

17 June 2021

2200563

Mr Jim Betts
Planning Secretary
Department of Planning, Industry and Environment
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

Attn: Chris Ritchie

Dear Chris,

REQUEST FOR PLANNING SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS 1-51 ALDINGTON ROAD, KEMPS CREEK

This report has been prepared by Ethos Urban on behalf of The Gibb Group Developments Discretionary Trust who are proposing to develop land identified as 1-51 Aldington Road, Kemps Creek (the site). The intent is to redevelop the site for warehouse and distribution use in line with the desired future outcomes of the Mamre Road Precinct and recent amendments to the *State Environmental Planning Policy (Western Sydney Employment Area) 2009*.

As the proposal is for the purposes of development for warehouse or distribution centres and has a capital investment value (CIV) in excess of \$30 million, it is State significant development (SSD) by virtue of Clause 12 of Schedule 1 of *State Environmental Planning Policy (State and Regional Development) 2011*.

The development comprises a State significant development application (SSDA) for the site including:

- site preparation works including demolition of all existing structures and bulk earthworks in development areas;
- subdivision of the site into three development lots and an environmental conservation lot;
- construction and use of a warehouse of approximately 24,710m² within Lot 1, with associated office floorspace, vehicle loading and parking areas;
- construction and use of a warehouse of approximately 18,600m² within Lot 2, with associated office floorspace, vehicle loading and parking areas;
- connection to required site infrastructure;
- integrated water cycle management infrastructure; and
- road construction including:
 - interim connection to Aldington Road; and
 - internal estate roads.

While the proposal establishes the subdivision layout for the entire site, the built form on Lot 3 will be subject to a future separate development application. The SSDA is not for concept approval. The total CIV for the development is \$34,762,870, with the Lot 1 warehouse development having a CIV of approximately \$31,602,609.05.

The purpose of this letter is to request the Planning Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for the proposal. To support the request for SEARs, this letter provides an overview of the proposal, sets out the statutory context, and identifies the key likely environmental and planning issues associated with the proposal.

This letter should be read in conjunction with the Indicative Concept Scheme prepared by Gibb Group included at **Attachment A**.

1.0 Site analysis

1.1 Site context

The site is located within the suburb of Kemps Creek, within the Penrith local government area (LGA) as shown in **Figure 1**. It forms part of the Mamre Road Precinct, which sits within both the Western Sydney Aerotropolis and Western Sydney Employment Area as shown in **Figures 2 and 3**.

The surrounding land uses include the Oakdale West Industrial development to the immediate north, the Emmaus Catholic College to the north west and rural lots to the south, east and west. The nearest residential area is the large lot subdivision associated with the Mount Vernon locality approximately 2km to the south east.

