Westlink Industrial Estate – Stage 1 (Modification 5)

Section 4.55(1A) Modification Application Report

1030-1048 & 1050-1064 Mamre Road, 59-62 & 63 Abbotts Road, 290-308 Aldington Road, Kemps Creek

SSD-9138102

Submitted to the Department of Planning, Housing and Infrastructure
on behalf of ESR Developments (Australia) Pty Ltd

Ethos Urban

Prepared by Ethos Urban

21 March 2024 | 2200446

'Gura Bulga'

Liz Belanjee Cameron

'Gura Bulga' – translates to Warm Green Country. Representing New South Wales.

'Dagura Buumarri'

Liz Belanjee Cameron

'Dagura Buumarri' – translates to Cold Brown Country. Representing Victoria.

'Gadalung Djarri'

Liz Belanjee Cameron

'Gadalung Djarri' – translates to Hot Red Country. Representing Queensland.

Ethos Urban acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We pay our respects to their Elders past, present and emerging.

In supporting the Uluru Statement from the Heart, we walk with Aboriginal and Torres Strait Islander people in a movement of the Australian people for a better future.

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Contents

1.0 Introduction 7

1.1 Applicant Details 7

1.2 Overview of the approved development 7

1.3 Overview of Proposed Modifications 10

1.4 Analysis of Alternatives 10

1.5 Concurrent Road Upgrade Application 11

2.0 Strategic Context 13

3.0 Description of the Modification 14

3.1 Overview 14

3.2 Detailed Description of Modification 14

3.3 Modification to Conditions 27

4.0 Statutory Context 32

4.1 Substantially the Same Development 32

4.2 Modification Category 33

4.3 Updated project description 33

4.4 Compliance with Environmental Planning Instruments 33

4.5 Mamre Road Precinct Development Control Plan 2021 34

5.0 Consultation 36

5.1 Pre-lodgement Consultation 36

5.2 Engagement to be Carried Out 36

6.0 Environmental Assessment 37

6.1 Noise and Vibration 37

6.2 Flora and Fauna Impacts 47

6.3 Aboriginal Archaeology 53

6.4 Heritage Impacts 54

6.5 Air Quality Impacts 55

6.6 Contamination 56

6.7 Operational Traffic Impacts 57

6.8 Construction Traffic Impacts 59

7.0 Justification of the Modified Project 64

8.0 Conclusion 65

Figures

Figure 1 Approved Westlink Stage 1 Site Plan 8

Figure 2 Site Location and Context Map 9

Figure 3 Site Aerial Map 10

Figure 4 Limit of works for the Abbotts Road and Aldington Road upgrades proposed under this modification 12

Figure 5 Limit of works for the Abbotts Road and Mamre Road intersection proposed under this modification 12

Figure 6 Scope of Works Map (indicative) 15

Figure 7 Mamre Road typical section works 16

Figure 8 Abbotts Road typical section 17

Figure 9 Abbotts Road when approaching the Mamre Road Intersection 17

Figure 10 Aldington Road typical section 18

Figure 11 Upgraded intersection locations 19

Figure 12 Proposed Mamre Road and Abbotts Road Intersection line marking and signage plan 20

Figure 13 Proposed Mamre Road and Abbotts Road Intersection pavement sheet 20

Figure 14 MRP Stormwater Scheme Plan (site outlined in blue dashes including the road works area) 22

Figure 15 Proposed Cross Drainage Culvert 22

Figure 16 Proposed Cross Drainage Culvert 23

Figure 17 Proposed site compound layout (identified in red outline) 25

Figure 18 Location of Noise Monitoring along Aldington and Abbotts Road with the Westlink Stage 1 shaded in green 39

Figure 19 Location of Noise Monitoring Devices along Mamre Road with the Westlink Stage 1 site shaded in green 40

Figure 20 Noise Contours During Standard Construction Hours along Aldington and Abbotts Road with the Westlink Stage 1 site outlined in yellow 41

Figure 21 Noise Contours During Standard Construction Hours along Mamre Road with the Westlink Stage 1 site outlined in yellow 42

Figure 22 Noise Contours Outside of Standard Construction Hours along Aldington and Abbotts Road with the Westlink Stage 1 site outlined in yellow 43

Figure 23 Noise Contours Outside of Standard Construction Hours along Mamre Road with the Westlink Stage 1 site outlined in yellow 44

Figure 24 Vibration Assessment along Aldington and Abbotts Road with the Westlink Stage 1 site outlined in yellow 45

Figure 25 Vibration Assessment along Mamre Road 46

Figure 26 Cumberland Plain Conservation Plan Mapping for Aldington and Abbotts Road, with the extent of works under this modification outlined in yellow (approximate) 48

Figure 27 Cumberland Plain Conservation Plan Mapping along Mamre Road 48

Figure 28 Field validated vegetation mapping within the works area for Abbotts Road and Aldington Road under this modification outlined in yellow (approximate) 50

Figure 29 Field validated vegetation mapping within the works area for the Mamre Road and Abbotts Road intersection under this modification 51

Figure 30 Location of Cumberland Plain Woodland within Proximity to Aldington Road 52
Figure 31 Proposed works (in red) near to the curtilage of the Gateposts to Colesbrook Heritage Item (I3) 54
Figure 32 Surrounding Sensitive Receptors 55
Figure 33 Test Locations 57
Figure 34 Scenario 1 SIDRA Modelling Results 59
Figure 35 Scenario 2 SIDRA Modelling Results 59
Figure 36 Mamre Road/Abbotts Road Upgrade Layout- Construction Phase 1 60
Figure 37 Mamre Road/ Abbotts Road Upgrade Layout- Construction Phase 2 61
Figure 38 Mamre Road/ Abbotts Road Upgrade Layout- Construction Phase 3 61
Figure 39 Peak cumulative traffic movements – Phase 1 (June 2024) 63
Figure 40 Peak cumulative traffic movements – Phase 2 (November 2024) 63
Figure 41 Peak cumulative traffic movements – Phase 2 (January 2025) 63

Tables

Table 1 - Applicant Details 7
Table 2 Expected Commencement of Peak Construction Time per Phase 24
Table 3 Warehouse 1 Interim Operations and Ramp Up 26
Table 4 Summary of compliance with applicable SEPPs 33
Table 5 Consideration of the MRP DCP 34
Table 6 Location of Noise Monitoring Devices 37
Table 7 SIDRA Modelling Results 62

Appendices

Appendix		Author
A.	**Civil Engineering Drawings**	*AT&L*
B.	**Flora and Fauna Assessment**	*Narla Environmental*
C.	**Statement of Heritage Impacts**	*Biosis*
D.	**Aboriginal Cultural Heritage Assessment**	*Biosis*
E.	**Construction Noise and Vibration Impact Assessment**	*SLR*
F.	**Construction Traffic Impact Assessment**	*Ason Group*
G.	**Air Quality Impact Assessment**	*SLR*
H.	**Detailed Site Investigation**	*ADE Consulting Group*
I.	**Operational Traffic Impact Assessment**	*Ason Group*
J.	**Acquisition Plan**	*LandPartners*
K.	**Staging Plans**	*Robson Civil Projects*

1.0 Introduction

This Modification Report has been prepared by Ethos Urban on behalf of ESR Developments (Australia) Pty Ltd (ESR) (the Applicant) pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify the Westlink Industrial Estate – Stage 1 (Westlink Stage 1) (SSD-9138102) State Significant Development Application (SSDA).

The proposed modification seeks to amend the approved development to expand the environmental assessment of the proposed external road widening and upgrade works to the Mamre Road and Abbotts Road intersection and road widening to parts of Abbotts Road and Aldington Road. A detailed description of the proposed modifications is provided in **Section 3.0**.

The proposed road widening, upgrade and intersection works are required to support the overall planned industrial redevelopment of the broader Mamre Road Precinct which aligns with the upgraded road layout and network envisioned under the Mamre Road Precinct Development Control Plan (MRP DCP).

This application identifies the consent, describes the proposed modifications and provides an assessment of the relevant matters contained in section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). This application has been prepared in accordance with the *State Significant Development Guidelines* and is accompanied by several supporting technical reports and assessments, as outlined in the table of contents.

1.1 Applicant Details

The Applicant's details are presented in **Table 1** below.

Table 1 - Applicant Details

Applicant:	**ESR Developments (Australia) Pty Ltd**
Address:	Level 24, 88 Phillip Street, Sydney NSW 2000
ABN:	88 625 766 109

1.2 Overview of the approved development

The Westlink Stage 1 SSDA (SSD-9138102) was approved by the then Department of Planning and Environment as delegate of the Minister for Planning and Public Spaces on 21 April 2023 for:

> *Construction of the first stage of an industrial estate including bulk earthworks, subdivision, construction, fit out and operation of two warehouse buildings and ancillary office space with a total gross floor area of 81,317m², landscaping, construction of estate roads* ***and external road upgrades****, site servicing and stormwater infrastructure.*

The approved Westlink Stage 1 Site Plan is provided in **Figure 1** illustrating the approved development.

There are currently three modifications under assessment by the Department of Planning, Housing and Infrastructure (DPHI).

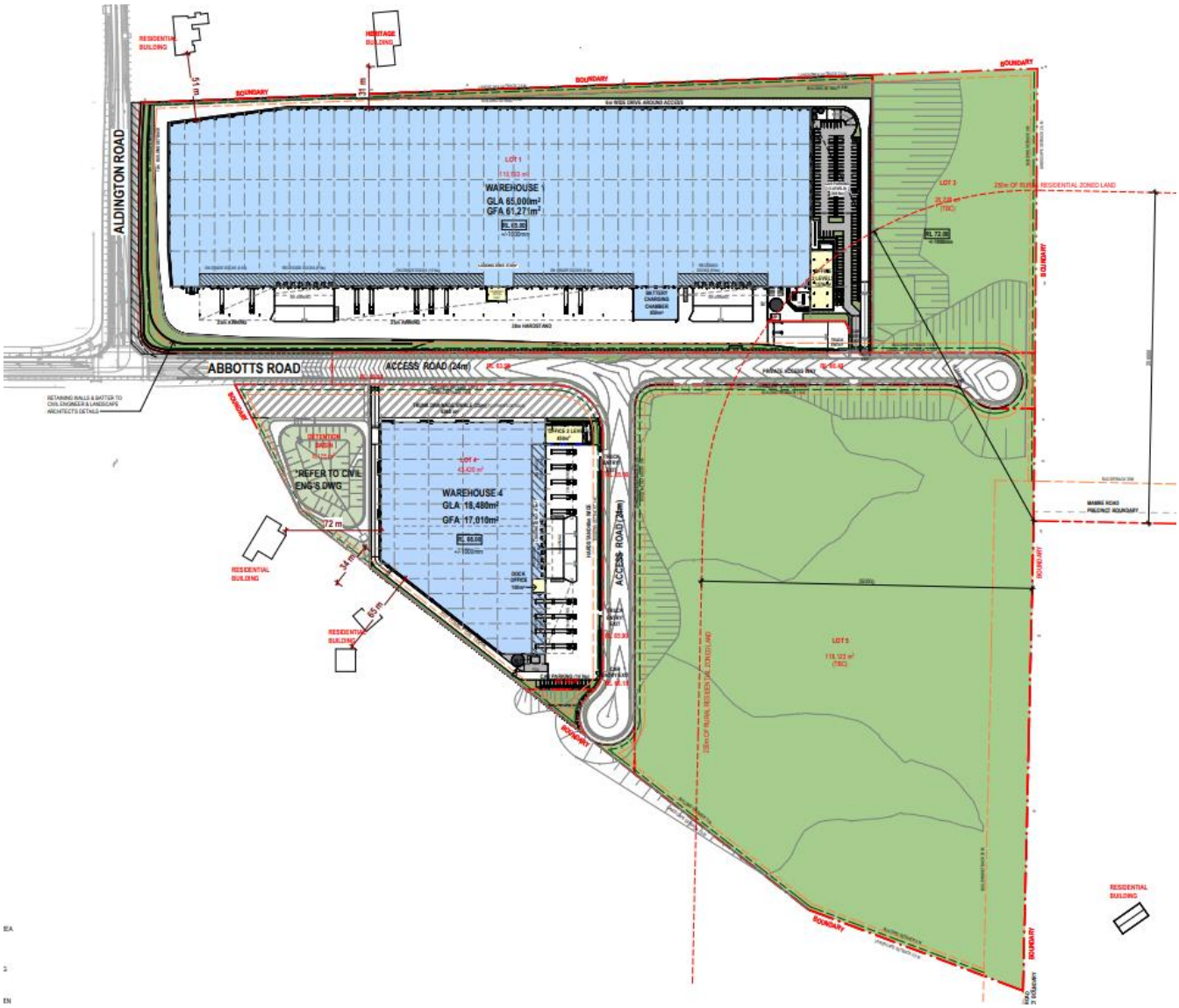

Figure 1 Approved Westlink Stage 1 Site Plan

Source: Nettletontribe Architects

1.2.1 Site Overview

The Westlink Stage 1 site is located at the southern end of the Mamre Road Precinct (MRP) (refer to **Figure 2**), which sits within both the Western Sydney Employment Area (WSEA) and the Western Sydney Aerotropolis. The site was rezoned in 2020 as part of the gazettal of the *State Environmental Planning Policy (Western Sydney Employment Area) 2009*, now the *State Environmental Planning Policy (Industry and Employment) 2021* (Industry and Employment SEPP), which rezoned the site to IN1 General Industrial.

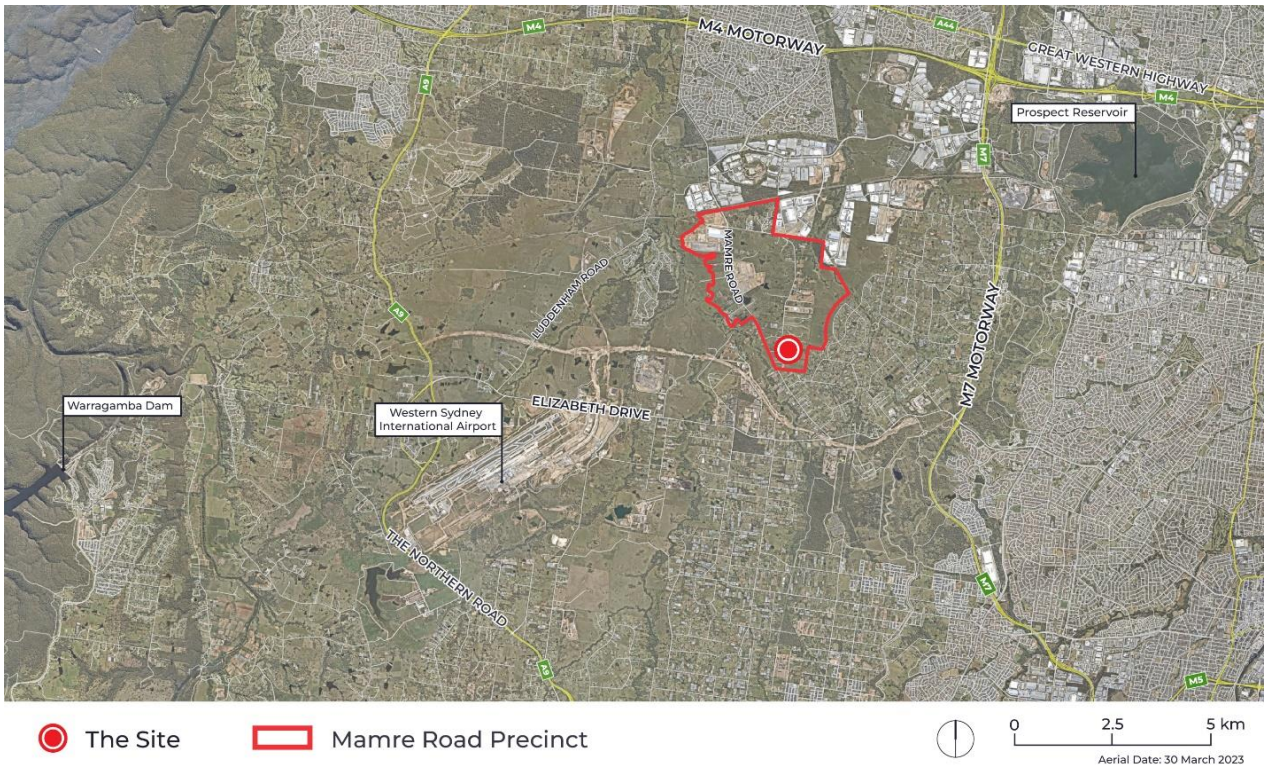

Figure 2 Site Location and Context Map

Source: Nearmap, Ethos Urban

The site comprises five (5) separate allotments owned by ESR, being 1030-1048 & 1050-1064 Mamre Road, 59-62 & 63 Abbotts Road and 290-308 Aldington Road, Kemps Creek (Lot 11, 12 and 13 DP253503, Lot 3 and 4 DP250002). An updated Site Aerial Map is provided in **Figure 3**.

The site currently has access to Abbotts Road and Mamre Road to the west, and Aldington Road provides access to the north. These roads are intended to remain open during both construction and operation and augmented through the proposed Phase 1 works.

The site currently has access to Abbotts Road and Mamre Road to the west. These roads are to be maintained and open during the construction of the Phase 1 works to enable construction and operational traffic to move through the Precinct.

It is also noted that Aldington Road provide access to the north. This road is also to remain open but will not be used by ESR Westlink Industry Park development as access is restricted to Bakers Lane.

Figure 3 Site Aerial Map

Source: Nearmap, Ethos Urban

1.3 Overview of Proposed Modifications

The proposed modification seeks to modify the approved development to expand the environmental assessment of the external road widening and upgrade works to the Mamre Road and Abbotts Road intersection and road widening along Abbotts Road and part of Aldington Road. The proposed road widening, upgrade and intersection works is required to support the overall planned industrial redevelopment of the Mamre Road Precinct which aligns with the upgraded road layout and network envisioned under the MRP DCP.

The development, as proposed to be modified, is both essentially and materially of the same essence as that of the approved development and is therefore considered to be substantially the same. The modification of the development. consent can therefore be lawfully made under section 4.55(1A) of the EP&A Act. This is addressed in greater detail in **Section 4.1**

1.4 Analysis of Alternatives

There have been multiple options explored by ESR as part of the proposed modification works, as outlined below.

1.4.1 Option 1 – Existing Road Network

The existing road network currently comprises of a 7m wide carriageway with a lane in each direction. While this road is sufficient for early construction and operational traffic, the Mamre Road Development Control Plan (DCP) has identified for the road to be upgraded to a 30.6m distributor road with a 16m wide carriageway.

To support roll out of development, the existing carriageway will not be sufficient in the long term and an upgrade is required to support all traffic within the Precinct. By not modifying the consent to include the roadworks would delay the works until undertaken by Penrith City Council at an undetermined time in the future. This would prevent timely development and operation of industrial and warehouse development in the MRP and undermine the objectives behind the rezoning of the precinct for employment uses

In the interim, the construction and operational traffic to ESR's Westlink Industry Park can be accommodated in the existing road network and can continue to access the site while the road is being upgraded.

1.4.2 Option 2 – Alternative Designs

The design of the roads are determined by the MRP DCP and so any alternative design of road cross sections would not be appropriate.

1.4.3 Option 3 – Part 5 Approval Process

Initially, the intended planning pathway was to obtain a determination for the road upgrade activities to be carried out under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), specifically Part 5.1, conducting an environmental assessment by or on behalf of Penrith City Council (Abbotts Road) and Transport for NSW (Mamre Road/Abbotts Road intersection). However, both authorities have advised that they do not now support the environmental assessment of the works being undertaken under Part 5.1 as had been proposed throughout the SSDA assessment process. Both authorities will now require approval of the works under Part 4 of the Act prior to issuing approval for the works under s138 of the *Roads Act 1993*.

As such, a modification to the SSD-9138102 consent is required to expand the environmental assessment of external road upgrade and intersection works into the consent to enable ESR to complete the works – noting that this is still contingent on the authorities issuing s138 Approvals.

1.4.4 Option 4 – As Proposed to be Modified

The proposed design of the roads provides a better outcome to accommodate for traffic movement and infrastructure requirements as outlined in this modification application for the reasons identified above. This option solves the short term and long-term problem of the road network to ensure the streamlined rollout of development within the broader MRP.

1.5 Concurrent Road Upgrade Modifications

There are two separate SSD applications which deal with the road upgrade works:

- ESR Westlink Industry Park Stage 1 (SSD-9138102, being the subject of this modification)
- Fife/Stockland 200 Aldington Road (SSD-10479).

The scope of each consent varies due to the access requirements to each estate. As such, the conditions of consent for each development have different requirements in relation to the road upgrade works. All access to both estates will be accessed off the Mamre Road and Abbotts Road intersection, as Bakers Lane prohibits trucks until the Southern Link Road is delivered.

The ESR Westlink Industry Park requires upgrade of Abbotts Road only, as Aldington Road does not provide through access until the Southern Link Road is delivered. Therefore, this modification to SSD9138102 is seeking environmental assessment to be undertaken for Mamre Road and Abbotts Road intersection, Abbotts Road corridor, and a small portion of Aldington Road along the frontage of the Westlink Stage 1 boundary only.

In contrast, 200 Aldington Road requires upgrade of both Abbotts and Aldington Roads to provide access. It is understood that a concurrent modification to SSD-10479 seeks to amend the consent to include the road upgrade works for the new Mamre and Abbotts Roads intersection, as well as the upgrade of both Abbotts Road and Aldington Road.

To ensure consistency across the two projects, a road designer and technical consultants have been engaged to prepare a design and reports consistent across the entire extent of road works proposed by the two developers. These reports support this proposed modification to Westlink Industry Park Stage 1, as well as the 200 Aldington Road modification. This ensures consistent environmental assessment across both applications to ensure a consistent assessment across technical subjects. The limit of works proposed under this modification are shown in **Figure 4** and **Figure 5**.

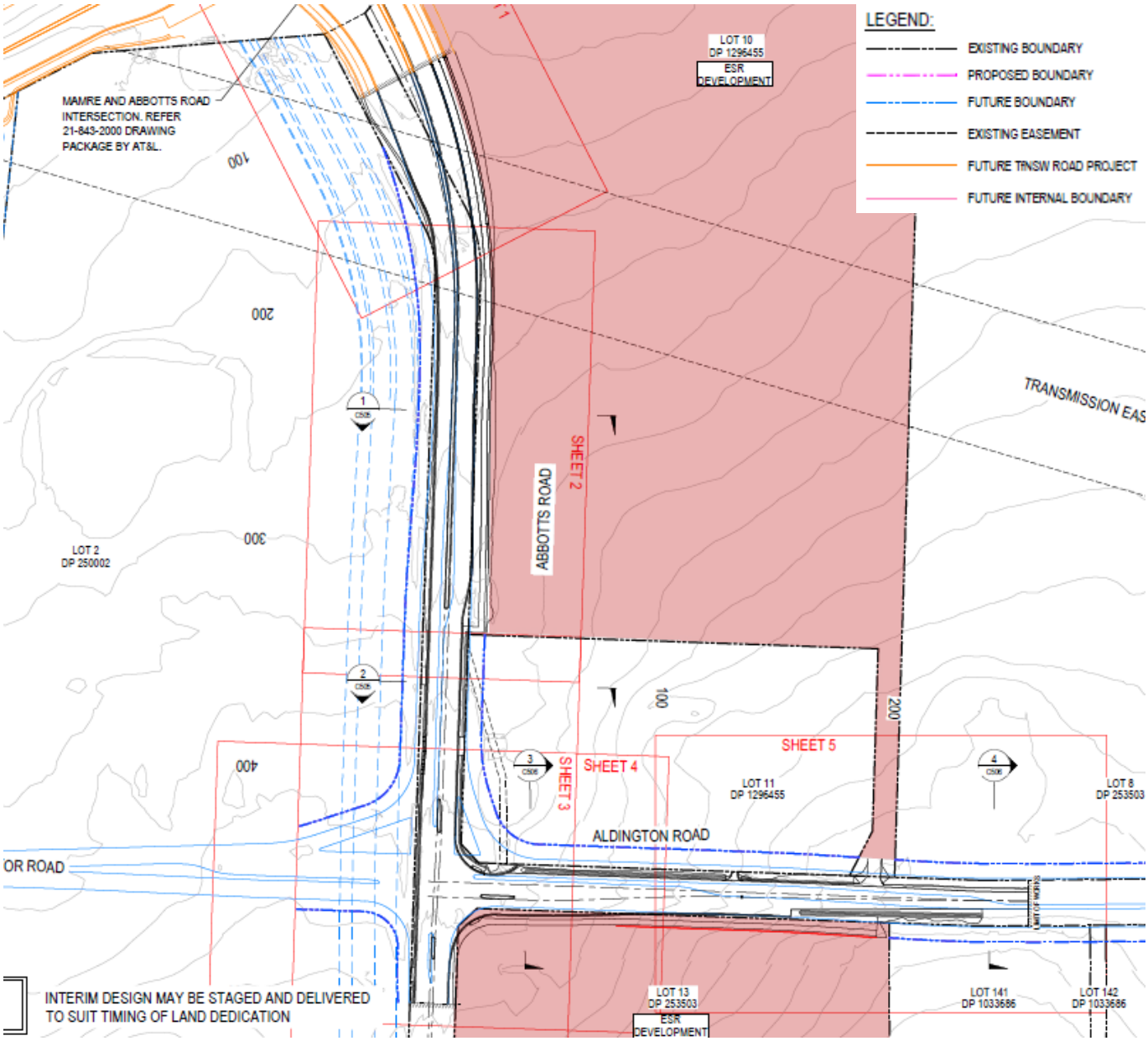

Figure 4 Limit of works for the Abbotts Road and Aldington Road upgrades proposed under this modification

Source: AT&L

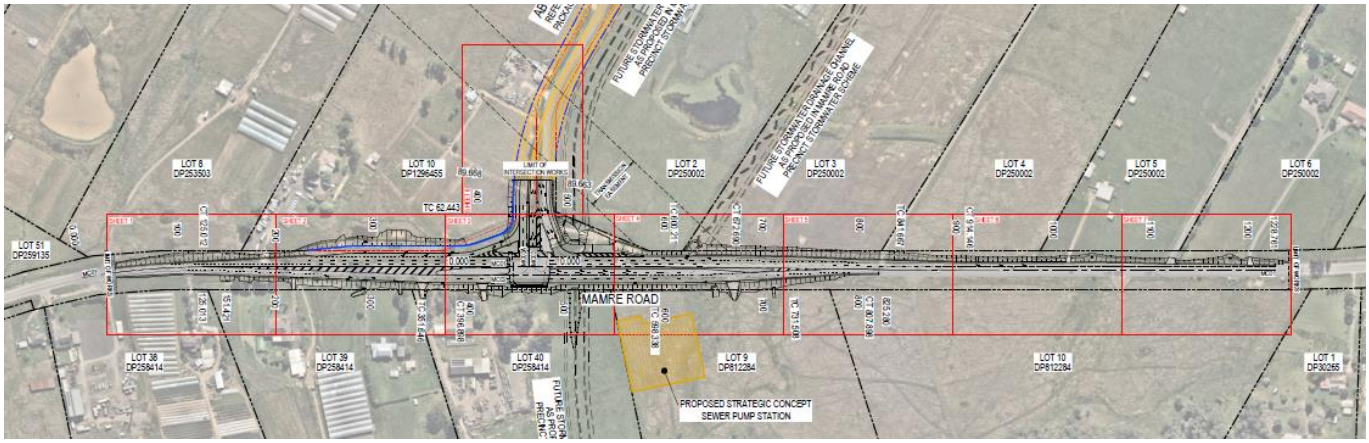

Figure 5 Limit of works for the Abbotts Road and Mamre Road intersection proposed under this modification

Source: AT&L

2.0 Strategic Context

The strategic context of the development as proposed to be modified remains generally the same as approved on 21 April 2023. Since then, construction of the proposed development has commenced with the bulk earthworks underway and framing of steel commenced for the Lot 1 Warehouse. The Lot 1 Warehouse is forecasted to be completed in November 2024.

