



20 June 2023

REF: WTJ22 – 224

Robert Walker – Senior Development Assessment Planner
Penrith City Council
601 High Street
Penrith NSW 2750

**RE: REQUEST TO AMEND DEVELOPMENT APPLICATION AND RESPONSE TO REQUEST FOR
ADDITIONAL INFORMATION- DA22/1172**

PROPERTY AT 657-767 MAMRE ROAD, KEMPS CREEK (LOT 10 APPROVED UNDER SSD 9522)

1. INTRODUCTION

Dear Robert,

Reference is made to the current Development Application (**DA22/1172**) under assessment by Penrith City Council (Council), for the proposed construction of a Warehouse and Distribution Centre for Probiotec Limited's future operations at Future Lot 14, 657-767 Mamre Road, Kemps Creek (Subject Site). The purpose of this letter is to request amendments to the current Development Application, as a result of the request for additional information (RFI) received from Council, dated 23 May 2023 and subsequent meetings held with Council. In addition, this letter provides a response to those matters raised by Council.

The proposed amendments seek the relocation of a section of the Open Space Edge Road to within the RE1 Public Recreation zoned land and replacement with a shared pedestrian and cycle pathway and resultant expansion of the proposed Warehouse and Distribution Centre at the Subject Site. The proposed amendments to the Open Space Edge Road will provide for improved road infrastructure connection within the Yards Estate and the wider Mamre Road Precinct, as well as facilitate the increase of industrial area dedicated for employment generating purposes.

The Structure of the Planning Statement is as follows:

- **Section 1** Introduction
- **Section 2** Discussion
- **Section 3** Proposed Amendments
- **Section 4** Response to Additional Information Request
- **Section 4** Compliance with Legislative and Policy Framework
- **Section 5** Likely Impact of Development
- **Section 6** Conclusion

ACN: 146 035 707 ABN: 54 146 035 707
Suite 1, Level 10, 56 Berry Street
North Sydney, NSW 2060

enquiries@willowtp.com.au
willowtreeplanning.com.au
02 992 9 6974



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Future Lot 14, 657-769 Mamre Road, Kemps Creek



This Planning Statement is accompanied by the following documents:

- **Appendix 1** Amended Architectural Plans
- **Appendix 2** Cost Summary Report
- **Appendix 3** BCA Compliance Statement
- **Appendix 4** Bushfire Statement
- **Appendix 5** Ecological Advice Letter
- **Appendix 6** Email Correspondence with Council
- **Appendix 7** Landscape Plan
- **Appendix 8** Landscape Statement
- **Appendix 9** Operational Management Plan
- **Appendix 10** Traffic Statement
- **Appendix 11** Updated CGIs
- **Appendix 12** Updated Civil Plans and Design Report
- **Appendix 13** Fire Engineering Letter of Support
- **Appendix 14** Green Travel Plan
- **Appendix 15** Air Quality Statement

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2. DISCUSSION

The *Mamre Road Precinct Development Control Plan 2021* (MRPDCP) was released in November 2021, providing detailed planning and design guidelines to support the planning controls of the *State Environmental Planning Policy (Industry and Employment) 2021* (Industry and Employment SEPP) for new development with the Mamre Road Precinct (MRP).

Section 3.4 of the MRPDCP contains a Road Network Hierarchy Map (**Figure 1**) which includes the provision of an Open Space Edge Road. The Open Space Edge Road was proposed to connect from the Collector Industrial zone traversing down the north and western boundary of the Subject Site, providing vehicular access to the public recreation areas and the future employment service hub along the western boundary of the Precinct.

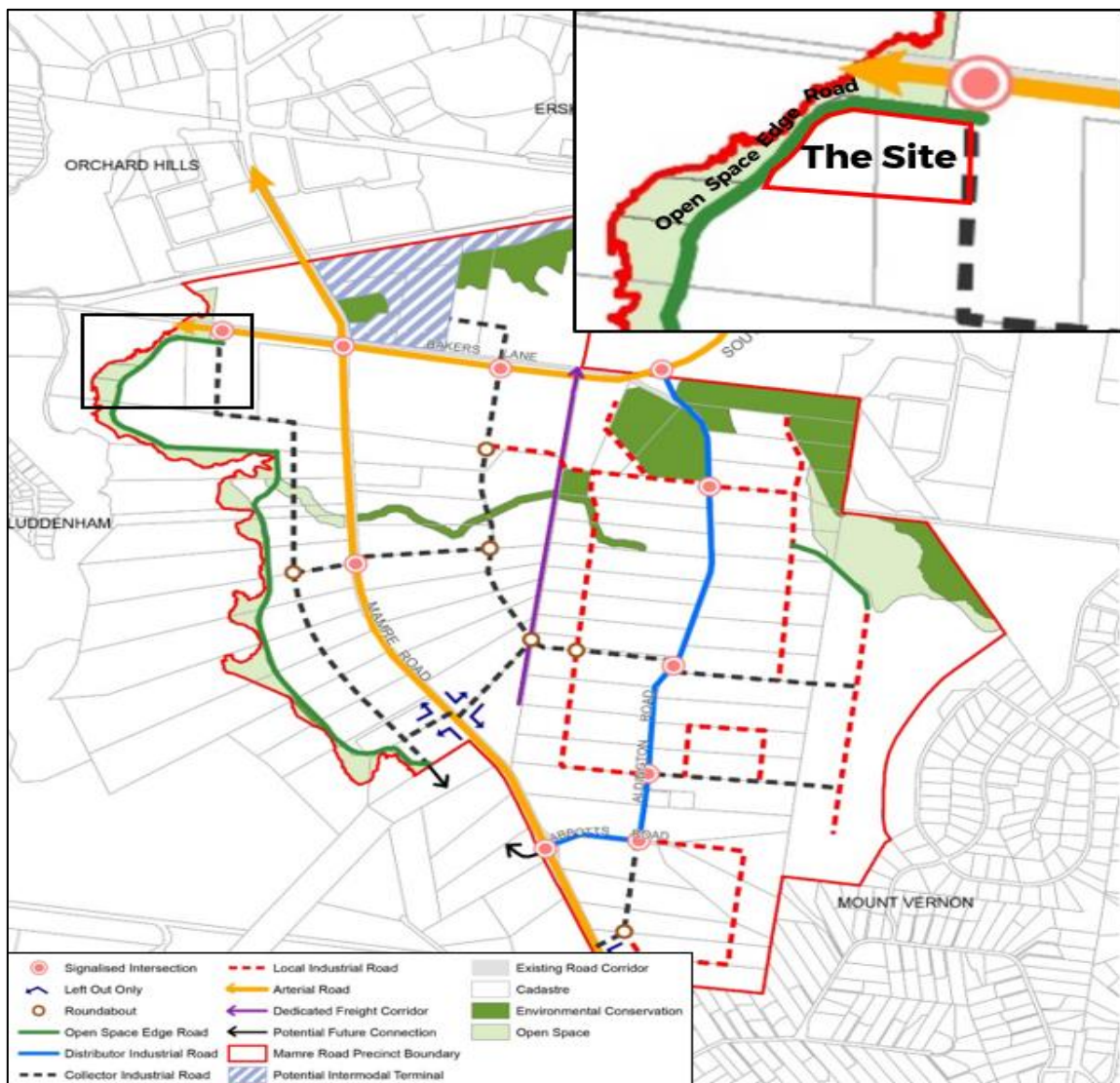


Figure 1: Road Network Hierarchy Map (Source: Penrith City Council, 2023)

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Upon further investigation, potential conflicts between the Open Space Edge Road, the approved road network design under **SSD-9522**, and the future Southern Link Road intersection have been identified.

The investigations have concluded that the future alignment of the Open Space Edge Road, if constructed, would conflict with the future left turn slip lane from the North-South Collector Industrial Road, northbound to the SLR WB lane. Accordingly, Ason Group have advised that the full extent of the Open Space Edge Road must end at the proposed turning head.

