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SSD-10448 ASPECT INDUSTRIAL ESTATE MOD 2

Modification Report

Prepared for
MIRVAC PROJECTS PTY LTD
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1. EXECUTIVE SUMMARY

This Modification Report has been prepared on behalf of Mirvac Projects Pty Ltd in support of an application to modify Development Consent SSD-10448 for the Aspect Industrial Estate at 804-882 Mamre Road, Kemps Creek.

SSD-10448 was approved by the Minister for Planning under delegation on 24 May 2022. The 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 fitout and operation of two warehouse buildings 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.

Further to refined technical studies and market demand, the approved concept masterplan and Stage 1 construction works are to be updated to achieve tenant and operational requirements. This Modification Application seeks consent for:

- an updated Concept Plan layout comprising road, lot and building envelope amendments north of Access Road 1.
- updated Stage 1 construction works for Warehouses 1 and 3 and associated on-lot works, and construction of Access Road 2 in a manner consistent with the updated Concept Plan alignments.

This modification is required to facilitate the on-site operations for the warehousing tenant. The intended tenant is a global warehousing and distribution business who employ over 2,000 staff in Australia and is in the process of growing. The warehouse development modification will support their expansion of operations in Sydney and will include a temperature control component which will help support health industries.

Proposed Modifications

This Modification Application (SSD-10448 MOD2) seeks changes to both the Concept Plan and Stage 1 works plans associated with SSD-10448. The proposed modifications include:

Concept Master Plan

- Re-location of Access Road 2 further west and the shortening of its length. The modification will re-locate the access road from the area between Warehouse/ Lot 2 and Warehouse/ Lot 3 to between Warehouse/ Lot 1 and Warehouse/ Lot 2.
- Reconfiguration of Lot 3 to enable provision of a driveway along the north of Lot 2, connecting Lot 3 with the relocated Access Road 2.
- Adjustment of Lot 1, 2 and 3 configurations, site areas and warehouse alignments in accordance with the re-located Access Road 2 and new driveway connection.
- Adjusted vehicular access arrangement for Lot/Warehouse 3 with provision of a left-in, truck entry driveway from Access Road 1.
- Adjusted car parking provision and hardstand areas across Lots 1, 2 and 3.
- Amendment to condition A16(b) to ensure the maximum cumulative noise emission limit for is for external, fixed plants only.

Stage 1 Works

The Stage 1 construction of Warehouse 1, Warehouse 3 and their surrounding access/hardstand areas is sought to be amended in alignment with the modified concept masterplan, detailed above. This includes the following modifications:

- Modifications to the Warehouse 1 built form including:
 - A decrease in warehouse GFA from 34,970sqm to 32,686sqm.
 - Reduction in overall office from 1,430sqm to a consolidated 900sqm main office and 3 x 100sqm operations dock offices.
 - Relocation of car parking to the south of the Warehouse 1 building with ingress/ egress relocated from Access Road 1 to Access Road 2.
 - Provision of loading and hardstand areas along the north, east and west of the warehouse, including the introduction of hardstand, awnings and Roller Shutter Doors (**RSDs**) to the Mamre Road building frontage. The modifications to these elements seek to facilitate the tenants' operational requirements.
 - Revised vehicular access arrangements with a 9.6m wide truck entry/exit way off Access Road 1 and two truck entry/exit ways off Access Road 2.
 - Increase in overall warehouse ridge height from 13.7m to 16m, plus rooftop plant & equipment (18.4m at the maximum plant height).
 - Adjusted façade signage across the Warehouse 1 building elevations and the location of pylon signage across lot 1 and 3.
 - Removal of café at southwestern corner of the building.
 - Updated landscaping provision across the surrounding area.
- Modifications to works on Lot 3:
 - Amended Lot 3 site area from 41,961sqm to 42,855sqm.
 - Construction of an access driveway connecting the hardstand on Lot 3 to the realigned Access Road 2 (along the northern side of Lot 2).
 - Change to vehicular ingress and access points from the approved Access Road 2 alignment to Access Road 1 and via the new driveway from realigned Access Road 2.
 - Reconfiguration of onsite car parking at the north of Warehouse 3 and location of car parking spaces to the east of Warehouse 3.
 - Updated landscaping extent to reflect the changed car parking locations.
 - Updated cut and fill works in accordance with the modified lot layout. This includes a 7-metre-high cut wall adjacent to the eastern site boundary and no import of fill.
- Minor modifications to bulk earthworks resulting from the changed road layouts.
- Modifications to approved Stage 1 noise criteria including
 - Amendment to condition D52(c) to ensure the maximum cumulative noise emission limit for is for external, fixed plants only, and condition D52 Table 5 Stage 1 Development Operational Noise Limits dB(A).

It is noted that no change is proposed to the Warehouse 3 building footprint or height from that originally approved, only works beyond the warehouse footprint.

The proposed modifications are detailed in the Architectural Plans prepared by SBA Architects at **Appendix D**. The proposed Concept Masterplan and Stage 1 Plan is provided at **Figure 2** below.

Figure 1 Proposed Modified Concept Masterplan



Source: SBA Architects

Figure 2 Proposed Modified Stage 1 Plan



Engagement

Community and stakeholder engagement has been undertaken by Urbis and the Project Team during the preparation of this report. This includes direct engagement and consultation with:

- Neighbouring private landowners and occupants;
- Adjoining landowners including GPT Group and Altis Property Partners;
- Government, agency and utility stakeholders including the Department of Planning and Environment as well as the Transport for NSW.

A letter detailing the proposed changes contemplated in the MOD 2 package (at the time, identified as MOD 1), including copies of the approved and MOD 2 Estate Masterplan, was issued to neighbouring residential landowners on 2 March 2022.

The outcomes of the community and stakeholder engagement are discussed in detail at **Section 6** of this report.

Justification of the Modified Project

This report assesses the proposed development as proposed to be modified in light of relevant planning instruments and policies and outlines the updated mitigation measures recommended to ensure the project does not result in unreasonable or adverse environmental effects.

The key issues for all components of the project as modified have been assessed in detail, with specialist reports underpinning the key findings and recommendations identified in the Assessment of Impacts in **Section 7**. It has been demonstrated that for each of the likely impacts identified in the assessment of the key issues, the impact will either be positive or can be appropriately mitigated.

The project as modified represents a positive development outcome for the site and surrounding area for the following reasons:

- **The proposal is consistent with state and local strategic planning policies:**

The proposal is consistent with the relevant goals and strategies contained in:

- Greater Sydney Region Plan: A Metropolis of Three Cities.
- Our Greater Sydney 2056: Western City District Plan.
- Penrith Local Strategic Planning Statement.
- Future Transport 2056.
- Freight and Ports Plan 2018-2023.
- Western Sydney Aerotropolis Plan.
- Mamre Road Structure Plan.

- **The proposal satisfies the applicable local and state development controls:**

The proposal is permissible with consent and meets the relevant statutory requirements of the relevant applicable environmental planning instruments, including

- *State Environmental Planning Policy (Industry and Employment) 2021,*
- *State Environmental Planning Policy (Planning Systems) 2021,*
- *State Environmental Planning Policy (Resilience and Hazards) 2021, and*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021.*

- **The design responds appropriately to the opportunities and constraints presented by the site:**

The main opportunities and constraints of this site include location of the creek alignment along the northern Estate boundary, access to Mamre Road, vehicular access through the Access Roads to neighbouring landholdings, and on-site water management. The updated vehicular access and creek alignment have been approved in the Concept and Stage 1 consent.

The modified layout is generally consistent with the lot and building layout approved in the Concept and Stage 1 consent. The changes to building location and access maintains the approved setbacks and response to the approved creek realignment along the Estate's northern site boundary and responds to the site topography and access provisions via Mamre Road through this estate to the wider Mamre Road Precinct.

The proposal continues to respond to the key opportunities and constraints in a manner consistent with the base Concept and Stage 1 consent.

- **The proposal is highly suitable for the site:**

The proposal maintains the approved warehouse and distribution uses for Warehouses 1 and 3 which will continue to provide needed warehouse and logistics space in the Mamre Road Precinct which has been rezoned specifically for this purpose. The proposed modifications will retain the approved water management principles for the Estate and will ensure that the updated internal road layout will service the site in a suitable and efficient manner.

- **The proposal is in the public interest:**

The proposed modification supports the delivery of the approved warehouse and logistics estate. This will address the under supply and heightened demand for warehousing and distribution facilities in NSW. The facility will contribute towards a more cost effective and functional supply chain for customers in NSW. The proposal is consistent with the planning and environmental controls applicable to the site and will deliver on the intended employment land function for the Mamre Road Precinct consistent with the specific zoning of the site.

Having considered all relevant matters, the development as modified has significant merit and should be approved subject to the implementation of the updated mitigation measures described in this report and supporting documents.

2. INTRODUCTION

This Modification Report has been prepared on behalf of Mirvac Projects Pty Ltd pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

The application seeks to modify Development Consent SSD-10448 for a 'Concept masterplan for industrial or warehouse and distribution centre uses; and Stage 1 of development of an Industrial Estate for two warehousing and distribution centres' at 804-882 Mamre Road, Kemps Creek as detailed within this report.

2.1. APPLICANT DETAILS

The applicant details for the proposed modification are listed in **Table 1** below.

Table 1 Applicant Details

Descriptor	Proponent Details
Full Name(s)	Mirvac Industrial Developments Pty Limited
Postal Address	Level 28, 200 George Street Sydney, NSW 2000 Australia
ABN	47 127 755 239
Nominated Contact	Daniel Brook – Senior Development Manager

2.2. PROJECT BACKGROUND

2.2.1. Approved Development

On 24 May 2022, an SSD Development Application (**DA**) SSD-10448 was approved by the Minister for Planning for the Aspect Industrial Estate (AIE) at 804-882 Mamre Road, Kemps Creek. The development saw approval for a concept masterplan and Stage 1 construction works for a regional industrial and warehouse and distribution hub with internal road and access infrastructure.

The SSD-10448 consent includes approval of:

- A Concept Proposal for the staged development of an industrial estate comprising 11 warehouse / industrial buildings with a total GFA of up to 248,112 m², ancillary offices and café and associated infrastructure; and
- Stage 1 development including sitewide bulk earthworks, riparian corridor realignment, construction of access roads and the Mamre Road/Access Road 1 intersection, construction and operation of Buildings 1 and 3, services and utilities installation and subdivision.

Figure 3 below is the approved Concept Layout. **Figure 4** below is the approved Stage 1 works layout.,

Figure 3 Approved Concept Plan



Source: SBA Architects

Figure 4 Approved Stage 1 Works Plan



Source: SBA Architects

2.2.2. Modification 1

The Modification Application (MOD 1) which is currently under consideration by DPE seeks minor amendment to Condition D13 to the SSD-10448 development consent. The proposed modifications aims to facilitate advice from TfNSW in its referral correspondence to DPE, of the need for a Works Authorisation Deed for any temporary access road as well as the approved intersection works to Mamre Road. This requirement has not, however, been reflected in condition D13. The wording of the condition is therefore required to be updated to reflect this minor error through MOD 1.

2.3. MODIFICATION OVERVIEW

The Modification Application seeks changes to both the Concept Plan and Stage 1 works plans associated with SSD-10448. The proposed modifications are required to accommodate the intended tenants across the AIE and will update the layout and access provisions across the northern section of the AIE to respond to current market demand for warehouse configurations. The revised Concept Plan layout aims to facilitate efficient vehicular access across the warehouse lots north of Access Road 1 through modifying the provision of internal access roads and driveway areas. The updated Stage 1 construction works aims to respond to the operational requirements of the future tenants, while maintaining the desired efficiency, sustainability and built viability of the relevant Warehouses.

In summary the proposed modifications include:

Concept Masterplan:

- Re-location of Access Road 2 further west. The modification will re-locate the access road from the area between Warehouse/ Lot 2 and Warehouse/ Lot 3 to between Warehouse/ Lot 1 and Warehouse/ Lot 2.
- Adjustment of Lot 1, 2 and 3 configurations, site areas and warehouse alignments and areas in accordance with the re-located Access Road 2.
- Introduction of a driveway connecting Warehouse 3 to Access Road 2 within the reconfigured Lot 3 alignment.
- Adjusted vehicular access arrangement for Lot/Warehouse 3 with provision of a left-in, truck entry driveway from Access Road 1.
- Adjusted car parking provision across Lots 1, 2 and 3 and hardstand areas.
- Amendment to condition A16(b) to ensure the maximum cumulative noise emission limit is for external, fixed plants only.

The modified Concept Plan will see a total GFA reduction from 248,112sqm to 243,431sqm as well as a reduction in parking.

Stage 1:

- In alignment with the modified Concept Plan, the detailed Stage 1 construction of Warehouse 1 and external works on Lot 3 are to be adjusted.
- Roadworks will include the construction of the realigned Access Road 2.
- This modification will see an overall reduction in GFA at Warehouse 1 and a maintained GFA at Warehouse 3. Similarly, the construction of the internal road, driveway access, parking and loading/hardstand areas are to be revised consistent with the modified masterplan.
- Other detailed modifications to the Stage 1 construction works include an increase to the Warehouse 1 ridge height and the removal of the café at the south western corner of Warehouse 1.
- Updated civil and infrastructure works in accordance with the updated site layout.
 - Amendment to condition D52(c) to ensure the maximum cumulative noise emission limit for is for external, fixed plants only, and condition D52 Table 5 Stage 1 Development Operational Noise Limits dB(A).

The proposed modification is described in detail in **Section 4**.

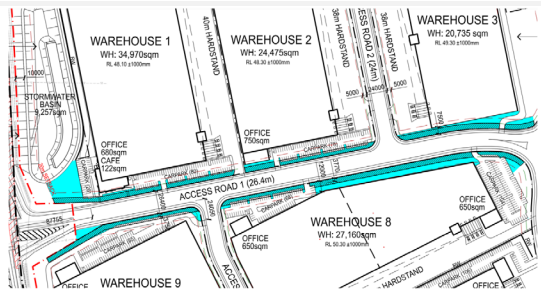
2.3.1. Analysis of Alternatives

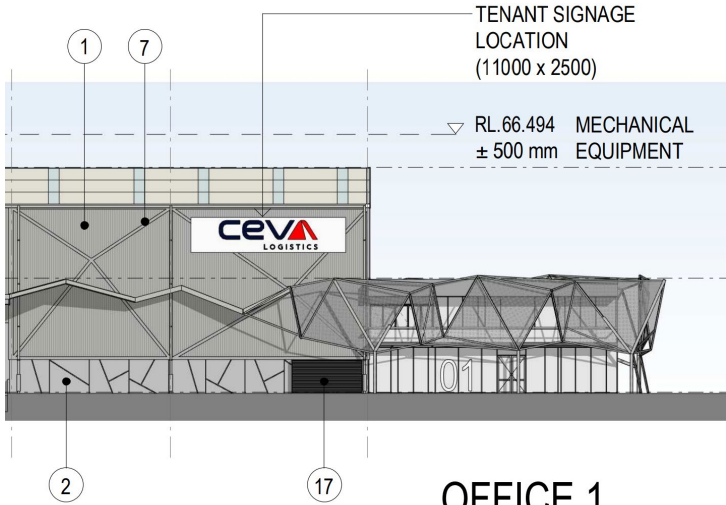
A number of alternative layouts were considered as part of the preparation of the original SSD application. Mirvac has continued to refine the Concept Plan in response to ongoing technical investigations and tenant requirements with the proposed modification reflecting the outcome of this work.

2.4. TEST OF ADEQUACY COMMENTS


The MOD 2 package was submitted to the Department on the 6th of June for a Test of Adequacy review. Accordingly, a number of comments have been received from the Department as well as Penrith City Council. The comments to the Department have been addressed through direct correspondence and the Council comments and their respective responses are detailed in **Table 2** below.

Table 2 Test of Adequacy Comments

Comment	Response
Council Comment	
The proposal to provide access to staff/visitor parking at the roundabout for warehouse 3 (previously this was fire truck access only) is not supportable – safety and traffic circulation issues.	The access arrangements are unchanged from SSD 10448. The original access to the roundabout provides staff/visitor parking. The principal site access for cars is via Access Road 2.
The building setback to Warehouse 3 is to be amended to be a minimum of 12m as per the Mamre Road Precinct DCP. Interim and ultimate road and access plans will be required.	<p>The setback to Warehouse 3 is unchanged from SSD 10448. Consistent with the DPE assessment report, the setback encroachment assessment was conducted against the 7.5m setback control for a local estate road (see extract below).</p> <p>Department's Assessment</p>  <p>Figure 20 Minor encroachment of car parks into landscaping setbacks from Access Road 1</p> <p>The setback will continue to see minor variance to the 7.5m numerical control. However, as determined in the department assessment report, this setback will continue to respond to the fire safety considerations of the site. Consistent with the department's assessment report, it is noted that aside from Warehouse 1, the other warehouses fronting Access Roads 1 will be subject to future DAs, modifications and detailed design applications to ensure that the landscape setback objectives are addressed.</p>
Council does not support any carparking encroachments into the required minimum landscaped setbacks for all lots. Landscaping in the hard stand areas and surrounding the development must not be in uniform rows and aligned spacings. This is too formal and visually uninteresting. Does not	<p>The proposed modification to Warehouse 1 will provide an increased landscaped setback between the lot boundary and the at-grade carpark. Accordingly, the proposal will not result in any further encroachment into the landscaped setbacks.</p> <p>The modification does not seek to change the general alignment of the landscaping and it will appropriately respond to the continue screen the buildings, hardstands, carparking and road alignment. The modified landscaping will feature canopy trees whose mature height is in scale with the</p>

Comment	Response
align with Connecting to Country principles.	proposed buildings and will therefore provide the appropriate level of screening and visual amenity to the area.
All car parking areas are to be provided with canopy trees planted within landscaped blister islands spaced one for each 10 car parking spaces minimum min. 1.5m in width.	<p>The modified plans will provide landscape islands (1.5-2.5m) that have been generally situated in carparking bays every 10 spaces. The majority of the carpark will provide islands between fewer than 10 car parking spaces (e.g. one island per 4-9 parking spaces).</p> <p>While there are some portions of parking with more than 10 parking spaces in a row, overall, the modified parking will provide in excess of 1 landscape island per 10 car parking spaces across the total carpark numbers. This will deliver the appropriate visual breaks, amenity and shading to the car park spaces.</p>
<p>The quality of the presentation of Warehouse 1 to the corner of Mamre Road and Access Road 1 is reduced. It appears that the office no longer wraps around the corner of the warehouse and provides for the café fronting Mamre Road. It appears the café is deleted. Even with the deletion of the café, the office element can have the appearance of wrapping around the corner of the warehouse by extending the materials as cladding only, around the western façade. This would add articulation and bring the proposal back in line with the intent of what was approved and better address the Precinct objectives of being a 'world class' industrial area. Any cladding wrapping around the building to articulate the corner shall be appropriately offset (in its depth) to achieve the appearance of trafficable office space behind and could include opaque glazing or other materials.</p>	<p>The proposed office at the south-west corner of Warehouse 1 will maintain the high quality of materiality, visual articulation and will see the glazed cladding wrap around to the west façade (see extract below).</p> <p>The proposed office space will maintain its location at the south setback to provide improved functionality and floor space efficiency. The revised design will still deliver the appropriate articulation to the west building facades in accordance with the intent to provide a 'world class' industrial area.</p>  <p style="text-align: right; font-size: 24pt; font-weight: bold;">OFFICE 1</p>
Council does not support car parking exceeding DCP rates – as is stated in DPE’s assessment report – opportunities exist for excess spaces to be converted to landscaped blisters.	The proposed quantum of car parking spaces is required for the staff, shift change-over which will occur during the warehouse’s 24hr operations. As such, these spaces are integral in supporting the intended operations and cannot be transitioned into landscaped blisters. The parking rates for both the Concept Plan and Stage 1 development is in accordance with the RMS Guide to Traffic Generating Developments 2002 (RMS Guide) and is compliant with the minimum parking rate identified in the Penrith Development Control Plan (PDCP).

