

Attachment B Response to Request for Additional Information #2

Following referral of the Applicant's responses at **Attachment A**, the following comments were issued to the Applicant. The responses should enable conclusion to the assessment and enable DPHI to close assessment and issue draft conditions for review.

Comment	Response
Department of Planning, Housing and Infrastructure	
Architectural Plans	
<ul style="list-style-type: none"> Clarify or update the pervious area plan (drawing no. 12963_DA053) with regard to the following: <ul style="list-style-type: none"> The trunk drainage area is identified as 100% pervious. However, it is noted that the channel includes a variety of elements that are not fully pervious, including headwalls, retaining walls, scour protection, maintenance track and GPTs. The IOP area is identified as 50% pervious although it appears the majority is asphalt surface. Please clarify the permeability of the surfaces in this area. Also identify how much of area will be retained as maintenance vehicle turning area once the IOP is decommissioned and the rest is landscaped. 	<p>The updated Architectural Drawings (Attachment C) now include an interim and ultimate Permeable Area Plan (DA053 and DA054). The following parameters are noted in relation to the trunk drainage channel:</p> <ul style="list-style-type: none"> The majority (approx. 80%) of the channel surface is to be landscape with Sydney Water approved endemic vegetation; A 3.5m wide gravel maintenance track extends across the length of the channel (1,134m²), which has some infiltration capacity at 85%; The headwalls and retaining walls within the channel easement consist of stacked sandstone log walls, generally 0.5m thick. They are vertical and do not impact the permeability of the trunk drainage channel; There is some localised rock scour protection at the drainage headwall. The rock scour does not impede infiltration to channel subsoils and should be counted as pervious; and The interim GPT at the eastern boundary at the trunk drainage channel will be removed and decommissioned once Sydney Water commissions its Regional Stormwater System. The area will ultimately be fully pervious and vegetated. <p>The IOP area is not considered permeable under the interim arrangement. However, once the Site is connected to the ultimate waste water arrangement, the IOP will be removed and restored to vegetated and fully pervious. Therefore, it is considered as permeable under the ultimate arrangement.</p> <p>The updated Architectural Drawings (Attachment C) outline that a Lot 6 will have an interim pervious area of 13,645m² (19%) and ultimate pervious area of 14,321m² (20%). It therefore comfortably complies with the 15% requirement in the MRP DCP.</p>

Comment	Response
<ul style="list-style-type: none"> <i>The proposed DCP variation to the illuminated signage control is not supported. Only one illuminated sign is permitted on each elevation in accordance with section 4.2.8 of the MRP DCP.</i> 	<p>There will be only one (1) illuminated sign per elevation, which will be the S5 tenant warehouse façade signage. It is expected that the Applicant will be required to submit a signage strategy for the proposed warehouse building prior to commencement of construction. The signage strategy will demonstrate no more than one (1) illuminated sign per elevation.</p>
Subdivision	
<ul style="list-style-type: none"> <i>The updated subdivision plan now shows an easement for transmission line (T) through the middle of the site. Clarify how it is proposed to address this given the development includes building across this easement.</i> 	<p>The easement will be extinguished at the time of subdivision. The Applicant confirms that all assets within the easement have been removed with confirmation that all works under the design (i.e. the removal of assets) has been completed included at Attachment Y.</p> <p>The updated Plan of Subdivision (Attachment E) has been amended accordingly.</p>
Civil Plans	
<ul style="list-style-type: none"> <i>It is noted that Penrith Council does not support the proposed retaining walls at the southern ends of Aldington and Abbotts Roads within the site. While it is acknowledged that these walls are temporary and for the purposes of stormwater management, please provide confirmation that Council is accepting of the proposal to remove these walls as part of the 'make good' component of the VPA Letter of Offer.</i> 	<p>A Letter of Offer (Attachment AA) has been prepared and submitted to Council. As part of this offer, a make good requirement is proposed which would remove the wall. The wall is temporary and its purpose is to redirect stormwater away from the neighbour's land.</p> <p>Once the broader stormwater and road infrastructure is delivered, the wall will no longer be required. It is noted there is a make good clause proposed under the Applicant's Letter of Offer to ensure the retaining wall is removed when Council calls for the road corridor to be dedicated. The acceptance of the offer when received by ESR will confirm Council's acceptance of this condition.</p>
Stormwater	
<ul style="list-style-type: none"> <i>Provide a response to the stormwater issues identified in the advice from the NSW Department of Climate Change, Energy, the Environment and Water Conservation Programs, Heritage and Regulation (CPHR) Group.</i> 	<p>Refer to the Applicant's response CPHR's comments.</p>
Flooding	
<ul style="list-style-type: none"> <i>Provide a response to the flooding issues identified in the advice from CPHR.</i> 	<p>Refer to the Applicant's response CPHR's comments.</p>
<ul style="list-style-type: none"> <i>It is noted that the Support for Emergency Management Planning - Flood Risk Management Guideline EM01 and the Shelter-in-Place Guideline released in January 2025 do not support shelter-in-place strategies for greenfield sites.</i> 	<p>Refer to the Applicant's response CPHR's comments.</p>

