



Kemps Creek Warehouse, Logistics and Industrial Facilities Hub

State Significant Development Assessment SSD 9522

December 2020



Published by the NSW Department of Planning, Industry and Environment

dpie.nsw.gov.au

Title: Kemps Creek Warehouse, Logistics and Industrial Facilities Hub

Subtitle: State Significant Development Assessment SSD 9522

Cover image: Development Entry at Mamre Road (Source: Estate Signage Entry Features Sheet 1, SP-KC1-DA-502, Issue I)

© State of New South Wales through Department of Planning, Industry and Environment 2020. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Industry and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (December 2020) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Industry and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Glossary

Abbreviation	Definition
Aerotropolis SEPP	State Environmental Planning Policy (Western Sydney Aerotropolis) 2020
AEP	Annual Exceedance Probability, meaning the chance of a flood of a given or larger size occurring in any one year
AHD	Australian Height Datum
Applicant	Frasers Property Australia and Altis Bulky Retail Pty Ltd
BCA	Building Code of Australia
CIV	Capital Investment Value
Council	Penrith City Council
Crown Lands	Crown Lands, DPIE
DA	Development Application
DAWE	Department of Agriculture, Water and the Environment (formerly DoEE)
Department	Department of Planning, Industry and Environment
Demolition	The removal of buildings, sheds and other structures on the site
Development	The development as described in the EIS and RtS for a warehouse, logistics and industrial facilities hub
DPI	Department of Primary Industries, DPIE
DPIE	Department of Planning, Industry and Environment
EES	Environment, Energy and Science Group
EIS	Environmental Impact Statement titled <i>Environmental Impact Statement, Proposed Warehouse, Logistics and Industrial Facilities Hub</i> , prepared by Willowtree Planning, dated May 2019
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument

Abbreviation	Definition
EPL	Environment Protection Licence
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
Heritage	Heritage NSW division within Department of Premier and Cabinet
INSW	Infrastructure NSW
LEP	Local Environmental Plan
LUIIP	Western Sydney Aerotropolis Stage 1 Land Use and Infrastructure Implementation Plan
Minister	Minister for Planning and Public Spaces
NPWS	National Parks & Wildlife Service, DPIE
NRAR	Natural Resources Access Regulator, DPIE
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
PMF	Probable Maximum Flood, meaning the largest flood that could conceivably occur at a particular location
RMS	Roads and Maritime Services, TfNSW
RtS	Response to Submissions titled <i>Response to Submissions Report, Proposed Warehouse, Logistics and Industrial Facilities Hub (SSD 9522)</i> , prepared by Willowtree Planning (NSW) Pty Ltd and dated August 2020
RtS Addendum	Addendum to the Response to Submissions titled <i>RE: State Significant Development Application (SSD 9522) for Proposed Warehouse, Logistics and Industrial Facilities Hub</i> , prepared by Willowtree Planning (NSW) Pty Ltd and dated 4 September 2020
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SLR	Southern Link Road
Supplementary Information	Additional information provided on 2 October 2020 and 16 October 2020 by Willowtree Planning (NSW) Pty Ltd in letters titled <i>RE: State Significant Development Application (SSD 9522) for Proposed Warehouse, Logistics and Industrial Facilities Hub</i>
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011

Abbreviation	Definition
SSD	State Significant Development
TfNSW	Transport for NSW
VPA	Voluntary Planning Agreement
vpd	Vehicles per day
vph	Vehicles per hour
WSA	Western Sydney Aerotropolis
WSEA	Western Sydney Employment Area
WSFL	Western Sydney Freight Line

Executive Summary

This report details the Department of Planning, Industry and Environment's (the Department) assessment of a State significant development application (SSD) for the Kemps Creek Warehouse, Logistics and Industrial Facilities Hub. The Applicant, a joint venture between Frasers Property Australia (Frasers) and Altis Bulky Retail Pty Ltd (Altis), proposes to construct and operate eight warehouse buildings with a total gross floor area (GFA) of 162,355 square metres (m²) in the Penrith local government area (LGA).

The Site

The site is located at 657-769 Mamre Road, Kemps Creek, approximately 40 kilometres (km) west of the Sydney Central Business District. The site comprises 118 hectares (ha) and is partially located within the Western Sydney Employment Area (WSEA) and the Western Sydney Aerotropolis (WSA).

Multiple infrastructure projects planned to service Western Sydney and its future growth travel through the site. These include a 50 metre (m) wide corridor for the Southern Link Road (SLR) which runs through the site in an east-west direction and a 60 m wide corridor for the Western Sydney Freight Line (WSFL) which runs inside the northern boundary of the site, immediately adjacent to the Warragamba Pipelines Corridor. Additionally, Mamre Road is planned to be widened.

Development Description

The proposed development (the development) involves the construction of eight warehouse buildings with a total GFA of 162,355 m² over eight lots, including associated loading docks, hardstand areas, truck and car parking spaces and landscaping. The development also involves bulk earthworks across the broader site to create building pads for future development, three estate basins, an internal road network including a north south distributor road connecting to the southern neighbouring property, intersection upgrades, Mamre Road widening and subdivision.

The development has a capital investment value of \$242 million and is expected to generate 700 construction jobs and 950 operational jobs.

Statutory Context

The development is classified as SSD under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) being for the construction of a warehouse and distribution centre with a capital investment value (CIV) over \$50 million. Accordingly, the development meets the criteria in Clause 12 of Schedule 1 in State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP). Consequently, the Minister for Planning and Public Spaces is the consent authority for the application. However, the application may be determined under the Minister's delegation of 9 March 2020 by the Executive Director, Energy, Industry and Compliance.

Engagement

The Department exhibited the Environmental Impact Statement (EIS) for the development from 7 June 2019 until 8 July 2019. A total of 18 submissions were received including one from Penrith City Council (Council), 11 from public authorities, two from special interest groups, two from private businesses and two from the public. Three submissions objected to the development, including Council, WaterNSW and a private business. Council and WaterNSW subsequently withdrew their objections.

Key concerns raised in submissions related to inconsistencies with the strategic planning for the area, flooding impacts, the internal road layout, site access and visual impact. Submissions also raised concerns regarding traffic generation, biodiversity and dust and noise impacts from construction.

Amendments to the Development Application

At the time of lodgement, the site was unzoned land under State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP) and was subject to the provisions of the WSA Stage 1 Land Use and Infrastructure Implementation Plan (LUIIP). The Applicant originally sought consent for works across the majority of the site, except for an 11-ha strip along the Wianamatta-South Creek corridor. The proposal did not align with the vision for a central green spine of environment and recreation activities for the Wianamatta-South Creek Precinct under the LUIIP or the Western City District Plan, and included significant works within flood prone land, resulting in considerable delays in progressing the application.

Following exhibition of the original DA and ongoing consultation with the Department, Council and public authorities, the Applicant sought to amend the development to address the concerns raised in submissions and critical site constraints including flooding, the Wianamatta-South Creek interface and planned road infrastructure. The Applicant sought to achieve consistency with strategic planning for the area which continued to evolve and included rezoning part of the site for industrial and recreation purposes in June 2020 under the WSEA SEPP as part of the Mamre Road Precinct and the remainder of the site for environment and recreation purposes in September 2020 under State Environmental Planning Policy (Western Sydney Aerotropolis) 2020.

The Applicant proposed amendments to the development under Clause 55 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) to remove all built form from below the 1% Annual Exceedance Probability (AEP) flood level and deferred development in the environment and recreation area within the western extent of the site to future development applications.

The amended development forms part of the Response to Submissions (RtS) report. The Department considered the amended application to be consistent with the requirements of Clause 55 of the EP&A Regulation and accepted the amended application accordingly.

Assessment

The Department's assessment of the application has considered all relevant matters under Section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development. During its assessment, the Department worked collaboratively with Council, public authorities and the Applicant to resolve critical issues relating to the changing statutory and strategic context for the area. The Department identified the key assessment issues as access and traffic, flooding and visual impact.

Access and Traffic

To formalise access to the site and accommodate the operational traffic associated with the development, the Applicant proposes to upgrade the Mamre Road and Bakers Lane intersection in two sequences: Sequence 1A and Sequence 1B. The Sequence 1A intersection upgrade is required to service the development until the end of 2025. Sequence 1B includes further intersection upgrades and widening of Mamre Road which are required by the end of 2025 or earlier if any additional development is approved on the site under separate development applications.

The development requires concurrence from Transport for NSW (TfNSW) under the WSEA SEPP as it is located within a transport investigation area. The Applicant has reserved corridors for the proposed SLR and WSFL, to the satisfaction of TfNSW. The Department and the Applicant have also consulted closely

with TfNSW to ensure the Mamre Road and Bakers Lane intersection works satisfy its requirements and align with the planned Mamre Road upgrades. TfNSW provided its concurrence subject to several conditions, to be provided to the satisfaction of TfNSW which the Department has included in its recommended conditions of consent.

The development was also ahead of the strategic planning for the Mamre Road Precinct and the finalisation of the Mamre Road Precinct Development Control Plan. A key consideration was the internal road network and its function in providing a connection to neighbouring land to the south via a north south distributor road. The Applicant made several amendments to the development, including widening the north south distributor road and incorporating a larger turning radius for one of the 'T' intersections. The Department's Chief Engineer reviewed the proposed internal road network and was satisfied it was acceptable, subject to conditions relating to specific design parameters and compliance with applicable standards.

TfNSW noted the development must be able to accommodate the future signalised intersection of the north south distributor road and the SLR, once the SLR extends through the site. TfNSW advised that insufficient information has been provided to demonstrate how the future SLR and Bakers Lane alignment will operate and connect to lots 1-4 north of Bakers Lane. As such, the Department has recommended a condition requiring the Applicant prepare a concept design identifying how the internal road network can link to the SLR and provide access to lots 1-4 in consultation with TfNSW. This will need to occur prior to any construction north of Bakers Lane.

To minimise the impact of construction traffic, an interim left in/ left out access point is proposed off Mamre Road at the south-eastern corner of the site. The interim access will allow construction vehicles to enter and exit the site without crossing Mamre Road, preventing potential vehicle queuing and minimising network disruption. To ensure the impacts to the local road network are minimised, the Department included a requirement for a Construction Traffic Management Plan (CTMP) in the recommended conditions.

The Applicant's TIA demonstrated the Mamre Road and Bakers Lane intersection would perform at a satisfactory level during the operation of the development under the Sequence 1A upgrade works, as well as into the future under Sequence 1B. The Department considers the traffic from the development would be adequately accommodated on the local and regional road network, taking into consideration the Sequence 1A and 1B upgrades and the Mamre Road widening. The Department has recommended conditions to ensure these upgrades are delivered within the necessary timeframes.

Flooding

The Department, Council and the Greater Sydney Commission (GSC) raised concerns regarding potential off site impacts from the proposed extensive works below the 1% AEP flood level while WaterNSW objected to the development due to the potential impacts on the Warragamba Pipelines corridor. The Department engaged an independent expert to review the flood assessment provided by the Applicant and raised critical issues requiring resolution for the proposal to proceed. Further, the Department's internal flood expert advised cut and fill proposed below the 1% AEP flood level may detrimentally impact flood behaviour in the Hawkesbury-Nepean which may increase the risk to residents and other landowners during severe to extreme flood events.

Following ongoing discussions with the Department and Council, the Applicant amended the development to minimise fill within and remove built form below the 1% AEP flood level, including the on-site detention

basins. Further, the developed landform levels would be raised more than 500 mm above the 1% AEP flood level and the Probable Maximum Flood (PMF).

The revised flood assessment demonstrated the development would not have any off-site impacts during the 1% and 0.5% AEP flood events and result in negligible impacts upstream and downstream during the 0.2% AEP flood event and the PMF. The Department and the Environment, Energy and Science Group were satisfied with the Applicant's conclusion that off-site impacts would be negligible and WaterNSW withdrew its objection. The Department recommended conditions relating to the protection of the Warragamba Pipelines Corridor. The Department also recommended an emergency response plan be prepared to ensure the safety of future employees and visitors to the site during a flood event. With these conditions in place, the Department considers the development would achieve an acceptable flooding outcome.

Visual Impact

The Department, Council and the GSC raised concerns the development precedes the strategic planning for the area, which may lead to inappropriate urban development particularly at the interface with the environment and recreation land within the western extent of the site and south of the site.

The development adopts a building height of 13.7 m for all buildings except Warehouse 2 on Lot 2 which has a height of 26.37 m. Warehouse 2 is located at the north-eastern corner of the site, which the Department does not consider a visually sensitive area, being adjacent to existing industrial development and thereby screened from the residents to the north. The Department notes the proposed building heights are consistent with nearby industrial development and considers the bulk and scale of the development is appropriate for employment generating land within the Mamre Road Precinct, which is an 850 ha area transitioning from rural landscape to industrial uses.

The Applicant amended the proposal to defer development within the western extent of the industrial zoned part of the site to future development applications. The deferral would allow for further negotiations to take place around the interface between the industrial and environment and recreation zoned land, without unnecessarily preventing development within the eastern extent of the site.

To manage the interface with the recreation land to the south, the Applicant proposes a 5 m landscaped setback to reduce the visual impact of the development. The landscaped setback would include a combination of vegetated batters and retaining walls. The Department considers the interface treatment responds to the topography of the site rather than providing a fixed approach across the southern boundary and notes the largest retaining walls are located along the eastern extent of the southern boundary which adjoins land zoned for industrial purposes and not recreation purposes. The Department considers the Applicant's proposed treatments would provide acceptable boundary interfaces and has included the requirement for detailed landscape plans to be prepared in consultation with Council in the recommended conditions of consent.

Summary

The Department considers the potential impacts of the development can be managed and/ or mitigated to ensure an acceptable level of environmental performance, subject to the recommended conditions of consent, including:

- implementation of management and mitigation measures identified by the Applicant
- the requirement for the Mamre Road and Bakers Lane intersection upgrades (sequences 1A and 1B) be completed with specific timeframes

- verification the intersection and road designs comply with the relevant requirements of the Department's Chief Engineer, Council, TfNSW and Australian Standards
- the requirement for detailed landscape plans to be prepared in consultation with Council
- the requirement for an Environmental Representative for the duration of bulk earthworks and internal infrastructure construction
- protection of the Warragamba Pipelines Corridor, sediment and erosion controls and flood emergency response plan.

Overall, the development is consistent with the strategic direction for the site set under the WSEA and will assist with providing employment generating uses within Western Sydney. The development would provide a total of 1,650 jobs for Western Sydney and represents a capital investment of \$242 million in the Penrith LGA. Further, the impacts of the development can be appropriately managed through implementation of the recommended conditions of consent. On balance, the Department considers the development is in the public interest and should be approved, subject to conditions.

Contents

1	Introduction	1
1.1	The Department's Assessment	1
1.2	Development Background	1
1.3	Strategic and Statutory Context	2
1.4	Site Description	3
1.5	Surrounding Land Uses	3
2	Development	5
2.1	Amended Development	5
2.2	Description of the Development	5
2.3	Planning Agreement and Development Contribution	10
2.4	Uses and Activities	10
2.5	Related Development	10
2.6	Applicant's Need and Justification for the Development	11
3	Strategic context	12
3.1	Greater Sydney Regional Plan	12
3.2	Western City District Plan	12
3.3	Future Transport Strategy 2056	12
3.4	Western Sydney Aerotropolis	13
3.5	State Environmental Planning Policy (Western Sydney Employment Area) 2009	13
4	Statutory Context	15
4.1	State significance	15
4.2	Permissibility	15
4.3	Consent Authority	16
4.4	Other Approvals	16
4.5	Considerations under Section 4.15 of the EP&A Act	17
4.6	Environmental Planning Instruments	17
4.7	Public Exhibition and Notification	17
4.8	Objects of the EP&A Act	18
4.9	Ecologically Sustainable Development	20
4.10	Biodiversity Development Assessment Report	20
4.11	Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)	20
5	Engagement	21
5.1	Consultation	21
5.2	Summary of submissions	21
5.3	Key issues – Government authorities	22
5.4	Key issues – Special interest groups	24

5.5	Key issues – Private businesses.....	24
5.6	Key issues – Community.....	24
5.7	Independent Expert Reviews	24
5.8	Response to Submissions.....	24
5.9	Response to Submissions Addendum	25
5.10	Supplementary Information	26
6	Assessment	27
6.1	Access and Traffic.....	27
6.2	Flooding.....	36
6.3	Visual Impacts	38
6.4	Other Issues	45
7	Evaluation.....	54
8	Recommendation.....	56
9	Determination.....	57
	Appendices	58
	Appendix A – List of referenced documents	58
	Appendix B – Considerations under Section 4.15 of the EP&A Act	59
	Appendix C – Consideration of Environmental Planning Instruments	61
	Appendix D – Key Issues – Community Views.....	72
	Appendix E – Recommended Instrument of Consent	74

1 Introduction

1.1 The Department's Assessment

This report details the Department of Planning, Industry and Environment's (the Department) assessment of the State significant development (SSD 9522) for the Kemps Creek Warehouse, Logistics and Industrial Facilities Hub (the proposed development). The proposed development (the development) includes the construction of eight warehouse buildings and a two-staged subdivision of the site into 21 lots.

The Department's assessment considers all documentation submitted by Frasers Property Australia (Frasers) and Altis Bulky Retail Pty Ltd (Altis) (the Applicant), including the Environmental Impact Statement (EIS), Response to Submissions (RtS), RtS Addendum and Supplementary Information, as well as submissions received from public authorities, special interest groups and the public. The Department's assessment also considers the legislation and planning instruments relevant to the site and the development.

This report describes the development, surrounding environment, relevant strategic and statutory planning provisions and the issues raised in submissions. The report evaluates the key issues associated with the development and provides recommendations for managing any impacts during construction and operation. The Department's assessment of the development has concluded that the development should be approved, subject to conditions.

1.2 Development Background

The Applicant is a joint venture between Frasers and Altis, which are real estate investment firms that own, develop and manage residential, commercial, industrial and retail assets in Australia.

The Applicant is seeking development consent for a warehouse, logistics and industrial facilities hub at Kemps Creek in the Penrith Local Government Area (LGA) (see **Figure 1**). The development would operate 24 hours a day, seven days per week.



Figure 1 | Regional Context Map

The development involves the construction and operation of eight warehouses and a two-staged subdivision resulting in 21 Torrens Title allotments. Supporting infrastructure includes bulk earthworks and the construction of three on-site detention basins, construction of internal estate roads, upgrades to

the existing Mamre Road and Bakers Lane intersection and the widening of a portion of Mamre Road. The development also requires site preparation works, such as the demolition of existing structures, the infill of farm dams and vegetation clearing.

1.3 Strategic and Statutory Context

The strategic and statutory context for the site has changed throughout the development assessment process. These changes are still ongoing and have necessitated continued consultation between the Department, the Applicant, Penrith City Council (Council) and relevant public authorities as well as several amendments to the development.

At the time of lodgement, the site was unzoned land under State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP), formed part of the Western Sydney Aerotropolis (WSA) and was subject to the provisions of the WSA Stage 1 Land Use and Infrastructure Implementation Plan (LUIIP). The LUIIP was released on 8 August 2018 and provided the strategic vision for the WSA, including the Mamre Road Precinct. Under the LUIIP, the site was located primarily within the Wianamatta-South Creek Precinct which was envisioned as the central green spine of the WSA and identified for environmental and recreation purposes. The development did not align with this vision.

The majority of the site was rezoned in June 2020 under the WSEA SEPP for industrial and recreation purposes as part of the Mamre Road Precinct. Subsequently, the LUIIP was superseded and in October 2020, the western portion of the site was rezoned for environmental and recreation purposes as part of the WSA under State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (Aerotropolis SEPP). The current zoning applicable to the development is shown in **Figure 2**.

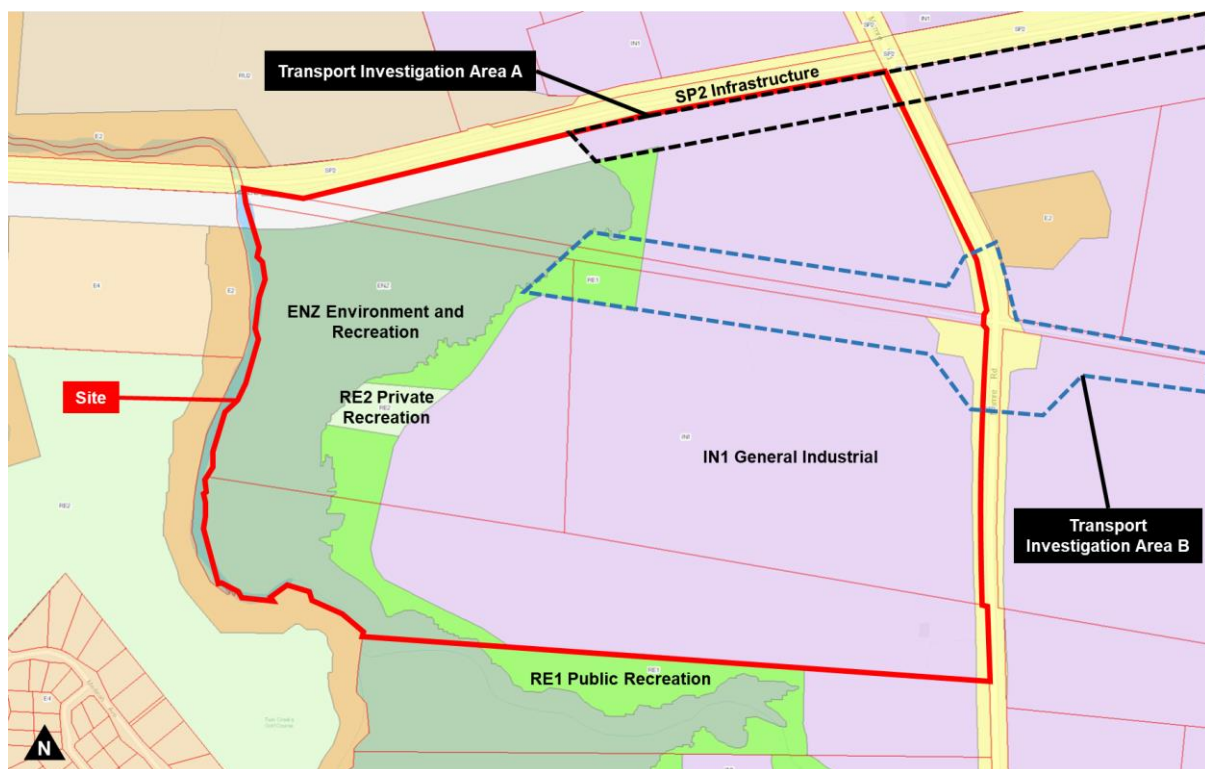


Figure 2 | Zoning Applicable to the Site

1.4 Site Description

The site is located at 657-769 Mamre Road, Kemps Creek in the Penrith LGA (see **Figure 3**). The site is legally described as Lot 34 Deposited Plan (DP) 1118173, Lot X DP 421633, Lot 1 DP 1018318, Lot Y DP 421633, and Lot 22 DP 258414. The site is approximately 40 kilometres (km) west of the Sydney central business district.

