

Mr Matt Jordan
Development Manager
GPT Pty Ltd
Level 51, MLC Centre
19-29 Martin Place
SYDNEY NSW 2000

16/11/2021

Dear Mr Jordan

**Yiribana Logistics Estate (SSD-10272349)
Response to Submissions Report**

I refer to the Department of Planning, Industry and Environment's (the Department's) letter of 22 October 2021, which advised the Department would be providing comments following the exhibition of the above proposal.

The submissions received during the exhibition are available on the Department's website at <https://www.planningportal.nsw.gov.au/major-projects/project/40446>. Please note the Department is still awaiting advice from the Department's Water Group, including the Natural Resources Access Regulator (NRAR), and any further advice will be forwarded to you once received.

As part of your Response to Submissions report, the Department requests you provide a response to the issues included in **Attachment 1**. In particular, you are requested to:

- Undertake consultation with Penrith City Council regarding local infrastructure contributions and the potential for a planning agreement.
- Ensure the development is consistent with the requirements of the final Mamre Road Precinct Development Control Plan (MRP DCP), including the waterway health controls and retaining wall design.
- Undertake further consideration of the proposed re-aligned riparian corridor and how it will restore the ecological value of the watercourse. Further consultation with NRAR and the adjacent landowner (SSD-10448) regarding the re-alignment and design is encouraged.
- Provide further information on the interim and final access arrangements to the site and specifically Warehouse 1. Also, further information is required on the cumulative impacts of the development and other approved or proposed developments utilising the final access intersection, to the satisfaction of Transport for NSW.
- Additional justification is required on the proposed site layout as it relates to the extent of earthworks and retaining walls required to accommodate this layout. The justification should take into consideration the controls of the MRP DCP and the matters for consideration in Clause 33H of the State Environmental Planning Policy (Western Sydney Employment Area) 2009.

If you have any questions, please contact Bianca Thornton on (02) 8217 2040 or via email at bianca.thornton@planning.nsw.gov.au.

Yours sincerely



William Hodgkinson
Team Leader
Industry Assessments

Attachment 1

General

- The Department notes Penrith City Council (Council) repealed its section 7.12 Contributions Plan. Clause 270 of the Environmental Planning and Assessment Regulation 2000 (the Regulation) requires a contribution plan to be approved for land zoned IN1 General Industrial under State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP). A consent authority may dispense with the need for a contribution plans if the Applicant has entered into a planning agreement with the planning authority with respect to the matters that may be the subject of a contributions plan. The Department encourages you to consult with Council regarding a potential planning agreement.
- The Environmental Impact Statement (EIS) states the proposal seeks to deliver a logistics estate for the purpose of other manufacturing industries and/or warehouse and distribution centres. Clarify whether all technical assessments consider the impacts of manufacturing industrial land uses.
- The Department is finalising the Mamre Road Precinct (MRP) Development Control Plan (DCP) and requests that a compliance table be provided demonstrating consistency with the final DCP.

Water

Riparian corridor

- The site includes land zoned both E2 Environmental Conservation and IN1 General Industrial under the WSEA SEPP. The proposal seeks to re-align and reduce the 40 metre (m) E2 zone. The Department must be satisfied the proposed re-alignment of the E2 zone is not inconsistent with the objectives for development in both zones. The objective of the E2 zone is to protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values. It is acknowledged the Riparian Lands Assessment (Appendix S) argues the existing watercourse is degraded, presents no riparian vegetation and provides minimal aquatic habitat value. Additional information is required on how the proposed re-aligned riparian corridor will restore the ecological value of the watercourse. The proposed corridor appears to mimic an urban channel rather than a riparian corridor.
- The Department encourages you to consult closely with the Natural Resources Access Regulator (NRAR) regarding the proposed re-alignment and design of the riparian corridor. It is noted SEARs advice from DPIE Central (Western) indicated that drainage infrastructure should be located on industrial land.
- Additional commentary on how the proposed re-aligned riparian corridor aligns with the re-alignment proposed under SSD-10448 is requested. The width of the proposed re-aligned riparian corridor does not appear to align with what has been proposed under SSD-10448.
- Section 2.5 of the Draft MRP DCP provides riparian land objectives which largely relate to rejuvenating and mimicking the natural environment within the riparian corridor. Additional information is required on how the proposed re-aligned riparian corridor will achieve the DCP objectives. Furthermore, the northern boundary of the proposed environmental corridor comprises a tiered 11 m high retaining wall. Provide additional information on potential overshadowing implications on the riparian corridor and the associated impact on the ecological condition of the corridor.

