

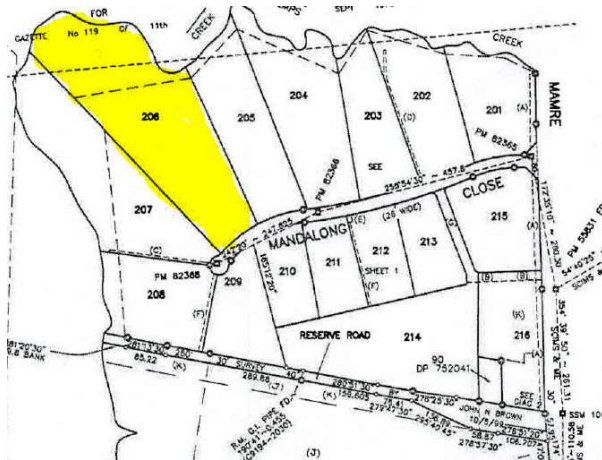
18 December 2019

Mrs Catherine Van Laeren  
A/ Executive Director Central River City & Western Parkland City  
Department of Planning Industry and Environment  
GPO Box 39  
Sydney NSW 2001

Dear Ms Van Laeren,

## MAMRE ROAD PRECINCT - EXHIBITION PACKAGE

Urbis has prepared this submission on behalf of a consortium of landowners at **83-91 Mandalong Close at Orchard Hills**. The site is also known as Lot 206 in DP 1013539 as shown below:



The three companies on title are: Saponi Pty Ltd, Ellesmere Pty Ltd and Sainly Investments Pty Ltd.

The proposed amendments to the *Western Sydney Employment Area State Environmental Planning Policy 2009* (the WSEA SEPP) seeks to remove this area from the Land Application Map and hence future rezoning under this planning instrument. This means that any future rezoning would need to be managed by Penrith City Council.

**This submission requests the retention of the Mamre West Stage 2 area within the WSEA SEPP**

A compelling case exists for the finalisation of the remaining northern half of the Mamre West Precinct to enable employment uses. It will also resolve the concerns of the Mandalong Close residents who have been seeking closure on a rezoning outcome for more than six years.

The exhibition package does not include any reason justifying such as major change taking place.



The figure to the left shows an extract of the draft **Land Application Map**, which no longer covers Mamre West Stage 2.

The “Figure 11” notation identifies the zoned area of Mamre West.



The figure to the left is an extract of the **Land Zoning Map**. This shows stage 1 of Mamre Precinct zoned IN1 industrial. Stage 2 and Mandalong Close remains zoned RU2 Rural Landscape under the *Penrith Local Environmental Plan 2010*.

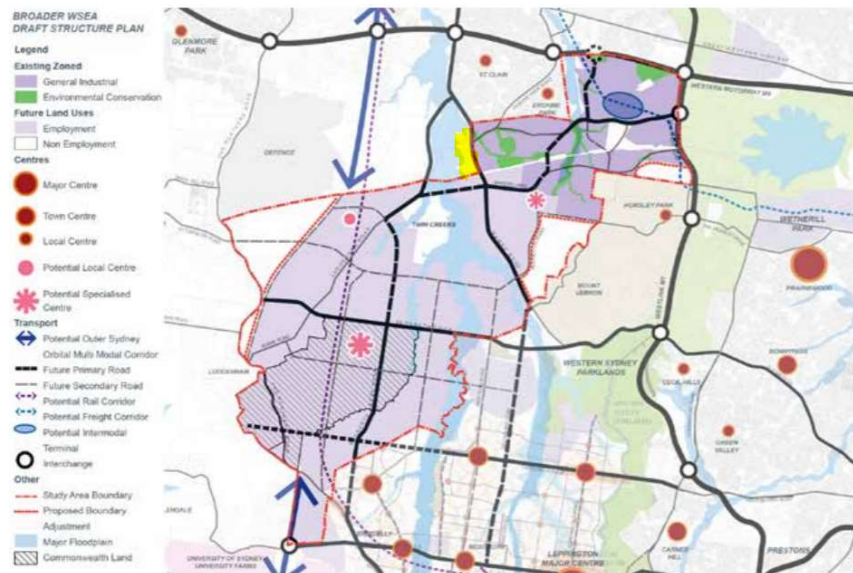
### Background – the Broader WSEA Structure Plan

In 2014 the NSW Government announced a proposal to expand the WSEA to dedicate a further 4,574 hectares (ha) of employment land. This proposal amended the *State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP)* Land Application map to increase the boundary south to Elizabeth Drive and include land west to the planned Western Sydney Airport. The expansion of employment area was referred to as the Broader WSEA.

