



Aspect Industrial Estate

Modification 2

Modifications to the Concept Plan and Stage 1 Development
State Significant Development Modification Assessment (SSD-
10448-MOD-2)

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Cover image: Photomontage of the proposed Warehouse 1

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Glossary

Abbreviation	Definition
AIE	Aspect Industrial Estate
AHD	Australian Height Datum
Council	Penrith City Council
Department	Department of Planning and Environment
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979 (NSW)</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPI	Environmental Planning Instrument
LEP	Local Environmental Plan
Minister	Minister for Planning
MRP	Mamre Road Precinct
Planning Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SSD	State Significant Development
TfNSW	Transport for NSW
WSEA	Western Sydney Employment Area

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1 Introduction

This report provides the NSW Department of Planning and Environment's (the Department's) assessment of an application to modify the State significant development consent for the Aspect Industrial Estate (AIE) (SSD-10448).

The Applicant advised that since the approval of SSD-10448 and further to refined technical studies and market demand, it is seeking to update the approved concept masterplan and Stage 1 construction works to achieve tenant and operational requirements.

The proposed modification seeks approval to amend the approved AIE Concept Plan and Stage 1 development including revised layouts and landscaping of Warehouses 1 and 3 and Access Road 2, a decrease in the total gross floor area (GFA) of the development from 248,112 m² to 245,598 m² (-2,514 m²), and removal of the approved café. The modification also includes increase of the cut and fill volumes across the AIE and clarification that the 90 dB(A) noise limit under Condition A16(2) of the SSD-10448 applies to external mechanical plant only.

The modification application was lodged by Mirvac Projects Pty Ltd (the Applicant) on 10 August 2022 pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act). The Department's assessment is consistent with that undertaken with SSD-10448, noting that the nature and impacts associated with the development are unchanged from that SSD. The Department's assessment has also considered the legislation and planning instruments relevant to the site.

1.1 Background

The Applicant is developing an industrial estate comprising of 11 buildings for warehousing, logistics and industrial purposes at 788-882 Mamre Road, Kemps Creek (the site) (see **Figure 1**). The Applicant obtained concept approval for the staged development of the AIE as well as development consent for the construction and operation of a Stage 1 development, comprising bulk earthworks, road upgrades, subdivision and the construction and operation of two buildings, ancillary offices, and a café.

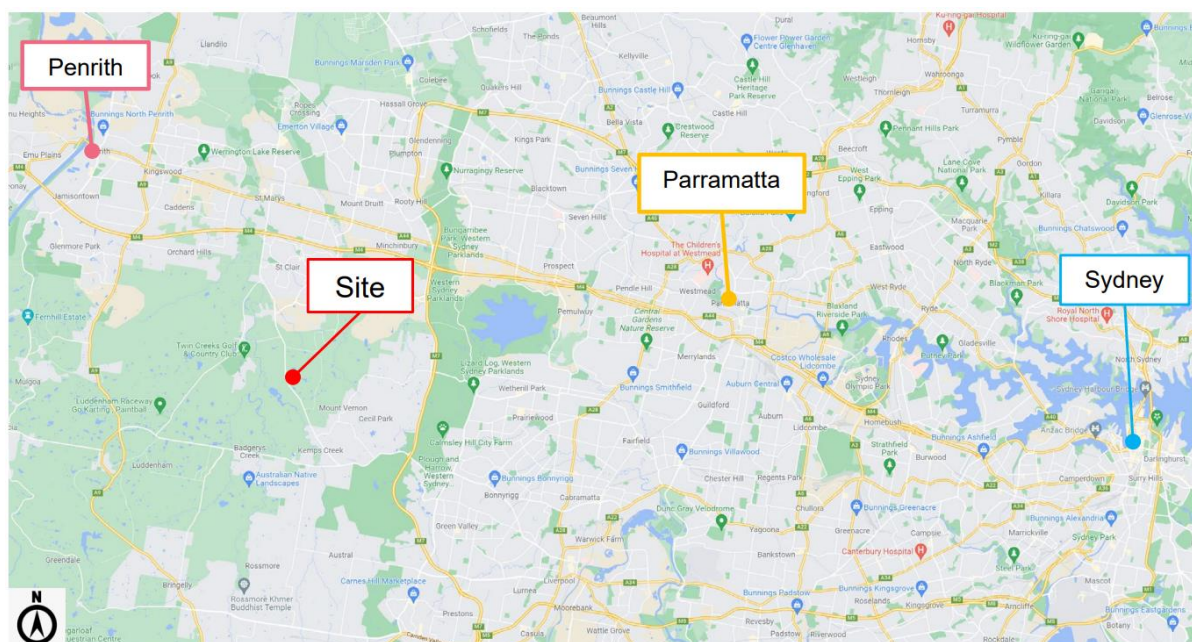


Figure 1 | Regional Context Map

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



Figure 2 | Local Context Map

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

The site is undulating and falls from approximately 70.3 m Australian Height Datum (AHD) at the north-eastern site boundary to approximately 39.9 m AHD at Mamre Road on the western site boundary. It is predominantly cleared of vegetation except for scattered trees and shrubs in the north-eastern part of the site. It is currently used for dairy farming, horticulture and grazing and includes farm dams, two unnamed tributaries of Wianamatta-South Creek, greenhouses, and rural residences. Access to the site is currently available via existing driveways off Mamre Road. The site has access to the regional

road network of the M4 and M7 Motorways which are approximately 6 kilometres (km) to the north and 10 km to the east via Mamre Road and Elizabeth Drive respectively.

1.2 Approval History

On 24 May 2022, the Director, Industry Assessments, as delegate of the Minister for Planning approved the AIE, including the following components:

- a Concept Proposal for the staged development of an industrial estate comprising of 11 buildings with a total GFA of up to 247,990 m² for industrial, warehousing and distribution centres, and café uses
- Stage 1 development comprising:
 - site preparation works, vegetation clearing, realignment of the existing creek
 - construction of access roads and the eastern half of the Mamre Road/ Access Road 1 intersection works
 - construction, fitout, and operation of one warehouse and one industrial building 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.

The Applicant has commenced construction of the approved Stage 1 development. The development consent has been modified once (see **Table 1**).

Table 1 | Summary of Modification

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD-1	Modification to include additional conditions required by Transport for NSW (TfNSW) for SSD-10448	Principal Planner, Industry Assessments	4.55(1)	25 July 2022

2 Proposed Modification

2.1 Description of Modification

The Applicant has lodged a modification application under section 4.55(1A) of the EP&A Act to modify development consent SSD-10448. The modification is described in full in the Environmental Assessment (EA) included in **Appendix A** and summarised in **Table 2**.

A comparison of the approved and proposed Concept Plan is illustrated in **Figure 3** and **Figure 4**, a comparison of the approved and proposed Stage 1 Development is shown in **Figure 5** to **Figure 8**.

