

WILLOWTREE PLANNING



8 December 2022

Ref: WTJ22-224
Contact: Tyler Powell



STATEMENT OF ENVIRONMENTAL EFFECTS:

PROPOSED WAREHOUSE AND DISTRIBUTION CENTRE

657-767 Mamre Road, Kemps Creek
Proposed Lot 14 Under **DA22/0671**

—
Prepared by Willowtree Planning Pty Ltd
on behalf of Altis Frasers JV Pty Ltd

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In the spirit of reconciliation and recognition, Willowtree Planning acknowledges the Traditional Owners of this Country throughout Australia and their continuing and ongoing connections to land, waters and community. We show our respect to Elders – past and present. We acknowledge that we stand on this Country which was and always will be recognised as Aboriginal Land. We acknowledge the Traditional Owners of the Lands in this Local Government Area, belonging to the local Aboriginal People, where this proposal is located upon.

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5	Aviation Report	Landrum and Brown
6	BCA Compliance Report	MBC Group
7	Bushfire Assessment	Peterson Bushfire
8	CGIs	Peter Drew
9	Civil Drawings	Costin Roe Consulting
10	Civil Report	Costin Roe Consulting
11	Construction Environmental Management Plan	SLR
12	Crime Prevention through Environmental Design	Neal Consulting Solutions
13	Preliminary Hazard Analysis	Riskcon Engineering
14	ESD Report	Frasers Property
15	Fire Engineering Report	Affinity Fire Engineering
16	Geotechnical Report	PSM
17	Heritage Impact Statement	Biosis
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19	Owners Consent	The Trust Company (Australia) Limited
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PART A PRELIMINARY

1.1 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by Willowtree Planning Pty Ltd on behalf of Altis Frasers JV Pty Ltd (Altis) and is submitted to Penrith City Council (Council) to support a Development Application (DA) at 657-767 Mamre Road, Kemps Creek.

This DA seeks development consent for a **Warehouse and Distribution Centre and associated works**. The Site forms part of the broader industrial estate, known as The Yards, previously approved under **SSD 9522** in December 2021. Under **SSD 9522 MOD 2**, the allotment subject to this DA, is notated as Lot 10. **SSD 25725029** proposes to subdivide the previously approved Lot 10 into Lot 10 and 11. As part of a separate DA that is currently under assessment by Penrith City Council (**DA22/0671**), proposed Lot 11 is to be subdivided further into Lot 13 (being the Residue Lot) and Lot 14 (being the Development Site). Lot 14, being the Development Site subject to this DA, is described through this SEE as the "Subject Site".

The purpose of this DA is to utilise the vacant land for industrial development for Probiotec Limited's future operations, creating employment opportunities, whilst maintaining the efficient and orderly use of the Subject Site and broader industrial estate.

This SEE has been prepared pursuant to Section 4.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Clause 24 and Part 1 of Schedule 1 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation). Assessment against the relevant matters for consideration under Section 4.15(1) of the EP&A Act has also been carried out.

Based on the assessment undertaken, it is recommended that favourable consideration to the approval of the DA given.

1.2 PRE-LODGEEMENT CONSULTATION

A pre-lodgement meeting was held with Penrith City Council on 7 June 2022.. The pre-lodgement meeting addressed the matters of Site planning and layout, landscaping, parking and confirmation of documentation requirements for DA lodgement. **TABLE 1** below outlines the notes provided by Penrith City Council and commentary against each matter.

TABLE 1. PRE-LODGEEMENT NOTES	
Council Comments	Applicant Response
1. Planning	
Sydney Water	
<i>Sydney Water has been nominated as the acquisition authority for trunk drainage. Please liaise with Sydney Water in relation to the regional strategy for stormwater which is currently on exhibition.</i>	Appropriate arrangements will be made with Sydney Water.
Subdivision	



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<p><i>The submitted material contains conflicting information in relation to Proposed Lot 18 / Residual Lot. Notwithstanding this, it is noted that subdivision provisions of Part 3.1 of the Mamre Road Precinct Development Control Plan 2021, require allotments in the 'IN1 - General Industrial' zone to have a minimum size of 1,000m².</i></p>	<p>Subdivision is not proposed under this DA. DA22/0671, submitted to Penrith City Council on 27 July 2022, seeks consent for the proposed subdivision of Lot 11 into Lot 13 (Residual Lot) and Lot 14 (Development Site). Further details on the Subdivision proposed under DA22/0671 is provided within Section 1.1 and Section 2.3 of this SEE report.</p> <p>Notwithstanding, the subject allotment (Lot 14) exhibits an area of 101,657m². Therefore, no further assessment is warranted.</p>
Site Layout	
<p><i>The submitted material did not include any level details (including existing ground levels, approved levels, and proposed finished ground and floor levels). In progressing any such design plans, consideration must be given to the approved bulk earthworks for the site and adjacent land (including of adjacent road areas), pursuant to Development Consent SSD-9522 (as amended). Details are to be provided in accordance with the requirements of Part 4.4.1 of the Mamre Road Precinct Development Control Plan 2021.</i></p>	<p>Consideration has been given to the approved bulk earthworks for the Subject Site pursuant to SSD 9522. This is further addressed within Section 5.4.1 of this SEE report.</p> <p>The proposed earthworks including minor trimming and shaping required as part of the proposed development has been proposed in accordance with the requirements of Part 4.4.1 of MRPDPC. This is further addressed within the Mamre Road Precinct Development Control Plan (MRPDPC) within Appendix 25.</p>
<p><i>It is understood that the alignment of the 'Open Space Edge Road', is entirely within the 'IN1 - General Industrial' zone. Accordingly, the layout of the proposal will need to consider such, and it is expected that the plans accompanying any such application include an overlay of the zoning and associated affectations.</i></p>	<p>The proposed layout of the Warehouse and Distribution Centre has been designed to consider the Open Space Edge Road located at the eastern boundary of the Subject Site in relation to landscaping and appropriate setbacks.</p> <p>Further assessment is provided within the MRPDPC within Appendix 25, this is also accompanied by Architectural Plans illustrated within Appendix 4.</p>
<p><i>The layout includes three (3) driveways, within close proximity of each other, to the eastern road frontage. Furthermore, these driveways provide for potential conflict with a driveway proposed by State Significant Development Application No. 25725029, which is currently under assessment. Consideration may need to be given to an alternate overall site layout, which minimises potential conflicts and reduces driveways onto surrounding roadways.</i></p>	<p>Site Plans, prepared by HLA Architects, and provided within Appendix 4 have been revised through consideration of the proposed driveway under SSD 25725029.</p> <p>In order to reduce potential conflict with the proposed driveways located at the southeastern section of the Subject Site, the proposed driveways under this DA have been relocated north slightly.</p>



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	Further details are provided within Appendix 4 .
<i>It is unclear whether the proposal satisfies the landscape setback / screening requirements for car parking areas within front / street setback areas of Part 4.2.2 (C4) of the Mamre Road Precinct Development Control Plan 2021.</i>	<p>The proposal has been assessed under Part 4.2.2(C4) of the MRPDGP in relation to the proposed landscaping and car park location of the development. Although the proposed development is not fully compliant with the landscaping controls, it is considered that the objectives of the control have been met and the design outcome can be supported on merit.</p> <p>Specifically, the proposed off-street parking areas are within a setback of at least 3.75m.</p> <p>As illustrated in the Landscape Plans (Appendix 4) prepared by Habit8, aesthetic planting and canopy trees will be incorporated to enhance the visual interest of the Subject Site and provide adequate screening for the parking areas.</p> <p>The proposed layout has been designed to facilitate the efficiency and functionality of the warehouse development and will not detract from the streetscape values of the locality.</p> <p>Further assessment is provided within the MRPDGP within Appendix 25.</p>
<i>The overall layout does not appear to provide a minimum 10% tree canopy, as required by Part 4.2.3 (C1) of the Mamre Road Precinct Development Control Plan 2021.</i>	The proposed development achieves a Subject Site canopy cover of 18.2%. Therefore, the proposal is compliant with the 10% tree canopy control, as required by Part 4.2.3 (C1) of the MRPDGP.
<i>The layout does not appear to provide the minimum required landscaped area from the rear / southern site boundary, in accordance with Part 4.2.3 of the Mamre Road Precinct Development Control Plan 2021</i>	The proposed southern boundary of the Subject Site, exhibiting a landscape setback of 2m, does not comply with the 5m control as required within Table 11 of MRPDGP. However, the proposed landscape setback is considered to be appropriate on merit as the objectives of the control have been met and the proposed development has achieved compliance with the other landscaping setback requirements within the MRPDGP. The southern boundary setback has been proposed to enable efficient maneuverability of trucks within the Subject Site.



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	<p>The Subject Site boundary adjoins proposed Lot 13 (Cargoline Development) hardstand area and as such, there is no interface with the public domain to warrant a larger setback.</p> <p>Further assessment has been provided within the MRPDCC Assessment Table available with Appendix 25.</p>
<i>It is expected that the development will require a substation and provision should be made in the overall design for such in a suitable location.</i>	<p>It is to be noted that no substation is proposed on the Subject Site as part of this DA. Therefore, no further assessment is warranted.</p>
<i>Tree planting island blisters throughout the car parking area are to be no less than 1.5m width and are to contain grasses or ground cover and are to be irrigated.</i>	<p>In accordance with Part 4.2.3 (9) of the MRPDCC, appropriate island planter beds have been provided throughout the carpark with a minimum width of 1.5m and at a rate of one (1) planter bed per 10 carparking spaces.</p> <p>Further details are provided within the Landscape Plans available within Appendix 18.</p>
<i>EV Charge opportunities are to be provided nearest the office at a rate of greater than 5%.</i>	<p>A total of two (2) EV Charge stations are proposed for the Subject Site. These stations are located within the Probiotec Car Park at the south western section of the Subject Site, located adjacent to the office area.</p> <p>Further details are provided within the Architectural Plans within Appendix 4.</p>
Building Design	
<i>Careful consideration must be given to the overall architectural design of the building including the materials and finishes, building presentation, and articulation, noting that the 'vision' for the Mamre Road Precinct is for it to be a 'world-class industrial area'.</i>	<p>Careful consideration has been given to the overall architectural design of the proposed Warehouse and Distribution Centre.</p> <p>The proposed warehouse is of a high-quality design and construction standard and will positively contribute to the high standard character of surrounding industrial development.</p> <p>The proposed development has been designed to address the street frontage in order to achieve a positive visual outcome and contribute to a positive street presence when viewed from the public domain.</p> <p>Façade articulation and a mix of materials and external finishes will create visual interest, and the</p>



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	<p>siting of offices to address the street frontage which will provide additional modulation and opportunities for passive surveillance. The proposed materials and finishes are provided within the Architectural Plans available within Appendix 4.</p> <p>Further details into the built form of the proposed Warehouse and Distribution Centre are provided within Section 5.2 of this SEE report.</p>
<p><i>Any future application must address the associated provisions of Section 2.30 of State Environmental Planning Policy (Industry and Employment) 2021 and Part 4.3.5 of the Mamre Road Precinct Development Control Plan 2021.</i></p>	<p>An assessment against Section 2.30 of the <i>State Environmental Planning Policy (Industry and Employment) 2021</i> (Industry and Employment SEPP), in relation to the proposed development has been addressed within Section 4.10 of this SEE Report.</p> <p>An assessment against Section 4.3.5 of the MRPDCP in relation to the proposed development has been addressed and is available within the Mamre Road Precinct Development Control Plan within Appendix 25.</p>
<p><i>Each of the elevations which directly address public areas (the western, northern and eastern elevations) are not sufficiently articulated and lack architectural interest.</i></p>	<p>The Elevation Plans, prepared by HLA Architects and provided within Appendix 4, have been prepared with consideration to public interest.</p> <p>The proposed development has been designed to address the street frontage in order to achieve a positive visual outcome and contribute to a positive street presence when viewed from the public domain.</p> <p>Façade articulation and a mix of materials and external finishes will create visual interest.</p> <p>Further details are provided within Appendix 4.</p>
<p><i>The building design, should make provision for any proposed and future likely associated rooftop plant, in order to enable such to be installed without detracting from the overall building appearance.</i></p>	<p>The proposed development incorporates two (2) areas of roof top HVAC plant and equipment. Both areas will be screened via the use of an architecturally designed louvre screen which will operate to enable the installation of this equipment without detracting from the overall building appearance.</p>
Other Matters	



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<i>Careful considerations will need to be given to the overall landscaping scheme and provide for compliance with the associated requirements of the Mamre Road Precinct Development Control Plan 2021, as well as being consistent with Development Consent SSD-9522 (as amended).</i>	<p>The proposed development has been designed in consideration with the overall landscaping scheme of the Mamre Road Precinct and is generally compliant with the associated requirements of the MRPDGP as well as being consistent with SSD 9522.</p> <p>Further details are provided within the Landscaping Plans and MRPDGP Assessment available within Appendix 18 and 25.</p>
<i>The layout and building design must give consideration to and make necessary provision for future likely (occupant) signage needs. A signage strategy is to be submitted with any future DA.</i>	<p>Signage Plans have been prepared by HLA Architects and are provided within Appendix 4, in consideration of future likely occupant signage needs.</p>
<i>Lighting details are to be provided in accordance with the requirements of Part 4.2.10 of the Mamre Road Precinct Development Control Plan 2021.</i>	<p>Proposed lighting within the Warehouse and Distribution Centre has been designed to be in accordance with Part 4.2.10 of the MRPDGP.</p> <p>Further assessment is provided within the MRPDGP Assessment within Appendix 25.</p>
<i>A Waste and Resource Recovery Management Plan is to be provided in accordance with the requirements of Part 4.5 of the Mamre Road Precinct Development Control Plan 2021.</i>	<p>A Waste Management Plan has been prepared by LG Consult and is provided with Appendix 24, in accordance with Part 4.5 of the MRPDGP.</p>
<i>Suitable amenities for heavy vehicle drivers are to be provided within the vicinity of the loading dock areas.</i>	<p>Appropriate amenities have been provided for heavy vehicle drivers and are located within close proximity to the proposed loading dock areas.</p> <p>Further details are provided within the Architectural Plans within Appendix 4.</p>
<i>Bicycle parking, staff amenities and end of trip facilities are required and are to be high in amenity and well positioned in accordance with the associated provisions of the Mamre Road Precinct Development Control Plan 2021.</i>	<p>Palisade fencing is proposed to be located at the road frontage, behind the landscaped area, and within the Subject Site boundary</p> <p>Bicycle parking, staff amenities and End of Trip Facilities have been provided within prime location of the Probiotec Warehouse in accordance with the relevant provisions of MRPDGP.</p> <p>This is further assessed within the MRPDGP Assessment within Appendix 25 and within Section 5.2.3 of this SEE report.</p>



