



Kemps Creek Warehouse, Logistics and Industrial Facilities Hub Modification 2

Amendments to Estate Roads
State Significant Development Modification Assessment
(SSD-9522-Mod-2)

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Glossary

Abbreviation	Definition
AEP	Annual Exceedance Probability, meaning the chance of a flood of a given or larger size occurring in any one year
Applicant	Fraser's Property Australia and Altis Bulky Retail Pty Ltd
Council	Penrith City Council
Department	Department of Planning and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
GFA	Gross Floor Area
Industry and Employment SEPP	State Environmental Planning Policy (Industry and Employment) 2021
Minister	Minister for Planning
RMS	Roads and Maritime Services, TfNSW
RtS	Response to Submissions provided in a letter titled 'RE: Response To Submissions – Proposed Section 4.55(1A) Modification Application – SSD 9522 (Mod 2), Property at 657-769 Mamre Road, Kemps Creek (Lot 34 DP 1118173, Lots X & Y DP 421633, Lot 1 DP 1018318 & Lot 22 DP 258414)', prepared by Willowtree Planning Consulting Pty Ltd and dated 10 December 2021
SEE	Statement of Environmental Effects titled 'RE: Section 4.55(1A) Modification Application – SSD 9522 (Mod 2), Property at 657-769 Mamre Road, Kemps Creek (Lot 34 DP 1118173, Lots X & Y DP 421633, Lot 1 DP 1018318 & Lot 22 DP 258414)', prepared by Willowtree Planning Consulting Pty Ltd and dated 19 October 2021
SEPP	State Environmental Planning Policy
SSD	State Significant Development
TfNSW	Transport for NSW
Western Parkland City SEPP	State Environmental Planning Policy (Precincts – Western Parkland City) 2021

Abbreviation	Definition
WSA	Western Sydney Aerotropolis
WSEA	Western Sydney Employment Area
WSEA SEPP	State Environmental Planning Policy (Western Sydney Employment Area) 2009

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1 Introduction

This report provides the NSW Department of Planning and Environment's (the Department's) assessment of an application to modify the State significant development (SSD) consent for the Kemps Creek Warehouse, Logistics and Industrial Facilities Hub (SSD-9522). The modification application seeks consent to reduce the widths of the estate roads, remove the Sequence 1B intersection works and increase the overall Gross Floor Area (GFA) of the development from 186,123 square metres (m²) to 187,378 m².

The application was lodged on 11 November 2021 by a joint venture between Frasers Property Australia (Frasers) and Altis Bulky Retail Pty Ltd (Altis) (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

The Applicant is constructing a warehousing estate at 657-769 Mamre Road, Kemps Creek in the Penrith City local government area. The approved development involves the construction of seven warehouse buildings with a total GFA of 186,123 m² over seven lots.

The site location is shown in **Figure 1** and the local context is shown in **Figure 2**.

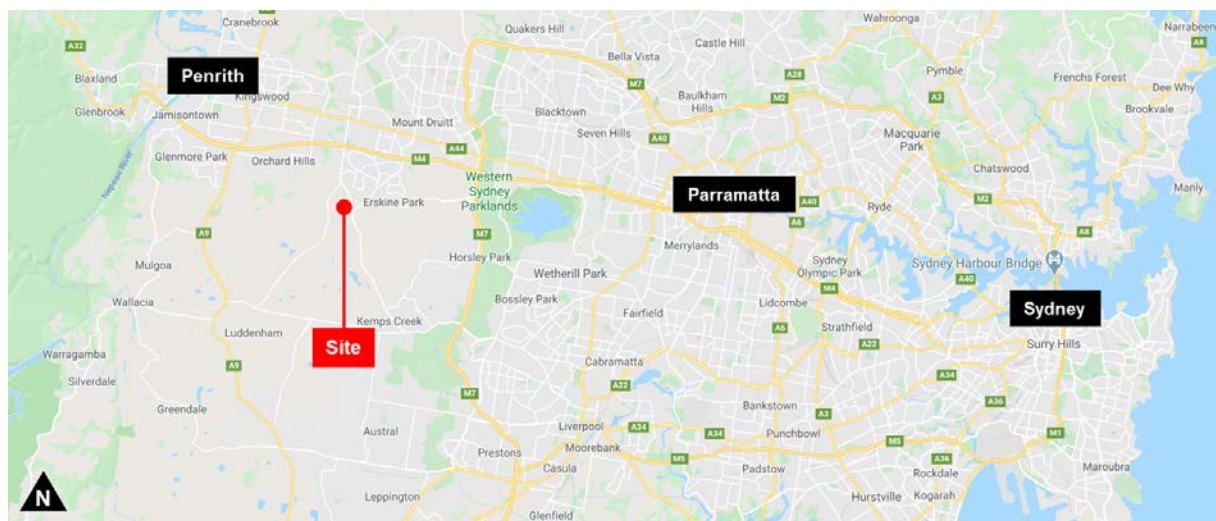


Figure 1 | Regional context

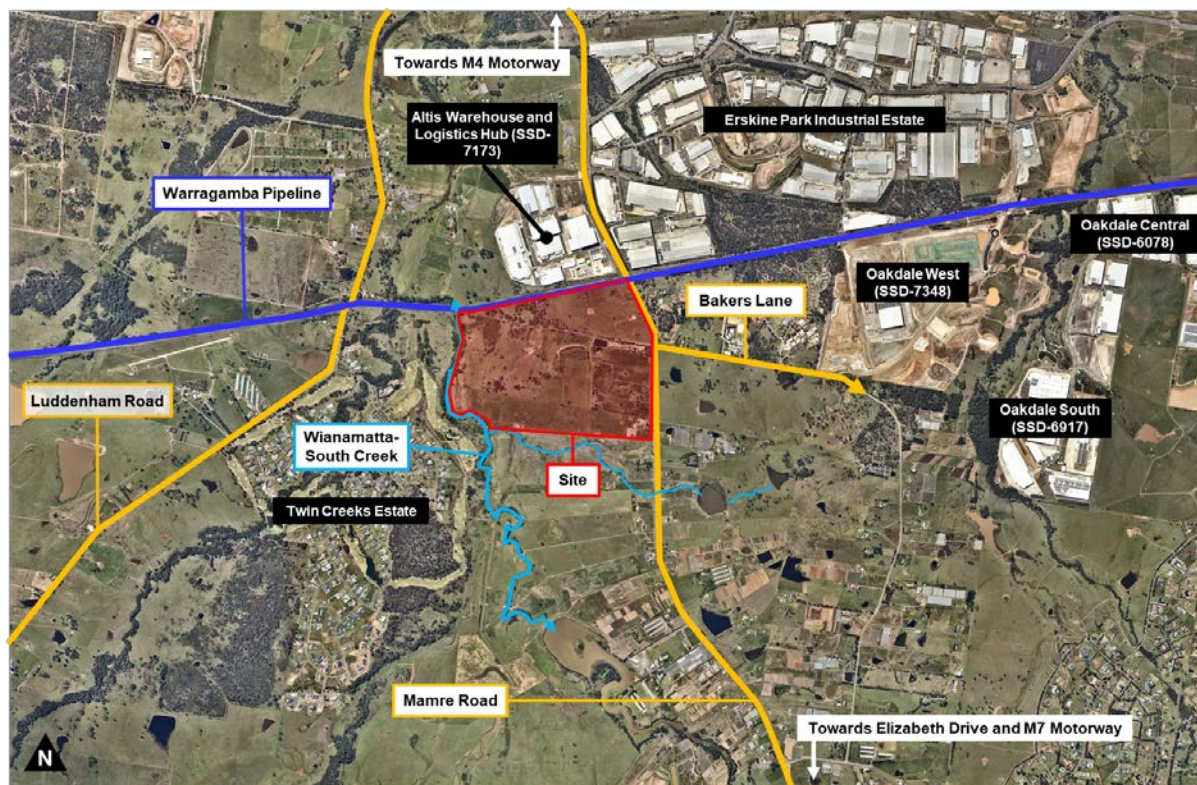


Figure 2 | Local context

The site comprises 118 hectares (ha) and is partially located within the Western Sydney Employment Area (WSEA) and the Western Sydney Aerotropolis. The site is bound by the WaterNSW managed Warragamba Pipelines Corridor to the north, Mamre Road to the east, rural residential land to the south and Wianamatta-South Creek to the west.

