

ETHOS URBAN

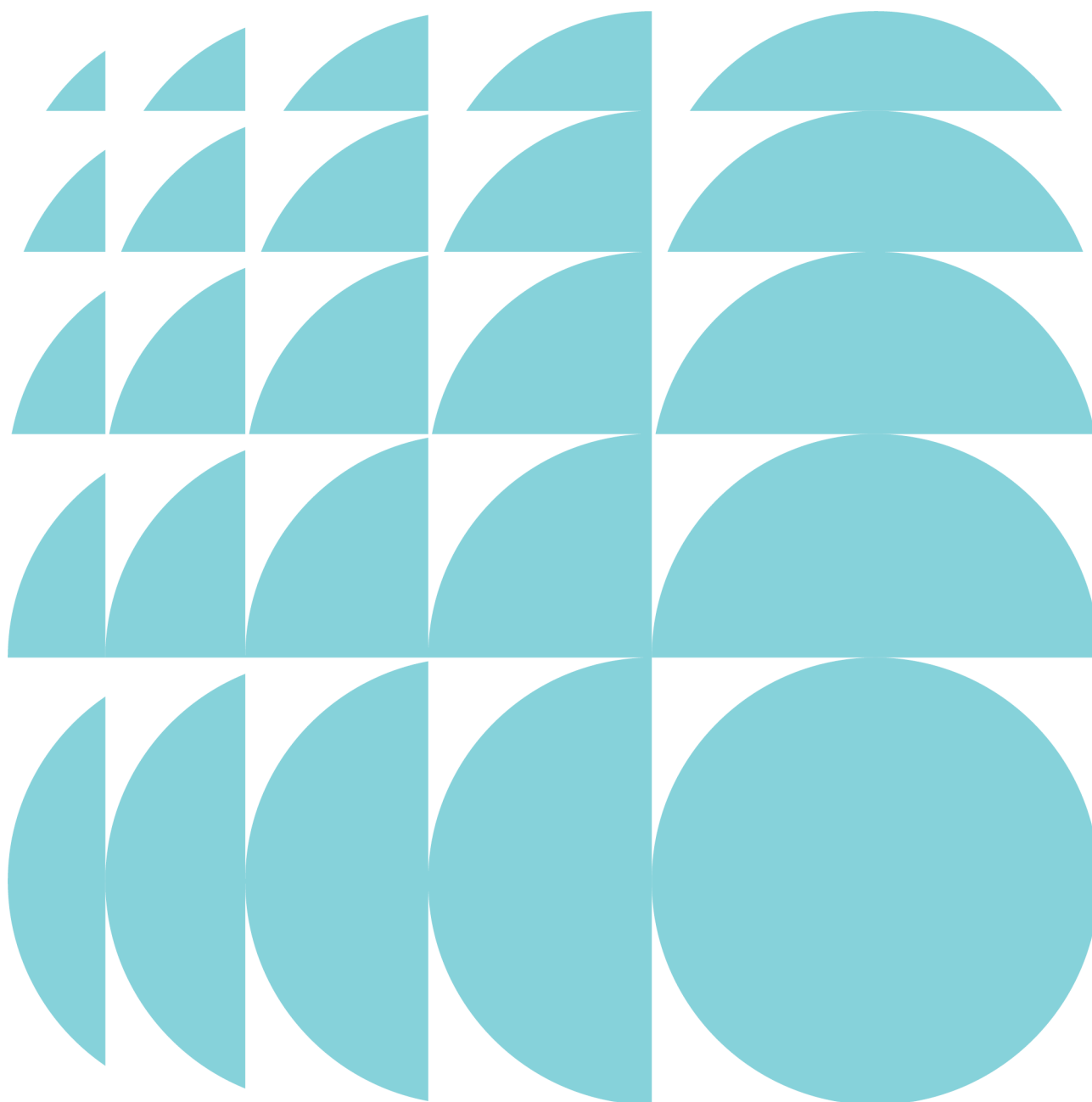
Submissions and Amendment Report

290-308 Aldington Road, 59-62 Abbots Road and
63 Abbots Road, Kemps Creek
Westlink Industrial Estate

Submitted to Department of Planning and
Environment

On behalf of ESR Australia

26 April 2022 | 2200446



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.

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1.0 Introduction

This Submissions and Amendment Report (SAR) is submitted to the Department of Planning and Environment to respond to submissions and key issues raised through the exhibition of the original Environmental Impact Statement (EIS) which was lodged pursuant to Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in support of an application for State Significant Development (SSD).

The report has been prepared by Ethos Urban on behalf of ESR Australia, 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).

This SAR has been prepared in accordance with the requirements of Part 4 of the EP&A Act and the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation). This SAR should be read in conjunction with the supporting information and plans appended to and accompanying this report which describes the amended proposal.

1.1 Background to the Development

The application was formally lodged with DPIE on 17 June 2021 pursuant to Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act) in support of a State Significant Development Application (SSDA) for the development of land identified at 290-308 Aldington Road, 59-62 Abbots Road, and 63 Abbots Road, Kemps Creek (the site) for the purposes of an industrial estate known as Westlink (formerly known as the Kemps Creek Logistics Park). The application went on exhibition on 22 June 2021 until 19 July 2021.

As the proposal is for the purposes of development for warehouse or distribution centres with a Capital Investment Value (CIV) in excess of \$30 million, it is SSD by virtue of Clause 12 of Schedule 1 of State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP).

1.1.1 Original Description of the Development

The SSDA was originally seeking 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:
 - 6 new industrial warehousing buildings with ancillary offices across 4 allotments, comprising:
 - 151,935m² of warehousing floorspace; and
 - 6,250 m² of ancillary office floorspace;
 - 1 new on-site retail café building comprising 200m² of floorspace; and
- 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 Abbots Road, and a new signalised intersection at Mamre and Abbots Road.

Due to commentary received from the public and agencies, along with further design changes, the proposed development has been amended. This is described further below.

2.0 Analysis of Submissions

There were a total of 16 submissions received from the public, and private and public authorities. Specifically, there were three public submissions, and submissions from the following:

- Department of Planning and Environment (including the request for a Response to Submissions report);
- Endeavour Energy;
- Western Sydney Airport;
- Natural Resources Access Regulator;
- Environment Protection Authority;
- Rural Fire Service;
- Transport for NSW;
- DPE Environment, Energy and Science (Biodiversity and Conservation Division);
- DPE Environment, Energy and Science (Waterway Health);
- Western Sydney Planning Partnership;
- Heritage NSW;
- Penrith City Council; and
- Sydney Water.

Generally the matters raised by authorities relate to their specialty, and further consultation has been summarised in **Appendix C**.

3.0 Response to Submissions

The following section outlines the response to the issues raised in submissions.

3.1 Public Submissions

The following **Table 1** outlines the key issues raised within the public submissions and provides a response to each, along with confirmation of the number of times an issue was raised.

Table 1 Public Submissions

Summary of Issue	Response	No. of times raised
Construction Impacts		
Unacceptable construction noise impacts	A detailed Construction Management Plan will be developed once a Principal Contractor is appointed prior to the issuance of a Construction Certificate. This is consistent with industry best practice.	1
More detail required for proposed construction activities	A Noise and Vibration Assessment was submitted at Appendix L of the EIS package, confirming that the project is not expected to generate adverse acoustic impacts, during construction and operation. It is expected that construction noise levels would generally remain below what is predicted at the most-exposed receiver in the Assessment as the noise levels presented are a realistic worst-case assessment.	1

Summary of Issue	Response	No. of times raised
	<p>The Noise and Vibration Assessment confirms that noise reduction measures will be implemented to ensure that noise is reduced where feasible, including through the following initiatives:</p> <ul style="list-style-type: none"> • Avoiding the coincidence of noisy plant working simultaneously close together would result in reduced noise emissions. • Equipment which is used intermittently is to be shut down when not in use. • Where possible, equipment with directional noise emissions should be oriented away from sensitive receivers. • Regular compliance checks on the noise emissions of all plant and machinery used for the proposal would indicate whether noise emissions from plant items were higher than predicted. <p>Furthermore, Westlink has been carefully designed to minimise impacts to landowners east of the site. The bulk earthworks across the site creates lower building pads compared to the existing RLs on the site. This minimises the visual impact of the warehouses of landowners to the east and creates an acoustic environment that enables sound to break apart and minimise intrusive sounds to rural residential properties nearby.</p> <p>The proposed development is seeking road upgrades to Abbots and Aldington Roads to improve the infrastructure in the immediate area. In addition, any contribution obligations remaining from these road upgrade works will be issued to State and local government, which will contribute to infrastructure upgrades across the site.</p> <p>The proposed development has been designed and mitigated to minimise impacts to adjacent landowners.</p>	
Road Upgrades		
Upgrades to surrounding road network required	The proposed development will provide works-in-kind arrangements by way of a Voluntary Planning Agreement for the upgrade of the Mamre Road / Abbott Road intersection upgrade, which will allow the intersection to accommodate the proposed development as amended.	1
Economic Impact		
Project will generate positive economic impacts	<p>Noted. A Social and Economic Impact Assessment of the proposed development comprises part of the lodgement package.</p> <p>The report confirms that the development 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.</p>	1
Building Setbacks		
Warehouses 4A and 4B encroaches 30 metre building setback line on the south eastern boundary.	<p>The Environmental Impact Statement confirms that the proposal is generally consistent with applicable setback controls contained in the Mamre Road Precinct Development Control Plan (MRDCP).</p> <p>The buildings along the rural residential boundary have been adjusted to not encroach in this 30m setback as a result of this submission and therefore comply with the MRDCP requirements. Furthermore, the project will introduce a number of initiatives to ensure there are no adverse environmental impacts on the adjacent residential land, noting the natural slope of the site affords a level of visual and acoustic mitigation, including:</p> <ul style="list-style-type: none"> • A 15m landscaping setback has been provided along this interface boundary which will provide significant visual amenity with high canopy tree cover to screen from sensitive receivers. • Warehouse loading docks have been designed on western side of Warehouses 1B-1, 1B-2 and 5 to avoid noise exceedances from traffic movements. The Noise and Vibration Assessment has confirmed there is to be no acoustic exceedances. • It should also be noted that due to the topography of the site, there is an approximate 20m level change from Warehouse 5 to the closest receiver adjacent the south east boundary. 	1

Summary of Issue	Response	No. of times raised
	As such, it is considered that the amended setbacks are acceptable.	

3.2 Agency Submissions

Agency submissions are responded to in **Appendix C** in detail.

4.0 Description of the Amended Development

This chapter of the report provides a detailed description of the amended development. 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 **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:
 - o ~~151,935~~ **144,482**m² of warehousing floorspace; and
 - o ~~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 Abbots Road, and a new signalised intersection at Mamre and Abbots Road.

