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2200446

Mamre Road Precinct Team  
Department of Planning, Industry and Environment  
4 Parramatta Square, 12 Darcy Street,  
Parramatta NSW 2150

## DRAFT MAMRE ROAD PRECINCT DEVELOPMENT CONTROL PLAN - SUBMISSION

This submission has been prepared on behalf of ESR, in response to the Department of Planning, Industry and Environment's (DPIE) release of the Draft Mamre Road Precinct Development Control Plan (DCP). ESR welcomes the opportunity to comment on the Draft DCP, noting it is an important step forward in the delivery of the Mamre Road Precinct.

ESR is a participant in the Mamre Road Precinct Landowner Group which is comprised of seven development firms with significant interests in the precinct, which either own or have options for the purchase of approximately 40% of the precinct and will be the catalyst for initial industrial development and associated enabling infrastructure in the Precinct. The Landowner Group has come together to proactively work with the State government and Council to facilitate a successful world class employment precinct.

A separate submission has been prepared by the Landowner Group and submitted under separate cover. The issues raised in the Landowner Group submission are precinct wide and, in general, common to all landowners and developers in the precinct. In particular, the submission raises issues with respect to Built Form and Design Controls, Water Cycle Management, Flood Management, the Transport Network and Earthworks and Retaining Walls. As a member, ESR fully endorses the recommendations of the Landowner Group Submission and shares the concerns of the Group with regard to the significant economic impacts the DCP as currently drafted will have on the development industry and by extension, the feasibility of industrial development in the Precinct.

### 1.0 Key Recommendations

To ensure the successful delivery of the Mamre Road Precinct, ESR requests the consideration of the comments and recommendations contained within this submission prior to finalisation of the Draft DCP. In particular, ESR provides the following recommended changes to the Draft DCP to improve its effectiveness as a strategic, land use and planning framework and ensure that its implementation facilitates appropriate economic development to serve the adjacent Aerotropolis and Greater Sydney.

In general, it must be re-affirmed that the proposed land use within the subject site and Mamre Road Precinct as a whole is large scale and highly functional. The final form of the DCP needs to respect this and be more cognisant with function and feasibility. The proposed controls in the Draft DCP appear to relate more closely to a light industrial scale land use and do not translate into feasible outcomes for the large scale of the proposed development in the precinct.

Prior to finalisation of the Draft DCP, the DPIE need to consult with industry to better align the Parkland City objectives with practical and feasible development controls to ensure that the precinct can be delivered in an appropriate and efficient manner.

No.	Key Recommendations
1	<b>Ensure the DCP includes flexibility to allow for alternate solutions</b> given the highly functional nature of the land use and the need to facilitate innovation

No.	Key Recommendations
2	<b>Provide clarity on Controls 11 and 12 of Section 2.6 Integrated Water Cycle Management</b> particularly relating to development consent being unable to be granted until infrastructure has been delivered, noting this places substantial reliance on adjacent landowners to a development site.
3	<b>Ensure reduced setbacks can be provided and would be approvable by a consent authority</b> given the acoustic benefits that these can provide based on building orientation and location of vehicle access and loading areas
4	<b>Ensure the proposed height controls do not unnecessarily restrict development</b> particularly when surrounding topography ensures that nearby residential properties would not be adversely impacted by development
5	<b>Provide for height limits to be measured from building pads</b> noting that bulk earthworks to provide appropriate building pads may impact on the existing ground level
6	<b>Remove Control 7 which provides the requirement for buildings to minimise the impact of overshadowing within the site</b>
7	<b>Remove Control 12 and allow loading, servicing and car parking at the front of the site</b>
8	<b>Remove or reduce the requirement for 30% glazing along frontages of buildings</b> as this is impractical and uneconomical for development, and will limit the type of uses that can be developed within the site
9	<b>Reconsider the requirement for muted tones in colour and material palettes</b> as this can limit the ability of developers to provide a unique and interesting aesthetic

