



Mamre Road Precinct - Amendment to State Environmental Planning Policy (Industry and Employment) 2021

Finalisation Report

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Executive Summary

The NSW Department of Planning, Housing and Infrastructure (the Department) has prepared a draft amendment to the *State Environmental Planning Policy (Industry and Employment) 2021* (Industry and Employment SEPP), to:

- Rezone land from IN1 General Industrial Zone and C2 Environmental Conservation Zone to SP2 Infrastructure to enable the widening of Abbotts Road and Aldington Road, Kemps Creek, in the Mamre Road Precinct, and to allow for a future road link between Aldington Road and the proposed Southern Link Road;
- Amend the Land Reservation Acquisition Map and Land Zoning Map to include the new road corridors;
- Confirm the appropriate acquisition authorities for new road corridors included on the Land Reservation Acquisition Map; and
- Amend section 2.27(2) to identify Penrith City Council as acquisition authority for the land marked as a “Local Road”.

The draft amendment to the Industry and Employment SEPP was exhibited from 22 February 2024 until 21 March 2024, and eleven submissions were received.

This report summarises the consultation process, issues raised in the submissions and a response to submissions (Section 3).

It is recommended that the SEPP amendment be finalised. Post-exhibition changes to the Industry and Employment SEPP are discussed in Section 4.

1. Introduction

1.1 Planning background: Mamre Road Precinct

The Mamre Road Precinct, located within the Western Sydney Employment Area (WSEA) was rezoned in June 2020 for 850 hectares of industrial land with the potential to accommodate 17,000 jobs. A further 95 hectares of land in the precinct is zoned for environmental conservation and open space. The WSEA was established to create new industrial land close to the airport and existing major roads and to provide jobs for Western Sydney. The Mamre Road Precinct is also within the area known as the Western Sydney Aerotropolis (see Figure 1 below). The new Western Sydney International Airport, which is opening in 2026, is less than 10km away from the precinct.

Road widening and upgrades to Abbots Road and Aldington Road are required for the future operation and success of the Mamre Road Precinct. The need for supporting infrastructure to enable industrial development is recognised in strategic policy, including the *Greater Sydney Region Plan – A Metropolis of Three Cities*, the *Western City District Plan* and the *Western Sydney Aerotropolis Plan*.

Abbots Road and Aldington Road are already identified as distributor road corridors in the Mamre Road Precinct Development Control Plan 2021 (DCP). This amendment to the Industry and Employment SEPP will formalise the need for these roads and allow for acquisition and construction processes to commence.