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<i>The alignment of the proposed fencing is to give consideration to landscaping (in particular the positioning of tree plantings). Fencing is to be high quality and visually recessive.</i>	<p>The proposed fencing has been designed with consideration to landscaping and is of high quality.</p> <p>Further details are provided within the Landscaping Plans available within Appendix 18.</p>
State Environmental Planning Policy (Industry and Employment) 2021	
<i>Any such application is to demonstrate that the aims of the Policy are not hindered, in particular with regard to coordinated planning and development of land and, in relation to the provision of public utility infrastructure.</i>	The project has been assessed against the controls within the Industry and Employment SEPP and has been addressed within Section 4.10 of this SEE report.
<i>In accordance with Section 2.35 of State Environmental Planning Policy (Industry and Employment) 2021, development with an CIV greater than \$200,000 will require the concurrence of Transport for NSW.</i>	Noted.
<i>A Quantity Surveyors Report is to support any such application and is to be prepared having regard to the Development Planning Circular. Cost of development and Capital Investment Value are to be noted separately.</i>	A Quantity Surveyors Report has been prepared by Northcroft and is provided within Appendix 20 .
<i>Any such application is to demonstrate compliance with the provisions of Section 2.44 of State Environmental Planning Policy (Industry and Employment) 2021, in relation to stormwater, water quality and water sensitive design matters.</i>	The project has been assessed against the matters relating to stormwater, water quality and water sensitive design within the Industry and Employment SEPP and has been addressed within Section 4.10 of this SEE report.
Lodgement Requirements	
<i>In addition to the documents mentioned herein, any such application is to satisfy the 'Lodgement Requirements' of Appendix B of the Mamre Road Precinct Development Control Plan 2021.</i>	It is to be noted that all Lodgement requirements have been considered and are provided in accordance with Appendix B of the MRPDGP.
<i>It is expected that any such application be accompanied by a compliance table / matrix responding to conditions of Development Consent SSD-9522 (as amended).</i>	<p>This DA does not seek to amend the approval of SSD 9522, instead the proposed Warehouse and Distribution Centre seeks to add to the overall approval.</p> <p>The proposed development generally complies with the conditions of SSD 9522.</p>
<p><u>Bushfire</u></p> <i>As the site is mapped as being bushfire prone. A Bushfire Assessment Report, assess the development against Planning for Bushfire Protection 2019, is to be provided.</i>	A Bushfire Assessment has been prepared by Peterson Bushfire and is provided within Appendix 7 .



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<p><u>Environmental Planning and Assessment Regulation 2021</u></p> <p>Clause 25 of the Environmental Planning and Assessment Regulation 2021 (the Regulation) requires that a development application must contain:</p> <ul style="list-style-type: none">- A list of the authorities from which concurrence must be obtained before the development may lawfully be carried out, and from which concurrence would have been required but for the Act, Section 4.13(2A) or 4.41, and- A list of the approvals of the kind referred to in the Act, section 4.46(1) that must be obtained before the development may lawfully be carried out.	<p>Noted. This has been further assessed within Section 4.10 of this SEE report.</p>
<p><u>Structure Plan</u></p> <p>Clause 35 of the Regulation states that a person must not apply to a consent authority for consent to carry out development on land in the Mamre Road Precinct, unless the application is accompanied by an assessment of the consistency of the development with the relevant plan, being the Mamre Road Precinct Structure Plan dated June 2020 and published on the NSW Planning Portal.</p>	<p>Noted. The DA is accompanied by the MRPDGP Assessment available within Appendix 25 which assesses the consistency of the development with the relevant plan, being the Mamre Road Precinct Structure Plan.</p> <p>Further details are provided within Appendix 25.</p>
<p><u>Objectives of the Mamre Road Precinct Plan include:</u></p> <ul style="list-style-type: none">- To ensure that development in the precinct occurs in an orderly manner.- To ensure coordinated and orderly planning and delivery of infrastructure, land uses, supporting facilities and protection of the environment, and- To ensure that infrastructure, services and amenities are sufficient to support growth and development of the Precinct.	<p>Noted. The proposed development has been prepared in accordance with the objectives of the Mamre Road Precinct Plan, this has been assessed within the MRPDGP Assessment within Appendix 25.</p>
<p>Aim for the Western Sydney Employment Area are similarly reflected within Section 2.1 of State Environmental Planning Policy (Industry and Employment) 2021, and express the desire for coordinated planning and logical, orderly development.</p>	<p>Noted. The Industry and Employment SEPP has been addressed in relation to the proposed development and is available within Section 4.10 of this SEE report.</p>
2. Environmental Management	
Acoustics	



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<i>The application will need to demonstrate compliance with the acoustic conditions included in the determination for SSD 9522.</i>	An Acoustic Report has been prepared by Acoustic Works and is available within Appendix 2 , demonstrating compliance with the acoustic conditions included in the determination for SSD 9522 .
Air Quality	
Given the proposal will involve the handling of numerous powder-based products, the application will need to provide details on how air quality will be managed to prevent adverse impacts on surrounding premises. An Air Quality Management Plan for on-going operations needs to be provided with the application.	An Air Quality Assessment has been prepared by Northstar Air Quality and is available within Appendix 3 .
3. Engineering	
General	
<i>Council's engineering requirements for subdivisions and developments, including policies and specifications listed herein, can be located on Council's website.</i>	Noted.
<i>All engineering works must be design and constructed in accordance with Council's Design Guidelines for Engineering Works for Subdivisions and Developments and Council's Engineering Construction Specification for Civil Works.</i>	A Civil Engineering Report and Plans have been prepared by Costin Roe Consulting in accordance with the relevant Council guidelines. It is to be noted that no Subdivision works are proposed under this DA.
<i>A detailed survey of the site, including Council's verge area and the adjoining surround, shall be submitted with the application, All plans for the site shall have levels and details to AHD.</i>	A Survey Plan has been prepared by Costin Roe Consulting and is provided within Appendix 9 .
Stormwater	
<i>Stormwater drainage for the site must be in accordance with the Mamre Road Precinct DCP and shall meet the objective of Section 2.4 Intergrated Water Cycle Management.</i>	The proposed stormwater drainage for the Subject Site is in accordance with the MRPDGP. Further details are provided within the MRPDGP Assessment within Appendix 25 .
<i>A stormwater concept plan, accompanied by a supporting report and calculation, shall be submitted with the application. The application shall include concept stormwater plans for both any interim and ultimate developments.</i>	A Stormwater Management Plan has been provided within the Civil Engineering Report within Appendix 10 inclusive of concept stormwater plans.
<i>The stormwater concept plan shall demonstrate how the development complies with the Waterway Health and Water Sensitive Urban Design Controls (No 1-9) from Section 2.4</i>	The Civil Engineering Report, prepared by Costin Roe Consulting and available within Appendix 10 demonstrates compliance with Section 2.4 of the MRPDGP.



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<i>Intergrated Water Cycle Management of the Mamre Road Precinct DCP.</i>	
<i>A Water Management Strategy prepared by a suitably qualified person is to be provided for the site. The strategy shall address water conservation, water quality, water quantity, and operation and maintenance.</i> <i>The application shall include MUSIC modelling (*.sqz file) demonstrating compliance with water quality controls of the Mamre Road Precinct DCP.</i>	The Civil Engineering Report (Appendix 10) has been prepared by Costin Roe Consulting, for which the proposed development would seek to maintain and adhere to the water quality and quantity targets established across the Subject Site including Water Sensitive Urban Design.
<i>Penrith City Council will not accept the dedication of any estate water quantity or water quality basins. Any estate drainage basins are to be maintained in perpetuity by the estate. It is Council's preference that all water quantity and water quality treatment be provided on the individual lots. Any on-site detention system or water quality system must be within common property and accessible from the street.</i>	Noted.
<i>Any drainage basin shall be located clear of 1% AEP flood extents from South Creek.</i>	Consideration of flooding due to the proximity to South Creek is undertaken in the Civil Engineering Report at Appendix 10 . It is noted that a comprehensive flood assessment of the Estate was undertaken as part of SSD 9522 . The <i>South Creek Flood Study</i> shows the Subject Site is adjacent to the zone of the 1% AEP event. The flood surface extent and level for the 1% AEP storm event, presented at the peak flow per the South Creek Flood Study, at the upstream boundary of the property can be seen to be 35.0m and 33.5m at the downstream boundary. Allowing for the council required freeboard of 500mm, the corresponding flood planning level for the development varies between RL 35.5m to 34.0m AHD. It is confirmed that the basins are not located within the flood zone. Further details are provided within Appendix 10 .
<i>Sydney Water have been appointed as the Water Management Authority for the Mamre Road Precinct and have prepared a draft Aerotropolis Stormwater Management Framework which is a</i>	Consultation with Sydney Water has been undertaken as part of the wider estate approval.



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<i>set of guiding principles to plan and manage trunk drainage in the Aerotropolis and Mamre Road precincts. As part of the framework, a Preliminary Draft Trunk Stormwater Scheme Plan has been prepared for the Mamre Road Precinct that nominates areas for water treatment wetlands and storage ponds for water re-use. The plan is currently on exhibition. Consultation is to occur with Sydney Water to determine how the development will comply with the proposed scheme.</i>	The proposed development would not contravene the Preliminary Draft Trunk Stormwater Scheme Plan.
Mainstream Flooding	
<i>It is acknowledged that the site is to be filled in accordance with approval for the industrial estate issued by the Department of Planning under SSD-9522. It is acknowledged that impacts of filling upon South Creek flood plain were assessed under the SSD application. The application shall demonstrate how the proposed development is consistent with the Flood Impact Flood Risk Assessment and flood modelling undertaken for the parent subdivision approval.</i>	As abovementioned, consideration of flooding due to the proximity to South Creek is undertaken in the Civil Engineering Report at Appendix 10 . It is noted that a comprehensive flood assessment of the Estate was undertaken as part of SSD 9522 .
Traffic	
<i>The application shall be supported by a traffic report prepared by a suitably qualified person addressing, but not limited to, traffic generation, access, car parking, and manoeuvring.</i>	A Traffic Report has been prepared by Ason Group and is available within Appendix 22 , addressing the traffic generation, access, car parking and manoeuvring proposed for the Site.
<i>The traffic report shall also assess the adequacy of the proposed 'driveway' treatment of the Open Space Edge Road where it intersects with the cul-de-sac at the western end of the estate public access road. The assessment shall consider if provision of a standard 'T' intersection is warranted. Consideration of truck movements shall also be undertaken. It is anticipated that the Open Space Edge Road may be restricted with a load limit to restrict heavy vehicle usage from the industrial estate.</i>	The Traffic Report has been prepared to include an assessment of the proposed driveway, Open Space Edge Road intersection and truck movements. Further details are provided within Appendix 22 .
<i>In accordance with the DCP, cul-de-sacs are not supported. The development shall deliver the full length of the Open Space Edge Road as identified in Figure 12 of the DCP. The Open Space Edge Road shall be designed in accordance with the DCP and shall address the Road Design Controls, including specifically Control 23, from Part 3.4</i>	The cul-de-sac located at the southwestern section of the Subject Site has been proposed in order to enable efficient mobility of cars within the entire Yards Precinct. The proposed cul-de-sac is located at the entrance of the Probiotec Warehouse. The



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<p><i>Transport Network of the DCP. Council may consider a left-in and left-out type arrangement where north-east end of the Open Space Road intersects with the main north-south collector road.</i></p>	<p>proposed cul-de-sac will be a temporary development, enabling sufficient maneuverability in and out of the Subject Site and improving the flow of traffic around the area throughout the construction period of the Yards Precinct.</p> <p>It is considered that the proposed development will improve road safety, encouraging cars to slow down when approaching the cul-de-sac. Lighting and surveillance will also be included around this cul-de-sac to increase overall safety of the area. The cul-de-sac has been designed for the use of cars only, further improving road safety within the Yards Precinct.</p> <p>The proposal has been designed with consideration to the relevant Road Design Controls within MRPDCP. It is to be noted that the MRPDCP does not include any controls for the prohibition of cul-de-sacs in the Mamre Road Precinct. Refer to Appendix 25 for further assessment of the proposed cul-de-sac against the controls.</p> <p>Landscaping has been proposed around the cul-de-sac to achieve a positive visual outcome and contribute to a positive street presence. Further details are provided within the Landscape Plans within Appendix 18.</p>
<p><i>The application must demonstrate that access, car parking, and manoeuvring details comply with AS2890 Parts 1, 2 & 6 and Council's Development Control Plan.</i></p>	<p>The Traffic Report, prepared by Ason Group and available within Appendix 22, confirms that the proposed development complies with the relevant Australian Standards and controls within MRPDCP.</p> <p>Further details are provided within Appendix 22.</p>
<p><i>The proposed development shall be designed to be serviced by the design vehicle specified in Table 13 of the Mamre Road Precinct DCP.</i></p>	<p>The proposed development has been designed to be serviced by the design vehicle specified within MRPDCP.</p>
<p><i>A fully dimensioned car parking plan is to be provided demonstrating that car parking bays, car parking aisles and manoeuvring details comply with AS2890 Parts 1, 2 & 6 and Council's Development Control Plan.</i></p>	<p>A fully dimensioned car parking plan has been prepared by HLA Architects and is provided within the Architectural Plans available within Appendix 4.</p>



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<i>The application shall be supported by turning paths in accordance with AS2890 clearly demonstrating satisfactory manoeuvring on-site and forward entry and exit to and from the public road. The turn paths shall demonstrate that all turning movements to and from a public road can be undertaken from the kerb side lane.</i>	Swept Paths have been prepared by Ason Group and are provided within the Traffic Report available within Appendix 22 .
<i>The car park entry off the main north-south collector industrial road shall be located further north to minimise conflicts with the proposed industrial driveway.</i>	The Architectural Plans, prepared by HLA Architects and available within Appendix 4 , have been revised to locate the car park entry further north of the Subject Site in order to minimise conflicts with the proposed industrial driveway. Further details are provided within Appendix 4 .
The two adjoining industrial driveways are not supported due to conflicting turning movements onto a public road. Consolidation of the two driveways is to be considered or relocation of a driveway to elsewhere on the lot.	The Architectural Plans prepared by HLA Architects have been revised to reconfigure the original location of the two (2) driveways located southeast of the Subject Site as well as implement traffic strategies to minimise conflicts. Further details are provided within the Architectural Plans and Traffic Report within Appendix 4 and 22 .
<i>The application shall address the DCP requirements for public transport, pedestrian and cycle networks. The application shall include the location of bus routes and bus stops for the industrial precinct and shall demonstrate how the site is serviced by public transport.</i>	The public transport, pedestrian, and cycle network requirements within the MRPDCCP have been addressed within the MRPDCCP Assessment available within Appendix 25 .
<i>Parking requirements shall be in accordance with the DCP.</i>	Parking requirements within the MRDCCP have been addressed within the MRPDCCP Assessment available within Appendix 25 .
<i>The development shall provide electric vehicle charging stations.</i>	The proposed development provides a total of two (2) electrical vehicle charging stations. Further details into the location of these stations are provided within the Architectural Plans within Appendix 4 .
<i>Accessible paths of travel are to be provided from car parking areas to offices and warehouse.</i>	The proposed development provides accessible paths of travel from the car parking areas to the office and warehouses on the Subject Site. Further details are provided within the Architectural Plans within Appendix 4 .



