

Department of Planning, Housing and Infrastructure

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Westlink Industry Park Stage 2

State Significant Development Assessment Report (SSD-46983729)

October 2025





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Preface

This report details the Department of Planning, Housing and Infrastructure's (the Department) assessment of the State significant development (SSD) application for the Westlink Industry Park Stage 2 (the development) located at Kemps Creek in the Penrith City local government area.

The Department's assessment considers all documents submitted by ESR Developments (Australia) Pty Ltd (the Applicant), including the Environmental Impact Statement (EIS), Submissions Report and Additional Information, submissions received from the public and Penrith City Council, advice from government authorities, and all legislation and planning instruments relevant to the site and the development.

The report includes:

- a description of the development and the surrounding environment
- an assessment of the development against government policy and statutory requirements, including mandatory considerations
- an explanation of why the development is SSD and who the consent authority is
- consideration of matters raised by the community and other stakeholders
- an assessment of the likely environmental, social and economic impacts of the development and recommendations for managing any impacts during construction and operation
- an evaluation that weighs up the likely impacts and benefits of the development, having regard to the proposed mitigation measures, community views and government advice, and provides a view on whether the impacts are, on balance, acceptable
- a recommendation to the decision-maker, along with the reasons for the recommendation, to assist them in making an informed decision about whether development consent for the development should be granted and any conditions that should be imposed.

Executive Summary

ESR Developments (Australia) Pty Ltd (the Applicant) is seeking development consent for the construction and operation of the second stage of the Westlink Industry Park in the Penrith City local government area. It involves bulk earthworks, subdivision, internal estate roads, stormwater infrastructure, and construction and operation of one warehouse building with ancillary offices.

The site comprises 54 ha of industrial (IN1) zoned land within the Mamre Road Precinct (MRP) of the Western Sydney Employment Area, which is currently transitioning from previous rural residential land uses to industrial, and logistics uses. Land zoned C4 Environmental Living within the suburb of Mount Vernon directly adjoins part of the eastern boundary of the site.

The Department exhibited the development application and accompanying EIS for the development from 16 February 2024 until 14 March 2024. During the public exhibition period, the Department received two submissions from public individuals, three submissions from government-owned corporations and public utility providers, a submission from Penrith City Council and advice from seven government authorities. The two public submissions objected to the proposal.

The Department has undertaken a comprehensive assessment of the range of potential environmental impacts, including earthworks, waterway health and stormwater management, traffic and access, air quality and noise. Overall, the Department's assessment concludes the development:

- would have adequate site access for heavy and light vehicles and would not cause adverse traffic impacts, and will deliver part of the planned MRP road network
- would not cause adverse stormwater, noise, air quality, or visual impacts subject to compliance with conditions of the development consent
- is consistent with the industrial zoning and strategic planning for the MRP as it would facilitate employment generating development
- would contribute to the regional economy with an estimated capital investment value of \$91.6 million and generation of 90 direct construction jobs and 200 direct operational jobs.

The Department considers the development is in the public interest and is recommended for approval, subject to conditions.

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1 Introduction

1.1 Development Background

ESR Developments (Australia) Pty Ltd (the Applicant) is seeking development consent for the second stage of an industrial estate at Kemps Creek in the Penrith City local government area (LGA) (see **Figure 1**). It involves bulk earthworks, subdivision, stormwater infrastructure and estate roads, and construction of a warehouse and distribution centre with ancillary office space, car parking, hardstand areas, signage and landscaping (the development). A detailed description of the development is provided in **Section 2**.

The Applicant is a real estate asset manager, part of the ESR Group, with industrial and commercial assets across Australia and New Zealand. This includes Stage 1 of the Westlink Industry Park (WIP) (formerly the Westlink Industrial Estate) that was approved under a separate development application on the subject site (SSD-9138102).

The site is within the Mamre Road Precinct (MRP) of the Western Sydney Employment Area (WSEA) (see **Figure 2**). The MRP covers approximately 850 hectares (ha) of land that was rezoned industrial in June 2020 and incorporated into the WSEA. Development in the MRP is guided by the Mamre Road Precinct Development Control Plan 2021 (MRP DCP). **Section 3** of this report provides further detail on the MRP DCP and the precinct structure plan.

1.2 Site Description

The site comprises 53.76 ha of industrial zoned land located at 290-308 Aldington Road, 59-63 Abbots Road, and 1030-1064 Mamre Road, Kemps Creek and is legally described as Lots 111-115 in Deposited Plan (DP) 1296469. The site is approximately 4 kilometres (km) north-east of the Western Sydney International (Nancy Bird Walton) Airport (Western Sydney Airport), 14 km south-east of Penrith, and 38 km west of the Sydney central business district (see **Figure 1**).

The site has frontages to Mamre Road, Abbots Road and Aldington Road. A Transgrid transmission line easement traverses the north-west corner of Lot 115, which currently does not contain any Transgrid infrastructure.

The site has access to the regional road network, including the M4 and M7 Motorways, which are approximately 6 km to the north and 10 km to the east of the site via Aldington Road, Abbots Road, Mamre Road and Elizabeth Drive.

The site was previously used for rural residential and agricultural purposes, includes seven farm dams and is mostly cleared of vegetation. The site also contains Stage 1 of the WIP, which comprises two warehouse and distribution centre buildings, with one completed and one under construction. The topography of the site is hilly, with high points in the north-east, east and south-east and significant

slopes down toward the west (Mamre Road). Ground levels within the site range from 42 m Australian Height Datum (AHD) to 96 m AHD, an elevation range of 54 m.

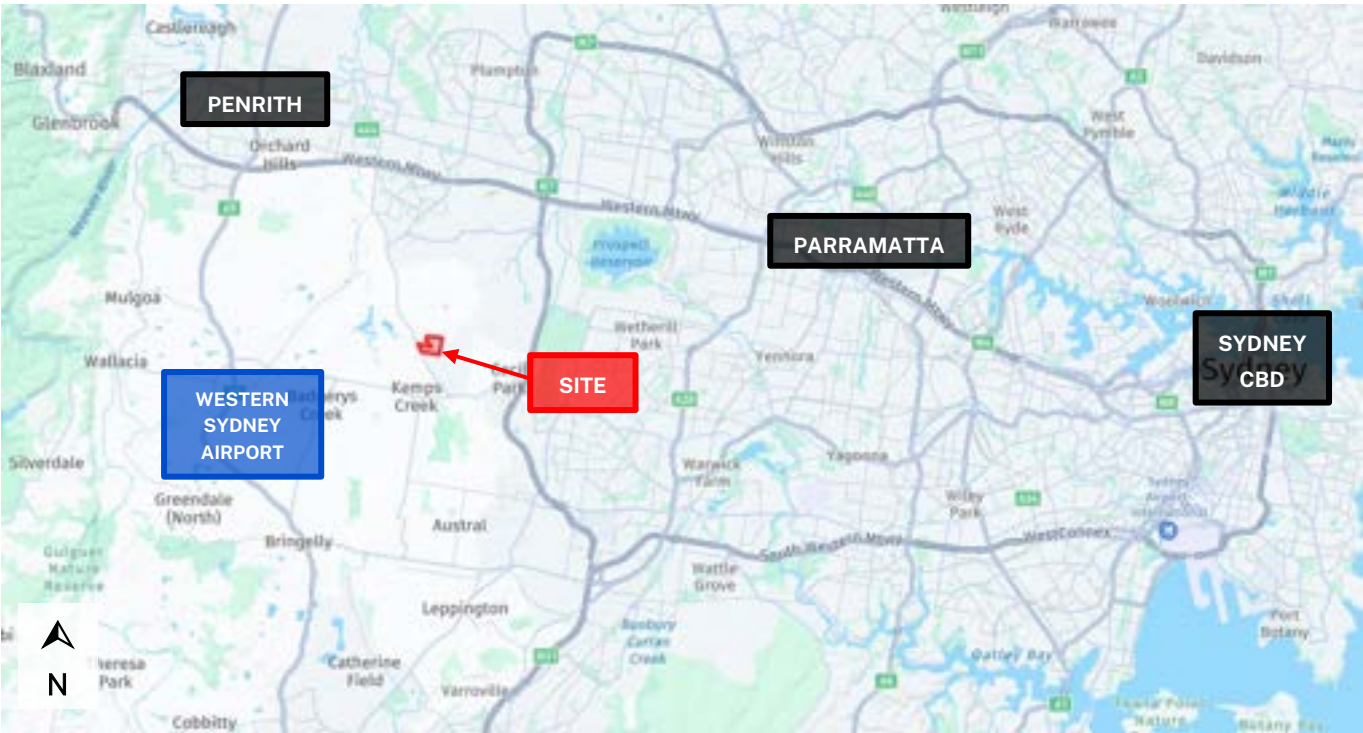


Figure 1 | Regional Context

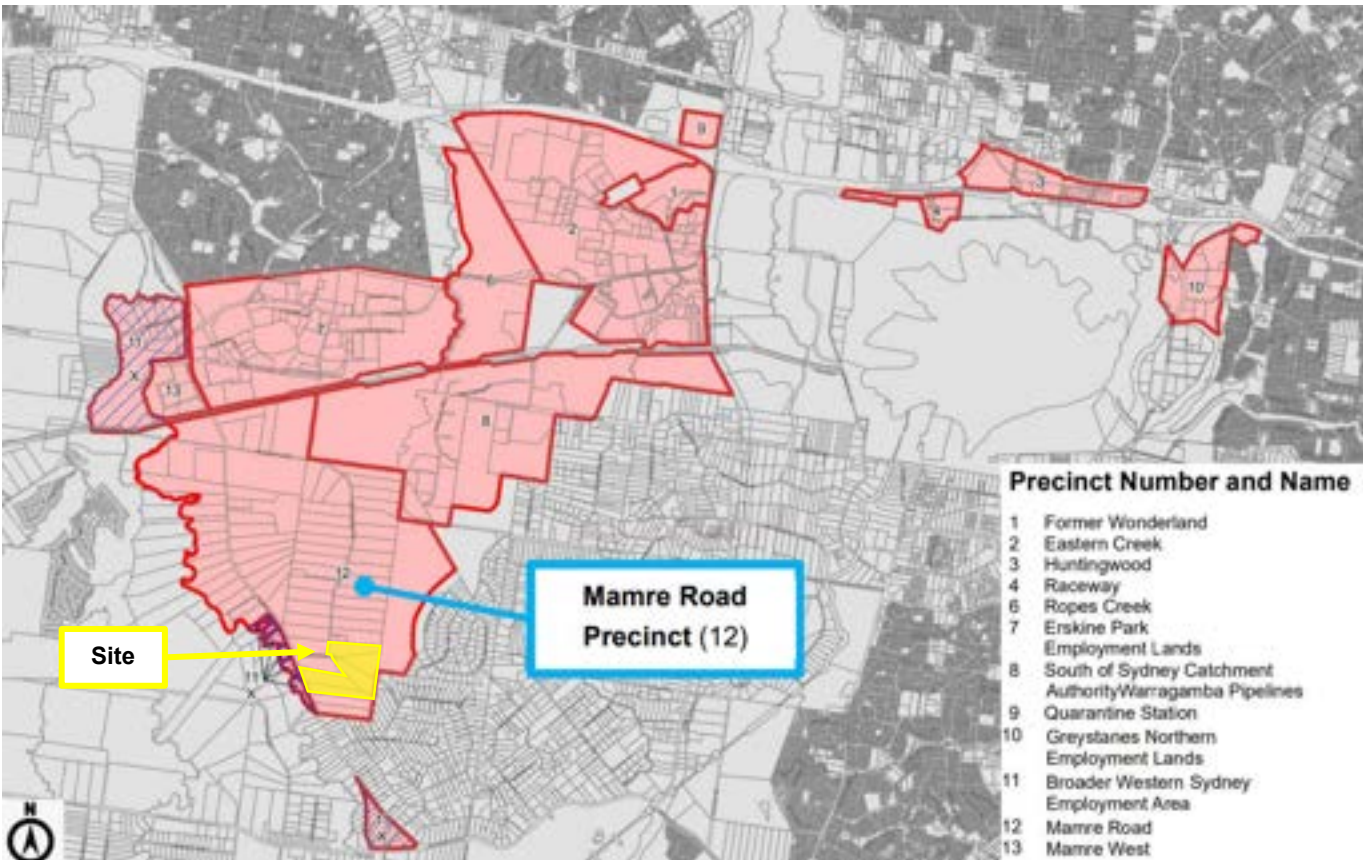


Figure 2 | Western Sydney Employment Area including the Mamre Road Precinct

1.3 Surrounding Land Uses

The closest existing residential receivers within the MRP are located on properties directly adjoining the site to the north, west and south on land that has been rezoned for industrial purposes. A Bochasanwasi Shri Akshar Purushottam Swaminarayan Sanstha (BAPS) Temple is approximately 470 m north of the site at 230-242 Aldington Road. Land zoned C4 Environmental Living within the suburb of Mount Vernon directly adjoins part of the eastern boundary of the site and also adjoins the southern boundary of the MRP (see **Figure 3**). The closest residences in Mount Vernon are over 740 m to the east and 340 m to the south from the Stage 2 warehouse. Development in Mount Vernon is typically large lot rural residential land uses. The majority of existing residences to the east of the site in Mount Vernon are located behind a ridgeline that obstructs direct views toward the site, with two residences with direct views of the site. Residences to the south of the precinct will only have short-term direct views of the site until the land in between is developed.



Figure 3 | Surrounding Land Uses

Several industrial estates have been approved in the MRP and are located to the north and north-west of the site (see **Figure 3**) including:

- the Access Logistics Park (SSD-17647189) at 884-928 Mamre Road
- the Aspect Industrial Estate (SSD-10448) 788-882 Mamre Road
- the Yiribana Logistics Estate (SSD-10272349) 754-786 Mamre Road
- the Edge Estate (SSD-17552047) at 141-251 Aldington Road
- the Westgate Industrial Estate (SSD-23480429) at 253-267 Aldington Road
- the 200 Aldington Road Industrial Estate (SSD-10479) at 106-228 Aldington Road
- the 113-153 Aldington Road Industrial Estate (SSD-32722834).

1.4 Other Development Approvals

1.4.1 Westlink Stage 1

Stage 1 of the Westlink Industry Park (SSD-9138102), formerly the Westlink Industrial Estate, was approved under delegation from the Minister for Planning and Public Spaces on 21 April 2023. The consent has since been modified on five occasions.

SSD-9138102 applies to the same land as the subject Stage 2 DA and includes bulk earthworks in part of the site, construction of estate roads and external road upgrades, site servicing and stormwater infrastructure, and the construction, fit out and operation of two warehouse buildings and ancillary office space with a total gross floor area of 81,447 m² (see **Figure 4**). The remainder of the site subject to this Stage 2 development was included as part of the interim stormwater strategy for the Stage 1 development, with only limited physical works approved in the Stage 2 area under the previous consent.

As part of the servicing arrangements with Sydney Water for the site under the Stage 1 development, temporary measures were required to manage wastewater until the planned infrastructure is in place. An Interim Operating Procedure (IOP) was required for the storage and collection of wastewater during this period and is located close to the Mamre Road frontage within proposed Lot 6 (see **Figure 4**). Approval for these works was granted by Sydney Water separately to the SSD-9138102 consent.

1.4.2 External Road Upgrades

The MRP DCP sets out the future road network within the MRP to facilitate new industrial uses comprising upgraded and new local roads. To accord with the MRP road network, upgrades to Aldington Road, Abbots Road, and the Abbots Road/Mamre Road intersection are required. The Applicant, in conjunction with other developers of sites along Aldington Road – Frasers and Fife Capital - have formed the Landowners Group East (LOG East) and have negotiated with Penrith City Council and the NSW Government to deliver upgrades to Abbots Road and Aldington Road, including

a signalised intersection at Mamre Road and Abbots Road and signalised intersections on Aldington Road, to facilitate their respective developments (see **Figure 4**). Modification 5 to SSD-9138102 involved the addition of the following road works as part of the Stage 1 consent:

- an upgrade of the Mamre Road and Abbots Road intersection
- upgrade of Abbots Road from the Mamre Road intersection into the WIP
- upgrade a section of Aldington Road along the frontage of the WIP.

The first stage of these works, involving the upgrade of Abbots Road, is currently under construction.

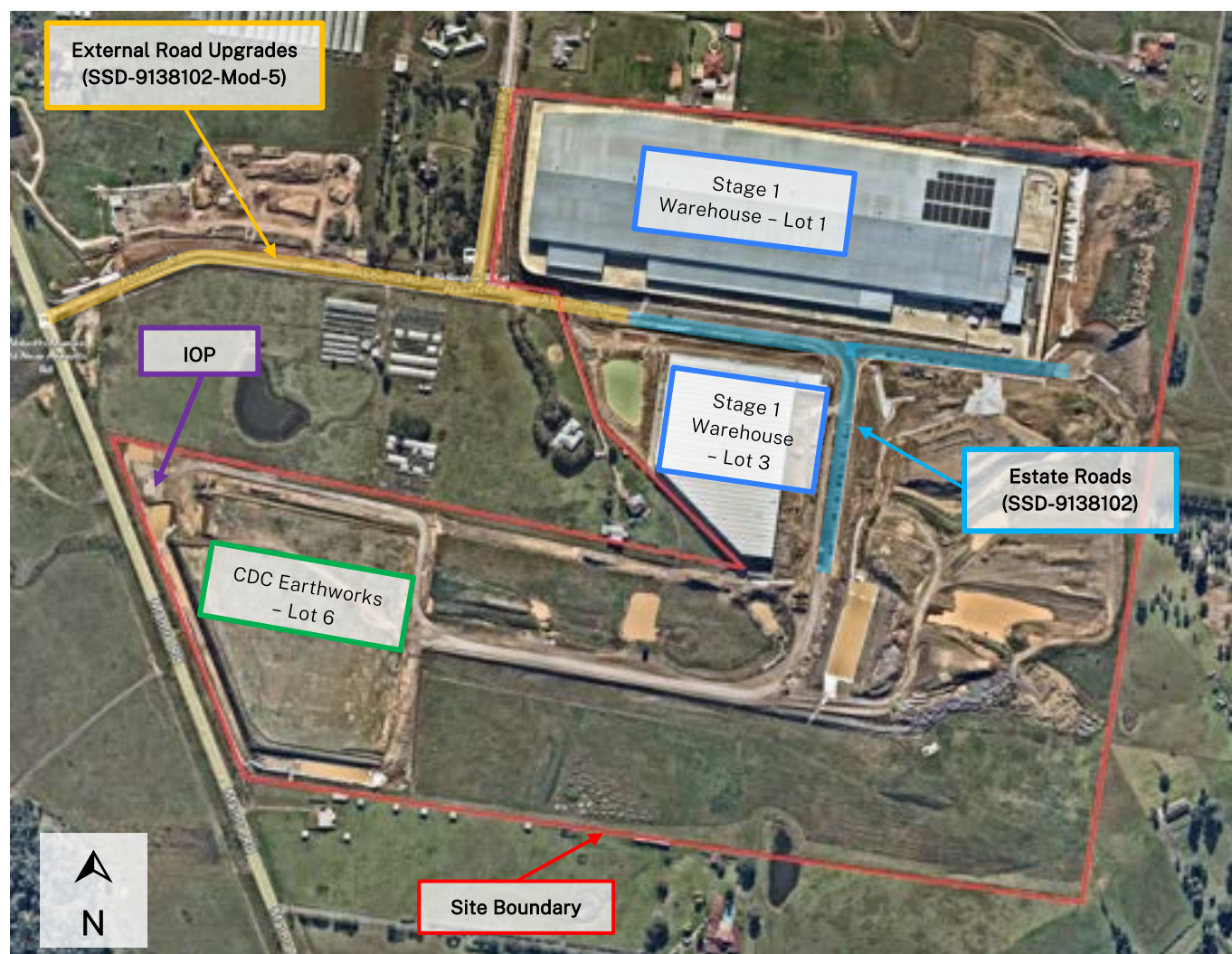


Figure 4 | Site Features

1.4.3 Complying Development Earthworks

The Applicant has also undertaken earthworks on parts of the site, which were not part of the earthworks approved under SSD-9138102, subject to a Complying Development Certificate (CDC) issued by a private certifier (CDC/231525/01) under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. This included establishing a level development pad on proposed Lot 6, where the Stage 2 warehouse building is proposed to be constructed.