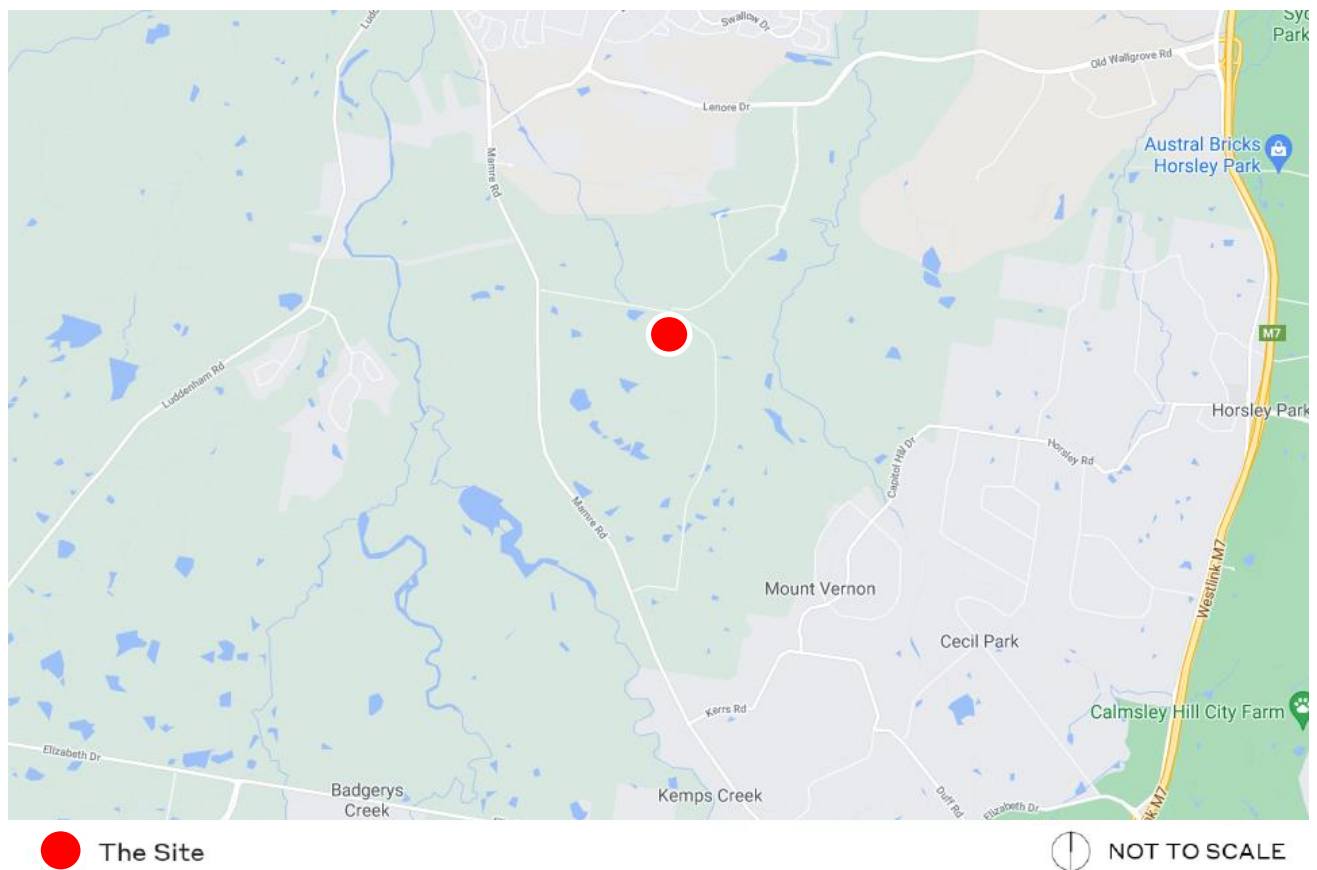


Figure 1 Site Context

Source: Google Maps, edits by Ethos Urban

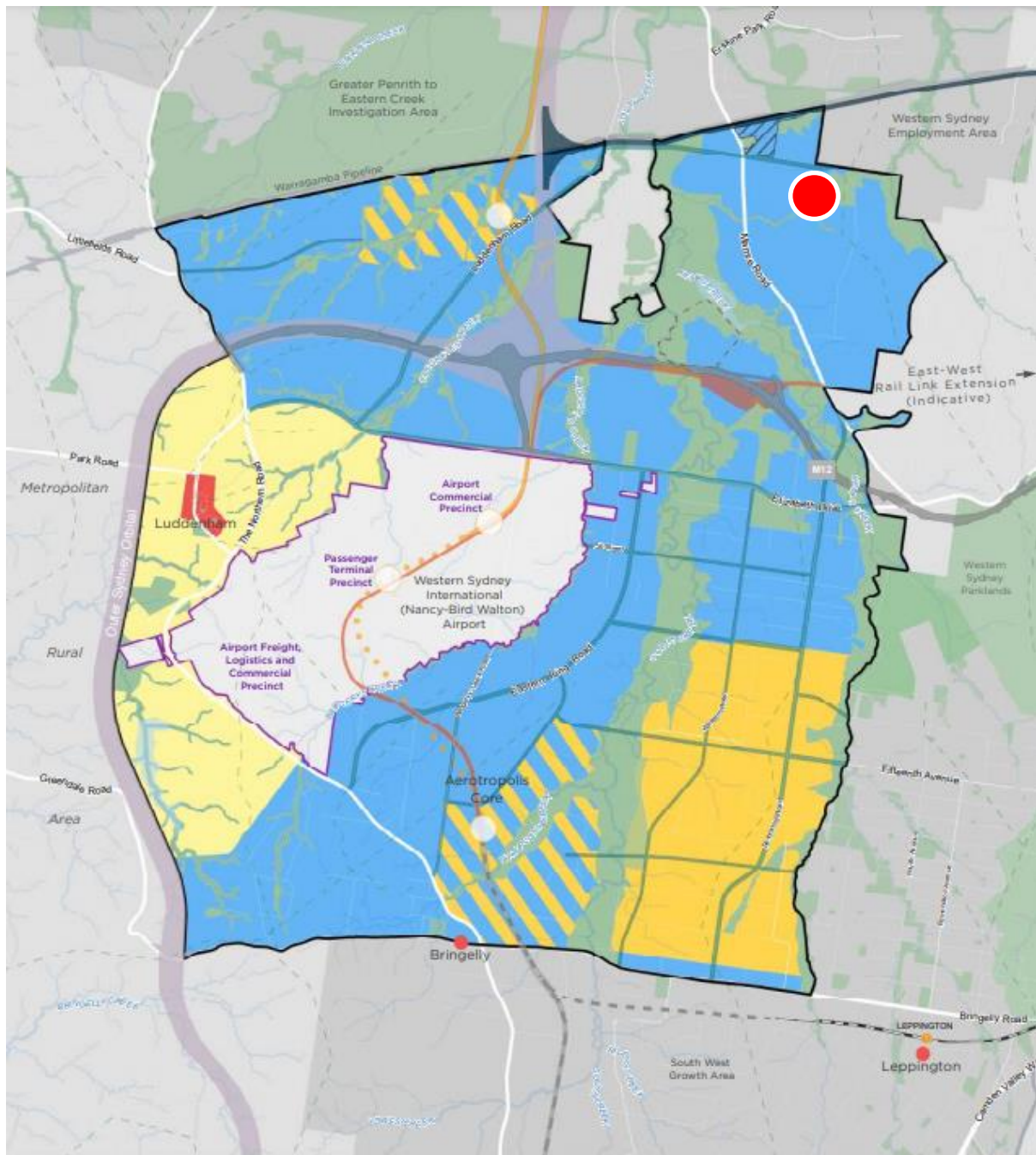


Figure 2 Location of the site within the Western Sydney Aerotropolis Structure Plan