Comment	Response
Noise	
<ul style="list-style-type: none"> It is noted that Figures 1 and 3 in the updated Noise and Vibration Impact Assessment (NVIA) are based on the previous building layout, rather than the latest architectural plans. While it is acknowledged the differences are minor, please clarify whether the operational noise predictions would change based on any revised noise source locations. 	Figures 1 and 3 of the Noise and Vibration Impact Assessment (NVIA) (Attachment N) have been updated accordingly.
<ul style="list-style-type: none"> Section 4.2.1 of the NVIA states that "The development would operate 24 hours a day, with heavy vehicle movements operating between 6 am and 6 pm." Please confirm that it is intended that the development would not have any heavy vehicle movements between 6pm and 6am. 	The subject text is incorrect and has been removed from the updated NVIA (Attachment N). The operational noise assessment assesses a realistic worst-case scenario, which includes vehicle movements during the night-time.
<ul style="list-style-type: none"> Confirm that the traffic volumes in Table 17 of the NVIA are consistent with the predicted vehicle movements in the traffic assessment for the development. 	The updated NVIA (Attachment N) is based on the traffic profile provided by Ason Group (provided to SLR Consulting on 9/01/25). SLR Consulting confirm that noise modelling includes updated traffic volumes, all references to traffic volumes have been revised in updated NVIA to reflect this updated traffic data.
<ul style="list-style-type: none"> With regard to the residential receivers on Mamre Road to the south of the site that are outside of the Mamre Road Precinct (i.e. non-industrial zoned land), including 1097-1099 Mamre Road, please provide further consideration of the increasing traffic noise levels at these receivers as a result of the additional traffic on Mamre Road (as referenced in section 5.3.3 of the NVIA) and the operation of the M12 and how this will influence any impacts from operational noise generated by the development. 	As outlined in Section 5.3.3 of the updated NVIA (Attachment N), "The potential noise impacts from additional traffic on Mamre Road are expected to be negligible (ie <2.0 dB) given the small number of vehicles accessing the Stage 2 development relative to the high existing volumes on this route (refer Table 20). Increases of less than 2.0 dB represent a minor impact that is considered barely perceptible to the average person". The impacts of traffic at these receivers as a result of the M12 and the broader Mamre Road Precinct are outside the scope of the assessment.
Contamination	
<ul style="list-style-type: none"> The RFI response dated 5 February 2025 states that "The subject 225m3 O2 and B3 materials depicted in Figure 12 will remain in place and ultimately be managed as part of the Westlink Stage 2 remediation works." The Department notes that the Supplementary Contamination Investigation and Remediation Action Plan, both dated October 2022, submitted with the Stage 2 EIS pre-date these updated Stage 1 management and validation reports and do not contemplate this stockpiled material as part of the remediation works proposed under the Stage 2 application. Please update the contamination assessment for the Stage 2 works so that all required remediation to be undertaken as part of this application is clearly documented. 	A Remediation Action Plan (RAP) Addendum has been prepared by EP Risk and included at Attachment V . It confirms the subject contaminated material (identified as AEC22/40 in the RAP Addendum) will be resolved as part of the Westlink Stage 2 (SSD-46983729) works. It identifies a preferred remediation strategy which primarily seeks to treat the B3 classification, to downgrade the material to a B2 classification. For further discussion, refer to the RAP Addendum (Attachment V).
<ul style="list-style-type: none"> It is noted that the remediation and validation information submitted with the Submissions Report relating to the Stage 1 works have not been submitted in accordance with Condition B68 of the consent for SSD-9138102. Please confirm that if these works have been completed. 	The remediation and validation works under Westlink Stage 1 (SSD-9138102) are still being complete. An interim validation report will be provided to DPHI in relation to Condition B68 with a final validation report to satisfy Condition B68 to be submitted following the register of the contamination cell on title.

Comment	Response
Contributions	
<ul style="list-style-type: none"> <i>Provide evidence that Penrith Council has accepted the letter of offer to enter into a planning agreement submitted to Council on 6 March 2025.</i> 	<p>An Acceptance of Offer letter will be provided once received and should not delay the finalisation of the assessment of the SSDA.</p> <p>On 5 March 2025, a Letter of Offer was provided to Council by ESR Australia & New Zealand (refer to Attachment AA). A meeting subsequently occurred on 27 March 2025 between the parties, and Council issued feedback to ESR Australia & New Zealand on 28 March 2025 (refer to Attachment BB).</p> <p>Council's comment request that DPHI condition that <i>"The land for the collector road and roundabout (CR7 & RA6) is to be dedicated to Council free of cost"</i> to support the future VPA.</p> <p>The Applicant is currently finalising an updated Letter of Offer and will issue to Council imminently. An Acceptance of Offer letter will be provided once received and should not delay the finalisation of the assessment of the SSDA.</p>
Outstanding Matters	
<ul style="list-style-type: none"> <i>In order to manage air quality impacts from concurrent construction across the MRP, an updated air quality assessment is required in line with previous requests. Please provide a quantitative air quality assessment of construction impacts that includes an emissions inventory for the proposed works and a model that includes both annual average and maximum 24-hour average predicted concentrations (PM10 and PM2.5) and comparison against air quality criteria. The assessment must include site-specific mitigation measures tailored to the outcomes of the assessment that will be implemented during the works, and the implementation of real-time monitoring. The AQIA must consider cumulative impacts from other concurrent construction projects in the precinct.</i> 	<p>The subject matter was raised in Request for Additional Information #1. The Applicant's response to Request for Additional Information #1 (dated 5 February 2025) (Attachment A) did not address the subject matter due the time required to complete detailed construction air quality modelling. Following submission of Attachment A on 5 February 2025, the detailed construction air quality modelling and subject matter is addressed below.</p> <p>A Construction Air Quality Impact Assessment (AQIA) for construction has been prepared by SLR Consulting and included at Attachment O. It responds to the subject request by including a quantitative assessment of construction impacts.</p> <p>The Construction AQIA outlines that dispersion modelling has shown that exceedances of short-term and long-term PM₁₀ (particulate matter 10 micrometers or less in diameter) criteria are predicted to occur. SLR Consulting outline the Construction AQIA represents a highly conservative assessment and likely overestimation of predicted construction dust concentrations due to:</p> <ul style="list-style-type: none"> • Inability to quantify benefits gained from some of the proposed mitigation measures; • Overestimation of annual impacts by scaling up activities from 9 to 12 months; • Assessment of all activities operating simultaneously for at all times; • Limitation of the modelling in predicting nearfield pollutant concentrations; and • Limitation of dispersion modelling to representatively predict reduced pollutant dispersion due to rainfall. <p>Nevertheless, mitigation measures will be implemented during the construction period to ensure no unacceptable air quality impacts will occur at the surrounding receptors, including:</p>

