

# Notice of decision

## Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

<b>Application type</b>	State significant development
<b>Application number and project name</b>	SSD-9522 Kemps Creek Warehouse, Logistics and Industrial Facilities Hub
<b>Applicant</b>	Frasers Property Australia Pty Ltd and Altis Bulky Retail Pty Ltd
<b>Consent Authority</b>	Minister for Planning and Public Spaces

### Decision

The Executive Director, Energy, Industry and Compliance, under delegation from the Minister for Planning and Public Spaces has, under section 4.38 of the *Environmental Planning and Assessment Act 1979* (**the Act**) granted consent to the development application subject to the recommended conditions.

A copy of the development consent is available [here](#).

A copy of the Department of Planning, Industry and Environment's Assessment Report is available [here](#).

### Date of decision

21 December 2020

### Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the objects of the Act;
- the considerations under s 7.14(2) and 7.16(3) of the *Biodiversity Conservation Act 2016* (NSW);
- applicable NSW Government policies and guidelines;
- all information submitted to the Department during the assessment of the development application;
- advice from relevant NSW Government authorities and Penrith City Council; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development application are as follows:

- the development would provide a range of benefits for the region and the State as a whole, including 1,650 jobs in western Sydney and a total capital investment of \$242 million in the Penrith local government area;
- the development is permissible with development consent under *State Environmental Planning Policy (Western Sydney Employment Area) 2009*;
- the development is consistent with NSW Government policies, including the Greater Sydney Region Plan – A Metropolis of Three Cities and the Western City District Plan;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent; and
- weighing all relevant considerations, the development is in the public interest, subject to strict conditions of consent.

## Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement for the project from 7 June 2019 until 8 July 2019 (31 days) and received four community submissions, including one objection.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report include the development's strategic and statutory context, impacts on local services and infrastructure, traffic impacts and construction impacts.

<i>Issue</i>	<i>Consideration</i>
<b>Inconsistency with strategic and statutory context</b>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The site was rezoned under State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP). The development is permissible with consent in the IN1 General Industrial zone under the WSEA SEPP.</li> <li>Corridors have been reserved through the site to the satisfaction of TfNSW for the future Western Sydney Freight Line (WSFL) and the Southern Link Road (SLR).</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>The corridors for the WSFL and SLR must not be developed.</li> </ul>
<b>Strain on local services and infrastructure</b>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Applicant's Service Infrastructure Assessment details the servicing requirements for the site. Sydney Water and Endeavour Energy were consulted during exhibition and advised the required infrastructure can be provided, at the Applicant's cost.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>Obtain the necessary approvals and licences to service the lots prior to subdivision.</li> </ul>
<b>Cumulative traffic impacts</b>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Applicant's Traffic Impact Assessment considered future development within the precinct and background traffic growth.</li> <li>The Applicant demonstrated key intersections and the local road network were able to accommodate traffic from the development.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>Deliver upgrades to the Mamre Road and Bakers Lane intersection and to Mamre Road within specific timeframes, to the satisfaction of TfNSW.</li> <li>Ensure no vehicles queue on the public road network.</li> </ul>
<b>Construction noise, dust and traffic impacts</b>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>Under the worst-case scenario, construction noise levels would be below the noise management levels at all receivers, except two locations where minor exceedances would occur. These exceedances are temporary and considered minor and at locations which have been rezoned for industrial purposes under the WSEA SEPP.</li> <li>The Air Quality Impact Assessment concluded construction dust impacts would be low subject to the implementation of the recommended management measures.</li> <li>Construction traffic would use an interim left in/ left out access point off Mamre Road at the south-eastern corner of the site, allowing construction vehicles to enter and exit the site without crossing Mamre Road, minimising impacts on the road network.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>Adhere to standard construction working hours.</li> <li>Prepare and implement a Construction Noise and Vibration Management Plan and Construction Air Quality Management Plan.</li> <li>Prepare and implement a Construction Traffic Management Plan in consultation with the nearby education precinct, the retirement village and the aged care home.</li> <li>Require construction traffic to use an interim left in/ left out access point prior to completion of the upgrade to the Mamre Road and Bakers Lane intersection.</li> </ul>
<b>Incorporate green infrastructure and water sensitive urban design (WSUD) elements</b>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>WSUD elements include infiltration trenches and bio-retention basins, bioswales, rain gardens, reuse of rainwater and gross pollutant traps. The development also incorporates energy efficiency measures including the use</li> </ul>

	<p>of solar panels, passive solar design and LED lighting strategies.</p> <ul style="list-style-type: none"> <li>• The development aims to achieve a Six-Star Green Star Design and an As-Built V1.1 rating, as defined by the Green Building Council of Australia.</li> <li>• The development was amended so that a larger portion of the site would be reserved for open space. The Applicant has also proposed landscaping throughout the development area.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>• Prepare detailed landscape plans in consultation with Council prior to commencing landscaping works.</li> </ul>
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