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NSW Department of Planning, Industry and Environment
Via: Planning Portal

To whom it may concern,

SUBMISSION: DRAFT MAMRE ROAD DEVELOPMENT CONTROL PLAN

This submission has been prepared by Urbis Pty Ltd on behalf of ICON Oceania, in response to the release of the Draft Mamre Road Development Control Plan (**draft DCP**) by the Department of Planning, Industry and Environment (**DPIE**) in November 2020.

ICON Oceania welcomes the opportunity to comment on the DCP and seeks a continued partnership with NSW Government on the delivery of Mamre Road Precinct. It is critical to ensure the DCP's controls provide the right balance in delivering high quality industrial estates across the precinct.

ICON Oceania welcomes the release of the draft DCP. It is recognised that the DCP is the last remaining planning document required to facilitate delivery of employment land within the precinct. Therefore, it is imperative to ensure the DCP controls enable the delivery of employment lands, as there is a critical shortage in appropriately zoned and serviced employment lands across NSW.

However, ICON Oceania are very concerned about the approach DPIE has undertaken to identify locations for riparian corridors under draft DCP. The DPIE should re-examine the mapped locations of riparian corridors until such time as these have been thoroughly ground truthed. The current location of riparian corridors set out under the draft DCP will significantly diminish or prohibit the precincts ability to viably support industrial sized floorplates which are necessary for freight and logistics uses consistent with the Government's vision for the Mamre Road Precinct. It is imperative that the DCP permits mapped riparian corridors/ watercourses to be modified or relocated and consolidated where a better ecological outcome can be demonstrated to ensure industrial land uses can be delivered in the Precinct.

ICON Oceania also have serious concerns with the proposed controls for earthworks and retaining walls. Given the significant topography variation across the Precinct the draft DCP controls will create considerable barriers to the delivery of industrial employment land within the Precinct.

1. ABOUT ICON OCEANIA

ICON Oceania is a diverse property group with nearly 20 years of experience in property development. Through comprehensive knowledge and expertise from a range of exclusive projects throughout Sydney, ICON Oceania has established a reputation for delivering quality and luxury accommodation with enduring value for residents and investors.

ICON Oceania has created in excess of 15 developments and investments with a gross value over \$.5 Billion. ICON Oceania has successfully collaborated with national builders such as IconCo, Grocon and award winning architects including Koichi Takada Architects, WMK, Tzannes Architects, Tonkin Zulaikha Greer, Turner Associates, Kann Finch and SJB.

1.1. LAND INTERESTS IN MAMRE ROAD PRECINCT

ICON Oceania are undertaking due diligence with the intention to purchase and develop the following sites in the Mamre Road Precinct:

- 113 – 127 Aldington Road, Kemps Creek (Lot 36 DP 258949)
- 129 – 139 Aldington Road, Kemps Creek (Lot 35 DP 258949)
- 141 – 153 Aldington Road, Kemps Creek (Lot 34 DP 258949)

The 113 – 153 Aldington Road site (subject site) has a combined area of approximately 30 hectares, with an approximate frontage to Aldington road of 410 metres.

In June 2020, the Mamre Road Precinct was rezoned to facilitate industrial development with land also set aside for E2 Environmental Conservation, RE1 Private Recreation, RE2 Public Recreation and SP2 Infrastructure Purposes.

As illustrated in **Figure 1** the subject site is zoned IN1 - General Industrial with a slither of E2 - Environmental Conservation zoning traversing the site from the northwest. The subject site has notable topography with falls of 45m, two high points in the southern lot and a mapped watercourse.

