

To:  
Western Sydney Planning Partnership  
PO Box 257  
Parramatta NSW 2124

From:  
Tahmere Pty Ltd  
Saropol Pty Ltd  
Senia-9 Pty Ltd  
Rocapa Pty Ltd  
PO Box 244  
Horsley Park, NSW 2175

Wednesday, 18 December 2019

**Re: Submission to the Draft Mamre Road Precinct Plan and proposed changes to the State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP).**

Dear Sir/Madam,

The release of the Draft WSEA SEPP has caused significant burden to us, the owners due to an ensuing property sale that has now stalled and is unlikely to transact unless amendments are made to the proposed zones shown in the Draft SEPP Maps. During the Due Diligence (DD) period both the owners and The Purchaser have made significant investment in reports, design, engineering and time in accordance with the current land use and need for employment as set out by the previous WSEA SEPP and as was later confirmed in the Stage 1 Aerotropolis LUIIP, which showed the site as earmarked for "Flexible Employment".

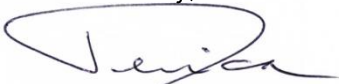
The Purchaser assessed the vegetation and made the owners aware that they had allowed for potential biodiversity costs for offsets and/or purchasing of credits should they be applicable, and it formed part of their proposal to purchase. The same way all developers have approached biodiversity across the entire Mamre Road employment precinct. These sites have very similar characteristics to ours, of cleared vegetation, exotic gardens, market gardens, farm dams, etc. and have been correctly nominated for IN1 zoning. If correct, the zoning map appears to have caused our site to be unfairly burdened with the cost of rehabilitating native vegetation whilst the other almost identical sites can be developed.

The site has been heavily grazed and farmed for market gardening for over 40 years. Therefore, the site is largely cleared of almost all native vegetation and has been replaced with eatable exotic / native garden plants and farm paddocks.

We are hopeful that there has been a simple error made (which we understand given the magnitude of the task in preparing these studies and reports) as there is a contradiction between the NSW DPIE MAP – Environmental Consideration and the Draft SEPP Map. You will see from the following technical assessment that your environmental mapping matches all of the work that we have done, it is just the Draft SEPP Zoning Map which we would like changed.

Thank you for the opportunity to make this submission and we hope to meet you in the near future to discuss this in more detail to ensure that we help you in providing much need jobs in Western Sydney.

Yours Faithfully,



Jack Perica

On behalf of Landowners

# 1 Technical Submission

This submission has been prepared by Rocapa Pty Ltd, Saropol Pty Ltd, Tahmere Pty Ltd, Senia-9 Pty Ltd (The Landowners) in response to the public exhibition of the Draft Mamre Road Precinct Plan and proposed changes to the [State Environmental Planning Policy \(Western Sydney Employment Area\) 2009 \(WSEA SEPP\)](#).

The above companies are the landowners of 25-51 Aldington Road, Kemps Creek (The Site). Its legal description is Lot 39 in Deposited Plan 708347. It is bound by Aldington Road to the north and existing rural properties to the East, West and South. The Site is 10.13 hectares in size and shown in Figure 1 below.

**Figure 1 – The Site, 25 – 51 Aldington Road, Kemps Creek**



The Site is largely cleared of almost all native vegetation and has been replaced with exotic/native garden plants, it also contains a manmade farm dams used as a residence with cattle grazing.

This submission includes:

