URBIS

19 May 2025

Pamela Morales
Industry Assessments
NSW Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

Dear Pamela,

WESTGATE, KEMPS CREEK (SSD-23480429) | RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION

This response letter has been prepared by Urbis on behalf of Icon Oceania in response to a request for additional information (**RFI**) in connection with the above State Significant Development Application (**SSDA**) for development of an industrial estate at 253 - 267 Aldington Road, Kemps Creek (the **site**). During the assessment of the above SSDA, RFIs were issued by the following government authorities:

- Department of Planning, Housing and Industry (**DPHI**) issued RFIs dated:
  - 6 December 2024
  - 20 December 2024
  - 28 March 2025
- Penrith City Council (**Council**) issued RFIs dated:
  - 22 January 2025
  - 13 May 2025
- Transport for NSW (**TfNSW**) issued RFI dated: 13 December 2024
- Department of Climate Change, Energy, the Environment and Water (**DCCEEW**) issued RFI dated: 9 January 2025
- Fire and Rescue (**FRNSW**) issued RFI dated: 24 January 2025
- Sydney Water issued RFI dated: 29 January 2025
- Conservation Programs, Heritage and Regulation (**CPHR**) issued RFI dated: 12 February 2025

To facilitate the timely assessment of the SSDA, responses to the RFI items were submitted to DPHI and the relevant agencies as the responses have been prepared. This included the provision of an interim response package, issued to DPHI (via email) on 17 March 2025 and was subsequently

uploaded onto the major project portal. The issue of subsequent RFIs by DPHI in 2025 was to capture the items which were still in-train. This included separate correspondence with Sydney Water and Council (via email and phone calls) to address their respective RFI items. Additionally, on 2 April 2025, clarifications were issued to DPHI on the staged subdivision requirements and their alignment with the SSDA as proposed.

This response letter and its supporting attachment is a comprehensive summation of the additional information that has been provided to date, and new information as required, to address all the RFI comments received from the various Government Agencies/Council since 6 December 2024. This letter is accompanied by the following attachments:

Table 1 Supporting Documentation

Appendix	Report	Prepared By
Appendix A	Civil Responses	AT&L
Appendix B	Remediation Action Plan	Douglas Partners
Appendix C	Dam Dewatering Plan	Ecological
Appendix D	Dam Dewatering Report	Douglas Partners
Appendix E	Salinity Review Letter	Douglas Partners
Appendix F	Updated Architectural Drawings	NettletonTribe
Appendix G	Noise Impact Assessment	EMM
Appendix H	Water and Stormwater Management Plan	AT&L
Appendix I	MUSIC Model	AT&L
Appendix J	Swept Path Analysis	Ason Group
Appendix K	Traffic Response – Construction Sequencing	Ason Group
Appendix L	Civil Response – Interim Stormwater & Flood	AT&L
Appendix M	Staged Subdivision Plan	Beveridge Williams + RP Infrastructure markups
Appendix N	Civil Drawings – Half-Road	AT&L
Appendix O	Presentation – Half Road	AT&L + RP Infrastructure + Urbis
Appendix P	Civil Works Drawings – Full	AT&L
Appendix Q	Interim Audit Advice Letter	Ramboll

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DEPARTMENT OF PLANNING, HOUSING AND INFRASTRUCTURE – 6 DECEMBER 2024

Table 2 Response to DPHI 06.12.2024 Comments

Item	Issue	Response
1	Additional information regarding the delivery of the Aldington Road intersection and upgrade along the frontage of Icon Oceania's land. The information is to include the parties responsible for the delivery, the sequencing and timing of the works, and the approval pathway for delivery.	Refer to the Civil Drawings – Half-Road (**Appendix N**) and the Presentation – Half Road (**Appendix O**). This provides the following details: ▪ A detailed timeline is provided. This demonstrates that the delivery of the road appropriately responds to the timing for development on the adjoining lot to the south (Anric's development), with the half road to be delivered as part of the current SSDA, and the remainder of the road delivered with Anric's future development. ▪ An updated compliance assessment of the proposed half-road against the relevant MRP DCP provisions (Part 3.4). ▪ A pavement staging plan (provided in the presentation, as well as the attachment: "Icon – Road 01 Pavement Staging") which demonstrates how the half-road would tie into the 1,000 series intersection and Anric's site. This updated pavement staging plan also demonstrates the sequencing and delivery of the ultimate road (3,000 series) which is designed to minimise disruption to operational traffic access. Following the issuance of this information, additional RFI comments were issued by Council (dated 13 May 2025) the responses to which are provided in **Table 6** below. As part of these additional comments, Council noted that "*Given the timing for development upon the adjoining lot to the south, in this instance Council will permit construction of an internal half road to permit access to the proposed lots, subject to the road remaining in private ownership until the full width road has been constructed to the satisfaction of Council.*" The subject road is proposed to remain in private ownership until the full width road has been constructed to the satisfaction of Council.

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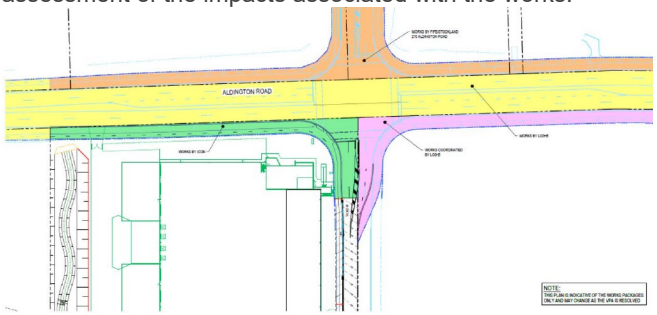
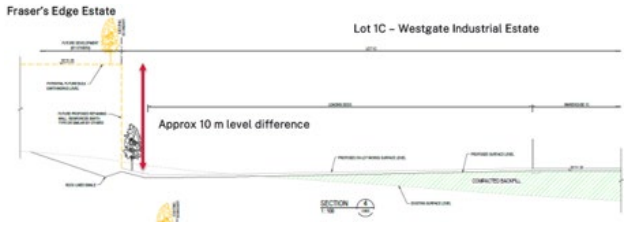
DEPARTMENT OF PLANNING, HOUSING AND INFRASTRUCTURE – 20 DECEMBER 2024

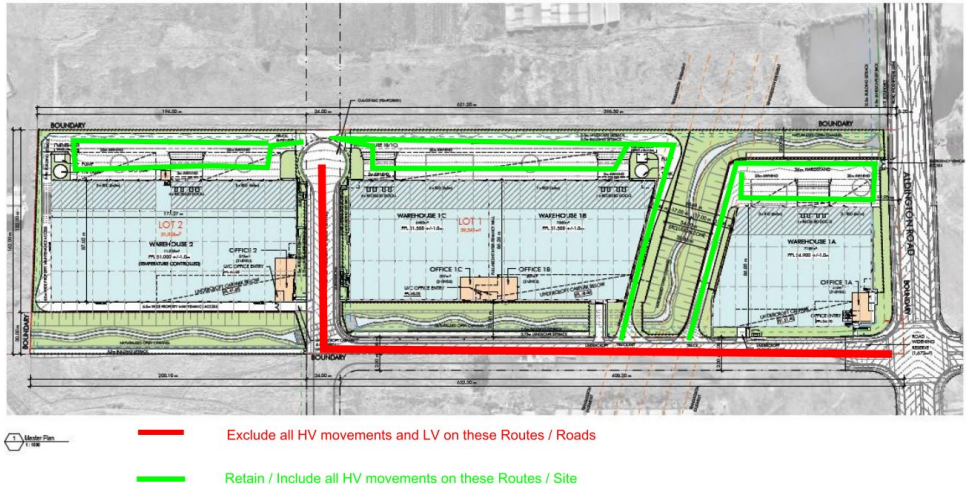
Table 3 Response to DPHI 20.12.2024 Comments

Item	Issue	Response
Traffic		
1	In the event the Aldington Road upgrades are not able to be delivered by others, consider opportunities to include the construction and delivery of the intersection in the DA (as shown in green and pink on the figure below) to enable access to and from the site. If the intersection works are proposed, the DA will need to be amended and will require landowner's consent and an assessment of the impacts associated with the works.  *Source: AT&L*	The 1,000 series Aldington and Abbotts Road Upgrade works, which includes the ultimate road works and intersection into the site, has been approved under SSD-10479 MOD 3 on 27 February 2025. As such, the Aldington Road upgrades, including the construction and delivery of the intersection, is approved and can be delivered by LOG-NE. The construction and delivery of the intersection does not form part of this SSDA.
2	Further information is required to understand the coordination and delivery of the road connection linking Road 2 with Frasers' North South Access Road. Please provide the following: (a) Details of how the road connection is proposed to be delivered and coordinated between the two parties, including staging / sequencing of works and timing for delivery and dedication to Penrith City Council. (b) Further detail of the levels of the Road 2 / Fraser's North South Access Road connection. Civil Sheet 21-860-C016 shows a	(a) The roadworks on the Edge Estate (Frasers Property Industrial) and Westgate Kemps Creek (Icon Oceania) will be delivered by the proponents' respective civil works contractors to the property boundary between the two development sites. The need for construction of temporary cul-de-sacs will depend on the relative timing of the civil works. At this stage, given the status of the assessment of the respective SSDAs, it is possible that the roadworks will be delivered concurrently, meaning the temporary turning heads would not be required on either site. However, if for some reason the roadworks on one site are delivered in advance of the other, the extents of roadworks delivered first will need to incorporate the temporary turning head. Depending on

Item	Issue	Response
	section plan from within the vicinity of Road 2 with a potential 10 metre (m) ground level difference between the two sites (Section 4, shown below). Please provide a cross section at this location to demonstrate how access to Warehouse 1C will be achieved for the largest heavy vehicle, noting the following: (i) road gradients shown in Civil Sheet 21-860-C930 (ii) proposed finished levels of Warehouse 1C, (iii) proposed finished levels of Fraser's Edge Estate at the southern boundary, and the proposed Lot 14 access roads  	interim operational and traffic management requirements, the temporary turning the extent of roadworks delivered second may also need to incorporate a temporary turning head. If the timing of roadworks on the two sites does not coincide and temporary turning heads on either site are in place, the completion of the roadworks on the site that comes second will need to include: – Demolition of the temporary turning head on the neighbouring site – Extension and connection of stormwater drainage and other utilities (details to be resolved by respective service designers) – Construction of the final roadworks connecting the two sites. It is anticipated that a condition would be incorporated into the consent for Westgate Kemps Creek if Edge Estate is approved before it (or vice versa) requiring details to be provided for the connection of the two roads prior to the issuance of the relevant Construction Certificate (**CC**) or Subdivision Works Certificate (**SWC**). If the roadworks on the site completed first have been dedicated to Council, it is envisaged that the connection works would be subject to a Section 138 (Roads Act) Approval. If the roads are yet to be dedicated to Council, it is envisaged that the connection works could be completed under a SWC. (b) Please refer to the revised drawing 21-860-C930[B] (Attachment A, in **Appendix A**), in that shows the proposed road design joining Road 02 between Edge Estate and Westgate Kemps Creek. Additional details have been included in this drawing, including proposed road contours and levels at the property boundary at the driveways into Westgate Lot 1C and Edge Estate Lot 14.
3	The Department understands that Anrich is proposing to develop its land immediately south of the site. Consider opportunities to incorporate the ultimate road design of Road 1 in the DA and describe the coordination and sequencing works required to deliver Road 1 on both the site and Anrich's land.	Response to the half road construction have been subject to discussions with DPHI & Council. On 13 May 2025, Council advised DPHI that "*given the timing for development upon the adjoining lot to the south, in this instance Council will permit construction of an internal half road to permit access to the proposed lots, subject to the road remaining in private*