While the site comprises 118 hectares (ha) of land, the development covers approximately 91 ha. This portion of the site is also located in the Mamre Road Precinct of the WSEA.

The site is currently accessed from Mamre Road at an intersection with Bakers Lane. Bakers Lane services the schools to the east and has school zone speed limits in place for approximately 900 metres (m) in length. The site has access to the regional road network via the M4 and M7 motorways. The M4 Motorway is located approximately 5 km to the north of the site via Mamre Road. The M7 Motorway is located approximately 10 km to the south-east of the site via Mamre Road and Elizabeth Drive.

Two transport investigation areas travel through the site: the Western Sydney Freight Line (WSFL) and the Southern Link Road (SLR). The transport investigation areas are shown in **Figure 2** and discussed further in **section 2.5**.

The site is predominantly cleared of vegetation and covered with pasture grasses and scattered trees and scrub. The site is relatively flat with the highest point adjoining Mamre Road, falling towards the west and is partially subject to flooding from Wianamatta-South Creek in the 1% Annual Exceedance Probability (AEP) flood event (see **section 6.2** of this report for further detail). Preliminary investigations indicate there is no critical flora or fauna habitat on the site. Historically the site was used for pastoral and agricultural purposes, and more recently, rural residential uses.

1.5 Surrounding Land Uses

The site is bound by the WaterNSW managed Warragamba Pipelines Corridor to the north, Mamre Road to the east, rural residential land to the south and Wianamatta-South Creek to the west.

Residential receivers are located approximately 200 m to the west, across Wianamatta-South Creek, in the Twin Creeks Residential Estate. The established residential area of St Clair is also located approximately 1.8 km to the north of the site. While rural residential land exists to the south and south-east of the site, this land has been rezoned for industrial uses under the WSEA SEPP.

Notable developments in the vicinity of the site include:

- Altis Warehouse and Logistics Hub (SSD-7173) to the north
- Emmaus Catholic College, Emmaus Retirement Village, Trinity Primary School and Mamre Anglican School to the east
- Several industrial warehouse estates including the Erskine Park Industrial Estate to the north-east and Oakdale West (SSD-7348), Oakdale South (SSD-6917) and Oakdale Central (SSD-6078) to the east.

The site's surrounds are shown in **Figure 3**.

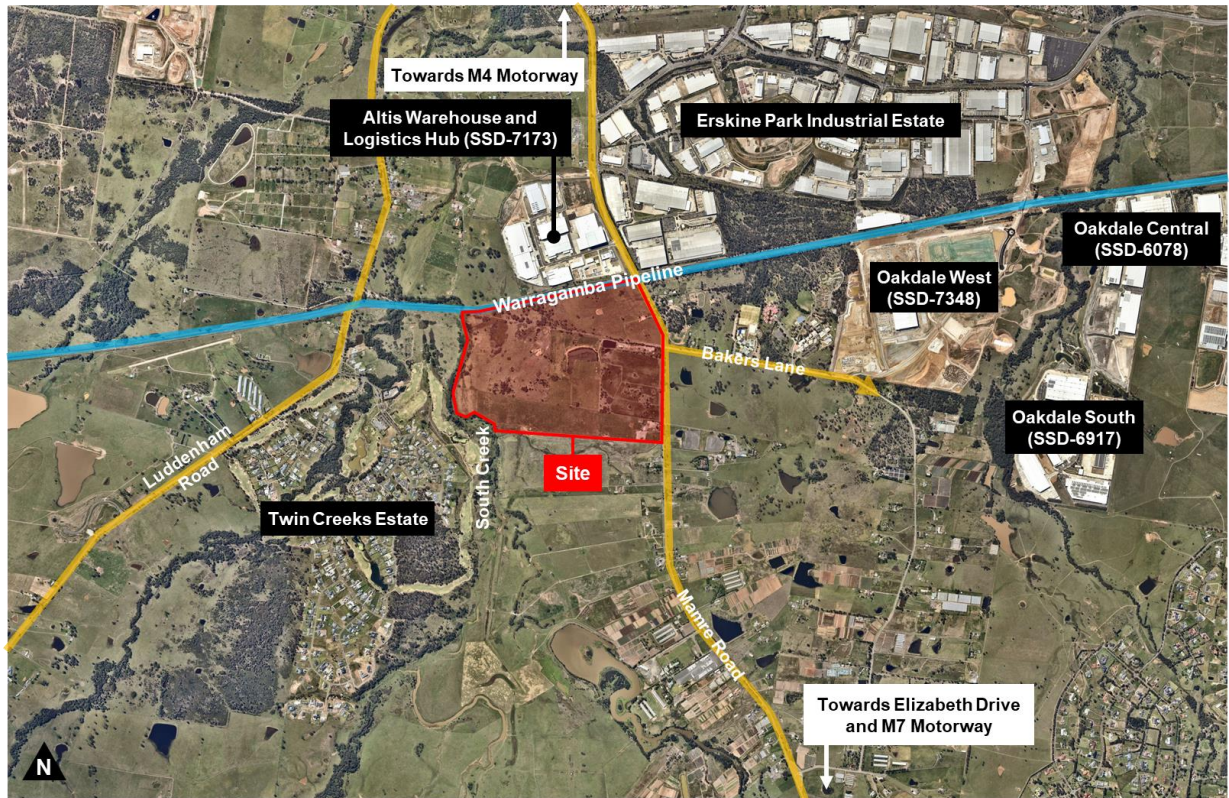


Figure 3 | Local Context Map

2 Development

2.1 Amended Development

The Applicant originally sought development consent for the construction, fit-out and operation of six warehouse buildings for use as 'warehouse or distribution centres' and 'general industry' and subdivision of the site into 33-Torrens Title lots. Under the original proposal, bulk earthworks, construction of building pads for future development and construction of internal estate roads were proposed across the site, except for an 11-ha strip along the Wianamatta-South Creek corridor (creek corridor).

Following exhibition of the Environmental Impact Statement (EIS) for the original DA and ongoing consultation with the Department, Council and public authorities, the Applicant sought to amend the development to address the concerns raised in submissions and critical site constraints. The concerns and site constraints include flooding impacts on surrounding lands and the Warragamba Pipelines, treatment of the site's interface with the creek corridor and consistency with significant and ongoing strategic planning such of road and rail infrastructure (the SLR, WSFL and Mamre Road upgrade) and the WSA.

Throughout 2020, the Applicant explored several development options including constructing warehouse buildings across the entirety of the site up to the edge of the creek corridor. During this time, the Applicant was in continual discussions with the Department and other key stakeholders.

Ultimately, the Applicant proposed the following amendments to the development under Clause 55 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation):

- increase the number of warehouses from six to eight
- reduce the gross floor area (GFA) from 163,671 square metres (m²) to 162,355 m²
- reduce the number of car parking spaces from 754 to 744
- reduce the number of Torrens Title subdivision lots from 33 to 21
- remove 'general industry' as a proposed use
- remove all built form from below the 1% AEP flood level and within the western extent of the industrial zoned area of the site, thereby deferring development in these areas to future development applications
- an amended site layout, including amendments to the design of the internal road network, removal of the proposed left in/left out access road from Mamre Road and allowance for a future connection to the neighbouring land to the south of the site
- amendments to the Mamre Road and Bakers Lane intersection upgrade works, including the upgrade of Mamre Road to two lanes in each direction (for a total of four lanes) on a portion of Mamre Road adjacent to the site.

The amended development forms part of the Response to Submissions (RtS) report and subsequent additional information. The Department considered the amended application to be consistent with the requirements of Clause 55 of the EP&A Regulation and accepted the amended application accordingly.

2.2 Description of the Development

The Applicant is seeking development consent for the construction, fit-out and operation of eight warehouse buildings, including subdivision and bulk earthworks, at 657-769 Mamre Road, Kemps Creek.

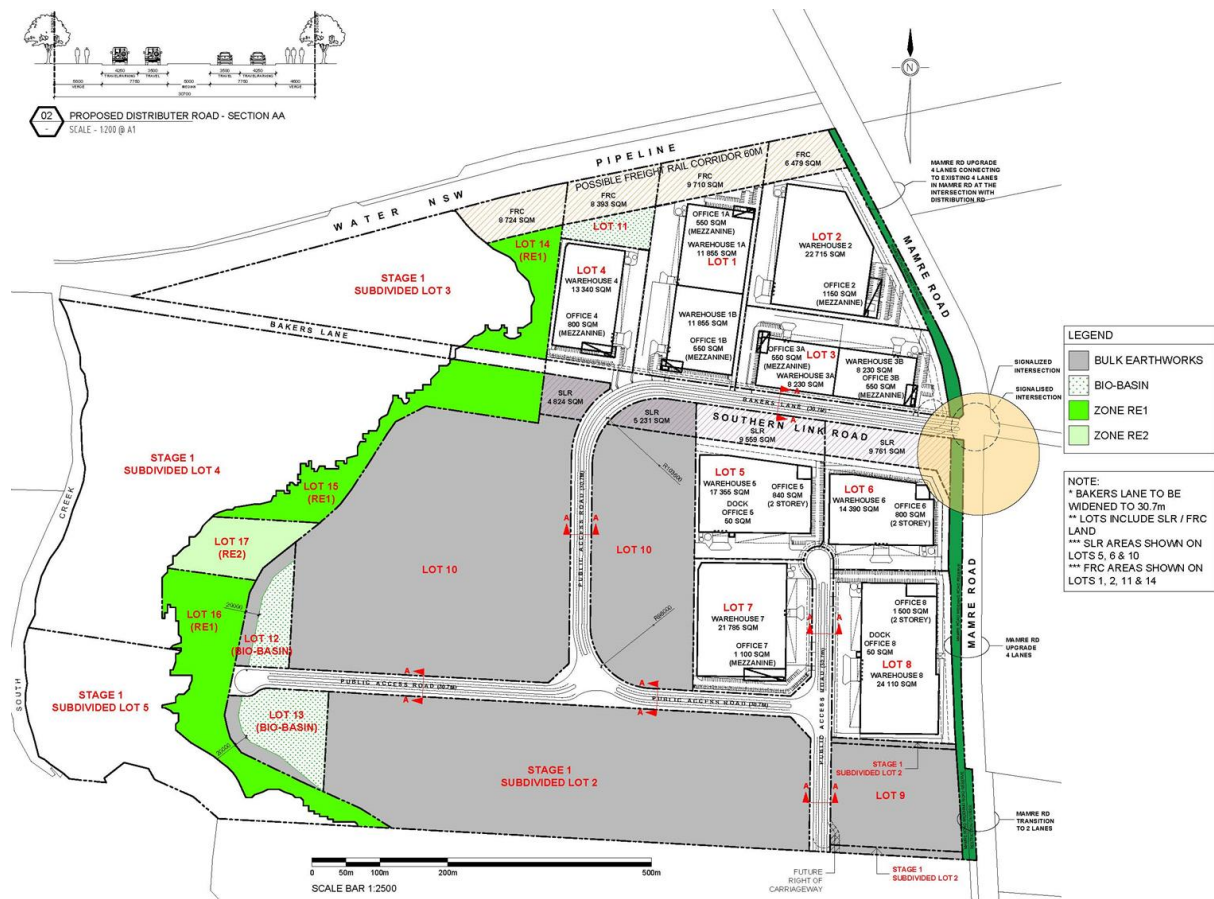
The major components of the development, as amended, are summarised in **Table 1** and shown in **Figure 4**, and described in full in the EIS, RtS, RtS Addendum and Supplementary Information (see **Appendix A**).

Table 1 | Main Components of the Development

Aspect	Description
Development summary	The construction and operation of eight warehouses and a two-staged subdivision resulting in 21 Torrens Title allotments. Supporting infrastructure includes bulk earthworks and construction of three estate basins, the construction of internal estate roads including a north-south distributor road, the widening of a portion of Mamre Road and upgrades to the existing Mamre Road and Bakers Lane intersection. Site preparation works include the demolition of existing structures, infilling of farm dams and removal of vegetation.
Site area	118 ha
Development footprint	<p>A total GFA of 162,355 m² over lots 1-8:</p> <ul style="list-style-type: none"> • Lot 1: 24,810 m² GFA • Lot 2: 23,865 m² GFA • Lot 3: 17,560 m² GFA • Lot 4: 14,140 m² GFA • Lot 5: 18,245 m² GFA • Lot 6: 15,190 m² GFA • Lot 7: 22,885 m² GFA • Lot 8: 25,660 m² GFA
Building heights	<ul style="list-style-type: none"> • Lot 1 and Lots 3-8: 13.7 m • Lot 2: 26.37 m
Environmental design elements	<ul style="list-style-type: none"> • 6-Star Green Star Rating for each warehouse building • Water sensitive urban design (WSUD) elements, including: <ul style="list-style-type: none"> – infiltration trenches and bio-retention basins – bioswales – rain gardens – gross pollutant traps – rainwater tanks • Energy efficiency measures, including: <ul style="list-style-type: none"> – use of natural ventilation – passive solar design principles to reduce air conditioning and mechanical ventilation – minimise electricity use through air conditioning design – use of LED lighting strategies – use of energy efficient appliances and equipment
Construction activities	<ul style="list-style-type: none"> • stage 1 subdivision (five lots) and stage 2 subdivision (17 lots) • bulk earthworks and civil works • warehouse building construction over Lots 1-8 • Sequence 1A and 1B upgrade works to the Mamre Road and Bakers Lane intersection, including widening Mamre Road from two to four lanes • internal estate roads, including a north-south distributor road

Aspect	Description
	<ul style="list-style-type: none"> landscaping within Lots 1-8, along estate roads and screening along site boundaries
Construction timeframe	<ul style="list-style-type: none"> bulk earthworks and internal estate civil works – 12-18 months Sequence 1A road works – 6 months Sequence 1B road works – 6 months warehouse building construction – 9-12 months per building (overall completion over 36 months)
Subdivision	<p>Two-staged subdivision of the site to create a total of 21 lots:</p> <ul style="list-style-type: none"> Stage 1 subdivision, resulting in five lots including: <ul style="list-style-type: none"> two lots subject to works under this SSD three lots adjacent to Wianamatta-South Creek to remain undeveloped Stage 2 subdivision, being subdivision of Stage 1 Subdivision Lot 1 into 17 lots including: <ul style="list-style-type: none"> eight lots for warehouse buildings to be developed under this SSD two lots for future warehouse or industrial development subject to separate development applications three lots for estate on-site detention basins three lots for public open space one lot for private recreation
Boundary interfaces and setbacks	<ul style="list-style-type: none"> north – 60 m corridor for the WSFL and a minimum 5 m landscape setback from the corridor east – a 10 m road reserve for the planned Mamre Road upgrade and a minimum 20 m building setback (including a minimum 10 m landscape setback) from the future road reserve west – no development along Wianamatta-South Creek within the 1% AEP flood extent south – a minimum 5 m building setback SLR – a minimum 20 m building setback from the proposed 50 m wide SLR reserve, including a 10 m landscape setback on the southern side
Earthworks, service and utility	<ul style="list-style-type: none"> bulk earthworks across the site (excluding lots 3-5 adjacent to Wianamatta-South Creek), comprising 60,350 cubic metres (m³) of cut and 2,072,750 m³ of fill construction of three estate on-site detention basins provision of infrastructure services, including potable water, wastewater, gas, telecommunications and electricity
Road and intersection work	<ul style="list-style-type: none"> Mamre Road and Bakers Lane intersection works in two sequences: <ul style="list-style-type: none"> Sequence 1A: interim upgrade to accommodate the traffic associated with the first 162,355 m² of GFA (i.e. the eight buildings proposed under this SSD) Sequence 1B: upgrade of Mamre Road to four lanes to facilitate future development applications and background growth, to occur prior to 31 December 2025 construction of internal estate roads, including a north-south distributor Road, connecting Bakers Lane to future development to the south of the site

Aspect	Description
Traffic	<ul style="list-style-type: none"> Lots 1-8: 410 and 302 vehicles per hour (vph) during AM and PM peak periods respectively 4,388 vehicles per day (vpd)
Hours of operation	24 hours a day, 7 days per week
Capital investment value (CIV)	<ul style="list-style-type: none"> total (lots 1-8): \$242,053,000 Lot 8 only: \$106,681,000, including associated infrastructure
Employment	1,650 jobs (950 operational and 700 construction)



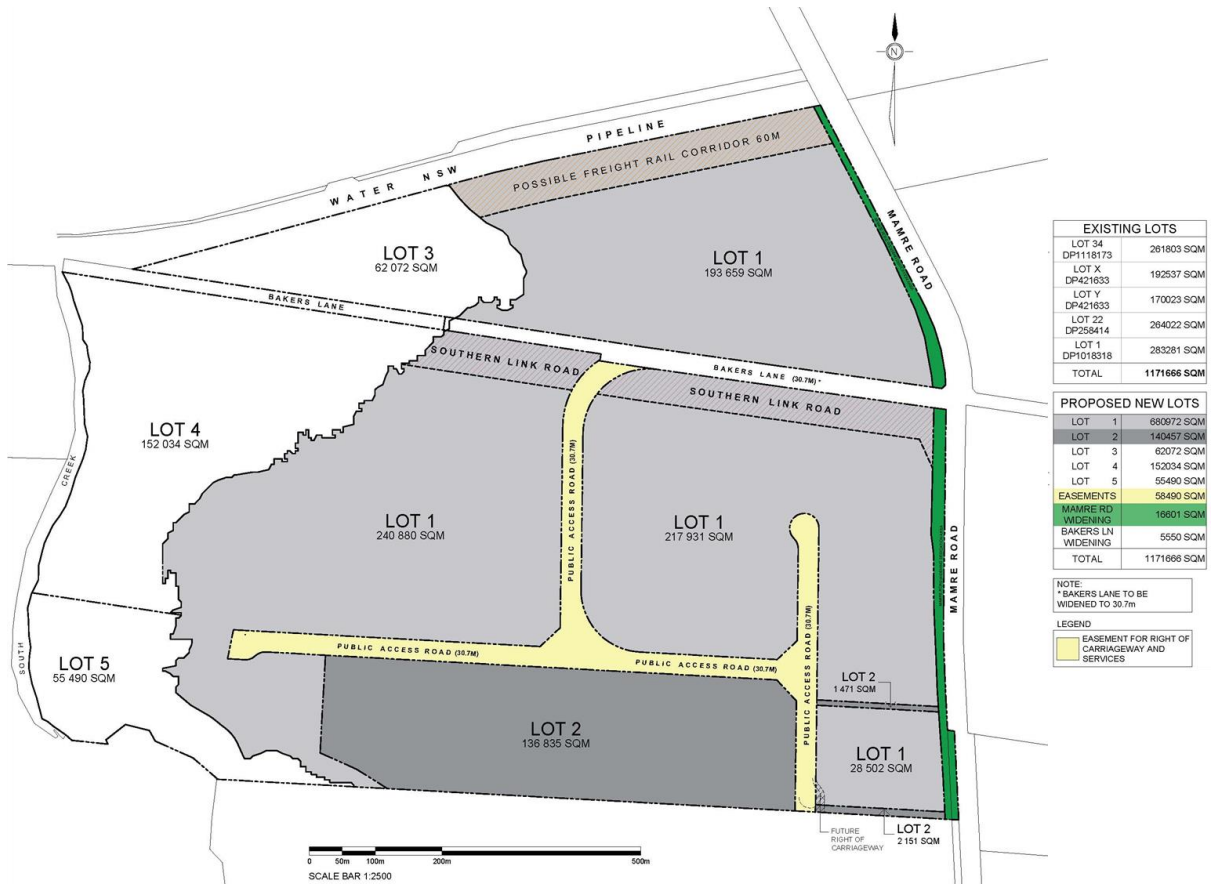


Figure 5 | Stage 1 Subdivision Plan

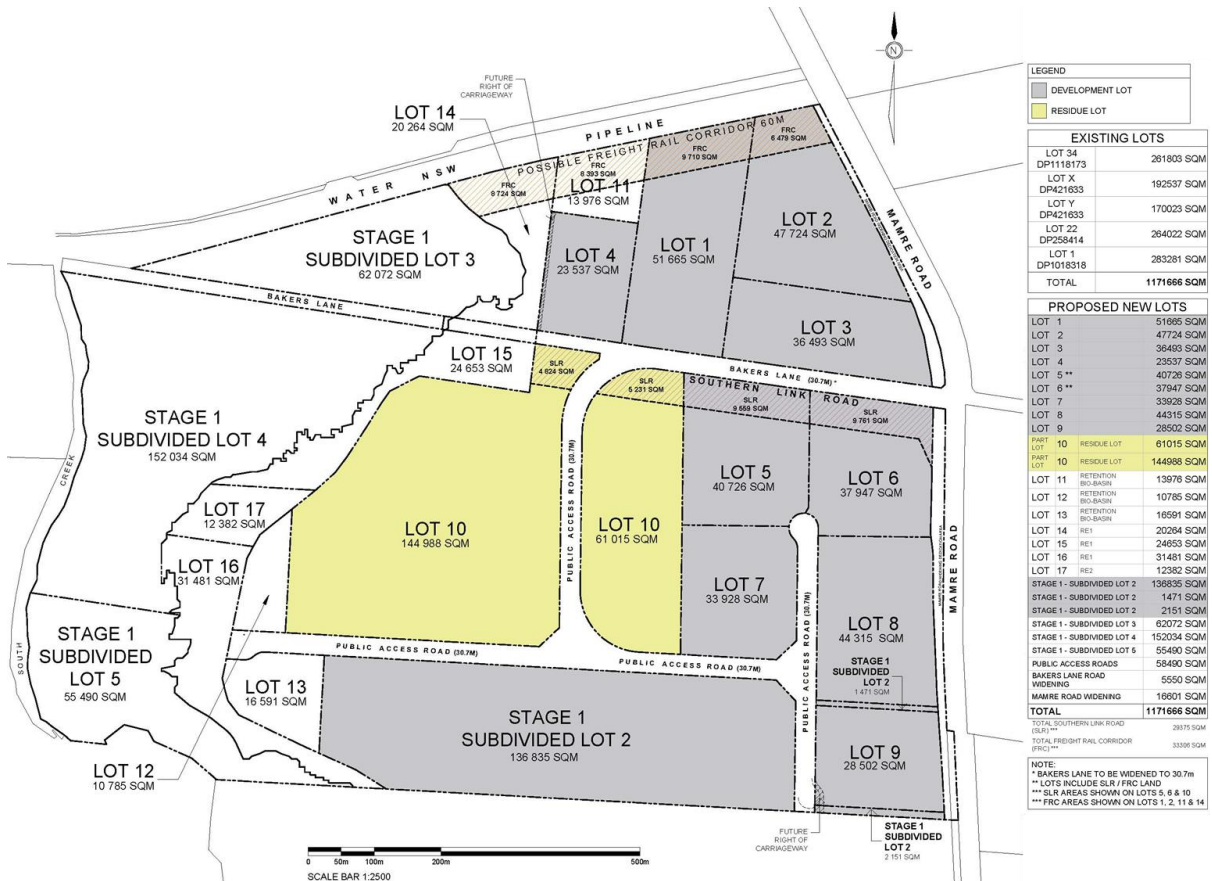


Figure 6 | Stage 2 Subdivision Plan

2.3 Planning Agreement and Development Contribution

Stage 1 subdivision Lots 3-5 (see Figure 6), located in the western part of the site adjacent to Wianamatta-South Creek, are located within the WSA. The Department and the Greater Sydney Commission (GSC) are currently working on a Growth Infrastructure Compact (GIC) for the WSA. The GIC will identify the regional infrastructure requirements and funding mechanisms, including a Special Infrastructure Contribution (SIC). Should future development occur in the western part of the site, GIC will apply to that development.