Figure 2 below illustrates the potential conflict should the full extent of the Open Space Edge Road be constructed.

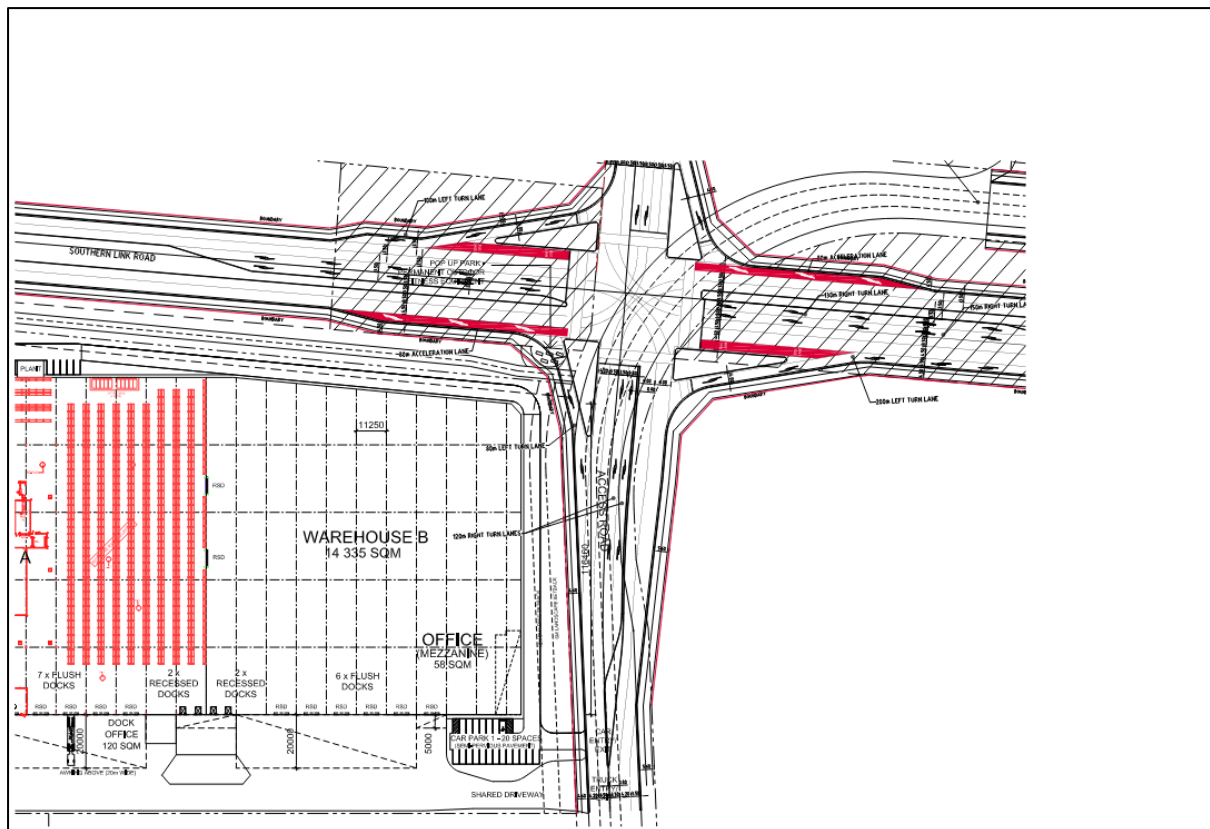


Figure 2: SLR Overlay (Source: Altis Frasers JV, 2023)

As such, a meeting with Council was held to raise these issues and propose that a portion of the Open Space Edge Road be relocated and replaced with a shared pedestrian and cycle pathway.

Following the meeting, Principal Planner Kathryn Saunders issued an email (**Appendix 6**) to the applicant on 5 May 2023, advising Council's view on the matter and included matters requiring attention for the possible amendment to the Open Space Edge Road.

TABLE 1 below outlines the matters required by Penrith City Council and commentary against each matter.

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TABLE 1. PENRITH CITY COUNCIL COMMENTS

Comments	Comment
8. Should the Probiotec DA be amended, the following is to be addressed/provided:	
<i>(a) Confirmation of the development description is to be provided in an amended SEE. The development description should include construction and dedication (subdivision) of the open space edge road and continuance of the share pathway north and north-east connecting to the approved north-south internal industrial road. The share path is to be 3.5m wide (refer MRP DCP section 3.4.3, Control (10) p.51) and is to be sufficiently designed to enable its use by vehicles for access/emergency vehicle/maintenance reasons. Civil plans and sections are to be provided identifying alignment with Council's civil specifications and the MRP DCP. Sections are to demonstrate that access is practical to the future open space from the road and road's share path. Sections are to include levels and dimensions informed by a survey.</i>	<p>This Planning Statement is a comprehensive document detailing the proposed amendments to the development and Open Space Edge Road.</p> <p>The development description, inclusive of details of the construction and dedication of the Open Space Edge Road and continuation of the shared pathway, is provided within Section 3 of this Statement.</p> <p>As per the Architectural Plans (Appendix 1), the shared pathway is 4m wide and has been sufficiently designed to enable emergency and maintenance vehicles to use the path when necessary.</p> <p>Civil Plans and Sections are provided within Appendix 12, identifying alignment with Council's civil specification and the MRPDGP.</p>
<i>(b) Strong consideration is to be given to extending the proposed culdesac toward north in line with the Probiotec office, which will also allow light vehicles to exit onto the road and not into a cul-de-sac and will also provide a street frontage to the office as is required by the MRP DCP. This recommendation will be included in Council's RFI.</i>	<p>As a result of the expansion of the warehouse, the main office has been situated closer to the cul-de-sac, providing an improved presentation to the street and improved opportunities for passive surveillance. Relocation of the cul-de-sac to the north would compromise the ability of the proposed development to provide optimised traffic movement through the carpark and will minimise opportunities for landscaping within the setback which would contravene Control 3.4.1 (9) of the MRPDGP. In addition, it is noted that light vehicle entry off the cul-de-sac is an operational</p>

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TABLE 1. PENRITH CITY COUNCIL COMMENTS

Comments	Comment
8. Should the Probiotec DA be amended, the following is to be addressed/provided:	
	requirement of the intended end user and as per this control, access points must consider the end user operations.
(c) <i>The edge road is to be provided with passively irrigated street trees and lighting as detailed in the MRP DCP.</i>	As per the Updated Landscape Plans within Appendix 7 , the portion of the Open Space Edge Road still proposed will be provided with passively irrigated street trees and lighting.
(d) <i>No initial objection is raised by Council in relation to the proposal to locate the northern portion of the extended share path within the RE1 zoned land along the northern boundary of the probiotec building. No objections are raised initially, in relation to amending the probiotec building to extend north into the subsequent 'surplus' IN1 zoned land.</i>	Noted.
(e) <i>The amendment package is to include detail confirming if local development contributions apply/or have been discharged to any increase/amended NDA as a result of amended development footprint.</i>	No local contributions have been imposed on the proposed development to date and would form a condition of consent. The proposed amendments would not impact any contributions charged under SSD-9522 . As identified in Figure 2 of the Mamre Road Precinct Development Contributions Plan 2022, the Subject Site and surrounding estate are excluding from the Contribution Plan and a VPA has been executed under SSD-9522 for the estate.
(f) <i>It is raised that a MOD to the overarching SSDA consent may be necessary to facilitate amendments, noting the consent approved a GFA maximum, subdivision/lot layout, levels, stormwater design and edge road lot. DPE may be able to assist in confirming. Legal advice may assist.</i>	It is our view that a modification to SSD-9522 is not required. Further discussion is provided within Section 3.4 .
(g) <i>PCC will not support any offset of the construction costs of this infrastructure either through the costs associated with the acquisition of the land, or by other means. The open space edge road within the DCP is a local road not covered by the executed planning agreement or by the MRP Contributions Plan (as it</i>	Noted.