2 Development

2.1 Description of the Development

The major aspects of the development are summarised in **Table 1** and shown in **Figures 5-9**, and described in full in the Environmental Impact Statement (EIS), Submissions Report and Additional Information included in **Appendix A**.

Table 1 | Main Aspects of the Development

Aspect	Description
Development Summary	Bulk earthworks and retaining walls, subdivision, construction of estate roads, stormwater infrastructure and services and construction and operation of one warehouse building on proposed Lot 6 with ancillary office space, car parking, hardstand areas, landscaping and signage.
Land Uses	<ul style="list-style-type: none"> Warehousing and distribution with ancillary office spaces
Site Area	<ul style="list-style-type: none"> Estate: 54 ha Lot 6: 7.25 ha
Subdivision	<ul style="list-style-type: none"> Subdivision of five lots into six development lots, the extension and dedication of Abbots Road, and creation of two road/roundabout lots to be dedicated to Council when connected to the future Aldington Road extension on the adjoining land
Gross Floor Area (Lot 6 Warehouse)	<ul style="list-style-type: none"> 35,750 m² warehouse space 1,740 m² office space across two offices at the south-eastern and north-western sides of the building Total GFA: 37,490 m²
Maximum building height (Lot 6 Warehouse)	<ul style="list-style-type: none"> Warehouse: <ul style="list-style-type: none"> From ground level: 16.8 m Areas with undercroft car park: 20 m Office: <ul style="list-style-type: none"> From ground level: 9.1 m (two levels) Areas with undercroft car park: 12.9 m
Vegetation clearing	<ul style="list-style-type: none"> Removal of any remnant vegetation
Earthworks, civil works and services extensions	<ul style="list-style-type: none"> Cut and fill across the Stage 2 area, including: <ul style="list-style-type: none"> Establishing bulk excavation levels on Lots 2, 4 and 5, with battering to boundaries to be refined under future DAs

Aspect	Description
	<ul style="list-style-type: none"> ○ Minor reshaping of pad on Lot 6 ○ Levels for construction of estate roads • Importation of 443,703 m³ fill, utilising stockpiled excess material from the Stage 1 earthworks to create a balance across the two stages • Dam dewatering • Retaining walls on Lots 2, 4, 5 and 6 • Extension of services, including electricity and water
Stormwater infrastructure	<ul style="list-style-type: none"> • Integration with Stage 1 stormwater infrastructure • Construction of trunk drainage channel on Lot 6 as part of Sydney Water MRP Stormwater Scheme • On-lot Gross Pollutant Traps (GPTs) and on-site underground detention tank on Lot 6 • Interim stormwater management measures until the site is connected to Sydney Water's regional scheme, including evaporation ponds/re-use basins on Lots 2, 4 and 5 and irrigation areas on Lot 5
Access	<ul style="list-style-type: none"> • Extension of Abbots Road from the current end point under the Stage 1 development to the southern boundary of the site with a temporary turning head • Construction of the section of the local road in the site under the MRP DCP aligned with the extension of the Aldington Road to enable the future connection to the north and a temporary turning head at the southern boundary • Private access road to connect Abbots Road and Lot 6/Aldington Road along the northern boundary of Lot 5
Timing and Sequencing	<ul style="list-style-type: none"> • Staged earthworks, civil works and building construction over approximately 18 months
Car parking	<ul style="list-style-type: none"> • 163 spaces
Landscaping	<ul style="list-style-type: none"> • Landscaping on Lot 6, including the trunk drainage channel, the eastern boundary of Lot 4 and street trees
Hours of operation	<ul style="list-style-type: none"> • 24 hours, 7 days
Capital Investment Value	<ul style="list-style-type: none"> • \$91.6 million
Employment	<ul style="list-style-type: none"> • 90 full-time equivalent construction jobs and 200 operational jobs

2.2 Physical Layout and Design

The development layout has had regard to:

- the DCP road network, which includes the extension of Abbotts Road and Aldington Road through the site
- road gradients to enable safe and efficient driveway access to hardstands and loading docks for heavy vehicles, and road connections to adjoining sites to the north and south
- the steep and sloping topography of the site which necessitates a stepped decrease in levels from the eastern part of the site to the west
- the interface with the rural-residential properties adjoining part of the eastern boundary of the site, including landscaped setbacks and reduced building pad levels
- stormwater infrastructure required to be delivered in accordance with Sydney Water's MRP Integrated Stormwater Scheme Plan
- the DCP requirements for optimising cut and fill balance and the design of retaining walls, particularly fronting public roads.

The development establishes bulk earthworks levels on Lots 2, 4 and 5 that includes battering to the boundary to be refined under future detailed development applications on these lots. As a result of the steep topography of the site, the levels established for each lot results in significant steps between the lots and within Lot 5. Retaining walls are proposed on parts of the eastern boundary along Lots 2 and 4, the northern boundary of Lot 5 and temporary retaining walls at the southern ends of the Abbotts Road and Aldington Road extensions. Only minor earthworks are proposed on Lot 6 due to the development pad having been established under a complying development certificate.

The building proposed on Lot 6 has a maximum height of 20 m from the finished ground level, incorporating undercoft car parking under part of the southern end of the warehouse and also part of the north-western office. The warehouse will be constructed with Colorbond metal wall cladding and roller shutter doors. The western and southern façades facing Mamre Road incorporate a geometric design of different coloured sheeting to break up the warehouse façade, and translucent panels are included in the roof to provide natural light into the building. Glass, aluminium, brick and timber-look materials are proposed for the office spaces adjoining each warehouse and would face the public road frontage.

The warehouse will have a combination of at-grade and recessed loading docks and includes large areas of hardstand paving for loading activities, partly covered by awnings. Landscaping will be provided along all boundaries of Lot 6, along the internal roads and the eastern boundary of Lot 3. A 20 m wide trunk drainage channel and maintenance track is located along the northern end of Lot 6, which will be managed by Sydney Water after delivery by the Applicant.

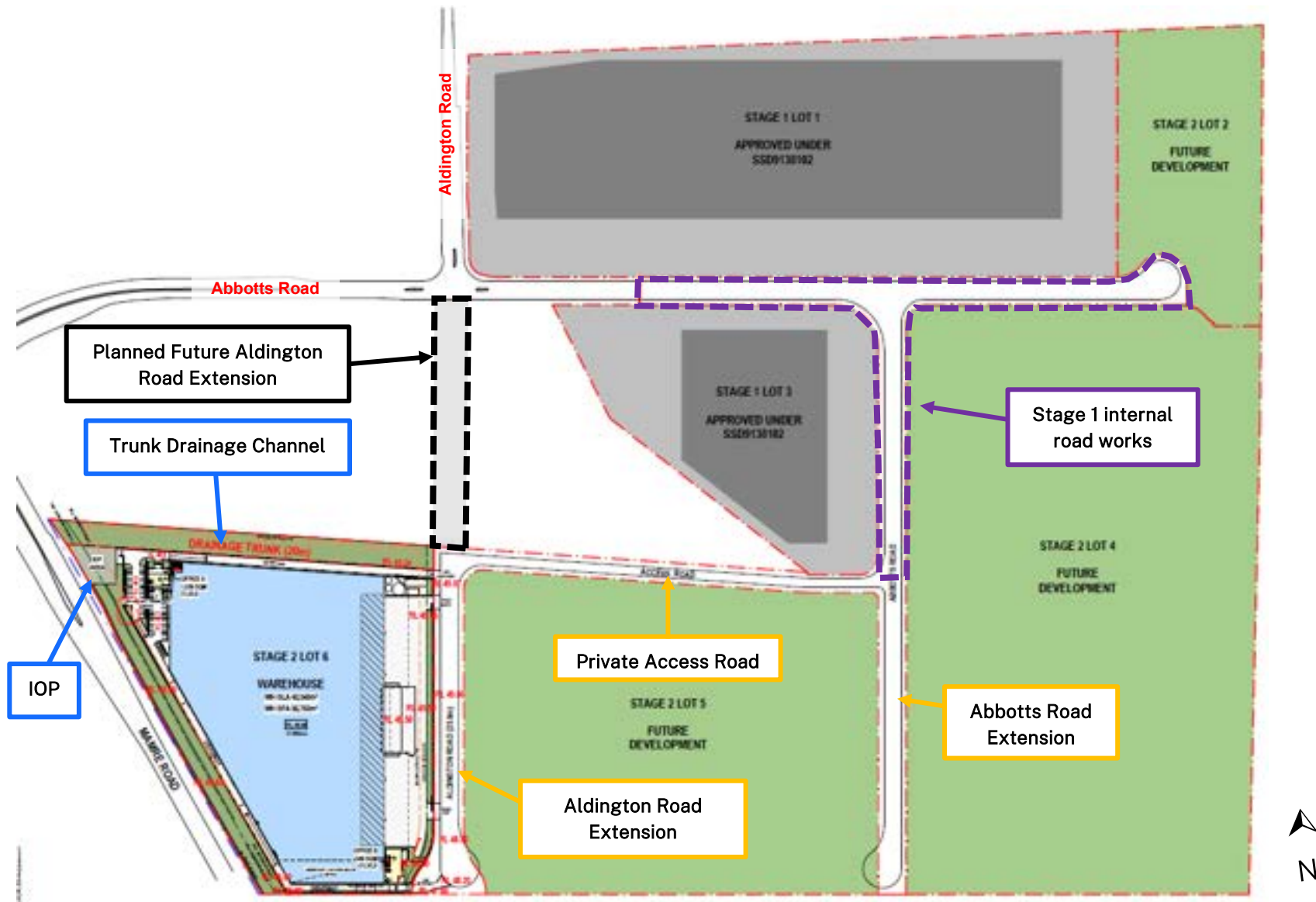


Figure 5 | Estate Layout

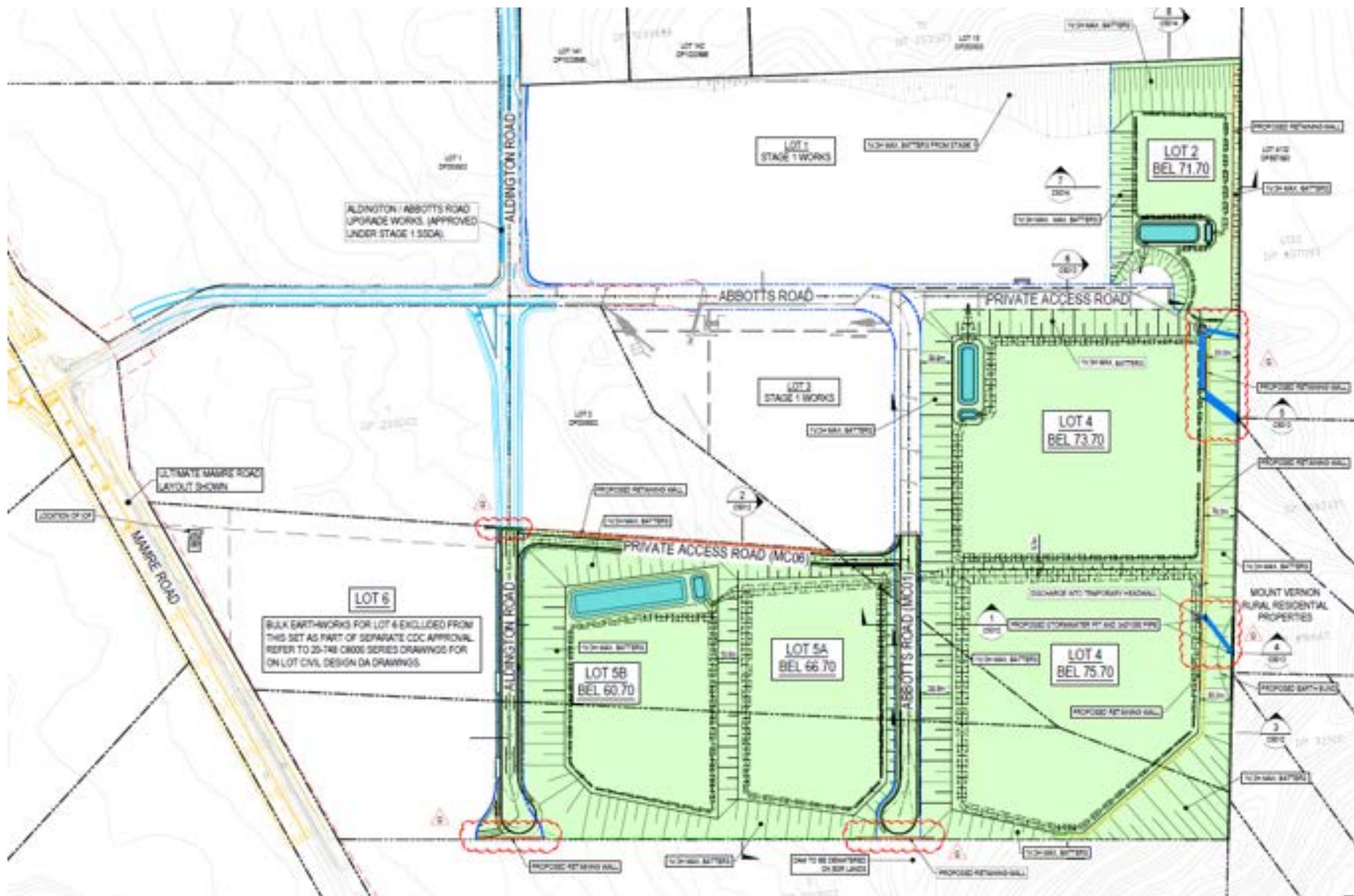


Figure 6 | Extent of Civil Works on Lots 2, 4 and 5 (shown in green)



Figure 8 | Stage 2 Landscaping Masterplan

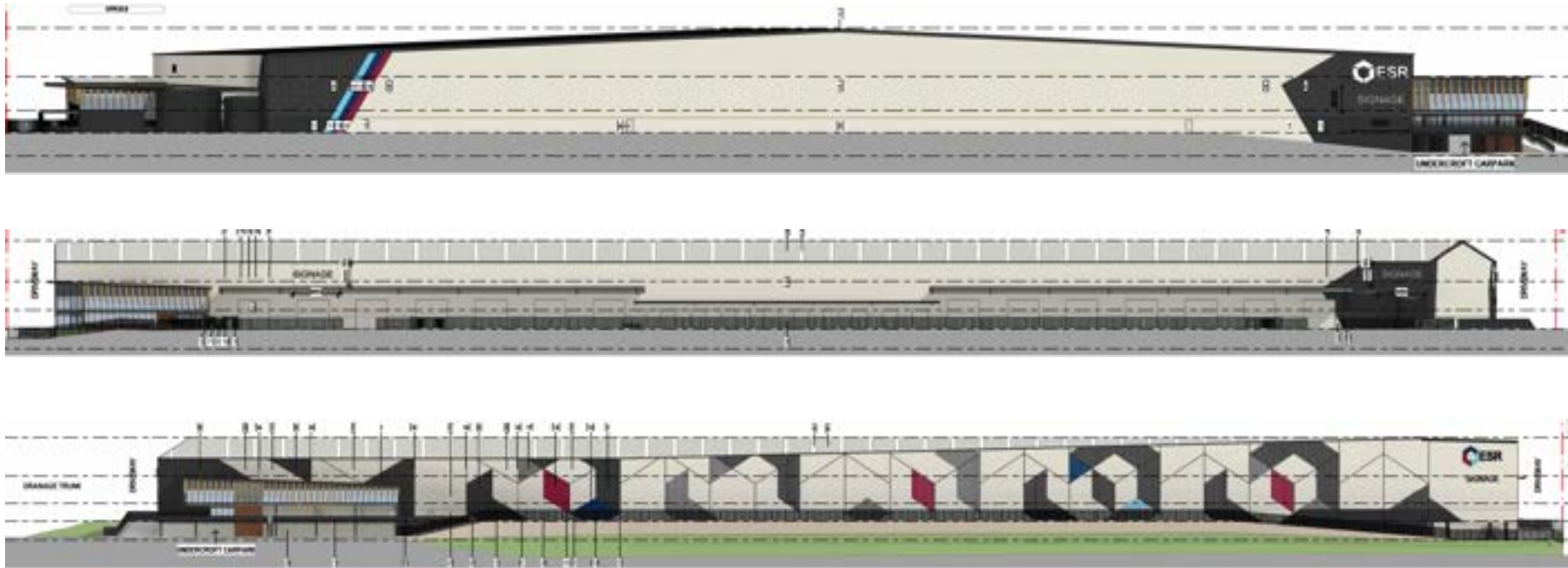


Figure 9 | Lot 6 Warehouse Elevations: North (top), East (middle) and South-West (bottom)

2.3 Applicant's Justification for the Development

The Applicant justified the development on the basis it aligns with relevant strategic planning frameworks, including the Industry and Employment SEPP and the Mamre Road Precinct Structure Plan, is consistent with the site's rezoning for industrial use, and contributes to the NSW Government's vision for the Western Sydney Employment Area. It will deliver economic benefits by generating employment during both construction and operation, help to address the demand for industrial floorspace, and support Western Sydney's growth as a major employment hub. The development will also enhance the efficiency and resilience of Sydney's logistics and supply chain network through the delivery of a modern warehouse and distribution facility, strategically located near major transport corridors such as the M4 and M7, and in proximity to future infrastructure including the Western Sydney Freight Line and Airport. Additionally, it provides road infrastructure that will benefit not only the site but also the broader Mamre Road Precinct, supporting long-term regional development.

