



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 BY FRASERS PROPERTY AUSTRALIA, REGARDING THE SITE AT 201-217, 199, 183-197, 169-181 AND 155-167 ALDINGTON ROAD, KEMPS CREEK (LOTS 25, 26, 27 AND 28 DP255560, AND LOT 33 DP258949)**

## **1.0 INTRODUCTION**

This Submission is made by Frasers Property Australia (Frasers) with respect to the Draft Mamre Road Precinct Structure Plan under *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (WSEA SEPP). Frasers controls the site at 201-217, 199, 183-197, 169-181 and 155-167 Aldington Road, Kemps Creek (Lots 25, 26, 27 and 28 DP255560, and Lot 33 DP258949).

Currently, the site lies wholly within the WSEA SEPP Application Area but has not yet been rezoned under WSEA SEPP (refer to **Figure 1** below). Under the Draft Mamre Road Precinct Structure Plan, the entire site will become formally rezoned as IN1 General Industrial under WSEA SEPP (refer to **Figure 2** and **Figure 3** below). However, as shown on **Figure 3** below, the south-western corner of the site is mapped as being within the proposed Transport Infrastructure Investigation Area. This includes around one third of Lot 25 in the south of the site, with smaller portions of Lots 26 and 27 also affected. The Draft Mamre Road Precinct will therefore strengthen the application of WSEA SEPP to the site, which is supported by Frasers.

However, Frasers is concerned about the lack of certainty over the timing and delivery of the Western Sydney Intermodal Terminal within the mapped Transport Infrastructure Investigation Area which partially traverses the site. The related process for requiring TfNSW concurrence has not been adequately detailed, and the potential for suitable interim land uses has been ignored.

Overall, the effect of the Draft Mamre Road Precinct Structure Plan would be to sterilise around 3ha of the site as being potentially unsuitable for private industrial development, as this land has been nominated as being within the site of the future Western Sydney Intermodal. As a result, this could prevent the delivery of employment-generating development and resulting jobs at the site.

With respect to this Transport Infrastructure Investigation Area, Frasers makes the following firm suggestions:

## Submission to Draft Mamre Road Precinct Structure Plan

Frasers Property Australia, 201-217, 199, 183-197, 169-181 and 155-167 Aldington Road, Kemps Creek

1. The area mapped as being required for Transport Infrastructure Investigations within the Draft Mamre Road Precinct Structure Plan is excessive and could be reduced without impeding on the future operation of the Western Sydney Intermodal. Ideally, this Transport Infrastructure Investigation Area should also align with existing lot boundaries;
2. The process for seeking TfNSW concurrence regarding development within the Transport Infrastructure Investigation Area should be clarified;
3. That the process for Government-led land acquisition or developer-led instigation of the Western Sydney Intermodal be extrapolated on. Not doing so essentially leaves portions of the site with a 'Land Reservation Acquisition' designation without being formally mapped for Land Reservation Acquisition purposes, and therefore with no recourse to standard Land Reservation Acquisition provisions (i.e. being able to insist on Government acquisition prior to public-led development occurring); and
4. Potential interim land uses that may be undertaken within the Transport Infrastructure Investigation Area be identified and extrapolated on.

Overall, it is considered that the above actions be incorporated into the Draft Mamre Road Precinct Structure Plan prior to the Structure Plan being finalised and the corresponding WSEA SEPP amendments gazetted.

