



18 December 2019

RJC:18-156B

Greater Sydney Place and Infrastructure
NSW Department of Planning, Industry and Environment
GPO Box 39
Sydney NSW 2001

Attention: Gina Metcalfe, Acting Director, Central (Western)

Dear Madam,

**Re: Draft Mamre Road Precinct Rezoning Package;
1297-1305 Elizabeth Drive and 1307-1337 Elizabeth Drive, Kemps Creek
("the Property")**

We write on behalf of the owners of the Property in relation to the exhibited draft Mamre Road Precinct rezoning package.

The Property comprises Lot 25 and 26 in DP30265: -

- Lot 25 is owned by Patrick Hallinan;
- Lot 26 is owned by Patrick and Leila Hallinan, as joint tenants.

The Property is located on the northern side of Elizabeth Drive and on the western side of Mamre Road at Kemps Creek (see **Figure 1**). The boundaries and configuration of the Property are shown on **Figure 2**. The Property has an area of 4.242ha.

The Property is occupied and used by a mix of businesses in the earthworks, integrated natural resource and recycled products sector which form part of the Hi Quality Group which specialises in transport, logistics and plant hire, civil and environmental services, quarrying, resource recovery and recycling, waste management and landfill, building and landscaping product supplies, skip bins, construction site cleaning and property development.

The Property comprises buildings, workshops, reception, offices, storage bins and compounds, plant, customer parking, staff parking, truck parking and associated heavy vehicle manoeuvring areas, all generally as shown on the 2018 aerial photograph in **Figure 3A**.

Figure 3A shows the relationship of the Property to surrounding land.

The current statutory planning regime applying to the Property can be summarized as follows:-

- pursuant to SEPP (Western Sydney Employment Area) 2009 (“the WSEA SEPP”) the Property forms part of the unzoned land to which the Land Application Map applies (see **Figure 4A**), but as yet the Property has not been released/ rezoned for industrial/ employment purposes (see **Figures 4B** and **4F**) – this future employment land is shown as the “Broader WSEA”; and
- pursuant to Penrith LEP 2010 (absent the WSEA SEPP provisions noted above), the Property is zoned RU4 Primary Production Small Lots (see **Figure 5A**), is subject to a minimum lot size of 2 ha (see **Figure 5B**) is identified as land with scenic and landscape values (see **Figure 5C**), and is not subject to flooding (see **Figure 5D**).

Since 2015, the intent of the WSEA SEPP has been that land in the Broader WSEA be rezoned for employment/ industrial purposes as a south westerly extension of the WSEA.

This planned future expansion of the WSEA was identified in “A Plan for Growing Sydney, 2014” (see **Figure 6**). Similarly, the Draft Western Sydney Airport EIS (2015) identified the Property as part of the WSEA Priority Land Release Area (see **Figure 7**), the Western Sydney Infrastructure Plan (2017) identified the Property as part of the Western Sydney Priority Growth Area (see **Figure 8**), the Greater Sydney Region Plan. A Metropolis of 3 Cities, released in March 2018, identified the site as part of the Western Sydney Airport Growth Area (see **Figures 9A** and **9B**) and the Western City District Plan released in March 2018 identifies the Property as part of the WSEA (see **Figures 10A – 10C**).

As is evident from all the above, the strategic planning intent for the Property, since 2015, has consistently been that it form part of the employment and job generating land contained within the Broader WSEA. This unambiguous, consistent and logical strategic planning framework, however, was not reflected in the Stage 1 Aerotropolis LUIP exhibited in August 2018 due to inconsistent mapping which shows the Property within the Aerotropolis on some maps but outside it on others.

Similarly, this prior consistent strategic planning intent is also not reflected in the Draft Mamre Road Precinct rezoning package that has now been exhibited. Although the Draft Rezoning Package recognises that the Property is currently part of the WSEA (see **Figures 12** and **13** which respectively show the site as part of the Western Sydney Employment Area and the Broader WSEA), the Draft Rezoning Package proposes that the Property (and other nearby properties to the west of Mamre Road and to the east of Kemps Creek) be excised from the Broader WSEA. The Property therefore would no longer keep its planned status as a location for future employment and would solely revert to the local planning controls (i.e. RU4 Primary Production Small Lots) under Penrith LEP 2010.

Provided in **Appendix 1** is page 25 of the Exhibition Discussion Paper which shows in green the areas to be excised from the WSEA SEPP. The “explanation” of the proposed excision, as set out on page 9 of the Exhibition Discussion Paper, is provided below noting that the reference to “the precinct” in the following extract is to the “Mamre Road Precinct”: -

“The precinct was included within Precinct 11 – Broader Western Sydney Employment Area as part of State Environmental Planning Policy (Western Sydney Employment Area) Amendment 2014. Whilst the broader area was included, rezoning of the additional land was not progressed at that stage as it was instead intended to incorporate those changes as part of planning framework pulled together in the Western Sydney Aerotropolis in 2017.

The Western Sydney Aerotropolis Stage 1 Land Use and Infrastructure Implementation Plan (Aerotropolis LUIIP) was exhibited in August 2018 and incorporates this area known as the broader Western Sydney Employment Area.

The Aerotropolis LUIIP builds on the objectives of the WSEA to promote employment in Western Sydney. However, as result of submissions received on the Aerotropolis LUIIP, the Government has decided to retain the precinct in WSEA and rezone the employment lands separately to the Aerotropolis.”

The excision is further “explained” on pages 24-26 of the Exhibition Discussion Paper as follows: -

“The WSEA boundary is proposed to be revised to remove land identified within the Aerotropolis LUIIP as identified to be subject to a new SEPP. As a result, there will be six areas left in the WSEA that are not zoned in the SEPP. These would revert to local planning controls.

Land not rezoned within the WSEA SEPP means that the zoning under the Penrith LEP 2010 does not apply to the site, and instead development consent is required for a consent authority which must consider appropriateness and compatibility with adjoining land.

It is proposed to remove these areas from the WSEA and the Penrith LEP 2010 will apply to ensure development is appropriate and any development intensification considers its impact in line with work undertaken through precinct planning or a planning proposal.”

In short, the reason for the excision appears to be because adjoining lands to the west and north-west of the Property on the eastern side of Kemps Creek are not included in the draft Western Sydney Aerotropolis Plan (which is now on exhibition until 28 February 2020).

A separate submission in relation to the exhibition of the draft Western Sydney Aerotropolis Plan prepared on behalf of the Hi Quality Group will be made in February 2020 requesting that the Property should be included in the Kemps Creek Precinct as identified in that Plan.

Submission

- A. As shown on **Figures 4A – 4D**, the property forms part of the Broader WSEA and should remain part of the Broader WSEA;
- B. The excision of the “green triangle” of land (including the Property) from the Broader WSEA as shown on page 25 of the Exhibition Discussion Paper is unreasonable,

inappropriate and premature as the Western Sydney Aerotropolis Plan is not only yet to be finalised but is also currently on exhibition for public comment;

- C. Absent the Draft Mamre Road Precinct Rezoning and the Draft Western Sydney Aerotropolis Plan, the former having been just been exhibited and the latter now on exhibition until the end of February 2020, the strategic planning direction for the Property as illustrated in **Figures 6-10** is clear: it is part of the future employment area compared within the Broader WSEA;
- D. There is no logical planning basis for the excision of the “green triangle” of land, which includes the property from the Broader WSEA;
- E. The proposed compulsory acquisition of the Property and of other land in the “green triangle” by the RMS for the M12 is underway: the proposed change in the status of the Property and of other land from being part of the Broader WSEA (as per the WSEA SEPP and all prior relevant strategic planning initiatives) to retention of the rural zoning under Penrith LEP 2010 is, it would appear, related to this public purpose; and
- F. The proposed excision of the “green triangle” of which the Property form part should not proceed.

Thank you for the opportunity to make this submission

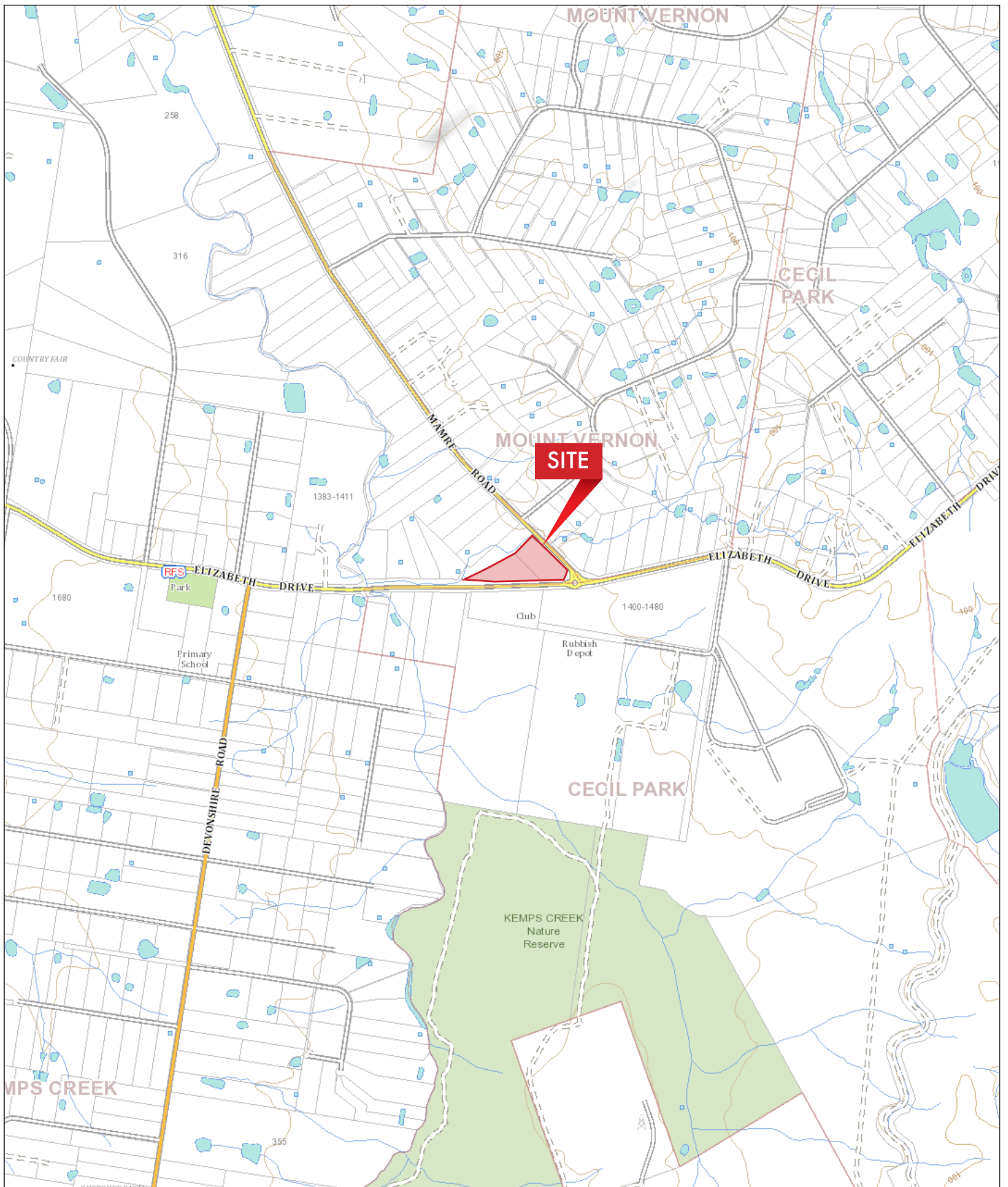
Yours faithfully
BBC Consulting Planners