Source: Western Sydney Aerotropolis Draft Aerotropolis Precinct Plan, edits by Ethos Urban

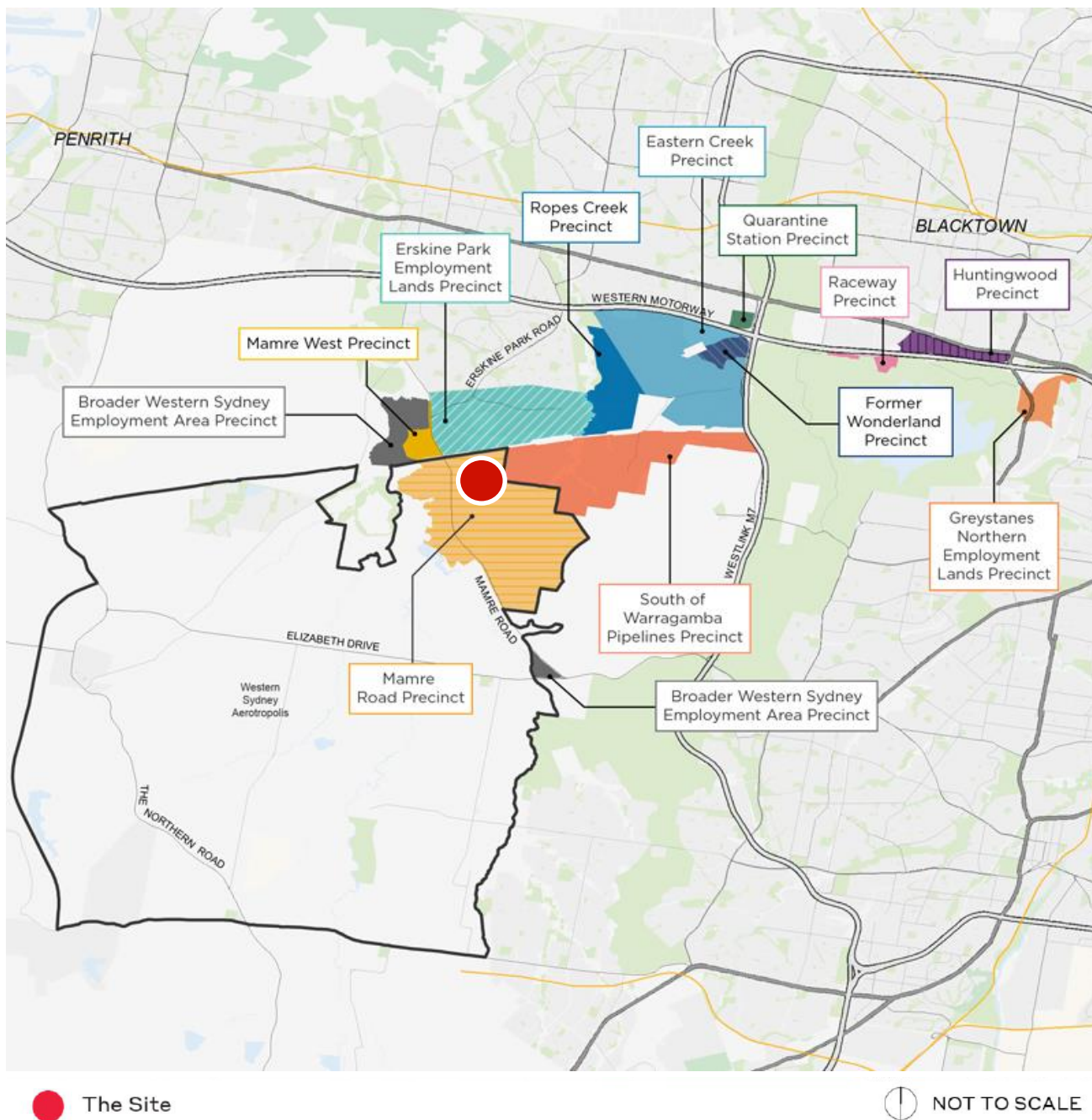


Figure 3 Location of the site within the Western Sydney Aerotropolis Employment Area Structure Plan

Source: DPIE, edits by Ethos Urban

1.2 Site Description

The site is located at 1-23 Aldington Road and 25-51 Aldington Road, Kemps Creek, as shown in **Figure 4** below. The land is approximately 202,800m² in area and is irregular in shape. The site comprises two separate allotments (refer to **Table 1**) and is legally described as Lots 39 and 40 DP 708347. The site currently comprises undulating rural land with a combination of interspersed residential dwellings and miscellaneous sheds and greenhouse structures.



 The Site

 NOT TO SCALE

Figure 4 Site Aerial

Source: Nearmaps, edits by Ethos Urban

Table 1 Site Description

Address	Title	Area
1-23 Aldington Road	Lot 39 DP 708347	101,500m ²
25-51 Aldington Road	Lot 40 DP 708347	101,300m ²

2.0 Description of proposed development

The SSDA will seek approval for the demolition of all existing structures, bulk earthworks of the site and the construction and use of two warehouse and distribution centres, associated office floorspace and vehicle loading and parking areas.

