



Aspect Industrial Estate Stage 2 Development

State Significant Development Modification Assessment SSD-10448-MOD-3

State Significant Development Assessment SSD-46516461

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Cover image: Rendered image of the proposed Warehouse 9 office and loading docks when viewed from Access Road 4

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Glossary

Abbreviation	Definition
ACHAR	Aboriginal Cultural Heritage Assessment Report
ADR	Amended Development Report, titled Aspect Industrial Estate SSD 10448 MOD 3 and SSD 46516461, prepared by Urbis, dated 27 February 2023
AHD	Australian Height Datum
AIE	Aspect Industrial Estate
Applicant	Mirvac Projects Pty Ltd
BCA	Building Code of Australia
BDAR	Biodiversity Development Assessment Report
CIV	Capital Investment Value
Council	Penrith City Council
Department	Department of Planning and Environment (DPE)
Development	The development as described in the EIS and RtS for Aspect Industrial Estate Stage 2 Development
DPE	Department of Planning and Environment
EHG	Environment and Heritage Group, DPE
EIS	Environmental Impact Statement titled <i>AIE Concept Plan and Stage 1 Modification (SSD-10448 Mod 3) and Stage 2 Development Application (SSD-46516461)</i> prepared by Urbis dated 21 September 2022
EPA	Environment Protection Authority, DPE
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
LEP	Local Environmental Plan
Minister	Minister for Planning
MRP	Mamre Road Precinct
Planning Secretary	Secretary of the Department of Planning and Environment

Abbreviation	Definition
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
RMS	Roads and Maritime Services, TfNSW
RtS	Response to Submissions titled <i>Submissions Report SSDA-10448 Mod 3 & SSD-46516461 WH 9 Aspect Industrial Estate</i> prepared by Urbis dated 13 February 2023
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SSD	State Significant Development
TfNSW	Transport for NSW
WAD	Works Authorisation Deed
WPC SEPP	State Environmental Planning Policy (Precincts – Western Parkland City) 2021
WSEA	Western Sydney Employment Area

Executive Summary

Introduction

This report details the Department of Planning and Environment's (the Department) assessment of the State significant development application (SSD-46516461) for the Aspect Industrial Estate (AIE) Stage 2 development and a supporting modification application (SSD-10448-MOD-3) to amend the approved Concept Plan and Stage 1 development of the AIE.

Mirvac Projects Pty Ltd (the Applicant) proposes to construct and operate Warehouse 9 at Kemps Creek to be operated by Winning Appliances for receiving, storing, and distributing white goods. The proposed development is located within the approved Concept Plan for the Aspect Industrial Estate (AIE) and is located in the Penrith City local government area (LGA).

In May 2022, the Applicant obtained approval for a Concept Plan and Stage 1 development of the AIE (SSD-10448) from the Director, Industry Assessments as delegate of the Minister for Planning. The approved AIE includes a concept layout of 11 warehouse and industrial buildings and Stage 1 works including bulk earthworks across the AIE, construction of estate roads and Mamre Road/Access Road 1 intersection works, realignment of an existing creek, and construction and operation of Warehouses 1 and 3. Construction works have commenced on site. The proposed Warehouse 9 would require a modification to the approved concept layout and subdivision plan and minor changes to total gross floor area.

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

Site Context

The site is located at 788-882 Mamre Road, Kemps Creek, approximately 9 kilometres (km) north-east of the Western Sydney International Airport and 39 km west of the Sydney central business district and covers around 56 hectares (ha) of industrial zoned land. The site was most recently used for dairy farming, horticulture and grazing and includes farm dams, small watercourses, greenhouses, and rural residences. These uses have ceased, and site preparation works for the AIE have commenced. The site has a 950 metre (m) long frontage to Mamre Road and adjoins industrial zoned land on all boundaries. Rural residences that have been rezoned for industrial uses are located immediately to the west on Mamre Road. The main residential areas near the site are Twin Creek residential area approximately 1.5 km to the west and Mount Vernon approximately 2.3 km to the south-east.

Development Description

The proposed development (the development) includes a modification to the approved Concept Plan and Stage 1 development for the AIE to revise the layout of the southwestern sector of the Aspect Industrial Estate resulting in a reduction from 6 to 4 lots, new warehouse footprints and an associated amendment to Access Road 4, alongside amendments to Condition D12 around the Works Authorisation Deed (WAD) for constructing Mamre Road/Access Road 1 intersection. The development also includes a Stage 2 development for the construction and operation of a warehouse and distribution facility to be operated by

Winning Appliances in Warehouse 9 with a Gross Floor Area (GFA) of 66,341 square metres (m²) and associated offices, loading docks, hardstand areas, car parking areas, landscaping, services and utilities.

The Stage 2 development has a capital investment value (CIV) of \$75,420,892 and is expected to generate 147 construction jobs and 197 operational jobs.

Statutory Context

The modification of the AIE Concept Plan was submitted in accordance with section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act). The application for the AIE Stage 2 development is SSD under Part 4 of the EP&A Act as it meets the criteria in State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP). Consequently, the Minister for Planning is the consent authority for the SSD application.

Engagement

The Department exhibited the Environmental Impact Statement for the modification and SSD from **Tuesday 18 October 2022** until **Monday 14 November 2022** (28 days). During the exhibition period, the Department received advice from seven government agencies, one from Council, a submission from Sydney Water, and a submission from Endeavour Energy. No submissions were received from the public.

Key issues raised related to waterway health and stormwater management, visual impacts, landscaping, heavy vehicle manoeuvring, parking, and noise impact.

The Applicant submitted a Response to Submissions (RtS) on 10 February 2023 and then an Amended Development Report (ADR) on 27 February 2023 to address matters raised in the submissions. The RtS and the ADR were supported by amended architectural and landscape plans as well as revised technical reports. The RtS and the ADR were made publicly available on the Department's website and was provide to government agencies to consider if it adequately addressed the issues raised.

Following review of the RtS and the ADR, Penrith City Council, Environment and Heritage Group of the Department, and TfNSW recommended conditions for the development consent.

Assessment

The Department's assessment of the application has fully considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development. The Department has identified the key issues for assessment are potential operational noise impacts and waterway health and stormwater management. The Department has also assessed several other issues in its assessment which is provided in Section 6.4 of this report.

Operational Noise Impact

The Department has continued to adopt a precinct-wide approach to managing cumulative noise from the MRP to ensure the amenity of receivers outside of the MRP in Mount Vernon and Luddenham are not impacted. Under SSD-10448, noise limits were set at intermediate locations (ie within the site boundary) as a way of ensuring the development does not increase the amenity levels at the surrounding residential receivers outside the MRP.

The Applicant's assessment found that the proposed changes to the concept plan layout and increased GFA to facilitate the development would result in an increase in noise emissions at the intermediate locations within the site boundary. However, the Applicant maintained the contribution noise levels for

receivers outside of the MRP would still be consistent with the original assessment. To ensure the development design can achieve the predicted noise levels at these receivers, the Department has recommended conditions requiring the Applicant submit a detailed design noise verification report to verify predicted levels and to enable the Applicant to implement additional noise management and mitigation measures, if necessary. This is to ensure the noise levels established under the Concept approval are maintained. The Department has also recommended the Applicant develop an operational noise monitoring plan and has set new noise limits at the sensitive receiver locations in Mount Vernon and Luddenham.

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

Waterway Health and Stormwater Management

Under SSD-10448, an interim site-wide stormwater management strategy comprising stormwater basins and on-lot irrigation was approved for the Stage 1 development. The concept plan also established development controls for managing stormwater for future developments in the AIE to ensure the site can comply with the Integrated Water Cycle Management (IWCM) controls in the MRP DCP until a regional stormwater solution becomes available. These controls are important for maintaining waterway health in the Wianamatta-South Creek Catchment.

Under this DA, the Applicant proposed an alternative interim on-lot stormwater management solution comprising roof-top misting on all warehouse buildings in the AIE. The Department, EHG and Sydney Water initially did not support the proposed approach, noting it was not an endorsed strategy under EHG's technical guidelines and that it would be inconsistent with the requirements of the concept plan. The Department, in consultation with EHG and Sydney Water worked with the Applicant to determine an alternative stormwater management approach. The Applicant revised its design and proposed two evaporation ponds and on-lot irrigation, which was supported by MUSIC modelling to confirm compliance with the ICWM controls. EHG and Sydney did not raise any concerns and provided recommendations.

The Department considers the revised site-wide stormwater management strategy is capable of achieving compliance with the ICWM controls in the MRP DCP and notes that it remains consistent with the concept plan. The Department has recommended conditions requiring the Applicant to implement the stormwater management system and to prepare a stormwater management plan for the site. The Department's assessment concludes that with the appropriate mitigation measures in place, the development would not adversely impact on waterway health in the MRP.

Other Issues

The development is generally consistent with the approved Concept Plan and the MRP. The Department has recommended a range of conditions for managing landscaping and visual impact, traffic impacts during construction and operation of the Stage 2 development, parking provision, bushfire risks, air quality, and flooding. The SSD-10448 development consent includes a range of conditions to mitigate these impacts for both the Concept Plan and Stage 2 development including preparation and implementation of a series of construction and operational environmental management plans. The Department has recommended similar conditions in the consent for Stage 2 development to ensure these impacts can be adequately mitigated.

Conclusion

The Department's assessment concluded that the impacts of the development can be mitigated and managed to ensure an acceptable level of environmental performance, subject to the recommended conditions of consent.

Overall, the Department's assessment concludes the development:

- would have adequate site accesses for heavy and light vehicles and would not cause adverse traffic impacts
- would not cause adverse stormwater, traffic, air quality, or visual impacts
- would not cause biodiversity impacts beyond what has been assessed under the approved AIE
- is consistent with the industrial zoning and WSEA by facilitating employment generating developments.

The Department considers the development is in the public interest and is recommended for approval, subject to conditions.

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1 Introduction

1.1 The Department's Assessment

This report details the Department of Planning and Environment's (the Department) assessment of an application for the Aspect Industrial Estate (AIE) Stage 2 development (the proposed development) at Kemps Creek within the Mamre Road Precinct (MRP) in Western Sydney. The proposed development (the development) encompasses a State significant development (SSD) for Warehouse 9 (SSD-46516461) and a concurrent modification to the approved Concept Plan and Stage 1 development for the AIE (SSD-10448-MOD-3).

The Department's assessment considers all documentation submitted by the Applicant, including the Environmental Impact Statement (EIS), Response to Submissions (RtS), Amended Development Report (ADR), and submissions received and advice from government agencies. The Department's assessment also considers the legislation and planning instruments relevant to the site and the development.

This report describes the proposed development, surrounding environment, relevant strategic and statutory planning provisions and the issues raised in submissions. The report evaluates the key issues associated with the development and provides recommendations for managing any impacts during construction and operation.

1.2 Development Background

On 24 May 2022, Mirvac Projects Pty Ltd (the Applicant) obtained development consent (SSD-10448) from the Minister for Planning to develop the AIE at Kemps Creek in the Penrith City Local Government Area (LGA) (see **Figure 1**).

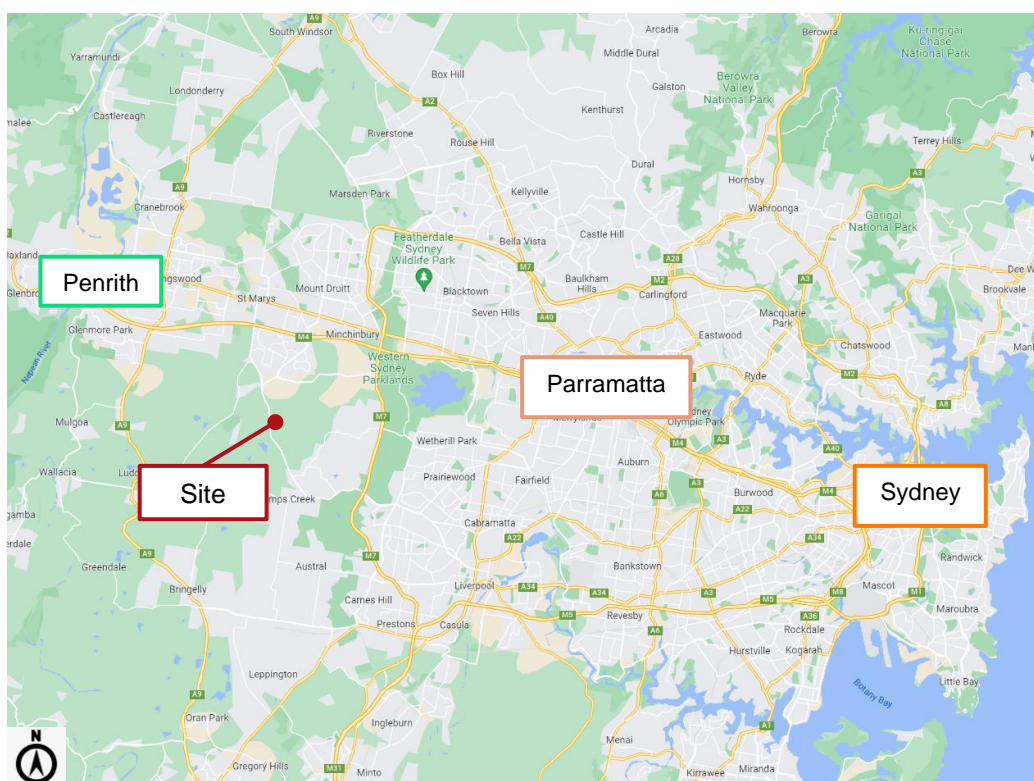


Figure 1 | Regional Context

SSD-10448 approves:

- a Concept Plan for the staged development of an industrial estate comprising of 11 buildings with a total GFA of up to 247,990 square metres (m²) for industrial, warehousing and distribution centres, and café uses
- Stage 1 development comprising site preparation works, vegetation clearing, realignment of the existing creek, construction of access roads and the eastern half of Mamre Road / Access Road 1 intersection works, construction, fitout, and operation of one warehouse and one industrial building with ancillary offices, car parks, landscaping, signage and a café, construction and operation of services and utilities, and subdivision of the site into three lots.