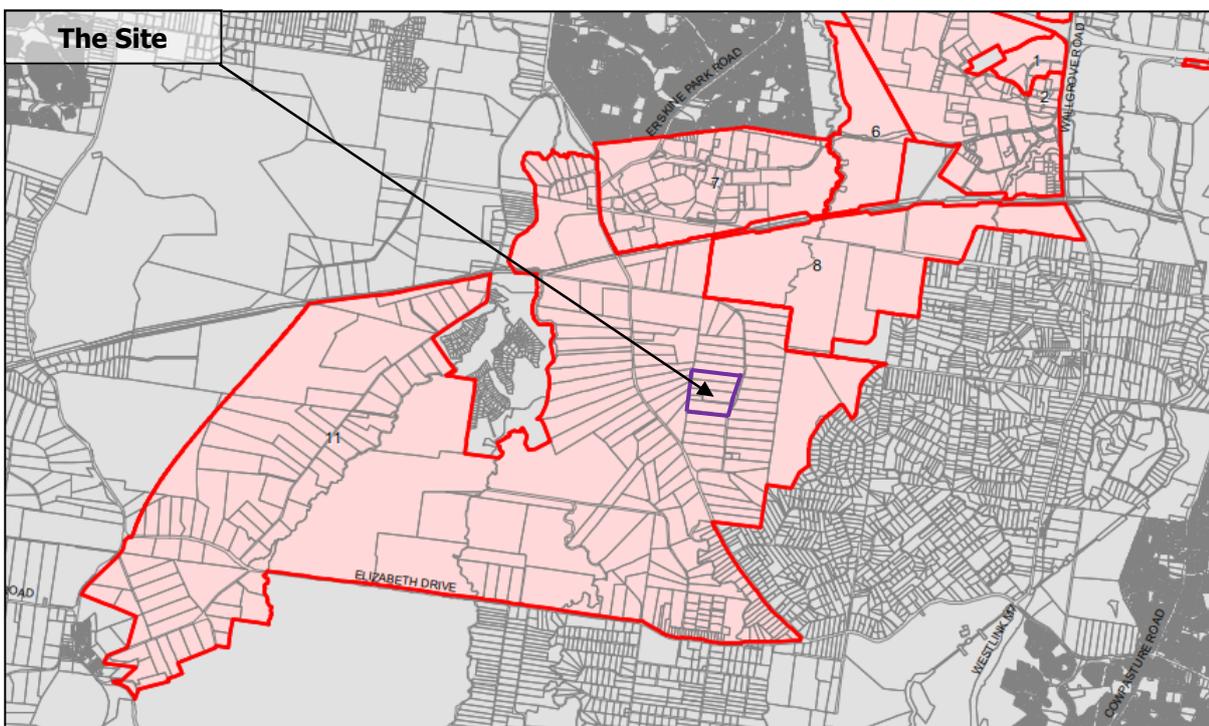
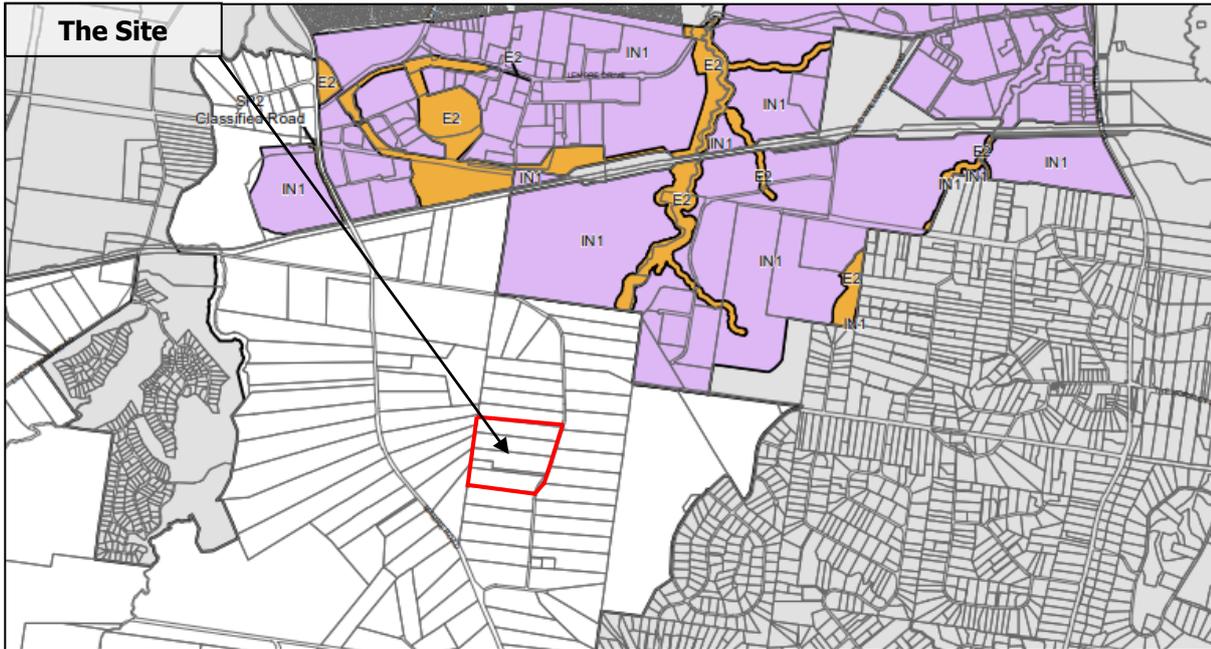


Figure 1 Current WSEA SEPP Land Application Map (NSW Legislation, 2019)

**Submission to Draft Mamre Road Precinct Structure Plan**

Frasers Property Australia, 201-217, 199, 183-197, 169-181 and 155-167 Aldington Road, Kemps Creek



