

14 December 2020

Our Ref: GLN11421_Mamre Road DCP Submission.docx

Mr. Jim Betts
Secretary
Department of Planning Industry and Environment
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

Via online submission

Dear Mr Betts,

RE: Submission to the Draft Mamre Road Precinct Development Control Plan 2020

GLN Planning Pty Ltd. has been commissioned by Jack Bazi (owner of Lot 125 in Deposited Plan 32140; 30-38 Mount Vernon Road, Mount Vernon NSW 2178) on behalf of property owners within the surrounding locality, specifically, Mount Vernon (refer to **Attachment A**) to prepare this submission on the draft Mamre Road Precinct Development Control Plan 2020 (**DCP**) that will apply to future development in the Mamre Road Precinct prescribed under *State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP)*.

This submission seeks to raise our clients concerns regarding visual and acoustic impacts the proposed development controls will have on his property.

The Mamre Road Precinct is located within the Western Sydney Employment Area and was rezoned in June 2020. The Precinct provides approximately 850 hectares of industrial land which could accommodate approximately 5,200 construction jobs and 17,000 ongoing jobs when fully developed. The rezoning of the Precinct is intended to preserve approximately 95 hectares of land for environmental conservation and open space and protects a site for a potential Western Sydney freight intermodal terminal. Industrial lands are areas that contain a variety of land uses, including major freight and logistics, heavy manufacturing, light industry, urban services and new economy or creative uses.

The Department of Planning, Industry and Environment has prepared the draft DCP in collaboration with Penrith City Council and other agencies, including Transport for NSW.

Our brief was to undertake a preliminary assessment of the draft DCP and the potential for development impacts to adversely impact the adjoining environmental and rural-residential lands.

1 Site Context

The City of Penrith Local Government Area (**LGA**) has a diverse landscape created from three main elements – the wide Nepean River, the flat Cumberland Plain and the rugged Blue Mountains. The forested escarpment rises abruptly on the western edge, forming a strong visual backdrop that



contrasts with the broad plains and undulating hills that extend east, and lapped by the Nepean along its base.

The properties that would be affected by additional industrial development are situated in the suburb of Mount Vernon within the south eastern corner of the City of Penrith LGA. The properties are located in the north-western portion of Mount Vernon within a sparsely populated rural neighbourhood adjoining Kemps Creek on the edge of the City of Penrith. The topography consists of low rolling to steep low hills with a local relief 50-120 metres and slopes ranging between 5-20%. Narrow ridges and hillcrests in the area are found to grade into moderately inclined side-slopes providing unobstructed regional views to the Blue Mountains ensuring high scenic qualities of the area.

According to the *Penrith Scenic & Cultural Landscapes Study* prepared by Envisage Consulting Pty Ltd. for Penrith City Council dated 03 September 2019, reference 13218, Revision 02, Mount Vernon is situated within the area classified as south-eastern low hills and valleys. It prescribes:

'This area is generally bound by The Northern Road to the west, parts of the M4 to the north and the LGA boundaries to the east and south. The area is dominated by rural and semi-rural uses interspersed with small settlements, with generally less vegetation than other parts of the LGA. The landform is mostly undulating to rolling, and in some places, there are quite wide vistas towards the distant Blue Mountains.

In the south-eastern corner of the LGA is Mount Vernon (elevated above the plain) which incorporates rural-residential land use and around Luddenham Road there is some more recent rural-residential. The water supply pipeline is also a notable industrial -like feature across this landscape'.

Regional vistas and view corridors are those that encompass distant and generally wide views of major landscape features such as the Blue Mountains and Nepean River and are important for a number of reasons, including:

- Visual connectivity across Penrith – allows viewers to orientate themselves and improves 'wayfinding' (i.e., being able to easily navigate an area),
- Allowing both residents and visitors to enjoy attractive views of these regional landscape elements,
- Serving to reduce perceived urban sprawl, as the overall urban area is punctuated with recognisable and valued vistas and views,
- Enhances the landscape character and scenic quality of the Penrith LGA and draws attention to these valued landscape elements,
- Provides a strong reference to landscape place and identity to the community.