Table 2 | Main Components of the Amendments

Aspect	Description
Modification to the Concept Plan	
Layout	<ul style="list-style-type: none"> amendment to the AIE layout (see Figure 4) including changes to building footprints of Warehouses 1, 2, and 3 and Access Road 2
GFA	<ul style="list-style-type: none"> decrease in GFA of the AIE from 248,112 m² to 243,431 m² (- 4,681 m²)
Earthworks	<ul style="list-style-type: none"> increase in the total cut and fill volumes: <ul style="list-style-type: none"> cut: increase from 1,136,086 cubic metres (m³) to 1,152,382 m³ fill: increase from 1,130,471 m³ to 1,151,563 m³
Condition A16	<ul style="list-style-type: none"> update condition A16(2) to limit its application to external fixed mechanical plant
Modifications to Stage 1 Development	
Land Use	<ul style="list-style-type: none"> removal of the approved café from Stage 1 development
GFA	<ul style="list-style-type: none"> decrease in GFA from 58,257 m² to 55,421 m² (- 2,836 m²)
Access Road 2	<ul style="list-style-type: none"> relocating Access Road 2 to between Warehouses 1 and 2
Warehouse 1	<ul style="list-style-type: none"> amendments to layout including removal of a deceleration lane on Access Road 1 increase in building height from 14 m to 16 m (to top of ridge) increase in site area from 58,130 m² to 61,170 m² (+3,040 m²) decrease in total GFA from 36,722 m² to 33,886 m² (-2,836 m²) decrease in parking provision from 230 to 141 spaces (-89 spaces) inclusion of a temperature-controlled warehouse (12,670 m²) in the northern part of Warehouse 1 revised landscaping
Warehouse 3	<ul style="list-style-type: none"> amendments to layout increase in site area from 41,961 m² to 42,755 m² (-994 m²) decrease in parking provision from 125 to 89 spaces (-36 spaces) revised landscaping
Civil Works	<ul style="list-style-type: none"> amendments to services and utilities layout in accordance with the revised layout
Subdivision	<ul style="list-style-type: none"> amended subdivision plan consistent with the revised Stage 1 development
Condition D52	<ul style="list-style-type: none"> revise Stage 1 noise limits at Noise Monitoring Locations (NMLs) 1 and 5