The remainder of the site, including the proposed Lots 1-8 under this SSD application, is located within the WSEA. Pursuant to Clause 29 of the WSEA SEPP, the Applicant must make satisfactory arrangements to contribute towards State and/or regional infrastructure. The Applicant has signed a draft Planning Agreement with the Minister, for the provision of regional transport infrastructure. The Department has recommended a condition requiring the Applicant to enter into the Planning Agreement prior to the issue of the first Occupation Certificate or within 12 months of the date of a consent, whichever occurs first.

On 17 December 2020, the Deputy Secretary, Place and Infrastructure Greater Sydney, as the Planning Secretary's delegate, issued a Satisfactory Arrangement Certificate (SAC) in accordance with Clause 29 of the WSEA SEPP.

2.4 Uses and Activities

The buildings in Lots 1-8 of the development would be for the purposes of 'warehouse and distribution centres', including associated office space. Warehouses at nearby Oakdale West and South Estates and Altis Warehouse and Logistics Hub are occupied by businesses including Amazon, Toyota, Sigma, Costco, DHL, and Snack Brands. The development would house similar businesses. The proposal does not seek approval for development on the remaining lots. These would be subject to future development applications.

2.5 Related Development

2.5.1 Mamre Road Upgrade

Mamre Road is a two-lane arterial road running along the eastern boundary of the site. Transport for NSW (TfNSW) has started planning for a future upgrade of a 10 km section of Mamre Road, between the M4 Motorway and Kerrs Road, to support growth in the area. This includes the stretch of Mamre Road along the site's eastern boundary which forms part of the Sequence 1B intersection upgrades proposed by the Applicant. The Mamre Road upgrades will be delivered in stages, subject to funding. The first stage of the planned upgrades by TfNSW involves upgrading Mamre Road to four-lanes from the M4 Motorway to Erskine Park Road, located north of the site.

2.5.2 Southern Link Road

The proposed SLR forms part of the strategic road network designed to service the WSEA. The alignment of the SLR was identified in the WSEA SEPP and through a concept design prepared for the Department and TfNSW in 2014. Detailed design work for the SLR is presently underway by TfNSW. The SLR would ultimately be delivered by the Department and TfNSW, supported by contributions from development in the WSEA. The timeframe for delivering the SLR is currently unknown but is estimated to be complete by 2026. The SLR is planned to link Mamre Road to Wallgrove Road, however in the future the SLR would potentially be extended to the west of Mamre Road, passing through the development site.

2.5.3 Western Sydney Freight Line

In 2018, the NSW Government finalised the Future Transport Strategy 2056 and the Greater Sydney Services and Infrastructure Plan. These documents identified land for future construction of the WSFL. The proposed WSFL corridor runs along the northern boundary of the site, adjacent to the water pipelines. The WSFL corridor is zoned SP2 Infrastructure under State Environmental Planning Policy (Major Infrastructure Corridors) 2020.

2.5.4 Wianamatta-South Creek Corridor

The NSW Government has envisioned Wianamatta-South Creek as the central green spine of the Aerotropolis and Greater Sydney Region. The creek corridor would form part of the broader Green Grid and provide open space, amenity, biodiversity and wellbeing values for the surrounding development.

To achieve its vision, the government has zoned a public recreation area along the western boundary of the Mamre Road Precinct to provide an interface between the industrial zoned land and Wianamatta-South Creek. Adjacent to the public recreation area is a planned 'Open Space Edge Road' which would provide public access to the recreation land.

Initially, the Applicant explored the idea of a pedestrian-only promenade along the western edge of the proposed industrial land. However, the Department, Council and the GSC did not support the proposed promenade in this form, raising concerns regarding 24-hour public access, permeability, activation of the corridor, passive surveillance and other urban design matters.

Following several meetings between the Department, Council and the Applicant, the Applicant decided to defer the western portion of the site to a future development application. This would allow further negotiations to take place, while allowing the subject development to continue.

2.6 Applicant's Need and Justification for the Development

The Applicant has advised that Western Sydney is anticipated for strong economic growth, specifically surrounding the planned WSA. The Applicant submitted an Economic Impact Assessment (EIA) as part of the EIS which concludes there would be a shortage of serviced industrial land within the Sydney Metropolitan Area. The EIA found the development would assist meeting market demands, while providing a significant amount of employment for the region. The Applicant concluded the development would maximise employment opportunities in western Sydney by providing high employment uses on industrial zoned land, consistent with the strategic objectives of the WSEA SEPP.

3 Strategic context

3.1 Greater Sydney Regional Plan

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

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

3.2 Western City District Plan

The GSC released six district plans encompassing Greater Sydney which will guide the delivery of the Greater Sydney Region Plan. The district plans set out the vision, priorities and actions for the development of each district. The development is located within the Western City District. The development would assist in achieving the following Planning Priorities set out in the Western City District Plan:

- maximising freight and logistics opportunities and planning and managing industrial and urban services land (W10)
- growing investment, business opportunities and jobs in strategic centres (W11).

The development would also not preclude the achievement of the following Planning Priorities:

- protecting and improving the health and enjoyment of the District's waterways (W12)
- creating a Parkland City urban structure and identity, with Wianamatta-South Creek as a defining spatial element (W13).

The Planning Priorities relevant to Wianamatta-South Creek must also be considered during the assessment of future DAs within the site.

3.3 Future Transport Strategy 2056

Future Transport 2056 is a 40-year strategy for the development and improvement of the NSW transport system. The vision for future transport is built on six outcomes: customer focused, successful places, a strong economy, safety and performance, accessible services and sustainability. These outcomes are intended to provide a guide for future investment, policy, reform and provision of services, as well as provide a framework to support a modern, innovative transport network.

Future Transport 2056 identifies the WSFL as a Greater Sydney Initiative for Investigation in 10-20 years. The development includes a 60 m corridor along the northern boundary of the site, intended for the future WSFL, agreed to by TfNSW.

3.4 Western Sydney Aerotropolis

The WSA comprises 11,200 ha of land and is anticipated to provide 200,000 jobs for Western Sydney.

3.4.1 Stage 1 Land Use and Infrastructure Implementation Plan

The WSA LUIIP was a high-level plan illustrating the strategic vision for how Aerotropolis development could look and to set the parameters for appropriate short-term development outcomes, while preserving longer-term opportunities. The LUIIP was released on 8 August 2018 and applied to the development at the time of lodgement.

Originally, the development was inconsistent with the LUIIP as it included urban development within the Wianamatta-South Creek Precinct. At the time, the Wianamatta-South Creek Precinct covered approximately 75% of the development site. The Wianamatta-South Creek Precinct was identified in the Stage 1 LUIIP as the central green spine of the Aerotropolis which would provide open space, amenity, biodiversity and wellbeing values for the surrounding development. The LUIIP was superseded by the Western Sydney Aerotropolis Plan.

3.4.2 Western Sydney Aerotropolis Plan and the State Environmental Planning Policy (Western Sydney Aerotropolis) 2020

The Western Sydney Aerotropolis Plan (WSAP) was published on 13 September 2020 and was developed by the Western Sydney Planning Partnership in collaboration with the NSW Government and local councils, following feedback received through the exhibition of the LUIIP for the Aerotropolis SEPP and the Draft WSAP.

Under the finalised WSAP, there were changes to the Aerotropolis and precinct boundaries which apply to the development site. The eastern boundary of the Mamre Road Precinct was extended to include additional land, resulting in a smaller portion of the development site being located within the Wianamatta-South Creek Precinct. Further, the Mamre Road Precinct was excluded from the Aerotropolis SEPP to instead be covered by the WSEA SEPP (discussed further in **section 3.5** of this report). The Aerotropolis SEPP commenced on 1 October 2020.

3.5 State Environmental Planning Policy (Western Sydney Employment Area) 2009

State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP) aims to promote economic development and employment, provide for the orderly and coordinated development of land. The WSEA SEPP also rezones land for employment or conservation purposes, ensures development occurs in a logical, cost-effective and in an environmentally sensitive manner and conserve and rehabilitate areas with high biodiversity, heritage or cultural value within the WSEA. The development is generally consistent with the relevant aims set out in clause 3 of the WSEA SEPP as it:

- is for a warehousing, distribution and industrial development
- will provide up to 1,650 jobs (950 operational and 700 construction)
- includes a site-specific development control plan to ensure development occurs in a logical, environmentally sensitive and cost-effective manner.

3.5.1 Mamre Road Precinct

Recognising the demand for industrial land in Western Sydney, the site was rezoned under State Environmental Planning Policy (Western Sydney Employment Area) Amendment 2020 on 11 June 2020. The eastern extent of the site falls within the Mamre Road Precinct. The Mamre Road Precinct provides

approximately 850 ha of new industrial land and could provide up to 5,200 construction jobs and 17,000 operational jobs.

The portion of the site in which the WSEA SEPP applies is zoned IN1 General Industrial, RE1 Public Recreation and RE2 Private Recreation (see **Figure 2**). Further commentary on the permissibility of the development is provided in **section 4.2** of this report.

Other amendments were made to the WSEA SEPP to require concurrence from TfNSW for transport investigation areas and an integrated freight network (clauses 33B and 33C). To support the Mamre Road Precinct, planned transport infrastructure includes the proposed WSFL, the proposed Mamre Road upgrade, the proposed SLR and a potential Intermodal Terminal.

The Mamre Road Precinct is also affected by flooding from Wianamatta-South Creek, Kemps Creek and Ropes Creek. Areas located below the 1% AEP flood extent are not permitted for urban land uses. Additional planning controls are also in place to ensure that development on flood prone land, including land below the Probable Maximum Flood (PMF) level does not result in any adverse impacts for the floodplain (clause 33I).

The Department's assessment of the development against the relevant development controls in the WSEA SEPP is provided in **Appendix C**.

4 Statutory Context

4.1 State significance

The proposal is State significant development pursuant to Section 4.36 of *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves the construction of a warehouse and distribution centre with a capital investment value (CIV) over \$50 million, satisfying the criteria in Clause 12 of Schedule 1 in State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP). Warehouse 8 on Lot 8 has an estimated CIV of \$106,681,000, including associated infrastructure works.

4.2 Permissibility

At the time the EIS was lodged, the site was zoned under the Penrith Local Environmental Plan 2010 (PLEP) as RU2 Rural Landscape and E2 Environmental Conservation and also identified as 'unzoned land' under the WSEA SEPP. However, the site was later rezoned under the WSEA SEPP, Aerotropolis SEPP and State Environmental Planning Policy (Major Infrastructure Corridors) 2020 (Corridors SEPP) (see **Figure 7**).

The eastern extent of the site is subject to the WSEA SEPP where the following zones apply:

- IN1 General Industrial
- RE1 Public Recreation
- RE2 Private Recreation
- SP2 Infrastructure.

Warehouse or distribution centres are permissible with consent in the IN1 zone under the WSEA SEPP. No built form is proposed in the RE1 and RE2 zones as part of the development. The development is therefore permissible with consent under the WSEA SEPP.

The western extent of the site is zoned ENZ Environment and Recreation under the Aerotropolis SEPP while the northern part of the site where the future WSFL applies is zoned SP2 Infrastructure under the Corridors SEPP. No built form is proposed within the ENZ zone and the Applicant has avoided development within the SP2 zoned land by providing a 60 m corridor for the planned WSFL. As such, the western and northern extents of the development are not inconsistent with the Aerotropolis SEPP and the Corridors SEPP.

In summary, the development is permissible under WSEA SEPP and therefore the Minister or a delegate may determine the carrying out of the development.

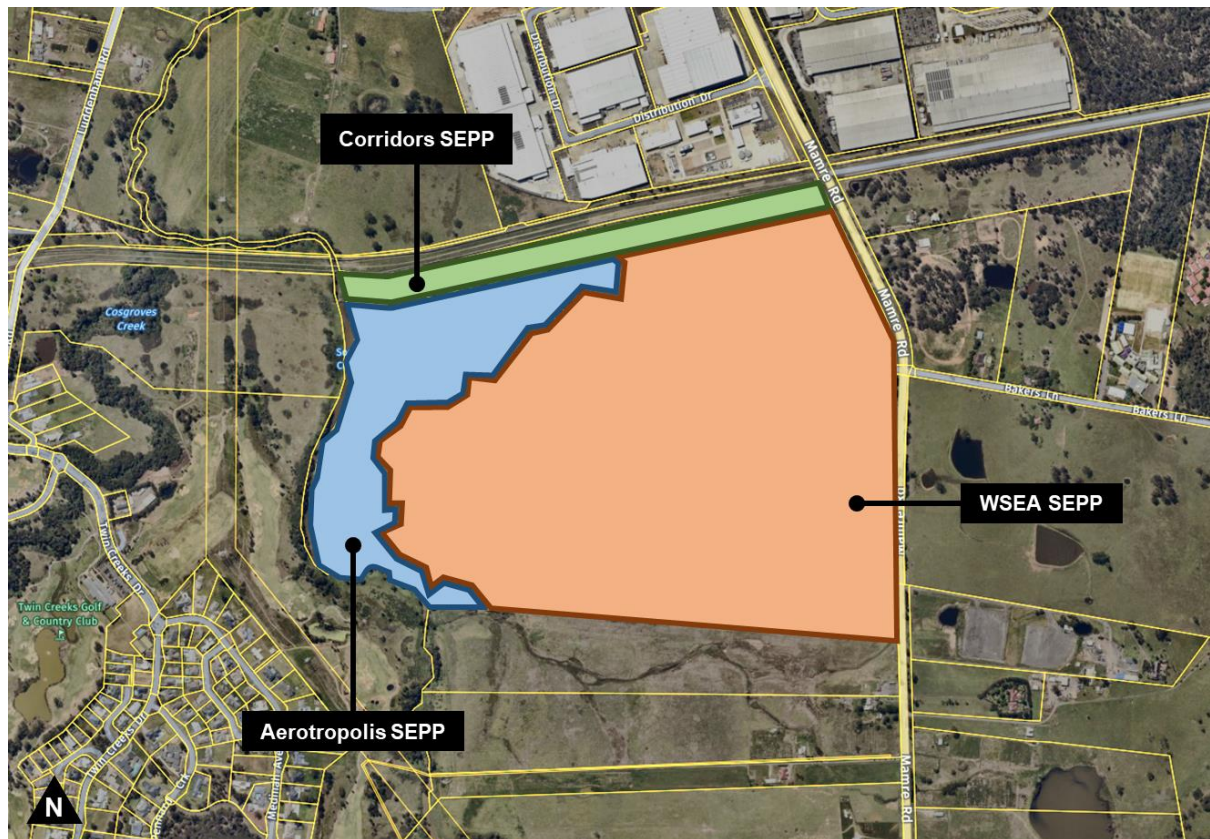


Figure 7 | Key SEPPs

4.3 Consent Authority

The Minister for Planning and Public Spaces is the consent authority for the development under Section 4.5 of the EP&A Act. On 9 March 2020, the Minister delegated the functions to determine SSD applications to the Executive Director, Energy, Industry and Compliance where:

- the relevant local council has not made an objection and
- there are less than 50 unique public submissions in the nature of objections and
- a political disclosure statement has not been made.

Of the 6 public submissions received during the exhibition period, only one objected to the development. Penrith City Council also initially objected to the project, but this objection was subsequently formally withdrawn. No reportable political donations were made by the Applicant in the last two years and no reportable political donations were made by any persons who lodged a submission.

Accordingly, the application can be determined by the Executive Director, Energy, Industry and Compliance under delegation.

4.4 Other Approvals

Under Section 4.42 of the EP&A Act, other approvals may be required and must be approved in a manner that is consistent with any Part 4 consent for the SSD under the EP&A Act.

In its submission, the EPA advised the development does not constitute a scheduled activity under the *Protection of the Environment Operations Act 1997* (POEO Act), therefore an Environment Protection

Licence (EPL) is not required. If any future tenancies include scheduled activities, an EPL would be required prior to undertaking the activity.

Former RMS (now TfNSW) advised in its submission the proposed works to the Mamre Road and Bakers Lane intersection require approval from TfNSW under the *Roads Act 1993*. TfNSW advised the Applicant is required to enter into a Works Authorisation Deed with TfNSW for the works. The Department has incorporated these requirements into the recommended conditions.

4.5 Considerations under Section 4.15 of the EP&A Act

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department's consideration of these matters is set out in **section 4** and **Appendix B**. In summary, the Department is satisfied the development is consistent with the requirements of Section 4.15 of the EP&A Act.

4.6 Environmental Planning Instruments

Under Section 4.15 of the EP&A Act, the consent authority, when determining a development application, must take into consideration the provisions of any environmental planning instrument (EPI) and draft EPI (that has been subject to public consultation and notified under the EP&A Act) that apply to the development.

The Department has considered the development against the relevant provisions of several key EPIs including:

- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning (Major Infrastructure Corridors) 2020 (Corridors SEPP)
- State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP)
- State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (Aerotropolis SEPP)
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)
- Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River (No. 2 1997) (SREP 20)
- Penrith Local Environmental Plan 2010 (PLEP)
- Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP)
- Draft Remediation of Land State Environmental Planning Policy (Draft Remediation SEPP).

Development Control Plans (DCPs) do not apply to SSD under Clause 11 of the SRD SEPP. However, the Department has considered the relevant provisions of the Penrith DCP 2014 in its assessment of the development in **section 4** of this report.

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

4.7 Public Exhibition and Notification

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

The application was on public exhibition from **Friday 7 June 2019** until **Monday 8 July 2019**. Details of the exhibition process and notifications are provided in **section 5.1**.

4.8 Objects of the EP&A Act

In determining the application, the consent authority should consider whether the development is consistent with the relevant objects of the EP&A Act. These objects are detailed in Section 1.3 of the EP&A Act. The Department has fully considered the objects of the EP&A Act, including the encouragement of Ecologically Sustainable Development (ESD), in its assessment of the application.

A summary of the Department's considerations against the relevant objects of the EP&A Act is provided in **Table 2**.

Table 2 | Considerations Against the Objects of the EP&A Act

Object	Consideration
1.3(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	<p>The development would:</p> <ul style="list-style-type: none"> • promote the social and economic welfare of the community through a significant financial investment and the generation of construction and operational jobs in Western Sydney • promote the protection of Wianamatta-South Creek and the Warragamba Pipelines by avoiding impacts on flood behaviour.
1.3(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<p>The Department has considered the need to encourage the principles of ESD, in addition to the need for the proper management and conservation of natural resources, the orderly development of land, the need for the development as a whole, and the protection of the environment, including threatened species within section 6 of this report. Where potential environmental impacts have been identified, mitigation measures have been recommended.</p>
1.3(c) to promote the orderly and economic use and development of land,	<p>The development would ensure the orderly and economic use of land which is zoned for industrial use and would also deliver local road and drainage infrastructure to facilitate the development of the site.</p>
1.3(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	<p>Clearing of native vegetation across the site would be offset by the purchase and retirement of ecosystem credits in accordance with the <i>NSW Biodiversity Offsets Policy for Major Projects</i>.</p> <p>The Department's assessment in section 6 of this report demonstrates with the implementation of the</p>

Object	Consideration
	recommended conditions of consent, the impacts of the development can be mitigated and/or managed to ensure the environment is protected.
1.3(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<p>The Department's assessment in section 6 of this report has recommended conditions of consent to ensure any potential impacts on Aboriginal cultural heritage are appropriately managed.</p> <p>None of the remaining buildings and structures on the site are considered to have any heritage significance and the site has been assessed as having little or no non-Aboriginal archaeological significance. The development is unlikely to have an impact on any items of heritage significance.</p>
1.3(g) to promote good design and amenity of the built environment,	<p>The development is supported by an architectural design report and a site-specific development control plan to ensure the development is designed in a manner that is consistent with the surrounding employment-generating development with appropriate architectural design and building materials.</p> <p>Further discussion is provided in section 6 of this report regarding the amenity of the surrounding built environment. The Department has recommended conditions aimed at protecting the amenity of nearby sensitive receivers.</p>
1.3(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	Buildings would be constructed to meet a combination of deemed to satisfy (DTS) and Performance Requirements of the BCA and relevant construction standards to address nearby bushfire mapped areas.
1.3(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department has assessed the development in consultation with, and giving due consideration to, the technical expertise and comments provided by other public authorities (see section 5).
1.3(j) to provide increased opportunity for community participation in environmental planning and assessment.	The application was exhibited in accordance with Schedule 1 of the EP&A Act to provide opportunity for public involvement and participation in the environmental assessment of this application.

