



AIE CONCEPT PLAN AND STAGE 1 MODIFICATION (SSD-10448 MOD 3) AND STAGE 2 DEVELOPMENT APPLICATION (SSD-46516461)

Environmental Impact Statement

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Associate Director	Nik Wheeler
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Project Code	P0037021
Report Number	Final

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Aboriginal and Torres Strait Islander people make in
creating a strong and vibrant Australian society.**

**We acknowledge, in each of our offices, the Traditional
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CONTENTS

Signed Declaration.....	2
Glossary and Abbreviations	3
Executive Summary	5
Site History	5
Proposal Overview.....	5
Consultation.....	8
Justification of the project	8
1. Introduction.....	10
1.1. Applicant Details	10
1.2. Project Description.....	10
1.2.1. Project Terminology.....	12
1.3. Project Background	12
1.3.1. SSD-10448 Concept Proposal and Stage 1 Development.....	12
1.3.2. Modifications to Approval	12
2. Strategic Context.....	15
2.1. Project Justification	15
2.1.1. NSW State Priorities.....	15
2.1.2. Greater Sydney Region Plan: A Metropolis of Three Cities.....	15
2.1.3. Our Greater Sydney 2056: Western City District Plan	16
2.1.4. Future Transport 2056.....	16
2.1.5. Freight and Ports Plan 2018 – 2023	17
2.1.6. Penrith Local Strategic Planning Statement.....	17
2.1.7. Western Sydney Aerotropolis Plan	18
2.1.8. Western Sydney Employment Area	19
2.1.9. Mamre Road Precinct Plan.....	19
2.1.10. Mamre Road Upgrade.....	20
2.2. Key Features of the Site and Surrounds	20
2.3. Cumulative Impacts with Future Projects	22
2.4. Feasible Alternatives	25
3. Project Description	27
3.1. Description of Modifications	27
3.1.1. Overview	27
3.1.2. Modified Concept Plan Layout.....	28
3.1.2.1. Quantitative Comparison with Concept Consent	28
3.1.2.2. Quantitative Comparison by Warehouse	29
3.1.2.3. Relocation of Access Road 4.....	31
3.1.3. Modified Stage 1 Layout.....	32
3.1.3.1. Bulk Earthworks Levels	32
3.1.3.2. Retaining Walls	33
3.1.3.3. Access Road 4 Construction	34
3.1.3.4. Landscaping within the Access Road 4 Road Reserve.....	34
3.1.3.5. Subdivision.....	34
3.1.4. Mitigation measures	34
3.1.5. Conditions subject to the modification	34
3.1.6. Substantially the same development	36
3.2. Description of Stage 2 – Warehouse 9 Development.....	38
3.2.1. Warehouse 9 Construction	38
3.2.2. Landscaping.....	41
3.2.3. Civil Works	42
3.2.4. Utilities and Infrastructure	42
3.2.5. Uses and Activities	42

4.	Statutory Context.....	43
4.1.	Statutory Requirements	43
4.2.	Pre-Conditions	45
4.3.	Mandatory Considerations	47
5.	Community Engagement.....	49
5.1.	Consultation with Government and Agencies	49
5.2.	Consultation with Institutional Developer Landowners to the north, east and south	49
5.3.	Consultation of Landowners to the West of Mamre Road.....	49
5.4.	Public Notification and Submissions	50
6.	Assessment of Impacts.....	51
6.1.	Traffic, Transport and Parking	51
6.1.1.	Existing Environment.....	51
6.1.2.	MOD 3 Parking.....	52
6.1.3.	MOD 3 Traffic Generation.....	54
6.1.4.	Warehouse 9 Parking	54
6.1.5.	Warehouse 9 Traffic	55
6.1.6.	Access	55
6.1.7.	Summary	56
6.2.	Noise Impacts.....	56
6.2.1.	Existing Environment.....	56
6.2.2.	Construction Noise for Warehouse 9	57
6.2.3.	Operational Noise for MOD 3 and Warehouse 9.....	57
6.2.4.	Operational Noise Impacts	59
6.2.4.1.	Mitigation Measures and Recommendations	60
6.2.5.	Summary	61
6.3.	Air Quality.....	61
6.3.1.	MOD 3.....	61
6.3.2.	Warehouse 9 Construction Phase.....	61
6.3.3.	Warehouse 9 Operational Phase.....	62
6.3.4.	Summary	62
6.4.	Environmentally Sustainable Development	62
6.4.1.	ESD Opportunities	62
6.4.2.	Mitigation Measures	63
6.4.3.	Summary	63
6.5.	Waste management	63
6.5.1.	MOD 3.....	64
6.5.2.	Demolition Works	64
6.5.3.	Warehouse 9 Construction Waste	64
6.5.4.	Warehouse 9 Operational Waste	64
6.6.	Aboriginal and Non-Aboriginal Heritage Assessment.....	65
6.6.1.	Aboriginal Heritage.....	65
6.6.2.	Non-Aboriginal Heritage	65
6.6.3.	Warehouse 9 Development	66
6.7.	Visual Impact Assessment.....	66
6.8.	Bushfire	66
6.8.1.	Mitigation Measures	67
6.9.	Crime Prevention through Environmental Design	68
6.10.	BCA & Fire Engineering.....	68
6.10.1.	BCA (Warehouse 9)	68
6.10.2.	Fire Engineering	70
6.11.	Flooding.....	71
6.12.	Stormwater Management	71
6.12.1.	MOD 3 Water Quality and Quantity	71
6.12.2.	Warehouse 9 SSD Water Quality and Quantity	73
6.13.	Contamination	73
6.14.	Groundwater.....	74
6.15.	Soil Management.....	75
6.16.	Salinity.....	75
6.17.	Biodiversity	76
6.18.	Social Impact.....	76

6.19.	Warehouse 9 Built Form and Design	76
6.20.	Minimal Environmental Impact (MOD 3)	80
7.	Justification of the Project.....	81
7.1.	Project Design	81
7.2.	Strategic Context	81
7.3.	Statutory Context.....	82
7.4.	Community Views	82
7.5.	Likely Impacts of the Proposal	83
7.6.	Suitability of the Site	84
7.7.	Public Interest	84
8.	Disclaimer	86

Appendix A	SEARs Compliance Table
Appendix B	Architectural Drawings
Appendix C	Statutory Compliance Table
Appendix D	Community Engagement Table
Appendix E	Mitigation Measures
Appendix F	Landscape Plans
Appendix G	Visual Impact Assessment
Appendix H	Transport and Accessibility Impact Statement
Appendix I	Noise and Vibration Assessment
Appendix J	Air Quality Impact Assessment
Appendix K	BCA and Access Report
Appendix L	ESD Report
Appendix M	Fire Safety Strategy
Appendix N	Civil Reports
Appendix O	Cost Summary Report
Appendix P	Site Survey
Appendix Q	Soil Impact Report
Appendix R	Groundwater Management Plan
Appendix S	Flood Risk Assessment
Appendix T	Salinity Management Plan
Appendix U	Detailed Site Investigation
Appendix V	Waste Management Plan
Appendix W	Remediation Action Plan
Appendix X	Heritage Consistency Letter
Appendix Y	Bushfire Assessment Report
Appendix Z	BDAR Waiver
Appendix AA	Social Impact Assessment
Appendix BB	Subdivision Plan

FIGURES

Figure 1 Estate Masterplan for Mod 3	7
Figure 2: SSD Estate Masterplan	13
Figure 3 MOD2 Estate Masterplan	14
Figure 4 Structure Plan	15
Figure 5 Penrith's Economic Triangle.....	18
Figure 6 Mamre Road Precinct Plan	20
Figure 7 Context of the Site and Surroundings.....	21
Figure 8 Adjacent Development Applications	23

Figure 9 Concept Proposal MOD 3 Layout.....	28
Figure 10 Stage 1 Development – MOD 3 Layout.....	32
Figure 11 Proposed Earthworks.....	33
Figure 12 Lot 9 Warehouse Layout.....	40
Figure 13 Warehouse Elevations	40
Figure 14 Landscape Plan	42
Figure 15 Noise Monitoring Locations	57
Figure 16 Proposed Asset Protection Zones	67
Figure 17 Warehouse 7 South Setback.....	79

PICTURES

Picture 1 Lot 9 East Elevation	40
Picture 2 Lot 9 West Elevation	41
Picture 3 Lot 9 North Elevation and Office Elevations	41
Picture 4 SSD-10448 Approved NMLs.....	57
Picture 5 Proposed MOD3 NMLs	57

TABLES

Table 1 Applicant Details	10
Table 2 Project Objectives	11
Table 3 Concept Plan and Modification Overview	13
Table 4 Key Features of Site and Locality.....	21
Table 5 Approved and Likely Future Developments	23
Table 6 Project Alternatives	25
Table 7 Concept Proposal Quantitative Comparison.....	28
Table 8 Lot by Lot Comparison	29
Table 9 Earthworks levels	33
Table 10 Modified conditions of SSD-10448	34
Table 11 Project Details	38
Table 12 Identification of Statutory Requirements for the Project	43
Table 13 MOD 3 and Stage 2 Pre-Conditions	45
Table 14 Mandatory Consideration	47
Table 15 Traffic Volumes	52
Table 16 Overall Parking requirements	52
Table 17 Parking for each Warehouse	53
Table 18 Traffic generation	54
Table 19 Parking Provision	54
Table 20 Peak 1-Hour Vehicle Volumes.....	58
Table 21 Vehicle Sound Power Levels.....	58
Table 22 Loading Dock Noise Sources	58
Table 23 Operational Waste.....	64
Table 24 Fire Safety Measures	69
Table 25 Proposed Stormwater Management Measures	72
Table 26 Setback Analysis.....	77

Signed Declaration

Project details	
Project name	Aspect Industrial Estate
Application number	SSD-46516461 & SSD-10448
Address of the land in respect of which the development application is made	804-882 Mamre Road, Kemps Creek, NSW 2178 <ul style="list-style-type: none"> ▪ 788-804 Mamre Road Kemps Creek (Lot 5 DP 1285305) ▪ 806-824 Mamre Road Kemps Creek (Lot 4 DP 1285305) ▪ 826-842 Mamre Road Kemps Creek (Lot 3 DP 1285305) ▪ 844-862 Mamre Road Kemps Creek (Lot 2 DP 1285305) ▪ 864-882 Mamre Road Kemps Creek (Lot 1 DP 1285305)

Applicant details	
Applicant name	Mirvac Industrial Development Pty Ltd (Daniel Brook – Senior Development Manager)
Applicant address	Level 28, 200 George Street, Sydney, NSW 2000 Australia

Details of people by whom this EIS was prepared		
Names and professional qualifications	Jacqueline Parker Director Urbis Pty Ltd Bachelor of Planning (UNSW) Master of Urban Development and Design (UNSW)	Nik Wheeler Associate Director Urbis Pty Ltd Bachelor of Geography and Town Planning (University of Birmingham) Masters in Town Planning (University of Manchester)
Address	Level 8, Angel Place, 123 Pitt Street, Sydney NSW 2000	

Declaration

The undersigned declares that this EIS:

1. has been prepared in accordance with Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*;
2. contains all available information relevant to the environmental assessment of the development, activity or infrastructure to which the EIS relates;
3. does not contain information that is false or misleading;
4. addresses the Planning Secretary's environmental assessment requirements (SEARs) for the project;
5. identifies and addresses the relevant statutory requirements for the project, including any relevant matters for consideration in environmental planning instruments;
6. has been prepared having regard to the Department's *State Significant Development Guidelines - Preparing an Environmental Impact Statement*;
7. contains a simple and easy to understand summary of the project as a whole, having regard to the economic, environmental and social impacts of the project and the principles of ecologically sustainable development;
8. contains a consolidated description of the project in a single chapter of the EIS;
9. contains an accurate summary of the findings of any community engagement; and
10. contains an accurate summary of the detailed technical assessment of the impacts of the project as a whole.

Signatures



Jacqueline Parker (REAP)
Director



Nik Wheeler
Associate Director

Date

21st September 2022

Glossary And Abbreviations

Reference	Description
ACHAR	Aboriginal Cultural Heritage Assessment Report
AIE	Aspect Industrial Estate
AQIA	Air Quality Impact Assessment
ARI	Average Recurrence Interval
BAM	Biodiversity Assessment Method
BC Act	<i>Biodiversity Conservation Act 2016</i>
BC Reg	<i>Biodiversity Conservation Regulation 2017</i>
BDAR	Biodiversity Development Assessment Report
CEEC	Critically Endangered Ecological Community
CDA	Concept Development Application
CEMP	Construction Environmental Management Plan
CMP	Construction Management Plan
CTMP	Construction Traffic Environmental Plan
DCP	Development Control Plan
DPE	NSW Department of Planning and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPA Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EIS	Environmental Impact Statement
EPA	NSW Environment Protection Authority
HIPAP	Hazardous Industry Planning Advisory Paper
LEP	Local Environmental Plan
MNES	Matters of National Environmental Significance
MRP	Mamre Road Precinct
NRAR	Natural Resource Access Regulator
OEMP	Operational Environmental Management Plan
PBP	Planning for Bushfire Protection

Reference	Description
PCT	Plant Community Type
POM	Plan of Management
PSI	Preliminary Site Investigation
SAII	Serious and Irreversible Impacts
SARs	Commonwealth Supplementary Assessment Requirements
SEARs	Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
Site	804-882 Mamre Road, Kemps Creek, NSW 2178 Lots 54 – 58 in DP 259135
SSD	State Significant Development
SSDA	State Significant Development Application
TIA	Traffic Impact Assessment
UXO	Unexploded Ordnance
VIS	Vegetation Integrity Score
WSEA	Western Sydney Employment Area
WMP	Waste Management Plan
WSUD	Water Sensitive Urban Design
WWTP	Wastewater Treatment Plant

Executive Summary

This Environmental Impact Statement (**EIS**) has been prepared on behalf of Mirvac Projects Pty Ltd (**Mirvac**) in support of a concurrent modification application (**MOD 3**) and a Stage 2, State Significant Development Application (**SSDA**) for the staged development of 804-882 Mamre Road, Kemps Creek (Lots 1-5 DP 1285305) known as Aspect Industrial Estate (**AIE**).

Site History

The AIE is currently in the process of being created in accordance with the Concept Proposal and Stage 1 Development SSD-10448 which was approved by the Minister for Planning under delegation on 24th May 2022. This included a Masterplan and Subdivision Plan, which set out the approved lot layout and building envelopes.

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.

The SSD-10448 approval is currently subject to two modification applications. The first modification (**MOD1**) seeks to amend a condition of consent relating to temporary construction access and permanent signalised intersection works. A second modification has also been lodged (**MOD 2**) to amend the Concept Masterplan incorporating changes to the Access Road 2 layout, lot configuration and driveways and building footprints north of Access Road 1. The Stage 1 construction works were also modified for Warehouses 1 and 3, associated access, hardstand, ridge heights and landscaping, along with the layout and arrangements of Access Roads 1 and 2.

Proposal Overview

As part of the staged development of AIE, Mirvac is seeking approval for a modification of the Concept Proposal and Stage 1 Development under SSD-10448 (**MOD 3**) and a new DA (SSD-46516461) for the Stage 2 development of 'Warehouse 9'.

The proposed modification and SSD development application includes:

Concept Modification

- Reconfiguration of the Estate layout south of Access Road 1 and west of Access Road 3 including
 - Reduction in overall lot numbers across AIE from 11 to 9.
 - Relocation and shortening of Access Road 4.
 - Reconfiguration of warehouse lots 6-11 into lots 6-9.
 - New warehouse footprints including GFA of warehousing and office areas, car parking, estate landscaping.
- Modify conditions of consent relating to plan references, operational noise limits and estate wide maximum GFA.

Stage 1 Modification

- Modification of the Stage 1 consent to provide for the following in respect of Access Road 4:
 - updated road subdivision plan to provide for subdivision of Access Road 4,
 - updated civil works package to facilitate construction of Access Road 4,
 - provision of landscaping works within road reserve of Access Road 4.
- Specific civil infrastructure elements that are proposed to be changed under the scope of MOD 3 include
 - Adjustment to bulk earthworks levels, generally to the lots bound by Road 1 and Road 3 (Lots 6-9). The overall cut/fill balance across the AIE Site has been maintained.
 - Changes to the proposed stormwater network design. Generally, this will involve changing standard reinforced concrete pipes to a combination of fibre reinforced concrete pipe (up to DN600) and reinforced concrete box culverts.
 - Adjustments to retaining wall 22, to suit the revised bulk earthworks level for Lot 9. Retaining wall 22 is proposed to be both longer and higher at its peak.
 - Inclusion of an additional retaining wall (retaining wall 23) between Lot 9, and Lots 6 and 7. The retaining wall is proposed as part of the Stage 1 works due to its locality to on-lot works within Lot 9 contemplated as part of SSD-46516461.
- Modify conditions of consent relating to plan references.

Stage 2 SSDA

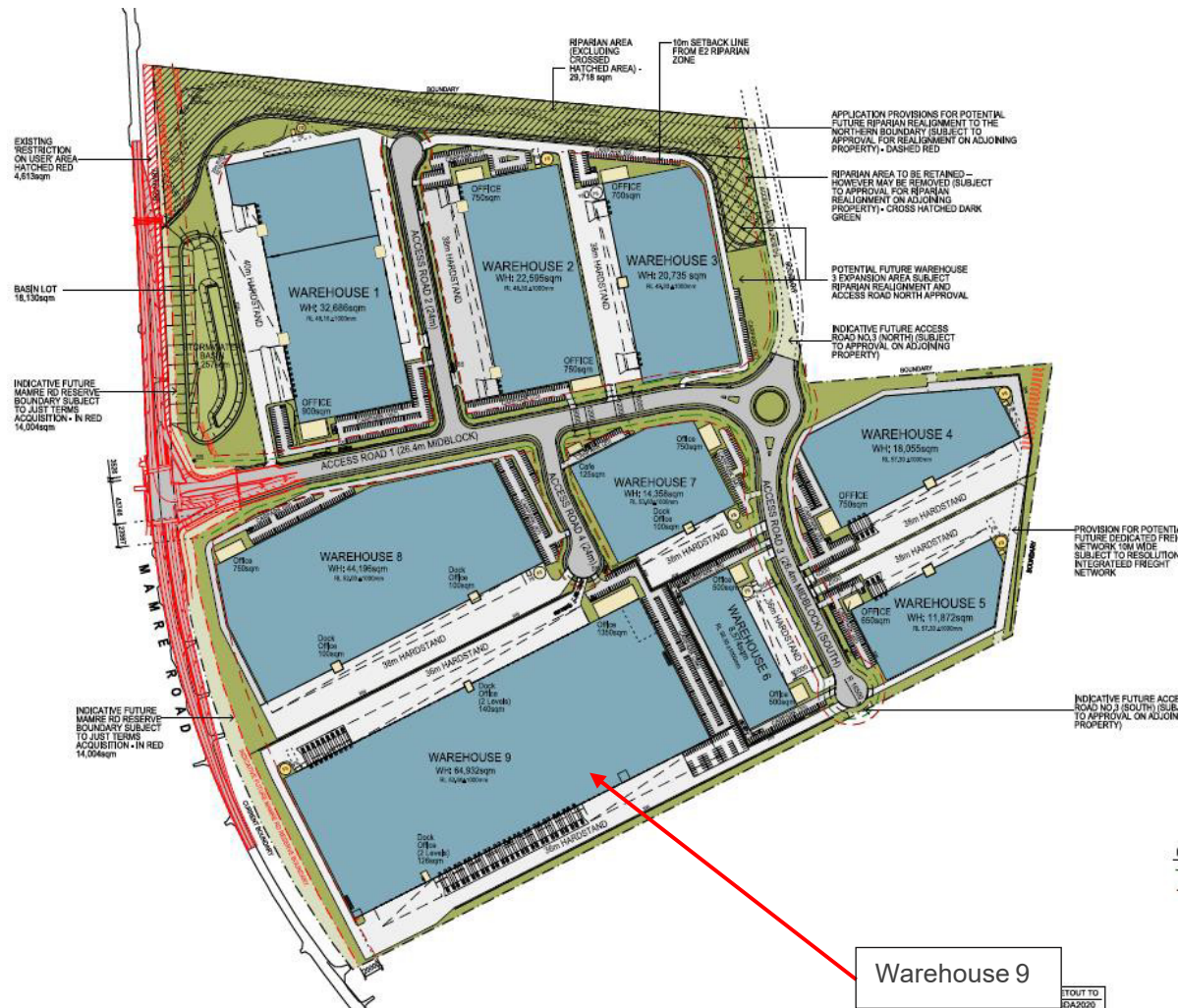
Construction of 'Warehouse 9' consistent with the MOD 3 layout including:

- Civil works including cut/fill and benching to set the Lot 9 pad levels.
- Construction of new 66,341sqm building for use as 'warehouse and distribution' to be built to a ridge height of 14.6m. This will comprise:
 - 64,725sqm Warehouse.
 - 140sqm Dock Office at the north elevation.
 - 126sqm Dock Office at the south elevation.
 - 1,350sqm Main Office at the eastern elevation.
 - 266 parking spaces across the lot's north and eastern frontages and hardstand areas.
 - Internal truck access roads with access from Access Road 3 to the east and egress to Access Road 4 to the north.
 - Loading dock areas at the north and south elevations.
- Fit out of the warehouse for the proposed use.
- Construction of vehicular crossovers to Access Road 4 (egress) and Access Road 3 (ingress).
- On lot landscaping.
- On lot stormwater management.
- Operation of the warehouse and distribution facility 24 hours a day, 7 days a week.

The lot layout and Warehouse 9 footprint has been designed to be consistent across MOD 3 and the Stage 2 development. The proposed lot layout of the estate south of Access Road 1 and new Lot 9 arrangement seeks to improve the efficiency of the lot layout and respond to market demand for a larger warehouse within the estate, to be delivered as Warehouse 9.

Figure 1 below illustrates the amended site layout as part of MOD3 and the proposed warehouse construction on Lot 9 within the wider estate.

Figure 1 Estate Masterplan for Mod 3



Source: SBA Architects

As the Stage 2 development is for the purposes of a 'warehouse and distribution centre' with a capital investment value of in excess of \$70 million, it is classified as a State Significant Development (SSD) under Clause 12, Schedule 1 of the State Environmental Planning Policy (Planning Systems) 2021.

This EIS has been prepared in response to Secretary's Environmental Assessment Requirements (SEARs) for the Stage 2 SSDA (SSD-46516461), issued on 16 August 2022. This report includes assessment of compliance with the statutory and strategic planning framework, and all other potential environmental impacts identified through the preparation of this SSDA.

The intended outcome of the project is to meet the demand for warehousing spaces in NSW, which will support the economy and deliver jobs in a strategic precinct close to the new Nancy Bird Walton Airport. The site is strategically located within the Mamre Road Precinct, within the Western Sydney Employment Area, which was rezoned in June 2020 for the intended use of warehousing and industrial development.

The development will incorporate the latest technology for the future tenant and ensure that minimal environmental impact arises from the development, due to the consideration of issues as part of the broader siting and design of the warehouse, along with incorporating environmentally sustainable design measures.

Consultation

Community and stakeholder engagement has been undertaken by Urbis and the Project Team in the preparation of the SSDA and the Modification application. 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.

The outcomes of the community and stakeholder engagement have been incorporated into the proposed development and are discussed in detail in this EIS.

Justification Of The Project

This EIS assesses the development as proposed with regard to relevant planning instruments and policies and outlines the mitigation measures to ensure the project does not result in unreasonable or adverse environmental effects. Project alternatives were considered for this scheme, however the proposed development represents the best outcome for the site and the future tenant.

The key issues for all components of the project identified in the SEARs have been assessed in detail, with specialist reports underpinning the key findings and recommendations identified in the Assessment of Impacts in **Section 6**.

