

28 July 2022

2220224

Michael Cassel
Planning Secretary
Department of Planning and Environment
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

Attention: David Schwebel

Dear David,

State Significant Development Scoping: 1030-1048 & 1050-1064 Mamre Road and 59-62 & 63 Abbots Road, Kemps Creek – Westlink Stage 2

This letter has been prepared by Ethos Urban on behalf of ESR Australia (ESR) who are proposing to develop land identified as 1030-1048 and 1050-1064 Mamre Road, and 59-62 & 63 Abbots Road, Kemps Creek (the site). The intent is to redevelop the site for industrial purposes in line with the desired future outcomes of the Mamre Road Precinct and the State Environmental Planning Policy (Industry and Employment) 2021.

As the proposal is for the purposes of development for warehouse or distribution centres that has a capital investment value in excess of \$30 million, it is State Significant Development (SSD) by virtue of Clause 12 of Schedule 1 of State Environmental Planning Policy (Planning Systems) 2021.

The development comprises a State Significant Development Application (SSDA) for the site, proposing the delivery of two warehouse buildings with a total approximate gross floor area of 40,720m² (to be operated by a single tenant) and associated infrastructure required to be constructed for the development to operate, including internal access road construction and other associated on-site utilities.

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. It is anticipated that Industry Specific SEARs will apply to the development, with some site-specific elements as required consistent with other sites in the Mamre Road Precinct.

This letter should be read in conjunction with the following attached documentation:

- Architectural Plans prepared by ESR (**Attachment A**); and
- Cost Estimate Report prepared by ESR (**Attachment B**).

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 Employment Area and the Western Sydney Aerotropolis.

Surrounding land uses currently comprise a predominantly rural typology, with a variety of rural dwellings, rural land, farm dams and scattered vegetation. Beyond this, the Oakdale South industrial estate is located approximately 2.2km to the northeast of the site, and the established large lot residential housing community of Mount Vernon is located to the south east.



Source: Google Maps, edits by Ethos Urban

1.2 Site description

The site is located at 1030-1048 and 1050-1064 Mamre Road and 59-62 & 63 Abbotts Road, as shown in **Figure 4** below. The land is approximately 432,880m² in area and is irregular in shape. The site comprises four separate allotments (refer to **Table 1**), and is legally described as Lot 3 in DP250002, Lot 4 in DP250002, Lot 11 in DP253503 and Lot 12 in DP253503. The site currently comprises undulating rural land with a combination of residential dwellings, farm sheds, and miscellaneous agricultural greenhouses and structures.



Figure 2 Site aerial

Source: Nearmaps, edits by Ethos Urban

Table 1 Site description

Address	Title	Area (m2)
1030-1048 Mamre Road	Lot 3 / DP250002	116,136m ²
1050-1064 Mamre Road	Lot 4 / DP250002	101,648m ²
59-62 Abbotts Road	Lot 12 / DP253503	104,916m ²
63 Abbotts Road	Lot 11 / DP253503	110,200m ²

2.0 Description of the proposed development

The SSDA will seek built form approval for warehousing and distribution purposes. Specifically, the current proposal will seek approval for:

- Site preparatory works, including:
 - Demolition and clearing of all existing built form structures and vegetation;
 - Bulk earthworks including 'cut and fill' to create flat development platforms for the proposed buildings, and topsoiling, grassing and site stabilisation works;
- Subdivision of the site into five individual lots with two being residual lots for future development;
- Construction of a new industrial estate at the site comprising two industrial allotments and a total gross floor area of approximately 40,720m², including:
 - Two new industrial warehousing buildings with ancillary offices across two allotments, comprising a total of 40,720m² of warehousing floorspace and ancillary office floor space.
- Construction of a new internal road layout including connectivity to the internal access road proposed under Westlink Stage 1 and car parking areas;
- Associated site servicing works and ancillary facilities, including an OSD detention basin located on one allotment;
- Associated site landscaping; and
- Signage.