Regional vistas and viewpoints are available from many locations across the LGA of the dominant Blue Mountains which provide an attractive backdrop west of Penrith. Although this landform is effectively outside the LGA, its visual largesse makes it integral to the character of Penrith and its sense of place.

The land known as Mount Vernon was rezoned E4 Environmental Living and identified on the Scenic and Landscape Values Map to enable rural residential development on 4 February 1994 following gazettal of *Penrith Local Environmental Plan No. 201 (Rural Lands Amendment No. 2)* (refer to **Figure**

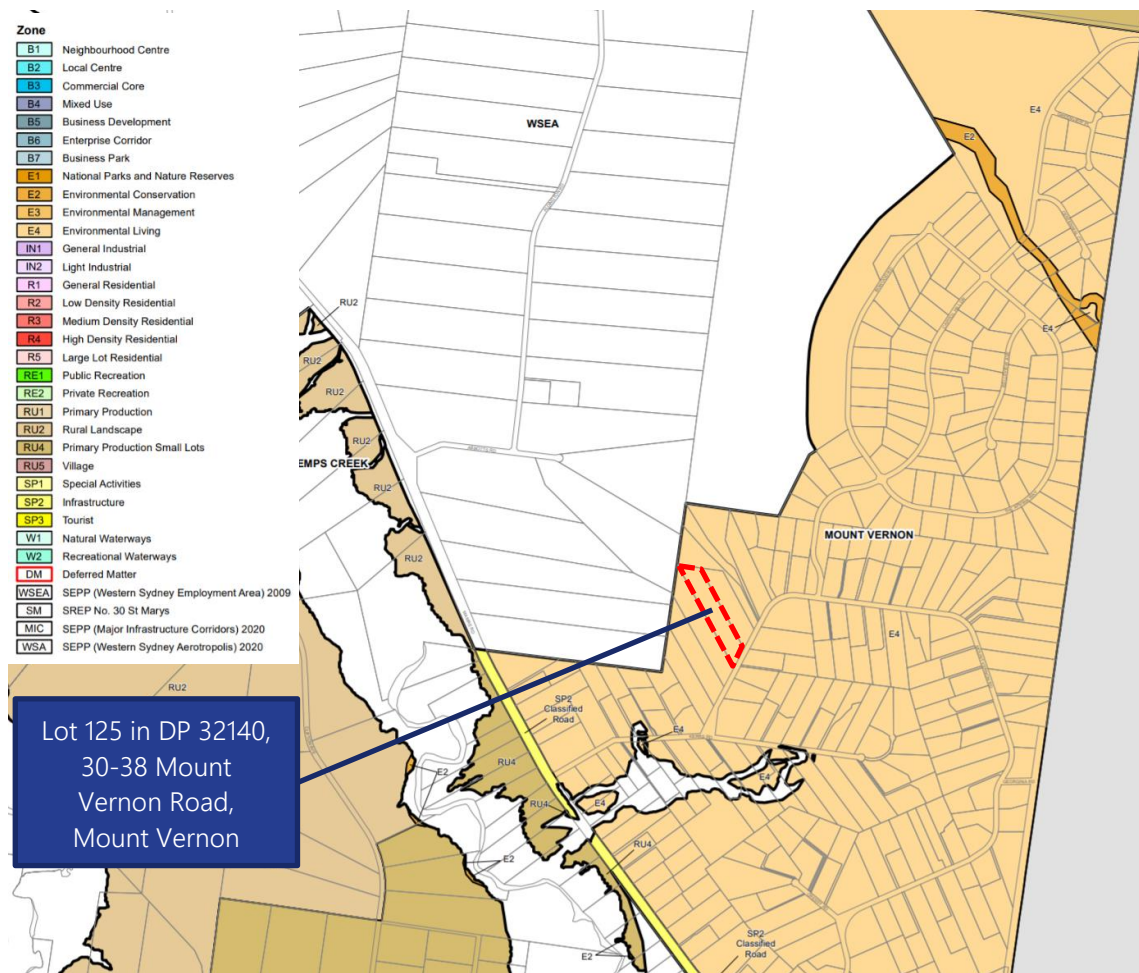


1 below and **Figure 2** over the page). This Plan and the adopted Development Control Plan allowed for rural/residential subdivision of existing allotments down to 1-hectare minimum lot size.

