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Ms Gina Metcalfe  
Acting Director, Central (Western)  
Greater Sydney, Place and Infrastructure  
Department of Planning, Industry & Environment  
GPO Box 39  
SYDNEY NSW 2001

Attn: Sarah Waterworth

Dear Ms Metcalfe,

**Exhibition of the draft Mamre Road Precinct rezoning and consultation under Section 3.25 of the *Environmental Planning and Assessment Act 1979***

Thank you for your letter of 21 November 2019 regarding the exhibition of the draft Mamre Road Precinct rezoning package (Mamre Road rezoning), and further letter of 9 December 2019 seeking consultation under Section 3.25 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in relation to draft amendments to *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (WSEA SEPP). I apologise for the delay in replying.

The Environment, Energy and Science Group (EES) understands that the Mamre Road rezoning seeks to amend the WSEA SEPP to rezone the majority of the Mamre Road Precinct to industrial, as well as identifying some land for conservation and recreation. EES has reviewed the Mamre Road rezoning package and provides comments on the following matters at Attachment A:

- biodiversity and waterway health
- floodplain risk management.

Please note that EES is unable to provide advice on Aboriginal cultural heritage. This does not constitute EES support in relation to this matters and Aboriginal cultural heritage will still need to be considered in the planning for the Mamre Road Precinct.

Should you have any queries regarding this matter, please contact Dana Alderson, Senior Project Officer Planning on 8837 6304 or [Dana.Alderson@environment.nsw.gov.au](mailto:Dana.Alderson@environment.nsw.gov.au)

Yours sincerely

*S. Harrison 14/02/20*

Susan Harrison

**Senior Team Leader Planning  
Greater Sydney Branch  
Climate Change and Sustainability**

## **Attachment A – EES comments on draft Mamre Road Precinct rezoning and s.3.25 consultation**

EES has reviewed the following documents:

- Draft Mamre Road Structure Plan (Structure Plan)
- Mamre Road Precinct Rezoning Exhibition Discussion Paper (Discussion Paper)
- Draft WSEA SEPP amendment maps
- FAQ Mamre Road Precinct

and provides comments as follows.

### **Biodiversity and Waterway health**

EES understands that the urban development footprint for the Precinct has been informed by the work undertaken by Place, Design and Public Spaces Group for the draft Cumberland Plain Conservation Plan (CPCP) strategic biodiversity certification. EES further understands that the draft CPCP has identified land in the Precinct which should be avoided from development due to its biodiversity values (avoided land), and which is not proposed to be certified.

The draft Mamre Road rezoning indicates that most of the avoided land is to be protected and will be zoned E2 Environmental Conservation or RE1 Public Recreation, which is supported by EES. EES has not been provided with the draft CPCP biodiversity assessment which identified the avoided land in the Precinct, so is unable to comment on its adequacy. However, EES notes that the E2 and RE1 zones include land identified in desktop mapping work undertaken by EES as areas recommended to be “protected or improved” to achieve biodiversity and water quality benefits in the Western Sydney Aerotropolis Growth Area (see Attachment B). The RE2 Private Recreation land in the east of the Precinct has also been identified in EES mapping as “protect and improve” for waterway health.

### Transport Infrastructure Investigation Area and employment service hubs

The Structure Plan shows a Transport Infrastructure Investigation Area comprising the proposed Western Sydney Freight Line and Intermodal terminal, as well as employment service hubs within areas of land to be zoned E2. These uses are not compatible with the conservation of biodiversity.

If it is intended that the E2 land be retained for conservation, the location of these uses will need to be reconsidered. An E2 zoning should only be applied where the intended future uses of the land will not conflict with the biodiversity values of the land and development will be in accordance with zone objectives. It is noted that ‘transport depots’ is not a permissible use in the E2 zone under the WSEA SEPP.

However, if proposed E2 land in the Precinct is to be developed instead of conserved, this will need to be shown as developable and offsets identified for the loss of biodiversity values under the draft CPCP.

### Interface with South Creek-Wianamatta Precinct

EES supports the zoning of land adjacent to South Creek to RE1 and bringing this land into public ownership. EES recommends that land with biodiversity values plus a buffer be mapped so that future development can be designed to avoid impacts. EES further recommends that development controls require infrastructure such as drainage lines, stormwater basins, pathways, retaining walls/batters and flood mitigation works be sited outside areas with biodiversity values, with a preference for these works to occur in the buffer area.

### Wildlife Buffer Zone

EES notes that the Wildlife Buffer Zone (WBZ) proposed in the draft Aerotropolis SEPP is not referenced in the Discussion Paper for the Mamre Road Precinct. Clarification is sought as to whether the WBZ will apply to Mamre Road Precinct and if so:

- what are the development controls to implement the WBZ
- will the WBZ apply to existing and new land uses
- expected impacts on biodiversity values as a result of the WBZ.

### Waterway health

In terms of planning for healthy waterways and water quality, EES recommends that the new Waterway Health clause in the SEPP be prepared with reference to the mapping at Attachment B and the *Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning* (EES, 2017) available at: <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Water/Water-quality/risk-based-framework-waterway-health-strategic-land-use-planning-170205.pdf>. EES can provide the shapefiles for the mapping at Attachment B to assist in this process.