Bakers Lane services the schools to the east and has school zone speed limits in place for approximately 900 metres (m) in length. The site has access to the regional road network via the M4 and M7 motorways. The M4 Motorway is located approximately 5 kilometres (km) to the north of the site via Mamre Road. The M7 Motorway is located approximately 10 km to the south-east of the site via Mamre Road and Elizabeth Drive.

Multiple infrastructure projects planned to service Western Sydney and its future growth travel through the site. These include a 50 m wide corridor for the Southern Link Road which runs through the site in an east-west direction and a 60 m wide corridor for the Western Sydney Freight Line which runs inside the northern boundary of the site. Additionally, Mamre Road is planned to be widened along the eastern boundary of the site.

The site is partially subject to flooding from Wianamatta-South Creek in the 1% Annual Exceedance Probability (AEP) flood event. Accordingly, the western extent of the site is zoned ENZ under the State Environmental Planning Policy (Precincts - Western Parkland City) 2021 (Western Parkland City SEPP).

Residential receivers are located approximately 200 m to the west, across Wianamatta-South Creek, in the Twin Creeks Residential Estate. The established residential area of St Clair is also located approximately 1.8 km to the north of the site. While rural residential land exists to the south and south-east of the site, this land is now zoned for industrial uses under the State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP).

Notable developments in the vicinity of the site include:

- Altis Warehouse and Logistics Hub (SSD-7173) to the north
- Emmaus Catholic College, Emmaus Retirement Village, Trinity Primary School and Mamre Anglican School to the east
- existing industrial warehouse estates including the Erskine Park Industrial Estate to the north-east and Oakdale West (SSD-7348), Oakdale South (SSD-6917) and Oakdale Central (SSD-6078) to the east
- several industrial warehouse estates proposed within the broader Mamre Road Precinct.

1.2 Approval history

On 21 December 2020, development consent was granted by the then Executive Director, Energy, Industry and Compliance (under delegation) for the development of the Kemps Creek Warehouse, Logistics and Industrial Facilities Hub (SSD-9522).

The approved development, as modified, involves the construction of seven warehouse buildings with a total GFA of 186,123 m² over seven lots, including associated loading docks, hardstand areas, truck and car parking spaces and landscaping. The development also involves bulk earthworks across the broader site to create building pads for future development, three estate basins, an internal road network including a North South Distributor Road connecting to the southern neighbouring property and subdivision.

The development also includes the widening of Mamre Road and upgrades to the existing signalised 'T' intersection at Mamre Road and Bakers Lane. The Mamre Road and Bakers Lane intersection is currently a signalised 'T' intersection and is being upgraded to facilitate access to the development. As such, the approved development includes the upgrade of the Mamre Road and Bakers Lane intersection works in two sequences (as modified under Mod 1):

- Sequence 1A: Interim upgrade to accommodate the traffic associated with the first 186,123 m² of GFA (i.e. the seven buildings approved under this SSD). Upgrade includes traffic signals and turning lanes.
- Sequence 1B: Widening Mamre Road from two to four lanes between Distribution Drive to the north and the southern boundary of the site. This upgrade is required to occur prior to 31 December 2025.

This is the second modification application to the development consent. Another modification application is currently under assessment (SSD-9522-Mod-3). The modifications are summarised in **Table 1**.

Table 1 | Summary of Modifications

Mod No.	Summary of Modification	Approval Authority	Type	Approval Date
MOD 1	Amendments to lots 5-8	Director	s.4.55(2)	3 September 2021
MOD 2	Amendments to estate roads	Team Leader	s.4.55(1A)	Subject application
MOD 3	Amendments to lots 1-4	Team Leader	s.4.55(1A)	Under assessment

2 Proposed modification

2.1 Amended modification application

The Applicant originally sought to modify the development consent to remove the requirement to deliver the Sequence 1B upgrade works at the Mamre Road and Bakers Lane intersection. Following notification of the Statement of Environmental Effects (SEE), the Applicant sought to amend the modification application to address concerns raised by Transport for NSW (TfNSW). The Applicant advised it would revisit this aspect in a future modification application following further consultation with TfNSW.

During the assessment of the modification, the Applicant sought various other amendments to the application. The Department therefore requested the Applicant submit a formal request which consolidated the proposed amendments.

On 2 March 2022, the Applicant applied for the following amendments to the modification application under Clause 121B of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation):

- remove the proposal to delete Condition B11, which relates to the delivery of Sequence 1B intersection works at the Mamre Road and Bakers Lane intersection
- include an amendment to the boundary alignment of the RE1 and RE2 zoned land to a line of best fit (Condition A26).

The Department considered the amended modification application to be consistent with the requirements of Clause 121B of the EP&A Regulation and accepted the amended application accordingly.

2.2 Description of the modification

The Applicant has lodged an application under section 4.55(1A) of the EP&A Act to modify the Kemps Creek Warehouse, Logistics and Industrial Facilities Hub development to reduce the widths of the estate roads and increase the overall GFA of the development from 186,123 m² to 187,378 m². The modification is described below and in full in the SEE included in **Appendix A**. The proposed site plan is shown in **Figure 3** and the proposed subdivision plans are shown in Figure 4 and **Figure 5**.

The Applicant proposes the following changes to the approved development as part of the modification:

- reduce the width of the internal roads from 30.7 m to:
 - o 26.4 m for Bakers Lane and the North South Distributor Road
 - o 25 m for the east-west 'public access road', from the western boundary of the IN1 zone to the T-intersection at the North South Distributor Road
 - o 25.2 for the cul-de-sac (south of Lot 5)
- the reduced road widths would result in an increase in the development's overall GFA, from 186,123 m² to 187,378 m² (+1,255 m²)
- an increase in the overall parking from 772 spaces to 774 spaces (+2 spaces on Lot 8)

- remove the requirement to submit design plans to the Planning Secretary and relevant road authority for all estate intersections and access to each development lot (Condition B4)
- include an amendment to the subdivision boundary alignment of the RE1 and RE2 zoned land to a line of best fit (Condition A26).

2.3 Applicant's justification for the proposed modification

The Applicant has sought the modification to increase the amount of developable industrial land on its site. The Applicant argues the minor increase in GFA would provide a more efficient use of industrial zoned land and therefore generate better employment generating opportunities.

The Applicant argues the reduced road widths align with the anticipated strategic modelling outcomes for the broader Mamre Road Precinct. Therefore, the reduced road widths will ensure the internal roads are consistent with those of adjoining and adjacent properties that will be developed in the future.

The Applicant notes the reduced road widths are supportable as they maintain operational and safety outcomes in accordance with Australian Standards and they will continue to support large scale warehousing, industrial and logistics operations.