Pursuant to section 7.5(1) of *Penrith Local Environmental Plan 2010*, the objectives of this clause are as follows:

- a. to identify and protect areas that have particular scenic value either from major roads, identified heritage items or other public places,
- b. to ensure development in these areas is located and designed to minimise its visual impact.

Each property consists of a single paddock that traverses a series of gently undulating low hills to steep low hills. They are traversed by a ridgeline running north-east to south-west along their northern boundary, sloping steeply down on both the north and south facing slopes. Several existing dwellings are located along this ridgeline and enjoy impressive regional views. Protecting important vistas and viewpoints through the control of land use and development within associated view corridors will allow residents to maintain visual connectivity to important natural and cultural features, fostering a strong sense of place.



Source: NSW Department of Planning, Industry and Environment, 2020

Figure 1. Land use zoning



Source: NSW Department of Planning, Industry and Environment, 2019

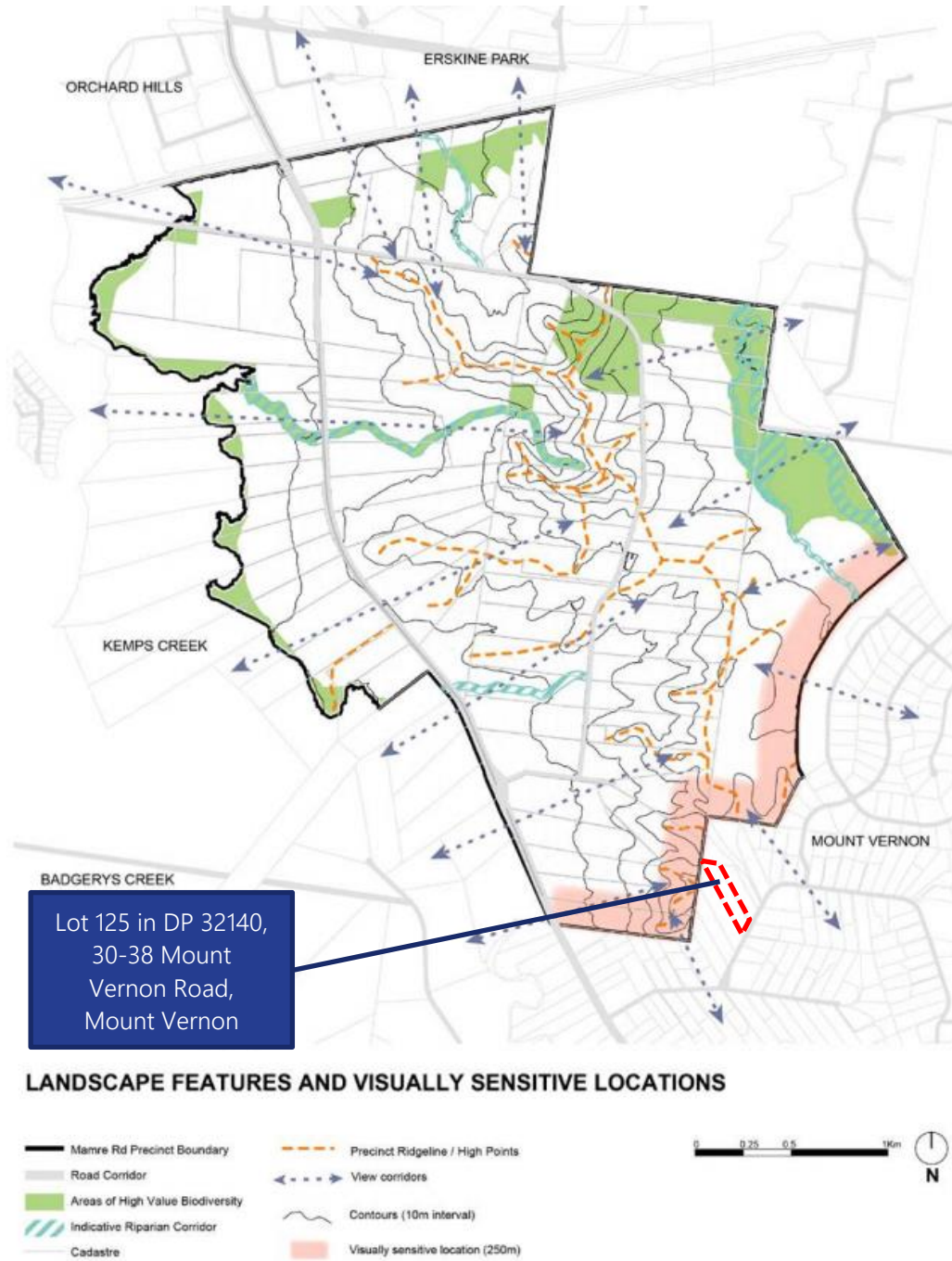
Figure 2. Scenic and Landscape Values

2 Western Sydney Employment Area Mamre Road Precinct Draft Development Control Plan 2020

The DCP has been prepared in accordance with Part 3, Division 3.6 of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

Chapter 3 'Precinct and Subdivision Design' addresses development issues including the subdivision of land, consolidation of land and boundary adjustments for industrial purposes, and the transport and traffic network for the Precinct.

