URBIS

KEMPS CREEK ESTATE – SSD-9522 MOD 3

Section 4.55 (1A) Modification

Prepared for
FRASERS PROPERTY INDUSTRIAL & ALTIS PROPERTY PARTNERS
26 November 2021

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Urbis acknowledges the important contribution that Aboriginal and Torres Strait Islander people make in creating a strong and vibrant Australian society.

We acknowledge, in each of our offices, the Traditional Owners on whose land we stand.

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1. EXECUTIVE SUMMARY

This Modification Report has been prepared by Urbis Pty Ltd (**Urbis**) on behalf of the Applicant, a joint venture between Frasers Property Industrial (**Frasers**) and Altis Property Partners (**Altis**) (referred to as the '**Frasers and Altis Kemps Creek JV'**), and is submitted to the NSW Department of Planning, Industry & Environment (**DPIE**) in support of a modification application under Section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) to a State Significant Development (**SSD**) approval, SSD-9522, which was granted development consent on 21 December 2020.

SSD-9522 was granted approval for the Kemps Creek Warehouse, Logistics and Industrial Facilities Hub (referred to as '**Kemps Creek Estate'**) comprising the demolition of existing structures, site-wide earthworks, landscaping, stormwater and other infrastructure and an internal road network, construction and operation of eight warehouses comprising 162,355m2 of floor space, intersection upgrade works in Mamre Road, 744 parking spaces; and 21-lot Torrens title subdivision over two stages, being Stage 1 residual lot subdivision (5 lots) and Stage 2 residual and development lot subdivision (17 lots). This Section 4.55(1A) modification to SSD-9522 seeks to approval for revision to the approved development of the Kemps Creek Estate and is herein referenced as MOD 3.

This Modification Report describes the site and the proposed modifications, provides relevant background information, and assesses the development against the relevant legislation, environmental planning instruments and planning policies. An assessment is undertaken of the proposal against the original Secretary's Environmental Assessment Requirements (**SEARs**) issued for the development by the DPIE on 14 September 2018.

The specialist technical studies provided to support SSD-9522 have been updated where relevant to this Section 4.55 (1A) modification application and have informed the assessment of the potential environmental impacts of the proposal within this Modification Report.

The proposed modification consists of changes to Lots 1-4 within the Kemps Creek Estate, north of Bakers Lane and also an amendment to Condition A22 of the SSD-9522 development consent. The proposed modifications to Lots 1-4 include:

- Change in lot configuration north of Bakers Lane with a reduction in overall GFA whilst retaining a total of 4 warehouse buildings within Lots 1, 2, 3 and 4. These changes include:
    - Lot 1 has been reduced and shifted to the north, along the northern boundary of the site in order to make way for the new cul-de-sac road,
    - Lot 2 has been increased to extend from the northern boundary of the site to Bakers Lane, which reduces the site area of Lot 3,
    - Lot 3 has been reduced due to the repositioning of Lot 2, and
    - Lot 4 has been increased, with a direct frontage to the cul-de-sac road.
- Inclusion of new north-south one way directional access road off Bakers Lane providing vehicular access to Lots 1-4;
- Overall decrease in warehouse GFA by 10,520 m2, from 80,375 m2 to 69,855 m2, and a reduction in available warehouse tenancies from six (6) to four (4);
- Reduction in overall warehouse building height from the highest building height previously approved under SSD-9522 at 26m, to a maximum of approx. 21.65m.
- The following changes to Lots 1-4 warehouses:
    - Warehouse 1: reduction in GFA and building height to remain as the previous consent at 13.7m.
    - Warehouse 2: increase in GFA and a reduction in building height from 26m to 14.6m.
    - Warehouse 3: reduction in GFA and building height to remain at 13.7m
    - Warehouse 4: increase in GFA and increase in building height from 13.7m to 21.65m

The proposed modification includes the removal of two (2) conditions of the SSD-9522 consent, including Condition B4 and Condition B18 which are directly addressed by this modification.

Condition B4 – Road works and access

B4. Prior to commencement of road construction, the Applicant must submit design plans to the satisfaction of the

Planning Secretary and the relevant roads authority which demonstrate the proposed access to the development

and the internal road intersections are:

(a) designed to accommodate the turning path of a B-Double heavy vehicle and a 19.0 m Articulated vehicle; and

(b) consistent with the most recent version of Austroads Guide to Road Design and TfNSW specifications.

The proposal is consistent with the relevant legislative and policy framework including the EP&A Act and the State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP).

The impacts identified to be relevant to MOD 3 include:

- ***Noise and visual impacts***
- ***Traffic impact***

Condition B18 - Internal Road Network and Southern Link Road

B18. Prior to the commencement of any construction (excluding bulk earthworks) on lots 1-4 north of Bakers Lane, the Applicant must prepare a concept design demonstrating how the internal road network can provide access to lots 1-4 and link to the future Southern Link Road. The design must be prepared in consultation with TfNSW and to the satisfaction of the Planning Secretary.

Note: The concept design must address access arrangements to lots 1-4 both with and without the future Southern Link Road, including ensuring any access points are an appropriate distance from signalised intersections.

The proposed modification also includes amendments to two (2) conditions of the SSD-9522 consent, in relation to acoustics which include Condition B52 and Condition B54. Condition B52 is proposed to be modified with updated noise limit classifications for residential receivers R2 to R6, which due to the changed status of these dwellings require the amendment of project trigger levels to relate to either “isolated residences within an industrial zone” or industrial receivers. Condition B54 is proposed to be amended to reflect the revised location of the acoustic barrier now proposed along the eastern boundary of the Warehouse 2 and 3 lots to mitigate sleep disturbance, if required, as advised by the Noise Impact Assessment (refer **Appendix D**).

The proposed condition wording for B52 and B54 is set out below

Condition B52 - Operational Noise Limits

B52. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Table 5 at the receiver locations shown on the plan in Appendix 3.

Table 5 Noise Limits dB(A)

Location	Day LAeq(15minute) (dBA)	Evening LAeq(15minute) (dBA)	Night LAeq(15minute) (dBA)
Receiver 1: residences on Medinah Avenue, Luddenham	41	38	35
Receiver 2: 654-674 Mamre Road, Kemps Creek	**63**	**63**	**63**
Receiver 3: 676-702 Mamre Road, Kemps Creek	**63**	**63**	**63**
Receiver 4: 706-752 Mamre Road, Kemps Creek	**63**	63	**63**
Receiver 5: 772-782 Mamre Road, Kemps Creek	**63**	**63**	**63**
Receiver 6: 771-781 Mamre Road, Kemps Creek	**63**	**63**	**63**
Receiver 7: 579-649 Mamre Road, Orchard Hills	**63**	**63**	**63**
Receiver A: Altis Warehouse and Distribution Hub, 585- 649 Mamre Road, Orchard Hills	70	70	70

Condition B54 - Acoustic Barrier

The Applicant must construct the acoustic barrier for Warehouse 2 as shown in the site plan SP-KC1-DA-003, prepared by Frasers Property Australia Pty Ltd, dated 15 November 2021, prior to the commencement of operation of Warehouse 2, only should the residence at the R2 residential receiver be occupied at the commencement of operations of Lot 2. If the dwelling at R2 is not occupied at operational commencement and is not planned to be occupied in the future, the acoustic barrier at this location is not required.

Having regard to the above, and the changed nature of the residential receivers surrounding the subject site since the original consent was issued, the assessment of the proposed modification application has not identified any significant additional environmental, social, or economic impacts from those assessed as acceptable as part of the original consent.

The findings of this Section 4.55 (1A) Modification Report and the revised technical studies identify that the proposed development as modified can be accommodated without generating impacts over and above those which were previously approved under SSD-9522 and are considered appropriate by relevant legislation.

A positive assessment and determination of the project should prevail for the following reasons:

- The proposed modification satisfies both Condition B4 and B18 of the SSD-9522 development consent, which MOD 3 proposes to remove.
- The proposed development still delivers a land use that is consistent with the zoning of the land and contributes an employment generating use in line with strategic goals for the Western Sydney Employment Area (WSEA) and the Mamre Road Precinct;

- The proposal demonstrates consistency with the relevant environmental planning instruments including strategic planning policy, and State and local planning legislation, regulation, and policies;
- The proposal will operate within the operational bounds assessed and considered to be satisfactory as determined in the approval of SSD-9522;
- It is demonstrated that the proposed works will result in minimal environmental impacts and will result in substantially the same development as approved by SSD-9522; and
- It has been demonstrated that all impacts can be appropriately managed or mitigated through the recommendations outlined in the sections of this report.

Given the merits of the proposal, it is requested that the Minister approve the modifications subject to the mitigation measures outlined in this report.

2. INTRODUCTION

This modification application is lodged on behalf of the Frasers and Altis Kemps Creek JV under the provisions of Section 4.55(1A) of the EP&A Act. It seeks to modify approval of SSD-9522 for the amendments to the warehouse and access arrangements for Lots 1-4, north of Bakers Lane.

The Site

The Kemps Creek Warehouse, Logistics and Industrial Facilities Hub (**Kemps Creek Estate**) is located at 657-769 Mamre Road, Kemps Creek (referred to as **the site**) and is legally described as Lot 1 DP1271677 and Lot 1 DP 1018318 (refer **Figure 1**). The site is located within the Penrith Local Government Area (**LGA**) and is approximately 10km from Penrith Central Business District (**CBD**), 20km from Parramatta CBD and 40km from Sydney CBD. The site is currently undergoing earthworks to support future industrial development.

The site has direct frontage to Mamre Road which itself provides direct access the M4 Motorway to the north and the proposed M12 Motorway to the south. There is an east-west link in Bakers Lane which provides access into the site, intersecting with Mamre Road. The western boundary of the site is framed by the South Creek corridor which is the defining landscape element of the Western Parkland City, connecting the site to the Western Sydney Airport (**WSA**) and the Western Sydney Aerotropolis (**Aerotropolis**).

The immediate context of the site is defined by the following land uses:

- North: The Erskine Park industrial precinct, separated by the Warragamba Pipeline.
- East: The GPT Yiribana Estate (SSD-10272349) and a series of education facilities including Trinity Primary School, Mamre Anglican School, Emmaus Catholic College.
- South: Land zoned IN1 – General Industrial as part of the Mamre Road Precinct.
- West: Land zoned ENZ – Environment and Recreation as part of the South Creek corridor and the Twin Creek residential community.

MOD 3 to SSD-9952 applies to the site at 657-703 Mamre Road, legally described as Lot 1 DP1271677, which is the land north of Bakers Lane and the future Southern Link Road (**SLR**).

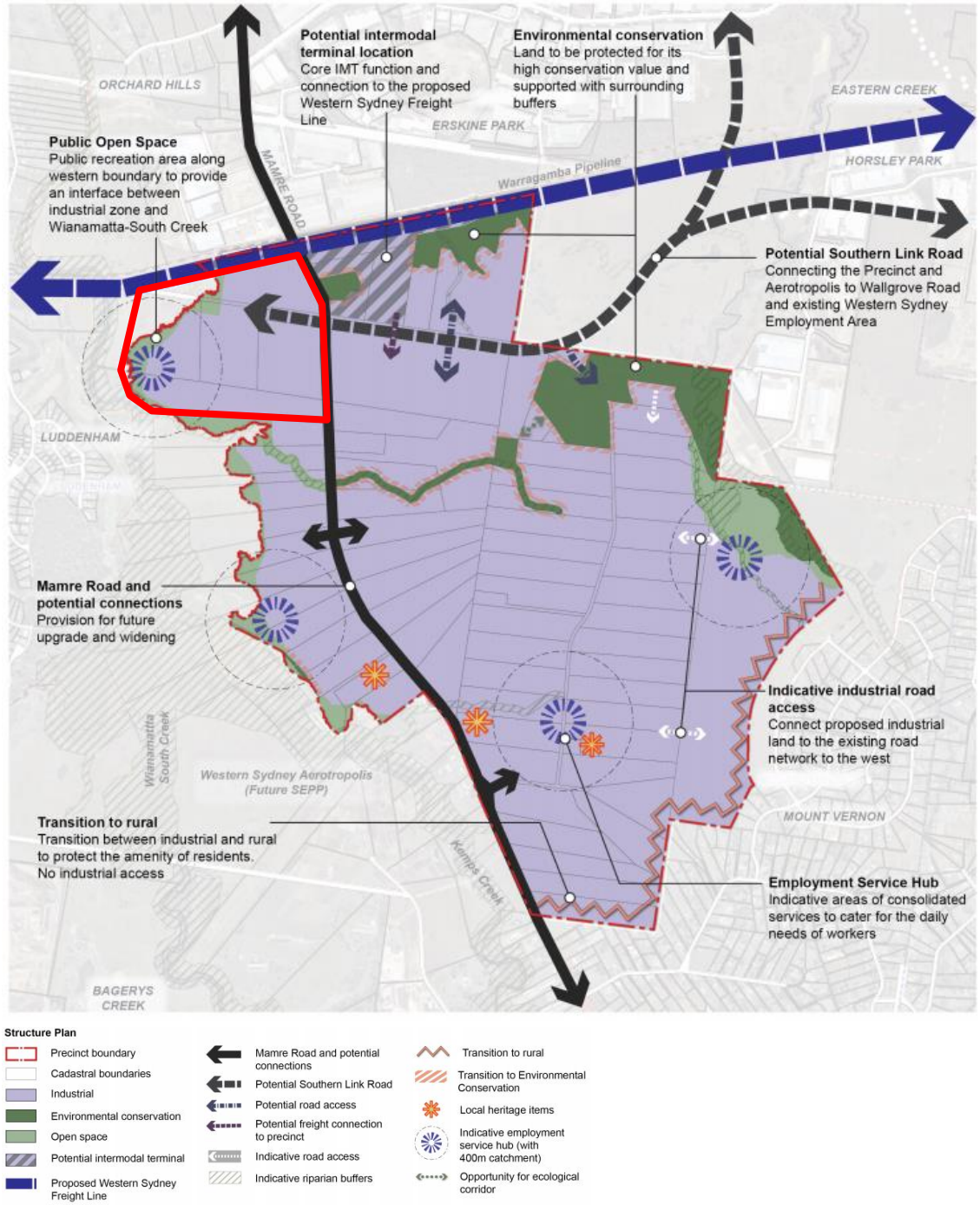
Figure 1 Site Aerial

Source: Urbis

The site is situated within the Mamre Road Precinct (**Precinct**), and part of the Western Sydney Employment Area (**WSEA**) which is earmarked for major employment and industrial growth within Western Sydney (refer **Figure**). On 11 June 2020, the draft Mamre Road Structure Plan which was exhibited along with the WSEA SEPP Amendment. The structure plan has since come into effect and is reflected in the WSEA SEPP zoning maps.

The structure plan identifies the intent of the precinct, highlighting future industrial, environment and drainage areas, as well as identifying key infrastructure required to support the precinct. The site is situated on the western side of Mamre Road, which forms the north-south axis of the Precinct, anchored on the major interchange between the proposed SLR and Mamre Road. The SLR links the Precinct into the broader WSEA and provides access to the site. The site is also adjacent to the potential intermodal terminal whose future location nis identified on the eastern side of Mamre Road, across from the subject land.

Figure 2 Mamre Road Precinct Structure Plan



Source: DPIE 2020

The Proposed Modification

The proposed modification consists of changes to Lots 1-4 within the Kemps Creek Estate, north of Bakers Lane and also the removal of Condition B4 and B18 of the SSD-9522 development consent, both of which are satisfied by MOD 3. It also seeks to amend acoustic Conditions B52 and B54.

The proposed modifications to Lots 1-4 include:

- Change in lot configuration north of Bakers Lane with a reduction in overall GFA whilst retaining a total of 4 warehouse buildings within Lots 1, 2, 3 and 4. These changes include:
    - Lot 1 has been reduced and shifted to the north, along the northern boundary of the site in order to make way for the new cul-de-sac road,
    - Lot 2 has been increased to extend from the northern boundary of the site to Bakers Lane, which reduces the site area of Lot 3,
    - Lot 3 has been reduced due to the repositioning of Lot 2, and
    - Lot 4 has been increased, with a direct frontage to the cul-de-sac road.
- Inclusion of new north-south one way directional access road off Bakers Lane providing vehicular access to Lots 1-4;
- Overall decrease in warehouse GFA by 10,520 m2, from 80,375 m2 to 69,855 m2, and a reduction in available warehouse tenancies from six (6) to four (4);
- Reduction in overall warehouse building height from the highest building height previously approved under SSD-9522 at 26m, to a maximum of approx. 21.65m.
- The following changes to Lots 1-4 warehouses:
    - Warehouse 1: reduction in GFA and building height to remain as the previous consent at 13.7m.
    - Warehouse 2: increase in GFA and a reduction in building height from 26m to 14.6m.
    - Warehouse 3: reduction in GFA and building height to remain at 13.7m
    - Warehouse 4: increase in GFA and increase in building height from 13.7m to 21.65m

The proposed condition changes include the following:

- Deletion of Condition B4 – Road works and access as it is satisfied by the proposed redesign contemplated by this modification.
- Deletion of Condition B18 - Internal Road Network and Southern Link Road as the details required by this condition are provided in this modification application (and are also detailed in SSD-9255 MOD 2 currently under assessment)
- Amendment of Condition B52 Operational Noise Criteria to reflect the necessary change in project noise criteria for nearby residential receivers, being '*isolated residences within an industrial zone*' in accordance with the Noise Policy for Industry (**NPfI**).
- Amendment of Condition B54 Acoustic Barrier to reflect the changed acoustic barrier location along the eastern site boundary of Lots 2 and 3 for a distance of 160m.

To outline the proposed modification and assist in the assessment of the Section 4.55(1A) application, the following information is submitted with this Modification Report:

- Description of the site, its context, and approvals history;
- A description of the proposed modifications and response to the conditions of the approval;
- Planning compliance assessment considering the environmental planning instruments, policies and guidelines relevant to the site and the proposed modification; and
- An Environmental Assessment relative to the applicable SEARs issued for the original designated SSDA.

This planning report has been prepared based on the following updated plans and specialist reports, which are lodged as appendices to this Modification Report;

Appendix A – Architectural Drawings, prepared by HLA Architects;

Appendix B – Visual Impact Assessment, prepared by Geoscapes;

Appendix C – Transport Assessment, prepared by Ason Group;

Appendix D – Noise Impact Assessment, prepared by Renzo Tonin;

Appendix E – Landscape Concept Plan, prepared by Habitat8;

Appendix F – Service Infrastructure Assessment, prepared by Landpartners;

Appendix G – Civil Engineering Report and Water Cycle Management Strategy, prepared by Costin Roe

Appendix H – Bushfire Assessment, prepared by Peterson Bushfire

Appendix I – Geotechnical Investigation, prepared by PSM

Appendix J – Waste Management Plan, prepared by LG Consult

Appendix K – SEPP33 Assessment, prepared by Riskcon Engineering

Appendix L – Air Quality Impact Assessment, prepared by Northstar Air Quality

Appendix M – Archaeological Report, prepared by Austral Archaeology

Appendix N – BCA Assessment, prepared by MBC Group

Appendix O – Biodiversity Assessment, prepared by Ecoplanning

Appendix P – Site Suitability Assessment, prepared by JBS&G

Appendix Q – Aeronautical Impact Assessment, prepared by Landrum and Brown

Appendix R – Engagement Strategy, prepared by SLR Consulting

Appendix S – CIV Report, prepared by Northcroft

The technical reports and plans submitted with the original SSDA have been reviewed and updated to address the proposed modifications the original SSD-9522 consent. These updated technical studies conclude that there are no material changes in impact arising from the proposed modification that were considered as part of the original SSDA assessment.

Where modified impacts are identified in these reports, the issue is addressed in this application. Where confirmation is provided that the nature of the impact is the same as the original approval, no specific mention is made of that issue however correspondence to that effect is appended to the report for confirmation.

3. CONSENT FRAMEWORK

The Kemps Creek Estate, which is located within the Mamre Road Precinct, has an approximate site area of 118 ha strategically placed in the context of Western Sydney Employment Area and Western Sydney Aerotropolis. The WSEA has long been identified as the single largest greenfield industrial precinct to serve the growing demand for industrial lands in the Sydney Metropolitan Area for the next 20 to 30 years.

Whilst this Section 4.55(1A) modification application is specific to approved Lots 1-4, north of Bakers Lane within SSD-9522 only, the below section provides detail on the wider approval history for the overall Kemps Creek Estate.

3.1. SITE HISTORY

The Kemps Creek Estate is currently owned by the Frasers and Altis Kemps Creek JV, with portions of the site currently undergoing earthworks which were approved under the original consent for SSD-9522. The development history for the site and SSD-9522 are detailed in the **Table 1** below.

Table 1 Site Development Application History

Application history	Development	Approval date
SSD-9522	**Kemps Creek Warehouse, Logistics and Industrial Facilities Hub** SSD-9522 was lodged in May 2019 by Frasers and Altis for the site at 657-769 Mamre Road, Kemps Creek. Consent was granted for the Kemps Creek Warehouse, Logistics and Industrial Facilities Hub which consisted of eight (8) warehouse buildings with a total Gross Floor Area (**GFA**) of 162,355 m2 over eight (8) lots, including associated loading docks, hardstand areas, truck and car parking spaces and landscaping. The Mamre South Land Investigation Area Development Control Plan 2019 (**Mamre South DCP**) is applicable to SSD-9522, and includes associated controls designed to address environmental impacts identified by technical investigations for the site. The aim of the Mamre South DCP is to facilitate the redevelopment of the land 'subject to the provisions of the *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (**WSEA SEPP**). The development approved by SSD-9522 comprised: ▪ Demolition of existing structures, site-wide earthworks, landscaping, stormwater and other infrastructure and an internal road network; ▪ Construction and operation of eight (8) warehouses; ▪ Intersection upgrade works in Mamre Road; ▪ 21-lot Torrens title subdivision over two stages, being Stage 1 residual lot subdivision (5 lots) and Stage 2 residual and development lot subdivision (17 lots).	21 December 2020

Application history	Development	Approval date
	The development has a capital investment value (CIV) of $242 million and is expected to generate 700 construction jobs and 950 operational jobs.	
SSD-9522 Modification 1	**Modification 1 (MOD1) – Changes to Lot 5** A modification application to the proposed Kemps Creek Warehouse, Logistics and Industrial Facilities Hub as part of SSD-9522 was lodged in April 2021 which sought modification of the site layout to accommodate changes to Lots 5-8. The section 4.55 (2) modification application approved: ▪ A decrease in the number of warehouses from 8 to 7; ▪ An increase in GFA from 162,355 m2 to 186,123 m2; ▪ An increase in car parking from 744 spaces to 772 spaces; ▪ A decrease in the number of subdivided lots from 21 to 20; and ▪ Construction of a slip lane to facilitate access into proposed Lot 5.	3 September 2021
SSD-9522 Modification 2	**Modification 2 (MOD2)** MOD2 of SSD-9522 was lodged in September 2021. It consists of modifications considered minor in nature pertaining to alterations to the road widths, minor changes to some development allotment sizes and increase to the building areas of those approved on Lots 6 and 8. The section 4.55 (1A) modification application seeks to modify the approval for the following: ▪ Bakers Lane and North-South Road to be amended to a width of 26.4m; ▪ Southern East-West Road to be amended to a width of 24m; ▪ Cul-de-sac south of Lot 5 to be amended to a width of 25.2m; ▪ Reconfiguration of allotment boundaries in Lots 1-5 which results in an overall increase of 7,961 m2; ▪ Increase in GFA pertaining to Lots 6 and 8 as a result of the road width amendments. ▪ Removal of Sequence 1B roadworks. ▪ Deletion of Condition B4.	On referral – Approval TBC

3.2. APPROVAL PROCESS

The Kemps Creek Estate SSD-9522 was granted consent on 21 December 2020 under delegation of the Minister for Planning and Public Spaces. Pursuant to Section 4.36(2) of the EP&A Act:

> *(2) A State environmental planning policy may declare any development, or any class or description of development, to be State significant development*

The Kemps Creek Estate was triggered as SSD under Section 4.36 of the EP&A Act as the development is situated within the Mamre Road Precinct and is subject to the *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (**WSEA SEPP**).