Comment	Response
	<ul style="list-style-type: none"> Real-time monitoring of ambient air quality be performed throughout the construction period to allow for effective site management and assist in minimising the potential for adverse air quality impacts at the sensitive receptors; and A TARP based on 1-hour average PM10 concentrations and wind directions with a range of actions to minimise the potential for adverse effects at the sensitive receptors be adopted. <p>These measures have been incorporated as part of the updated Consolidated Mitigation Measures (Attachment Q),</p>
Penrith City Council	
Planning considerations	
<p><i>The Department is requested to continue to consider the relevant comments in Council's previous letters dated 19 March and 02 October 2024</i></p>	<p>The Applicant has responded to all matters raised by DPHI.</p>
<p><i>It does not appear that the matter of the round-about at the southern boundary edge of the site has been resolved. The applicant's response states that this will be resolved at the time that the adjoining property to the south is developed, and that development contributions will address this. Please refer to comments below from Council's City Planning and Development Engineering teams. This round-about is shown in Council's contribution plan and therefore could be part of an offer which can be discussed further with Council staff.</i></p>	<p>A Letter of Offer (Attachment AA) has been prepared and submitted to Council. As part of this offer, a make good requirement is proposed which would remove the wall. The wall is temporary and its purpose is to redirect stormwater away from the neighbour's land.</p> <p>Once the broader stormwater and road infrastructure is delivered, the wall will no longer be required. It is noted there is a make good clause proposed under the Applicant's Letter of Offer to ensure the retaining wall is removed when Council calls for the road corridor to be dedicated.</p>
<p><i>The Department is requested to continue to consider if the sewer easement in the Mamre Road frontage will have implications for deep soil landscaping within the front setback.</i></p>	<p>No sewer works are proposed in the front setback. Refer to previous response.</p>
<p><i>It is acknowledged that the car parking spaces along the western frontage of the Lot 6 warehouse have been removed and relocated to the north-west corner of the site. It is unfortunate that three of the relocated car parking spaces encroach into the building setback, but these spaces do appear to be behind the landscaped front setback. The Department should consider if this is acceptable in the context of the total number of required minimum car parking spaces. If the number of spaces exceeds the minimum MRP DCP requirement, then the Department should consider removing the three (3) car parking spaces that encroach. The suggested condition below is to provide 153 car parking spaces, while it appears the proposal is to provide 166 spaces.</i></p>	<p>The three (3) parking spaces previously located within the 20m setback to Mamre Road have been removed. Refer to the updated Architectural Drawings (Attachment C), updated Landscape Drawings (Attachment D), and updated on-lot Civil Drawings (Attachment G).</p>
<p><i>The proposed changes to the landscaped setback in Mamre Road are welcomed. Although the IOP area within the front setback is still not supported, it is acknowledged that other changes have occurred to try to improve the front setback area. This includes a reduction in the retaining walls along the frontage to a single tier sandstone log wall. The Department should ensure that landscaping above the log wall is suitable for screening</i></p>	<p>The IOP area and works do not form part of the scope of this SSDA. The works relating to the IOP have been approved and it has been constructed.</p>

Comment	Response
<i>and can also cascade down over the top of the wall, to provide a further softening effect. The applicant should also consider whether the log wall can contain offset blocks to provide more visual interest than a planar wall facade.</i>	
<i>The Department should consider how to secure the proposed staging of landscaping works within the front setback to Mamre Road. The applicant proposes to stage the landscaping to coincide with the future Mamre Road widening by TfNSW. Conditions need to ensure that landscaping occurs at the relevant and appropriate stage, considering that the warehouses may be operational prior to the road widening being completed.</i>	The Applicant raises no objections to the inclusion of conditions relating to landscape staging, with draft conditions to be reviewed by the Applicant.
<i>Page 11 of the applicant's Response report states that the outcome of discussions about a proposed planning agreement should not hold up assessment of the SSDA and could be made a condition requirement associated with contributions if these works will be offset from the 7.11 obligation. The Department should consider the wording of section 7.7(3) of the EP&A Act. This section relates to how/when a condition can be imposed on a development consent. My understanding is that such a condition can only be imposed if there is an accepted Offer in place, because the wording of the section refers to "but only if it requires a planning agreement that is in the terms of an offer made by the developer ...".</i>	<p>On 5 March 2025, a Letter of Offer was provided to Council by ESR Australia & New Zealand (refer to Attachment AA). A meeting subsequently occurred on 27 March 2025 between the parties, and Council issued feedback to ESR Australia & New Zealand on 28 March 2025 (refer to Attachment BB).</p> <p>The Applicant is currently finalising an updated Letter of Offer and will issue to Council imminently.</p>
<i>The Response report also refers to a staged subdivision for the dedication of the collector road. Please refer to comments below from Council's City Planning and Development Engineering teams. It is difficult to determine the relevant stage/timing given that the dedication of the collector road depends on future through connections located on adjoining sites, which are not part of the subject site or current proposed development.</i>	As per the Letter of Offer (Attachment Y), the land is proposed to be held in private ownership until Council call on the land dedication. This is at Council's discretion, which they can decide the trigger to be the broader delivery of road corridor.
City Planning Considerations	
<i>The proponent is encouraged to liaise with Council on a potential planning agreement as there are complex matters regarding staging and timing of dedication of the infrastructure and no recent discussions have occurred with Council in relation to this.</i>	<p>On 5 March 2025, a Letter of Offer was provided to Council by ESR Australia & New Zealand (refer to Attachment AA). A meeting subsequently occurred on 27 March 2025 between the parties, and Council issued feedback to ESR Australia & New Zealand on 28 March 2025 (refer to Attachment BB).</p> <p>The Applicant is currently finalising an updated Letter of Offer and will issue to Council imminently.</p>
<i>It is requested that any draft development contribution obligation condition/s be provided to Council, prior to determination, for review and comment.</i>	Noted.
<i>If the SSD is to be approved, it is recommended that the department condition that the part of the CR7 collector road is to be dedicated to Council. However, it should also specify that it be dedicated to Council once Aldington Road is connected directly to the signalised intersection with Abbotts Road (through the property to the north).</i>	Noted. A condition can be drafted to address the timing of land dedication. It will also be captured in the planning agreement associated with this scope of works.