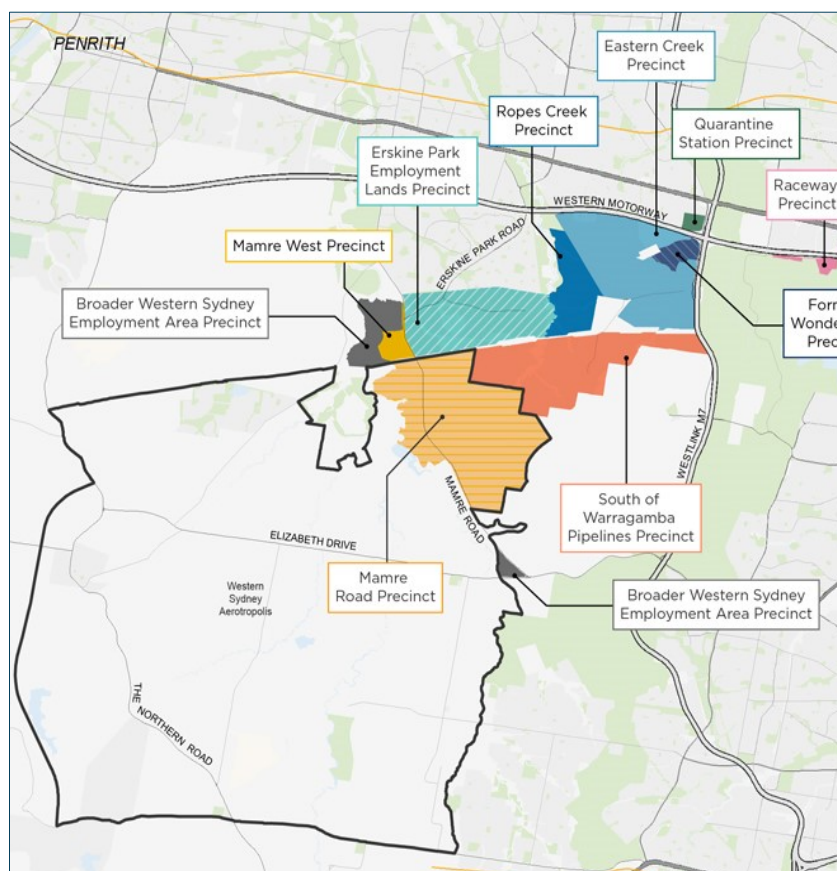


Figure 1: Broader WSEA locality and Mamre Road Precinct locality map. The location known as the Aerotropolis is shown in black outline
(Source: NSW Government)

1.2 Proposed Amendments

The proposed amendments to the Industry and Employment SEPP are outlined as follows:

- Land Zoning Map
 - rezone Abbots Road and the majority of Aldington Road from IN1 General Industrial Zone and C2 Environmental Conservation Zone to SP2 Infrastructure Zone, marked as “Local Road”. The increase in road width facilitated by the proposed SEPP equates to approximately 5m of additional reserve on either side of these roads.
 - rezone part of Lot 44 DP 708347 (20 Aldington Road, Kemps Creek) from IN1 General Industrial Zone to SP2 Infrastructure Zone, marked as “Classified Road”, to accommodate the new alignment and widening of Aldington Road and its intersection with Southern Link Road.
- Land Reservation Acquisition Map
 - identify Abbots and Aldington Roads as a “Local Road”.
 - Identify the Aldington Road intersection with Southern Link Road as a “Classified Road” (part of Lot 44 DP 708347, 20 Aldington Road, Kemps Creek).
 - Identify the Abbots Road intersection with Mamre Road as a “Classified Road” (including part of Lot 40 DP258414, 1005-1023 Mamre Road, Kemps Creek).
- Amend section 2.27(2) to identify Penrith City Council as acquisition authority for the land marked as a “Local Road” (noting Transport for NSW is already identified as the acquisition authority for Classified Roads).

1.3 Reasons for the amendment

Investment in infrastructure and road and intersection upgrades are required to support the Mamre Road Precinct’s transition from rural to industrial uses, following the rezoning of the Precinct 2020. Development for freight and warehousing and other industrial uses is well underway in the precinct, and the rural roads cannot continue to safely accommodate the additional truck traffic without safety and capacity upgrades.

The DCP, which was made in 2021 identifies the road network required to support the ultimate development of the precinct (refer to Figure 2, overleaf). The DCP identifies Abbots and Aldington Roads as planned *Distributor Industrial Road*, which generally require a road reserve of 30m wide. The existing road reserve is generally 20m wide or less.

The final design of the road, including the final width of the roads, will be subject to further engineering design and assessment. The Land Reservation Acquisition map identifies the approximate alignment and reserve width.

The proposed SEPP identifies the relevant acquisition authorities for the required road upgrades. This will allow for the authorities, being Transport for NSW and Penrith City Council to commence their planning and seeking funding for acquisition and construction.

For landowners impacted by the road alignments, the proposed SEPP provides much more certainty about acquisition and options moving forward.

The proposed SEPP will also allow for developers to deliver parts of the identified road upgrades ‘Works in Kind’, where an agreement can be reached between Penrith City Council or Transport for NSW.

