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11 April 2024

Chris Ritchie  
Director Industry Assessments  
NSW Department of Planning, Housing and Infrastructure  
4 Parramatta Square, 12 Darcy Street  
Parramatta NSW 2150

Dear Chris,

## **ASPECT INDUSTRIAL ESTATE MODIFICATION 9 (SSD-10448 MOD 6) & STAGE 4 DEVELOPMENT MOD 2 (SSD-60513208) RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION**

This response letter has been prepared by Urbis on behalf of Mirvac Industrial Developments Pty Ltd (Mircac) (**the Applicant**) in response to various requests for additional information (**RFI**) dated 8 April 2025 from the Department of Planning, Housing and Infrastructure (**DPHI**) and the comments issued by the supporting government agencies, in connection with the above modification and SSD Application for Warehouse 8 at the Aspect Industrial Estate (**AIE**).

This letter is accompanied by the following attachments:

- Attachment A – Updated Architectural Drawings\_April 2025
- Attachment B – Updated Landscape Plans\_March 2025
- Attachment C – Updated Tree Canopy Plan\_March 2025
- Attachment D - Updated Civil Drawings\_March 2025

In response to DPHI, Endeavour Energy and Penrith City Council comments, design refinements have been made to the substation location and the elevation signage. Details of these design refinements are provided in the table overleaf. Additionally, the elevation drawings have been updated to reflect the adjusted façade louvre locations across the north, east and west façade subject to further engineering review.

**Table 1** below contains the relevant responses to the matters raised in the RFI request.

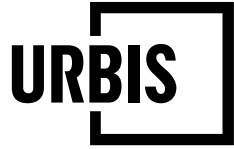
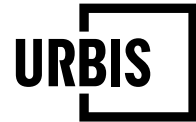


Table 1 Response to RFI

| Summary of Issue Raised   | Response   |
|---|--|
| <p><b>Department of Housing, Infrastructure and Planning – 8 April 2025</b></p>   |  |
| <p><u>Signage</u></p>   |  |
| <p>The LED lighting strip proposed along the western elevation is not supported by the Department and Condition A13 of SSD-60513208 was imposed to remove this. Please update the architectural plans to remove the LED lighting.</p> | <p>Refer to Attachment A – Updated Architectural Drawings_April 2025. The updated architectural drawings remove the LED lighting strip along the western elevation.</p>  |
| <p>The Department does not support illuminated signage fronting Mamre Road, please revise the signage plan to show no more than one illuminated sign on the building.</p>   | <p>The proposed illuminated signage has been prepared to be consistent with the provision of the Mamre Road Development Control Plan 2021 (<b>MRP DCP</b>) and aligns with the signage strategy that has been approved across other warehouses in the estate. In accordance with <i>4.2.8 Signage and Estate Entrance Walls</i> of the MRP DCP (see the extract below), a maximum of one (1) illuminated sign is proposed at each building elevation</p> <p style="margin-left: 40px;"><i>4.2.8</i><br/><i>13) A maximum of one illuminated sign is permitted on each elevation of each building.</i></p> <p>This includes the provision of an illuminated sign at the west elevation, fronting Mamre Road. With regard to the provisions under the MRP DCP, it is appreciated that:</p> <p style="margin-left: 40px;"><i>14) Illuminated signage shall be oriented away from residential receivers.</i></p> <p>Accordingly, an illumination curfew can be applied onto the signage during the night-time period, to significantly mitigate the visual impact of the illuminated signage. This is consistent with the rest of the estate (illuminated signage approved facing Mamre Road at Warehouse 9 / SSD-46516461 and Warehouse 1 SSD-10448 Mod 2). Consistent with previous approvals at the estate, a Final Signage Strategy can be conditioned as part of the consent. The proposal will provide flexibility for future tenants to deliver high quality identification signage across the building, whilst ensuring compliance with the objectives of the DCP and that the signage will not result in adverse view impacts to residential receivers.</p> |
| <p>Penrith Council raises concern with the location and length of the 50 m long sign on the northern façade of Warehouse 8. The</p>   | <p>The scale of the building identification signs have been updated as follows:</p> <ul style="list-style-type: none"> <li>▪ North Elevation sign: reduction in dimension from 50m x 3m to 10m x 4m</li> </ul>   |