The proposal will be undertaken in accordance with the Architectural Plans prepared by ESR at **Attachment A**, an excerpt of which is shown in **Figure 6** below.

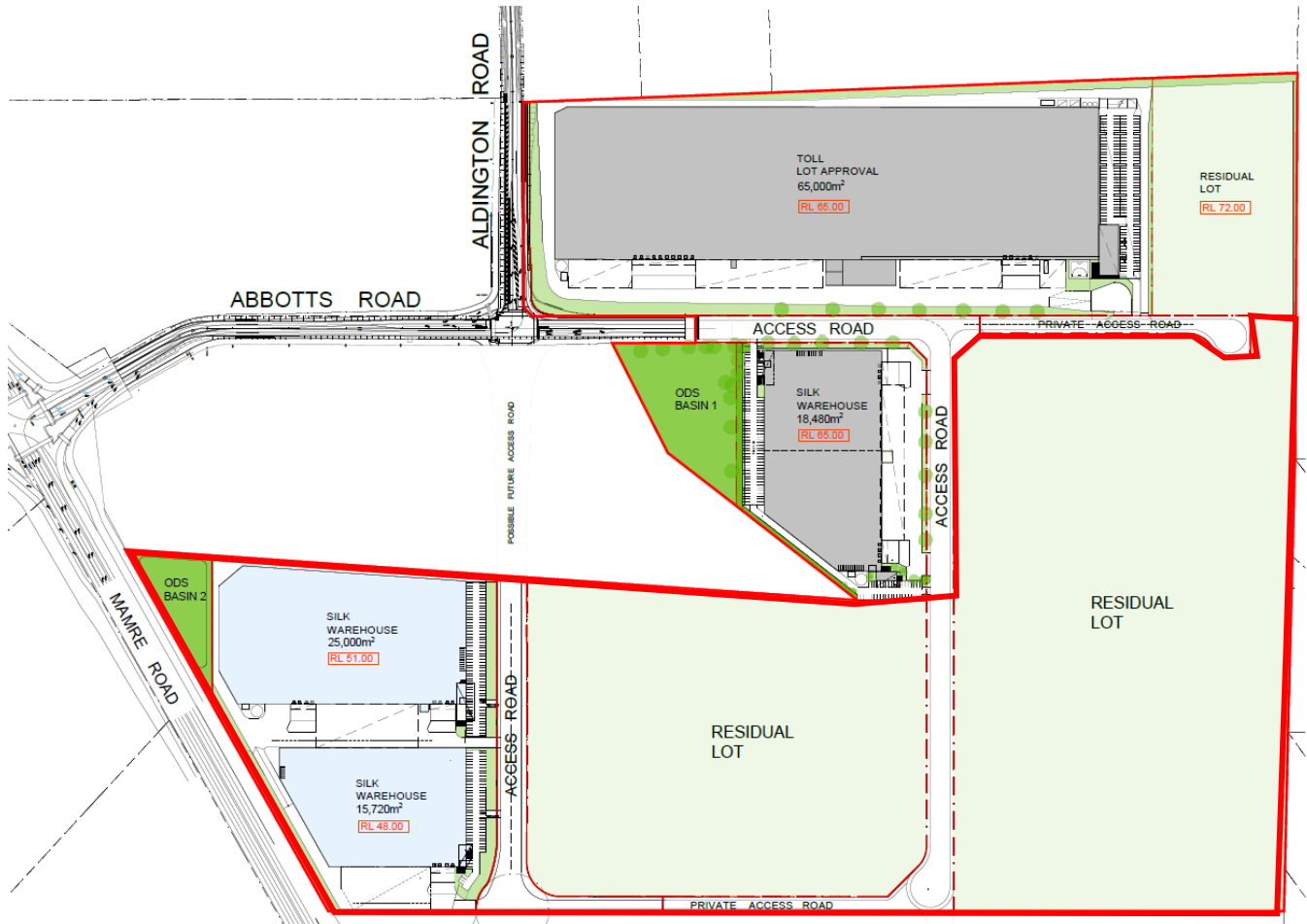


Figure 3 *Proposed masterplan*

Source: ESR

It is noted that the easternmost proposed residual lot overlaps with the current Westlink Stage 1 SSD9138102 and proposed industrial warehouses. The intention is for an amendment to the Westlink Stage 1 area to be submitted to reflect the desired outcomes within Stage 2.

