



WESTERN SYDNEY EMPLOYMENT AREA

Mamre Road Precinct Development Control Plan

Finalisation Report

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Executive Summary

The Mamre Road Precinct was rezoned on 11 June 2020 to create additional industrial land for Western Sydney to meet projected demand. The rezoning delivered around 850 hectares of industrial land that can be readily serviced and developed and is integrated with the existing Western Sydney Employment Area (WSEA) and in close proximity to the Aerotropolis.

Clause 18 of the State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP) requires that a Development Control Plan (DCP) be in place prior to the determination of development applications. To support a holistic approach to the delivery of the precinct, the Department has prepared the Mamre Road DCP in collaboration with Penrith City Council and other State agencies. The DCP provides detailed planning controls for industrial development in the precinct to be considered as part of the development application process. The DCP provides controls for:

- Building design, including building heights and setbacks
- Subdivision, including minimum lot sizes
- Biodiversity
- Landscaping
- Aboriginal and non-aboriginal heritage
- Drainage and water cycle management
- Indicative road network and road design

The draft DCP was exhibited from 10 November to 17 December 2020. An Integrated Water Cycle Management Plan and an Aboriginal Heritage Assessment informed the draft DCP and were also made available for review and comment.

Forty-two submissions were received from the following stakeholders:

- 16 submissions from local landowners
- 18 submissions from developers and industry groups
- 8 submissions from Government agencies and utility providers, including Penrith City Council

The key issues raised in submissions include:

- Traffic and transport, including road network
- Drainage, stormwater and water cycle management
- Views and visual impacts, particularly from the Mount Vernon rural residential area
- Built form controls
- Landscaping controls

A discussion of the major issues can be found in Section 4 of this report.

As a result of feedback, some changes were made to the DCP. The changes to the DCP post-exhibition include:

- Revision of the Integrated Water Cycle Management development controls and the inclusion of an alternative methodology for meeting the waterway health objectives.
- Further refinement of the strategic traffic network and road layout and design controls, clarification of road types, their locations and intersections.
- Rationalisation of built form controls.

1. Introduction

1.1 Overview

The Mamre Road Precinct (the precinct) was rezoned on 11 June 2020. Development of land within the precinct will assist in meeting demand for Greater Sydney's long-term freight, logistics and industrial needs and provides an opportunity to deliver liveability and sustainability outcomes including the protection of Wianamatta-South Creek and its tributaries. The precinct will provide for jobs closer to people's homes and contribute to the NSW economy.

The precinct provides for around 850 hectares of industrial land with an approximate capacity for 17,000 jobs. As a result of the rezoning, new environmental conservation areas and public open spaces were also identified in the precinct.

Following the rezoning of the precinct, the Department of Planning, Infrastructure and Environment (the Department), in collaboration with Transport for NSW (TfNSW) and Penrith City Council (Council), prepared a draft Development Control Plan (DCP) to establish a holistic approach to the development of the precinct and provide detailed controls against which development in the precinct will be assessed.

The draft Mamre Road Precinct (DCP) was exhibited between 10 November and 17 December 2020, along with a supporting Integrated Water Cycle Management Strategy and an Aboriginal Heritage Assessment. A precinct wide DCP will satisfy clause 18 of *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (the WSEA SEPP) that requires a DCP to have been prepared for sites within the precinct before development consent can be given. This will streamline assessment timeframes and ensure precinct scale outcomes can be delivered.

This report documents the consultation process, summarises the issues raised in submissions and reports on how those issues have been addressed to finalise the DCP.

2. Exhibition Details

2.1 Exhibition and Submissions Period

The draft DCP was exhibited from 10 November 2020 to 17 December 2020. A total of 42 submissions were received in response to the exhibition. Seven submissions were received from six NSW State agencies. Penrith City Council also provided a submission. The remaining 35 submissions were from landholders, organisations or businesses in the precinct and the local area. All submissions received by the Department have been considered in the finalisation of the DCP. A summary of key issues and resolution of these issues is outlined in Section 4 of this report.

2.2 Exhibited Materials

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

- Draft Mamre Road Precinct Development Control Plan
- Mamre Road Flood Riparian and Integrated Water Cycle Management Report
- Aboriginal Heritage Report Parts 1 - 4

These documents were available on the Department's website:

<https://www.planningportal.nsw.gov.au/MamreRd-DCP>

2.3 Public Notice

A media release announcing the start of exhibition was issued by the Minister for Planning and Public Spaces on 20 November 2020.

Notices were placed in the following newspapers advising of the details of the public exhibition:

- Penrith Press – 28 November 2020
- Fairfield City Advance – 7 November 2020

2.4 Notification to Landowners

The Department notified all landowners within the precinct in writing at the start of the exhibition period. The letter provided details of the exhibition period and engagement opportunities and invited submissions on the draft DCP.

Email notifications were sent to Mamre Road webpage subscribers, and notification was posted on social media channels.

2.5 Notification of Key Stakeholders

The Department advised stakeholders of the exhibition, including local councils, State Government agencies, and developers and developer industry groups, as listed in Section 2.

2.6 Engagement Activities

Engagement activities were held virtually due to COVID 19 restrictions and consisted of:

- A webinar which involved a presentation followed by a Q&A session with the project team. This was attended by 31 people.
- One-on-one phone briefings with community members. The team held 14 phone briefings across the exhibition period.

These engagement activities were publicised via the letter to landowners as well as on the Mamre Road webpage.

3. Submissions Summary

3.1 Number of Submissions

The Department received 42 submissions in response to the formal exhibition. Copies of all non-confidential submissions received during the exhibition period are on the Department's website and Table 1 provides a summary of submissions as grouped into major stakeholder groups. Section 4 of this report outlines the key matters that arose out of submissions and outlines how these matters have been considered in the finalisation of the DCP.

Table 1. Summary of submissions

Stakeholder group	Number of submissions
Landowners and Community	12
Government agencies and utility providers (including Council)	8
Developers and Industry Groups	22
Total	42

During the public exhibition period, 8 submissions were received from Government agencies and utility authorities, including two from Heritage NSW that separately addressed Aboriginal and non-Aboriginal heritage. Submissions were received from:

- Penrith City Council
- Heritage NSW
- NSW Environmental Protection Authority (EPA)
- Environment, Energy and Science division of the Department of Planning, Industry and Environment
- Sydney Water
- Transport for NSW
- Water NSW

NSW EPA provided a more detailed response after the exhibition period.

3.2 Issues raised

All submissions received were reviewed by Department staff, in consultation with Council and other State agencies including TfNSW and Sydney Water.

The key issues raised in submissions include:

- The document is too long, complex and prescriptive for an industrial precinct.
- Built form and design controls do not relate to large format warehouse development and hinder flexibility.
- Landscaping controls relating to tree canopy are not achievable on a site by site basis.
- Landscaping controls relating to minimum pervious surface area are inconsistent within the document and are not achievable.
- Transition buffer between Mount Vernon rural residential area and industrial development within the precinct is insufficient to address impacts of land use conflict.
- Traffic, transport and road network (freight network) concerns in relation to inconsistency of terms, road hierarchy and design.
- Inconsistencies between the draft DCP and the draft Contributions Plan for the precinct.
- The Integrated Water Cycle Management strategy and trunk drainage network is not achievable on an on-lot basis.

4. Consideration of issues

This section discusses the issues raised in submissions. Post exhibition changes have been made to the DCP as a result of the Department's review of submissions and working with stakeholders including Council and other State agencies. The changes made to the DCP since exhibition are summarised and discussed in the next section.

The key issues raised in submissions are addressed in this section of the report, while **Appendix A** provides response to all issues raised in individual submissions.