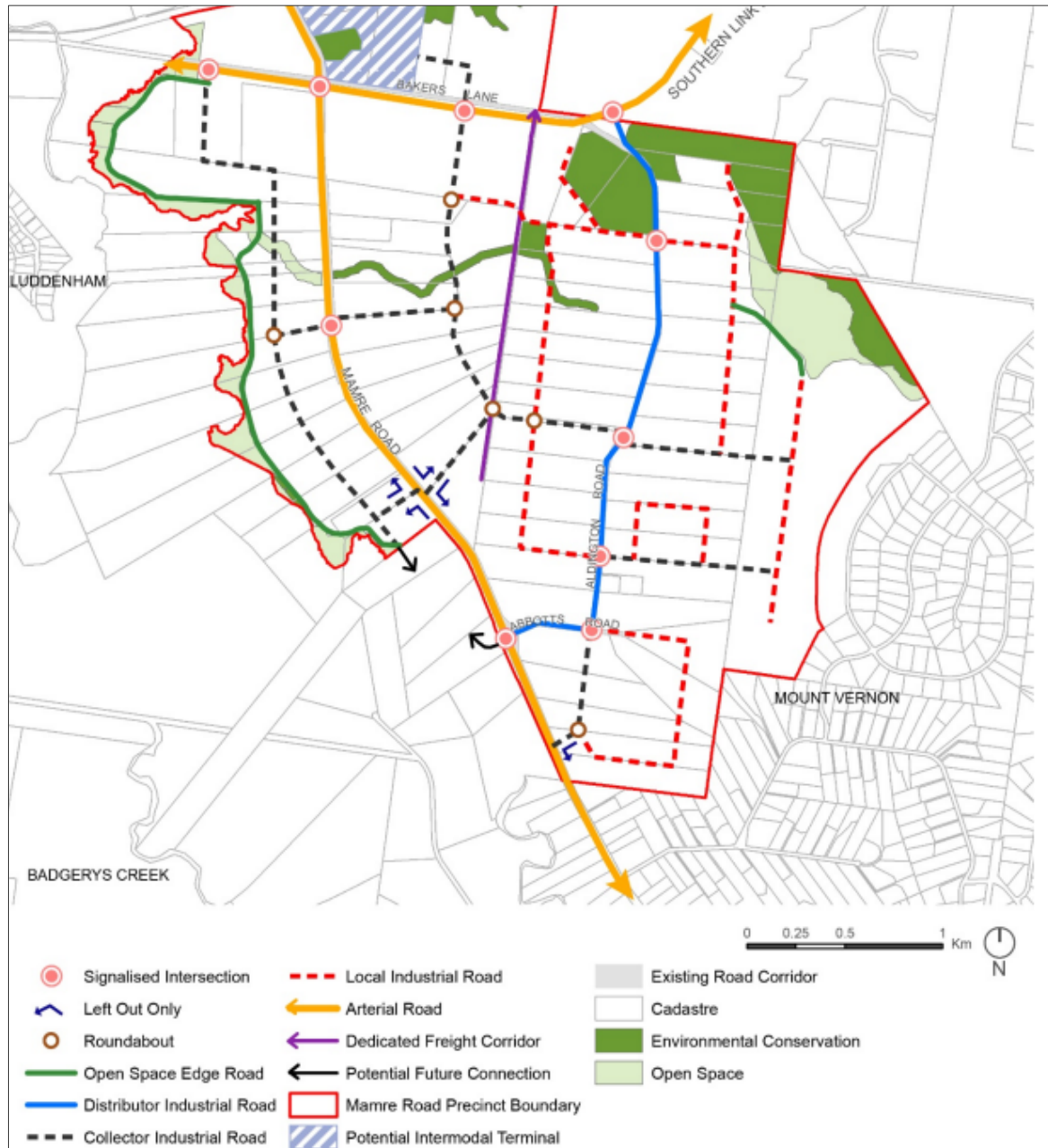


Figure 2: The DCP road network plan, showing the Abbots and Aldington Roads corridor in blue (Source: Mamre Road DCP).

2. Exhibition details

2.1 Exhibition and submissions period

The draft amendment to the Industry and Employment SEPP was exhibited from 22 February to 21 March 2024 and eleven submissions were received during this period. All submissions have been considered in preparation of the proposed SEPP. A summary of the key issues raised and responses to these issues is provided in Section 3 of this report.

2.2 Exhibited materials

The following was publicly exhibited:

- Explanation of Intended Effect – Upgrade of Abbots and Aldington Roads (Mamre Road Precinct),
- Draft Land Zoning Map, and
- Draft Land Reservation Acquisition Map.

All exhibition material was made available on the Department's website and the NSW Planning Portal.