3.0 Statutory Context

This section of the Scoping Report provides for a simple overview of the key statutory requirements for the project.

3.1 Environmental Planning and Assessment Act 1979 (EP&A Act)

Development consent will be sought under 'Division 4.7 - Stage Significant Development' of the EP&A Act. Section 4.36(2) of the EP&A Act states that:

A State environmental planning policy may declare any development, or any class or description of development, to be State significant development.

Schedule 1 of *State Environmental Planning Policy (Planning Systems) 2021* lists development that is declared State significant development. Schedule 1 Clause 12 states:

12 Warehouses or distribution centres

(1) Development that has a capital investment value of more than the relevant amount for the purpose of warehouses or distribution centres (including container storage facilities) at one location and related to the same operation.

d(2) This section does not apply to development for the purposes of warehouses or distribution centres to which section 18 or 19 applies.

(3) In this section—

relevant amount means—

(a) for development in relation to which the relevant environmental assessment requirements are notified under the Act on or before 31 May 2023—\$30 million, or

(b) for any other development—\$50 million.

As the project is for a warehouse and distribution estate with a cost of more than \$30 million, it is declared State Significant Development.

3.2 Other Legislative Considerations

The following section outlines other legislative approvals required for the project in addition to a development consent under Division 4.7 of the EP&A Act.

Consistent Approvals

Section 4.42 of the EP&A Act stipulates that certain authorisations cannot be refused if they are necessary for carrying out State significant development. The following table lists legislative approvals that are not likely to be required for the Project.

Table 2 Consistent Approvals under Section 4.42 of the EP&A Act

Act	Approval Required
Legislation that must be applied consistently	
Fisheries Management Act 1994	No
Mine Subsidence Compensation Act 1961	No
Mining Act 1992	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	Yes
Pipelines Act 1967	No

Commonwealth Environmental Protection and Biodiversity Act 1999

The *Environmental Protection and Biodiversity Act 1999* (EPBC Act) provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities, and heritage places. These are known as matters of National Environmental Significance. If the proposed development will, or is likely, to impact a matter of National Environmental Significance, then it is required to be referred to the Federal Department of the Environment for assessment to determine if it constitutes a 'controlled action' requiring EPBC approval. Presently, a bilateral agreement allows the Commonwealth Minister for the Environment to rely on the NSW environmental assessment process when assessing a controlled action under the EPBC Act.

The proposed development is not likely to impact a matter of National Environmental Significance. Therefore, the project is not required to be referred to the Federal Department of the Environment to determine if it constitutes a controlled action and the bilateral agreement applies.

Approvals not required for State Significant Development

Section 4.41 of the EP&A Act stipulates that certain authorisations are not required for State significant development. The following legislative approvals would otherwise potentially be required if the project was not State significant.

Table 3 *Legislation that does not apply*

Legislation	Approval Otherwise Required
Legislation that does not apply to State Significant Development	
Fisheries Management Act 1994	No
Heritage Act 1977	No
National Parks and Wildlife Act 1974	No
Rural Fires Act 1997	No
Water Management Act 2000	Yes

The proposal would usually require a Controlled Activity Approval under the Water Management Act 2000 for impacts on the mapped hydroline running through the site.

3.3 Pre-Conditions to Exercising the Power to Grant Consent

The following section identifies pre-conditions to be fulfilled by the consent authority before exercising their power to grant development consent. These have been considered for the project based on the proposed masterplan.