Stormwater

- Clarification is sought regarding which on-site detention basins will be delivered as part of the Stage 1 development application and whether any will be delivered as part of a future development application.
- The development must comply with the waterway health controls established within the draft MRP DCP to be applied on an on-lot or estate basis. Whilst detailed technical assessment of compliance with waterway health will be undertaken by DPIE Environment, Energy and Science Group (EES), it is noted that the concept development application does not demonstrate compliance with the waterway health controls for the MRP. The concept development application must demonstrate compliance with the waterway health controls.
- Additional information is required to determine if the MRP waterway objectives and targets would be achieved. Refer to the submission from EES and the MUSIC toolkit.

Traffic and access

Transport Management and Accessibility Plan (TMAP)

- The Department notes the TMAP provides an assessment of the impacts of only 75% of the total proposed gross floor area (GFA) of the Concept DA on the performance of the intersection proposed under SSD-10448 (Aspect Industrial Estate). Furthermore, the assessment of cumulative impacts is based on 75% of the GFA associated with the Land Owners Group (LOG) sites. Further justification for this approach is required, given the assessment must consider a worst case scenario (i.e. the full Concept DA). Also, provide further justification for why the traffic generated by other development within the MRP was not considered.
- Table 4 appears to be a duplicate of Table 5. Please revise table 4 to accurately reflect the predicted Stage 1 DA traffic generation.
- The predicted traffic generated from the development does not specify vehicle type/provide a breakdown by vehicle type.
- The TMAP states the development is a small percentage of the MRP and therefore doesn't warrant the provision of any further network upgrades. However, this statement has been repeated for multiple development applications in the MRP. Provide a description of the contingencies that would be put in place should other developments in the precinct also rely on others to provide network upgrades.

Road network

- The MRP DCP establishes high order road connections. The DCP enables additional road connections to be provided within development sites and assessed on their merits. Traffic modelling now completed for the precinct identifies a proposed roundabout to the north of the north-south road traversing the site. The concept plan must indicate that the road will continue further north, and any cul-de-sac is temporary only. Confirmation is required that the setbacks, landscaping and manoeuvring of Warehouse 4 are not compromised by the future roundabout. If the roundabout affects Warehouse 4 and supporting setbacks, those setbacks must be amended to ensure that the full requirement of those setbacks are met.
- Clarification is required on the access arrangements for Warehouse 1. The site layout plans depict a half road along the frontage of proposed Warehouse 1. Will this half road be designed to accommodate two-way operational traffic from Warehouse 1 until the full road is delivered? It is unclear how access to Warehouse 1 for both construction and operational traffic will be achieved prior to the delivery of the full North-South Road.

- Further details are required regarding the delivery (approval pathway, timing and responsibility for delivery) of the full width North-South Road, including evidence of consultation with the adjoining landowner.

Interim site access from Mamre Road

- The proposed temporary site access arrangement involves a left in/left out intersection with Mamre Road. TfNSW has advised the deceleration lane extends across the frontage of the adjacent property (772–778 Mamre Road, Kemps Creek). The Mamre Road Upgrade may require further land acquisition from this affected property, therefore requiring the deceleration lane to encroach into the property boundaries. Further information is required on the contingencies in place should the Mamre Road Upgrade be delivered prior to the delivery of the final signalised intersection via SSD-10448. Furthermore, evidence of consultation with the effected landowner is required.

Earthworks

- The development proposes significant earthworks across the site and does not achieve balanced cut and fill. It must be ensured that earthworks must meet the requirements of clause 33L of the WSEA SEPP. The development should seek to deliver balanced cut and fill and minimise retaining walls where possible. Retaining walls addressing the public domain must be stepped and have a maximum height of 6 m.
- The description of the development must clearly describe the extent of the proposed earthworks and retaining walls necessitated by the proposed site layout and site topography.
- Additional detailed justification is required on the proposed site layout as it relates to the extent of earthworks and retaining walls required to accommodate this layout. The justification should take into consideration the controls of Section 4.4 of the draft MRP DCP and the matters for consideration in Clause 33H of the WSEA SEPP.
- Clarification on the relationship between proposed final site levels between this proposal and the adjacent sites is required.
- The pad level for Warehouse 3 is 9 m and 10 m higher than the pad levels for Warehouse 2 and Warehouse 4, respectively. Given the large difference in heights, clarification is sought on the access arrangements to Warehouse 3. Provide further information to demonstrate the access arrangements for Warehouse 3 can accommodate the largest vehicle that will access the site.

