



WESTERN SYDNEY EMPLOYMENT AREA

Mamre Road Precinct

Finalisation Report

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Executive Summary

This report, along with supporting documents, outlines amendments to State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP) to rezone the Mamre Road Precinct (the precinct) primarily for industrial purposes. Rezoning of the precinct will supply additional industrial land for Western Sydney to meet projected demand. The rezoning will deliver around 850 hectares of industrial land that can be readily serviced and developed, integrated with the existing WSEA.

The rezoning of the precinct facilitates the NSW Government's vision for the Western Parkland City. The Western City District Plan recognises the opportunity to deliver a 30-minute city. This means, people can reach their nearest metropolitan and strategic centres within 30 minutes, seven days a week by public transport. The development of land within the precinct will also provide for Greater Sydney's long term freight and logistics and industrial needs. It is an opportunity to deliver liveability and sustainability outcomes including the protection of Wianamatta-South Creek and its tributaries. The precinct will provide for jobs closer to people's homes and contribute to the NSW economy.

The draft Mamre Road Precinct rezoning package, including exhibition Discussion Paper, draft structure plan and draft WSEA SEPP maps, were exhibited between 20 November and 18 December 2019. A total of 88 submissions were received, including:

- 50 submissions from landowners and the community
- 24 submissions from developers and industry groups
- 14 submissions from Government agencies and utility providers, including Penrith City Council.

The key issues raised in submissions include:

- The proposed location and planning controls in relation to the transport investigation areas, including the potential intermodal terminal (IMT).
- The proposed extent and location of the E2 Environmental Conservation, open space and drainage lands.
- The implications of planning controls in relation to flood prone land and planning for probable maximum flood events.
- Clarification on the proposed transitional area between the industrial land and neighbouring residential land uses.
- Proposed location of a potential water reservoir.
- Timing of the road infrastructure including potential Southern Link Road and upgrade of Mamre Road.
- Potential local and State Infrastructure Contributions.
- The refinement of the WSEA boundary, including the exclusion of land to the north and south of the precinct.

A discussion of the major issues can be found in **Section 4** and a summary of all submissions and the responses of the Department of Planning, Industry and Environment (the Department) can be found at **Appendix A**.

The main changes to the structure plan post-exhibition include:

- Refinement of the potential IMT implementation strategy to reflect the revised location for core rail infrastructure supported by connectivity to the broader precinct as a result of collaboration with industry, landowners, the Department and Transport for NSW (TfNSW)

-
- Refinement of Environmental Conservation land to protect native vegetation and provide landowners with industrial development potential, where possible.
 - Removal of regional drainage land as a result of submissions and opportunities to be addresses by individual developments as part of a development application process.
 - Removal of a water reservoir locality to address Sydney Water comments.
 - Refinement of public open space to increase industrial land but still provide amenity for future employees and interfaces with Wianamatta-South Creek.

1 Introduction

1.1 Overview

The rezoning of the Mamre Road Precinct (the precinct) responds to the demand for industrial land in Western Sydney. The rezoning of the precinct facilitates the NSW Government's vision for the Western Parkland City. The Western City District Plan recognises the opportunity to deliver a 30-minute city. This means people can reach their nearest metropolitan and strategic centres within 30 minutes, seven days a week by public transport, which includes expansive industrial and urban services land. The development of land within the precinct will provide for Greater Sydney's long term freight and logistics and industrial needs and is an opportunity to deliver liveability and sustainability outcomes including the protection of Wianamatta-South Creek and its tributaries. The precinct will provide for jobs closer to people's homes and contribute to the NSW economy.

The draft Mamre Road Precinct rezoning package was exhibited between 20 November and 18 December 2019. The precinct has been rezoned under the State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP).

The new planning controls for the precinct provide for around 850 hectares of industrial land with an approximate capacity of 17,000 jobs depending on the nature of development proposals. The rezoning also sees the creation of new environmental conservation areas and public open space.

The rezoning will:

- Permit a range of industrial uses, supporting the establishment of freight and logistics uses.
- Establish controls for appropriate industrial development, including design and environmental considerations.
- Support the delivery of a potential future intermodal terminal (IMT) to service the existing WSEA and the development of the Western Sydney Aerotropolis.
- Identify and plan for delivery of infrastructure that is required to support development.
- Protect significant vegetation and support the protection of Wianamatta - South Creek, the green spine of the Western Parkland City.

Following the public exhibition, the Department of Planning, Infrastructure and Environment (the Department), in collaboration with TfNSW and Penrith City Council (Council), undertook an extensive review of issues raised in submissions, which informed the finalisation of the documents. The Department and TfNSW also collaborated with the private sector under the guidance of a probity advisor to address the impact of the transport investigation area on the delivery of industrial development opportunities before an IMT is required.

This report documents the consultation process, summarises the issues raised in submissions and reports on how those issues have been addressed to finalise the precinct plan.

1.2 Summary of the Mamre Road Precinct

The precinct planning package consists of a number of documents and plans, including:

- Amendments to the WSEA SEPP, which when published will rezone the precinct, include new uses within the industrial zones to align with the Standard Instrument Order and introduce new clauses for consideration for WSEA including flooding, bulk earthworks, environmental conservation and heritage clauses.
- Amendments to various maps under the WSEA SEPP, to show how controls apply to land within the precinct.
- Amendment to the *Environmental Planning and Assessment Regulation 2000* to:

- Give statutory weight to the Mamre Road Precinct Structure Plan to ensure it is considered in future development applications (DA) within the precinct.
- Amend clause 270 which requires a local contributions plan to be in place within the Western Sydney Employment Area (including the Mamre Road Precinct) prior to the determination of a development application unless it is considered to be minor in nature or a planning agreement has been entered into with a planning authority.
- Amendments to the Penrith Local Environmental Plan 2010 (PLEP) to remove rural land use planning controls for the Mamre Road Precinct.

The final Mamre Road Precinct Structure Plan is shown at **Figure 1. Table 1** summarises the development outcomes for within the precinct.

Table 1. Summary of Mamre Road Precinct development outcomes

Land Use	Area
IN1 General Industrial	848 hectares
RE1 Public Recreation	28 hectares
RE2 Private Recreation	23 hectares
E2 Environmental Conservation	73 hectares
SP2 Special Uses – Classified Road	27 hectares
TOTAL AREA	999 hectares

Development Control Plan

The Department is preparing a Development Control Plan (DCP) in consultation with Council to provide detailed design controls for development in the precinct. Until a DCP is finalised, Clause 18 of the WSEA SEPP applies to any DA. It requires a DCP to be prepared and applicable to a site. It is anticipated a draft DCP will be exhibited in the second half of 2020.

Infrastructure Contributions

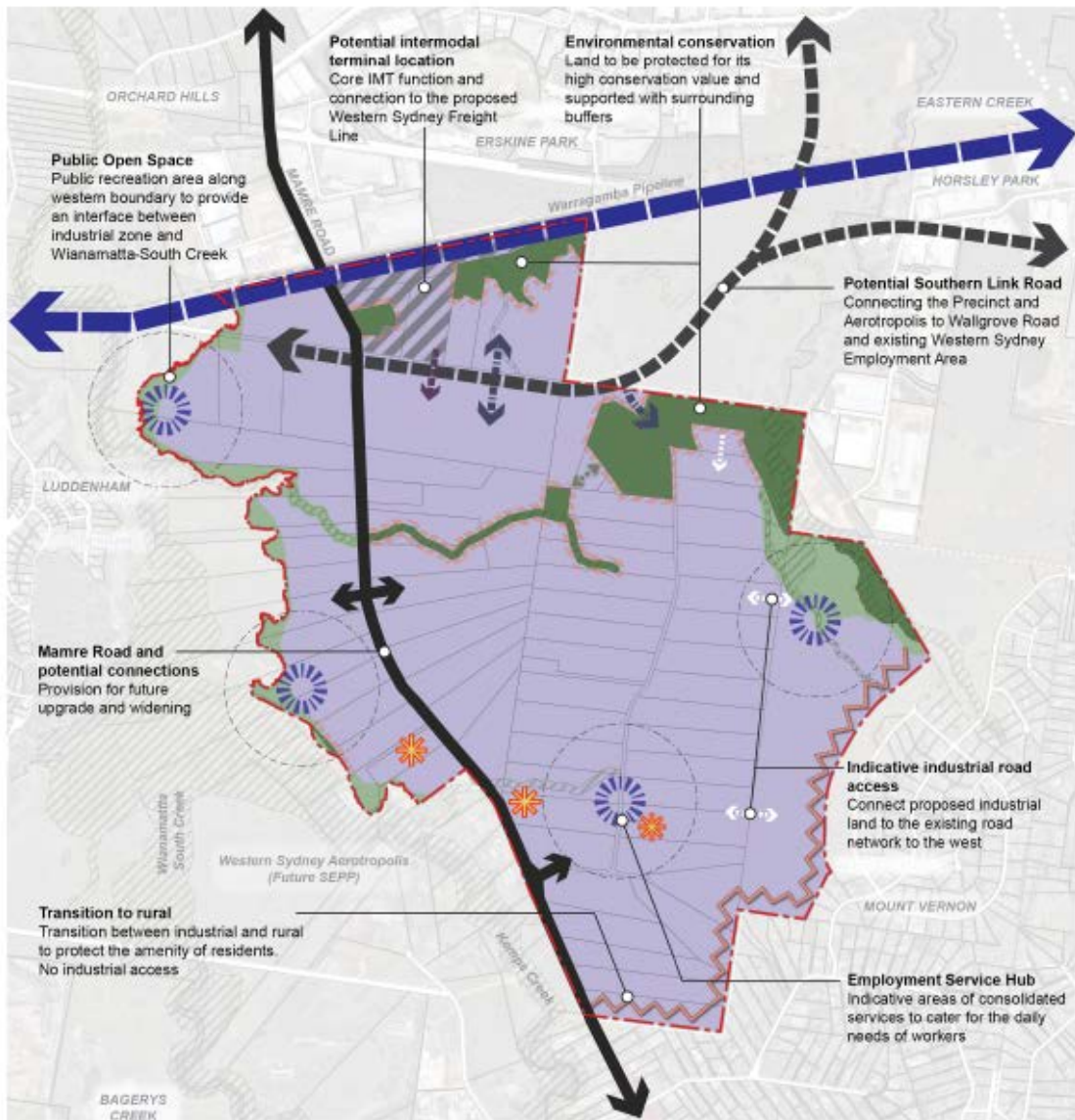
The Department is also working with Council to prepare a section 7.12 plan for the site, which will establish a funding mechanism for local infrastructure, which includes local roads, drainage and local open space. It is anticipated a draft section 7.12 plan will be exhibited in 2020. In the interim, clause 270 of the Environmental Planning and Assessment Regulation 2000 applies which provides the opportunity for an agreement for matters that may be subject of a contributions plan.