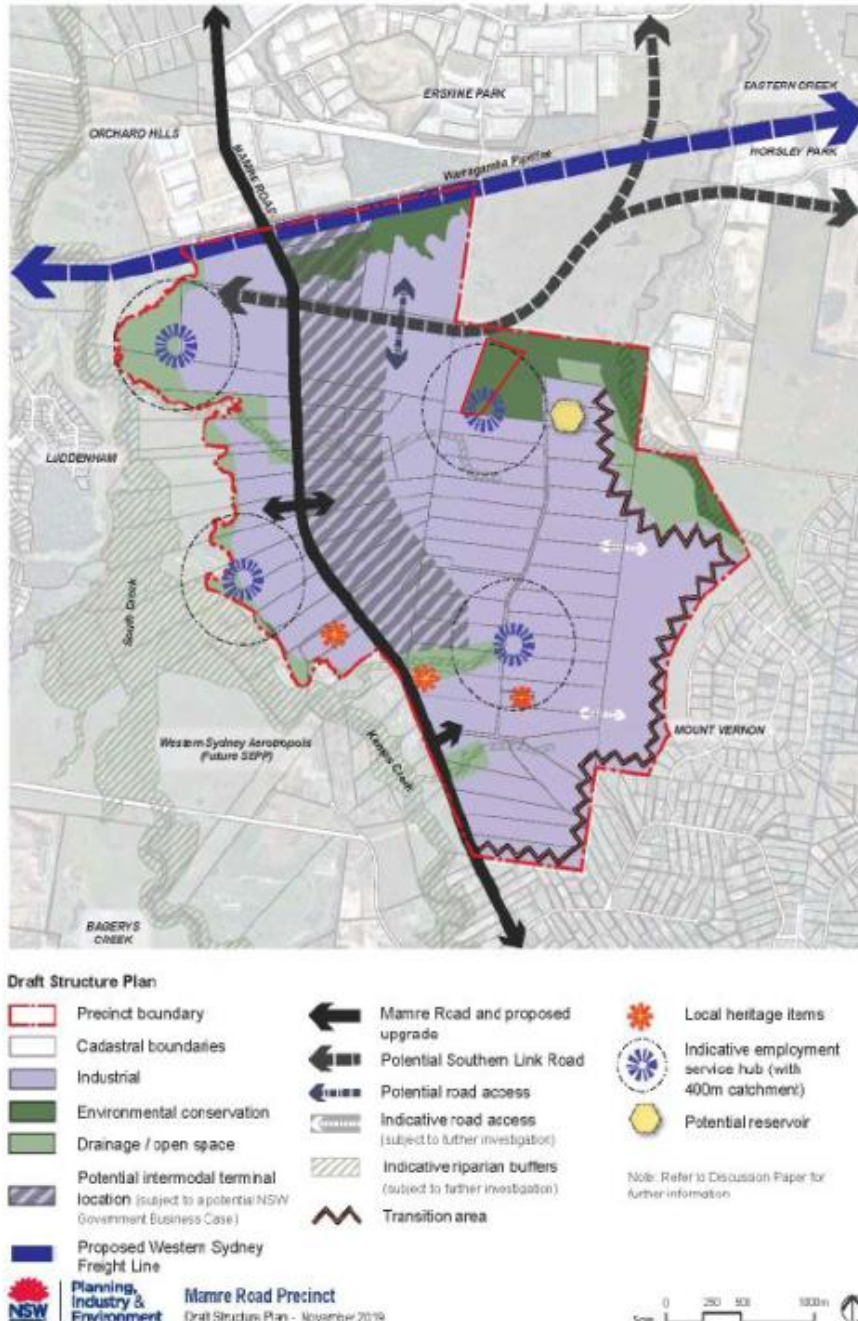
- Support for the Mamre Road Precinct being contained in the WSEA SEPP
- An overview of the NSW Government Ecology Mapping and identification of areas of ecological significance
- An overview of recent site flora and fauna investigations undertaken by Eco Logical Australia
- Details of The Landowners concerns related to the potential error in mapping of the E2 zone over The Site in the Draft SEPP mapping and its impact on delivering catalytic development in a key part of the Precinct.

## Inclusion of the Mamre Road Precinct in WSEA SEPP

The Landowners strongly support the inclusion of the Mamre Road Precinct in the WSEA SEPP. The Mamre Road Precinct has a large part to play in the supply of Industrial Lands in Western Sydney. The NSW Government's own data indicates that Industrial Land supply could be exhausted in 4 to 5 years.