Robert Chambers
Director
Email bob.chambers@bbcplanners.com.au



FIGURES



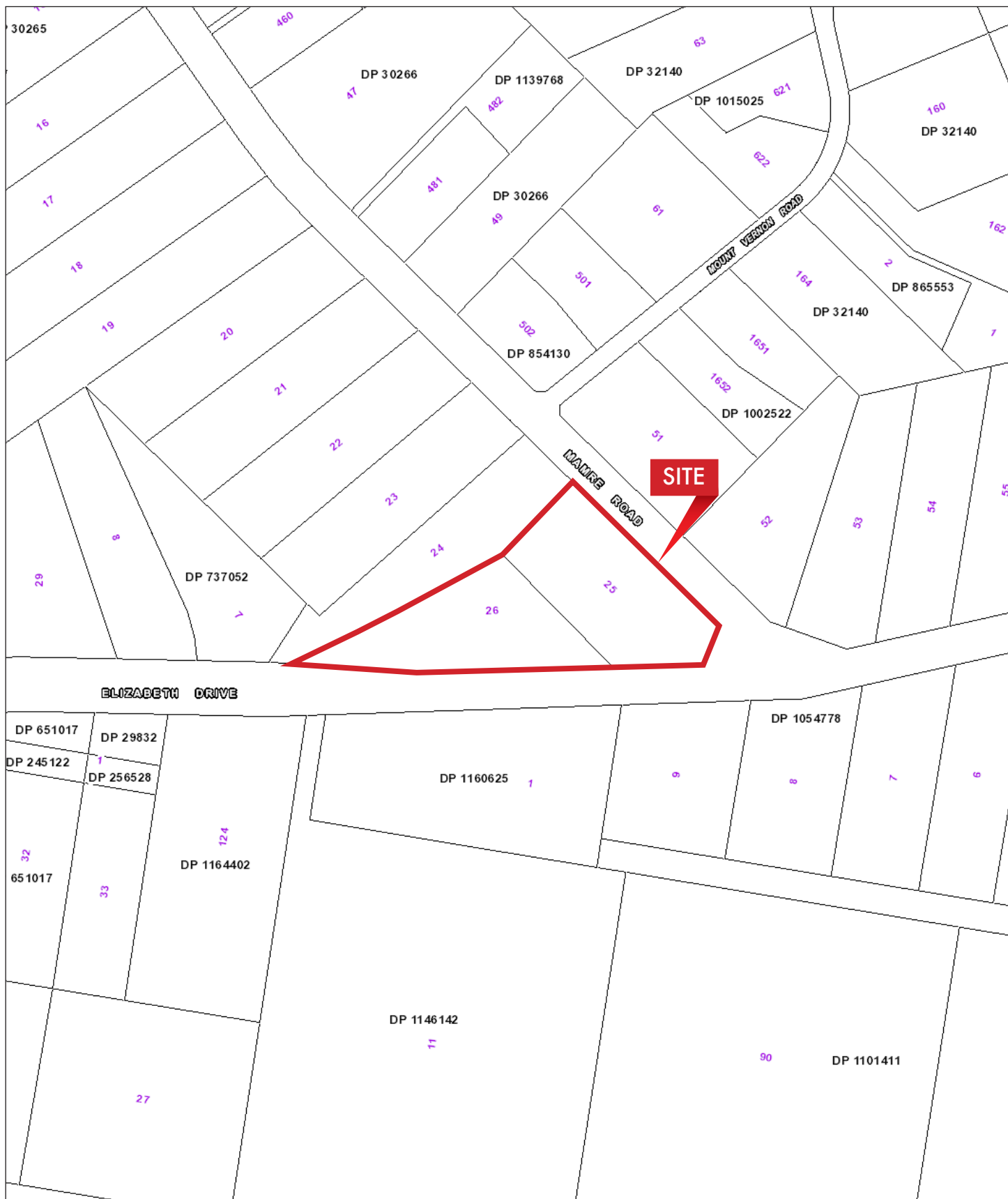
Source: <http://maps.six.nsw.gov.au>



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1297-1305 and 1307-1337 Elizabeth Drive, Kemp's Creek

FIGURE 1
Location

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Source: <http://maps.six.nsw.gov.au>

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FIGURE 2
Site

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Source: NearMap 20 July 2019

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FIGURE 3A
Aerial Photo - Detail

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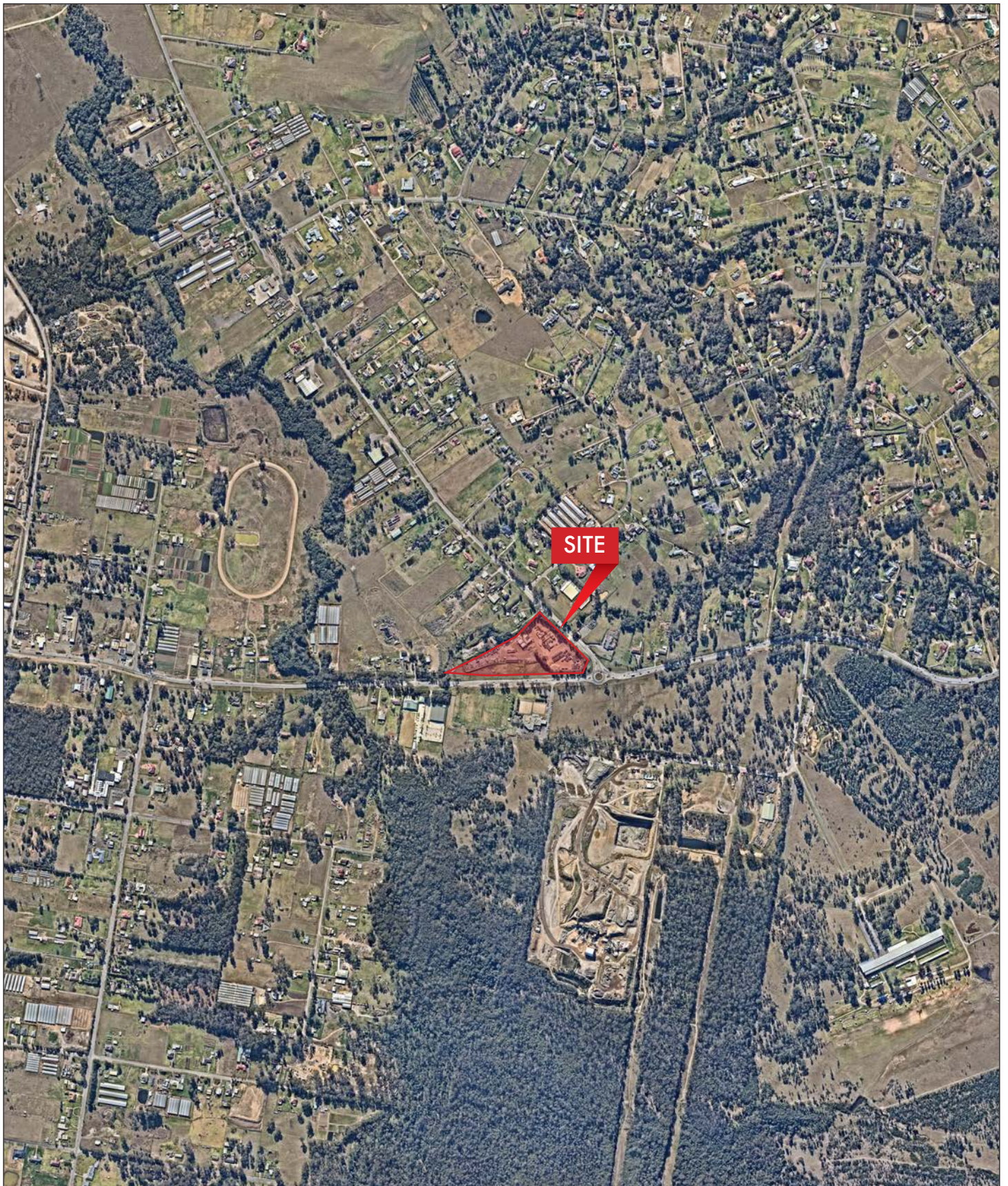


Source: NearMap 20 July 2019

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FIGURE 3B
Aerial Photo - Close Proximity

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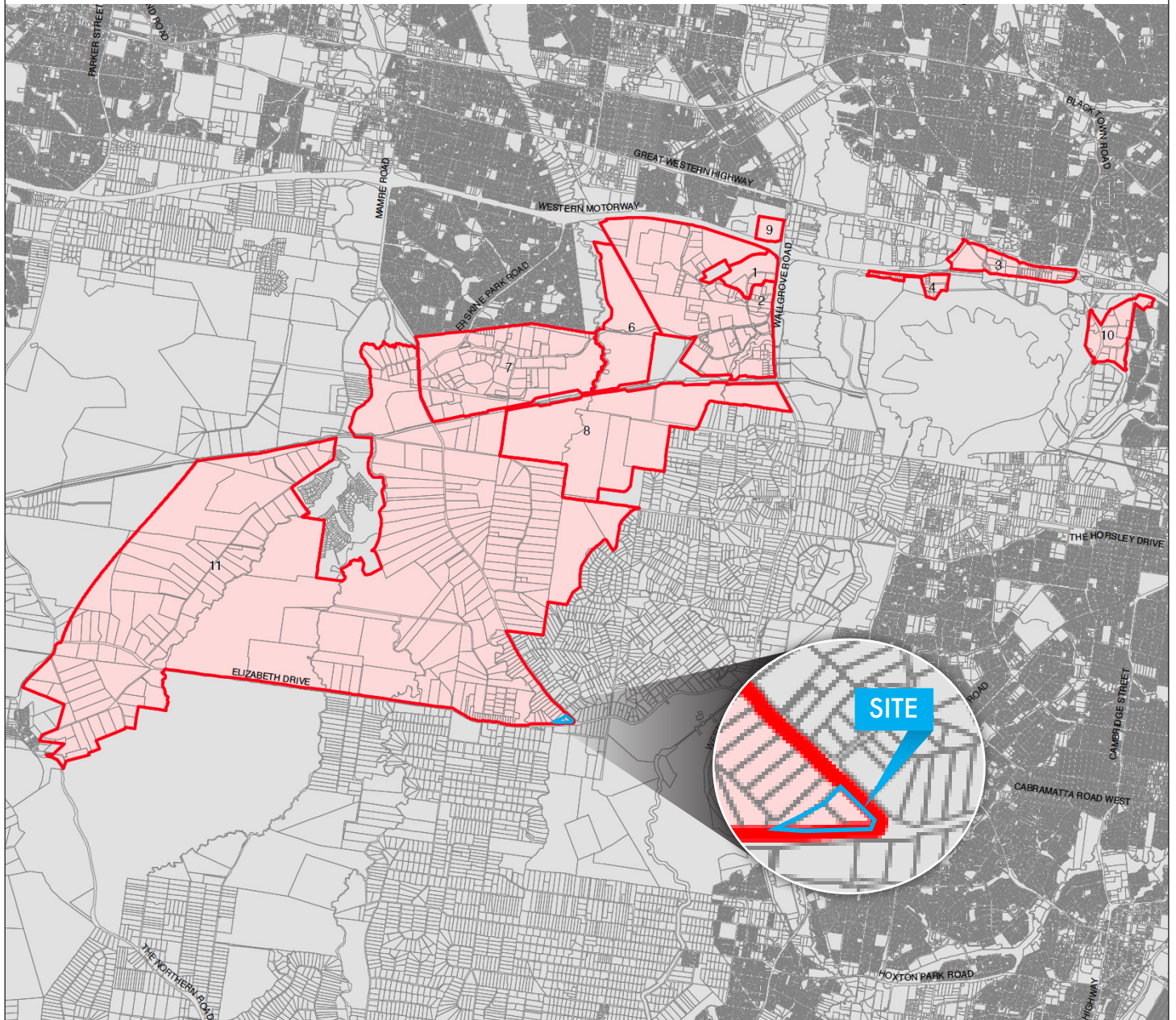