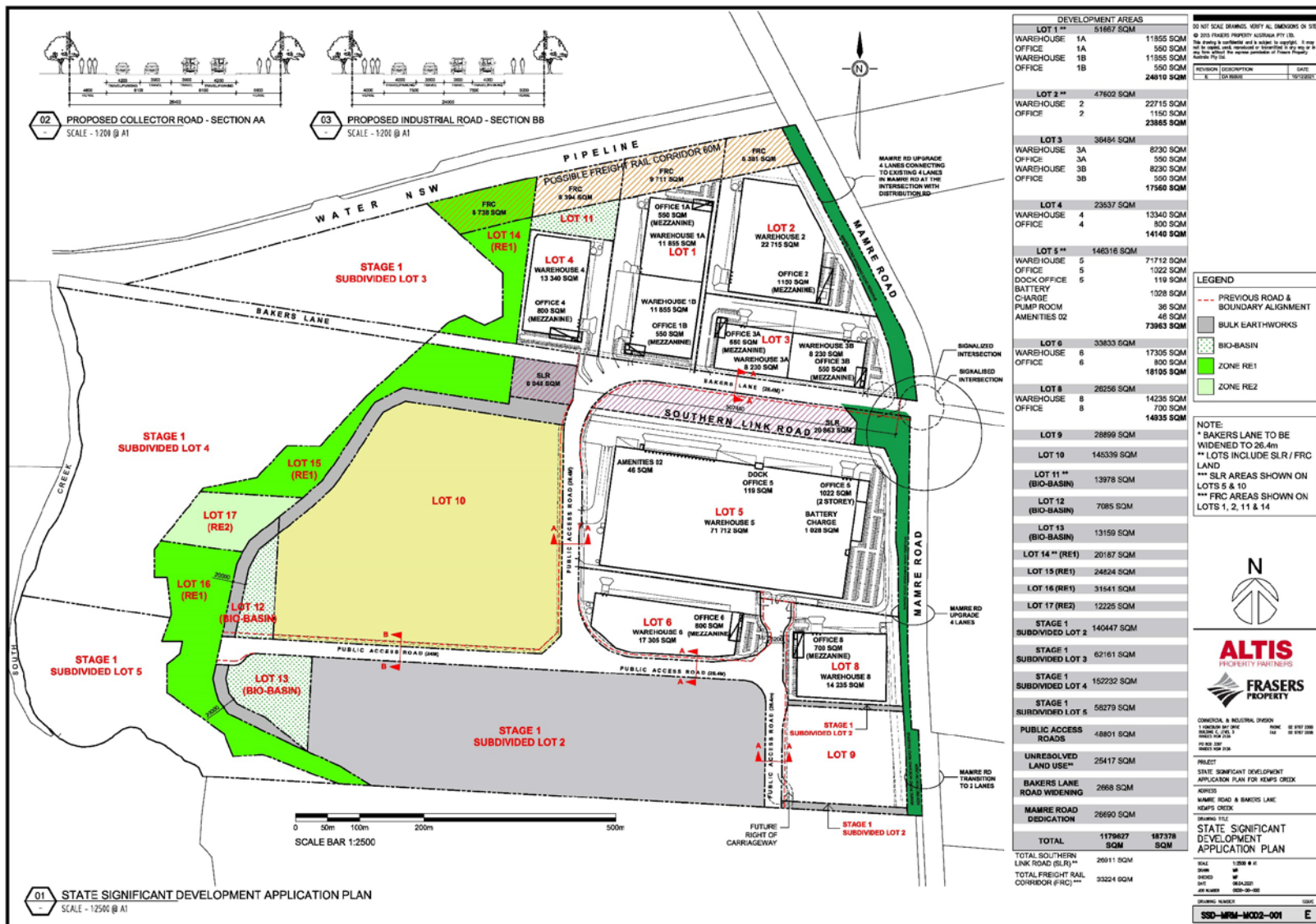


Figure 3 | Proposed site plan

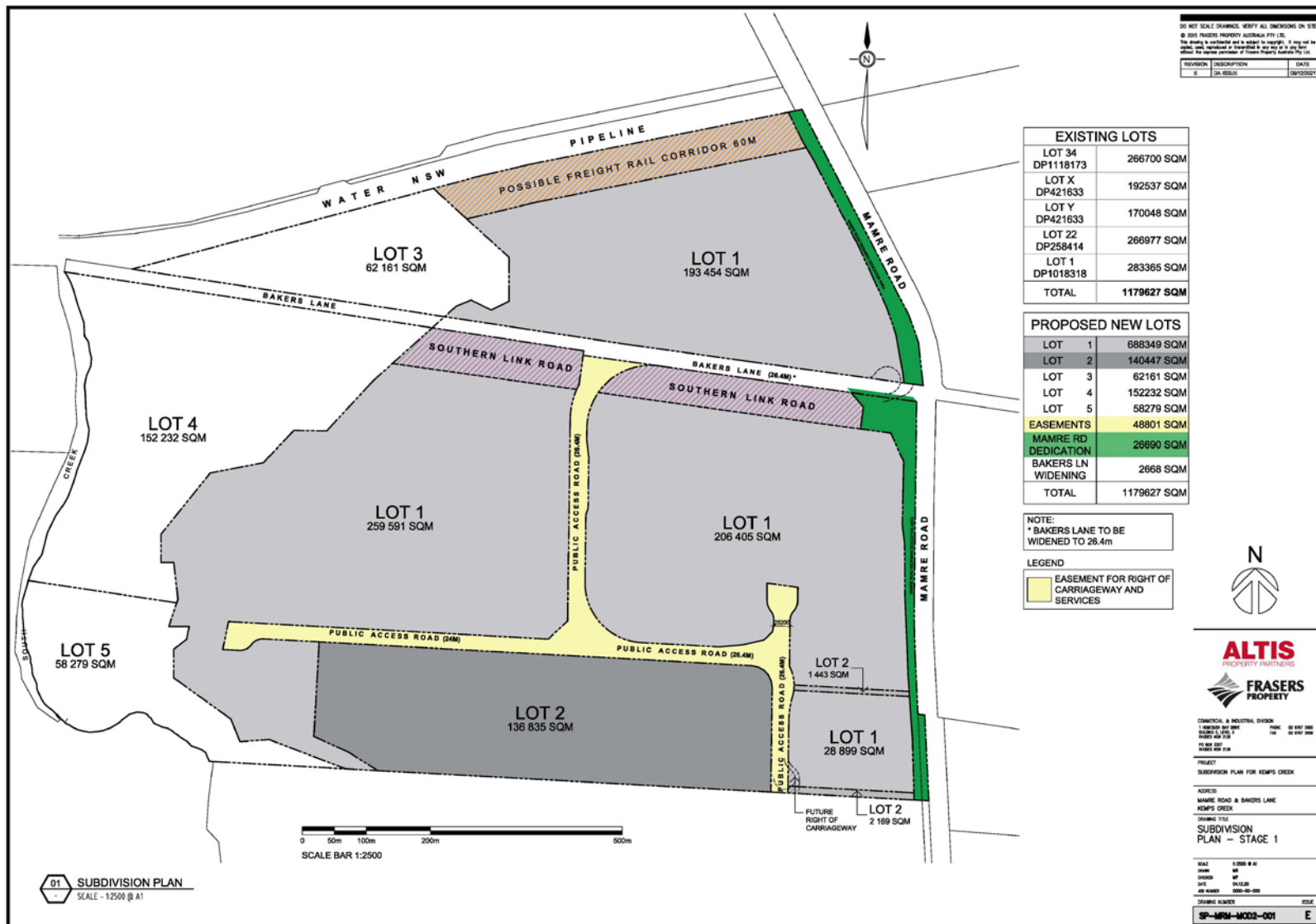


Figure 4 | Proposed subdivision plan – Stage 1

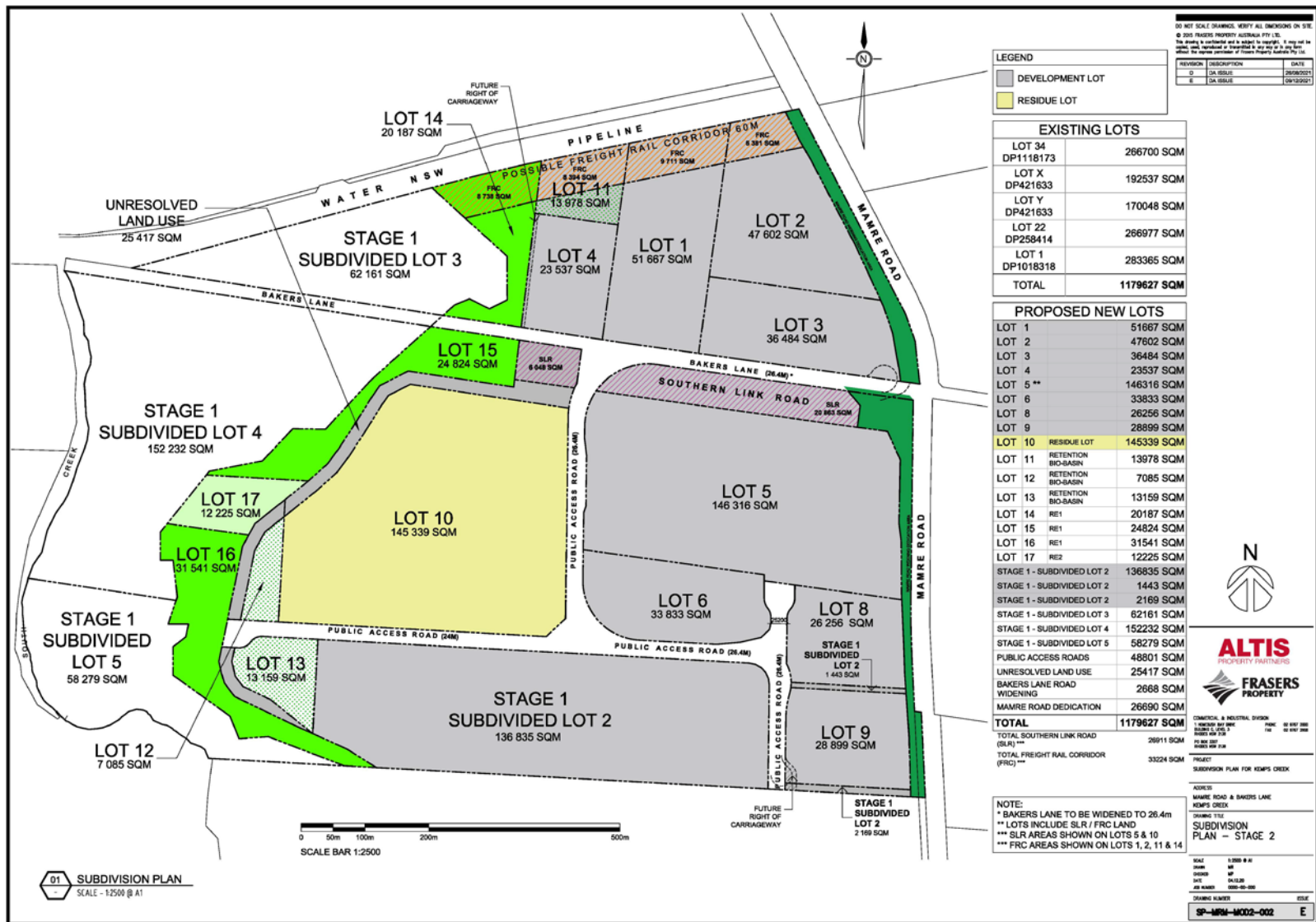


Figure 5 | Proposed subdivision plan – Stage 2

3 Statutory context

3.1 Scope of modifications

The Department has reviewed the scope of the modification application and considers the application can be characterised as a modification as it:

- would not significantly increase the environmental impacts of the project as approved
- the primary function and purpose of the approved development would not change as a result of the proposed modification
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of consent
- is substantially the same development as originally approved
- is of a scale that warrants the use of section 4.55(1A) of the EP&A Act.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

3.2 Consent authority

The Minister for Planning (Minister) is the consent authority for the application under section 4.5(a) of the EP&A Act. Under the Minister's delegation of 9 March 2022, the Director, Industry Assessments, may determine the application under delegation as:

- the application has not been made by a person who has disclosed a reportable political donation under section 10.4 of the EP&A Act
- there are less than 15 public submissions (other than a council) in the nature of objections, and
- Penrith City Council (Council) has not made a submission by way of objection under the mandatory requirements for community participation listed under Schedule 1 of the EP&A Act.

3.3 Mandatory matters for consideration

The Department undertook a comprehensive assessment of the application against the mandatory matters for consideration as part of the original assessment of SSD-9522.

Since lodgement of the modification application, all NSW State Environmental Planning Policies (SEPPs) have been consolidated into 11 policies. The consolidated SEPPs commenced on 1 March 2022, with the exception of State Environmental Planning Policy (Housing) 2021, which commenced on 26 November 2021.