Comment	Response
Development Engineering Considerations	
<i>It appears the proposal still refers to a future retaining wall at the end of the Aldington Road section upgrade. As per previous comments, Council does not support this. Please refer to previous Council correspondence.</i>	<p>A retaining wall is located south of the proposed cul-de-sac to redirect stormwater north, away from the neighbour's land to the south.</p> <p>When the ultimate road and stormwater is delivered, this wall becomes redundant. The Applicant's Letter of Offer (Attachment AA) includes a make good clause to ensure the retaining wall is removed when Council calls for the road corridor to be dedicated.</p>
<i>The proposed works should be limited to the subject site and no works should occur to the property to the south unless that property is specifically part of the SSDA.</i>	There are no works proposed with the neighbouring landowner's land.
Traffic Considerations	
<p>Council's Traffic Engineer has reviewed the proposal and raises no concerns with the amended information provided. The Department should consider the following conditions if consent is granted:</p> <ul style="list-style-type: none"> a) All vehicles shall enter and exit the site in a forward direction. b) Safe pedestrian routes shall be provided throughout the site. c) At least 153 parking spaces are to be provided for the Stage 2 (warehouse 2) development. d) Two (2) accessible parking spaces shall be provided in accordance with the Access to Premises Standards, Building Code of Australia and AS 2890.6 for the Stage 2 (warehouse 2) development. e) Heavy Vehicle loading and manoeuvring areas/routes shall be completely separated from customers /visitors to the site f) A car shall be able to turn around within the site when all car parking spaces are occupied using no more than a three-point turn. g) At least 36 bicycle parking spaces are to be provided for the Stage 2 (warehouse 2) development. h) 5% of the parking provision must be designated as electric vehicle charging bays. i) One (1) shower cubicle is to be provided and is to comply with end of trip facilities requirements. j) All service areas must be designed with reference to AS 2890.2, and to provide for the movement of vehicles up to 26m B-double. k) Truck access driveways shall be designed to provide for vehicles up to and including 26m B-double with maximum gradients, maximum rates of change of grades, and maximum crossfalls in accordance with relevant standards such as AS 2890.2 and any other relevant published road design /road engineering guidelines. l) All parking areas, including access aisles and parking modules must be designed with reference to AS 2890.1 and AS 2890.6 	<p>The Applicant raises no objection to the proposed conditions. It is noted the proposed development complies with all subject conditions and therefore are unnecessary.</p>

Comment	Response
<p><i>m) The roundabout is to be designed for 30m PBS Level 2 Type B Vehicles and tested for 36.5m PBS Level 3 Type A vehicles.</i></p>	
Environmental Health Considerations	
<p><i>Environmental Management Considerations</i></p> <ul style="list-style-type: none"> <i>The Department will need to be satisfied that the updated noise assessment is suitable considering their precinct strategic approach.</i> 	<p>DPHI has assessed the updated noise assessment and the Applicant has addressed matters raised.</p>
<p><i>Waterways Considerations</i></p> <ul style="list-style-type: none"> <i>Council staff note that in the response to request for information, the applicant has acknowledged that conditions could be applied for each of the previous comments / concerns raised by Council's Waterways team. It is also noted that the BCS is undertaking an assessment of compliance against the waterway health requirements, and ultimately the Department needs to be satisfied the stormwater management measures are appropriate.</i> 	<p>DPHI and CPHR have assessed the proposed stormwater strategy and the Applicant has address matters raised.</p>
<p><i>In addition, the following should be considered:</i></p> <ul style="list-style-type: none"> <i>Prior to determining the application, the Department should ensure that the controls are met in terms of compliance with the stormwater and waterway health targets (for both the construction and operational stages) as well as any of Sydney Water's requirements with respect to trunk drainage design.</i> <i>It is noted that the stormwater report states that in the interim scenario, no rainwater tanks are proposed. This appears to be a departure from the MRP DCP (Clause 2.4 (8)) which indicates they are required until the delivery of the regional stormwater management scheme.</i> <i>With respect to the GPTs it is noted that the GPT's will be the responsibility of the developer / property owners to maintain. Conditions should be included requiring this and detailed operation and maintenance manuals, and that they are maintained in perpetuity.</i> <i>The Department should also consider conditions as indicated in Council's previous correspondence, such as requiring high efficiency Type A or B sediment basins, detailed designs for passively irrigated street trees to be approved by Council, and that sufficient land is reserved for initial stages of the development' treatment and management of stormwater (that is, irrigation of undeveloped land) and the like.</i> <i>Council staff suggest that restrictions on use / positive covenants be provided for all on-lot stormwater infrastructure.</i> 	<p>Noted. The Applicant has responded to all comments in relation to waterway health and trunk drainage.</p>

