



Westlink Industrial Estate Stage 1

State Significant Development Assessment SSD-9138102

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Glossary

Abbreviation	Definition
Additional Information	Additional information provided by the Applicant titled Response to request for further information, prepared by Ethos Urban and dated 14 February 2023
ADR	Amended Development Report titled <i>SSD 9138102 Westlink Stage 1: Amendment Report</i> prepared by Ethos Urban and dated 21 October 2022 (version D) and 6 December 2022 (version RFI A)
Airport	Western Sydney International (Nancy Bird Walton) Airport
Applicant	ESR Developments (Australia) Pty Ltd
AHD	Australian Height Datum
BC Act	Biodiversity Conservation Act 2016
BDAR	Biodiversity Development Assessment Report
CIV	Capital Investment Value
Council	Penrith City Council
Department	Department of Planning and Environment
Development	The development as described in the EIS, RTS and ADR for the Westlink Industrial Estate Stage 1
DPE	Department of Planning and Environment
DPE Water	Water Group, DPE and Natural Resources Access Regulator
EHG	Environment and Heritage Group
EIS	Environmental Impact Statement titled <i>Environmental Impact Statement 290-308 Aldington Road, 59-62 Abbots Road & 63 Abbots Road, Kemps Creek Westlink Industrial Estate</i> prepared by Ethos Urban dated 17 June 2021
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
EPL	Environment Protection Licence
ESD	Ecologically Sustainable Development

FRNSW	Fire and Rescue NSW
Heritage	Heritage NSW, Department of Premier and Cabinet
Industry and Employment SEPP	State Environmental Planning Policy (Industry and Employment) 2021
Landowner Group East	Applicants for development within the Mamre Road Precinct – specifically ESR (SSD-9138102), Fife Kemps Creek (SSD-10479) and Frasers (SSD-17552047)
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
MRP	Mamre Road Precinct
MRP DCP	Mamre Road Precinct Development Control Plan 2021
Planning Secretary	Secretary of the Department of Planning and Environment
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
RTS	Response to Submissions titled <i>Response to Submissions and Amendment Report 290-308 Aldington Road, 59-62 Abbots Road and 63 Abbots Road, Kemps Creek Westlink Industrial Estate</i> prepared by Ethos Urban dated 26 April 2022
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SIC	Special Infrastructure Contribution
SSD	State Significant Development
SWC	Sydney Water Corporation
TfNSW	Transport for NSW
WSA	Western Sydney Airport
WSEA	Western Sydney Employment Area
WSPP	Western Sydney Planning Partnership

Executive Summary

Introduction

This report details the Department of Planning and Environment's (the Department) assessment of a State significant development application (SSD-9138102) for the Westlink Industrial Estate Stage 1. ESR Developments (Australia) Pty Ltd (the Applicant) proposes to construct the first stage of an industrial estate comprising two warehouse buildings on Abbots Road and Aldington Road, Kemps Creek in the Penrith local government area (LGA).

The proposed development (the development) is located in the Mamre Road Precinct (MRP) of the Western Sydney Employment Area (WSEA). The WSEA covers multiple LGAs and is progressively being developed for employment generating industrial purposes, with warehousing and distribution centres a predominant use. The WSEA was expanded in 2020 to include the MRP, given the growing demand for industrial land and the area's proximity to the new Western Sydney International (Nancy Bird Walton) Airport (the airport).

Site Context

The development site includes 290-308 Aldington Road, 59-62 Abbots Road, and 63 Abbots Road, Kemps Creek, and is located approximately 38 kilometres (km) west of the Sydney central business district and approximately 5 km north-east of the airport, which is currently under construction. The site covers approximately 32 hectares (ha) of IN1 General Industrial zoned land that has previously been used for agricultural and residential purposes. The site also includes two adjoining lots (1030-1048 and 1050-1064 Mamre Road), which are owned by the Applicant and included in the development application as part of the Applicant's stormwater management strategy, but would not be developed under this application.

The site topography is hilly with high points and gullies at the east grading down towards flatter, lower-lying land to the west. Water flows from east to west across the site via minor watercourses that discharge into neighbouring land to the west before flowing towards Kemps Creek. The site has frontage and access to both Abbots Road and Aldington Road and adjoins industrial zoned land to the north, south and west. Industrial zoned land and rural-residential land adjoin the eastern boundary. Existing residences are located on immediately adjoining properties within the rezoned MRP. The nearest rural residential area is Mount Vernon, where the closest residences are over 400 metres (m) to the east and 500 m to the south from the proposed buildings.

Current Proposal

The Applicant submitted a request on 21 October 2022 to formally amend the development application from what was previously submitted and publicly exhibited, which included the reduction in proposed warehouse buildings from six to two and revisions to the layout and proposed levels of the site. This amendment was in response to issues raised by the Department and other government agencies and to accommodate the requirements of incoming tenants as they become known.

The development involves construction and operation of the first stage of the Westlink Industrial Estate including bulk earthworks, subdivision, construction and fit out of two warehouse buildings with hardstands, loading docks, offices, parking and landscaping. The development also includes construction of new internal roads and external road upgrades, site servicing and stormwater infrastructure. Warehouse 1 is approximately 480 m long, 15 m high and provides over 60,000 square

metres (m²) of gross floor area. Warehouse 4 is substantially smaller covering 17,000 m² of GFA and is 16.8 m high. The Applicant has secured major logistics companies as tenants for both warehouse buildings.

The development has a capital investment value of \$128 million and is expected to generate 160 construction jobs and 212 operational jobs.

Statutory Context

The development is classified as State significant development (SSD) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves construction and operation of a warehouse and distribution centre that meets the criteria in Section 12 of Schedule 1 in *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP). Consequently, the Minister for Planning and Public Spaces is the consent authority for the development under section 4.5(1) of the EP&A Act.

Strategic Context

In 2020, the WSEA was expanded by rezoning land further west to include the MRP. The rezoning was supported by a Structure Plan which provided a broad outline of development areas, key infrastructure and environmental protection areas.

In November 2021, the Mamre Road Precinct Development Control Plan (MRP DCP) was finalised. The MRP DCP builds on the Structure Plan, providing more detailed planning outcomes and development controls to ensure the MRP is developed in an orderly and coordinated manner. The MRP DCP sets planning outcomes for the transport network, built form, landscaping, water cycle management, and other aspects. Specific controls are also included for industrial developments covering built form, heights, setbacks, landscaping and amenity issues. The Applicant's initial proposal included some inconsistencies with the MRP DCP controls regarding landscaping, built form and stormwater management, however these were resolved via amendments to the development and engagement with the Department and key Government agencies.

Engagement

The Department exhibited the Environmental Impact Statement (EIS) for the development from 22 June 2021 until 19 July 2021. During the exhibition period, the Department received seven submissions from the public (four individuals and three special interest groups). Of these submissions, one objected, one supported and five provided comments. The Department also received advice from Penrith City Council (Council) and seven other Government agencies. Key issues raised in public submissions related to amenity impacts on residential areas including noise, privacy and construction impacts. Submissions also raised concerns about building heights, earthworks and road upgrades.

Council and government agencies requested further information on traffic modelling, roadworks and intersection designs, earthworks, retaining walls and landscaping, stormwater management, trunk drainage and noise. Government agencies requested closer alignment with the objectives and controls in the MRP DCP, in relation to the delivery of regional infrastructure, the built form of the industrial estate and the interface with the residential area of Mount Vernon.

The Applicant submitted an Amended Development Report (ADR) on 21 October 2022, which detailed changes to the development to address the issues raised, as well as incorporate the requirements of incoming tenants as they became known. Key changes to the application involved reducing the number of warehouses from six to two, amending the earthworks, retaining walls, the alignment of a local industrial road and removing the proposed café use.

Further design information relating to stormwater management was submitted on 23 March 2023, including an additional request to amend the development to include adjacent lots as part of the water management strategy for Stage 1. The Department accepted all amendments to the development application under Clause 55AA of the *Environmental Planning and Assessment Regulation 2000*, and the amended development is the subject of this assessment.

Government agencies have reviewed the amendments and were satisfied with the amended application and recommended a range of conditions for the development.

Assessment

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 ecologically sustainable development. The Department has identified the key issues for assessment are traffic and access, visual impact and landscaping, stormwater management and noise. The Department has also assessed all other relevant matters, including contamination, bushfire protection, air quality, heritage, flooding and biodiversity.

Traffic and Access

The MRP DCP identifies a road network to service growth and development of the precinct, which requires upgrades to the existing rural-level roads and new roads to provide access within the MRP. The development's road access is via Abbots Road which has been identified as requiring widening and upgrade works to service development. The Applicant, along with other landowners in the precinct, propose upgrades to Abbots Road and the adjacent Aldington Road and intersections, including a signalised intersection of Mamre Road and Abbots Road, to accommodate traffic generated by several proposed developments as an interim measure until the ultimate road upgrades are completed others.

The Applicant provided traffic modelling to demonstrate the proposed road and intersection works would accommodate traffic from the development and other developments proposed in the precinct. Transport for NSW (TfNSW), the Department and Council reviewed the modelling and confirmed the proposed road and intersection works would adequately and safely accommodate the development. The Department has recommended the upgrade works be completed prior to operation of the first warehouse building in the estate. The completion of these works are proposed to address the requirement for the Applicant to contribute to regional infrastructure in the MRP. The Department has also recommended ongoing operational traffic monitoring and coordination with other developers in the precinct, particularly during concurrent construction works.

The MRP DCP identifies a local industrial road passing through the site to provide access for land to the south. The Applicant proposed an alternate alignment for this road and following consultation with the landowners to the south, the Department accepted the proposed alternate alignment.

The Department's assessment concluded the traffic generated by the development would be adequately accommodated on the upgraded road network.

Visual Impact and Landscaping

The site is undulating with a height difference of around 40 m from 90 m Australian Height Datum (AHD) in the east to 50 m AHD in the west. The rural residential area of Mount Vernon is adjacent to the south-eastern boundary with the nearest residential dwelling around 400 m from the Stage 1 development area. Approximately three residences are elevated above the site with views across the precinct. The remainder of the residential area sits behind a ridgeline and does not have direct views of the site.

The development involves considerable earthworks to provide level building pads for the warehouses and hardstands, with the ground floor of warehouse 1 at around 65 m AHD and warehouse 4 at 66 m AHD. Warehouse 1 would be 15 m high and warehouse 4 would be 16.8 m high. Given the sloping topography of the site, this requires considerable cut on the eastern side and fill on the western side. The development includes landscaping that would meet the DCP target of providing 10% of the site with tree canopy coverage.

The Department's assessment of visual impacts concluded the development would substantially alter views of the site for two to three rural-residences in Mount Vernon that would overlook the rooftops of the warehouses. The development includes landscaping that would ultimately reduce the visual impacts as trees establish and mature over time. The Department has recommended conditions for maintaining landscaping and constructing building facades and roofs with non-reflective building materials in neutral colours to minimise the visual impacts. The Department acknowledges the development is an appropriate use of the site given its industrial zoning and has recommended conditions to minimise visual impacts. Future development within the site closer to the eastern site boundary will need to respond to the interface with Mount Vernon controls of the MRP DCP, including provision of a landscaped setback.

The Department also considered the visual presentation of the development to the public road network, noting warehouse 1 would be elevated 13.7 m above the level of Abbots Road at the site entrance. The Department raised ongoing issues with the Applicant's proposed landscape treatment and earthworks at this location and requested major changes to address potential visual issues and to ensure compliance with the DCP particularly around tiering levels. The Applicant developed a design that would respond more appropriately to the level differences, by including tiered retaining walls of varying widths and depth of landscaping to support mature growth. The Department was satisfied with the proposed treatment of this interface with the public road network.

Stormwater Management and Waterway Health

The Applicant is required to manage stormwater so the development does not increase flows to downstream areas, increase flood risks or reduce water quality. The Department consulted extensively with the Applicant, the Environment and Heritage Group and Sydney Water to ensure the proposed stormwater management infrastructure would meet the water quality and flow objectives of the MRP DCP. This involved detailed reviews of the Applicant's stormwater modelling and revised site layouts to incorporate the required infrastructure, including the provision of a naturalised trunk drainage corridor through the site, consistent with Sydney Water's regional stormwater scheme plan for the precinct. The water management strategy agreed for the Stage 1 development includes an on site detention basin with treatment infrastructure, irrigation onto residual land and retaining the remainder of the site as undeveloped land. The strategy also includes rainwater tanks for reuse and the establishment of a 25 m wide naturalised trunk drainage channel. The water management strategy would enable the Applicant to meet the water quality and flow objectives for the precinct for its Stage 1 development. It is envisaged the development would ultimately connect to Sydney Water's regional scheme infrastructure once it is built.

The Department has recommended the Applicant conduct detailed modelling of the water management strategy prior to the commencement of earthworks, with the final design to be approved by the Planning Secretary. The Applicant is also required to work with Sydney Water on the detailed design and delivery of the trunk drainage located on the site. With these conditions in place, the Department's assessment

concludes the development would incorporate sufficient stormwater infrastructure for Stage 1 to maintain flows and manage water quality.

Noise

Noise from operation of the warehouses may be audible at some rural residences in Mount Vernon if not carefully controlled through design measures and operational practices. The development would operate 24 hours a day with truck movements and loading activities the key sources of noise. The Department has developed a stringent night-time noise criteria for the development to ensure that cumulative noise from all developments across the precinct do not result in unacceptable noise impacts on residents. This approach is consistent with the Environment Protection Authority's *Noise Policy for Industry 2017* and is the culmination of the Department's consideration of multiple applications and noise assessments submitted for developments in the precinct. The approach is necessary to ensure that the large scale land use change occurring in the MRP does not result in substantial noise creep and unacceptable impacts on residential areas.

The Department considers the development can include design measures and operational management practices to meet the stringent noise criteria and has recommended conditions for a detailed design noise verification report to be approved by the Planning Secretary before the commencement of warehouse construction. This would ensure that all reasonable and feasible design controls are implemented on the warehouses to minimise noise transmission. The recommended conditions also require operational noise monitoring to measure compliance with the criteria throughout operation.

With these conditions in place, the Department concludes the noise impacts from the development would be minimised.

Summary

The Department's assessment concluded the impacts of the development can be appropriately managed through implementation of the recommended conditions of consent.

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 and would provide 212 operational jobs and invest \$128 million in the Penrith LGA
- would deliver key road and intersection works identified in the DCP, that would support further growth and development in the precinct
- would deliver components of the regional stormwater infrastructure as identified in Sydney Water's Stormwater Scheme Plan
- would meet relevant environmental and amenity objectives and controls identified in the DCP and supporting technical guidance.

On balance, the Department considers the development is in the public interest and should be approved, subject to conditions.

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1 Introduction

1.1 The Department's Assessment

This report details the Department of Planning and Environment's (the Department) assessment of the State significant development (SSD-9138102) for the Westlink Industrial Estate Stage 1. The development involves bulk earthworks, subdivision of the site into five lots, construction and fit out of two warehouse buildings with a total gross floor area (GFA) of 81,317 m², roads and external road upgrades, site servicing and stormwater infrastructure.

The Department's assessment considers all documentation submitted by ESR Developments (Australia) Pty Ltd (the Applicant), including the Environmental Impact Statement (EIS), Response to Submissions (RTS), Amended Development Report (ADR), submissions received from the public and advice from government agencies. The Department's assessment also considers the legislation and planning instruments relevant to the site and the development.

This report describes the proposed development, surrounding environment, relevant strategic and statutory planning provisions and the issues raised in submissions. The report evaluates the key issues associated with the development and provides recommendations for managing any impacts during construction and operation.

1.2 Development Background

The Applicant is the Australian division of an international real asset manager and property developer (ESR Group), that has undertaken developments and manages assets across parts of Australia, including the nearby ESR Horsley Logistics Park (SSD-10436).

The Applicant is seeking development consent for the first stage of an industrial estate for industrial, warehouse and distribution centre uses at Kemps Creek in the Penrith Local Government Area (LGA) (see **Figure 1**). Further stages of the estate within the development site will be subject to separate development applications.



Figure 1 | Regional Context

The development is located within the Western Sydney Employment Area (WSEA), which is the largest dedicated employment area in Sydney, see **Figure 2**. The WSEA was established in 2009 through State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP), now consolidated into the State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP). Since then, land within the WSEA has undergone development, with warehousing and distribution centres a predominant use. In recent years, demand for industrial land in Western Sydney has increased due to changes in the retail, freight and logistics markets and proximity to the future Western Sydney International (Nancy Bird Walton) Airport (the airport). To address this demand, additional land was added to the WSEA through the rezoning of the Mamre Road Precinct (MRP) for industrial uses (Precinct 12 on **Figure 2**). The MRP covers 850 hectares (ha) of land that comprised mostly rural-residential uses until it was rezoned for industrial uses in 2020. The MRP is expected to deliver 17,000 jobs when fully developed and would include industries that will service the airport.

Development in the MRP is guided by the Mamre Road Precinct Structure Plan 2020 and the Mamre Road Precinct Development Control Plan 2021 (MRP DCP), which are discussed in **Section 3**.

The development is one of the early proposals for industrial uses in the MRP. There are currently two approved industrial estates where construction is underway, including the Kemps Creek Warehouse, Logistics and Industrial Facilities Hub (SSD-9522), approved in December 2020 and comprising five buildings (as modified), and the Aspect Industrial Estate (SSD-10448), approved in May 2022 and comprising nine buildings. There are currently five other SSD applications under assessment by the Department for industrial developments within the MRP.

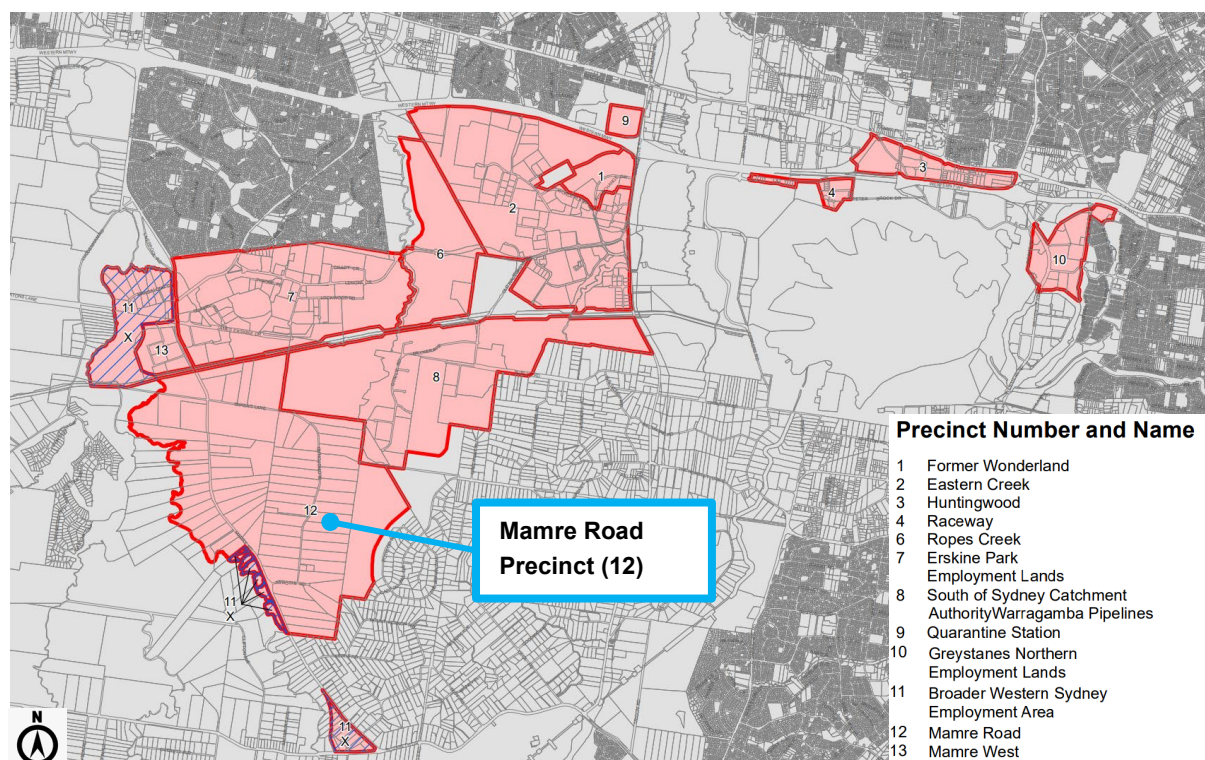


Figure 2 | Western Sydney Employment Area including the Mamre Road Precinct

1.3 Site Description

The Stage 1 site covers approximately 32 hectares (ha) of industrial zoned land at 290-308 Aldington Road, 59-62 Abbots Road and 63 Abbots Road, Kemps Creek (Lots 11, 12 and 13 in Deposited Plan 253503). As illustrated in **Figure 3**, the development site also includes two adjoining lots (Lots 3 and 4 DP 250002), which are owned by the Applicant and included in the site as part of the Applicant's stormwater management strategy (as discussed in **Section 6.3**) but remain undeveloped under this application. Development on this undeveloped land, and residue lots within the Stage 1 area, will be subject to future development applications as part of the broader Westlink Industrial Estate.



Figure 3 | The site and surrounding context

The site has previously been used for agricultural and residential purposes and contains farm dams and scattered vegetation. Dwellings, farm buildings, and other structures have been demolished since the application was lodged. The site topography is hilly, with high points in the north-east corner (90 m AHD) and south-east corner (91 m AHD) sloping down generally towards the western boundary (50 m AHD).

The site is located within the Wianamatta-South Creek catchment. Water flows via two first order streams converging into a second order stream within the site that discharges into neighbouring land to the west before flowing towards Kemps Creek and then on to South Creek.

The site currently has existing access driveways to Aldington Road and Abbots Road from previous land uses. Access to Mamre Road is available at the western end of Abbots Road. The roads in the MRP are currently designed to a rural road standard and require upgrading in order to accommodate the level and types of traffic generated by industrial development planned for the precinct. Access to the regional road network is achieved via the M4 and M7 motorways. The M4 Motorway is located

approximately 8 km to the north of the site via Mamre Road. The M7 Motorway is located approximately 10 km to the south-east of the site via Mamre Road and Elizabeth Drive.

1.4 Surrounding Land Uses

The site is surrounded by industrial zoned land to the north, south, west and part of the eastern boundary of the site, which was all rezoned as part of the MRP and remains predominantly undeveloped to date with existing rural residential and agricultural land uses. A place of worship is currently under construction approximately 470 m north of the site (230-242 Aldington Road). The closest existing residential receivers within the MRP are located on properties directly adjoining the site, approximately 33 m to the north and 20 m to the south-west.

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 MRP boundary (see **Figure 3**). Due to the location of the proposed buildings towards the northern and western part of the Stage 1 development area, the closest residences in Mount Vernon are over 400 m to the east and 500 m to the south from the proposed buildings. 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 approximately 2-3 residences with direct or partial views of the site.

2 Project

2.1 Amended Development

The Applicant submitted a request on 21 October 2022 to formally amend the development application from what was previously submitted and publicly exhibited. This amendment was in response to issues raised by the Department and other government agencies and to accommodate the requirements of incoming tenants as they become known.

The development for which the Applicant is now seeking approval involves construction of two warehouse buildings and associated bulk earthworks, subdivision, roads, site servicing and stormwater infrastructure as part of the first stage of an industrial warehouse estate.

Following exhibition of the Environmental Impact Statement (EIS) and preparation of a Response to Submissions (RTS) report, the Applicant requested to amend the development to address issues raised by the Department and other government agencies as well as to address needs of identified tenants across the estate as they became known. The amendments also aligned with revised staging of the development estate with the intention of setting aside parts of the site and adjoining land acquired by the Applicant to be subject to future development applications. The changes from the revised development proposed in the RTS include:

- reduction in number of proposed warehouses from 6 to 2
- adjustments to the size and orientation of the remaining proposed warehouses (Warehouses 1 and 4 respectively)
- changes to the proposed earthworks and retaining walls
- realignment of the north-south road on the site further to the west from what is identified in the MRP DCP
- deletion of the proposed café
- associated reductions in GFA and car parking to reflect the revised number of proposed allotments and warehouses.