With regard to State infrastructure contributions, the draft WSEA Special Infrastructure Contribution (SIC) will apply to the precinct. The precinct will eventually come under the Aerotropolis SIC. As an interim measure the negotiation of the Voluntary Planning Agreements will include a top-up contribution from developers to match contributions applicable according to the Aerotropolis SIC.

Utility Infrastructure

Sydney Water is carrying out strategic planning for the Mamre Road Precinct to provide water, wastewater and recycled water for accelerated development and the long term. As part of this strategic planning, Sydney Water has identified the need for a wastewater pumping station in the Mamre Precinct. The final location will be identified shortly and Sydney Water will plan for this and any required infrastructure under their statutory controls and following stakeholder consultation.

The existing WSEA is fully serviced by power, with a substation in Erskine Park. The WSEA also includes the main TransGrid substation for Western Sydney. The precinct will utilise existing resources and will also help extend the network required to service development throughout Western Sydney.



Structure Plan

- | | | |
|--------------------------------------|--|---|
| Precinct boundary | Mamre Road and potential connections | Transition to rural |
| Cadastral boundaries | Potential Southern Link Road | Transition to Environmental Conservation |
| Industrial | Potential road access | Local heritage items |
| Environmental conservation | Potential freight connection to precinct | Indicative employment service hub (with 400m catchment) |
| Open space | Indicative road access | Opportunity for ecological corridor |
| Potential intermodal terminal | Indicative riparian buffers | |
| Proposed Western Sydney Freight Line | | |



Mamre Road Precinct
Structure Plan - June 2020



Figure 1. Final Mamre Road Structure Plan

1.3 Amendments to other environmental planning instruments

The WSEA SEPP has amended the PLEP to remove planning controls within the Mamre Road Precinct. The PLEP will no longer apply to the Mamre Road Precinct. Amended maps include:

- Additional Permitted Uses
- Clause Application
- Heritage
- Land Application
- Land Reservation Acquisition
- Land Zoning
- Lot Size
- Scenic and Landscape Values

Heritage items within the precinct have been removed from PLEP and placed in the WSEA SEPP. See Section 4.1.10 of this report for further discussion.

The WSEA SEPP has also amended the Blacktown Local Environmental Plan 2015 (BLEP) to remove a local heritage item - Southridge Plaza, Eastern Creek and a state heritage item 'Former Greater Western Highway' to the extent that they are within the WSEA. The purpose of this amendment was to clarify the relationship between BLEP and the WSEA SEPP. See Section 4.1.10 of this report for further discussion.

2 Exhibition Details

2.1 Exhibition and Submissions Period

The draft rezoning package was exhibited from 18 November to 20 December 2019. All submissions received by the Department have been considered in the summary of submissions report at **Appendix A**. A total of 88 submissions were received.

2.2 Exhibited Materials

The following documentation was publicly exhibited as part of the draft rezoning package:

- Discussion Paper, as an Explanation of Intended Effect (a 'plain English' version of the planning controls and amendments to the WSEA SEPP)
- Draft Mamre Road Precinct Structure Plan
- Draft WSEA SEPP maps.

The draft rezoning package was available on the Department's website www.planning.nsw.gov.au.

2.3 Public Notice

A media release announcing the start of exhibition was issued by the Minister for Planning and Public Spaces on 20 November 2019.

Notices were placed in the following newspapers advising of the details of the public exhibition:

- Penrith Press – 28 November 2019
- Fairfield City Advance – 27 November 2019.

2.4 Notification to Landowners

The Department notified all landowners within and adjoining the precinct in writing at the start of the exhibition period. The letter provided details of the exhibition period and information sessions, and invited submissions on the draft Precinct Plan.

Postcards announcing the exhibition were letter boxed dropped to all sites within the precinct with a mail box.

2.5 Notification of Key Stakeholders

The Department advised stakeholders of the exhibition, including local councils, State Government agencies, and developers and developer industry groups, as listed at **Appendix B**.

2.6 Information Sessions

The Department hosted two drop-in sessions and an industry briefing regarding the draft rezoning package during the exhibition period. The following sessions were held:

- Industry session - Wednesday 4 December 2019 from 3pm to 4.30pm at Twin Creeks Golf & Country Club
- Community drop-in session - Wednesday 4 December 2019 from 6pm to 8pm at Twin Creeks Golf & Country Club
- Community drop-in session - Saturday 7 December 2019 from 10am to 12pm at Mamre Anglican School.

The sessions were an opportunity for members of the public to meet with the project team and discuss the draft rezoning package. TfNSW, former Roads and Maritime Services and Sydney Water were also represented at the sessions.

A letterbox drop to residents, direct landowner letters, advertisements in the local papers and a direct email to people registered for updates on the precinct and WSEA informed the community of the drop-in sessions.

More than 150 landowners and community members participated in the drop-in sessions.

The Industry Briefing provided a presentation on key aspects of the draft planning package, including planning controls by Department representatives and a presentation on the potential IMT by TfNSW.

2.7 Post-exhibition targeted consultation

In February 2020, TfNSW and the Department held an IMT workshop with the industry landowners group (representing most institutional developer landowners within the precinct), the Property Council of Australia NSW, Mamre Anglican College, Sydney Water, and specialist advisors on IMT design. The workshop aimed to ensure an ability to develop industrial land in the short term while preserving an opportunity for a future IMT. The workshop identified the need for the IMT and the requirement for planning controls to secure a location as one of the last remaining sites in Western Sydney. TfNSW and the Department considered potential impacts of the IMT on industrial land supply and engineering solutions to address the needs of both parties.

Through collaboration an alternate design solution was identified that protected the core rail infrastructure while accommodating the potential to provide a future IMT in the precinct. The area originally identified for a potential IMT ran north-south in the precinct. An alternate east-west orientated proposal was tabled prior to the workshop by the landowners group.

As the result of the workshop and follow up work by TfNSW, it has been determined that the east-west location can work subject to the delivery of an integrated freight network within the precinct.

3 Submissions Summary

3.1 Number of Submissions

A total of 88 submissions were received as a result of exhibition. All submissions received are listed and summarised at **Appendix A** along with the Department's response. A summary of submissions grouped into major stakeholder groups is provided at **Table 2**.

Table 2. Summary of submissions

Submission author	Number of submissions
Landowners and Community	50
Government agencies and utility providers (including Council)	14
Developers and Industry Groups	24
Total	88

3.2 Issues raised in submissions

All submissions received were reviewed by Department staff, in consultation with Council and other State agencies including TfNSW and Sydney Water.

The key issues raised in submissions include:

- The proposed location and planning controls in relation to the transport investigation areas, including the potential IMT.
- The proposed extent and location of the E2 Environmental Conservation, open space and drainage lands.
- The implications of planning controls in relation to flood prone land and planning for probable maximum flood events.
- Clarification on the proposed transitional area between the industrial land and neighbouring residential land uses.
- Proposed location of a potential water reservoir.
- Timing of the road infrastructure including potential Southern Link Road and upgrade of Mamre Road.
- Potential local and State Infrastructure Contributions.
- The refinement of the WSEA boundary, including the exclusion of land to the north and south of the precinct.

4 Consideration of Issues

This section discusses the issues raised in submissions and those raised in ongoing discussions with State agencies, landowners and key stakeholders. Post exhibition changes have been made to the exhibited zoning maps and Structure Plan as a result of the Department's review of submissions. The way in which the design and implementation of state significant transport infrastructure is preserved through concurrence powers has also been refined. The changes made to the Structure Plan since exhibition are summarised in **Section 5** and discussed below.