Figure 1 Land Zoning

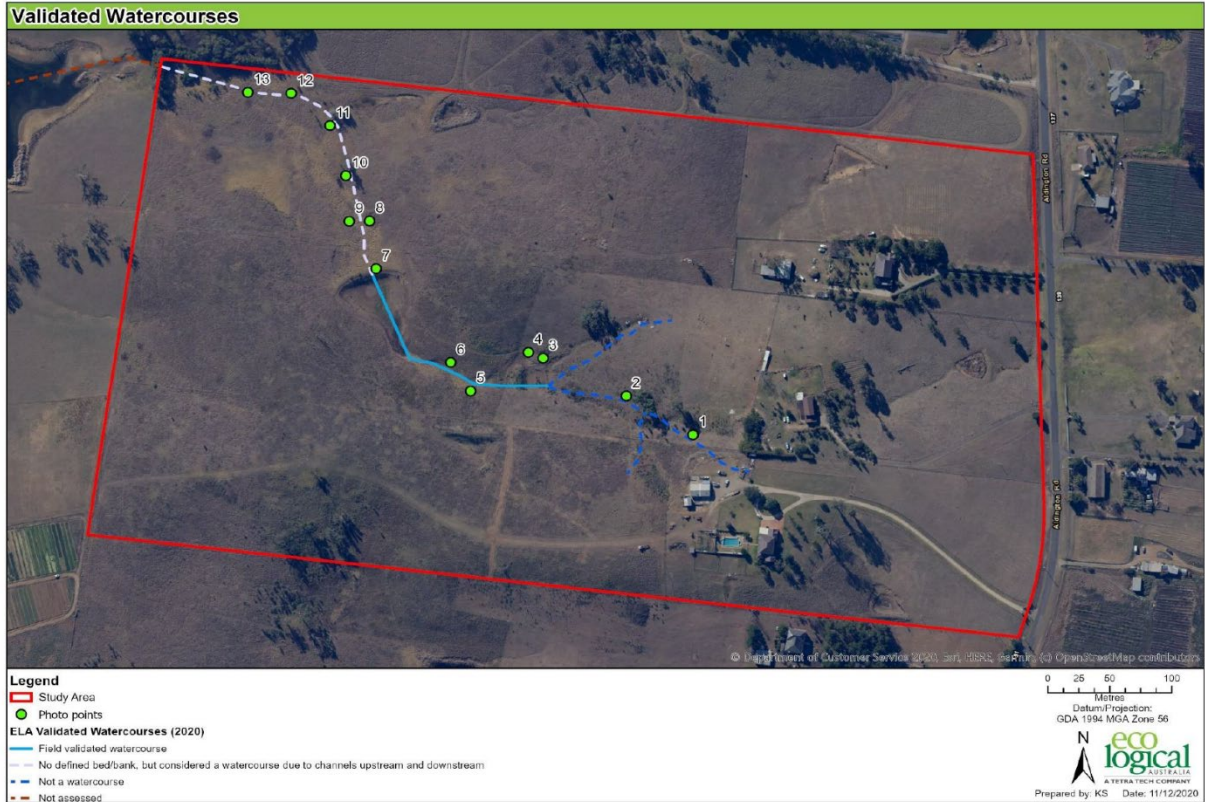


Source: ELA (extracted from WSEA SEPP)

Riparian Constraints Assessment

Eco Logical Australia (ELA) have undertaken a Riparian Constraints Assessment of the E2 Environmental Conservation zoned land traversing the subject site to ground truth the mapped watercourse and establish the quality and presence of vegetation. The ELA assessment established that the mapped watercourse does not meet the definition of a ‘river’ in accordance with the *Water Management Act 2000* (WM Act) in some places with no bed or banks, whilst in other sections it is a more defined channel linking farm dams (see **Figure 2**).

Figure 2 Field validated Watercourses



Source: ELA

The field survey demonstrates that the mapped watercourse or ‘river’ is in very poor condition, with some reaches having no defined bed or bank and others being dominated by exotic grasses and weeds.

Given the degraded nature of the limited vegetation present, large occurrence of weed species through the site and the large farm dams buffering high velocity flow and erosion, ELA considered it unlikely that the mapped second order watercourse within the study area links remnant native vegetation with the riparian biodiversity system of the Wianamatta-South Creek Biodiversity Corridor.

Given the mapped watercourse is in very poor condition and will be impacted significantly by earthworks both on the site and on surrounding sites there is a strong argument for its relocation and consolidation to improve its ecological function and facilitate appropriate stormwater conveyance.

Section 2.3 of this Submission contains further discussion regarding the recommended amendments to the Biodiversity objectives and controls within the draft DCP to facilitate industrial development.

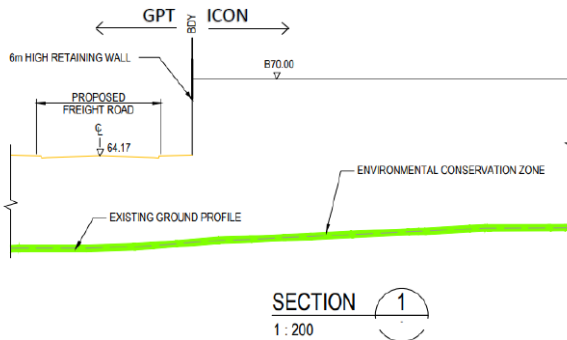
Engineering Constraints Assessment

Preliminary engineering advice from AT&L has identified that given the fixed points of Aldington Road to the east and the dedicated freight corridor (freight road) to the west (levels provided by TfNSW), significant retaining walls (potentially up to 10m high) will be required across the site to create typical building pads suitable for industrial use. Internal roads have been indicatively designed to be compliant in terms of grade with an intersection at Aldington Road which will be required for access to the site.