4.9 Ecologically Sustainable Development

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

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

The potential environmental impacts of the development have been assessed and, where potential impacts have been identified, mitigation measures and environmental safeguards have been recommended. As described in **section 6** of this report the Department considers that, subject to the recommended conditions, the development would not adversely impact the environment and is generally consistent with the objectives of the EP&A Act and the principles of ESD.

4.10 Biodiversity Development Assessment Report

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

The application is supported by a BDAR which has assessed each of the relevant matters in accordance with the BC Act. As discussed in **section 6** of this report, the Department's assessment has concluded the biodiversity impacts of the development would be adequately minimised and offset in accordance with the requirements of the BC Act.

4.11 Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

Under the EPBC Act, assessment and approval is required from the Commonwealth Government if a development is likely to impact on a matter of national environmental significance (MNES), as it is considered to be a 'controlled action'.

As stated in Section 4.10 of this report, the EIS included a BDAR. The BDAR identified the development would require removal of 0.25 ha of *Cumberland Plain Woodland in the Sydney Basin Bioregion* (Plant Community Type, PCT 849) which is Critically Endangered Ecological Community (CEEC) listed under the EPBC Act. The BDAR stated that only one threatened species being Grey-headed Flying Fox was identified under the EPBC Act as having more than a 'low' likelihood of currently utilising habitats within the Subject Site. Consequently, the proposed removal of native vegetation associated with PCT 849 would not have any impacts on MNES and the Applicant determined a referral to the Commonwealth Government was not required.

5 Engagement

5.1 Consultation

The Applicant, as required by the Planning Secretary's Environmental Assessment Requirements (SEARs), undertook consultation with relevant public authorities as well as the council, community and affected landowners. The Department undertook further consultation with these stakeholders, during the exhibition of the EIS and throughout the assessment of the application to address critical site constraints such as inconsistency with strategic planning, the Wianamatta-South Creek interface, flooding and planned road infrastructure. The Department had regular meetings with the Applicant, Council, TfNSW and internally to assist with resolving the outstanding issues. These consultation activities are described in detail in the following sections.

5.1.1 Consultation by the Applicant

The Applicant undertook a range of consultation activities throughout preparation of the EIS including:

- meetings with Council and public authorities
- consultation with surrounding residents and stakeholders through letterbox drop and community information sessions.

5.1.2 Consultation by the Department

After accepting the EIS for the application, the Department:

- made it publicly available from **7 June 2019** until **8 July 2019** (31 days):
 - on the Department's website, at NSW Service Centres and at the Department's Information Centre in Sydney
 - at Penrith City Council's Civic Centre (601 High Street, Penrith)
- notified landowners in the vicinity of the site about the exhibition period by letter
- notified relevant public authorities and Penrith City Council by letter
- advertised the exhibition in the Penrith Press and the Penrith Western Weekender.

On 25 May 2019, the Department inspected the adjoining WaterNSW Warragamba Pipelines and the intersection at Mamre Road and Bakers Lane. The Department visited the site again on 11 September 2020. Throughout the Department's assessment, the Department also held multiple meetings with the Applicant, Council and public authorities to resolve critical issues.

5.2 Summary of submissions

During the exhibition period, the Department received a total of 18 submissions on the development. Of the submissions received, 11 were from public authorities, one was from the local council, two were from special interest groups and two were from private businesses and two were from the community. Three submissions objected to the development. A summary of the submissions is provided in **Table 3** below, and a link to the full copy of the submissions is provided in **Appendix A**.

Table 3 | Summary of Submissions

Submitter	Type	Position
Penrith City Council	Local Council	Comment (initially objected, subsequently withdrawn)
Greater Sydney Commission	Agency	Comment
WaterNSW	Agency	Comment (initially objected, subsequently withdrawn)
Sydney Water	Agency	Comment
Roads and Maritime Services (now TfNSW)	Agency	Comment
Transport for NSW	Agency	Comment
Fire & Rescue NSW	Agency	Comment
NSW Rural Fire Service	Agency	Comment
DPIE – Crown Lands, Water and Primary Industries	Agency	Comment
DPIE – Environment, Energy and Science Group	Agency	Comment
Environment Protection Authority	Agency	No comment
Heritage Council of NSW	Agency	Comment
Endeavour Energy	Special Interest Group	Comment
TransGrid	Special Interest Group	No comment
BGMG 11 Pty Ltd	Private Business	Object
The Anglican Schools Corporation	Private Business	Comment
Mount Riverview Resident	Public	Comment
Luddenham Resident	Public	Comment
Total submissions	18	

5.3 Key issues – Government authorities

Penrith City Council (Council) objected to the development and raised concerns related to the suitability of the site, internal road layout and site access, flooding, biodiversity and landscaping. Council noted the development was inconsistent with the Wianamatta-South Creek Precinct under the WSA LUIIP and advised the SLR extension had not been confirmed and would potentially cut through the site.

The **Greater Sydney Commission** (GSC) did not object to the development, however it was not supportive of development occurring within the Wianamatta-South Creek catchment prior to the

completion of studies from Infrastructure NSW (INSW). GSC advised the premature lodgement could lead to inappropriate urban development inconsistent with the Greater Sydney Region and Western City District Plans. The GSC also raised concerns regarding the volume of fill proposed within the Wianamatta-South Creek Precinct, the removal of remnant vegetation and consistency with the public domain framework of Greater Sydney Region Plan.

WaterNSW objected to the development due to the off-site post-development flood levels and potential impacts on the Warragamba Pipelines corridor.

Sydney Water advised that temporary water and wastewater servicing could be provided in the short term, however developer delivered precinct trunk mains would be required in the long term. The Applicant would also be responsible for all costs for providing wastewater temporary wastewater servicing.

Roads and Maritime Services (RMS – now merged with TfNSW) did not object to the development. However, RMS noted the Mamre Road upgrade along the frontage of the site did not have funding and advised the Applicant should assess the impact of the development based on Mamre Road not being upgraded. RMS also raised concerns regarding the proposed intersection treatments and the uncertainty of the SLR extension.

Transport for NSW (TfNSW) did not raise concerns with the proposed 60 m WSFL corridor. However, TfNSW provided comments related to end of trip facilities, pedestrian and cyclist transportation and functional street networks.

NSW Rural Fire Service (RFS) provided comments regarding minimum asset protection zones (APZ) and compliance with *Planning for Bush Fire Protection 2006*.

Fire and Rescue NSW (FRNSW) recommended conditions regarding fire systems, fire safety studies, road widths and fire hydrants.

Heritage Council of NSW (Heritage Council) noted the site is not listed on the State Heritage Register (SHR) and is not located near any SHR items. The Heritage Council considered the recommendation for an unexpected finds protocol within the Applicant's Heritage Impact Assessment as appropriate.

DPIE Crown Lands, Water and Primary Industries provided advice from its relevant branches:

- **DPIE Water and Natural Resources Access Regulator (NRAR)** requested the Applicant identify water take requirements for the construction phase of the development and advised that works on waterfront land should comply with the *Guidelines for Controlled Activities* (2012).
- **DPI – Agriculture** noted the site could be maintained as productive rural land until the planning framework for the Aerotropolis is determined and that little justification for developing the site ahead of this framework was provided.
- **DPI – Fisheries** requested additional sediment controls along Wianamatta-South Creek and noted that all flows directed to Wianamatta-South Creek must have erosion and sedimentation controls installed.

DPIE Environment, Energy and Science Group (EES) requested further information on the BDAR, noting inconsistencies between the information provided in the EIS and within the GIS data. EES also noted requirements of the Biodiversity Assessment Method (BAM) were not met, such as the inclusion of information relating to serious and irreversible impacts and how the surveys were conducted. EES supported the recommendations of the Ecologically Sustainable Development Report and requested they form part of the conditions of consent.

The **Environment Protection Authority (EPA)** did not have any specific comments.

5.4 Key issues – Special interest groups

Endeavour Energy did not object to the development and noted there are no easements over the site benefitting Endeavour Energy. Endeavour Energy provided information regarding network capacity/connection, urban network design, location of electricity easements, flooding and drainage, vegetation management, underground activity, demolition and public safety.

TransGrid did not have any comments.

5.5 Key issues – Private businesses

BGMG 11 Pty Ltd (BGMG), the owner of the Oakdale West Industrial Estate, objected to the development identifying it as disorderly due to the site being unzoned land and noting inconsistencies with the LUIIP. In addition, BGMG raised the development would put a strain on local services and infrastructure.

DFP Planning, on behalf of **The Anglican Schools Corporation**, provided comments regarding potential construction impacts such as air quality and noise. The Anglican Schools Corporation also engaged Stanbury Traffic Planning to review the Applicant's Traffic Impact Assessment (TIA). Stanbury Traffic Planning raised concerns regarding the lack of a preliminary Construction Traffic Management Plan, peak hour intersection performance, proposed traffic signal cycle times and potential impacts upon school-related traffic.

5.6 Key issues – Community

A resident in Luddenham raised concerns regarding the potential cumulative traffic impacts of the development, noting future developments in the area such as the Science Park, Raceway and Airport.

Another resident in Mount Riverview recommended the Applicant include green infrastructure strategies to reduce the urban heat island effect, including green roofs, rain gardens, green walls and encouraged WSUD.

5.7 Independent Expert Reviews

As discussed in **section 5.3**, the potential impact upon flooding behaviour within the Wianamatta-South Creek catchment was raised as a key concern in several submissions from public authorities and Council. The original proposal included bulk earthworks across the majority of the site (approximately 90% of the site), including works within below the 1% AEP flood level.

The Department sought independent advice from Advisian Pty Ltd (Advisian) to support its assessment of the flooding impacts of the development. The peer review identified critical issues which required resolution before the development could proceed. The flood review is discussed further in **section 6.2** and the peer review report is provided in **Appendix A**.

5.8 Response to Submissions

On 7 August 2020, the Applicant provided a Response to Submissions (RtS) on the issues raised during the exhibition of the development (see **Appendix A**). As described in **section 2.1**, the Applicant proposed to amend the development under Clause 55 of the EP&A Regulation.

The RtS was also supported by updated documents and information in response to the matters raised during the exhibition. The documents included an updated masterplan, subdivision plans, civil drawings, QS report, swept path analysis and impact assessments.

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

- **Council** withdrew its objection to the development and sought clarification on matters relating to the subdivision plan, the WSFL alignment and maintenance of the estate basins. Council re-iterated its concerns regarding the extent of fill proposed and the potential impact on flooding. Council also re-iterated it does not support any 'T' intersections along the north south distributor road within the estate.
- **TfNSW** advised the intersection works proposed by the Applicant were inconsistent with the current plans for the Mamre Road upgrade works.
- **EES** could not confirm whether the Applicant addressed its previous comments on the BDAR as the Applicant did not provide updated shapefiles and calculator files. EES requested clarification from the Applicant regarding the plant community types (PCT) as misidentification would result in lower credit requirements and lower credit prices. EES was satisfied the RtS addressed concerns relating to flooding.
- **Heritage NSW** provided several recommended conditions, such as the requirement for an Aboriginal Cultural Heritage Management Plan.
- The **GSC** reiterated its comments in relation to the creation of a connective, walkable network and public access along the Wianamatta-South Creek edge.
- **WaterNSW, Sydney Water, FRNSW and Endeavour Energy** provided recommended conditions.
- **DPIE Fisheries and DPIE Water Group** had no further comments.
- **WSPP** had no comments.

On 1 September 2020, the Department requested the Applicant provide a further response to the issues raised.

5.9 Response to Submissions Addendum

The Applicant provided an RtS Addendum on 8 September 2020 which included a response to the outstanding issues raised by Council, public authorities and the Department. The RtS Addendum provided:

- justification for the proposed internal road network
- justification for the extent of filling required and the boundary interface treatments
- indicative construction timeframes and staging
- an updated masterplan, subdivision plans and landscape plans
- a swept path analysis for key intersections within the site
- the shapefiles and calculator files used for the BDAR.

The RtS Addendum was provided to Council and relevant public authorities for comment. A summary of the public authorities' responses is provided below:

- **Council** reaffirmed the concerns relating to flooding, the extent of fill proposed and design of the internal estate roads. Council provided several recommended conditions of consent.
- **TfNSW** noted inconsistencies in the documentation regarding the upgrade to the Mamre Road and Bakers Lane intersection. TfNSW requested clarification and additional information, including civil plans, draft traffic control plans and swept path diagrams.

- **EES** had no further comments regarding biodiversity and flooding.

5.10 Supplementary Information

The Applicant provided supplementary information on 2 October and 30 October 2020 (collectively referred to as Supplementary Information).

On 2 October 2020, the Applicant provided information to address outstanding concerns raised by TfNSW. Concurrence from TfNSW is required for works within the transport investigation areas (WSFL and SLR) as well as for works associated with Mamre Road. TfNSW provided its concurrence on 30 October 2020.

The Applicant also provided a final set of plans on 16 October 2020. The plans included revised versions of the master plan, stage 1 and stage 2 subdivision plans and the architectural drawings. These plans included amendments to key intersections within the site and the relocation of the Lot 7 access.

The Department has considered the issues raised in submissions, the RtS, RtS Addendum and Supplementary Information provided by the Applicant in its assessment of the development.

6 Assessment

The Department has considered the EIS, the issues raised in the submissions, the RtS, the RtS Addendum and Supplementary Information in its assessment of the development. The Department considers the key assessment issues are:

- site access and traffic
- flooding
- visual impacts.

A number of other issues have also been considered. These issues are considered to be minor and are addressed in **Table 9** under **section 6.4**.

6.1 Access and Traffic

6.1.1 Background

The development is located in the Mamre Road Precinct of the WSEA. Development of the precinct is just beginning, and concept planning has commenced for upgrades to the regional road network to support the transformation of this area from rural uses to logistics and airport service industries.

Mamre Road forms the eastern boundary of the site. Mamre Road is currently a two-lane road in this location and is identified as a major transport corridor to support the growth of the precinct and the Aerotropolis. Mamre Road connects to the M4 Motorway 5 km north of the site and the M7 Motorway around 8 km south-east of the site.

Bakers Lane is a two-lane local road that intersects Mamre Road and provides the current informal access to the site.

TfNSW have planned upgrades to Mamre Road to increase capacity to service growing traffic demands as the area transitions from rural to logistics and airport service industries. The upgrades would be staged, with the first stage involving widening from two to four lanes from the M4 Motorway to Erskine Park Road, north of the site, expected to be complete by the end of 2025.

The local road network is shown in **Figure 8**.

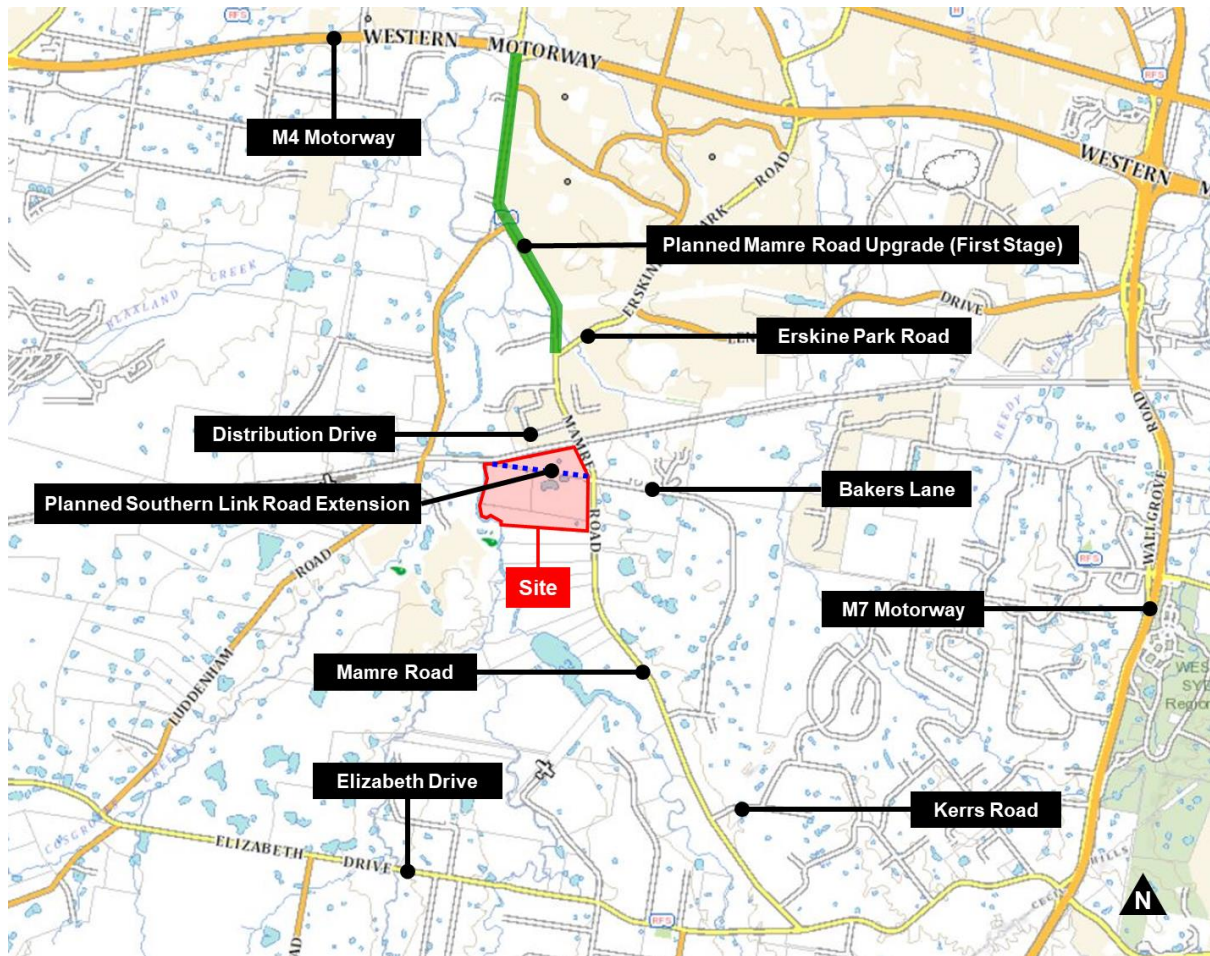


Figure 8 | Local Road Context

6.1.2 The Development

The Applicant proposes the following road and intersection works to service the development:

- upgrading Bakers Lane, west of Mamre Road, to provide primary access to the site
- staged upgrade of the Mamre Road and Bakers Lane intersection to include traffic signals and turning lanes to service the site (referred to as Sequence 1A)
- widening Mamre Road from two to four lanes between Distribution Drive to the north and the southern boundary of the site, including additional turning lanes at the intersection with Bakers Lane (referred to as Sequence 1B)
- provision of a north-south distributor road within the site to provide through access from Bakers Lane to industrial zoned land south of the site.

The development also reserves corridors within the site for a future extension of the SLR and construction of the WSFL (refer to **section 2.5** and **Figure 9**).

The proposed road works, intersection works and corridor reservations are the result of extensive discussions between the Applicant, the Department, TfNSW and Council. The proposed works are generally consistent with the evolving strategic planning for the Mamre Road Precinct, the WSEA and the WSA, as discussed below.

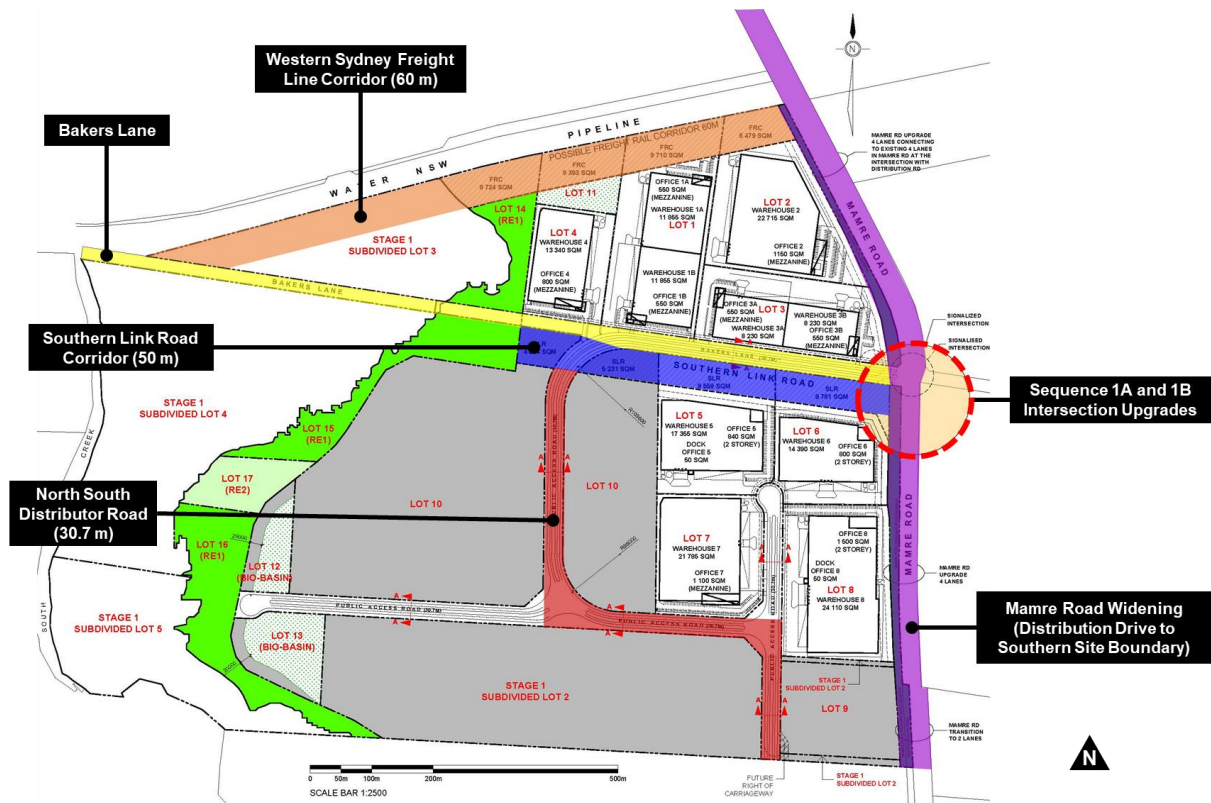


Figure 9 | Road Network

6.1.3 Access

The site would have direct access to Mamre Road at its intersection with Bakers Lane. The Mamre Road and Bakers Lane intersection is currently a signalised 'T' intersection and would require an upgrade to facilitate access to the development.