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<i>The DCP requires a shared path adjoining the lands adjoining the RE1 lands (i.e. along the western side of the road).</i>	<p>The design of the future open space road, including any paths proposed, will be considered at the time of the construction of the road.</p> <p>Construction of the road is not considered under this DA.</p>
Earthworks	
<i>No retaining walls or filling is permitted for this development which will impede, divert or concentrate stormwater runoff passing through the site.</i>	<p>It is to be noted that the proposed retaining walls will not impede, divert or concentrate stormwater runoff passing through the Subject Site.</p> <p>Further details are provided within the Civil Engineering Report prepared by Costin Roe Consulting and provided within Appendix 10.</p>
<i>Earthworks and retaining walls must comply with the MRPDCCP.</i>	<p>The proposed development complies with the relevant controls within Part 4.4 of the MRPDCCP. This is further addressed within the MRPDCCP Assessment available within Appendix 25.</p>
4. Building	
<i>Consideration is to be given to the accessible amenity provisions of the National Construction Code.</i>	<p>The proposed development has been designed with consideration to the accessible amenity provisions of the National Construction Code.</p> <p>A BCA Compliance Report has been prepared by MBC Group and is provided within Appendix 6. The BCA Compliance Report confirms that the proposed development complies with the relevant provisions within the <i>National Construction Code – Building Code of Australia Volume One 2019 Amendment 1</i>.</p>
Documentation to be submitted with Development Application	
Key Land Based Considerations	
<i>Bushfire Prone Land will likely require Lodgement of a Bushfire Assessment Report</i>	<p>A Bushfire Assessment Report has been prepared by Peterson Bushfire and is provided within Appendix 7.</p>
<i>Flood Affected Land will require floor levels to Australian Height Datum (AHD).</i>	<p>Consideration of flooding due to the proximity to South Creek is undertaken in the Civil Engineering Report at Appendix 10 of the SEE.</p> <p>It is noted that a comprehensive flood assessment of the Estate was undertaken as part of SSD 9522.</p> <p>The <i>South Creek Flood Study</i> shows the Subject Site is adjacent to the zone of the 1% AEP event. The flood surface extent and level for the 1% AEP</p>



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	<p>storm event, presented at the peak flow per the South Creek Flood Study, at the upstream boundary of the property can be seen to be 35.0m and 33.5m at the downstream boundary. Allowing for the council required freeboard of 500mm, the corresponding flood planning level for the development varies between RL 35.5m to 34.0m AHD.</p> <p>The built form development footprint is clear of and does not impact the 1% AEP event and that all development lots are above the PMF flood water levels. There are no changes to the flood impacts or outcomes of the approved modelling associated with the subject development.</p>
Impacts to native vegetation (including grassland) will require an assessment under the NSW Biodiversity Offset Scheme and any require a Biodiversity Assessment Report or a Test of Significance.	A Statement of Ecological Impact has been prepared by Ecologique and is provided within Appendix 21 .



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PART B SITE ANALYSIS

2.1 SITE LOCATION AND CHARACTERISTICS

The Subject Site is identified as 657-767 Mamre Road, Kemps Creek, specifically being Lot 14 proposed under **DA22/0671**. The Subject Site is located within the suburb of Kemps Creek and forms part of the wider Penrith Local Government Area (LGA).

The Subject Site is irregular in shape and exhibits an area of approximately **101,657m²** with a primary frontage to Mamre Road to the east. The portion of the land subject to this DA is approximately **50,234m²**. The Subject Site is currently vacant and is undergoing earthworks as approved under **SSD 9522**.

The Subject Site is zoned IN1 General Industrial and is subject to the applicable provisions of Industry and Employment SEPP. The Subject Site is not subject to a maximum building height or floor space ratio pursuant to the Industry and Employment SEPP.

The location of the Subject Site and existing Site Development are depicted in **Figure 1** and **Figure 2** below.



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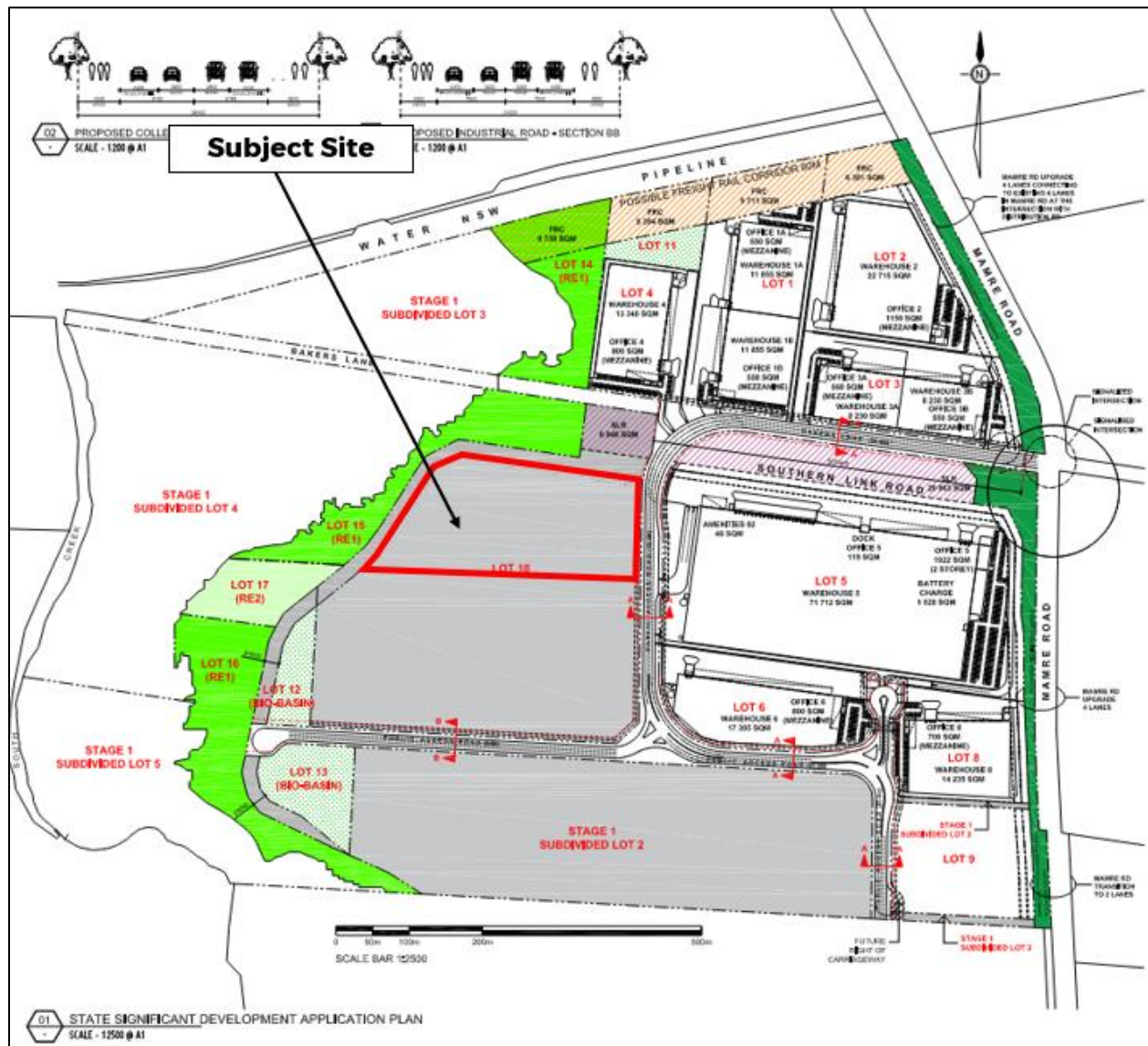


Figure 1. Approved Masterplan under Modification 2 of SSD 9522 (Source: Altis Frasers, 2021)

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Figure 2. Aerial Map (Source: Near Map, 2022)

2.2 SITE CONTEXT

The Subject Site is located within the Mamre Road Precinct, located approximately 40km west of Sydney's CBD, 22km west of Parramatta and 12km south of Penrith. It is 7km from the M7 Motorway and 5km from the M4 and in proximity to an established bus network. Additionally, the Subject Site is located within close proximity to active transport links, including designated bicycle pathways, providing an additional mode of accessible transport.

The precinct is undergoing significant transformation following rezoning of the land from C2 Environmental Conservation (formerly E2 Environmental Conservation) to IN1 General Industrial. There are a number of recently approved developments as well as applications under assessment by both Penrith City Council and Department of Planning and Environment (DPE). The industrial estate makes up the western portion of the larger area referred to as the Mamre Road Precinct, located in Precinct 12 of the Industry and Employment SEPP.

The Subject Site in relation to the Mamre Road Precinct is illustrated in **Figure 3** below.



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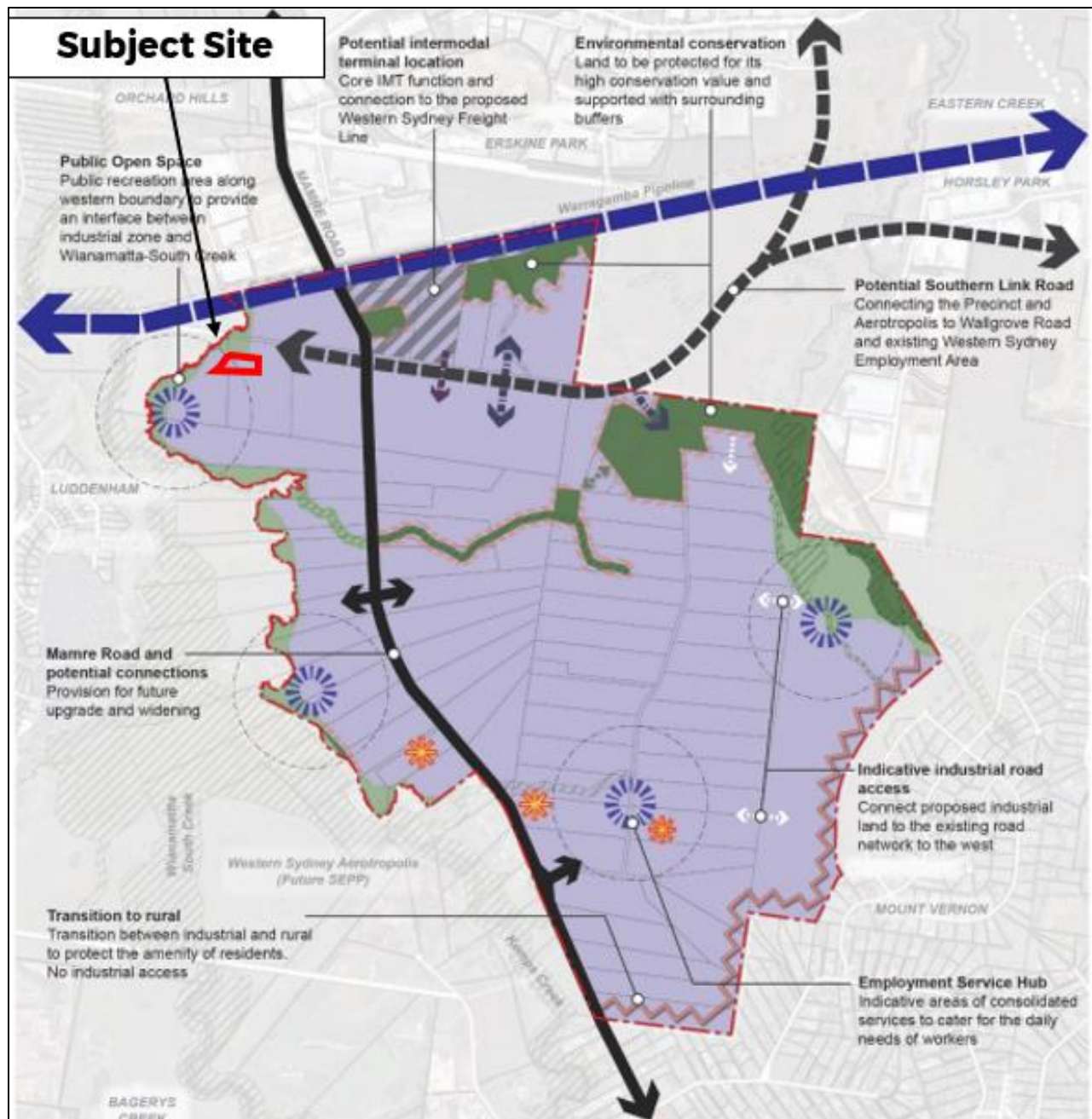


Figure 3. Mamre Road Structure Plan (Source: Penrith City Council, 2022)



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The surrounding land uses are detailed below:

- North: Mamre Road, undeveloped industrial zoned land and an established industrial area referred to as the Mamre West Precinct, located in Precinct 13 of the Industry and Employment SEPP.
- South: Undeveloped land within the Mamre Road Precinct zoned IN1 General Industrial and RE1 Public Recreation.
- East: Education and healthcare facilities including Mamre Anglican School, Emmaus Catholic College and the Catholic Healthcare Retirement Living Community.
- West: Low density residential dwellings and the Twin Creeks Golf and Country Club, zoned C2 Environmental Conservation, RE1 Public Recreation and RE2 Private Recreation

Generally, the broader context of the Subject Site is typified by undeveloped land, employment-generating land uses and rural areas. The employment generating land uses are predominately located along the enterprise corridor of Mamre Road and the industrial zone to the north of the Subject Site.

The surrounding context of the Subject Site is depicted in **Figure 4** below.



Figure 4. Site Context Map (Source: Near Map, 2022)



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2.3 DEVELOPMENT HISTORY

TABLE 2 below provides a summary of the DAs relating to the Subject Site that been determined or are under assessment.