Section 4.55 of the EP&A Act provides a mechanism for the modification of development consents. This section of the Act sets out the statutory requirements and heads of consideration for the assessment of such a modification application, depending on whether the application is made under section 4.55(1A), 4.55(1) or 4.55(2).

This Section 4.55(1A) modification application is formally lodged with the Minister for Planning and Public Spaces for the proposed modification to the development consent for SSD-9522 issued under delegation on the 21 December 2020.

Local and Regional Infrastructure Contributions

Condition A22 of SSD-9255 requires the payment of a levy of 1% of the proposed cost of carrying out the development to Council under section 7.12 of the EP&A Act. Notwithstanding that the *Penrith City Section 7.12 Citywide Development Contributions Plan for Non-Residential Development* no longer applies to the land, this condition still stands.

Frasers and Altis Kemps Creek JV have entered into a VPA with DPIE for provision of regional infrastructure. This VPA fulfils the requirements of cl.270 of the EP&A Regulation. The Minister is therefore not limited by cl.270 of the Regulation in his ability to grant consent to his modification.

4. RATIONALE FOR THE PROPOSED MODIFICATION

The approved Kemps Creek Estate development comprises a warehouse, logistics and industrial facilities hub with an architectural treatment that achieves a high-quality integrated estate and an attractive appearance, consistent with land use principles and vision of the Western Sydney Employment Area (WSEA) and the Mamre Road Precinct.

The approved development includes demolition of existing structures, earthworks, landscaping, stormwater, an internal road network and the construction of eight (8) warehouses as well as an intersection upgrade works in Mamre Road. The approved development is made up of two stages with Stage 1 consisting of a five (5) residual lot subdivision and Stage 2 consisting of a seventeen (17) residual and development lot subdivision.

The approved development was designed to showcase next-generation industrial Estate design, targeting State-of-the-Art, Six-Star-Green-Star-rated industrial buildings designed to set new standards in relation to sustainability, social amenity and building quality.

Rationale for Updated Site Design and Layout

The proposed modification seeks to directly address Condition B18 of SSD-9522, which was imposed by Transport for NSW (TfNSW) requiring that all access to lots north of Bakers Lane be obtained from a single roadway so as to reduce crossings onto Bakers Lane.

The updated Estate layout introduces a new cul-de-sac connection for this purpose, at a suitable distance from the future signalised intersection between Mamre Road and the SLR, to ensure there are no disruptions to traffic conditions at this critical node.

The reconfiguration also responds to the specific layout of two tenants, which will be accommodated in Warehouses 2 and 4.

The layout and dimension requirements of the Warehouse 2 operator, coupled with the distance required between the cul-de-sac road and the future SLR intersection has directly informed the proposed modified site layout. The length of Warehouse 2 and required hardstand is too long to be oriented east-west along Bakers Lane between the new cul-de-sac road and the eastern site boundary with Mamre Road. Warehouse 2 therefore needs to be oriented north-south. This will be a state of the art facility, incorporating an integrated automation system that requires an exact length and width of building to operate efficiently.

The remainder of the warehouse lot configurations have then been placed having regard to the operational and area requirements for Warehouse 4, and in response to the required location for Warehouse 2.

The reconfiguration of Lots 1-4 and orientation of warehouses 1-4 achieves safety requirements from an access perspective whilst ensuring building efficiency following the incorporation of the cul-de-sac connection. The proposed modification has a minor environmental impact in comparison to the previous consent issued for the site and constitutes a Section 4.55 (1A) modification as it ultimately improves road efficiency and reduces the overall bulk and scale of the buildings in Lots 1-4, the overall building footprint and GFA, as well as reducing the overall maximum heights of the buildings.

The proposed modification will facilitate timely investment and occupancy of buildings in Lots 1-4 for the purpose of warehouse, logistics and industrial facilities, consistent with the intent of the original proposal and future tenant requirements, as well as providing over 300 jobs within Warehouses 2 and 4 alone.

5. PROPOSED MODIFICATIONS

5.1. DEVELOPMENT OBJECTIVES

The proposed development is consistent with the overarching objective of the Kemps Creek Estate as a Warehouse, Logistics and Industrial Facilities Hub in response to the identified tenant demand for both traditional and new warehousing and industrial facilities in Western Sydney and surrounding the planned Western Sydney Aerotropolis. The proposed development under MOD 3 would still fulfill a significant role in satisfying market needs as well as improve the operation efficiencies of transport and logistics business within NSW.

The approval of the original proposal was based on the SSD-9522 being consistent with the strategic direction for the site set under the WSEA, as well as assisting the delivery of employment generating uses within Western Sydney. The assessment of key issues in relation to the site as part of the original consent are maintained in relation to proposing built form outside of the 1% AEP flood extent towards the western extent of the site and minimising the impacts to the local road network. The bulk and scale of the original proposal was considered appropriate for employment generating land and given the overall bulk and scale of the proposed modification is reduced, this is consistent with the rationale for the previous SSD-9522 consent.

The proposed modification maintains the following core objectives of the Kemps Creek Estate, being to:

- Generate significant employment;
- Supplement, support and compliment the new Western Sydney Airport;
- Improve access to jobs for residents of the immediate community and wider locality;
- Demonstrate architectural excellence, through its siting and design compatibility, with minimal visual impact;
- Enhance the South Creek Precinct, and regenerate vegetation over 11ha of unimproved land, dedicated to improving the working environment; and
- Provide suitable mitigation measures where required, to minimise any unforeseen impacts arising in the future.

These objectives are achieved, whilst also ensuring the revised layout now directly responds to specific tenant enquiring and the operational requirements of two prospective tenants.

5.2. PROPOSED MODIFICATIONS

This application seeks a modification to the approved SSD-9522 development consent for the Kemps Creek Estate.

5.2.1. Estate Layout Changes

The proposed modification includes the following estate layout changes, north of Bakers Lane, which are set out on plan extracts at **Figure 5** and **Figure 6**, and in the accompanying architectural plan set at **Appendix A**:

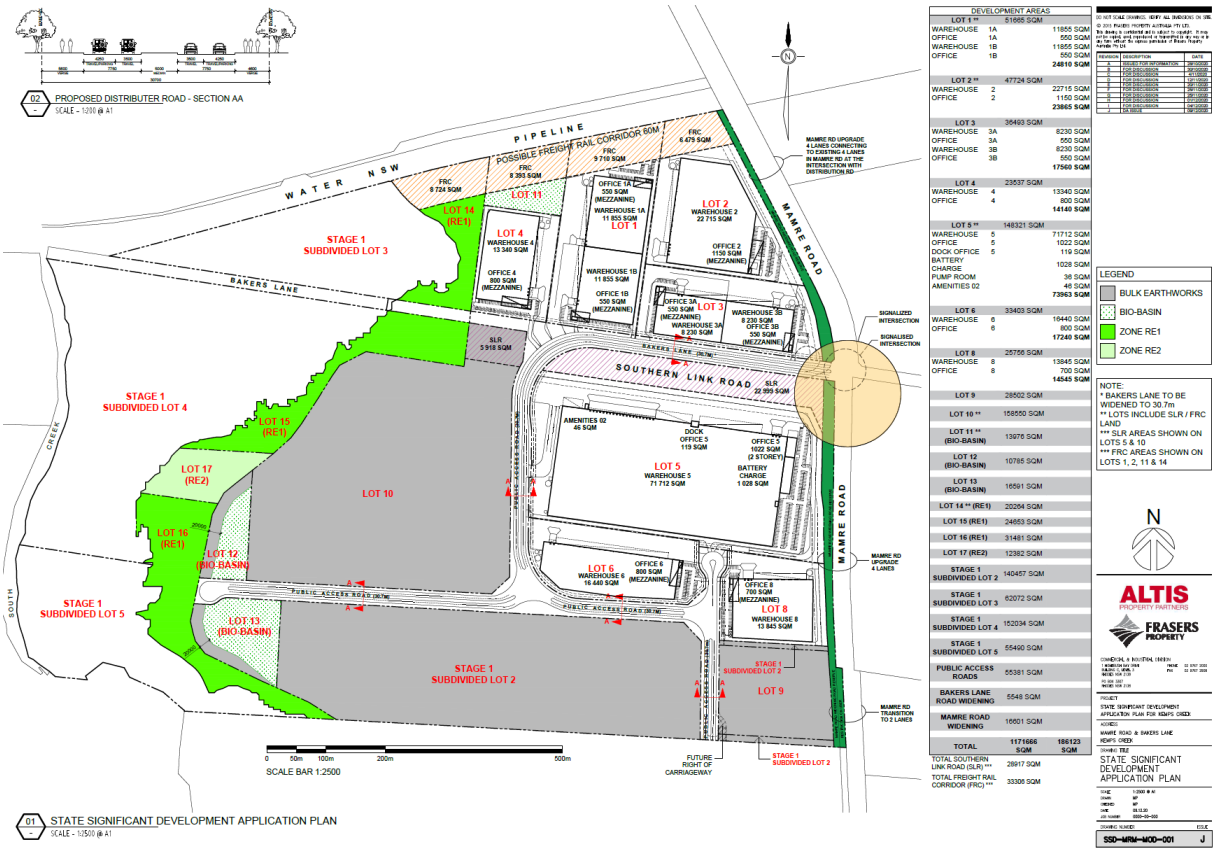
- Change in lot configuration north of Bakers Lane with a reduction in overall GFA whilst retaining a total of 4 warehouse buildings within Lots 1, 2, 3 and 4. These changes include:
    - Lot 1 has been reduced and shifted to the north, along the northern boundary of the site in order to make way for the new cul-de-sac road,
    - Lot 2 has been increased to extend from the northern boundary of the site to Bakers Lane, which reduces the site area of Lot 3,
    - Lot 3 has been reduced due to the repositioning of Lot 2, and
    - Lot 4 has been increased, with a direct frontage to the cul-de-sac road.
- Inclusion of new north-south one way directional access road off Bakers Lane providing vehicular access to Lots 1-4;

- Overall decrease in warehouse GFA by 10,520 m2, from 80,375 m2 to 69,855 m2, and a reduction in available warehouse tenancies from six (6) to four (4);
- Reduction in overall warehouse building height from the highest building height previously approved under SSD-9522 at 26m, to a maximum ridge height of approx. 21.65m.
- The following changes to Lots 1-4 warehouses:
  - Warehouse 1: reduction in GFA and building height to remain as the previous consent at 13.7m.
  - Warehouse 2: increase in GFA and a reduction in building height from 26m to 14.6m.
  - Warehouse 3: reduction in GFA and building height to remain at 13.7m
  - Warehouse 4: increase in GFA and increase in building height from 13.7m to 21.65m

The inclusion of the one way directional cul-de-sac road and the consolidation of access points along Bakers Lane has required the reconfiguration of Lots 1-4 within the northern portion of the site. The approved master plan design as part of SSD-9522 MOD 1 (refer **Figure 3** and **Figure 4**) provides seven (7) access points off Bakers Lane into Lots 1-4. Warehouses 1 and 2 were the two largest buildings within the MOD1 master plan with Lot 3 forming a large portion of the frontage along Bakers Lane.

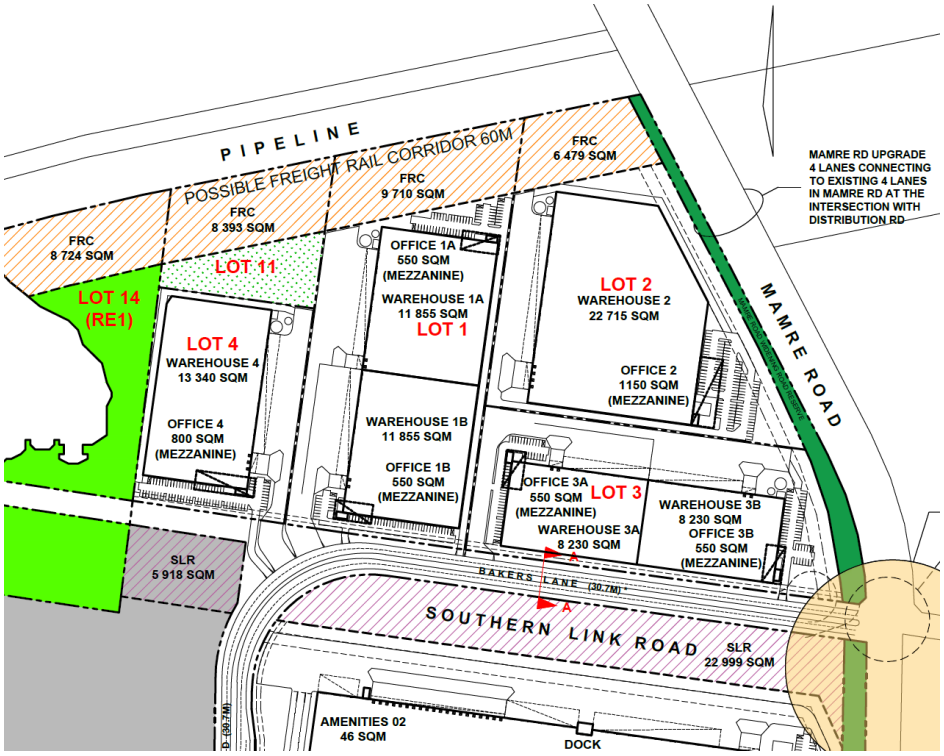
MOD 3 seeks to revise the layout (refer **Figure 5 and 6**) in response to tenancy requirements for Warehouses 2 and 4 being the two largest warehouses with a direct frontage to the new cul-de-sac road. Warehouse 1 has been redesigned as the smallest warehouse situated at the northern periphery of the site along the Warragamba Pipeline. Warehouse 3 is redesigned in a north-south orientation with frontage to Bakers Lane and Mamre Road but maintaining access off the new cul-de-sac road. There is also an increase in the Lot 11 site area which consists of the bio-basin within the north of the site.

Figure 3 MOD 1 Overall Master Plan



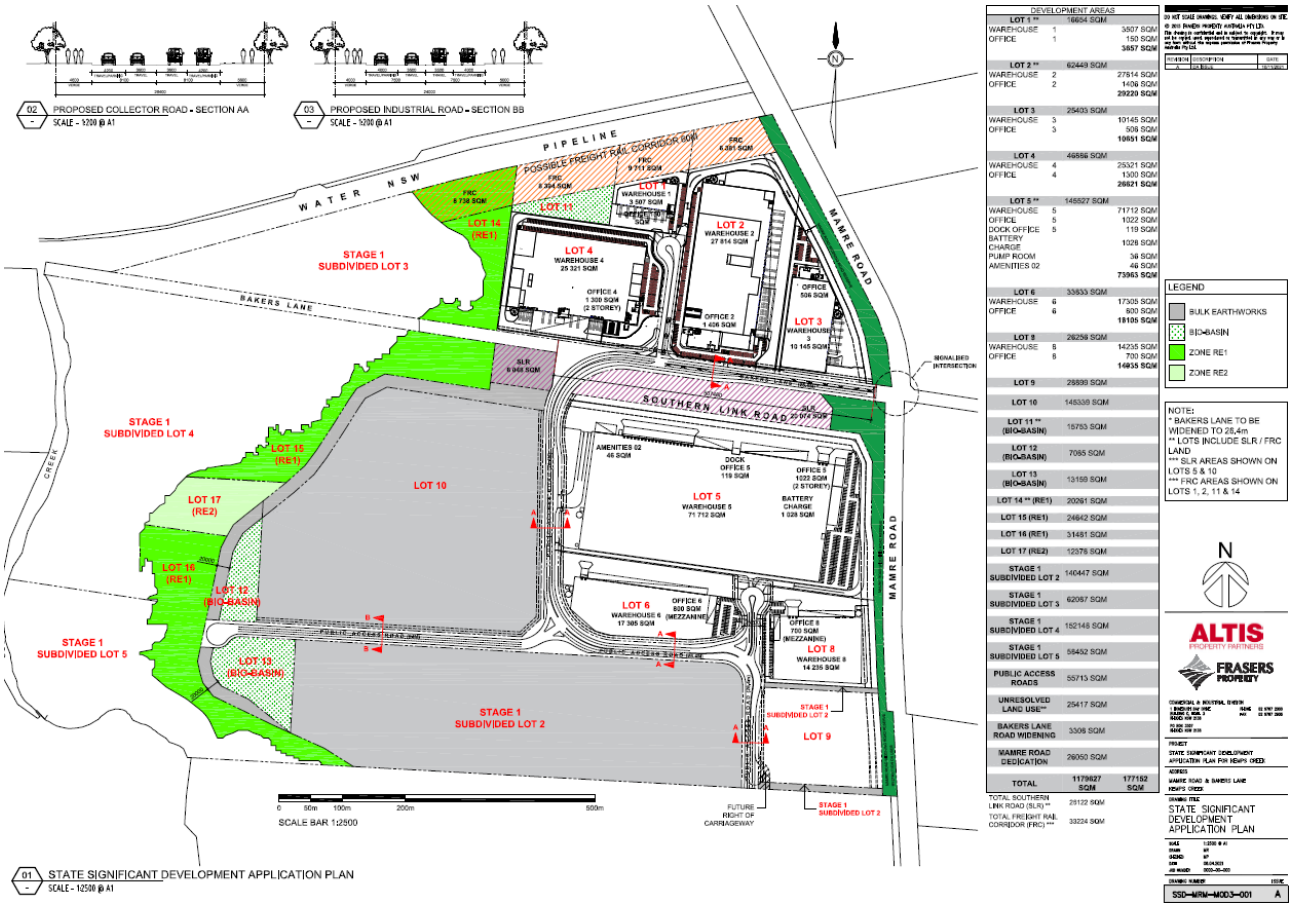
Source: Altis and Frasers 2020

Figure 4 MOD 1 Master Plan – Lots 1-4



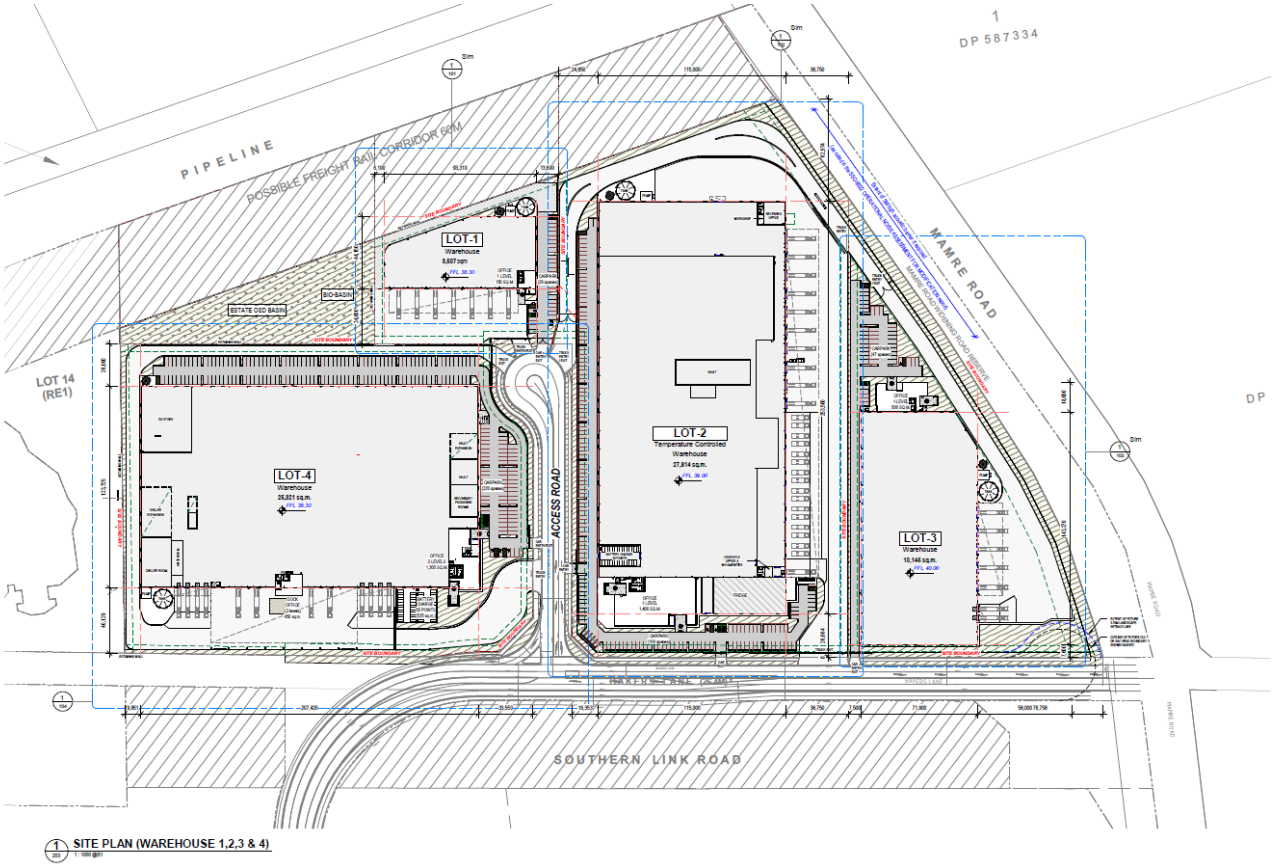
Source: Altis and Frasers 2020

Figure 5 MOD 3 Overall Master Plan



Source: Altis and Frasers 2020

Figure 6 MOD 3 Lots 1-4 Master Plan



Source: Altis and Frasers 2021

5.2.2. Warehouse Lot Changes

Detailed description of the warehouse lot and building changes proposed are provided below. All warehouses will remain for 'warehouse and distribution' use, and will operate 24 hours a day, 7 days a week, consistent with the original SSD-9522 approval.

Lot 1

Lot 1 has significantly reduced in size under MOD 3 and is situated at the northern end of the new cul-de-sac road, with a direct interface with the proposed freight corridor along the northern boundary. The previous configuration as part of the original SSD-9522 had Lot 1 running north-south, with the largest warehouse GFA across Lots 1-4. Lot 1 is now the smallest warehouse across Lots 1-4, with the height retained at 13.7m.

Access to and from Lot 1 is provided off the cul-de-sac road, through two separate driveways to the hardstand and car park, for trucks and cars respectively. The Lot 1 car park is situated along the eastern boundary of the lot. The cul-de-sac road provides Lot 1 direct access to Bakers Lane to the south.