Item	Issue	Response
		ownership until the full width road has been constructed to the satisfaction of Council." The subject road is proposed to remain in private ownership until the full width road has been constructed to the satisfaction of Council.
4	Throughout the Submissions Report it is stated that "construction works…can be facilitated by the existing conditions and a CTMP". Please provide clarification on what existing conditions are being referred to.	For clarity, the statement "construction works…can be facilitated by the existing conditions and a CTMP" throughout the Submissions Report means: ▪ Construction vehicles will be able to access the site via Aldington Road and the existing driveways off Aldington Road into the site, to be managed by a Construction Traffic Management Plan (**CTMP**). No road upgrade works are required to support construction vehicle access into the site.
Noise		
5	It is not clear whether the truck awnings have been included in the noise model (refer to the noise sources figure in Appendix B of the Noise and Vibration Impact Assessment (NVIA)). Please clarify and if required update the NVIA.	Applicant Response | 16.01.2025 *Conservatively the 20m awnings were not included in the NVIA noise model. There may be slightly lower resultant noise levels with incorporation of the awnings, however the assessment considered a conservative approach acknowledging that project noise goals were achieved. A model check has been completed and confirmed negligible (+_ 0.2dB) changes to predicted noise levels for all assessment locations. Notwithstanding, the NVIA provided as part of the RtS provide a recommendation "that absorptive treatment be considered within the soffits of awnings over the loading dock areas" to ensure there is not an increase in reverberant levels from trucks and unloading activities.* Updated NVIA An updated NVIA (**Appendix G**) has been prepared which updated the modelling and assessment so that the 20m external awnings that extend north for portions of the warehouse buildings as identified in the architectural drawings were incorporated into the noise model.
6	Provide the noise contribution levels for the following noise generating activities: heavy vehicle movements, loading and unloading activities, general rooftop plant equipment and specialised equipment. This is to allow the Department to understand specific risks or opportunities for further targeted mitigation.	Applicant Response | 16.01.2025 *The assessment as part of the NIVA has already demonstrated compliance with project noise goals so further noise mitigation is not warranted under the procedures of the NPfI.* *A review of the relative contributions to the potentially highest noise levels predicted at R11 and R17 in Mt Vernon. The results confirmed that the highest noise contributor from*

Item	Issue	Response
		the Westgate site is typically truck movements followed by WH2 chiller room and condensers. *With regard to heavy vehicle movements, additional mitigation measures are not feasible considering roadways and elevated receivers. Also, Road 1 (adjacent southern side of WH1a and WH1b/c) and Road 2 (running north between WH1b/c and WH2) will ultimately become public roads and thus, would ultimately be excluded from 'site noise emissions' and be considered traffic on public road under the NSW Road Noise Policy, with a higher noise criteria.* *With regard to the WH2 chillers and condensers, additional noise mitigation measures in the form of a 5dB reduction of from noise emissions and was reviewed and confirmed a cumulative noise level drop of 0.5dB at highest predicted location at Mt Vernon (R17). This level of reduction is minimal and provides imperceptible acoustic benefit. These measures would result in reductions at R11 of 1.8dB but this is isolated and cumulative noise for the whole Mt Vernon will typically change very little.* *With consideration of the above, a review individual contributions from each source is beyond the typical scope of what is provided within a SSDA or DA assessment.* DPHI Response | 21.01.2025 *Noise generation modelling should reflect worst case scenario for loading docks, reflecting the docks being close-to or at-capacity. We need to ensure this is as realistic as possible and reflects worse case operational scenarios* Applicant Response | 03.02.2025 *Noise modelling has considered the anticipated worst case for the day, evening and night assessment periods. As outlined in Section 4.2.2 Page 32 of the NVIA v4 the assessment considered the PEAK 1hr truck movements within each assessment period and then considered that number broken down into a relative 15-minute assessment period as required. The context of the NVIA also confirms that truck movements outside of these peak periods are significantly lower. The assessment has also considered a full changeover of carpark for light vehicles, continuous use of fork trucks external and continuous operation of the specified mechanical plant.* DPHI Response / Heavy Vehicle Movement | 04.02.2025

Item	Issue	Response
		The noise modelling shows the main contributor to noise is heavy vehicle movements. Please present a scenario that excludes heavy vehicle noise sources on public roads to confirm compliance with the project amenity noise levels and for deriving achievable night-time noise limits (eg. with truck movement sources = 31dBA at Mount Vernon, without truck movement sources= 27dBA). DPHI Response / Light Vehicle Movement | 04.02.2025 *Review the assumption for the usage of car park at night to give us a more realistic set of noise predictions. The model currently assumes that the car park is fully utilised at night, which may not be realistic (e.g. without truck movement and car park sources = 26 dBA).* Applicant Response / Heavy Vehicle Movement | 07.02.2025 *Please find a mark-up site plant which identifies the heavy vehicle movements across the estate roads (in red, to be excluded in modelling scenario) and heavy vehicle movements across the warehouse driveways and loading dock/hardstand areas (in green, to be included in modelling scenario). Can you please confirm that this would satisfy the scenario modelling you have requested and EMM will update the NVIA accordingly.* 

Item	Issue	Response
		Applicant Response / Light Vehicle Movement | 07.02.2025 *EMM have modelled the scenario where there is no use of the carpark and light vehicles at night. This scenario modelling found that no carpark and light vehicle use at night this results in a reduction of <0.1dB. This saving is considered to result in negligible impact. In the instance there is partial use of the carpark and light vehicles at night (e.g. 50% utilization), the acoustic saving will be even less.* *Considering the above, please confirm if the modelling assumptions still need to be updated.* DPHI Response / Heavy Vehicle Movement | 12.02.2025 *Yes this is fine. Please update NVIA* DPHI Response / Light Vehicle Movement | 12.02.2025 *Noted. No need to update modelling assumptions.* Updated NVIA An updated NVIA (**Appendix G**) has been prepared which updated the modelling in accordance with the above with new assumptions for site in terms of truck movements on public roads
7	The NVIA notes that Danpalon transparent panels have been selected for a portion of the walls and roof of the warehouse buildings. The minimum sound transmission loss of the proposed transparent portion of the walls appears to be quite low when compared with other transparent materials like Perspex. Section 4.3.1(7) of the Mamre Road Precinct Development Control Plan (MRP DCP) requires the building design to incorporate noise amelioration features. Please demonstrate how this provision of the MRP DCP has been incorporated into the design and consider whether any other alternative transparent materials can be used in the building design to provide further noise attenuation.	Danpalon is incorporated from an architectural perspective for both wall and roof cladding details. In the assessment it has stipulated the building materials OR equivalent. With all materials to be reviewed by an acoustic consultant prior to final specification and construction (also consistent with mechanical plant selections and locations). However, Danpalon is only incorporated into very small portions of the building and the noise assessment has considered the relative % areas of the Danpalon in the determination of the composite noise reduction of the building elements. Noise contributions from building breakout either through walls or roofs does not contribute to the cumulative noise level at Mt Vernon - including open doors considered in assessment.

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		In accordance with Section 4.3.1(7) of the Mamre Road Precinct Development Control Plan (MRP DCP), the building design and materiality appropriately incorporates noise amelioration features as: ▪ **Acoustic Performance**: Noise modelling confirms that breakout noise through walls or the roof, including areas using Danpalon, does not contribute to the cumulative noise level at Mt Vernon, even with open doors. EMM have confirmed this. ▪ **Strategic Noise Amelioration Measures**: The MRP DCP Section 4.3.1(7) requirements have been addressed by orienting loading docks, building openings, truck manoeuvring areas, and forklifts to the northern side for natural acoustic shielding. Additionally, 20m awnings extend over these areas to enhance noise mitigation. ▪ **Material Suitability**: Perspex is generally unsuitable for warehouse cladding due to structural limitations, high thermal expansion (leading to warping and brittleness), lower fire resistance, and poor acoustic performance. Danpalon is more durable, impact-resistant polycarbonate with superior UV stability, fire-rated options, and better acoustic properties due to its multi-wall structure. It provides effective light transmission while maintaining the structural and noise attenuation integrity required for warehouse operations. Updated NVIA An updated NVIA (**Appendix G**) has been prepared to reflect the latest architectural drawings.
8	Provide justification for the heavy vehicle numbers adopted in Table 4.6 and clarify what benchmark sites were used in the Traffic Impact Assessment to determine the heavy vehicle numbers in Table 4.6. Please note the GTIA provides trip generation profiles for several reference sites for large format and retail facilities that may be more appropriate for use as benchmark sites for this assessment.	Applicant Response | 16.01.2025 *Section 4.2.2 of the confirms based on the Ason TIA that the following peak hourly HV numbers are projected per period: 23 Day, 8 Evening and 15 Night. From these values Table 4.6 presents the anticipated distribution of those total numbers per period for a 15 minute typical worst case assessment as outlined in text on Page 32 of NVIA.* DPHI Response | 21.01.2025

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		Noise generation modelling should reflect worst case scenario for loading docks, reflecting the docks being close-to or at-capacity. We need to ensure this is as realistic as possible and reflects worse case operational scenarios Applicant Response | 03.02.2025 *Noise modelling has considered the anticipated worst case for the day, evening and night assessment periods. As outlined in Section 4.2.2 Page 32 of the NVIA v4 the assessment considered the PEAK 1hr truck movements within each assessment period and then considered that number broken down into a relative 15-minute assessment period as required. The context of the NVIA also confirms that truck movements outside of these peak periods are significantly lower. The assessment has also considered a full changeover of carpark for light vehicles, continuous use of fork trucks external and continuous operation of the specified mechanical plant.* DPHI Response / Heavy Vehicle Movement | 04.02.2025 *The noise modelling shows the main contributor to noise is heavy vehicle movements. Please present a scenario that excludes heavy vehicle noise sources on public roads to confirm compliance with the project amenity noise levels and for deriving achievable night-time noise limits (eg. with truck movement sources = 31dBA at Mount Vernon, without truck movement sources= 27dBA).* DPHI Response / Light Vehicle Movement | 04.02.2025 *Review the assumption for the usage of car park at night to give us a more realistic set of noise predictions. The model currently assumes that the car park is fully utilised at night, which may not be realistic (e.g. without truck movement and car park sources = 26 dBA).* Applicant Response / Heavy Vehicle Movement | 07.02.2025 *Please find a mark-up site plant which identifies the heavy vehicle movements across the estate roads (in red, to be excluded in modelling scenario) and heavy vehicle movements across the warehouse driveways and loading dock/hardstand areas (in green, to be included in modelling scenario). Can you please confirm that this would satisfy the scenario modelling you have requested and EMM will update the NVIA accordingly.*

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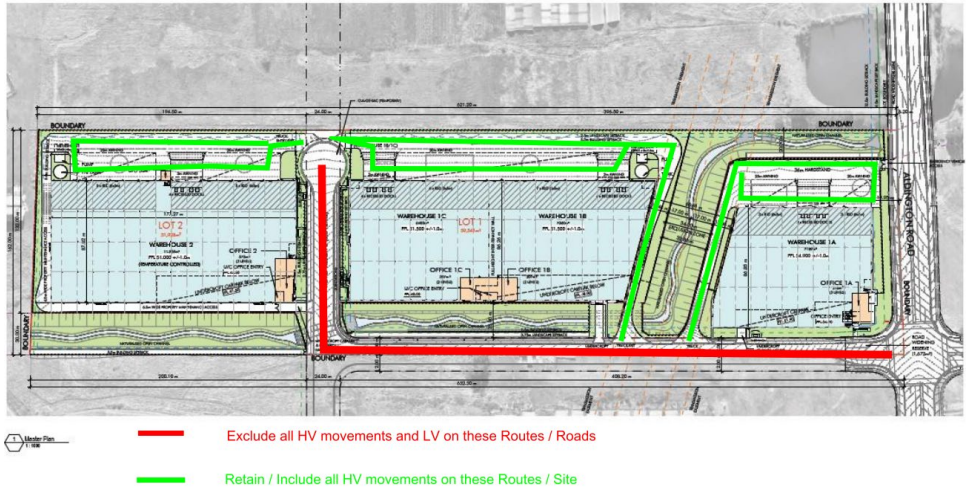
		 Applicant Response / Light Vehicle Movement | 07.02.2025 *EMM have modelled the scenario where there is no use of the carpark and light vehicles at night. This scenario modelling found that no carpark and light vehicle use at night this results in a reduction of <0.1dB. This saving is considered to result in negligible impact. In the instance there is partial use of the carpark and light vehicles at night (e.g. 50% utilization), the acoustic saving will be even less.* *Considering the above, please confirm if the modelling assumptions still need to be updated.* DPHI Response / Heavy Vehicle Movement | 12.02.2025 *Yes this is fine. Please update NVIA* DPHI Response / Light Vehicle Movement | 12.02.2025 *Noted. No need to update modelling assumptions.* Updated NVIA