TABLE 2. EXISTING CONSENTS		
DA Reference	Summary	Approval Date
State Significant Development Applications		
SSD 9522	Kemps Creek Warehouse, Logistics and Industrial Facilities Hub	21 December 2020
SSD 9522 MOD 1	Modifications to Lot 5 approved under SSD 9522	03 September 2021
SSD 9522 MOD 2	Modifications to Conditions of SSD 9522	08 April 2022
SSD 9522 MOD 3	Modifications to Lots 1-4 approved under SSD 9522	Under Assessment
SSD 9522 MOD 4	Modifications to Lot 6 approved under SSD 9522	Undergoing Adequacy Review by DPE
SSD 25725029	Proposed Manufacturing Facility and Associated Warehouse	29 September 2022
Development Applications		
DA22/0671	Proposed Warehouse and Distribution Centre and two (2) Lot Torrens Title Subdivision	Under Assessment



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PART C PROPOSED DEVELOPMENT

3.1 OVERVIEW

This DA seeks consent for the construction and operation of a Warehouse and Distribution Centre for Priobiotec Limited's future operations. The proposed development is to be undertaken on future Lot 14. Detailed Architectural Plans accompany this application as **Appendix 4**.

Specifically, the following works are proposed:

- Construction of a Warehouse and Distribution Centre including loading docks and ancillary two-storey office spaces, bathrooms and kitchenettes;
- Use of the buildings for warehouse and distribution operating 24 hours seven (7) days a week;
- Minor filling and trimming earthworks;
- Construction of 216 car parking spaces;
- Construction of hardstand truck parking and loading/unloading areas;
- Installation of associated signage; and
- Associated landscaping works.

3.2 DEVELOPMENT STATISTICS

The proposed Warehouse and Distribution Centre includes those works as identified in **TABLE 3** below.

TABLE 3. DEVELOPMENT STATISTICS	
Component	Proposed
Site Area	Proposed Lot 13: 51,693m ² (Residual Lot) Proposed Lot 14: 50,234m ² (Development Site) Total: 101,927m ²
Building Type	Warehouse and Distribution Centre with ancillary office spaces
Gross Floor Area	Warehouse A GFA: 16,290m ² Warehouse B GFA: 12,400m ² Total GFA: 29,768m ²
Building Height	13.7m
Number of Storeys	Two (2)
Landscaping	395 trees resulting in 9,159m ² (or 18.2%) canopy cover of the Subject Site.
Earthworks	All major earthworks on the Subject Site have been approved under SSD 9522 . Only minor trimming and shaping will be required as part of the proposed development.



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TABLE 3. DEVELOPMENT STATISTICS	
Component	Proposed
Driveways	Two (2) driveways for vehicular access are proposed, with one (1) located on the southwestern boundary for access to Warehouse A, and one (1) on the southeastern boundary for access to the Warehouse B. Additionally, there is one (1) truck access point located on the southeastern corner of the Subject Site for truck access to both Warehouse A and B.
Car Parking	Warehouse A: 178 carparking spaces Warehouse B: 38 carparking spaces Total: 216 carparking spaces
Bicycle Parking	30 spaces
Tree Removal	All vegetation removal has been approved under SSD 9522 and is currently underway on the Subject Site.
Signage	Three (3) Free Standing Business Identification Pylon Signs.
Infrastructure and Servicing	All essential services, utilities and public infrastructure required has been approved under SSD 9522 and is capable of servicing the proposed development.
Cost of works	\$27,747,091 (excluding GST)

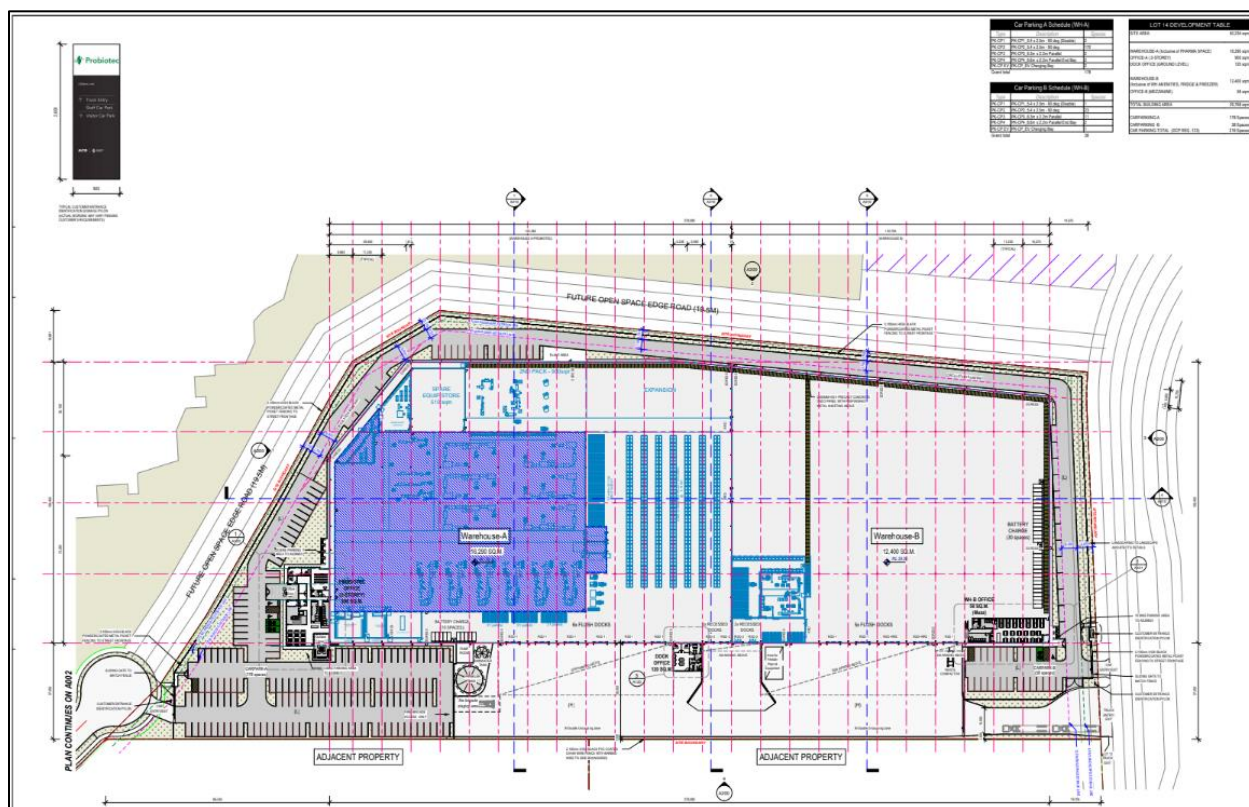
The proposed Site Plan is illustrated in **Figure 5** below.



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3.3.1 Probiotec Operational Details

The proposal consists of the construction of a Warehouse and Distribution Centre for the purposes for Probiotec Limited's future operations. Probiotec Limited is an Australian owned, global operating, pharmaceutical and food manufacturer, with manufacturing facilities located in Melbourne.

The proposed development consists of Warehouse A and B which will both be operated by Probiotec Limited. Warehouse A is inclusive of pharmaceutical space and Warehouse B will consist of amenities, fridge and freezer.



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PART D LEGISLATIVE AND POLICY FRAMEWORK

4.1 CONTROLS AND POLICY OVERVIEW

This Part of the SEE addresses and responds to the legislative and policy requirements relevant to the proposed development at the Subject Site in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act). The statutory planning framework relevant to the proposed development at the Subject Site includes:

State Planning Controls

- *Environmental Planning and Assessment Act 1979*;
- *Environmental Planning and Assessment Regulation 2021*;
- *Water Management Act 2000*;
- *Biodiversity Conservation Act 2016*;
- *Protection of the Environment Operation Act 1997*;
- *State Environmental Planning Policy (Planning Systems) 2021*;
- *State Environmental Planning Policy (Transport and infrastructure) 2021*;
- *State Environmental Planning Policy (Resilience and Hazards) 2021*; and
- *State Environmental Planning Policy (Industry and Employment) 2021*.

Local Planning Controls

- *Penrith Local Environmental Plan 2010*;
- *Mamre Road Precinct Development Control Plan*;
- *Greater Sydney Regional Plan – A Metropolis of Three Cities*;
- *Western City District Plan*;
- *Western Sydney Aerotropolis Plan*; and
- *Western Sydney Employment Area*.

4.2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The EP&A Act is the principle planning and development legislation in New South Wales. Pursuant to Part 4 of the EP&A Act, the proposal is considered local development.

Section 4.15(1) of the EP&A Act specifies the matters which a consent authority must consider when determining a DA. The relevant matters for consideration under Section 4.15(1) of the EP&A Act are provided in **TABLE 5** below.



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TABLE 5. SECTION 4.15(1)(A) CONSIDERATIONS	
Section	Response
Section 4.15(1)(a)(i) any environmental planning instrument, and	The principal EPI for the proposed development on the Subject Site is the Industry and Employment SEPP, which is assessed in Section 4.10 of this SEE report.
Section 4.15(1)(a)(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	There are currently no proposed EPIs that have been subject to public consultation which are relevant to the Subject Site or proposal.
Section 4.15(1)(a)(iii) any development control plan, and	The applicable Development Control Plan is the MRPDGP with the relevant provisions discussed below in Section 4.13 of this SEE and Appendix 25 .
Section 4.15(1)(a)(iia) 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	As per condition A23 of SSD 9522 , a voluntary planning agreement (VPA) has been entered into on Lot 10 for infrastructure upgrades to service the development, including road and intersection works. This VPA applies to the Subject Site and will not be altered as a result of the proposed development.
Section 4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	The proposed development comprises local development.
Section 4.15(1)(b)-(c)	The potential environmental impacts and suitability of the Subject Site for the proposed development are discussed in Part E of this SEE.

Pursuant to Section 4.5 of the EP&A Act, the consent authority for the proposed development is Penrith City Council. In the event the application receives more than ten (10) unique submissions, the application will be determined by the Local Planning Panel.

Section 4.46 of the EP&A Act defines “Integrated Development” as matters which require consent from Council and one (1) or more authorities under related legislation. In these circumstances, prior to granting consent, Council must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development.

The proposed development is considered integrated development and requires concurrence from Transport for New South Wales (TfNSW), pursuant to Clause 2.34 of the Industry and Employment SEPP.



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4.3 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021

The proposed development application has been prepared in accordance with the provisions of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation). Part 3, Division 1, Clause 24 of the EP&A Regulation stipulates how a DA must be “made”. This DA satisfies the relevant criteria of the Regulation as follows:

1) *A development application must:*

a) *be in the form approved form, and*

The DA includes all relevant information approved by the Planning Secretary and in accordance with the NSW Planning Portal guidelines.

b) *contain all of the information and documents required by-*

(i) the approved form, and

(ii) the Act or this Regulation, and

The DA is accompanied with all the relevant consultant reports as required under the EP&A Act and EP&A Regulation.

c) *Be submitted on the NSW planning portal;*

The DA will be lodged via the NSW Planning Portal.

Further, the proposed use does not meet the ‘Designated Development’ thresholds pursuant Schedule 3 of the EP&A Regulation.

4.4 WATER MANAGEMENT ACT 2000

The objective of the *Water Management Act 2000* (WM Act) is the sustainable and integrated management of the state's water for the benefit of both present and future generations. The proposed development is not located within 40m of a watercourse and therefore, no further assessment against the WM Act is required.

4.5 BIODIVERSITY CONSERVATION ACT 2016

The *Biodiversity Conservation Act 2016* (BC Act) sets out, among other things, to establish a scientific method for assessing the likely impacts on biodiversity values of proposed development and land use change.

The Subject Site is not identified as containing Biodiversity Values on the Biodiversity Values Map and Threshold Tool and therefore, no further assessment against the BC Act is required. Notwithstanding, a Statement of Ecological Impact has been prepared by Ecologique and submitted with this DA (**Appendix 21**). In addition, it is noted that clearing of vegetation Estate wide was approved under **SSD 9522**.



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4.6 PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997

Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act) contains a core list of activities that require a license before they may be undertaken or carried out. The definition of an ‘activity’ for the purposes of the POEO Act is:

“an industrial, agricultural or commercial activity or an activity of any other nature whatever (including the keeping of a substance or an animal)”

The proposed development does not trigger any thresholds listed under Schedule 1 of the POEO Act. Therefore, no further considerations are required.

4.7 STATE ENVIRONMENTAL PLANNING POLICY (PLANNING SYSTEMS) 2021

The *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP) repealed *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP) on 1 March 2022. The Planning Systems SEPP identifies development that is State significant development, State Significant Infrastructure and critical State Significant Infrastructure and regionally significant development.

Pursuant to Schedule 1, Clause 12 of the Planning Systems SEPP:

12 Warehouses or distribution centres

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

The proposed development has a Capital Investment Value (CIV) of \$27,747,091 (exclusive of GST). Given the CIV of the development, for the purposes of a Warehouse and Distribution Centre, does not exceed \$30 million exclusive of GST, no further consideration of the Planning Systems SEPP is required.

4.8 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

The Transport and Infrastructure SEPP repealed *State Environmental Planning Policy (Infrastructure) 2007* on 1 March 2022. Transport and Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across NSW.

Clause 2.121 – Traffic generating development



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Pursuant to Clause 2.121, the Transport and Infrastructure SEPP provides for certain proposed developments known as Traffic Generating Development, to be referred to NSW Roads and Maritime Services (NSW RMS, now TfNSW) for concurrence.

Schedule 3 of the Transport and Infrastructure SEPP, lists the types of development that are defined as Traffic Generating Development. The referral thresholds for 'warehouse or distribution centres' development includes sites of:

- 8,000m² in site area or (if the site area is less than the gross floor area) gross floor area;

The Subject Site exceeds 8,000m² in area and is therefore considered Traffic Generating Development and will be referred to Transport for NSW.

4.9 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP) repealed *State Environmental Planning Policy No.33 – Hazardous and Offensive Developments* on 1 March 2022.

Chapter 3 Potentially Hazardous or Potentially Offensive Development

Although the proposed Probiotec Warehouse and Distribution Centre is not a dedicated Dangerous Goods (DG) storage facility and hence, the warehouse facility would not be established as a DG Storage Site, a



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number of DGs are stored in quantities and are used in support of the medical component manufacturing business.

The DGs stored and handled at the Probiotec Facility are listed in **TABLE 6** below:

TABLE 6. DANGEROUS GOODS STORAGE DETAILS				
Chemical Name	Class	Package Group (PG)	Max. quantity held on site (kg)	Notes
Aerosols	2.1	N/A	147,820 / 39,955*	LPG in aerosols
Petroleum Gases, Liquefied	2.1	N/A	135	Forklift fuel in cylinders
Flammable Liquid NOS	3	II&III	106	Stored in a flammable liquids cabinet

*NOTE: This refers to the quantity of propellant within the aerosols and not the total package weight. The propellant content within the canisters is typically around 25% of product weight.

A Preliminary Hazard Analysis (PHA) is currently being prepared to ascertain whether the proposed development does or does not exceed the storage threshold levels. The PHA will be submitted to Council to accompany the SEE report.