The key issues raised in submissions have been considered in detail in this section, while **Appendix A** provides responses to individual submissions. Reference should be made to the final Structure Plan at **Figure 1**.

4.1 Landowner, Community and Developer submissions

During the exhibition period, 74 submissions were received from landowners, community members and members of the development industry. Fourteen submissions were received after the exhibition period ended but have been considered. This section outlines the key matters that arose out of submissions and outlines how these matters have been considered in the finalisation of the rezoning package.

4.1.1 Transport Investigation Areas

4.1.1.1 Intermodal Terminal

Submissions raised concerns and specific objection in relation to the identification of a potential IMT and its need. Objections related to the uncertainty of identifying a potential IMT location without guaranteed investment, a delivery mechanism or the confirmation of the Western Sydney Freight Line. Concerns were raised regarding the amount of land identified for the Transport Investigation Area and how concurrence from TfNSW would be obtained, including whether interim uses would be considered. Submissions also identified that the site identified has significant topographic constraints which, are not suited to the delivery of an IMT.

While a number of submissions objected to the identified location of the IMT, some submissions received from community members, NSW Ports and developers supported the identification of an IMT to service the future needs of Western Sydney.

Since exhibition, the Department has worked collaboratively with TfNSW and industry to determine how an IMT can be delivered within the precinct and meet TfNSW requirements for scale, location and site requirements.

Need

A corridor for the western section of the Western Sydney Freight Line has been proposed between the proposed Outer Sydney Orbital and the M7 Motorway. Investigations are underway to identify a preferred corridor between the M7 Motorway and Southern Sydney Freight Line. The Western Sydney Freight Line would ensure a shift of road freight to rail can be achieved in order to meet the NSW Government's commitment to increase rail mode share of containerised freight handled at Port Botany. The Western Sydney Freight Line will have the added benefit of bypassing the Main West Line. This would then reduce the amount of freight travelling on the line and increase capacity for passenger rail services through Parramatta in the off-peak and serve the 24/7 Western Sydney International (Nancy-Bird Walton) Airport.

The Western Sydney IMT has been identified in a range of strategic documents including Future Transport 2056, NSW Freight and Port Plan 2018-2023, Australian Rail Track Corporation's 2015-2024 Sydney Metropolitan Freight Strategy and the NSW Ports 30 year Masterplan (2015). Most recently, the Australian Government's 2020 Infrastructure Priority List identifies 'corridor

preservation for Western Sydney Freight Line and IMT access' as a high priority initiative for the next 0-5 years.

To achieve the NSW Government's commitment to increase freight on rail, an expansion of intermodal capacity in Sydney is needed. Depending on rates of market take up of existing capacity, the current IMTs in Sydney are unable to meet the growing demand or enable the rail mode share targets to be maintained. The Western Sydney IMT would be a cost-competitive pathway for transporting containers to various major industrial precincts within or near the WSEA, including Arndell Park, Badgerys Creek, Blacktown, Eastern Creek, Erskine Park, Huntingwood, Minchinbury-Mount Druitt and Werrington.

Suitability of location

TfNSW has advised that the locating an IMT within the precinct is the last suitable area remaining in Western Sydney, following years of development pressure and master planning. The exhibited location was chosen as a result of a comprehensive site selection analysis which assessed sites based on their proximity to motorways, rail connection to the future Outer Sydney Orbital and Western Sydney Freight Line and proximity to the market.

The revised IMT site runs east west parallel to the proposed Western Sydney Freight Line in the location that would have accommodated east and west facing rail spurs and has been evaluated by TfNSW and the Department. At its proposed location within the precinct it would serve as a dedicated IMT for Western Sydney with the following key features:

- Dedicated access to Port Botany via the Western Sydney Freight Line
- Co-location with warehousing within the surrounding industrial precincts, reducing pressure on the road network
- Able to minimise pick-up and delivery costs through its proximity to the market
- Proximity to major arterial roads including the M4, M7 and proposed M12
- Create employment in Western Sydney.

Concurrence requirements

Submissions identified concern regarding uncertainty of development for the concurrence role and function and extent of application. TfNSW has determined that an alternate location is suitable for an IMT provided it could be guaranteed to be integrated with the proposed warehousing throughout the precinct. This could be integrated via a dedicated freight network (such as a haul route, automated truck or automated guided vehicle network). In order to protect the land required for the IMT and a dedicated freight network, concurrence of TfNSW is required.

The amended planning package retains a refined transport investigation area concurrence overlay to ensure development within the affected area would need to preserve the opportunity for construction of the terminal and supporting freight network in the future. The entire precinct will be subject to obtaining concurrence from TfNSW to demonstrate that they can satisfactorily provide for a dedicated freight network. This includes provision of fire access roads that are sufficient to cater for the freight network and that connect to adjoining fire access roads.

The concurrence clauses are clauses 33B and 33C within the WSEA SEPP.

4.1.1.2 Southern Link Road

Submissions sought confirmation regarding the concept design for Southern Link Road, including the intersection treatment with Mamre Road. It was requested that the design be expedited to establish the land reservation requirements and removed the need for concurrence as part of the transport investigation area.

TfNSW are working on a concept design for Southern Link Road. The transport investigation area and concurrence from TfNSW will continue to apply to Southern Link Road until the road design is

more certain. The transport investigation area and structure plan have been amended to consider maintaining or modifying access to Aldington Road from the Southern Link Road. Once a final design is resolved, an amendment to the WSEA SEPP may occur to remove the transport investigation area to replace with relevant Special Uses zoning.

4.1.1.3 Mamre Road upgrade

Submissions requested confirmation on the proposed zoning, land acquisition requirements and timeframe for the Mamre Road upgrade. Submissions identified that the upgrade should be prioritised.

A preferred option for upgrading Mamre Road between the M4 Motorway, St Clair and Kerrs Road, Kemps Creek was displayed for community comment in 2017. The strategic design and responses to comments are detailed in a Community Consultation Report, dated April 2019, available on the project website: www.rms.nsw.gov.au/projects/mamre-road-upgrade.

The NSW Government has committed \$220 million to upgrade Mamre Road between the M4 Motorway and Erskine Park Road (north of the precinct). TfNSW has invited tenders for the concept design and environmental impact assessment. These are essential steps before detailed design and construction can occur and detailed project staging will be provided in the future.

Development planning for Mamre Road south of Erskine Park Road (within the precinct), including concept design and environmental impact assessment, will commence at a later time when budget is allocated.

However, the section of Mamre Road within the precinct will be zoned SP2 Classified Road to provide certainty to landowners.

In addition, the widening of Mamre Road which is proposed north of the Warragamba pipelines was exhibited as part of the rezoning package. Following exhibition, TfNSW confirmed the boundaries of the widening required for the SP2 Classified Road. These boundaries have been incorporated into the final rezoning package and result in a minor increase of the SP2 zoning. The widening has been the subject of consultation by Transport for NSW.

The zoning of the existing Mamre Road corridor, formerly zoned SP2 in Penrith LEP, was also brought into the WSEA SEPP. A total of an additional 6.5 hectares of SP2 Infrastructure – Classified Road is proposed.

The exhibited and rezoned changes are shown in **Figure 2**. The exhibited SP2 zoning is identified in yellow and the additional SP2 zoning is hatched.



Figure 2. Additional SP2 Classified Road zoning

4.1.1.4 Western Sydney Freight Line

One submission was received from a community member supporting the delivery of the proposed Western Sydney Freight Line to reduce trucks on the public road network. Other submissions considered the proposed 60m corridor to be excessive and argued the freight line sterilises land until TfNSW or developers purchase the land.

The proposed Western Sydney Freight Line was identified within Future Transport Strategy 2056 as essential infrastructure required to deliver the vision for Western Sydney, providing connections to Port Botany. The corridor width has been identified by TfNSW as the required land area to deliver the freight line. The rezoning seeks to minimise the area affected by future transport projects and allow complementary and interim uses to allow development of land.

4.1.2 Zoning

4.1.2.1 Environmental Conservation

Submissions raised concern in relation to the following matters:

- Location of land for Environmental Conservation
- Location of riparian corridors
- Clarity of future acquisition.

The draft rezoning package identified sites for E2 Environmental Conservation based on analysis of areas of biodiversity, including remnant vegetation (predominantly Cumberland Plain Woodland) and riparian corridors.

Remnant vegetation

In response to submissions, the Department has reviewed the proposed E2 Environmental Conservation land and refined boundaries where appropriate. Figures 3 and 4 provide a comparison between exhibited and final E2 Environmental Conservation zone areas. Notwithstanding this refinement, areas of high value biodiversity have been retained as E2 Environmental Conservation for protection. This includes that the following circumstances:

-
- The presence of Cumberland Plain Woodland was evident on the site. Cumberland Plain Woodland is listed as a Critically Endangered Ecological Community under Schedule 2, Part 1 of the *Biodiversity Conservation Act 2016*.
 - The presence of River-Flat Eucalypt Forest was evident on the site. River-Flat Eucalypt Forest is listed as an Endangered species under Schedule 2, Part 2 of the *Biodiversity Conservation Act 2016*.
 - Ground truthing has identified land as having riparian land within the riparian land definition under the Biodiversity Assessment Method Appendix 3, which is established by the *Biodiversity Conservation Act 2016*.