Comment	Response
Transport for NSW	
<ul style="list-style-type: none"> Trunk drainage has already been aligned with MRUS2 design, connecting to proposed culvert XD31. However, there are some features such as fences/retaining walls (e.g. RW3) which look different and may impact flood modelling. 	<p>Two (2) meetings were held with TfNSW regarding the Stage 2 upgrade of Mamre Road on 20 March 2025 and 27 March 2025. Design files between the two (2) projects were shared. The outcomes of the meetings were as follows:</p>
<ul style="list-style-type: none"> There is no channel downstream of proposed culvert XD31 in the design (west of Mamre Rd). This is assumed to be designed by others. It is TfNSW understanding from conversations with Sydney Water, that Westlink ESR may be responsible for designing this due to the changed alignment of the upstream channel from Sydney Water's MRP Scheme Plan. 	<ul style="list-style-type: none"> ESR Australia & New Zealand to update retaining wall to minimise extent on the southern boundary of Lot 6 to enable battering of road. This has been updated as part of this submission, refer to the updated On-Lot Civil Drawings (Attachment G). TfNSW to review culvert design with the landscape setback and IOP. TfNSW advised feedback on this item would be received two (2) weeks following the 27 March 2025 meeting.
<ul style="list-style-type: none"> Interfacing will be required to determine the catchment and size of channels along the frontage. MRUS2 channels have been designed to convey upstream catchment and may be able to be revised in size. However, an existing culvert is being deleted and flows directed back north to the proposed XD31 and this channel will clash with the civil design and the maintenance track to the culvert inlet. 	<p>At this point of time, no design amendments other than the updates are anticipated. A letter confirming integration of the designs will be provided following the two (2) week review by TfNSW and be provided to DPHI.</p>
<ul style="list-style-type: none"> TfNSW are generally satisfied with the tiered retaining wall or interim / future batter plans, however, raises concerns relating to the tie works to existing surface level 	
<ul style="list-style-type: none"> MRUS2 design assumes batters sloping back down at 4H:1V into a catch drain/swale/channel, plus additional maintenance access. 	
<ul style="list-style-type: none"> Westlink pad for Lot 6 is higher than the proposed road level. The developer has shown in their cross sections the intention of how batters could be re-graded once MRUS2 is done. TfNSW request 3D model design from Applicant to assess. 	
<ul style="list-style-type: none"> The channels identified on Westlink drawings look more compact than MRUS2 channels and will need to be further investigated. 	
<ul style="list-style-type: none"> South-western corner of the Sewer IOP building will clash with the MRUS2 proposed channel and batters, noting that the developer have designed right up to the SP2 boundary at this location. 	
<ul style="list-style-type: none"> Whilst TfNSW are generally supportive of the proposal, to ensure that the design aligns with the Mamre Road Upgrade Stage 2 Project (MRUS2), TfNSW recommends that the Applicant engage with the MRUS2 Project Team to resolve the drainage and retaining wall issues raised above 	

Comment	Response
Sydney Water	
<ul style="list-style-type: none"> <i>Sydney Water does not object to SSD-46983729, under the provision that the comments in Appendix 1 are addressed during detailed design, in addition to compliance with the requirements of the Stormwater Scheme Infrastructure Design Guideline.</i> 	Noted.
Consistency with the Scheme Plan	
<ul style="list-style-type: none"> <i>The set of drawings referenced in the Approval Letter (Transgrid Reference Number 2023-058) are not visible in the provided documentation. Please ensure the provided documents clearly show the drawings that form part of Transgrid's approval.</i> 	<p>Evidence of concurrence (Attachment X) has been provided as part of the response to comments on the Submission Report (Attachment A). The scope of works within this easement has not changed.</p> <p>Transgrid can be consulted prior to commencement of construction of trunk drainage works, if required. This can be dealt with as a condition of consent.</p>
Trunk Drainage Design	
<ul style="list-style-type: none"> <i>Please provide a map showing the pre-development and post-development catchment areas as per section 2.5.1 of the Trunk Drainage report. A table showing the difference in catchment areas between the pre and post development scenarios must be included in the trunk drainage report. We understand that the DRAINS model has been used for the design of trunk drainage. However, the stormwater management report prepared by AT&L doesn't clearly indicate the post-development areas draining to the trunk drainage and change in catchment areas specifically for Stage 2 development.</i> 	Figures 3-1 and 3-2 have been included in Appendix G of the updated Trunk Drainage Design Report (Appendix K) to show the pre-developed and post-developed catchments. Further, Section 2.5.1 has also been updated to include a pre and post developed summary of catchment areas.
<ul style="list-style-type: none"> <i>Table 4-1 indicates that the PMF have been extrapolated from 1% AEP peak flows. The determination of the PMF by extrapolation is not acceptable. The PMF is to be determined using the GSDM for trunk drainage design. Please update the report.</i> 	The updated Trunk Drainage Design Report (Attachment K) has been updated to reflect PMF flows which have been generated using GSDM in DRAINS.
<ul style="list-style-type: none"> <i>It is understood that the overflow from IOP is discharging to the trunk drainage as an interim solution to cater for very rare instances. However, the proponent is to provide details about the timing and construction of the channel and the IOP overflow as well as ownership and maintenance responsibility during the interim period and for the decommissioning of the overflow pipe to ensure appropriate risk mitigation measures are placed for the downstream harvesting.</i> 	The IOP has been constructed, and final approval from Sydney Water is expected by 1 April 2025. It is a private IOP that will be managed and maintained by the Applicant. The decommissioning of the IOP system can happen immediately upon Sydney Water commissioning of the stormwater harvesting systems that include the infrastructure downstream of the IOP. The careful coordination of these events by Sydney Water provides a suitable risk mitigation mechanism.
<ul style="list-style-type: none"> <i>The maximum height of sandstone sleeper retaining wall RW2 on the northern side of the trunk drainage channel is 2.9m. Shadow diagram must be provided to ensure a minimum of 1hr solar access in mid-winter over the trunk drainage area.</i> 	Trunk Drainage Channel Shadow Diagrams (Attachment Z) have been prepared that demonstrate solar access will be provided for more than 1 hour at the winter solstice over the trunk drainage area.