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TABLE 1. PENRITH CITY COUNCIL COMMENTS

Comments	Comment
8. Should the Probiotec DA be amended, the following is to be addressed/provided:	
<i>applies to adjacent sites) and thus is deliverable by proponents as development occurs. PCC understands that the negotiated outcome (reduced extent of the edge road and relocation of share path into RE1 zone locally, will address the undesirable interface outcomes of connecting the edge road to the collector road, noting also the impact of the future SLR in this location).</i>	
<i>(h) As has been discussed, it is strongly recommended that Altis/Fraser and GPT jointly engage Costin Roe to produce a design for the ultimate open space edge road which traverses the two sites, including an interim and ultimate design for its intersection with the east-west local industrial road (western) turning head. Plans shall also indicate the interim design (tear drop or mountable island) and an ultimate round-about in this general location. Plans to indicate interim turning heads at boundary interfaces for GPT and Altis/Fraser sides.</i>	<p>Costin Roe have been engaged to produce concept Civil Plans for the ultimate open space edge road.</p> <p>The Civil Plans provided at Appendix 12 demonstrate the interim (tear drop) and ultimate (round-about) design for the east-west local industrial road turning head.</p>
<i>(i) Amended/addition material is to be lodged via the portal in one package. PCC will confirm acceptance and refer amended material to Sydney Water, TfNSW and to our internal traffic, assets, engineering and city planning teams once received. Sydney Water have been briefed and are aware of the concept being discussed. It will be important to ensure the design and location of the shared pathway and road are acceptable to Sydney Water.</i>	<p>This Planning Statement details the proposed amendments. The proposed shared pathway has been specifically designed and located to reduce environmental and amenity impacts.</p>
<i>(j) Any amended design under DA22/1172 is to demonstrate compliance with setbacks, landscaping requirements, canopy targets and pervious surface requirements as per the DCP.</i>	<p>The proposed amendments have been specifically designed to ensure compliance with the applicable controls within the MRPDGP with specific consideration given to the setbacks, landscaping, canopy target and pervious surface requirements.</p> <p>An assessment of the proposed development having regard to the applicable controls has been provided within Section 4.3.</p>



3. PROPOSED AMENDMENTS

The proposed amendments seek the relocation of a section of the Open Space Edge Road to within the RE1 Public Recreation zoned land and replacement with a shared pedestrian and cycle pathway and resultant expansion of the proposed Warehouse and Distribution Centre at the Subject Site. The proposed amendments to the Open Space Edge Road will provide for improved road infrastructure connection within the Yards Estate and the wider Mamre Road Precinct, as well as facilitate the increase of industrial area dedicated for employment generating purposes.

3.1 AMENDMENTS TO PROPOSED WAREHOUSE AND DISTRIBUTION CENTRE

The proposed amendments include the expansion of the Warehouse and Distribution Centre as a result of the surplus industrial zoned land provided by the relocation of the Open Space Edge Road to within the RE1 Public Recreation zoned land. The proposed amendment has been designed with consideration to the MRPDGP and the additional requests provided by Council within their RFI. Further details are provided within **Section 5.3** and **Section 4** of this Statement.

TABLE 2 below provides a detailed comparison of the development particulars as amended to that originally proposed.

TABLE 2. UPDATED DEVELOPMENT STATISTICS		
Development Element	Previous Proposal	Amended Proposal
Site Area	Proposed Lot 13: 51, 693m ² (Residual Lot)	Proposed Lot 13: 51,693m ² (Residual Lot)
	Proposed Lot 14: 50,234m ² (Development Site)	Proposed Lot 14: 58,655m ² (Development Site)
	Total: 101,927m ²	Total: 110,348m ²
Total GFA	29,768m ²	35,963m ²
Building Height	13.7m	14.6m
Car Parking	216 carparking spaces	250 carparking spaces
Landscaping Area	395 trees resulting in 9,195m ² (or 18.2%) canopy cover.	383 trees resulting in 9,624m ² (or 16.4%) canopy cover.
Pervious Area	8.22%	15%
Cost of Works	\$27,747,091 (excluding GST)	\$48,245,905 (excluding GST)

Detailed Architectural Plans, illustrating the proposed amendments requested above, accompany this letter as **Appendix 1**, an excerpt of which is provided within **Figure 3** below.

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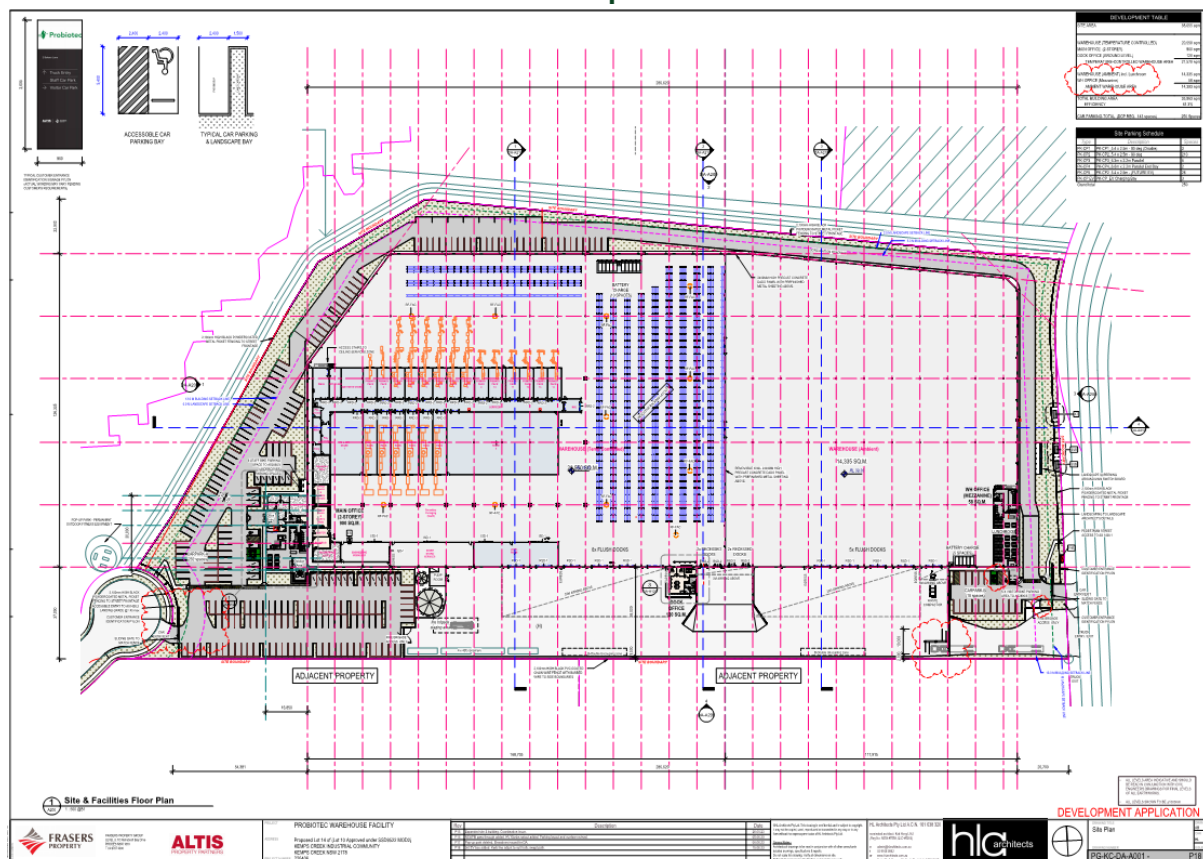


Figure 3: Proposed Amended Site Plan (Source: HLA Architects, 2023)

3.2 PROPOSED SHARED PATHWAY

The proposed amendments include the relocation of a section of the Open Space Edge Road to within the RE1 Public Recreation zoned land and replacement with a shared pedestrian and cycle pathway. The pathway will provide an accessible and well-landscaped path and will encourage bicycle usage within the Mamre Road Precinct, aligning with the objectives of the MRPDGP.

