

From: [Melissa Rassack](#)
To: [Bruce Zhang](#)
Cc: [Alex Rudd](#); [Jane Grose](#); [William Hodgkinson](#)
Subject: RE: Notice of Exhibition - Aspect Industrial Estate (SSD-10448)
Date: Tuesday, 8 December 2020 16:36:48
Attachments: [20200814- Letter to Mirvac - Aspect Industrial Estate.PDF](#)

Hi Bruce

Thank you for giving us the opportunity to comment on SSD-10448.

As you are aware, the Mamre Road Precinct was rezoned under the WSEA SEPP in June 2020. There are a number of other clauses within the WSEA SEPP that the application should be assessed against, including Clause 18, as well as clauses 270 and 275B of the *Environmental Planning and Assessment Regulation 2000*. Clause 18 of the WSEA SEPP requires a DCP to be in prepared for the land prior to consent being granted to any application.

The draft Mamre Road DCP is on public exhibition until 17th December 2020 and is proposed to apply to site. Significant work and evidence base has been undertaken by the Department, in collaboration with TfNSW and Penrith City Council, to inform the draft DCP. The draft DCP is also supported with an Integrated Water Cycle Management Strategy prepared by Sydney Water. The Central (Western) team will be reviewing submissions and finalising the DCP in 2021.

In light of this work, the assessment of any SSDs should reflect the strategic considerations identified by the Central Western Planning team in our response to the SEARs - in particular the provisions of the WSEA SEPP and the draft Mamre Road DCP controls. The draft DCP is precinct wide and includes site specific controls designed to implement the approved Mamre Road Structure Plan and rezoning. It is important that any development proposed for the precinct incorporates the controls set out in the draft DCP which include specific controls for building and landscape design, the road network, trunk drainage, environment and heritage, as well as setbacks and design treatments for sensitive land use interfaces.

The exhibited EIS has been prepared prior to the exhibition of the draft DCP and therefore does not undertaken an assessment against the draft DCP controls. It is also noted that the applicant has submitted a site specific DCP to satisfy Clause 18 of the WSEA SEPP, however, this should be amended to be consistent with the draft Mamre Road DCP. As assessment against the draft DCP controls should be undertaken, and the application revised where necessary to address the draft DCP. This includes, but is not limited to, road network and widths, access to adjoining properties, interface, building location and design, including with the E2 interface, consideration and application of landscaping and water sensitive urban design requirements and trunk drainage infrastructure.

It is additionally noted that ongoing consultation with NRAR and DPIE Resilient Planning team should be undertaken regarding the proposed relocation of the E2 zone. For your information, I have attached previous advice provided to the applicant regarding the E2 zone.

Regards

Melissa Rassack
Manager, Western Sydney Employment Area (WSEA) and Greater Penrith to Eastern Creek (GPEC)

Greater Sydney, Place and Infrastructure | Department of Planning, Industry and Environment
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From: Bruce Zhang <Bruce.Zhang@planning.nsw.gov.au>
Sent: Friday, 13 November 2020 2:00 PM
To: Melissa Rassack <Melissa.Rassack@planning.nsw.gov.au>
Subject: Notice of Exhibition - Aspect Industrial Estate (SSD-10448)

Hi Melissa

We have received an Environmental Impact Statement (EIS) for the Aspect Industrial Estate (SSD-10448).

The EIS and will be publicly exhibited from 18/11/2020 to 15/12/2020.

The EIS can be viewed on the Department's Major Projects website at <https://www.planningportal.nsw.gov.au/major-projects/project/30521> from 18/11/2020.

If you wish to review the EIS prior to the exhibition, please let me know, so I can send you a document transfer link.

We invites you to advise on the development, including advise on recommended conditions by 15/12/2020.

If you have any enquiries, please do not hesitate to contact me.

Kind regards

Bruce Zhang MPIA
Senior Environmental Assessment Officer

Industry Assessments | Department of Planning, Industry and Environment



Mr Richard Seddon
General Manager – Industrial
Mirvac Group
Level 28, 200 George Street
SYDNEY NSW 2000

Via email: Richard.Seddon@mirvac.com

Dear Richard

Thank you for your letter regarding the Aspect Industrial Estate and your efforts to provide an ecological corridor within it in line with the structure plan. Thank you also for meeting with the Department on 4 August 2020. We have reviewed the proposed concept master plan seeking to realign the E2 Environment Conservation corridor.

The E2 corridor was identified in the rezoning of the Mamre Road Precinct under the State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP) in response to its riparian and ecological values. The E2 corridor has been identified as it provides an important ecological corridor and stepping stone habitat connecting South Creek and Ropes Creek.