Item	Issue	Response
		An updated NVIA (**Appendix G**) has been prepared which updated the modelling in accordance with the above with new assumptions for site in terms of truck movements on public roads.
9	The NVIA notes that the project amenity trigger level for the development was set using the recommended amenity level minus 5 dB. According to Section 2.4 of the NPfI this approach may not be applicable to proposed developments in major industrial clusters. The development is part of the MRP where there are also other industrial estates planned in the area. Therefore, it is not clear if the approach set out in the NVIA would enable the cumulative industrial noise level at receivers to be maintained at or below the amenity level. Revise the NVIA to derive amenity criteria based on section 2.4.2 of the NPfI.	Applicant Response | 16.01.2025 *To further support EMM approach, a detailed review of all current developments in the MRP (Approved, Partial or Proposed) was completed to determine cumulative noise levels. This was in line with the respective NIA predicted levels for developments and imposed COA based on publicly available information.* *The summary outcome of this analysis was presented in Section 3.1.3 of NVIA and demonstrated that the cumulative noise from all developments including Westgate met the baseline amenity target for Rural under NPfI.* *Accordingly, consistent with the NPfI, the NVIA adopted 5dB representing 3-4 sites of equal contribution.* DPHI Response – Cumulative Assessment Approach | 21.01.2025 *instead of predicting noise generation for other sites not yet confirmed, the area-based approach should be adopted. This approach is endorsed by the EPA and described in Section 2.4.2 of the NPfI.* Applicant Response – Cumulative Assessment Approach | 03.02.2025 *With distance separation and site shielding which would confirm that the majority of the MRP would not contribute to key receivers at Mt Vernon.* *In response to DPHI's request, EMM has considered available data which suggests that MRP is approximately 8,500,000 m^2 with a total developable area of 7,650,000 m^2 (data source). Based on a total developable area for Westgate of 101,453 m^2 we end up with a relative percentage 1.3%. Applying this area to the baseline goals for Rural Amenity would result in criteria of LAeq,15min of 34dB day, 29dB evening and 24dB night. Below is a brief screen shot of the calculations and discussion below*

Item	Issue	Response

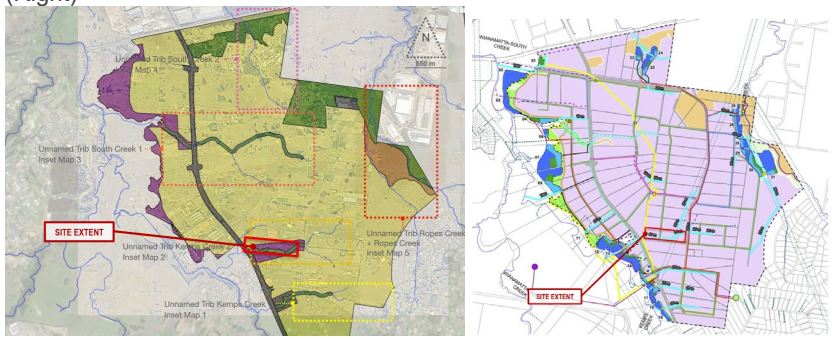
	Total MRP		**7,650,000**		
	Proposed Westgate		**101,453**		
	Relative percentage		1.3%	10*log (percentage)	-18.774
	RURAL				
	Day	**Evening**	**Night**		
	53	48	43	+3dB for period to LAeq,15min	
	Adjusted on relative area				
	Day	**Evening**	**Night**		
	34.2	29.2	24.2		
	Current proposed goals				
	Day	**Evening**	**Night**		
	48	43	38		
	Highest predicted levels (Mt Vernon)				
	Day	**Evening**	**Night**		
	31	32	32		
Relative to our goals	-17	-11	-6		
Relative to area allowance	-3.2	**2.8**	**7.8**		

Highlighted in **BOLD** are the following predicted levels that would constrain future opertaton significantly :
-3dB (2.8) would be halving the trucks and additional mitigation for AC and refrigeration for WH2
-8dB (7.8) would be unpracticable - enclosing of all mechanical plant, electric trucks or fully enclosed site

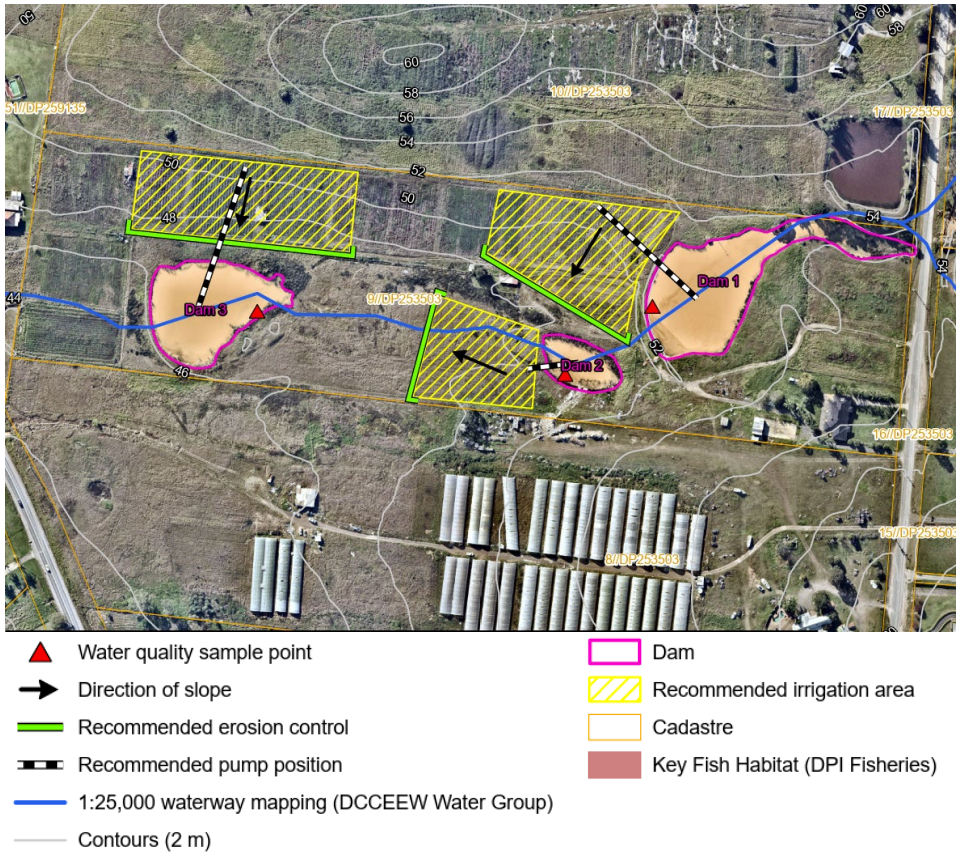
Based on discussion at our meeting (1/10/24) with RP Infrastructure, EMM, Urbis and DPHI, the NVIA has considered all approved developments within the MRP to establish a cumulative noise emission. The summary outcome of this analysis was presented in Section 3.1.3 of NIA and demonstrates that the cumulative noise from all developments including Westgate met the baseline amenity target for Rural under NPfI. Accordingly consistent with the NPfI we adopted 5dB representing 3-4 sites of equal contribution.

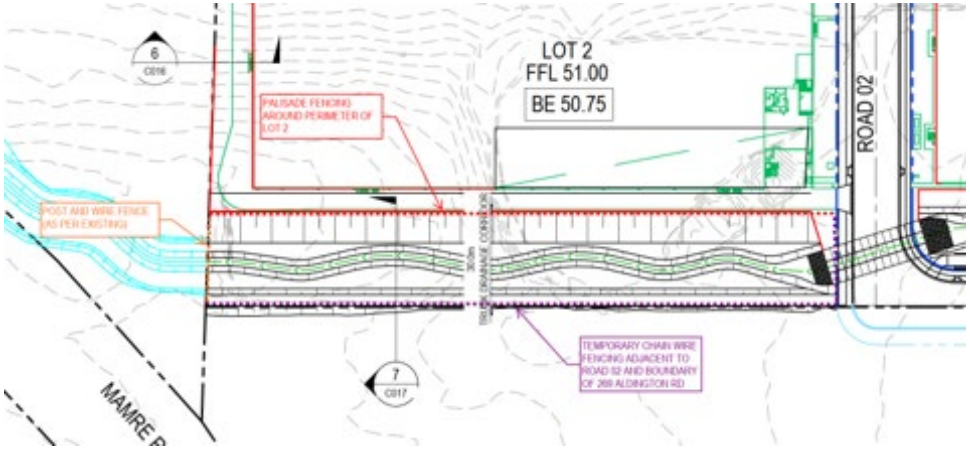
Item	Issue	Response
		Updated NVIA Cumulative Assessment Report An updated NVIA (**Appendix G**) has been prepared which updated the modelling in accordance with the above. DPHI Response – BAPS Temple | 21.01.2025 *Please provide confirmation that the built form of the BAPS Temple has been modelled. As previously requested, confirm the appropriate criteria has been adopted to assess the impacts to the outdoor areas of worship, including the forward areas and Mandir, of the BAPS Temple.* Applicant Response – BAPS Temple | 03.02.2025 *The BAPS Temple was considered with the amended ground heights and building heights as presented in the approved architectural drawings for the temple. The NVIA predicted 41-42dBA for the central building and Mandir. This complies with the equivalent external criteria under NPfI for place of worship, being 60dBA.* *As outlined in our discussion with DPHI (1/10/24) the NPfI does not provide any specific noise guideline for external areas around a place of worship. Accordingly, the assessment has considered the internal criteria for the temple of LAeq 40dB (internal) and assumed 20dB (windows closed in accordance with management plan for temple) resulting in an equivalent external criterion of LAeq 60dB. Predicted noise levels from the NVIA v4 confirm levels of LAeq,15min 41-42dB.* DPHI Response – BAPS Temple | 04.02.2025 *As previously requested, confirm the appropriate criteria has been adopted to assess the impacts to the outdoor areas of worship, including the forward areas and Mandir, of the BAPS Temple.* Applicant Response – BAPS Temple | 07.02.2025 *As per the prior response, EMM have modelled Sunday evening and is no different to any other days.* *The predicted LAeq,15min levels are less than historic background LA90 noises levels reported for Mount Vernon and surrounds adopted and accepted for WSA assessment and other assessments in MRP (e.g. SSD-9138102). For BAPS Temple the predicted*

Item	Issue	Response
		levels are lower than reported historic ambient LAeq noise levels during the day, evening and night *Please provide further clarity as to what hasn't been responded to.* DPHI Response – BAPS Temple | 12.02.2025 *The first part our question has not been answered. Please update the NVIA to show that the approved built form of the BAPs temple has been modelled by providing either a 3D image or cross-section of the BAPs temple from the noise model. I have included an example from an application for 200 Aldington Road (Refer to Figures 10 and 11 and Appendix C of the report https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=EXH-76444706%2120241210T031838.482%20GMT).* *With regard to operations for the Sunday evening period, provide the noise predictions and any supporting data including the relevant benchmark 24 hour profile of truck movements throughout the week as part of the updated NVIA to demonstrate that Sunday is no different to any other day.* Updated NVIA BAPS Temple An updated NVIA (**Appendix G**) has been prepared which reflects detail for reference of BAPS Temple assessment locations and relative levels. The model also adopted the future building heights of the terrace on central building and Mandir for the BAPS Temple as documented
Civil Plans		
10	The Submissions Report notes that a two-tier wall system has been proposed on the Frasers/Icon Oceania interface, yet the civil plans 21-860-C015 and 21-860-C016 only show tiered retaining walls at one portion of the common boundary. Please amend the plans to show the two-tier system along the Frasers / Icon interface.	Sections 3 and 4 shown on drawings 21-860-C015 and C016 respectively show the interface between proposed Lots 1B/1C and The Edge Estate to the north being a cut batter and rock lined swale within The Edge Estate. Retaining walls within The Edge Estate are shown within the civil works package that is current under assessment under SSD-17552047. It is noted that there will be two walls due to the proposed driveway that will provide access to Lot 14 from Road 02 within Edge Estate. The proposed wall directly adjacent to the boundary between Edge Estate and Westgate Kemps Creek will be up to 5.2 metres high, and given the location of this wall is not adjacent to the public domain or a public road it is not proposed that this wall would be tiered.