The TIA describes the proposed upgrade works to Bakers Lane and Mamre Road in four sequences, with sequences 1A and 1B forming part of this development application. Sequences 2 and 3 would be required as part of future development applications but were included to demonstrate the potential intersection performance into the future when the SLR is constructed. The Sequence 1A works involve upgrading the Mamre Road and Bakers Lane intersection with the addition of turning lanes and traffic signals to facilitate access to the site. Sequence 1A would be required to accommodate the traffic generated from the 162,355 m² of GFA across the eight warehouses of the development and must be installed prior to the occupation of the first warehouse on site. Sequence 1A has a design life until the end of 2025, following which Sequence 1B must be operational. Any future applications that would increase the GFA on site above the 162,355 m² prior to the end of 2025, would require the Sequence 1B upgrades to be completed sooner, as described below.

Sequence 1B involves widening Mamre Road to two lanes in each direction, for a total of four lanes, from the Mamre Road and Distribution Drive intersection to the southern boundary of the site (see **Figure 8**). The Mamre Road widening would form a continuation of Stage 1 of the planned Mamre Road upgrades by TfNSW which is anticipated to be completed by the end of 2025. The Sequence 1B works are not immediately required to accommodate the operational traffic generated by this development but are required by the end of 2025. As discussed above, the Sequence 1B works would only be triggered sooner if future applications which increase the GFA for the site were approved and operational prior to the end of 2025.

To be conservative, the TIA also considered future intersection sequences (Sequences 2 and 3) to demonstrate the Mamre Road and Bakers Lane intersection could operate in the future in conjunction with the planned SLR. During these sequences, the SLR would provide access to the site and Bakers Lane would function as an internal estate road.

The proposed sequences are summarised in **Table 4**.

Table 4 | Summary of Proposed Intersection Sequencing

Sequence	GFA (m ²)	Total Lanes on Mamre Road	Description
1A	162,355	2	Required to accommodate the 162,355 m ² of GFA for the eight proposed warehouses (i.e. traffic from this SSD application), with a design life up to 2025. Required prior to occupation of any warehouse under this application. Included as part of this SSD application.
1B	421,920	4	Required to accommodate future development beyond 162,355 m ² of GFA (i.e. traffic from this SSD application, future development on the site and potential development on the site immediately to the south) and required by the end of 2025. Involves widening Mamre Road to four lanes. Included as part of this SSD application.
2	421,920	4	To be delivered when the SLR has been completed by TfNSW to the east of the site, up to Mamre Road. Not included as part of this SSD application.
3	421,920	4	Demonstrates the 'ultimate configuration' of the SLR once it is extended west through the subject site. Not included as part of this SSD application.

The development requires concurrence from TfNSW under the WSEA SEPP. The Department and the Applicant have consulted closely with TfNSW to ensure the Mamre Road and Bakers Lane intersection works satisfy the requirements of TfNSW and align with the planned Mamre Road upgrades. The Applicant has also reserved corridors along the proposed WSFL and the SLR, as requested by TfNSW.

TfNSW reviewed the proposed intersection designs and commented they were not consistent with the concept design for the intersection of the SLR and Mamre Road. The Applicant provided clarifications, noting this was a result of TfNSW having not yet acquired land to the east of Mamre Road for the future roadworks. The Applicant amended the intersection design to demonstrate the proposed intersection works for sequences 1A and 1B could work based on the existing Mamre Road corridor and would meet the requirements of TfNSW.

Following a review of the additional information, on 30 October 2020, TfNSW provided its concurrence for the development under the WSEA SEPP. Concurrence was provided subject to conditions relating to Mamre Road and the proposed intersection works, including entering into a Work Authorisation Deed, obtaining a Road Occupancy Licence, compliance with specific requirements and other matters. The Department has included these conditions in its recommended conditions of consent.

Along with TfNSW's recommended conditions, the Department has included a condition requiring the Sequence 1A intersection upgrades to be complete prior to the occupation of any warehouse and for the Sequence 1B intersection upgrades to be complete by 31 December 2025.

6.1.4 Internal Road Network

As discussed in **section 3.5** of this report, the Mamre Road Precinct was rezoned under an amendment to the WSEA SEPP. Strategic planning for the Precinct is ongoing and includes transport infrastructure including the WSFL, the SLR, Mamre Road widening and a potential Intermodal Terminal.

The Department is working with Council and TfNSW to prepare an indicative road layout for the broader Mamre Road Precinct to enable the orderly development of land and ensure all properties have access to the industrial road network. In planning the road network for the Mamre Road Precinct, important considerations include ensuring network connectivity and route continuity is provided while maintaining traffic capacity, safety and balanced intersection design.

Since the proposal was exhibited in July 2019, the Department and the Applicant had several meetings with TfNSW and Council to ensure the internal estate roads align with the overall vision of the Mamre Road Precinct, particularly as a DCP for the precinct was not in place at the time. This process involved several design changes from the Applicant to accommodate the requirements of the Department, TfNSW and Council.

The draft Mamre Road Precinct DCP was later exhibited from 10 November 2020 to 17 December 2020. The final DCP will provide detailed planning controls for industrial development in the Mamre Road Precinct, including an indicative road network and road design controls. The Mamre Road Precinct DCP will apply to future development within the site.

North-South Distributor Road

A key consideration for all industrial land in the Mamre Road Precinct is north-south road links to provide continuous road access throughout the precinct while minimising the number of access points to Mamre Road. This requires a north-south distributor road (the NS Road) within the site to connect the Mamre Road and Bakers Lane intersection to land to the south of the site (see **Figure 9**).

As the development was ahead of the precinct-wide traffic modelling, the Department's Chief Engineer provided the Applicant with design parameters for the NS Road. Key design parameters included:

- ensuring a continuous movement along the entire alignment
- a road design speed of 70 km/h and posted speed limit of 60 km/h
- a B-Double design vehicle
- a road reserve width of 30.7 m
- intersection spacing between 400 m and 800 m
- no parking and no direct access from adjoining properties.

The proposed site layout submitted with the RtS included a 20.6 m wide NS Road with two 'T' intersections. Council did not support the proposed road width of 20.6 m. Further, Council did not support the two 'T' intersections, noting it was not in line with best traffic engineering practice for a collector road.

The Applicant argued the 'T' intersection approach for the NS Road was necessary to satisfy specific requirements for the southern development lot ('Stage 1 Subdivided Lot 2' in the stage 2 subdivision plan). The Applicant engaged Ason and Costin Roe to respond to the design parameters provided by the Department. In doing so, the Applicant demonstrated the NS Road would meet all relevant Australian

Standards. A swept path analysis was provided to demonstrate a 26 m B-Double (the largest anticipated vehicle) could safely manoeuvre through the proposed 'T' intersections along the NS Road. To maintain the distributor road function, traffic control signs would be put in place to ensure the north-south movements are prioritised to ensure a continuous movement of vehicles along the road. On this basis, the Applicant argued this road alignment can accommodate the anticipated traffic through the precinct, allowing safe and efficient turns.

Following further discussions with the Department and Council, the Applicant amended the proposal to incorporate a larger turning radius for one of the 'T' intersections to allow for efficient and safe turning at a design speed of 60 km/h. The amended proposal also widened the NS Road from 20.6 m to 30.7 m, however the Applicant noted it would reduce the width of the road should precinct-wide modelling, to be completed by February 2021, indicate a reduced road width requirement. Any changes would be subject to a future modification application.

Both the Department and Council's preference is for a continuous movement along the NS Road. The Department acknowledges the Applicant made significant design amendments in response to the issues raised, while trying to balance the needs of its future tenants. Further, the Applicant engaged traffic engineers at the Department's request to demonstrate the NS Road would function safely and efficiently.

The Department's Chief Engineer reviewed the road design and recommended conditions requiring the Applicant to ensure the NS Road is designed in accordance with the agreed upon design parameters, unless otherwise required by the Mamre Road Precinct DCP. The Chief Engineer also recommended the Applicant demonstrate all intersections can accommodate the turning path of both B-Double vehicles and 19.0 m Articulated vehicles, including compliant line marking plans. The Department has included the Chief Engineer's requirements in the recommended conditions of consent.

The proposed NS Road would be designed and constructed in accordance with *Austroads Guide to Road Design*, TfNSW specifications, relevant Australian Standards and the design parameters provided by the Department. The Applicant amended the proposal to provide a conservative 30.7 m road corridor for the NS Road in the absence of the precinct-wide modelling. As such, the Department's assessment concludes the proposed alignment of the NS Road is approvable, subject to conditions recommended by the Department's Chief Engineer.

North-South Distributor Road, Bakers Lane and the Southern Link Road

A further consideration for the development is accommodating the future signalised intersection of the NS Road and the SLR, once the SLR extends through the site. The Applicant has suggested the proposed layout provides sufficient room for this intersection and for Bakers Lane to function as a local road immediately to the north of the SLR. The Applicant proposes Bakers Lane would then provide access to lots 1-4, with Bakers Lane then connecting to the SLR.

TfNSW advised that insufficient information has been provided to demonstrate how the future SLR and Bakers Lane alignment will operate and connect to lots 1-4 north of Bakers Lane (see **Figure 9**). In particular, TfNSW noted potential design problems with linking both roads in a safe and efficient manner in proximity to the future NS Road and SLR signalised intersection. The Department recognises the development must make provisions for the future scenario where the SLR extends through the site. As a result, the Department has recommended a condition requiring the Applicant prepare a concept design identifying how the internal road network can link to the SLR and provide access to lots 1-4 in consultation with TfNSW. The concept design is to be prepared to the satisfaction of the Planning Secretary prior to commencement of construction of any works north of the SLR corridor.

Conclusion

The Department acknowledges the extensive consultation and various design amendments undertaken by the Applicant to balance the requirements of Government with its prospective future tenants. The Applicant has demonstrated the proposed NS Road would meet relevant Australian Standards while providing the desired connection to the industrial-zoned land to the south. The Department considers the Applicant has demonstrated the internal estate road network generally aligns with the Government's broader vision for the Mamre Road Precinct road network.

6.1.5 Construction

Construction activities associated with the development include bulk earthworks, civil works, internal estate roads and intersection upgrades and construction of eight warehouses. An indicative construction schedule is provided in **Table 5**.

Table 5 | Indicative Construction Schedule

Phase	Commencement	Duration
Bulk earthworks	4-12 weeks from SSD approval	12-18 months
Internal estate civil works	4-12 weeks from SSD approval	12-18 months
Warehouse building construction	As needed	9-12 months per building (36 months total)
Sequence 1A intersection works	12 months from SSD approval	6 months
Sequence 1B intersection works	Following completion of Sequence 1A intersection works	6 months

Construction traffic volumes vary throughout the day and generally would consist of a total of 140 vehicles from 6 am to 7 am, 126 vehicles from 6 pm to 7 pm and 76 vehicles per hour (vph) during all other construction hours. The Applicant advised the peak periods of the construction traffic (6 am to 7 am and 6 pm to 7 pm) fall outside of the peak periods of the road network (8 am to 9 am and 3 pm to 4 pm).

To minimise impacts on the surrounding road network that may occur if the existing Mamre Road/Bakers Lane intersection was used, an interim left in/ left out access point off Mamre Road is proposed at the south-eastern corner of the site for construction traffic. The interim construction access point would be used for approximately 18 months and will allow construction vehicles to enter and exit the site without crossing Mamre Road, minimising the potential for vehicle queuing and network disruption.

Following completion of the Sequence 1A upgrade to the Mamre Road and Bakers Lane intersection, construction vehicles will use this access point to the site. The Applicant noted the Sequence 1A intersection upgrade would accommodate the operational traffic associated with the development and therefore would be able to accommodate the lower construction traffic volumes. The Applicant applied the same justification regarding potential impacts to the surrounding road network, noting the network will be able to accommodate the operational traffic volumes and therefore the construction traffic volumes as well (see **Table 6**).

Table 6 | Summary of Construction Traffic Volumes

Road Network Period	Operational Traffic (SSD 9522) (vph)	Construction Traffic (vph)	Difference (vph)
AM Peak (8 to 9 am)	411	76	-335
PM Peak (3 to 4 pm)	303	76	-227

The Anglican Schools Corporation submission requested a preliminary Construction Traffic Management Plan (CTMP) be provided to ensure potential construction impacts on the safety and efficiency of the nearby education precinct on Bakers Lane are minimised. As requested, the amended TIA included a preliminary CTMP describing the proposed hours of construction and mitigation measures to minimise the impact of construction. The preliminary CTMP also identifies the potential haulage routes, which does not include Bakers Lane on the eastern side of Mamre Road and therefore construction vehicles would not pass by the schools. Mitigation measures include traffic control and scheduling delivery activities outside of peak hours. Notwithstanding, the Department has recommended conditions requiring the CTMP be prepared in consultation with the Anglican Schools Corporation.

TfNSW reviewed the preliminary CTMP and provided comments relating to the proposed construction access points and turnaround locations for construction traffic. TfNSW advised that further refinement of the preliminary CTMP would be required.

The Department considers the indicative overall construction timeframe would result in short-term disruptions to the nearby road network which can be minimised through the implementation of a final CTMP. The Department has included the requirement for a CTMP in the recommended conditions. The CTMP must include a requirement for an interim left in/left out construction access to be provided until the Sequence 1A upgrade to the Mamre Road and Bakers Lane intersection has been completed.

The CTMP must be prepared in consultation with Council, TfNSW, The Anglican Schools Corporation and other schools in the area. The CTMP must also include specific measures to minimise impacts on the nearby education precinct, such as avoiding peak school periods. To ensure environmental performance of the development during construction works is carefully monitored, the Department also included the requirement for an Environmental Representative in the recommended conditions. The Environmental Representative would be required for the duration of bulk earthworks and internal infrastructure construction.

6.1.6 Operation

The RtS provided an updated TIA assessing the capacity and safety of the upgraded road network to accommodate the development. The TIA included consideration of the development (Lots 1 – 8), the fully developed site (including all industrial zoned land), future development on land to the south and background traffic growth.

The development is predicted to generate 4,388 vehicles per day (vpd), including 411 vph in the AM peak period and 303 vph in the PM peak. The fully developed site and developed land to the south (within the Mamre Road Precinct) would generate up to 11,664 vpd, including 1,091 vph in the AM peak and 804 vph in the PM peak.

The operational traffic predictions are summarised in **Table 7**.

Table 7 | Operational Traffic Generation

Site	GFA (m ²)	AM Peak (vph)	PM Peak (vph)	Daily (vpd)
Subject development (SSD 9522)	162,355	411	303	4,388
Full development of the site (SSD 9522 + future DAs)	421,820	1,042	768	11,136
Southern lots	20,000	49	36	528
Total (full development of site + southern lots)	441,820	1,091	804	11,664

The TIA modelled intersection performance for each stage of development and for each stage of the planned upgrades to the Mamre Road and Bakers Lane intersection and concluded the development would be adequately accommodated on the road network in all scenarios. The Mamre Road and Bakers Lane intersection was modelled to perform at a satisfactory Level of Service (LoS) C during the AM and PM peaks for all scenarios.

The current performance of the Mamre Road and Bakers Lane intersection (baseline) is compared to the predicted performance of the intersection with the Sequence 1A intersection upgrade in **Table 8**.

Table 8 | Sequence 1A Mamre Road and Bakers Lane intersection Performance

Scenario	Period	Level of Service
Baseline (2018 survey volumes)	AM	B
	PM	D
SSD 9522 (baseline + 162,355 m ²)	AM	C
	PM	C
2025 (SSD 9522 + 2% background traffic growth on Mamre Road)	AM	C
	PM	C

The Department has reviewed the TIA and the amended designs submitted in the RtS, RtS Addendum and Supplementary Information. The Department has also consulted extensively with TfNSW and Council. The Mamre Road and Bakers Lane intersection is predicted to operate at a LoS C during the AM and PM peak period following the full occupation of the eight warehouses. Further, the intersection performance would continue to operate at a LoS C during the AM and PM peak periods following the Sequence 1B intersection upgrade.

The Department considers traffic from the operation of the eight warehouse buildings would be adequately accommodated on the local and regional road network, subject to the completion of the

Sequence 1A intersection upgrade. The Department notes the Applicant has committed to delivering the Sequence 1B intersection upgrade by the end of 2025 and prior to operation of any future DAs on the site. Additionally, the Department recognises the broader road network is being designed to accommodate the additional traffic generated by warehouse and industrial uses across the WSEA.

The Department's assessment concludes the traffic from development would be adequately accommodated on the local and regional road network with the planned upgrades. The Department has recommended conditions to ensure these upgrades are delivered at the necessary timeframes. For example, a recommended condition requires the completion of the Sequence 1A intersection upgrade prior to the occupation of any warehouse. The planned upgrades are consistent with the strategic planning for the Mamre Road Precinct and have been reviewed by relevant authorities, including the Department, TfNSW and Council.

6.2 Flooding

The site is within the Wianamatta-South Creek catchment with the creek forming the western boundary of the site. With the exception of seven farm dams, there are no other watercourses or waterbodies within the site.

The western portion of the site would be impacted by flood waters during a 1% AEP event. Clause 33I of the WSEA SEPP provides considerations for a consent authority before granting consent for development on flood prone land. An assessment of the proposal against the required considerations listed under clause 33I of the WSEA SEPP is provided in **Appendix C**.

6.2.1 South Creek Corridor Project

INSW, in collaboration with the GSC, is leading a whole-of-government initiative known as the Wianamatta-South Creek Corridor Project. As part of the project, INSW is undertaking an analysis of the Wianamatta-South Creek catchment to determine the level of cut/fill that can occur before it impacts on the flood behaviour of the Hawkesbury-Nepean floodplain for the full range of events. This study is to be completed in 2021 and will inform future development within both the Mamre Road Precinct and the Aerotropolis.

6.2.2 Original Proposal

The Applicant submitted an Overland Flow and Flood Assessment (flood report) prepared by Costin Roe Consulting as part of the EIS. The flood report assessed the impacts of the original proposal on flood behaviour post development for the 1% AEP flood event and the PMF.

The Department, WaterNSW, Council and the GSC raised concerns regarding development within the 1% AEP flood extent and its impact on flood behaviour within the Wianamatta-South Creek catchment, particularly as it was lodged prior to the completion of the catchment-wide study from INSW. WaterNSW also objected to the development due to the potential impacts of flooding on the Warragamba Pipelines corridor, along the northern boundary of the site.

During its assessment, the Department engaged Advisian Pty Ltd (Advisian) to undertake an independent peer review of the Applicant's flood report. The peer review looked at the adopted modelling approach, the predicted impacts of the development on peak flood levels and peak flow velocities and the proposed emergency response measures. The review identified 17 matters of concern. Of the 17 matters, four were major and their resolution critical for the proposal to proceed, being:

- both filling and the on-site detention basin (OSD) is proposed below the 1% AEP level and within high hazard areas, which is inconsistent with the Penrith DCP
- excavation is proposed within the riparian corridor which is potentially detrimental to the local ecology and environment of the watercourse
- cut is proposed within the SLR and the WSFL corridors for the purpose of flood storage, which cannot be relied upon as the design for these corridors has not been finalised
- technical issues with the modelling.

The Department's internal flood expert also reviewed the flood report and raised major concerns regarding the extensive cut and fill below the 1% AEP flood level, advising it may detrimentally impact on the flood behaviour in the Hawkesbury-Nepean which may increase the risk to residents and visitors during severe to extreme flood events.

6.2.3 Amended Proposal

Following ongoing discussions with the Department and Council, the Applicant revised the development footprint as part of the RtS. The development was amended to minimise fill within and remove any built form below the 1% AEP flood level, including the OSD basins. Further, the developed landform levels would be raised more than 500 mm above the 1% AEP flood level and the PMF.

The flood report was revised to reflect the amended proposal and provide additional technical modelling parameters in response to comments provided by the Department and Council. The revised flood report used Council's modelling engine to assess the pre- and post-development overland flow conditions for a range of storm events. The revised flood report took into consideration the *Penrith City Council DCP Part C3 Water Management*, the *NSW Floodplain Development Management Manual 2005* and the 17 matters raised in Advisian's peer review.

In lieu of the results of INSW's flood study, the Department requested additional modelling and assessments including the 0.5% and 0.2% AEP flood events, pre- and post-development flood peak flow and levels at key points throughout the study area, climate change sensitivity assessments and mapping showing cut and fill on the site.

The revised flood report found the development would have no off-site impacts during the 1% AEP or 0.5% AEP flood events. It was noted development includes some encroachment of built form within the existing 0.2% and PMF flood extents. The comparison of pre- and post-development peak flow and levels in the study area shows the influence of the development on both events to be primarily within the site. The comparison did show offsite impacts extending a short distance upstream and downstream including increases in offsite peak flows by up to 0.07% for the 0.2% AEP flood event and increases in offsite peak flows up to 0.71% and in offsite flood levels up to 0.24%, during the PMF.