Riparian corridors

As part of precinct planning, Sydney Water has prepared the first stage of Water Cycle Management Report that will inform the preparation of the precinct wide DCP. Part of this work includes a Riparian Corridors Assessment which undertook ground truthing of riparian corridors to confirm their presence and exact location.

The Department then worked closely with the NSW Government Natural Resources Access Regulator (NRAR) to determine which riparian corridors should be mapped and protected accordingly. In summary:

- Waterfront land that meets the definition under the *Water Management Act 2000* for second and third order riparian corridors have been zoned E2 Environmental Conservation.
- First order riparian corridors have been identified on the Mamre Road Precinct Structure Plan, which is a matter for consideration for future development applications.
- A consent authority must consider riparian land and development is encouraged to use naturalised solutions to protect waterfront land as part of the new WSEA SEPP clause on stormwater, water quality and water sensitive urban design.
- All development will need to consider the drainage impacts of development and comply with flooding and water cycle management controls.

The retained E2 Environmental Conservation for the second order tributary to South Creek is considered to be particularly significant from an ecological perspective as well as from a riparian corridor perspective. This corridor will protect one of the last remaining ecological corridors connecting Wianamatta-South Creek and Ropes Creek. This corridor's biodiversity value includes endangered or critically endangered ecological communities listed under the NSW Biodiversity Conservation Act 2016 and Australian Government's Environmental Protection and Biodiversity Conservation Act 1999, including:

- Swamp Oak Forest
- River-Flat Eucalypt Forest
- Cumberland Plain Woodland
- Freshwater Wetland on Coastal Floodplain

At the western end of this corridor, the E2 zoning has been extended to protect an area of Cumberland Plan Woodland to further strength the ecological corridor identified above.

These measures are in addition to any requirements under the *Water Management Act 2000*, *Biodiversity Conservation Act 2016* and *Environmental Protection and Biodiversity Conservation Act 1999*.

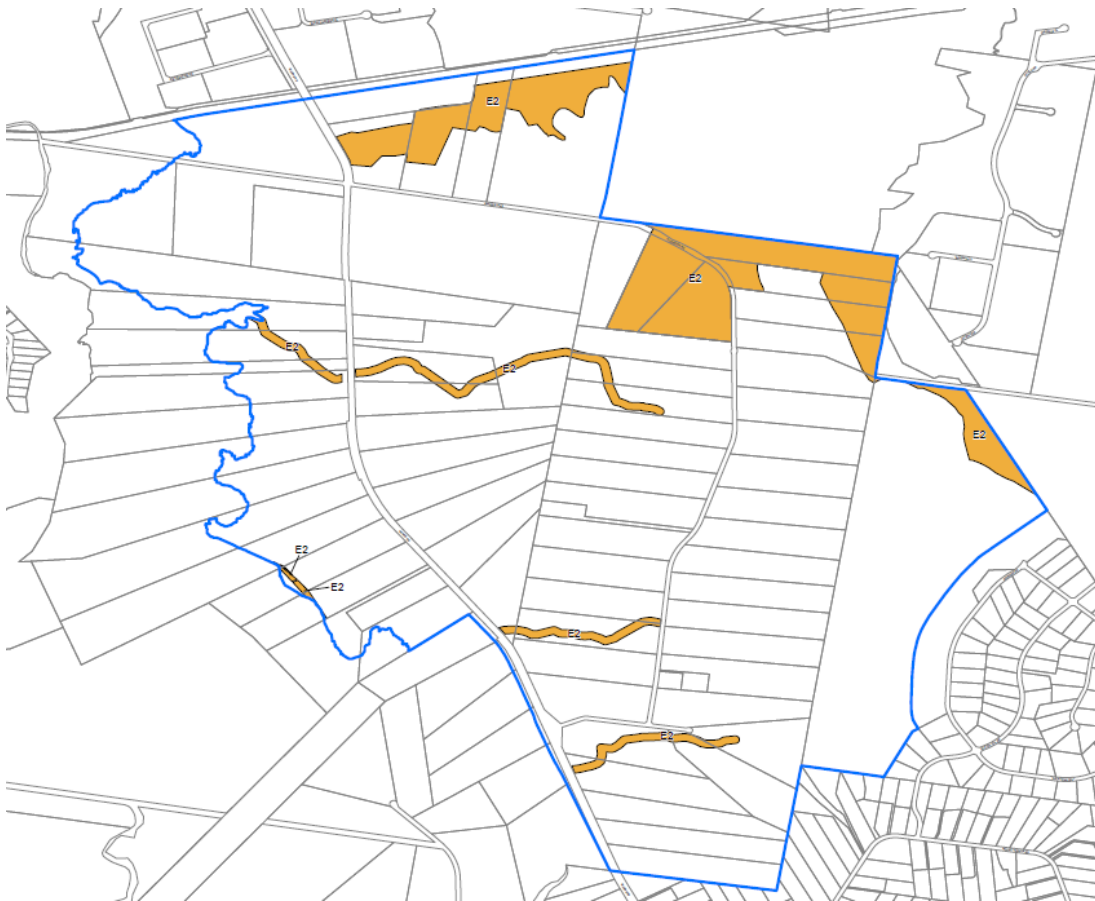


Figure 3. Exhibited E2 zoning

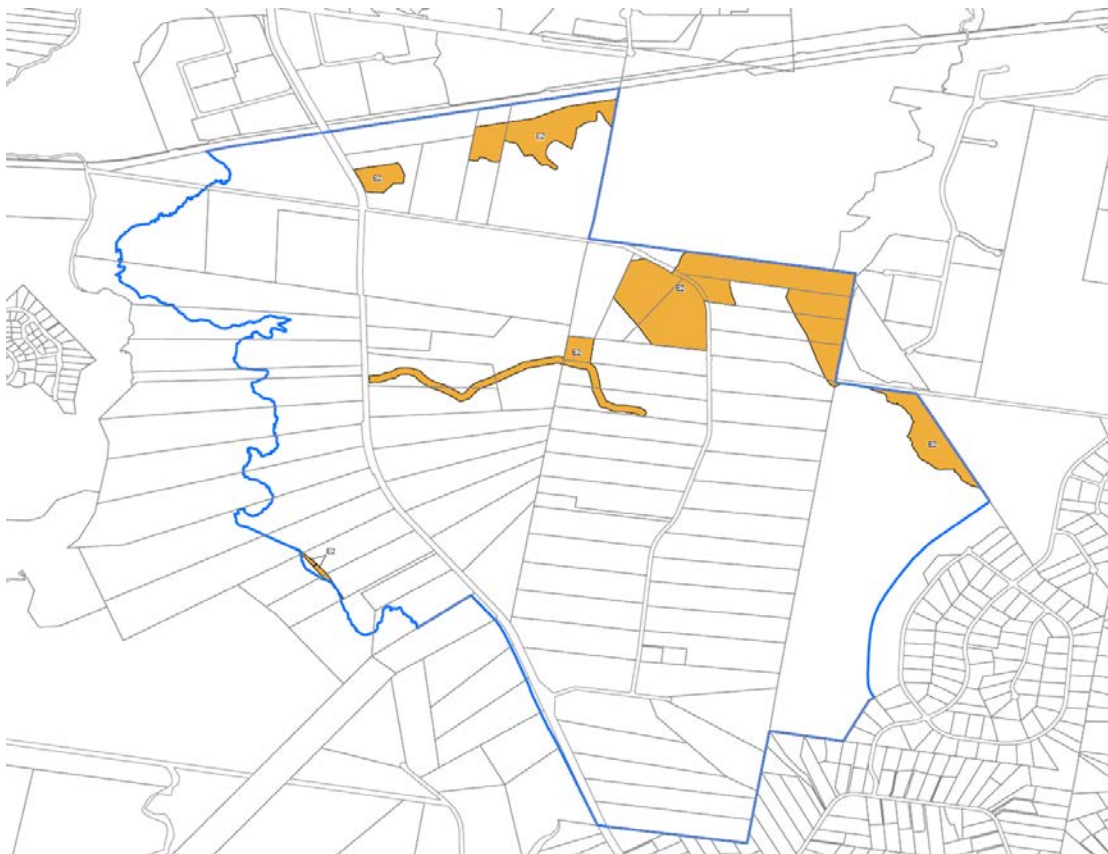


Figure 4. Final E2 zoning

Acquisition of Environmental Conservation land

Private land containing high biodiversity value will play an important role in protecting Western Sydney's biodiversity into the future. Areas zoned Environmental Conservation as they represent the presence of Cumberland Plain Woodland or River-Flat Eucalypt Forest could be suitable for biodiversity stewardship agreement sites. Environmental Conservation land has not been identified for acquisition at this stage. However, the Department will investigate the potential to acquire selected sites as it prepares a Special Infrastructure Contribution plan for the precinct.

A biodiversity stewardship agreement is a voluntary agreement between the Biodiversity Conservation Trust and a landholder to permanently protect and manage an area of land to improve its biodiversity values. A biodiversity stewardship agreement enables a landholder to generate biodiversity credits, which can be sold to a developer, the Biodiversity Conservation Trust or other interested parties. A biodiversity stewardship agreement provides landholders with an annual payment for protecting and managing the vegetation on their land as well as payment for any biodiversity credits sold or retired. Further information for landholders can be found on the Biodiversity Conservation Trust website: www.bct.nsw.gov.au.