**Figure 2 Current WSEA SEPP Land Zoning Map (NSW Legislation, 2019)**

# Submission to Draft Mamre Road Precinct Structure Plan

Frasers Property Australia, 201-217, 199, 183-197, 169-181 and 155-167 Aldington Road, Kemps Creek

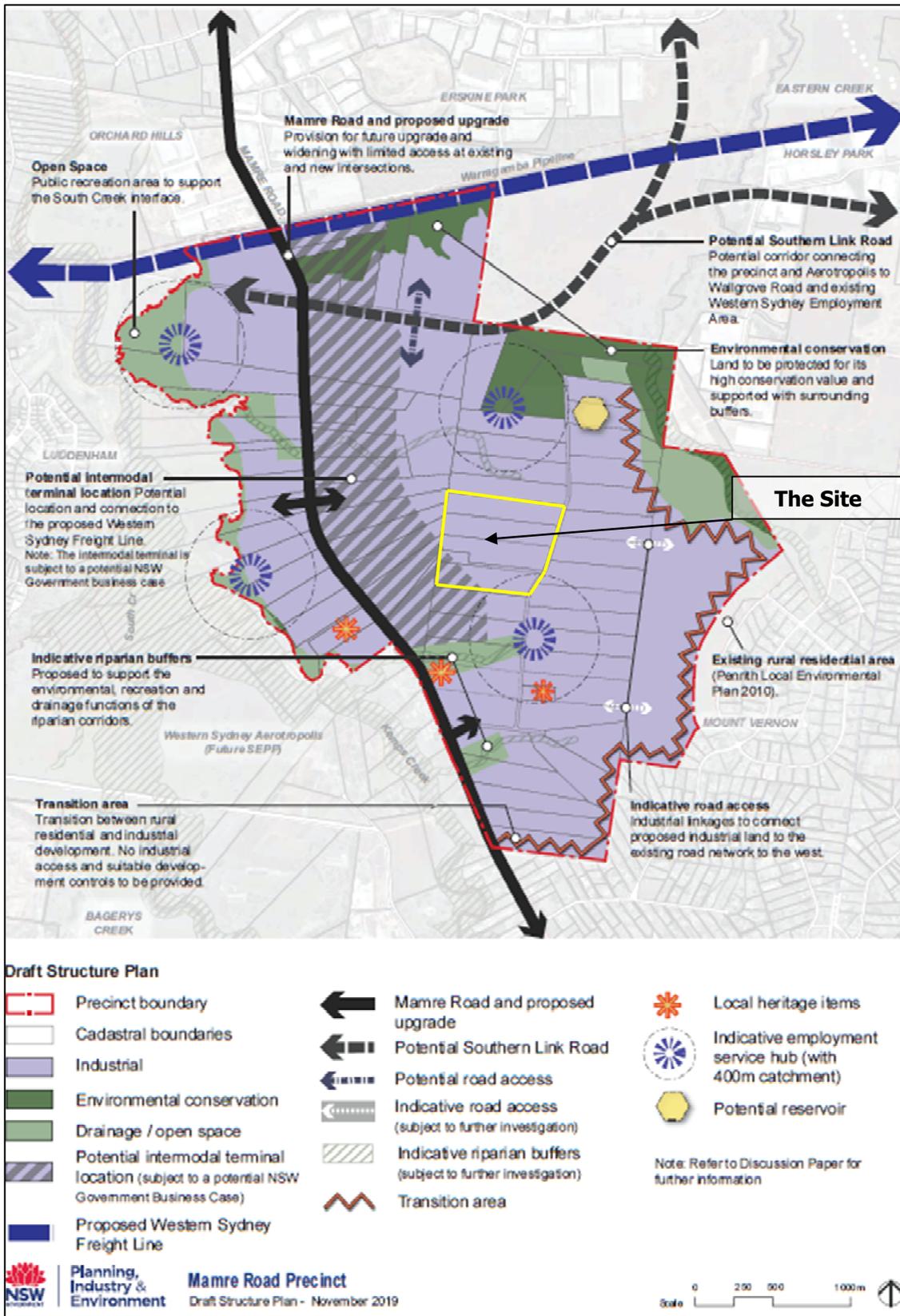


Figure 3 Proposed Draft Mamre Road Precinct Structure Plan (NSW DPIE, 2019)

## Submission to Draft Mamre Road Precinct Structure Plan

Frasers Property Australia, 201-217, 199, 183-197, 169-181 and 155-167 Aldington Road, Kemps Creek