Lot 1 is framed by driveways to the east and south, from Lots 2 and 4, and has a direct interface with the bio-basin within Lot 11 which is situated to the immediate west, which all Lots 1-4 currently drain towards. This is consistent with the drainage principles established in the original consent for SSD-9522, based on the proposed lot re-configuration.

The building heights for Warehouse 1 remained unchanged under MOD 3, being proposed at 13.7m. There is a very slight decrease in pad levels on Lot 1.

Dangerous Goods (DGs) are proposed within Warehouse 1, with flammable liquids stored within the north-eastern corner of the warehouse. The remaining DGs are placed along the northern periphery of the warehouse. The quantities of DGs stored within Warehouse 1 are detailed in **Section 8.9**.

A summary of the numerical changes to the warehouse building and lot configuration on Lot 1 is provided below in **Table 3.**

Table 2 Numeric Changes to Lot 1 proposed under MOD 3

Element	Approved SSDA	Proposed MOD 3
Lot 1		
Site Area	51,665 m2	16,663 m2
Site Efficiency	63.6%	38.6%
Warehouse GFA	23,710 m2	3,507 m2
Office GFA	1,100 m2	150 m2
Total Building Area	24,810 m2	3,657 m2
Car Parking Provided	108	29
Awning (15m)	1,913 m2	850 m2
Building Height	13.7m	13.7m
Pad Levels	BEL 38.80 (+/- 500mm)	BEL 38.50 (+/- 500mm)

Lot 2

Lot 2 is now the largest lot and contains the largest warehouse across Lots 1-4. Lot 2 has been designed specifically in response to tenant enquiry, which has informed the size and configuration of the warehouse and surrounding hardstand. Lot 2 has a direct frontage to both Bakers Lane and the new cul-de-sac road, anchored on the intersection between the two road corridors. Under the previous configuration as part of the original SSD-9522, Lot 2 was located at the north-western corner of the site, with a direct interface to Mamre Road. The reconfiguration of Lots 1-4 has Lot 2 running north south, with the hardstand area fronting the Warehouse 2 to the east, a portion of which fronts Mamre Road.

Warehouse 2 is bound by a truck accessway to the north, through which trucks enter the hardstand area through a set of sliding gates along the western boundary of the site. Trucks exit Lot 2 through an access point on Bakers Lane which only services Lot 2. Cars enter Lot 2 through the cul-de-sac road and exit through separate access point on Bakers Lane. Lot 2 and Lot 3 are the only lots which have direct access to Bakers Lane which are exit only and separated for cars and trucks.

The layout for Warehouse 2 is directly based on specific customer specialised fitout and operational requirements. The north-south orientation is the most efficient outcome from a series of alternatives assessed for the wider Estate as it also includes extensive automation which meet the operational requirements of the tenant. The proposed configuration of Lot 2 and Warehouse 2 also minimises the number of driveways connecting to/from Bakers Lane which is a key consideration in satisfying Condition B18.

There is a decrease in building height for Warehouse 2 under MOD 3, which consists of an 11.4m reduction within the eastern portion of the site. This increase in height is the result of building height being transferred from the Mamre Road corridor to Lot 4. This is also accompanied by a reduction in pad levels within Lot 2.

The Lot 2 interface with Mamre Road will be defined by a 3m high acoustic wall to mitigate noise from the hardstand area to the east of Warehouse 2. This acoustic wall is required to mitigate sleep disturbance to the residential dwelling at 654-674 Mamre Road (receiver R2). The acoustic wall will only be required if the

residential dwelling is still occupied once Warehouse 2 is operational, or if it is planned for residential purposes in the future once Warehouse 2 is operational (refer to Noise Impact Assessment in **Appendix D**).

Dangerous Goods (DGs) are proposed within Warehouse 2, with flammable liquids stored within the north-western corner of the warehouse. The remaining DGs are placed within the northern portion of the warehouse towards the western side of the warehouse. The quantities of DGs stored within Warehouse 2 are detailed in the **Section 8.9**.

A summary of the numerical changes to the warehouse building and lot configuration on Lot 2 is provided below in **Table 4.**

Table 3 Numeric Changes to Lot 2 proposed under MOD 3

Element	Approved SSDA	Proposed MOD 3
Lot 2		
Site Area	47,724 m2	62,440 m2
Site Efficiency	60.9%	46.8%
Warehouse	22,715 m2	27,814 m2
Office	1,150 m2	1,406 m2
Total Building	23,865 m2	29,220 m2
Car Parking Provided	105	164
Awning (20m)	1,293 m2	4,060 m2
Building Height	26m	14.6m
Pad Levels	BEL 40.00 (+/- 500mm)	BEL 38.50 (+/- 500mm)

Lot 3

Lot 3 is situated within the eastern periphery of the site and is bound by Mamre Road to the east and Bakers Lane to the south. Warehouse 3 had an east-west orientation under the previous consent which is now proposed to run north-south, with the hardstand area situated to the east of the warehouse and the car park to the north.

Access to and from the Warehouse 3 car park is provided off Bakers Lane, which together with access points for Lot 2 are the only direct access points off Bakers Lane. Truck access to and from the hardstand area of Warehouse 3 is provided from the driveway at the end of the cul-de-sac road. This driveway is shared between Lots 2 and 3.

Lot 3 provides a buffer zone, which is to be characterised by landscaping, within the south-eastern corner of the lot to cater for the transition of Bakers Lane to be a cul-de-sac road, once connection to Mamre Road off Bakers Lane is removed. There is sufficient set back space provided for the future turning head at the end of Bakers Lane.

The building heights for Warehouse 3 remained unchanged under MOD 3, being proposed at 13.7m. The pad levels also remain unchanged from what was previously approved on Lot 3.

A portion of the Lot 3 interface with Mamre Road, along the car park, will be defined by a 3m high acoustic wall to mitigate noise from the hardstand area to the east of Warehouse 2. This acoustic wall is required to mitigate sleep disturbance to the residential dwelling at 654-674 Mamre Road (receiver R2). The acoustic wall will only be required if the residential dwelling is still occupied once Warehouse 2 is operational, or if it is

planned for residential purposes in the future once Warehouse 2 is operational (refer to Noise Impact Assessment in **Appendix D**).

Dangerous Goods (DGs) are proposed within Warehouse 3, with flammable liquids stored within the north-eastern corner of the warehouse. The remaining DGs are placed throughout the warehouse, clustered towards the western periphery of the site. The quantities of DGs stored within Warehouse 3 are detailed in the **Section 8.9**.

A summary of the numerical changes to the warehouse building and lot configuration on Lot 3 is provided below in **Table 6.**

Table 4 Numeric Changes to Lot 3 proposed under MOD 3

Element	**Approved SSDA**	**Proposed MOD 3**
Lot 3		
Site Area	34,493 m2	25,403 m2
Site Efficiency	52.8%	41.9%
Warehouse	16,460 m2	10,145 m2
Office	1,100 m2	506
Total Building	17,560 m2	10,651 m2
Car Parking Provided	44	46
Awning	1,743 m2	908 m3
Building Height	13.7m	13.7m
Pad Levels	BEL 39.50 (+/- 500mm)	BEL 39.50 (+/- 500mm)

Lot 4

Lot 4 is located in the western portion of the site and is bound by the estate OSD basin in Lot 11 to the north and an open space area, defined by South Creek corridor. Lot 4 has a direct frontage to the cul-de-sac road along which there are three access points to Lot 4. Truck entry to Warehouse 4 is provided of the cul-de-sac, into a one-way driveway through the hardstand area which is located to the south of Warehouse 4. The driveway continues around Warehouse 4 to the north, where truck exit onto the cul-de-sac at a separate access point. Access to and from the Warehouse 4 car park is provided at a separate access point off the cul-de-sac road and is situated between the truck entry/exit points to the north and south.

The layout for Warehouse 4 is directly based on specific customer specialised fitout and operational requirements. The east-west orientation is the most efficient outcome for the wider Estate which meets those requirements through a series of alternatives assessed. The proposed configuration of Lot 4 and Warehouse 4 also minimises the number of driveways connecting to/from Bakers Lane which is a key consideration in satisfying Condition B18.

There is an increase in building height for Warehouse 4 under MOD 3, which consists of an additional 7.95m within the western portion of the site. This increase in height is the result of building height being transferred from the Mamre Road corridor from Lot 2, which is also in response to the tenant's operational requirements. The pad levels however remain unchanged from what was previously approved.

Dangerous Goods (DGs) are proposed to be stored within the north-eastern corner of the Warehouse 4. This location contains both flammable liquids and the remaining DGs. The quantities of DGs stored within Warehouse 4 are detailed in the **Section 8.9**.

A summary of the numerical changes to the warehouse building and lot configuration on Lot 4 is provided below in **Table 5.**

Table 5 Numeric Changes to Lot 1 proposed under MOD 3

Element	Approved SSDA	Proposed MOD 3
Lot 4		
Site Area	23,537 m2	46,886 m2
Site Efficiency	64.3%	57.9%
Warehouse	13,340 m2	25,321 m2
Office	800 m2	1,300 m2
Total Building	14,140 m2	27,156 m2
Car Parking Provided	65	220
Awning	1,013 m2	3,305 m2
Building Height	13.7m	21.65m
Pad Levels	BEL 37.80 (+/- 500mm)	BEL 37.80 (+/- 500mm)

5.3. PROPOSED MODIFICATIONS TO THE CONDITIONS OF CONSENT

Pursuant to Section 4.55(1A) of the EP&A Act 1979, this application seeks to amend the following conditions of consent to SSD-9522.

For ease of reference, text proposed to be deleted is indicated by a ~~strike through~~ and text proposed to be added is indicated by **bold text**.

The Development Consent for SSD-9522 is proposed to be modified as follows:

Removal of Condition B4

Condition B4 – Deleted

> ~~***B4. Prior to commencement of road construction, the Applicant must submit design plans to the satisfaction of the***~~
>
> ~~***Planning Secretary and the relevant roads authority which demonstrate the proposed access to the development***~~
>
> ~~***and the internal road intersections are:***~~
>
> ~~***(a) designed to accommodate the turning path of a B-Double heavy vehicle and a 19.0 m Articulated vehicle; and***~~
>
> ~~***(b) consistent with the most recent version of Austroads Guide to Road Design and TfNSW specifications.***~~

~~*The proposal is consistent with the relevant legislative and policy framework including the EP&A Act and the State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP).*~~

~~*The impacts identified to be relevant to MOD 3 include:*~~

- ~~*Noise and visual impacts*~~
- ~~*Traffic impact*~~

Reason for Deletion

Condition B4 is proposed to be deleted as this modification application includes the detailed road layout and turning path plans requested by this condition. It is noted that Condition B4 is also sought to be deleted by MOD2 which is currently under assessment by DPIE. Its deletion is concurrently sought as part of MOD3 in the instance that MOD 3 is determined prior to MOD 2.

Removal of Condition B18

Condition B18 - Deleted

~~**B18. Prior to the commencement of any construction (excluding bulk earthworks) on lots 1-4 north of Bakers Lane, the Applicant must prepare a concept design demonstrating how the internal road network can provide access to lots 1-4 and link to the future Southern Link Road. The design must be prepared in consultation with TfNSW and to the satisfaction of the Planning Secretary.**~~

~~**Note: The concept design must address access arrangements to lots 1-4 both with and without the future Southern Link Road, including ensuring any access points are an appropriate distance from signalised intersections.**~~

Reason for Deletion

Condition B18 is proposed to be deleted as this modification directly addresses the requirements of this condition through the introduction of the new cul-de-sac road from which all warehouse lots will gain access. The new road will reduce the number of crossings from Bakers Lane from 7 to 4.

Modification of Condition B52

Condition B52 - Operational Noise Limits

B52. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Table 5 at the receiver locations shown on the plan in Appendix 3.

Table 5 Noise Limits dB(A)

Location	**Day LAeq(15minute) (dBA)**	**Evening LAeq(15minute) (dBA)**	**Night LAeq(15minute) (dBA)**
Receiver 1: residences on Medinah Avenue, Luddenham	41	38	35
Receiver 2: 654-674 Mamre Road, Kemps Creek	~~48~~ 63	~~43~~ 63	~~38~~ 63
Receiver 3: 676-702 Mamre Road, Kemps Creek	~~48~~ 63	~~43~~ 63	~~38~~ 63
Receiver 4: 706-752 Mamre Road, Kemps Creek	~~48~~ 63	~~43~~ 63	~~38~~ 63

Location	Day LAeq(15minute) (dBA)	Evening LAeq(15minute) (dBA)	Night LAeq(15minute) (dBA)
Receiver 5: 772-782 Mamre Road, Kemps Creek	~~48~~ 63	~~43~~ 63	~~38~~ 63
Receiver 6: 771-781 Mamre Road, Kemps Creek	~~48~~ 63	~~43~~ 63	~~38~~ 63
Receiver 7: 579-649 Mamre Road, Orchard Hills	48	43	43
Receiver A: Altis Warehouse and Distribution Hub, 585- 649 Mamre Road, Orchard Hills	70	70	70

Reason for Modification

At the time of the original SSD9522 lodgement and assessment, residential receivers R2-R6 were on land zoned rural. The acoustic criteria adopted in the current condition B52 reflects the NPfI project criteria for that classification of receiver. The land on which these receivers are located has been since rezoned to IN1 General Industrial, and lots have been sold to industrial developers or are currently on the market for that purpose.

- *654-702 Mamre Road (Receivers R2 and R3) is also subject to an offer of sale for industrial development which is included in Appendix 4 of the Noise Impact Assessment (refer Appendix D).*
- *706-752 Mamre Road (Receiver R4) has a SEARs issued for lodgement of an SSD. Refer SEARs at Appendix D.*
- *772-782 Mamre Road (Receiver R5) has been recently demolished for the purpose of industrial development, with the receiver now classified as industrial.*
- *771-781 Mamre Road (Receiver R6) has been purchased by an industrial developer and will be developed for industrial. The receiver is also now classified as industrial.*

Given the changed status of these residential properties, the NPfI now classifies these residences as 'isolated receivers within an industrial zone' or industrial receivers. The classification from Table 2.2 of the NPfI must be given to each receiver by the acoustic expert as part of the assessment process to reflect the revised trigger levels. These updated project trigger levels are reflected in the proposed condition modifications for Condition B52.

Further details are provided in Section 8.4 of this report.

Modification of Condition B54

Condition B54 - Acoustic Barrier

~~B54. The Applicant must construct the acoustic barrier for Warehouse 3 as shown in the site plan SP-KC1-DA-003 (Issue I), prepared by Frasers Property Australia Pty Ltd, dated 31 July 2020, prior to the commencement of operation of Warehouse 3.~~

The Applicant must construct the acoustic barrier for Warehouse 2 as shown in the site plan SP-KC1-DA-003, prepared by Frasers Property Australia Pty Ltd, dated 15 November 2021, prior to the commencement of operation of Warehouse 2, only should the residence at the R2 residential receiver be occupied at the commencement of operations of Lot 2. If the dwelling at R2 is not occupied at operational commencement and is not planned to be occupied in the future, the acoustic at this location is not required.

Reason for Modification

Condition B54 is proposed to be modified as the acoustic barrier for Warehouse 3 under this condition is no longer relevant given that the internal access road for the previous Warehouse 3 layout, which the acoustic barrier was designed to screen, no longer exists in the MOD 3 layout.

The modification of Condition B54 is to ensure provision of an acoustic wall along the Lot 2 frontage with Mamre Road to screen noise emanating from Warehouse 2, so to mitigate sleep disturbance at the R2 residential receiver. As the lot on which residential receiver R2 is located is currently the subject of a sales marketing campaign to an industrial developer, this acoustic barrier is only required if residential receiver R2 is occupied when Lot 2 is operational, or if it is planned to be occupied in the future. Further details are provided in Section 8.4 of this report.

6. STATUTORY PLANNING FRAMEWORK

This section assesses and responds to the relevant legislative and policy frameworks in accordance with the EP&A Act, the Regulations, and the original SEARs. The following environmental planning instruments, policies and guidelines have been considered in the assessment of this modification proposal:

- *Environmental Planning and Assessment Act 1979* (**EP&A Act**);
- *State Environmental Planning Policy (State and Regional Development) 2011* (**SRD SEPP**);
- *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (**WSEA SEPP**);
- *State Environmental Planning Policy (Infrastructure) 2007 (***Infrastructure SEPP**);
- *State Environmental Planning Policy No. 55 (Remediation of Land)* (**SEPP 55**); and
- *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development* (**SEPP 33**).

6.1. SECTION 4.55 OF THE EP&A ACT 1979

Section 4.55 of the EP&A Act provides a mechanism for the modification of development consents. This section of the Act sets out the statutory requirements and heads of consideration for the assessment of such a modification application, depending on whether the application is made under section 4.55(1A), 4.55(1) or 4.55(2).

As is relevant to this application, pursuant to section 4.55(1A), a consent authority may, subject to and in accordance with the Regulations, modify a development consent if:

> *(a) it is satisfied that the proposed modification is of minimal environmental impact, and*
>
> *(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
>
> *(c) it has notified the application in accordance with:*
>
> *(i) the regulations, if the regulations so require, or*
>
> *(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
>
> *(d) d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*
>
> *Subsections (1), (2) and (5) do not apply to such a modification.*

Further, subsection (3) requires that the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application, and the reasons given by the consent authority for the grant of the consent that is sought to be modified.

These heads of consideration are addressed below.

6.2. MINIMAL ENVIRONMENTAL IMPACT

The proposed modification seeks:

- *minor changes to the layout and operation of this portion of the Estate, in relation to Lots 1-4,*
- *removal of Condition B4 and B18, and*
- *required changes to Condition B52 and Condition B54 to respond to the changed layout and site context.*

Impacts resulting from change in overall building layout and configuration

The proposed changes to the layout of Lots 1-4 are as a direct result of compliance with Condition B18 and respond to specific tenant operational requirements. The overall scale and form of the buildings within this portion of the site have been reduced, both in height and GFA.

The proposal retains compliance with the building setback and height requirements as stipulated in the conditions to SSD-9522 and will continue to contribute to the economic development and provisioning for warehouse & distribution uses, being the express purpose of the Mamre Road precinct.

The changes in built form and scale have been assessed to be of minimal environmental impact in terms of visual intrusion, stormwater management and traffic generation. The assessment finds that there is no change in impact resulting from landscaping, servicing, BDA compliance, or air quality.

As demonstrated by the accompanying updated consultant information provided within the appendices, SSD-9522 as proposed to be modified by MOD 3 will have minimal additional environmental impacts over and above that which has already been assessed as acceptable in the original development application.

Impacts resulting from deletion of Condition B4 and B18

As noted above, the changes to the layouts of warehouse Lots 1-4 responds directly to the requirement of condition B18. Compliance with this requirement will ensure that traffic movements to and from the site minimise crossovers to Bakers Lane and that the main cul-de-sac access road is set a sufficient distance from the future intersection of Bakers Lane with the SLR. An improved environmental impact will result from this change in lot configuration and road design providing access to the Estate north of Bakers Lane.

Details provided with this application, and with SSD-9522 MOD 2, satisfy the requirements of Condition B4. There will be an improved environmental impact as a result of the proposed road alignments and design.

Impacts resulting from change in Noise Criteria and noise generation

When SSD-9522 was originally lodged and assessed, the surrounding land was zoned rural, and noise impacts on the neighbouring residential receivers were assessed in light of that categorisation under NPfI.

The approved noise criteria within condition B52 of SSD-9522 were to ensure that noise impacts received at those residences were acceptable from an amenity perspective for people residing in those homes, given the rural context.

Since approval of SSD-9522, Mamre Road Precinct has been rezoned to IN1 General Industrial, for the express purpose of facilitating development for industrial and warehouse / logistics purposes. As a result, a significant number of development applications have been lodged within the precinct for industrial and warehouse & distribution purposes. Dwellings at receivers R2-R6 are on sites that have been purchased by industrial developers, are in the process of being approved for industrial development, or are on the market for sale as industrial redevelopment opportunities, as detailed below.

- R2 – Receivers R2 at 654-702 Mamre Road is subject to an offer of sale for industrial development which is included in Appendix 4 of the Noise Impact Assessment (refer **Appendix D**).
- R3 –Receiver R3 at 654-702 Mamre Road is also subject to an offer of sale for industrial development which is included in Appendix 4 of the Noise Impact Assessment (refer **Appendix D**).
- R4 – Receiver R4, located at 706-752 Mamre Road is also intended to be developed for industrial purposes, and is currently in the SSDA process (SSD-30628110) for a warehouse and distribution centre with a Secretary's Environmental Assessment Requirements (**SEARs**) issued from the DPIE (refer **Appendix D**).
- R5 – Receiver R5 has been recently demolished for the purpose of industrial development, with the receiver now classified as industrial.
- R6 – Receiver R6 has been purchased by an industrial developer and will be developed for industrial. The receiver is also now classified as industrial.

The changed nature of these dwellings, now located in an establishing industrial precinct rather than in a rural context, requires their categorisation under the NPfI as 'isolated residential receivers in an industrial zone' or industrial receivers in their own right. Therefore, the NPfI ascribes higher project noise criteria for these residences, being 63dBA for both daytime, evening and night time, reflective of the changed nature of the precinct in which they are located.

Whilst the previous noise amenity assessment considered occupation of these dwellings as residential within a rural setting, the evolving nature of these dwellings and their eventual or imminent redevelopment for industrial purposes supports the case that the change in noise criteria will be of minimal environmental impact. The noise generated from the subject land over time does not affect these sensitive receivers as they will no longer be present.

All noise modelled as emanating from the site will fall well within the NPfI project criteria for receivers R2-R6, being 63dBA at the daytime, evening and nit time periods. The noise modelling predicts that the loudest noise generation will still fall 7dBA below the NPfI project criteria. In many instances the emanating noise falls below 49dBA. Refer details within the Noise Impact Assessment at **Appendix D** and at **Section 8.4** below.

Without amelioration, the proposal is able to meet the sleep disturbance criteria for receivers R1 and R3-R8. With the construction of the noise barrier along the site's Mamre Road frontage, the proposal is able to meet the sleep disturbance criteria for receiver R2. It is noted in the Noise Impact Assessment at **Appendix D** that the noise barrier is only required should receiver R2 be occupied for residential purposes at operation of the Lot 2 Warehouse. If receiver R2 is not occupied, or has been demolished for future industrial redevelopment, the subject noise barrier does not require construction.

In light of the changed characteristics of the Mamre Road Precinct and the current or imminent development proposals or land sales to specifically redevelop these receivers R2-R6 for industrial purposes, such that these sensitive receivers will no longer be present, it is considered that notwithstanding the increased project noise criteria as proposed for Condition B52, the development will generate minimal noise impact as compared to that which was originally approved.

6.3. SUBSTANTIALLY THE SAME DEVELOPMENT

The proposed modifications within MOD 3 will result in substantially the same development as originally approved in SSD-9522.

From a quantitative and qualitative perspectives, the proposed modifications will not substantially alter the approved development but instead improve the design response within the site for the following reasons:

- The proposal will retain the same use of the Kemps Creek Estate within Lots 1-4 as a warehouse, logistics and industrial facility, consistent with the approved use and aims of the WSEA SEPP;
- The inclusion of the one way directional cul-de-sac access road off Bakers Lane to Lots 1-4 creates a better outcome for the site in relation to traffic and access, which also responds to Condition B18 of the development consent.
- There will be a reduction in the overall building form and scale, with a 10,520 m2 reduction in GFA.
- There is a reduction in the maximum building height within Lots 1-4; and
- The level of environmental impact resulting from this section 4.55(1A) modification application (MOD 3) is minimal and consistent with that approved by way of SSD-9522.