It is noted that there is a current amendment to the Industry and Employment SEPP currently on public exhibition, which proposes to rezone the road corridors and reserve the land for road widening purposes along Abbotts Road and Aldington Road. The roads are proposed to be rezoned as SP2 Infrastructure(local road). The rezoning will also include private land subject to future road widening under the MRPDCP. The proposed SEPP amendment will also include land subject to future road corridor widening on the Land Reservation Acquisition Map to enable these parcels of land to be acquired by Penrith City Council as the relevant acquisition authority. The intersection of Mamre Road and Abbotts Road is already zoned as SP2 Infrastructure as a classified road, with Transport for NSW as the acquisition authority.

The proposed modification is consistent with the current SEPP amendment, noting ESR (as part of LOG-E) provided the design plans to DPHI to inform the amendment.

The dedication of land owned by ESR will be carried out under planning agreements, and the gazettal of the SEPP amendment does therefore not impact on the ability for this modification to be approved and works to commence.

These proposed amendments to the SEPP will enable the delivery of the roads to be carried out and the land acquired at an appropriate time by the relevant acquisition authority.

The modified development's alignment with its strategic context remains consistent for the following reasons:

- The development will continue to provide warehousing and industrial floor space in an area identified for this purpose
- The development remains permissible with consent under the relevant statutory planning framework for the site
- The development remains consistent with the Greater Sydney Region Plan – A Metropolis of Three Cities, the Western City District Plan, and the Mamre Road Precinct Structure Plan

3.0 Description of the Modification

3.1 Overview

The proposed modification seeks to amend the approved development to expand the environmental assessment of the external road widening and upgrade works to the Mamre Road and Abbotts Road intersection and road widening to Abbotts Road and part of Aldington Road.

The proposed road widening, upgrade and intersection works is required to support the overall planned industrial redevelopment of the Mamre Road Precinct which accords with the upgraded road layout and network envisioned under the MRP DCP.

3.2 Detailed Description of Modification

The proposed road widening, upgrade and intersection works will seek the following scope of physical works as part of the approval:

- Site preparation including level changes and vegetation clearing works;
- Associated bulk earthworks, including adjustment of the existing levels of Mamre Road, Abbotts Road and Aldington Road as required;
- The establishment of a new signalised intersection connecting Mamre Road and Abbotts Road;
- Road widening and upgrades, approximately 200m to the north and 600m to the south of the Mamre Road intersection. The upgrade will include the construction of dual carriage ways on either side of the roadway (3.5 metres in width) and one (1) to two (2) added turning lanes approaching the Abbotts Road, Mamre Road intersection;
- The upgrade and widening of Abbotts Road (to a typical road reserve width of 20.1m as the interim outcome and allowing for up to 36.1m as the ultimate outcome) with dual-lane carriageways;
- The establishment of a new intersection connecting Abbotts Road and Aldington Road and road widening along parts of Aldington Road within the existing road corridor;
- The construction of temporary site compounds for materials storage and handling during construction including the use of containers for storage purposes;
- Associated stormwater and drainage works in accordance with Council standards, including:
  - New and larger culverts across Abbotts Road; and
  - Additional stormwater pits and pipes.
- Relocation of existing services and installation of new services (recycled water, power, and telecommunications);
- Amendments to consent conditions to allow commencement of warehouse operations concurrent with road upgrade works.

An aerial showing the location of the proposed works relative to the approved development is shown in **Figure 6** overleaf.

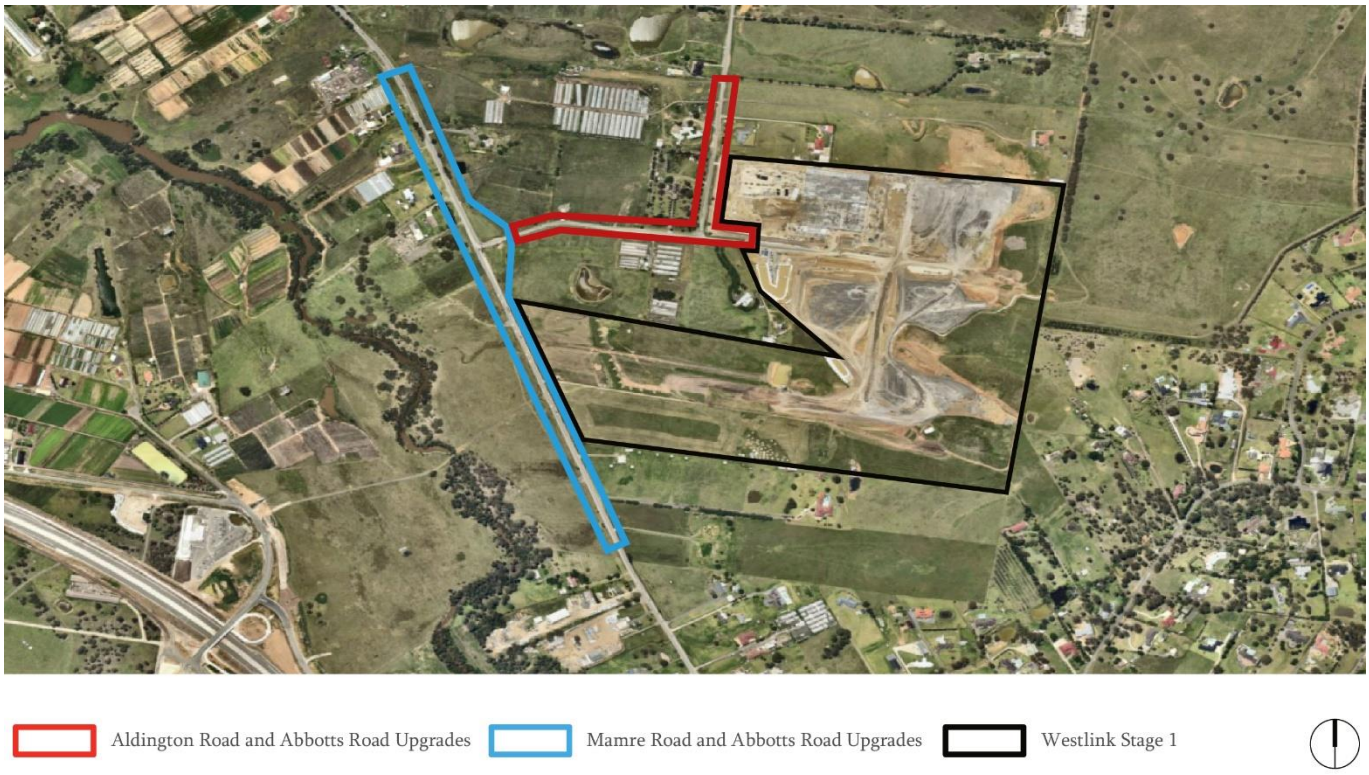

Figure 6 Scope of Works Map (indicative)

Source: Nearmap with edits by Ethos Urban

3.2.1 External Road Upgrades Scope

Road works will include the upgrade of Mamre Road, Abbotts Road and part of Aldington Road, for the interim solution as shown in the plans at **Appendix A**. Aldington Road and Abbotts Road will consist of dual carriageways, separated by median strips. Furthermore, road widening works will consist of the widening to portions of Mamre Road and Abbotts Road leading up to the intersection of these two roads, including the construction of dual carriageways, separated by median strips.

The proposed works under this modification will deliver the interim outcome of the Abbotts Road and Aldington Road works and make allowances for the ultimate outcome (shown in the plans) to be delivered by Council once land acquisition of non-ESR-owned property is resolved. These are shown on the Civil Drawings at **Appendix A**, with black linework showing the interim works and light blue linework the ultimate works.

Mamre Road Upgrade Works

The Mamre Road carriageways consist of a varying road reserve dependent on the section of the road and the width of the median strip. The new road will include dual carriage ways in both directions, with through lanes and turn lanes proposed where necessary, upon the approach to the Mamre Road and Abbotts Road intersection. Shoulders and verges are proposed on either side of the upgraded road of varying widths and a new road reserve boundary is proposed as shown within the Civil Drawings provided by AT&L (refer to **Appendix A**).

Existing electrical infrastructure will be relocated underground, and the existing electrical poles are to remain or be relocated as required. Interim lighting will be mounted on these poles or other poles, existing communications conduit are to be relocated, their location and depth are to be confirmed during detailed design. The existing water mains are to be relocated (refer to **Appendix A**). A typical road section is provided in **Figure 7.**

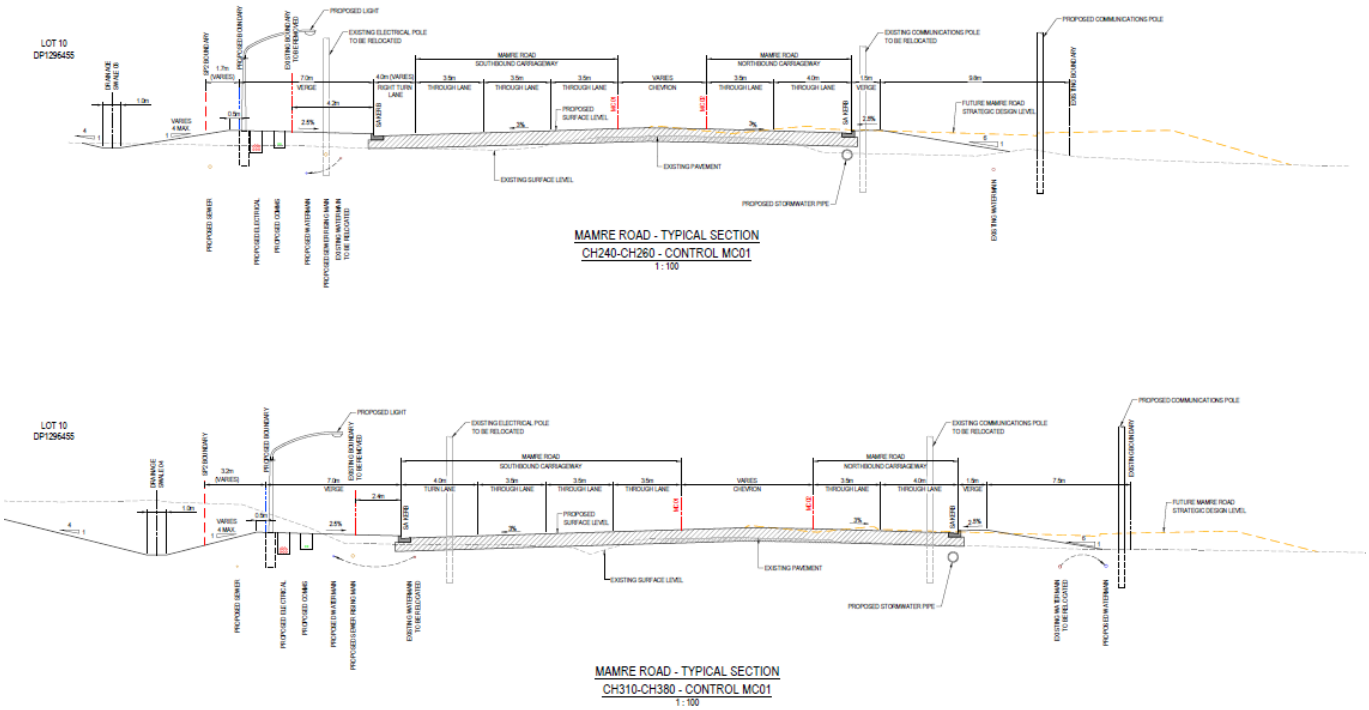

Figure 7 Mamre Road typical section works

Source: AT&L

Abbotts Road Upgrade Works

The Abbotts Road works consist of a varying road reserve which will range from 20.1m (as a typical cross section for the interim outcome being delivered under this modification) and allowing for up to 34.8m (the ultimate outcome to be delivered by Council). The lanes within the widened road will varying between 3.5 metre and 4.5 metre traffic lanes with two lanes east bound and two lanes west bound facilitating a left turn into Aldington Road. A median strip will separate the new lanes and will vary in size depending on the section of the road, with varying verges on either side (depending on the interim and ultimate outcomes). The design approach has ensured there is no dependency on any other landowner, with the only road widening proposed being carried out on land owned by ESR.

The carriageway for the interim outcome typically ranges from 14.6m to 16.6m as typical sections (noting the ultimate outcome will be wider, completed by Council pending land acquisition occurring).

Existing electrical infrastructure within the road reserve will be relocated underground. The existing water main will be made redundant. New stormwater pipes will be installed in general accordance with typical cross sections as per **Figure 8** below.

Closer to the Mamre Road intersection, the Abbotts Road works consist of a dual carriage way both east bound and west bound, with 4 turning lanes constructed within the west bound carriageway and 2 through lanes will be constructed within the east bound carriage way, with a median, and verges with footpaths. carriageways travelling in opposite directions. A 2.5 metre shared paths will be constructed within the verge on either side of the carriage ways.

The existing electrical infrastructure will be relocated underground as necessary. The existing water main will be made redundant. New stormwater pipes will be installed in general accordance with **Appendix A**.

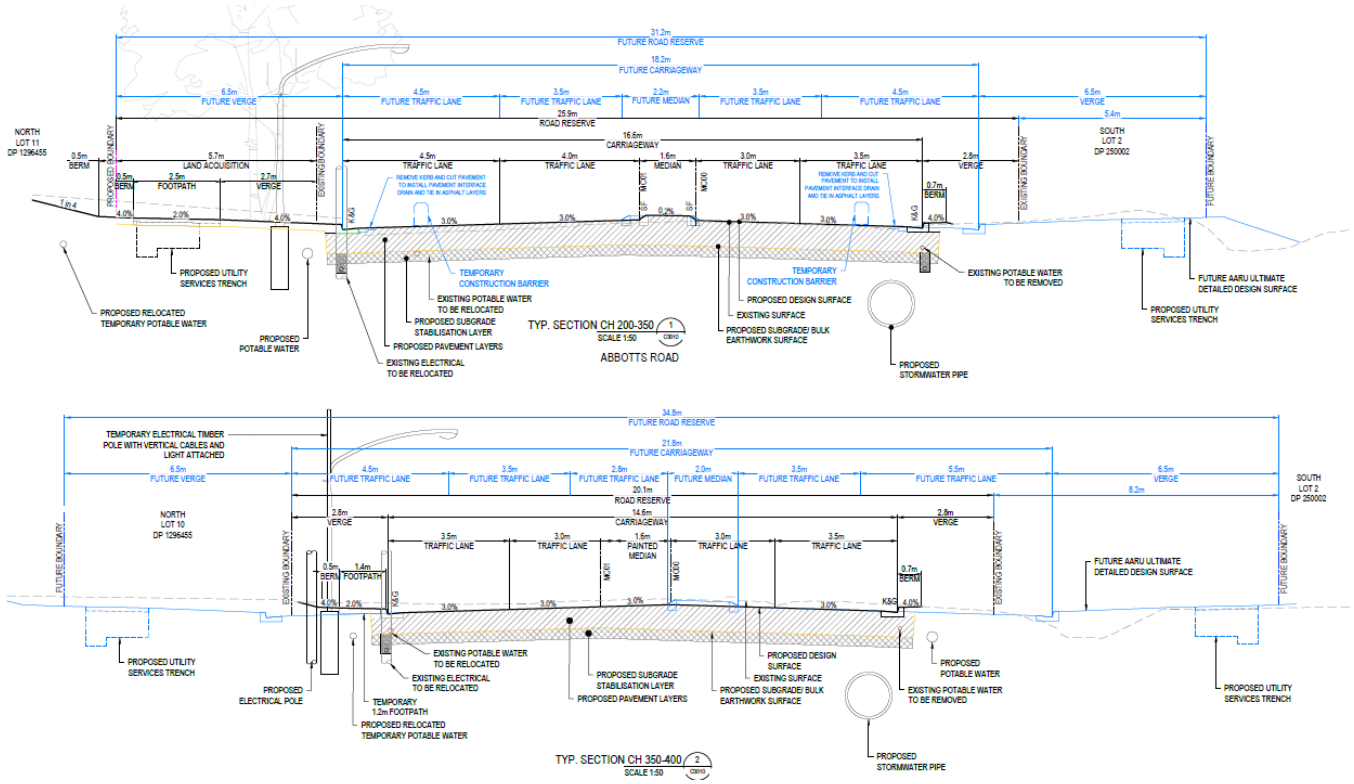

Figure 8 Abbotts Road typical section

Source: AT&L

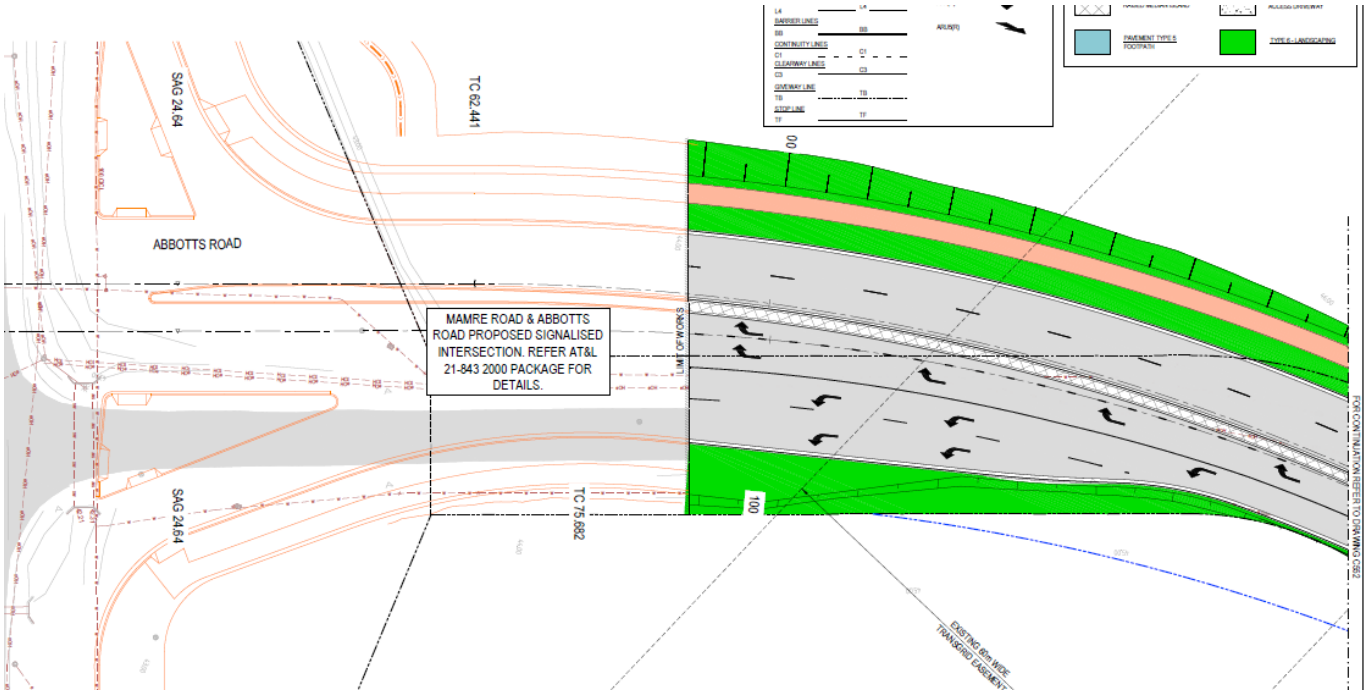

Figure 9 Abbotts Road when approaching the Mamre Road Intersection

Source: AT&L

Aldington Road Upgrade Works

The Aldington Road works consist of a varying road reserve which will range from 20.1m and 27m in the interim outcome as typical sections (dependent on the section of the road). The road corridor will include single lanes. Verges of varying width are proposed on either side of the new road and a new boundary is proposed as shown on the Civil Drawings provided by AT&L (refer to **Appendix A**).

Existing electrical infrastructure within the road reserve will be relocated underground, and existing electrical poles are to remain or be relocated as required. Interim lighting will be mounted on these poles or other poles. Existing communications conduits are to be relocated, their location and depth will be confirmed during detailed design. The existing water mains are to be replaced. Refer to **Figure 10** below for a typical road section demonstrating the widened road.

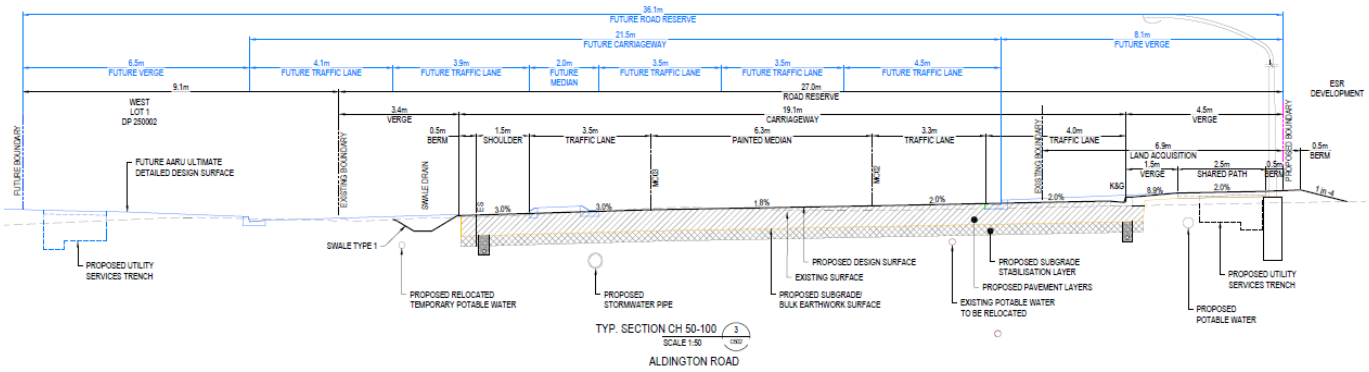

Figure 10 Aldington Road typical section

Source: AT&L

New Intersections

This modification seeks to upgrade the Mamre Road and Aldington Road intersection as well as the Aldington Road and Abbotts Road intersection. **Figure 11** details the locations of the new and upgraded intersections within the site. The location of the Mamre Road and Abbotts Road intersection aligns with the location of a signalised intersection as per the MRP DCP. The proposed Mamre Road and Aldington Road intersection upgrade is shown in extracts in **Figure 12** and **Figure 13** and will include signalisation, three main raised concrete islands, footpaths and adjoining grassed verges and batters.

