

14 April 2021

David Schwebel
Planning Officer, Industry Assessments
Department of Planning, Industry and Environment
Via email: david.schwebel@planning.nsw.gov.au

Dear Mr Schwebel,

Advisory comments on the Response to Submissions - State Significant Development Application - 200 Aldington Road Industrial Estate (SSD-10479)

Thank you for the opportunity to provide feedback on the Response to Submissions Report on the State Significant Development (SSD) application for the proposed Aldington Road Industrial Estate (SSD-10479) at No.106-228 Aldington Road, Kemps Creek NSW 2178 (Lots 30-32 in DP 258949 and Lots 20-23 in DP 255560) referred to as the 'subject site'.

It is understood the SSD application proposes a staged development including a concept proposal and Stage 1 works comprising the construction, fit-out and operation of a Stage 1 warehouse building and estate-wide earthworks, infrastructure and services.

I note the Western Sydney Planning Partnership (the Partnership) provided comments to the initial proposal on 11 December 2020. Therefore, the advice annexed as **Attachment 1** to this letter is an update to previous comments provided by the Partnership.

The Partnership still has concerns regarding the concept proposal which seeks the development of a warehouse and parking on land within the 1:100-year flood prone area. The Partnership remains concerned about this and the incompatible land use within land zoned RE2 Private Recreation.

I trust this information has been of assistance. If you have any more questions, please contact Mr Lance Collison, Senior Planning Officer, Planning Partnership Office on 9860 1536 or via email at lance.collison@planning.nsw.gov.au.

Yours sincerely



Anthony Pizzolato
Manager, Western Sydney Planning Partnership

Enclosed: Attachment 1.

Attachment 1 – Detailed comments on SSD-100479
Strategic Planning Context

The subject site at No.106-228 Aldington Road, Kemps Creek NSW 2178 (Lots 30-32 in DP 258949 and Lots 20-23 in DP 255560) is located within the Western Sydney Aerotropolis within the Mamre Road Precinct, which is an initial precinct. The majority of the site is identified for future employment land in the Western Sydney Aerotropolis Plan (WSAP) and in the Mamre Road Precinct Plan. The land was rezoned in mid-2020 to predominantly IN1 General Industrial zoning with part of lots 31-32 of DP 58949 zoned for E2 Environmental Conservation and RE2 Private Recreation under the *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (WSEA SEPP). The proposed warehouse or distribution centre is a use that is permitted with consent under the IN1 zone.

Application assessed against the Western Sydney Aerotropolis State Environmental Planning Policy (Aerotropolis SEPP)

Whilst the land is zoned under the WSEA SEPP, certain provisions of the State Environmental Planning Policy - Western Sydney Aerotropolis 2020 (Aerotropolis SEPP) apply to the site. The Aerotropolis SEPP applies to the site for the purpose of aligning the strategic objectives and Western Sydney Aerotropolis Plan to the site along with airport safeguarding provisions.

Part 3 Development controls—Airport safeguards

As mentioned in our advice provided on 11 December 2020, a key planning objective for the Aerotropolis is to safeguard the 24-hour operations of Western Sydney International (Nancy-Bird Walton) Airport. The site is partially within the 8 km wildlife buffer zone on the Wildlife Buffer Zone Map of the Aerotropolis SEPP and careful consideration must be given to any proposed vegetation or landscaping to minimise wildlife attraction as per Clause 21 of Part 3 of the Aerotropolis SEPP. Whilst the EIS has referenced this clause, the Partnership is of the view there is a requirement to provide a written assessment of the wildlife that is likely to be present on the land, and the risk of the wildlife to the operation of the Airport. The sites' RE2 and E2 land and proposed landscaping has the potential to attract wildlife. The previous advice requested a written assessment be provided as part of the SSD application.

In the Response to Submissions Report, it is noted that a written assessment has not been provided. In lieu of this, the response to submissions table provided by the proponent advises, *'The riparian zones on site have been the subject of a Biodiversity assessment (EIS Appendix W) and Riparian Assessment (EIS Appendix S). The riparian areas of the site are proposed to be managed by way of a Vegetation Management Plan. There is not a significant increase in riparian habitat as a result of the development and therefore no significant change to existing wildlife use is anticipated.'* However, these two documents (Appendix W and S) do not adequately address the previous request. Therefore, information shall be requested from the Proponent to close this matter out.

Application assessed against the Western Sydney Aerotropolis Plan (WSAP)

The WSAP establishes a vision, objectives and principles for the development of the Aerotropolis. The Mamre Road precinct is generally identified for industrial uses and may initially support the infrastructure that enables the construction of the Airport and Aerotropolis. Page 70 of the WSAP outlines the key considerations, strategic outcomes and implementation strategies for the Mamre Road Precinct.