3 Strategic Context

3.1 Key Strategic Issues

The consistency of the development with key relevant strategies, plans and policies relevant to the assessment of the development are outlined in **Table 2** below.

Table 2 | Summary of Key Government Strategies, Plans and Policies

Strategy, Plan or Policy	Comments
Mamre Road Precinct Development Control Plan (MRP DCP) and Structure Plan	<p>The MRP DCP establishes planning outcomes for the MRP covering the transport network, biodiversity, water cycle management, heritage and other aspects. Specific controls are included for warehouse developments covering built form, heights, setbacks, landscaping, and amenity issues.</p> <p>The DCP includes the MRP Structure Plan which provides a broad outline of key infrastructure and development and environmental protection areas. The development is consistent with the Structure Plan as it proposes industrial development on IN1 zoned land. The development also provides a 30 m landscape setback in the ‘transition to rural’ area identified in the Structure Plan along the boundary to Mount Vernon.</p> <p>The Department has considered the objectives and specific provisions of the MRP DCP throughout its assessment, with specific issues addressed throughout Section 6 of this report. The Department’s assessment concludes the development is consistent with the MRP DCP.</p>
Penrith Local Strategic Planning Statement (Penrith LSPS)	<p>The Penrith LSPS sets out a land use planning strategy for the Penrith LGA providing strategic direction and a coordinated approach to effectively manage growth and development in the Penrith area and future opportunities arising from the Western Sydney Aerotropolis.</p> <p>In accordance with the Western City District Plan, the Strategic Planning Statement seeks to protect and enhance employment lands within the Penrith LGA (Planning Priorities 11 and 12). The development aligns the Planning Statement by intensifying the use of the site through delivery of a warehouse and distribution centre and providing 200 operational jobs to the economy of the Penrith LGA.</p>
The Future Transport Strategy 2056	<p>The Future Transport Strategy 2056 provides the framework and vision for transport in NSW for the next 40 years. Included in the vision is the ability to create connected 30-minute cities and convenient 15-minute neighbourhoods. The development aligns with the strategy as it will provide new industrial employment opportunities close to homes, amenities and a range of essential services.</p>

4 Statutory Context

4.1 Permissibility and Assessment Pathway

Details of the permissibility of the development and the assessment pathway under which consent is sought are provided in **Table 3** below.

Table 3 | Permissibility and Assessment Pathway

Consideration	Description
Permissibility	<p>Permissible with consent</p> <ul style="list-style-type: none">Warehouse or distribution centres are permissible with consent in the IN1 – General Industrial zone under Chapter 2 of the <i>State Environmental Planning Policy (Industry and Employment) 2021</i> (I&E SEPP).
Assessment pathway	<p>State significant development</p> <p>The development is SSD under section 4.36 of the Environmental Planning and Assessment Act 1979 (EP&A Act) as it satisfies the criteria under section 2.6(1) of State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP):</p> <ul style="list-style-type: none">the development on the land concerned is not permissible without development consent, andthe development is specified in Section 12 of Schedule 1 of the Planning Systems SEPP, being a warehouse and distribution centre with a capital investment value greater than \$50 M (being \$91.6 M).
Consent authority	<p>Minister for Planning and Public Spaces (Minister)</p> <ul style="list-style-type: none">The Minister is the consent authority under section 4.5(a) of the EP&A Act.
Decision-maker	<p>Director</p> <ul style="list-style-type: none">On 9 March 2022, the Minister delegated the functions to determine SSD applications to the Director, Industry Assessments where:<ul style="list-style-type: none">the relevant local council has not made an objection andthere are less than 15 unique public submissions in the nature of objections anda political disclosure statement has not been made by the Applicant. <p>The Department received two public submissions objecting to the development, Council did not object to the development, and no reportable political donations were made by the Applicant in the last two years. Accordingly, the application can be determined by the A/Director, Industry Assessments, under delegation.</p>

4.2 Other Approvals and Authorisations

Should development consent be granted, other approvals may be required in order to carry out the development. Section 4.42 of the EP&A Act lists a number of approvals that cannot be refused if required to carry out the development and must be approved in a manner that is consistent with any SSD consent granted under the EP&A Act.

The development may require an approval from Council under the *Roads Act 1993*, if the estate roads approved under Stage 1 have been dedicated to Council prior to the completion of construction works. The Department has consulted with and considered the advice of Council in its assessment of the development (see **Sections 5 and 6**) and has included its recommended conditions in the conditions of consent (see **Appendix E**).

4.3 Mandatory Matters for Consideration

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application (DA). The Department's consideration of these matters is shown in **Appendix D**.

4.4 Public Exhibition and Notification

In accordance with section 2.22 and Schedule 1 to the EP&A Act, the DA and any accompanying information of an SSD application are required to be publicly exhibited for at least 28 days. The application was on public exhibition from 16 February 2024 until 14 March 2024. Details of the exhibition process and notifications are provided in **Section 5**.

4.5 Objects of the EP&A Act

In determining the application, the consent authority should consider whether the development is consistent with the relevant objects of the EP&A Act (section 1.3), including the principles of ecologically sustainable development (ESD). The Department has fully considered these matters in **Appendix D**.

The Department is satisfied that the development is consistent with the objects of the EP&A Act and the principles of ESD.

4.6 Biodiversity Development Assessment Report

Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all SSD applications to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the development is not likely to have any significant impact on biodiversity values (as identified in the BC Act and in the *Biodiversity Conservation Regulation 2017*).

However, the site is located within land that has biodiversity certification through a 2022 order relating to the Cumberland Plain Conservation Plan (CPCP), which identifies the site as ‘urban capable’. Section 8.4(2) of the BC Act states that an assessment of the likely impact on biodiversity of development (including SSD) on biodiversity certified land is not required for the purposes of Part 4 of the EP&A Act. Further, Section 8.4(3) of the BC Act states that the consent authority when determining a DA in relation to development on biodiversity certified land under Part 4 of the EP&A Act, is not required to take into consideration the likely impact on biodiversity of the development carried out on that land.

Given the above, the Department is satisfied the development is proposed to be carried out on biodiversity certified land as described in Part 8 of the BC Act and, consequently, a BDAR is not required for the subject SSD application.

4.7 Matters of National Environmental Significance

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), assessment and approval are required from the Australian Government if a development is likely to impact on a Matter of National Environmental Significance (MNES), as it is considered to be a ‘controlled action’.

The EIS for the development included a preliminary assessment of the MNES in relation to the development and concluded the development would not impact on any of these matters and is therefore not a ‘controlled action’. As such, the Applicant determined a referral to the Australian Government Department of Climate Change, Energy, the Environment and Water (DCCEEW) was not required.

As stated above, the Applicant was not required to prepare a BDAR for the proposal as the site is subject to biodiversity certification under the CPCP Biodiversity Certification Order. On 26 March 2024, the Federal Environment Minister announced the Commonwealth is satisfied the conservation and development outcomes achieved through the CPCP will satisfy the requirements under the EPBC Act. As such, further environmental approvals under the EPBC Act are not required for this development.

5 Engagement

As required by the Planning Secretary's Environmental Assessment Requirements (SEARs), the Applicant undertook consultation with relevant local and State authorities as well as the community and affected landowners prior to lodgement of the EIS. The Department undertook further consultation with these stakeholders during the exhibition of the EIS and throughout the assessment of the application. These consultation activities are described in detail in the following sections.

5.1 Consultation by the Applicant

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

- engaging with agencies on assessment issues, as required by the SEARs, and
- issued a community newsletter to surrounding residents and local businesses.

Throughout the assessment process, the Applicant engaged with other landowners in the MRP in relation to road upgrades and stormwater infrastructure.

5.2 Consultation by the Department

After accepting the DA and EIS, the Department:

- publicly exhibited the DA and EIS from 16 February 2024 until 14 March 2024 on the NSW planning portal
- notified occupiers and landowners in the vicinity of the site about the public exhibition
- notified and invited comment from relevant government agencies and Penrith City Council.

5.3 Submissions and Advice

During the public exhibition period, the Department received two submissions from public individuals, three submissions from government-owned corporations and public utility providers, a submission from Penrith City Council and advice from seven government authorities. The two public submissions objected to the proposal.

A summary of the submissions and government advice is provided below. A link to the full copy of the submissions and advice is provided in **Appendix B**.

5.3.1 Government Authority Advice

A summary of the government authority advice is provided in **Table 4**.

Table 4 | Summary of Government Authority Advice

Agency	Advice summary
Transport for NSW (TfNSW)	TfNSW requested design updates to respond to swept path conflicts. Conditions were recommended to require preparation of a Construction Pedestrian and Traffic Management Plan prior to construction works and to limit the largest vehicle that can access to the site to a 26m B-Double to ensure safe movement of heavy vehicles due to the vehicle crossover limitations.
NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW)	<p>The Conservation Programs, Heritage and Regulation Group (CPHR) in DCCEEW (formerly the Biodiversity, Conservation and Science Group) requested additional information relating to any works on excluded land under the CPCP certification, flood risk management, stormwater modelling and plans, and erosion and sediment control.</p> <p>The Water Group in DCCEEW requested additional information relating to potential groundwater inflow volumes and design of the riparian corridor/trunk drainage channel.</p> <p>Heritage NSW (HNSW) in DCCEEW supported the recommendations of the .Aboriginal Cultural Heritage Assessment Report (ACHAR), however requested additional information relating to consultation with Registered Aboriginal Parties (RAPs). Recommended conditions were provided, including preparation of an Aboriginal Cultural Heritage Management Plan.</p>
NSW Rural Fire Service (RFS)	RFS recommended that the recommendations of the bushfire assessment report provided in the EIS be applied to the development, subject to some updates being made to references in the report.
Bradfield Development Authority (BDA)	BDA (formerly the Western Parkland City Authority) noted the development is consistent with the vision for the MRP and Western Sydney Aerotropolis, and recommended the Department and TfNSW ensure the development does not preclude the upgrade of Mamre Road.
Fire & Rescue NSW (FRNSW)	FRNSW noted there were no particular comments or recommendations for consideration, nor any requirements beyond that specified by applicable legislation.

5.3.2 Government-owned Corporations and Utility Providers Advice

A summary of the submissions from government-owned corporations and utility providers is provided in Table 5.

Table 5 | Summary of Government-Owned Corporations and Utility Providers Advice

Agency	Advice summary
Sydney Water	Sydney Water provided comments in relation to water and wastewater servicing requirements for the site. Additional stormwater information was requested including design of the trunk drainage channel and realignment of the culvert under Mamre Road as part of external road upgrade works and flood impact assessment.
Transgrid	Transgrid noted the transmission line easement in the northwest corner of proposed Lot 6 but did not provide any direct comments on the development.
Endeavour Energy	Endeavour Energy provided comments regarding electrical servicing for the site and recommended standard conditions.
Western Sydney Airport (WSA)	WSA noted the airport safeguarding controls that apply to the site and made recommendations relating to wildlife attraction management measures.

5.3.3 Key Issues – Council

Penrith City Council (Council) provided comments on the development. Key issues raised included road upgrade and connection of local roads within the site, landscaping and retaining walls along the Mamre Road frontage and the interface with Mount Vernon, car park design, the future roundabout planned at the southern end of the Aldington Road extension located halfway across the site boundary, flooding, and stormwater management.

5.3.4 Key Issues - Public Submissions

The key issues raised by the public relate to impacts from ongoing construction works for developments in the MRP, acquisition of other land in the MRP, and road and stormwater infrastructure capacity.

The Department also received other feedback from the public during and after the exhibition period that was not lodged via the Planning Portal and is not classified as an official submission in accordance with the Department's submissions policy. Issues raised in this feedback included air quality impacts, consultation with surrounding landowners, earthworks, noise and traffic. The Department considered these issues in its assessment of the development and requested the Applicant to respond to the key issues in its Submissions Report.

5.4 Submissions Report

Following the public exhibition period, the Department requested the Applicant to respond to the issues raised in the submissions and agency advice, as well as a request for additional information from the Department, which included a request for the Applicant to undertake further consultation with adjoining and nearby residents and landowners. The Applicant provided a Submissions Report to the Department on 19 September 2024 (see **Appendix A**). The Submissions Report was supported by revised architectural, landscape and civil plans, noise and traffic assessments, contamination and flooding information, an updated stormwater management plan, and evidence of further consultation with surrounding landowners and agencies.

The Department published the Submissions Report on the NSW Planning Portal and forwarded the Submissions Report to relevant government authorities, Council and government-owned corporations and utility providers for comment. A summary of the responses received is provided in **Table 11**.

Table 6 | Summary of Advice on Submissions Report

Authority	Advice summary
DCCEEW	<p>HNSW noted the requested evidence of further consultation had not been provided and requested demonstration of consultation with RAPs.</p> <p>CPHR noted the Department needs to be satisfied no works are proposed on excluded land under the CPCP. Additional information was requested in the form of a flood emergency management plan, updated stormwater modelling and updated civil plans. It was also recommended that the design of basins/ponds and landscaping reflect the recommendations in the Applicant's the Wildlife Hazard Assessment and Management Plan.</p> <p>DCCEEW Water requested further information about groundwater take and recommended the Applicant obtain a water access licence if required.</p>
TfNSW	<p>TfNSW provided concurrence in accordance with section 2.35 of the I&E SEPP subject to conditions requiring completion of road upgrades (intersections of Mamre Road / Abbotts Road and Abbotts Road / Aldington Road and widening of Abbotts Road) prior to operation of the warehouse and that all structures and batters are clear of the land reserved for the widening of Mamre Road. Previously recommended conditions were also reiterated.</p> <p>TfNSW also noted that the combined traffic generation for the Stage 1 and 2 developments, as revised as part of the Submissions Report, would exceed the traffic assumed for the Westlink site in the LOG East modelling done to support the Stage 1 development. However, TfNSW advised that the combined LOG East road upgrades and the Mamre Road Stage 2 upgrades would provide sufficient additional capacity in road network to accommodate the Stage 2 development, and was therefore supportable.</p>

Authority	Advice summary
Council	Council made reference to its previous comments and noted some issues had not been addressed. The Applicant was advised to consult with Council about any proposed planning agreement. Concern was raised with proposed temporary retaining walls at the end the roads to the southern boundary. Conditions were recommended in relation to access and parking design, contamination, stormwater and fill management.
Sydney Water	Sydney Water requested additional information and design amendments relating to the trunk drainage channel and stormwater management.
WSA	WSA agreed with the Applicant's proposal to implement a Wildlife Hazard Management Plan consistent with the Stage 1 development.

5.5 Additional Information and final Agency Advice

On 4 October 2024, the Department requested the Applicant provide a response to the advice received on the Submissions Report. The Department also provided comments on the Submissions Report and requested further information on traffic generation, design, setbacks and retaining walls fronting Mamre Road, landscaping along the eastern site boundary, air quality, contamination and trunk drainage infrastructure.

On 5 February 2025, the Applicant submitted additional information, including updated architectural and civil drawings, stormwater management plan, trunk drainage design, flood assessment, groundwater information, and a wildlife management plan. The Department forwarded this information to the relevant government authorities, Council and government-owned corporations and utility providers for comment. A summary of the responses received is provided in **Table 7**.

Table 7 | Summary of Advice on Additional Information 1

Authority	Advice summary
Council	Council made reference to previous comments on the submissions report, and provided comments on landscaping in the Mamre Road setback, contributions and any proposed planning agreement, road dedication, access, car parking and stormwater.
DCCEEW	<p>CPCR requested clear demonstration that no works are proposed on excluded land under the CPCP, updated flood impact assessment, mapping and consideration of emergency management planning, and updated stormwater modelling.</p> <p>DCCEEW Water noted the additional information sufficiently addressed their previous recommendations and had no further comments.</p>

Authority	Advice summary
TfNSW	TfNSW noted elements of the development, including drainage and earthworks, required coordination with the planned Mamre Road Stage 2 upgrade and the updated road design and recommended the Applicant engage with the relevant project team to resolve these matters.
Sydney Water	Sydney Water noted no objections to the development and provided comments to be addressed at the detailed design stage for the trunk drainage channel.

The Department requested a response to the agency feedback on the additional information and also provided comments relating to noise, contamination, easements and pervious surfaces.

On 7 April 2025, the Applicant provided further additional information responding to the previous comments and Department's request, including updated architectural, landscape and subdivision plans, civil drawings for Lot 6, trunk drainage details, flood assessment, noise assessment and additional contamination and Aboriginal cultural heritage consultation. It was noted that there were outstanding responses relating to ongoing agency engagement by the Applicant to be provided separately, being:

- the Mamre Road Stage 2 Upgrade interface with TfNSW
- acceptance of the letter of offer to enter into a planning agreement with Council.

The Department forwarded this information on to Sydney Water and CPHR for comment. A summary of the responses received is provided in **Table 8**.

Table 8 | Summary of Advice on Additional Information 2

Authority	Advice summary
Sydney Water	Sydney Water recommended conditions relating to obtaining a Compliance Certificate under Section 73 of the <i>Sydney Water Act 1994</i> , and designing and constructing the trunk drainage infrastructure to the satisfaction of Sydney Water, prior to commencing operations. Further comments were provided to be addressed as part of the trunk drainage detailed design post-determination.
DCCEEW	CPHR requested additional information in line with previous comments, being further flood mapping and an updated Water and Stormwater Management Plan and drawings to clarify compliance with the waterway health targets in combination with Stage 1 and the MUSIC modelling.

The Department undertook further engagement with the Applicant and CPHR in relation to flooding and stormwater management. The Applicant provided additional flood mapping and stormwater

details, which CPHR advised were satisfactory and recommended a condition of consent requiring preparation of an erosion and sediment control plan.

