targets required by the

Mamre Road DCP, along with the *Technical Guidance for achieving Wianamatta South Creek Stormwater Management Targets (NSW Government, 2022)*. The proposal will not give rise to more than a minimal environmental impact as detailed in Section 6 of this Modification Report.

3.4 SSD-46516461 (Warehouse 9) Modification 4

This modification application is sought under Section 4.55 (1A) of the EP&A Act. The key components of the proposed development are listed in the following table:

Table 7 SSD-46516461 MOD 4 Project Details

| Option | Assessment |
|---------------------|--|
| Project Area | <p>The AIE has a total site area of 55.83 ha. Approval has been granted for the disturbance for the entire site area. This Modification Application relates to Warehouse 9.</p> <p>EEP site extends to some 127ha.</p> |
| Site Description | <p>Aspect Industrial Estate: 826-882 Mamre Road, Kemps Creek NSW 2178 / Lot 105 DP1305965</p> <p>Elizabeth Enterprise Precinct: 1669A and 1669-1723 Elizabeth Drive, Badgerys Creek / Lot 100 DP1283398 & Lot 741 DP810111.</p> |
| Project Description | <p>This modification application will facilitate the update to the cumulative stormwater management strategy to align with the Water Management Strategy that has been established for the EEP Stage 1A SSDA.</p> <p>This modification ensures that the Lot 9 / Warehouse 9 will have continued compliance with the requisite stormwater management and water quality targets required by the Mamre Road DCP and the <i>Technical Guidance for achieving Wianamatta South Creek Stormwater Management Targets (NSW Government, 2022)</i> across both AIE and EEP.</p> <p>The proposed modification includes the following.</p> <ul style="list-style-type: none">Update to the Modification Assessments referenced in the consent to refer to this Modification Report.Update Condition A6C, A6DC and A6E to allow for development consent to be issued for works on EEP land under a separate consent where cumulative achievement of stormwater requirements are demonstrated.Provide an updated Stormwater Management Plan for the project (Appendix E). |

3.4.1 Modifications to Conditions of Consent – SSD-46516461 MOD 4

Stormwater Management

A6C. ~~The site must achieve compliance with the Integrated Water Cycle Management (IWCM) controls in the MRP DCP in accordance with the Technical Guidance for achieving Wianamatta South Creek Stormwater Management Targets (NSW Government, 2022).~~

The AIE and EPP sites must achieve cumulative compliance with either:

- The Integrated Water Cycle Management (IWCM) controls in the MRP DCP in accordance with the Technical Guidance for achieving Wianamatta South Creek Stormwater Management Targets (NSW Government, 2002) – where EEP remains otherwise undeveloped, or***

- **The Integrated Water Cycle Management (IWCM) controls in the MRP DCP 2021 and Western Sydney Aerotropolis DCP 2022 in accordance with the Technical guidance for achieving Wianamatta–South Creek stormwater management targets (NSW Government, 2002) – where separate development consent is issued for works on EEP land not otherwise covered by this consent.**

The staging and delivery of any works approved on EEP in accordance with a separate consent must demonstrate how AIE IWCM compliance will be achieved at all times.

A6D. Under this consent, the EEP site must only be used for stormwater management purposes as required by Condition A6C and as shown on Figure 4 in Appendix 1 until the Regional Stormwater Scheme becomes available for the AIE to connect into. **This condition does not prevent development consent being issued for works on EEP land under a separate consent, where cumulative achievement of stormwater requirements are demonstrated as required by Condition A6C.**

Note: Any future use of the EEP site other than for stormwater management purposes may be considered by the Department as part of a separate future modification and/or application should alternative stormwater management strategies become available.

A6E. This consent does not permit the use of the EEP site for any other development or use ~~and must be preserved as undeveloped land for the purposes described in Condition A6C. However, a separate development consent may be issued on EEP subject to that development, and AIE, cumulatively meeting IWCM compliance in accordance with the requirements of Condition A6C.~~

3.4.2 Substantially the Same Development – SSD-46516461 MOD 4

Based on the extent of the proposed modifications detailed above, it is considered that SSD-46516461 MOD 4 remains substantially the same development as that to which consent was originally granted for SSD-46516461, as is required by section 4.55(1A) of the Act. This is due to the following:

- The key principles of the approved development remain unchanged with the proposal retaining warehouse and distribution centre buildings in their approved location and yield. The development will remain consistent with the land use objectives for Zone INI General Industrial. The site will continue to consist of warehouse and distribution centre land uses.
- No changes are proposed to the lot, the internal road network layout, warehousing footprints, parking, and landscaping across the site. The hours of operation remain unchanged.
- The on-site stormwater works do not change as a result of this modification application. The modification to the Stage 2 approval conditions are simply to allow consistency with the approach being adopted at the EEP site while maintaining the conditioned stormwater targets.
- In terms of a quantitative assessment the proposed development will not result in any significant changes to the numerical features of the approved development (under SSD-46516461). No new works are proposed as part of this application and so no physical amendments are proposed to the scheme that may generate impacts for consideration.
- With regard to a qualitative assessment, the modification application demonstrates that the AIE site will continue to meet the requisite stormwater management and water quality targets required by the Mamre Road DCP, along with the *Technical Guidance for achieving Wianamatta South Creek Stormwater Management Targets (NSW Government, 2022)*. The proposal will not give rise to more than a minimal environmental impact as detailed in Section 6 of this Modification Report.

3.5 SSD-58257960 (Warehouse 2) Modification 3

This modification application is sought under Section 4.55 (1A) of the EP&A Act. The key components of the proposed development are listed in the following table:

Table 8 SSD-58257960 Project Details

| Option | Assessment |
|---------------------|---|
| Project Area | <p>The AIE has a total site area of 55.83 ha. Approval has been granted for the disturbance for the entire site area. This Modification Application relates to Warehouse 2.</p> <p>EEP site extends to some 127ha.</p> |
| Site Description | <p>Aspect Industrial Estate: 788 – 882 Mamre Road, Kemps Creek NSW 2178 / Lot 301 on DP 1305254</p> <p>Elizabeth Enterprise Precinct: 1669A and 1669-1723 Elizabeth Drive, Badgerys Creek / Lot 100 DPI283398 & Lot 741 DP810111.</p> |
| Project Description | <p>This modification application will facilitate the update the cumulative stormwater management strategy align with the Water Management Strategy that has been established for the EEP Stage 1A SSDA.</p> <p>This modification ensures that the Lot 2 / Warehouse 2 will have continued compliance with the requisite stormwater management and water quality targets required by the Mamre Road DCP and the <i>Technical Guidance for achieving Wianamatta South Creek Stormwater Management Targets (NSW Government, 2022)</i> across both AIE and EEP.</p> <p>The proposed modification includes the following.</p> <ul style="list-style-type: none">▪ Update to the Modification Assessments referenced in the consent to refer to this Modification Report.▪ Update Condition A10, A11 and A12 to allow for development consent to be issued for works on EEP land under a separate consent where cumulative achievement of stormwater requirements are demonstrated.▪ Provide and Operational Stormwater Management Plan for the project (Appendix F). |

3.5.1 Modifications to Conditions of Consent – SSD-58257960 MOD 3

Stormwater Management

~~A10. The site must achieve compliance with the Integrated Water Cycle Management (IWCM) controls in the MRP DCP in accordance with the Technical Guidance for achieving Wianamatta South Creek Stormwater Management Targets (NSW Government, 2022).~~

The AIE and EPP sites must achieve cumulative compliance with either:

- ***The Integrated Water Cycle Management (IWCM) controls in the MRP DCP in accordance with the Technical Guidance for achieving Wianamatta South Creek Stormwater Management Targets (NSW Government, 2002) – where EEP remains otherwise undeveloped, or***
- ***The Integrated Water Cycle Management (IWCM) controls in the MRP DCP 2021 and Western Sydney Aerotropolis DCP 2022 in accordance with the Technical guidance for***

achieving Wianamatta–South Creek stormwater management targets (NSW Government, 2002) – where separate development consent is issued for works on EEP land not otherwise covered by this consent.

