

25 October 2021

2210524

Ms Kiersten Fishburn
Secretary
Department of Planning, Industry and Environment
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

Attn: Chris Ritchie – Director, Industry Assessments

Dear Chris,

**REQUEST FOR PLANNING SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS
706-752 MAMRE ROAD, KEMPS CREEK**

This report has been prepared by Ethos Urban on behalf of Aliro and ISPT who are proposing to develop land identified as 706-752 Mamre Road, Kemps Creek (the site). The intent is to redevelop the site for a 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 proposed State significant development application (SSDA) comprises the following:

- A Concept Masterplan for the site comprising 7 industrial buildings, including:
 - An indicative total building area of 238,290m²;
 - Road layout including high order roads with external connections, and internal estate local industrial roads;
 - Conceptual building locations, car parking arrangements, building heights, setbacks and built form parameters;
 - Associated conceptual site landscaping; and
 - Provision of a corridor for the proposed future AGV Network.
- Detailed Stage 1 consent for site preparation, earthworks and infrastructure works on the site, including:
 - Demolition and clearing of all existing built form structures;
 - Clearing of all existing vegetation;
 - Construction of high order roads with external connections, and internal estate local industrial roads;
 - Construction of three warehouse buildings with ancillary offices ('Warehouse 1', 'Warehouse 2' and 'Warehouse 3' under the Concept Masterplan) comprising a total of 80,420m², including:
 - 76,570m² of warehouse GFA;
 - 3,700m² of office GFA;
 - 150m² of café GFA;
 - Hardstand area for loading and vehicle manoeuvring; and
 - Car parking and landscaping.

- Site wide bulk earthworks including 'cut and fill' to create flat development platforms for the warehouse buildings, and topsoiling and grassing/site stabilisation works;
- Site wide roadworks and access infrastructure;
- Stormwater and drainage works including stormwater basins, diversion of stormwater lines, gross pollutant traps and associated swale works;
- Sewer and potable water reticulation; and
- Inter-allotment, road and boundary retaining walls.

The detailed design components that are included in the SSDA (outlined above) will have a CIV in excess of \$30 million which triggers Clause 12 of Schedule 1 of *State Environmental Planning Policy (State and Regional Development) 2011*, rendering the development SSD.

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

This letter is accompanied by an Indicative Concept Scheme prepared by Watson Young Architects included at **Attachment A** and a Cost Plan prepared by MBM at **Attachment B**.

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 **Figure 2** and **Figure 3**.

The surrounding land uses include the Mamre Anglican School and Emmaus Catholic College to the north and rural lots to the south, east, and west. The nearest residential area is situated approximately 1.4km to the south west of the site in Luddenham.