Figure 2 below is an indicative section prepared by AT&L illustrating the variation in ground levels along the northern boundary of 113-127 Aldington Road, Kemps Creek. The section uses the levels of the proposed freight road (provided by TfNSW) as it runs through the GPT site at 784-786 Mamre

Road and a ground level set by the fixed level of Aldington Road, allowing for complaint gradient changes across the site.

Figure 3 Indicative Section 1



Source: AT&L

The section illustrates that to the west of the site at grade connectivity within the existing E2 Environmental Conservation zoned portion of the site and adjoining sites through the freight road corridor is not achievable.

Section 2.10 of this Submission address recommended amendments to the earthworks and retaining walls controls within the draft DCP to facilitate industrial development.

2. DRAFT MAMRE ROAD DCP

ICON Oceania welcome the opportunity to comment on the Draft Mamre Road Development Control Plan (**draft DCP**) and commends the Department of Planning, Industry and Environment (**DPIE**) and Penrith City Council (**Council**) on progressing planning for the Mamre Road Precinct.

2.1. VARIATIONS TO DCP CONTROLS

ICON Oceania support the inclusion of Section 1.5.2 which explicitly allows variations to the DCP controls where the variation can be justified and the intent of the controls is retained.

Flexibility in the application of controls within the DCP is critical to enable the efficient delivery of industrial uses and achieve the vision and objectives of the Western Parkland City.

2.2. PRECINCT VISION AND STRUCTURE PLAN

ICON Oceania support the precinct vision for the Mamre Precinct as a world-class industrial area, primarily catering for warehousing and logistics and forming an extension of the Western Sydney Employment Area.

The vision includes reference to the implementation of the blue and green grid. The Green Grid is an interconnected network of open space founded on the 'blue grid' of waterways and watercourse that thread throughout Greater Sydney.

ICON Ocean support the intent of the blue and green grid but emphasize that it must be rationalised and ground-truthed to ensure the appropriate balance between the significant opportunity for Mamre Road to satisfy short and medium term demand for industrial land supply and the need to conserve environmental land with genuine biodiversity value.

See **Section 2.4** of this Submission for further discussion on recommended amendments to the draft DCP in relation to Riparian Land.

2.3. BIODIVERSITY

Section 2.2 of the draft DCP contains a series of guiding principles, objectives and controls seeking to ensure a balance between biodiversity conservation and urban development to deliver the dual outcomes of environmental protection and employment generation.

ICON Oceania support the overarching biodiversity principle outlined in the draft DCP to *avoid, minimise and offset the impacts of development and land use change on biodiversity*.

Figure 3 of the draft DCP identifies indicative riparian corridors and areas of high biodiversity value (see **Figure 4** below). It does not accurately reflect existing conditions in the Mamre Road Precinct and the mapping of 'areas of high biodiversity value' without detailed ground truthing and ecological assessment is concerning.

Figure 4 Biodiversity Areas and Riparian Network (Figure 3 of draft DCP)



Source: DPIE

Given the degraded nature of the limited vegetation present across some of the mapped E2 Environmental Conservation zoned land (particularly the east west link through the centre of the Precinct) it is considered unlikely to link remnant native vegetation with the riparian biodiversity system of the Wianamatta-South Creek Biodiversity Corridor as outlined within the draft DCP. Arguably in some circumstances the relocation and consolidation of a mapped water course of severely degraded environmental value and resulting E2 Environmental Conservation zoned land would result in a better ecological outcome consistent with the following draft DCP objectives:

- 'To retain and protect native vegetation areas and provide for areas with a size and configuration that will allow for the survival and improvement of the native vegetation communities in the long term'.
- 'To retain native vegetation in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term.
- 'To provide a biodiversity corridor system linking remnant native vegetation across the Precinct with the riparian biodiversity system, including along Wianamatta-South Creek, Kemps Creek and Ropes Creek.