The Department and the Applicant undertook further engagement with TfNSW regarding the coordination of construction works along the Mamre Rd interface and the Mamre Road Upgrade Stage 2 project, and agreed on a condition requiring the Applicant to enter into an agreement to coordinate on-lot works on Lot 6 with TfNSW prior to commencing these works.

The Applicant undertook further consultation with Council in relation to the proposed planning agreement relating to the delivery of the part of the collector road within the site, as identified in the Mamre Road Development Contributions Plan, and Council formally accepted the Applicant's letter of offer on 11 July 2025.

The Department has considered the issues raised in submissions, the Submissions Report and the supplementary concerns raised, in its assessment of the development. A summary of the Department's consideration of community views is provided in **Appendix D**.

6 Assessment

The Department has considered the EIS, the issues raised in submissions, the Applicant's Submissions Report and supplementary information in its assessment of the development. The Department considers the key assessment issues are:

- earthworks and site levels
- waterway health and stormwater management
- traffic and access.

A number of other issues have also been considered. These issues are considered relatively minor and are assessed in **Section 6.4** below.

6.1 Earthworks

6.1.1 Background

The site has significant level differences, ranging from elevations of 42 m in the western part of the site fronting Mamre Road up to 96 m in the east of the site. The existing level differences present a challenge in relation to providing large, level building pads, balancing cut and fill, minimising retaining wall heights, managing stormwater, and ensuring the development ties in with the planned road network near the site and across the Precinct more broadly. The development proposes earthworks across much of the undeveloped parts of the site to facilitate delivery of the road network within the site and establish bulk earthwork levels for future development on Lots 2, 4 and 5. Only minor earthworks are required on proposed Lot 6, to reshape the pad established in that area under a previous complying development certificate, to accommodate the final warehouse design on that lot and the revised interface to the upgraded Mamre Road, as well as establish the trunk drainage channel along the north of that lot.

Development controls and objectives relating to earthworks and retaining walls, including in areas adjoining public roads or the rural residential area in Mount Vernon are established in the I&E SEPP and MRP DCP.

6.1.2 Proposed Earthworks and Retaining Walls

The proposed earthworks involve significant levels of cut in the north-east and south-east corners of the site and fill in the middle of the site (Lot 5). The bulk earthworks levels established on Lots 2, 4 and 5 are stepped in response to the slope of the site and adjoining roads, including split pad levels within Lots 4 and 5 (see **Figure 6**). Battered edges around these lots are to be refined as part of future development. The proposed works also include the partial filling of a dam that crosses the southern site boundary but does not involve works on the adjoining property. Minor earthworks are proposed on Lot 6 to facilitate the warehouse construction, with areas of temporary battering along the frontage to Mamre Road that will be finalised as part of the Mamre Road Stage 2 upgrade works.

The Civil Infrastructure Report, provided as part of the EIS and revised in the Additional Information, identified that the cut and fill volumes, when combined with the Stage 1 earthworks under SSD-9138102 and making allowance for additional excavation for trenching/footings and retaining wall structures, would result in close to a balanced level of cut and fill (i.e. not requiring import or export of material) in accordance with the requirements of the MRP DCP.

Retaining walls are proposed to accommodate some of these earthworks, involving:

- a cut retaining wall along the eastern side of Lot 2 and cut retaining walls along parts of the eastern side of Lot 4, set back 30 m from the property boundary
- a fill retaining wall along the northern boundary of Lot 5 to support the private access road
- temporary fill walls at the southern ends of Abbots and Aldington Roads as a temporary flood management measure, which will be removed as part of the 'make good' arrangements under the proposed planning agreement with Council
- retaining walls along the north, southern and western edge of the hardstand/driveway areas of Lot 6, as well as within the trunk drainage channel.

The Applicant provided further justification for the proposed earthworks in the Submissions Report, which outlined the earthworks strategy that was developed to address the elevation differences across the site and the relevant planning requirements and controls, with consideration of:

- balancing cut and fill requirements in accordance with the objectives of the MRP DCP and to assist with reduction of waste material and minimisation of trucks onto the external roads
- coordinating levels of proposed roads to meet existing levels of neighbouring lots to facilitate future connections
- market demand for large-format warehouse and distribution centres, which will support the movement and storage of goods within the Greater Sydney Region
- trunk drainage infrastructure within the site and adjoining properties in accordance with the Mamre Road Precinct Integrated Stormwater Scheme Plan prepared by Sydney Water, and
- building height limits from the existing ground level established by the MRP DCP
- managing impacts to the adjacent to rural residential receivers in Mount Vernon by reducing pad levels (and future building heights) to retain views towards the Blue Mountains, which was identified as a key concern in consultation with an adjoining landowner.

The Applicant proposes that this strategy meets the requirements and objectives of the MRP DCP and represents a holistic consideration of the fully developed estate. The Applicant also provided long sections in the updated civil drawings to show indicative built form on Lot 4 (as shown in **Figure 10**) and the 30 m setback to Mount Vernon to demonstrate that the proposed levels on that lot allow for construction of a warehouse building without obstructing views towards the Blue Mountains. Illustrative landscaping of these areas is shown in **Figure 11**.

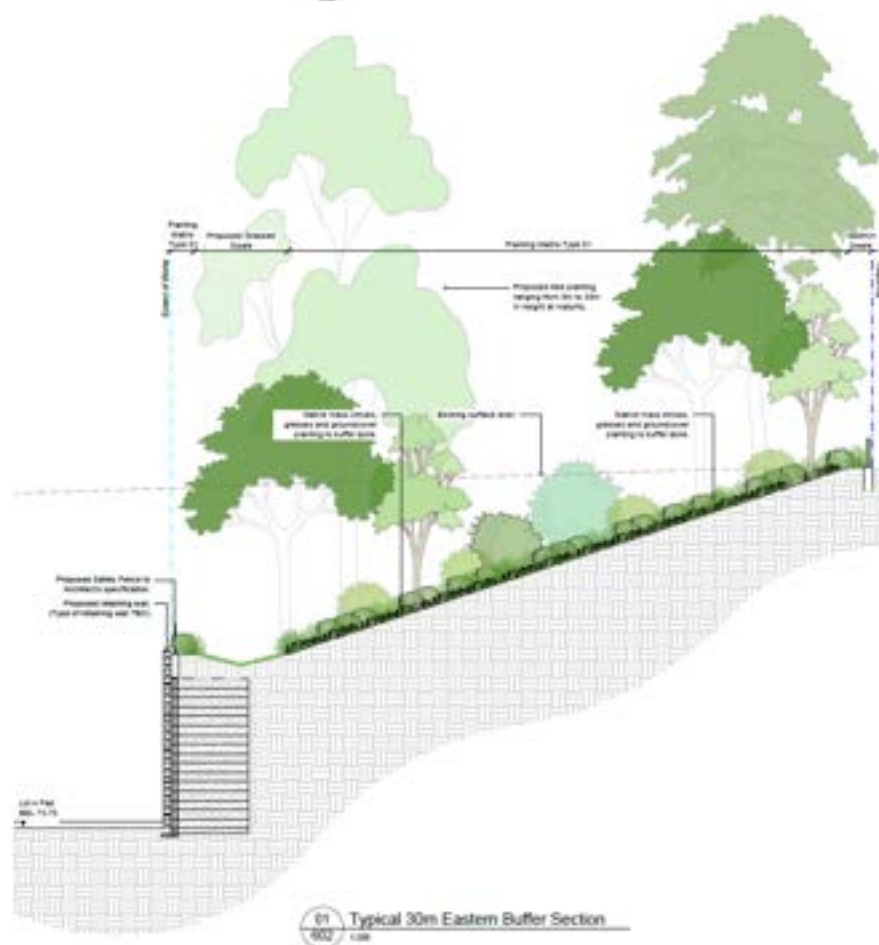
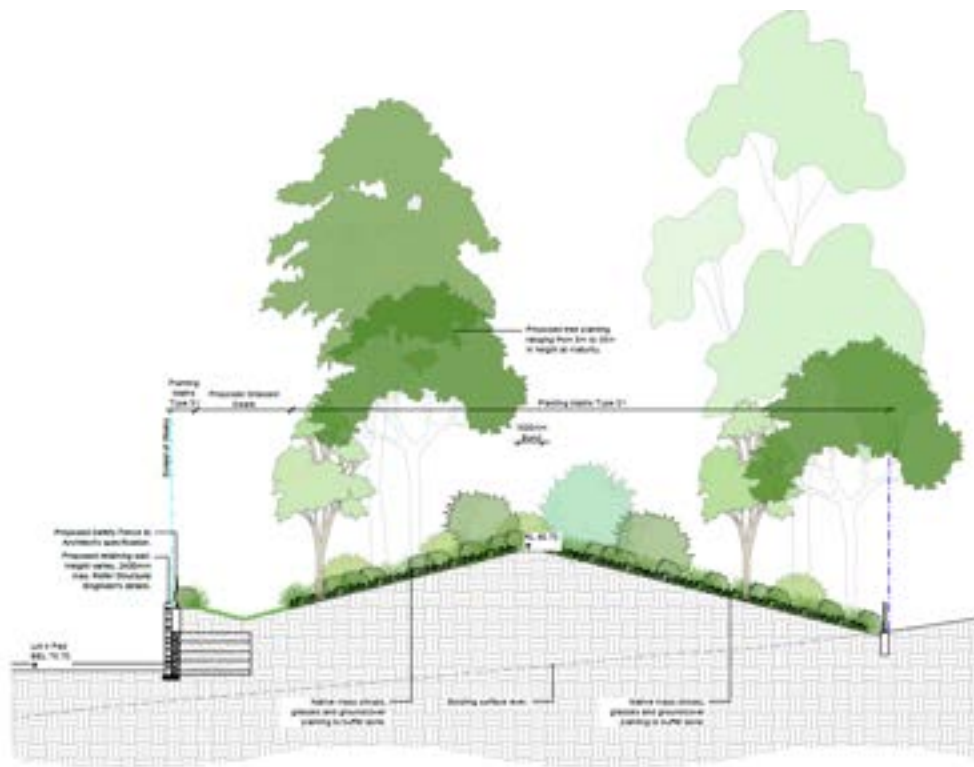


Figure 11 | Landscaping Treatment of Eastern Boundary Earthworks

6.1.3 Department's Assessment and Conclusion

Through its assessment of the development, the Department requested changes to the proposed earthworks and retaining walls, including:

- reducing the amount of retaining walls along the Lot 6 frontage to Mamre Road, from three, 2 m high tiers to one maximum 2 m high wall, which allows for more landscaped battering and an improved outcome facing this arterial road
- moving the southern retaining wall on Lot 6 to be setback 2 m from the boundary to improve the interface to the future trunk drainage channel on the adjoining property
- updates to the interface area with Mount Vernon on the eastern boundary of Lot 4, to allow for landscaping of the full 30 m width and inclusion of landscaped mounds where the pad levels are close to the adjoining ground levels.

Council initially raised concern with the proposed levels and retaining walls on Lot 6 fronting Mamre Road but noted that the revised plans in the Additional Information resulted in an improved setback area and made recommendations about landscaping in this area.

The Applicant and the Department also consulted further with TfNSW about the coordination of final levels along the Mamre Road frontage of the site and construction works in this area. A condition of consent has been recommended requiring the Applicant to enter into an agreement with TfNSW to coordinate these works with the Mamre Road Stage 2 Upgrade construction and resolve drainage and battering design requirements depending on the timing of the road upgrades.

The Department has carefully considered the extent of earthworks proposed and the ultimate change in landform that would result from the development. The DCP contemplates development on sloping sites and includes objectives for responding to the site topography, minimising cut and fill and ensuring the interface with the public domain is managed through retaining wall design and landscaping. The Department notes the gradients and connections of the planned road network and the importance of enabling safe and efficient heavy vehicle access to the warehouse lots largely dictate the finished levels that can be achieved for large-format industrial sites, the likes of which are proposed across the MRP. The Department considers the development generally complies with the controls in the DCP in relation to retaining walls fronting the public domain. As the proposed earthworks on proposed Lots 2, 4 and 5 are mostly provided with battering to the edges, the final form of these pads and their further development will be subject to future development applications and assessment.

The Department has recommended conditions requiring the Applicant to prepare and implement a construction air quality management plan to manage dust and erosion during construction works, and to install landscaping along the eastern boundary of Lot 4 to allow this to establish as soon as possible to help with stabilising the area and screening the site from Mount Vernon.

The Department's assessment of the proposed earthworks has concluded the development layout adequately responds to the undulating site topography while enabling safe connection to the road network identified in the DCP.

6.2 Waterway Health and Stormwater Management

6.2.1 Background

There is currently limited stormwater infrastructure in the MRP to support the emerging industrial development. Ultimately, Sydney Water will provide permanent stormwater infrastructure across the precinct that development sites will be required to connect into, as identified in the Mamre Road Precinct Integrated Stormwater Scheme Plan (Sydney Water, May 2024) (the Scheme Plan). In the interim, however, each new development in the MRP will be required to provide suitable stormwater infrastructure onsite and/ or retain sufficient undeveloped land to manage water runoff from proposed large impermeable areas including hardstands and roofs. Applicants will also be required to demonstrate the proposed stormwater infrastructure can meet specific water quality targets including flow rates and water quality parameters and does not result in downstream flooding impacts. The Department recognises this interim infrastructure may only be required for certain periods of time and will later become redundant once the site is serviced by the Scheme Plan infrastructure. To guide development within the MRP, the DCP is supported by detailed guidance that sets out:

- how each DA must assess potential impacts through MUSIC modelling
- the water sensitive urban design (WSUD) measures each development should take to manage stormwater including on-site detention and bio-retention systems and gross pollutant traps for removing contaminants before discharge, and
- detailed requirements for construction management, including the type of sediment basins required to achieve the water quality targets.

The Stage 1 development (SSD-9138102) included an interim stormwater strategy to manage stormwater from the two warehouses, roads and other components of that stage of the WIP. This strategy involved:

- an on-site detention (OSD) basin on Lot 3 to manage stormwater quantity and will remain as a permanent measure
- a trunk drainage channel along the north of Lot 3 that is part of the planned regional infrastructure to be managed by Sydney Water
- gross pollutant traps (GPTs) and a filter system for stormwater treatment
- temporary measures that will only be required until the site is connected to the regional scheme or the estate stormwater strategy is updated:
 - rainwater tanks for both warehouses

- storage of excess stormwater in the basin that is used for irrigation on part of Lot 4
- accounting for the remainder of the site to be undeveloped/pervious surfaces as part of the stormwater modelling.

6.2.2 Proposed Water Management Strategy

The Applicant proposes to update the stormwater strategy for the site to include long-term and interim measures to manage stormwater quality and quantity that accounts for the addition of the Stage 2 development, including the warehouse on Lot 6 and the additional roads. The proposed earthworks will also result in changes to the existing catchments within the site and adjoining land and how these areas drain to discharge points on the site boundary.

The proposed interim stormwater strategy is shown in **Figure 12** and involves:

- construction of a 20 m wide trunk drainage channel along the northern boundary of Lot 6, involving changes to the alignment, width and length of the channel as shown on the Scheme Plan
- an underground OSD tank on Lot 6
- GPTs on Lot 6 upstream of the trunk drainage channel and OSD tank
- passively irrigated street trees
- interim sediment basins on Lots 2, 4 and 5 also used as evaporation ponds
- interim irrigation areas on Lot 5 using stormwater captured by the OSD tank on Lot 6 and the Stage 1 OSD basin, replacing the irrigation on Lot 4 under the Stage 1 strategy.

The trunk drainage channel has been designed in consultation with Sydney Water and will discharge into a culvert under Mamre Road that will be realigned as part of Mamre Road/Abbotts Road intersection upgrade works.

Once the site is able to connect to Sydney Water's stormwater infrastructure, the interim measures will no longer be required. The strategy identifies that future development on Lots 2, 4 and 5 will require OSD measures to manage post-development flows and ensure compliance with the MRP DCP.

The Applicant's revised Water and Stormwater Management Plan and further Additional Information identifies the development can meet the stormwater quality quantity targets of the DCP and outlines how these measures will be managed and maintained. The Applicant also provided an Erosion and Sediment Control Plan (ESCP), revised as part of the Submissions Report, that outlines measures to be implemented to manage soils and water on site during construction works and to achieve the construction phase waterway health targets of the DCP.

6.2.3 Agency Advice

CPHR, Sydney Water, Council and the Department have reviewed and provided advice on the stormwater information included in the EIS, Submissions Report and Additional Information to ensure the proposed strategy aligns the waterway health targets of the DCP and supporting technical guidance.

CPHR requested multiple updates to the stormwater modelling and civil plans and additional information relating to erosion and sediment control measures. In particular, clarification was requested as to how the stormwater strategy aligned with the approved Stage 1 development. Ultimately, CPHR advised that the information provided and the revised stormwater strategy for the estate was satisfactory and recommended a condition requiring preparation of an erosion and sediment control plan.

The Applicant engaged with Sydney Water throughout the assessment process, particularly with regard to the design of the trunk drainage channel and related infrastructure. Sydney Water advised it was satisfied with the revised design as part of the Additional Information and identified items to be addressed as part of the detailed design process for the channel. Conditions were also recommended requiring the Applicant to obtain a Compliance Certificate under Section 73 of the *Sydney Water Act 1994* and construct the trunk drainage infrastructure to the satisfaction of Sydney Water prior to commencing operation of the Lot 6 warehouse.

Council provided comments on aspects of the stormwater system design, and ultimately recommended conditions requiring that:

- stormwater infrastructure is to be maintained by the Applicant and remain under private ownership and not be dedicated to Council
- sediment basins be designed as high efficiency Type A or B basins
- sufficient land is reserved for initial stages of the development for treatment and management of stormwater (i.e. irrigation of undeveloped land)
- passively irrigated street trees are included in the detailed road design plans for Council's approval.

6.2.4 Department's Assessment and Conclusion

The Department has considered the Applicant's stormwater management strategy for the development in consultation with relevant stakeholders and government authorities. As the regional scheme is not yet in place, the development must implement an interim stormwater management system for the site. The Applicant has proposed an interim stormwater approach to align with the waterway health targets and objectives of the MRP DCP and ensure that ongoing stormwater management for the development does not have a detrimental impact on the catchment or surrounding land.