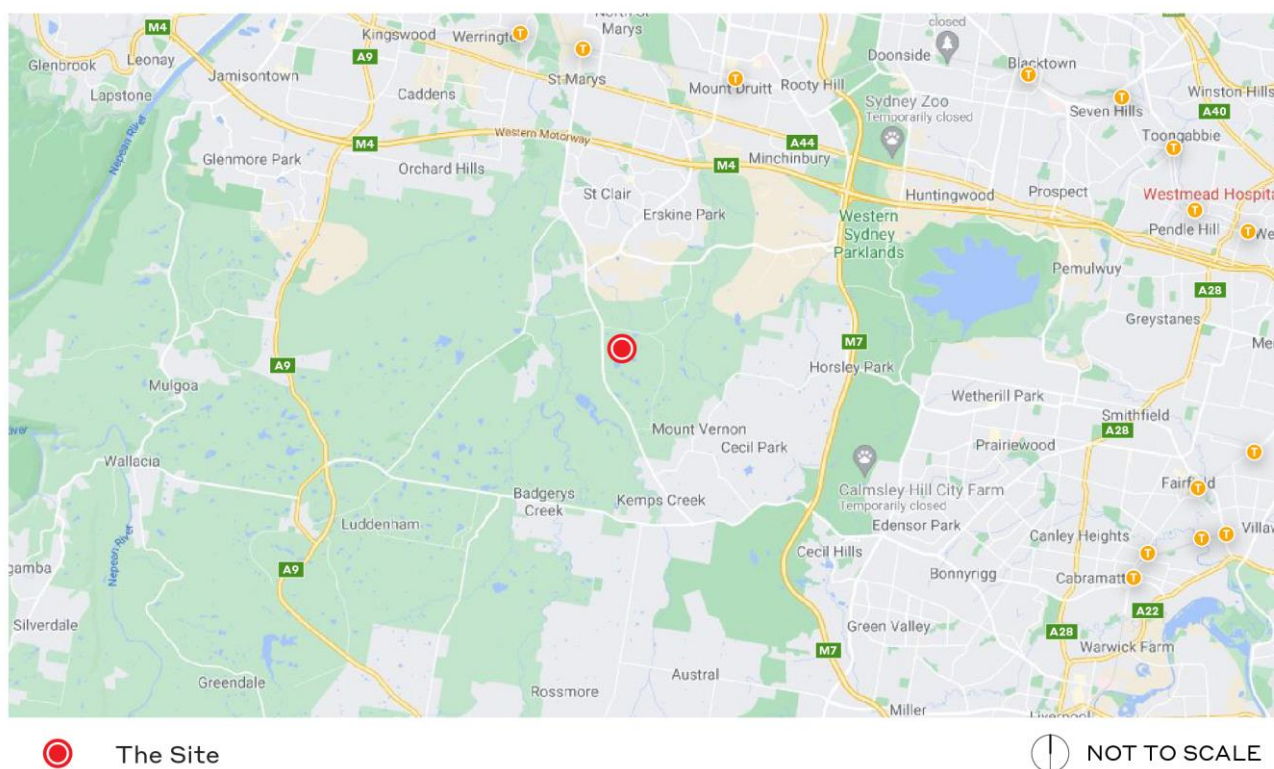


Figure 1 Site context

Source: Google Maps, edits by Ethos Urban

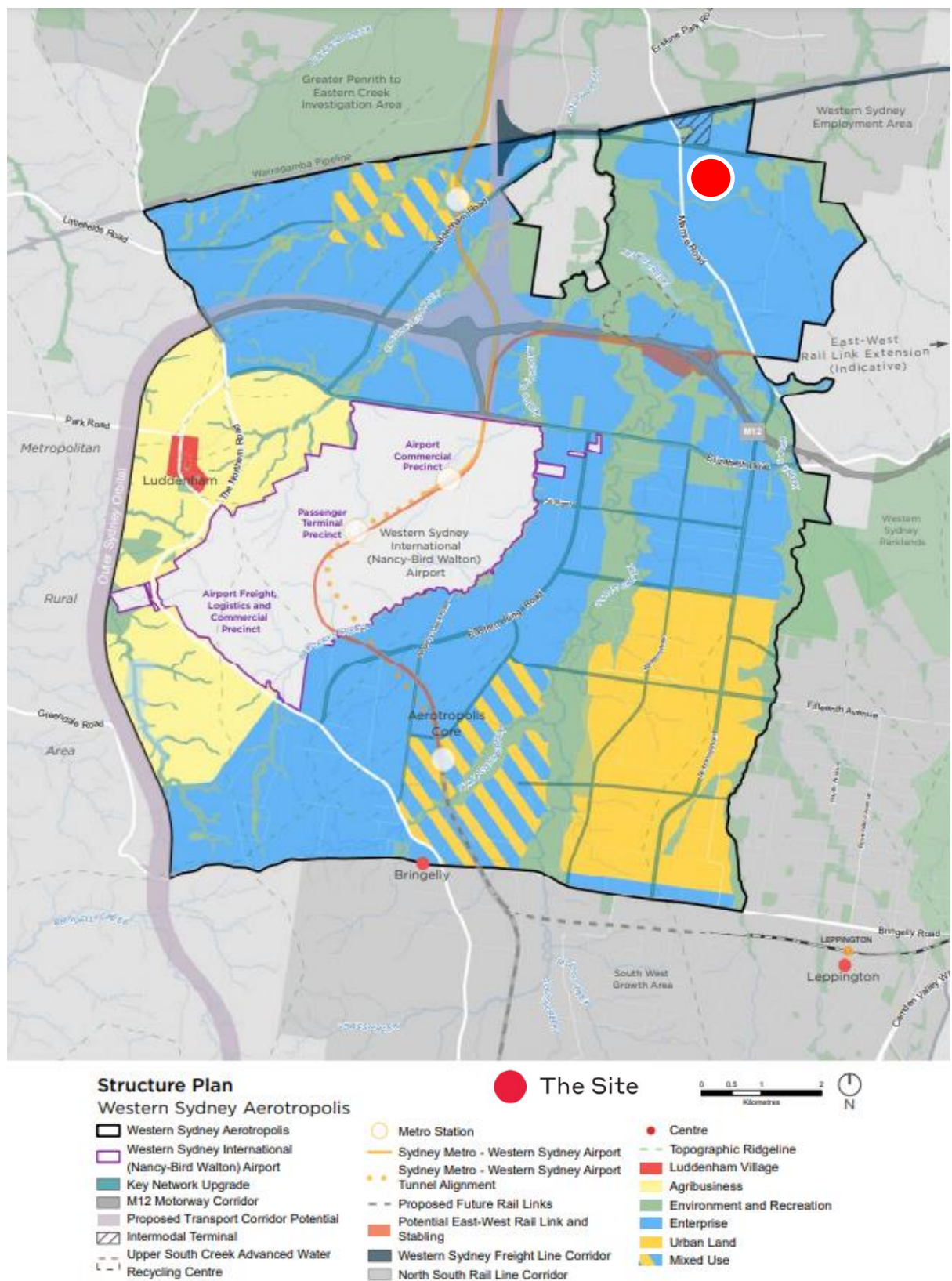


Figure 2 Location of the site within the Western Sydney Aerotropolis Plan

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