Comment	Response
Parking proposed along the internal roadway will require staff and visitors to Warehouse 3 to walk along the roadway to enter the office. This is unsafe and unsupportable – noting the 24hour/7day operations of the precinct.	<p>The carparking located at the eastern end of the lot will be supporting warehouse staff. As such, users of the carpark are likely to use the warehouse building entrance located in the immediate vicinity and they may not need to travel along the roadway to enter the office.</p> <p>It is also noted that a future, adjusted version of the architectural plans will include a 1.5m wide pedestrian pathway that will facilitate safe travel from the carpark to the office, separated from the roadway.</p>
The wide staff access driveway from the northern internal access driveway to warehouse 3 which provides access into the office parking, will create confusion of where to drive/walk and is also a safety issue. Separated entry and exit driveways are not provided for Warehouse 3 or the two sides of warehouse 1. The ring road around warehouse 3 must not be shared between heavy and light vehicles. Wayfinding to the office for warehouse 3 is indirect.	<p>It is noted that guidance to separate light and heavy vehicles seeks to reduce conflicts between heavy vehicles manoeuvring in service areas from other road users, rather than within circulation areas. Note that Section 4.1 of AS2890.2:2018 states that:</p> <p><i>The design of service areas should provide separation from areas of car parking, pedestrian activity, entrances and exits. Where separation of these areas is not possible service areas shall be designed to mitigate conflict between pedestrian movement and vehicles...</i></p> <p>The driveway would operate in a manner consistent that of any roadway, with the light and heavy vehicle accesses off of the main driveway, into separated car parking and hardstand areas. Therefore, there would be no conflict between light vehicles parking, and heavy vehicles manoeuvring in and out of loading bays.</p> <p>This approach has minimised the access driveways from the internal precinct road whilst maintaining the efficiency and safety of Warehouse 2 and 3 and therefore, the design is considered appropriate.</p> <p>The shared driveway will be for truck exit only. The flow through the hardstand will be line marked and signposted accordingly to ensure no heavy vehicles utilise this point to enter the site. Further, at the internal point of separation of entry into the hardstand and the car park, giveaway line-marking and signage will be provided to manage the movement of light and heavy vehicles. This will form part of the signage design requirements, which is detailed prior to the occupation. It is anticipated that this could be ensured via a suitable Condition of Consent, to prepared by a suitably qualified consultant.</p>
The mega awning for warehouse 1 will not enable canopy to mature. It will be wedged between the basin and the warehouse awning edge. How will this present well to the Mamre Road? This is to be addressed.	The updated Landscape Plan (Appendix E) and the elevations at the updated architectural drawings (Appendix D) details that the mature tree height and canopy radius of the proposed species will not conflict with the warehouse awning edge.
The proposed plan for Warehouse 1 (DA100 revision O) includes two pad mounted substations at the precinct entry (near the office of Warehouse 1). This is a poor location; further consideration of the location is necessary.	<p>The indicative substation location as shown on the architectural plans have been adjusted. The final location of the pad mounted substations will be subject to further discussion and confirmation with Endeavour Energy and this will include the appropriate assessment of the potential, environmental impacts.</p> <p>The final location of the built, substations will are not proposed as part of this modification.</p>

Comment	Response
<p>The landscaping encroachments are not justified and the introduction of entry accessible pedestrian ramping from the street, which is proposed to be in the front setback, is considered to erode the streetscape quality further along with the substations as an entry feature. It is also unclear how the 3.5m can allow for side-by-side ramps with required landings and balustrades/handrails for the accessible entry. Balustrades and a compliant design are to be shown on landscape and architectural plans. Accessible pedestrian entry to the site from the street shall not exhaust and frustrate the user. i.e., send the user backwards and forwards or on lengthy journeys.</p>	<p>Accessible pedestrian ramp in this location is a DDA requirement. The length or ramp is driven by a minimum grade for compliance. The switchback access ramps require a minimum width of 2.5m to comply with AS1428 and are designed for wheelchair access, stairs are provided adjacent to the ramps.</p>
<p>Consideration to be given to moving the substations and relocating or preferably re-designing the access ramp (noting this will also require balustrading) to align with the new northern leg (parallel with Mamre Road) of the car parking for the office. Ramping shall be within the development and not pushed out into the street – Urban designer/architect to address.</p>	<p>See comments above</p>
<p>Car parking along the frontage of Warehouse 1 (along Access Road 1) is now proposed to be fully located within the 7.5m landscaped setback. This is not supported by Council and is a poor outcome. The DCP states that the 12m required building setback can include carparking where it is within a 13m setback and set behind a landscaped setback at least 6m in depth, amongst other requirements. The proposal appears to be for a 3.5m landscaped setback which is not supportable, too narrow for meaningful planting and won't result in attractive tree lined streets and complimentary canopy shade.</p>	<p>The proposed carparking will be setback a minimum of 6m from the street in the context of an overall setback well in excess of 13m (see extract below).</p> 

Comment	Response
<p>Landscaping will do much of the heavy lifting in terms of moderating bulk and scale and increasing streetscape presentation in the precinct. Successive amendments must build on landscaping, streetscape quality and visual presentation and not detract. More dense landscaping in reduced landscaped areas will not sufficiently justify landscape setback intrusions or reductions.</p>	<p>The proposed modification will maintain the appropriate level of landscaping across the streetscape and lot setbacks. Future amendments will maintain the established landscaping strategy to ensure a positive streetscape quality and visual presentation.</p>
<p>The proposal to amend the development to introduce heavy vehicle manoeuvring forward of the warehouse is not supported, nor is the direct access point near the intersection for warehouse 1.</p>	<p>The proposed location of the access point was discussed with TfNSW and has been designed to ensure safe and efficient access subject to a Road Safety Audit. See Section 7.2.6 for details.</p>
<p>Plans for each warehouse are to be more detailed and less conceptual. All levels are to be shown including top of wall heights and are to be complemented by larger scale sections which indicate the details of how level changes are being dealt with.</p> <p>Little detail is provided for Council to review basins or levels and in particular the existing conservation zone, and the design of the artificial corridor along the northern boundary.</p> <p>The applicant is encouraged to seek a SEPP amendment to the zoning or amend the masterplan to address the permissibility issues. A zoning overlay is required.</p>	<p>The provided architectural plans at Appendix D provide the appropriate details include sections, clear numerical details on changes to ground levels and top of wall heights.</p> <p>Details of levels are provided at the updated Civil drawings.</p> <p>This comment is not applicable to this modification (Mod 2).</p>
<p>Utilities and plant machinery including tanks are to be screened and landscaped. Canopy targets required by the DCP are to be nominated on plans Precinct wide and lot by lot. Waste streams are to be separable and collection/storage</p>	<p>The roof mounted plant equipment has been identified on WH1 in plan and elevation with nominal RLs indicated. These plant equipment are shown to be located in the relevant housing and no further screening mitigation measures are required as part of this modification</p>

Comment	Response
<p>areas design for. Roof mounted plant is to be nominated on plans, photomontages and elevations and the height plane relative to natural ground indicated.</p>	
<p>It is unclear if heavy and light vehicle access is separated for the eastern Warehouse. Access for heavy vehicles is to be separated even for temporary/interim arrangements.</p>	<p>The shared driveway will be for truck entry only. The flow through the hardstand will be line marked and signposted accordingly to ensure no heavy vehicles utilise this point to exit the site. Further, at the internal point of separation of entry into the hardstand and the car park, giveaway line-marking and signage will be provided to manage the movement of light and heavy vehicles. This will form part of the signage design requirements, which is detailed prior to the occupation. It is anticipated that this could be ensured via a suitable Condition of Consent, to prepared by a suitably qualified consultant.</p>
<p>Any proposed signage shall comply with any applicable requirements of the consent and the DCP. Pylon style signage is to be setback from the boundary and surrounded with landscaping and its scale reduced. 12m is considered excessive. Signage shall be defined. The proposed 3.3m height for signage S3 type is excessive and is to be reduced.</p>	<p>No change is proposed to the dimensions of the signage and height across the site. Accordingly, it maintains consistency with the relevant DCP provisions and will not result in any excessive visual impacts.</p>
<p>High quality architectural cladding for the office and office zone is supported.</p>	<p>Noted</p>
<p>The support structure for the awning to warehouse 1 is to be shown on all plans, photomontages, and elevations/sections.</p>	<p>The provided elevations and sections (Appendix D) demonstrate the awnings have the appropriate support structures.</p>
<p>Road designs are to comply with the Mamre Road Precinct DCP. It is unclear why Warehouses 1 and 3 are linked by a road. Warehouse 3 is now proposed to have direct access off Access Road 1. This is not supported as there will be too many access points along this major road. All access points are to be off a local estate road. Initially the proposal to relocate Access Road 2</p>	<p>The changes to lot layouts south of Access Road 1, and to the alignment and driveway crossovers to Road 4 and Road 3 are not contemplated under MOD 1. Nevertheless, it is noted that the number of access driveways on Road 4 will actually be reduced from 10 to 5, when compared to the approved Masterplan, while maintaining separate light and heavy vehicle driveways. The number of driveways on Road 3 will increase by 1 driveway, to provide for one-way flow around Warehouse 9 for heavy vehicles, with entry on Road 3 and exit onto Road 4. There are no shared access points on either Road 3 or Road 4.</p>

Comment	Response
<p>is not supported as this will require additional access points along the main east-west Access Road. Access points directly onto Access Road 1 are to be removed. The increased separation distance between staff parking access and heavy vehicle access driveways for Warehouse 1 is supported.</p>	<p>The proposed driveway arrangements are considered appropriate as they do provide for separated access driveways, as well as achieving one-way flow through hardstands (where possible), which is beneficial from an on-site management perspective.</p> <p>While it is noted that the MRP DCP identifies the Road 1 and 3 as Collector Roads, as noted above, Road 1 is expected to be subject to an average AADT of ~5,000, and Road 3 is anticipated to be less than that. As such, it is expected that would operate in a more typical manner to local roads.</p> <p>Finally, as per the DCP, the road widths provide for sufficient widths so that, once the road network is fully developed, a median can be provided on Road 3, as per the MRP DCP.</p>
<p>Safe, high amenity and conveniently located warehouse and driver amenities are to be provided for all warehouse and distribution facilities and gatehouses. The AC units and service areas or plant machinery is not to be collocated with staff breakout areas (example Warehouse 5).</p>	<p>No change.</p>
<p>No further comment is provided on the masterplan from a planning perspective as warehouse lots will be subject to future application. Limited sectional detail is provided. No comment can be given in relation to the landforms' as limited detail is provided. No detailed summary which includes a comparison against any approved arrangement was provided.</p>	<p>Refer to Architectural Plans at Appendix D and the modification works at Section 4.</p>

3. STRATEGIC CONTEXT

This section describes the way in which the modified proposal addresses the strategic planning policies relevant to the site.

3.1. PROJECT JUSTIFICATION

3.1.1. Greater Sydney Region Plan: A Metropolis of Three Cities

The *Greater Sydney Region Plan (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 Region Plan includes objectives and strategies for infrastructure and collaboration, liveability, productivity and sustainability. The following matters are relevant to the proposed development:

- **Infrastructure and collaboration:** The modified development will continue to provide the appropriate employment land use with access to the existing and future transport infrastructure. The modified development will similarly be serviced by the required services infrastructure, e.g. sewer, water, electricity, gas and telecommunications in accordance with the approved development.
- **Liveability:** The modified development will continue to support the 30-minute city by providing employment to nearby residential suburbs while maintaining the appropriate interface with the neighbouring residential.
- **Productivity:** The modified development aims to respond to the market requirements of the intended tenants and will further realize the provision of industrial, employment land within the Western Sydney Aerotropolis.

The modified proposal remains consistent with the Region Plan as it maintains appropriate uses across industrial zoned land and realizes the creation of local employment opportunities that supports the safe, efficient and reliable movement of goods.

3.1.2. 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 District Plan contains strategic directions, planning priorities and actions that seek to implement the objectives and strategies within the Region Plan at the district-level. The Structure Plan identifies the key centres, economic and employment locations, land release and urban renewal areas and existing and future transport infrastructure to deliver growth aspirations.

The planning priorities and actions likely to have implications for the proposed development are listed and discussed below:

- **Infrastructure and Collaboration:** The modified development will not compromise the approved development's collaboration in delivery of essential infrastructure needed to support the Western Parkland City.
- **Liveability:** The modification will ensure the realization of employment opportunities at the site which are accessible to nearby residents, thus contributing to the 30-minute city vision.
- **Productivity:** The modified development will supply industrial lands within a land release area in response to long-term projected population and development growth.
- **Sustainability:** The modified development has been designed in accordance with approved ESD measures to deliver a sustainably responsible development. The EIS will detail measures mitigate, minimise or manage the potential environmental impact of the modified proposal.

The proposed development as modified remains consistent with the District Plan as it will deliver modern industrial uses to support the Greater Sydney economy and the changing industrial and urban services sector.

3.1.3. Penrith Local Strategic Planning Statement

The Penrith Local Strategic Planning Statement (LSPS) identifies the vision and priorities for land use across the LGA, as well as outline 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 (refer below).

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.

The modified proposal will contribute to ensuring Penrith's economy is diverse and strengthened. The modification will deliver operational industrial uses in a designated industrial area, strategically located within the Western Sydney Employment Area. The modified proposal responds to tenant demand and will support relationships with new businesses and investors in Kemps Creek. The development will generate local investment and job opportunities, contributing to the sustainability of the Mamre Road Precinct.

3.1.4. Other Strategic Planning Policies

The proposed modification seeks to refine and maintain the approved land uses and operational benefits to the region while minimizing any potential environmental impacts. Accordingly, the modified development will maintain consistency with the relevant strategic policies:

- Future Transport 2056
- Freights and Ports Plan 2018-2023
- Western Sydney Aerotropolis Plan
- Western Sydney Employment Area
- Mamre Road Structure Plan

3.2. KEY FEATURES OF SITE AND SURROUNDS

3.2.1. Site Description

The site has an area of approximately 55.83 hectares (ha) with a majority of the site being cleared with scattered vegetation and includes a series of farm dams. A watercourse traverses the site from the north-west along the site northern boundary.

As part of the SSD 10448 consent, some of the existing on-site landscape and rural features have been approved to be cleared. The approval also facilitates adjustments to the bulk earthworks levels and the water course locations across the Estate.

The site is located within the suburb of Kemps Creek, which falls within the Penrith LGA. It is in the Mamre Road Precinct within the broader Western Sydney Employment Area (WSEA) and is currently surrounded by rural land uses. The historic land uses on the site include rural residential, grazing, dairy farming, poultry farming and horticulture. It is noted that current development applications have been lodged on land surrounding the site, including to the north, east and south, and across Mamre Road to the west, to facilitate redevelopment for warehouse and logistics estates consistent with the future vision for the precinct. Whilst these applications have not yet been approved, it indicates the intended future development context for the site.

The site has 950 metre (m) frontage to Mamre Road to the west with a proposed signalised intersection at the site boundary consistent with the proposed Mamre Road Upgrade design providing vehicular access via Mamre Road to the M4 Motorway and Great Western Highway to the north and Elizabeth Drive to the south. The site is surrounded by agricultural uses to the north, south and east.

The site is approximately 4 kilometres (km) north-east of the future Western Sydney International (Nancy Bird Walton) Airport, 12 km south-east of Penrith CBD and 40 km west of the Sydney CBD.

It is noted that development applications have been lodged on land surrounding the site, including to the north, east and south, and across Mamre Road to the west, to facilitate redevelopment for warehouse and logistics estates consistent with the future vision for the precinct. Whilst these applications have not yet been approved, it indicates the intended future development context for the site. Further, Ministerial 9.1 Local Planning Directions 3.5 and 7.8 preclude future residential development within the Precinct, as the site is affected by the Western Sydney International Airport's ANEF 20 noise contour. **Figure 6 and Table 2** below detail the current status of development applications on surrounding landholdings within Mamre Road Precinct.

Having regard to the changing character of development in the Precinct, the nearest residential receivers are located in Mount Vernon and Twin Creek approximately 2 km east and west of the site respectively. Other nearby environmental living areas include Luddenham (approximately 2.3 km east of the site), and Kemps Creek (approximately 4 km south of the site). Existing non-residential land uses nearby include a private education facility and seniors living development to the north along Bakers Lane.

