

17 December 2019

Secretary
NSW Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Dear Sir

Draft Mamre Road Structure Plan- 54-72 Aldington Road, Kemps Creek

Metroplanning Services has been engaged by Mrs Janet Esho and BNR Trading Pty Limited who are the owners of 54 Aldington Road, Kemps Creek, to prepare a submission in regard to the Mamre Road Draft Structure Plan. This submission is also supported by a preliminary desktop ecology submission prepared by Anderson Environmental dated 16 December 2019.

We have reviewed the draft Mamre Road Structure Plan and note that approximately 2/3rds of our client's site is proposed to be zoned part E2 Environmental Conservation and the smaller central 1/3 portion of the site is proposed to be zoned part SP2-Infrastructure (Drainage) as illustrated on the landuse zoning plan contained in Figure 1. We also note that the E2 Environmental Conservation zoned portion of the site is identified as 'potential for conservation' as mapped in Figure 2.

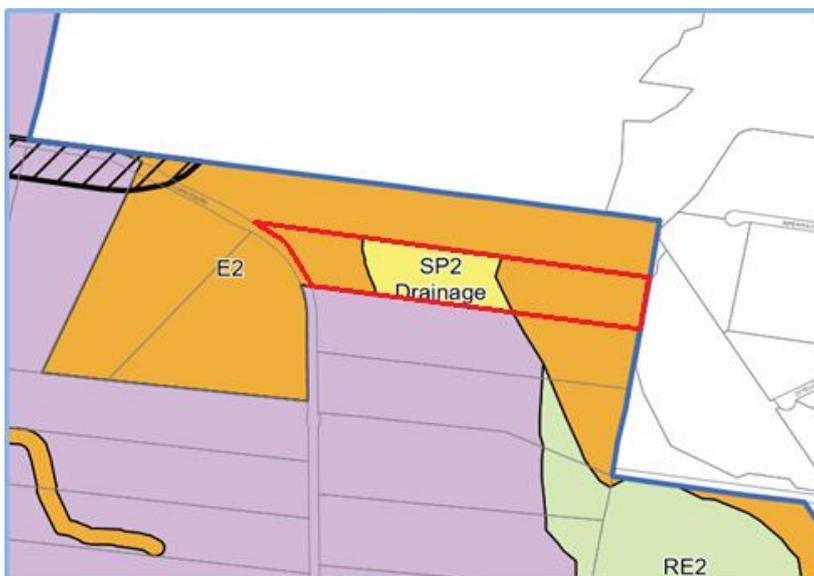
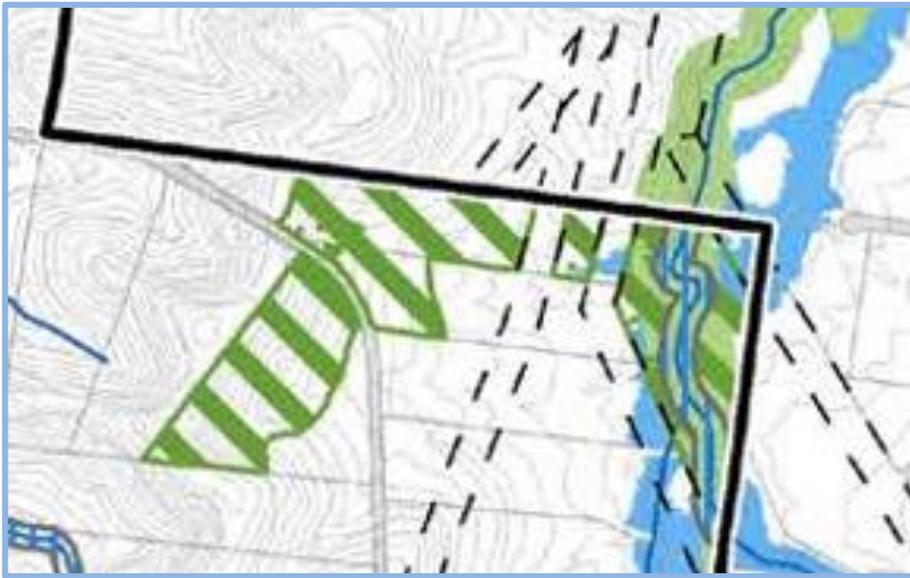


