

# ***Mamre West Finalisation Report***

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Department of Planning and Environment

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# 1 Introduction

## 1.1 Overview

In February 2016, the Department of Planning & Environment (the Department) exhibited new planning controls for the Mamre West Land Investigation Area, west of Mamre Road, Orchard Hills (the site).

The proposal will rezone land at the site through amendment to *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (WSEA SEPP) and *Penrith Local Environmental Plan 2010* (Penrith LEP).

On 19 December 2014 the Department received correspondence from the Altis Bulky Sub Trust 3 (Altis) requesting that the Minister prepare an amended Environmental Planning Instrument for the land.

In response to the request the Department undertook consultation with Penrith City Council. Council recommended that the land be investigated for rezoning through a SEPP amendment process to be led by the Department. On 24 June 2015 the Department wrote to the proponent advising that it supported Council's advice on the matter and would proceed with a SEPP amendment rezoning process.

A total of 23 submissions were received. The public exhibition period enabled land owners and other interested people to view, understand and provide comment on the draft planning controls.

This Report documents the public consultation process, summarises the issues raised in submissions and reports on how those issues have been addressed to finalise the precinct plan.

There have been minimal amendments to the exhibited SEPP maps.

Following comments from Roads and Maritime Services regarding the potential future upgrade and widening of Mamre Road, the 20m wide SP2 corridor along Mamre Road (between the James Erskine Drive intersection and the northern boundary of the site) has been removed from the rezoning. The SP2 zoning between the James Erskine Drive intersection and the southern boundary of the site remains. Also, the Land Reservation Acquisition map is amended to include only the intersection stub opposite James Erskine Drive as an SP2 classified road reservation. Minor adjustments have also been made to the northern boundary of the IN1 zone to assist the access arrangements to the site.

A 'fuzzy line' zone boundary adjustment Clause has been included to allow future minor zone boundary adjustments for road infrastructure or other design changes. This allows the zone boundary to be amended up to a maximum of 50 meters. This is particularly important given the final detailed design of the access road is yet to be determined, whilst the 50m maximum

distance would ensure the development does not encroach within an unreasonable distance to other properties. This is consistent with a similar clause in the Growth Centres SEPP.

The draft Development Control Plan (DCP) included a map outlining a 'Stage 2 Investigation Area', which covered land north of the proponent's site, including parts of Mandalong Close. Following comments received from residents and Penrith City Council, the DCP map is amended to exclude the line outlining the investigation area. It is important to note that this investigation area did not form part of the original SEPP maps, as such no amendments need to be made to these. With the agreement of Council, the northern section of the study area covering Mandalong Close has been deferred pending further resolution of flooding issues and consultation with landowners.

The Department is committed to further consultation with the residents of the remainder of the study area, including Mandalong Close, to assist in exploring a solution that has the potential to benefit all residents.

Several other minor amendments have been made to the DCP and other supporting documents. These are summarised in Appendix B of this Report.

## **1.2 Summary of the proposed planning controls**

The site was formally incorporated into the Western Sydney Employment Area (WSEA) in 2015 through an amendment to the WSEA Land Application map. The land adjoins an existing industrial precinct at Erskine Park which is zoned IN1 General Industrial under the WSEA SEPP. The entire site measures approximately 185 hectares.

The site is currently zoned RU2 Rural Landscape, and in part E2 Environmental Conservation, under the Penrith Local Environmental Plan. Having assessed flooding constraints it is proposed that the proponent's site (43.5ha) and adjacent land to the north (3.4ha) are zoned IN1 General Industrial. This provides a buffer of approximately 250m between the IN1 zoning and the Mandalong Close residential properties to the north. The remainder of the study area would remain RU2 Rural Landscape and E2 Environmental Conservation under the Penrith Local Environmental Plan.

An access stub opposite James Erskine Drive will be rezoned SP2 Infrastructure to ensure permanent access to the site, whilst a 20 meter wide corridor along Mamre Road is to be rezoned SP2 to allow for the potential future upgrade of Mamre Road.

## **2 Exhibition Details**

### **2.1 Exhibition and Submissions Period**

The draft planning controls were on exhibition from 26 February to 1 April 2016. The Department received a total of 23 submissions. The submissions are summarised at Appendix B to this Report.

### **2.2 Exhibited Materials and Exhibition Venues**

The following documentation was publicly exhibited as part of the draft plans:

- Development Control Plan (DCP)
- Land Use and Infrastructure Delivery Plan
- Map package, consisting of:
  - Land Zoning map
  - Land Reservation Acquisition map
  - Industrial Release Area map
  - Transport and Arterial Road map
- Explanation of Intended Effect (EIE) of the proposed amendments to the WSEA SEPP and Penrith LEP
- A series of supporting technical studies:
  - Aboriginal Cultural Heritage Assessment Report
  - Ecological and Riparian Assessment
  - Heritage Assessment
  - Operational Noise Assessment
  - Overland Flow Report Stages 1 and 2
  - Phase 1 Environmental Site Assessment
  - Public Utility Infrastructure Servicing Report
  - Stage 1 Contamination Assessment
  - Traffic Impact Assessment Report

### **2.3 Public Notice**

A notice was placed in the Penrith Press newspaper on Thursday 3 March 2016 advertising details of the public exhibition.

### **2.4 Notification of Stakeholders**

The Department advised stakeholders of the exhibition, including the local councils, state agencies and community groups. Key stakeholders were notified by mail of the public exhibition. Two community meetings were held at the Department of Planning and Environment as well as a number of individual meetings requested by landowners.

## 3 Submissions Summary

### 3.1 Number of Submissions

A total of 23 submissions were received. All submissions received are listed and summarised at Appendix B to this Report along with the Department's response. A summary of submissions grouped into major stakeholder groups is provided at **Table 1**. When the plan is finalised, the Department will write to all land owners and those who made submissions to advise of the Minister's decision.