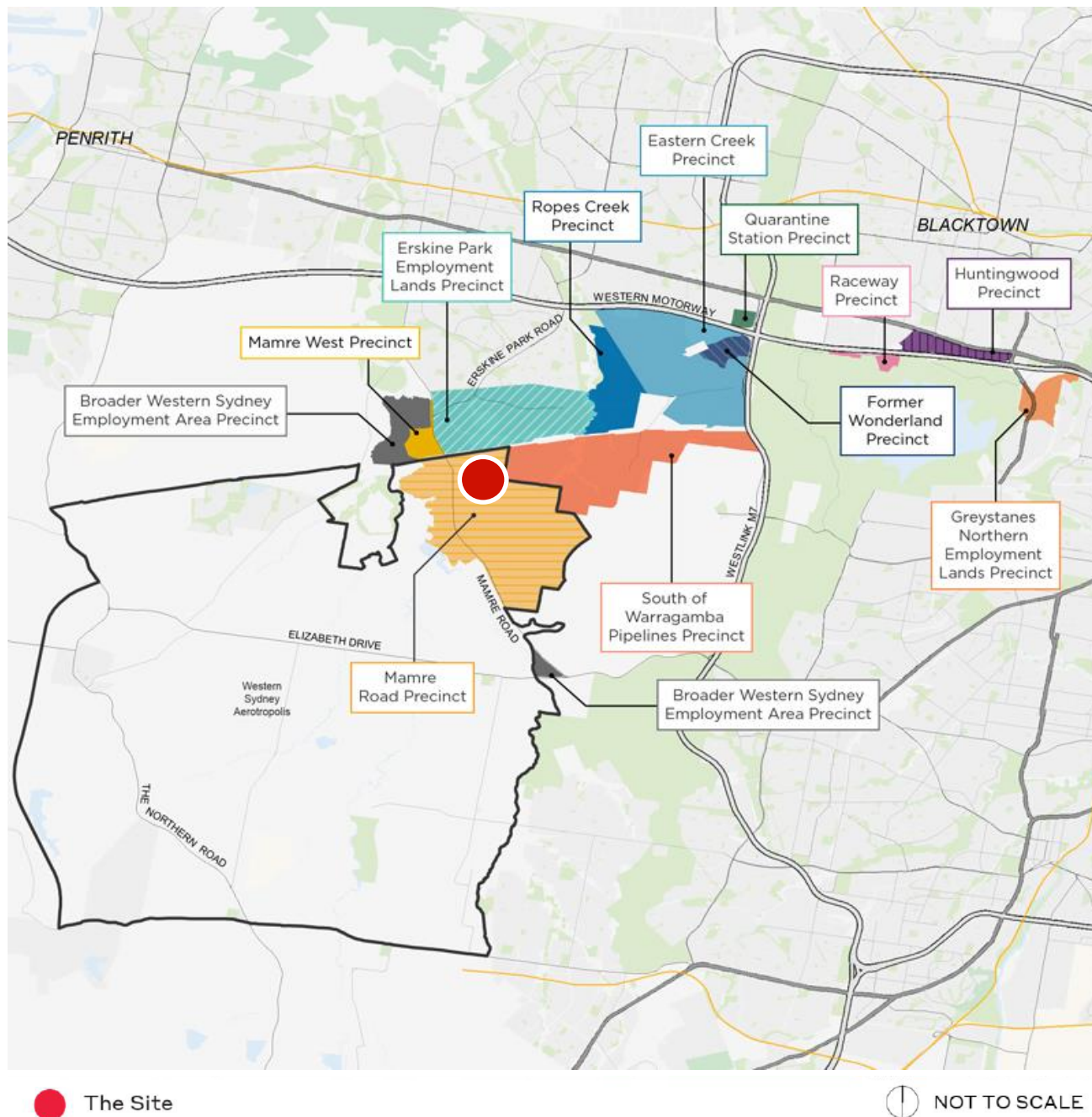


Figure 3 Location of the site within the Western Sydney Employment Area

Source: Department of Planning, Industry and Environment, edits by Ethos Urban

1.2 Site description

The site is located at 706-752 Mamre Road, Kemps Creek, as shown in **Figure 4** below. The land is approximately 51 hectares in area and is rectangular in shape. The site comprises one allotment which is legally described as Lot 1 DP 104958. The site currently comprises undulating and undeveloped rural land and one residential dwelling.