Source: NearMap 20 July 2019

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FIGURE 3C
Aerial Photo - Wider Area

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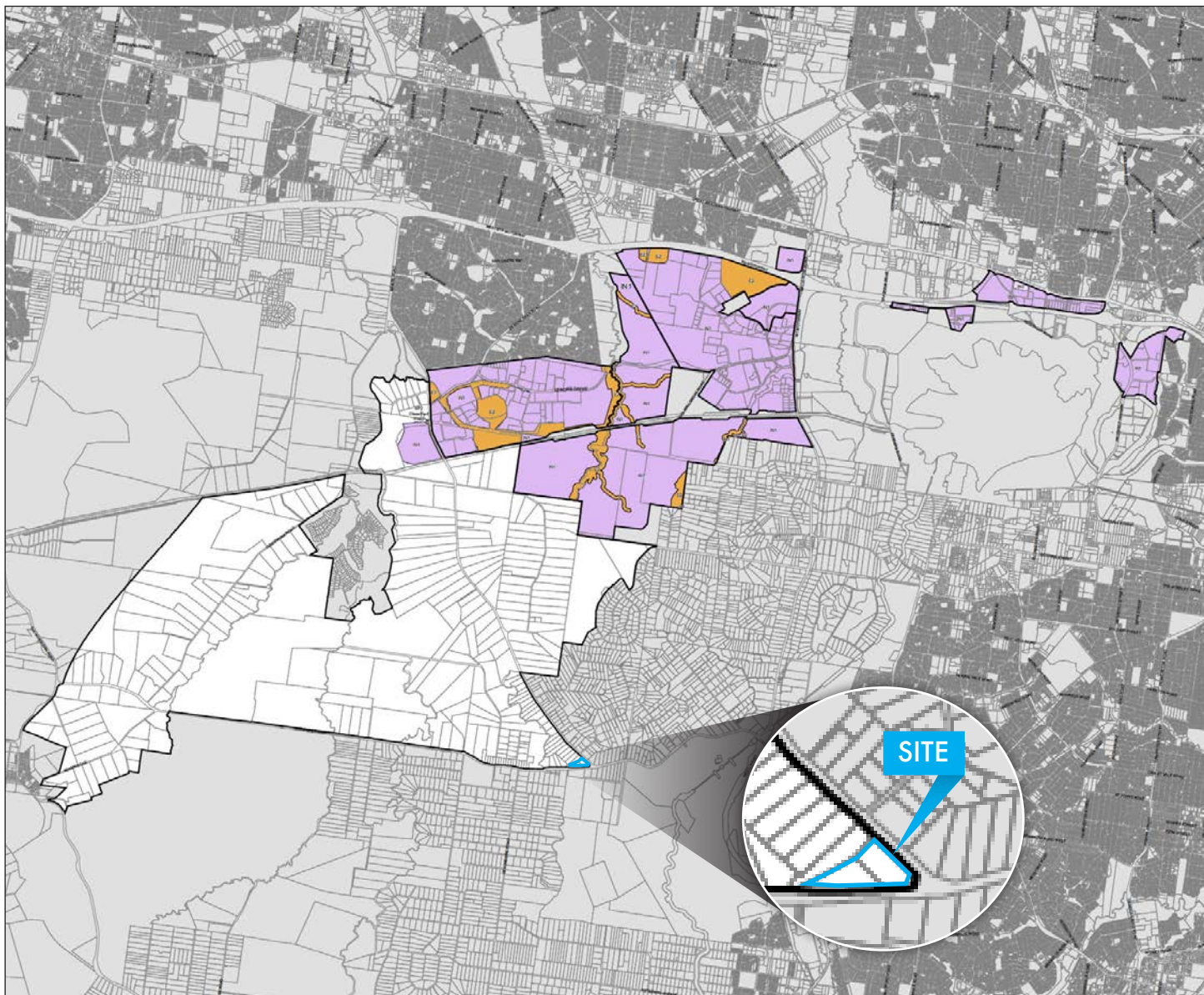


 Subject Land

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FIGURE 4A
Land Application Map - SEPP (Western Sydney Employment Area) 2009

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- Subject Land**
- Zone**
- E2** Environmental Conservation
 - IN1** General Industrial
 - IN2** Light Industrial
 - SP2** Infrastructure


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FIGURE 4B
Land Zoning Map - SEPP (Western Sydney Employment Area) 2009


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 Subject Land

 Proposed Gas Pipeline alignment

Cadastre



 Cadastre 30/01/2016 © NSW LPI

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FIGURE 4C
Additional Permitted Uses Map - SEPP (Western Sydney Employment Area) 2009

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-  Subject Land
-  Industrial Release Area


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FIGURE 4D
Industrial Release Area Map - SEPP (Western Sydney Employment Area) 2009

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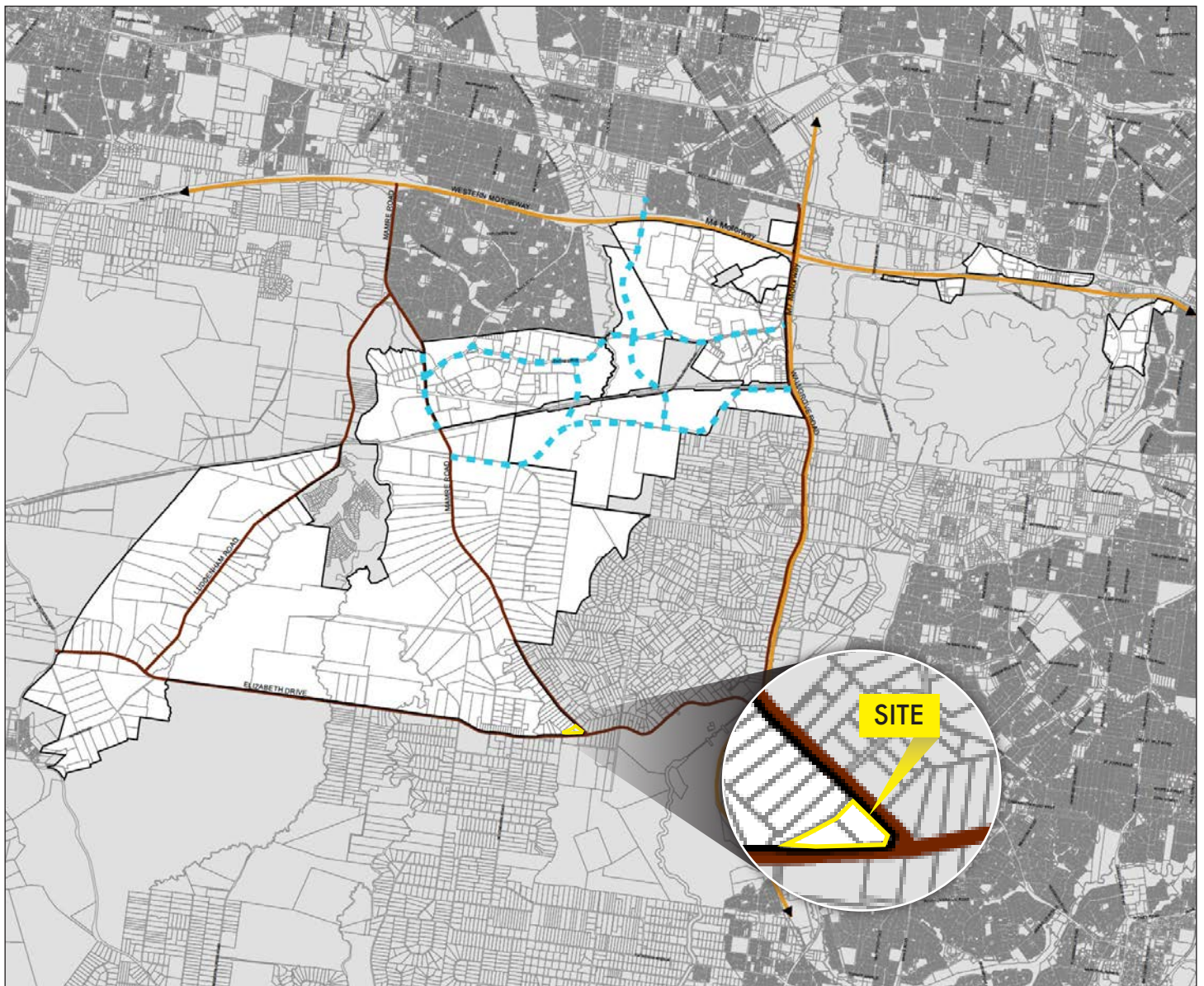
Land Reservation Acquisition

 Classified Road

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FIGURE 4E
Land Reservation Acquisition Map - SEPP (Western Sydney Employment Area) 2009

