

NSW Department of Planning, Industry and Environment
320 Pitt Street
Sydney
NSW 2000

18 December 2019

Attention: Catherine Van Laeren - Acting Executive Director, Western and Central Sydney

Dear Catherine,

SUBMISSION TO DRAFT MAMRE ROAD STRUCTURE PLAN ON BEHALF OF FRASERS PROPERTY INDUSTRIAL AND ALTIS PROPERTY PARTNERS, AT 657-769 MAMRE ROAD, KEMPS CREEK (LOT 34 DP1118173, LOT X DP421633, LOT 1 DP1018318, LOT Y DP421633 AND LOT 22 DP258414

1.0 INTRODUCTION

This Submission is made by Frasers Property Industrial (Frasers Property) and Altis Property Partners (Altis) with respect to the Draft Mamre Road Precinct Structure Plan under *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (WSEA SEPP). Frasers Property and Altis control the site at 657-769 Mamre Road, Kemps Creek (Lot 34 DP1118173, Lot X DP421633, Lot 1 DP1018318, Lot Y DP421633 and Lot 22 DP258414). An approval is pending for this site from the NSW Department of Planning, Industry and Environment (DPIE) under State Significant Development (SSD) 9522 for a State-of-the-Art Six-Star-Green-Star Warehouse, Industrial and Logistics Facilities Hub.

Frasers Property and Altis congratulate DPIE and Minister for Planning on releasing the Draft Mamre Road Precinct Structure Plan, in response to the current critical land shortage within Western Sydney. It is clear the Draft Structure plan was released very quickly and intended as a "draft for discussion," without the publication of technical studies or detailed engineering analysis. Frasers Property and Altis understand that the plan will be amended and refined following completion of these studies.

Currently, the Frasers Property and Altis site lies wholly within the WSEA SEPP Application Area but has not yet been rezoned under WSEA SEPP. Under the Draft Mamre Road Precinct Structure Plan, the westernmost portion of the site will cease to be within the WSEA SEPP Application Area (refer to **Figure 1** and **Figure 2** overleaf). In contrast, the majority of the site towards the east will remain within the WSEA, becoming formally zoned under WSEA SEPP as IN1 General Industrial and RE1 Public Recreation. The Draft Mamre Road Precinct will therefore repeal the application of the WSEA SEPP from the westernmost portion of the site whilst strengthening its application in the east.

Submission to Draft Mamre Road Precinct Structure Plan

Frasers Property Industrial and Altis Property Partners, 657-769 Mamre Road, Kemps Creek

The effect of the Draft Mamre Road Precinct Structure Plan would be to designate more than 29ha, or 15%, of the 118 hectare site controlled by Frasers Property and Altis as being unsuitable for industrial development. As a result, it is estimated that up to 1,000 equivalent full time jobs could be lost on the site alone. Frasers Property and Altis therefore submit that:

1. The WSEA SEPP's boundaries should be amended to align with actual cadastral property boundaries in this location, so as to avoid planning law confusions and to prevent an effective 'downzoning' of a site for future industrial development;
2. The site should be rezoned under WSEA SEPP in its entirety, with the lots zoned IN1 General Industrial to the fullest extent that it is reasonable and feasible to do so based upon current state and local planning controls;
3. The PMF be used as the standard for flooding safety and evacuation requirements only, rather than as the allowable building line;
4. Development be allowed to the 1:100 ARI building line, with development beyond that subject to a separate study demonstrating no/acceptable cumulative impacts, in accordance with the recently exhibited *Draft Exhibition South Creek Floodplain Risk Management Study* (Penrith City Council, 2019); and
5. Government has failed to present a convincing business case for the proposed Western Sydney Intermodal, with over 175 hectares of land designated as an Intermodal Investigation Area without completing the necessary technical investigations required to properly assess the sites viability.

The extent of the existing and proposed WSEA boundaries are shown in **Figure 1** and **Figure 2** respectively below, while **Figure 3** overleaf shows the location of the site in terms of the overall Draft Mamre Road Precinct Structure Plan.

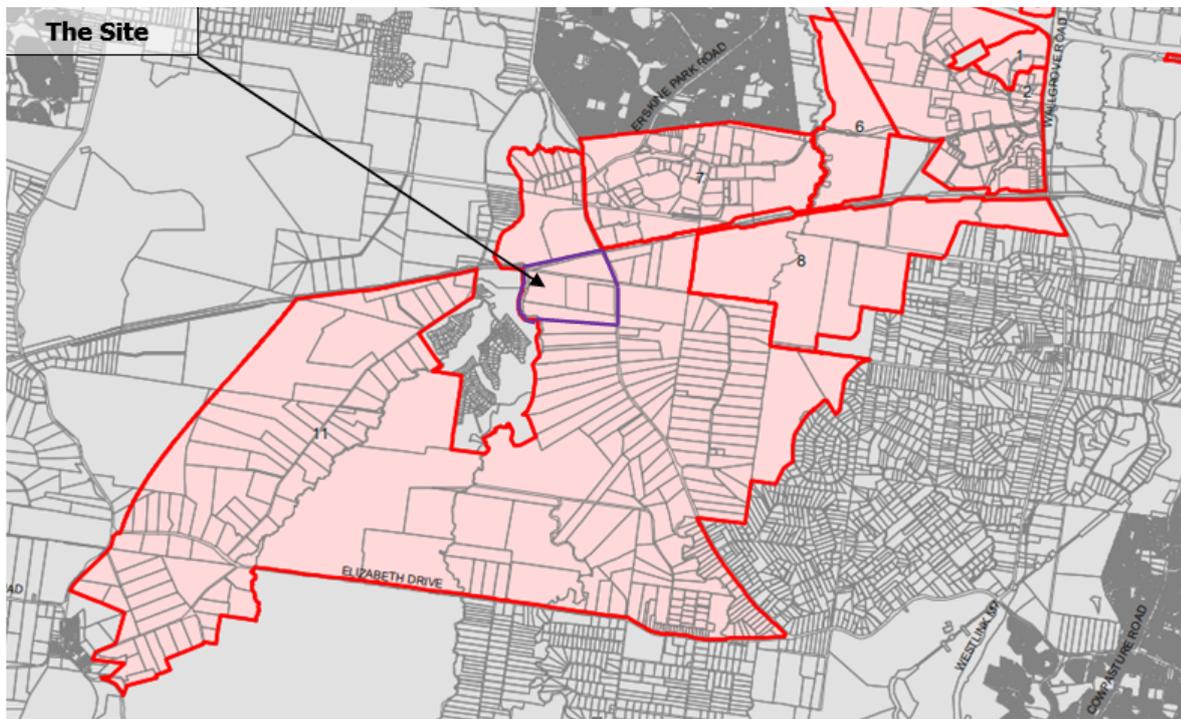


Figure 1 Current WSEA SEPP Land Application Map (NSW Legislation, 2019)

Submission to Draft Mamre Road Precinct Structure Plan

Frasers Property Industrial and Altis Property Partners, 657-769 Mamre Road, Kemps Creek