For comparison, **Tables 2-4** above set out the metrics of the approved and proposed modified development of SSD-9522 MOD 3. The numeric overview in the tables demonstrates the key changes as part of MOD 3 which result in the reconfiguration of Lots 1-4 and the redesign of warehouses 1-4 to respond to the new cul-de-sac road, with no additional lots or buildings proposed. Thereby the modification as proposed under MOD 3 can be considered to be substantially the same as the originally approved development.

6.4. ASSESSMENT OF ENVIRONMENTAL PLANNING INSTRUMENTS

The proposed modifications to the approval of SSD-9522 are such that it is considered there will be no material alteration to the level of compliance achieved with the EPI's detailed above, as detailed in **Table 6** below.

Table 6 EPI Consistency

Schedule/ Clause	Provision	Consistency
State Environmental Planning Policy (State and Regional Development) 2011		

Schedule/ Clause	Provision	Consistency
Schedule 1	Schedule 1, Group 12 of the SRD SEPP identifies development for the purposes of 'warehouses or distribution centres' to be SSD if it: '*has a capital investment value of more than $50 million for the purpose of warehouse or distribution centres (including container storage facilities) at one location and related to the same operation*.' The original Lot 1-4 works had a calculated CIV of $90,466,873. The overall Kemps Creek Estate CIV is approximately $189,270,000.	The original application was assessed and declared as SSD. As the project has been declared SSD its assessment for the purpose of modifications remains under the SSD pathway.
State Environmental Planning Policy (Western Sydney Employment Area) 2009		
Clause 3 - Aims	Aims to protect and enhance the land to which the Policy applies (the WSEA) for employment purposes.	The proposal seeks built form changes that continue to support employment uses on the site consistent with the overarching aims of the WSEA SEPP.
Clause 10 – Land Use Zoning	The Kemps Creek Estate is zoned IN1 – General Industry pursuant to this clause.	No change in use is proposed from that originally approved, being warehouse and distribution.
Clause 18 – Development Control Plans	Requires that a DCP be in place before consent can be granted for development within the WSEA.	The Mamre South – Land Investigation Area Development Control Plan March 2016 applies to the subject site. The DCP was prepared in accordance with Schedule 4 of the SEPP. Whilst the provisions of a DCP are not a consideration for SSD DAs, Clause 18 of the WSEA SEPP is however satisfied.
Clause 20 – Ecologically Sustainable Development	The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that the development contains measures designed to minimise: ▪ The consumption of potable water, and ▪ Greenhouse gas emissions.	The proposed modification will maintain principles of sustainable design as detailed in Building Code of Australia Assessment Report prepared for the proposal, included at **Appendix O**.

Schedule/ Clause	Provision	Consistency
Clause 21 – Height of Buildings	The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that: ▪ Building heights will not adversely impact on the amenity of adjacent residential areas, and ▪ Site topography has been taken into consideration.	The proposed lot reconfiguration under MOD 3 will result in an overall decrease of maximum building height by 4.35m across Lots 1-4, reducing from 26m to 21.65m. A detailed analysis of the proposed built form with regard for the potential for impact on surrounding residential development has been undertaken as part of the Visual Impact Assessment (**VIA**) discussed in **Section 6.2** and included in full at **Appendix B**. The VIA finds that the proposed modifications will result in little to no impacts upon view corridors and surrounding visual receptors.
Clause 22 – Rainwater Harvesting	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 approved by the Director-General.	No changes are proposed to the provisions for rainwater harvesting.
Clause 25 – Public Utility Infrastructure	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.	All necessary public utility infrastructure and services are being provided to the Kemps Creek Estate in accordance with SSD-9522. No augmentation of these services is proposed as part of this application.
Clause 29 – Industrial Release Area	Despite any other provision of this Policy, the consent authority must not consent to development on land to which this clause applies unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure and services (including the Erskine Park Link Road Network) in relation to the land to which this Policy applies.	The requirement for regional infrastructure contributions for Kemps Creek Estate are to be satisfied via a Voluntary Planning Agreement (**VPA**). It is noted that the Frasers and Altis Kemps Creek JV has consulted with the DPIE and submitted a Letter of Offer to enter into a VPA, which is intended to provide monetary contributions to the proposed development. It anticipated that based on the discussions to date with the DPIE, satisfactory

Schedule/ Clause	Provision	Consistency
		arrangements would be made under a new VPA as per Clause 29 of the WSEA SEPP. As such Clause 29 has been addressed.
Clause 31 – Design Principles	In determining a development application that relates to land to which this Policy applies, the consent authority must take into consideration whether or not: ▪ the development is of a high-quality design, ▪ a variety of materials and external finishes for the external facades are incorporated, ▪ high quality landscaping is provided, and ▪ the scale and character of the development is compatible with other employment-generating development in the precinct concerned.	The proposal was subject to a robust and iterative design process, underpinned by carefully considered design principles related to bulk and scale, accessibility and permeability, landscaping and public domain, materials and finishes and integration with the surrounding land use character and context. The proposed modification has been designed to maintain consistency with the approved materiality and character. The proposed landscaping under the MOD 3 follows the same landscape principles, project outcomes and revegetation strategy as the original consent which is demonstrated in the Landscape Concept Plan (refer **Appendix E**). The Landscape Concept Plan responds to the reconfiguration of Lots 1-4 and the inclusion of the new cul-de-sac road through the same landscape principles which actually increases the tree canopy cover by 2,825m2 although the total landscape area decreases by 3,976m2, due to the layout of the reconfigured lots. This reduction in total landscape area is considered minimal as compared to the total landscaped area of 19,594m2 and the quality of the resultant landscaped area is improved through an increase in tree canopy cover. Whilst the quantum of landscape area is reduced, water infiltration and quality are maintained through the increase in tree canopy cover which meets the stormwater management criteria. The Landscape Concept Plan (refer **Figure 21)** maintains the same

Schedule/ Clause	Provision	Consistency
		landscape principles and revegetation strategy as approved under SSD-9522.
State Environmental Planning Policy (Infrastructure) 2007		
Schedule 3 – Traffic Generating Development	The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by providing a consistent planning regime for infrastructure and the provision of services. The SEPP deals with traffic generating development and requires referral and concurrence of the NSW RMS for certain development which is expected to generate significant traffic.	Schedule 3 of the Infrastructure SEPP identifies 'traffic generating development' which must be referred to the RMS for concurrence. The modification reduces the overall building GFA within Lots 1-4 and hence will not impact the intensity of traffic generating uses, which is supported by the Transport Assessment (refer **Appendix C**). As such, referral to the RMS for MOD 3 is not required. Notwithstanding, the project was previously referred to the RMS as part of the SSDA process.
State Environmental Planning Policy No. 55 (Remediation of Land)		
Clause 7 – Contamination and remediation to be considered in determining development application	SEPP 55 seeks to provide a State-wide planning approach to the remediation of contaminated land. Clause 7(1)(a) of the SEPP requires that the consent authority, when assessing a development application, consider whether the land is contaminated and whether it is suitable for the proposed use. It also requires that consent authority review a report specifying the findings of a preliminary contamination investigation of the land concerned when considering an application which involves a change of use of the land.	Updated investigations have found no evidence of widespread contamination and ACM sheeting found at the site can be appropriately removed. Further details are provided in the Site Suitability Assessment (refer **Appendix Q**).
State Environmental Planning Policy No. 33 – Hazardous and Offensive Development		
Part 3 – Potentially hazardous or potentially offensive development	SEPP 33 requires the consent authority to consider whether an industrial proposal is a potentially hazardous or a potentially offensive industry. In doing so, the consent authority must give careful consideration to the specific characteristics and circumstances of the development, its location and the way in which the proposed activity is to be carried out. Any application to carry out potentially hazardous	The overall proposal was originally assessed as not being potentially hazardous or potentially offensive development. The proposed modification will see some DGs stored at Lot 4. The SEPP 33 Assessment report (refer **Appendix K**) concluded that SEPP 33 does not apply to the proposed modification

Schedule/ Clause	Provision	Consistency
	development must be supported by a preliminary hazard analysis (PHA).	as it does not exceed the storage and transport thresholds.

6.4.1. Mamre South – Land Investigation Area DCP

Development Control Plan: Mamre South – Land Investigation Area March 2019 applies to the subject site. Clause 18(6) of the WSEA SEPP recognises the provisions of this DCP for the purposes of the clause. It is noted that DCPs do not apply in the assessment of SSD DAs. Notwithstanding this, consideration will be given to the relevant controls and objectives of the DCP.

Table 7 Mamre South – Land Investigation Area DCP – Compliance Table

Provision	MOD 3 Proposal	Compliance
Part 3.1 Subdivision ▪ Minimum Lot Size – 10,000sqm ▪ Minimum Frontage – 60m ▪ Lots are to be designed to enable retention of natural features of the site ▪ The intersection with Mamre Road and the internal road network is to be designed to accommodate all traffic with no direct vehicle access to individual lots from Mamre Road ▪ Suitable water quantity and quality control measures ▪ Details of retaining walls to be submitted	The minimum lot size within MOD 3 is Lot 1 which has a site area of 16,654 m2. The minimum frontage within MOD 3 is greater than 60m. The minimum frontage and maximum GFA controls are consistent with the requirements of the Mamre South Land Investigation Area DCP and the requirements of Condition A6 of the SSD-9522 development consent. Access to Lots 1-4 is provided off the new access road off Bakers Lane which does not impact Mamre Road and is provided at a suitable distance from the future Southern Link Road intersection with Bakers Lane. The proposed water quality and quantity management measures will be consistent with the approved WCMS and will ensure the appropriate water quantity and quality is maintained. The retaining wall (Retaining Wall 2A, 2B & 2C) along the northern and western boundary is consistent with the early works design under the existing consent for SSD-9522 and hence is not included for approval as part of this MOD 3.	Yes
Part 3.2 Utility Services ▪ Development to accommodate and be supported by the relevant water/sewer,	MOD 3 can be adequately catered for in terms of Utility Services which is	Yes

Provision	MOD 3 Proposal	Compliance
electricity, gas and telecommunication services	confirmed in the Service Infrastructure Assessment (refer **Appendix F**).	
Site Coverage and Building Setbacks ▪ Mamre Road – 20m ▪ Subdivision Road – 7.5m ▪ Rear/side setback – 5m ▪ Water supply pipeline corridor boundary – 5m ▪ Listed development types are not permissible in the portions of the setbacks. Notably, car parking is permissible within the first 10m of the Mamre Road setback and is prohibited at any other setback.	Lot 1 Setbacks: ▪ North – 6m rear/side to site boundary ▪ West – 6m rear/side to site boundary ▪ South - 24m to subdivision road ▪ East - 14m to subdivision road Lot 2 Setbacks: ▪ North – 24m rear/side to site boundary ▪ West – 25m to subdivision road ▪ South – 20m to subdivision road ▪ East – 39m to Mamre Road Lot 3 Setbacks ▪ North – 20m to subdivision road ▪ West – 8m to rear/side boundary ▪ South – 8m to subdivision road ▪ East – 25m to Mamre Road Lot 4 Setbacks ▪ North – 26m to rear/side boundary ▪ West – 11m to rear/side boundary ▪ South – 40m from buildings and 3.75m from roof support structure to the side/rear boundary ▪ East – 11m to subdivision road The site coverage and building setbacks controls within the Mamre South – Land Investigation Area DCP are reflected within Condition A7 of the SSD-9522 development consent.	Generally compliant across Lot 1, 2 and 3. The proposed awning support structure at the Lot 4 south setbacks does not strictly comply with the 5m building setback requirement. Despite the proposed contravention of the setback provision, it is noted that the proposed modification will maintain consistency with the relevant objectives in regard to density and visual impact. Refer to Section 6.1 of this report for further details.
3.3.2 Building Height Buildings to be designed to minimise visual impacts. Vegetation plantings are to be designed with regard to the building height and opportunities to screen the buildings.	The overall building heights proposed in MOD 3 will be reduced from what was previously approved for SSD-9522. The Landscape Concept Plan (refer **Appendix E**) provides adequate screening around the periphery of lots through landscaping and vegetation. This is also shown in the Visual Impact Assessment (**VIA**) (refer **Appendix B**)	Yes

Provision	MOD 3 Proposal	Compliance
	from a range of surrounding visual receptors. The building height controls within the Mamre South – Land Investigation Area DCP are consistent with the requirements of Condition A7 of the SSD-9522 development consent. Condition A7 which stipulates a maximum building height across the Estate of 26.37m.	
3.3.3 Materials and Finishes Buildings are to be designed with a high standard of architectural design and to minimise the perceived bulk and scale of industrial buildings. ▪ Loading and outdoor storage areas should be screened from public view by walls or screens that are compatible with the wider site design.	MOD 3 retains the same materials and finishes as what was previously approved for SSD-9522, which was compliant with the DCP.	Yes
3.4 Landscape Design To provide a landscape character and amenity that is appropriate to the scale and nature of the development that also provides the appropriate visual buffers and respects the scenic, cultural and historic use of the site.	The MOD 3 Landscape Concept Plan (refer **Appendix E**) provides adequate screening around the periphery of lots through landscaping and vegetation. This is also shown in the Visual Impact Assessment (**VIA**) (refer **Appendix B**) from a range of surrounding visual receptors.	Yes
4 Transport, Access and Car Parking Primary access to the precinct to be provided via a new western connection to the existing signalised T-intersection of Mamre Road with Bakers Lane. Land within the Precinct can obtain access to the primary access intersection where direct access is not currently available. No direct vehicle access will be permitted to and from individual industrial lots via Mamre Road. All access will be provided by way of the internal industrial subdivision road. Industrial developments to accommodate the largest type of vehicle expected to access the Site, with adequate	MOD 3 will result in no material change to traffic or parking requirements from that assessed as acceptable under SSD-9522, based on the Transport Assessment (refer **Appendix C**). MOD 3 is deemed supportable on traffic and transport planning grounds and will not result in any adverse impacts on the surrounding road network. The parking provisions under MOD3 are consistent with the previous approval and the requirements under the DCP. The car parking rates from the DCP are consistent with the requirements of Condition A8 to SSD-9522.	Yes

Provision	MOD 3 Proposal	Compliance
manoeuvring areas that enable all entry and exit movements in a forward direction. On-site car parking is to be provided in accordance with the following rates: ▪ One space per 300 m2 of warehouse GFA ▪ One space per 40 m2 of ancillary office GFA ▪ One space per 200 m2 of industrial/manufacturing GFA		
5 Stormwater and Flooding The development is to avoid significant adverse flooding impacts and minimise the potential impact of development on flood affected land. The development is to safeguard the environment with consideration of stormwater quality management. This includes the achievement of the following: ▪ Pollution load reductions ▪ WSUD prepared om accordance with council guidelines, including minimisation of impervious areas ▪ Assessment of potential impacts of groundwater and groundwater dependent ecosystems ▪ The appropriate on-site stormwater management systems are to be established ▪ The appropriate rainwater harvesting and re-use strategies are to be established	MOD 3 will update the drainage layouts to facilitate the revised lot configuration and access roads. Otherwise, the modification will not adjust the approved water quantity and quality management measures across the site as approved under SSD-9522 and SSD-9522 MOD1. It is determined that the modification will maintain achievement of the DCP pollutant load reduction targets as well as the appropriate on-site stormwater management storage/discharge. The modified lots will be able to accommodate the appropriate rainwater tanks once the development layout and reuse demands for the facilities are known. The modification will maintain consistency with the previous assessments of potential groundwater impacts. This is further detailed in Civil Engineering Report and Water Cycle Management Strategy (refer **Appendix G**).	Yes
6 Environmental Management Appropriate assessment to be made for items and sites of Aboriginal archaeological significance. This includes the establishment of the appropriate archaeological finds procedures. Any evidence of European archaeological relics is the be subject to the relevant finds procedure, including the cease of works and contact of the Office of Environment and Heritage.	It is identified that the proposed modifications will not exceed the boundaries of the areas already approved for works to be undertaken under the SSD-9522 and SSD-9522 MOD1. The modifications will maintain the conditions for long term management, care agreement for the Aboriginal objects and the details of a temporary storage location established by the	Yes

Provision	MOD 3 Proposal	Compliance
	original SSD. This includes the appropriate. Refer letter from Austral Archaeology at **Appendix M.**	

7. COMMUNITY AND STAKEHOLDER ENGAGEMENT

This section of the report describes the engagement activities that have been undertaken during preparation of the modification application.

7.1. ENGAGEMENT CARRIED OUT

The following groups and individuals were consulted during the preparation of the modification report by SLR Consulting (**Appendix S**):

- All properties in proximity of the site
- Community and government stakeholders

The following actions were taken to inform the community regarding the project and seek feedback regarding the proposal:

- Formal letter delivered via Australia Post inviting recipients to engage in consultation. Stakeholders were invited to participate in consultation and were provided contact details (phone and email address).

Alternative methods such as door-knocking and community drop in sessions were considered unsuitable with consideration of COVID-19.

The following engagement actions were undertaken the relevant agencies and authorities:

- Penrith City Council (**PCC**) – Pre-DA meeting held on 11 November 2021
- Transport for NSW (**TfNSW**) - Continuous written and verbal correspondence with comments received via email on 3 November 2021.

7.2. COMMUNITY COMMENTS

No response was received from community stakeholders.

7.3. AGENCY COMMENTS

Transport for NSW

TfNSW provided comments to the proposed modification under MOD 3 which were largely in relation to the SLR alignment and its relationship to Lots 1-4. TfNSW raised issues in relation to signal configuration at the intersection between the SLR and Bakers Lane, pedestrian safety and the provision for a modelling memo for the signal design.

The comments provided by TfNSW have been addressed as part of the modified road layout as part of MOD 3. The Civil Engineering Report & Water Cycle Management Strategy prepared by CostinRoe Consulting (**Appendix G**) assesses the proposed new industrial roads in respect to dimensions and access requirements which appropriately addresses and satisfies comments from TfNSW.

The report identifies that the following TfNSW comments are appropriately addressed in the modified road layout:

- Double-diamond signal arrangement – the proposed design allows for double diamond arrangement, although it is noted that this design would be less efficient than the designed proposal
- Swept Paths and minimum distance for turning vehicles – the proposed dimensions will appropriately accommodate these access requirements
- Bus Jump – a bus jump has been appropriately included
- North Leg visibility – the appropriate measures (e.g. gantry traffic, early warning system) can be integrated in the detailed design phase and otherwise, sufficient visibility is available in the concept layout
- South Leg chevron section – this has been prepared in accordance with Austroads Design Guidelines and will provide the appropriate access for larger vehicles

- Left Leg pedestrian refuge – allows for staged crossing if required
- Interim access arrangements – as identified in the ASON TIA and section above, the proposal will not result in any adverse traffic impacts

Accordingly, TfNSW comments are appropriately addressed and the access arrangements for the modified lot and road layout will facilitate safe access in accordance with the relevant guidelines and standards.

Penrith City Council

At the time of writing, no pre-lodgement feedback had been received from PCC. There were however comments provided during the Pre-DA meeting for the proposed modification under MOD 3 from PCC which were addressed in MOD 3. PCC raised queries in relation to the new cul-de-sac road and how it relates to the Southern Link Road (**SLR**). Additional information was provided to PCC following the meeting to demonstrate the proposed distance of the cul-de-sac road from the future SLR signalised intersection meets the minimum requirements from TfNSW, supported by the correspondence from TfNSW.

There were comments made in relation to the landscape buffer provides in Lot 3 and whether it allows sufficient setback areas from the future Bakers Lane turning head once the intersection with Mamre Road is removed. This has been clarified as part of the latest architectural plans as shown in **Figure 6**.

8. ASSESSMENT OF KEY IMPACTS

The SEARs issued in association with the original SSD-9522 application were reviewed to identify the key issues likely to be of relevance in the assessment of the modified proposal. These include:

- Layout & Design;
- Visual Impact;
- Transport Assessment;
- Noise Impact;
- Landscaping;
- Service Infrastructure;
- Water Cycle Management;
- Bushfire Assessment;
- Geotechnical;
- Waste Management;
- Hazard and Risk;
- Air Quality;
- Archaeology;
- BCA Assessment;
- Biodiversity Assessment;
- Groundwater Remediation; and
- Aeronautical Impact Assessment;

Each of the potential impacts arising from the proposed modification is assessed in detail within the following sub-sections of the report, supported by relevant specialist consultant inputs as appendices.

8.1. LAYOUT & DESIGN

The modified design and layout of Lots 1-4, north of Bakers Lane, include the following key changes:

- Change in lot configuration north of Bakers Lane with a reduction in overall GFA whilst retaining a total of 4 warehouse buildings within Lots 1, 2, 3 and 4.
- Inclusion of access road off Bakers Lane providing vehicular access to Lots 1-4;
- Overall decrease in warehouse GFA by 10,520 m2, from 80,375 m2 to 69,855 m2, and a reduction in available warehouse tenancies from six (6) to four (4);
- Reduction in overall warehouse building height from the highest building height previously approved under SSD-9522 at 26m, to a maximum of approx. 21.65m.
- Inclusion of a 3m wide x 160m long acoustic wall along the Lot 2 and Lot 3 interface with Mamre Road, extending from the entire Lot 2 frontage and the parking lot of Lot 3, as part of the proposed modification to Condition B54 of the original SSD-9522 consent. The acoustic wall is only to be constructed if the dwelling at 654-674 Mamre Road (receiver R2) is occupied for residential purposes at the time of occupancy of Warehouse 2, as noted in the Noise Impact Assessment (refer **Appendix D**).