Specifically, the SSDA will propose the following:

- site preparation works including demolition of all existing structures and bulk earthworks in development areas;
- subdivision of the site into three development lots and an environmental conservation lot;
- construction and use of a warehouse of approximately 24,710m² within Lot 1, with associated office floorspace, vehicle loading and parking areas;
- construction and use of a warehouse of approximately 18,600m² within Lot 2, with associated office floorspace, vehicle loading and parking areas;
- connection to required site infrastructure;
- integrated water cycle management infrastructure; and
- road construction including:
 - interim connection to Aldington Road; and
 - internal estate roads.

The proposed warehouse on Lot 3 would be the subject of a future separate development application. The SSD application will not be for concept approval. No works are proposed within the proposed reserve for the Southern Link Road extension.

The proposal will be undertaken in accordance with **Figure 5** below.

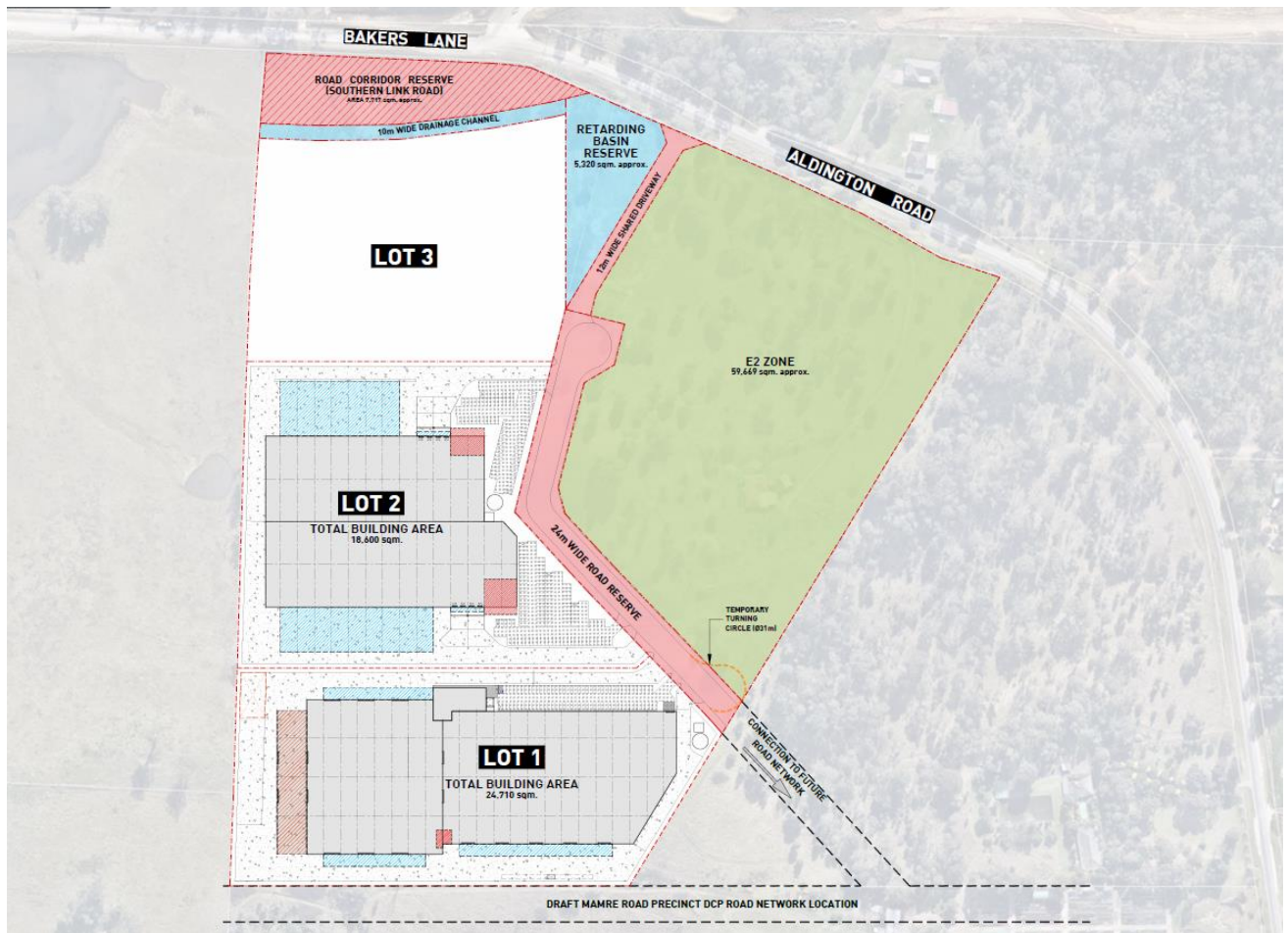


Figure 5 Preliminary Development Layout

Source: Gibb Group

3.0 Strategic framework and context

3.1 Strategic planning framework

The following strategic planning documents are relevant to the proposal and will be subject to consideration and assessment as part of the SSDA:

- The Greater Sydney Region Plan - *A Metropolis of Three Cities*;
- *The Western City District Plan*;
- *Future Transport 2056*; and
- *The Western Sydney Aerotropolis Plan*;

3.2 Statutory planning and policy context

The following legislation, environmental planning instruments and development control plans will be relevant considerations to the SSDA:

- *Environmental Planning and Assessment Act 1979*;
- *Biodiversity Conservation Act 2016*;
- *State Environmental Planning Policy (Western Sydney Employment Area) 2009*;
- *State Environmental Planning Policy No 55—Remediation of Land*;
- *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development*;
- *State Environmental Planning Policy (Infrastructure) 2007*;
- *State Environmental Planning Policy (State and Regional Development) 2011*;
- *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020*;
- *Draft Mamre Road Development Control Plan*.
- *The National Airports Safeguarding Framework*

Those under the following subheadings are of key relevance to the proposal.