In addition to the DGs storage assessments, a potentially offensive industry assessment was conducted, which identified that the operations at the Subject Site would not classify the Warehouse and Distribution Centres as offensive.

Chapter 4 Remediation of Land

The Resilience and Hazards SEPP repealed *State Environmental Planning Policy No 55 – Remediation of Land* on 1 March 2021. Clause 4.6 of the Resilience and Hazards SEPP requires that a consent authority must not grant development consent on land unless:

- it has considered whether the land is contaminated, and*
- if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

A Site Suitability Assessment prepared by JBS&G has been provided in **Appendix 26** which concludes the following:

- A desktop assessment and detailed inspection did not identify the potential for gross and/or widespread contamination of the Subject Site;



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- Potential contamination impacts were assessed by advancement of 49 intrusive investigation locations, field screening of Subject Site media and subsequent laboratory analysis for contaminants of potential concern (COPCs) identified. No COPCs were identified within Subject Site media samples analysed which exceeded relevant Site screening assessment criteria for commercial/industrial land use site suitability in 2019;
- Stockpiles of demolition waste material (comprising of concrete waste) are considered to be inert and do not change the Subject Site suitability conclusions provided in the JBS&G investigations undertaken on the Subject Site in 2019; and
- A Construction Environmental Management Plan (CEMP), including an Unexpected Finds Protocol (UFP), should be developed for the Subject Site to ensure that typical site management strategies are implemented, and no contamination is introduced to the Subject Site during development.

Given the above, it is considered that the Subject Site is suitable for the proposed development having regard to the requirements of the Resilience and Hazards SEPP. It is noted that a CEMP has been provided in **Appendix 11** for the proposed development.

4.10 STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021

Industry and Employment SEPP repealed *State Environmental Planning Policy (Western Sydney Employment Area) 2009* on 1 March 2022.

Chapter 2 - Western Sydney Employment Area

The Subject Site forms part of the Industry and Employment SEPP and is situated within Precinct 12 – Mamre Road of the Industry and Employment SEPP. Chapter 2 of the Industry and Employment SEPP (Western Sydney Employment Area) was formulated specifically to promote employment outcomes in the broader Western Sydney Region in proximity to where people live. The proposed development is highly consistent with the aims of Industry and Employment SEPP, in that it would strongly promote economic development and employment opportunities, exactly as per the aims of the SEPP. Employment and investment results anticipated for the Subject Site, would be consistent with both short and long-term outcomes for the broader Mamre Road area.

The aims of Chapter 2 of the Industry and Employment SEPP are addressed in **TABLE 6** below:

TABLE 7. WESTERN SYDNEY EMPLOYMENT AREA - INDUSTRY AND EMPLOYMENT SEPP	
Clause	Comment
Chapter 2 – Western Sydney Employment Area	<p>2.1 Aims of this Chapter</p> <p><i>(2) The particular aims of this Chapter are as follows—</i></p> <p><i>“To promote economic development and the creation of employment in the Western Sydney Employment Area by providing for development including major warehousing, distribution, freight transport, industrial, high technology and research facilities.”</i></p>



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TABLE 7. WESTERN SYDNEY EMPLOYMENT AREA - INDUSTRY AND EMPLOYMENT SEPP	
Clause	Comment
	<p>Response: The proposal will support future employment generation for the Western Sydney Employment Area (WSEA) by creating a new industrial development resulting in additional construction jobs and ongoing operational jobs.</p> <p><i>“To provide for the co-ordinated planning and development of land in Western Sydney Employment Area.”</i></p> <p>Response: The proposal represents a logical and rational development with respect to the vision for both the WSEA and Aerotropolis to provide industry and employment lands. In this respect, the same scale and form of development is proposed for the Subject Site in a coordinated and orderly manner. This proposal contributes to the provision of employment, in line with the aims of the Industry and Employment SEPP. It is an appropriate form of development as the Mamre Road Precinct transitions from rural to industrial and supports the intended objectives of the subject proposal.</p> <p>The broader Aerotropolis Precinct and Western Sydney Airport would not be adversely affected by the proposal, given its location; and all planning for this broader area could proceed as planned and not impact on the operation proposed under this DA.</p> <p><i>“To rezone land for employment and environmental conservation purposes.”</i></p> <p>Response: The Subject Site is appropriately zoned IN1 General Industrial under the Industry and Employment SEPP.</p> <p><i>“To improve certainty and regulatory efficiency by providing a consistent planning regime for future development and infrastructure provision in the Western Sydney Employment Area.”</i></p> <p>Response: The proposed development would represent a logical development within zoned employment lands within the WSEA.</p> <p>The scale of development proposed is deemed consistent with the surrounding employment lands, in terms of overall built-form, and intensity of operations.</p> <p><i>“To ensure that development occurs in a logical, environmentally sensitive and cost-effective manner and only after a development</i></p>



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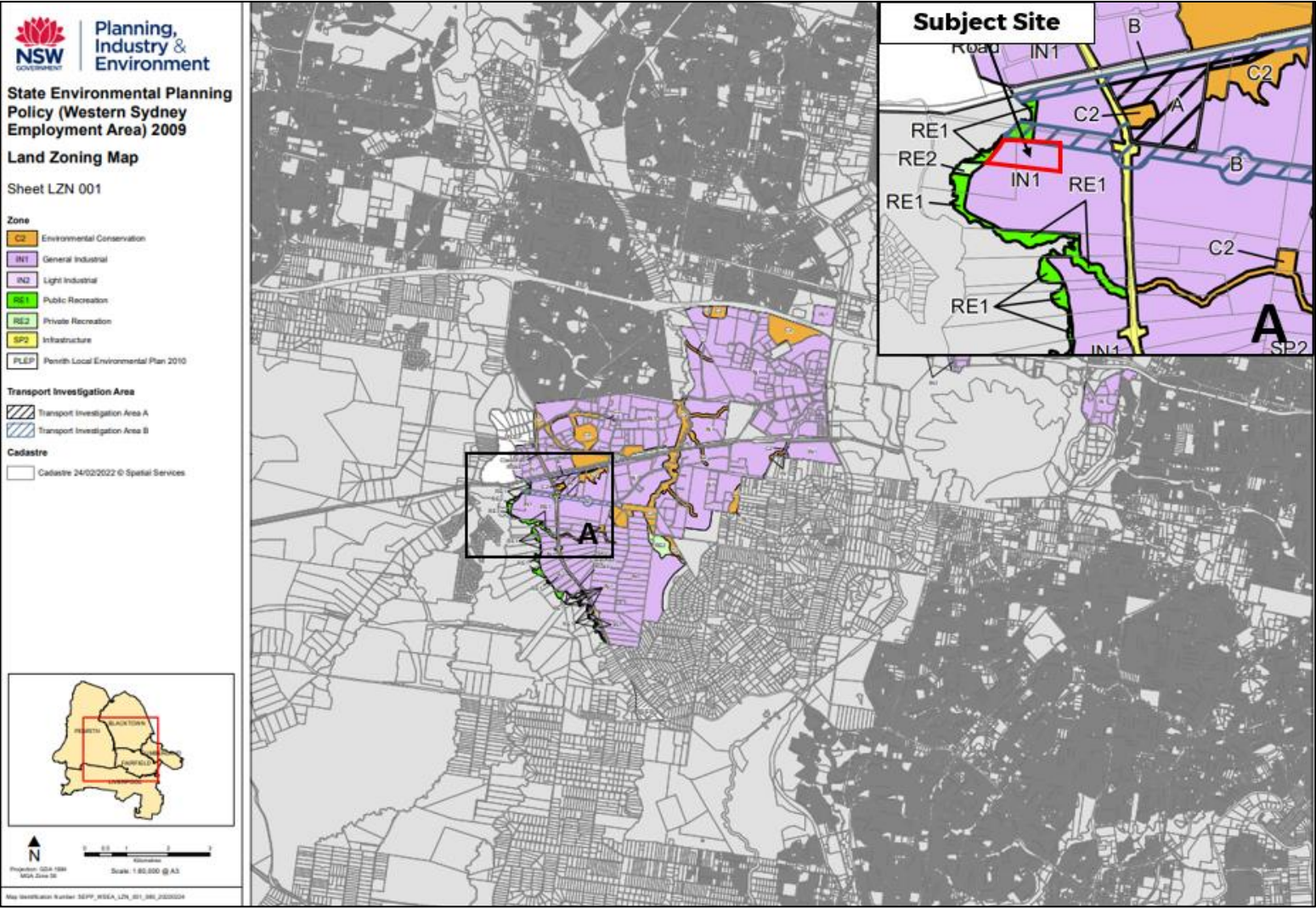
TABLE 7. WESTERN SYDNEY EMPLOYMENT AREA - INDUSTRY AND EMPLOYMENT SEPP	
Clause	Comment
	<p><i>control plan (including specific development controls) has been prepared for the land concerned."</i></p> <p>Response: The Subject Site is subject to the MRPDCCP. The proposal has considered and generally accords with the MRPDCCP.</p> <p><i>"To conserve and rehabilitate areas that have a high biodiversity or heritage or cultural value, in particular area of remnant vegetation."</i></p> <p>Response: Areas of biodiversity and heritage value will not be unacceptably impacted by the proposal. Adequate management and mitigation measures will be implemented during both construction and operational phases.</p>

4.10.1 Zoning and Permissibility

The Subject Site is zoned IN1 General Industrial under the provisions of Industry and Employment SEPP (Figure 6).



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Within the IN1 zone the following are permissible without consent:

Nil.

Within the IN1 zone the following are permissible with consent:

*Building identification signs; Business identification signs; Depots; Environmental facilities; Environmental protection works; Food and drink premises; Freight transport facilities; Garden centres; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Industries (other than offensive or hazardous industries); Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Roads; Service stations; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; **Warehouse or distribution centres.***

Within the IN1 zone the following are prohibited:

Any development not specified in item 2 or 3.

The proposed development comprises a Warehouse and Distribution Centre, defined as follows:

- a **warehouse or distribution centre** means:

a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, and includes local distribution premises.

Therefore, the proposed construction and operational use of a Warehouse and Distribution Centre is permissible with consent within the IN1 zone.

TABLE 7 outlines the consistency and compliance of the proposal with the relevant development standards and controls under the Industry and Employment SEPP.

TABLE 8. DEVELOPMENT STANDARDS - INDUSTRY AND EMPLOYMENT SEPP	
Clause	Comment
Permitted or prohibited development	
Clause 2.10 – Zone objectives and land use table	<p><i>(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</i></p> <p>Zone IN1 General Industrial</p> <p>1. Objectives of Zone</p> <ul style="list-style-type: none">▪ <i>To facilitate a wide range of employment generating development including industrial manufacturing, warehouse, storage and research uses and ancillary office space.</i>



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TABLE 8. DEVELOPMENT STANDARDS - INDUSTRY AND EMPLOYMENT SEPP

Clause	Comment
	<p>Response: The proposal includes provisions for the construction and operational use of a Warehouse and Distribution Centre within a zone designated for employment generation.</p> <ul style="list-style-type: none"> <i>To encourage employment opportunities along motorway corridors, including the M7 and M4.</i> <p>Response: The Subject Site is suitably located in close proximity to key infrastructure corridors including the M4 and M7 Motorways, as well as being located alongside Mamre Road, which is due to be upgraded as part of the TfNSW Mamre Road Widening project.</p> <ul style="list-style-type: none"> <i>To minimise any adverse effect of industry on other land uses.</i> <i>To facilitate road network links to the M7 and M4 Motorways.</i> <p>Response: The proposal would minimise adverse effects on other land through mitigation in design and operation. There would be no material change to any planned road networks.</p> <ul style="list-style-type: none"> <i>To encourage a high standard of development that does not prejudice the sustainability of other enterprises or the environment.</i> <p>Response: There would be no adverse impacts on adjoining land uses or the environment as a result of the proposed development. The proposal includes provisions for the construction and operational use of a Warehouse and Distribution Centre is considered commensurate with surrounding industrial development within the Estate (SSD 9522) and the wider WSEA.</p> <ul style="list-style-type: none"> <i>To provide for small-scale local services such as commercial, retail and community facilities (including child care facilities) that service or support the needs of employment-generating uses in the zone.</i> <p>Response: The proposal includes provisions for the construction and operational use of a Warehouse and Distribution Centre within a zone designated for employment generation. The proposal would be appropriately co-located in close proximity to approved and proposed industrial developments which generate significant employment outcomes throughout the WSEA.</p>
Development Control Plan	
Clause 2.17 – Requirements for Development Control Plan	A site-specific Development Control Plan (DCP), MRPDGP, has been prepared for this Site under SSD 9522 .