Figure 4 | Proposed Concept Plan



Figure 5 | Approved Stage 1 Development



Figure 6 | Proposed Stage 1 Development



Figure 7 | Approved Stage 1 Development

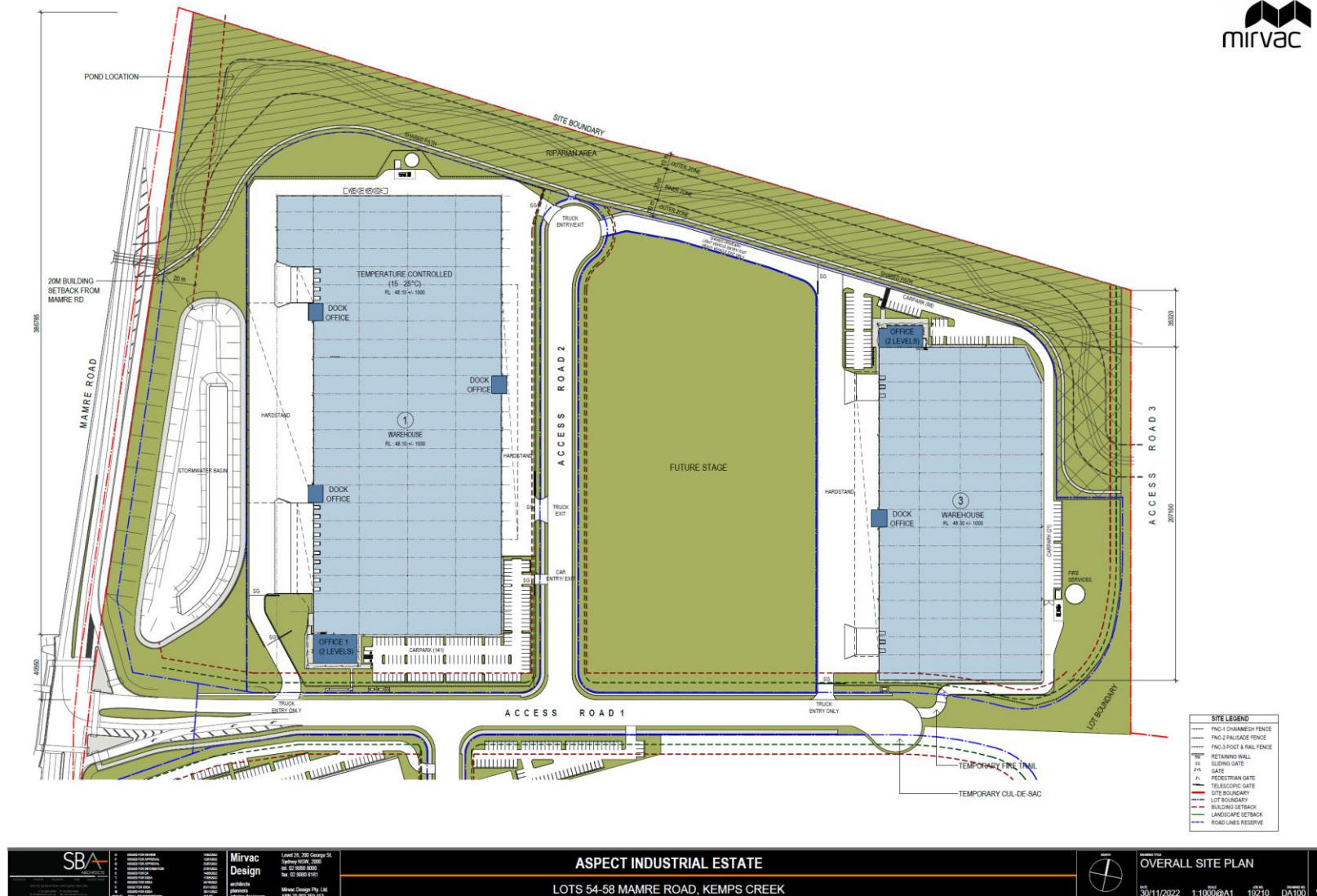


Figure 8 | Proposed Stage 1 Development

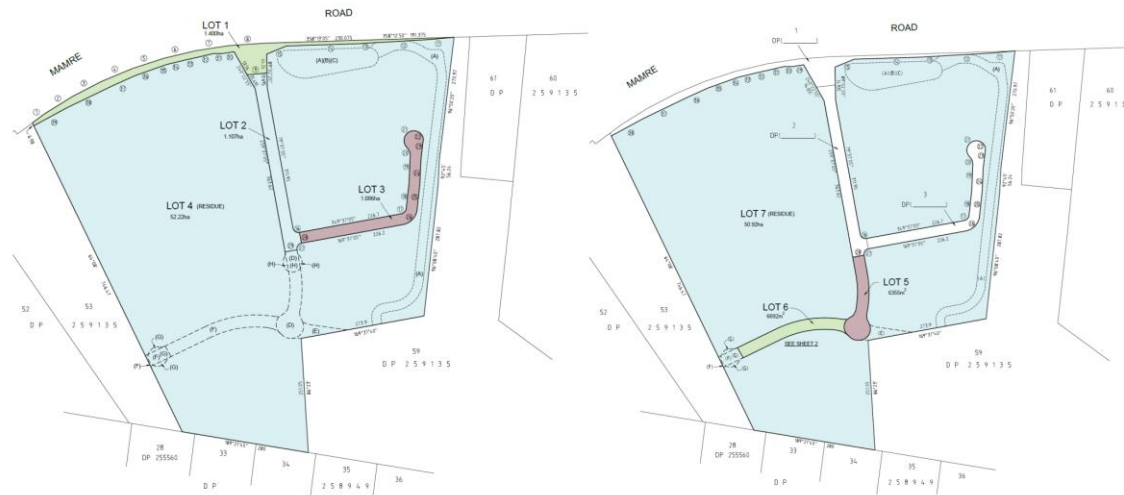


Figure 9 | Approved Stage 1 Subdivision (left: phase 1, right: phase 2)

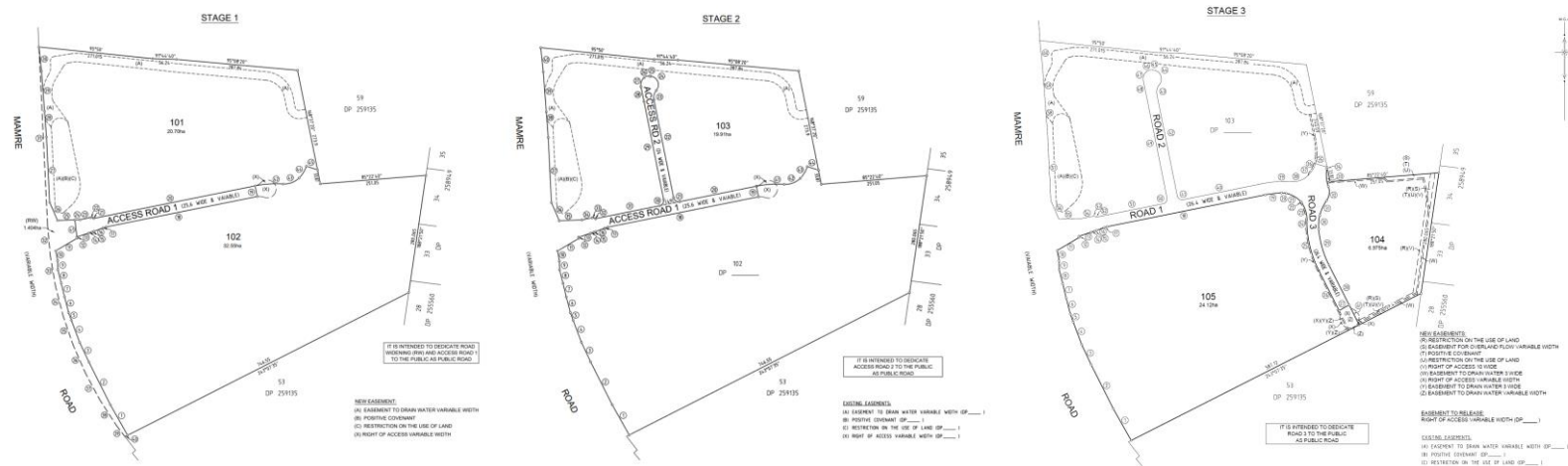


Figure 10 | Proposed Stage 1 Subdivision

2.2 Applicant's Justification

The Applicant advised that since the approval of SSD-10448, the Applicant has secured a tenant to occupy Warehouse 1. Amendments to the Concept Plan and Stage 1 development are needed to meet the tenant's operational requirements. The Applicant argued that the modification would not amend the approved warehousing and industrial uses and would support the employment growth in the Mamre Road Precinct (MRP). Further, the revised earthwork would improve cut and fill balance by using more cut materials for on-site filling.

3 Strategic Context

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

3.1 Greater Sydney Region Plan – A Metropolis of Three Cities

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

The modification would facilitate operation of a secured tenant of Warehouse 1 and assist in achieving Objective 16 by supporting the freight and logistics network with a new industrial estate and Objective 23 by utilising industrial land to provide local employment opportunities.

3.2 Western City District Plan

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

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

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

3.3 Future Transport Strategy 2056

Future Transport 2056 is a 40-year strategy (the Strategy) for the development and improvement of the NSW transport system. The Strategy identifies the Western Sydney Freight Line (WSFL) as a Greater Sydney Initiative for Investigation in 10-20 years. The site is located immediately west of the proposed WSFL corridor. The development includes a 10 m wide corridor reserved for the future WSFL, agreed to by Transport for NSW (TfNSW). The modification is consistent with the Strategy as the dedicated land for the WSFL corridor is unchanged.

3.4 Mamre Road Precinct Structure Plan 2020

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

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

- widening of Mamre Road
- part of a new intersection on Mamre Road connecting with local roads to provide connections to proposed developments to the east of the site

- a corridor for the future WSFL
- a riparian corridor along an unnamed watercourse through the site, for environmental conservation.

The amended Concept Plan and Stage 1 development are generally consistent with the Structure Plan given it would not change reserved corridors for key infrastructure including part of the intersection on Mamre Road, and there is no change to the approved riparian corridor.

3.5 Mamre Road Precinct Development Control Plan 2021

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

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

4 Statutory Context

4.1 Scope of Modifications

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving minimal environmental impacts as:

- the primary function and purpose of the approved development would not change as a result of the modification
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of consent
- the modification is of a scale that warrants the use of s 4.55(1A) of the EP&A Act; and
- the modified development is substantially the same development as originally approved.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

4.2 Consent Authority

The Minister for Planning (the Minister) is the consent authority for the modification under section 4.5(a) of the EP&A Act. Under the Minister's delegation dated 9 March 2022, the Team Leader, Industry Assessments, may determine the application under delegation as:

- the applicant has not disclosed a reportable political donation under section 10.4 of the EP&A Act in connection with the modification application
- there is no public submission in the nature of an objection, and
- Penrith City Council has not made an objection.

4.3 Mandatory Matters for Consideration

Section 4.15 of the EP&A Act outlines the matters that a consent authority must take into consideration when determining an application that seeks to modify an SSD application. The Department conducted a comprehensive assessment of the development against the mandatory matters for consideration as part of the original assessment of SSD-10448.