Table 4 *Pre-Conditions*

Legislation	Pre-Condition
Biodiversity Conservation Act 2016	Section 7.9 requires a development application for State significant development to be accompanied by a Biodiversity Development Assessment Report (BDAR). Section 7.14 requires the consent authority to take into consideration the likely impact of the proposed development on biodiversity values as assessed in the Biodiversity Development Assessment Report. A BDAR will be prepared for the application.
State Environmental Planning Policy (Transport and Infrastructure) 2021	Section 2.121 requires the consent authority to provide Transport for NSW with written notice of the development application for developments considered a 'traffic generating activity'. The proposal is a 'traffic generating activity' as it is for a warehouse or distribution centre with a site area of more than 8,000sqm. Section 2.48 requires the consent authority to give written notice to the electricity supply authority for the area and take into consideration any response to that notice before granting consent to a development likely to affect an electricity transmission or distribution network. The proposal does not impact on any electricity transmission or distribution network.
State Environmental Planning Policy (Industry and Employment) 2021	Section 3.6 stipulates that a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied that: <ul style="list-style-type: none"> the signage is consistent with the objectives of the SEPP, and the signage satisfies the assessment criteria specified in Schedule 1 of the SEPP.

Legislation	Pre-Condition
	Signage will be proposed as part of the application and an assessment will be carried out.
State Environmental Planning (Resilience and Hazards) 2021	<p>Section 4.6 stipulates that a consent authority must not consent to the carrying out of development unless:</p> <ul style="list-style-type: none"> • It has considered whether the land is contaminated, and • if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and • if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose. <p>A Detailed Site Investigation will be carried out to identify that the land is suitable.</p>

3.4 Additional Matters for Consideration

Other matters to be considered are addressed below.

3.4.1 Protection of the Environment Operations Act 1997

The *Protection of the Environment Operations Act 1997* (POEO Act) regulates operations which have the potential to harm the environment. Schedule 1 of the POEO Act specifies development that is classified as a scheduled activity. Pursuant to Schedule 1 Clause 39(2)(e), the proposed development does not comprise of works classified as a scheduled activity.

3.4.2 Water Management Act 2000

The proposed development would, if not for s4.41 of the EP&A Act, require a controlled activity approval under Section 91 of the *Water Management Act 2000* for works on waterfront land as it proposes works within the 40m buffer zone surrounding the mapped watercourse in the central part of the site.

3.4.3 Heritage Act 1977

The *Heritage Act 1977* provides for the protection of historic heritage and includes a process for listing of heritage deposits and/or relics that are of State significance on the State Heritage Register and those that are of Local significance on the State Heritage Inventory. There are no heritage items on the site.

3.4.4 National Parks and Wildlife Act 1974

The National Parks and Wildlife Act 1974 provides for the protection of Aboriginal cultural heritage. An Aboriginal Cultural Heritage Assessment Report will be prepared for the proposal.

3.4.5 Rural Fires Act 1997

The *Rural Fires Act 1997* establishes a duty for owners and occupiers of land to prevent bushfires and provide for bushfire protection measures including hazard reduction. The proposed development is occurring on land identified as being bushfire prone. To assess the risk of bushfire on the site and recommend bushfire protection measures a Bushfire Protection Assessment will be prepared.

3.4.6 State Environmental Planning Policy (Industry and Employment) 2021

Chapter 2 – Western Sydney Employment Area

The Industry and Employment SEPP provides consistent zoning and development control provisions to facilitate development of the area known as the Western Sydney Employment Area (WSEA) for the purposes of employment and industry. By virtue of this, the Industry and Employment SEPP is the primary Environmental Planning Instrument applicable to the site.

The Industry and Employment SEPP governs land use across a wide range of areas, including the Mamre Road Precinct which the subject site is part of. The Industry and Employment SEPP primarily zones the subject land as IN1 General Industrial. The intent of this framework is to facilitate future development in the Mamre Road Precinct which can support in-demand industrial land supply.

