17 December 2020

Ms Jane Grose
Director
Department of Planning, Industry and Environment
4 Parramatta Square
12 Darcy Street
Parramatta, NSW 2150

Dear Jane,

SUBMISSION: DRAFT MAMRE ROAD DEVELOPMENT CONTROL PLAN

This submission has been prepared in response to the release of the draft Mamre Road Development Control Plan (**DCP**), which is on exhibition from 10 November 2020 to 17 December 2020. The Camilleri family (**the landowner**) welcomes the opportunity to comment on the DCP and seeks a continued partnership with the NSW Government on the delivery of Mamre Road Precinct.

The landowner congratulates the Department of Planning, Industry and Environment (**DPIE**) on releasing 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 critical to ensure the DCP facilitates the right balance of planning controls to enable investment in the precinct. We view our site as an integral part of the success of Mamre Road Precinct due to its proximity to the potential intermodal terminal, Mamre Road, future Southern Link Road, and its cadastral boundary being one of the few large, amalgamated lots within the Precinct.

1. ABOUT THE LANDOWNER

The Camilleri family has owned 706 - 752 Mamre Road, Kemps Creek (**the site**) since 2002. Over this period, we have seen the investment in Western Sydney evolve through the establishment of the Western Sydney Employment Area (**WSEA**) and the Western Sydney Growth Areas. This significant investment is welcomed as it enables residents' access to key employment areas and services within 30 minutes.

706 – 752 Mamre Road, Kemps Creek, known as Lot 1 in DP 104958, is located in the northern part of the Mamre Road Precinct. The site area totals 52.27 hectares (**ha**) and is unique to Mamre Road Precinct due to its large, amalgamated lot arrangement.

The site is strategically located closest to the existing Erskine Business Park to the north and has significant opportunities to leverage the benefits of various transport and infrastructure corridors including:

- Mamre Road;
- future Southern Link Road;
- proposed Western Sydney Freight Line; and
- potential Western Sydney Intermodal Terminal.

To properly leverage the benefits of the site's strategic geographic position, it is critical to ensure the DCP controls are sympathetic to the needs of industrial development and the market. Therefore, we request the DPIE to adopt the following comments and recommendations for the DCP.

2. COMMENTS AND RECOMMENDATIONS FOR THE DEVELOPMENT CONTROL PLAN

The Camilleri family has a number of significant concerns with the proposed DCP that require clarification or reconsideration prior to the finalisation of the exhibition package. We are currently in an exclusive due diligence phase with a prospective buyer and require these amendments to be adopted to facilitate a timely transaction and continued investment in employment lands within the precinct. These issues are critical to the timely delivery and resulting success of Mamre Road Precinct.

2.1. TRANSPORT NETWORK

The draft DCP identifies a strategic network that will allow for the development of the precinct to be supported by a logical, efficient, and highly connected road network. Development in the precinct is required to be consistent with this Road Network Plan (refer to **Figure 1** below).

The site is affected by several road corridors including:

- Mamre Road;
- Southern Link Road;
- High Order Road; and
- Dedicated Freight Network.

The identification of this road network is premature, as it is understood transport modelling is currently underway. The DPIE must share the results of this transport modelling with every landowner within the Mamre Road Precinct. It is critical for each landowner to understand the nexus between the transport modelling, and the identified roads in the Road Network Plan contained in the DCP.

In addition to the broader modelling, there are discrepancies between the naming of road typologies in the road sections, and the road classifications used in the Road Network Plan. In order to minimise confusion, the Road Network Plan must be updated to reflect the terminology associated with the road sections.