4.1 General format and structure

Numerous submissions, including those from industry groups, landowners and Council, made a general comment that the draft DCP is lengthy, complex, duplicative, and overly prescriptive in nature for an industrial warehouse precinct.

Department comment

A thorough post-exhibition review of DCP has been undertaken to remove duplication, particularly across biodiversity, water management, design and landscaping controls. Where possible, objectives have been rationalised to remove repetition and improve clarity and language has been simplified. The structure has been amended to improve flow and usability and some diagrams and cross-referencing within the document has been updated. In addition, some controls have been moved to the lodgement requirements.

4.2 Built form

Multiple submissions raised concerns in relation to proposed built form and design controls within the draft DCP. In general, submissions from industry groups, landowners and proponents suggested the controls were too prescriptive for typical industrial warehouse development and would unnecessarily add to the cost of construction.

4.2.1 Building height

Submissions raised the following specific concerns and comments in regard to building height:

- Controls should not unnecessarily restrict development, given that the draft DCP proposes a number of screening controls to mitigate height impacts.
- Controls for high bay warehouses with heights between 30m and 40m should be established in the draft DCP.
- Height limits in the draft DCP should be measured from building pads, as bulk earthworks to provide building pads will significantly alter the existing ground level.
- Whether a control requiring buildings to minimise overshadowing of footpaths is needed in this context.

Department comment

It is acknowledged the development of the precinct will require a substantial amount of land forming to create flat building pads. However, the impacts to adjoining development, including sensitive land uses, and broader landscape values must be appropriately managed. Clause 21 in the WSEA SEPP requires building design to minimise impacts on adjoining residential areas and consider site topography.

The height limits in the DCP have been retained, including the point of measurement, however merit assessment provisions to allow for development to exceed the building height in certain instances (e.g. high bay warehouses) have been included. Development will need to minimise overshadowing of the public domain, including streets, which will allow adequate solar access for street tree planting.

4.2.2 Building design

Industry groups and landowners questioned the building design provisions, suggesting they are overly prescriptive and onerous for industrial warehouses. Key issues raised include:

- The minimum 30% glazing for facades along the proposed main street frontage is atypical and contradict with sustainability and environmental performance goals.
- Limiting the use of a single construction material to 50% of a total wall surface area is unfeasible for large industrial warehouses.

- Controls requiring the use of muted tones in colour and material palettes limits the ability of developers to provide a unique and interesting aesthetic.
- Overlap with visual impacts and the Mount Vernon interface controls.

Department comment

A comprehensive review has been undertaken of the building design controls across a number of sections to remove duplication and conflicts and improve usability. It should be noted that Clause 31 of the WSEA SEPP requires high quality design and a variety of materials and external finishes. In response, the prescriptive numerical requirements have been removed from the DCP in favour of a performance-based approach to design.

For example, façade glazing is encouraged along the primary street frontages to strengthen passive surveillance and streetscape character.

4.2.3 Landscaping

Pervious surface area target

Landowners and Industry raised concern that the 15% pervious surface area target identified within the draft DCP is unable to be achieved due to operational requirements and the need for hardstand and truck turning requirements. A target of 10% or lower was suggested, citing tests carried out on typical industrial facilities that achieve 7%.

Department comment

The Department reviewed the target against other related requirements of the DCP, such as landscape setbacks, water management and tree canopy provisions, which work in concert to achieve the Western Parkland City vision. The 15% pervious area is able to be achieved when considering landscape setbacks, the 10% target for tree canopy on development sites, and controls to retain water in the landscape. No change has been made to this control.

Tree canopy

Multiple submissions raised concerns in relation to the draft DCP control to achieve a target of 40% tree canopy cover given it is a Metro-wide policy. The submissions highlight that achieving 40% tree canopy coverage will be difficult to achieve at the site scale due to the large warehouse typology. It was suggested the control could be elevated to the objectives and be applied at the precinct-scale.

In addition, submitters advised the minimum container pot size of 100L for street tree planting was too large and would be difficult to source and implement, with a 50L pot size commonly used.

Department comment

Precinct development must contribute to the tree canopy cover policy of the NSW Government, including the Premier's Priorities and Greater Sydney Region Plan target of 40%. In response to landowner suggestions the target has been elevated to the objectives. The Department has also reviewed the application of the canopy cover target at the lot scale, nominating a target of 10% on development lots. This acknowledges other vegetated areas outside of industrial development sites such as environmental conservation areas, riparian corridors, opportunities for naturalised trunk drainage paths, and street tree planting, will also contribute to the 40% target.

The minimum container pot size for street tree planting has been revised down to 75L, which is still a generous pot size promoting the planting of sufficiently large trees. This is now supplemented with a control to encourage continuous tree canopy along streets in line with the canopy cover target.

Building and landscape setbacks

A number of submitters questioned the building and landscape setbacks, suggesting they are generous and should allow flexibility in regard to the works permitted within the setbacks such as

loading, servicing and car parking. However, it was also recommended the setbacks be increased in certain circumstances, including adjacent to environmental and open space lands. The public realm was highlighted as an important consideration for car parking within front building setbacks.

Department comment

The numerical building and landscape setback controls have been retained, as exhibited. These controls are generally comparable to other DCPs for industrial areas in Western Sydney and may be altered through merit assessment at development application stage.

Additional clarification has been provided in the controls to emphasise the importance of site design, landscaping and screening vegetation, particularly in relation to car parking within front building setbacks and to ensure that a consistent streetscape is achieved.

Buffers to environmental and recreation zoned lands

Council raised concerns with the minimum 5m landscape setback to environmental and open space lands (i.e. E2, RE1, RE2), suggesting this should be increased to 30m. At the same time, industry and landowners submitted that any additional setbacks or buffers to environmental and open space lands should be removed or accommodated within the bounds of the environmental or open space zone, rather than erode developable land. This includes the view that a public road should not be required between development and environmental and open space lands.

Department comment

The DCP contains a suite of controls that aim to deliver on the objectives for a Western Parkland City, including biodiversity management, tree canopy cover and water in the landscape. The numerical landscape setback controls have been retained, as exhibited, including an open space edge road along Wianamatta-South Creek. In recognition of the need to minimise land take, a new road cross-section has been developed incorporating a reduced road reserve of 19.5m (as opposed to the local road cross-section of 24m) and a single kerbside parking lane on the open space side of the road. This will ensure development continues to address the environmental corridor, providing a high amenity environment for future workers and managing edge effects. In addition, the landscape requirements are now located under a single section to avoid confusion.

4.2.4 Fencing

The draft DCP proposes that no fencing, other than a low ornamental type, can be erected at the front or secondary street boundary of a site. Two submissions recommended high security fencing be permitted along the front site boundary in front of landscaping and questioned whether trees and other landscaping located near security fencing would pose a security risk, particularly for secure activities like data centres.

Department comment

The controls have been generally retained, but refined so that security management is a consideration of landscape design.

4.2.5 Earthworks and retaining walls

Multiple submissions suggested the proposed earthworks and retaining wall controls will not enable the delivery of industrial uses that appropriately respond to the topographical constraints of the precinct. The submissions also include consistent commentary that:

- Draft DCP controls should be amended to enable greater flexibility in the use of cut and fill to create suitably sized development pads.
- Finished ground levels adjacent the public domain should be 4m rather than 1m.
- Remove reference to pier foundation building design, as this is not considered to be practical for the construction of industrial uses.

In contrast, it is Council's view that retaining wall heights should be minimised where possible, particularly adjoining the public domain where tiered retaining walls and substantial landscaping and setbacks are required.