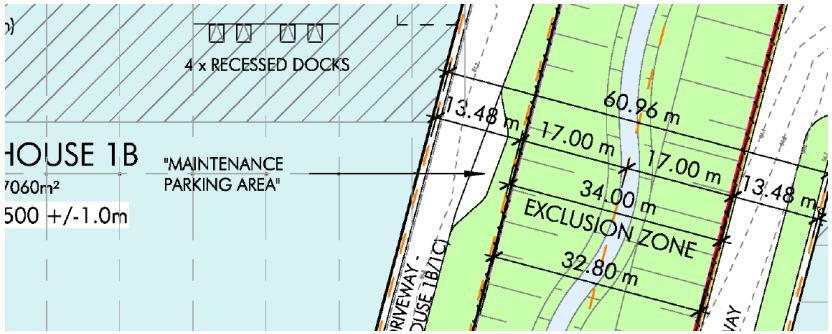
Item	Issue	Response
		Refer to drawing 20-776-C1006 and C1015 from SSD-17552047 that shows the proposed Fraser wall steps on this boundary.
Water		
11	The Department notes a Strahler order 2 waterway is identified on-site. Please demonstrate consistency with Section 2.3 of the MRP DCP in relation to the ongoing management and maintenance of riparian land.	As per the *Mamre Road Precinct Waterway Assessment* (CTEnvironmental, April 2020), contained in the *Mamre Road Flood, Riparian Corridor, and Integrated Water Cycle Management Strategy* (Sydney Water, October 2020), the mapping shows a Strahler order 2 waterway running through the site. Subsequently, the MRP DCP and Sydney Water identified indicative locations of trunk drainage infrastructure, which includes a trunk drainage corridor that runs along the same, general location as the Strahler order 2 waterway (refer to the below). Extract of waterway mapping (Left) and Mamre Road Precinct Stormwater Scheme Plan (Right)  As part of this project, a trunk drainage channel is proposed to form part of the broader water management strategy within the Mamre Road Precinct. This trunk drainage channel is approved in principle by Sydney Water. As such, while the development will not maintain the Strahler Order 2 waterway in its natural state, as per Section 2.3 of the MRP DCP, the development seeks to achieve the relevant water quality and flow-related objectives in collaboration with Sydney Water, and consistent with the general alignment for a trunk drainage channel, as identified in the MRP DCP. Consistent with Sydney Water's Stormwater Scheme Plan (May 2024), the

Item	Issue	Response
		proposed development of Westgate Kemps Creek will incorporate a naturalised trunk drainage channel, for which design development has been undertaken with Sydney Water to reach a mutually agreeable corridor width, which varies between 20 metres and 32 metres throughout the site. A dam dewatering plan (**Appendix C**) and dam dewatering report (**Appendix D**) has been prepared to ensure that the existing fauna and flora is appropriately managed and processed to minimize any potential impacts. This includes details of how aquatic fauna will be rescued and relocated of engagement. A Biodiversity Assessment Report was prepared, which includes an assessment of the native vegetation surrounding the existing farm dams and identifying mitigation measures to ensure the development results in an acceptable ecological outcome. Scape Design has prepared a Landscape Masterplan and Planting Plan for the naturalised trunk drainage corridor (Appendix I of the November 2024 Submissions Report). As seen in the image below, the bulk of the waterway, outside of the farm dams, are comprised of cleared grasslands. As such, the proposal aligns with the objectives of Section 2.3 of the MRP DCP.

Item	Issue	Response
		

Item	Issue	Response
12	Provide additional commentary to support the modelling results outlined in section 8.2 and 8.3 of the Updated Water and Stormwater Management Plan (Appendix X of the Submissions Report) describing how the proposed stormwater management strategy complies with the Technical Guidelines for Achieving Wianamatta South Creek Stormwater Management Targets and relevant provisions of the MRP DCP.	The proposed interim arrangement of stormwater management measures that are presented on drawing 21-860-C250 will ensure the proposed development of Lots 1A, 1B and 1C will comply with the stormwater quality and flow volume targets stipulated in Section 2.4 of the Mamre Road Precinct DCP. Once the Sydney Water regional scheme infrastructure that will service Westgate Kemps Creek is completed and ready to be connected to, the interim measures within Westgate Kemps Creek will be decommissioned.
13	The Submissions Report (Item 11, page 45) notes that in the event the downstream trunk drainage channel is not constructed at the time that the development commences operation, the trunk drainage channel would pond to a maximum of 1.2 m. Provide details of the safety measures (e.g. safety signage, fencing) that would be in place to prevent unauthorised access to the channel from members of the public or visitors to the estate.	Fencing will be installed adjacent to the trunk drainage channel to prevent access by the general public. Please refer to the sketch showing the proposed fencing types that would be adopted prior to completion of the trunk drainage channel downstream of Westgate Kemps Creek. The exact types of fencing will be the subject of further detailed design coordination with Sydney Water and Penrith City Council. 

Item	Issue	Response
Salinity		
14	The Geotechnical Report in Appendix J of the EIS indicates that some portions of the site fall into the very saline and high sodicity range. During bulk earthworks, large volumes of potentially saline or sodic soils will be moved around the site, which could potentially leach into the existing waterway. The Salinity Management Plan submitted with the EIS only provides high level details of how salinity will be managed on-site. Provide further details of construction mitigation measures to minimise salinity impacts and expand on proposed measures such as maintaining vegetation along the existing waterway.	A Salinity Review Letter has been prepared (**Appendix E**). The previously prepared Salinity Management Plan (SMP) includes several construction mitigation measures to minimise salinity impacts. These measures include: 1. **Topsoil Capping**: Topsoil will be spread over embankments and cut batters at the completion of bulk earthworks. This is in effect, capping the sodic soils and adding organic matter which may help infiltration and leaching of sodium. This capping of more permeable topsoil will assist in the prevention of ponding, to reduce capillary rise, act as a drainage layer and reduce the potential for erosion. 2. **Material Importation**: An import of 127,250 m³ is proposed for the site. It is noted that the imported material should be non-aggressive and non-saline to slightly saline where possible, but in any case, not more aggressive or more saline than the material on which it is to be placed. 3. **Surface Drainage**: Allowances have been made to avoid water collecting in low lying areas, in depressions or behind fill (i.e. construction of surface drainage channels directing surface water flow to trunk drainage corridor). 4. **Pavement Construction**: Allowances have generally been made for the construction of pavements to allow drainage of surface water. 5. **Vegetation**: Salt Tolerant grasses and trees are to be considered for landscaping. The landscape planner, architect or agronomist will need to confirm that this is the case with respect to the current proposed landscaping plan. 6. **Concrete and Corrosion Allowances**: A review of the Concrete Notes for vehicular base indicates compliance with the minimum recommendations provided in the SMP. With respect to the nominated concrete strengths for kerbs, paths and pits, the nominated concrete strength of 25 MPa is lower than the minimum recommendation of 32 Mpa for concrete foundations, however as these are not foundations, Douglas does not consider this to be a non-conformance of the SMP. A review of the Stormwater Drainage Notes indicates that corrosion allowances have been made for concrete pipes that are 300 mm and larger in diameter. 7. **Standard Earthworks Controls**: The standard earthworks controls adopted for development sites for which bulk earthwork is to be undertaken are considered sufficient to address the salinity and sodicity characteristics of the site. These standard controls, with particular reference to sediment and surface water

Item	Issue	Response
		controls, are to be detailed within the earthworks contractor's construction environmental management plan (CEMP). 8. **Monitoring Program**: A monitoring program will require to be detailed within the CEMP. These measures aim to reduce future erosion potential and maintain existing evapotranspiration and groundwater levels.
Transgrid Easement		
15	Update the architectural plans to show the proposed parking pad that would provide access to the Transgrid easement.	The architectural plans have been updated to show the "maintenance parking area" located adjacent to the Warehouse 1B/1C driveway and riparian corridor (**Appendix F**) as seen in the extract below. 

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DEPARTMENT OF PLANNING, HOUSING AND INFRASTRUCTURE – 28 MARCH 2025

Table 4 Response to DPHI 28.03.2025 Comments

Item	Issue	Response
Flooding		
1	Provide a response, including any additional modelling, to address Sydney Water's comments outlined in Appendix 2 of Sydney Water's letter dated 29 January 2025 in relation to the interim stormwater arrangement. Clarify whether the interim stormwater measures proposed for the Stage 1 development would effectively maintain the current flood conditions within the precinct, in alignment with the flood maps provided in the Mamre Road Flood, Riparian Corridor, and Integrated Water Cycle Management Report.	Further to the Flood Impact and Risk Assessment (FIRA) prepared by AT&L in support of SSD-23480429 (Rev 5, 25/10/2024), AT&L has setup and run two additional TUFLOW model scenarios to assess the potential impact of the proposed interim arrangement within Westgate Kemps Creek. The flood model results demonstrate that: ▪ The proposed interim stormwater measures for Stage 1 development of Westgate Kemps Creek would effectively maintain the existing flood conditions adjacent to the site. ▪ The proposed Stage 1 development, with the adopted state of the external catchments that drain through Westgate Kemps Creek, would result in a decrease in flood extent compared to the Pre-Development condition. Refer to the Civil Response - Interim Stormwater & Flood (**Appendix L**).
Traffic		
2	Provide details of the potential coordination and sequencing works required to deliver the full width of Road 1 on both the site and Anrich's land. The response is to include how traffic will be managed through the construction phase of the southern half of Road 1.	Details of the response to the details of the potential coordination and sequencing works required to deliver the full width of Road 1 on both the site and Anric's land is provided at **Table 2** above. With regard to the traffic management during the construction phase of the southern half of Road 1, refer to the Traffic Response – Construction Sequencing prepared by Ason Group (**Appendix K**).
Water		
3	Provide a copy of the Eco Logical Dam Dewatering Report referred to in the Douglas Partners Dam Dewatering Report.	The Eco Logical Dam Dewatering Report referred to in the Douglas Partners Dam Dewatering Report is the "Dam Dewatering Plan" provided at **Appendix C**.

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PENRITH CITY COUNCIL – 22 JANUARY 2025

Table 5 Response to Council 22.01.2025 Comments

Item	Issue	Response
1	Planning Considerations Matters relating to the Aldington Road upgrade and the half-road construction are discussed in the sections below by Council's City Planning and Development Engineering teams. The applicant has chosen to retain the proposed bridges across the drainage channel. The landscaping and urban design outcome should be considered by the Department.	Noted, responses in relation to the Aldington Road upgrade are provided below. Responses relating to DPHI comments on the landscaping outcome are provided above in **Table 3**. Response to the half road construction are provided below.
2a	Access from Aldington Road via a new intersection leg (associated with the 'SP2 zoning' of the site to allow for the Aldington Road widening and upgrade works) is required to facilitate the proposed development. To enable the orderly and logical rollout of development, it is expected that the road works are secured and approved as part of the proposed development.	The 1,000 series Aldington and Abbotts Road Upgrade works, which includes the ultimate road works and intersection into the site, has been approved under SSD-10479 MOD 3 on 27 February 2025. As such, the Aldington Road upgrades, including the construction and delivery of the intersection, is approved and can be delivered by LOG-NE. This secures the required road works for access to the proposed development and will provide the orderly and logical rollout or development at the site. The road works and the VPA associated with Icon Oceania's land will be co-ordinated between Icon Oceania, Council and Log-NE.
2b	It is understood that the subject proposal relies upon SSD-10479-Mod 3, proposed by another party (currently under assessment by the Department) which seeks approval for the delivery of the intersection leg providing access into the subject site. It is preferential that the roadworks to facilitate the development of the subject site are included as part of the subject proposal, rather than relying upon SSD10479-Mod 3. However, where the roadworks is not included in the application, it is requested that this subject application not be approved until the intersection works supporting access to the subject site are approved (i.e. within SSD-10479-Mod 3). Additionally, if the subject application is to be approved with reliance on SSD-10479-Mod 3 to provide site access, it is requested that the Department include suitable conditions stipulating that the roadworks must be completed in accordance with SSD-10479-Mod 3, prior to any Occupation Certificate or Subdivision Certificate being issued.	The 1,000 series Aldington and Abbotts Road Upgrade works, which includes the ultimate road works and intersection into the site, has been approved under SSD-10479 MOD 3 on 27 February 2025. As such, the roadworks do not need to be facilitated as part of the development and this subject application can be approved. It is agreed that the suitable conditions stipulating that site intersection access must be completed in accordance with SSD-10479-Mod 3, prior to any Occupation Certificate being issued.