3.2.1 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) establishes the assessment framework for State significant development (SSD). Under Section 4.38 of the Act the Minister for Planning is the consent authority for SSD. Section 4.12(8) requires that a development application for SSD is to be accompanied by an Environmental Impact Statement (EIS) in the form prescribed by the Regulations. The EIS will also be prepared in accordance with the SEARs.

The proposal will be State significant in accordance with the State and Regional Development SEPP and will be subject to Division 4.7 of Part 4 of the EP&A Act.

3.2.2 State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (State and Regional Development) 2011 (SEPP SRD) identifies development which is declared to be State significant. Clause 12 of Schedule 1 of SEPP SRD provides that development for the purposes of warehouses or distribution centres with a CIV of more than \$30 million is State significant development. The proposed warehouse and distribution centre on Lot 1 will have a CIV of approximately \$31,602,609.05, therefore exceeding the threshold in Schedule 1 of SEPP SRD. The overall development will have a CIV of \$34,762,870.

3.2.3 State Environmental Planning Policy (Western Sydney Employment Area) 2009

State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP) provides consistent zoning and development control provisions to facilitate development of the WSEA for the purposes of employment and industry.

The WSEA SEPP has been subject to a recent amendment which was gazetted on 12 June 2020 and extends the controls of the SEPP to include the Mamre Road Precinct, and rezones it primarily for General Industrial (IN1) with other areas zoned Public Recreation (RE1 and RE2), Environmental Conservation (E2) and Special Purpose Infrastructure (SP2). The intent is to facilitate future development in the Mamre Road Precinct which can support in-demand industrial land supply.

In accordance with the WSEA SEPP, the site is part zoned IN1 General Industrial and E2 Environmental Conservation. The proposed development is for warehouse and distribution which is permissible with development consent in the IN1 zone. Roads are also proposed to service the development and are permissible in both the IN1 and E2 zones. An outline of the site's zoning is provided in **Figure 6** below.