The revised flood report concluded the development:

- would not result in any off-site impacts during the 1% or 0.5% AEP flood events
- would result in negligible impacts to upstream, downstream and adjacent properties during the 0.2% AEP and PMF flood events
- would meet the criteria set out in the *Penrith City Council DCP Part C3 Water Management* and the *NSW Floodplain Development Management Manual 2005*.

EES was satisfied the revised flood report demonstrated the impact of the development on flooding would be negligible for all flood events up to the PMF. WaterNSW acknowledged the proposal had been revised

and addressed their concerns regarding flooding and overland flow. WaterNSW recommended several conditions to ensure the protection of its infrastructure.

Council acknowledged the revised proposal no longer included built form below the 1% AEP flood level, however raised concerns regarding the cumulative impact of developments within the South Creek Floodplain which involve filling up to the PMF.

Conclusion

INSW's catchment-wide study is currently underway and will inform the final Mamre Road Precinct DCP and future development within the precinct. While the development is ahead of this study, the Department acknowledges the Applicant has significantly revised its proposal in response to concerns raised by the Department and in submissions, including removing all built form below the 1% AEP flood level and minimising fill in that part of the site.

The Department's flood expert reviewed the revised flood report and was satisfied it addressed its previous comments regarding the potential impacts to flood behaviour. The Department is satisfied the Applicant has undertaken a robust assessment and the development would not result in off-site impacts for the 1% AEP or 0.5% AEP flood events.

While there will be some offsite impacts during the 0.2% AEP flood event and the PMF, the Department agrees with EES and concludes these impacts are negligible. The Department recognises Council has raised concern with the potential cumulative impacts resulting from the development below the PMF; however, the Department's internal flood expert is satisfied this does not require further consideration given the minor extent of the offsite impacts and given cumulative impacts will be assessed as part of the INSW catchment-wide study. Furthermore, the Department notes WaterNSW has withdrawn its objection to the development and is satisfied the development would not impact the Warragamba Pipelines Corridor.

The Department has recommended conditions to ensure the protection of the Warragamba Pipelines Corridor and to ensure there are appropriate sediment and erosion controls in place during bulk earthworks and construction. The Department also recommended a condition requiring the preparation and implementation of a flood emergency response plan to ensure the safety of future employees and visitors to the site during a flood event. The Department's assessment concludes the development would achieve an acceptable flooding outcome, subject to the recommended conditions.

6.3 Visual Impacts

The development would permanently alter views from vantage points in the locality by turning an existing rural landscape to a warehouse and distribution estate.

6.3.1 Background

The area has been identified for industrial use as part of the WSEA expansion area since 2013. More broadly, the WSEA has been progressively developed over the past decade to provide a range of employment generating uses. These uses largely include warehousing, freight and distribution centres. As a result, the character of the area has been and continues to transition from a rural landscape to industrial uses.

During exhibition of the EIS, both Council and the GSC raised concerns that progressing development that precedes the strategic planning for area may lead to inappropriate urban development inconsistent with the Greater Sydney Region and Western City District Plans. Both parties also raised concerns regarding the volume of filling required within the Wianamatta-South Creek Precinct, the removal of

remnant vegetation and consistency with the public domain framework of Greater Sydney Region Plan. Further discussion on the strategic context is provided in **section 3** of this report.

6.3.2 Applicant's Visual Assessment

The RtS included an updated Landscape and Visual Impact Assessment (LVIA) prepared by Geoscapes Pty Ltd to assess the visual impacts of all warehouse buildings constructed and operating.

The key aspects of the development likely to have a visual impact are:

- changing from a rural landscape to a developed industrial estate
- cut and fill across the site to create large level building pads and to align with road infrastructure
- large building facades, roads, intersections and traffic movements
- during the construction phase, bulk earthworks and exposed soil and retaining walls.

The LVIA included photomontages from 20 viewpoints as a tool in analysing the potential visual impacts from receptors. The photomontages compare the baseline photo with the views immediately post-development and 15 years post-development when landscaping has established.

Key receptors that may be affected by visual changes include parts of Kemps Creek and parts of Orchard Hills. The locations assessed to have the highest sensitivity to the development are shown in **Figure 10** and include the nearest residences in Twin Creeks, on Mamre Road and Aldington Road and the recreational land along the creek corridor.

The LVIA assessed all other receptors to have a moderate to minor or no impact.

The LVIA notes the site would largely be screened to the north by the Altis Warehouse and Industrial Hub and to the west by the creek corridor. The Erskine Park Industrial Estate would also screen the site to the north for some properties in St Clair. The LVIA considered the visual impact from the Blue Mountains to be negligible given it is approximately 12 km away.

The LVIA concluded the sensitivity of the landscape is low, the magnitude of change would be medium and the significance of the landscape impact would be minor. The LVIA notes the development is not uncharacteristic of the surrounding industrial context.

To mitigate the visual impact by softening and screening views of the development, the LVIA proposed native endemic planting, with a mature height of between 10 to 15 m, along the site boundary, internal estate roads, Mamre Road, Bakers Lane and between development lots. The LVIA also states the building materials and finishes were selected to reduce the visual impact. For example, the colour tones selected for the building facades include a palette of whites and greys which would make the buildings more recessive into the skyline.

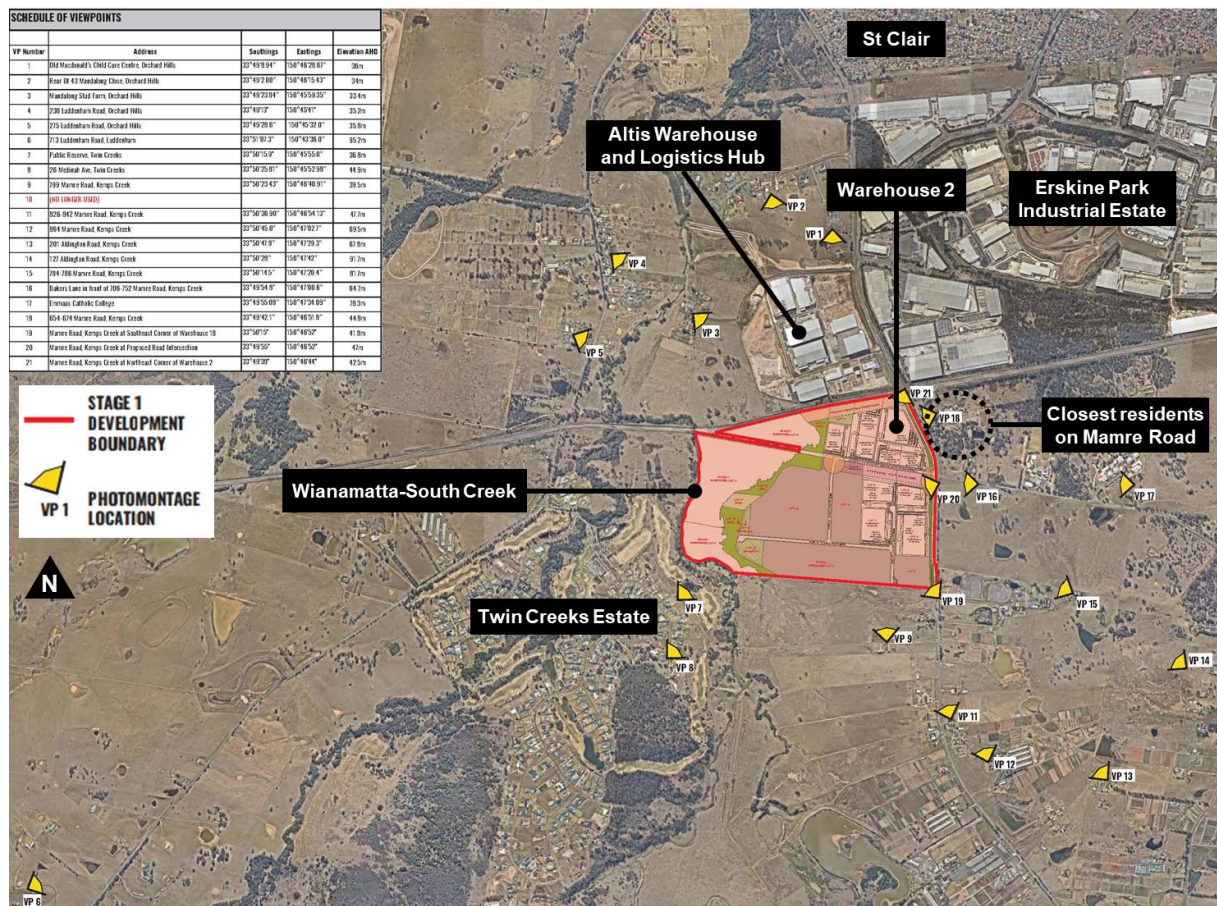


Figure 10 | Viewpoint Locations



Figure 11 | View of Warehouse 2 from Mamre Road (Viewpoint 21)

6.3.3 Bulk and Scale

The proposed warehouse buildings have a height of 13.7 m, except for Warehouse 2 on Lot 2 which has a height of 26.37 m. Warehouse 2 is located at the north-east corner of the site, adjacent to the intersection of the pipelines corridor and Mamre Road (see **Figure 10**).

The LVIA includes a photomontage (Viewpoint 21) which demonstrates what Warehouse 2 would look like from the north (see **Figure 11**). The Architectural Plans include a perspective drawing which demonstrates what Warehouse 2 would look like from the east (see **Figure 12**).



Figure 12 | Warehouse 2 Perspective

Most of the existing warehouse developments in the area are low bay warehouses with heights between 15 and 20 m. However, the more recently approved Snack Brands Warehouse and Distribution Facility (located within the Altis site to the north) includes a high bay component at 36.8 m in height.

The Applicant has designed Warehouse 2 in accordance with a site-specific DCP, which includes urban design controls such as building façade materials and finishes, minimum building and landscaped setbacks, shading and screening vegetation and the principles of Crime Prevention Through Environmental Design. For Warehouse 2, the Applicant has provided a building setback of 20 m from Mamre Road, including a landscaped setback of 10 m. The landscaped setback would include large canopy tree planting with a height of 15 m combined with screening hedge planting with a height of 4 m. Further, the facades of Warehouse 2 would include white and grey colours to help it blend into the skyline. The Department notes that future development within the site will be subject to the Mamre Road Precinct DCP once it has been finalised.

Given the industrial nature of the land immediately to the north and north-east of the site, the Department does not consider that Warehouse 2 is in a visually sensitive area and Council did not raise any concerns with its height or location. The residential receivers to the north of the site would be screened by the existing warehouse and industrial buildings. The Applicant has located the highest building adjacent to existing industrial development, rather than adjacent to the creek corridor or edge of the Mamre Road Precinct.

The Department also notes the site is zoned for employment generating land uses. The WSEA has been progressively developed over the past decade. The character of the area continues to transition from a rural landscape to industrial uses. As such, the Department considers the bulk and scale of the development is appropriate given both the existing and future landscape of the area as anticipated in the strategic planning for the WSEA.

6.3.4 Earthworks

Clause 33H of the WSEA SEPP includes considerations for a consent authority prior to granting development consent. These considerations include the impact of the development on the existing and likely amenity of adjoining properties and the visual impact of earthworks as viewed from the waterways. An assessment of the proposal against the required considerations under clause 33H of the WSEA SEPP is provided in **Appendix C**.

The extent of filling on the site would impact on the adjoining property to the south (Viewpoint 9) and the future users of the recreation land along the creek corridor (Viewpoint 10). The Department has considered the landscape plans and civil engineering drawings in its assessment of the potential visual impact of the filling associated with the proposal.

Wianamatta-South Creek Corridor

The Greater Sydney Region, Western Parkland City and WSA plans recognise the importance of the Wianamatta-South Creek and envisage the South Creek corridor as a central element of the Western Sydney Parkland.

The development originally described in the EIS proposed to preserve 11 ha of open space along the creek corridor and proposed 'interface uses', including retail and recreational facilities creating a 'pedestrian promenade' separating the warehouse development from the public open space.

The Department, Council and the GSC noted the requirement for a western ring road along the creek corridor, to provide 24-hour public access, maximise activation of the corridor and provide passive surveillance. The Department did not support expansive building facades along the western interface as it would limit permeability and restrict access to the creek corridor.

Following extensive discussions between the Department, Council and the Applicant, the Applicant deferred the western extent of the development to allow for future negotiations to take place (see **section 2.5** of this report) around the provision of a western ring road and to align with future planning for the Mamre Road Precinct. The Applicant amended the development to provide a 20 m corridor between the recreation land and the proposed OSD basins to accommodate a western ring road, should it be required in the future. GSC reiterated the need for the development to be oriented towards the creek corridor.

The Department notes the concerns raised by the GSC and considers deferral would allow negotiations to continue, as plans for the creek corridor are yet to be finalised. Importantly, the Department considers the development does not preclude achieving future development that would meet the objectives of the Greater Sydney Region, Western City District and WSA plans or the future DCP for the Mamre Road Precinct.

Southern Boundary

Due to the existing topography of the site, the development would require approximately 2,012,400 m³ of fill to create large level building pads for warehouses.

Both Council and the Department raised concerns with the extent of filling for the development and the visual impact it would have along the southern boundary of the site.

The Applicant argues the extent of fill proposed is required to establish adequate stormwater drainage and detention, while providing large, level building pads. Further, the Applicant argues the surrounding sites would have to fill to a similar extent if they are subject to future development.

The southern boundary extends over 1 km with the final proposed ground levels increasing in elevation towards Mamre Road. The western portion of the southern boundary adjoins RE1 Public Recreation zoned land, while the eastern portion adjoins IN1 General Industrial zoned land. To reduce the visual impact of the development on the adjacent land to the south, the Applicant proposes a 5 m landscaped setback from the property line. Within this setback area, the Applicant proposes a combination of vegetated batters and retaining walls.

Along the western extent of the southern boundary, the Applicant proposes a 5 m sloped vegetated batter. Along the eastern extent of the southern boundary, a retaining wall is required which ranges from 1 m to 3 m in height. Where the retaining wall is the highest (closer to Mamre Road), the Applicant proposes 3 m landscaped screening in front of the retaining walls and an additional 2 m at the top of the retaining wall.

The Department's urban design team reviewed the Applicant's landscape plans and the cross-sections provided in the civil engineering drawings. The urban design team was satisfied with the 5 m landscaped setback because it responds to the topography of the site rather than providing a fixed approach across the southern boundary. Where a retaining wall is proposed, the benched approach minimises shadowing from the building onto the RE1 zone. Furthermore, the largest retaining walls are located along the eastern extent of the southern boundary which adjoins IN1 zoned land.

The Department's assessment concludes the southern interface is acceptable, noting the Applicant has taken into consideration feedback from the Department and Council and has designed the development to minimise visual impacts. Further, a detailed visual impact assessment would be required under a future development application to construct a building on the southern lot. The Department acknowledges the extent of fill is required to provide adequate stormwater drainage which meets Council's stormwater quality objectives. Also, the Department considers the extent of fill required is not unusual for a large industrial estate such as this.

Conclusion

The Department has considered the extent of earthworks proposed for the development and advice from Council and the Department's urban design team. The Department acknowledges the Applicant's requirement for large, level building pads and site-wide drainage which is typical for large industrial estates. The Department considers the development is consistent with nearby and future development envisaged within the 850 ha Mamre Road Precinct which has been rezoned to provide industrial land uses and is transitioning from a rural landscape setting.

The Department considers the Applicant's proposed treatments comprising a combination of vegetated batters, retaining walls and screening vegetation would provide acceptable boundary interfaces. Notwithstanding, the Department has included the requirement for detailed landscape plans to be designed in consultation with Council in the recommended conditions of consent.

6.4 Other Issues

The Department's assessment of other issues is provided in **Table 9**.

Table 9 | Assessment of Other Issues

Findings	Recommended Conditions
Noise Impacts	
<ul style="list-style-type: none"> Acoustic Works prepared a Construction Noise and Vibration Management Plan (CNVMP) and a Noise and Vibration Impact Assessment (NVIA) in the RtS which identified seven residential and one industrial receivers. The nearest residential receiver is located across Mamre Road to the east of the site. <p><u>Construction</u></p> <ul style="list-style-type: none"> The CNVMP assessed construction noise impacts in accordance with the EPA's <i>Interim Construction Noise Guideline</i> (2009), identifying concrete trucks and pumps as having the greatest potential to impact nearby receivers. The proposed construction hours are standard 7 am to 6 pm Monday to Friday, 8 am to 1 pm on Saturday. The CNVMP noted under the worst-case scenario of all construction plant and equipment working simultaneously and at full power, noise levels would be below the relevant noise management levels at all receivers, except two locations where minor exceedances of 1 dB(A) and 3 dB(A) would occur. The CNVMP considered this a conservative estimate as all plant and equipment would be unlikely to operate at once and the closest residential receivers are likely to be acquired in the future as part of the Mamre Road Precinct. The CNVMP nominated management and mitigation measures including limiting construction activities to the standard hours, avoiding the use of noisy plant and equipment simultaneously, orienting noisy equipment away from sensitive receivers, and using non-tonal reversing alarms on all plant and vehicles. The Anglican Schools Corporation requested the Applicant prepare a construction noise management plan specifying measures to mitigate construction noise impacts on the Mamre Anglican School (MAS). The Department notes the CNVMP does not include MAS as a sensitive receiver, as it is located approximately 580 m from the site. To address the MAS submission, the Department has recommended a condition requiring the Applicant to update the 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> prepare and implement a CNVMP and ONVMP install an acoustic barrier for Warehouse 3 conduct noise validation monitoring when warehouses 1-8 are operational operate the development to comply with the project noise criteria.

Findings

Recommended Conditions

CNVMP to include measures to mitigate construction noise impacts on the MAS.

- The Department considers, with the implementation of the mitigation measures, construction would not have a significant noise impact on nearby receivers. The Department also recognises the two receptors predicted to experience minor exceedances of the noise criteria under the worst-case scenario are located on land rezoned for industrial purposes under the WSEA SEPP.
- The Department has recommended conditions including standard construction workings hours and implementation of the updated CNVMP.

Operation

- The NIVA assessed the noise impacts caused by 24 hours, 7 days per week operation of buildings 1-8 in accordance with the EPA's *Noise Policy for Industry* (2017).
- The development includes a 3 m high acoustic barrier at the eastern end of the Warehouse 3 loading dock. The NVIA predicted that with the acoustic barrier in place, the operational noise levels would be below the project noise trigger levels at all receivers during operation (daytime, evening and night).
- The NVIA recommended undertaking noise validation monitoring following confirmation of the plant used by each tenant, to determine if any additional noise attenuation treatments are required to achieve the project noise trigger levels.
- The Department has recommended the Applicant comply with relevant noise criteria during operation and carry out noise validation monitoring for warehouses 1-8, to verify actual noise emissions once operational.
- The Department has also recommended conditions requiring the Applicant to prepare and implement an Operational Noise and Vibration Management Plan (ONVMP) and install the acoustic barrier prior to the commencement of operation of Warehouse 3.
- The Department's assessment concludes with management measures in place, construction and operation of the development would not have significant noise impacts on nearby receivers.

Aboriginal Heritage

- | | |
|---|---|
| <ul style="list-style-type: none">• Site-wide bulk earthworks have the potential to impact on aboriginal cultural heritage. | Require the Applicant to prepare and implement an ACHMP in the CEMP including |
|---|---|

Findings	Recommended Conditions
<ul style="list-style-type: none"> • The Applicant submitted an Aboriginal Archaeological Report (AAR) and an Aboriginal Cultural Heritage Assessment Report (ACHAR) for the development as part of the RtS. The ACHAR was prepared in consultation with registered Aboriginal parties. • The site survey identified 12 Aboriginal cultural sites including 5 registered and 7 non-registered sites. However, 3 of the 5 registered sites were incorrectly recorded and confirmed to be located off-site. • The ACHAR concluded the site MSP-2 contained artefacts with high scientific significance and the site MSP-11 adjacent to South Creek had high Aboriginal cultural value. All other sites had low scientific significance. • Due to thick vegetation and low accessibility, a detailed site survey of Lot X, DP 421633 was not undertaken. The ACHAR recommended survey of this lot following vegetation removal to identify any Aboriginal objects. • The ACHAR noted construction works would disturb all identified sites except for MSP-11. The ACHAR recommended further surface salvage work at MSP-1, MSP-7 and MSP-8, and further salvage excavation work at MSP-2. The ACHAR also recommended measures to protect MSP-11, and the implementation of an Unexpected Finds Protocol. • Heritage NSW (HNSW) reviewed the ACHAR and recommended conditions including the preparation and implementation of an Aboriginal Cultural Heritage Management Plan (ACHMP). The ACHMP would incorporate the management measures recommended in the ACHAR, as well as a care agreement for Aboriginal objects including details of a temporary storage location endorsed by Registered Aboriginal Parties. • The Department recognises the development would impact on identified Aboriginal sites, but these impacts would be managed through implementation of the ACHMP and in consultation with Aboriginal stakeholders. • The Department has recommended conditions requiring the Applicant to avoid undertaking works in MSP-11, carry out a survey of Lot X DP 421633 prior to the commencement of construction and prepare and implement an ACHMP and an unexpected finds protocol. 	<p>the ACHAR recommended mitigation measures, a resurvey of Lot X DP 421633, and implement an unexpected finds protocol.</p>
Biodiversity	
<ul style="list-style-type: none"> • The development would require clearing of 9.28 ha of native vegetation, including 9.03 ha of <i>Forest-Red Gum – Rough-</i> 	<p>Require the Applicant to:</p>

Findings	Recommended Conditions
<p><i>barked Apple grassy woodland on alluvial flats of the Cumberland Plain, Sydney Basin Bioregion</i> (plant community type, PCT 835) and 0.25 ha of <i>Grey Box – Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion</i> (PCT 849).</p> <ul style="list-style-type: none"> • Ecoplanning prepared a Biodiversity Development Assessment Report (BDAR) in the EIS, which was amended as part of the RtS. The BDAR stated that PCT 835 was listed as Endangered Ecological Community (EEC) under NSW <i>Biodiversity Conservation Act 2016</i> (BC Act) and PCT 849 was listed as Critically Endangered Ecological Community (CEEC) under the BC Act and Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act). • The BDAR noted most of the site had been cleared and was predominantly occupied by exotic pasture, degraded riparian vegetation, scattered trees and shrubs. Given the highly disturbed nature, the BDAR considered both PCT 835 and PCT 849 were isolated and in under-scrubbed and Derived Native Grassland conditions. • The BDAR noted removal of 0.25 ha of EPBC Act listed CEEC (PCT 849) would be below the controlled action threshold and would not be a controlled action. As such, the Applicant determined a referral to the Commonwealth Government was not required. • The BDAR calculated a total of 230 ecosystem credits would need to be retired for the development. The Applicant would purchase the required credits payable to the NSW Biodiversity Conservation Trust. • The EES Group requested the Applicant undertake additional site surveys and provide information regarding potential serious and irreversible impacts on Cumberland Plain Woodland. Council requested the Applicant provide additional assessments of impacts on two species. • The Applicant responded to the submissions by providing an amended BDAR in the RtS containing additional site survey results and assessing the potential serious and irreversible impacts on Cumberland Plain Woodland. The amended BDAR also assessed impacts on Council identified species. • EES Group and Council were satisfied with the Applicant's response, recommending conditions requiring the Applicant to prepare a Biodiversity Management Plan (BMP) outlining measures for vegetation removal, including an Ecologist Plan for managing affected fauna during construction. 	<ul style="list-style-type: none"> • offset and retire the calculated ecosystem credits • prepare and implement a BMP.