The proposed uses proposed as part of this future SSDA are permissible and consistent with the respective zoning objectives.

An assessment against the requirements of the SEPP will be provided with the application.

Mamre Road Development Control Plan

The site is located within the area identified within the Mamre Road Development Control Plan, which came into force in November 2021.

A detailed assessment against the DCP will be provided with the application.

Chapter 3 – Advertising and Signage

Chapter 3 – Advertising and Signage of the Industry and Employment SEPP applies to advertising and signage within NSW. Clause 3.1(1)(a) aims to ensure that advertising and business or site identification signage is compatible with the desired amenity and visual character of an area; provides effective communication in suitable locations; and is of high-quality design and finish. Any proposed signage in the development will undergo an assessment against the relevant provisions of Chapter 3.

3.4.7 State Environmental Planning Policy (Precincts – Western Parkland City) 2021

The former *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020* (Aerotropolis SEPP) was recently gazetted in September 2020. The former Aerotropolis SEPP has been consolidated to form Chapter 4 of the new *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* (Parkland City SEPP). Therefore, Chapter 4 – Western Sydney Aerotropolis of the Parkland City SEPP provides the assessment framework and controls to guide future development within the Western Sydney Aerotropolis.

The site, now that the Parkland City SEPP has been gazetted, is not located within land subject to this SEPP. However, Part 4.3 and Section 4.27 of the Parkland City SEPP, relating to airport safeguards and transport corridors, do apply to the site.

Section 4.27 does not affect the site as no transport corridors are located within proximity.

Part 4.3 of the Parkland City SEPP provides for airport safeguard controls which are generally consistent with those provided within Part 5 of the Western Sydney Aerotropolis Plan. These will be considered in the SSDA.

3.4.8 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 9 – Hawkesbury-Nepean River of the *State Environmental Planning Policy (Biodiversity and Conservation)* seeks to ensure that the potential impact to Hawkesbury-Nepean River as caused by development are considered in a regional context. Chapter 9 applies the site and the general planning considerations prescribed in the chapter will be considered as part of the application.

Part 9.4 of the Biodiversity and Conservation SEPP specifies planning policies and recommended strategies. Part 9.7 outlines specific development controls – it is noted warehouse and distribution centres are not identified.

4.0 Engagement

Engagement is proposed to be carried out through the preparation of the EIS prior to submission of the SSDA. This process is intended to include liaison with surrounding property owners, both within the Mamre Road Precinct and the adjoining Mount Vernon and may include the following activities:

- a Community Information Webinar
- Management and co-ordination of a 1800 number and email address for enquiries and event logistics
- Letterbox drop of appropriate community information package

Liaison with key agencies as potentially identified within the SEARs is also proposed, anticipated to include:

- Penrith City Council;
- Department of Planning and Environment, inclusive of Water Group;
- Endeavour Energy;
- Fire and Rescue NSW;
- NSW Rural Fire Service;
- Sydney Water;
- Transport for NSW;
- Western Sydney Airport; and
- Western Parkland City Authority.

It is noted Industry Specific SEARs do not specifically identify these agencies, however they are anticipated to be engaged with through the preparation of the EIS package.

5.0 Proposed Assessment of Impacts

The following provides a high level assessment of impacts anticipated to require assessment for the proposal, and those key matters requiring further assessment in the EIS and the proposed approach to assessing each of these matters. The purpose of considering these factors at this stage is to inform the preparation of any additional assessment requirements beyond the Industry Specific SEARs.

5.1 Transport, Traffic and Accessibility

As identified in other SSDs currently under assessment in the Mamre Road Precinct, the capacity of regional and local roads to safely accommodate the substantial number of developments in the Precinct is to be considered. It is proposed that a Transport Management and Access Plan, including a traffic impact assessment, be carried out to demonstrate both construction and operational traffic can be accommodated on the road network, noting the design is still to be finalised by both Penrith Council and Transport for NSW.