The changes were reviewed, and the requested amendment was accepted by the Department in accordance with Section 55AA of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) on 27 October 2022. The amended development, which has been further refined since the ADR was submitted, is described in **Section 2.2** and forms the basis of the Department's assessment in this report.

A further request to amend the development was submitted to the Department on 27 March 2023 to incorporate adjoining land owned by the Applicant (Lots 3 and 4 DP 250002) into the development site area. This land forms part of the Applicant's revised stormwater management strategy, and any future development on this land will require demonstration that a revised stormwater strategy can maintain compliance with the MRP DCP stormwater targets and controls. The requested amendment was accepted by the Department in accordance with Section 55AA of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) on 12 April 2023.

2.2 Description of the Development

The main components of the proposed development are summarised in **Table 1** and shown in **Figures 4 to 8**, and described in full in the EIS, RTS, ADR and additional information included in **Appendix A**.

Table 1 | Main Components of the Development

Aspect	Description
Development summary	Bulk earthworks, subdivision, construction and fit out of two warehouse buildings and ancillary office space, landscaping, construction of estate roads and external road upgrades, site servicing and stormwater infrastructure.
Land uses	<ul style="list-style-type: none"> warehouse or distribution centres and ancillary offices
Site area	<ul style="list-style-type: none"> approximately 32 ha in area (not including Lots 3 and 4 DP 250002)
Subdivision	<ul style="list-style-type: none"> subdivision of Lots 11, 12 and 13 in Deposited Plan 253503 into five lots and road reserve – being two lots for development and three residue lots to be subject to future development applications
GFA	<ul style="list-style-type: none"> warehouse 1: 63,857 m² warehouse 4: 17,460 m² total: 81,317 m²
Maximum building height (from finished ground level)	<ul style="list-style-type: none"> warehouse 1: 15 m warehouse 4: 16.8 m
Earthworks, civil works and services extension	<ul style="list-style-type: none"> site preparation works, including farm dam dewatering, bulk earthworks and construction of retaining walls along site and internal lot boundaries provision of stormwater management infrastructure, including a stormwater detention basin and naturalised trunk drainage channel lead-in services and utilities
Road and intersection works	<ul style="list-style-type: none"> construction of internal public road (extension of Abbots Road) and private access road interim upgrade of Mamre Road and Abbots Road intersection via a planning agreement with the Minister and in consultation with TfNSW external local road upgrades via planning agreement with Council, including upgrade of parts of Abbots Road and Aldington Road and construction of signalised Abbots/Aldington Road intersection
Car parking	<ul style="list-style-type: none"> warehouse 1: 300 spaces warehouse 4: 96 spaces
Landscaping	<ul style="list-style-type: none"> landscaping within Warehouse 1 and 4 lots, planting around the detention basin and street trees along roads
Signage	<ul style="list-style-type: none"> one estate identification pylon sign at the corner of Abbots Road and Aldington Road

Aspect	Description
	<ul style="list-style-type: none"> wayfinding pylon signs for car parking and tenant identification for each warehouse or building tenant identification signs mounted on façades of each building
Construction timeframe	<ul style="list-style-type: none"> 15 months
Hours of operation	<ul style="list-style-type: none"> 24 hours, 7 days
Capital investment value	<ul style="list-style-type: none"> \$128 million
Employment	<ul style="list-style-type: none"> 160 full-time equivalent construction jobs and 212 operational jobs

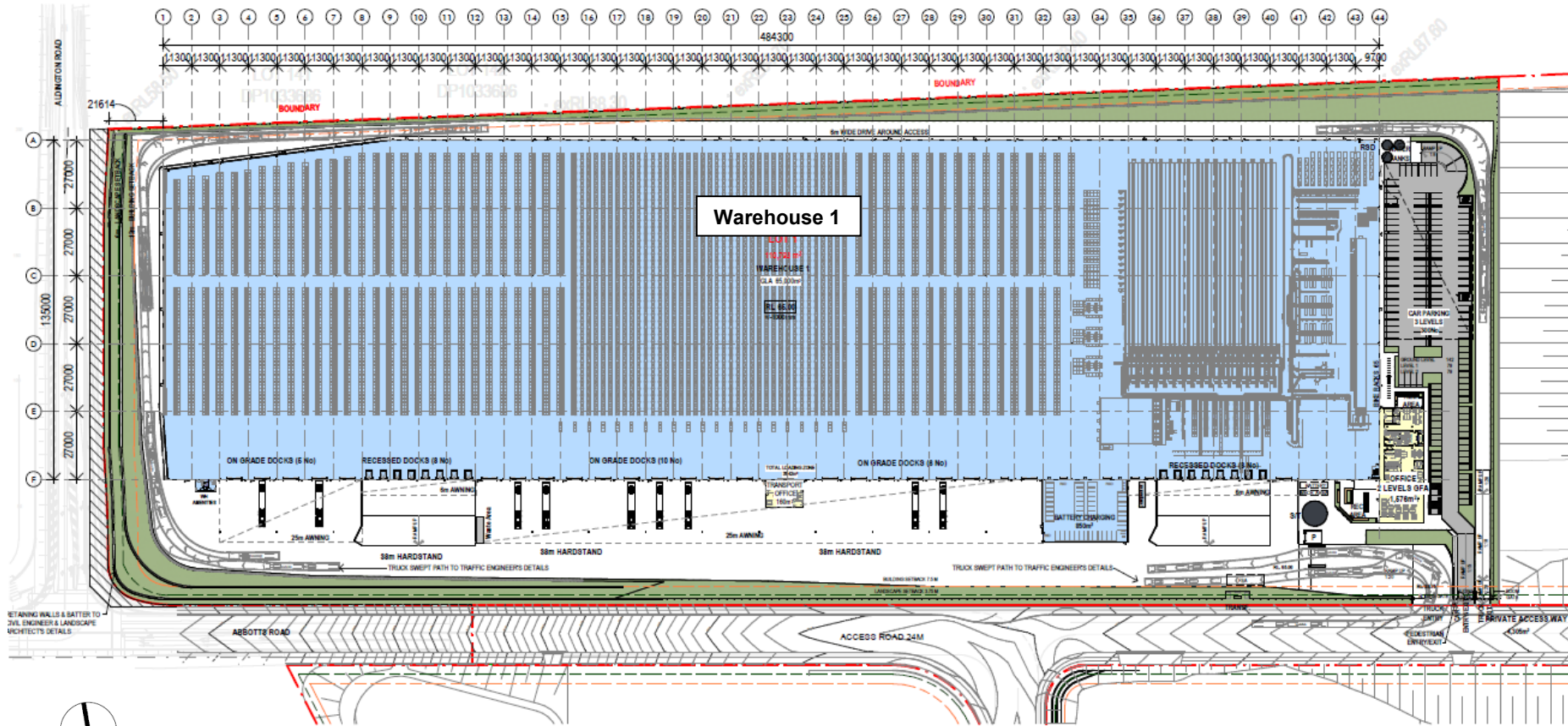


Figure 5 | Lot 1 Warehouse Layout

SITE AREA (LOT 1)	110,793m ²
WAREHOUSE (GFA) INCL WAREHOUSE AMENITIES EXCL LOADING ZONE (3729 m ²)	61,271m ²
BATTERY CHARGING CHAMBER	850m ²
OFFICE (2 STOREY)	1,578m ²
TRANSPORT OFFICE	160m ²
TOTAL BUILDING AREA (GFA)	63,857m ²
TOTAL CARS REQUIRED (RMS)	252
WAREHOUSE 1/300m ² (GFA)	
OFFICE 1400m ² (GFA)	
TOTAL CARS PROVIDED	300
PERMEABLE CARPARKING 40	

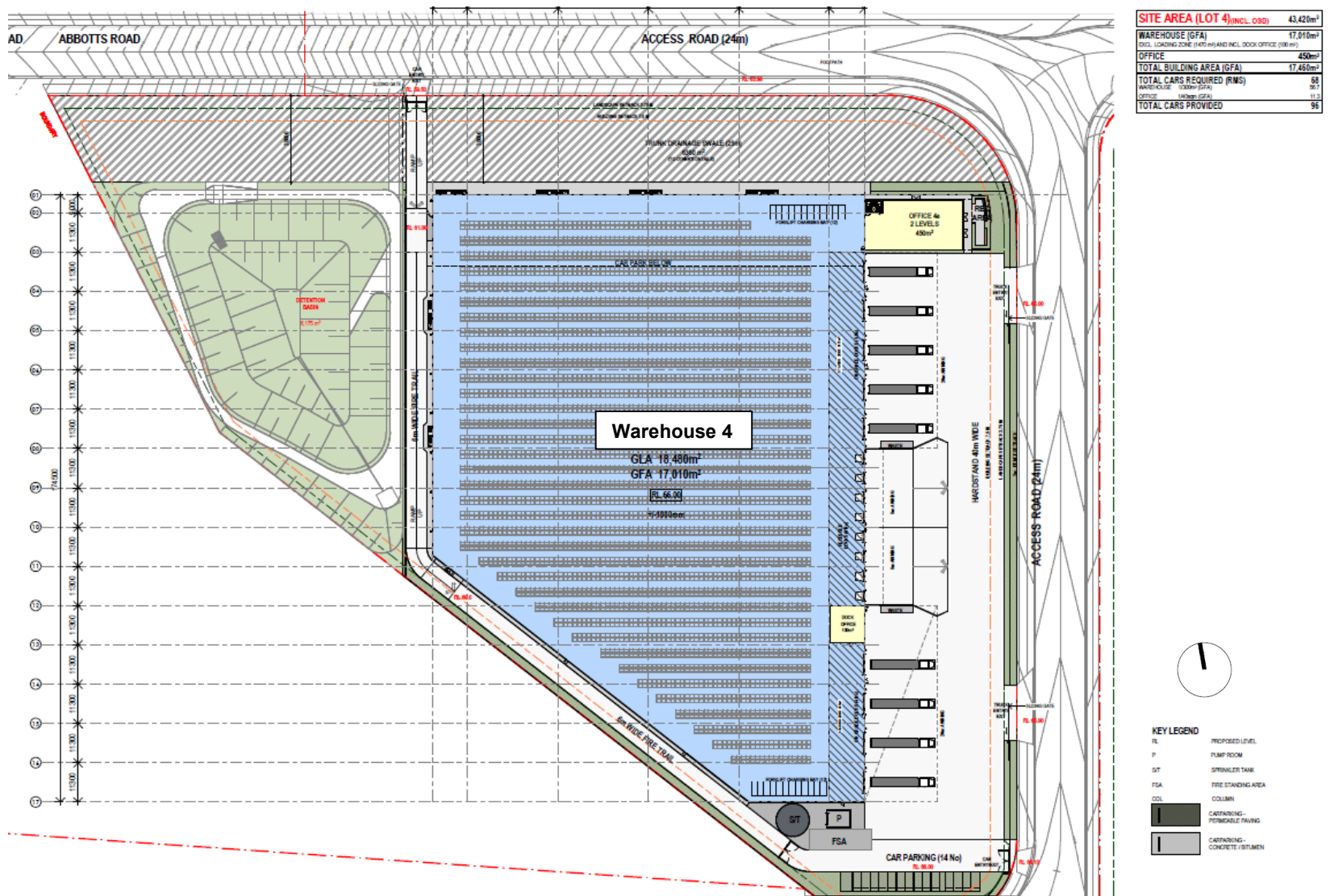
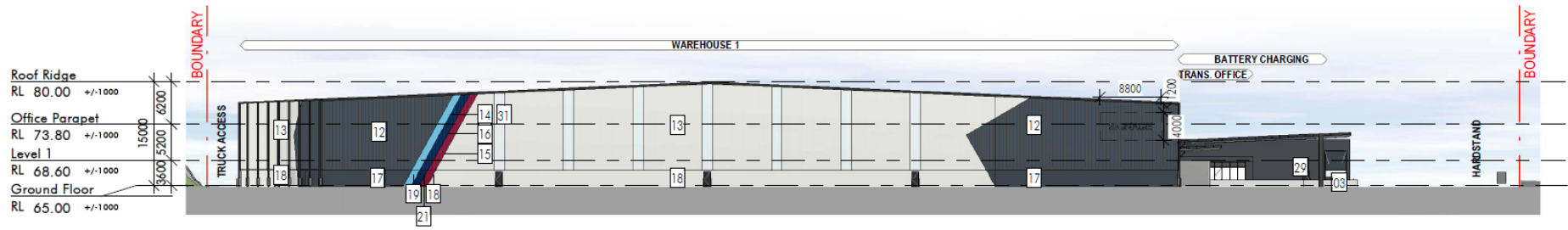
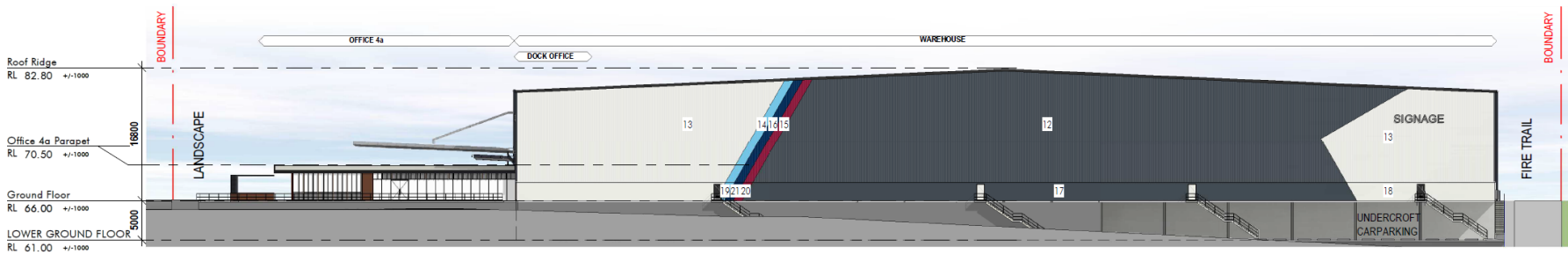


Figure 6 | Lot 4 Warehouse Layout



W LOT 1 WAREHOUSE WEST ELEVATION
1:750



N LOT 4 WAREHOUSE NORTH ELEVATION
1:500

Figure 7 | Warehouse elevations



Figure 8 | Landscaping Stage 1

2.3 Physical Layout and Design

The development layout was amended throughout the assessment process to align with the requirements of the MRP DCP and reflect identified tenant requirements. Key factors influencing the development layout include:

- the internal road network and tie-ins to Abbots Road and neighbouring land to the south
- stormwater management, including the regional scheme plan set by Sydney Water
- optimising cut and fill to enable large level pads for future buildings while addressing the MRP DCP requirements for retaining wall heights
- achieving the building and landscape setback requirements of the MRP DCP.

Warehouse 1 is located along the northern site boundary, oriented east-west, and is 484 m long and a maximum of 15 m high. The building has a total GFA of 63,857 m² (including office space), is roughly rectangular with a chamfered corner in the north-west, loading bays to the south, car parking at the eastern end with a three-level component, and hard stand around all sides. Landscaped setbacks are provided along all boundaries, with the widest along the south and west boundary. To accommodate the flat building pad required for the building, cut of the existing ground level is proposed at the eastern end of Lot 1, with fill proposed at the west. The pad is elevated about a maximum of 13 m above the proposed road level at the south-west corner of Lot 1, and up to about 18 m below existing ground level at the north-east of Lot 1.

Warehouse 4 is located to the south of Abbots Road, with loading docks and offices facing the eastern street frontage. Lot 4 also includes the naturalised trunk drainage channel and the estate on-site detention basin. The building has a total GFA of 17,460 m² (including office space) and a maximum height of 16.8 m from proposed ground level; it is roughly rectangular with a chamfered corner in the south-west. Car parking is provided under the northern end of the building with car park access from Abbots Road on the northern side over the trunk drainage channel. Heavy vehicle driveways are provided on the eastern boundary with hard stand around all sides. Landscaped setbacks (including the naturalised trunk drainage channel) are provided along all boundaries. To accommodate the flat building pad required for the building, cut of the existing ground level is proposed around part of the eastern side of Lot 4, with fill proposed mostly in the north-west. The ground floor level (excluding the lower ground level/undercroft car park) is elevated about a maximum of 7 m above the proposed road level towards north-west of the building, and is about level with the road to the east of Lot 4.

The proposed warehouse buildings would consist of metal wall cladding in light and dark grey, with feature façade materials and windows incorporated into the office components. Both warehouses will be used for logistics and distribution use and will likely contain racking and other storage-related components as part of the warehouse fit out.

Visual impact and landscaping are assessed in detail in **Section 6.2**.

2.4 Road Infrastructure

As the MRP develops, upgrades are required to the local road network to accommodate the traffic volumes generated by warehousing and industrial uses. The Applicant proposes to undertake some of the road upgrades to service the development. These works will also enable other development to occur in the precinct. The key road and intersection works that will be undertaken by the Applicant are listed

in Table 1 and described in detail in **Section 6.1**. The works are consistent with the MRP DCP and include:

- extension of Abbots Road from the existing cul-de-sac into the site, as well as a private road within the site, providing access to the proposed lots
- upgrades and widening of Aldington and Abbots Roads and construction a signalised intersection at the intersection of Abbots and Aldington Road to provide access to the site
- a signalised intersection at Abbots Road and Mamre Road, delivered as an interim design (to be further upgraded by others when Mamre Road is widened).

Traffic and access are assessed in detail in **Section 6.1**.

2.5 Stormwater Management Infrastructure

The development was amended throughout the assessment process to achieve a closer alignment with the objectives of the MRP DCP in relation to stormwater flow management and water quality targets. In December 2022, Sydney Water finalised a regional stormwater scheme plan formalising the requirements for and location of naturalised trunk drainage channels, storage ponds and treatment infrastructure to service development across the precinct. The Applicant revised the proposed development layout to accommodate the naturalised trunk drainage channel within the site (see **Figure 8**) identified by the scheme plan. Other stormwater management infrastructure on site includes a detention basin within Lot 4 and retention of undeveloped areas to irrigate captured stormwater.

Stormwater management and waterway health are assessed in detail in **Section 6.3**.

2.6 Infrastructure Contributions

The site is subject to the Western Sydney Aerotropolis Special Infrastructure Contribution (WSA SIC), which aims to provide for contributions to be made toward the provision of infrastructure in connection with the creation of the Western Sydney Aerotropolis. Upgrades to Mamre Road are some of the infrastructure items to receive funding under the WSA SIC.

The MRP Development Contributions Plan, adopted by Penrith City Council on 28 March 2022, also applies to the site and identifies the contributions that will be required from developers of land in the MRP to meet the cost of infrastructure needed to support that development.

As the road upgrade works proposed by the Applicant (see **Section 2.4**) form part of the infrastructure to be delivered under the WSA SIC and the MRP Development Contributions Plan, the Applicant proposes to offset costs of these proposed works against their development contribution obligations via planning agreements/works-in-kind agreements and has submitted letters of offer to enter into these agreements with the Minister and Council. Council has provided in-principle support to this approach and is in negotiations with the Applicant in relation to the proposed agreement. Standard conditions of consent are recommended requiring the Applicant to satisfy their obligations in accordance with both contributions plans.

2.7 Applicant's Need and Justification for the Development

The Applicant noted there is strong demand for industrial floorspace in the WSEA given its proximity to major road and freight corridors including the M4 and M7 Motorways. The proposed development is also located close to planned infrastructure including the Western Sydney Freight Line, Outer Sydney Orbital, Southern Link Road and the airport.

The development would assist in meeting the current shortfall in industrial warehouse space across Sydney. It would maximise employment opportunities in Western Sydney by providing high employment uses on industrial zoned land, consistent with the strategic objectives of the Industry and Employment SEPP. The development would also deliver road infrastructure to service the site and other developments in the MRP.

3 Strategic context

3.1 The Greater Sydney Region Plan – A Metropolis of Three Cities

In March 2018, the Greater Sydney Commission (GSC) released the Greater Sydney Region Plan: A Metropolis of Three Cities (the Region Plan) which forms part of the integrated planning framework for Greater Sydney, see **Figure 9**. The Region Plan is built on a vision of three cities; the Western Parkland City, the Central River City and the Eastern Harbour City.

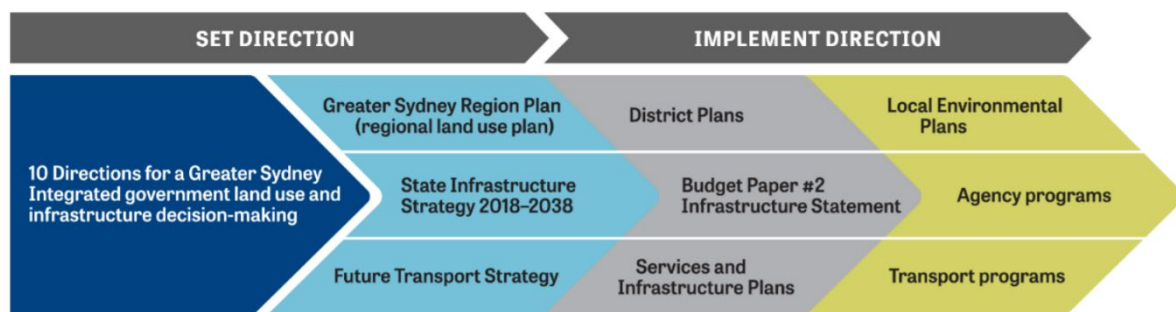


Figure 9 | Integrated Planning for Greater Sydney

The development is located within the Western Parkland City and would assist in achieving a number of key directions and objectives identified in the Region Plan, specifically it would:

- support the freight and logistics network with a new industrial / warehouse estate (Objective 16)
- utilise industrial land to provide local employment opportunities (Objective 23).

3.2 Western City District Plan

The GSC has released five district plans encompassing Greater Sydney which will guide the delivery of the Region Plan. The district plans set out the vision, priorities and actions for the development of each district.

The development is located within the Western City District. The Western City District Plan is a 20-year plan to manage growth in Western Sydney in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. It is a guide to implementing the Region Plan at a district level and is a bridge between regional and local planning. The development would contribute to the following Planning Priorities in the Western City District Plan:

- maximising freight and logistics opportunities and planning and managing industrial and urban services land (W10)
- growing investment, business opportunities and jobs in strategic centres (W11).

3.3 State Environmental Planning Policy (Industry and Employment) 2021

Chapter 2 of the Industry and Employment SEPP aims to promote economic development and employment, provide for the orderly and coordinated development of land and ensure development occurs in a logical, cost-effective and environmentally sensitive manner in the WSEA.

The development is generally consistent with the relevant aims set out in Section 2.1 of the Industry and Employment SEPP as:

- it is for general warehousing and distribution purposes
- it would create ongoing employment opportunities

- it would assist in coordinated development of the MRP by delivering key road upgrades that would service other development.

The Department’s assessment of the development against the relevant development standards of the Industry and Employment SEPP is provided at **Appendix C**.

3.4 Mamre Road Precinct

In 2020, the WSEA was expanded to include the MRP. The rezoning was supported by a Structure Plan which provided a broad outline of development areas, key infrastructure and environmental protection areas (see **Figure 10**).