The Department notes that the consent for the Stage 1 development (SSD-9138102) requires the Applicant to implement the Stage 1 stormwater strategy for the site until the site is connected to the regional scheme infrastructure or an alternate stormwater management strategy has been approved by the Planning Secretary. As the stormwater strategy for the Stage 2 development incorporates the Stage 1 development and stormwater infrastructure and has demonstrated that the combined two stages meet the waterway health targets of the MRP DCP, the Department considers this would be a satisfactory alternate stormwater management system for the site.

The Department has recommended conditions requiring the Applicant to prepare a detailed erosion and sediment control plan prior to commencing construction, with the implementation of these controls to be overseen by an Environmental Representative (ER) to ensure the works maintain compliance with the construction-phase waterway health controls of the MRP DCP. These measures will need to remain in place on Lots 2, 4, and 5 until further development occurs on these parts of the site. Conditions have also been recommended requiring the Applicant to install the stormwater system and trunk drainage infrastructure detailed in the Additional Information, as well as requirements for ongoing operation and maintenance of the interim and long-term stormwater management strategy on the site.

The Department's assessment concludes, that with these measures in place, the Applicant would be capable of managing stormwater flows and quality on-site to achieve the waterway health targets of the DCP until the site can connect to the regional stormwater system.

6.3 Traffic and Access

6.3.1 Background

Managing the operational and construction traffic impacts of the development and ensuring the planned MRP road network (shown in **Figure 13**) is designed and delivered with consideration of the DCP are key assessment issues. The Department has consulted with government authorities including TfNSW and Council to ensure these issues have been adequately addressed and appropriate measures are in place to manage traffic and access for the development with consideration of cumulative traffic from other developments in the MRP. Following exhibition of the DA and consideration of the Submissions Report, the Applicant submitted a further traffic assessment to justify adequate access will be available for the site with regard to revised traffic generation assumptions and planned road upgrades in proximity to the site.

6.3.2 Site Access

Access to the northern and eastern parts of the site will be via an extension of Abbots Road, with the first part of this approved and constructed in stages under the Stage 1 development consent (SSD-9138102). This road alignment was shifted slightly towards the west (from what is shown in the MRP DCP) under SSD-9138102, in consultation with the adjoining southern landowners. Further extension

of this road to the southern site boundary is proposed under the subject Stage 2 development, with a temporary turning head to be constructed at the southern end of this road until the land to the south is developed and a connection made to the site (see **Figure 5**).

Meanwhile, long-term access to the western part of the site, particularly proposed Lot 6, will be via an extension of Aldington Road south from the existing intersection with Abbotts Road, which will continue to a new left-out intersection on Mamre Road on the property directly to the south of the site (see **Figure 13**). A roundabout intersection is planned on the southern boundary of the site, that will connect with the ultimate extension of Abbotts Road to the east. As this arrangement relies on development of land to the north and south of the site, for which there are no developments proposed at this point, an alternate arrangement is required to provide interim road access to proposed Lot 6. Accordingly, the Applicant proposes to construct a private access road along the north of proposed Lot 5 to connect the new section of Aldington Road and the extended Abbotts Road. The planned roundabout on the southern boundary may be delivered as part of a future development on the adjoining land to the south or by Council as this is part of the infrastructure to be delivered under the *Mamre Road Precinct Development Contributions Plan 2022*.

Access to the regional road network from Abbotts Road will be via the upgraded intersection on Mamre Road until the Southern Link Road is delivered and provides additional access via the upgraded northern end of Aldington Road. As discussed in **Section 1.4.2**, the upgrade of the existing section of Abbotts Road, including the signalised intersections at the Aldington Road and Mamre Road intersections, will be constructed and delivered by the LOG East. These road upgrades were approved under separate modifications to existing consents for the 200 Aldington Road Estate (SSD-10479-Mod-3) and the Westlink Industrial Estate (SSD-9138102-Mod-5).

TfNSW recommended a restriction on the size of heavy vehicles turning out of the private access road on proposed Lot 5 to a maximum of 26 m B-Doubles due to turning conflicts identified in the swept path diagrams provided by the Applicant, which has been adopted in the recommended conditions.

Council recommended standard requirements relating to the access and parking design and provision for the proposed warehouse. Council also requested that a condition be applied requiring the Applicant to dedicate the land for the collector road (Aldington Road) and future roundabout to Council free of cost. The delivery of the collector road (Aldington Road) is subject to the proposed planning agreement with Council and the accepted letter of offer.

The Department is satisfied the site has sufficient access to facilitate the development, noting the Aldington Road and Abbotts Road upgrades have been assessed and approved as part of modifications to SSD-10479-Mod-3 and SSD-9138102-Mod-5. Further, the approved road design and layouts are consistent with the DCP and Structure Plan. The Department has recommended a condition whereby the Abbotts Road and intersection upgrades must be constructed and operational prior to the commencement of operation of the Stage 2 warehouse on Lot 6. Further conditions have

been recommended requiring construction and operational traffic to travel to and from Mamre Road via Abbotts Road, and not Bakers Lane, until the Southern Link Road is delivered, to reduce traffic conflict with the existing schools on Bakers Lane in accordance with the MRP DCP requirements.

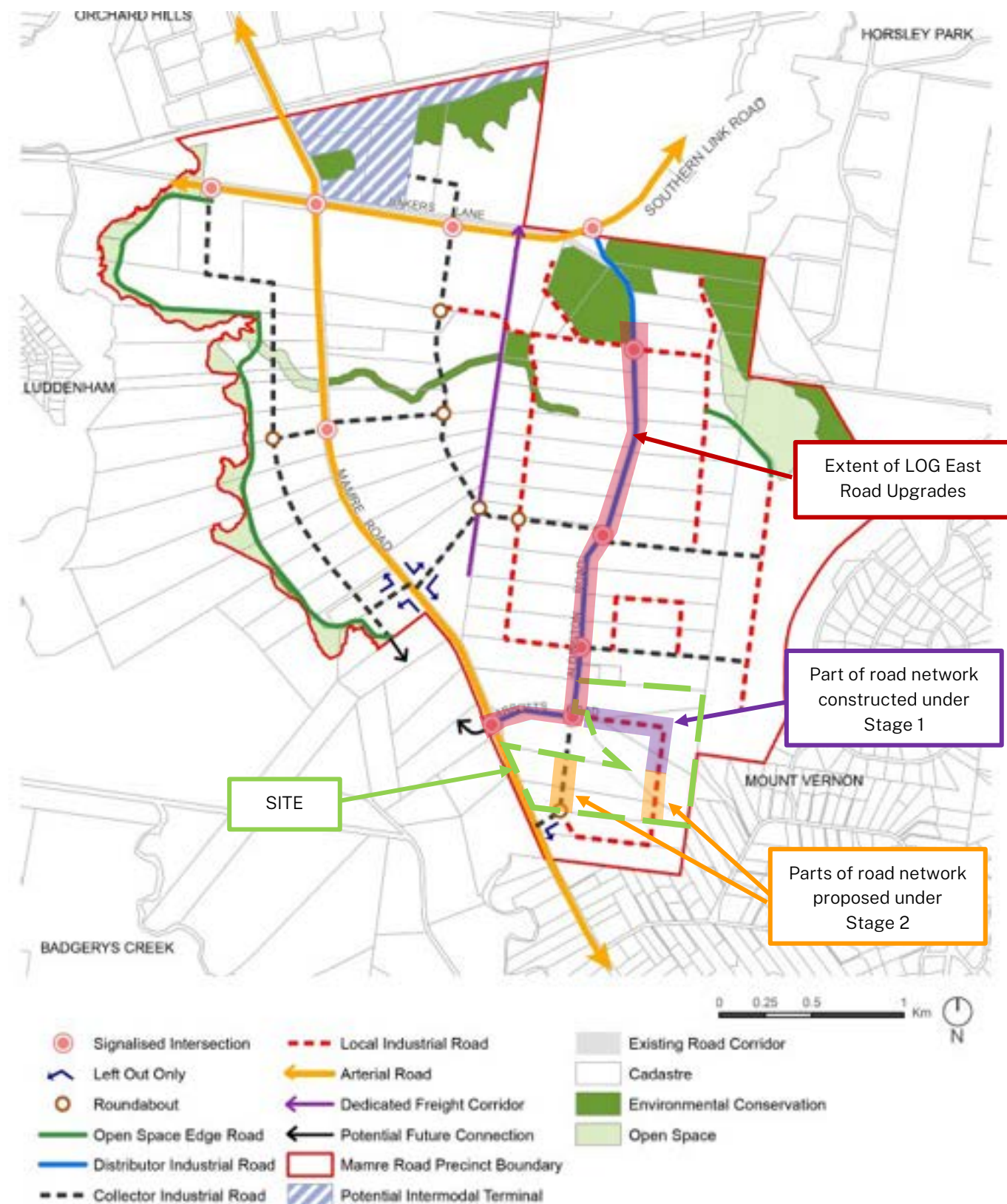


Figure 13 | MRP DCP Road Network and Road Construction within the Site

6.3.3 Operational Traffic

As discussed in **Section 1.4.2** of this report, the MRP road network comprises existing roads (Mamre, Abbots and Aldington Roads) that require upgrading and new roads throughout development sites to cater for the increase in traffic from a fully developed precinct. As part of the planning for the MRP and finalisation of the MRP DCP, traffic modelling for the year 2036 was undertaken to identify requirements for the ultimate road network to accommodate the anticipated development within the MRP.

As the Applicant and other developers within the MRP are seeking to commence operations prior to the ultimate road network being in place, the Applicant was required to demonstrate interim capacity could be achieved to accommodate the development until the full road network and upgrades are complete. These include works to be undertaken by the LOG East for the Abbots and Aldington Roads and Abbots/Mamre Road intersection.

The EIS included a Transport Management and Accessibility Plan (TMAP) that assessed the traffic impacts and parking requirements for the development. The TMAP was revised to reflect a speculative use for the warehouses on Lot 3 and 6, rather than a planned tenant that was initially considered in the TMAP. It utilised the adopted trip rates for development in the MRP previously agreed with TfNSW and used in the LOG East traffic modelling used to support previous DAs in the MRP, including Stage 1 of the WIP (SSD-9138102). It found the revised trip generation for the combined Stages 1 and 2 of the WIP would exceed the trips allocated to the site as part of the LOG East modelling.

The revised TMAP also provided a comparison of the MRP trip rates with the trip generation rates for large-format warehousing in the *Guide to Transport Impact Assessment* (GTIA), issued by TfNSW in November 2024. These rates are lower than the MRP trip rates and the TMAP identifies that the total trips from the site (Stage 1 and 2) under these rates is less than the modelled traffic generation for the site in the LOG East modelling. The TMAP found that the development is therefore considered supportable on the basis that the GTIA rates are more recent and accurately reflect the operational parameters of modern, large-format warehousing developments. It also confirmed that the development met the car parking requirements of the MRP DCP with regard to the number of spaces, bicycle parking and end-of-trip facilities.

TfNSW reviewed the additional traffic assessment and, noting the approved LOG East local road upgrades (see **Section 1.4.2**) and the timing for the delivery of the Mamre Road Stage 2 upgrade by TfNSW, agreed that the additional road network capacity the committed upgrades will provide, will be able to accommodate the proposed increase of traffic. Concurrence was provided by TfNSW with regard to section 2.35 of the I&E SEPP. Conditions were recommended requiring the Abbots Road upgrades, including the intersections with Aldington Road and Mamre Road, to be completed prior to the occupation of the Stage 2 warehouse.

The Department has adopted these requirements as part of the recommended conditions. It is considered that the completion of these road upgrades will ensure sufficient access is provided for the development and the resulting additional network capacity will ensure that operational traffic from the development will not have an unacceptable impact on traffic in the MRP.

Similar to other approved developments in the MRP, the Department has also recommended ongoing operational traffic monitoring, particularly at the Mamre Road / Abbots Road intersection to help inform any future road improvements of this key intersection as the broader MRP develops.

6.3.4 Construction Traffic

Construction of the development would be carried out over three overlapping phases (earthworks, internal roads and civil works, and warehouse construction) taking approximately 18 months to complete. Construction access to and from the site would be via the existing connection to Abbots Road, with construction vehicles accessing and departing the site via the Abbots Road/Mamre Road intersection and not Aldington Road and Bakers Lane. At the Abbots Road/ Mamre Road intersection, heavy vehicles are only permitted to turn left in to Abbots Road and left out onto Mamre Road, until the intersection is upgraded to a signalised intersection.

The Applicant submitted a Preliminary Construction Traffic Management Plan (CTMP) in the EIS that considered the construction traffic impacts and detailed construction traffic monitoring and management strategies to be implemented during the construction period, with regard to other construction activity likely to be occurring concurrently in the MRP. It anticipates up to 196 truck movements per day (or 20 per hour) during the overlapping bulk earthworks and civil works phases (a period of approximately seven months), with the majority of light vehicle traffic likely to be associated with the short workforce arrival and departure periods occurring outside of the existing (commuter) peak periods in the local network. The CTMP relies on traffic control measures to be implemented on Abbots Road and Aldington Road to manage traffic as part of the concurrent road upgrade works that have either commenced in parts or are planned to commence soon. Standard mitigation and management measures for the development are proposed, including the use of traffic controllers, a heavy vehicle driver code of conduct and ongoing communication with surrounding landowners and residents, and further analysis of cumulative traffic management is proposed as part of the final CTMP once timing of works are finalised. The Department has recommended a condition requiring the Applicant to prepare a final CTMP in consultation with TfNSW and Council prior to the commencement of construction, that must include:

- measures to manage cumulative construction traffic from other concurrent construction works and traffic associated with operational developments within the MRP,
- consultation with other developers, and

- a drivers' code of conduct that includes enforcement of the site access arrangements for entering and exiting Mamre Road via Abbotts Road and not Bakers Lane.

The Department also recognises that the construction of the development will occur over a period of 18 months, which would likely overlap with the construction of other estates in the precinct. In order to manage construction impacts across the precinct, the Mamre Road Precinct Working Group was established to ensure landowners coordinate activities and manage cumulative impacts through regular monitoring of construction traffic, air quality and noise monitoring measures currently in place for these estates. As such, the Department has recommended conditions requiring the Applicant joins and participates in the MRP Working Group to ensure that any construction activities associated with the development are monitored as part of this group.

In addition, the Department has recommended an ER be appointed to oversee the construction works and monitor the implementation of the CTMP and any construction related conditions in the recommended development consent. The ER would also assist the Department in resolving any community complaints and would be required to participate in MRP working group meetings in a consultation role. The Department's assessment concludes that the proposed construction works are unlikely to impact on the local road network with appropriate traffic management and monitoring measures in place.

6.3.5 Conclusion

The Department worked closely with TfNSW and Council in relation to the access arrangements and traffic capacity for the proposed development in the regional road network and has adopted the advice and recommendations from TfNSW in this regard. The Department concludes traffic impacts associated with the construction and operation of the development would have manageable impacts on the local and regional road network, subject to the Applicant's commitments and recommended conditions. The Department acknowledges that the development would provide for internal estate roads and connections that would support connectivity across the MRP. The Department has recommended conditions which require the Applicant to prepare and implement a CTMP, participate in the MRP working group to consult and coordinate between landowners while the precinct is being developed, and appoint an ER to oversee the construction works.

With the recommended conditions in place, the Department concludes traffic from the development would be adequately managed and would not impact the performance of the local and regional road network.

6.4 Other Issues

The Department's consideration of other issues is summarised in **Table 9** below.

Table 9 | Assessment of other issues

Findings and conclusions	Recommended conditions
Operational Noise	
<ul style="list-style-type: none"> • The 24-hour operation of the development, being the warehouse on Lot 6, will generate noise that may impact the amenity of sensitive receivers in the locality, which requires careful management, particularly as the MRP transitions from predominantly rural uses to employment and industrial uses. • The closest existing receivers in the MRP are on the adjoining properties to the north and south of the site. There is also the BAPS temple 950 m to the north-east, which will be a long-term sensitive receiver in the precinct. The nearest residential-zoned receivers in Mount Vernon and Kemps Creek are more than 700 m to the east and 300 m to the south of proposed Lot 6. • The Applicant submitted a Noise and Vibration Impact Assessment (NVIA) as part of the EIS, which was updated in the submissions report and additional information, that adopted a worst-case noise emission scenario that included vehicle movements, on-site operations, loading dock activities and assumed mechanical plant. Amenity criteria was determined using the approach to cumulative noise impacts detailed in Section 2.4.2 of the Noise Policy for Industry (NPfI), which factored in the number of developments in the MRP that would contribute to noise levels at particular receivers. • The NVIA found that the predicted operational noise would exceed the adopted noise criteria at the closest residential receivers in the MRP to the north and south of the site across the day, evening and night time periods by up to 13 dBA. Exceedances of the sleep disturbance screening level are also predicted at these closest receivers. The development was predicted to be below the adopted criteria for all other assessed receivers, including the BAPS temple and outside of the MRP. • Mitigation measures to minimise noise impacts were proposed, including use of quieter mobile plant and equipment, warehouse design and layout and noise verification. The NVIA also identified the receivers immediately to the north and south of the site that would have residual impacts after application of all feasible and reasonable mitigation measures that require further consideration. • To regulate operational noise in the MRP, the Department has adopted precinct-wide recommended amenity noise levels based on a development's land size, as a proportion of all developable industrial land within the MRP. When this is combined with other proposed developments in the MRP, the combined noise level should not exceed the recommended night-time amenity criteria of $LA_{eq,15min}$ 43 dBA at residences outside the MRP or $LA_{eq,15min}$ 53 dBA 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> • Ensure the operational noise generated by the development does not exceed the permitted limits. • Offer to enter into noise agreements with eligible receivers within the MRP. • Undertake operational noise verification within three months of operating.