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Infrastructure

■ Proposed Road

▬ Subject Land

Existing Road

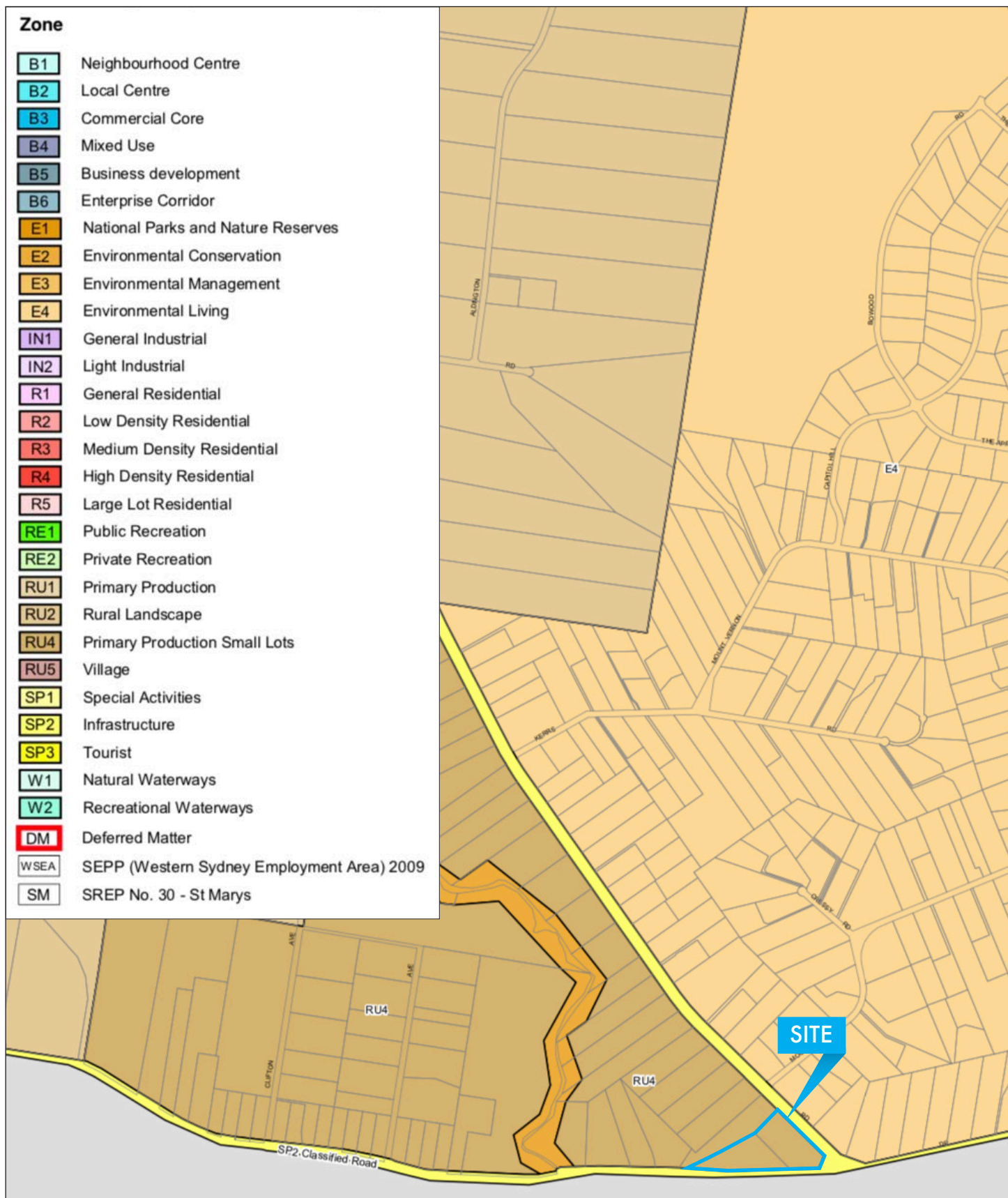
— Major

↔ Motorway

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FIGURE 4F
Transport and Arterial Road Infrastructure Plan Map - SEPP (Western Sydney Employment Area) 2009

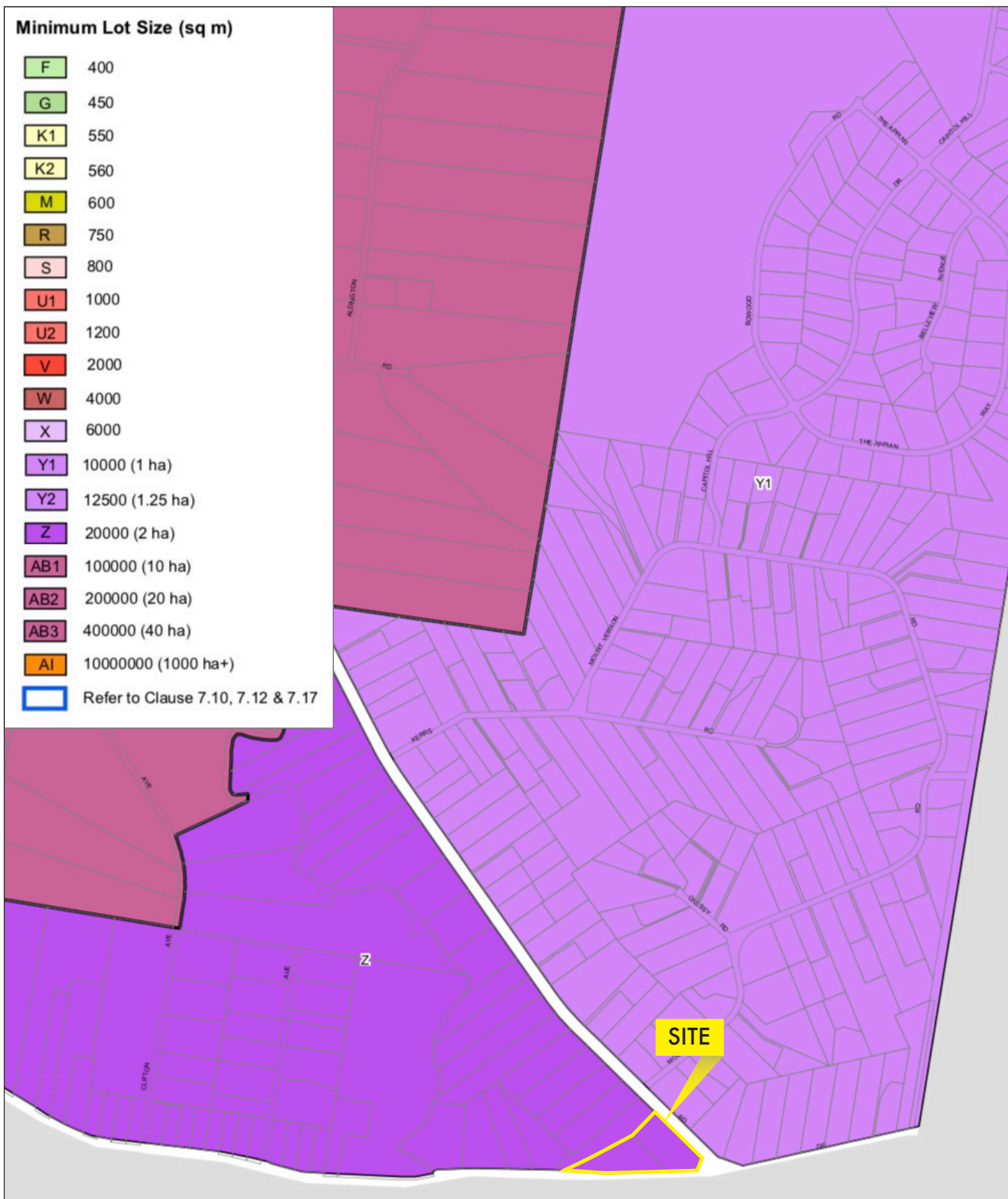
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FIGURE 5A
Zoning Map - Penrith LEP 2010

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FIGURE 5B
Lot Size Map - Penrith LEP 2010

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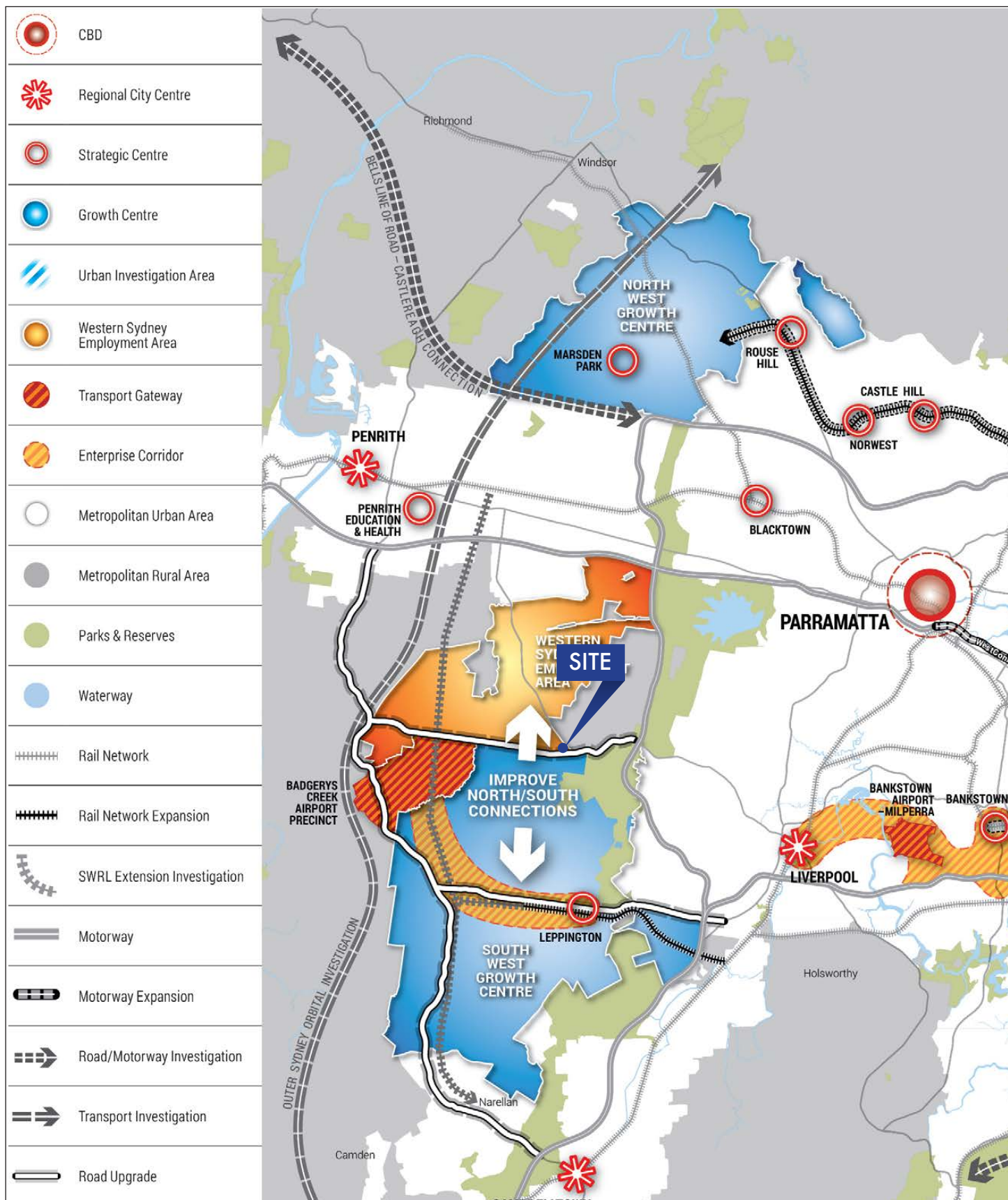