**Table 1: Summary of submissions**

Submission author	Number of submissions
Commonwealth Government Agencies	0
State Members of Parliament	0
State Government Agencies	6
Services & Utilities	1
Local Government	1
Landowners and groups	12
Landowners (external) and community/interest groups	2
Industry Groups	0
Environmental Groups	1
<b>TOTAL</b>	<b>23</b>

### 3.2 Issues Raised in Submissions

All submissions received were reviewed by the Department and issues were categorised. The type of issues raised and their frequency is shown in **Table 2**. Detailed responses to key issues are provided in **Section 4** of this Report.

Prominent issues raised in submissions include:

- Flooding;
- Traffic and Access
- Impacts on Mandalong Close
- 'Stage 2 Investigation Area' and Amenity
- Biodiversity
- Employment and Economy

**Table 2: Summary of issues by category**

Issue raised	Frequency of issue (%)
'Stage 2 Investigation Area'	35
Flooding	26
Amenity – Mandalong Close and neighbouring properties	22
Traffic & Access	22
Biodiversity, Flora & Fauna	17
Employment & Economy	17
Air & Water Quality	9
Contaminated Land & Waste Management	9
Southern Link Road	9
Heritage	5
Sustainability	5
Warragamba Pipelines	5
Servicing	5
Land acquisition	5
Consultation	5

**NOTE:** Some submissions raised more than one issue which is captured in the frequency of issue column.

## **4 Consideration of Issues**

This section discusses the issues raised in submissions. Changes have been made to the proposed plans and supporting documents that were exhibited in February and March 2016.

### **4.1 'Stage 2 Investigation Area' and Amenity**

Several submissions were received from the residents of Mandalong Close, and from Penrith City Council, regarding the 'Stage 2 Investigation Area' that was included in the draft Development Control Plan (DCP).

The Department has considered these comments. The DCP map has been amended to exclude the line outlining the 'Stage 2 investigation area'.

The amended DCP now instead makes reference to a future rezoning opportunity to the north of the subject site. Any further rezonings would be a merit based assessment drawing on the technical studies completed to date and the need to consider all of the properties in Mandalong Close. All of the properties at Mandalong Close will need to be evaluated and included for future rezoning proposals to be considered.

The 'Stage 2 investigation area' appeared in the supporting documents to the exhibition package only and did not form part of the statutory SEPP maps. As such no amendments have been made to the SEPP maps in relation to the 'Stage 2 investigation area'.

The proposed rezoning provides a buffer of approximately 250m between the IN1 zoning and the Mandalong Close residential properties to the north. The setback of 250m from the northern boundary of the subject site will help to ensure that the residential amenity of Mandalong Close is maintained. This buffer is in line with clause 23 'Development adjoining residential land' of the WSEA SEPP which places criteria on developments within 250m of residential land, including matters such as building height, scale and sighting; noise generation; lighting and landscaping.

Potential impacts from the subject site on neighbouring properties, including the Child Care Centre and the properties along Mandalong Close and Mamre Road, have been considered by the Department and are addressed in Appendix B to this Report, whilst they will be addressed in further detail at the development assessment stage.

### **4.2 Flooding**

Submissions were made regarding the flood contours illustrated in the flood study accompanying the rezoning proposal, in comparison to the flood contours identified in earlier flood maps from 1996.

Contemporary flood modelling is now much more accurate than previous flooding predictions which relied on poorer base data. The current flood modelling has been peer reviewed by

Penrith City Council's flooding specialists and is fit for purpose in analysing flood levels and impacts at the site.

The proponent's flood studies have assessed downstream impacts at the street level and these studies will need to be reconfirmed if further rezoning progresses in the future. This would include an analysis of the resulting land form from any filling activities.

#### **4.3 Traffic and Access**

##### SP2 Infrastructure zoning

Following comments from Roads and Maritime Services (RMS) regarding the potential future upgrade and widening of Mamre Road, the 20m wide SP2 corridor along Mamre Road (between the James Erskine Drive intersection and the northern boundary of the site) has been removed from the rezoning. The Land Zoning Map, Land Reservation Acquisition Map and Industrial Release Area Map are therefore amended to exclude the 20 metre wide zoning along Mamre Road, north of the James Erskine Drive intersection.

The 20m corridor between the James Erskine Drive intersection and the southern boundary of the site, which is required for the potential future upgrade and widening of Mamre Road, remains.

Regarding the access stub itself, following comments by RMS the Land Reservation Acquisition map is amended to include only the intersection stub opposite James Erskine Drive and the Mamre Road widening as an SP2 classified road reservation.

##### Site access

A submission was made by RMS noting that the ultimate access strategy for the precinct should be based around southbound traffic being able to access and egress the existing intersection of Mamre Road/James Erskine Drive via a new signalised fourth leg. In addition, all other access to the proposed industrial precinct should be via left in/left out configuration on Mamre Road.

The DCP outlines an access strategy for the precinct which includes a 4-way intersection at James Erskine Drive/Mamre Road. This is also reflected in the statutory zoning maps, which define the 4-way intersection using an SP2 zoning and acquisition clauses.

RMS also requested that the proposed access strategy be amended to reflect their recommended access strategy. This depicts the proposed southern access on Mamre Road as left in/left out only. The access strategy has therefore been amended to reflect the access strategy recommended by RMS.

## Southern Link Road

Two submissions raised concerns regarding the Southern Link Road and its impact on properties along Bakers Lane, including a primary school, Emmaus College and the Emmaus Village site.

The Department has considered these comments and advise that the Mamre West proposal is independent of the Southern Link Road project. A separate design process has addressed the relationship between the Southern Link Road, Bakers Lane, the two existing schools and the retirement village. This design ensures a separation of employment related traffic from the schools and retirement village. This is set out in the *Broader Western Sydney Employment Area Southern Link Road Network Concept Design* which is available on the Department's website (<http://www.planning.nsw.gov.au/Plans-for-Your-Area/Priority-Growth-Areas-and-Precincts/Western-Sydney-Employment-Area/Infrastructure>). The rezoning proposal recognises the function of Mamre Road in the Transport and Arterial Road Infrastructure Plan Map and does not extend the proposed Southern Link Road network. Further information regarding this is included at Appendix B to this Report.