Since approval of the AIE, the Applicant has commenced earthworks as part of Stage 1 development and secured a tenant to occupy the proposed Warehouse 9 which is subject to this SSD application. Meanwhile, the Applicant seeks to modify the approved AIE Concept Plan and Stage 1 development to facilitate construction of Warehouse 9.

1.3 Site Description

The AIE covers 56.3 ha of industrial zoned land located at 804-882 Mamre Road, Kemps Creek. The site is located within the Western Sydney Employment Area (WSEA) which is strategically zoned to support employment generating developments in Western Sydney (**Figure 2**).

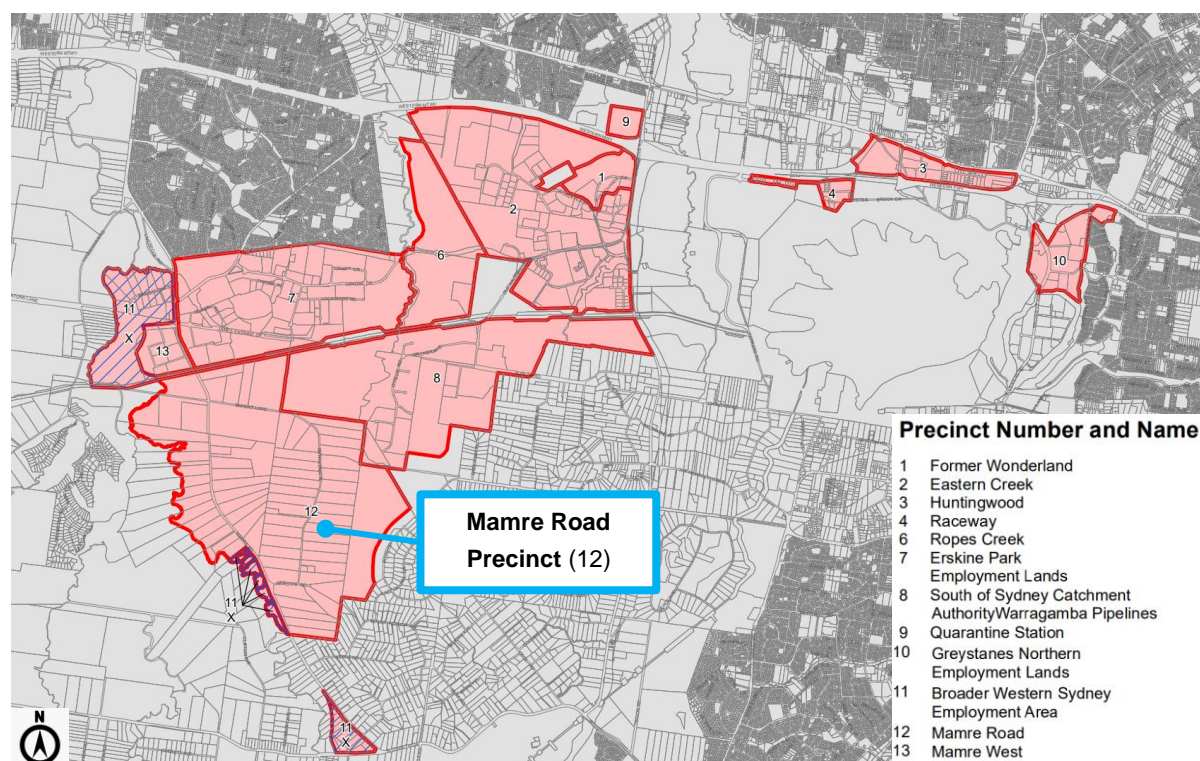


Figure 2 | Western Sydney Employment Area including the Mamre Road Precinct

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

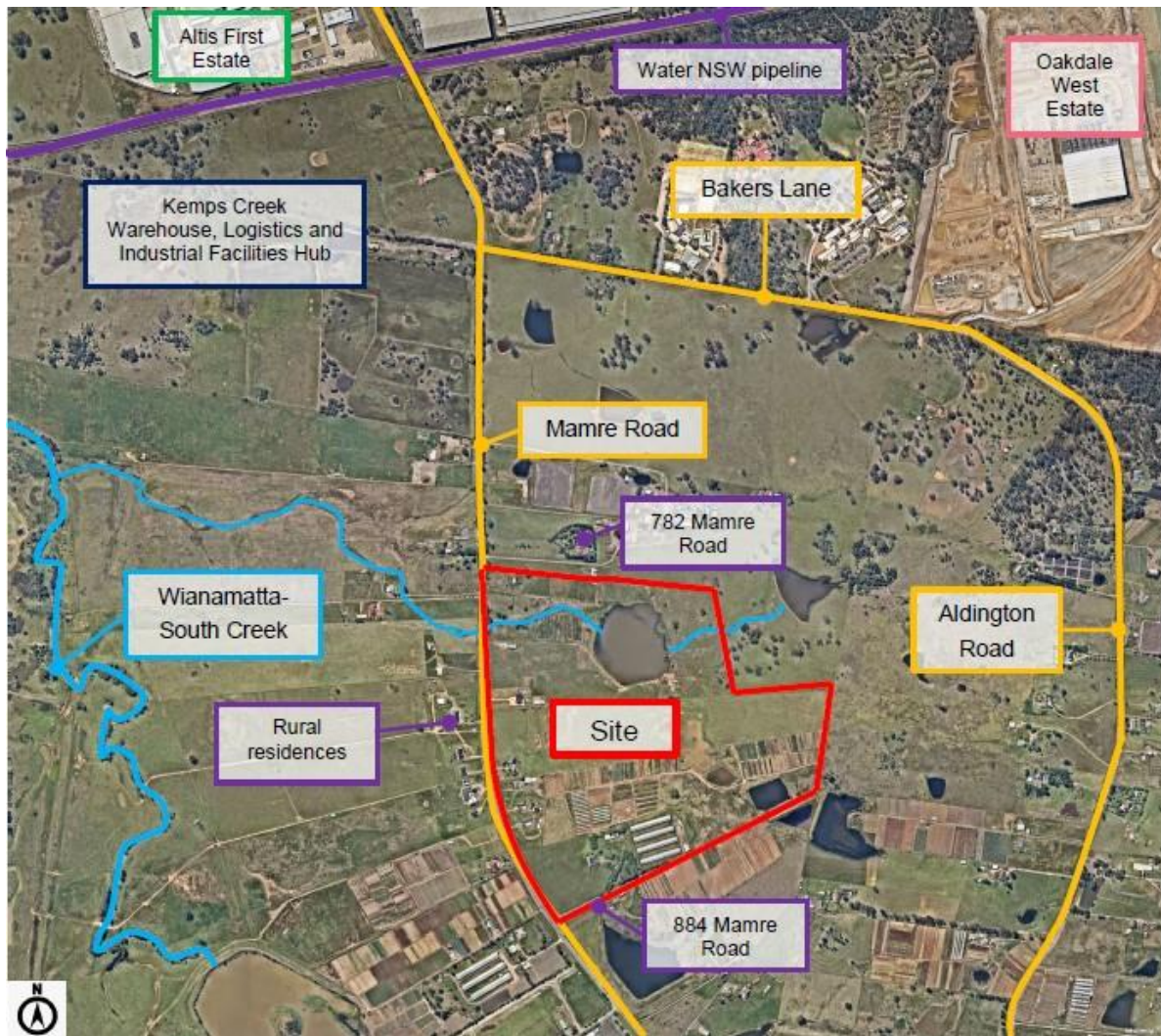


Figure 3 | Site Context

Due to previous agricultural activities, the site contained farm dams, greenhouses, and rural residences which have now been demolished and is presently undertaking bulk earthworks across the site. Access to the site is currently available via existing driveways off Mamre Road. The site has access to the regional road network of the M4 and M7 Motorways which are approximately 6 kilometres (km) to the north and 10 km to the east via Mamre Road and Elizabeth Drive, respectively.

1.4 Surrounding Land Uses

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

Other developments in the vicinity of the site include:

- Yiribana Logistics Estate (SSD-10272349) to the immediate north at 754-770 and 784-786 Mamre Road
- Access Logistics Park (SSD-17647189) to the immediate south at 884-928 Mamre Road

- Oakdale West Estate (SSD-7348) further to the north-east (under construction and partially operational)
- Kemps Creek Warehouse, Logistics, and Industrial Facilities Hub (SSD-9522) further to the north-west (under construction).

1.5 Modifications to SSD-10448

The Applicant has lodged three modification applications for the AIE (see **Table 1**).

Table 1 | Summary of Modifications

Mod No.	Summary of Modification	Approval Authority	Type	Approval Date
MOD-1	Modification to include additional conditions required by TfNSW to clarify the WAD requirements approved under condition D13	Department	4.55(1)	25 August 2022
MOD-2	Amendments to the layouts of Warehouses 1 and 3 and Access Road 2	Department	4.55(1A)	30 November 2022
MOD-3	See Section 2.1 of this report	Department	4.55(1A)	This Application

2 Development

2.1 Description of the Development

The major components of the development are summarised in **Section 2.2** and **Section 2.3** and described in full in the EIS, RtS, and ADR included in **Appendix A**.

2.2 AIE Modification 3 (SSD-10448-MOD-3)

The modification includes amendments to the approved Concept Plan and Stage 1 development to facilitate construction and operation of the Warehouse 9 building, including:

Concept Plan

- changes to the building layouts and amendments to the subdivision plan including reconfiguration of lots to the south of Access Road 1 and west of Access Road 3, relocation of Access Road 4
- reduction of total lots across the AIE from 11 to 9
- increase of the total gross floor area (GFA) of the AIE from 243,431 m² approved under SSD-10448-MOD-2 to 247,646 m²
- increase of the maximum building height for Warehouse 9 from 13.7 m to 14.6 m
- inclusion of a new café adjacent to warehouse 7
- relocation of four of the five noise monitoring locations 1 and 2
- amendments to operational noise limits for the Concept Plan at five noise monitoring locations on the site boundaries.

Stage 1 Development

- reduction of the total bulk earthwork balance by 6,415 cubic metres (m³)
- amendments to pad levels for lots to the south of Access Road 1 and west of Access Road 3
- extension of a retaining wall to the south of the proposed Warehouse 9
- amendments to Condition D12 around the Works Authorisation Deed (WAD) for constructing Mamre Road/Access Road 1 intersection
- amendments to the subdivision plan to create a lot for Access Road 4
- construction and operation of Access Road 4.

Figure 4 and **Figure 5** below show the approved and the proposed Concept Plans.



Figure 4 | Approved Concept Plan (approved by SSD-10448-MOD-2)



Figure 5 | Proposed Concept Plan

2.3 AIE Stage 2 Development (SSD-46516461)

The key components of the Stage 2 development, as described in the EIS, are summarised in **Table 2** and shown in **Figure 6**, **Figure 7**, and **Figure 8**.

Table 2 | Main Components of the Stage 2 Development

Aspect	Description
Development Summary	Construction and operation of Warehouse 9 to be operated by Winning Appliances with a GFA of 66,341 m² and associated offices, loading docks, hardstand areas, car parking areas, landscaping, services, and utilities and Access Road 4
Site area and development footprint	<ul style="list-style-type: none"> Site Area: 113,106 m² Warehouse: 64,725 m² Main office: 1,350 m² Two loading dock offices: 266 m² Total GFA: 66,350 m²
Building height	<ul style="list-style-type: none"> 14.6 m (to the top of the ridge)
Earthworks	<ul style="list-style-type: none"> construction of retaining walls at the northern and eastern boundaries of Warehouse 9 (see Figure 6)
Traffic and Access	<ul style="list-style-type: none"> 400 vehicle movements per day including 200 light vehicles (employees and visitors), 60 heavy vehicles, and 140 delivery vans three site accesses including one truck entry on Access Road 3, one truck exit on Access Road 4, one car park entry/exit on Access Road 4 (see Figure 7)
Parking	<ul style="list-style-type: none"> 257 parking spaces
Services and utilities	<ul style="list-style-type: none"> construction and operation of service and utilities infrastructure
Landscaping	<ul style="list-style-type: none"> landscaping within the car park and along the lot's perimeters with a total area of 6,113 m²
Signage	<ul style="list-style-type: none"> three wall-mounted building identification signs (two on the western elevation, one on the eastern elevation)
Construction timeframe	<ul style="list-style-type: none"> up to 18 months
Hours of operation	<ul style="list-style-type: none"> 24 hours a day, seven days a week
CIV	<ul style="list-style-type: none"> \$75,420,892
Employment	<ul style="list-style-type: none"> 147 full-time equivalent construction jobs 197 operational jobs



Figure 6 | Proposed Staging Plan



Figure 8 | Perspective of the Proposed Warehouse 9 Office and Northern Loading Docks

2.4 Use and Activities

The proposed warehouse would accommodate Winning Appliances, an Australian wide retailer of white goods and home appliances who have identified the need for a large warehouse to accommodate significant stock of bulky goods awaiting delivery to one of their 17 stores or local customers. The site would be accessed by 30 heavy vehicles per day to deliver products to their stores (ranging in size from heavy rigid trucks to B-Double trucks) and 70 vans to deliver products to local clients in the Sydney catchment area.