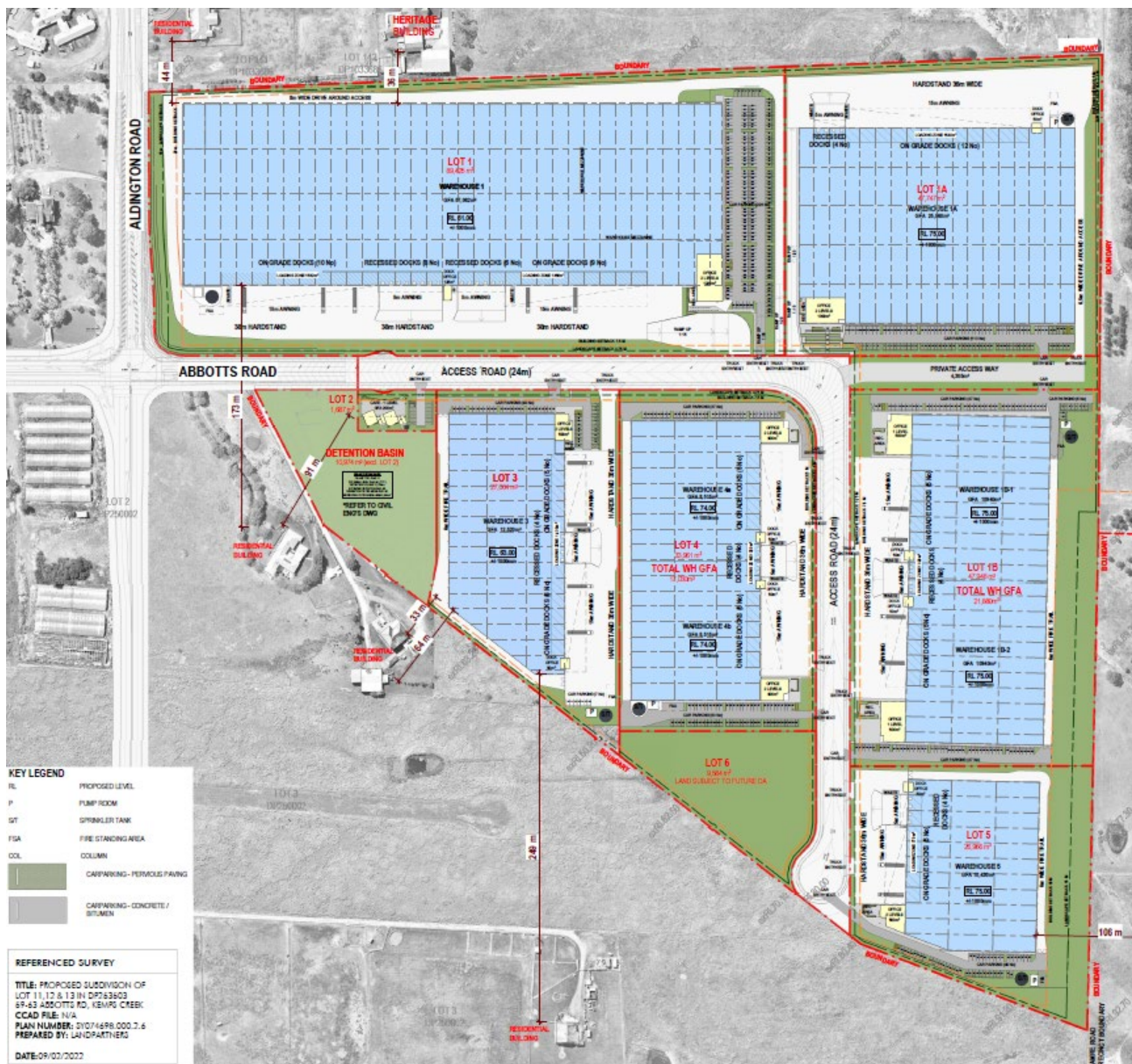


Figure 1 The amended masterplan

Source: Nettleton Tribe

4.1 Development/Urban Design Principles

The planning and design principles adopted for the amended proposed development of the site are as follows:

- Quality – Continue to deliver premier warehouse and logistics buildings which entail ESR quality design, presentation and detail to ensure it meets our customers needs today and in the future.
- Flexibility – Design to maximise flexibility through ability to accommodate the changing customer requirements such as automation
- Technology – Incorporate construction, technological and digital solutions to deliver value for customers and pioneer a “first of its kind” for Australian logistics.
- Sustainability – Implement ESG measures within ESR assets to create a clean and sustainable environment and smart buildings
- Protect and enhance existing vegetation by providing passive recreation opportunities together with local onsite café and amenities incorporated into employee wellbeing.

4.2 Numerical Overview

A numerical overview of the Westlink development by lot is provided in **Table 3** below:

Table 2 Proposed amended development numerical breakdown

Lot	Warehouse GFA (m ²)	Office GFA (m ² , including dock offices)	Total building GFA (m ²)	Parking spaces provided
Stage 1				
Lot 1	57,062	1,345	58,407	226
Lot 2 (café)	-	-	200	12
Lot 3	12,520	550	13,070	56
Lot 4	17,030	1,300	18,330	100
Stage 2				
Lot 1A	25,560	1,050	26,610	113
Lot 1B	21,880	1,100	22,980	102
Lot 5	10,430	550	10,980	49
Total	144,482	5,895	150,577	658

4.3 Site Preparation

To enable the revised proposed masterplan of the site, 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. ESR has recently acquired two additional lots to the south:

- 1030-1048 Mamre Road (Lot 3 DP 250002); and
- 1050-1064 Mamre Road (Lot 4 DP 250002).

To achieve the DCP requirement of a balanced cut and fill, earthworks is proposed to be majority cut from the existing estate and filled within the two new lots. This would result in a maximum export of 1,000m³. Given these two lots do not form part of this SSSDA application, ESR has developed a staging plan which enables a balanced cut and fill for Stage 1 within the estate with Stage 2 contingent on a subsequent development application approval for the additional two lots.

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.

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.

4.4 Staging

The development will now be staged across two separate stages as outlined below.

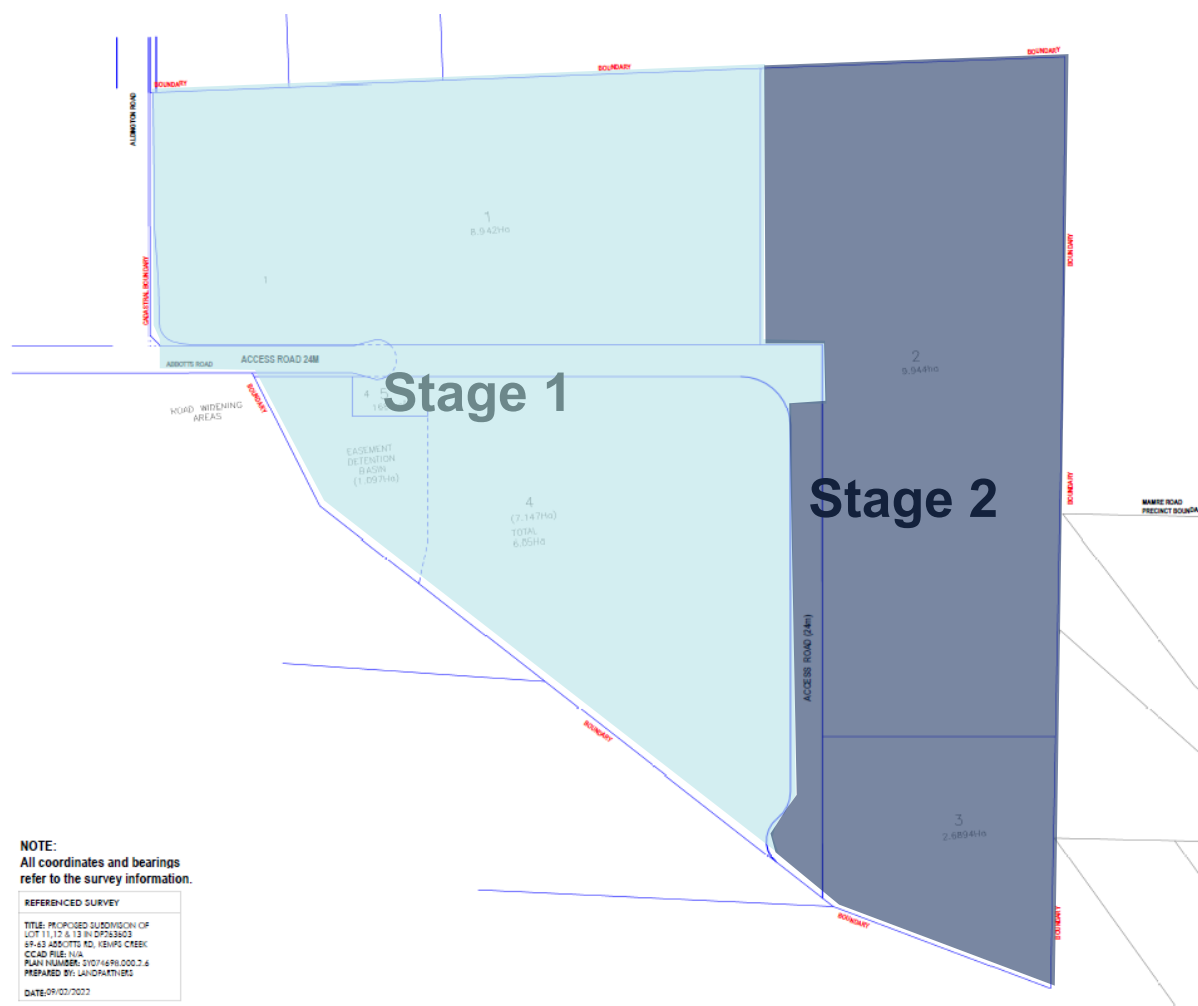


Figure 2 Proposed amended staging

Source: Land Partners Surveyors

4.5 Site subdivision

The site is now proposed to be subdivided into 5 separate allotments. Lots 1 through 4 (noting Lot 1A and Lot 1B) will comprise the new industrial warehousing buildings and their ancillary offices (with Lot 1B to contain two separate warehouse buildings) whilst Lot 5 will comprise the new café retail building. Lot 4 will also contain an easement that accommodates the proposed OSD detention basin.

The proposed subdivision works will be undertaken in accordance with the Plan of Subdivision prepared by Land Partners Surveyors at **Appendix E**, an excerpt of which is shown in **Figure 3** below.

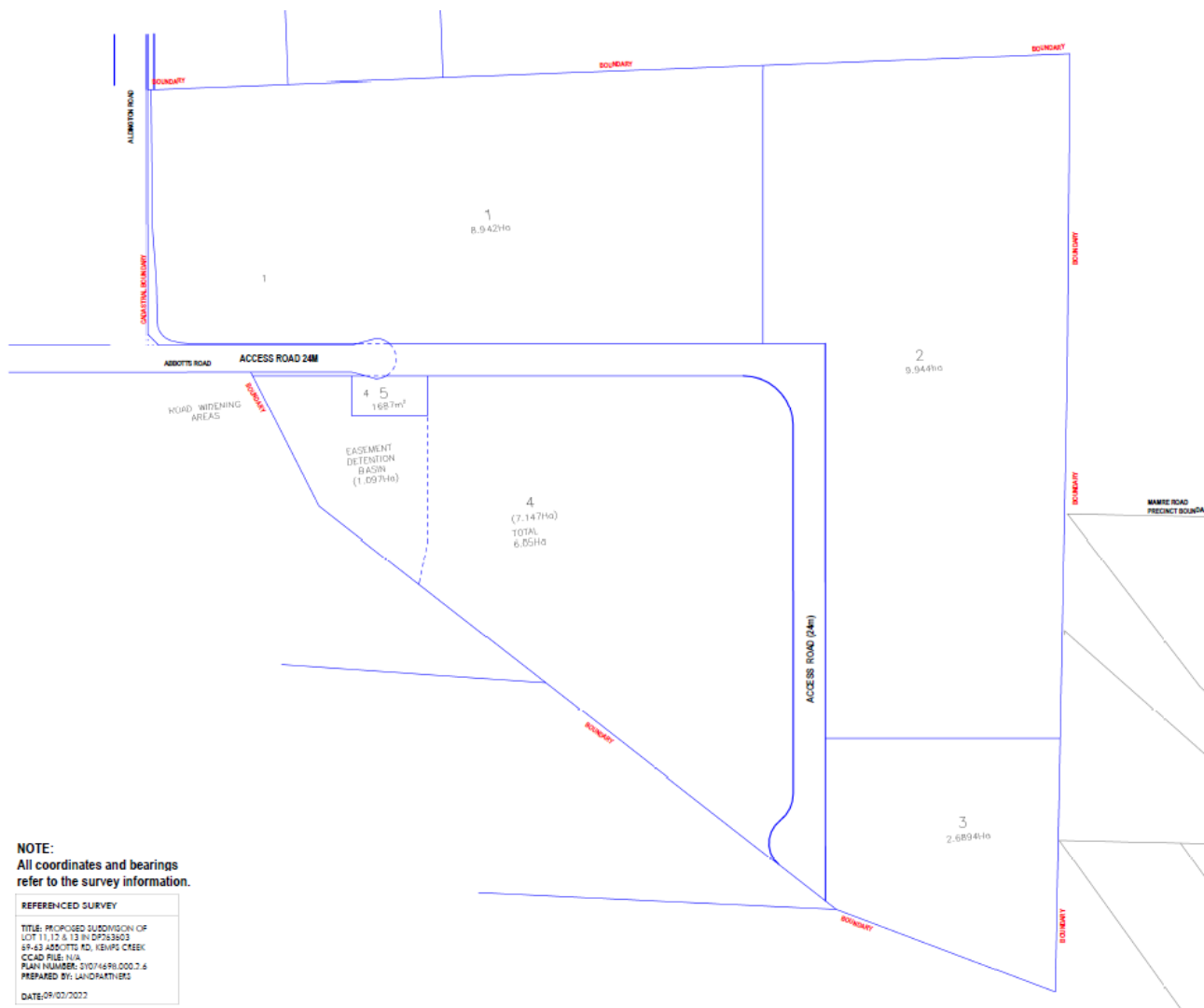


Figure 3 Proposed amended plan of subdivision

Source: Land Partners Surveyors

4.6 Built Form

Each of the warehouse buildings and broader Westlink estate will include:

- A single storey warehouse building with two storey ancillary office floor space components;
- A hard stand area for service vehicles and truck delivery along the front of each building footprint;
- Landscaping works along each setback and adjacent to the ancillary office space components; and
- At-grade dedicated vehicle parking spaces for each warehouse building footprint.