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TABLE 8. DEVELOPMENT STANDARDS - INDUSTRY AND EMPLOYMENT SEPP

Clause	Comment
	Accordingly, the MRPDCEP has been considered within Appendix 25 .
Principal development standards	
Clause 2.19 - Ecologically sustainable development	<p>The Proposed development incorporates a number of ESD initiatives to reduce the consumption of potable water and greenhouse gas emissions of the future operations. Initiatives relate to:</p> <ul style="list-style-type: none"> ▪ Transport; ▪ Stormwater; ▪ Building Materials; ▪ Water; ▪ Indoor Environment Quality; ▪ Noise; ▪ Energy Efficiency; ▪ Waste; and ▪ Land Use and Ecology Impact. <p>An Ecologically Sustainable Development prepared by Frasers Property International forms Appendix 14 of this SEE report.</p>
Clause 2.20 - Height of buildings	<p>No maximum building height has been adopted under the Industry and Employment SEPP. However, the consent authority must be satisfied that:</p> <p style="padding-left: 40px;">(a) <i>building heights will not adversely impact on the amenity of adjacent residential areas, and,</i></p> <p style="padding-left: 40px;">(b) <i>site topography has been taken into consideration.</i></p> <p>The maximum building height with respect to the proposed development is 13.7m. The Subject Site is generally flat as a result of the approved earthworks (SSD 9522), and this has been appropriately considered within the design of the development.</p> <p>A Visual Impact Assessment prepared by Geoscape has been provided in Appendix 23 to address the visual impacts of the proposed development on the surrounding properties.</p> <p>It is concluded that the proposed development will cause a change in the view for a limited number of properties. Road users, pedestrians and cyclists have been identified as being impacted on a medium level. Residential property receptors who typically have high sensitivity will be impacted in a low level as the proposed development will have a coherent vegetation</p>



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TABLE 8. DEVELOPMENT STANDARDS - INDUSTRY AND EMPLOYMENT SEPP

Clause	Comment
	<p>screen where proposed large canopy trees will blend with the existing scattered trees within the view.</p> <p>Views from adjacent industrial properties to the south and east shall have views to the proposed development but are mitigated with tall native canopy trees, screening shrubs and groundcovers are planted. Following maturity, these planted buffers will provide dense screen to help soften and screen the development.</p> <p>The development proposes substantial landscape planting to offset the visual impact in the form of setbacks with dense tree and shrub planting. This will be most effective after 15 years for those receptors who experience direct views.</p> <p>In addition, shadow diagrams have been included in the Architectural Plans included in Appendix 4 which demonstrate that the proposed development would not result in any solar access impacts to any residential areas given the proximity of the Subject Site to any residential receivers.</p>
Clause 2.21 - Rainwater harvesting	<p>Under Clause 2.21 of Industry and Employment SEPP, <i>"the consent authority must not grant consent to development on land to which this Policy 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 Director-General."</i></p> <p>Rainwater harvesting has been provided, with re-use for non-potable applications incorporated into the overall design. Internal uses will include such potable applications as toilet flushing, while external applications would be used for irrigation.</p>
Clause 2.22 - Development adjoining residential land	<p>Clause 2.22 applies to any land that is within 250m of land zoned primarily for residential purposes.</p> <p>The Subject Site is not located within 250m of land that is zoned primarily for residential purposes. Therefore, no further assessment against Clause 2.22 is warranted.</p>
Clause 2.23 - Development involving subdivision	<p>(a) Clause 2.23 applies to development involving subdivision.</p> <p>SSD 9522 included provisions for subdivision to create the subject allotment. No further subdivision is proposed as part of this DA.</p>
Clause 2.24 - Public utility infrastructure	<p>Adequate arrangements for the provision of public utility infrastructure have been provided as part of SSD 9522.</p>



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TABLE 8. DEVELOPMENT STANDARDS - INDUSTRY AND EMPLOYMENT SEPP

Clause	Comment
Clause 2.25 - Development on or in vicinity of proposed transport infrastructure routes	<p>The Subject Site is within proximity of a proposed transport infrastructure route, being the Southern Link Road.</p> <p>SSD 9522 allows for the Southern Link Road (SLR) and has based its alignment on the designs prepared for the NSW DPE by AECOM. The alignment shown, demonstrates sound planning, combining three (3) infrastructure corridors (Southern Link Road, Sydney Water Pipeline, Western Sydney Freight Rail Corridor). This alignment is consistent with the Mamre Road Precinct Structure Plan.</p> <p>The Subject Site is not within close proximity to the future SLR alignment.</p>
Clause 2.26 - Exceptions to development standards	The proposal does not seek to contravene any development standards.
Miscellaneous provisions	
Clause 2.27 - Relevant acquisition authority	The Subject Site does not contain any areas reserved for acquisition.
Clause 2.28 - Industrial Release Area - satisfactory arrangements for the provision of regional transport infrastructure and services	<p>The Subject Site is identified within an Industrial Release Area pursuant to Clause 2.28 of Industry and Employment SEPP.</p> <p>Satisfactory arrangements were issued under SSD 9522, which relate to the Subject Site.</p>
Clause 2.29 - Control relating to miscellaneous permissible uses	Not applicable to the proposed development.
Clause 2.30 - Design principles	<p>In consideration of Clause 2.30 of Industry and Employment SEPP, the design principles of the built form have been considered below:</p> <p><i>"the development is of a high quality design, and"</i></p> <p>Response: The proposed Warehouse and Distribution Centre is of a high-quality design and construction standard in order to positively contribute to the high standard character of the surrounding approved industrial development.</p> <p><i>"a variety of materials and external finishes for the external facades are incorporated, and"</i></p> <p>Response: the proposed development has been designed to address the street frontage in order to achieve a positive visual outcome and contribute to pleasant views toward the Subject Site from the public domain. Façade articulation and a mix of materials and external finishes will create visual</p>



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TABLE 8. DEVELOPMENT STANDARDS - INDUSTRY AND EMPLOYMENT SEPP

Clause	Comment
	<p>interest and the siting of offices to address the street frontage will provide additional modulation and opportunities for passive surveillance.</p> <p><i>"high quality landscaping is provided, and"</i></p> <p>Response: Combined with significant building setbacks, deep-soil landscaping within the setbacks will soften the appearance of the built form and hard surfaces of the Subject Site. This will introduce a human-scale to the Subject Site and prevent the dominance of the built form. The provision of high-quality landscaping will enhance the vegetated character of the Subject Site and locale and improve vistas taking in the Subject Site. Deep soil landscaping will also screen car parking and loading areas from the street.</p> <p><i>"the scale and character of the development is compatible with other employment-generating development in the precinct concerned."</i></p> <p>Response: The proposed Warehouse and Distribution Centre is of a scale and appearance consistent with approved and proposed surrounding development and as such will be consistent with the prevailing built form appearance of approved and future development on surrounding sites and will reinforce the industrial character of the area.</p>
Clause 2.31 - Preservation of Trees or Vegetation	SSD 9522 included provisions for native vegetation clearing of approximately 9.15ha . No additional vegetation clearing is required as a result of the subject development. The building footprint of the proposed development will not exceed the area approved for clearing.
Clause 2.33 - Development near zone boundaries	Not applicable to the proposed development.
Clause 2.34 - Development of land within or adjacent to transport investigation area	<p>The Subject Site is identified as being within the "Transport Investigation Areas A and B" pursuant to Industry and Employment SEPP and has a capital investment value of more than \$200,000.</p> <p>Concurrence from Transport for NSW is therefore required.</p>
Clause 2.35 - Development within the Mamre Road Precinct	<p>The Subject Site is identified as being within the Mamre Road Precinct pursuant to Industry and Employment SEPP and has a capital investment value of more than \$200,000.</p> <p>Concurrence from Transport for NSW is therefore required.</p>
Clause 2.36 - Development in areas subject to aircraft noise	The Subject Site is located approximately 8.1km northeast of the Aerodrome Reference Point for the Western Sydney International (Nancy-Bird Walton) Airport (the Airport). The Subject Site is identified to be located on land in



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TABLE 8. DEVELOPMENT STANDARDS - INDUSTRY AND EMPLOYMENT SEPP

Clause	Comment
	<p>Australian Noise Exposure Concept (ANEC) contour of less than 20 as indicated by the Noise modelling tool published by the Department of Infrastructure, Transport, Regional Development and Communications.</p> <p>Mitigation Strategies have been implemented in order to ensure the proposed development will not adversely impact on the operations of the airport, this is further discussed within the Aviation Assessment and Acoustic Report within Appendix 5 and 2.</p>
Clause 2.37 - Airspace operations	The proposed development does not penetrate the prescribed airspace. Prescribed airspace is defined as any area above the obstacle limitation surface (OLS). The maximum building height does exceed the OLS. Therefore, no further consideration under Clause 2.37 is required.
Clause 2.38 - Development of land adjacent to Airport	<p>The proposed development will not impact on the safety of flight operations, does not infringe into Prescribed Airspace, is located in an area allowable under the criteria for noise exposure and is outside of the Public Safety areas in accordance with Clause 2.38 of Industry and Employment SEPP.</p> <p>Further details are provided within the Aviation Report within Appendix 5.</p>
Clause 2.39 - Water recycling and conservation	The proposed development does not comprise a water recycling facility, nor are there provisions for a water recycling facility to service the Subject Site requiring further consideration.
Clause 2.40 - Earthworks	The proposal involves minor earthworks to be undertaken at the Subject Site. The proposed earthworks are considered to comply with the requirements of Clause 2.40. A Geotechnical Investigation Report (Appendix 16) has been prepared which determines that the proposed earthworks will not result in additional unreasonable impacts to those earthworks approved as part of SSD 9522 .
Clause 2.41 - Development on flood prone land	SSD 9522 considered the potential flooding impacts and behaviours as a result of the post-development flows. There would be no further changes to the outcomes in this respect.
Clause 2.42 - Heritage conservation	<p>The Subject Site is not identified to contain or located in proximity to a heritage item. SSD 9522 considered potential Historic (European) Heritage and Aboriginal Cultural Heritage affectations attributed to the Subject Site. No Aboriginal or non-Aboriginal heritage sites, objects or areas of high or moderate subsurface archaeological potential were identified.</p> <p>An addendum letter, prepared by Biosis, to the Aboriginal Cultural Heritage Assessment Report undertaken as part of SSD 9522 has been provided in Appendix 17 which has determined that in accordance with MRPDGP, no further archaeological or heritage assessment is required. The addendum</p>



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TABLE 8. DEVELOPMENT STANDARDS - INDUSTRY AND EMPLOYMENT SEPP

Clause	Comment
	letter also confirms that the Subject Site may continue to be managed in accordance with the existing recommendations and mitigation measures that to apply to the Subject Site.
Clause 2.43 - Consent for clearing native vegetation	The Subject Site does not comprise biodiversity values nor is any vegetation clearing proposed.
Clause 2.44 - Stormwater, water quality and water sensitive design	Compliance with Clause 2.44 is demonstrated in Section 5.4 of this SEE.

Chapter 3 - Advertising and Signage

The proposed development involves the erection of the signage identified within the Architectural Plans contained in **Appendix 4**. As such, the proposal is required to consider the Industry and Employment SEPP which repealed *State Environmental Planning Policy No.64 - Advertising and Signage* on 1 March 2021. The following signage is proposed:

- Three (3) Freestanding Business Identification Pylon Signs.

Pursuant to Clause 3.6 of the Industry and Employment SEPP, a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the aims/objectives of the Policy, and*
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.*

Aims and Objectives of Chapter 3 of the Industry and Employment SEPP

The aims of Chapter 3 of the Industry and Employment SEPP are:

- (1)(a) to ensure that signage (including advertising):*
 - (i) is compatible with desired amenity and visual character of an area, and*
 - (ii) provides effective communication in suitable locations, and*
 - (iii) is of high quality design and finish, and*
 - (b) to regulate signage (but non content) under Part 4 of the Act, and*
 - (c) to provide time-limited consents for the display of certain advertisements, and*
 - (d) to regulate the display of advertisements in transport corridors, and*
 - (e) to ensure that the public benefits may be derived from advertising in and adjacent to transport corridors*
- (2) this policy does not regulate the content of signage and does not require consent for a change in the content of signage.*



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Assessment Criteria

The Assessment criteria under Schedule 5 of the Industry and Employment SEPP is addressed in **TABLE 8** below:

TABLE 9. INDUSTRY AND EMPLOYMENT SEPP ASSESSMENT CRITERIA

Criteria	Comment
1. Character of the area	
<i>Is the proposal compatible with the existing or desired future character of the area or locality in which is to be located?</i>	Yes, the proposed signage is compatible with the existing and desired future character of the Subject Site and other existing and approved industrial development within the surrounding locality.
<i>Is this proposal consistent with the particular theme for outdoor advertising in the area or locality?</i>	Yes, as above.
2. Special areas	
<i>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</i>	No, given the scale and location of the proposed signage, it will not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas.
3. Views and vistas	
<i>Does the proposal obscure or compromise important views?</i>	No, the proposed signage is of a height and scale that is consistent with the built form of the development and would not disrupt any views or dominate views towards the Subject Site.
<i>Does the proposal dominate the skyline and reduce the quality of vistas?</i>	No, the proposed signage is of a height and scale that is consistent with the built form of the development and would not dominate the skyline.
<i>Does the proposal respect the viewing rights of other advertisers?</i>	Yes, the signage would not obstruct any other signage or advertising.
4. Streetscape, setting or landscape	
<i>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</i>	Yes, the proposed signage has been designed in respect of the form and scale of the proposed development. The proposed signage is compatible with the existing and approved industrial development in the locality.
<i>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</i>	Yes, the proposed signage would visually define the proposed development and assist in creating a visually coherent built form.
<i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i>	Yes, the proposed signage is simple and has been adopted.
<i>Does the proposal screen unsightliness?</i>	No, the proposed signage is not used as a visual screen or filter.



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<i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i>	No, the proposed signage does not protrude above the roof line or proposed tree canopy.
<i>Does the proposal require ongoing vegetation management?</i>	No, the proposed signage does not require ongoing vegetation management.
5. Site and building	
<i>Is the proposal compatible with the scale proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</i>	Yes, the proposed signage is of a suitable scale and design for its intended purpose to identify the proposed use and promote the sustainable design of the development.
<i>Does the proposal respect important features of the site or building, or both?</i>	Yes, the proposed signage does not obscure any important architectural features.
<i>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</i>	Yes, the proposed signage has been integrated within the layout of the Subject Site so as to not obstruct any important features and achieve a visual outcome.
6. Associated devices and logos with advertisements and advertising structures	
<i>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</i>	Yes, a number of the proposed signs include logos. However, these features are designed to support the signage content only.
7. Illumination	
<i>Would illumination result in unacceptable glare?</i>	No illumination of the signage is proposed.
<i>Would illumination affect safety for pedestrians, vehicles, or aircraft?</i>	No illumination of the signage is proposed.
<i>Would illumination detract from the amenity of any residence or other form of accommodation?</i>	No illumination of the signage is proposed.
<i>Can the intensity of illumination be adjusted, if necessary?</i>	No illumination of the signage is proposed.
<i>Is the illumination subject to a curfew?</i>	No illumination of the signage is proposed.
8. Safety	
<i>Would the proposal reduce the safety for any public road?</i>	No, the proposed signage is generally located adjacent to internal driveway/parking areas to assist in wayfinding.
<i>Would the proposal reduce the safety for pedestrians or bicyclists?</i>	No, the proposal will not reduce safety for pedestrians and bicyclists due to the proposed signage being appropriately set back from the public road and not illuminated.
<i>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</i>	No, the signage is set back from the public road and not illuminated, with sight lines not obstructed.

4.11 PENRITH LOCAL ENVIRONMENTAL PLAN 2010

Penrith Local Environmental Plan 2010 (PLEP 2010) is not applicable due to the provisions of Industry and Employment SEPP being the applicable EPI to the Subject land. Therefore, no further consideration is required.



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4.12 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No Draft Environmental Planning Instruments apply to the Subject Site.

4.13 MAMRE ROAD PRECINCT DEVELOPMENT CONTROL PLAN

The MRPDCC provides detailed planning and design guidelines to support the planning controls of the Industry and Employment SEPP.

An assessment of the proposal against the relevant sections of the MRPDCC is provided at **Appendix 25**. The proposed development is generally compliant with the controls prescribed by the MRPDCC. Where the proposal exhibits a non-compliance with the DCP, it has been demonstrated that the objectives of the control have been met and the design outcome can be supported on merit.

4.14 MAMRE ROAD PRECINCT SECTION 7.11 CONTRIBUTIONS PLAN

It is noted the exhibition of the Mamre Road Precinct 7.11 Contributions Plan has concluded, and the proposed development has been excluded from the Plan. Altis Frasers JV have entered into a Voluntary Planning Agreement with Penrith City Council in lieu of the 7.11 Plan applying to the land.

