SSD-9138102: Westlink Stage 1

Amendment Report

290-308 Aldington Road, 59-62 Abbotts Road & 63 Abbotts Road, Kemps Creek
ESR Australia

Prepared by Ethos Urban on behalf of ESR Australia
Submitted to the Department of Planning & Environment

21 October 2022 | 2200446

Ethos Urban

'Gura Bulga'
Liz Belanjee Cameron

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

By using the green and blue colours to represent NSW, this painting unites the contrasting landscapes. The use of green symbolises tranquillity and health. The colour cyan, a greenish-blue, sparks feelings of calmness and reminds us of the importance of nature, while various shades of blue hues denote emotions of new beginnings and growth. The use of emerald green in this image speaks of place as a fluid moving topography of rhythmical connection, echoed by densely layered patterning and symbolic shapes which project the hypnotic vibrations of the earth, waterways and skies.

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

We acknowledge the Gadigal people, of the Eora Nation, the Traditional Custodians of the land where this document was prepared, and all peoples and nations from lands affected.

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

Contact	Gordon Kirkby Director	gkirkby@ethosurban.com

This document has been prepared by:		**This document has been reviewed by:**	
Alex Heath	21/10/2022	Christopher Curtis	21/10/2022

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1.0 Introduction

1.1 Overview

This Amended Development Report is submitted on behalf of ESR Australia Pty Ltd. (**ESR**) to the Department of Planning and Environment (**DPE**) seeking a formal amendment to SSD-9138102 (**The Proposal**), pursuant to Clause 37 of the *Environmental Planning and Assessment Regulation 2021* (**EP&A Regulations**).

The amendments proposed include those captured in the ongoing design changes undertaken since lodgement of the Proposal which have been articulated and assessed through the response to submissions and request for additional information process (refer to **Section 1.2**). The proposed amendments can be summarised as follows:

- Reduction in number of subdivided lots from 5 to 4;
- Reduction in number of proposed industrial warehouses from 6 to 2, with the remainder of the industrial allotments to be facilitated through subsequent Development Applications;
- Minor adjustments to the size and orientation of the remaining proposed warehouses (Warehouses 1 and 4 respectively);
- Deletion of proposed retail café (which will now form part of a future DA); and
- Associated reductions in GFA and parking to reflect the revised number of proposed allotments and warehouses

The intent of these amendments is to enable a staged approach to the delivery of the Westlink industrial precinct. The proposed amendments follow consultation and confirmation by DPE in relation to acceptance of an Amendment Report on 19 August 2022.

This Amendment Report has been prepared in accordance with the *'State significant development guidelines – preparing an amendment report'* prepared by DPE and is based on the Architectural Plans provided by Nettleton Tribe (see **Appendix A**) and other supporting technical information appended to the report (see Table of Contents). It should also be read in conjunction with the previous Submissions and Amendment Report prepared by Ethos Urban in relation to this SSDA (dated 26 April 2022) as well as supporting technical information.

1.2 Background

This section identifies the key amendments which have been undertaken on the proposal to date following public exhibition and ongoing consultation with the DPE and other government agencies.

Table 1 Key project milestones and amendments

Date	Milestone	Key changes to the proposal
August 2020	Request for SEARs	N/A
September 2020	Issued SEARs	N/A
December 2020	Request amended SEARs	Revision of proposed delivery of works to be a staged approach as opposed to a Concept approval.
December 2020	Issue amended SEARs	Per above
June 2021	Lodgement of EIS	EIS lodged for proposal as originally proposed

Date	Milestone	Key changes to the proposal
August 2021	DPE Request for Additional Information and Response to Submissions (RTS)	Ongoing consultant work to address comments received.
April 2022	Lodgement Submissions and Amendment (SAR) Report in response to DPE comments and public submissions	Reduce number of proposed warehouses from 7 to 6 and associated revision to subdivision plan, GFA, landscaping, parking and other ancillary elements.
September 2022	Lodgement of Amendment Report	Reduction in number of proposed warehouses from 6 to 2 and associated revision to subdivision plan, GFA, landscaping, parking and the like.

1.2.1 Development as lodged and publicly exhibited – June-July 2021

As lodged and exhibited, SSD-9138102 sought approval for the following development:

- Site preparatory works, including:
  - Demolition and clearing of all existing built form structures and vegetation;
  - Bulk earthworks including 'cut and fill' to create flat development platforms for the proposed buildings, and topsoiling, grassing and site stabilisation works;
- Subdivision of the site into 7 individual lots;
- Construction of a new industrial estate at the site comprising 7 allotments and a total gross leasable area of 158,185m2, including:
  - 7 new industrial warehousing buildings with ancillary offices across 6 allotments, comprising:
    - 151,935m2 of warehousing floorspace; and
    - 6,250m2 of ancillary office floorspace;
  - 1 new on-site retail café building comprising 200m2 of floorspace;
- Construction of a new internal road layout and parking for 777 vehicles;
- Associated site servicing works and ancillary facilities, including OSD detention basin;
- Associated site landscaping; and
- Works-in-kind (WIK) arrangements through a Voluntary Planning Agreement (VPA) for external road upgrades including to Aldington and Abbotts Road, and a new signalised intersection at Mamre and Abbotts Road.

1.2.2 Response to Submissions – April 2022

SSD-9138102 was placed on public exhibition between 22 June 2021 and 19 July 2021. Following the public exhibition period, changes were undertaken to the proposal in response to the comments raised by both the public and government agencies.

Each response to submissions raised and changes to the proposal to address said submissions is documented in the Submissions and Amendment Report (SAR) prepared by Ethos Urban and dated 26 April 2022. The key amendments have been summarised below in ***bold italics*** and ~~**bold strikethrough**~~.

- Site preparatory works, including:
  - Demolition and clearing of all existing built form structures and vegetation;
  - Bulk earthworks including 'cut and fill' to create flat development platforms for the proposed buildings, and topsoiling, grassing and site stabilisation works;
- Subdivision of the site into ~~***7***~~ ***5*** individual lots;
- Construction of a new industrial estate at the site comprising 7 ***industrial*** allotments and a total gross leasable area of ~~***158,185***~~ ***150,577***m2, including:

- 6 new industrial warehousing buildings with ancillary offices across ~~4~~ ***6*** allotments, comprising:
  - ~~151,935~~ ***144,482***m2 of warehousing floorspace; and
  - ~~6,250~~ ***5,895***m2 of ancillary office floorspace;
- 1 new on-site retail café building comprising 200m2 of floorspace; and
- ***Fit-out of Lot 1 warehouse with inclusion of Automated Manoeuvrable Robots (AMR).***

- Construction of a new internal road layout and parking for ~~777~~ ***658*** vehicles;
- Associated site servicing works and ancillary facilities, including OSD detention basin;
- Associated site landscaping; and
- Works-in-kind (WIK) arrangements through a Voluntary Planning Agreement (VPA) for external road upgrades including to Aldington and Abbotts Road, and a new signalised intersection at Mamre and Abbotts Road.

As a result of ongoing design development and in response to additional comments provided by the DPE in relation to the submitted SAR package, it is now proposed to amend the application again under Clause 37 of the *Environmental Planning and Assessment Regulation 2021*. The proposed amendments are described in detail in **Section 3.0**.

2.0 Strategic Context

Section 5.1 of the Environmental Impact Statement (EIS) submitted with SSD-9138102 set out the strategic context of the Proposal and it is noted that the proposed amendments do not alter the development's consistency with the relevant strategic planning framework. The proposed development as amended will continue to establish the Mamre Road Precinct as the foremost area for high-quality industrial developments and industrial employment, through delivering additional industrial floorspace in direct response to the well-publicised shortfall in industrial land in Western Sydney.

Further discussion on the strategic context is provided within the EIS submitted with SSD-9138102, as well as supporting technical information.

3.0 Description of the Amended Development

This chapter of the report provides a detailed description of the amended development as proposed now, in comparison to the April 2022 Submissions and Amendment Report. Changes are shown in ***bold italics*** and ~~**bold strikethrough**~~.

This application seeks approval for the following development:

- Site preparatory works, including:
  - Demolition and clearing of all existing built form structures and vegetation;
  - Bulk earthworks including 'cut and fill' to create flat development platforms for the proposed buildings, and topsoiling, grassing and site stabilisation works;
- Subdivision of the site into 5 individual lots;
- Construction of a new industrial estate at the site comprising ~~**7**~~ ***2*** industrial allotments and a total gross floor area of ~~**150,577**~~ ***81,642***m2, including:
  - ~~**6**~~ ***2*** new industrial warehousing buildings with ancillary offices ~~**across 6 allotments**~~, comprising:
    - ~~**144,482**~~ ***78,056*** m2 of warehousing floorspace; and
    - ~~**5,895**~~ ***3,586***m2 of ancillary office ***and other*** floorspace;
  - ~~**1 new on-site retail café building comprising 200m2 of floorspace; and**~~
  - Fit-out of Lot 1 *and Lot 4* warehouses ~~**with inclusion of Automated Manoeuvrable Robots (AMR)**~~.

- Construction of a new internal road layout and parking for ~~**658**~~ ***381*** vehicles;
- Associated site servicing works and ancillary facilities, including OSD detention basin;
- Associated site landscaping; and
- Works-in-kind (WIK) arrangements through a Voluntary Planning Agreement (VPA) for external road upgrades including to Aldington and Abbotts Road, and a new signalised intersection at Mamre and Abbotts Road.

A comparison between the proposed masterplan (as previously amended) as well as the masterplan as proposed to be amended is provided below in **Figure 1** and **Figure 2**.

Figure 1 Masterplan as previously amended per April 2022 SAR

Source: Nettleton Tribe

Figure 2 Proposed Amended Masterplan

Source: Nettleton Tribe

3.1 Numerical Overview

A comparison between the key elements of the previous and proposed amended masterplans is provided below in **Table 2**.

Table 2 Comparison of key elements of the development

Element	Under previous SAR package	Proposed Amendments	Difference
Site Area	320,258m^2	320,258m^2	N/A
Warehouse GFA	• Lot 1: 57,062m^2 • Lot 1A: 25,560m^2 • Lot 1B: 21,880m^2 • Lot 2: N/A (200m^2 Café)	• Lot 1: 61,271m^2 • Lot 1A: 0m^2 • Lot 1B: 0m^2 • Lot 2: 0m^2	• Lot 1: +4,209m^2 • Lot 1A: -25,560m^2 • Lot 1B: -21,880m^2 • Lot 2: N/A (-200m^2 Café)

Element	Under previous SAR package	Proposed Amendments	Difference
	• Lot 3: 12,520m^2 • Lot 4: 17,030m^2 • Lot 5: 10,430m^2	• Lot 3: 0m^2 • Lot 4: 16,785m^2 • Lot 5: 0m^2	• Lot 3: -12,250m^2 • Lot 4: -245m^2 • Lot 5: -10,430m^2
Office and other GFA	• Lot 1: 1,345m^2 • Lot 1A: 1,050m^2 • Lot 1B: 1,100m^2 • Lot 2: N/A • Lot 3: 550m^2 • Lot 4: 1,300m^2 • Lot 5: 550m^2	• Lot 1: 2,586m^2 • Lot 1A: 0m^2 • Lot 1B: 0m^2 • Lot 2: N/A • Lot 3: 0m^2 • Lot 4: 1,000m^2 • Lot 5: 0m^2	• Lot 1: +1,241m^2 • Lot 1A: -1,050m^2 • Lot 1B: -1,100m^2 • Lot 2: N/A • Lot 3: -550m^2 • Lot 4: -300m^2 • Lot 5: -550m^2
Car Parking	687 spaces (estate wide)	381 spaces (estate wide)	-306 spaces (estate wide)

3.2 Development Principles

The overarching design and built form of the amended proposal remains consistent with the principles that guided the development as lodged, exhibited and previously amended. These principles include:

- Establish the Mamre Road Precinct within Western Sydney as the foremost area for high-quality industrial developments and industrial employment land by delivering in-demand industrial floor space that will support significant employment growth, in a high-quality, sustainable and innovatively designed industrial estate;
- Contribute to the broader realisation of the development principles interpreted by the Western Sydney Employment Area and Western Sydney Aerotropolis frameworks, through delivering an industrial solution that will address key freight and logistics networks;
- Provide a well-connected street layout consistent with the intention for the broader Mamre Road Precinct which facilitates a safe vehicular and pedestrian environment;
- Deliver a landscaping outcome which integrates with the appearance of the large industrial estate to soften the interface towards the eastern boundary of the site (identified as 'transition to rural');
- Establish an appropriately high level of amenity at the site for the site's industrial uses;
- Ensure the incorporation of appropriate office uses facing site frontages, access points and surrounding areas, to provide a welcoming and highly amenable environment;
- Create opportunities for flexibility and efficiencies for future operation and function in a key strategic site in the Mamre Road Precinct and WSEA;
- Utilise high quality materials, finishes and colours complementing the site and its location, ensuring that signage and wayfinding referencing the proposed industrial estate reflects the chosen landscaping scheme.

The amended proposal continues to provide a contextually and economically appropriate design whilst responding to topography constraints to limit site earthworks requirements and retaining walls fronting public road reserves. The amended proposal provides for 2 warehouses as well as additional opportunities for industrial development to be realised through future DA's.

3.3 Demolition and Site preparation works

3.3.1 Earthworks

To enable the development of the amended proposal, all existing structures will be demolished. A detailed Construction Management Plan (CMP) will be prepared by the appointed contractor prior to demolition works commencing and submitted to the relevant consent authority. The CMP will outline the extent of demolition works and the process and techniques to ensure the appropriate disposal of materials.

Bulk earthworks will then be required to grade the site and provide flat building pads suitable for development. The earthworks proposed will include cut and fill given the undulating topography of the site. As detailed within the Civil Design Report (refer **Appendix E**), the proposed cut and fill works will result in a balance of 213,100m^3,

although it is noted that the cut balance will be utilised as fill for the Stage 1 residual lots (with those residual lots intended to form part of future applications for Stage 2 under SSD-46983729 and Stage 3 under SSD-46983731). As such, there is no off-site export. Cut and fill diagrams are provided as part of the Civil Engineering Plans at **Appendix F**.

3.3.2 Retaining Walls

Retaining walls will also be constructed across the site where batter slopes cannot accommodate level changes and where the building pad levels will be cut down from the existing. The retaining walls will likely comprise a mix of boulder walls and face block or keystone products across the site. Of note, retaining walls adjacent to Lot 1 and Aldington Road have been tiered in response to Mamre Road DCP requirements, with landscaped buffers separating each wall as required (refer **Figure 3**).

This particular retaining wall is proposed to act as an entry statement into the broader Westlink estate, and is planted out with substantial numbers of trees, shrubs, ground cover and grasses.

Of particular note is the 'zig-zag' design of the retaining walls, which create larger spaces in the larger 'zags' that can support larger canopy trees, which will, over time, establish into larger canopy trees (**Figure 4**) including Grey Box and Forest Red Gum, both which are DCP trees and can grow to 30m and 50m in height respectively.

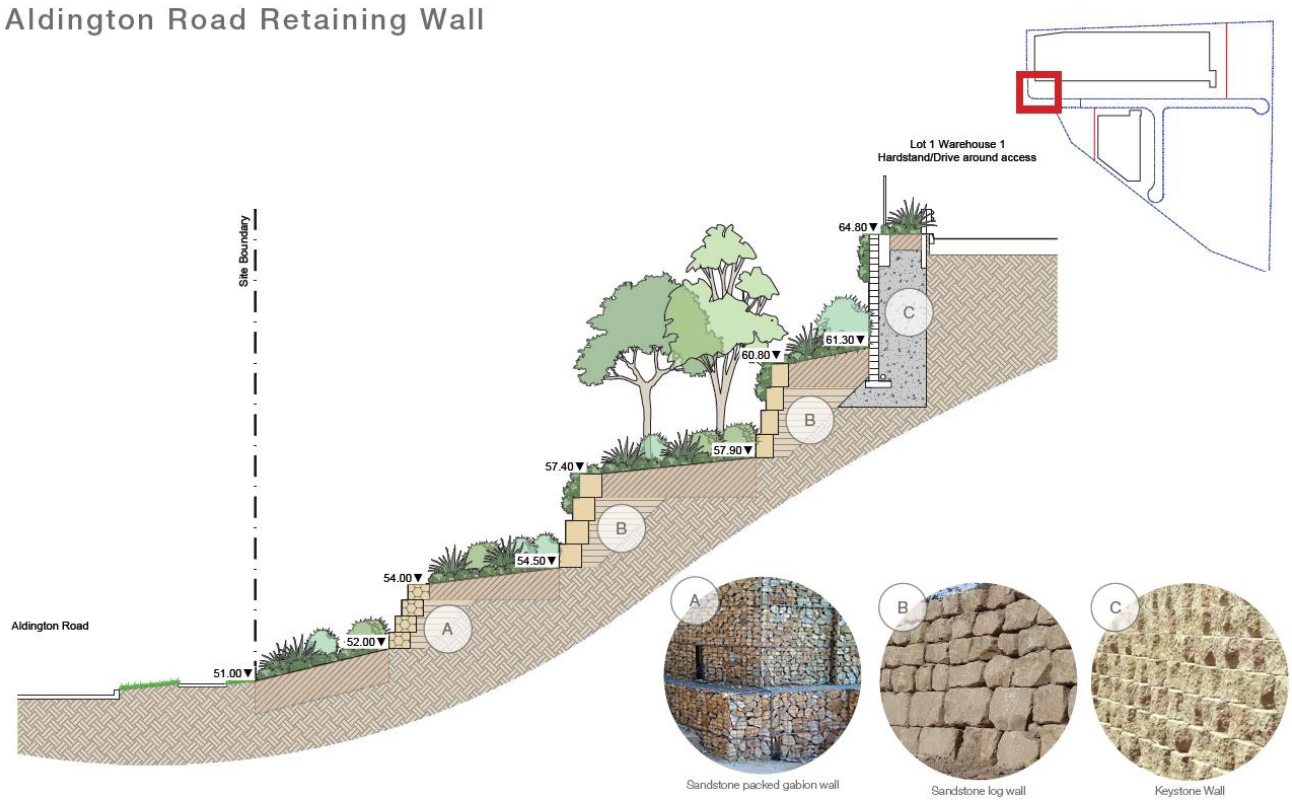

Figure 3 Proposed landscaping treatment of retaining wall adjacent to Aldington Road

Source: Site Image Landscape Architects

Figure 4 Plan view of Aldington Road retaining wall showing the zig-zag and larger canopy trees

Source: Site Image Landscape Architects

The retaining walls will be designed and constructed using standard industry practices and on a staged basis as required to suit the proposed earthworks. All retaining walls will have pedestrian and vehicular safety barriers (where required) in accordance with the Austroads Guidelines.