Comment	Response
Trunk Drainage Drawings	
<ul style="list-style-type: none"> Drawing DD007: Sydney Water easement is shown to include the area housing the private GPT and maintenance track connection to the IOP area. The drawing must be updated to include only the Sydney Water easement area and be consistent with Appendix A of Stormwater Developer Works Policy. 	An easement for access and maintenance is illustrated on the updated Plan of Subdivision (Attachment E). An exclusion to Sydney Water can be made under the 88b instrument, which states the GPT is to be maintained by the Applicant.
<ul style="list-style-type: none"> Drawing DD011: The location of HW3 has been modified from the previous version. Please rectify the annotation of HW3. It appears the labels of headwall and overflow pipes points to the previous location 	Noted. Minor updates to the HW3 annotation have been completed. Refer to the updated Trunk Drainage Drawings (Attachment J).
<ul style="list-style-type: none"> Drawing DD016: The channel slope is shown as 0.85% in the longitudinal section whereas documented as 0.84% for the first 244 m and then at 0.7% grade through to Mamre Road in the report. This discrepancy must be addressed. 	JWP confirm that DD016 is correct. The Trunk Drainage Design Report (Attachment K) has been updated to reflect the correct channel slope, consistent with the plans.
<ul style="list-style-type: none"> Drawing DD020 & DD021: Cross sections must extend beyond the channel boundary to show the proposed interface with development adjacent the trunk drainage corridor and clearly show retaining walls, including Lot 6 RW. 	Cross sections provided extend beyond the boundary of the trunk drainage channel. Boundary labels have been added to assist with this reference. Refer to the updated Trunk Drainage Drawings (Attachment J).
<ul style="list-style-type: none"> Drawing DD060: The IL (42.64) of the outlet pipes from underground OSD tank to trunk drainage at the headwall is not consistent with the IL (42.3) shown in the OnLot Civil drawings by AT&L. Please rectify the discrepancy. 	Noted. The Trunk Drainage Drawings (Attachment J) have been updated to ensure the long section of the trunk drainage pipe is consistent with on-lot Civil Drawings (Attachment G).
<ul style="list-style-type: none"> The material specification of retaining walls within the channel, headwalls, maintenance access tracks must be agreed with Sydney Water at the detailed design stage. 	Noted. This is an advanced concept design. Materials have previously been discussed with Sydney Water as part of the Stage 1 channel and have been kept consistent.
Landscape Plan	
<ul style="list-style-type: none"> It was noted there was some discrepancies with the landscape plan when compared to the Sydney Water planting palette, outlined below. <ul style="list-style-type: none"> The individual species used in lower bank are more than 20%. As per the Sydney Water planting palette guideline the "Riparian corridor planting palette" indicates no more than 20% of any individual species is to be used with each planting area. Similarly, no more than 5% of any individual species is to be used within each planting area for riparian edges. 	The updated Landscape Drawings (Attachment D) include revised species in accordance with the Sydney Water planning palate requirements.
Section 73 Compliance Certificate	
<ul style="list-style-type: none"> A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Our assessment will determine the availability of water and 	Noted.

Comment	Response
<p>wastewater services, which may require extensions, adjustments, or connections to our mains. Make an early application for the certificate, as there may be assets to be built and this can take some time. A Section 73 Compliance Certificate must be obtained before an Occupation or Subdivision Certificate will be issued.</p> <ul style="list-style-type: none"> Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator. Go to the Sydney Water website or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water. 	
<ul style="list-style-type: none"> Building Plan Approval (including Tree Planting Guidelines) 	Noted.
<ul style="list-style-type: none"> The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to Sydney Water Tap in® to apply. Sydney Water recommends developers apply for a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales 	Noted.
Tree Planting	
<ul style="list-style-type: none"> Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees. For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal. For guidance on types of trees that can cause damage or interference with our assets see Sydney Water webpage Wastewater blockages. For guidance on how to plant trees near our assets, see Diagram 5 – Planting Trees within Sydney Water's Technical guidelines – Building over and adjacent to pipe assets 	Noted.
NSW Department of Climate Change, Energy, the Environment and Water – Conservation Programs, Heritage and Regulation	
Biodiversity	
<ul style="list-style-type: none"> CPHR highlights that the previous advice (dated 16 October 2024, ref: DOC24/785209) regarding the portion of 'excluded land' under the CPCP has not been addressed in the additional information provided. 	A BDAR is not required as no works are proposed within the SP2 zoning (land categorised as 'excluded land' under the CPCP) along the western boundary of the Site which forms part of the future Mamre Road upgrade.