4.15 GREATER SYDNEY REGION PLAN: A METROPOLIS OF THREE CITIES

The Greater Sydney Region Plan (the Plan), *A Metropolis of Three Cities* sets a 40-year vision (to 2056) for growing Greater Sydney with a focus on the regional significance of central and western Sydney in order to contribute to a more productive, liveable and sustainable city. The Plan has been prepared concurrently with *Future Transport 2056* and *State Infrastructure Strategy 2018-2038* to align land use, transport and infrastructure outcomes for Greater Sydney.

The Plan envisages Sydney as a metropolis of three (3) cities, including:

- The Western Sydney Parkland City;
- The Central River City; and
- The Eastern Harbour City.

The division into three (3) cities puts workers and the wider community closer to an array of characteristics such as, intensive jobs, 'city-scale' infrastructure and services, entertainment and cultural facilities. By managing and retaining industrial land close to city centres and transport, this will ensure critical and essential services are readily available to support local businesses and community members and residents. Once constructed and operational, the Subject Site would achieve economic growth and prosperity, as well as encourage employment-generating opportunities within an area zoned for such permissible purposes, that is considered relatively close in conjunction to residential communities, providing an ease of commute. The proposed development considers the employment-generating outcomes that can be achieved for the immediate and wider localities.

The proposed development also contributes to the four (4) standardised elements communicated across for all three (3) cities, including:



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- Infrastructure and collaboration – the proposed development of the Subject Site for the purposes of a Warehouse and Distribution Centre, would facilitate the provision of services to support the warehouse and logistics uses in the surrounding locality;
- Liveability – the proposed development encourages employment-generating opportunities and economic prosperity, which has positive influences on the wider locality;
- Productivity – the proposed development is situated within the Western City District Plan (refer to **Section 4.17** below); and,
- Sustainability – the proposed development would not exhibit or emit any detrimental impacts to its wider ecological surroundings.

In summary, the Subject Site and proposed development contributes to the objectives set out in the Greater Sydney Region Plan – A Metropolis of Three Cities by creating employment-generating opportunities within the wider locality and community, positioned within the Penrith LGA.

4.16 WESTERN DISTRICT PLAN

Greater Sydney's three (3) cities discussed above reaches across five (5) districts. *The Greater Sydney Region Plan* identifies the Subject Site as being located in the Western District. The District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. The District Plan informs local strategic planning statements and local environmental plans, the assessment of planning proposals, as well as community strategic plans and policies.

The proposed development would contribute to the objectives set out in the Western City District Plan (of which the Subject Site forms part of), by promoting a greater range of land uses of benefit to the community, including the proposed development and other associated land uses; facilitating the provision of greater and improved infrastructure; and promoting additional employment-generating opportunities, to the wider locality and community closer to home, whilst supporting economically and environmentally-sustainable development. These aims are specifically relevant to the proposed development.

4.17 WESTERN SYDNEY AEROTROPOLIS PLAN

The Western Sydney Aerotropolis (WSA) Plan was finalised and released in September 2020 by the Western Sydney Planning Partnership in collaboration with NSW Government and local Councils to establish a vision and the overarching planning principal for the WSA, as well as to identify the intended land use planning outcomes for each of the ten (10) precincts, the phasing of precincts, and the envisaged transport and infrastructure framework associated with the vision for the new Aerotropolis.

The Subject Site is located within the Mamre Road Precinct which is identified as one of the initial precincts under the WSA Plan.

In addition, the Mamre Road Precinct (of which the Subject Site is located within) in the north of the Aerotropolis was rezoned in June 2020 under Industry and Employment SEPP to deliver a warehousing and industrial hub and preserve the land for environmental conservation and open space in Western Sydney. Under the Industry and Employment SEPP, the Mamre Road Precinct has been planned to achieve the proposed employment generation outcomes envisaged.



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Importantly, the proposal is consistent with the themes and objectives identified in the WSA Plan. The proposed development will create employment opportunities during both construction and operational phases, which support high-value job growth in the industrial sector.

Through interacting with the public and active transport network in the Mamre Road Precinct and wider WSA, the proposed development will deliver job opportunities close to homes, aligning with the 30-minute city concept and improving the amenity and quality of life for the workers and residents in the WSA. The proposed development has also been designed to ensure adequate separation is provided from the surrounding rural-residential development to provide an appropriate interface with the residential communities and preserve the amenity of the neighbourhoods.

As such, the proposed development is consistent with the objectives of the WSA Plan and will facilitate orderly development in the Mamre Road Precinct as an initial precinct in the WSA.

4.18 WESTERN SYDNEY EMPLOYMENT AREA

The Subject Site is located within the southwestern portion of the WSEA, within 'Precinct 12 (Mamre Road)'. The aims / objectives of the WSEA are summarised below, including:

- Promoting an economically sustainable development and reinforcing the status of an employment-generating development, that positively contributes to the WSEA;
- Encourages assurance for the coordinated planning and development of land within the WSEA;
- Ensures minimal environmental and amenity impacts – **Part E** of this SEE accurately considers potential environmental parameters which will be considered within the proposed development; and
- Ensures development is compatible with surrounding development and the local context.

The proposed development is considered to meet these objectives, as it enables development on land zoned for such permissible industrial-related uses.



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PART E LIKELY IMPACTS OF THE DEVELOPMENT

This section identifies and assesses the impacts of the development with specific reference to the heads of consideration under Section 4.15(1) of the EP&A Act.

5.1 CONTEXT AND SETTING

The proposed Warehouse and Distribution Centre is consistent with the intended development of land within the Mamre Road Precinct. The proposal will enable the efficient and sustainable use of designated employment lands for employment-generating development and therefore, through the preservation of industrial lands and the provision of significant employment, the proposal will benefit the local and regional economies and populations.

The proposed development is compatible with surrounding land uses including established and future warehouses and industrial facilities on land earmarked for employment-generating land uses. The Subject Site is suitably separated from residential development and other sensitive land uses and therefore, will not exhibit any adverse amenity impacts.

The proposed layout and building design have been designed to ensure the functional operation of the facility in accordance with the needs of the end users, whilst not impacting on any other operations. Similarly, the built form has been designed in respect of the master plan for the remainder of the Mamre Road Precinct.

The proposal will not exhibit any significant environmental impacts and will not adversely impact on the amenity or operations of any adjoining properties. Therefore, the proposed works are considered compatible with the Subject Site context and setting.

5.2 BUILT FORM

The proposed Warehouse and Distribution Centre is of a high-quality design and construction standard and will positively contribute to the high standard character of surrounding industrial development. The proposed warehouse is of a scale and appearance consistent with the immediate surrounds and as such will be consistent with the prevailing built form appearance and will reinforce the industrial character of the area.

The proposed development has been designed to address the street frontage in order to achieve a positive visual outcome and contribute to a positive street presence when viewed from the public domain. Façade articulation and a mix of materials and external finishes will create visual interest, and the siting of offices to address the street frontage will provide additional modulation and opportunities for passive surveillance.

Combined with significant building setbacks, deep-soil landscaping within the setbacks will soften the appearance of the built form and hard surfaces of the Subject Site. This will introduce a human-scale to the Subject Site and minimise the dominance of the built form. The provision of high-quality landscaping will enhance the vegetated character of the Subject Site and locale and improve vistas taking in the Subject Site. Deep soil landscaping will also screen car parking and loading areas from the street.



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5.3 TRAFFIC & TRANSPORT

A Transport Assessment (TA) has been prepared by Ason Group to examine the access, traffic and parking implications of the proposed development and is provided at **Appendix 22**.

5.3.1 Traffic Generation

Ason Groups **SSD-9522**, MOD 1 and MOD 2 report includes Traffic Impact Assessments for Sequences 1A, 2 and 3 of the Estate access at the intersection of Mare Road/Bakers Lane (future Southern Link Road) and surrounding key intersections. SIDRA modelling analysis for the approved Sequence 1A, 2 and 3 has been undertaken for the entire Estate (421,820m² GFA) which includes the Subject Site and the assumed GFA for the Southern lots.

The modelling results of the approved Sequence 1A indicated that all key intersections are expected to operate at an acceptable LoS (LoS D or better) during both AM and PM peak periods and can readily accommodate the potential estate-wide traffic associated with the Estate (421,820m² GFA), which includes the potential traffic generations for the Subject Site.

5.3.2 Parking

Section 5.2 of the TA addresses the parking requirements of the proposed Warehouse and Distribution Centre in relation to MRPDCC. A total of 216 car parking spaces have been provided on the Subject Site which satisfies the 123 parking spaces required by MRPDCC. In addition, it is noted that sufficient accessible parking spaces (three (3) provided), electric vehicle charge stations (three (3) provided), bicycle parking (30 provided), and End of Trip Facilities are provided to satisfy the requirements of MRPDCC.

5.4 SOIL AND WATER

A Civil Engineering Report and Civil Plans have been prepared by Costin Roe Consulting and are provided at **Appendices 9** and **10** respectively. Within this report and plans, details of earthworks, retaining walls, stormwater management, flooding and erosion & sediment control are provided. The civil engineering design of the Subject Site responds to the existing approved works, topography and Subject Site constraints in order to provide an appropriate and economical stormwater management incorporating best practice in Water Sensitive Urban Design (WSUD) consistent with Council's water quality objectives.

5.4.1 Earthworks

Extensive earthworks are presently being undertaken under the **SSD 9522** approval. The earthworks which are currently being constructed, when completed, will provide large near flat development pads, though include 1:200 falls over the Subject Site. These falls are provided to enable runoff and erosion & sediments control during the period between the estate earthworks being completed, and the site-specific development lot earthworks.

Details of earthworks would be finalised during detail design / construction certificate stages of the development. Detailed assessment of the earthworks level will be completed during detailed design stage and some adjustment to the final pad and building floor levels (within +/- 500mm) may be required subject to final geotechnical testing, topsoil assessments and bulking/compaction allowances and slab/pavement profiles.



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5.4.2 Erosion and Sediment Control

A Soil and Water Management Plan (SWMP) and Erosion and Sediment Control Plan (ESCP), or equivalent, will be implemented during the construction of the proposed development. The SWMP and ESCPs will be developed in accordance with the principles and requirements of *Managing Urban Stormwater – Soils & Construction Volume 1 ('Blue Book') (Landcom, 2004)*.

5.4.3 Stormwater Management

The proposed stormwater system for the proposed development is consistent with the system approved under **SSD 9522**, consisting of a major/minor system which conveys surface water from the proposed development lots to in-ground drainage connection points provided as part of the infrastructure construction works. The Subject Site water ultimately drains via the estate infrastructure to the combined water quality/detention basin in the south-west corner of the Subject Site.

A summary of the main stormwater management measures is provided as follows:

- In-ground drainage system designed to accommodate the 1 in 20-year Active Recurrence Interval (ARI) storm event;
- Overland flow paths to convey the 1 in 100-year ARI storm event from the proposed development Site to the Estate Basin 2;
- Discharge of stormwater to estate infrastructure and estate stormwater management basin to the east of the Subject Site; and
- Rainwater reuse in accordance with the Estate development.

It is noted that key water quantity and quality management measures are provided via estate management systems. The Civil Plans, prepared by Costin Roe Consulting, have been provided within **Appendix 9**, detailing the proposed drainage layout.

5.4.4 External Catchments and Flooding

It is noted that a comprehensive flood assessment of the Estate was undertaken as part of **SSD 9522**.

The South Creek Flood Study shows the Subject Site is adjacent to the zone of the 1% AEP event. The flood surface extent and level for the 1% AEP storm event, presented at the peak flow per the South Creek Flood Study, at the upstream boundary of the property can be seen to be 35.0m and 33.5m at the downstream boundary. Allowing for the required freeboard of 500mm, the corresponding flood planning level for the development varies between RL 35.5m to 34.0m AHD.

The built form development footprint is clear of and does not impact the 1% AEP event and that all development lots are above the PMF flood water levels. There are no changes to the flood impacts or outcomes of the approved modelling associated with the proposed development.



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5.5.5 Water Quantity Management

As part of the approved Yards Estate Stormwater Management Strategy for the **SSD 9522** (including MOD 1 & MOD 2) development, water quantity and On-site Detention (OSD) sizing has been designed and approved for the whole estate including the Subject Site. OSD sizing is as per Section 3.3.3 of Council's Stormwater Management Policy, which requires that "it will be necessary to demonstrate that there will be no increase in runoff from the Subject Site as a result of the development for all storms up to and including the 100-year Average Recurrence Interval (ARI) event for all storm durations".

The modelling has shown that, with the provision of a storage volume of 30,150m³ within Estate Basin 1, that stormwater flows from the development will be attenuated to pre-development flows.

Detention storage is noted to be fully active. The main detention storage areas are noted to be sited at a level approximately 1m below the bio-retention elements. This will ensure effective discharge of bio-retention filtration, however, also assists in ensuring maximum storage capacity can be realised. Further, this enables depth of water over the bio-retention elements to be limited.

Attenuation of the overland flow from the northern and western catchments have been made to maximise attenuation during storm events, and to ensure that the effect of the removal of pre-existing dams are mitigated.

As all stormwater quantity measures are provided as part of the Estate Management Measures, assessed and approved for the whole of the **SSD 9522** estate, no additional stormwater quantity management measures are necessary for individual development lots and as such none are proposed or required for the proposed development.

5.5.6 Water Quality Management

There are no changes required or proposed to the approved Estate stormwater management system, or discharge arrangements from the overall project, as a result of the proposed development. The overall Estate area of 89ha, and associated development coverage for the Subject Site remains consistent with that approved **under SSD 9522** and MOD 1. There will be no change to the assessed management systems and/or discharge arrangements approved under **SSD 9522**, MOD 1, and MOD 2.

The **SSD 9522** approved stormwater management system incorporates water quantity and quality management systems consistent with accepted practices for the fully enveloped catchment, including the Subject Site. The approved estate system has been assessed as achieving acceptable stormwater discharge flow rates and water quality outcomes.

EES proposes alternate water quantity and quality measures to those currently approved. Given there are no changes to the Estate areas and impervious surface coverage as a result of the proposed development or proposed to the assessed and approved management systems, further assessments of the stormwater management systems are not considered warranted.

As the Estate stormwater management systems, as approved for **SSD 9522** and MOD 1, meet all of the required stormwater management objectives, additional on-lot treatment is thereby not required nor proposed as part of the proposed development.



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5.5.7 Stormwater Harvesting

Rainwater harvesting will be provided for this development with re-use for non-potable applications. Internal uses include such applications as toilet flushing while external applications will be used for irrigation. The aim is to reduce the water demand for the development and to satisfy the requirements of *Penrith Development Control Plan 2014* (PDPC2014).