The draft DCP contains controls which limit Stormwater and road infrastructure, including pipelines and detention basins, from being located within land zoned E2 Environmental Conservation. These uses are permissible within the E2 Environmental Conservation Zone under the *Western Sydney Employment Area State Environmental Planning Policy (WSEA SEPP)* and the draft DCP should be revised to ensure consistency.

The draft Cumberland Plain Conservation Management Plan (CPCP) is currently under review and should not be reflected in the DCP until on-the-ground investigations of biodiversity value occur across the Precinct.

Recommendations:

- **As the existing environment is not accurately reflected within the draft DCP maps it is recommended that Figure 3 of the DCP is revised with 'areas of high biodiversity value' referred to as 'potential areas of biodiversity value' which is subject to ground truthing**
- **The draft DCP controls under 'Environmental Conservation and Recreation Zones' should be revised so as to not prohibit permissible land uses under the WSEA SEPP (ie. detention basins and artificial waterbodies within E2 Conservation land).**
- **The draft Cumberland Plain Conservation Management Plan (CPCP) must not be adopted and reflected in the DCP until on-the-ground investigations of biodiversity value occurs across the Precinct.**

2.4. RIPARIAN LAND MANAGEMENT

Section 2.5 of the draft DCP contains objectives and controls in relation to riparian land. Independent field surveys of watercourses across the Precinct has identified that not all mapped watercourses meet the definition of a 'river', as there are no defined bed and banks observed in some areas where the watercourses are currently mapped. Furthermore, the presence of a number of weed and exotic species indicate poor stream health.

The controls in the draft DCP are very prescriptive and require that within a riparian corridor, as indicatively identified in Figure 2 and Figure 3 of the draft DCP (see **Figure 2** above) "*all existing native vegetation is to be retained and rehabilitated, except where clearing is required for essential infrastructure such as roads.*"

Given the mapped second order watercourse within the subject site is highly unlikely to link remnant native vegetation with the riparian biodiversity system of the Wianamatta-South Creek Biodiversity Corridor. The relocation and consolidation of the indicatively mapped riparian corridor to the north of the site adjacent to the mapped E2 land to the north-west would arguably result in a better outcome.

Furthermore, given the significant topography across the Precinct and the nature of industrial development, significant earthworks will be required and it will be very difficult to impossible to maintain the majority of the existing drainage lines in their existing location without significant impacts on development outcome and the ability to deliver employment uses within Mamre Road Precinct.

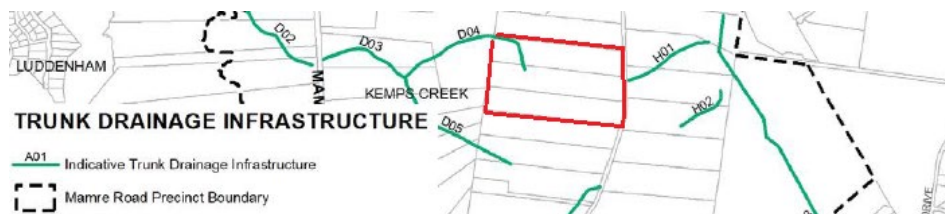
Recommendation:

- The DCP must remove reference to all controls related to ‘avoid modifications to natural watercourse’. If these controls are implemented, they will significantly impact the ability to deliver industrial uses within the Precinct.
- The DCP should state that mapped watercourses are able to be relocated and consolidated following Ecological Assessment which confirms the proposed development does not adversely impact native vegetation, water cycle management and habitat, and the relocation and consolidation will result in a better ecological outcome.

2.5. INTEGRATED WATER CYCLE MANAGEMENT

Section 2.6 of the draft DCP contains objectives and controls in relation to stormwater management. Major trunk drainage elements proposed are shown in Figure 6 of the draft DCP (extract below in Figure 3).

Figure 5 Indicative Trunk Drainage Infrastructure



Source: DPIE

The DCP shows an Indicative trunk drainage line running through the subject site which is identified in the draft Mamre Road Section 7.11 Plan for acquisition by Penrith Council. The mapping of trunk drainage elements is considered premature since limited modelling has been undertaken by the NSW Government. The linking of trunk drainage elements to indicative watercourses will prevent the realignment and relocation and consolidation of watercourses following ground truthing, ecological studies and detailed hydrological modelling of post development ground levels.

Control 11 states “Development consent must not be granted on land which is to be serviced by this infrastructure until such time as it has been delivered to the satisfaction of the trunk drainage manager (Council or other).”

