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

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

SUBMISSION TO DRAFT MAMRE ROAD STRUCTURE PLAN BY MICHAEL DE BONO AND CARMEN DE BONO, THE LANDOWNERS OF LOT 28 DP255560, 169-181 ALDINGTON ROAD, KEMPS CREEK

Dear Catherine,

1.0 INTRODUCTION

We own the property at 169-181 Aldington Road, Kemps Creek (Lot 28 DP255560), and write to you regarding the Draft Mamre Road Precinct Structure Plan for *State Environmental Planning Policy (Western Sydney Employment Area) 2009*.

Our lot is currently within the WSEA but is not zoned under the WSEA. Instead, the lot is zoned RU2 Rural Landscape under the *Penrith Local Environmental Plan 2010*. The Draft Structure Plan will rezone our lot to IN1 General Industrial under the SEPP (refer to **Figure 1** below). We support the rezoning of this site to IN1 General Industrial under the SEPP. However, we do not support using the PMF as the default building level, as this is not in line with what we have observed other nearby landholders negotiate with Penrith City Council during the development application process.

We also do not support the broad-scale of the proposed Transport Infrastructure Investigation Area as it encroaches into adjoining lots (refer to **Figure 1** below). It is not clear how nearby landholders might be able to use this land once the Structure Plan comes into effect. We submit that Landholders in the Mamre Road Precinct need more certainty around:

- Process to obtain TfNSW concurrence;
- When Western Sydney Intermodal Terminal will be delivered and what delivery mechanism will be used; and
- What development can be undertaken at these sites in the meantime.

Adjoining lots could potentially lose developable land to this Transport Infrastructure Investigations area. This could prevent other landholders from reasonably developing their lots in tandem with our land, threatening optimum employment rates within the Precinct.