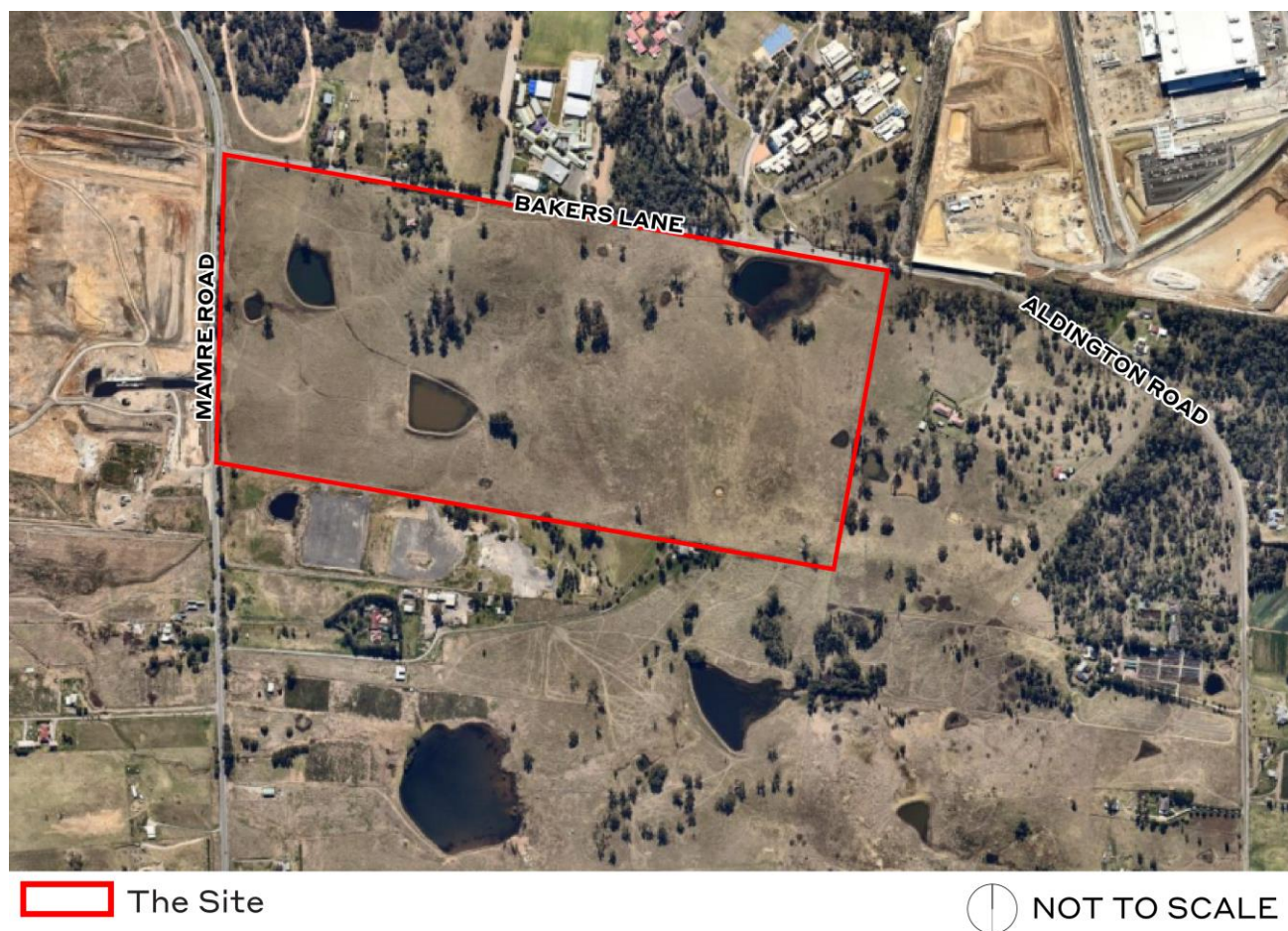


Figure 4 Site aerial

Source: Nearmap, edits by Ethos Urban

2.0 Description of proposed development

The SSDA will seek approval for the demolition of all existing structures, bulk earthworks of the site, subdivision and concept approval for seven warehouse building envelopes, associated office floor space and vehicle loading and parking areas.

Specifically, the SSDA will propose the following:

- A Concept Masterplan for the site comprising 7 industrial buildings, including:
 - An indicative total building area of 238,290m²;
 - Road layout including high order roads with external connections, and internal estate local industrial roads;
 - Conceptual building locations, car parking arrangements, building heights, setbacks and built form parameters;
 - Associated conceptual site landscaping; and
 - Provision of a corridor for the proposed future AGV Network.
- Detailed Stage 1 consent for site preparation, earthworks and infrastructure works on the site, including:
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 - Site wide bulk earthworks including 'cut and fill' to create flat development platforms for the warehouse buildings, and topsoiling and grassing/site stabilisation works;
 - Site wide roadworks and access infrastructure;
 - Stormwater and drainage works including stormwater basins, diversion of stormwater lines, gross pollutant traps and associated swale works;
 - Sewer and potable water reticulation; and
 - Inter-allotment, road and boundary retaining walls.

