



Our reference: 7240278
Contact: Nicole Dukinfield
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11 April 2016

NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attn: Bruce Colman (Director - Land Release)

Dear Mr Colman

Submission on the Mamre West Land Investigation Area

Thank you for your letter dated 25 February 2016 seeking Council's comments on the proposal for land known as the Mamre West Land Investigation Area (the Precinct). Council acknowledges the level of consultation undertaken to date and thanks the Department of Planning and Environment (DP&E) for the opportunity to provide formal feedback on the Precinct, as well as providing additional time to prepare comments.

The proposed rezoning of the Precinct provides opportunities for investment and local jobs for Penrith, and Council looks forward to working with the DP&E in planning for further opportunities as part of the Western Sydney Priority Growth Area as part of considered planning.

As the Precinct is not without its constraints, this submission provides a number of suggestions and recommendations relating to the rezoning, Development Control Plan (DCP) and associated studies. Please refer to the attached document detailing Council's submission on the Precinct. In summary, the key suggestions raised within the submission include:

- Removal of references to 'Potential Stage 2 Area' within all materials due to the speculative nature of this potential future investigation area and impact on existing residents;
- Finalising the rezoning only once the unresolved review of the proponents flooding assessment are finalised;
- Consideration of a trigger point in the timing and delivery of the access point off the existing connection at James Erskine Drive, to ensure the most effective traffic and access solution is operational in line with the development of the Precinct; and
- Ensuring 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.

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Should the DP&E consider further changes are warranted as a result of the public exhibition, further consultation with Council will be welcomed. If you wish to discuss any aspect of this submission in further detail, please contact Nicole Dukinfield on (02) 4732 8511 or via email nicole.dukinfield@penrith.city .

Yours sincerely



Paul Grimson
City Planning Manager

PENRITH



PENRITH CITY COUNCIL SUBMISSION MAMRE WEST LAND INVESTIGATION AREA

April 2016

PENRITH CITY COUNCIL SUBMISSION ON MAMRE WEST LAND INVESTIGATION AREA

Explanation of intended effect

The explanation of intended effect makes reference to a clause within State Environmental Planning Policy (SEPP) (Western Sydney Employment Area) (WSEA) 2009 that provides for a road connection through Lot 2172 DP 1153854. Council generally supports such a mechanism to ensure the Precinct is serviced by the most appropriate traffic and access arrangements (although it is noted that at the time of the exhibition, the clause was not yet prepared). This support is subject to no obligation for Council to acquire the land or to construct the road.

It is understood that during the exhibition of the Precinct, the proponents entered into negotiations with the landowner of Lot 2172 to purchase a portion of the land required to complete the road connection from the Precinct to the proposed extension of the existing James Erskine Drive intersection. Should settlement for the purchase of the land for the road connection not proceed, further consultation with Council to develop an alternative mechanism will be welcomed.

SEPP (WSEA) 2009 draft maps

The proposal to rezone the land from the current RU2 Rural Landscape zone to IN1 General Industrial is supported. The proposed 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. It is understood that the zoning for the Precinct will occur as an amendment to SEPP (WSEA) 2009, and that amendment would amend Penrith Local Environmental Plan (LEP) 2010 to remove the current RU2 Rural Landscape zone.

The proposed Land Zoning map generally contains the area being rezoned to land under the ownership of the proponents. It is noted that there is a small strip of land proposed to be rezoned to IN1 General Industrial immediately north of the proponents' site. Although it is understood the intention for this is to enable construction of an internal connecting road from the proposed intersection extension at James Erskine Drive through to the Precinct, the DP&E should be satisfied that there will be no further implications of rezoning this strip prior to finalising the rezoning boundary. Further comments on the proposed IN1 General Industrial zone boundary as it relates to flooding is detailed further in the flooding section below.

An SP2 Infrastructure zone 'stub' is indicated to provide for an extension of the existing James Erskine Drive intersection, as the major access point to and from the Precinct. The corresponding Land Reservation Acquisition map and Transport and Arterial Road map identifies Roads and Maritime Services (RMS) as the acquisition authority for a property to provide for part of this connection. To avoid future delays in the planning and construction of the road, the DP&E must also be satisfied that the proposed zone boundary is consistent with the location and design of the proposed connection road. It is requested that the DP&E,

RMS and Council continue regular discussions as progress is made regarding intersection designs and property acquisition.