Generally, the proposed development appears to be consistent with these. However, the Partnership remains concerned about the placement of the building footprints and parking areas partly within the 1:100 flood area under the revised concept masterplan and the impact such development will have on flood waters.

In addition, the Partnership is also concerned about the building footprint of Lot G and associated parking which is partly within land zoned RE2 Private Recreation (Figure 1). It is recommended that the building footprints be wholly contained within the IN1 General Industrial zone and above the 1:100-year flood prone land. If approved as per the current proposed application, it could set an undesirable precedent across the Aerotropolis that would be inconsistent with the strategic planning objectives of the WSAP.

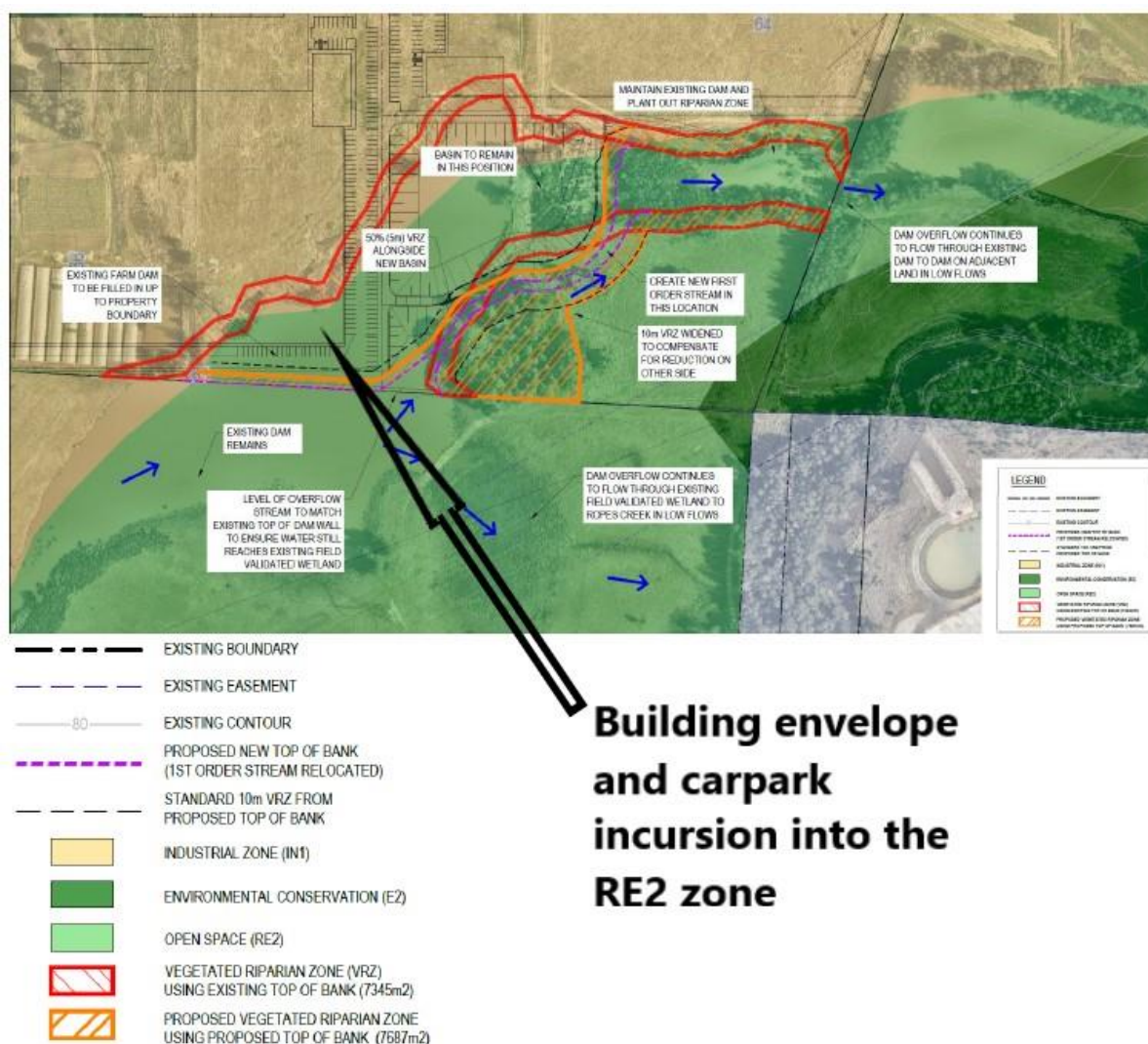


Figure 1: Building envelope and carpark incursions into the RE2 zone

It is noted in the response to submissions, the proponent advises, 'The proposal remains consistent with the NSW Flood Prone Land Policy and the assessed impacts of the proposal in a 1% AEP flood do not give rise to any significant additional private or public losses (refer to response by Cardno at Appendix J of the Submissions Report). The proposed development in the RE2 zone, as proposed in Section 6.2 and Appendix N of the Submissions Report, has also been assessed as being consistent with the NRAR

Guidelines. The changes to the plans such as the relocation of the first order watercourse may improve riparian outcomes but do not adequately address the development of warehouses within the RE2 zone, which is a prohibited use in the zone.