### **Floodplain risk management**

#### South Creek Sector Review

An agency working Group (AWG) has been established to assess the cumulative implications of cut and fill, blue-green grid infrastructure and development scenarios on flooding in the South Creek catchment and to develop a strategic flood assessment model to inform land use planning in the South Creek Catchment, including the Mamre Road Precinct. The Discussion Paper has acknowledged this work on page 23.

EES recommends that proponents utilise the outcomes and recommendations of the South Creek strategic flood assessment model as the basis for their flood assessments in support of development applications.

#### General comments

In the Flooding section on page 22 of the Discussion Paper, the 2<sup>nd</sup> paragraph states:

*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.*

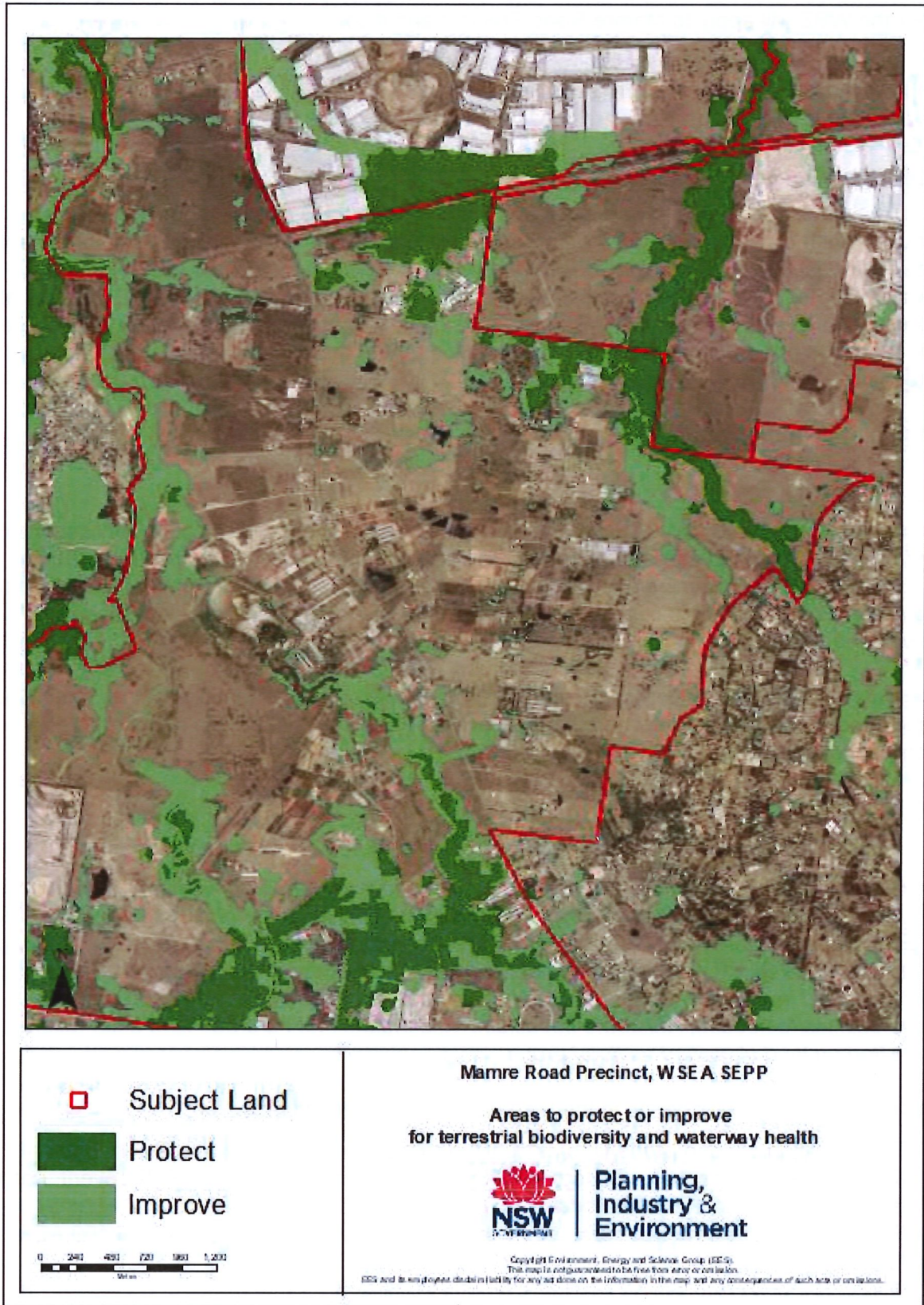
EES notes that the following terms in the Discussion Paper need clarification:

- The definition of flood prone land as outlined in the Flood Prone Development Manual (2005) is land susceptible of flooding by the probable maximum flood (PMF) event, not just land below the 1 in 100 AEP flood.
- Flood free means land not impacted by the PMF, not just land above the 1 in 100 AEP flood.

EES recommends the following be incorporated into the Development Control Plan for the Precinct:

- Recreation areas within the 1 in 100 AEP flood should incorporate development controls including emergency management measures to ensure risk to life is minimal.

**Attachment B – EES Areas to protect or improve for terrestrial biodiversity and waterway health in Mamre Road Precinct**



(END OF SUBMISSION)