Department comment

The Mamre Road precinct has some significant topography, and while it is important to ensure that controls are practical for industrial development, overall it is important to the place that a sense of the precinct's topography is retained through development. The DCP has been amended to emphasise the need for tiered retaining walls adjacent to the public domain, such as roads, to ensure a quality street interface. An indicative cross-section of a tiered retaining wall has been included in the DCP for guidance. The maximum cumulative height of tiered retaining walls adjoining the public realm is 6m, with individual tier elements being no more than 2m in height. This is considered a balanced approach to enable earthworks across the precinct, but still protect the public domain and amenity of the street users.

4.2.6 Ecologically Sustainable Design

One submission raised concerns on the need for a circular economy to embed the NSW Government's 20 Year Waste Strategy currently under development.

Department comment

The DCP was revised to include two controls that encourage a circular economy in the design and operation of the precinct. The intent of these controls is to improve environmental outcomes across the precinct.

4.2.7 Employment Service Hubs

Three submissions were received in relation to the proposed employment services hubs. The submissions were generally supportive of the idea but request further guidance. Submissions also requested that relevant draft DCP controls be updated to allow greater flexibility in the locations where employment services hubs can be constructed throughout the precinct.

Department comment

The zoning of the Mamre Road precinct enables small-scale local services such as commercial, retail and community facilities that service or support the needs of employment-generating uses, throughout the IN1 Zone. The Mamre Road Precinct Structure Plan identifies indicative, preferred locations for employment services hubs, where these uses might also benefit from the amenity of nearby heritage items, environmental conservation areas and open space. The controls do not preclude retail and service uses, that are otherwise permissible in the zone, from being located elsewhere in the precinct. Where possible, the DCP has been amended to provide further guidance on employment service hubs.

4.3 Landscaping and Amenity

4.3.1 Views and visual impacts

Submissions from industry and landowners raised concerns with the controls to protect significant landscape features and view corridors, suggesting the controls conflict with the objectives and intended industrial uses of the precinct. The submissions also include consistent commentary that:

- Many of these draft DCP controls are already captured in other sections of the DCP.
- These draft DCP controls are unfeasible, given the significant earthworks required to enable industrial development of this nature in the precinct.
- Views and vistas will be altered as a result of earthworks.

Department comment

Clause 6 of the WSEA SEPP requires visual and landscape impacts to be addressed, as does the Western City District Plan. This is consistent with the overarching approach to the Western Parkland City, which aims to protect views to and from significant landscape features such as ridgelines and the Wianamatta-South Creek corridor. The DCP aims to balance the needs of industrial development with the protection of the landscape.

The Department has undertaken a comprehensive review of the built form controls, including rationalising controls across the inter-related sections like views and visual impacts. The amended controls are performance-based and focus on exposing views from the middle of site to the west (e.g. Wianamatta-South Creek and Blue Mountains) and protecting or sheltering views from the east to the Mount Vernon rural-residential area. Development around ridgelines and highpoints will need to give careful consideration to building siting and design.

Subdivision design, street planting and planting along retaining walls will protect views from sensitive locations, as will the stepping of large development sites. The Department has prepared an indicative cross-section showing planting along retaining walls to protect important view corridors.

4.3.2 Mount Vernon interface

Numerous submissions from residents of Mount Vernon raised concerns with the visual and amenity impacts associated with nearby industrial development. The concerns and comments are:

- The buffer between Mount Vernon and the precinct should be increased from 30m.
- A road that allows access to residential properties in Mount Vernon should be built as a buffer between Mount Vernon and the precinct.
- Development of the precinct into an industrial estate would impact on the scenic and rural nature of Mount Vernon and the views currently experienced from properties. The planting mature trees and tube stock within landscaped buffers should be given priority to minimise visual impacts.
- Future development in the precinct will have adverse noise, dust, glare and odour impacts on properties in Mount Vernon. A greater buffer and design review process should be undertaken to inform appropriate draft DCP controls to address these impacts.

Department comment

As per the preceding discussion of views and visual impacts, future development applications will need to consider impacts on Mount Vernon rural-residential areas in accordance with the WSEA SEPP. The amended controls provide more clarity around the minimum landscaping requirements and treatment in the first 30m from the rural-residential area. This includes a requirement for trees to be a minimum 2m in height at planting. The Department reviewed submitters requests for additional roads at the boundary, however, considers that an industrial road would introduce additional amenity issues, such as heavy vehicle traffic noise.

The ultimate design of subdivision and development in the interface area (including whether a 30m setback is sufficient) will be informed by landscape and visual assessment by suitably qualified designers at development application stage. In addition, under the amenity controls, the Department has also strengthened the requirements for noise emissions, including cumulative impacts.

4.3.3 Other sensitive land uses

A submission was received from Anglican Schools Corporation identifying that no controls on existing sensitive land uses, such as educational establishments, have been included.

Department comment

The DCP has been revised to ensure amenity controls with respect to acoustics and views and visual impact consider all sensitive receivers, including educational establishments. Additional landscape requirements have also been included where development adjoins educational establishments.

4.4 Subdivision

Landowner submissions sought further guidance on the definition and implementation of 'larger lots' on land adjoining the proposed intermodal terminal and integrated freight network. There was also some concern regarding the control that discourages further subdivision of E2 Environmental Conservation lands. Submissions also questioned the inconsistencies between perimeter roads for bushfire control and the need to provide a buffer to vegetation.

Department comment

The controls for subdivision in the draft DCP were revised to reinforce the controls for minimum lot size, optimise environmental outcomes and aim to balance cut and fill at subdivision stage. The principle of avoiding subdivision of environmental lands has been retained and the location and potential size of subdivided lots adjoining the integrated freight network and intermodal terminal has been clarified. The precinct road network and hierarchy are now highlighted as an important determinant of the ultimate subdivision layout.

4.5 Amenity

4.5.1 Noise and Vibration

Concern was raised that the DCP should include controls to establish 'allowable' noise contributions on individual allotments. The concern was raised that the cumulative impact of noise as a result of the development of the precinct must be considered in all development applications, and assume the full development of the precinct, rather than existing noise levels.

Department comment

The Mamre Road DCP now includes an objective that seeks to establish a noise management precinct in accordance with the NSW EPA's Noise Policy for Industry and a control that requires an applicant to establish an approach for quantifying the impacts of proposed developments with regard to existing noise sources, the potential noise impacts of the proposed development, and the distance between the proposed development site and the most-affected residential receiver.

4.5.2 Air Quality

NSW EPA provided extensive comment on the objectives and controls for air quality and odour as well as development involving distributed power generation.

Department comment

The Mamre Road DCP now includes a control describing the approach for an air quality assessment and a control that satisfies the requirements for EPA's: [Interim Nitrogen Oxide Policy for Cogeneration in Sydney and the Illawarra](#) guidelines.

4.6 Traffic and transport

4.6.1 Road network, design and access

Multiple submissions raised concerns in relation to the proposed road network for the precinct as set out in the draft DCP. The submissions were generally consistent in stating that the design of

the proposed road network requires further refinement. The submissions provided mixed opinions on the layout, design and intent of the proposed roads, with a particular focus on:

- High order roads
- Open space edge roads
- Identified optional alternate road access
- Identified potential high order road connections

The submissions requested further analysis to better understand the road network as proposed in the draft DCP. Submissions also raised the following specific concerns and comments:

- The draft DCP is worded to state that the precinct should be developed generally in accordance with the road network map, which limits overall certainty in the way the precinct will be developed.
- The draft DCP includes inconsistent naming terminology to described proposed roads.
- High order roads would be access denied and required additional local roads.
- The draft DCP should include controls that facilitate the construction of interim roads in the event that a required road to a construction site has not yet been constructed or upgraded.

Department comment

The Department has amended the DCP in line with TfNSW's recommendations on the DCP controls for the transport network, including the dedicated freight network, access and driveway design. Where appropriate, recommended changes to the terminology were adopted and objectives and controls were revised or removed.

