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16 December 2020

Jane Grose  
Director Western  
DPIE  
Submitted via the submissions portal

Dear Jane,

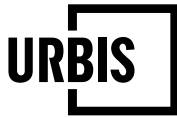
## **SUBMISSION: DRAFT MAMRE ROAD DEVELOPMENT CONTROL PLAN**

This submission has been prepared by Urbis Pty Ltd (**Urbis**) on behalf of Pazit (**the landowner**), in response to the release of the draft Mamre Road Development Control Plan which is on exhibition from 10 November 2020 to 17 December 2020. The landowner welcomes the opportunity to comment on the draft Mamre Road Development Control Plan (**draft DCP**) and commends the Department of Planning, Industry and Environment (**DPIE**) on finalising the planning for the Mamre Road Precinct. It is recognised that the draft 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.

### **1. ABOUT THE LANDOWNER**

The landowner owns land that is located to the east of Aldington Road. The site primarily fronts Bowwood Road and Capitol Hill Drive, which serves as transitions to the wider Mount Vernon Area. The subject land is legally described as Lot 1672 in DP 855001 and Lot 4132 in DP 857093 Capitol Hill Drive, Mount Vernon. The site is largely zoned 'IN1' General Industrial under the *State Environmental Planning Policy (Western Sydney Employment Area) 2009 (SEPP WSEA)*.

The vision for the site is to provide a platform for future large and small lot industrial warehousing and employment lands. The industrial development intends to be different to the larger scale development dominant in the Western Sydney Employment Area (**WSEA**), responding to a current market and pipeline supply shortage for smaller lot industrial land uses. The landowner is currently working to prepare a structure plan, subdivision, and road network solution for the land to accommodate future growth on the site. The site is consistent with the government objectives for the precinct. We cannot prepare a final structure plan until the road pattern is complete and confirmed.



## 2. COMMENTS AND RECOMMENDATIONS FOR THE DEVELOPMENT CONTROL PLAN

### 2.1. SUBDIVISION

The draft DCP establishes a set of objectives and controls for the subdivision design in the Mamre Road Precinct. This includes the establishment of a minimum lot size and minimum frontage. These controls are outlined in **Table 1** below.

Table 1 Subdivision Controls

Subdivision Elements	Area	Control
Minimum Allotment Size	IN1 General Industrial	1,000m <sup>2</sup>
Minimum Frontage	IN1 General Industrial	40m (excluding cul-de-sacs) and 35 m minimum lot width at building line (for lots >5,000 m <sup>2</sup> ) 60m (for lot > 10,000 m <sup>2</sup> )

Source: DPIE

The minimum allotment size of 1,000m<sup>2</sup> is supported. This control enables developers to deliver a variety of product sizes within the precinct, including small-scale industrial. It also enables the precinct to respond to market demand and preference.

However, the minimum frontage controls do not align with the aspirations of delivering small lot industrial. They are too large and restrict the provision of smaller lot sizes. To address the current market and pipeline supply of industrial land in Western Sydney, the precinct needs to be responsive and able to address all market variants of industrial uses. Therefore, this control must be amended to include a provision for 20 metre minimum lot width for small lot industrial.

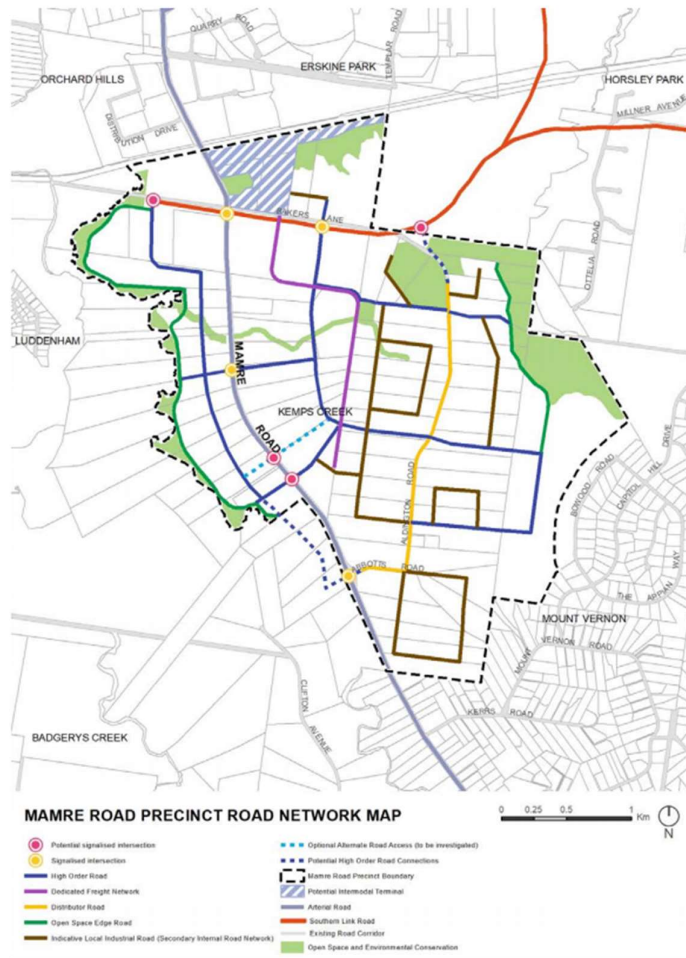
#### Recommendation:

1. The minimum allotment size is support and must be retained to enable a variety of industrial uses, including small lot industrial.
2. The minimum frontage must be amended to include a provision for a 20m minimum lot width. This is essential to meet the market demand for small lot industrial within the precinct.

### 2.2. ROAD NETWORK

The draft DCP establishes a road network map for the precinct. It identifies a strategic road network (**Figure 1 below**) that will allow development to be supported by a logical, efficient and highly connected road network.

Figure 1 Road Network Plan



Source: DPIE

The Road Network Plan identifies Aldington Road as a key north-south Distributor Road, which will service landholdings in the eastern half of Mamre Road Precinct. The identification of Aldington Road as a key distributor road in the precinct is strongly supported.

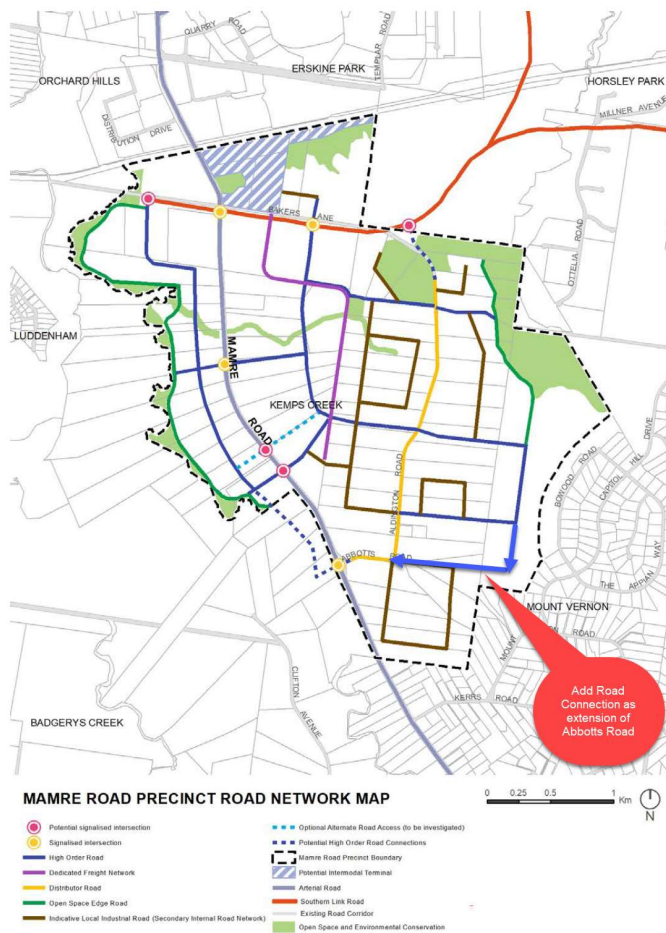
In addition to Aldington Road, there are lower order roads required to provide internal connections to higher order roads, such as Aldington Road, Mamre Road and Southern Link Road. These connections are extremely important to the site, as it is currently landlocked. The landowner supports the identification of the three connections across the site, including:

- Open Space Edge Road to the north
- High Order Road in the middle of the site and to the south.

It is essential these road connections are maintained to create a permeably road network within the site. The removal of one of these road connections will create an inefficient network and run risk at creating a backlog of traffic to and from the site. Therefore, it is critical for this alignment to be

maintained and delivered through subsequent development application. We propose though that the southern road connection, shown as a collector road, would be better positioned further to the south to align with the extension of Abbots Road. This would provide a significantly improved road network, with the traffic from the southern portion of our landowner's site being able to directly access Mamre Road without having to access Aldington Road. This in our view would ease the traffic requirements on Aldington Road. This connection is shown below:

Figure 2 Proposed Road Network Plan



Source: DPIE

The landowner notes there is currently discrepancy between an existing State Significant Development Application to the west of the site, and this road alignment. It is imperative for this road network to be implemented across the development application stage to ensure connectivity across the precinct.