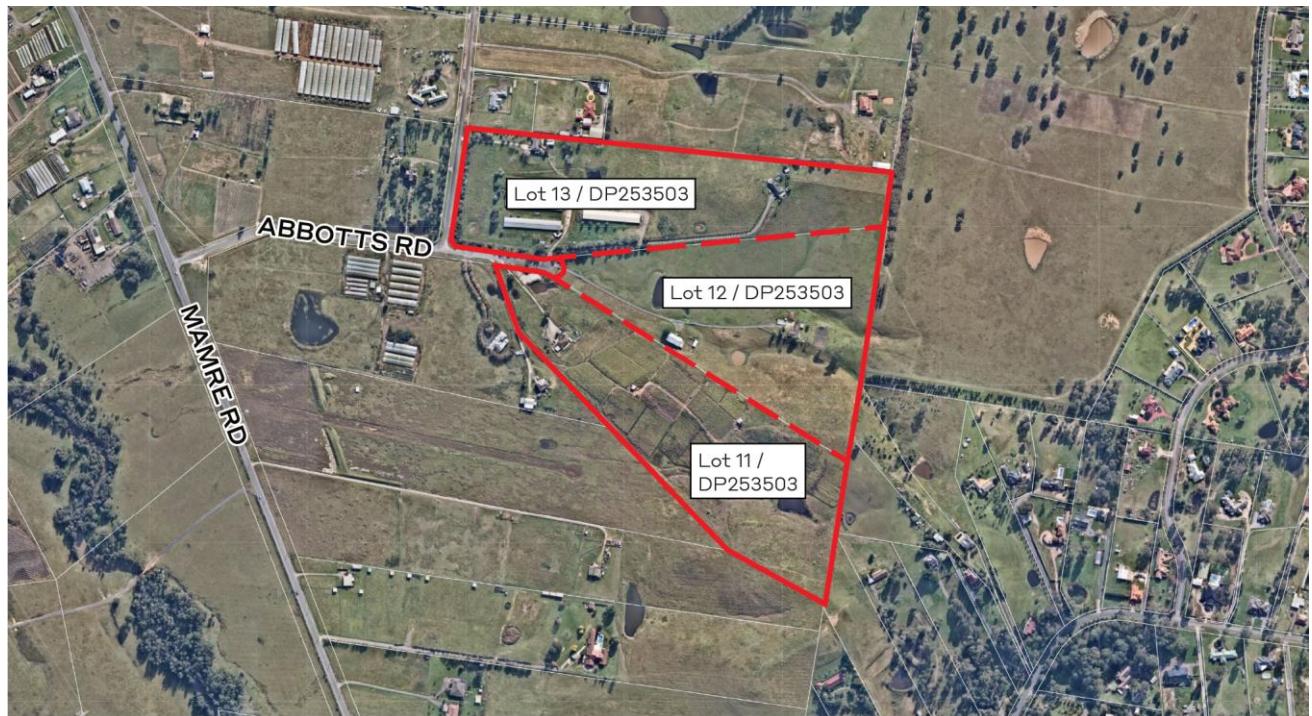
## 2.0 The Kemps Creek Logistics Park

### 2.1 Site location and context

The site is located within the suburb of Kemps Creek, within the Penrith Local Government Area (LGA) as shown in **Figure 1**. It forms part of the Mamre Road Precinct, which sits within both the Western Sydney Employment Area and the Western Sydney Aerotropolis.

Surrounding land uses currently comprise a predominantly rural typology, with a variety of rural dwellings, rural land, farm dams and scattered vegetation. Beyond this, the Oakdale South industrial estate is located approximately 2.2km to the northeast of the site, and the established large lot residential housing community of Mount Vernon is located to the south east.

The site is located at 290-308 Aldington Road, 59-62 Abbotts Road, and 63 Abbotts Road as shown in **Figure 4** below. The land is approximately 319,800m<sup>2</sup> in area and is irregular in shape. The site comprises 3 separate allotments (refer to **Table 1**), and is legally described as Lots 13, 12 and 11 in DP253503. The site currently comprises undulating rural land with a combination of residential dwellings, farm sheds, and miscellaneous agricultural greenhouses and structures.