### 2.0 THE FRASERS SITE

Frasers controls 201-217, 199, 183-197, 169-181 and 155-167 Aldington Road, Kemps Creek (Lots 25, 26, 27 and 28 DP255560, and Lot 33 DP258949), which is shown on **Figure 4** below. The site is located within the Mamre Road Precinct, and:

1. Is readily accessed by the regional road network, including both the M4 and M7 Motorways;
2. Is sloping, with a fall of up to 50m from north-east to south-west;
3. Is sparsely vegetated with scattered stands of trees and scrub;
4. Is traversed by a tributary of South Creek, joining South Creek to the west;
5. Contains several dams;
6. Has a combined road frontage onto Aldington Road of around 650m;
7. Was historically used for agricultural as well as rural residential purposes; and
8. Is flood affected by small pockets of PMF.

The site is bound by the following:

1. Rural residential and agricultural land uses to the north, south and west; and
2. Aldington Road to the immediate east.

However, it is noted that the overall nature of this locality is progressing towards its operation as an industrial precinct.

The overall site is around 43ha in size.

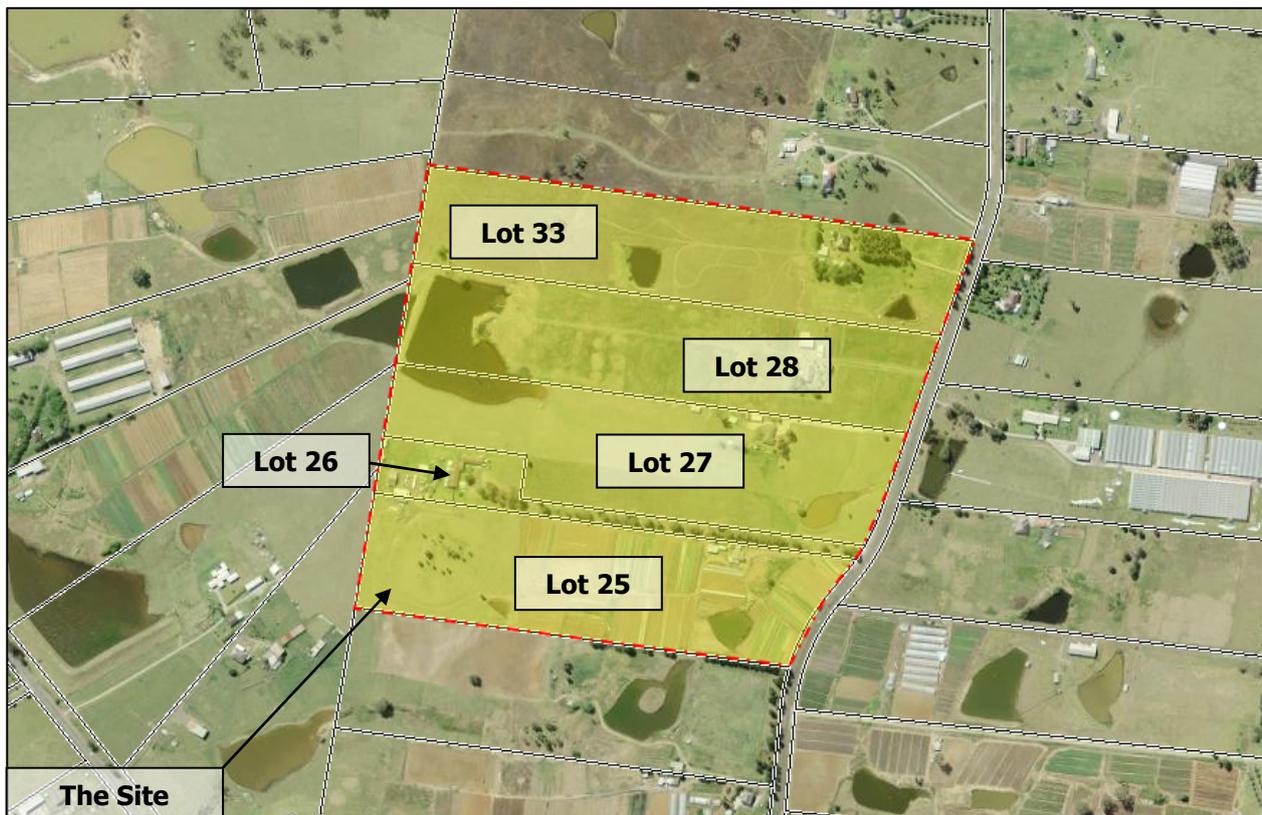


Figure 4 The Site – Aerial View (SIXMaps, 2019)