Section 3.2 'Views and Visual Impacts' and specifically, section 3.3 'Interface with Mount Vernon residential area' of the DCP includes specific measures to address the interface between industrial land and existing rural residential uses in the Mount Vernon residential area. As illustrated in Figure 10 of the DCP (refer to **Figure 3** below), the south eastern boundary of the Precinct is identified as a visually sensitive location (250 metres) that would require careful consideration and treatment to maintain the visual and acoustic amenity by existing residents.



Source: NSW Department of Planning, Industry and Environment, 2020

Figure 3. Landscape features and visually sensitive locations

Specifically, the following controls have been drafted to take into consideration views and visual impacts of future development:

- 3.2(2) - Subdivision and building design should relate to the scale of adjoining rural residential buildings and consider the use of height transitions and building setbacks.



- *3.2(3) - Site design is to combine mounding and vegetation screening to soften the visual impact of the industrial use, particularly on adjoining rural residential uses.*
- *3.2(4) - Uses and building elements that are likely to adversely impact the visual amenity of adjoining rural residential areas should be sited as far as possible away from the sensitive interface and integrate suitable landscaped screening.*
- *3.2(12) - In general, buildings should not be sited on ridgelines, with lower building heights around ridgelines.*

Section 3.3 of the DCP aims to minimise the impacts from industrial uses on rural-residential residents in Mount Vernon and applies considerations such as the visual impact of development when viewed from Mount Vernon, and to minimise amenity impacts from industrial uses including noise, odour, vibration, overshadowing, privacy, and light impacts.

The DCP encourages the use of landscaping treatments including mounds and matured trees as a form of visual buffer however this form of treatment may not be sufficient to screen the rural residential uses to the south and south eastern boundary.