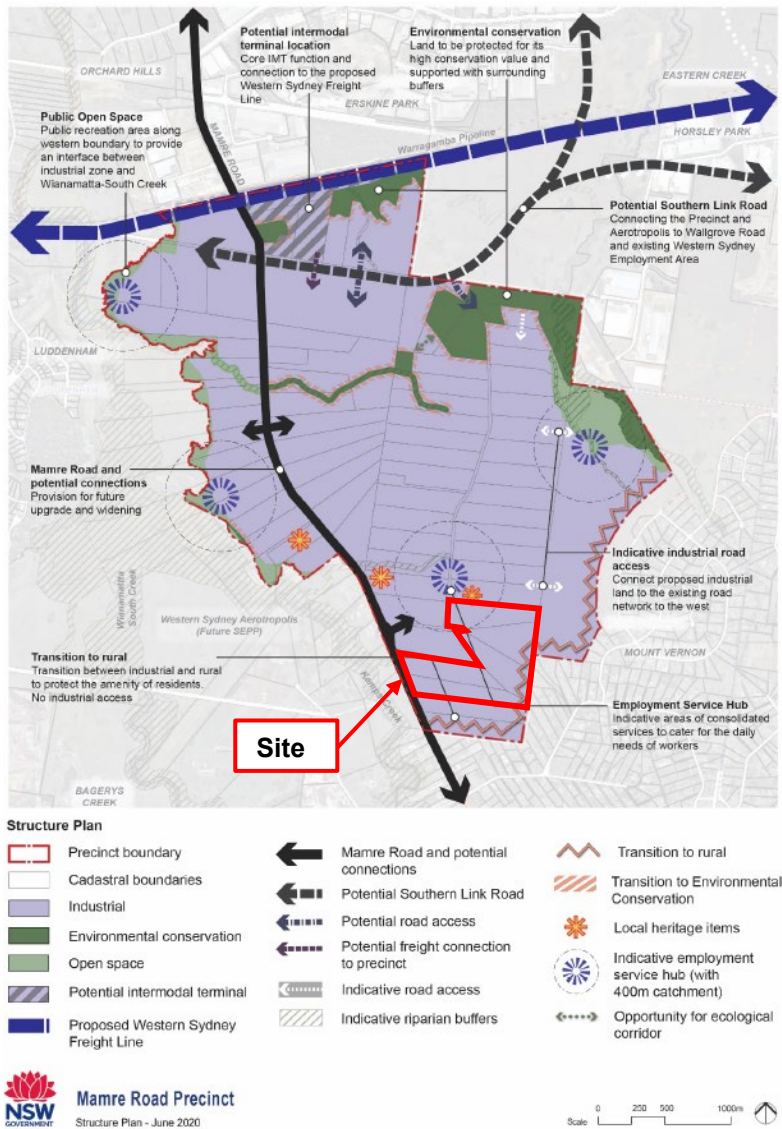


Figure 10 | MRP Structure Plan (site shown in red)

The development is consistent with the Structure Plan as it proposes industrial development on the IN1 zoned land, and does not include development within the ‘transition to rural’ area as part of the current development application.

On 19 November 2021, the Mamre Road Precinct Development Control Plan (MRP DCP) came into force. The MRP DCP aims to ensure that development across the precinct occurs in an orderly and coordinated manner. It establishes planning outcomes for the precinct covering the transport network,

biodiversity, riparian land, water cycle management, flooding, heritage and other aspects. Specific controls are included for industrial / warehouse developments covering built form, heights, setbacks, landscaping and amenity issues. The MRP DCP is supported by the *Mamre Road Flood, Riparian Corridor and Integrated Water Cycle Management Strategy 2021*, which provides further detail on how the waterway health and stormwater flow objectives of the DCP are to be achieved.

The Department and other government agencies consulted extensively with the Applicant to ensure the development is consistent with the planning outcomes of the DCP. The Department sought amendments to the design of earthworks, landscaping, stormwater management infrastructure and waterway health targets to align with the DCP. 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 generally consistent with the MRP DCP.

3.5 Western Sydney Aerotropolis

The MRP is located in the north-eastern corner of the Western Sydney Aerotropolis. The *Western Sydney Aerotropolis Plan 2020* (WSAP) outlines the vision for development and outcomes within the Aerotropolis. It identifies the intended strategic outcomes for the MRP as providing opportunities for logistics and distribution land uses connecting Western Sydney to the broader freight network and supporting the future operations of the airport. The plan also highlights the interface with Mount Vernon as a key consideration.

The proposed development and warehouse and distribution uses are in line with the strategic intention of the WSAP for the MRP and is consistent with the increase in freight and logistics land uses that will be constructed within proximity to the new airport .

It should be noted the planning controls for the Western Sydney Aerotropolis do not apply to the MRP as it was zoned under the Industry and Employment SEPP. However, the MRP has been identified in the Western Sydney Aerotropolis Plan (WSAP) as an initial precinct for enterprise uses. Due to the site's proximity to the new airport, certain controls under the State Environmental Planning Policy (Precincts – Western Parklands City) 2021, such as obstacle limitation surface, noise exposure and wildlife buffers, apply to the site and have been considered by the Department (see **Appendix C**).

4 Statutory Context

4.1 State Significance

The proposal is State significant development pursuant to section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves construction and operation of warehouse or distribution centres with a capital investment value of more than \$30 million, which meets the criteria in Section 12 of Schedule 1 in State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP).

4.2 Permissibility

The site is zoned IN1 General Industrial under the Industry and Employment SEPP. Warehouse or distribution centres are permissible with consent in the IN1 zone. Therefore, the Minister or a delegate may determine the carrying out of the development.

4.3 Consent Authority

The Minister is the consent authority for the development under section 4.5 of the EP&A Act. On 9 March 2022, the Minister delegated the functions to determine SSD applications to the Director, Industry Assessments where:

- the relevant local council has not made an objection
- there are less than 15 unique public submissions in the nature of objections, and
- a political disclosure statement has not been made.

Of the four public submissions received, one objected to the proposed development. Council did not object to the development. No reportable political donations were made by the Applicant in the last two years.

Accordingly, the application can be determined by the Director, Industry Assessments under delegation.

4.4 Other Approvals

Under section 4.42 of the EP&A Act, other approvals may be required and must be approved in a manner that is consistent with any Part 4 consent for the SSD under the EP&A Act.

TfNSW advised in its submission that the proposed works to the Mamre Road / Abbots Road intersection require consent from TfNSW under the *Roads Act 1993*. TfNSW recommended design amendments for the intersection works and advised the Applicant is required to enter into a Works Authorisation Deed with the TfNSW for the works. The Department has incorporated TfNSW's requirements into the recommended conditions.

The proposed widening of Aldington and Abbots Roads also require consent from Council under the *Roads Act 1993*. The Department has incorporated the recommended conditions provided by Council for these roadworks.

In its submission the Environment Protection Agency (EPA) advised that the development does not constitute a scheduled activity under the *Protection of the Environment Operations Act 1997* (POEO Act), therefore an Environment Protection Licence (EPL) is not required. The EPA also advised that if any future tenancies include scheduled activities, an EPL would be required prior to undertaking the activity.

4.5 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. The Department's consideration of these matters is set out in **Section 6** and **Appendix B**.

Under section 4.15 of the EP&A Act, the consent authority, when determining a development application, must take into consideration the provisions of any environmental planning instrument (EPI) and draft EPI (that has been subject to public consultation and notified under the EP&A Act) that apply to the proposed development.

The Department has considered the development against the relevant provisions of several key EPIs including:

- State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)
- State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP)
- State Environmental Planning Policy (Precincts—Western Parkland City) 2021 (Western Parkland City SEPP)
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)
- State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)
- State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP).

Development Control Plans (DCPs) do not apply to SSD under section 2.10 of the Planning Systems SEPP. However, developments in the MRP, as identified under the Industry and Employment SEPP, must consider the MRP DCP. The Department has considered the relevant provisions of the MRP DCP 2021 in its assessment of the development in **Section 6** of this report.

Detailed consideration of the provisions of all EPIs that apply to the development is provided in **Appendix C**. The Department is satisfied the proposed development generally complies with the relevant provisions of these EPIs.

4.6 Public Exhibition and Notification

In accordance with section 2.22 and Schedule 1 to the EP&A Act, the development application and any accompanying information of an SSD application are required to be made publicly exhibited for at least 28 days. The application was on public exhibition from 22 June 2021 until 19 July 2021. Details of the exhibition process and notifications are provided in **Section 5.1**.

4.7 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. These objects are detailed in section 1.3 of the EP&A Act. The Department has fully considered the objects of the EP&A Act, including the encouragement of Ecologically Sustainable Development (ESD), in its assessment of the application (see **Table 2**).

Table 2 | Considerations Against the Objects of the EP&A Act

Object	Consideration
<p>a) <i>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,</i></p>	<p>The development would promote social and economic welfare by generating 212 operational jobs on industrial zoned land in the WSEA and investing \$128 million in the Penrith LGA.</p>
<p>b) <i>to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i></p>	<p>The Department has considered the principles of ecologically sustainable development (ESD) in its assessment of the application. The Department required the Applicant to revise the proposed development to include a naturalised trunk drainage channel within the site, in accordance with Sydney Water's MRP stormwater scheme, to assist in the management of stormwater. This will also increase pervious surfaces and landscaping within the site.</p> <p>The development incorporates environmental safeguards and would promote social and economic growth by providing infrastructure and jobs. The development also includes ESD measures in the warehouse building to reduce energy and water consumption.</p>
<p>c) <i>to promote the orderly and economic use and development of land,</i></p>	<p>The development would ensure the orderly and economic use of industrial zoned land and would facilitate delivery of other development in the WSEA through the provision of key road infrastructure upgrades.</p>
<p>d) <i>to promote the delivery and maintenance of affordable housing,</i></p>	<p>Not applicable</p>
<p>e) <i>to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities,</i></p>	<p>The development is located on biodiversity certified land, see Section 4.9. The Applicant would pay contributions to offset the biodiversity impacts of its development in accordance with the Cumberland Plain Conservation Plan and Biodiversity and Conservation SEPP.</p>
<p>f) <i>to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i></p>	<p>The site has previously been disturbed by agricultural practices and is unlikely to support significant in-tact Aboriginal artefacts. There is a local heritage item adjacent to the site's northern boundary and the development incorporates setbacks and landscaping along this boundary to minimise impacts on the heritage item. The Department's assessment of heritage impacts and recommended conditions is at section 6.5 of this report.</p>
<p>g) <i>to promote good design and amenity of the built environment,</i></p>	<p>The development meets the objectives of the DCP in relation to building setbacks, landscaping, tree canopy cover and pervious area ensuring the built environment is of an appropriate standard.</p> <p>The Department raised concern with the design of earthworks and retaining walls proposed under earlier versions of the development design, and worked with the Applicant to improve presentation of the development fronting Abbots Road and Aldington Road and increase landscaping within these areas.</p>
<p>h) <i>to promote the proper construction and maintenance of buildings, including the</i></p>	<p>The buildings would be constructed to meet the requirements of the Building Code of Australia and</p>

Object	Consideration
<i>protection of the health and safety of their occupants,</i>	Planning for Bushfire Protection, 2019, protecting the health and safety of building occupants.
i) <i>to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State</i>	The Department consulted extensively with Council and other government agencies throughout its assessment of the application.
j) <i>to provide increased opportunity for community participation in environmental planning and assessment.</i>	The application was publicly exhibited for 28 days. The Applicant's RTS and ADR and all advice from government agencies were made publicly available on the Department's website, providing opportunity for public participation throughout the assessment process.

4.8 Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle*
- (b) *inter-generational equity*
- (c) *conservation of biological diversity and ecological integrity*
- (d) *improved valuation, pricing and incentive mechanisms.*

The potential environmental impacts of the development have been assessed and, where potential impacts have been identified, mitigation measures and environmental safeguards have been recommended.

As outlined below, the site is subject to biodiversity certification under the Cumberland Plain Conservation Plan (CPCP) and the development is not anticipated to have any adverse impacts on native flora or fauna, including threatened species, populations and ecological communities, and their habitats. The Department required the Applicant to revise the proposed development to include a naturalised trunk drainage channel within the site, in accordance with Sydney Water's MRP stormwater scheme, to assist in the management of stormwater. This will also increase pervious surfaces and landscaping within the site. As such, the Department considers that the development would not adversely impact on the environment and is consistent with the objectives of the EP&A Act and the principles of ESD.

4.9 Biodiversity Development Assessment Report

At the time the subject application was lodged, the EIS was accompanied by a Biodiversity Development Assessment Report (BDAR) as required by section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act). The BDAR was subsequently updated to consider the amended development and assessed each of the relevant matters in accordance with the BC Act.

However, since the amended application and revised BDAR were submitted to the Department, the Cumberland Plain Conservation Plan (CPCP) has been finalised. On 17 August 2022, the Minister for Environment and Heritage approved the CPCP, which provides biodiversity certification for 200,000 hectares of land in Western Sydney. Under the CPCP, the entire site is identified as urban capable land.

Section 7.6 of the BC Act states that part 7 of the BC Act, including the need for a BDAR or offsets, does not apply to biodiversity certified land. Further, section 8.4 of the BC Act stipulates that an assessment of the likely impact on biodiversity of development on biodiversity certified land is not required and a consent authority is not required to take into consideration the likely impact on biodiversity of the development carried out on that land.

Chapter 13 of the Biodiversity and Conservation SEPP was made on the same date as the CPCP and provides planning controls to achieve the development and biodiversity outcomes of the CPCP. The Department's consideration of the Biodiversity and Conservation SEPP is provided in **Appendix C**.

The cost of delivering the CPCP's biodiversity offset program is to be recovered through developer contributions, either through the special infrastructure contributions program or State voluntary planning agreements. As the WSA SIC applies to the site, the Applicant will be required to meet their contribution obligations as part of consent conditions.

The Department's assessment of the Applicant's BDAR and the biodiversity impacts of the development is at Section 6.4

4.10 Commonwealth Matters

Under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act), assessment and approval is required from the Commonwealth 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 BDAR considered the potential for the development to impact on Commonwealth listed threatened species in accordance with the EPBC Act Matters of National Environmental Significance: Significant Impact Guidelines. The BDAR concluded the development was unlikely to have a significant impact on Commonwealth listed threatened species. The Applicant determined the development is not a 'controlled action' and a referral to the Commonwealth Government was not required.

5 Engagement

5.1 Applicant's engagement

The EIS outlined consultation activities undertaken by the Applicant during the preparation of the EIS including:

- engaging with agencies on any relevant assessment issues, as required by the SEARs, including an online workshop with some agency representatives
- letterbox drops to surrounding landowners
- a community information session.

Throughout the assessment process, the Applicant has also engaged with other landowners in the MRP in relation coordinating the delivery of regional road infrastructure. Further consultation has also been undertaken with some adjoining landowners since the application was amended in relation to the proposed change to the DCP road alignment within the site and fencing options to improve privacy and visual impacts.

5.2 Department's Engagement

After accepting the DA and EIS for the development, the Department:

- made it publicly available from **22 June 2021** until **19 July 2021** (28 days) on the Department's website
- notified landowners in the vicinity of the site about the exhibition period by letter
- notified and invited comments from relevant State government authorities and Penrith City Council.

In the time since the application was lodged, the Department has consulted extensively with Penrith City Council, Transport for NSW, the Department's Environment and Heritage Group, Sydney Water and the NSW Environment Protection Agency to discuss and resolve complex strategic and infrastructure issues relating to development across the MRP, including roads and traffic, stormwater management and noise. The outcomes of this engagement have assisted in the provision of advice to the Applicant and resulted in revisions to the development to address these broader strategic issues.

5.3 Submissions and Advice

During the exhibition period, the Department received seven submissions from the public (three special interest groups and four individuals), a submission from Penrith City Council, and advice from seven government authorities. Of the public submissions received, one objected to the development, one was made in support of the development and the remainder provided comments.

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 A**.

5.3.1 Key Issues - Public Authorities

Penrith City Council (Council) raised concerns with the development's non-compliance with controls in the then draft MRP DCP; required external road upgrades and consistency with the then unresolved designs for upgrades to Aldington Road, Abbots Road and Mamre Road; adequacy of the heritage impact statement; and the need for a contributions framework to be finalised prior to issuing of

development consent. Further information was requested in relation to flooding, stormwater management, traffic and roads, contamination, biodiversity, landscaping and heritage.

DPE Water Group requested additional information in relation to site water balance, dam dewatering and impacts to groundwater.

Heritage NSW requested additional information be provided in the Applicant's Aboriginal Cultural Heritage Assessment Report. Recommendations were also made with regard to registration of Aboriginal sites, involvement of appropriate Aboriginal knowledge holders in the development of the Aboriginal Cultural Heritage Induction and consultation with the Registered Aboriginal Parties to identify culturally appropriate native plantings to be incorporated with the landscape design.

Western Sydney Planning Partnership (WSPP) requested the Applicant ensure the development is consistent with aviation safeguarding requirements contained within the Western Sydney Aerotropolis Planning Package, including wildlife management and the Aerotropolis planning principles.

Environment and Heritage Group (EHG) (formerly Environment, Energy and Science Group) raised concern with the stormwater management strategy, including the proposed evaporative roof misting, and MUSIC modelling provided with the EIS. EHG provided water quality and flow objectives for the Wianamatta-South Creek catchment (that were included in the draft MRP DCP) and a MUSIC modelling toolkit for which the development is required to comply. It was also advised that the biodiversity and flooding assessments in the EIS were adequate, and no further comments were provided.

Transport for NSW (TfNSW) raised concerns with the traffic modelling and intersection design provided and requested additional information in relation to the Applicant's Framework Sustainable Travel Plan, intersection design and level of service, swept paths, and impacts of construction traffic.

NSW Rural Fire Service (RFS) raised no concerns and provided recommended conditions relating to management of asset protection zones, construction standards, provision of access roads and water and utility services.

NSW Environment Protection Agency (EPA) identified that the development would not require an EPL based on the information provided and had no further comments.

5.3.2 Key Issues – State Owned Corporations

Sydney Water provided comments on potable water, recycled water and wastewater servicing requirements for the site and advised that detailed requirements, including any potential extensions or amplifications, will be provided once an application is submitted by the Applicant for a Section 73 certificate. It was also advised that Sydney Water was undertaking Integrated Water Servicing Options analysis with the Department and further requirements for trunk drainage services would be confirmed.

Western Sydney Airport (WSA) requested further consideration of aviation safeguarding provisions, including wildlife attraction, and subsequent updates to mitigation measures to address wildlife management. Recommended conditions were also provided.

5.3.3 Key Issues - Private Businesses

Endeavour Energy raised no objections and provided comments on the electricity supply requirements for the site, including the need for a new pad mount substation within the site.

5.3.4 Key Issues - Public Submissions

One public submission objected to the development. Issues raised in the objection broadly related to land uses, building heights and earthworks.

Two public submissions provided comment on the development. One, from a landowner in Mount Vernon, requested that proposed buildings not encroach within the 30 m building setback from the rural-residential zone boundary as required by the MRP DCP. The other submission, from an adjoining landowner in Kemps Creek, raised concerns about potential amenity impacts from the development and requested additional information about road upgrades, privacy and noise impacts and influence on future development of their property.

One public submission was made in support of the development, citing economic benefits.

5.4 Response to Submissions, Amended Development Report and Additional Information

On 15 April 2022, the Applicant provided a Response to Submissions (RTS) on the issues raised during the exhibition of the development (see **Appendix A**), with additional information submitted to the Department on 26 April 2022. However, the RTS was not formally accepted and referred to agencies for comment due to concerns raised by the Department in relation to revisions made to the development as part of the RTS, including the need for the application to demonstrate how it can be undertaken independently of any other proposed developments, such as road access and delivery and earthworks.

In response to the issues raised by the Department, on 21 October 2022 the Applicant submitted a request to amend the development under Section 55AA of the EP&A Regulation and lodged an Amended Development Report (ADR) supported by revised plans and technical reports. As outlined in **Section 2.1** of this report, the amended development involved the reduction in proposed warehouse buildings from six to two and revisions to the layout and proposed levels of the site. The ADR was referred to Council and agencies for review and advice.

A summary of the government authority responses in relation to the ADR is provided below:

Council raised concerns about the proposed earthworks levels and building heights and the feasibility of proposed landscaping, particularly in retaining wall tiers. Further consideration was recommended of amenity impacts to adjoining rural residential uses. It was also recommended that consent not be granted to the development until the alignment of the upgraded Abbots Road and Aldington Road is gazetted. Conditions of consent were recommended relating to car and bicycle parking, electric vehicle charging bays, access and requirements for use of 30 m PBS Level 2 Type B vehicles.

DPE Water requested the Applicant quantify the maximum annual volume of water take due to aquifer interference activities required for the project and recommended a condition requiring the Applicant ensure sufficient water entitlement is held in a water access licence/s to account for the maximum predicted take for each water source prior to take occurring unless an exemption applies.

EHG advised that insufficient information was provided in relation to waterway health and requested additional information. This included a revised Erosion and Sediment Control Plan, a Water and Stormwater Management Plan and MUSIC modelling prepared in accordance with the MRP DCP and 'Technical guidance for achieving Wianamatta–South Creek stormwater management targets' (DPE 2022). Further information was also requested in relation to connection to the regional stormwater scheme and provision of a naturalised trunk drainage channel identified in the MRP DCP. EHG also noted that Order Conferring Strategic Biodiversity Certification on the CPCP came into force on 17

August 2022, however it was recommended that a condition of consent be included that requires the biodiversity measures to mitigate and manage impacts identified in the Applicant's BDAR be implemented as part of the development.

TfNSW requested additional information in relation to the design of the Aldington Road/Abbotts Road intersection, the Mamre Road/Abbotts Road intersection, traffic modelling and trip rates, swept paths and justification for car parking spaces in excess of the MRP DCP requirements. Further information was also provided to be considered when preparing an updated Framework Sustainable Travel Plan prior to commencement of operation of the development.

Sydney Water advised that the development must connect into the regional scheme infrastructure and provide the open natural trunk drainage channel identified in the Sydney Water MRP stormwater scheme (finalised in December 2022) and with regard to the draft 'Stormwater Scheme Infrastructure Design Guideline'. Further information was requested in relation to the trunk drainage channel, flooding impacts, proposed stormwater infrastructure on site, and compliance with the MRP DCP stormwater targets.

Heritage NSW noted the recommendations in the ACHAR and had no further comments.

FRNSW noted that the proposal has limited scope and application in regard to special hazards or special problems of firefighting and provided no comments or recommendations beyond that specified by applicable legislation.

WSA recommended a condition requiring that a Wildlife Management Plan be prepared prior to the commencement of construction, in accordance with the Applicant's wildlife hazard assessment.

RFS provided revised recommended conditions relating to management of asset protection zones, construction standards, provision of access roads and water and utility services.

Additional Information and Further Revisions

Additional information was requested from the Applicant following a review of the ADR by the Department and agencies. Key issues that required further consideration or revision were traffic, earthworks and retaining wall design, and stormwater management (including provision of a naturalised trunk drainage channel within the site). The Department also met with the Applicant and agencies on a number of occasions to discuss these issues and the requirements for the issues to be resolved. This further information (some over a number of revisions) was provided to agencies to review, and a summary of their responses is provided below.

Sydney Water advised that the additional information provided was satisfactory and provided recommended conditions relating to the design and delivery of the trunk drainage channel.

TfNSW advised that the additional information provided was satisfactory and provided draft recommended conditions.

EHG provided further advice relating to waterway health and options available for interim stormwater management systems in order to meet the stormwater targets. EHG also provided advice on recommended conditions of consent.

DPE Water advised it had no further comments to make.

In addition to this advice on the additional information, Council also provided further recommended conditions relating to road construction, car parking and landscaping.

The Department has considered the issues raised in submissions, the ADR 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 the submissions, the Applicant's RtS, ADR, and additional information in its assessment of the development. The Department considered the key assessment issues are:

- traffic and access
- visual impact and landscaping
- stormwater management
- operational noise impact.

The Department's consideration of the key assessment issues follows in **Sections 6.1 to 6.4**. Other issues considered by the Department include contamination, bushfire protection, air quality, heritage, flooding and biodiversity. These issues are addressed in **Table 4** below.

6.1 Traffic and Access

Background

The existing road network within the Mamre Road Precinct comprises rural-level roads that were designed to cater for low levels of traffic activity. As development across the MRP progresses, significant road upgrades and new roads will be required to support the increased levels of traffic (including heavy vehicles) that will be generated by this more intense land use.

Mamre Road is a State arterial road that services north-south journeys between the M4 motorway and Elizabeth Drive and provides connections to the Western Sydney Employment Area and the Western Sydney Aerotropolis. TfNSW is in the process of planning and implementing a staged upgrade of Mamre Road, including additional traffic lanes in each direction between the M4 Motorway and Kerrs Road, and new and upgraded signalised intersections to improve traffic flows and safety and accommodate additional traffic generated by development in the MRP and surrounding areas. While Stage 1 of the Mamre Road upgrade, between the M4 and Erskine Park Road, is progressing, Stage 2 of the works, which fall within the MRP (see **Figure 11**), will be undertaken at a later stage.