2.3 Notification to Landowners

The Department sent notification letters to landowners affected by the proposed amendments along Abbots Road, Aldington Road and Mamre Road. The letter provided details of the exhibition period and engagement opportunities and invited submissions on the draft amendment to the Industry and Employment SEPP. An electronic mailout was also sent to Mamre Road Precinct mail subscribers.

The Department notified government stakeholders including Penrith City Council and Transport for NSW.

3. Response to Submissions

3.1 Number of Submissions

The Department received eleven submissions in response to the formal exhibition. Section 3.2 and 3.3 of this report outlines the key matters that arose out of submissions and how these matters have been considered in the proposed SEPP.

Submissions were received from:

- Penrith City Council
- Transport for NSW
- Water NSW
- Landowners
- Industry stakeholders

3.2 Matters raised in submissions

3.2.1 Key Issues

Key issues raised in submissions include:

- Timing for the delivery of the road, and ensuring upgrades are delivered in line with development.
- Traffic movement and safety, particularly safe access for existing residents in the area.
- Noise impacts of the new roads and additional traffic.
- Request to provide input into future road design and community consultation.
- Changes to the Penrith City Council Mamre Road Contributions Plan and the DCP required as a result of the proposed SEPP.
- Specific impacts for particular properties.

3.2.2 Submissions in support of the amendment

Six of the submissions provided support for the proposed SEPP, and these submissions have not been specifically addressed below. The submissions were received from Penrith City Council, Transport for NSW and several landowners and industry groups.

3.3 Consideration of issues

3.3.1 Traffic movement, and safety

Submissions raised concerns about the potential for conflict between trucks and local car movements, and the ability for residents to get in and out existing driveways. Impacts on wildlife and traffic safety where significant heavy vehicle use is anticipated were also raised. One submission raises the issue of additional traffic on Bakers Lane and impacts on residential amenity and access to homes.

Response

The rezoning of the Mamre Road Precinct from rural uses to industrial uses will have many benefits for Western Sydney, such as access to jobs and land for urban services to support a growing population and has generally had the impact of increasing land values in the area. But these changes will also result in local impacts and land use conflict in the short to medium term. These impacts need to be managed carefully through the development assessment process for new developments and construction of infrastructure.

The zoning and acquisition areas in the proposed SEPP are an approximate alignment, based on the best information available.

All roads will need to be designed in detail and obtain the necessary approvals for development. There will be opportunities for the community and stakeholders to be involved in these processes.

Future road designs and intersection treatments will need to consider local access and minimise impacts. Sign posting and speed limits and other mitigation measures may be identified as being required at this time.

Wildlife crossing and movement measures will also be considered as part of the future design and planning approvals processes, given the proximity of part of the road to Cumberland Plain Woodland and other vegetation.

Bakers Lane connects Mamre Road and Aldington Road as per Figure 3 below. In the future, as the upgrade of Aldington Road occurs from south to north, further consideration of traffic movements and connections to Bakers Lane will need to be reviewed by Penrith City Council and Transport for NSW.

3.3.2 Noise Impacts

Submissions raise concerns about the impacts of busier roads and heavy vehicles on roads on the acoustic amenity for existing residents and the schools on Bakers Lane.

Response

As discussed above, the transition from rural uses to industrial uses in Mamre Road Precinct creates the potential for local impacts and land use conflict in the short to medium term.

These local impacts will be carefully considered as part of the planning approvals process for development and infrastructure, and mitigation measures identified.

There are existing controls and policy for noise impacts, and new development will need to meet the standards set out in these documents.

The safety of people attending the schools and working at the schools, will also be a central consideration in the assessment of development applications.

As part of these assessment and approval processes, Penrith City Council and Transport for NSW may also consider the use of speed limits, no breaking zones and other methods to minimise noise generated by trucks.

3.3.3 Future Design and Community Consultation

A submission suggests that the detailed design for the proposed road network should have been included in the public exhibition package, and requests that landowners on Bakers Lane be consulted on detailed design in the future.

Response

Specific road projects are subject to future design and approvals processes. The proposed Southern Link Road - of which Compass Drive forms part of, is the responsibility of Transport for NSW. Transport for NSW has committed to consulting with the community on the design of these roads.