Post exhibition traffic modelling using Aimsun was undertaken to determine the road hierarchy and confirm the road network layout in consultation with Council and TfNSW. The primary purpose of the traffic modelling was to ensure the DCP road network was sufficiently future-proofed to deliver a safe and efficient road network for the full development of the precinct. SIDRA intersection modelling also determined intersection configurations and layouts to deliver the full development.

Traffic modelling generally confirmed the exhibited road network for the Mamre Precinct, with the following amendments made to the road network figure:

- Two "left-in, left-out" intersections have been included to Mamre Road, as a result of the expected traffic volumes identified and confirmed through the traffic modelling.
 - Confirmation of the exhibited potential intersection north of Abbots Road as "left-in and left-out" based on expected traffic volumes, and the location based on adequate separation distances required on Mamre Road as agreed with TfNSW.
 - A new "left-out only" access point south of Abbots Road which was to provide additional traffic relief to/from the Mamre Road Precinct at Mamre Rd/Abbots Rd intersection, and to avoid the need to widen Mamre Road (southbound) to four lanes as agreed with TfNSW.
- Higher order roads previously defined in the exhibited road network have been defined as either collector roads or local industrial roads, based on the outcomes of the traffic modelling outputs and reporting. Only distributor roads (Aldington Road – Abbots Road) are identified as access denied with no direct frontage access along their entire length.
- Intersections confirmed as signalised or roundabouts within the DCP road network as a result of using sub-area model traffic flow outputs from Aimsun supported by SIDRA intersection modelling for all key intersections for full development of the Mamre Road Precinct (2036).

The transport and traffic section of the DCP has subsequently been revised to:

- Identify a clearer road hierarchy for the precinct and establish corresponding road cross-sections for distributor, collector, local industrial and open space edge roads.

- Establish controls for consideration by the consent authority where an application seeks to vary the DCP road network.
- Amend the Aldington Road/ Abbots Road cross section (see Section 4.6.2).
- Amend the dedicated freight network following TfNSW stakeholder consultation (see Section 4.6.3).

With respect to the timing and delivery of other local roads within the precinct, the delivery of roads is co-ordinated through the delivery of development in the precinct. Temporary solutions may be considered by the consent authority and road authority, on assessment to determine their acceptability.

4.6.2 Aldington Road

Landowner and Industry submissions were concerned with the proposed width of Aldington Road, stating that the reservation was too wide and taking up valuable industrial land. In contrast, Council raised concerns regarding the lack of median to deliver tree planting in the interest of 'cooling the city' and submitted that a shared path should be provided on both sides of the road. Council all requested that all intersections were to be signalised, and that a third 'breakdown' lane be considered or alternatively bus bays.

Department comment

In response to Council feedback and confirmation of traffic volumes for Aldington Road, the cross section for Aldington Road was amended to:

- Provide a shared path on both verges as an outcome of the traffic volumes identified in the traffic modelling and to ensure safety of active transport users.
- Increased verges to allow for tree canopy, services and potential inclusion of bus stops in key locations.

With respect to confirmation on land acquisition, work regarding the future alignment, design and land acquisition of Aldington Road is ongoing. This is a separate planning process to the finalisation of the DCP.

4.6.3 Open Space edge road

Landowner and industry submitters did not support the delivery of an open space edge road on the western side of Mamre Road, or alternatively request it be delivered through Council's section 7.11 plan.

Department comment

The open space edge road has been identified to provide an amenity and transitional buffer between industrial development and the public open space leading onto the broader Wianamatta-South Creek Precinct. The open space edge road is to be located on industrial zoned land. The DCP has been revised to include a reduced cross section for an open space road, at the discretion of the consent or road authority. The inclusion of the road in the section 7.11 contributions plan is a matter for Council.

4.6.4 Dedicated freight network

Multiple submissions raised concerns in relation to the proposed dedicated freight network and associated draft DCP controls for the precinct. The submissions request that further analysis needs to be provided to better understand the role, feasibility and purpose of the proposed dedicated freight network, as well as how the proposed integrated freight network will interact with surrounding roads and adjoining land within the precinct.

Department comment

TfNSW has reviewed submissions relating the integrated freight network. A dedicated freight network is expected to provide a number of broader benefits within the Mamre Road Precinct including to the operations of the Western Sydney intermodal terminal (IMT) and the surrounding roads including:

- There would be greater integration of logistic, storage and distribution operations with commensurate efficiencies and savings for freight movement supporting Western Sydney
- There would be a reduced risk of accidents occurring from both freight and private vehicles using the same road
- There would be less congestion on the existing network
- Shorter and more efficient journeys would reduce environmental externalities associated with road travel
- There would be less impact on communities in the area who risk being overloaded with freight vehicles operating on all roads and reducing the local amenity

It is noted that the DCP aims to protect land for a dedicated freight corridor and make provision for a future dedicated local freight network. Under the DCP, industrial land adjacent to the dedicated local freight corridor will be required to demonstrate how future connectivity can be achieved in order to safeguard the precinct-wide dedicated local freight network.

The interaction between the dedicated local freight network and local road network will be subject to a detailed design which will respond to the existing conditions. The detailed design of the dedicated local freight network will also include traffic measures to manage any interaction between the dedicated local freight corridor and the local road network, as well as safety measures to mitigate the risk of interaction with pedestrians.

The DCP has been amended to revise the alignment of the dedicated freight network and access locations, following stakeholder consultation to minimise impacts on landowners and provide a more streamlined connection between the future intermodal terminal and warehouses within the precinct. Additional controls have also been included with the DCP that requires development adjacent to the IMT to consult with TfNSW in relation to the dedicated freight corridor.

4.7 Heritage

4.7.1 Aboriginal heritage

Two submissions raised concerns in relation to the proposed requirement for an Aboriginal Heritage Impact Permit under the *National Parks and Wildlife Act 1974* to address Aboriginal heritage, rather than the current practise of preparing an Aboriginal Cultural Heritage Assessment Report (ACHAR). Two more submissions also noted that no source was referenced for the mapping information provided in Figure 5 of the draft DCP.

Department comment

The DCP was informed by the Aboriginal Heritage Assessment released as a supporting document to its public exhibition. The DCP has been revised in consultation with Heritage NSW, including standardising terminology, making minor modification to the controls and reordering the controls in the DCP.

4.7.2 Non-Aboriginal heritage

Two submissions raised concerns in relation to the heritage listing of 'Bayley Park – House'. Both submissions questioned the heritage listing, suggesting that the heritage classification should be removed entirely from the site, or refined to only include the specific part of the site where the heritage item is located. One of these submissions also suggested that sites surrounding the

heritage item should not be required under the draft DCP to prepare a Heritage Impact Statement to support the proposed development.

An additional submission addressing non-Aboriginal heritage also requested that development not be unreasonably restricted by proximity to a heritage item.

Submissions were also received in relation to the house and fence at 287-303 Aldington Road Kemps Creek as having significant considerable aesthetic value with high intrinsic and architectural rarity and should be considered for heritage listing. Further concern was raised in relation to the preservation of the fence and any road improvements should not adversely impact on this boundary fence line.

Department comment

The DCP builds upon the heritage controls within the WSEA SEPP. Heritage items and controls are listed within the WSEA SEPP, which includes heritage listings formerly within the relevant LEP. 'Bayley Park - House' at 919-929 Mamre Road Kemps Creek is listed as a local heritage item under the WSEA SEPP.

The fence at 287-303 Aldington Road, Kemps Creek, is not heritage listed. Further, in relation to the road widening of Aldington Road, it is acknowledged that road widening will be required to deliver a safe and efficient road network for the precinct. However, work regarding the future alignment, design of Aldington Road, land acquisition required, and relationship to the subject fence is ongoing. This is a separate planning process to the finalisation of the DCP and will involve additional community consultation.