Recommendation:

- Figure 6 and Control 11 in relation to trunk drainage should be removed from the DCP to allow site specific modelling and an appropriate assessment of post development landforms.
- The mapping of trunk drainage elements should be removed from the DCP since limited modelling has been undertaken by the NSW Government.

2.6. SUBDIVISION DESIGN

Section 3.1 of the draft DCP contains objectives and controls to guide subdivision across the Precinct.

Control 6 states “Land zoned E2 Environmental Conservation must not be subdivided unless the consent authority is satisfied appropriate arrangements have been made for revegetation and rehabilitation of the land in accordance with a Vegetation Management Plan (VMP), including arrangements for ongoing monitoring and management.”

This control is very limiting, particularly given the location of E2 Environmental Conservation Zoned land is currently being investigated on a case by case basis as SSD DAs are lodged with DPIE.

Control 8 states: “Lots adjoining the intermodal terminal and integrated freight network should be larger lots to support the development of the intermodal terminal and co-located freight and logistics development.”

It is unclear what is meant by ‘larger lots’, and whether this control will apply only to the lots facing Mamre Road (on which the integrated freight network runs) or also on the lots facing Aldington Road which abut the IFN alignment.

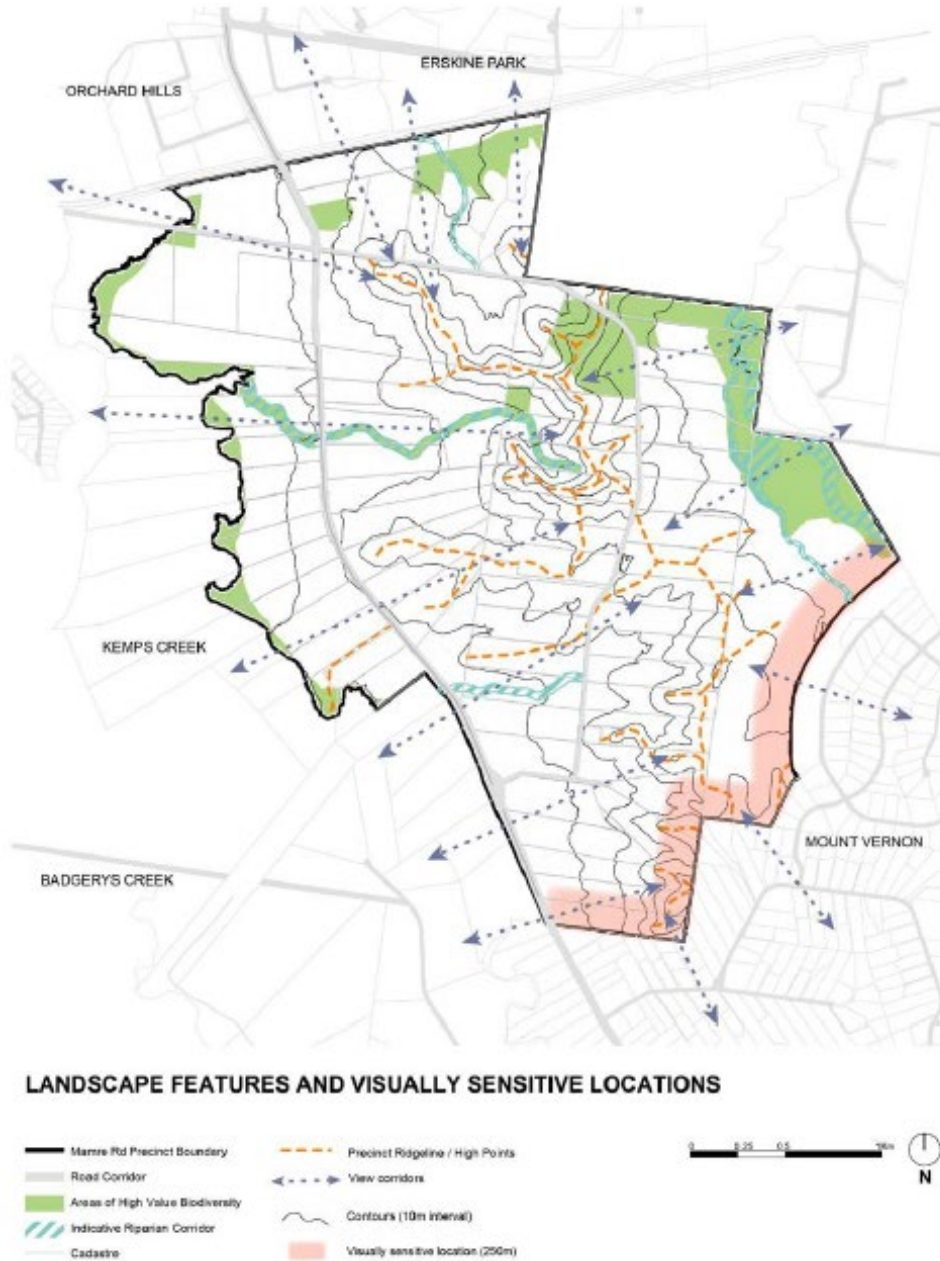
Recommendation:

- **Control 6 should be revised to state that E2 Environmental Conservation land can only be subdivided where an improved ecological outcome is demonstrated.**
- **Clarify the size and location of ‘larger lots’ required adjoining the integrated freight network.**

2.7. VIEWS AND VISUAL IMPACTS

Section 3.2 of the draft DCP establishes a set of objectives and controls to maintain the views and vistas within and around the precinct. Figure 10 of the draft DCP (**Figure 4**) identifies key landscape features, view corridors and visually sensitive locations in the precinct.

Figure 6 Landscape Features and Visually Sensitive Locations



Source: DPIE

The DCP prescribes controls that intend to mitigate the impacts of Industrial Development to these corridors and visually sensitive locations. This section of the DCP conflicts with the very purpose of the Mamre Road Precinct, which is to provide employment through industrial and warehouse development.

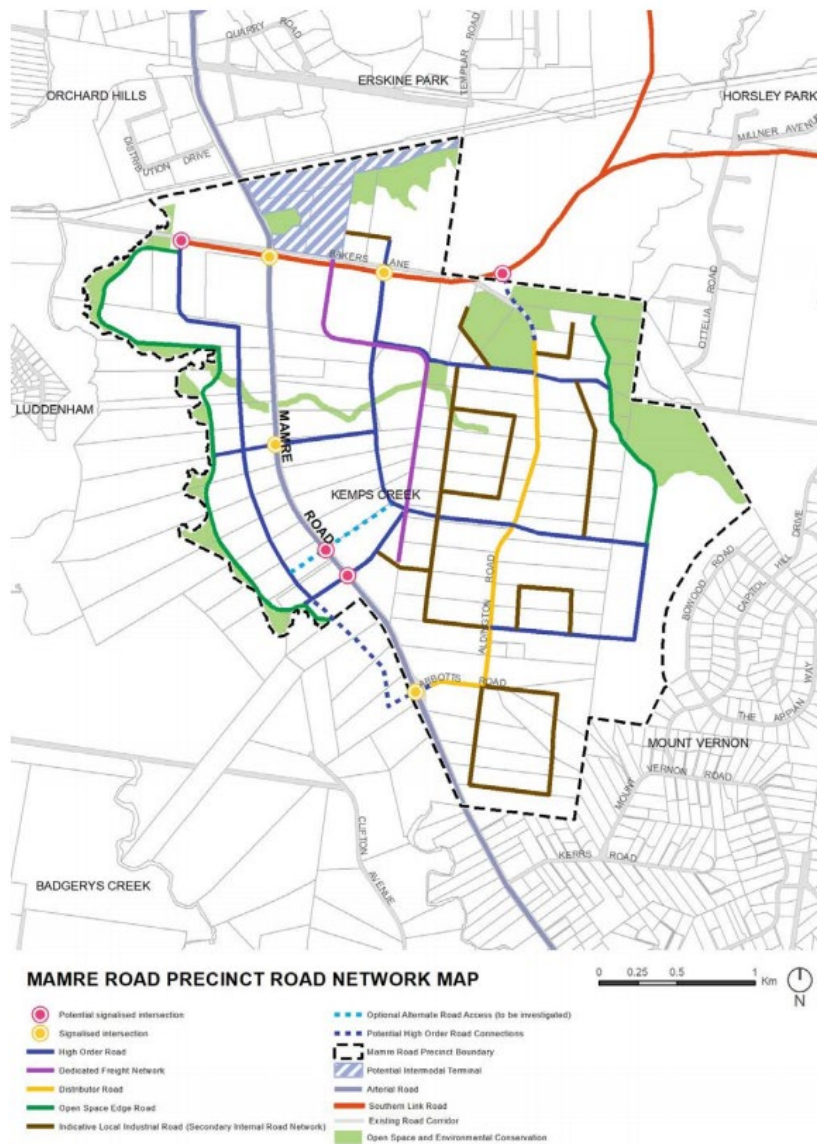
Industrial development requires relatively level building sites and given the existing topography of the Precinct significant earthworks will be required to facilitate this. The scale of earthworks required will alter the existing landscape and change the topography patterns.