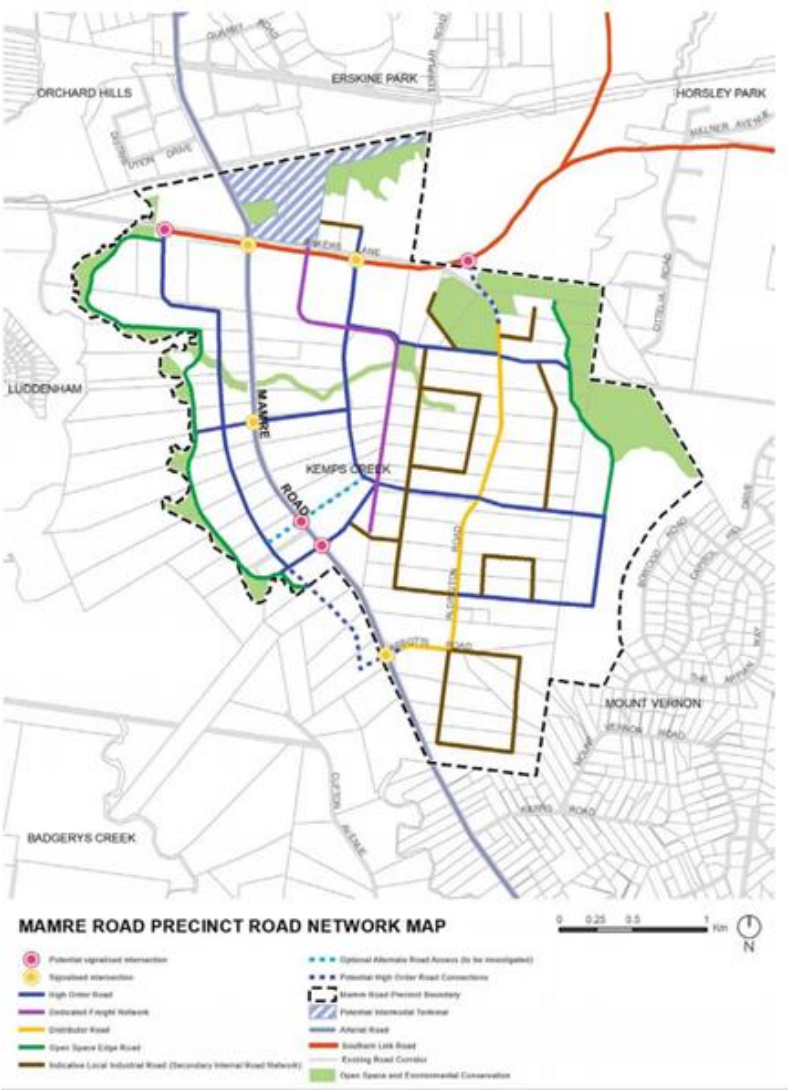
Finally, it is critical for the DPIE to work with the landowner to ensure the site has access in the short term. With no timeframes associated with delivery of upgrades for Mamre Road and Southern Link Road, it is critical to enable an interim access solution for the site off Bakers Lane or Mamre Road. The DCP must be clear interim access arrangements will be allowed, until such time that detailed design is complete, and funding is allocated to deliver these roads.

Recommendation:

1. **The transport modelling must be shared to the land owners to understand how this modelling will inform the Transport Network section within the DCP.**
2. **The Transport Network section must be reviewed and updated once the transport modelling is complete for the Precinct.**
3. **The naming terminology used in the road sections must be aligned to minimise misinterpretation. Therefore, it is recommended for Road Network Plan to adopt the road section references.**
4. **The DCP must allow an interim access arrangements for the site off Bakers Lane or Mamre Road to cater for construction and industrial purposes until such time design is complete and funding is allocated to deliver upgrades for Mamre Road and Southern Link Road.**
5. **The High-Order Road which runs along the south-eastern boundary of 706-752 Mamre Road is completely within our boundary – it would be equitable if this road were shifted south so that the road area and the intersection were split 50/50 between our site and the neighbouring site to the south. Alternatively, the width of the combined high-order road and dedicated freight line should be split 50/50 between our site and the neighbouring site.**
6. **The landscaping reserves for both High-Order Roads and Local Industrial Roads are wider than the standard 1.0 metres for industrial precincts. This negatively impacts the development feasibility of**

the precinct and provides limited additional benefit as further landscaping setback areas are required beyond the road reserves.

Figure 1 Road Network Plan



Source: Department of Planning, Industry and Environment

2.2. DEDICATED FREIGHT NETWORK

The DCP identifies a dedicated freight network, which intends to service the future intermodal terminal. The Road Network Plan shows that this dedicated Freight Network traverses through the centre of the precinct to Bakers Lane, connecting to the potential intermodal terminal.

The current form and location of the dedicated freight network is not supported and raises the following concerns which must be clarified prior to finalisation:

- How is the dedicated freight network intended to interact with other roads?
- When the dedicated freight road crosses another road, which road reserve is given priority?
- How will this corridor interface with the adjoining industrial land and what restrictions might this present?
- What utilisation of the land will be permitted in the interim?

The establishment of this dedicated freight road network is considered premature and not well developed. Transport for NSW needs to provide further analysis on the role and purpose of the dedicated freight road network. It is viewed this alignment will likely become redundant as industrial goods are delivered across the broader Precinct, Aerotropolis and Western Sydney. Freight goods will be leaving and entering the intermodal terminal from other areas beyond the Mamre Road Precinct. Until these questions are answered and rationale provided by Transport for NSW, the dedicated freight network cannot be supported.

Recommendation:

7. Further analysis and clarification on the dedicated freight network is required (including the interface with adjoining land, indicative timing for use of the corridor, the ultimate owner etc) prior to introducing controls in the DCP.