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

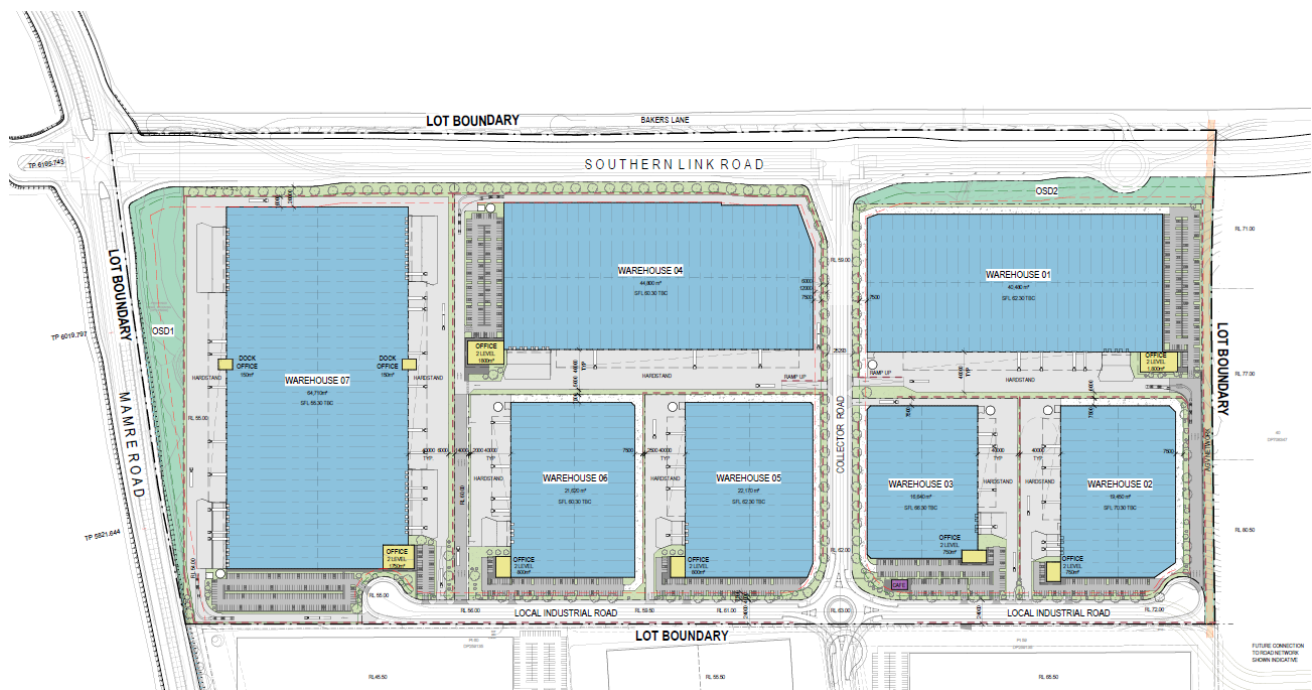


Figure 5 Preliminary development layout

Source: Watson Young Architects

3.0 Planning 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*;
- *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 Precinct 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. Warehouse 1 and the roads required to access this warehouse will have a CIV of approximately \$323,722,007.00, therefore exceeding the threshold in Schedule 1 of SEPP SRD.

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 zoned IN1 General Industrial. The proposed development for warehouse and distribution is permissible with development consent in the IN1 zone. Roads are also proposed to service the development and are permissible in the IN1 zone. An outline of the site's zoning is provided in **Figure 6** below.