Subject Site

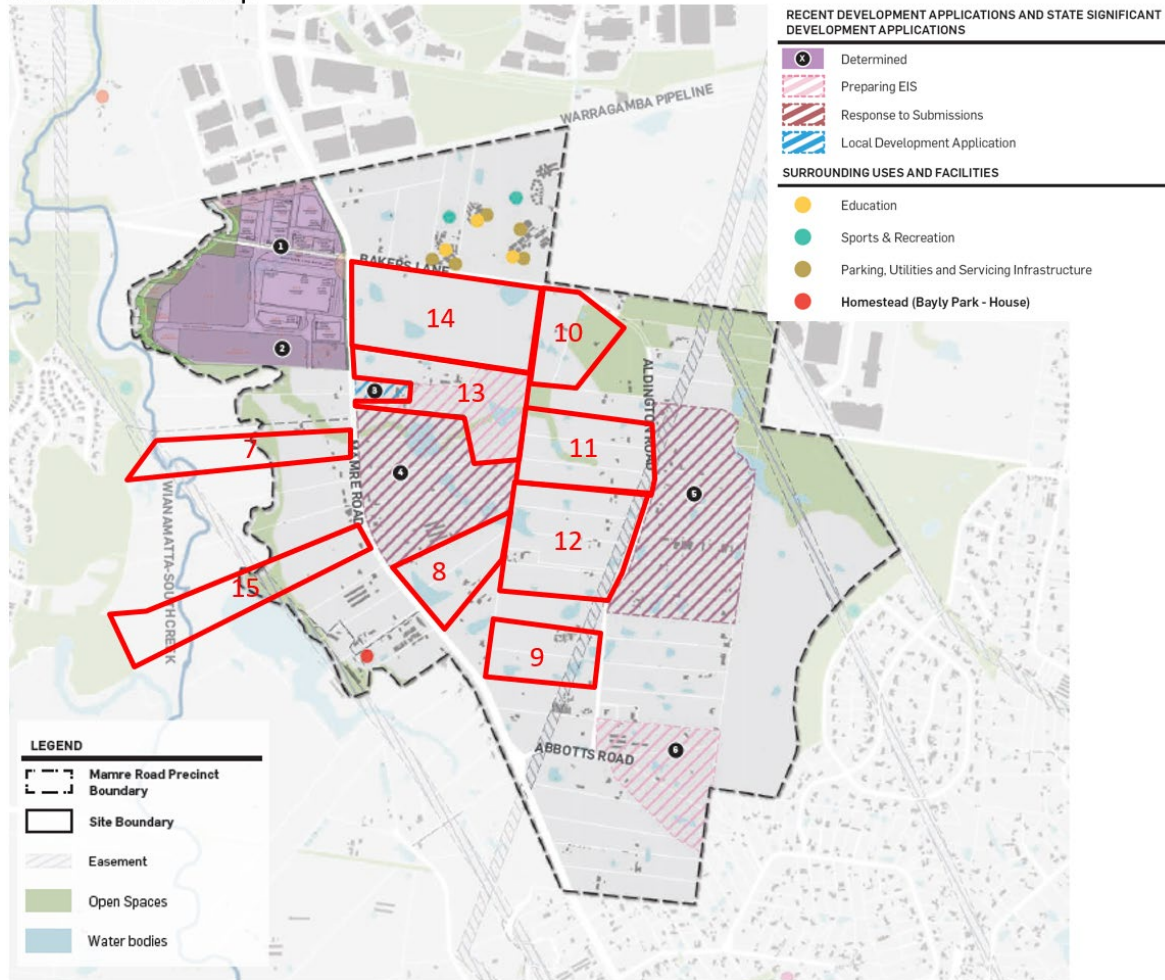
400 Metres

DP numbers visible on map: 1/DP104058, 7/DP42168, 22/DP258414, 23/DP258414, 24/DP258414, 26/DP258414, 27/DP258414, 28/DP258414, 30/DP258414, 31/DP258414, 33/DP258414, 34/DP258414, 35/DP258414, 36/DP258414, 37/DP258414, 38/DP258414, 39/DP258414, 40/DP258414, 41/DP258414, 42/DP258414, 43/DP258414, 44/DP258414, 45/DP258414, 46/DP258414, 47/DP258414, 48/DP258414, 49/DP258414, 50/DP258414, 51/DP258414, 52/DP258414, 53/DP258414, 54/DP258414, 55/DP258414, 56/DP258414, 57/DP258414, 58/DP258414, 59/DP258414, 60/DP258414, 61/DP258414, 62/DP258414, 63/DP258414, 64/DP258414, 65/DP258414, 66/DP258414, 67/DP258414, 68/DP258414, 69/DP258414, 70/DP258414, 71/DP258414, 72/DP258414, 73/DP258414, 74/DP258414, 75/DP258414, 76/DP258414, 77/DP258414, 78/DP258414, 79/DP258414, 80/DP258414, 81/DP258414, 82/DP258414, 83/DP258414, 84/DP258414, 85/DP258414, 86/DP258414, 87/DP258414, 88/DP258414, 89/DP258414, 90/DP258414, 91/DP258414, 92/DP258414, 93/DP258414, 94/DP258414, 95/DP258414, 96/DP258414, 97/DP258414, 98/DP258414, 99/DP258414, 100/DP258414, 101/DP258414, 102/DP258414, 103/DP258414, 104/DP258414, 105/DP258414, 106/DP258414, 107/DP258414, 108/DP258414, 109/DP258414, 110/DP258414, 111/DP258414, 112/DP258414, 113/DP258414, 114/DP258414, 115/DP258414, 116/DP258414, 117/DP258414, 118/DP258414, 119/DP258414, 120/DP258414, 121/DP258414, 122/DP258414, 123/DP258414, 124/DP258414, 125/DP258414, 126/DP258414, 127/DP258414, 128/DP258414, 129/DP258414, 130/DP258414, 131/DP258414, 132/DP258414, 133/DP258414, 134/DP258414, 135/DP258414, 136/DP258414, 137/DP258414, 138/DP258414, 139/DP258414, 140/DP258414, 141/DP258414, 142/DP258414, 143/DP258414, 144/DP258414, 145/DP258414, 146/DP258414, 147/DP258414, 148/DP258414, 149/DP258414, 150/DP258414, 151/DP258414, 152/DP258414, 153/DP258414, 154/DP258414, 155/DP258414, 156/DP258414, 157/DP258414, 158/DP258414, 159/DP258414, 160/DP258414, 161/DP258414, 162/DP258414, 163/DP258414, 164/DP258414, 165/DP258414, 166/DP258414, 167/DP258414, 168/DP258414, 169/DP258414, 170/DP258414, 171/DP258414, 172/DP258414, 173/DP258414, 174/DP258414, 175/DP258414, 176/DP258414, 177/DP258414, 178/DP258414, 179/DP258414, 180/DP258414, 181/DP258414, 182/DP258414, 183/DP258414, 184/DP258414, 185/DP258414, 186/DP258414, 187/DP258414, 188/DP258414, 189/DP258414, 190/DP258414, 191/DP258414, 192/DP258414, 193/DP258414, 194/DP258414, 195/DP258414, 196/DP258414, 197/DP258414, 198/DP258414, 199/DP258414, 200/DP258414, 201/DP258414, 202/DP258414, 203/DP258414, 204/DP258414, 205/DP258414, 206/DP258414, 207/DP258414, 208/DP258414, 209/DP258414, 210/DP258414, 211/DP258414, 212/DP258414, 213/DP258414, 214/DP258414, 215/DP258414, 216/DP258414, 217/DP258414, 218/DP258414, 219/DP258414, 220/DP258414, 221/DP258414, 222/DP258414, 223/DP258414, 224/DP258414, 225/DP258414, 226/DP258414, 227/DP258414, 228/DP258414, 229/DP258414, 230/DP258414, 231/DP258414, 232/DP258414, 233/DP258414, 234/DP258414, 235/DP258414, 236/DP258414, 237/DP258414, 238/DP258414, 239/DP258414, 240/DP258414, 241/DP258414, 242/DP258414, 243/DP258414, 244/DP258414, 245/DP258414, 246/DP258414, 247/DP258414, 248/DP258414, 249/DP258414, 250/DP258414, 251/DP258414, 252/DP258414, 253/DP258414, 254/DP258414, 255/DP258414, 256/DP258414, 257/DP258414, 258/DP258414, 259/DP258414, 260/DP258414, 261/DP258414, 262/DP258414, 263/DP258414, 264/DP258414, 265/DP258414, 266/DP258414, 267/DP258414, 268/DP258414, 269/DP258414, 270/DP258414, 271/DP258414, 272/DP258414, 273/DP258414, 274/DP258414, 275/DP258414, 276/DP258414, 277/DP258414, 278/DP258414, 279/DP258414, 280/DP258414, 281/DP258414, 282/DP258414, 283/DP258414, 284/DP258414, 285/DP258414, 286/DP258414, 287/DP258414, 288/DP258414, 289/DP258414, 290/DP258414, 291/DP258414, 292/DP258414, 293/DP258414, 294/DP258414, 295/DP258414, 296/DP258414, 297/DP258414, 298/DP258414, 299/DP258414, 300/DP258414, 301/DP258414, 302/DP258414, 303/DP258414, 304/DP258414, 305/DP258414, 306/DP258414, 307/DP258414, 308/DP258414, 309/DP258414, 310/DP258414, 311/DP258414, 312/DP258414, 313/DP258414, 314/DP258414, 315/DP258414, 316/DP258414, 317/DP258414, 318/DP258414, 319/DP258414, 320/DP258414, 321/DP258414, 322/DP258414, 323/DP258414, 324/DP258414, 325/DP258414, 326/DP258414, 327/DP258414, 328/DP258414, 329/DP258414, 330/DP258414, 331/DP258414, 332/DP258414, 333/DP258414, 334/DP258414, 335/DP258414, 336/DP258414, 337/DP258414, 338

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Figure 6 Adjacent Development Applications

Recent DAs and SSDAs Map



Source: Urbis 2020

Table 3 Status of Development Applications in Mamre Road Precinct

Reference Number	Site	Land Owner	Status	GFA Proposed (Warehouse, logistics and industrial facilities)
1	Kemps Creek Warehouse, Logistics, and Industrial Facilities Hub	Frasers / Altis JV	Determined	186,123sqm
2	Kemps Creek Data Centre	ARUP	Determined	68,934sqm
3	772-782 Mamre Road	Altis	Local DA withdrawn	16,887sqm
4	Aspect Industrial Estate	Mirvac	More information requested	251,042sqm

Reference Number	Site	Land Owner	Status	GFA Proposed (Warehouse, logistics and industrial facilities)
5	200 Aldington Road	Stockland & Fife Capital	Response to Submissions	374,630sqm
6	ESR Kemps Creek Logistics Park	ESR	Preparing EIS	167,028sqm
7	805 Mamre Road, Kemps Creek	805 Property Trust	SEARs received	26,280sqm
8	Access Logistics Estate (884-928 Mamre Road, Kemps Creek)	Altis Property Partners	Response to submissions	37,800sqm
9	Westgate 253-267 Aldington Road	Icon Oceania	SEARs received	44,600sqm
10	1-51 Aldington Road Estate	The Gibb Group Developments Discretionary Trust	Request to amend SEARs	51,210sqm
11	Dexus Kemps Creek – 113-153 Aldington Road	Dexus Wholesale Management Limited	SEARs Received	157,990sqm
12	155-217 Aldington Road Estate	Fraser's Property Industrial	Response to submissions	65,327sqm
13	Yiribana Logistics Estate	The GPT Group	Response to submissions	157,860sqm
14	Summit at Kemps Creek 706-752 Mamre Road	Aliro and ISPT	SEARs received	238,290sqm
15	859-869 Mamre Road	EI Australia	Local DA lodged	Remediation works to facilitate suitable future land uses and subsequent commercial/industrial redevelopment.

4. DESCRIPTION OF MODIFICATIONS

This section of the report describes the proposed modifications, including the project description and relevant conditions. 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.

4.1. OVERVIEW

The proposed modifications to the development are listed and briefly described as follows:

Concept Master Plan

- Re-location of Access Road 2 further west at the site. The modification will re-locate the access road from the area between Warehouse/ Lot 2 and Warehouse/ Lot 3 to between Warehouse/ Lot 1 and Warehouse/ Lot 2.
- Adjustment of Lot 1, 2 and 3 configurations, site areas and warehouse alignments and areas in accordance with the re-located Access Road 2.
- Introduction of a driveway along connecting Warehouse 3 to Access Road 2 within the reconfigured Lot 3 alignment.
- Adjusted vehicular access arrangement for Lot/Warehouse 3 with provision of a left-in, truck entry driveway from 'Access Road 1'.
- Adjusted car parking provision across Lots 1, 2 and 3 and hardstand areas.
- Amendment to condition A16(b) to ensure the maximum cumulative noise emission limit for is for external, fixed plants only.

Stage 1 Works

The Stage 1 construction of Warehouse 1, Warehouse 3 and their surrounding access/hardstand areas is proposed to be adjusted in alignment with the modified concept masterplan. This includes the following modifications:

- Modifications to the Warehouse 1 built form including:
 - A decrease in GFA from 34,970sqm to 32,686sqm.
 - Reduction in overall office from 1,430sqm to a consolidated 900sqm main office and 3 x 100sqm operations dock offices.
 - Relocation of car parking to the south of the Warehouse 1 building with ingress/ egress relocated from Access Road 1 to Access Road 2.
 - Provision of loading and hardstand areas along the north, east and west of the warehouse, including the introduction of hardstand, awnings and RSDs to the Mamre Road building frontage.
 - Revised vehicular access arrangements with a 9.6m wide truck entry way off Access Road 1 and two truck entry/exit ways off Access Road 2.
 - Increase in overall warehouse ridge height from 13.7m to 16m, plus rooftop plant & equipment (18.4m at the maximum plant height).
 - Removal of café at southwestern corner of the building.
 - Updated landscaping provision across the surrounding area.
- Modifications to works on Lot 3:
 - Amended Lot 3 site area from 41,961sqm to 42,855sqm.
 - Construction of an access driveway connecting the hardstand on Lot 3 to the realigned Access Road 2 (along the northern side of Lot 2),
 - Change to vehicular ingress and access points from the approved Access Road 2 alignment to Access Road 1 and via the new driveway from realigned Access Road 2.

- Reconfiguration of on site car parking at the north of Warehouse 3 and location of car parking spaces to the east of Warehouse 3.
- Updated landscaping extent to reflect the changed car parking locations.
- Updated to the civil works (ie benching / cut/fill). This includes a 7-metre-high cut wall adjacent to the eastern site boundary and no import of fill.
- Minor modifications to bulk earthworks resulting from the changed road layouts.
- Modifications to approved Stage 1 noise criteria including
 - Amendment to condition D52(c) to ensure the maximum cumulative noise emission limit for is for external, fixed plants only, and condition D52 Table 5 Stage 1 Development Operational Noise Limits dB(A).

It is noted that no change is proposed to the Warehouse 3 building from that originally approved, only works beyond the warehouse footprint.

The proposed modification is described in detail below and in **Section 4.2**. A consolidated description of the modified project is provided at **Appendix A**. The updated architectural drawings are provided at **Appendix D**.

A comparative analysis has been undertaken of the proposed changes to the approved development in **Table 3**, in accordance with the relevant criteria listed in the DPIE *State Significant Development Guidelines – preparing an environmental impact statement*.

Table 4 Project Details Comparison

Element	Approved Project	Modified Project	Difference
Project Area			
Lot 1 Area	58,130 sqm	61,039 sqm	+2,909 sqm
Lot 2 Area	41,500 sqm	40,072 sqm	-1,428 sqm
Lot 3 Area	41,961 sqm	42,855 sqm	+894 sqm
Riparian Area	29,617 sqm	29,718 sqm	+101 sqm
Basin Lot	17,917 sqm	18,130 sqm	+213 sqm
Physical Layout and Design			
Height of Building (Warehouse 1)	13.7m	16m plus rooftop plant and equipment (18.394m at the maximum plant height)	+ 2.3m
Warehouse 1 (total GFA)	36,722 sqm	32,886 sqm	-3,836 sqm
Main Office	1,430 sqm	900 sqm	-530 sqm
Warehouse	34,970 sqm	32,686 sqm	-2,284 sqm
Dock Office	200 sqm	300 sqm	+100 sqm
Cafe	122 sqm	0 sqm	- 122sqm
Warehouse 3 (total GFA)	21,535 sqm	21,535 sqm	Nil
Main Office	700 sqm	700 sqm	Nil

Element	Approved Project	Modified Project	Difference
Warehouse	20,735 sqm	20,735 sqm	Nil
Dock Office	100 sqm	100 sqm	Nil
Car Parking			
Warehouse 1 Car Parking	230 spaces	167 spaces	-63 spaces
Warehouse 2 Car Parking	143 spaces	150 spaces	+7 spaces
Warehouse 3 Car Parking	125 spaces	89 spaces	-36 spaces
Site Access			
Warehouse 1 Car Access	Via Access Road 1 & 2	Via Access Road 1 & 2	Vehicular (car) access locations are modified across all three lots.
Warehouse 2 Car Access	Via Access Road 1 & 2	Via Access Road 1 & 2	
Warehouse 3 Car Access	Via Access Road 1 & 2	Via Access Road 1 & 2	
Warehouse 1 Truck Access	Via Access Road 1 & 2	Via Access Road 1 & 2	Vehicular (truck) access locations are modified across all three lots.
Warehouse 2 Truck Access	Via Access Road 2	Via Access Road 2	
Warehouse 3 Truck Access	Via Access Road 2	Via Access Road 1	
Uses and Activities			
Land Use	Warehouse and distribution centre / industrial premises with ancillary office space	Warehouse and distribution centre / industrial premises with ancillary office space	No Change

4.2. DESCRIPTION OF PROPOSED MODIFICATIONS

The proposed amendments to the Concept Plan take into consideration the existing site conditions and have been developed with regard to the operational requirements of the proposed tenants.

As shown in **Figure 7** the high-level modifications to the Concept Plan include:

- Relocation and reduction in length of Access Road 2.
- Introduction of a driveway from the cul-de-sac of Access Road 2 to Warehouse 3.
- Amended lot configuration in relation to Lots 1, 2 and 3 to reflect the above change in road layout.
- Amended access arrangements, hardstand configurations and car parking locations across Lots 1, 2 and 3 as detailed in the following sections.

Figure 7 Concept Plan as proposed to be modified



Source: SBA Architects

4.2.1. Lot 1/ Warehouse 1

As illustrated in **Figure 7** and **Figure 8** the following modifications are proposed to the Concept Plan and Stage 1 Works associated with Lot 1/ Warehouse 1:

- A Warehouse GFA of 32,886sqm comprising
 - 20,016sqm ambient warehouse and
 - 12,670 sqm temperature-controlled warehouse.
- Reduction in overall office to a consolidated 900sqm main office and 3 x 100sqm operations dock offices,
- Introduction of hardstand, awnings and RSDs to the Mamre Road building frontage,
- Removal of car park along the north and south-west of Warehouse 1,
- New hardstand of width 40m along the east of Warehouse 1,
- New awnings of dimension 10m along the eastern and western side of the warehouse,

- The adjusted roller shutter door and awning layout will be comprised of the same materiality and will generally maintain the appropriate separation distances.
- The modified development will accommodate flush façade tenant signage at the West and South elevations (with dimensions of 11000 x 2500mm). This includes 2 x signs at the west elevation and 1 x sign at the south elevation. This is consistent with the approved signage locations of the approved elevations. The modified development will remove the 1 x approved signage location at the north elevation.

4.2.2. Lot 2/ Warehouse 2

The following modifications are proposed to the Concept Plan associated with Lot 2/ Warehouse 2:

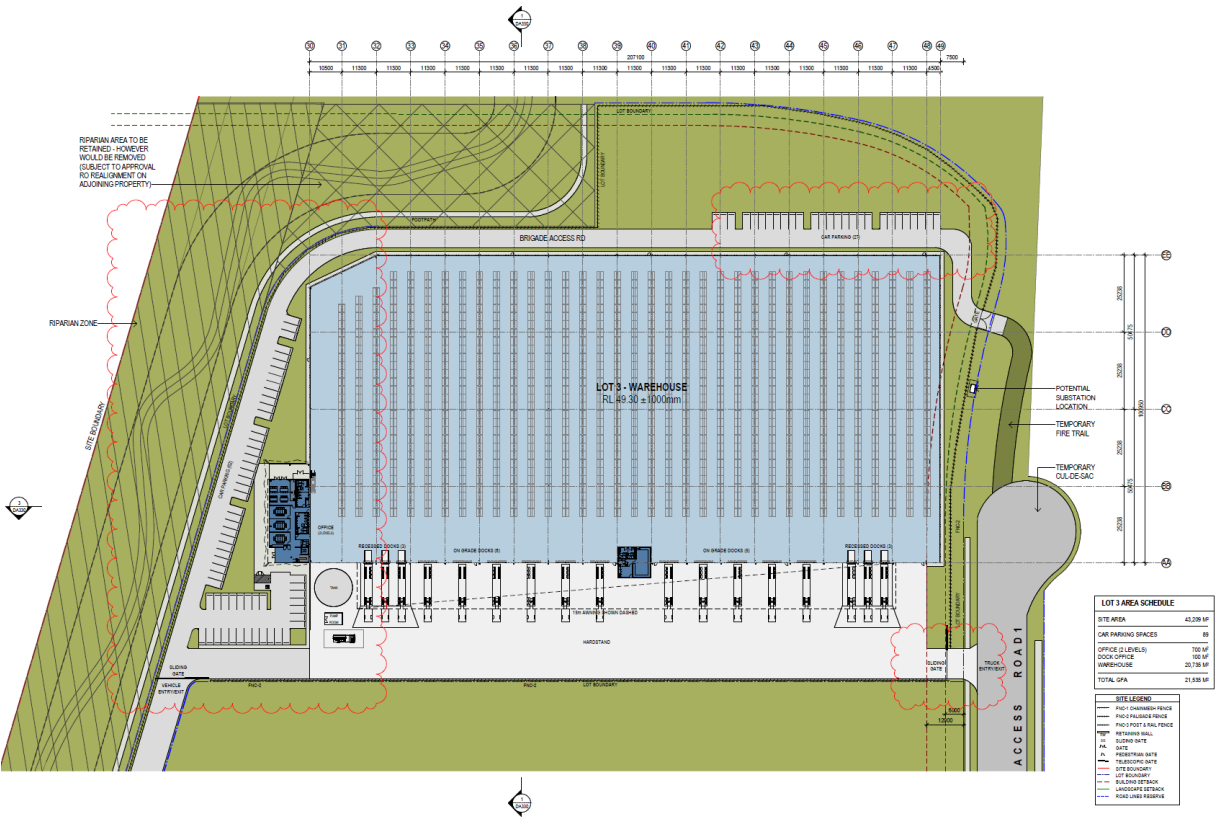
- Reduced lot area and re-configuration in response to the revised location of Access Road 2 and proposed Lot 3 driveway.
- Warehouse 2 concept layout has effectively been “flipped” with the hardstand now on the western side of the warehouse adjacent to Access Road 2.
- Relocation of the office components.
- Reconfiguration of the northern carpark layout.
- Retained vehicular access from Access Roads 1 and 2.