Managing the construction and operational traffic impacts of the development and ensuring access roads are designed and delivered in accordance with the MRP DCP is a key assessment issue. The Department has consulted extensively with TfNSW, Council, the Applicant and other landowners/developers in the MRP throughout the assessment process to ensure these aspects have been adequately addressed and appropriate measures are in place to manage traffic and access relating to the development and cumulative traffic from other development in the MRP.

The Applicant provided a Transport Management and Accessibility Plan (TMAP) as part of the EIS, as required by the MRP DCP, and updated versions of the TMAP in the ADR and additional information, which assessed the operational and construction traffic impacts of the development.

Road network and upgrades

The site currently has existing access driveways to Aldington Road and Abbots Road from previous land uses. Access to Mamre Road is available at the western end of Abbots Road. These roads are

currently designed to a rural road standard and require upgrading in order to accommodate the level and types of traffic generated by industrial development planned for the MRP.

DCP Road Network

The MRP Structure Plan identifies Mamre Road as a major transport corridor to support the growth of the MRP. The MRP DCP also identifies the road network for the Precinct, which includes the upgrade of Aldington Road and Abbotts Road as 'distributor' roads with signalised intersections at Mamre Road and the intersection of Abbotts Road and Aldington Road (see **Figure 11**). The subject site has frontage to the upgraded Aldington Road and Abbotts Road and the signalised intersection of the two roads. The DCP road network also identifies the extension of Abbotts Road into the site as a 'local' road, which also provides road access for land to the south of the site.

In accordance with the MRP DCP, all sites accessing Aldington Road must be accessed from the south via Abbotts Road and Mamre Road until the connection from Aldington Road to the future Southern Link Road is delivered. Access via Bakers Lane is not permitted.

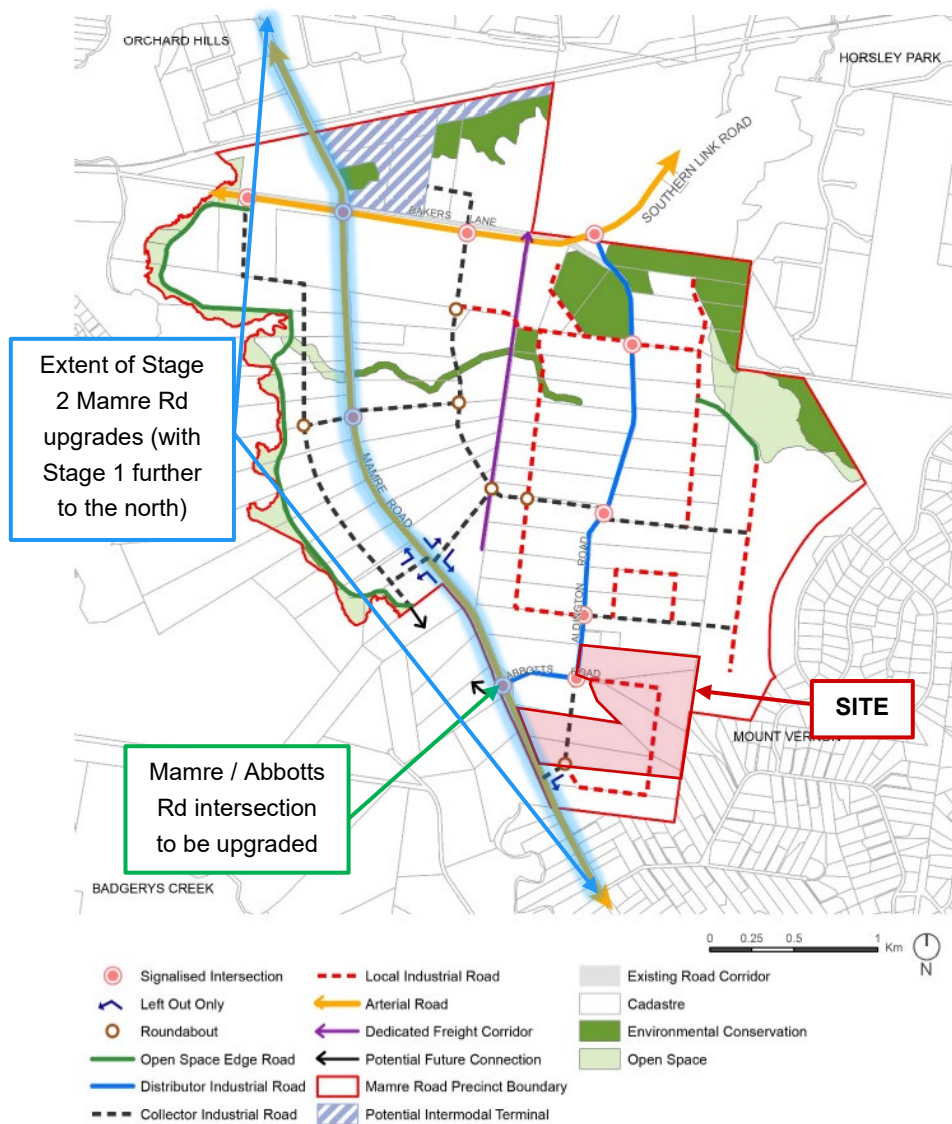


Figure 11 | MRP DCP Road Network

Proposed Road Upgrades

As mentioned above, an upgrade of Mamre Road within the MRP is being investigated by the NSW Government to provide upgrades that meet the standard required for an arterial road. However, the complete upgrade of Mamre Road by TfNSW is not expected to be delivered prior to the completion of construction of the subject development and other proposed or approved developments in the MRP.

Upgrades of the existing Aldington Road and Abbots Road are also planned, which will widen the road in accordance with the distributor road design requirements in the DCP, ensure the road meets the standards required of the movement of heavy vehicles, and establish signalised intersections along Aldington Road and at the Aldington/Abbots Road intersection. A design for the upgrade of these roads has been adopted and Council, as the roads authority, publicly exhibited the design and notified adjoining property owners in accordance with the *Roads Act 1993*. At the conclusion of this process, after considering submissions made in response to the road design, Council will place a notice in the Government Gazette in order to formally set the new road layout and levels. It is planned that this road corridor will be rezoned SP2 Infrastructure, and that Council will be identified as an acquisition authority for the land required for road widening and upgrade purposes. Similar to Mamre Road, the full upgrade of Aldington and Abbots Roads is not expected to be delivered by Council prior to the completion of construction of the subject development and other proposed or approved developments in the MRP.

As proposed development within the MRP is advancing ahead of the delivery of full road upgrades, the Applicant, alongside other landowners/applicants for developments on Aldington Road (being Fife Kemps Creek (SSD-10479) and Frasers (SSD-17552047)) (collectively known as the Landowners Group East), proposes to undertake external road upgrade works consistent with the MRP DCP road network in order to provide appropriate road access to the development sites and maintain adequate function of the road network. These works include construction of an interim signalised intersection at Mamre Road and Abbots Road (see **Figure 12**) to accommodate a certain amount of traffic growth until the ultimate intersection is delivered as part of the Mamre Road Stage 2 upgrade. The proposed intersection works include realignment of part of the intersection and road within privately owned land to the north of the existing road reserve and does not include the western leg of the intersection.

The Landowners Group East also proposes to undertake local road upgrade works along Abbots and Aldington Road in accordance with the adopted road design. As these works may occur prior to Council acquiring the additional land required within the full length of the road corridor, the Landowners Group East works are proposed to deliver full width upgrades along their site frontages and the frontage of land where other landowners' consent has been provided, with works only within the existing road reserve along the frontage of other land in the road corridor. Each of the applicants forming the Landowners Group East is individually proposing the necessary roadworks to provide certainty regarding adequate access to their sites.

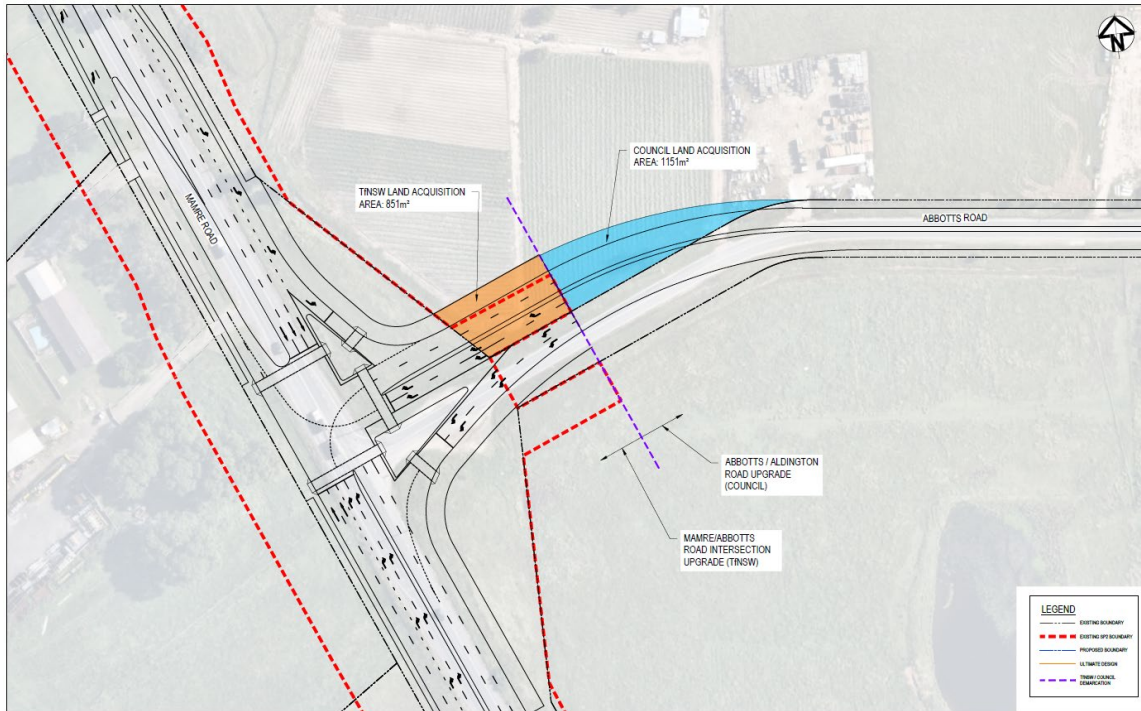


Figure 12 | Proposed interim signalled Mamre Road / Abbots Road intersection

The regional and local road works described above, and the design and supporting traffic modelling, have been subject to ongoing development since the subject application was lodged with input from the Department, TfNSW, Council and the Landowners Group East. As the road upgrade works form part of the infrastructure to be delivered under the WSA SIC and the MRP Development Contributions Plan, the Applicant proposes to offset costs of these proposed works against their development contribution obligations via planning agreements/works-in-kind agreements and has submitted letters of offer to enter into these agreements with the Department and Council.

Site Access and Estate Roads

The Applicant proposes to construct estate roads within the site as part of the development, including the extension of Abbots Road from the exiting cul-de-sac on the western side of the site to the southern site boundary and a private access road to the eastern boundary (see **Figure 13**). The location of the extension of Abbots Road, a local road under the MRP DCP is in accordance with the DCP road network for the extent that runs east-west; however, the north-south section of the road has been shifted to the west from the identified location in the DCP, as shown in **Figure 13**. The Applicant has requested this variation to the DCP road network in order to accommodate future stages of the estate. As this road provides public road connection to properties to the south, the Department required the Applicant to consult with adjoining landowners that would be affected by this road realignment and no objection was raised to the proposed new location.

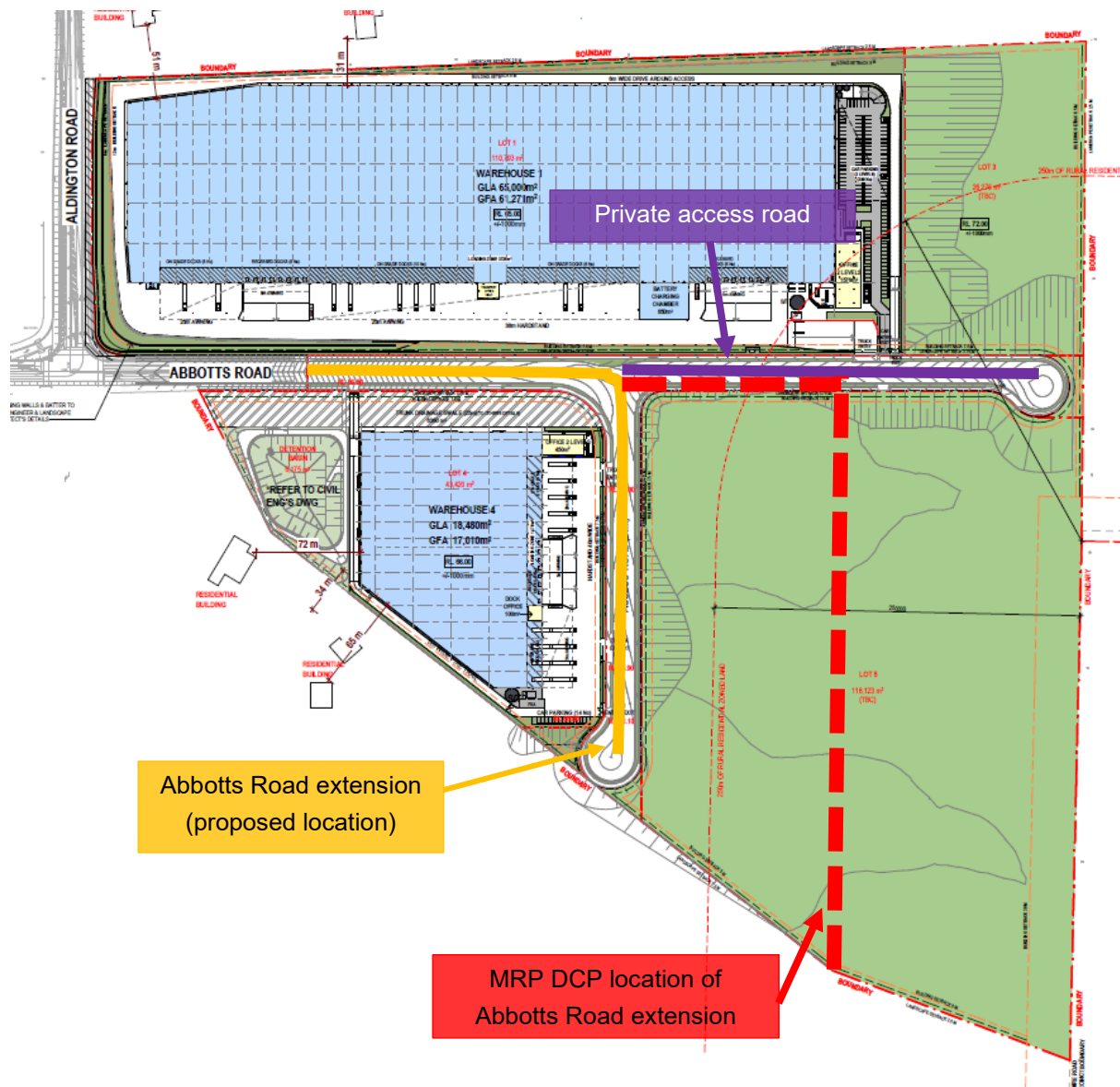


Figure 13 | Proposed internal estate roads

Access to Lot 1 will be achieved via the proposed private access road, while access to Lot 4 will be provided off the Abbots Road extension within the site. The car parking on Lot 1 is provided at-grade and within a multi-level car park, with the number of spaces provided in excess of the MRP DCP minimum requirement. The Applicant justified the additional parking spaces as an operational requirement of the tenant for Warehouse 1. Car parking for Lot 4 is provided as a lower ground floor under the northern end of Warehouse 4 and also meets the MRP DCP minimum spaces control.

The Department considers that adequate access is available to the site from the proposed upgrades to the existing Abbots Road and construction of roads within the site. Consent conditions are recommended requiring car parking and driveways be constructed in accordance with the relevant standards in the MRP DCP, incorporating recommended conditions from Council in relation to parking, end of trip facilities, provision of electric vehicle charging and the use of PBS Level 2 Type B vehicle on local roads requiring approval from the National Heavy Vehicle Regulator and Council's Asset Section.

Operational Traffic Impacts

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 Precinct. The Department notes that at the time of lodgement of the EIS for this application, this modelling had not yet been finalised but has since been adopted.

As the proposed development and others 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. The Landowners Group East, in consultation with TfNSW and the Department, prepared interim modelling for the year 2026 that incorporated road layouts proposed under current and approved development applications in the MRP, interim signalised intersections on Mamre Road and three signalised intersections on Aldington Road (see **Figure 14**).

Based on the delivery of these approved or proposed interim road upgrade / construction works, the 2026 modelling identified the amount of development and subsequent vehicle trip generation in the MRP that could be accommodated whilst maintaining an acceptable level of performance in the road network. Following a process of agency consultation and refinements, TfNSW reviewed the final 2026 modelling and advised that it was acceptable.

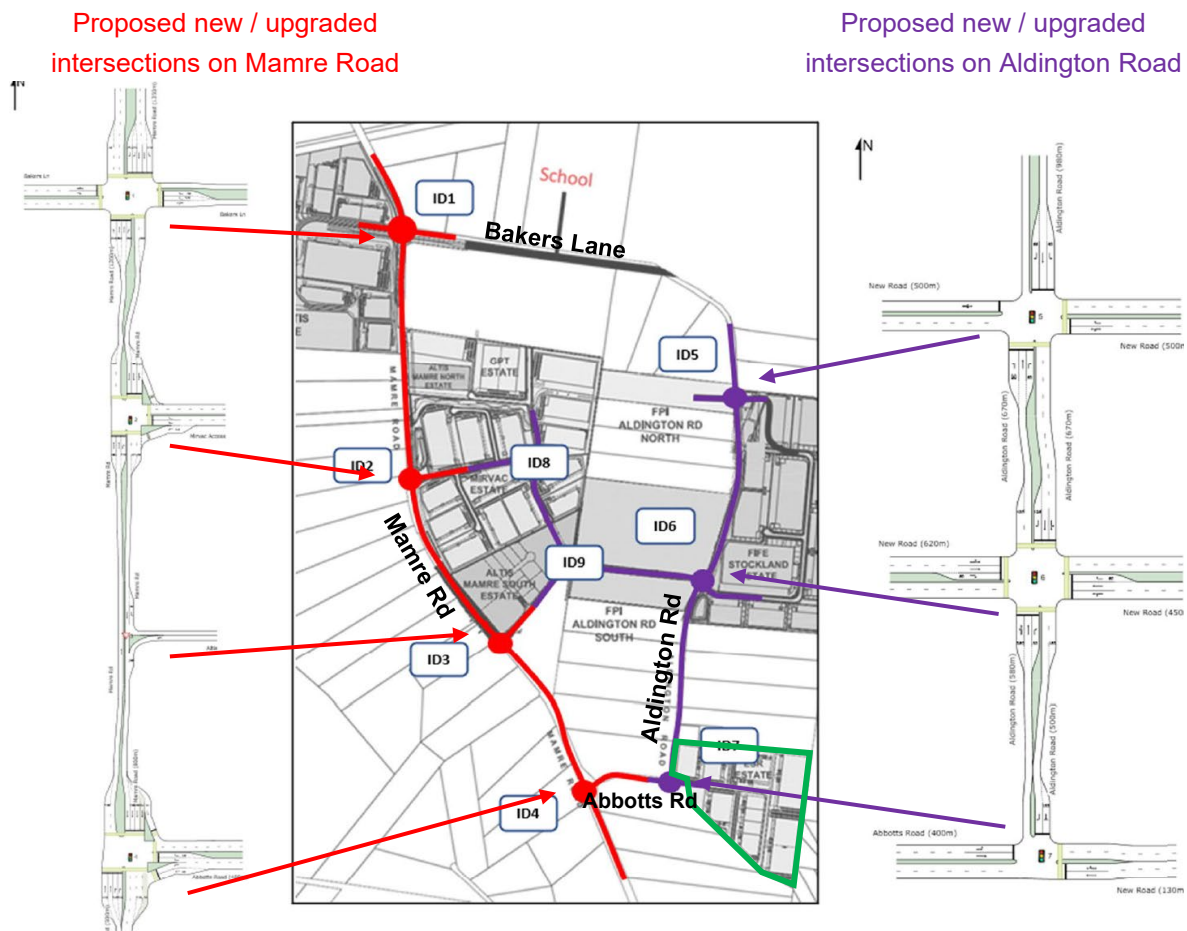


Figure 14 | Road network included in 2026 modelling, showing approved or proposed development sites with the subject site outlined in green

The Applicant's TMAP was updated a number of times since lodgement of the EIS to reflect revisions to the modelling assessment, and identifies that the development is consistent with the endorsed 2026 and 2036 precinct traffic modelling. The TMAP predicted operational traffic volumes in accordance with a trip generation rate provided by TfNSW – resulting in 2,376 daily trips with 188 trips in the AM peak period (7am-8am) and 196 trips in the PM peak period (4pm-5pm). With regard to the 2026 modelling, the TMAP finds that the identified traffic generation for the development represents 8% of the total acceptable traffic generation for the MRP in the peak hours based on the proposed road upgrades.

The 2026 modelling was used to identify the required design for the interim upgrade to the Mamre/Abbotts Road intersection, which is proposed to be delivered by the Landowners Group East. TfNSW has reviewed the proposed intersection design and has provided agreement-in-principle for the design and the requirement for traffic signals. This agreement is subject to further design refinement and TfNSW have provided conditions that include the need to enter into a Works Authorisation Deed for the Mamre Road/Abbotts Road intersection works with TfNSW prior to the commencement of works.

Council advised that upgrade works to Abbotts and Aldington Roads will require approval under the *Roads Act 1993* and recommended that consent not be granted until the road alignment for the upgrades to these roads is Gazetted. As the gazettal process is underway and the Applicant is required to obtain Council's approval before commencing the upgrade works to the local roads, the Department considers that the finalised road design can be delivered to the satisfaction of Council via the recommended conditions outlined below, which have been reviewed by Council.

As the 2026 traffic modelling supporting the development has been endorsed by TfNSW and the agreement to the proposed external road upgrades have been provided by TfNSW and Council (as the relevant road authorities), the Department considers that the Applicant has demonstrated that appropriate road access to the site and adequate capacity on the surrounding road network can be achieved via the proposed road and intersection upgrades proposed to be undertaken. Further stages of the Westlink Industrial Estate under separate development applications will need to demonstrate that adequate capacity is available in the road network, or identify further road upgrades required to accommodate the additional traffic generated by those developments.

The TMAP identified that the external road works will be completed in stages over a period of approximately 13 months. To ensure the proposed road works are completed, the Department has recommended conditions requiring the external road upgrades and intersection construction, along with the internal estate roads, to be completed prior to the commencement of operation of the first warehouse to the satisfaction of Council and TfNSW.

In accordance with the MRP DCP, in order to manage industrial traffic using the MRP road network in the interim period until the ultimate roads and upgrades are completed, the Department recommends a condition of consent requiring that all vehicles accessing and departing the site from/to Mamre Road must travel via the upgraded Abbotts Road and not Bakers Lane, until the completion of the ultimate upgrade of Aldington Road and delivery of the Southern Link Road or otherwise agreed in writing by the Secretary, Council and TfNSW.

Construction Traffic Impacts

The development will generate traffic during the phases of construction works on-site and also during the proposed external road upgrades. This traffic, and cumulative construction traffic from other

development within the MRP occurring concurrently, will need to be managed appropriately in order to ensure safe operation of the road network.

A preliminary Construction Traffic Management Plan (CTMP) and additional construction traffic information has been prepared by the Applicant that identifies the further approvals required prior to the commencement of road works, and traffic control measures that are expected to be implemented during construction. A final CTMP will be required to be prepared in consultation with Council and TfNSW prior to commencement of construction.