The warehouse would operate over 24 hours a day, seven days a week with the following shifts proposed:

- shift 1: 6 am – 2 pm, with 50 warehouse staff and 100 drivers (working between 5 am and 8 am)
- shift 2: 2 pm – 10 pm, with 2 warehouse staff
- shift 3: 10 pm – 6 am, with 5 warehouse staff.

Shifts would be staggered so that not all staff arrive and depart in the same period. The main office would operate between 8 am and 6 pm with 35 staff and between 6 pm to 3 am with five staff.

2.5 Applicant's Need and Justification for the Development

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

The Applicant also claims the updated MOD 3 estate layout and detailed Warehouse 9 design would deliver high quality landscaped lots with sustainable and attractive warehouse buildings which are functional and respond to the operational needs of future tenants.

3 Strategic Context

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

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

- utilising industrial zoned land for warehouse use (Objective 16); and
- providing employment opportunities in Western Sydney (Objective 23).

3.2 Western City District Plan

In March 2018, the GSC released five District plans encompassing Greater Sydney designed to guide the delivery of the Region Plan. The district plans set out the vision, priorities, and actions for the development of each District. The site is located within the Western City District within the Penrith LGA. The Western City District Plan is a 20-year plan to manage growth in Western Sydney in the context of economic, social, and environmental matters to achieve the 40-year vision for Greater Sydney.

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

3.3 Western Sydney Aerotropolis

The MRP is in the north-eastern corner of the Western Sydney Aerotropolis. It should be noted the planning controls for the Western Sydney Aerotropolis do not apply to the MRP as it was zoned under the Industry and Employment SEPP however, the MRP has been identified in the Western Sydney Aerotropolis Plan (WSAP) as an initial precinct for enterprise uses.

Due to the site's proximity to the new Western Sydney Airport, certain controls under the State Environmental Planning Policy (Precincts – Western Parklands City) 2021 such as obstacle limitation surface, noise exposure and wildlife buffers apply to the site and have been considered by the Department (see **Appendix C**).

3.4 Mamre Road Precinct Development Plan 2021

On 19 November 2021, the Mamre Road Precinct Development Control Plan (MRP DCP) came into force. The MRP DCP aims to ensure that development in the MRP occurs in an orderly and coordinated manner. The MRP DCP sets planning outcomes for the precinct covering the transport network, biodiversity, riparian land, water cycle management, flooding, heritage, and other aspects. Specific controls are included for industrial / warehouse developments covering built form, heights, setbacks, landscaping, and amenity issues. The Department's assessment of the development has considered the relevant provisions of the MRP DCP throughout Section 6 of this report.

The Department's assessment concludes the development is consistent with the MRP DCP.

4 Statutory Context

4.1 Scope of Modification

The Department has reviewed the scope of the modification and is satisfied it would result in minimal environmental impacts, and relates to substantially the same development as the original development, on the basis that:

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

Therefore, the Department is satisfied the modification is within the scope of section 4.55(1A) of the EP&A Act. Accordingly, the Department considers the proposed modification should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

4.2 State Significance

The proposed Warehouse 9 is a State significant development pursuant to section 4.36 of the EP&A Act as it involves the construction and operation of a warehouse and distribution centre with a CIV of \$75 million, which meets the criteria in Clause 21 of Schedule 1 in State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP).

4.3 Permissibility

The site is zoned IN1 General Industrial under the Industry and Employment SEPP. Warehouse and distribution centres are permissible with consent in the IN1 zone. Thereby, the Minister for Planning (the Minister) or a delegate may determine the carrying out the development.

4.4 Consent Authority

The Minister is the consent authority for the development under section 4.5 of the EP&A Act. On 9 March 2022, the Minister delegated the functions to determine SSD applications and section 4.55(1A) modification applications to the Director, Industry Assessments where:

- the relevant local council has not made an objection and
- there are no public submissions in the nature of objections, and
- a political disclosure statement has not been made.

No submissions received by the Department, including the one made by Penrith City Council, objected to the development. No reportable political donations were made by the Applicant in the last two years. Accordingly, the application can be determined by the Director, Industry Assessments under delegation.

4.5 Other Approvals

Section 4.42 of the EP&A Act stipulates other approvals may be required and must be approved in a manner that is consistent with any Part 4 consent for the SSD under the EP&A Act. No other approvals listed under Section 4.42 are required for the development.

4.6 Mandatory Matters for Consideration

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department's consideration of these matters is set out in **Section 5** and **Appendix B**.

Under Section 4.15 of the EP&A Act, the consent authority, when determining a development application, must take into consideration the provisions of any environmental planning instrument (EPI) and draft EPI (that has been subject to public consultation and notified under the EP&A Act) that apply to the proposed development. The Department has considered the development against the relevant provisions of several key EPIs including:

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

Development Control Plans (DCPs) do not apply to SSD under section 2.10 of the Planning Systems SEPP. However, the Department has considered the relevant provisions of the Mamre Road Precinct DCP 2021 (MPR DCP) in its assessment of the development in Section 6 of this report.

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

4.7 Public Exhibition and Notification

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

The application was on public exhibition from Tuesday 18 October 2022 until Monday 14 November 2022 (28 days) on the Department's website. Details of the exhibition process and notifications are provided in Section 5.2 of this report.

4.8 Objects of the EP&A Act

In determining the application, the consent authority should consider whether the development is consistent with the relevant objects of the EP&A Act. These objects are detailed in section 1.3 of the EP&A Act. The objects of relevance to the merit assessment of this application include:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- (c) to promote the orderly and economic use and development of land,
- (g) to promote good design and amenity of the built environment,
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
- (j) to provide increased opportunity for community participation in environmental planning and assessment.

The Department has fully considered the objects of the EP&A Act, including the encouragement of Ecologically Sustainable Development (ESD), in its assessment of the application (see **Table 3**).

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

Object	Consideration
1.3(a)	The development would promote economic welfare by generating 197 operational jobs on industrial zoned land in the WSEA.
1.3(b)	The development includes a range of ecologically sustainable development (ESD) design measures in the warehouse building to reduce energy and resource consumption.
1.3(c)	The development would ensure the orderly and economic use of land which is zoned for industrial use and forms part of the WSEA.
1.3(g)	The Department's assessment in Section 6 of this report demonstrates the amenity of the surrounding built environment has been considered and the Department has recommended conditions to protect the amenity of nearby sensitive receivers.
1.3(h)	The proposed warehouse building would be constructed to meet the requirements of the National Construction Code and Planning for Bushfire Protection 2019 to ensure the health and safety of building occupants.
1.3(i)	The Department has assessed the development in consultation with Council and other public authorities, incorporating the recommendations into the conditions of consent.
1.3(j)	The SSD application and modification were publicly exhibited for 28 days providing opportunity for public participation in the assessment process.

4.9 Ecologically Sustainable Development

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

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

The potential environmental impacts of the development have been assessed and, where potential impacts have been identified, mitigation measures and environmental safeguards have been recommended. The Applicant submitted an ESR report as part of the EIS which detailed several sustainability measures that would be implemented including rainwater harvesting, solar panels, and energy efficient lighting.

The Department's assessment in Section 6 of this report has concluded that subject to compliance with the recommended conditions of consent, the development would not adversely impact on the environment and is consistent with the objectives of the EP&A Act and the principles of ESD.

4.10 Biodiversity Development Assessment Report

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

A BDAR waiver request was submitted to the Department as part of the Applicant's Response to Submissions (RtS), on the basis that native vegetation clearing was approved across the whole AIE under SSD-10448 and Warehouse 9 would not require any further clearing.

The Environment Agency Head and the Director, Industry Assessments, as delegate of the Planning Secretary, subsequently determined the development is not likely to have any significant impact on biodiversity values as the site would be cleared in accordance with SSD-10448. A BDAR waiver under section 7.9(2) of the BC Act was subsequently granted for the development on 17 November 2022 by the Team Leader, Industry Assessments.

4.11 Commonwealth Matters

Under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act), assessment and approval are required from the Commonwealth Government if the development is likely to impact on matters of national environmental significance (MNES), as it is a 'controlled action'. The EIS for the development included a preliminary assessment of the MNES in relation to the development and concluded the development would not impact on any of these matters and is therefore not a 'controlled action'. As such, the Applicant determined a referral to the Commonwealth Government was not required.

5 Engagement

5.1 Applicant's Consultation

The Applicant, as required by the Planning Secretary's Environmental Assessment Requirements (SEARs), undertook consultation with relevant local and State authorities as well as neighbouring property owners during preparation of the EIS.

5.2 Department's Engagement

The Department undertook a range of consultation activities throughout the preparation of the SEARs including consultation with relevant public authorities.

After accepting the modification and SSD applications, the Department:

- made the applications and the EIS available from **Tuesday 18 October 2022** until **Monday 14 November 2022** (28 days) on the Department's website
- notified landowners in the vicinity of the site and previous submitters about the exhibition by letter
- invited comments from relevant State government authorities and Penrith City Council.

5.3 Government Agency Advice

During the exhibition period, the Department received advice from seven government agencies, one from Council, a submission from Sydney Water and a submission from Endeavour Energy. No submissions were received from the public. A summary of the advice received is provided below and a link to the advice is provided in Appendix A.

Council and Public Authorities

Penrith City Council (Council) did not raise any objections to the development but requested additional information or design changes regarding visual impacts, landscaping, heavy vehicle manoeuvring, parking, and noise.

Environment and Heritage Group of the Department (EHG) did not raise any objections to the development but requested additional information regarding flooding, waterway health and stormwater management.

Environment Protection Authority (EPA) did not raise any objections to the development and did not recommend any conditions of consent.

Fire and Rescue NSW (FRNSW) did not raise any objections to the development and recommended conditions of consent.

Heritage NSW did not raise any objections to the development and did not recommend any conditions of consent.

Transport for NSW (TfNSW) did not raise any objections to the development but requested the Traffic Statement be updated to ensure the trip generation rates align with the Mamre Road Precinct rates.

Western Parkland City Authority (WPCA) did not raise any objections to the development and did not recommend any conditions of consent.

Water Group of the Department (DPE Water) did not raise any objections to the development but requested the Applicant provide an assessment against the minimal impact considerations of the NSW Aquifer Interference Policy (AIP) and the maximum amount of water taking required by the development.

State Owned Corporation

Sydney Water commented on stormwater, wastewater, and recycled water and recommended a condition regarding a Section 73 application.

Endeavour Energy did not raise any objections to the development and did not recommend any conditions of consent.

Special Interest Group

Western Sydney Airport Corporation did not provide detailed comments on the development.

5.4 Response to Submissions

On 10 February 2023, the Applicant provided a Response to Submissions (RtS) on the issues raised during the exhibition of the development (see **Appendix A**).

On 27 February 2023, the Applicant submitted an Amended Development Report (ADR) which consolidated all responses and amendments made to the development.

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

- **Council** recommended conditions of landscaping, parking provision, and stormwater management.
- **EHG** reviewed the RtS and recommended conditions requiring the Applicant update the stormwater management system supported by an updated MUSIC modelling and comprising of updated evaporative basins and bioretention system prior to the commencement of construction of Stage 2 development and preparation of a flooding emergency response measures.
- **Sydney Water** recommended conditions for waterway health and regional stormwater management.
- **TfNSW** reviewed the RtS and did not make additional comments.

The Department has considered the issues raised in submissions, the RtS and the supplementary concerns raised, in its assessment of the development. A summary of the Department's consideration of community views is provided in **Appendix D**.

6 Assessment

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

- consistency with the Concept Approval
- operational noise impact
- waterway health and stormwater management.

The Department has also considered and assessed other issues which is provided in **Table 7** in **Section 6.4**.

6.1 Consistency with the Concept Approval

The AIE development consent established development controls for the AIE including maximum GFA, maximum building heights, site coverage, and operational noise limits at the five noise monitoring locations (NMLs) on the site boundary. The consent restricted development along the eastern boundary to provide for the future dedicated freight corridor.

The modification and Stage 2 development seeks to amend three development controls, including:

- the total GFA for the AIE being an increase from 243,431 m² to 247,678 m²
- the height of Warehouse 9 from 13.7 m to 14.6 m
- the operational noise limits at the four NMLs.

The Department has assessed the proposed height and GFA increases throughout Section 6 of this report. The Department considers the height increase is minor and would not cause additional visual impacts. Landscaping is proposed at the perimeter of Warehouse 9 to offset the bulk and scale of the proposed building when viewed from public vantage points. Although the GFA would increase, the total operational traffic would be below what has been assessed under SSD-10448. Notwithstanding, the development has assessed traffic generated by Stage 2 in the context of existing and other activities in the area and concluded the capacity and performance of the Mamre Road / Access Road 1 intersection and surrounding road network would continue to achieve a satisfactory level of service.