There should be a control which means that connecting roads should be constructed to the boundary to prevent a situation where land locked lots arise, avoiding a situation of a "ransom strip".

**Recommendation:**

3. **The identification of Aldington Road as a Distributor Road is supported, and must be retained.**
4. **The road network plan must be upheld and form part of the finalisation of the DCP. It is critical to ensure there are the three connections to and from the site to support permeability and minimise traffic backlog within the site.**
5. **The road network be reviewed and improved to provide an extension of Abbots Road directly to our landowner's site.**
6. **All current and future State Significant, regional and local development applications must be consistent with this Road Network Plan to ensure permeability is achieved across the precinct.**
7. **A control is needed requiring lots to be built to the boundary to prevent land locked lots being created.**

### **2.3. VIEWS AND VISTAS**

The DCP includes objectives and controls in relation to Views and Visual Impacts. The premise of this section is to preserve the existing topography, protect ridgelines and maintain a sense of rural character when viewed from adjoining areas and prominent locations. This section conflicts with the purpose of the Mamre Road Precinct, which is to provide employment through industrial and warehouse development. In order to facilitate delivery of employment, development requires significant earthworks to provide level pads suitable for industrial and warehouse uses. The scale of earthworks would alter the existing landscape and change the topography patterns. This section must be removed as it conflicts with the objectives of this precinct. Any transition to the rural residential to the east and view impacts associated with industrial adjacent to the Mount Vernon area is captured in Transition to Mount Vernon controls.

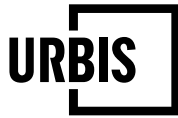
**Recommendation:**

8. **The Views and Visual Impacts section in the DCP is at conflict with the objectives of the precinct. It must be removed. View and visual impact of industrial development adjacent to Mount Vernon will be captured in the Transition to Mount Vernon controls.**

### **2.4. TRANSITION TO MOUNT VERNON**

The draft DCP prescribes controls to manage the interface and transition of the Mamre Road Precinct with the Mount Vernon Residential Area. The intention of these controls is to mitigate the visual impacts of industrial development on the Mount Vernon residential area.

The draft DCP requires that certain development applications will have to be accompanied by a Landscape Plan, Visual Impact Assessment and Lighting Plan. It also prescribes for tree planting and landscaping techniques to be used to manage the interface with the Mount Vernon Rural Residential Area. These are supported and considered reasonable.



The draft DCP also establishes additional setback controls, in addition to the building and landscape setbacks and treatments already prescribed in Sections 4.2 and 4.2.3. The control prescribes that:

- 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.

The draft DCP further states that a reduced building setback may be considered if the application demonstrates merit and is consistent with Clause 23 of the WSEA SEPP. This merit-based approach is supported as the strict application of this control may limit the provision of diverse building products. Consideration needs to be made to the changing context and characterisation of the area. Overly prescriptive controls may ultimately discourage investment and undermine supply and government objectives for the precinct.

The draft DCP does not recognise that our site currently enjoys the benefits of an approved and commenced subdivision development application. This application allows for the creation of 71 rural residential – executive lifestyle lots (minimum 1 hectare size), with generous building spaces and setbacks (controlled by Council’s DCP). The Mamre Road DCP must take account of this, and require that any development proposed on the land immediately to the west of our site, must make adequate provision for the “transition to Mount Vernon” to occur within their site. This provision must be retained, until it is certain that the transition between the industrial development of Mamre Road and Mount Vernon will be in the location as currently shown in the DCP (near Bowood Road). This is shown below:

Figure 3 Required Transition Buffer Required



**LANDSCAPE FEATURES AND VISUALLY SENSITIVE LOCATIONS**

Source: DPIE

**Recommendation:**

9. The use of tree planting and landscaping to minimise impacts adjacent to rural residential is supported.
10. The merit-based approach to development in the transition area is support and must be upheld.
11. The controls for the “Transition to Mount Vernon” be applied at the rear of the lots east of Aldington Road.

## **2.5. BUILT FORM AND DESIGN CONTROLS**

### **2.5.1. Building Setbacks**

The DCP establishes the following rear and side boundary setbacks for buildings in the Mamre Road precinct.