The Site

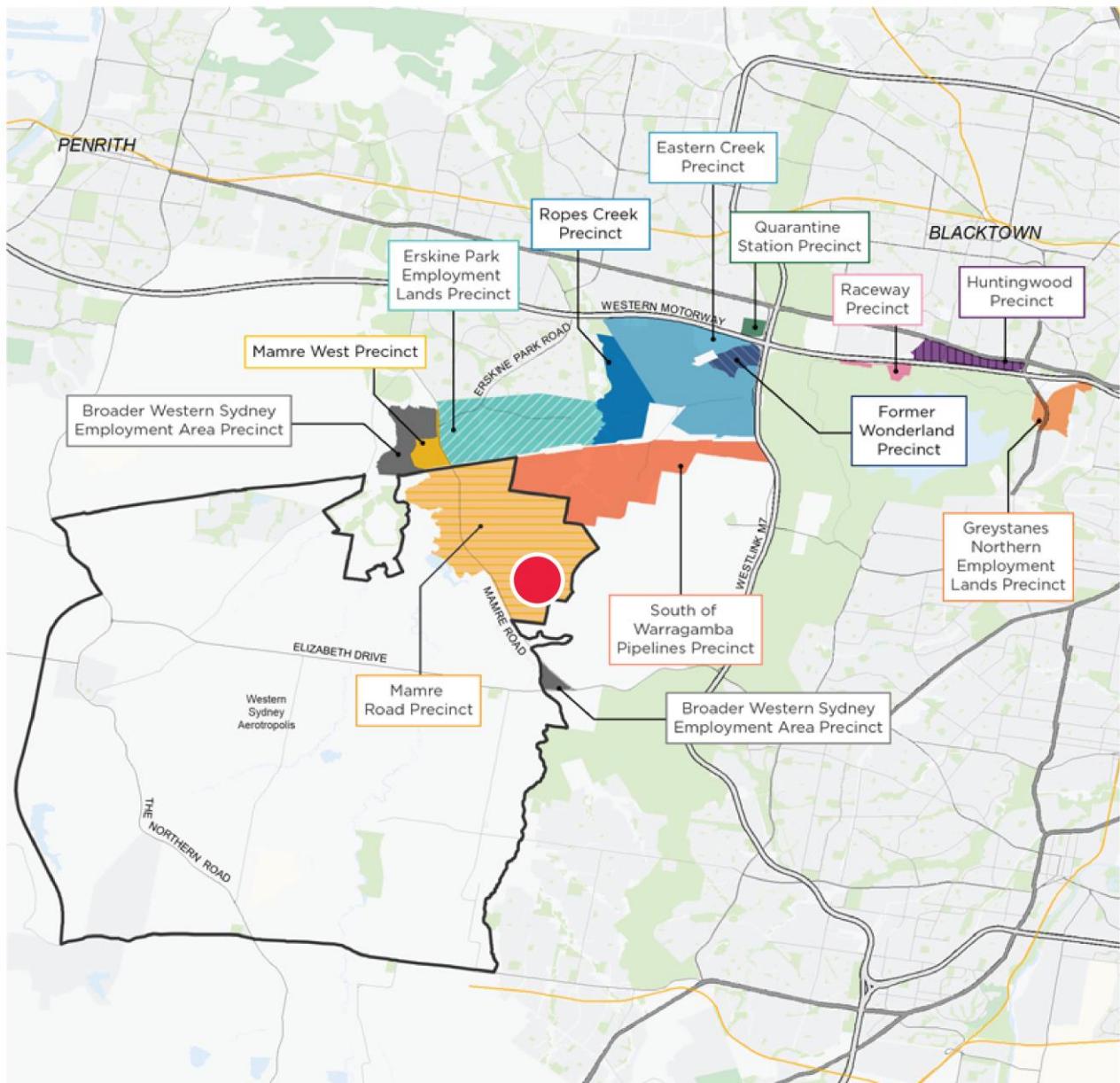
NOT TO SCALE

**Figure 1** Site aerial

Source: Nearmap, edits by Ethos Urban

The proposed development, currently being prepared for submission as State Significant Development, proposes:

- Demolition and clearing of all existing built form structures and vegetation;
- Bulk earthworks including 'cut and fill' to create flat development platforms for the proposed buildings, and topsoiling, grassing and site stabilisation works;
- Construction of a new industrial estate at the site comprising a total GFA of approximately 167,028m<sup>2</sup> at the site, including:
  - 7 new industrial warehousing buildings with ancillary offices across 6 allotments, comprising:
    - 163,628m<sup>2</sup> of warehousing floorspace; and
    - 3,400m<sup>2</sup> of ancillary office floorspace;
- Construction of new internal road layout, vehicular access to Abbotts Road and parking facilities;
- Associated stormwater and drainage works including stormwater basins, diversion of stormwater lines, gross pollutant traps and associated swale works;
- Associated sewer and potable water reticulation works;
- Associated inter-allotment, road and boundary retaining walls;
- Associated site landscaping; and
- External road upgrades including Aldington and Abbotts Road, including a new signalised intersection at Mamre and Abbotts Road.