2.3. EARTHWORKS AND RETAINING WALLS

The draft DCP prescribes controls for earthworks and retaining walls for development on sloping sites. In summary, these controls prescribe the following:

- numerical limitations on excavations and fills;
- numerical limitations on finished levels and level differences;
- additional setbacks for cut or fill retaining walls;
- minimisation of site disturbance; and
- minimisation of retaining walls and earthworks.

These controls are considered too prescriptive and are not supported. Due to the precinct's topography, bulk earthworks and the implementation of retaining walls will have to be undertaken to facilitate delivery of employment. The retention of the proposed DCP controls will restrict the delivery of diverse land and building products.

Therefore, it is proposed to reword the following controls:

- Control 4: The requirement that retaining walls can only be a max 1m in height adjacent to public domain boundaries is impractical. The slope of the precinct varies up to 120m. It is recommended to amend the control to allow 5m.
- Control 7: Modify maximum height to 8m. The precinct is undulating and has steep slopes.
- Control 12: Fill material must include resource recovery materials.
- Control 13: Delete reference to pier foundation building design. This design is not practical for industrial building construction.

Recommendation:

8. **The controls for earthworks and retaining walls must reflect and allow response to the current topographical constraints across the precinct and should be typical of an industrial estate. The current wording 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 and larger retaining walls to create suitably sized development pads.**

2.4. BUILT FORM AND DESIGN CONTROLS

2.4.1. Landscaping

The DCP establishes the following landscaping controls for industrial development in the Mamre Road Precinct:

- Landscape design should contribute to the Greater Sydney Regional Plan canopy cover target of 40%, including by retaining existing paddock trees, windows and large canopy trees where possible, and adding to the existing canopy.
- Minimum of 15% of the site area is to be pervious. Achieved via either landscaping or the use of permeable paving materials.

These controls should be moved to objectives, as they are a target. In addition, the DCP needs to clearly state the 40% tree canopy target is for metropolitan Sydney and should not be used as an assessment metric against proposed development within the precinct or lot as the controls should be consistent with an industrial precinct. Instead, development applications must clearly state how they are contributing to the 40% tree canopy target by retaining existing trees or delivering additional tree through landscaping across the estates. In addition, the 15% pervious surface target is extremely difficult for industrial uses to achieve due to site coverage requirements.

2.4.2. Building Design

The DCP also prescribes controls for building Architectural Design. The Architectural Design controls prescribe that building design should be interesting and utilise a diversity of materials and colours on the façade including:

- Facades along the main street frontage(s) must provide a minimum of 30% glazing to strengthen passive surveillance and streetscape character.
- Use of a single construction material shall be limited to 50% of a wall surface area.

The imposition of these controls will create increased cost for industrial projects. High quality industrial precincts can achieve attractive industrial and warehouse buildings whilst still using a single wall construction material. Therefore, it is recommended for these controls to be removed as they do not facilitate a better design outcome and create barriers to delivering industrial development across the precinct.

Recommendation:

9. **The 40% tree canopy and 15% pervious surface target should be removed and inserted into objectives. They are not achievable from a lot-by-lot or precinct-wide basis, and should be assessed through a metropolitan Sydney perspective.**
   To provide NSW Government the confidence on each development contributing to these targets, a development application will outline the appropriate implementation measures which contribute to each target.
10. **The DCP must not dictate the percentage of building materials used on a development, including % coverage of glazing or single materiality. The architectural design of existing industrial buildings are well-designed, and consider effects of passive surveillance and streetscape character.**

2.5. STORMWATER MANAGEMENT

The DCP proposes stormwater management controls for development in the precinct which are based on Sydney Water's *Mamre Road Precinct Integrated Water Cycle Management Strategy.* This includes controls for the following:

- Waterway healthy and water sensitive urban design

- Trunk drainage Infrastructure

This Sydney Water document is a significant shift in water cycle management practices and raises the following concerns.

2.5.1. Impervious Surface Targets

The requirement for 35% site permeability within lots and streets is considered a high benchmark for an employment area, with the control also partly contradicting the existing site permeability control discussed in the DCP's landscape section. The Department of Planning, Industry and Environment must recognise this target is a significant shift from current industry standards. It requires significant consultation with landowners prior to implementation.

2.5.2. Trunk Drainage

The DCP also identifies the locations for trunk drainage infrastructure. The mapping of trunk drainage elements is considered premature since limited modelling has been undertaken by the NSW Government. In addition, the DCP states trunk drainage infrastructure is to be retained in private ownership unless otherwise agreed by Council. This statement is at conflict with the draft Mamre Road Precinct Section 7.11 Contribution Plan. The Section 7.11 Plan identifies all basins to be owned and maintained by Penrith City Council. The DCP and Section 7.11 Plan must be consistent.