The building envelopes have been designed to be comparable in scale across the site. As detailed in the Architectural Plans at **Appendix A**, each building in the proposed masterplan adopts a similar maximum building height of 15m. An excerpt of the Site Sections in the Architectural Plans visualising this is provided **Figure 4** below.

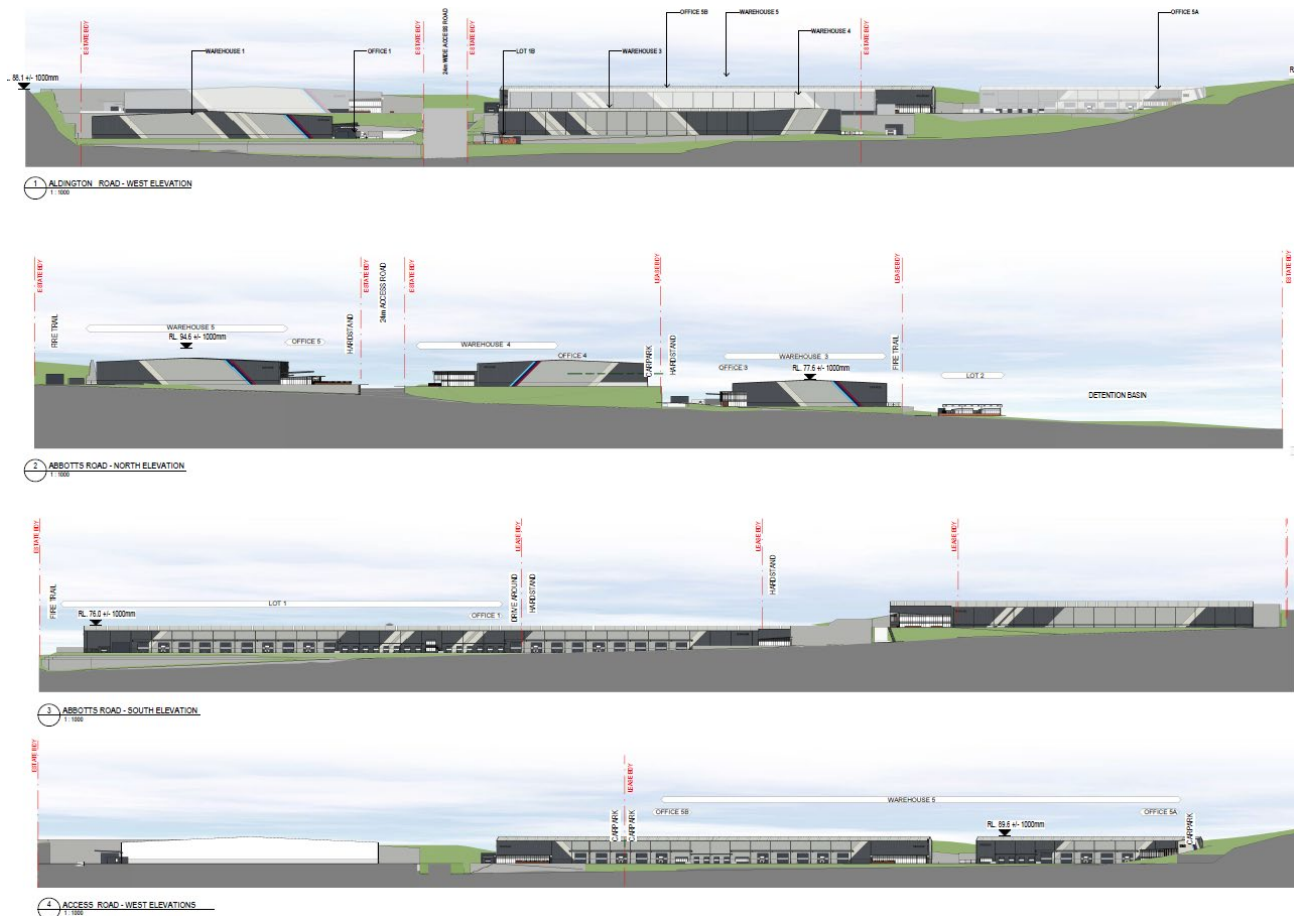


Figure 4 Site Elevations

Source: Nettleton Tribe

4.7 Landscaping

As discussed in the Urban Design Report prepared by Nettleton Tribe at **Appendix B**, the proposed development utilises landscaping and urban design features to complement biodiversity values. Landscaping for Westlink responds to the key interfaces of the estate with the public domain, adjoining properties and environmentally sensitive lands such as 30m setback to Rural Residential lands as per the precinct-wide DCP. The landscape strategy for Westlink aims to reflect a consistent image and maintenance regime across the entire estate and respond to its unique site characteristics. Further, the landscape plan has been updated to reflect the specified plant species and planting requirements set out in the DCP.

Proposed site landscaping works will be undertaken in accordance with the Landscape Plans prepared by Site Image Landscape Architects at **Appendix F**, and excerpt of which is provided in **Figure 5** below.



Figure 5 Proposed amended site landscaping masterplan

Source: Site Image Landscape Architects

4.8 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 estate identification pylon sign cube ('Signage Type 1')
- 15x directional wayfinding pylon signs ('Signage Type 2');
- 7x tenancy identification pylon signs ('Signage Type 3');
- 2x alternate tenancy identification pylon signs ('Signage Type 4'); and
- 20x tenancy façade signs ('Signage Type 5').

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 6** below.

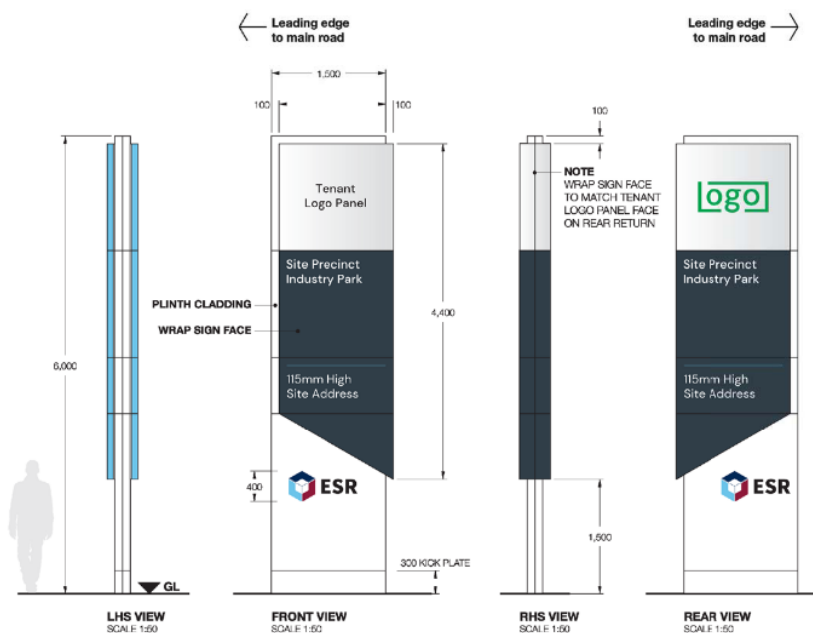


Figure 6 Design of proposed signage at the site

Source: Nettleton Tribe

4.9 Site access and parking

Access to the site is proposed to be via a three-way signalised intersection at the Abbots and Aldington Road junction, sized appropriately to cater for B-doubles.

The internal road network will be designed and constructed in accordance with the Penrith City Council design and construction specification. Cul-de-sacs will be designed and constructed in accordance with the Council guidelines requiring a 16.5m radius. 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 Abbots and Aldington Road junction. A typical section of the proposed internal industrial road is shown at **Figure 7** below.

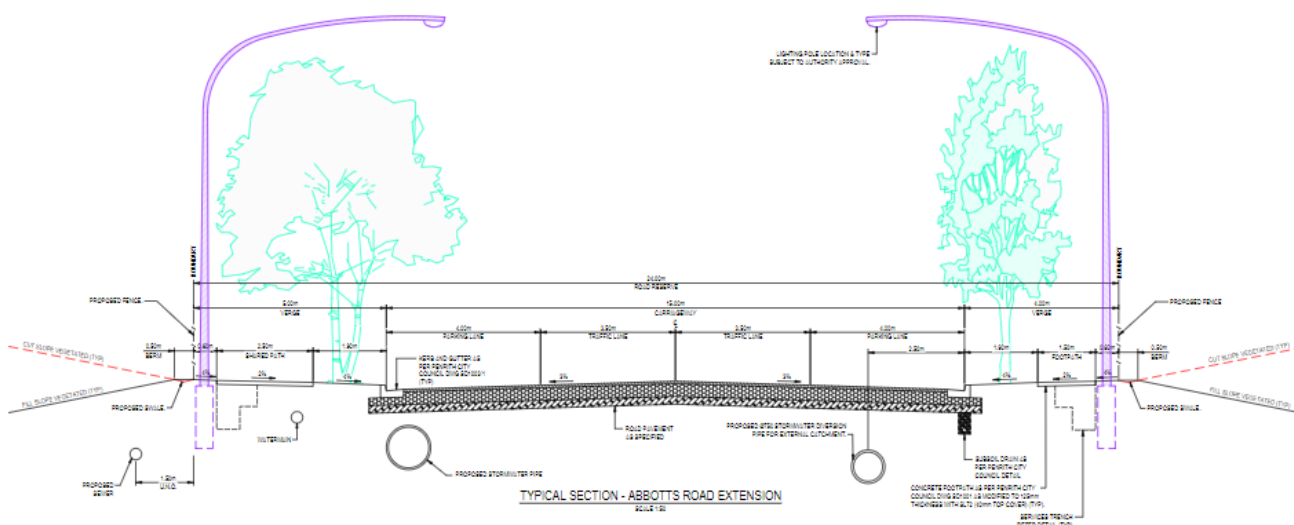


Figure 7 Typical section – Abbots Road extension (new internal road)

Source: AT&L

A total of 658 vehicular parking spaces will be provided at the site, with the number in each allotment provided in **Table 3** above. The car parking rates at the site meet or exceed RMS requirements (*Guide to Traffic Generating Developments*).

4.10 Voluntary Planning Agreement

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, 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 Abbots and Aldington Roads 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 OC for the development.

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

5.0 Consultation

In accordance with the SEARs issued for this project, consultation was undertaken with relevant public authorities, the community and Council as part of the preparation of the EIS, which was also placed on public exhibition between 22 June 2021 and 19 July 2021.

This SAR has been prepared in response to those submissions received, and where necessary, further consultation has been carried out with the relevant agencies including Penrith City Council, Transport for NSW and Sydney Water.

This SAR will be placed on further public exhibition once submitted, to enable agencies and the public to review changes made to the masterplan, prior to DPE completing its assessment and issuing a determination.

5.1 Consultation since exhibition

Since the public exhibition of the EIS, ESR has undertaken numerous consultation activities with key authorities as addressed below.

5.1.1 Penrith City Council

Meetings were held with Penrith City Council on:

- 28 July 2021
- 23 August 2021
- 3 November 2021
- 14 December 2021
- 22 February 2022
- 31 March 2022

Key items that have been discussed include the letter of offer to upgrade Abbots and Aldington Roads. These discussions are ongoing with the intent to enter into a Voluntary Planning Agreement to deliver works within this corridor. The meetings held sought to resolve key issues to enable Penrith City Council to agree to proceed with VPA and table the letter of offer and VPA with Councillors for exhibition. ESR is in final discussions with Council with the aim to exhibit a VPA mid-2022.