Aerotropolis planning principles

The proponent has addressed the Partnership's previous comments for the proposed SSD application regarding the Aerotropolis planning principles contained in the Appendix (pages 92-94) and provides a response as noted below.

Aerotropolis Planning Principle	Proponent response	Comment on proponent response
<ul style="list-style-type: none"> • SU1 - Retain and enhance natural features such as waterways, vegetation, landform and culturally significant landscapes. 	<ul style="list-style-type: none"> • <i>SU1 – the proposal includes the reestablishment of the riparian corridor (with riparian buffer) in the north-east corner of the site, which will support the enhancement of natural features with the Aerotropolis.</i> 	<p>Noted. The revised concept proposal with the re-establishment of a riparian corridor including a 10m riparian buffer on each side of the corridor should mitigate impacts on vegetation and enhance waterways. Appendix E - Aboriginal Cultural Heritage Assessment to the submissions report notes the north-east corner of the site is in a recommended salvage area and appropriate measures to mitigate heritage loss should be met.</p>
<ul style="list-style-type: none"> • SU3 - Retain water in the landscape by maximising appropriate permeable surfaces, reusing water and developing appropriate urban typologies. 	<ul style="list-style-type: none"> • <i>SU3 – the proposal looks to feasibly retain water on the site through detention basins, wetlands, deep soil and permeable surfaces while balancing the intended use of the site for warehousing and the associated hardstand areas which are associated with this typology.</i> 	<p>Noted. The stormwater redesign and habitat retention in the north east corner of the site should provide an improved riparian outcome. Meeting the water runoff targets set out in the draft and eventual final Mamre Road Precinct DCP will need to be considered.</p>
<ul style="list-style-type: none"> • SU4 - Orient urban development towards creeks and integrate into the landscape through quality open space, a high degree of solar access and tree canopy. 	<ul style="list-style-type: none"> • <i>SU4 – the orientation of development on the site has sought to maximise user efficiency and support better noise mitigation for surrounding development (especially for the recently approved Hindu Temple directly south of the site).</i> 	<p>Noted. However, it is unclear how the re-established riparian corridor in the North east corner of the site will be accessed by workers or how development will be orientated towards it.</p>

<p>• SU15 - Plan for compatible land uses within the floodplain, provide safe evacuation and egress from flood events and consider climate change, culvert blockage and floodplain revegetation.</p>	<p>• <i>SU15 – Safe evacuation and egress from floods is not an issue for floodwaters on the Ropes Creek floodplain. The fill platforms typically have 4+ m freeboard to the PMF level consequently any impact of climate change or floodplain revegetation on mainstream flood levels would have no impact on the development. There are no crossings proposed on the floodplain consequently culvert blockage is not a concern.</i></p>	<p>Noted. This planning principle has been addressed. However, consideration for making the area in the north-east corner of the site a safe space for the recreation of workers while maintaining a riparian corridor is requested.</p>
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On site recreation

In addition to the above, consideration should also be given to creating usable open space for future workers whilst achieving environmental outcomes and mitigating flood impacts.

The response to submissions advises in this regard, *The RE2 zone in the north east section of the site's primary purpose is to delineates the 1 in 100 year flood limit and not recreation. The development proposes to recreate a riparian corridor through this section with revegetation with riparian species. It is not considered desirable for public access to this area given the risk of illegal activities such as dumping etc. Suitable amenities for workers are proposed to be provided in open space areas within lots. These will be detailed in future DAs for individual buildings.*

However, The WSEA SEPP provides the following objectives for the RE2 Private Recreation zone,

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To enable development that does not increase the risk of natural hazards of the surrounding land (including, but not limited to, bush fire and flooding).

Therefore, a larger focus of this land should be for recreational purposes which should allow accessibility for workers. There should be further examination on how this land can achieve recreational spaces whilst also achieving environmental outcomes and mitigating flood impacts. It should be noted that due to the proposed building floorplates and hardstand areas, there will be limited opportunities for open space areas within lots as shown on the revised concept masterplan unless roofed areas provide this space.

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