### **4.4 Heritage**

Some minor comments regarding Aboriginal Heritage, Non-Indigenous Heritage and Mamre House were received from the NSW Heritage Council. These minor amendments have been made to the DCP and are set out at Appendix B to this Report.

### **4.5 Biodiversity**

A submission was received from the Department of Primary Industries recommending the riparian corridors along South Creek and the northern tributary are zoned as E2. Further, that the DCP should include specific provisions to protect riparian vegetation and rehabilitate degraded riparian land in accordance with the Guidelines for Controlled Activities on Waterfront Land. The Cumberland Conservation Network requested the preservation of old growth trees and trees with hollows and urged the maximum provision for a workable fauna connection, including terrestrial fauna, in their submission.

The Department has considered these comments and advise that a comprehensive ecological assessment has been undertaken by the proponent and the key vegetation along South Creek and the northern tributary remain protected under an E2 Environmental Conservation zoning in the existing Penrith Local Environmental Plan 2010. The rezoning does not encroach into this E2 zoning. The value of old growth trees and trees with hollows is recognised and will be protected as part of the corridor strategy for South Creek and its northern tributary.

A submission was also received regarding the further loss of the Cumberland Plain. The Department acknowledges this matter, however advise that this area has been identified as part of the Western Sydney Employment Area which will be one of the main employment sources for residents in the Penrith area. The land also forms an important part of the

planning for the future Western Sydney Airport. Parts of the Cumberland Plain will remain preserved as part of the biodiversity conservation for western Sydney which includes examples of certain heritage landscapes.

#### **4.6 Land acquisition**

Following extensive and detailed discussions between the Department, RMS and Penrith City Council, the creation of a 4-way intersection at James Erskine Drive is the only viable long term method of gaining safe access to the precinct. This necessarily involves the loss of one dwelling.

There is a clearly defined process for acquisition under the Land Acquisition (Just Terms Compensation) Act 1991. The Department and RMS will continue to meet with the impacted property to ensure that the road infrastructure can be delivered with minimal impact and disruption. Although Mamre Road is not currently a funded RMS road, the Voluntary Planning Agreement (VPA) with the proponent provides an opportunity for early acquisition.

#### **4.7 Comments from Penrith City Council**

The Department acknowledge the submission provided by Penrith City Council and has taken all comments provided into consideration.

The Department has collaborated with Council throughout the planning process, to ensure Council's priorities are included in the Development Control Plan (DCP) and statutory maps.

## **5 Consistency with other Instruments, Acts and Policies**

### **5.1 State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP)**

The WSEA SEPP governs land uses in the WSEA. It broadly aims to promote economic development and the creation of employment in the WSEA by providing for development including major warehousing, distribution, freight transport, industrial, high technology and research facilities.

The proposed land uses are consistent with the aims of the WSEA SEPP. The proposal will result in additional rezoned industrial land in the WSEA.

The proposed planning controls will amend the WSEA SEPP so that it includes this additional industrial zoned land.

### **5.2 Penrith Local Environmental Plan 2010**

The proposed planning controls will ensure that the planning instrument applying to the interface area will be the provisions of Penrith LEP, and any relevant development control plans. Subject to the Environmental Planning & Assessment Act 1979, Penrith Council will be the development consent authority once the WSEA SEPP is amended.

### **5.3 Section 117(2) Directions**

Section 117 Directions of the EP&A Act require councils to address a range of matters when seeking to rezone land. They have been addressed at Appendix C.

## Appendix A: Maps

## **Appendix B: Summary of Submissions and Responses**

Name	Category	Issue	Response
Penrith City Council	Support	Council supports the proposal to rezone the land from RU2 Rural Landscape to IN1 General Industrial. The rezoning is considered an expansion of land uses consistent with the existing Erskine Business Park and provides opportunities for investment in the Penrith Local Government Area and more local jobs.	Noted.
	Summary of key suggestions raised: <ul style="list-style-type: none"> <li>• 'Stage 2 Investigation Area'</li> <li>• Flooding</li> <li>• Access</li> <li>• DCP</li> </ul>	<ul style="list-style-type: none"> <li>• Removal of references to 'Potential Stage 2 Area' within all materials;</li> <li>• Finalising the rezoning only once the unresolved review of the proponent's flooding assessment are finalised;</li> <li>• Consideration of a trigger point in the timing and delivery of the access point off the existing connection at James Erskine Drive;</li> <li>• Ensure the DCP reflects the ultimate development scenario, removes irrelevant or unnecessary controls, and is generally consistent with the Penrith DCP 2014. It is also requested the Minister amend the Penrith DCP 2014 to include the Mamre West Precinct DCP.</li> <li>• Council has carefully considered the draft DCP and proposes a number of changes, as outlined in a table attached to their submission.</li> </ul>	The Department acknowledge the submission provided by Penrith City Council and have taken all comments provided into consideration. The Department has collaborated with Council to ensure the recommendations put forward are adhered to and that the relevant documentation, including the Development Control Plan (DCP) and statutory maps, are amended prior to finalising the rezoning.
NSW Office of Environment and Heritage	Flooding (Flood modelling)	OEH is unable to assess the flood modelling outputs of the impacts of the proposed development on adjacent properties that support the staged Scenarios C and D. With regard to the area to be excavated, OEH	The proponent's flood studies assessed downstream impacts at the street level and these studies will need to be reconfirmed if further rezoning progresses in the future.