The staging and delivery of any works approved on EEP in accordance with a separate consent must demonstrate how AIE IWCM compliance will be achieved at all times.

A11. Under this consent, the Elizabeth Enterprise Precinct (EEP) site must ~~only~~ be used for stormwater management purposes as required by Condition A10, and as shown on the cumulative stormwater offset plan, Drawing 18-596- SKC178 / P4 prepared by AT&L, dated 29/04/24 (See Appendix G of Modification Report for SSD-58257960-Mod-1), until the Regional Stormwater Scheme becomes available for the AIE to connect into. **This condition does not prevent development consent being issued for works on EEP land under a separate consent, where cumulative achievement of stormwater requirements are demonstrated as required by Condition A10.**

Note: Any future use of the EEP site other than for stormwater management purposes may be considered by the Department as part of a separate future modification and/or application should alternative stormwater management strategies become available.

A12. ~~This consent does not permit the use of the part of the EEP site identified in Condition A11 for any other development or use and must be preserved as undeveloped land for the purposes described in Condition A10. However, a separate development consent may be issued on EEP subject to that development, and AIE, cumulatively meeting IWCM compliance in accordance with the requirements of Condition A10.~~

3.5.2 Substantially the Same Development – SSD-58257960 MOD 3

Based on the extent of the proposed modifications detailed above, it is considered that SSD-58257960 MOD 3 remains substantially the same development as that to which consent was originally granted for SSD-58257960, as is required by section 4.55(1A) of the Act. This is due to the following:

- The key principles of the approved development remain unchanged with the proposal retaining warehouse and distribution centre buildings in their approved location and yield. The development will remain consistent with the land use objectives for Zone INI General Industrial. The site will continue to consist of warehouse and distribution centre land uses.
- No changes are proposed to the lot, the internal road network layout, warehousing footprints, parking, and landscaping across the site. The hours of operation remain unchanged.
- The on-site stormwater works do not change as a result of this modification application. The modification to the Stage 3 approval conditions are simply to allow consistency with the approach being adopted at the EEP site while maintaining the conditioned stormwater targets.
- In terms of a quantitative assessment the proposed development will not result in any significant changes to the numerical features of the approved development (under SSD-58257960). No new works are proposed as part of this application and so no physical amendments are proposed to the scheme that may generate impacts for consideration.
- With regard to a qualitative assessment, the modification application demonstrates that the AIE site will continue to meet the requisite stormwater management and water quality targets required by the Mamre Road DCP, along with the *Technical Guidance for achieving Wianamatta South Creek Stormwater Management Targets (NSW Government, 2022)*. The proposal will not give rise to more than a minimal environmental impact as detailed in Section 6 of this Modification Report.

3.6 SSD-60513208 (Warehouse 8) Modification 3

This modification application is sought under Section 4.55 (1A) of the EP&A Act. The key components of the proposed development are listed in the following table:

Table 9 SSD-60513208 Project Details

| Option | Assessment |
|---------------------|---|
| Project Area | <p>The AIE has a total site area of 55.83 ha. Approval has been granted for the disturbance for the entire site area. This Modification Application relates to Warehouse 8.</p> <p>EEP site extends to some 127ha.</p> |
| Site Description | <p>Aspect Industrial Estate: 788 – 882 Mamre Road, Kemps Creek NSW 2178 / Lot 105 on DP 1305254</p> <p>Elizabeth Enterprise Precinct: 1669A and 1669-1723 Elizabeth Drive, Badgerys Creek / Lot 100 DPI283398 & Lot 741 DP810111.</p> |
| Project Description | <p>This modification application will facilitate the update the cumulative stormwater management strategy align with the Water Management Strategy that has been established for the EEP Stage 1A SSDA.</p> <p>This modification ensures that the Lot 8 / Warehouse 8 will have continued compliance with the requisite stormwater management and water quality targets required by the Mamre Road DCP and the <i>Technical Guidance for achieving Wianamatta South Creek Stormwater Management Targets (NSW Government, 2022)</i> across both AIE and EEP.</p> <p>The proposed modification includes the following.</p> <ul style="list-style-type: none">▪ Update to the Modification Assessments referenced in the consent to refer to this Modification Report.▪ Update Condition A10, A11 and A12 to allow for development consent to be issued for works on EEP land under a separate consent where cumulative achievement of stormwater requirements are demonstrated.▪ Update the Stormwater Management Plan for the project (Appendix G). |

3.6.1 Modifications to Conditions of Consent – SSD-60513208 MOD 3

Stormwater Management

~~A10. The site must achieve compliance with the Integrated Water Cycle Management (IWCM) controls in the MRP DCP in accordance with the Technical Guidance for achieving Wianamatta South Creek Stormwater Management Targets (NSW Government, 2022).~~

The AIE and EPP sites must achieve cumulative compliance with either:

- ***The Integrated Water Cycle Management (IWCM) controls in the MRP DCP in accordance with the Technical Guidance for achieving Wianamatta South Creek Stormwater Management Targets (NSW Government, 2002) – where EEP remains otherwise undeveloped, or***
- ***The Integrated Water Cycle Management (IWCM) controls in the MRP DCP 2021 and Western Sydney Aerotropolis DCP 2022 in accordance with the Technical guidance for achieving Wianamatta–South Creek stormwater management targets (NSW Government, 2002) – where separate development consent is issued for works on EEP land not otherwise covered by this consent.***

The staging and delivery of any works approved on EEP in accordance with a separate consent must demonstrate how AIE IWCM compliance will be achieved at all times.

A11. Under this consent, the Elizabeth Enterprise Precinct (EEP) site must only be used for stormwater management purposes, as shown on the cumulative stormwater offset plan, Drawing 18-596-SKC178 / P4 prepared by AT&L, dated 29/04/24 (See Appendix G of the Modification Report for SSD-60513208-Mod-1), to comply with condition A10 until the Regional Stormwater Scheme becomes available for the AIE to connect into. **This condition does not prevent development consent being issued for works on EEP land under a separate consent, where cumulative achievement of stormwater requirements are demonstrated as required by Condition A10.**

Note: Any future use of the EEP site other than for stormwater management purposes may be considered by the Department as part of a separate future modification and/or application should alternative stormwater management strategies become available.