It is therefore logical for the Mamre Road Precinct to proceed immediately. It does not have the same lack of infrastructure or sensitive land uses proposed as some parts of the planned Aerotropolis have that will require more planning and options analysis.

Figure 2 – Mamre Road Precinct Plan



Source: NSW DPIE

This lack of supply combined with the strategic location and desirable site features has led to considerable interest in The Site from developers. This recently resulted in an exclusive due diligence (DD) Period being agreed between The Landowners and a large industrial institutional

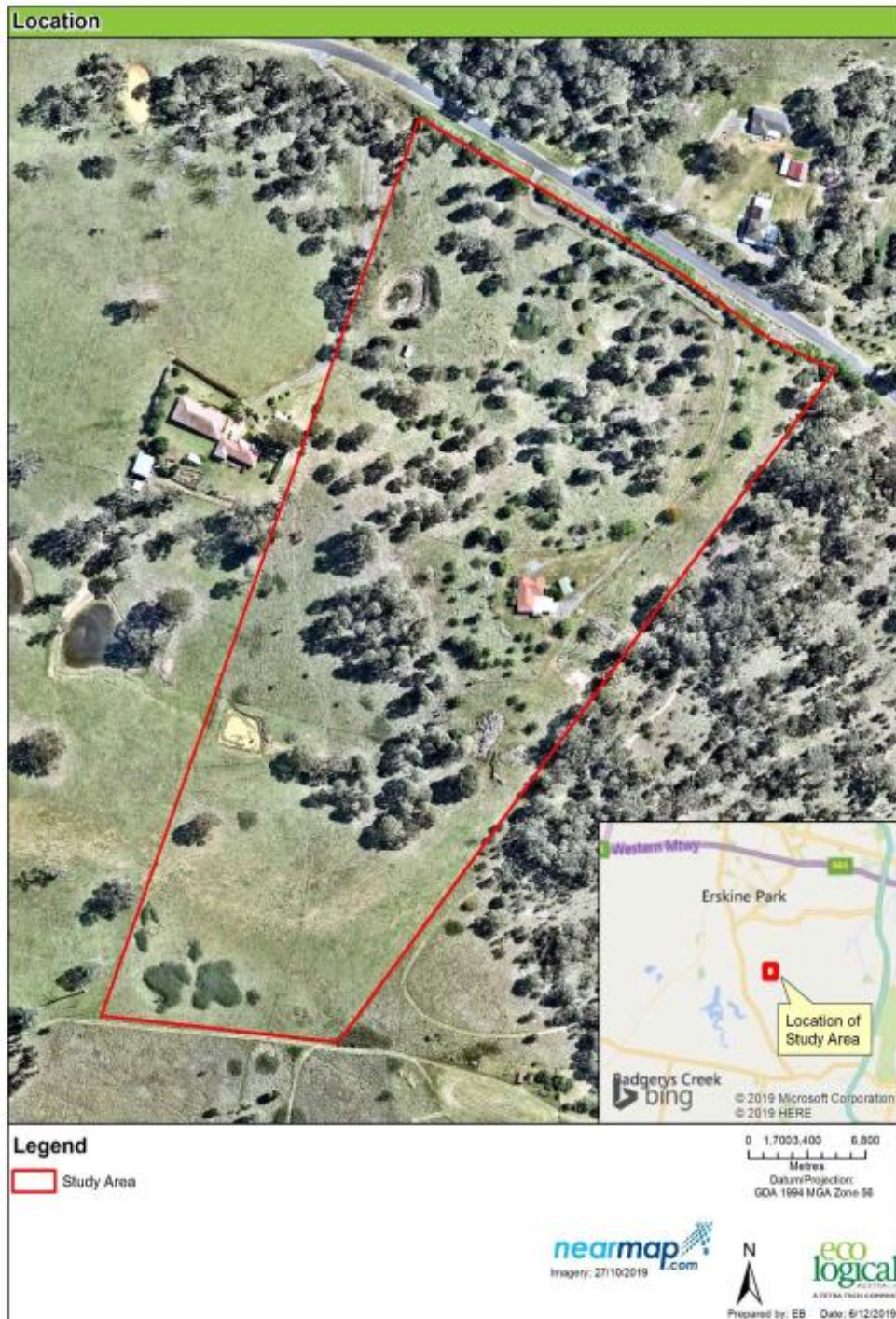
developer/investor. This DD period expired on 12 December 2019 with the purchaser not exercising the option, citing the proposed zoning of the land as E2 as a primary concern.