3.3.4 Impact upon the curtilage of 287-303 Aldington Road, Kemps Creek, including the stone fence

A submission raised concerns about the potential impacts of the future road widening on the dwelling, fence and bridge at 287-303 Aldington Road, Kemps Creek. The submission states that the dwelling and fence are prominent features on this corner site and represent an important part of the area's history.

Response

The proposed SEPP identifies part of 287-303 Aldington Road, Kemps Creek for acquisition. Both the Aldington Road and Abbotts Road frontages are impacted, and the area to be acquired includes sections of the hand-made stone fence.

The road widening will not impact the dwelling.

The initial road widening works, which are proposed to be constructed by developers of an adjoining site, will not impact the fence. The final road design, to be constructed by Penrith City Council will impact the fence, and demolition will be required. Council will work with the landowner on acquisition, timing, next steps and replacement of the fence.

The landowner previously requested that Penrith City Council list this site (including the fence) as a local heritage item, but this application was not supported.

Several options have been tested for the design of this section of road to minimise impact, and there is no opportunity to re-align the road to avoid the fence. No post-exhibition changes to the alignment, as it relates to 287-303 Aldington Road, Kemps Creek are proposed. However, the Department and Penrith City Council have agreed that the construction of the ultimate intersection design, which impacts the fence, will not occur within the short-term, at least within the next five years. Following this, there will be a review of the intersection's performance and an assessment undertaken to determine if the ultimate intersection upgrade is still required.

Penrith City Council will work closely with the landowner to determine the process and timing for acquisition. Any future acquisition regarding 287-303 Aldington Road, Kemps Creek, will be subject to the *Land Acquisition (Just Terms Compensation) Act 1991*.

3.3.5 Changes to the Penrith City Council Mamre Road Contributions Plan

One submission argues that the Penrith City Council Mamre Road Contributions Plan needs to be amended to reflect the rezoning, particularly as it relates to the property at 20 Aldington Road.

Response

This is a matter for Penrith City Council.

3.3.6 Timing of any development approvals and commencement of works

That the road needs to be delivered soon to support development and construction.

Response

The SEPP amendment is a significant step forward for formalising the need for the roads and confirming responsible authorities. Once the SEPP has been amended, both Penrith City Council and Transport for NSW can commence steps to secure funding, seek approvals and schedule acquisition and works.

Where appropriate, and where agreements can be reached between landowners and authorities, developers may deliver roads in line with development. Penrith City Council and Transport for NSW are in active discussions with developers regarding proposed Works in Kind proposals for a number of road upgrade projects in Mamre Road Precinct.

3.3.7 Compensation for landowners impacted by road widening and C2 Environmental Conservation zoning

A submission seeks to ensure adequate compensation be paid to landowners with impacted by the proposed SEPP amendment and road widening, and opportunities for compensation for land zoned to C2 Environmental Conservation in the initial rezoning of the Mamre Road Precinct.

Response

The Department is working with relevant landholders on land acquisition opportunities where appropriate to the landholder impacts and programs being delivered. In some cases, the Office of Strategic Lands, works with and supports landholders through acquisition processes where the Department is the acquiring authority.

3.3.8 Impacts on the land at 20 Aldington Road, Kemps Creek

A submission raises concerns about the impacts of the road widening at 20 Aldington Road, Kemps Creek.

Response

The front of the property at 20 Aldington Road, Kemps Creek will be impacted by the proposed amendments to the SEPP, where land is to be zoned SP2 Infrastructure Zone, marked as “Classified Road, with Transport for NSW identified as the future acquisition authority. The area to be acquired includes dwellings that are currently occupied.

The proposed SEPP provides more certainty about the location of this road and acquiring authority, where the road had previously only been indicated in the DCP. The proposed SEPP means that negotiations between the landowner and Transport for NSW can formally commence.

The owner of 20 Aldington Road, Kemps Creek, is also eligible for the Department’s targeted voluntary land acquisition program. The program is not fully funded for all landholders interested in selling their property and there is no specific timeframe for properties to be acquired.

The Department has been working with the landowner and Transport for NSW to ensure the landowner has access to support and information through this process.