Findings

Recommended Conditions

- The Department notes the site contains identified CEEC and EEC which are isolated and in under-scrubbed and Derived Native Grassland conditions. However, both PCT 835 and PCT 849 are degrading and have low likelihood to provide suitable habits for threatened species. Furthermore, the site is industrial zoned and has been identified as being suitable for employment generating uses under the WSEA SEPP.
- The Department's assessment concludes the proposed loss of native vegetation could be appropriately offset and has recommended conditions requiring the Applicant to offset and retire all credits, prepare and implement a BMP as part of the CEMP detailing management measures for undertaking vegetation removal and protecting fauna during construction.

Stormwater, Erosion and Sediment Management

- The Applicant seeks consent to carry out bulk earthworks across approximately 91 ha of the IN1 zoned portion of the site, resulting in 60,350 m³ of cut and 2,072,750 m³ of fill. The extensive earthworks would generate loose soils and sediment which have the potential to gravitate towards the lower elevations along the creek.
 - The development would increase impervious surfaces across the site and has the potential to increase stormwater volumes discharging from the site and decrease stormwater quality.
 - Costin Roe prepared an updated Civil Engineering Report (CER) in the RtS. The CER stated the proposed stormwater management system designed in accordance with Council's DCP, Stormwater Management Policy and WSUD Policy included three estate basins located outside of the 1% AEP flood extent and gross pollutant traps located upstream of each estate basin.
 - Council advised the stormwater management system must remain in private ownership and not be dedicated to Council. The Applicant agreed to Council's position and would be responsible for the on-going maintenance of the infrastructure.
 - Council also requested that easements, restrictions and positive covenants be registered that address legal rights to drain into the impacted lots. The Department has included this request in the recommended conditions.
 - DPI Fisheries requested additional erosion and sedimentation controls be installed to ensure sediment is not transferred to the creek.
- Require the Applicant to:
- register all easements, restrictions and positive covenants on title for impacted lots
 - prepare and implement an erosion and sediment control plan in the CEMP
 - appoint an independent Environmental Representative to oversee the bulk earthworks phase and report to the Department on environmental performance
 - prepare and implement a stormwater management plan in the OEMP in consultation with Council and WaterNSW.

Findings

Recommended Conditions

- In the RtS, the Applicant clarified the proposed erosion and sediment control measures were prepared in accordance with *Managing Urban Stormwater, Soils and Construction – The Blue Book* (Landcom 1998) and Council's specifications. The control measures would include temporary sediment basins, silt fences, cut-off drains for polluted stormwater and diversion channels for clean stormwater run-off. Following review of the Applicant's RtS, DPI Fisheries advised it had no further comments.
- WaterNSW recommended conditions to ensure the development would not impact the WaterNSW pipelines corridor.
- To ensure earthworks are appropriately managed, the Department has recommended a condition requiring preparation and implementation of a detailed Erosion and Sediment Control Plan (ESCP) in the CEMP.
- The Department has recommended conditions requiring the Applicant to appoint an independent Environmental Representative (ER) to oversee the bulk earthworks. The ER would report to the Department on the environmental performance during the earthworks, including the effectiveness of the erosion and sediment controls.
- The Department has also recommended conditions requiring a qualified expert to prepare a Stormwater Management Plan (SMP) in the OEMP in consultation with Council and WaterNSW. The SMP would ensure the stormwater management be designed, installed and operated to meet Council's requirements and protect the WaterNSW pipelines corridor.
- The Department's assessment concludes through the implementation of an ESCP and the engagement of an ER, the potential erosion and sediment impacts associated with bulk earthworks would be adequately managed.

Bushfire Management

- | | |
|---|--|
| <ul style="list-style-type: none">• The site is identified as being bushfire prone with category 2 vegetation in accordance with Council's Bushfire Prone Land Map (2014).• The Applicant submitted an amended Bushfire Assessment Report (BAR) with the RtS, prepared by Conacher Consulting in accordance with the RFS policy <i>Planning for Bushfire Protection (PBP) 2019</i>. The amended BAR considered the development layout, existing vegetation, effective slopes, local bushfire risk conditions and Fire Danger Index (FDI) detailed in PBP 2019. | <p>Require the Applicant to construct the development to comply with the PBP and Australian Standards.</p> |
|---|--|

Findings

Recommended Conditions

- The BAR found the development would comply with bushfire protection measures detailed in PBP 2019. The BAR included a series of recommendations to minimise the potential bushfire impacts, including using fire retardant cladding for the external surfaces, undertaking regular inspections and maintenance of the landscaped and hardstand areas, as well as ensuring that future landscape planting is in accordance with the PBP requirements.
- RFS reviewed the development and the amended BAR and recommended conditions relating to asset protection zone management and compliance with the PBP 2019 for landscaping around the buildings.
- The Department has considered the findings of the BAR and is satisfied the development can comply with the PBP 2019, subject to implementing the recommendations and conditions recommended by the RFS. The Department's assessment concludes the development would adequately manage bushfire risks.

Air Quality

- Northstar Air Quality prepared an Air Quality Impact Assessment (AQIA) in the RtS which assessed the air quality impacts associated with construction and operation of the development in accordance with the EPA's *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW* (2016).
Require the Applicant to prepare and implement a CAQMP in the CEMP.
- The main sources of emissions during construction would be dust from earthworks, vegetation clearing, demolition, and stockpiling. The assessment concluded dust impacts during construction would be low subject to the implementation of the recommended management measures including a Construction Air Quality Management Plan (CAQMP).
- The AQIA stated air emissions from operation of the development would generally be exhausts from vehicle movements and trucks idling at loading docks.
- The AQIA included atmospheric dispersion modelling to assess the potential air quality impacts, concluding the operation of eight warehouse buildings would comply with the relevant criteria for particulates (PM_{2.5} and PM₁₀).
- The Anglican Schools Corporation recommended the Applicant be required to notify surrounding land users (including the school) if air quality drops below acceptable levels due to construction works, and detail the measures taken to address air quality impacts.

Findings

Recommended Conditions

- The Department considers that operation of the warehouse estate would be unlikely to have an air quality impact on nearby receivers.
- During construction there may be air quality impacts from dust generation, however these will be short-term and can be mitigated through the implementation of a CAQMP.
- The Department has recommended conditions requiring the Applicant to prepare and implement a CAQMP as part of the CEMP which would include limiting works during adverse weather conditions, wetting stockpiles and using water carts.
- With these measures in place, the Department's assessment concludes the dust impacts would be adequately managed.

Car Parking

- The Applicant proposes to provide parking at a rate of 1 space per 300 m² of warehouse GFA and 1 space per 40 m² of office GFA. These rates are based on the *RMS Guide to Traffic Generating Developments* (RMS Guide) and the Mamre West Land Investigation Area DCP approved for the Altis Warehouse and Logistics Hub (SSD-7173) to the north of the site.
Require the Applicant to provide car parking spaces (including Electric Vehicle Charging Stations) in accordance with the proposed parking rates.
- Based on the proposed parking rates, the development would require a total of 738 car parking spaces. The Applicant proposes to provide a minimum of 744 parking spaces (+6 spaces) across the eight development lots, including one accessible space for every 100 spaces. The revised TIA included a parking schedule which demonstrates sufficient parking for the entire site and each individual development lot.
- At the request of Council, the Applicant also agreed to provide dedicated Electric Vehicle Charging Stations for 1% of car parking spaces.
- The Department notes the proposed parking rates are consistent with the RMS Guide and the rates approved under SSD-7173. The Department considers the proposed parking provision is adequate and has recommended conditions for parking provision and electric vehicle charging.

Development Contribution

Regional Contribution

- Development within the WSEA is subject to development contributions for the provision of regional infrastructure and services across the WSEA. The contribution rate is \$193,636 per hectare of net developable area. Contributions can be made as monetary, works-in-kind (WIK), or land contributions.
Require the Applicant to:
 - enter into a Planning Agreement with the Minister prior to the first Occupation Certificate or

Findings	Recommended Conditions
<ul style="list-style-type: none"> • The Applicant provided a letter of offer on 15 December 2020 to enter into a Planning Agreement with the Minister. • The terms of the offer include the widening of Mamre Road as works in kind and dedication of lands for the Mamre Road widening and the future SLR for a total value of \$40,260,260. • The Department has recommended a condition requiring the Applicant to enter into the Planning Agreement prior to the issue of the first Occupation Certificate or within 12 months of the date of a consent, whichever occurs first. 	<ul style="list-style-type: none"> • within 12 months of a consent • provide local contributions in accordance with Council's Section 7.12 Plan.
<p><u>Local Contribution</u></p> <ul style="list-style-type: none"> • Council has several development contributions plans for various parts of the Penrith City, including a Section 7.12 Citywide Development Contribution Plan for Non-Residential Development (Section 7.12 Plan) that applies to the site. • The Applicant would be required to make monetary contributions in accordance with the Section 7.12 Plan, which is 1% of the capital investment value of the development (indexed to the consumer price index at the time of payment). • The Department has included a condition requiring the payment of local contributions to Council in accordance with the Section 7.12 plan to the value of 1% of the CIV which would be approximately \$2.4 million. 	

7 Evaluation

The Department's assessment of the application has fully considered all relevant matters under Section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development. The Department has considered the development on its merits, taking into consideration the strategic plans that guide development in the area, the environmental planning instruments that apply to the development and the submissions received from public authorities, Council, special interest groups and the community.

The statutory context of the development has changed over the course of the assessment process and several SEPPs dictate the zoning applicable to the site. The footprint of the development is located on land zoned for industrial purposes under the WSEA SEPP which has been identified as a suitable location for employment generating uses. No development is proposed within the portion of the site located within the WSA under the Aerotropolis SEPP.

The Department considers the key assessment issues are access and traffic, flooding and visual impacts.

Traffic and access

The Applicant has reserved corridors for both the WSFL and the SLR for which TfNSW has provided its concurrence under the WSEA SEPP. Furthermore, the Applicant has also consulted closely with TfNSW to ensure the Mamre Road and Bakers Lane intersection works satisfy its requirements.

A key consideration for the development was the internal road network and its function in the overall road network in the Mamre Road Precinct in providing a connection to the neighbouring property to the south. The Department's Chief Engineer reviewed the proposed internal road network and was satisfied it was acceptable, subject to conditions relating to specific design parameters and compliance with applicable standards.

To minimise the impact of construction traffic on the local network, an interim left in/ left out access point is proposed until the Sequence 1A upgrade to the Mamre Road and Bakers Lane intersection has been completed. The interim access will allow construction vehicles to enter and exit the site without crossing Mamre Road, preventing potential vehicle queuing and minimising network disruption. To ensure the impacts to the local road network are minimised, the Department included the requirement for a Construction Traffic Management Plan in the recommended conditions.

Regarding operational traffic impacts, the Applicant's TIA demonstrated the upgraded Mamre Road and Bakers Lane intersection would perform at a satisfactory level immediately post-development under the Sequence 1A upgrade works, as well as into the future under Sequence 1B. The Department has recommended conditions to ensure these upgrades are delivered within the necessary timeframes.

Flooding

The western portion of the site would be impacted by flood waters during a 1% AEP flood event. Following ongoing discussions with the Department and Council, the Applicant revised the development footprint and removed built form from the 1% AEP flood extent, including the OSD basins. The revised flood report demonstrated the development would result in negligible impacts to upstream, downstream and adjacent properties.

While Council has raised concern with the potential cumulative impacts resulting from the development below the PMF, EES advised that these impacts are negligible. Furthermore, WaterNSW has withdrawn

its objection to the development and is satisfied the development would not impact the Warragamba Pipelines Corridor. The Department recommended conditions requiring the preparation of flood emergency response plan and considers the development would achieve an acceptable flooding outcome.

Visual impact

The development has adopted building heights consistent with surrounding industrial uses and located the tallest building towards a less visually sensitive part of the site. The Department considers the bulk and scale of the development is appropriate for employment generating land within the 850 ha Mamre Road Precinct which is transitioning from rural landscape to industrial uses.

To manage the interface with the recreation land to the south, the Applicant proposes a 5 m landscaped setback to reduce the visual impact of the development. The landscaped setback would include a combination of vegetated batters and retaining walls. The Department considers the Applicant's proposed treatments would provide acceptable boundary interfaces and has included the requirement for detailed landscape plans to be prepared in consultation with Council in the recommended conditions of consent.

The Department considers the potential impacts of the development can be managed and/ or mitigated to ensure an acceptable level of environmental performance, subject to the recommended conditions of consent, including:

- implementation of management and mitigation measures identified by the Applicant
- the requirement for Sequence 1A and Sequence 1B intersection upgrades to be completed with specific timeframes
- confirmation the site access road, the Mamre Road and Bakers Lane intersection upgrades, internal road network and parking areas comply with the relevant requirements of the Department's Chief Engineer, Council, TfNSW and Australian Standards
- the requirement for a CTMP, prepared in consultation with Council, TfNSW, The Anglican Schools Corporation and other schools in the area
- the requirement for an Environmental Representative for the duration of bulk earthworks and internal infrastructure construction
- protection of the Warragamba Pipelines Corridor, sediment and erosion controls and a flood emergency response plan.

The Department has also recommended conditions for the payment of development contributions and for the Applicant to enter a VPA for infrastructure upgrades to service the development, including road and intersection works.

Overall, the development is consistent with the strategic direction for the site set under the WSEA SEPP and will assist with providing employment generating uses within Western Sydney. The development would provide up to 162,355 m² of GFA for warehouse and distribution and ancillary offices and is expected to generate \$242 million in capital investment and 700 construction jobs and 950 operational jobs.

The Department concludes the impacts of the development can be appropriately managed through implementation of the recommended conditions of consent. On balance, the Department considers the development is in the public interest and should be approved, subject to conditions.

8 Recommendation

For the purpose of Section 4.38 of the *Environmental Planning and Assessment Act 1979*, it is recommended that the Executive Director, Energy, Industry and Compliance, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of Kemps Creek Warehouse, Logistics and Industrial Facilities Hub (SSD-9522), subject to the conditions in the attached development consent
- **signs** the attached development consent and recommended conditions of consent (see **Appendix E**).

Prepared by:
Bianca Thornton
Environmental Assessment Officer
Industry Assessments

Recommended by:



17/12/2020

William Hodgkinson
Team Leader
Industry Assessments

Recommended by:



17/12/2020

Chris Ritchie
Director
Industry Assessments

9 Determination

The recommendation is **Adopted** by:



21 December 2020

Mike Young

Executive Director

Energy, Industry and Compliance

Appendices

Appendix A – List of referenced documents

The Department relied upon the following key documents during its assessment of the SSD application:

Environmental Impact Statement

- Environmental Impact Statement and attachments, titled *Environmental Impact Statement, Proposed Warehouse, Logistics and Industrial Facilities Hub*, prepared by Willowtree Planning (NSW) Pty Ltd, dated May 2019 (see <https://www.planningportal.nsw.gov.au/major-projects/project/10376>)

Submissions and Advice

- submissions received during the exhibition of the SSD (see <https://www.planningportal.nsw.gov.au/major-projects/project/10376/submissions/13111/3251>)
- advice from government authorities and Penrith City Council (see <https://www.planningportal.nsw.gov.au/major-projects/project/10376>)
- independent expert advice titled *Mamre South Precinct Peer Review of the Overland Flow Report Stage 1* (Revision B), prepared by Advisian Pty Ltd and dated August 2019 (see <https://www.planningportal.nsw.gov.au/major-projects/project/10376>)

Response to Submissions

- Response to Submissions titled *Response to Submissions Report, Proposed Warehouse, Logistics and Industrial Facilities Hub (SSD 9522)*, prepared by Willowtree Planning (NSW) Pty Ltd and dated August 2020 (see <https://www.planningportal.nsw.gov.au/major-projects/project/10376>)
- Response to Submissions Addendum titled *RE: State Significant Development Application (SSD 9522) for Proposed Warehouse, Logistics and Industrial Facilities Hub*, prepared by Willowtree Planning (NSW) Pty Ltd and dated 4 September 2020 (see <https://www.planningportal.nsw.gov.au/major-projects/project/10376>)
- Supplementary Information provided on 2 October 2020 and 16 October 2020 by Willowtree Planning (NSW) Pty Ltd in letters titled *RE: State Significant Development Application (SSD 9522) for Proposed Warehouse, Logistics and Industrial Facilities Hub* (see <https://www.planningportal.nsw.gov.au/major-projects/project/10376>)

Statutory Documents

- relevant environmental planning instruments, policies and guidelines (described in **Appendix B**)
- relevant requirements of the EP&A Act

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

Section 4.15 of the EP&A Act requires that the consent authority, when determining a development application, must take into consideration the following matters:

Table 10 | Consideration under Section 4.15 of the EP&A Act

Provision	Comment
(a) the provisions of: <ul style="list-style-type: none"> (i) any environmental planning instrument, and (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and 	Detailed consideration of the provisions of all environmental planning instruments (including draft instruments subject to public consultation under the EP&A Act) that apply to the development is provided in Appendix C of this report.
(iii) any development control plan, and	Under Clause 11 of the SRD SEPP, development control plans do not apply to State significant development. Notwithstanding, the Applicant has prepared a site-specific DCP to support the development. The Department has considered the proposed DCP in its assessment.
(iia) any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4, and	The Applicant has provided a letter of offer to enter into a draft Planning Agreement with the Minister for Planning and Public Spaces. A condition of consent has been recommended to require the Planning Agreement to be entered into within 12 months of the date of the consent or prior to issue of an occupation certificate for the first building, whichever is sooner.
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,	The Department has assessed the development in accordance with all relevant matters prescribed by the regulations, the findings of which are contained in this report.
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department has considered the likely impacts of the development in detail in section 6 of this report. The Department concludes that all environmental impacts can be appropriately

Provision	Comment
	managed and mitigated through the recommended conditions of consent.
(c) The suitability of the site for the development,	The development is an industrial, warehousing and distribution centre development located on IN1 General Industrial zoned land which is permissible with development consent.
(d) any submissions made in accordance with this Act or the regulations,	All matters raised in submissions have been summarised in section 5 of this report and given due consideration as part of the assessment of the development in section 6 of this report.
(e) the public interest.	<p>The development would generate up to 700 jobs during construction and 950 jobs during operation. The development is a considerable capital investment in the Western Sydney that would contribute to the provision of local jobs.</p> <p>The environmental impacts of the development would be appropriately managed via the recommended conditions. On balance, the Department considers the development is in the public interest.</p>

Appendix C – Consideration of Environmental Planning Instruments

State Environmental Planning Policy (State and Regional Development) 2011

The SRD SEPP identifies certain classes of development as SSD. The construction and operation of warehouses and distribution centres that meets the criteria in Clause 12(1) of Schedule 1 of the SRD SEPP is classified as State significant development. The development satisfies this criterion as Warehouse 8 on Lot 8 has an estimated CIV of \$106,681,000 which is above the \$50 million threshold.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The ISEPP aims to facilitate the effective delivery of infrastructure across the State and lists the type of development defined as Traffic Generating Development.

The development constitutes traffic generating development in accordance with the ISEPP as it includes a warehouse or distribution centre with over 8,000 m² in site area. Consequently, it requires referral to RMS for comment and consideration of accessibility and traffic impacts.

The development was referred to the former RMS (now TfNSW) for consideration, which is summarised in sections 5 and 6.1 of this report. The development is therefore considered consistent with the ISEPP.

State Environmental Planning Policy (Major Infrastructure Corridors) 2020 (Corridors SEPP)

The Corridors SEPP aims to identify land that is intended to be used in the future as an infrastructure corridor, allow the ongoing use and development of the identified major infrastructure corridor land until it is needed for the future infrastructure, and to protect the land from development that would adversely impact on or prevent the land from being used as an infrastructure corridor in the future.

The Department and the Applicant have consulted with TfNSW regarding the proposed Western Sydney Freight Line Corridor traversing the northern part of the site. TfNSW raised no objection to the development as the Applicant has avoided development within the SP2 zoned land by providing a 60 m corridor for the planned WSFL. The development is therefore consistent with the Corridors SEPP.

State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (Aerotropolis SEPP)

The Aerotropolis SEPP aims to facilitate development in the Western Sydney Aerotropolis (WSA). The objectives and principles of the Aerotropolis SEPP include to recognise the physical and cultural connection of the local Aboriginal community to the land; to incorporate local Aboriginal knowledge, culture and tradition into development; to protect, maintain and enhance trees and vegetation, soil quality and the health of waterways; to contribute to the conservation of biodiversity; and to protect the ecological and cultural value of Wianamatta-South Creek.