Noise and Vibration Impact Assessment (NVIA)

- Clarify whether the NVIA considers the range of likely indoor and outdoor noise emission sources associated with manufacturing industries and/or warehouse and distribution centres.
- No noise monitoring has been undertaken for the NVIA, making it difficult for the Department to determine whether the noise monitoring methodology and noise measurements are adequate. The Department expects all noise measurements to be measured, analysed and reported in accordance with Australian Standard AS 1055:2018 and the Noise Policy for Industry (NPfI). Noise monitoring data needs to show L_{Amax} , L_{A10} , L_{Aeq} and L_{A90} at a minimum.
- No information has been provided on the meteorological conditions. Further detail is required on what the prevailing weather conditions for the area are, how the conditions were determined, what impacts the conditions may have on the noise levels at the site and at receivers and whether the selected temperature inversion sufficiently addresses

any noise enhancing conditions that may be present in this locality. An analysis of meteorological data is required, or noise modelling must be undertaken under worse-case sound propagation conditions in line with Fact Sheet D of the NPfI.

- The modelled scenarios must represent all reasonable worse-case operational activities that may occur. The noise modelling scenario appears to be limited and does not include sources such as heavy vehicle types, vehicle swept paths, trucks accelerating, decelerating and reversing, noise breaking out of the facility, etc. The NVIA must be updated to include a noise emission inventory that accurately describes how noise would be generated by the operation of the development, including the quantities and locations of noise sources that have been assessed. The NVIA must clearly describe (in plain English) the noise emission assumptions (e.g. forward speed, reversing speed, duration of loading/unloading, source path footprint), how noise would be generated by the operations and the characteristics of the noise sources (including the potential for impulsive noise, intermittent noise, low frequency noise, etc). Furthermore, non-steady noise sources should include loading/unloading activities, including but not limited to, intermittent reversing noise from forklifts. Steady noise sources should include mechanical plant/equipment and refrigeration trailers (if there is the potential for any warehouse to be temperature controlled). All assumptions must be substantiated with reference to verifiable data. Ensure source emission levels be reported as follows:
 - Sound power level for point sources
 - Sound power level per metre for line sources
 - Sound power level per square metre for area sources.
- The NVIA assumes shielding will provide a reduction of at least 10 dBA. Clarification is needed on whether the shielding was incorporated in the modelling and, if so, what the shielding was applied to (subject site only or future industrial development in the MRP), what assumptions were made for shielding and how these assumptions were made.
- Clarification is needed on how intervening ground properties have been modelled.
- Section 6.2 of the NVIA states the predicted increased in daytime noise for receivers near Mamre Road is calculated to be less than 1 dB, however no explanation of how this was calculated was provided.
- While it is noted that some of the dwellings in close proximity to the site are on land that has been rezoned for industrial purposes and could be redeveloped in the future, an assessment of impacts during construction and operation should be provided for these existing residential receivers.
- Provide further consideration of sleep disturbance impacts. Referencing 2004 enHealth report, the NSW Road Noise Policy stated that ‘as a rule for planning for short-term or transient noise events, for good sleep over 8 hours the indoor sound pressure level measured as a maximum instantaneous value should not exceed approximately 45 dB(A) LAmax more than 10 or 15 times per night’.
- Provide noise contours with sufficient granularity to establish compliance locations at the boundary of the site.
- The NVIA should amended to include the details and analysis of the effectiveness of proposed management and mitigation measures to adequately manage identified impacts, including a clear identification of residual noise and vibration following application of mitigation these measures and details of any proposed compliance monitoring programs.

Landscaping

- Insufficient detail is provided to confirm that the proposed 20% landscape areas identified in EIS are achieved on site. Further, there are limited details with respect to street tree planting, percentage of on lot tree canopy (i.e. excluding streets) and detailed tree species identified on a plan. As such, detailed landscape plans are requested.
- Provide landscape plans for the three estate basins.
- Provide further detail on how the landscaping will mitigate the visual impact of the proposed earthworks as well as the bulk and scale of the numerous proposed retaining walls. Consideration of any additional fencing and/or acoustic barriers must be included.
- Clarify whether the location and scale of the proposed retaining walls throughout the site will impact on the delivery of landscaping as shown on the landscaping plans.
- One of the Premier's Priorities is to increase tree canopy and green cover across Greater Sydney. The draft MRP DCP seeks to contribute to the *Greater Sydney Regional Plan – A Metropolis of Three Cities* tree canopy cover target of 40% and provide functional areas of planting that enhance the presentation of a building, provide amenity, cooling and shade, and contribute to overall streetscape character. Provide a more detailed response to Control 3 of Section 4.2.3 of the MRP DCP and how improved canopy cover can be achieved within the site.

Air Quality

- Clarify whether the air quality assessment considers the impacts of manufacturing industrial land uses.

Biodiversity

- Based on the comments provided by EES, a completed Biodiversity Development Assessment Report (BDAR) has not been provided. Provide a revised BDAR which addresses the comments provided in the submission from EES.