In general terms the rainwater harvesting system will be an in-line tank for the collection and storage of rainwater. At times when the rainwater storage tank is full rainwater can pass through the tank and continue to be discharged via gravity into the stormwater drainage system. Rainwater from the storage tank will be pumped for distribution throughout the development in a dedicated non-potable water reticulation system.

Rainwater tanks are to be sized with reference to the NSW Department of Environment and Conservation document *Managing Urban Stormwater: Harvesting and Reuse*, using a simple water balance analysis to balance the supply and demand, based on the base water demands and a minimum demand reduction of 80%.

The final sizing of rainwater harvesting tanks will need to be assessed once the development layout and reuse demands for the facility are known in accordance with the NSW Department of Environment and Conservation document *Managing Urban Stormwater: Harvesting and Reuse*.

5.5.8 Maintenance and Monitoring

It is important that each component of the stormwater system and water quality treatment train is properly operated and maintained. In order to achieve the design treatment objectives, an indicative maintenance schedule has been prepared and included as Appendix B of the Civil Engineering Report (**Appendix 10**) to assist in the effective operation and maintenance of the various on-lot stormwater management components.

Inspection frequency may vary depending on site specific attributes and rainfall patterns in the area. In addition to the below nominated frequency it is recommended that inspections are made following large storm events.

5.5 INFRASTRUCTURE AND SERVICING

Adequate arrangements for the provision of public utility infrastructure have been provided as part of **SSD 9522**.

5.6 BUSHFIRE

The Subject Site is identified as bushfire prone land containing Vegetation Category 2, which represents potential grassland hazard and reflects the predominance of cleared properties surrounding the Subject Site, pursuant to the Penrith Bushfire Prone Land Map. A Bushfire Assessment prepared by Peterson Bushfire has been provided in **Appendix 7** which assesses the proposed development against the objectives of *Planning for Bush Fire Protection 2019* and determines that all four (4) objectives are satisfied with the adoption of a number of recommendations relating to vegetation, fire hydrants, gas services and hazardous materials. These measures will be incorporated as part of the future development.



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The Bushfire Report therefore supports the proposed development of the Subject Site, confirming that the development is capable of complying with *Planning for Bushfire Protection 2019*.

5.7 CONTAMINATION

A Site Suitability Assessment prepared by JBS&G has been provided in **Appendix 26** which has determined that:

- A desktop assessment and detailed inspection did not identify the potential for gross and/or widespread contamination of the Subject Site;
- Potential contamination impacts were assessed by advancement of 48 intrusive investigation locations, field screening of Subject Site media and subsequent laboratory analysis for contaminants of potential concern (COPCs) identified. No COPCs were identified within Subject Site media samples analysed which exceeded relevant Subject Site screening assessment criteria for commercial/industrial land use Site suitability in 2019;
- Stockpiles of demolition waste material (comprising of concrete waste) are considered to be inert and do not change the Site suitability conclusions provided in the JBS&G investigations undertaken on the Site in 2019; and
- A CEMP, including an Unexpected Finds Protocol (UFP), should be developed for the Subject Site to ensure that typical Site management strategies are implemented, and no contamination is introduced to the Subject Site during development.

Given the above, it is considered that the Subject Site is suitable for the proposed development having regard to the requirements of the Resilience and Hazards SEPP. It is noted that a CEMP has been provided in **Appendix 11** for the proposed development.

5.8 NOISE

An Acoustic Report (**Appendix 2**) has been prepared by Acoustic Works which provides an assessment of the environmental noise impacts associated with the development in accordance with the EPA Noise Policy for Industry (NPfI) and MRPDGP. To facilitate the assessment, unattended noise monitoring was conducted in the vicinity of nearby sensitive receivers to establish the criteria for onsite activities and the vibration and aircraft noise impacts were considered.

The existing noise environment at the Subject Site is mainly influenced by road traffic from Mamre Road and noise from nearby industrial/commercial premises. The existing residential receivers and noise monitoring location are depicted in **Figure 7** below.



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Figure 7. Surrounding Residential Receivers and Noise Monitoring Location (Source: Acoustic Works, 2022)

As depicted in **Figure 7** above, the most affected sensitive receivers in the vicinity of the Subject Site include:

- Single storey residential dwellings located southwest of the Subject Site at Medinah Avenue, Luddenham (1).
- A single storey residential dwelling located east of the Subject Site at 654-674 Mamre Road, Kemps Creek (2).
- A single storey residential dwelling located east of the Subject Site at 676-702 Mamre Road, Kemps Creek (3).
- A single storey residential dwelling located east of the Subject Site at 706-752 Mamre Road, Kemps Creek (4).
- A single storey residential dwelling located east of the Subject Site at 754-770 Mamre Road, Kemps Creek (5).
- A single storey residential dwelling located south of the Subject Site at 771-781 Mamre Road, Kemps Creek (6).
- Residential dwellings located north of the Subject Site at 579 Mamre Road, Orchard Hills (7).
- Industrial/warehouses that are currently being constructed north of the Subject Site at Mamre Road, Orchard Hills (A).



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- Mamre Anglican School is located approximately 1km to the east of the Subject Site at 45-59 Bakers Lane (B).

Unattended noise monitoring was conducted on 12 and 13 April 2018 in order to quantify the existing ambient noise environment of the area and are depicted in **TABLE 9** below.

TABLE 10. MEASURED BACKGROUND NOISE LEVELS CORRESPONDING TO NPFI ASSESSMENT TIME PERIODS

Day	Date	Receiver 1			Receiver 2		
		Background L90 dB(A)			Background L90 dB(A)		
		Day	Evening	Night	Day	Evening	Night
Wednesday	11/04/2018	-	36.1	35.4	-	44.2	38.4
Thursday	12/04/2018	-	32.4	30.4	44.3	47.3	46.9
Friday	13/04/2018	-	33.4	28.0	47.1	46.4	45.4
Saturday	14/04/2018	37.5	33.2	28.4	47.5	45.9	44.1
Sunday	15/04/2018	37.7	28.7	23.6	25.6	37.5	33.5
Monday	16/04/2018	35.0	31.8	24.7	39.9	40.0	33.1
Tuesday	17/04/2018	36.1	30.3	26.8	38.0	36.3	28.8
Wednesday	18/04/2018	36.3	34.8	32.0	41.8	41.6	36.0
RBL		36	33	28	44	43	37

Noise predictions were conducted using the Cadna/A modelling software based on the operational assumptions. The predicted LAeq noise emissions at the receivers and future receivers have been assessed against the project noise trigger levels of the NPfi. As depicted in **TABLE 10**, the predicted noise levels will comply with the LAeq noise emission criteria at all receivers.

TABLE 11. PREDICTED NOISE LEVELS AT EXISTING AND FUTURE RECEIVERS

Time Period	Receiver 1 to 7	Receiver A	Receiver B
	Criteria LAeq, 15 min, dBA	Criteria LAeq, 15 min, dBA	Criteria LAeq, 15 min, dBA
Day	39	59	24 internal / 34 external
Evening	34	59	-
Night	29	59	-

Based on the outcome of the assessment, compliance is predicted for the proposed 24-hour operation of the development without the need for any additional acoustic treatments. Further details are provided within the Acoustic Report in **Appendix 2**.

5.9 WASTE

All waste will be managed in accordance with the Waste Management Plan (WMP) at **Appendix 24** which has been prepared in accordance with the relevant Waste Management requirements of MRPDGP. Designated areas for the temporary storage of waste and recycling have been proposed and are accessible to staff and service vehicles. All waste and recycling will be transferred offsite by licensed contractors and disposed of at licensed facilities.



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5.10 HERITAGE

The Subject Site is not identified to contain or be located in proximity to a heritage item. **SSD 9522** considered potential Historic (European) Heritage and Aboriginal Cultural Heritage affectations attributed to the Subject Site. No Aboriginal or non-Aboriginal heritage sites, objects or areas of high or moderate subsurface archaeological potential were identified.

An addendum letter, prepared by Biosis, to the Aboriginal Cultural Heritage Assessment Report undertaken as part of **SSD 9522** has been provided in **Appendix 17**. The letter has determined that in accordance with MRPDGP, no further archaeological or heritage assessment is required and that the Subject Site may continue to be managed in accordance with the existing recommendations and mitigation measures that to apply to the Subject Site.

5.11 FLORA AND FAUNA

SSD 9522 included provisions for native vegetation clearing of approximately 9.15ha. No additional vegetation clearing is required as a result of the subject development. The building footprint of the proposed development will not exceed the area approved for clearing.

5.12 AIR QUALITY

An Air Quality and Odour Risk Assessment, prepared by Northstar Air Quality, has been provided in **Appendix 3** for the construction and operation of the proposed development.

Assessment of the construction phase activities against the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition and Construction has shown that there is **medium** risk of dust soiling and health impacts. As such, a range of mitigation measures have been recommended to ensure that short-term impacts are minimised. These measures will be incorporated as part of the future development.

The potential impacts associated with operational activities including wheel generated dust and exhaust emissions from vehicle movements on the internal roadway of the proposed development have been assessed using risk-assessment approach adopted from ISO 31000:2018 and IEC 31010:2019.

The risk assessment found there to be a **medium** risk of potential emissions to air resulting from wheel generated dust and exhaust emissions and a number of mitigation methods have been determined, including recommendations for an air quality complaints procedure. These measures will be incorporated as part of the future development.

Based upon the assumptions presented in the report and the implementation of the recommended mitigation methods, the proposed development is assessed as being capable of not giving rise to significant air quality impacts during the construction and operational phases.

5.13 CONSTRUCTION

All works on the Subject Site will be carried out in accordance with conditional requirements of any consent issued. Appropriate measures will be undertaken to mitigate potential impacts from the development including dust, noise, odours, traffic impact and erosion.



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In addition, a Construction Environmental Management Plan has been prepared by SLR Consulting and is provided within **Appendix 11**.

5.14 BUILDING CODE OF AUSTRALIA

The proposal has been designed to achieve compliance with Building Code of Australia (BCA), subject to further consideration during design development. The BCA Assessment Report, prepared by MBC Group is provided at **Appendix 6** of this SEE for further reference.

5.15 ACCESSIBILITY

The proposal has been designed to achieve compliance with the relevant access standards of the BCA, subject to further consideration during design development. An Access Report, prepared by Ergon Consulting, is provided at **Appendix 1** of this SEE for further reference.

5.16 SAFETY AND SECURITY

A Crime Risk Assessment Report, prepared by Neal Consulting, has been provided in **Appendix 12** which considers the safety and security of the proposed development.

5.16.1 Crime Statistics

An examination of the NSW Bureau of Crime Statistics and Research (BOCSAR) online records reveals that the crime risk assessment conducted for the Penrith LGA returned a crime risk result of '**high**'. Similarly, the suburb of Kemps Creek also returned a **high** crime risk assessment result.

According to the NSW Police Force 'Safer by Design' guidelines, the remedial action required for a high-risk rating is defined as actions that *'need to be prioritised in planning and must be fixed as soon as possible'*.

5.16.2 Crime Prevention Through Environmental Design

The proposed development returns a '**low**' Crime Prevention Through Environmental Design (CPTED) rating. Action required for a low CPTED rating is defined as actions that *'can be managed by routine procedures'*.

Therefore, the design of the proposed development is considered to be compliant with the CPTED standards contained within the NSW Police Force 'Safer by Design' Companion Documentation.

5.17 CUMULATIVE IMPACTS

No foreseeable cumulative impacts are to result from the proposed development. Rather the proposed development provides warehouse and distribution facilities on land that has been designated for future industrial activity and that is located amongst other approved industrial uses. The proposed development will contribute immensely to employment generation within the Kemps Creek township and wider Penrith locality, providing a projected 550 jobs, consisting of 200 operational jobs and 350 construction jobs.



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5.18 SUITABILITY OF SITE FOR DEVELOPMENT

The Subject Site is located within an established industrial area and is zoned for General Industrial use under the Industry and Employment SEPP. The proposed development will facilitate the use of the Subject Site for a Warehouse or Distribution Centre which is consistent with the zoning of the Subject Site and the surrounding context. The construction of the industrial warehouse facilities will provide for the future tenants that will operate on a 24-hour basis seven (7) days per week. The proximity of the Subject Site within an established industrial area and in proximity to major arterial roads serves as being ideal for warehouse and distribution purposes.

Accordingly, the Subject Site is considered to be suitable for the development and is consistent with the aims and objectives of the IN1 zone in that it seeks to provide employment generating development that responds to the characteristics of the land and is compatible with surrounding land uses.

5.19 SUBMISSIONS

No submissions are apparent at the time of writing. However, the applicant is willing to address any submissions, should they be received by Council.

5.20 THE PUBLIC INTEREST

The proposed development will have no adverse impact on the public interests.

The development of the Subject Site will be carried out for the purpose of employment generating activities that shall result in a positive impact for the Penrith LGA and broader Western Sydney Region.



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PART F CONCLUSION

The purpose of this SEE has been to present the proposed Warehouse and Distribution Centre at future Lot 14 657-767 Mamre Road, Kemps Creek and to assess its potential impacts having regards to Section 4.15(1) of the EP&A Act.

The proposal has been prepared after taking into consideration the following key issues:

- The development history of the Subject Site;
- The context of the Subject Site and locality;
- The relevant heads of consideration under Section 4.15(1) of the EP&A Act;
- The aims, objectives and provisions of the relevant statutory and non-statutory planning instruments; and
- The pre-lodgement advice received by Penrith City Council.

The proposal is considered to warrant a favourable determination for the following reasons:

- The proposal facilitates the development of the Subject Site for employment-generating uses through the provision of industrial warehouse facilities for Probiotec Limited's future operations;
- Further to the above, the proposed development will result in significant economic benefit deriving from the provision of jobs during the construction and operational phases of the development. The proposed development will achieve a CIV of \$27,747,091 (exclusive of GST) and provide 200 operational jobs and 350 construction jobs to the Penrith locality;
- The proposed built form and use are highly compatible with the existing approved development on the Subject Site and surrounding permitted land uses and will positively contribute to the future industrial character of the locality;
- The proposed Warehouse and Distribution Centre is permitted with consent in the IN1 General Industrial zone pursuant to the Industry and Employment SEPP;
- The proposed development is consistent with the relevant provisions of the Industry and Employment SEPP;
- The proposal is generally consistent with the provisions of the MRPDGP and where minor departure from the numeric controls is proposed, consistency with the objectives is demonstrated; and
- The proposed built form will integrate with approved and future development within the locality.

The proposed development is permissible within the zone and is compatible with the zone objectives. As stipulated previously in this Report, the matters for consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* have been satisfactorily addressed.

In light of the merits of the proposed development and in absence of any significant environmental impact, the proposed development warrants support by Penrith City Council.