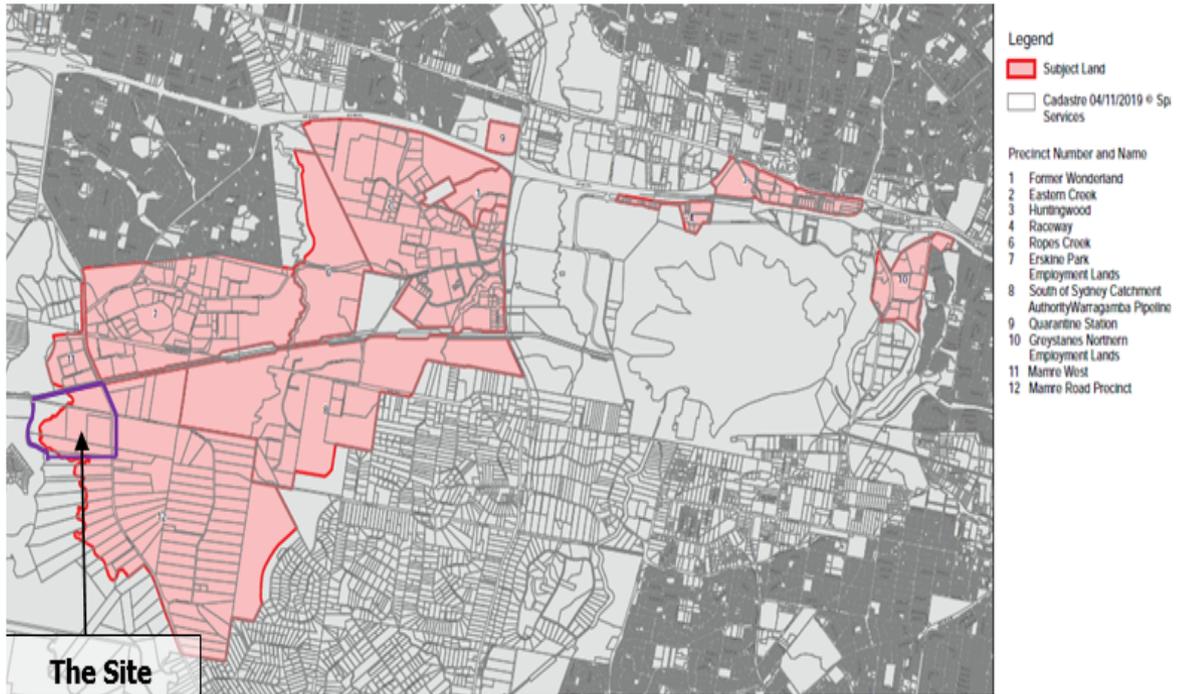
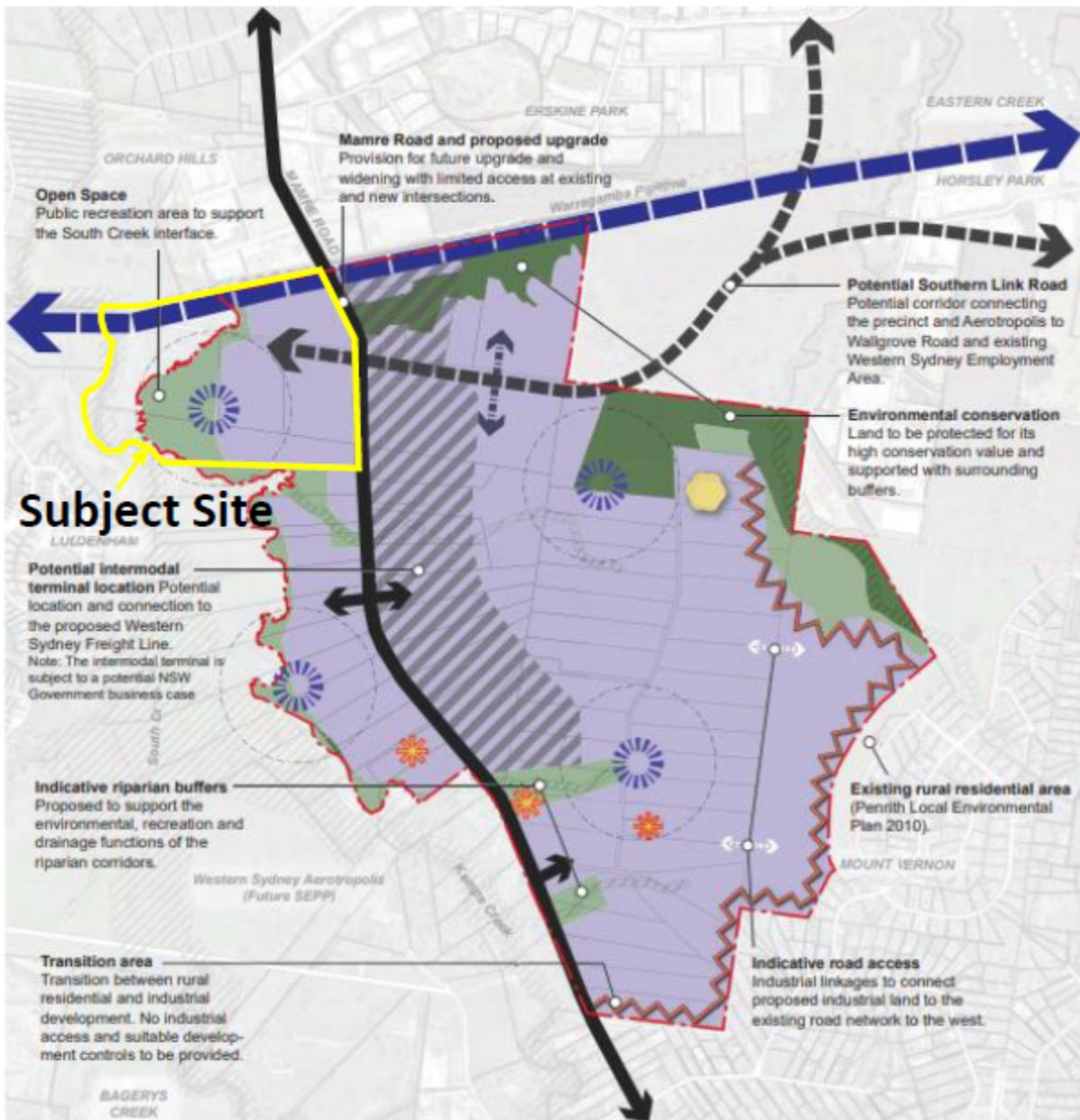


Figure 2 Draft Land Application Map (DPIE, 2019)

Submission to Draft Mamre Road Precinct Structure Plan

Frasers Property Industrial and Altis Property Partners, 657-769 Mamre Road, Kemps Creek



Draft Structure Plan

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

Note: Refer to Discussion Paper for further information



Planning, Industry & Environment

Mamre Road Precinct

Draft Structure Plan - November 2019

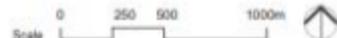


Figure 3 Proposed Draft Mamre Road Precinct Structure Plan (NSW DPIE, 2019)

Submission to Draft Mamre Road Precinct Structure Plan

Frasers Property Industrial and Altis Property Partners, 657-769 Mamre Road, Kemps Creek

2.0 THE FRASERS PROPERTY AND ALTIS SITE

Frasers Property and Altis jointly control 657-769 Mamre Road, Kemps Creek (Lot 34 DP1118173, Lot X DP421633, Lot 1 DP1018318, Lot Y DP421633 and Lot 22 DP258414), which is shown on **Figure 4** below. The site is located largely within the Mamre Road Precinct, and:

1. Is readily accessed by the regional road network, including both the M4 and M7 Motorways;
2. Is relatively flat, with a gradual slope in gradient from east to west;
3. Is sparsely vegetated with scattered stands of trees and scrub, including Cumberland Plain Woodland in poor condition (i.e. not meeting the definition under the *Environment Protection and Biodiversity Conservation Act 1999*);
4. Contains two dams which are proposed to be removed under SSD 9522 (see below);
5. Was historically used for agricultural as well as rural residential purposes; and
6. Is flood affected along its western boundary.

The site is bound by the following:

1. South Creek to the west;
2. The Warragamba Pipeline and the "First Estate" industrial precinct (SSD 7173) owned by Altis to the north; and
3. Rural and residential land holdings to the south and east, including some educational precincts (Trinity Primary School and Emmaus Catholic College).

Further to the north of the Warragamba Pipeline is Erskine Business Park, which operates 24/seven including tenants such as CEVA Logistics, CSR, Woolworths and Alvaro Transport. The overall nature of this locality is therefore industrial and/or is progressing towards operating as an industrial precinct.

Submission to Draft Mamre Road Precinct Structure Plan

Frasers Property Industrial and Altis Property Partners, 657-769 Mamre Road, Kemps Creek



Figure 4 The Site (Near Maps, 2019)

3.0 EXISTING STATE SIGNIFICANT DEVELOPMENT APPLICATION (9522)

State Significant Development Application 9552 is currently before DPIE, seeking consent for the construction and operation of a Warehouse, Logistics and Industrial Facilities Hub at the site. Specifically, SSD 9522 seeks consent for:

1. Construction and operation of a Warehouse, Logistics and Industrial Facilities Hub, comprising nine buildings in Stage 1 only. This incorporates ancillary office space, amenities, hardstand parking and loading areas, as well as landscaping. The facilities will operate on a 24/seven basis, consistent with the adjacent Erskine Park Industrial Areas;
2. Upgrading of the existing Bakers Lane intersection;
3. Construction of new signalised intersection along Mamre Road providing a connection to the proposed Southern Link Road;
4. Subdivision of the overall site into 33 Torrens Title allotments over three stages; and
5. Undertaking bulk earthworks (in two stages) and estate works across the whole site, including internal estate roads (to be dedicated to Penrith City Council) and civil works.

Figure 5 below shows the plan which reflects the above that was lodged and subsequently exhibited by DPIE.

Submission to Draft Mamre Road Precinct Structure Plan

Frasers Property Industrial and Altis Property Partners, 657-769 Mamre Road, Kemps Creek

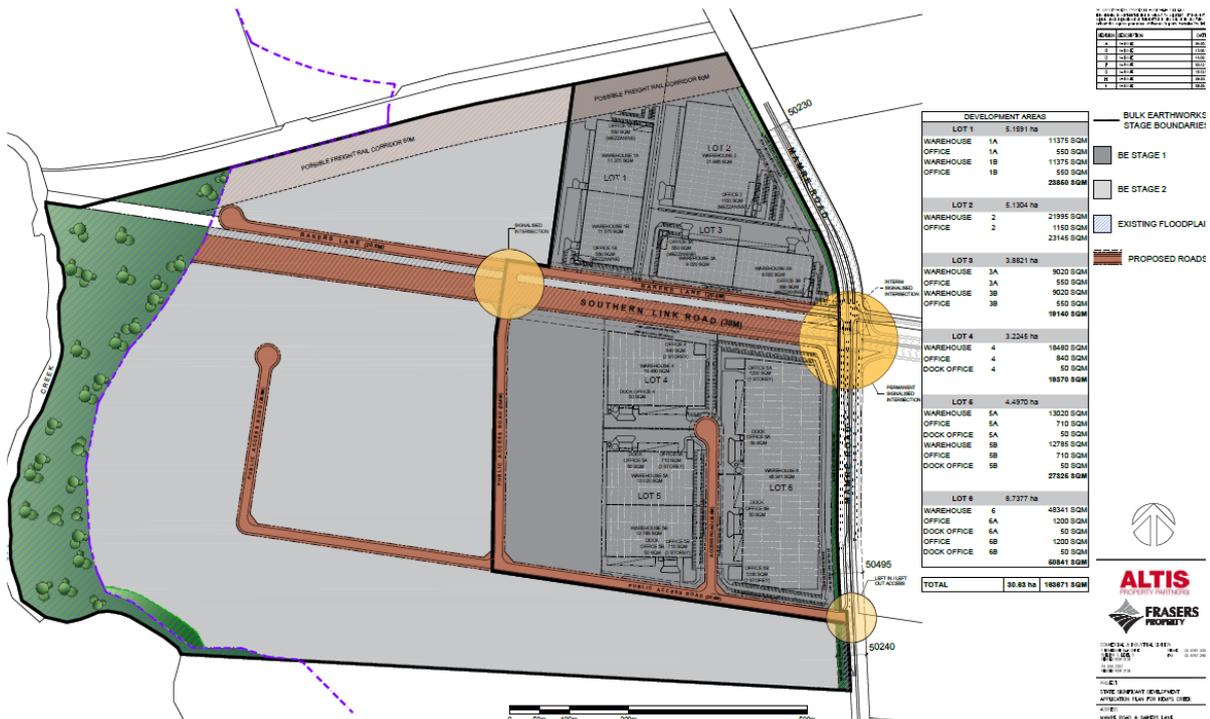


Figure 5 SSD Masterplan 1 (Frasers Property, 2019)

It is noted that a revised scheme has been prepared to address the Response to Submissions received following exhibition which ended on 7 July 2019; however, this has not been formally submitted to NSW DPIE for assessment. Following approval of this revised (reduced) scheme in the future, it is intended to lodge a subsequent Development Application that relates to the rear (western portion of the site) for more warehouses and associated uses to provide further activation and jobs for this area. It is therefore considered that the current Draft Structure Plan impedes such opportunity which Frasers and Altis object to.