5.1.2 Department of Planning and Environment

Strategic Planning – Western Parkland City

A meeting was held with the strategic planning team on 16 July 2021. Key outcomes of the discussion were the finalisation of the DCP and key controls which were required to be reflected within the estate. ESR has reviewed these controls and has updated the estate masterplan accordingly.

Industrial Assessments

ESR held a further meeting with Industrial Assessments on 25 November 2021 to discuss the refinement of warehouses based on prospective tenant feedback. It was agreed to update the main DA given the hold points in determining DAs associated with the resolution of contribution plans.

Further, a representative of Industrial Assessments has been in regular attendance to State VPA discussions between TfNSW and the proponents, which include ESR. These discussions seek to resolve the proposed letter of offer to upgrade Abbots and Mamre Road intersection, as well as staging and sequencing road infrastructure across the estate.

Planning Agreements

A meeting was held with DPE's Planning Agreements team on 20 October 2021. ESR (along with two other developers in the Mamre Road Precinct) used this opportunity to discuss the proposed letter of offer. Following this meeting, a formal letter was submitted to the Department of Planning and Environment. The Planning Agreements team has been in regular participant in the Transport for NSW meetings to discuss the proposed road upgrade.

5.1.3 Sydney Water

ESR has regular engagement with Sydney Water on the provision of water, sewer, recycled water, and regional stormwater. Meetings were held on:

- 11 October 2021
- 8 December 2021
- 1 March 2022
- 28 April 2022
- 5 April 2022

Key outcomes of these discussions confirm the following:

- Water will be available at commencement of the estate in 2023. Water pipe infrastructure to be upgraded with coordination of the Abbots/Aldington Roads upgrade. ESR is currently preparing an application to Sydney Water on the connection from the Fife Kemps Creek estate to our property boundary.
- Sewer infrastructure will not be available until end 2024. Given this timeframe discrepancy, Sydney Water has confirmed to ESR to proceed with an Interim Operating Procedure (IOP). ESR is currently working with AT&L on a design to service the entire estate by completion of the first warehouse in end 2023. Sydney Water to be consulted on the design and provide appropriate approvals as required.
- Recycled Water will be delivered as part of the regional stormwater solution. ESR to provide appropriate internal estate infrastructure, such as stormwater pipes, during the construction phase. This infrastructure will connection into the regional system once it comes online.
- Regional Stormwater. Sydney Water has confirmed they are preparing regional strategy which will go on exhibition mid-2022. ESR has provisioned interim infrastructure in lieu of regional stormwater solution but has committed to join the broader system subject to resolution of design. Ongoing discussions with Sydney Water are occurring on this item.

5.1.4 Endeavour Energy

Edgewater Connections, on behalf of ESR, has scheduled regular fortnightly meetings with Endeavour Energy to discuss power supply to the estate. Endeavour Energy has confirmed allocation of required supply to support the estate within the Erskine Park Zone Substation. Supply of power will be upgraded as the road works occur on Aldington Road to the estate. An underground high voltage feeder line will be delivered as part of the Abbots/Aldington Roads works currently proposed by ESR and other developers with Penrith City Council.

5.1.5 Transport for NSW

Meetings were held with Transport for NSW on:

- 17 December 2021
- 3 February 2022
- 8 March 2022
- 13 April 2022

These meetings discussed the proposed road works at Mamre/Abbots Roads intersection. The meetings included additional participants in DPE – Industrial Assessment and Planning Agreement team.

5.1.6 NBN Co.

Edgewater Connections, on behalf of ESR, has consulted with NBN Co. on the provision of telecommunications infrastructure to the estate. NBN Co. confirmed in April 2022 that NBN will be installed along Mamre Road by end 2023. Infrastructure connecting to the estate will be delivered via an application to NBN Co. and the delivery will be provided underground in the existing verge. This service is not contingent on the road upgrade but will be coordinated as these works occur.

5.1.7 Telstra

Edgewater Connections, on behalf of ESR, has consulted with Telstra. Telstra reached out to Edgewater in April 2022 to discuss the proposed development. Telstra to install telecommunications infrastructure within the Mamre Road Precinct. Edgewater and Telstra to have ongoing communication to coordinate planning of this infrastructure in line with the anticipated development program.

6.0 Amended Environmental Assessment

This section of the report assesses and responds to the environmental impacts of the proposed amended application.

6.1 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 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 project is for a warehouse and distribution estate with a cost of more than \$30 million, it is declared State Significant Development.

6.1.1 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

Act	Approval Required
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.

The Project 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 Abbots 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

6.1.2 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 Biodiversity Development Assessment Report. A BDAR has been prepared for the application.
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 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.

Legislation	Pre-Condition
	The 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: <ul style="list-style-type: none"> 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 Policy (Resilience and Hazards) 2021	Section 4.6 stipulates that a consent authority must not consent to the carrying out of development unless: <ul style="list-style-type: none"> 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 Detailed Site Investigation has been undertaken which identifies a number of areas of concern A Remediation Action Plan has been prepared to provide for remediation of the site.

6.1.3 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 Proposal seeks 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 proposed development 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.

6.1.4 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 Abbots 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 prepared in response to the amended proposal.

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. To assess the risk of bushfire on the site and recommend bushfire protection measures a Bushfire Protection Assessment has been prepared 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 part 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.
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 Z .
2.19 – Ecologically Sustainable Development	The proposed development encompasses ecologically sustainable development principles, as outlined in the Sustainability Management Plan prepared by SLR Consulting at Appendix X .
2.20 – Height of Buildings	The maximum height of buildings is proposed to be 15m, which has been informed by a detailed analysis of the topography of the site 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 I .
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 proposed development specifically 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 I .
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	Land zoned as SP2 is to be acquired by TfNSW.

Clause	Assessment
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.
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. Therefore, the proposed amended development will not result in any impacts to airspace operations.
2.37 – 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 I .
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 O for the amended proposal.
2.43 – Consent for clearing native vegetation	As outlined in the Watercourse and Biodiversity Assessment at Appendix O , there are no impacts from clearing on the site given it is largely cleared and used for grazing. A BDAR Waiver has been prepared.
2.44 – Stormwater, water quality and water sensitive design	The proposed amended development will incorporate water quality and water sensitive urban design measures.

Mamre Road Development Control Plan

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 MRDCP is provided at **Appendix Z**. The proposal is generally consistent with the applicable controls.

The proposal is generally compliant with the requirements of the MRDCP. Where variations are sought, these are identified in **Appendix Z**.

The final DCP requires that a Crime Prevention Through Environmental Design assessment be undertaken for the development. The assessment is Below:

Section 4.2.9 – Safety and Surveillance (Crime Prevention Through Environmental Design)

The development has considered the principles of CPTED through its design, including:

- Surveillance;
- Lighting and technical supervision;
- Territorial reinforcement;
- Environmental maintenance;
- Activity and space management;
- Access control; and
- Design, definition and designation.

A potential perpetrator can take advantage of the environment, with access and the opportunity for concealment significantly affecting the safety and perceived safety of an environment.

The proposed development is located within a recently rezoned precinct where there are currently no substantially active uses (noting this will change as other development is approved and commences construction and then ultimately operation). Understanding the relationship of this activity and other development in the context of the existing site is integral in forming recommendations for crime reduction. This emerging context underpins the assessment of the proposed development in accordance with the principles of CPTED.

Surveillance

Effective natural and incidental surveillance can reduce the opportunities for crime and improve the safety or perceived safety of an area. The principle indicates that offenders are often deterred from committing a crime in areas with high levels of natural surveillance, due to the increased likelihood of that criminal act being witnessed or an offender being identified. The following design features can improve natural surveillance:

- clear sight lines between public and private places;
- appropriate lighting and effective guardianship of communal and/or public areas;
- clear building entry points, highly visible from the public domain and pedestrianised areas;
- orientation of building entrances and windows towards the street, public domain and parking areas;
- appropriate lighting and effective guardianship of communal and/or public areas; and
- minimised opportunities for concealment or entrapment for offenders to hide or entrap victims.

The proposed development will undoubtedly increase opportunities for natural surveillance, both within the site and to the immediate surrounds, particularly given the focus of the development along the proposed Local Industrial Road. While Abbots and Aldington Roads sit to the east of the site, this corridor will largely become a major traffic distributor corridor, with minimal publicly accessible spaces available requiring surveillance.

External Design

The proposed development will facilitate opportunities for natural surveillance from the office spaces and loading areas, both which face towards the local industrial road. The communal open space for each warehouse also contributes to a sense of surveillance, being highly recognisable and clearly visible with sightlines provided beyond this area.

The development frontages orientated to the Local Industrial Road are likely to be naturally supervised by informal guardians such as employees and visitors that would occupy the surrounding area.

As the surrounding area is developed, common factors of the urban environment (as likely to be proposed) such as design of buildings with clearly defined facades and glass windows overlooking publicly accessible areas, maximises the natural surveillance of the site, presenting overlooking opportunities of the surrounding ground floor plane beyond the site boundary. The maximisation of such surveillance opportunities is likely to assist in preventing opportunities for criminal activity due to the perceived risk of a potential offender being seen or caught in an act of anti-social behaviour.

Car Parking

On-grade car parking is proposed along the front or side of each proposed allotment, adjoining the Local Industrial Road. Landscaping throughout is proposed to be higher trees with limited mid-storey vegetation to allow for sightlines to be maintained throughout.

The location of car parks allows for surveillance to be provided along the entire length of parking and also focusing on views to and from the Local Industrial Road through the site. Appropriate lighting will be provided to ensure this area is well lit and enables surveillance in all weather conditions.

Regardless of these design features, it is likely that CCTV in conjunction with adequate lighting devices be installed throughout the car park to improve surveillance and ensure clear CCTV footage can be captured.

Communal facilities

Communal facilities are proposed adjacent to the office components of each warehouse, available for use by staff and visitors as required. The location of these areas provides opportunities for casual surveillance over these spaces, as well as from these spaces. Additionally, upper level office spaces are orientated to overlook the communal space for both warehouses.

Importantly, the communal areas provided for all warehouses can be used by workers across both warehouses due to the single tenant across the site. Additional movement both within and amongst the wider precinct is seen as a positive contribution to increasing casual surveillance opportunities and informal guardians on site.

Landscaping elements are provided within the abovementioned communal open spaces. Landscaping can provide shade, shelter and add to the attraction of environments, however concealment opportunities can be offered by landscaping that is not appropriately designed or maintained. The landscape plans at **Appendix F** provide further details on vegetation types.

On balance, the proposed design is considered to provide a good level of natural surveillance both within and beyond the site. Furthermore, within the context of the surrounding development and future adjoining development there will be a good level of natural surveillance across the site. In light of the above as discussed, formal surveillance measures such as CCTV should be incorporated within areas of the development.

Lighting and Technical Supervision

Effective lighting can reduce fear, increase community activity, improve visibility and increase the likelihood that offenders will be detected. Lighting within the proposed development should meet (and preferably exceed) minimum Australia and New Zealand Lighting Standards that specifically address crime and fear reduction.

The brightness of lighting should allow for facial recognition and visibility into a vehicle. Bright and well-distributed lighting should be installed at all building entrances, egress points and throughout the basement including the lift lobbies. Lighting types should be of a high quality and vandal resistant. All lighting should be designed and managed in the context of the location to maximise effectiveness. Where recesses and interrupted sightlines cannot be avoided, the use of additional lighting and/or mirrors should be considered.

To ensure the CCTV network is effective, lighting within the proposed development should be designed to correspond with the placement of the CCTV cameras to permit adequate facial recognition (of CCTV images) at all times. Furthermore, a consistent maintenance and cleaning regime should be put in place to ensure all lighting and CCTV cameras remain in good working condition.

Territorial Reinforcement

The NSW Police Safer by Design Guidelines note that people generally recognise areas that are well cared for and areas that display strong ownership cues are less likely to be improperly used than those that do not. In particular, ownership cues are heightened and fear can be reduced amongst residents and visitors through the personalisation, marking, maintenance and decoration of a building or place.

The clear definition of the development being private territory, and the introduction of a greater number of workers on the site (and in the general Mamre Road Precinct) will increase the risk to an offender and promote territorial reinforcement, as criminals do not want to be detected, challenged or apprehended. The increase in persons on the site provides a notable increase in casual surveillance opportunities, remembering that the site is currently used for

residential purposes in an area due to undergo substantial redevelopment. The provision of the new warehouse buildings will enhance the area image when compared to the existing situation of single residential properties.