Landowners would need to determine the viability of entering into a biodiversity stewardship agreement and viability may increase if sites are amalgamated. In addition, where possible, the E2 zoning has been refined and parts of the sites have been zoned IN1. Areas that have been retained as E2 Environmental Conservation have limited viability for other uses, given the environmental significance of vegetation and the need to obtain approvals for vegetation clearing under the *Biodiversity Conservation Act 2016* and *Environmental Protection and Biodiversity Conservation Act 1999*.

4.1.2.2 Public Open Space

Submissions were received objecting to the location and quantity of public open space within the precinct. Submitters identified they considered there was sufficient open space in the locality and flood free industrial land should not be sterilised for public open space. Developer submissions identified open space for employees could be provided within individual developments.

Submissions identified open space should be provided in a more flexible manner within the precinct to reduce land use conflicts and land acquisition requirements. Some submissions suggested the use of RE2 Private Recreation or increasing the permissible land uses with that zone.

Since exhibition, the extent of public open space has been refined based on design considerations. About 25 hectares of public open space has been rezoned within the precinct. Local public open space is essential to deliver liveability and public recreation outcomes for future employees of the area. The precinct is also suitable for the provision of regional open space. The provision of open space supports the delivery of the Wianamatta-South Creek Precinct within the Western Sydney Aerotropolis.

The use of the RE2 Private Recreation zone is not considered suitable given the fragmented ownership along the Wianamatta-South Creek corridor. The uses within the RE1 Public Recreation zone have been broadened, to be consistent with the PLEP, as Council will be the acquisition authority.

4.1.2.3 Private Open Space

Submissions also sought to understand the RE2 Private Recreation zoning of land and the applicability of flood data. Submitters considered industrial development would be feasible on flood affected land, with engineering solutions available. It was requested zoning should follow cadastral boundaries or be replaced with IN1 General Industrial or IN2 Light Industrial zones which could address flooding constraints through a DA process.

The RE2 Private Recreation zone has been identified as the appropriate land use in the north east of the site because large portions of this area have been identified as affected by the 1 in 100 chance per year flood level. The flood affectation is not consistent with the cadastral boundaries. Non-flood areas identified as RE2 would be isolated in a flood. The flood affectation also means the area is not suitable for large areas of cut and fill, due to the cumulative impact this may have on surrounding areas and the catchment.

To enable more development within the RE2 Private Recreation zone that would be compatible with the flood affectation and to encourage amenity adjoining Ropes Creek, the permissible land uses have expanded to include:

- Aquaculture
- Building identification signs
- Community facilities
- Environmental facilities
- Environmental protection works
- Food and drink premises
- Function centres
- Information and education facilities
- Kiosks
- Recreation areas
- Recreation facilities (indoor and outdoor)
- Roads.

4.1.2.4 Drainage land

Three submissions were received that objected to the draft SP2 Drainage zoning. Submissions sought clarification on the rationale and methodology used to identify the size and location of the drainage land.

As part of precinct planning, Sydney Water are working on a Water Cycle Management Report that will inform the preparation of the precinct wide DCP. This has included a review of the drainage land and analysis of required regional drainage areas. It has been concluded that no land will be zoned SP2 Drainage. Land will however, be identified within the precinct wide DCP for drainage purposes. This will enable greater flexibility in the delivery of drainage requirement throughout the precinct, including by individual developments, without placing the burden of delivery and funding on Council. A draft DCP will be exhibited in the second half of 2020, for comment. This approach is similar to the drainage approach undertaken within the Erskine Park DCP.

4.1.3 Traffic and transport network

Submissions sought clarification on potential lot layouts and the road structure. This included the need for road layouts to allow for suitable heavy vehicle circulation and providing access to properties that will not have direct access to main roads. Submissions also identified the need to prioritise planning and implementation of transport infrastructure connections between WSEA, the Western Sydney Airport and the Aerotropolis Core. It was also raised that the Structure Plan should align with the strategic transport direction set out in the Western Sydney Aerotropolis Plan.

The Department is working with Council and TfNSW to prepare a draft indicative road pattern for the precinct including an integrated freight network. The indicative road pattern will be incorporated into the precinct wide DCP. The indicative road pattern will enable the orderly development of land, to ensure all properties have access to the industrial road network. In the interim, sites could be developed through discussions with adjoining landowners and development applications would need to consider the impact on access of adjoining properties.

A strategic road network for the precinct is also being considered as part of the Aerotropolis road network plan, to ensure alignment and delivery of future transport projects to deliver the vision for the Western Parkland City.

4.1.4 Flooding

Submissions from developers and landowners raised objections to the approach to flood planning. Submissions identified proposed flood planning controls were overly stringent and contradict NSW Government and Council planning policies. This will lead to the unnecessary sterilisation of land. Submissions objected to limiting development within the 1:100 ARI, which could have an engineering solution to allow for development. Concerns were also raised with the adoption of the probable maximum flood level (PMF) as a flood planning level, being inconsistent with existing flood planning policies. It was requested the technical work be exhibited to provide an understanding of the rationale of amending the prevailing standards.

The draft rezoning package sought to restrict development on land affected by the 1 in 100 chance per year flood level to open space or similar. In addition, development controls were proposed to require consideration of the impact of development on land between the 1 in 100 year and PMF levels. Consideration of the PMF is to ensure consent authorities take into account the cumulative impact of development on the flood plain. This will protect the floodway and avoid worsening of flood events on other land in the catchment.

Infrastructure NSW (INSW) is leading the South Creek Sector Review, which is a key recommendation of the 2018 State Infrastructure Strategy. The PMF is one of the considerations of the review. The outcomes of the review will inform the future DCP controls for the precinct.

In addition to the above, a new flooding clause has been inserted into the WSEA SEPP, which requires a consent authority to consider of the cumulative impact of development including cut and fill. This is consistent with the Western City District Plan. Consideration of flood levels other than 1 in 100 year level are required by the Flood Plain Development Manual. It is best practice to consider the impact of greater flood events.

4.1.5 WSEA Boundary

The draft rezoning package proposed to amend the WSEA boundary to apply the WSEA SEPP only to land zoned under the plan. Submissions were received from landowners and developers objecting to this approach, raising concerns regarding the following three areas:

- Mandalong Close/ Mamre West Stage 2 to the north of the precinct
- Land identified under the Western Sydney Aerotropolis
- Land to the south of the precinct, in close proximity to the intersection of Mamre Road and Elizabeth Drive.

4.1.5.1 Mandalong Close/ Mamre West Stage 2

Eleven submissions were received from landowners and developers wanting Mamre West Stage 2 to be included within the rezoning. Submissions argue flooding concerns are insufficient justification to defer rezoning.

Figure 3 identifies the site referred to as Mamre West Stage 2, which includes Mandalong Close.

This area has been retained within the boundary of the WSEA but the zoning has reverted to the PLEP zone of RU2 Rural Landscape. Until the results of the South Creek Sector Review being completed by Infrastructure NSW are known, the extent of filling in this area cannot be determined. This area will be reviewed when the Infrastructure NSW work is complete and an appropriate zone and development footprint can be investigated. Where land is unsuitable for industrial development because of flooding constraints, the Department and Council will explore uses that provide a transition to other rural areas and opportunities for economic use of land.

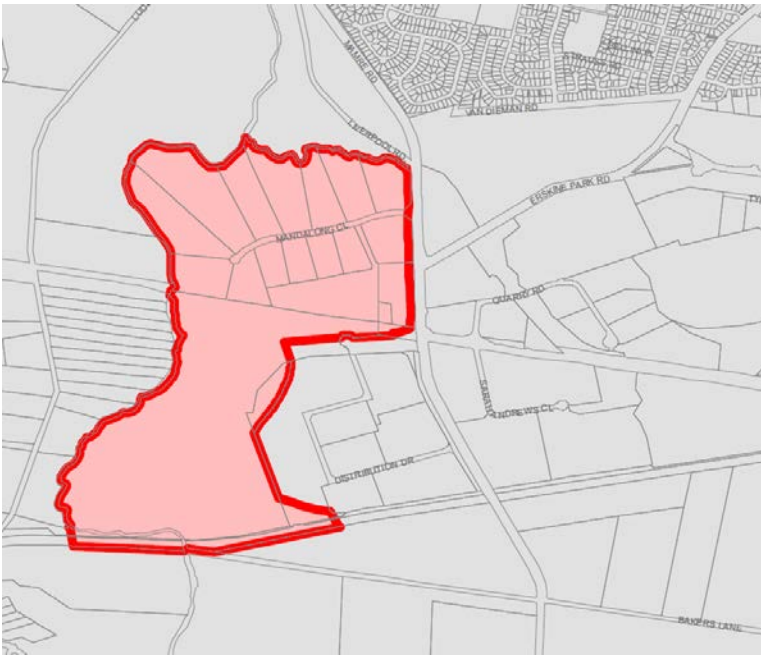


Figure 5. Mandalong Close/ Mamre West Stage 2

4.1.5.2 Western Sydney Aerotropolis

Submissions were received from landowners on the western side of Mamre Road, which are identified as partly within the precinct and are partly within the Western Sydney Aerotropolis. Concern was raised that land has been excluded from industrial zoning and the application of two environmental planning instruments will be confusing.