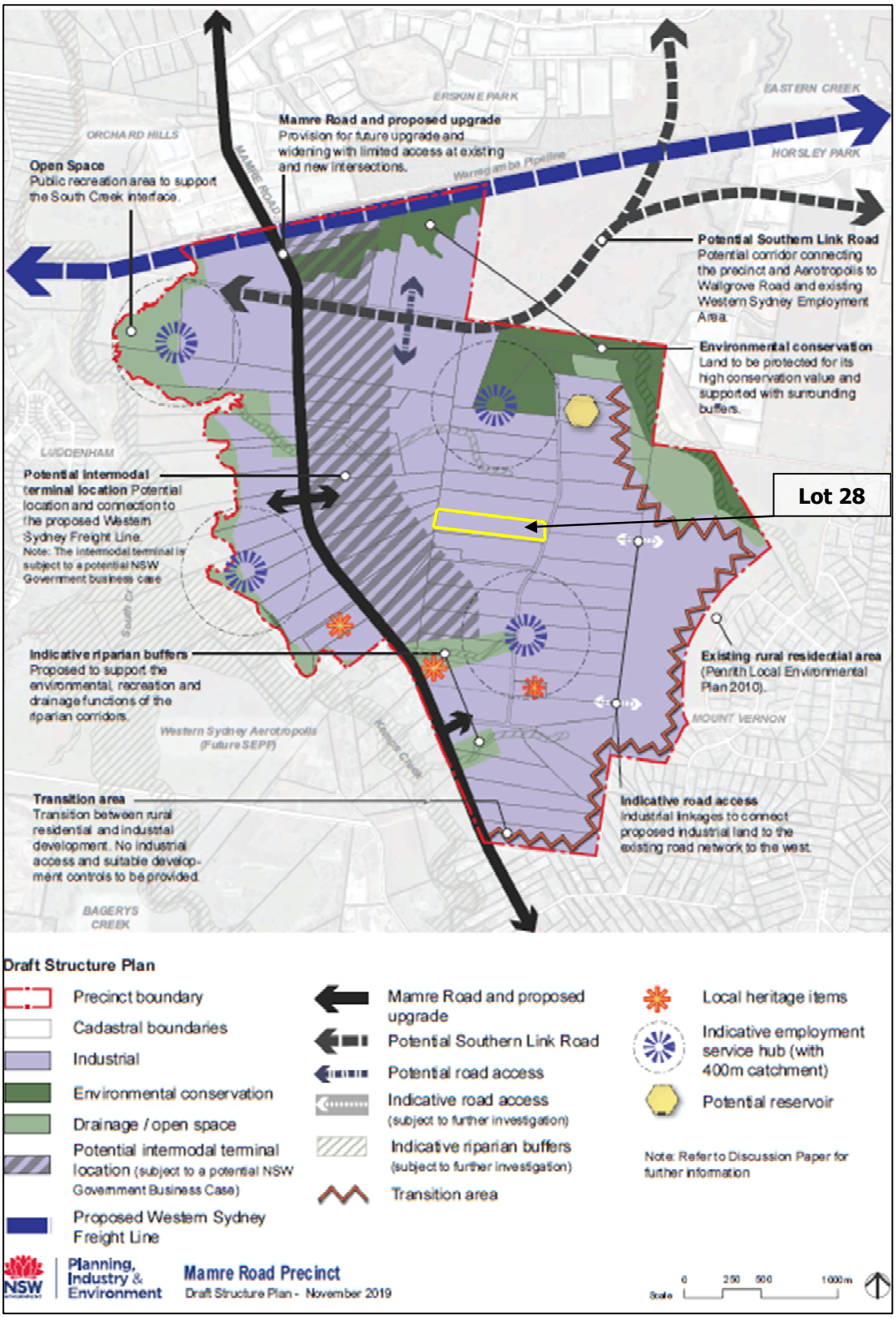

Figure 1 Proposed Draft Mamre Road Precinct Structure Plan (NSW DPIE, 2019)

2.0 GROUNDS FOR SUBMISSION

We make the following submissions to the Draft Structure Plan:

- The Transport Infrastructure Investigation Area is too large. It could be scaled back to align with existing lot boundaries;
- Government has not advised what landholders can do with this land in the meantime;
- Government has not advised process for obtaining TfNSW concurrence to develop this land;
- Government has not advised who will be delivering the Western Sydney Intermodal, or what the timing of this will be. No land acquisition mechanism for this has been explained;
- Using the PMF as the default building level is not in line with what we have observed other nearby landholders negotiate with Penrith City Council during the development application process. This would mean that land in the Mamre Road Precinct may be considered unusable due to flooding matters, when in fact, there is precedent for development in these circumstances;
- Landholders need more information about the contribution rates that will apply to their land;
- The Department makes no mention of Exempt or Complying Development opportunities for these sites; and
- The area already contains a lot of open space. However, open space zonings should be broader, encourage more private investment and avoid detrimental impacts to nearby industrial zoned land.

We also found that the Discussion Paper contained some inconsistencies, and was overall, poorly worded and difficult to read. This made it difficult for us to comment fully on the matters contained therein.

2.1 Transport Infrastructure Investigation Area

The Transport Infrastructure Investigation Area shown on **Figure 1** in **Section 1.0** above is too extensive. For landowners, it is not clear how they can use their lands once they are covered by this overlay. We are concerned about the requirement to obtain TfNSW concurrence for any development on such lands, and the Draft Structure Plan dos not provide adequate details on this. It is also not clear to us when the Western Sydney Intermodal Terminal might be delivered, and who will be developing this piece of key infrastructure. It is therefore difficult for us to know whether parts of lots adjoining ours will be acquired in the future to support this Intermodal Terminal, or whether certain types of development will be prevented on this land on the basis of possible conflict with the future Intermodal. It is also difficult to understand what can be developed on adjoining lots in tandem with our site prior to the Intermodal Terminal being developed.