The shared pathway has been proposed as a result of the relocation of the Open Space Edge Road within RE1 Public Recreation zoned land, whilst also ensuring accessibility is still provided for emergency and maintenance vehicles. The proposed amendments will also include a pocket park at the southwest section of the Subject Site which will include exercise equipment.

The Shared Path and Pocket Park are illustrated in **Figure 4** and **Figure 5** below.

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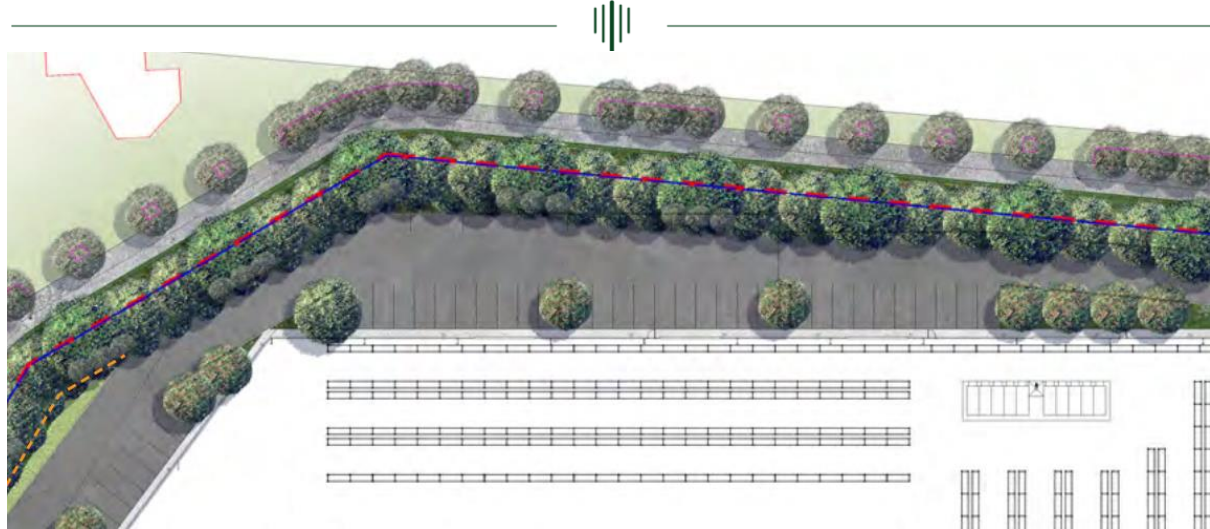


Figure 4: Shared Path (Source: Habit8, 2023)



Figure 5: Pocket Park (Source: Habit8, 2023)

3.3 PROPOSED AMENDMENT TO SUBDIVISION PLAN

The proposed amendments include the expansion of the currently subdivided lot as a result of the removal of the Open Space Edge Road. Specifically, **DA22/0671** granted Development Consent for the two (2) lot Torrens Title subdivision of Lot 10 approved under **SSD-9522 MOD 2** into Lot 13 (Residual Site) and Lot 14 (Development Site).

This amendment seeks to increase the size of Lot 14 by 8,421m² resulting in a total lot size of 58,655m².

The proposed amendment to the subdivision is provided within **Figure 6** below.

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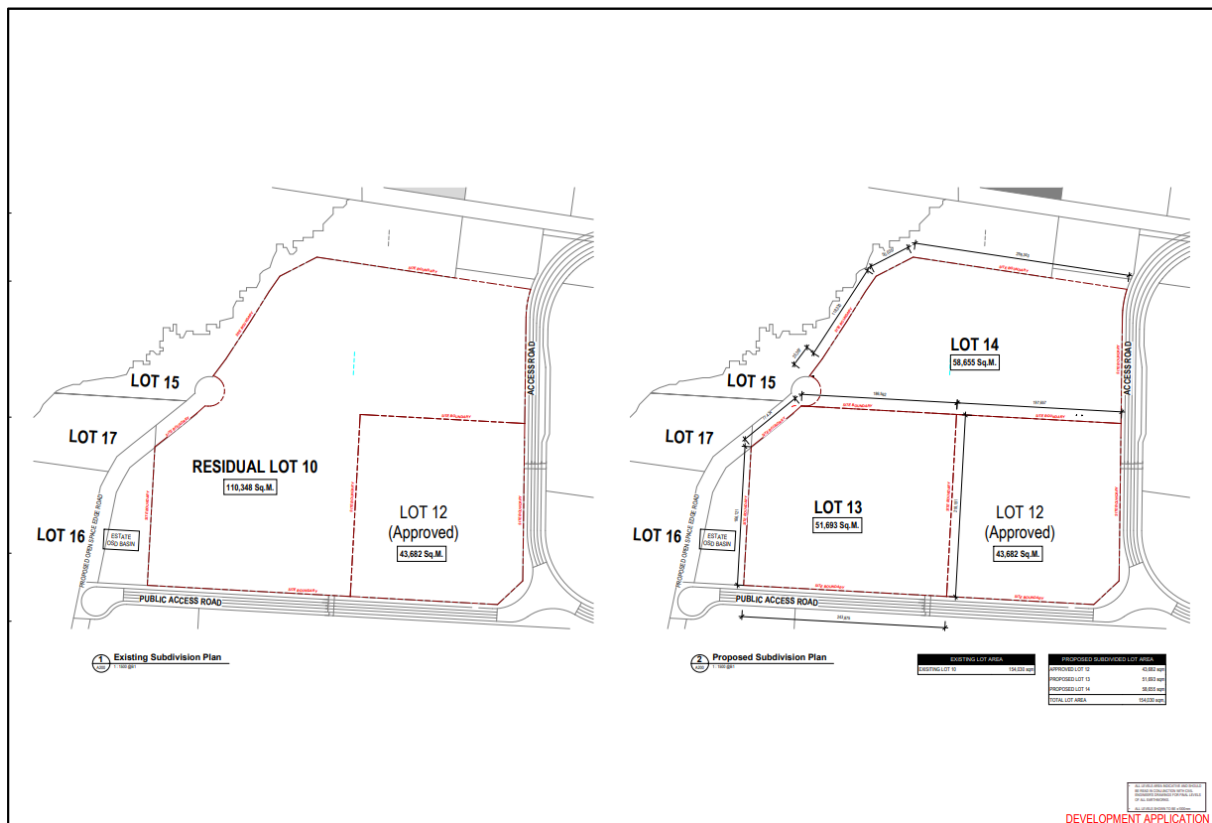


Figure 6: Subdivision Plan (Source: HLA Architects, 2023)

3.4 RELATIONSHIP TO SSD-9522

SSD-9522 was granted development consent by the Department of Planning and Environment (DPE) on 21 December 2020 for the development of a Warehouse, Logistics and Industrial Facilities Hub including the construction of eight (8) warehouses and 21-lot Torrens Title Subdivision.

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It is believed that the proposed amendments will not warrant a modification to **SSD-9522** for the following reasons:

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3. The Future Open Space Edge Road was never contemplated under **SSD-9522**, as illustrated in **Figure 7**. Considerations in that respect were deferred under the final approval as the strategic planning outcomes for the wider precinct were not resolved.
4. The amendments sought under **DA22/1172** would not shift the location of basins approved under **SSD-9522** and therefore, a modification application is not required.

As such, it is our understanding that the proposed amendments would not require a modification to **SSD-9522**.