## Submission to Draft Mamre Road Precinct Structure Plan

Frasers Property Australia, 201-217, 199, 183-197, 169-181 and 155-167 Aldington Road, Kemps Creek

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### 3.0 GROUNDS FOR SUBMISSION

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

1. The proposed mapped Transport Infrastructure 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. Specifically:
  - a. The area mapped as being required for Transport Infrastructure Investigations within the Draft Mamre Road Precinct is excessive and could be reduced without impeding on the future operation of the Western Sydney Intermodal. Ideally, this Transport Infrastructure Investigation Area should also align with existing lot boundaries;
  - b. The process for seeking TfNSW concurrence regarding development within the Transport Infrastructure Investigation Area should be clarified;
  - c. The process for Government-led land acquisition or developer-led instigation of the Western Sydney Intermodal should be extrapolated on. Not doing so essentially leaves portions of the site with a 'Land Reservation Acquisition' designation without being formally mapped for Land Reservation Acquisition purposes, and therefore with no recourse to standard Land Reservation Acquisition provisions (i.e. being able to insist on Government acquisition prior to public-led development occurring); and
  - d. Potential interim land uses that may be undertaken within the Transport Infrastructure Investigation Area should be identified and extrapolated on;
2. The adoption of the PMF as the buildable level within the Precinct directly contradicts NSW Government and Penrith City Council planning policies, as well as standard industry knowledge and practice. This could result in unnecessary flooding studies being required to develop the site and would also sterilise nearby lands within the broader Precinct;
3. Uncertainty regarding applicable Section 7.12 Contribution and applicable Special Infrastructure Contribution rates, as the Discussion Paper contains insufficient details;
4. 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
5. There is already adequate open space provided for within the broader Precinct (around 422ha). Nevertheless, should additional RE1 Public Recreation zonings be applied to the Precinct, this should permit a wider range of compatible land uses so as to discourage land use conflicts. The RE2 Private Recreation zone should also be considered for possible application within the broader Precinct.

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.

### 3.1 Transport Infrastructure Investment Area

The Draft Mamre Road Precinct Structure Plan proposes an extensive Transport Infrastructure Investigation Area, as hatched black on **Figure 3** in **Section 1.0** 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 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.

Frasers considers that the area mapped as being required for Transport Infrastructure Investigations within the Draft Mamre Road Precinct is excessive and could be reduced without impeding on the future operation

## Submission to Draft Mamre Road Precinct Structure Plan

Frasers Property Australia, 201-217, 199, 183-197, 169-181 and 155-167 Aldington Road, Kemps Creek

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of the Western Sydney Intermodal. Ideally, Frasers submits that this Transport Infrastructure Investigation Area should align with existing lot boundaries.

Furthermore, where 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 and decision-making power 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, the process for Government-led land acquisition or developer-led instigation of the Western Sydney Intermodal should be extrapolated on. Not doing so essentially leaves portions of the site with a 'Land Reservation Acquisition' designation without being formally mapped for Land Reservation Acquisition purposes, and therefore with no recourse to standard Land Reservation Acquisition provisions (i.e. being able to insist on Government acquisition prior to public-led development occurring).

In addition, no clarity is provided on which interim land uses, if any, may be undertaken within these Transport Infrastructure Investigation Areas.

Overall, a sense of uncertainty prevails, meaning that this land could be effectively sterilised in the meantime. Specifically with regards to the Frasers site, this could result in the effective sterilisation of at least 3ha of land mapped within the Transport Infrastructure Investigation Area.

### 3.2 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 aligned with the 1:100 flood zone. **Figure 5** 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.*

## Submission to Draft Mamre Road Precinct Structure Plan

Frasers Property Australia, 201-217, 199, 183-197, 169-181 and 155-167 Aldington Road, Kemps Creek

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*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.*

*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.

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. 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 plus 0.5m freeboard as the applicable flood planning level applying throughout the Penrith Local Government Area. Indeed, 1:100 has been confirmed as the South Creek Floodplain flood planning level, and Council's Draft Exhibition South Creek Floodplain Risk Management Study 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.*

Indeed, industrial developments are generally considered suitable for the 1:100 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 land in the broader Precinct is effectively sterilised from being used for industrial purposes. Frasers therefore submits 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 building line, with development beyond that subject to a separate study demonstrating no/acceptable cumulative impacts.

Moreover, 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

## **Submission to Draft Mamre Road Precinct Structure Plan**

Frasers Property Australia, 201-217, 199, 183-197, 169-181 and 155-167 Aldington Road, Kemps Creek

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part of any Development Control Plan for the WSEA. Part C3 of the 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.