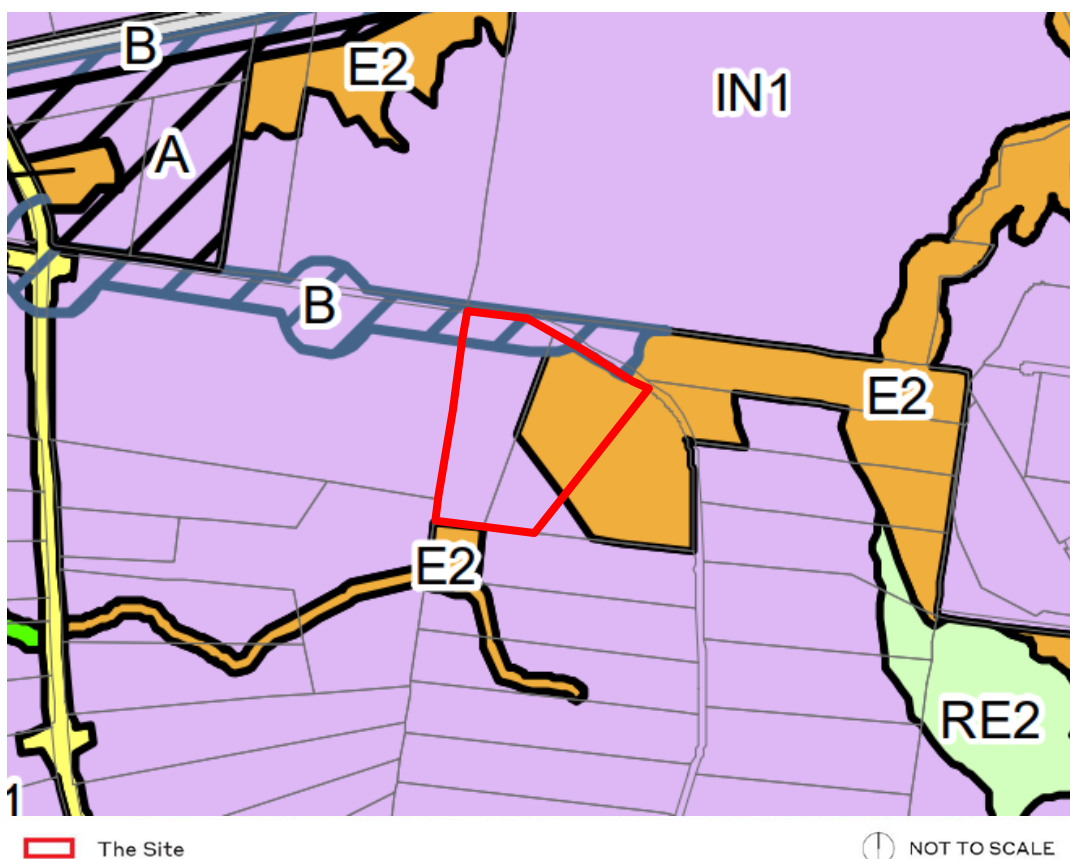
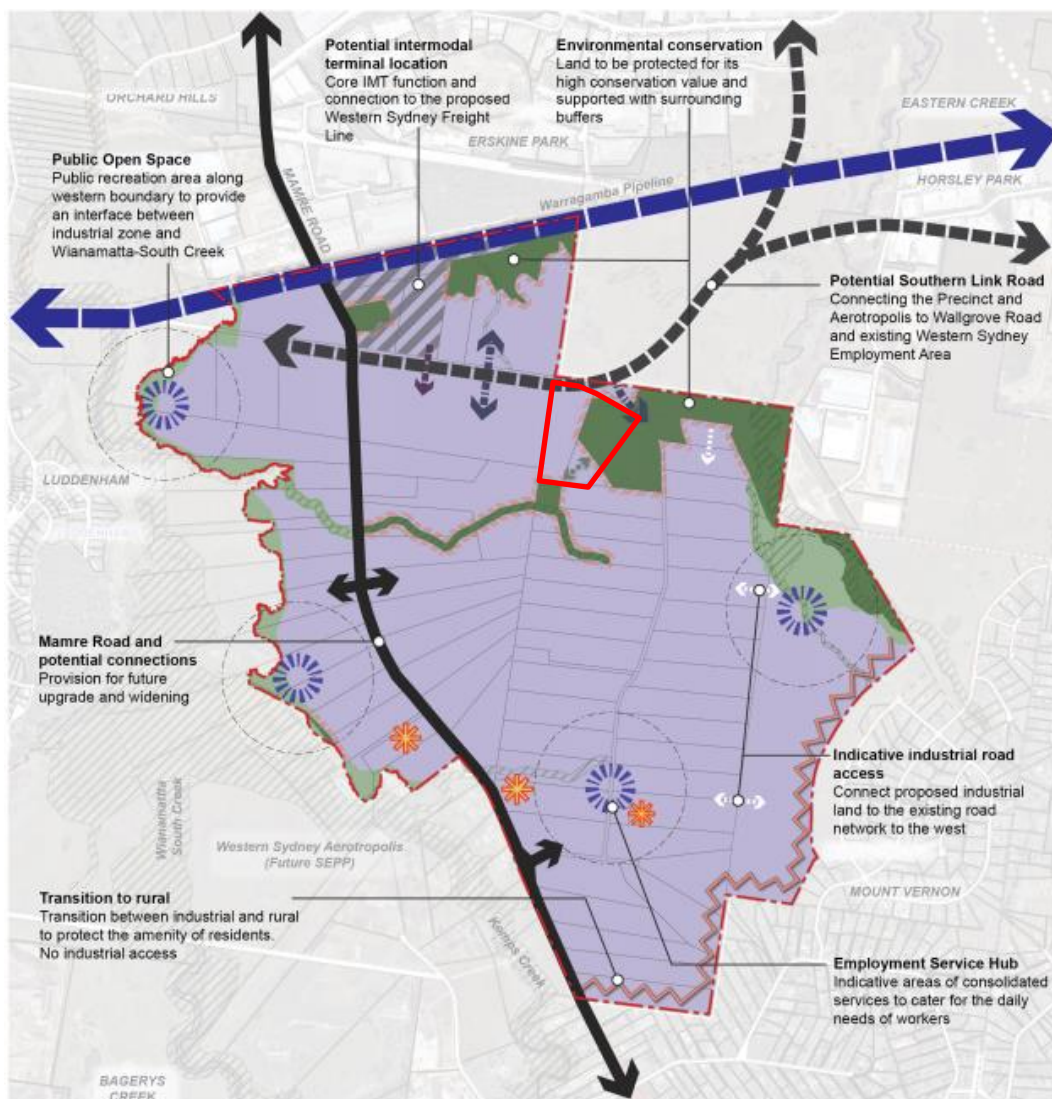


Figure 6 Zoning controls for the site

Source: WSEA SEPP, edits by Ethos Urban

A strip of land along the northern boundary of the site is designated as a “Transport Investigation Area” on the zoning map and relates to the future route of the Southern Link Road. Clause 33B of the WSEA SEPP requires that, for a development of this scale, that concurrence be obtained from Transport for NSW prior to consent being granted. Consultation with Transport for NSW (TfNSW) will be undertaken during the preparation of the EIS.

The desired long term outcomes for the Precinct are set out in the Mamre Road Precinct Structure Plan, as shown in **Figure 7** below. Under the Structure Plan, the site is proposed for industrial land, with the north eastern component of the site identified as environmental conservation land.