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FIGURE 5D
Flood Planning Land Map - Penrith LEP 2010

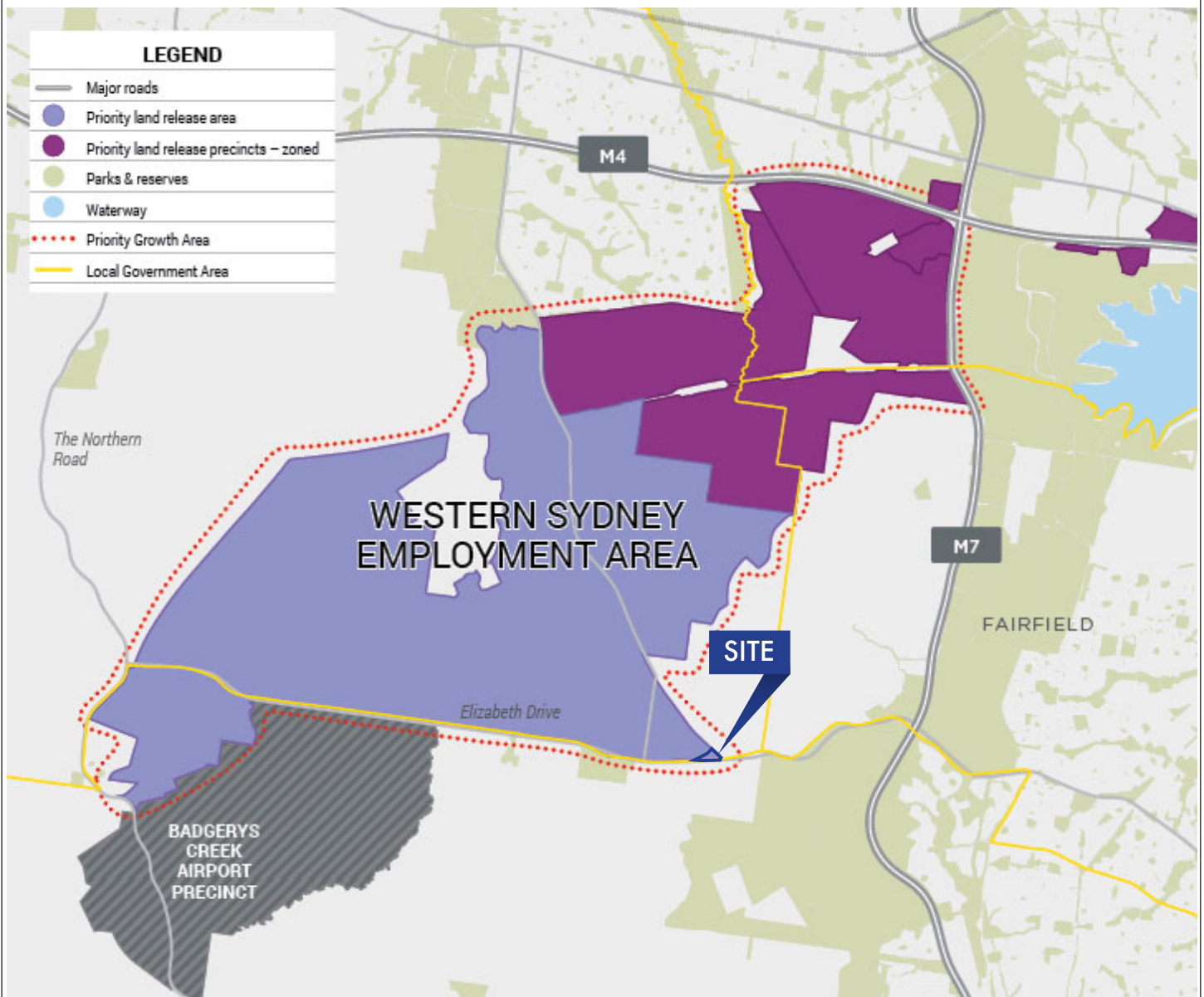
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FIGURE 6
Connecting Western Sydney's Population Growth Jobs – A Plan for Growing Sydney 2014

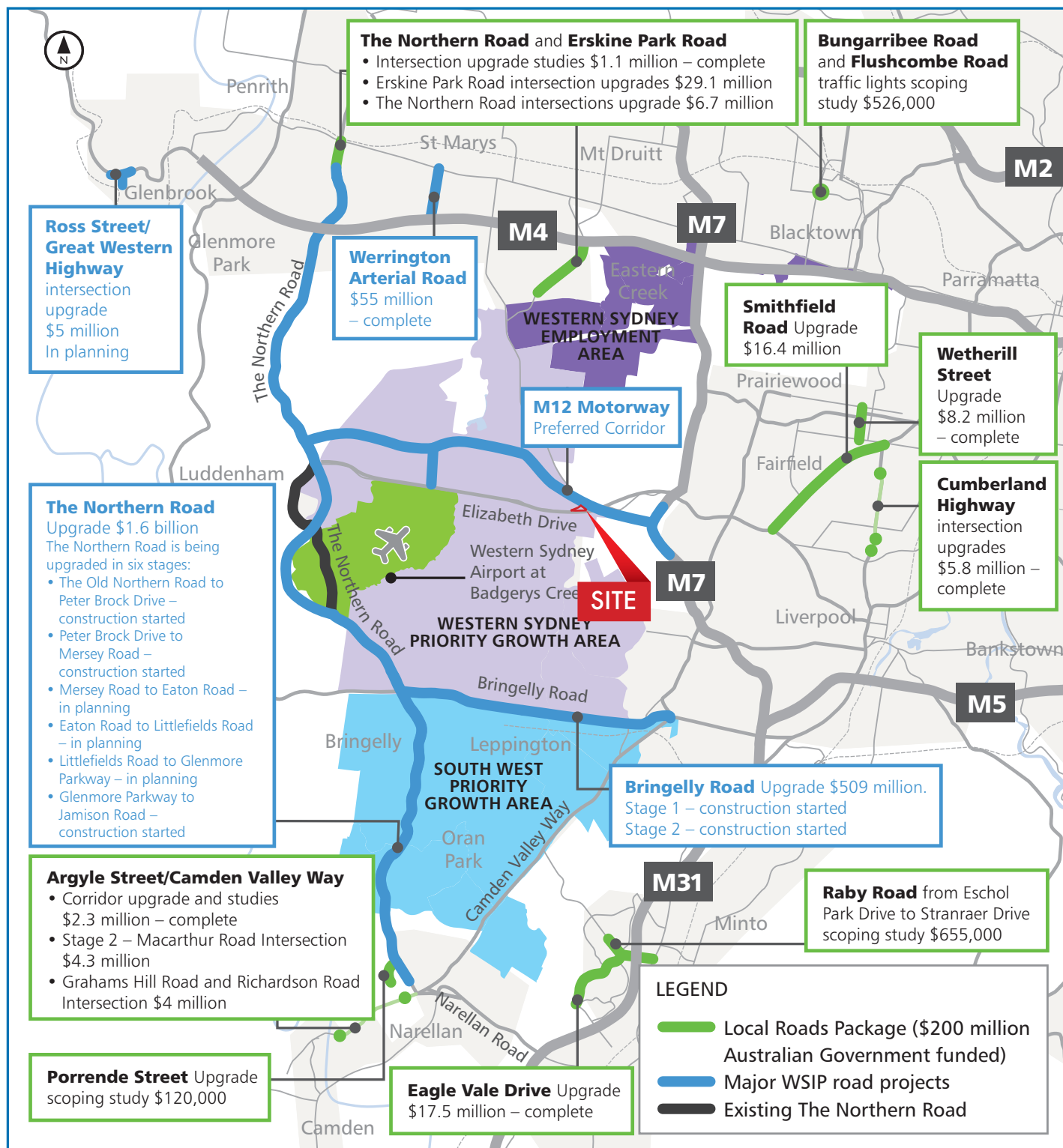
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FIGURE 7
Western Sydney Employment Area (DP&E) - Draft Western Sydney Airport EIS October 2015

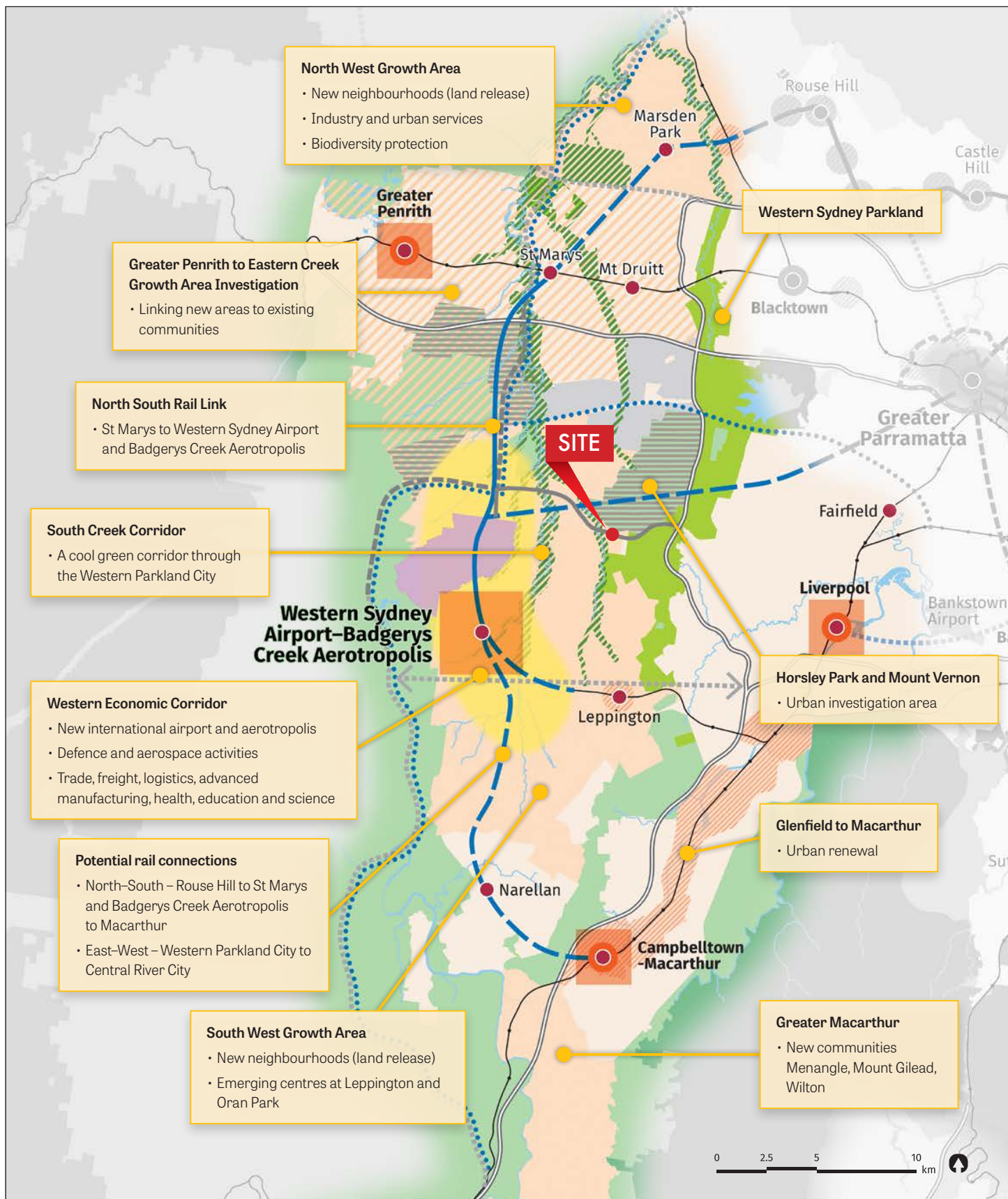
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FIGURE 8
Western Sydney Infrastructure Plan Map June 2017