The proposed 20 metre wide SP2 Infrastructure zone along Mamre Road for the future road widening is supported.

Potential Stage 2 Area

It is noted there is an area identified within the Land Use and Infrastructure Strategy and the draft DCP as the 'Potential Stage 2 Area'. The purpose in identifying this area is unclear as the draft DCP does not apply to the land. It is also unclear as to how the proposed boundary has been defined.

The proposed boundary indicates that some residential properties in Mandalong Close will be excluded from the investigations for future rezoning. If this boundary were to be a future rezoning boundary, this will result in an unacceptable level of amenity for the excluded residents, with a number of properties having an immediate interface with industrial land uses.

Council has received feedback from residents of Mandalong Close outside of the investigation area objecting to the identification of the 'Potential Stage 2 Area'. The concerns of these residents should be considered and the DPE are urged to remove all references to 'Potential Stage 2 Area' from the Land Use and Infrastructure Delivery Plan and DCP, including all maps.

Whilst future investigations into the development potential of the land north of the current Precinct is a logical approach, support will only be considered for further rezoning of land if the outcome benefits all landowners and would not result in such severe land use conflicts.

Flooding

A significant area of the Precinct is flood-affected by South Creek and local overland flows. Therefore well-considered management of flooding and stormwater issues will be needed to ensure negligible impacts in developing the Precinct.

It is acknowledged that the scope of the proponent's two-stage Flood Assessment Report was developed in conjunction with Council. Council engaged consultants Worley Parsons to carry out an independent review of the proponents' flood studies in testing the flood modelling and in determining the pre and post-development impacts on surrounding properties. As you will be aware, this review is not yet complete therefore it would not be prudent to comment on the flooding implications at this stage.

It is understood that the proposed zone boundary has been developed as a result of the proponents' flood assessment. Council's final position on the proposed zone boundary can only be provided once the outcomes of the independent flood assessment review have been finalised. It can be stated that Council does not support the rezoning of land within a floodway or high hazard area. For this reason, it is requested the DP&E not seek to finalise the rezoning of the Precinct until this matter has been resolved.

Traffic and Access

The Roads and Maritime Services (RMS) have earmarked Mamre Road for classification as a Principal Arterial Road in defining the road's main role in catering for through-traffic as opposed to provide access to development. To achieve this, Council understands that it was the view of the RMS that reducing the number of intersections would reduce the amount of delay experienced by through-traffic. Therefore, considering RMS' new classification of Mamre Road, the ultimate development access arrangement with Mamre Road at the James Erskine Drive intersection is supported.

Although the proponent does not currently own all land required to complete the ultimate access scenario, it is understood that negotiations have occurred between the proponent and current landowner of Lot 2172 to purchase the land, resulting in the landowner providing written agreement of an intention to sell the portion required for the road connection to the proponents. It is also understood that this agreement, in addition to a Voluntary Planning Agreement (VPA) for a Special Infrastructure Contribution towards the acquisition of an adjoining property for construction of the stub and extension at the existing James Erskine Drive intersection, has satisfied the DP&E that there are adequate mechanisms in place to ensure the delivery of this intersection and connecting road to the Precinct.

A mechanism for the timing of construction of the intersection connection should also now be considered due to the significance of this intersection in delivering the most appropriate traffic and access solution. It is recommended that the DP&E and RMS develop a trigger point, potentially being based on developed Gross Floor Area, to determine the delivery of the intersection and internal road connection to the Precinct. It would be timely to include this trigger point within the amended VPA, and subsequently within the DCP and Land Use and Infrastructure Strategy.

A concept plan that shows the road extension beyond the proposed intersection at James Erskine Drive should also be prepared and included within both the VPA and DCP.

Draft Development Control Plan (DCP)

It is understood that the proposed DCP is intended to be made by the Secretary of the DP&E, resulting in the DCP being administered by the NSW Government. For other lands zoned under State Environmental Planning Policy (SEPP) (Western Sydney Employment Area) 2009 in the Penrith LGA, the Penrith DCP 2014 applies with a specific chapter for the existing Erskine Business Park.