| Summary of Issue Raised   | Response   |
|---|--|
| <p>location of the sign along the northern facade is to be reduced in length and located in a position that does not conflict with the decorative architectural facade detailing feature and is not visually dominant when viewed from Mamre Road.</p>  | <p>The reduced signage dimensions mitigates any conflict with the decorative architectural facade detailing feature and ensures that it does not dominate the view from Mamre Road.</p> <p>Refer to Attachment A – Updated Architectural Drawings_April 2025</p>   |
| <p><u>Landscaping</u></p> <p>Penrith City Council has raised concern with the additional 16 car parking spaces for the lot. The additional parking results in a reduction of tree canopy and landscaping and is not supported. Please justify the additional car parking spaces having regard to the MRP DCP.</p> | <p>Refer to Attachment C – Updated Tree Canopy Plan_March 2025.</p> <p>The originally lodged proposal, as detailed in the Modification Report, would have resulted in a minor reduction in tree canopy coverage that would still deliver in excess of the 10% on-lot tree canopy coverage as well as a similar percentage of on-lot landscape area as approved under SSD-60513208. The additional car parking does not encroach into the landscaped setback area.</p> <p>However, fixes to previous errors in the tree canopy coverage drawings (areas that were meant to be included in the tree canopy calculation were incorrectly excluded) have been made. Consequently, the proposal will deliver 11,268.99m<sup>2</sup> on-lot tree canopy coverage, which represents <b>an increase</b> in tree canopy coverage compared to the base approval under SSD-60513208 (which approved 11,255.25m<sup>2</sup> on-lot tree canopy coverage).</p> <p>With regard to landscape area, the proposal will deliver 10,063m<sup>2</sup> of landscaped area (representing 13.29% of the site area) which is similar to the 13.5% landscape area approved under the original consent in response to the 15% requirement under the MRP DCP.</p> <p>Additionally, as raised by Council below, the proposal (MOD-2 to Warehouse 8 and MOD-9 to SSD-10448) should be considered in conjunction with the concurrent applications for the intended future tenant use at Warehouse / Lot 8 (under the separate MOD-10 of SSD-10448 and SSD-80331959 applications). MOD-10 of SSD-10448 and SSD-80331959 intends to convert the hardstand area in the eastern portion of the site into at-grade carparking with supporting landscape / tree islands. As such, the tree canopy coverage and landscape areas are anticipated to see further increases as part of intended development outcome.</p> |
| <p><u>Substation</u></p> <p>It is noted that the modification proposes to locate the substation within the building setback to comply with Condition B.37(e) of</p>   | <p>The location of the substation at Warehouse / Lot 8 fronting Access Road 1 has been updated to be located adjacent to Access Road 1 within the landscape setback. The revised location has been prepared to comply with Endeavour Energy's (<b>EE</b>) construction standards under MCI006, ensuring the substation has 24 hour a day employee and vehicle access directly from a public street and ensuring there is no reduction in landscaping fronting Access Road 1.</p>   |

| Summary of Issue Raised | Response |
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SSD-60513208. The architectural plans indicate the substation is located within the building setback along the northern elevation of the lot fronting Access Road 1. However, it has been brought to the Department's attention that design changes would be required to ensure compliance with Endeavour Energy's access requirements. This would result in a reduction in landscaping fronting Access Road 1 and is not supported by the Department. The Applicant is required to update the architectural plans to show the substation located adjacent to Access Road 1 within the landscape setback. The Applicant must update any conditions which are to be revised in regard to the location of the substation.

An extract of EE's construction standards under MCI006 is provided below, demonstrating that the substation location behind the building setback was not appropriate:

*"7.1.2 Minimum access requirements*

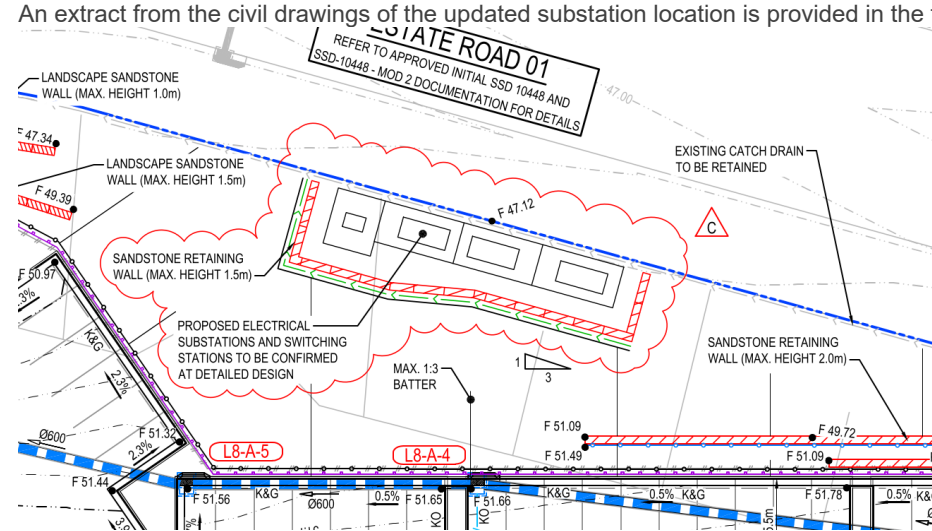
*7.1.2.1 General*

*Substations must be located wholly within and at the front property boundary with unrestricted 24 hour a day employee and vehicle access to the substation directly from a public street."*

As such, the substation at Warehouse / Lot 8 is to be located adjacent to Access Road 1 within the landscape setback, with the introduction of a sandstone retaining wall (max height of 1.5m) to facilitate the change in elevation in the area. This is reflected in the relevant plans, including:

- Attachment A – Updated Architectural Drawings\_April 2025
- Attachment B – Updated Landscape Plans\_March 2025
- Attachment C – Updated Tree Canopy Plan\_March 2025
- Attachment D - Updated Civil Drawings\_March 2025

An extract from the civil drawings of the updated substation location is provided in the figure below.

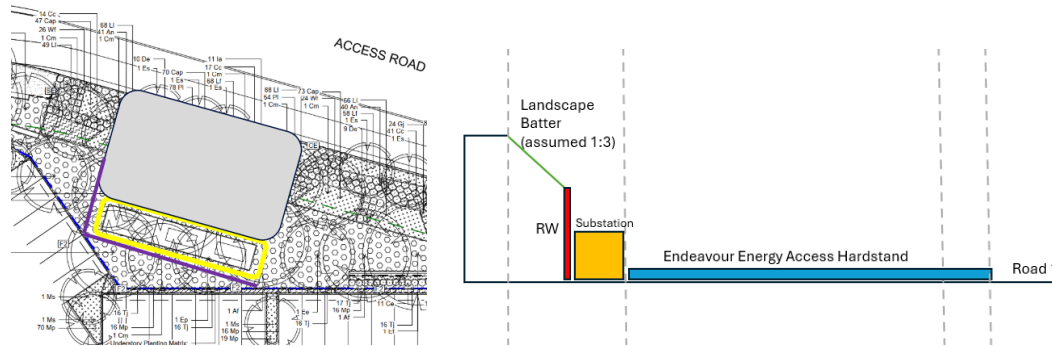


| Summary of Issue Raised | Response |
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The plans demonstrate that the substation can be integrated within the vegetation and screening at the landscape setback and overall, this will deliver an improved outcome as:

- The updated substation location removes the requirement for additional, access hardstand to be introduced between Access Road 1 and the substation, which would have had significant, adverse impacts to the design and amenity outcome, including:
  - A loss of 246.17m<sup>2</sup> of landscaping.
  - A loss of 203.42m<sup>2</sup> in canopy cover.
  - The introduction of a larger retaining wall, which would be approx. 2m taller than the proposed sandstone retaining wall proposed as part of the relocated substation design.

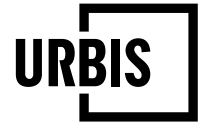
The figure below demonstrates the poor design and amenity outcome that would have been required if the substation were to be maintained in its approved location and not relocated to be located adjacent to Access Road 1 within the landscape setback.



*Note: Section not to scale*

- The updated substation location will not adversely impact the canopy coverage at Warehouse / Lot 8. As detailed in the row above, the proposal inclusive of the relocated substation, will result in an increase to the on-lot tree canopy coverage compared to the approved development, and will continue to achieve the 10% on-lot tree canopy coverage requirement.
- The updated substation location aligns with the substation locations that have been approved and delivered across the rest of the AIE which are located at the public street frontage. This is demonstrated in the figure below.

