

MEMORANDUM

Reference: PPSSWC-309 (Council Reference: DA23/0067)
To: Sydney Western City Planning Panel
From: Jacqueline Klincke, Development Assessment Planner
Date: 16 May 2023
Subject: **Proposal for 2 Warehouse and Distribution Facilities Including with Earthworks, Creek Realignment, Road Construction, Landscaping and Civil Works and 3 x Lot Torrens Subdivision at 771-797 Mamre Road, Kemps Creek**

Reference is made to the abovementioned development application, for bulk earthworks including creek realignment, construction of 2 warehouse and distribution facilities, road construction, stormwater and landscaping works, and 3 lot torrens subdivision at 771-797 Mamre Road, Kemps Creek (Yiribana Logistics Estate West – Stage 1).

This memorandum follows on from the Kick-off briefing held 8 May 2023 between Penrith City Council and the Panel.

At the direction of the Sydney Western City Planning Panel (SWCPP) Council was requested to provide a list of matters which the Council sees are to be addressed by the Applicant. The matters to be addressed are as follows:

1. Utilities – Sydney Water

The application does not adhere to the Sydney Water Mamre Road Precinct Stormwater Scheme Plan and has not adequately considered the requirement for naturalised trunk drainage along the northern boundary and sewer pumping station.

The Applicant has held recent discussions with Sydney Water and significant amendments have been made to the proposal, such details have not been formally submitted to Council. Furthermore, referral comments received from Sydney Water raise objections to the development and support for the proposal is not provided. This matter therefore remains unresolved.

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2. Infrastructure – Roads

- (a) The design and construction of the Open Space Edge Road and the connection to the adjoining northern site (Kemps Creek Industrial Estate) is required to be delivered by the development. Currently the proposal is to deliver the edge road as part of a future Stage.
- (b) Delivery of Stage 2 is not certain and would be subject to a SEPP amendment to address zoning. The Applicant is required to consult with the developer to the north, Sydney Water and Council prior to the submission of any plans which are to include Edge Road delivery.
- (c) Further details regarding the connection of the proposed north-south Collector Road to the cul-de-sac to the adjoining northern site is required. The Applicant is required to consult with the developer to the north.

3. Waterways

The proposal includes creek realignment and earthworks within a waterway. This aspect is not supported as insufficient detail is provided to demonstrate alignment with the Mamre Road Precinct DCP controls surrounding waterway protection and riparian corridors.

It is further noted that this aspect will require an amendment to the *State Environmental Planning Policy (Industry and Employment) 2021* for the rezoning of the land. Details regarding this have not been provided and it is expected that timeframes related to this amendment are not supportive of a timely assessment and determination of Development Applications. This aspect of the proposal is therefore considered premature.

4. Biodiversity

During the 'kick-off' briefing, the Panel requested clarification regarding the biodiversity certification of the site. The site is located within the Cumberland Plain Conservation Plan area (CPCP) and most of the site is classified as 'Urban Capable land'. A strip of land fronting Mamre Road (zoned SP2 Infrastructure) which is reserved for future road widening is classed as 'Excluded land'. A portion of land along the most western boundary of the site is identified as 'Avoided land' however, no works are proposed in this area.

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5. Stakeholder referrals

Referral comments received from Transport for New South Wales (TfNSW), and Council's development and traffic engineers, environment and waterways teams, have objected to the proposal with design amendments required.

6. Update

The Applicant (Willowtree Planning) provided Council informal draft concept plans on 10 May 2023 via email, to address the Sydney Water requirements and include the Open Space Edge Road in the proposal. However, the Applicant has noted the following must still occur prior to the lodgement of an amended package:

- Sydney Water approval
- DPE approval of the realigned corridor and existing creek line
- Developer (GPT Group) approval of the delivery of the Open Space Edge Road
- Engagement and coordination with adjoining landowners regarding the Open Space Edge Road to ensure holistic road plan and delivery

Next steps

Council intends to request that the application be withdrawn until such time as threshold matters are addressed and required consultation with stakeholders has occurred.

Jacqueline Klincke
Development Assessment Planner