		recommends it be graded to freely drain to South Creek, be stabilised by at least grass cover and prohibited from any future filling.	This would include an analysis of the resulting land form from any filling activities.
	Biodiversity	No comments to make.	Noted.
	Heritage (Aboriginal cultural heritage)	Decision made not to provide comments at this stage, however this should not be taken as OEH support for the proposal.	Noted.
Roads and Maritime Services	Support	No objection to the proposed industrial zoning.	Noted.
	Access	<ul style="list-style-type: none"> <li>The above 'no objection' is subject to southbound traffic being able to access and egress the existing intersection of Mamre Road/James Erskine Drive via a new fourth leg.</li> <li>In accordance with the draft DCP, all other access to the proposed industrial precinct will be via left in/left out configuration on Mamre Road.</li> <li>Any subsequent development application should be subject to the same.</li> <li>DPE should be satisfied with the planning and legal mechanisms put in place to ensure this requirement is met at both the planning proposal and subsequent SSD/DA stage.</li> </ul>	The DCP outlines an access strategy for the precinct which includes a 4-way intersection at James Erskine Drive/Mamre Road. This is also reflected in the statutory zoning maps, which define the 4-way intersection using an SP2 zoning and acquisition clauses. The State Significant Development Application includes a detailed analysis of the short and long term access arrangements, whilst the funding is addressed in the associated Voluntary Planning Agreement (VPA).
	Access (SP2 access stub)	DPE should ensure that the Land Reservation Acquisition Map is amended with the SP2 (Classified Road) zoning applying only to the intersection stub.	The Land Reservation Acquisition Map is amended to include only the access stub as SP2 Classified Road.
	Access (SP2 Mamre Road corridor)	The SP2 (Classified Road) zoning along the western side of Mamre Road should commence at the southern boundary of the subject site (Sydney Water pipeline) and	The Land Zoning Map, Land Reservation Acquisition Map and Industrial Release Area Map are amended to exclude the 20 metre wide zoning

		terminate at the proposed northern boundary of the intersection stub at the James Erskine Drive/Mamre Road intersection.	along Mamre Road, north of the James Erskine Drive intersection. The 20m corridor between the southern boundary of the site and the northern extent of the access stub, which is required for the potential future upgrade and widening of Mamre Road, remains.
	Access (Strategy)	Amend the proposed access strategy (DCP - Fig 5) to reflect the access strategy recommended by RMS. This depicts the proposed southern access on Mamre Road as left in/left out only.	The DCP is amended to reflect the access strategy recommended by RMS.
NSW Heritage Council	Heritage	<ul style="list-style-type: none"> <li>• No objection is raised to the planning proposal on heritage grounds.</li> <li>• The only SHR listed item in the vicinity of the proposed rezoning is Mamre House (SHR 00264). A number of locally listed Heritage Items are also in the vicinity.</li> <li>• Several recommendations were made by NSW Heritage Council to amend the DCP. These are addressed opposite.</li> </ul>	<p>Noted.</p> <p>Clause 6.2.1(c) of the DCP to read: <i>'Should any Aboriginal objects be uncovered during construction, excavation or disturbance of the area shall cease immediately and the National Parks Division of the Department of Environment and Conservation is to be informed in accordance with Section 91 of the National Parks and Wildlife Act 1974.'</i></p> <p>Clause (Controls) 6.3(a) to include the word <i>'landscape'</i> after the word <i>'minimum'</i>.</p> <p>Clause (Controls) 6.3(c) to read: <i>'If any evidence of a European archaeological site or relic is found during the earthworks, all works on the site are to cease and the Office of Environment and Heritage are to be contacted immediately. All relics are to be retained in situ unless otherwise</i></p>

			<i>directed by the Office of Environment and Heritage.'</i>
NSW Environment Protection Authority	Air Quality	<p>Advised that Clause (Control) 6.6(a) of the DCP should be amended to ensure local air quality impacts are also appropriately assessed and managed from proposed developments. Care should be taken to prevent land use conflict by ensuring any sources of air emissions do not impact on sensitive land users.</p> <p>Advised that Clause (Control) 6.6(b) of the DCP should be amended to read: <i>'All development should be designed, installed and maintained to avoid potential air quality impacts and land use conflicts. This should include the appropriate selection of plant and equipment during construction and operation that minimises emissions by having regard to best available emission controls.'</i></p> <p>Advised that Clause 4 (Objectives) (c) and (d) should be expanded to prioritise active transport over other forms of transport. Incorporating the EPA's Air Quality Transport Appraisal Tool as part of assessment procedures would also allow practitioners to consider the air emissions of land use scenarios with regard to the transport demands and vehicle emissions.</p>	<p>6.6(a) No amendment necessary. The DCP commits to Air &amp; Quality assessments at Development Application stage to assess impacts to sensitive users. This has recently been requested and provided for the concurrent SSD Proposal.</p> <p>6.6(b) No amendment necessary. As above, the DCP requires the assessment and the additional requirements of construction plant and material is in relation to Government Contracts which is not applicable to the site.</p> <p><i>Transport Objectives</i> Discussions with TfNSW and RMS on the proposed Public Transport to be delivered as part of the Mamre Road upgrade is ongoing and, due to the concept stage is not appropriate to speculate on at this stage. The carparking rates have been chosen in consideration of RMS rates. This does not appear to over-state carparking to promote car sharing and other modes of transport.</p> <p><i>Road setback</i> The DCP contains a 20m building setback between the future widened road and proposed buildings. No amendment to the DCP is necessary.</p> <p><i>Varied Roof Forms</i></p>