Findings and conclusions	Recommended conditions
<p>at the BAPS temple grounds. This precinct management approach is in accordance with the NPfI and acknowledges that there will be multiple industrial developments contributing to noise at receivers. The overarching objective is to ensure any increase from a single development is not significant and not detectable by the community.</p> <ul style="list-style-type: none"> For this development, the area of Lot 6 only has applied this approach, which results in the limits of $LA_{eq,15min}$ 32 dBA, 27 dBA and 22 dBA for residential receivers in Mount Vernon and Kemps Creek outside of the MRP and 35 dBA at the outdoor congregation areas of the BAPS temple. The NVIA states compliance with these limits is generally achievable for the development. The Department has recommended a condition that requires the Applicant to ensure that these limits are met during operation of the development. To address the residual exceedances identified in the NVIA for the closest receivers in the MRP, the Department considers that negotiated agreement(s) for receiver-specific measures with each noise-affected landowner is an appropriate approach for addressing the night-time noise impact. The Department has recommended a condition requiring the Applicant to offer to enter into an agreement with the owner(s) of each noise affected property prior to the commencement of operation. This is considered a temporary measure that would end once the properties are redeveloped for industrial uses. Additionally, the Department also recommends the Applicant prepare a noise verification report for the warehouse once it is commissioned. The verification report must identify management actions to be implemented if noise levels are higher than the predictions and may result in exceedances of the noise criteria. The Department's assessment concludes operational noise impacts will be adequately managed for nearby residential receivers and cumulatively across the MRP, and the proposed conditions are appropriate to ensure operational noise impacts of the development are minimised and managed. 	
Construction Noise and Vibration	
<ul style="list-style-type: none"> During the construction period, noise generated from various activities including earthworks, has the potential to impact on nearby sensitive receivers. The nearest sensitive receivers include residential dwellings on the adjoining properties to the north, south and east. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> Prepare and implement a CNVMP, including consultation with neighbouring properties

Findings and conclusions	Recommended conditions
<ul style="list-style-type: none"> • The Applicant's NVIA included an assessment of construction noise and vibration impacts with regard to the NSW <i>Interim Construction Noise Guideline</i> and the EPA's <i>Assessing Vibration: a technical guideline</i>. It included consideration of representative 'worst-case' scenarios to assess the likely impacts from the various construction phases, including earthworks, excavation and construction of the road and warehouse building. • The NVIA predicted exceedances of the adopted noise management levels at the closest receivers to the north, south and east, particularly during the earthworks and excavation periods of construction. Exceedances of around 20 to 25 dB are predicted when these items of equipment are being used in areas of the site near to these receivers, while it was noted that noise intensive equipment is likely to only be required for relatively short durations. No receivers are predicted to be highly noise affected (over 75 dBA) during any of the construction work. • The NVIA also found that some existing structures on the properties to the north and south of the site may be within the cosmetic damage minimum working distance for vibration intensive equipment. It also found that up to five residences on adjoining properties are likely within the human comfort minimum working distance and occupants of these buildings may be able to perceive vibration impacts at times when vibratory rollers or rock breakers are in use nearby. • The NVIA proposed that a Construction Noise and Vibration Management Plan (CNVMP) be prepared to provide details regarding how the construction impacts would be minimised through the use of feasible and reasonable mitigation measures, such as construction scheduling, equipment selection and shielding, responding to any complaints and detailing compliance monitoring requirements. The Applicant has also committed to consult and coordinate with other construction projects, if they have the potential to impact the same receivers concurrently, to minimise cumulative impacts of noise and vibration. • The Department has reviewed the Applicant's assessment and recognises that while the impacts would occur across the construction period, the predicted exceedances are determined under a worst-case and subject to scheduling of works. Additionally, the mitigation measures to be adopted by the Applicant would assist in reducing noise impacts. • The Department has recommended conditions requiring the Applicant implement a CNVMP and engage an ER to oversee construction activities to ensure noise mitigation measures detailed in the CNVMP would be adequately 	<ul style="list-style-type: none"> • Undertake construction works within standard hours • Engage an ER to oversee the implementation of the CNVMP • Participate in the MRP Working Group to manage cumulative construction impacts • Offer to undertake dilapidation reporting for adjoining properties that may be affected by the proposed earthworks.

Findings and conclusions	Recommended conditions
<p>implemented. As part of the conditions, the CNVMP is required to include consultation with the community around strategies to manage high noise or vibration generating works and a complaints management system.</p> <ul style="list-style-type: none"> • Further, as discussed above, the Department has recommended conditions requiring the Applicant joins and participates in the MRP Working Group to ensure that any construction activities occurring in the MRP are coordinated and monitored as part of this group. • The Department has also recommended a condition requiring the Applicant to offer to undertake dilapidation reporting for adjoining properties to assess existing structures that may be affected by the proposed earthworks, and then repair, or pay the full costs associated with repairing, any damage to adjoining properties caused by carrying out the development. • The Department's assessment concludes that, subject to the recommended conditions, construction noise impact would be adequately managed and minimised. 	
Construction Air Quality	
<ul style="list-style-type: none"> • The proposed development includes significant earthworks, which have the potential to cause air quality impacts at neighbouring sensitive receivers. • Concerns with dust from the development and air quality impacts from ongoing construction in the MRP were raised in public submissions and feedback received on the application. • The Applicant submitted an Air Quality Impact Assessment (AQIA) with the EIS that was subsequently updated in the Additional Information, with a focus on the bulk earthworks across proposed Lots 2, 4 and 5, which will be the major contributor of dust during construction works. The updated AQIA included CALPUFF dispersion modelling and an assessment of incremental and cumulative impacts against air quality criteria from the EPA <i>Approved methods for the sampling and analysis of air pollutants in NSW</i>. The AQIA identified that adopted background air quality data had recorded exceedances of the relevant criteria for some suspended particulate matter (PM₁₀ and PM_{2.5}) for periods between 2020 and 2024. • The AQIA identified earthworks as the main contributor to construction air quality impacts during construction and included consideration of local topography, land uses and meteorological conditions. The AQIA used emissions rates to calculate the contribution of each construction-related activity, and applied a conservative approach that all activities would occur 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> • Prepare and implement a CAQMP, that includes a TARP • Install real-time air quality monitors • Engage an ER to oversee construction works • Undertake independent air quality audits every three months during construction.

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simultaneously, seven days/week over a 12-month period, when they are expected to be completed in nine months, resulting in an over-estimation of annual predictions by potentially over 30%.

- The AQIA identified that the most-affected receptors were the closest residences to the east and south of the site. It predicted exceedances of the annual average PM₁₀ and PM_{2.5} criteria were predicted at up to four of the 38 receptors modelled. However, these were concluded to be due to over-estimation in emissions as noted above. The predicted 24-hour average PM₁₀ concentrations exceeded the criterion at 21 out of the 38 receptors modelled. For the worst impacted receptor - at the property directly south of the site - 13 exceedance days (out of the 365 days of modelling) were predicted.
- The Applicant proposes to reduce or manage construction air quality impacts via a range of mitigation measures, including the use of screens/barriers around dusty activities, covering stockpiles and use of dust suppression measures. The AQIA also recommended implementing a Trigger Action Response Plan (TARP) with real-time air quality monitors to manage impacts at receivers and identify actions to be taken on site in response to a deviation from normal working conditions, such as ceasing dust generating activities and applying additional mitigation when there is a significant potential for the activities to lead to additional exceedances at the nearby receptors.
- The Department requested the Applicant provide further consideration of how the development may contribute to cumulative impacts from concurrent construction in the MRP. Additional information was provided that identified that, due to the separation of the site from other construction in the precinct, wind directions and the location of the most affected receivers to the south and east of the site, incremental contributions from other construction in the MRP would be negligible at the receptors most affected by Westlink Stage 2 compared with background variability. The Applicant reaffirmed that the most effective management approach to address air quality from the site, other construction in the MRP and regional events (such as dust storms or hazard reduction burns) involves a program of real-time monitoring and adaptive site management (via a TARP).
- The Department notes the development may contribute to short-term exceedances of air quality criteria at the nearest residences when undertaken at the same time as other construction projects in the MRP. These impacts can be minimised by proactive management of construction activities during windy conditions, such as the Applicant's suggested mitigation measures. The Department considers a TARP would help to manage air quality in real-time

Findings and conclusions	Recommended conditions
<p>and have an important role in ensuring proactive and responsive management of air quality impacts particularly for the nearest sensitive receivers.</p> <ul style="list-style-type: none"> • Accordingly, the Department has recommended a condition of consent requiring the preparation of a Construction Air Quality Management Plan (CAQMP) that incorporates a TARP. • The Department has also recommended conditions requiring the Applicant to: <ul style="list-style-type: none"> – install air quality monitors at the closest residential receivers, where the highest incremental impact is predicted, – engage an ER to oversee environmental performance of construction activities on site and ensure the CEMP and CAQMP are implemented to mitigate potential air quality issues, and – commission independent air quality audits to be completed every three months during construction to evaluate the effectiveness of the CAQMP and recommend any additional mitigation measures that may be necessary. • The Department also acknowledges that air quality modelling and monitoring for recent developments in the MRP, as construction activities increase, has highlighted that a precinct-wide approach to managing cumulative construction air quality impacts is required. Accordingly, the MRP Working Group, of which the Applicant is a member, is establishing a precinct-wide monitoring program to manage dust impacts from concurrent construction activities. As part of the recommended CAQMP requirements, the Department has included a requirement for the plan to integrate with the measures and responses to be implemented as part of this program, in order to ensure that concurrent construction works are implementing coordinated responses to air quality monitoring. • The Department's assessment concludes that with the recommended conditions in place, construction and operation related air quality impacts of the development can be appropriately managed. 	
Landscaping	
<ul style="list-style-type: none"> • The development includes landscaping on proposed Lot 6, including in the Mamre Road frontage and trunk drainage channel, along the eastern boundary of Lot 4 and street trees (as generally shown in Figure 8). The landscaping comprises species listed in the MRP DCP. Landscaping on the remainder of Lots 2, 4 and 5 will depend on the timing of works in these areas and will be subject to future development applications. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> • Implement the proposed landscaping and prepare a Landscape Management Plan

Findings and conclusions	Recommended conditions
<ul style="list-style-type: none"> • The DCP establishes requirements for landscaping including setback distances, species types, pervious surfaces and canopy cover targets. • The proposed warehouse development on Lot 6 includes landscaping along the lot boundaries. Compliance is achieved with the pervious surface requirements of the MRP DCP on this lot, while the Applicant relies on the combined canopy coverage on the Stage 1 lots and Lot 6 to maintain compliance with the canopy cover requirements. The IOP area located in the Lot 6 setback to Mamre Road will require landscaping once the site is connected to the long-term wastewater servicing. Landscaping of the trunk drainage channel on this lot will form part of the Applicant's delivery of this infrastructure, to the satisfaction of Sydney Water. • Landscaping will be delivered along the Mamre Road frontage of Lot 6 on a staged basis. This is due to the raising of the road levels as part of the Mamre Road Stage 2 upgrade, which was only identified after the DA was lodged as TfNSW progressed the road design. Accordingly, the Applicant will initially install landscaping in the areas not subject to the road works and then landscape the remainder following completion of the upgrade. The Applicant also increased the landscape setback to 20 m from Mamre Road and reduced the amount of retaining walls this area following feedback from the Department and Council. • The MRP DCP requires a 30 m landscaped setback from a rural-residential boundary to improve the interface with the residential receivers in Mount Vernon and minimise visual and amenity impacts. As the development includes bulk earthworks on Lot 4, which adjoins Mount Vernon to the east, the Department requested the Applicant provide detailed landscape plans for this 30 m setback area and that this be installed as part of this application to provide more time for the landscaping to establish prior to construction of any future development on this lot. • Council raised concern with the lack of landscaping in the IOP area and provided comments on the landscaping along the Mamre Road frontage and setback to Mount Vernon and preferred street tree species. Council requested that a condition be included requiring submission of detailed design plans showing the provision of passively irrigated street trees to Council for approval. • The Department requested additional information from the Applicant in relation to the delivery of landscaping along the eastern boundary of the site and the frontage of Mamre Road, which resulted in increased landscaping in these areas. It is noted that the IOP is already in place, and some of this area 	<ul style="list-style-type: none"> • Establish landscaping along the eastern boundary of proposed Lot 4 prior to commencing operations • Establish landscaping within the IOP and Mamre Road Upgrade works areas once decommissioned/works completed.

Findings and conclusions	Recommended conditions
<p>will be required to accommodate turning manoeuvres for maintenance vehicles at the end of the trunk drainage channel, while the remainder will be landscaped after the IOP is decommissioned.</p> <ul style="list-style-type: none"> • The Department considers the proposed landscaping would help to screen the development and improve views from the public domain. Conditions have been recommended requiring this be established prior to operations of the Stage 2 warehouse, or within six months of decommissioning of the IOP and completion of the Mamre Road upgrade works for those areas. Future landscaping on the remainder of the site will also have an important role in screening any buildings and retaining walls on these lots. The development also achieves the tree canopy coverage and permeability controls of the DCP. • To ensure landscaping is appropriately maintained for the development, the Department has recommended a condition requiring the Applicant to prepare a Landscape Management Plan detailing the species, planting strategy and ongoing management and maintenance requirements for the site. A condition is also recommended requiring the Applicant to consult with Council about the provision of passively irrigated street trees within the local roads to be dedicated to Council. • The Department's assessment concludes the development is consistent with the DCP landscaping requirements and provides a satisfactory response to landscaping in the context of an emerging industrial precinct. 	
Visual Impact	
<ul style="list-style-type: none"> • The development would continue to reshape the site from its previous existing agricultural landscape as part of the second stage of a warehousing estate. • The maximum height of the warehouse building would be 16.8 m above the building pad, or 20.6 m where undercroft car parking is proposed, which is similar to other recently approved warehousing developments in the MRP and broader WSEA. • The warehouse will be constructed with Colorbond metal wall cladding and roller shutter doors that is in line with the design for the Stage 1 warehouses in the estate. The western and southern façades facing Mamre Road incorporate a geometric design of different coloured sheeting to break up the warehouse façade, with the office spaces facing the two public road frontages. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> • Implement the proposed landscaping and prepare a Landscape Management Plan • Prepare a Signage Strategy the warehouse.

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- The development also proposes signage, including 10 m high estate entry pylons, directional signage at each driveway and building identification signs on some of the elevations of each warehouse.
- The potential visual impacts on residential areas and from other key vantage points were considered in a Visual Impact Assessment (VIA) included in the EIS.
- The VIA concluded that the development would initially have a low to moderate impact on receivers surrounding the site and road users, however these views would be mitigated over time as landscaping establishes and screens the development. The VIA also noted that development on surrounding sites will block views toward the development from a range of viewpoints as the MRP is established, including along Mamre Road.
- The Department notes the warehouse building on proposed Lot 6 is considerably lower and separated from the residential area of Mount Vernon to the east that overlooks the site. Development proposals for future warehouses on proposed Lots 4 and 5, closer to this area, would be subject to a separate detailed assessment and will consider visual impacts and impacts in views from the residential receivers in Mount Vernon. The Department's consideration of the design of earthworks, retaining walls and potential future development on proposed Lot 4 is provided in Section 6.1.
- The Department acknowledges the development would result in short-medium term visual impacts to adjoining receivers, however these impacts would reduce over time as adjoining sites are developed and the MRP transitions from rural residential to industrial, and as landscaping matures within the setback zones of the site.
- The Department considers the visual impacts associated with the development can be effectively mitigated through the establishment of landscaping along the perimeter of the site, as discussed above. The Department also considers that the use of consistent colours and materials for the warehouse buildings in Stages 1 and 2 help to form a unifying theme to connect all the buildings of the development, and is consistent with the appearance of other warehouses in the MRP.
- As some of the signage details are to be confirmed in line with the tenant requirements, the Department recommends the Applicant prepare a Signage Strategy, which would provide greater detail on the signage design and size. As part of the strategy, the Department also recommends that building signs are limited to one per elevation in accordance with other recent approvals in

Findings and conclusions	Recommended conditions
<p>the MRP, and that the strategy includes measures to manage illumination levels.</p> <ul style="list-style-type: none"> • The Department is satisfied with the implementation of the Signage Strategy, any amenity and road safety impacts (from driver distraction) associated with the signage would be mitigated by minimising clutter, signage content and illumination . It is considered that proposed signage would be in keeping with wayfinding and business identification signs elsewhere in the MRP. • The Department's assessment concludes the development is consistent with other existing and proposed warehouses in the nearby WSEA and the MRP, and subject to implementation of the proposed landscaping, the visual impact can be adequately mitigated. 	
Aboriginal Cultural Heritage	
<ul style="list-style-type: none"> • The EIS included an Aboriginal Cultural Heritage Reports (ACHAR) for the site, including the interim earthworks on the adjoining land, that was updated in the Submissions Report and Additional Information. The ACHAR was prepared in consultation with relevant registered Aboriginal parties (RAPs) and included searches of Aboriginal Heritage Information Management System (AHIMS) and surveys of the site. The ACHAR did not assess the part of the site that was subject to the ACHAR prepared for the Stage 1 development under SSD-9138102. • The search found 93 Aboriginal heritage sites with a 3.5 km radius, including within the subject site. Test excavations within the site identified a total of three artefacts and one Aboriginal site, comprising a low density scatter that was considered a common site type in the region with limited potential to contribute further information about Aboriginal occupation and land use within the local region. • The ACHAR provided recommendations that included preparation of an Aboriginal Cultural Heritage Management Plan (ACHMP), including a long-term care agreement for the artefacts identified within the site, and continued consultation with the RAPs. • HNSW reviewed the ACHAR and supported the proposed management measures and recommendations and provided conditions requiring preparation of an ACHMP. Further evidence of consultation with RAPs in relation to the ACHAR was requested, which was provided as part of the Additional Information. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> • Prepare an ACHMP as part of the CEMP prior to the commencement of construction works.

Findings and conclusions	Recommended conditions
<ul style="list-style-type: none"> • The Department has recommended conditions formalising the ACHAR and HNSW recommendations and requiring preparation and implementation of an ACHMP and an unexpected finds protocol as part of the CEMP should any additional heritage items be found during construction. • The Department's assessment concludes that Aboriginal cultural heritage impacts of the development can be appropriately managed by the Applicant and through the recommended conditions of consent. 	
Contamination	
<ul style="list-style-type: none"> • The site was previously used for agricultural and rural residential uses which creates the potential for contamination that may require remediation to make the site suitable for the proposed use. • The EIS included a Supplementary Contamination Investigation (SCI) that was based on previous due-diligence investigations undertaken and further sampling and testing across the site, and a Remedial Action Plan (RAP) reflecting the SCI. • The SCI focused on the Stage 2 area, being Lot 114 and Lot 115 DP 1296469, on the basis that contamination on the Stage 1 area (Lots 111-113 DP 1296469) was considered under SSD-9138102 and this area was to be remediated under that consent. The SCI identified the site can be made suitable for the proposed development subject to recommended remediation works including: <ul style="list-style-type: none"> ◦ off-site disposal of stockpiled material where friable asbestos has been recorded, ◦ on-site management of other stockpiled material where suitable, and ◦ remediation and off-site disposal of asbestos and hydrocarbon contaminated soils in one identified area following development of a RAP. • As the development includes earthworks in parts of Lots 111-113, the Department requested confirmation that the Stage 1 remediation works were complete. As part of the Submissions Report, the Applicant provided the following information relating to the remediation works undertaken under the Stage 1 development: <ul style="list-style-type: none"> ◦ a Site Remediation and Validation report for Stage 1 works, which identified some contaminated material was buried on-site, including 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> • Prepare an unexpected contamination finds procedure • Remediate the site in accordance with the RAP and RAP Addendum • Submit a validation report upon completion of remediation works • Ensure the subdivision of the site includes registration of the LTEMP on the title for proposed Lot 3 to reflect the containment cell established under the Stage 1 remediation works.