The SEPP consolidation does not change the legal effect of the repealed SEPPs, as the provisions of these SEPPs have simply been transferred into the new SEPPs. Further, any reference to an old SEPP is taken to mean the same as the new SEPP. However, two changes that are relevant to the modification application include:

- the State Environmental Planning Policy (Western Sydney Employment Area) 2009 was transferred to the State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP)
- the State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 was transferred to the State Environmental Planning Policy (Precincts – Western Parkland City) 2021.

This modification application does not result in significant changes that would alter the Department's consideration of the mandatory matters for consideration under section 4.15(1) of the EP&A Act and conclusions made as part of the original assessment.

3.4 Biodiversity Conservation Act 2016

Section 7.17 of the BC Act specifies that if the determining authority is satisfied a modification will not increase the impact on biodiversity values, a biodiversity development assessment report (BDAR) is not required.

A BDAR was prepared for the original SSD which calculated a total of 230 ecosystem credits required to be retired for the development. The approved development involves bulk earthworks across the site, as such the conclusions of the existing BDAR remain the same. The modification would not result in any additional impacts to biodiversity. The Applicant is required to purchase the 230 ecosystem credits payable to the NSW Biodiversity Conservation Trust.

For the reasons discussed above, the Department's assessment concludes a BDAR is not necessary for the proposed modification.

4 Engagement

4.1 Department's engagement

Clause 117(4) of the EP&A Regulation requires a section 4.55(1A) modification application to be notified or advertised if specified by a community participation plan. The Department's Community Participation Plan notes the exhibition requirements for such modifications are discretionary, and based on the urgency, scale and nature of the proposal.

Given the proposed changes would result in minimal environmental impacts, the application was not notified or advertised. However, it was made publicly available on the Department's website on 11 November 2021 and was referred to Council and TfNSW for comment.