Additionally, sometimes way finding in large environments can be confusing. Knowing where and how to enter and exit and find assistance within parking facilities can impact on perceptions of safety, victim vulnerability and crime opportunity. To reinforce the principles of wayfinding and provide visitors to the site with greater confidence, appropriate wayfinding signage is proposed as part of this application.

Adequate wayfinding signage will also assist in helping to reduce the opportunities for people to find excuses to gain unauthorised access and/or to loiter in areas of the development.

Environmental Maintenance

It is commonly understood that area image can impact on feelings of safety and danger, influence local confidence and individual decisions to withdraw or engage in community life. It can also affect the economic prosperity of areas and lessen the likelihood of visitors to return.

Environmental maintenance and territorial reinforcement are co-dependent in achieving a safer space and are integral in achieving optimal natural surveillance. The maintenance of the built form, landscaping and lighting will assist in communicating care and the presence of effective guardianship. Routine maintenance is a strong indicator of area management and safety.

As shown within Architectural Plans (**Appendix A**) and in the Landscaping Plans (**Appendix F**) the proposal involves major redevelopment of the site, providing a high-quality design outcome that will facilitate employment uses consistent with the vision for the broader Mamre Road Precinct, transforming the existing vacant site from its current state. The proposed development will be integrated into the greater Mamre Road Precinct and provide an employment use that will support surrounding activity of a similar nature.

Vandalism, graffiti and other crimes can induce fear and avoidance of public open spaces, particularly amongst the elderly. As such, maintenance of the proposed development and its surrounds is a key crime prevention mechanism. Environmental maintenance practises should incorporate strategies to facilitate the rapid removal of graffiti and litter from the site, and the repair of items/areas that have been vandalised, should it occur.

Activity and Space Management

Similar to environmental maintenance, there is a strong association between activity and space management, and the fear or perceived fear of crime. Unlike environmental maintenance, this principal endeavours to manage the more dynamic activity and use of space.

The management of space and activity is important to maintaining control over a space and preventing incidents of crime. Space management relates to the supervision, control and the ongoing care of a development, similarly to environmental maintenance. Spaces that are infrequently used are known to experience crime and be the subject of abuse. Effective space management also encourages people to feel a shared responsibility for its use and condition.

The management of activity and space on site will apply to the communal areas plus also inside the privately operated warehouses where members of the public may enter when appropriately chaperoned. The central management of the communal areas will benefit the activity and space within the proposed development.

In light of this, it is considered that the spatial design of the layout of the development endeavours to clearly define spaces, capable of being well managed and cared for in order to prevent incidents of crime.

Access Control

Access control strategies restrict, channel and encourage the movement of people and vehicles into and around designated areas. Physical barriers increase the effort required to commit crimes and will prevent unauthorised entry. Access control strategies are well considered and clearly evident in the proposed development.

The proposed development includes multiple types of access, these include:

- Primary – access to publicly accessible areas. The public access areas of the development includes the communal space near the offices, the public areas of the offices and the car parking areas. These are clearly signposted and it will be noted that access to the internal warehouse area is by escort only.
- Secondary – access to semi-public or private areas. This includes the warehouse areas and non-public areas of the office space.

Access control within the proposed development is well considered by the quality and quantity of access points proposed. It is noted that gated access is proposed to the car parking areas and the truck access areas. Access control measures are proposed in the office space and also the warehouse itself. The proposed entry doors to the office space are proposed as glazed so that sightlines are maintained.

Design, Definition and Designation

The design of the proposed development reflects its purpose, and while perpetrators will often exploit areas with unclear spatial definition, the design of the proposed development generally addresses multiple principles of CPTED. To further convey definition and designation of the place, wayfinding signage indicating access to differing public and private components of the building is proposed. Clear wayfinding signage is incorporated throughout the ground floor of all buildings within the precinct. Wayfinding provisions provide a sense of purpose for each space as regulated by good wayfinding through design, definition and appropriate designation of place.

It is also advised that appropriate technical surveillance should be considered throughout the interior and exterior of the development and should form part of a wider CCTV network.

Chapter 3 – Advertising and Signage

Chapter 3 – Advertising and Signage of the Industry and Employment SEPP applies to advertising and signage within NSW. Clause 3.1(1)(a) aims to ensure that advertising and business or site identification signage is compatible with the desired amenity and visual character of an area; provides effective communication in suitable locations; and is of high quality design and finish. The proposed signage strategy 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 Industry and Employment SEPP contains assessment criteria that are to be considered by the consent authority. An assessment of the proposed signage strategy against the criteria is provided in **Table 7**. It is to be noted future assessment against Chapter 3 and Schedule 5 of the Industry and Employment SEPP and separate approval will be required for detailed signage proposed in the signage zones and are to be consistent with the proposed signage strategy.

Table 7 Schedule 5 Assessment

Assessment Criteria	Assessment	Compliance
Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage zones are located on the elevations of each proposed warehouse and are therefore consistent with the intended warehousing use.	Y
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is currently no theme for outdoor advertising in the area, noting the future character is for industrial	Y

Assessment Criteria	Assessment	Compliance
	development and the proposed signs are for business identification purposes.	
Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	No, the proposed signage zones will not detract from the amenity or visual quality of the area which is due to undergo substantial transformation due to the recent rezoning of the area as part of the Mamre Road Precinct.	Y
Views and vistas		
Does the proposal obscure or compromise important views?	No, the proposed signage zones are fully located within the proposed elevations of the warehouse buildings.	Y
Does the proposal dominate the skyline and reduce the quality of vistas?		Y
Does the proposal respect the viewing rights of other advertisers?		Y
Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes, the signage is compatible in all aspects with the scale and style of the proposed industrial warehouse development.	Y
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Not applicable. There is no existing advertising on the site.	N/A
Does the proposal screen unsightliness?	The proposal does not screen unsightliness however provides for identification of future tenants within the proposed buildings.	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No, the proposed signage zones do not protrude above the proposed buildings.	Y
Does the proposal require ongoing vegetation management?	No.	Y
Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes, the proposed signage zones are entirely compatible with the characteristics of the site and the proposed warehouse buildings which are large scale and large floor areas consistent with the future character of the Mamre Road Precinct.	Y
Does the proposal respect important features of the site or building, or both?	Yes. The proposed signage zones are consistent with the design and features of the buildings.	Y
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage zones provide for opportunities for future tenants to identify their business on the elevations of their leased warehouses.	Y
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Not applicable. The proposed signage zones sit on the elevations of the buildings and no content is proposed at this stage.	N/A
Illumination		

Assessment Criteria	Assessment	Compliance
Would illumination result in unacceptable glare?	While it is likely the signage will be illuminated by a future tenant, no content for the signage zones is proposed at this stage. Any future content and its illumination would be subject to tenant requirements however it is considered that these elements would be satisfied.	N/A
Would illumination affect safety for pedestrians, vehicles or aircraft?		
Would illumination detract from the amenity of any residence or other form of accommodation?		
Can the intensity of the illumination be adjusted, if necessary?		
Is the illumination subject to a curfew?		
Safety		
Would the proposal reduce the safety for any public road?	No, the proposed signage zones are located substantial distances from existing and proposed public roads and would not reduce safety for public roads.	Y
Would the proposal reduce the safety for pedestrians or bicyclists?	No, the proposed signage zones are located substantial distances from existing and proposed public roads and would not reduce safety for pedestrians or cyclists.	Y
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No, the proposed signage zones are located substantial distances from existing and proposed public roads and would not reduce safety through obscuring sightlines as the signage is located on the upright walls of the proposed buildings.	Y

Chapter 3 – Advertising and Signage

Chapter 3 – Advertising and Signage of the Industry and Employment SEPP applies to advertising and signage within NSW. Clause 3.1(1)(a) aims to ensure that advertising and business or site identification signage is compatible with the desired amenity and visual character of an area; provides effective communication in suitable locations; and is of high quality design and finish. The proposed signage strategy 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.

While the amended proposal results in the relocation of proposed signs from that originally proposed, there is no change to the original assessment undertaken in the EIS as exhibited (noting that the original EIS considered the requirements of SEPP64 Advertising and Signage, now consolidated in the Industry and Employment SEPP).

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

The former *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020* (Aerotropolis SEPP) was recently 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 8 Consistency with Part 4.3 Development Controls – Airport safeguards

Clause	Assessment
4.17 – Aircraft noise	
1. The objectives of this clause are— <ol style="list-style-type: none"> to prevent certain noise sensitive development on land near the Airport, and to minimise the impact of aircraft noise for other noise sensitive development, and 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. 	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 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— <ol style="list-style-type: none"> development on land shown on the Lighting Intensity and Wind Shear Map, 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 prepared (Appendix AA).
2. Development consent must not be granted to relevant development on land in the 13 km wildlife buffer zone unless the consent authority— <ol style="list-style-type: none"> has consulted the relevant Commonwealth body, and 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— <ol style="list-style-type: none"> species, size, quantity, flock behaviour and the particular times of day or year when the wildlife is likely to be present, and whether any of the wildlife is a threatened species, and a description of how the assessment was carried out, and 	A Wildlife Management Assessment report has been prepared and provides for a response to these elements including mitigation measures.

Clause	Assessment
<ul style="list-style-type: none"> c) is satisfied that the development will mitigate the risk of wildlife to the operation of the Airport, including, for example, measures relating to— <ul style="list-style-type: none"> 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	
<p>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.</p>	<p>The proposed development is located in the 3-30km zone and does not involve the construction of wind turbines or for the purpose of electricity generation involving wind turbines.</p>
<p>2. Development for the following purposes is prohibited on land in the 3 km zone—</p> <ul style="list-style-type: none"> a) electricity generating works comprising a wind turbine, b) wind monitoring towers that are not ancillary or incidental to the Airport. 	
<p>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.</p>	
<p>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—</p> <ul style="list-style-type: none"> 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	
<p>1. The objective of this clause is to safeguard Airport operations from the risk of lighting and reflectivity distractions for pilots.</p>	<p>The site is located outside of the Lighting Intensity affected areas.</p>
<p>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—</p> <ul style="list-style-type: none"> a) installation and operation of external lighting (whether coloured or white lighting) in connection with development for the following purposes— <ul style="list-style-type: none"> 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	
<p>1. The objectives of this clause are—</p> <ul style="list-style-type: none"> 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. 	<p>The amended proposal does not impact on airspace operations.</p>
<p>2. Development consent must not be granted to development to which this clause applies unless—</p> <ul style="list-style-type: none"> a) the consent authority has consulted the relevant Commonwealth body, and b) the relevant Commonwealth body advises the consent authority that— <ul style="list-style-type: none"> i) the development will penetrate the prescribed airspace but it does not object to the development, or 	

Clause	Assessment
ii) the development will not penetrate the prescribed airspace.	
4.23 – Public Safety	
<p>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.</p> <p>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—</p> <p>a) has considered a written assessment of the risk of the development to persons provided by the applicant, which includes –</p> <p>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</p> <p>ii) the likely number of people who will use or otherwise be present on the land, and</p> <p>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</p> <p>b) is satisfied that the development will adequately mitigate the risk to persons on land, including by limiting the number of people or vehicles</p>	The proposed amended development is located outside of the applicable Public Safety Areas.

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.

6.2 Infrastructure requirements

The infrastructure requirements of the proposed development are discussed in the Civil Infrastructure Report and Plans prepared by AT&L at **Appendix I**. There is no change to servicing requirements as a result of the amended proposal.

6.3 Visual impact

A Visual Impact Assessment (VIA) of the proposed development as amended has been prepared by Geoscapes Landscape Architects, and is attached to this report at **Appendix J**. The VIA assesses the visual impacts generated by the proposed development at the following 8 view points (**Figure 8**):

- Junction of Abbots Road & Mamre Road, Kemps Creek (VP1);
- Junction of Abbots Road & Aldington Road, Kemps Creek (VP2; Figure 27);
- 284 Aldington Road, Kemps Creek (VP3; Figure 28);
- Aldington Road, Kemps Creek (VP4);
- 30 Belleview Ave, Mount Vernon (VP5);
- 247 Capitol Hill Drive, Mount Vernon (VP6; Figure 29);
- 52A Mount Vernon Road, Mount Vernon (VP7; Figure 30); and
- Mamre Road, Kemps Creek (VP8).