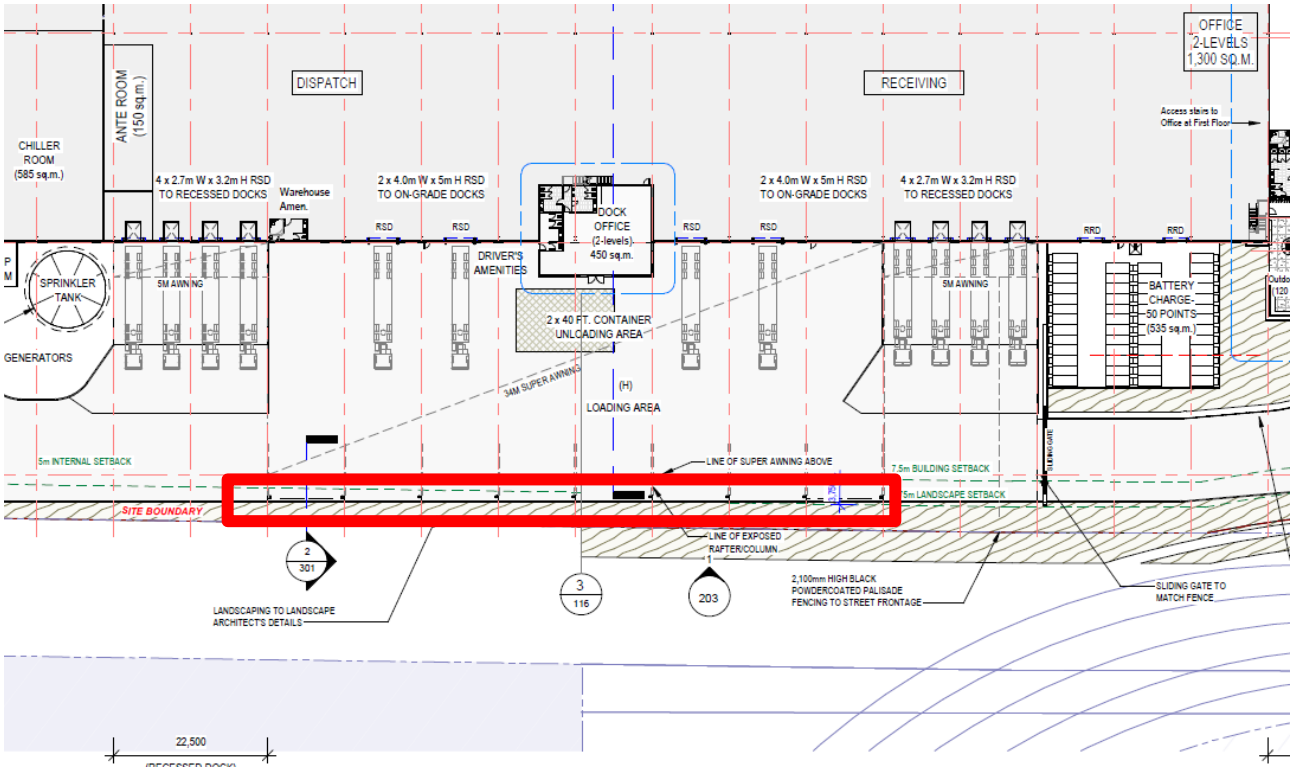
The revised layout will have no significant increase in overall impact to any neighbouring development or the approved operation of the site and precinct. Further assessment is undertaken on the MOD 3 revised layouts to Lots 1-4 on visual, traffic, noise, landscaping, and a number of additional site considerations as listed above which are provided in the following sections. The impacts of the lot re-configurations and the inclusion of an access road off Bakers Lane will not cause any additional impacts to that which was previously

assessed and approved under SSD-9522 with the overall lot areas remaining the same, as well as a general reduction in building GFA, bulk and scale.

In relation to Warehouse 4, the MOD 3 layout includes super-awning columns within the setback area along the southern boundary of Lot 4, and to the immediate north of the Bakers Lane reserve corridor (refer **Figure 7**). The roof structure for Warehouse 4 to the south stops at the building setback (7.5m from the site boundary) with the roof support structures situated within the landscape setback (3.75m from the site boundary). Locating the roof support structures within the landscape setback is to enable a more useable hardstand area for Warehouse 4, given it also contains an access way for vehicles to exit the Lot 4 which wraps around Warehouse 4.

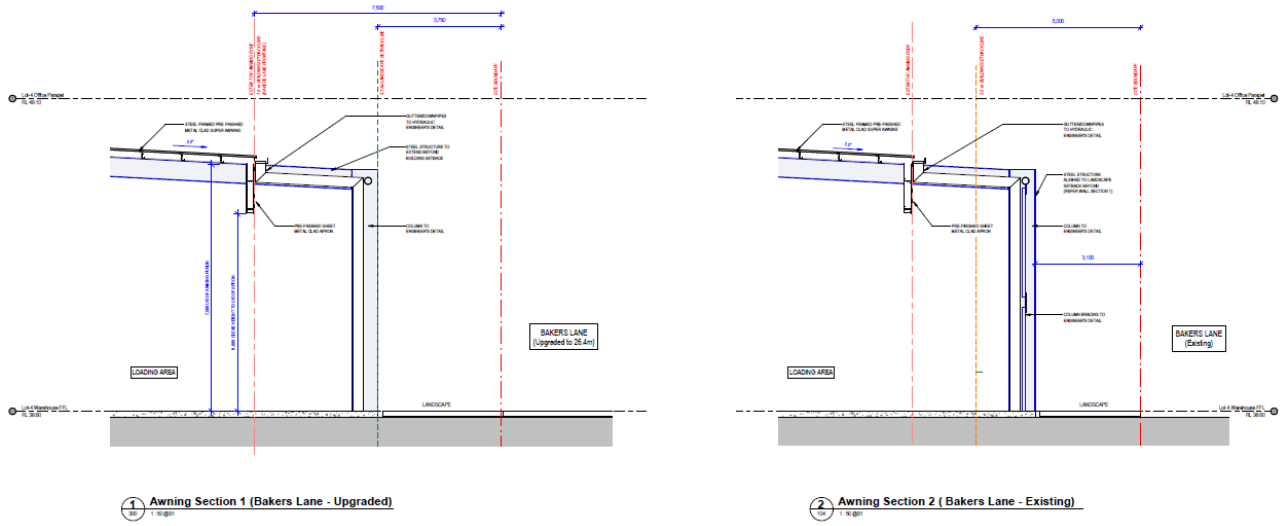
The proposed nine support structures will have dimensions of approximately 800mm (width) by 250mm (depth) and 7,000mm in height, and will be of steel construction. They are considered to have a minimal impact on visual amenity along Bakers Lane given the narrow width and scale of the columns and the landscape and vegetation screening provided along the Lot 4 boundary. Balancing the efficiency improvements achieved by their locate in the landscaped setback area with their low visual impact, it is considered that the proposed design response is acceptable.

Figure 7 MOD 3 Warehouse 4 awning location



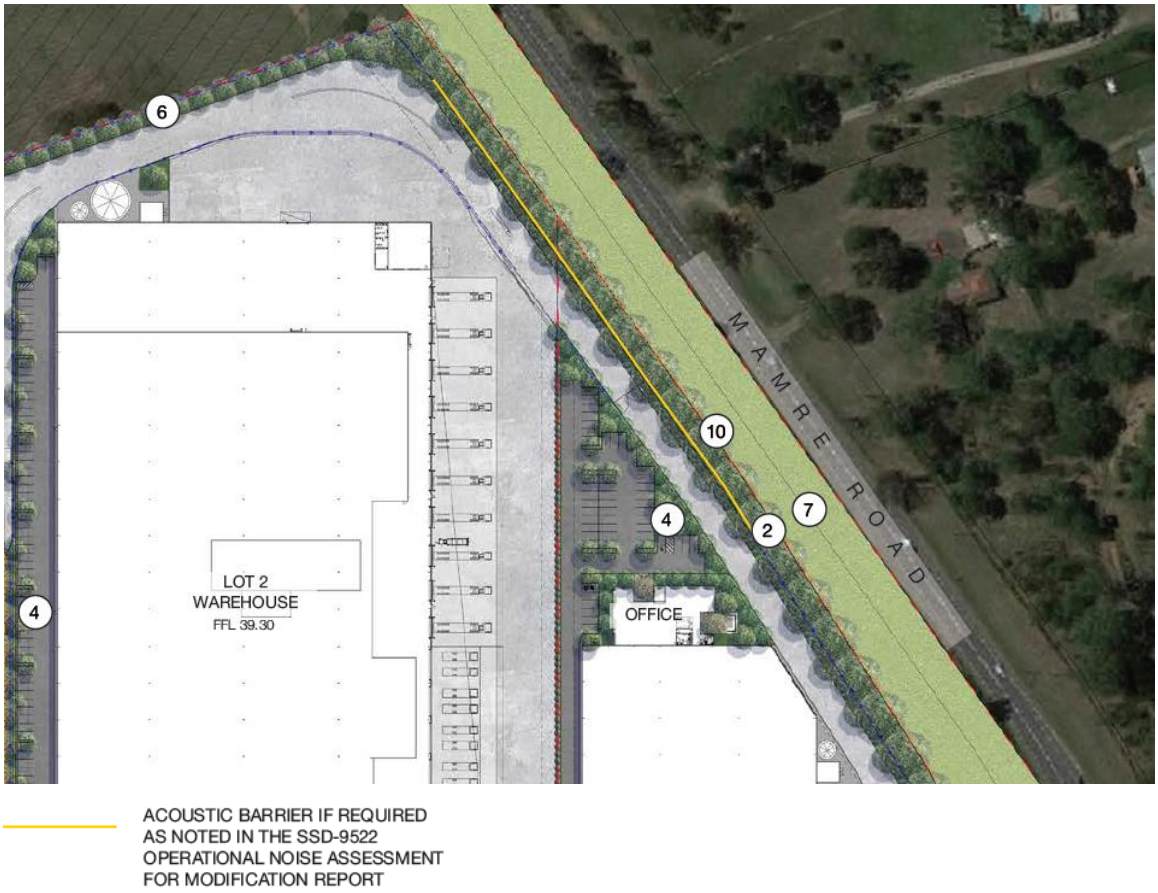
Source: Altis and Frasers 2021

Figure 8 MOD 3 Warehouse 4 awning section



Source: Altis and Frasers 2021

Figure 9 MOD 3 Acoustic barrier along part of the the Lot 2 and Lot 3 boundary with Mamre Road



Source: Habitat8

8.2. VISUAL IMPACT

To demonstrate there is no increase in visual impact resulting from the proposed modification, Geoscapes has completed a Visual Impact Assessment (**VIA**) (refer to **Appendix B**), in response to the proposed modifications under MOD 3.

Geoscapes concludes that the general decrease proposed in the footprint and height of warehouse buildings north of Bakers Lane and the Southern Link Road is beneficial to visual amenity which would generally reduce visual impacts from the current approval.

The proposed reconfiguration results in Lots 1 and 3 reducing in lot area and building GFA and Lots 2 and 4 increasing in lot area and building GFA. Lots 2 and 4 also become the lots containing the larger warehouse buildings across the four lots. There are no proposed changes to colour, material and finishes, signage extent and lighting.

The proposed reconfiguration of Lot 2 results in an increase of 5,355 m2 of building GFA with a decrease in maximum building height by 11.4m. Given Lot 2 will now form a major interface along Mamre Road, this decrease in building height significantly improves the visual amenity along Mamre Road and adjacent properties to the east. Whilst the back of house uses have be relocated from the west of Warehouses 2 and 3 to the east, this does not impact on the visual amenity along Mamre Road. **Figure 10** shows the existing and approved MOD 1 view on approach to the Estate from the north along Mamre Road.

Figure 10 View from Viewpoint 21 – MOD 1 View (Existing & Yr 15)

Source: Geoscapes

Figure 11 View from Viewpoint 21 – MOD 3 View (Existing, Yr10 and Yr 15)

Source: Geoscapes

These photomontages demonstrate that there will be a significantly reduced visual impact resulting from the MOD 3 layout changes, when the Estate is viewed on approach from the north along Mamre Road.

The VIA has also demonstrated that, if installation of the 3m high x 160m long acoustic barrier along the Mamre Road site boundary is required, view impacts will be acceptable. In this instances, views of the noise barrier from the affected viewpoints 16 and 18 will be moderated by the growth and establishment of dense landscape planting forward of the wall, over time. Refer **Figure 12** and **Figure15**.

Figure 12 View from Viewpoint 16 – MOD 3 View (Existing, Yr10 and Yr 15)

Source: Geoscapes

Another sensitive viewpoint to the site is from the west, within the RE1 zoned open space.

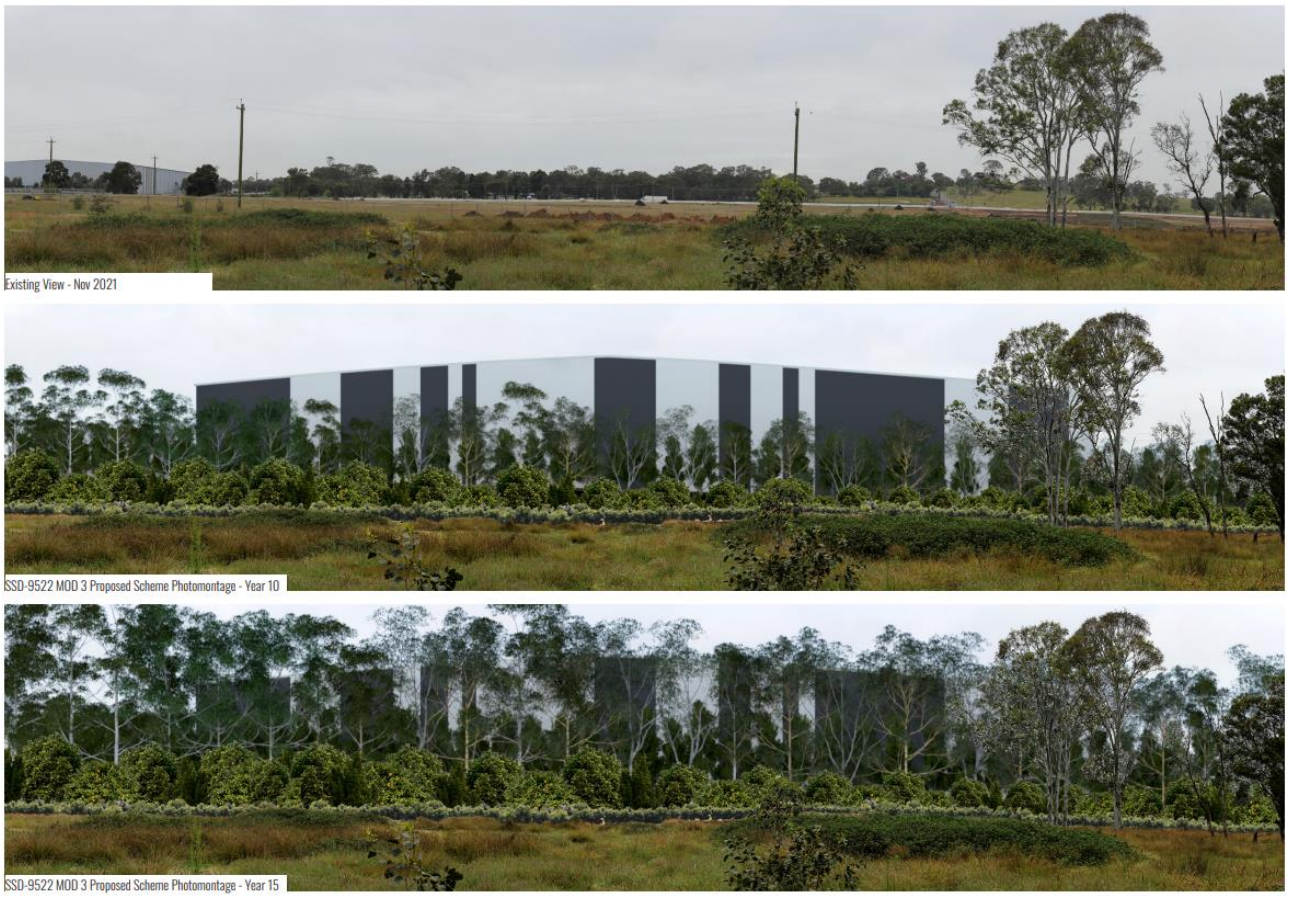
The proposed Lot 4 warehouse fronts this open space interface and will result in a 13,016 m2 increase in building GFA and a 7.95m increase in building height. Whilst the building footprint increases at Lot 4, the rotation of the building from north-south to east-east results in a reduced length of the façade along the open space corridor. The increase in height on Lot 4 however will result in a taller building fronting Lot 14 and the visual receptors to the immediate west. This interface will be screened by trees and vegetation within the open space corridor.

Extracts from the Geoscapes VIA showing the photomontage from viewpoint 23 have informed Geoscapes assessment that the visual impact of the MOD 3 scheme when compared to the approved MOD 1 scheme at this location is minor. The comparative images are shown at **Figures 13** and **Figure 14**.

Figure 13 View from Viewpoint 23 – MOD 1 View (Existing & Yr 15)

Source: Geoscapes

Figure 14 View from Viewpoint 23 – MOD 3 View (Existing, Yr10 and Yr 15)



Source: Geoscapes

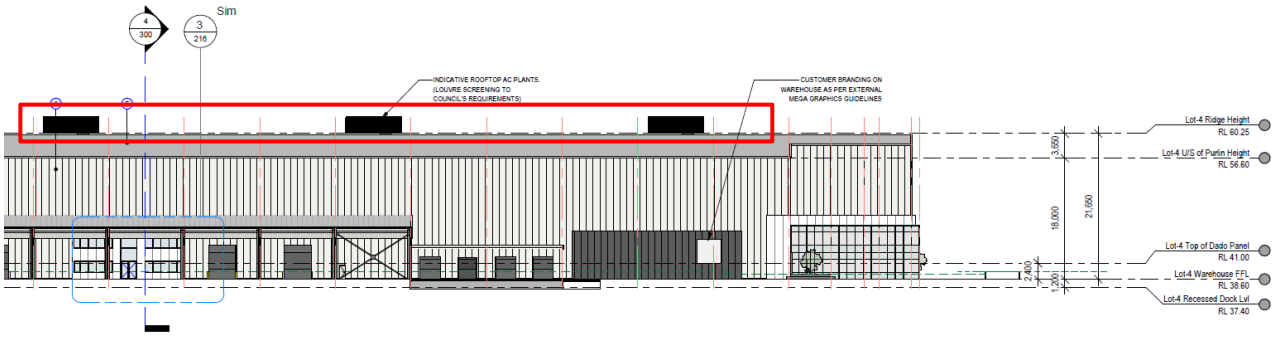
When viewed from across Mamre Road from residential properties, the below viewpoint 18 (refer **Figure 15**) comparison has been assessed by Geoscapes as being a beneficial minor visual impact. The 3m high acoustic wall proposed along Mamre Road does not have a significant visual impact from this viewpoint.

Figure 15 View from Viewpoint 18 - MOD 1 and MOD 3 Visual Impact Assessment comparison – Views from the opposite side of Mamre Road

Source: Geoscapes

As part of MOD 3, Warehouses 2 and 4 will incorporate a series of rooftop air conditioning plant structures which include louvre screening in accordance with Penrith City Council's requirements (refer **Figure 16)**. This plant will have a negligible impact on the visual impact on Warehouses 2 and 4, given the location and scale of the plants in relation to the warehouses, as indicated in the VIA.

Figure 16 MOD 3 – Indicative Rooftop Air Conditioning Plant on Warehouses 2 and 4



Source: Altis and Frasers 2021

8.3. TRANSPORT AND ACCESS

Traffic and Parking

Ason Group were engaged to provide a Transport Assessment (refer **Appendix C**) to review the proposed modification under MOD 3. The proposed lot reconfiguration under MOD 3 is in direct response to Condition B18 of the consent for SSD-9522 which states:

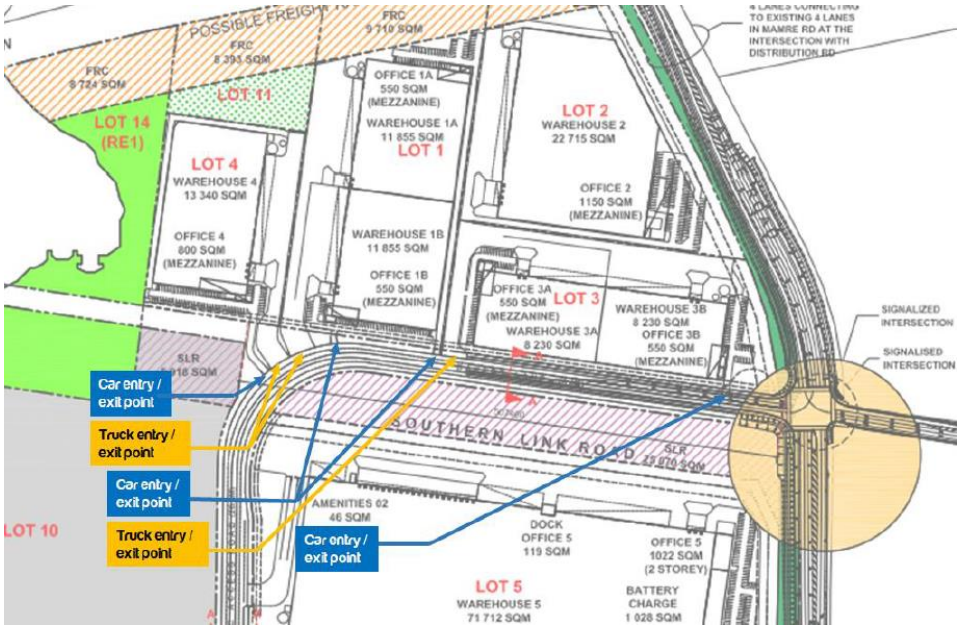
Condition B18 - Internal Road Network and Southern Link Road

B18. Prior to the commencement of any construction (excluding bulk earthworks) on lots 1-4 north of Bakers Lane, the Applicant must prepare a concept design demonstrating how the internal road network can provide access to lots 1-4 and link to the future Southern Link Road. The design must be prepared in consultation with TfNSW and to the satisfaction of the Planning Secretary.

Note: The concept design must address access arrangements to lots 1-4 both with and without the future Southern Link Road, including ensuring any access points are an appropriate distance from signalised intersections.

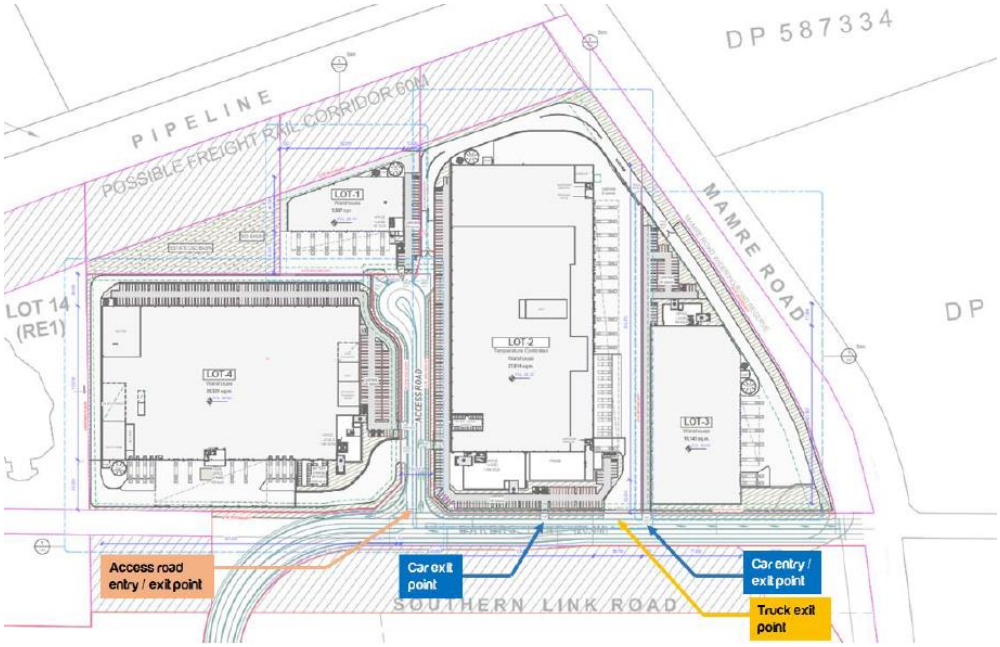
The inclusion of an access road off Bakers Lane provides access to Lots 1-4, reducing the access points along Bakers Lane from six (6) to four (4) (refer **Figure 17** and **Figure 18**). The proposed modification also removes driveway access previously proposed adjacent to the Southern Link Road which directly impacted on the future signalised intersection with Bakers Lane. The access road enables the reduction in access points and provides the internal road network to Lots 1-4 in response to Condition B18. The access road is proposed at a suitable distance from the future intersection at 140m, which meets the minimum requirement of 100m separation from TfNSW.