A12. This consent does not permit the use of the EEP site for any other development or use and must be preserved as undeveloped land for the purposes described in condition A10. **However, a separate development consent may be issued on EEP subject to that development, and AIE, cumulatively meeting IWCM compliance in accordance with the requirements of Condition A10.**

3.6.2 Substantially the Same Development – SSD-60513208 MOD 3

Based on the extent of the proposed modifications detailed above, it is considered that SSD-60513208 MOD 3 remains substantially the same development as that to which consent was originally granted for SSD-60513208, as is required by section 4.55(1A) of the Act. This is due to the following:

- The key principles of the approved development remain unchanged with the proposal retaining warehouse and distribution centre buildings in their approved location and yield. The development will remain consistent with the land use objectives for Zone IN1 General Industrial. The site will continue to consist of warehouse and distribution centre land uses. It is noted that a further land use application (SSD-80331959) has recently been approved for the use of the Warehouse 8 building (as approved under the Stage 4 SSDA MOD 2) for the purposes of 'Manufacturing (printing)' operations which is also permissible with consent in the IN1 zone and would not be changed or impacted by the proposed modification.
- No changes are proposed to the lot, the internal road network layout, warehousing footprints, parking, and landscaping across the site. The hours of operation remain unchanged.
- The on-site stormwater works do not change as a result of this modification application. The modification to the Stage 4 approval conditions are simply to allow consistency with the approach being adopted at the EEP site while maintaining the conditioned stormwater targets.
- In terms of a quantitative assessment the proposed development will not result in any significant changes to the numerical features of the approved development (under SSD-60513208). No new works are proposed as part of this application and so no physical amendments are proposed to the scheme that may generate impacts for consideration.
- With regard to a qualitative assessment, the modification application demonstrates that the AIE site will continue to meet the requisite stormwater management and water quality targets required by the Mamre Road DCP, along with the *Technical Guidance for achieving Wianamatta South Creek Stormwater Management Targets (NSW Government, 2022)*. The proposal will not give rise to more than a minimal environmental impact as detailed in Section 6 of this Modification Report.

4

Statutory Context

4 Statutory Context

This section of the report provides an overview of the key statutory requirements relevant to the site and the project, including:

- *Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1999*
- *NSW Biodiversity Conservation Act 2016*
- *Environmental Planning and Assessment Act 1979*.
- *Environmental Planning Assessment Regulation 2021*.
- *State Environmental Planning Policy (Industry and Employment) 2021*.
- *State Environmental Planning Policy (Planning Systems) 2021*.
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*.
- *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*.
- *State Environmental Planning Policy (Resilience and Hazards) 2021*.
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*.
- *Penrith Local Environmental Plan 2010*.

Consideration is also required to be given to the following matters:

- *Concept and future stage DA requirements of SSD-10448*.
- *VPA between Mirvac Projects Pty Ltd, Mirvac Industrial Developments Pty Ltd, Mirvac Funds Management Limited as trustee for the Mirvac Kemps Creek Trust and the NSW Minister for Planning*.

This section identifies the key statutory matters which are addressed in detail within the Modification Report, including the power to grant consent, permissibility, other approvals, pre-conditions and mandatory considerations.

4.1 Statutory Requirements

| Statutory Relevance | Action |
|-------------------------|---|
| SSD-10448 MOD 11 | |
| Power to grant approval | <p>The original SSD-10448 had a CIV in excess of the required threshold and as such the application proceeded as SSD with the Minister for Planning the consent authority.</p> <p>The proposed modification to the approval of SSD-10448 will remain consistent with this SEPP and the project remains appropriately characterised as SSD.</p> <p>The proposed SSD-10448 MOD 11 can be appropriately considered as 'substantially the same development as the development for which consent was originally granted' and to be of 'minimal environmental impact' so would meet the requirements of S4.55 (1A) of the EP&A Act.</p> |
| Permissibility | <p>The AIE site is majority zoned IN1 in accordance with the Industry and Employment SEPP, where 'Warehouse and Distribution Centres' and buildings for the purpose of 'industry' are permissible with consent in the IN1 Zone.</p> <p>The proposed modification retains the approved uses of industry and warehouse and distribution centre and therefore remains a permissible form of development within the IN1 zone.</p> |

The *State Environmental Planning Policy (Precincts—Western Parkland City) 2021* pertains to land at EEP Site under Chapter 4. No works at the EEP site are proposed as part of this modification application. The works being progressed under a separate application, the EEP Stage 1A SSDA (SSD-19618251), and is considered as part of the updated cumulative stormwater management plan, are permissible with consent under the ENT zone.

SSD-46516461 (Warehouse 9) MOD 4

| | |
|-------------------------|---|
| Power to grant approval | <p>The original SSD-46516461 had a CIV in excess of the required threshold and as such the application proceeded as SSD with the Minister for Planning the consent authority.</p> <p>The proposed modification to the approval of SSD-46516461 will remain consistent with this SEPP and the project remains appropriately characterised as SSD.</p> <p>The proposed SSD-46516461 MOD 4 can be appropriately considered as 'substantially the same development as the development for which consent was originally granted' and to be of 'minimal environmental impact' so would meet the requirements of S4.55 (1A) of the EP&A Act.</p> |
| Permissibility | <p>The Warehouse 9 site is located on land zoned IN1 General Industrial in accordance with clause 2.10, Chapter 2 Western Sydney Employment Area of the Industry and Employment SEPP. 'Warehouse and distribution centre' is permitted with consent in the IN1 Zone. The proposed modification retains the approved uses of warehouse and distribution centre and therefore remains a permissible form of development within the IN1 zone.</p> |

SSD-58257960 (Warehouse 2) MOD 3

| | |
|-------------------------|--|
| Power to grant approval | <p>The original SSD-58257960 had an EDC in excess of the required threshold and as such the application proceeded as SSD with the Minister for Planning the consent authority.</p> <p>The proposed modification to the approval of SSD-58257960 will remain consistent with this SEPP and the project remains appropriately characterised as SSD.</p> <p>The proposed SSD-58257960 MOD 3 can be appropriately considered as 'substantially the same development as the development for which consent was originally granted' and to be of 'minimal environmental impact' so would meet the requirements of S4.55 (1A) of the EP&A Act.</p> |
| Permissibility | <p>The Warehouse 2 site is located on land zoned IN1 General Industrial in accordance with clause 2.10, Chapter 2 Western Sydney Employment Area of the Industry and Employment SEPP. 'Warehouse and distribution centre' is permitted with consent in the IN1 Zone. The proposed modification retains the approved uses of warehouse and distribution centre and therefore remains a permissible form of development within the IN1 zone.</p> |

SSD-60513208 (Warehouse 8) MOD 3

| | |
|-------------------------|--|
| Power to grant approval | <p>The original SSD-60513208 had an EDC in excess of the required threshold and as such the application proceeded as SSD with the Minister for Planning the consent authority.</p> <p>The proposed modification to the approval of SSD-60513208 will remain consistent with this SEPP and the project remains appropriately characterised as SSD.</p> <p>The proposed SSD-60513208 MOD 3 can be appropriately considered as 'substantially the same development as the development for which consent was originally granted' and to be of 'minimal environmental impact' so would meet the requirements of S4.55 (1A) of the EP&A Act.</p> |
|-------------------------|--|

| | |
|----------------|--|
| Permissibility | <p>The Warehouse 8 site is located on land zoned INI General Industrial in accordance with clause 2.10, Chapter 2 Western Sydney Employment Area of the Industry and Employment SEPP. 'Warehouse and distribution centre' is permitted with consent in the INI Zone. The proposed modification retains the approved uses of warehouse and distribution centre and therefore remains a permissible form of development within the INI zone.</p> <p>It is noted that a further land use application (SSD-80331959) has recently been approved for the use of the Warehouse 8 building (as approved under the Stage 4 SSDA MOD 2) for the purposes of 'Manufacturing (printing)' operations which is also permissible with consent in the INI zone. This does not impact the current proposals.</p> |
|----------------|--|

| Other Approvals | |
|--|--|
| <i>Commonwealth Environment Protection and Biodiversity Conservation Act (EPBC) Act 1999</i> | <p>SSD-10448 was accompanied by a Biodiversity Development Assessment Report (BDAR) in accordance with the NSW Framework and in consultation with NRAR. A habitat assessment was undertaken and identified the Latham's Snip and Grey-headed Flying-fox as 'matters of national environmental significance.' The BDAR concluded that the development will not have impact on either species. SSD-46516461, SSD-58257960 and SSD-60513208 were issued a BDAR Waiver in light of the BDAR assessment and approval granted for SSD-10448.</p> <p>The proposals do not change the impact to the potential habitats across the site, including within EEP. Accordingly, they will not result in any impacts on the relevant species and maintains compliance with the EPBC Act.</p> |