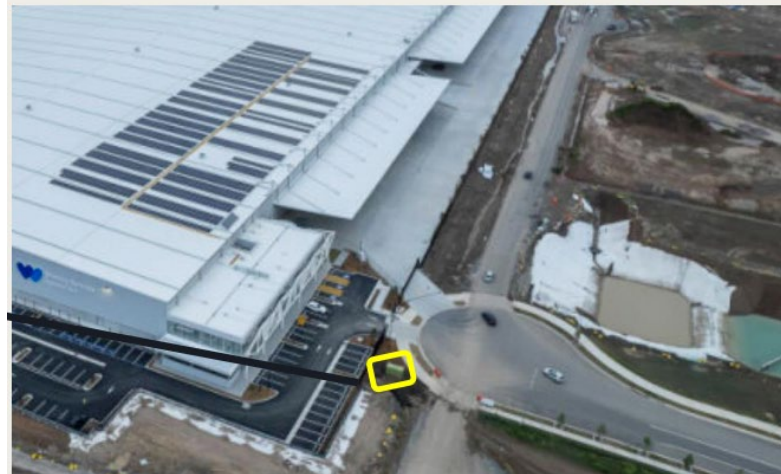
The proposed substation relocation represents a sensible design solution that meets EE's requirements and delivers an improved design, amenity and landscape outcome compared to the alternative design solution required had the substation be located within the building setback.



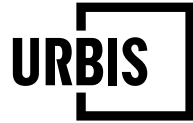
| Summary of Issue Raised | Response |
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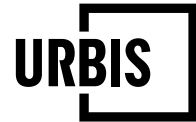
WH1 Substation



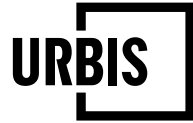
WH9 Substation



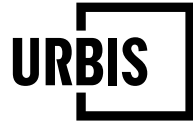
| Summary of Issue Raised   | Response   |
|---|--|
|   | <p>In support of the updated substation location, condition B37 is proposed to be modified as follows:</p> <p><i>“B37. Prior to the commencement of construction, the Applicant must prepare and submit an updated Landscape Plan for the development to the satisfaction of the Planning Secretary. The plan must:</i></p> <ul style="list-style-type: none"> <li><i>(a) be prepared in consultation with Council;</i></li> <li><i>(b) ensure landscaping within the Mamre Road setback incorporates enough species that would grow to sufficient height to create a dense screen of retaining walls, operational and parking areas;</i></li> <li><i>(c) ensure sufficient deep soil to allow large tree planting between retaining walls and the frontage to public roads;</i></li> <li><i>(d) ensure all landscape sandstone walls are located a minimum of 2 metres from road reserves, in accordance with the MRP DCP;</i></li> <li><del><i>(e) Ensure the substation is located outside of the landscape setback”</i></del></li> <li><i>(f) ensure parking areas are not located within the landscape setback; and</i></li> <li><i>(g) describe the monitoring and maintenance measures for on-going management of the landscaping works.</i></li> </ul> |
| <p><b>Penrith City Council – 7 March 2025</b></p>   |  |
| <p><u>1. Planning Considerations</u></p>  |  |
| <p>For clarity, it is understood there are two Modification Applications relating to the same proposed modification.</p>  | <p>Correct, there are two Modification Applications relating to the same proposal.</p>   |
| <p>MOD-9 relates to SSD-10448, being the Concept and Stage 1 SSD Approval for the AIE site, incorporating the EEP site for the purpose of stormwater management. MOD-2 relates to SSD-60513208, which is the SSD Approval relating to Warehouse 8. The proposed modifications relate to Warehouse 8 and require changes to both SSD Approvals referenced above.</p> | <p>Correct.</p>  |
| <p>For ease of reference, Council’s response will be the same for both Modification Applications.</p>   | <p>Noted, responses provided are for both Modification Applications.</p>   |



| Summary of Issue Raised  | Response  |
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| <p>The gross floor area of the proposed office component is quite large. The modification seeks to add 1,150 square metres to the approved office, resulting in a total GFA of 2,000 square metres for the main office. The Department should be satisfied that an office of this size remains ancillary to the primary warehouse use.</p>   | <p>The proposed office component is ancillary to the primary warehouse use and represents less than 5% of the total GFA. Responses to DPFI's comments are provided in the rows of this table above.</p>   |
| <p>The Department are requested to consider if the proposed additional car parking spaces will result in a reduction of tree canopy and landscaping. The loss of landscaping is not supported, particularly if the number of car parking spaces provided exceeds the minimum required by the MRP DCP. In addition, the car parking spaces should not encroach into the landscaped setback area.</p>                  | <p>Refer to the response to DPFI's comment in the rows of this table above on the proposed additional car parking spaces and the proposed tree canopy coverage and landscaping area.</p>  |
| <p>The proposed changes to the loading area, docks, and awning should be reconciled with the adopted acoustic restrictions/limits, to ensure that the use remains compliant with the adopted noise emission criteria for the site.</p>   | <p>As assessed in the originally lodged modification package, the proposal will remain compliant with the adopted noise emission criteria for the site</p>  |
| <p>The new proposed sign on the northern warehouse elevation is very large (50m long). It appears to be conflicting and will obscure some of the decorative architectural facade detailing. The other approved building identification walls signs are 10m long and 22m long, which is much smaller than the proposed new sign. If the Department are of a mind to approve this signage, please consider whether</p> | <p>Refer to the response to DPFI's comment in the rows of this table above on the changes to the reduction to the north elevation sign dimensions. Additionally, in response to Council's comment the West Elevation sign has reduced dimensions from 22m x 3m to 10m x 4m</p> <p>Refer to Attachment A – Updated Architectural Drawings_April 2025</p> |