5.2 Noise and Vibration

A Noise and Vibration Assessment will be undertaken to assess the main noise and vibration generating sources during construction and outline measures to minimise and mitigate the potential noise impacts on surrounding sensitive receivers. It is noted however that surrounding existing residential dwellings are largely unoccupied or in the process of being redeveloped for industrial purposes.

As part of the assessment, operational noise will be considered including the development of a Noise Management Precinct, consistent with previous DPE requests for SSDs in the area. This will consider a sensitivity analysis of likely noise emissions from the range of anticipated tenants and industries.

5.3 Stormwater and Wastewater

An Integrated Water Cycle Management report will be prepared for the proposal, noting the requirements of the Mamre Road DCP and the ongoing work with Sydney Water to establish a regional solution. As such, it is likely that an interim solution will be proposed until such time as the regional solution is finalised and timeframes are confirmed. This will require consideration of water quality and quantity targets, and a staged approach in developing the proposal.

5.4 Cumulative Impacts

Given the multitude of development within the Precinct, cumulative impacts will be considered across the proposed deliverables for the SSD, and summarised in the EIS when prepared.

5.5 Matters not requiring further assessment beyond Industry Specific SEARs

The following matters are considered to be addressed by Industry Specific SEARs requirements for Warehouses and Distribution Centres, and no site-specific considerations are considered necessary. Note that final deliverables will be confirmed pending the outcome of on-site investigations.

Table 5 *Matters that do not require further assessment beyond Industry Specific SEARs*

Specific Matter	Assessment	Anticipated Deliverable
Statutory Context	The relevant statutory and strategic context will be considered within the EIS as required.	<ul style="list-style-type: none"> EIS
Capital Investment Value and Employment	Details of the cost of works plus employment figures will be provided with the application.	<ul style="list-style-type: none"> Cost Summary Report Social and Economic Impact Assessment
Design Quality	The architectural plans and EIS will address how the design satisfies the requirements for good design in accordance with Better Placed.	<ul style="list-style-type: none"> EIS Architectural Plans Urban Design Report

Specific Matter	Assessment	Anticipated Deliverable
Built Form and Urban Design	The application will address the proposed built form including a site analysis, and consider how the built form meets the appropriate requirements while addressing site context. The proposed deliverables are anticipated to be sufficient to address this requirement.	<ul style="list-style-type: none"> • Architectural Plans • Urban Design Report • Subdivision Plans • Building Code of Australia Assessment Report • Aviation Safeguarding Assessment (DCP requirement, either standalone or within EIS) • Accessibility Report • Crime Prevention Through Environmental Design (DCP requirement)
Visual Impact	A Visual Impact Assessment will consider the impact of the proposal in terms of the visual landscape, noting the area is undergoing significant transition to an industrial precinct. It is assumed that the assessment will consider that Stage 1 of Westlink is approved as currently proposed, noting that there may be changes to the design however ultimate visual impacts should not be substantially different from the current design.	<ul style="list-style-type: none"> • Visual Impact Assessment
Trees and landscaping	Landscaping of the proposal will be considered and addressed as required, ensuring consistency with the requirements of the DCP, including consideration of urban heat island impacts and tree canopy cover.	<ul style="list-style-type: none"> • Landscaping Plans
Ecologically Sustainable Development	ESD principles will be considered in the application and addressed as required. No further assessment beyond the standard Industry Specific SEARs is considered required.	<ul style="list-style-type: none"> • ESD Report
Biodiversity	Section 7.9 of the <i>Biodiversity Conservation Act 2016</i> requires that an EIS submitted with an SSD application be accompanied by a biodiversity development assessment report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values. A BDAR will be provided with the EIS and biodiversity impacts will be addressed in the EIS.	<ul style="list-style-type: none"> • Biodiversity Development Assessment Report • Wildlife Management Report
Air Quality	Air quality will be addressed within the SSDA noting the requirements of the Mamre Road DCP.	<ul style="list-style-type: none"> • Air Quality Impact Assessment
Ground and Water Conditions	Noting excavation is proposed, groundwater assessments and investigations will be carried out consistent with the requirements of the Mamre Road DCP. These will include salinity and geotechnical assessments, to address the potential impacts on groundwater, considering water discharge and acid sulphate soils.	<ul style="list-style-type: none"> • Geotechnical Report • Salinity Assessment • Civil Engineering Report (to address surface and groundwater impacts)