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 proposal 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.
- Future Transport 2056.
- Freights and Ports Plan 2018-2023.
- Western Sydney Aerotropolis Plan.
- Penrith Local Strategic Planning Statement.
- Western Sydney Employment Area.
- Mamre Road Structure Plan; and
- Mamre Road Upgrade.

- **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 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*
- *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 its location in a recently rezoned industrial employment zone. The site benefits from a creek alignment along the northern estate boundary giving useable land areas, access to Mamre Road, vehicular access through the Access Roads to neighbouring landholdings, and on-site water management. The proposed lot layout and Warehouse 9 development

will not impact these main components of AIE.

The proposal will not impact the site topography. The access provisions via Mamre Road through this estate to the wider Mamre Road Precinct will be consistent between MOD 3 and Stage 2.

The modified subdivision layout is generally consistent with the lot and building layout approved in the Concept and Stage 1 consent. The changes to building location and road layout approved does not affect the creek alignment and appropriately responds to the site topography and access provisions via Mamre Road through this estate to the wider Mamre Road Precinct. The proposed layout responds to tenant requirements for warehouse sizes and will ensure that product delivered on the site will meet the operational requirements of the market.

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

The Mamre Road Precinct is zoned IN1 specifically for warehouse and industrial uses as approved on the site, and the proposal maintains these approved warehouse and distribution uses. The proposal seeks to maintain the approved warehouse and distribution uses for Warehouses 9 which will provide much needed warehouse and logistics space in the Mamre Road Precinct, consistent with the strategic visions for the precinct and relevant statutory matters for consideration.

The proposal is generally consistent with the relevant matters for consideration, retains the approved services and 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 ensuring the proposal remains suitable for the site.

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

The proposal is consistent with the planning and environmental policies applicable to the site and will deliver on the intended employment land function for the Mamre Road Precinct consistent with the strategic visions for the precinct, zoning of the site and is therefore considered in the public interest.

In view of the above, it is considered that this SSD Modification and SSD Application has significant merit and should be approved subject to the implementation of the mitigation measures described in this report and supporting documents.

1. Introduction

This section of the report identifies the applicant for the project and describes the site and proposed development. It outlines the site history and feasible alternatives explored in the development of the proposed concept, including key strategies to avoid or minimise potential impacts.

1.1. Applicant Details

The applicant details for the proposed development are listed in the following table.

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

1.2. Project Description

This EIS is submitted to the Department of Planning, Industry and Environment (**DPIE**) on behalf of the Mirvac and in support of a modification application to the approved concept plan and Stage 1 Works under SSD-10448 (**MOD 3**) as well as a Stage 2 SSD development application for the construction of Warehouse 9 (SSD-46516461). The proposal is located at 804-882 Mamre Road, Kemps Creek (Lots 1-5 DP 1285305), known as Aspect Industrial Estate (AIE). It is noted that the lot references have been refined from the original lot descriptions for SSD 10448 (being Lots 54 – 58 in DP 259135), due to a boundary adjustment for road dedication for the widening of Mamre Road.

The SSDA and modification seeks consent for:

Concept Modification:

- Reconfiguration of the Estate layout south of Access Road 1 and west of Access Road 3 including
 - Reduction in overall lot numbers across AIE from 11 to 9.
 - Relocation and shortening of Access Road 4.
 - Reconfiguration of warehouse lots 6-11 into lots 6-9.
 - New warehouse footprints including GFA of warehousing and office areas, car parking, estate landscaping
- Modify conditions of consent relating to plan references, operational noise limits and estate wide maximum GFA.

Stage 1 Modification:

- Modification of the Stage 1 consent to provide for the following in respect of Access Road 4
 - updated road subdivision plan to provide for subdivision of Access Road 4
 - updated civil works package to facilitate construction of Access Road 4,
 - provision of landscaping works within road reserve of Access Road 4.
- Specific civil infrastructure elements that are proposed to be changed under the scope of MOD 3 include

- Adjustment to bulk earthworks levels, generally to the lots bound by Road 1 and Road 3 (Lots 6-9). The overall cut/fill balance across the AIE Site has been maintained.
 - Changes to the proposed stormwater network design. Generally, this will involve changing standard reinforced concrete pipes to a combination of fibre reinforced concrete pipe (up to DN600) and reinforced concrete box culverts.
 - Adjustments to retaining wall 22, to suit the revised bulk earthworks level for Lot 9. Retaining wall 22 is proposed to be both longer and higher at its peak.
 - Inclusion of an additional retaining wall (retaining wall 23) between Lot 9, and Lots 6 and 7. The retaining wall is proposed as part of the Stage 1 works due to its proximity to on-lot works within Lot 9 contemplated as part of SSD-46516461.
- Modify conditions of consent relating to plan references.

Stage 2 SSDA

Construction of 'Warehouse 9' including:

- Civil works including cut/fill and benching to set the Lot 9 pad levels.
- Construction of new 66,341sqm building for use as 'warehouse and distribution' to be built to a ridge height of 14.6m. This will comprise:
 - 64,725sqm Warehouse.
 - 140sqm Dock Office at the north elevation.
 - 126sqm Dock Office at the south elevation.
 - 1,350sqm Main Office at the eastern elevation.
 - 266 parking spaces across the lot's north and eastern frontages and hardstand areas.
 - Internal truck access roads with access from Access Road 3 to the east and egress to Access Road 4 to the north.
 - Loading dock areas at the north and south elevations.
- Fit out of the warehouse for the proposed use.
- Construction of vehicular crossovers to Access Road 4 (egress) and Access Road 3 (ingress).
- On lot landscaping.
- On lot stormwater management.
- Operation of the warehouse and distribution facility 24 hours a day, 7 days a week.

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

Table 2 Project Objectives

Project Objective	Proposed Development
Align with the Mamre Road Precinct's aim to support the need for additional logistics, industrial and urban services land, in response to long-term projected population and development growth in Sydney.	The proposal will effectively utilise the limited supply of serviced and zoned employment land and integrate with existing and planned infrastructure to deliver rationalised and suitable warehouse space to address user demand.
Contribute to the employment options for Western Sydney and build upon the opportunities presented by the Western Sydney Aerotropolis.	The proposal will facilitate the continued delivery of the AIE and contribute to local employment opportunities in Western Sydney. The proposed

Project Objective	Proposed Development
	MOD 3 and Warehouse 9 development will provide for an employment generating land use in specific response to tenant enquiry and demand.
Ensure minimal environmental and amenity impact by responding to the site context and key interfaces with surrounding lands including sensitive receivers.	The proposed development has been designed to minimize any adverse environmental impacts as detailed in Section 6 .
Deliver high quality market leading industrial and logistics facilities.	The proposed Warehouse 9 has been prepared to achieve a high quality design with a visually interesting and distinct building appearance, consistent with the appearance of approved AIE warehouse designs.
Deliver sustainable development in line with Mirvac's sustainability objectives.	An ESD strategy is proposed for the Warehouse 9 development.

1.2.1. Project Terminology

The proposed modification to the approved concept proposal and stage 1 works will be referred to as '**MOD 3**' for the purposes of this report. The approved industrial estate development which will be modified by the proposed modification application will continue to be referred to as the Aspect Industrial Estate (**AIE**).

This proposal relates to Stage 2 of the AIE development and for the purposes of this report, it will be referred to as the '**Warehouse 9 Development**' or the '**Stage 2 Development**'. This development will be applicable to the site at 804-882 Mamre Road, Kemps Creek (Lots 1-5 DP1285305) and for the purposes of this report, the site will be referred to as '**Warehouse 9**'. The Stage 2 Development refers to the proposal submitted for approval under SSD-4651646.

The MOD 3 and Stage 2 SSD Development will be collectively referred to as '**the proposal**' for the purposes of this assessment. An overview of the proposal is provided in Section 1.2 and detailed description of the modifications to the Concept Proposal and Stage 1 Development as well as the Stage 2 works are described in detail in Section 4.

1.3. Project Background

1.3.1. SSD-10448 Concept Proposal and Stage 1 Development

On 24th May 2022 a state significant development application (SSD-10448) was approved by DPE for a new industrial estate known as Aspect Industrial Estate (AIE), within which this proposed warehouse development is sited. The approval granted consent for:

- A Concept Proposal for the staged development of an industrial estate comprising 11 warehouse / industrial buildings with a total GFA of up to 248,112sqm, 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.

1.3.2. Modifications to Approval

Mirvac is currently responding to a number of tenant enquiries for industrial and warehousing operations across AIE. These tenant enquiries have resulted in the need to prepare various modifications to the Concept Proposal to amend the approval in order to accommodate the warehouse requirements of the future tenants.

The Original Concept Plan and subsequent proposed modifications are detailed in Table 3 below. It is noted that at the time of lodgement of this application, the modifications to SSD-10448 have not yet been

approved. **Table 3** below outlines the original approval for AIE and the various subsequent modifications to the consent.

Table 3 Concept Plan and Modification Overview

DA Number	Description of Development
SSD-10448	<p>A Concept Masterplan for the AIE comprising 11 industrial or warehouse and distribution centre buildings, internal road network layout, building locations, gross floor area (GFA), car parking, concept landscaping, building heights, setbacks and built form parameters.</p> <p>Stage 1 development works comprising road and services infrastructure, site preparation works across the estate and construction of the warehouse and distribution and industrial buildings on Lots 1 and 3 along with subdivision of Stage 1. The Estate Masterplan for the proposal is illustrated in Figure 2 below.</p>

Figure 2: SSD Estate Masterplan

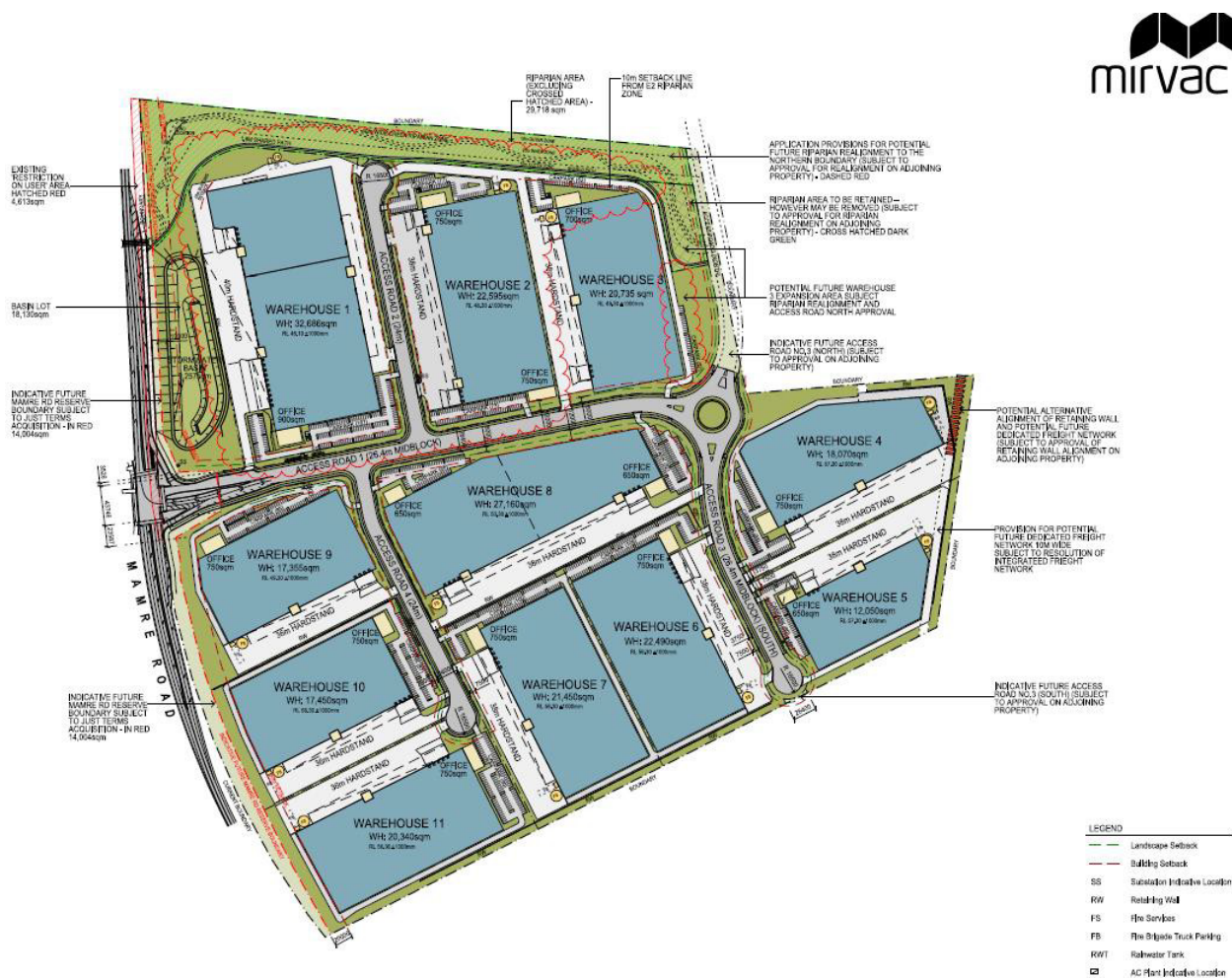


Source: SBA Architects

DA Number	Description of Development
SSD-10488 MOD1	<p>Modification Application 1 (MOD 1) which was approved by DPE on 25th August 2022, 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.</p>

DA Number	Description of Development
SSD-10488 MOD2	<p>Modification to the Concept Proposal and the Stage 1 Development, comprising the relocation of Access Road 2 further west and shortening of its length, adjusted vehicle access to Lot 3 and revised parking provision across Lots 1, 2 & 3.</p> <p>Stage 1 modifications are proposed to the construction of Warehouse 1 and Warehouse 3, resulting in changes to GFA, car parking, hardstanding and façades. The updated Concept Masterplan is illustrated in Figure 3 below.</p>

Figure 3 MOD2 Estate Masterplan



Source: SBA Architects

The MOD 3 and Stage 2 development forms the next phase development activity at AIE. Mirvac has been progressing discussions with future tenants for the precinct, and to respond to unique tenant requests, modified warehouse and lot layouts are required to accommodate the size and configuration of the intended operations.

This proposal will facilitate the required warehouse layout for the Winnings tenancy within Warehouse 9.

2. Strategic Context

This section of the EIS describes the way in which the proposal addresses the strategic planning policies relevant to the site. It identifies the key strategic issues relevant to the assessment and evaluation of the project.

2.1. Project Justification

The proposed development is aligned with the State, district and local strategic plans and policies applying to the site as outlined below.

2.1.1. NSW State Priorities

The Premier's Priorities include 14 priorities to enhance the quality of life of the people of NSW and deliver on the government's key policy priorities which include:

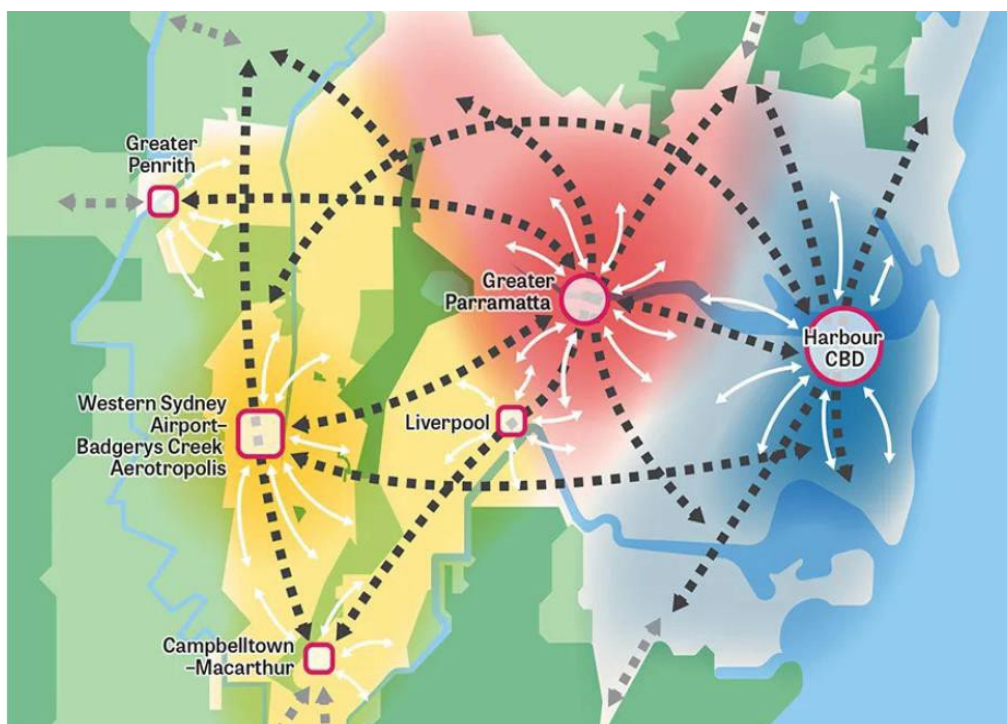
- A strong economy,
- Well-connected communities with quality local environments,
- Putting customer at the centre of everything we do, and
- Breaking the cycle of disadvantage.

The proposal is consistent with the relevant priorities as it will deliver new employment opportunities and economic investment within region. It will also deliver additional landscaping across the site to enhance the quality of the environment, including along the site boundaries and within the individual development lots.

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

The Greater Sydney Region Plan: A Metropolis of Three Cities (Region Plan) provides the overarching strategic plan for growth and change in Sydney. It is a 20-year plan with a 40-year vision that seeks to transform Greater Sydney into a metropolis of three cities - the Western Parkland City, Central River City and Eastern Harbour City as illustrated in **Figure 4** below. 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.

Figure 4 Structure Plan



Source: Greater Sydney Commission

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

- **Infrastructure and collaboration:** The site is accessible to existing road infrastructure which provides strong connections to the wider region. The precinct fronts Mamre Road which provides direct access to the M4 Motorway, Great Western Highway and Elizabeth Drive. This road is undergoing detailed design for an upgrade by TfNSW to service the future employment lands. In addition, the proposal seeks to provide essential infrastructure, e.g. sewer, water, electricity, telecommunications to the site. Preliminary discussions regarding the servicing of the site have commenced with Sydney Water, Jemena, NBN, and Endeavour Energy.

Through the Western Sydney City Deal, there are significant infrastructure commitments proposed to service the Western Sydney International Airport and significant road upgrades and public transport projects to support the future employment of the site and surrounding area. As such, the proposal will ensure that the employment land uses are delivered in alignment with the intended infrastructure growth in the area.

- **Liveability:** The proposal will support the 30-minute city by providing employment to nearby residential suburbs. It is also surrounded by land identified for future employment. The proposed future uses at Warehouse 9 and the broader AIE will not negatively impact on surrounding residential areas.
- **Productivity:** The proposal development responds to the industrial land shortfall identified in the Region Plan and aims to respond to the market requirements of the intended tenants. The proposal will further realize the provision of industrial, employment land within the Western Sydney Aerotropolis. The site is well-located to the M4 and M7 Motorways and will support the vision for employment within the Western Sydney Aerotropolis.

2.1.3. 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 proposal aligns with the vision of the District Plan, as summarised below:

- **Infrastructure and Collaboration:** The proposal will align with the approved collaboration between the AIE precinct development for the delivery of essential infrastructure needed to support the Western Parkland City. The proposal will align with the intended road infrastructure upgrades in the area as well as the necessary utility infrastructure. The proposal will not compromise the approved AIE's collaboration in delivery of essential infrastructure needed to support the Western Parkland City.
- **Liveability:** The proposal will ensure the realization of employment opportunities at the site accessible to nearby residents, thus contributing to the 30-minute city vision.
- **Productivity:** The site is within the Western Sydney Aerotropolis (WSA) and surrounded by land identified for future employment. The proposal will supply industrial lands within a land release area in response to long-term projected population and development growth.
- **Sustainability:** The proposal includes a range of measures to mitigate, minimise or manage the potential environmental impact of the proposal. The EIS will detail stormwater management measures to protect and manage the existing natural systems and ecologically sustainable development initiatives to minimise demand on infrastructure systems, such as sewer, water and electricity.

2.1.4. Future Transport 2056

The Future Transport Strategy sets the 40-year vision and strategy for managing the growth of transport services and infrastructure in NSW over the next 40 years. It has been developed alongside the Region Plan in order to provide an integrated planning framework for NSW, that supports the repositioning of Sydney as a metropolis of three cities.

For Greater Sydney, the plan is also built on the same vision of the 30-minute city, which it says will be underpinned by an integrated network of city-shaping, city-serving and centre serving corridors. To support this vision, transport for NSW has established 6 outcomes for Greater Sydney which demonstrate its aspirations for transport over the next 40 years. These outcomes will be used to guide transport services and infrastructure in Greater Sydney to 2056. The identified and relevant Greater Sydney outcomes include:

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

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

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

2.1.5. Freight and Ports Plan 2018 – 2023

The NSW Freight and Ports Plan 2018 – 2023 sets clear initiatives and targets to make NSW freight transport more efficient and safer, so NSW can continue to move and grow. The Western Sydney Freight Line and Intermodal Terminal are initiatives identified to contribute to the growing demand on logistics in Western Sydney through the delivery of the Western Sydney Airport and Aerotropolis.

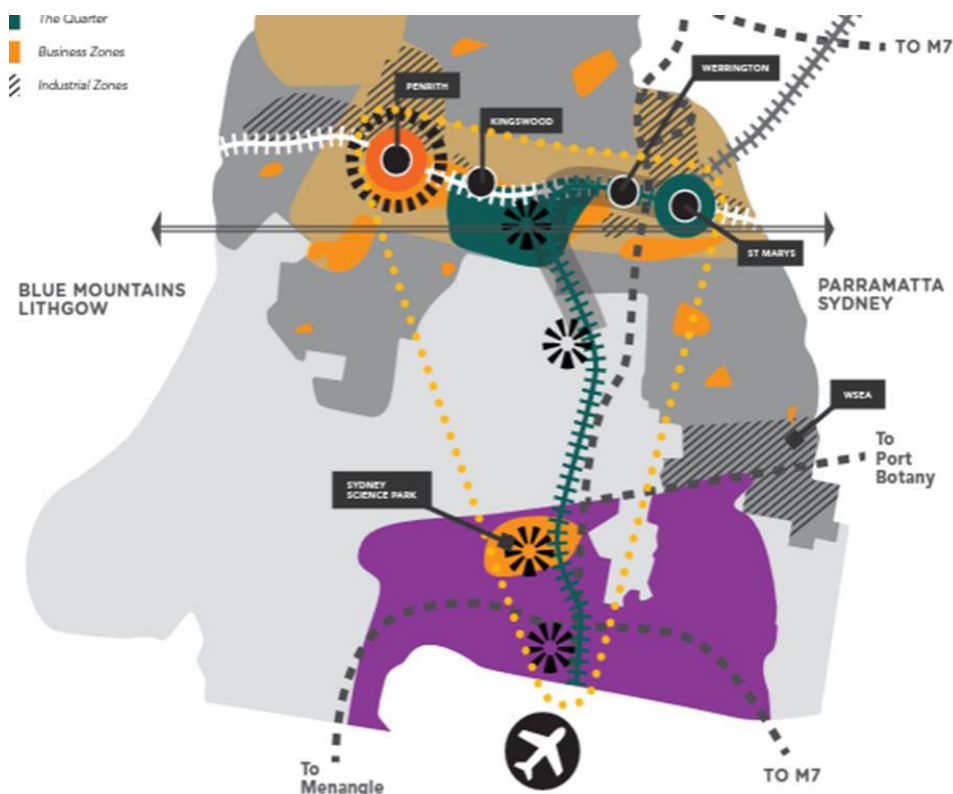
The proposal does not impact the delivery of these initiatives and contributes to the delivery of jobs within a 30-minute catchment of the Aerotropolis.