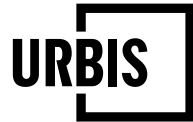


| Summary of Issue Raised   | Response  |
|---|---|
| <p>individually cut letters would be more suitable than the large 50m long backing board.</p>   |   |
| <p>The Department should consider the proposed changes (MOD-2 to Warehouse 8 and MOD-9 to SSD-10448) in conjunction with the concurrent applications for MOD-11 of SSD-10448 and the SEARS request for Warehouse 8 (new SSD Application).</p>   | <p>As per this comment, refer to the response to DPHI's comment in the rows of this table above on the proposed additional car parking spaces and the proposed tree canopy coverage and landscaping area.</p> <p>While the concurrent applications for MOD-11 of SSD-10448 (now MOD-10) and the SEARS request for Warehouse 8 (now SSD-80331959) should be considered, they are separate applications and should not form the basis of assessment for the proposal.</p> |
| <p><u>2. Development Engineering Considerations</u></p>   |   |
| <p>The below comments are raised for consideration:</p> <p>a) The proposal appears consistent with the previous approval from an engineering perspective.</p> <p>b) On-lot gross pollutant traps (GPTs) are proposed with tertiary treatment to be at state bio-retention basin.</p> <p>c) Stormwater discharge is proposed to be via existing stormwater stub connections for the lot, which is satisfactory.</p> <p>d) Some earthworks and retaining walls are proposed. This is a matter for the Department to consider, although there are no specific issues raised on engineering grounds.</p> <p>e) The car park, vehicular accesses and driveways must be in accordance with the latest Australian Standards (AS2890.1, AS 2890.2 &amp; AS 2890.6). Suitable conditions should be considered.</p> | <p>Noted, all relevant detailed design measures can be achieved subject to the future detailed design phases of the development.</p>  |

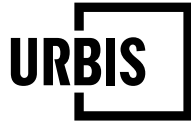


| Summary of Issue Raised   | Response |
|---|----------|
| <p>f) Signage and line marking shall be installed to delineate truck/car entries and exits and vehicle travel paths.</p> <p>g) The proposal indicates construction of new vehicular accesses and footpaths. As such a s138 application shall be lodged and approved by Council, prior to commencement of works.</p> <p>h) The detailed design of the stormwater drainage system shall be in accordance with Penrith City Council's 'Stormwater Drainage Specification for Building Developments'. Suitable conditions should be considered</p> <p>i) All private works to be contained within the development site. For example, Pit L8-CA-1 appears to be partially on road reserve.</p> |          |

| Summary of Issue Raised  | Response  |
|--|---|
| <p><b>Sydney Water – 11 March 2025</b></p> <p>We have reviewed the documents supplied and provided the following comments to assist in understanding the servicing needs of the proposed development.</p> <p>Water, Recycled Water and Wastewater Servicing<br/> Water, wastewater and recycled water servicing advice was issued for the development under the Section 73 Notice of Anticipated Requirements for case number 215305 (CN215305) on 2 October 2024. The proponent and their Water Servicing Coordinator should notify their Sydney Water case manager of the proposed amendments to the development. Amendments to the Notice of Anticipated Requirements may be required.</p> <p>Stormwater Servicing<br/> Sydney Water has reviewed the proposed modifications and has no objections on matters relating to stormwater.</p> | <p>Noted, Sydney Water has no objections relating to stormwater. The servicing, contributions and conditions identified by Sydney Water are noted and accepted.</p> |