The revised scheme (SSD Masterplan 2) is shown below in **Figure 6** with respect to the proposed zoning and affectations under the draft Structure Plan:



Figure 6 SSD Master Plan 2 - Not Yet Formally Lodged (Frasers Property, 2019)

4.0 GROUNDS FOR SUBMISSION

Frasers Property's and Altis' grounds of submission to the Draft Mamre Road Precinct relate to the following matters:

1. DPIE failing to take the opportunity to align the WSEA SEPP boundaries and land zonings so as to apply them to defined parcels of land, creating planning system uncertainties and sterilising the use of land which may otherwise be most efficiently used for industrial purposes;
2. The Precinct's zoning and boundaries have been drawn based on overlying stringent flood planning controls (i.e. built form development not considered suitable within the 1:100 ARI), which directly contradicts NSW Government and Penrith City Council planning policies, as well as standard industry knowledge and practice. This results in an unnecessary sterilisation of land;
3. The proposed mapped Transport Investigation Areas are too broad, and no guidance is provided as to how interim land uses might be undertaken on this land, or how TfNSW might use its decision-making powers as a concurrence authority to allow development on this land. Frasers Property and Altis note that the Western Sydney Freight Line Transport Investigation Area traverses their site, while the Western Sydney Intermodal site lies adjacent to it;
4. There is currently no sound business case for the proposed Western Sydney Intermodal;
5. Uncertainty regarding applicable Section 7.12 Contribution and applicable Special Infrastructure Contribution rates, as the Discussion Paper contains insufficient details;
6. The proposed Western Sydney Freight Line corridor width should not exceed 60m. Doing so would unnecessarily sterilise otherwise developable employment lands;
7. Insufficient details on process for, as well as costs and timing of, land reservation acquisition;
8. There is already adequate open space provided for in the locality. Within the 1 in 100 year floodplain in the Mamre Road Precinct there is already around 422ha. Throughout the broader South Creek Catchment under the LUIIP plans there are around 1,600ha. This is considered to be sufficient without the need to sterilise flood free industrial land. Nevertheless, should the RE1 Public Recreation zone be applied to the Precinct, it should permit a broader range of compatible land uses and the RE2 Private Recreation zone should also be considered for possible application;
9. There is a missed opportunity to identify and encourage opportunities for Exempt and Complying Development to be undertaken within the Mamre Road Precinct, in order to simplify the planning approvals process; and
10. General incompatibilities with SSD 9522. The IN1 General Industrial zone should apply to this Development Application in its entirety.

4.1 WSEA SEPP and Zone Boundaries

The effect of the Draft Mamre Road Precinct Structure Plan would be to designate more than 29ha, or 15%, of the 118-hectare site controlled by Frasers Property and Altis as being unsuitable for urban development. As a result, it is estimated that up to 1,000 equivalent full time jobs could be lost on the site alone as this would impede a future Development Application subsequent to SSD 9522 for more warehouses and associated land uses. The resulting losses to capital investment, potential employment generating development, and resulting job creation are considered unacceptable in this current economic climate, particularly given the growing scarcity of developable industrial lands throughout Greater Sydney. This curious decision by DPIE to remove the western portion of the site from WSEA SEPP appears to be largely based on the arbitrary adoption of the 1:100 ARI flooding extent as being not suitable for 'urban development,' with another portion of the site in the west nevertheless being above the 1:100 ARI. Prohibiting development within the 1:100 ARI directly contradicts official NSW Government Policy and current Penrith City Council standards.

By not allowing development up the 1:100 ARI, the full extent of land lost on the subject site equates to 22ha which is shown in **Figure 7** below.

Submission to Draft Mamre Road Precinct Structure Plan

Frasers Property Industrial and Altis Property Partners, 657-769 Mamre Road, Kemps Creek

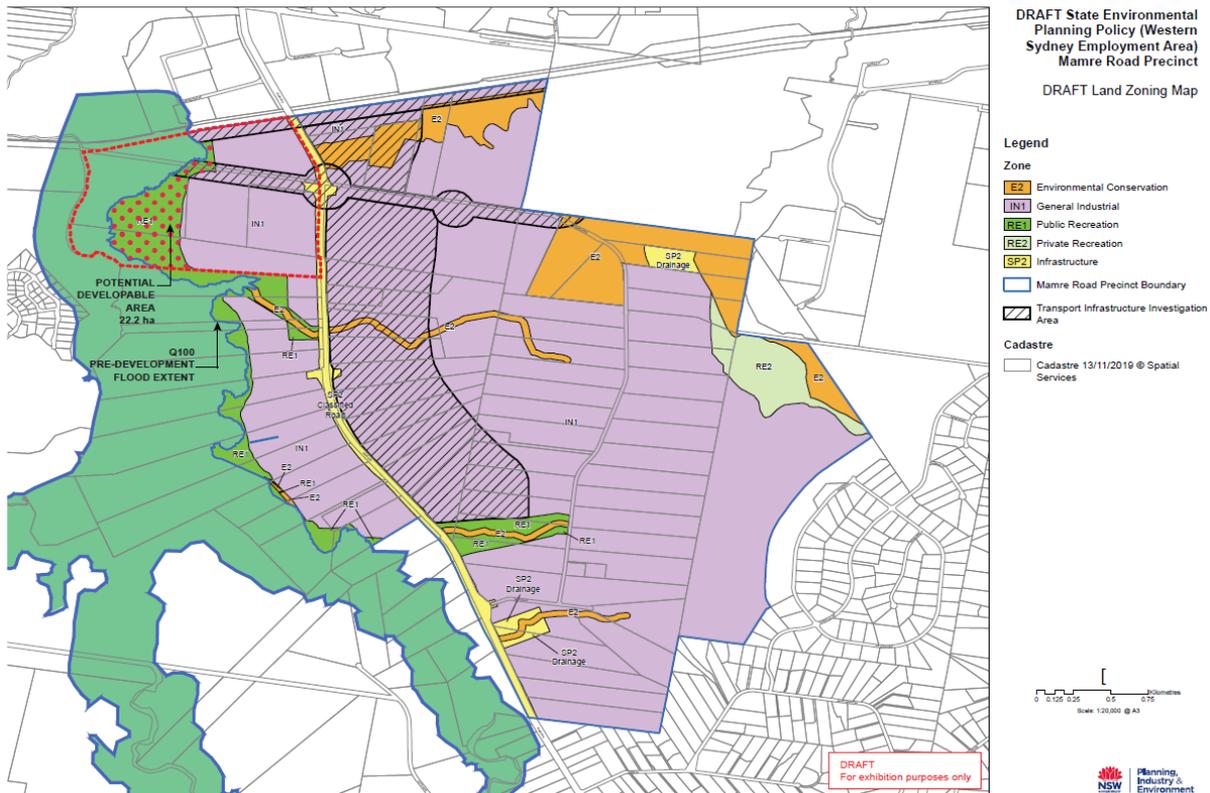


Figure 7 Diagram showing land lost by not allowing development up to 1:100 ARI (Frasers Property, 2019)

It is considered that the IN1 General Industrial zoning should therefore extend to the 1:100 ARI line as shown above to include the land shown dotted with any open space readily available beyond this extent and in areas that are flood affected. The area shown in green within **Figure 7** above clearly illustrates the large area available within the precinct (around 422ha), allowing sufficient activation and open space that accords with the intended outcomes for land adjacent South Creek. Throughout the broader South Creek Catchment under the LUIIP plans there is around 1,600ha of land, almost 10 times the area of Centennial Park in Sydney.

To date, the site has been entirely within the WSEA SEPP Application Area, albeit remaining unzoned. Whilst on the surface, the PLEP 2010 currently governs the permissibility of land uses at the site as it is not currently zoned under WSEA SEPP, employment generating development at the site is nevertheless permitted by invoking Clause 12 of WSEA SEPP. As such, the site currently benefits from certain land uses being made permissible due to its innominate zoning status under the WSEA SEPP, which provides the entire site with a quasi-industrial land zoning. This can be employed to override the RU2 Rural Landscape zoning under the PLEP 2010.