### ● The Site

**Figure 2 Location of the site within the Western Sydney Employment Area Structure Plan**

Source: DPIE, edits by Ethos Urban

### 3.0 Comments and Recommendations on the Draft DCP

ESR and its consultant team have reviewed the Draft DCP and has a number of concerns that require additional clarification or reconsideration prior to finalisation of the DCP.

#### 3.1 Integrated Water Cycle Management

ESR notes that Section 2.6 Figure 6 of the Draft DCP identifies trunk drainage infrastructure A02 and A02 traversing across the site. It is unclear, particularly relating to Controls 10 and 11, whether this trunk drainage infrastructure is required to be delivered by the landowner, developer or Council:

*10) Major trunk drainage elements proposed are shown in Figure 6. Additional drainage infrastructure will be required to be provided upstream of these identified elements in conjunction with development of sites to achieve the desired stormwater management objectives. Whole of life costs and ease of maintenance will be critical considerations in determining the form of the final drainage option.*

*11) 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).*

Specifically, Control 10 appears to be more of a ‘statement’, rather than a ‘control’, and as such should be removed from the list of controls. The Control is also unclear as to how it will manage staggered delivery of development on lots, noting that not all landowners will be seeking to redevelop at the same time.

It is noted that Control 11 also appears to indicate that development consent cannot be granted until the trunk drainage infrastructure has been delivered – this is a serious impediment to the efficient development of land within the Mamre Road Precinct, and in the case of ESR, given the A02 and A03 trunk drainage infrastructure depends on adjacent landowners development timeframes, would delay delivery of employment lands. This could have significant impacts on the establishment of the Mamre Road Precinct.

It is recommended that this aspect of the trunk drainage infrastructure delivery process be clarified, and amended to ensure that it does not limit the approval of development consent if infrastructure cannot be delivered at the same time on adjacent lands.

No.	Comment/Recommendation
2	<b>Provide clarity on Controls 11 and 12 of Section 2.6 Integrated Water Cycle Management</b> particularly relating to development consent being unable to be granted until infrastructure has been delivered, noting this places substantial reliance on adjacent landowners to a development site.

#### 3.2 Aviation Safeguarding

ESR appreciate the importance of protecting airport operations, however notes that Control 1 in Section 2.11 should be referenced as a general comment, rather than a control.

#### 3.3 Precinct and Subdivision Design

Section 3.1 Control 4 provides that perimeter roads should be provided for bushfire control. This appears to be somewhat in contrast to Control 4 of Section 3.3 as identified below requires for setbacks to visually sensitive locations. The required 30m setback indicates that access and car parking can be allowed within 15m of that

setback, however perimeter roads as referred to in Section 3.1 Control 4 implies roads immediately adjacent to the boundary of an allotment.

The Kemps Creek Logistics Park site is located on land mapped as Vegetation Category Type 2 under the Penrith Bush Fire Prone Land Map, and as such the requirement for a perimeter road would apply, yet the site is also subject to the 30m visually sensitive area setback.

### 3.4 Views and Visual Impacts

Section 3.2 and 3.3 of the Draft DCP outlines controls relating to the adjacent visually sensitive location of Mount Vernon, situated beyond a hill to the east of the Kemps Creek Logistics Park site. Figure 10 of the Draft DCP provides for a 250m buffer, for which a landscape plan (Section 3.3 Control 2) is required for development within this area. Control 4 also specifies a 30m setback for buildings directly adjoining a rural residential zone, with access and car parking allowed within 15m of that setback.

Design of industrial estates generally finds that construction of the buildings to the boundary adjacent to residential properties acts as an acoustic barrier, with no vehicular access or loading provided along the shared boundaries. As such, it is noted that Control 5 allows for reduced building setbacks on merit, and this is an appropriate outcome.

No.	Comment/Recommendation
3	<b>Ensure reduced setbacks can be provided and would be approvable by a consent authority</b> given the acoustic benefits that these can be provided based on building orientation and location of vehicle access and loading areas

### 3.5 Transport Network

The Draft DCP outlines a road network in Figure 14 (Section 3.4). This identifies an indicative local industrial road across the Kemps Creek Logistics Park site, which runs west-east, continuing the alignment of Abbotts Road, before heading south into the adjoining lot.

The road typology of a local industrial road is provided within Table 9 of the Draft DCP, and it is noted that Control 24 allows for alternate road proposals where achieving a range of criteria. This flexibility is welcomed by ESR as it provides opportunities for innovative road designs to be developed on a site-by-site basis, subject to ensuring that connections into existing roads and adjoining sites can be achieved.