Comment	Response
<ul style="list-style-type: none"> • CPHR reiterates that the Department must be satisfied that no works are proposed in excluded land, as section 7.9 of the Biodiversity Conservation Act 2016 applies to any works on excluded land. • The Mamre Road Development Control Plan (DCP) Compliance Table under 2.2.2 (2) Biodiversity Certification states, 'The Site has been certified as 'urban capable land' under the CPCP from 17 August 2022. An assessment of the likely impact on biodiversity of development on biodiversity certified land is not required for the purposes of Part 4 of the EP&A Act.' However, as shown in the CPCP Spatial Viewer below (refer to Figure 1), there is a portion of excluded land along the Mamre Road roadside of both Lots 3 and 4. <p><u>CPHR recommended actions:</u></p> <ol style="list-style-type: none"> 1. A plan be provided to clearly identify the location of works in relation to the CPCP excluded land to clearly demonstrate that there are no works proposed in the excluded land. 2. In the event works would be carried out in excluded land the following must be conducted prior to determination <ol style="list-style-type: none"> a) A Biodiversity Development Assessment Report (BDAR) be prepared and submitted to the Department, or a b) BDAR waiver be submitted to CPHR for assessment. Should a BDAR waiver be sought, it must be clearly demonstrated that the proposed development is not likely to have any significant impact on biodiversity values. Development that requires clearing of native vegetation or additional biodiversity impacts as prescribed by clause 6.1 of the Biodiversity Conservation Regulation 2017 is likely to require a BDAR. <p>Any request for a BDAR waiver must include the information requirements set out in Tables 1 and 2 of the Department of Planning, Industry and Environment guidelines on How to apply for a biodiversity development assessment report waiver for a Major Project Application. The proponent can find further information on the BDAR waiver process on the Biodiversity development assessment report waiver webpage. In the event the BDAR waiver determination concludes a BDAR is required the proponent must undertake (a).</p>	<p>To confirm, a CPCP Land Category Map has been prepared by Ethos Urban (Attachment S) which demonstrates that the proposed works are wholly located on land categorised as 'Certified – Urban Capable Land' under the CPCP using georeferenced mapping.</p>

Comment	Response
Flooding	
<p>CPHR highlights that there are contradicting statements on the developed conditions as follows:</p> <ul style="list-style-type: none"> Section 2.3 of the FIRA states, 'The proposed Stage 2 development consists of bulk earthworks for Lots 2, 4 & 5, roadworks, stormwater drainage, utility services and the construction of one (1) warehouse building (Lot 6).' However, Section 4 the FIRA states, 'the proposed developed conditions model builds upon the baseline model and incorporates design components associated with Westlink Stage 2, Lot 4 and Lot 5.' Also, Figure 4-4 developed conditions in the FIRA (shown as Figure 2 below) identifies all lots except Lot 2 are represented in the developed condition as buildings with a very high Manning "n" value of 2.0, that are totally blocking the buildings footprints at Lots 1, 3, 4 and 5. In contrast, Lot 2 is represented as a light vegetated site. This is inconsistent with both above-mentioned statements. <p><u>CPHR recommended actions:</u></p> <p>3. Provide clarification and a clear description of the developed conditions represented in the FIRA.</p>	<p>The updated FIRA (Attachment L) has been updated to clarify the development components seeking approval under this FIRA (see Section 2.3.1 of the updated FIRA). The developed conditions being modelled in TUFLOW align with the works seeking approval.</p> <p>The Lot 2 building is subject to a separate Development Application and has not been assessed in the updated FIRA, as the proposed development only comprises bulk earthworks on Lot 2.</p>
<ul style="list-style-type: none"> Buildings are the most significant impediment to overland flow, as they influence the flooding behaviour by deflecting the flows. As previously discussed, Figure 2 above shows the model has totally blocked flow from entering the buildings at Lots 1, 3, 4 and 5 by assigning a very high Manning "n" value of 2.0. CPHR acknowledges that the floor levels for these buildings are proposed to be above the Probable Maximum Flood (PMF). However, there are proposed two-level basement car parking and under croft car parking. During a significant flood event, flows would enter the parking areas once their floor level is reached. <p><u>CPHR recommended actions:</u></p> <p>4. The FIRA should address the risk of basement and under croft carparking inundation and propose passive management measures, such as design controls. Any remaining risk should be addressed from an emergency management perspective.</p>	<p>The impediment of buildings conservatively assesses the impacts of deflecting flows elsewhere.</p> <p>There is no basement parking proposed within the Westlink Industry Park. The Flood Emergency Response Plan (FERP) has been updated to include protocols prevent occupants from accessing parking areas during flood events. Refer to the updated FIRA (Attachment L).</p>
<ul style="list-style-type: none"> Flood maps have been provided for the 1% Annual Exceedance Probability (AEP) detailing impacts on flood depth and velocity. <p><u>CPHR recommended actions:</u></p> <p>5. Flood impact maps for depth, velocity and hazard should be provided for the full range of flood events, up to and including the PMF.</p>	<p>Noted.</p> <p>The flood impact mapping requirements requested under this letter are above the requirements set out in the <i>Flood Risk Management Guideline LU01 - Flood Impact and Risk Assessment</i> (2023) (specifically, Appendix A).</p> <p>J. Wyndham Prince has provided 1% AEP difference maps for depth and velocity, and mapped hazards for both base and developed cases for the full range of flood events. Refer to highlighted extract of LU01, Table 6 below.</p>

Table 6 Typical outputs to be included in the FIRA report to support the proposal