Figure 5 Montage of landscaping treatment of retaining wall adjacent to Aldington Road

Source: Site Image Landscape Architects

Figure 6 Montage of landscaping treatment of retaining wall at year 15

Source: Geoscapes

3.4 Site subdivision

The site is now proposed to be subdivided into five separate allotments. Lots 1 and 4 will comprise the two proposed industrial warehouse buildings as well as their ancillary offices.

The proposed subdivision will be undertaken in accordance with the Plan of Subdivision prepared by Land Partners Surveyors (refer **Appendix C**), an excerpt of which is shown below in **Figure 7**.

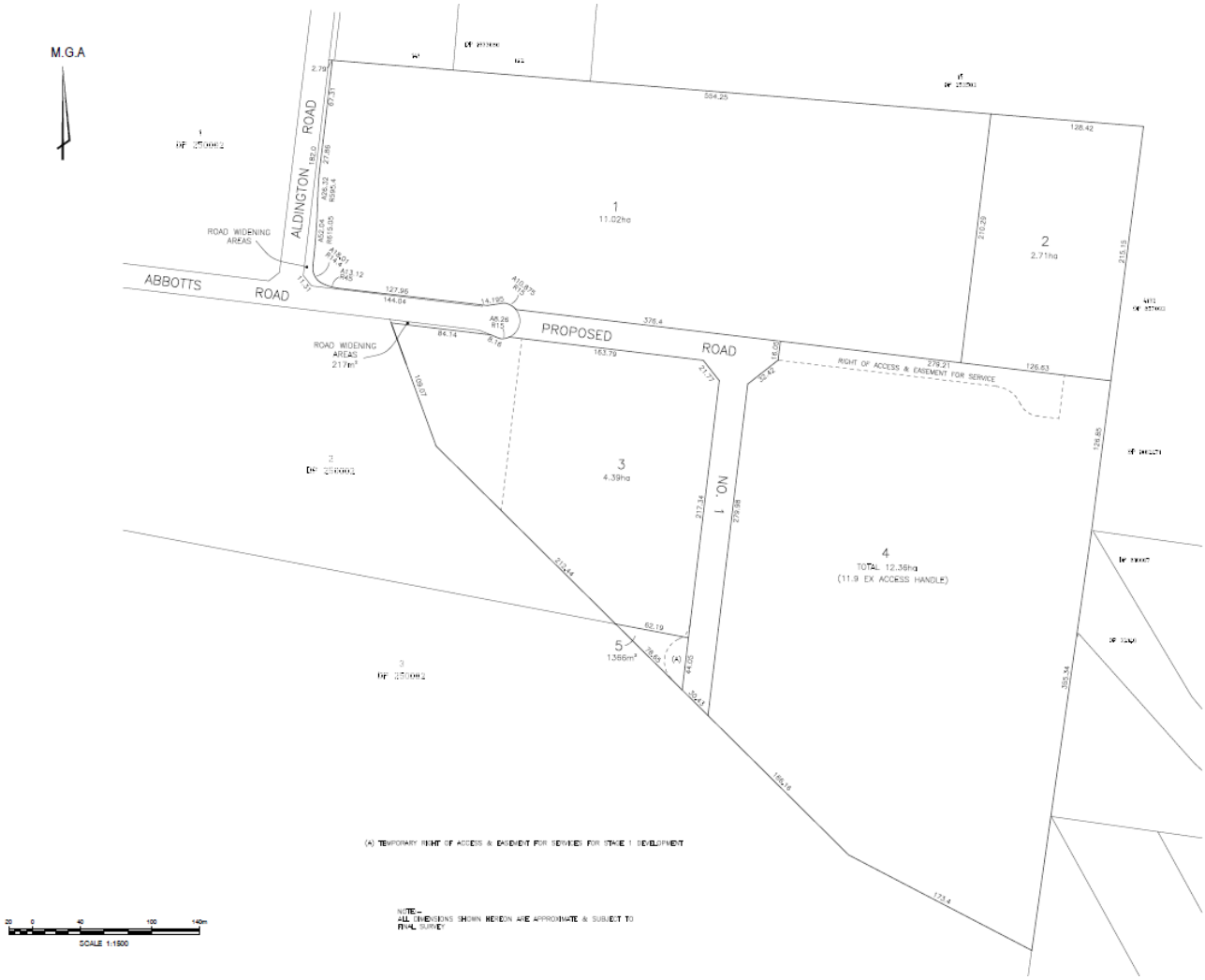

Figure 7 Proposed Plan of Subdivision

Source: Land Partners Surveyors

3.5 Built Form

The built form of the proposed warehouses is noted to be largely consistent with the previously proposed scheme. Whilst it has been noted that built form across Lots 2, 3, 5, 6 and 7 have been omitted as part of the revised scheme, amendments to the proposed built forms of Lots 1 and 4 can be summarised as follows:

- Approximately 4,000m^2 expansion to GFA on Lot 1, facilitated primarily through a revised building width at the Abbotts Road frontage
- 245m^2 reduction in GFA on Lot 4, facilitated through a revised building envelope to address the adjusted location of the internal access road.
- Increase in building heights to 15m and 16.8m (measured from pad level) for Lots 1 and 4 respectively, in response to specific requirements as notified by future tenants.

The design of the proposed warehouses with respect to general orientation, location of parking and hardstand areas remains consistent with the previous scheme. The proposed warehouses are depicted in more detail in the Architectural Plans provided at **Appendix A**, with an extract of the site section also provided below at **Figure 8**.

Lot 1 is proposed to have a finished surface level of RL65, with Lot 4 proposed to sit at RL66. The lowest spot point at the south-western corner of the proposed Lot 1 where the warehouse would sit, based on the survey provided as part of the Amended April 2022 package, is RL53, a difference of 12m from the finished pad level. Lot 4, again in

the south-western part of where the proposed warehouse would sit, has an existing spot point level of approximately RL60, 6m lower than the pad level of RL66.

Important to note is that the majority of each built form sits below the height limit of the site when measured from the existing ground level, noting that both Lot 1 and Lot 4 sit outside of the 250m buffer from rural residential land (noting adjoining land is zoned as C4 Environmental Living), and therefore have a 20m height limit under the Mamre Road DCP for compliance purposes – both which largely comply.

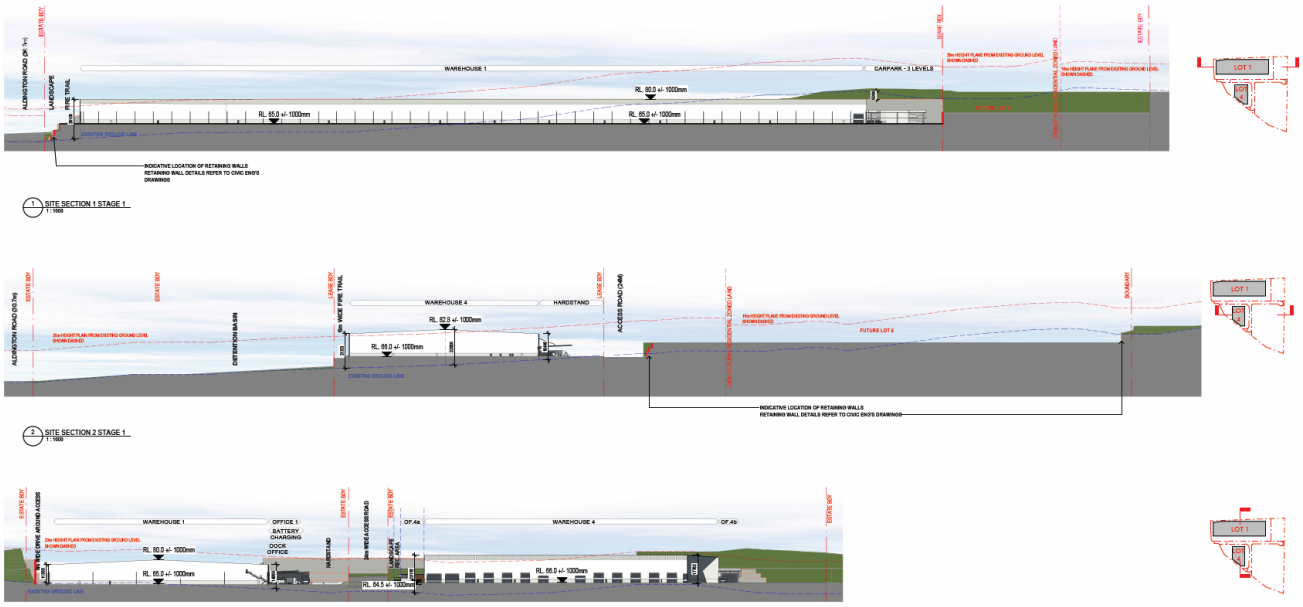

Figure 8 Site Sections

Source: Nettleton Tribe

3.6 Landscaping

The amended proposal will continue to utilise landscaping and urban design features to complement biodiversity values. Consistent with the previously amended scheme, landscaping for the site has been designed to respond to key interfaces with the public domain, adjoining properties and environmentally sensitive lands such as the rural residential properties of Mount Vernon. The landscape strategy for the site aims to reflect a consistent image and maintenance regime across the entire estate and respond to its unique site characteristics.

Proposed site landscaping works will be undertaken in accordance with the Landscape Plans prepared by Site Image Landscape Architects at **Appendix D**, and excerpt of which is provided in **Figure 9** below.

Figure 9 Proposed Landscape Concept

Source: Site Image Landscape Architects

3.7 Signage

The proposed development also seeks consent for freestanding pylon signs for the purposes of identification of the proposed industrial estate, directional signage, and tenant identification, as well as tenancy façade signs for the purposes of tenant identification. Specifically, the following signage is proposed at the site:

- 1x 10m high estate identification pylon sign cube (Signage Type 1);
- 7x directional wayfinding pylon signs (Signage Type 2);
- 3x tenancy identification pylon signs (Signage Type 3);
- 4x tenancy warehouse façade signage (Signage Type 5); and
- 4x tenancy office façade signage (Signage Type 6).

It is noted that the sizing and design of the proposed signage remains consistent with that proposed as part of the previous RTS/Amended SSDA Report, although noting that the extent and specific locations of each sign has been revised in accordance with the amended estate layout.

The location of the proposed signs is shown in the Estate Signage Plan within the Architectural Plans at **Appendix A**. The detail of the proposed signage is shown in the Signage Details, Colours and Material Schedule within the

Architectural Plans at **Appendix A**, an excerpt is provided in **Figure 10**.

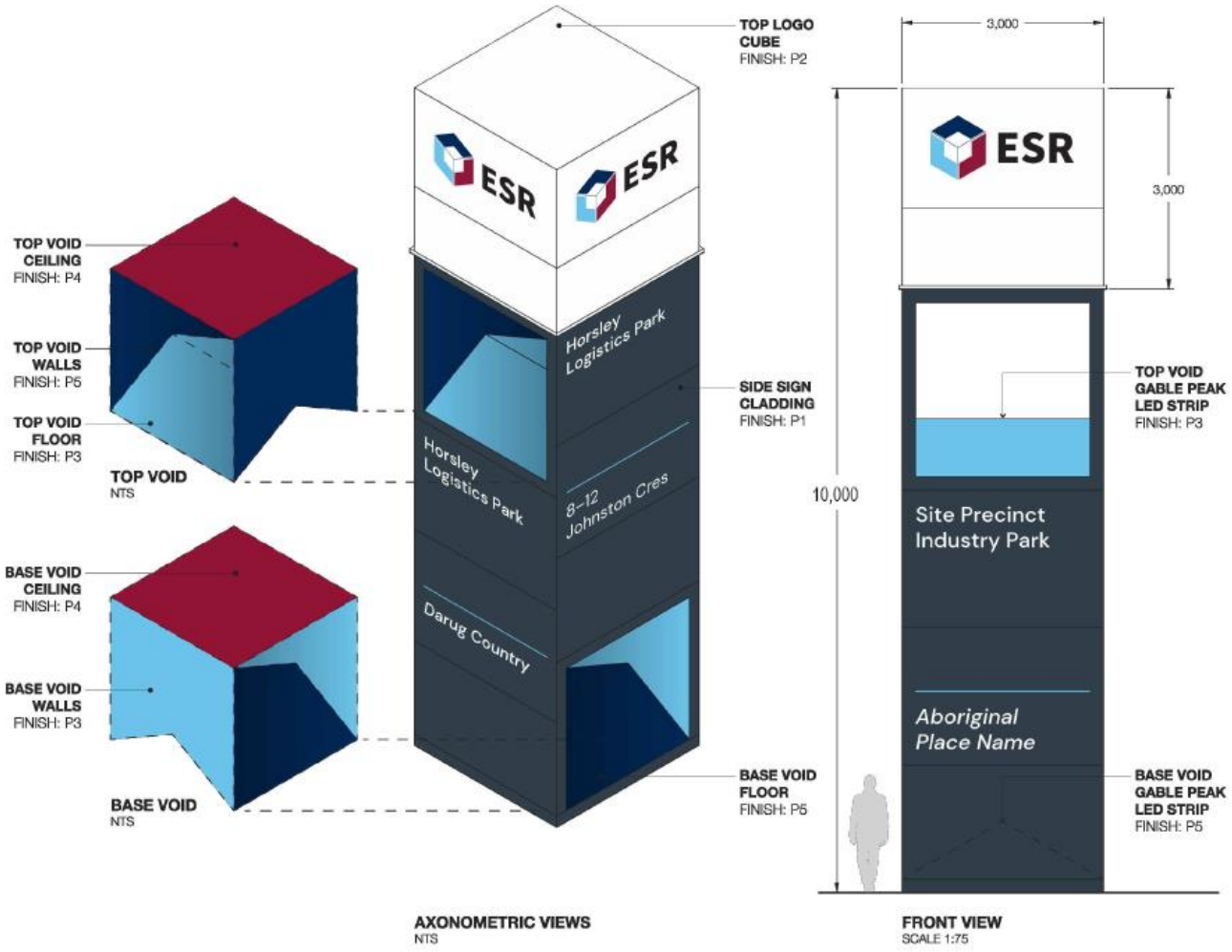

Figure 10 Excerpt of proposed estate entry signage design

Source: Nettleton Tribe

3.8 Site Access and Parking

Access to the proposed development is noted to replicate that of the previous scheme, with a three-way signalised intersection at the Abbotts and Aldington Road junction, sized appropriately to cater for B-doubles. Upgrade works are also anticipated adjacent to Lot 1's western boundary on Aldington Road to facilitate access to the site for the appropriately sized vehicles.

Likewise, the internal road network will remain consistent with the previous scheme, being constructed in accordance with the Penrith City Council design and construction specifications. Cul-de-sacs will be designed and constructed in accordance with the Council guidelines requiring a 16.5m radius, whilst the internal industrial access road will be accommodated for B-Double truck with a design speed of 60km/h.

The proposed internal road network is designed to meet the DCP road requirements, including the Abbotts and Aldington Road junction. A typical section of the proposed internal industrial road is shown at **Figure 11** below.