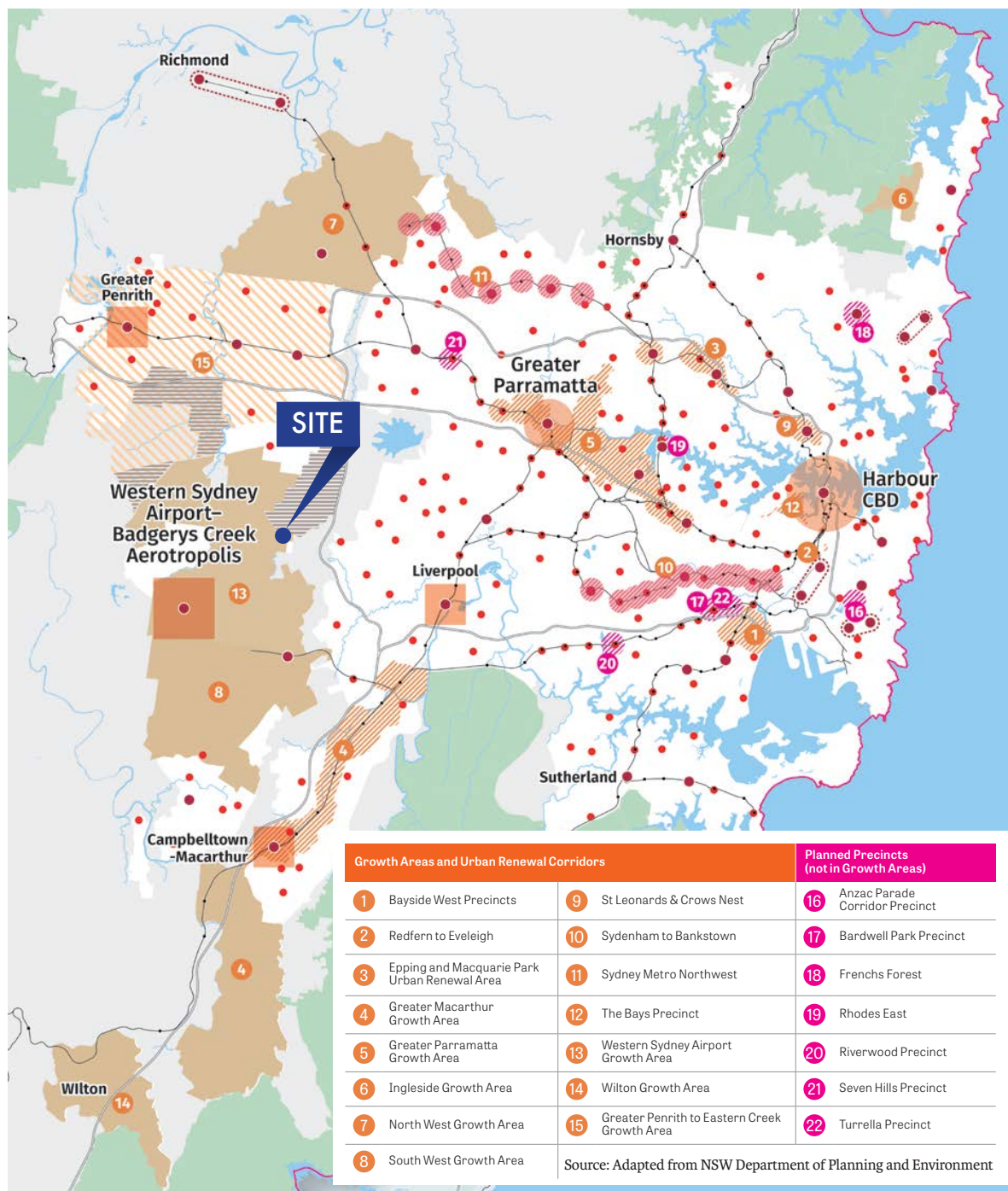
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FIGURE 9A
Structure Plan - Greater Sydney Region Plan A Metropolis of Three Cities, March 2018

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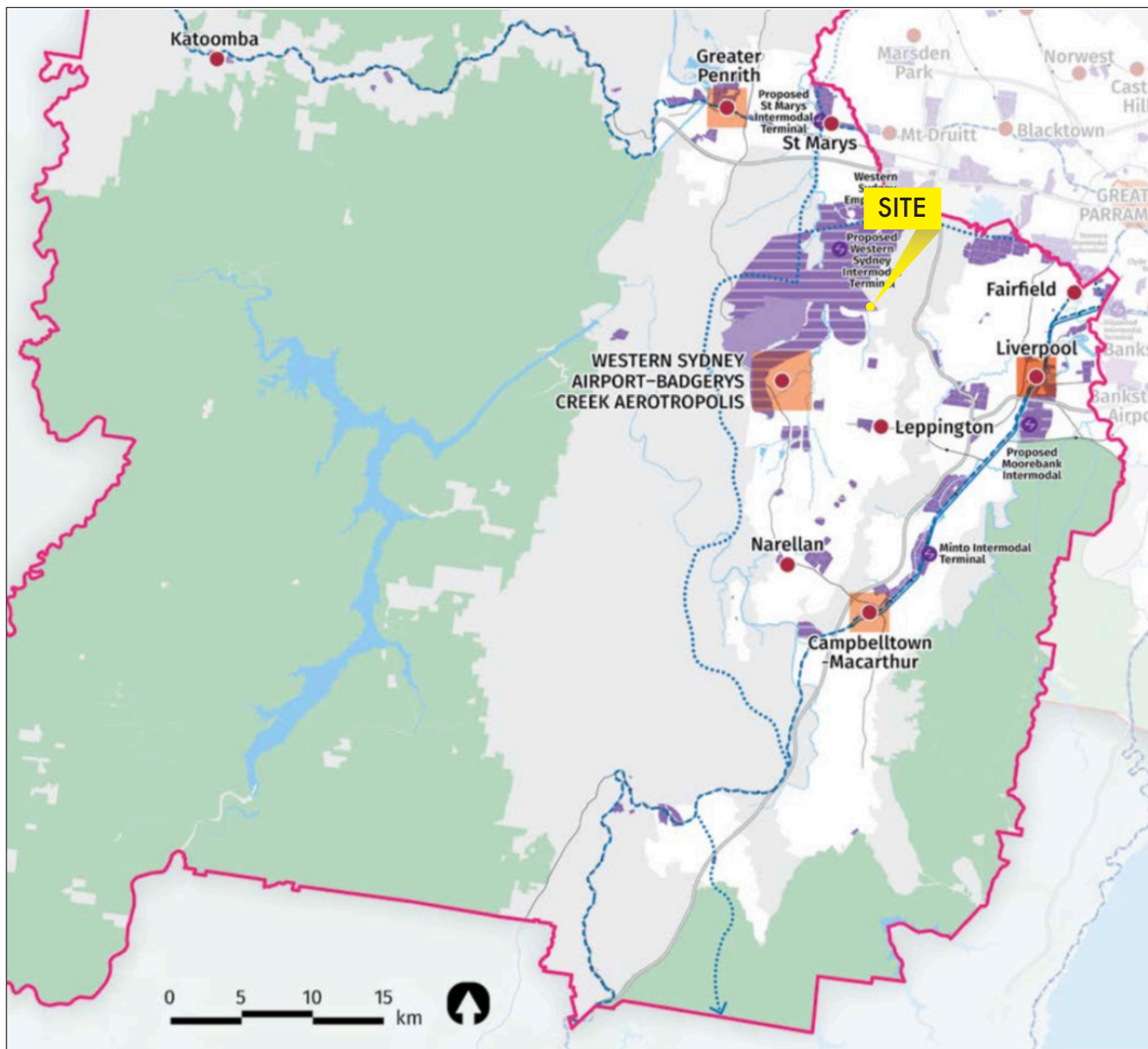
	Region Boundary		Waterways		Planned Precincts
	Metropolitan Centre		Protected Natural Area		Greater Penrith to Eastern Creek Growth Area
	Metropolitan Cluster		Metropolitan Rural Area		Transit Oriented Development
	Strategic Centre		Land Release Area		Urban Investigation Area
	Local Centre*		Urban Renewal Area	* Supermarket based in urban area	

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FIGURE 9B
Future housing: government programs and preferred locations for consideration - Greater Sydney Region Plan A Metropolis of Three Cities ,March 2018