The Department considers this modification application does not result in significant changes that would alter the mandatory matters for consideration under section 4.15 of the EP&A Act and conclusions made as part of the original assessment.

4.4 Biodiversity Conservation Act 2016

Section 7.17 of the *Biodiversity Conservation Act 2016* (NSW) (BC Act) specifies that if the determining authority is satisfied a modification will not increase the impact on biodiversity values, a biodiversity development assessment report (BDAR) is not required.

The Department is satisfied that there would be no additional clearing of native vegetation or habitat loss beyond that previously assessed and considered under SSD-10448 as modified.

For the reasons discussed above, the Department's assessment concludes a BDAR is not required for the modification.

5 Engagement

5.1 Department's Engagement

Section 105(4) of the *Environmental Planning and Assessment Regulation 2021* (NSW) (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to section 4.55(1A) modifications with minimal environmental impact applications. Notwithstanding, after accepted the modification application and the EA, the Department referred the modification to Penrith City Council (Council) and TfNSW for comments and made the EA publicly available on the Department's website.

5.2 Key Issues – Government Agency Advice

Council raised concerns about:

- the shared driveway for light and heavy vehicles at Warehouse 3 with potential impacts on traffic safety
- parking spaces to the east of Warehouse 3 are isolated from the office and the absence of a connecting pedestrian pathway has the potential to impact on pedestrian safety
- the truck deceleration lane leading to Warehouse 1 loading area is close to the signalised Mamre Road/Access Road 1 intersection, which could impact on safe and efficient operation of the intersection, and
- spotted gums proposed along Warehouse 1 western boundary are not achievable for their locations due to proximity of these trees to palisade fencing, the retaining wall, and the super awning above the loading area
- reduced tree canopy across the AIE and insufficient landscaping within car parks.

TfNSW did not support the deceleration lane before Warehouse 1 truck inbound driveway. TfNSW considered the deceleration lane is in Mamre Road/Access Road 1 intersection footprint. Northbound trucks on Mamre Road turning right onto Access Road 1 need to change lanes immediately after making the right turn to use the deceleration lane. Such an arrangement has the potential to impact on safety and efficiency of the intersection.

5.3 Response to Submissions

On 23 September 2022, the Applicant submitted a Response to Submissions (RtS) report responding to the issues raised in submissions. The RtS was made publicly available on the Department's website and referred to TfNSW for comment.

In the RtS, the Applicant responded to Council's concerns about Warehouse 3 accesses, particularly the share driveway. The Applicant advised that trucks would access Warehouse 3 using the driveway on Access Road 1. The shared driveway would be used by outbound trucks only. Line marking would be provided at the shared driveway to separate inbound and outbound movements. In addition, the Applicant would install 'stop' signs between the loading area and the shared driveway to give priority to any outbound light vehicles.

TfNSW reviewed the RtS and reiterated its concerns about the deceleration lane located within Mamre Road/Access Road 1 intersection footprint giving rise to the potential traffic safety hazards.

The Applicant met with TfNSW to resolve the deceleration lane concerns. The Applicant provided TfNSW with three options including an 83 m deceleration lane, a shorter 55 m deceleration lane, and

no deceleration lane with the heavy vehicle inbound driveway 119 m from the Mamre Road/Access Road 1 intersection.

On 14 October 2022, TfNSW wrote to the Department advising it requested the Applicant proceed with the no deceleration lane option and limit the number of heavy vehicles using the inbound driveway to 22 per hour.

On 24 October 2022, the Applicant submitted a Supplementary RtS. The Supplementary RtS amended Warehouse 1 layout by removing the deceleration lane and locating the truck inbound driveway 119 m east of Mamre Road/Access Road intersection.

In November 2022, the Applicant submitted multiple iterations of canopy plans responding to the Department's requested changes to the tree canopy calculation methods and the tree canopy coverage across the AIE and Stage 1 development.

6 Assessment

The Department has assessed the merits of the modification. The Department's assessment has considered:

- the Applicant's EA, RtS provided to support the modification (see **Appendix A**)
- the documentation and Department's assessment report for the original development application (see **Appendix A**)
- advice from Council and TfNSW (see **Appendix A**)
- relevant environmental planning instruments, policies, and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

6.1 Traffic and Access

Site Access

The modification includes amendments to accesses to the Stage 1 development (i.e. Warehouses 1 and 3). Under the modification, Warehouse 1 would have one truck inbound driveway on Access Road 1 and two outbound driveways on Access Road 2. The approved car park access on Access Road 1 has been removed and relocated to Access Road 2. The Applicant argued that such an arrangement is necessary to facilitate the tenant's operation which requires clockwise circulation around the Warehouse 1 building. Warehouse 3 would be served by one shared truck and car driveway on Access Road 2, one light vehicle entry and one truck outbound driveway on Access Road 1.

The Applicant initially proposed a deceleration lane on Access Road 1 before the proposed truck entry driveway, noting the deceleration lane was approved under SSD-10448. The only difference between the approved and the proposed deceleration lane is that the former is for a café car park, whereas the latter would be used by heavy vehicles heading to loading docks (see **Figure 11**).