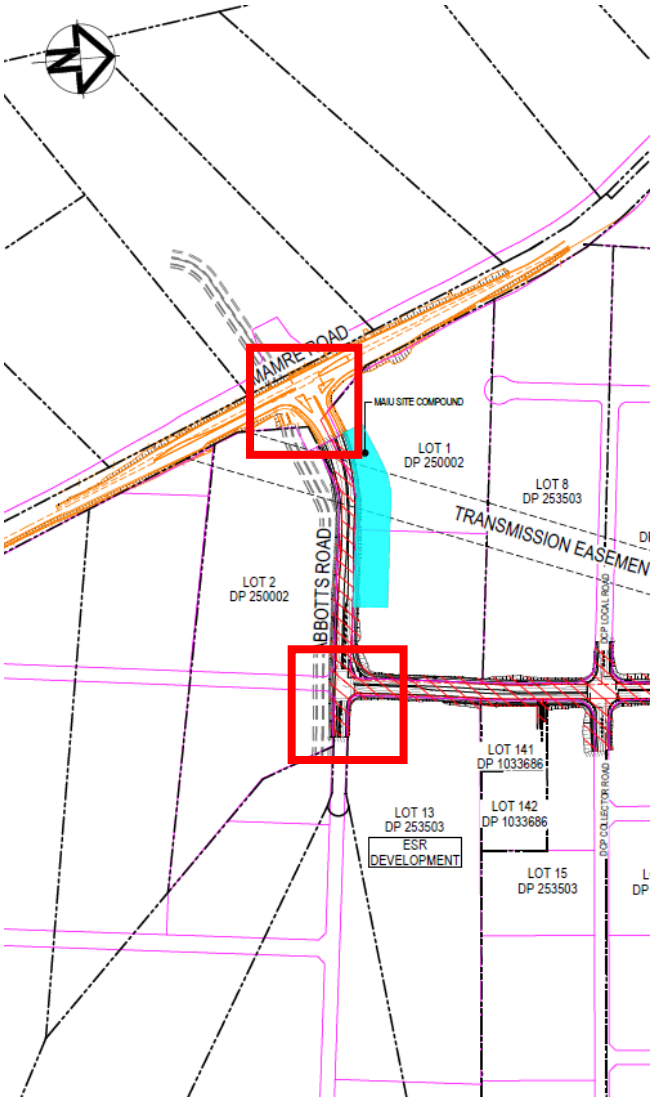

Figure 11 Upgraded intersection locations

Source: AT&L

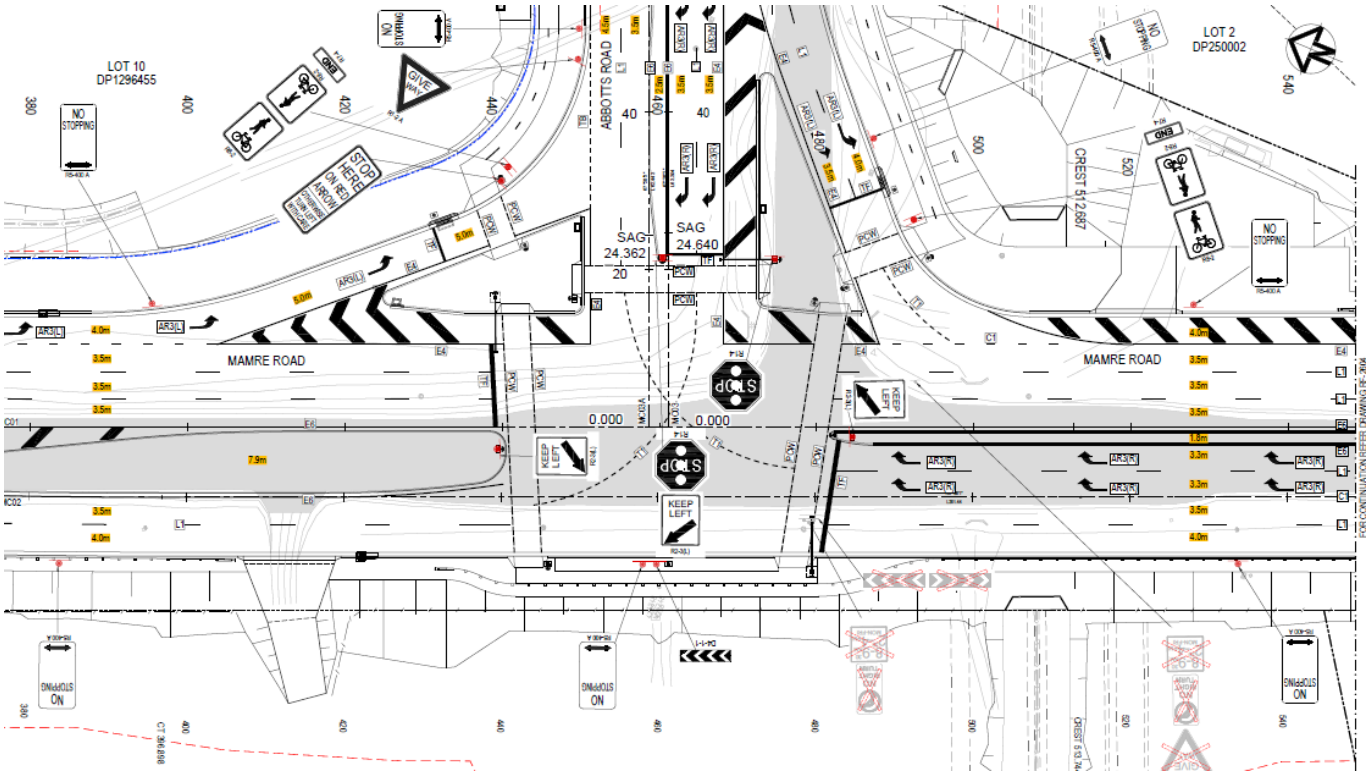

Figure 12 Proposed Mamre Road and Abbotts Road Intersection line marking and signage plan

Source: AT&L

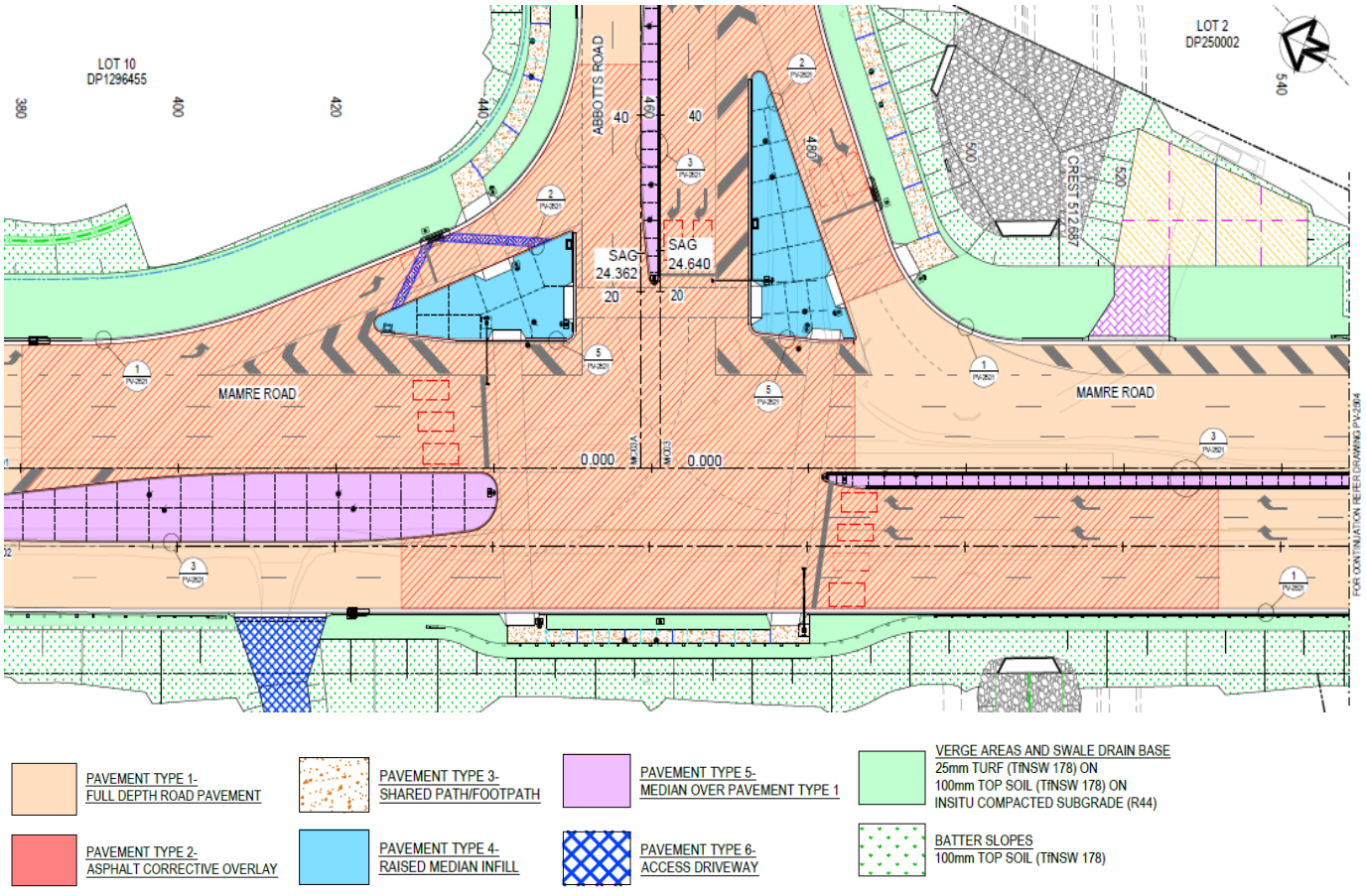

Figure 13 Proposed Mamre Road and Abbotts Road Intersection pavement sheet

Source: AT&L

3.2.2 Site Preparation and Earthworks

Site preparation works are required to accommodate the proposed road and intersection upgrades. This will include the removal of exotic vegetation including sporadic arrangements of roadside trees and some native vegetation. Demolition of parts of the existing roads will also be required to accommodate the modification.

Bulk earthworks will include cut and fill throughout the road corridor and will lower and raise certain sections of Mamre Road and Abbotts Road as per the proposed road design, with cut being between 0m and 1.4m – these levels are required to tie in with the Mamre Road intersection and Aldington Road and are all related to ensuring road geometry requirements are achieved. A Bulk Earthwork plan will be submitted post approval as part of detailed design under the Works Authorisation Deed and s138 process. Proposed road levels are shown in the Civil Engineering Drawings in **Appendix A**.

3.2.3 Pavement and Materiality

The road widening and upgrades to Mamre Road, Abbotts Road and Aldington Road will be undertaken in accordance with the MRP DCP layout. The proposed pavement and materiality in accordance with the Austroads Guide (Austroads, 2017) the proposed road pavement, footpaths and landscaping are detailed in **Appendix A**.

3.2.4 Stormwater

The proposed modification will provide new stormwater pipes and drains. The proposed stormwater upgrades have been designed in accordance with the MRP Stormwater Scheme prepared by Sydney Water. This proposed design will passively be integrated with street trees.

Stormwater drainage plans for the entire portion of works, details and calculations are provided in the Civil Engineering Plans (**Appendix A**). Multiple smaller stormwater pit and pipe networks are proposed along Aldington Road and at the proposed intersections throughout the site in accordance with Council design standards.

MRP Stormwater Scheme Plan

The MRP Stormwater Scheme Plan prepared by Sydney Water illustrates the regional stormwater infrastructure required to service the MRP precinct. The plan recognises the stormwater infrastructure in the MRP precinct is to be managed by Sydney Water.

The proposed stormwater infrastructure has been designed in the general arrangement of the MRP Stormwater Scheme Plan and will provide adequate stormwater infrastructure within the site to support the proposed modification and its connection to the broader distribution network throughout the MRP. The MRP Stormwater Scheme Plan is shown in **Figure 14** and the general stormwater arrangements and proposed cross drainage culverts consistent with the scheme are in **Figure 15** and **Figure 16**.

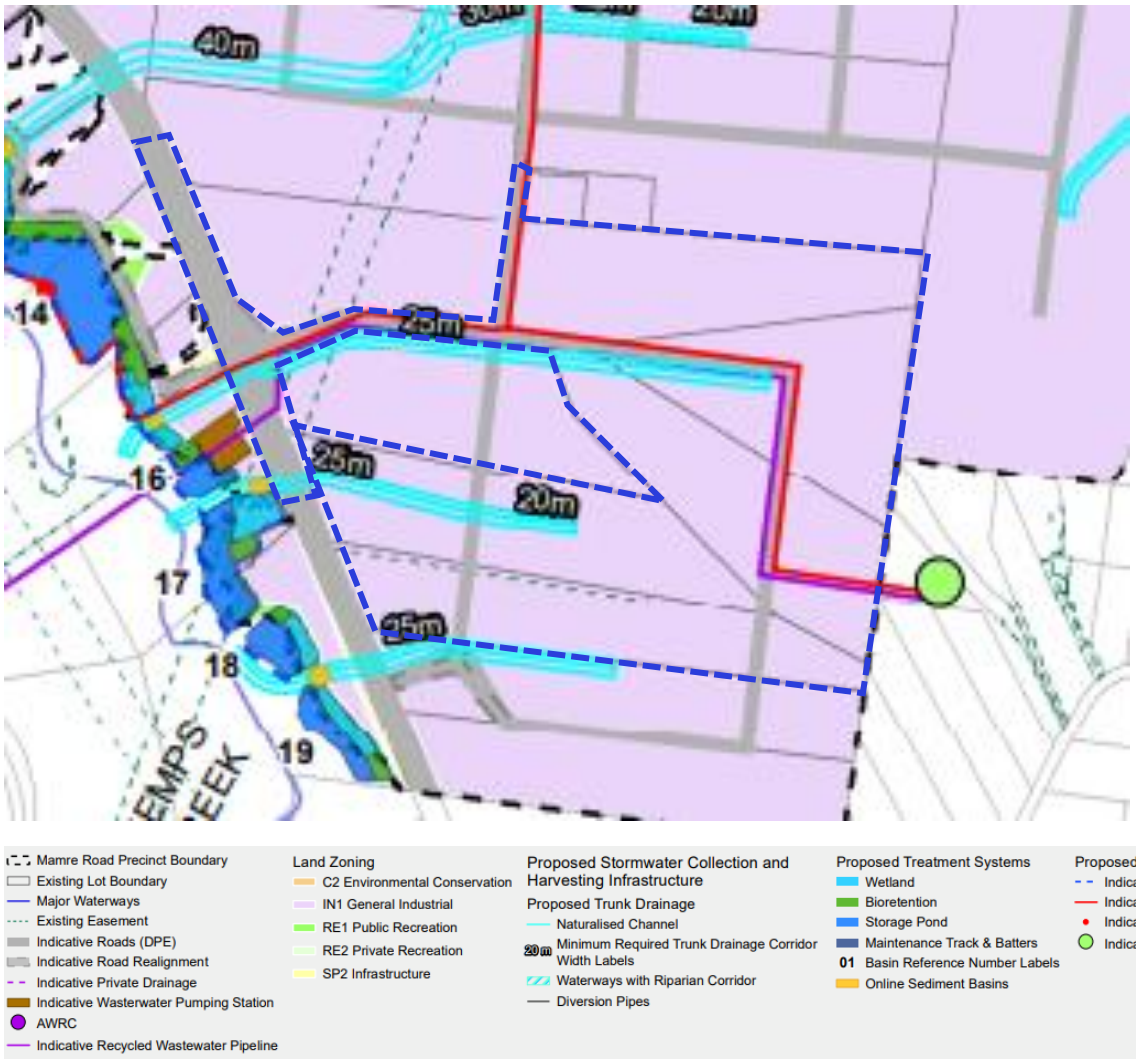

Figure 14 MRP Stormwater Scheme Plan (site outlined in blue dashes including the road works area)

Source: Sydney Water

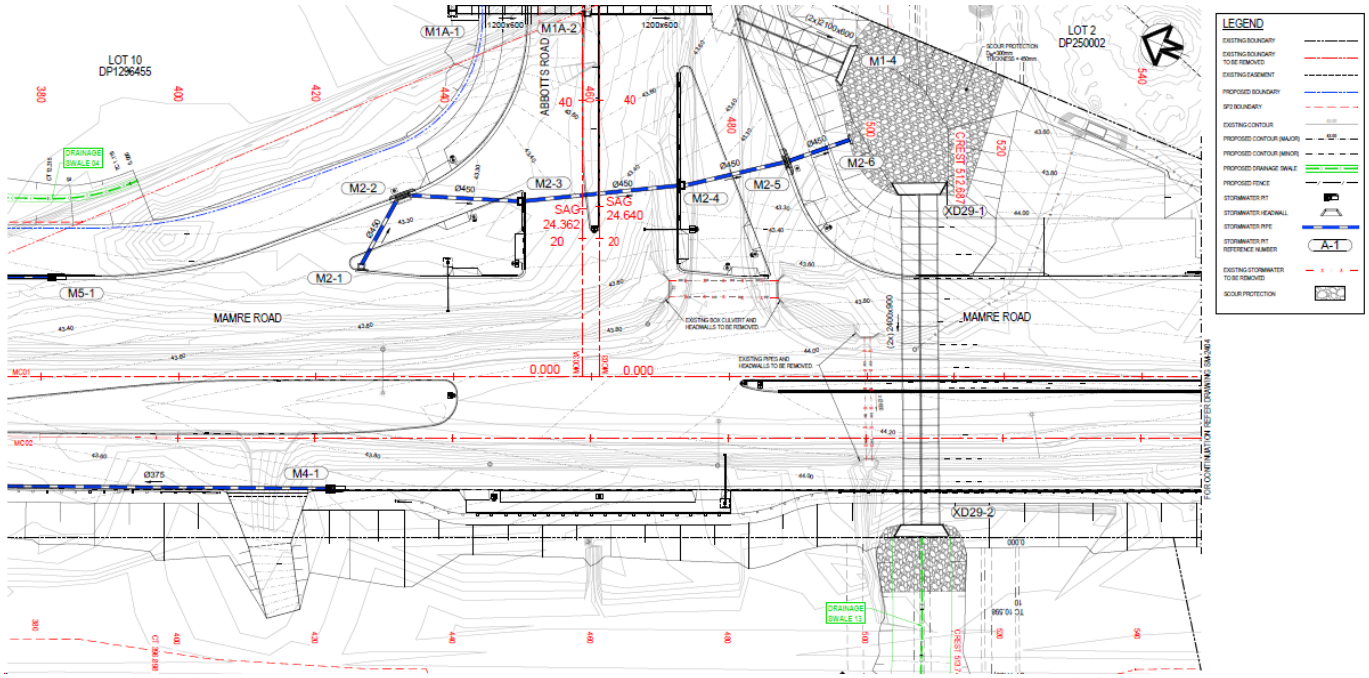

Figure 15 Proposed Cross Drainage Culvert

Source: AT&L

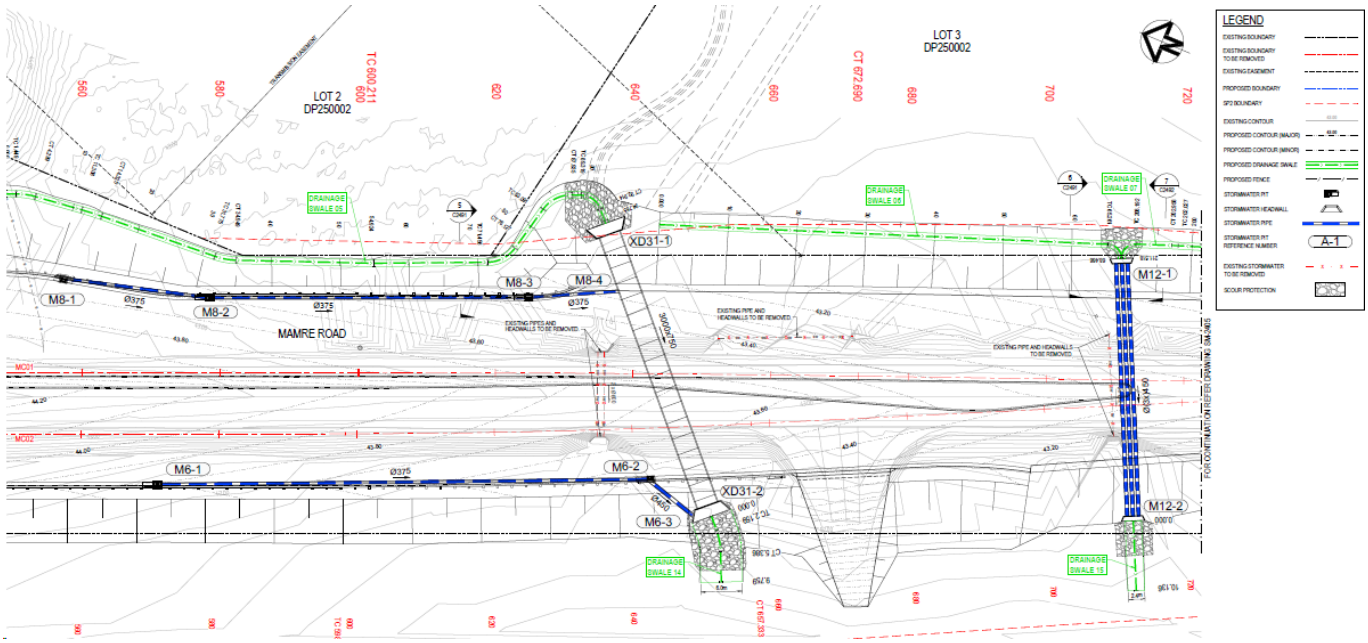

Figure 16 Proposed Cross Drainage Culvert

Source: AT&L

3.2.5 Ownership and Acquisition

Part of the road frontages along Aldington Road and Abbotts Road will be dedicated to Council where owned by ESR. The remaining frontages will need to be acquired by Council or dedicated to Council as part of applications for future development (noting the current SEPP amendment to rezone the land for SP2 Local Road that will enable the acquisition by Council). Further details of acquisition along Aldington and Abbotts Road is provided in **Appendix J**.

Mamre Road is a classified State Road, under the maintenance of TfNSW and Aldington Road and Abbotts Road is a local road, under the responsibility of Penrith City Council. Acquisition of part of Lot 10 DP21296455 (adjacent to the Mamre Road / Abbotts Road intersection) is the subject of current negotiation between ESR (a member of LOG-E) and TfNSW, for TfNSW to acquire this land via planning agreement.

The acquisition details are consistent with the Explanation of Intended Effects exhibition February 2024 relating to changes to the Industry and Employment SEPP for acquisition of the Aldington, Abbotts and Mamre Road.

3.2.6 Maintenance

The Maintenance Responsibility Plan in **Appendix A** identifies that TfNSW will be the responsible for the maintenance of Mamre Road and the Mamre Road/ Abbotts Road signalised intersection and Aldington Road and Abbotts Road will be maintained by Council.

Council will be the responsible authority to maintain the entire extent of the signalised road upgrade other than the traffic signals assets which are maintained by TfNSW.

ESR will carry out a maintenance period of 12 months following practical completion of the interim works.

3.2.7 Construction Management

A Construction Traffic Impact Assessment (**CTIA**) has been prepared by Ason Group and is provided in **Appendix F**. The preliminary report will be supported by other construction reports and a detailed Construction Traffic Management Plan which will be prepared prior to construction. Matters identified in the CTIA relating to the proposed construction process is summarised below.

Construction Hours

Proposed construction hours are as follows:

- Monday to Friday: 7:00am to 6:00pm;

- Saturday: 7:00am to 1:00pm; and
- Sunday or public holiday: no work without prior approval.

Additionally, there is potential for a number of out-of-hours work shifts (shifts outside of the above hours such as weekend shifts or night shifts) required for culvert road crossings and asphalt paving. This out of hours work is intended to be dealt with through Conditions B47 and B48 should it be necessary.

Staging

The construction of the proposed modification will be undertaken in the phases listed below:

- Mamre Road Intersection
  - Stage 1: temporary pavement construction to the west of the existing Mamre Road
  - Stage 2: construction of the southbound carriageway and eastern leg of the intersection
  - Stage 3: construction of the northbound carriageway
- Abbotts Road/Aldington Road
  - Stage 1: temporary pavement construction
  - Stage 2: construction of eastern side of Aldington Road and northern side of Abbotts Road
  - Stage 3: construction of western side of Aldington Road and southern side of Abbotts Road

It must be noted that the roads will be kept open for public access at all times through the construction works.

Staging Plans are provided at **Appendix K**.

Access

Use of surrounding roads by community members, detours (if required) and access to the construction site will be controlled through a detailed Construction Traffic Management Plan (CTMP) that will be signed off by Transport for NSW. It is noted that access will be maintained to private land on Aldington Road and Abbotts Road. Access via the Mamre, Abbotts Road intersection will primarily be restricted to left in/left out. Construction traffic will not utilise Bakers Lane. As such, the following routes are to be applied, per the staging of upgrade works to the intersection of Mamre Road and Abbotts Road undertaken by Transport for NSW:

- **Stage 1**:
  - Light vehicle access to and from the site is expected to occur via left-in, right-in and left-out movements at the Mamre Road, Abbotts Road intersection during Stage 1 of the construction.
  - Heavy vehicle access to the site is limited to left-in left-out movements only at the Mamre Road / Abbotts Road intersection.
- **Stage 2 and 3**:
  - During construction Stage 2 and 3, vehicles will be limited to left-in left-out movements only at the Mamre Road / Abbotts Road intersection.
  - Right-in movement from Mamre Road may be allowed for local traffic subject to TfNSW agreement. Similar mitigation to be applied for Stage 2 and 3 as stated in Stage 1 access arrangement

Timing

Commencement of peak construction periods and their respective phases are outlined in **Table 2** – this assumes all approvals are received from the relevant authorities to commence construction works

Table 2 Expected Commencement of Peak Construction Time per Phase

Phase	Expected Construction Time	Duration
Stage 1	June 2024	3 months
Stage 2	September 2024	6 months
Stage 3	March 2025	6 months

3.2.8 Site compounds

Figure 17 shows the location of the site compound that will support workers during the construction stage of the proposed modification. A single site compound is proposed; being located adjacent to the Mamre Road and Abbotts Road intersection, for this proposed modification. It is intended that shipping containers will be utilised in part for material storage and as site offices as needed.