2.1.6. Penrith Local Strategic Planning Statement

The Penrith Local Strategic Planning Statement (LSPS) was finalised on 23 March 2020. The LSPS identifies the vision and priorities for land use across the LGA, as well as outlines the special character and values of the place and how they will be managed into the future. The Structure Plan identifies land within Mamre Road Precinct within the Western Sydney Aerotropolis. The LSPS identifies Western Sydney Aerotropolis as a key employment generator for the LGA and seeks to create an economic triangle with Penrith CBD and St Marys (refer to **Figure 5** 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.

Figure 5 Penrith's Economic Triangle



Source: Penrith City Council

2.1.7. Western Sydney Aerotropolis Plan

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

The WSAP identifies the planning pathway for Mamre Road Precinct under the WSEA SEPP, as the future employment land uses anticipated for the precinct align with the existing objectives of the WSEA. The Structure Plan identifies land within Mamre Road Precinct to be zoned for flexible employment with intended land uses being industrial, warehousing and logistics. The statutory planning pathway will be separate from the remaining Aerotropolis precincts, and the Mamre Road Precinct will have its own Development Control Plan. Part 5 of the WSAP outlines measures to protect the 24-hour operations of the Western Sydney (Nancy-Bird Walton) International Airport.

Key initiatives include:

- Preventing the encroachment of noise-sensitive land uses into areas affected by aircraft noise and operational airspace.
- Locating buildings to avoid wind shear and turbulence.
- Managing wildlife attraction.
- Locating wind turbines appropriately.
- Ensuring lighting does not distract/confuse pilots.
- Maintaining an obstacle free operational space.
- Ensuring off-airport development does not impact the communication, navigation and surveillance (CNS) equipment.
- Managing land uses in public safety areas.

The proposal does not impact the future airport operations.

2.1.8. Western Sydney Employment Area

The AIE forms part of the strategically significant employment precinct known as the WSEA, which is identified and endorsed in Region, District and local planning strategies.

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

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

The proposal aligns with the strategic intentions of the Western Sydney Employment Area as it aims to deliver freight and logistics employment land within the area, satisfying the opportunities afforded to the area. The warehouse 9 development will facilitate the accommodation of the intended tenant and will therefore contribute to the competitive edge of this employment area through securing operational tenants in the area.

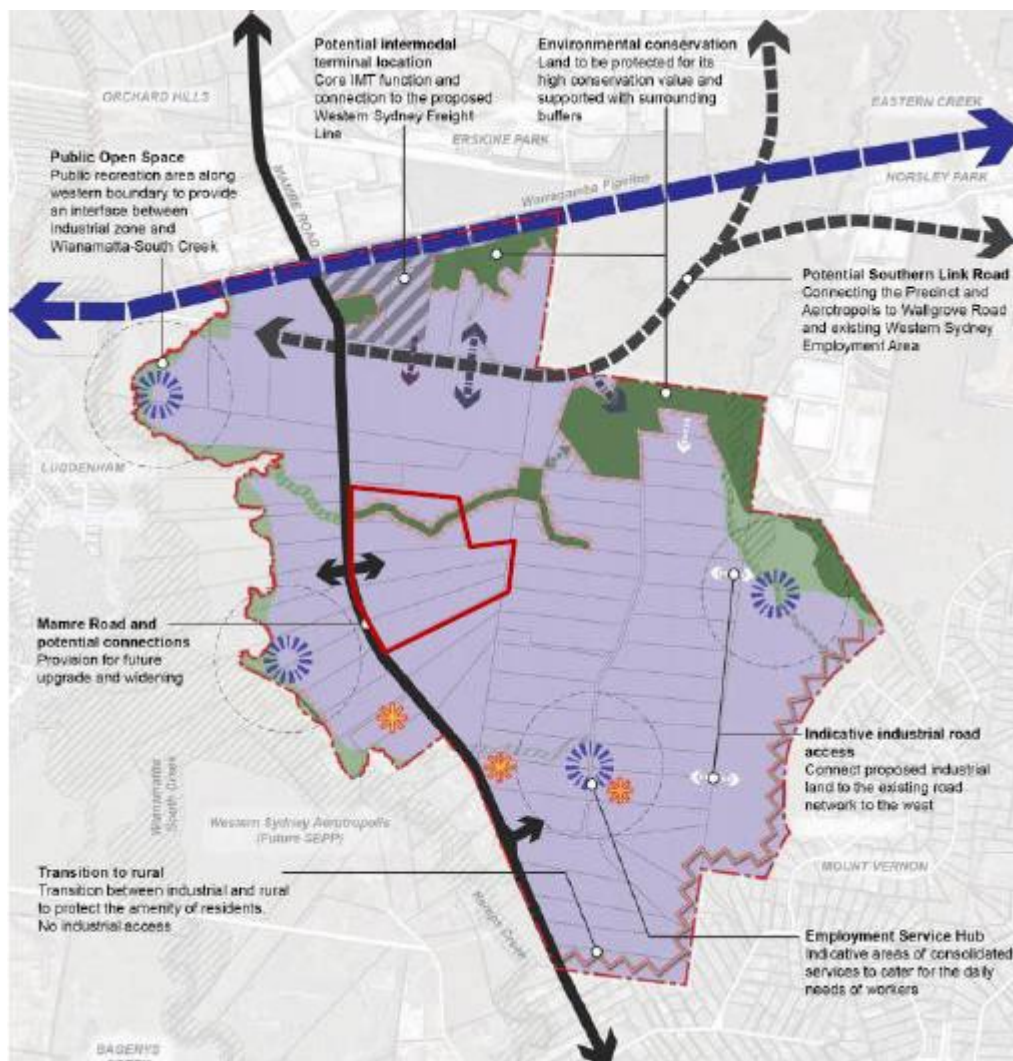
2.1.9. Mamre Road Precinct Plan

The Mamre Road Precinct Plan (DPIE 2020) identifies the development intent for the precinct, highlighting future industrial, environment and drainage areas, as well as identifying key infrastructure required to support the precinct, as illustrated in the Structure Plan at **Figure 6** below.

This proposal delivers on the intent of the Structure Plan as it relates to the subject land. Consistent with the vision of the precinct, the development will not result in any adverse ecological impacts and will appropriately mitigate any potential acoustic impacts to noise sensitive receivers.

The proposal will also not negatively impact quality of the riparian corridor that is located within the AIE precinct. As such, the proposal accords with the intent of the Precinct Plan.

Figure 6 Mamre Road Precinct Plan



Source: Department of Planning and Environment

2.1.10. Mamre Road Upgrade

The NSW Government has started planning for a future upgrade of Mamre Road between Kerrs Road and the M4 Motorway, to support economic and residential growth in this area. The Mamre Road upgrade is part of a plan to progressively upgrade arterial roads in Western Sydney to deliver a more efficient, reliable network that meets the future needs of the community and the economy. This includes the need to support Western Sydney Airport and the Aerotropolis. The intended corridor width for Mamre Road as a Primary Arterial Road is 50 metres. Transport for NSW has completed the strategic design for the Mamre Road upgrade.

The proposal will deliver additional employment opportunities that will utilize and benefit from the intended Mamre Road portion upgrade (including the intended upgrade of the interim intersection to Mamre Road).

2.2. Key Features Of The Site And Surrounds

The site is located at 804-882 Mamre Road, Kemps Creek within the Penrith local government area (LGA). The Aspect Industrial Estate (AIE) that covers 804-882 Mamre Road is legally described as Lots 1-5 DP 1285305 (formerly Lots 54 – 58 in DP 259135) and is currently owned by Mirvac.

The site is located within the suburb of Kemps Creek, which is situated within the Penrith LGA. 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 and is located within the Mamre Road Precinct within the broader WSEA.

Figure 7 Context of the Site and Surroundings



Source: Urbis

The AIE has an area of approximately 56.3 hectares (ha) and currently the AIE is mostly cleared with scattered vegetation and includes a series of farm dams, with a watercourse traverses the site from the north-west along the site northern boundary. The historic land uses on the site include rural residential, grazing, dairy farming, poultry farming and horticulture, with the approval on the site for industrial and warehouse uses through SSD-10448.

The AIE is bound by Mamre Road to the west and agricultural uses to the north, south and east. This land is identified for future employment land, as this site and the broader Mamre Road Precinct has recently been rezoned to, primarily, IN1 General Industrial under the *State Environmental Planning Policy (Industry and Employment) 2021* (Industry and Employment SEPP). A number of development applications have been lodged on land surrounding the site within the Mamre Road Precinct as summarised in **Section 2.3** below.

The key features of the site which have the potential to impact or be impacted by the proposed development are summarised in **Table 4** below.

Table 4 Key Features of Site and Locality

Descriptor	Site Details
Existing Development	Approved use for a warehouse distribution centre under SSD-10448 Current use of the site is for agricultural uses including farming and grazing.
Topography	The peak of the site is located to the north- eastern corner of the site (70 AHD) and slopes to the western boundary of Mamre road (40 AHD).
Site Access	Into the Aspect Industrial Estate from Mamre Road.

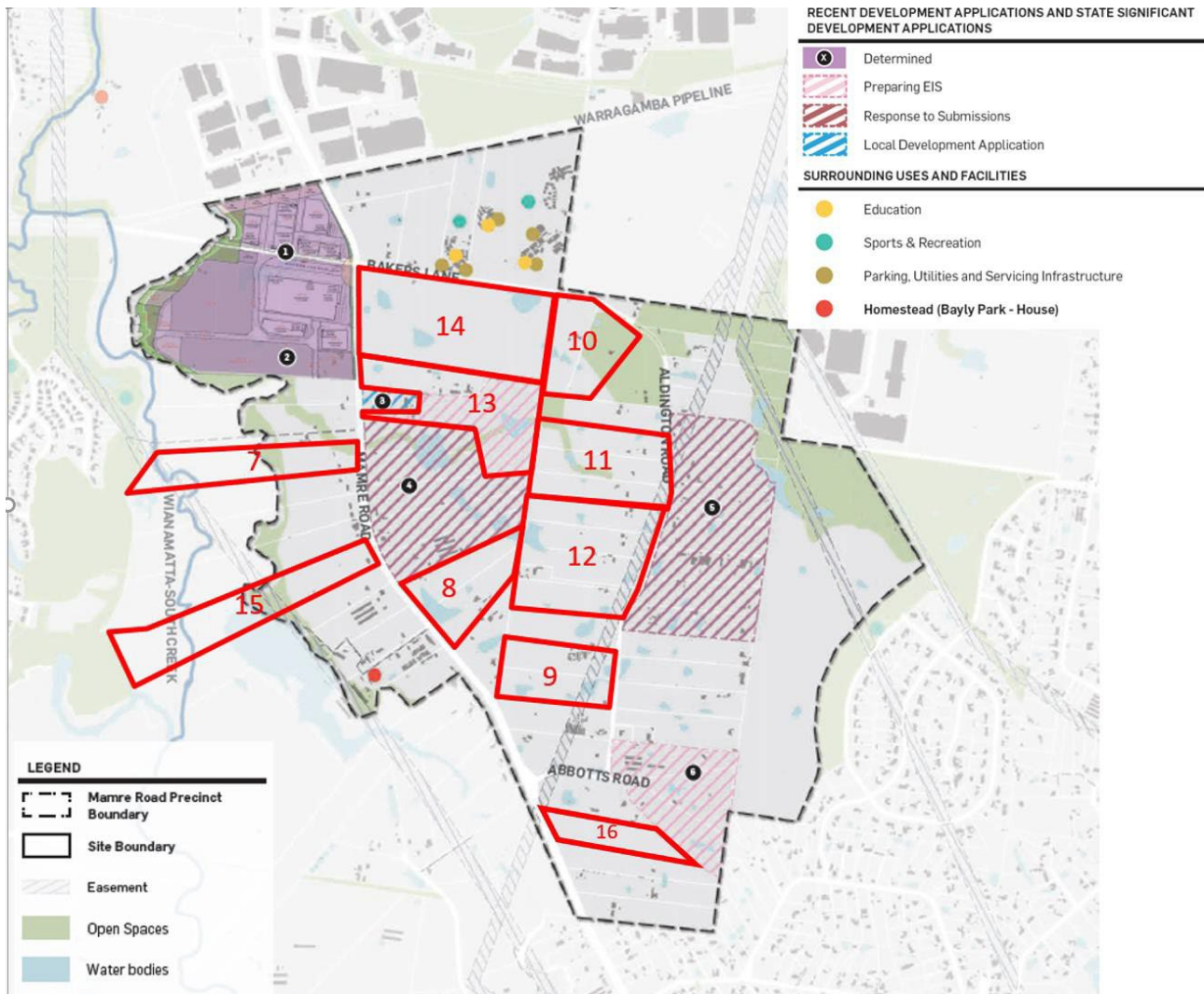
Descriptor	Site Details
Services	To be provided in accordance with SSD-10448
Contamination	<p>A Phase 1 and 2 Contamination Assessment was prepared for the concept approval SSD-10448 by JBS&G and Arcadis. These reports identified contaminants on the site and recommended mitigation measures to appropriately dispose of the contamination.</p> <p>While works are yet to commence in accordance with the approval at the time of writing this report, conditions were included in the consent that will remove the contamination from the site before works commence in accordance with this subject proposal.</p>
Bushfire Prone Land	The vegetation estate is mapped as Category 2 Bushfire Prone Vegetation.
Flora and Fauna	Native vegetation on the broader site is limited to small patches and sparsely scattered through the site. Conservation and removal of vegetation will be conducted in accordance with the Concept Proposal and Stage 1 Approval SSD-10448. The proposal seeks to maintain the flora and fauna in accordance with SSD-10448.
Heritage	<p>No identified State or local items of environmental heritage are located on the land.</p> <p>Aboriginal archaeology identified various artefacts and objects at the broader estate site. An Aboriginal Cultural Heritage Assessment Report was completed for the Concept Proposal and Stage 1 Development, and conditions of consent relating to aboriginal heritage were placed on the approval of SSD-10448.</p>
Western Sydney International Airport's ANEF	The site is affected by the contour 20, in a briefing in accordance with 9.1 Local Planning Directions 3.5 and 7.8 of the EP&A Act 1979.
Surface Water, Hydrology and Flooding	The AIE is located within the South Creek sub-catchment with two unnamed watercourses within the estate (located to the north of lot 1, 2 and 3).

2.3. Cumulative Impacts With Future Projects

The site is located within the Mamre Road Precinct within the Industry and Employment SEPP. There is a number of likely future developments within the precinct which may be relevant in the cumulative impact assessment of the proposal are summarised in the following **Table 5** and **Figure 8** below.

The potential cumulative impacts of the project are addressed in **Section 6** of the EIS in accordance with the DPIE Assessing Cumulative Impacts guidelines.

Figure 8 Adjacent Development Applications



Source: Urbis 2022

Table 5 Approved and Likely Future Developments

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	Response to Submission	68,934sqm
3	772-782 Mamre Road	Altis	Local DA withdrawn	16,887sqm
4	Aspect Industrial Estate	Mirvac	Determined	251,042sqm

Reference Number	Site	Land Owner	Status	GFA Proposed (Warehouse, logistics and industrial facilities)
5	200 Aldington Road	Stockland & Fife Capital	Assessment	374,630sqm
6	ESR Kemps Creek Logistics Park (West link)	ESR	Response to submissions	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.
16	Project Starward	Resolve XO	SEARs Received	58,300 sqm

2.4. Feasible Alternatives

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

MOD 3

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.

The estate layout is being refined to meet the need of the future operators. MOD 3 is required to facilitate the future Warehouse 9 which is the only location that can accommodate a warehouse of the size required for the operator, along with ensuring the other sites in the estate meet the requirements of future operators.

Warehouse 9 Development

The Warehouse 9 building form will be consistent with the layout sought via MOD 3. In this regard, Mirvac identified two project alternatives which were considered in respect to the identified need for the lot layout and building locations which include Warehouse 9. Each of these options is listed and discussed in the following table.

Table 6 Project Alternatives

Option	Assessment
Option 1 - Do Nothing	<p>The 'Do Nothing' alternative would result in the land comprising the AIE remaining not suitable for market requirements and therefore ultimately undeveloped. The risk and results of this alternative include the following.</p> <ul style="list-style-type: none"> • Outcomes for the site inconsistent with the strategic objectives, goals and direction of the Greater Sydney Region Plan – 'A Metropolis of Three Cities', Western City District Plan, draft Western Sydney Aerotropolis Plan, and Mamre Road Precinct Structure Plan. • Failure to achieve the underlying objectives of the rezoning or the land as part of the WSEA, in particular the provision of a long-term supply of industrial land to serve the needs of the Sydney market. • Land use outcomes that are inconsistent with the aims of the Industry and Employment SEPP. • Failure to develop the AIE in a timely manner to align with market demand, potentially further contributing to a shortfall in the supply of serviced industrial sites in the short to medium term, with subsequent impacts on economic productivity and employment in the region. • Loss of direct employment generating potential <p>Due to the significance of the risks noted above, the 'Do Nothing' alternative was discounted in favour of amending the overall site layout to respond to tenant enquiry to ensure a feasible and usable warehouse operation can be delivered on the site.</p>

Option	Assessment
Option 2 - Alternative Design	<p data-bbox="662 226 1417 293">Multiple layout options were analysed when considering the AIE Concept Master Plan in the approval of SSD-10448.</p> <p data-bbox="662 322 1396 465">With the warehouses not yet constructed across the estate, flexibility is afforded for future tenants to ensure warehouse designs meet their specific needs, which has been reflected in the later modifications sought to SSD-10448.</p> <p data-bbox="662 495 1406 638">Mirvac has secured a future tenant for Warehouse 9, who have carefully chosen the design reflected within the architectural plans to both suit their requirements and also ensure suitable environmental outcomes consistent with SSD-10448.</p> <p data-bbox="662 667 1390 913">The concept building envelope approval sought in the modification to SSD-10448 (MOD3) has been designed to ensure it meets tenant requirements so that it is utilised for an economic purpose, in a way that respects the natural environmental factors associated with the site including the natural flora and fauna, riparian corridor and bushfire constraints.</p> <p data-bbox="662 943 1409 1122">The warehouse will accommodate Winning Appliances who are a retailer of white goods and home appliances. They have identified the requirement for a large warehouse to accommodate significant stock of these bulky goods. As such, Warehouse 9 is purposely designed to meet this requirement.</p>

The proposed Warehouse 9 building will sit comfortably within the lot realignments sought by MOD 3 and is proposed such that it will ensure that the warehouse building will suit the needs of the future tenant and ensure the site can be used for a suitable economic purpose.

3. Project Description

The following sections of the EIS detail the components of the proposal including the key numeric parameters and any demolition, site preparation, construction and operations subject to MOD 3 and the Warehouse 9 Development.

Section 3.1 describes the proposed MOD 3 development which includes the required amendments to the Concept Proposal to allow implementation of the Stage 2 Development. **Section 3.2** provides a detailed description of each component of the warehouse and distribution facility proposed as part of the Stage 2 Warehouse 9 Development.

3.1. Description Of Modifications

This section of the report describes the proposed modifications, including the project description and specific elements of the proposed development. 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, 1979.

3.1.1. Overview

The following modifications are proposed to the Concept Proposal and Stage 1 Development granted consent by way of SSD-10448. Specifically, these modifications include:

Concept Modification:

- Reconfiguration of the Estate layout south of Access Road 1 and west of Access Road 3 including
 - Relocation and shortening of Access Road 4.
 - Reduction in overall lot numbers across AIE from 11 to 9.
 - Reconfiguration of warehouse lots 6-11 into lots 6-9.
 - New warehouse footprints including GFA of warehousing and office areas, car parking, estate landscaping for the new lots 6-9, as per Table 7.
- Modify conditions of consent relating to plan references, operational noise limits and estate wide maximum GFA.

Stage 1 Modification:

- Modification of the Stage 1 consent to provide for the following in respect of Access Road 4
 - updated road subdivision plan to provide for subdivision of Access Road 4.
 - updated civil works package to facilitate construction of Access Road 4.
 - provision of landscaping works within road reserve of Access Road 4.
- Specific civil infrastructure elements that are proposed to be changed under the scope of MOD 3 include
 - Adjustment to bulk earthworks levels, generally to the lots bound by Road 1 and Road 3 (Lots 6-9). The overall cut/fill balance across the AIE Site has been maintained.
 - Changes to the proposed stormwater network design. Generally, this will involve changing standard reinforced concrete pipes to a combination of fibre reinforced concrete pipe (up to DN600) and reinforced concrete box culverts.
 - Adjustments to retaining wall 22, to suit the revised bulk earthworks level for Lot 9. Retaining wall 22 is proposed to be both longer and higher at its peak.
 - Inclusion of an additional retaining wall (retaining wall 23) between Lot 9, and Lots 6 and 7. The retaining wall is proposed as part of the Stage 1 works due to its proximity to on-lot works within Lot 9 contemplated as part of SSD-46516461.
- Modify conditions of consent relating to plan references.

3.1.2. Modified Concept Plan Layout

The proposed modification to the Concept Proposal will result in changes to the lot sizes, warehouse footprint layout and road access to the south western portion of AIE, south of Access Road 1 and west of Access Road 3.

The Concept Proposal layout as proposed to be modified by MOD 3 is shown at **Figure 9** below.

Figure 9 Concept Proposal MOD 3 Layout



Source: SBA Architects

3.1.2.1. Quantitative Comparison with Concept Consent

The proposed modification will result in an increase in total developable area and an increase in total building area across the AIE as detailed in **Table 7**.

Table 7 Concept Proposal Quantitative Comparison

Metric	SSD 01448	SSD 10448 – MOD 2	SSD 10448 – MOD 3
Mamre Road Reserve Area	14,004 m ²	14,004 m ²	14,004 m ²
Access Roads Area	46,465 m ²	43,953 m ²	40,032 m ²
Future Roads Area	3,415 m ²	3,570 m ²	3,570 m ²
Creek Riparian Area	29,617 m ²	29,718 m ²	29,718 m ²

Metric	SSD 01448	SSD 10448 – MOD 2	SSD 10448 – MOD 3
Retained Riparian Area	4,004 m ²	4,042 m ²	4,042 m ²
Basin Lot Area	17,300 m ²	18,130 m ²	18,130 m ²
Total Developable Area	443,408 m ²	444,906 m ²	448,837
Total Office (incl dock office)	11,480 m ²	11,050 m ²	9,716 m ²
Total Warehouse Area	236,510 m ²	232,381 m ²	238,003 m ²
Café	122 m ²	-	125 m ²
Total Building Area (GFA)	248,112 m ²	243,431 m ²	247,844 m ²
Restriction on User Area	4,613 m ²	4,613 m ²	4,613 m ²

3.1.2.2. Quantitative Comparison by Warehouse

A comparative analysis of the proposed changes to the approved Concept Proposal on a lot-by-lot basis (for those lots proposed to be modified by MOD 3) has been undertaken at **Table 8**.

Table 8 Lot by Lot Comparison

Location on the site	Concept Approval SSD-10448	Modification (MOD3)	Difference
Warehouse 6			
Main office	750m ²	1,000 m ²	+250 m ²
Warehouse	22,490 m ²	8,574 m ²	-13,916 m ²
Dock office	100 m ²	0 m ²	-100
Car parking	106	71	-35
Total GFA	23,340 m ²	9,574 m ²	-13,766m ²
Warehouse 7			
Main office	750 m ²	750 m ²	Nil
Warehouse	21,450 m ²	14,358 m ²	-7,092 m ²
Dock office	100 m ²	100 m ²	Nil
Car Parking	100	84	-16
Cafe	Nil	125 m ²	+125 m ²
Total GFA	22,300 m ²	15,333 m ²	-6,967 m ²

Location on the site	Concept Approval SSD-10448	Modification (MOD3)	Difference
Warehouse 8			
Main Office	1,300 m ²	750 m ²	-550 m ²
Warehouse	27,160 m ²	44,196 m ²	+17,036 m ²
Dock office	200 m ²	200 m ²	Nil
Car parking	164	166	+2
Total GFA	28,660 m ²	45,146 m ²	+16,486 m ²
Warehouse 9			
Main office	750 m ²	1,350 m ²	+650 m ²
Warehouse	17,355 m ²	64,932 m ²	+47,577 m ²
Dock office	100 m ²	266 m ²	+110 m ²
Car parking	85	266	+171
Total GFA	18,205 m ²	66,548 m ²	+48,343 m ²
Warehouse 10			
Main office	750 m ²	0 m ²	-750 m ²
Warehouse	17,450 m ²	0 m ²	-17,450 m ²
Dock office	100 m ²	0 m ²	-100 m ²
Car parking	87	0	-87
Total GFA	18,300 m ²	0 m ²	-18,300 m ²
Warehouse 11			
Main office	750 m ²	0 m ²	-750 m ²
Warehouse	20,340 m ²	0 m ²	-20,340 m ²
Dock office	100 m ²	0 m ²	-100 m ²
Car parking	90	0	-90
Total GFA	21,190 m ²	0 m ²	-21,190 m ²
Total Area			
Warehouse GFA	131,995 m ²	136,601 m ²	+4,717 m ²
Car parking	632	587	-45

Warehouse 6 – Building Envelope Details

- 15m setback to the southern boundary which is used by a carpark.
- 9m setback to the western boundary which adjoins Warehouse 9 which is used by an access road.
- The building has a 40m setback to the eastern boundary of Access Road 3 which includes a 36m hardstand to the east of the warehouse and 4m landscaping zone.
- 13m setback to the northern boundary which adjoins Warehouse 7, which includes a carpark.