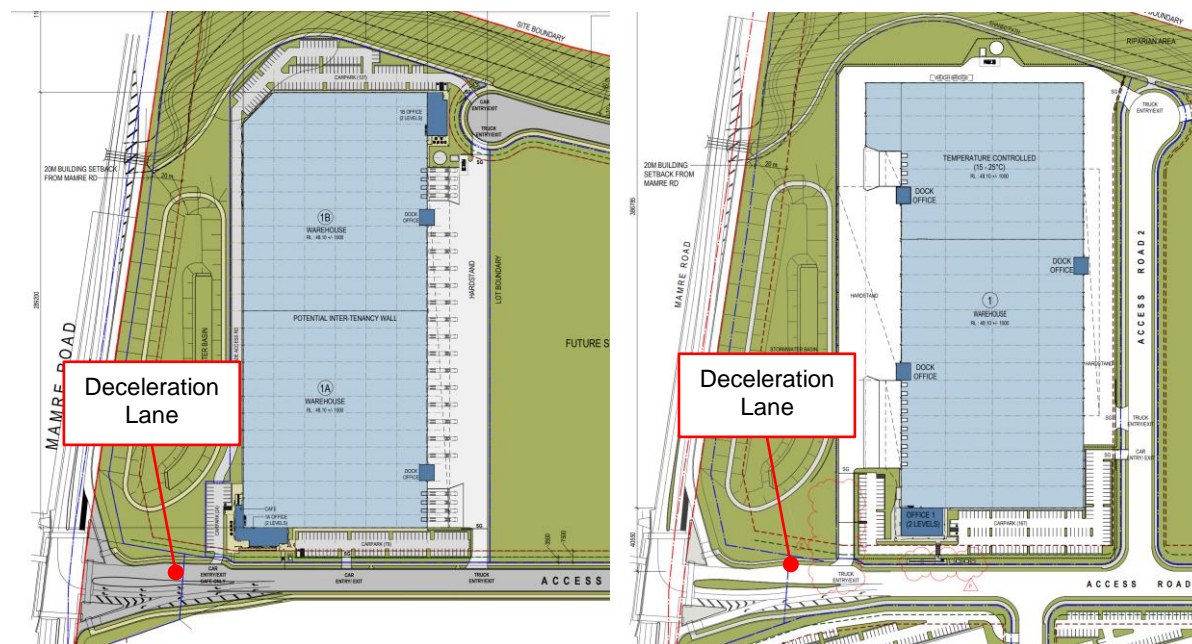


Figure 11 | Approved (left) and the Initially Proposed (right) Deceleration Lane

TfNSW and Council reviewed the modification and did not support the amended deceleration lane on the grounds of traffic safety concerns. Specifically, given the lane is close to Mamre Road/Access Road

1 intersection (the intersection), northbound trucks on Mamre Road turning right onto Access Road 1 would need to change lanes immediately after making the right turn to use the deceleration lane. Therefore, there is a potential of causing impacts on the safe and efficient operation of the intersection.

The Applicant consulted with TfNSW on several occasions. The consultation led the Applicant removed the deceleration lane, relocated the truck inbound driveway further away from the intersection, and reconfigured the driveway (see **Figure 12**). TfNSW reviewed the further changes and considered them acceptable subject to a condition that no more than 22 trucks per hour are permitted to enter Warehouse 1.

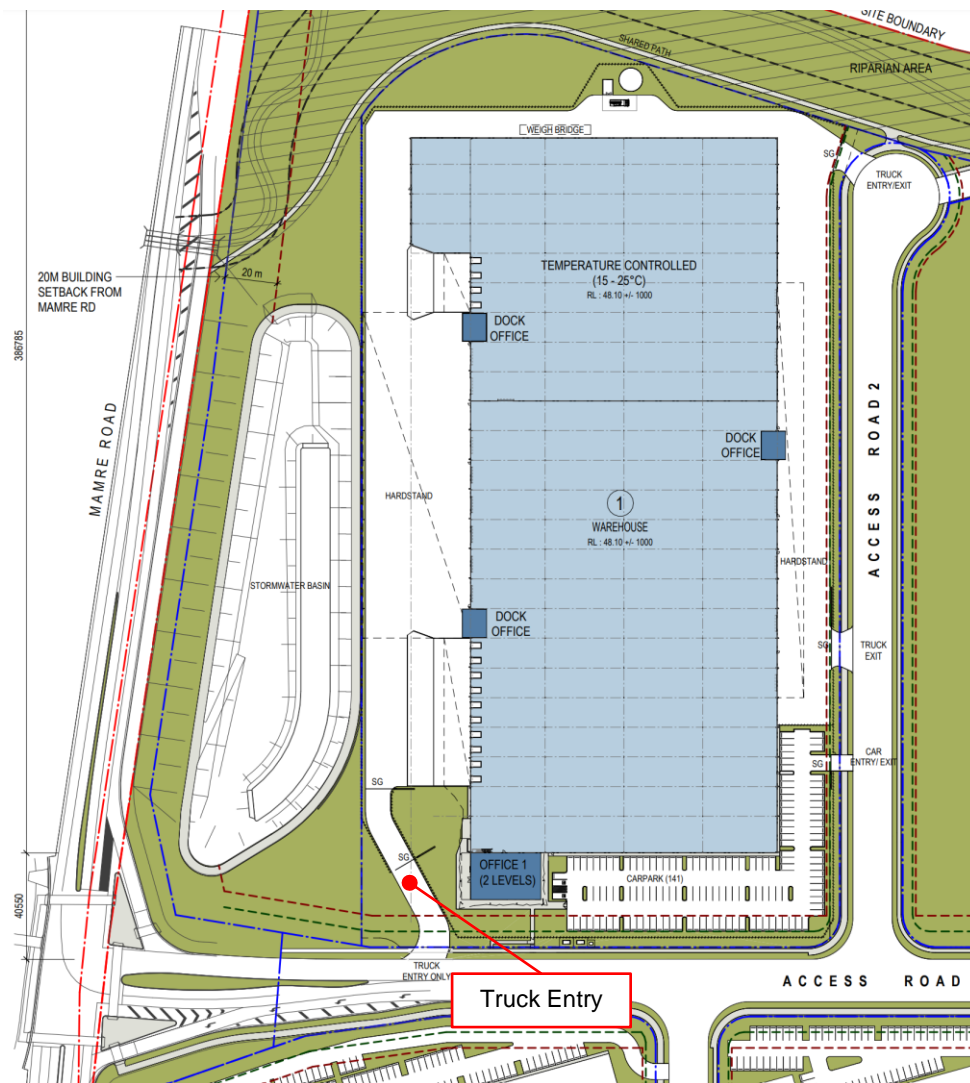


Figure 12 | Amended Warehouse 1 Layout

Council raised concerns that a shared driveway had been proposed at Warehouse 3. The shared driveway has the potential of causing conflicts of movements between light and heavy vehicles and causing traffic safety hazards.

To address Council's concerns, in the RtS and the Supplementary RtS, the Applicant advised that trucks would enter Warehouse 3 using the driveway on Access Road 1. The share driveway would be used by outbound trucks only. Line marking would be provided at the shared driveway to separate inbound and outbound movements. In addition, the Applicant would install 'stop' signs between the loading area and shared driveway to give priorities to any outbound light vehicles.

The Department considers that, compared with the approved Stage 1 development, the removal of the deceleration lane, relocation of the truck entry driveway further away from the intersection, and capping of hourly truck movements would improve traffic safety of the intersection. Warehouse 1 would continue to have separate accesses for light and heavy vehicles whilst meeting the specific tenant's operational requirements of clockwise truck movements circulating the Warehouse 1 building. The Department notes condition D3 of the SSD-10448 development consent requires that prior to commencement of operation of Warehouses 1 and 3, and for a period of 12 months of operation, the Applicant must establish and implement an Operational Traffic Monitoring Program (OMP) to verify light and heavy vehicle traffic numbers against traffic generation predictions under SSD-10448. The Department has recommended modifications to condition D3 by requiring the Applicant to implement the OMP to verify:

- hourly inbound trucks at Warehouse 1 do not exceed 22
- Warehouse 1 light vehicle numbers as well as Warehouse 3 light and heavy vehicle numbers do not exceed numbers predicted under the modification.