4.2 Pre-Conditions

| Statutory Reference | Pre-Condition | Relevance | Section in Report |
|---|---|--|-------------------|
| <i>Environmental Planning and Assessment Act 1979</i> | While any consent granted on the determination of a concept development application for a site remains in force, the determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposals for the development of the site. | Concept consent SSD-10448 applies to the AIE and EEP site. No works are proposed under any of the modification applications and SSD-10448 MOD 11, SSD-46516461 MOD 4, SSD58257960 MOD 3 and SSD 60513208 MOD 3 seek to update the cumulative stormwater impact assessment to continue compliance with the requisite stormwater management and water quality targets and maintain consistency with both the SSD-10448 and the separate EEP Stage 1A SSDA (SSD-19618251) proposal which seeks to establish a concept consent at the EEP site. | Appendix C |

| | | | |
|--|---|--|-----|
| Clause 66 of the <i>Environmental Planning and Assessment Regulation 2021</i> | Pursuant to Section 4.16(1) of the Act, a development application in relation to any land zoned IN1 General Industrial under State <i>Environmental Planning Policy (Industry and Employment) 2021</i> must not be determined by the consent authority unless a contributions plan has been approved for the land to which the application relates. | The Mamre Road Precinct Contributions Plan 2022 was adopted by Penrith City Council and came into force over the land on 4 April 2022. This requirement has been satisfied. | n/a |
| Clause 4.6(1) of <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> | Chapter 4 of the Resilience and Hazards SEPP requires that a site must be suitably remediated for the intended purpose prior to the grant of consent for that purpose. | SSD-10448 approved a Remediation Action Plan (RAP) for the AIE which was implemented prior to construction works occurring on the Estate. Remediation of the site in accordance with the RAP has been undertaken, such that the site is now suitable for the approved commercial and industrial uses. | n/a |
| Clause 2.17 – Requirement for Development Control Plans in <i>State Environmental Planning Policy (Industry and Employment) 2021</i> | Clause 2.17 of the Industry and Employment SEPP requires that a consent authority must not grant consent to development on any land to which Chapter 2 of that SEPP applies unless a development control plan has been prepared for the land. | The Mamre Road Precinct DCP was adopted in November 2021. This requirement has been satisfied. | n/a |

4.3 Mandatory Considerations

| Statutory Reference | Mandatory Consideration | Section in Modification Report |
|---|---|---|
| Consideration under the Environmental Protection and Assessment Act 1979 | | |
| Section 1.3 | Relevant objectives of the EP&A Act | Appendix C |
| Section 4.15 | Relevant environmental planning instruments | Appendix C |
| | <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> | Appendix C |
| | <i>State Environmental Planning Policy (Industry and Employment) 2021</i> | Appendix C |
| | <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> | Appendix C |
| | Relevant planning agreement or draft planning agreement. | A VPA has been negotiated, agreed and executed between the applicant and the NSW Minister for Planning. A Satisfactory Arrangement Certificate (SAC) was issued in 2021. |
| | Development Control Plans | Appendix C |
| | <i>Mamre Road Development Control Plan 2021 (MRDCP 2021).</i> | |
| | Section 2.10 of SEPP (Precincts) provides that Development Control Plans do not apply to State Significant Development. Notwithstanding, assessment of the proposals will be undertaken against the requirements of the Mamre Road Precinct DCP as this is a requirement of Condition A6 to the consent for SSD10448. | |
| | The likely impacts of development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality. | Section 6 Section 7 |
| | The suitability of the site for the development. | Section 7 |
| | The public interest. | Section 7 |
| Concept Approval | | |
| Section 35 | Consistency of proposals with concept approval. | Appendix C |

Considerations under the EP&A Regulation 2021

| | | |
|------------|--|---------------------------------|
| Section 35 | Assessment of consistency of development within the Mamre Road Precinct within Chapter 2 of the Industry and Employment SEPP. Assessment of consistency of development with the Mamre Road Precinct Structure Plan. | Appendix C and Section 2 |
|------------|--|---------------------------------|

Considerations under other legislation

| | | |
|---|--|---|
| <i>Biodiversity Conservation Act 2016</i> | The likely impact of the proposed development on biodiversity values as assessed in the Biodiversity Development Assessment Report (BDAR). The Minister for Planning may (but is not required to) further consider under that BC Act the likely impact of the proposed development on biodiversity values. | BDAR Waiver request is not required given the proposals will not impact the current level of biodiversity interference. |
| <i>National Parks and Wildlife Act 1974</i> | The likely impact of the proposals on items of Aboriginal Cultural Heritage Significance. | The proposals will not impact the ACHAR assessment and conditions of consent relating to Aboriginal heritage have been established under the SSD-10448 approval. |

5

Engagement

5 Engagement

The below outlines the engagement activities that have already been carried out for the project, including preliminary community views, and the engagement carried out during the preparation of this modification report.

5.1 Landowners West of Mamre Road

- No significant feedback was received to the original SSD-10448 and no community feedback has been received in respect to the subsequent MOD or staged SSD applications.
- No formal pre-lodgement engagement has yet been undertaken in relation the proposals given their limited extent.

5.2 Adjoining Landowner Engagement

- All land immediately surrounding AIE to the north, east and south is subject to SSD applications. These lands are owned or optioned by institutional developers.
- Mirvac has been involved in ongoing discussions with its immediate neighbours throughout the assessment and determination of SSD-10448.
- The proposed modification is consistent with the existing determination in relation to the staging of the estate works and estate boundary interfaces. No formal pre-lodgement engagement has yet been undertaken in relation the proposals given their limited extent.

5.3 Government and Agencies

- Mirvac has been in ongoing consultation with Penrith Council, TfNSW, utilities providers and other agencies throughout the preparation and assessment period for SSD-10448 and subsequent modifications.
- With regard to the cumulative stormwater management strategy, Mirvac has been in ongoing consultation with DPHI. This has included ad-hoc correspondence (emails, calls etc.) as well as briefing memos. Overall, it has been communicated that there are four (4) key objectives that are integral for Mirvac to facilitate the timely progression of development across the EEP and AIE sites. These are as follows:
 1. **Determination of EEP Stage 1A** – determination of an SSDA to develop Stage 1A of the EEP site under SSD-19618251. This requires an update to the cumulative waterway health strategy to allow for its development, while meeting the IWCM controls across both the AIE and EEP sites
 2. **Deliver Regional Stormwater Basin** – delivery of a Regional Stormwater Detention Basin (7A or 7B) to support the full development of AIE.
 3. **Develop Warehousing at Lots 4 & 5 in AIE** – develop a single warehouse across Lot 4 and Lot 5 within the AIE, comprising Stage 6, and the final staged development of AIE. Note, a separate application is being progressed concurrently to achieve this objective.
 4. **Decouple the AIE & EEP Sites** – decouple the waterway health strategy and consents between the AIE and EEP (SEED) Sites.

