

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. As previously discussed, 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 corresponding uses proposed as part of this SSDA are permissible and consistent with the respective zoning objectives.

The SEPP also requires that an application address potential impacts on the operation of the Western Sydney Airport with regard to aircraft noise, airspace operations and potential bird or wildlife attraction.

A summary of the amended proposal's consistency with the Industry and Employment SEPP is provided in **Table 1** below.

Table 1 Summary of proposed development's consistency with the relevant provisions of the Industry and Employment SEPP

Clause	Compliance	Assessment
2.10 – Zone Objectives and Land Use Table	Y	As aforementioned, the site is zoned IN1 General Industrial pursuant to the Industry and Employment SEPP. The proposed development for the purposes of warehouses and distribution centres is permissible with consent and is consistent with the relevant objectives of the zone to encourage employment opportunities and facilitate a wide range of employment-generating land uses.
2.11 – Additional permitted uses for particular land	N/A	Not applicable.
2.12 – Subdivision – consent requirements	Y	Since the proposed development involves subdivision of the land, consent is required.

Clause	Compliance	Assessment
2.13 – Centre-based child care facilities	N/A	Not applicable.
2.14 – Demolition requires development consent	Y	Since the proposed development involves demolition of existing structures and clearing of land, consent is required.
2.15 – Temporary use of land	N/A	Not applicable.
2.16 – Conversion of fire alarms	N/A	Not applicable.
2.17 – Requirements for development control plans (DCP)	Y	<p>As noted above, the Mamre Road Precinct Development Control Plan has been prepared for the entirety of the Mamre Road Precinct by DPE and encompasses the subject site. The design and built form of the proposed development responds to the requirements of the DCP.</p> <p>A comprehensive analysis of the proposal's compliance with the Mamre Road DCP is provided at Appendix Error! Reference source not found..</p>
2.18 – Existing precinct plans under SEPP 59	N/A	Not applicable.
2.19 – Ecologically Sustainable Development	Y	The proposed development encompasses ecologically sustainable development principles, as outlined in the ESD Report prepared by SLR Consulting at Appendix Error! Reference source not found..
2.20 – Height of Buildings	Y	<p>The maximum height of buildings has been informed by tenant specific requirements in the context of a detailed analysis of the topography of the site, cut and fill balance requirements and consideration of the adjoining Mount Vernon area, noting the nearby hill. Specifically, this clause of the I&E SEPP provides that:</p> <p><i>The consent authority must not grant consent to development on land to which this Chapter applies unless it is satisfied that—</i></p> <p><i>(a) building heights will not adversely impact on the amenity of adjacent residential areas, and</i></p> <p><i>(b) site topography has been taken into consideration.</i></p> <p>The proposed development meets both of these requirements as:</p> <ol style="list-style-type: none"> Building heights proposed for the warehouses sit below the level of the nearby rural residential C4 Environmental Living zoned properties to the east, noting that both warehouses sit outside 250m from the adjacent zoning boundary to this area. The topography of the site, as described on the survey plans and throughout the Amendment Report package, is undulating with minimal areas of flat land that would suit the desired typology envisaged for the Mamre Road Precinct under the DCP. It is also noted that parts of the proposed warehouse sit below the existing ground level of the site.
2.21 – Rainwater Harvesting	Y	The proposed development includes a rainwater tank for each building connected to roof space for rainwater harvesting. This is referred to in Appendix Error! Reference source not found..
2.22 – Development adjoining residential land	Y	The eastern boundary of the site has been identified as 'Transition to rural' and must be compatible with the adjacent C4 Environmental Living at Mount Vernon. The design of the amended proposal sensitively responds to this issue, noting that the warehouses as proposed sit outside of the 250m buffer area to the zoning boundary of the IN1 General Industrial to the C4 Environmental Living.