### NSW Government Ecological Mapping of The Site

As part of their assessment of The Site's Ecological significance, obtained the OEH mapping from 2013 (shown in

Figure 4 below). This shows that The Site does contain vegetation of the Cumberland Plain, as would all other sites in the Precinct.

Figure 3 – The Site - Aerial Imagery



Source: Eco Logical Australia

Figure 4 – Vegetation Communities on The Site (OEH Mapping 2013)



Source: Eco Logical Australia

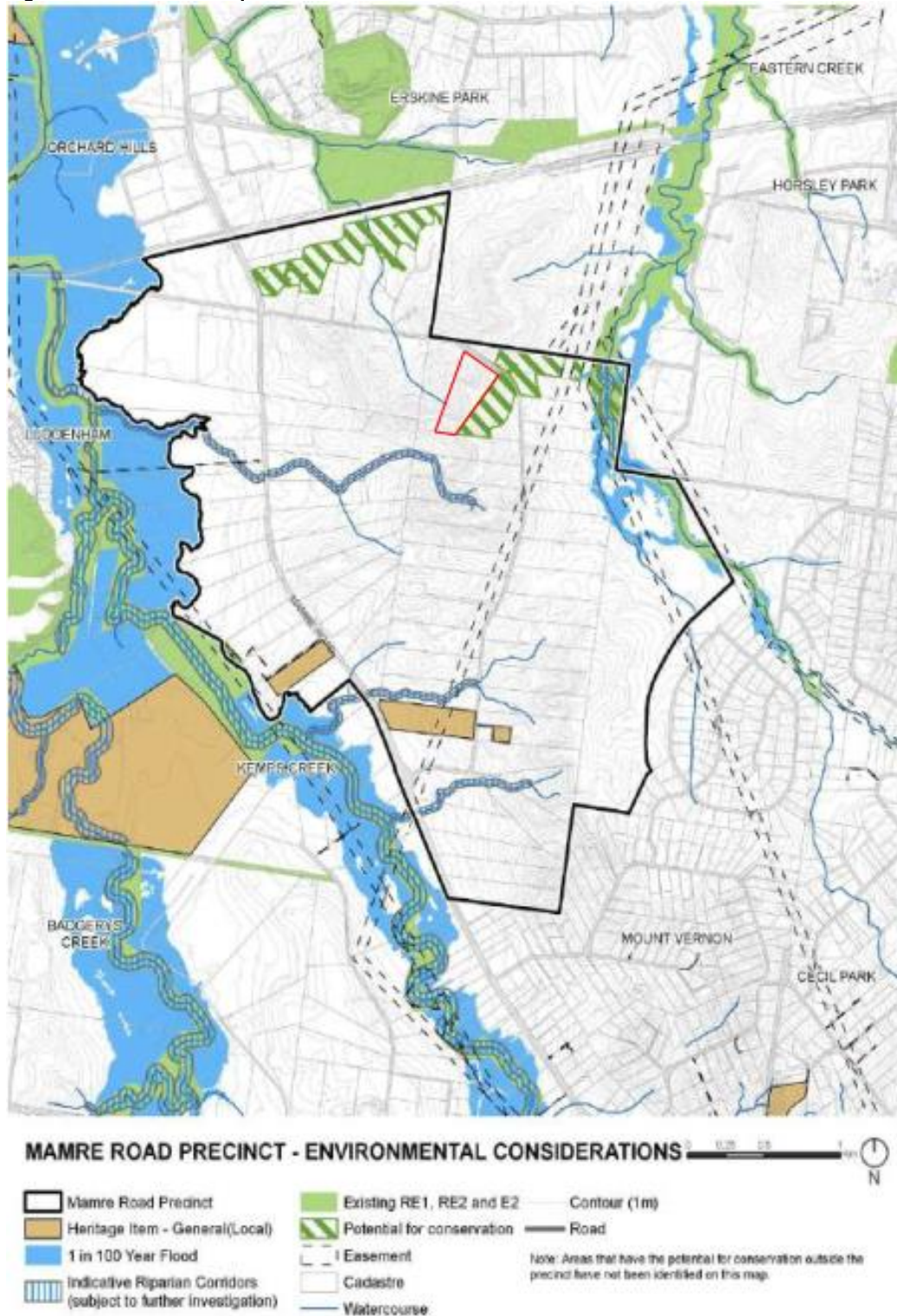
In addition to this The Landowners commissioned Eco Logical Australia to provide a site investigation and an assessment of The Site's biodiversity values.