The Applicant has identified that construction works will last around 15 months. Peak site construction traffic, when on-site earthworks, road and building construction works overlap, would generate 214 light vehicle and 196 heavy vehicle trips per day.

Periods of cumulative construction traffic are likely to be generated along Aldington and Abbots Road, concurrent with the construction of the subject development, from the proposed 200 Aldington Industrial Estate (SSD-10479) and 155-217 Aldington Road Estate (SSD-17552047) – subject to issuing of development consent – as well from the external road upgrade and intersection construction works. The Applicant provided consideration of the likely traffic volumes expected to be generated based on expected construction timeframes for each development and road works. The peak construction traffic period is estimated to be 13-15 months after the subject development commences construction on site, when the Mamre/Abbots Road intersection is under construction but nearing completion. During this period there would be a peak of 844 vehicle movements per day, or 77 vehicle movements per hour (39 inbound vehicles / 38 outbound vehicles) based on an 11-hour work day (7am to 6pm).

The preliminary CTMP highlighted the importance of commencing the road and intersection upgrades at an early stage while traffic generation from concurrent on-site earthworks will be relatively low due to 'balanced' cut and fill on sites that will not require as many heavy vehicles as may typically be generated. However, as construction vehicle trips will increase when building construction commences, having the road upgrade works completed as soon as possible will help manage the additional traffic.

The Applicant proposes implementing a dedicated Traffic Management Controller / Project Manager to oversee the proposed road upgrade works and concurrent construction on adjoining Landowner Group East development sites, who will coordinate significant traffic movement patterns and ensure communication between work sites. Traffic control measures likely to be implemented under the final CTMP include the use of speed limits, signage, traffic controllers present during works, and minimising heavy vehicles movements during peak periods. This is proposed to be supported by a communication strategy to ensure appropriate notification and engagement with surrounding landowners, and a monitoring program.

All construction vehicles will enter and depart the site from/to Mamre Road via Abbots Road and not Bakers Lane. Inbound vehicles are proposed to travel southbound on Mamre Road and turn left onto Abbots Road, while outbound vehicles will turn left from Abbots Road onto Mamre Road and continue south to Elizabeth Drive. This avoids schools and other sensitive lands uses on Bakers Lane and presents a safer option for vehicles leaving/entering Mamre Road until the signalised Mamre/Abbots Road intersection is constructed. This restriction will be included in the heavy vehicle driver code of conduct. Construction staff will be required to park within the site only.

A Road Occupancy Licence will be required to be obtained from the relevant roads authority and a Works Authorisation Deed (WAD) will need to be agreed with TfNSW for the delivery of any signalised

intersection. Both approval processes will require further consideration of cumulative construction traffic management.

The Department has recommended conditions of consent requiring the Applicant seek appropriate approvals from Council and TfNSW prior to commencing road works, incorporating advice from both TfNSW and Council.

The Department recognises that managing construction impacts across the precinct would require coordination and consultation between landowners and regular monitoring of interim traffic measures. In order to manage construction impacts of the development, the Department has recommended conditions requiring the Applicant to engage an Environmental Representative to oversee construction of the development. The Environmental Representative will be required to ensure that the Construction Environmental Management Plan (CEMP) is implemented and provide advice to the Applicant on the management and coordination of construction works on the site and with adjoining sites in the MRP. Similarly, the Applicant will also be required to join a working group with other relevant consent-holders in the MRP to review performance of the construction works, including identifying interim traffic safety measures to manage construction traffic and how these measures will be coordinated, communicated, funded and monitored.

The Department has also recommended conditions requiring the preparation of a final CTMP for on-site works and external road works in consultation with Council and TfNSW, to be included as part of the CEMP. The CTMP is required to include consideration of any traffic control measures required to manage traffic entering Mamre Road in the period before Mamre/Abbotts intersection construction is complete and a Driver Code of Conduct requiring truck drivers to utilise Abbotts Road to access/leave the site from Mamre Road and not Bakers Lane.

Subject to the Applicant receiving the appropriate approvals for road works from Council and TfNSW, and through the implementation of an approved CTMP, the Department considers that construction traffic generated by the development can be appropriately managed. The Environmental Representative and working group provide opportunities for coordinated monitoring of issues relating to construction traffic and responding to concerns or complaints that may be received.

Department's Assessment and Conclusion

The Mamre Road Precinct is in the process of undergoing significant change in land use, and the existing rural-level roads are not sufficient to cater for the industrial development planned for this area. The MRP DCP identifies a road network to service development across the Precinct, which was established in consultation with TfNSW, Council and landowners. A number of road upgrades are required to support the estimated 100,000 vehicles trips per day generated by the fully-developed precinct.

The Department has considered the TMAP and supporting information provided by the Applicant and advice from TfNSW and Council. The Department has also consulted extensively with TfNSW, Council, the Applicant and the Landowners Group East, to identify the road upgrades required to accommodate the development in the road network in the period before the ultimate MRP road network is delivered.

The proposed development would generate 2,376 vehicle movements per day. The Applicant's modelling has demonstrated the first stage can be adequately accommodated with the road upgrades and interim intersection proposed, when considered cumulatively with other developments proposed by the Landowners Group East.

The Applicant will continue to liaise with TfNSW on the design and delivery of the interim signalised intersections at Mamre Road and Abbots Road, and Abbots Road and Aldington Road. The Applicant will also continue to liaise with Council on the delivery of upgrades to Abbots Road. The Department has recommended conditions requiring that all external and internal road works are completed prior to the commencement of operation of either warehouse building in the development.

Further, the Department has recommended conditions for the internal access roads and parking areas to comply with the relevant requirements of Council, TfNSW and Australian Standards. Conditions have also been recommended requiring the Applicant to establish and participate in a working group for MRP developments to encourage consultation and coordination between landowners while the precinct is being developed.

TfNSW and Council were engaged extensively in regard to traffic impacts and access arrangements and did not object to the proposed development, subject to the recommended conditions of consent.

The Department's assessment concludes the development would be adequately accommodated on the proposed road network. With the recommended conditions in place, the Department concludes that appropriate access arrangements are proposed, and traffic from the development would be adequately managed and would not cause unacceptable impacts on the performance of the local and regional road network.

6.2 Visual Impact and Landscaping

Background

Due to the greenfield nature of the site and surrounding land, the proposed development will alter views to and from the site and change the ground levels of the land. As the MRP is progressively redeveloped, the precinct will significantly change and the subject development will be one of many industrial estates in the area. Existing residences within the MRP will experience changes in views as the rural landscape changes to industrial. Adjoining properties in the rural-residential area of Mount Vernon will be sensitive to visual amenity impacts as the MRP develops. For this reason, the Department considers the visual amenity impacts are a key assessment issue.

The majority of existing residences directly to the east of the site in Mount Vernon are located behind a ridgeline that obstructs direct views toward the site, with approximately 2-3 residences with direct or partial views of the site (as indicated in **Figure 15**). These residences, although located over 400 m from the proposed warehouse buildings, are elevated above the site and will have views across the MRP. The elevation of these residences is above 90 m AHD, which represents a height of around 30 m above the proposed pad levels for Warehouse 1 on Lot 1 and Warehouse 4 on Lot 4.

The MRP DCP aims to protect the amenity of adjoining rural-residential areas and other sensitive land uses, while facilitating employment-generating uses. Areas within 250 m of the rural-residential area of Mount Vernon are identified in the DCP as 'visually sensitive' and the MRP Structure Plan identified this area as 'transition to rural.' Similarly, section 2.22 of the Industry and Employment SEPP applies to land within 250 m of land zoned primarily for residential purposes and requires consideration of visual amenity impacts of development in this area. For the subject site, only a portion of the office building and small areas of ancillary development on Lot 1 are located within 250 m. The remaining parts of the site within the 250 m are residual lots created by the proposal that will be developed as part of future development applications.



Figure 15 | Drone image taken from within the development site (proposed Lot 4), 16.8 m above the proposed pad level, looking east towards Mount Vernon
(source: Visual Impact Assessment report prepared by Geoscapes)

Applicant's Visual Impact Assessment

The Applicant provided a Visual Impact Assessment (VIA) which was updated to reflect revisions to the development layout. The VIA assessed the significance of the potential visual impact from the development on identified receptors within the MRP and adjoining areas. Recognising the rezoning of the MRP for industrial uses, the VIA identified a range of short to medium term visual impacts for receivers within the precinct as surrounding properties are redeveloped for industrial purposes. The VIA found that residential receivers in Mount Vernon with a direct view of the site will experience moderate visual impacts (see **Figure 16**). However, it was argued that the Applicant considered these visual impacts in its design and that proposed pad levels below the ground levels of adjoining land in Mount Vernon will maintain long distance views for these higher residential receivers. The pad levels for Lots 1 and 4 are also lower than the residue lots proposed within the site closer to the eastern boundary, which will also screen some parts of the proposed buildings when viewed from Mount Vernon. The VIA also identified that provision of landscape planting on the eastern boundary will assist in screening building facades and that it will be most effective after 15 years.

Further, with regard to the Mount Vernon interface controls of the MRP DCP (Section 3.3), the Applicant notes that only part of the office on Lot 1 falls within the 250 m transition zone and that future built form within the estate will screen the development on Lots 1 and 4 when viewed from Mount Vernon (subject to separate development assessment and determination).

Following review of the amended development, the Department raised concern about visual impact and headlight glare to the adjoining property to the north of proposed Warehouse 1 (located at 284-288 Aldington Road, Kemps Creek) given the movement of trucks around the warehouse building and the proposed pad level being higher than the adjoining property in the north-west corner of Lot 1. While this property has been rezoned for industrial use, it is currently still used for residential purposes. In response, the Applicant submitted revised plans providing a 2 m wide landscaped setback to the northern property boundary to help screen the retaining wall and warehouse, as well as installation of a 2.5 m high solid fence on top of the retaining wall to screen the truck driveway from the adjoining property (see **Figure 17**). The Applicant provided evidence of engagement with the landowner of this property in relation to this arrangement and that no objection was raised by this landowner. Further, the Applicant has offered to install a privacy fence around the immediate backyard of the property to improve privacy to the dwelling, particularly during construction works. The Department did not raise similar concerns for the residences directly to the west of Warehouse 4, as the development does not include vehicle circulation around the building (aside from a fire access track) and loading docks are located on the eastern side of the building, which reduces potential for lighting impacts from vehicles moving on the site.

The Applicant's assessment noted the reduced built form proposed under the amended development compared to original layout proposed in the EIS. It concluded that the rezoning of much of the surrounding area for industrial development will reduce the sensitivity to change for receptors within the MRP as redevelopment occurs, and the development will not have any significant adverse impacts on the adjoining higher rural residential areas due to screening from the existing ridgeline along the eastern boundary of the site as well as the landscaping that is proposed as part of the development.

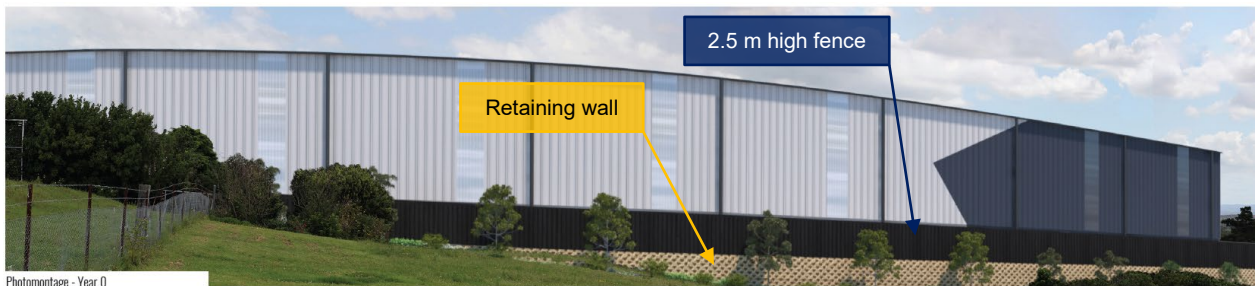


Baseline Photo



Photomontage - Year 0

Figure 16 | View of the site looking north-west from 52A Mount Vernon Road, showing the existing view (top) and after construction (bottom)



Photomontage - Year 0



Photomontage - Year 10

Figure 17 | View of the site looking south from 284-288 Aldington Road, showing landscaping at establishment (top) and after 10 years (bottom)

Earthworks and Retaining Walls

The MRP DCP encourages a balance of cut and fill across a development site and aims to ensure earthworks and retaining wall construction is suitably designed and landscaped to ameliorate its visual presentation to and from the public domain and adjacent properties. For retaining walls adjacent to the public domain, the MRP DCP requires retaining walls over 1 m to be tiered with a maximum 2 m high tiers and a cumulative height of no more than 6 m.

The site has steep topography with a fall of 42 m from the eastern boundary high point to the western boundary. As a result, the proposed large building pads require significant levels of cut, fill and retaining walls. These include walls within the site, along property boundaries and fronting Aldington and Abbots Road. The Applicant has identified that the operational requirements of the incoming tenant for the Lot

1 building has informed the proposed large-scale building proposed under the amended application, which includes heavy vehicle circulation around the building and large hardstand and loading areas. These requirements have subsequently driven the amount of larger amount of cut and fill required to achieve the level pad on this proposed lot, due to the existing ground level differences across the site.

Close to a balanced level of cut and fill is achieved across the site, which minimises the need to import/export material. The revised civil infrastructure report provided as part of the amended application identifies that the earthworks strategy also responds to road network levels, ensuring road connectivity to adjoining land to the south and managing upstream catchment stormwater flows.

The Department requested the Applicant identify opportunities to improve the appearance and scale of the development, particularly in relation to retaining walls visible from the public domain. A retaining wall directly fronting the public domain is proposed at the western and south-western end of Lot 1, which directly adjoins public roads (Aldington Road and Abbots Road). A significant amount of cut (eastern end) and fill (western end) is required to accommodate the large warehouse on Lot 1, which results in a level difference between the road and proposed pad level of up to 13.7 m in the south-west corner of the lot.

In response to concerns raised by the Department and Council on the proposed development layout in the ADR with regard to retaining wall design, level transition and DCP compliance, the Applicant revised the design of earthworks and retaining wall on Lot 1 to include increased areas of battering in order to accommodate increased landscaping and reduce the steep, stepped design proposed previously. The revised design comprises two 1 m high sandstone tiers closer to the road and a top tier of varying height up to a maximum of 6 m, separated by sloping landscaped spaces (see **Figure 18**). It incorporates an increased landscaped setback that is on average over double the minimum requirement under the MRP DCP, and up to 20 m at the corner of Abbots and Aldington Road where the level difference between Lot 1 and the road is greatest.

In addition, in response to concerns raised by the Department and Council, the Applicant also increased the setback of the fill retaining wall on the northern boundary of Lot 1 in order to provide sufficient space for improved landscaping between the wall and the property boundary.



Figure 18 | View of the site looking north-east from the intersection of Abbots Road and Aldington Road towards Lot 1, showing landscaping when first planted(top) and after five years (bottom).

Building Height

Due to the level of earthworks required to create level pads to accommodate the proposed warehouses, and the sloping topography of the site, parts of both proposed buildings exceed the MRP DCP height limits. For Warehouse 1, while the building is a maximum of 15 m from the proposed ground level, 13.6% of the building area encroaches the 20 m height limit from existing ground levels by up to 4.15 m, while 17.5% of the building area is below the existing ground level due to the amount of cut proposed at the eastern end of Lot 1. For Warehouse 4, which is a maximum of 16.8 m from the proposed ground level, 62.9% of the building area encroaches the 20 m height limit from existing ground levels by up to 2.02 m.

The MRP DCP identifies that a development that exceeds the building height controls must consider solar, wind and visual impacts of the building. The Applicant provided justification for the departure from the DCP height limit on the following grounds:

- the proposed building form responds to tenant requirements and the scale of the buildings is consistent with market demands as required in Western Sydney to support and complement the broader Aerotropolis;
- long distance views are retained, noting the adjoining Mt Vernon rural-residential area sits higher than the site;
- the impact of the buildings on the surrounding environment has been considered and mitigated where practical and the proposed height exceedances do not result in unacceptable solar, wind or visual impacts to surrounding uses or the environment.

Landscaping

Landscaping and unsealed areas within development sites aid in providing cooling and shade, assist in stormwater management and help balance the increase in areas of hardstand that will be experienced as the MRP is developed. The Greater Sydney Regional Plan sets a tree canopy cover target for metropolitan Sydney of 40% and the vision for the Western Parkland City includes a blue-green grid comprising an interconnected network of natural and designed landscape components, including water bodies and green and open spaces. Accordingly, the MRP DCP seeks to encourage development that contributes to this canopy cover target and provides functional areas of planting to enhance the presentation of developments in the precinct. This includes requirements for landscape setbacks, pervious surfaces and a 10% tree canopy on development lots.

The Applicant proposes landscaping within the Stage 1 site (around the boundaries of Lots 1 and 4) and the proposed road reserves (see **Figure 8**) as a key mitigation measure to reduce visual impacts from the proposed development, including views of the proposed buildings and retaining walls.

Following concerns raised by the Department and Council about the adequacy of landscaping design and soil dimensions to accommodate appropriate planting, the Applicant has provided updated landscaping and canopy plans that demonstrate compliance with the MRP DCP. As discussed above, this includes an increased landscape setback that exceeds the minimum requirements along the street frontages of Lot 1 in order to provide wider spaces between retaining walls to allow larger trees species establish and screen the retaining wall and building and provide an improved visual appearance from the public domain (see **Figure 18**). The Department also required the Applicant to provide larger planting within the basin area on Lot 4 to assist with screening the retaining wall between the basin and the building on this lot.

In order to ensure that appropriate landscaping is undertaken, the Department has recommended conditions requiring preparation of a landscape management plan to the satisfaction of the Planning Secretary to ensure that:

- plant species are consistent with the plant list in the MRP DCP,
- sufficient deep soil is provided for proposed large trees, including between retaining wall tiers,
- appropriate planting is proposed for the screening of the retaining wall on Lot 4, and
- compliance with the MRP DCP canopy cover targets is achieved.

In addition, conditions recommended by Council in relation to the provision of passively irrigated street trees within the road reserves have been included, which require these trees to be planted and protected to the satisfaction of the relevant road authority, as well as the provision of evidence that the trees contributing to the canopy cover target have been planted and are capable of achieving maturity.

Department's Assessment and Conclusion

The Department notes that the development site is currently largely undeveloped and located in an area characterised by rural-residential and agricultural land uses. As such, the development will have a significant impact on the existing appearance of the site. However, the land has been rezoned for industrial use and the Department considers the development is in line with the intended land uses of the MRP. Further, due to the large pad sizes proposed in steep areas of the site, the development includes high levels of cut and fill to create flat pads to accommodate the proposed buildings.

The Applicant's visual impact assessment noted that views across the site from Mount Vernon are mostly retained due to the lower elevation of the development lots, and that views looking south toward much of the warehouse on Lot 1 will be either fully or partly screened by the cut retaining wall proposed along much of the northern site boundary. Landscaping along lot boundaries is proposed to improve screening of views towards the development. While the large floor areas proposed, particularly for Lot 1, has driven the extent of earthworks required on the site, the Applicant has argued that the design of the proposal is in accordance with market demand for large-scale warehouse development.

The Department and Council previously raised concerns with the development design and presentation to the public domain. In response, the Applicant has provided updated retaining wall and landscape designs that reduce the bulk and height of walls directly adjacent to the street frontage and allow for increased landscape density and size that can help screen the larger wall and building elements, which have also been set back further into the site. The Department considers that this results in an improved outcome and has recommended conditions requiring the Applicant to provide the Department details of materials for retaining walls fronting public areas demonstrating suitable visual presentation prior to construction of those walls, and that the proposed landscaping be completed prior to the commencement of operation of the development. Consent conditions are also recommended that require maintenance of landscaping within the site and constructing building facades and roofs with non-reflective building materials in neutral colours to minimise the visual impacts.

In addition, the Department required the Applicant provide solid fencing along parts of the northern boundary above existing ground levels to reduce headlight and privacy impacts to adjoining properties to the north. Conditions are recommended requiring the Applicant prepare a signage strategy that considers minimisation of signage illumination or measures to control lighting impacts from sign illumination, and to ensure that lighting installed does not create a nuisance to surrounding properties and complies with AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting*.

The Department has considered the proposed earthworks and variations from the MRP DCP building height controls from existing ground levels, with over 60% of the building areas remaining within the height controls and the extent to which the heights are exceeded (a maximum of around 4 m for Warehouse 1 and 2 m for Warehouse 4), and notes that this does not represent a significant departure from the control or the objectives of the DCP. The Department notes that the proposed warehouses are significantly lower (around 30 m) than residences in Mt Vernon and would not significantly obstruct views from these locations. On balance and for this site, although the development exceeds the building height controls from existing ground levels in parts, the development maintains long distance views from adjoining areas of Mount Vernon, with the closest residences over 400 m east of the proposed buildings. The development also directly adjoins other industrial zoned land within the MRP, reducing the sensitivity of surrounding receivers in the long term as the precinct develops and views toward the site from other directions change. After the Department required the Applicant to make revisions to the development, particularly the building setback and retaining wall and landscape design for Lot 1, this resulted in improvements to the presentation of the development to the public roads. Additionally, the development does not adjoin or block views or solar access to areas of open space or riparian corridors identified within the MRP as required by the DCP.

The Department concludes that the development provides a satisfactory response to visual impact and landscaping in the context of an emerging industrial precinct. Future development within the Westlink Industrial Estate located closer to the eastern boundary adjoining Mount Vernon will need to have regard to the design and amenity requirements of the Industry and Employment SEPP and MRP DCP.

6.3 Stormwater Management and Waterway Health

Background

Land in the MRP is being redeveloped from agricultural to industrial, introducing large areas of paving, hardstand, buildings and roads. There is currently limited stormwater infrastructure in the area to support these land use changes. A key issue for projects in the MRP relates to each development providing sufficient infrastructure on site to manage stormwater flows and water quality to protect the Wianamatta-South Creek catchment and ensure development does not increase flows downstream or cause flooding.

The MRP DCP established objectives for restoring waterway health, managing stormwater flows and quality and ensuring the integration of water cycle management with development. The DCP is supported by the *Mamre Road Precinct Flood, Riparian Corridor and Integrated Water Cycle Management Report 2021* which provides further detail on how the objectives are to be achieved across the precinct. This includes the requirement for a Water Management Strategy for each development supported by MUSIC modelling to demonstrate how the development will achieve the objectives. The DCP notes that developments may require on site detention, gross pollutant traps, a percentage of permeable ground surfaces and passively irrigated street trees.

More recently, Sydney Water Corporation (SWC) has been appointed as the trunk drainage authority for the Western Sydney Aerotropolis and the MRP. SWC has developed a Stormwater Scheme Plan which outlines a regional approach to stormwater management involving naturalised trunk drainage channels, storage ponds and treatment infrastructure. The Stormwater Scheme Plan was finalised in December 2022. Developments in the MRP will connect to regional infrastructure when it becomes

available but must meet the waterway objectives in the interim by installing temporary infrastructure on site to manage flows and water quality, until the regional infrastructure is in place.

Construction Phase

The development proposes bulk earthworks across the 32-hectare Stage 1 area which would require careful management to limit soil erosion and sedimentation of waterways. The MRP DCP requires a detailed erosion and sediment control plan (ESCP) for each development, prepared by a chartered professional. The Applicant provided a conceptual ESCP, which EHG noted required additional detail to satisfy the DCP requirements. The Department requested further detail throughout the assessment process and ultimately agreed the detailed ESCP could be provided prior to earthworks commencing. The Department has recommended a condition requiring an ESCP prepared by a Certified Professional in Erosion and Sediment Control to be approved by the Planning Secretary prior to the commencement of earthworks. The Department has also recommended the Applicant appoint an Environmental Representative to oversee earthworks and construction and regularly monitor the implementation of construction management plans. The Department considers these conditions would ensure earthworks are managed to minimise impacts of erosion and sedimentation.