Structure Plan

Precinct boundary	Mamre Road and potential connections	Transition to rural
Cadastral boundaries	Potential Southern Link Road	Transition to Environmental Conservation
Industrial	Potential road access	Local heritage items
Environmental conservation	Potential freight connection to precinct	Indicative employment service hub (with 400m catchment)
Open space	Indicative road access	Opportunity for ecological corridor
Potential intermodal terminal	Indicative riparian buffers	
Proposed Western Sydney Freight Line		

Figure 7 Mamre Road Precinct Structure Plan, in relation to the site

Source: DPIE, edits by Ethos Urban

3.2.4 State Environmental Planning Policy (Infrastructure) 2007

The proposal will be traffic generating development under clause 104 of Division 17 of *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP) as it will relate to development for the purposes of industry with a site area over 20,000m² with access to a road. TfNSW will therefore be provided written notice of the SSDA with their comments required to be considered by the consent authority prior to the determination of the SSDA. As discussed above, under Clause 33B of the WSEA SEPP, the concurrence of TfNSW will be required prior to any consent being granted for development.

3.2.5 Penrith Local Environmental Plan 2010

Given that the amendments to the WSEA SEPP are now in place, the *Penrith Local Environmental Plan 2010* no longer applies to the site.

3.2.6 Draft Mamre Road Development Control Plan

The Draft Mamre Road Development Control Plan (draft DCP) was exhibited by the Department of Planning, Industry and Environment (DPIE) in November and December 2020 and is currently being finalised for endorsement. The EIS accompanying this SSDA will take the draft DCP or, if endorsed, final DCP provisions into account.

4.0 Overview of likely environmental and planning issues

Based on our preliminary environmental assessment, the following are the key environmental assessment issues that will need to be considered as part of the future SSDA.

4.1 Built form and urban design

The EIS will be supported by a concept architectural package and design report which will set out the conceptual massing and built form outcome proposed for the site. It will:

- outline the design rationale which has driven the arrangement and positioning of buildings in line with the site's constraints and opportunities, and proposed internal vehicular arrangements;
- include a series of concept architectural and landscape plans, and massing diagrams to demonstrate the building envelopes, their height, bulk and scale and positioning (setbacks) from each other, the internal roads and the boundaries of the site;
- consider the design principles established in Clause 31 of the WSEA SEPP;
- consider the concept design in relation to the existing transport network (including roads, pedestrian, and cycleways) and anticipated future road upgrades; and
- provide a view analysis from various close and long-distance viewpoints to determine the visual impact of the proposed bulk and scale when viewed from the surrounding locality and public domain.

4.2 Traffic, access and parking

A detailed Traffic and Parking Impact Assessment will accompany the EIS. It will address the following key matters, in addition to any other requirement identified by the SEARs:

- assessment of traffic volumes generated from the proposal, including traffic associated with construction and operation;
- assessment of proposed traffic generation and impacts on the existing road network, including impacts to existing intersections. This will include a cumulative assessment which will consider future development within the Mamre Road Precinct and any planned or proposed road / infrastructure upgrades associated with the Aerotropolis and/or WSEA;
- detail on site access, internal loading, and manoeuvring in accordance with the relevant standards and controls;
- detail interim access arrangements in accordance with the progress of the proposed extension of the Southern Link Road corridor at the northern boundary of the site; and
- detail on relevant or required road upgrades, access points or road-related infrastructure to support the proposal.
- details of travel demand management measures to minimise the impact of the development on general traffic and bus operations.

4.3 Infrastructure and servicing

The EIS will assess in detail the impact the proposal will have on existing utility services and service provider assets surrounding the site. The infrastructure requirements and augmentation needed (on and off site) to support the development will also be outlined and assessed in detail. This includes infrastructure and services such as water, sewage, electricity, telecommunications, and gas infrastructure.

4.4 Soil and contamination

The EIS will be accompanied by a detailed Geotechnical Investigation to address the requirements of any SEARs, in addition to a detailed Site Contamination Investigation which will consider the suitability of the proposal from a contamination perspective, in accordance with *State Environmental Planning Policy No. 55 – Remediation of Land*.

4.5 Stormwater management and flooding

The EIS will be accompanied by a Stormwater Management Plan and Flood Assessment. The Mamre Road Precinct is affected by 1 in 100 year and probable maximum flood (PMF) levels from creeks within the vicinity of the site (Ropes Creek, South Creek and Kemps Creek). Notwithstanding that the site is not identified as flood prone land, the assessment will assess the impact of the proposed development on downstream flood behaviour.

The EIS will also address the Integrated Water Cycle Management provisions in the draft Mamre Road DCP and the site water discharge requirements.

4.6 Noise and vibration

The EIS will be accompanied by a Noise and Vibration Impact Assessment to assess the noise and vibration impacts associated with the construction and ongoing operation of the proposal, including with regard to traffic, both individually and within the context of existing development and potential future development within the Mamre Road Precinct. The assessment will have particular regard to sensitive land uses to the north west of the site including schools and seniors living. Relevant noise mitigation and management measures to reduce noise and vibration will be detailed in the Assessment.

4.7 Compatibility with surrounding land uses

We note that part of the site along the Northern boundary has been identified as potentially being utilised as an extension of the Southern Link Road, which can be seen in **Figures 6** and **7** above. This forms part of the 'Transport Investigation Area B' land designated by the Department of Planning, Industry and Environment, which necessitates that any development with a CIV of more than \$200,000 be referred to Transport for NSW for their concurrence to be granted. Pursuant to Clause 33B of the WSEA SEPP, Transport for NSW is to consider the likely impact of the development on the practicability and cost of carrying out transport projects on the land in the future.