The subject modification applications seek to facilitate Objective 1 only, as communicated with DPHI.

- Ongoing discussions will continue throughout the assessment phase of this application.

5.4 Engagement to be Carried Out

- Given the limited nature of development proposed within the modification, it is recommended that any further community and stakeholder consultation can be undertaken during the exhibition period for the application, and any outcomes can be responded upon accordingly.

The above activities were undertaken having regard to the community participation objectives in the '*Undertaking Engagement Guidelines for State Significant Projects*' prepared by DPHI (dated March 2024).

6

Assessment of Impacts

6 Assessment of Impacts

Impacts arising from the proposals are related to stormwater management only, noting that no physical works are proposed as part of the modifications. The amendments to the various approvals simply serve to update the cumulative stormwater modelling across the AIE site, to allow for the determination of an SSDA to develop Stage 1 of the EEP site under SSD-19618251, while meeting the IWCM controls across both the AIE and EEP sites

Updated Stormwater Management Plans / Stormwater Management Plans are provided for SSD-10448, SSD-46516461, SSD-58257960 and SSD-60513208 and included as Appendices D to G of this report.

6.1 Stormwater Management

An updated SSD-10448 Water and Stormwater Management Plan (**WSMP**) has been prepared by AT&L, attached at **Appendix D**, this WSMP assessing the updated development outcome at the EEP site and the latest AIE, staged approval (Stage 5).

Additionally, updated Stormwater Management Plans (**SMP**) have been prepared for Stage 2 / Warehouse 9 (**Appendix E**), Stage 3 / Warehouse 2 (**Appendix F**) and Stage 4 / Warehouse 8 (**Appendix G**). These updated SMPs demonstrate that the respective development stages, when inclusive of the approved stormwater management measures, will continue to meet the relevant stormwater quantity, quality and flow targets when re-modelled to consider the EEP Stage 1A development outcome.

The updated MOD11 WSMP (**Appendix D**), is the focus on this section of the Modification Report as it reflects the latest stage of approved development at AIE and confirms that the Stage 5 development at AIE (which incorporates and builds upon all stormwater management approvals for prior AIE Stages 1-4) will continue to result in no adverse stormwater impacts.

6.1.1 Existing Environment & Previous Assessments

As per previous Modification Applications (SSD-10448 MOD4 and MOD8), the undeveloped land at the EEP site was included within cumulative MUSIC modelling to satisfy the stormwater quality, quantity and flow targets to enable progression of the development on the AIE site, in advance of a regional stormwater scheme for the Mamre Road Precinct. SSD-10448-MOD4 incorporated 132ha of undeveloped land at Mirvac's EEP site. SSD-10448 MOD8 then reduced the area of undeveloped land at EEP down to 127Ha.

The updated WSMP identifies that the proposals seek approval for an amended cumulative stormwater strategy, which seeks to align with cumulative stormwater management which has been submitted for approval under a separate SSDA for works at the EEP site, notably the EEP Stage 1A SSDA (SSD-19618251).

The EEP Stage 1 SSDA seeks approval to construct infrastructure works across the Stage 1 lands and also seeks approval for the development of Warehouse 2 and Warehouse 6 at EEP. As such, MOD 11 reduces the area of undeveloped land at EEP down to approximately 52.8ha to allow for the development of EEP Stage 1A.

The cumulative development scenario, which includes the development at AIE, including warehouses 1, 2, 3, 6, 7 (incl. café), 8 and 9, and EEP Stage 1A, including warehouses 2 and 6 is identified within the WSMP.

This assumes the following development outcome:

- AIE:
 - Stages 1 – 3 (Warehouses 1, 2, 3 and 9), which are constructed and operational.
 - Stages 4 and 5 (Warehouse 6, 7 & adjacent café and 8), which are currently under construction.
- EEP:
 - Stage 1A Development (Warehouses 2 and 6), which includes the following water management measures:

- Street trees throughout the EEP Stage 1 Estate, either passively or actively irrigated.
- An evaporation basis (with the potential for evaporative losses proposed within EEP Stage 2 land); and
- On-site stormwater detention (Basin A).

6.1.2 Assessment of Potential Impacts – Updated Modelling

To assess the impacts of the MOD 11 cumulative water management strategy, DRAINS and MUSIC modelling has been undertaken, consistent with the parameters adopted in the MUSIC Modelling Toolkit – Wianamatta (NSW Government). Compliance with the stormwater quality and stormwater quantity DCP targets are demonstrated in the below sections of this report.

6.1.2.1 Stormwater Quality

MUSIC model results are presented as mean annual loads at the receiving node, including AIE Stage 5 and EEP Stage 1A SSDA is displayed below in Figure 8.

Figure 8 Summary of MUSIC modelling results against stormwater quantity targets – Stage 5 and EEP Stage 1A SSDA

| Parameter | Sources Post Developm- ent | Residual Load Post- Development | Reduction (%) | Complies with DCP Option 1 Target | Mean Annual Load (Kg/ha/yr) | Complies with DCP Option 2 Target |
|--------------------|-------------------------------------|---------------------------------------|---------------|---|-----------------------------------|---|
| TSS (kg/yr) | 56,600 | 11,400 | 79.8 | No | 61.8 | Yes |
| TP (kg/yr) | 118 | 38.6 | 67.4 | No | 0.21 | Yes |
| TN (kg/yr) | 859 | 400 | 53.4 | No | 2.17 | Yes |
| GP (kg/yr) | 10,300 | 114 | 98.9 | Yes | 0.62 | Yes |

Source: AT&L

The MUSIC model demonstrate that the allowable mean annual loads under development MOD 11 will satisfy the Mamre Road Precinct DCP stormwater quantity controls for the DCP Option 2 targets.

6.1.2.2 Stormwater Quantity

The WSMP provides an updated assessment of the performance of stormwater quantity (peak flow rates) management for the AIE Site to ensure post development peak flow rates do not exceed pre-development peak flow rates (for the AIE site) has been undertaken for the following post-development scenario:

- a. AIE Site under Stage 5 development conditions, with a modified detention basin outlet arrangement to accommodate the interim retention pond that is required to satisfy stormwater quantity and flow volume targets (MARV and flow duration). Note this is currently consistent with MOD 8 approval.
- b. AIE Site under Ultimate development conditions (entire AIE concept), with the detention basin outline in its ultimate arrangement. Noting that this ‘ultimate development condition’ includes for the sizing of the OSD basin and outlet configuration which has not changed since the original SSDA-10448 approval, given this has been designed and constructed. The assessment of water quality and water quantity within the MOD 11 has only considered up to the Stage 5 development scenario, and does not include an assessment from a waterway health perspective of the final scenario listed of decoupling AIE and EEP, as referred to in Section 5.3 of this Report.

Figure 9 below indicates the pre-development and post-development peak flow rates on AIE for a range of design storm events between and including the 1-year ARI and 100-year ARI at the Mamre Road culverts. Note

the modelling of the basin tailwater levels within the Mamre Road culverts have been incorporated based on flood modelling undertaken by Cardno and included as part of the SSD-10448 MOD3 consent.