Warehouse 7 – Building Envelope Details

- 10m landscaped setback to the western boundary.
- 6m landscaped setback to the north and eastern.
- 10m building setback to the northern boundary with a carpark and landscaping area.
- 5m setback to the western portion of the building to the southern boundary of Warehouse 9 and 38m hardstand setback to the eastern portion of the southern boundary to Warehouse 6.
- 20m building setback to Access Road 3 on the eastern boundary with a carpark and landscape area within this setback.

Warehouse 8 - Building Envelope Details

- 32.5m Warehouse 9 setback from Mamre Road boundary.
- 15m landscape setback from Mamre Road which has a reflective splay to the intersection with access road 1 and a 7m landscape setback of access road 1.
- There is an access road behind the landscape setbacks and carpark to the north west and east.
- The building envelope has a setback of 35m to the eastern boundary of access road 4.
- 38m hardstand to the south with a retaining wall on the boundary to Warehouse 9, with a landscaped area between the warehouse and hardstand of 10m.

Warehouse 9 – Building Envelope Details

- 32.5m Warehouse 9 setback from Mamre road boundary
- 15m landscape setback from Mamre road
- 36m hardstand setback to the north of warehouse 9
- Carpark to the east with a setback of the building envelope of 30m
- 36m hardstand to the south with a retaining wall landscaped area of 9m making an overall setback of 45m to the boundary

3.1.2.3. Relocation of Access Road 4

Access Road 4 runs south off Access Road 1 and was approved in the Concept Proposal for SSD 10448.

It is proposed that this road be relocated 168m to the east of its approved location and shortened from 300m to 145m to connect with the proposed Warehouse 9 lot.

3.1.3. Modified Stage 1 Layout

MOD 3 proposes to change the extent of the Stage 1 works as approved by SSD 10448, in accordance with the plan extract at **Figure 10**.

Figure 10 Stage 1 Development – MOD 3 Layout



Source: SBA Architects

3.1.3.1. Bulk Earthworks Levels

Due to the reconfiguration of lot sizes and alignments in this area of the site, minor earthworks are proposed to ensure flat building pads are provided in a manner consistent with that updated layout.

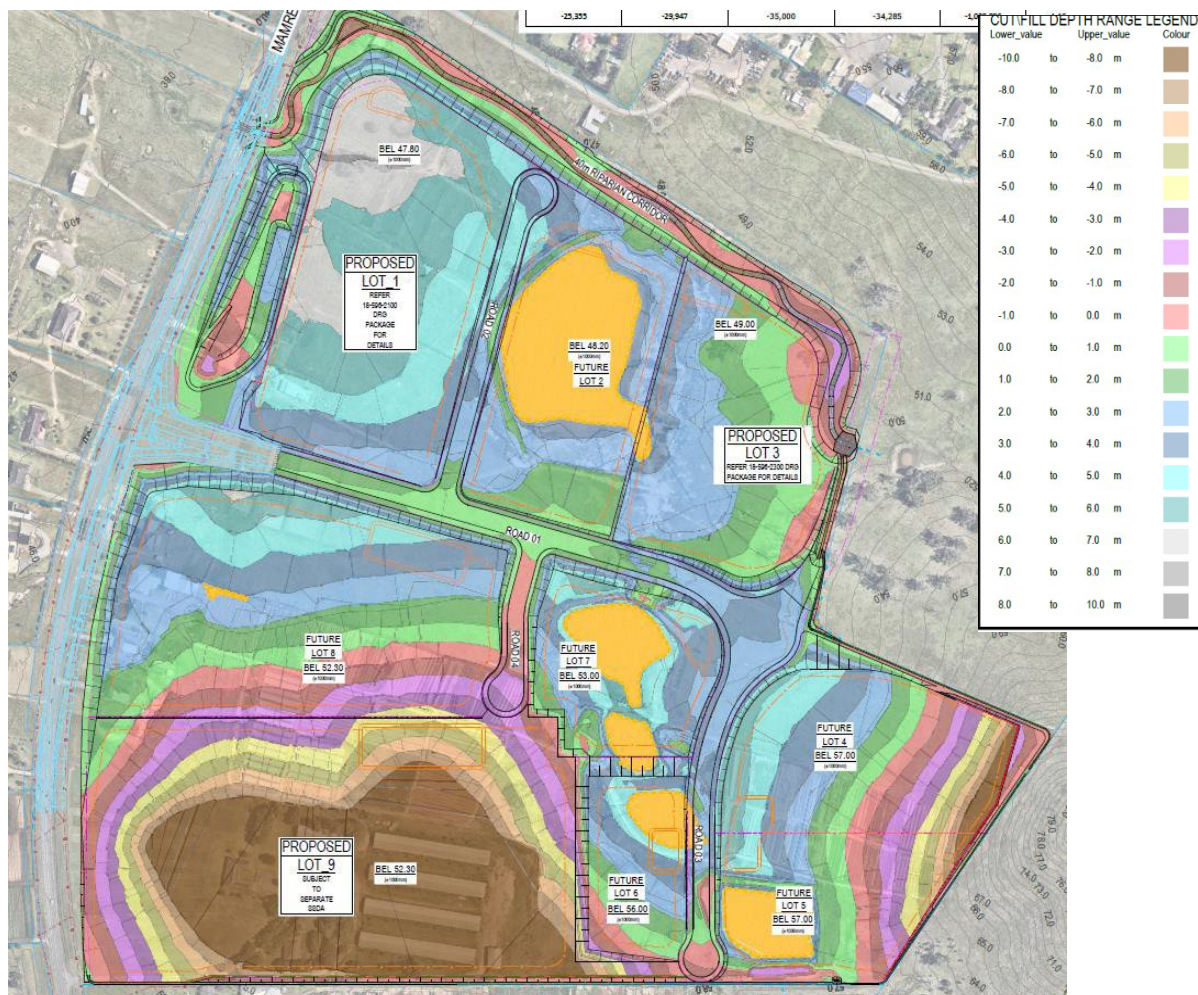
The approved bulk earthworks levels (BEL) have been reassessed to achieve a balanced cut to fill within the development extent.

This results in an overall minor lowering of the pad levels of the previous Lots 7, 10 and 11 and a minor increase in pad levels at Warehouse 9. These approved and proposed BEL are detailed in **Table 9** and illustrated in **Figure 11**.

Table 9 Earthworks levels

Location	BEL of approval (+/-1m)	BEL proposed (+/-1m)
Warehouse 6	56	56
Warehouse 7 – Now Warehouse 9	52.6	52.3
Warehouse 8 – Now Warehouse 7	50	53
Warehouse 9 – Now Warehouse 8	51.6	52.3
Warehouse 10 – Now Warehouse 9	52.3	52.3
Warehouse 11 – Now Warehouse 9	52.6	52.3
Bulk Earthworks Balance	-5,614m ³ (export)	-6,415m ³ (export)

Figure 11 Proposed Earthworks



Source: At&I

3.1.3.2. Retaining Walls

It is proposed that retaining wall No. 22 be amended as part of MOD3, as illustrated on the Civils Plan at **Appendix L**. This retaining wall will be extended westwards by approximately 104m and will have a maximum height increasing from 7.1m to 11.2m, however this will not be visible from the public domain as it runs in an east-west direction along the southern site boundary.

3.1.3.3. Access Road 4 Construction

It is proposed that Access Road 4 will be constructed as part of the civil works package associated with the Stage 1 consent. This will provide for an efficient and coordinated construction of the internal road network.

Access Road 4 is designed as a 24m road with turning head at the access point to future Lot 9 and future Lot 8. The carriageway is designed to be 15m wide with a 4m parking lane, 2-way traffic lanes 3.5m and another 4m parking lane. Pedestrian footpaths / cycleways and landscaping will be provided on both sides of Access Road 4.

It is proposed that Access Road 4 be delivered prior to the issue of an occupation certificate for the associated warehouse 9, and will be dedicated accordingly to Council, with the Planning Secretary notified following the registration of the lots

Detailed drawings of the Access Road 4 are included at **Appendix B**.

3.1.3.4. Landscaping within the Access Road 4 Road Reserve

The modified Stage 1 development will deliver landscaping within the road reserve of Access Road 4. This will include the planting of '*E. crebra*' (Narrow Leaved Ironbark) with 3 trees spaced every 15m with massed grasses groundcover in the 15m spacings.

Detailed landscape plans have been prepared by Site Image landscape architects, as contained at **Appendix F**.

3.1.3.5. Subdivision

The approved plan of subdivision is proposed to be modified to include Access Road 4 in its reconfigured extent and location. It is proposed that Access Road 4 be subdivided and dedicated to Penrith Council post its construction.

The modified plan of subdivision is included at **Appendix BB**.

3.1.4. Mitigation measures

An updated mitigation measures table have been provided in **Appendix E**.

3.1.5. Conditions subject to the modification

Conditions to be modified by the MOD 3 application are detailed in Table 10 below.

Table 10 Modified conditions of SSD-10448

Approved Condition	Proposed Modified Condition
A1. The development may only be carried out: a) In compliance with the conditions of this consent; b) In accordance with the written directions of the Planning Secretary; c) In accordance with the EIS, Response to Submissions (RtS) and Amended Development Report (ADR); d) In accordance with the Development Layout in Appendix 1 e) In accordance with the management and mitigation measures in Appendix 4	A1. The development may only be carried out: a) In compliance with the conditions of this consent; b) In accordance with the written directions of the Planning Secretary; c) In accordance with the EIS, Response to Submissions (RtS) and Amended Development Report (ADR) c) In accordance with the EIS and Response to Submissions (RtS) for MOD 3 d) In accordance with the Development Layout in Appendix 1

Approved Condition					Proposed Modified Condition				
					e) In accordance with the management and mitigation measures in Appendix 4				
A7. The maximum GFA for future development on the site for the land uses described in Table 1 must not exceed the limits described in that table.					A7. The maximum GFA for future 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 Proposal					Table 1. Maximum GFA of the Concept Proposal				
Land Use		Maximum GFA (m ²)			Land Use		Maximum GFA (m ²)		
Warehouse and distribution centres and general industrial		236,510			Warehouse and distribution centres and general industrial		238,003		
Ancillary offices		11,480			Ancillary offices		9,716		
Café		122			Café		125		
Total		248,112			Total		247,844		
A.16 The Applicant must:					A.16 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 in Appendix 3; and					(a) ensure the Development at the site does not exceed the noise limits outlined in Table 2 when measured at the identified locations shown in Appendix 3; and				
(b) ensure 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.					(b) ensure 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.				
Table 2 Operational Noise Limits for Development dB(A)					Table 2 Operational Noise Limits for Development dB(A)				
Location	Day	Evening	Night		Location	Day	Evening	Night	
	LAeq (15 minute)	LAeq (15 min)	LAeq (15 min)	LAmix		LAeq (15 minute)	LAeq (15 min)	LAeq (15 min)	LAmix
NML 1	50	50	47	63	NML 1	62	62	60	69
NML 2	62	62	60	79	NML 2	67	67	66	84
NML 3	64	64	61	79	NML 3	69	69	67	80
NML 4	65	65	62	82	NML 4	65	65	64	82
NML 5	66	66	64	82	NML 5	66	66	64	82

Approved Condition				Proposed Modified Condition			
C2. The development may only be carried out:				C2. The development may only be carried out:			
a) In compliance with the conditions of this consent;				a) In compliance with the conditions of this consent;			
b) In accordance with the written directions of the Planning Secretary;				b) In accordance with the written directions of the Planning Secretary;			
c) In accordance with the EIS, RtS and ADR;				c) In accordance with the EIS, RtS for MOD3			
d) In accordance with the Development Layout in Appendix 2				d) In accordance with the Development Layout in Appendix 2			
e) In accordance with the management and mitigation measures in Appendix 4				e) In accordance with the management and mitigation measures in Appendix 4			
Appendix 1				Appendix 1			
Table 6 Drawing No Schedule of Approved Plans – Concept Proposal				Table 6 Drawing No Schedule of Approved Plans – Concept Proposal			
Drawing No	Title	Issue	Date	Drawing No	Title	Issue	Date
Architectural Plan prepared by SBA Architects				Architectural Plan prepared by SBA Architects			
MP1-02	Aspect Industrial Estate Lots 54-58 (DP 259135) Mamre Road, Kemps Creek – SSDA Estate Masterplan	S	11/03/2022	MP3-02	Aspect Industrial Estate Lots 1-5 (DP 1285305) Mamre Road, Kemps Creek – SSDA MOD 3 Estate Masterplan	A	28.07.2022
Landscape Plan prepared by Site Image Landscape Architects				Landscape Plan prepared by Site Image Landscape Architects			
MP 002	Aspect Industrial Estate Kemps Creek Landscape Masterplan MOD1	A	07/03/2022	MP 003	Aspect Industrial Estate Kemps Creek Landscape Masterplan MOD 3	D	25.07.2022

3.1.6. Substantially the same development

The NSW Land and Environment Court has established several precedents on what may be considered as ‘substantially the same development’.

Principles drawn from the various judgments include that:

- The term ‘substantially’ means ‘essentially or materially having the same essence’.

- When a consent authority makes a determination as to whether a development is substantially the same it is a question of fact and degree and is not a question of law.
- The term to 'modify' means to 'alter without radical transformation'.
- In comparing the approved development and the development as proposed to be modified it is necessary to undertake a qualitative and quantitative assessment of the developments in their proper context; and
- To undertake a numeric or quantitative assessment of the modification only in the absence of a qualitative assessment would be flawed.

These considerations apply to the modification of a development through design modifications as well as amendments to conditions that impact the nature of the proposal.

The consideration of the substantially the same development test should not only include the physical characteristics of the approved and modified schemes, but also the nature and magnitude of the impacts of the developments. In these respects, the modified scheme should be 'essentially or materially' the same as that originally approved.

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

- The key principles of the approved development remain unchanged with the Concept Proposal retaining warehouse and distribution centre buildings in their general location and yield.
- Only minor changes are proposed to the overall number of lots, the internal road network layout, warehousing footprints, parking, and landscaping across the site.
- Modification of the Stage 1 development remains limited to civil works including bulk earthworks levels, road construction and landscaping in the road reserve, which is consistent with the scope of works approved in the Stage 1 development consent.
- The proposed modifications do not substantially change the development for which consent was originally granted under SSD-10448 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 relatively consistent with that approved.
 - The hours of operation remain unchanged.
- Changes are also proposed to the operational noise criteria to reflect the amended warehouse layout, however despite the limited increase to these criteria the proposal will still comply with the Noise Policy for Industry (2017), which is utilised to inform decision making when regulating and managing noise from industry. Many of the receivers experience only a marginal change, meaning the overall noise environment for MOD3 is largely similar to the SSD noise environment.

Quantitative Assessment

The proposed development will not result in any significant changes to the numerical features of the approved development (under SSD-10448) and is therefore substantially the same. This includes the following, key numerical items:

- GFA: Increase of 4,717sqm which equates to less than 2% of the total, approved GFA.
- Parking Spaces: Reduction of 45 spaces which equates to 3.5% of the total, approved parking spaces.
- No change is proposed to the maximum building height.

3.2. Description Of Stage 2 – Warehouse 9 Development

Consistent with the lot layout to be established under the MOD 3, the key components of the proposed Stage 2 development for Warehouse 9 on lot works are summarised below. A copy of the architectural drawings is attached as **Appendix B**.

Table 11 Project Details

Descriptor	Project Details
Project Area	The site has a total area of 113,106 m ² .
Site Description	Warehouse 9 within Lots 1-5 in DP 1285305. 804-882 Mamre Road, Kemps Creek.
Project Description	Construction of a 65,000sqm building for use as 'warehouse & distribution', including: <ul style="list-style-type: none"> 140sqm Dock Office at the north elevation 126sqm Dock Office at the south elevation 1,350sqm Main Office at the eastern elevation. Fit-out of the warehouse for the proposed use by the intended tenant 'Winning Appliances' Associated hardstand, car parking, landscaped areas and site access.
Operations	The warehouse will be operated 24/7 as approved in SSD-10448
Goods stored on site	White goods and home appliances
Expected traffic generation	266 parking spaces and 74 loading docks <ul style="list-style-type: none"> 106 vehicles per hour (vph) trips in the morning peak hour 41 vph trips in the evening peak hour 490 daily trips which includes: <ul style="list-style-type: none"> 30 heavy vehicles per day, with 3 b-doubles; and the remainder being vehicle smaller than a 20m Articulated Vehicle.
Job Creation	147 new construction jobs & 197 new operational jobs
Maximum Height	14.6 metres
Parking Spaces	266 spaces for staff
Capital Investment Value	\$70,757,492

3.2.1. Warehouse 9 Construction

This Stage 2 Application seeks approval for the construction of a warehouse or distribution facility at Lot/ Warehouse 9 as established under the concept plan SSD-10448 MOD 3. This includes the construction of the following warehouse building and its supporting vehicular infrastructure works:

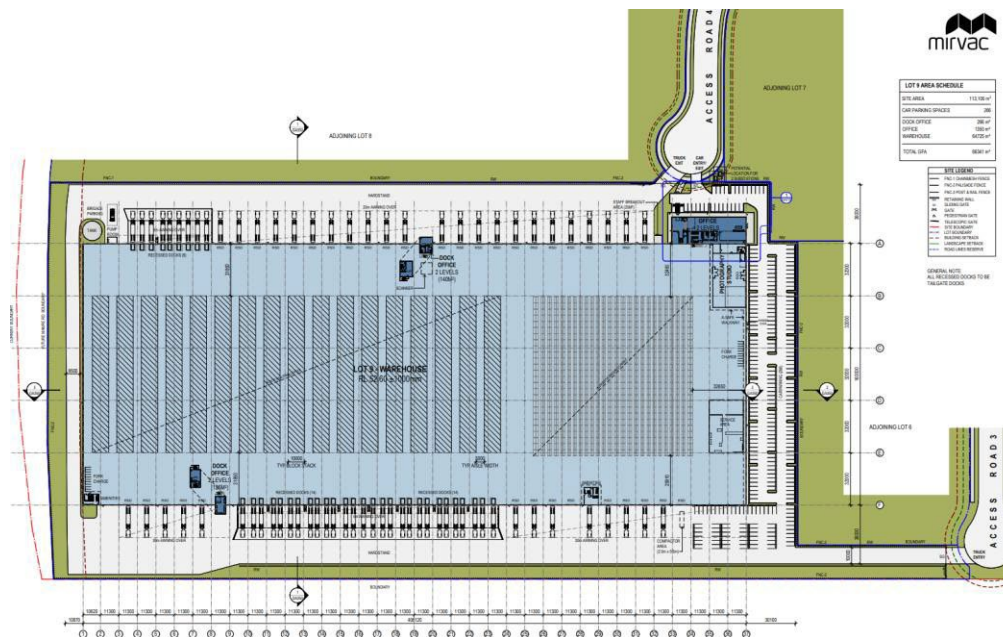
Warehouse Construction: Construction of new 64,725sqm building for use as 'warehouse & distribution' to be built to a ridge height of 14.6m (70.9 RL). The warehouse will accommodate block stacking at the west portion of the warehouse, racking at the east portion and internal rooms including a photography studio, service area, fork charging areas and staff amenities.

The warehouse is to be utilised for warehousing and distribution for white goods and home appliances, as operated by 'Winning Appliances'.

- **Supporting Offices:** Ancillary office areas are proposed to be constructed as part of the overall warehouse structure with a total area of 1,616sqm. The office areas include the following:
 - 140sqm two level dock office at the north elevation.
 - 126sqm two level dock office at the south elevation.
 - The proposed dock offices will accommodate a number of spaces in support of the relevant workers.
 - 1,350sqm two level main office at the north-eastern edge of the building. This office will feature a meeting room, lobby, gym, lunchroom, lockers for staff belongings, water closets for men and women and an accessible water closet, storage rooms, kitchen and recreational room. The lunchroom opens out to an outdoor breakout space on the ground floor.
- **Loading Docks:** the warehouse building will feature an inbound loading dock on the southern elevation, accessed from Access Road 3 and an outbound loading dock on the northern elevation with egress to Access Road 4. The loading dock areas will have the appropriate hardstand widths to support truck manoeuvring being 36m wide at the north and 36m wide at the south of Warehouse 9. These loading dock areas will accommodate:
 - North area - 32 loading docks on the northern elevation with a 20m awning over the 23 eastern most loading docks and a 5m awning over the 9 recessed docks on the western side.
 - South area - 42 loading docks on the southern elevation with the middle 28 recessed docks supported by a 5m wide awning and remaining on either side with a 20m wide awning.
- **Parking:** 266 Parking spaces to the eastern, northern and southern setbacks of the building with incorporated landscaping every 10 spaces. This includes 2 accessible parking spaces located immediately in front of the main office entrance. The parking area will have driveway access to/from Access Road 4.

The above is illustrated in **Figure 12** on the page.

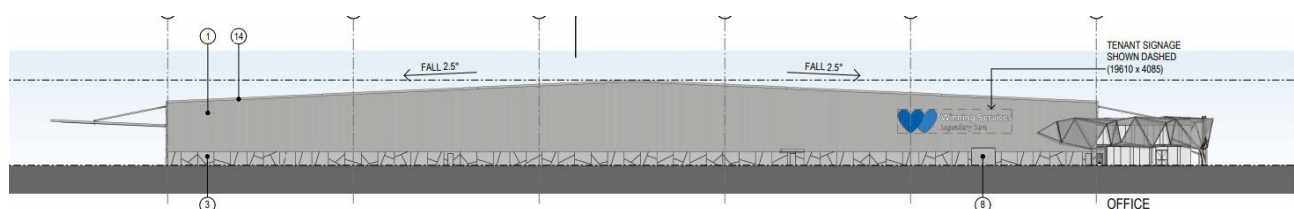
Figure 12 Lot 9 Warehouse Layout

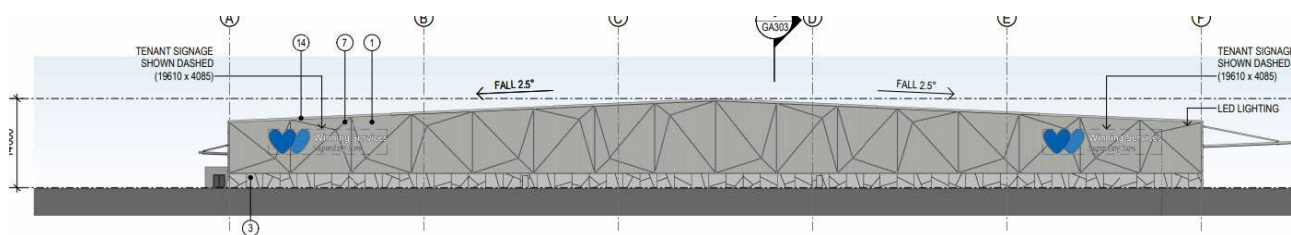


Source: SBA Architects

- **Warehouse Design and Materials:** The warehouse building is proposed to feature façade materials and building elements that will support the proposed areas described above. This includes the following:
 - The warehouse will be constructed with a metal cladding finish in shale grey with precast concrete panels, glazing, translucent roof sheeting and galvanised metal finishes as illustrated in **Figure 13** below. This is consistent with the general warehouse finishes and design established in SSD-10448.
 - The main office area will be designed with an articulated, sculpted design consistent with the other warehouses across the estate. These will see triangular, glazing framed by angled steel framing with a galvanised finished. Additionally, stone cladding is proposed at the ground floor façade around the main office area. The proposed office has been designed to provide a visually interesting, distinct entrance to the warehouse building. This is demonstrated in **Figure 13** below.
 - Galvanized Roller Shutter Doors at the north and south elevations provide access to the inbound and outbound loading dock areas.
 - 3 x Building identification/tenant signs are proposed with dimensions of 19610 x 4085mm. This includes 1 x sign at the east elevation and 2 x signs at the west elevation. 1 x of the proposed signs at the western elevation will be LED illuminated and the other 2 x signs at the eastern elevation will not be illuminated. The proposed signage is demonstrated in **Figure 13** below.