Item	Issue	Response
2c	Ongoing discussions are occurring with the Applicant relating to a letter of offer associated with the site, noting a Letter of Offer has not yet been accepted. Council welcomes continued discussions with the Applicant and the Department on this matter.	Following discussions with Council, contribution requirements are recommended to be conditioned as part of any consent.
2d	It is noted that a Net Developable Area (NDA) Plan and legal advice on Council's Mamre Road Precinct Development Contributions Plan (CP)/NDA has been included in the SSD document package. Interpretation and calculation of contributions, as per a 7.11 CP, is a Council matter. It is requested that the Department remove these documents from the SSD package and/or exclude NDA plans/calculations from their assessment/any future approval package.	Icon has consulted with Council and it is our understanding the project will be conditioned in relation to the NDA and associated contributions.
3a	Council staff had a meeting with the applicant and their engineers (AT&L) on 10 July 2024 to discuss the proposal of a half road construction. It was advised by the applicant at that meeting that the adjoining landowner to the south (269 Aldington Road) was not interested in developing the land or contributing to the delivery of a half road within their land.	Refer to the Civil Drawings – Half-Road (**Appendix N**) and the Presentation – Half Road (**Appendix O**). This provides the following details: ▪ A detailed timeline is provided. This demonstrates that the delivery of the road appropriately responds to the timing for development on the adjoining lot to the south (Anric's development), with the half road to be delivered as part of the current SSDA, and the remainder of the road delivered with Anric's future development. ▪ An updated compliance assessment of the proposed half-road against the relevant MRP DCP provisions (Part 3.4). ▪ A pavement staging plan (provided in the presentation, as well as the attachment: "Icon – Road 01 Pavement Staging") which demonstrates how the half-road would tie into the 1000 series intersection and Anric's site. This updated pavement staging plan also demonstrates the sequencing and delivery of the ultimate road which is designed to minimize disruption to operational traffic access. Following the issuance of this information, additional RFI comments were issued by Council (dated 13 May 2025) the responses to which are provided in **Table 6** below. As part of these additional comments, Council noted that "*Given the timing for development upon the adjoining lot to the south, in this instance Council will permit construction of an internal half road to permit access to the proposed lots, subject to the road remaining in private ownership until the full width road has been constructed to the satisfaction of Council.*" The subject road is

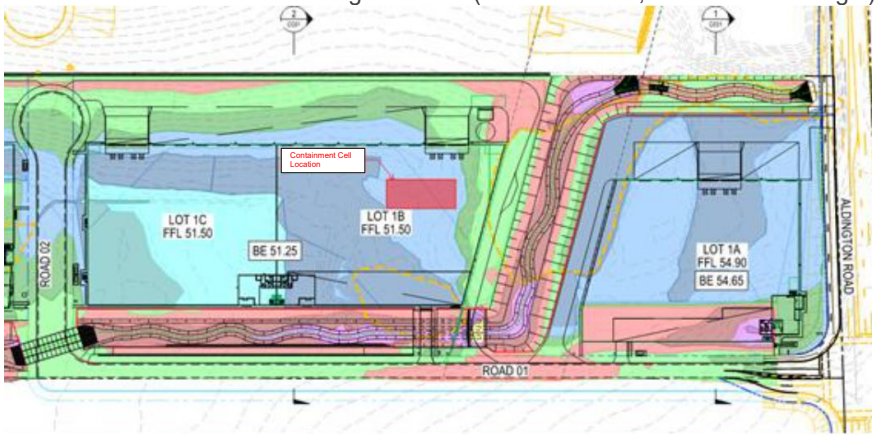
Item	Issue	Response
		proposed to remain in private ownership until the full width road has been constructed to the satisfaction of Council.
3b	The applicant also advised that Anric Group will be purchasing the property no.269 Aldington with settlement possibly to occur in late 2025. As such, and at the time of the meeting, Council staff advised that it could agree to the half road construction subject to ensuring other engineering matters are addressed. However, since this meeting, Council has had a pre-lodgement meeting with Anric Group who are proposing to develop no. 269 Aldington Road including the half road construction. Given this, and as we are now aware of the intention of land development on no. 269 Aldington Road, Council would prefer and require the proposed Road 1 to be delivered as one complete road by one constructor and in communication with the adjoining property (Anric Group). Having the road constructed as a full road will; remove the need of having interim works at the signalised intersection; resolve the issue of having heavy vehicles cross over the centre line of the half road and into the opposite traffic while exiting from driveways; eliminate the need for a keyed pavement design; and remove the significant impact on traffic flows as the second half of the road is to be delivered as it will required a minimum of 3m keyed stepped pavement extending into the west bound lane.	Refer to the Civil Drawings – Half-Road (**Appendix N**) and the Presentation – Half Road (**Appendix O**). This provides the following details: ▪ A detailed timeline is provided. This demonstrates that the delivery of the road appropriately responds to the timing for development on the adjoining lot to the south (Anric's development), with the half road to be delivered as part of the current SSDA, and the remainder of the road delivered with Anric's future development. ▪ An updated compliance assessment of the proposed half-road against the relevant MRP DCP provisions (Part 3.4). ▪ A pavement staging plan (provided in the presentation, as well as the attachment: "Icon – Road 01 Pavement Staging") which demonstrates how the half-road would tie into the 1000 series intersection and Anric's site. This updated pavement staging plan also demonstrates the sequencing and delivery of the ultimate road which is designed to minimize disruption to operational traffic access. Following the issuance of this information, additional RFI comments were issued by Council (dated 13 May 2025) the responses to which are provided in **Table 6** below. As part of these additional comments, Council noted that "*Given the timing for development upon the adjoining lot to the south, in this instance Council will permit construction of an internal half road to permit access to the proposed lots, subject to the road remaining in private ownership until the full width road has been constructed to the satisfaction of Council.*" The subject road is proposed to remain in private ownership until the full width road has been constructed to the satisfaction of Council. With regard to heavy vehicle movements, heavy vehicles larger than 12.5m HRVs (i.e. 20m Avs & above) exiting Warehouse 1A & 1B would have to cross the centreline of the half road only. Please refer to the swept path analysis (**Appendix J**) and the "Vehicle Turn Paths Plan Sheet 2" (21-860-C502) (**Appendix P**) which shows the movement under the half road (interim arrangement) and the full road (ultimate). When the full road is delivered, no crossing of the centreline is required. Nevertheless, the arrangement is considered acceptable in the context of this location noting:

Item	Issue	Response
		▪ The controls of S2890.2:2018 do not prohibit crossing of the centreline; and ▪ The road will be subject to low volumes of traffic. AS2890.2:2018 actually recognises that larger vehicles will take up the whole roadway in some circumstances. Note 1 under Figure 3.1 of AS2890.2:2018 states that: *The design (20.0 m long) AV will take up most of the public road width when turning left into or out of the driveway, as will the HRV when turning out.* There are no controls within AS2890.2:2018 which limit movement across a private circulation road. Therefore, while application of Figure 3.1 doesn't strictly apply to the road while it is under private ownership, the driveway has been designed in compliance with it to ensure that it meets all the future design requirements. It is therefore evident that the proposed driveway is design is suitable. AS2890.2:2018 does state that *Local authorities may place further limits and controls on the extent to which movement across the centre-line of the roadway is allowed*. However, while the half road is in place, it will remain under private ownership and therefore its management is the responsibility of the Proponent. Finally, we note that the Proposal is peak of 89 vehicles (during the site peak operations, not the road network peak). Of these, Warehouse 1 would generate the following: ▪ Warehouse 1A – 19 Vehicle movements in total – 14 light vehicles – 3 HRVs – 1 AV – 1 A/B-double ▪ Warehouse 1B – 35 Vehicle movements – 26 light vehicles – 6 HRVs – 2 AV – 1 A/B-double

Item	Issue	Response
		Assuming a 50:50 split of the above volumes entering and exiting, it is evident that the number of heavy vehicles expected to service the site which would cross the centreline is not material (1-2 vehicles). These 1-2 vehicles would have to give way to traffic on the external road and there would be no impact to the road's operation. It is therefore maintained that the crossing of the centreline, while the half road is in operation is an appropriate outcome. Further details of management of vehicles exiting Warehouses 1A & 1B is provided at **Table 6** below.
3c	The ultimate layout of the signalised intersection as shown in yellow outline on the civil plans include temporary works to transition from 4 lanes to 2 lanes as per the proposed half road. As this transition works is located partly within the signalised intersection extent, the ultimate shown on the 1000 Series as submitted under Mod 3 of SSD-10479 will not be able to be delivered until the entire Road 1 is constructed. The temporary transition works are also not part of the application of Mod 3 of SSD-10479. Hence, another reason Council requires the delivery of the entire Road 1 to ensure orderly delivery of the future roads.	Refer to the Civil Drawings – Half-Road (**Appendix N**) and the Presentation – Half Road (**Appendix O**). This provides the following details: ▪ A detailed timeline is provided. This demonstrates that the delivery of the road appropriately responds to the timing for development on the adjoining lot to the south (Anric's development), with the half road to be delivered as part of the current SSDA, and the remainder of the road delivered with Anric's future development. ▪ An updated compliance assessment of the proposed half-road against the relevant MRP DCP provisions (Part 3.4). ▪ A pavement staging plan (provided in the presentation, as well as the attachment: "Icon – Road 01 Pavement Staging") which demonstrates how the half-road would tie into the 1000 series intersection and Anric's site. This updated pavement staging plan also demonstrates the sequencing and delivery of the ultimate road which is designed to minimize disruption to operational traffic access. Following the issuance of this information, additional RFI comments were issued by Council (dated 13 May 2025) the responses to which are provided in **Table 6** below. As part of these additional comments, Council noted that "*Given the timing for development upon the adjoining lot to the south, in this instance Council will permit construction of an internal half road to permit access to the proposed lots, subject to the road remaining in private ownership until the full width road has been constructed to the satisfaction of Council.*" The subject road is proposed to remain in private ownership until the full width road has been constructed to the satisfaction of Council.
3d	The subject development is dependent on LOG-NE to deliver the upgrade to Aldington Road Abbotts Road and construction of the new signalised intersections as per the 1000 Series plans. It would	The 1,000 series Aldington and Abbotts Road Upgrade works, which includes the ultimate road works and intersection into the site, has been approved under SSD-10479 MOD 3 on 27

Item	Issue	Response
	be appropriate for this SSD application to include the assessment of this upgrade works on Aldington / Abbotts Road and appropriate conditions applied to ensure the external roads are upgraded up to and including Mamre / Abbotts Road Intersection prior to the operation of any warehouses. This will ensure that the external road upgrades are delivered should LOG-NE not undertake the works.	February 2025. As such, the Aldington Road upgrades, including the construction and delivery of the intersection, is approved and can be delivered by LOG-NE. SSD-10479 MOD 3 was supported by the relevant assessment of potential impacts. No additional assessment of these road upgrade works is required in support of the subject SSDA. Otherwise, we agree that a condition of consent should require the 1,000 series to be delivered prior to OC.
3e	The proposed cul-de-sac on Road 2 is proposed to remain in private ownership until such time the connection to the road within Frasers site is established. As such, it would be required that a Right of Way easement is provided over the Cul-de-sac, benefiting the Public, until such time the road is dedicated as Public Road. Also, it is suggested that an appropriate condition is provided for the delivery of the connection between the between the two properties and the extinguishment of the easements.	Noted and agreed. The roadworks on the Edge Estate (Frasers Property Industrial) and Westgate Kemps Creek (Icon Oceania) will be delivered by the proponents' respective civil works contractors to the property boundary between the two development sites. The need for construction of temporary cul-de-sacs will depend on the relative timing of the civil works. At this stage, given the status of the assessment of the respective SSDAs, it is possible that the roadworks will be delivered concurrently, meaning the temporary turning heads would not be required on either site. However, if for some reason the roadworks on one site are delivered in advance of the other, the extents of roadworks delivered first will need to incorporate the temporary turning head. Depending on interim operational and traffic management requirements, the temporary turning the extent of roadworks delivered second may also need to incorporate a temporary turning head. If the timing of roadworks on the two sites does not coincide and temporary turning heads on either site are in place, the completion of the roadworks on the site that comes second will need to include: ▪ Demolition of the temporary turning head on the neighbouring site ▪ Extension and connection of stormwater drainage and other utilities (details to be resolved by respective service designers) ▪ Construction of the final roadworks connecting the two sites.