Figure 1-Draft Mamre Road Structure Plan landuse zoning mapping



 Potential for conservation

Figure 2-Draft Mamre Road Structure Plan vegetation mapping

Our client has had an expectation for many years that the site would be zoned for industrial purposes following public exhibition of the Western Sydney Draft Aerotropolis plan which identified the site with an industrial zoning. We do appreciate that the Western Sydney Draft Aerotropolis plan was prepared at an earlier concept stage and that more detailed constraint analysis planning investigations have subsequently occurred, however to have the entire site sterilised without any allocation for industrial land use is extremely disappointing and unreasonable to our client. The Department have effectively sterilised our client's property from any development potential given the de-facto public zoning of the western portion of the site as E2 Environmental Conservation.

In preparing this submission, we have undertaken a detailed inspection of the site, provided photographs of the site and reviewed relevant mapping of the site. The site is a long narrow roughly rectangular shaped allotment with an area of 10.19ha, frontage of approximately 345m to Aldington Road and depths of 834.6m along the northern side boundary and 199m along the southern side boundary. A copy of the deposited plan is contained in Figure 5. The rear eastern half of the site is burdened by a transmission line easement that traverses the site in a north to south alignment. We are advised that easement B has subsequently been extinguished which can be confirmed on title.

The site has been used for intensive agricultural purposes for over 18 years which has been significantly scaled down in recent years with the removal of greenhouses previously located upon the northern half of the site and middle south eastern portion which now comprises cleared land. Refer photos 5 & 6. Small scale greenhouses are still retained upon the middle south western portion of the site.

The site has a gentle fall to the eastern rear of the property towards Rope Creek which traverses the site in a north south direction as depicted in Figure 3.

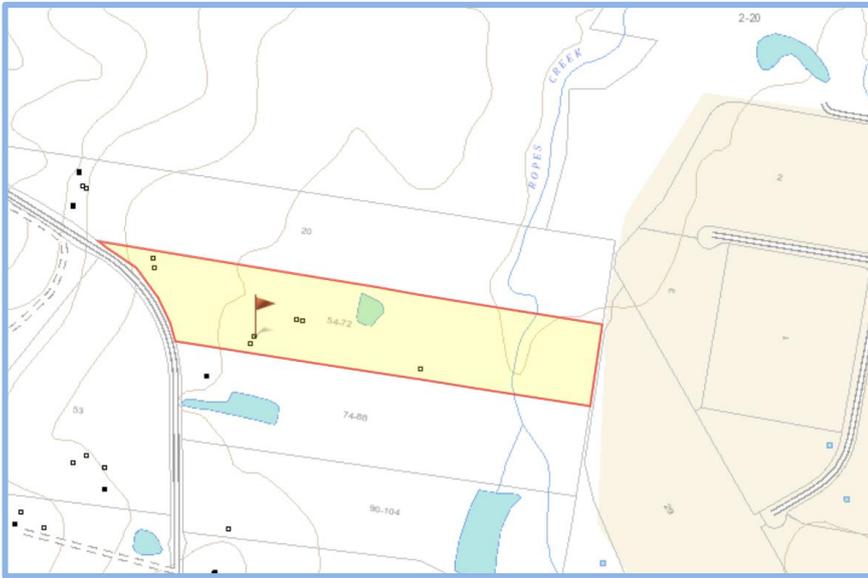


Figure 3-Site contour plan

Approximately half of the site area comprises cleared land and the rear eastern and front western portions of the site are vegetated. The vegetation at the eastern rear of the site comprises remnant Eucalyptus vegetation which is densely forested. The vegetation at the western frontage of the site has been modified through past clearing activities and appears to be highly disturbed in areas. An aerial depiction of the site vegetation is contained in Figure 4. Photographs 1 to 6 also show the vegetation on site.

We note that the front western $\frac{3}{4}$ of the site is currently zoned part RU2 Rural Landscape and the rear eastern portion bordering Kemps Creek, which is densely vegetated, is zoned part E2 Environmental Conservation under the provisions of Penrith Local Environmental Plan 2010.