4.8 Stormwater management and flooding

4.8.1 Drainage, stormwater and water cycle management

Multiple submissions raised concerns in relation to drainage, stormwater and water cycle management controls proposed in the draft DCP. Industry and landowner submissions are generally consistent in stating that the proposed management solutions go beyond industry standards, are onerous and would add significant cost to development in the precinct, which impacts overall viability.

Submissions also raised the following specific concerns and comments:

- The proposed DCP control requiring industrial developments to supply at least 80% of non-portable demand using non-potable sources is difficult to achieve depending on the type of industrial development proposed, including data centres.
- The proposed pollutant load reduction targets will add significant costs to development.
- A maximum stormwater runoff flow rate of 1.9ML/ha/year is considered to be unfeasible.
- Control 16 in Section 2.7 of the draft DCP (now Control 12 in Section 2.5) is worded in a way that limits flood detention to each lot and should be reconsidered as it has the ability to inhibit the creation of a single detention solution that can service multiple lots (e.g. a site with multiple lots).

Notwithstanding industry and landowner concerns, Council and State agencies including Environment, Energy and Science Group (EES), Sydney Water and NSW EPA supported the beyond business as usual water cycle management controls. Council identified concerns with respect to implementation and ensuring that the ongoing maintenance is adequately addressed.

Department comment

The draft DCP included waterway health controls to deliver the Western City District Planning Priority W12 "Protecting and Improving the health and enjoyment of the District's waterways" and continues to support the delivery of these waterway health controls.

The integrated water cycle management controls of the DCP have been revised to provide the latest flow-related objectives for freshwater ecosystems and ambient water quality objectives for waterways and waterbodies and stormwater targets for stormwater flows and stormwater quality established by EES. These revised objectives and targets are designed to achieve the NSW Government water quality and flow related objectives to help protect and restore the waterways, riparian vegetation and other water dependent ecosystems in the Wianamatta-South Creek catchment.

The intention of this approach is to protect, maintain or restore waterway health within Wianamatta-South Creek and its tributaries by managing development impacts and ensure that the waterway objectives (flow and water quality) for the Wianamatta-South Creek can be achieved. This delivers the Western Parkland City vision, and addressed Clause 33L of the WSEA SEPP.

The stormwater targets are intended to contribute to minimising adverse development impacts on ambient stream condition in the Wianamatta - South Creek catchment, which includes Ropes Creek. These stormwater targets were established in collaboration with Sydney Water and EES and details on their formulation and implementation will be provided in a technical report and compliance guide due for publication in October 2021.

The DCP adopts the delivery of the waterway health controls 'on lot' to meet the EES's objectives for water quality. These controls could also be applied to multiple lots across the Mamre Road Precinct where multiple landowners would be responsible for their management. This approach will provide an opportunity for landowners to consider developing options for stormwater management on single and multiple lots to deliver the waterway health and stormwater outcomes as prescribed by EES.

Controls have also been included within the DCP to address ongoing maintenance, including a requirement for a detailed lifecycle cost assessment (including capital, operation/maintenance, and renewal costs over 30 years) and Maintenance Plan for WSUD measures.

Submissions requested exploration of a regional basin approach to deliver the waterway health controls, to minimise the impact of developable area, suggesting the Wianamatta-South Creek Precinct as an opportunity to locate regional basins. This option has preliminarily been explored for the DCP, however, there are significant cultural, environmental and governance matters that must be investigated to deliver a regional basin scheme. The Department will continue to investigate this option with Council, agencies and Sydney Water. In the meantime, the on lot provisions will ensure that the waterway health objectives are met.

4.8.2 Trunk drainage

Submissions raised concerns with the proposed naturalised trunk drainage approach, impact on developer contributions and loss of developable land. Further submissions questioned the trunk drainage approach identifying:

- Open drainage channels are an expensive stormwater management solution that requires significant bulk earthworks and is likely to be difficult to achieve.
- Clarification is sought on how downstream land can be redeveloped before the development of drainage infrastructure on upstream land. Temporary basins are typically allowed to be in place to address these concerns.
- Mapping of trunk drainage was considered to be premature since limited modelling had been undertaken.

Department comment

Open and naturalised trunk drainage system is the preferred approach as it will deliver best engineering practice and contribute to achieving the outcomes for the Western City Parkland vision. The DCP has been revised to introduce flexibility to respond to a changing landform as a result of development, but continues to map the natural trunk drainage lines and development is required to consider the natural drainage lines. Development controls have also been revised to

ensure if upstream development occurs prior to downstream development, suitable engineering considerations are implemented to ensure post development flows match pre development flows.

4.8.3 Farm dams

Water NSW commented that the DCP gave scant advice on the retention of farm dams.

Department comment

To address this issue an additional control was inserted that any dams which are proposed for retention must be subject to a geotechnical investigation. The aim of such a geotechnical investigation is to determine the safety of the structure with respect to the proposed land use and its intensity, as well as existing and proposed of land uses in the catchment area of the dam and existing and proposed uses downstream of the dam.

4.8.4 Pervious surfaces

Submissions raised concern regarding the draft DCP target of 35% pervious surfaces within lots and streets in the precinct, as identified in the water management controls. The submissions noted that the proposed DCP target is significantly greater than the current 15% industry standard and is unprecedented in the context for employment land. The submissions also noted that the cost of providing 35% pervious surfaces at sites will impact the feasibility of development, due to the associated cost of infrastructure and loss of developable land.

Department comment

The DCP has been revised to remove the 35% pervious surface requirement, noting that the 15% pervious surface on lot control has been retained in the landscape requirements. Notwithstanding this, increased pervious surfaces are an acceptable solution to contribute to the waterway health and stormwater quality controls established within the DCP.

4.8.5 Flood prone land

Two submissions expressed support on the use of on-site stormwater detention for individual lots as an approach for managing flood risk across the precinct. Another submission suggested that limiting flood detention to each lot should be reconsidered as it would limit the creation of single solutions across a group of lots. The need for piped trunk drainage channels to manage flooding in the precinct was also raised. Council submission also identified their preference that stormwater basins are not located within riparian corridors and that they are located above the 1% AEP.

Department comment

The Department revised the DCP with consideration of the Department's Flood Prone Land Package, comments made for EES and Council. As exhibited, controls continue to not allow basins below the 1% AEP in line with Council's position. The DCP confirms the preferred approach is for open drainage channels.

4.9 Biodiversity

Multiple submissions raised concerns in relation to biodiversity and/or related provisions such as riparian lands and landscaping. Submissions raised the following specific concerns and comments.

4.9.1 Environmental lands

Submitters questioned why the draft DCP identifies that stormwater and road infrastructure are to avoid E2 zoned land, when the WSEA SEPP permits these uses in E2 zoned land. Submissions also raised concern that the DCP was adopting controls for the Cumberland Plain Conservation Plan prior to its finalisation.

Department comment

The draft Cumberland Plain Conversation Plan (CPCP) has not been finalised, however, the DCP controls apply to the protection of land as zoned E2 Environmental Conservation and other environmentally sensitive land. Under the draft CPCP, a small proportion of land has been identified as 'noncertified – avoided for biodiversity' and are already zoned E2 Environmental Conservation under the WSEA SEPP. The E2 zone was identified due to the ecological significance of the vegetation on site and it is beyond the scope of the DCP to revise the E2 zone. The biodiversity controls implemented within the DCP support the existing controls within the WSEA SEPP to minimise native vegetation clearing. With respect to clarification on the location of stormwater and road infrastructure, whilst in some circumstances it may be appropriate for roads to be located within the E2 zone, road locations should generally not be located within the E2 zone to minimise the need to clear native vegetation, as required by the WSEA SEPP.