The Department acknowledges Council's concerns about the shared driveway at Warehouse 3. The Department notes the Applicant has proposed line marking and stop signs to separate inbound and outbound movements and ensure traffic would flow freely and safely at the share driveway. The Department has recommended:

- inserting a new condition requiring Warehouses 1 and 3 driveways on Access Road 1 are used by inbound trucks only and Warehouse 3 shared driveway is used by outbound trucks only
- inserting a new condition requiring that prior to commencement of operation of Warehouse 3, the Applicant must install the proposed stop signs and finish line marking of the shared driveway.

The Department's assessment concludes that subject to the recommended conditions, Warehouses 1 and 3 would have appropriate accesses without significant impacts on traffic safety.

Operational Traffic Impact

The modification includes a decrease in the total GFA of the Concept Plan from 248,112 m² to 243,431 m² and of Stage 1 development from 58,257 m² to 55,421 m².

The Applicant's Traffic Impact Assessment (TIA) does not include the predicted operational traffic volume for the Concept Plan and Stage 1 development using the approved GFA-based traffic generation rates. However, the TIA argued that because of the decreases in GFA, the predicted operational traffic volume would decrease accordingly.

The TIA includes traffic volume predictions based on a first principles approach. The approach combines GFA-based calculation for all warehouses except Warehouse 1 and the known Warehouse 1 tenant's operational traffic volume of other existing facilities. The TIA advised that the first principles calculation shows the following vehicles trips:

- the amended Concept Plan:
 - 499 trips at AM peak
 - 520 trips at PM peak, and
 - 6,478 daily trips
- the revised Stage 1 development:
 - 67 trips at AM peak
 - 69 trips at PM peak, and

- 1,007 daily trips.

The TIA stated that compared with the approved development, the modification would generate less traffic at peaks hours and daily. As such, the modification would not impact on the safety and efficiency of local and regional roads. The approved Mamre Road/Access Road 1 intersection would not need to be further upgraded or amended to accommodate the predicted traffic.

The Department considers that based on both the proposed reduction in GFA, the modification would generate less traffic across the Concept Plan and the Stage 1 development. As the traffic volume is below the approved, the modification would not impact on Mamre Road/Access Road intersection design capacity. There is no need to modify or further upgrade the intersection.

Parking Provision

The modification includes parking spaces to the east of Warehouse 3 (see **Figure 13**). Council raised concerns regarding the parking provision being distant and isolated from the Warehouse 3 office. There is no proposed safe separated pedestrian pathway along the private driveway between the car park and the office.



Figure 13 | Parking Provision to the east of Warehouse 3

To address Council's concerns, the Applicant reduced the total parking spaces to the east of Warehouse 3 from 27 to 21 and restricted the private driveway to the south of Warehouse 3 to fire brigade access only. The driveway would be gated. It is only when fire trucks attend the site that the gate would be open to allow trucks leaving Warehouse 3.

The Department considers the car park to the east of Warehouse 3 building is approved under SSD-10448. The approved car park has a total of 36 spaces. The modification reduces the total parking spaces by 15 spaces. The gated fire access means no trucks would use the private driveway to the

east of Warehouse 3 building and there would be less through traffic at the private driveway that reduces the potential of pedestrian safety hazards be realised. Further, with the reduced spaces in place, Warehouse 3 would have a total of 89 parking spaces above the minimum requirements. As such, the modification is an improvement to the approved Warehouse 3 layout and would not have additional parking impacts.

6.2 Operational Noise Impact

The modification would amend the Concept Plan layout, including altering building footprints and orientation. The northern part of Warehouse 1 would be temperature controlled with seven rooftop mounted ventilation units. Refrigerated trucks idling and manoeuvring in the loading areas would also generate additional noise. This has the potential to generate additional noise impacts beyond that of the approved Concept Plan.

Applicant's Assessment

The SSD-10448 development consent requires the Applicant to undertake operational noise monitoring at five locations on site boundaries. Conditions A16 and D52 of SSD-10448 consent set noise limits at the five noise monitoring locations (NMLs) (see **Figure 14**) for the Concept Plan and Stage 1 development respectively. Further, condition A16(2) requires that the cumulative noise emission of fixed mechanical plant for each warehouse building must be no more than 90 dBA and must not exhibit tonal characteristic or strong low frequency content.



Figure 14 | Noise Monitoring Locations

The Applicant submitted an Operational Noise Impact Assessment (ONIA) assessing operational noise levels of the amended Concept Plan and Stage 1 development against limits in conditions A16 and D52.

The ONIA identified the main operational noise sources to be heavy and light vehicle movements within the site, loading/unloading activities, and external fixed mechanical plant. The ONIA included the predicted worst-case time-averaged operational noise levels over a 15-minute period ($L_{Aeq(15min)}$) and the maximum noise levels (L_{Amax}).

The ONIA stated the modification would comply with the Concept Plan noise limits at the five NMLs for all time periods considered. The proposed seven ventilation units would have a cumulative sound power level (SWL) of 88.5 dB(A) which is below the 90 dB(A) limit in Condition A16(b). The modification would also comply with the Stage 1 noise limits at NMLs 2, 3, and 4. However, the amended Stage 1 development would cause exceedances at NMLs 1 and 5. At NML1, $L_{Aeq(15min)}$ exceedances would be 1 dB(A) during daytime and evening and 3 dB(A) at night, L_{Amax} exceedance would be 4 dB(A) at night. NML 5 would experience $L_{Aeq(15min)}$ exceedance of 1 dB(A) at all time periods.

The ONIA argued that the exceedances at NML 1 were caused by Warehouse 1 loading areas being moved to the western side of the building resulting in more noise recorded by NML1. The ONIA justified exceedances at NML 5 by relying upon its proximity to the amended driveway for Warehouse 3 resulting an increase of traffic noises recorded at NML 5.

The ONIA further justified the exceedances by providing the predicted noise levels at residential receivers outside the MRP and a place of worship on Aldington Road (Penrith City Council DA17/1247) (see **Figure 15** areas outlined in purple). The ONIA established project noise trigger levels (PNTLs) utilising measured background noise levels at the receivers in 2019 and 2020 as well as the rural amenity noise levels for residential receivers to assess operational noise impacts of the modification. PNTLs and predicted noise levels at the residential receivers for the relevant day, evening and night assessment periods are presented in **Table 3**. The ONIA concluded that despite the prediction that the Stage 1 development would cause exceedances at NMLs 1 and 5, the predicted $L_{Aeq(15min)}$ at all receivers for the Concept Plan and Stage 1 development would comply with the PNTLs for all time periods considered (see **Table 3**).