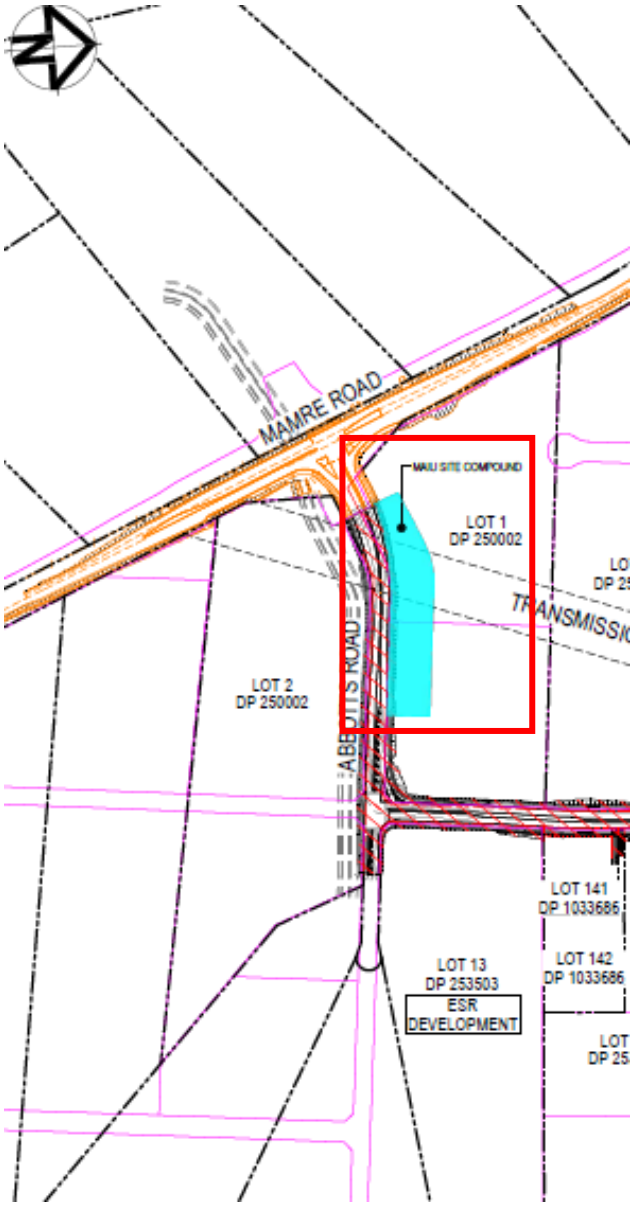

Figure 17 Proposed site compound layout (identified in red outline)

Source: AT&L

3.2.9 Services and Utilities

Th existing electrical poles along the road frontages will be relocated underground to accommodate the proposed road works, see Civil Engineering Drawings at **Appendix A**.

Selected existing electrical poles may remain or will be relocated if required. Interim lighting will be mounted on these, or other poles as required. The existing communication poles located on Aldington Road are proposed to remain or be relocated underground in consultation with Telstra during the Detailed Design phase of the proposed modification. Telstra communication infrastructure on Aldington Road will be relocated underground.

Existing potable water mains will be up-sized and relocated. Recycled water mains and stormwater trunk mains have been allowed in the layout and will be constructed on developer frontages where required by Sydney Water.

3.2.10 Interim Operation

The construction traffic modelling and operational traffic modelling under the original approval utilised a conservative assessment on trip generation to assess the worst case scenario (refer to Table 3 below). This was due to the unknown operation nature of the Lot 1 tenant at the time. The tenant leasing Lot 1 (now known) has provided detailed operational trip movements based on their operations. The frequency and number of vehicles is significantly less than the original conservative assumptions for both construction and operation. Based on this information, the trip numbers and frequency for the customer have not been remodelled as they are less than the approved amount.

For example, is noted that the approved Construction Traffic Management Plan for the Lot 1 Warehouse allows for some 600 light vehicle and 280 heavy vehicle movements per day. During operation, there are expected to be approximately 418 light vehicle movements (inclusive of 18 delivery vans) and 72 heavy vehicle movements per day – which equates to only 70% of the construction traffic movements for light vehicles, and 15% of construction traffic movements for heavy vehicles.

The tenant proposes to have a staged operation ramp up which is the following:

- 40% of operational truck traffic and 70% of employees will start on the first day of operation. This is forecast to commence in December 2024, subject to sign off of the Occupation Certificate and completion of the warehouse construction.
- Within 6 months following commencement of operations, the customer will increase operational truck traffic to 80% with 100% of the employees working on the site. This is anticipated for June 2025.
- A year following the original Occupation Certified being issued, it is forecasted that 100% of operational truck traffic and employees will be accessing the site. This is forecasted currently for December 2025.

This progressive increase in operations is due to the time to complete the automation components of the warehouse and enable the customer to onboard employees. Therefore, it is proposed to decouple the delivery of roads from the first occupation certificate for the first warehouse. The traffic numbers provided from the tenant demonstrate sufficient allowance has been made for their movements, as construction and operation traffic is less than the original approval and approved Lot 1 CTMP. Given the road upgrade works require the road to remain operational during the construction, ESR as the applicant will work with the Lot 1 tenant via an Operational Traffic Management Plan to ensure safe movement occurs with coordination of the CTMP for the road works during the upgrade of the road.

Table 3 Warehouse 1 Interim Operations and Ramp Up

Type	Original Approval 21.04.2024	Lot 1 CTMP Approval	Stage 1 OC w/ Fit Out 40% operation 70% employees Month 0 following issue of Occupation Certificate (OC)	Stage 2 OC w/ Fit Out 80% operation 100% employees Month 6 following issue of OC	Stage 3 OC 100% operation 100% employees Month 12 following issue of OC
Light Vehicles (Construction)	-	Daily 880 trips AM Peak 115 trips PM Peak 135 trips	Daily 86 trips AM Peak 12 trips PM Peak 13 trips	Daily 15 trips AM Peak 2 trips PM Peak 2 trips	Daily 15 trips AM Peak 2 trips PM Peak 2 trips
Heavy Vehicles (Construction)	-		Daily 5 trips AM Peak 1 trip PM Peak 1 trip	Daily 0 trips AM Peak 0 trips PM Peak 0 trips	Daily 0 trips AM Peak 0 trips PM Peak 0 trips
Light Vehicles (Operation)	Daily 1,460 trips AM Peak 109 trips PM Peak 95 trips*	-	Daily 290 trips AM Peak 22 trips PM Peak 19 trips	Daily 420 trips AM Peak 32 trips PM Peak 28 trips	Daily 424 trips AM Peak 33 trips PM Peak 28 trips
Heavy Vehicles (Operation)		-	Daily 29 trips AM Peak 7 trips	Daily 58 trips AM Peak 13 trips	Daily 72 trips AM Peak 16 trips

Type	Original Approval 21.04.2024	Lot 1 CTMP Approval	Stage 1 OC w/ Fit Out 40% operation 70% employees Month 0 following issue of Occupation Certificate (OC)	Stage 2 OC w/ Fit Out 80% operation 100% employees Month 6 following issue of OC	Stage 3 OC 100% operation 100% employees Month 12 following issue of OC
			PM Peak 6 trips	PM Peak 11 trips	PM Peak 14 trips
Cumulative Assessment	-	-	Daily 410 trips 72% less trips than anticipated in the original approval 53% less trips than the current construction traffic to Lot 1 AM Peak 42 trips 61% less trips than anticipated in the original approval 63% less trips than the current construction traffic to Lot 1 PM Peak 39 trips 58% less trips than anticipated in the original approval 71% less trips than the current construction traffic to Lot 1	Daily 493 trips 66% less trips than the anticipated in the original approval 43% less trips than the current construction traffic to Lot 1 AM Peak 47 trips 56% less trips than anticipated in the original approval 59% less than the current construction traffic to Lot 1 PM Peak 41 trips 56% less than anticipated in the original approval 70% less trips than the current construction traffic to Lot 1	Daily 511 trips 65% less trips than anticipated in the original approval 42% less trips than the current construction traffic to Lot 1 AM Peak 51 trips 53% less trips than anticipated in the original approval 55% less than the current construction traffic to Lot 1 PM Peak 44 trips 54% less than anticipated in the original approval 67% less trips than the current construction traffic to Lot 1

*Original Transport Management and Accessibility Plan looked at the total GFA approved across the Stage 1 development. Lot 1 is 78.22% of this trip generation. The TMAP does not delineate between heavy and light vehicles.

Source: ESR

3.3 Modification to Conditions

The proposed modification described above necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown in ~~**bold strike through**~~ and words to be inserted are shown in ***bold italics***.

3.3.1 Schedule 1: Site Description

Site: Lots 11, 12 and 13 DP 253503, Lots 3 and 4 DP 250002***, Lot 10 DP1296455, Mamre Road/Abbotts Road Intersection, Abbotts Road and part of Aldington Road***

Reason:

It is proposed to add in the roads the subject of this modification into the site description.

3.3.2 Schedule 1: Definitions

It is intended to add two new definitions into the Definitions list of the consent, to provide for clear separation of the on-site development estate works and the external road upgrade works:

Estate Works: works required for the development within Lots 11, 12 and 13 DP253503 and Lots 3 and 4 DP 250002.

External Road Upgrades: works for the external road upgrades for the Mamre Road/Abbotts Road Intersection, Abbotts Road and part of Aldington Road, as described in the plans at Appendix 1B .

Reason:

To clearly separate the works on the land for the development of the approved warehouses and subsequent on-site supporting infrastructure, and those works relating to the external road upgrades within the road reserves and where relevant, future acquisition land.

3.3.3 Schedule 2: Part A Condition A24

A24 *Prior to the issue of a Subdivision Certificate or Construction Certificate (as required by the contribution plan or agreed by Council), the Applicant must pay contributions to Council as required in accordance with Penrith City Mamre Road Precinct Development Contributions Plan 2022, or any other contributions plan as in force when the later consent takes effect.* ***Table 1 outlines the indicative contribution obligation for each lot subject to indexing.***

Reason:

This condition is intended to ensure that contributions are paid at an appropriate time to allow the staged commencement of operations.

3.3.4 Schedule 2: Part B (New)

It is proposed that existing conditions within Schedule 2, Part B of the consent, and new proposed conditions below, relating to External Road Upgrades, be extracted to sit within a new Schedule 3 (or a new Part):

- Condition B4
- Condition B5
- Condition B6
- Condition B7
- Condition B8
- Condition B9
- Condition B10
- Condition B11

Reason:

Providing the external road upgrade conditions in a separate schedule/part of the consent will ensure those works are not entangled in conditions relating to estate works.

3.3.5 Schedule 2: Part B New Condition

BXX ***Prior to the commencement of construction of the external road upgrades, the Applicant must prepare a Construction Traffic Management Plan for the development that addresses requirements of the Section 138 approval and signed Works Authorisation Deed. The plan may, but is not required to, include the following:***

(a) be prepared by a suitably qualified and experienced person(s);

(b) be prepared in consultation with Council and TfNSW;

(c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction works to:

(i) ensure access to the site and road safety and network efficiency is maintained,

(ii) manage cumulative construction traffic from other concurrent construction works within the Mamre Road Precinct, and

(iii) address necessary interim traffic safety controls and management measures, including consideration of any traffic control measures required to manage traffic entering Mamre Road in the period before Mamre Road/Abbotts Road intersection construction is complete;

(d) detail heavy vehicle routes, access and parking arrangements;

(e) include a Driver Code of Conduct to:

(i) minimise the impacts of earthworks and construction on the local and regional road network;

(ii) minimise conflicts with other road users;

(iii) minimise road traffic noise; and

(iv) ensure truck drivers use specified routes, including entering and exiting Mamre Road via Abbotts Road and not Bakers Lane;

(f) include a program to monitor the effectiveness of these measures; and

(g) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.

Reason:

This condition is intended to sit within the new external road upgrade section of the consent, and requires a Construction Traffic Management Plan that addresses the conditions of the issued Section 138 approval from Council, and the signed Works Authorisation Deed with Transport for NSW. It is intended to be prepared to enable the external road upgrade works to commence.

3.3.6 Schedule 2: Part B New Condition

BXX ***The Applicant must:***

(a) not commence construction of the external road upgrades until the Construction Traffic Management Plan required by condition BXX relating to the external road upgrades is submitted to the Planning Secretary; and

(b) implement the most recent version of the Construction Traffic Management Plan for the external road upgrades approved by the Planning Secretary for the duration of construction.

Reason:

This condition is intended to sit within the new external road upgrade section of the consent and requires that the Construction Traffic Management Plan for the external road upgrades is submitted to the Planning Secretary.

3.3.7 Schedule 2: Part B Condition B4

B4 ~~***Prior to the commencement of operation of the development, the***~~ ***The*** *Applicant must complete the* ~~***construction***~~ ***external road upgrades*** ~~***works***~~ *to Abbotts Road to the satisfaction of Council. The Applicant must obtain approval for the works under section 138 of the Roads Act 1993.* ***If the Section 138 approval is not received by 1 December 2024 to allow works to commence, the applicant is required to pay contributions in accordance with Condition A24.***

Reason:

This is intended to enable the delivery of the road to occur in an appropriate timeframe and should there be elements outside of ESRs control, they are able to be released from the delivery of the roads. This condition would also sit within the newly proposed schedule/part.

3.3.8 Schedule 2: Part B Condition B5

B5 *Prior to the commencement of construction works for the Mamre Road/Abbotts Road intersection works and signalised intersection of Abbotts Road and Aldington Road, the Applicant must enter into a Works Authorisation Deed with TfNSW. TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the Applicant prior to the commencement of works.* ***If the final Works Authorisation Deed is not signed by both parties by 1 December 2024 to allow works to commence, the applicant is required to pay contributions in accordance with Condition A25.***

Reason:

This is intended to enable the delivery of the road to occur in an appropriate timeframe and should there be elements outside of ESRs control, they are able to be released from the delivery of the roads. This condition would also sit within the newly proposed schedule/part.

3.3.9 Schedule 2: Part B Condition B11

B11 ***~~Prior to the commencement of operation of the first warehouse building, the~~ The external road*** *upgrades* ***~~works~~*** *to the Mamre Road and Abbotts Road intersection****~~, Abbotts Road and Aldington Road intersection, and upgrades to Abbotts Road~~*** *must be completed to the satisfaction of the relevant roads authority for each component of works.*

Reason:

This condition is to be modified to confirm that the external road works must be completed to the satisfaction of the relevant roads authority, noting that interim access to the site can be provided through the construction process and does not require the external road works to be completed for the first warehouse to commence operation. This condition would also sit within the newly proposed schedule/part.

3.3.10 Schedule 2: Part B Condition B12

B11 *Prior to the commencement of operation of the* ***~~first warehouse~~ Lot 1 warehouse*** *building, the Applicant must construct and operate the* ***east-west internal road works to the driveway entry to Lot 1 ~~road works~~*** *shown in Figure 1 in Appendix 1 to the satisfaction of relevant road authority.*

Prior to the commencement of operation of the Lot 4 warehouse building, the Applicant must construct and operate the north-south internal road works to the Lot 4 driveway entry shown in Figure 1 in Appendix 1 to the satisfaction of the relevant road authority.

Reason:

This condition is to be modified to enable the east-west internal road to be constructed first to connect to the driveway of the Lot 1 warehouse entry driveway to enable operation to commence in line with the interim operation proposed under this modification. The Lot 4 warehouse will then also require the north-south internal road to be delivered prior to it commencing operation.

3.3.11 Schedule 2: Part B Condition B37

B37. *Prior to the commencement of operation of the development, the Applicant* ***is ~~must connect~~ ~~for the upgraded Aldington and Abbotts Roads~~****, to ensure the development does not increase flood flows and velocities on adjoining properties for all flood events up to and including the critical 1% Annual Exceedance Probability flow.*

Reason:

To remove the linkage to the road upgrades to enable the interim operation of the development to occur concurrent with any upgrade works.

3.3.12 Schedule 2: Part B New Condition

BXX ***An Operational Traffic Management Plan must be prepared for the Lot 1 warehouse prior to commencement of operations that is prepared in consultation with Transport for NSW and Council, and submitted to the Planning Secretary prior to commencement of operation, that demonstrates:***

(a) Trucks can safely access the site via Mamre Road and Abbotts Road
(b) Access to the site can be provided during the external road upgrade works
(c) Staging of the external road network as external road upgrades are undertaken
(d) Demonstrate consistency with Australian Standards and AUSTROAD requirements for industrial roads as per Condition B17
(e) Incorporate the Operational Traffic Monitoring Program as per Condition B3

Reason:

This condition is proposed to sit within the separate external road upgrades Schedule/Park to require a management plan be prepared to enable the Lot 1 warehouse to commence operations while the construction of the external road upgrades are underway, subject to satisfying staging requirements. Once prepared, in consultant with Transport for NSW and Council, the Lot 1 warehouse would be able to commence operations, noting that interim access to the site can be provided through the construction process and does not require the external road works to be completed for the first warehouse to commence operation.

3.3.13 Schedule 2: Appendix 1

It is proposed to rename the current Appendix 1 – Development Layout Plans to become Appendix 1***A*** – Development Layout Plans.

Reason:

The external road upgrade works plans are proposed to sit within their own appendix, being Appendix 1B – External Road Upgrade Plans.

3.3.14 Schedule 2: New Appendix 1B

It is proposed to introduce a new ***Appendix 1B – External Road Upgrade Plans***, that will contain all plans associated with the road upgrades of the Mamre Road/Abbotts Road Intersection, Abbotts Road, and part of Aldington Road. This would sit within the new schedule relating to the external road upgrades.

Appendix 1B – External Road Upgrade Plans

Title	*Issue*	*Date*
MR536 Mamre Road and Abbotts Road Kemps Creek 2000 Series – Proposed Signalised Intersection Civil Works Package 80% Detailed Design	***A1***	***3/11/2023***
Westlink – External Roads Kemps Creek 500 Series Phase 1 – Civil Works Package	***A1***	***1/2/2024***

These plans can be superseded by revised plans as part of a Works Authorisation Deed or s138 Approval, subject to the road works extent not increasing.

4.0 Statutory Context

4.1 Substantially the Same Development

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if "it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)".

Whilst the proposed works are not entirely contained within the area that was subject to SSD-9138102, the changes are still considered to satisfy the substantially the same test as they are inherently linked to the logistics and operation of the approved industrial estate, as justified below.

In Scrap Realty Pty Ltd v Botany Bay City Council [2008] NSWLEC 333 (Scrap Realty), the Chief Justice of the NSW Land and Environment Court confirmed that a development consent issued under Part 4 can be modified to include additional land beyond that originally included in the consent, provided that the development overall continued to satisfy the 'substantially the same' test that applied to modification under Part 4. In the same case, Preston CJ noted that "an expansion of the area on which development is carried out by adding land not the subject of the original consent is not inherently outside the concept of modification of the development under (s 4.55)."

Section 4.55 establishes the power to "modify" a consent. As per Sydney City Council v Ilenace Pty Ltd [1984] 3 NSWLR 414, the concept of modification involves "alteration without radical transformation". This approach was followed by Mason P in the NSW Court of Appeal in Transport Action Group Against Motorways Inc v Roads and Traffic Authority (1999) 104 LGERA 133 in the context of a modification to an modification approval under Part 5 of the EP&A Act.

In Transport Action Group, Sheller JA offered an alternative definition of "modify" in the following terms:

> *I think it is correct to say that what there was meant by "modify" was a change which might add to or subtract from the proposed activity, the substance of which continued, and which was less than its wholesale rejection and replacement.*

The proposed modification would not involve a 'radical transformation' of SSD-9138102 consent, nor would they constitute a 'wholesale rejection and replacement' of the substance of the consent given the external road upgrades were contemplated in the original consent. It is therefore considered that the proposed works will result in a development that is substantially the same for the reasons noted below.

Notwithstanding that the proposed road upgrades are external to the Westlink Stage 1 site as currently described the works are integral to the proposed operation of the broader MRP. This has been recognised by the Department through its requirement that the SSDA for the Westlink Industrial Estate include civil plans for the proposed road upgrades as well as traffic modelling for the operation of the roads to demonstrate that the traffic generation from the development, with the completion of the road upgrades, is able to operate with an acceptable level of service.

Further to this, the consent and Department's assessment report, includes the proposed external road upgrades to Aldington and Abbotts Roads and the associated Mamre Road intersection as part of the description of the approved development. Table 1 of the Department's assessment report describes the work in the development summary, and more specifically as "Road and Intersection Works". The roadworks are also clearly described and assessed in Sections 2.4 and 6.1 of the report. As such, the modification is considered to be substantially the same. Given the above, it is clear that upgrades to Mamre, Aldington and Abbotts Road were considered in the assessment of SSD 9138102and that this Modification Application seeks to formally include the works as part of the consent.

There has already been comprehensive environmental assessment undertaken for the proposed road upgrades. Civil plans for the design of the roads, prepared by AT&L clearly identify the land to be subject to the proposed road and intersection works, and delineated the extent of the works. The SSDA was also supported by traffic modelling prepared by Ason, which demonstrated that the traffic generation from the development, with the completion of the road upgrades, is able to operate with an acceptable level of service.

Further, it is noted that the modification remains to be substantially the same for the following reasons:

- The modification does not amend the built form or yield of the approved development warehouse works (as modified);

- The modification does not amend the approved land uses or built forms approved under the development;
- The development will continue to provide the first stage of the industrial development and provide for bulk earthworks, subdivision, construction, fit out and operation of two warehouses buildings, landscaping and road upgrades,.
- The modified modification remains consistent with the road layout as outlined in the Mamre Road Precinct Development Control Plan 2021;
- The public benefit delivered by the development remains unchanged.

4.2 Modification Category

The consent authority may be satisfied that this Modification Application is one which may be determined pursuant to Section 4.55(1A) of the EP&A Act as the proposed design changes are of minimal environmental impact and are considered substantially the same as the development of which the consent was originally granted.

4.3 Updated project description

There is no change required to the development description as a result of this modification, with the description to remain as:

> *Construction of the first stage of an industrial estate including bulk earthworks, subdivision, construction, fit out and operation of two warehouse buildings and ancillary office space with a total gross floor area of 81,317m^2, landscaping, construction of estate roads and external road upgrades, site servicing and stormwater infrastructure.*

4.4 Compliance with Environmental Planning Instruments

The proposed modification has been assessed against the relevant provisions of the applicable State Environmental planning Policies (SEPPs) in **Table 4**.

Table 4 Summary of compliance with applicable SEPPs

Legislation	Assessment
SEPP (Industry and Employment) 2021	The proposed modification does not change the approved development's compliance with the relevant provisions in the SEPP (Industry and Employment) 2021. Mamre Road is zoned SP2 Infrastructure (Classified Road) and Aldington Road and Abbotts Road is zoned IN1 General Industrial. Development for the purpose of roads are permitted in both zones and so the proposed development remains consistent with the land zoning of the site. The modification is consistent with the recently exhibited Explanation of Intended Effects relating to changes to the Industry and Employment SEPP for acquisition of the Aldington, Abbotts and Mamre Road
SEPP (Precincts – Western Parkland City) 2021	The proposed modification does not change the approved development's compliance with the relevant provisions in the SEPP (Precincts – Western Parkland City) 2021.
SEPP (Resilience and Hazards) 2021	A DSI is provided in **Appendix H** and is discussed further in **Section 6.6**.
SEPP (Biodiversity and Conservation) 2021	The SEPP (Biodiversity and Conservation) 2021 aims to protect biodiversity, regulate vegetation clearing and protect water catchments. Given the biodiversity certification that applies to the site under the BC Act, it is considered that suitable arrangements have been made under the CPCP to protect regional biodiversity and further biodiversity assessment is not required. Chapter 13 of the SEPP (Biodiversity and Conservation) 2021 provides planning controls to achieve the development and biodiversity outcomes of the CPCP. Section 13.16 provides that development consent must not be granted to development on certified urban capable land unless the consent authority has considered whether the development is consistent with the Mitigation Measures Guideline. The Guideline includes provisions that only apply to the Greater Macarthur Growth Area and Greater Penrith to Eastern Creek Investigation Area, and the site is not located in either of these areas.

Legislation	Assessment
	Further biodiversity impacts are considered in **Section 6.2** and **Appendix B**.
SEPP (Transport and Infrastructure) 2021	Chapter 2 of the SEPP (Transport and Infrastructure) 2021 aims to facilitate the effective delivery of infrastructure across the State. The road upgrades are consistent with Structure Plan contained in the MRP DCP. Referral is required under Section 2.118 of the SEPP (Transport and Infrastructure) 2021.

4.5 Mamre Road Precinct Development Control Plan 2021

The Mamre Road Precinct Development Control Plan 2021 (MRP DCP) aims to ensure that development in the MRP occurs in an orderly and coordinated manner. Key development controls relate to the transport network, setback, built form, landscaping and waterway health objectives. Consideration of the relevant controls within the MRP DCP are provided below. It is reiterated that the consultant inputs and supporting documents for this modification address the entire Aldington Road corridor, noting that the proposed works under this modification do not extend that full length, and that additional assessment is provided for a holistic contextual understanding.