Item	Issue	Response
		It is anticipated that a condition would be incorporated into the consent for Westgate Kemps Creek if Edge Estate is approved before it (or vice versa) requiring details to be provided for the connection of the two roads prior to the issuance of the relevant CC or SWC. If the roadworks on the site completed first have been dedicated to Council, it is envisaged that the connection works would be subject to a Section 138 (Roads Act) Approval. If the roads are yet to be dedicated to Council, it is envisaged that the connection works could be completed under a SWC.
4a	The proposal includes works within the adjoining property to the south for the intersection at Aldington Road. The applicant should engage with the neighbouring property developers regarding the delivery of the intersection at 253-267 Aldington Road.	Noted. The intersection is being coordinated and will continue to be coordinated between the two landowners, Icon Oceania and Anric Group.
4b	Use of Bakers Lane by development traffic should be prohibited.	Noted: use of Bakers Lane by development traffic is not proposed as part of this SSDA.
4c	Operation of the site shall not commence until the road upgrades are delivered.	It is agreed that the suitable conditions stipulating that site intersection upgrades must be completed in accordance with 1,000 Series, SSD-10479-Mod 3, prior to any Occupation Certificate being issued.
4d	Swept path assessment provided by Ason Group show heavy vehicles would be required to cross the centre of the road to make turns.	Response to the half road construction have been subject to separate discussions with DPHI & Council and are understood to be resolved.
5ai	A revised Remediation Action Plan has now been prepared, and it is considerably more detailed than the previous version of the document. A 'cap and contain' strategy has still been put forward as a potential remediation strategy for addressing asbestos impacted materials, but the document includes significantly more information regarding all the identified areas of environmental concern.	Noted, an updated Remediation Action Plan (**RAP**) (**Appendix B**) has been prepared to respond to the comments below. Additionally, an Interim Audit Advice Letter has been prepared by the site auditor, Ramboll (**Appendix Q**), which confirms that the Rap methodology is supported.

Item	Issue	Response
5aii	In addition to the above, the Submissions Report has also now acknowledged that the remediation works will occur prior to bulk earthworks commencing, however it has also been identified that they may need to be staged to align with other works on site. Whilst this approach is supported by Council, it needs to be ensured that where it is proposed to remediate using the containment cell, that the construction of the cell has not been completed when it may still need to be utilised in other stages to address contaminated materials.	The Remediation Action Plan (**Appendix B**) has been updated and recommends the containment cell is open until remediation works utilizing the cell are completed. The containment cell location has been coordinated with team and the potential containment cell location is demonstrated in the figure below (refer to the red, delineated rectangle).  Once the cell location has been confirmed and the further investigations detailed in the RAP are completed, the cell location, anticipated volumes of contaminated material, anticipated volume of the containment cell for contaminated materials, and contingent volume allowance for unexpected finds will need to be detailed within the remediation works plan.
5aiii	Of particular concern is that the potential location of the containment cell proposed through the Remediation Action Plan (Figure 4) is shown in the civil drawings and Water and Stormwater Management Plan as being the location of the proposed OSD system. This is an obvious conflict and will need to be resolved prior to determination of the application, given the potential implications to the development of the site. Though it is recognised that there are other locations suitable for the containment cell across the development, it is again reiterated that Council would not support locating the containment cell beneath future public land (Council-owned land), and the proximity to certain site features would also require consideration.	
5aiv	In any approval issued by DPHI, it is requested that DPHI ensure that a mechanism for referencing the containment cell and required Long-Term Environmental Management Plan on the land title (of the newly created lots) be included. Further, copies of DPHI approved Remediation Action Plans, Validation Reports and LongTerm Environmental Management Plans, along with any documents prepared by a NSW EPA Accredited Site Auditor endorsing these documents, is requested to be provided to Council so that they can be recorded on the property files and against the property for reference in any Section 10.7(5) planning certificates prepared.	Noted.

Item	Issue	Response
5av	The Report on Dewatering and Desilting of Existing Dam only acknowledges the findings of the Limited Detailed Site Investigation, it does not include the additional assessments proposed through the Remediation Action Plan. It needs to be ensured that all remediation works are completed (including additional investigations) before the dams are dewatered.	The Report on Dewatering and Desilting of Existing Dam has been updated (**Appendix D**) and in Section 4 of **Appendix D**, it identifies that the further investigation works detailed in the RAP are to be completed prior to the dam dewatering commencing.
5bi	**Noise and Air Quality Matters** i. It is noted that revised assessments have been prepared to address noise and air quality impacts in response to DPHI comments. DPHI are to consider acoustic impacts.	Noted, responses to the noise and air quality impact comments by DPHI are provided above.
5bii	**Wastewater Management** i. The site is not yet connected to Sydney Water's sewerage infrastructure. It needs to be ensured that this infrastructure will be delivered, and that the site can connect, prior to the release of an Occupation Certificate for the development.	Noted.
5biii	Upon review of previous comments Council clarify that the site is not located in the Greater Penrith to Eastern Creek Investigation Area and therefore further information to demonstrate needs, to satisfy Chapter 13 Part 13.5 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 namely how the development is consistent with the Cumberland Plain Mitigation Measures Guidelines, is not required.	Noted.
5biv	The Dam Dewatering plan has not identified suitable locations for the fauna rescued during the dam dewatering to be relocated to. It will be important to note that due to the development in the local area no relocation sites should be located on land that is certified – urban capable due to the high likelihood the aquatic waterbodies in these areas are likely to be impacted by current proposed development or future development. If locations are located on private land written confirmation from the landowner should be obtained. As there are several other similar developments the department will need to consider the relocation location and ensure it is not one that is proposed as a location for other applications	The Dam Dewatering Plan (**Appendix C**) has been updated to respond to the requirements for the relocation of rescued fauna: ▪ The plan specifies that the relocation site for fish should be within the same catchment downstream or artificial waterbodies no further than 10 km from the dam. Recommended relocation sites include the Luddenham Road or Elizabeth Drive crossings over Wianamatta-South Creek. ▪ Relocation sites should be carefully chosen, which would include considering land ownership and obtaining necessary permissions. ▪ The host location should be large enough to accommodate additional fish, especially predatory eels.

Item	Issue	Response
	and if so will need to consider what implications this will have on the biodiversity that may be present in the aquatic ecosystem and ensure there is enough resources to accommodate relocated aquatic fauna.	
5bv	The plan has also identified that native frogs were observed during the survey. The plan should also include details on how the works will be carried out in accordance with Hygiene guidelines Protocols to protect priority biodiversity areas in NSW from Phytophthora cinnamomi, myrtle rust, amphibian chytrid fungus and invasive plants prepared by the NSW Department of Planning, Industry and Environment 2020.	The Dam Dewatering Plan (**Appendix C**) has been updated to respond to the requirements for hygiene guidelines. The Dam Dewatering Plan identifies the following: ▪ Do not transfer biological material across catchments, or into Marine Estates, Aquatic Reserves and National Parks. Works are to be carried out in accordance with NSW DPI Hygiene guidelines: Protocols to protect priority biodiversity areas in NSW from Phytophthora cinnamomi myrtle rust, amphibian chytrid fungus and invasive plants (2020). ▪ At a minimum, basic hygiene measures must be implemented, including checking vehicles, personal clothing, footwear and equipment for soil, plant material/propagules and other debris before entering and before leaving a site, removing such debris or seeds with a hard brush and (if required) clean water, washing hands with soap and water if dirty, and where practical, ensuring hands, clothing, footwear and equipment are dry before proceeding. ▪ To prevent the spread of chytrid fungus to amphibians, select clothing, footwear, tools and equipment that are easy to clean and pack separate sets of equipment for each site if visiting multiple sites. Remove all soil, water and organic material using a hard brush and clean water, and spray or soak potentially contaminated materials with disinfectant and leave for 30 seconds, then rinse with clean water and allow to dry ▪ When handling amphibians, use a new bag or a new set of disposable non-powdered gloves to capture and hold each individual separately. Wear well-rinsed (with water) vinyl gloves when handling tadpoles. If gloves are not available, spray hands with 70% alcohol between handling each animal and allow hands to fully dry. Keep individuals in separate containers where practical.
5ci	Prior to determination, the Department should ensure that the controls are met in terms of compliance with the stormwater and waterway health targets (for both the construction and operational stages) as well as any of Sydney Water's requirements with respect to trunk drainage.	Noted. Construction phase measures are addressed in the Erosion and Sediment Control Plan (ESCP) and will be further detailed in a set of staged Erosion and Sediment Control Plans that will be incorporated into a Construction Environmental Management Plan (CEMP) for the subdivision and infrastructure works.

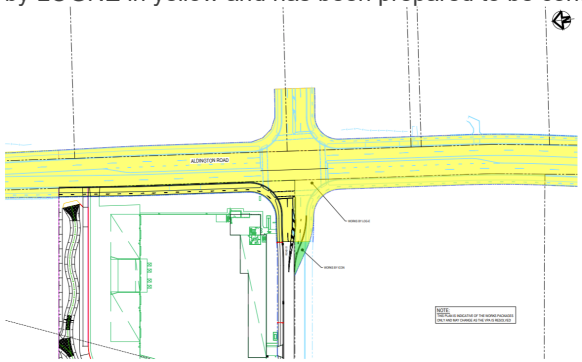
Item	Issue	Response
		Operational phase water management measures are addressed in the Water and Stormwater Management Plan (**Appendix H**).
5cii	It's noted that the trunk drainage design is not consistent with the Sydney Water Scheme plan. The Civil report and plans indicate variations to the proposed corridor width as compared to that indicated on the Sydney Water Scheme Plan dated May 2024 (which indicated that the trunk drainage should 30m to the north and west of the property and 40m along the southern boundary). This said, Sydney Water appears to have accepted the request to change and to depart from their Scheme Plan.	Icon Oceania has received endorsement of the functional design of the trunk drainage channel from Sydney Water in a letter dated 1 October 2024. Icon Oceania and Sydney Water are currently coordinating detailed design requirements for the trunk drainage channel.
5ciii	With respect to the GPTs it is noted that the GPT's will be the responsibility of the developer / property owners to maintain. Conditions will need to be included in the consent requiring this and detailed operation and maintenance manuals are required, and that they are maintained in perpetuity.	Noted.
5civ	The stormwater report states that interim no rainwater tanks are proposed. This is a departure from the DCP (Clause 2.4 (8)) which indicates they are required until the delivery of the regional stormwater management scheme. Clarification is requested.	Rainwater tanks have been deleted from the stormwater management strategy on the basis of advice from Sydney Water and confirmation from GBCA confirming their conditional approval of the consideration for Green Star projects within the MRP to claim potable water reductions using recycled water supply, noting that Sydney Water's supply network is not scheduled to completed until 2028. The updated architectural drawings (**Appendix F**) reflects this change.
5cv	With respect to passively irrigated street trees, conditions need to be applied to ensure that prior to completing detailed designs they must be submitted to Council for review and approval (in the case the roads will be dedicated).	Noted.
5cvi	The Civil Report and Erosion and Sediment Control plan indicates that Type D sediment basins are proposed. This appears to be a departure from the Technical guidance for achieving stormwater management targets which indicates that they should be sized and operated in accordance with either a Type-A or Type-B sediment basin as documented in IECA (2008) Appendix B (June 2018) and	Enlarged Type D sediment basins are proposed based on advice received by BCS on the application for the development at 113-153 Aldington Road, a summary of which is provided below:

Item	Issue	Response
	be provided with an automated flocculating system. Clarification is sought but this should be considered.	***Issue: Erosion and Sediment Control*** The Erosion and Sediment Control Plan (ESCP) document seems to restate requirements rather than detail specific strategies, while the plan (sheet C1101) is only applicable once final earthworks levels are reached. The proposed approach of enlarged Type-D basins in lieu of high-efficiency basins is valid but presents additional challenges due to the space requirements (~900m³/ha). Information required Provide a revised ESCP which addresses the requirements of the Mamre Road Precinct DCP Section 4.4.2 and *Technical guidance for achieving Wianamatta–South Creek stormwater management targets* (DPE, 2022), which demonstrates achievement of the targets listed in Table 5 of the DCP. The revised ESCP is to specifically address the following: • Provide plans for each major phase of works, including clearing and grubbing, bulk earthworks (existing and final levels), civil works, and stabilisation/practical completion. 2 • Identify the type of sediment basin and provide details for all functional components (e.g., forebay, level spreader, spillway, dosing system, flocculant type). Note that if enlarged Type-D basins are proposed then a space allowance of 900m³/ha should be provided. • Provide sediment basin calculations demonstrating compliance with the DCP Table 5 targets (or adopt 900m³/ha). • Provide catchments plans identifying the sub catchments for all major drainage and sediment controls for each phase of works. • Provide calculation tables and sizing/dimensions for all major controls during all phases of works. • Provide a construction sequence identifying the order and timing for both the implementation and decommissioning of all controls, relative to specific site activities/hold points. • Provide details on the timing, methods and performance requirements for stabilisation of each area of site disturbance. • Provide specific advice in relation to dispersive soil management – particularly in relation to excavated drainage controls. • Provide details on how discharges from each basin will be managed so as not to reduce the hydrologic effectiveness of other basins (currently several basins are shown as inter-connected).
5cvii	Should the application be approved, adequate conditions will need to be in place to ensure that all temporary infrastructure is maintained until the regional infrastructure is available.	Noted
5cviii	Conditions needs to be applied to ensure that adequate land is reserved for initial stages of the development' treatment and management of stormwater (i.e., irrigation of undeveloped land).	Noted

Item	Issue	Response
5cix	Should the application be approved conditions should also be applied to ensure that all stormwater infrastructure, including GPTs, irrigation systems temporary ponds etc., remains under the ownership, control, and care of the registered proprietor of the lots. It is suggested that positive covenants and restrictions of use should also be placed to ensure that all privately owned systems will be maintained in perpetuity. It is also acknowledged some infrastructure will not be required once the regional scheme is available. Conditions may need to be included to manage the transition and decommissioning of the infrastructure once connection to the regional infrastructure is available.	Noted

PENRITH CITY COUNCIL – 13 MAY 2025

Table 6 Response to Council 13.05.2025 Comments

Item	Issue	Response
1	Inconsistency between engineering plans (Appendix W - Updated Civil Drawings) and the LOGNE 3000 Series plans (works proposed to be delivered by LOGNE). The engineering plans show the ultimate road works along the frontage of the adjoining lot to the south are to be coordinated by the LOGNE group (refer to purple shaded area in the extract below), however the 3000 series of plans do not include the road works along the frontage of the adjoining lot to the south. The development will be required to deliver the roadworks along their frontage (green shaded area - 1000 Series drawings) and the frontage of the lot to the south including the partial delivery of the western leg of the signalised intersection (purple shaded area), to enable the safe and efficient operation of the western leg of the signalised intersection. It is also noted the area highlighted yellow in the extract from the engineering plans (Appendix W) differs from the 3000 series plans	Refer to the updated "Owner Works Plan" (21-860-C603) in the subdivision works drawing package at **Appendix P**. An extract is provided below. This clarifies the works to be delivered by LOGNE in yellow and has been prepared to be consistent LOGNE 3,000 Series plans. 

Item	Issue	Response
	(extract of 3000 series plans shown below). The area highlighted yellow includes 2 lanes in each direction and dedicated right turn lanes - the 3000 Series only propose 1 lane in each direction within the vicinity of the site. The development will be required to also deliver part of the yellow shaded area in accordance with the 1000 Series drawings, for the areas that will not be delivered by LOGNE as proposed by the 3000 Series drawings.	
2	The internal 90 degree bend in the half road of where the road turns north, shall be designed to ensure that upon delivery of the full width road, concurrent B-Double vehicles are able to safely pass each other on the bend without encroaching over the ultimate centreline. Turn paths are to be provided demonstrating compliance.	Refer to the "Vehicle Turn Paths Plan Sheet 2" (21-860-C502) at **Appendix P** which shows the internal 90 degree bend upon full delivery of the full width road can accommodate concurrent B-Double vehicles will not overlap. Noting that the kerb return radius is 15m per the DCP.
3	It is Council's preference the internal 90 degree bend be designed to account for a possible future 'T' intersection at this location, with the internal north south local industrial road extending to the south to service the lot that adjoins Abbotts Road. It is acknowledged this road extension has been shown on the current architectural plans, however turn paths, complaint with the requirements of the Mamre Road Precinct DCP, are to be shown on revised engineering plans.	Per "Vehicle Turn Paths Plan Sheet 2" (21-860-C502) (**Appendix P**) noted above the kerb radius and demonstrated B-Double turn path for a 90 degree turn would also be suitable for a 'T' intersection if it were to eventuate. Note that all turns are intended to be made from a single central lane starting position.
4	The proposed half road restricts some turning movements into and out of driveways requiring heavy vehicles to cross the temporary centreline of the half road (refer to extract from Appendix J below). As the half road will not be dedicated to Council until delivery of the full width road, the half road is to be owned, maintained and managed by the applicant, requiring operational management plans for the safe and efficient use of the internal road and driveways.	Noted and agreed. The requirement for an Operational Traffic Management Plan (**OTMP**) should be conditioned as part of any consent. Example wording for a suggested condition of consent are provided below: *Prior to the commencement of operation on Lots 1 or 2 at the site, the Applicant must prepare an Operational Traffic Management Plan (OTMP) for the development to the satisfaction of the Planning Secretary. The OTMP must:* *(a) be prepared by a suitably qualified and experienced person(s);* *(b) be prepared in consultation with Council and TfNSW;* *(c) detail any interim traffic safety controls and management measures, including measures to be implemented to manage operational traffic from warehouse 1A and warehouse 1B into the estate roads to ensure that all operational traffic are able to enter and exit safely and efficiently;*

Item	Issue	Response
		(d) detail heavy vehicle routes, access, and parking arrangements; *(e) detail the on-site measures to be implemented to control the manoeuvring of vehicles, including movements in and out of loading areas, to mitigate the potential for on-site vehicle conflict; and* *(f) include an Operational Driver Code of Conduct to:* *(i) minimise the impacts on the local and regional road network;* *(ii) minimise conflicts with other road users;* *(iii) minimise road traffic noise;* *(iv) inform truck drivers of the site access arrangements and use of specified haul routes; and* *(v) include a program to monitor the effectiveness of these measures.* Subject to the condition above, the appropriate interim, management measures can be implemented. This will be subject to the preparation of the OTMP and can include requirements to reinforce drivers to give-way at driveways as required (e.g. signage or line markings).

TRANSPORT FOR NSW – 13 DECEMBER 2024

Table 7 Response to TfNSW 13.12.2024

Item	Issue	Response
1	TfNSW has reviewed the submitted information and has met with the applicant and advises that the TfNSW comments have been addressed and TfNSW have no further comments.	Noted, TNSW has no further comments or recommendations.

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DEPARTMENT OF CLIMATE CHANGE, ENERGY, THE ENVIRONMENT AND WATER - 9 JANUARY 2025

Table 8 Response to DCCEEW 09.01.2025

Item	Issue	Response
1	The proponent must ensure sufficient water entitlement is held in a water access licence/s to account for the maximum predicted take for each water source prior to take occurring unless an exemption applies. Explanation ▪ Any inflows into the excavation are classified as water take, this includes while groundwater levels may be raised due to the dams within the site. The proponent will need to hold a water access licence (WAL) with sufficient entitlement to account for maximum water take prior to take occurring unless an exemption applies. ▪ Under the Water Management Act 2000, if groundwater is intercepted a WAL must be obtained prior to any water take occurring unless an exemption under Clause 7 of Schedule 4 of the Water Management (General) Regulation 2018 applies. An exemption may be available if water take is less than or equal to 3 ML per water year, subject to the development meeting other exemption requirements, such as: – the water is not taken for consumption or supply; – the person claiming the exemption keeps a record of the water taken under the exemption and provides this to the Minister within 28 days of the end of the water year; and the records are kept for 5 years.	Given the expected very low permeability of the soils on site (high plasticity clays), our early assessment indicates the groundwater inflows into the new channel excavation will be less than 3ML / year, in which case the exemption noted would apply. Monitoring will be completed during construction to confirm inflow rates. As a means to expedite resolution of this matter, we would be happy to meet with representatives of DCCEEW to discuss further.
2	Recommendation – post approval The proponent should ensue works within waterfront land are designed and constructed in accordance with the Guidelines for Controlled Activities on Waterfront Land	The Riparian Assessment prepared by Eco Logical Australia (Appendix S of the EIS) outlines the observations of a field assessment of the 2nd order watercourse, which concluded that there is no defined channel within the Westgate Kemps Creek site. Consistent with Sydney Water's Stormwater Scheme Plan (May 2024), the proposed development of Westgate Kemps Creek will incorporate a naturalised trunk drainage channel, for which design development has been undertaken with Sydney Water to reach a mutually agreeable corridor width, which varies between 20 metres and 32 metres throughout the site.

Item	Issue	Response
		Scape Design has prepared a Landscape Masterplan and Planting Plan for the naturalised trunk drainage corridor (Appendix I of the November 2024 Submissions Report)

FIRE AND RESCUE NSW – 24 JANUARY 2025

Table 9 Response to FRNSW 24.01.2025

Item	Issue	Response
1	FRNSW have reviewed the RTS with the particular focus to Appendix CC "BCA Statement of Compliance" & Appendix J "Fire Fighting Perimeter Access Roads". FRNSW note Steve Watson & Partners responses at Section 4.4 of the Submissions report, and submit no further comments or recommendations for consideration, nor any requirements beyond that specified by applicable legislation at this stage.	Noted, FRNSW has no further comments or recommendations.

SYDNEY WATER – 29 JANUARY 2025

Table 10 Response to Sydney Water 29.01.2025

Item	Issue	Response
1	Sydney Water understands refinements to the SSD have occurred, including changes to the trunk drainage channel, road designs, lot sizes, proposed warehouse layout resulting in a reduction of GFA, and development staging. We have reviewed the documents supplied and provided the following comments to assist in understanding the servicing needs of the proposed development.	Further to the Flood Impact and Risk Assessment (FIRA) prepared by AT&L in support of SSD-23480429 (Rev 5, 25/10/2024), AT&L has setup and run two additional TUFLOW model scenarios to assess the potential impact of the proposed interim arrangement within Westgate Kemps Creek. The flood model results demonstrate that:

Item	Issue	Response
	Stormwater Servicing Sydney Water has no further comments in relation to this SSD subject to the following item being conditioned as part of consent: ▪ The proponent is to consult with Sydney Water through the detailed design of the trunk drainage channel and comply with the requirements outlined in Appendix BB – Sydney Water Letter 1 October 2024 (enclosed). Comments not required to be included in the conditions of consent have been provided in Appendix 1 (for the proponent) and Appendix 2 (for the Department of Planning, Housing and Infrastructure (the Department)). Appendix 2 – Comments to the Department In relation to Section 5.4.2, Sydney Water highlight to the Department that as part of the ultimate strategy for the Precinct: ▪ We will be conveying the diverted catchment through 949-965 Mamre Road as shown in the Mamre Road Stormwater Scheme Plan. ▪ This does not exempt the proponent having to demonstrate acceptable impacts downstream of their site whilst no trunk drainage is available and is a matter for DPHI to determine. ▪ It is up to the proponent to demonstrate to DPHI that there will be an acceptable impact on the downstream properties during the interim up until the downstream waterway is constructed. ▪ Sydney Water will not accept responsibility for any negative downstream impacts that may arise in the interim without hydraulic verification.	▪ The proposed interim stormwater measures for Stage 1 development of Westgate Kemps Creek would effectively maintain the existing flood conditions adjacent to the site. ▪ The proposed Stage 1 development, with the adopted state of the external catchments that drain through Westgate Kemps Creek, would result in a decrease in flood extent compared to the Pre-Development condition. Refer to the Civil Response - Interim Stormwater & Flood (**Appendix L**).
2	Next steps ▪ The proponent is to continue liaising with Sydney Water throughout detailed design via their Section 73 application CN216968. Amendments to the Landscape Plans will be required as per Appendix 1.	Noted.