The proposed stormwater management system for the Stage 2 development adopts the same approach approved for the Stage 1 development. The Applicant proposes a stormwater management strategy comprising stormwater basins and on-lot irrigation, which is consistent with the approved concept plan.

As part of the assessment of Stage 2, the Department has continued to maintain the same precinct approach for managing noise from the site. Noise limits for the site have been set for the receivers with detailed noise design verification reporting and ongoing monitoring to ensure noise is managed at the receivers.

The Department's assessment has concluded the proposed changes to development controls would not substantially alter the assessment of impacts of the AIE and remain consistent with the Concept Approval.

6.2 Operational Noise Impact

Background

The AIE is the first of several industrial estates in the MRP, which over time will significantly transform the area from predominantly rural residential uses to an industrial and employment precinct. As the MRP develops, the acoustic environment of the area will change, which will need to be carefully and holistically managed to ensure the amenity of nearby residential receivers are not adversely impacted.

To manage noise contribution from the AIE, the Department has considered a precinct approach by effectively sharing the recommended amenity noise levels (which represent the objective of total industrial noise at a receiver location) across potential noise-contributing developments within the MRP and surrounds. This precinct management approach is aimed at ensuring any nominal increase from a single development is not significant and not detectable by the community. As per the Noise Policy for Industry (NPfI), ensuring a new industrial precinct achieves the relevant recommended amenity noise levels would minimise the potential for adverse effects such as speech interference, community annoyance and sleep disturbance.

Concept Plan and Stage 1 Development - Residences in Mount Vernon and Luddenham

Under the concept plan and Stage 1 development, general warehousing uses were assessed with no allowances made for more noise intensive warehousing and ancillary uses such as the operation of refrigerated transport units, cold storage warehouse equipment and the onsite disposal of goods and waste. To ensure the development operates in a manner that is consistent with the anticipated noise emission performance, the concept plan and Stage 1 development consent specified noise emission performance limits for fixed mechanical plant for each warehouse and the overall site.

To regulate the overall emissions from the AIE, the concept plan and Stage 1 development consent specified compliance locations within the site boundary (see **Table 4** and **Figure 9**) rather than at noise sensitive locations in the surrounding residential areas, consistent with the approach of quantifying noise levels at intermediate locations described in Section 7.1.1 of the NPfI.

The Department considered this approach to be appropriate because it would be difficult to measure site-specific noise contribution levels at distant locations, given that cumulative operational noise is expected to be the aggregate sound of many unidentifiable industrial noise sources within the MRP. As such, compliance with the operational noise levels at the intermediate locations identified in **Table 4**, would imply consistency with predicted noise contribution levels at the distant noise sensitive areas outside the MRP based on the sound propagation relationships established between sensitive receiver and intermediate locations. Should the modification result in any inconsistency in the prediction performance of the development as originally approved, the intermediate compliance location and/or noise limits for the development would need to be altered to reflect the noise emission profile of the proposed modification.

Table 5 presents the Concept Proposal predicted noise levels at sensitive receivers outside the MRP from the *Aspect Industrial Estate Operational Noise Predictions – DPIE Locations* (dated 31 August 2021 prepared by SLR). Predicted noise levels for SSD-10448 provides the basis for a comparative analysis against the predicted impacts associated with the Stage 2 development (Warehouse 9) and MOD 3 application. Predicted noise levels associated with the MOD 2 application are also included for comparison. The Department's assessment report for the original SSD application stated that

noise attenuation measures must be incorporated into the selection of mobile and fixed mechanical plant to ensure the range of potential operating activities proposed for future development in the AIE (such as the Stage 2 development) can take place without resulting in an incremental increase in noise levels at rural residential areas in Luddenham and Mount Vernon. In addition, the site layout design and building envelope must also incorporate effective noise attenuation features should future developments be found to generate higher predicted noise levels at these distant noise sensitive areas outside the MRP.

Table 4 | Intermediate Location Noise Limits for the AIE (Condition A16 of SSD-10448)

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



Figure 9 | Noise Monitoring Locations

Existing Residences Within the MRP

In the short term, while the AIE is being developed progressively, operations at the estate have the potential to impact the amenity of nearby rural residences within the MRP. Conditions D46 to D48 of

the SSD-10448 development consent requires the Applicant to enter into negotiated agreements with nearby noise affected landowners within the MRP to manage night-time noise. Presently, the Applicant is negotiating agreements with these landowners as part of the requirements for Stage 1. As such, the Department has recommended a condition requiring the Applicant amend the agreements to include management measures for mitigating night-time noise from operating both Stage 1 and 2 developments.

Proposed Development

The development would involve the construction and operation of a single warehouse building and the main noise generating activities would be:

- light and heavy vehicle movements around the development and throughout the public roads and on the site through the access roads, parking, and hardstand areas
- unloading and loading operation in the hardstand areas
- on-site disposal of unwanted appliances and general waste in skip bin(s), including on-site compaction of general waste
- operation of mechanical plant.

To facilitate the development, the proposed modification to the concept plan and Stage 1 development consent would involve the reconfiguration of the approved estate layout and road layout south of the approved Access Road 1. Consequently, the development and the proposed amendments to the concept plan and Stage 1 development have the potential to increase noise levels from the approved AIE.

The Applicant has also sought to amend the noise limits for the concept plan shown in **Table 4** and has requested the relocation of several NMLs (as shown in **Figure 9**) to within 5 m of the original locations to ensure the Applicant can safely access these NMLs for future noise verification monitoring when the AIE starts to become operational.

Cumulative Operational Noise Impact Assessment

Applicant's Assessment

The EIS included an Operational Noise Impact Assessment (ONIA) which assessed the operational noise emission performance of the AIE (including the development) against the intermediate location noise limits set under Condition A16 of SSD-10448 (see **Table 4**). Additionally, the ONIA also included an assessment of the cumulative amenity noise impacts on residential receivers outside the MRP and the BAPS Temple (currently under construction). Note that the Applicant's refined noise model accounted for barrier attenuation that could potentially be provided by future building structures across the MRP, thereby lowering predicted noise levels by 10 dBA at sensitive receivers outside the MRP without any changes to noise emission characteristics of the AIE compared to the noise modelling undertaken as part of SSD-10448 (see **Table 5**).

Table 5 | Predicted Operational Noise Levels at the Most-Affected Residences Outside MRP

Location	LAeq (15 min) Day/Evening	LAeq (15 min) Night	L _{Amax} Night
SSD-10448 (Reference)			
Residential receivers near Medinah Avenue, Luddenham	31	34	45
Residential receivers near Mount Vernon Road, Mount Vernon	25	30	43
Residential receivers near Kerrs Road, Mount Vernon	26	30	41
SSD-10448-Mod-2			
Residential receivers near Medinah Avenue, Luddenham	23 (-8)	28 (-6)	37 (-8)
Residential receivers near Mount Vernon Road, Mount Vernon	15 (-10)	21 (-9)	32 (-11)
Residential receivers near Kerrs Road, Mount Vernon	16 (-10)	21 (-9)	31 (-10)
SSD-10448-Mod-3			
Residential receivers near Medinah Avenue, Luddenham	17 (-14)	21 (-13)	36 (-9)
Residential receivers near Mount Vernon Road, Mount Vernon	11 (-14)	17 (-13)	32 (-11)
Residential receivers near Kerrs Road, Mount Vernon	10 (-16)	16 (-14)	30 (-11)

The ONIA predicted the intermediate location noise limits at NML 2 and NML3 would be exceeded by over 5 dBA during all relevant time periods, whereas noise limits at intermediate location NML1 would be exceeded by over 10 dBA. The Applicant attributed the predicted exceedances at the intermediate locations closest to the development to the higher GFA of Warehouses 8 and 9 and the proposed development design layout compared to the original approved layout. The increase in GFA intensified the number noise emission sources on the site, while altering the building design layout reduced the shielding effect afforded by warehouse buildings and increased noise emissions towards surrounding receiver locations.

Despite the exceedances of noise emission limits at intermediate locations, the Applicant asserted that the project-specific amenity criteria at Mount Vernon and Luddenham would still be achieved as operational noise levels at sensitive receivers outside the MRP have been predicted by its refined noise model to be well below levels originally assessed under SSD-10448 (see **Table 5**). Further, the project-specific residential amenity noise criteria adopted by the Applicant apportioned the total allowable level across 10 noise contributors rather than all developable industrial land within the MRP, whereas AIE's allowable contribution at BAPS Temple has been derived based on up to 12 potential estate noise contributors. As such, the Applicant's ONIA concluded the exceedances of noise emission performance limits at intermediate locations are of low significance and no additional mitigation measures are required.

After the exhibition period, Council raised the following concerns regarding the Applicant's assessment:

- the noise assessment has not identified the contribution of Warehouse 9 to the cumulative noise levels from the Estate and fully developed MRP
- the applicability of mitigation measures established in the EIS may be limited by Winning Appliances' operational requirements.

In recognition of the Department's precinct-wide noise management approach, Council noted the need to consider development of the broader MRP such that appropriate noise level limits are set for Warehouse 9 to remain consistent with the objectives imposed by the Department of protecting the amenity of Luddenham and Mount Vernon residents. Additionally, Council also noted the need to ensure a robust operational noise monitoring program is in place to support the ongoing management of cumulative noise impacts.

Following its review of the EIS, the Department raised concerns regarding:

- uncertainties in the Applicant's assumed source inventory and worst-case emission scenario
- suitability of the Applicant's refined sound propagation noise modelling
- absence of a cumulative noise impact assessment that is consistent with the noise management precinct approach described in the Department's assessment report for SSD-10448
- inadequate consideration of noise mitigation and management strategies to minimise exceedances of the noise emission performance limits.

To address issues raised by the Department and Council, the Applicant provided an updated noise assessment which considered a reduced number of vehicle movements, use of electric forklift and additional noise generating activities (i.e., general waste compaction and skip bin loading/unloading) across the footprint of Warehouse 9. The updated noise assessment reported the predicted exceedances at NML1 would reduce from over 10 dBA to 4 dBA and operational noise at sensitive receivers in Mount Vernon and Luddenham would be well below levels originally assessed under SSD-10448 (see **Table 5**).

The Department's Assessment

The Department has carefully considered the supporting information provided by the Applicant, issues raised by Council and relevant government guidelines. This includes the provisions set out in the MRP DCP and NPfI regarding the noise management precinct mechanism, amenity noise levels in areas near a proposed cluster of industry and the hierarchical approach to selecting mitigation measures.

The Department notes that while the Applicant has provided an updated noise assessment to address issues raised, uncertainties regarding the accuracy of operational noise predictions at sensitive receivers outside the MRP still remain. As stated in the Department's assessment report for SSD-10448, noise limits have been set for the AIE at intermediate locations within the site boundary as noise contribution from each development would be difficult to discern from the cumulative industrial noise at sensitive receivers. As per Section 7.1.1 of the NPfI, this approach relies on robust sound propagation relationships between sensitive receiver and intermediate locations such that compliance with the operational noise levels within the boundary of the site would imply consistency with predicted noise contribution levels at distant noise sensitive areas. However, the Applicant provided inconsistent sound propagation relationships using unverified predictive modelling techniques, and as such there appears to be some uncertainty that predicted noise levels at distant receiver locations could be reduced despite the increase in noise emissions at intermediate locations within the site boundary.

Notwithstanding, the Department has assessed many similar warehouse developments that interface with residential areas and is of the view this development (being located over 1.5 km away from Luddenham residents and over 2 km away from Mount Vernon residents) is capable of being designed to meet stringent night-time noise limit to protect rural residential amenity. Having regard to the MRP DCP and NPfI, the Department notes that compliance with stringent noise limits can be achieved by implementing mitigation strategies in the following order:

- incorporation of noise attenuation features in estate layout, building and mechanical services design
- selection of best available technology and/or adequately sound-proofing equipment to minimise noise emission
- adoption of operational procedures that minimise noise while retaining productive efficiency
- installation of acoustic enclosures to mitigate residual noise impacts
- enforcement of time restriction to avoid uncontrollable noise emission during night-time hours.

To ensure cumulative noise impacts at residences outside the MRP and the BAPS Temple can be effectively managed, the Department has recommended the Applicant undertake a detailed design noise verification prior to the commencement of construction. The verification must address the following:

- identify and justify the design noise emission scenario, including the adopted engineering safety factor, stationary equipment specification, verifiable data of dynamic noise emission activities (such as on-site disposal of unwanted appliances into skip bins) and schedule of all noise generating sources on the site
- demonstrate the noise propagation modelling is capable of accurately predicting noise levels under noise-enhancing meteorological conditions to surrounding receivers
- establish the applicable best available technology, loading dock management practices, at source controls, night-time restriction, or a combination of measures required to ensure compliance with the recommended noise limits
- develop an operational noise monitoring plan in accordance with Section 7 of the NPfI to verify the actual performance of the development, including details of:
 - nominated intermediate monitoring locations (e.g., at or within the site boundary)
 - reference noise level at each intermediate monitoring location
 - noise level relationship between intermediate and sensitive receiver locations (where noise limits are specified).

The Department notes the recommended operational noise monitoring plan addresses the Applicant's request to relocate intermediate noise monitoring locations while establishing a post-approval mechanism for these intermediate locations and reference noise levels to be updated as required.