2.5.3. Water Sensitive Urban Design

The Water Sensitive Urban Design (WSUD) reductions create a significant impact in relation to stormwater infrastructure. The DCP increases requirements in pollutant load reduction targets. Achieving these rates will significantly increase stormwater infrastructure costs. The Department of Planning Industry and Environment must understand the impacts associated with introducing new controls. The collective implementation of stormwater management controls creates a significant increase in cost for construction and operation.

2.5.4. Stormwater Management Conclusion

Based on the above sections, there is significant rework required to ensure stormwater controls meet objectives and enable delivery of employment in Mamre Road Precinct. Therefore, it is recommended to retain the DCP controls contained within the Penrith City Wide Controls C3 Water Management are considered more suitable controls for a development control plan. The DCP prescribes controls for managing the natural environment, drainage, and on-site water detention basins. These controls are considered more flexible and allow for the landholder to meet stormwater requirements where appropriate for the site.

The NSW Government Stormwater Catchment objectives for the Wianamatta South Creek will be achieved through appropriate site-specific measures formulated through discussions with a qualified engineer and council.

Recommendation:

11. **The Department of Planning, Industry and Environment must not adopt the Sydney Water study without proper consultation with landowners.**
12. **The impervious surface target is not achievable. Prior to implementation in the DCP, the Department of Planning, Industry and Environment must consult with landowners to understand the implications of introducing this control.**
13. **The mapping of trunk drainage infrastructure is premature. This needs to be confirmed via modelling, ground truthing and alternative engineering solutions.**
14. **The Department of Planning, Industry and Environment needs to work with Penrith City Council to ensure consistent approaches to acquisition or easement of drainage infrastructure.**
15. **The introduction of new benchmark controls, such as pollutant load reduction targets, must be properly assessed. The Department of Planning, Industry and Environment must understand cumulative impacts, including financial viability impacts on employment areas.**

16. **The retention of Penrith City Council C3 Water Management DCP controls is supported. They have been demonstrated to achieve balanced outcomes between appropriate infrastructure to support stormwater management and delivery of industrial development. The assessing officers can implement Wianamatta-South Creek objectives through consultation at the development application stage.**

3. CONCLUSION

The finalisation of the DCP is critical to the successful delivery of Mamre Road Precinct. The landowner holds significant concerns about a number of issues raised in the exhibition package and identifies the following recommendation which must be adopted including:

Recommendation:

1. **The transport modelling must be shared to the land owners to understand how this modelling will inform the Transport Network section within the DCP.**
2. **The Transport Network section must be reviewed and updated once the transport modelling is complete for the Precinct.**
3. **The naming terminology used in the road sections must be aligned to minimise misinterpretation. Therefore, it is recommended for Road Network Plan to adopt the road section references.**
4. **The DCP must allow an interim access arrangements for the site off Bakers Lane or Mamre Road to cater for construction and industrial purposes until such time design is complete and funding is allocated to deliver upgrades for Mamre Road and Southern Link Road.**
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6. **The landscaping reserves for both High-Order Roads and Local Industrial Roads are wider than the standard 1.0 metres for industrial precincts. This negatively impacts the development feasibility of the precinct and provides limited additional benefit as further landscaping setback areas are required beyond the road reserves.**
7. **Further analysis and clarification on the dedicated freight network is required (including the interface with adjoining land, indicative timing for use of the corridor, the ultimate owner etc) prior to introducing controls in the DCP.**
8. **The controls for earthworks and retaining walls must reflect and allow response to the current topographical constraints across the precinct. The current wording 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 and larger retaining walls to create suitably sized development pads.**
9. **The 40% tree canopy and 15% pervious surface target should be removed and inserted into objectives. They are not achievable from a lot-by-lot or precinct-wide basis, and should be assessed through a metropolitan Sydney perspective.**
   To provide NSW Government the confidence on each development contributing to these targets, a development application will outline the appropriate implementation measures which contribute to each target.
10. **The DCP must not dictate the percentage of building materials used on a development, including % coverage of glazing or single materiality. The architectural design of existing industrial buildings are well-designed, and consider effects of passive surveillance and streetscape character.**
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16. **The retention of Penrith City Council C3 Water Management DCP controls is supported. They have been demonstrated to achieve balanced outcomes between appropriate infrastructure to support stormwater management and delivery of industrial development. The assessing officers can implement Wianamatta-South Creek objectives through consultation at the development application stage.**

The Department of Planning, Industry and Environment must adopt these recommendations and consult with landowners prior to finalisation. At its current state, the DCP cannot be endorsed or accepted.

Kind regards,

Joseph Camilleri

On Behalf of the Camilleri Family

[redacted]