4.2 Government advice

Council raised several concerns mainly relating to the reduced road widths and resulting reduction in overall landscaping within the estate. Council advised it did not support the removal of the central median plantings within the internal roads or the encroachment of car parking into the landscaped setback for Lot 6. Council did not support the removal of Condition B4 and instead suggested alternative wording requiring approval from the Certifying Authority prior to the issue of a Subdivision Works Certificate. Council also made comments on the relevant development control plan (DCP) applicable to the development, noting that while the SSD considered a site-specific DCP, the final Mamre Road Precinct DCP has come into force. Other comments raised by Council related to the access arrangements for warehouses 1A and 2, the open space edge road and the stormwater treatment systems. However, these aspects are not relevant to the subject modification application.

TfNSW advised it did not support the removal of Condition B11 which requires the Applicant to deliver the Sequence 1B intersection upgrade by 31 December 2025. TfNSW asked for clarification on the modelling parameters used in the Traffic Impact Assessment (TIA) and requested the Applicant provide the SIDRA files for its review.

4.3 Response to submissions

On 13 December 2021, the Applicant submitted a Response to Submissions (RtS) report responding to the issues raised in submissions. The RtS was made publicly available on the Department's website and referred to Council and TfNSW for comment.

The RtS included the SIDRA files for the Mamre Road and Bakers Lane intersection modelling, as requested by TfNSW. The RtS also included:

- acceptance of Council's recommended changes to Condition B4
- revised subdivision plans and site plan
- correspondence from Ason Group responding directly to the submission made by TfNSW.

Council reiterated its concerns regarding reduction in landscaping, encroachment of car parking into the landscaped setback for Lot 6, removal of the central road medians. Council noted the Applicant accepted its recommendation for Condition B4 and provided no further comment on this regard.

TfNSW advised it remained concerned with the removal of the Sequence 1B intersection upgrade and did not support this aspect of the modification application. TfNSW raised concerns regarding impacts both upstream and downstream of the intersection, as well as several design constraints and potential future safety concerns.

4.4 Additional information

During the assessment of the modification application, the Department requested additional information from the Applicant on several occasions.

On 27 January 2022, the Applicant provided a letter from Costin Roe responding to additional information requested by the Department's Chief Engineer.

On 2 March 2022, the Applicant provided a letter responding to outstanding concerns raised by Council and TfNSW. While the letter largely restated the information provided in the RtS, it also attached additional correspondence from Ason Group responding directly to further comments made by TfNSW.

As discussed in **section 2.1** of this report, the Applicant amended the modification application in response to issues raised by TfNSW. The amended application withdrew the proposal to delete Condition B11, which relates to the delivery of Sequence 1B intersection works at the Mamre Road and Bakers Lane intersection. On 17 March 2022, TfNSW advised it had no further comments on the modification as the Applicant had withdrawn the proposed deletion of Condition B11 and the amended application would have no impact to the state road corridors.

5 Assessment

The Department has assessed the merits of the proposed modification. During this assessment, the Department has considered the:

- the SEE, the RtS and Additional Information provided to support the proposed modification (see **Appendix A**)
- the documentation and Department's assessment report for the original development application (see **Appendix A**)
- submissions from State government authorities and Council (see **Appendix A**)
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department considers the key assessment issue is the traffic. The Department's assessment of other issues is provided in **Table 3**.

5.1 Traffic

During the assessment of the SSD, the strategic planning for the Mamre Road Precinct was still in the preliminary stages. A key consideration for the industrial land west of Mamre Road in the Mamre Road Precinct was the availability and quality of north-south road links to provide continuous access to future land-related functions across the entire precinct. The North South Distributor Road was identified to perform the function of a sub-arterial road carrying both local and regional traffic and to relieve traffic on Mamre Road.

As the SSD was ahead of finalising the modelling for the wider Mamre Road Precinct, the Department provided the Application with design parameters for the North South Distributor Road. Key design parameters included:

- ensuring a continuous movement along the entire alignment
- a road design speed of 70 km/h and posted speed limit of 60 km/h
- a B-Double design vehicle
- a road reserve width of 30.7 m
- intersection spacing between 400 m and 800 m
- no parking and no direct access from adjoining properties.

Internal road network

The Applicant is seeking to reduce the widths of the internal road network, including the North South Distributor Road, to increase the amount of developable industrial zoned land. These changes have the potential to impact the efficiency and safety of the North South Distributor Road.

The proposed reduced road widths are illustrated in **Figure 6** and include:

- 26.4 m for Bakers Lane and the North South Distributor Road
- 25 m for the east-west 'public access road', from the western boundary of the IN1 zone to the T-intersection at the North South Distributor Road
- 25.2 for the cul-de-sac (south of Lot 5).