3.5 DEVELOPMENT DESCRIPTION

Given the above changes, it is noted that the description of the development is amended to read:

This DA seeks consent for the construction and operation of a Warehouse and Distribution Centre for Priobiotec Limited's future operations.

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 250 car parking spaces;
- Construction of hardstand truck parking and loading/unloading areas;
- Installation of associated signage;
- Associated landscaping works;
- Augmentation of the subdivision layout approved under **DA22/0671**; and
- Relocation of a section of the Open Space Edge Road to within the RE1 Public Recreation zoned land and replacement with a shared pedestrian and cycle pathway.

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4. RESPONSE TO THE ADDITIONAL INFORMATION REQUEST

Reference is made in relation to the request for additional information received from Council, dated 23 May 2023.

TABLE 3 overleaf provides a response to the matters raised in the request for additional information.

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TABLE 3: RESPONSE TO ADDITIONAL INFORMATION REQUEST

Council Request	Commentary
1. <i>Despite the justification provided within the accompanying Statement of Environmental Effects, seeking a variation to the pervious surface requirements of Part 4.2.3 (C4) of the Mamre Road Precinct Development Control Plan 2021, it is advised that such is not supported in this instance and accordingly it is requested that the design be amended to comply with this control.</i>	As per the Updated Architectural Plans within Appendix 1 , the proposed development now achieves a total pervious area of 15%, thus complying. Therefore, no further consideration is required.
2. <i>Despite the justification provided within the accompanying Statement of Environmental Effects, seeking a variation to the setback requirements of Part 4.2.2 (C2) & (C4) of the Mamre Road Precinct Development Control Plan 2021, it is expected that the layout be amended to comply with such to all street frontages (i.e. provision of a 6m deep landscape setback forward of all car parking areas and associated driveways, which includes a respective building setback of at least 13m).</i>	<p>The proposed development has been amended to comply with the applicable building and landscaping setbacks within the MRPDCP.</p> <p>Further details have been provided within Appendix 1.</p>
3. <i>Concern is raised regarding the proposal from a streetscape perspective having regard to the eastern street facing façade. It is requested that consideration be given to providing additional architectural interest and articulation, in order to satisfy the provisions of Section 3.0 of State Environmental Planning Policy (Industry and Employment) 2021 and Part 4.2.5 of the Mamre Road Precinct Development Control Plan 2021.</i>	<p>The proposed development has been amended to provide further architectural interest and articulation with the front façade of the Subject Site.</p> <p>Specifically, the proposed development has been amended to include two (2) red and white diagonal strips of pre-finished solid aluminium cladding located on the eastern façade. This amendment creates contrast between the shale grey and basalt matt colour palette utilised for the Subject Site, providing additional visual interest and reinforcing the use of the Subject Site for Probiotec Limited's future industrial operations. It is noted that this is approach</p>

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TABLE 3: RESPONSE TO ADDITIONAL INFORMATION REQUEST

Council Request	Commentary
	<p>is consistent with that approved under DA22/0671.</p> <p>Further details are provided within the Architectural Plans in Appendix 1 and CGIs in Appendix 11.</p>
4. <i>The submitted documentation contains conflicting detail in relation to the proposed / associated signage. Clarification is to be provided in this regard. Furthermore, concern is raised regarding the 'mega graphic signage' shown on the front / southern elevation</i>	As per the Updated Architectural Plans within Appendix 1 , the proposed mega graphic signage has now been removed from the plans.
5. <i>The layout does not appear to provide direct pedestrian access from the footpath areas at both street frontages, to the respective office areas</i>	The Architectural Plans (Appendix 1) have been amended to include pedestrian pathways providing direct access from the footpath area at both street frontages to the respective office areas.
6. <i>It is unclear whether that driveway gates leading to 'Carpark B' are located that vehicles can queue fully within the site, while the gates are closed.</i>	<p>The driveway gate leading to 'Carpark B' has been shifted slightly to allow for vehicles to queue within the lot boundaries.</p> <p>Further details are provided within the Updated Architectural Plans within Appendix 1.</p>
7. <i>Various car parking areas (i.e. to the west of the building) do not include 'island tree bays', as required by Part 4.2.3 (C9) of the Mamre Road Precinct Development Control Plan 2021.</i>	The Architectural Plans (Appendix 1) have now been updated to provide island tree bays in accordance with Part 4.2.3 (9) of MRPDGP.
8. <i>Dimensions are to be provided of the car parking spaces and of the car parking island tree bays.</i>	The Architectural Plans (Appendix 1) have now been updated to provide dimensions for the car parking spaces and car parking island tree bays at the Subject Site.

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TABLE 3: RESPONSE TO ADDITIONAL INFORMATION REQUEST

Council Request	Commentary
<p>9. <i>Given the scale of the 'Warehouse B' lunchroom (which provides seating for 150), it is expected that an outdoor communal / staff area would be provided immediately adjacent to such.</i></p>	<p>The Architectural Plans (Appendix 1) have been amended to remove reference to "Warehouse B", showing the Subject Site as a single Warehouse.</p> <p>It is confirmed that the Subject Site is one (1) warehouse operated solely by Probiotec Limited and includes one (1) communal area dedicated for staff. As demonstrated in Appendix 9, the outdoor communal/staff area will be accessible to all staff at all times.</p>
<p>10. <i>The Open Space Edge Road, and detailed in Figure 12 of the Mamre Road Precinct Development Control Plan 2021 (and elsewhere within the document), is a Local Road to be delivered by proponents as development occurs. The DCP makes clear throughout the document that the Open Space Edge Road is to be delivered as a public road. Any variation to such (i.e. in terms of location and extent, will need to be accompanied by adequate justification, and will still need to provide a safe and efficient connection to the approved estate road network. The proposal must include construction in accordance with other design provisions of the DCP and Council's civil engineering standards, and involve dedication as a public road.</i></p>	<p>The future alignment of the Open Space Edge Road conflicts with the future left turn slip lane from North-South Collector Industrial Road northbound to SLR WB lane. Accordingly, the full extent of the Open Space Edge Road must stop at the proposed turning head. As per prior discussions between Altis Frasers JV and Council, a cycleway from the turning head to the North-South Collector Industrial road was deemed an acceptable alternative.</p> <p>As such, this Planning Statement has been prepared by Willowtree Planning in regard to the proposed amendments to the Open Space Edge Road.</p> <p>This Statement is accompanied by relevant consultant documents and provides details</p>

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**TABLE 3: RESPONSE TO ADDITIONAL INFORMATION REQUEST**

Council Request	Commentary
<p>11. <i>The accompanying Traffic Assessment Report has considered a trip generation for the proposed development as being 2.64 vehicles per day per 100 sqm of gross floor area. Given land use changes within the Western Sydney Employment Area, the adopted trip generation of 2.91 vehicles per day per 100 sqm of gross floor area, should be used. Furthermore, the accompanying Traffic Assessment Report, has considered an evening trip generation rate of 0.182 trips per 100 sqm, as opposed to the adopted 0.24 trips per 100 sqm. It is unclear what impacts this may have on the efficiency of the Mamre Road and Bakers Lane intersection. It is requested that SIDRA intersection modelling be undertaken to assess the impacts of the proposal upon the Mamre Road and Bakers Lane intersection. Furthermore, in relation to trip generation, consideration will need to be given to the impact on the road network during peak times, using a worst-case scenario for other future potential occupiers.</i></p>	<p>of the proposed amendments to the original proposal, compliance with the relevant standards of the Industry and Employment SEPP and controls of the MRPDGP.</p> <p><u>1. Approved SSD-9522 Rates</u></p> <p>It is recognised that the below vehicle trips rates that have been adopted as part of the proposed development and have been approved as part of SSD-9522 and SSD-9522 MOD 1 applications.</p> <ul style="list-style-type: none"> AM Peak: 0.247 vehicle trips per 100m² of GFA; PM Peak: 0.182 vehicle trips per 100m² of GFA; and Daily: 2.64 vehicle trips per 100m² of GFA. <p>The previously approved SSD-9522 and SSD-9522 MOD 1 rates were applied to the indicative 'ultimate built-form' GFAs which includes Lot 14 in the sequences shown below:</p> <ul style="list-style-type: none"> Approved Sequence 1A: 421,820m² GFA and 20,000m² GFA of Southern Lots; and