Unfortunately, the Draft Mamre Road Precinct Structure Plan fails to streamline the site's zoning, aligning zone boundaries and property boundaries alike. Most importantly, it is not preferred to alter the boundary of the WSEA SEPP so that it runs through the middle of:

1. Lot 34 DP1118173;
2. Lot 1 DP1018318; and
3. Lot 22 DP258414,

as is currently proposed (refer **Figure 3 in Section 1.0** above). As such, the Draft Mamre Road Precinct seeks to include part of the site within the South Creek Precinct that will be zoned under the new Western Sydney Aerotropolis SEPP. This will result in a convoluted outcome whereby the westernmost portions of this site are subject to a different Environmental Planning Instrument which will create confusion and conflict in terms of future land uses and zone objectives. In effect, this downgrades the development potential of these lots by not allowing them to be used for industrial employment-generating purposes.

Submission to Draft Mamre Road Precinct Structure Plan

Frasers Property Industrial and Altis Property Partners, 657-769 Mamre Road, Kemps Creek

In terms of broader industrial land supply, the Greater Sydney Commission's *A Metropolis of Three Cities* states the following:

With the development of the Western Sydney Airport and Badgerys Creek Aerotropolis it will be critical, from the outset, to secure the access requirements for the airport and off-site industrial land for its 24/7 operation. It will also be critical to plan and protect from encroachment the freight corridors that serve the airport and industrial lands.

.....

While the Western Parkland City will benefit from the Western Sydney Employment Area, there may be a need to provide additional industrial and urban services areas across the extensive footprint of the Western City to accommodate significant population growth beyond 2036.

.....

All existing industrial and urban services land should be safeguarded from competing pressures, especially residential and mixed-use zones. This approach retains this land for economic activities required for Greater Sydney's operation, such as urban services... There will be a need, from time to time, to review the list of appropriate activities within any precinct in consideration of evolving business practices and how they can be supported through permitted uses in local environmental plans. Any review should take into consideration findings of industrial, commercial and centre strategies for the local government area and/or the district. The retain and manage approach applies across the Eastern Harbour City, the North West Growth Area and industrial land in the established urban areas of the Western Parkland City, including the existing Western Sydney Employment Area.

It is considered that this decision to excise significant portions of land from the WSEA SEPP under the Draft Mamre Road Precinct has been largely based on an arbitrary application of flood management principles (refer to **Section 4.2** below), rather than with regard to the Greater Sydney Commission's requirements for retaining and managing industrial and urban services land as quoted above.

This also misses the opportunity to provide a corridor adjacent to South Creek as per the recently released *Western Sydney Aerotropolis: Summary of Key Planning Documents* (NSW Government, December 2019).

Rather, it should be the intent of DPIE, in amending WSEA SEPP, to avoid a convoluted planning outcome such as this, whereby two different Environmental Planning Instruments apply to halves of the same site. This could lead to:

1. Planning law complications regarding future development permissibility;
2. Confusion surrounding the potential application of future planning controls;
3. Significant loss of industrial land that is capable of being serviced and supporting employment-generating development; and
4. Significant losses to land values for the precinct.

Frasers Property and Altis submit that it is most ideal for their lots to be rezoned under WSEA SEPP in their entirety, and that their lots should be rezoned as IN1 General Industrial to the fullest extent that it is reasonable and feasible to do so based upon current state and local planning controls. In particular, the application of this IN1 General Industrial zoning should be extended in a westerly direction to the 1:100 ARI line. Moreover, the zoning boundary in the site's south-west corner should be squared up to match the pending scheme for SSD 9522, instead of having a curve.

Overall, the Frasers Property and Altis site, comprising a consolidated site which is subject to the industrial approval pending under SSD 9522, should be given the benefit of functioning under one consolidated set of planning controls within the WSEA SEPP. Indeed, such a planning outcome would best reflect Objective (c) of

Submission to Draft Mamre Road Precinct Structure Plan

Frasers Property Industrial and Altis Property Partners, 657-769 Mamre Road, Kemps Creek

the *Environmental Planning and Assessment Act 1979* which is “to promote the orderly and economic use and development of land.” It would also best reflect the following Aims of WSEA SEPP:

1. (2)(b) *to provide for the co-ordinated planning and development of land in the Western Sydney Employment Area; and*
2. (2)(d) *to improve certainty and regulatory efficiency by providing a consistent planning regime for future development and infrastructure provision in the Western Sydney Employment.*

With approval for SSD 9522 pending from DPIE, Frasers Property and Altis consider that the site should be given the benefit of operating under a concise, modern, flexible set of planning controls which have been specifically designed for this industrial locality, as opposed to residual planning controls which remain from when the locality was primarily comprised of rural landholdings. Indeed, given that WSEA SEPP has been operational for some 10 years, it is imperative that the opportunity not be missed to adequately amend this Environmental Planning Instrument so as to ensure that it remains fit for purpose.

4.2 Flooding Controls

South Creek, Kemps Creek and Ropes Creek traverse the Draft Mamre Road Precinct, and the Precinct is affected by the 1:100 ARI and the Probable Maximum Flood (PMF) along these creek corridors. The Discussion Paper identifies how the Precinct’s boundary has been mostly aligned with the 1:100 ARI flood zone. **Figure 8** below shows the Draft Mamre Road Precinct flood affectation as published within the Discussion Paper. The Discussion Paper goes on to state:

Development within the 1 in 100 chance per year flood level data from Penrith City Council land will be limited to open space, drainage or similar. This data has been used to define areas of E2 Environmental Conservation, RE2 Private Recreation and SP2 Infrastructure (Drainage) in the proposed SEPP amendment, as appropriate. Areas located below the 1 in 100 chance per year flood level are proposed for compatible land uses and activities, according to their vulnerabilities to flooding within the floodplain. This means that no urban land uses will be permitted on land classified as flood prone.

Schedule 4 of the WSEA SEPP requires a comprehensive flood analysis to be undertaken as part of the preparation of a Development Control Plan for a site. A DCP is required to be consistent with the provisions of the NSW Government’s Floodplain Development Manual: the management of flood liable land and any relevant local and regional policies. Development interfaces within the floodplain will be encouraged on land above the 1 in 100 chance per year flood extent plus 0.5m freeboard, to activate land and increase access to waterways. Alterations to flood storage capacity and flood behaviour through filling and excavation or other earthworks will not be encouraged.

A clause is proposed to introduce additional heads of consideration for development on flood prone land including land below the PMF. This will require consent authorities to take cumulative impact of development on the flood plain into account and protect the floodway to avoid worsening flood events on other land in the catchment.

A government inter-agency working group has been established to assess the impact of earthworks, potential development scenarios and the blue/green grid on flooding in the South Creek catchment.

A consultant has been engaged and preliminary results of this work are due in mid-2020. This will inform the extent of development that can be achieved on land in between the 1 in 100 chance per year flood extent and the PMF.

.....

A new clause is proposed to require consent authorities to consider the cumulative and local impact of development on the whole flood plain within the PMF and 1 in 100 chance per year flood level.

Submission to Draft Mamre Road Precinct Structure Plan

Frasers Property Industrial and Altis Property Partners, 657-769 Mamre Road, Kemps Creek

Mamre Road Precinct: Frequently Asked Questions (DPIE, 2019) then goes on to provide additional information which is not revealed in the Discussion Paper:

Studies in progress will provide more information about the controls that will apply in the area between 1 chance in 100 per year and the PMF levels. This may mean the extent of land identified as zoned industrial is reduced before the plan is finalised. Alternatively, it may involve additional DCP controls to guide what land uses and building forms are possible in this area. Filling in this area to the PMF may need to be limited and large structures that could impede the flood conveyance may be unsuitable. At grade uses such as car parking and storage of (non-hazardous) plant and equipment may be suitable.

It is a significant oversight not to extrapolate on these matters further within the Discussion Paper. Indeed, this makes it extremely difficult for interested landholders, developers, investors and other parties to make full and informed comment on the Draft Mamre Road Precinct Structure Plan at present, when these parties are still unable to ascertain which land zonings will apply.

Nevertheless, Frasers Property and Altis reject this approach by DPIE to effectively prohibit urban land uses on and within the PMF. In essence, the Draft Mamre Road Precinct in its current form proposes to use the PMF as the flood planning level in lieu of the 1:100 ARI. This ignores standard industry practice throughout the realms of town planning, civil engineering, urban design and environmental legislation whereby the PMF is instead used for emergency response planning to address public safety. This standardised approach is referenced in Clause 38 of Schedule to the *Environmental Planning and Assessment Regulation 2000*, which defaults the flood planning level across NSW for the purposes of applying Designated Development provisions to mean "those areas inundated as a result of a 1 in 100 event" where no other level is nominated in the prevailing Local Environmental Plan. Moreover, Clause 7.2 of the PLEP 2010 nominates 1:100 ARI plus 0.5m freeboard as the applicable flood planning level applying throughout the Penrith Local Government Area. Indeed, 1:100 ARI has been confirmed as the South Creek Floodplain flood planning level, and Council's Draft Exhibition South Creek Floodplain Risk Management Study (completed in consultation with DPIE and NSW Department of Industry - Water) makes the following comment:

The adoption of the PMF as the planning flood is not realistic or practical as it would sterilise a large area of land, thereby forcing development to areas of higher ground which may not historically be serviced or which could introduce unrealistically high infrastructure costs.

Confirming the PMF as the buildable flood level for Mamre Road Precinct will set a contentious precedent that could disrupt the way flood planning is done throughout NSW, meaning that more economically viable lands suited for urban development could be considered undevelopable. Such an outcome is considered to be unacceptable given the current scarcity of viable industrial, commercial and residential land throughout Greater Sydney.

Frasers Property and Altis have undertaken extensive floodplain assessment for their site as part of SSD 9522. They note that SSD 9522 does not impact or extend within any areas affected by 1:100 ARI flood event from South Creek. However, SSD 9522 does encroach the PMF flood extent.