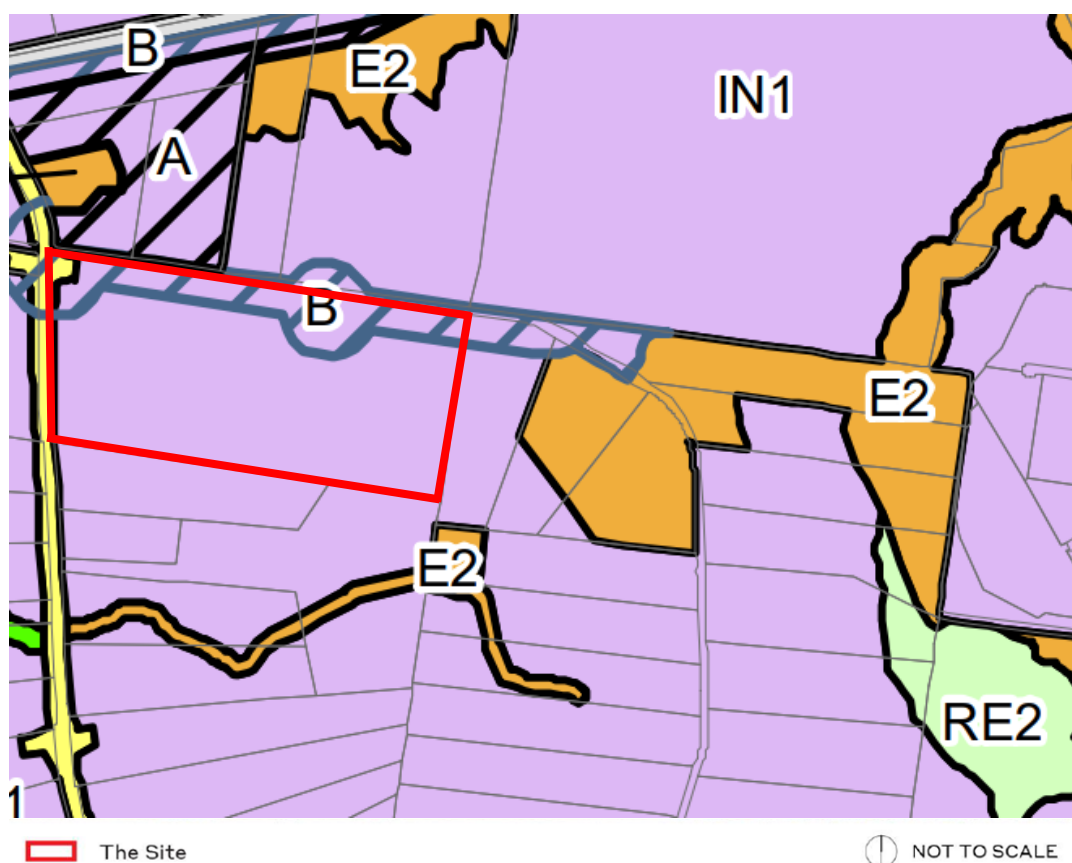


Figure 6 Land use zoning for the site

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, 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.