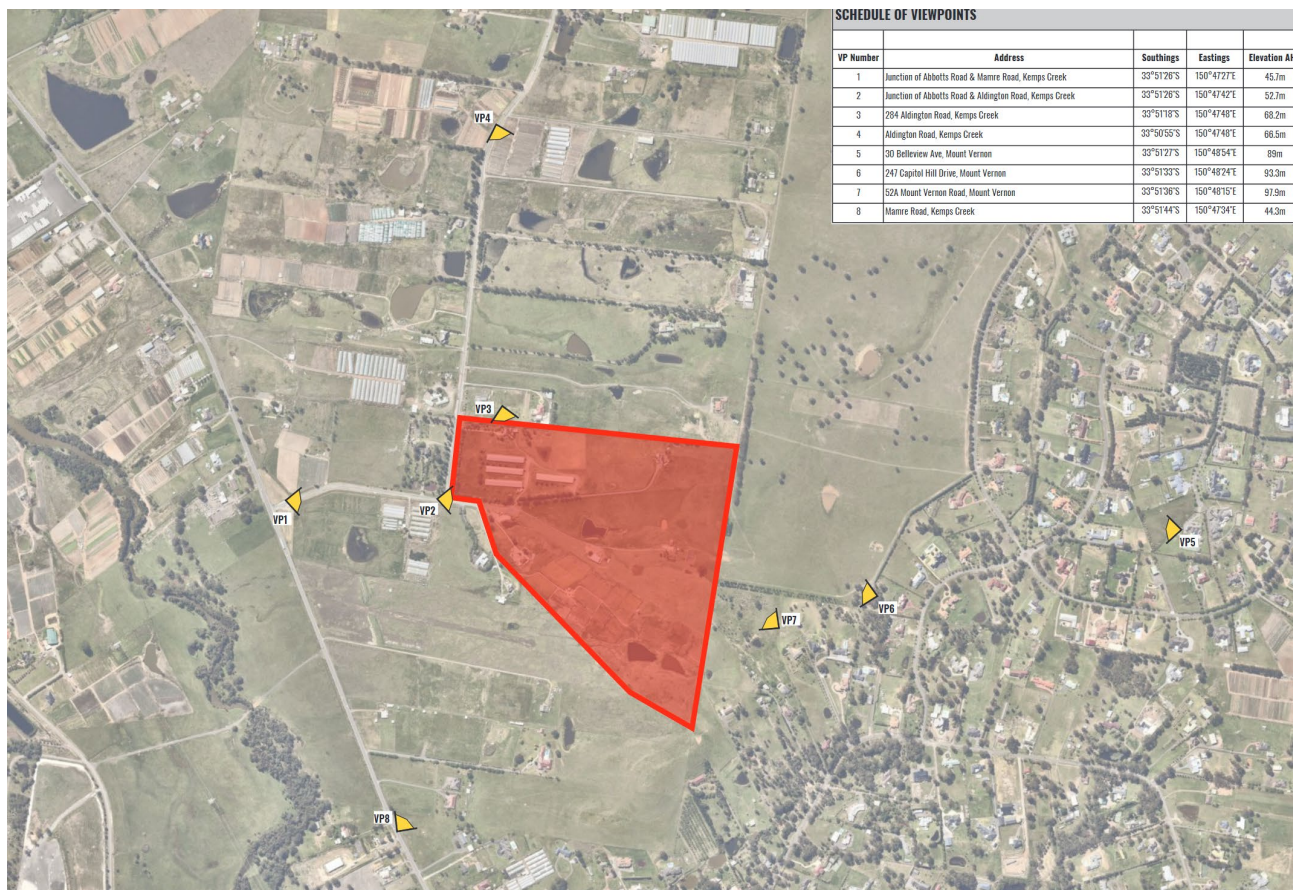


Figure 8 VIA viewpoints analysed

Source: Geoscapes Landscape Architects

Because the surrounding area has been rezoned for industrial development, visual impacts are generally to be short to medium term only (excepting the viewpoints from the Mount Vernon residential area at VP5, VP6, and VP7).

Notwithstanding the amended proposal, the VIA found the following impacts from the assessment undertaken. The original assessment is indicated in brackets, where this has changed as a result of the amended proposal.

Table 9 Visual impact assessment summary

Viewpoint	Location	Visual Receptor Sensitivity	Magnitude of Change	Significance of Visual Impact
Viewpoint 1*	Junction of Abbots Road & Mamre Road, Kemps Creek	Medium	Low (Medium)	Minor (Moderate/minor)
Viewpoint 2*	Junction of Abbots Road & Aldington Road, Kemps Creek	Low	High	Moderate/minor
Viewpoint 3*	284 Aldington Road, Kemps Creek	Very high	Low	Moderate
Viewpoint 4*	Aldington Road, Kemps Creek	Medium	Low	Minor
Viewpoint 5	30 Belleview Ave, Mount Vernon	High	Very low	Minor
Viewpoint 6	247 Capitol Hill Drive, Mount Vernon	High	Low (Medium)	Minor (Moderate)
Viewpoint 7	52A Mount Vernon Road, Mount Vernon	High	Medium	Moderate

Viewpoint	Location	Visual Receptor Sensitivity	Magnitude of Change	Significance of Visual Impact
Viewpoint 8*	Mamre Road, Kemps Creek	Medium	Medium	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.

Source: Geoscapes

As indicated above, the amended proposal results in changes to the significance of the visual impact in a positive manner at Viewpoint 1 and Viewpoint 6, which sees a reduction in impact from Moderate/Minor to Minor, and Moderate to Minor, respectively. In particular, this change at Viewpoint 6 is highly important, given the location of the viewpoint within the adjoining Mount Vernon residential area. This indicates that the amended proposal represents a positive outcome for the Mount Vernon area, and in particular responds to the submissions received relating to impacts on adjoining residential areas.

6.4 Traffic and transport

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

The expected trip generation of the proposed development when complete is summarised in **Table 7** below. Justification of the rates chosen is provided within the report. Where these have changed as a result of the amended proposal, the previously assessed numbers are shown in brackets.

Table 10 Expected trip generation

Statistic	GFA	Rate per 100m ²	Trips
Total daily trips	150,377 (excluding café)	2.91	4,376 (4,239)
Local Road AM peak (7:00 – 8:00)		0.23	346 (334)
Local Road PM peak (16:00 – 17:00)		0.24	361 (348)
Site Maximum Generation Rate (all vehicles)		0.26	391 (377)
Site Maximum Generation Rate (heavy vehicles)		0.07	105 (102)

As indicated above, generated trips do increase slightly based on the revised scheme.

Cumulatively, when considering adjoining and nearby developments in the Precinct, there is a total of 1,189,712m² of GFA to be completed by 2026. On the basis of trip rates agreed with TfNSW for the purpose of modelling, this equates to the following in terms of AM and PM peak trips:

- 2,736 AM peak hour trips; and
- 2,855 PM peak hour trips.

6.4.1 Intersection Operations

The nearby key intersections include:

- The Mamre Road / Abbots Road intersection;
- The Abbots Road / Aldington Road intersection;

For the purposes of this assessment, the operation of these intersections has been assessed using the SIDRA model for 2026. The previous assessment modelling results are shown in brackets.

Table 11 Intersection operations

Intersection	Configuration	Period	Average Vehicle Delay (seconds)	Level of Service
Mamre Road/Abbots Road	Signals	AM	10.3 (15.9)	A
		PM	25.1 (49.8)	B (D)
Abbots Road/Aldington Road	Signals (roundabout)	AM	30.2 (12.2)	C (A)
		PM	31.6 (14.5)	C (B)

Source: ASON

As noted above, from the amended proposal, the Level of Service decreases, and the Average Vehicle Delay increases – however the main intersection of Mamre Road and Abbots Road sees a substantial improvement in intersection operation.

Based on the above, it is considered that the proposed development is capable of being accommodated on the existing road network.

6.4.2 Parking assessment

Currently applicable minimum car parking rates are detailed in the Mamre Road DCP. Parking rates applicable to the proposed development require 635 spaces be provided. There are 658 spaces proposed, therefore exceeding the required amount and being compliant.

6.4.3 Road network

The proposed road network of the amended proposal as described earlier is summarised below:

- The proposed industrial estate will provide connection to adjoining lots to the south east for future development via further extension of Abbots Road beyond the cul-de-sac currently proposed towards the south-east of the proposed development.
- Access for the site is off Abbots Road via a proposed three-way junction at the intersection of Abbots Road and Aldington Road. This three-way junction is designed to provide a future roundabout intersection for future road Aldington Road extension in the southerly direction. The existing Abbots Road cul-de-sac is proposed to be extended further to the south-easterly direction with a proposed cul-de-sac providing vehicular access to the overall development.
- Abbots Road and pedestrian networks are proposed to be provided in accordance with Penrith City Council's standard DCP requirements with exception of a proposed wider verge on the shared pathway side to enable a consistent landscape zone within both road verges
- Swept path diagrams have been provided in the Civil Plans attached to the Civil Infrastructure Report and Plans at **Appendix I**.
- Details of road upgrades, infrastructure works, and new roads and access points have also been provided within the Civil Plans.

6.5 Soil and water

Assessment of the proposed development with regards to soil and water is provided within the Civil Infrastructure Report and Plans prepared by AT&L at **Appendix I**. 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.

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

6.5.2 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.

Since the original EIS was exhibited, the Mamre Road DCP has been adopted. This now includes indicative locations of trunk drainage infrastructure across the precinct, with a trunk drainage line identified in the site, draining in a westerly direction on the southern side of Abbots Road ultimately towards Mamre Road.

Due to the site topography and the proposed built landform 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 1200mm diameter line on the southern side of Abbots 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. This drainage line will connect to a junction pit on the southern side of Abbots Road.

6.5.3 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, with AT&L providing the following summary:

The Draft Mamre Road Flood, Riparian Corridor and Integrated Water Cycle Management Report (FRCIWCM) (Sydney Water, 2020) addresses links between waterway health, hydrology and water quality targets, and recommended a stormwater runoff objective of 1.9 megalitres per hectare per year (ML/ha/yr) measured at any legal discharge point or estate boundary (since revised to 2 ML/ha/yr in the final DCP).

In the FRCIWCM, Sydney Water also discussed the potential for regional facilities to be implemented to satisfy the stormwater flow objectives for the Mamre Road Precinct. The FRCIWCM report states:

“It is noted that the most cost-effective way to achieve stormwater volume load reductions is via open water bodies and these have a maintenance implication for developers and a wildlife risk. Through master planning of the Wianamatta South Creek precinct, it will be possible to integrate regional wetlands and water bodies and offset the need for wetlands and open water to be distributed through the Precinct on private lands.

This centralised management of water is preferable as it provides a more appropriate scale of WSUD assets for more cost-effective maintenance and management outcomes.”

In March 2021, in response to the Draft DCP and the Draft FRCIWCM, AT&L prepared a detailed report in response to the stormwater flow objectives and controls in the Draft DCP, which concluded that if stormwater flow targets were to be adopted, Government would need to consider a Precinct or Regional approach to managing stormwater.

Subsequent to the release of the Draft DCP and Draft FRCIWCM, the Mamre Road Landowners Group (of which ESR Australia is a participant) has consulted with Sydney Water on several occasions to discuss the potential for regional stormwater management interventions to at least partially achieve the stormwater flow targets for the precinct. Sydney Water has indicated they are in the early stages of developing scheme plans for a precinct-wide stormwater management scheme, which would consist of a series of open water bodies (wetlands or ponds) and stormwater harvesting infrastructure (pumps, water treatment and a recycled water reticulation network throughout the precinct). Whilst it is understood the proposed regional stormwater management scheme is at a very early stage of planning and design, this Water Management Strategy has been prepared on the basis that the regional stormwater management scheme will eventuate, albeit the timing of its delivery is uncertain at this stage.

The Water Management Strategy has been developed for two scenarios:

- a) An Interim Arrangement (refer to drawing 20-748-C1220), for which approval is being sought under SSD-9138102. This Arrangement is intended to be implemented to satisfy stormwater quality, quantity and flow controls in the absence of regional stormwater management interventions.*
- b) An Ultimate Arrangement (refer to drawing 20-748-C1225), which incorporates measures to address stormwater quantity controls within the Estate. This Arrangement has been developed on the basis that a regional stormwater management scheme is in place to satisfy the stormwater quality and flow controls for the Mamre Road Precinct. This Arrangement is proposed to supersede the Interim Arrangement, without modification to any development approval in place, once regional stormwater management measures that will service the site have been delivered.*

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, including:

- Rainwater tanks;
- Gross pollutant traps;
- Bio-retention systems;
- Detention basins; and

- Evaporation ponds (on Lot 3 and Lot 6); and
- Evaporative roof misting.