The western precinct boundary is based on the 1 in 100 chance per year flood level, based on Council's flood modelling data. Properties above that flood have been identified as RE1 Public Recreation and IN1 General Industrial under the WSEA SEPP. There are no legal implications of two environmental planning instruments applying to land. The rezoning of part of these lots will enable the development of land, whilst planning for the Wianamatta-South Creek Corridor is finalised.

Other submissions were received raising concern they were proposed to be excluded from the WSEA but were located within the Western Sydney Aerotropolis.

The rezoning package excludes land that was previously identified within the broader WSEA, but is proposed to be located within the Western Sydney Aerotropolis. The Mamre Road Precinct is a precinct within the Western Sydney Aerotropolis and follows the strategic direction of the Western Sydney Aerotropolis Plan and Western City District Plan.

4.1.5.3 Land south of Mamre Road Precinct

Three submissions were received from landowners/ landowner representatives to the south of the precinct. Figure 4 identifies these areas that were excluded from the revised WSEA boundary. The submissions requested their sites be included within the rezoning of the precinct.

The Department has reviewed the sites and considered them alongside other planning processes underway in the area, including the Western Sydney Aerotropolis and transport infrastructure projects, including the M12.

This area has been retained within the WSEA but the zoning has reverted to the PLEP zone of RU4 Primary Production Small Lots. These lots cannot be rezoned at this stage as contamination, Aboriginal heritage and flooding assessments are not complete. The Department will work with Penrith City Council to identify a program to further consider the future zoning and use of this land.



Figure 6. Land south of Mamre Road Precinct

4.1.6 Planning controls within WSEA SEPP

Submissions raised concerns regarding the addition of new clauses within the WSEA SEPP and the impact this would have on industrial development within WSEA. Submissions also requested the addition of extended exempt and complying development to simplify the planning approvals process, as the standard approval process for the precinct may include zoning boundary adjustments, TfNSW concurrence requirements and local and State development contributions. Submitters consider identifying and encouraging opportunities for exempt and complying development will reduce timeframes to deliver employment generating development within the precinct and reduce burden on Government for the assessment of proposals.

New clauses introduced into the WSEA SEPP include:

- Earthworks (Clause 33H)
- Airport Safeguarding (Clause 33D – 33F)
- Development on flood prone land (Clause 33I)
- Heritage conservation (Clause 33J)
- Water recycling (Clause 33G)
- Native vegetation within the E2 zone (Clause 33K)
- Stormwater, water quality and water sensitive urban design (Clause 33L)

Clauses relating to bulk earthworks, contamination, flexible zone boundaries and heritage are consistent with the local planning controls already applicable to the land. New clauses relating to flood prone land, native vegetation and aircraft noise have been introduced to address specific site constraints and to deliver the principles established within the Western City District Plan.

Where relevant, the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 applies to development within the WSEA. This includes provisions of exempt and complying development for industrial, signage and other uses that are permissible with WSEA, where development standards can be satisfied. Additional provisions have not been included to extend the application of exempt and complying development as substantial development within the Mamre Road Precinct needs to be granted concurrence from TfNSW. It is acknowledged that the introduction of the concurrence clause does also limit the application of exempt and complying

within the precinct. The concurrence clause has been limited to apply to development with a capital investment value of over \$200,000, to minimise referral requirements for minor development applications and enable exempt and complying development, where suitable.

New Exempt and Complying provisions are being investigated as part of the work being undertaken in the Aerotropolis. Consideration of the application of these provisions to the Mamre Road precinct will be considered at a later stage if appropriate.

4.1.7 Infrastructure contributions

A number of submissions from landowners, the community and developers were received in relation to a desire for greater certainty regarding local developer contribution and SIC.

4.1.7.1 Local contributions

Council is preparing a section 7.12 plan to be exhibited in 2020 to inform local developer contributions for the precinct. Local developer contributions will provide local open space, regional drainage and some local roads.

Clause 270 of the *Environmental Planning and Assessment Regulation 2000* also requires a local contributions plan to be in place prior to granting of development consent on land within the IN1 zone in the Western Sydney Employment Area (including the Mamre Road Precinct), a planning agreement to be in place or the development to be considered minor in nature. A minor amendment to this clause was made as part of the rezoning to clarify the intent of this clause.

4.1.7.2 State infrastructure contributions

The Department continues to work with the Greater Sydney Commission on a Growth Infrastructure Compact (GIC) for the Aerotropolis, which includes the precinct. The GIC will inform a potential SIC for the area.

Until the finalisation of the Aerotropolis SIC, VPAs will continued to be negotiation based on the draft WSEA SIC Developers will be required to make contributions towards State/regional infrastructure via a voluntary planning agreements using the draft WSEA SIC rate with a top up contribution that will match the amount specific in the Aerotropolis SIC when made.

Delaying the rezoning package until a SIC is determined would have an unacceptable impact on the supply of industrial land. The Department will carefully evaluate the nexus between the demand individual proposals make on the infrastructure to be provided and the in-kind contribution they make to upgrading or providing roads or other infrastructure to the precinct.

4.1.8 Transition areas

Submissions from landowners within the precinct, adjoining landowners within Mount Vernon and developers sought further understanding on the transition area proposed for the eastern side of the precinct. This included requests to remove the transition area and other submissions requesting a 500m Environmental Conservation buffer. Clarification was also sought to understand why transition areas were sought to RE2 Private Recreation zoned land.

The transition areas have been identified on the Structure Plan to provide an interface between the rural residential areas and industrial development and industrial development and waterways. Clause 23 of the WSEA SEPP establishes matters a consent authority must consider for development within 250m of land zoned primarily for residential purposes. These matters are:

- wherever appropriate, proposed buildings are compatible with the height, scale, siting and character of existing residential buildings in the vicinity;
- 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;

-
- 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;
 - noise generation from fixed sources or motor vehicles associated with the development will be effectively insulated or otherwise minimised;
 - 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;
 - the development will provide adequate off-street parking, relative to the demand for parking likely to be generated; and
 - the site of the proposed development will be suitably landscaped, particularly between any building and the street alignment.

This is an existing clause within the WSEA SEPP, which will now apply to the precinct as it is rezoned.

The structure plan has been amended to only include the transition area to residential boundaries. A new transition area has been introduced on the structure plan to address the interface of industrial development with environmental conservation land. The purpose of this new transition area is to ensure that industrial development does not negatively impact on the conservation values of adjoining land.

The precinct wide DCP will likely introduce detailed design controls to address this transition area with tailored controls depending where in the precinct development is proposed.

4.1.9 Water reservoir

A number of submissions were received objecting to the location of the potential water reservoir within the precinct. The objections were based on the suitability of the proposed location.

Following exhibition, the Department consulted with Sydney Water to confirm the suitability of the site. At this time, the need for a water reservoir at this location is uncertain. Therefore, a site has not been identified in the structure plan or zoning. Should Sydney Water identify the need for a site in the future, the landowner will be approached by Sydney Water to investigate acquisition.

Sydney Water has identified the need for a wastewater pumping station (PS) in the Mamre Precinct. This is indicated in the infrastructure plans for the area. The final location will be identified shortly and Sydney Water will plan for this and any required infrastructure under its statutory controls and after stakeholder consultation.

4.1.10 Heritage

Two submissions were received in relation to the WSEA SEPP and European Heritage. One submission requested the local heritage listing of “Bayley Park” house at 919-929 Mamre Road, Kemps Creek be removed. The other submission requested the listing and provision of heritage controls within WSEA for 1 Southridge Street, Eastern Creek.

The WSEA SEPP has been amended to include existing heritage listings formerly within the relevant LEP to ensure heritage items are protected. No heritage item listings have been deleted. Heritage incentive clauses and matters for consideration have also been included in the WSEA SEPP. **Table 3** outlines the heritage items now listed under the WSEA SEPP.

Table 3. Heritage items listed under the WSEA SEPP

Suburb	Item Name	Address	Property description	Significance	Item No	New Item No under WSEA SEPP
Prospect	Great Western Highway (former alignment)	Reservoir Road/Tarlington Place/Yallock Place/Honeman Close		State	BLEP I60	I60
Eastern Creek	Southridge	1 Southridge Street	Lot 1551 DP 1180982	Local	BLEP I23	I1
Kemps Creek	"Bayley Park", house	919–929 Mamre Road	Lot 35, DP 258414	Local	PLEP 104	I2
Kemps Creek	Gateposts to Colesbrook	269–285 Mamre Road	Lot 8, DP 253503	Local	PLEP 105	I3
Kemps Creek	Brick farmhouse	282 Aldington Road	Lot 142, DP 1033686	Local	PLEP 106	I4

4.1.11 Saving and transition

A number of submissions sought the inclusion of a savings and transition clause for the Amendment. Clause 34 of WSEA SEPP provides a savings and transition clause, excluding development applications lodged under Clause 12 of the WSEA SEPP. Clause 12 enabled development applications to be lodged on unzoned land, prior to detailed precinct planning being undertaken. Clause 12 has now been repealed. To ensure that precinct wide outcomes are achieved, development applications lodged under clause 12 will not benefit from the savings and transition clause. Instead, they will need to comply with the development controls established within the WSEA SEPP.