Figure 17 MOD 1 - 7 access points off Bakers Lane as part of SSD-9522



Source: Ason Group

Figure 18 MOD 3 – Reduced access points off Bakers Lane from 7 to 4



Source: Ason Group

The approved transport impact assessment for SSD-9522 and MOD1 assumed a total GFA of 80,375 m2, and a total of 364 car parking spaces across six (6) buildings including warehouses and offices. MOD 3 will see the overall GFA within Lots 1-4 be reduced to 69,855 m2, which equates to a 10,520 m2 reduction in GFA from what was approved in SSD-9522 and MOD 1. This reduction in GFA will result in a reduced total traffic generation as set out in Table 5 below.

Table 8 MOD 3 Traffic Rates

Location	**SSD-9522 Approved**			**MOD 3**			**Difference**		
	AM	**PM**	**Daily**	**AM**	**PM**	**Daily**	**AM**	**PM**	**Daily**
Total	199	147	2,122	173	128	1,825	- 26	- 19	- 297

It is advised that Lots 1-4 within MOD 3 can readily satisfy the Conditions of Consent (**CoC**) Parking Requirements and would not have any adverse parking impact on the local road network. MOD 3 will also incorporate bicycle parking, end of trip facilities, accessible parking and electrical vehicle charge stations within buildings on each of the lots in order to satisfy the CoC requirements.

MOD 3 applies the approved car parking rates set out in SSD-9522 which are consistent with Condition A8 of the previous consent which consists of:

- 1 space per 300 m2 of warehouse GFA;
- 1 space per 40 m2 of office GFA;
- 1 space for accessible parking for every 100 car parking spaces;
- 1 percent of car parking spaces provided with conduit provision for Electric Vehicle Charging Stations.

MOD 3 reduces the overall building GFA within Lots 1-4 but increases the overall parking supply, based on parking rates above, by 96 additional spaces. In addition, the increase in parking spaces will not result in negative traffic impacts as there is a reduction in the total GFA, which results in fewer trips, as demonstrated in **Table 8**.

Table 9 Car Parking Requirement and Provision

Location	SSD-9522 Approved	MOD 3	Difference
Total Warehouse GFA (m2)	76,225	66,787	- 9,438
Total Office GFA (m2)	4,150	3,362	- 788
Car Parking Required	362	299	- 63
Car Parking Proposed	364	460	+ 96

In summary, it is concluded that MOD 3 will result in no material change in traffic and, parking requirements and provisions from that assessed as acceptable under SSD-9522. MOD 3 is deemed supportable on traffic and transport planning grounds and will not result in any adverse impacts on the surrounding road network.

Access

A Civil Engineering Report & Water Cycle Management Strategy has been prepared by CostinRoe Consulting (**Appendix G**) which assesses the proposed new industrial roads in respect to dimensions and access requirements. This includes an assessment against the TfNSW Comments that were received for this modification. The report identifies that the following TfNSW comments are appropriately addressed in the modified road layout in response to the potential future SLR and Bakers Lane signalised intersection:

- Double-diamond signal arrangement – the proposed design allows for double diamond arrangement, although it is noted that this design would be less efficient than the designed proposal
- Swept Paths and minimum distance for turning vehicles – the proposed dimensions will appropriately accommodate these access requirements
- Bus Jump – a bus jump has been appropriately included
- North Leg visibility – the appropriate measures (e.g., gantry traffic, early warning system) can be integrated in the detailed design phase and otherwise, sufficient visibility is available in the concept layout
- South Leg chevron section – this has been prepared in accordance with Austroads Design Guidelines and will provide the appropriate access for larger vehicles
- Left Leg pedestrian refuge – allows for staged crossing if required
- Interim access arrangements – as identified in the ASON TIA and section above, the proposal will not result in any adverse traffic impacts

Accordingly, TfNSW comments are appropriately addressed and the access arrangements for the modified lot and road layout will facilitate safe access in accordance with the relevant guidelines and standards.

8.3.1. Mitigation Measures

The above assessment of the proposal's potential impact to traffic generation and parking has indicated that the proposed modification would have less of an impact than that previously approved under SSD-9522 and its associated MOD 1.

Assessment of the key issues has indicated there would be no need for road upgrades outside of those already planned for or part of this application. It is however recommended that the following mitigation measures be met in relation to construction management:

- Traffic control would be required to manage and regulate traffic movements into and out of the site during construction. The bulk of haulage routes is to be via Mamre Road to align with the overarching CTMP previously prepared by Ason Group. This is to function as an interim measure for construction vehicles until the signalised Sequence 1A is operational.

- Disruption to road users to be minimised by scheduling deliveries to occur outside of peak road network periods. Some construction works may be undertaken at night to minimise disruption or for oversized deliveries under a special permit.

The above analysis has shown that the proposal is supportable with respect to access, traffic generation and parking requirements, and will not result in unacceptable impacts on the surrounding road network.

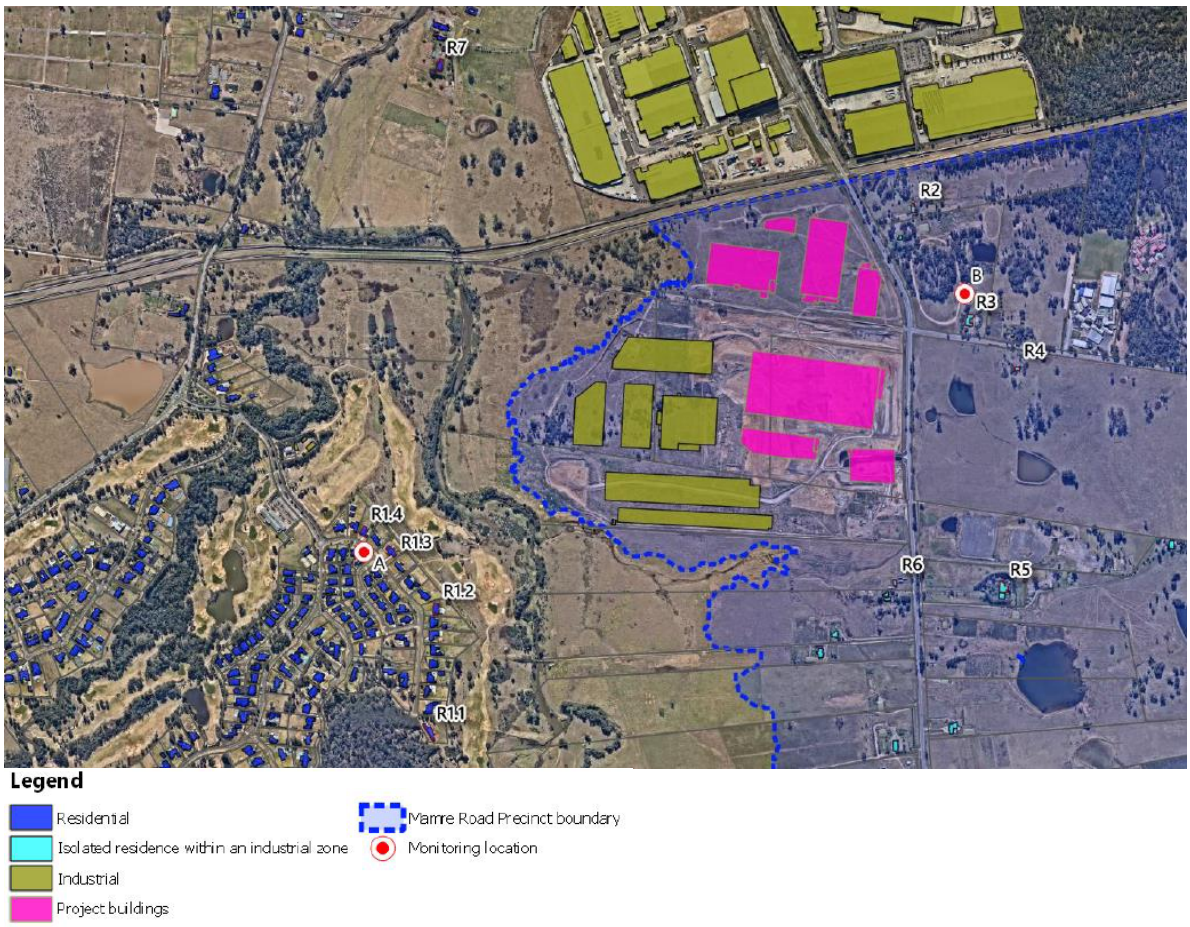
8.4. NOISE & VIBRATION

Renzo Tonin was engaged to prepare an Operational Noise Impact Assessment (refer to **Appendix D**) to identify and analyse any potential acoustic impacts resulting from the modified design of the warehouse, logistics and industrial facilities hub to the nearest sensitive receivers during all relevant weather conditions.

Noise Receivers

11 receivers have been identified surrounding the site. Receivers R2 to R6 (refer **Figure 19**) are currently within the Mamre Road Precinct and are zoned as IN1 General Industrial. These receivers are subsequently classified as 'isolated residence within an industrial zone' in accordance with the Noise Policy for Industry. The nearest long-term residential receivers outside of the MRP are on Medinah Avenue, Luddenham, to the west of the site.

Figure 19 Noise sensitive receiver locations



Source: Renzo Tonin

In accordance with the Noise Policy for Industry, the project noise trigger levels for these receivers, and therefore resultant operational noise limit for the project, are set out in Table 10 below.

Table 10 Operational Noise Limits

Receiver	Location	Daytime LAeq(15minute) (dBA)	Evening LAeq(15minute) (dBA)	Night-time LAeq(15minute) (dBA)
R1.1	31 Medinah Avenue, Luddenham	41	38	35
R1.2	15 Medinah Avenue, Luddenham	41	38	35
R1.3	7 Medinah Avenue, Luddenham	41	38	35
R1.4	3 Medinah Avenue, Luddenham	41	38	35
R2	654-674 Mamre Road, Kemps Creek	63	63	63
R3	676-702 Mamre Road, Kemps Creek	63	63	63
R4	706-752 Mamre Road, Kemps Creek	63	63	63
R5	772-782 Mamre Road, Kemps Creek	63	63	63
R6	771-781 Mamre Road, Kemps Creek	63	63	63
R7	579a Mamre Road, Orchard Hills	48	43	43
R8 (A)	7-9 Distribution Drive, Orchard Hills	70	70	70

It is recognised that the Project Noise Trigger Levels identified above are higher than the currently approved operational noise criteria contained within condition B52 of the SSD-9522 Consent. This MOD 3 application seeks to update the criteria contained in Condition B52 to reflect the NPfI project noise trigger levels which more accurately reflects the anticipated noise conditions for land undergoing transition from residential to industrial.

This change in noise criteria is required due to the changed nature of these dwellings and their surrounding land uses, and the resultant classification of these dwellings under the NPfI as ‘isolated residences within an industrial zone’ or industrial receivers in their own right. As set out in **Section 6.2,** receivers R2-R6 are now:

- Owned by institutional industrial land developers,
- Subject to development applications for redevelopment for industrial or warehouse / logistics purposes,
- Subject to active marketing campaigns for their sale to industrial developers, or
- Demolished.

This confirms that there is no intention to retain residential use or occupation of these dwellings in the medium to long term. Retaining a redundant project noise criteria that was allocated to these dwellings when they were rurally zoned is not reflective of the changing nature of the Mamre Road Precinct nor the express intention of their landowners.

With establishment of the revised project criteria in accordance with the NPfI per Table 10, an assessment of noise compliance can now be undertaken.

Noise Sources

The relevant, major noise sources from the proposed operation of warehouse Lots 1-4 that have been appropriately assessed through the noise modelling software are as follows:

- truck/light vehicle movements within the facilities for delivery and dispatch,
- passenger vehicle movements and car parking,
- loading dock receiving and dispatching activities,
- internal manufacturing and warehouse activities,
- office related activities, and
- fixed Mechanical, Electrical, Plumbing (MEP) plant.

With consideration of the identified noise sources, the modelling considers the relevant vehicle delivery/dispatch movements expected to operate at the site and the peak inbound and outbound movement at the site. Similarly, anticipated loading dock activities, staff vehicle movements and carparking, and internal operations are identified. The HVAC plant to be provided at the lot 2 rooftop are identified as follows:

Table 11 Plant noise sources

Noise Source	**Number of units**	**Location**
Air conditioners - VPAC180	10	Lot 2 roof top
Air conditioners - VPAC135	5	Lot 2 roof top
Compactor	1	Lot 2 adjacent to loading dock
Pumps	TBA	Pump room of each lot

Operational Noise Limits

The model findings identify that the proposed operations will not exceed any of the updated operational noise limits (having regard to classification of R2-R6 as ‘isolated residential dwellings within industrial areas’) with consideration of the noise-enhancing weather conditions.

Table 12 Predicted operational noise levels

Assessment scenario		Daytime (7:00am to 6:00pm)		Evening (6:00pm to 10:00pm)		Night (10:00pm to 7:00am)	
Rec. No.	Receiver type	PNTL	Predicted noise level, $L_{Aeq(15min)}$, dB(A)	PNTL	Predicted noise level, $L_{Aeq(15min)}$, dB(A)	PNTL	Predicted noise level, $L_{Aeq(15min)}$, dB(A)
R1.1	Residential	41	18	38	17	35	17
R1.2	Residential	41	21	38	19	35	19
R1.3	Residential	41	22	38	20	35	20
R1.4	Residential	41	22	38	20	35	20
R2	Residential[1]	63	56	63	53	63	53
R3	Residential[1]	63	52	63	49	63	49
R4	Residential[1]	63	48	63	45	63	45
R5	Industrial	63[2]	32	63[2]	30	63[2]	30
R6	Residential[1]	63	36	63	33	63	33
R7	Residential	48	26	43	23	38	23
R8	Industrial	70[2]	48	70[2]	45	70[2]	45

Source: Renzo Tonin

As identified in the table extract above, the proposed operations will not exceed the operational noise limits stipulated by NPfI and as proposed to be modified by this application.

Annoying Noise Characteristic Adjustment

Additional assessment was undertaken in regard annoying noise characteristic adjustments (tonality, intermittent noise, impulsive noise). It is determined that:

- No tonality penalty is applicable.
- Potential intermittent noise sources are unlikely to impact the cumulative impact of industrial noise.
- Truck park/trailer brake air release events and forklift loading activities at flush loading docks are identified as potential sources of impulsive noise the prominence of these substantially attenuated events is unlikely to require further adjustment for impulsiveness.

Sleep Disturbance Assessment

An assessment of the potential sleep disturbance caused by the proposed modification (refer **Table 13**) identifies that some maximum noise levels are predicted to be above the NPfI LAFmax sleep disturbance screening level (highlighted orange) and above the trigger level for awakening reactions (highlighted in blue).

Table 13 Sleep disturbance assessment

Receiver ID	Criteria L_{AFmax}, dB(A)		Predicted noise level, L_{AFmax}, dB(A)			
	Screening level	Awakening reaction	Door slam	Forklift	Truck reverse	Truck airbrake
R1.1	52	65	4	27	4	22
R1.2	52	65	9	30	9	26
R1.3	52	65	8	30	9	26
R1.4	52	65	8	30	9	26
R2	52	65	18 – 45	30 - 66	11 - 60	26 - 71
R3	52	65	11 – 37	41 - 62	21 - 57	36 - 63
R4	52	65	6 - 36	37 - 57	23 - 50	33 - 60
R6	52	65	21	49	42	32
R7	52	65	11	28	27	19

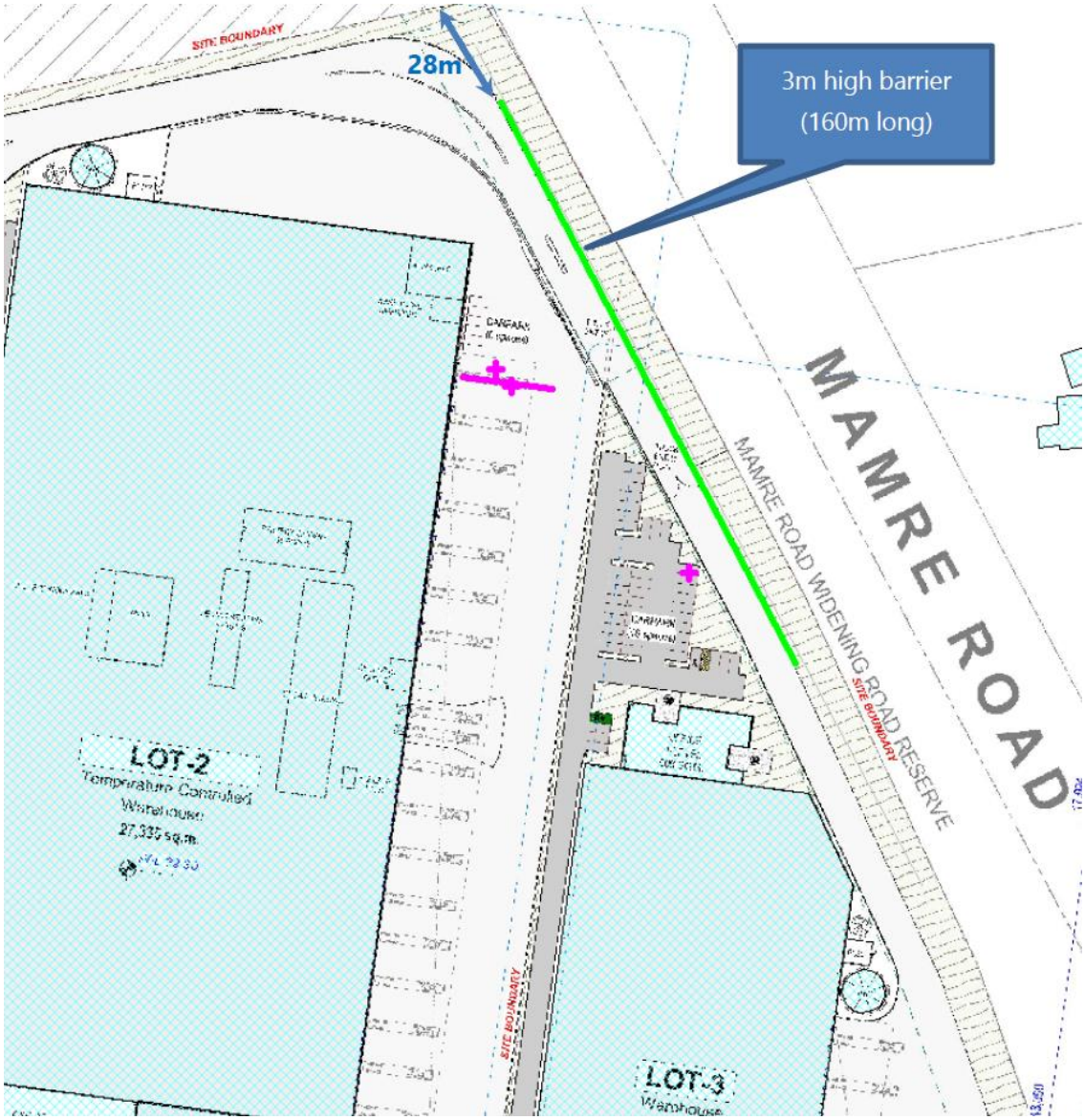
Source: Renzo Tonin

As such, noise mitigation and management measures are identified to address the predicted sleep disturbance impacts including the installation of a 160m long and 3m high noise wall along the eastern boundary of the site along the Mamre Road frontage. Provision is to be made for installation of the barrier as shown in **Figure 20** in order to successfully mitigate sleep disturbance impacts for receiver R2. The noise barrier is not required in order to meet the sleep disturbance criteria for all other receivers.

Installation of the noise wall is only required should the residence at the R2 receiver be occupied at the commencement of operations in Lot 2. If the dwelling at R2 is not occupied at the time of operation for Lot 2, and/or is not planned to be occupied for residential purposes in the future, the barrier is not required as there will be no sleep disturbance impact to an unoccupied dwelling.

An update to condition B54 is proposed to this effect.

Figure 20 Extent of acoustic barrier to mitigate potential sleep disturbance impacts at receiver R2



Source: Habitat8

Road Traffic Noise Assessment

The site is expected to generate up to 171 vehicles per hour during the day period, 126 vehicles per hour during the night period and a total of 1,825 vehicles per day. The portion of traffic generated by the Project makes up an insignificant amount of traffic compared to the potential future traffic volumes along the Mamre Road and Elizabeth Drive. As such, potential impacts from the road traffic generated by the Project on public roads does not require further consideration.

8.4.1. Mitigation Measures

The following mitigation measures are recommended to be established to achieve the noise levels listed above:

- If, the parameters of the internal activities within the warehouses change, specifically the internal noise levels are expected to be greater than assumed in Section 4.3.4 of the Noise Impact Assessment (refer **Appendix D**) at 70 dB(A), the design of the warehouse facade shall be reviewed and if necessary modified so that any noise break-out from internal activities would result in a negligible increase in overall noise emissions from the facility at the nearest sensitive receivers to achieve the project trigger noise levels.

- When not in use, external roller doors are to be kept closed during the night periods (10:00pm to 7:00am) except as required for ingress/egress.
- Ensure that for all non-enclosed areas of the facility with line-of-sight to the nearest sensitive receivers, the following design elements are incorporated:
  - All pavement is smooth (i.e. no speed bumps)
  - Transitions from the external public road to the site are smooth, as to not result in jolting, or unnecessary accelerating of the truck the truck is required.

Drainage grates are designed to not result in noise events.

- Building services, mechanical plant and plantroom spaces are to be designed to not increase total site noise emissions. This may include:
  - Selection of quiet plant/equipment
  - Strategic positioning of plant away from sensitive neighbouring premises to maximise intervening acoustic shielding between the plant and sensitive neighbouring premises
  - Acoustic absorption, acoustically lined and lagged ductwork
  - Acoustic barriers between plant and sensitive neighbouring premises
  - Partial or complete acoustic enclosures over plant
  - The use of acoustic louvres and attenuators as part of the design

Further to the mitigation measures identified above, the best management practices are to be included where feasible and reasonable. Additionally, 'best available technology economically achievable' (**BATEA**) are recommended to be implemented where suitable which includes equipment and plant that incorporate the most advanced and affordable technology to minimise noise output.

Otherwise, noise compliance measurements are recommended to be conducted once operations commence. As part of the site's Operational Noise Management Plan, it is recommended that there be regular reviews of on-site noise mitigation and management practices to ensure the mitigation measures achieve the intended performance specifications and BMP and BATEA are to be integrated where suitable.

In order to mitigate for sleep disturbance impact on receiver R2, a condition of consent is recommended which requires the installation of the 160m long x 3m high noise barrier along the eastern boundary of Lot 2 and Lot3, should receiver R2 be occupied for residential purposes or be intended to be occupied for residential purposes, at the time of operation commencing on warehouse Lot 2. This is reflected in the proposed Condition B54.

Conclusion

With consideration of the identified mitigation measures as well as the operational noise levels generated by the proposed rooftop plant units and resultant vehicle operations, the MOD 3 works are predicted to comply with the adjusted noise limits and sleep disturbance screening criterion for all the surrounding receivers.