Model	Existing case	Developed case	Calibration and validation	Typical required design events *				
				5% &/or 10% AEP	1% AEP	0.5% AEP	0.2% AEP	PMF
Hydrology	Map: Catchment and subcatchment areas, site and hydrologic and hydraulic controls	Identify any changes in flowpaths, flow entry or discharge points						
	Map: Model parameterisation	Highlight any differences						
	Plot: Storm events examined highlighting events selected for hydraulic modelling	Highlight any differences		✓	✓	✓	✓	✓
	Plot: Hydrographs at gauge locations, site boundaries and hydraulic controls	Compare to existing	✓	✓	✓	✓	✓	✓
	Tabulate: Critical storm durations for different aspects selected for hydraulic modelling	Compare to existing		✓	✓	✓	✓	✓
	Plot: Hydrographs for key events used in hydraulics	Compare to existing	✓	✓	✓	✓	✓	✓
	Map: Study area, site and hydraulic controls	Identify any changes in flowpaths, flow entry or discharge points						
		Map: Development site with proposed works						
		Site cross-sections: Showing changes due to the development (including cut/fill and vegetation)						
	Map: Model parameterisation	Highlight any differences						
Hydraulics and post-processing	Map: Peak flood extents	Compare to existing, include properties impacted	✓	✓	✓	✓	✓	✓
	Map: Peak flood depth	Compare to existing			✓			
	Map: Peak flood level (m AHD) and chainages for long section	Compare to existing			✓			
	Long section: Waterway invert with peak flood level (m AHD) at key locations	Compare to existing		✓	✓	✓	✓	✓
	Tabulate: Peak flood level (m AHD) at key locations	Compare to existing		✓	✓	✓	✓	✓
	Map: Peak flood velocity and identify key points	Compare to existing			✓			
	Map: Flood hazard	Compare to existing		✓	✓	✓	✓	✓

- The discussion in Appendix B of the FIRA focuses on Lot 6, excluding all other lots within the Industrial Estate and proposes a shelter-in-place strategy. However, flood mapping indicates that access to the overall site (including Stage 1) will be cut off during a significant flood event. Therefore, emergency management planning considerations should include the entire Industrial Estate to ensure the flood risk to visitors and employees are effectively managed
- CPHR highlights that, the Shelter in place guideline for flash flooding was published by the Department in January 2025. This guideline provides ten shelter-in-place considerations that the FIRA should address to assist consent authorities in determining whether shelter-in-place is an appropriate emergency management strategy for the site.

CPHR recommended actions:

6. The FIRA should address the shelter-in-place in accordance with the Shelter in place guideline for flash flooding.

The FERP provided in Appendix B of the updated FIRA (**Attachment L**) is intended to focus on Lot 6. However, it can be a template for future Development Applications of each warehouse within the Westlink Industry Park, as specific build DAs are submitted.

The new Shelter in Place Guideline for flash flooding (2025) has been addressed in Section 6 of the updated FIRA (**Attachment L**).

Comment	Response
Waterway Health and Stormwater Management	
<ul style="list-style-type: none"> • <i>Stage 1 and Stage 2 are not stand-alone projects and should be reported together to allow for a holistic assessment of the entire site.</i> • <i>Identify any assumptions from Stage 1 that are inconsistent with the Stage 1 approval and address them through a Stage 1 modification application.</i> • <i>The irrigation area shown in Plan C5220 scales as 3 ha, rather than the indicated 5.6 ha. Check the scale and clearly label the area designated for irrigation correctly. CPHR note that 600 mm/year may only be applied to large flat areas such as the pads. If batters or landscaped areas are proposed for irrigation, these areas should apply the 60% factoring required by the technical design guidelines.</i> <p><u>CPHR recommended actions:</u></p> <p>7. Provide the updated reporting and modelling to address the above.</p>	<p>A Modification Application will be submitted for Westlink Stage 1 SSDA (SSD-9138102) following approval of the Westlink Stage 2 SSDA (SSD-46983729) to ensure both SSDAs are consistent in assumptions around stormwater. The stormwater system proposed to be delivered to support the estate is reflected in the Stage 2 SSDA consent.</p> <p>The updated FIRA (Attachment L) (including FERP) has been updated and provided in this RFI response.</p>
NSW Department of Climate Change, Energy, the Environment and Water – Heritage NSW	
Outstanding Matters	
<ul style="list-style-type: none"> • <i>As per our previous advice Heritage NSW recommends the Department of Planning, Housing and Infrastructure requests documents demonstrating consultation with Registered Aboriginal Parties in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW, 2010), as specified in the Secretary's Environmental Assessment Requirements (SEARs). The records provided should include documents demonstrating the provision of the Draft Aboriginal Cultural Heritage Assessment report to all Registered Aboriginal Parties for review and comment (such as an email with all relevant email addresses shown).</i> 	<p>The subject matter was raised in Request for Additional Information #1. The Applicant's response to Request for Additional Information #1 (dated 5 February 2025) (Attachment A) did not address the subject matter due the time required to complete consultation. Following submission of Attachment A on 5 February 2025, the consultant period has closed and the final response is provided below.</p> <p>An Aboriginal Cultural Heritage Addendum Letter (dated 5 March 2025) has been prepared by Biosis and included at Attachment P. It identifies restarted consultation with Aboriginal groups restarted on 31 October 2024.</p> <p>On 5 December 2024, Biosis provided each of the Registered Aboriginal Parties (RAPs) with a copy of the project methodology pack outlining the proposed Aboriginal Cultural Heritage Assessment process and methodology for the project. RAPs were given 28 days to review and prepare feedback, with a total of five (5) responses received outlining support for the proposed methodology.</p> <p>On 3 February 2025, Biosis provided RAPs with the draft ACHA. RAPs were given 28 days to review and prepare feedback on the report. A reminder email was also sent out on 24 February 2025. In total, two (2) responses were received supporting the recommendations of the ACHA.</p> <p>For further details including records of consultation, refer to the Aboriginal Cultural Heritage Addendum Letter (Attachment P).</p>