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TABLE 3: RESPONSE TO ADDITIONAL INFORMATION REQUEST

Council Request	Commentary
	<ul style="list-style-type: none">▪ Approved Sequences 2 & 3: 421,820m² GFA and 20,000m² GFA of Southern Lots. <p>No changes to the above rates have been made for the proposed development. As these rates have been approved as part of SSD-9522 and SSD-9522 MOD 1 applications, it is considered that TfNSW's rates (i.e. 2.64 vehicle trips per 100m² GFA per day, and 0.24 vehicles trips per 100m² GFA during PM peak) are too conservative.</p> <p>In addition, it is highlighted that the approved AM Peak vehicle trip rate (0.247 vehicle trips per 100m² of GFA) which has been adopted in the approved modelling is greater than the MRP suggested rates of 0.23 and 0.24 vehicle trips per 100m² of GFA. Therefore, traffic modelling which includes the Mamre Road and Baker Lane intersection done using SSD-9522 rates already suggest a level of conservativeness that is beyond the suggested MRP rates and therefore, also account for future potential of the Subject Site's tenants' traffic generation. Hence, additional SIDRA modelling is not required.</p>

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**TABLE 3: RESPONSE TO ADDITIONAL INFORMATION REQUEST**

Council Request	Commentary
	<p data-bbox="1435 339 1957 395"><u>2. Comparison with Rates Adopted at Mamre West Precinct</u></p> <p data-bbox="1435 443 1957 842">Moreover, the Mamre West Precinct (also known as First Estate) which is comparable to the MSP estate adopted the below traffic generation rates. It is emphasised that these rates have been derived from vehicle trip generation rates surveyed for Site 1 (Erskine Park Industrial Estate) from the TfNSW Technical Direction, Guide to Traffic Generating Developments – Updated traffic surveys, August 2013 (RMS Guide Update). This is entirely reasonable noting that First Estate lies directly opposite Site 1.</p> <ul data-bbox="1480 890 1957 1018" style="list-style-type: none">▪ AM Peak: 0.134 vehicle trips per 100m² of GFA; and▪ PM Peak: 0.139 vehicle trips per 100m² of GFA. <p data-bbox="1435 1066 1957 1297">It would have been equally appropriate to also adopt the same rates for MSP. However, for the purposes of a worst-case assessment, the proposed development adopts the average vehicle trip rates averaged from 3 Sydney industrial sites with reference to the RMS Guide Update.</p>

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TABLE 3: RESPONSE TO ADDITIONAL INFORMATION REQUEST

Council Request	Commentary
	Accordingly, it is considered that the TfNSW suggested vehicle trip rates for the MRP are considered even more conservative than the average of the surveyed Sites 1, 3, 4 RMS Guide Update rates. Hence, it is considered that the rates adopted for this assessment are already conservative and most suitable.
12. <i>The application as referred to Transport for NSW and issue was raised in relation to the provision of access to car parking areas adjacent to heavy vehicle access, and associated potential traffic safety issues with such. Accordingly, it is requested that consideration be given to relocating the carpark away from heavy vehicle access. Furthermore in relation to the overall layout, it is noted that the accompanying Traffic Assessment Report, specifies that up to 9 loading docks will need to be vacant for heavy vehicles to exit the site. It is requested that a review of the proposed dock layout be undertaken, in order to provide less operational conflict.</i>	<p><u>1. TfNSW Requirements</u></p> <p>Firstly, TfNSW has previously requested that access driveways constructed on greenfield lots should be located at least 100m away from the Signal.</p> <p>The latest plan satisfies this requirement by proposing the eastern driveways at least 136m away from the stop line of the SLR / Access Road ultimate intersection (Southern leg).</p> <p><u>2. Separation Between Truck Driveway and Future SLR Signal</u></p> <p>Moreover, maximum separation between the access driveways and the start of the right turn pocket should ideally be provided to allow trucks to turn into the right turn bay.</p>

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TABLE 3: RESPONSE TO ADDITIONAL INFORMATION REQUEST

Council Request	Commentary
	<p>It is noted that the truck driveway is already located towards the southern property boundary and therefore, the driveway cannot be shifted further south. Hence, the current design with the truck driveway near the southern boundary already provides the most optimal outcome due to the site constraints.</p> <p>Hence, it is not recommended to shift the driveways northward anymore as this could cause impacts with the future SLR signal.</p> <p><u>3. SSD-9522 Modification Modelling</u></p> <p>In preparation for lodgement of the future modification applications to SSD-9522, preliminary SIDRA modelling has been undertaken on the future signal at the SLR/Public Access Road intersection for the ultimate scenario (2036).</p> <p>Modelling results show that the expected back of queue distance would reach a maximum of ~43.9m during peak periods at southern leg.</p> <p>Currently, the length of the right bay fronting the Subject Site is 110m and is readily capable of storing this queue,</p>

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**TABLE 3: RESPONSE TO ADDITIONAL INFORMATION REQUEST**

Council Request	Commentary
	<p>without reaching to the proposed access crossovers.</p> <p>Moreover, the proposed car access driveway is currently located ~92.1m from the back of queue, therefore, the back of queue would unlikely impact the proposed operations.</p> <p>Hence, retaining the driveways as they are deemed to have a better outcome noting that current proposed driveway locations are unlikely to be impacted by the back of queue from a modelling standpoint. As discussed before, these locations are the greatest distance from the future signal.</p> <p><u>4. Revised Swept Path Assessment</u></p> <p>A swept path assessment has been undertaken on the latest site plan which suggests that the number of loading docks that would need to be vacant to allow sidelading and uncoupling heavy vehicles to exit has reduced to 7 and 5 respectively.</p> <p><u>Conclusion</u></p> <p>Noting the above points, we advise maintaining current proposed locations of the driveways in order to satisfy TfNSW</p>

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TABLE 3: RESPONSE TO ADDITIONAL INFORMATION REQUEST

Council Request	Commentary
	requirements. In addition, the current location of driveways would help vehicles turn into the right turn pocket, and it is unlikely these vehicles would be impacted by the future back of queue from the SLR/Public Access Road signal (according to the modelling and assumptions). Further, the swept paths demonstrate there is now less operational conflict.
<i>13. Concern is raised regarding the relationship of the heavy vehicle driveway, with the immediately adjacent driveway approved by Statement Significant Development Consent No. 25725029, from both a pedestrian and a streetscape perspective. It is expected that the driveway be realigned within the front part of the site to provide landscaping opportunities within the eastern front setback area and a sufficient pedestrian refuge area.</i>	<p>Having regard to the pedestrian refuge provision between the proposed development and the approved SSD-25725029, the proposed driveways cannot be shifted any further northward since some separation between access driveways and start of tapers is required as per Item 11 above.</p> <p>Furthermore, the heavy vehicle driveway approved under SSD-25725029 has already been approved, therefore, the driveway location is expected to remain unchanged.</p> <p>As a result, the proposed locations are required to remain.</p>
<i>14. The Open Space Edge Road is not utilised by heavy vehicles. Accordingly, a turn-around facility for heavy vehicles will need to be provided at the approach to the Open Space Edge Road (i.e. at its intersection with 'Access Road 3'), as heavy vehicles will not be permitted to utilise such. Furthermore, it is requested that details of appropriate load limit signage be provided for consideration.</i>	<p>As demonstrated in Appendix 12, the road intersection is based on a "T" junction which allows for the swept paths of the 12.5 Service design vehicle equivalent to Bus, Emergency Vehicle or Garbage Truck.</p>