4.2.3. Lot 3/ Warehouse 3

As illustrated in **Figure 9** the following modifications are proposed to the Concept Plan and Stage 1 Works associated with Lot 3/ Warehouse 3:

- Amended Lot configuration to encompass the proposed driveway connection to Access Road 1.
- A portion of the car parking previously located to the north of the warehouse has been relocated to the south-eastern extent of the lot.
- Temporary fire trail connection to Access Road 1 via the south-eastern car parking.
- Truck ingress and egress via Access Road 1 (previously via Access Road 2).
- Adjust the location of flush, façade tenant signage at the West and South elevations (with dimensions of 11000 x 2500mm) in accordance with the updated truck entry/exit off Access Road 1. This includes 1 x signs at the west elevation and 1 x sign at the south elevation.

Figure 9 Lot 3/ Warehouse 3 layout plan



Source: SBA Architects

4.2.4. Extent of Stage 1 Estate Road Works

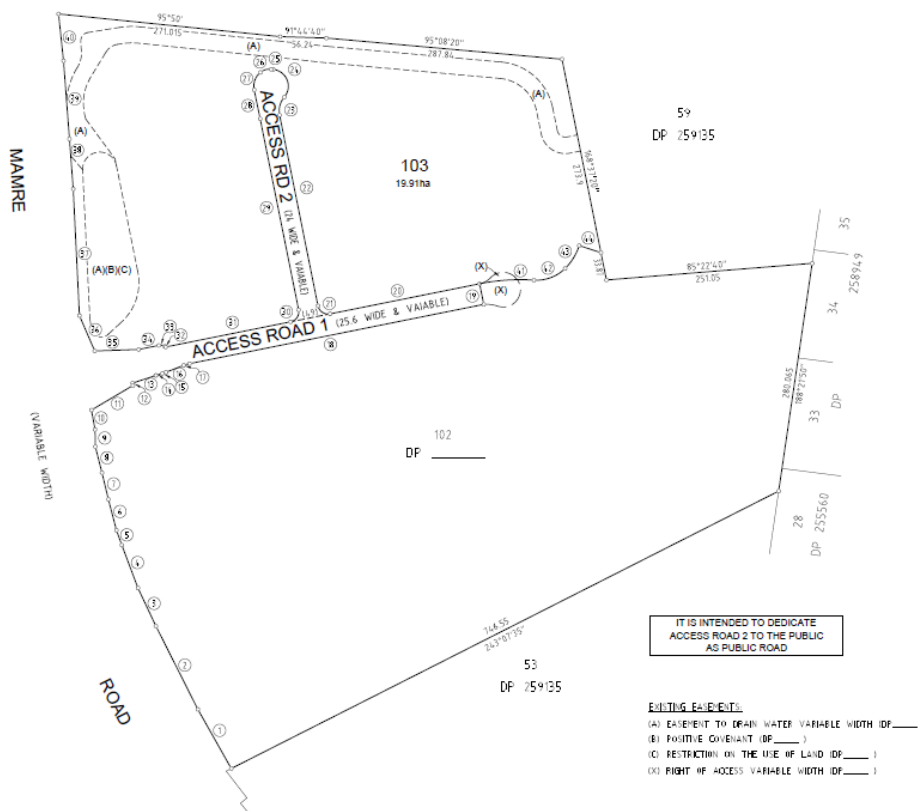
The extent of Estate road works included within Stage 1 consent are outlined in **Stage 1 Phase 1** roadworks will include the construction and operation of the signalised intersection to Mamre Road, Access Road 1 from Mamre Road through to the intersection with Access Road 2, as well as the construction and operation of Access Road 2. Stage 1 Phase 1 road works will occur prior to the issuance of Occupation Certificate for warehouse 1 or 3 (whichever is the first).

Stage 1 Phase 2 roadworks will include construction and operation of Access Road 1 from the intersection of Access Road 2 to and including the roundabout and Access Road No.3 south of the roundabout. Stage 1 Phase 2 roadworks will occur prior to issuance of Occupation Certificate of the second warehouse on the site.

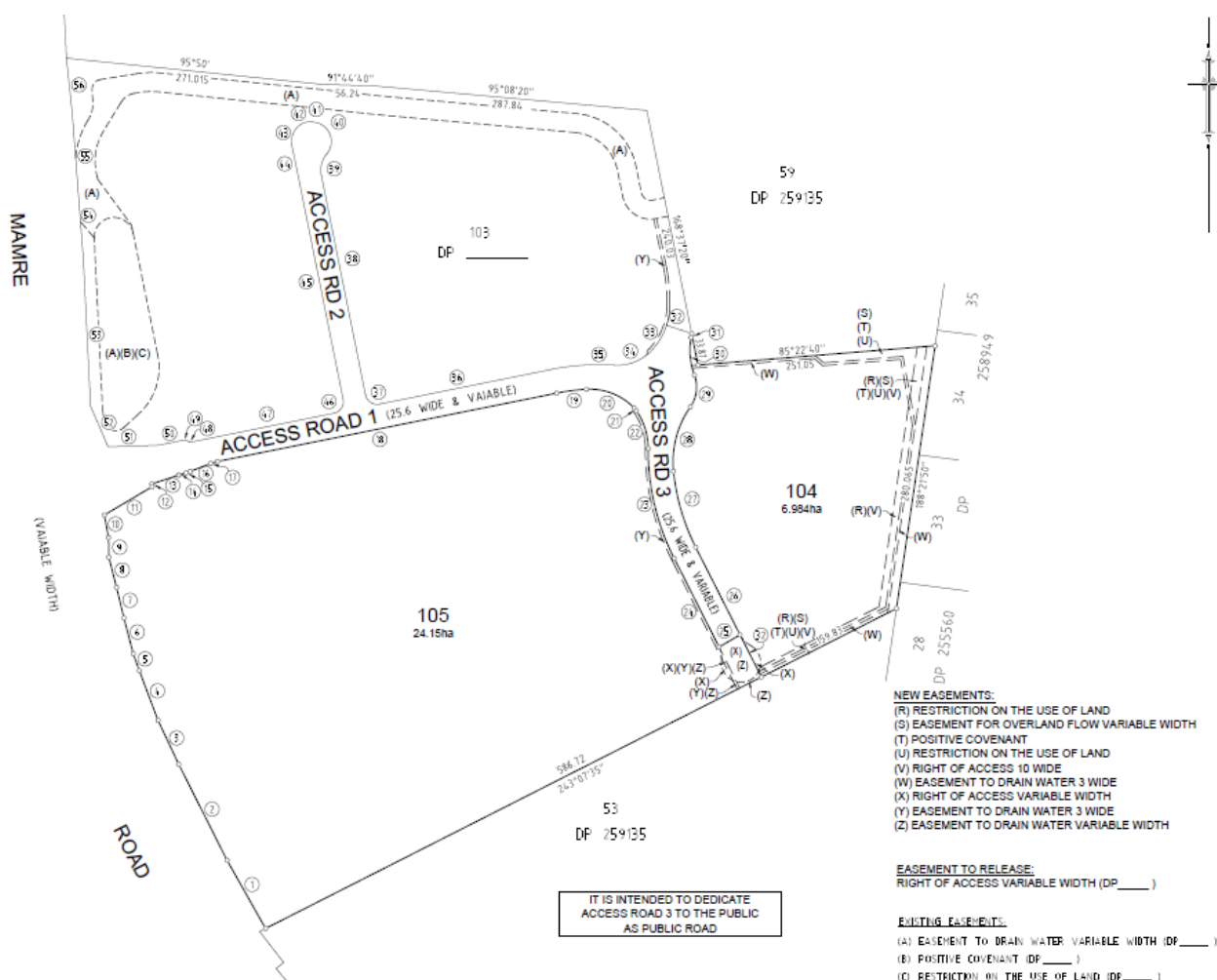
Figure 10 shows the following modifications from the approved Stage 1 road works:

- Construction of Access Road 2 in its reconfigured location and extent.
- Stage 1 Phase 1** roadworks will include the construction and operation of the signalised intersection to Mamre Road, Access Road 1 from Mamre Road through to the intersection with Access Road 2, as well as the construction and operation of Access Road 2. Stage 1 Phase 1 road works will occur prior to the issuance of Occupation Certificate for warehouse 1 or 3 (whichever is the first).
- Stage 1 Phase 2** roadworks will include construction and operation of Access Road 1 from the intersection of Access Road 2 to and including the roundabout and Access Road No.3 south of the roundabout. Stage 1 Phase 2 roadworks will occur prior to issuance of Occupation Certificate of the second warehouse on the site.

Figure 10 Proposed Stage 1 Estate Works Staging Plan



Picture 1: Stage 1 Phase 1 Roadworks extent
Source: LTS



Picture 2: Stage 1 Phase 2 Roadworks extent
 Source: LTS

4.2.5. Uses and Activities

The proposed modification makes no change to the use approved within the Concept and Stage 1 approval for Warehouse 1 and Warehouse 3.

- Warehouse 1 will remain a warehouse and distribution premises with ancillary office space.
- Warehouse 3 will remain an industrial premises with associated warehouse and distribution with ancillary office space.

Buildings on both lots will retain their operation as approved 24 hours a day, 7 days a week.

The café proposed within Warehouse 1 has been removed as part of this modification. It is intended to be relocated elsewhere in the estate as part of a future detailed application.

4.2.6. Infrastructure and Servicing

No change is proposed to the approved infrastructure servicing strategy.

The proposed development will include minimum average lux levels in the warehouse, office, awning and carpark. All street lighting will be designed in accordance with AS1158.

4.2.7. Demolition and earthworks

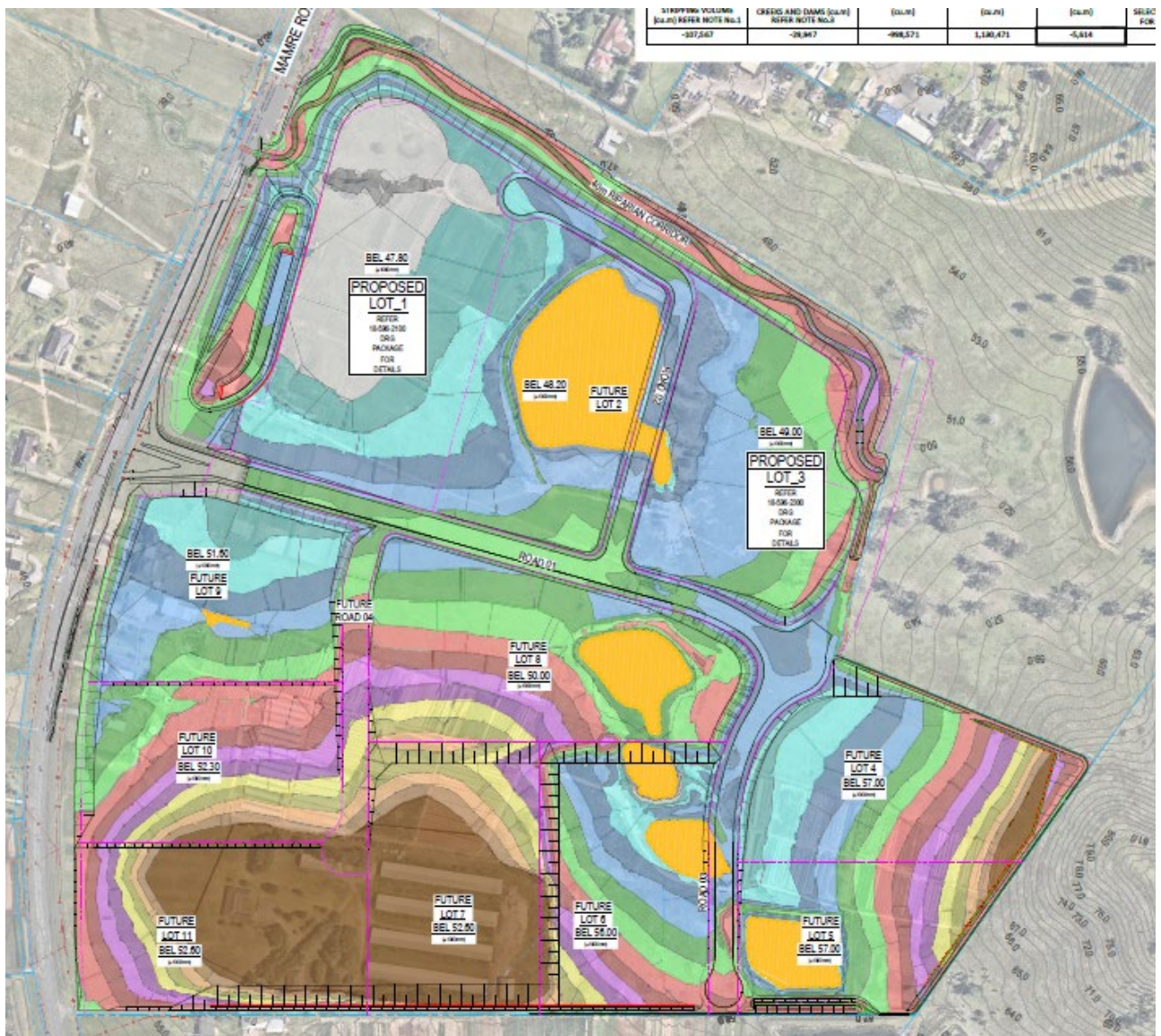
The demolition and earthworks for the proposed Stage 1 modification will be generally consistent with the SSD approval. The existing rural residential structures will be demolished to enable the redevelopment of the

site. As per the SSD conditions of consent, a detailed Construction Management Plan (CMP) will be prepared by the appointed contractor prior to demolition works commencing and submitted to the relevant consent authority. The CMP will outline the extent of demolition works and the process and techniques to ensure the appropriate disposal of materials.

The proposed development includes minor adjustments to the finished RL levels across the site in accordance with the updated lot arrangement. Otherwise, the adjusted RLs will generally maintain the overall finished site levels as demonstrated in **Figure 11** below. Accordingly, the level of cut and fill is proposed to be adjusted. The modified development will require the importation of 8,400m³ of fill to create the building pads for the warehouse buildings. The updated cut and fill balance is demonstrated in **Figure 11** and **Table 4** below.

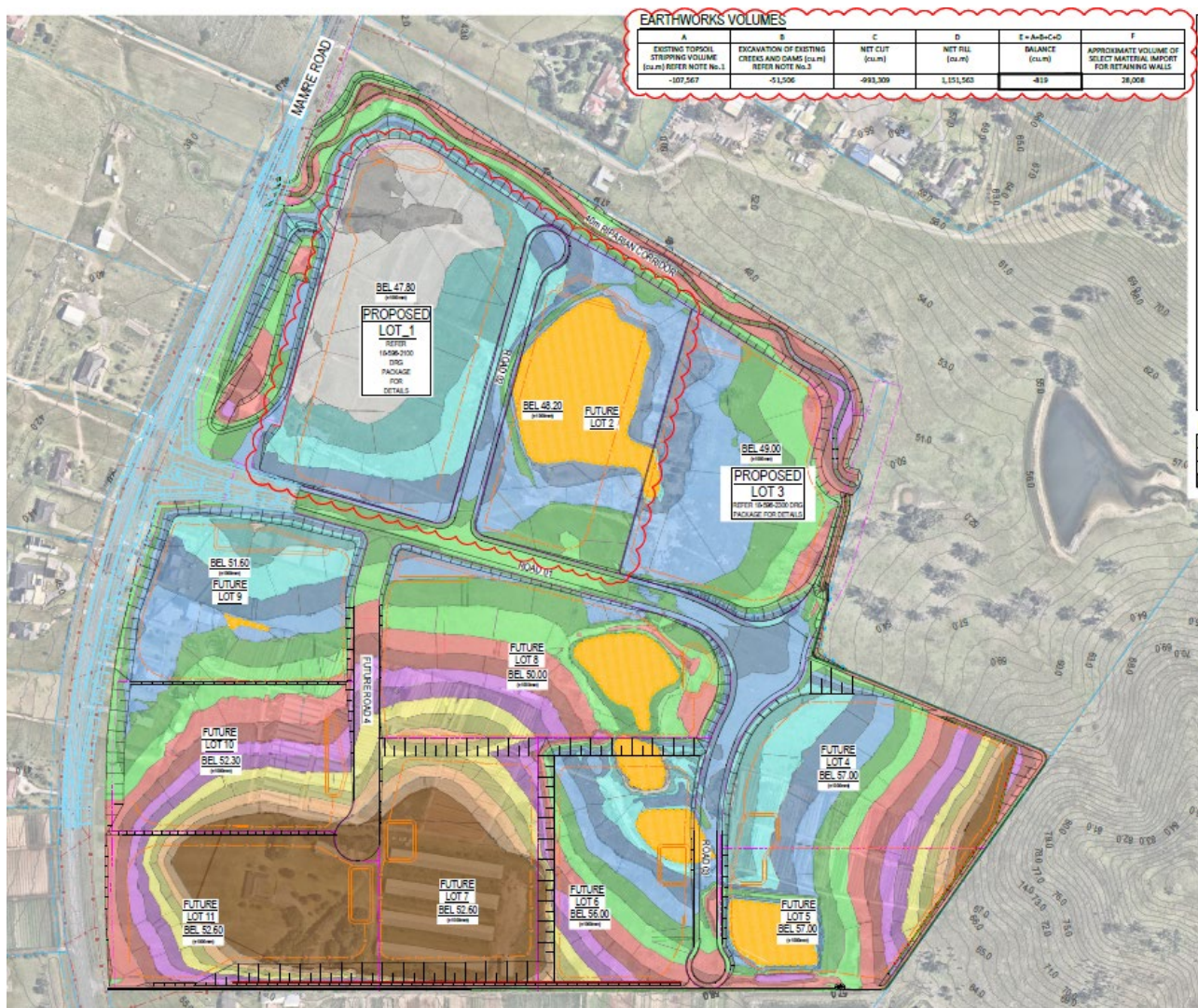
The Civil Drawings provided at **Appendix G** also details the respective updates to the road grading, benching and stabilisation. This includes updates to the alignment and dimensions of landscape batter slopes as well as an updated length of the west retaining wall.