The floodplain modelling undertaken by Costin Roe Consulting in support of SSD 9522 utilised TUFLOW modelling to assess pre and post development overland flow conditions for a range of storm events. This model was verified as per Penrith City Council's *Updated South Creek Flood Study, Advisian* (Worley Parsons 30 January 2015), to consider the relationship of flooding with SSD 9522. This assessment found that the influence of SSD 9522 on the PMF event would be limited to the development area, and that the flooding safety of existing residents in the area would not be adversely impacted. Furthermore, the occupants of the new development would be clear of PMF affected areas. Whilst being clear of the 1:100 ARI, SSD 9522 would also not affect the existing 1:100 ARI flooding conditions or be affected by the 1:100 ARI flooding event. Overall, SSD 9522 meets all of the criteria in the NSW Floodplain Manual, the PDCP 2014 and the *Draft Exhibition South Creek Floodplain Risk Management Study* (2019).

Submission to Draft Mamre Road Precinct Structure Plan

Frasers Property Industrial and Altis Property Partners, 657-769 Mamre Road, Kemps Creek

The curious decision by DPIE to remove the western portion of the site from WSEA SEPP appears to be based on the arbitrary adoption of the 1:100 ARI flooding extent as being not suitable for 'urban development.' Not only is this a standard that has never been used to date, it is in direct contradiction of official NSW Government Policy, namely the *NSW Floodplain Management Manual 2005*, and current Penrith City Council standards. Indeed, the Draft Mamre Road Precinct Structure Plan fails to recognise widespread industry practice and current engineering standards, which all adopt the 1:100 ARI and build to this line. The 1:100 ARI has in fact been used, and continues to be used, as the buildable flooding standard throughout NSW for well over 50 years. The resulting losses to capital investment, potential employment generating development, and resulting job creation (estimated at 3,600 for the precinct) in adopting the PMF are considered unacceptable in this current economic climate, particularly given the growing scarcity of developable industrial lands throughout Greater Sydney.

This is considered to be unacceptable, given that flooding in the PMF event within the South Creek Catchment has between a 1 in 10,000 year – 1 in 100,000 year chance of occurring.. As a result, it is estimated that up to 1000 equivalent full time jobs could be lost on the site alone.

Industrial developments are generally considered suitable for the 1:100 ARI zone where adequate flood design and mitigation measures are implemented, as per standard civil engineering practice throughout NSW. Moreover, Part C3 of the *Penrith Development Control Plan 2014* (PDCP 2014) sets out adequate controls to guide and manage such industrial developments within the floodplain. As such, there is no need to adopt a more stringent approach whereby all 1:100 ARI land is effectively sterilised from being used for industrial purposes. Frasers Property and Altis therefore submit that the newly proposed flood assessment clause within WSEA SEPP should:

1. Use the PMF level as the standard for flooding safety and evacuation requirements only, rather than as the allowable building line; and
2. Allow development to the 1:100 ARI building line, with development beyond that subject to a separate study demonstrating no/acceptable cumulative impacts, in accordance with the recently exhibited *Draft Exhibition South Creek Floodplain Risk Management Study* (Penrith City Council, 2019).

This should in turn allow the western portion of the site to continue to be subject to WSEA SEPP, meaning that its quasi industrial zoning may now be formalised at law.

Indeed, Schedule 4 to WSEA SEPP already requires the making of flood planning controls consistent with the NSW Government's *Floodplain Development Manual: the management of flood liable land* (April 2005) as part of any Development Control Plan for the WSEA. Part C3 of Penrith Development Control Plan likewise requires that development not lead to any offsite flooding affectation to upstream, downstream or adjoining properties. Given these existing flood controls, the approach in the Draft Mamre Road Precinct is completely unnecessary. Rather, the abovementioned flood planning controls are considered to be sufficient and in line with the broader planning regime throughout NSW.

It follows on from this argument that it is completely unnecessary to rezone such a significant portion of the site to RE1 Public Recreation under WSEA SEPP, as there is no compelling flood risk reasons why much of this land cannot be developed for industrial or other purposes. Overall, Frasers Property and Altis reject the extent of this RE1 Public Recreation zoning in the west of their site. On this point, the Discussion Paper is also considered to be misleading as it does not specify that no built form would be permitted in the extensive RE1 Public Recreation zone. However, given the stringent application of flooding levels to define the buildable zone within the Precinct, it can be inferred that this is the intent of the Draft Mamre Road Precinct. In contrast, it is considered that there are various compatible built form land uses that could be undertaken within the RE1 Public Recreation zone should this zone be formalised within the Precinct.

Submission to Draft Mamre Road Precinct Structure Plan

Fraser's Property Industrial and Altis Property Partners, 657-769 Mamre Road, Kemps Creek

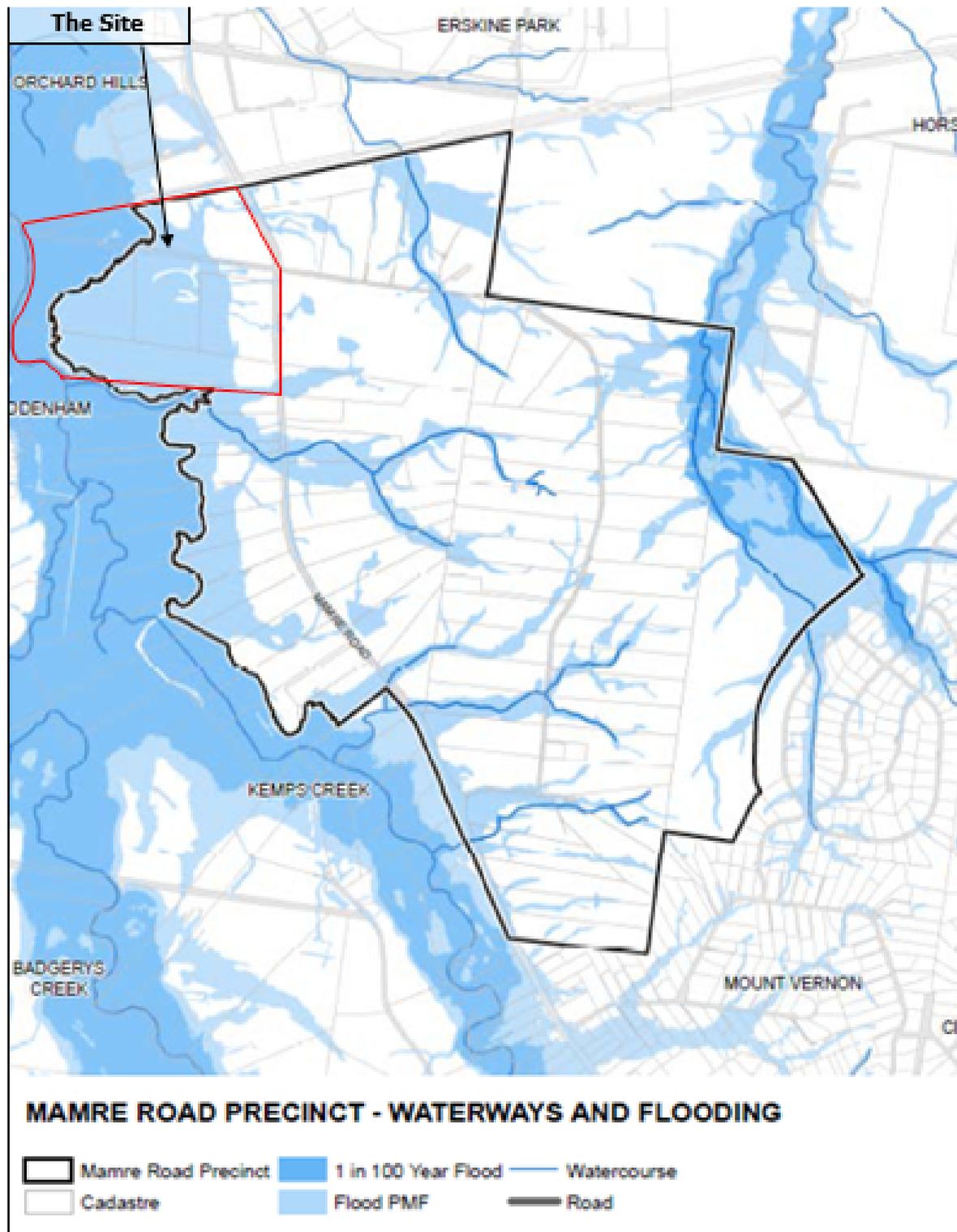


Figure 8 Draft Mamre Road Precinct Flood Affection (NSW DPIE, 2019)

4.3 Transport Infrastructure Investigation Area

The Draft Mamre Road Precinct Structure Plan proposes an extensive Transport Infrastructure Investigation Area, as hatched black on **Figure 7** in **Section 4.1** above. One of the intended outcomes of introducing this planning control into WSEA SEPP is to "enable concurrence requirements to TfNSW to secure a future intermodal terminal site. TfNSW will continue to undertake more detailed investigations to determine a refined location and suitable mechanisms to rezone land for infrastructure purposes." The Discussion Paper specifies

Submission to Draft Mamre Road Precinct Structure Plan

Frasers Property Industrial and Altis Property Partners, 657-769 Mamre Road, Kemps Creek

how TfNSW will operate as a concurrence authority for developments within the potential future location of the following pieces of transport infrastructure:

1. Potential location of the Western Sydney Freight Line;
2. Southern Link Road; and
3. Western Sydney Intermodal Terminal.