Based on the above stormwater measures, the MUSIC modelling results are as follows.

Table 12 Summary of MUSIC modelling results

Parameter	Modelled Reduction %	MRDCP Target Reduction %
Total suspended solids (kg/year)	98.8	90
Total Phosphorus (kg/year)	91.2	80
Total Nitrogen (kg/year)	86.9	65
Gross Pollutants (kg/year)	100	90

Source: AT&L

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.

6.6 Noise and vibration

A Noise and Vibration Assessment of the proposed development has been prepared by RWDI, and is attached to this report at **Appendix L** that addresses the amended proposal.

6.6.1 Noise Sensitive Receivers

The nearest noise sensitive receivers are made up of rural residential properties that have recently been rezoned as IN1 General Industry, forming part of the broader Mamre Road Precinct, and rural properties forming part of the residential area of Mount Vernon. **Figure 9** below identifies the location of each of the selected noise sensitive receivers.

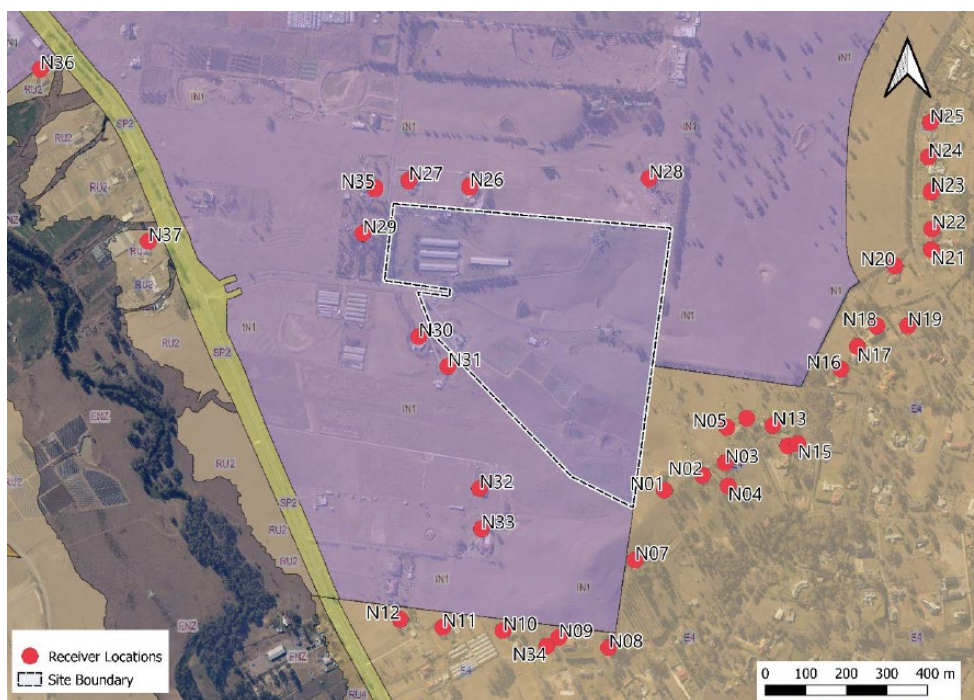


Figure 9 Map of surrounding noise sensitive receivers

Source: RWDI

These were then divided into Noise Catchment Areas per **Figure 33**.

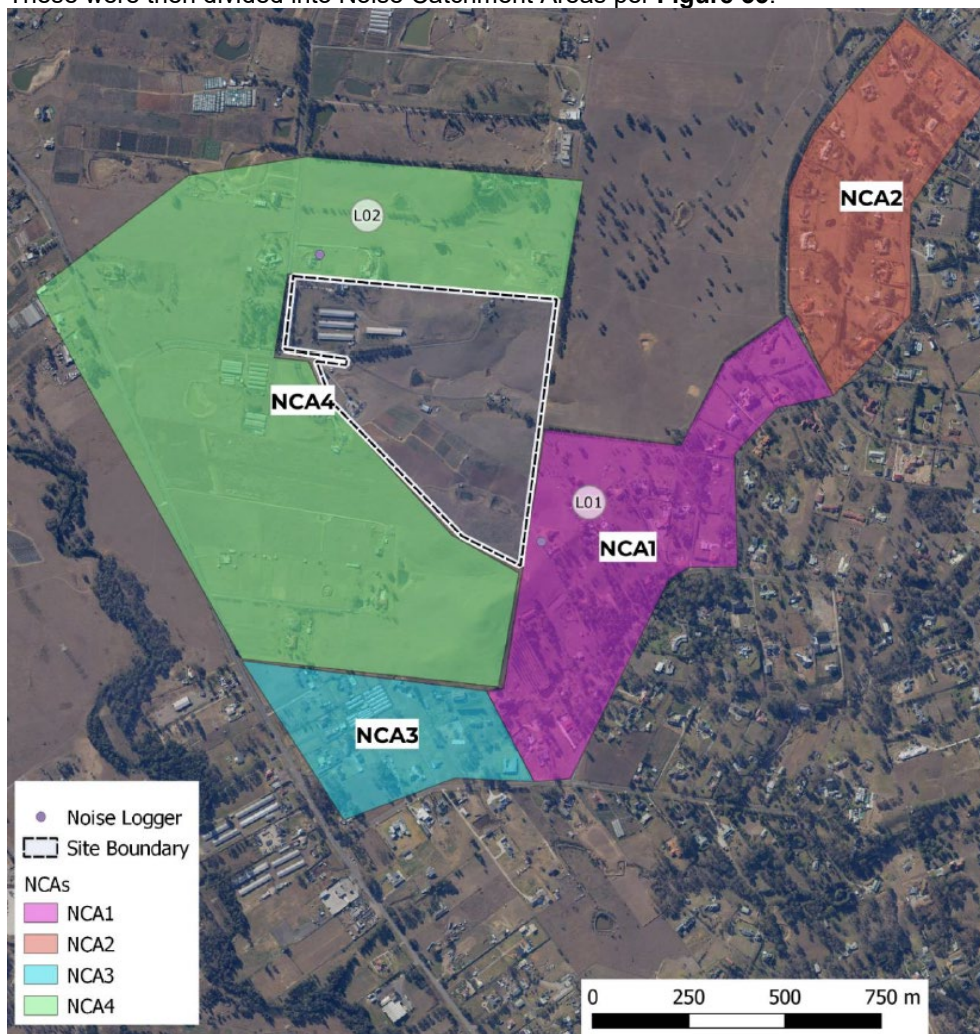


Figure 10 Noise catchment areas

Source: RWDI

6.6.2 Noise Criteria

The NfPI was used to develop trigger levels to provide for the two assessment components – intrusiveness and amenity. Furthermore, sources of noise of short duration and high level may cause sleep disturbance, which requires an initial screening of noise levels to be undertaken. These screening noise levels apply outside bedroom windows during the night period – however do not apply to receivers within an industrial zone.

Based on this, the following Project Noise Trigger Levels were identified based on the amenity and intrusiveness noise levels, inclusive of the sleep disturbance (screening) levels.

Construction noise criteria is provided by the Interim Construction Noise Guideline, and based on this, the construction Noise Management Level (NML) is that the noise should not exceed the RBL by more than 10dBA, noting that the NML are guidelines and not noise levels to be complied with. The Guideline also prescribes a noise limit of 75dBA, which represents the likelihood of a strong reaction from surrounding receivers.

6.6.3 Assessment of impacts

Operational Noise Assessment

Sources of operational noise from the proposed development will primarily be from onsite vehicle (light and heavy) movements, forklift operation and internal warehouse activity, and have been modelled throughout the proposed development as detailed in the Noise Impact Assessment at **Appendix L**.

During standard meteorological conditions there are minor exceedances of 1 to 8dB for three receivers located in NC04 within the broader Mamre Road precinct, noting this area is intended to be redeveloped for industrial purposes. Further, during the night time period under adverse conditions the same three receivers in the Mamre Road Precinct are anticipated to have exceedances of 2 to 9dB of the project noise trigger levels.

The exceedances at these receivers are the result of several heavy vehicles reversing (including airbrakes) occurring within the same 15-minutes; with wind direction travelling in the 'worst case' direction for each source receiver path. The likelihood of this scenario occurring is unlikely and therefore these exceedances are considered insignificant. These existing 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.

Construction Noise and Vibration Impact 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 L** the predicted construction noise impacts are expected to exceed the NMLs located within NCA01 and NCA03 at residential dwellings by up to 18dB. Exceedances of up to 30 dB are predicted within NCA03 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).

At residential receivers situated outside the Mamre Road Precinct construction noise levels are predicted to comply. It must be noted that noise levels did not exceed the 75dBA highly noise affected limit within the ICNG.

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.

6.7 Hazard and risk

A Preliminary Risk Assessment of the proposed development against the relevant provisions of (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 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'.

6.8 Biodiversity impact

A Biodiversity Development Assessment Report (BDAR) of the proposed development has been prepared by Eco Logical, and is attached to this report at **Appendix N**. The BDAR describes the biodiversity values within the development site, describes the impacts and outlines the measures to be taken to avoid, minimise and mitigate impacts to the Plant Community Types and threatened species habitat present within the development site. The report provides the number of biodiversity credits that would be required to be retired to offset the residual loss of biodiversity from the impacts of the development as described.

Overall, the BDAR has found the following:

- A portion of the existing driveway and road verge have been planted with native vegetation which at times represents locally indigenous species. An assessment in accordance with the Biodiversity Assessment Method 2017 (BAM) was undertaken and determined that the planted native vegetation does not require assessment of impacts under the BAM.
- The proposed industrial development will result in the removal of 0.70 ha of planted native vegetation and 3.51 ha of native vegetation (PCT 849). No ecosystem credits were required for the proposed development.
- Two Plant Community Types (PCT) have been mapped within the development site, PCT 849 Cumberland Shale Plains Woodland and PCT 1071 *Phragmites australis* and *Typha orientalis* coastal freshwater wetlands of the Sydney Basin Bioregion:
- PCT 849 Cumberland Shale Plains Woodland is listed as a component of the critically endangered ecological community Cumberland Plain Woodland in the Sydney Basin. The vegetation was in poor condition and did not satisfy listing under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). It had a low integrity score and did not require an offset.
- A small amount of semi-aquatic and fringing native vegetation around the dams will be directly affected resulting in the removal of 0.07 ha of PCT 1071 *Phragmites australis* and *Typha orientalis* coastal freshwater wetlands of the Sydney Basin Bioregion. The vegetation integrity score was low (8.3) and therefore, this PCT does not require an offset.
- Targeted surveys were conducted for one species credit species, *Meridolum corneovirens* (Cumberland Plain Land Snail). No individuals were located. It was determined that the vegetation in the development site does not contain suitable habitat for this species and therefore, no species credits are required.
- One Matters of National Environmental Significance have potential to be affected by the proposal: *Pteropus poliocephalus* (Grey-headed Flying-Fox). An assessment of the Commonwealth Significant Impact Criteria under the EPBC Act was undertaken for this entity and concluded the works are unlikely to have a significant impact on Matters of National Environmental Significance.
- The proposed development has one Serious and Irreversible Impact (SAIL) candidate entity, Cumberland Plain Woodland. The proposed development will impact upon this SAIL entity through the removal of 3.51ha of Cumberland Plain Woodland. An SAIL assessment has been undertaken for this community, however, there are currently no thresholds for whether the proposed works will trigger a SAIL. It was found that:
- The proposed development is unlikely to affect abiotic factors critical to the survival of Cumberland Plain Woodland outside of the propose clearing area; and

- The development will not impact upon characteristic and functionally important species outside of the impact areas. The Cumberland Plain Woodland present is species poor and does not contain the features associated with this community.

6.9 Heritage impact

A Heritage Impact Assessment (HIS) of the proposed development has been prepared by Urbis, and is attached to this report at **Appendix O**. 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 Industry and Employment 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.

6.10 Aboriginal heritage impact

An Aboriginal Cultural Heritage Assessment Report (ACHAR) and Archaeological Technical Report for the proposed development have been prepared by Urbis, and are attached to this report at **Appendix P** to reflect the amended proposal. 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 assemblage suggesting a transitional, low frequency use of the site by Aboriginal people.