To regulate noise contribution from the AIE (including the proposal), the Department has recommended a set of noise limits by effectively sharing the recommended amenity noise levels across potential noise-contributing developments within the MRP and surrounds. First, the maximum allowable $L_{Aeq(15min)}$ contribution level is set at 12 dBA below the relevant recommended amenity noise levels in Table 2.2 of the NPfI to apportion the noise contribution for the AIE based on its land size as a proportion of all developable industrial land within the MRP. To account for uncertainties during the planning stage, the recommended operational noise limits are set at 2 dBA below the relevant maximum acceptable $L_{Aeq(15min)}$ contribution levels.

The Department considers this precinct management approach to be in accordance with the NPfI as the overarching objective is to ensure any nominal increase from a single development is not significant and not detectable by the community. The Department's recommended noise limits and the Applicant's adopted noise criteria at sensitive receivers outside the MRP and the BAPS Temple are presented in **Table 6**. While these noise limits are more stringent than the Applicant's noise criteria, the recommended noise limit at night for residences in Mount Vernon and Luddenham is over 8 dBA higher than the Applicant's worst-case 15-minute predicted noise levels presented in **Table 6**. As such, the Department considers the recommended noise limits to be appropriate and would not unreasonably restrict the foreseeable operations of the AIE as assessed in this SSD application.

Table 6 | Recommended Operational $L_{Aeq(15min)}$ Noise Limits at Sensitive Receivers

Location	Day	Evening	Night
Residential receivers near Medinah Avenue (Luddenham), Mount Vernon Road (Mount Vernon) and Kerrs Road (Mount Vernon)	39 [43]	34 [38]	29 [33]
BAPS Temple - Outdoor Area (Excluding Car Park)	36 [42] (When in use)		

Note: Project-specific amenity noise criteria put forward by the Applicant are shown in [] for comparison with the recommended noise limits

In addition, the Department considers the robust management of site-specific noise impacts across the MRP would require compliance with noise limits at sensitive receiver locations and at the source. To this end, noise emission limits that are consistent with the Applicant's worst-case emission assumptions for on-site disposal of unwanted appliances in skip bins, rooftop extraction fans and maximum noise event level have been recommended.

To ensure the development is operating in a manner that is consistent with the detailed design, the Department has also recommended a condition requiring the Applicant to submit an operational noise verification report within three months of the commencement of operation of the development to verify predicted noise levels. Should any unforeseen noise impact be identified during the operational noise verification study, the Applicant would be required to implement additional noise management and mitigation measures (excluding receiver-based controls) to address exceedances of the noise limits.

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

6.3 Waterway Health and Stormwater Management

The AIE and other industrial estates in the MRP are required to implement stormwater infrastructure that complies with the Integrated Water Cycle Management (IWCM) controls in the MRP DCP in accordance with the *Technical Guidance for achieving Wianamatta South Creek Stormwater Management Targets* (NSW Government, 2022) (Technical Guide). The IWCM controls aim to improve and maintain the biodiversity and health of the Wianamatta-South Creek and its tributaries and are applicable during the construction and operational phases of development.

While it is envisaged that a regional scale approach to waterway health and stormwater management would be implemented for the MRP, a regional stormwater system is not yet in place. As such,

development in the MRP must present an interim stormwater management strategy for their sites, which demonstrates the development can achieve the IWCM controls until such time as the regional stormwater system is available.

Concept Plan and Stage 1 Stormwater Management Strategy

The approved concept plan for the AIE sets out the development controls for managing stormwater for future development stages. As part of the original assessment for SSD-10448, the Applicant presented several potential Water Sensitive Urban Design (WSUD) strategies to demonstrate that the concept plan is capable of achieving compliance with the IWCM controls in the MRP DCP. However, the Department did not endorse a strategy as it was intended that the Applicant would continue to refine its site-wide stormwater management strategy as part of future development stages, until such time as the development can be integrated into the regional stormwater system. Accordingly, the Department imposed Condition B6 in the SSD-10448 development consent which requires the Applicant to set aside sufficient land in the AIE for interim stormwater management purposes, unless the Applicant provides evidence that an agreement is in place to demonstrate that the development has been integrated into the regional stormwater system.

For the approved Stage 1 development, the Applicant proceeded with an interim on-lot stormwater management solution comprising the construction and operation of a temporary stormwater basin to the south of Access Road 1 (see **Figure 10**). To achieve the IWCM controls in the MRP DCP, the entire area south of Access Road 1 would be irrigated using excess stormwater collected on-site.



Figure 10 | Approved Stage 1 development stormwater management system

Proposed Stage 2 Stormwater Management Strategy

To facilitate the development (Warehouse 9) as well as future development stages on the site, the Applicant initially proposed a site-wide stormwater management strategy comprising roof-misting on

all warehouse buildings on-site. It was intended that the proposed strategy would replace the approved Stage 1 stormwater management strategy under SSD-10448.

In its submission, EHG raised concerns about the proposed stormwater management approach noting that roof-top misting is not an endorsed WSUD strategy under the Technical Guide. Sydney Water, as the future trunk drainage manager for the MRP, also expressed concerns about the ongoing management and regulation of roof-top misting with the Department. In addition, both Sydney Water and EHG indicated there is little to no on-the-ground studies to demonstrate that roof-top misting could operate as modelled. The Department was also concerned that the proposed approach would be inconsistent with the approved concept plan.

Throughout the assessment, the Department worked closely with the Applicant in consultation with EHG and Sydney Water to determine an acceptable stormwater management approach that can comply with the IWCM controls but is also consistent with the concept plan for the site. While the Applicant is potentially considering other interim stormwater solutions to enable the potential development of its remaining lots within the AIE, the Department advised the Applicant that an on-lot stormwater solution (such as the approved Stage 1 stormwater management approach) remains the preferred approach to ensure the IWCM controls can continue to be met while also meeting the conditions of the concept approval.

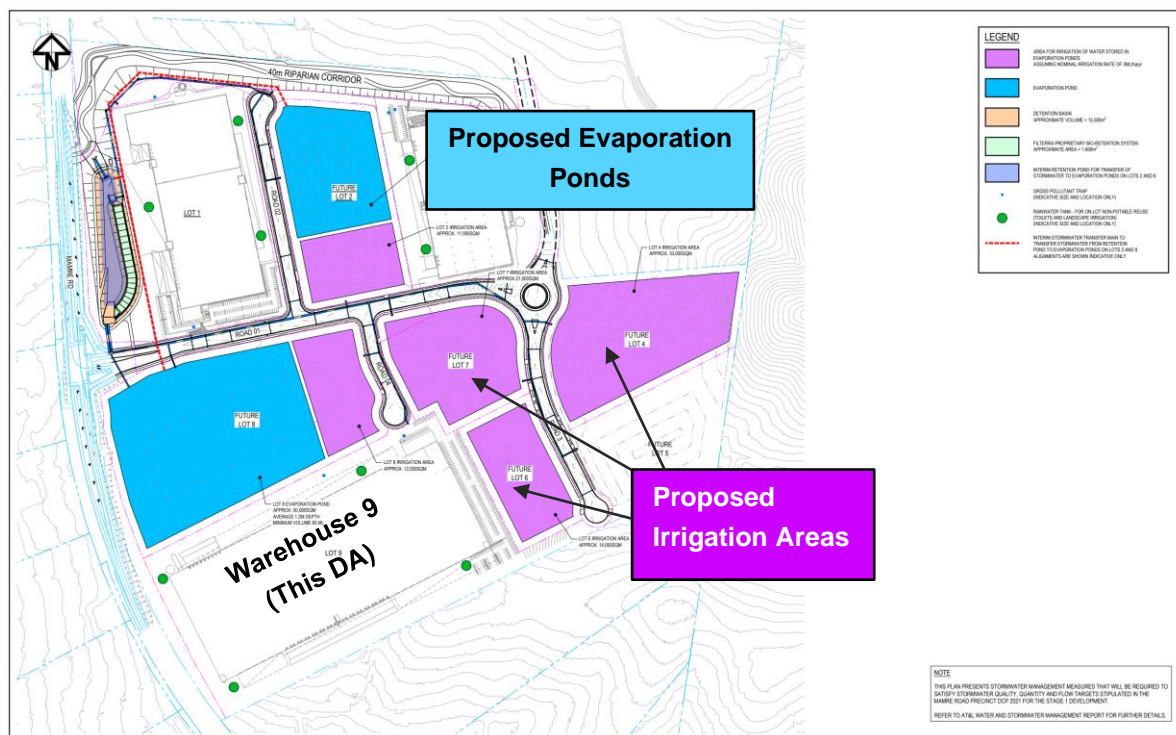


Figure 11 | Proposed Stage 2 development stormwater management system

In its RtS, the Applicant presented a revised stormwater management strategy involving (see **Figure 11**):

- the construction and operation of two evaporation ponds on future Lot 2 (approximately 21,300 m² in size) and Lot 8 (approximately 50,000 m² in size) and associated pipes
- the construction and operation of a detention basin and filterra bio-retention system
- on-lot irrigation on future Lots 4, 6, 7, and part of Lot 8.

The Applicant's RtS also included updated MUSIC modelling results, a Stormwater Management Plan, and Erosion and Sediment Control Plan, to confirm that the development and interim stormwater approach can comply with the IWCM targets for the construction and operational phases of development.

EHG reviewed the RtS and noted that the MUSIC modelling and basin design would require further refinement until the storage targets can be met, however these requirements can be addressed via conditions of consent. The Department has included these requirements in the recommended instrument. Sydney Water noted the Applicant's commitment to connect to the regional stormwater scheme.

Department's consideration and Conclusion

The Department has considered the Applicant's revised stormwater management strategy in close consultation with EHG and Sydney Water and considers that the revised site-wide stormwater management strategy is capable of achieving compliance with the IWCM controls in the MRP DCP.

The Department agrees with the recommendations by EHG with regard to an updated stormwater management system and is satisfied that the revised site-wide stormwater management strategy remains consistent with the conditions of the concept plan, particularly Condition B6. As such, the Department considers the revised stormwater management strategy is appropriate as an interim solution for managing stormwater quality and volumes generated by the site.

The Department also notes the Applicant has maintained its commitment to connect to the regional stormwater network for the MRP when it becomes available.

To ensure that in the interim, the development achieves the IWCM controls, the Department has recommended conditions including the implementation of erosion and sediment controls during construction and the preparation and implementation of a Stormwater Management Plan. This plan would detail how the development would achieve and maintain compliance with the targets, including monitoring measures and details of the infrastructure required to connect to the regional stormwater system.

The Department's assessment concludes that with the appropriate mitigation measures in place, the development would not adversely impact on waterway health in the MRP.

6.4 Other Issues

The Department's assessment of other issues is provided in **Table 7**.

Table 7 | Assessment of Other Issues

Findings	Recommendations
Landscaping, Visual Impact, and Signage	
<p><i>Landscaping</i></p> <ul style="list-style-type: none"> The original layout of Warehouse 9 proposed changes to the width of landscape setbacks approved under the Concept Plan, including a reduction in the south-western corner from 7 m to 2.5 m. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> prepare and implement an LMP prepare a Final Signage Strategy to

Findings	Recommendations
<ul style="list-style-type: none"> • Council and the Department raised concerns about the reduced level of landscaping and compliance with the minimum 10% canopy tree cover required by the MRP DCP. • Council requested the Applicant demonstrate landscaping would not be compromised by the proposed retaining walls and hardstands. The Department also requested the Applicant amend the south-western landscape setback to the original 7 m width. • The Applicant amended the landscaping plans to increase the south-western setback to 7 m and advised the tree canopy coverage across the entire estate is 12%, with Warehouse 9 having a canopy cover of 7%. An estate wide approach to achieving canopy coverage requirements is consistent with the MRP DCP. • Council reviewed the amended plans and recommended a condition requiring the Applicant to provide street trees within the AIE at 10 m spacings or less. This is consistent with Sydney Water stormwater advice. The Department has incorporated the recommended condition in the consent. • The Department considers the amended landscaping setbacks are now consistent with the approved Concept Plan and the tree canopy coverage for the whole estate meets the minimum requirements of the MRP DCP. • The Department has recommended a condition requiring the Applicant to finalise a Landscape Management Plan (LMP) to ensure landscaping is established and maintained throughout the life of the development. • The Department's assessment concludes the development incorporates sufficient landscaping and tree canopy coverage. 	<p>the satisfaction of the Planning Secretary.</p>
<p><i>Visual Impact</i></p> <ul style="list-style-type: none"> • The modification increases the bulk of warehouses fronting Mamre Road south of Access Road 1 as there is a longer façade adjoining the road. Warehouse 9 is 0.9 m above the Concept Plan 13.7 m building height limit. This has the potential to increase visual impacts for road users and rural residential receivers to the west. • Responding to issues raised by Council and the Department, the Applicant amended finishes and designs of the western façade of Warehouse 9 to provide visual interest and break up the elevation facing Mamre Road. • The Applicant has proposed a 10 m wide landscaping at Mamre Road frontage and a 7 m wide landscaping at the southern boundary to screen the bulk and scale of Warehouse 9. • No submissions raised visual impact concerns. 	