4.2 Government Agency and Utilities submissions

During the public exhibition period, 14 submissions were received from Government and utility authorities. The Department continued to liaise with relevant authorities as the plans for the precinct were finalised. Submissions were received from:

- Commonwealth Department of Infrastructure, Transport, Cities and Regional Development
- Jemena
- Ministry of Health
- NSW Department of Primary Industries
- NSW Office of Sport
- NSW Ports
- Penrith City Council
- Sydney Water
- Water NSW

Following exhibition, submissions were also received from:

- Environment, Energy and Science Division of the Department
- NSW Department of Communities and Justice
- NSW Environment Protection Authority
- NSW Heritage Office
- Natural Resources Access Regulator

The Department also received advice from Transport for NSW and the Western Sydney Planning Partnership throughout the development of the precinct plan and post exhibition. The issues raised included open space provision, provision of utilities including gas, water and sewer, impact on the Warragamba Pipelines, extent of flooding, planning controls, permissible land uses, the need to protect land for an IMT, safeguard measures for the future airport and sensitive land uses, protection of creek corridors and heritage items.

Appendix A outlines the issues raised in each submission and the Department's response.

5 Post-exhibition amendments to the rezoning package

5.1 Structure Plan and SEPP Map Amendments

The following table summarises the changes made to the Structure Plan after exhibition as shown in **Figure 1** and details the corresponding changes to the relevant SEPP maps.

Table 4. Description of changes made to the Structure Plan and SEPP maps since exhibition

Description/ location of change	Structure plan/ SEPP map amended	Comments	See Section (of this report)
Removal of Water Reservoir	Structure Plan	Sydney Water investigations are still being carried out regarding the need for a water reservoir within the Precinct.	4.1.9
Environmental Conservation	Structure Plan Zoning	The Department's CPCP team undertook site by site analysis to extend and refine the proposed Environmental Conservation land, where appropriate.	4.1.2.1
Riparian Corridors	Structure Plan	Potential watercourses have been identified on the Structure Plan and subject to consideration at development application stage.	4.1.2.1
Southern Link Road	Structure Plan Zoning	Transport Investigation Area and structure plan have been amended to consider future investigation into potential access to Aldington Road.	4.1.1.2
Transition area	Area on Structure Plan reduced	Detailed controls for the transition area will be provided in the precinct wide DCP. Clause 23 of the WSEA SEPP will also apply.	4.1.8

Description/ location of change	Structure plan/ SEPP map amended	Comments	See Section (of this report)
Drainage land	Structure Plan Zoning Land acquisition	Drainage controls to be provided in the precinct wide DCP.	4.1.2.4
Intermodal Terminal	Structure Plan Zoning	Transport investigation area refined.	4.1.1.1
Mandalong Close	Land application map	Area included within the Broader WSEA Precinct but zoned under PLEP.	4.1.5
Area south of Mamre Road Precinct bound by Elizabeth Drive, Mamre Road and the Western Sydney Aerotropolis.	Land application map	Area included within the Broader WSEA Precinct but zoned under PLEP.	4.1.5
Public Recreation	Structure Plan Zoning Land acquisition	Public Recreation areas refined to western precinct boundary to provide amenity to Wianamatta-South Creek Precinct.	4.1.2.2
Heritage	Heritage map	Heritage map introduced to list local and state heritage items within WSEA.	4.1.10
Private Recreation	Structure Plan Zoning	Private Recreation areas have been adjusted to address riparian corridor work.	4.1.2.3
SP2 Classified Road	Zoning Land acquisition	Increase in widening requirements of Mamre Road north of Mamre West.	4.1.1.3

5.2 WSEA SEPP

The draft rezoning package outlined proposed amendments to the WSEA SEPP. The following table summarises the changes made to the WSEA SEPP.

Table 5. Description of amendments to the WSEA SEPP

Description of amendment	SEPP clause	Comments	See Section
Additional permitted uses within the IN1 and IN2 zones	11	Additional permitted uses included within the IN1 and IN2 zones to align with the Standard Instrument and Penrith LEP, where relevant.	N/A
Introduction of RE1 and RE2	11	Introductions of the RE1 and RE2 to improve amenity within the precinct, deliver recreational spaces for future employees and provide private recreation development opportunities on land affected by natural hazards, such as flooding.	4.1.2.2 4.1.2.3
Unzoned land	12	Deletion of Clause 12 Unzoned land, as unzoned land has been removed from the WSEA zoning maps.	N/A
Flexible zone boundary	33A	Amendment of Clause 33A to allow a 20m zone flexibility for the E2 Environmental Conservation zone.	N/A
Concurrence for transport investigation areas	33B	Matters which TfNSW must take into account when considering when and how to grant concurrence for land within or adjacent to a transport investigation area introduced.	4.1.1
Concurrence for an integrated freight network	33C	To achieve a refined transport investigation area and to service a future IMT, a separate concurrence clause was introduced to require a integrated freight network throughout the precinct.	4.1.1
Development in areas subject to aircraft noise	33D	Clause refined to only apply certain requirements of the National Airports Safeguarding Framework, consistent with the approach proposed within the Western Sydney Aerotropolis. Clause 33C has also been amended to clarify relationship with this clause.	N/A
Airspace Safeguarding	33E and 33F	Clause included to ensure development does not impact on the operation of the Nancy-Bird Walton Airport.	N/A
Water recycling and conservation	33G	Water recycling clause applied to require development within WSEA to be capable of connecting to a water recycling facility.	N/A

Description of amendment	SEPP clause	Comments	See Section
Earthworks	33H	Earthworks clause introduced to ensure the impacts of cut and fill on individual developments on adjoining land and environmental functions is considered.	N/A
Development on flood prone land	33I	Applicable to development carried out on flood prone land, up to the probable maximum flood. This clause requires a consent authority to consider the cumulative impact of development on flood prone land.	4.1.4
Heritage conservation	33J Schedule 5	Local and State Heritage items listed under the existing Local Environmental Plans, and supporting heritage conservation and incentive clauses, were introduced.	4.1.10
Clearing of native vegetation	33K	Establishes matters for consideration to apply to clearing of native vegetation within the E2 Environmental Conservation and RE1 Public Recreation zone.	4.1.2.1
Stormwater, water quality and water sensitive urban design	33L	Introduction of development controls to address water quality to support the delivery of outcomes of the Western City District Plan.	N/A
Savings and transition	34	Savings and transition clause introduced to apply to any development applications lodged but not determined prior to receiving development consent, with the exception of development lodged under clause 12 of WSEA SEPP.	N/A
Suspension of covenants clause introduced	8A	To provide flexibility on private properties, where suitable.	N/A

6 Consistency with other Instruments, Acts and Policies

6.1 Greater Sydney Region Plan and Western City District Plan

The Greater Sydney Region Plan, dated October 2018, identifies a 'Metropolis of Three Cities' within Greater Sydney: the Western Parkland City, the Central River City and the Eastern Harbour City. The Mamre Road Precinct is within the Western Parkland City, while other areas of WSEA are located within Central River City. Therefore, the Western City District Plan, dated October 2018, applies to the precinct. The District Plan establishes planning priorities and actions for growth and development.

The Western Parkland City recognises the strategic role and function of the Western Sydney Aerotropolis, drawing a range of trade, logistics, education and science facilities to the region. The vision for the Western Parkland City promotes Wianamatta - South Creek as the central green spine for the area.

The rezoning of the precinct supports the vision for the Western Parkland City by:

- Supporting the delivery of jobs closer to people's homes, to deliver the vision for a 30-minute city
- Increasing industrial land supply
- Supporting the 24 hour operation of the Western Sydney Aerotropolis
- Protecting the Wianamatta - South Creek corridor
- Considering the cumulative impacts of development within the floodplain.

6.2 State Environmental Planning Policy (Western Sydney Employment Area) 2009

The WSEA SEPP aims to protect and enhance the WSEA for employment purposes. The particular aims of the WSEA SEPP include the following:

- To promote economic development and the creation of employment in the WSEA by providing for development including major warehousing, distribution, freight transport, industrial, high technology and research facilities
- To provide for the co-ordinated planning and development of land in the WSEA
- To rezone land for employment or environmental conservation purposes,
- To improve certainty and regulatory efficiency by providing a consistent planning regime for future development and infrastructure provision in the WSEA
- To ensure development occurs in a logical, environmentally sensitive and cost-effective manner and only after a DCP (including specific development controls) has been prepared for the land concerned
- To conserve and rehabilitate areas that have a high biodiversity or heritage or cultural value, in particular areas of remnant vegetation.

These principles have informed the planning process for the precinct, including the planning of land use options and supporting infrastructure and environmental conservation areas for the precinct.