		<p>Recommended measures to increase dispersion of pollution from the road corridor. This includes:</p> <ul style="list-style-type: none"> <li>• further setbacks along Mamre Road should be required to maintain a 20 metre buffer between future users and the expanded road. In addition, the DCP should require mechanical ventilation air intakes to be positioned away from significant pollution sources, such as major roads.</li> <li>• Section 3.3.2 of the DCP refers to buildings being sited and designed to minimise visual impact. These requirements should also require buildings along Mamre Road to be articulated and have varied roof forms.</li> </ul>	<p>Warehouse and logistics facilities are designed to facilitate the use of efficient storage and roof designs' need to consider wind / hail and other variables.</p>
	Water Quality and Sewer	<p>Advised that the development is located within the South Creek catchment, which flows into the Hawkesbury-Nepean River. A range of issues continue to place pressure on these waterways and can contribute to the degradation of their health. Several matters were raised in relation to this issue.</p>	<p>Water Quality objectives have been formulated in response to Penrith City Council guidelines – and all future development adjacent to South Creek will be referred to NSW Office of Water. The objectives and controls are therefore deemed suitable and should remain flexible to cater for the varied uses on the site – as these will be assessed individually at Development Application stage. A Servicing Strategy is being developed in consultation with the Water Authority - Sydney Water – who will ultimately provide consent for the chosen strategy, which must consider all factors, including environmental, maintenance and feasibility matters.</p>
	Noise		<p>As the future development is not known at this stage further assessment is required at the Development Stage.</p>

			'Stage 2' may be subject to a future rezoning process and additional requirements such as setbacks should be considered as noted. The rezoning proposal does not consider buildings and/or layout as it is unknown.
	Contaminated Land Management		Contaminated land is now outside the rezoning boundaries and as per advice from Penrith Council, has been removed from the subject DCP. Contaminated land requiring remediation will require a NSW Accredited Auditor as is required by SEPP 55 - Remediation of Land and the Managing Land Contamination - Planning Guidelines.
	Waste Management		Development through the Department (State Significant) will need to abide by the Department's and EPA's requirements. This has currently been undertaken for the concurrent SSD and is standard practice for Development Applications. Development through Penrith City Council will be driven by the LGA's Waste Management requirements.
	Sustainability		Penrith City Council have required changes including BASIX & WELS which have been instigated.
NSW Department of Primary Industries	Biodiversity	<ul style="list-style-type: none"> <li>• Recommend the riparian corridors along South Creek and the northern tributary are zoned as E2.</li> <li>• The DCP should include specific provisions to protect riparian vegetation and rehabilitate degraded riparian land in accordance with the <i>Guidelines for Controlled Activities on Waterfront Land</i>.</li> <li>• The DCP should include provisions to assess potential impacts of development</li> </ul>	A comprehensive ecological assessment has been undertaken by the proponent and the key vegetation along South Creek and the northern tributary remain protected under an E2 Environmental Conservation zoning in the existing Penrith Local Environmental Plan 2010. The rezoning does not encroach into this E2 zoning.

	<p>Summary of key suggestions raised:</p> <ul style="list-style-type: none"> <li>• Watercourses</li> <li>• Stormwater Quantity Management</li> <li>• Biodiversity</li> <li>• Site Contamination</li> <li>• Groundwater</li> </ul>	<p>on groundwater and groundwater dependent ecosystems.</p> <ul style="list-style-type: none"> <li>• Several recommendations were made by NSW Department of Primary Industries. These are addressed opposite.</li> </ul>	<p>Riparian Corridors are already zoned E2 under the Penrith LEP. The subject rezoning does not propose any rezoning adjacent the riparian zones (to remain under the existing Penrith LEP).</p> <p><u>Watercourses</u>  Clause 3.1 Control (b) to be amended as follows:  <i>'Lots adjoining or containing watercourses shall be designed to achieve the recommended riparian corridor and buffer zones in accordance with Table 4 and Figure 6.'</i></p> <p><u>Stormwater Quantity Management</u>  DCP Clause 5.3 Objective (d) to be added:  <i>'To protect the floodplain and avoid exacerbating geomorphic instability.'</i></p> <p>DCP Clause 5.3 Control (k) to be added:  <i>'development shall not cause (or exacerbate) bed and bank instability'</i></p> <p><u>Biodiversity</u>  Clause 6.1 Objective (b):  The recommended definition is too broad and includes artificial waterbody's such as farm dams and stormwater drainage corridors. The current terminology clearly articulates the Biodiversity Objective.</p> <p>Clause 6.1 Controls (b) and (e):  The control relates to an area outside the subject rezoning / DCP jurisdiction. The existing E2 Zone</p>
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			<p>falls under the Penrith LEP and is governed accordingly.</p> <p>Figure 6: The ERA confirms that the Top of Bank Assessment will be required during DA stage should they impact waterways. Figure 6 has been provided as per DPI 2012 requirements.</p> <p><u>Site Contamination</u> DCP Clause 6.8 Control (c) – The control relates to an area outside the subject rezoning / DCP jurisdiction &amp; as per advice from Penrith City Council - this control has been removed.</p> <p><u>Groundwater</u> The DCP is to include the following Controls for groundwater and groundwater dependent ecosystems at 5.2 Controls: <i>(h) Future development must assess the potential impacts on groundwater (levels, flow or quality) and groundwater dependent ecosystems.</i> <i>(i) excavation beneath the established groundwater table should not be permitted without a hydrological assessment.</i></p>
Water NSW	Warragamba Pipelines	<p>i) DCP to contain specific provisions to address the requirement in Schedule 4 cl.1(1)(j) of the WSEA SEPP to make provision for the protection of the Warragamba Pipelines.</p> <p>ii) Request further consultation during development assessment stages to ensure there are no impacts to the pipelines or corridor from changes in flood behaviour.</p>	<p>i) The DCP includes setback provisions consistent with the WSEA SEPP &amp; Erskine Business Park DCP to protect the Pipeline.</p> <p>ii) To be addressed at the development assessment stage.</p> <p>iii) The SSD Application addresses this requirement and is accepted as detailed in the EIS. The SSD Application requires consultation with WaterNSW. This has been undertaken as detailed in the EIS.</p>