4.9.2 Existing biodiversity values

Two comments were made in relation to existing biodiversity values:

- Figure 3 in the draft DCP does not reflect existing conditions within the precinct and should be appropriately updated.
- On-the-ground investigations of biodiversity value in the precinct should be undertaken before the CPCP is adopted and reflected in the draft DCP.

Department comment

The Mamre Road DCP now includes a section explaining how the State Environmental Planning Policy for Strategic Conservation Planning applies to the Mamre Road DCP. We note that the majority of land under the Mamre DCP is proposed to be certified as 'urban capable'. This means that on-ground biodiversity investigations are not needed before the Plan is adopted and reflected in the draft DCP. However, the Department also recognises that on-ground investigations are needed for individual development applications to address residual and/or ongoing impacts to biodiversity. The DCP controls to protect and manage biodiversity are described in section 2.2.

4.9.3 Light spill

Submissions identified that the draft DCP requires development to avoid light spill to adjoining natural areas. However, concern was raised that this was not practical as warehouse development requires high intensity lighting.

Department comment

In managing light spill, the intent of the biodiversity controls is to manage ongoing biodiversity impacts from industrial areas that are adjacent to areas that are proposed to be zoned for environmental conservation (E2) purposes and are designed to protect land with important environmental value. These controls are intended to minimise the potential for land-use conflict and minimise any long-term adverse impacts on native flora and fauna and their communities.

4.10 Other

4.10.1 Zoning and Land uses

Some submissions were received regarding site zoning and permissibility of land uses on individual sites.

Department comment

The precinct was rezoned on 11 June 2020 under the WSEA SEPP. The WSEA SEPP establishes the planning controls with respect to zones and land use permissibility. It is outside of the scope of the DCP to revise zones or land use permissibility. Further information on zoning is available on the NSW Planning Portal regarding the Mamre Road Precinct rezoning.

4.10.2 Aviation Safeguarding

A submission suggested that the proposed aviation safeguarding controls could conflict with the IWCM strategy of the draft DCP as any bioretention basins must be designed to prevent wildlife attraction.

Department comment

The precinct is located approximately 4km north-east of the proposed Nancy-Bird Walton Airport. Aviation safeguarding controls as set out in the DCP will ensure that development does not impact on the airport operation and should be read in conjunction with controls within the WSEA SEPP.

4.10.3 Contaminated Land

One submission provided substantial comments on the management of contaminated land in the Mamre Road precinct. Matters of consideration include site suitability, the process for a preliminary site investigation and the need for a remedial action plan with regard to the *Contaminated Land Management Act 1997*.

Department comment

The contaminated land section has been revised to include additional controls and provide further details are provided on site suitability and remediation works for a site.

4.10.4 Utilities

Three submissions were in relation to utilities. Submission concerns included:

- Anticipated timing of required servicing and utility upgrades in the precinct.
- Interim and staged servicing arrangements.
- A suggestion that a Utility Plan, as described in the exhibited DCP, should allow of the installation of future and emerging utilities within the Mamre Precinct.

Department comment

The DCP identifies the known precinct infrastructure to support the development of the precinct. However, developers are required to liaise with relevant service providers to ensure satisfactory arrangements have been made to service the development. The DCP controls have been amended to consider emerging utilities, however, there are relevant service provider guidelines that development must consider in any development application.

4.10.5 Storage, Transportation, Handling and Processing of Chemical Substances

NSW EPA's submission requested that the storage, transportation, and processing of chemical substances be broadened to include chemical handling and processing of liquid substances.

Department comment

The DCP was revised to include a 'Storage, Transportation, Handling and Processing of Chemical Substances' section to respond to NSW EPA's concerns to ensure that development applications consider the potential impacts of development involving chemical substances.

4.10.6 Contributions Plan

Multiple submissions raised concerns that elements of the draft DCP do not align with the draft Contributions Plan for the precinct. Inconsistencies were highlighted in relation to the following:

- The optional road alignment in the draft DCP is not outlined in the draft Contributions Plan.

- The draft DCP outlines that trunk drainage infrastructure is to be retained in private ownership unless otherwise agreed by Council. This contradicts with the draft Contributions Plan, which outlines that they are to be owned and maintained by Council.

Department comment

Penrith City Council exhibited a draft section 7.11 plan based on the draft DCP. Post exhibition, the Department has worked closely with Council on key matters including the road hierarchy and the drainage network. As the DCP has been finalised, Council is now in a position to finalise the section 7.11 plan to deliver local infrastructure to service the precinct.

4.10.7 Feasibility of Controls

Industry and landowner submissions raised concerns that the draft DCP and associated infrastructure requirements are financially onerous and not competitive, therefore, risking the realisation of the desired land use outcomes for the precinct. These submissions are generally consistent in stating that onerous, excessive draft DCP controls should be reworked to place downward pressure on future construction costs for development in the precinct.

Department comment

Feasibility concerns by industry are noted, however, as outlined in response to comments on the proposed development controls, the application of development controls to deliver the broader Western Parkland City principles is considered necessary to ensure that development is sustainable, protects waterway health and the environmental and cultural heritage values. Where possible, flexibility has been introduced in the delivery of the development controls, to enable industry to meet the development controls, but still deliver development that meets the market needs.

5. Post-exhibition amendments to the DCP

This section details changes made to the DCP in response to feedback during the exhibition period. The DCP was amended to respond to submissions, as outlined in Section 4. Key amendments include:

- Removed duplication of controls within and across sections e.g. between biodiversity and landscaping, and integrated waterway management, flooding and riparian land.
- Rationalised objectives down to 4-5 objectives (maximum) per section, including removing duplication across sections.
- Generally simplified the language for clarity and ease of use.
- Update the Road Network, Hierarchy and Road Design in response to submissions and road modelling.
- Updated objectives to improve or maintain waterway health in the Wianamatta South Creek system.
- Included new flow-related, water quality objectives and stormwater targets for waterways and water dependent ecosystems to align with EES's regional strategy for waterway management in Western Sydney.
- Stormwater targets are to be satisfied at the lot, estate or regional level.
- Updated the trunk drainage section to deal with delivery issues and engineered natural outcomes, in consultation with Sydney Water.
- Introduced a control to achieve a 10% canopy cover on lot. This control is in addition to estate-level tree canopy and natural areas, as well as a new requirement for continuous canopy along road corridors.
- Referenced views to significant landscapes (i.e. Mount Vernon, Wianamatta-South Creek and Ropes Creek), to emphasise their importance.

- Refined interface controls to Mount Vernon rural residential area.
- Introduction of a new Appendix on Tree Species.

Further details on the changes to the DCP are in Appendix A.

Appendix A – Summary post – exhibition changes to the Mamre Road DCP

Topic area	Section	Rationale for change	Action
General review to simplify and rationalise DCP	All	<p>Numerous submissions raised the following concerns with the DCP:</p> <ul style="list-style-type: none"> Length Complexity and duplication Prescriptive nature 	<p>Thorough review of DCP undertaken to:</p> <ul style="list-style-type: none"> Remove duplication of controls within and across sections e.g. between biodiversity and landscaping, and IWCM, flooding and riparian land. Rationalise objectives down to 4-5 objectives (maximum) per section, including removing duplication across sections. Simplify the language generally for clarity and ease of use. Remove (in some instances) references to other guidelines, policies and legislation. Relocate controls relating to lodgement requirements to the appendix. Reordered some sections to improve flow and logic e.g. riparian corridors is now located between biodiversity and IWCM due to the inter-relationship. Remove or amend controls that are unable to be implemented at DA stage. Moved controls to more relevant sections and consolidated to avoid duplication e.g. moved recycled water controls from ESD to IWCM.
Variations to DCP Controls	1.5.2	Council suggestion.	<ul style="list-style-type: none"> Added consideration of impacts to adjoining sites and broader road network.
Vision	1.6	Too long, repetitive.	<ul style="list-style-type: none"> Remove duplication and focus intent to shorten the vision and remove irrelevant elements.
Cumberland Plain Conservation Plan	1.7.3		<ul style="list-style-type: none"> Rationalised section to only refer to the legislative requirements of the CPCP and its context for the Mamre Precinct.
Biodiversity	2.2	Concerns from landowners with the identification of 'Areas of High Biodiversity Value' on Figure 3 without supporting evidence.	<ul style="list-style-type: none"> Removed map, with reliance on Structure Plan to avoid confusion.