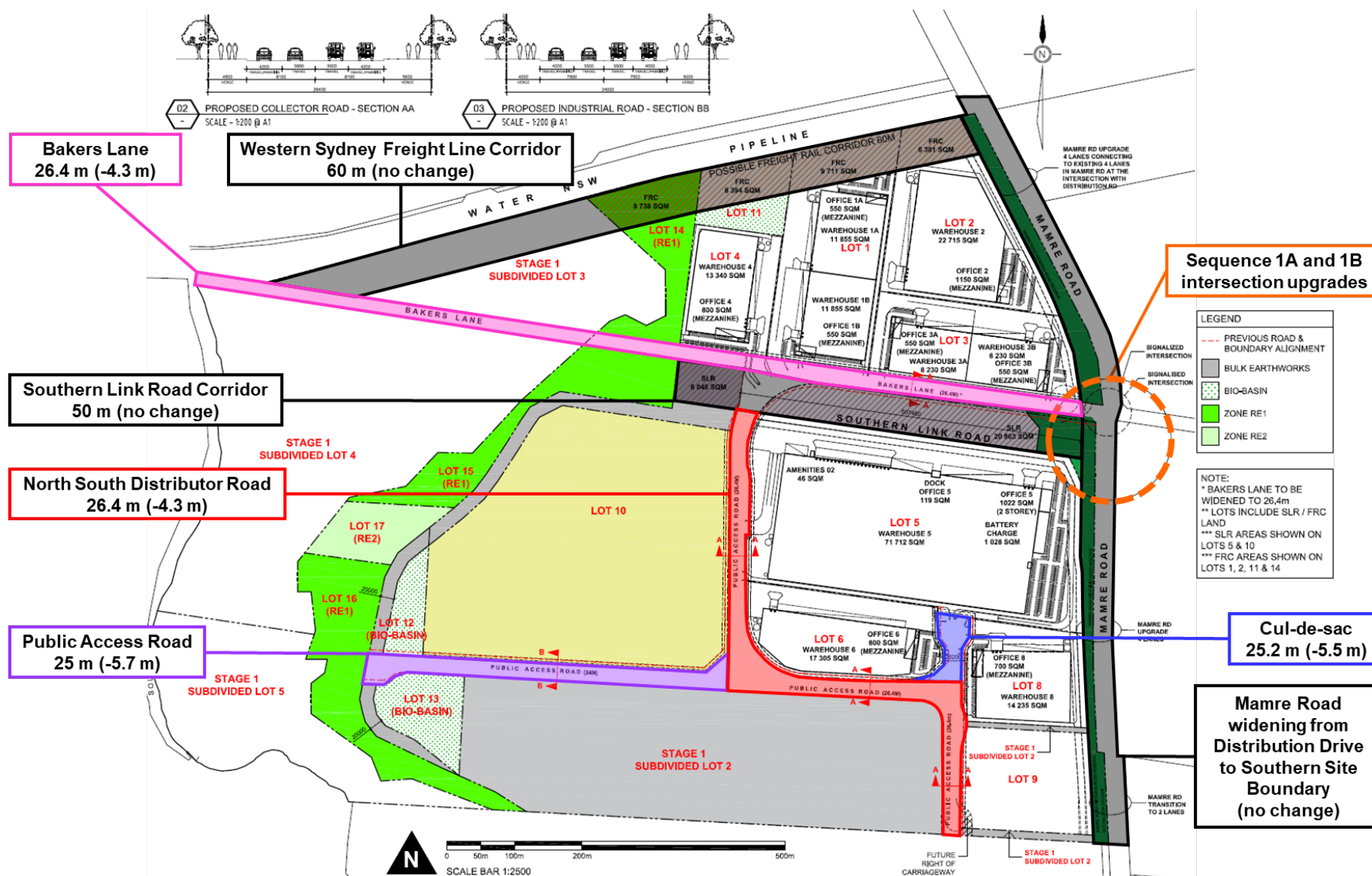


Figure 6 | Proposed internal road widths

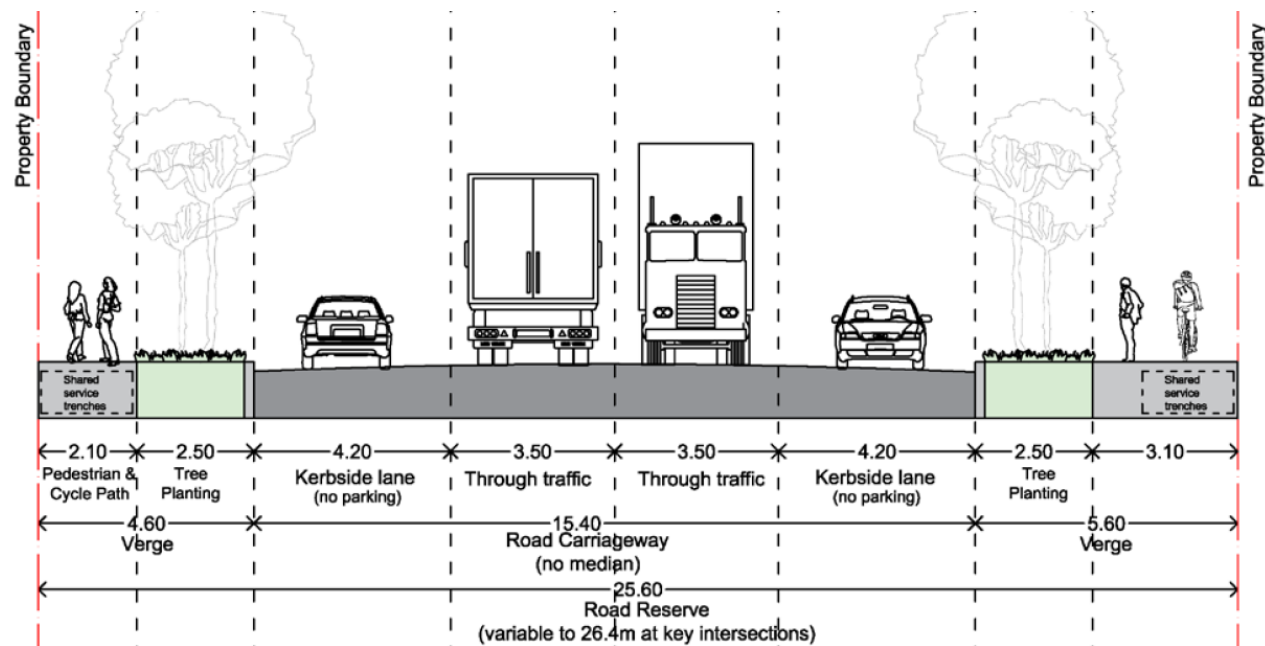


Figure 7 | Mamre Road Precinct DCP – Typical Collector Road (Type 2)

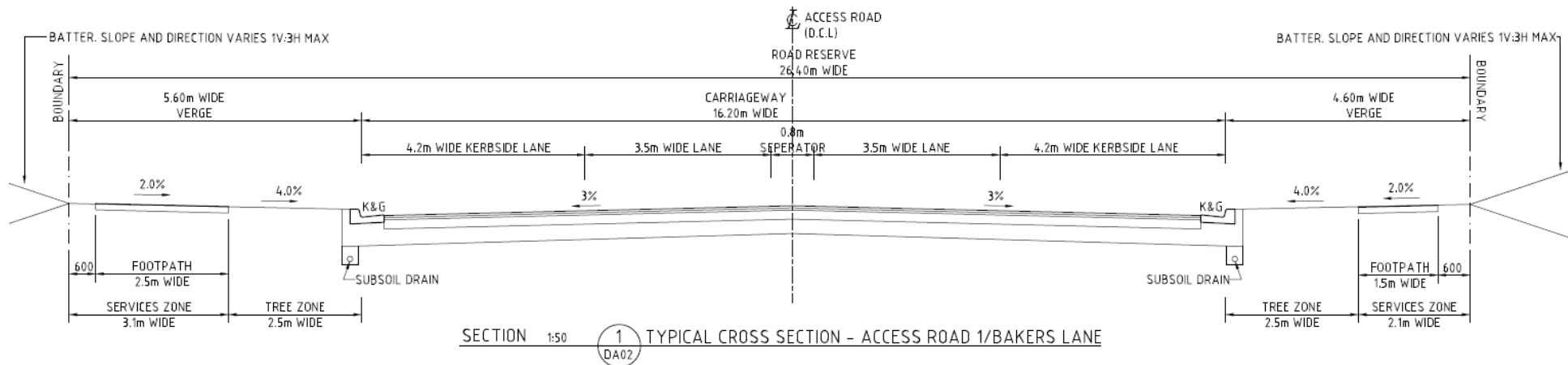


Figure 8 | Proposed North South Distributor Road Cross Section

Council advised it did not support the reduction of road widths as it would result in an increase in GFA and consequently a decrease in landscaping within the estate. Council also did not support the removal of the landscaped central medians and requested a minimum 1.2 m wide central median to be provided along Bakers Lane and the North South Distributor Road intersections. Further commentary on the impacts to landscaping is provided in **section 5.2** of this report.

The Applicant argued the reduced road widths would allow it to support large scale warehousing operations while still accommodating the maximum vehicle size required. The Applicant advised the modification would result in a minor increase in GFA (approximately 0.7%). Furthermore, the Applicant stated the road widths were reduced to align with the Mamre Road Precinct DCP.

The Department's Chief Engineer reviewed the information provided by the Applicant. The Chief Engineer was satisfied the drawings demonstrated the reduced road widths would still meet relevant Australian Standards.

The Department has considered the information provided by the Applicant and the advice provided by the Department's Chief Engineer.

The Department acknowledges the Applicant was required to provide a 30.7 m road reserve in the absence of the precinct-wide traffic modelling and the Mamre Road Precinct DCP. While the Mamre Road Precinct DCP does not apply to the SSD, consistency with the road network hierarchy planned for the precinct is important in achieving orderly development. For this reason, flexibility was built into the consent to allow for the road reserve for the North South Distributor Road to be amended once the precinct-wide traffic modelling and finalised DCP were completed.

The Mamre Road Precinct DCP came into force on 19 November 2021. The North South Distributor Road is identified as a 'Collection Industrial Road' under the Mamre Road Precinct DCP road network hierarchy. A comparison of the proposed North South Distributor Road to the requirements under the Mamre Road Precinct DCP is provided in Table 2.