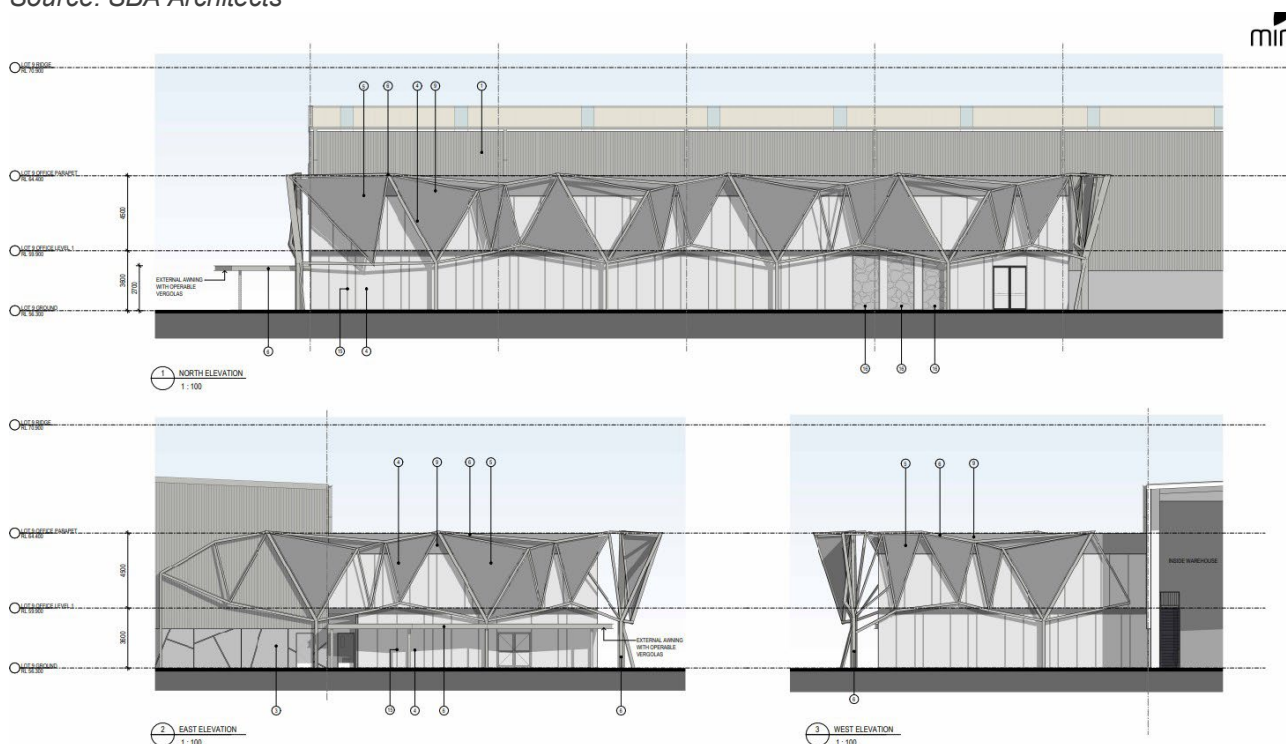
Figure 13 Warehouse Elevations





Picture 2 Lot 9 West Elevation

Source: SBA Architects



Picture 3 Lot 9 North Elevation and Office Elevations

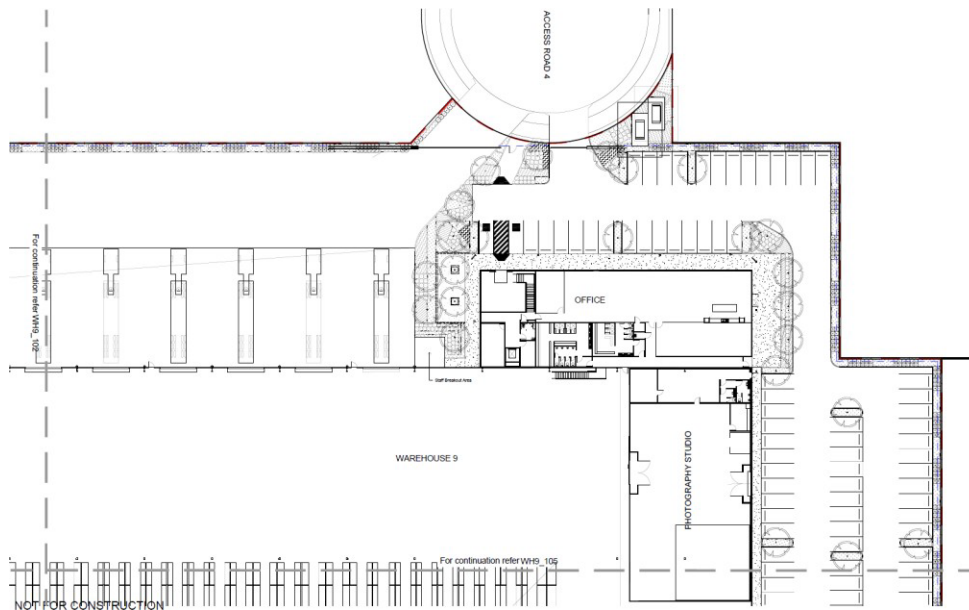
Source: SBA Architects

3.2.2. Landscaping

The Stage 2 development includes landscaping works to Lot 9 within the boundary setbacks, car parking areas and around the building. This includes a mix of vegetative types including shrubs, mature trees and grass covers. This is accompanied by other hard landscaping features including paving, gravel and fencing.

Figure 14 below is an extract from the Landscape Plans prepared by Site Image which accompany this proposal in **Appendix F**. This shows the landscaping around the entrance to the site and the north end of the warehouse throughout the at-grade carparking. The Landscape Plans also provide extensive information on the proposed vegetation at the site, including the perimeter planting, as illustrated in **Appendix E**.

Figure 14 Landscape Plan



Source: Site Image

3.2.3. Civil Works

The civils works include the following:

- Minor on lot earthworks grading beyond those approved by SSD-10448 (Stage 1 consent as modified by MOD 3) for final finishing levels.
- On lot landscaping.
- On lot stormwater management.

3.2.4. Utilities and Infrastructure

Fire protection measures are proposed in support of the proposed warehouse including:

- Perimeter access provided around Lot 9.
- Fire sprinkler tank and booster, pump room and dedicated appliance bay for located at the north-west corner of the warehouse.
- A Fire Control Centre (FCC) at the main office.
- Proposed location of fire hydrant booster located next to the carpark driveway access.

3.2.5. Uses and Activities

The proposal seeks to facilitate a warehouse and distribution centre use with ancillary office space for a white goods company. The warehouse and distribution building will store appliances pending delivery for sale in support of the intended tenant, Winning Appliances.

The warehouse is intended to operate 24 hours a day, 7 days a week.

The fit-out includes:

- Installation of basic racking systems within the warehouse space;
- Basic fit out of office and dock office space including flooring, ceiling, lighting, services and amenities.
- Standard finishes to lobby/reception areas.

Shifts for warehouse staff are as follows:

- The standard shift times are expected to be as follows:
 - Shift 1: 6:00am - 2:00pm, with 50 warehouse staff and 100 drivers (working between 5:00am and 8:00am).
 - Shift 2: 2:00pm - 10:00pm, with 2 warehouse staff.
 - Shift 3: 10:00pm - 6:00am, with 5 warehouse staff.

Shifts will be staggered such that not all staff arrive and depart in the same period.

- Office hours: 8:00am - 6:00pm, with 35 staff and 6:00pm - 3:00am, with 5 staff.

4. Statutory Context

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

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

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

4.1. Statutory Requirements

Table 12 categorises and summarises the relevant requirements in accordance with the DPE *State Significant Development Guidelines* for MOD 3 and the Stage 2 Development. A detailed statutory compliance table for the project is provided at **Appendix C**.

Table 12 Identification of Statutory Requirements for the Project

Statutory Relevance	Action
MOD 3	
<i>Power to grant approval</i>	<p>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.</p> <p>The proposed modification to the approval of SSD-10448 will remain consistent with this SEPP and is appropriately characterised as SSD.</p>
<i>Permissibility</i>	<p>The site is majority zoned IN1 in accordance with the Industry and Employment SEPP, where 'Warehouse and Distribution Centres' and buildings for the purpose of 'industry' are permissible with consent in the IN1 Zone.</p> <p>The proposed modification retains the approved uses of industry and warehouse and distribution centre and therefore remains a permissible form of development within the IN1 zone.</p>
<i>Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1999</i>	<p>SSD-10448 was accompanied by a Biodiversity Development Assessment Report (BDAR) in accordance with the NSW Framework and in consultation with NRAR. A habitat assessment was undertaken and identified the Latham's Snip and Grey-headed Flying-fox as 'matters of national environmental significance'. The BDAR concluded that the development will not have impact on either species.</p>

Statutory Relevance	Action
	<p>The modified development remains within the extent of building works approved by SSD-10448 and thus does not change the impact 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</p> <p>Refer BDAR Waiver letter at Appendix Z.</p>
Stage 2 Development (Warehouse 9)	
<i>Power to grant approval</i>	<p>In accordance with Schedule 1 of the <i>State Environmental Planning Policy (Planning Systems) 2021</i> (Planning Systems SEPP), development that has a CIV of more than \$30 million for the purpose of Warehouse or distribution centre are classified as SSD:</p> <p><i>(12) Warehouse or distribution centres</i></p> <p><i>Development that has a capital investment value of more than the relevant amount for the purpose of warehouses or distribution centres (including container storage facilities) at one location and related to the same operation.</i></p> <p><i>(2) This section does not apply to development for the purposes of warehouses or distribution centres to which section 18 or 19 applies.</i></p> <p><i>(3) In this section—</i></p> <p><i>relevant amount means—</i></p> <p><i>(a) for development in relation to which the relevant environmental assessment requirements are notified under the Act on or before 31 May 2023—\$30 million, or</i></p> <p><i>(b) for any other development—\$50 million.</i></p> <p>The proposed works have an estimated CIV of \$70,757,492 (refer Appendix O) with SEARs issued prior to 31 May 2023. Accordingly, the proposal is SSD for the purposes of the Planning Systems SEPP.</p>
Permissibility	<p>The Warehouse 9 site is located on land zoned IN1 General Industrial in accordance with clause 2.10, Chapter 2 Western Sydney Employment Area of the Industry and Employment SEPP. Warehouse and distribution centre is permitted with consent in the IN1 Zone.</p>

4.2. Pre-Conditions

Table 13 outlines the pre-conditions to exercising the power to grant approval which are relevant to MOD 3 and the Stage 2 Development. The table identifies the relevant sections of the EIS where these matters are addressed, where required.

Table 13 MOD 3 and Stage 2 Pre-Conditions

Statutory Reference	Pre-condition	Relevance	Section in EIS
Section 4.24 of the Environmental Planning and Assessment Act 1979	While any consent granted on the determination of a concept development application for a site remains in force, the determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposals for the development of the site.	Concept development consent SSD-10448 applies to the site.	Appendix C
<i>Clause 66 Environmental Planning and Assessment Regulation</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. This requirement has been satisfied.	
<i>State Environmental Planning Policy (Resilience and Hazards) 2021 – Clause 4.6(1)</i>	Chapter 4 of the Resilience and Hazards SEPP requires that a site must be suitably remediated for the intended purpose prior to the grant of consent for that purpose.	SSD-10448 approved a Remediation Action Plan for the AIE which will be implemented prior to construction works occurring on the Estate. Remediation of the site in accordance with the RAP will ensure that the site will be made suitable for the approved commercial and industrial uses. Works recommended in the RAP must be undertaken as part of the site's CEMP required by the Stage 1	Appendix W

Statutory Reference	Pre-condition	Relevance	Section in EIS
		<p>Consent Conditions (Part E to SSD 10448 consent).</p> <p>MOD 3 and the Stage 2 Warehouse 9 development do not change the findings of the RAP nor change the approach to site remediation.</p> <p>Subject to compliance with the RAP recommendations, the site will be made suitable for the intended purpose.</p>	
<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 Transport for NSW for concurrence. The schedule includes development for the purposes of industry incorporating 20,000sqm or more of gross floor area (GFA).	<p>MOD 3 seeks to reduce the overall GFA on the site when compared to the originally approved SSD consent. This results in a decrease in the daily traffic numbers to the site from those originally approved.</p> <p>The proposed warehouse 9 development will feature a total GFA in excess of 20,000sqm.</p> <p>This development will be referred to Transport for NSW as part of the SSD DA modification and Stage 2 SSD DA assessment process.</p>	Section 6.1 Traffic, Transport & Parking
<i>State Environmental Planning Policy (Industry and Employment) 2021 - Clause 2.17 - Requirement for Development Control Plans</i>	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 of the Industry and Employment SEPP provides that the consent authority must not consent to development on	Satisfactory arrangements were confirmed prior to the issuance of consent for SSD-10448. No change is	

Statutory Reference	Pre-condition	Relevance	Section in EIS
<i>Clause 2.28 – Industrial Release Area – satisfactory arrangements for the provision of regional transport infrastructure and services</i>	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.	proposed that would affect delivery of infrastructure in accordance with those arrangements.	

4.3. Mandatory Considerations

Table 9 outlines the relevant mandatory considerations to exercising the power to grant approval and the section where these matters are addressed within the EIS for both MOD 3 and the Stage 2 development.

Table 14 Mandatory Consideration

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 C
Section 4.15	Relevant environmental planning instruments	
	<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	Appendix C
	<i>State Environmental Planning Policy (Industry and Employment) 2021</i>	Appendix C
	<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	Appendix C
	<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>	Appendix C
	Relevant draft environmental planning instruments. <i>Draft SEPP – Strategic Transport Corridors</i>	Appendix C
	Relevant planning agreement or draft planning agreement.	A VPA has been negotiated, agreed and executed by the Applicant with public exhibition concluding in December 2021 to enable a satisfactory arrangement certificate (SAC) to be issued.

Statutory Reference	Mandatory Consideration	Section in Modification Report
	Development Control Plans Mamre Road Development Control Plan 2021 (MRDCP 2021). 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 C . This is also a requirement of Condition A6 to the consent for SSD-10448.	Appendix C
	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 7.5
	The suitability of the site for the development.	Section 7.6
	The public interest.	Section 7.7
Concept Approval		
Concept Approval DA SSD-10448	Consistency of project with concept approval.	Appendix C
Considerations under the EP&A Regulation 2021		
Section 35	Assessment of consistency of development within the Mamre Road Precinct with Chapter 2 of <i>SEPP (Industry and Employment)</i> .	Appendix C
Considerations under other legislation		
<i>Biodiversity Conservation Act 2016</i> – 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.	Appendix C and Section 6.17
<i>National Parks and Wildlife Act</i>	The likely impact of the proposal on items of Aboriginal Cultural Heritage Significance.	Section 6.61

5. Community 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,
- Neighbouring Institutional Landowners to the north, east and south of AIE, and
- Any potential private landowners west of Mamre Road.

5.1. 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 3 layout and arrangement, which subsequently informs the location of Warehouse 9.

Ongoing discussions will continue throughout the assessment phase of this application regarding the overall estate layout (MOD 3) and the Warehouse 9 design.

5.2. Consultation With Institutional Developer Landowners To The North, East And South

As shown on **Figure 8**, 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 the existing determination in relation to the staging of the estate works and boundary interfaces.

5.3. Consultation Of Landowners To The West Of Mamre Road

The Mamre Road Precinct is undergoing significant change with the majority of landholdings within the Precinct owned by institutional developers, subject to sale for this purpose, or subject to a development application for warehouse or industrial uses.

During preparation of the original SSD-10448, a thorough community engagement process was undertaken including letter drop and information line. No objection was received from any private neighbouring property owner or resident.

As a result of this circumstance, pre-lodgement community consultation involved the issuance of a letter to neighbours fronting the western side of Mamre Road. This was in order to make any residential landowner aware of the proposed modifications.

A letter detailing the proposed changes contemplated in the MOD 3 (at the time this was identified as MOD2) and Warehouse 9 SSD package, including copies of the approved Estate Masterplan for comparison, was issued to the following neighbouring residential landowners on 13 May 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.
- 901 Mamre Road Kemps Creek.
- 917 Mamre Road Kemps Creek.
- 919-929 Mamre Road Kemps Creek.

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

5.4. 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.

6. Assessment Of Impacts

This section describes the way in which the key issues identified in the SEARs have been assessed. It provides a comprehensive description of the specialist technical studies undertaken regarding the potential impacts of the proposed development and provides recommended mitigation, minimisation and management measures to avoid unacceptable impacts. Further detailed information is appended to the EIS, including:

- SEARs compliance table identifying where the SEARs have been addressed in the EIS (**Appendix A**).
- Architectural Plans at **Appendix B**.
- Statutory compliance table identifying where the relevant statutory requirements have been addressed (**Appendix C**).
- Proposed mitigation measures for the project which are additional to the measures built into the physical layout and design of the project (**Appendix E**).
- Other technical reports are attached at **Appendix F to BB**.

The detailed technical reports and plans prepared by specialists and appended to the EIS are individually referenced within the following sections.

6.1. Traffic, Transport And Parking

A Transport Statement at **Appendix H** has been prepared by Ason Group in support of the proposed SSDA. The Transport Statement provides an assessment of the parking, access and traffic arrangements in accordance with the relevant Australian Standards (AS 2890.1:2004, AS 2890.2:2018 and AS 2890.6:200), the Mamre Road Precinct DCP (MRP DCP) and the previously prepared '*Transport and Accessibility Management Plan, Aspect Industrial Estate*' (TMAP) which was established as part of the original SSD-10448 approval.

6.1.1. Existing Environment

AIE is currently accessed from Mamre Road which connects the site to the Great Western Highway and M4 Motorway approximately 6 km to the north and Elizabeth Drive approximately 5 km to the south.

Mamre Road is identified in the MRP Structure Plan as a major transport corridor to support the growth of the Mamre Road Precinct. To support this growth there are proposals to widen Mamre Road in the future to increase its capacity to serve growing traffic demands as the area transitions from rural to industrial land uses, including additional traffic lanes between the M4 Motorway and Kerrs Road and the AIE within which the site is located.

Civil works including the AIE intersections with Mamre Road, and roads within the estate, have been approved under SSD-10448. These roads provide access to the subject site. Internal roads will be constructed in stages as the Concept Proposal is delivered, which will split construction of Access Roads 1 and 3 into two phases, with the first phase providing access to buildings 1 and 3 and the second phase involving an extension of these roads to provide access for future buildings on the site and neighbouring properties to the north and south.

A traffic survey conducted in August 2022 found that Mamre Road northbound and southbound has seen minor increases generated by the neighbouring estate development (SSD-9522) which is representative of a 0.1% to 1.4% increase in traffic per year. This is well within the original modelling assessment prepared by Ason as part of the 2018 SSD-10448 development which applied a 3% growth rate per year. As such, modelled traffic growth rate being experienced in the region is considered to be conservative compared to the experienced traffic growth rate in the last 4 years.

Table 15 Traffic Volumes

Direction	AM August 2022	AM May 2018	AM % Change Per Year	PM August 2022	PM May 2018	PM % Change Per Year
Mamre Road Northbound	643	609	+1.4%	867	865	+0.1%
Mamre Road Southbound	791	782	+0.3%	710	678	+1.2%

Source: Ason

It is noted that there have not been any other further developments or changes in the MRP. As such, the modelling assessment that has been undertaken in the Ason TMAP and RFI prepared for the approved SSD-10448 is still applicable. The only approved developments since the modelling conducted for SSD-10448 include the following:

- SSD-9522-Mod-2, located at 657-703 Mamre Road (north west of the AIE) which provides for 187,378m² of industrial warehouse GFA; and
- A place of worship at 230-242 Aldington Road (DA17/1247) which provides for a GFA of 3,821m². Note that no traffic from that development is expected to actually travel past the Site.

As such, the condition of the operation of the road network intersections is considered to not have changed since the original approval. The relevant SIDRA modelling has been provided as an attachment in **Appendix H** which details the vehicle and pedestrian performance modelling.

6.1.2. MOD 3 Parking

The modified development will maintain consistency with the Mamre Road Precinct DCP prescribed minimum parking rates (Warehouse - 1 space per 300sqm / Office - 1 space per 40sqm / Industries – 1 space per 200sqm / Café – 1 space per 10sqm). As outlined in the **Table 16** below, the provision of 1,146 spaces meets the DCP requirements.

Table 16 Overall Parking requirements

Use	Gross floor area (GFA)	Mamre Road DCP	Provision
Warehouse GFA (m ²)	217,731m ²	725	1,146
Office GFA (m ²)	8,350m ²	209	
Industries (on Lot 3)	20,735m ²	104	
Dock Office (m ²)	1,366m ²	35	
Café (m ²)	125m ²	13	
Total (m ²)	248,307m ²	1,086	1,146

Table 17 Parking for each Warehouse

Location on the site	Modification GFA	Mamre Road DCP	Provision
Warehouse 6			
Main office	1,000 m²	25	71
Warehouse	8,925 m²	30	
Dock office	0 m²	0	
Total	-	55	
Warehouse 7			
Main office	750 m²	19	84
Warehouse	14,480 m²	48	
Dock office	100 m²	3	
Total	-	70	
Warehouse 8			
Main Office	750 m²	19	166
Warehouse	44,200 m²	147	
Dock office	200 m²	5	
Total	-	171	
Warehouse 9			
Main office	1,350 m²	34	266
Warehouse	64,725 m²	216	
Dock office	266 m²	7	
Total	-	257	

The provision of car parking for each warehouse as identified in Table 16 shows how each warehouse subject to MOD 3 will meet the requirements of the Mamre Road DCP. Warehouse 6 will see an exceedance of 17 spaces, Warehouse 7 will see an exceedance of 1 space, Warehouse 8 will be 5 spaces short and Warehouse 9 will see an exceedance of 8 spaces.

Overall, across the modified lots, the proposal will result in an excess of 21 spaces compared to the DCP parking rate. The minor exceedances across Warehouses 6, 7 and 9 will not result in any adverse traffic impacts as detailed in the Sections below and will be able to support any shift changes required for the 24/7 operations of the Warehouses. Clearly where there are shift changes the capacity of the car park is likely to be utilised for a short period of time, as such the minor over-provision can assist in these busy periods. It should also be noted that the MRP DCP indicates 'minimum' parking rates in Table 12 of the DCP, so these should not be read a 'maximum' parking rates.

While Warehouse 8 will see a minor shortfall in parking spaces compared to the DCP rate, it is understood that the specific parking requirements will be arranged subject to the detailed design work and tenant occupation.