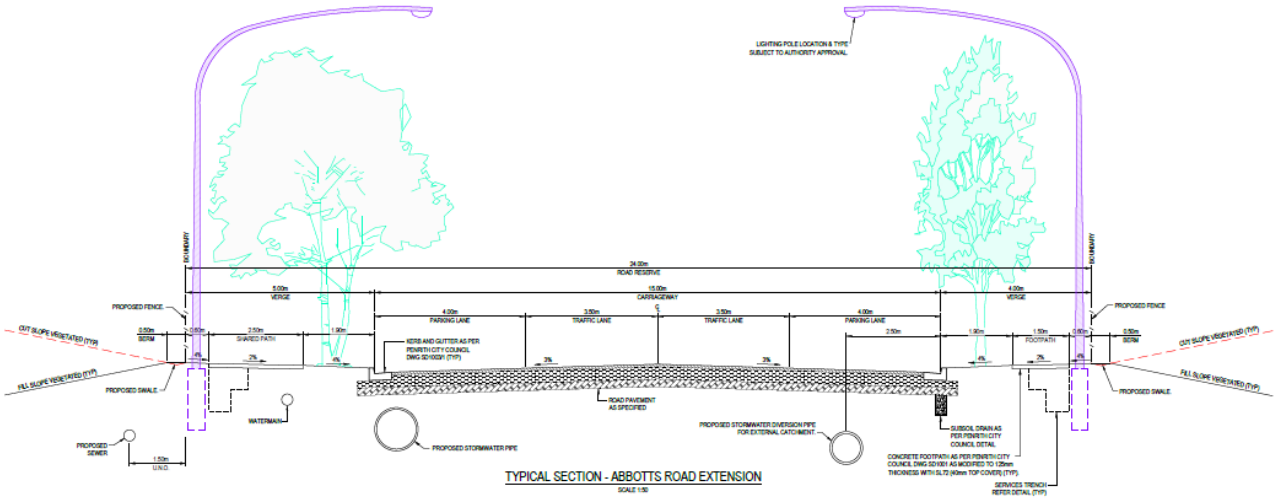

Figure 11 Typical road section – Abbotts Road extension (new internal road)

Source: AT&L

A total of 381 vehicular parking spaces will be provided across Lots 1 and 4, with a provision of 300 and 81 parking spaces respectively. Parking rates are noted to either meet or exceed RMS Requirements (*Guide to Traffic Generating Developments*).

3.9 Voluntary Planning Agreement (VPA)

The proposed development will provide works-in-kind arrangements with both NSW Government and Penrith City Council by way of two Voluntary Planning Agreements.

The State VPA seeks to upgrade of the Mamre Road / Abbott Road intersection upgrade (refer to **Appendix T** for the proposed works), which will allow the intersection to accommodate the proposed development. ESR is currently working through a draft VPA with NSW Government and liaising with Transport for NSW on the design. It is the intention for the intersection to be delivered prior to the completion of the first OC for the development.

The Council VPA looks to upgrade the remainder of Abbotts and Aldington Roads (refer to **Appendix U** and **Appendix V** for these proposed works, with the latter containing the proposed ultimate works package) to cater for industrial traffic along this corridor. ESR has submitted a letter of offer with two other developers to upgrade the corridor. This upgrade seeks to upgrade to the ultimate alignment for the developer's land and the existing road reservation. ESR has ongoing discussions with Penrith City Council on this VPA. The intent is for the construction of the road upgrade to be complete prior to the completion of the first Occupation Certificate for the development.

Details of the proposed road upgrades is provided in AT&L Civil Drawings at **Appendix F.**

4.0 Amended Planning Assessment

This section provides an updated planning and environmental assessment of the amended proposal. Note that the previous amendments to the Proposal as outlined in **Section 1.2** have been the subject of previous assessment which has already been provided to DPE as part of the SAR Report (dated April 2022).

In the first instance, it should be noted that given the nature of the proposed amendments and their significant reduction in built form and required construction works, it is considered that environmental impacts are generally mitigated in a proportionately significant manner. In some cases, it is noted that the anticipated environmental impacts are unchanged between the proposed development as amended and the previously exhibited scheme. These are identified where applicable in the below sections.

4.1 Statutory Context

4.1.1 Relevant EPIs, Policies and Guidelines

Development approval is sought for the project under the State Significant Development provision of Part 4 of the *Environmental Planning & Assessment Act 1979*. The section below outlines the amended projects compliance with the relevant requirements.

Declaration of State Significant Development

Development consent will continue to be sought under 'Division 4.7 - Stage Significant Development' of the EP&A Act. Section 4.36(2) of the EP&A Act states that:

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

Schedule 1 of *State Environmental Planning Policy (Planning Systems) 2021* lists development that is declared State significant development. Schedule 1 Clause 12 states:

> *12 Warehouses or distribution centres*
> *(1) Development that has a capital investment value of more than the relevant amount for the purpose of warehouses or distribution centres (including container storage facilities) at one location and related to the same operation.*
> *d(2) This section does not apply to development for the purposes of warehouses or distribution centres to which section 18 or 19 applies.*
> *(3) In this section—*
> *relevant amount means—*
> *(a) for development in relation to which the relevant environmental assessment requirements are notified under the Act on or before 31 May 2023—$30 million, or*
> *(b) for any other development—$50 million.*

As the amended proposal is still for a warehouse and distribution estate with a cost of more than $30 million, it remains declared State Significant Development.

4.1.2 Other Legislative Approvals

The following section outlines other legislative approvals required for the amended project in addition to a development consent under Division 4.7 of the EP&A Act.

Consistent Approvals

Section 4.42 of the EP&A Act stipulates that certain authorisations cannot be refused if they are necessary for carrying out State significant development. The following table lists legislative approvals that are required for the Project and cannot be refused if the Project is approved.

Table 3 Consistent Approvals under Section 4.42 of the EP&A Act

Act	Approval Required
Legislation that must be applied consistently	
Fisheries Management Act 1994	No
Mine Subsidence Compensation Act 1961	No
Mining Act 1992	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	Yes
Pipelines Act 1967	No

Commonwealth Environmental Protection and Biodiversity Act 1999

The *Environmental Protection and Biodiversity Act 1999* (EPBC Act) provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities, and heritage places. These are known as matters of National Environmental Significance. If the proposed development will, or is likely, to impact a matter of National Environmental Significance, then it is required to be referred to the Federal Department of the Environment for assessment to determine if it constitutes a 'controlled action' requiring EPBC approval. Presently, a bilateral agreement allows the Commonwealth Minister for the Environment to rely on the NSW environmental assessment process when assessing a controlled action under the EPBC Act.

Consistent with the previous scheme, the amended proposal is not likely to impact a matter of National Environmental Significance. Therefore, the Project is not required to be referred to the Federal Department of the Environment to determine if it constitutes a controlled action and the bilateral agreement applies.

Other Approvals

A s138 Roads Act approval is required for the proposed works to Aldington Road and Abbotts Road.

Approvals not required for State Significant Development

Section 4.41 of the EP&A Act stipulates that certain authorisations are not required for State significant development. The following legislative approvals would otherwise be required if the Project was not State significant.

Table 4 Legislation that does not apply

Legislation	Approval Otherwise Required
Legislation that does not apply to State Significant Development	
Fisheries Management Act 1994	No
Heritage Act 1977	No
National Parks and Wildlife Act 1974	No
Rural Fires Act 1997	No
Water Management Act 2000	Yes

4.1.3 Pre-Conditions to Exercising the Power to Grant Consent

The following section identifies pre-conditions to be fulfilled by the consent authority before exercising their power to grant development consent.

Table 5 Pre-Conditions

Legislation	Pre-Condition
Biodiversity Conservation Act 2016	Section 7.9 requires a development application for State significant development to be accompanied by a Biodiversity Development Assessment Report (BDAR). Section 7.14 requires the consent authority to take into consideration the likely impact of the proposed development on biodiversity values as assessed in the BDAR. A BDAR has been previously prepared for the proposed development and the findings and recommendations of this report remain applicable to the amended proposal.
State Environmental Planning Policy (Transport and Infrastructure) 2021	Section 2.121 requires the consent authority to provide Transport for NSW with written notice of the development application for developments considered a 'traffic generating activity'. The amended proposal is a 'traffic generating activity' as it is for a warehouse or distribution centre with a site area of more than 8,000sqm.
	Section 2.48 requires the consent authority to give written notice to the electricity supply authority for the area and take into consideration any response to that notice before granting consent to a development likely to affect an electricity transmission or distribution network. The amended proposal does not impact on any electricity transmission or distribution network.
State Environmental Planning Policy (Industry and Employment) 2021	Section 3.6 stipulates that a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied that: • the signage is consistent with the objectives of the SEPP, and • the signage satisfies the assessment criteria specified in Schedule 1 of the SEPP. Signage is proposed as part of this application and an assessment has been previously undertaken.
State Environmental Planning (Resilience and Hazards) 2021	Section 4.6 stipulates that a consent authority must not consent to the carrying out of development unless: • It has considered whether the land is contaminated, and • if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and • if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose. A Preliminary and Detailed Site Investigation has been previously undertaken for the development which identifies a number of areas of concern. A Remediation Action Plan was also prepared to provide for remediation of the site. Given the nature of the proposed amendments as part of this application, the findings and recommendations in these reports remain applicable.

4.1.4 Mandatory Matters for Consideration

The following section identifies matters that the consent authority is required to consider in deciding whether to grant consent to any development application.

Environmental Planning & Assessment Act 1979

Development in NSW is regulated pursuant to the EP&A Act, which sets out the procedures and objects for all development. Section 1.3 of the EP&A Act sets out the objects of the Act, which are as follows:

> *(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*

(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
(c) to promote the orderly and economic use and development of land,
(d) to promote the delivery and maintenance of affordable housing,
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
(g) to promote good design and amenity of the built environment,
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
(j) to provide increased opportunity for community participation in environmental planning and assessment.

The amended proposal continues to seek to develop an industry leading and connected employment precinct focused on quality, technology, flexibility and sustainability which complements the development of the Mamre Road Precinct and nearby Aerotropolis. The proposal involves the development of a warehouse and distribution estate development that is strategically aligned to the desired outcomes and use for the site and is consistent with the IN1 General Industry zoning of the site. Therefore, the amended proposal promotes the orderly and economic use of the site.

The development has been evaluated and assessed against the relevant heads of consideration under Section 4.15(1) of the EP&A Act as addressed in this section and throughout the EIS.

State Environmental Planning Policy (Resilience and Hazards) 2021

Section 3.12 of the *State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP) provides a systematic approach to planning and assessing proposals for potentially hazardous and offensive development for the purpose of industry or storage. Chapter 3 applies to any proposals which fall under the policy's definition of 'potentially hazardous industry' or 'potentially offensive industry'. The works are not considered to fall within these definitions.

4.1.5 Additional Matters for Consideration

Other matters to be considered are addressed below.

Protection of the Environment Operations Act 1997

The *Protection of the Environment Operations Act 1997* (POEO Act) regulates operations which have the potential to harm the environment. Schedule 1 of the POEO Act specifies development that is classified as a scheduled activity. Pursuant to Schedule 1 Clause 39(2)(e), the proposed development does not comprise of works classified as a scheduled activity.

Water Management Act 2000

The proposed development would, if not for s4.41 of the EP&A Act, require a controlled activity approval under Section 91 of the *Water Management Act 2000* for works on waterfront land as it proposes works within the 40m buffer zone surrounding the mapped watercourse in the southern part of the site.

Roads Act 1993

The proposal involves the construction of an internal road network and works to Aldington Road and Abbotts Road. The approval of Transport for NSW under Section 130 of the Roads Act 1993 will be required for necessary road works. Pursuant to Section 4.42 of the EP&A Act, the Section 138 Roads Act approval from Transport for NSW must be consistent with the SSD consent.

Heritage Act 1977

The *Heritage Act 1977* provides for the protection of historic heritage and includes a process for listing of heritage deposits and/or relics that are of State significance on the State Heritage Register and those that are of Local significance on the State Heritage Inventory. There are no heritage items on the site however there is a heritage item to the north of the site which has been considered as part of the amended proposal.

National Parks and Wildlife Act 1974

The National Parks and Wildlife Act 1974 provides for the protection of Aboriginal cultural heritage. An Aboriginal Cultural Heritage Assessment Report has been previously prepared for the site, with its findings and recommendations remaining applicable to the development as amended.

Rural Fires Act 1997

The *Rural Fires Act 1997* establishes a duty for owners and occupiers of land to prevent bushfires and provide for bushfire protection measures including hazard reduction. The proposed development is occurring on land identified as being bushfire prone. Notwithstanding this, a revised Bushfire Assessment has not been undertaken as the assessment and recommendations contained in the Bushfire Assessment Report prepared for the previous scheme remain applicable for the amended proposal.

State Environmental Planning Policy (Industry and Employment) 2021
Chapter 2 – Western Sydney Employment Area

The Industry and Employment SEPP provides consistent zoning and development control provisions to facilitate development of the area known as the Western Sydney Employment Area (WSEA) for the purposes of employment and industry. By virtue of this, the Industry and Employment SEPP is the primary Environmental Planning Instrument applicable to the site.

The Industry and Employment SEPP governs land use across a wide range of areas, including the Mamre Road Precinct which the subject site is part of. As previously discussed, the Industry and Employment SEPP primarily zones the subject land as IN1 General Industrial. The intent of this framework is to facilitate future development in the Mamre Road Precinct which can support in-demand industrial land supply.

The corresponding uses proposed as part of this SSDA are permissible and consistent with the respective zoning objectives.

The SEPP also requires that an application address potential impacts on the operation of the Western Sydney Airport with regard to aircraft noise, airspace operations and potential bird or wildlife attraction.

A summary of the amended proposal's consistency with the Industry and Employment SEPP is provided in **Table 6** below.

Table 6 Summary of proposed development's consistency with the relevant provisions of the Industry and Employment SEPP

Clause	Assessment
2.10 – Zone Objectives and Land Use Table	As aforementioned, the site is zoned IN1 General Industrial pursuant to the Industry and Employment SEPP. The proposed development for the purposes of warehouses and distribution centres is permissible with consent and is consistent with the relevant objectives of the zone to encourage employment opportunities and facilitate a wide range of employment-generating land uses.
2.12 – Subdivision – consent requirements	Since the proposed development involves subdivision of the land, consent is required.
2.14 – Demolition requires development consent	Since the proposed development involves demolition of existing structures and clearing of land, consent is required.

Clause	Assessment
2.17 – Requirements for development control plans (DCP)	As noted above, the Mamre Road Precinct Development Control Plan has been prepared for the entirety of the Mamre Road Precinct by DPE and encompasses the subject site. The design and built form of the proposed development responds to the requirements of the DCP. A comprehensive analysis of the proposal's compliance with the Mamre Road DCP is provided at **Appendix R.**
2.19 – Ecologically Sustainable Development	The proposed development encompasses ecologically sustainable development principles, as outlined in the ESD Report prepared by SLR Consulting at **Appendix P**.
2.20 – Height of Buildings	The maximum height of buildings has been informed by tenant specific requirements in the context of a detailed analysis of the topography of the site, cut and fill balance requirements and consideration of the adjoining Mount Vernon area, noting the nearby hill.
2.21 – Rainwater Harvesting	The proposed development includes a rainwater tank for each building connected to roof space for rainwater harvesting. This is referred to in **Appendix E.**
2.22 – Development adjoining residential land	The eastern boundary of the site has been identified as 'Transition to rural' and must be compatible with the adjacent R5 Large Lot Residential zoning at Mount Vernon. The design of the amended proposal sensitively responds to this issue,
2.23 – Development involving subdivision	The proposed subdivision has been facilitated to most appropriately orientate the lots to deliver employment generating land uses. As such, it is considered that the proposed subdivision layout will not have any adverse impacts on the supply of land for employment generating purposes.
2.24 – Public Utility Infrastructure	The Civil Engineering Plans and Report have assessed the public utility infrastructure requirements needed to support the proposed development. The assessment concludes that wastewater, potable water, power and telecommunications can be made available to the site to support the proposed development. Refer **Appendix E**.
2.25 – Development on or in vicinity of proposed transport infrastructure routes	The development is not located on or within close proximity to a proposed transport infrastructure route.
2.27 – Relevant acquisition authority	Any land zoned as SP2 is to be acquired by TfNSW.
2.28 - Industrial Release Area – satisfactory arrangements for the provision of regional transport infrastructure services	Satisfactory arrangements are proposed to be satisfied by way of works in kind (by way of a Voluntary Planning Agreement) for the upgrade of the Mamre Road / Abbott Road intersection. This has not changed as part of the amended proposal. While ESR intend to enter into a VPA for the provision of infrastructure., satisfactory arrangements for Clause 2.28 are already met via the implementation of the Western Sydney Aerotropolis SIC.
2.30 – Design Principles	An Urban Design Report has been prepared by Nettleton Tribe for the amended proposal and is attached to this report at **Appendix B**. The report outlines the design principles which have guided the design of the proposed development with regards to scale and compatibility, landscaping, and materiality.
2.31 – Preservation of trees or vegetation	The site does not contain prescribed trees by an existing development control plan.
2.34 – Development of land within or adjacent to transport investigation area	The site is not within a transport investigation area.
2.35 – Development within the Mamre Road Precinct	The site is located in the Mamre Road Precinct and has a capital investment value in excess of $200,000. Concurrence with Transport for NSW will be required under this clause for the amended proposal.
2.36 – Development in areas subject aircraft noise	While the proposed development is proximate to the new Airport, it does not propose any sensitive land uses such as residential or childcare centres, and the uses proposed (being warehouses and distribution centres), will not result in any significant air emissions.