Specifically, the following controls have been drafted to take into consideration the interface with the Mount Vernon residential area:

- *3.3(4) - A minimum 30m building setback is to be provided to buildings that directly adjoin a rural residential zone. Access and car parking may be provided within 15m of the setback. An indicative landscape treatment within the interface area is shown in Figure 11.*
- *3.3(5) – Reduced building and landscape setbacks may be considered on the merits of the application, where it can be justified that the objectives of this clause and the requirements under clause 23 of the WSEA SEPP are achieved.*
- *3.3(7) – Development along the ridgeline is to incorporate earth mounds and screening vegetation to strengthen the existing ridgeline landform and screen views from rural-residential properties. Buildings should be sited downslope of the ridgeline, where possible.*
- *3.3(8) – Provide mature tree planting along the ridgeline.*
- *3.3(10) – Loading areas, driveways, rubbish, storage areas and roof top equipment shall, where possible, not be located adjacent to rural-residential properties.*

2.1 Potential for visual impact due to loss of rural character and decrease in existing scenic quality

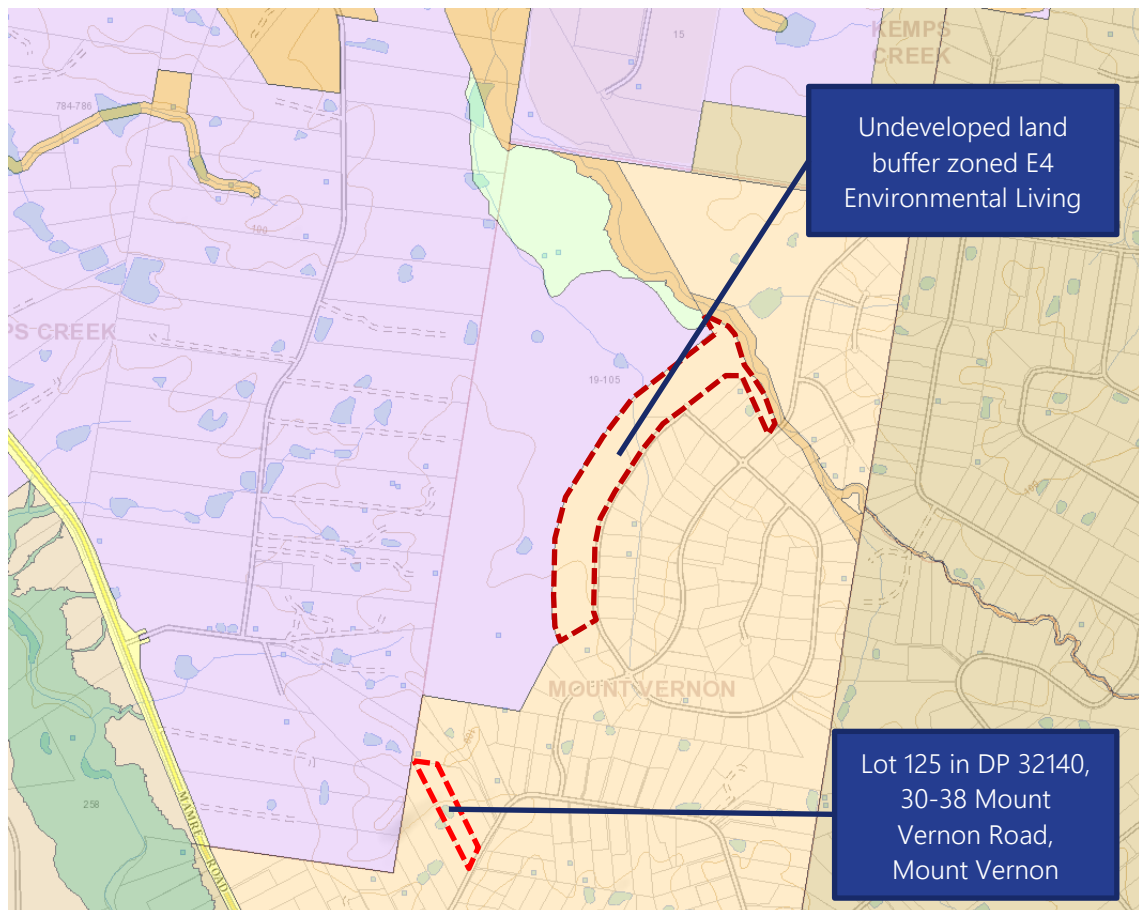
Development would transform the existing rural nature of the locality into a fully developed warehouse and distribution estate. This transformation would have moderate to high visual impacts on the views currently experienced by properties in Mount Vernon. Priority should be given to the planting of both mature trees and tube stock within landscape buffers to increase trees in these visually prominent locations. The visual impacts would be reduced to a more acceptable level through early construction of earthen mounds and landscape planting along the south and south-eastern boundary which would have around 2 to 3 years to establish before buildings are constructed near the boundary.