In some instances, these mapped Transport Infrastructure Investigation Areas align with the Proposed Roads mapped under the Draft Mamre Road Precinct Structure Plan. Where they do not, it must be assumed that this relates to the proposed future Intermodal Terminal location. However, the Discussion Paper is not clear on this matter. In any event, Frasers Property and Altis consider that these Transport Infrastructure Investigation Areas are too extensive. **Figure 6 in Section 3.0** above overlays these Transport Investigation Areas onto the indicative floor plans under SSD 9522 for Master Plan 2. This shows how the Transport Investigation Areas traverse into portions of the site that are proposed to be used for built-form/operational purposes. This creates an unnecessary level of confusion and administrative planning controls that serve no functional purpose.

Whilst the road layouts proposed under the Draft Mamre Road Precinct do not, in principle, conflict with the proposed operation of SSD 9522, they do not align with the function road reserve layouts that Frasers Property and Altis have discussed and agreed with RMS. Nor do they demonstrate acceptable levels of service. Specifically, it is considered that the Transport Infrastructure Investigation Area for the Mamre Road/Bakers Lane intersection should be substantially reduced. This would be in line with the extensive traffic engineering investigations and modelling, as well as RMS consultation that Frasers Property and Altis have undertaken for their pending SSD 9522.

Furthermore, as concurrence will be triggered with TfNSW where development is proposed to take place within a Transport Infrastructure Investigation Area, the Discussion Paper does not adequately explain how this process would function, nor does it sufficiently explain the types of transport infrastructure which are to be investigated for delivery within these mapped Investigation Areas. Moreover, it does not clarify how such infrastructure is to be funded or what the expected delivery timeframe will be. Indeed, should the Government not plan to acquire these lands for public purposes, it becomes difficult to justify the requirement for TfNSW to provide its concurrence. As no clarity is provided on which interim land uses, if any, may be undertaken within these Transport Infrastructure Investigation Areas, a sense of uncertainty prevails, meaning that this land could be effectively sterilised in the meantime.

4.4 Western Sydney Intermodal Site

A significant portion of the Transport Infrastructure Investigation Area appears to be dedicated to the future Western Sydney Intermodal site. Frasers Property and Altis are concerned about the sheer size of this area which has been set aside for the potential future Intermodal given that no sound business case has, so far, been established for it. Matters which would hinder the business case for this site include:

1. There is no clear intention on the part of Government to acquire the land, meaning that it will be difficult to ensure the Intermodal is delivered in this location;
2. Developing this land for an Intermodal poses significant engineering challenges, including with respect to the prevailing topography of the locality and the state of connections to Port Botany; and
3. The fact that around 200ha of land would be sterilised, delaying the release of land that is otherwise ready to develop now.

Moreover, the power of TfNSW to act as a concurrence authority for this land has not been established, given that the land will not be compulsorily acquired.

Overall, Frasers Property and Altis consider that the proposed Western Sydney Intermodal site has not been based on sound planning principles.

Submission to Draft Mamre Road Precinct Structure Plan

Frasers Property Industrial and Altis Property Partners, 657-769 Mamre Road, Kemps Creek

4.5 Developer Contributions

The Discussion Paper should have provided draft Special Infrastructure Contribution rates as per the Growth Infrastructure Compact for the Aerotropolis, and the draft Section 7.11 Contribution rates for industrial development within the Penrith Local Government Area. Without these draft rates, it is not possible for landholders, developers, and other interested parties to make full and informed commentary on the Draft Mamre Road Precinct Structure Plan. Furthermore, it is not known whether the applicable Special Infrastructure Contributions will relate to areas of open space as well as industrial and related development.

Frasers Property and Altis also make the following specific comments regarding developer contributions for the Mamre Road Precinct:

1. The scope of any new applicable Section 7.12 Contributions Plan should relate to local infrastructure, roads, drainage and open space only; and
2. Developers should have the option to provide infrastructure which can offset against applicable Section 7.12 Contributions and Special Infrastructure Contributions.

Overall, the current situation where no formal Section 7.12 Contributions Plan or Special Infrastructure Contribution rate applies leads to developer uncertainty. It moreover does not meet the following Objectives under Section 1.3 of the EP&A Act:

1. *(a) To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources, and*
2. *(i) To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State.*

4.6 Freight Rail Corridor Width

Frasers Property and Altis made a detailed submission to the Corridor Investigation Office in 2018 regarding the proposed Western Sydney Freight Line, highlighting their concerns regarding the imposition of a railway corridor which is wider than required, effectively sterilising otherwise developable employment land within the locality. Frasers Property and Altis now reiterate their concerns regarding the proposed Western Sydney Freight Line corridor as shown within the Draft Mamre Road Precinct. In its current state, this proposed corridor appears to exceed 60m in width. In particular, Lot 34 DP1118173 and Lot 1 DP1018318 (controlled by Frasers Property and Altis) would be unduly affected. This sterilisation of significant employment lands and resulting reduction in potential job creation is considered wholly unnecessary. Indeed, Frasers Property and Altis had previously submitted to the Corridor Investigation Office in 2018 that the Western Sydney Freight Line could function as a 20m railway corridor, which would still be sufficient to accommodate up to four operational railway lines.

Overall, it is considered that retaining the proposed Western Sydney Freight Line corridor in excess of 60m would not best reflect Objective (c) of the *Environmental Planning and Assessment Act 1979* which is "to promote the orderly and economic use and development of land." It would also not best reflect the following Aim of WSEA SEPP:

1. *(2) (a) to promote economic development and the creation of employment in the Western Sydney Employment Area by providing for development including major warehousing, distribution, freight transport, industrial, high technology and research facilities.*

4.7 Land Reservation Acquisition

Frasers Property and Altis note how significant portions of land are mapped under the Draft Mamre Road Precinct Structure Plan as being for future Land Reservation Acquisition, aligning with the proposed SP2 Infrastructure and RE1 Public Recreation zonings. However, the Discussion Paper does not provide sufficient details on the process for, nor the timing and costs of, such land acquisition. It is submitted that a mechanism be put in place to manage this process of land acquisition for the Mamre Road Precinct, so as to provide

Submission to Draft Mamre Road Precinct Structure Plan

Frasers Property Industrial and Altis Property Partners, 657-769 Mamre Road, Kemps Creek

developer certainty. The permissibility and feasibility of potential interim land uses should also be considered in the meantime.

Furthermore, the NSW Government has not specifically budgeted for this land acquisition, let alone the costs involved in embellishing this land. It is therefore possible that the costs to Government in both acquiring and embellishing this land may well be cost prohibitive.

Frasers Property and Altis Moreover submit that any land which is rezoned to RE1 Public Recreation should be acquired according to its highest and best industrial land use. This reflects the current planning law scenario where much of the land under WSEA SEPP can be used for permissible WSEA SEPP land uses even where it is not zoned under WSEA SEPP, by invoking Clause 12 of the same.

4.8 RE1 Public Recreation Zone

As set out in above, it is completely unnecessary to rezone such a significant portion of the site to RE1 Public Recreation on the grounds of flooding risk. Indeed, Frasers Property and Altis reject the extent of this RE1 Public Recreation zoning in the west of their site. This is particularly so given that around 422ha of open space would already be provided along both sides of the creek.

Nevertheless, should the proposed RE1 Public Recreation zoning prevail within the Precinct, it is considered that the permissible land uses must be broadened. Specifically, Frasers Property and Altis make the following firm suggestions:

1. Restaurants and Cafés be permitted in the RE1 zone to encourage a suitable level of private investment activation;
2. Centre-based Child Care Centres be permitted in the RE1 zone to make use of the surrounding open space network and to support the adjacent employment-generating land uses;
3. Recreation Facilities be permitted in the RE1 zone to encourage further public use of these spaces;
4. Artisan Food and Drink Industries be permitted in the RE1 zone to further encourage private investment and public access into these spaces;
5. The extent of the IN1 General Industrial zone within the precinct should be increased so as to encourage more private provision of active land uses near to the creekline; and
6. Provide an RE2 Private Recreation zoning to creek facing land so as to furthermore encourage private investment in activating this space.

The above, whilst encouraging private investment in and public access to these areas, could also assist in lessening the Government's financial burden in acquiring and embellishing open space land within the Precinct.

4.9 Exempt and Complying Development

There is a missed opportunity to identify and encourage opportunities for Exempt and Complying Development to be undertaken within the Mamre Road Precinct, in order to simplify the planning approvals process. This is especially the case where the standard planning approvals context of this Precinct is convoluted e.g. with misaligned zoning boundaries, TfNSW concurrence requirements, and potentially both local and State development contributions being required in future. Such a scenario could deter developer action in seeking approval for employment-generating development within the Mamre Road Precinct. By identifying and encouraging opportunities for Exempt and Complying Development, DPIE could in turn reduce the timeframes for delivering employment-generating development at the Precinct, as well as reducing the Government burden in assessment proposals that achieve compliance with the relevant development standards.

4.10 Inconsistencies with SSD 9522

Figure 6 in **Section 3.0** above demonstrates how the Transport Investigation Areas proposed under the Draft Mamre Road Precinct traverse into portions of the site that are proposed to be used for built-form/operational purposes under SSD 9522. It also shows how the proposed built-form/operational

Submission to Draft Mamre Road Precinct Structure Plan

Frasers Property Industrial and Altis Property Partners, 657-769 Mamre Road, Kemps Creek

development under SSD 9522 would be partially constrained by RE1 Public Recreation zoning under the Draft Mamre Road Precinct.

Frasers and Altis submit that the proposed IN1 General Industrial zoning should be extended in a westerly direction to the 1:100 ARI line. Moreover, the zoning boundary in the site's south-west corner should be squared up to match the pending scheme for SSD 9522, instead of having a curve.

As explained in **Section 4.11** below, it is unknown whether the proposed amendments to WSEA SEPP will provide adequate savings provisions to manage these matters.