Clause	Assessment
2.37 – Airspace operations	Therefore, the proposed amended development will not result in any impacts to airspace operations.
2.38 – Development of land adjacent to airport	The proposed amended development is located within 13km from the Airport boundary but will not attract birds or animals and will not impact on airport operations in the area.
2.40 – Earthworks	Consent is sought for earthworks, in accordance with the requirement of this clause. The proposed earthworks will not disrupt or have a detrimental effect on drainage patterns or soil stability or result in any adverse environmental impacts in general; and is required to carry out the proposed amended development.
2.41 – Development on flood prone land	The site is not identified as being flood prone land under the Penrith Overland Flow Study. Sedimentation and erosion control and stormwater management is addressed in the Civil Infrastructure Report prepared by AT&L at **Appendix E.** Further analysis is provided in the Flood Impact Assessment and Flood Risk Assessment by Cardno at **Appendix L**, which identifies that the proposed works result in an improvement of flood conditions on the site for a 100 year ARI event (with further events considered at **Appendix L**).
2.42 – Heritage Conservation	No heritage items are located on the site, and the site is not located within a Heritage Conservation Area. Nevertheless, as the site is located in close proximity to two Heritage items a Heritage Impact Statement has been prepared by Urbis and is attached to this report at **Appendix K** for the amended proposal.
2.43 – Consent for clearing native vegetation	As previously outlined in the SAR Report and EIS submitted alongside SSD-9138102, there are no impacts from clearing on the site given it is largely cleared and used for grazing.
2.44 – Stormwater, water quality and water sensitive design	The proposed amended development will incorporate water quality and water sensitive urban design measures.

Chapter 3 – Advertising and Signage

Chapter 3 – Advertising and Signage of the Industry and Employment SEPP applies to advertising and signage within NSW. The proposed signage complies with the assessment criteria in Chapter 3 of the Industry and Employment SEPP as follows:

- The signage is commensurate with the future character of the area and is suitable given its location within an industrial estate;
- The signage will be located on a facility within a future industrial area. It will not detract from the amenity or visual quality of any sensitive areas;
- The signage does not block views or vistas or penetrate the skyline;
- The proposed signage is commensurate with the nature of the proposed facility, which has been designed to assist in wayfinding and tenancy identification;
- The signage may contain internal illumination;
- Illumination or lighting could be managed to ensure no adverse impacts; however, it is noted that there is no sensitive receivers surrounding the site; and
- The signage will not impede safety sightlines.

Schedule 5 of the Industry and Employment SEPP contains assessment criteria that are to be considered by the consent authority. As aforementioned in **Section 3.7**, while the amended proposal results in the relocation of proposed signs from that originally proposed, there is no change to the original assessment undertaken for the previous scheme.

Mamre Road Development Control Plan 2021

The site is located within the area identified within the Mamre Road Development Control Plan, which came into force in November 2021 (post-exhibition of the original SSDA). A detailed assessment against the Mamre Road DCP is provided at **Appendix R**, and it is noted that the proposal is generally consistent with the applicable

controls and satisfies the relevant objectives of the DCP as appropriate. Where deviations from the controls are proposed, they are justified within **Appendix R**.

Notwithstanding, certain controls have been identified as the main non-compliances and are given further justification below. Clause 1.5.2 of the Mamre Road DCP stipulates that a proposed departure from the development controls will only be considered where the written justification demonstrates:

- *Why the controls are unreasonable or unnecessary in the circumstances.*
- *How the development will achieve the aims and objectives of the DCP, Precinct Structure Plan, and Precinct Plan under the State Environmental Planning Policy (Western Sydney Employment Area) 2009 despite the proposed departure.*
- *What innovative and improved outcomes will be achieved to justify the departure.*
- *That coordinated and orderly development outcomes will be achieved, including a suitable interface with adjoining sites in terms of finished ground levels.*
- *The departure would not result in unacceptable impacts on other sites, nor make it difficult for other sites to comply with the Structure Plan. Where inconsistencies with the DCP may have the potential to significantly impact adjoining landowners, written evidence of consultation with those landowners and support for an agreed alternative solution is required.*
- *The departure would not impact on accessibility to sites in the precinct and the safety and efficiency of the proposed road system and its relationship to the broader road network.*

The following elements of the DCP are proposed to be varied by this application as justified below in each section.

Section 3.2 Views and Visual Impact, Control 2

2) Site design shall retain visual connection with the blue-green network, ridge lines and vistas.

Section 4.2.3 Landscaping, Control 5

5) Existing remnant vegetation and paddock trees shall be retained within setback areas and enhanced as an integral part of the landscaping proposals for each development.

The proposal removes vegetation across the site and impacts on ridgelines due to the cut and fill required to deliver industrial development.

Table 7 Section 3.2 and 4.2.3 Variation Justification

Requirement	Response
Why the controls are unreasonable or unnecessary in the circumstances.	The design of the site has been facilitated for the primary purpose to create a layout that is commensurate to industrial development. In doing this, visual connections to the blue-green network have not been completely retained, notwithstanding that the site is not located in close proximity to any conservation or recreation zoned land nor identified riparian corridors. The design of the site has been facilitated for the primary purpose to create a layout that is commensurate to industrial development and freight operations. In doing this, visual connections to the blue-green network have not been completely retained. As described above to provide for the intended development of the site cut and fill is required that reduces the existing ridges to developable levels – this cut and fill is also required to enact the proposed road network as outlined under the DCP. Given the extensive cut and fill earthworks required to grade the site for industrial development, it is impractical to retain existing remnant vegetation within the setback areas. Notwithstanding, the extensive landscaping that is proposed as part of the development will act to offset this.

Requirement	Response
How the development will achieve the aims and objectives of the DCP, Precinct Structure Plan, and Precinct Plan under the State Environmental Planning Policy (Western Sydney Employment Area) 2009 despite the proposed departure.	The proposal satisfies the objective for views and visual impacts (3.2(b)) as it protects significant landscape features and view corridors, through providing industrial development generally below the view corridor that is identified within the DCP. As described previously, the existing ridgelines on the site are not conducive to the typology envisaged for the site. In addition, these view corridors are retained through the substantial vegetation proposed for the site. Furthermore, the higher levels associated with the Mount Vernon area to the east, combined with the cut and fill proposed across the site, ensures that Mount Vernon remains as the higher point in this area of the Precinct.
What innovative and improved outcomes will be achieved to justify the departure.	Substantial landscaping is proposed across the site to ensure a green aesthetic along road corridors.
That coordinated and orderly development outcomes will be achieved, including a suitable interface with adjoining sites in terms of finished ground levels.	Non-compliance with this control does not impact on adjoining sites or the ability to deliver coordinated and orderly development outcomes.
The departure would not result in unacceptable impacts on other sites, nor make it difficult for other sites to comply with the Structure Plan. Where inconsistencies with the DCP may have the potential to significantly impact adjoining landowners, written evidence of consultation with those landowners and support for an agreed alternative solution is required.	The proposed variation relates internally to the site and does not preclude other sites from complying with the structure plan.
The departure would not impact on accessibility to sites in the precinct and the safety and efficiency of the proposed road system and its relationship to the broader road network.	As aforementioned, the proposed variation does not impact on accessibility for any adjoining sites and does not preclude the delivery of the DCP road network.

The proposed variation is considered acceptable.

Section 3.4.1 Road Network, Hierarchy and Design, Control 3

3) The Precinct shall be developed generally in accordance with the desired road network structure and hierarchy (Figure 12). The road network will comprise the arterial roads of Mamre Road and the future Southern Link Road (Movement Corridors), Aldington Road/ Abbotts Road (distributor road) and an indicative internal industrial local and collector road network.

The proposed development seeks to re-align the north-south local industrial road corridor further to the west then indicated within Figure 12 of the Mamre Road DCP. Justification for this is provided below. It is noted that the road hierarchy in the Mamre Road DCP is identified as indicative in nature, and the adjustments made in this amended application reflects the changes from that as originally lodged.

Table 8 Section 3.4.1 Variation Justification

Requirement	Response
Why the controls are unreasonable or unnecessary in the circumstances.	The proposed development's road network is generally consistent with Figure 12 of the DCP. As part of the amended proposal, the North-South internal access road has been shifted slightly west to accommodate the revised estate layout, noting that additional warehouses will form part of future DA's and will respond to the revised internal road location. Whilst this location is technically inconsistent with the DCP (noting however the DCP provides that the road network is indicative only), it does not preclude the overarching objectives of the DCP from being achieved, including a safe road network, maintaining the capacity of Mamre Road and the Southern Link Road, and encouraging the orderly and economic provision of road and intersection works. As well as this, notwithstanding the shifted road location, this does not preclude the remainder of the DCP road network from being delivered as envisaged, and the minor deviation from the DCP will continue to ensure industrial development can be delivered.
How the development will achieve the aims and objectives of the DCP, Precinct Structure Plan, and Precinct Plan under the State Environmental Planning Policy (Western Sydney Employment Area) 2009 despite the proposed departure.	The proposed road adjustment satisfies the objectives of the DCP, particularly for the Transport Network Section 3.4.1 as it: a) continues to enable a road network that is safe and efficient for all users and minimises through traffic on minor roads. b) encourages the use of public transport, bicycles and walking. c) provides safe and efficient access to Mamre Road for all road users (light vehicles, heavy vehicles, pedestrians and cyclists), while minimising the number of road entry points. d) maintains the capacity of Mamre Road and proposed Southern Link Road. e) provides better connectivity between the Precinct and other parts of WSEA. f) encourages the orderly and economic provision of road and intersection works. Furthermore, the adjustment will enable the delivery of future stages of Westlink, while providing a generally consistent north-south road alignment with that envisaged in the DCP. This will satisfy the needs of future tenants, noting that the industrial market requires larger floorplates than previous decades, given the change in logistics and general expectations for the industry.
What innovative and improved outcomes will be achieved to justify the departure.	The adjustment of the north-south road corridor will provide with a further buffer from the road to the neighbouring rural residential area of Mount Vernon, and provide for future built form as part of separate applications to be delivered. The re-alignment moves the road further away from the slopes of Mount Vernon, creating the ability to provide a flatter road profile and minimise cut and fill.
That coordinated and orderly development outcomes will be achieved, including a suitable interface with adjoining sites in terms of finished ground levels.	The road has been designed in a manner to minimise cut and fill, noting the balance that has been developed across the broader Westlink site. Levels have been considered, but noting that this road sits within the Westlink site boundaries, it does not impact on adjoining or neighbouring sites.
The departure would not result in unacceptable impacts on other sites, nor make it difficult for other sites to comply with the Structure Plan. Where inconsistencies with the DCP may have the potential to significantly impact adjoining landowners, written evidence of consultation with those landowners and support for an	ESR have undertaken consultation in the week of 3 October 2022 with the adjoining neighbours to the south (1066-1078 Mamre Road and 1080-1094 Mamre Road), both who have not raised any concerns with the re-alignment of the road as proposed.

Requirement	Response
agreed alternative solution is required.	
The departure would not impact on accessibility to sites in the precinct and the safety and efficiency of the proposed road system and its relationship to the broader road network.	The proposed road adjustment does not impact on the ability to deliver the road system as envisaged under the DCP or impact on its connectivity to the broader road network.

The proposed variation is considered acceptable.

Section 4.2.1 Building Height, Control 2, Control 3

2) Buildings should not exceed a maximum height of 16m from the existing ground level within 250m of a rural-residential zone. For all other sites, a maximum building height of 20m from existing ground level is permitted.
3) Should the nature of the business require that part of the building exceeds the 20m building height control (e.g. high bay warehouses), the proponent must demonstrate that the taller element will not create unacceptable solar, wind and visual impacts to surrounding sensitive uses or impact on the environmental and open space lands or the public domain.

The broader Westlink site is within 250m of surrounding rural-residential (land zoned C4 Environmental Limit) land. It is noted that the majority of Lot 1 sits outside of the 250m buffer zone (**Figure 12**) to rural residential land, with only the office component being subject to a 16m height limit and the balance of the site being subject to a 20m height limit. Lot 4 sits fully outside the 250m buffer zone and therefore has a 20m height limit under the DCP.

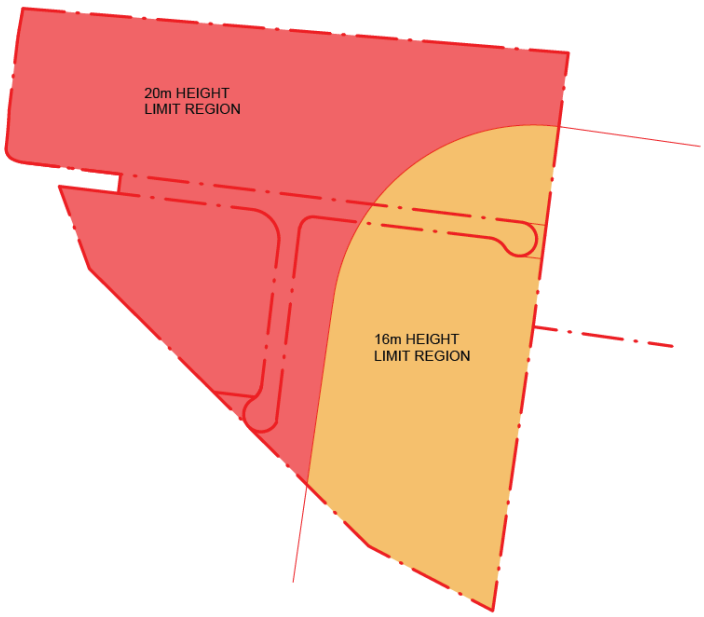

Figure 12 Site figure showing the height controls

Source: Nettleton Tribe

Figure 13 below highlights the part of the built form that exceeds the height limit (red). It is important to note that a greater area of Warehouse 1 sits below the existing ground level (blue), than the area that exceeds the 20m height limit.

Figure 13 Building height exceedances

Source: Nettleton Tribe

As shown in the detailed site sections at **Appendix A**, the exceedances of the height limit are relatively minor and purely relate to the natural slope of the existing ground level prior to the earthworks required to create the level flat building pads for the industrial warehouse building typology.

Table 9 Section 4.2.1 Variation Justification

Requirement	Response
Why the controls are unreasonable or unnecessary in the circumstances.	As shown at **Appendix A**, 14% of the Lot 1 warehouse roof area encroaches on the height limit (with a maximum height from existing ground level of 24.1m at the western end of the building), due to the cut and fill required to support the large pad size. This exceedance is located within the south-western part of the warehouse building adjoining Aldington Road. For Lot 4, 61% of the building encroaches into the height limit of 20m (with a maximum height of 23.152m from existing ground level), however again, this is due to the existing topography of the land and the earthworks required to create the flat pads for the industrial typologies envisaged in the Mamre Road Precinct. Heights are shown on certain plans using spot points from survey data to assist. Overall, only 24% of the total combined warehouse roof area encroaches (20,495m^2 or 83,781m^2). It is noted that the DCP allows for exceedances of the 20m height limit depending on the nature of the business proposed – in this case, logistics. As discussed above, there are variations to the 20m height limit based on the existing topography of the site and the need to provide a balanced cut and fill, noting that while this is a height breach of the existing ground level the nearby rural residential receivers will remain at a higher RL than the top of the two proposed warehouse buildings. These variations are considered appropriate in the broader context of the site. Importantly, the building

Requirement	Response
	heights proposed still achieve compliance with the objectives of the building height Section 4.2.1 in the DCP, in that: • Building form response to the topography of the site and relative position of the allotments to other allotments; • The scale of the buildings is consistent with market demands as required in Western Sydney to support and complement the broader Aerotropolis; • Views are retained noting the adjoining C4 Environmental Living land sits higher than the site; and • The impact of the buildings on the surrounding environment has been considered and mitigated where practical. Further, the proposed height exceedances do not impact on unacceptable solar, wind or visual impacts to surrounding uses or the environment.
How the development will achieve the aims and objectives of the DCP, Precinct Structure Plan, and Precinct Plan under the State Environmental Planning Policy (Western Sydney Employment Area) 2009 despite the proposed departure.	The development still satisfies the objectives of the DCP, Structure Plan and I&E SEPP as it will ensure delivery of industrial focused development, notwithstanding the height exceedance of the DCP control. Furthermore, the height of the buildings still sits lower than the height of the eastern Mount Vernon
What innovative and improved outcomes will be achieved to justify the departure.	As previously described, the adjustments to cut and fill provide for a balance across the broader Westlink site, which would not be achieved should levels be required to change to lower the building height. Provision of a cut and fill balance is considered a more appropriate result to minimise fill wastage and export off-site.
That coordinated and orderly development outcomes will be achieved, including a suitable interface with adjoining sites in terms of finished ground levels.	Levels of the proposal have been considered in terms of the interface with adjoining sites, noting that there is a proposed landscaped entry feature at the entry to the Westlink estate. The adjoining lot to the north has been considered and it is noted that the Lot 1 site sits lower than the northern neighbour, with a retaining wall proposed in this location to accommodate the change in level.
The departure would not result in unacceptable impacts on other sites, nor make it difficult for other sites to comply with the Structure Plan. Where inconsistencies with the DCP may have the potential to significantly impact adjoining landowners, written evidence of consultation with those landowners and support for an agreed alternative solution is required.	The proposed building height exceedance does not impact on adjoining properties or reduce the ability for other sites to be developed in a manner consistent with the Structure Plan.
The departure would not impact on accessibility to sites in the precinct and the safety and efficiency of the proposed road system and its relationship to the broader road network.	The proposed building height exceedance does not impact on adjoining properties ability to be accessed from the broader road network.

The proposed variation is considered acceptable.

Section 4.4.1 Development on Sloping Sites, Control 6, Control 7, Control 8

6) Finished ground levels adjacent to the public domain or public road shall be no greater than 1.0m above the finished road level (or public domain level).
7) Where a level difference must exceed 1.0m and adjoins the public domain or public road, the retaining wall must be tiered. Each retaining wall tier element shall be no more than 2.0m. A 1.5m wide deep soil zone with suitable landscaping is to be provided between each tier. An indicative tiered retaining wall is shown in Figure 23. The maximum cumulative height of any retaining walls adjoining the public domain is 6.0m.
8) The toe (fill retaining wall) or top (cut retaining wall) of all retaining walls are to be setback 2.0m into the property boundary and the setback is to be suitably landscaped.