Table 5 Consideration of the MRP DCP

Control	Comment
Section 2.1 Mamre Road Precinct Structure Plan	The site is identified as "Mamre Road and potential connections" and "Industrial" within the Precinct Structure Plan. The proposed modification will provide essential and ancillary infrastructure (in the form of road infrastructure) to the industrial land uses envisioned for the Precinct. Parts of land to the north of the site is identified as "Environmental Conservation" and "Transition to Environmental Conservation". The proposed modification in those areas is a relatively minor encroachment will not overall impact on the biodiversity values of the land, as determined by the Flora and Fauna Report provided in **Appendix B**, and remain consistent with the intent of the Structure Plan.
2.2 Biodiversity	Reference to the Draft Cumberland Conservation Plan is provided in **Appendix B** and **Section 6.2**. Most of the site, not including the existing roads, is identified as "Urban Capable". Clearing within Urban Capable land is kept to a minimum and has been designed to avoid potential impacts on the natural areas and habitat. As demonstrated in the Flora and Fauna Report provided in **Appendix B**, the proposed work on Urban Capable lands will not have a significant impact on the surrounding biodiversity and are supportable from an environmental perspective. Whilst clearing is proposed within land zoned C2, these works have considered biodiversity values. The existing road reserve boundary of Aldington Road is identified as "excluded" as per the Cumberland Conservation Plan and requires consideration under the Biodiversity Conservation Act 2016 and the Environment Protection and Biodiversity Conservation Act 1999 if vegetation removal is required. On either side of Aldington Road, the land is classified as 'Certified- urban capable land'. There is little overlap with the native vegetation mapping under the Draft Cumberland Conservation Plan which is further considered in **Appendix B**.
2.3 Riparian Land	Only a portion of the site is identified as riparian corridor per the Structure Plan. Native vegetation will primarily be retained, with the exception to minor portions that are required to be removed for essential infrastructure (roads). There will be modification to natural waterbodies and waterways (i.e., larger culverts) to achieve design standards.
2.4 Integrated Water Cycle Management	Whilst the objective and controls of this section primarily relates to buildings and other developments, the proposed modification will meet the construction phase targets outlined in **Section 3.2.7**. Operational phase targets for water quality and quantity are not proposed (as these will be provided on-lot). The proposed modification will not interfere with the neighbouring properties' requirement to deliver a naturalised trunk drainage path.
2.5 Flood Prone Land	The site is not identified as flood prone in the SEPP mapping.
2.6 Aboriginal Heritage	The assessment by Biosis concluded that the site has moderate-high levels of disturbance, and it is therefore unlikely that Aboriginal archaeological deposits will be found within the site. The Aboriginal Due Diligence Assessment (**Appendix D**) provides mitigation measures which identify how to mitigate the discovery of unanticipated historical relics, Aboriginal relics and Aboriginal objects. The mitigation measures are summarised in **Section 6.3** of this report.

Control	Comment
2.7 Non-Aboriginal Heritage	A Heritage Impact Statement (**HIS**) has been prepared by Biosis identifies that there are no heritage items within the site, however the adjoining heritage listing was assessed in relation to the proposed works to ensure no adverse impacts would occur as a result of the proposed works. **Section 6.4** provides a summary of the HIS analysis.
2.8 Bushfire Prone Land	The Penrith Council Bushfire Prone Land Map identifies the land Vegetation Category 2'. The increase of impervious surfaces will minimise the risk to life, property and environment in the event of a bushfire. The proposed modification is consistent with the objectives of section 2.8 of the MRP DCP.
2.9 Salinity	The DSI by ADE consulting group provided at **Appendix H** identifies that the site either has a 'no known occurrence' of acid sulfate soils' or has an 'extremely low; probability of encountering acid sulfate soils. However, the site is situated within an area which is classified as having a 'moderate hazard or risk' for dryland salinity to occur for years up to and including 2050 as per the National Assessment for Dryland Salinity.
2.10 Contaminated Lands	The DSI has been prepared by ADE and confirms that the site is suitable for the continued use of the site as a road and does not require a Remediation Action plan. **Section 6.6** provides a summary of the DSI and recommendations to manage any contaminated findings.
2.14 Utilities Services	The proposed development will include all utilities (electricity and water mains) under the ground and overhead.
3.4 Transport Network	The proposed upgrades and road widenings are generally in accordance with the Road Network Structure and Hierarchy Plan. Specifically, Mamre Road is identified as an arterial road and Aldington and Abbotts Road is identified as a distributor road The proposed modification seeks to deliver an intersection upgrade to the Mamre Road and Abbotts Road intersection as well as road widening works and upgrades to both Abbotts Road and part of Aldington Road. The works align with the Mamre Road Precinct Network Structure and Hierarchy Plan as to allow for the extension of road infrastructure by others onto local roads. Parts of the Aldington Road and Abbotts Road intersection will also be delivered and has been designed in accordance with the relevant road typology e.g., collector roads and local roads.

5.0 Consultation

ESR is a member of the Land Owner's Group East (LOG-E), which are in ongoing consultation with government agencies including DPHI, Penrith City Council, Sydney Water and Transport for NSW on numerous matters including the Mamre Road and Abbotts Road upgrade and the Mamre Road Precinct Stormwater Scheme. This modification has and will continue to assist with the consultation held with the relevant agencies. These agencies will be contacted as needed throughout the assessment and construction of the site.

5.1 Pre-lodgement Consultation

Following the approval of Westlink Stage 1 development in April 2023, the Applicant and wider LOG-E have consulted with DPHI to discuss the proposed works. Consultation has also been undertaken with adjoining landowners where road widening will be taken. ESR also meet weekly with Transport for NSW and Council on the road upgrade works.

5.2 Engagement to be Carried Out

The Applicant will continue working with agencies and surrounding landowners as required through the design refinement and construction process. Throughout the Modification Application process, the Applicant will remain open to consultation and/or feedback from any relevant parties.

ESR will continue to hold weekly meetings with Transport for NSW and Council on the road upgrade works.

6.0 Environmental Assessment

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if "it is satisfied that the proposed modification is of minimal environmental impact". Under Section 4.55(3), the Consent Authority must also take into consideration the relevant matters to the application referred to in Section 4.15(1) of the EP&A Act and the reasons given by the consent authority for the grant of the original consent. This section summarises the impacts resulting from the proposed modifications.

As outlined in **Section 1.5**, this modification has been submitted concurrently with a modification to SSD-10479 (200 Aldington Road Industrial Estate). The modification to SSD-10479 includes road upgrades to a larger extent of Aldington Road. The supporting technical reports and assessments have been based on the full extent of upgrades to Aldington Road. Nevertheless, the supporting technical and assessment report remain to include the full extent of land subject to this modification and remain relevant and accurate for this modification to provide a holistic contextual understanding of the broader benefits for the MRP.

6.1 Noise and Vibration

A Construction Noise and Vibration Impact Assessment has been prepared by SLR and made available in **Appendix E**. The Noise and Vibration Assessment addresses the potential noise and vibration impacts associated with the construction work associated with the proposed modification.

The construction activities were assessed using 'realistic worst case' scenarios to be determined by the impact from the noisiest 15-minute period that are likely to occur for each work scenario. **Appendix E** details the hours of construction and construction noise levels based upon the predicted impacts at the most affected receivers and is representative of the worst-case noise levels that are likely to occur during the construction of the proposed works.

The Report includes an assessment of the existing noise environment based upon existing noise level assessments in the surrounding area and a noise model of the study area has been used to predict noise levels from the proposed construction work to all surrounding receivers, using ISO 9613 algorithms in Sound Plan V8.2 software. The assessment and findings are summarised below.

6.1.1 Existing noise environment

The existing noise environment area is typically dominated by road traffic noise from Mamre Road as well as rural ambient noise becoming dominant at a distance further back from existing roads. The site is also subject to industrial noise from existing premises. Previously measured existing noise levels from nearby noise assessments were used for this assessment. The average existing noise levels at Aldington Road nearest the Westlink Stage 1 Site (being receiver L03) ranged from 46-48 dBA across the course of the day, evening and night. The average existing day noise levels at Mamre Road ranged from 44-61 dBA and between 33-48 dBA for daytime background noise.

6.1.2 Construction Noise Impacts

The surrounding area was divided into separate noise catchment areas (**NCA**). SLR placed 8 noise monitoring devices into each NCA. The location of the monitoring devices is described in **Table 6** and shown in **Figure 18** and **Figure 19**.

Table 6 Location of Noise Monitoring Devices

ID #	Noise Catchment Area (NCA)	Location
L01	NCA1	141-153 Aldington Road, Kemps Creek
L02	NCA2	230-242 Aldington Road, Kemps Creek
L03	NCA3	286 Aldington Road, Kemps Creek
L04	NCA4	62 Mount Vernon Road, Mount Vernon

ID #	Noise Catchment Area (NCA)	Location
L05	NCA5	26 Cressy Road, Mount Vernon
L06	NCA6	981 Mamre Road, Kemps Creek
L07	NCA7	Bakers Lane, Kemps Creek
L08	NCA8	Western boundary of Oakdale West

Taking a conservative approach, SLR have estimated that the following activities are required as part of the modification:

- Mobilisation and site establishment
- Utility relocations
- Corridor clearing
- Bulk earthworks
- Drainage infrastructure
- Construction of kerb and footpath
- Construction of subbase and base
- Asphalting
- Road furniture installation

Based on worst-case noise levels towards the most affected receivers based on the activities list above, it is recognised that SLR have identified that several activities would exceed the relevant Noise Management Level during standard construction hours or out of work hours (OOHW).

As demonstrated throughout **Figure 20** - **Figure 23** several existing buildings nearest the site, being 287 Aldington Road, 141 Aldington Road, 142 Aldington Road and 1016-1029 Mamre Road, would be subject to highly intrusive noises, largely due to their close proximity to the works for both the Mamre Road intersection, Abbotts Road and Aldington Road upgrades, and 967-981, 983, and 1005-1023 Mamre Road due to their close proximity adjoining the Mamre Road intersection works area. Notwithstanding the above, the assessment conducted by SLR is considered conservative as the calculations assume all construction items and equipment's will be used at the same time when in reality there would be frequent periods where construction noise levels are much lower than the worst-case scenario as well as times when there will be no equipment in use and noise impacts created.

To accommodate noise impacts, a series of recommendations have been provided by SLR relating to:

- Project planning
- Scheduling high noise or vibrating generating activities
- Site layout
- Training
- Plant and equipment source
- Screening
- Complaints management
- Monitoring

These recommendations are outlined in **Appendix E**.

6.1.3 Construction Vibration Impacts

Vibration intensive equipment such as vibratory rollers and hydraulic hammers are required for certain activities. There are two receivers within 25m of the proposed modification and thus cosmetic damage may occur. Seven receivers are within 100m of the site and may be able to perceive vibration impacts at times when vibration intensive equipment is in use.

Figure 24 and **Figure 25** illustrates the buildings within the minimum working distances. It is expected that most of the receivers on lots subject to existing development applications are unoccupied, and that more receivers in the Mamre Road precinct will become unoccupied in the future due to land acquisitions and subsequent development.

As such SLR have provided a range of measures to mitigate vibration impacts which are further outlined in **Appendix E**.

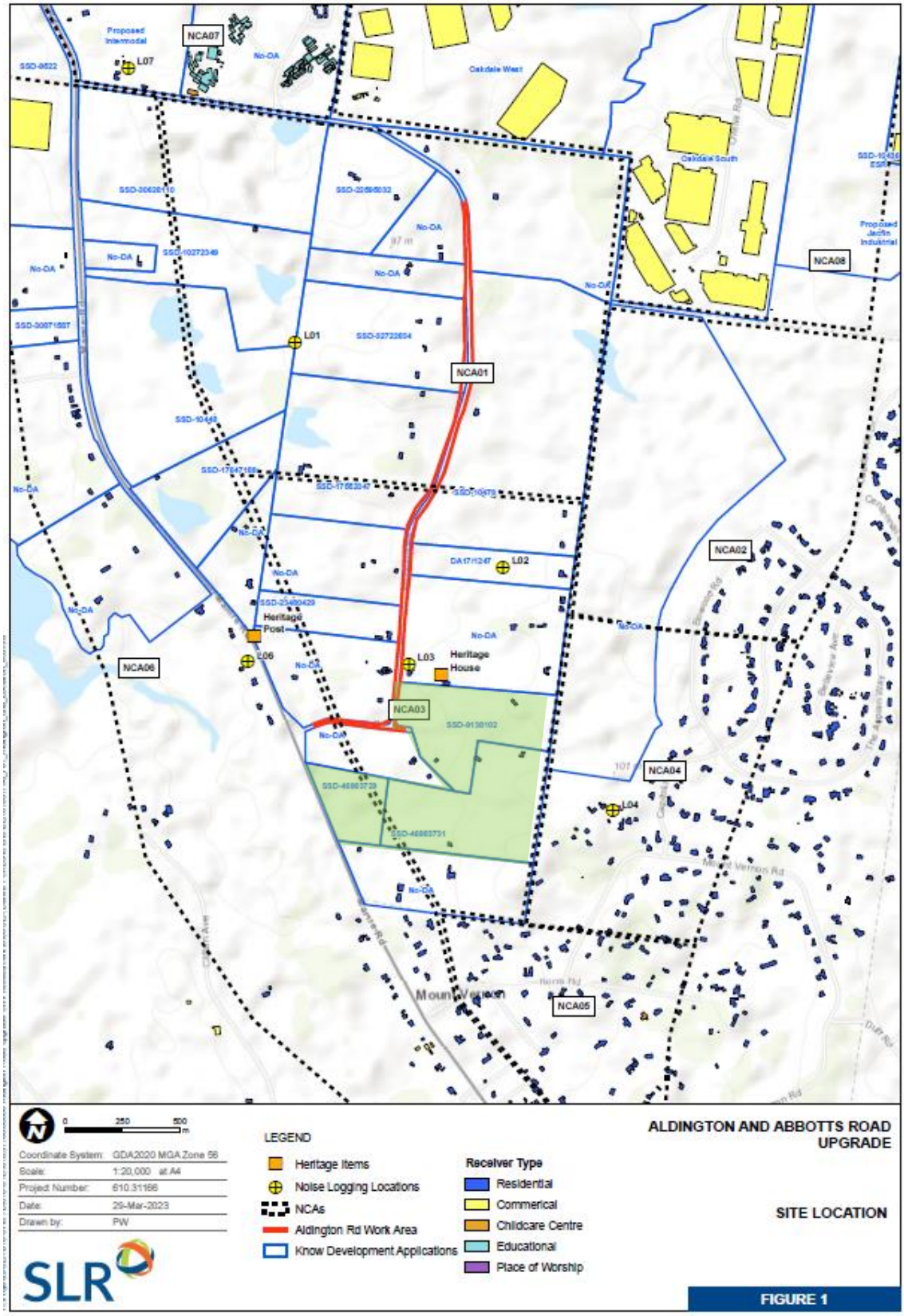

Figure 18 Location of Noise Monitoring along Aldington and Abbotts Road with the Westlink Stage 1 shaded in green

Source: SLR

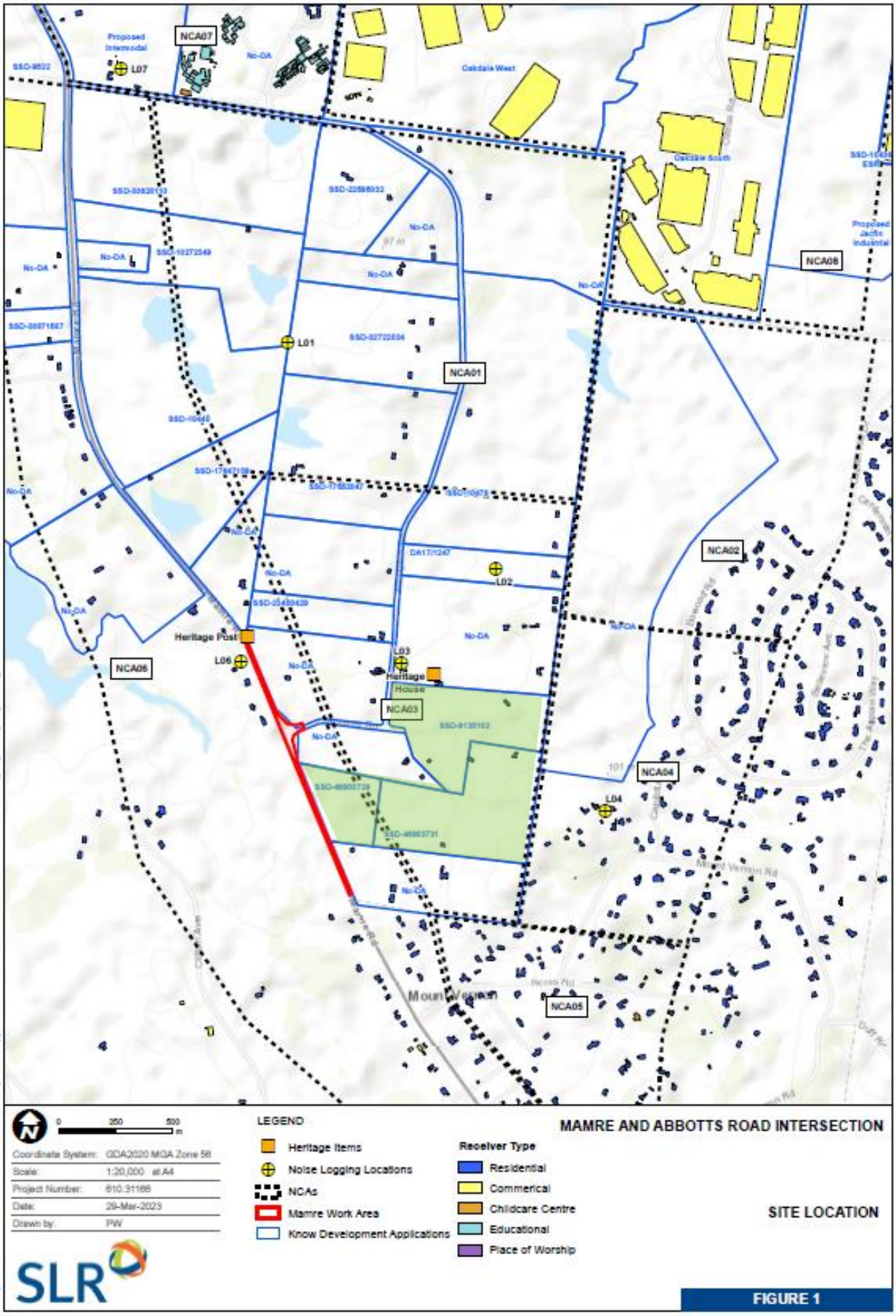

Figure 19 Location of Noise Monitoring Devices along Mamre Road with the Westlink Stage 1 site shaded in green

Source: SLR

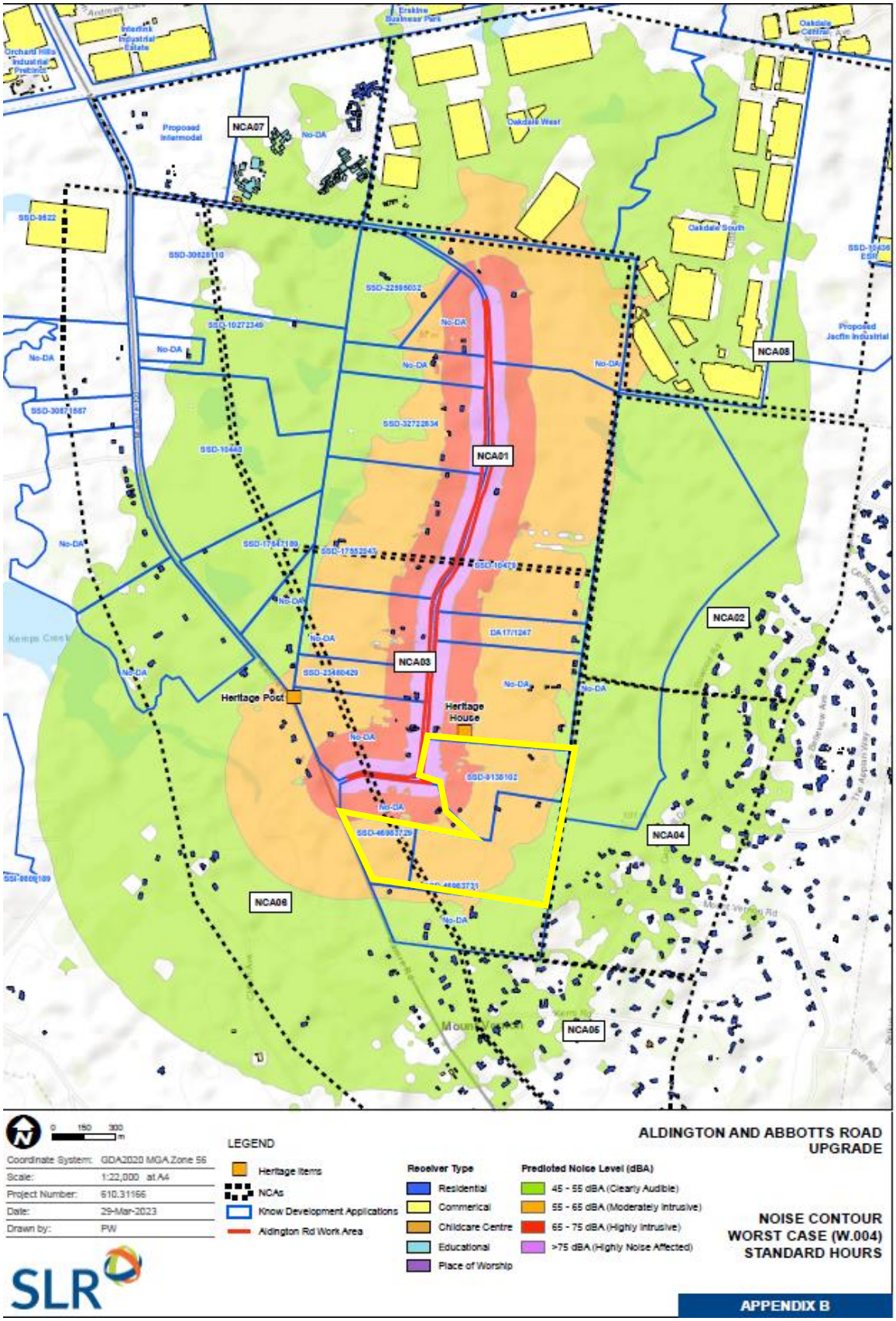

Figure 20 Noise Contours During Standard Construction Hours along Aldington and Abbotts Road with the Westlink Stage 1 site outlined in yellow

Source: SLR

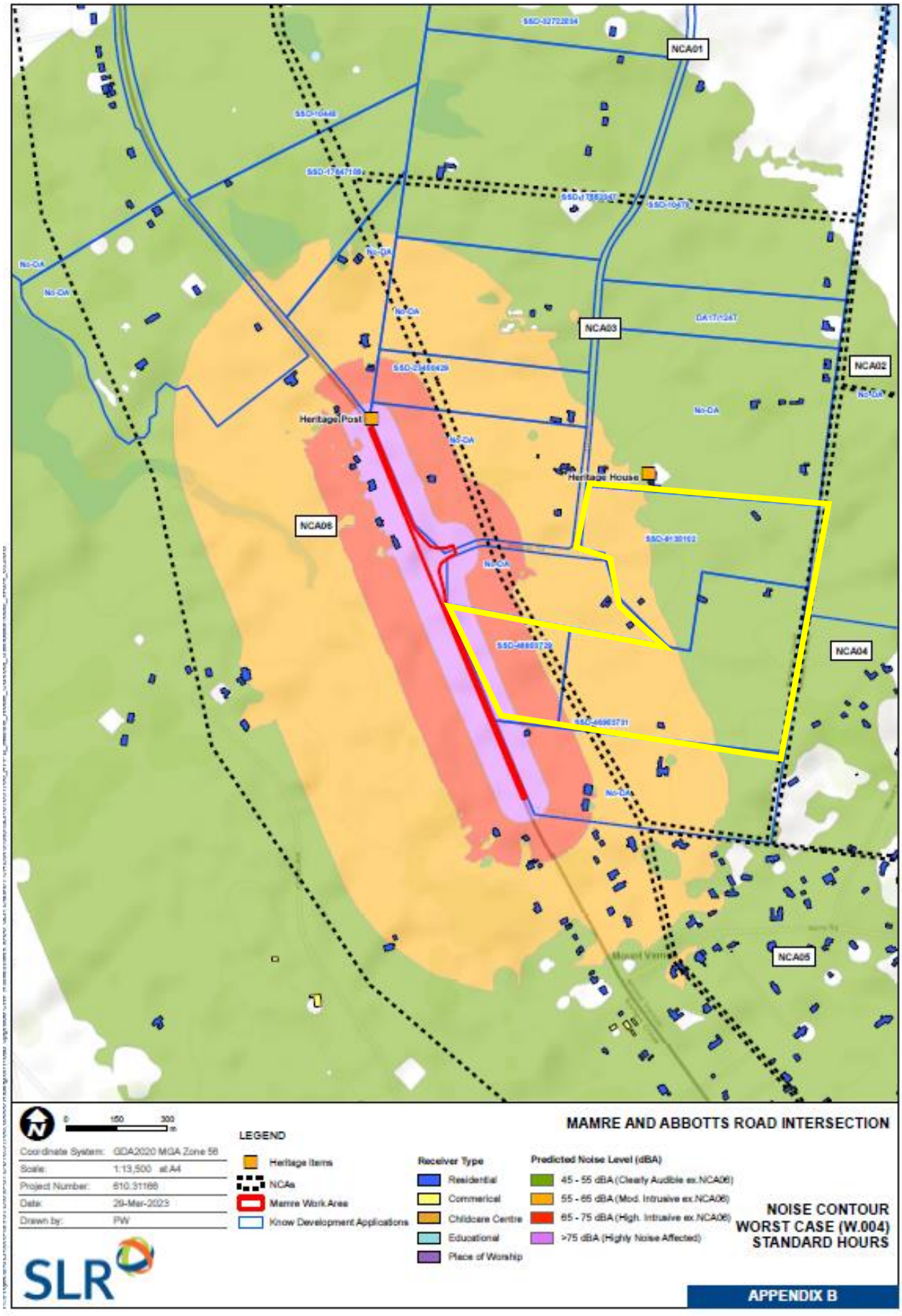

Figure 21 Noise Contours During Standard Construction Hours along Mamre Road with the Westlink Stage 1 site outlined in yellow