3.3.9 Objection to the previous rezoning of the site to part industrial and part environmental conservation

One submission objects to the part rezoning of 20 Aldington Road from a rural zone to C2 Environmental Conservation Zone in 2020. The submission indicated that this site should have been zoned for industrial uses, similar to other sites in the Precinct.

Response

Community consultation occurred as part of the rezoning of the Mamre Road Precinct, which occurred in June 2020. More than half of this site is zoned C2 Environmental Conservation and contains the Cumberland Plain Woodland vegetation community which is a critically engaged Threatened Ecological Community protected under NSW and Commonwealth legislation. The

native vegetation on this site also provides connections to other areas of C2 Environmental Conservation containing Cumberland Plain Woodland, providing important habitat and connectivity. Any changes to this zoning would be subject to further investigation in the future.

4. Summary of post-exhibition changes and recommendation

4.1.1 Proposed post-exhibition changes

Submissions have been carefully considered as part of the finalisation of the proposed SEPP.

There are two minor post-exhibition changes proposed to the extent of zoning and acquisition areas for the required road widening, being:

- The Department proposes minor changes to the alignment of the intersection between Mamre Road and Abbotts Road to align with current intersection design.
- Penrith City Council confirmed that Council's design for the intersection of Abbotts and Aldington Roads includes a 'stub' to the south of the intersection.

Refer to Figure 3 and 4 below, which show the draft and proposed amended plans, with the red circles marking the areas where changes have been made.

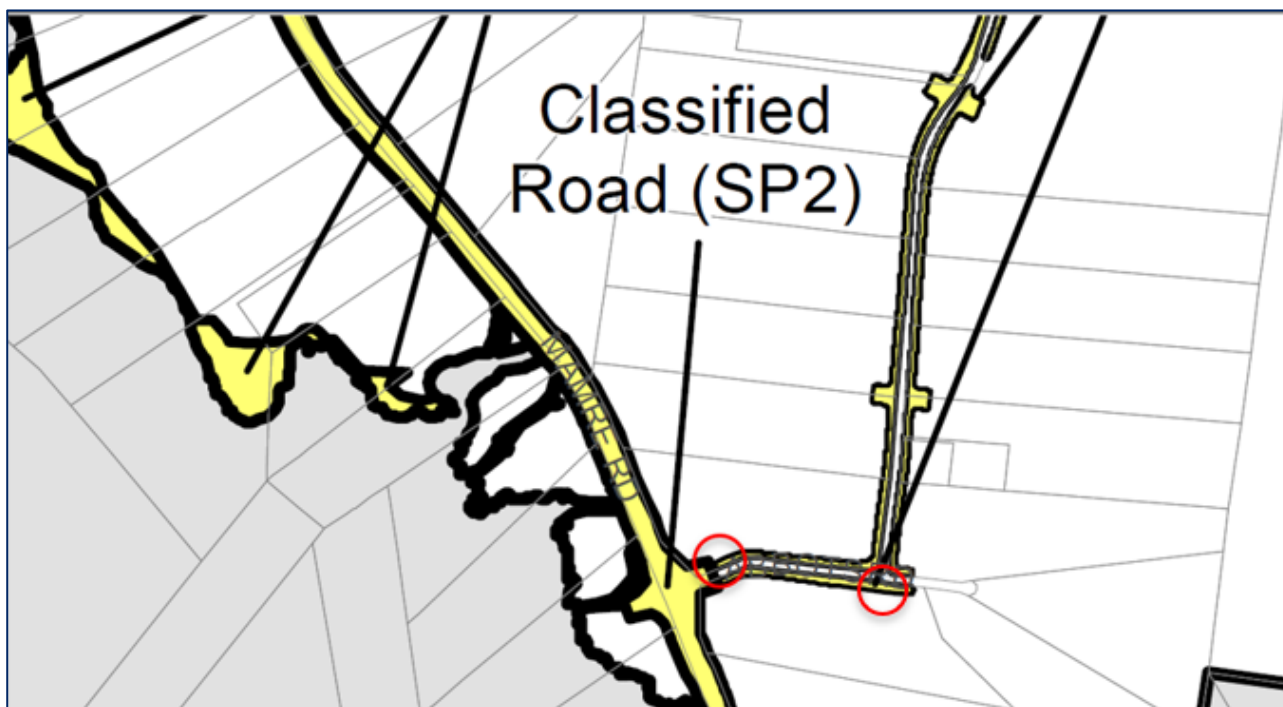


Figure 3: Land Reservation Acquisition map as exhibited, with the areas of anomaly shown circled in red.