The DCP applies a 250 metre visually sensitive location to the south and south eastern boundary of the Precinct adjoining Mount Vernon, however the DCP only provides for a minimum 30 metre



building setback to be provided to buildings that directly adjoin a rural residential area. A reduced building and landscape setback may be considered on the merits of the application. Due to high likelihood of visual impacts along the south and south-eastern boundaries, it is suggested that the siting of buildings including setbacks, bulk and building pads in this area be subject to an urban design review process to determine appropriate setbacks, layouts and façade treatments to ensure visual impacts are minimised.

Unlike lands to the north of the Mount Vernon residential area along the eastern boundary of the Precinct adjoining Bowood Road, the rezoning of the Mamre Road Precinct has not incorporated the large strip of unvegetated land zoned E4 Environmental Living which in turn provides a buffer of approximately 150 metres to future development from existing rural residential land uses (refer to **Figure 4** below). The future development of the Precinct in terms of building scale when viewed from the Mount Vernon residential area will be significant and it is suggested visual impacts can be potentially mitigated, with the growth of screening vegetation, retention of existing mature vegetation and a greater setback requirement to future warehouse development (i.e., 150+ metres).



Source: NSW Government, Department of Customer Service ePlanning Spatial Viewer, 2020

Figure 4. Undeveloped land buffer separating rural residential lands from future development

All endeavours should be made to retain any existing large native trees that are outside of building envelopes to partially screen views from surrounding residents and maintain the rural character.



Opportunities to nominate the retention of important trees during the development assessment process should be taken where they arise.

Where major developments are proposed, future assessment should consider views from sensitive viewpoints and that any proposed development is of a scale, character and colour that is compatible with the surrounding setting, and opportunities for screening and landscaped setbacks. Where identified as particularly important, detailed requirements for building design and materials should be included to ensure a final urban character that is compatible and of high amenity. Restrictions on building materials and colours should be included so that in areas with a high degree of vegetation, muted natural colours and non-reflective materials are used (i.e., no glass balustrades and silver roofs). Further, restrictions on exterior lighting should be limited to muted tones.

Poor visual outcomes and the interface with surrounding land uses need further consideration to maintain visual breaks between surrounding land use areas to reduce the perception of urban sprawl. Residents in Mount Vernon would benefit from a Master Plan that confirms a 30m setback as a minimum, defines the boundaries, consolidates the urban core, identifies improvements such as street tree planting and retains appropriate green breaks and vegetated backdrops to the surrounding rural area.

Move this further up - Ultimately, the DCP requires further detailed design controls to address this transition area with tailored controls depending where in the Precinct development is proposed. Ultimately, adjoining landowners within Mount Vernon seek further understanding from the DCP on the transition area proposed for the south eastern side of the Precinct.

Additional amenity controls such as noise, vibration, operation hours and air quality are detailed in section 4.3 where the DCP requires acoustic, air and odour assessment reports to be provided for future proposed development.

The construction phase and ongoing use of the Precinct would present visual impacts for neighbouring residential areas, particularly during bulk earthworks when the landscape is altered from grassed rural land to exposed soil. This is the first phase of visual change in the landscape and is often associated with other amenity impacts such as dust and noise from construction machinery. Whilst these impacts are temporary, it is considered important to minimise the impacts. The construction and operational noise generated by the development has the potential to impact on the amenity of the nearest sensitive receivers being residential dwellings located to the south and south east. The DCP should take into consideration the inclusion of noise barriers, in addition to the proposed vegetation buffer.