The ACHAR was sent to Registered Aboriginal Parties (RAPs) with one response received, which has been incorporated into the final ACHAR at **Appendix P**.

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.

Further detail is provided in the ACHAR at **Appendix P**.

6.11 Social and economic impact

A Social and Economic Impact Assessment of the proposed development has been prepared by Ethos Urban, and is attached to this report at **Appendix Q** 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 805 Full-Time Equivalent (FTE, down from 841 as originally proposed) jobs during the construction phase, and 780 (down from 888 as originally proposed) 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.

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.

6.12 Contamination and geotechnical

Separate geotechnical investigations were commissioned for different components of the site, namely that of 59-63 Abbots 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.

6.13 Bushfire impact

A Bushfire Protection Assessment of the proposed development has been prepared by Australian Bushfire Protection Planners, and is attached to this report at **Appendix U** to assess the changes to the proposal as described as the amended proposal above. Based on this, there are no substantial changes from the original assessment as exhibited within the original EIS.

6.14 Air quality

An Air Quality Assessment of the proposed amended development has been prepared by RWDI, and is attached to this report at **Appendix V**. 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.

6.15 Waste management

A Waste Management Plan (WMP) for the proposed development has been prepared by SLR Consulting, and is attached to this report at **Appendix W**. 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.

The likely expected waste generation during the demolition stage of the proposed development are as follows (Figure 11):

Location	Area (m ²)	Waste types and approximate quantities (m ³)					
		Sandstone	Concrete	Bricks	Timber/Gyprock	Steel	Other
Residential dwellings	2748	1845	15	20	105	5	20
Existing farm buildings	5,815	0	2610	1760	35	200	155

Figure 11 Expected waste generation – demolition

Source: SLR Consulting

The likely expected waste generation during the construction stage is shown in Figure 12 below. The likely expected waste generated during the operation of the proposed facility is provided in Figure 13.

Lot	Area of project	Area (m ²)	Waste types and quantities (m ³)						
			Timber	Concrete	Bricks	Gyprock	Sand and Soil	Metal	Other
Lot 1	Warehouse	57,062	14.3	119.8	94.2	25.7	273.9	34.2	28.5
	Office (2 levels)	1,220	6.2	22.9	10.4	10.5	10.7	3.4	6.1
	Dock office	125	0.6	2.4	1.1	1.1	1.1	0.3	0.6
	Hardstand area	21,200	-	648.7	-	-	303.2	95.4	171.7
	Light Duty Area	4,475	-	136.9	-	-	64.0	20.1	36.2
Total	84,082	21.1	930.8	105.6	37.2	652.9	153.5	243.2	
Lot 1A-1	Warehouse	27,080	6.8	56.9	44.7	12.2	130.0	16.2	13.5
	Office (2 levels)	1,000	5.1	18.8	8.5	8.6	8.8	2.8	5.0
	Dock office	50	0.3	0.9	0.4	0.4	0.4	0.1	0.3
	Hardstand area	9,000	-	275.4	-	-	128.7	40.5	72.9
	Light Duty Area	2,160	-	66.1	-	-	30.9	9.7	17.5
Total	39,290	12.1	418.1	53.6	21.2	298.8	69.4	109.2	
Lot 1A-2	Warehouse	22,490	5.6	47.2	37.1	10.1	108.0	13.5	11.2
	Office (2 levels)	700	3.6	13.2	6.0	6.0	6.2	1.9	3.5
	Dock office	50	0.3	0.9	0.4	0.4	0.4	0.1	0.3
	Hardstand area	11,650	-	356.5	-	-	166.6	52.4	94.4
	Light Duty Area	2,090	-	64.0	-	-	29.9	9.4	16.9
Total	36,980	9.4	481.8	43.5	16.6	311.0	77.4	126.3	
Lot 3	Warehouse	12,520	3.1	26.3	20.7	5.6	60.1	7.5	6.3
	Office (2 levels)	500	2.6	9.4	4.3	4.3	4.4	1.4	2.5
	Dock office	50	0.3	0.9	0.4	0.4	0.4	0.1	0.3
	Hardstand area	7,070	-	216.3	-	-	101.1	31.8	57.3
	Light Duty Area	1,780	-	54.5	-	-	25.5	8.0	14.4
Total	21,920	5.9	307.4	25.3	10.4	191.5	48.8	80.7	
Lot 4	Warehouse	22,695	5.7	47.7	37.4	10.2	108.9	13.6	11.3
	Office (2 levels)	1,000	5.1	18.8	8.5	8.6	8.8	2.8	5.0
	Dock office	0	-	-	-	-	-	-	-
	Hardstand area	9,770	-	299.0	-	-	139.7	44.0	79.1
	Light Duty Area	1,753	-	53.6	-	-	25.1	7.9	14.2
Total	35,218	10.8	419.1	45.9	18.8	282.5	68.2	109.7	
Lot 5	Warehouse	11,410	2.9	24.0	18.8	5.1	54.8	6.8	5.7
	Office (2 levels)	500	2.6	9.4	4.3	4.3	4.4	1.4	2.5
	Hardstand area	50	0.3	0.9	0.4	0.4	0.4	0.1	0.3
	Light Duty Area	5,070	-	155.1	-	-	72.5	22.8	41.1
	Total	1,550	-	47.4	-	-	22.2	7.0	12.6
Café		200	0.1	0.4	0.3	0.1	1.0	0.1	0.1

Figure 12 Expected waste generation – construction

Source: SLR Consulting

Location	Warehouse	Project area	Area (m ²)	(L/day)		(L/week)	
				General Waste	Recycling	General Waste	Recycling
				Lot 1	Warehouse 1	Warehouse	57,062
		Dock office	125	13	13	88	88
		Office	1,220	122	122	854	854
		Total	58,407	5,841	5,841	40,885	40,885
Lot 1A-1	Warehouse 1A-1	Warehouse	27,080	2,708	2,708	18,956	18,956
		Dock office	50	5	5	35	35
		Office	1,000	100	100	700	700
		Total	28,130	2,813	2,813	19,691	19,691
Lot 1A-2	Warehouse 1A-2	Warehouse	22,490	2,249	2,249	15,743	15,743
		Dock office	50	5	5	35	35
		Office	700	70	70	490	490
		Total	23,240	2,324	2,324	16,268	16,268
Lot 3	Warehouse 3	Warehouse	12,520	1,252	1,252	8,764	8,764
		Dock office	50	5	5	35	35
		Office	500	50	50	350	350
		Total	13,070	1,307	1,307	9,149	9,149
Lot 4	Warehouse 4a	Warehouse	7645	765	765	5,352	5,352
		Dock office	-	-	-	-	-
		Office	250	25	25	175	175
		Total	7895	790	790	5,527	5,527
	Warehouse 4b	Warehouse	5075	508	508	3,553	3,553
		Dock office	-	-	-	-	-
		Office	250	25	25	175	175
		Total	5325	533	533	3,728	3,728
	Warehouse 4c	Warehouse	5075	508	508	3,553	3,553
		Dock office	-	-	-	-	-
		Office	250	25	25	175	175
		Total	5325	533	533	3,728	3,728
Warehouse 4d	Warehouse	4900	490	490	3,430	3,430	
	Dock office	-	-	-	-	-	
	Office	250	25	25	175	175	
	Total	5150	515	515	3,605	3,605	
Lot 5	Warehouse 5	Warehouse	11,410	1,141	1,141	7,987	7,987
		Dock office	50	5	5	35	35
		Office	500	50	50	350	350
		Total	11,960	1,196	1,196	8,372	8,372
Café			600	600	600	4,200	2,800

Figure 13 Expected waste generation – operation

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-

site for full segregation of waste types, the Site Manager, or equivalent role, should consult with the waste and 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.

6.16 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 X**. 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 35.5% greenhouse gas reduction compared with the 2019 NCC Reference Building. 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 37%.

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

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 Y**. The statement confirms that the proposed development is compliant, or capable of compliance, with the relevant BCA provisions.

6.18 Development contributions

Ongoing development contributions discussions have been held since the original exhibition of the EIS, with the following status provided.

6.18.1 State Contributions

ESR with FKC and Frasers is proposing a voluntary planning agreement with NSW Government to upgrade the eastern half of the Mamre Road/ Abbots Road intersection. The proposed works seek to deliver the ultimate intersection on the eastern half of the road corridor and land acquisition to facilitate this road upgrade.

The letter of offer has been submitted and draft VPA has been received. ESR and other developers are currently resolving final design items with Transport for NSW to enable exhibition of the VPA. The intent is for this upgrade to be completed prior to first occupation certificate of each developer's warehouse.

6.18.2 Local Contributions

ESR with FKC and Frasers is proposing voluntary planning agreement with Council to maximise the road upgrade within the Abbots and Aldington Roads corridor including existing road reserves, intersections, and land to be dedicated by each of the developers along their respective frontage. This letter of offer has been lodged with Penrith City Council. Currently, we are resolving the final works plan and correlation of costs recoverable under the Section 7.11 plan for the precinct. The intent is for these roads to be delivered by the issue of the occupation certificate for the first warehouse for each respective estate. The road works provide increased capacity along this corridor and adequate design to accommodate B-double vehicles.

6.19 Transition to rural

The eastern boundary of the site has been identified as 'Transition to rural' under the Mamre Road Structure Plan (refer to **Section 1.4.2** above), and hence must be compatible with the adjacent R5 Large Lot Residential zoning at Mount Vernon. The proposed development incorporates a number of design decisions aimed at minimising this

visual impact, including through significant landscape planting at the eastern boundary and a reduction in the height of building pads to ensure reduced impacts to visual amenity. This can be highly effective in helping to reduce visual impacts for a number of sensitive close range properties. This will be most effective after 15 years and for those receptors who experience direct views at close to medium range. Mature landscape planting should help to effectively screen view corridors to many of the warehouse elements

6.20 Site suitability and 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 805 FTE jobs during the construction phase, and 780 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 Abbots 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 collective measures required to mitigate the impacts associated with the proposed works are detailed in **Table 11** below. These measures have been derived from the previous assessment of environmental impacts in **Section 5**, and those detailed in appended consultants' reports.

Table 11 Mitigation measures

List of mitigation measures
<p>Construction hours Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:</p> <ul style="list-style-type: none"> Monday to Friday: 7:00 to 18:00; Saturday: 8:00 to 13:00; and No work on Sundays or public holidays.
<p>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.</p>
<p>Sedimentation and erosion control The development is to follow the Soil and Water Management Plan, site inspection and maintenance requirements, and sediment basin maintenance measures outlined in Section 6 of the Civil Infrastructure Report and Plans prepared by AT&L at Appendix I.</p>
<p>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 I.</p>
<p>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 L.</p>
<p>Biodiversity impacts The development is to follow the measures proposed to mitigate and manage biodiversity impacts outlined in Section 2.2.5 of the Biodiversity Development Assessment Report prepared by Eco Logical at Appendix N.</p>
<p>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, and recommendations for further investigation provided in Section 7 of the Geotechnical Investigation Report prepared by Alliance Geotechnical at Appendix T. A Detailed Site Investigation and Remediation Action Plan prepared by Alliance Geotechnics are at Appendices DD and BB</p>
<p>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.</p>
<p>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 V.</p>
<p>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 W.</p>
<p>Ecologically Sustainable Development The development shall be consistent with the sustainability 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 X.</p>

8.0 Evaluation of the Amended Project

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 facility. 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 re-examined in this SAR based on the amended proposal 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 SAR has not identified any serious threat of irreversible damage to the environment and therefore the precautionary principle is not relevant to the proposal as amended.

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 amended 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 SAR 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. A BDAR has been prepared to address any impacts on biodiversity values.

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 SAR has examined and considered all possible matters affecting or that are likely to affect the environment by reason of the proposed development. The amended project remains 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**, 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 SAR has addressed the specification criteria within clause 190 and clause 192 of the EP&A Regulation. Similarly, the SAR 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 following 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 Q**) and summarised in **Section 6.11** of this SAW 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 as amended 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 Abbots 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 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 805 construction jobs and 780 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 Project (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 in its correspondence dated 10 August 2021.

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 805 Full-Time Equivalent (FTE, down from 841 as originally proposed) jobs during the construction phase, and 780 (down from 888 as originally proposed) 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.