The Concept Proposal approved under SSD-10448 to be modified under MOD 3 will provide 1,229 car parking spaces across the estate, with 266 of those car parking spaces being dedicated for Lot 9.

6.1.3. MOD 3 Traffic Generation

The amended site layout proposed by MOD 3 and the resultant traffic flows would generate fewer trips than originally forecast by the Ason TMAP for the original SSD 10448 consent as referenced in **Table 18** below.

The required road network upgrades that were established as part of the original SSD, which incorporates the delivery of an interim signalised intersection at Mamre Road, have remained consistent under MOD 2 as well as MOD 3.

The TMAP found that the key intersection of Mamre Road / Access Road 1 would operate at satisfactory levels of service under the approved development. Noting the proposal for MOD 3 represents a decrease in the forecast traffic generation from that assumed in the TMAP as identified in Table 18 below, it is concluded that the modified lot layout remains supportable on traffic planning grounds.

Table 18 Traffic generation

Development	GFA (m ²)	AM Peak	PM Peak	Daily
Superseded Master Plan (SSD-10448)	247,990	570	595	7,217
Modification 2	243,431	499	520	6,478
Modification 3	247,844	509	531	6,603
Net difference between proposed MOD 3 and SSD-10448	-146	-61	-64	-614

Once fully developed and operational, the Concept Proposal as modified by MOD 3 would generate up to 567 trips in the AM peak and 592 trips in the PM peak. This would equate to daily traffic numbers of 7,310 vehicles, of which 2,010 would be heavy vehicles.

6.1.4. Warehouse 9 Parking

The development at Warehouse 9 provides parking in accordance with the Mamre Road Precinct DCP prescribed parking rates, as per **Table 19** below.

Table 19 Parking Provision

MR DCP	GFA	Minimum required spaces	Proposed spaces
Warehouse space 1 per/300sqm	64,725m ²	216	-
Office 1 per/40sqm	1,616m ²	41	
(Main and Dock Offices)			
Total Parking		257	266 spaces

The proposed number of parking spaces as part of this development is consistent with the concept plan (SSD-10448) as to be modified by MOD 3 as well as the MRP DCP prescribed parking rate.

The proposal also provides:

- 3 x Accessible parking spaces consistent with the *Disability (Access to Premises – Buildings) Standards 2010*.
- 2 spaces for electrical vehicles in accordance with the MRP DCP.
- 67 bicycle spaces and end of trip (EOT) facilities in accordance with the MRP DCP.

The proposed number of parking spaces will see a minor increase beyond the identified minimum DCP parking rate and this will provide the required support for the 24/7 operations of the Winning Appliances tenant.

6.1.5. Warehouse 9 Traffic

As a warehouse and distribution centre for a white goods business, with operational information for the future tenant of Warehouse 9 detailed in **Section 3.2.3**, the Transport Assessment recognises that a more detailed assessment of the specific traffic generation rates can be made on the basis of the needs of the occupier.

The proposal will operate 24/7 with 3 shifts and the respective warehouse staff and driver numbers. With consideration of the intended shifts, staff numbers and hours of operations, this provides a more accurate parking rate compared to the generation rates adopted in the Ason TMAP under the approved development (SSD-10448).

This traffic generation rates generated by the proposed Warehouse 9 construction and operation are identified as follows:

- 106 vehicles per hour (vph) trips in the AM peak hour,
- 41 vph trips in the PM peak hour,
- 490 daily trips which includes:
 - 30 heavy vehicles per day, with 3 b-doubles (max 6 heavy vehicle movements in AM and PM peak hours); and
 - the remainder being vehicles smaller than a 20m Articulated Vehicle.

In light of the above, Warehouse 9 will align with the traffic generation envisaged under the approved Concept Proposal and will not compromise the trip rates detailed in the Ason TMAP (being 31-74% lower than the traffic generation assumed in the MOD 3). The proposed development will not result in any adverse traffic impacts to the key intersection of Mamre Road / Access Road 01, which will operate at satisfactory levels.

6.1.6. Access

The Transport Statement confirms that the proposed development will maintain the appropriate site access arrangements across the modified AIE and across the Warehouse 9 site. The site access, internal circulation and car parking arrangements have been developed with consideration of the requirements of the MRP DCP (and detailed further in **Appendix H**), along with the following relevant Australian Standards:

- AS2890.1:2004 for Car parking areas.
- AS2890.2:2018 for Commercial vehicle loading areas.
- AS2890.6:2009 for Accessible (disabled) parking.

In regard to the proposed design, it is notable that:

- A 30m A-double has been adopted as the design vehicle for site access and circulation, whilst 20m Articulated Vehicles are generally adopted for loading dock parking.
- Swept path analysis demonstrates that the necessary manoeuvres can be accommodated by the proposed design. The circulation areas for heavy vehicles have been designed having regard for the requirements of AS2890.2:2018.
- All service areas are to be designed with reference to AS 2890.2:2018. It is anticipated that service area design compliance with AS 2890.2 would form a standard condition of consent further to approval.

- All access driveways are generally designed in accordance with AS 2890.1:2004 and AS 2890.2:2018.
- The proposed design envisages changes to the car parking and layout, with provisional parking now provided in a consolidated location to the south of the site.
- All staff and employee parking access and modules are provided in accordance with AS2890.1:2004 for Class 1A users, which requires a minimum space length of 5.4m, a minimum width of 2.4m and a minimum aisle width of 5.8m.
- The proposed design sees changes to the truck hardstand areas of Warehouses 6-9 in accordance with access requirements of AS2890.1:2004 and AS 2890.2:2018.

It is expected that any detailed construction drawings in relation to any modified areas of the car park or site access would comply with the relevant standards.

6.1.7. Summary

The proposed car parking provision, operations and internal access areas will comply with the parking and access requirements of the warehouse development.

- The car parking provision for the overall Estate (1,146 spaces) and Warehouse 9 (266 spaces) 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 the MOD 3 layout generates fewer trips than forecast in the original SSD Masterplan traffic generation calculations, meaning that compliance with the previously assessed levels is achieved. The estimated traffic generation for Warehouse 9 is reduced further compared to the MOD 3 assessment with consideration of the specific operational impacts.
- The key intersection of Mamre Road / Access Road 1 would operate at satisfactory levels of service under and as such, the development remains supportable on traffic planning grounds.
- MOD 3 seeks to revise the design of the heavy vehicle hardstand areas, circulation roadways, car park access and parking modules of the Concept Proposal warehouses south of Access Road 1. The swept path analysis provided at **Appendix H** demonstrates satisfactory operation for each proposed change.
- The lot layouts proposed by MOD 3 remain consistent with the Australian Standards and MRP DCP design requirements.

Accordingly, it is concluded that the proposal design does not give rise to any additional adverse impacts and remains consistent with parking, traffic, and design conclusions of SSD-10448 and the established under the Ason TMAP. The proposal can be supported on traffic grounds with no further mitigation measures beyond those established under the concept masterplan.

6.2. Noise Impacts

A Noise Impact Assessment has been prepared by SLR Consulting and is included in **Appendix I**. The report has considered the context of the site, potential operational noise impacts and comparison of the predicted noise levels from the original SSD approval, MOD 2, the proposed changes under MOD 3 as well as the Warehouse 9 construction and intended operation.

The operational noise limits for the Concept Proposal are detailed in Condition A16 of Development Consent SSD-10448. The limits are specified at noise monitoring locations identified in Appendix 3 of the Development Consent.

6.2.1. 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). However, subject to the revised lot and road layout, a number of NMLs are shown in slightly revised locations which are considered to be more safe and accessible to allow for accurate noise impact analysis.

- NML 2 and NML 4 have been relocated to the top of the adjacent retaining wall.
- NML 3 has been moved to the edge of the site boundary away from potential truck movements.

- No changes have been made to NML 1 and NML 5.

The relocated NMLs are within around 5 m of the original locations.

The NMLs establish the relevant noise limits for both the proposed Concept Stage and Stage 1 developments during standard weather conditions. The NMLs are identified in **Figure 15** below.

Figure 15 Noise Monitoring Locations



Picture 4 SSD-10448 Approved NMLs

Source: SLR



Picture 5 Proposed MOD3 NMLs

Source: SLR

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.

6.2.2. Construction Noise for Warehouse 9

Construction noise from the proposed Warehouse 9 construction can be appropriately controlled in a similar manner to the Stage 1 Approval, where conditions require that the development must be constructed to achieve the construction noise management levels detailed in the Interim Construction Noise Guideline (DECC, 2009). This includes typical mitigation and management measures with specific strategies to be detailed in a Construction Noise Management Plan (CNMP).

The CNMP will be prepared by a suitably qualified and experienced acoustic expert and be approved by the Planning Secretary prior to the commencement of the development.

6.2.3. Operational Noise for MOD 3 and Warehouse 9

The main sources of operational noise from across the modified AIE as well as the Warehouse 9 development will be consistent. The main sources of operational noise at the development site include the following:

- On-site light and heavy vehicle movements:
 - The peak 1-hour vehicle volumes have been assumed to be spread evenly across the 1-hour period and divided into daytime and night-time as follows:

Table 20 Peak 1-Hour Vehicle Volumes

Lot/Warehouse	Peak 1-Hour Vehicle Volumes			
	Daytime / Evening		Night-time	
	Light Vehicles	Heavy Vehicles	Light Vehicles	Heavy Vehicles
1	78	3	78	3
2	45	16	41	11
3	40	14	36	9
4	35	12	32	8
5	24	8	22	6
6	18	7	17	4
7	28	10	26	7
8	85	30	77	20
9	123	44	112	29

- The relevant sound power levels and modelling assumptions for these heavy vehicle movements are set out in the noise sources below. Heavy vehicles accessing the estate are anticipated to be around 66% rigid trucks, 7% semi-trailer trucks, 2% b-double trucks and 25% b-double trucks. The SWL for heavy trucks below is representative of the proposed heavy vehicle types.

Table 21 Vehicle Sound Power Levels

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 road, car parks and light-vehicle access	96 ²	20

- Loading dock activities in hardstands:
 - The modelled loading dock noise sources are consistent with the MOD 2 Noise Impact Assessment. The anticipated noise generation is as follows:

Table 22 Loading Dock Noise Sources

Noise Source	Sound Power Level (dBA)	Typical Duration of Use in Worst-case 15-minute Period
Truck Reversing alarm ¹	107 ²	30 seconds

Noise Source	Sound Power Level (dBA)	Typical Duration of Use in Worst-case 15-minute Period
Forklift reversing alarm ¹	102 ²	90 seconds
Truck air brakes	118	1 second
Gas forklift	93	900 seconds
Refrigerated truck trailer ³	102 ⁴	900 seconds

- Mechanical plant:
 - External mechanical plant on Warehouses 2 to 9 has been modelled on the warehouse rooftops with an indicative cumulative SWL of 90 dBA per warehouse, consistent with the MOD 2 NIA. Warehouse 1 has seven VPAC units on the roof, as detailed in the MOD 2 NIA.

6.2.4. Operational Noise Impacts

Operational noise levels from the modified AIE and Warehouse 9 operations are predicted to exceed the relevant noise limits at NML 1 on the western site boundary, NML 2 and NML 3 on the southern boundary, and NML 4 on the eastern boundary. Compliance is predicted at NML 5 on the northern boundary. This assessment was conducted against the established noise limits under the original SSD-10448 approval. Further to the assessment of the original noise limits, the following discussion includes an assessment against the predicted noise levels under MOD 2 and Concept Approval. This provides an holistic assessment of the anticipated, cumulative impacts of MOD 3 and Warehouse 9, when compared to the intended development under MOD 2.

The predicted changes at each boundary noise limit location are discussed below:

- **NML1** – Noise levels predicted to increase at this location by up to 13 dB for LAeq and 6 dB for Lmax.
 - This is because the location was adjacent to the far end of the hardstands for Warehouses 10 and 11 in the MOD 2 design. In the MOD 3 design this location is now adjacent to the heavy vehicle route around Warehouse 9, while still in line of sight of some of the hardstands for Warehouses 8 and 9. The larger GFA of Warehouses 8 and 9 in MOD 3 results in more heavy vehicle movements in this area compared to Warehouses 10 and 11 as originally approved. This results in an increase in noise levels at NML 1 compared to the original consent and MOD 2.
- **NML2** – Noise levels are predicted to increase at this location by up to 6 dB for LAeq and 5 dB for Lmax.
 - This location was adjacent to the southern end of the carpark for Warehouse 11 and the hardstand for Warehouse 7 in the original design. In the MOD 3 design this location is now adjacent to the heavy vehicle route and southern hardstand of Warehouse 9. The larger GFA of Warehouse 9 in MOD 3 results in more heavy vehicle movements and loading dock activities in this area compared to the carpark of Warehouse 11 and hardstand of Warehouse 7 as originally approved. This results in an increase in noise levels at NML 2 compared to the original approval and MOD 2.
- **NML3** – Noise levels are predicted to increase at this location by up to 6 dB for LAeq and 1 dB for Lmax.
 - This location was adjacent to the hardstand for Warehouse 6 in the original design. In the MOD 3 design this location is now adjacent to the heavy vehicle entrance for Warehouse 9 and the hardstand and carpark for Warehouse 6. The larger GFA of Warehouse 9 in MOD 3 results in more heavy vehicle movements in this area compared to the original layout, while the other sources in the area are similar. This results in an increase in noise levels at NML 3 compared to the original consent.
- **NML4** – Noise levels are predicted to increase at this location by up to 2 dB for LAeq and a reduction by up to -2 dB for Lmax.

- This location is adjacent to the hardstands for Warehouses 4 and 5 in both the originally approved and MOD 3 designs, with line of sight to Access Road 3. While the original design in this area does not change, the route to the Warehouse 9 vehicle entrance uses Access Road 3 in MOD 3, with minor increases heavy vehicle movements in this area compared to the original consent and MOD 2. This results in a relatively minor increase in noise levels at NML 4 compared to the original assessment and MOD 2.
- **NML5** – Noise levels are predicted to increase at this location by up to 3 dB for LAeq with Lmax being consistent.
 - This location is adjacent to the carpark for Warehouse 2 in both the original and MOD 3 designs, with no direct line of sight to Access Road 1. While the MOD 2 design in this area does not change, the relocation of Access Road 4 further east into the estate, and the route to the Warehouse 9 vehicle entrance using Access Road 3 in MOD 3, results in an increase in heavy vehicle movements along Access Road 1 east of Access Road 2 through the centre of the estate. This results in a minor increase in noise levels at NML 5 compared to MOD 2.
- **Other sensitive receivers** – The nearest sensitive receivers to the site that have not been rezoned to IN1 General Industrial are located outside the MRP, around 600 m to the south on Mamre Road, and around 1,450 m to the west in Luddenham. Noise monitoring was undertaken at the receivers in these locations, which included 28 separate locations as identified in the Noise Impact Assessment and cumulative amenity noise criteria standards have been applied to the operational noise calculations.
- In terms of noise levels across the various residential receivers, there are some that decrease, some stay the same and some that have a limited increase.
- The majority of changes are between -2 dB and +2dB, with the maximum change being +7dB at R20.
- Many of the receivers experience only a marginal change, meaning the overall noise environment for MOD3 is largely similar to the SSD noise environment.
- Ultimately, the assessment indicates that that operational noise levels for the MOD 3 Masterplan development are predicted to comply with the applicable noise criteria derived from the intrusiveness and cumulative amenity noise criteria in the *Noise Policy for Industry 2017* (NPfI) at receivers not rezoned to IN1 General Industrial during all periods. As such, the proposal is still considered unlikely to result in noise impacts at the relevant sensitive receivers.

6.2.4.1. Mitigation Measures and Recommendations

The predicted noise levels are generally higher than the original SSD-10448 and MOD 2 noise levels in these receiver areas due to the changes in layout associated with Warehouse 9, which generally provides reduced shielding to the heavy vehicle routes and hardstands in the direction of the receiver areas compared to the original approval and MOD 2.

However, the proposal is predicted to comply with the requirements of the NPfI and considered unlikely to result in noise impacts at the relevant sensitive receivers. As such, the exceedances of the noise limits at the on-site monitoring locations are considered to be of low significance.

Potential feasible and reasonable mitigation measures have been considered during the various design phases of the proposal, including several that were considered through the original Concept Approval and others that have been (or can be) conditioned as part of an approval. These measures include:

- Optimising site layout to minimise noise emissions from the site.
- Use broadband and/or ambient sensing alarms on trucks and forklifts where they are required to reverse during the night-time.
- Appropriate design of site layout to minimise the need for trucks to stop or brake outside of loading docks with line of sight to residential receivers.
- Production of an operational noise management plan.
- Noise monitoring of the post construction operational period.

Other operational opportunities could involve:

- Reducing peak 15-minute heavy vehicle movements across the development by staggering delivery/pickup times.
- Reducing peak 15-minute light vehicle movements across the development by staggering shift change times for employees.
- Minimising the concurrent use of forklift and other mobile plant outside the warehouses (i.e. in hardstand area) and/or limiting their use to the less sensitive daytime and evening periods.
- The use of quieter mobile plant options, such as electric forklifts instead of gas-powered forklifts.
- Locating fixed mechanical plant away from the most-affected sensitive receivers, such as ground-level locations instead of rooftop locations, and/or shielded behind the warehouse/office structures.
- Best management practice – such as switching vehicles and plant off when not in use, no yelling/swearing/loud music onsite, education of staff and drivers regarding noise impacts, regular maintenance of plant and equipment to minimise noise emissions, use of silent or non-tonal reverse alarms instead of tonal alarms, minimising use of reverse alarms by providing forward manoeuvring where practicable.

It is recommended that Condition A16 (Table 2) be updated to equal the predicted noise levels under the proposal, where the predicted noise levels are higher than the current on-site noise limits. These updated noise levels are identified earlier in this Report at **Section 3.1.5**.

It is also identified by SLR that the detailed design of Warehouse 9 building is consistent with the operational assumptions for MOD 3, and the operations are consistent with the noise levels of the MOD 3 assessment.

6.2.5. Summary

The proposal is predicted to comply with the requirements of the *Noise Policy for Industry 2017* (NPfI) and typical noise mitigation or management measures established under the concept proposal will ensure the proposal will not result in any adverse acoustic impacts or requirement for further mitigation measures.

6.3. Air Quality

The air quality impacts of the proposal has been considered in the context of the modified layout, and the proposed construction and operational activities at Warehouse 9. An Air Quality Assessment has been prepared by SLR and is attached at **Appendix J**.

6.3.1. MOD 3

Consistent with the original approval, the air quality for the MOD 3 operational and construction phases has been assessed to be neutral and have a low impact to surrounding sensitive receptors. The modified development will generally maintain the air quality impacts compared to the originally approved development. No changes to the established mitigation measures are required in respect to air quality.

6.3.2. Warehouse 9 Construction Phase

The Air Quality Assessment identifies that earthworks, construction and track out have potential to result in dust soiling and human health impacts. The assessment for the proposal identifies that although there are residential receptors surrounding the site, sensitive to both dust soiling and health effects, the sensitivity level was classified as 'low' given the separation distance between the site and the residential receptors.

Given the low sensitivity of the general area for dust soiling and health effects, and the dust emission magnitudes for the various construction phase activities, the resulting air quality impacts are classed as 'low risk'.

The Air Quality Assessment sets out a range of site-specific management measures that can be adopted, including:

- Site management.
- Regular monitoring.
- Preparing and maintain the site.

- Operating vehicles and machinery efficiently.
- Sustainable travel.
- Dust suppression operations.
- Avoiding burning waste.
- Using dust sweepers and wheel washing systems.

Off-site impacts associated with dust deposition and suspended particulate during the proposed Warehouse 9 construction phase are anticipated to be negligible for demolition, earthworks, building construction and track-out activities if dust control measures are implemented in line with good industry practice.

6.3.3. Warehouse 9 Operational Phase

The only activities identified as having potential to impact on air quality during the operational phase were traffic emissions from light and heavy vehicles accessing and moving around the site. The operational phase impacts were assessed using a risk-based assessment method considering the following impact descriptors:

- **Nature of Impact:** The nature of impact was anticipated to be 'adverse' to the environment.
- **Receptor Sensitivity:** The nearest sensitive receptors to the AIE site include residences within 100m of the boundary. In terms of the methodology, the sensitivity of the surrounding residential areas to emissions from the AIE site was considered to be 'high'.
- **Magnitude:** Based on the relatively small amount of traffic movements projected to occur on site, the magnitude of these emissions was considered to be 'negligible'.

Given the above considerations, and the scale of operations, the potential impact of the Warehouse 9 operation on air quality at the nearest sensitive receptors was concluded to be 'neutral' for all receptors.

6.3.4. Summary

Consistent with the concept approval (SSD-10448), the proposed Warehouse 9 will be constructed subject to standard air quality management strategies. The operational emissions will similarly be comprised of emissions of products of fuel combustion and particulate matter, consistent with other standard warehouse operations. As such, subject to the standard management measures identified, the proposed development will not result in any adverse air quality impacts.

6.4. Environmentally Sustainable Development

An Ecologically Sustainable Development Report (ESD Report) has been prepared by Stantec Australia to support the proposal (**Appendix L**). The report provides an overview of the ESD principles and greenhouse gas and energy efficiency measures that will be implemented as part of the development consistent with:

- Secretary's Environmental Assessment Requirements (SEARs).
- Schedule 2 7(4) of the *Environmental Planning and Assessment Regulation 2000*.
- Part 7.4 of the *Penrith Local Environmental Plan 2010*.
- Chapter C1 Site Planning and Design Principles of the *Penrith Development Control Plan 2014*.

6.4.1. ESD Opportunities

Through the implementation of a range of ESD initiatives, the proposal seeks to mitigate against any negative environmental, social and economic impacts associated with the development. Fundamental to the success of improving the ESD outcome for the project has been the adoption of strong design philosophy. This includes passive design features which have the ability to:

- Lower operational energy demand via improved thermal performance.
- Promote greater indoor environmental quality.
- Reduce the requirements for artificial lighting & power.
- Reduce the buildings' reliance on HVAC systems.

- Improve building occupant comfort; and
- Improve the project's capacity to deliver a responsible development.

6.4.2. Mitigation Measures

The development will implement a number of best practice sustainable initiatives and energy efficiency measures. The following will inform the achievement of the ESD parameters for Warehouse 9:

- Buildings to be net positive for carbon emissions where determined by Mirvac to be appropriate:
 - On-site Renewable Energy Production of 500 kW Solar System and 200kWh battery proposed.
 - Electric car and truck charging future provisioning.
 - Energy efficient lighting systems and control of lighting.
 - Natural ventilation and efficient HVAC in the warehouse and office areas.
 - Encouraging natural lighting where possible.
- Water efficiency measures to be considered:
 - Water efficient fixtures and fittings.
 - Water efficient appliances.
 - Rainwater harvesting.
 - Water use metring and monitoring.
 - Implementation of Water Sensitive Urban Design.
- Explore opportunities to reduce embodied energy reduction associated with construction material selection.
- Environmental outcome equivalent to a minimum of 5 Star Green Star (Design & As-Built tool) v1.3 standard.

6.4.3. Summary

Once the new development is completed, operational guidelines, best practice procedures and appropriate monitoring and control measures will be defined by the building occupant to ensure environmental impacts associated with operational processes are minimised wherever possible.

The project's as-built environmental performance will be equivalent to a 5 Star Green Star project, based on the Green Star Design & As-Built v1.3 tool, ensuring that the development will accommodate the best practice measures consistent with the Concept Approval SSD-10448 and will continue to provide a positive ESD built form and operation.

6.5. Waste Management

A Waste Management Plan (WMP) has been prepared by MRA consulting group (**Appendix V**). This WMP considers better practice, necessary equipment, and integration with other guidance documents including *The NSW Waste and Sustainable Materials Strategy 2041* (2021), *National Waste Policy: Less Waste, More Resources* (DEE, 2018) and the MRP DCP. The key policy aims that are considered are:

- Avoidance (to prevent the generation of waste);
- Reduce the amount of waste (including hazardous waste) for disposal;
- Manage waste as a resource; and
- Ensure that waste treatment, disposal, recovery and re-use are undertaken in a safe, scientific and environmentally sound manner.