Figure 9 Pre-development and post-development flows at discharge point to Mamre Road culvert

| Design Storm Event | Pre-Development Peak Flow Rate (m ³ /s) | Post-Development Peak Flow rate – Stage 5 (m ³ /s) | Post-Development Peak Flow Rate – Ultimate AIE Concept Masterplan (m ³ /s) |
|-------------------------|--|---|---|
| 1-Year ARI (63.2% AEP) | 1.40 | 1.03 | 1.40 |
| 2-Year ARI (39.4% AEP) | 4.34 | 2.20 | 2.97 |
| 5- Year ARI (18.1% AEP) | 8.54 | 4.07 | 4.69 |
| 10-Year ARI (~10% AEP) | 10.1 | 5.17 | 5.98 |
| 20-Year ARI (~5% AEP) | 12.1 | 6.77 | 7.59 |
| 100-Year ARI (1% AEP) | 15.7 | 9.37 | 10.1 |

Source: AT&L

The above DRAINS model results for AIE demonstrates that the post-development peak flow rates for all interim stages up to and including Stage 5 would be less than or equal to pre-development peak flow rates for a range of storm events between (and including) the 1-year ARI and 100-year ARI design events. Therefore, the stormwater drainage system and detention basins as proposed would satisfy the development controls relating to stormwater management.

6.1.2.3 Stormwater Flow Volume

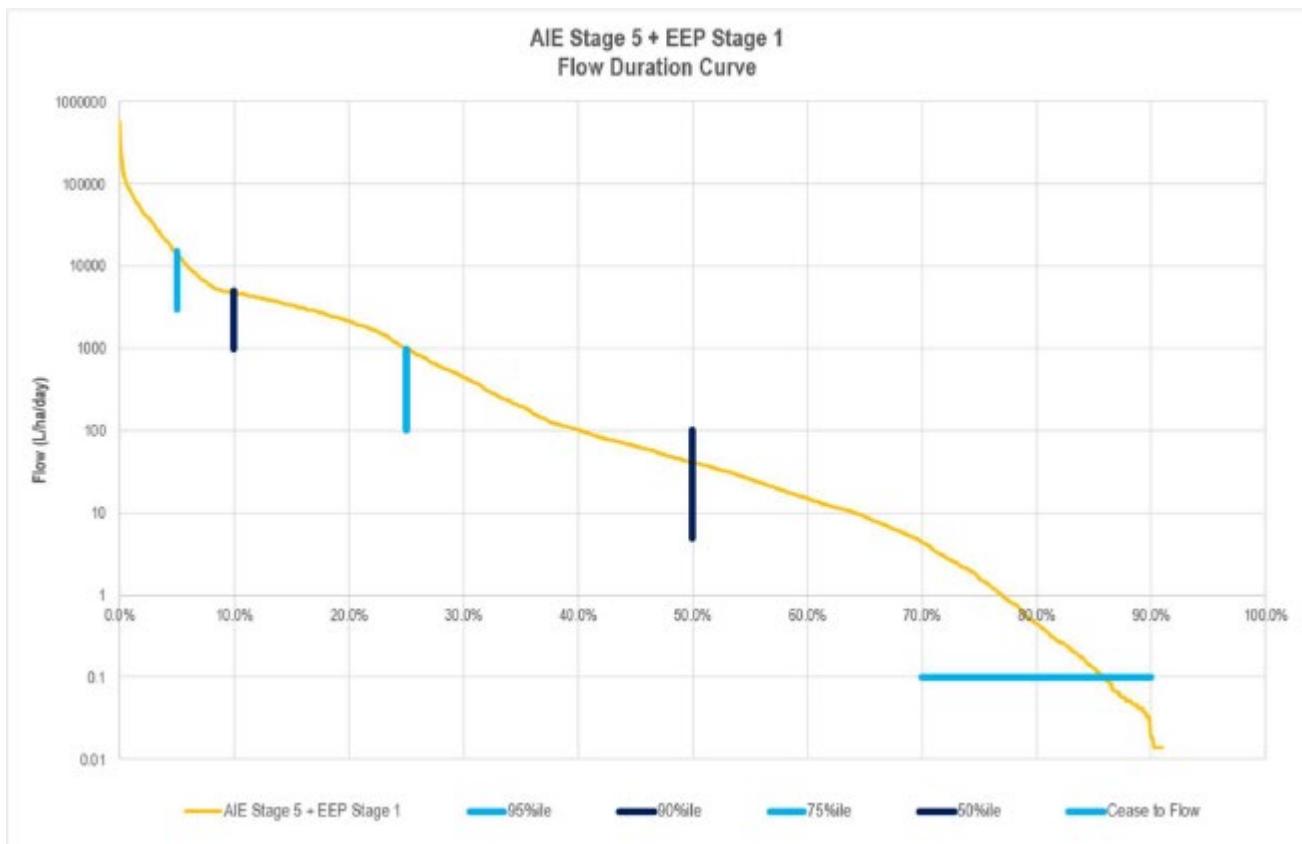
The MUSIC model provides performance results of the stormwater flow targets against the MRPDCP controls, extracts of the results are presented in Figure 10 and the resultant flow duration curve for the Stage 5 development scenarios are presented in Figure 11. To note, compliance with DCP Option 2 stormwater flow targets is now demonstrated in circumstances where the DCP only requires compliance to either Option 1 or Option 2

Figure 10 Summary of MUSIC model results against stormwater flow targets – Development, AIE Stage 5 and EEP Stage 1A

| Parameter | Result | DCP Target | DCP Option 1 (Marv approach) compliance | DCP Option 2 (Flow Duration Curve approach) compliance |
|--------------------------------------|--------|-----------------|---|--|
| Mean annual runoff volume (ML/ha/yr) | 1.37 | 2.0 | Yes | n/a for this option |
| 95%ile flow (L/ha/day) | 14,482 | 3,000 to 15,000 | n/a for this option | Yes |
| 90%ile flow (L/ha/day) | 4,727 | 1,000 to 5,000 | Yes | Yes |
| 75%ile flow (L/ha/day) | 995.6 | 100 to 1,000 | n/a for this option | Yes |
| 50%ile flow (L/ha/day) | 40.7 | 5 to 100 | Yes | Yes |

| Parameter | Result | DCP Target | DCP Option 1 (Marv approach) compliance | DCP Option 2 (Flow Duration Curve approach) compliance |
|------------------------|--------|------------|---|--|
| 10%ile flow (L/ha/day) | 0.02 | 0 | No** | n/a for this option |
| Cease to flow | 14.1%* | 10% to 30% | n/a for this option | Yes* |

Figure 11 Flow duration curves for the proposed AIE Stage 5 and EEP Stage 1 water management measures



Source: AT&L

Note that the MUSIC model for EEP Stage 1A with AIE Stage 5 rounds off at below 0.014L/ha/day, whereas the benchmark examples from the *Technical Guidance for Achieving Wianamatta-South Creek Stormwater Management Targets* (DPE, Sep 2022) show cease to flow occurring at 0.1L/ha/day. Using this benchmark, EEP Stage 1A with AIE Stage 5 achieves 14.1% cease to flow. The large amount of ENZ land downstream of the development and downstream of the stormwater management controls, naturally provide soil baseflows which extends the tail of the graph, and are not directly related to the development works themselves.

The results presented demonstrate the proposed stormwater management measures that will be implemented for the MOD11 cumulative water management strategy will satisfy the DCP stormwater flow targets for the AIE Site (and the EEP Site) per DCP Option 1, with the exception of the 10-percentile flow, as mentioned below.

- The 10-percentile values of up to 0.02 L/ha/day equates to a total runoff from the combined AIE and EEP Site of approximately 3.46 litres per day over a 184.4ha catchment area (equivalent to around 0.144 litres per hour). Whilst it is acknowledged the values that generate the flow duration curve represent a statistical probability of the exceedance of a particular flow value, in reality the calculated 10-percentile flow from the site represents a value too small to practically measure.