There are several retaining walls proposed across the site, however of these, only the following front the public domain, requiring compliance with the above controls:

- RW-Lot 1-01, located on Lot 1 at the entry to the Westlink estate; and
- TRW-Lot 5-02, being a temporary retaining wall located on Lot 5, not proposed to contain built form under this application.

All other retaining walls are located within private lots and do not front the public domain.

In particular, this justification relates to the Lot 1 retaining wall given the Lot 5 wall is temporary in nature, pending future applications for Stage 2 and 3 of the Westlink estate.

The proposed retaining wall for Lot 1 (RW-Lot1-01) is tiered in accordance with the DCP requirements. A cross section of the proposed retaining wall arrangement is included in the Landscape Plans at **Appendix D** as this is intended to be an entry feature of the estate to manage level changes in an appealing manner through the proposed landscaping. Level differences will be less than 1.0m adjacent to the public domain and roadways for all lots except Lot 1.

It is noted that the original SSDA application as exhibited required a 23,500m^3 export of fill, whereas the revised design now proposed no export. This amendment has also resulted in the change in design of this Lot 1 retaining wall from that as exhibited, as summarised below in **Table 10**.

Table 10 Comparison of original Lot 1 retaining wall and amended Lot 1 retaining wall

Exhibited SSDA	Revised SSDA
Cut and Fill	**Cut and Fill**
• Net Cut: 709,300m^3 • Net Fill: 685,800m^3 • Balance: 23,500m^3 export	• Net Cut: 728,890m^3 • Net Fill: 475,790m^3 • Balance: 212,610m^3 (to be filled across Stage 1 residual lot – no export)
Retaining Wall Design	**Retaining Wall Design**
• Three Tiers • 3m high retaining walls on first two tiers • 1.4m high retaining wall on top tier • 1.5m width tier • Limited landscaping proposed between retaining walls.	• Three – four tiers • 2m high retaining walls on first three tiers – DCP compliance • Max. 4m high retaining wall on top tier. Four tier retaining wall only exists at the corner of Abbotts/Aldington Road. As the lot moves north and east, the RL difference between the road and lot becomes less pronounced as RLs increase due to the road gradient. • Significant landscape battering of 1:3 between each tier to support planting of trees and vegetation. Preliminary engineering design has shown that trees and vegetation can be supported within this zone. • Retaining wall articulation at the corner (zig-zag) to provide break in façade and make the gateway to the estate. Spacing between retaining walls vary from 1m – 7m to support vegetation and planting.

Substantial work has occurred to stagger the retaining walls in this location and provide an aesthetically pleasing appearance that accommodates the balance cut and fill achieved across the broader site. The RW-Lot1-01 wall has a maximum height of 12.2m (with minor battering between levels), which is broken up into intervals, with the first three retaining walls are proposed at 2.9m high intervals, with the final at 3.5m to provide the large, flat

development pad required to support this industrial development typology that is envisaged within the Mamre Road Precinct.

It is noted that the retaining walls are not proposed in straight lines, rather are zig-zag in nature, which provides opportunities for larger trees to be planted in larger areas created through the design. Furthermore, the expansive, dense landscaping proposed will ultimately result in a highly vegetated slope that will reduce the appearance of the retaining walls to fleeting glances between vegetated elements.

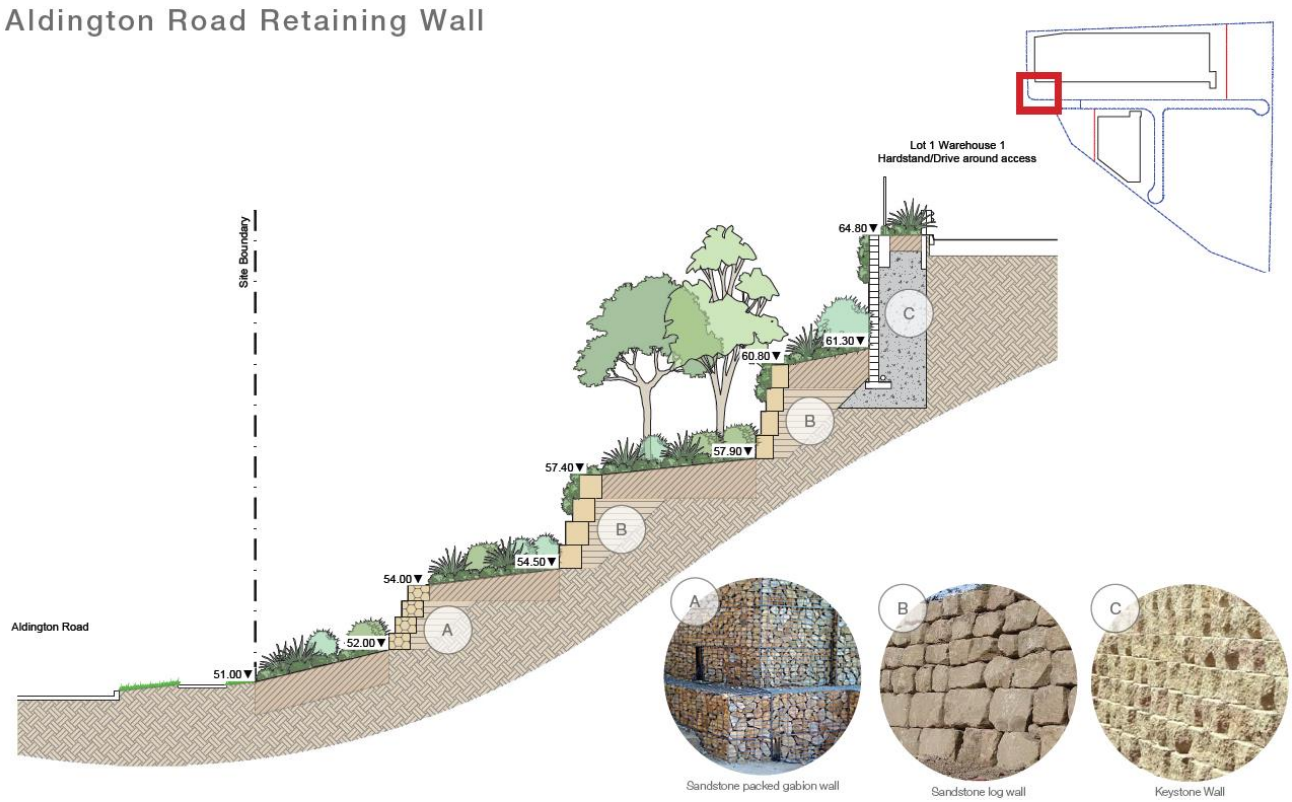

Figure 14 Proposed landscaping treatment of retaining wall adjacent to Aldington Road

Source: Site Image Landscape Architects

Table 11 DCP Non-compliance justification regarding retaining walls and earthworks

Requirement	Response
Why the controls are unreasonable or unnecessary in the circumstances.	The steep, undulating topography of the site presents significant challenges with respect to facilitating flat development pads that are conducive to large scale industrial development (consistent with the desired outcomes of the I&E SEPP and the Mamre Road DCP and Structure Plan), whilst being mindful of attempting to balance cut and fill earthworks as well as the usage of retaining walls. By extension, with regards to the proposed retaining walls, the topography of the site also necessitates that these exceed 2m in height, and 6m in cumulative height. It is necessary to incorporate non-compliant retaining walls to appropriately bench the site for industrial development. Where possible, retaining walls have been minimised through either co-locating alongside batter slopes (part MW02 along the northern boundary, and part MW06 around the cul-de-sac) or being tiered (MW01) so as to mitigate their apparent visual scale, however it must be noted that this is not possible across the site given the extent of cut/fill required – tiering all retaining walls across the site would unreasonably impact on its developability, by reducing the amount of land available to be utilised for industrial development. On top of this, given the site's topography, the only way to minimise retaining walls to comply with the

Requirement	Response
	above control would be through additional cut practices, resulting in a significant imbalance in cut and fill across the site and the requirement to export fill off-site.
How the development will achieve the aims and objectives of the DCP, Precinct Structure Plan, and Precinct Plan under the State Environmental Planning Policy (Western Sydney Employment Area) 2009 despite the proposed departure.	Section 4.4 of the DCP (Earthworks and Retaining Walls) outlines the objectives and controls relating to how each development should design their estate. To understand why ESR has designed this retaining wall section, it is important to address each objective. (a) To ensure site planning considers the stability of land, its topography, geology and soils • ESR has undertaken significant work to understand the existing topography of the subject site. The existing characteristics reflect undulating, hilly topography. To meet the overall intentions of the Precinct and meet its employment objectives, it requires flat pads to support industrial and logistics uses. Westlink has been designed to meet this commercial requirement, while balancing the site. It is further responding to the requirement in Section 3.1 of the DCP, Control 3, which requires a balance cut and fill. Therefore, the proposed response is a result of the existing site conditions and zoning/precinct objectives and considers the geology and soils to ensure a sound, safe construction of retaining structures fronting public domain. (b) to ensure land is appropriately stabilised and retained • Geotechnical works, including bore hole drilling throughout the site, confirms the proposed retaining walls can be safely constructed to ensure earth is retained and stabilised to support future employment uses. (c) To minimise the extent of earthworks when creating a building site • Earthworks has been contained to the site boundaries. There is not export or import of fill material. The height of the pads have been set based on this requirement and the need to create sized pad areas to support our customer requirements. (d) To minimise the disturbance of vegetation that stabilises land, particularly sloping sites. • ESR has worked extensively with the landscape architect and engineer to ensure the proposed retaining walls, especially fronting public domain, can support viably planting including trees. The inground retaining wall structures will enable deep soil planting and appropriate funding has been allocated to support its ongoing maintenance to ensure viability of plant species. (e) To encourage reuse of fill materials from within the Precinct • ESR has proposed a balance cut and fill strategy which wholly reuses cut material within the site. There will be no import or export of fill material. (f) To ensure that earthworks and retaining wall construction is suitably designed and landscaped to ameliorate its visual presentation to and from the public domain and adjacent properties • The retaining wall entering the estate is a key element and has been designed to act as the estate entry feature.
What innovative and improved outcomes will be achieved to justify the departure.	The proposed retaining wall meets all the objectives outlined above. It also responds to further requirements in other sections of the DCP. These are based on the existing conditions of the site and the need to create commercially viable pads to support customer requirements. The proposed response meets the most objectives and controls within the DCP to create a visually and aesthetically pleasing entrance into the estate. Alternative considerations such as reducing retaining walls will create extensive amounts of export/import into the site, which does not meet Section 3 or Section 4.4 objectives. It also further creates significant risk to reducing the pad size of the warehouse, which would result in a commercially unviable development and would result in a loss of investment and jobs due to a resultant reduction in floor space. Furthermore, the creation of the zig-zag nature of the retaining wall enables for large expanses of vegetation to be planted, including large canopy trees that will, over time, grow and cover the wall to create the appearance of a natural sloped rock shelf style entry feature into the industrial development.

Requirement	Response
That coordinated and orderly development outcomes will be achieved, including a suitable interface with adjoining sites in terms of finished ground levels.	The proposed variation will ensure the coordinated and orderly development of the site and broader precinct. It provides for appropriate level interfaces with the adjoining Aldington Road corridor which slopes up a hill to the north, and the proposed retaining wall follows this arrangement.
The departure would not result in unacceptable impacts on other sites, nor make it difficult for other sites to comply with the Structure Plan. Where inconsistencies with the DCP may have the potential to significantly impact adjoining landowners, written evidence of consultation with those landowners and support for an agreed alternative solution is required.	The proposed variation does not preclude other sites from complying with the structure plan. The proposed earthworks, as well as use of retaining walls does not impact on the delivery of the precinct road network, nor the developability of surrounding sites.
The departure would not impact on accessibility to sites in the precinct and the safety and efficiency of the proposed road system and its relationship to the broader road network.	As aforementioned, the proposed variation does not impact on accessibility for any adjoining sites and does not preclude the delivery of the DCP road network.

The proposed variation is considered supportable.

State Environmental Planning Policy (Precincts – Western Parkland City) 2021

The former *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020* (Aerotropolis SEPP) was gazetted in September 2020. The former Aerotropolis SEPP has been consolidated to form Chapter 4 of the new *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* (Parkland City SEPP). Therefore, Chapter 4 – Western Sydney Aerotropolis of the Parkland City SEPP provides the assessment framework and controls to guide future development within the Western Sydney Aerotropolis.

The site, now that the Parkland City SEPP has been gazetted, is not located within land subject to this SEPP. However, Part 4.3 and Section 4.27 of the Parkland City SEPP, relating to airport safeguards and transport corridors, do apply to the site. An assessment of the amended proposal is provided below.

Section 4.27 does not affect the site as no transport corridors are located within proximity.

Part 4.3 of the Parkland City SEPP provides for airport safeguard controls which are generally consistent with those provided within Part 5 of the Western Sydney Aerotropolis Plan. As such, the Aerotropolis Plan is considered to be addressed within the below table. This has been included as a response to a submission made by the Western Sydney Airport.

Table 12 Consistency with Part 4.3 Development Controls – Airport safeguards

Clause	Assessment
4.17 – Aircraft noise	
1. The objectives of this clause are— a) to prevent certain noise sensitive development on land near the Airport, and	The site is located within ANEC 20 and 25, and 25 and 30 contours that allow for the development of non-noise sensitive areas. The proposed

Clause	Assessment
b) to minimise the impact of aircraft noise for other noise sensitive development, and c) to ensure that land use and development near the Airport do not hinder or have other adverse impacts on the ongoing, safe and efficient 24 hours a day operation of the Airport.	amended development is not a noise sensitive development.
2. Development consent must not be granted to noise sensitive development if the development is to be located on land that is in an ANEF or ANEC contour of 20 or greater.	Not applicable.
4.18 – Building wind shear and turbulence	
1. The objective of this clause is to safeguard Airport operations from wind shear and turbulence generated by buildings.	The proposed development is located outside of the Windshear Assessment Trigger Area and will not have any impact on turbulence at WSA.
2. Development consent must not be granted to the following development unless the consent authority has consulted the relevant Commonwealth body— a) development on land shown on the Lighting Intensity and Wind Shear Map, b) development that penetrates the 1:35 surface.	
4.19 – Wildlife Hazards	
1. The objective of this clause is to regulate development on land surrounding the Airport where wildlife may present a risk to the operation of the Airport.	The proposed development is located within 8km of the future WSA. A Wildlife Management Assessment report has been previously prepared, and its findings remain applicable to the amended proposal.
2. Development consent must not be granted to relevant development on land in the 13 km wildlife buffer zone unless the consent authority— a) has consulted the relevant Commonwealth body, and b) has considered a written assessment of the wildlife that is likely to be present on the land and the risk of the wildlife to the operation of the Airport provided by the applicant, which includes— i) species, size, quantity, flock behaviour and the particular times of day or year when the wildlife is likely to be present, and ii) whether any of the wildlife is a threatened species, and iii) a description of how the assessment was carried out, and c) is satisfied that the development will mitigate the risk of wildlife to the operation of the Airport, including, for example, measures relating to— i) waste management, landscaping, grass, fencing, stormwater or water areas, or ii) the dispersal of wildlife from the land by the removal of food or the use of spikes, wire or nets.	
4.20 – Wind turbines	
The objective of this clause is to regulate the construction of wind turbines and wind monitoring towers on land within 30 kilometres of the Airport.	The proposed development is located in the 3-30km zone however does not involve the construction of wind turbines or for the purpose of electricity generation involving wind turbines.
2. Development for the following purposes is prohibited on land in the 3 km zone— a) electricity generating works comprising a wind turbine, b) wind monitoring towers that are not ancillary or incidental to the Airport.	