Proposed Water Management Strategy

The water management strategy for the development has evolved since the application was first lodged. The strategy has also been revised to address the requirements of the DCP and the Stormwater Scheme Plan, as requested by the Department, EHG, Sydney Water and Penrith Council. Importantly, this included the provision of a 25 m wide naturalised trunk drainage channel through the site, which wasn't included in the original application. In September 2022, EHG finalised its *Technical Guidance for Achieving Wianamatta South Creek stormwater management targets*, which includes a MUSIC modelling toolkit for Applicants to demonstrate that their development can meet the waterway health targets. The MUSIC model parameters were used by the Applicant to further develop the water management strategy for the Stage 1 development.

The Applicant's water management strategy included the following interim measures, see **Figure 9**. These would be in place until the regional scheme infrastructure is built.

- diverting external upstream flows into a piped network that discharges to a new stormwater pipe adjacent to Abbots Road. This pipe may be constructed as part of the Aldington and Abbots Road upgrade works, dependent on timing
- rainwater tanks on the two buildings capturing roof water to provide 80% of non-potable demand
- a stormwater detention basin / bio-retention basin to the west of Lot 4 to capture flows from developed areas and maintain discharge rates consistent with pre-developed conditions. Water from the detention basin would be irrigated onto 9 ha of land in the southern part of the site. Water quality treatment measures on the basin include bio-retention filter media and a gross pollutant trap to be installed immediately upstream of the basin to prevent litter and debris entering the basin.
- an evaporation pond to the east of Lot 4 that would capture flows from undeveloped parts of the site

- a 25 m wide channel for naturalised trunk drainage along the alignment shown in the Stormwater Scheme Plan. The channel length was shortened slightly to accommodate the proposed realignment of the local industrial road. The trunk drainage would have a piped connection to downstream infrastructure until the neighbouring land to the west is developed with a continuation of the trunk drainage channel.

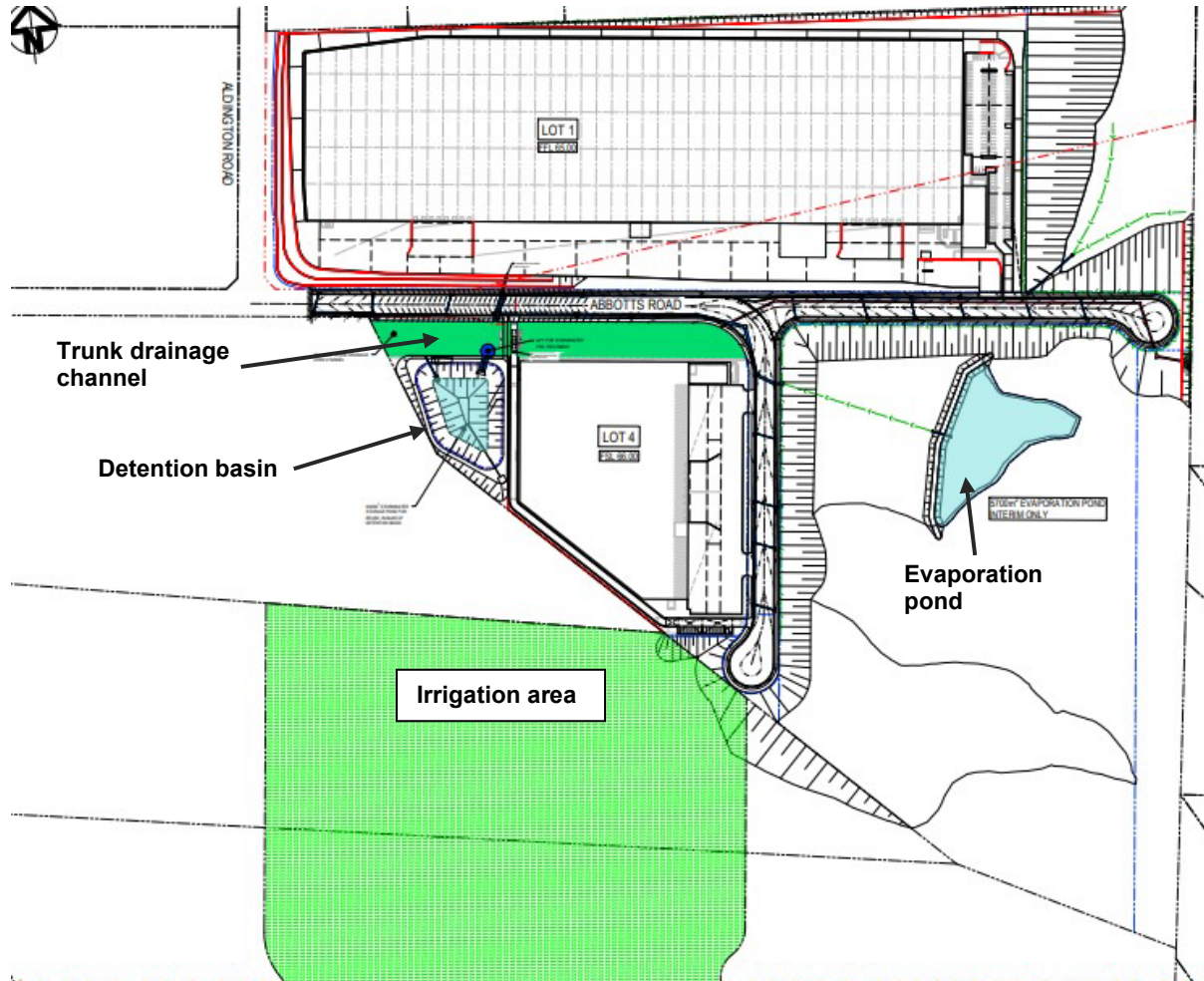


Figure 19 | Proposed Water Management Strategy – Stage 1 Interim Measures

Once the regional scheme infrastructure is built, or when further development is proposed on the site, the Applicant would need to update the water management strategy which may involve removing or modifying some of the interim measures proposed for Stage 1. These components would be assessed in future development applications.

Agency Advice

The Department consulted extensively with government agencies throughout its assessment of the application to ensure the water management strategy would meet the objectives for the precinct. The key issues needing resolution included the incorporation of trunk drainage into the design as it was not initially included, removing proposed roof misting and large underground storage tanks that were a feature of the original strategy and ensuring the proposed strategy would meet the water quality and flow targets for the precinct.

As part of EHG's detailed review, it was identified that the proposed water management strategy would not meet the relevant targets. The strategy was not designed to freely drain (due to inconsistencies in the proposed levels), it included an evaporation pond that would provide limited benefits and the proposed detention basin was excessively deep, presenting water quality, management and safety risks. The MUSIC modelling accompanying the strategy also included fundamental errors such as incorrect catchment sizes.

Given the inadequacies of the proposed strategy, EHG presented an alternative approach that would likely achieve the water quality and flow targets, subject to further modelling. This approach is described below and shown on **Figure 20**. The Department and EHG discussed the approach with the Applicant, noting that further modelling would be required to support and develop the detailed design. The Applicant agreed to the proposed strategy and requested the modelling work be undertaken prior to the commencement of works on site.

In relation to the trunk drainage infrastructure, Sydney Water was satisfied with the adoption of a 25 m wide naturalised trunk drainage channel and indicated it would work with the Applicant to ensure the detailed design is consistent with Sydney Water's *Stormwater Infrastructure Technical Guidelines (draft) 2022*, prior to works commencing on site.

Penrith Council initially requested further information on stormwater management but after reviewing the ADR and additional information provided no further comments.

Agreed Water Management Strategy

The agreed water management strategy involves retaining the rainwater tanks for non-potable reuse and the 25 m wide naturalised trunk drainage channel. The key changes include:

- an on-site detention basin with reduced depth to provide flood detention and to irrigate water onto residual land
- removing the proposed evaporation pond
- retaining land to the east for irrigation
- retaining land to the south as undeveloped catchment to support Stage 1.

Department's Assessment and Conclusion

The Department liaised extensively with government agencies and the Applicant to ensure the water management strategy for Stage 1 would achieve the stormwater flow and quality objectives for the Wianamatta-South Creek catchment. The agreed water management strategy incorporates sufficient infrastructure and reserves undeveloped land to manage water flows and maintain water quality for Stage 1, until the regional stormwater infrastructure is in place. The Applicant would deliver a component of the regional stormwater infrastructure that is located within its site and the delivery of this infrastructure would be subject to the detailed design requirements of Sydney Water.

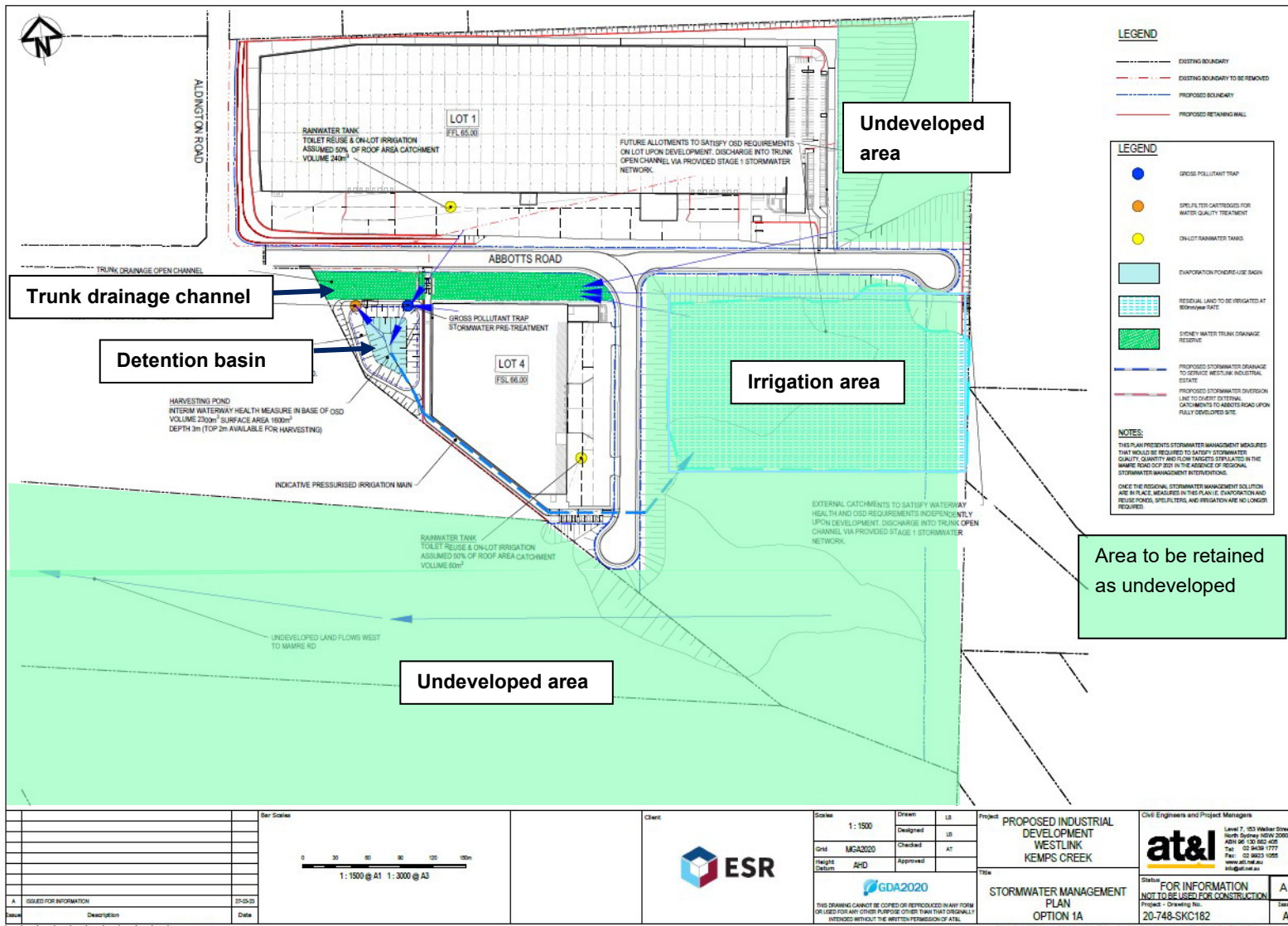


Figure 20 | Agreed Water Management Strategy – Stage 1 Interim Measures

The agreed water management strategy needs to be modelled to refine the design and the Department recommended a condition requiring that this work is completed prior to the commencement of earthworks. The design must be prepared in consultation with EHG, Sydney Water and Council and be approved by the Planning Secretary prior to the commencement of earthworks. Similar conditions are recommended for the trunk drainage infrastructure, noting the Applicant's proposed water management strategy had inconsistent levels, included infrastructure within the trunk drainage corridor that is suboptimal, and did not direct flows from the catchment into the trunk drainage channel. The Department considers these conditions would ensure the detailed design of the stormwater infrastructure is appropriate before works commence. The Department has also recommended the Applicant prepare a stormwater management plan detailing how the system would be monitored and managed throughout operation to ensure the quality and flow targets are met.

With these conditions in place, the Department's assessment concludes the development would incorporate sufficient stormwater infrastructure to manage stormwater flows for Stage 1, meet the water quality targets of the DCP and be consistent with Sydney Water's Stormwater Scheme Plan. Sydney Water and EHG were satisfied with the approach and recommended conditions for the development. The Applicant has committed to implement part of the regional stormwater scheme located on its site and would work with Sydney Water on the detailed design of this infrastructure. It is envisaged that the Stage 1 development would ultimately connect to the regional stormwater scheme once it is operational, and the interim measures would be decommissioned. Future stages of development on the site may also necessitate alterations to the approved stormwater infrastructure. These would be assessed separately in subsequent development applications.

6.4 Operational Noise Impacts

Background

The development is one of the early proposals in the MRP that will collectively and significantly change the area from a rural setting to an industrial and employment precinct. This change will alter the acoustic environment of the area which needs to be carefully and holistically managed. The management of noise impacts on existing residential receivers in the MRP and established residential areas such as Mount Vernon and Luddenham are key assessment issues for the proposal.

The development would involve 24-hour general warehousing use across two buildings and hardstand areas. The Applicant advised the main noise generating activities associated with the operation of the industrial estate includes:

- light and heavy vehicle movements
- unloading and loading operation in the hardstand areas, including side loading of A-double trucks
- waste management activities in the hardstand areas (such as baling cardboard and stacking pallets)
- operation of stationary mechanical plant such as exhaust fans and condensers.

Operation of a 24-hour industrial estate near rural residences has the potential to increase noise levels above the existing low background level, particularly during the quieter night-time period. The proposed development would also contribute to cumulative noise impacts as the precinct is progressively developed for industrial uses. Cumulative noise from the MRP is the combined sound of many indistinguishable industrial noise sources that could unacceptably alter the existing background noise environment if not suitably managed during the planning phase.

Mount Vernon Residences

Applicant's Assessment

To assess the impact of on-site operational noise on nearby residences in Mount Vernon, the Applicant considered the guidance and objectives from the EPA's Noise Policy for Industry (NPfl). The Applicant's assessment derived a set of project-specific noise criteria of $L_{Aeq,15min}$ 40 dBA, 38 dBA and 38 dBA for the day, evening and night periods, respectively. In addition, the Applicant nominated a maximum noise level criterion of L_{Amax} 52 dBA to assess the potential sleep disturbance impacts from short duration noise events. This set of noise criteria have been established by the Applicant based on limited background noise monitoring data collected in November 2021 at 30-38 Mount Vernon Road.

The Applicant's modelling predicted $L_{Aeq,15min}$ levels of 36 dBA and 27 dBA for day and evening periods, respectively, at the most-affected residence in Mount Vernon under standard weather conditions, whereas $L_{Aeq,15min}$ 35 dBA and L_{Amax} 44 dBA were predicted for the night-time period under noise-enhancing weather conditions. The Applicant asserted its modelling is conservative, as it assumes a worst-case noise emission scenario.

The Applicant concluded the operation of the development would achieve compliance with its project-specific noise criteria at all residences in Mount Vernon at any given time without the need for specific noise management and mitigation measures. Regarding its contribution towards cumulative noise from the MRP, the Applicant concluded the predicted night-time operational noise of up to $L_{Aeq,15min}$ 35 dBA is sufficiently low (8 dBA below the recommended amenity level for rural residences of 43 dBA) and any residual noise impact could be managed by engaging with the Mount Vernon residents. The Applicant's consideration of cumulative impacts assumed that a receiver would not be impacted by more than three to four individual industrial noise sources at any given time.

Throughout the assessment process, the Department raised the following concerns:

- anomalies in the measured background noise levels at night (limited period of monitoring that didn't exclude extraneous noises)
- uncertainties in the Applicant's assumptions and worst-case emission scenario (not considering worst case traffic levels, the use of A double trucks or waste management activities)
- absence of a cumulative noise impact assessment that is consistent with the NPfl (considered only three to four industrial noise sources, which conflicts with the NPfl methodology for clusters of industry)
- inadequate consideration of noise mitigation and management strategies established in the MRP DCP and NPfl.

The Department notes that while the Applicant has provided an amended noise assessment to address some of the issues raised, uncertainties remained regarding the worst-case emission assumptions, appropriateness of the project specific noise criteria and whether night-time operational noise from the proposal could be effectively minimised. The Department subsequently requested an independent peer review of the amended noise assessment. The peer review generally concurred with the Applicant's findings but considered the Applicant's project specific noise criteria were not appropriate.

Department's Assessment

The Department has carefully considered the information provided by the Applicant and identified gaps in the assessment and consideration of government guidelines. This included the provisions set out in the MRP DCP, how cumulative noise is assessed for proposed clusters of industry as set out in the NPfl, and the hierarchical approach to selecting mitigation measures, prioritising at source treatments first.

As per the NPfl, ensuring cumulative noise from a new industrial precinct achieves the recommended amenity noise levels for rural residences in Mount Vernon and Luddenham would minimise the potential for adverse effects upon receivers such as speech interference, community annoyance and sleep disturbance. The Department has assigned a noise contribution limit for the Stage 1 development, by apportioning the precinct-wide recommended amenity noise levels based on the development's land size, as a proportion of all developable industrial land within the MRP (850 ha). This results in a night-time noise contribution level for the Stage 1 development of 27 dBA. 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 43 dBA at residences in Mount Vernon and Luddenham. This precinct management approach is in accordance with the NPfl and acknowledges that there will be substantially more than three to four 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.

Table 3 compares the predicted noise levels at the most-affected receiver with the noise criteria proposed by the Applicant and the noise limits recommended by the Department. **Table 3** indicates the development would comply with the Department's recommended limits for day and evening periods, however would require mitigation to comply with the night-time criteria of 27 dBA.

Table 3 | Comparison of predicted noise levels, Applicant's criteria and the Department's recommended limits (L_{Aeq,15min} noise level at Mount Vernon Residences)

Description	Day	Evening	Night
Applicant's predicted noise levels at the most-affected residence in Mount Vernon	36	27	35
Applicant's project-specific noise criteria	40	38	38
Department's recommended noise contribution limit for the Stage 1 development	37	32	27

The Department acknowledges the Applicant has provided an analysis of noise barrier options along the eastern site boundary (see **Figure 21**), noting that a barrier height of 10 m is predicted to reduce noise at the nearest receiver in Mount Vernon, from 35 dBA to 29 dBA at night. However, the Applicant has not recommended a barrier be constructed along the eastern site boundary nor investigated other noise control strategies as its noise assessment applied a less stringent criteria of 38 dBA compared to the Department's recommended limit of 27 dBA.

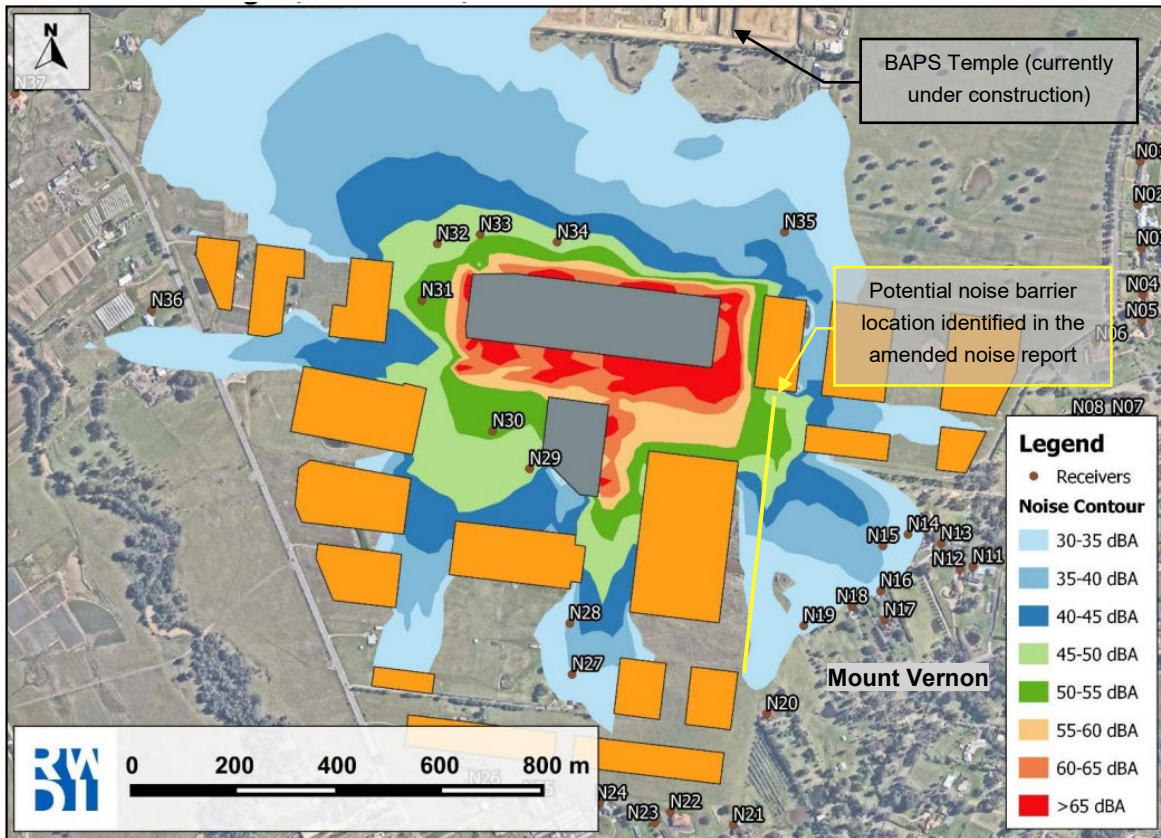


Figure 21 | Night-time $L_{Aeq,15min}$ Operational Noise Contour with Noise Barrier

The Department considers the development can be designed to meet the stringent night-time noise limit to protect residential amenity. Having regard to the MRP DCP and NPfl (as per EPA’s SEARs advice), the Department notes that compliance with stringent noise limits can be achieved by implementing mitigation strategies in the following order:

- establishment of land-use controls such as buffer and restriction zones and low-noise emission uses near the interface with noise sensitive areas
- incorporation of noise attenuation features in estate layout, building and mechanical services design (e.g. siting loading/storage areas, warehouse openings and outdoor mechanical plant away from the sensitive interface)
- selection of best available technology and/or adequately sound-proofing equipment to minimise noise emission
- adoption of operational procedures that minimise noise while retaining productive efficiency
- installation of acoustic enclosures and noise barriers to mitigate residual noise impacts
- restriction of night-time operational activities to avoid uncontrollable noise emission.

This hierarchical approach towards noise mitigation is consistent with the NPfl and the MRP DCP. The Department notes the Applicant’s assessment indicated there would be future industrial development on the remainder of its landholding to the south (as shown on **Figure 21**), however it did not assess the noise levels future development would generate as part of its cumulative assessment. Ensuring cumulative noise does not adversely impact on residences is a key consideration for the Stage 1

development and for subsequent stages of development on the site. Sympathetic site planning and design will be required for future developments at the interface with residential areas to manage cumulative noise. This may also necessitate less intensive land uses with minimal night-time activities or specific operational management practices and engineering controls to ensure amenity can be maintained for residences.