Table 3 | Predicted Noise Levels at Sensitive Receivers

Time period	Receiver	Concept Plan		Stage 1 Development	
		PNTL	Prediction	PNTL	Prediction
Day ($L_{Aeq(15min)}$)	Residences to the south	43	23	43	22
	Residences to the west	42	23	42	<20
Evening ($L_{Aeq(15min)}$)	Residences to the south	38	23	38	22
	Residences to the west	38	23	38	<20
Night ($L_{Aeq(15min)}$)	Residences to the south	33	22	33	22
	Residences to the west	33	21	33	<20
Night (L_{Amax})	Residences to the south	56	33	56	34
	Residences to the west	52	30	52	30

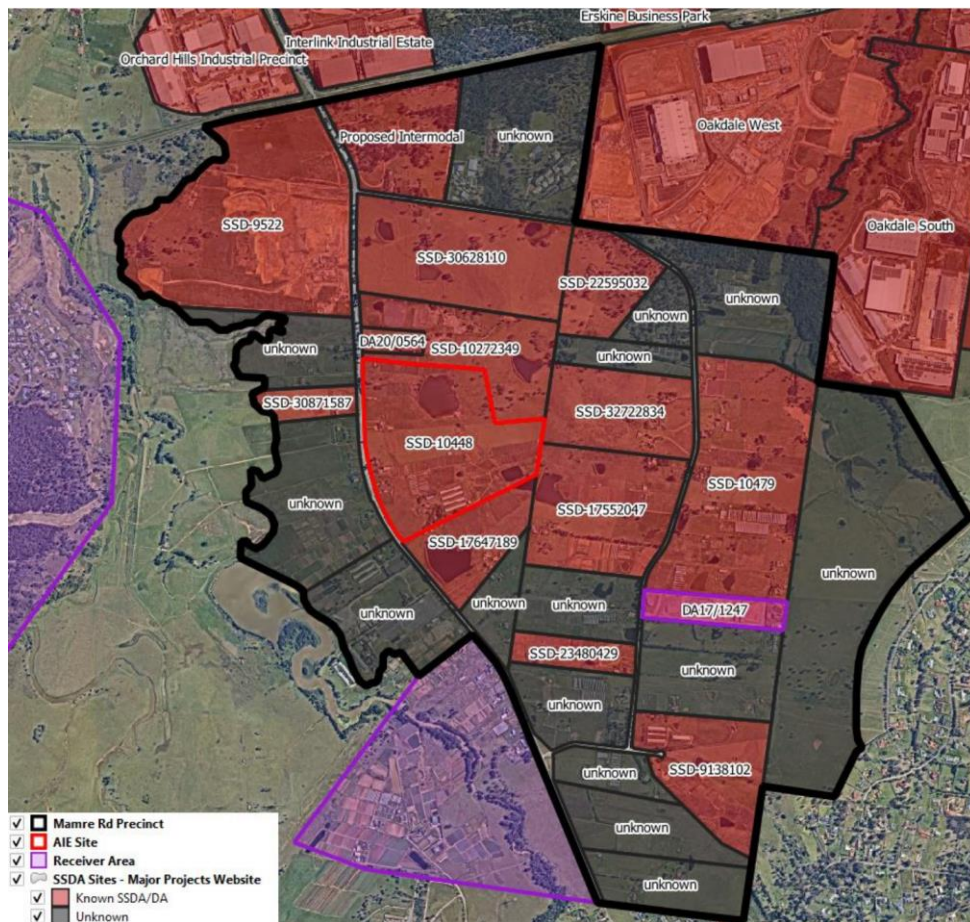


Figure 15 | Residential Receivers outside the MRP and Place of Worship Locations

Submissions

Council reviewed the modification and noted the noise monitoring locations detailed in the SSD-10448 development consent remained unchanged and the predicted noise levels were not significantly different to those originally forecast and approved. Council did not provide other comments or recommend changing conditions.

Department's Assessment and Conclusion

The Department considers that, notwithstanding that Warehouse 1 is now proposed to be partially temperature controlled, operational noise levels were predicted to comply with the NMLs at three prescribed noise monitoring locations for both the Concept Plan and Stage 1 development. Although the NVIA predicted that Stage 1 operation would cause exceedances at NMLs 1 and 5 up to 3 dB(A), the Department considers the exceedances are caused by Warehouses 1 and 3 layout changes making NMLs 1 and 5 closer to noise sources with less shielding between the sources and the monitoring location. Further, despite exceedances at two NMLs, noise levels at sensitive receivers would comply with the relevant criteria for both the Concept Plan and Stage 1 development.

The Department notes condition D53 of the SSD-10448 development consent requires that, within three months of the commencement of operation of the Stage 1 Development, the Applicant must submit a noise verification report to the satisfaction of the Planning Secretary. The verification report would provide the Applicant to identify any noise levels above the predicted and implement additional mitigation measures to minimise operational noise impacts.

The Department's assessment concludes that with the recommended conditions in place and implementation of the recommended mitigation measures, operation of the modified Concept Plan and Stage 1 development would remain within what has been approved under SSD-10448.

6.3 Other Issues

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

Table 4 | Assessment of Other Issues

Findings	Recommendations
Building Height and Visual Impact	
<ul style="list-style-type: none"> The Applicant proposed an increase of the maximum height of Warehouse 1 from 13.7 m to 16 m (to top of the roof ridge) to accommodate the proposed temperature-controlled warehouse component. Council measured the maximum height of Warehouse 1 to the top of rooftop mechanical plant being 18.394 m. Based on such measurement, Council did not support the maximum height increase noting that an increase of 4.694 m was excessive. Council further requested that a maximum height of 18.394 m across the AIE should not be supported. The Department acknowledges Council's submission and notes that both 16 m or 18.394 m complies with the MRP DCP control of maximum height of 20 m. Further, the Department considers the temperature-controlled component of Warehouse 1 is sufficiently set back from Access Road 2 and is 61.255 m from Mamre Road. Direct views from Mamre Road towards this part of Warehouse 1 would be shielded by a vegetated riparian corridor and landscaping along Mamre Road frontage. As such, the increase of Warehouse 1 and associated minor increase of visual impacts could be adequately mitigated. The Department notes the Applicant only seeks to amend the maximum height to 18.394 m for Warehouse 1 (including rooftop plant), the approved 13.7 m maximum height would remain applicable to other warehouses in the AIE. The Department's assessment concludes the modification includes minor increase in building height and the additional visual impacts brought by the increase will be appropriately mitigated. 	N/A
Landscaping	
<ul style="list-style-type: none"> The Applicant amended landscaping in Warehouses 1 and 3 responding to the proposed layout changes. Council reviewed the revised landscaping and raised concerns that the proposed spotted gums along the Lot 1 western boundary were unfeasible due to the palisade fencing. 	Require the Applicant: <ul style="list-style-type: none"> retain landscaping to the east of Warehouse 3