The Applicant amended the development to exclude development within the 1% AEP flood extent, which effectively removed development within the Aerotropolis SEPP applied part of the site and is therefore consistent with ENZ Environment and Recreation zoning. The exclusion of development within this part of the site would also protect the identified Aboriginal cultural site (MSP-11) and conserve the biodiversity and ecological value of riparian land adjoining the creek. As such, the Department considers the development is consistent with the Aerotropolis SEPP.

State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP)

The WSEA SEPP aims to promote economic development and employment, provide for the orderly and coordinated development of land, rezone land for employment or conservation purposes, ensure

development occurs in a logical, cost-effective and environmentally sensitive manner and conserve and rehabilitate areas with high biodiversity, heritage or cultural value within the WSEA. Part 5 of the WSEA SEPP sets out the principal development standards within the WSEA. The development has been assessed against these standards and a summary of the Department's assessment is provided in **Table 11**.

Table 11 | Compliance with the WSEA SEPP Development Standards

Development Standard	Proposed	Department Comment
<p>Cl. 18(1) Requirement for development control plans</p> <p>A consent authority must not grant consent to a Development Application unless a development control plan (DCP) has been prepared for that parcel of land.</p>	<p>The Applicant has prepared a site-specific DCP.</p>	<p>A draft DCP for the entire Mamre Road Precinct has been placed on exhibition between 10 November 2020 and 17 December 2020 and is yet to be finalised at the time of writing this report.</p> <p>The Department is satisfied the development controls of the site-specific DCP will guide appropriate development across the site and is consistent with the Draft Mamre Road Precinct DCP.</p>
<p>Cl. 20 Ecologically Sustainable Development</p> <p>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:</p> <p>(a) the consumption of potable water, and</p> <p>(b) greenhouse gas emissions.</p>	<p>The development incorporates a range of sustainability measures designed to reduce energy and resource use during operation, including via building materials, solar panels and utilising rainwater – as detailed in the Applicant's ESD Report.</p> <p>The Applicant also prepared a greenhouse gas and energy efficiency assessment, which also provides measures which when adopted, will minimise energy use and maximise energy efficiency.</p>	<p>The proposal includes a number of design measures to reduce consumption of potable water and greenhouse gas emissions.</p> <p>The Applicant aims to achieve a Six-Star Green Star Design and an As-Built V1.1 rating, as defined by the Green Building Council of Australia, for the development.</p> <p>The proposed measures are satisfactory for minimising resource use and emissions from the development when applied across the site.</p>
<p>Cl. 21 Height of buildings</p> <p>The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that:</p> <p>(a) building heights will not adversely impact on the amenity of adjacent residential areas, and</p> <p>(b) site topography has been taken into consideration.</p>	<p>The development seeks approval for buildings 13.7 m high on Lot 1 and Lots 3-8 and 26.37 m high on Lot 2.</p>	<p>The WSEA SEPP does not prescribe a height limit for the site.</p> <p>The Department has considered the impact of the proposed bulk and scale of the development at section 6.3.3 of this report.</p>

Development Standard	Proposed	Department Comment
<p>Cl. 22 Rainwater harvesting</p> <p>The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that adequate arrangements will be made to connect the roof areas of buildings to such rainwater harvesting scheme (if any) as may be approved by the Director-General.</p>	<p>The Applicant proposes to implement rainwater harvesting techniques to minimise potable water use by using rainwater collected from warehouse and/or office roofs for non-potable uses.</p> <p>Rainwater tanks are provided for each proposed warehouse.</p>	<p>The provision of rainwater tanks and proposed use of rainwater is satisfactory.</p>
<p>Cl. 24 Development involving subdivision</p> <p>The consent authority must not grant consent to the carrying out of development involving the subdivision of land unless it has considered the following:</p> <p>(a) the implications of the fragmentation of large lots of land,</p> <p>(b) whether the subdivision will affect the supply of land for employment purposes,</p> <p>(c) whether the subdivision will preclude other lots of land to which this Policy applies from having reasonable access to roads and services.</p>	<p>The development includes two-staged subdivision of the site to create a total of 21 lots:</p> <ul style="list-style-type: none"> • Stage 1 subdivision, resulting in five lots including: <ul style="list-style-type: none"> – two lots subject to works under this SSD – three lots adjacent to Wianamatta-South Creek to remain undeveloped • Stage 2 subdivision, being subdivision of Stage 1 Subdivision Lot 1 into 17 lots including: <ul style="list-style-type: none"> – eight lots for warehouse buildings to be developed under this SSD – two lots for future warehouse or industrial development subject to separate development applications – three lots for estate on-site detention basins – three lots for public open space – one lot for private recreation. 	<p>The Department is satisfied the subdivision would not result in fragmentation of land. The subdivision of land will facilitate the provision of employment lands, as well providing lots in accordance with the recreation and environmental zoning of the western portion of the site.</p> <p>The subdivision also makes provision for road widening on Mamre Road, the SLR and WSFL.</p> <p>Road access is provided through the site and a future connection to the land to the south of the site.</p>
<p>Cl. 25 Public utility infrastructure</p> <p>The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made</p>	<p>The Applicant prepared a Service Infrastructure Assessment that outlines servicing requirements for the site.</p> <p>It is proposed to extend services to the site in consultation with Sydney Water and Endeavour Energy. Gas and telecommunications infrastructure is located along</p>	<p>Service providers were consulted during exhibition of the proposal and following the receipt of the RtS. The Department is satisfied that adequate arrangements have been made to ensure infrastructure will be available to the site as required.</p> <p>Appropriate conditions of consent will be included</p>

Development Standard	Proposed	Department Comment
to make that infrastructure available when required.	Mamre Road and will require amplification to service the development.	requiring lots to be serviced prior to subdivision.
<p>Cl. 26 Development on or in the vicinity of proposed transport infrastructure routes</p> <p>The consent authority must consider any comments made by the Secretary as to the compatibility of the development with the proposed transport infrastructure route.</p>	The site adjoins Mamre Road and the SLR transverses the site, which are identified as transport infrastructure routes under the WSEA SEPP.	The development layout includes appropriate provisions for the future upgrades to Mamre Road and potential construction of the SLR within the site.
<p>Cl. 29 Industrial release area</p> <p>Assistance to the State authorities for the provision of regional transport infrastructure and services is required. The consent authority must not grant consent unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure and services.</p>	The Applicant has provided a letter of offer to enter into a Planning Agreement with the Minister, for the provision of regional transport infrastructure.	<p>A condition of consent has been recommended to require the Planning Agreement to be entered into within 12 months of the date of the consent or prior to issue of an occupation certificate for the first building, whichever is sooner.</p> <p>On 17 December 2020, the Deputy Secretary, Place and Infrastructure Greater Sydney, as the Planning Secretary's delegate, issued a Satisfactory Arrangement Certificate (SAC) in accordance with Clause 29 of the WSEA SEPP.</p>
<p>Cl. 31 Design principles</p> <p>The consent authority must take into consideration whether or not:</p> <ul style="list-style-type: none"> (a) the development is of a high-quality design, and (b) a variety of materials and external finishes for the external facades are incorporated, and (c) high quality landscaping is provided, and (d) the scale and character of the development is compatible with other employment generating development in the precinct concerned. 	<p>The Applicant submitted a LVIA assessing the potential visual impacts of the development.</p> <p>The proposed site-specific DCP includes controls relating to building façade materials and finishes, minimum building and landscaped setbacks.</p>	<p>The Department has assessed the visual impacts of the proposal in section 6.3.</p> <p>The proposed materials and landscaping are considered appropriate for the location of the site within a growing industrial precinct.</p> <p>The Department has included the requirement for detailed landscape plans to be designed in consultation with Council in the recommended conditions of consent.</p>

Development Standard	Proposed	Department Comment
<p>Cl. 33B Development of land within or adjacent to transport investigation area</p> <p>Consent must not be granted to development in the area marked “Transport Investigation Areas A and B” on the Land Zoning Map that has a capital investment value of more than \$200,000 without the concurrence of Transport for NSW.</p>	<p>The site is affected by two corridors shown as “Transport Investigation Area B” on the zoning map. As the development has a CIV of over \$200,000, concurrence from TfNSW is required.</p>	<p>The development makes appropriate provisions for the potential WSFL and SLR corridors.</p> <p>TfNSW provided concurrence for the development on 20 October 2020.</p>
<p>Cl. 33C Development within the Mamre Road Precinct</p> <p>Consent must not be granted to development on the land identified on the Land Application Map as Precinct 12 (Mamre Road) that has a capital investment value of more than \$200,000 without the concurrence of Transport for NSW.</p>	<p>The site is located within the Mamre Road precinct and has a CIV over \$200,000.</p>	<p>TfNSW provided concurrence for the development on 20 October 2020.</p>
<p>Cl. 33H Earthworks</p> <p>Before granting development consent for earthworks, the consent authority must consider the matters outlined in Clause 33H (3).</p>	<p>The proposal includes earthworks across the site (excluding lots 3-5 adjacent to Wianamatta-South Creek), comprising 60,350 m³ of cut and 2,072,750 m³ of fill. to create level pads for warehouse construction.</p> <p>The final landform will include retaining walls and battered slopes along some of the boundaries of the works area.</p>	<p>The Department has considered the visual impacts of the proposed earthworks at section 6.3.4.</p> <p>Consideration of stormwater management and sediment and erosion control is at section 6.4.</p> <p>To ensure earthworks are appropriately managed, the Department has included the requirement of a detailed CEMP which includes an erosion and sediment control plan.</p> <p>The Department has also recommended conditions which require the Applicant to appoint an independent Environmental Representative to oversee the bulk earthworks.</p> <p>Consideration of heritage impacts is also at section 6.4. The Department recommends conditions requiring the Applicant to prepare and implement an ACHMP in the and an unexpected finds protocol to appropriately</p>

Development Standard	Proposed	Department Comment
		<p>address any items encountered during the works.</p> <p>The Department recommends a condition requiring that all imported fill material is only VENM, ENM, or other material approved in writing by EPA, and that the Applicant keep accurate records of the volume and type of fill to be used.</p>
<p>Cl. 33I Development on flood prone land</p> <p>Before granting development consent for carrying out development on flood prone land, the consent authority must consider the matters outlined in Clause 33I (2).</p>	<p>The development has been amended to remove any built form from the 1% AEP flood extent, including the OSD basins. Further, the developed landform levels would be raised more than 500 mm above the 1% AEP flood extent and the PMF.</p> <p>The Applicant prepared an overland flow and flood assessment that identifies that the development would result in a negligible increase in peak flood levels off-site and other areas.</p>	<p>The Department's assessment of flooding issues is detailed in section 6.2</p> <p>The development is not considered to have an adverse impact on flood behaviour on surrounding properties or safe use of the site.</p> <p>The Department recommends conditions relating to the protection of the Warragamba Pipelines Corridor and emergency response planning.</p> <p>The Department's assessment concludes the development would achieve an acceptable flooding outcome, subject to the recommended conditions.</p>
<p>Cl. 33J Heritage conservation</p> <p>Development consent is required for any of the items listed in Clause 33J(2)(a) to 33J(2)(f).</p>	<p>The Applicant submitted an AAR, ACHAR and a HHIS as part of the application.</p> <p>Nine Aboriginal cultural sites, including three AHIMS registered and seven non-registered sites, were identified within the site. One identified site was of high scientific significance.</p> <p>The ACHAR noted that construction works proposed under this SSD would disturb all identified sites except site MSP-11 adjacent to Wianamatta-South Creek. The ACHAR recommended several management measures to mitigate impacts on the Aboriginal cultural heritage.</p>	<p>The Department's assessment of Aboriginal and non-indigenous heritage is at section 6.4.</p> <p>Heritage NSW (HNSW) reviewed the ACHAR and recommended a series of conditions.</p> <p>The Department recommends conditions requiring the Applicant to prepare and implement an ACHMP in the CEMP including the ACHAR recommended mitigation measures, a resurvey of Lot X DP 421633, and an unexpected finds protocol, as well as an archaeological unexpected finds protocol</p>

Development Standard	Proposed	Department Comment
	The amended HHIS stated that the site did not contain State and locally significant heritage items.	
CI. 33K Consent for clearing native vegetation	<p>The EIS included a Biodiversity Development Assessment Report (BDAR), which was amended as part of the RtS to provide an assessment of the proposed clearing of 9.28 ha of native vegetation as part of the development.</p> <p>It is proposed to purchase ecosystem credits in compensation for the proposed vegetation removal.</p>	<p>The Department's assessment of biodiversity impacts is at section 6.4.</p> <p>The Department is satisfied the proposed loss of native vegetation would be appropriately offset. The Department has recommended conditions requiring the Applicant to offset and retire all amount of biodiversity credits and to implement a BMP as part of the CEMP which details management measures for undertaking vegetation removal and protecting fauna.</p> <p>The Department also recommends an erosion and sediment control plan be incorporated in the CEMP to address any erosion and water impacts from the clearing and earthworks.</p>
CI. 33L Stormwater, water quality and water sensitive design	<p>The proposed stormwater management system includes three estate basins and gross pollutant traps located upstream of each estate basin. The basins would be located outside of the 1% AEP flood extent. The Applicant will be responsible for the on-going maintenance of the infrastructure.</p> <p>The development incorporates water sensitive urban design principles. Rainwater harvesting is proposed for re-use for non-potable application within the proposed warehouses.</p>	<p>The Department's assessment of stormwater impacts is at section 6.4.</p> <p>The Department recommends a condition requiring the Applicant to prepare and implement a stormwater management plan, prior to construction and in consultation with Council and WaterNSW.</p>

State Environmental Planning Policy No 33 – Hazardous and Offensive Development (SEPP 33)

SEPP 33 aims to identify proposed developments with the potential for significant off-site impacts, in terms of risk and/or offence. A development is defined as potentially hazardous and/or potentially

offensive if, without mitigating measures in place, the development would have a significant risk and/or offence impact on off-site receptors.

The Applicant provided a Preliminary Hazard Analysis (PHA) as part of the RtS. The PHA identified that the quantities of LPG to be transported to and stored on-site would not exceed the threshold limits established by SEPP 33. As such, the proposal does not constitute a potentially hazardous development. The Department has assessed the PHA and concludes it has satisfied Applying SEPP33 Guidelines (DOP 2001a).

State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. The EIS included a contamination assessment for the site which confirmed that a remedial action plan is not required. The Department has included specific conditions for managing any unexpected finds.

State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64)

SEPP 64 aims to ensure that outdoor signage is compatible with the desired amenity and visual character of an area, and provides effective communication in suitable locations, that is of high-quality design and finishes.

The Applicant has submitted a signage plan which includes a combination of Estate entry signage, building identification signage, wayfinding signage for vehicles and pedestrians, and the Applicant's logo signage. Schedule 1 of SEPP 64 stipulates assessment criteria for outdoor signage. The Department's assessment against these provisions is at **Table 12**.

Table 12 | Compliance with SEPP 64

Assessment Criteria	Compliance
1. Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is compatible with the future character of the area, being industrial land use.
Is the proposal consistent with a particular theme or outdoor advertising in the area or locality?	The proposed signage would be generally consistent with other industrial signage in the locality.
2. Special areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage would be in keeping with the proposed industrial warehousing estate uses.
3. Views and vistas	
Does the proposal obscure or compromise important views?	The proposed signage would not exceed the height of the proposed buildings and would not obscure views.

Assessment Criteria	Compliance
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage would not dominate the skyline.
Does the proposal respect the viewing rights of other advertisers?	The proposed signage would not impact on other advertisers and would ensure an orderly identification of the site and individual buildings, provide necessary wayfinding for employees and visitors.
4. Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale of the proposed signage is considered appropriate for the development is consistent with existing industrial developments in site's surrounds.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage strategy includes a variety of signs with different sizes, shapes, functions, materials and colours. The Applicant has proposed an entry feature at Mamre Road/future SLR intersection incorporating the site identification sign and the Applicant's logos. The entry feature includes steel pickets and blades, aluminium panels and gabion wall with planting in various shapes and colours which would add point of interests and necessary site identification. As such, the Department consider the proposed signage would make positive contributions to the streetscape and visual interests.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	N/A
Does the proposal screen unsightliness?	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage would not exceed the maximum building height proposed on site.
Does the proposal require ongoing vegetation management?	No
5. Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage is compatible with the scale of the proposed warehousing buildings and the entire industrial facilities hub.
Does the proposal respect important features of the site or building, or both?	The proposed signage would not detract from important features.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage is compatible with the scale of the proposed warehousing buildings and the entire industrial facilities hub.

Assessment Criteria	Compliance
6. Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposed lighting devices would be integrated into the proposed signage.
7. Illumination	
Would illumination result in unacceptable glare?	The Applicant has advised the lightboxes would be a low wattage and would not result in unacceptable glare.
Would illumination affect safety for pedestrians, vehicles or aircraft?	The proposed illumination level would be low and would not affect safety for pedestrians, vehicles or aircraft.
Would illumination detract from the amenity of any residences or other form of accommodation?	The proposed signage would be contained within the site boundary and oriented away from nearby residences. As such, the proposed signage would not detract from the amenity of any residences.
Can the intensity of the illumination be adjusted, if necessary?	The intensity of the illumination would not be adjusted but consider the low illumination level, there is no need to adjust illumination.
Is the illumination subject to a curfew?	The illumination would not subject to a curfew.
8. Signage	
Would the proposal reduce the safety for any public road?	The proposed signage would be unlikely to reduce safety for any public road.
Would the proposal reduce the safety for pedestrians or bicyclists?	The proposed signage would be unlikely to reduce safety for pedestrians and bicyclists.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage would not obscure important sightlines from public areas.

Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (SREP 20)

SREP 20 aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. The plan includes provisions to address water quality and quantity, environmentally sensitive areas, riverine scenic quality, agriculture, and urban and rural residential development. The Department's assessment has concluded the proposal does not compromise the aims and objectives of SREP 20.

Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP)

The Draft Environment SEPP proposes to consolidate seven existing SEPPs, including SREP 20. There is some duplication between SREP 20 and the Standard Instrument local environmental plans, Ministerial Directions and other SEPPs. The Draft Environment SEPP proposes to repeal provisions in SREP 20 that are satisfactorily addressed in other legislation or planning instruments. In considering SREP 20, the Department has also considered the relevant matters under the Draft Environment SEPP.

Draft Remediation of Land State Environmental Planning Policy (Draft Remediation SEPP)

The Draft Remediation SEPP will replace the core aims and structure of SEPP 55, however the proposed changes are not substantial and primarily relate to technical clarifications. In considering SEPP 55, the Department has also considered the relevant matters under the Draft Remediation SEPP.

Appendix D – Key Issues – Community Views

The Department publicly exhibited the EIS development from 7 June 2019 until 8 July 2019. The Department received a total of 18 submissions on the development. Of the submissions received, 11 were from government authorities, one was from the local council, two were from special interest groups and two were from private businesses and two were from the community. Three submissions objected to the development.

The issues raised by these public submissions and how each issue has been addressed is summarised in **Table 12**.

Table 13 | Considerations of Key Issues raised by the Community

Issue	Consideration
Inconsistency with strategic and statutory context	<p>Assessment</p> <ul style="list-style-type: none">• The site was rezoned under State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP). The development is permissible with consent in the IN1 General Industrial zone under the WSEA SEPP.• Corridors have been reserved through the site to the satisfaction of TfNSW for the future Western Sydney Freight Line (WSFL) and the Southern Link Road (SLR). <p>Conditions</p> <ul style="list-style-type: none">• The corridors for the WSFL and SLR must not be developed.
Strain on local services and infrastructure	<p>Assessment</p> <ul style="list-style-type: none">• The Applicant's Service Infrastructure Assessment details the servicing requirements for the site. Sydney Water and Endeavour Energy were consulted during exhibition and advised the required infrastructure can be provided, at the Applicant's cost. <p>Conditions</p> <ul style="list-style-type: none">• Obtain the necessary approvals and licences to service the lots prior to subdivision.
Cumulative traffic impacts	<p>Assessment</p> <ul style="list-style-type: none">• The Applicant's Traffic Impact Assessment considered future development within the precinct and background traffic growth.• The Applicant demonstrated key intersections and the local road network were able to accommodate traffic from the development. <p>Conditions</p> <ul style="list-style-type: none">• Deliver upgrades to the Mamre Road and Bakers Lane intersection and to Mamre Road within specific timeframes, to the satisfaction of TfNSW.• Ensure no vehicles queue on the public road network.

Construction noise, dust and traffic impacts

Assessment

- Under the worst-case scenario, construction noise levels would be below the noise management levels at all receivers, except two locations where minor exceedances would occur. These exceedances are temporary and considered minor and at locations which have been rezoned for industrial purposes under the WSEA SEPP.
- The Air Quality Impact Assessment concluded construction dust impacts would be low subject to the implementation of the recommended management measures.
- Construction traffic would use an interim left in/ left out access point off Mamre Road at the south-eastern corner of the site, allowing construction vehicles to enter and exit the site without crossing Mamre Road, minimising impacts on the road network.

Conditions

- Adhere to standard construction working hours.
- Prepare and implement a Construction Noise and Vibration Management Plan and Construction Air Quality Management Plan.
- Prepare and implement a Construction Traffic Management Plan in consultation with the nearby education precinct, the retirement village and the aged care home.
- Require construction traffic to use an interim left in/ left out access point prior to completion of the upgrade to the Mamre Road and Bakers Lane intersection.

Incorporate infrastructure and sensitive urban (WSUD) elements

green water design

Assessment

- WSUD elements include infiltration trenches and bio-retention basins, bioswales, rain gardens, reuse of rainwater and gross pollutant traps. The development also incorporates energy efficiency measures including the use of solar panels, passive solar design and LED lighting strategies.
- The development aims to achieve a Six-Star Green Star Design and an As-Built V1.1 rating, as defined by the Green Building Council of Australia.
- The development was amended so that a larger portion of the site would be reserved for open space. The Applicant has also proposed landscaping throughout the development area.

Conditions

- Prepare detailed landscape plans in consultation with Council prior to commencing landscaping works.

Appendix E – Recommended Instrument of Consent

The recommended conditions of consent for SSD 9522 can be found on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/10376>