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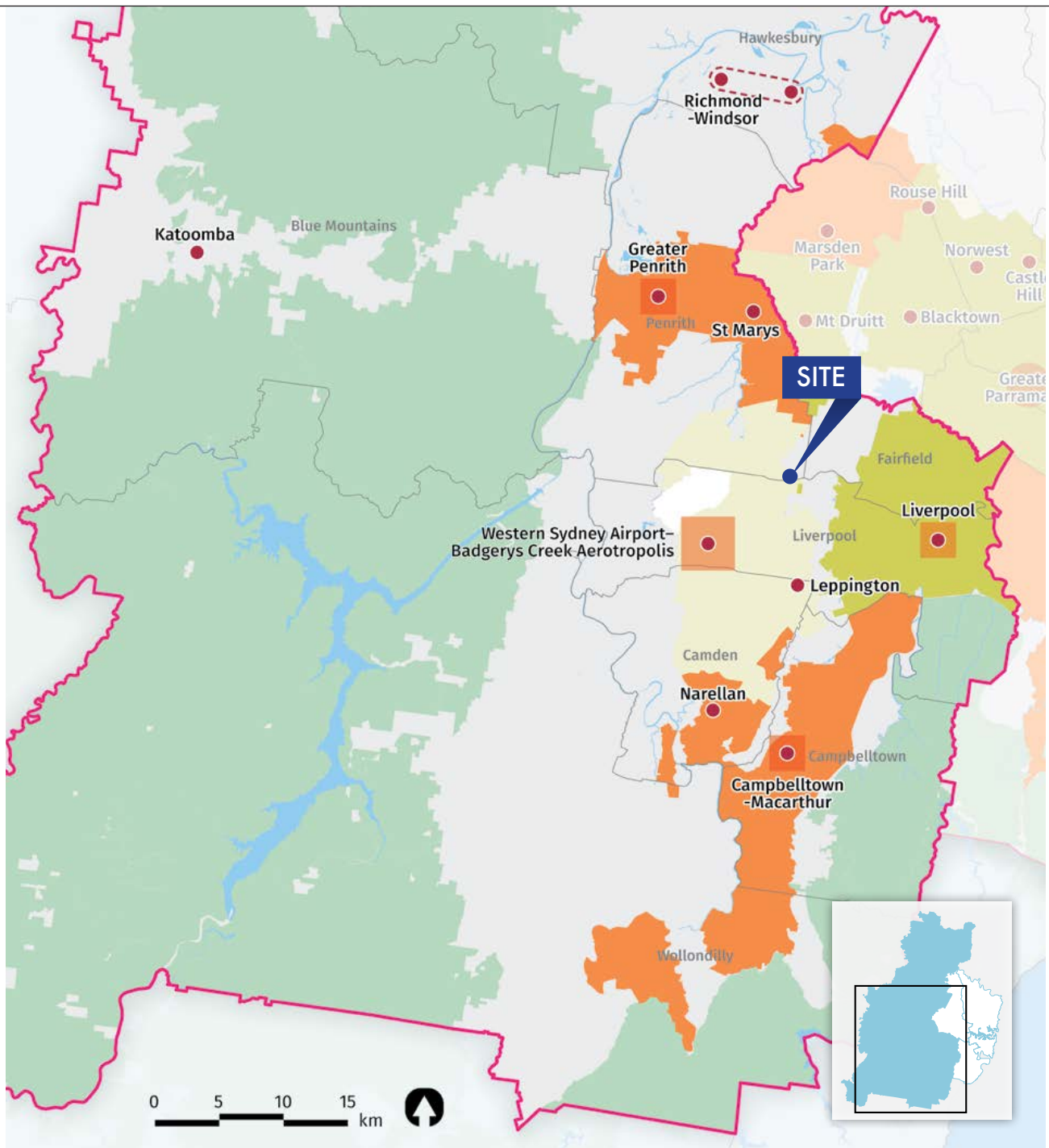


District Boundary	Metropolitan Rural Area	Freight Rail Investigation
Metropolitan Cluster	Industrial and Urban Services Land	Urban Area
Strategic Centre	Potential Future Industrial/ Employment Land	Train Station
Waterways	Freight Rail	Motorway
Protected Natural Areas	Shared Rail	Road

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FIGURE 10B
Western City District Industrial and Urban Services Land and Freight Assets - Western City District Plan, March 2018

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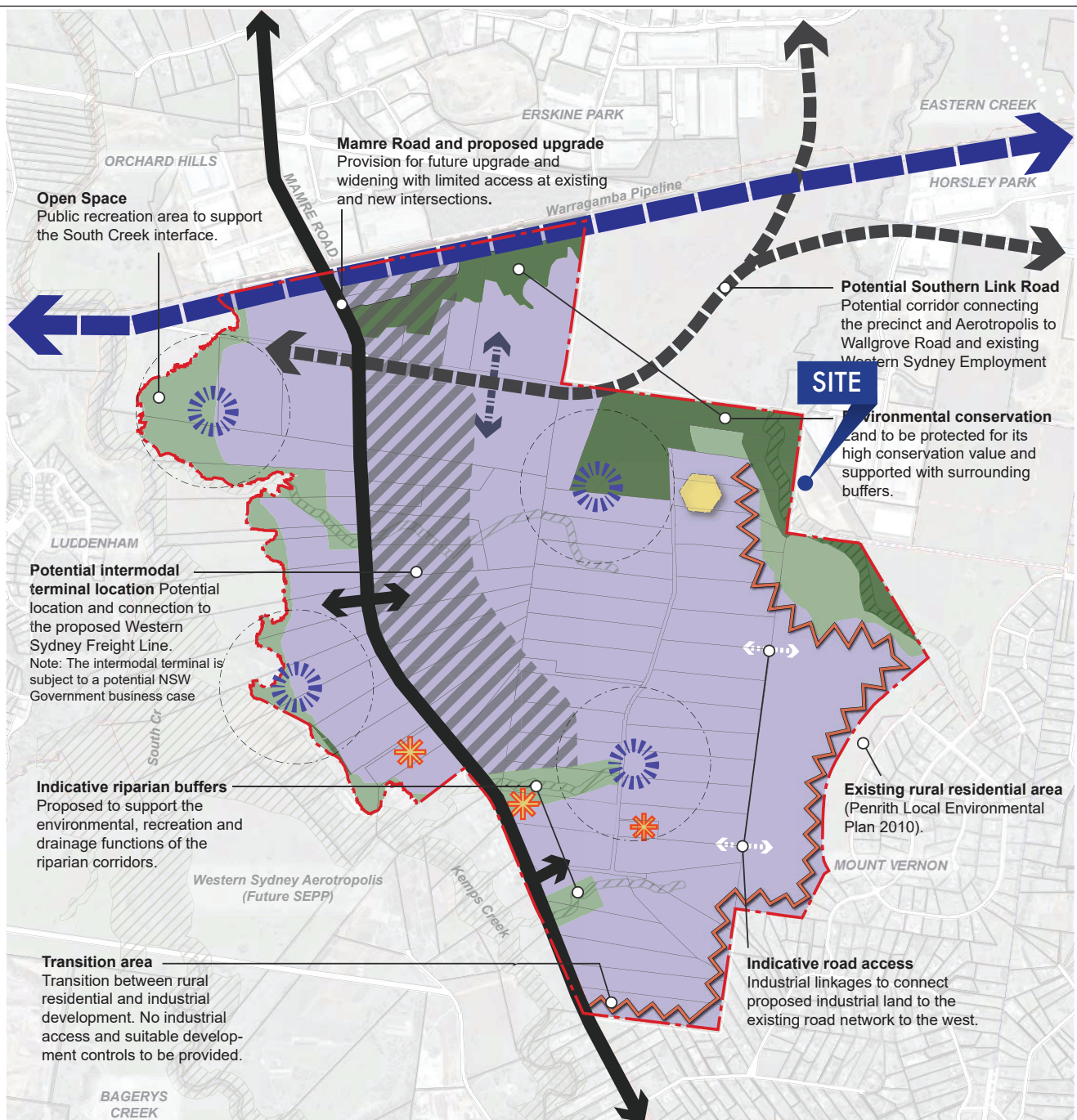


District Boundary	Waterways	Review and Manage
Metropolitan Cluster	Protected Natural Areas	Plan and Manage
Strategic Centre	Metropolitan Rural Area	
Local Government Area Boundary	Retain and Manage	

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FIGURE 10C
Western City District industrial and urban services land approaches - Western City District Plan, March 2018

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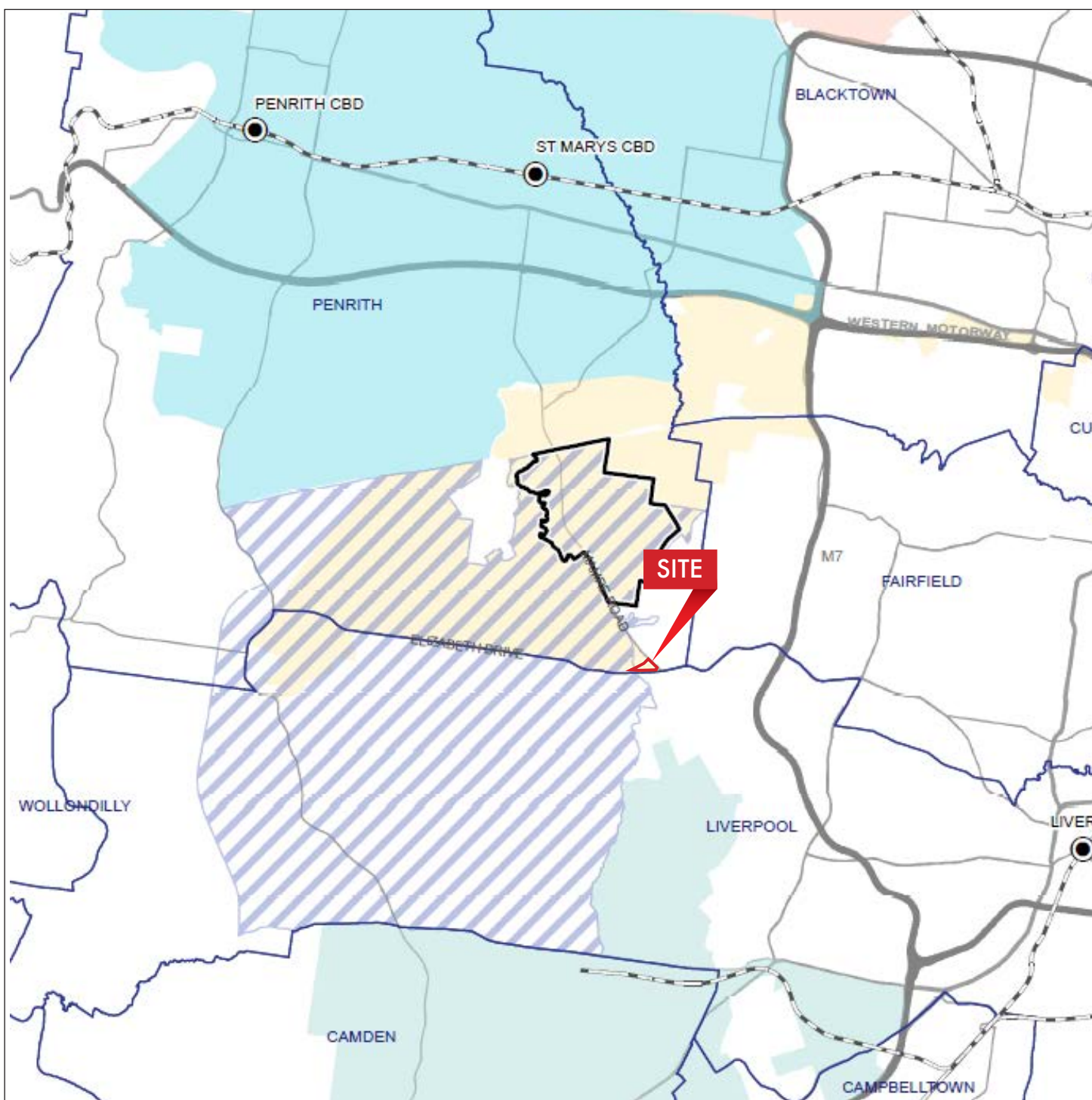