Findings	Recommendations
<ul style="list-style-type: none"> • Council also raised concerns regarding the retaining wall, the super awning above Warehouse 1 loading docks along the boundary, the percentage of tree canopy across the AIE and compliance with the MRP DCP, landscaping within car parks and hardstands, and streetscape. • The Applicant responded to Council's comments by submitting an updated AIE and Stage 1 development landscape plans, and a tree canopy calculation plan in the RtS. • The Department raised concerns about the percentage of tree canopy across the AIE and compliance with the MRP DCP including how the Applicant calculated tree canopy in the riparian area. • In response to the Department's request, the Applicant submitted supplementary AIE and Stage 1 development landscape plans, and tree canopy plan. The updated tree canopy plan shows only trees within the vegetated riparian zones, and not the channel, are counted for tree canopy purposes. • The supplementary tree canopy calculation plan shows Warehouse 1 (as amended) would have a tree canopy coverage of 10.4%, whilst the tree canopy coverage at Warehouse 3 (as amended) is 10.1%. Comparing with the approved Warehouses 1 and 3 where tree canopy is 4%, for both, the modification increases the tree canopy coverage by 6.4% for Warehouse 1 and 6.1% for Warehouse 3. Further, the modification would provide 12.3% tree canopy across the AIE. • The Applicant also committed to retain trees to the east of Warehouse 3, including those in the riparian area to the east of Warehouse 3 even if the riparian corridor is realigned resulting in the watercourse in this area being removed, and the area between the car park to the east of Warehouse 3 and Access Road 3 North. • The Department considers that the Applicant has amended landscaping to increase the total tree canopy for Stage 1 development which exceed the requirement of the MRP DCP. • The Department notes Condition D37 of the SSD-10448 development consent requires that prior to the commencement of operation, the Applicant must prepare a Landscape Management Plan (LMP) for landscaping across the AIE to the satisfaction of the Planning Secretary. The Department considers with a LMP in place, the integrity of the proposed landscaping would be maintained, and the envisaged tree canopy could be achieved. 	<ul style="list-style-type: none"> • implement the amended landscape plan
Bulk Earthwork	

Findings	Recommendations
<ul style="list-style-type: none"> • The modification includes increase of the cut and fill volumes across the AIE due to revised Concept Plan and Stage 1 development layouts. • Under the modification, the cut volume would increase from 1,136,086 m³ to 1,152,382 m³ and the fill volume would increase from 1,130,471 m³ to 1,151,563 m³. • Council did not raise concerns about the revised bulk earthwork. • The Department considers that despite the proposed increase in both cut and fill volume, the modification would achieve an improved balance of cut and fill and provide opportunities for reusing more cut materials for filling on site. • Further, the Department notes Condition D24 of the SSD-10448 development consent requires the Applicant must ensure that only virgin excavated natural material (VENM), excavated natural material (ENM), or other material approved in writing by the EPA is brought on the site and keep accurate records of the volume and type of fill to be used. • The Department considers with an improved cut and fill balance and the existing condition in place, the modification would not cause additional impacts above what has been approved. 	N/A

7 Evaluation

The Department has reviewed the EA, RtS, the Supplementary RtS, and all submissions, taking into consideration the relevant matters under section 4.15 of the EP&A Act and the objectives of the EP&A Act.

The Applicant is proposing to amend the approved AIE Concept Plan and Stage 1 development including revised layouts and landscaping of Warehouses 1 and 3 and Access Road 2, a decrease in the total gross floor area (GFA) of the development from 248,112 m² to 245,598 m² (-2,514 m²), and removal of the approved café. The modification also includes increase of the cut and fill volumes across the AIE and clarifies the 90 dB(A) noise limit under Condition A16(2) of the SSD-10448 development consent applies to external mechanical plant only.

The Department referred the modification to Council and TfNSW for review and comments. The Department's assessment considered traffic and access and operational noise impacts to be the key matters for consideration. The Department and the Applicant consulted with TfNSW and Council on various occasions resulting the Applicant removing the deceleration lane on Access Road 1 near heavy vehicle entry driveway to address traffic safety concerns. The Department's assessment concludes the amended Warehouses 1 and 3 would have adequate accesses subject to the existing and recommend conditions. The modification would decrease the total GFA across the AIE generating less traffic across the Concept Plan and the Stage 1 development and would not impact on Mamre Road/Access Road intersection design capacity.

The Department considers notwithstanding that Warehouse 1 would be partially temperature controlled and cause exceedances at two NMLs, noise levels at sensitive receivers would comply with the relevant criteria for both the Concept Plan and Stage 1 development. The Department's assessment concludes that with the recommended conditions in place and implementation of the recommended mitigation measures, operation of the modified Concept Plan and Stage 1 development would remain within the noise limits approved under SSD-10448.

The Department has also considered building height and visual amenity, landscaping, and bulk earthworks and concludes that the modification would not cause any additional adverse impacts beyond the approved development.

The Department's assessment concludes the modification is appropriate on the basis that it would:

- not cause additional traffic and noise impacts beyond the approved Concept Plan and the Stage 1 development subject to implementation of a range of mitigation measures
- fulfil the employment-generating role of the WESA and provide economic benefits for the local community by enabling job generating development
- assist in meeting the strong market demands for industrial and warehousing facilities
- not significantly increase the environmental impacts of the development beyond those assessed under the original development application.

Consequently, the Department is satisfied that the modification application should be approved, subject to the recommended revised conditions of consent.

8 Recommendation

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

- **considers** the findings and recommendations of this report
- **determines** that the application SSD-10448-MOD-2 falls within the scope of s 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **agrees** with the key reasons for approval listed in the draft notice of decision
- **modify** the consent SSD-10448
- **signs** the attached approval of the modification (**Appendix B**).

Recommended by:



30 November 2022

Bruce Zhang

Senior Environmental Assessment Officer

Industry Assessments

9 Determination

The recommendation is **Adopted** by:



30 November 2022

Lindsey Blecher

Team Leader

Industry Assessments

as delegate of the Minister for Planning

Appendices

Appendix A – List of Referenced Documents

The Department has considered:

- relevant provisions including the objects of the *Environmental Planning and Assessment Act 1979* (NSW) and the *Environmental Planning and Assessment Regulation 2021* (NSW)
- SSD-10448 Aspect Industrial Estate MOD 2 Modification Report, prepared by Urbis, dated June 2022
- SSDA-10448 Mod 2 Aspect Industrial Estate, Submissions Report, prepared by Urbis, dated 23 September 2022
- SSDA-10448 Mod 2 Aspect Industrial Estate, Submissions Report, prepared by Urbis, dated October 2022
- advice from Council and TfNSW
- the existing conditions of consent
- documents supporting the original development and the Department's assessment report for the original development application
- relevant environmental planning instruments, policies, and guidelines.

Appendix B – Notice of Modification

The modification instrument can be found on the Department's Major Projects website at <https://www.planningportal.nsw.gov.au/major-projects/projects/aspect-industrial-estate-modification-2>.