Specific Matter	Assessment	Anticipated Deliverable
Flooding Risk	The site is not identified as flood prone under Penrith Council flood studies or mapping. As such, no further assessment is considered necessary however will be addressed in the EIS.	<ul style="list-style-type: none"> EIS
Hazards and Risks	No anticipated hazardous or dangerous materials are anticipated to be proposed.	<ul style="list-style-type: none"> EIS
Contamination and Remediation	The site is not anticipated to contain significant contamination based on its historical agricultural use, and a Preliminary Site Investigation is being carried out to confirm the presence of any Contaminants of Concern. If remediation is required or further detail necessary, a DSI and RAP will be prepared and provided with the application.	<ul style="list-style-type: none"> Preliminary Site Investigation Detailed Site Investigation (if required) Remedial Action Plan (if required)
Waste Management	A Waste Management Plan will accompany the SSD for site establishment and construction works.	<ul style="list-style-type: none"> Waste Management Plan
Aboriginal Cultural Heritage	Preparation of an Aboriginal Cultural Heritage Assessment Report will be prepared in accordance with the Guide to Investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011). Part of the site in its eastern end is identified as contained moderate-high and high Aboriginal potential.	<ul style="list-style-type: none"> Aboriginal Cultural Heritage Assessment Report
Environmental Heritage	The site is not near any identified areas of environmental heritage. Notwithstanding, a Heritage Impact Statement will be prepared.	<ul style="list-style-type: none"> Heritage Impact Statement
Social Impact	A Social and Economic Impact Assessment (SEIA) will be submitted with the EIS. The reports will address the expected social and economic impacts of the project, including any mitigation measures as necessary. The SEIA will have regard to the Social Impact Assessment Guideline for State Significant Development (DPIE 2021).	<ul style="list-style-type: none"> Social and Economic Impact Assessment
Infrastructure Requirements and Utilities	Consultation will be undertaken with all relevant service providers in relation to any required capacity augmentation of existing services to the site.	<ul style="list-style-type: none"> Utilities and Infrastructure Report
Bushfire Risk	The site is identified as being bushfire prone within Penrith Council's mapping, containing Vegetation Category 2 land. A Bushfire Assessment will be provided with the EIS that will demonstrate satisfactory compliance with the relevant provisions of Planning for Bushfire Protection 2019.	<ul style="list-style-type: none"> Bushfire Assessment
Construction, Operation and Staging	Details of construction management (including weed management), operational requirements (including hours of operation) and staging will be included in the SSDA package.	<ul style="list-style-type: none"> EIS Weed Eradication and Management Plan (DCP requirement)
Contributions and Public Benefit	Contributions and public benefit will be addressed in the EIS.	<ul style="list-style-type: none"> EIS
Engagement	As indicated above in Section 5, engagement activities will be carried out.	<ul style="list-style-type: none"> Consultation Outcomes Report

6.0 Conclusion

This letter provides a preliminary summary of the proposed warehouse and distribution facility, Westlink Stage 2, comprising a SSDA to be submitted to DPE. It is considered the application meets the requirements for Industry Specific SEARs, noting there are some site-specific elements to be considered, consistent with other SSDAs currently under assessment in the Mamre Road Precinct.

Should you have any queries please contact me on the below details.

Yours sincerely,



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