The assessment found that The Site does contain vegetation that meets the definition of Cumberland Plain Woodland (CPW) under the NSW Biodiversity Conservation Act 2016. This exists in the north and west of The Site, however, is in poor condition. Furthermore, due to the low

percentage of native groundcovers in these areas, it is unlikely that these patches would meet the definition of Cumberland Plain Woodland as listed by the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

The assessment also concluded that all of the native vegetation on The Site was in poor and/or modified condition. This is consistent with the Department’s own mapping, which has mapped The Site as NOT having Potential for Conservation (see Figure 5 below).

**Figure 5 – NSW DPIE Map – Mamre Road Precinct – Environmental Considerations**

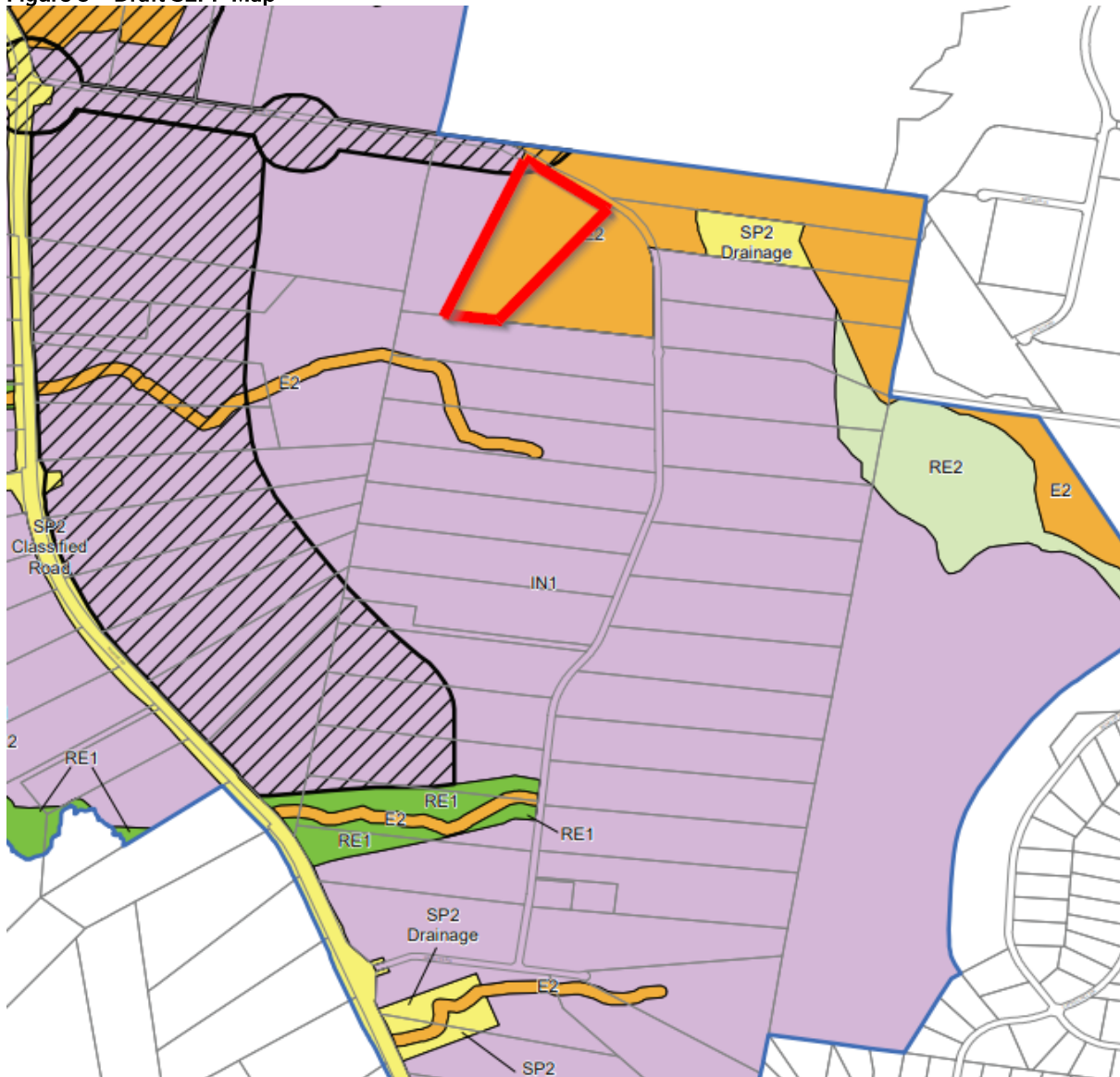


Source: NSW DPIE

## Concerns with Draft Zoning Map

However, the Draft SEPP has shown The Site as Zoned E2, Environmental Conservation. Which, given the above data and our own confirmation, appears to be a mapping error. This potential error is also highlighted by the fact that the Precinct Plan also shows an Employment Service Hub on the southern part of The Site - a proposal which is supported by The Landowners.

Figure 6 – Draft SEPP Map



In addition to this (and to reinforce the suitability of The Site for development) the recent South Creek flood study undertaken by Penrith Council was reviewed. This shows that even the Probable Maximum Flood (the worst possible flooding on South Creek) is over 500m away.

It doesn't seem to make sense to quarantine good, developable land for environmental conservation when there is so much flood affected land that forms part of key ecological corridors that can be used without reducing the amount of employment lands that can be delivered.