Council's preference is to ideally retain consistency by including all lands zoned under SEPP (WSEA) guided by the Penrith DCP 2014. Therefore it is suggested that the DP&E utilise existing provisions of the Environmental Planning and Assessment Act 1979 clause 74F(1), requesting the Minister direct Penrith City Council to amend the Penrith DCP 2014 to incorporate the Mamre West DCP. This would avoid Council being subject to the Regulations and having to duplicate requirements already undertaken by the DP&E.

Council has carefully considered the draft DCP and proposes a number of changes, as outlined in the table below. Largely, these changes are to ensure consistency with the Penrith DCP 2014, should the Mamre West DCP remain a stand-alone document.

Draft DCP	Proposed amendment	Explanatory Note
Section 1 - Introduction		
		No suggested changes are recommended for this section of the DCP
Section 2 – Urban Design Principles		
	<p>Section 6.3.4 of the Penrith DCP provides further details and should be considered for this section of the DCP.</p> <p>Key urban design principles need to address matters such as providing high quality external building materials and finishes, particularly to Mamre Road. Ensuring large blank walls do not present to this highly visible frontage with opportunities for office components being oriented to this frontage is also highly recommended.</p>	This section does not detail Urban Design Principles. It simply provides a statement of site constraints and opportunities.
Section 3 – Land Use and Staging		
3.1 Subdivision	<p>Insert the following control:</p> <ul style="list-style-type: none"> <i>Full retaining wall details and extents shall be submitted with any subdivision and/or built form DA. Particular consideration shall be given to landscaping and stepped retaining wall treatments with high quality materials utilised to reduce visual impacts</i> <p>Amend control (f) as follows:</p>	

Draft DCP	Proposed amendment	Explanatory Note
	<p>Suitable water quantity and quality control measures are to be implemented with future development to avoid detrimental impacts on the natural watercourses and downstream properties. <i>These measures must be above the 1% AEP</i></p> <ul style="list-style-type: none"> Amend reference to “regional road network’ to “State road network” 	
3.3.1 Site Coverage & Building Setbacks	<p>Building setback controls should be consistent with Table E6.2 of Penrith DCP 2014 unless it can be demonstrated otherwise that the proposed lesser setback controls are warranted.</p> <p>Insert the following controls:</p> <ul style="list-style-type: none"> <i>The Mamre Road setback shall achieve a 20m landscaped setback</i> <i>Service areas and related infrastructure (eg. water tanks) should not be located within front setback areas, particularly to Mamre Road.</i> 	<p>The maximum 60% site coverage control is considered unnecessary. Site coverage will be determined by building setback and car parking controls. The maximum site coverage control has been difficult to apply in the Erskine Business Park and has consistently been varied.</p> <p>Figure 3 – Industrial Subdivision Road Setback and Figure 4 – Mamre Road Setback are not referenced within this section. It appears the diagram and setbacks do not reflect Table 3 – Building setbacks. These figures should be amended accordingly and referenced within a control.</p>
3.3.2 Building Height	The 20m building height proposed should be reduced to 15m.	<p>The proposed 20m maximum building height appears excessive and no justification has been provided for this height. The Penrith DCP 2014 specifies a 15m height for the existing Erskine Business Park opposite the Precinct. This height is considered more appropriate for the Precinct due to its location near residential properties in Mandalong Close.</p>

Draft DCP	Proposed amendment	Explanatory Note
3.3.4 Signage and Estate Identification	Amend control (c) as follows: “A decorative masonry entrance wall and high quality estate signage may be provided at access entries to the Precinct on Mamre Road, <i>and shall be located outside of the road reserve</i> ”.	
Section 4 – Transport, Access and Car Parking		
Objectives	For objective (d), remove reference to “where feasible and practical”.	
Controls	Control (b) should be removed. Delete control (d). Amend control (e) as follows:	<p>The DCP should reflect the ultimate development access arrangement which is understood to be left-in/left-out access. Traffic measures such as seagull intersections are subject to road safety audits and other analysis, therefore the DCP should not be used to seek a commitment on this matter.</p> <p>The proposed control should be removed to provide flexibility for the proponent and is not necessary to be included as a DCP control. Design specification for construction of roads are not exclusive only to Council's design standards.</p> <p>There is ambiguity in the proposed control that access from lots to Mamre Road is allowed whilst access from Mamre to lots is not permitted.</p>