Table 2 | North South Distributor Road DCP requirements (Collector Road Type 2)

Component	Mamre Road Precinct DCP	Proposed North South Distributor Road (Mod 2)	Complies with DCP?
Signpost speed	50 km/h	50 km/h	Y
Through traffic lane	2 x 3.5 m = 7.0 m	2 x 3.9 m = 7.8 m	Y
Kerbside/travel lane	2 x 4.2 m = 8.4 m (no parking)	2 x 4.2 m = 8.4 m	Y
Central medial widths	0.8 m (mid-block) required only at key signalised intersections and locations to separate opposing movements	Central medians provided along bends near Lot 6	Y

Component	Mamre Road Precinct DCP	Proposed North South Distributor Road (Mod 2)	Complies with DCP?
	which may cause conflicts		
Road carriageway width	15.4 m (mid-block no median) 16.2 m (mid-block with median)	16.2 m (mid-block no median)	Y
Verge width (both sides of road)	Verge 1 – 4.6 m Verge 2 – 5.6 m	Verge 1 – 4.6 m Verge 2 – 5.6 m	Y
Pedestrian and cycle path (within verge width)	Verge 1 – 1.5 m path Verge 2 – 2.5 m shared path	Verge 1 – 1.5 m path Verge 2 – 2.5 m shared path	Y
Street tree planting	2.5 m (both sides of road)	2.5 m (both sides of road)	Y
Road reserve (total)	25.6 m (mid-block no median) 26.4 m (mid-block with 0.8 m wide median)	26.4 m	Y

The Department notes the North South Distributor Road would align with the road widths provided in the Mamre Road Precinct DCP. Furthermore, the Applicant has demonstrated the proposed North South Distributor Road would continue to meet relevant Australian Standards and has been designed in accordance with *Austroads Guide to Road Design*. As such, the Department's assessment concludes the proposed modifications to the internal road widths are approvable. The Department has recommended the site plan included in the consent be updated to reflect the new road widths.

Operation

The modification involves increasing the GFA from 186,123 m² to 187,378 m² (+1,255 m²), which would increase the traffic generated from the development.

The SEE included a Traffic Impact Assessment (TIA), prepared by Ason Group, which assessed the capacity of road network to accommodate the full potential build out of the site, future development on the land to the south and background traffic growth for the year 2025. The TIA also included additional modelling for the Mamre Road and Bakers Lane intersection for the years 2026, 2031 and 2036. All modelling assumed only the Sequence 1A intersection works have been delivered, but not the Sequence 1B intersection works or any further Mamre Road upgrades.

The modelling showed the Mamre Road and Bakers Lane intersection would operate at a Level of Service (LoS) D or better during the AM and PM peak periods for all scenarios except for the AM peak period at the Mamre Road and Erskine Park Road intersection for the year 2036.

The operational performance of the Mamre Road and Bakers Lane intersection because of the minor increase in GFA was not raised as an issue by TfNSW or Council.

The Department has reviewed the TIA and notes the Mamre Road and Bakers Lane intersection is predicted to operate at a LoS D during the AM and PM peak period following the full occupation of the seven warehouses, which is consistent with the findings of original SSD. However, the Mamre Road and Erskine Park Road intersection will operate at a LoS F during the AM peak period for the year 2036.

The intersection modelling for the year 2036 included the Sequence 1A intersection works but assumed the Sequence 1B intersection works and the Southern Link Road have not been delivered. The modelling indicated the key intersections could perform at an acceptable level without the Sequence 1B intersection works or the Southern Link Road. The Department considers this approach to be generally conservative, noting the Applicant withdrew its proposal to remove the Sequence 1B intersection works. As such, the Department accepts the minor increase in GFA from the proposed modification would not result in material impacts beyond what has already been assessed and approved under the original SSD.

The Department's assessment concludes the traffic from additional GFA would be adequately accommodated on the local and regional road network. No additional conditions are recommended.

5.2 Other issues

The Department's assessment of other issues is provided in **Table 3**.

Table 3 | Assessment of other issues

Assessment	Recommendation
Landscaping	
- In its submission, Council indicated it did not support the reduction of landscaping within the estate. Council did not support the removal of the central median plantings within the internal roads or the encroachment of car parking into the landscaped setback for Lot 6. - In the RtS, the Applicant argued the landscaping would generally be consistent with the approved development and the internal roads would be designed to align with the requirements of the Mamre Road Precinct DCP. - The Applicant also argued the encroachment of the landscaped setback would be compensated in other locations. Furthermore, the estate would achieve a canopy cover of 16.87% and the adjacent RE1 land and floodplain of the Wianamatta-South Creek would provide over 40% of tree canopy. - Condition B86 requires the Applicant to prepare a detailed Landscape Plan for the landscape buffer areas, street planting and estate basins in consultation with Council prior to the commencement of landscaping construction activities. This condition provides Council the opportunity to ensure its requirements for a detailed landscape plan are met. - Condition A7 sets out specific development controls, including the requirement for a 3.75 m landscaped setback from the North South Distributor Road. Moreover, Condition A4 states the conditions of the consent prevail to the extent of any inconsistency, ambiguity or conflict	No additional conditions are recommended.

Assessment	Recommendation
between them and the documents listed under Condition A2(c) to A2(e), including the plans in Appendix 1 of the consent. As such, the certifier will need to be satisfied the Applicant has address the conditions of consent before signing off on a construction certificate and an occupation certificate. The Department's assessment concludes the landscaped setbacks are consistent with the existing consent and the detailed landscape plans will be addressed via Condition B86. Moreover, Condition A7 addresses landscaped setbacks and any encroachment will be addressed by the certifying authority. As such, no additional conditions are recommended.	
Car parking	
- The proposed reduction of the internal road widths and resulting increase in GFA would alter the required parking provision. - The development consent requires a parking rate of 1 space per 300 m² of warehouse GFA and 1 space per 40 m² of office GFA. These rates were based on the <i>RMS Guide to Traffic Generating Developments</i> (RMS Guide) and the Mamre West Land Investigation Area DCP approved for the Altis Warehouse and Logistics Hub (SSD-7173) to the north of the site. - The modification does not seek any changes to the parking rate, however an additional 1,255 m² GFA would be added to lots 6 and 8 which would increase the minimum required parking. - The TIA included a parking schedule for lots 6 and 8 demonstrating sufficient parking for these lots would be provided. - The Department considers the proposed parking provision is in line with the conditions of consent. No further conditions are recommended.	No additional conditions are recommended.
Safety	
- The modification reconfigures the car parking arrangements for Lot 6, resulting in five spaces near the driveway entry/exit. - Council noted the location of these relocated spaces may pose vehicle and pedestrian safety concerns due to the proximity to the driveway. - The Department's Chief Engineer reviewed the modification application and advised that given the low speed environment, the safety concern would be minimal. It was noted that every car park space comes with a level of pedestrian movement in the carpark, hence additional spaces would increase the possible pedestrian movements. However, in the context of the overall parking strategy at Lot 6, it is unlikely the additional spaces would raise the level of pedestrian safety concern to prevent the additional parking spaces being provided. - The Department considers the potential for additional vehicle and pedestrian safety risks associated with the car parking for Lot 6 would be minimal. No additional conditions are recommended.	No additional conditions are recommended.
Applicability of the DCP	
Condition A10 requires the Applicant to lodge revisions to the Penrith DCP to incorporate the site-specific DCP provided with the SSD.	Remove Condition A10.