Cumberland Plain Conservation Plan

In addition to the E2 Environmental Conservation zoning, the Mamre Road Precinct is seeking biodiversity approval through the *Draft Cumberland Plain Conservation Plan (CPCP)* under the *Biodiversity Conservation Act 2016* (NSW) and the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). The E2 corridor meets the definition of riparian land under the *Water Management Act 2000*, as well as the Biodiversity Assessment Method Appendix 3, which is under the *Biodiversity Conservation Act 2016*.

Projects for which development applications in Mamre Road Precinct are lodged before the Department applies for biodiversity approval through the CPCP will be “excluded” from the CPCP and will need to obtain their own biodiversity approvals under NSW and Commonwealth legislation, because two applications for biodiversity approval cannot be running concurrently. The CPCP is finalised for public exhibition in mid-2020. Any updates, for example if land needs to be “excluded”, can be made after public exhibition.

When the CPCP is approved, urban development projects covered by the biodiversity approvals must adhere to the areas of biodiversity certified land (urban capable land) and protect areas zoned for environmental conservation.

Regardless of which pathway for biodiversity approval the development follows, the riparian corridors across the precinct are an important contributor to landscape connectivity. In particular, this corridor offers linkages between areas of high-value biodiversity and remnant vegetation in the east to the South Creek corridor in the west. Maintaining ecological connectivity across this site to Ropes Creek will be important for supporting the regional biodiversity outcomes of the CPCP.

Comments on proposed E2 realignment

Mirvac identified a proposed E2 realignment of the watercourses and associated E2 corridor, in Figure 6 of its letter dated 28 July 2020. This includes identification of a 40m riparian corridor traversing the northern portion of your site in an east-west direction.

The Department raises no objections in principle to this realignment. However, alignment with the following requirements must be demonstrated:

- A. The corridor width should be retained at 40m and must enter and exit the site at the same location as the zoned E2 land. Any reduction is unlikely to be supported as it minimised the protection of the ecological corridor. This is essential to be consistent with the CPCP, the *Water Management Act 2000* (NSW) and the Mamre Road Precinct Structure Plan. The widest possible riparian corridor that has good solar access and an opportunity to support native habitat should be secured. The recommended width is based on the Strahler order and requirements of the *Water Management Act 2000* (NSW).
- B. The Mamre Road Precinct Structure Plan identifies a required transition area between the E2 zoning and the industrial buildings. The master plan should provide a minimum 10m setback to industrial buildings and incorporate the Department's Urban Design team comments are included in Attachment A.
- C. Justification for the realignment must be supported with a demonstration that it will have natural flow, with Clause 33L of the WSEA SEPP encouraging the restoration of riparian land. Sunlight access and the ability for vegetation to grow is essential.
- D. The requirements of relevant legislation, including the *Biodiversity Conservation Act 2016* and the *Water Management Act 2000* must be met.

Please note that a detailed assessment will be undertaken as part of the State Significant Development (SSD) assessment process. The SSD will need to provide justification for the realignment and respond to the transition area requirements, as well as satisfy the statutory process for the realignment and how clause 33A Development near zone boundaries has been satisfied and the potential need for a SEPP amendment.

In addition, the Department is continuing to work collaboratively with you to resolve outstanding issues including acceptable road widths, the road network and detailed controls for the draft Mamre Road Development Control Plan, which will need to be considered as part of the SSD.

If you have any questions, please contact Melissa Rassack, Acting Manager, Western Sydney Employment Area at the Department of Planning, Industry and Environment on 8837 6345.

Yours sincerely



14 August 2020
Gina Metcalfe
Acting Director, Central (Western)
Greater Sydney, Place and Infrastructure

Encl: Attachment A – Urban Design Comments



Attachment A – Urban Design Comments

The Department's Urban Design team have undertaken a high level assessment of the draft revised E2 master plan. The following design comments should be considered:

- A. Carpark design must incorporate water sensitive urban design (WSUD) to treat run-off and achieve passive irrigation. This includes the use pervious and porous surfaces and use grass swales to channel and infiltrate stormwater along riparian corridor land.
- B. Adjacent building height should bring lower elements on the building line interfacing the riparian corridor. The proposed location of office space at the rear of northern warehouses is supported in principle.
- C. Where large paved areas are required, the design should also integrate tree canopy and shading elements to prevent heat island effect. The concept design does not provide detail on this matter.
- D. Physical ground plane connection should also be achieved to ensure healthy interface between site users and riparian lands. This would also provide an opportunity to integrate active transport along the riparian corridor.
- E. Enable visual connection of the proposed development to ensure passive surveillance of these corridors is achieved at all times.
- F. Minimise barriers such as fencing and walls between the industrial use and the riparian corridor.
- G. Integrated creeks and waterways should be integrated as key features of the landscape design.
- H. Any proposed regeneration of the riparian corridor should provide continuity with the existing natural vegetation (beyond the current site and Mamre Road Precinct).