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**TABLE 3: RESPONSE TO ADDITIONAL INFORMATION REQUEST**

Council Request	Commentary
	Appropriate load limit signage will be provided, and this may be confirmed by a condition of consent.
15. <i>In accordance with the Mamre Road Precinct Development Control Plan 2021, access to warehousing developments greater than 20,000 sqm, is to be provided for a 30m (PBS Level 2 Type B) length vehicle. Accordingly, swept paths are to be provided demonstrating such.</i>	30m A-Double swept paths have been undertaken as shown in Appendix A of the Traffic Statement provided in Appendix 10 . However, it is expected that B-Doubles would be the largest trucks accessing the proposal.
16. <i>Clearances, batters and fencing alongside roadways, are to be provided in accordance with the requirements of Section 7.7 of the Guide to Road Design Part 6A: Pedestrian and Cyclist Paths (Prepared by Austroads).</i>	The Civil Plans (Appendix 12) have now been updated to provide clearances, batters and fencing in accordance with the requirements of the <i>Guide to Road Design</i> .
17. <i>The application does not include specific details, addressing the provisions of Section 2.39 (Water Recycling and Conservation) of State Environmental Planning Policy (Industry and Employment) 2021, which requires connection to the Regional Stormwater Scheme for the Mamre Road Precinct. Furthermore, in this regard, it is advised that referral comments have been provided by Sydney Water (see attached) and it is requested that responses be provided to the specific issues raised within.</i>	<p>Reference is made to the Referral Letter prepared by Sydney Water, dated 16 May 2023, and the request for additional information.</p> <p>In summary, the letter requests the following details:</p> <ul style="list-style-type: none">▪ Adherence to the minimum pervious areas pursuant to MRPDGP; and▪ Adherence to the future Regional Stormwater Scheme, confirming that any on-site water reuse facilities including rainwater tanks must be decommissioned.

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**TABLE 3: RESPONSE TO ADDITIONAL INFORMATION REQUEST**

Council Request	Commentary
	<p>As referenced above, the proposed amendments have resulted in a pervious area of 15%, therefore complying with the minimum pervious area requirements within MRPDGP.</p> <p>The development can connect to the future Sydney Water Regional Stormwater Scheme once built. The Altis Frasers JV will not commit to decommissioning the approved and constructed Estate stormwater system until the Sydney Water system is approved and constructed.</p>
<i>18. It is requested that amended Stormwater Plans be provided, which include a rainwater tank that satisfies the size required by the Water Cycle Management Strategy, forming part of the State Significant Development No. 9522 approval.</i>	Amended Stormwater Plans have been provided in Appendix 12 including rainwater tanks which has been designed to comply.
<i>19. The architectural type plans are to provide details of the proposed solar panels and other commitments made within the accompanying Ecologically Sustainable Development Report.</i>	The location of the proposed solar panels is now provided within the Updated Architectural Plans within Appendix 1 .
<i>20. The overall layout does not make provision of a substation. It is requested that confirmation be provided as to whether a substation will be required.</i>	The location of the proposed substation is now provided within the Updated Architectural Plans within Appendix 1 .
<i>21. An Operational Management Plan is to be provided, which includes comprehensive details of the proposed use (outlining processes or any manufacturing occurring on site, the relationship between the 2 warehouses / compartments, the use of outdoor areas, access management, staffing numbers and likely visitor arrangements).</i>	An Operational Management Plan has been prepared by Probiotec Limited and is available within Appendix 9 . The Management Plan is a comprehensive document that outlines the processes occurring onsite including the use of the

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TABLE 3: RESPONSE TO ADDITIONAL INFORMATION REQUEST

Council Request	Commentary
	outdoor area, access management, staff numbers and visitor arrangements.
22. <i>The accompanying Air Quality Assessment relies upon data from 2019, which was during the 'Black Summer Bushfires', when air quality at St Marys (the location of the site) was poor for a number of months and is therefore not indicative of a 'normal year' for air quality. Accordingly, it is requested that justification be provided as to why the year of 2019 has been used as a data base.</i>	A Letter has been prepared by North Star Air Quality and is provided within Appendix 15 in response to this request.



5. COMPLIANCE WITH LEGISLATION AND POLICY FRAMEWORK

5.1 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021

Pursuant to Section 37 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation), this request seeks to amend the current Development Application.

Specifically, Clause 37 (1) & (6) states the following:

37 Amendment of development application

(1) An applicant may, at any time before a development application is determined, apply to the consent authority for an amendment to the development application.

(6) If the amendment will result in a change to the development, the application must contain details of the change, including the name, number and date of any plans that have changed, to enable the consent authority to compare the development with the development originally proposed.

Pursuant to Clause 37 (1) & (6) this Planning Statement proposes amendments to **DA22/1172** for the relocation of a section of the Open Space Edge Road to within the RE1 Public Recreation zoned land and replacement with a shared pedestrian and cycle and resultant expansion of the Warehouse and Distribution Centre at the Subject Site. **Section 3** of this Planning Statement contains details of the proposed amendments to the application and **Appendix 1** provides Updated Architectural Plans.

5.2 STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021

TABLE 4. DEVELOPMENT STANDARDS - INDUSTRY AND EMPLOYMENT SEPP

Clause	Comment
Principal Development Standards	
Clause 2.20 - Height of buildings	<p>No maximum building height has been adopted under Industry and Employment SEPP. However, the consent authority must be satisfied that:</p> <p><i>(a) building heights will not adversely impact on the amenity of adjacent residential areas, and,</i></p> <p><i>(b) site topography has been taken into consideration.</i></p> <p>The proposed amendments have resulted in a change of maximum building height from 13.7m to 14.6m.</p>

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TABLE 4. DEVELOPMENT STANDARDS - INDUSTRY AND EMPLOYMENT SEPP

Clause	Comment
Principal Development Standards	
	<p>It is to be noted that the Subject Site is generally flat as a result of the approved earthworks, and this has been appropriately considered within the design of the development. Although the proposed amendments have resulting in an increase in height of the building, the proposed development is well setback from the property boundaries.</p> <p>Further details are provided within the Updated Architectural Plans within Appendix 1.</p>

5.3 MAMRE ROAD PRECINCT DEVELOPMENT CONTROL PLAN 2021

TABLE 5. MAMRE ROAD PRECINCT DEVELOPMENT CONTROL PLAN

Control	Response
2 Precinct Planning Outcomes	
2.1 Mamre Road Precinct Structure Plan	
<p>1) <i>Development applications are to be generally consistent with the Precinct Structure Plan (Figure 2), the water cycle management strategy and local road network strategy.</i></p> <p>2) <i>The consent authority will consider the extent to which the proposed development is consistent with the Structure Plan, including cumulative and precedent implications on existing and planned infrastructure, and services and amenities provision.</i></p> <p>3) <i>Proposed variations to the general arrangement of the Structure Plan must be consistent with the Precinct Vision, to the satisfaction of the consent authority.</i></p>	<p>The proposed amendments will not result in a change to the Mamre Road Precinct Structure Plan. It is noted that the Open Space Edge Road is not included in this plan and therefore, the removal of a section of the Plan will not impact the overall structural vision of the Mamre Road Precinct.</p> <p>The proposed amendments will continue to align with the Structure Plan's objectives, ensuring the coordinated delivery of infrastructure, supporting facilities and protection of the environment.</p> <p>The proposed amendments have been designed to ensure protection to the environment, heritage, amenity and existing critical infrastructure. An Ecological Advice Letter has been prepared by Ecologique and is provided within Appendix 5, in support of the proposed development.</p>