Clause	Assessment
3. Development consent must not be granted to development for the purposes of a large wind monitoring tower in the 3–30 km zone unless the consent authority has consulted the relevant Commonwealth body.	
4. Development consent must not be granted to development for the purposes of a electricity generating works comprising a large wind turbine on land in the 3–30 km zone unless the consent authority— a) has consulted the relevant Commonwealth body, and b) has considered a written assessment of the risk of the development to the safe operation of the Airport provided by the applicant, and c) is satisfied that the development will adequately mitigate the risk to the safe operation of the Airport.	
4.21 – Lighting	
1. The objective of this clause is to safeguard Airport operations from the risk of lighting and reflectivity distractions for pilots.	The site is located outside of the Lighting Intensity affected areas.
2. Development consent must not be granted to development for the following purposes on land shown on the Lighting Intensity and Wind Shear Map unless the consent authority has consulted the relevant Commonwealth body— a) installation and operation of external lighting (whether coloured or white lighting) in connection with development for the following purposes— i) classified roads, ii) freight transport facilities, iii) heavy industrial storage establishments, iv) recreation facilities (major), v) recreation facilities (outdoor), b) installation and operation of external lighting in connection with construction works that is likely to be obtrusive or create light spill outside the land on which the construction works are carried out.	
4.22 – Airspace operations	
1. The objectives of this clause are— a) to provide for the effective and ongoing operation of the Airport by ensuring that its operation is not compromised by development that penetrates the prescribed airspace for the Airport, and b) to protect the community from undue risk from the operation of the Airport.	The amended proposal does not impact on airspace operations.
2. Development consent must not be granted to development to which this clause applies unless— a) the consent authority has consulted the relevant Commonwealth body, and b) the relevant Commonwealth body advises the consent authority that— i) the development will penetrate the prescribed airspace but it does not object to the development, or ii) the development will not penetrate the prescribed airspace.	
4.23 – Public Safety	

Clause	Assessment
1. The objective of this clause is to regulate development on land on which there is an appreciable risk to public safety from the operation of the Airport.	The proposed amended development is located outside of the applicable Public Safety Areas.
3. Development consent must not be granted to development for a purpose not specified in subclause (2) on land shown as the "public safety area" on the Public Safety Area Map unless the consent authority— a) has considered a written assessment of the risk of the development to persons provided by the applicant, which includes – i) the risk to persons on the land in the event of an emergency or other incident at or around the Airport, including an incident involving an aircraft landing or taking off from the Airport, and ii) the likely number of people who will use or otherwise be present on the land, and iii) the compatibility of the development with the risk, including in relation to the number of people who will use or otherwise be present on the land, and b) is satisfied that the development will adequately mitigate the risk to persons on land, including by limiting the number of people or vehicles	

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 9 – Hawkesbury-Nepean River of the *State Environmental Planning Policy (Biodiversity and Conservation)* seeks to ensure that the potential impact to Hawkesbury-Nepean River as caused by development are considered in a regional context. Chapter 9 applies the site and the general planning considerations prescribed in the chapter have been assessed against the proposed development as part of the design development. Part 9.4 of the Biodiversity and Conservation SEPP specifies planning policies and recommended strategies. Part 9.7 outlines specific development controls – it is noted warehouse and distribution centres are not identified.

5.0 Consultation

Since lodgement of the previously amended scheme, additional consultation has been undertaken as outlined below:

- On 21 July 2022 ESR attended a meeting held with DPE at 4 Parramatta Square to discuss the revised staging of Westlink (i.e. the proposed amendment). DPE advised to lodge an amendment request.
  - Ethos prepared the variation and submitted to DPE on 15 August 2022.
  - DPE acknowledged the intended amended application on 19 August 2022.
- ESR completed an updated letter box drop across all stages on 25 August 2022 to inform landowners of the updated stages, including reduced scope on Stage 1.
- ESR has consulted with agencies since revised staging strategy including:
  - Penrith City Council
  - Western Parkland City Authority
  - Western Sydney Airport
  - Sydney Water
- Requests for meeting have been made to discuss staging with Transport for NSW. At time of lodgement, no response was received.

6.0 Amended Environmental Impact Assessment

All technical assessments undertaken for the Proposal and appended to this Amending Development Report have been reviewed to assess the proposed amendments which have not already been assessed as part of the previous documentation provided to DPE.

6.1 Infrastructure Requirements

The infrastructure requirements of the proposed development are discussed in the Civil Infrastructure Report (refer **Appendix E**) prepared by AT&L. Given the reduced scale of the amended proposal, AT&L confirms that servicing requirements are either capable of being accommodated by the surrounding network, or can be augmented as required in alignment with precinct wide upgrades. This is consistent with the scheme prior to amendment.

6.2 Visual Impact

A Visual Impact Assessment (VIA) of the amended proposal has been prepared by Geoscapes and is provided at **Appendix G**. This VIA assesses the visual impacts generated by the proposed development from the following 9 viewpoints:

- Junction of Abbotts Road & Mamre Road, Kemps Creek (VP1)
- Junction of Abbotts Road & Aldington Road, Kemps Creek (VP2)
- 284 Aldington Road, Kemps Creek (VP3)
- Aldington Road, Kemps Creek (VP4)
- 30 Belleview Avenue, Mount Vernon (VP5)
- 247 Capitol Hill Drive, Mount Vernon (VP6)
- 52A Mount Vernon Road, Mount Vernon (VP7)
- Mamre Road, Kemps Creek (VP8)
- 1096 Mamre Road, Kemps Creek (VP9).

As a result of the amendments to the proposal, an additional Viewpoint (being Viewpoint 9), has been included in the VIA. The viewpoints are identified below in **Figure 15**.

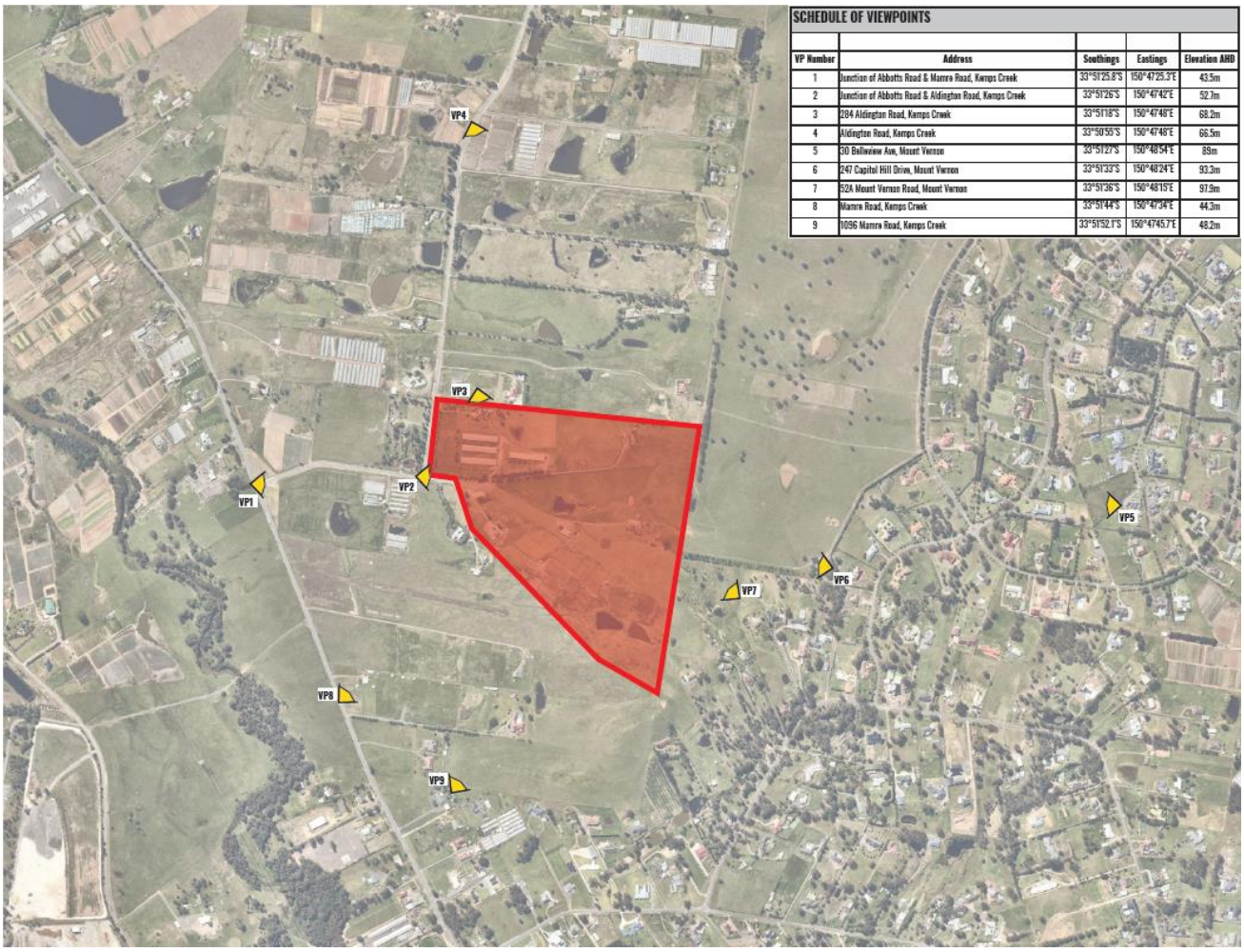

Figure 15 VIA Viewpoints analysed

Source: Geoscapes

Consistent with the assessment provided for the previous proposal, it is noted that the surrounding area is primarily zoned for industrial development which has mitigated sensitivity to visual change, with the majority of impacts being limited to the short to medium term only. Acknowledging that the exception to this is the Mount Vernon residential area, however it is noted that the proposal as amended presents a significantly reduced built form, meaning that the extent of visual impact for these receptors is not exacerbated.

Table 13 below summarises the visual impacts generated by the amended proposal.

Table 13 Visual Impact Assessment Summary

Viewpoint	Location	Visual Receptor Sensitivity	Magnitude of Change		Significance of Visual Impact	
			Previous	Proposed	Previous	Proposed
1*	Junction of Abbotts Road & Mamre Road, Kemps Creek	Medium	Low	Medium	Minor	Moderate/Minor
2*	Junction of Abbotts Road & Aldington	Low	High	High	Moderate/Minor	Moderate/Minor

Viewpoint	Location	Visual Receptor Sensitivity	Magnitude of Change		Significance of Visual Impact	
			Previous	Proposed	Previous	Proposed
	Road, Kemps Creek					
3*	284 Aldington Road, Kemps Creek	Very high	Low	Low	Moderate	Moderate
4*	Aldington Road, Kemps Creek	Medium	Low	Low	Minor	Minor
5	30 Belleview Avenue, Mount Vernon	High	Very low	Very low	Minor	Minor
6	247 Capitol Hill Drive, Mount Vernon	High	Low	Low	Minor	Minor
7	52A Mount Vernon Road, Mount Vernon	High	Medium	Medium	Moderate	Moderate
8*	Mamre Road, Kemps Creek	Medium	Medium	Medium	Moderate/Minor	Moderate/Minor
9*	1096 Mamre Road, Kemps Creek	High	N/A	Medium	N/A	Moderate/Minor

* These visual receptors are located within the Mamre Road Precinct is envisaged to be redeveloped to industrial uses following the recent rezoning to IN1. Therefore, visual impacts are likely to reduce in the longer term as more industrial development influences the area and visual sensitivity decreases.

As indicated above, the amended proposal results in no changes to the assessed viewpoints, with the exception of Viewpoint 1 where the impact increases from minor to moderate/minor. Notwithstanding this, it is noted that the nature of impact generally remains consistent, and the assessed impact remains acceptable in the context of the proposal.

6.3 Traffic and Transport

A Transport Management & Accessibility Plan (TMAP) for the proposed amended development has been prepared by Ason Group and is provided at **Appendix H**. This report sets out the expected transport and traffic impacts of the proposed development, and how these impacts are to be managed.

It is noted that since the previous scheme was lodged with the DPE, the trip generation rate utilised by Ason Group has been revised as a result of surveys of industrial warehouses for similar purposes in the Western Sydney Employment Area. Ason Group notes that these revised rates more accurately reflect the use of the site general warehousing and logistics.

These revised rates are summarised below in **Table 14**.

Table 14 Summary of trip generation rates

Time Period	Previous Rates (per 100m²)	Revised Rates (per 100m²)
Daily Trips	2.91	2.31
Local Road AM Peak (7am – 8am)	0.23	0.17
Local Road PM Peak (4pm – 5pm)	0.24	0.15

In consideration of the above, the expected trip generation of the proposed development when complete is summarised below in **Table 15**.

Table 15 Expected trip generation rates

Time Period	GFA	Previous Scheme	Amended Scheme	Difference
Total Daily Trips	81,642m² (Previous scheme 150,377m²)	4,376	1,886	-2,490
AM Peak		346	139	-207
PM Peak		361	122	-239

As indicated above, there is a substantial reduction in trip numbers as a result of the revised scheme, by virtue of the significantly reduced built form now proposed. As a result, with respect to intersection operations, the reduced traffic generation is noted to result in improvements to all major intersections, including:

- Mamre Road/Bakers Lane
- Mamre Road/Abbotts Road
- Aldington Road/Abbotts Road

These intersections will all operate well within thresholds set by Transport for NSW (TfNSW).

As such, it is considered that the amended proposal is capable of being accommodated by the surrounding road network.

6.3.1 Parking Assessment

Ason Group confirms that the parking provision for the amended proposal is acceptable, given that it exceeds the rates stipulated in the Mamre Road DCP.

6.4 Soils and Water

An assessment of the amended proposal with regards to soil and water is provided within the Civil Infrastructure Report (refer **Appendix E**). Chapter 8 of the report responds to Sedimentation and Erosion Control measures, Chapter 9 of the report responds to Stormwater Drainage, and Chapter 10 of the report responds to Water Management.

6.4.1 Sedimentation and Erosion Control

An Erosion and Sediment Control Plan (ESCP) has been prepared for the amended proposal in accordance with the Managing Urban Stormwater – Soils and Construction (2004) for the whole site to minimise erosion, sediment transport, siltation and contamination of natural waters as a result of the proposed development. This ESCP identifies that the following sources of pollution have the potential to lead to erosion, sediment transport and siltation of natural waters for the amended proposal:

- Earthworks undertaken immediately prior to rainfall periods.
- Work areas that have not been stabilised.
- Extraction of construction water from waterways during low rainfall periods.

- Clearing of vegetation and the methods adopted, particularly in advance of construction works.
- Stripping of topsoil, particularly in advance of construction works.
- Bulk earthworks and construction of pavements.
- Works within drainage paths, including depressions and waterways.
- Stockpiling of excavated materials.
- Storage and transfer of oils, fuels, fertilisers and chemicals.
- Maintenance of plant and equipment.
- Ineffective implementation of erosion and sediment control measures.
- Inadequate maintenance of environmental control measures; and
- Time taken for the rehabilitation / revegetation of disturbed areas.

These have the potential to deliver the following impacts:

- Loss of topsoil.
- Increased water turbidity.
- Decreased levels of dissolved oxygen.
- Changed salinity levels.
- Changed pH levels.
- Smothering of stream beds and aquatic vegetation.
- Reduction in aquatic habitat diversity.
- Increased maintenance costs.
- Decrease in waterway capacity leading to increased flood levels and durations.

Further RUSLE analysis of the amended proposal has been undertaken and considers the erosion hazard, which was modelled as being 'very low' – this is consistent with the original assessment for the original design.

The following construction methodology will be followed to minimise the impact of sedimentation due to construction works:

- Diversion of "clean" water away from the disturbed areas and discharge via suitable scour protection.
- Provision of hay bale type flow diverters to catch drainage and divert to "clean" water drains.
- Diversion of sediment-laden water into temporary sediment control basins to capture the design storm volume and undertake flocculation (if required).
- Provision of construction traffic shaker grids and wash-down to prevent vehicles carrying soils beyond the site.
- Provision of catch drains to carry sediment-laden water to sediment basins.
- Provision of silt fences to filter and retain sediments at source.
- Rapid stabilisation of disturbed and exposed ground surfaces with hydro-seeding areas where future construction and building works are not currently proposed.
- All temporary sediment basins will be located clear of the 1% AEP flood extent from catchments upstream of the site.
- The proposed detention basin will be utilised as temporary sediment control basins.

Suitable erosion and sediment controls will be provided by the Contractor and maintained throughout all stages of works, including at completion of the bulk earthworks. Regular site inspection and maintenance is to be carried out while earthworks and quarrying is being conducted. The Contractor will inspect the site after every rainfall event at least weekly.

The Civil Design Report confirms that the erosion control measures proposed for the site will ensure that best practice management is applied to the amended proposal.

6.4.2 Stormwater Drainage

The following criteria have been adopted for the proposed drainage system:

- Major system (pit and pipe network, overland flow paths and channels): 1% AEP
- Minor system (pit and pipe network): minimum 5% AEP and increased where required to address major system design requirements.

In accordance with the trunk drainage infrastructure identified within the Mamre Road DCP, as part of the amended proposal pits and pipes will be constructed, with two major drainage lines within Road 01:

- Minor system drainage (minimum 5% AEP capacity) to capture and convey stormwater runoff from the proposed allotments and Road 01. This line will discharge to the detention basin on proposed Lot 2, with outflow from the basin draining to a proposed 1800mm diameter line on the southern side of Abbotts Road.
- Major system drainage (minimum 1% AEP capacity) to capture and convey stormwater runoff from the external catchments to the east of Westlink Industrial Estate. During stage 1 works, the external catchments to the east of the site are captured into the piped system which is sufficiently sized due to the provision for future allotments. Stormwater in the piped system is conveyed to the Abbotts Rd basin where flows from the 50% to the 1% AEP storms are attenuated to the existing catchment flows. A bypass pipe to take the external existing catchments has been proposed which runs through the road and bypasses the detention basin, however it is only conveying limited catchment during the constructed stage 1 case. In the future, all external catchments to the east of the site will be conveyed through this pipe.
- Trunk Drainage as defined in the DCP (15ha of contributing catchment) does not occur in the drainage system until the detention basin is reached. Only the detention basin as well as its outlet drainage has 15ha of upstream catchment, so they are both to be considered trunk drainage. There is no downstream allowance for a naturalised trunk drain, so the outlet piping from the basin must be conveyed in the road reserve, with an easement if necessary. The waterway health objectives are met downstream of the detention basin despite the piped system.

6.4.3 Water Management Strategy

The finalised MRDCP provides for the main objectives relevant to the management of stormwater within the proposed development site. It must be noted that there have been ongoing discussions between landowners in the Mamre Road Precinct and Sydney Water in relation to water management, noting that the Strategy for Stage 1 has been developed to satisfy the flow targets fully without the regional solution being in place.