| Summary of Issue Raised  | Response  |
|--|---|
| <p>Infrastructure Contributions</p> <ul style="list-style-type: none"> <li>• Proponents will be required to pay infrastructure contributions towards Sydney Water’s stormwater and recycled water servicing. Sydney Water is preparing a Development Servicing Plan (DSP) for the recycled water and trunk drainage in the Aerotropolis Initial Precincts. This DSP will determine the amount of the stormwater and recycled water Infrastructure Contributions to be paid to Sydney Water for the development.</li> <li>• Proponents should also be aware that infrastructure contributions for drinking water and wastewater will also be payable for all developments that require a Section 73 Compliance Certificated from 1 July 2024 onwards.</li> <li>• More information on reintroduction of drinking water and wastewater contributions can be found at Infrastructure contributions   Sydney Water Talk and the Sydney Water Development Application Information Sheet (for proponent) enclosed.</li> </ul> <p>Next steps</p> <ul style="list-style-type: none"> <li>• The proponent should continue to liaise with Sydney Water via their Section 73 application CN213305. The proponent and their Water Servicing Coordinator should contact their Sydney Water case manager to ensure their Notice of Anticipated Requirements reflect the proposed amendments.</li> <li>• Should the Department decide to progress with the subject development application, Sydney Water would require the following conditions be included in the development consent. <ul style="list-style-type: none"> <li>o Section 73 Compliance Certificate</li> <li>o Building Plan Approval</li> </ul> </li> </ul> <p>Further details of the conditions can be found in Attachment 1.</p> |   |
| <p><b>Transport for NSW – 12 March 2025</b></p>  |   |
| <p>TfNSW has reviewed the submitted documentation and notes that the proposed amendments to warehouse 8 are minor in nature and do not propose any changes that significantly affects the traffic generation of the site,</p> <p>As such, TfNSW have no further comment.</p>   | <p>Noted, TfNSW has no further comment on the proposal.</p>   |
| <p><b>Endeavour Energy – 28 February 2025</b></p>  |   |
| <p>I refer to your below email of 25 February 2025 regard State Significant Development Application SSD-10448-Mod-9 - Aspect Industrial Estate (AIE) at 788-882 Mamre Road, Kemps Creek and 1669A and 1669-1723 Elizabeth Drive (EEP site), Badgerys Creek SSD-5248 (Lots 301 &amp; 305 DP 1305254, Lots 104 &amp; 105 DP 1305965) in the Penrith City Council Local Government Area (LGA). Submissions need to be made to the Department by 10 March 2025.</p>  | <p>Refer to the response to DPHI’s comment in the rows of this table above on the relocation of the substation to meet EE’s requirements.</p> |



## Summary of Issue Raised

## Response

Please refer to Endeavour Energy's submission made to the Department on 14 October 2022 regarding the Modification Application and Report for State Significant Development SSD-10448-Mod-3 Aspect Industrial Estate for 'Reconfiguration of the Estate layout south of Access Road 1 and west of Access Road 3 resulting in a reduction from 6 to 4 lots and new warehouse footprints and associated amendment to Access Road 4' at 804-882 Mamre Road, Kemps Creek, NSW 2178 (Lots 1- 5 DP 1285305) in the Penrith City Council LGA. Notwithstanding the further proposed modifications the recommendations and comments provided therein are essentially also applicable to this Development Application.

From the below copy of the Lot 8 Site Plan there is provisions for padmount substations in two locations on the site. Endeavour Energy's general requirements is for a padmount substation to be at ground level and have direct access from a public street (unless provided with appropriate easements for the associated underground cables and right of access).

Any required padmount substation/s will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling not located within a public road/ reserve) with an appropriate form of property tenure as detailed in the attached copy of Endeavour Energy's 'Land Interest Guidelines for Network Connection'.

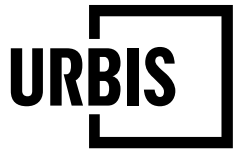
Generally it is the Level 3 Accredited Service Provider's (ASP) responsibility (engaged by the developer) to make sure substation location and design complies with Endeavour Energy's standards the suitability of access, safety clearances, fire ratings, flooding etc. If the substation does not comply with Endeavour Energy's standards, the applicant must request a dispensation.

For further information please also refer to the attached copies of Endeavour Energy's:

- Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'.
- Guide to Fencing, Retaining Walls and Maintenance Around Pad mount Substations.

Please also find attached for the applicant's reference a copy of Endeavour Energy's Standard Conditions for Development Applications and Planning Proposals, Version 10, January 2025 which provides some additional and updated information.

Based on and subject to the foregoing Endeavour Energy has no objection to the Development Application.



We trust that the above information appropriately addresses the matters raised by the Department.

If you wish to discuss the above further, please feel to contact me as per my details below or a member of the Mirvac Project Team.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Andrew Lee". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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