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CONSERVATION PROGRAMS, HERITAGE AND REGULATION GROUP – 12 FEBRUARY 2025

Table 11 Response to CPHR 12.02.2025

Item	Issue	Response
Flood Risk Management		
1	The RTS provides a response regarding the ultimate developed condition as follows: *The nature of Sydney Water's Stormwater Scheme Plan (SSP) (most recently updated in May 2024) is such that approximately 40 hectares of land that currently drains through 930 Mamre Road and towards an existing low point that drains through 931 and 949-965 Mamre Road will be redirected through the Westgate Kemps Creek development via a proposed trunk drainage corridor that will ultimately discharge towards Sydney Water's planned series of wetlands, bio-retention systems and storage ponds'*. The RTS also indicates that the construction of the proposed trunk drainage channel within the Westgate site will cater for the conveyance of peak flows up to the 1% AEP from all external catchments that will drain through the site. This flow will be conveyed through a trunk drainage channel that will run through the property at 941-965 Mamre Road, which will also convey the overland flow from the adjacent property that is 967-981 Mamre Road and provides the figure extracted from the Sydney Water SSP below: CPHR acknowledges the RTS response and agrees that the ultimate trunk drainage scenario provided by the May 2024 version of the Mamre Road Precinct SSP would change the overland flood behaviour in the vicinity and should be assessed and documented by Sydney Water within a revision to the Mamre Road Flood, Riparian Corridor and Integrated Water Cycle Management Strategy (Sydney Water, 2021). CPHR highlights that the Updated FIRA could not incorporate the SSP because the required information about the SSP is unavailable. As a result, CPHR is unable to assess the impacts of the development on the downstream properties that is properties west of Mamre Road. CPHR highlights that the timing of the update of the Mamre Road Flood, Riparian Corridor and Integrated Water Cycle Management Strategy to reflect the latest SSP is a matter for DPHI and Sydney Water to discuss.	AT&L acknowledges feedback from CPHR relating to flood risk management.
MUSIC Model and flow spreadsheet		
2	There are many discrepancies between the MUSIC model and WSMP, including but not limited to:	Refer to the revised Water and Stormwater Management Plan (**Appendix H**) and associated

Item	Issue	Response
	• The Evaporation Pond area in MUSIC is greater than in the WSMP (6500m2 v 5300m2) and greater than shown in the civil plans. • The pond reuse rate in MUSIC is smaller than stated in WSMP. • The MUSIC shows the baseflows from the upstream channel bypassing the pond. This should be changed to reflect the civil design with baseflows entering the pond and larger flows bypassing. • Rainwater tanks are included in the MUSIC model but no longer proposed in the WSMP. **Recommended action**: Ensure the MUSIC model matches the WSMP and updated Civil Drawings (pre-determination).	MUSIC model (**Appendix I**), which has been updated to address discrepancies in model setup and treatment node parameters.
Stormwater Strategy		
3	Previous CPHR advice regarding engineering plans for the interim stormwater management measures has only been partially addressed. Some basic details have been provided but more will be needed prior to issue of a construction certificate. **Recommended action**: Detailed engineering plans must be submitted for CPHR review that fully address previous advice (prior to construction certificate).	AT&L will prepare detailed engineering plans for interim stormwater management measures, noting the timing of this issue has been designated as 'Prior to construction certificate'.
Erosion and Sediment Control Plan		
4	Previous comments regarding the Erosion and Sediment Control (ESCP) plan dated 22 May 2024 were not addressed. **Recommended action**: An updated ESCP must be submitted for CPHR review that addresses previous advice (prior to construction certificate).	AT&L will prepare a detailed Erosion and Sediment Control Plan, which will be provided with an application for subdivision works certificate.

STAGED SUBDIVISION CLARIFICATION

During the assessment process, a number of matters raised by government agencies (notably DPHI, Penrith City Council and Sydney Water) has resulted in updates to the staging and scope of the proposed development. Attached as part of this letter, the Staged Subdivision Plan (**Appendix M**) included updates to:

- The timing and delivery of the Aldington Road upgrade works (intersection & road widening).
- The timing and design of Sydney Water's, regional stormwater infrastructure.

These updates were driven by the requirements and requests from the relevant government agencies. To support DPHI's assessment and conditioning of the proposed development, subject to these updates, this memo provides clarifications on:

- The proposed subdivision of the site.
- The appropriate conditions of consent to support the timing and delivery of the proposed development.

Staged Subdivision

A table has been provided below which provides clarification on the staged construction to respond to DPHI, Agency and Council comments on the timing and delivery of Aldington Road upgrade works and Sydney Water's regional stormwater infrastructure. For clarity, this table is broken down as follows:

- Purple: details the proposed staging of works and the proposed subdivision as originally documented (original EIS lodged in February 2024)
- Green: details how each stage of works was updated in response to matters raised by DPHI, Agencies and Council during the assessment period.
- Blue: details how the proposed subdivision staging plan (**Appendix M**) reflects and facilitates the updates to each stage of works, in response to the matters identified in green.

The information provided does not change the scope of the proposed development or affect the environmental, social or economic impact assessment conducted to date. This information serves only to clarify the mechanisms for the timing and delivery of the proposed development, and in response to DPHI, Agency and Council feedback as set out.

	Aldington Road Works within the site boundary	Stage 1A - Site Preparation / Early Civil Works	Stage 1B - Construction of Warehouses on Lot 1 / Interim Stormwater Arrangement	Stage 2 - Construction of Warehouse on lot 2
Staging as originally documented	As part of Stage 1B	Clearing of existing built forms, dam de-watering, remediation (as required) and bulk earthworks to provide for flat benched platforms.	The Stage 1 construction works were proposed to include: ▪ Construction of Warehouse 1A ▪ Construction of Warehouse 1B and 1C. ▪ Establish an interim evaporation pond at Lot 2. ▪ Other infrastructure to support the warehouses, including: – Roadworks (including construction and dedication of Aldington Road) – Utilities – Trunk drainage channel	The Stage 2 construciton works were proposed to include: ▪ Construction of Warehouse 2 ▪ Removal of the interim evaporaiton pond at Lot 2 Stage 2 was proposed to commence once the Sydney Water Regional Scheme commenced operation.
	Subdivision The proposal sought approval for the ultimate subdivision of the site, being subdivided into two torrens title lots and a road reserve. Subdivision of the site was proposed but staging/timing of the subdivision was not clarified.			
Matters raised during Assessment	▪ Aldington Road construction works removed from scope of proposal (to be delivered separately by LOG-NE). ▪ Ongong discussions with Council regarding land dedication to enable LOG-NE works. ▪	▪ Clearing of existing rural residential structures – removed from scope of works (to be undertaken as CDC). ▪ Trunk drainage channel width updated to ensure the channel can appropriately service the site and broader Mamre Road Precinct. ▪ Roadworks updated, to exclude Aldington Road construction works and update the internal road design.	DPHI have advised that the construction of Warehouse 2 is dependent on the Sydney Water Regional Scheme, off-site at Mamre Road, design being bedded down. **DPHI receiving confirmation that the Sydney Water Regional Infrastructure meets their requirements.**	
Project Staging Response as part of RtS	New paper subdivsion stage incorporated to enable land dedication in response to discussions with Council/DPHI around LOG-NE road works.	Clarify list of works proposed under the construction stages to enable subdivision works to occur in advance. Further to discussions with Sydney Water, this approach enables the trunk drainage works, as part of Sydney Water's regional stormwater solution, to be delivered early and not be dependent on the construction timing of the warehouse buildings proposed at the site, ensuring that the broader Mamre Road Precinct can achieve the applicable water management targets, thus is able to function properly. This approach would establish site infrastructure and road network on the site ahead of the construction of Warehouses on Lot 1.	Timing of construction of Warehouse 2 is dependent on DPHI being satisfied with the resolution of the Sydney Water Regional Scheme. <u>Construction of Warehouse of Lot 2</u> Warehouse 2 to be approved and conditioned so that it cannot be constructed until DPHI is satisfied – through advice from the relevant agencies - that the Sydney Water Regional Scheme is resolved and meets their requirements. If this approach is not accepted	

				by DPHI, Warehouse 2 to be conditioned to enable a future modification / SSDA to be assessed by DPHI (not a local DA to Council).
Refinement to staging to respond to matters raised during Assessment	<u>Subdivision (Paper Subdivision)</u> Subdivides the site into: ▪ Stage 1 Subdivision Lot 3 – to allow for dedication of the Aldington Road widening and intersection ▪ Stage 1 Subdivision Lot 1 – for the proposed Lot 1 ▪ Stage 1 Subdivision Lot 2 – for the remainder of the site	<u>Subdivision works</u> Site Preparation / Early Civil Works and Stage 1 Civil Works to be undertaken as subdivision works before release of the final subdivision certificate. This includes: ▪ Final earthworks to building pad level on Lot 1A, B, C. Excludes any earthworks on warehouse / lot 2 (temp batters off the road only). ▪ Sydney Water basin on Lot 2. ▪ Remediation of all contamination to containment cell per approved Remediation Action Plan. ▪ Construction of Sydney Water trunk drainage channel on Lot 1A, B, C completed in its final form including landscaping, drop structures, fencing, inlets from Frasers site, maintenance access tracks, and all other channel fitout. ▪ Internal roads construction to PCC requirements including all trunk services (potable water, recycled water, sewer, NBN, stormwater pipes, stormwater culverts, electrical services). ▪ Construction of Sewer IOP to Sydney Waters requirements.	<u>Construction of Warehouses on Lot 1</u> ▪ Construction of Warehouse 1A ▪ Construction of Warehouse 1B and 1C. Occupation Certificate for Warehouse 1A, 1B and 1C.	<u>Construction of Warehouse of Lot 2</u> <u>Subdivision (Final Subdivision)</u> ▪ Stage 2 Subdivision Lot 3 - for the Aldington Road widening and intersection ▪ Stage 2 Subdivision Lot 1 – for the proposed Lot 1 ▪ Stage 2 Subdivision Lot 2 – for the proposed Lot 2 ▪ Stage 2 Subdivision Lot 2 – for the internal estate roads

We request the payment of contributions to be staged to reflect the proposed subdivision and construction staging of the proposal.

Given the initial paper subdivision does not include any physical works and is being undertaken to enable the dedication of Aldington Road and the Intersection to Council, we request the conditions of consent make it clear that contribution payment is not triggered at the issue of the Subdivision Certificate (SC) for the paper subdivision.

Consistent with the approved developments across the Mamre Road Precinct, any condition prescribing contribution requirements should require that they be paid in accordance with the *Penrith City Mamre Road Precinct Development Contributions Plan 2022*. To reflect the above approach, we suggest the following condition wording to be used by DPHI for condition setting –

Condition 1 - Notwithstanding any other condition of this consent, this consent permits separate Construction Certificates and Occupation Certificates to be issued for the development approved in accordance with the staged Subdivision Plans included in Condition XX of this consent, provided that all relevant conditions of consent relevant to each stage have been complied with prior to the release of the relevant Construction Certificate or Occupation Certificate for the relevant stage.

- *Warehouse 1A*
- *Warehouse 1B & 1C*
- *Warehouse 2*

Condition 2 - Prior to the issue of the Subdivision Certificate (SC) (other than an SC relating to a paper subdivision with no physical works) or relevant Construction Certificate (CC) (as required by the contributions plan or agreed by Council), the Applicant must pay contributions to Council as required in accordance with the Penrith City Mamre Road Precinct Development Contributions Plan 2022.

Condition 3 – Contributions are permitted to be paid in stages as identified in Condition 1 above, and as detailed as follows –

- *Warehouse 1A Construction Certificate – as per the relevant portion of NDA*
- *Warehouse 1B & 1C Construction Certificates – as per the relevant portion of NDA*
- *Warehouse 2 Construction Certificate – as per the relevant portion of NDA*
- *Subdivision Certificate – as per the relevant portion of NDA*

In summary, this letter has clearly set out a comprehensive summation of the additional information that has been provided to date, and new information as required, to address all the RFI comments received from the various Government Agencies/Council since 6 December 2024.

Please feel free to contact Sarah Horsfield (Director on shorsfield@urbis.com.au / 0438 041 844 or Vijay Prabhu (vprabhu@urbis.com.au / 0497 094 516) or me if you have any questions or should you wish to discuss this in further detail.

Kind regards,

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