Figure 11 Proposed Cut and Fill Earthworks



Picture 1 Approved Earthworks

Source: AT&L



Picture 2 Proposed Earthworks

Source: AT&L

Table 5 Proposed Cut and Fill

	Approved SSD 10448	Proposed SSD 10448 MOD 2
Cut	- 1,136,086m ³	- 1,152,382m ³
Fill	+ 1,130,471m ³	+ 1,151,563m ³
Balance	- 5,614m ³ (Excess spoil)	- 819 (Excess spoil)

The volume changes are as a result of road realignment and extent however the pad levels are consistent with the approved SSD 10448 levels.

All import materials will comply with the requirements of the requirements of the Import Fill Protocol and Geotechnical Specifications for the AIE SSDA. Topsoil stripping, blending and placement will be completed in accordance with the Geotechnical Engineering Specifications for the project.

4.2.8. Site Wide Signage

Further to the adjusted façade signage at Lot 1, the modification to the Stage 1 works include minor adjustments to the location of the wayfinding and building identification signage across the Lot 1,2 and 3. No changes are proposed to the size and design of the pylon signs or the façade signs. The modified signage location has been designed in accordance with the revised lot and access road layout. Overall, the modified development is to provide the following signage types:

- 1 x Estate Pylon Signage at the internal road intersection with Mamre Road.
- 2 x Tenant Pylon Signage at the updated carpark vehicular access at Warehouse and Warehouse 2.
- 5 x Truck Entry / Exit Pylon Signage at the updated access driveways to Warehouse 1 and Warehouse 2.
- 5 x Tenant Building Identification Signage in the updated location across Warehouse 1 and Warehouse 3. This is detailed in the sections above.

4.2.9. Landscaping

Minor amendments are proposed to the landscaping surrounding Warehouses 1 and 3 in accordance with the revised warehouse layout, access road alignment as well as the location of carparking areas, hardstand areas and external plants and services. The proposed modifications to landscaping include the following.

Landscaping Around Warehouse 1

The proposed adjustments to the landscaping surrounding Warehouse/Lot 1 are demonstrated in the Warehouse 1 Landscape Plans at **Appendix E**. The modifications include:

- New tree plantings in the setback north of Warehouse 1 instead of the approved car park area,
- New tree plantings to border the re-located Access Road 2.
- Revised tree planting, groundcover planting and alignment of hardstand landscaping across the southern setback in accordance with the revised, increased at-grade carpark area.
- Species will remain consistent with those originally approved.

Landscaping Around Warehouse 3

The proposed adjustments to the landscaping surrounding Warehouse/Lot 3 is demonstrated in the Warehouse 3 Landscape Plans at **Appendix E**. The modifications include:

- Revised tree planting, groundcover planting and alignment of hardstand landscaping across the northern setback in accordance with the revised, increased at-grade carpark area.
- Minor adjustments to the tree plantings at the south setback.
- Species will remain consistent with those originally approved.

Landscape Masterplan

An updated landscape masterplan report has been prepared by Site Image (**Appendix F**) which identifies the modified landscape plan will maintain the key themes and elements of the approved landscape strategy including the following:

- Entry Landscape: The modified development will continue to deliver an entry landscape located to the northern side of Mamre Road entry provides a landscape arrival feature. This area will have a reduced 'shared parking area' and an increase in tree plantings in the landscape area.
- Typical Lot Frontage: The lot frontages will generally be unchanged and will continue to consist of a variety of native and exotic, shrubs, groundcovers and small-medium trees. Security fencing is to be positioned amongst the landscape to recede into planting.
- Landscaping at the Mamre Road Frontage, Estate Road and Boundaries will generally maintain the landscaping and tree planting strategy as well as the selection of species. The alignment of the canopy tree plantings will be adjusted to facilitate the appropriate separation from the fencing and stormwater pipe.

- Stormwater Basin: The modified development will continue to deliver the stormwater basin which will feature planting to compliment the water retention and treatment processes designed by Civil Engineers.
- Riparian Zone: Aside from the minor increase to the Riparian Zone, no changes are proposed to the landscaping provision across the riparian zone or the riparian zone, 1.8m pathway.

The overall quantum of the updated landscaped area across the site is detailed in **Table 5** below.

Table 6 Landscaping

Landscaping	Area
Lot 1	
Tree Canopy Area	8,401.5m ²
Tree Canopy %	14%
Lot 2	
Tree Canopy Area	4,047.2m ²
Tree Canopy %	10%
Lot 3	
Tree Canopy Area	2,006.7m ²
Tree Canopy %	5%
Lot 9	
Tree Canopy Area	4,514.8m ²
Tree Canopy %	11%
Concept Plan (excluding estate roads)	
Tree Canopy Area	69,510m ²
Tree Canopy %	14%

4.2.10. Subdivision

The approved Subdivision layout will be amended to reflect the changed road locations. No industrial lot subdivision is proposed.

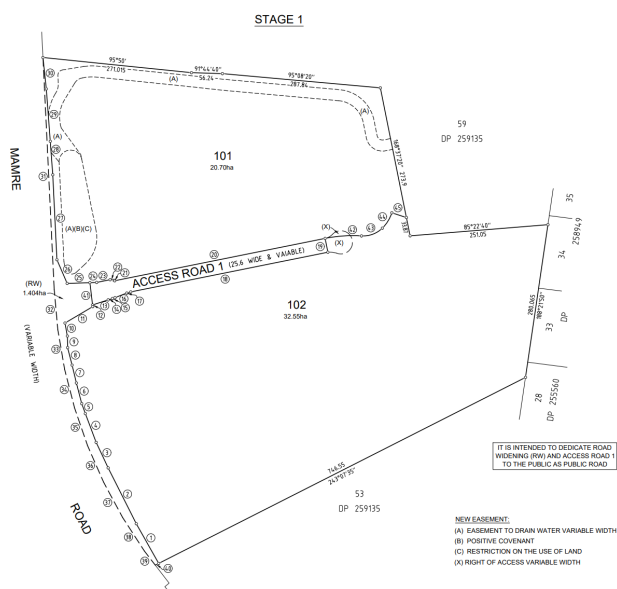
The updated subdivision will maintain one development lot remain under ownership of Mirvac with the re-aligned road lots to be dedicated to Penrith City Council. The modified subdivision is proposed to be delivered in two stages. The updated subdivision plan is demonstrated in **Figure 12** below:

Figure 12 Modified Subdivision



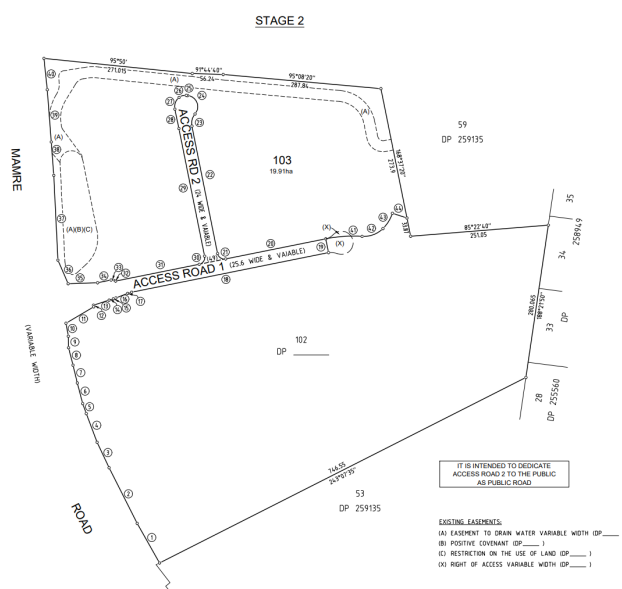
Picture 3 Approved Subdivision Plan

Source: LTS



Picture 4 Proposed Stage 1 Subdivision

Source: LTS



Picture 5 Proposed Stage 2 Subdivision

Source: LTS

4.2.11. Timing

The anticipated construction timing remains unchanged from that set out in the EIS accompanying the original SSD -10448 application. A Staging Report will be submitted to the relevant consent authority prior to the commencement of construction in accordance with the conditions of consent.

4.3. PROPOSED AMENDMENTS TO CONDITIONS OF CONSENT

This section outlines the proposed modification to the description of the approved development and conditions of consent included in SSD-10448. The proposed modifications are shown by a strike through the deleted text and red text for new text.

Schedule 2 Conditions for Future Development Applications

Part A Terms of Consent for Concept Plan

Terms of Consent

A1. The development may only be carried out:

- (a) In compliance with the conditions of this consent;
- (b) In accordance with all written directions of the Planning Secretary;
- (c) In accordance with the EIS, Response to Submissions (RtS) and;
- (d) In accordance with the Modification Report, Response to Submissions contained within MOD 2;
- (e) In accordance with the Development Layout in Appendix 1; and
- (f) In accordance with the management and mitigation measures in Appendix 4.

Limits of Consent

A9. The maximum GFA for development on the site for the land uses described in Table 1 must not exceed the limits described in that table.

Table 1 Maximum GFA of the Concept Plan

Land Use	Maximum GFA (m2)
Warehouse and distribution centres and general industrial	236,510 232,381
Ancillary Offices	11,480 11,050
Café	122
Total	248,112 243,431

Noise Limits

A16. The Applicant must

- (a) ensure the Development at the site does not exceed the noise limits outlined in Table 2 when measured at the identified locations shown at Appendix 3; and
- (b) ensure the cumulative noise emission of external fixed mechanical plant for each warehouse building must be no more than 90 dBA and must not exhibit tonal characteristics or strong low frequency content.

Table 2 Operational Noise Limits for Development dB(A)

Location	Day	Evening	Night	
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Amax}
NML 1	50	50	47	63
NML 2	62	62	60	79
NML 3	64	64	61	79
NML 4	65	65	62	82
NML 5	66	66	64	82

Schedule 3 Conditions of Consent for Stage 1 Development

Part C Administrative Conditions

Terms of Consent

C2. The development may only be carried out:

- (a) In compliance with the conditions of this consent;
- (b) In accordance with all written directions of the Planning Secretary;
- (c) In accordance with the EIS, Response to Submissions (RtS) and;
- (d) In accordance with the Modification Report, Response to Submissions contained within MOD 2;
- (e) In accordance with the Development Layout in Appendix 2; and
- (f) In accordance with the management and mitigation measures in Appendix 3.

Maximum GFA

C6. The maximum GFA for future development the site for the land uses described in Table 3 must not exceed the limits described in that table

Table 3 Maximum GFA of Stage 1 Development

Land Use	Maximum GFA (m2)
Warehouse 1	
Warehouse and distribution centres and general industrial	34,970 32,686
Ancillary Offices	1,630 1,200
Café	122
Subtotal	36,722 33,886
Warehouse 3	
Warehouse and distribution centres and general industrial	20,735
Ancillary Offices	800
Subtotal	21,535
Total	58,257 55,421

Operational Noise Limits

D52. The Applicant must

- (a) establish five (5) noise monitoring locations at the site's boundaries as shown in Appendix 3 prior to commencement of operation of the Stage 1 Development.
- (b) Undertake noise monitoring at the five locations to confirm that noise generated by the operation of the Stage 1 Development does not exceed the noise limits in Table 5.
- (c) ensure the cumulative noise emission of external fixed mechanical plant for each warehouse building must be no more than 90 dBA and must not exhibit tonal characteristics or strong low frequency content.

Table 5 Stage 1 Development Operational Noise Limits dB(A)

Location	Day	Evening	Night	
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Amax}
NML 1	36 37	36 37	34 37	44 48
NML 2	49	49	46	58
NML 3	48	48	46	58
NML 4	46	46	44	56
NML 5	65 66	65 66	64 62	82

Appendix 1 Concept Proposal

Table 6 Schedule of Approved Plans – Concept Proposal

Drawing No	Title	Issue	Date
Architectural Plan prepared by SBA Architects			
MP-02 MP2-02	Aspect Industrial Estate Lots 54-58 (DP 259135) Mamre Road, Kemps Creek – SSDA MOD 2 Estate Masterplan	AL A	28/04/2022 25/07/2022
Landscape Plan prepared by Site Image Landscape Architects			
MP002 003	Aspect Industrial Estate Kemps Creek Landscape SSDA Masterplan Landscape Masterplan MOD2	H E	23/02/2022 25/07/2022

Appendix 2 Stage 1 DA Plans

Table 7 Schedule of Approved Plans – Stage 1 DA Plans

Drawing	Title	Issue	Date
Architectural Plan prepared by SBA Architects			
DA100	Aspect Industrial Estate Lots 54-58 (DP 259135) Mamre Road, Kemps Creek – SSDA MOD 2 Overall Site Plan	I Q	02/05/2022 25/07/2022
DA101	Aspect Industrial Estate Lots 54-58 (DP 259135) Mamre Road, Kemps Creek – Signage Plan	G E	21/02/2022 08/12/2021
DA110	Aspect Industrial Estate Lots 54-58 (DP 259135) Mamre Road, Kemps Creek – Lot 1 Site & Warehouse Floor Plan	F AA	21/02/2022 12/07/2022
DA310	Aspect Industrial Estate Lots 54-58 (DP 259135) Mamre Road, Kemps Creek – Lot 3 Site & Warehouse Floor Plan	G K	28/04/2022 01/03/2022

DA311	Aspect Industrial Estate Lots 54-58 (DP 259135) Mamre Road, Kemps Creek – Lot 3 Roof Plan	€ D	21/02/2022 19/01/2022
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4.4. SUBSTANTIALLY THE SAME DEVELOPMENT

Based on the above, it is considered the proposal is substantially the same development as originally granted consent and is lodged under section 4.55(1A) of the EP&A Act.

The key principles of the approved development remain unchanged with Concept Approval for the AIE comprising 11 industrial or warehouse and distribution centre buildings. Minor changes are proposed to the internal road network layout, Lot 1 and 2 building locations, Warehouse 1 and 2 gross floor area (GFA), Lot 1, 2 and 3 car parking locations, concept landscaping, building heights, setbacks and built form parameters.

The proposed modifications do not substantially change the development for which consent was originally granted for the reasons outlined below:

- 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.
- The location of development lots, building locations and internal access roads is only slightly changed from the original consent.
- The scale of built form is consistent with that approved.
- The development will continue to be delivered in stages with Lots 1 and 3 comprising Stage 1.
- The hours of operation remain unchanged.
- A reduction in car parking and minor reduction in daily trip generation.

5. STATUTORY CONTEXT

This section of the report provides an overview of the key statutory requirements relevant to the site and the project as proposed to be modified. It identifies the key statutory matters which are addressed in detail within **Section 6**, including the power to grant consent, permissibility, other approvals, pre-conditions and mandatory considerations.

5.1. STATUTORY REQUIREMENTS

Table 6 categorises and summarises the relevant requirements in accordance with the DPIE *State Significant Development Guidelines*. A detailed statutory compliance table for the modified project is provided at **Appendix B**.

Table 7 Identification of Statutory Requirements for the Project

Statutory Relevance	Action	Consistency with Approved Development
Power to grant approval	In accordance with Schedule 1 of the Planning Systems SEPP, development that has a CIV of more than \$30 million for the purpose of warehouses or distribution centres are classified as SSD.	The proposed modification to the approval of SSD-10448 will remain consistent with this SEPP and is appropriately characterised as SSD.
Permissibility	The site is zoned part IN1 and Part E2 (now C2) in accordance with the Industry and Employment SEPP. Warehouse and Distribution Centres and Industrial developments are permissible with consent in the IN1 Zone.	The proposed modification remains permissible within the IN1 zone.
Other approvals		
<i>Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1999</i>	SSD-10448 has been informed 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.	The modified development will not change the impacts to the potential habitats across the subject site. Accordingly, it will not result in any impacts on the relevant species and maintains compliance with the EPBC Act

5.2. PRE-CONDITIONS

The relevant pre-conditions to exercising the power to grant approval were outlined in the EIS for the original SSDA. The pre-conditions which are relevant to the project as modified and the section where these matters are addressed within the report are summarised in **Table 7**.

Table 8 Pre-conditions to the Grant of Consent

Statutory Reference	Pre-condition	Consistency with Approved Development	Section in Report
<i>Section 4.24 Environmental Planning & 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.	The proposed modification seeks to amend the Concept Plan and Stage 1 consent so that they remain consistent.	Section 4
<i>Clause 66 Environmental Planning & Assessment Regulation 2001</i>	Pursuant to section 4.16(1) of the Act, a development application in relation to any land zoned IN1 General Industrial under State Environmental Planning Policy (Industry and Employment) 2021 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.	-
<i>State Environmental Planning Policy (Resilience and Hazards) 2021 – Clause 4.6(1)</i>	A consent authority must be satisfied that the land is suitable in its contaminated state - or will be suitable, after remediation - for the purpose for which the development is proposed to be carried out.	The modification does not change the previous assessment of the development against the provisions contained within the Resilience and Hazards SEPP as outlined in the EIS accompanying SSD-10448. The site remains suitable for the intended purpose.	Section 7.2.8
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	Schedule 3 of the Transport and Infrastructure SEPP identifies 'traffic generating development' which must be referred to the Transport for NSW for concurrence. The schedule includes development for the purposes of industry	The modification will be referred to Transport for NSW as part of the SSD DA modification assessment process.	-

Statutory Reference	Pre-condition	Consistency with Approved Development	Section in Report
	incorporating 20,000m2 or more of gross floor area (GFA).		
<i>State Environmental Planning Policy (Industry and Employment) 2021</i> - Clause 2.17 - Requirement for Development Control Plans	Clause 2.7 of the Industry and Employment SEPP requires that a consent authority must not grant consent to development on any land to which WSEA 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.	-
<i>State Environmental Planning Policy (Industry and Employment) 2021</i> - Clause 2.28 – Industrial Release Area – satisfactory arrangements for the provision of regional transport infrastructure and services	Clause 2.28 of the Industry and Employment SEPP provides that the consent authority must not consent to development on land identified on the 'Industrial Release Area Map' unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure and services in relation to the land.	Satisfactory arrangements were confirmed prior to the issuance of consent for SSD-10448. No change is proposed that would affect delivery of infrastructure in accordance with those arrangements.	-

5.3. MANDATORY CONSIDERATIONS

Table 8 outlines the relevant mandatory considerations to exercising the power to grant approval which were considered in the original SSDA.