Overall, there is no need to adopt a more stringent approach whereby all 1:100 ARI land within the broader Precinct is effectively sterilised from being used for industrial purposes. Moreover, this process could require a more stringent level of assessment for sites situated within the PMF (such as the Frasers site), which is not necessarily warranted.

## Submission to Draft Mamre Road Precinct Structure Plan

Frasers Property Australia, 201-217, 199, 183-197, 169-181 and 155-167 Aldington Road, Kemps Creek

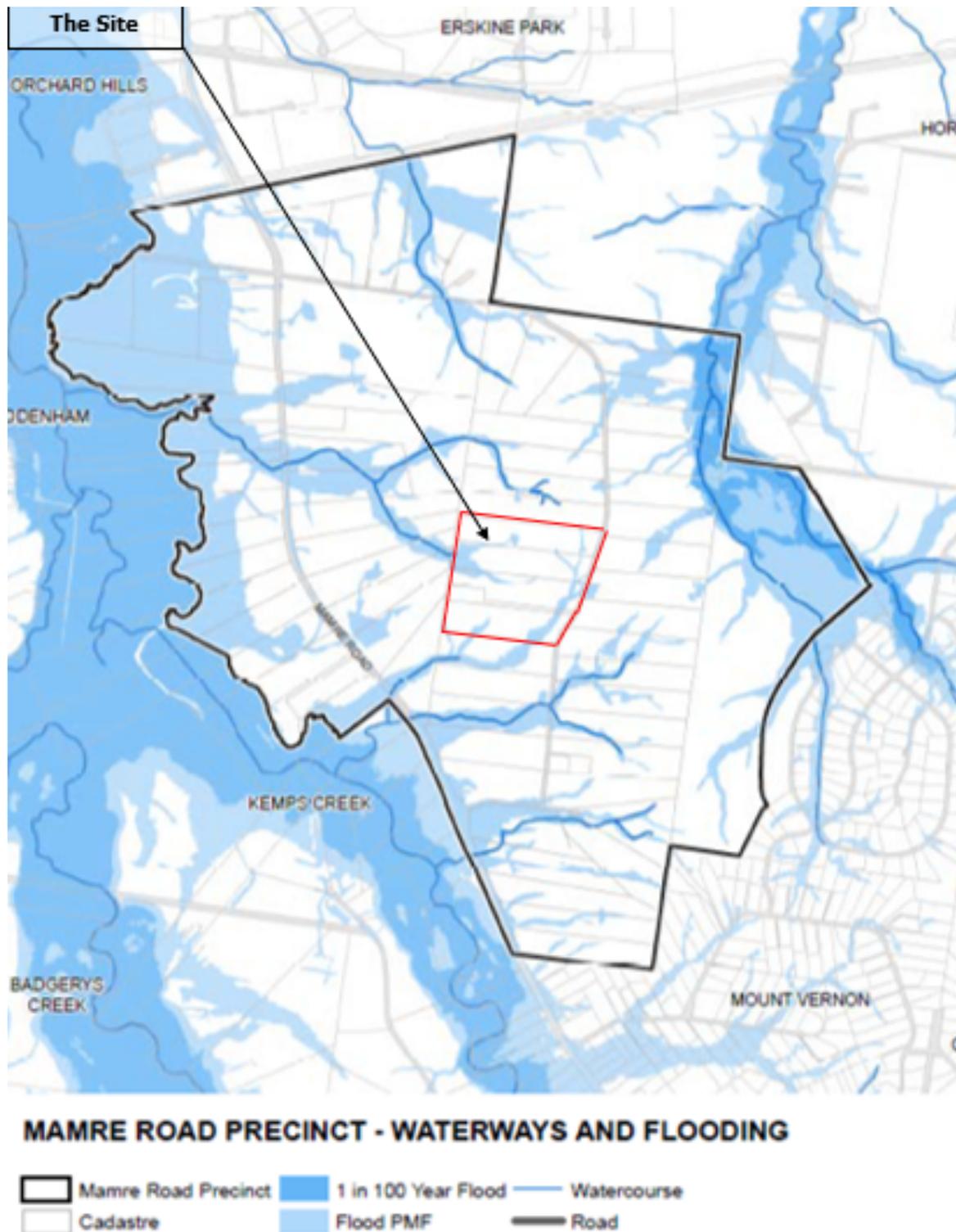


Figure 5 Draft Mamre Road Precinct Flood Affection (NSW DPIE, 2019)

### 3.3 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

## **Submission to Draft Mamre Road Precinct Structure Plan**

Frasers Property Australia, 201-217, 199, 183-197, 169-181 and 155-167 Aldington Road, Kemps Creek

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 also makes 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.*

### **3.4 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.

### **3.5 RE1 Public Recreation Zone**

There is already adequate open space provided for within the broader Precinct (around 422ha). Nevertheless, should additional RE1 Public Recreation zonings be applied to the Precinct, this should permit a broader range of compatible land uses so as to discourage conflicts between open space, environmental and employment-generating land uses.