6.3 Future Transport Strategy 2056 and Greater Sydney Services and Infrastructure Plan

Future Transport Strategy 2056 is an overarching strategy prepared by the NSW Government to achieve a 40 year vision for the NSW transport system. The Strategy outlines a vision, strategic directions and customer outcomes, with infrastructure and services plans underpinning the delivery of these directions across the state. The Strategy works with the Region and District Plan and aims to deliver integrated solutions to transport. A focus is on the role of transport in delivering movement and place outcomes that support the character of the places and communities of the future. The Strategy is focused on specific customer outcomes for Greater Sydney including:

- efficient, reliable and easy-to-understand journeys for customers;
- efficient and reliable freight journeys;
- a safe transport system;
- 30 minute access to centres;
- fast and convenient interchanging;
- integrated walking and cycling facilities;
- vibrant centres;
- fully accessible transport;
- use of new technology;
- integration of future forms of mobility with other modes of transport;
- affordable delivery, operation and maintenance; and
- a resilient transport system that contributes to net-zero emissions by 2050.

The Strategy acknowledges that as our population is set to increase to 12 million people by 2056, freight volumes are estimated to double in the Greater Sydney area. Considering this, the precinct assists the solution of this issue, with the provision of essential transport infrastructure including the potential Western Sydney Freight Line and IMT, which will assist in removing freight transportation off the public road network by connecting the WSEA to Port Botany and other areas of metropolitan and regional NSW. The IMT and freight line will support logistics chains, with dedicated freight pathways.

The Strategy identifies future directions, including the opportunity to maximise long term capacity and performance of the State's three ports, expand intermodal rail capacity in Western Sydney, and improve east-west connections to support the regional export task.

The Greater Sydney Services and Infrastructure Plan sets out the customer outcomes for Greater Sydney for the movement of people and freight to meet customer needs and deliver responsive, innovative services. The Plan defines the network required to achieve the service outcomes. A key customer outcome of the Plan is 'efficient and reliable freight journeys supported by 24/7 rail access between key freight precincts with convenient access to centres'. The precinct supports this customer outcome through the identification of the Western Sydney Freight Line to provide 24/7 dedicated freight rail access between Port Botany and the potential IMT.

6.4 Draft Western Sydney Aerotropolis Plan

The draft Western Sydney Aerotropolis Plan (draft WSAP) was exhibited between 6 December 2019 and 28 February 2020. The draft WSAP sets a vision for the Western Sydney Aerotropolis as Australia's next global gateway, built around the Western Sydney International (Nancy-Bird Walton) Airport. The Mamre Road Precinct is identified as a precinct within the Western Sydney Aerotropolis and is identified as an initial precinct to help create early employment opportunities and better coordination of infrastructure planning.

The Western Sydney Aerotropolis Structure Plan identifies the precinct for flexible employment and areas of environment and recreation. The precinct has been identified as not suitable for noise sensitive land uses as it is largely affected by aircraft noise. It is also identified as an opportunity for an IMT serviced by the potential Western Sydney Freight Line.

The draft WSAP identified the following strategic outcomes for the precinct:

- Opportunities for logistics and distribution, connecting Western Sydney to the broader freight network.
- Support the future operations of the Airport through enabling export freight and logistics.
- Protect the 24-hour operation of the airport by enabling industrial uses and prohibiting noise sensitive uses only to locations outside the ANEC/ANEF 20 and above contours.
- Zoning to prioritise warehousing and distribution to support freight and logistics movements.
- Investigate the potential for a new Western Sydney IMT, with direct connections to potential Western Sydney Freight Line and quality connections to the motorway network.
- Protect a Western Sydney Freight Line corridor to preserve freight and distribution opportunities.
- Protect the future operations of the proposed IMT from encroachment by incompatible land uses.
- Promote connectivity between the WSEA and other precincts in the Aerotropolis.

The rezoning of the precinct under the WSEA SEPP is consistent with meeting the strategic outcomes identified within the draft WSAP.

Following exhibition of the initial Aerotropolis plan, further analysis of industrial land supply and the need to protect the last remaining IMT site became urgent. The Department progressed the precinct package ahead of the Aerotropolis precincts to secure both a site for the IMT and an immediate supply of industrial land with good road access. This relates to broader Western Sydney employment complementary to the core precincts that must adjoin the airport itself.

6.5 Section 9.1 Ministerial Directions for Plan Making

The proposed SEPP amendment is not strictly required to comply with the Minister's directions as they apply only to the preparation of Local Environmental Plans. However, an assessment of consistency with the relevant directions issued by the Minister under Section 9.1 of the Environmental Planning and Assessment Act 1979 has still been undertaken. **Appendix C** outlines the assessment of consistency.

In particular, direction 2.6 requires consideration of contamination when rezoning land and in determining development applications.

The Department engaged AECOM to prepare a preliminary site investigation to identify potential sources of contamination, identify whether the proposed zoning is acceptable from a contamination and remediation perspective and identify areas which may require further investigation or mitigation measures prior to redevelopment.

The investigation identified areas of very low, low, medium and high potential areas of contamination. It was concluded that no areas of the precinct were considered to be unable to be made suitable for the proposed rezoning. It was recommended specific sites undergo detailed site investigation prior to development in accordance with NSW statutory guidelines and the requirements of State Environmental Planning Policy No. 55 – Remediation of Land.

Appendix A Summary of submissions and responses

Appendix B Key stakeholders notified of public exhibition

Key stakeholders	
Local Councils	Penrith City Council
	Blacktown City Council
	Cumberland Council
	Fairfield City Council
State Agencies	Department of Education
	Stronger Communities
	Ministry of Health
	Department of Premier and Cabinet
	Treasury
	Department of Transport
	Greater Sydney Commission
	NSW Environmental Protection Authority
	Natural Resources Access Regulator
	Environment, Energy and Science
	Western City & Aerotropolis Authority
	Heritage, Community Engagement
	Primary Industries - Fisheries
Industry Groups	Property Council of Australia
	Urban Development Institute of Australia NSW
	Urban Taskforce of Australia
	Property Council of Australia
Utility Authorities	Sydney Water
	Endeavour Energy
	Jemena
	WaterNSW

Appendix C Assessment against applicable Section 9.1 Ministerial Directions

Section 9.1 Direction	Statement of Consistency
1 Employment and Resources	
1.1 Business and Industrial Zones	The rezoning of the Mamre Road Precinct to IN1 General Industrial encourages employment growth within a suitable location, as part of the Western Sydney Employment Area. The proposed location is consistent with Western City District Plan.
2 Environment and Heritage	
2.1 Environment Protection Zones	E2 Environmental Conservation zones within the Penrith Local Environmental Plan 2010 that apply to the Mamre Road Precinct will be zoned consistently within the WSEA SEPP. In addition, new environmentally sensitive areas have been identified and will be protected by applying an E2 Environmental Conservation zone.
2.3 Heritage Conservation	New provisions have been introduced into Western Sydney Employment Area to protect and conserve heritage items, including aboriginal objects or aboriginal places.
2.6 Remediation of Contamination Land	A preliminary site investigation to identify potential sources of contamination, identify whether the proposed zoning is acceptable from a contamination and remediation perspective and identify areas which may require further investigation or mitigation measures prior to redevelopment was prepared.
3 Housing, Infrastructure and Urban Development	
3.4 Integrated Land Use and Transport	The rezoning of the Mamre Road Precinct for predominantly industrial uses will increase job supply in Western Sydney, closer to worker's homes. The provision for a potential IMT and supporting freight haul network will provide for the efficient movement of freight within the Western Sydney Employment Area. Provisions will also be made to encourage cycling and public transport access to the employment area.

Section 9.1 Direction	Statement of Consistency
3.5 Development Near Regulated Airports and Defence Airfields	The Mamre Road Precinct is affected by ANEC 20 and 25. No residential development is proposed. Development controls have been introduced within the WSEA SEPP which require consideration of the National Airports Safeguarding Framework and satisfaction of relevant Australian Standards. Other noise sensitive uses, such as child care centres, have also been prohibited in affected areas.
4 Hazard and Risk	
4.1 Acid Sulfate Soils	A Preliminary Site Investigation was carried out on the Mamre Road Precinct. It identified the potential for acid sulfate soils within the Precinct as low with the exception of Kemps Creek, South Creek and large dams where there is a potential for recent acid sulfate soils to form from accumulated organic matter. This would only provide a potential ecological risk if sediments were excavated or dredged as part of construction and could be managed by procedures for management of inland acid sulfate soils in construction management plans.
4.3 Flood Prone Land	The Mamre Road Precinct seeks to include additional provisions for development on flood prone land, including up to the probable maximum flood and the cumulative impact of bulk earthworks on flood prone land.
4.6 Planning for Bushfire Protection	The precinct is identified as containing Vegetation Category 1, Vegetation Category 2 and Vegetation Buffers. Individual development applications will need to consider and address <i>Planning for Bushfire Protection 2006</i> .
5 Regional Planning	
5.10 Implementation of Regional Plans	The Mamre Road Precinct rezoning is consistent with A Metropolis of Three Cities and the Western City District Plan. See Section 6.1 of this report.
6 Local Plan Making	
6.2 Reserving Land for Public Purposes	Whilst the Mamre Road Precinct is rezoned by the Minister, areas identified for a public purpose (i.e. RE1 Public Recreation land and SP2 Infrastructure) have also been identified on the land acquisition map and a relevant acquisition authority identified.

Section 9.1 Direction	Statement of Consistency
7 Metropolitan Planning	
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	The rezoning of the Mamre Road Precinct is generally consistent with the Stage 1 LUIIP and is consistent with the Western Sydney Aerotropolis Plan released in December 2019.