Findings and conclusions	Recommended conditions
<ul style="list-style-type: none"> <ul style="list-style-type: none"> a containment cell in the trunk drainage area and asbestos and some material stockpiled in the Stage 2 area an Asbestos Management Plan for the placement areas within Lots 3 and 4 to provide procedures for management of any ground disturbance works on the site a Long-Term Environmental Management Plan (LTEMP) for the containment cell on Lot 3. The Applicant also submitted an addendum to the RAP as part of the Additional Information, which confirmed that the stockpiled material from the Stage 1 remediation works placed within the Stage 2 area would form part of the remediation works under this development and identified the preferred treatment and validation strategy. Council recommended the LTEMP be included on the title of the land. The Department considers the proposed remedial approach outlined in the RAP and RAP Addendum is appropriate to ensure the land can be made suitable for its intended purposes and has recommended conditions formalising the recommendations of the DSI in the development consent. As the development includes subdivision of the Stage 1 area, including creation of Lot 3 where the LTEMP applies, a condition has been recommended requiring the Applicant to ensure subdivision of the site includes registration of the LTEMP on the title for Lot 3 to enforce the implementation of the plan. The Department considers, subject to the recommended conditions, the site can be appropriately remediated and be made suitable for industrial uses. 	
Bushfire	
<ul style="list-style-type: none"> At the time of lodgement, the whole site was identified as being bushfire prone with category 2 vegetation in accordance with Council's Bushfire Prone Land Map. In December 2024, the mapping was updated and the majority of the site is no longer identified as bushfire prone, with the exception of an area mapped as vegetation buffer along the eastern site boundary. Proposed Lot 6 with the Stage 2 warehouse is not identified as bushfire prone. The EIS included a Bushfire Protection Assessment (BPA) prepared in accordance with <i>Planning for Bushfire Protection 2019</i> (PBP) and was based on the previous mapping of the site. It made recommendations about compliance with the relevant standards and PBP 2019. 	<p>Require the Applicant to ensure the development complies with:</p> <ul style="list-style-type: none"> PBP 2019 The relevant Australian Standards.

Findings and conclusions	Recommended conditions
<ul style="list-style-type: none"> • The NSW RFS recommended that the recommendations of the bushfire assessment report provided in the EIS be applied to the development. • The Department considers the site has a low risk of bushfire impact, given the updated mapping of the site so that most of the site is now unaffected, including the area where the warehouse building is proposed. With consideration of the updated requirements applying to the site, the Department has recommended conditions requiring compliance with PBP for the area identified as vegetation buffer and the relevant Australian Standards. With these in place, the Department concludes that the bush fire risk for the development can be appropriately managed. 	
Flooding	
<ul style="list-style-type: none"> • The site is located within the Wianamatta South Creek Catchment. The development would increase impervious areas which has the potential to increase overland flow and cause offsite flood impacts. The site is outside the mapped regional Probable Maximum Flood (PMF) levels and is not identified as flood prone, but parts of the site experience overland flows. • The Applicant submitted a Flood Impact and Risk Assessment (FIRA), which was revised in the Submissions Report and Additional Information, that mapped flood levels and hazards for all events up to and including the PMF and prepared a TUFLOW hydraulic flood model. The FIRA noted the trunk drainage channel within Lot 6 has been designed to perform a floodway function and the on-lot and street drainage system meets all design criteria for performance and safety. The DRAINS modelling was found to meet the MRP DCP requirement that post-development flow rates are to be the same or less than predevelopment flow rates for the 50% to 1% AEP events and no increase in peak flows at the discharge point at Mamre Road. • The FIRA found there would be no adverse impacts external to the site created by the proposed development, with impacts limited to the PMF event attributed to flow breakouts from the 1% AEP design capacity drainage infrastructure installed within the estate and the Mamre and Abbotts Roads upgrade works. • With regard to site access and evacuation, there are hazards in the H5 category of flooding localised to road reserves and overland flow routes - particularly on Abbotts Road, near the Aldington Road intersection - in the PMF event only. The updated FIRA found that shelter-in-place is a viable strategy due to the rapid flood onset, short isolation duration, and structural elevation above PMF for the warehouse buildings. A Draft Flood Emergency 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> • Prepare a FERP and implement it for the life of the development • Install and maintain the proposed stormwater management system.

Findings and conclusions	Recommended conditions
<p>Response Plan (FERP) was prepared that to align with the shelter-in-place guidelines and effectively manage flood-related risks.</p> <ul style="list-style-type: none"> • CPHR requested preparation of a site-specific action plan for flooding in extreme flood events where site access on Abbotts Road is impacted. After reviewing the revised FIRA, clarification was requested in relation to modelling inputs and consideration of the <i>Shelter in Place Guideline for Flash Flooding</i> (DPHI, January 2025). CPHR subsequently advised that the Additional Information satisfied its previous comments. • Sydney Water also provided comments on the FIRA and hydrology model, as well as the design of the trunk drainage infrastructure. Following review of the Additional Information, no further concerns were raised with additional comments provided to be addressed at the detailed design stage for the stormwater and trunk drainage infrastructure. • Council also provided comments on the FIRA in the EIS and provided no further flood comments on the revised FIRA in the Submissions Report and Additional Information. Recommendations were made relating to the stormwater system. • The Department considers the Applicant's FIRA has adequately assessed the potential for on-site and off-site flood impacts in a range of flood events. A condition has been recommended requiring preparation of a FERP prior to the commencement of construction and to be implemented for the duration of the development. • The Department's assessment concludes that, subject to implementation of the proposed stormwater management system, the development would not result in unacceptable on-site or off-site flood impacts and any on-site management measures can be addressed in the FERP. 	

7 Evaluation

The Department's assessment of the application has fully considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ESD.

The Department has considered the development on its merits, taking into consideration strategic plans that guide development in the area, the EPIs that apply to the development, advice received from the relevant public authorities, including Council, and submissions from the public.

The Department undertook extensive consultation throughout its assessment of the application including publicly exhibiting the EIS and regularly meeting with Council, TfNSW, CPHR, and Sydney Water to ensure the development meets the objectives of the DCP and supports key infrastructure in the emerging industrial precinct.

None of the State government authorities or Council objected to the proposal, with two public submissions objecting to the development and raising concerns about impacts from ongoing construction works for developments in the MRP, acquisition of other land in the MRP, and road and stormwater infrastructure capacity. The Department has sought to address any issues raised through consultation with both the government authorities and the Applicant.

The Department's assessment identified the key issues as earthworks, waterway health and stormwater management, and traffic and access and concluded:

- operational traffic from the development can be safely and efficiently accommodated on the road network subject to the delivery of approved and proposed upgrade works and connections
- the proposed interim and ultimate stormwater infrastructure is adequate to meet the waterway health objectives of the DCP, subject to delivery of trunk drainage infrastructure on the site in consultation with Sydney Water
- the extent of bulk earthworks and the proposed site levels are acceptable, noting that they are partially dictated by the road layout specified in the DCP
- operational noise impacts will be adequately managed to minimise impacts on nearby residential receivers and cumulatively across the MRP
- other issues relating to air quality, flooding, landscaping, visual impacts, Aboriginal cultural heritage, construction noise, contamination and bushfire can all be appropriately managed.

The Department has recommended a range of detailed conditions to address residual impacts related to traffic, stormwater management, air quality, noise, and signage. These conditions were informed by the recommendations of the relevant government authorities and have been reviewed by the Applicant.

Overall, the Department's assessment has concluded the development:

- is consistent with the strategic objectives of the MRP and the Industry & Employment SEPP, as a dedicated industrial area delivering employment generating developments in Western Sydney that would provide 200 direct operational jobs and invest \$92 million in the Penrith LGA
- would deliver components of the MRP road network that would support further development in the precinct
- would manage stormwater from the site in accordance with Sydney Water's stormwater scheme plan
- would provide quality landscaping that meets the canopy cover targets in the DCP
- would meet relevant environmental and amenity controls identified in the DCP.

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

8 Recommendation

For the purpose of section 4.38 of the EP&A Act, it is recommended that the **A/Director, Industry Assessments**, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of the Westlink Industry Park Stage 2 (SSD-46983729), subject to the conditions in the attached development consent
- **signs** the attached development consent (**Appendix E**).

Recommended by:



3 October 2025

David Schwebel

Acting Team Leader

Industry Assessments

9 Determination

The recommendation is **adopted** by:



3 October 2025

Joanna Bakopanos

Acting Director

Industry Assessments

Glossary

Abbreviation	Definition
ACHAR	Aboriginal Cultural Heritage Assessment Report
AHD	Australian Height Datum
Applicant	ESR Developments (Australia) Pty Ltd
BDAR	Biodiversity Development Assessment Report
CIV	Capital Investment Value
CPHR	Conservation Programs, Heritage and Regulation Group of the NSW Department of Climate Change, Energy, the Environment and Water
Council	Penrith City Council
DA	Development Application
DCCEEW	NSW Department of Climate Change, Energy, the Environment and Water
DCP	Mamre Road Precinct Development Control Plan 2021
Demolition	The removal of buildings, sheds and other structures on the site
Department	Department of Planning, Housing and Infrastructure (DPHI)
EIS	Environmental Impact Statement
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development

Abbreviation	Definition
FRNSW	Fire and Rescue NSW
Heritage NSW (HNSW)	Heritage NSW, within the NSW Department of Climate Change, Energy, the Environment and Water
LOG East	Landowners Group East – a group of landowners and applicants for development in the MRP, being ESR, Frasers and Stockland/Fife, that are jointly delivering road upgrades in the precinct
Minister	Minister for Planning and Public Spaces
MRP	Mamre Road Precinct
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
Planning Secretary	Secretary of the Department
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SSD	State Significant Development
TfNSW	Transport for NSW
WIP	Westlink Industry Park
WSA	Western Sydney International Airport

Appendices

Appendix A – List of Referenced Documents

The Department has relied upon the following key documents during its assessment of the development:

Environmental Impact Statement

- ‘Environmental Impact Statement Westlink Industrial Estate – Stage 2’, prepared by Ethos Urban, version G, dated 15 December 2023

Submissions

- All submissions and government authority advice can be found here:

<https://www.planningportal.nsw.gov.au/major-projects/projects/westlink-industry-park-stage-2>

Submissions Report

- ‘Submissions Report Westlink Industry Park – Stage 2’, prepared by Ethos Urban, version 2.0, dated 12 September 2024

Additional Information

- ‘Response to Requests for Additional Information – Westlink Industry Park – Stage 2’, prepared by Ethos Urban, dated 7 April 2025
- ‘SSD-46983729 Westlink Stage 2 – Response to Additional Information’, prepared by ESR, dated 5 August 2025
- ‘Westlink Industrial Estate, Kemps Creek Water and Stormwater Management Plan Stage 2’, prepared by AT&L, issue 08, dated 8 September 2025.

Statutory Documents

- Relevant considerations under section 4.15 of the EP&A Act (see **Appendix D**)
- Relevant environmental planning instruments, policies and guidelines (see **Appendix D**).

Appendix B – Submissions and Government Authority Advice

All submissions and government authority advice can be found here:

<https://www.planningportal.nsw.gov.au/major-projects/projects/westlink-industry-park-stage-2>

Appendix C – Community Views for Draft Notice of Decision

Table 10 | Key issues and how they have been considered

Issue	Consideration
<p>Construction Impacts</p> <p>Concerns about air, noise and traffic impacts during construction</p>	<ul style="list-style-type: none"> • Various construction activities, including earthworks and use of construction plant and equipment are key contributors to dust generation and construction noise. • To manage air quality impacts at the nearest sensitive receivers, the Applicant is committed to preparing a Construction Air Quality Management Plan which would include dust suppression measures and implementation of a Trigger Action Response Plan to proactively manage and respond quickly to air quality issues in real time. The Department has also required the Applicant integrate management measures with a precinct-wide air quality monitoring program to be implemented by the MRP Working Group. • To manage construction noise impacts, the Applicant would implement a Construction Noise and Vibration Management Plan which would include measures such as selecting quieter plant and work methods, scheduling of works and consultation with adjoining residents and sensitive receivers. • Construction traffic impacts would be managed via a Construction Traffic Management Plan which would include a Traffic Control Plan and Driver Code of Conduct to manage light and heavy vehicle movements to and from the site, and coordination with other construction and road upgrade works occurring concurrently in the area. • The Department recognises the development will be constructed over a period of around 18 months, which would likely overlap with the construction of other development in the Mamre Road Precinct. The Department requires the Applicant to participate in the Mamre Road Precinct Working Group, which was formed to ensure landowners coordinate activities and manage cumulative impacts through regular monitoring of construction traffic, air quality and noise monitoring measures.

Issue	Consideration
	<ul style="list-style-type: none"> The Department also requires the appointment of an Environmental Representative to oversee the construction works and ensure that the mitigation and management measures are being adopted.
Infrastructure Capacity Concerns about the capacity of roads and stormwater infrastructure	<ul style="list-style-type: none"> The Department recognises the development will be constructed over a period of around 18 months, which would likely overlap with the construction of other development in the Mamre Road Precinct, as well as upgrades of Abbotts Road and the Mamre Road / Abbotts Road intersection. The Department has consulted closely with Transport for NSW (TfNSW) and Penrith City Council about the capacity of the road network and the timing of interim road upgrade works that have commenced and the Mamre Road Stage 2 upgrade project to be undertaken by TfNSW. Construction traffic impacts would be managed via a Construction Traffic Management Plan which would include a Traffic Control Plan and Driver Code of Conduct to manage light and heavy vehicle movements to and from the site, and coordination with other construction and road upgrade works occurring concurrently in the area. The conditions of consent include requirements that the upgrades to Abbotts Road and the Mamre Road / Abbotts Road signalised intersection be completed prior to commencement of the warehouse building approved as part of the development. The Department has consulted closely with Sydney Water, as the regional stormwater authority, and the NSW Department of Climate Change, Energy, the Environment and Water about the design of stormwater management measures to be implemented on site, both in the interim period and when the site is ultimately connected to the Mamre Road Precinct Stormwater Scheme being implemented by Sydney Water. Requirements for the implementation and maintenance of these stormwater management measures have been included in the conditions of consent. The Department also included conditions requiring the Applicant to participate in the Mamre Road Precinct Working Group, which was formed to ensure landowners coordinate activities and manage

Issue	Consideration
	cumulative construction impacts, including regular monitoring of construction traffic and erosion and sediment control measures.

Appendix D – Statutory Considerations

Table 11 | Mandatory Matters for Consideration

Matter for Consideration	Department's Assessment
Environmental planning instruments, proposed instruments and development control plans	The Department's consideration of the relevant EPIs (including draft instruments subject to public consultation under the EP&A Act) and the Mamre Road Precinct Development Control Plan (MRP DCP) is provided below.
Planning agreements	<p>The Applicant has offered to enter into a Planning Agreement (PA) with Council to:</p> <ul style="list-style-type: none"> subdivide the land for the part of Aldington Road and the roundabout on the southern boundary (identified as CR7 and RA6 in the Mamre Road Precinct Development Contributions Plan 2022) construct the part of Aldington Road (CR7) within the site; and dedicate the road to Council, pending the connection of the road to the north of the site. <p>Following completion of the road works, Council will issue a credit certificate that will identify the residual contribution obligation that the Applicant will be required to satisfy via a monetary contribution.</p> <p>Council accepted this offer on 11 July 2025.</p>
EP&A Regulation	The Department has assessed the development in accordance with all relevant matters prescribed by the EP&A Regulation, the findings of which are contained in this report.
Likely impacts	The Department has considered the likely impacts of the development in detail in Section 6 of this report. The Department concludes that all environmental impacts can be appropriately managed and mitigated through the recommended conditions of consent.
Suitability of the site	The site is suitable for the development as it is located within the WSEA which is zoned for industrial use. The development would provide an industrial use, close to major transport links and the Western Sydney airport as well as delivering parts of the planned precinct road and stormwater infrastructure. The development is permissible with consent.

Matter for Consideration	Department's Assessment
Public submissions	All matters raised in submissions have been summarised in Section 5 of this report and given due consideration as part of the assessment of the development in Section 6 of this report.
Public interest	<p>The development would generate up to 90 jobs during construction, 200 jobs during operation and direct \$92 million in capital investment in the Penrith local government area.</p> <p>The environmental impacts of the development would be appropriately managed via the recommended conditions. The Department considers to the development is in the public interest.</p>

Objects of the EP&A Act

A summary of the Department's consideration of the relevant objects (found in section 1.3 of the EP&A Act) are provided in **Table 12** below.