Specifically, Frasers makes 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 intent of these suggestions is to:

1. Prevent potential future land use conflicts within the broader Precinct; and

## **Submission to Draft Mamre Road Precinct Structure Plan**

Frasers Property Australia, 201-217, 199, 183-197, 169-181 and 155-167 Aldington Road, Kemps Creek

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2. Encouraging private investment to assist in lessening the Government's financial burden in acquiring and embellishing open space land within the broader Precinct.

### **3.6 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 agrees 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.

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.

## Submission to Draft Mamre Road Precinct Structure Plan

Frasers Property Australia, 201-217, 199, 183-197, 169-181 and 155-167 Aldington Road, Kemps Creek

### 3.7 Commentary Against Discussion Paper Table 4.3

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

<b>Table 1 Proposed Amendments to WSEA SEPP</b>		
<b>Clause/Schedule/Map</b>	<b>Proposed Amendment</b>	<b>Comment</b>
Part 1 Preliminary	<p>Proposed amendment to the Land Application Map in clause 4 to:</p> <ul style="list-style-type: none"> <li>▪ 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</li> <li>▪ Zone additional land within the precinct as IN1 General Industrial, E2 Environmental Conservation, SP2 Infrastructure, RE1 Public Recreation and RE2 Private Recreation zones.</li> </ul>	<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 formalise this IN1 General Industrial zoning for the site, which is supported by Frasers.</p> <p>However, Frasers is concerned about the lack of certainty over the timing and delivery of the Western Sydney Intermodal Terminal within the mapped Transport Infrastructure Investigation Area which partially traverses the site. The related process for requiring TfNSW concurrence has not been adequately detailed, and the potential for suitable interim land uses has been ignored.</p>
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"> <li>▪ Aquaculture</li> <li>▪ Kiosks</li> <li>▪ Recreation areas</li> </ul> <p><u>RE2 Private Recreation</u></p> <ul style="list-style-type: none"> <li>▪ Aquaculture</li> <li>▪ Community facilities</li> </ul>	<p>Should the RE1 Public Recreation zone be applied to the Precinct, it should permit a broader range of compatible land uses so as to prevent land use conflicts. The RE2 Private Recreation zone should also be considered for possible extension along creeklines where DPIE has currently suggested the RE1 zone be applied. 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.</p>

**Submission to Draft Mamre Road Precinct Structure Plan**

Frasers Property Australia, 201-217, 199, 183-197, 169-181 and 155-167 Aldington Road, Kemps Creek

<b>Table 1 Proposed Amendments to WSEA SEPP</b>		
<b>Clause/Schedule/Map</b>	<b>Proposed Amendment</b>	<b>Comment</b>
	<ul style="list-style-type: none"> <li>▪ Kiosks</li> <li>▪ Recreation areas</li> <li>▪ Recreation facilities (indoor)</li> <li>▪ Recreation facilities (outdoor)</li> </ul> <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>	
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.	<p>The process for, and function of, this concurrence has not been adequately explained within the Draft Mamre Road Precinct Structure Plan.</p> <p>This uncertainty effectively sterilises certain lands in the meantime.</p>
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 <i>State 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.	<p>The process for, and function of, this concurrence has not been adequately explained within the Draft Mamre Road Precinct Structure Plan.</p> <p>This uncertainty effectively sterilises certain lands in the meantime.</p>

**Submission to Draft Mamre Road Precinct Structure Plan**

Frasers Property Australia, 201-217, 199, 183-197, 169-181 and 155-167 Aldington Road, Kemps Creek

<b>Table 1 Proposed Amendments to WSEA SEPP</b>		
<b>Clause/Schedule/Map</b>	<b>Proposed Amendment</b>	<b>Comment</b>
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 a new clause which limits the permissibility of child care centres within on land affected by an ANEF/ANEC contour of 20 or greater.	Frasers notes that its 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.
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.
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.
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.
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 whereby all 1:100 ARI land within the broader Precinct is effectively sterilised from being used for industrial purposes. Moreover, this process could require a more stringent level of assessment for sites situated within the PMF (such as the Frasers site), which is not necessarily warranted.