Figure 4-Aerial view of site



Photo 1-View of site from street



Photo 2-View along track located along southern side boundary of site facing towards greenhouses



Photo 3-View of pine regrowth vegetation located upon front south western portion of site



Photo 4-View of existing pine vegetation located partly on front western portion of site



Photo 5-View facing north east towards site of former greenhouse structures



Photo 6-View facing north across cleared portion of site identified for Drainage basin

For the purposes of clarification, our client does not object to the retention of the existing E2 Environmental Conservation zoning of the rear eastern portion of the site given the natural constraint of Rope Creek and dense vegetation constraints. However our client is strenuously opposed to the proposed rezoning of the front western portion of the site as E2 Environmental Conservation and also the middle 1/3 of the property as SP2 Infrastructure (Drainage). In providing planning justification for our case, we make the following comments:

Industrial landuse suitability

We consider that the location of the site is ideal to provide for industrial development given contextually the site directly adjoins land to the south and west that is proposed to be zoned industrial and the site is also adjacent to existing large floor plate industrial development to the east.

The site could also be well serviced with public utilities given it is already traversed by transmission lines and can also be well accessed from the existing and new road system that will service the estate. The M4 Motorway is also located in close proximity to the north.

The site's physical characteristics are suitable to accommodate large floor plate industrial development given it is a large parcel of land that directly adjoins similar sized properties to the south that are identified for industrial use. The topography of the site is also suitable for industrial use given the flat nature of it and limited need for significant earthworks. The middle half portion of the site comprises cleared land that was previously used for intensive agricultural purposes and has no ecological value and the front western portion of the site comprises highly modified vegetation as addressed in the Ecological submission prepared by Anderson Environmental.

Also as stated previously, our client has had an expectation for many years that the site would be zoned for industrial purposes following public exhibition of the Western Sydney Draft Aerotropolis plan contained in Figure 6 which identified the site for future industrial use. On the basis of the above, we consider that the western 2/3rds of the site is suitable for industrial use.



Figure 6-Western Sydney Aerotropolis landuse zoning

E2 Environmental Conservation zoning

Our client is strenuously opposed to the proposed zoning of the front western portion of the site as E2 Environmental Conservation on the basis that we consider that portion of the site to comprise highly modified and disturbed vegetation along with the presence of invasive exotic species, particularly across the front south western portion of the site. In support of our submission, Anderson Environmental was engaged to prepare a preliminary desktop submission dated 16 December 2019 which provides a review of the site's ecology. The desk top submission states that a more detailed ecological assessment can be provided in January 2020 after Anderson Environmental return from their Christmas holidays.

Anderson Environmental has undertaken aerial photo interpretation and analysis of videos provided by the client and advised that the front western portion of the property has been disturbed through under scrubbing since 2004 along with the introduction of exotic plants. Anderson Environmental advises that the vegetation has been quite modified in many places due to past use. Evidence of exotic grasses and weeds are present however a formal assessment is required to provide a qualitative assessment of the vegetation present. Evidence of invasive exotic plant species is shown in photographs 3 and 4. The front western portion of the site has also been subject to livestock grazing with up to 150 sheep on site in recent years.

On the basis of the high level of disturbance of native vegetation across the front western portion of the site, we consider that the proposed E2 Environmental Conservation zoning of that portion of the site is an unjustified and an unreasonable sterilisation of the site from any development potential.

Further upon review of aerial mapping contained in Figure 7, we question why the southern boundary of our client's property was selected as the arbitrary southern boundary of the E2 Environmental Conservation zone. Clearly it is apparent from the aerial view of the site that the two directly adjoining southern properties (No. 74-88 and 90-104 Aldington Road) contain similar vegetation along the western frontages as our client's site does. Instead the adjoining southern properties are proposed to be zoned IN1 General Industrial.

We also note that the Cumberland Plain Conservation Plan maps our client's property with 849 PCTs (Grey Box-Forest Red Gum Grassy woodland on flats of Cumberland Plain) yet there are other properties adjacent to the west of our client's property that are mapped with expansive areas of the same 849 PCTs present, yet are identified to be zoned industrial. Refer Figure 8.

We request that the Department await the detailed addendum ecological report to be prepared by Anderson Environmental and strongly consider amending the proposed E2 zoning of the front western portion of the site to industrial.