4.11 General Inconsistencies and Uncertainties in the Discussion Paper

Section 3.11 of the Discussion Paper makes the following statement regarding unzoned land within the WSEA:

The land proposed to be removed from the WSEA SEPP will revert back to its underlying zoning under the Penrith LEP 2010.

Frasers Property and Altis agree that the above statement accurately reflects the applicable planning regime.

However, the Discussion Paper goes on to state the following:

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 considered that this statement does not accurately reflect the complexities nor broad planning potential of applying Clause 12 to unzoned land within the WSEA SEPP. Clause 12 of WSEA SEPP is as follows:

12 Unzoned land

- (1) Development may be carried out on unzoned land only with consent.*
- (2) Before granting consent, the consent authority:*
 - (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and*
 - (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.*

Members of the public, upon reading the Discussion Paper, will find it difficult to draw out the meaning of this planning control, as it has not been fully explained within the Discussion Paper. Moreover, the Discussion Paper does not clarify the applicability or not of other PLEP 2010 planning controls besides land zoning which may or may not apply to unzoned land within the WSEA.

The Table in Section 4.3 of the Discussion Paper states the following:

Proposed amendment to include additional acquisition authorities, where relevant, and supporting Land Reservation Acquisition Map to reflect proposed land use zoning amendments to SP2 Infrastructure zone.

However, the proposed Land Reservation Acquisition Map also reflects land which is proposed to be rezoned RE1 Public Recreation. This mapping is not simply limited to SP2 Infrastructure land.

The Discussion Paper is also considered to be misleading as it does not specify that no built form would be permitted in the extensive RE1 Public Recreation zone. However, given the stringent application of flooding levels to define the buildable zone within the Precinct, it can be inferred that this is the intent of the Draft Mamre Road Precinct Structure Plan. In contrast, it is considered that there are various compatible built form land uses that could be undertaken within the RE1 Public Recreation zone should this zone be formalised within the Precinct.

Submission to Draft Mamre Road Precinct Structure Plan

Frasers Property Industrial and Altis Property Partners, 657-769 Mamre Road, Kemps Creek

It is also considered an oversight in that the document *Mamre Road Precinct: Frequently Asked Questions* (DPIE, 2019) then goes on to provide additional information which is not revealed in the Discussion Paper, suggesting that the final WSEA SEPP may provide an IN1 General Industrial footprint which is reduced even further. It is considered to be a significant oversight not to extrapolate on these matters further within the Discussion Paper. Indeed, this makes it extremely difficult for interested landholders, developers, investors and other parties to make full and informed comment on the Draft Mamre Road Precinct at present, when these parties are still unable to ascertain which land zonings will apply.

The Discussion Paper moreover mentions the possibility of applying a savings and transition clause to certain development applications affected by these amendments. However, the Discussion Paper does not adequately outline how this might operate. As such, it is not possible to adequately comment on this matter. In particular, Frasers Property and Altis cannot comment on whether such a savings provision might assist with pending SSD 9522.

4.12 Commentary Against Discussion Paper Table 4.3

Table 1 below sets out Frasers Property's and Altis' points of contention with respect to the Table provided in Section 4.3 of the Discussion Paper.

Table 1 Proposed Amendments to WSEA SEPP		
Clause/Schedule/Map	Proposed Amendment	Comment
Part 1 Preliminary	<p>Proposed amendment to the Land Application Map in clause 4 to:</p> <ul style="list-style-type: none"> ▪ Realign the WSEA boundary to remove some of the existing land that is currently not zoned. This would mean that the WSEA SEPP only applies to land that is zoned under it; and <p>Zone additional land within the precinct as IN1 General Industrial, E2 Environmental Conservation, SP2 Infrastructure, RE1 Public Recreation and RE2 Private Recreation zones.</p>	<p>To date, development on the site for warehousing, logistics and industrial purposes has been considered permissible by invoking Clause 12 of the WSEA SEPP. As such, the site currently benefits from certain land uses being made permissible due to its innominate zoning status under the WSEA SEPP, which provides the entire site with a quasi-industrial land zoning that can be employed to override the RU2 Rural Landscape zoning under the PLEP 2010.</p> <p>The Draft Mamre Road Precinct Structure Plan seeks to include the land within the South Creek Precinct under the Stage 1 Western Sydney Aerotropolis Land Use Infrastructure and Implementation Plan and introduce an extensive RE1 Public Recreation zone. This would essentially reduce the opportunity to enable development for employment generating purposes.</p> <p>Frasers Property and Altis therefore submit that the WSEA SEPP's boundaries should be amended to align with actual cadastral property boundaries in this location, so as to avoid planning law confusions and to prevent an effective 'downzoning' of a site for future industrial development.</p>

Submission to Draft Mamre Road Precinct Structure Plan

Frasers Property Industrial and Altis Property Partners, 657-769 Mamre Road, Kemps Creek

Table 1 Proposed Amendments to WSEA SEPP		
Clause/Schedule/Map	Proposed Amendment	Comment
		Frasers and Altis consider that there is already adequate open space provided for in the locality. Within the 1 in 100 year floodplain in the Mamre Road Precinct there is already around 422ha. Throughout the broader South Creek Catchment under the LUIIP plans there are around 1,600ha. Nevertheless, any land which is rezoned to RE1 Public Recreation should be acquired according to its highest and best industrial land use. This reflects the current planning law scenario where much of the land under WSEA SEPP can be used for permissible WSEA SEPP land uses even where it is not zoned under WSEA SEPP, by invoking Clause 12 of the same
Part 2 Permitted or prohibited development	<p>The land use table will be updated to include new land use zones, RE1 Public Recreation and RE2 Private Recreation, intended to apply to land within the precinct. These zones will permit the following uses:</p> <p><u>RE1 Public Recreation</u></p> <ul style="list-style-type: none"> ▪ Aquaculture ▪ Kiosks ▪ Recreation areas <p><u>RE2 Private Recreation</u></p> <ul style="list-style-type: none"> ▪ Aquaculture ▪ Community facilities ▪ Kiosks ▪ Recreation areas ▪ Recreation facilities (indoor) ▪ Recreation facilities (outdoor) <p>The land use table will also be updated to ensure it aligns with the <i>Standard Instrument (Local Environmental Plans) Order 2006</i>, where appropriate.</p>	Should the RE1 Public Recreation zone be applied to the Precinct, it should permit a broader range of compatible land uses and the RE2 Private Recreation zone should also be considered for possible extension along creeklines. IN1 General Industrial zones should also be extended into these areas. This would improve opportunities for private investors to assist in activating and embellishing these open space areas, removing some of the public burden in covering these costs.

Submission to Draft Mamre Road Precinct Structure Plan

Frasers Property Industrial and Altis Property Partners, 657-769 Mamre Road, Kemps Creek

Table 1 Proposed Amendments to WSEA SEPP		
Clause/Schedule/Map	Proposed Amendment	Comment
Part 5 Principal development standards	Clause 26 which deals with "Development on or in vicinity of proposed transport infrastructure routes" will be amended to replace the referral required to the Department with a referral requirement to the relevant Government agency responsible for the transport infrastructure.	The process for, and function of, this concurrence has not been adequately explained within the Draft Mamre Road Precinct Structure Plan. This uncertainty effectively sterilises certain lands in the meantime.
Part 6 Miscellaneous provisions	Proposed amendment to include additional acquisition authorities, where relevant, and supporting Land Reservation Acquisition Map to reflect proposed land use zoning amendments to SP2 Infrastructure zone.	The Discussion Paper does not provide sufficient details on the process for, nor the timing and costs of, such land acquisition. It is submitted that a mechanism be put in place to manage this process of land acquisition for the Mamre Road Precinct, so as to provide developer certainty. The permissibility and feasibility of potential interim land uses should also be considered in the meantime.
New clause – Development of land within or adjacent to transport corridor	A new clause will be inserted similar to clause 6.10 of Appendix 7 in the State <i>Environmental Planning Policy (Sydney Region Growth Centres) 2006</i> which will require a consent authority to obtain the concurrence of TfNSW in certain transport corridors prior to the granting of development consent. This land will be identified on the Land Zoning Map, which will include an overlay for a potential intermodal terminal, potential Southern Link Road and Western Sydney Freight Line.	The process for, and function of, this concurrence has not been adequately explained within the Draft Mamre Road Precinct Structure Plan. Indeed, should the Government not plan to acquire these lands for public purposes, it becomes difficult to justify the requirement for TfNSW to provide its concurrence. This uncertainty effectively sterilises certain lands in the meantime.
New clause – Development in areas subject to aircraft noise	For development on land affected by an ANEF/ANEC contour of 20 or greater, the SEPP will include a new clause that will set out additional matters for a consent authority to consider before it grants development consent. This may include anew clause which limits the permissibility of child care centres within on land affected by an ANEF/ANEC contour of 20 or greater.	Frasers Property and Altis note that their land is not subject to an ANEF of 20 or greater. However, it is submitted that this Clause would be too stringent, and that such sensitive developments should nevertheless be allowed to proceed where they can be demonstrated to achieve acceptable noise impact criteria.