The Broader WSEA’s draft Structure Plan divided the Broader WSEA into 6 precincts: Aldington Road, South Creek, Luddenham Road West, Adams Road, Commonwealth Land and the South West Growth Centre Industrial. Following extensive community consultation, it was decided during the

finalisation of the Broader WSEA Structure Plan to include the Mamre West Precinct. This extended from the Sydney Water pipelines to Mandalong Close, with the western boundary defined by South Creek and the eastern boundary defined by Mamre Road. This is shown yellow in Figure 2 below:

Figure 1 – Broader WSEA Structure Plan



Source: Department of Planning, Industry and Environment

In 2018, the NSW Government announced the Western Sydney Aerotropolis. The release of the Stage 1 Land Use and Infrastructure Implementation Plan (Stage 1 LUIMP) provided preliminary guidance on the Aerotropolis, including the first rezoning phase: Aerotropolis Core, Northern Gateway and South Creek.

Detail on the sequencing and delivery of the remaining precincts, including Mamre Road, was deferred to the Stage 2 LUIMP. Following the exhibition of the Stage 1 LUIMP, the Planning Partnership released a 'What we heard' report. This report acknowledged:

- The importance of the Mamre Road Precinct being an initial precinct.
- That rezoning of employment lands should be expedited to meet urgent existing market demand.
- The Precinct should be retained within the Western Sydney Employment Area.

The exhibition of Mamre Road Precinct began on the 20 November 2019. The exhibition packaged included the following:

- Mamre Road Precinct Structure Plan.
- Mamre Road Precinct Discussion Paper outlining an explanation of intended effects in the proposed rezoning.



- Proposed SEPP maps.

The exhibition confirms the WSEA SEPP as the primary environmental planning instrument (EPI) for the Mamre Road Precinct. However, the exhibition package shrinks the WSEA to zoned areas only and the Mamre Road Precinct.

The majority of the Broader WSEA area will now be zoned under the Aerotropolis SEPP. The major exception is the removal of Stage 2 of the Mamre West Precinct. This has come at great shock to the residents and owners of Mandalong Close, who had no forewarning of this change.

Having participated in the Broader WSEA planning process, the Mandalong Close residents had reasonable expectation that they would continue to be part of a State lead planning process, which was a logical process of finishing Stage 2 of a partly completed process.

### **Mamre West Stage 1 – the Altis First Estate Proposal**

In 2016 Altis worked closely with the NSW Department of Planning to prepare a Precinct Planning package to rezone the 45 hectares now known as the First Estate. This was a highly collaborative process which occurred at no cost to government. The rezoning occurred in 14 months, with Altis preparing the technical studies, a Development Control Plan and precinct planning report. The exhibition proceeded smoothly and without controversy. The immediate local community, being Mandalong Close, were engaged in the process and supportive of the outcome.

The development of the Stage 1 area included some refinement of the 1 in 100 flood line and this occurred in collaboration with Penrith Council, the prevailing Development Control Plan and the NSW Floodplain development manual. Stage 2 of the Mamre Road Precinct has been defined in the Development Control Plan but did not proceed due to some land fragmentation issues and short term Mamre Road access issues. These access issues are now resolved.

In the interests of allowing Stage 1 to proceed, it was agreed with the Department of Planning that the rezoning of Stage 1 should be completed to enable immediate development to occur. It was always understood that Stage 2 would be re-visited with a view to finalising the rezoning.

The resulting development of The First Estate has been a major success. The estate is now fully subscribed, with flagship developments such as the Fire and Rescue Building providing an important source of local jobs for Western Sydney.

### **Flooding Policy and Development**

Although not stated in the Mamre Road exhibition package, it is understood from the Community drop in session at Twin Creeks in December 2019, that the reason for the exclusion of Stage 2 relates to flooding issues.