Topic area	Section	Rationale for change	Action
Biodiversity	2.2	Feedback from Green and Resilient Places.	<ul style="list-style-type: none"> Removed controls that were part of the CPCP certification approvals.
Biodiversity Conservation and Management	2.2.3	Feedback from Green and Resilient Places - Explicitly stated the land use controls for environment and recreation lands.	<ul style="list-style-type: none"> For controls 2 and 3, added in relevant land use zone that the control applies to. That is, on land zoned for Environmental Conservation (E2), Public Recreation (RE1), Private Recreation (RE2) and Environment and Recreation (ENZ). Included building setbacks for the grey headed flying fox and raptors (where present; control 4).
Biodiversity Conservation and Management	2.2.3	The requirement for a CEMP would be needed as part of a DA submission.	<ul style="list-style-type: none"> Moved the requirements for a Construction Environmental Management Plan (CEMP) to Appendix B.
Riparian Lands	2.3	Updated in response to submissions from agencies, as well as landowners in regard to potential modification of channels.	<ul style="list-style-type: none"> Improved integration across related sections and removed duplication. Removed sub-headings and irrelevant controls, leaving NRAR Guidelines to guide future design/assessment. Removed Riparian Corridor width table, leaving it to the Structure Plan, NRAR Guidelines and merit assessment. Referenced NSW DPI policy on guidelines for fish habitat conservation and management.
Integrated Water Cycle Management	2.4	Updated DCP in response to submissions from EES, Sydney Water, Water NSW and landowners.	<ul style="list-style-type: none"> Rationalised controls across riparian land, IWCM, flooding sections to limit overlap. Consolidated objectives for 'stormwater management' and 'stormwater quality' under a single section – IWCM. Updated objectives to improve or maintain waterway health in the Wianamatta South Creek system. Included new flow-related, water quality objectives and stormwater targets for waterways and water dependent ecosystems to align with EES's regional strategy for waterway management in Western Sydney. Stormwater targets are to be satisfied at the lot, estate or regional level. Removed the pollutant reduction targets. Removed references to recycled water. Introduced the requirement for a Stormwater Management Strategy and WSUD infrastructure (controls 2 to 9). Removed requirement for 35% pervious surfaces.

Topic area	Section	Rationale for change	Action
			<ul style="list-style-type: none"> Updated the trunk drainage section to deal with delivery issues and engineered natural outcomes, in consultation with Sydney Water. Cross-section to be added. Moved the site perviousness calculation to the 'acceptable solutions' table. Inserted control flagging a potential 'catchment-level' bio-retention strategy. Wianamatta Street Tree pit referenced under 'acceptable solutions' instead of 'Stormwater quality'.
Flood Prone Land	2.5	Updated DCP in response to submissions from EES, Sydney Water, Water NSW.	<ul style="list-style-type: none"> Removed controls relating to extensions/infill development on the assumption <u>all development will be above the flood planning level.</u> Simplified/consolidated submission requirements i.e. flood studies. Updated controls to make it clear any filling in the floodplain is generally prohibited and will only be considered in exceptional circumstances. Flood levels shall not increase by more than 10mm (decreased from 100mm) on surrounding properties in line with Penrith DCP (and landowner comments).
Aboriginal Heritage	2.6	<p>Update in response to submissions from Heritage NSW and landowners and based on advice from EMM Consulting.</p> <p>Concerns were raised with procedures not reflecting current practice and the lack of evidence for mapping.</p>	<ul style="list-style-type: none"> EMM Consulting Aboriginal Heritage Study referenced in controls to provide evidence base for mapped areas of Aboriginal archaeological heritage potential. Updated procedures for Aboriginal heritage assessments and AHIP to reflect current practice.
Non-Aboriginal Heritage	2.7	Repetitive controls.	<ul style="list-style-type: none"> Removed duplication generally. Retained focus on protecting existing heritage items and their relationship to future development.
Salinity	2.9	Submissions raised potential conflict across related sections (e.g. water cycle and landscaping, biodiversity),	<ul style="list-style-type: none"> Removed duplication and conflict across the DCP, including landscaping. Introduced cross-referencing with Integrated Water Cycle Management (IWCM) to acknowledge the inter-relationship between retaining water in the landscape and salinity.

Topic area	Section	Rationale for change	Action
		particularly the water cycle management approach.	<ul style="list-style-type: none"> Groundwater recharge is to be minimised to the extent it does not impact groundwater dependent ecosystems downstream. Given known salinity risk and relationship with IWCM approach, all DAs will require detailed salinity analysis and Salinity Management Plan, noting the relatively low permeability, saline clay soils dominant in the area.
Contamination	2.10	NSW EPA clarified requirements for remediation.	<ul style="list-style-type: none"> Updated requirements for Site Audit Statements and included an Environmental Management Plan. Referenced remediation in objectives.
Aviation Safeguarding	2.11	Reviewed controls in consultation with Western Sydney Planning Partnership.	<ul style="list-style-type: none"> Updated controls to maintain consistency with Aerotropolis planning.
Electricity Transmission Line Easements	2.13	Irrelevant controls relating to landscaping.	<ul style="list-style-type: none"> Removed controls requiring landscape treatment within easements, as they are not relevant to the precinct planning.
Utilities Services	2.14	<p>Submissions raised duplication across several utilities sections.</p> <p>NSW EPA suggested accommodating emerging technologies.</p>	<ul style="list-style-type: none"> Consolidated controls with a former section (4.5 Utilities, 4.5.1 General Principles for the Provision of Services) to remove duplication and conflict. Included control to accommodate new technologies to make development more adaptable, including renewable energy.
Figure 11 Precinct infrastructure	2.12 – 2.15	Council's submission highlighted legibility concerns with figure.	<ul style="list-style-type: none"> Updated figure to improve clarity and linework.
Subdivision	3.1	Council's submission highlighted the need for logical, coordinated development rollout. Council also raised suggested the	<ul style="list-style-type: none"> Updated to require consistency with precinct road network. Included a cross-reference to the freight network figure and prescribed 10,000m² or greater as a larger lot. Introduced cross-reference to riparian corridors section. Introduced new control that seeks to balance cut and fill as far as practicable at subdivision stage, including preparing an Earthworks Plan, detailing the proposed cut and fill strategy.

Topic area	Section	Rationale for change	Action
		<p>amount of earthworks and fill should be minimised.</p> <p>Landowners queried the 'large lots' adjoining the IMT and freight network.</p> <p>Objectives needed review to focus on those important to subdivision stage.</p>	
Views and visual impacts	3.2	<p>Industry and landowners raised significant concern with prescriptive nature of visual controls.</p> <p>Concerns around assessment stage.</p> <p>Need to rationalise the controls against the Mt Vernon interface controls and other sections in consultation with the DPIE urban design team.</p>	<ul style="list-style-type: none"> Referenced views to significant landscapes (i.e. Mount Vernon, Wianamatta-South Creek and Ropes Creek), to emphasise their importance. Removed duplication with building design, building height, and landscaping sections and separated out controls relating to Section 3.3 (Mt Vernon). Introduce a control to provide high quality landscape along designated road corridors. Introduced a reference to 'blue-green network'. Introduced control to for mature tree planting on retaining walls (including figure) to protect views to and from sensitive locations. Updated Figure 12 Landscape features and visually sensitive locations to include the road network.
Interface with Mount Vernon rural-residential area	3.3	<p>Mountt Vernon landowners suggested more onerous controls should be in place, including larger buffers.</p> <p>Some landowners/developers suggested controls were too prescriptive. Others supported the controls.</p> <p>Updates suggested to provide a more focused outcome to</p>	<ul style="list-style-type: none"> Reviewed controls in collaboration with DPIE urban designers. Updated <i>Figure 13. Indicative landscape treatment in the rural-residential interface area</i> to provide more of its context and appropriate activities within the buffer. In consultation with DPIE urban design team, added control that requires tree planting on the rise and fall of landscape mounds.