		<p>iii) Request that the DCP requires security fencing is retained or provided to WaterNSW's satisfaction along the corridor boundary, with the costs met by the proponent.</p> <p>Request that the DCP is amended to clarify the 5m setback is from the boundary of the WaterNSW corridor (not the pipelines themselves), and that any access ways or driveways within the setback will be designed to prevent accidental ingress of heavy vehicles into the corridor that may impact on the pipelines.</p>	
Sydney Water	Servicing	<p><u>Servicing Strategy - endorsed</u></p> <p>Sydney Water has endorsed the Servicing Strategy for the development site.</p>	Noted.
	Servicing	<p><u>Future planning works:</u></p> <p>Sydney Water have informed the proponent to undertake detailed planning for the development site. As part of the future detailed planning work, the proponent will be required to seek planning approval for the delivery of water and wastewater infrastructure. Any future planning, design and delivery of works are at the proponent's own cost and risk.</p> <p><u>Water and Wastewater Servicing:</u></p> <p>There is sufficient capacity to service the proposed development. Detailed planning will finalise pipeline routes/alignments and their size, and will be endorsed by Sydney Water.</p> <p><u>Sydney Water Servicing:</u></p>	<p>Noted.</p> <p>Proponent to comply. Detailed planning controls will be considered by the relevant consent authority and not through the current rezoning proposal.</p>

		<p>A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.</p> <p><u>Building Plan Approval:</u> Building plans must be stamped and approved before any construction is commenced.</p>	
Catholic Education – Diocese of Parramatta	Traffic	In the short term, it is not anticipated that rezoning of this site and the associated access arrangements outlined in the current exhibition documentation will have immediate impacts on existing traffic flows in Bakers Lane.	Noted.
	Southern Link Road (SLR)	Request that DPE ensures that planning for the future construction of the proposed SLR takes into account the need to provide uninterrupted access to the primary school, Emmaus College, and the Emmaus Village site at Bakers Lane, and also incorporates appropriate measures to ameliorate traffic noise and other impacts on these long established uses.	<p>Noted.</p> <p>The Mamre West proposal is independent of the Southern Link Road. A separate design process has addressed the relationship between the Southern Link Road, Bakers Lane, the two existing schools and the retirement village. This design ensures a separation of employment related traffic from the schools and retirement village. This is set out in the <i>Broader Western Sydney Employment Area Southern Link Road Network Concept Design</i> which is available on the Department's website. Of particular relevance to Bakers Lane are: Figure 5 on page 3 of the following link: <a href="http://www.planning.nsw.gov.au/~media/Files/DPE/Reports/broader-western-sydney-employment-area-southern-link-road-network-concept-design-2014-04-14.ashx">http://www.planning.nsw.gov.au/~media/Files/DPE/Reports/broader-western-sydney-employment-area-southern-link-road-network-concept-design-2014-04-14.ashx</a> Figure 22 on page 2 of the following link: <a href="http://www.planning.nsw.gov.au/~media/Files/DPE/Reports/broader-western-sydney-employment-">http://www.planning.nsw.gov.au/~media/Files/DPE/Reports/broader-western-sydney-employment-</a></p>

			<a href="#">area-southern-link-road-network-intersection-of-southern-link-road-and-mamre-road.ashx.</a>
Sydney Anglican Schools Corporation	Southern Link Road	Objection to the proposed extension of the regional road network to connect the proposed Southern Link Road (along Bakers Lane) with the subject site.	As above. The rezoning proposal recognises the function of Mamre Road in the Transport and Arterial Road Infrastructure Plan Map and does not extend the proposed SLR network.
Cumberland Conservation Network	Flora and Fauna	<ul style="list-style-type: none"> <li>• Advise that without being permitted to inspect the site limited comments can be made.</li> <li>• Request the preservation of old growth trees and trees with hollows.</li> <li>• Urge maximum provision for a workable fauna connection, including terrestrial fauna.</li> </ul>	A comprehensive ecological assessment has been undertaken by the proponent, and the key vegetation along South Creek and the northern tributary remain protected under an E2 Environmental Conservation zoning in the existing Penrith Local Environmental Plan 2010. The rezoning does not encroach into this LEP E2 zoning. The value of old growth trees and trees with hollows is recognised and will be protected as part of the corridor strategy for South Creek and its northern tributary.
Resident	Support (Employment and Economy)	Support the rezoning of the subject site to IN1 General Industrial. Advised that the new zoning will lead to the creation of jobs and generate economic activity both during construction and into the future which will have a positive impact on the location and community.	Noted.
	Further rezoning	Request DPE proceed with rezoning an additional portion of Lot 2172 and the entirety of Lot 214 at the earliest opportunity and supports the same such zoning being applied to further properties within the precinct.	Noted. The amended DCP makes reference to a future rezoning opportunity to the north of the subject site. Any further rezonings would be a merits based assessment drawing on the technical studies completed to date and the need to consider all of the properties in Mandalong Close.

Resident	Support (Employment)	Welcomes the rezoning of the entire precinct. The rezoning will assist in providing jobs close to homes and associated reduced travel time.	As above.
	Access (Mamre Road)	Supports the widening of Mamre Road.	Noted.
Residents	Land acquisition	The acquisition of land is against the wishes of the property/land owner. The acquisition would impact heavily on the property owners and family.	The creation of a 4-way intersection at James Erskine Drive is the only viable long term method of gaining safe access to the precinct. This necessarily involves the loss of one dwelling. There is a clearly defined process for acquisition under the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> . DPE and RMS will continue to meet with this affected property to ensure that the road infrastructure can be delivered with minimal impact. Although Mamre Road is not currently a funded RMS road, the Voluntary Planning Agreement (VPA) with the proponent provides an opportunity for early acquisition which will help to reduce disruption.
	Cumberland Plain	The rezoning will see more of the Cumberland Plain disappear.	This area has been identified as part of the Western Sydney Employment Area which will be one of the main employment sources for residents in the Penrith area. The land forms an important part of the planning for the future Western Sydney Airport. Parts of the Cumberland Plain will remain preserved as part of the biodiversity conservation for western Sydney and certain heritage landscapes.
Resident	Stage 2 (Flooding)	Questions why lots 201 – 204 are included in 'Stage 2' and Lots 209 and 2010 are excluded. Lot numbers 201 – 204 are identified as being at least three-quarters	Contemporary flood modelling is now much more accurate than previous flooding predictions which relied on poorer base data.