Source: SLR

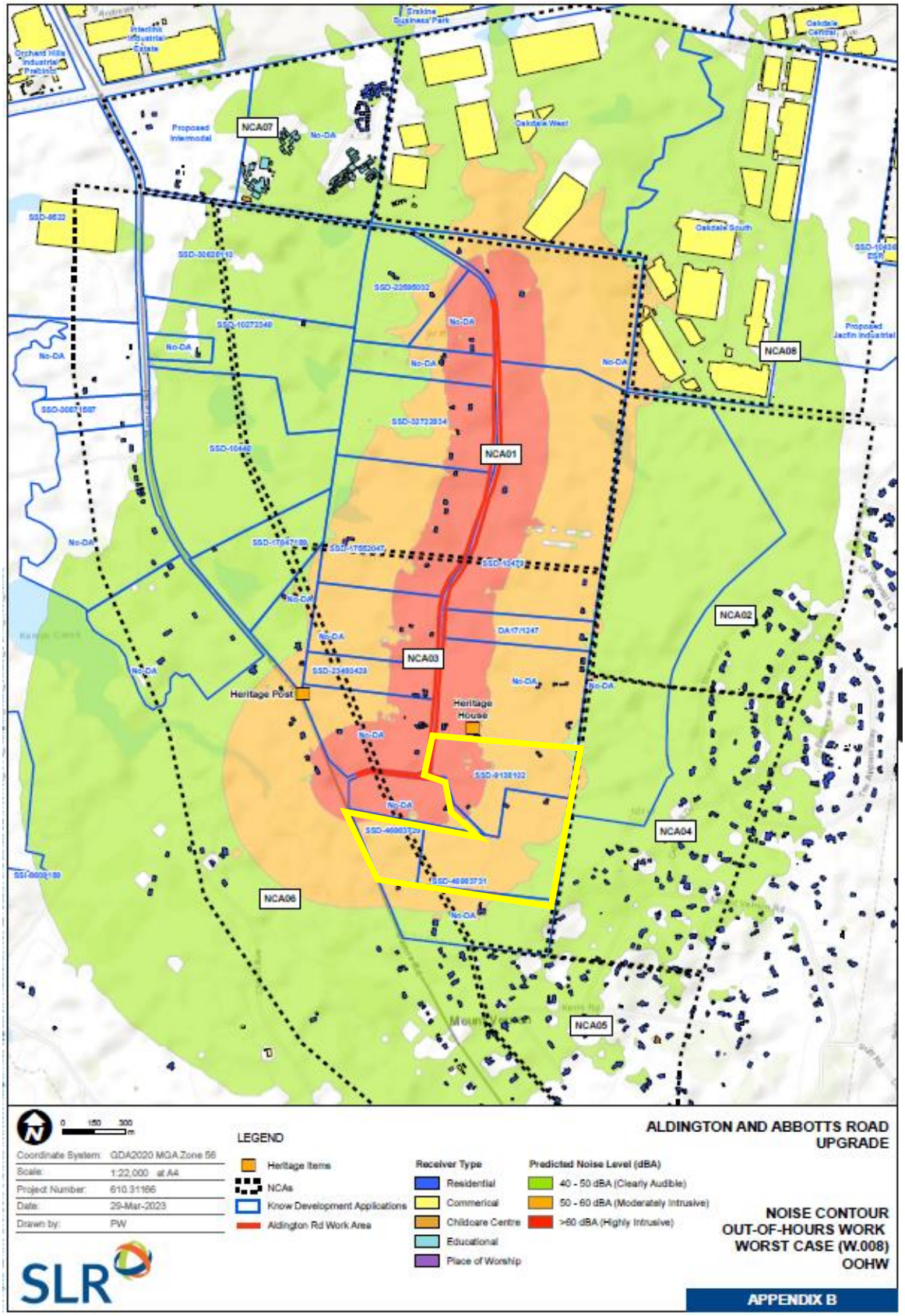

Figure 22 Noise Contours Outside of Standard Construction Hours along Aldington and Abbotts Road with the Westlink Stage 1 site outlined in yellow

Source: SLR

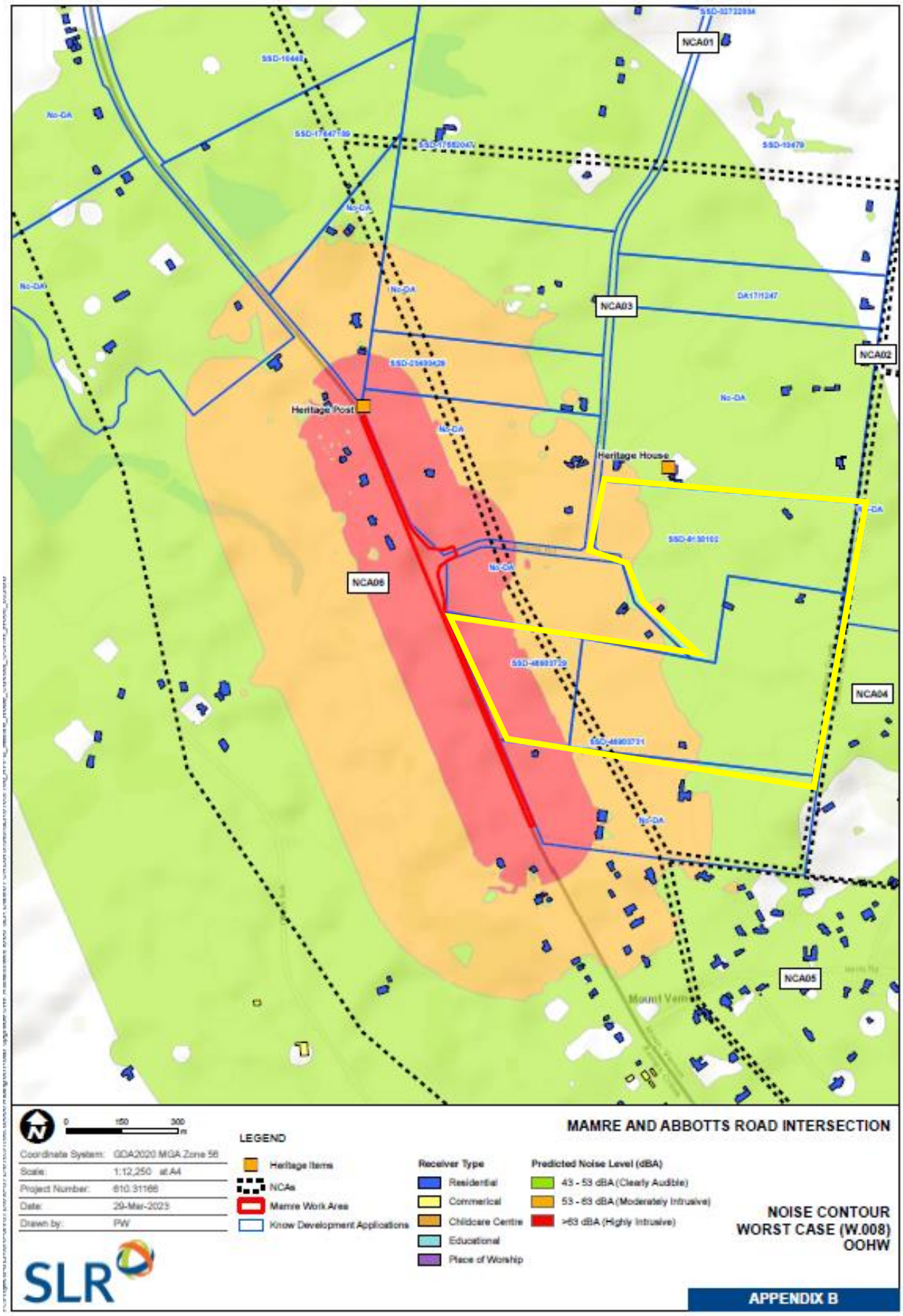

Figure 23 Noise Contours Outside of Standard Construction Hours along Mamre Road with the Westlink Stage 1 site outlined in yellow

Source: SLR

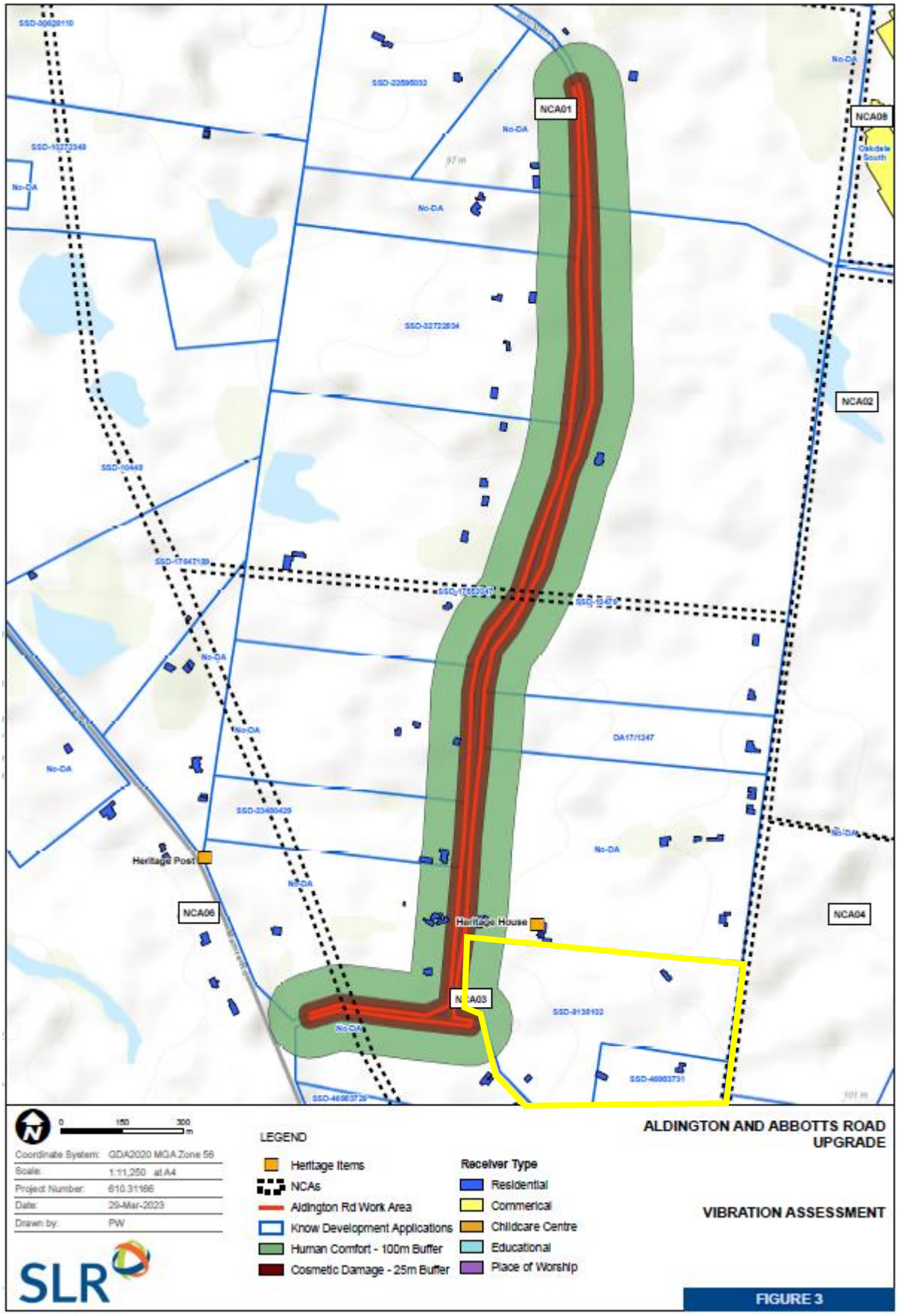

Figure 24 Vibration Assessment along Aldington and Abbotts Road with the Westlink Stage 1 site outlined in yellow

Source: SLR

Figure 25 Vibration Assessment along Mamre Road

Source: SLR

6.2 Flora and Fauna Impacts

A Flora and Fauna Assessment Report has been prepared by Narla Environmental and is provided at **Appendix B**. The purpose of the Report is to assess any potential impacts associated with the proposed modification on biodiversity within the site, including threatened species, populations and ecological communities listed under the Biodiversity Conservation Act 2016 (BC Act) or the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act).

6.2.1 Methodology

The methodology included a thorough literature review of local information of the Penrith LGA. Searches using NSW Wildlife Atlas and the Commonwealth Protected Matters Search Tool was used to identify all the current threatened flora and fauna as well as migratory fauna records within a 10-kilometre by 10-kilometre cell centred on the site area. Narla examined the local satellite imagery, geological mapping, soil landscape mapping and topographic mapping in addition to existing vegetation mapping. The below resources were consulted during the site assessment to assist with identification of vegetation communities present within the site:

- eSPADE v2.2 (DPE 2023e); and
- Soil Landscapes of the Penrith 1:100,000 sheet (Bannerman and Hazelton 2011); and State Vegetation Type Mapping (DPE 2022).

Locally occurring threatened species were assessed for their potential within the site. It was then determined whether a further impact assessment was required. An assessment of significance was carried out for the BC Act listed Critically Endangered Ecological Community, Cumberland Plain Woodland in the Sydney Basin Bioregion that is not within Certified-urban capable land.

An Assessment of Significant Impact Criteria was also carried out for the EPBC Act listed Critically Endangered Community (CEEC), Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest and *Litoria aurea* (Green and Golden Bell Frog).

6.2.2 Findings

Part of the site is identified as being on 'Excluded Land' or 'Avoided Land' per the Cumberland Plain Conservation Plan (refer to **Figure 26** and **Figure 27**) and requires consideration under the EPBC Act and BC Act, being the existing road corridors.

Parts of land identified as 'Certified - Urban Capable Land' do not require additional assessment under these Acts – this land is the existing ESR owned land either side of the existing road corridor. This assessment takes the form of a "Test of Significance" (TOS) in accordance with s7.3 of the BC Act and an "Assessment of Significance" under the EPBC Act to determine whether the proposed modification is likely to significantly affect threatened species, ecological communities or their habitats.

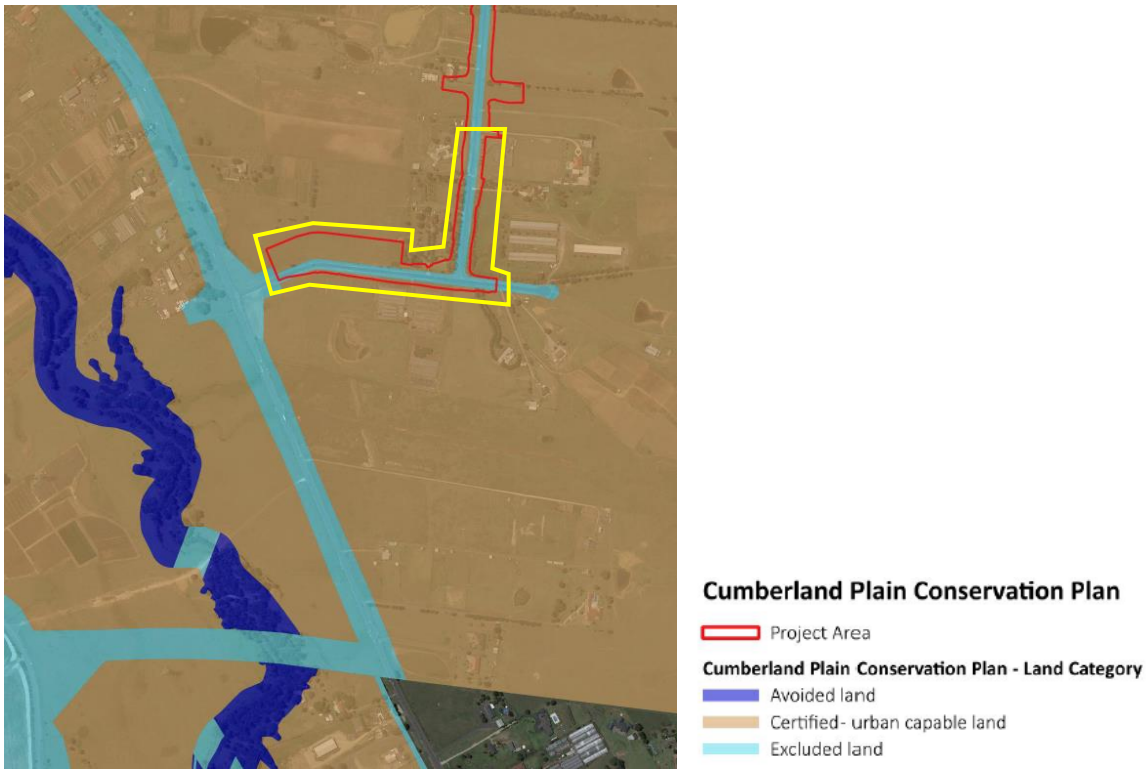

Figure 26 Cumberland Plain Conservation Plan Mapping for Aldington and Abbotts Road, with the extent of works under this modification outlined in yellow (approximate)

Source: Narla Environmental

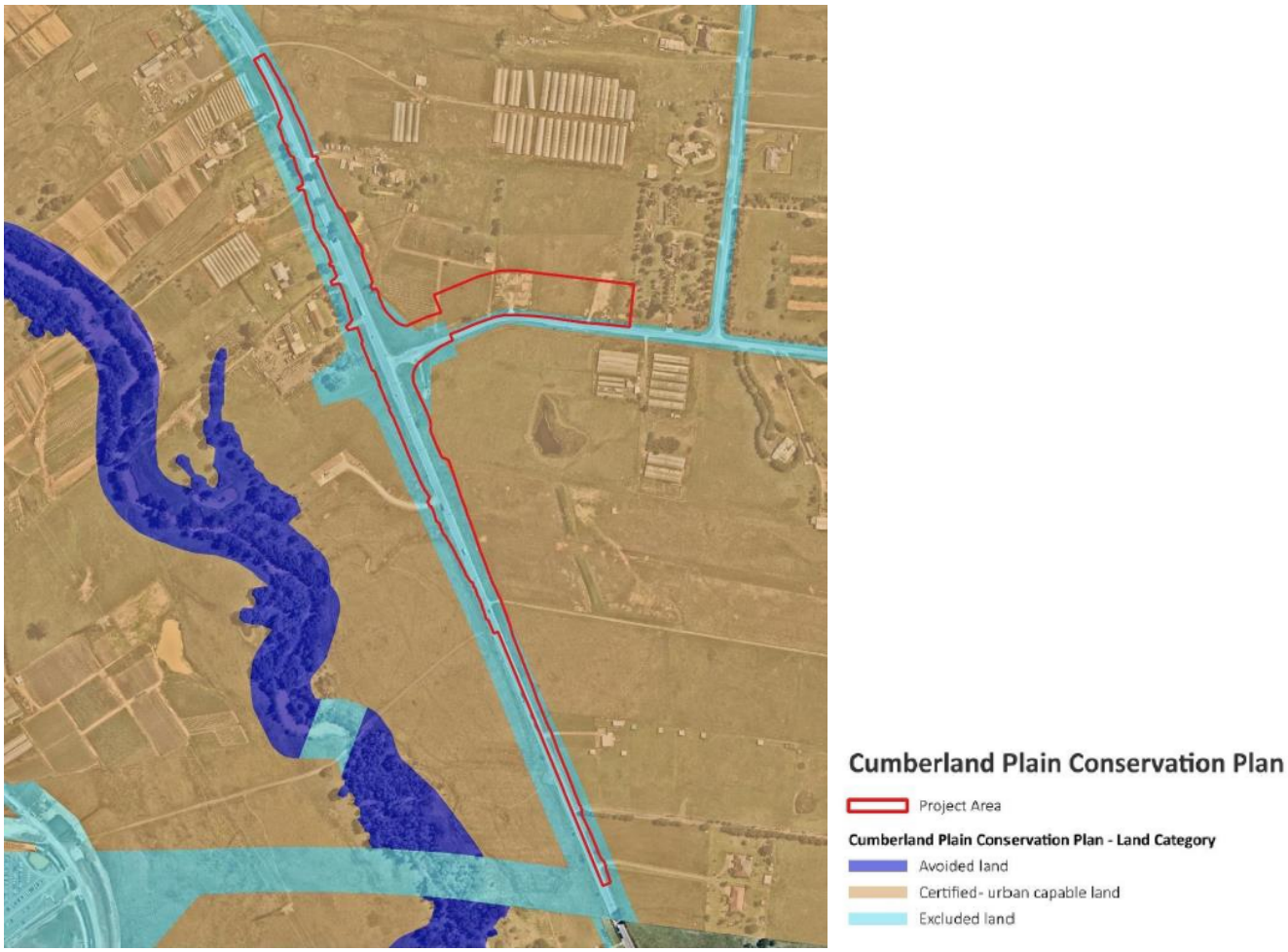

Figure 27 Cumberland Plain Conservation Plan Mapping along Mamre Road

Source: Narla Environmental

Threatened Flora

A desktop analysis of flora species within a 10km by 10km cell centred on the site revealed that the following species have the potential to be present:

- Acacia pubescens (Downy Wattle)
- Dillwynia tenuifolia
- Grevillea juniperina subsp. juniperina (Juniper-leaved Grevillea)
- Grevillea parviflora subsp. parviflora (Small-flower Grevillea)
- Isotoma fluviatilis subsp. Fluviatilis
- Marsdenia viridiflora subsp. viridiflora (Native Pear)
- Persoonia nutans (Nodding Geebung)
- Pultenaea pedunculata (Matted Bush-pea)
- Pimelea spicata (Spiked Rice-flower)

Narla have confirmed that these species are absent from the site or have a low likelihood of occurring within the site. As such, no further impact assessment is required. A detailed breakdown on the likelihood of occurrence for each species is provided in **Appendix B**.

Threatened Fauna

A desktop analysis revealed several fauna species have the potential to utilise habitat within the site. Several habitat features were present in the site area, however these species were absent during the site survey work by Narla Environmental. The proposed modification is unlikely to have a significant impact on the site, as so to that a local viable population of occurrence of the threatened species would be placed at risk of extinction. No further assessment under the BC Act or EPBC Act is required.

6.2.3 Migratory Fauna Species

The desktop analysis revealed the below EPBC Act listed species were identified as having the potential to utilise habitat within the site:

- Cuculus optatus (Oriental Cuckoo);
- Hirundapus caudacutus (White-throated Needletail);
- Hydroprogne caspia (Caspian Tern);
- Monarcha melanopsis (Black-faced Monarch);
- Motacilla flava (Yellow Wagtail);
- Myiagra cyanoleuca (Satin Flycatcher); and
- Rhipidura rufifrons (Rufous Fantail).

Nevertheless, the proposed modification is not deemed to have a significant impact on these species. Narla Environmental have determined that referral to the Commonwealth under the EPBC Act is not required as there is a low likelihood of affecting the following potentially species:

- Falsistrellus tasmaniensis (Eastern False Pipistrelle)
- Haliaeetus leucogaster (White-bellied Sea-Eagle)
- Litoria aurea (Green and Golden Bell Frog)
- *Ninox strenua* (Powerful Owl)

A detailed analysis justifying Narla's position is provided in **Appendix B**.

6.2.4 Summary of Impacts

A summary of impacts resulting from the proposed modification is detailed below. It is noted that these impacts are based on the upgrade to the full extent of Aldington Road as proposed under the concurrent modification to SSD-10479. This modification application only seeks to upgrade a small portion of Aldington Road and thus the scale of impacts is substantially reduced and limited under this application.

Vegetation clearing

Important to note, is that the area subject to the Aldington Road and Abbotts Road upgrades under this modification contains a small area of Cumberland Shale Hills Woodland (canopy), Cumberland Shale Hills Woodland (derived grassland) and exotic vegetation. The field validated vegetation for the Mamre Road intersection works identified only exotic vegetation within the works area.

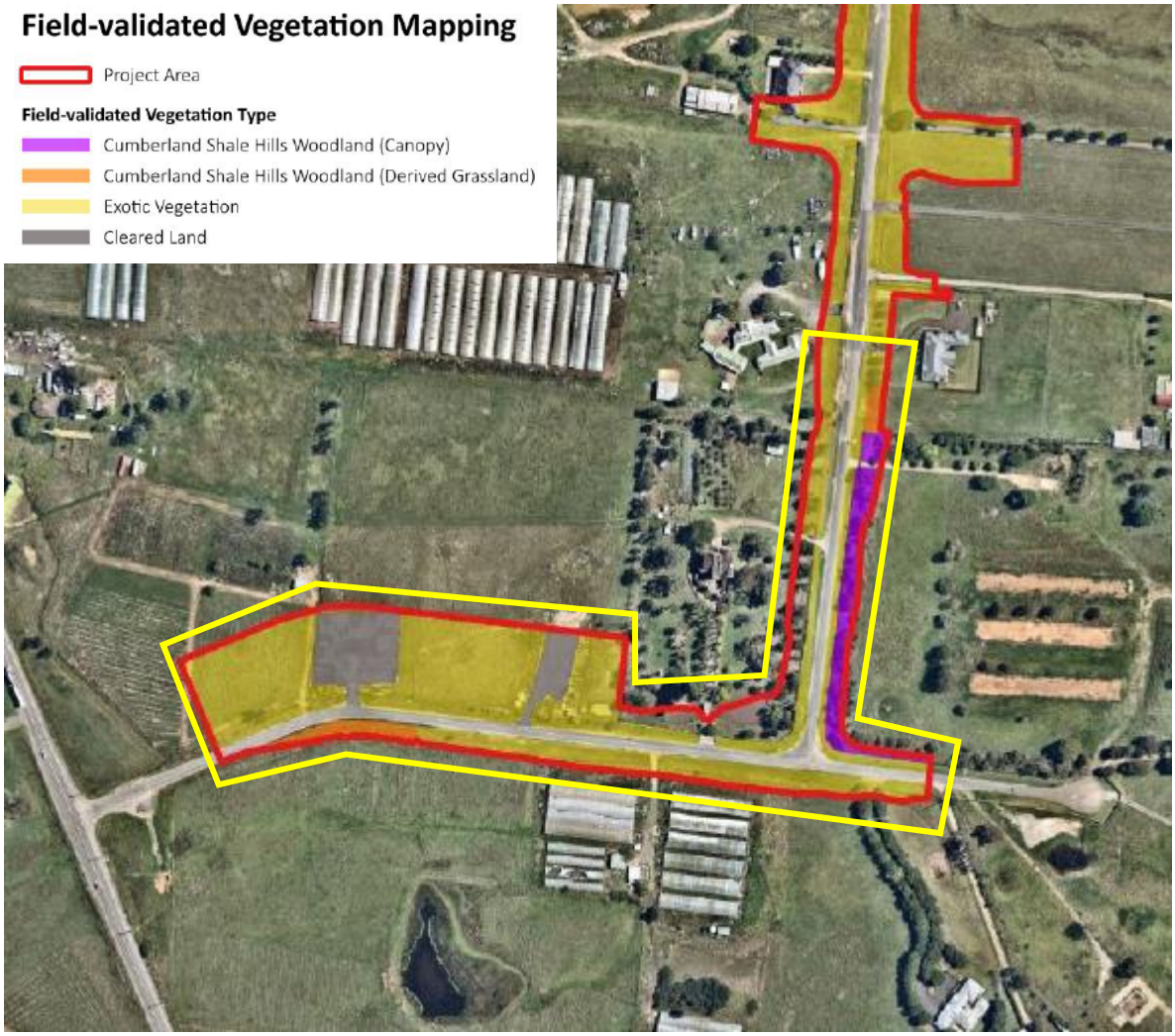

Figure 28 Field validated vegetation mapping within the works area for Abbotts Road and Aldington Road under this modification outlined in yellow (approximate)

Source: Narla Environmental

Figure 29 Field validated vegetation mapping within the works area for the Mamre Road and Abbotts Road intersection under this modification

Source: Narla Environmental

The following vegetation will be impacted by the proposed modification :

- 0.85ha of Cumberland Shale Hills Woodland (Canopy) with 0.26ha located in non-certified land (across the full extent of the Aldington Road length, therefore substantially reduced for the works area of this modification);
- 0.43ha of Cumberland Shale Hills Woodland (Derived Grassland) with 0.09ha located in non-certified land (across the full extent of the Aldington Road length, therefore substantially reduced for the works area of this modification); and
- 12.53ha of Exotic Vegetation (across the full extent of the Aldington Road length, therefore substantially reduced for the works area of this modification) and 3.52ha of Exotic Vegetation across the Mamre Road intersection works area.