Clause	Compliance	Assessment
		<p>(2) The consent authority must not grant consent to development on land to which this section applies unless it is satisfied that—</p> <p>(a) wherever appropriate, proposed buildings are compatible with the height, scale, siting and character of existing residential buildings in the vicinity, and</p> <p>(b) goods, plant, equipment and other material resulting from the development are to be stored within a building or will be suitably screened from view from residential buildings and associated land, and</p> <p>(c) the elevation of any building facing, or significantly exposed to view from, land on which a dwelling house is situated has been designed to present an attractive appearance, and</p> <p>(d) noise generation from fixed sources or motor vehicles associated with the development will be effectively insulated or otherwise minimised, and</p> <p>(e) the development will not otherwise cause nuisance to residents, by way of hours of operation, traffic movement, parking, headlight glare, security lighting or the like, and</p> <p>(f) the development will provide adequate off-street parking, relative to the demand for parking likely to be generated, and</p> <p>(g) the site of the proposed development will be suitably landscaped, particularly between any building and the street alignment.</p> <p>Specifically, the proposal satisfies Section 2.22 (2) as outlined below:</p> <ol style="list-style-type: none"> The proposed development is on land zoned as IN1 General Industrial and within an area envisaged for industrial development, compliant with the Precinct Vision within the DCP to cater for warehousing and logistics on larger consolidated land parcels. Goods, plant and equipment will be screened and/or stored within the warehouse buildings as necessary. The two warehouse buildings are located 250m or more from the adjoining zoning boundary, and further to the nearest dwelling houses. These elevations have been designed to be attractive yet practical in nature noting the larger warehousing typology proposed. Noise generation has been assessed per the submitted Noise and Vibration Impact Assessment with the Amendment Report package. The development will operate 24 hours 7 days a week, consistent with the industrial and warehousing typology expected within the Mamre Road Precinct. It has been assessed to minimise impact on the adjacent rural residential properties, noting those dwelling houses sit above the proposed development and beyond 250m to the east. Appropriate off-street parking is proposed for each proposed warehouse. Large areas of landscaping are proposed to provide for a vegetated estate experience, particularly along the proposed road network within the estate.
2.23 – Development involving subdivision	Y	The proposed subdivision has been facilitated to most appropriately orientate the lots to deliver employment generating land uses. As such, it is considered that the proposed subdivision layout will not have any adverse impacts on the supply of land for employment generating purposes. It will ultimately result in an allotment configuration that appropriately suits the proposed warehousing estate as proposed, with each building proposed on an individual allotment.
2.24 – Public Utility Infrastructure	Y	The Civil Engineering Plans and Report have assessed the public utility infrastructure requirements needed to support the proposed development. The assessment concludes that wastewater, potable water, power and telecommunications can be made available to the site to support the proposed development. Refer Appendix Error! Reference source not found..
2.25 – Development on or in vicinity of proposed transport infrastructure routes	N/A	The development is not located on or within close proximity to a proposed transport infrastructure route.
2.27 – Relevant acquisition authority	Y	Any land zoned as SP2 is to be acquired by TfNSW.

Clause	Compliance	Assessment
2.28 - Industrial Release Area – satisfactory arrangements for the provision of regional transport infrastructure services	Y	Satisfactory arrangements are proposed to be satisfied by way of works in kind (by way of a Voluntary Planning Agreement) for the upgrade of the Mamre Road / Abbott Road intersection. This has not changed as part of the amended proposal. While ESR intend to enter into a VPA for the provision of infrastructure., satisfactory arrangements for Clause 2.28 are already met via the implementation of the Western Sydney Aerotropolis SIC.
2.29 – Controls relating to miscellaneous permissible uses	N/A	Not applicable.
2.30 – Design Principles	Y	An Urban Design Report has been prepared by Nettleton Tribe for the amended proposal and is attached to this report at Appendix Error! Reference source not found. The report outlines the design principles which have guided the design of the proposed development with regards to scale and compatibility, landscaping, and materiality.
2.31 – Preservation of trees or vegetation	Y	The site does not contain prescribed trees by an existing development control plan. Where vegetation is proposed to be removed, a BDAR has been prepared as required which addresses the impacts of vegetation removal.
2.32 - Infrastructure development and use of existing buildings of the Crown	N/A	Not applicable.
2.33 – Development near zone boundaries	N/A	Not applicable.
2.34 – Development of land within or adjacent to transport investigation area	N/A	The site is not within a transport investigation area.
2.35 – Development within the Mamre Road Precinct	Y	The site is located in the Mamre Road Precinct and has a capital investment value in excess of \$200,000. Concurrence with Transport for NSW will be required under this clause for the amended proposal.
2.36 – Development in areas subject aircraft noise	Y	While the proposed development is proximate to the new Airport, it does not propose any sensitive land uses such as residential or childcare centres, and the uses proposed (being warehouses and distribution centres), will not result in any significant air emissions. Therefore, the proposed amended development will not result in any impacts to airspace operations.
2.37 – Airspace operations	Y	
2.38 – Development of land adjacent to airport	Y	The proposed amended development is located within 13km from the Airport boundary but will not attract birds or animals and will not impact on airport operations in the area due to the low height design and proposed use of the warehousing typology proposed.
2.39 – Water recycling and conservation	N/A	Not applicable.