The emerging flooding policy for the area is shown in the recently exhibited *South Creek Floodplain Risk Management Plan*, (September 2019). This outlines Penrith City Council's approach to managing the floodplain, including the area of Mandalong Close.

The draft policy represents a sensible approach to flood planning, which recognises that urban development can occur with some acceptable changes to flood storages. These policies are consistent with the NSW Floodplain Development Manual as well as the controls contained within the Stage 1 Development Control Plan for Mamre West.

This aligns with current government policy, including:

- *Penrith City Council Local Environmental Plan 2010*, Section 7.1 – Flood Planning, Clause 7  
*Flood planning level means the level of a 1:100 ARI (average recurrence interval) flood event plus 0.5 metres freeboard*
- Floodplain Development Manual 2005, Section 1.1.2 – Policy Provisions  
*A merit based approach to selection of appropriate flood planning levels (FPLs). This recognises the need to consider the full range of flood sizes, up to and including the probable maximum flood (PMF and the corresponding risks associated with each flood, whilst noting that with few exceptions, it is neither feasible nor socially or economically justifiable to adopt the PMF of the basis for FPLs. FPLs for typical residential development would generally be based around the 1% AEP flood event plus an appropriate freeboard (typically 0.5m)*
- Section 9.1 Local Planning Direction

4.3 Flood Prone Land and Department of Planning letter to Councils:

*The NSW Government's Flood Prone Land Policy and Floodplain Development Manual support the wise and rational development of flood prone land, the area inundated by the probably maximum flood (PMF). The Policy acknowledges that flood prone land is a valuable resource that should not be sterilised by unnecessarily precluding its development and that development should be treated on its merits rather than through imposition of rigid and prescriptive criteria.*

Based on these prevailing policies, it is not accepted that the flooding issues of Mandalong Close cannot be managed. The consideration of flood planning for the area should continue to be considered under the WSEA SEPP.

### **Supply of Industrial Land – Western Sydney**

The urgent need to increase industrial land supply in Western Sydney is the primary reason why the Mamre Road Precinct has been released. This is in recognition that the existing WSEA and wider Western Sydney employment areas had only three to five years supply.

The Mamre Road Precinct has released approximately 780 hectares of new Industrial land, with 175 hectares affected by a new Intermodal Terminal. The urgent need to release the Mamre Road Precinct is demonstrated by the fact that it was not identified in 2018 as an early release Precinct in the Aerotropolis LUIP Stage 1.

The Stage 2 of the Mamre West Precinct could easily provide 50 to 60 hectares of zoned IN1 land which has existing services from Erskine Park passing through the site to service the First Estate. The access to Mamre Road has now been resolved through the Mamre Road upgrade design and this is captured in the Mamre West Development Control Plan.

The resulting zoned area would be contiguous with the existing Erskine Park Industrial area and would have direct access to the M4 and the M7. The area is within four kilometres of the Western Sydney Airport.



## Conclusions and Recommendations

This submission seeks the retention of the Mamre West Stage 2 Precinct in the WSEA SEPP.

The residents of Mandalong Close have participated in a six-year process that led to the area's inclusion in a State planning process. This resulted from active participation in the Broader WSEA Structure Plan. The identification of at least 100 hectares of employment land at Mamre West was recognised as an important contribution to much needed industrial land supply.

The successful rezoning of 45 hectares for the *First Estate* by Altis is a clear example of a productive and efficient rezoning process. Within three years of Gazettal, this employment land is now fully committed. This clearly indicates the pent-up demand for warehousing and distribution land with good access to the M4 and the M7. Similarly, the release and rezoning of the second stage of Mamre West would also rapidly meet this demand.

Penrith City Council's recently exhibited policy on managing the South Creek floodplain points to a sensible approach to managing the interface between new urban development and flood protection. Existing capacity in utility infrastructure linking Erskine Park and the First Estate means that this area can be easily serviced. The Mamre West DCP identifies heavy vehicle access to Mamre Road which dovetails with the Mamre Road upgrade program.

Given the environmental, infrastructure and economic demand context, we submit there is no reason why the Mamre West Stage 2 area should be removed from the WSEA SEPP.

Yours sincerely,

A handwritten signature in black ink, appearing to read "John Wynne".

**John Wynne**

**Group Director Planning**