Table 9 Mandatory Considerations

Statutory Reference	Mandatory Consideration	Section in Modification Report
Consideration under the EP&A Act and Regulation		
Section 1.3	Relevant objects of the EP&A Act	Appendix B
Section 4.15	Relevant environmental planning instruments	
	<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	Section 7.2.8
	<i>State Environmental Planning Policy (Industry and Employment) 2021</i>	Appendix B

Statutory Reference	Mandatory Consideration	Section in Modification Report
	<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	Appendix B
	Relevant draft environmental planning instruments Draft SEPP – Strategic Transport Corridors	Appendix B
	Any planning agreement that has been entered into under section 7.4 of the Act or any draft planning agreement that a developer has offered to enter into under section 7.4	Mirvac has entered into two VPAs for the provision of regional and local infrastructure. The proposal will not change the commitments made in those VPAs or the associated terms.
	Development control plans <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 proposal has been undertaken against the requirements of the Mamre Road Precinct DCP at Appendix B . This is also a requirement of Condition A6 to the consent for SSD 10448.	Appendix B
	The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.	Section 7.2
	The suitability of the site for the development	Section 8.6
	The public interest	Section 8.7
Section 4.24	Concept Approval SSD-10448, granted 24 May 2022	Section 2
Section 4.55	The proposed development is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all). The proposed development results in minimal environmental impact.	Section 4.4 Section 7.4
Consideration under the EP&A Regulation 2021		

Statutory Reference	Mandatory Consideration	Section in Modification Report
Section 35	Assessment of consistency of development within the Mamre Road Precinct with Chapter 2 of <i>SEPP (Industry and Employment)</i>	Appendix B
Considerations under other legislation		
<i>Biodiversity Conservation Act 2016</i> (BC Act) – section 7.14	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.	Section 7.2.9
<i>National Parks & Wildlife Act</i>	The likely impact of the proposal on items of Aboriginal Cultural Heritage Significance	Section 7.2.9
<i>Water Management Act</i>	Impact of works within 40m of a waterway	Section 7.2.6

6. ENGAGEMENT

Community and stakeholder engagement has been undertaken by the Project Team during the preparation of the Modification Report. This included direct engagement and consultation with:

- Government, agencies and utility stakeholders including the Department of Planning and Environment as well as the Transport for NSW.
- Adjoining landowners including GPT Group and Altis Property Partners; and
- Neighbouring private landowners and occupants.

6.1. CONSULTATION WITH 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. Issues raised during these meetings have informed the proposed MOD 2 layout and arrangement. Ongoing discussions will continue regarding MOD 2 throughout the MOD 2 assessment phase.

6.2. CONSULTATION WITH INSTITUTIONAL DEVELOPER LANDOWNERS TO THE NORTH, EAST AND SOUTH

As shown on **Figure 6**, all land immediately surrounding the site to the north, east and south is subject to SSD applications. These lands are owned or optioned by institutional developers.

Mirvac has been involved with ongoing discussions with its immediate neighbours throughout the assessment and determination of SSD 10448.

Mirvac is in ongoing consultation with the adjoining landowners. The proposed modification is consistent with existing determination in relation to the staging of the estate works and boundary interfaces.

6.3. CONSULTATION WITH LANDOWNERS TO THE WEST OF MAMRE ROAD

A letter detailing the proposed changes contemplated in the MOD 2 package, including copies of the approved and MOD 2 Estate Masterplan, was issued to the following neighbouring residential landowners on 2 March 2022. Contact details for the proponent team were provided, encouraging feedback on the proposed modifications.

- 799-803 Mamre Road, Kemps Creek.
- 783-797 Mamre Road, Kemps Creek.
- 783A Mamre Road, Kemps Creek.
- 771-781 Mamre Road, Kemps Creek.
- 805-817 Mamre Road, Kemps Creek.
- 819-831 Mamre Road, Kemps Creek.
- 833-843 Mamre Road, Kemps Creek.
- 833B Mamre Road, Kemps Creek.
- 833A Mamre Road, Kemps Creek.
- 845-857 Mamre Road, Kemps Creek.
- 845A Mamre Road, Kemps Creek.
- 859-869 Mamre Road, Kemps Creek.
- 871-883 Mamre Road, Kemps Creek.
- 885-899 Mamre Road, Kemps Creek.

No feedback was received from the neighbouring residential landowners following the letter drop.

6.4. PUBLIC NOTIFICATION AND SUBMISSIONS

It is understood that the application will need to be notified in accordance with section 2.22 and Schedule 1 clause 10 to the EP&A Act from at least 14 days.

Any submissions received by The Department of Planning and Environment will need to be considered in the assessment of the proposed modifications.

7. ASSESSMENT OF IMPACTS

This section provides a comprehensive summary of the updated technical studies undertaken to assess the potential impacts of the proposed modifications and the updated mitigation, minimisation and management measures recommended to avoid unacceptable impacts.

The detailed technical reports and plans prepared by specialists and appended to the Modification Report are individually referenced within the following sections. A summary of the updated mitigation measures is provided at **Section 7.3** and **Appendix C**.

7.1. DETAILED ASSESSMENT IMPACTS

This section of the report provides a detailed assessment of the key issues which could have a significant impact on the site and locality. It provides a comprehensive assessment of the relevant issues and the mitigation measures required to avoid, mitigate and/or offset the impacts of the project.

7.1.1. Acoustic

A Noise and Vibration Assessment has been prepared by SLR Consulting and is included in **Appendix O**. The assessment report provides a review of the potential operational noise impacts from MOD 2 and provides a comparison of the predicted noise levels to the noise criteria specified in the Development Consent SSD-10448.

7.1.1.1. Existing Environment

The existing ambient noise environment surrounding the development site is typical of a rural environment, with the natural environment dominating the background noise. Consistent with the SSD-10448 consent, the assessment identifies 5 Noise Monitoring Locations (NMLs). The NMLs establish the relevant noise limits for both the proposed Concept Stage and Stage 1 developments during standard weather conditions. As the general site layout will remain unchanged as a result of the proposed modification, the location of the NMLs are still considered appropriate and are therefore maintained in the same location as part of the environmental assessment.

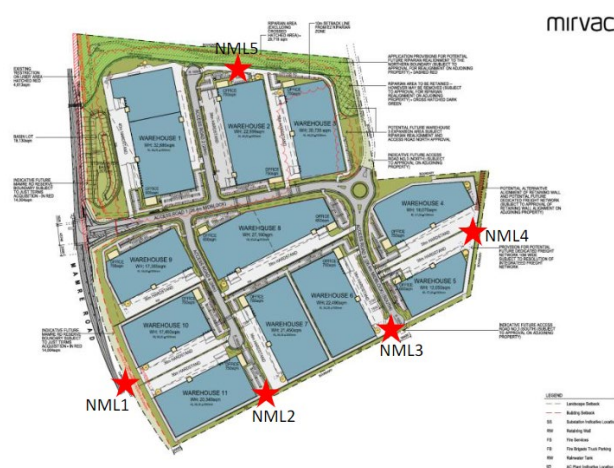
It is noted that enhancing weather conditions would see increased noise limits at the NMLs, however these respective limits have not been established by the original SSD DA consent.

The NMLs are identified in **Figure 13** below.

Figure 13 Noise Monitoring Locations



Picture 6 Development Consent NMLs



Picture 7 Proposed Mod 2 NMLs

With consideration of the location and land uses across the receivers, the assessment identifies the appropriate project trigger noise levels and night-time sleep disturbance levels consistent with the original SSD.

7.1.1.2. Potential Impacts

Operational Noise Sources

The following section lists operational elements that are identified as the main noise sources anticipated to be generated in accordance with the modified lot, warehouse and access road layout.

- On-site light and heavy vehicle movement. The following rates and potential noise generation is informed by the proposed modifications to the parking, access roads and the anticipated operations of Warehouse 1.
 - Vehicle volumes for the modified Warehouse 1 are anticipated to be as follows:
 - Warehouse hours are typically 5 am to 7 pm, with 85 staff with assumed two shifts per day.
 - Office hours are 8 am to 4 pm, with 15 office staff assumed one shift per day.
 - It is assumed 92% of employees will drive to site with 8% travelling via other modes.
 - Truck movements are 40 per day, assumed to be spread evenly over the 14-hour day.
 - Trip generation of 17 trips in the morning and evening peak hours (noting that the morning/evening peak hours for the road network are not necessarily the same as the peak 1-hour vehicle volumes from the development), with 378 daily trips.
 - Peak 1 hour volumes are anticipated to be as follows:
 - 78 light vehicle movements in the daytime, evening, and night-time peak 1-hour periods (corresponding to warehouse shifts).
 - Three heavy vehicle movements per hour.
 - Heavy vehicles for Warehouse 1 are anticipated to be container trucks for inbound and vans, rigid trucks and B-double trucks for outbound. The sound power level for large trucks is representative of the proposed heavy vehicle types.

Vehicle Type	Location	Sound Power Level (dBA)	Vehicle Speed (km/h)
Large Trucks	Estate roads	108 ¹	20
	On-lot truck access and hardstands		5
Light Vehicles	Estate roads, car parks and light-vehicle access	96 ²	20

- Loading Docks. The acoustic modelling for the modified loading docks is consistent with that identified in the SSDA. The acoustic modelling assumes the standard vehicle noise generation with refrigerated truck trailers being modelled for Warehouse 1 to be operating during any one 15-minute period. The anticipated noise generation is as follows:

Noise Source	Sound Power Level (dBA)	Typical Duration of Use in Worst-case 15-minute Period
Truck reversing alarm ¹	107 ²	30 seconds
Forklift reversing alarm ¹	102 ²	90 seconds
Truck air brakes	118	1 second
Gas forklift	93	900 seconds
Refrigerated truck trailer	102	900 seconds

- Mechanical Plant. The modified Warehouse 1 will feature 7 VPAC units and is considered to result in a cumulative SWL of 88.5 dBA. This complies with the 90 dBA limit established by the Condition A16(b) and Condition D54(c) of the SSD-10448 consent. The external mechanical plants on the other lots have been modelled on the warehouse rooftops with an indicative cumulative SWL of 90dBA per warehouse.

Operational Noise Impacts

With consideration to the different site context surrounding the modified Lot 1 and Lot 3 and access road layout, the impacts as a result of the modified Concept and Stage 1 development will see differing impacts.

- Modified Concept Development
 - The noise levels at NML 1 to 4 will be consistent with the approved development, as these locations near the south-west, south and south-east boundaries will not be affected by the proposed changes at the northern end of the site.
 - The proposed modifications to the vehicle carpark and road locations will not result in any significant adverse impacts at the northern end of the site. As such, the modified development will be consistent with the NML 5 noise limit.
 - The operational noise of the modified concept development will be wholly consistent or below the established noise limits across all 5 NMLs. As such, the modified concept development will be compliant with the SSD-10448 consent.
- Modified Stage 1 Development:
 - The modified Stage 1 development will generally be consistent with the approved development and noise emissions will remain consistent with or lower than the approved noise level limits across NML 2 to 4 as set out in Condition D52 Table 5.
 - The proposed layout modifications including the hardstand to the west of Warehouse 1 will result in increased line of sight of operations to NML 1. As such, the proposed modification will result in marginally higher noise levels at NML 1, being up to a 1dB exceedance for the L_{Aeq} daytime, evening periods, up to a 3dB exceedance for the L_{Aeq} night-time and up to 4dB for the L_{Amax} for the night time period.
 - The proposed layout modifications will result in NML 5 being closest to the changed area of the light and heavy vehicle entrances for Warehouse 3. This will result in marginally higher noise levels at NML 5, being up to a 1dB exceedance during the L_{Aeq} daytime, evening and night-time periods.

While the SSD-10488 consent does not prescribe any limits to noise-enhancing events, the NIA includes an analysis of the changes to noise impacts during these events to ensure an holistic analysis is provided demonstrating that the development does not result in any additional adverse impacts. The acoustic assessment has identified that the modified masterplan development will result in either nil or reduced impacts during noise-enhancing events at all NMLs. During noise-enhancing events, the modified Stage 1 development will generally see nil or reduced impacts with only marginal increases at NML 1.

Overall, while the modified development will result in minor exceedances to the noise limit prescribed at NML 1 at night-time, the proposal will not result in any adverse impacts as:

- The neighbouring receivers are generally zoned IN1 and are intended to be developed into an industrial and employment generating land use (detailed in **Section 3.2.2**). In accordance with the approved development consent (Conditions D46, D47 and D48) Mirvac will enter an agreement with the noise mitigation eligible receivers prior to the Stage 1 operations. This will establish noise management measures to the affected receivers until the existing residential use ceases for a DA for general industrial or employment uses.
- The nearest sensitive receivers that are not rezoned IN1 aren't subject to the conditions identified above are outside the MRP. Due to the significant distance between the site and these receivers, the modified development will be wholly compliant with the noise limit requirements. As such, these receivers will not be impacted by the proposed development.
- The modified development maintains compliance with the relevant criteria under the Noise Policy for Industry (NPfI).

7.1.1.3. Mitigation Measures and Modifications to Conditions of Consent

The proposed modifications will result in minimal adverse impacts. Accordingly, no additional, physical mitigation measures are required to support the proposed development.

With consideration of the minimal environmental impacts resulting from the proposed development, it is proposed that the noise limit conditions established under SSD-10488 be modified as identified in **Section 4.3** of this report.

These modifications to the conditions of consent are considered to be appropriate as follows:

- **NML Operational Noise Limits** – Condition 52 (Table 5) establishes the noise criteria across the 5 NML to be met by the Stage 1 development in isolation. These noise limits were specific to the site layout of the approved development.

As a result of the changed Warehouse 1 layout, the NML at location 1 should be updated to reflect the intended operating conditions, given that those operating conditions still remain within the parameters set out in the NPfl.

As such, the night time criteria for NML 1 contained within Condition 52 Table 5 are proposed to be modified to ensure that the noise limit at that location appropriately reflects the modified development layout noting that no adverse acoustic impacts result from the development.

As such, the proposed modification seeks to update the noise limit table in accordance with the updated site context, while maintaining the consistency with the criteria under NPfl and the relevant acoustic impact considerations. Additionally, conditions A16(b) and D52(c) are recommended to be reworded to provide clarity that the 90 dBA limit is applicable to external mechanical plant, to avoid any potential confusion that internal mechanical plant are subject to this limit.

No additional mitigation measures are proposed as a result of the noise impact assessment.

7.2. STANDARD ASSESSMENT IMPACTS

This section of the report addresses the matters which require a standard assessment. It outlines the findings of the assessment and the key mitigation measures used to ensure compliance with the relevant standards or performance measures.

7.2.1. Ecologically Sustainable Development

An Updated Sustainability Report has been prepared Stantec Australia (**Appendix Q**). The report maintains that the modified development will maintain the original sustainability measures with consideration of the targets set by the following provisions:

- The Secretary's Environmental Assessment Requirements (SEARs) for the development (SD-10448);
 - Greenhouse gas and energy efficiency;
 - Ecologically sustainable development.
- The NSW Environmental Planning and Assessment Act 1979;
- The NSW Environmental Planning and Assessment Regulation 2000, principles of ESD; and
- Penrith Council DCP (2014) provisions under the relevant chapters, C1 Site Planning and Design Principles and C3 Water Management.

The modified development will continue to implement a number of best practice sustainable initiatives and energy efficiency measures consistent with the approved development. The following will inform achievement of the ESD parameters for Warehouse 1. Note that no change is proposed to the Warehouse 3 design as approved by SSD-10448.

- On-site Renewable Energy Production for Warehouse 1 including a 500 kW Solar System and 200kWh battery proposed.
- Environmental outcome equivalent to a 5 Star Green Star (Design and As-Built tool) v1.3 standard;
- Smart metering;
- Electric car and truck charging future provisioning;
- Rainwater harvesting and reuse;

- Energy Efficient lighting systems (internal and external), including LED lighting and light control systems such as zoned switching, motion sensors etc;
- Natural ventilation of the warehouses, except where for functional reasons this is not practical (ie potential refrigeration rooms, freezer rooms or spaces requiring conditioning);
- Roof ventilators for effective air change in the space;
- Efficient HVAC performance through the following design elements:
 - Façades and glazing will be designed to be compliant with the thermal performance requirements under NCC 2019 Section J.
 - Natural ventilation, solar gain reductions/shading and natural lighting to be used for passive thermal control.
 - A centralized, HVAC plant area is proposed for improved plant performance efficiency.
- Best practice water efficiency measures (e.g. efficient water fixture and appliances, rainwater harvesting, monitoring and metering); and
- Effective building and waste management.

As noted in the ESD commitments for SSD-10448 the ESD initiatives outlined in the Modification Sustainability Report for AIE are intended to be used as a design guide for the development. The initiatives are being designed to comply with the guidelines set out by the relevant authorities.

Accordingly the modified development will continue to accommodate the best practice measures consistent with the approved development and will continue to provide a positive ESD built design.

7.2.2. Air Quality

The potential changes to the air quality impacts of the development have been assessed as outlined in the Air Quality Impact Assessment by SLR at **Appendix P**. The assessment considered the potential impacts from both the modified construction and operational phases of the development with consideration of the original Air Quality Impact Assessment (AQIA) prepared for the original SSD DA.

Impacts during construction

The AQIA Assessment summarises the findings from the AQIA prepared in support of the original SSD-10448 submission. Those original findings determined that during the construction of the original development, the dust emissions during the demolition, earthworks, construction and track out phases were considered to be of medium to high magnitude. As the nearest 'human receptors' were at that time assessed to be located within 350m of the site boundary and 500m of the site entrance, the sensitivity to dust soiling and health effects generated by the dust emissions was considered to be low. This is due to the separation distance of the site and the residential receptors.

The main air quality issue associated with construction works relate to emissions of fugitive dust. The potential for dust to be emitted during the construction works will be directly influenced by the nature of the activities being performed at any given time. No significant changes in construction activities are expected due to MOD2 and thus, the dust emission magnitudes for each phase of the construction works remain the same as that presented in the AQIA (2020) and Section 1.2.1 of the MOD 2 AQIA at **Appendix P**. Furthermore, no changes in the mitigation strategies would be recommended as a result of MOD2.

Impacts during operation

The AQIA Assessment summarises the findings from the AQIA prepared in support of the original SSD-10448 submission. Those original findings determined that during the operational phase, the main source of air emissions would be products of fuel combustion and particulate matter (associated with brake and tyre wear as well as re-entrainment of road dust) associated with the trucks and other vehicles entering or leaving AIE, or idling at the site during loading/unloading operations.

The operational emissions resulting from the MOD 2 changes will be of a similar nature to the originally approved development as there will be no significant changes in the location or distance travelled of trucks and other vehicles. The removal of the access road at the northern end of Warehouse 2 will move some emissions away from the north boundary and will thereby slightly reduce potential impacts.

Overall, the proposed modifications to the site and building layouts will not cause any major changes to the original conclusions of the AQIA prepared for the original SSD DA.

Conclusion

The air quality for the MOD 2 operational and construction phases was determined to be neutral or low impact to surrounding sensitive receptors. The modified development will generally maintain or reduce the air quality impacts compared to the originally approved development. No changes to the established mitigation measures are required in respect to air quality.

7.2.3. BCA

Two BCA Assessment Reports were prepared by Blacksmith Maguire+ Goldsmith (**Appendix R and Appendix S**) which assess the modified Warehouse 1 and Warehouse 3 built works against the Deemed-to-Satisfy (DtS) provisions of the BCA. The modified development buildings comprise Class 5 Office and Class 7b warehouse buildings, with a rise in storey of 2 for each building.

The BCA Assessment reports conclude that the modified development can readily achieve compliance with the relevant BCA provisions if the following design reviews and fire performance solutions are appropriately integrated in the detailed design phase (CC stage). Where compliance matters are proposed to comply with the Performance Requirements (rather than the DtS Provision) the development of a Performance Solution Report will be required prior to the issue of the Construction Certificate.

The following tables identify the design reviews and fire safety performance solutions to be established for Warehouse 1 and Warehouse 3.