- Although the 10-percentile flow from the model exceeds the DCP target marginally by 0.02 L/ha/day, it is important to note that the stormwater management strategy is temporary only and will ultimately be replaced by the Sydney Water Regional Infrastructure, meaning that marginal exceedance, will only be applicable during this interim phase.
- Existing approvals of the AIE SSDA (SSD-10448), specifically both the stormwater management strategies for AIE MOD4 and AIE MOD8 which are both approved, both included technical non-compliance with the Cease-to-Flow and/or 10-percentile flow targets. Both AIE MOD4 and AIE MOD8 incorporated the cumulative land use of AIE and EEP for the purposes of the approved stormwater management strategy. The existing approvals should be considered when assessing the cumulative stormwater strategy and results in this report.
- The 10-percentile flow results indicate how often zero flows occur at the receiving node or outlet. Due to a limitation in MUSIC, smaller catchments tend to produce more zero-flow results because the model rounds very low flows down to zero when equivalent treatment controls are applied. In contrast, the Stage 1A EEP cumulative model, representing the combined AIE and EEP catchment area of approximately 184.4 ha, reports fewer zero-flow events simply because the larger catchment generates higher baseline flows than an equivalent model with a smaller catchment area and treatment train. As such, it is likely that a comparable smaller site, would achieve compliance, however, given the larger combined site area, rounding errors have possibly contributed to the non-compliance.
- Given the above discussion, AT&L consider the resultant 10%ile flow of 0.02L/ha/day to be effectively a zero flow result (the flows are effectively negligible), considering the significant catchment area, limitations of the MUSIC model and temporary timeline that this interim stormwater strategy will be in place for. As such, compliance with the DCP stormwater flow target Option 1 is also reached.

The flow duration curve presented in Figure 11 represents the site under proposed developed conditions on the AIE Site without regional stormwater management measures in place. Based on the proposed Stormwater Scheme Plan proposed by Sydney Water, future wetlands and harvesting ponds west of Mamre Road will provide additional capacity for stormwater quality and flow volume management for the AIE Site. Ultimately, the combination of on-lot, estate-wide and regional measures will satisfy the waterway health objectives and controls adopted in the Mamre Road Precinct DCP.

6.1.3 Mitigation Measures

As demonstrated in **Section 6.1.2** of this Modification Report, the approved and established stormwater management measures will ensure that the AIE will continue to comply with the relevant stormwater quantity, quality and flow targets, subject to the updated development context under MOD 11. As such, the proposals will not result in any additional adverse impacts and no additional or updated mitigation measures are required. An overview of the mitigation measures considered in the modelling are as follows:

6.1.3.1 Measures Approved and/or Implemented at AIE

- **Rainwater tanks** on each lot to meet at least 80% of non-potable demand (toilets and irrigation).

Modelling assumption: 15 L/person/day for toilets, 600 mm/year irrigation over 50% of landscaped area.

Status: Tank volumes adopted in MUSIC meet or exceed the 80% modelling requirement for all lots.
- **Interim retention pond** within the estate detention basin to harvest and reuse stormwater for irrigating the Realigned Trunk Drainage Corridor.

Status: Constructed and operational; meets interim flow volume reduction needs until regional scheme delivery.
- **Gross Pollutant Traps (GPTs)** on- lot to capture litter, debris, coarse sediment, oils and greases before discharge to the estate network.

Status: Approved and progressively installed with each warehouse stage.

- **Bio-retention system** within the estate basin to treat low flows prior to discharge.
Status: Constructed and operational; lined to prevent subsurface infiltration.
- **On-site stormwater detention (OSD)** in the estate basin to attenuate peak flows to pre-development rates for 50%–1% AEP events.
Status: constructed and operational.

6.1.3.2 Measures at Modelled EEP Stage 1A (Under separate SSDA)

The following mitigation measures are not proposed as part of this modification application and form part of a separate SSDA (SSD-19618251). These measures are listed here as they have been included within the modelling:

- Street Trees: provide passive or active irrigation using harvested stormwater, contributing to evapotranspiration and flow volume reduction.
- Temporary Evaporation Basin (Stage 2 Land): storage of runoff from Stage 1A development and undeveloped Stage 2 areas, allowing evaporative losses to reduce flow volumes.
- On-Site Stormwater Detention (Basin A): attenuate peak flows from Stage 1A lots before discharge.

6.1.4 Summary

In summary, it is demonstrated that the proposals will achieve the following:

- The MOD11 interim stormwater management strategy supports the following development on AIE in advance of delivery of a regional stormwater scheme within the Mamre Road Precinct.
- The approved detention basin dimensions and location remain unchanged as part of MOD 11 to that approved under the original SSD-10448 consent.
- Rainwater tanks have been adopted to satisfy the following control in the MRP DCP.
- Gross pollutant traps are to be provided, with their final configuration would be confirmed at the detailed design phase.
- The bio-retention system within the estate basin has been approved and installed.
- The Estate OSD Basin is provided consistent with SSD-10448.
- The music model results presenting allowable mean annual loads demonstrate the proposed stormwater management measures under the amended cumulative water management strategy sought as part of MOD11, will satisfy the Mamre Road Precinct DCP stormwater quantity controls for the DCP Option 2 targets.
- The stormwater drainage system and detention basins as proposed would satisfy the development controls relating to stormwater quantity management.
- The results presented demonstrate the proposed stormwater management measures that will be implemented under MOD 11 will satisfy the DCP stormwater flow targets for the AIE Site (and the EEP Site) per DCP Option 1, with the exception of the 10-percentile flow which is in line with the previous MOD4 and MOD 8 approvals on site.
- All proposed water management measures that will be located within the AIE Site would be managed and maintained by the proponent. Inspection and Maintenance Plans have been separately prepared and lodged for each subsequent completed warehouse at AIE.

As such, the proposals demonstrate compliance with the Integrated Water Cycle Management (IWCM) controls in the MRP DCP in accordance with the *Technical Guidance for achieving Wianamatta South Creek Stormwater Management Targets* (NSW Government, 2022). Further, the WSMP or Operational WSMP provided for the subsequent stage developments at Warehouse 9 (SSD-46516461 MOD 4), Warehouse 2

(SSD-58257960 MOD3) and Warehouse 8 (SSD-60513208 MOD3) also demonstrate compliance with the above requirements.

6.2 Other Environmental Impacts

In light of the limited nature of the proposed modification applications, the following matters have been adequately addressed in prior studies and approvals granted to the site and will not be impacted by the proposals.

- Traffic and Parking
- Biodiversity Assessment
- Urban Design and Visual
- Noise and Vibration
- Aboriginal Cultural Heritage Assessment
- Non-Indigenous Heritage Impact
- Social Impact
- Air Quality
- Bushfire Risk
- Contamination and Site Remediation
- Hazards and Risk
- Waste Management
- ESD
- Airport Safeguarding
- Geotechnical assessment
- Surface and Groundwater Impact Assessment
- Salinity and Acid Sulfate Soils Management
- Flood Risk; and
- Infrastructure Delivery, Management and Staging

7

Justification of Modified Project

7 Justification of Modified Project

This section of the report provides a comprehensive evaluation of the proposals having regard to its economic environmental and social impacts, including the principles of ecologically sustainable development. It assesses the potential benefits and impacts of the proposed development, considering the interaction between the findings in the detailed assessments and the compliance of the proposals within the relevant controls and policies.