Draft DCP	Proposed amendment	Explanatory Note
	<p>“No direct vehicle access will be permitted to <i>and from</i> individual industrial lots via Mamre Road. All access will be provided by way of the internal industrial subdivision road”.</p> <p>Amend control (h) as follows:</p> <p>“One space per 100m² of warehouse GFA</p> <p>Amend control (i) as follows:</p> <p>“Car parking areas are to be designed in accordance with the provisions of the relevant Australian Standards AS/NZ 2890.1:2004, AS/NZ 2890.2:2002 and AS/NZ 2890.6:2009”.</p> <p>Insert the following control:</p> <p><i>“All roads and intersections shall be designed to accommodate 25m B-Double vehicles as a minimum”.</i></p>	<p>This is consistent with the Penrith DCP 2014, and takes into consideration the potential for alternative/re-use of buildings.</p>
<p>Section 5 – Stormwater and Flooding</p>		
<p>5.1 Flood Management</p>	<p>Amend spelling of control (a) to “Creek”.</p> <p>Amend control (d) as follows:</p> <p>“For industrial and commercial buildings, the floor level is to incorporate a minimum 500mm freeboard above the <i>1% AEP flood level</i>.”</p> <p>Insert new control stating that no retarding basins are to be located in the floodway or flood storage areas.</p> <p>Insert new control stating that proposed building floor levels must consider both South Creek and local overland flooding.</p>	<p>The applicable flood level is the 1% AEP and this should be referenced to provide clarification.</p>

Draft DCP	Proposed amendment	Explanatory Note
5.2 Stormwater Quality Management	<p>Insert the following controls:</p> <ul style="list-style-type: none"> • <i>A Water Sensitive Urban Design (WSUD) Strategy prepared in accordance with Council's associated WSUD Technical Guidelines is to be submitted with a development application.</i> • <i>Impervious areas directly connected to the stormwater system shall be minimised. Runoff from impervious areas such as roofs, driveways and rainwater tank overflows shall be directed onto grass and other landscaped areas designed to accept such flows.</i> • <i>Where stormwater treatment measures are located in riparian corridors, they must be installed in a manner consistent with the requirements of the NSW Office of Water.</i> • <i>Stormwater treatment measures (including WSUD) must be located on private land under the maintenance of the owner or occupier.</i> <p>Insert the following control:</p> <p><i>"All stormwater quality devices are to be constructed above the 1% AEP".</i></p>	These changes are proposed to provide more consistency with Council's WSUD Strategy.
5.3 Stormwater Quantity Management	<p>Insert the following control:</p> <ul style="list-style-type: none"> • <i>The post development duration of stream forming flows shall be no greater than 3.5 times the pre developed duration of stream forming flows. The comparison of post development and pre development stream forming flows is commonly referred to as the Stream Erosion Index (SEI). The approach to evaluating the SEI is outlined in Council's associated WSUD Technical Guidelines.</i> <p>Amend control (e) as follows:</p> <p><i>"All designs shall be prepared by a suitably qualified civil engineer".</i></p> <p>Replace control (c) with the following:</p>	These changes are proposed to provide more consistency with Council's WSUD Strategy.

Draft DCP	Proposed amendment	Explanatory Note
	<p><i>"All stormwater quantity measures are to be constructed above the 1% AEP".</i></p> <p>Further detail should also be provided to ensure that on-site detention basins are designed to restrict post-development flows to pre-development flows.</p>	<p>This is consistent with Penrith DCP 2014.</p>
<p>5.4 Rainwater Harvesting and Re-Use</p>	<p>Insert the following controls:</p> <ul style="list-style-type: none"> • <i>The following controls apply for all buildings not covered by SEPP BASIX:</i> <ul style="list-style-type: none"> ○ <i>Developments installing any water use fittings must demonstrate minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme. Minimum WELS ratings are 4 star dual-flush toilets, 3 star showerheads, 4 star taps (for all taps other than bath outlets and garden taps) and 3 star urinals. Water efficient washing machines and dishwashers are to be used wherever possible.</i> ○ <i>Rainwater tanks are to be installed to meet 80% of non-potable demand including outdoor use, toilets and laundries.</i> ○ <i>Passive cooling methods are to be incorporated that rely on improved natural ventilation to supplement or preclude mechanical cooling</i> • <i>Where cooling towers are used they are:</i> <ul style="list-style-type: none"> ○ <i>To be connected to a conductivity meter to ensure optimum circulation before discharge</i> ○ <i>To include a water meter connected to a building energy and water metering system to monitor water usage</i> 	<p>Council's WSUD Policy includes targets for stormwater harvesting and reuse for non-potable demand.</p>