Additionally, as noted previously, part of the site is zoned E2 Environmental Conservation, with a buffer zone identified as 'Transition to Environmental Conservation' being located along the border between the IN1 and E2 zoned land. The purpose of the transitional area is to provide an interface between environmental conservation and industrial areas.

The site is also located approximately 250m from the Emmaus Catholic College and approximately 500m from the Mamre Anglican School and seniors living. The IS will particularly focus on the potential impacts of the development on these sensitive land uses.

4.8 Biodiversity

The EIS will be accompanied by a Biodiversity Development Assessment Report which will assess the potential impacts of both the construction and operation of the development on surrounding biodiversity, particularly in regard to the adjacent land zoned E2 Environmental Conservation. The assessment will also identify relevant mitigation measures. An Arborist's Report will also be prepared that will detail any tree removal and potential associated impacts on flora.

4.9 Air quality

An Air Quality Assessment in accordance with NSW Environment Protection Authority guidelines will accompany the EIS detailing any impacts caused by the construction and operation of the development, particularly with regard to nearby sensitive receivers. Mitigation and management measures to reduce the proposal's impact to adverse air quality will also be identified where relevant.

4.10 Visual Impact

A Visual Impact Assessment will accompany the EIS providing an analysis on the impact of the proposed development on the visual amenity of the locality. The assessment will focus on the potential visual impact of the

development from Aldington Road (and future Southern Link Road) as well as the visual impact on nearby sensitive land uses.

4.11 Other issues for consideration and assessment

In addition to the above, the following matters outlined below will also be considered as part of the EIS.

Site suitability of the proposal

The EIS will include a detailed assessment of the suitability of the site for the proposal. This will consider existing site conditions and wider context, as well as future conditions and context of the site within the broader Mamre Road Precinct, Western Sydney Employment Area and Aerotropolis.

Social and economic impacts

The EIS will make an assessment against the potential positive and negative social and economic impacts (and the significance of these impacts) arising from the proposal, considering potentially affected stakeholders and communities.

Waste management

A detailed Waste Management Plan will be prepared and submitted with the EIS. It will outline the anticipated quantities and streams of waste generated by the proposal during construction and operation, and the intended management of waste in terms of storage, removal off-site and disposal.

Heritage

The EIS will be accompanied by an Aboriginal Cultural Heritage Assessment report which will assess the significance of the site from a cultural and Aboriginal heritage perspective and determine whether the proposal may affect the heritage significance of the site or locality. Consultation will be undertaken in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW).

Bushfire

The vulnerability of the site to bushfires will be assessed as part of the EIS. This will include an assessment against the NSW Government's *Planning for Bush Fire 2019*.

Ecologically Sustainable Development (ESD)

The EIS will consider how the proposal can incorporate the principles of ESD during the construction and operation of the proposal. It will also consider the energy use of the proposal and outline ways in which consumption / greenhouse gases could be reduced.

Western Sydney Airport

The EIS will be assessed in light of the Western Sydney Aerotropolis Plan and the National Airports Safeguarding Framework. Clauses 33D-33F of the WSEA SEPP relating to areas subject to aircraft noise, airspace operations and potential bird or animal attraction will be addressed in the EIS.

Development Contributions

Relevant local S7.11 development contributions and State levies associated with the proposal will be elaborated on in the EIS, including satisfactory arrangements for the provision of regional transport infrastructure and services under Clause 29 of the WSEA SEPP or, if in force, the Western Sydney Aerotropolis Special Infrastructure Contribution (SIC).

5.0 Engagement

A comprehensive programme of communication and engagement will occur during the preparation of the EIS with relevant stakeholders including the relevant Commonwealth, State and local authorities, service and utility providers and surrounding landowners.

The engagement process and the issues and comments raised during this process will be documented and addressed within the EIS.

The proponent intends to consult with the following parties in particular:

- Telstra / NBN Co;
- Sydney Water;
- Endeavour Energy;
- Transport for NSW;
- Department of Planning, Industry and Environment;
- Western Sydney Planning Partnership;
- Western Parkland City Authority;
- WSA Co;
- Penrith City Council; and
- NSW Rural Fire Service and NSW Fire and Rescue.

6.0 Conclusion

This submission provides information to assist in the preparation of the Planning Secretary's Environmental Assessment Requirements (SEARs) for the proposed development of land at 1-51 Aldington Road, Kemps Creek. The intent is to redevelop the site for industrial purposes in line with the desired future outcomes of the Mamre Road Precinct and recent amendments to the *State Environmental Planning Policy (Western Sydney Employment Area) 2009*.

As the proposal is for the purposes of a warehouse and distribution centre with a CIV in excess of \$30 million, it is State significant development (SSD) by virtue of Clause 10 of Schedule 1 of *State Environmental Planning Policy (State and Regional Development) 2011*. Once the SEARs are issued, it is proposed to prepare a State significant development application (SSDA) for the proposal.

We trust that the information detailed in this letter is sufficient to enable the Secretary to issue the SEARs for the preparation of the EIS. Should you have any queries about this matter, please do not hesitate to contact me on 0448 476 754 or gkirkby@ethosurban.com.

Yours sincerely,



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