Clause	Compliance	Assessment
2.40 – Earthworks	Y	<p>Consent is sought for earthworks, in accordance with the requirement of this clause:</p> <p><i>(3) Before granting development consent for earthworks, the consent authority must consider the following matters—</i></p> <p><i>(a) the likely disruption of, or detrimental effect on, existing drainage patterns and soil stability in the locality,</i></p> <p><i>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</i></p> <p><i>(c) the quality of the fill or the soil to be excavated, or both,</i></p> <p><i>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</i></p> <p><i>(e) the source of fill material and the destination of excavated material,</i></p> <p><i>(f) the likelihood of disturbing relics,</i></p> <p><i>(g) the proximity to and potential for adverse impacts on a waterway, drinking water catchment or environmentally sensitive area,</i></p> <p><i>(h) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,</i></p> <p><i>(i) the proximity to and potential for adverse impacts on a heritage item, an archaeological site, or a heritage conservation area,</i></p> <p><i>(j) the visual impact of earthworks as viewed from the waterways.</i></p> <p>The proposed earthworks will not disrupt or have a detrimental effect on drainage patterns or soil stability or result in any adverse environmental impacts in general; and is required to carry out the proposed amended development:</p> <ol style="list-style-type: none"> Existing drainage patterns and soil stability have been assessed as part of the Amended Report package, with revised drainage arrangements proposed through the engineering works that are informing the built form design of the proposed development. The proposed development is entirely appropriate for the land noting the Mamre Road Precinct has been rezoned for industrial development, with the proposal being consistent with the Precinct Vision as described within the DCP. There is to be a cut and fill balance on the broader Westlink estate site, meaning no import or export is required. Material on site will remain on site in its current quality as present. Noting the Precinct has been rezoned, the interface to the adjoining C4 Environmental Living land to the east of the site has been considered and addressed through the placement of the built form outside of the 250m buffer to the zoning boundary. There are not anticipated to be amenity issues on adjoining properties, noting those to the north and south are also zoned for industrial purposes. As above, there is a cut and fill balance on the site with no import or export proposed. Disturbance of relics has been considered in the appropriate technical assessments. There are no waterways, catchments or environmentally sensitive areas near to the site that will be impacted by the proposal. Mitigation measures are proposed in the Amendment Report that will address any adverse impacts as required. Substantial design work has been carried out to avoid and minimise impacts through adjustments to the design of the proposal, noting also that the Amended Proposal does not include as many buildings as originally proposed. The Heritage Impact Statement prepared by Urbis provides an assessment of heritage items near to the site and considers the proposal to not adversely impact on these nearby items. Visual impact assessment has been considered in the submitted Visual Impact Assessment report, noting that there are no waterways that are presented with a visual impact from the proposed earthworks.
2.41 – Development on flood prone land	Y	<p>The site is not identified as being flood prone land under the Penrith Overland Flow Study. Sedimentation and erosion control and stormwater management is addressed in the Civil Infrastructure Report prepared by AT&L at Appendix Error! Reference source not found. Further analysis is provided in the Flood Impact Assessment and Flood Risk Assessment by Cardno at Appendix L, which identifies that the proposed works result in an improvement of flood conditions on the site for a 100 year ARI event (with further events considered at Appendix L).</p>
2.42 – Heritage Conservation	Y	<p>No heritage items are located on the site, and the site is not located within a Heritage Conservation Area. Nevertheless, as the site is located in close proximity to two Heritage items a Heritage Impact Statement has been prepared by Urbis and is attached to this report at Appendix Error! Reference source not found. for the amended proposal.</p>

Clause	Compliance	Assessment
2.43 – Consent for clearing native vegetation	Y	As previously outlined in the SAR Report and EIS submitted alongside SSD-9138102, there are no impacts from clearing on the site given it is largely cleared and used for grazing.
2.44 – Stormwater, water quality and water sensitive design	Y	The proposed amended development will incorporate water quality and water sensitive urban design measures.