7.1 Project Design

The proposals have been designed to retain the key principles of the Aspect Industrial Estate layout approved in the Concept Proposal, Stage 1, 2, 3, 4 and 5 development consents (the latter includes Warehouses 6, 7 and café approved by Penrith City Council which is factored into the stormwater modelling but not amended as part of these proposals).

These principles include:

- To facilitate the determination of an SSDA to develop Stage 1 of the EEP site under SSD-19618251. This requires an update to the cumulative waterway health strategy to allow for its development, while meeting the IWCM controls across both the AIE and EEP sites
- Ensuring continued compliance with the stormwater management controls within the Mamre Road Precinct DCP and the *Technical Guidance for Achieving Wianamatta-South Creek Stormwater Management Targets*.
- The proposals will retain all approved on-lot civil and building works. No change is proposed to any built form or overall estate layout.
- The proposals will facilitate a staged development across the AIE over time in line with infrastructure delivery and market demand for industrial and urban services land.

The assessment of the proposal has determined that no further mitigation measures are required for these proposals.

7.2 Strategic Context

The proposals will allow the future warehouses and development lots within the Aspect Industrial Estate to be delivered to meet the demands future tenants through the provision of usable warehousing and industrial facilities in South-Western Sydney.

The Mamre Road Precinct was rezoned specifically to facilitate land release for warehouse and industrial purposes and therefore the proposal is highly consistent with the strategic intent for this part of the WSEA, as identified in the Western City District Plan, the Greater Sydney Region Plan: The Metropolis of Three Cities and the Penrith Local Strategic Planning Statement.

The modified developments will deliver employment land use consistent with the strategic principles of the relevant policies as:

- The update modelling provided with the modification applications demonstrate that the relevant stormwater targets will continue to be met and compliance with conditions of consent maintained, which will support the timely delivery and operation of the warehouse developments across AIE, addressing the shortfall in logistics and warehousing space in Sydney.
- The warehouse and logistics estate will continue to provide employment land uses in alignment with the relevant transport infrastructure and utilities.
- The modification will maintain the staged delivery of the development, responding to long-term projected population and development growth.

- The proposals do not conflict with the Mamre Road DCP.

The proposals will support the functionality of strategically important employment lands, continue to support the supply of e-commerce in the Sydney metropolitan region while appropriately delivering an appropriate environmental outcome within the region.

7.3 Statutory Context

The relevant State and local environmental planning instruments are listed in **Section 4** and assessed in **Appendix C**. The assessment concludes that the proposals comply with required provisions within the relevant instruments as summarised below:

- The proposals have been assessed in respect to the relevant objectives of the EP&A Act as defined in Section 1.3 of the Act and addressed in **Appendix C**.
- Consideration is given to the relevant matters for consideration as required under the BC Act. A BDAR assessment was undertaken as part of the original SSD-10448 application, and no works are proposed that would affect the outcomes of that assessment.
- The proposals comply with all of the relevant provisions of *State Environmental Planning Policy (Industry and Employment) 2021* as detailed in **Appendix C**. The proposals are consistent with the objectives of IN1 General Industrial zone.
- The relevant State and local environmental planning instruments are outlined in Section 5 and assessed in detail within **Appendix C**. The assessment concludes that the proposals comply with the relevant provisions within the relevant instruments as summarised below:
 - The proposals comply with all of the relevant provisions under the Industry and Employment SEPP as detailed in **Appendix C**.
 - The development will not result in any impacts to the relevant species and maintains compliance with the EPBC Act.
 - The proposals have been prepared to maintain compliance with the Mamre Road Development Control Plan 2021 provisions as they relate to providing safe and efficient access to Mamre Road.
 - The proposals will not change the extent of impact assessed under the originally approved BDAR. No additional offsets are required from that approved under SSD-10448 in accordance with the *Biodiversity Conservation Act 2016*.

7.4 Community Views

As set out in **Section 5**, there was significant engagement with neighbouring landowners during the preparation phase of SSD-10448. No formal pre-lodgement engagement has yet been undertaken in relation with the community given their limited extent of development and consistency with the previous schemes.

Consultation feedback received during the finalisation and assessment of the application will continue to be considered.

7.5 Likely Impacts of the Modified Proposals

The modified proposals have been assessed considering the potential environmental, economic and social impacts as outlined below:

- **Natural Environment:** the proposed modifications address the principles of ecologically sustainable development (ESD) in accordance with the requirements of the Environmental Planning and Assessment Regulation 2021 (the Regulations) and as outlined below:
 - Precautionary principle: the precautionary principle relates to uncertainty around potential environmental impacts and where a threat of serious or irreversible environmental damage exists,

lack of scientific certainty should not be a reason for preventing measures to prevent environmental degradation. The developments as modified will not result in any threat of serious environmental damage or degradation. No works are proposed as part of the subject modifications.

- Intergenerational equity: the needs of future generations are considered in decision making and environmental values are maintained or improved for the benefit of future generations. The approved developments represent sustainable development, making use of a recently rezoned site for this purpose in a strategically accessible location. No works are proposed as part of the subject modifications. The proposals will not have any unacceptable impacts on the environment.
- Conservation of biological diversity and ecological integrity: the proposals will not have any unacceptable impacts on the conservation of biological diversity and ecological integrity. No physical works are proposed as part of these subject modifications. The developments as modified will not change the approved landscaped areas and setbacks including native species planting.
- Improved valuation, pricing and incentive mechanisms: this requires the holistic consideration of environmental resources that may be affected as a result of the development including air, water and the biological realm. It places a high importance on the economic cost to environmental impacts and places a value on waste generation and environmental degradation. The proposals will not have any unacceptable environmental impacts in relation to water quality. The effects of the developments as proposed to be modified will be acceptable and managed accordingly by the proposed mitigation measures as required.
- **Stormwater Management**: Stormwater Management: The proposals demonstrate continued compliance with the stormwater management controls within the Mamre Road Precinct DCP and the Technical Guidance for Achieving Wianamatta-South Creek Stormwater Management Targets.
- **Social**: The proposals will have positive social impacts by enabling employment generating uses to be delivered on site in the short-term, providing local employment opportunities both in the construction and operational phases.
- **Economic**: The proposals will have positive economic impacts through enabling the delivery of operational industrial uses on site which will result in investment and economic benefit for Sydney as well as the wider region.

7.6 Suitability of the Site

The site is considered to be highly suitable for the modified proposals for the following reasons:

- It has been demonstrated what the proposals will ensure continued compliance with the stormwater management controls in the Mamre Road Precinct DCP and the Technical Guidance for Achieving Wianamatta-South Creek Stormwater Management Targets.
- The proposals will facilitate the operation of an approved warehouse and distribution premises consistent with the INI zone objectives.
- The site is located within a zoned industrial area and the character and scale of the development is in keeping with the site's evolving and expected future context.

7.7 Public Interest

The proposals are considered to be in the public interest for the following reasons:

- The proposals are consistent with relevant State and local strategic plans and substantially complies with the relevant State and local planning controls.
- No adverse environmental, social or economic impacts will result from the proposals.

Having considered all relevant matters, we conclude the proposals as modified are appropriate for the site and approval is recommended.

Disclaimer

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

Appendix A Updated Project Description

Appendix B Updated Mitigation Measures Table

Appendix C Statutory Compliance Table

Appendix D SSD-10448 Water and Stormwater Management Plan

Appendix E SSD-46516461 Stormwater Management Plan

Appendix F SSD-58257960 Stormwater Management Plan

Appendix G 60513208 Stormwater Management Plan



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