Figure 7-Aerial mapping depicting vegetated portion of client's site and adjoining southern properties

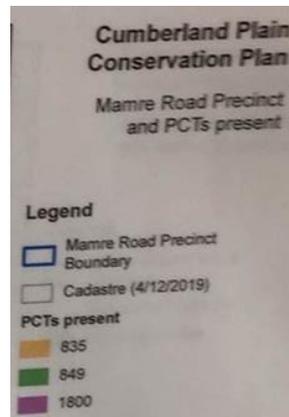


Figure 8-Cumberland Plain Woodland Conservation Plan mapping

SP2-Infrastructure drainage basin

The central portion of the site is proposed to be zoned SP2-Infrastructure (Drainage) and intended to accommodate a future drainage detention basin as identified in Figure 1. We have sought an explanation from the Department as to why the basin is proposed to be sited on our client's property and also details of the basin design but have been advised that information is not public. We find this response totally unreasonable in the circumstances given our client's property has been rendered totally undevelopable based on the planning intentions of the draft Structure Plan and that information should be made available to allow an informed comment to be made.

We have also reviewed the topographical contours of the surrounding area and believe that there are a number of other alternative site's for the basin to be sited on given our client is also facing the impost of

the E2 Environmental Conservation zoning over the front western portion of the site. We request that the Department do seriously investigate other alternative sites.

In conclusion, we strenuously object to both the proposed E2 Environmental Conservation zoning of the front western portion of the site and also the SP2 Infrastructure (Drainage) zoning of the central portion of the site. The intended zoning effectively sterilises our client's property from any development potential.

We trust that the Department of Planning will give serious consideration to the issues raised in our submission and the preliminary desktop ecology submission prepared by Anderson Environmental, and make amendments to the Draft Structure Plan. We also request that the Department allow for us to submit an addendum detailed ecological assessment of the site by Anderson Environmental by the end of January 2020.

We can be contacted on 0418 431 897 if the Department requires any clarification and would welcome the opportunity to meet with representatives of the Department to discuss our submission in detail.

Yours Faithfully

A handwritten signature in black ink, appearing to read 'John Mckee', with a large, sweeping flourish at the end.

John Mckee
DIRECTOR



INTERIM LETTER

**54 ALDINGTON ROAD
KEMPS CREEK**

Job number: 2340

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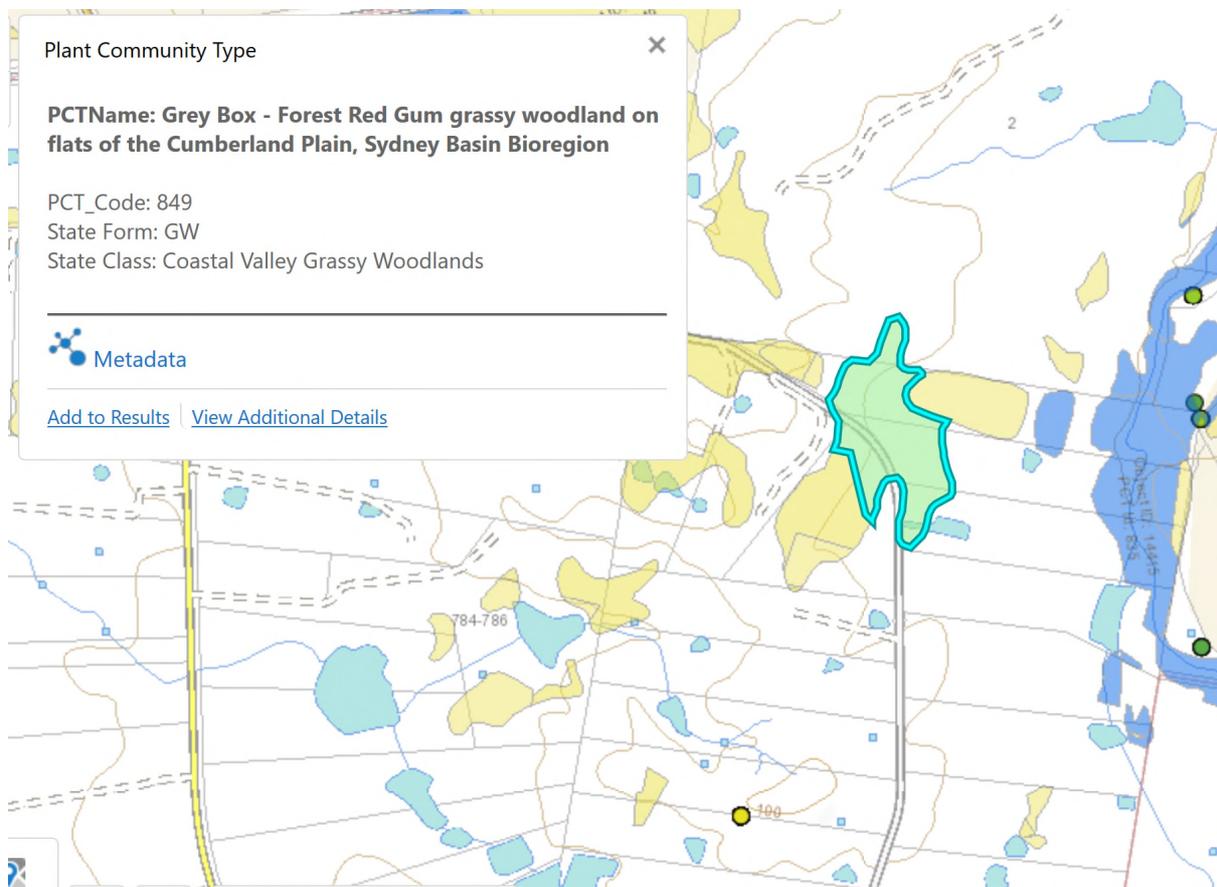
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To Whom it may Concern