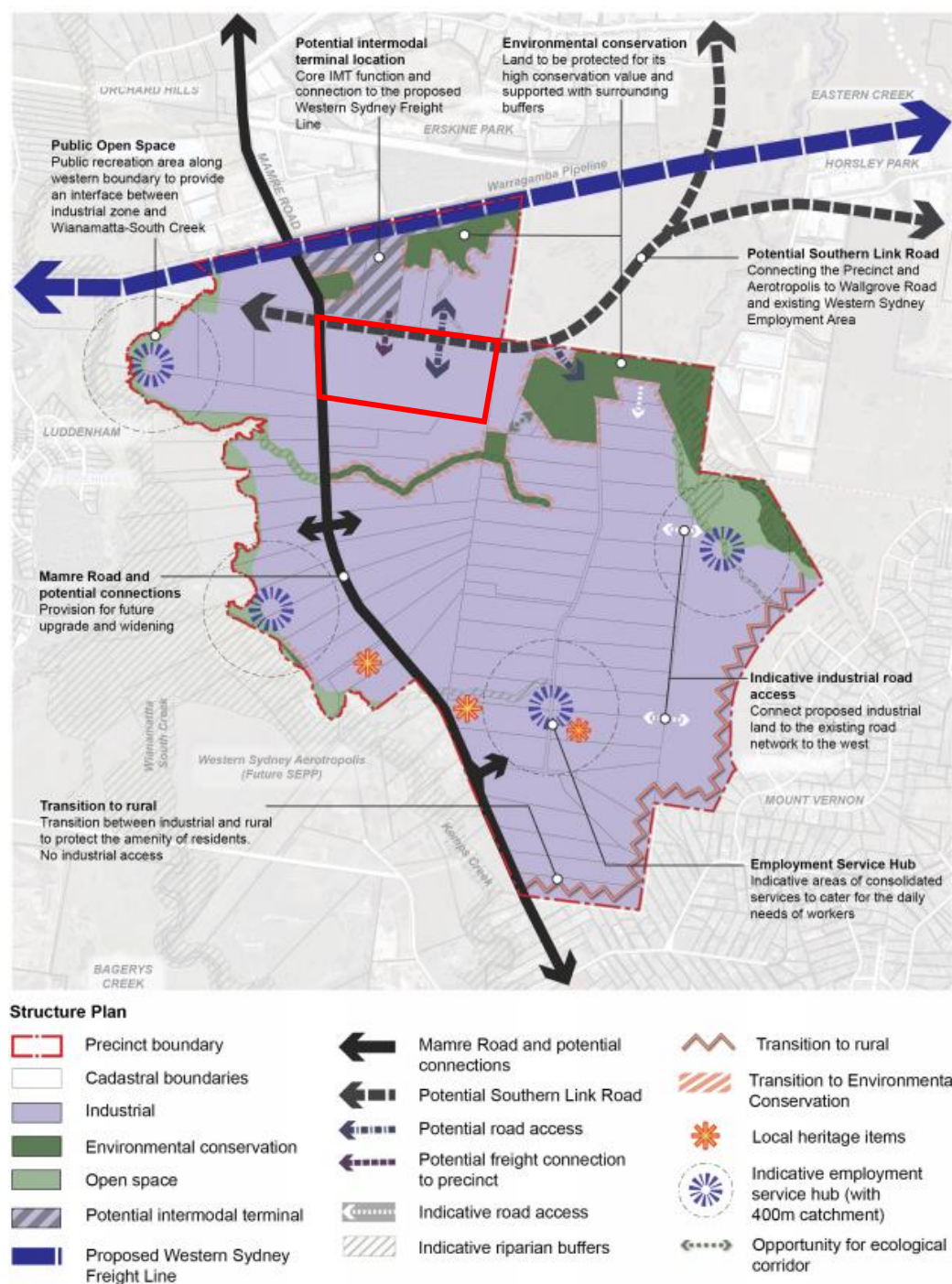


Figure 7 Mamre Road Precinct Structure Plan, in relation to the site

Source: Department of Planning, Industry and Environment, 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 Precinct 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 building envelopes proposed for the site. It will:

- outline the design rationale which has driven the arrangement and positioning of the building envelopes 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, 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 of the building envelopes 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;
- detail on relevant or required road upgrades, access points or road-related infrastructure to support the proposal; and
- 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 include a detailed assessment of 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 proposal on downstream flood behaviour.

The EIS will also address the Integrated Water Cycle Management provisions in the draft Mamre Road DCP and the site mean annual runoff volume (MARV) 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 site preparation and early works, as well as the 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 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.

The site is also located approximately 120m south of the Emmaus Catholic College, approximately 25m south of the Mamre Anglican School, and approximately 450m south of seniors living developments. The EIS will particularly focus on the potential impacts of the development on these sensitive land uses.

4.8 Air quality

An Air Quality Assessment in accordance with NSW Environment Protection Authority guidelines will accompany the EIS detailing any impacts caused by the site preparation and early works, as well as the 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.

4.9 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 Mamre Road and Bakers Lane (and future Southern Link Road) as well as the visual impact on nearby sensitive land uses.

4.10 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 demolition, site preparation works and operation, and the intended management of waste in terms of storage, removal off-site and disposal.

Aboriginal 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).

Archaeology

The EIS will be accompanied by a Historical Archaeologic Assessment which will assess the site and the level of archaeological significance of any apparent artefacts.

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 section 7.11 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 (TfNSW);
- Department of Planning, Industry and Environment;
- Western Sydney Planning Partnership;
- Western Parkland City Authority;
- WSA Co;
- Penrith City Council (Council);
- NSW Rural Fire Service and NSW Fire and Rescue;
- Mamre Anglican School; and
- Emmaus Catholic College.

It is noted that discussions have been undertaken with TfNSW, and a meeting has been arranged with Penrith City Council to inform them of the scope of the SSDA. Aliro and ISPT are also in the process of arranging meetings with the abovementioned schools that are in the vicinity of the site.

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 706-752 Mamre 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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