6.5.1. MOD 3

No changes to demolition or related wastes are expected to be generated for MOD 3 and all construction waste will be appropriately reused, recycled or disposed of as per the previous approval. No change in mitigation measures proposed from those included in SSD-10448.

6.5.2. Demolition Works

Demolition waste has been addressed through the Concept Approval SSD-10448, and there are no changes to demolition or site preparation works proposed within the Warehouse 9 development.

6.5.3. Warehouse 9 Construction Waste

All construction waste materials from the Warehouse 9 construction will be appropriately reused, recycled or disposed of where necessary, which includes return to manufacturer, recycled at construction and demolition processor, or disposed to landfill. The anticipated quantities of the waste are set out within the WMP at **Table 23**.

Appropriate contractors will be appointed for waste collection, off-site recycling and disposal at licenced landfill sites. The WMP will also be retained on site during the demolition and construction phases of development, which will include a logbook that records waste management with entries including:

- Time and date.
- Description of waste and quantity.
- Waste/processing facility that will receive the waste; and
- Vehicle registration and company name.

6.5.4. Warehouse 9 Operational Waste

Ongoing waste management requirements for the site result from the daily operation of the proposed warehouse use. The predicted waste generation for the Warehouse 9 development is set out in **Table 23** below.

Table 23 Operational Waste

Use	Weekly Waste Generation (L)	Weekly Recycling generation (L)
Warehouse	45,000	45,000
Office	1,127	1,127
Total	46,627	46,627

Source: MRA Consulting

The WMP indicates that there are two options for the collection of waste from the operation of the warehouse, which are:

Option 1

- General Waste – 2 x 4.5m³ collected 5 times per week.
- Co-mingled Recycling – 1 x 4.5m³ collected 5 times per week.
- Paper and Cardboard – Use of cardboard bailer with bales collected as required.

Option 2

- General Waste, Co-mingled Recycling, Paper and Cardboard – Use of 10-38m³ compactor with collection as required.

Either of the above approaches would be appropriate to service the operation at the site, whilst the site waste storage areas will be sized and located to accommodate the necessary waste storage bins and other associated waste management equipment.

A range of bins will be utilised on site for the management of different waste streams. It is expected that the warehouse will use various mobile bins and bulk bins that will be identified in accordance with relevant Australian Standards and will be serviced by the contracted waste service provider in accordance with agreed collection schedules.

In light of the above measures, it is considered that waste management within the Warehouse 9 development can be suitably managed in accordance with the relevant policies and guidance.

6.6. Aboriginal And Non-Aboriginal Heritage Assessment

A heritage assessment has been prepared by Artefact Heritage Services (**Appendix X**) which details the historic assessments conducted in preparation of the original SSD and subsequently, a heritage analysis of the proposal with consideration of the heritage context.

As part of the Concept Proposal application (SSD-10448) Artefact Heritage Services prepared a combined Aboriginal and non-Aboriginal Heritage Assessment. The non-Aboriginal Heritage Statement identified no heritage constraints for the proposal with one heritage item located outside the study area and nil to low potential for archaeological, non-aboriginal heritage at the AIE site. The Aboriginal Heritage Assessment identified one Aboriginal site (MAM AS 1901) in the eastern portion of the AIE site and an area of Potential Archaeological Deposit (PAD). Additionally, one Aboriginal site, Bakers Lane SLR AFT1 (AHIMS ID 45-5-5274), was identified as being adjacent to the study area.

6.6.1. Aboriginal Heritage

Through the approved Concept Plan and Stage 1 Development it was identified that there would be a direct/ total/ total loss of value for the MAM AS 1901 as a result of the bulk earthworks approved and a no loss of values for the Bakers Lane SLR PAD1 as excavation works will be undertaken at a distance from the PAD.

The proposal will not result in any further archaeological impacts to those approved under the site preparation works and excavation works (SSD-10448). As such, the proposal will not result in any adverse Aboriginal heritage impacts.

Further to this an Aboriginal Cultural Heritage Assessment Report (ACHAR) was prepared in consultation with registered Aboriginal parties. The ACHAR noted that the proposal would not impact the identified site, and it recommended that mitigation measures should be implemented for conservation purposes including:

- Undertaking a salvage excavation program.
- Reburying encountered artefacts retrieved from test excavation and salvage excavation.
- Providing registered Aboriginal parties opportunities to collect encountered artefacts.

The established recommendations of the ACHAR for the concept approval will continue to be relevant for the proposal. An updated ACHAR is not required.

6.6.2. Non-Aboriginal Heritage

There is one local heritage item located 290 m southwest of the heritage study area, Bayly Park – House (LEP item no. 104). The house was initially constructed from the 1810s and has historic associations with settler families and colonial era rural enterprise. There is also nil-low potential for local archaeological heritage items at the heritage study area.

Consistent with the approved building works under the Concept masterplan, the proposed warehouse layout, including the intended Warehouse 9 construction will result in neutral to neutral/negligible physical, visual or archaeological impacts to the Bayley house.

- Due to the significant distance of Bayly Park House from the study area, it is not expected that significant fabric would be impacted by vibration associated with the approved/proposed excavation works.
- The Bayly House is substantially separated from the AIE site and is encircled by large mature pine trees on each side. Accordingly, there will be no extant sightlines between the Bayly Park House and the modified AIE layout or the proposed Warehouse 9 development.

- Archaeological remains in the study area are likely to be highly ephemeral and not likely to be identified intact or to be sufficiently robust to demonstrate heritage significance. The proposal will result in the negligible impacts to significant non-Aboriginal archaeological remains.

As such, the proposal will not result in any additional Aboriginal or non-Aboriginal heritage impacts and the recommendations of the original heritage assessment and ACHAR will apply for the proposal.

6.6.3. Warehouse 9 Development

The Warehouse 9 development aligns with the MOD 3 works and will also result in no changes in the degree of impact to either Aboriginal heritage or non-Aboriginal heritage across the study area. As such, an updated ACHAR or SoHI is not required for the Warehouse 9 development and the proposal will not result in any adverse heritage impacts.

6.7. Visual Impact Assessment

A Landscape Character and Visual Impact Assessment (LCVIA) was prepared by Clouston Associates for the approved Concept Proposal under SSD-10448. This assessed the potential visual impacts of the development on various surrounding receivers in connection with the building envelopes that were ultimately approved.

That report identifies that the area is transforming from rural land uses to employment and industrial uses, with substantial alterations occurring to the visual environment surrounding the site. Several SSD applications are being progressed around the site for industrial uses which have the potential to alter the landscape and give rise to visual impacts on surrounding receivers. However, in approving the SSD, DPE noted that the site is surrounded on all sides by active and proposed industrial uses, and in the long-term visual impacts on adjoining receivers would no longer be an issue when these adjoining sites are redeveloped into industrial uses.

An updated version of the LCVIA has been prepared by Clouston Associates and is attached at **Appendix G** in support of the proposal. This considers the assessment undertaken with the SSD-10448 and concludes that the view impacts of the proposal will result in negligible changes to visual impacts compared to the built form approved as part of the concept development as:

- the warehouse height is consistent with the original Concept Approval, and
- the proposal will continue the delivery of mature landscaping across the estate.

The proposed built form of the modified warehouses and the Warehouse 9 construction will not have any discernible impact at the relevant viewpoints. Notably, the following viewpoints will see the modified estate layout

- Viewpoint 1: no change in impact from moderate/low (Stage 1) and moderate (Completed Estate Masterplan) between the approved and modified developments.
- Viewpoint 3: no change in impact from moderate (Stage 1) and moderate/high (Completed Estate Masterplan) between the approved and modified developments.
- Viewpoint 5: no change in impact from moderate (Stage 1) and moderate/high (Completed Estate Masterplan) between the approved and modified developments.

As such, the proposal will not result in any adverse visual impacts from the surrounding properties and viewpoints and no additional mitigation is proposed. The proposed development is therefore not considered to be incompatible with the height, scale, siting and character of the immediate rural context.

6.8. Bushfire

A Bushfire Hazard Assessment has been prepared by Blackash Bushfire Consulting (**Appendix Y**), which considers the proposed development in accordance with *Planning for Bushfire Protection 2019*. The site and its surrounds are presently characterised by agricultural and rural uses such as grazing, market gardens and horticulture and has been recently rezoned for warehouse uses with several SSDA's currently with the NSW Department of Planning and Environment for similar styled developments to that proposed.

The AIE site is partially identified as being bushfire prone with category 2 vegetation to the north, therefore consideration is required for the implementation of bushfire protection measures such as Asset Protection

Zones (APZ). This was considered as part of the Concept Approval SSD-10448 with APZ recommended to be implemented as per **Figure 16**.

Figure 16 Proposed Asset Protection Zones



Source: Blackash

The modified lots to the south of Access Road 1, including Warehouse 9, are not identified within the bushfire prone part of the wider estate as there are no bushfire hazards adjoining the relevant lots. The proposal is identified industrial development and considered as “other” development in *Planning for Bushfire Protection 2019* and as such the proposal complies with the aims and objectives of that document.

6.8.1. Mitigation Measures

The original approval was supported with recommendations for an asset protection zone, conditions for fire hydrants be provided and buildings within identified zoned be built in accordance with the Australian Standard. The proposed MOD 3 does not seek to modify these buildings or conditions and therefore the proposal remains consistent with the original assessment.

With consideration of the context of Warehouse 9, the identified measures are relevant and/or not required:

- Warehouse 9 is not required to be subject to any Asset Protection Zone requirements as it is substantially separated from any bushfire hazard (see **Figure 16**).

- The Bushfire Attack Level (BAL) is not relevant to Warehouse 9 and subsequently, the building is not required to be constructed in accordance with the Australian Standard requirements for BAL affected sites.
- Fire hydrants are to be provided for buildings in accordance with Australian Standards.

The fire hydrant requirement will remain in place for the broader AIE and as the proposed warehouse is not located within the mapped bushfire zone, no further consideration of bushfire impact is needed. Accordingly, the proposal will readily achieve compliance with the relevant fire safety requirements under the PBP 2019.

6.9. Crime Prevention Through Environmental Design

The proposal will maintain the appropriate degree of safety with consideration of the four key Crime Prevention Through Environmental Design (CPTED) principles. The principles are as follows:

- Surveillance,
- Access Control,
- Territorial Reinforcement, and
- 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 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. The site will also be supported with the appropriate CCTV installations.

Lighting

The 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.

6.10. Bca & Fire Engineering

6.10.1. BCA (Warehouse 9)

Blackett Maguire + Goldsmith have undertaken a review of the warehouse building design against the deemed-to-satisfy (DtS) provisions of the Building Code of Australia 2019 (BCA) (see BCA Report at **Appendix K**). The Warehouse 9 construction is comprised as Class 5 Office and Class 7b warehouse buildings, with a rise in storey of 2.

Arising from the review, the proposed development can readily achieve compliance with the relevant provisions of the BCA. It is identified that BCA Clause D1.10, D2.20, Part D3 / F2.4, FP1.4 and Section J are

matters that can be addressed in the detailed design process through non-fire safety performance solutions. 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.

Table 24 details BCA matters that are required to be resolved for the new building works.

Table 24 Fire Safety Measures

Statutory Fire Safety Measure	Design/ Installation Standard
Alarm Signalling Equipment	AS 1670.3 – 2018
Automatic Fire Detection & Alarm System	BCA Spec. E2.2a & AS 1670.1 – 2018
Automatic Fire Suppression Systems	BCA Spec. E1.5 & AS 2118.1 – 2017
Building Occupant Warning System activated by the Sprinkler System	BCA Spec. E1.5. Clause 8 and / or Clause 3.22 of AS 1670.1 – 2018
Emergency Lighting	BCA Clause E4.4 & AS 2293.1 – 2018
Exit Signs	BCA Clauses E4.5, E4.6 & E4.8; and AS 2293.1 – 2018
Fire Control Centre	BCA Spec E1.8
Fire Dampers (TBC)	BCA Clause C3.15, AS 1668.1 – 2015 & AS 1682.1 & 2 – 2015 and manufacturer's specification
Fire Doors	BCA Clause C2.12, C2.13 and AS 1905.1 – 2015 and manufacturer's specification
Fire Hose Reels (Excluding Class 5 Office Areas)	BCA Clause E1.4 & AS 2411 – 2005
Fire Hydrant Systems	BCA Clause E1.3 & AS 2419.1 – 2005
Fire Seals (TBC)	BCA Clause C3.15, AS 1530.4 – 2014 & AS 4071.1 – 2005 and manufacturer's specification
Lightweight Construction (TBC)	BCA Clause C1.8 & AS 1530.4 – 2014 and manufacturer's specification
Paths of Travel	EP&A Regulation Clause 186
Perimeter Vehicular Access	BCA Clause C2.4
Portable Fire Extinguishers	BCA Clause E1.6 & AS 2444 – 2001
Smoke Hazard Management Systems	BCA Part E2 & AS/NZS 1668.1 – 2015
Warning & Operational Signs	Section 183 of the EP&A Regulation 2000, AS 1905.1 – 2015, BCA Clause D3.6 E3.3

Source: BM+G

6.10.2. Fire Engineering

CORE Engineering Group has prepared a Fire Safety Strategy (FSS) for the Estate (**Appendix M**). Performance solutions are proposed to account for the below items which cannot otherwise satisfy the DtS Provision of the BCA.

- C2.4 – Vehicular Perimeter Access.
- D1.4 – Extended travel distances to the nearest exit within warehouse building.
- D1.5 – Distances between alternative exits within warehouse building.
- E1.3 – External hydrants positioned beneath awnings.
- E1.5 – Sprinkler system design.
- E2.2 – Rationalised automatic smoke exhaust system.

The FSS provides an holistic summary of the fire and life safety measures anticipated to be necessary in developing the above listed Performance Solutions. These measures include passive and active fire protection systems, egress provisions, occupant first aid firefighting, fire brigade intervention, and future building management provisions.

In addition to the above, the FSS provides guidance for the design and application of fire safety measures. It highlights specific design considerations for a range of fire safety measures that will undergo analysis as per the Fire Engineering Report to ascertain whether the relevant Performance Requirements of the BCA are satisfied. The list below is not exhaustive.

- Passive fire protection including external wall combustibility, FRLs and construction type.
- Vehicular perimeter access to accommodate all Fire & Rescue NSW appliances, including
 - provision for perimeter access on northern corner of Lot 9 to be up to approximately 40 m from the external wall of the building in lieu of 18m.
 - The load-bearing capacity and vehicle swept path of the vehicular access paths and car parks to be compatible with fire brigade vehicle requirements.
 - All gates, security fencing and boom gates should be readily openable by the fire authorities, via a variety of nominated methods.
- Egress provisions including an evacuation strategy and detailed travel distance solutions. A performance solution is to be established to address the extended travel distances. The performance solution is to involve detailed computational smoke modelling and evacuation analysis.
- Fire fighting equipment including number and location of fire hydrants on each lot, fire hose connections, hydrant boosters, hose reels, sprinkler systems and fire control centre. Potential locations for fall back hydrants and hydrants are identified in the fire safety strategy and these will be accommodatable within the proposed Warehouse in accordance with the relevant Australian Standards.
- Smoke hazard management including minimum requirements for a manually operated smoke clearance system.
- Emergency lighting.
- Building management procedures.

The Fire Safety Strategy will inform the detailed design of the building and the fire safety measures required to meet the Performance Solutions of the BCA.

Mitigation Measures

- Ensure building works comply with DtS or Performance Solutions of the BCA, incorporating Fire Engineering solutions where required.

Subject to the measures recommended in the BCA Assessment and the Fire Safety Strategy, the proposed Warehouse 9 can be constructed in accordance with the relevant BCA standards and facilitate safe and effective operations for the intended tenant.

6.11. Flooding

A Flood Risk Assessment and Flood Impact Assessment was prepared by Stantec in July 2022 which establishes the stormwater strategy/management plan for the broader Aspect Industrial Estate as to be modified by MOD 3 and managed under Stage 1 (**Appendix R**). This includes an assessment of the Flood Assessment with consideration of Warehouse 9.

The site is affected by 100-year overland flows and this was assessed through methods including a hydrological model, local TUFLOW model and an analysis of the South Creek flood extent. Storm burst events for the 2 yr ARI, 5 yr ARI, 100 yr ARI, 200 yr ARI, 500 yr ARI and PMF events were modelled. Flood levels and extent, depths, velocities and hazards under Masterplan Conditions are plotted for each of these events.

The modelling was conducted with the intended lot and warehouse layout as established in the Concept Plan for MOD 3, which reflects the Warehouse 9 development. Additionally, the approved Stage 1 hydraulic model was updated for MOD 3 to account for the increased provision of impervious surfaces.

The modelling confirmed that under the Stage 1 and Concept Plan conditions as intended to be amended by MOD 3, the flood velocity difference plots would result in minor impacts in the watercourse downstream of Mamre Road and there will be negligible adverse impacts on flood velocities downstream of Mamre Road during the 2 yr ARI, 5 yr ARI, 100 yr ARI, 200 yr ARI and 500 yr ARI events. There will be some change to the extent of shallow inundation with the PMF to see localised, modest increases in flood velocities. The Warehouse 9 development is consistent with the warehouse footprint and amount of impervious surfaces as was modelled for MOD 3 and will not result in any additional impacts.

The approved flood management measures under the original SSD-10448 approval included the following:

- Capturing upstream runoff just inside the southern site boundary and conveying this via the proposed diversion line to convey upstream runoff to the head of the extended riparian corridor which conveys the combined upstream runoff from the southern and eastern drainage lines to the existing Mamre Road.
- Directing all runoff from within the Stage 1 development to a dual-purpose basin in order to mitigate the impacts on the rate of runoff in all events up to the 100 yr ARI event and to mitigate impacts on stormwater quality.

These mitigation measures will appropriately manage any potential flood impacts generated under MOD 3 as well as the Warehouse 9 development.

6.12. Stormwater Management

Civil Reports were prepared by AT&L (**Appendix CC**) which provides an assessment and details the stormwater management measures to be established as part of MOD 3 and the Warehouse 9 development. This includes recommendations for environmental protection measures to ensure there are no adverse water quality and quantity impacts.

6.12.1. MOD 3 Water Quality and Quantity

The approval for SSD-10448 incorporates the following strategies to demonstrate compliance with the waterway health controls adopted in the MRP DCP:

Stage 1

- Rainwater reuse of proposed Lot 1 and Lot 3 to meet the MRP DCP Controls for non-potable water reuse.
- Construction of a 0.7ha pond, which would capture and store runoff from the majority of the Site for irrigation of undeveloped land south of Access Road 1 and east of Access Road 3.

Concept Masterplan

- Three potential waterway health estate-based configurations were developed by E2DesignLab to demonstrate compliance with the waterway health controls for the Concept Masterplan operational phase.

A MUSIC model of the proposed stormwater management strategy, initially developed by E2DesignLab and subsequently reviewed and refined by AT&L, has been created to simulate post-development mean annual loads and treatment train effectiveness.

Subsequent to approval of SSD-10448, AT&L has reviewed and refined a preferred estate-based solution (initially developed by E2DesignLab) to meet the waterway health controls for the Concept Masterplan. More specifically, the solution developed by AT&L relates to the Concept Masterplan as to be amended by MOD 3, and will include the following stormwater management measures for the AIE site that will be required to satisfy stormwater quality, quantity and flow controls as adopted in the MRP DCP.

Table 25 Proposed Stormwater Management Measures

Measure	Stage 1 (refer to drawing 18-596-C1047 in Appendix A)	Concept Masterplan (refer to drawing 18-596-C1048 in Appendix A)
Rainwater tanks (for non-potable reuse)	<ul style="list-style-type: none"> Tanks on proposed lots 1, 3 and 9 to meet at least 80% demand for non-potable water (toilet flushing and landscape irrigation) 	<ul style="list-style-type: none"> Tanks on proposed lots 1 to 9 inclusive to meet at least 80% demand for non-potable water (toilet flushing and landscape irrigation)
Stormwater reuse tanks for evaporative roof irrigation	<ul style="list-style-type: none"> Tanks on proposed 1, 3 and 9 to store stormwater for evaporative irrigation across 40% of warehouse roof area 	<ul style="list-style-type: none"> Tanks on proposed lots 1 to 9 inclusive to store stormwater for evaporative irrigation across 40% of warehouse roof area
Stormwater harvesting and reuse for C2 corridor irrigation	<ul style="list-style-type: none"> 1050 kL tank to capture filtered water from Filterra® bio-retention system for irrigation of 50% of C2 corridor 	<ul style="list-style-type: none"> 1050 kL tank to capture filtered water from Filterra® bio-retention system for irrigation of 50% of C2 corridor
Primary treatment (Gross Pollutant Traps)	<ul style="list-style-type: none"> On Lots 1, 3 and 9 	<ul style="list-style-type: none"> On Lots 1 to 9 inclusive
Biofiltration	<ul style="list-style-type: none"> Proprietary Filterra® bio-retention system within the proposed detention basin between Mamre Road and Lot 1 	<ul style="list-style-type: none"> Same as Stage 1

- Rainwater tanks for non-potable reuse: in accordance with the MUSIC model established for the AIE site, the appropriate rainwater tank volumes have been calculated to ensure that the 80% volume requirement is met. The recommended volumes are listed in Table 6 of the MOD 3 Civil Report (**Appendix N1**).
- Stormwater reuse tanks for evaporative roof irrigation: this measure will provide urban cooling benefits to the AIE and can be readily incorporated onto the building design. It is noted that in the detailed phase of development, the rainwater tanks listed above can be used as stormwater reuse tanks. Subject to the assumption that they are a separate tank, the relevant MUSIC modelling was conducted to establish the required irrigation tank volume. The recommended volumes are listed in Table 7 of the MOD 3 Civil Report (**Appendix N1**).
- Gross pollutant traps (GPTs): to be established as the primary stormwater treatment measure. The design flows and final configuration of the GPTs are to be confirmed in the detailed design phase.
- Filterra® proprietary biofiltration system: biofiltration systems consisting of open space landscaping with underlying filter media and will be incorporated within the estate-wide basin with the appropriate parameters in accordance with the respective MUSIC modelling.

- On-site Stormwater Detention basin: the OSD on the site is to be established to mitigate post development flows for storms between the 50% AEP and 1% AEP. The OSD tanks are to be established in accordance with the Civil Drawings provided at **Appendix N**.

The anticipated results of the water management measures were determined through the appropriate MUSIC modelling details in **Appendix N1** which included the relevant rainfall and evaporation data, rainfall-runoff parameters, pollutant events as well as scenario modelling for both the Stage 1 and Concept Masterplan. Subject to the management measures recommended above, the proposed development will result in a total reduction of gross pollutants during the Stage 1 and Concept Masterplan development by 100%, achieving the 90% target reduction under the Mamre Road Precinct DCP.

A DRAINS model was conducted which demonstrated that the post development peak flow from the 1 year to 100-year ARI would result in a reduction of peak flow during storm events. The MUSIC model also identified that the stormwater management measures would result in stormwater flow volumes meeting the DCP target for both the Stage 1 and Concept Masterplan development scenarios.

As such, the updated stormwater management measures will ensure the MOD 3 lot and warehouse layout not result in any adverse stormwater quality, quantity or volume impacts and will meet the relevant criteria established by the Mamre Road Precinct DCP.

