

The Department's Comments

General

1. The Department notes that the EIS provides an overview of the proposed operation of the manufacturing facility. The Department considers that the detail provided within the Air Quality Impact Assessment provides more information regarding how the site is proposed to operate on a daily basis including how materials will arrive to the site, be unloaded and stored. The Department further notes that the Traffic Assessment provides a breakdown of the staff (office and manufacturing) and proposed hours of the operational shifts that is not included in the description of the development within the EIS. The Department requires that the detail discussed above is included in the description of the proposed development.
2. The Department notes that a wastewater treatment plant is proposed. The Department notes the EIS does not discuss in detail how the wastewater treatment plant would operate including the volumes of wastewater that would be treated and discharged. The Department considers the detail provided on the architectural plans to be concept only. The Department requires that the details of the construction and operation of the proposed wastewater treatment plant is included in the revised EIS and relevant appendices and the plans to be revised. The Department notes the detail of the proposed water treatment plant within the Noise and Vibration Impact Assessment (NVIA) is not sufficient. The NVIA is to be updated also.
3. The Department notes that the EIS does not detail the maximum daily and weekly processing capacities of the proposed development. The Response to Submissions (RtS) is to include this detail in the description of the development.
4. The Department notes Figure 16 in the EIS is not legible. The RtS must include updated and legible figure.
5. The EIS and Civil Report propose indicative finished site levels of +/- 500 mm. Where finished site levels and building heights are unknown, the worst-case scenario should be assessed. The RtS and relevant technical assessments including but not limited to the Architectural Plans, Visual Impact Assessment Report and Civil Report should be revised.
6. The Civil Report indicates that several retaining walls are proposed. These are not discussed / considered in the EIS. The Department requires that this detail is included in the RtS.
7. The Civil Report references 'this Mod 1 Application'. It is unclear if this reference is in relation to SSD-9522-Mod 1. Please update the Civil Report as relevant.
8. The Department notes several figures within the Traffic Assessment (TA) are not legible including Figures 10, 11 and 35. Please update the TA to ensure all figures are legible.
9. The Department notes that the survey plan key includes 'A' a restriction on user H107598. This annotation is not included in the site survey. Please update the survey plan to detail where this restriction applies.

Contributions and Planning Agreements

10. The site is subject to the requirements of Clause 29 of SEPP WSEA and must make satisfactory arrangements for the provision of regional transport infrastructure and services. The site is also subject to the draft Aerotropolis Special Infrastructure Contribution (SIC). You are encouraged to consult with the Department's Infrastructure Contributions and Agreements team to discuss the requirements of Clause 29 of SEPP WSEA and the application of the draft Aerotropolis SIC to the development.
11. The Department notes Penrith City Council (Council) repealed its section 7.12 Contributions Plan. Clause 270 of the Environmental Planning and Assessment Regulation 2000 (the Regulation) requires a contribution plan be approved for land zoned IN1 General Industrial under State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP) in order for the consent authority to make

a determination. A consent authority may dispense with the need for a contribution plan if the Applicant has entered into a planning agreement with the planning authority with respect to the matters that may be the subject of a contributions plan. The Department encourages you to consult with Council regarding a potential planning agreement.

Traffic and access

SIDRA Analysis

12. The Department notes TfNSW raised concern regarding the Applicant's Traffic Assessment including the SIDRA analysis. The Applicant is required to respond to TfNSW's comments and must confirm whether SSD-10101987 Kemps Creek Data Centre is included in the SIDRA analysis.

Mamre Road Precinct Development Control Plan (MRP DCP)

13. The Department notes the MRP DCP was adopted on 19 November 2021 and requests that a compliance table be provided demonstrating consistency with the final MRP DCP. The RtS and relevant appendices are also to be updated to provide an assessment against the MRP DCP.
14. The Department notes that the proposal incorporates tower elements ranging from approximately 22 m to 38 m in height. The Department notes that the MRP DCP states that should the nature of the business require that part of the building to exceed the 20 m building height control, the Applicant must demonstrate that the taller element will not create unacceptable solar, wind and visual impacts to surrounding sensitive users or impacts on the environment and open space lands or the public domain. The Department requires further justification that the operational nature of the proposal requires the proposed 22 m and 38 m tower elements.

Urban Design and Visual Impacts

15. The Visual Impact Assessment (VIA) is to be revised to detail the worst-case scenario including maximum proposed finished site levels and the resultant maximum proposed building height.
16. The VIA relies on vegetation plantings to screen the proposal. Please confirm on a plan which landscaping is approved under SSD-9522, which is proposed as part of this development and what landscaping is outside of the subject site.

Noise and Vibration

17. As discussed above, the MRP DCP was adopted on 19 November 2021. The Department requests that the NVIA is updated to address the final MRP DCP.
18. The Department notes that Appendix B1 of the NVIA detailing the locality map, sensitive receiver type identification and operational assessment representative receiver locations is not provided. The Department also notes that Appendix E (Sections E.1 and E.2) detailing the predicted operational noise contours is not provided. The Applicant is required to update the NVIA to include Appendices B1 and E.
19. The Department notes the NVIA considers impacts associated with the construction and operational phases of the development and the cumulative impacts. As discussed under the general comments above, the NVIA does not consider the proposed wastewater treatment plant in sufficient detail. The Department requires the Applicant to update the NVIA to include the proposed operational details of the wastewater treatment plan.
20. The Department notes Section 2.2 of the NVIA which states that the noise measurements and observations of the typical proposed operational activities were undertaken by Renzo Tonin and Associates at the existing Ardex manufacturing facility at Seven Hills, NSW. The NVIA uses measurements

derived from the Seven Hills facility provide representative noise levels of a range of activities that will take place within the proposed development.

The Department notes at Section 5.2.1.4 Manufacturing Operations, the NVIA refers to noise levels occupational noise surveys undertaken by Ardex at a similar facility in Queensland. The Department requires the NVIA to be revised to refer to the Seven Hills project.

21. The Department notes Section 5.2.1.6 Key Building Services and Mechanical Plant of the NVIA details the known building services and mechanical plant for the proposed development. The Department notes that the wastewater treatment plant is not included within the assumed mechanical plant noise sources within Table 5-7. The Department requires the NVIA to be revised to include the wastewater treatment plant.

Hazards

22. The Department notes the Applicant has not demonstrated that the quantities of dangerous goods to be stored at the proposed development are below the threshold screening quantities in Applying SEPP 33, DoP, 2011 (Applying SEPP 33). The Department requires the Applicant to submit a preliminary risk screening in accordance with State Environmental Planning Policy No. 33 – Hazardous and Offensive Development and Applying SEPP 33.

Bushfire

23. The Department notes the Bushfire Assessment does not include bush fire specific construction recommendations. Consideration should be given to increased Asset Protection Zones and construction standards given the proposed storage of flammable and combustible materials in a bushfire prone area.

Air Quality

24. The Department requires the Air Quality Impact Assessment (AQIA) to be revised to include a map identifying the sensitive receptors used in the assessment. Details of the property addresses are also required.
25. The Department notes the AQIA considers cumulative air quality impacts. The Department requires the Applicant to confirm whether the Kemps Creek Data Centre (SSD-1010198) is included in the AQIA. The AQIA is to be updated as required.
26. The Department notes the AQIA recommends an Air Quality Management Plan be prepared for the proposal without the detailed analysis to support this position. The Department requests further analysis in the assessment of air quality impacts.