2.2 Flooding Controls

The Discussion Paper identifies how the Precinct's boundary has been aligned with the 1:100 flood zone. It is proposed to use the PMF as the buildable flood level for the Precinct. We consider this to be too strict and out-of-step with the approach taken by Penrith City Council and the Department for other nearby sites. We are also concerned that this could require us to undertake a higher level of assessment for development on our lot (affected by the PMF only – refer to **Figure 2** below), when this would not usually be required.

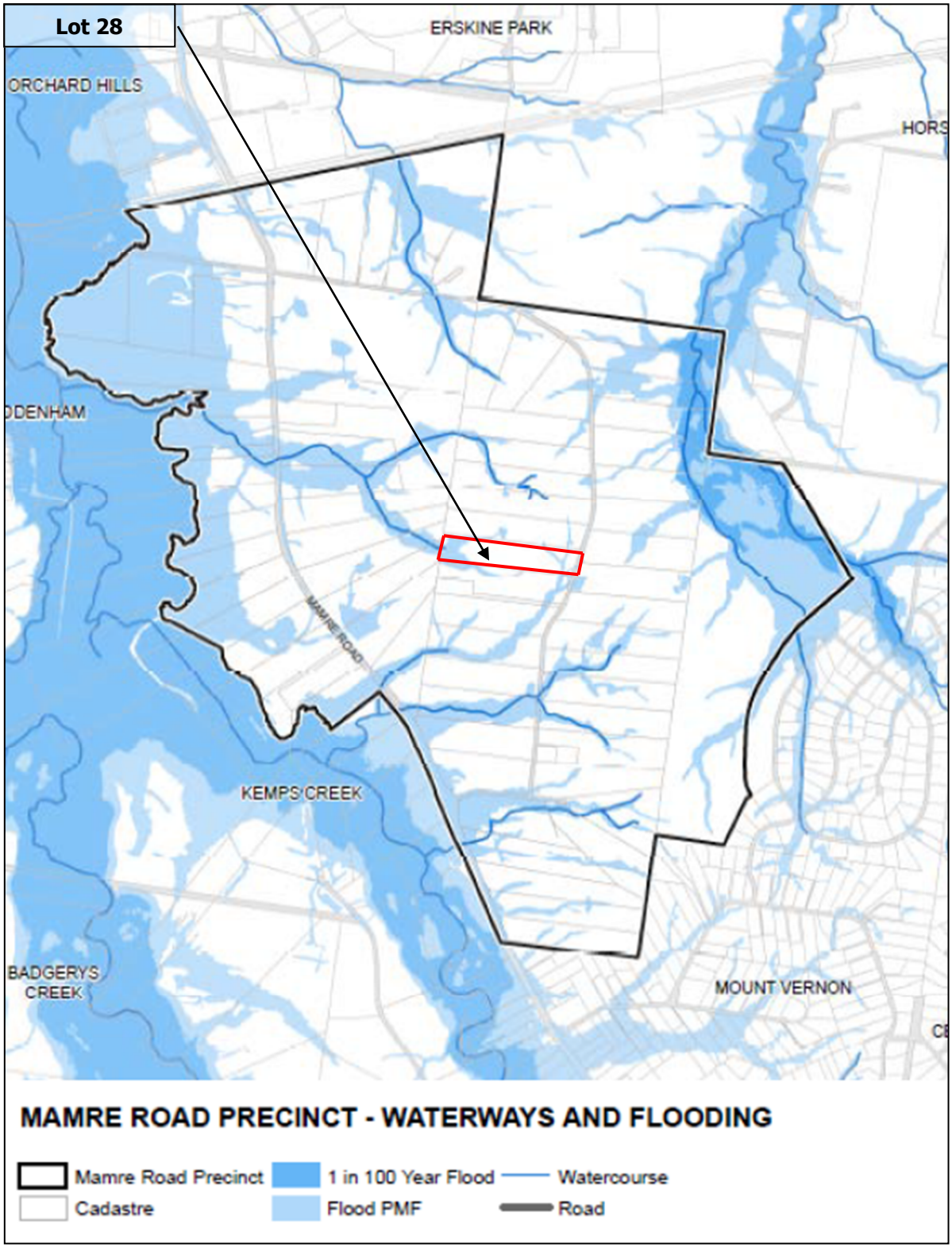

Figure 2 Draft Mamre Road Precinct Flood Affectation (NSW DPIE, 2019)