As such, the Project traffic noise levels will meet the NPfI and RNP requirements.

8.5. LANDSCAPING

The revised Landscape Concept Plan (refer **Appendix E**) was provided by Habitat8, which responds to the revised layout of Lots 1-4 as part of MOD 3. The Landscape Concept Plan retains the same approach and design philosophy as the current approval under SSD-9522, being the four key principles of integration, connectivity, multifunctionality and participation.

The MOD 3 Landscape Concept Plan remains sympathetic to the appropriate setbacks to the access road and lot boundaries under the Mamre South – Land Investigation Area Development Control Plan (**DCP**) 2019. This is consistent with the approach approved under SSD-9522.

The inclusion of the new access road is supported with additional landscaping, vegetation and tree canopy provided along the verges of the road. The proposed modification provides screen planting along the lot interface with roads which is consistent with the previous approval. The MOD 3 Landscape Concept Plan provides 3,976 m2 reduction in landscape area however the tree canopy area within Lots 1-4 increases by

2,825 m2. This reduction in total landscape area is considered minimal as compared to the total landscaped area of 19,594m2 and the quality of the resultant landscaped area is improved through an increase in tree canopy cover. Whilst the quantum of landscape area is reduced, water infiltration and quality are maintained through the increase in tree canopy cover which meets the stormwater management criteria. The Landscape Concept Plan maintains the same landscape principles and revegetation strategy as approved under SSD-9522.

Figure 21 MOD 3 - Landscape Concept Plan

Source: Habitat8

8.6. SERVICE INFRASTRUCTURE

A Service Infrastructure Assessment has been prepared by Landpartners (refer **Appendix F**) to assess the proposed modifications to the original proposal in relation to utilities, services and the advanced delivery programs of the major utility providers including Sydney Water, Endeavour Energy, NBN Co and Jemena.

The original consent granted for SSD-9522 was supported by a process of engagement with utility providers which ensured satisfactory arrangements of the Kemps Creek Estate could be undertaken. MOD 3 is consistent with the findings and considerations as part of the original engagement.

The Service Infrastructure Assessment includes a review of potable water, recycled water, wastewater, electricity, telecommunications and gas, all of which can be adequately catered for and provided due to the holistic approach by the utility service authorities within the Mamre Road precinct.

8.7. BCA

A review of Building Code of Australia (BCA) compliance has been undertaken by MBC Group who have provided an assessment report (refer **Appendix O**). Their report assesses the proposed modifications against the deemed-to-satisfy (DtS) provisions of NCC 2019 Amendment No.1.

The BCA assessment report identifies that as a Class 5/7b development, the proposal is required to be a Type C Construction. Consequently, the relevant structural and fire resistance requirements must be satisfied.

The bulk of building design elements can readily achieve compliance with the relevant DtS provisions. However, a number of design refinements are identified to ensure that the future detailed design process achieves compliance with the relevant DtS provisions under the NCC:

- **Open Space / Vehicular Access**: access for emergency vehicles is not provided across some elevations across the 4 lots. The following areas exceed the maximum allowable travel distance:
  - Lot 1 - Greater than 18m to South elevation
  - Lot 2 - Greater than 18m to all elevations
  - Lot 3 - Greater than 18m to the East & South elevations, Not provided to the North & West elevation
  - Lot 4 - Greater than 18m to the North, East & South elevations

  Vehicular access is to be provided in the detailed design phase in accordance with DtS provisions.
- **Travel Distances**: the warehouses across lots 2-4 exceed the DtS provisions.

  Exit travel distances:
  - Lot 2 – 90 m to an exit in lieu of 40m.
  - Lot 3 – 50m to an exit in lieu of 40m
  - Lot 4 – 65m to an exit in lieu of 40m

  Alternate exit travel distances:
  - Lot 2 – 160m between alternative exits in lieu of 60m
  - Lot 3 – 90m between alternative exits in lieu of 60m
  - Lot 4 – 135m between alternative exits in lieu of 60m

  The egress distances are to be provided in accordance DtS requirements
- **Fire Hydrant Boosters**: Fire Hydrant Boosters are to be located within the site of the main entry of each building.
- **External Hydrant System**: Hydrants are to be located under each building awning
- **Sprinkler Booster Location**: Sprinkler booster and suction valves are to be located at the main entry to the site and adjacent to the fire hydrant booster
- **Smoke Hazard Management**: Smoke hazard management system to be provided to the buildings in accordance with the DtS provisions
- **Accessible Sanitary Facilities**: The lot 1 office does not provide accessible sanitary facilities compliant with AS 1428.1-2009.

In the instance the design features listed above are unable to be delivered in accordance with the relevant DtS provisions, these requirements are to be addressed against the Performance Requirements of the BCA with consultation with Fire and Rescue NSW. Similarly, any provision of 50m fire hose reels and/or illuminated exit signs mounted greater than 2.7m are to be delivered.

Accordingly, during the detailed design process, the design can be refined in accordance with the recommendations to achieve compliance with the DtS provisions of the BCA. Otherwise, the appropriate

performance requirements assessment/consultation with Fire and Rescue NSW can be undertaken to satisfy the fire resistance requirements.

8.8. AERONAUTICAL ASSESSMENT

An Aeronautical Impact Assessment (**AIA**) has been prepared by Landrum & Brown (refer **Appendix M**) which provides an assessment on the capability for the development to be constructed above the Australian height Datum (AHD) across the entire Kemps Creek Industrial Community. This is prepared in accordance with NASF Guidelines.

It has been found that the proposed modification will be compliant with the relevant considerations of the operations of the Western Sydney Airport with consideration of the following:

- Aircraft noise impacts: the proposal does not include any noise sensitive land uses and is located outside the ANEC zone
- Building generated windshear/turbulence: the site is located outside the trigger area and will have no impact to turbulence at the Western Sydney Airport
- Risk of wildlife strikes: the proposed development does not include large areas of biodiversity conservation or water bodies and will effectively reduce the amount of wildlife present that could cause a hazard to aircraft
- Manage Risk from Lighting: The site is outside the lighting intensity zone and will have no impact on the operations from the risk of lighting/reflectivity
- Manage Risk of Intrusions into the Protected Airspace: The intended operations at the estate are unlike to produce exhaust plumes that will affect aircraft activity
- Protecting CNS: The Kemps Creek Industrial Community will not have any impact upon the performance of ATC Communications, ATC Surveillance or the BRA systems installed at Western Sydney Airport.
- Protecting Helicopter Landing Sites: The site is located wellbeing the airport boundary and will have no impact
- Public Safety Areas: the site is located outside the PSA

With consideration of the consistency of the relevant guidelines identified above, the proposal is considered to achieve compliance with the relevant clauses of the SEPP (Western Sydney Aerotropolis) 2020, the SEPP (Western Sydney Employment Area) 2009 and the Penrith Local Environmental Plan 2020 with regard to Airport Safeguarding. Additionally, it is noted that the proposal will be beneath the heights identified for the Obstacle Limitation Surface and PANS OPS.

As such, it is concluded that the proposed modifications at the site will have no adverse aeronautical impacts to the Western Sydney Airport.

8.9. HAZARD AND RISK

A State Environmental Planning Policy No 33 – Hazardous and Offensive Development (SEPP 33) assessment report has been prepared by Riskcon Engineering (refer **Appendix K**). As SSD-9522-Mod 1 required an assessment against SEPP 33, this report provides an update to the SEPP 33 review in accordance with the proposed modification. The report reviewed the quantity of dangerous goods proposed to be stored within the site and subsequently transported under the threshold quantity outlined in the 'Applying SEPP33' guideline.

The report identifies that as the proposed modification seeks to establish 4 warehouses on 4 lots with single occupancies, there would a limited quantity of Dangerous Goods (DGs) stored and handled at each warehouse.

The assumed quantities are detailed for each site, within the Riskcon report, and the location for the Dangerous Goods Storage is also shown on the proposed plans at Appendix A.

Warehouse 1

For Warehouse 1 the DG storage assumptions are set out in the following table extract from the Riskcon report. This quantity of expected DG storage does not exceed the maximum permissible storage quantities

for flammable liquids hence SEPP 33 does not apply to the storage of DGs at these quantities within Warehouse 1.

Figure 22 Warehouse 1 DG Storage Quantities & SEPP 33 Threshold Values

Table 4.1: Quantities Stored in Warehouses 1 and SEPP33 Threshold Values for the Specific DGs Stored

Class	Description	PG	Quantities Stored Warehouse 1	SEPP 33 Threshold (Ref.1)	Does SEPP33 Apply?
2.1	Aerosols	-	<7,500 kg (LPG)	10,000 kg	NO
	Cylinders	-	<1,000 kg (LPG)		
3	Flammable Liquids	II & III	20,000 kg (PGII) 30,000 kg (PGIII)	500,000 kg (500t)	NO (See Fig. 4.2 & Note 1 below)
4.1	Flammable Solids	II & III	4,000 kg	5,000 kg	NO
5.1	Oxidising Substances	II & III	4,000 kg	5,000 kg	NO
6.1	Toxic Substances	II & III	2,000 kg	2,500 kg	NO
8	Corrosives	II & III	24,000 kg	25,000 kg(Note 2)	NO
9	Miscellaneous	III	40,000 kg	Not subject to SEPP33	
C1/C2	Combustible Liquids	-	40,000 kg	Not subject to SEPP33	

Notes: 1. The flammable liquids stores are located in the north-eastern corner of the Warehouse with the closest boundary to the east being 13.6m from the bund of the flammable liquids store. The distances to the other boundaries from the storage areas are greater than the distances to the eastern boundary, hence, the boundaries are well separated from the storage and the facility is therefore not within the potentially hazardous region of Figure 9 of Applying SEPP33 (see **Figure 4.2**).

2. The threshold value for Class 8 products has been selected as the lower value of PG II & III, being 25,000 kg (noting that PG III corrosives can be stored up to a quantity of 50,000 kg).

Source: Riskcon

Further, Riskcon confirmed that the SEPP 33 limits for transport to and from Warehouse 1 would not be exceeded hence additional traffic management plans would not be required.

Warehouse 2

For Warehouse 2 the DG storage assumptions are set out in the following table extract from the Riskcon report. This quantity of expected DG storage does not exceed the maximum permissible storage quantities for flammable liquids hence SEPP 33 does not apply to the storage of DGs at these quantities within Warehouse 2.

Figure 23 Warehouse 2 DG Storage Quantities & SEPP 33 Threshold Values

Table 4.3: Quantities Stored in W/house 2 & SEPP33 Threshold Values for the DGs Stored

Class	Description	PG	Quantities Stored Warehouse 2	SEPP 33 Threshold (Ref.1)	Does SEPP33 Apply?
2.1	Aerosols	-	<7,500 kg (LPG)	10,000 kg	NO
	Cylinders	-	<1,000 kg (LPG)		
3	Flammable Liquids	II & III	20,000 kg (PGII) 30,000 kg (PGIII)	500,000 kg (500t)	NO (See Fig. 4.4 & Note 1 below)
4.1	Flammable Solids	II & III	4,000 kg	5,000 kg	NO
5.1	Oxidising Substances	II & III	4,000 kg	5,000 kg	NO
6.1	Toxic Substances	II & III	2,000 kg	2,500 kg	NO
8	Corrosives	II & III	20,000 kg	25,000 kg(Note 2)	NO
9	Miscellaneous	II & III	20,000 kg	Not subject to SEPP33	
C1/C2	Combustible Liquids	-	20,000 kg	Not subject to SEPP33	

Notes: 1. The flammable liquids store is located on the north-western corner of Warehouse 2, with the closest boundary to the north being 24m to the bund of the flammable liquids store. The distances to the other boundaries from the storage area is greater than the distances to the north, hence, the boundaries are well separated from the warehouse and the facility is therefore not within the potentially hazardous region of Figure 9 of Applying SEPP33 (see **Figure 4.4**).

2. The threshold value for Class 8 products has been selected as the lower value of PG II & III, being 25,000 kg (noting that PG III corrosives can be stored up to a quantity of 50,000 kg).

Source: Riskcon

Further, Riskcon confirmed that the SEPP 33 limits for transport to and from Warehouse 2 would not be exceeded hence additional traffic management plans would not be required.

Warehouse 3

For Warehouse 3 the DG storage assumptions are set out in the following table extract from the Riskcon report. This quantity of expected DG storage does not exceed the maximum permissible storage quantities for flammable liquids hence SEPP 33 does not apply to the storage of DGs at these quantities within Warehouse 3.

Figure 24 Warehouse 3 DG Storage Quantities & SEPP 33 Threshold Values

Table 4.5: Quantities Stored in Warehouses 3 and SEPP33 Threshold Values for the Specific DGs Stored

Class	Description	PG	Quantities Stored Warehouse 3	SEPP 33 Threshold (Ref.1)	Does SEPP33 Apply?
2.1	Aerosols	-	<7,500 kg (LPG)	10,000 kg	NO
	Cylinders	-	<1,000 kg (LPG)		
3	Flammable Liquids	II & III	20,000 kg (PGII) 30,000 kg (PGIII)	500,000 kg (500t)	NO (See Fig. 4.2 & Note 1 below)
4.1	Flammable Solids	II & III	4,000 kg	5,000 kg	NO
5.1	Oxidising Substances	II & III	4,000 kg	5,000 kg	NO
6.1	Toxic Substances	II & III	2,000 kg	2,500 kg	NO
8	Corrosives	II & III	24,000 kg	25,000 kg(Note 2)	NO
9	Miscellaneous	III	40,000 kg	Not subject to SEPP33	
C1/C2	Combustible Liquids	-	40,000 kg	Not subject to SEPP33	

Notes: 1. The flammable liquids stores are located on the north-eastern side of Warehouse 3, with the closest boundary to the north-east being 20m from the bund of the flammable liquids store. The distances to the other boundaries from the storage areas are equal to or greater than the distances to the north-eastern boundary, hence, the boundaries are well separated from the storage and the facility is therefore not within the potentially hazardous region of Figure 9 of Applying SEPP33 (see **Figure 4.6**).

2. The threshold value for Class 8 products has been selected as the lower value of PG II & III, being 25,000 kg (noting that PG III corrosives can be stored up to a quantity of 50,000 kg).

Source: Riskcon

Further, Riskcon confirmed that the SEPP 33 limits for transport to and from Warehouse 3 would not be exceeded hence additional traffic management plans would not be required.

Warehouse 4

For Warehouse 4 the DG storage assumptions are set out in the following table extract from the Riskcon report. This quantity of expected DG storage does not exceed the maximum permissible storage quantities for flammable liquids hence SEPP 33 does not apply to the storage of DGs at these quantities within Warehouse 4.

Figure 25 Warehouse 4 DG Storage Quantities & SEPP 33 Threshold Values

Table 4.7: Quantities Stored in W/house 4 & SEPP33 Threshold Values for the DGs Stored

Class	Description	PG	Quantities Stored Warehouse 4	SEPP 33 Threshold (Ref.1)	Does SEPP33 Apply?
2.1	Aerosols	-	<7,500 kg (LPG)	10,000 kg	NO
	Cylinders	-	<1,000 kg (LPG)		
3	Flammable Liquids	II & III	20,000 kg (PGII) 30,000 kg (PGIII)	700,000 kg (700 t)	NO (See Fig. 4.8 & Note 1 below)
4.1	Flammable Solids	II & III	4,000 kg	5,000 kg	NO
5.1	Oxidising Substances	II & III	4,000 kg	5,000 kg	NO
6.1	Toxic Substances	II & III	2,000 kg	2,500 kg	NO
8	Corrosives	II & III	20,000 kg	25,000 kg(Note 2)	NO
9	Miscellaneous	II & III	20,000 kg	Not subject to SEPP33	
C1/C2	Combustible Liquids	-	20,000 kg	Not subject to SEPP33	

Notes: 1. The flammable liquids store is located on the north-western corner of Warehouse 4, with the closest boundary to the north being 26m to the bund of the flammable liquids store. The distances to the other boundaries from the storage area is greater than the distances to the south, hence, the boundaries are well separated from the warehouse and the facility is therefore not within the potentially hazardous region of Figure 9 of Applying SEPP33 (see **Figure 4.8**).
2. The threshold value for Class 8 products has been selected as the lower value of PG II & III, being 25,000 kg (noting that PG III corrosives can be stored up to a quantity of 50,000 kg).

Source: Riskcon

Further, Riskcon confirmed that the SEPP 33 limits for transport to and from Warehouse 4 would not be exceeded hence additional traffic management plans would not be required.

Potentially Offensive Developments

Noting that the proposed development at 657-769 Mamre Road, Kemps Creek, NSW, comprises warehouses and storage of goods in sealed packages, with the Dangerous Goods quantities below the threshold levels listed in the Protection of Environmental Operations Regulation (Ref.4), there would be no requirement to obtain an EPL and hence, the offensive component of the SEPP does not apply.

Summary Assessment

The analysis identifies that the quantity of DGs within each warehouse or cumulatively does not exceed the storage threshold levels and subsequently, it is unlikely that the resultant operations will see the transport quantity of DGs exceed the maximum permissible. Additionally, a review for offensive operations was conducted and found that the proposed warehouses would not require an Environmental Protection License (EPL).

Accordingly, it is concluded that SEPP 33 does not apply to the proposed modification development.

On this matter, the proposal is substantially the same as that originally approved and will not generate additional impacts above those already considered acceptable in SSD-9522.

8.9.1. Mitigation Measures

Despite the site and proposal not meeting the thresholds for a SEPP 33 assessment, the following mitigation measures have been proposed by Riskcon:

- A review of SEPP 33 and a Preliminary Hazard Analysis study is to be performed in the instance a tenant is required to store more DGs than those assumed.

8.10. BUSHFIRE ASSESSMENT

A Bushfire assessment report has been prepared by Peterson Bushfire and is attached as **Appendix H**. The site is located within bushfire prone land and accordingly, the assessment report reviews the proposed modifications to ensure that it achieves compliance with the relevant bushfire protection legislation and policy. As the NCC does not provide specific bushfire requirements for industrial development, Asset Protection Zone (APZ) and building construction requirements do not apply as deemed-to-satisfy provisions. The report identifies the that the proposed modification will achieve compliance with the relevant objectives of the PBP.

The following site characteristics are noted to impact the fire potential behaviour at the site:

- Patches of Shale Plains Woodland occur to the east of Mamre Road and west of the development site. The patch of woodland east of Mamre Road will be conserved and the woodland to the west is likely to be conserved.
- Cleared paddocks adjoin the development site to the north, east, south-west and west where not managed by existing development/earthworks. These paddocks are anticipated to be removed by future developments.
- Effective Slope as identified in **Figure 26** below:

Figure 26 MOD 3 Bushfire Assessment - Bushfire Hazard Analysis

Source: Peterson Bushfire

The proposed modifications address the Planning for Bush Fire Protection 2019 (PBP) relevant objectives as follows:

- **Safe access to/from public road** – the appropriate access to the public road system will be accommodated to allow for firefighter access and occupant egress for evacuation. The internal property roads across Lots 1-4 are deemed to be adequate for access.
- **Provide suitable emergency/evacuation arrangements** – the site is identified as having low bushfire risk and accordingly, a Bushfire Emergency Management and Evacuation Plan does not need to be prepared.
- **Provide adequate defendable zone**: As the site does not include any dwelling or habitable building, an APZ is not applicable to the site. However, it is still required that a defendable space be provided for fire-fighting purposes the provision of an Inner Protection Area (IPA). The proposed warehouse separation distances will provide adequate defendable spaces.
- **Provide appropriate services for water, gas and electricity** – The appropriate hydrant coverage will be provided, and gas/electrical services will be appropriately located.
- **Provide storage of hazardous materials away from hazard** – hazardous or combustible materials are not to be stored externally

Otherwise, it is noted that the relevant vegetation management strategies, fire hydrant standards, gas installation services and management techniques are to be established. With the adoption of the relevant management procedures, the modification will appropriately address the PBP objectives and will respond to the bushfire risk at the site.

8.10.1. Mitigation Measures

The following protection measures are recommended to be established:

- Proposed Lots 1-4 are to be maintained to achieve the performance requirement of an Inner Protection Area (IPA) as described by Appendix A4.1.1 of PBP. The following landscaping specifications have been designed to achieve the IPA at this site:

  a. Trees: i. Trees at maturity should not touch or overhang the building; ii. Tree crowns should not provide a connected canopy between the identified hazard and the building when at maturity.

  b. Shrubs: i. Ensure gaps in the vegetation, such as between garden beds, to prevent the spread of fire towards the building; ii. Clumps of shrubs should be separated from glazing and doors by a distance of at least twice the height of the vegetation.

  c. Groundcovers: i. Grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); ii. Leaves and vegetation debris should be regularly removed; iii. Organic mulch is not to be used within 1 m of a building.
- Fire Hydrant Installation: installation to comply with AS 2419.1 – 2005 Fire Hydrant Installations – System Design, Installation and Commissioning (AS2419)
- Gas Service Installation: installation to comply with AS/NZS 1592-2014 The storage and handling of LP gas
- Hazardous or combustible materials are not to be stored externally

These identified mitigation measures will ensure the modification will comply with the Planning for Bush Fire Protection 2019.

8.11. AIR QUALITY

An Air Quality assessment report has been prepared by Northstar Air Quality (refer **Appendix L**). The assessment reviews the proposed modification with consideration of the air quality and greenhouse gas impacts identified in the air quality impact assessment (AQIA) that was prepared for SSD 9522 MOD 1.

The AQIA establishes that the development as approved for MOD 1 would result in low risk of health or nuisance impacts during constructions and there will be no exceedance to the relevant air quality criteria due to operational activities.

The proposed modifications to the lot layout will see a reduction to the total building area and loading docks. Accordingly, any air quality and greenhouse gas impacts from construction and operation will be lower than that approved. No further assessment for construction phase is therefore considered to be required.

Lot 2 is proposed to be occupied by an international pharmaceutical company, a national wholesaler of healthcare services and products which will see the packaging, storage and distribution of pharmaceutical goods. This use is generally consistent with the approved use under SSD 9522 MOD 1. Otherwise, minor emissions of odour may occur from the proposed staff canteen which are not anticipated to result in any offensive odour at offsite locations.

The proposal will see the establishment of small emergency backup power generators which are not anticipated to result in any significant emissions and any potential impacts to the surrounding areas will be minimal. Otherwise, the Symbion site will not support any significant sources of GHG.

Accordingly, it is determined that the proposed modifications will not result in any addition air quality and greenhouse gas impacts and no further assessment is considered to be required.

8.11.1. Mitigation Measures

As identified above, the proposed modification will result in either lower impacts than that approved (Lot 1) or will not result in any offensive odour oat offsite locations. Otherwise, the following standard recommendations are identified to mitigate any potential impacts:

- Installation and operation of kitchen ventilation systems and points of emission to be performed in accordance with relevant Australian Standards

8.12. ARCHAEOLOGY ASSESSMENT

A letter of advice has been prepared by Austral Archaeology (refer **Appendix M**) which provides an updated assessment of the modification further to the previous archaeological reports prepared for SSD-9522. The previous report included an archaeological survey and test excavations as to determine that the site is of low significance and no further archaeological investigations are required.