Assessment	Recommendation
• In its submission, Council sought clarification on the DCP applicable to the development. Council noted that while the SSD considered a site-specific DCP, the final Mamre Road Precinct DCP has since come into force. • The Department notes that future development applications will be subject to the Mamre Road Precinct DCP, however it does not apply to this SSD. The consent includes Advisory note AN2 which states future development applications will be subject to the Mamre Road Precinct DCP. • The Department also notes that section 1.7.2 of the Mamre Road Precinct DCP states the Penrith DCP does not apply. • The Department has recommended the removal of Condition A10 as it is no longer applicable to the development.	
Subdivision line amendment	
• Condition A26 requires the Applicant to demonstrate the lot boundaries align with the WSEA zoning prior to the issue of a subdivision certificate. • The site is partially located in the WSEA and the Western Sydney Aerotropolis. The western extent of the site, along Wianamatta-South Creek, is in the 1% AEP flood extent and is zoned ENZ Environment and Recreation under the State Environmental Planning Policy (Western Sydney Aerotropolis) 2020. The eastern extent of the site is in the Mamre Road Precinct under the WSEA SEPP and is zoned IN1 General Industrial, RE1 Public Recreation and RE2 Private Recreation. • Within the site, the boundary that delineates the WSEA and Western Sydney Aerotropolis follows the 1% AEP flood event line of the Wianamatta-South Creek. As a result, the boundary between the two SEPPs is irregular in shape. • The Applicant advised the irregular line work was not accepted by the Surveyor General of NSW, despite its request for an exemption. The Applicant was advised the irregular short lines would be too confusing and therefore an exemption was not supported. • The Applicant proposed an amendment to the modification application to include changes to the boundary alignment of the RE1 and RE2 zoned land to a line of best fit. • The Department's Central (Western) team reviewed the Applicant's plan with its proposed line of best fit and accepted this approach. • The Department considers the subdivision line amendment to be necessary to facilitate the subdivision plan registration process. • The Department has recommended Condition A26 be updated to reflect the proposed line of best fit.	Amend condition A26 to refer to the plan endorsed by the Department's Central (Western) team.

6 Evaluation

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. The Department has reviewed the SEE, the RtS, a request to amend the modification application, Additional Information provided by the Applicant and all submissions. The Department also consulted with Council and TfNSW.

The Applicant is proposing to modify the consent to reduce the widths of the estate roads, increase the overall GFA of the development and delete Condition B4. The Applicant also amended the modification application to incorporate changes to Condition A26.

The Department considered the key issue to be traffic in its assessment of the modification application. In its assessment, the Department also considered landscaping, car parking, safety, applicability of the DCP and amendments to the western subdivision line. Given the extend of the proposed changes to the development are relatively minor, the level of impact is considered minimal.

The Department considers the proposed modification is appropriate on the basis that:

- the North South Distributor Road would align with the road widths provided in the Mamre Road Precinct DCP and meet relevant standards
- the TIA demonstrated the additional traffic that would result from the minor increase in GFA would not result in material impacts to the road network beyond what has already been assessed and approved
- the landscaped setbacks are consistent with the conditions and any inconsistencies or encroachments must be addressed by the certifying authority
- the parking provision would remain consistent with the rates required in the consent
- the potential for additional vehicle and pedestrian safety risks associated with the car parking for Lot 6 would be minimal
- the subdivision line amendment would facilitate the subdivision plan registration process
- it would continue to assist with providing employment generating uses within Western Sydney, including the anticipated delivery of 1,650 jobs (950 operational and 700 construction)
- continue to be consistent with the strategic direction for the site set under the WSEA
- not significantly increase the environmental impacts of the development beyond those assessed under the original SSD.

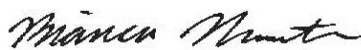
The Department is satisfied that the modification should be approved, subject to the recommended modifying conditions of consent.

7 Recommendation

It is recommended that the Team Leader, Industry Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD-9522-Mod-2 falls within the scope of section 4.55(1A) of the EP&A Act
- **forms the opinion** under section 7.17(2)(c) of the *Biodiversity Conservation Act 2016* that a BDAR is not required to be submitted with this application as the application will not increase the impact on biodiversity values on the site
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **agrees** with the key reasons for approval listed in the draft notice of decision
- **modify** the consent SSD-9522
- **signs** the approval of the modification (**Appendix B**).

Recommended by:



8/4/22

Bianca Thornton

A/ Principal Planning Officer
Industry Assessments

8 Determination

The recommendation is **Adopted** by:



8/4/22

Chris Ritchie

Director

Industry Assessments

as delegate of the Minister for Planning

Appendices

Appendix A – List of Documents

The Department has relied upon the following key documents during its assessment of the proposed development:

- Statement of Environmental Effects titled 'RE: Section 4.55(1A) Modification Application – SSD 9522 (Mod 2), Property at 657-769 Mamre Road, Kemps Creek (Lot 34 DP 1118173, Lots X & Y DP 421633, Lot 1 DP 1018318 & Lot 22 DP 258414)', prepared by Willowtree Planning Consulting Pty Ltd and dated 19 October 2021
- Response to Submissions titled 'RE: Response To Submissions – Proposed Section 4.55(1A) Modification Application – SSD 9522 (Mod 2), Property at 657-769 Mamre Road, Kemps Creek (Lot 34 DP 1118173, Lots X & Y DP 421633, Lot 1 DP 1018318 & Lot 22 DP 258414)', prepared by Willowtree Planning Consulting Pty Ltd and dated 10 December 2021
- advice from Penrith City Council and Transport for NSW
- an application for an amendment to the modification application titled 'RE: Section 4.55(1A) Modification Application – SSD 9522 (Mod2), Property at 657-769 Mamre Road, Kemps Creek (Lot 34 DP 1118173, Lots X & Y DP 421633, Lot 1 DP 1018318 & Lot 22 DP 258414)', prepared by Willowtree Planning Consulting Pty Ltd and dated 2 March 2022
- Additional Information provided by the Applicant, including:
 - o a letter titled 'Re: 657-769 Mamre Road, Kemps Creek (SSD 9522 Mod 2), NSW Planning Industry & Environment – Letter dated 24 December 2021', prepared by Costin Roe Consulting Pty Ltd and dated 21 January 2022
 - o a letter titled 'RE: Response to Submissions – Proposed Section 4.55(1A) Modification Application – SSD 9522 (Mod 2), Property at 657-769 Mamre Road, Kemps Creek (Lot 34 DP 1118173, Lots X & Y DP 421633, Lot 1 DP 1018318 & Lot 22 DP 258414)', prepared by Willowtree Planning Consulting Pty Ltd and dated 2 March 2022
 - o an email from Frasers Property Industrial dated 24 February 2021 describing the subdivision plan and Western Sydney Employment Area zoning boundary.

These documents may be found on the Department's website at: <https://pp.planningportal.nsw.gov.au/major-projects/projects/kemps-creek-estate-mod-2-estate-roads>.

The Department also considered the assessment report for SSD-9522, which may be found on the Department's website at: <https://pp.planningportal.nsw.gov.au/major-projects/projects/kemps-creek-warehouse-logistics-and-industrial-facilities-hub>.

Appendix B – Notice of Modification

The modifying instrument for SSD-9522-Mod-2 may be found on the Department's website at:

<https://pp.planningportal.nsw.gov.au/major-projects/projects/kemps-creek-estate-mod-2-estate-roads>.

Appendix C – Consolidated Consent

The consolidated consent for SSD-9522 may be found on the Department's website at:

<https://pp.planningportal.nsw.gov.au/major-projects/projects/kemps-creek-warehouse-logistics-and-industrial-facilities-hub>.