6.12.2. Warehouse 9 SSD Water Quality and Quantity

Subject to the stormwater management measures identified as part of SSD-10448 (as to be modified under MOD3), a stormwater catchment plan including an estate-wide bio-retention will be established as part of the Stage 1 infrastructure works. Further to these water management measures, the detailed water management works will be established as part of the Warehouse 9 development:

- Site stormwater drainage from the north-east discharge point into Access Road 4 and the stormwater drainage system to be established as part of SSD-10448 (modified by MOD 3).
- Finished Floor Levels for Warehouse 9 have been designed to be consistent with the 500mm freeboard over the 1% AEP flood level.
- Rainwater tank (or tanks) with a total capacity of 200kL is to be established for non-potable reuse. The location and build is to be determined during the detailed design phase.
- Stormwater reuse tank (or tanks) with a total capacity of 3.86ML to capture and store runoff from roof and hardstand areas for evaporative roof irrigation across up to 40% of the warehouse roof area. This tank can be merged with the rainwater tank identified above subject to the detailed design phase.
- Gross pollutant traps at the discharge points from the internal stormwater drainage network to the stormwater reuse tank.

Subject to these measures, consistent with the management measures and modelling as part of MOD 3, the proposed Warehouse 9 development will not result in any adverse stormwater quality, quantity or volume impacts.

6.13. Contamination

A Site Investigation letter was prepared by Arcadis (**Appendix U**) which provides an assessment of the proposed development works with consideration of the identified level of contamination at the site. The level of contamination at the site was confirmed subject to the Phase 1 Preliminary Site Investigation and Phase 2 Detailed Site Investigations that were prepared for the approved concept approval. The Detailed Site Investigation identified the following contaminants across the site:

- Soils with some exceedances in contaminant levels.
- Dam Sediments.
- Surface water with observed pollution.
- Groundwater with moderate EC.
- ACM and fragments of PACM.

The approved concept and stage 1 works (SSD-10448) confirmed that a Remediation Action Plan (RAP) is to be prepared for asbestos removal. Additionally, the Detailed Site Investigation included recommendations for the removal of asbestos, development of the RAP, the unexpected finds protocol, preparation of a construction environmental management plan and on-site surface water management as well as additional investigation and sampling works to be undertaken.

A Remediation Action Plan was prepared in May 2022 by Arcadis which details the remediation and validation works and procedures to be undertaken across the AIE site to ensure no impacted materials remain on-site to pose any risk to health or the environment. A copy of the RAP is provided at **Appendix W**.

The proposal will not change the validity of the approved contamination remediation and management works established under the approved concept and stage 1 development. As such, the proposed modifications as well as the Warehouse 9 construction and operations will be able to be supported subject to the established measures. No additional health risk or contamination, environment impacts will be generated by the proposed development.

6.14. Groundwater

A letter was prepared by Arcadis (**Appendix R**) which provides an assessment of the proposed development works with consideration of the groundwater condition and management measures established as part of the approved SSD-10448. The Groundwater Management Plan prepared by Arcadis in 2022 to form part of the Construction Environmental Management Plan for the approved SSD-10448 identifies the ongoing management required for groundwater dewatering at the site, any licensing requirements, the estimated volume of groundwater to be extracted and any other further investigation works required.

Subject to the previously undertaken investigations, Arcadis has identified that the proposed Warehouse 9 development has the potential to encounter groundwater as the final site level will be 51.8mAHD while the highest groundwater contour level is 53mAHD. This is consistent with the findings of the Groundwater Management Plan. The following management measures are recommended as part of the management plan:

- Pump groundwater from the excavated service trench.
- Monitor volume of extracted groundwater.
- Monitor groundwater quality of the extracted groundwater.
- Monitor groundwater in the existing groundwater wells around the site.

Ground water re-use options, subject to meeting the adopted groundwater quality guidelines are outlined below.

- Dust suppression.
- On-site irrigation.
- Wheel washing.
- Topping up neighbouring dams.
- Discharge to the on-site sediment basin.

If, however, the intersected groundwater does not meet the water quality criteria adopted it must be managed appropriately. Groundwater treatment or disposal options are outlined below.

- Treatment for turbidity.
- Treatment for pH.
- Treatment for saline groundwater; and
- Disposal.

As such, the established groundwater management measures and actions will be able to ensure the proposal will not result in any adverse environmental impacts. The proposal will not result in any ongoing impacts to the local hydrogeological regime.

6.15. Soil Management

A letter was prepared by PSM (**Appendix P**) which provides an assessment of the proposal with consideration of the soil condition and the earthworks. Additionally, Civil Reports were prepared by At&I (**Appendix N**) which establishes recommendations for environmental protections measures with consideration of the proposed earthworks. The proposed development will not result in any adverse impacts with consideration of the following:

- **Soil Resources:** the proposed development will comprise cut and fill balance on the site with minor imports (+ 6,400m³ export). All import materials will comply with the requirements of the Import Fill Protocol and Geotechnical Specifications established as part of the original SSD approval. It will not substantially affect the soil resources on-site.
- **Level Changes:** batter slopes will be utilized to accommodate level changes where possible with retaining walls to be constructed where batter slopes are not feasible. The retaining walls will be designed and constructed using standard industry practices.
- **Erosion and Sediment Control:** Suitable erosion and sediment controls shall be provided by the Contractor and maintained throughout all stages of works in accordance with industry standard and Penrith City Council guidelines and specifications. The erosion and sediment control measures as well as the construction methodology will be conducted in accordance with the relevant government requirements as well as the established conditions of the original development consent.
- **Potential Infrastructure Impacts:** the site is predominantly greenfield and subsequently, there is no active infrastructure within the site that will be affected by the proposed development
- **Riparian Lands:** no developments are proposed within the riparian area and the appropriate erosion control is to be established at the site in accordance with the civil works detailed in **Appendix N**.

6.16. Salinity

A Salinity Advice Letter has been prepared by PSM Consulting (**Appendix T**) which identifies the level of salinity at the site and the respective measures to minimise impacts to and from the proposal onto any saline soils.

In accordance with the salinity and sodicity investigation undertaken at the site in 2018 and 2019, salinity classes include 10 samples of 'non-saline', 3 samples of 'slightly saline' and 6 samples of 'moderately saline' soils. Accordingly, the site is classified as sodic to highly sodic.

The management plan was subsequently informed by the salinity controls the MRP DCP and seeks to effectively manage site salinity, minimise the effect of the proposed development on the salinity processes and to protect the proposed development from salinity damage. The management plan identifies measures for all the proposed construction stages including the following:

- **Earthworks:** Vegetation cover maintenance, surface grading, erosion control and sediment control measures.
- **Soil importation:** High quality material is to be imported onto the site. No highly saline or contaminated soils are to be imported.
- **Gardens and Landscaped Areas:** Specific plant species are to be used in accordance with the soil salinity. Water logging is also to be minimised through the appropriate plant species and landscaping design.
- **Roads, Footpaths and Hardstand Areas:** These surfaces are to be graded to prevent ponding and infiltration. Minimisation of infiltration should be achieved across the road, footpath and hardstand connections, services are to be below hardstand surfaces where possible and a damp-proof course or membrane can be provided below slabs.
- **Surface Water, Stormwater and Drainage:** The temporary water retaining structures and drainage infrastructure should reduce disturbance of natural drainage patterns, minimize infiltration and water logging.
- **Durability of Concrete Structures and Steel Structures in Contact with the Ground:** both concrete and steel structures are to be designed in accordance with the relevant Australian Standards.

Subject to the listed management measures, the proposal can be delivered while minimizing any adverse impacts with regard to the existing soil salinity.

6.17. Biodiversity

A BDAR Waiver letter has been prepared by Eco-Logical Australia (ELA) attached at **Appendix Z**.

The original SSD-10448 Application was accompanied by a Biodiversity Development Assessment Report (BDAR) (version 7) prepared by ELA, which assessed impacts to the entirety of the development site.

The proposal is consistent with the overall footprint of the concept masterplan approved under SSD-10448 and no additional vegetation is proposed to be removed. The assessment concluded that the proposal Development will not result in any impact on biodiversity values beyond those assessed as part of the existing BDAR for SSD 10488. Therefore, the assessment concludes that the proposal will not result in impacts to biodiversity values and no mitigation measures are required. As such, it is requested that a waiver is granted for both the MOD 3 and Warehouse 9 applications.

6.18. Social Impact

The proposed development will support the delivery of the warehouse and logistics floorspace in accordance with market demand and operational requirements. The original Social Impact Assessment lodged with the SSD-10448 application concluded that any negative impacts associated with traffic generation or visual impact would be outweighed by the positive long term social benefits from the creation of increased employment opportunities.

The nature of this application accords with the findings of that report and the proposal will continue to deliver a positive social impact. The original Social Impact Assessment which was prepared in accordance with the *Social Impact Assessment Guidelines for State Significant Projects (2021)* is attached at **Appendix AA**.

6.19. Warehouse 9 Built Form And Design

The proposal has been developed based on robust principles and an iterative design process, underpinned by carefully considered design principles related to bulk and scale, accessibility and permeability, landscaping and public domain, materials and finishes and integration with the surrounding land use character and context.

These principles and design responses have been developed by Mirvac's specialist industrial architects, who have also sought to design the building to accommodate the needs of the proposed end user, whilst also readily being integrated within the wider AIE and the Mamre Road Precinct.

The Industry and Employment SEPP requires that in determining a development application that relates to land to which this Policy Clause 2.30 applies, the consent authority must take into consideration whether or not:

(a) the development is of a high-quality design, and

The proposed building materials and design are of a high quality as demonstrated in the architectural package at **Appendix B**. The design will present a modern structure to the Mamre Road frontage and the internal access roads, complemented by well-designed and located landscaped areas which provide cohesion throughout the estate.

(b) a variety of materials and external finishes for the external facades are incorporated, and

The proposal allows for a variety of materials and the warehouse has been designed to present as high quality and architecturally interesting forms. Materiality proposed includes concrete, metal screens, and cladding. Materials have been selected to reflect the industrial nature of the building, being concrete, steel and metal cladding in various shades of grey.

(c) high quality landscaping is provided, and

Landscaping is proposed within the development and presents a cohesive response complementing the rest of the AIE.

(d) the scale and character of the development is compatible with other employment-generating development in the precinct concerned.

Height

The proposed building will be a maximum of 14.6m in height which is compatible with the scale of general

warehousing in the broader site. Notwithstanding that this will be an earlier development within the Mamre Road Precinct, it is anticipated that the proposed building scale will not be detrimental or inconsistent with the future scale of development anticipated for this Precinct.

The Visual Impact Assessment (VIA) prepared by Clouston associates (**Appendix G**) concludes that the impacts of the proposal will be consistent with the approved SSD-10448 and will result in minimal adverse impacts to the surrounding residential receivers and viewpoints. The proposed warehouse 9 development will be beyond 250m from any rural-residential zone and is below 15m in height. Accordingly, the proposal will not result in any adverse overshadowing impacts and will not adversely affect the solar access of any surrounding public spaces.

Setbacks

The proposal has been designed to maintain the appropriate setback distances in accordance with the approved development to ensure that the estate is delivered to desired built scale. This includes the following setback provisions to the modified warehouse layouts:

Table 26 Setback Analysis

Setback	Proposed Setback	DCP Setback Requirement	Proposed Landscape Setback	DCP Landscape Setback Requirement
Warehouse 6				
North (side)	14.5m	5m	1.5m	N/A
West (rear)	8m	5m	1.5m	2.5m
East (local estate road)	26m	12m	6m	6m (50% of DCP)
South (side)	14.5m	5m	1.5m	N/A
Compliant			Refer to comment for West Setback	

Setback	Proposed Setback	DCP Setback Requirement	Proposed Landscape Setback	DCP Landscape Setback Requirement
Warehouse 7				
North (collector road)	12m	12m	6m	6m (50% of DCP)
West (secondary road)	5m	5m	3.5m	2.5m (50% of DCP)
East (local estate road)	12m	12m	6m	6m (50% of DCP)
South (side)	3m to 39m	5m	1.5m	N/A
Refer to comment for South Setback			Compliant	

Setback	Proposed Setback	DCP Setback Requirement	Proposed Landscape Setback	DCP Landscape Setback Requirement
Warehouse 8				
North (local estate road)	14m	12m	6m	6m (50% of DCP)
West (Mamre Road)	20m	20m	12m	10m
East (secondary road)	20m	5m	4m	2.5m (50% of DCP)
South (rear)	39.5m	5m	1.5m	2.5m
Compliant			Refer to comment for South Setback	

Setback	Proposed Setback	DCP Setback Requirement	Proposed Landscape Setback	DCP Landscape Setback Requirement
Warehouse 9				
North (secondary road)	21m	5m	5m	2.5m (50% of DCP)
West (Mamre Road)	20m	20m	10m	10m
East (side)	30m	5m	1.5m	N/A
South (rear)	40m	5m	3m	2.5m
Compliant			Compliant	

As demonstrated in the table above, the proposal is generally compliant with the setback requirements. The only minor, non-compliance is at the modified Warehouse 7, south (side) setback. As demonstrated in **Figure 17** below, the proposed setback is consistent with the objectives of the DCP as:

- A small portion of the south setback is non-compliant with the 5m requirement with the majority of the setback is proposed to be well in excess of the DCP requirement (39m).
- The portion of Warehouse 7 that is non-compliant with the 5m requirement does not directly interface with Warehouse 9 or Warehouse 6 which is located to the south. As such, the proposal will provide the appropriate visual separation between the warehouses and will not result in any adverse overshadowing impacts.
- The proposed setback will facilitate the appropriate carparking at Warehouse 9 as well as the required hardstand area at Warehouse 7.
- The south setback, including the 3m deep portion, will have adequate space for tree planting which will provide the appropriate screening the surrounding, hardstand areas.

Figure 17 Warehouse 7 South Setback



The proposed landscape setbacks generally meet the DCP requirement to comprise 50% of the required setback distance or the relevant width at the Mamre Road and rear setback requirements. The proposed landscape setback for Warehouse 6 and Warehouse 8 will see a minor noncompliance for their respective rear setbacks of 1.5m (DCP requirement for 2.5m landscape setback). The proposed landscape setbacks at the rear of Warehouse 6 and Warehouse 8 is considered to be appropriate with consideration of the following:

- Both the rear of Warehouse 6 and Warehouse 8 do not directly interface any roads. The rear of Warehouse 8 will be appropriately separated from Mamre Road as a result of the proposed west setback at Lot 8. Accordingly, these areas will not adversely impact the visual quality of the streetscape character.
- A total landscape buffer 3m wide will be provided between the rear of Warehouse 6, Warehouse 8 and the respective setbacks a Warehouse 9.
- The proposal will result in a total estate, tree canopy coverage of 13%. This exceeds the required 10% tree canopy coverage under the DCP. Accordingly, the proposal will maintain the appropriate cooling and shade.
- The rear setbacks at Warehouse 6 and Warehouse 8 interface with respective hardstand areas at Warehouse 9. As such, the lack of tree plantings at these setbacks is acceptable as these interfaces do not require any visual privacy or acoustic screening and the proposal will maintain its tree canopy coverage targets. This outcome at the rear of Warehouse 6 and 8 will not result in any undesirable views.

As such, the design and built form proposed is entirely suitable for the development site at Lot 9 on AIE and for the wider precinct.

6.20. Minimal Environmental Impact (Mod 3)

Section 4.55(1A) of the EP&A Act requires that an application to modify a consent under this part demonstrate that it results in minimal environmental impact. As detailed above, the proposal has been accompanied by various consultant reports each attached in the appendix of this report that consider the impacts of the proposed MOD 3. It is concluded that from the above and accompanying technical reports, 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.

7. Justification Of The Project

This section of the report provides a comprehensive evaluation of the project having regard to its economic, environmental and social impacts, including the principles of ecologically sustainable development.

It assesses the potential benefits and impacts of the proposed development, considering the interaction between the findings in the detailed assessments and the compliance of the proposal within the relevant controls and policies.

7.1. Project Design

The proposal has been designed to retain the key principles of the overall Aspect Industrial Estate layout approved in the Concept Proposal and Stage 1 Development consent.

These principles include:

- The proposed development will not affect the design and location of the intersection works with Mamre Road, or provision of the creek and riparian extent along the north of the AIE.
- Connectivity of the internal road network with neighbouring lots in accordance with the Mamre Road DCP Road Network plan.
- Contribution to the long-term future supply of industrial land.
- Logical 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.
- Appropriate acoustic mitigation design elements, internal access roads, services infrastructure 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.
- Subdivision, internal road layout and warehouses retain a generally consistent GFA and parking rates to the approved estate.
- Deliver functional layouts for future warehouse buildings and respond to the operational needs of future tenants to suit the needs of the current market.

The updated MOD 3 estate layout and detailed Warehouse 9 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 the appropriate mitigation measures (detailed in **Appendix E**) will align with the mitigation measures established under the AIE concept proposal (SSD-10448). These are required to be implemented before or during the construction or operational phases of the project in order to ameliorate environmental impacts.

7.2. Strategic Context

The proposal will allow Warehouse 9 and future warehouses and development lots within the Aspect Industrial Estate to be tailored to the operational needs of future tenants so to support the delivery of usable warehousing and industrial facilities in South-Western Sydney. The Warehouse 9 development has been designed to be tailored to the operational needs of the Winnings tenant.

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

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

- The modified warehouse and logistics estate and Warehouse 9 construction will provide employment land uses in alignment with the relevant transport infrastructure and utilities.
- The modifications to the Estate layout and building form (including Warehouse 9) responds to market requirements and will realise the delivery of the employment land within 30-minutes of residential suburbs.
- The proposal will maintain the staged delivery of the development, responding to long-term projected population and development growth.

The proposal is consistent with the Mamre Road DCP with regard to waterway health and ecological principles, 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 appropriately delivering an appropriate environmental outcome within the region.

7.3. Statutory Context

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

- The proposal has been assessed and designed in respect to the relevant objects of the EP&A Act as defined in Section 1.3 the Act and addressed **Appendix C**.
- This EIS has been prepared in accordance with the SEARs as required by Schedule 2 of the EP&A Regulations.
- Consideration is given to the relevant matters for consideration as required under the BC Act and the SSD is supported by a BDAR waiver accordingly.
- The proposal complies with all of the relevant provisions of SEPP (Industry and Employment) 2021 as detailed in **Appendix C**. The proposal is consistent with the objectives of IN1 General Industrial zone.
- The relevant State and local environmental planning instruments are outlined in Section 5 and assessed in detail within **Appendix C**. The assessment concludes that the proposal complies with the relevant provisions within the relevant instruments as summarised below:
 - The proposal complies with all of the relevant provisions under the Industry and Employment SEPP 2021 as detailed in **Appendix C**.
 - The development will not result in any impacts to the relevant species and maintains compliance with the EPBC Act.
 - Concurrence from TfNSW will be required as per the Transport and Infrastructure SEPP.
 - The proposal has been prepared to maintain general compliance with the Mamre Road Development Control Plan 2021 provisions.
 - The proposal will not change the extent of impact assessed under the originally approved BDAR. No additional offsets are required from that approved under SSD-10448 in accordance with the *Biodiversity Conservation Act 2016*.

7.4. Community Views

As set out in Section 5, there was significant engagement with neighbouring landowners during the preparation phase of SSD-10448. Targeted engagement with neighbouring private landowners for SSD-10448 MOD 3 and Warehouse 9 SSD has not resulted in the receipt of any feedback from these neighbouring owners.

Engagement with neighbouring institutional landowners has occurred throughout preparation and assessment phase of SSD-10448 and is ongoing in respect to the MOD 3 and Warehouse 9 detailed building applications. Coordination of boundary conditions design has occurred as part of the MOD 3 package. No specific response was required to be incorporated into the Warehouse 9 detailed design.

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

7.5. Likely Impacts Of The Proposal

The proposal has been assessed considering the potential environmental, economic and social impacts as outlined below:

- **Natural Environment:** the proposal addresses 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 proposal 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 environmental values are maintained or improved for the benefit of future generations. The development represents sustainable development, making use of a recently rezoned site for this purpose in a strategically accessible location. The proposal will not have any unacceptable impacts on the environment.
 - Conservation of biological diversity and ecological integrity: the proposal will not have any unacceptable impacts on the conservation of biological diversity and ecological integrity. The proposal includes landscaped areas and setbacks including native species planting.
 - Improved valuation, pricing and incentive mechanisms: this requires the holistic consideration of environmental resources that may be affected as a result of the development including air, water and the biological realm. It places a high importance on the economic cost to environmental impacts and places a value on waste generation and environmental degradation. The proposal will not have any unacceptable environmental impacts in relation to air quality, water quality or waste management. The effects of the development will be acceptable and managed accordingly by the proposed mitigation measures as required.

Overall, the proposal will not have any unacceptable impacts on the natural environment. The ESD Report (**Appendix L**) identifies a number of different ecological sustainability initiatives including energy savings, energy efficiency and waste minimisation which will be incorporated into the operation of the development.

- **Built Environment:** the proposal has been assessed in relation to the following built environment impacts:
 - **Visual Impacts:** As set out in **Section 6.7** and the VIA, the proposal will not generate any significant visual impacts and the proposal is considered acceptable in visual impact terms. The lowering of the pad for Warehouse 9 will contribute to a slight reduction in visual profile, whilst the increase in pad levels for Warehouse 8 and amalgamation of the four lots into two lots will not be significant enough to have a consequential visual impact.
 - **Traffic Impacts:** As set out in **Section 6.1** and the TIA, it is concluded that MOD 3 does not give rise to any additional adverse traffic impacts and remains consistent with parking, traffic, and design conclusions of the approved development. Additionally, the Warehouse 9 operations will result in a net reduction in peak vehicle trips compared to the assumptions informing the estate wide TIA and is considered suitable from a traffic generation perspective. Surrounding intersections will continue to operate at an acceptable level.
 - **Trees and Landscaping:** As set out in **Section 3.2** and the Landscape Plans, the proposal includes a high level of indigenous species planting and large canopy landscaping across the site.
 - **Air Quality:** As set out in **Section 6.3** and the AQIA, the operation of the proposal would result in the achievement of all air quality criteria. Accounting for the background air quality conditions, and adopting worst-case assumptions in relation to truck idling, the proposal will not have any unacceptable air quality impacts including in relation to nearby residential receivers.

- **Noise and Vibration:** As set out in **Section 6.2** and the Noise Report, while exceedances of the approved on-site noise limits are predicted for the MOD 3 development, noise levels at the nearest sensitive receivers not zoned IN1 General Industrial are predicted to comply with the relevant noise criteria for those receiver areas. The predicted noise levels are higher than the MOD 2 noise levels in at the Noise Monitoring Locations (NMLs) due the changes in layout associated with Warehouse 9, which generally provides reduced shielding to the heavy vehicle routes and hardstands in the direction of the receiver areas compared to the originally approved development. However, as the MOD 3 development is predicted to comply with the requirements of the NPfl, no additional noise mitigation or management measures are required.

The operation of the Warehouse 9 development is anticipated to comply with the required noise levels within the NPfl at surrounding receivers including nearby residential receivers. The proposal is found to have acceptable impacts in relation to noise and vibration, including during operations at night.

- **Social:** The proposal will have positive social impacts by enabling employment generating uses to be delivered on site in the short-term, providing local employment opportunities both in the construction and operational phases.
- **Economic:** The proposal will have positive economic impacts through enabling the delivery of operational industrial uses on site which will result in investment and economic benefit for Sydney as well as the wider region.

The potential impacts can be mitigated, minimised or managed through the measures discussed in detail within **Section 6** and as summarised in **Appendix C** to this EIS.

7.6. Suitability Of The Site

The site is considered highly suitable for the proposed development for the following reasons:

- The warehouse and distribution centre use is permissible within the IN1 zone and is consistent 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 proposal is compliant with the SEPP (Industry and Employment) 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 a zoned industrial area and the character and scale of the development is in keeping with the site's evolving and expected future context.
- Having regard to the requirement for remediation of the site in accordance with a RAP, as required by SSD-10448, the site will be made suitable for the proposed industrial use prior to commencement of warehouse operations.

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

7.7. Public Interest

The proposed development 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 147 jobs during the construction phase, and 197 jobs once 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 that the proposed development is appropriate for the site and approval is recommended, subject to appropriate conditions of consent.

8. Disclaimer

This report is dated 21 September 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 (**Instructing Party**) for the purpose of Environmental Impact Statement (**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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