Table 12 | Objects of the EP&A Act and how they have been considered

Object	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	<p>The development would promote the social and economic welfare of the community by creating 200 operational jobs on industrial zoned land in the WSEA and investing \$92 million in Penrith LGA.</p> <p>The development will not have significant impact vegetation or waterways as the site is mostly cleared and has been certified as urban capable under the CPCP. The development will adopt sustainability measures to reduce energy and water consumption in its design and operation, and provides for landscaped areas with native plant species.</p>
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<p>The Department has considered the principles of ecologically sustainable development (ESD) in its assessment of the application.</p> <p>The Applicant proposes to incorporate measures to achieve energy efficiency to address water efficiency, waste management, indoor environment quality, ecology, and green infrastructure, such as utilising solar panels, water efficient fixtures and rainwater reuse,</p>

Object	Consideration
	<p>reuse/recycling of construction waste and provision for electric vehicle parking. The EIS notes the Applicant has committed to achieving a 5 Star Green Star Design for the proposed warehouse.</p> <p>The Department's assessment has considered all socio-economic and environmental considerations in a holistic approach and is satisfied the development could avoid potentially serious or irreversible environmental damage whilst providing tangible socio-economic and environmental benefits. The Department is satisfied the development could be carried out in an ESD compliant manner.</p>
(c) to promote the orderly and economic use and development of land,	<p>The development promotes orderly and economic development of land by facilitating warehousing and distribution uses within the Western Sydney Employment Area, creating employment opportunities, and delivers part of the local road network in the Mamre Road Precinct</p>
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	<p>The development would not impact on threatened species and biodiversity certification applies to the site under the CPCP. The development incorporates landscaping with native species consistent with the MRP DCP.</p>
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<p>Test excavations within the site identified a total of three artefacts on the site as part of the Aboriginal Cultural Heritage Assessment undertaken for the application. A number of recommendations in the Aboriginal Cultural Heritage Report, including reburial of collected objects, preparation of an Aboriginal Cultural Heritage Management Plan (ACHMP), including a long-term care agreement for the artefacts identified within the site, and continued consultation with the RAPs, have been included in the recommended conditions of consent in accordance with advice from Heritage NSW.</p> <p>The Department's assessment concludes that Aboriginal cultural heritage impacts of the development can be</p>

Object	Consideration
	<p>appropriately managed by the Applicant and through the recommended conditions of consent.</p> <p>The site does not contain any listed or potential non-aboriginal heritage items.</p>
(g) to promote good design and amenity of the built environment,	The development meets the objectives of the Mamre Road Precinct DCP in relation to building setbacks, landscaping and tree canopy cover, ensuring the built environment is of an appropriate standard.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The building would be constructed to meet the requirements of the National Construction Code and Planning for Bushfire Protection 2019 to ensure the health and safety of building occupants.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department has assessed the application in consultation with Council, TfNSW, DCCEEW and other government agencies, incorporating their recommendations into the conditions of consent.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The application was publicly exhibited for 28 days. The Applicant's EIS, Submissions Report and Additional Information and all advice from government agencies were made publicly available on the Departments website to provide the opportunity for public participation throughout the assessment process.

EP&A Regulation

Part 4, Division 1 of the EP&A Regulation requires the consent authority to consider additional matters for certain developments as part of the matters for consideration under section 4.15 of the EP&A Act.

Section 66(1)(a) of the EP&A Regulation provides that a development application for development on land in Zone IN1 General Industrial under the I&E SEPP must not be determined by the consent authority unless a contributions plan has been approved for the land to which the application relates. The site is subject to the Western Sydney Aerotropolis Special Infrastructure Contribution (WSA SIC), which seeks contributions from developers to help fund infrastructure in the Western Sydney Aerotropolis precinct. The MRP Development Contributions Plan, adopted by Council on 28 March 2022, also applies to the site and identifies the contributions required from developers to fund local infrastructure to support development in the MRP.

Accordingly, the Department considers that this requirement has been met and the subject SSDA can be determined. The recommended conditions include provisions relating to the payment of these contributions.

Environmental Planning Instruments (EPIs)

State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)

The Planning Systems SEPP identifies certain classes of development as SSD. The proposal is SSD pursuant to section 4.36 of *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves construction and operation of a warehouse or distribution centre with a CIV over \$50 million, which meets the criteria in Section 12 of Schedule 1 in the Planning Systems SEPP.

State Environmental Planning Policy (Industry and Employment) 2021 (I&E SEPP)

Chapter 2 of the I&E SEPP aims to protect and enhance the Western Sydney Employment Area (WSEA) for employment purposes. The Department's assessment of the development against the relevant standards in Chapter 2 is summarised in **Table 13**.

Table 13 | Department's assessment against Chapter 2 of the Industry and Employment SEPP

Section	Consideration
2.17 Requirement for development control plans A consent authority must not grant consent to a Development Applicant unless a development control plan has been prepared for that land.	The MRP DCP was adopted on 19 November 2021. The Department has assessed the development against the relevant provisions of the MRP DCP and concludes the development is consistent with the provisions of the MRP DCP.
2.19 Ecologically sustainable development The consent authority must not grant consent to development on land to which this Chapter applies unless it is satisfied that the development contains measures designed to minimise – (a) the consumption of potable water, and (b) greenhouse gas emissions.	The Applicant has incorporated measures to minimise potable water consumption including rainwater harvesting tanks for reuse and irrigation. Other ESD initiatives are noted in the EIS for reducing greenhouse gas emissions including solar panels and energy efficient design and lighting, provision of electric vehicle charging stations and no connection to gas services.
2.20 Height of buildings The consent authority must not grant consent to development on land to which this Chapter applies unless it is satisfied that – (a) building heights will not adversely impact on the amenity of adjacent residential areas, and	The proposed warehouse building is a maximum of 16.8 m, which is consistent with a standard warehouse height and surrounding industrial development, with some areas also including a 3.8 m high undercroft car park. The proposal identified an exceedance of the 20 m building height limit in the MRP DCP from existing ground level in 1% of the total roof area.

Section	Consideration
<p>(b) site topography has been taken into consideration.</p>	<p>The building is located over 300 m and 700m from residential-zoned areas to the south and east respectively, and the proposed building height would not adversely impact on these areas with future development to occur in between proposed Lot 6 and these areas.</p> <p>The Department has considered the site topography and proposed earthworks in detail. Only minor earthworks are proposed on proposed Lot 6 given previous fill undertaken in this area under a Complying Development Certificate. This assessment concluded the development responds appropriately to the site topography given the constraints of planning infrastructure corridors and the need to provide safe access for heavy vehicles. The proposed earthworks provide a cut and fill balance across the site in accordance with the objectives of the MRP DCP.</p>
<p>2.21 Rainwater harvesting</p> <p>The consent authority must not grant consent to development on land to which this Chapter applies unless it is satisfied that adequate arrangements will be made to connect the roof areas of buildings to such rainwater harvesting scheme (if any) as may be approved by the Secretary.</p>	<p>The Applicant will be required to connect the site to the Sydney Water regional recycled water system when it becomes available, as set out in the Applicant's Stormwater Management Strategy.</p>
<p>2.24 Public utility infrastructure</p> <p>The consent authority must not grant consent to development on land to which this Chapter applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.</p>	<p>It is proposed to extend services to the site in consultation with utility providers including Sydney Water and Endeavour Energy. Service providers were consulted during exhibition of the proposal. The Department is satisfied that adequate arrangements have been made to ensure infrastructure will be available to the site.</p>
<p>2.30 Design Principles</p> <p>The consent authority must take into consideration whether or not —</p> <p>(a) the development is of a high quality design, and</p>	<p>The Department has reviewed the architectural and landscape plans and is satisfied that the proposal will deliver a high-quality design with a variety of</p>

Section	Consideration
<p>(b) a variety of materials and external finishes for the external facades are incorporated, and</p> <p>(c) high quality landscaping is provided, and</p> <p>(d) the scale and character of the development is compatible with other employment-generating development in the precinct concerned.</p>	<p>materials and external finishes and high-quality landscaping. The development has proposed buildings of a scale and character that is consistent with the emerging development in the MRP.</p>
<p>2.35 Development within the Mamre Road Precinct</p> <p>Consent must not be granted to development on the land identified as Precinct 12 (Mamre Road) that has a estimated development cost of more than \$200,000 without the concurrence of Transport for NSW.</p>	<p>The development has an EDC of over \$200,000. The Department consulted extensively with TfNSW throughout the assessment and TfNSW provided its concurrence for the development.</p>
<p>2.38 Development of land adjacent to Airport</p> <p>The consent authority must not grant consent for development on land which is less than 13 km from a boundary of the Airport unless the consent authority is satisfied that the proposed development will not attract birds or animals of a kind and in numbers that are likely to increase the hazards of operating an aircraft.</p>	<p>The development is for industrial warehouse buildings and hardstands with minimal opportunity to attract wildlife. A landscape plan provided as part of the Submissions Report and Additional Information that includes species suitable for the management of wildlife. Conditions of consent has been recommended to require the Applicant ensure outdoor bins have fixed lids to aid in the management of wildlife within the site as well as implement a wildlife management plan.</p>
<p>2.39 Water recycling and conservation</p> <p>A consent authority must not grant consent to the carrying out of development on land unless the consent authority is satisfied that recycled water from the water recycling facility will be provided to the development.</p>	<p>Recycled water infrastructure (purple pipes) are included in the civil drawings and will service each lot. These would ultimately connect to Sydney Water's proposed recycled water scheme when its available.</p>
<p>2.40 Earthworks</p> <p>Before granting development consent for earthworks, the consent authority must consider the matters outlined in clauses 2.40(3)(a) to (j).</p>	<p>The Department has assessed the proposed earthworks in detail in Section 6.1 of this report. The Department's assessment concludes that the development layout appropriately responds to the</p>

Section	Consideration
	<p>site topography while enabling safe connection to the road network identified in the DCP.</p>
<p>2.42 Heritage conservation</p>	<p>Test excavations within the site identified a total of three artefacts on the site as part of the Aboriginal Cultural Heritage Assessment undertaken for the application. A number of recommendations in the Aboriginal Cultural Heritage Report, including reburial of collected objects, preparation of an Aboriginal Cultural Heritage Management Plan (ACHMP), including a long-term care agreement for the artefacts identified within the site, and continued consultation with the RAPs, have been included in the recommended conditions of consent in accordance with advice from Heritage NSW.</p> <p>The Department's assessment concludes that Aboriginal cultural heritage impacts of the development can be appropriately managed by the Applicant and through the recommended conditions of consent.</p> <p>The site does not contain any listed or potential non-aboriginal heritage items. No works or new buildings are proposed in proximity of the local heritage item to the north of the site.</p>
<p>2.43 Consent for clearing native vegetation</p> <p>Development consent under this clause is not to be granted unless the consent authority is satisfied of the matters listed in subclauses (a) to (f) in relation to the disturbance of native vegetation caused by the clearing of native vegetation.</p>	<p>The Cumberland Plain Conservation Plan (CPCP) applies to the site, which is identified as urban capable land under the CPCP. Under Section 7.6 of the BC Act, the requirement for a BDAR or offsets do not apply to biodiversity certified land.</p>
<p>2.44 Stormwater, water quality and water sensitive design</p> <p>Before granting development consent to development on land to which this Policy applies,</p>	<p>The Applicant has proposed a series of measures to collect and treat stormwater discharged from the development as described in Section 6.2 of this report.</p>

Section	Consideration
the consent authority must take into consideration of matters listed in subclauses (a) to (f).	The Department has consulted with CPHR and Sydney Water extensively during the course of assessment. The Department considers the proposed stormwater strategy for the development could meet waterway health targets in the DCP. The Department has recommended conditions requiring that the Applicant construct and install the proposed stormwater management devices and facilities before commencement of operation of the warehouse proposed under this SSDA.

Chapter 3 of the I&E SEPP aims to ensure that outdoor signage is compatible with the desired amenity and visual character of an area, and provides effective communication in suitable locations, that is of a high-quality design and finish, in accordance with Schedule 5.

The development includes erection of 2.4 m and 6 m high pylon signs for tenant identification and wayfinding at driveway entrances and wall-mounted business identification signs. The Department is generally satisfied the proposed signage will be appropriately incorporated into the architectural design of the development, would not detract from the surrounding locality and would provide suitable wayfinding and direction within the site. However, prior to finalising the detailed design of the signage for the warehouse, the Department has recommended conditions requiring submission of a signage strategy that must ensure:

- there is only up to one building identification sign installed per elevation
- there is only up to one illuminated building identification sign per warehouse building; and
- there are measures to control lighting impacts from illuminated signage.

The intention of the strategy is to minimise impacts on amenity and road safety, particularly along the Mamre Road corridor and for adjoining residential areas.

The Department is satisfied that the development will be consistent with the aims and objectives of the I&E SEPP, including Schedule 5 (see **Table 14**).

Table 14 | Consideration of I&E SEPP - Schedule 5 Assessment criteria

Objective	Consideration
1 Character of the area	The development is within an emerging industrial precinct that is changing from its previous rural landscape to an area comprising warehousing and other industrial buildings.

	<p>The pylon signs range in height from 2.4 - 6 m, while the business identification signs are mounted on the warehouse facades and will not protrude above the warehouse roof.</p> <p>The signage design has a consistent theme across the site that is considered to be appropriate for a modern industrial precinct.</p>
2 Special areas	The signage is not expected to be viewed directly from any surrounding special areas. The site directly adjoins other industrial development lots within the estate and across the other side of Mamre Road.
3 Views and vistas	<p>The signage will not block or dominate any views or vistas. The proposed signage would not dominate the skyline.</p> <p>The proposed signage would not impact on other advertisers and would ensure an orderly identification of the site and individual buildings and provide necessary wayfinding for employees and visitors.</p>
4 Streetscape, setting or landscape	The scale of the proposed signage is considered appropriate for the proposed development is consistent with existing industrial developments in site's surrounds. There is no existing advertising sign on site. The proposed signs would not protrude above buildings, structures, or tree canopies in the area or locality. The signs do not require ongoing vegetation management.
5 Site and building	<p>The proposed signage is compatible with the scale of the proposed warehousing buildings and the future broader estate.</p> <p>The proposed signage would not detract from important features.</p> <p>The proposed signage is compatible with the character of development in the MRP.</p>
6 Associated devices and logos with advertisements and advertising structures	There are no safety devices, platforms, lighting devices or logos proposed with the signage.
7 Illumination	<p>Illumination of pylon signs and building identification signage is proposed. Details of illumination, and measures to adjust the intensity or switch off illumination, will be finalised as part of the signage strategy mentioned above. The illumination is not subject to a curfew, but the signage strategy will require measures to respond to any complaints about lighting of signs.</p>

8 Safety	The scale of the signs will not reduce the visibility of the road network or obscure sightlines from public areas. As such, it is not expected that the signage will cause safety risk.
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State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP)

Chapter 2 of the T&I SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to certain types of infrastructure development, and providing for consultation with relevant public authorities about certain types of development during the assessment process.

The Department has consulted and considered the comments from TfNSW, as detailed in **Section 5**, and has included TfNSW's requirements in the recommended conditions of consent. The Department considers the development is consistent with the aims of the T&I SEPP.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)

The Biodiversity and Conservation SEPP aims to protect biodiversity, regulate vegetation clearing and protect water catchments. The site is subject to biodiversity certification under the CPCP, so does not require further consideration of biodiversity impacts.

The Department's assessment has concluded the proposal does not compromise the aims or requirements of Chapter 13 of the Biodiversity and Conservation SEPP, which applies to biodiversity certified land. Biodiversity impacts have also been considered with regard to the biodiversity objectives and controls of the MRP DCP.

State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)

Chapter 3 of the Resilience and Hazards SEPP aims to identify developments with the potential for significant off-site impacts, in terms of risk and/or offence.

Chapter 3 of the Resilience and Hazards SEPP aims to identify developments with the potential for significant off-site impacts, in terms of risk and/or offence. A development is defined as potentially hazardous and/or potentially offensive if, without mitigating measures in place, the development would have significant risk and/or adverse impact on off-site receptors.

The EIS did not identify any potentially hazardous or potentially offensive development. As such, the Department has not recommended any specific hazard related conditions, other than standard requirements to ensure the Applicant complies with all relevant requirements in relation to the storage of chemicals, fuels or oils used on site and that should any dangerous goods be brought onto the site, they are stored below the thresholds in the Applying SEPP 33 guidelines.

Chapter 4 of the Resilience and Hazards SEPP aims to provide a State-wide approach to the remediation of contaminated land.

The EIS included a Supplementary Contamination Investigation (SCI) that was based on previous due-diligence investigations undertaken and further sampling and testing across the site, and a Remediation Action Plan (RAP) reflecting the SCI. The SCI focused on the Stage 2 area, being Lot 114 and Lot 115 DP 1296469, on the basis that contamination on the Stage 1 area (Lots 111-113 DP 1296469) was considered under SSD-9138102 and this area was to be remediated under that consent. The SCI identified the site can be made suitable for the proposed development subject to recommended remediation works including:

- off-site disposal of stockpiled material where friable asbestos has been recorded,
- on-site management of other stockpiled material where suitable, and
- remediation and off-site disposal of asbestos and hydrocarbon contaminated soils one identified area following development of a RAP.

The Applicant also submitted an addendum to the RAP as part of the Additional Information, which confirmed that an area of stockpiled material from the Stage 1 remediation works placed within the Stage 2 area would form part of the remediation works under this development and identified the preferred treatment and validation strategy.

The Department considers the proposed remedial approach outlined in the RAP and RAP Addendum is appropriate to ensure the land can be made suitable for its intended purposes and has recommended conditions formalising the recommendations of the DSI in the development consent.

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

Chapter 4 of the Western Parkland City SEPP aims to facilitate development in the Western Sydney Aerotropolis in accordance with the objectives and principles of the Western Sydney Aerotropolis Plan and ensure development is compatible with the long-term growth and development of the airport.

The site is situated north-east of the Western Sydney International Airport and falls within the Australian Noise Exposure Forecast (ANEF) 20-25 contour. The proposed land use is not a sensitive use and is appropriate within this contour. The site is within the 13 km wildlife buffer zone for the airport. However, the development would not introduce potential wildlife hazards to the operation of the airport and is not defined as relevant development under section 4.19 of the SEPP. Conditions of consent have been recommended to require landscaping species are to be consistent with the MRP DCP and ensure outdoor bins have fixed lids to aid in the management of wildlife within the site.

State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP)

The Sustainable Buildings SEPP commenced on 1 October 2023 and aims to encourage the design and delivery of sustainable buildings. This includes recording the embodied emissions of materials

used in construction and the measures to minimise energy and water consumption and the generation of greenhouse gas emissions. For non-residential development, the consent authority must consider if the design of the development meets the aims of the Sustainable Buildings SEPP. The Department has considered the proposed development including the embodied emissions statement and the ESD measures including rainwater tanks, solar panels and electric vehicle charging. The Department considers the development has been designed to minimise energy and water consumption and the generation of greenhouse gas emissions and is consistent with the aims of the SEPP.

Mamre Road Precinct Development Control Plan (MRP DCP)

The MRP DCP aims to ensure that development in the MRP occurs in an orderly and coordinated manner. Key development controls in the DCP include transport network, landscaping and setbacks and waterway health objectives. The Department's assessment of the development has considered the relevant provisions of the MRP DCP (see **Section 6**) and concluded that with mitigation measures in place, the development would be consistent with the relevant provisions of the MRP DCP.

Appendix E – Recommended Instrument of Consent

Contained in the Determination folder at the link below:

<https://www.planningportal.nsw.gov.au/major-projects/projects/westlink-industry-park-stage-2>