**Submission to Draft Mamre Road Precinct Structure Plan**

Frasers Property Australia, 201-217, 199, 183-197, 169-181 and 155-167 Aldington Road, Kemps Creek

<b>Table 1 Proposed Amendments to WSEA SEPP</b>		
<b>Clause/Schedule/Map</b>	<b>Proposed Amendment</b>	<b>Comment</b>
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>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</p>	<p>Noted.</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 Infrastructure Investigation Area as currently mapped is too extensive. Moreover, the timing and process for the Western Sydney Intermodal has not been specified, nor have any potential interim land uses that may be undertaken within this Transport Infrastructure Investigation Area. Frasers considers this to be an effective sterilisation of at least 3ha of its site.</p> <p>Frasers supports the inclusion of its site entirely within the IN1 General Industrial zone under WSEA SEPP.</p> <p>Noted.</p> <p>Frasers is concerned that its land which is situated within the Transport Infrastructure Investigation Area overlay will not be subject to a clear and concise future development process,</p>

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<b>Table 1 Proposed Amendments to WSEA SEPP</b>		
<b>Clause/Schedule/Map</b>	<b>Proposed Amendment</b>	<b>Comment</b>
	<p>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>such as the case with land that is mapped for Land Reservation Acquisition.</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>The Draft Mamre Road Precinct Structure Plan seeks to formalise this IN1 General Industrial zoning for the site, which is supported by Frasers.</p> <p>However, Frasers is concerned about the lack of certainty over the timing and delivery of the Western Sydney Intermodal Terminal within the mapped Transport Infrastructure Investigation Area which partially traverses the site. This could effectively prevent permissible IN1 General Industrial land uses from being undertaken within at least 3ha of the site.</p>

## Submission to Draft Mamre Road Precinct Structure Plan

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### 4.0 CONCLUSION

WSEA SEPP, which is supported by Frasers. However, Frasers is concerned about the lack of certainty over the timing and delivery of the Western Sydney Intermodal Terminal within the mapped Transport Infrastructure Investigation Area which partially traverses the site. The related process for requiring TfNSW concurrence has not been adequately detailed, and the potential for suitable interim land uses has been ignored.

Overall, the effect of the Draft Mamre Road Precinct Structure Plan would be to sterilise around 3ha of the site as being potentially unsuitable for private industrial development, as this land has been nominated as being within the site of the future Western Sydney Intermodal. As a result, this could prevent the delivery of employment-generating development and resulting jobs at the site.

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

1. The proposed mapped Transport Infrastructure 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. Specifically:
  - a. The area mapped as being required for Transport Infrastructure Investigations within the Draft Mamre Road Precinct is excessive and could be reduced without impeding on the future operation of the Western Sydney Intermodal. Ideally, this Transport Infrastructure Investigation Area should also align with existing lot boundaries;
  - b. The process for seeking TfNSW concurrence regarding development within the Transport Infrastructure Investigation Area should be clarified;
  - c. The process for Government-led land acquisition or developer-led instigation of the Western Sydney Intermodal should be extrapolated on. Not doing so essentially leaves portions of the site with a 'Land Reservation Acquisition' designation without being formally mapped for Land Reservation Acquisition purposes, and therefore with no recourse to standard Land Reservation Acquisition provisions (i.e. being able to insist on Government acquisition prior to public-led development occurring); and
  - d. Potential interim land uses that may be undertaken within the Transport Infrastructure Investigation Area should be identified and extrapolated on;
2. The adoption of the PMF as the buildable level within the Precinct directly contradicts NSW Government and Penrith City Council planning policies, as well as standard industry knowledge and practice. This could result in unnecessary flooding studies being required to develop the site and would also sterilise nearby lands within the broader Precinct;
3. Uncertainty regarding applicable Section 7.12 Contribution and applicable Special Infrastructure Contribution rates, as the Discussion Paper contains insufficient details;
4. 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
5. There is already adequate open space provided for within the broader Precinct (around 422ha). Nevertheless, should additional RE1 Public Recreation zonings be applied to the Precinct, this should permit a wider range of compatible land uses so as to discourage land use conflicts. The RE2 Private Recreation zone should also be considered for possible application within the broader Precinct.

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.

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,

**Submission to Draft Mamre Road Precinct Structure Plan**

Frasers Property Australia, 201-217, 199, 183-197, 169-181 and 155-167 Aldington Road, Kemps Creek



Paul Solomon  
Planning and Infrastructure Manager Northern Region  
Frasers Property Australia