Clearance of the Cumberland Plain Woodland

Local occurrence is defined as the ecological community that occurs within the study area but may also include adjacent areas if the ecological community on the study area forms part of a larger contiguous area.

Narla have calculated that the local occurrence of Cumberland Plain Woodland is approximately 133.42ha and shown in **Figure 30**.

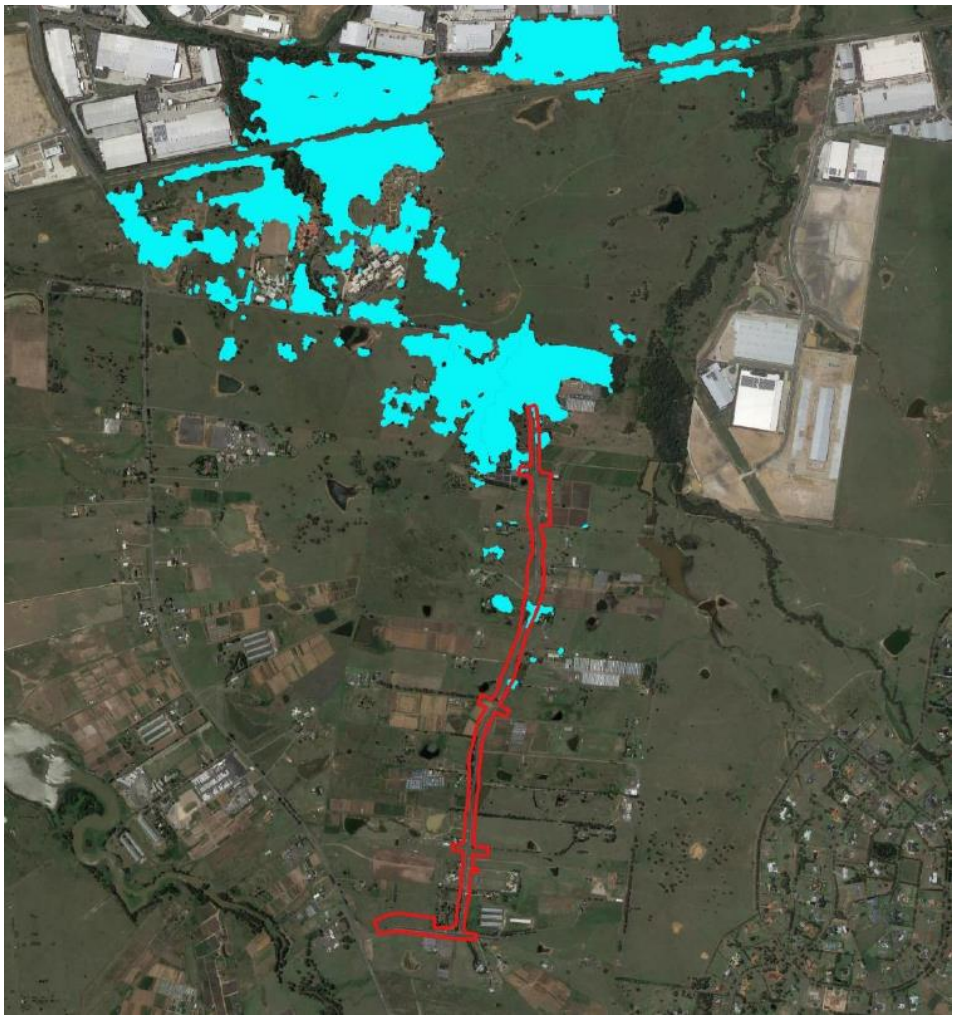

Figure 30 Location of Cumberland Plain Woodland within Proximity to Aldington Road

Source: Narla Environmental

The removal of 0.35ha of non-certified Cumberland Plain Woodland (Canopy and Derived Grassland) within the entire Aldington Road corridor area constitutes approximately 0.26% of the local occurrence. When combined with the removal of 0.5ha of Shale Gravel Transition Forest (which is a form of the BC Act listed Cumberland Plain Woodland in the Sydney Basin Bioregion), this constitutes approximately 0.64% of the local occurrence of this Critically Endangered Ecological Community.

As such, a 5-part TOS has been applied in accordance with section 7.3 of the BC Act and an EPBC Act Assessment of Significance was undertaken and determined that the proposed modification would not have a significant impact on the threatened ecological community.

The TOS concluded that the proposed modification would not likely have an adverse impact on the extent of the ecological community, is most likely to modify the composition of the Cumberland Plain Woodland in the Sydney Basin Bioregion (CPW). In total, approximately 0.35 hectares of CPW is expected to be impacted by the proposed works across the entire Abbotts Road and Aldington Road corridor (noting that full extent is proposed under the concurrent modification to SSD-10479 and is not sought under this modification to Westlink Stage 1); however, the area of habitat is not likely to become fragmented or isolated from other areas of habitat as a result of the modification . The removal of vegetation is not anticipated to lead to long term adverse impacts to the ecological community within the locality. The proposed modification will result in a temporary increase in the impacts on clearing of vegetation, it is expected however that any clearing of trees and woody debris will be retained and relocated elsewhere within the project area.

Mitigation measures have been detailed in this report to minimise potential impacts during and post construction of this proposed modification on native flora and fauna. These measures are outlined in **Appendix B** and relate to the following:

- Project design

- Assigning a project Ecologist
- Tree protection measures
- Use of temporary fencing
- Erosion and sedimentation control
- Weed removal measures
- Storage and stockpiling of soil and materials
- Stormwater management

6.3 Aboriginal Archaeology

An Aboriginal Due Diligence Assessment (ADDA) has been prepared by Biosis and is made available in **Appendix D**. The ADDA has been prepared in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (DECCW 2010a) (due diligence code) and the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (*DECCW 2010b) (the Code).

A review of the Aboriginal Heritage Information Management System (AHIMS) database, based on a 1.5km x 1.5km search of the area (centred on the site) identified 112 Aboriginal archaeological sites. There are two registered sites is within close proximity of the modification area, noting however these are within the footprint of works for the existing Westlink Stage 1 approval . It is also recognised that the MRP DCP identifies sections of Mamre, Abbotts and Aldington Road as having moderate-high potential.

Significant development has occurred within the study area including vegetation clearing, the construction of Aldington Road, Abbotts Road as well as adjoining roads and streets, the construction of dams, driveways, market gardening and installation of surface and sub surface infrastructure. The disturbance levels within the study area were categorised through an inspection of the ground surface, landforms and aerial imagery. The assessment concluded that moderate-high levels of disturbance has occurred within the study area.

This conclusion is supported by background research which identifies that the site is located within the Blacktown soil landscape. The soil depths throughout the Blacktown landscape suggest that intact, subsurface archaeological deposits could be found within the study area; however, considering the moderate to high levels of disturbance, archaeological deposit are unlikely to be found within the site.

A field investigation was conducted by Biosis and no Aboriginal objects or sites were identified. The field investigation also identified that the study area has low potential to contain archaeological deposits due to unfavourable landforms present and disturbances.

However, as a precautionary measure, if it is determined that impacts to the site cannot be avoided, an Aboriginal Cultural Heritage Assessment (ACHA) to support an Aboriginal Heritage Impact Permit (AHIP) application will be required prior to the commencement of the proposed modification (as per the recommendations below).

With specific reference to the moderate-high potential of Aboriginal sites on sections of Aldington Road (per the MRP DCP), Abbotts Road and the Mamre Road intersection area, Biosis are of the opinion that these areas within the site have been significantly distributed during the creation of the road and have low potential to contain archaeological deposits.

To manage and minimise the potential of impact, Biosis have recommended a range of recommendations. These recommendations relate to the following:

- Further archaeological assessment prior to the commencement of works.
- Work in areas of low archaeological potential require no further archaeological work and may proceed with caution.
- Cease work if an unexpected relic is discovered.
- Should any Aboriginal objects be encountered during works associated with the proposed modification, works must cease in the vicinity and the find should not be moved until assessed by a qualified archaeologist.
- If any suspected human remains are discovered during any modification, personnel must:
  - Immediately cease all work at that location and not further move or disturb the remains.
  - Notify the NSW Police and Heritage NSW' Environmental Line on 131 555 as soon as practicable and provide details of the remains and their location.

– Not recommence work at that location unless authorised in writing by Heritage NSW.

6.4 Heritage Impacts

A Statement of Heritage Impact (HIS) has been prepared by Biosis on behalf of LOG-E and is provided at **Appendix C**. The purpose of the Statement is to assess the impacts of the proposed modification on the cultural heritage significance of the surrounding heritage items and recommended mitigation measures to avoid or mitigate any negative impacts on heritage items.

The full extent of road works assessed under the HIS extent into land having mapped for having local heritage significance. This includes the following heritage items:

- Brick Farmhouse (Item No. I4), 282 Aldington Road, Kemps Creek.
- Gateposts to Colesbrook (Item No. I3), 269–285 Mamre Road, Kemps Creek; and

Notwithstanding the above, the proposed works under this modification do not impact or enter into the Brick Farmhouse curtilage. Works along Mamre Road for the intersection as proposed under this application sit just to the south of the heritage curtilage for the Gateposts to Colesbrook.

The ultimate road design along Aldington Road would impact on the curtilage of the Brick Farmhouse, however as these works do not form part of this modification, these would be subject to separate assessment.

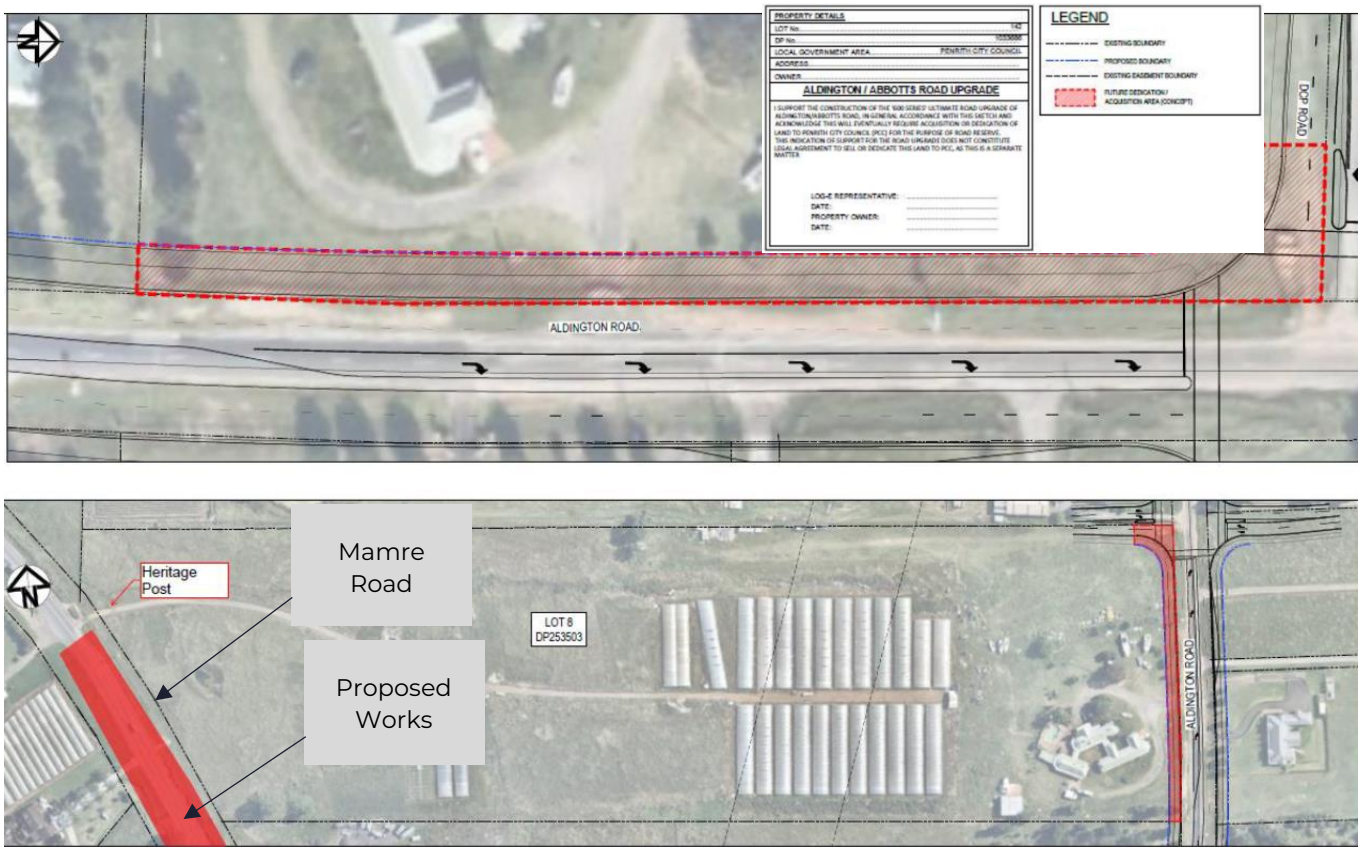

Figure 31 Proposed works (in red) near to the curtilage of the Gateposts to Colesbrook Heritage Item (I3)

Source: Biosis

Biosis have identified that the Gateposts to Colesbrook is significant for its social/cultural, and representative values. It acts as evidence of the prosperity of the larger rural properties in the late-19th and early-20th Century, and the subsequent decline leading to the present-day subdivision of the area into 10ha allotments.

The Brick Farmhouse holds heritage significance for its historical, aesthetic/technical, social/cultural, and representative values. It demonstrates the emergence of small farmsteads into the area following the subdivision

of the Fleurs estate in the 1880s. Whilst altered from its original estate, the building remains an elaborate farmhouse of its era prominently set on a hillside overlooking the South Creek floodplain.

The proposed modification will not impact on the significance of the heritage elements. Due to being located in close proximity to the mapped curtilage areas, the works have been designed to have minimal impact on the heritage items with works proposed in proximity largely including clearing of the grass verges and minimal excavation to allow for the refinement of the road and curb, outside of the curtilage areas.

The existing road forms part of the existing context in which the heritage items are located within, and the proposed upgrades will not have an adverse visual impact, nor will it dominate the heritage item.

With regards to non-Aboriginal archaeological potential, the site has been highly disturbed from previous construction activities. Based upon the historical context and documentary evidence provided to Biosis, it is unlikely that archaeological significant remains relating to this period, theme or event will occur within the site. The potential for archaeological findings within the site is deemed low.

Overall, the works are supported from a heritage perspective, subject to adoption of the mitigation measures outlined by Biosis in **Appendix C**.

6.5 Air Quality Impacts

An Air Quality Impact Assessment (IQIA) has been prepared by SLR and is provided in **Appendix G**. The Report provides a quantitative assessment of operational impacts associated with traffic changes due to the proposed modification. The closest residential and industrial receptors to the site area are identified in **Figure 32**. SLR have adopted the following methodology to assess the potential impacts:

- Identification of key risks on nearby sensitive receptors of the site, as well as suitable criteria for the evaluation of these risks;
- Characterisation of key features of the surrounding environment, including prevailing climate and meteorological conditions and background air quality; and
- A screening level quantitative assessment of the potential for impacts to occur during operations using (then) NSW Roads and Maritime Services' (now TfNSW) Tool for Roadside Air Quality (TRAQ) prediction model.

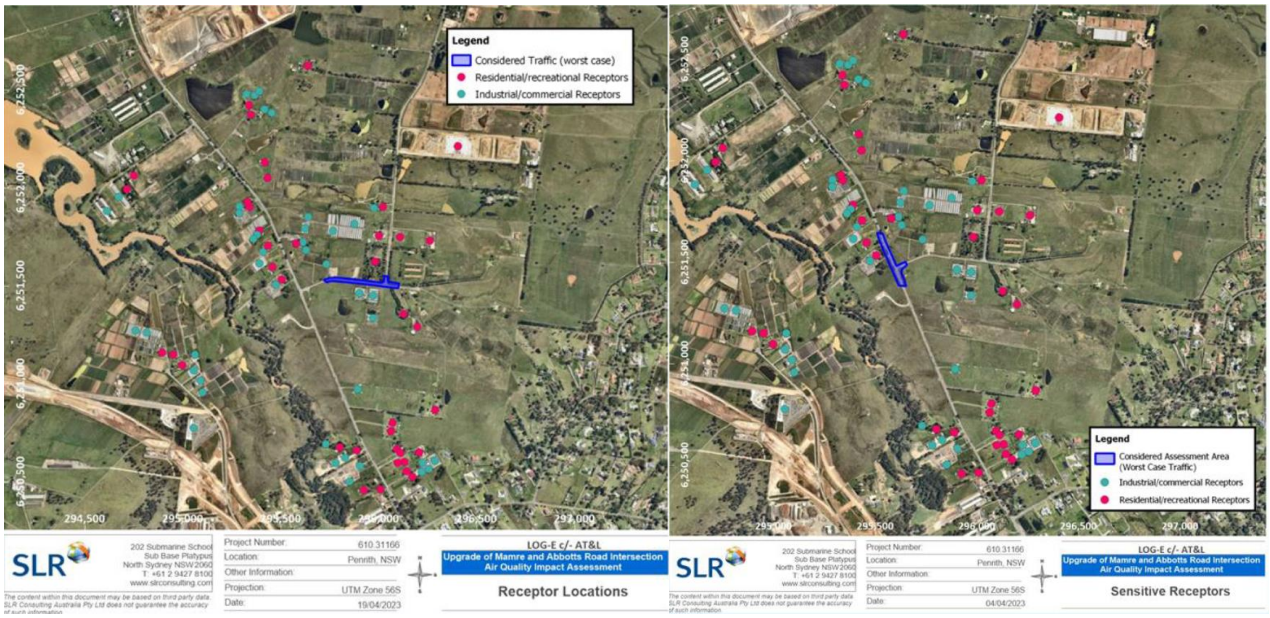

Figure 32 Surrounding Sensitive Receptors

Source: SLR

The key potential air quality issue identified for the operational phase of the modification is emissions of combustion products and particulate matter from vehicles travelling along Mamre Road, Aldington Road and Abbotts Road. To assess the potential air quality impacts of the modification from vehicular emissions on surrounding sensitive receptors, the Tool for Roadside Air Quality (TRAQ) assessment tool developed by TfNSW has been used. TRAQ is considered to provide conservative predictions of potential incremental impacts. The

model has been used extensively in NSW and is currently accepted by regulatory agencies as an appropriate conservative screening-level model for predicting near field ground level pollutant concentrations from traffic.

6.5.1 Results

Carbon Monoxide

The predicted concentrations are far below the relevant ambient air quality criteria. There is no significant difference in the downwind concentrations predicted before and after the modification .

Nitrogen Dioxide

The predicted concentrations are well below the current ambient air quality criteria for NO^2. The modelled results show that the concentrations are anticipated to be slightly lower after construction of the modification, even though the traffic numbers are higher. This is mainly due to the more advanced fleet used for modelling the emissions after the modification.

PM_{10}

The predicted concentrations are below both the 24-hour average and annual average criteria at distances greater than 10 m from the kerbside. The results also indicate that the concentrations are slightly higher after the construction is complete due to the higher traffic numbers used for this scenario. However, all predicted concentrations are below the relevant 24-hour average and annual average criteria at distances greater than 10m from the kerbside.

$PM_{2.5}$

The predicted 24-hour average concentrations are below the current 24-hour average ambient air quality criterion for $PM_{2.5}$ at all distances from the kerbside. It should be noted that the annual average $PM_{2.5}$ concentrations are predicted by TRAQ to be above the current annual average guideline up to 20 m from the kerbside. Beyond 20m, the annual average $PM_{2.5}$ concentrations are below the annual average criterion.

6.5.2 Conclusion

The results of the cumulative assessment indicate that all the predicted cumulative PM_{10}, NO_2 and CO concentrations are below the relevant air quality criteria at the nearest sensitive receptors. Based on a $PM_{2.5}/PM_{10}$ ratio of 85% for the downwind concentrations compliance with the current 24-hour average and annual average criteria for $PM_{2.5}$ is also predicted to be achieved at the nearest sensitive receptors.

Based on the results of this assessment, which is based on a conservative screening level assessment tool, SLR concludes that the proposed modification would not result in an unacceptable increase in incremental or cumulative air quality impacts at the nearest sensitive receptors. SLR have also noted that the proposed upgrades to the intersection may improve traffic flows and minimise congestion levels, which would assist in minimising air pollutant emissions and downwind impacts, particularly at the nearest receptors.

6.6 Contamination

A Detailed Site Investigation (DSI) has been prepared by ADE and is provided in **Appendix H**. The primary objective of the DSI is to characterise fill material that may be subject to excavation as part of the proposed modification.

A site inspection was undertaken by ADE who sampled soils from 89 test pits across the entire road corridor the subject of the full extent of works, as shown in **Figure 33** below. Samples were typically collected at the soil surface followed by every half metre thereafter until the target depth was reached or upon encountering a new lithological stratum. The result of the assessment is summarised below.

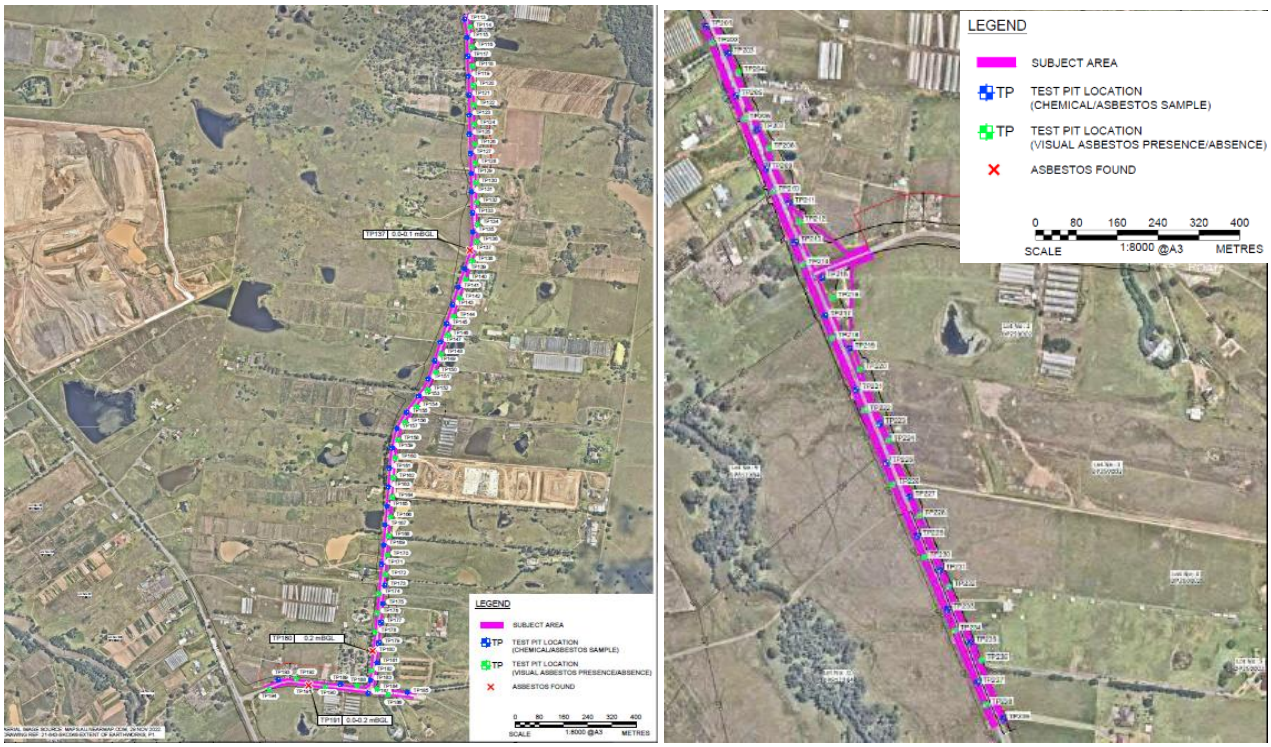

Figure 33 Test Locations

Source: ADE

6.6.1 Soil Chemical Assessment

Soil samples returned chemical concentrations below that of the adopted Site Assessment Criteria (SAC) Health Investigation Level (HIL). The soils are considered suitable for the proposed modification.