Table 10 Warehouse 1 Matters Requiring Further Resolution / Non-Fire Safety Performance Solutions

BCA Clause/s		Description
2.	D1.6 / D1.13 / F2.3	The proposed population is to be provided by Mirvac to confirm if the proposed egress dimensions & sanitary facilities achieve compliance.
3.	D1.10	The location of egress gates adjacent to the driveways on the eastern and western hardstands are to be confirmed.
5.	Part D3 / F2.4	Details of any proposed Clause D3.4 exemptions to be provided by the tenant. An accessible unisex sanitary facility is required to one of the banks of sanitary facilities in the Dock Offices unless a Clause D3.4 exemption for the Warehouse and Dock Office areas is proposed by the tenant.
6.	FP1.4	A Performance Solution report is to be provided by the Architect / Façade Engineer to demonstrate how the external walls & roof are designed to prevent the penetration of water into the building.
7.	Section J	A Section J Compliance Report or JV3 Report will be required at CC application stage for each building.

Table 11 Warehouse 3 Matters Requiring Further Resolution / Non-Fire Safety Performance Solutions

BCA Clause/s		Description
1.	D1.6 / D1.13 / F2.3	The proposed population is to be provided by Mirvac to confirm if the proposed egress dimensions & sanitary facilities achieve compliance.
2.	D1.10	The location of pedestrian gate/s adjacent to the driveway to Access Road 1 are to be confirmed.
3.	D2.20	The egress door from the Dock Office is required to swing outwards.
4.	Part D3 / F2.4	<p>The circulation space to doors in the Dock Office require further review to determine if they achieve compliance with the requirements of AS1428.1-2009.</p> <p>Details of any proposed Clause D3.4 exemptions to be provided by the tenant.</p> <p>An accessible unisex sanitary facility is required to the Level 1 Office.</p> <p>A Performance Solution is required from an Access Consultant for the omission of an accessway to the main building entry from the allotment boundary</p>
5.	FP1.4	A Performance Solution report is to be provided by the Architect / Façade Engineer to demonstrate how the external walls & roof are designed to prevent the penetration of water into the building.
6.	Section J	A Section J Compliance Report or JV3 Report will be required at CC application stage for each building.

Additionally, the following items are to be addressed as fire safety engineered performance solutions:

Table 12 Warehouse 1 and 3 Fire Safety Engineered Performance Solutions

BCA Clause/s		Description (Warehouse 1 & 3)	Additional Warehouse 1 Considerations
1.	C2.4	A Performance Solution is required to address the Perimeter Vehicular Access non-compliances.	-
2.	D1.4/D1.5	A Performance Solution is required to address the travel distance non-compliances.	-
3.	E1.3	A Performance Solution is required to treat hydrants located under awnings as external hydrants and to omit radiant heat shields. Additionally, the location of the hydrant booster is to be provided to confirm if a Performance Solution is required.	-
4.	E1.5	A Performance Solution is required to address the sprinkler booster location.	Additionally, the Fire Services Consultant is to confirm if a Performance Solution is required for the design of the sprinkler system in the Warehouse areas

BCA Clause/s		Description (Warehouse 1 & 3)	Additional Warehouse 1 Considerations
			based on the floor to roof height.
5.	E2.2	A Performance Solution may be considered to address the smoke hazard management requirements throughout the building.	-

The report identifies that the amendments required to satisfy the BCA and the performance solutions can be readily integrated into the detailed design documentation for CC. The standard fire safety measures that established as part of the original SSD DA are to be maintained for the modified development.

7.2.4. Visual Impact Assessment

An Updated Visual Impact Assessment (VIA) for the proposed MOD 2 changes has been prepared by Clouston Associates and is included in **Appendix L**. The VIA provides an updated assessment of the potential visual impacts of the modified AIE on surrounding private and public receivers. The VIA provides a comparison of the proposed modification against the SSD proposal and utilizes the same 17, potential sensitive receivers and assessment framework.

The viewpoints include several viewpoints along Mamre Road, Bakers Lane, Little Smarties Early Learning Centre/Mamre Anglican School, Emmaus Catholic College and Trinity School and Aldington Road. The modified assessment maintains an analysis in terms of the Mamre Road Precinct Structure Plan which identifies the area as industrial land. It is understood that a large portion of the areas surrounding AIE either seek or have received approval for new industrial, warehouse and logistic developments. Otherwise, the area immediately surrounding the site is currently a highly modified landscaped, undulating rural area with some patches of remnant vegetation.

The modified development consists of the masterplan development for 11 industrial or warehouse and distribution centre buildings with varying floor plate sizes and generally built to approximately 13.7 metres. The modified Stage 1 development will see the warehouse 1 building constructed to maximum building height of 18.394m (max of 16m at the roof ridge).

The VIA reviews the modified development against the 17 viewpoints and outlines any potential changes to the view impacts and appropriate strategies for mitigation.

Potential Impacts

The VIA provides a rigorous approach to the selection of viewpoints which is summarised in **Table 12**. The assessment provides an analysis of these elements and establishes the following:

- As the proposed modification to the lot alignment and warehouse form are at the northern portion of the site any potential changes to the view impacts are generally focused on the northern view impacts.
- The visual assessment of the modified development will maintain consideration of the presence and prominence of the topographical and landscape features in the foreground, middle-ground and far distance.
- The modified development will maintain the delivery of mature landscaping across the site as well as the riparian corridor.
- The updated VIA provides an assessment of both the visual impact rating of both the Concept Development and the Stage 1 development.

The viewpoints identified for analysis are shown in **Figure 14** and the assessed value and potential impacts on these views is summarised on **Table 12**. An assessment from each viewpoint was undertaken in the MOD 2 VIA report. For this focussed assessment, only those viewpoints from where the MOD 2 changes will be visible are detailed in **Table 12** below.

Figure 14 View Analysis Viewpoint Location Map



Source: Clouston Associates

Table 13 Potential Visual Impacts of MOD 2 Proposal

View	SSD DA Impacts	Modification
07 – Driveway of 805 Mamre Road	<p><u>Moderate Impact:</u></p> <p>The original SSD VIA assessment found that a noticeable change to the existing landform will be visible from this location as a result of the proposed basin. This will result in an embankment running parallel to Mamre Road in this location (and for the majority of the eastern boundary of the proposed development). This will result in the current long distance views being replaced by the embankment with frontage planting.</p> <p>Above the embankment and proposed planting will be views of the Lot 1 warehouse, which will obstruct any views into the distance.</p> <p>It is anticipated that over time as the frontage planting matures, views of the</p>	<p>Assessment of the MOD 2 proposal has found that there will be no change to overall view impact from this location. The proposed modifications to the Warehouse 1 building height and alignment will not be clearly discernible from this viewpoint and the long-term mature tree plantings will be maintained.</p>

View	SSD DA Impacts	Modification
	eastern façade of the proposed warehouse will become more filtered which will soften the visual impact, however the presence of the warehouse will still be clearly discernible.	

Viewpoint 7 – Approved / MOD 2 Proposed



08 – Driveway of 783 Mamre Road	<p><u>High-Moderate Impact:</u></p> <p>The original SSD VIA assessment found that views of the Riparian Zone planting and Lot 1 warehouse will be visible from this location. Although sporadic mature trees run parallel to Mamre Road, views of the site will be easily accessible between them.</p> <p>The grouping of trees visible behind the road planting will be removed which will allow for distinct views of the proposed warehouse, however it is anticipated that over time as the Riparian Zone planting matures, the impact of the built-form of the warehouse will be diminished, with more filtered views resulting. The ecological assessment of the riparian zone concludes that the re-aligned riparian zone, rehabilitated in accordance with the VMP, will result in an increased riparian zone in significantly better condition than currently exists.</p> <p>Although the proposed planting will eventually help mitigate the impact of the Proposal, the scale of the</p>	<p>Assessment of the MOD 2 proposal has found that there will be no change to the overall view impact from this location. The proposed modifications to the Warehouse 1 building height and alignment will not be clearly discernible from this viewpoint and the long-term mature tree plantings will be maintained.</p>
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View	SSD DA Impacts	Modification
	warehouse will result in a new scale of built-form in this location that is currently comprised of residential and agricultural scale buildings.	

Viewpoint 8: Approved / MOD 2 Proposed



09 – Driveway of 757-769 Mamre Road	<p><u>Moderate/Low Impact:</u></p> <p>The original SSD VIA assessment found that the majority of the proposed development would be obscured as a result of mature vegetation to the right of the view in the mid-foreground as well as a shed in front of vegetation in the centre of the view. The change in elevation towards the southern end of the site is just visible above the shed and central vegetation. Scattered mature trees can be seen to the left of the view. Mamre Road can be seen receding into the distance towards the proposed development.</p>	<p>Assessment of the MOD 2 proposal has found that there will be no change to overall view impact from this location. The modified Warehouse 1 building will continue to be obscured by the mature vegetation at this viewpoint.</p>
10 – Driveway of 1 Bakers Lane	<p><u>Moderate/Low Impact:</u></p> <p>The original SSD VIA assessment found that the elevated position allows for views southwards which overlook a small portion of the north-eastern edge of the proposed development. Existing vegetation within the proposed development as well as running parallel to Mamre Road largely obscure long distance views. However the glimpse of the distant horizon are still possible. As a result of a change in topography in the foreground of the</p>	<p>Assessment of the MOD 2 proposal has found that there will be no change to overall view impact from this location. The modified Warehouse 1 building will continue to be obscured by the mature vegetation and distance offered at this viewpoint.</p>

View	SSD DA Impacts	Modification
	view, the majority of the subject site cannot be seen from this location.	

Viewpoint 10: Approved / MOD 2 Proposed



15 – Entrance to Driveway of 784 Mamre Road	<p><u>Moderate Impact:</u></p> <p>The original SSD VIA assessment found that a noticeable change to the ground level will occur as a result of the earthworks for the riparian corridor and the pad for Warehouse 1, creating a 'hill' in the area that is predominately flat in the existing view. A significant increase in the level of vegetation in the view will occur as a result of the riparian corridor, increasing both the number of trees and shrub/grass planting. Significant long distance views in the existing view were largely obstructed as a result of trees in the view, however a small number of gaps in the trees allowed for highly framed views. As a result of the proposal these limited number of long distance views will be obstructed, limiting views to mid-ground.</p>	<p>Assessment of the MOD 2 proposal has found that there will be no change to overall view impact from this location. The modified Warehouse 1 building will continue to be obscured by the mature vegetation. The proposed modifications to the Warehouse 1 building height and alignment will not be clearly discernible from this viewpoint.</p>
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Viewpoint 15: Approved / MOD 2 Proposed

View	SSD DA Impacts	Modification
		
	<p>16 – Driveway of 784 Mamre Road</p> <p><u>Moderate Impact:</u></p> <p>The original SSD VIA assessment found that elements of the riparian corridor will be the most visible aspect of the proposal from this location. A significant increase in vegetation, both trees as well as grass and shrub planting, will occur. This will provide highly filtered views of Warehouse 1 and Warehouse 3. Long distance views will be lost as a result of the Proposal, limiting views to the mid-ground distance only. As the driveway is orientated on the east-west axis the users of the driveway will not be directly facing this view as they travel the driveway. However they will still be able to be aware of the view in their peripheral vision.</p>	<p>The original SSD VIA assessment found that there will be no change to overall impact from this view location. The modification will maintain the riparian corridor. The re-aligned Warehouse 1 will be in the periphery of this view point and will not be clearly visible from this view-point. The modifications to Warehouse 3 as part of this modification will not see any notable changes to its visual interpretation.</p>

Viewpoint 16: Approved / MOD 2 Proposed



17 – Agricultural	<p><u>Moderate Impact</u></p> <p>The original SSD VIA assessment found that there will be no change to overall impact from</p>	
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View	SSD DA Impacts	Modification
Field (784 Mamre Road)	The original SSD VIA assessment found that the foreground of the view will remain unaltered and comprised of open paddock land. The riparian corridor and Warehouse 3 will clearly visible from this location, with the level of vegetation in the view significantly increasing as a result of the riparian corridor. The majority of the long distance views will be lost as a result of Warehouse 3. However a small section of long distance views will be visible to the right of the view which is outside of the Proposal boundary.	this view location. The modification does not seek to change the built form design of Warehouse 3. The re-alignment will result in negligible view impacts.

Viewpoint 17: Approved / MOD 2 Proposed



Source: Coulston Associates

As demonstrated in the view impact assessment above, the proposed modifications will result in either minor reductions to the overall visual impact rating and magnitude rating or no discernible changes to the view points located to the south, south-west and far to the north. Any changes to the views from the northern areas in proximity to the site will see some minor adjustments caused by the realigned warehouse layout and the increased height at Warehouse 1.

The modifications the warehouse alignment and the Warehouse 1 structure will not result in any changes to the visual impact ratings. This is as the height increase is minor in nature and due to the continued delivery of mature landscaping and the riparian corridor. The proposed built form changes will not have any clear discernible impact at these viewpoints.

Consequently, the mitigation and management measures established in the SSD can continue to appropriately mitigate any impacts generated by the modified development.

7.2.5. Stormwater and Drainage

Mirvac's approach to the Integrated Water Cycle Management will not be changed as part of MOD 2. A detailed package of Options 1 – 3 (inclusive) including associated MUSIC modelling files and post processing spreadsheet documentation was provided to the Department in February 2022 and subsequent information was provided to Infrastructure and Development Consulting for the original SSD DA.

This EIS and the supporting documentation demonstrates that the AIE concept masterplan is capable of support with multiple options available to achieve waterway health objectives at an estate scale without amendment to the current AIE concept masterplan. No specific amendments are proposed in order to

demonstrate compliance to meet waterway health requirements for the Concept Masterplan and Stage 1 operational phase.

7.2.6. Traffic, Transport & Parking

A Transport Statement at **Appendix M** has been prepared by Ason group in support of the proposed modification. The statement provides an assessment of the modified GFA, parking and access arrangements in accordance with the relevant Australian Standards and DCP considerations as well as the previously prepared '*Transport and Accessibility Management Plan, Aspect Industrial Estate*' (TMAP) which was established as part of the original SSD. The report identifies that the modified masterplan and Stage 1 construction will result in an acceptable parking and traffic outcome with consideration of the following:

Parking

- The modified development at Warehouse 1 will maintain consistency with the Mamre Road Precinct DCP prescribed parking rates (Warehouse 1 space/300sqm and Office 1 space/40sqm). The modified Warehouse 1 will provide 167 spaces in response to the required 138 spaces required under the DCP.
- The modified development across Stage 1 (Warehouse 1 and 3) will provide 256 parking spaces. This exceeds the MRP DCP requirement of 229 spaces. Additionally, the modified Estate development will achieve overall compliance with the MRP DCP across the AIE site (1,187 spaces provided across entire site against the 1,052 DCP requirement).
- Overall, the proposal remains supportable on parking grounds and will satisfy the parking demands across Warehouse 1 and 3 as well and the wider AIE.

Traffic

- Based on now known operational information for the future tenant of Warehouse 1, the trips generated at Warehouse 1 have been identified as follows:
 - 17 trips in the morning peak hour
 - 17 trips in the evening peak hour
 - 380 daily trips
- This is a reduction from the originally forecast and approved Warehouse 1 trip generation which, based on the generic TMAP rates, forecast 1,066 daily trips.
- Warehouse 3 does not change its GFA or operating parameter assumptions from those approved in the original assessment and as such will not see any change to the anticipated traffic generation.
- Overall, the traffic generation across the AIE site will see a reduction of traffic generation as follows:
 - AM Peak: -72
 - PM Peak: -76
 - Net Difference: -740

The originally approved TMAP found that the key intersection of Mamre Road and Access Road 1 would operate at satisfactory levels. The proposed modification will see reduction in anticipated traffic and subsequently will not result in any adverse impact to the intersection performance.

Access

The introduction of a truck driveway at the western frontage of Warehouse 1 is proposed, approximately 100m from the Mamre Road / Road 01 intersection. The entry is to be restricted to a left-in only movement and unfettered during operation hours (ie the security gates will not be closed). This entry driveway will include a deceleration lane, so that the entry driveway movements will not impact the through movements on Access Road 01.

Following consultation with TfNSW, the movement of vehicles turning right into Access Road 1 from Mamre Road wanting to access the Site has been considered. This was in particular regards to the current planned layout of the permanent Mamre Road / Access Road 01 intersection. The current planned intersection provides for only a single right-turn movement as the demand is not anticipated to require dual lanes. However, TfNSW requested further consideration to the potential weave movement that may arise, should an additional right-turn lane be added. It is reiterated that the ultimate intersection planned currently does

not require dual right-turn lanes due to the anticipated demand not requiring this level of capacity. Nevertheless, an assessment of the potential weave movement has been undertaken to address TfNSW comments. A Road Safety Audit of the proposed arrangement has concluded that the proposed access arrangements are appropriate, providing for safe and efficient traffic flow around the site, without materially impacting on the operation of safety of the external road network.

The report has confirmed that the proposed modification will maintain the appropriate site access arrangements. The modified circulation areas for commercial (heavy vehicles), access driveways, carparking layout and truck hardstand areas are designed to be compliant with the relevant Australian Standards. All access driveways are generally designed in accordance with AS 2890.1:2004 and AS 2890.2:2018.

Conclusion

The modified development will maintain consistency with the parking, traffic and access design of the approved development. The modified parking provision will adequately support the intended tenancy operations and will see a reduction to the traffic impacts.

The car parking provision for the Stage 1 development (256 spaces) as well as the Masterplan (1,187 spaces) generally complies with the accepted methodology detailed in the Ason TMAP. As such, the development remains supportable on parking grounds and would satisfy the parking demands of the Site.

The estimated traffic generation of MOD 2 results in reduced traffic generation during the peak hour and is therefore supportable on traffic generation grounds.

The modification seeks to revise the design of the car park access and parking modules, heavy vehicle loading docks, circulation roadways and proposes the addition of a weighbridge within Warehouse 1 (Stage 1). Swept path analysis demonstrates satisfactory operation for each proposed change. The MOD remains consistent with the Australian Standards and MRP DCP design requirements.

7.2.7. Bushfire Assessment

A Bushfire Hazard Assessment has been prepared by Blackash Bushfire Consulting (**Appendix W**) which assesses the modified development against the requirements of the NSW planning framework for development in Bushfire Prone Areas (BPA). This includes an assessment against the relevant provisions and standards under the AS3959, 2018, the or the *Planning for Bushfire Protection (PBP) 2019*.

The modified development is designated as 'other' under the PBP 2006 and PBP 2019 and as it is located within a BPA (Vegetation Category 2 and Vegetation Buffer). The surrounding land is bushfire prone land comprised of grassland to the east and rural residential, grazing, dairy farming, poultry farming and horticulture to the south, west and north. The existing riparian corridor within the site is to be revegetated.

With consideration of the predominant vegetation at the site and surrounding area as well as the site's effective slope and fire weather, the modified development is recommended to be designed in accordance with the following management measures:

- **Asset Protection Zones** to be established across the modified development site, established and maintained as an inner protection area as outlined in the *Planning for Bushfire Protection 2019* and the NSW RFS document, 'Standards for Asset Protection Zones' (see **Figure 15**).
- **Water Supply and Utilities** including fire hydrants are to be provided in accordance with Building Code of Australia E1.3, AS2419.1:2005
- **Construction Standard - Bushfire Attack Level** - The Bushfire Attack Level (BAL) for the modified warehouse layout has been determined with consideration of the APZ listed above as well as the relevant slope and vegetation communities. With consideration of the BAL level, the modified buildings are to be constructed in accordance with *Australian Standard AS 3959-2009 Construction of buildings in bushfire-prone areas* and in accordance with the relevant radiant heat modelling. The construction is to be built to these standards in the extent identified in **Figure 15**.
- **Landscaping**, given the low bushfire risk at the site and the inherent building resilience, the proposed landscaping prepared by Site image (**Appendix E**), is designed to be consistent with the objectives of PBP 2019.