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TABLE 5. MAMRE ROAD PRECINCT DEVELOPMENT CONTROL PLAN

Control	Response
3 Precinct and Subdivision Design	
3.4 Transport Network	
<p><u>3.4.3 Public Transport, Pedestrian and Cycle Network</u></p> <p>6) All footpaths are to be consistent with the relevant requirements of Walking Space Guide - Towards Pedestrian Comfort and Safety (NSW Government).</p> <p>7) Footpaths should have ramps at all kerb corners for wheelchairs and pram access and cater for all people with diverse abilities in line with current Australian Standards.</p> <p>8) Street lighting in accordance with the provisions of AS1158 should be provided in all streets.</p>	<p>The proposed shared path has been designed to be consistent with the relevant requirements of Walking Space Guide and relevant Australian Standards.</p>
<p>10) To enable comfortable passage for all people with diverse abilities, footpaths must be:</p> <ul style="list-style-type: none">o Provided on both sides of the road;o A minimum of 1.5m wide on one side;o A minimum of 2.5m shared path on the opposing side (with the exception of distributor roads, refer to Table 9);o A minimum of 3.0m on approach routes to predictable destinations such as employment hubs and parks; ando A minimum width of 3.5m for shared paths for recreational use within open space and environmental corridors.	<p>The proposed shared path has been designed to enable comfortable passage for all people with diverse abilities.</p>
<p>17) Pedestrian and cycle routes and facilities in public spaces are to encourage way finding and be convenient, safe, well lit, clearly defined, functional and accessible to all.</p> <p>18) Shared paths and pedestrian refuge islands are to be designed to be fully accessible by all in terms of access points and gradients, in accordance with Australian Standard 1428:1-4.</p>	<p>The proposed shared path has been designed to be consistent with the relevant Australian Standards.</p>

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TABLE 5. MAMRE ROAD PRECINCT DEVELOPMENT CONTROL PLAN

Control	Response
4 General Requirements for Industrial Development	
4.2 Built Form Design Controls	
<p><u>4.2.2 Building Setbacks</u></p> <p>1) <i>Building setbacks are to be in accordance with the standards outlined in Table 10.</i></p> <p>3) <i>Side and rear boundary setbacks may incorporate accessways and driveways (not permitted in setbacks to designated roads), where an alternative arrangement cannot be achieved. Setbacks to public roads may incorporate loading dock manoeuvring areas and associated hard stand if set behind a landscape setback of at least 6.0m to the property boundary.</i></p> <p>4) <i>Setbacks may incorporate an off-street parking area if it can be demonstrated that the location of the car parking area:</i></p> <ul style="list-style-type: none"><i>o Is within a setback at least 13.0m in depth, as measured from the property boundary to the building line, and set behind a landscape setback at least 6.0m in depth;</i><i>o Promotes the function and operation of the development;</i><i>o Enhances the overall design of the development by implementing design elements, including landscaping, that will screen the parking area and is complementary to the development; and</i><i>o Does not detract from the streetscape values of the locality.</i>	<p>The following setbacks have been provided which comply, whilst all parking areas have been provided behind a landscape setback of at least 6m:</p> <ul style="list-style-type: none">▪ North: 9.5m▪ East: 14.5m▪ South: 36m▪ West: 16m <p>Further details are provided within the Updated Architectural Plans within Appendix 1.</p>

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TABLE 5. MAMRE ROAD PRECINCT DEVELOPMENT CONTROL PLAN

Control	Response
<p>4.2.3 Landscaping</p> <p>1) Development proposals must demonstrate a 10% tree canopy on development lot (excluding public roads and any non-industrial land). This includes preserving existing trees, where possible, and adding to the existing canopy to provide green infrastructure and amenity. This control can be measured at estate or lot scale, depending on the subject land of the development application. Where the tree canopy strategy is established at an estate level, the approval should establish the framework for individual lots, where future development applications will be required. If the control is satisfied at an estate scale, the 10% tree canopy control does not need to apply again to individual lots, if they are consistent with the concept plan or estate approval.</p> <p>3) Landscaped area is to be provided in accordance with Table 11.</p>	<p>The following landscape setbacks have provided which comply:</p> <ul style="list-style-type: none">▪ North: 2.5m▪ East: 8m▪ West: 6m <p>Further details are provided within the Updated Architectural Plans within Appendix 1.</p>
<p>4) A minimum 15% of the site area is to be pervious surfaces, achieved through landscaping and/or the use of permeable paving materials. Perviousness is to be calculated in accordance with the following index:</p> <ul style="list-style-type: none">o Deep soil (one metre or more in depth, connected subsoil) – 100%o Shallow soil (less than one metre in depth, not connected to subsoil) – 75%o Permeable pavement – 50%o Hardstand – 0%	<p>The proposed amendments result in a minimum pervious area of 15%. Therefore, the proposed development is compliant with Section 4.2.3 (4) of MRPDGP.</p>
4.6 Access and Parking	
<p>1) On-site car parking is to be provided to a standard appropriate to the intensity of the proposed development as set out in Table 11. Parking is to meet AS 2890 and AS 1428.</p> <p>2) For activities not identified in Table 11, the TfNSW's (formerly RTA) Guide to Traffic Generating Developments (ISBN 0 7305 9080 1) and AS 2890 should be referred to as a guide.</p>	<p>In accordance with Section 4.6 of MRPDGP, the Subject Site has a minimum carparking requirement of 146 spaces.</p> <p>The proposed amendments include a provision of 34 additional car parking spaces resulting in a total of 250 car parking spaces at the Subject Site. Therefore, the proposed development is compliant with Section 4.6 of MRPDGP.</p>

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TABLE 5. MAMRE ROAD PRECINCT DEVELOPMENT CONTROL PLAN

Control	Response
<i>3) Car parking and associated internal manoeuvring areas provided over and beyond the requirements of this DCP shall be calculated as part of the development's gross floor area</i>	



6. LIKELY IMPACT OF DEVELOPMENT

6.1 BUILT FORM

The proposed development includes the relocation of a section of the Open Space Edge Road to within the RE1 Public Recreation zoned land and replacement with a shared pedestrian and cycle pathway and the resultant expansion of the Warehouse and Distribution Centre at the Subject Site.

Although the proposed expansion of the Warehouse and Distribution Centre will increase the proposed built form at the Subject Site, the amendments have been specifically designed to reduce visual bulk and create architectural interest. Further details are provided within the Architectural Plans (**Appendix 1**) and Updated CGIs (**Appendix 10**), an excerpt which is provided below.



Figure 8: Main Office Perspective (Source: Peter Drew, 2023)

6.2 ENVIRONMENTAL IMPACTS

An Ecological Advice Letter has been prepared by Ecologique and is provided within **Appendix 5**, in support of the proposed amendments. The Ecological Advice Letter confirms that the proposed development, as amended, will continue to not result in any impacts, nor require any further assessment, of biodiversity values.

6.3 TRAFFIC AND TRANSPORT

A Traffic Statement and updated swept paths have been prepared by Ason Group and is available within **Appendix 10** which has adequately addressed all comments raised and demonstrated compliance with all relevant controls.

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6.4 BUILDING CODE OF AUSTRALIA

A Building Code of Australia (BCA) Compliance Statement has been prepared by MBC Group and is provided within **Appendix 3**. The BCA Compliance Statement confirms that the proposed amendments maintain compliance with the relevant BCA Standards.

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7. CONCLUSION

It is considered that this information now provides Council with all the necessary facts and relevant particulars in relation to the concerns raised; therefore, enabling assessment of **DA22/1172** to be finalised and the application determined favourably.

Should you wish to discuss further, please contact Cameron Gray on 0477 003 429 or cgray@willowtp.com.au or the undersigned.

Yours Faithfully,



Andrew Cowan
Director
Willowtree Planning Pty Ltd
ACN 146 035 707