Topic area	Section	Rationale for change	Action
		provide a better guide to future development.	
Road Network, Hierarchy and Design	3.4.1	Control duplication and complexity of structure/presentation makes it difficult to use. TfNSW comments and suggestions have been included.	<ul style="list-style-type: none"> • Reordered controls to make them easier to follow and guide development applications e.g. requirements for transport assessments first, rather than last. • Updated and rationalised this and related sections to remove duplication. • Updated table of road typologies to include all roads. • Updated cross-sections consistent with transport analysis and stakeholder discussions. • Reduced the width of the open space edge road cross-section noting the reduced traffic environment and amenity provided by the open space.
Western Sydney Intermodal Terminal and Freight Network	3.4.2	Comments from TfNSW	<ul style="list-style-type: none"> • Removed the dedicated freight road typology cross-section in consultation with TfNSW. • Rationalised controls generally.
Council Engineering Works and Construction Standards	3.5	Rationalised controls. Controls more relevant to subdivision.	<ul style="list-style-type: none"> • Moved former section 4.5.2 Council Engineering Works and Construction Standards to sit under the subdivision design chapter, where it is more relevant.
Landscaping	4.2.3	<p>Landowners and developers generally questioned the requirement for 40% tree canopy, suggesting this should only be an objective as it is metro wide.</p> <p>Developers and DPIE Green Infrastructure team questioned the 100L container pot size.</p> <p>Submitters noted duplication/conflict against other controls e.g. IWCM, biodiversity, visual.</p>	<ul style="list-style-type: none"> • Moved the 40% tree canopy cover target to the headline objective. • Introduced a control to achieve a 10% canopy cover on lot. This would be in addition to estate-level tree canopy and natural areas, as well as a new requirement for continuous canopy along road corridors. • Amended the 100L pot size down to 75L, which is still a large container pot and is more readily available. • Noted invasive turf species are not suitable for land adjoining environmental or recreation areas.

Topic area	Section	Rationale for change	Action
Communal Areas	4.2.4	Council suggested controls for communal areas should be included.	<ul style="list-style-type: none"> Added controls for communal areas, based on similar controls in Growth Centre Precincts DCPs.
Building Design	4.2.5	<p>Landowners/developers and industry groups questioned the prescriptive nature of the controls and impact on development feasibility, innovation and performance.</p> <p>Need for a consolidated design review with DPIEs urban design team.</p>	<ul style="list-style-type: none"> Rationalised controls to remove duplication, onerous, and/or confusing or conflicting controls (39 controls down to 17). Removed per cent requirements for reflectivity, glazing, and materials, in favour of performance-based approach. Moved ESD controls under Building Design. Updated Figure 24. Energy efficient design to the industrial context.
Design of Storage Areas	4.2.6	Consistency with other controls i.e. sensitive interfaces.	<ul style="list-style-type: none"> Updated controls to consider amenity impacts on sensitive receivers like Mt Vernon and the need to address noise and odour.
Storage, Transportation and Processing of Chemical Substances	4.2.7	Comments from NSW EPA as to the adequacy of controls for chemical handling.	<ul style="list-style-type: none"> Included reference to State Environmental Planning Policy No. 33 - Hazardous and Offensive Development and EPA's Bunding and Spill Management Guidelines.
Safety and Surveillance	4.2.9	Council suggested safety and surveillance be dealt with in its own section.	<ul style="list-style-type: none"> Added controls for safety and surveillance based on similar controls in Growth Centre Precincts DCPs, including requirement for a Crime Risk Assessment Report.
Fencing	4.2.11	Landowner concerns about security fencing and relationship to landscaping/trees, which may be at odds with security.	<ul style="list-style-type: none"> Updated control to address site security management.

Topic area	Section	Rationale for change	Action
Ecologically Sustainable Design	Former section 4.2.10	Consistency and overlap with other controls, including building design and servicing.	<ul style="list-style-type: none"> Rationalised section and moved to Section 4.2.5 Building design to avoid duplication. Moved relevant controls to utilities section.
Noise and Vibration	4.3.1	<p>Required updates to address contemporary noise management policies.</p> <p>Advice from DPIE SSDA team's acoustic specialists.</p>	<ul style="list-style-type: none"> On advice from DPIEs SSD Assessment team, included controls that seek to manage cumulative impacts, establish a noise management precinct, and ensure attenuation measures have been successfully implemented at construction certificate stage. Compliance with the Noise Policy for Industry (EPA, 2017) and NSW Road Noise Policy (Department of Environment, Climate Change and Water, 2011) is required.
Air Quality	4.3.3	Advice from NSW EPA .	<ul style="list-style-type: none"> Included updated assessment guidelines. Included control to cover the use of diesel equipment and associated emissions.
Development on Sloping Sites	4.4.1	Council suggested a maximum cumulative height should be included for retaining walls.	<ul style="list-style-type: none"> Inserted a control that limits the cumulative height of any retaining walls to 9.0m.
Erosion and Sediment Control	4.4.2	Controls needed simplification to address DA matters only.	<ul style="list-style-type: none"> Rationalised controls and limited application to DA requirements.
Waste Minimisation and Management	4.5	Advice from NSW EPA on circular economy policy.	<ul style="list-style-type: none"> Objectives and controls updated to provide reference to NSW Circular Economy Policy Statement and relevant publications. Rationalised controls generally.
Access and Parking	4.6	<p>Addressed significant duplication and conflict between sections.</p> <p>Comments from TfNSW on relevant Australian Standards and parking rates.</p>	<ul style="list-style-type: none"> Consolidated former sections 4.7.1 Parking, 4.7.3 Access and Driveways, and 4.7.4 Site Access and Servicing under two sections - 4.6.1 Parking and Manoeuvring Areas and 4.6.2 Driveways. This was to remove duplication within these sections, as well as with Section 3.4 Transport Network. Removed repetition of design vehicle requirements and updated as per TfNSW advice. Updated bicycle parking rates and end-of-trip facilities requirements based on advice from TfNSW. Removed controls relating to multi-deck car parks as these will likely not be relevant in the industrial context.

Topic area	Section	Rationale for change	Action
			<ul style="list-style-type: none"> Rationalised bicycle facilities controls. Referenced RMS Guide for Traffic Generating Development for uses not identified within the DCP controls.
Employment Service Hubs	5.1	Landowner suggestions about the intent of employment service hubs.	<ul style="list-style-type: none"> Included a vision statement to outline the aspiration for the hubs.
Dictionary	Appendix A	Updates to definitions based on agency advice.	<ul style="list-style-type: none"> Clarified flood planning level.
Lodgement Requirements	Appendix B	Updates to assessment requirements based on agency advice.	<ul style="list-style-type: none"> Revised the Erosion and Sediment Control Plan. Inserted a requirement for Aboriginal Heritage Impact Assessment, Construction Environmental Management Plan, Soil, Salinity and Sodicity Assessment.
Plant List	Appendix C	Tree species list consistent with Aerotropolis required.	<ul style="list-style-type: none"> Included Wianamatta-South Creek tree list.