Findings

Recommendations

- The Applicant submitted a Landscape Character and Visual Impact Assessment (LCVIA) which concluded subject to implementing the proposed landscaping, visual impacts of Warehouse 9 could be adequately mitigated.
- The Department considers that while there is a slight increase in building height, Warehouse 9 is not expected to result in a significant visual impact and is not inconsistent with other existing and proposed warehouses in the nearby WSEA and the MRP.
- At maturity, the proposed canopy trees within the 10 m wide landscape setback and the additional landscaping to a revised width of 7 m in the south-west corner of Warehouse 9 would substantially screen the appearance of the warehouse when viewed from Mamre Road and other receivers in the locality. This would also create a more uniform and consistent landscape outcome, while also mitigating potential visual impacts.
- The Department's assessment concludes subject to implementation of the LMP, the visual impact can be adequately mitigated.

Signage

- Three business identification signs with the tenant's logo are proposed at Warehouse 9. Each sign has an area of 80 m². Two of these signs would face Mamre Road, including one being illuminated.
- The Department considers the proposed signage is generally in keeping with business identification signage elsewhere in the WSEA and that the total proposed area for the two signs facing Mamre Road at 160 m² is below the 240 m² area permitted in the MRP DCP.
- However, to ensure any signage is consistent with the DCP and the illumination is minimised, the Department has recommended a condition requiring the Applicant prepare a Final Signage Strategy prior to the commencement of construction, consistent with the MRP DCP and to the satisfaction of the Planning Secretary.

Operational Traffic Impact and Access

- All developments within the Concept Plan must assess traffic generated by the development and cumulative traffic from the Concept Plan and other developments in the MRP. The assessment must demonstrate the intersection at Mamre Road / Access Road 1 and surrounding road network can accommodate the proposed traffic volumes, or identify any additional upgrades required to support the development.
- Require the Applicant to:
- implement an operational traffic management plan and driver code of conduct.
 - implement a Work Place Travel Plan to

Findings	Recommendations
<ul style="list-style-type: none"> • The Applicant is constructing the eastern half of the intersection upgrade as part of Stage 1 and has designed the intersection to accommodate the fully developed Concept Plan. • The Applicant submitted a Traffic Assessment (TA) that considered GFA-based traffic generation rates (in accordance with the MRP DCP) and a first principles assessment based on operational traffic data provided by the tenant. • Using the GFA-based traffic generation rates, the TA concluded the warehouse would generate 153 vehicle trips in the AM peak, 160 vehicle trips in the PM peak and 1,931 vehicle trips per day. • Using the tenant's operational data, the warehouse is expected to generate smaller volumes of around 46 vehicle trips in the AM peak, 20 vehicle trips in the PM peak and 400 vehicle trips per day. • As required by the SSD-10448 consent, the TA assessed the potential cumulative impacts from operating Stages 1 and 2 on performance of the intersection and surrounding road network. The TA used the tenants' operational data for Warehouses 1 and 9 and the GFA of Warehouse 3 to determine the cumulative traffic generated. The TA concluded the performance of the intersection and surrounding road network would achieve a satisfactory level of service. • TfNSW sought clarification on the trip generation rates used and the Applicant confirmed they were the rates adopted in the MRP DCP. • TfNSW reviewed the RtS and did not make further comments. • The Department considers the modification would not cause additional traffic impacts in the locality. The Stage 2 development would generate lower traffic volumes than envisaged in the Concept Plan and would not impact on the capacity and performance of the intersection and surrounding road network. • Further traffic assessments on the performance of the intersection and surrounding road infrastructure will need to be undertaken as part of other future developments in the AIE site. • The Department's assessment concludes the traffic volumes generated by the modified Concept Plan and Warehouse 9 would not adversely impact on intersection performance or the surrounding road network. 	<ul style="list-style-type: none"> • encourage non-car modes of travel to and from the development • undertake a road safety audit within six months of construction of Stage 2 development.
<p>Site Access and Circulation</p> <ul style="list-style-type: none"> • The modification includes relocation of Access Road 4 to facilitate Warehouse 9 but does not alter the approved intersection arrangements at Mamre Road nor other internal roads. 	

Findings	Recommendations
<ul style="list-style-type: none"> Warehouse 9 contains three accesses, one truck entry on Access Road 3, one truck exit on Access Road 4, and a car park entry/exit on Access Road 4 adjacent to the truck exit. The TA included swept path analyses, demonstrating that B-Doubles can enter, exit and manoeuvre within the site in a forward direction. Council requested the Applicant amend the number of driveways at the end of Access Road 4 considering the close proximity of the truck exit to the car park driveway. In the RtS, the Applicant noted: <ul style="list-style-type: none"> there is no proposed increase in the number of driveways from Access Road 4 compared to the approved Concept Plan the use of Access Road 3 for heavy vehicle entry only to the site would reduce the traffic volumes on Access Road 4 the required sightlines for each driveway have been considered in the siting and design of the development. The Department has reviewed the swept path analyses and notes the use of the truck driveway will be limited to entry only with a level of separation to a light vehicle entry and exit associated with a carpark. Given there are only the 2 driveway points for Warehouse 9 on Access Road 4, it is considered there is sufficient space for truck movements in the context of other nearby driveway points. However, to ensure safety is maintained, the Department has recommended a road safety audit be undertaken to demonstrate the location and number of driveways on Access Road 4 will not impact on safety. The condition requires the audit to be done within six months of construction of the Stage 2 development, with any findings and recommendations to be implemented by the Applicant. 	
<p>Car Parking</p> <ul style="list-style-type: none"> Pursuant to the MRP DCP parking rate, the development is required to provide a minimum of 257 parking spaces. The Applicant originally proposed two areas of parking, one is the dedicated car park to the east of Warehouse 9 with 266 spaces, another area of 38 parking spaces adjacent to the loading docks. Council and the Department requested the Applicant reduce the spaces to provide additional landscaping in the car park and achieve a ratio of ten spaces to one canopy tree. Council also raised concerns about the 38 parking spaces was not adequately separated from loading docks and truck manoeuvring areas and the development lacked bicycle parking. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> submit a final design for the proposed car park within the loading dock area to achieve compliance with the MRP DCP and the relevant Australian Standards including full separation from

Findings	Recommendations
<ul style="list-style-type: none"> • In the ADR, the Applicant reduced parking spaces in the dedicated car park to 196 and ensured at least one tree is provided per ten parking spaces. In addition, the Applicant provided a dedicated bicycle parking area for 68 bicycles. The space to tree ratio and bicycle parking provision both meet the MRP DCP requirements. • Further, the amended plan shows a provisional 61 spaces to the south of the car park adjacent to loading docks. The Applicant advised that the tenant's operation required up to 196 parking spaces. The provisional spaces were shown to demonstrate additional spaces could be provided in the future should additional parking spaces be required. The Applicant also suggested that bollards and line marking would be utilised to separate the provisional spaces from loading docks. • Council reviewed the RtS and supported the Department's recommendation of imposing a condition requiring prior to the construction of the car park adjacent to the loading docks, the Applicant submit a detailed design for the Planning Secretary's approval. • The Department considers that the proposed car park meets the tenant's requirements with adequate tree canopy coverage. To ensure the provisional parking spaces will be adequately separated from heavy vehicles and meet the tree canopy requirements, the Department has recommended a condition requiring the Applicant to submit a detailed design plan for these spaces demonstrating compliance with the MRP DCP, ten spaces to one canopy tree ratio, and ensure there is adequate separation from the loading locks prior to the additional parking being required. 	<p>any heavy vehicle manoeuvring areas.</p>
Mamre Road/Access Road 1 Intersection	
<ul style="list-style-type: none"> • Presently, the Applicant is constructing the eastern half of Mamre Road/Access Road 1 intersection as part of the approved Stage 1 development under SSD-10448. • Condition D12 of SSD-10448 requires the Applicant to remove and relocate an existing driveway at 833B Mamre Road prior to entering into a WAD with TfNSW. • The Applicant identified an issue regarding the timing of the works, noting that if the driveway was relocated prior to the commencement of the intersection works then residential access to 833B Mamre Road would be via a construction site. • Given this would be a safety issue, the Applicant consulted with TfNSW. 	<p>Amend condition D12 to allow flexibility in the driveway relocation works.</p>

Findings	Recommendations
<ul style="list-style-type: none"> TfNSW considered that it would be safer to undertake removal and relocation of the driveway concurrently with intersection works, so that safety barriers can be placed to separate residences from construction sites to segregate construction traffic from private driveway. The Department concurs with TfNSW and has recommended Condition D12 be amended to provide more flexibility in the timing of the driveway removal and relocation works. 	
Air Quality	
<p>Construction</p> <ul style="list-style-type: none"> The majority of dust generating activities would be undertaken as part of Stage 1 which involves vegetation clearing and bulk earthworks across the whole estate. The ADR concluded the Stage 2 works would generate negligible levels of dust beyond the original Concept Plan. The Applicant proposes standard dust mitigation measures including the use of water carts, covering stockpiles and stabilising exposed earthworks. These measures would be detailed in a Construction Air Quality Management Plan (CAQMP). As such, the Department has recommended a condition requiring the Applicant update the Stage 1 CAQMP to include Stage 2 construction being the subject of the mitigation measures in the CAQMP prior to commencement of Stage 2 construction. Further, condition C31 of the AIE development consent requires the Applicant to engage an environmental representative to oversee environmental performance of construction activities on site and ensure a detailed of a CEMP is implemented to mitigate potential air quality issues. An environmental representative will also be required to monitor activities associated with the Stage 2 Development. The Department's assessment concludes that with the existing and recommend conditions in place, Stage 2 construction air quality impact can be appropriately managed. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> prepare and implement a CAQMP for the development engage an environmental representative to monitor performance and activities on-site.
Operation	
<ul style="list-style-type: none"> The key emission sources during operation of Warehouse 9 would be from vehicle movements, including particulates and nitrogen dioxide. The ADR noted these emissions would be similar to existing vehicular emissions from Mamre Road and would be unlikely to cause adverse air quality impacts on sensitive receivers. None of the government advice raised any issues with potential air quality impacts. 	

Findings	Recommendations
<ul style="list-style-type: none"> The Department notes the nearby sensitive receivers including those to the west of Mamre Road and the dwelling to south would be acquired as part of the future development of the MRP for industrial and warehouse uses. As such, any potential air quality impacts on nearby sensitive receivers would be short term in nature. The Department's assessment concludes the air quality impacts of the construction and operation of the development would not have adverse short or long term impacts on any sensitive receivers. 	
Bushfire	
<ul style="list-style-type: none"> The AIE site is identified as being bushfire prone with category 2 vegetation in accordance with Council's Bushfire Prone Land Map (2014). Warehouse 9 is located more than 100 m from a bushfire hazard and is outside the bushfire attack level zones. It does not require Asset Protection Zones or specific construction standards for buildings in bushfire prone areas. The BPAR concluded the modification and Stage 2 development would comply with Planning for Bushfire Protection (PBP) 2019 subject to the implementation of the existing conditions of consent imposed on SSD 10448 as originally recommended by the RFS. The RFS and Council did not raise any concerns with the amended layout of the AIE. RFS recommended conditions consistent with those included in the Concept Plan consent. The Department's assessment concludes the development would adequately manage bushfire risks in accordance with relevant standards. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> meet the relevant requirements of PBP meet the requirements of the BPAR for firefighting access, water supply and landscaping.
Flooding	
<ul style="list-style-type: none"> The site is located within the Wianamatta South Creek Catchment. The development would increase impervious areas and, thereby the development has the potential to increase overland flow, alter flooding patterns across the site, and cause downstream impacts during a flood event. The Applicant submitted a Flood Impact Assessment (FIA) responding to issues raised by EHG regarding cumulative flooding impacts across the MRP. The FIA considered impacts of the amended Concept Plan and Stage 2 development on flooding behaviour during various flooding events including an Average Recurrence Interval (ARI) of 1, 2, 5, 100, 200 and 500 years, and the Probably Maximum Flood (PMF) using TUFLOW modelling in accordance with the MRP DCP. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> prepare and implement a FERP for the development.

Findings	Recommendations
<ul style="list-style-type: none"> • The FIA determined that the amended Concept Plan would have negligible adverse impacts on flood level and velocities downstream of Mamre Road in events up to the 500 yr ARI. In a PMF, there are localised modest increases in the flood velocities downstream of Mamre Road. Warehouse 9 would not be subject to flooding up to the 500 ARI events. In a PMF event, Warehouse 9 would experience minor flooding where flood water will be up to 0.5 m. • EHG reviewed the FIA and recommended conditions requiring the Applicant prepare a Flood Emergency Response Plan (FERP) detailing emergency response measure including warning of pending flood events, awareness training, and of evacuation routes and refuge, including those proposed to eliminate downstream impacts. • The Department's assessment concludes the amended Concept Plan and Stage 2 development will not result in significant on- and off- impacts. 	
Construction Traffic Impact	
<ul style="list-style-type: none"> • Stage 2 construction would take up to 18 months generating additional traffic that has the potential to impact on the efficient operation of Mamre Road. • As part of the Stage 1 development, the Applicant has constructed a temporary access road (left in/left out) off Mamre Road for construction vehicles. • The Department requested the Applicant clarify how long Stages 1 and 2 works would be carried out concurrently, detail traffic numbers during the concurrent period and describe the access arrangement for the Stage 2 works. • The Applicant advised the first 14 months of Stage 2 construction would be carried out concurrently with Stage 1 works. During this peak period, there would be a total of 630 vehicles trips per day, including 132 vehicle trips in the AM peak and 65 vehicle trips in the PM peak. The Applicant undertook SIDRA modelling analysis concluding the temporary construction access would perform at Level of Service A (satisfactory) in both AM and PM peaks, with minimal impact on the efficiency of Mamre Road. • The Applicant also advised that the temporary construction access would serve both Stages 1 and 2. Once the Mamre Road/Access Road 1 intersection is operational, all construction vehicles would then use this intersection to access the site. • The Applicant committed to implement a CTMP for Stage 2. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> • Prepare a CTMP for Stage 2 construction • ensure all construction vehicles using Mamre Road/Access Road 1 intersection once the intersection is operational.