		flood on Council and Engineer maps. These maps do not suggest these significant amounts of flooding in lots 209 and 210.	The current flood modelling has been peer reviewed by Penrith City Council's flooding specialists and is considered to be fit for purpose in analysing flood levels and impacts at the site.
Resident	Support	Support the rezoning, subject to the below.	Noted.
	Amenity	The rezoning should not impede with the recently opened Child Care (Old MacDonald's Child Care). Farm animals form an approved and integral part of the business. This approved use should not alter once the rezoning has occurred as it would be detrimental to the business.	The Child Care Centre is located outside of the land subject to rezoning ('the subject site'). Potential impacts from the subject site on neighbouring properties, including the Child Care Centre, should be addressed in further detail at the development assessment stage. The amended DCP makes reference to a future rezoning opportunity to the north of the subject site. Any further rezonings would be a merits based assessment drawing on the technical studies completed to date and the need to consider all of the properties in Mandalong Close.
	Access	Should access to Mandalong Close be closed or changed to a 'Left-in-Left Out', it is imperative that an alternative uninterrupted access is provided for the provision of access to the Child Care Centre, enabling continued access for parents, employees and deliveries.	The Mamre Road upgrade will address future access for all local roads associated with the study area. The industrial access needs of businesses such as the Child Care Centre would be identified at this stage.
Resident	Object (Stages 1 and 2)	'Stage 1' should not be rezoned unless the whole estate is rezoned. Should Mandalong Close be rezoned it should be for the whole street, not part of the street.	The proposed rezoning provides a buffer of approximately 250m between the IN1 zoning and the Mandalong Close residential properties to the north. The amended DCP makes reference to a future rezoning opportunity to the north of the subject site. Any further rezonings would be a merits based assessment drawing on the technical studies completed to date and the need to consider all of the properties in Mandalong Close.

	Amenity (Mandalong Close)	Advised that they do not want to put up with noise, dust and interruptions whilst construction is undertaken and extra traffic during and after construction.	The setback of 250m from the northern boundary of the subject site will help to ensure that the residential amenity of Mandalong Close is maintained.
Resident	Object (Stage 2) - Flooding - Amenity	Object to 'Stage 2'. Object to Mandalong Close being split by 'Stage 2'. The flood map has determined the 'Stage 2' boundary, however 90% of all properties are in the flood plan. If Stage 2 went ahead the 5 properties left out would be situated behind an industrial area which would devalue these properties. Should Mandalong Close be rezoned it should be for the whole street, not part of the street.	The amended DCP makes reference to a future rezoning opportunity to the north of the subject site. Any further rezonings would be a merits based assessment drawing on the technical studies completed to date and the need to consider all of the properties in Mandalong Close. Contemporary flood modelling is now much more accurate than previous flooding predictions which relied on poorer base data. The current flood modelling has been peer reviewed by Penrith City Council's flooding specialists and is considered suitable for analysing flood levels and impacts at the site.
Resident	Object (Stage 1 & 2)	Objects to the rezoning of Stages 1 and 2.	The proposed rezoning provides a buffer of approximately 250m between the IN1 zoning and the rear of the Mandalong Close residential properties to the north. The amended DCP makes reference to a future rezoning opportunity to the north of the subject site. Any further rezonings would be a merits based assessment drawing on the technical studies completed to date and the need to consider all of the properties in Mandalong Close.
	Flooding	The original Mandalong Close development was sanctioned by Penrith City Council and therefore sub-divided into Rural Residential acres. A most important aspect of allowing the development was an in-depth flood study. The study clearly outlines a 1 in 100 flood line following the contours of the land.	Contemporary flood modelling is now much more accurate than previous flooding predictions which relied on poorer base data. The current flood modelling has been peer reviewed by Penrith City Council's flooding specialists and is considered suitable for analysing flood levels and impacts at the site.

		Questions why Stage 1 is allowed to proceed given that so much of the land is designated flood plain and queries where the water will flow from Stage 1 that would normally soak into the land.	
Resident	Support (Stage 1) - Economy and Employment	Support rezoning of 'Stage 1'. Natural progression of the surrounding employment land and would contribute to the local economy.	Noted.
	Support (Stage 2)	Support. The zoning should consider bulky goods retail, or office ancillary zone, and incorporate the land at the end of Mandalong Close as storage or parkland to compliment a master plan for 'Stage 2'.	The amended DCP makes reference to a future rezoning opportunity to the north of the subject site. Any further rezonings would be a merits based assessment drawing on the technical studies completed to date and the need to consider all of the properties in Mandalong Close.
Name withheld	Object (Stages 1 and 2) - Amenity (Mandalong Close)	<p>'Stage 1' should not be rezoned.</p> <p>The rezoning of 'Stage 1' to General Industrial would have a detrimental affect on all residents of Mandalong Close. This includes impacts on traffic flow, native animals, water pollution in natural waterways, vehicle pollution, light pollution, dust and noise pollution.</p> <p>Opposes the proposed rezoning of land in 'Stage 2'.</p> <p>Should Mandalong Close be rezoned it should include all properties in Mandalong Close simultaneously as one package. <u>Amenity</u> The rezoning of 'Stage 2', with 24 hour 7 day industrial warehousing, would be detrimental</p>	<p>The proposed rezoning provides a buffer of approximately 250m between the IN1 zoning and the rear of the Mandalong Close residential properties to the north.</p> <p>The amended DCP makes reference to a future rezoning opportunity to the north of the subject site. Any further rezonings would be a merits based assessment drawing on the technical studies completed to date and the need to consider all of the properties in Mandalong Close.</p> <p>The setback of 250m from the northern boundary of the subject site will help to ensure that the residential amenity of Mandalong Close is maintained.</p>