- Rear and side boundaries – 5m

These controls are not supported. The controls in the draft DCP have been designed to for large scale industrial buildings with large site coverage. These controls are not conducive to the development of the optimal industrial style buildings for the precinct. These controls should either therefore be eliminated or reduced to one metre for small scale industrial lots. The current controls when applied to a 1000m<sup>2</sup> site, with a required 40m frontage would result in available building spaces on lots being 30m wide and only 12.5m deep, which is considered to be completely unworkable and not conducive to the appropriate form of subdivision in demand and permitted by the SEPP Controls.

Need for a site coverage control

There is a strong need for a site coverage control such as a building footprint control of 65% to ensure certainty in the size of industrial building which can be constructed.

### **2.5.2. 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, windrows 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. 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.

### **2.5.3. 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 5% of a wall surface area.



The imposition of these controls will create increased cost for industrial project. 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:**

1. **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.
2. **The DCP must 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.**
3. **The rear and side building setbacks should either be removed entirely or reduce to one metre to facilitate proper industrial size buildings that are appropriate for industrial land and the precinct.**
4. **There is the need for a site coverage control of say, 65%, to ensure certainty in the proportion of land which can have a building.**

## **2.6. STORMWATER MANAGEMENT**

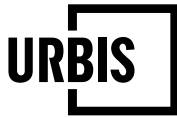
The DCP proposes stormwater management controls for development in the precinct which are based on Sydney Water's *Mamre Road Precinct Integrated Water Cycle Management Strategy*. This includes controls for the following:

- 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 and significant contradictions with other provisions of the DCP. .

Probably importantly, the desire for groundwater recharge (driven by the impermeability requirements and the need to achieve a MARV of 1.9ML/ha/yr) is significantly contradictory with the desire to minimise salinity issues and the need for all stormwater detention devices (and presumably wetlands and other ponds) to entirely drain within 48 hours to prevent wildlife hazard for the new airport.

The entire premise of the water management scheme anticipated within the Mamre Road Precinct (and the Aerotropolis DCP) is based on achieving the required MARV, with onsite retention for recharge or evaporation, yet these devices will seriously compromise the safety of the brand new airport.



### **2.6.1. Impervious Surface Targets**

The requirement for 35% site permeability within lots and streets is considered an exceedingly 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.

### **2.6.2. 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.

The Mamre Road Precinct is entirely within the 8km wildlife buffer zone of the new airport and the devices proposed and required to meet the technical water objectives will attract wildlife. Importantly, it is understood that the provisions and guidelines outlined in the Aerotropolis Precinct Plan Technical Study – Draft Wildlife Management May 2020 (Appendix C) will need to be implemented. These guidelines will require significantly different outcomes from what has typically been permitted. This will require significant discussion to resolve an appropriate suite of non-conflicting guidelines before this Precinct DCP is adopted.

### **2.6.3. 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.

### **2.6.4. 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.

#### **Recommendation:**

- 5. The Department of Planning, Industry and Environment must not adopt the Sydney Water study without proper consultation with landowners.**

6. 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.
7. The mapping of trunk drainage infrastructure is premature. This needs to be confirmed via modelling, ground truthing and alternative engineering solutions.
8. The Department of Planning, Industry and Environment needs to work with Penrith City Council to ensure consistent approaches to acquisition of drainage infrastructure.
9. 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.
10. 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.
11. There is the need for some significant technical responses on how these can be achieved against the competing objectives – particularly in regard to wildlife management, the potential safety threat to the airport and the long-term on-going monitoring and maintenance by Council of the basins and ponds.

## **2.7. EARTHWORKS AND RETAINING WALLS**

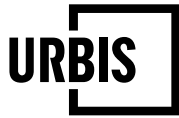
The delivery and practical design of Earthworks and retaining walls are critical to the success of the Mamre Road Precinct. The current objectives and controls contained in this section are inconsistent with outcomes associated with employment lands. This section must be reviewed to enable more flexible outcomes associated with height of retaining walls and ability to create level lots to facilitate delivery of industrial development.

### **Recommendation:**

1. 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 to create suitably sized development pads.

## **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:



1. Maintenance of the road hierarchy, especially the “green” road, which provides an essential link through the Stockland Fife proposal to Aldington Road. It is essential that this road pattern is maintained so that access is gained in the early stages of the Stockland Fife development and there is efficient access for an otherwise land locked site.
2. As this is a small lot industrial development, an amendment is required for the minim frontage widths, as well as elimination of side and rear boundary setbacks as these have been designed for the large scale, large footprint buildings which dominate the WSEA,

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.

Yours sincerely,

A handwritten signature in cursive script that reads "Bruce Colman".

Bruce Colman  
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