Recommendation: The current DCP controls are misaligned with the future industrial nature of the Mamre Road Precinct. It is recommended additional commentary is included acknowledging the fact that views and vistas will ultimately be altered across the precinct as a result of the intended Industrial Development and associated earthworks.

2.8. ROAD NETWORK, HIERARCHY AND DESIGN

Section 3.4 of the draft DCP contains objectives and controls for the future road network and establishes a road network hierarchy and design. Figure 10 of the draft DCP contains a Road Network Map (Figure 5 below).

Figure 7 Road Network Map (Figure 14 of draft DCP)



Source: DPIE

The Road Network Plan identifies Aldington Road as a key north south distributor road with limited access points and no direct access from existing lots.

Control 6 states “No direct vehicle access to Mamre Road or Southern Link or distributor roads are permitted”. Further consultation with landowners and assessment of the number and location of intersections with Aldington Road should be undertaken

Given the fragmented nature of the land holdings temporary access to distributor roads will be required until the broader network connections are established.

Recommendation:

- **Control 6 stating no direct vehicular access to distributor roads should be revised to allow site specific modifications where it can be demonstrated that an alternate road layout can satisfy the objectives of the draft DCP.**
- **The DCP should include a provision allowing temporary access to Aldington Road for sites constrained by the proposed internal Road Network.**

2.9. BUILT FORM

Section 4.2 of the draft DCP contains objectives and controls in relation to built form.

Building Height - Buildings should not exceed a maximum height of 16m from the existing ground level within 250m of a rural-residential zone. For all other sites, a maximum building height of 20m from existing ground level is permitted.

Building height should be measured from finished ground level or pad level as opposed to natural ground level given the significant bulk earthworks required across the precinct.

The draft DCP outlines that landscape design should contribute to a canopy cover target of 40% with a minimum of 15% of the site area to be pervious. Given the industrial nature of the precinct and expected large format warehouse style buildings and hard stand suitable for heavy vehicle movements these controls are inappropriate.

Recommendation:

- **Given the significant variation in topography and bulk earthwork which will be undertaken to make the sites suitable for Industrial Development:**
 - **Building height should be measured at finished ground level as opposed to existing ground level; and**
 - **Controls in relation to sloping sites should be deleted.**
- **Landscape canopy cover should be a Regional or Precinct wide objective rather than a lot by lot target.**
- **The 15% site permeability requirement should be reduced to 5% given the highly developed nature of industrial estates. It should also be clarified that the 5% target is to be applied across the initial subdivision and is not required for each future built form development application.**

2.10. EARTHWORKS AND RETAINING WALLS

Section 4.4.1 of the draft DCP contains objectives and controls in relation to earthworks and retaining walls for sloping sites.

Bulk earthworks will require consideration of levels on adjoining properties (both existing and proposed by development applications pertaining to those sites) and the precinct wide road pattern to ensuring feasible development for industrial purposes and coordination with adjoining sites. It is noted

that a number of SSDs currently under assessment by the DPIE propose retaining walls significantly greater than 3m.

Preliminary engineering advice obtained by ICON Oceania for the subject site has indicated that significant bulk earthworks and retaining walls will be required to ensure appropriate interface with Aldington Road to the east and the Integrated Freight Network to the west.

Given the significant topography variation across the Precinct the controls within this section of the draft DCP need to be revised to allow for appropriate earthworks and retaining walls to facilitate industrial development.