The interim arrangement proposes a range of management measures to be implemented until such time as the ultimate arrangement is determined:

- Rainwater tanks for non-potable re-use
- Gross pollutant traps;
- Bio-retention systems;
- Detention basin;
- Evaporation ponds; and
- Evaporative roof misting.

Noting the above, DRAINS modelling software has been used to identify the hydraulic grade line of the proposed estate to inform the design of the amended proposal.

Further, MUSIC modelling was used to estimate pollutant loads from the site including against stormwater quality targets. A series of stormwater quantity and quality measures are proposed to be adopted to satisfy the targets of the Penrith DCP and the applicable MRDCP, with the following MUSIC modelling results.

Table 16 Summary of MUSIC modelling results

Parameter	Modelled Reduction %	MRDCP Target Reduction %
Total suspended solids (kg/year)	90.1	90
Total Phosphorus (kg/year)	74.5	80
Total Nitrogen (kg/year)	61.9	65
Gross Pollutants (kg/year)	100	90

Source: AT&L

The MUSIC model results presenting treatment train effectiveness shows that while the development does not meet the traditional percentage reduction in pollutants (Option 1), it adequately satisfies the concentration based targets (Option 2). Due to the large proportion of un-developed land contributing to the treatment train, the reduction targets are less feasible than a fully developed estate assessment. Under the Sydney Water Regional strategy, stormwater quality management measures would be incorporated into the regional stormwater management scheme to be designed, delivered and operated by Sydney Water, and therefore the ponds proposed would not be required.

In terms of flow management, the proposed stormwater management measures that will be implemented under the interim arrangement satisfy the stormwater flow targets for the site, being the mean annual runoff volume (MARV) target of 2.0ML/ha/year MRDCP Option 1 targets.

6.5 Noise and Vibration

A Noise and Vibration Impact Assessment of the amended proposal has been prepared by RWDI and is provided at **Appendix J**. This report provides an assessment of the noise and vibration impacts generated by the proposal during both the construction and operation phases.

6.5.1 Operational Noise Assessment

Sources of operational noise from the amended proposal are unchanged from the original scheme, with noise to be generated primarily from onsite vehicle (light and heavy) movements, forklift operation and internal warehouse activity.

Predicted noise levels for six receivers within the broader Mamre Road Precinct are exceeded by up to 13dB for some periods, noting this area is intended to be redeveloped for industrial purposes. Further, sleep disturbance deems the project will comply with the relevant criteria at all receivers other than those residential properties located within the general IN1 zone surrounding the site. Review of the external noise levels indicates that internal noise levels would be acceptable and unlikely to cause sleep disturbance.

Alternative designs (such as rotating the warehouse 180 degrees) were considered, however, this design would detrimentally affect operations of the intended tenant. Therefore, the design and future delivery of warehouses across the estate will screen noise from Warehouse 1 and Warehouse 4 in the future.

The exceedances at these receivers are noted to be the result of heavy vehicle movements at access roads to the entry of the site. Notwithstanding, it is also noted that the affected receivers are located in close proximity the project site on land that is currently being redeveloped for industrial usage. These properties are unlikely to be inhabited during construction or operational stages.

Cumulative noise was considered as part of the assessment and notes that the predicted noise levels outside of the Mamre Road Precinct are more than 10dB below the project amenity noise levels for those particular receivers.

Sleep Disturbance

Predicted noise levels with sleep disturbance factors indicates that the night time levels are expected to exceed the screening level at the nearest receivers during the night period, however these exceedances are limited to receivers within the Mamre Road Precinct that, as mentioned previously, are unlikely to be inhabited during

operation of the proposal due to the ongoing development in the area. The remaining receivers outside the Mamre Road Precinct are all well below the screening level.

Further, ESR has regular dialogue with neighbours within and outside of the Precinct. No mitigation has been requested at this point in time from those discussions. Should the issue arise, ESR will work with the neighbours as part of the ongoing engagement requirement (which will likely form a condition of consent).

6.5.2 Construction Noise Assessment

The "recommended standard hours" for "normal construction" and "blasting", as proposed in the EPA's Interim Construction Noise Guideline (ICNG), are:

- Normal construction:
  - Monday to Friday: 7am to 6pm;
  - Saturday: 8am to 1pm; and
  - No work on Sundays or public holidays

Based on the above, as well as construction noise modelling provided as part of the assessment within **Appendix J**, the predicted construction noise impacts are expected to exceed the NMLs by up to 9 dB at rural residential dwellings that are likely to be occupied. Exceedances of up to 16 dB are predicted at receivers within industrial zoned land however these sites are unlikely to be inhabited during construction. There are no noise sensitive receivers that are considered to be Highly Noise Affected (with no predicted noise levels exceeding 75 dB LAeq).

It must be noted that noise levels did not exceed the 75dBA highly noise affected limit within the ICNG.

6.5.3 Aircraft Noise Assessment

This assessment remains consistent with the original proposal, in that no further building envelope treatment is required to comply with the relevant Australian Standards.

6.6 Hazards and Risk

A Preliminary Risk Assessment of the proposed development against the relevant provisions of the (now repealed) *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development* (SEPP 33) was prepared by Riskcon as part of the original EIS. SEPP 33, now the *State Environmental Planning Policy (Resilience and Hazards) 2021* (R&H SEPP) applies to any proposals which fall under the policy's definition of 'potentially hazardous industry' or 'potentially offensive industry'.

The proposal, as amended, does not result in a change of the development to be defined as a 'potentially hazardous industry' or 'potentially offensive industry'.

6.7 Biodiversity

Given that the amended proposal provides for a development scheme that comprises the same land that has been previously assessed, the assessment and recommendations provided within the previously submitted Biodiversity Development Assessment Report (BDAR) and Wildlife Management Plan from the SAR in April 2022 remain applicable. It is noted that the Cumberland Plain Conservation Plan has been endorsed, and this site is fully certified under that scheme.

6.8 Heritage

A Heritage Impact Assessment (HIS) has been prepared by Urbis (**Appendix K**) in support of the amended proposal. The site does not contain any heritage items and is not located within a Heritage Conservation Area; nevertheless, heritage items of local significance under Schedule 3 of the I&E SEPP can be found in proximity to the site, including one item directly adjacent.

Based on the revised proposal, the findings of the HIS are consistent with that as originally indicated in the publicly exhibited EIS:

- The proposed development will not adversely impact the heritage significance of the adjacent heritage item, 'I4 – Brick farmhouse'. The outward views from this heritage item are predominantly towards the north and west, whilst the site is located towards the south. Furthermore, a number of existing structures are located between the heritage building and the subject site, acting as an additional visual barrier. The proposed development is consistent with the desired future industrial character of the area, and the heritage item itself is a highly altered former farmhouse which has lost its original setting, curtilage, built form and landscape through subsequent development and subdivisions
- The proposed development will not have no discernible adverse visual or physical impacts on the other heritage items further afield ('I3 – Gateposts to Colesbrook' and 'I2 – Bayley Park') in the locality. All heritage items will retain their existing listing protection and no physical works are proposed to any of the heritage items.

6.9 Aboriginal Heritage

An Aboriginal Cultural Heritage Assessment Report (ACHAR) has been previously prepared to accompany the previous scheme. Importantly, the outcomes of the ACHAR remain consistent with those originally determined as part of the original EIS and proposal.

Appended to the ACHAR is an Archaeological Technical Report. The ACHAR and Technical Report confirm that there are no Aboriginal sites registered within the subject area, or sites located within 1km of the subject area. Following the conclusion of the test excavation programme, a total of thirteen (13) artefacts were recovered, with this very small artefact assemblance suggesting a transitional, low frequency use of the site by Aboriginal people.

Based on the conclusions of the assessment undertaken for the amended proposal, and the consultation carried out, there are five recommendations to be implemented for the proposed works:

- Recommendation 1: Surface Collection;
- Recommendation 2: Aboriginal Cultural Heritage Induction;
- Recommendation 3: Archaeological Chance Find Induction;
- Recommendation 4: Human Remains Procedure; and
- Recommendation 5: RAP Consultation.

6.10 Social and Economic

A Social and Economic Impact Assessment of the proposed development has been prepared by Ethos Urban, and is attached to this report at **Appendix M** and addresses the amended proposal. The report confirms that the development, as amended will result in significant positive social and economic benefits for the local and broader community, leading to the creation of additional employment opportunities along with growth in private business investment to create a sustainable funding base and employment precinct in the Western Sydney Employment Area.

Specifically, the amended development will accommodate up to 160 Full-Time Equivalent (FTE, down from 805 as originally amended in April 2022) jobs during the construction phase, and 212 (down from 780 as originally amended in April 2022) direct FTE jobs once complete and fully operational. While this is a reduction in jobs, this is relative to the reduction in overall GFA being proposed as part of the amended proposal, noting that this is only Stage 1 of the broader Westlink estate.

The development will impact upon the way of life for existing and nearby residents both in positive and negative ways. This is due to the change in use of the land from rural to industrial uses, the increase of density of development on the site and the upgrade and introduction of new roads within the existing network. All of these social impacts were previously considered in the rezoning of the land from rural to industrial and are inevitable with the strategic direction to introduce industrial development in the area.

6.11 Contamination and Geotechnical

Separate geotechnical investigations were commissioned for different components of the site, namely that of 59-63 Abbotts Road and 290-308 Aldington Road, as part of the originally exhibited EIS. The assessments completed do not change as a result of the amended proposal.

Furthermore, a Detailed Site Investigation and Remediation Action Plan have been prepared for the amended proposal, to carry out remediation as required across the site to ensure it is suitable for its future intended purpose.

6.12 Bushfire

The recommendations contained in the Bushfire Protection Assessment prepared for the previous amended proposal (Appendix U of the SAR from April 2022) are noted to remain accurate and applicable for the proposal as amended. As such, no updated or additional bushfire measures are required for the amended development.

6.13 Air Quality

A revised Air Quality Assessment of the amended proposal has been prepared by RWDI (refer **Appendix N**). The assessment provides analysis of the air quality impact of the proposed development on surrounding sensitive receivers during the construction and operation of the proposed development and recommends mitigation measures to minimise the impact.

The report concludes that the construction of the proposed development is unlikely to result in adverse air quality impacts. The construction phases can be adequately managed so that the short-term and temporary dust related impacts will remain to be low risk. Mitigation measures to ensure best practice management include effective communications, site management, monitoring, site preparation and maintenance, construction vehicles and sustainable travel, measures for general construction activities, and haulage measures.

Operation of the proposed development will not generate adverse air quality impacts as vehicular emissions from traffic accessing the site will be of a similar nature to those already emitted by road traffic on the surrounding road network. Furthermore, as the surrounding area is developed into an industrial precinct in the future, the sensitivity of surrounding receivers will also decrease. Operational mitigation measures include limiting unnecessary idling of truck engines on-site and ensuring truck maintenance is up to date.

6.14 Waste Management

A Waste Management Plan (WMP) for the amended development has been prepared by SLR Consulting and is provided at **Appendix O**. The WMP identifies all potential waste likely to be generated by the proposed development during its demolition, construction and operational phases, including descriptions on how the waste is to be handled, processed, and disposed of, or re-used and recycled as consistent with Council requirements.

Given the reduced level of earthworks, construction and operations proposed as part of the amended proposal, it is noted that waste generation levels are proportionately reduced in alignment with this. The likely expected waste generation during the demolition stage of the proposed development is summarised below in **Figure 16**.

Location	Area (m^2)	Waste types and approximate quantities (m^3)					
		Sandstone	Concrete	Bricks	Timber/Gyprock	Steel	Other
Residential dwellings	2,748	1,845	15	20	105	5	20
Existing farm buildings	5,815	0	2,610	1,760	35	200	155

Figure 16 Expected demolition waste generation

Source: SLR Consulting

The likely expected waste generation during the construction stage of the proposed development is summarised below in **Figure 17**.

Lot	Area of project	Area (m²)	Waste types and quantities (m³)						
			Timber	Concrete	Bricks	Gyprock	Sand and Soil	Metal	Other
Lot 1	Warehouse	61,271	15.3	128.7	101.1	27.6	294.1	36.8	30.6
	Office (2 levels)	1,576	8.0	29.6	13.4	13.6	13.9	4.3	7.9
	Dock office	160	0.8	3.0	1.4	1.4	1.4	0.4	0.8
	Hardstand area	24,892	-	761.7	-	-	356.0	112.0	201.6
	Car park	4,209	-	128.8	-	-	60.2	18.9	34.1
	Total	**92,108**	**24.2**	**1,051.8**	**115.9**	**42.5**	**725.5**	**172.5**	**275.0**
Lot 4	Warehouse	16,785	4.2	35.2	27.7	7.6	80.6	10.1	8.4
	Office 1	450	2.3	8.5	3.8	3.9	4.0	1.2	2.3
	Office 2	450	2.3	8.5	3.8	3.9	4.0	1.2	2.3
	Dock office	100	0.5	1.9	0.9	0.9	0.9	0.3	0.5
	Hardstand area	6,618	-	202.5	-	-	94.6	29.8	53.6
	Car park	2,172	-	66.5	-	-	31.1	9.8	17.6
	Total	**26,575**	**9.3**	**323.0**	**36.2**	**16.2**	**215.1**	**52.4**	**84.6**

Figure 17 Expected construction waste generation

Source: SLR Consulting

The likely expected waste generation during the operation stage of the proposed development is summarised below in **Figure 18**.

Location	Project area	Area (m²)	(L/day)		(L/week)	
			General Waste	Recycling	General Waste	Recycling
Lot 1	Warehouse	61,271	6,127	6,127	42,890	42,890
	Transport office	160	16	16	112	112
	Office	1,576	158	158	1,103	1,103
	Total	**63,007**	**6,301**	**6,301**	**44,105**	**44,105**
Lot 4	Warehouse	16785	1,679	1,679	11,750	11,750
	Office 1	450	45	45	315	315
	Office 2	450	45	45	315	315
	Dock office	100	10	10	70	70
	Total	**17,785**	**1,779**	**1,779**	**12,450**	**12,450**

Figure 18 Expected operation waste generation

Source: SLR Consulting

Effective management of construction materials and construction and demolition waste, including options for reuse and recycling where applicable and practicable, will be conducted. Only wastes that cannot be cost effectively reused or recycled are to be sent to landfill or appropriate disposal facilities. Waste materials produced from demolition and construction activities are to be separated at the source and stored separately on-site. It is

anticipated that the Project will provide enough space on-site for separate storage. If there is insufficient space on-recycling collection contractor to confirm which waste types may be comingled prior to removal from the site.

During the operational phase of the proposed development, waste and recyclables storage units will be provided in the warehouse and office spaces. The units are to be collected at the end of each day and transferred by cleaners to the central waste storage room. Waste collection will be undertaken through a private contractor.

6.15 Flooding

To address the requirements of Section 2.5 of the Mamre Road DCP in terms of flooding, assessments have been undertaken by Cardno at **Appendix L** which confirm that the proposed Stage 1 addresses all requirements, with the development sitting above the PMF of Kemps Creek and South Creek.

The results of the assessments provide that the proposal is not significantly impacted by the 100 year ARI event, and Cardno have noted that the degree of impact progressively reduces as the severity of flooding increases, with the extent of impacts in a 500 year ARI event being substantially reduced in area (with those impacts occurring on agricultural land only). The further upgrades to Abbotts Road and Aldington Road will also improve drainage, with the flooding impacts of concern to be further reduced by those associated pipes and swales.

6.16 Ecologically Sustainable Development

A Sustainability Management Plan (SMP) of the proposed development has been prepared by SLR Consulting, and is attached to this report at **Appendix P**. The principal objective of the Sustainability Management Plan is to identify all potential energy savings that may be realised during the operational phase of the project, including a description of likely energy consumption levels and options for alternative energy sources such as PV solar power.

In summary, the SMP finds that following the implementation of all energy efficiency measures described within the report, the project is predicted to achieve a 51.7% greenhouse gas reduction compared with the 2019 NCC Reference Building (improving from the 35.5% reduction from the original amended proposal in April 2022). By installing 4-star rated toilets, urinals and taps, and the proposed rainwater harvesting facility the proposed development will reduce its potable water demand by approximately 36%.

Additional measures will be implemented to ensure no environmental resources in the locality are adversely impacted during the construction or operational phases.

6.17 Building Code of Australia (BCA)

An assessment of the proposed amended development's compliance with the relevant provisions of the Building Code of Australia (BCA) has been prepared by Mackenzie Group, and is attached to this report at **Appendix Q**. The statement confirms that the proposed development is compliant, or capable of compliance, with the relevant BCA provisions.

6.18 Site suitability and the public interest

The proposed development as amended is still considered to be suitable for the site.

As noted above, being located in the Mamre Road Precinct the site is suitable for the scale and land use mix proposed and will support the provision of jobs and contribute to the '30-minute City' by bringing more jobs to Western Sydney.

The creation of up to 160 FTE jobs during the construction phase, and 212 direct FTE jobs once complete and fully operational represents a driver for ongoing employment opportunities within the area.

As well as this, the proposed development will not result in any likely significant or detrimental economic impacts, On the contrary, the proposed development is likely to result in significant positive economic benefits, including the provision of additional industrial and employment floorspace, that will support demand for warehousing and industrial facilities in this part of Sydney. The project will align with the needs of modern tenant and business requirements, supporting the long-term potential and objectives of the locality.