Draft DCP	Proposed amendment	Explanatory Note
	<ul style="list-style-type: none"> ○ <i>To employ alternative water sources for cooling towers where practical and in accordance with the Public Health Act and NSW Health Guidelines</i> • <i>Water use within public open space (for uses such as irrigation, pools, water features etc) should be supplied from sources other than potable water mains water (eg. treated stormwater or greywater) to meet 80% water use demand.</i> 	
	<p>The draft DCP does not address the requirement to connect the existing culvert at Mamre Road through to South Creek. The DCP should require that the existing drainage from and across Mamre Road be piped for the 20 ARI and convey 100 year ARI through easements overland. All road drainage should also be designed for minimum 20 year ARI. Roads should also be constructed above the 1% AEP.</p>	<p>Drainage provisions should be inserted similar to Chapter E6 Erskine Business Park, including diagrams where necessary.</p>
	<p>The Penrith DCP 2014 provides criteria for change of use of existing buildings in flood affected areas. Similar provisions should be developed for the subject DCP.</p>	
<p>Section 6 – Environmental Management</p>		
<p>6.2 Heritage Conservation</p>	<p>Insert the following control:</p> <ul style="list-style-type: none"> • <i>Identified areas of archaeological potential will require related DAs to be accompanied by an indigenous heritage assessment report.</i> 	
<p>6.5 Noise and Vibration</p>	<p>Amend control (b) as follows:</p> <p>“An acoustic assessment prepared by a <i>qualified acoustic consultant</i> should be submitted with any development application for the construction of a new industrial building, or any major modifications to an existing industrial development, that could give rise to concerns regarding potential acoustic impacts. <i>The assessment is to be prepared</i></p>	<p>The Acoustic Assessment identifies that road traffic noise needs to be considered.</p> <p>Any acoustic assessment submitted should address the development in its entirety, not just external activities. Given the permissible</p>

Draft DCP	Proposed amendment	Explanatory Note
	<p><i>with consideration of the relevant guideline documents, including the NSW Industrial Noise Policy, the NSW Road Noise Policy and the Interim Construction Noise Guideline. The acoustic assessment should specifically identify:</i></p> <ul style="list-style-type: none"> • <i>Noise emission goals for the site (including sleep disturbance) and demonstrate compliance</i> • <i>Proposed numbers of vehicle movements associated with the use, and consider impacts associated with road traffic noise</i> • <i>Any noise generating activities to be conducted onsite, including mechanical plan and equipment, and activities in external areas (such as use of forklifts, truck washes or similar)</i> • <i>Recommended noise attenuation and mediation methods.</i> 	<p>development in the zone, other activities may generate noise.</p> <p>The Acoustic Assessment outlines the requirement for a noise screen along the northern boundary of the site, however no provisions have been developed within the draft DCP. It is proposed that controls be developed to identify that should noise screens or barriers be required, information regarding the design, construction type, colours, materials and maintenance requirements of these screens is to be provided with a development application.</p>
6.8 Site Contamination	<ul style="list-style-type: none"> • Control (a) should be deleted as this is a statement, not a control, and further contamination assessments may be required during development assessment of a proposal. • Control (b) should be deleted as this refers to land outside of the land to which the DCP applies and is irrelevant. <p>Insert the following control:</p> <p>“Development consent is required for the remediation of all contaminated land within the Penrith LGA.</p>	<p>This requirement is prescribed by SREP 20 and SEPP 55. Many applicants miss this requirement, assuming that the remediation works would fall under Category 2 works as per SEPP 55. In Penrith LGA, remediation works are Category 1 works and consent needs to be obtained.</p>