Findings	Recommendations
<ul style="list-style-type: none"> • TfNSW and Council did not raise any issues regarding construction traffic. • The Department considers that construction traffic would be adequately accommodated through the temporary access road and would not impact on the efficient operation of Mamre Road. • The Department has recommended a condition requiring the Applicant to update the Stage 1 CTMP to include construction traffic management measures for Stage 2. The updated CTMP is required to be prepared in consultation with TfNSW and to the satisfaction of Planning Secretary. • The Department has also included a condition requiring the Applicant to participate in the MRP working group that was established as a condition of consent for the Concept Plan. The working group meet and discuss measures to coordinate and manage construction traffic impacts across the precinct to minimise impacts. • The Department's assessment concludes the Stage 2 development would have minimal impacts on the surrounding road network. 	
Development Contributions	
<p><i>Regional Contribution</i></p> <ul style="list-style-type: none"> • The site is located within the Western Sydney Aerotropolis Special Infrastructure Contributions Area, which came into effect on 25 March 2022. The Applicant is required to make a contribution towards the provision of infrastructure in the Aerotropolis. • The Applicant entered into a planning agreement with the Minister on 8 April 2022 to construct the Mamre Road/Access Road 1 intersection and dedicate the area of land in the site identified for the widening of Mamre Road. It is intended that this planning agreement will be used to meet the Applicant's WSA SIC obligations. • Condition C20 of SSD 10448 requires a special infrastructure contribution (SIC) to be provided by the Applicant for the AIE prior to the issue of a construction certificate for the Stage 1 development. • The Department has also recommended a condition of consent requiring a SIC to be provided by the Applicant for Warehouse 9 (SSD 46516461) prior to the issues of a construction certificate. <p><i>Local Contribution</i></p> <ul style="list-style-type: none"> • The site is subject to the Penrith City Council Mamre Road Precinct Development Contributions Plan 2022, which came into effect on 4 April 2022. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> • satisfy their obligations under the WSA SIC and Section 7.11 contributions plan prior to the issue of a Construction Certificate for Warehouse 9.

Findings

Recommendations

- The Applicant is required to make a contribution in accordance with this plan under Section 7.11 of the EP&A Act via contribution or planning agreement, to the satisfaction of the relevant authority.
- The Department has recommended a condition of consent requiring the Applicant to satisfy their obligations under the 7.11 contribution plan for Warehouse 9 prior to the issue of a construction certificate.

7 Evaluation

The Department's assessment of the application has fully considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development.

The Applicant is proposing to modify the approved Concept Plan (modification 3) and Stage 1 development for the AIE to facilitate development of Warehouse 9 for Winning Appliances. The Applicant has lodged a concurrent SSD application for Warehouse 9 as it meets the criteria in State Environmental Planning Policy (Planning Systems) 2021. The SSD application includes construction, fitout, and operation of Warehouse 9 with associated office space that has a capital investment value of \$75 million. Operation of the warehouse would create 197 jobs.

The Department exhibited the EIS for modification 3 and the SSD. The Department received advice from seven government agencies, one from Council, a submission from Sydney Water, and a submission from Endeavour Energy. No submissions or objections were received from the public. Key issues raised related to waterway health and stormwater management, visual impacts, landscaping, heavy vehicle manoeuvring, parking, and noise impact.

The Department has considered the development on its merits, taking into consideration strategic plans that guide development in the area, the EPIs that apply to the development, advice received from the relevant government agencies and Council, Sydney Water and Endeavour Energy. The Department identifies key issues for assessment include operational noise impact, waterway health and stormwater management.

With regard to noise, the Department has continued to adopt a precinct-wide noise management approach to ensure that cumulative noise impacts from the MRP do not impact on the surrounding receivers in Mount Vernon and Luddenham. While the development will result in an increase in noise emissions at intermediate locations within the site boundary, the Applicant's assessment maintains that noise impacts at the nearest receiver locations within Mount Vernon and Luddenham would be below what was originally assessed under SSD-10448. Notwithstanding, the Department requires these predictions to be verified during detailed design, noting that the Applicant must consider all applicable best available technology and at-source controls. The Applicant is also required to develop an operational noise monitoring plan, which would include details of nominated intermediate noise locations at or within the site boundary. Additionally, the Department has recommended new noise limits at the nearest sensitive receiver locations in Mount Vernon and Luddenham which relies on apportioning the noise contribution for the AIE based on its land size.

The development has been designed to ensure stormwater is appropriately managed on-site using evaporation ponds and on-site irrigation to achieve the ICWM controls in the MRP DCP. The proposed stormwater management system adopts the same approach approved under the Stage 1 development and is consistent with the approved concept plan. The Department has recommended the Applicant prepare a stormwater management plan to demonstrate the development is meeting the ICWM controls.

The Department's assessment has concluded the modification and SSD:

- would be generally consistent with the Concept Plan

- is consistent with the strategic objectives of the Mamre Road Precinct as a dedicated industrial area by assisting in delivering the strategic objectives of the Western Sydney Employment Area, by providing 197 operational jobs in Western Sydney
- would meet the noise amenity criteria for the precinct at established residential areas throughout operation of the fully development estate as amended and the Stage 2 development
- is consistent with the MRP DCP for the provision of improvement and maintenance of waterway health through adequate stormwater management strategy and reserving the remaining balance of AIE for the purpose of irrigation
- would have minimal visual impacts and would implement landscaping consistent with the MRP DCP
- would have minimal traffic impact and not impact on capacity, efficiency, and safety of Mamre Road/Access Road 1 intersection and local and regional road network.

The Department considers that these benefits can be realised without any significant amenity of environmental impacts and therefore, considers the development is in the public interest and should be approved, subject to conditions.

8 Recommendation

For the purpose of section 4.38 of the *Environmental Planning and Assessment Act 1979* (NSW), it is recommended that the Director, Industry Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD-10448-MOD-3 falls within the scope of s 4.55(1A) of the EP&A Act
- **accepts** and **adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision (see **Appendix D**)
- **modifies** the consent SSD-10448;
- **grants** consent for the application in respect of Aspect Industrial Estate Stage 2 Development (SSD-46516461), subject to the conditions in the attached development consent (**Appendix E**)
- **signs** the attached modification instrument (**Appendix D**) and the development consent (see **Appendix E**).

Prepared by:
Bruce Zhang
Industry Assessments

Recommended by:



2 March 2023

Pamela Morales
Principal Planning Officer
Industry Assessments

9 Determination

The recommendation is **Adopted** by:

Chris Ritchie

Director

Industry Assessments

Appendices

Appendix A – List of Documents

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

Environmental Impact Statement

- Environmental Impact Statement and associated technical reports, titled *A/E Concept Plan and Stage 1 Modification (SSD-10448 MOD 3) and Stage 2 Development Application (SSD-46516461)* prepared by Urbis dated 21 September 2022 (see <https://www.planningportal.nsw.gov.au/major-projects/projects/aspect-industrial-estate-stage-2-development-warehouse-9>)

Submissions

- All submissions received from relevant public authorities and the general public may be viewed at: <https://www.planningportal.nsw.gov.au/major-projects/projects/aspect-industrial-estate-stage-2-development-warehouse-9>

Response to Submissions

- Submissions Report, titled Submissions Report SSDA-10448 Mod 3 & SSD-46516416 WH9 Aspect Industrial Estate, prepared by Urbis, dated 13 February 2023: <https://www.planningportal.nsw.gov.au/major-projects/projects/aspect-industrial-estate-stage-2-development-warehouse-9>
- Amended Development Report, titled Aspect Industrial Estate SSD 10448 MOD 3 and SSD 46516461 Amended Development Report, dated 27 February 2023 <https://www.planningportal.nsw.gov.au/major-projects/projects/aspect-industrial-estate-stage-2-development-warehouse-9>

Statutory Documents

- Relevant considerations under section 4.15 of the EP&A Act (see **Appendix B**)
- Relevant environmental planning instruments, policies, and guidelines (see **Appendix C**)

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

Table 8 | Matters for Consideration under Section 4.15 of the EP&A Act

Matter	Consideration
a) the provisions of: <ul style="list-style-type: none"> i.) any environmental planning instrument, and 	Detailed consideration of the provisions of all environmental planning instruments (including draft instruments subject to public consultation under this Act) that apply to the development is provided below in Appendix C.
<ul style="list-style-type: none"> ii.) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and 	The Department has considered the relevant draft environmental planning instruments in its assessment of the development.
<ul style="list-style-type: none"> iii.) any development control plan, and 	Under section 2.10 of the Planning Systems SEPP, development control plans do not apply to State significant development. Notwithstanding, it is noted that the Department has considered the relevant provisions within the Mamre Road DCP and an assessment is provided below in Appendix C. The assessment has concluded that the proposed development is consistent with the relevant aims and objectives of the Mamre Road DCP.
<ul style="list-style-type: none"> iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and 	The Applicant has entered into a planning agreement to meet the obligations of the WAS SIC and has provided a letter of offer to enter into a planning agreement with Council to meet the obligations of the local contributions plan. The Department has recommended conditions requiring the Applicant to make the appropriate contribution, or otherwise meet the requirements through a planning agreement, prior to construction of any Stage 1 building.
<ul style="list-style-type: none"> iv.) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates, 	The Department has assessed the development in accordance with all relevant matters prescribed by the regulations, the findings of which are contained in this report.
b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department has considered the likely impacts of the development in detail in Section 6 of this report. The Department concludes that all environmental

Matter	Consideration
	impacts can be appropriately managed and mitigated through the recommended conditions of consent.
c) the suitability of the site for the development,	The site has been identified as being suitable for the purposes of industrial, warehousing and distribution centres. The site is industrial zoned and strategically identified to support industrial developments in the WSEA, nearby Western Sydney Aerotropolis and the broader Western Sydney. The site also has connections to local and regional road networks including M4 and M7 Motorways. The Department therefore considers that the site is suitable for the development.
d) any submissions made in accordance with this Act or the regulations,	All matters raised in submissions have been summarised in Section 5 of this report and given due consideration as part of the assessment of the development in Section 6 of this report.
e) the public interest.	The Stage 2 development would generate up to 147 jobs during construction, 197 jobs during operation and direct \$ 75,420,892 million in capital investment in the Penrith local government area. The environmental impacts of the development would be appropriately managed via the recommended conditions. The Department considers to the development is in the public interest.

Appendix C – Consideration of Environmental Planning Instruments

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

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

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

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

The Planning Systems SEPP identifies certain classes of development as SSD. The proposal is State significant development pursuant to Section 4.36 of *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves development for the purposes of warehousing and distribution centres with a CIV in excess of \$30 million which is identified as a State significant development site under Clause 12 of Schedule 1 of the Planning Systems SEPP.

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

The Industry and Employment SEPP aims to promote economic development and employment, provide for the orderly and coordinated development of land, rezone land for employment or conservation purposes, ensure development occurs in a logical, cost-effective, and environmentally sensitive manner and conserve and rehabilitate areas with high biodiversity, heritage, or cultural value within the WSEA. The development has been assessed against these standards and a summary of the Department's assessment is provided in Table 9.

Table 9 | Department's Assessment of the Development against Chapter 2 of the Industry and Employment SEPP

Consideration	Proposed	Department's Comment
CI 2.17 Requirement for development control plans A consent authority must not grant consent to a Development Applicant unless a development control plan (DCP) has been prepared for that parcel of land.	The MRP DCP applies to the site. The Applicant has assessed the development against provisions of the MRP DCP.	The Department has assessed the development against the relevant provisions of the MRP DCP. The Department considers that the development generally complies with the MRP DCP.
CI 2.19 Ecologically sustainable development The consent authority must not grant consent to development on land to which this Policy applies	The Applicant has proposed several initiatives to achieve an ESD development including energy efficient lighting systems, natural ventilation of warehouses	The development includes several design measures to reduce consumption of potable water and greenhouse gas emissions.