The site benefits from proximity to existing road infrastructure, including significant freight corridors (the M4 and M7 motorways) as well as the future planned Western Sydney Freight Line and Outer Sydney Orbital.

The current site layout has been informed through an extensive development process that has considered site-specific opportunities and constraints (including access to Abbotts Road), flooding and ecology, need for earthworks, internal access arrangements and manoeuvrability, construction feasibility, staging, and landscaping/tree coverage implications, as well as operational costs and efficiencies, while considering the submissions made on the application through the exhibition of the EIS (with design adjustments as necessary).

Therefore, given these substantive public benefits, the proposed development is also considered to be in the public interest.

7.0 Amended Mitigation Measures

The existing mitigation measures proposed as part of the SAR from April 2022 are still applicable.

Table 11 Mitigation measures

List of mitigation measures
Construction hours Construction, including the delivery of materials to and from the site, may only be carried out between the following hours: • Monday to Friday: 7:00 to 18:00; • Saturday: 8:00 to 13:00; and • No work on Sundays or public holidays.
Construction impacts A Construction Environmental Management Plan (CEMP) will be prepared by the appointed contractor prior to the commencement of works. The CEMP will establish site management principles.
Sedimentation and erosion control The development is to follow the Soil and Water Management Plan, site inspection and maintenace requirements, and sediment basin maintenance measures outlined in Section 6 of the Civil Infrastructure Report and Plans prepared by AT&L at **Appendix E** and **Appendix F**.
Stormwater management The development is to follow the stormwater recommendations outlined in Section 9.3 of the Civil Infrastructure Report and Plans prepared by AT&L at **Appendix E**.
Noise management The development is to follow the construction noise and vibration mitigation measures outlined in Section 7.6 of the Noise and Vibration Assessment prepared by RWDI at **Appendix J**.
Biodiversity impacts The development is to follow the measures proposed to mitigate and manage biodiversity impacts oulined in Section 2.2.5 of the Biodiversity Development Assessment Report prepared by Eco Logical at Appendix N of the April 2022 SAR.
Site contamination and geotechnical assessment The development is to follow the recommendations given in Section 9 of the Preliminary Environmental Site Investigation prepared by Douglas Partners at Appendix R of the April 2022 SAR, and recommendations for further investigation provided in Section 7 of the Geotechnical Investigation Report prepared by Alliance Geotechnical at Appendix T of the April 2022 SAR. A Detailed Site Investigation and Remediation Action Plan prepared by Alliance Geotechnics are at Appendices DD and BB of the April 2022 SAR
Bushfire impacts The development shall comply with the bushfire management strategies identified in Section 5 of the Bushfire Protection Assessment prepared by Australian Bushfire Protection Planners at Appendix U of the April 2022 SAR.
Air quality impacts The development shall comply with the recommended mitigation and management measures for air quality provided in Section 8 of the Air Quality Assessment prepared by RWDI at **Appendix N**.
Waste management The development should implement where possible the operational waste management strategies and recommendations provided in Section 6 of the Waste Management Plan prepared by SLR Consulting at **Appendix O**.
Ecologically Sustainable Development The development shall be consistent with the sustainabiltiy measures commitments outlined in Section 5, and monitoring and reporting measures outlined in Section 7, of the Sustainability Management Plan prepared by SLR Consulting at **Appendix P**.

8.0 Evaluation of the Amended Proposal

In general, investment in major projects can only be justified if the benefits of doing so exceed the costs. Such an assessment must consider all costs and benefits, and not simply those that can be easily quantified. As a result, the EP&A Act specifies that such a justification must be made having regard to biophysical, economic and social considerations and the principles of ecologically sustainable development.

This means that the decision on whether a project can proceed or not needs to be made in the full knowledge of its effects, both positive and negative, whether those impacts can be quantified or not.

The proposed development involves the construction and operation of a logistics warehousing and distribution centre. The assessment must therefore focus on the identification and appraisal of the effects of the proposed change over the site's existing condition.

Various components of the biophysical, social, and economic environments, as well as the proposal's alignment with the objects of the EP&A Act and other statutory instruments applicable to the site, have been examined in this EIS and are summarised below.

8.1 Ecologically Sustainable Development

The EP&A Regulation lists 4 principles of ecologically sustainable development to be considered in assessing a project. They are:

- The precautionary principle;
- Intergenerational equity;
- Conservation of biological diversity and ecological integrity; and
- Improved valuation and pricing of environmental resources.
- An analysis of these principles follows.

Precautionary Principle

The precautionary principle is utilised when uncertainty exists about potential environmental impacts. It provides that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. The precautionary principle requires careful evaluation of potential environmental impacts in order to avoid, wherever practicable, serious or irreversible damage to the environment.

This SSDA Amendment Report has not identified any serious threat of irreversible damage to the environment and therefore the precautionary principle is not relevant to the proposal.

Intergenerational Equity

Inter-generational equity is concerned with ensuring that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations. The proposal has been designed to benefit both the existing and future generations by:

- Implementing safeguards and management measures to protect environmental values;
- Facilitating job creation in close proximity to future residential areas;
- Ensuring the Mamre Road Precinct is maintained and enhanced into the future for use by future generations

The amended proposal has integrated short and long-term social, financial and environmental considerations so that any foreseeable impacts are not left to be addressed by future generations. Issues with potential long term implications such as waste disposal would be avoided and/or minimised through construction planning and the application of safeguards and management measures described in this Amendment Report and the appended technical reports.

Conservation of biological diversity and ecological integrity

The principle of biological diversity upholds that the conservation of biological diversity and ecological integrity should be a fundamental consideration.

The proposal would not have any significant effect on the biological diversity and ecological integrity of the study area. This is confirmed by the BDAR that was previously prepared for the site.

Improved valuation, pricing and incentive mechanisms

The principles of improved valuation and pricing of environmental resources requires consideration of all environmental resources which may be affected by a proposal, including air, water, land and living things. Mitigation measures for avoiding, reusing, recycling and managing waste during construction and operation would be implemented to ensure resources are used responsibly in the first instance.

Additional measures will be implemented to ensure no environmental resources in the locality are adversely impacted during the construction or operational phases.

8.2 Environmental Planning and Assessment Act 1979 – Objects of the Act

This Amendment Report has examined and considered all possible matters affecting or that are likely to affect the environment by reason of the proposed development. The project is consistent with the relevant Objects of the EP&A Act, and will not result in any unjust or significant environmental impact.

8.3 Environmental Planning and Assessment Act 1979 – Clause 4.15 Evaluation

The following section assesses the proposal against the relevant heads of consideration listed in Section 4.15 of the EP&A Act.

8.3.1 Environmental Planning Instruments

As described in **Section 4.0**, the proposal is consistent with all relevant EPIs relating to the site, including:

- Roads Act 1993;
- Water Management Act 2000;
- Biodiversity Conservation Act 2016;
- Protection of the Environment Operations Act 1997;
- Heritage Act 1977;
- National Parks and Wildlife Act 1974
- Rural Fires Act 1997
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning (Resilience and Hazards) 2021
- State Environmental Planning Policy (Precincts – Western Parkland City) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021

8.3.2 EP&A Regulations

The Amendment Report has addressed the specification criteria within clause 190 and clause 192 of the EP&A Regulation. Similarly, the Amendment Report has addressed the principles of ecologically sustainable development through the precautionary principle (and other considerations), which assesses the threats of any serious or irreversible environmental damage (see above). As required by clause 4.42, the additional approval of a s138 Roads Act approval is required.

8.3.3 Likely Impacts of Development

Social and Economic

The proposed development, as amended, will deliver social benefit to the community through the creation of jobs in an area of high demand, delivery of state-of-the-art industrial logistics warehousing facilities, protection of environmental land and inclusion of sustainability initiatives. The proposed mitigation measures detailed in the Social and Economic Impact Assessment (**Appendix M**) and summarised in **Section 6.10** are considered to adequately mitigate the potential for any adverse social or amenity impacts to the community.

As well as this, the proposed development will not result in any likely significant or detrimental economic impacts, On the contrary, the proposed development as amended is likely to result in significant positive economic benefits, including the provision of additional industrial and employment floorspace, that will support demand for warehousing and industrial facilities in this part of Sydney. As well as this, the project will align with the needs of modern tenant and business requirements, supporting the long term potential and objectives of the locality.

Biophysical

The environmental impact assessment of the proposed development as amended has demonstrated that there are not anticipated to be more than minor impacts as a result of the development, and these are not considered to be of significance, either in nature or extent.

8.3.4 Suitability of the Site

Having regard to the characteristics of the site and its location in Kemps Creek the proposed development is considered suitable in that:

- The site is zoned as IN1 within the Mamre Road Precinct which has been identified and recognised as appropriate for the development of an industrial precinct;
- The proposal keeps the main proposed built form elements (as part of this DA) of the industrial estate within the IN1 zoning, consistent with the intentions of the Mamre Road Precinct;
- Development of the site for employment uses is complementary to the Western Sydney Aerotropolis and the soon to be operational Western Sydney International Airport, through ensuring logistics and warehousing is available in close proximity; and
- The surrounding area will be developed for industrial purposes consistent with this proposal, ensuring a well-structured and accessible employment precinct is established to provide for ongoing jobs for workers within the broader Western Sydney Area.

8.3.5 Public Interest

The proposed development is in the public interest for the following reasons:

- the introduction of jobs within the new Mamre Road Precinct will be a driver for ongoing employment opportunities;
- the proposed development is likely to result in significant positive economic benefits, including the provision of additional industrial and employment floorspace, that will support demand for warehousing and industrial facilities in this part of Sydney;
- The project will align with the needs of modern tenant and business requirements, supporting the long-term potential and objectives of the locality;
- The current site layout has been informed through an extensive development process that has considered site-specific opportunities and constraints (including access to Abbotts Road), flooding and ecology, need for earthworks, internal access arrangements and manoeuvrability, construction feasibility, staging, and landscaping/tree coverage implications, as well as operational costs and efficiencies, while considering the submissions made on the application through the exhibition of the EIS (with design adjustments as necessary).

9.0 Conclusion

This Amendment Report has been prepared by Ethos Urban on behalf of ESR in relation to the Request for Additional Information dated 10 August 2021 issued by the Department of Planning and Environment on the proposed State Significant Development Application seeking approval for a proposed new industrial estate on land at 1290-308 Aldington Road, Kemps Creek (Westlink Industrial Estate).

The site is located on land which has recently been rezoned to facilitate the creation of jobs in Western Sydney and help address an undersupply of employment land. The Project will create 160 construction jobs and 212 ongoing operational jobs.

Job creation in the Mamre Road Precinct is consistent with the strategic directions of the Greater Sydney Region Plan, the Western City District Plan and Penrith Council's Local Strategic Planning Statement - which all include directions to create jobs and skills by developing industrial and urban services land.

The more detailed planning framework to support this rezoning (which includes the Mamre Road Precinct Development Control Plan and Mamre Road Precinct Contributions Plan) as well as other planning studies (such as the Precinct-wide traffic modelling currently in train) are within the process of being finalised. The amended proposal (as detailed in this report) puts forward a revised approach to development to ensure it is generally consistent with and can achieve the desired outcomes of the finalised Mamre Road Precinct Development Control Plan in particular, without being unduly delayed, and addresses the issues raised by the DPE, other agencies and Penrith City Council.

We trust that the responses provided above will enable DPE to finalise their assessment of the SSDA. Given the environmental planning merits (and the ability to suitably manage and mitigate any potential impacts) and significant public benefits proposed, it is requested that the Minister approve the application.

Specifically, the amended development will accommodate up to 160 Full-Time Equivalent (FTE, down from 805 as originally amended in April 2022) jobs during the construction phase, and 212 (down from 780 as originally amended in April 2022) direct FTE jobs once complete and fully operational. While this is a reduction in jobs, this is relative to the reduction in overall GFA being proposed as part of the amended proposal, noting that this is only Stage 1 of the broader Westlink estate.

Attachment 1 – Updated Project Description

This application seeks approval for the following development:

- Site preparatory works, including:
  - Demolition and clearing of all existing built form structures and vegetation;
  - Bulk earthworks including 'cut and fill' to create flat development platforms for the proposed buildings, and topsoiling, grassing and site stabilisation works;
- Subdivision of the site into 5 individual lots;
- Construction of a new industrial estate at the site comprising 2 industrial allotments and a total gross floor area of 81,642m2, including:
  - 2 new industrial warehousing buildings with ancillary offices, comprising:
    - 78,056 m2 of warehousing floorspace; and
    - 3,586m2 of ancillary office and other floorspace;
  - Fit-out of Lot 1 and Lot 4 warehouses.
- Construction of a new internal road layout and parking for 381 vehicles;
- Associated site servicing works and ancillary facilities, including OSD detention basin;
- Associated site landscaping; and
- Works-in-kind (WIK) arrangements through a Voluntary Planning Agreement (VPA) for external road upgrades including to Aldington and Abbotts Road, and a new signalised intersection at Mamre and Abbotts Road.

Attachment 2 – Statutory compliance table

This table to is to capture all relevant statutory guidelines and note where they are addressed in the EIS. No assessment should be undertaken in this table.

Statutory Requirement	Report / EIS	Technical Study
Commonwealth Acts of Parliament		
Environmental Protection and Biodiversity Conservation Act 1999		
Section 136 General Considerations		
1) In deciding whether or not to approve the taking of an action, and what conditions to attach to an approval, the Minister must consider the following, so far as they are not inconsistent with any other requirement of this Subdivision: (a.) matters relevant to any matter protected by a provision of Part 3 that the Minister has decided is a controlling provision for the action (b.) economic and social matters.	N/A	N/A
2) In considering those matters, the Minister must take into account: (a.) the principles of ecologically sustainable development; and	N/A	N/A
(b.) the assessment report (if any) relating to the action	N/A	N/A
Section 139 Requirements for decisions about threatened species and endangered communities		
1) In deciding whether or not to approve for the purposes of a subsection of section 18 or section 18A the taking of an action, and what conditions to attach to such an approval, the Minister must not act inconsistently with: (a.) Australia's obligations under: (i.) the Biodiversity Convention; or (ii.) the Apia Convention; or (iii.) CITES; or (b.) a recovery plan or threat abatement plan.	N/A	N/A
2) If: (a.) the Minister is considering whether to approve, for the purposes of a subsection of section 18 or section 18A, the taking of an action; and (b.) the action has or will have, or is likely to have, a significant impact on a particular listed threatened species or a particular listed threatened ecological community; the Minister must, in deciding whether to so approve the taking of the action, have regard to any approved conservation advice for the species or community	N/A	N/A
NSW Acts of Parliament		
Environmental Planning and Assessment Act 1979		
Section 1.3 Objects of the Act		

Statutory Requirement	Report / EIS	Technical Study
(a.) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources, (b.) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment, (c.) to promote the orderly and economic use and development of land, (d.) to promote the delivery and maintenance of affordable housing, (e.) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats, (f.) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage), (g.) to promote good design and amenity of the built environment, (h.) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants, (i.) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State, (j.) to provide increased opportunity for community participation in environmental planning and assessment.	Section 4.0	N/A
Section 4.15 Evaluation		
1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application— (a.) the provisions of— (i.) any environmental planning instrument, and	Section 4.14 & refer to the Environmental Planning Instruments presented further below.	
(ii.) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	Section 4.0	
(iii.) any development control plan, and	Section 4.1.5	
(iiia.) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	N/A	
(iv.) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),that apply to the land to which the development application relates,	Section 4.0	
(b.) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	Section 6.0	
(c.) the suitability of the site for the development,	Section 6.18	
(d.) any submissions made in accordance with this Act or the regulations	Submissions have been addressed in the previous SAR submitted in April 2022	
(e.) the public interest	Section 6.18	

Statutory Requirement	Report / EIS	Technical Study
Biodiversity Conservation Act		
2) The Minister for Planning, when determining in accordance with the *Environmental Planning and Assessment Act 1979* any such application, is to take into consideration under that Act the likely impact of the proposed development on biodiversity values as assessed in the biodiversity development assessment report. The Minister for Planning may (but is not required to) further consider under that Act the likely impact of the proposed development on biodiversity values	Section 6.7	Previously submitted BDAR
3) If the Minister for Planning is of the opinion that proposed State significant development or State significant infrastructure that is the subject of an application to which this Division applies is likely to have serious and irreversible impacts on biodiversity values, the Minister— (a.) is required to take those impacts into consideration, and (b.) is required to determine whether there are any additional and appropriate measures that will minimise those impacts if consent or approval is to be granted	N/A	N/A
NSW EPIs		
State Environmental Planning Policy (Transport and Infrastructure) 2021		
2.121 – Traffic generating activity	Section 4.1.3	Traffic Management and Accessibility Report
State Environmental Planning Policy (Precincts – Western Parkland City) 2021		
Chapter 4 – Western Sydney Aerotropolis Clause 4.12 - Zone objectives Part 4.3 – Airport Safeguards Part 4.4 – General development controls Division 1 – Precinct Plans	Section 4.1.5	N/A
State Environmental Planning Policy (Industry and Employment) 2021		
Chapter 2 – Western Sydney Employment Area	Section 4.1.5	N/A
State Environmental Planning Policy (Planning Systems) 2021		
Schedule 1	Section 4.1.1	N/A
State Environmental Planning Policy (Resilience and Hazards) 2021		
Chapter 3	Section 4.1.4	N/A