- | | | | | | |
|--|--|--|--|---|---|
| | Precinct boundary | | Mamre Road and proposed upgrade | | Local heritage items |
| | Cadastral boundaries | | Potential Southern Link Road | | Indicative employment service hub (with 400m catchment) |
| | Industrial | | Potential road access | | Potential reservoir |
| | Environmental conservation | | Indicative road access (subject to further investigation) | Note: Refer to Discussion Paper for further information | |
| | Drainage / open space | | Indicative riparian buffers (subject to further investigation) | | |
| | Potential intermodal terminal location (subject to a potential NSW Government Business Case) | | Transition area | | |
| | Proposed Western Sydney Freight Line | | | | |

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FIGURE 11
Draft Mamre Road Precinct Structure Plan - Nov 2019

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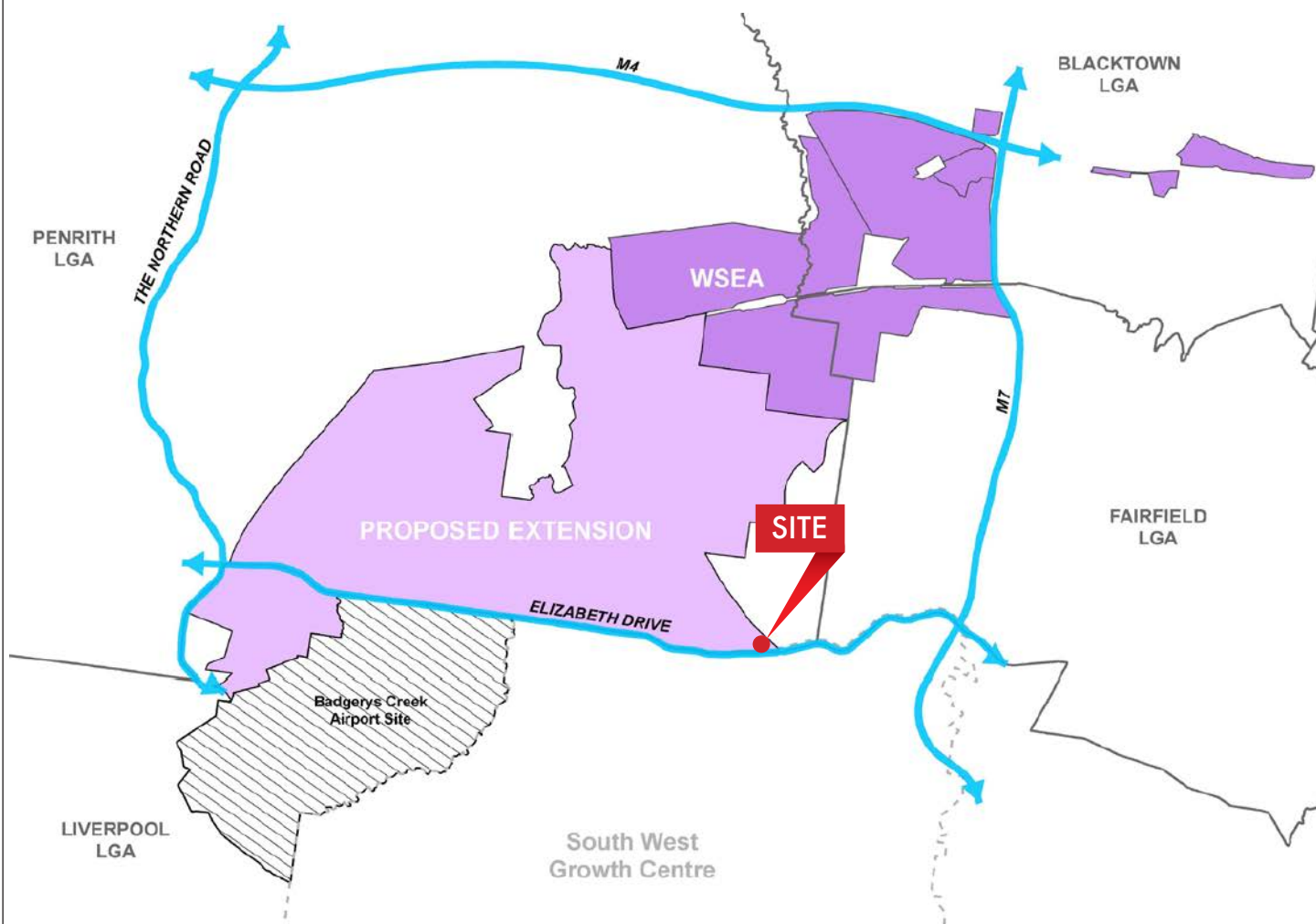
MAMRE ROAD PRECINCT - CONTEXT



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FIGURE 12
Mamre Road Precinct within the Western Sydney Employment Area -
Western Sydney Employment Area Mamre Road Precinct Rezoning: Exhibition Discussion Paper November 2019

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FIGURE 13
Exhibited Broader WSEA Precincts -
Western Sydney Employment Area Mamre Road Precinct Rezoning: Exhibition Discussion Paper November 2019

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APPENDIX 1

Page 25 of the Exhibition Discussion Paper

The WSEA boundary is proposed to be revised to remove land identified within the Aerotropolis LUIP as identified to be subject to a new SEPP. As a result, there will be six areas left in the WSEA that are not zoned in the SEPP. These would revert to local planning controls. Figure 11 and Figure 12 below identify these areas in green below.

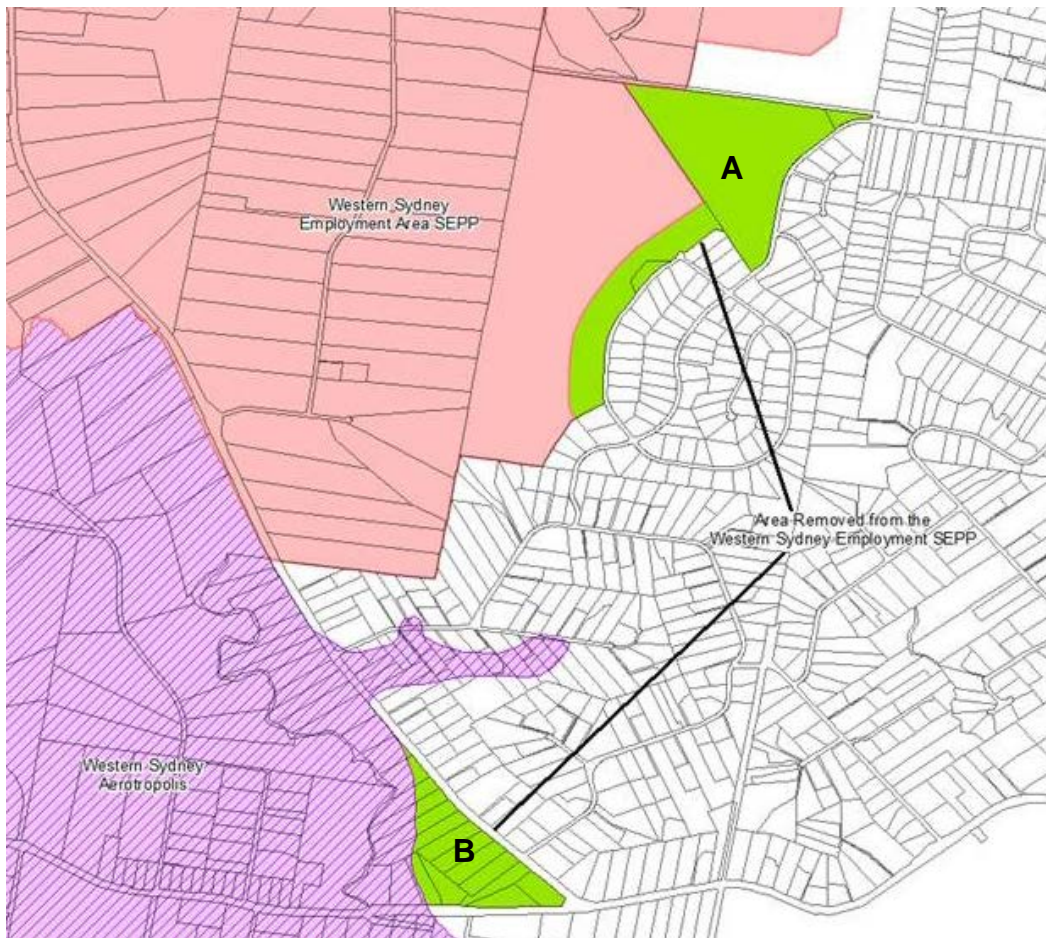


Figure 11. Areas A and B to be excluded from WSEA SEPP

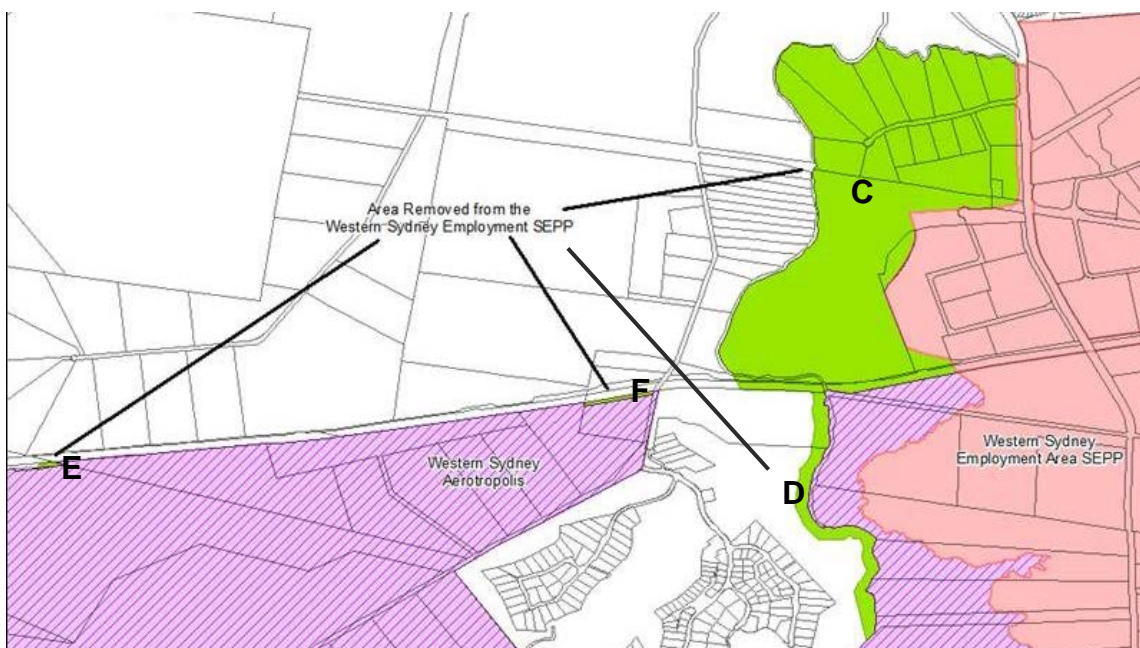


Figure 12. Areas C, D, E and F to be excluded from the WSEA SEPP