Figure 15 Asset Protection Zones and Bushfire Attack Level



Figure 6: Asset Protection Zones

Picture 8 Asset Protection Zones

Source: Blackash Bushfire Consulting

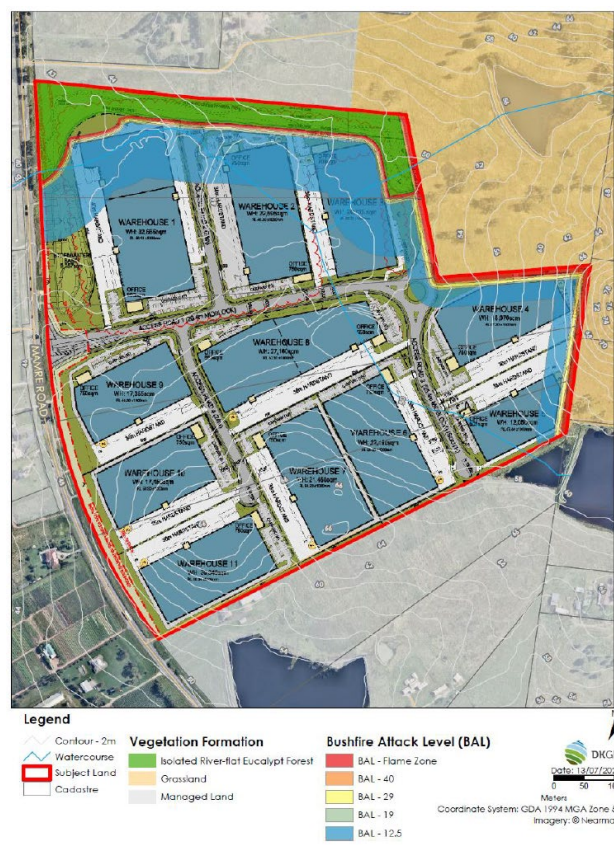


Figure 7: Bushfire Attack Levels

Picture 9 Bushfire Attack Levels

Source: Blackash Bushfire Consulting

Further to the identified recommendations, the proposal will maintain compliance with the aims and objectives of PBP 2019. The proposal is generally consistent with the previous bushfire report prepared by Australian Bushfire Protection Planners Pty Ltd (17 October 2019) which was established as part of the approved development.

7.2.8. Crime Prevention Through Environmental Design

The proposed development will maintain the appropriate degree of safety with consideration of the 4 key CPTED principles. The principles are as follows:

- Surveillance
- Access Control
- Territorial Reinforcement
- Site and Activity Management

Car Parking

Car parking is considered a priority area for this assessment as the Bureau of Crime Statistics and Research (BOCSAR) indicates the site is a hotspot for 'malicious damage to property'. The proposal addresses CPTED principles by providing clear sightlines within at-grade car parking areas.

Entry and Exit Points

The proposal addresses CPTED principles by providing sliding gates at vehicular entry and exit points to control access to the site. Vehicular entry and exit points are also clearly visible and identifiable from the modified Access Roads.

Site Layout

The proposal addresses CPTED principles by maintaining approved fencing around the perimeter of the site to prevent unauthorised access. The modified site layout will be supported by updated wayfinding and identification signage to support safe vehicle and pedestrian movement through the site. The parking areas for trucks and heavy vehicles will be clearly delineated from the standard car parking areas.

The warehouse building has been designed with clear pedestrian entry points and pedestrian paths.

Surveillance

Further to the clear sightlines provided across the at-grade car parking area and surrounding hardstand areas, the modified development will maintain substantial glazing across the main office area. Accordingly, the multi-level office area will provide substantial passive surveillance to the surrounding, external areas. Additionally, the proposal includes an outdoor break out space and balcony area at Warehouse 1 which will facilitate additional surveillance.

The site will also be supported with the appropriate CCTV installations.

Lighting

The modified site layout will be supported by lighting across the external warehouse areas and parking areas. All the proposed lighting will be designed with a minimum average lux level in the warehouse, office, awning and carpark. All street lighting will be designed in accordance with AS1158. Accordingly, the proposed lighting will both dis-incentivise opportunistic crime and improve passive surveillance.

7.2.9. Other Environmental Considerations

Ecology

With consideration of the *Biodiversity Conservation Act 2016* (BC Act) provisions, the modified development will not change the impacts to the areas of critically endangered species. The area of Cumberland Woodland to be affected will not be changed. The findings of the originally prepared BDAR will maintain relevance and no Biodiversity Offset Scheme is required.

Aboriginal Cultural Heritage

The assessment of impact on aboriginal cultural heritage was undertaken as part of the SSD-10448 proposal. The extent of civil works proposed as part of MOD 2 does not extend beyond that contemplated under SSD-10448. Therefore, there will be no change in impact to potential aboriginal cultural heritage artifacts on the land.

Works within waterfront land

The proposed modifications are located within 40m of the mapped watercourse and the realigned creek line corridor. The proposal will however not change the stormwater management or waterway health objectives approved as part of the original SSD DA. The Modification will need to be referred to Water NSW for comment.

Hazardous and Offensive Development

With consideration of the Resilience and Hazards SEPP 2021 (Chapter 3 Hazardous and Offensive Development), the proposed modifications do not propose to introduce the storage of additional hazardous or potentially offensive materials. If any future tenant requires the storage of dangerous goods on site, a preliminary hazard analysis would be required to be prepared and submitted with a further application for assessment and approval.

Framework Sustainable Travel Plan

An updated Framework Sustainable Travel Plan has been prepared by Ason. The updated travel plan does maintain the approved scope and plan implementation, travel mode targets, measures and action strategy as well as the monitoring strategy. Accordingly, the modified development will continue to integrate the sustainable travel plan at the site.

Contamination

In accordance with Resilience and Hazards SEPP 2021 (Chapter 4 Remediation of Land), the original SSDA established a Remediation Action Plan that confirms the site is able to be remediated to suit the intended development purpose. The proposed modification does not seek to change the previous assessment of the development against the contamination consideration. The previously established site investigation and findings are still valid and the approved mitigation measures will be maintained. Accordingly, the appropriate measures will be to remove any contamination present on the site during the modified works.

As identified under the updated Civil report (**Appendix J**) prepared by at&I, the modified development will generally maintain the same sedimentation, erosion and contamination management measures established under the approved SSD development.

7.3. SUMMARY OF MOD 2 MITIGATION MEASURES

Table 13 summarises the identified mitigation measures required as a result of the MOD 2 works.

Table 14 Minor Assessment Impacts

Issue	Findings	Mitigation Measures
Acoustic	<p>The modified development will meet the approved NML at locations 2-5 required by condition A16 and D52 of the consent.</p> <p>Despite a minor exceedance to the NML5 night time criteria, the acoustic impacts remain within the acceptable limits identified in NPfI.</p>	<p>The NML5 noise limits contained within Condition D52 Table 5 are proposed to be updated to reflect the predicted night time noise levels for Warehouse 1.</p> <p>No additional mitigation measures are proposed. The development will continue to rely on at-receiver noise mitigation as required by conditions D46, D47 and D48 of the consent.</p>
Ecologically Sustainable Development	The modified development is to be developed in accordance with the ESD principles committed to as part of SSD-10448.	Delivery of ESD measures in accordance with the ESD report prepared by Stantec Australia and dated March 2022.
Air Quality	The modified development construction and operations will see negligible change from the approved development with consideration of the nearest sensitive receivers.	No change in mitigation measures proposed from those included in SSD-10448.
BCA	The modified development can readily achieve compliance with the relevant BCA provisions if design reviews and fire performance solutions are appropriately integrated in the detailed design phase (CC stage)	Appropriate, detailed design elements and performance solutions are to be integrated into the development to achieve compliance with the relevant BCA provisions
Visual Impact Assessment	Due to the nature of the proposed modification, only view-	No change is required from the mitigation measures included in

Issue	Findings	Mitigation Measures
	points with sightlines to the northern portion of the site will see adjustments to the built form. The VIA findings assessed that there would be no change in visual impact ratings from those originally assessed and approved.	the SSD-10448 proposal or forming part of the MOD 2 package.
Stormwater and Drainage	No additional water quantity and quality impacts are anticipated as part of the modified development.	No changes are required to the mitigation measures established under the SSD-10448.
Traffic, Transport and Parking	The modified development will see a reduced level of parking demand and subsequently, reduced traffic impacts. The proposal will maintain the appropriate site access arrangements and circulation area requirements.	No changes are required to the mitigation measures established under the SSD-10448.
Ecology	The proposal does not change the ecological assessment from that undertaken in support of SSD-10448.	No change is required from the mitigation measures included in the SSD-10448 proposal or forming part of the MOD 2 package.
Indigenous Heritage	The proposal does not change the Aboriginal cultural heritage assessment from that undertaken in support of SSD-10448.	No change is required from the mitigation measures included in the SSD-10448 proposal or forming part of the MOD 2 package.
Hazard and Risk	The proposal does not proposed to accommodate Dangerous Goods.	No change is required from the mitigation measures included in the SSD-10448 proposal or forming part of the MOD 2 package.
Contamination	The proposal does not change the assessment of site contamination and suitability from that undertaken in support of SSD-10448.	No change is required from the mitigation measures included in the SSD-10448 proposal or forming part of the MOD 2 package.

7.4. MINIMAL ENVIRONMENTAL IMPACT

Section 4.55(1A)(a) of the EP&A Act requires that an application to modify a consent under this part, demonstrates that the proposed modification results in minimal environmental impact. As detailed in **Section 7** of this report, the proposal has been accompanied by various consultant that consider the impacts of the proposed MOD 2 works.

The extent if environmental impact resulting from the proposed changes is minimal only, with such impacts able to be mitigated by existing conditions or mitigation measures previously identified.

It is therefore concluded that the proposed modification is considered to give rise to only a minimal environmental impact in accordance with 4.55 (1A) of the EP&A Act.

8. JUSTIFICATION OF MODIFIED PROJECT

This section of the report provides a comprehensive evaluation of the modified proposal 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 modifications, considering the interaction between the findings in the detailed assessments and the compliance of the proposal within the relevant controls and policies.

8.1. PROJECT DESIGN

The proposed modification has been designed to retain the key principles of the overall Aspect Industrial Estate layout approved in the original Concept and Stage 1 consent. These principles include

- The design and location of the intersection works with Mamre Road.
- Connectivity of the internal road network with neighbouring lots in accordance with the Mamre Road DCP Road Network plan.
- Provisioning for the creek and riparian extent along the site's northern boundary and areas of landscaping.
- Overall lot layout arrangement and accessibility.
- Facilitation of staged development across the AIE over time in line with infrastructure delivery and market demand for industrial and urban services land.
- Delivery of a co-ordinated architectural design and form across the site that facilitates visual diversity while responding to the potential view impacts across from the surrounding area.
- Provision of appropriate acoustic mitigation design elements, internal access layout as well as stormwater and drainage elements. These ensure the modified development will continue to deliver an appropriate development outcome that does not adversely impact the area.

The proposed changes to the street network layout and warehouse lots is retained within the approved warehousing estate footprint north of Access Road 1. Warehouse buildings are located in approximately the same location as that originally approved, and retain the key principles listed above.

The detailed warehouse design will deliver high quality landscaped lots with sustainable and attractive warehouse buildings which are functional and respond to the operational needs of future tenants.

The assessment of the proposal has determined that no additional mitigation measures are required to be implemented during the construction or operational phases of the project in order to ameliorate environmental impacts.

8.2. STRATEGIC CONTEXT

The proposed changes will ensure that the warehouses within the Aspect Industrial Estate are tailored to the operational needs of future tenants so to support the delivery of usable warehousing 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 remains highly consistent with the strategic intent for this part of the WSEA, the Western City District Plan, the Greater Sydney Region Plan: The Metropolis of Three Cities and the Penrith Local Strategic Planning Statement.

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

- The modified warehouse and logistics estate will continue to provide employment land uses in alignment with the relevant transport infrastructure and utilities.
- The modifications to the warehouse alignment and form responds to market requirements and will realize the delivery of the employment land within 30-minutes of residential suburbs.
- The modification will maintain the staged delivery of the development, responding to long-term projected population and development growth.

- The modified development has been designed in accordance with approved ESD measures to deliver a sustainably responsible development.

The proposal maintains consistency with the approved SSD-10448 with regard to waterway health and ecological principles, retaining the agreed water management approach approved in the original consent, and maintaining the riparian corridor land along the northern site boundary to support creek line revegetation of the Ropes Creek tributary.

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

8.3. STATUTORY CONTEXT

The relevant State and local environmental planning instruments are outlined in **Section 5** and assessed in detail within **Appendix B**. The assessment concludes that the modified proposal complies with the relevant provisions within the relevant instruments as summarised below:

- The proposed modification remains permissible in accordance with the ISEPP
- The modified development will not result in any impacts to the relevant species and maintains compliance with the EPBC Act
- The modified development has been prepared to maintain general compliance with the Mamre Road Development Control Plan 2021 provisions.
- The modified development will not impact any areas under the originally approved BDAR. No additional offset is required in accordance with the *Biodiversity Conservation Act 2016*

8.4. COMMUNITY VIEWS

Despite notification letters being distributed to nearby residential properties, no feedback was received in relation not the proposed MOD 2 amendments.

Community views may be identified during formal notification of the Modification application.

8.5. LIKELY IMPACTS OF THE MODIFIED PROPOSAL

The modified proposal has 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 2000 (EP&A Regulation) 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 development as modified will not result in any threat of serious environmental damage or degradation.
 - Intergenerational equity: the needs of future generations are considered in decision making and that environmental values are maintained or improved for the benefit of future generations. The development represents sustainable development, making best use of an industrial zoned site in an accessible location. The development will not have any unacceptable impacts on the environment.
 - Conservation of biological diversity and ecological integrity: The development as modified will not have any unacceptable impacts on the conservation of biological diversity and ecological integrity. The proposal includes landscaped setbacks to all site boundaries 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 development will not have any unacceptable environmental impacts in relation to air quality, water quality or waste

management. The effects of the development as modified will be consistent with those of the approved development and managed accordingly by the proposed mitigation measures as required.

Overall, the development as modified will not have any unacceptable impacts on the natural environment.

- **Built Environment:** the proposed modifications have been assessed in relation to the following built environment impacts:

Acoustic Impact

The anticipated level of noise generation has been assessed as compliant with either the NML noise limits identified within the SSD 10448 consent, or within the criteria contained within NPfI. The resultant impacts will not materially affect amenity of adjoining sensitive receivers and have been assessed as acceptable.

Traffic Impact

The development as modified will not result in any negative impacts to the previously approved traffic and car parking assessment under SSD-10448. Although the proposal does modify the positioning of Access Road 2 and a new driveway connection from Access Road 2 to Warehouse 3, this will not result in an increase to traffic generation or any changes to the previously approved number of car parking spaces. As such the traffic impacts of the proposal are considered to be acceptable.

Visual Impact

As set out in **Section 7.2.4**, the built form modifications extension of the rear awning to the south-western corner of the warehouse is a minor modification which will result in negligible visual impacts. The awning will not be visible from the public domain and will not result in view loss from Airds Road due to its screening from existing tree foliage. As such, the view impact of the proposed modifications are considered acceptable.

- **Social:** The modified development will support the delivery of the approved warehouse and logistics estate in accordance with market demand and operational requirements. As such, the proposal will support the 30-minute city vision and creation of new jobs, providing long term social benefits that outweigh the negative social impacts generated by the short term increased traffic.
- **Economic:** The proposed modifications have been informed by the tenant specific requirements for future warehouse tenants, in order that the future operations of the Estate cater specifically to the demands of the market. These amendments will ensure that Warehouse 1 and Warehouse 3 will be used by tenants for economic purposes to support the intended role of the Mamre Road Precinct.

The potential impacts can be mitigated, minimised or managed through the measures discussed in detail within **Section 7.3** and as summarised in **Appendix C** to this Modification Report.

8.6. SUITABILITY OF THE SITE

The site is considered highly suitable for the modified proposal for the following reasons:

- The warehouse and distribution centre use is permissible within the IN1 zone and in accordance with the zone objectives including to provide a wide range of industrial and warehouse land uses; to encourage employment opportunities; and to minimise any adverse effect of industry on other land uses.
- The development is compliant with the WSEA SEPP and substantially compliant with the Mamre Road DCP 2021 including in relation to built form setbacks, car parking, visual impacts and landscaping.
- The site is located within an industrial area and the character and scale of the development is in keeping with the site's context.
- The site is highly accessible to both the transport and regional freight network and the rail network and makes use of a brownfield site to deliver sustainable development.

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

8.7. PUBLIC INTEREST

The development as proposed to be modified is considered in the public interest for the following reasons:

- The proposal is 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 proposal.
- The proposal will provide up to 123 jobs during the construction phase, and 347 jobs once Stage 1 is complete and fully operational. The proposal will stimulate local investment and contribute significant economic output and value add to the economy each year.
- Subject to the various mitigation measures recommended by the specialist consultants, no adverse, social or economic impacts will result from the proposal in terms of traffic, car parking, built form or views during construction and ongoing operation of the facility.
- The issues identified during the stakeholder engagement have been addressed through the assessment of the impacts of the modified project.

Having considered all relevant matters, we conclude the development as modified is in the public interest and approval is recommended.

9. DISCLAIMER

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

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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 **STATUTORY COMPLIANCE TABLE**

APPENDIX C **UPDATED MITIGATION MEASURES**

APPENDIX D **UPDATED ARCHITECTURAL DRAWINGS**

APPENDIX E **LANDSCAPE PLANS**

APPENDIX F **UPDATED LANDSCAPE MASTERPLAN REPORT**

APPENDIX G **UPDATED INFRASTRUCTURE CIVIL WORKS DRAWINGS**

APPENDIX H **UPDATED LOT 01 CIVIL WORKS DRAWINGS**

APPENDIX I **UPDATED LOT 03 CIVIL WORKS DRAWINGS**

APPENDIX J **CIVIL REPORT**

APPENDIX K **LCVIA LETTER OF SUPPORT**

APPENDIX L **UPDATED VISUAL IMPACT ASSESSMENT**

APPENDIX M **TRAFFIC STATEMENT**

APPENDIX N **FRAMEWORK SUSTAINABLE TRAVEL PLAN**

APPENDIX O **NOISE AND VIBRATION ASSESSMENT**

APPENDIX P **AIR QUALITY IMPACT ASSESSMENT**

APPENDIX Q **UPDATED ESD REPORT**

APPENDIX R **BCA ASSESSMENT REPORT WH1**

APPENDIX S **BCA ASSESSMENT REPORT – WH3**

APPENDIX T **CIV REPORT**

APPENDIX U **SUBDIVISION PLAN STAGE 1**

APPENDIX V **SUBDIVISION PLAN STAGE 2**

APPENDIX W **BUSHFIRE REPORT**