		<p>to health due to the noise and affecting sleep pattern. Danger to school children from streets congested with trucks.</p> <p><u>Land Value</u></p> <p>An industrial rezoning at 'Stage 2' would devalue their home and land value.</p> <p>Should rezoning of Stage 2 occur, financial compensation would be sought from Council.</p>	
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## Appendix C: Consistency with Section 117 Directions

Section 117 Direction	Compliance
<b>1. Employment and Resources</b>	
1.1 Business and Industrial Zones	The proposal seeks to provide employment growth in an appropriate location and in accordance with the WSEA SEPP.
1.2 Rural Zones	The release and rezoning of the nominated land is consistent with the strategic planning policy established within the Broader Western Sydney Employment Area Structure Plan. The proposed rezoning for industrial purposes is in accordance with the studies which underpinned the inclusion of Precinct 11 within the Land Application Map and the provisions of the WSEA SEPP.
1.3 Mining, Petroleum Production and Extractive Industries	This direction is not applicable to the Precinct
1.4 Oyster Aquaculture	This direction is not applicable to the Precinct
1.5 Rural Lands	This direction is not applicable to the Precinct
<b>2. Environment and Heritage</b>	
2.1 Environment Protection Zones	The proposal seeks to rezone the developable land to IN1 General Industrial under the provisions of the WSEA SEPP. The balance of the land will remain RU2 Rural Landscape and E2 Environmental Protection under the provisions of Penrith LEP 2010.
2.2 Coastal Protection	This direction is not applicable to the Precinct
2.3 Heritage Conservation	Detailed studies and investigations have been completed to assess the Aboriginal and non-indigenous heritage significance of the site. The <i>Aboriginal Cultural Heritage Assessment Report</i> prepared by Biosis assesses the potential impacts on Aboriginal sites and relics and documents the consultation undertaken with relevant authorities and Aboriginal organisations. The <i>Heritage Assessment</i> prepared by City Plan Services confirms the site does not warrant a heritage listing under the LEP. The report recommendations have been incorporated into the site-specific DCP so future development proposals include additional investigations, ongoing consultation with the Aboriginal community and mitigate the potential impacts on scenic values.
2.4 Recreation Vehicle Areas	This direction is not applicable to the Precinct
<b>3. Housing, Infrastructure and Urban Development</b>	
3.1 Residential Zones	This direction is not applicable to the Precinct
3.2 Caravan Parks and Manufactured Home Estates	This direction is not applicable to the Precinct
3.3 Home Occupations	This direction is not applicable to the Precinct
3.4 Integrating Land Use and Transport	The proposal will provide for the industrial release and rezoning of land to provide jobs closer to home. It will also provide for the efficient movement of freight by road, taking

	advantage of the M4 Motorway and the regional road network.
3.5 Development Near Licensed Aerodromes	This direction is not applicable to the Precinct
3.6 Shooting Ranges	This direction is not applicable to the Precinct
<b>4. Hazard and Risk</b>	
4.1 Acid Sulfate Soils	The proposal is consistent with this direction as the nominated land is considered suitable for the proposed industrial use and is unlikely to result in any significant adverse environmental impacts arising from its future redevelopment.
4.2 Mine Subsidence and Unstable Land	This direction is not applicable to the Precinct
4.3 Flood Prone Land	Detailed consideration has been given to the relevant floodplain policies and guidelines to determine the development potential of the Mamre West Land Investigation Area. The majority of land within the eastern portion of the Investigation Area is located outside of the floodway. Detailed assessment will be provided at the development application stage and in accordance with the provisions of the site-specific DCP.
4.4 Planning for Bushfire Protection	The Mamre West Land Investigation Area is predominantly located within Vegetation Category 2 under the Penrith City Council LGA Bush Fire Prone Land Map, dated February 2015. The residential dwellings along the southern side of Mandalong Close are partly excluded, with a Vegetation Buffer zone located towards the rear of the dwellings. Part of the riparian corridor in the north-western corner of the Precinct is located within Vegetation Category 1. The provisions of the <i>Planning for Bushfire Protection 2006</i> will be addressed at the development application stage. Appropriate provisions have been included within the site-specific DCP with regard to the management of bushfire risk.
<b>5. Regional Planning</b>	
5.1 Implementation of Regional Strategies	This direction is not applicable to the Precinct
5.2 Sydney Drinking Water Catchments	This direction is not applicable to the Precinct
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	This direction is not applicable to the Precinct
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	This direction is not applicable to the Precinct
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	This direction is not applicable to the Precinct
5.6 Sydney to Canberra Corridor	This direction is not applicable to the Precinct
5.7 Central Coast	This direction is not applicable to the Precinct
5.8 Second Sydney Airport: Badgerys Creek	This direction is not applicable to the Precinct
5.9 North West Rail Link Corridor Strategy	This direction is not applicable to the Precinct
<b>6. Local Plan Making</b>	
6.1 Approval and Referral Requirements	This direction is not applicable to the Precinct
6.2 Reserving Land for Public Purposes	This direction is not applicable to the Precinct
6.3 Site Specific Provisions	This direction is not applicable to the Precinct
<b>7. Metropolitan Planning</b>	

7.1 Implementation of A Plan for Growing Sydney

The proposed land release and industrial rezoning of land within the Mamre West Land Investigation Area addresses the objectives and key priorities *in A Plan for Growing Sydney* as outlined within the *Land Use and Infrastructure Delivery Plan*. The proposal will deliver jobs close to home, drive economic growth through the release of the land for employment purposes, improve infrastructure by way of monetary contributions and physical works and protect the natural environment by limiting the potential development area to the land outside of the floodway.