To ensure noise from the Stage 1 development is effectively minimised at Mount Vernon residences, the Department has recommended a condition requiring the Applicant to demonstrate its detailed design has considered the noise mitigation approaches outlined above. This includes land use controls, best available technology, loading dock management, at source controls, night-time restrictions or a combination of measures to ensure compliance with the recommended limits. The detailed design noise verification must be approved by the Planning Secretary, prior to the commencement of construction. The Department has also recommended the Applicant develop a noise monitoring plan in accordance with Section 7 of the NPfl to verify the actual performance of the development.

To ensure the development is operated in a manner that is consistent with the detailed design, the Department has also recommended a condition requiring the Applicant to submit an operational noise verification report within three months of the commencement of operation of the Stage 1 development to verify predicted noise levels. Should any unforeseen noise impact be identified during the operational noise verification study, the Applicant would be required to implement additional noise management and mitigation measures to address exceedances of the noise limits. The Department notes that the recommended noise limits would continue to apply to each receiver location unless negotiated agreement(s) are in place with the noise affected landowner. With reference to the NPfl, the Department notes the approach of managing noise at the receiver is the last resort and must only be considered in the event the recommended noise limits cannot be achieved after all at-source, transmission path and operational management measures have been exhausted.

Sensitive Receivers Within the MRP

The 24/7 operation of the development also has the potential impact on the acoustic amenity of existing noise sensitive receivers within the MRP, including a mix of existing rural residences surrounding the site and the BAPS Temple to the south of the site that is currently under construction (just over 400 metres away from the site boundary).

Applicant's Assessment

The amended assessment predicted operational noise to be over 5 dBA above the existing background noise during the night-time period at all existing rural residences within 150 m from the site boundary. However, the Applicant considered it unreasonable to provide any noise mitigation measures on the basis that residential properties on rezoned IN1 land would not be permanent fixtures within the MRP. Regarding the BAPS Temple, the Applicant's amended assessment has not specifically evaluated operational noise impacts at this noise sensitive use but warehouse buildings along the northern boundary are expected to provide shielding of the loading docks and roads within the estate, reducing operational noise to generally below 30 dBA near the boundary of the BAPS Temple.

Department's Assessment

The Department acknowledges the predicted 5 dBA exceedance of night-time operational noise criteria at rural residences within the MRP notes these impacts would temporarily affect residences until such time as the properties are redeveloped for industrial uses. The Department considers that negotiated

agreement(s) for receiver specific controls 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 enter into an agreement with the owner(s) of each noise affected property (N27 to N35 in **Figure 20**) prior to the commencement of operation of the Stage 1 development. This is considered a temporary measure that would end once the properties are redeveloped for industrial uses. .

A robust noise mitigation approach is required to ensure the operation of the development would not adversely affect the BAPS Temple. To achieve this, the Department has recommended a noise contribution limit of $L_{Aeq,15min}$ 34 dBA for outdoor passive use areas at the BAPS Temple, consistent with the NPfl.

Department's Assessment and Conclusion

The progressive development of the MRP will substantially transform the area from a rural setting to an industrial and employment precinct. This change will also incrementally alter the acoustic environment of the interfacing Mount Vernon rural residential area.

As the proposed Stage 1 development represents a small portion of the total developable industrial land within the MRP, cumulative noise impacts need to be holistically managed to protect residential amenity and minimise the potential for sleep disturbance. The Department has established appropriate noise limits, consistent with the MRP DCP and NPfl, to ensure operation of the Stage 1 development does not adversely impact on residential areas and does not prohibit development on other parts of the site or the MRP by using all of the precinct-wide allowance for noise increase at surrounding sensitive areas.

The Department has carefully considered the Applicant's preliminary investigation into noise mitigation strategies which demonstrates there is scope for noise impacts to be effectively minimised by using a combination of at-source and transmission path mitigation measures. The recommended conditions require the Applicant to design noise controls to minimise cumulative noise, so the development can operate without unacceptably changing the noise level at the Mount Vernon rural residential area.

The Department recognises the considerable but short-term nature of operational noise impacts at nearby rural residential properties within the MRP and has recommended negotiated agreements between the Applicant and noise-affected landowners be established to manage night-time noise.

The Department's assessment concludes the noise impact from the operation of the Stage 1 development can be appropriately managed through the implementation of best-practice measures and the recommended conditions of consent.

6.5 Other Issues

The Department's assessment of other issues is provided in **Table 4**.

Table 4 | Assessment of other issues

Findings	Recommendations
Contamination	
<ul style="list-style-type: none"> The Department has considered whether the site is contaminated and is suitable for industrial use in accordance with the Resilience and Hazards SEPP. The Applicant provided a detailed site investigation (DSI) for the site in the RTS along with a Remedial Action Plan (RAP). The DSI identified areas of environmental concern relating to past uses including poultry farming, commercial painting, fuel storage, uncontrolled filling, waste disposal, dams and hazardous building materials. Identified contamination included bonded and friable asbestos, hydrocarbons, pesticides and heavy metals. The DSI recommended further site investigation and remediation to make the site suitable for future industrial use. The RAP noted that building demolition may be required in order to gain access for further investigations. The RAP also included remedial methods for the known contamination (asbestos in soils) and provided options to remediate contamination that may be identified during supplementary investigations. The RAP concluded the site could be made suitable for the industrial land use subject to supplementary investigations and remediation. The Department considered the DSI and RAP noting that further investigations and remedial work are required before earthworks can commence. Given the previous land uses and the contamination that has been identified, the Department considers the remedial strategies proposed in the RAP are appropriate for the type and extent of contamination present. The additional investigations and remedial work must be undertaken prior to any earthworks commencing. The Department's assessment concludes the site can be made suitable for industrial use following remediation. The Department has recommended conditions requiring additional investigation, remediation and preparation of a site validation report prior to any earthworks or construction. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> undertake a supplementary site investigation update the RAP remediate the site prior to earthworks submit a validation report to verify the site has been remediated and is suitable for industrial use comply with regulations for the safe removal and disposal of asbestos containing materials.
Bushfire Protection	
<ul style="list-style-type: none"> The site is located on and adjacent to land mapped as Category 2 bushfire prone vegetation. The Applicant considered the bushfire risks to the development in a Bushfire Protection Assessment (BPA) prepared in accordance with <i>Planning for Bushfire Protection, 2019</i> (PBP). The BPA considered bushfire protection measures for construction of the buildings including provision of defensible spaces, access and water supply for firefighting, management of landscaping and emergency management. The development incorporates 9 m of defensible space around the buildings and proposes to meet the construction standards of 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> comply with the relevant provisions of <i>Planning for Bushfire Protection 2019</i>, AS 3959-2018 or NASH Standard. comply with the recommendations of the BPA.

Australian Standard 3959-2018 *Construction of Buildings in Bushfire Prone Areas*. The BPA noted that non-exposed building elevations would be constructed to a lower bushfire attack level (BAL) rating than exposed elevations.

- RFS reviewed the BPA and recommended conditions for maintaining asset protection zones, providing access and water supply and landscaping requirements. RFS recommended the proposed warehouses be constructed in accordance with the BAL shown in the BPA to comply with AS 3959 and PBP.
- The Department has reviewed the BPA and advice from RFS and has recommended conditions consistent with the requirements of RFS.
- The Department's assessment concludes bushfire risks have been adequately addressed and can be managed.

Air Quality

Construction

- The earthworks phase has the greatest potential to generate dust that may impact on residences located to the south-east in Mount Vernon and residences within the MRP immediately adjacent to the northern and western boundaries, less than 50 m from the site.
- The Applicant provided a risk assessment for the construction phase, considering dust soiling and human health impacts. The risk assessment concluded there would be a low risk of impacts and recommended standard mitigation measures for controlling dust (such as using water carts, implementing speed limits, conducting daily inspections and communicating with neighbouring landowners)
- The earthworks would cover a substantial area of around two-thirds of the Stage 1 development area. In addition to dust impacts, earthworks can result in soil erosion and sedimentation of waterways if not adequately controlled. The Department considers the earthworks require careful management to limit these impacts, particularly given the close proximity to residences.
- The Department recommends the Applicant implement an air quality management plan during construction works, including procedures for consulting with residences on the installation of dust deposition gauges at neighbouring properties or on the site boundary as part of the monitoring measures and contingency measures to be implemented if exceedances are identified. This may include at-property treatment if a complaint is received from a neighbouring landowner that is confirmed by the dust monitoring.
- The Department also recommends conditions requiring the Applicant to appoint an Environmental Representative to oversee the earthworks and ensure appropriate controls are being implemented and maintained to limit off-site impacts. The Department has also recommended the Applicant participate in a working group with other developers in the MRP to coordinate the management of cumulative construction activities.

Operation

- The Applicant provided a risk assessment for operational impacts from the two warehouses that would be used for storage and distribution and are not proposed to include manufacturing or industrial processing.
- The risk assessment considered emissions from vehicle movements only, noting the development would increase vehicle movements on Mamre Road by 9%. When estimating the corresponding emissions of particulate matter (PM₁₀ and PM_{2.5}) and nitrogen dioxide (NO₂) the

Require the Applicant to:

- prepare a construction air quality management plan
- limit dust generation and emissions of offensive odour
- install dust deposition gauges at neighbouring properties, or otherwise on the site boundary, and offer to provide at-property treatment if a complaint is received from a neighbouring landowner where an exceedance has been recorded
- appoint an Environmental Representative to oversee earthworks and other construction activity
- participate in a working group with other developers in the MRP to manage cumulative construction impacts
- implement measures to minimise particulate emissions through an operational environmental management plan.

assessment indicated there would be negligible to moderate increases in emissions, but these would have an insignificant impact.

- The Department notes the MRP and neighbouring Aerotropolis is undergoing significant land use changes that are likely to increase emissions of particulates and other air pollutants. The proposed development is one of many warehouse uses proposed and on its own is unlikely to have adverse air quality impacts.
- The Department consulted with the EPA and no comments were provided on the application as the development does not require an environment protection licence.
- The Department's assessment concludes the development would have a minor contribution to particulate emissions in the locality and recommends the Applicant implement measures to minimise emissions through an Operational Environmental Management Plan.

Heritage

Aboriginal Heritage

- Bulk earthworks across the site have the potential to impact on Aboriginal artefacts by requiring complete removal of the items.
- The Applicant prepared an Aboriginal Cultural Heritage Assessment Report (ACHAR) for the development involving consultation with Registered Aboriginal Parties.
- The ACHAR identified thirteen Aboriginal artefacts on site and concluded the site would have been used infrequently by Aboriginal people. Despite the low density of artefacts, the site is considered to have high cultural value to Aboriginal people.
- The ACHAR recommended surface collection of artefacts, continued consultation with Registered Aboriginal Parties, heritage inductions for site workers and procedures for managing unexpected finds.
- Heritage NSW reviewed the ACHAR, noted its conclusions and recommendations and provided no further comments.
- The Department notes the site has a low level of artefacts but retains a high cultural value. The site has previously been disturbed by agricultural practices and is unlikely to support significant in-tact artefacts. The Department agrees with the recommendations of the ACHAR and has included these as conditions of consent.
- The Department's assessment concludes the development would not have a significant impact on Aboriginal heritage.

Historic Heritage

- A farmhouse listed as an item of local heritage significance is located immediately north of the site. The Applicant provided a statement of heritage impact (SOHI) which concluded the development would have an acceptable visual impact on the heritage item.
- The SOHI noted the proposed development would be cut 9 m into the landscape along the northern boundary near the farmhouse, with 8 m of landscaping in between the boundary and the warehouse building. This level change and landscape treatment would reduce the visual impact of the development on the heritage item.
- Heritage NSW and Council did not raise any concerns about historic heritage impacts from the amended development.
- The Department notes the farmhouse is located on land that has been rezoned for industrial use and may ultimately be redeveloped. The SOHI has adequately considered the potential impacts on the heritage item in the context of the broader land use changes across the MRP.

Require the Applicant to:

- collect and register identified artefacts
- undertake Aboriginal cultural heritage inductions for workers
- implement unexpected finds procedures
- continue consultation with Registered Aboriginal Parties.

- The Department's assessment concludes the development would not have an adverse impact on the adjacent local heritage item.

Flooding

- The site is located outside the extent of Council's flood planning area but contains some areas of low flood hazard associated with a tributary of Kemps Creek that passes from east to west through the site.
- Sydney Water requested consideration of flooding in relation to trunk drainage and Council requested consideration of overland flood flows. No other agencies or submissions raised flooding as a concern.
- The Applicant provided a Flood Impact Assessment (FIA) and Flood Risk Assessment (FRA) for the amended development and supplementary information to assess changes due to the inclusion of the 25 m wide naturalised trunk drainage channel through the site.
- The FIA and FRA considered the objectives and controls of the MRP DCP and concluded the development would result in a minor increase in flood levels and velocities downstream of the Stage 1 development.
- The assessments noted these impacts would be mitigated by the proposed drainage works that would be undertaken for the Aldington and Abbotts Road upgrades, which would include piped infrastructure from the Stage 1 area that discharges to an outfall west of Mamre Road.
- The supplementary information considered the impact of the 25 m naturalised trunk drainage channel on flooding and concluded the channel would assist in reducing flooding impacts for all events up to and including the 1 in 100 year event.
- The Department notes the development would be constructed above the Probable Maximum Flood extent and incorporates a detention basin that would capture and contain flows during storm events. The FIA and FRA have demonstrated the development would have a minor impact on flood behaviour which would be mitigated by proposed drainage infrastructure within the upgraded Aldington and Abbotts Roads. The Applicant has also worked with Sydney Water and EHG on the design of the trunk drainage channel and detention basin considering flood detention requirements.
- The Department's assessment concludes the development would not adversely impact on flood behaviour, subject to the site being connected to the road drainage infrastructure prior to the commencement of operation. The Department has included this requirement in the recommended conditions.

Require the Applicant to:

- connect the Stage 1 development to the drainage infrastructure for the upgraded Aldington and Abbotts Roads, prior to the commencement of operation of Stage 1.

Biodiversity

- The development involves clearing 32 ha of farmland including dewatering dams and removing all vegetation.
- The Applicant provided a Biodiversity Development Assessment Report (BDAR) for the development which identified two plant community types (PCTs) that would be removed. These included 3.51 ha of Cumberland Shale Plains Woodland and 0.07 ha of Phragmites Australis. Both PCTs on the site are in poor condition with a low integrity score, meaning the impacts do not require offsetting. The BDAR also assessed the potential for serious and irreversible impacts on Cumberland Shale Plains Woodland and considered the significant impact criteria for Grey-headed Flying-Fox.
- The BDAR concluded the development would not have a significant impact on biodiversity and no offsets would be required.

Require the Applicant to:

- implement the biodiversity mitigation and management measures in the BDAR
- make contributions to the CPCP's biodiversity offsets program via the WSA SIC.

- On 17 August 2022, the then Minister for Environment and Heritage approved the Cumberland Plain Conservation Plan (CPCP) which biodiversity certifies 200,000 hectares of land in Western Sydney. Under the CPCP, the entire site is identified as urban capable land.
 - The BC Act states that the need for a BDAR or offsets does not apply to biodiversity certified land. The biodiversity impacts on the site have been assessed as part of the certification process.
 - EHG reviewed the BDAR, noted the CPCP certification and recommended the Applicant implement the mitigation measures in the BDAR.
 - The Department notes the biodiversity impacts of the development have been assessed, they are considered minor and would be offset through the CPCP process. As the Applicant had prepared a BDAR in advance of the CPCP certification taking effect, the Department considers that it remains prudent to adhere to the recommendations of the BDAR, noting that no offsetting had been recommended.
 - The Department has recommended the Applicant implement the mitigation measures in the BDAR and provide a contribution to the CPCP's biodiversity offset program via the WSA SIC.
 - The Department's assessment concludes the development would have negligible impacts on biodiversity.
-

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 ecologically sustainable development. The Department has considered the development in the context of the objectives and controls of the Mamre Road Precinct Development Control Plan and supporting technical guidelines.

The development is State significant as it is development for the purpose of warehouse or distribution centres with a capital investment value of more than \$30 million.

The development involves bulk earthworks, subdivision, construction and operation of two warehouses and ancillary offices, landscaping, construction of estate roads and external road upgrades, site servicing and stormwater. The development is the first stage of an industrial estate proposed on the site. The first stage has a capital investment value of \$128 million and would generate 160 construction jobs and 212 operational jobs in the Penrith LGA.

The Department has carried out a detailed assessment of the merits of the development and has worked extensively with government agencies, including Penrith City Council, Sydney Water, Transport for NSW and the Environment and Heritage Group to resolve key issues. The Department consulted the public and closely considered the issues raised during its assessment of the application. A total of seven public submissions were received, with one objecting, one supporting and five providing comments. Key issues raised in public submissions related to amenity impacts on the rural residential area of Mt Vernon and the residences remaining within the MRP. Concerns were raised about road works, earthworks, visual and noise impacts.

Government agencies, including Council, did not object but raised a number of issues with the original application. This resulted in the Applicant amending the application. The amendments included changes to earthworks, retaining walls, alignment of a local industrial road and removing the proposed café use. Further revisions and additional information were provided throughout the assessment to address the key issues raised by Government agencies including the Department, which related to traffic and access, visual impact, landscaping, stormwater management, waterway health and noise. Other issues considered in the Department's assessment included contamination, bushfire protection, air quality, heritage, flooding and biodiversity.

The Department liaised extensively with the Applicant, TfNSW, Council, EHG and Sydney Water to resolve the key issues and develop conditions to minimise residual impacts. The Department's assessment concluded:

- the traffic generated by the development would be adequately accommodated on the road network following the upgrades that would be delivered by the Applicant. These include intersection works at Mamre and Abbots Roads, widening of Abbots Road and construction of a new intersection at Abbots and Aldington Roads. These works would be completed prior to operation and would address the requirement for contributions to regional infrastructure in the MRP. The Department has also recommended ongoing operational traffic monitoring and coordination with other developers in the precinct, particularly during concurrent construction works.
- the visual impacts of the development would be moderate when viewed from the Mount Vernon rural residential area given the rezoning of the land would change the area from an agricultural to an industrial landscape. The Stage 1 development is over 400 m from the closest residences in Mount Vernon and the majority do not have direct views of the site, with only 2-3 residences with

direct views over the site. The lower elevation of the proposed buildings relative to the adjoining land to the east means that long-distance views are not obstructed. Visual impacts are expected to reduce over time as the proposed landscaping matures. The application meets the DCP targets for provision of 10% canopy cover and landscape setbacks. The Department has recommended conditions for maintaining landscaping and constructing building facades and roofs with non-reflective building materials in neutral colours to minimise the visual impacts.

- the development incorporates adequate infrastructure to manage stormwater from Stage 1 to meet the flow and water quality controls of the DCP and relevant technical guidance. The application incorporates naturalised trunk drainage that is generally consistent with Sydney Water's Stormwater Scheme Plan for the precinct. The proposed stormwater infrastructure and management approach for Stage 1 is intended to be an interim arrangement that would be amended once the regional scheme is operational and the site is connected. The Department has recommended conditions requiring further detailed design of the infrastructure and operational monitoring.
- noise during operation of the warehouses may be audible at some rural residences in Mount Vernon if not strictly controlled through design measures and operational practices. The Department has developed a stringent night-time noise criteria for the development to ensure that cumulative noise from all developments across the precinct do not result in unacceptable noise impacts on residents. The Department has recommended conditions for a detailed design noise verification report to be approved by the Planning Secretary before warehouse construction. This would ensure that all reasonable and feasible design controls are implemented on the warehouses to minimise noise impacts. The recommended conditions also require operational noise monitoring.

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 212 operational jobs and invest \$128 million in the Penrith LGA
- would deliver key road and intersection works identified in the DCP, that would support further growth and development in the precinct
- would deliver components of the regional stormwater infrastructure as identified in Sydney Water's Stormwater Scheme Plan
- would meet relevant environmental and amenity objectives and controls identified in the DCP and supporting technical guidance.

The Department's assessment concluded 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

It is recommended that the Director, Industry Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of 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 Industrial Estate Stage 1 (SSD-9138102) as amended, subject to the conditions in the attached development consent
- **signs** the attached development consent and recommended conditions of consent (**Appendix E**).

Recommended by:



13 April 2023

David Schwebel
Senior Planner
Industry Assessments



13 April 2023

Deana Burn
Specialist Planer
Industry Assessments

Recommended by:



13 April 2023

Lindsey Blecher
Team Leader
Industry Assessments

9 Determination

The recommendation is **Adopted** by:



21 April 2023

Chris Ritchie

Director

Industry Assessments

In addition to the reasons stated in the Department's Assessment Report, and following receipt of further submissions following publication of the assessment report and recommended conditions on the Department's website for seven days, I make this decision for the following additional reasons:

- Three additional submissions were received from one submitter following publication of the assessment report and recommended conditions. The additional submissions raised concerns regarding the height of retaining walls on the property boundary, impacts of retaining walls and earthworks on future development of adjoining properties, appropriateness of dust, noise and vibration limits and management measures, consultation and differences between the original proposal and the amended development, and the need for independent oversight regarding compliance with management plans and conditions of consent.
- The Department sought confirmation from the Applicant that the proposed earthworks and retaining walls are contained within the development site and will not impede or add additional cost to future development on adjoining land. Further information, supported by advice from civil and geotechnical engineers, was provided that confirmed that existing ground levels are maintained at the property boundary and all retaining wall elements are located within the site. It was also confirmed that the proposed earthworks will not impede future development on surrounding properties or require any additional works or footings because of the retaining wall location. Specifically regarding the largest retaining wall proposed, the setback of the face of this wall along the northern boundary increases from the property boundary as the height of the wall increases, which allows structural elements to be located within the site boundary.

To provide certainty on this point, an additional condition of consent has been imposed requiring that all earthworks and retaining walls be located within the site boundary and not cause any constraint on development on any adjoining properties in accordance with the information provided.

- In relation to dust and air quality during construction, the key criteria and monitoring methodology will be confirmed as part of the Construction Air Quality Management Plan (CAQMP) to be approved by the Planning Secretary prior to the commencement of earthworks. In response to comments received on the recommended conditions, additional provisions have been included requiring consultation with adjoining landowners during preparation of the CAQMP, and requiring details of any issues raised and how the plan responds to those issues to be documented in the CAQMP.

- In relation to construction noise and vibration, additional conditions have been included from those recommended to include further requirements for consultation with adjoining residential properties in the preparation of the Construction Noise and Vibration Management Plan (CNVMP), including evidence of this consultation and how the plan has responded to any issues raised during consultation. The CNVMP is required to detail procedures for meeting the construction noise management levels detailed in the NSW Interim Construction Noise Guideline be approved by the Planning Secretary prior to the commencement of earthworks.
- The recommended conditions include requirements for the Applicant to enter into noise agreements with eligible receivers within the MRP prior to the commencement of operations. Similarly, the Applicant must enter into an agreement with a neighbouring landowner, which may involve at-property treatment, if a complaint is received from that landowner and a non-compliance is confirmed by dust monitoring during construction works.
- The Department has recommended standard work hours for construction activities, which are consistent with the *NSW Interim Construction Noise Guideline* and have also been applied to other developments in the MRP.
- The Department did not re-exhibit the amended development on the basis that the changes resulted in a reduction to the overall scale of the proposal (being seven buildings reduced to two and reduction in gross floor area by around 50%), and the reduction in predicted impacts to neighbouring properties. The amendment resulted in reduced traffic generation, lower predicted noise emissions, and removal of buildings on the eastern side of the site adjoining residential receivers in Mount Vernon. While levels of earthworks within the site changed under the amended development, the entire site under the original application was subject to cut or fill and in similar locations. It is noted that the areas of the site where future buildings may be proposed, not including the two warehouses proposed under this application, will be subject to assessment under separate development applications. The amended development report and other additional information submitted by the Applicant was made available on the Department's website when it was received, including the amendment report in October 2022
- The requirement to engage an Environmental Representative (ER) is intended ensure construction activities are overseen by a suitably qualified and experienced person that is independent from the design and construction personnel for the development, as outlined in the *Environmental Representative Protocol* (DPE 2018). Their appointment is to be approved by the Planning Secretary and the Planning Secretary may commission an audit of the ER's exercise of its functions at any time. The Department also has a Compliance Team which will have a role in enforcing any non-compliances with the consent and considering any complaints with regard to the consent and management plans. The Compliance Team also have a broad range of enforcement powers.