2.3 Developer Contributions

Landholders in the Precinct are concerned as no information has been provided on Draft Development Contributions or Special Infrastructure Contributions that we might have to pay to Penrith City Council or the Department. This makes it difficult to forward-plan capital investment for our lot.

Also, no indication is given as to whether developer-provided infrastructure can be used to offset against such Contributions. This creates more uncertainty in the meantime as we are left having to negotiate these costs with Penrith City Council and/or the Department should we decided to develop our lot.

2.4 Exempt and Complying Development

The Department should give an indication of the types of Exempt or Complying Developments that may be undertaken in the Precinct. This would allow smaller-scale investments to kick-start growth in the Precinct without getting caught up in unnecessary planning delays.

2.5 RE1 Public Recreation Zone

We are concerned about plans to provide extensive public recreation spaces in the Precinct, as this could conflict with permissible land uses in the IN1 General Industrial zone. The Precinct already contains an abundance of open space. Using zoning to achieve this open space throughout the locality also removes the flexibility for developers to provide open space where it is most sensible to do so, without unnecessarily sterilising pockets of their lands.

2.6 General Inconsistencies and Uncertainties in the Discussion Paper

We note that the *Mamre Road Precinct: Frequently Asked Questions* (DPIE, 2019) says that the final WSEA SEPP may provide an IN1 General Industrial footprint which is reduced even further. However, we did not see this referenced in the Discussion Paper. This makes it difficult for us to make full and informed comment at this stage.

The Discussion Paper also mentions a savings and transition clause. However, once again, few details are provided.

3.0 CONCLUSION

We support the rezoning of our entire site to IN1 General Industrial under the SEPP. However, the nearby Transport Infrastructure Investigation overlay is troubling, as it is not clear to landholders how they might be able to use their lands once they are covered by this overlay. Landholders in the Mamre Road Precinct need more certainty around:

- Process to obtain TfNSW concurrence;
- When Western Sydney Intermodal Terminal will be delivered and what delivery mechanism will be used; and
- What development can be undertaken at these sites in the meantime.

Adjoining lots could potentially lose developable land to this Transport Infrastructure Investigations area. This could prevent other landholders from reasonably developing their lots in tandem with our land, threatening optimum employment rates within the Precinct.

Overall, we submit:

- The Transport Infrastructure Investigation Area is too large. It could be scaled back to align with existing lot boundaries;
- Government has not advised what landholders can do with this land in the meantime;
- Government has not advised process for obtaining TfNSW concurrence to develop this land;
- Government has not advised who will be delivering the Western Sydney Intermodal, or what the timing of this will be. No land acquisition mechanism for this has been explained;
- Using the PMF as the default building level is not in line with what we have observed other nearby landholders negotiate with Penrith City Council during the development application process. This would mean that land in the Mamre Road Precinct may be considered unusable due to flooding matters, when in fact, there is precedent for development in these circumstances;
- Landholders need more information about the contribution rates that will apply to their land;
- The Department makes no mention of Exempt or Complying Development opportunities for these sites; and

- The area already contains a lot of open space. However, open space zonings should be broader, encourage more private investment and avoid detrimental impacts to nearby industrial zoned land.

We also found that the Discussion Paper contained some inconsistencies, and was overall, poorly worded and difficult to read. This made it difficult for us to comment fully on the matters contained therein.

We request the Department satisfactorily deals with these matters before WSEA SEPP is amended.

Regards

Michael De Bono and Carmen De Bono
The landowners of Lot 28 DP255560, 169-181 Aldington Road, Kemps Creek