Ultimately, the DCP allows for future development to operate 24 hours per day, seven days a week to be assessed on a merit basis. Noise associated with warehouse operations will likely include machinery, plant and traffic noise. The DCP does not specifically outline the hours of operation permitted which should be prescribed as a control within the visually sensitive area (250 metres) to ensure the amenity of the Mount Vernon residential area is protected. The DCP should detail conditions to protect the amenity of nearby residential receivers.



3 State Environmental Planning Policy (Western Sydney Employment Area) 2009

The WSEA SEPP establishes planning and development standards for the Western Sydney Employment Area. Alongside the DCP, they aim to ensure development in an area follows certain design guidelines, considers the areas local character, protects the environment and preserve areas that have a heritage or cultural value.

Specifically, section 23 of the WSEA SEPP sets out several requirements a consent authority must consider when assessing a development application. Sub-clause 23(1) draws particular attention to land within 250 metres of land zoned primarily for residential purposes.

The requirements of this section have required several interface responses between industrial and residential and educational uses in the past, most notably between:

- the Jacfin Horsley Park Project (MP10_0128 and MP10_0129) and RU4 zoned land along Greenway Place,
- the Oakdale South Industrial Estate (SSD-6917) and E4 zoned land to the south, and
- the Oakdale West Industrial Estate (SSD-7348) and existing education and aged care uses that were previously zoned RU2 Rural Landscape under the *Penrith Local Environmental Plan 2010*, now IN1 General Industrial under the WSEA SEPP.

Land use interface conflict is an inherent feature of all urban environments. In addition to supporting local and regional employment, the creation and preservation of employment land in Western Sydney is critical to the achievement of targets.

Any building or structure abutting the Mount Vernon residential area should be developed in a manner that does not create adverse visual impacts on the locality. Industrial development should minimise significant adverse impact on the Mount Vernon residential area due to hours of operation, traffic, noise, fumes, smell, dust, paint or other chemical over-spray, vibration, glare or light spill, electronic interference, ash or other harmful or nuisance-creating impacts.

As such, industrial development within 250 metres of a residential zone boundary should:

- use masonry or equivalent building construction with openings located so as to minimise transmission of noise to residential properties,
- not include road transport oriented uses likely to cause significant nuisance to residents due to traffic movement, on-street parking or noise, and
- ensure that noise generating activities which have the potential to cause annoyance to residents are conducted as far as possible from the boundary of the residential zone and shielded from the residential zone by the building or major parts thereof.

4 Conclusion

In reviewing the DCP in the context of land use interface issues, it is identified that the WSEA SEPP and DCP combines a range of objectives and standards, to support a balanced approach to assessing Development Applications related to interface locations.



In terms of amenity impact, potential interface conflicts are still possible when a residential property has an industrial use at its rear boundary (i.e., noise transfer, visual outlook from rear yard, odour etc.). Where there is potential for land use conflict or land use interface issues to occur, there are a number of approaches or levels of influence and intervention that the relevant parties, including Council, residents, commercial and industrial operators, transport carriers and the State Government can consider.

Notwithstanding the above comments, all planning policy review should be informed by the appropriate separation distance performance criteria and new development should be required to provide a buffer or other means (i.e., acoustic fencing, boundary walls, other structures, landscaping) to reduce potential conflict.

In dealing with emerging land use conflict, it is recommended that a combination of policy and non-policy initiatives should be employed to mitigate land use conflict.

Yours faithfully

GLN PLANNING PTY LTD

A handwritten signature in black ink, appearing to read 'Paul Grech', written in a cursive style.

**PAUL GRECH
DIRECTOR**

ATTACHMENT A: LANDOWNERS FORMING SUBMISSION



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NAME	PROPERTY ADDRESS	SIGNATURE



ATTACHMENT A: LANDOWNERS FORMING SUBMISSION

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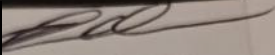


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