Submission to Draft Mamre Road Precinct Structure Plan

Frasers Property Industrial and Altis Property Partners, 657-769 Mamre Road, Kemps Creek

Table 1 Proposed Amendments to WSEA SEPP		
Clause/Schedule/Map	Proposed Amendment	Comment
New clause - Contamination	A new clause is proposed to satisfy any requirements set out clause 6(1) of <i>State Environmental Planning Policy No 55 Remediation of Land</i> .	Where this Clause mirrors existing Local Environmental Plan standard contamination assessment requirements, it would be acceptable to Frasers Property and Altis.
New clause - Recycled water	A new clause is proposed to require development to be serviced by a water recycling plant, when available.	It is considered that more detail is required in order to assess the full implications of such a requirement. Suggest that the Clause be worded so as not to "require" this connection "when available," but rather "when it is available and connection is reasonable and feasible" or similar.
New clause - Earthworks	A new clause is proposed to set out the development controls relating to earthworks, to ensure that earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	Where this Clause mirrors existing Local Environmental Plan standard earthworks assessment requirements, it would be acceptable to Frasers Property and Altis.
New clause - Waterway Health	A new clause is proposed to require development to address stormwater and water management requirements. Targets will specifically aim to preserve waterway health and habitat by preserving the hydrologic regimes and water quality of waterways.	Where this Clause mirrors existing Local Environmental Plan standard stormwater and water management requirements, it would be acceptable to Frasers Property and Altis.
New clause - Flooding	A new clause is proposed to require consent authorities to consider the cumulative and local impact of development on the whole flood plain within the PMF and 1 in 100 chance per year flood level.	There is no need to adopt a more stringent approach to flooding than what is contained within the Penrith Council policy. The DPIE is seeking to sterilise land within the 1:100 that has acceptable impacts and all land outside the 1:100 up to the PMF. This has significant economic impacts not only to the Mamre Road Precinct, however for all land within the South Creek Catchment. Frasers Property and Altis therefore submit that the newly proposed flood assessment clause within WSEA SEPP should: <ul style="list-style-type: none"> 3. Use the PMF level as the standard for flooding safety and evacuation requirements only, rather than as the allowable building line; and 4. Allow development to the 1:100 ARI building line, with development beyond that subject to a separate study demonstrating no/acceptable cumulative impacts, in accordance with the recently

Submission to Draft Mamre Road Precinct Structure Plan

Frasers Property Industrial and Altis Property Partners, 657-769 Mamre Road, Kemps Creek

Table 1 Proposed Amendments to WSEA SEPP		
Clause/Schedule/Map	Proposed Amendment	Comment
		<p>exhibited <i>Draft Exhibition South Creek Floodplain Risk Management Study</i> (Penrith City Council, 2019).</p> <p>This should in turn allow the western portion of the site to continue to be subject to WSEA SEPP, meaning that its quasi industrial zoning may now be formalised at law.</p>
Dictionary	The Dictionary is proposed to be amended in accordance with the <i>Standard Instrument (Local Environmental Plans) Order 2006</i> , where appropriate.	This is considered to be appropriate.
Maps	<p><u>Land Application Map</u></p> <p>Proposed to be amended to realign to application only applies to land zoned under the WSEA SEPP.</p> <p>Precinct names proposed to be amended to replace "11 Broader Western Sydney Employment Area" with "11 Mamre West" and add "12 Mamre Road".</p> <p><u>Land Use Zoning map</u></p> <p>Proposed to be amended to reflect proposed zoning and introduce a zoning overlay for concurrence requirement regarding a potential intermodal terminal site and Southern Link Road.</p> <p>WSEA boundary realigned to remove unzoned land.</p> <p><u>Transport and Arterial Road Infrastructure Plan Map</u></p> <p>Proposed to be amended to reflect the proposed transport infrastructure within the precinct, including Southern Link Road and Mamre Road upgrade.</p>	<p>These areas should remain within the WSEA SEPP, becoming formally zoned under the same (refer to Section 4.1 for more details).</p> <p>Noted.</p> <p>Concurrence process and requirements have not been provided. Potential interim land uses have not been identified.</p> <p>It is considered that the Transport Investigation Area as currently mapped is too extensive.</p> <p>Frasers Property and Altis consider this to be effectively an unnecessary downzoning of its land which can currently rely on Clause 12 of WSEA SEPP.</p> <p>Noted.</p>

Submission to Draft Mamre Road Precinct Structure Plan

Frasers Property Industrial and Altis Property Partners, 657-769 Mamre Road, Kemps Creek

Table 1 Proposed Amendments to WSEA SEPP		
Clause/Schedule/Map	Proposed Amendment	Comment
	<p>Proposed to be amended to realign to application only applies to land zoned under the WSEA SEPP</p> <p><u>Industrial Release Area Map</u></p> <p>Proposed to be amended to realign to application only applies to land zoned under the WSEA SEPP.</p> <p><u>Additional Permitted Uses Map</u></p> <p>Proposed to be amended to realign to application only applies to land zoned under the WSEA SEPP.</p> <p><u>Land Reservation Acquisition Map</u></p> <p>Proposed acquisition areas to align with proposed zoning. Proposed to be amended to realign to application only applies to land zoned under the WSEA SEPP.</p>	<p>Frasers Property and Altis are concerned that this future land acquisition has not been adequately planned or budgeted for.</p>
Penrith Local Environmental Plan 2010	<p>It is proposed to amend the <i>Penrith Local Environmental Plan</i> (LEP) 2010 to remove certain land from the application of this LEP and apply the proposed zoning and supporting development controls of the precinct under the WSEA SEPP to these sites.</p>	<p>To date, development on the site for warehousing, logistics and industrial purposes has been considered permissible by invoking Clause 12 of the WSEA SEPP. As such, the site currently benefits from certain land uses being made permissible due to its innominate zoning status under the WSEA SEPP, which provides the entire site with a quasi-industrial land zoning that can be employed to override the RU2 Rural Landscape zoning under the PLEP 2010.</p> <p>Removing the westernmost portion of the site from WSEA SEPP and returning it to its prevailing zoning under the PLEP 2010 is therefore considered to be an effective downzoning of the site.</p>

5.0 CONCLUSION

The effect of the Draft Mamre Road Precinct Structure Plan would be to designate more than 29ha, or 15%, of the 118 hectare site controlled by Frasers Property and Altis as being unsuitable for urban development. As a result, it is estimated that up to 1,000 equivalent full time jobs could be lost on the site alone. Frasers Property and Altis therefore submit that the WSEA SEPP's boundaries should be amended to align with actual cadastral property boundaries in this location, so as to avoid planning law confusions and to prevent an effective 'downzoning' of a site where industrial land uses are currently permitted, in direct contradiction with the Greater Sydney Commission's vision for the Aerotropolis. This key issue with the Draft Mamre Road Precinct is largely a result of an arbitrary application of flood planning controls in direct contradiction to NSW Government and Penrith City Council's policies, as well as standard industry practice and knowledge.

Specifically, Frasers Property's and Altis' grounds of submission to the Draft Mamre Road Precinct relate to the following matters:

1. DPIE failing to take the opportunity to align the WSEA SEPP boundaries and land zonings so as to apply them to defined parcels of land, creating planning system uncertainties and sterilising the use of land which may otherwise be most efficiently used for industrial purposes;
2. The Precinct's zoning and boundaries have been drawn based on overlying stringent flood planning controls (i.e. built form development not considered suitable within the 1:100 ARI), which directly contradicts NSW Government and Penrith City Council planning policies, as well as standard industry knowledge and practice. This results in an unnecessary sterilisation of land;
3. The proposed mapped Transport Investigation Areas are too broad, and no guidance is provided as to how interim land uses might be undertaken on this land, or how TfNSW might use its decision-making powers as a concurrence authority to allow development on this land. Frasers Property and Altis note that the Western Sydney Freight Line Transport Investigation Area traverses their site, while the Western Sydney Intermodal site lies adjacent to it;
4. There is currently no sound business case for the proposed Western Sydney Intermodal;
5. Uncertainty regarding applicable Section 7.12 Contribution and applicable Special Infrastructure Contribution rates, as the Discussion Paper contains insufficient details;
6. The proposed Western Sydney Freight Line corridor width should not exceed 60m. Doing so would unnecessarily sterilise otherwise developable employment lands;
7. Insufficient details on process for, as well as costs and timing of, land reservation acquisition;
8. There is already adequate open space provided for in the locality. Within the 1 in 100 year floodplain in the Mamre Road Precinct there is already around 422ha. Throughout the broader South Creek Catchment under the LUIIP plans there are around 1,600ha. This is considered to be sufficient without the need to sterilise flood free industrial land. Nevertheless, should the RE1 Public Recreation zone be applied to the Precinct, it should permit a broader range of compatible land uses and the RE2 Private Recreation zone should also be considered for possible application;
9. There is a missed opportunity to identify and encourage opportunities for Exempt and Complying Development to be undertaken within the Mamre Road Precinct, in order to simplify the planning approvals process; and
10. General incompatibilities with SSD 9522. The IN1 General Industrial zone should apply to this Development Application in its entirety.

Specifically with regards to land that is to be mapped for Land Reservation Acquisition, Frasers Property and Altis Moreover submit that any land which is rezoned to RE1 Public Recreation should be acquired according to its highest and best industrial land use. This reflects the current planning law scenario where much of the land under WSEA SEPP can be used for permissible WSEA SEPP land uses even where it is not zoned under WSEA SEPP, by invoking Clause 12 of the same. A further consideration by Government is the embellishment and maintenance costs of these lands.

In general, it is also considered that the Discussion Paper contains several inconsistencies, as well as employing language which is generally vague or poorly worded. In its current form, the Discussion Paper is therefore not fit to guide the current period of public exhibition and invitation to submit.

Submission to Draft Mamre Road Precinct Structure Plan

Frasers Property Industrial and Altis Property Partners, 657-769 Mamre Road, Kemps Creek

It is recommended that these matters be addressed before the Draft Mamre Road Precinct proceeds towards being finalised and the corresponding amendments to WSEA SEPP are gazetted.

Yours faithfully,



Paul Solomon
Planning and Infrastructure Manager Northern Region
Frasers Property Australia



Stephen O'Connor
Project Director
Altis Property Partners