Consideration	Proposed	Department's Comment
<p>unless it is satisfied that the development contains measures designed to minimise:</p> <p>(a) the consumption of potable water, and</p> <p>(b) greenhouse gas emissions</p>	<p>and offices, and high thermally performing glazing and façade materials.</p>	<p>The proposed measures are satisfactory for minimising resource use and emissions from the development when applied across the site.</p>
<p>CI 2.20 Height of buildings</p> <p>The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that:</p> <p>(a) building heights will not adversely impact on the amenity of adjacent residential area, and</p> <p>(b) site topography has been taken into consideration.</p>	<p>The proposed maximum building height for warehouse 9 is 14.6 m</p>	<p>The Industry and Employment SEPP does not prescribe a height limit for the site. However, the Department has set an existing height limit on the site of 13.7 m through the approval of the estate-wide concept under SSD-10448. The proposed stage 2 development to warehouse 9 varies the established height limit of 13.7 m, as the maximum height of this building is 14.6 m above the building pad. This represents a 0.9 m increase to the existing concept approval. The Department has considered the visual impact of warehouse 9 and concluded that the proposed height would not adversely impact upon the amenity of nearby residential areas, noting that the height of warehouse 9 is generally consistent with the height of surrounding industrial developments within the WSEA.</p> <p>The Department has also considered the topographical conditions of the site and concluded that the height, bulk and scale of warehouse 9 is a site-responsive design.</p>
<p>CI 2.21 Rainwater harvesting</p> <p>The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that adequate arrangements will be made to connect the roof areas of buildings to such rainwater harvesting scheme (if any) as may be approved by the Director-General.</p>	<p>The Applicant proposes to implement rainwater harvesting techniques to minimise potable water use by using rainwater collected from warehouse/building and/or office roofs for non-potable uses. Rainwater tanks are provided for the proposed warehouse 9.</p>	<p>The provision of rainwater tanks and proposed use of rainwater is satisfactory.</p>
<p>CI 2.22 Development involving subdivision</p>	<p>MOD 3 will feature an updated subdivision layout and updated road layout. The adjusted industrial</p>	<p>The Department is satisfied the subdivision would not result in fragmentation of land. The</p>

Consideration	Proposed	Department's Comment
<p>The consent authority must not grant consent to the carrying out of development involving the subdivision of land unless it has considered the following:</p> <p>(a) the implications of the fragmentation of large lots of land,</p> <p>(b) whether the subdivision will affect the supply of land for employment purposes,</p> <p>(c) whether the subdivision will preclude other lots of land to which this Policy applies from having reasonable access to roads and services.</p>	<p>super lots will maintain compliance with the minimum allotment size and frontage identified in the DCP.</p>	<p>subdivision also makes provision for internal roads a future connection to the land to the north of the site.</p>
<p>CI 2.24 Public utility infrastructure</p> <p>The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.</p>	<p>All necessary public utility infrastructure and services are being provided to the site in accordance with the approved stage 1 of SSD-10448. MOD 3 will not disrupt the delivery of the utility infrastructure</p>	<p>Service providers were consulted during exhibition of the proposal and following the receipt of the RtS. The Department is satisfied that adequate arrangements have been made to ensure infrastructure will be available to the site as required.</p>
<p>CI 2.25 Development on or in vicinity of proposed transport infrastructure routes</p> <p>The consent authority must consider any comments made by the Secretary as to the compatibility of the development with the proposed transport infrastructure route</p>	<p>The site adjoins Mamre Road which is identified as transport infrastructure routes under the WSEA SEPP.</p>	<p>The development layout includes appropriate provisions for the future upgrades to Mamre Road, thereby ensuring that the proposal will not adversely impact upon this major transport route.</p>
<p>CI 2.28 Industrial Release Area – Satisfactory arrangements for the provision of regional transport infrastructure and services</p> <p>Assistance to the State authorities for the provision of regional transport infrastructure and services is required. The consent authority must not grant consent unless the Director-General has certified in writing to the consent</p>	<p>The Applicant entered into a planning agreement with the Minister on 8 April 2022 to construct the Mamre Road/Access Road 1 intersection and dedicate the area of land in the site identified for the widening of Mamre Road. It is intended that this planning agreement will be used to meet the Applicant's WSA SIC obligations. The Applicant has submitted a letter of offer to Council to enter into a planning</p>	<p>The Department has advised the Applicant that, as the Aerotropolis SIC has been determined, a satisfactory arrangements certificate no longer needs to be issued.</p>

Consideration	Proposed	Department's Comment
authority that satisfactory arrangements have been made to	agreement to offset the monetary contribution that would apply by constructing infrastructure identified under the contributions plan and dedicating road reserves within the site to Council.	
CI 2.30 Design Principles The consent authority must take into consideration whether or not: <ul style="list-style-type: none"> (a) the development is of a high quality design, and (b) a variety of materials and external finishes for the external façades are incorporated, and (c) high quality landscaping is provided, and (d) the scale and character of the development is compatible with other employment generating developments in the Precinct concerned. 	The Applicant submitted a LCVIA assessing the potential visual impacts of the proposed warehouse 9. The proposed building would incorporate a variety of materials and finishes to provide architectural interests with high quality urban design outcome.	The proposed materials and landscaping are considered appropriate for the location of the site within a growing industrial Precinct. The Department has included the requirement for implementing the proposed landscaping at the early stage of the development to facilitate formation and mature of landscaping as soon as possible.
CI 2.35 Development within the Mamre Road Precinct Consent must not be granted to development on the land identified on the Land Application Map as Precinct 12 (Mamre Road) that has a capital investment value of more than \$200,000 without the concurrence of Transport for NSW.	The site is located within the Mamre Road Precinct and the development has a CIV over \$200,000. Thus, concurrence from TfNSW is required.	On 27 February 2023, TfNSW provided its advice on the RtS and concurrence for the development pursuant to the Industry and Employment SEPP.
CI 2.40 Earthworks Before granting development consent for earthworks, the consent authority must consider the matters outlined in clauses 2.40(3)(a) to (j).	Estate-wide earthworks were approved under (SSD-10448). MOD 3 seeks to slightly amend the earthworks levels across the subject portion of the site. However, the earthworks will remain largely balanced cut to fill from that originally approved. The earthworks proposed reduce overall cut and fill to the site and allow buildings to be developed on the site that include level pads.	The amended earthwork levels proposed under MOD 3 will not have a discernibly different visual impact when compared to the approved estate-wide earthworks. To ensure earthworks are appropriately managed, the Department has included the requirement for a CEMP which includes an erosion and sediment control plan.
CI 2.43 Consent for clearing native vegetation Development consent under this clause is not to be granted unless the consent authority is satisfied of the matters listed in subclauses (a)	Estate wide native vegetation clearing was approved by SSD-10448. The Applicant submitted a BDAR Waiver request as part for the development, which was approved on 17 November 2022.	The Department is satisfied the development would not impact on native vegetation or biodiversity values.

Consideration	Proposed	Department's Comment
to (f) in relation to the disturbance of native vegetation caused by the clearing of the vegetation.		
CI 2.44 Stormwater, water quality and water sensitive design Before granting development consent to development on land to which this Policy applies, the consent authority must take into consideration of matters listed in subclauses (a) to (f).	A Stormwater Management Strategy is provided at for warehouse 9, which details the rainwater reuse, stormwater quality management measures and the respective water tanks and grease pollutant traps that will be established across the precinct. Civil stormwater plans have been prepared which identified the methods of management of the stormwater is generally consistent with the concept proposal approved under SSD-10448.	The Department has consulted with the EES Group and the Applicant extensively throughout the assessment process. The Department considers the proposed stormwater strategy for Stage 2 development could meet waterway health targets in the MRP DCP. The Department has recommended conditions requiring that, the Applicant must demonstrate compliance with Waterway Health targets for each future DA until such time that the proposed regional stormwater basin for the MRP is finalised.

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

The development includes erection of wall-mounted signs on the façade of warehouse 9. The Department's assessment of the proposed signage against the relevant provisions of Chapter 3 of the Industry and Employment SEPP is provided in Table 10.

Table 10 | Department's Assessment of the Development against Chapter 2 of the Industry and Employment SEPP

Matter	Compliance
1. Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is compatible with the future character of the area, being industrial land use. The Department has recommended suitable conditions to ensure that the size of the signage is consistent with the requirements of the Mamre Road Precinct DCP.
Is the proposal consistent with a particular theme or outdoor advertising in the area or locality?	The proposed signage would be generally consistent with other industrial signage in the locality
2. Special areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage would be in keeping with the proposed industrial warehousing Estate uses. The proposed signage would not detract from the amenity or visual quality of any sensitive area.
3. Views and vistas	

Matter	Compliance
Does the proposal obscure or compromise important views?	The height of the proposed signage does not exceed the height of the proposed buildings within the industrial estate and would not obscure any significant view corridors.
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage would not dominate the skyline.
Does the proposal respect the viewing rights of other advertisers?	The proposed signage would not impact on other advertisers and would ensure an orderly identification of warehouse 9.
4. Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale of the proposed signage is considered appropriate for the proposed development is consistent with existing industrial developments within the estate and the site's surrounds.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signage would provide visual interest onto the warehouse façade.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	N/A
Does the proposal screen unsightliness?	The signage would provide visual interest onto the warehouse façade. However, the signage does not screen unsightliness.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The wall-mounted signage does not exceed the height of warehouse 9 and would not protrude above the future tree canopy line.
Does the proposal require ongoing vegetation management?	No.
5. Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage is compatible with the scale of the proposed warehousing buildings and the entire industrial facilities hub.
Does the proposal respect important features of the site or building, or both?	The proposed signage would not detract from important features.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage is compatible with the scale of the proposed warehousing buildings and the entire industrial facilities hub.
6. Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposed lighting devices would be integrated into the proposed signage.
7. Illumination	
Would illumination result in unacceptable glare?	The Department has recommended suitable conditions to ensure that the illuminated signage does not result in unacceptable glare for vehicles and pedestrians within the precinct.
Would illumination affect safety for pedestrians, vehicles or aircraft?	Subject to compliance with the recommended condition outlined above, the levels of illumination from the Warehouse 9 signage would not affect the safety for pedestrians, vehicles or aircrafts.

Matter	Compliance
Would illumination detract from the amenity of any residences or other form of accommodation?	The illuminated signage is sufficiently separated from nearby residences and would not detract from the amenity of any residences.
Can the intensity of the illumination be adjusted, if necessary?	The intensity of the illumination would not be adjusted.
Is the illumination subject to a curfew?	The illumination would not be subject to a curfew. It is noted that other estate-wide illuminated signage approved under Stage 1 is not subject to a curfew.
8. Signage	
Would the proposal reduce the safety for any public road?	Subject to compliance with the recommended conditions of consent, the proposed signage would not reduce the safety for Mamre Road.
Would the proposal reduce the safety for pedestrians or bicyclists?	The proposed signage would be unlikely to reduce safety for pedestrians and cyclists.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage, as amended via recommended condition, would not obscure sightlines from public areas.

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

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

The Department considers the overall height of warehouse 9, which would have a maximum height of 14.6m reaching a level of RL67.20m AHD, would be well below the obstacle limits ranging from RL190m AHD and RL220m AHD applying to the site as stipulated in the WPC SEPP.

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

The Department notes that the site is located within the 13 km wildlife buffer zone for the Western Sydney Airport. However, the development would not introduce potential wildlife hazards for the Western Sydney Airport and is not defined as relevant development under Section 4.19(4) of the WPC SEPP. As such, no further assessment is required.

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

Chapter 3 of the Resilience and Hazards SEPP aims to identify developments with the potential for significant off-site impacts, in terms of risk and/or offence. A development is defined as potentially hazardous and/or potentially offensive if, without mitigating measures in place, the development would have significant risk and/or adverse impacts on off-site receptors.

The Applicant did not prepare a risk screening assessment under the Resilience and Hazards SEPP. Notwithstanding, the Department's hazard specialists have reviewed the Modification Application and

the Stage 2 development and raised no objections, subject to recommended conditions to ensure the appropriate storage and handling of chemicals, fuels or oils used on the site.

Chapter 4 of the Resilience and Hazards SEPP includes provisions relating to land contamination. The estate-wide development approved under SSD-10448 approved a Remediation Action Plan (RAP), which will be implemented prior to construction works commencing on the site. Remediation of the site in accordance with the RAP will ensure that the site is made suitable for the approved and proposed industrial and commercial land uses.

The Author of the RAP for the estate-wide development has provided cover letters to address the Modification Application and SSD Stage 2 development. The cover letters conclude that the proposed modification and development do not significantly impact the scope, approach or overall validity of the approved RAP and therefore, the approved estate-wide RAP remains valid.

State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)

Chapter 2 of the Transport and Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to certain types of infrastructure development, and providing for consultation with relevant public authorities about certain types of development during the assessment process.

The Stage 2 development and proposed modification constitutes traffic generating development as identified within Schedule 3 of the Transport and Infrastructure SEPP as it will facilitate future industrial development on-site with an area exceeding 20,000 m². Accordingly, the development and modification has been assessed by TfNSW for assessment. TfNSW's comments are detailed in Section 5 of the report.

The Department has consulted and considered the comments from relevant public authorities and where applicable, has included suitable conditions in the recommended conditions of consent.

Mamre Road Precinct Development Control Plan (MRP DCP)

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

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

Appendix D – Modification Instrument

The modification instrument for SSD-10448-Mod-3 can be viewed on the Department's website at: <https://www.planningportal.nsw.gov.au/major-projects/projects/aspect-industrial-estate-modification-3>

Appendix E – Development Consent

The recommended conditions of consent for SSD-46516461 can be viewed on the Department's website at: <https://www.planningportal.nsw.gov.au/major-projects/projects/aspect-industrial-estate-stage-2-development-warehouse-9>

Appendix F – Notice of Decision

The Notice of Decision for SSD-46516461 can be viewed on the Department's website at: <https://www.planningportal.nsw.gov.au/major-projects/projects/aspect-industrial-estate-stage-2-development-warehouse-9>