It is identified that the proposed modifications will not exceed the boundaries of the areas already approved for works to be undertaken and subsequently, will have no unforeseen impacts upon any Aboriginal objects which may be present.

Further to the conditions for long term management, care agreement for the Aboriginal objects and the details of a temporary storage location established by the original SSD, the proposed modifications will not result in any further archaeological impacts.

8.13. WATER CYCLE MANAGEMENT

A Civil Engineering Report & Water Cycle Management Strategy has been prepared by ConstinRoe Consulting (**Appendix G**) which provides an assessment of the proposed modification's impact on the surrounding environment with consideration to stormwater management, flooding and erosion/sediment control.

This strategy identifies a number of updates resulting from the changed earthworks and drainage layout as part of this modification. It is noted that no lot specific measures are required as the appropriate civil engineering strategies are established under the previous development approvals (SSD-9522 and SSD-9522 MOD1) and the stormwater management approach for the updated lot layouts are consistent with those approved civil and engineering strategies.

The following section provides further detail as to the minor impact of the modifications to the established civil engineering considerations:

- **Flooding**: consistent with the findings of the comprehensive flood assessment prepared for SSD-9522. The MOD3 alterations to the site layout will not change the outcomes established by the flood management procedures for the original approval. This will appropriately account for potential climate impacts, flood behaviour impacts, floor levels requirements and the flood emergency response plan.
- **Soil and Water**: consistent with the previous assessments conducted for the original development approval. This includes consideration of the following:

- Potential impacts to the South Creek Precinct,
- Warragamba Pipelines (no change to the 60m buffer with considerations fencing and sediment controls and the lack of change to flood conditions),
- Water management measures (including detention basins, GPTs and bio-retention basins),
- The proposed modifications do not propose to utilise the surface or groundwater sources. Otherwise, groundwater water sources are below the filled pad levels and similarly, the majority of site earthworks involves filling. The filling works will have negligible impacts to the groundwater or groundwater flow paths.
- Required filling works. It is noted that the proposed modification requires minor differences to the approved filling underway as part of the approved SSD-9522 and subsequent SSD-9522 MOD1. This includes filling generally between 2 and 3m in depth. The fill import sources will be established during the Construction Certificate stage

It is noted that the proposed modification will adjust the anticipated earthwork volumes. The proposed modifications will see a reduction of 142,150m3 of earthwork export volumes. The detailed earthworks are to be finalised in the detailed design and construction certificate phases. These detailed assessments will also determine the adjustments to the final pad and building floor levels.

Accordingly, the appropriate soil and erosion control measures are to be established in conjunction with the overall estate sediment control plan to suit the specific layout and constructions tagging of the site. Permanent and temporary batter slopes will be established.

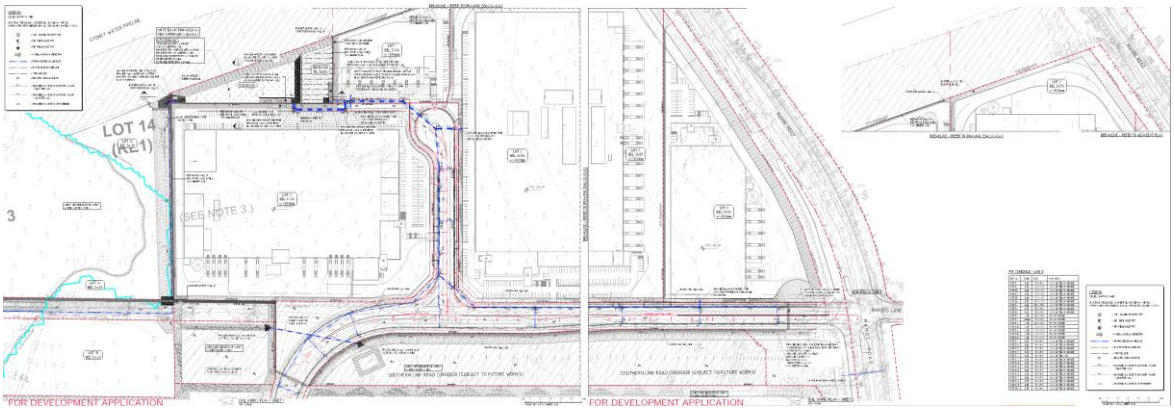
- **Water Cycle Management Strategy (WCMS)**: the approved WCMS for SSD-9522 and SD-9522 MOD1 establishes the relevant objectives and criterion for the following:
  - Water quantity, water quality, flooding, water supply, erosion and sediment control and waterway and stream health.

  All management measures for MOD3 are to remain consistent with approved SSD-9522 and SSD-9522 MOD1, noting drainage layouts have been adjusted to allow for the revised lot configuration and introduction of the new access road.

  - **Water and Wastewater Servicing**: no changes to the approved water and wastewater servicing are proposed.
  - **Water Quantity Management**: stormwater runoff from the proposed development is to be managed by one of the two estate level basins that have been approved and are under construction. The site is located within the Estate Basin 2 catchment area. Aside from minor layout change to the Estate Basin 2, no additional stormwater quantity management measures are necessary for individual development lots, or the MOD3 layout from that approved under the approved Yards Estate Stormwater Management Strategy for the SSD9522 (including Mod 1 & Mod 2) development. This includes on-site Detention (OSD) and drainage discharge measures. There is no need for site specific detention. The established measures will effectively store and discharge stormwater without adversely impacting the neighbouring catchments.

    The modification seeks to adjust the stormwater drainage layout to remain consistent with the approved SSD and MOD1 while allowing for the revised lot configuration and new access road. The proposed adjustments to the drainage system are demonstrated in Figure 16 below.

Figure 27 Proposed Drainage System



Source: CostinRoe Consulting

- **Water Quality Management**: it is noted that no changes are required or proposed to the approved estate stormwater management system, or discharge arrangements (approved under SSD9522 and SSD9522 Mod1) to achieve the annual percentage pollutant reductions as identified in the DCP. The proposed modifications to the developed impervious areas are to be treated by the Stormwater Treatment Measures for the estate. However, it is noted that the modified estate development area will be consistent with the approved development. The estate wide management systems approved under SSD-9522 and SSD-9552MOD1 will achieve acceptable stormwater discharge flow rates and water quality outcomes. As such, no lot specific systems are required.
- **Stormwater Harvesting**: the modified development will appropriately provide rainwater tanks that will be sized once the development layout and reuse demands for the facility are known in accordance with the NSW Department of Environment and Conservation document Managing Urban Stormwater: Harvesting and Reuse.
- **Erosion and Sediment Control Plan**: typical management measures are to be established consistent with the ongoing construction activities currently being completed per SSD-9522 and SSD-9522 MOD1 approvals. This includes sediment basins, sediment fences and stabilised site access. Otherwise, further management measures include minimisation of the extent of disturbed area at any one time, progressive stabilisation of areas and monitoring and implementation of remedial works.

The proposed modification will establish the appropriate stormwater management measures in alignment with the approved local site drainage and will not result in any adverse water quality/quantity, flooding impacts. As such, the proposed stormwater management strategy, flood modelling assessment and all outcomes remain consistent with the approved SSD-9522 MOD1.

8.14. BIODIVERSITY ASSESSMENT

The proposed modification for Lots 1-4 does not require an additional Biodiversity Development Assessment Report (**BDAR**) as it is subject to the BDAR prepared by Ecoplanning for the previous approval. The BDAR prepared for SSD-9522 fulfills the offset requirements under the *Biodiversity Conservation Act 2016* and includes Commonwealth approval under the *Environment Protection and Biodiversity Conservation Act 1999*. All impacts to biodiversity have been addressed and offset requirements have been fulfilled and as such additional assessment for MOD 3 is not required. This is set out in a supplementary report prepared by Ecoplanning at **Appendix P**.

8.15. SITE SUITABILITY ASSESSMENT

A site suitability assessment has been prepared by JBS&G (**Appendix Q**) which provides an assessment of the site against the relevant provisions of SEPP 55 – Remediation of Land. This assessment has been informed by the previous contamination investigations conducted in 2018, 2019 and 2020 by JBS&G, including an environmental site assessment (also known as detailed site investigation) which was prepared in 2019.

The previous studies identify that the broader development site was considered suitable, from a land contamination perspective, for commercial/industrial development. An unexpected finds protocol (UFP) and an imported fill protocol (IFP) exist for the site.

Following recent earthworks conducted at the site, the following observations and investigation outcomes have been identified:

- Recent site condition assessments identify that there is no evidence of gross and/or widespread contamination.
- Super six asbestos sheeting was identified in the site as materials not disposed during demolition works. The ACM sheeting is to be removed by an appropriately licensed removalist and disposed to a facility licensed to receive asbestos.
- No other observations were made of site conditions which would indicate that the site suitability had been materially altered since preparation of the DSI in 2019.

As such, the site is considered to be suitable for the modified commercial/industrial development subject to the removal of the ACM sheeting and the continued implementation of the established UFP and IFP.

8.16. GEOTECHNICAL ASSESSMENT

A Geotechnical assessment report has been prepared by PSM and (refer **Appendix I**). The report assesses the proposed modifications with consideration of the previous investigation works within the development site between 21 to 25 May 2018. With consideration of the results of the previous investigations, the assessment report determines that the proposed modification works are suitable for the site subject to consistency with the following specifications prepared for the approved development and subsequent modifications:

- Earthworks in accordance with PSM bulk earthworks specification, and
- Design of the development is based on PSM interim geotechnical design advice.

These specifications provide the technical and engineering requirements that future structural designs will need to demonstrate. The proposed modifications will be able to demonstrate compliance with these provisions.

8.17. WASTE MANAGEMENT

A Waste Management Plan (WMP) has been prepared by LG Consult and is lodged as **Appendix J** to this Modification Report.

The WMP identifies all potential waste streams likely to be generated at the site during both the construction and operational phases, including a description of how waste will be handled, processed and disposed of, or re-used and recycled, in accordance with Council's requirements. The WMP to be adopted is lodged as **Appendix J** and outlines the following:

- Identifies waste types and quantities anticipated to be generated during the construction and operational phases across the modified lots. The plan identifies that the relevant standards for waste storage areas. The WMP nominates a number of areas for general garbage and recycling locations. The nominated waste storage areas are identified as follows:

  Construction

  – External garbage storage area at the south edge of the site at the opposite side of Bakers Lane (3 x 1000L General Waste MGB and 3 x 1000L Recycling MGB)

  Operations

  – Lot 1: external garbage storage area at the south-west edge of the Warehouse building (1 x 1000L General Waste MGB and 1 x 1000L Recycling MGB)

  – Lot 2: external garbage storage area at the west edge of the Warehouse building (2 x 1000L General Waste MGB and 2 x 1000L Recycling MGB)

  – Lot 3: external garbage storage area at the west edge of the Warehouse building (1 x 1000L General Waste MGB and 1 x 1000L Recycling MGB)

  - Lot 4: external garbage storage area at the west edge of the Warehouse building (2 x 1000L General Waste MGB and 2 x 1000L Recycling MGB)

- Provides advice on how identified wastes should be handled, identified, processed, disposed of, reused, or recycled in accordance with Council requirements, relevant Australian codes and standards and better practice waste minimisation principles;
- Encourages waste avoidance and minimisation through advice on design, ordering and planning; and
- Identifies ways to help implement safe and practical options for waste collection from the Project by Council or private waste servicing contractors.

The WMP importantly identifies best practice waste management and how material in both the construction and operation stages can be minimised and/or recycled prior to it being classified as waste. The report includes procedures to achieve the key results and target quantities for recycling in line with the Waste Avoidance and Resource Recovery Strategy 2014 – 2021.

Full detail of the identified processes, quantities and responsibilities of all those within the WMP is further detailed within **Appendix J**.

It is recommended that a building specific waste management plan be prepared for each warehouse, prior to its occupation, that details the day-to-day operational waste management procedures for that operation whilst also meeting the requirements and recommendations of the LG Consult WMP.

8.18. RECOMMENDED MITIGATION MEASURES

The mitigation measures identified for incorporation into the modification development are grouped by issue below:

- Traffic Mitigation Measures:
  - Traffic control would be required to manage and regulate traffic movements into and out of the site during construction. The bulk of haulage routes is to be via Mamre Road to align with the overarching CTMP previously prepared by Ason Group. This is to function as an interim measure for construction vehicles until the signalised Sequence 1A is operational.
  - Disruption to road users to be minimised by scheduling deliveries to occur outside of peak road network periods. Some construction works may be undertaken at night to minimise disruption or for oversized deliveries under a special permit.
- Noise and Vibration:
  - If, following confirmation of the internal activities within the warehouses, the internal noise levels are expected to be greater than assumed in Section 4.3.4, the design of the warehouse facade shall be reviewed and if necessary modified so that any noise break-out from internal activities would result in a negligible increase in overall noise emissions from the facility at the nearest sensitive receivers to achieve the project trigger noise levels.
  - When not in use, external roller doors are to be kept closed during the night periods (10:00pm to 7:00am) except as required for ingress/egress.
  - Ensure that for all non-enclosed areas of the facility with line-of-sight to the nearest sensitive receivers, the following design elements are incorporated:
    - All pavement is smooth (i.e. no speed bumps) • Transitions from the external public road to the site are smooth, as to not result in jolting, or unnecessary accelerating of the truck the truck is required. • Drainage grates are designed to not result in noise events. • Ensure that trucks do not have to stop/brake and then accelerate (i.e. pedestrian crossing points, security gates).
  - Building services, mechanical plant and plantroom spaces are to be designed to not increase total site noise emissions. This may include:
    - Selection of quiet plant/equipment. • Strategic positioning of plant away from sensitive neighbouring premises to maximise intervening acoustic shielding between the plant and sensitive neighbouring premises. • Acoustic absorption, acoustically lined and lagged ductwork. • Acoustic barriers between plant and sensitive neighbouring premises. • Partial or complete

acoustic enclosures over plant. • The use of acoustic louvres and attenuators as part of the design

Further to the mitigation measures identified above, the best management practice is to be included where feasible and reasonable. Additionally, 'best available technology economically achievable' (BATEA) are recommended to be implemented where suitable which includes equipment and plant that incorporate the most advanced and affordable technology to minimise noise output.

Otherwise, noise compliance measurements are recommended to be conducted once operations commence. As part of the site's Operational Noise Management Plan, it is recommended that there be regular reviews of on-site noise mitigation and management practices to ensure the mitigation measures achieve the intended performance specifications and BMP and BATEA are to be integrated where suitable.

In order to mitigate for sleep disturbance impact on receiver R2, a condition of consent is recommended which requires the installation of the 160m long x 3m high noise barrier along the eastern boundary of Lot 2 and Lot3, should receiver R2 be occupied for residential purposes or be intended to be occupied for residential purposes, at the time of operation commencing on warehouse Lot 2. This is reflected in the proposed Condition B54.

- Hazard and Risk:
  - A review of SEPP 33 and a Preliminary Hazard Analysis study is to be performed in the instance a tenant is required to store more DGs than those assumed.
- Bushfire:
  - Proposed Lots 1-4 are to be maintained to achieve the performance requirement of an Inner Protection Area (IPA) as described by Appendix A4.1.1 of PBP. The following landscaping specifications have been designed to achieve the IPA at this site:

    a. Trees: i. Trees at maturity should not touch or overhang the building; ii. Tree crowns should not provide a connected canopy between the identified hazard and the building when at maturity.

    b. Shrubs: i. Ensure gaps in the vegetation, such as between garden beds, to prevent the spread of fire towards the building; ii. Clumps of shrubs should be separated from glazing and doors by a distance of at least twice the height of the vegetation.

    c. Groundcovers: i. Grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); ii. Leaves and vegetation debris should be regularly removed; iii. Organic mulch is not to be used within 1 m of a building.

    Fire Hydrant Installation: installation to comply with AS 2419.1 – 2005 Fire Hydrant Installations – System Design, Installation and Commissioning (AS2419)
  - Gas Service Installation: installation to comply with AS/NZS 1592-2014 The storage and handling of LP gas
  - Hazardous or combustible materials are not to be stored externally
- Air Quality:
  - Installation and operation of kitchen ventilation systems and points of emission to be performed in accordance with relevant Australian Standards
- Archaeology
  - No additional mitigation measures required beyond those adopted for SSD-9522 and SSD-9522 MOD 1.
- Waste Management
  - The detail contained in the Waste Management Plan will inform the location and specifications for a dedicated waste storage area across the lots, to be detailed for Construction Certificate stage. Additional waste management measures, including waste servicing, waste avoidance, re-use and recycling monitoring, and reporting are discussed in the WMP and should be implemented in the operational phase of the development.

  - It is recommended that a building specific waste management plan be prepared for each warehouse, prior to its occupation, that details the day-to-day operational waste management procedures for that operation whilst also meeting the requirements and recommendations of the LG Consult WMP

- Water Cycle Management:
  - Flooding: No additional mitigation measures required beyond those adopted for SSD-9522.
  - Soil and Water: Permanent and temporary batter slopes will be established as well as standard soil and erosion measures (sediment basins, sediment fences, stabilised site access). Further management measures include minimisation of the extent of disturbed area at any one-time, progressive stabilisation of areas and monitoring and implementation of remedial works.
  - Water quantity and quality management: new drainage layout to be established in accordance with the lot and building realignment. The proposed warehouse buildings are to be supported by the appropriate rainwater tanks. Otherwise, stormwater drainage to be directed to the approved Estate Basin 2. No additional stormwater quantity management measures are necessary for individual development lots (including OSD and drainage discharge measures).

9. SECTION 4.15 ASSESSMENT

This section assesses the development as proposed to be modified by MOD 3 against the heads of Section 4.15(1) of the EP&A Act.

9.1. ENVIRONMENTAL PLANNING INSTRUMENTS

The proposed modification has been assessed against all relevant environmental planning instruments as detailed within **Section 5**.

9.2. DRAFT ENVIRONMENT PLANNING INSTRUMENTS

There are no relevant draft environmental planning instruments.

9.3. DEVELOPMENT CONTROL PLAN

Development Control Plan: Mamre South – Land Investigation Area March 2019 applies to the site and prevails in lieu of the Mamre Road Precinct Development Control Plan 2021 adopted November 2021. Clause 18(6) of the WSEA SEPP recognises the provisions of this DCP for the purposes of the clause.

9.4. PLANNING AGREEMENT

Planning agreements in place between the Frasers and Altis Kemps Creek JV and the Minister for Planning will not be affected by the proposed modification. The planning agreement provides for regional and state infrastructure to service the site and precinct. This VPA satisfies the provisions of cl.270 of the EP&A Regulation 2000.

9.5. THE EP&A REGULATION 2000

All relevant regulations have been considered in the preparation of this modification application.

9.6. LIKELY IMPACTS OF THE PROPOSAL

The likely impacts of the proposed modification have been assessed in detail within the supporting specialist consultant reports and plans, as described in **Section 6**. Overall, it is considered that the impacts are minimal and acceptable. Specific mitigation measures are proposed to ensure that during operation the proposal will maintain suitable amenity to surrounding properties.

9.7. SUITABILITIY OF THE SITE

As demonstrated within this report and the original EIS in respect to the approved SSD-9522, the proposed development as modified is expected to provide positive employment impacts both locally and in the broader economy. It is envisaged that the proposal will generate approximately 502 operational jobs and 1,577 construction jobs.

The site is suitable for the proposed development as despite the modification it will continue to provide the following:

- Generate substantial employment;
- Supplement, support and compliment the new Western Sydney Airport;
- Improve access to jobs for residents of the immediate community and wider locality;
- Demonstrate architectural excellence, through its siting and design compatibility, with minimal visual impact;
- Enhance the South Creek Precinct, and regenerate vegetation over 11ha of unimproved land, dedicated to improving the working environment; and
- Provide suitable mitigation measures where required, to minimise any unforeseen impacts arising in the future.

The proposal as proposed to be modified will continue to meet relevant State planning objectives and EPI provisions.

9.8. SUBMISSIONS

Any submissions received as part of the public modification period must be considered in accordance with the Section 4.15(1)(d) of the EP&A Act. If submissions are made, the Proponent would respond to them as required by the DPIE.

9.9. PUBLIC INTEREST

The proposal has been assessed against the current planning framework for the site and is consistent with the objectives of the Western Sydney Employment Area. The assessment has demonstrated that no significant adverse impacts will result to the surrounding area. The proposal will enable the site to respond to tenant demand, facilitating investment and job generation within the WSEA in a timely manner. The proposal is in the public interest.

10. CONCLUSION

This Section 4.55(1A) application seeks consent for modifications to the approved SSD-9522 for the construction and operation of a Warehousing, Logistics and Industrial Facilities Hub within the Kemps Creek Estate. The proposal continues to support the delivery of the estate and essential infrastructure and services.

These key issues relevant to the proposed modifications have been assessed within the Modification Report and amended specialist consultant reports submitted with this application.

A review of all other relevant impacts identified within the original SSDA approval was also undertaken to ensure that no increased impacts would result from the proposed modifications. Where relevant, proposed mitigation measures have either been recommended or updated and have been incorporated into the measures identified in the approved SSDA to ensure all potential environmental impacts are appropriately managed throughout the construction and operation of the Kemps Creek Estate.

The proposed modification to the approved development of the Kemps Creek Estate has been considered and assessed in accordance with the requirements of the EP&A Act 1979. The Modification Report has assessed the relevant matters prescribed under this Act and its Regulation, and those matters identified in the SEARs for the proposal.

The modifications align with the strategic direction and objectives established for the site and surrounding lands under the WSEA SEPP. The modification has been assessed as being of minimal environmental impact and substantially the same as the original approved SSDA as required under section 4.55(1A) of the EP&A Act 1979.

Based upon balanced review of key issues and in consideration of the benefits and residual impacts of the proposal, the development of Kemps Creek Estate and the amended warehouse and access arrangements for Lots 1-4, north of Bakers Lane, as proposed under the approved SSDA and this modification, is considered justified and warrants approval subject to the implementation of the management and mitigation measures described in this report and nominated supporting documents.

11. DISCLAIMER

This report is dated 26 November 2021 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd **(Urbis)** opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Frasers Property Industrial & Altis Property Partners **(Instructing Party)** for the purpose of Modification Application **(Purpose)** and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A ARCHITECTURAL DRAWINGS

APPENDIX B VISUAL IMPACT ASSESSMENT

APPENDIX C TRANSPORT ASSESSMENT

APPENDIX D NOISE IMPACT ASSESSMENT

APPENDIX E LANDSCAPE CONCEPT PLAN

APPENDIX F SERVICE INFRASTRUCTURE ASSESSMENT

APPENDIX G CIVIL ENGINEERING REPORT & WATER CYCLE MANGEMENT STRATEGY

APPENDIX H BUSHFIRE ASSESSMENT

APPENDIX I GEOTECHNICAL INVESTIGATION

APPENDIX J WASTE MANAGEMENT PLAN

APPENDIX K SEPP 33 ASSESSMENT

APPENDIX L AIR QUALITY IMPACT ASSESSMENT

APPENDIX M ARCHAEOLOGICAL REPORT

APPENDIX N BCA ASSESSMENT

APPENDIX O BIODIVERSITY ASSESSMENT

APPENDIX P SITE SUITABILITY ASSESSMENT

APPENDIX Q AERONAUTICAL IMPACT ASSESSMENT

APPENDIX R ENGAGEMENT STRATEGY

APPENDIX S CIV REPORT

URBIS