### 3.6 Built Form Design Controls

#### Building Height

Section 4.2.1 outlines under Control 2 that buildings should not be higher than 16m from existing ground level where within 250m of a rural residential zone. All other sites are afforded a 20m height limit.

The Kemps Creek Logistics Park site sits within this 250m buffer, and as such would be subject to a height limit of 16m. The site itself however is separated from the Mount Vernon residential properties by a substantial slope, with the residential area sitting higher than the subject site. As such, the limitation of a 16m height limit on the site is considered inappropriate. Additionally, the reference to 'from existing ground level' severely restricts the ability to develop to the full height limit. It is recommended this be amended to reflect potential finished floor levels, as sites may require bulk earthworks to create a generally flat development pad.

It is noted that Control 3 specifies that if the 'nature of the business' requires a taller built form, above 20m, it must be demonstrated that the taller element will mitigate solar and visual impacts.

While the subject site would not likely seek approval for buildings taller than 20m, it is anticipated built form will be taller than 16m, and as currently drafted, the Draft DCP does not appear to specifically entertain that prospect. It is recommended that opportunities for building heights within the 250m buffer up to 20m be incorporated into the Draft DCP, where it can be supported through a visual impact assessment report and appropriate mitigation of visual and solar impacts to adjacent residential properties.

### **Overshadowing**

Section 4.2.4 provides, via Control 7, that buildings should be minimising the impacts of overshadowing within the site and on adjoining development. This is inappropriate for the land use typology, being industrial, when in fact industrial buildings can provide shading to contribute to managing the heat island effect.

### **Parking**

Control 12 seeks to ensure that loading, servicing and parking is accommodated at the rear of sites. This is impractical for industrial development and in the case of the subject site, would result in substantial vehicular movements within the buffer zone to the Mount Vernon residential area. This control is recommended for deletion as providing loading, servicing and parking at the front of a development site can allow for acoustic shielding by the actual building itself to occur, to reduce the impact of noise on external receivers to the site.

### **Building façades and materials**

Control 15 specifies that facades along main street frontages must provide a minimum of 30% glazing for passive surveillance and streetscape character. This is highly uneconomical, significantly impacts sustainability of the buildings through increasing heat load and not in keeping with industrial design character. In addition, with the required setbacks and landscaping to be provided within the front setback, and the proposed requirement for no loading, servicing or parking within the front of the site (per Control 12), passive surveillance will be limited.

Controls 19, 20, 21 and 22 appear contradictory. Control 19 provides that colour and material palettes are to be muted tones of the natural landscape, and avoid incompatible bright, bold colours and textures, whereas Controls 20, 21 and 22 call for the need to present significant architectural and design merit, in particular variance of materials and finishes. While it is understood that bright and lairy colours would not be appropriate, the ability to provide some form of design merit through muted tones will ultimately be limited and result in a standard streetscape with minimal variance.

No.	Comment/Recommendation
4	<b>Ensure the proposed height controls do not unnecessarily restrict development</b> particularly when surrounding topography ensures that nearby residential properties would not be adversely impacted by development
5	<b>Provide for height limits to be measured from building pads</b> noting that bulk earthworks to provide appropriate building pads may impact on the existing ground level
6	<b>Remove Control 7 which provides the requirement for buildings to minimise the impact of overshadowing within the site</b>
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8	<b>Remove or reduce the requirement for 30% glazing along frontages of buildings</b> as this is impractical and uneconomical for development, and will limit the type of uses that can be developed within the site
9	<b>Reconsider the requirement for muted tones in colour and material palettes</b> as this can limit the ability of developers to provide a unique and interesting aesthetic

## 4.0 Conclusion

As addressed previously, ESR is a participant in the Mamre Road Precinct Landowner Group, which has provided a separate submission under separate cover. This submission itself addresses other key site-specific concerns ESR have identified within the Draft DCP, and it is requested that DPIE consider the recommendations made within this submission.

ESR is willing to meet with DPIE to run through these concerns to ensure that the final version of the DCP is appropriate in terms of its planning controls and operability to enable the delivery of the Mamre Road Precinct in support of the broader Western Sydney Aerotropolis.

Yours sincerely,



**Gordon Kirkby**  
Director  
02 9956 6962  
gkirkby@ethosurban.com



**Christopher Curtis**  
Principal  
02 9956 6962  
ccurtis@ethosurban.com