6.6.2 Asbestos Assessment

Three fragments of fibre cement were encountered along Aldington and Abbotts Road and were positively identified as asbestos containing materials (Chrysotile). No asbestos was encountered within the soil samples analysed.

Of the 39 test pits along Mamre Road subjected to an asbestos visual assessment or 10L gravimetric screening, no potential asbestos containing material (PACM) was observed across the soil surface or observed during the on-site screening process. From the test pits completed, a total of ten representative 500mL soil samples were collected from the fill profile and analysed as per the NEPM, 2013.

6.6.3 Conclusion

Based on the findings above, the proposed modification and land use are considered suitable for the site. A RAP is not required. All unexpected finds must be managed in accordance with the environmental management plan and sub-management plans including asbestos management plans. Additionally, a series of recommendations were provided by AED and included in **Appendix H**.

6.7 Operational Traffic Impacts

Ason Group has prepared a Memorandum (**Appendix I**) which provides a summary of the Aldington Road corridor operational traffic modelling associated with the LOG-E development proposals. The intersection design has been informed by the traffic modelling. The proposed Intersection upgrades that form the modification have been considered, along with associated upgrades to Mamre Road, Aldington Road and Abbotts Roads, in the development consents for SSD-10479 for the 200 Aldington Road Industrial Estate, and SSD-9138102 for the Westlink Industrial Estate – Stage 1. It is noted that Transport for NSW provided concurrence for the traffic modelling carried out by Ason Group.

6.7.1 Modelling Inputs Assumptions

For the purpose of this revised modelling, Ason adopted previously agreed inputs documented in the TfNSW Mamre Road Modelling Outcomes memo, which forms the basis of all previous modelling completed for the precinct, including the June 2022 models submitted to TfNSW. The modelling memo assumes a certain number of developments will be operational across the Precinct, including:

- Frasers/Barings: The Yards
- Mirvac: Aspect Industrial Estate
- ESR: Westlink Industry Park
- Frasers: The Edge Estate
- Fife/Stockland: 200 Aldington Road
- Barings: Access Logistics Park
- GPT: Yiribana Estate

It assumes approximately 57.5% of these estates are to be operational by 2026. It is noted three developments will utilise the Mamre Road/ Abbotts Road intersection, which is ESR, Frasers (Edge Estate) and Fife/Stockland. All other development will utilise other intersections along Mamre Road.

A summary of the key input data and assumptions used are listed below:

- Trip generation:
  - AM Peak: 0.23 trips per 100m2
  - PM Peak: 0.24 trips per 100m2
  - Daily: 2.91 trips per 100m2
- Model time periods:
  - AM – 06:00 – 10:00
  - PM – 15:00 – 19:00
- Traffic demand and distribution:
  - Background growth per STFM LU19
  - Internal travel zones (WSEA) per TfNSW approved disaggregation
  - Mamre Road travel zones per trip generation profile based on approved Ason Group LUD Model
  - The traffic flows on Compass Drive and the Southern Link Road diverted to Mamre Road in conjunction with the latest STFM data.
  - For each pedestrian crossing, a total of 10 pedestrians are assumed. This aligns with the findings from site inspections and surveys conducted in the Western Sydney Employment Area.
  - This modelling assumed conservative trip generation rates, as customers were unknown, and utilised a best case delivery assumptions for each development. At the time of this modification, Lot 1 customer has less trip generation than the assumed modelling and only two developments have been approved along the corridor.

6.7.2 Modelling Scenarios

Two scenarios for the future road network in the Mamre Road Precinct were modelled including two interim modelling scenarios for 2026. While not modelled, a third scenario was identified, being the 2036 ultimate precinct roadwork delivery.

- Scenario 1:
  - An initial modelling assumption of 57.5% of the total precinct GFA (approximately 990,215m^2)
  - The road network as currently proposed, consistent with either the current SSDA applications, approved intersection layouts or current VPA offers.
  - Internal road network assumed to be delivered by 2026.
- Scenario 2:
  - 75% of total precinct GFA (1,291,584m^2)
  - The road network adopted for Scenario 1 with the following additional upgrades:

- Widening of Mamre Road to four lanes (2 northbound and 2 southbound) between Bakers Lane and the Mirvac access intersection
- Upgrade to Mamre Road / Bakers Lane

- Scenario 3:
  - 2026 ultimate precinct road network delivery, inclusive of the delivery of the Southern Link Road Stage 1, the Stage 2 Mamre Road north works and the Stage 2 Mamre Road south works.

6.7.3 Modelling Results – Mamre Road / Abbotts Road Intersection

Scenario 1

For Scenario 1, the modelling results for the Mamre Road / Abbotts Road intersection are shown in **Figure 30** below. The results demonstrate compliance with TfNSW Guidelines with an overall Level of Service A for both AM and PM peaks.

Intersection	Control	Approach	AM			TfNSW Guidelines Compliance	PM			TfNSW Guidelines Compliance
			DOS	LOS	Queue		DOS	LOS	Queue	
Mamre Road / Abbotts Road	Signal	S	0.39	A	22	✓	0.63	A	70	✓
		E	0.19	D	14	✓	0.31	D	21	✓
		N	0.34	A	37	✓	0.60	A	95	✓
		Overall	0.39	A	37	✓	0.63	A	95	✓

Figure 34 Scenario 1 SIDRA Modelling Results

Source: Ason

Scenario 2

For Scenario 1, the modelling results for the Mamre Road / Abbotts Road intersection are shown in **Figure 31** below. The results demonstrate compliance with TfNSW Guidelines with an overall Level of Service A for the AM peak and a Level of Service B for the PM peak.

Intersection	Control	Approach	AM			TfNSW Guidelines Compliance	PM			TfNSW Guidelines Compliance
			DOS	LOS	Queue		DOS	LOS	Queue	
Mamre Road / Abbotts Road	Signal	S	0.51	A	31	✓	0.84	B	105	✓
		E	0.07	D	8	✓	0.53	D	38	✓
		N	0.36	A	51	✓	0.64	A	110	✓
		Overall	0.51	A	51	✓	0.84	B	110	✓

Figure 35 Scenario 2 SIDRA Modelling Results

Source: Ason

6.7.4 Conclusion

The SIDRA modelling undertaken by Ason concludes that the proposed upgrade of the Mamre Road / Abbotts Road intersection meet the ultimate 2036 Mamre Road Precinct delivery requirements. It should be noted that this modelling was considered by the Department of Planning and Environment (at the time) in its assessment and approval of S SSD-9138102 for the Westlink Industrial Estate Stage 1. The proposed Mamre Road intersection works, along with associated upgrades to Aldington and Abbotts Roads have been considered in the respective consents with the concurrence of TfNSW.

6.8 Construction Traffic Impacts

A Construction Traffic Impact Assessment (CTIA) has been prepared by Ason Group and provided in **Appendix F** and summarised in **Section 3.2.7**. Whilst impacts on the road network intersections by individual projects have been considered in the relevant assessments by the Department, the purpose of the CTIA is to assess the cumulative impacts associated with the construction relating to the proposed modification. Overall, construction

traffic impacts were found to be satisfactory. The most critical location identified was the modification boundary of the Mamre Road and Abbotts Road intersection. Construction traffic will be further managed by the CTMP. This is further outlined by the staging plans prepared by Robson at **Appendix K**.

6.8.1 Construction Hours

Construction Hours are identified **Section 3.2.7**. It is acknowledged that the Saturday commencement time of 7am rather than the recommended start time of 8am, as per the Interim Construction Noise Guideline (Guideline) and that there will be 10 out-of-hours work shifts. To this effect, it is recognised that the Guidelines allows for certain types of work outside the recommended standard hours. Specifically, the guidelines allows for '*public infrastructure works that shorten the length of the project and are supported by the affected community*'. The proposed works will accelerate construction timeframe for the road works and will minimise disruption generated from the overall construction process. The construction hours are also supported from an acoustic and traffic matter as discussed in **Appendix Q**, **R**, **S** and **T**.

6.8.2 Intersection Assessment

Ason Group have undertaken SIDRA modelling for Stage 1 which includes road closure and minor construction road works and Stage 2 which includes the installation of services and the construction of medians; to determine the impacts created during the construction of the modification, including consideration of surrounding development. The Phases of construction are illustrated in **Figure 37**, **Figure 38** and **Figure 38**.

It has been determined that modelling for Stage 3 is not required, as the volumes would be similar or less than those under Phase 2 due to reduced traffic volume. The below figures detail the SIDRA Intersection Layouts during the three (3) construction phases.

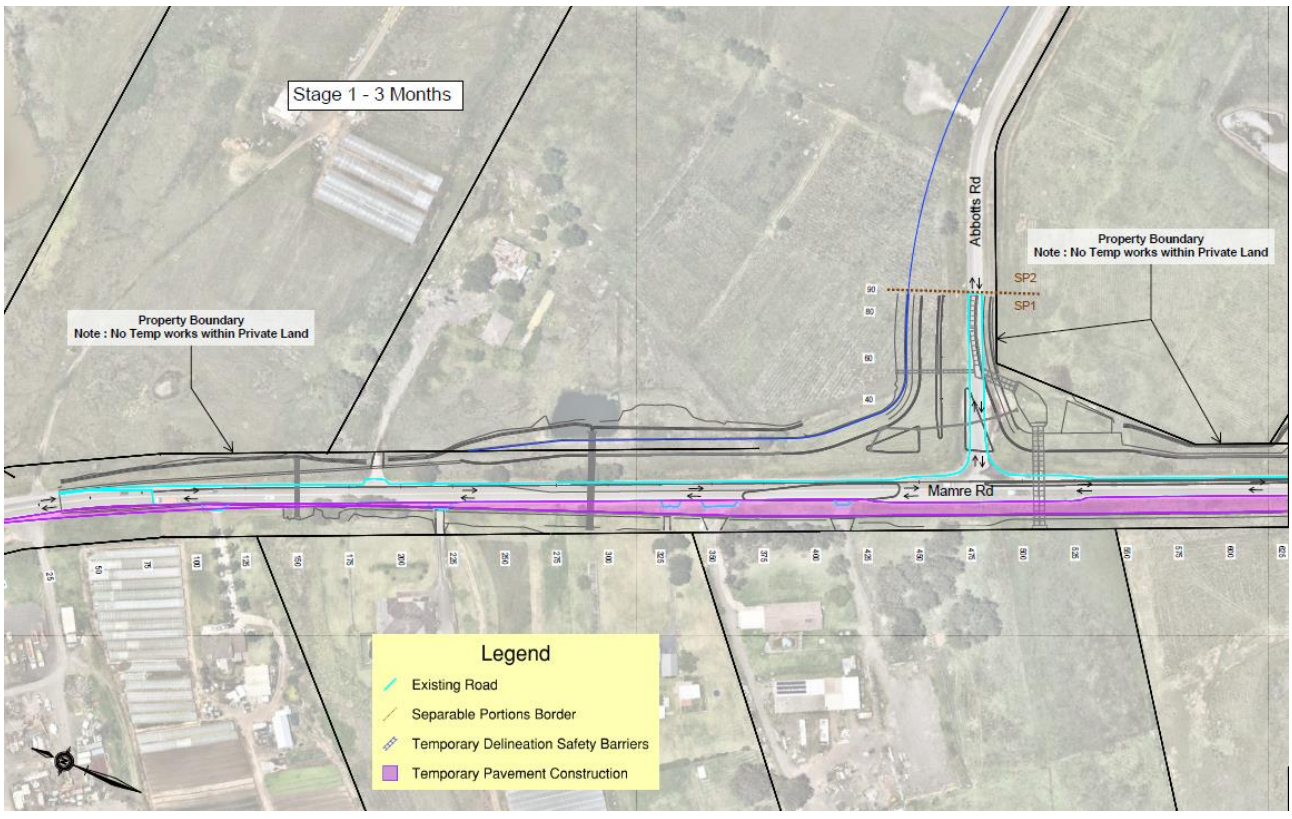

Figure 36 Mamre Road/Abbotts Road Upgrade Layout- Construction Stage 1

Source: Robsons

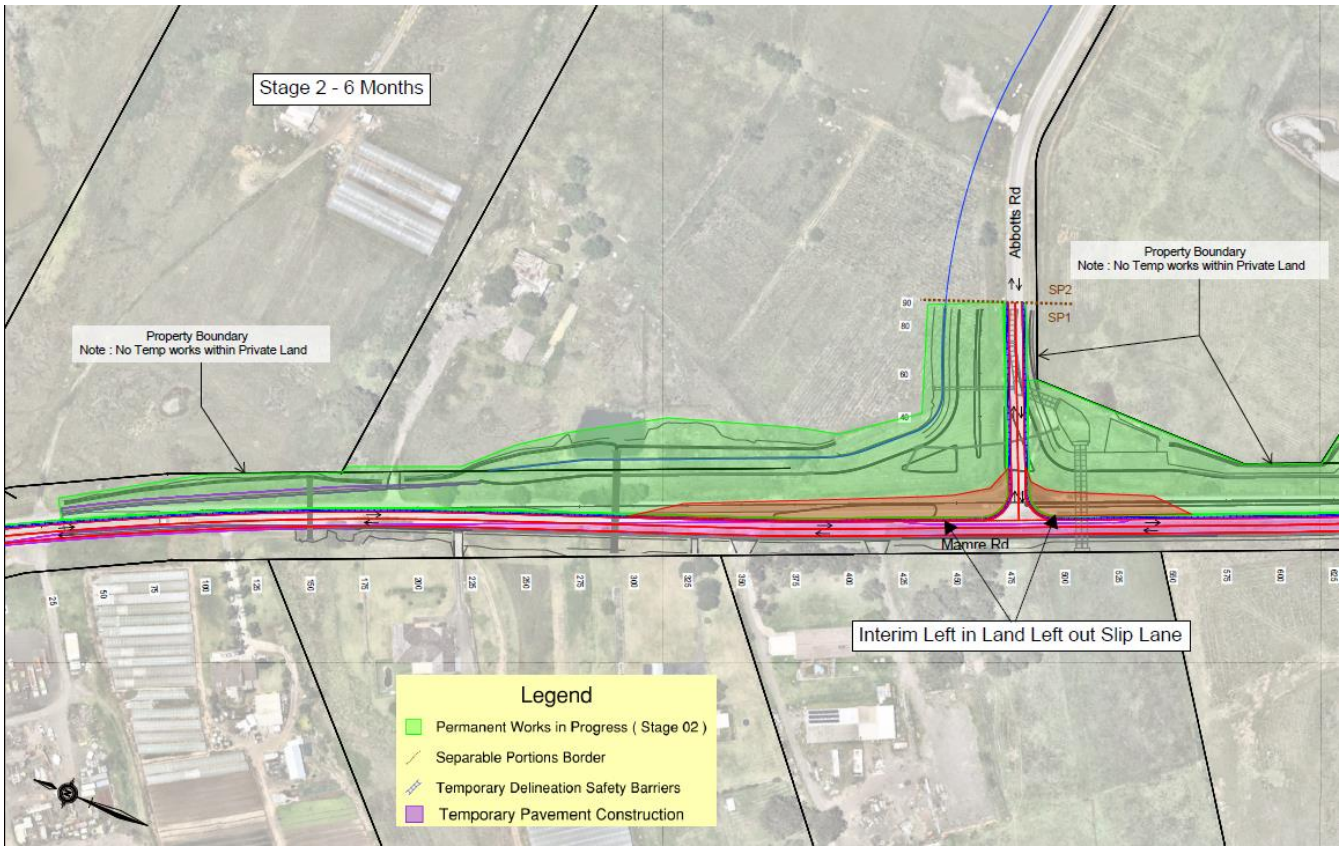

Figure 37 Mamre Road/ Abbotts Road Upgrade Layout- Construction Stage 2

Source: Robsons

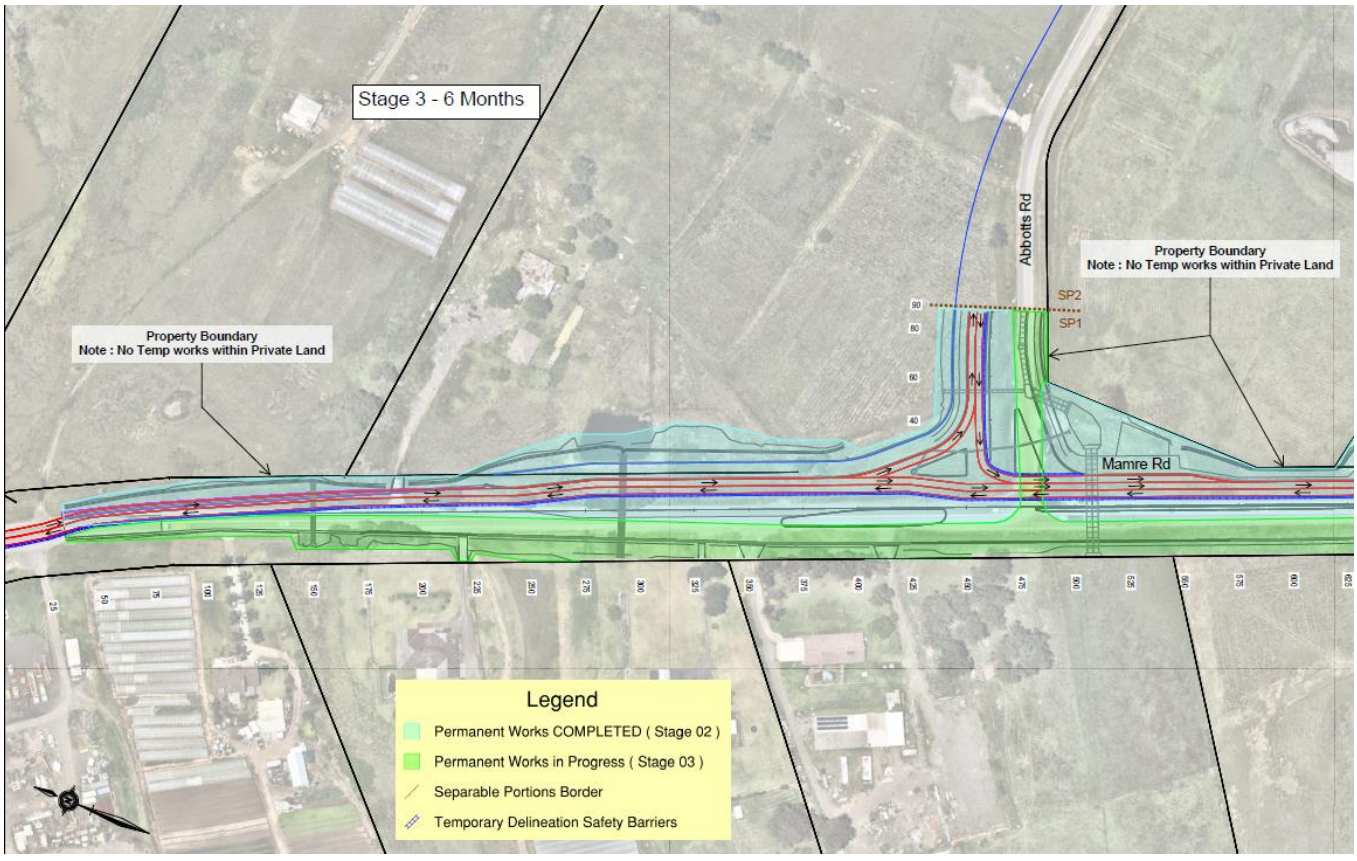

Figure 38 Mamre Road/ Abbotts Road Upgrade Layout- Construction Stage 3

Source: Robsons

A comparison of existing and proposed SIDRA results is shown in **Table 7** for the Mamre Road and Abbotts Road intersection. They include a linear adoption rate of 3% for baseline traffic flow. Accordingly, the SIDRA modelling

shows that the Mamre Road/Abbotts Road intersection as identified in **Figure 38**, is able to satisfactorily accommodate cumulative construction impacts. The intersection will remain able to perform at acceptable levels.

With reference to the intersection performance during Stage 2, the AM peak improves significantly as a result of the change to intersection geometry which supports left-in left-out movement.

Additionally, it is noted that each Stage will be subject to a variety of construction traffic management measures, which will be detailed in the relevant Construction Traffic Management Plan. Ultimately, it is evident that the proposed modification can occur without creating an impact on network performance (including operation of the Lot 1 Warehouse through construction). It is noted that SIDRA modelling was carried out for the original SSD assessment for the intersections. Traffic lights are to be delivered as part of the WAD for the intersection. Traffic lights for the Abbotts Road and Aldington Road intersection will be delivered at the end of the road upgrade. The Aldington Road and Abbotts Road intersection as proposed was modelled as part of the original DA with these details not changing, and during both AM and PM peaks receive a Level of Service B, with a degree of saturation of 0.13 and 0.30 respectively, based on signals.

Table 7 SIDRA Modelling Results for Mamre Road and Abbotts Road

Intersection	Period	Average Vehicle Delay	Degree of Saturation	Level of Service
Existing Conditions				
Mamre Road / Abbotts Road	AM	19	0.41	B
	PM	22	0.40	B
Stage 1 Conditions				
Mamre Road / Abbotts Road	AM	41	0.58	C
	PM	29	0.545	C
Stage 2 Conditions				
Mamre Road / Abbotts Road	AM	51	0.72	D
	PM	31	0.57	C

Similarly, SIDRA modelling has been undertaken to assess construction traffic generation along Mamre and Abbotts Road including daily volumes at each phase of construction. These traffic data from each surrounding development as then be overlaid to establish the peak cumulative construction period, with peak flows (movement/hour or movement/day) for each of the construction phases of the modification sites shown below (refer to **Figure 39** - **Figure 41**, noting that 200 Aldington are anticipating construction will be completed by Stage 2).

The Lot 1 warehouse operation is 24/7. It must be noted that the CTMP for this modification is indicative only, with a formal CTMP to be endorsed by the TfNSW Transport Management Centre. This CTMP will be prepared by the Roads Contractor. This will be the relevant CTMP to the project and will be endorsed via the WAD. The indicative CTMP submitted with this modification is only for this modification application purposes and does not override the final CTMP from the WAD process.

Site	AM	PM	Daily
Mamre Road Upgrade	30	18	284
Abbotts Road Upgrade	40	20	332
Aldington Road Upgrade	40	22	358
Frasers North	15	15	76
Frasers South	0	0	0
ESR Stage 1	46	18	248
ESR Stage 2	56	26	424
FKC	14	14	100
Total	**241**	**133**	**1,822**

Figure 39 Peak cumulative traffic movements – Stage 1

Source: Ason

Site	AM	PM	Daily
Mamre Road Upgrade	30	18	284
Abbotts Road Upgrade	0	0	0
Aldington Road Upgrade	40	22	358
Frasers North	47	30	288
Frasers South	25	35	158
ESR Stage 1	46	18	248
ESR Stage 2	56	26	424
FKC	0	0	0
Total	**244**	**149**	**1,760**

Figure 40 Peak cumulative traffic movements – Stage 2

Source: Ason

Site	AM	PM	Daily
Mamre Road Upgrade	30	18	284
Abbotts Road Upgrade	0	0	0
Aldington Road Upgrade	40	22	358
Frasers North	32	15	212
Frasers South	57	50	370
ESR Stage 1	0	0	0
ESR Stage 2	46	18	298
FKC	0	0	0
Total	**205**	**123**	**1,522**

Figure 41 Peak cumulative traffic movements – Stage 3

Source: Ason

The assessment concludes overall that the intersection:

- would be able to satisfactorily accommodate the forecasted background traffic volumes, as well as the cumulative construction traffic, for both the AM and PM peak periods; and
- during all phases of construction, is able to satisfactorily accommodate the cumulative construction traffic associated with the infrastructure upgrade and LOG-E developments within the MRP.

7.0 Justification of the Modified Project

The proposed modification to the Project will result in neutral environmental and health outcomes and will not give rise to any significant additional environmental impacts. The proposed modification is essential to support the operation of the broader road network of the Mamre Road Precinct. The Project as modified will continue to provide positive social, economic and environmental outcomes to the Mamre Road Precinct and the wider Western Sydney Employment Area.

Specifically, the approval of the proposed Modification Application is justified because:

- The impacts of the proposed modification are manageable;
- The road upgrades were considered in the original assessment of SSD-9138102.
- The proposed modification will continue to be substantially the same development as originally approved.
- The Project as modified, demonstrated through the environmental assessments undertaken, can continue to meet the relevant environmental and amenity objectives and controls established for the Project, and through the MRP DCP and supporting technical guidance;
- The Project as modified continues to remain consistent with the objectives of the EP&A Act and relevant strategic plans;
- The Project as modified continues to comply with the relevant strategic planning directions of State and Local planning policies, including remaining consistent with the strategic objectives of the Mamre Road Precinct and the Industry and Employment SEPP;
- The Project as modified will remain to be an orderly and economic use of the site; and
- Impacts on the surrounding land uses continue to be minimised and managed.

8.0 Conclusion

This Modification Application Report is submitted on behalf of ESR to the DPHI seeking to modify development consent SSD-9138102 relating to the approved Westlink Stage 1 development.

The proposed modification seeks to amend the approved development to include road widening and upgrade works to Aldington and Abbotts Road, and the upgrade of the Mamre Road and Abbotts Road intersection.

The proposed road widening, upgrade and intersection works is required to support the operation of the approved development and is also required to support the overall planned industrial redevelopment of the Mamre Road Precinct which accords with the upgraded road layout and network envisioned under the MRPDCP.

In accordance with Section 4.55(1A) of the EP&A Act, the Minister may modify the consent as the proposed modification is substantially the same as development for which consent was granted .

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request.