**Figure 7 – The Site - Probable Maximum Flood Extents**



Source: Penrith City Council



## 2 Summary and Conclusion

In summary The Landowners of 25-51 Aldington Road, Kemps Creek:

- Supports the inclusion of the Mamre Road Precinct in WSEA SEPP;
- Acknowledges the short-term Industrial Land Supply shortfall and is eager to be a part of the solution by transacting on The Site
- Agrees with NSW DPIE mapping that has concluded that The Site is not suitable for potential conservation of ecology
- Has had independent assessment of this undertaken by Eco Logical Australia that has agreed with DPIE's assessment and found that:
  - Some of the vegetation on site likely meets the State definition of Cumberland Woodplain vegetation (although all of this is in poor and/or modified condition)
  - It is unlikely that any of the vegetation on The Site meets the federal definition of Cumberland Woodplain
- This would likely be the same circumstance as all of the neighbouring sites that have been zoned IN1
- Confirms that The Site is flood free, even in the Probable Maximum Flood event
- The Site has good access to existing infrastructure including roads (including the future southern link road), utilities, etc.

It is our strong view that The Site must be zoned IN1 and shown accordingly on updated SEPP Mapping to ensure that the objectives of the Mamre Road Precinct can be fulfilled by supplying much-needed industrial land in Western Sydney and ensuring that areas of ecological significance are retained, while the financial burden of offsets is shared equally amongst the landowners and developers that have holdings like this, suitable for development.

We would like to meet with the Department in due course to discuss our concerns.

Yours Faithfully,



Jack Perica

On behalf of Landowners