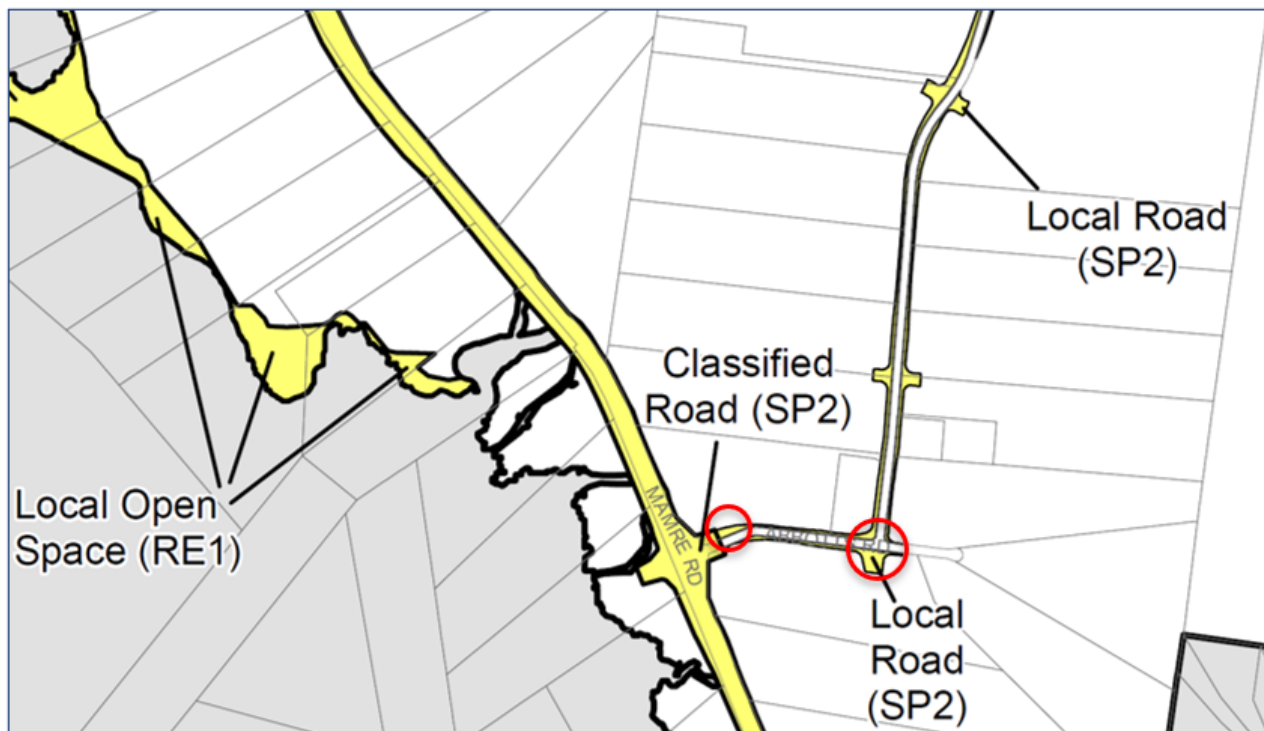


Figure 4: Post-exhibition amended Land Reservation Acquisition map, with the amended areas shown circled in red.

4.1.2 Recommendation

The Department has reviewed submissions and met with agencies and landowners where requested.

It is regrettable that the road alignment cannot be altered to avoid certain areas of private property, without impacting the safety and functionality of this important future road connection. The proposed amendment will secure vital infrastructure required to support the precinct and provide certainty and a way forward for acquisition for impacted landowners. The Department has recommended that the Minister finalise the proposed SEPP, with minor adjustments to the alignment, as discussed at Section 4.1.1 of this report. These post-exhibition changes will not have significant impacts and do not require re-exhibition of the proposed SEPP.

The amended SEPP including the maps is available on the NSW legislation website <https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0723>.