Anderson Environmental was engaged to conduct a Desktop Background Review of the Ecology of the site (54 Adlington Road, Kemps Creek) as it is proposed to be re-zoned as an E2 Environmental Conservation zone by the NSW Department of Planning. Due to the tight timing of contact from the client and the timeline of the responses required (by the 18th of December 2019) combined with the Christmas Period it was not possible for this consultant to undertake an on site assessment. As such the client requested that we provide some background advice based on background mapping and some photographs and short videos the client provided of the site. We have informed our client that we return on the 13th of January 2020 and would be available to undertake a formal site assessment at that time. In the meantime however our findings based on a background assessment on the aforementioned information are provided below.

The site is mapped as Plant Community Type 849 as shown on the map below.



This community forms part of the Cumberland Plain and is listed as Critically Endangered under both state and federal legislation.

Aerial photo interpretation indicates that the area on the front portion of the property has been disturbed through under scrubbing since 2004 (the latest historical period from which aerial photographs could be examined due to the tight timeframe of the project). The land has been used as “Jacoubs Fresh Fruit and Vegetables” (a commercial nursery/vegetable operation) with a home at the front of the property. It is likely that the use of the site as a nursery has resulted in the indicators which are present on the property indicating moderate to potentially high levels of disturbance to this area. This is indicated by both the aerial photos indicating potential previous mowing/under scrubbing (2014) combined with the intrusions into this area from building structures/nursery materials (pipes, dumped soil piles and other refuse etc) along with some exotic nursery plants which appear to have been planted in this area such as palms.

The vegetation present appears to be dominated by *Eucalyptus tereticornis* of a young to medium age class. There appear to be a few *Eucalyptus moluccana* present with what appear to be *Allocasuarina littoralis* in places. The vegetation does not have a small tree layer present and the ground covers comprise unidentified grasses until a formal site survey is undertaken. Field surveys are required to verify the condition of the site and provide an assessment of the vegetation present. It appears that the vegetation has been quite modified in many places due to past use. Evidence of exotic grasses and weeds are present however a formal assessment is required to provide a qualitative assessment of the vegetation present.

The client would like to request a formal extension to the submission period past the 18th of December 2019 so the site can be assessed on the ground via a formal assessment. This would enable them to provide a response for their site in relation to the vegetation present.

Yours Sincerely

A handwritten signature in cursive script that reads "Jason Anderson".

Jason Anderson

B.App.Sc – 1992 (Conservation Technology - University of New England)

16th December 2019

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