Recommendation:

- **The controls for earthworks and retaining walls must reflect and allow response to the current topographical constraints across the precinct. The current wording in the Draft DCP will not enable delivery of industrial uses. It is recommended that the controls be amended to enable greater flexibility in the use of cut and fill to create suitably sized development pads for industrial development.**
 - **Control 4 be revised to increase the maximum height of retaining walls adjacent to the public domain from 1m to 10m.**
 - **Control 7 be revised to increase the maximum height of fill retaining walls from 3m to 12m.**
 - **Control 13 is to be deleted as split level and pier foundation building design is not appropriate for industrial warehouse buildings.**

3. SUMMARY OF KEY RECOMMENDATIONS AND CONCLUSION

Thank you for the opportunity to provide comments on the draft Mamre Road Development Control Plan. ICON Oceania has the following key recommendations for the Department of Planning Industry and Environments consideration:

- Biodiversity
 - As the existing environment is not accurately reflected within the draft DCP maps it is recommended that Figure 3 of the DCP is revised with ‘areas of high biodiversity value’ referred to as ‘potential areas of biodiversity value’ which is subject to ground truthing
 - The draft DCP controls under ‘Environmental Conservation and Recreation Zones’ should be revised so as to not prohibit permissible land uses under the WSEA SEPP (ie. detention basins and artificial waterbodies within E2 Conservation land).
 - The draft Cumberland Plain Conservation Management Plan (CPCP) must not be adopted and reflected in the DCP until on-the-ground investigations of biodiversity value occurs across the Precinct.
- Riparian Land Management
 - The DCP must remove reference to all controls related to ‘avoid modifications to natural watercourse’. If these controls are implemented, they will significantly impact the ability to deliver industrial uses within the Precinct.
 - The DCP should state that mapped watercourses are able to be relocated and consolidated following Ecological Assessment which confirms the proposed development does not adversely impact native vegetation, water cycle management and habitat, and the relocation and consolidation will result in a better ecological outcome.
- Integrated Water Cycle Management
 - Figure 6 and Control 11 in relation to trunk drainage should be removed from the DCP to allow site specific modelling and an appropriate assessment of post development landforms.
 - The mapping of trunk drainage elements should be removed from the DCP since limited modelling has been undertaken by the NSW Government.
- Subdivision Design
 - Control 6 should be revised to state that E2 Environmental Conservation land can only be subdivided where an improved ecological outcome is demonstrated.
 - Clarify the size and location of ‘larger lots’ required adjoining the integrated freight network.
- Views and Visual Impact
 - The current DCP controls are misaligned with the future industrial nature of the Mamre Road Precinct. It is recommended additional commentary is included acknowledging the fact that views and vistas will ultimately be altered across the precinct as a result of the intended Industrial Development and associated earthworks.
- Road Network, Hierarchy and Design

- Control 6 stating no direct vehicular access to distributor roads should be revised to allow site specific modifications where it can be demonstrated that an alternate road layout can satisfy the objectives of the draft DCP.
- The DCP should include a provision allowing temporary access to Aldington Road for sites constrained by the proposed internal Road Network.
- Built form
 - Given the significant variation in topography and bulk earthwork which will be undertaken to make the sites suitable for Industrial Development:
 - Building height should be measured at finished ground level as opposed to existing ground level; and
 - Controls in relation to sloping sites should be deleted.
 - Landscape canopy cover should be a Regional or Precinct wide objective rather than a lot by lot target.
 - The 15% site permeability requirement should be reduced to 5% given the highly developed nature of industrial estates. It should also be clarified that the 5% target is to be applied across the initial subdivision and is not required for each future built form development application.
- Earthworks and Retaining Walls
 - The controls for earthworks and retaining walls must reflect and allow response to the current topographical constraints across the precinct. The current wording in the Draft DCP will not enable delivery of industrial uses. It is recommended that the controls be amended to enable greater flexibility in the use of cut and fill to create suitably sized development pads for industrial development.
 - Control 4 be revised to increase the maximum height of retaining walls adjacent to the public domain from 1m to 10m.
 - Control 7 be revised to increase the maximum height of fill retaining walls from 3m to 12m.
 - Control 13 is to be deleted as split level and pier foundation building design is not appropriate for industrial warehouse buildings.

The Mamre Road Precinct has the potential to create over 5,000 new jobs within a new employment hub for Western Sydney with excellent transport links and in close proximity to the new Western Sydney International (Nancy-Bird Walton) Airport at Badgerys Creek. ICON Oceania commend the Department of Planning Industry and Environment for progressing planning for this precinct. However, the successful delivery of employment land in Mamre Road Precinct is dependent on consideration of the recommendations contained within this submission.

Should you have any questions regarding the content of this submission, please do not hesitate to contact Genevieve Beard on 0425889944 or gbeard@urbis.com.au.

Yours sincerely,



Genevieve Beard
Senior Consultant