Appendices

Appendix A – List of Documents

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

Environmental Impact Statement

- Environmental Impact Statement titled '290-308 Aldington Road, 59-62 Abbots Road and 63 Abbots Road, Kemps Creek Westlink Industrial Estate prepared by Ethos Urban, dated 17 June 2021

Submissions

- All submissions received from relevant public authorities and the general public

Response to Submissions

- 'Submissions and Amendment Report' prepared by Ethos Urban dated 26 April 2022

Amended Development Report

- SSD-9138102: Westlink Stage 1 Amendment Report, prepared by Ethos Urban, dated 21 October 2022

Additional Information

- Additional information provided by the Applicant titled *Response to request for further information*, prepared by Ethos Urban and dated 14 February 2023

Statutory Documents

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

All documents relied upon by the Department during its assessment of the application may be viewed at: <https://www.planningportal.nsw.gov.au/major-projects/projects/westlink-industrial-estate-stage-1>

Appendix B – Considerations under Section 4.15 of the EP&A Act

Table 5 | Matters for Consideration under Section 4.15 of the EP&A Act

Matter	Consideration
a) the provisions of: i.) any environmental planning instrument, and	The Department has considered the provisions of all relevant environmental planning instruments in its assessment of the development, which is provided below in Appendix C.
ii.) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	The Department has considered the provisions of any relevant draft environmental planning instruments in its assessment of the development, which is provided below in Appendix C.
iii.) any development control plan, and	Under section 2.10 of the Planning Systems SEPP, development control plans do not apply to State significant development. However, the Department's assessment of the development has considered the relevant provisions of the MRP DCP (see Section 6).
iiiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	The Department has recommended conditions requiring the Applicant to fulfil their obligations with regard to the MRP contributions plan and the Special Infrastructure Contributions for Western Sydney Aerotropolis. The Applicant intends to enter into a planning agreement with Council and the Minister in accordance with these plans to meet their contribution requirements via delivering road and intersection upgrades.
iv.) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,	The Department has assessed the development in accordance with all relevant matters prescribed by the regulations, the findings of which are contained in this report.
b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	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.
c) the suitability of the site for the development,	The site has been identified as being suitable for the purposes of industrial, warehousing and distribution centres use. The site is industrial zoned and strategically identified to support industrial developments in the WSEA, nearby Western Sydney Aerotropolis and the broader Western Sydney. The site also has connections to local and regional road networks including the M4 and M7 Motorways. The Department therefore considers that the site is suitable for the development
d) any submissions made in accordance with this Act or the regulations,	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.
e) the public interest.	The development would generate up to 160 jobs during construction, 212 jobs during operation and would inject up to \$128 million of capital investment value in the Penrith local

Matter**Consideration**

government area . The development would also contribute to the delivery of the Mamre Road strategic vision under the MRP DCP and Structure Plan. 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.

Appendix C – Consideration of Environmental Planning Instruments

To satisfy the requirements of section 4.15(1) of the EP&A Act, the following EPI's were considered as part of the Department's assessment:

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy (Precincts—Western Parkland City) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021.

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

The Planning Systems SEPP identifies certain classes of development as SSD. The proposal is State significant development pursuant to section 4.36 of *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves construction of a warehouse or distribution centre with a CIV of over \$30 million, which meets the criteria in Section 12 of Schedule 1 in the Planning Systems SEPP.

State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)

Chapter 2 of the Transport and Infrastructure 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 with TfNSW throughout its assessment and has incorporated TfNSW's recommended conditions for delivering key road and intersection upgrades to support the development and deliver the road network identified in the MRP DCP. The Department considers the development is consistent with the aims of the Transport and Infrastructure SEPP.

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. 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 Applicant seeks consent for the construction and operation of a warehouse and distribution facility. 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. In particular, it aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying:

- under what circumstances consent is required
- the relevant considerations for consent to carry out remediation work
- the remediation works undertaken meet certain standards and notification requirements.

The Applicant provided a detailed site investigation report and Remedial Action Plan (RAP), which identified areas of environmental concern requiring further investigation and remediation. While the RAP concluded the site could be made suitable for the industrial land use subject to supplementary investigations and remediation, the Department has recommended conditions requiring the Applicant to undertake these remedial works prior to earthworks commencing on site. The Department is satisfied the development is consistent with the aims, objectives and provisions of Chapter 4 of the Resilience and Hazards SEPP.

Draft State Environmental Planning Policy (Remediation of Land) (draft Remediation SEPP)

The draft Remediation SEPP seeks to retain the key operational framework of Chapter 4 of the Resilience and Hazards SEPP, while also adding new provisions relating to changes in categorisation and introducing modern approaches to the management of contaminated land. The development has been assessed against the Resilience and Hazards SEPP (see above), and the Department is satisfied the development would be consistent with the draft Remediation SEPP.

State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP)

Chapter 2 of the Industry and Employment SEPP aims to protect and enhance the Western Sydney Employment Area (WSEA) for employment purposes. The development has been assessed against these standards and a summary of the Department’s assessment is provided in **Table 6**.

Table 6 | Department’s assessment of the development against Chapter 2 of the Industry and Employment SEPP

Section	Consideration
<p>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.</p>	<p>The MRP DCP was adopted on 19 November 2021.</p> <p>The Department has assessed the development against the relevant provisions of the MRP DCP and concludes the development generally complies with the provisions of the MRP DCP.</p>
<p>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.</p>	<p>The Applicant has proposed several initiatives to achieve a ESD development including using climate responsive façades and materials, provision of bicycle spaces, energy efficient lighting heating and cooling, water efficient taps and toilets, and the reuse of rainwater for irrigation and toilet flushing. The Department is satisfied that the ESD measures in place will minimise energy and water use and greenhouse gas emissions.</p>
<p>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—</p>	<p>The development has proposed building heights of up to 16 m which is consistent with a standard warehouse height and surrounding industrial development proposed in the MRP. However, due to the steep topography of the site and level of earthworks required to accommodate the</p>

Section	Consideration
<p>(a) building heights will not adversely impact on the amenity of adjacent residential areas, and</p> <p>(b) site topography has been taken into consideration.</p>	<p>proposed flat building pads, parts of the buildings exceed the building height control from existing ground levels in the MRP DCP.</p> <p>The Department has considered the visual impacts of the development in Section 6.2 of this report. The Department notes that the proposed warehouses are significantly lower than residences in Mt Vernon (around 30 m) and would not significantly obstruct views from these locations. Additionally, those portions of the building that are above the height limits are not in areas of the site that would significantly impact on the adjoining property in terms of visual impact or overshadowing.</p> <p>The development minimises visual impacts on nearby sensitive receivers through landscaping and vegetation screening. The Department's assessment concludes that amenity impacts on nearby receivers can be adequately managed through conditions of consent.</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 proposes rainwater tanks to collect roof water to offset non-potable uses on the site. The development has provided adequate measures to connect the roofed areas of the buildings to a rainwater harvesting scheme.</p>
<p>2.22 Development adjoining residential land</p> <p>The consent authority must not grant consent to development on land that is within 250 metres of land zoned primarily for residential purposes unless it is satisfied that—</p> <p>(a) wherever appropriate, proposed buildings are compatible with the height, scale, siting and character of existing residential buildings in the vicinity, and</p> <p>(b) goods, plant, equipment and other material resulting from the development are to be stored within a building or will be suitably screened from view from residential buildings and associated land, and</p> <p>(c) the elevation of any building facing, or significantly exposed to view from, land on which a dwelling house is situated has been designed to present an attractive appearance, and</p> <p>(d) noise generation from fixed sources or motor vehicles associated with the development will be effectively insulated or otherwise minimised, and</p> <p>(e) the development will not otherwise cause nuisance to residents, by way of hours of operation, traffic movement, parking, headlight glare, security lighting or the like, and</p> <p>(f) the development will provide adequate off-street parking, relative to the demand for parking likely to be generated, and</p> <p>(g) the site of the proposed development will be suitably landscaped, particularly between any building and the street alignment.</p>	<p>Part of the site is located within 250 m of residential land, however only part of the office and ancillary buildings on Lot 1 are the aspects of the development within this area.</p> <p>The development has been designed to minimise visual impacts to these residential receivers by:</p> <ul style="list-style-type: none"> • reducing the height of building pads, including a substantial level of cut at the eastern end closest to residences, which would minimise the building scale • using appropriate materials and colours for the buildings which are neutral in colour and minimise glare and reflectivity • implementing landscape planting at the eastern boundary and throughout the site. <p>To manage noise, a noise precinct management approach has been adopted to ensure the amenity of adjoining residential receivers are not impacted by industrial activities in the MRP. The Department has included conditions requiring the Applicant to:</p> <ul style="list-style-type: none"> • comply with noise limits for daytime, evening and night • prepare a noise design verification report including an operational noise monitoring report to ensure that noise generation from fixed sources and heavy vehicles are managed and mitigated <p>The development provides on-site car parking for both buildings that meets the minimum requirements of the MRP DCP.</p>

Section	Consideration
<p>2.23 Development involving subdivision</p> <p>The consent authority must not grant consent to the carrying out of development involving the subdivision of land unless it has considered the following—</p> <ul style="list-style-type: none"> (a) the implications of the fragmentation of large lots of land, (b) whether the subdivision will affect the supply of land for employment purposes, (c) whether the subdivision will preclude other lots of land to which this Chapter applies from having reasonable access to roads and services. 	<p>The development involves the subdivision of the site into 5 lots. The Department is satisfied that the subdivision will not result in the fragmentation of large lots of land. The subdivision will support the employment purpose of the land, as well road upgrades and extensions will be provided to ensure lots have reasonable access to roads and services.</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>2.25 Development on or in vicinity of proposed transport infrastructure routes</p> <p>The consent authority must, before determining any such development application, consider any comments made by the Secretary as to the compatibility of the development to which the application relates with the proposed transport infrastructure route concerned.</p>	<p>The development is not situated on or in the vicinity of a proposed transport infrastructure route. However, a signalised intersection at Abbots Road and Mamre Road is proposed and Mamre Road is identified as a transport infrastructure route. The Department has consulted extensively with TfNSW and Council and is satisfied the intersection allows for future upgrades to Mamre road.</p>
<p>2.30 Design Principles</p> <p>the consent authority must take into consideration whether or not—</p> <ul style="list-style-type: none"> (a) the development is of a high quality design, and (b) a variety of materials and external finishes for the external facades are incorporated, and (c) high quality landscaping is provided, and (d) the scale and character of the development is compatible with other employment-generating development in the precinct concerned. 	<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 materials and external finishes and high-quality landscaping. The development has proposed buildings of a scale and character that is generally 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 capital investment value of more than \$200,000 without the concurrence of Transport for NSW.</p>	<p>The development has a CIV of over \$200,000 therefore the department has consulted extensively with TfNSW throughout the assessment to ensure measures are in place to manage traffic and access for all stages of the development. After reviewing additional information provided by the Applicant, TfNSW provided advice that satisfactory information was provided and recommended conditions of consent 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>During the exhibition period the Department consulted with Western Sydney Airport regarding the development, and they provided recommended conditions to minimise wildlife attraction to the site.</p>

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<p>2.39 Water recycling and conservation 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>2.40 Earthworks Before granting development consent for earthworks, the consent authority must consider the following matters—</p> <ul style="list-style-type: none"> (a) the likely disruption of, or detrimental effect on, existing drainage patterns and soil stability in the locality, (b) the effect of the proposed development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the proposed development on the existing and likely amenity of adjoining properties, (e) the source of fill material and the destination of excavated material, (f) the likelihood of disturbing relics, (g) the proximity to and potential for adverse impacts on a waterway, drinking water catchment or environmentally sensitive area, (h) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development, (i) the proximity to and potential for adverse impacts on a heritage item, an archaeological site, or a heritage conservation area, (j) the visual impact of earthworks as viewed from the waterways. <p>2.41 Development on flood prone land Consent is not to be granted to the carrying out of development on flood prone land unless the consent authority has taken into consideration whether or not—</p> <ul style="list-style-type: none"> (a) the development will adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and 	<p>The development includes recycled water infrastructure (purple pipes) that would ultimately connect to Sydney Water’s proposed recycled water scheme.</p> <p>The Department has considered the proposed earthworks across the site comprising of ‘cut and fill’ to create flat development platforms for the proposed buildings and the Applicant’s stormwater management strategy that included consideration of existing drainage patterns.</p> <p>The Applicant’s earthworks strategy involves achieving close to a balanced level of cut and fill across the site, minimising the need to import or export fill material. Conditions have been recommended that require only Virgin Excavated Natural Material, Excavated Natural Material, or other material approved in writing by EPA is brought onto the site.</p> <p>The proposal has integrated landscaping into retaining walls to minimise the visual impacts of earthworks. The Department notes that the proposed warehouses are significantly lower (around 30 m) than residences in Mt Vernon and would not significantly obstruct views from these locations. Additionally, those portions of the building that are above the height limits are not in areas of the site that would significantly impact on the adjoining property in terms of visual impact or overshadowing.</p> <p>The Department has considered the ACHAR submitted as part of the application and recommended conditions requiring the applicant to collect and register identified artefacts, undertake Aboriginal cultural heritage inductions for workers, implement unexpected finds procedures and continue consultation with Registered Aboriginal Parties. The Department is also satisfied that the development will not have impacts on a local heritage item located to the north of the site.</p> <p>To ensure earthworks are appropriately managed, the Department has recommended conditions requiring the Applicant to implement an erosion and sediment control plan, which will form part of the Construction Environmental Management Plan for the site. Conditions requiring preparation of a dilapidation report for adjoining properties prior to the commencement of earthworks is also recommended.</p>
<p>The Applicant’s EIS identified the development may result in minor flooding impacts downstream of the site. However, such impacts would be mitigated via the implementation of drainage infrastructure works within Aldington and Abbots Road. Nonetheless, the development will be constructed above the Probable Maximum Flood extent. The Department has recommended conditions requiring the Applicant to deliver this drainage infrastructure.</p>	

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<p>(b) the development will alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain, and</p> <p>(c) the development will enable safe occupation of the flood prone land, and</p> <p>(d) the development will detrimentally affect the floodplain environment or cause avoidable erosion, siltation, salinity, destruction of riparian vegetation or a reduction in the stability of the riverbank/watercourse, and</p> <p>(e) the development will be likely to result in unsustainable social and economic costs to the flood affected community or general community, as a consequence of flooding, and</p> <p>(f) the development is compatible with the flow conveyance function of the floodway, and</p> <p>(g) the development is compatible with the flood hazard, and</p> <p>(h) in the case of development consisting of the excavation or filling of land, the development—</p> <ul style="list-style-type: none"> (i) will detrimentally affect the existing drainage patterns and soil stability in the locality, and (ii) will adversely impact or alter flood behaviour. 	
<p>2.42 Heritage conservation</p> <p>The consent authority must, before granting consent under this section in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subsection applies regardless of whether a heritage management document is prepared under subsection (5) or a heritage conservation management plan is submitted under subsection (6)</p>	<p>The Department's assessment of Aboriginal cultural heritage is included in Section 6.5. Heritage NSW reviewed the Aboriginal Cultural Heritage Assessment Report (ACHAR), noted the conclusions and recommendations and provided no further comments. The Department has provided conditions requiring the applicant to collect and register identified artefacts, undertake Aboriginal cultural heritage inductions for workers, implement unexpected finds procedures and continue consultation with Registered Aboriginal Parties.</p>
<p>2.44 Stormwater, water quality and water sensitive design</p> <p>the consent authority must take into consideration whether—</p> <ul style="list-style-type: none"> (a) water sensitive design principles are incorporated into the design of the development, and (b) riparian, stormwater and flooding measures are integrated, and (c) the stormwater management system includes all reasonable management actions to avoid adverse impacts on the land to which the development is to be carried out, adjoining properties, riparian land, native bushland, waterways, groundwater dependent ecosystems and groundwater systems, and (d) if a potential adverse environmental impact cannot be feasibly avoided, the development minimises and mitigates the adverse impacts of stormwater runoff on adjoining properties, riparian land, native bushland, waterways, groundwater dependent ecosystems and groundwater systems, and (e) the development will have an adverse impact on— <ul style="list-style-type: none"> (i) the water quality or quantity in a waterway, including the water entering the waterway, and (ii) the natural flow regime, including groundwater flows to a waterway, and 	<p>The development has been designed to achieve the water flow and quality targets of the MRP DCP. In future, the development will be required to connect into Sydney Water's regional stormwater scheme.</p> <p>The Department consulted with Sydney Water and EHG, who both agreed that the water management strategy for Stage 1 includes sufficient infrastructure to manage stormwater flows and maintain water quality for the site.</p> <p>The Department has recommended conditions requiring further verification of the stormwater design including the trunk drainage infrastructure to ensure it complies with the waterway health targets and objectives of the MRP DCP.</p>

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(iii) the aquatic environment and riparian land (including aquatic and riparian species, communities, populations and habitats), and (iv) the stability of the bed, banks and shore of a waterway, and (f) the development includes measures to retain, rehabilitate and restore riparian land.	

Chapter 3 of the Industry and Employment 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.

The development includes erection of pylon signs, wall-mounted signs, and wayfinding signs. The Department requested that the Applicant amend their signage plans to ensure that the proposed estate pylon signs complied with the MRP DCP maximum height of 10 m and width of 2 m. Revised signage plans were included in the ADR that showed the pylon signs with dimensions of 10 m x 2 m to comply with the MRP DCP.

The Department has considered the proposed signage against the relevant provisions of Chapter 3 of the Industry and Employment SEPP and is satisfied that the proposed signage is consistent with the proposed land uses on site and the future industrial land uses in the MRP and will not have any adverse impacts on significant views, amenity or safety.

State Environmental Planning Policy (Precincts—Western Parkland City) 2021 (Western Parkland City 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 Department has consulted Western Sydney Airport during its assessment of the development, and conditions were recommended relating to preparation of a wildlife management and waste management plans, restrictions on intrusions into prescribed airspace and design standards to address aircraft noise intrusion.

The site is located outside of the windshear assessment trigger area, light control zone and public safety area mapping of the Western Parkland City SEPP. The development does not penetrate the 190-210 m obstacle limitation surface mapping that applies to the site, with proposed pad levels of 65 and 66 m AHD and building heights of 15 m and 16.8 m respectively.

The Department notes the site is located in 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. Western Sydney Airport recommended a condition of consent requiring preparation of a Wildlife Management Plan prior to the commencement of construction, which has been incorporated into the recommended conditions.

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. Given the biodiversity certification that applies to the site under the *BC Act*, it is considered that suitable arrangements have been made under the CPCP to protect regional biodiversity and further biodiversity assessment is not required.

Chapter 13 of the Biodiversity and Conservation SEPP was made on the same date as the CPCP and provides planning controls to achieve the development and biodiversity outcomes of the CPCP. Section 13.16 provides that development consent must not be granted to development on certified urban capable land unless the consent authority has considered whether the development is consistent with the Mitigation Measures Guideline. The Guideline includes provisions that only apply to the Greater Macarthur Growth Area and Greater Penrith to Eastern Creek Investigation Area, and the site is not located in either of these areas.

The Department notes the biodiversity impacts of the development have been assessed, they are considered minor and would be offset through the CPCP process. As the Applicant had prepared a BDAR in advance of the CPCP certification taking effect, the Department considers that it remains prudent to adhere to the recommendations of the BDAR, noting that no offsetting had been recommended.

In line with advice from EHG, the Department has recommended the Applicant implement the mitigation measures in the BDAR and provide a contribution to the CPCP's biodiversity offset program via the WSA SIC.

The Department's assessment has concluded the proposal does not compromise the aims and objectives of the Biodiversity and Conservation 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 MRP 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 is generally compliant with the relevant provisions of the MRP DCP.

Appendix D – Key Issues - Community Views

The Department publicly exhibited the original EIS from Tuesday 22 June 2021 to Monday 19 July 2021.

During the exhibition period, the Department received seven submissions from the public (four individuals and three special interest groups). Of these submissions, one objected, one supported and five provided comments. The Department also received advice from Penrith City Council and seven other Government agencies.

The issues raised by these public submissions and how each issue has been addressed is summarised in **Table 7**.

Table 7 | Department's Consideration of Community Views

Issue	Consideration
<p><u>Noise</u></p> <ul style="list-style-type: none"> Concerns relating to increase in noise levels as a result of industrial activities 	<p><u>Assessment</u></p> <ul style="list-style-type: none"> The Department conducted a detailed assessment of the noise impacts from the development and considered potential noise levels from other proposed developments across the MRP. This approach to considering cumulative noise has been adopted to ensure that development across the precinct does not result in unacceptable impacts in residential areas. The Department's assessment is consistent with the Environment Protection Authority's <i>Noise Policy for Industry</i> which sets a level of 43 decibels (dBA) for the night time at residential receivers in Mount Vernon and Luddenham. The Department has set a noise limit for the Stage 1 development of 27 dBA, so that the cumulative noise of all developments in the precinct would not exceed the amenity level of 43 dBA at residences. <p>Recommended Conditions:</p> <ul style="list-style-type: none"> The Department has recommended the Applicant prepare a detailed design noise verification report which sets out the specific measures the Applicant will implement to ensure it can achieve the stringent night time noise limit of 27 dBA. This report must be approved by the Planning Secretary prior to construction. For existing residences in the rezoned areas of the MRP, the Applicant will be required to enter into noise agreements with eligible receivers that will remain in place until the residential use ceases, or a consent is granted for development, on that land.

Issue	Consideration
<p><u>Visual Impacts</u></p> <ul style="list-style-type: none"> Concerns regarding the changes in views of the site from adjoining residential receivers 	<p><u>Assessment</u></p> <ul style="list-style-type: none"> The development would alter views of the site as the land has been rezoned from rural to industrial. The Department considered the visual impacts of the Stage 1 development, noting the residential area of Mount Vernon is elevated above the site providing views across parts of the MRP for some properties. The development would be visible from parts of Mount Vernon, but given the sloping topography, the roofline would be lower in elevation than the residences, reducing the bulk and scale when viewed from the residential area. The development is also located 400 metres from the closest residences to the east and would include landscaped elements that would ultimately provide some visual screening once it matures. The Department considers the visual impact of the Stage 1 development would be moderate, with these impacts minimised over time as landscaping matures. <p><u>Recommended Conditions</u></p> <ul style="list-style-type: none"> The Department has recommended conditions for establishing and maintaining landscaping and constructing building facades and roofs with non-reflective building materials in neutral colours to minimise the visual impacts. The Applicant will also be required to ensure that lighting installed does not create a nuisance to surrounding properties and complies with the relevant Australian standard.

Issue	Consideration
<p><u>Construction Impacts</u></p> <ul style="list-style-type: none"> Concerns regarding impacts associated with construction and road works on adjoining residential properties 	<p><u>Assessment</u></p> <ul style="list-style-type: none"> Construction impacts would be managed via a CEMP for the site and road works. The Applicant has committed to join the Mamre Road Precinct Working Group to ensure cumulative construction impacts (air, noise, traffic) are managed throughout the precinct. With regard to adjoining neighbours directly impacted by construction works, the Applicant has committed to installing privacy fencing for these residents to the north of the site and maintain regular dust monitoring. <p><u>Recommended Conditions</u></p> <ul style="list-style-type: none"> The Department has recommended conditions requiring the Applicant to prepare and implement a CEMP, to manage and monitor impacts during construction. This includes installing dust deposition gauges at neighbouring properties, or otherwise on the site boundary, and offering to provide at-property treatment if a complaint is received from a neighbouring landowner where an exceedance has been recorded. The Applicant is also required to join the MRP Working Group and implement an Environmental Representative to oversee construction works and manage cumulative impacts from other development in the precinct. The Department has recommended conditions requiring the Applicant to offer to prepare a preconstruction dilapidation report for adjoining properties and, if requested by the property owner, the Applicant must repair, or pay the full costs associated with repairing, any damage to adjoining properties caused by carrying out the development.

Appendix E – Recommended Instrument of Consent