



Our reference: InfoStore
Contact: [REDACTED]
Telephone: [REDACTED]

20 May 2024

Melanie Mitchell
Principal Analyst – Pricing and Policy
Independent Pricing and Regulatory Tribunal

Sent online via ipart.nsw.gov.au

Dear Ms Mitchell

Mamre Road Stormwater Scheme Review – Issues Paper regarding Cost of Stormwater Drainage in the Mamre Road Precinct

Thank you for the opportunity to provide feedback on IPART's Issues Paper regarding the cost of stormwater drainage in the Mamre Road Precinct. Council's submission to the Issues Paper is provided at **Attachment 1**.

Since Sydney Water's appointment as the trunk drainage authority for the Aerotropolis and Mamre Road Precinct, Council officers have been working closely with Sydney Water and the NSW Department of Planning, Housing and Infrastructure (DPHI) to obtain further clarity regarding funding, delivery and maintenance of the required infrastructure, particularly in relation to its interface with Council assets.

These matters need to be resolved to understand the true cost of the proposed stormwater scheme, noting that the *Mamre Road Precinct Contributions Plan 2022* (the CP) does not collect for any stormwater or drainage infrastructure.

Council officers have also been advocating for the stormwater scheme and costs to be clarified as a matter of urgency as it is delaying development approvals and resulting in developers needing to forward fund temporary on-site basins until the stormwater scheme is in place.

Penrith City Council
PO Box 60, Penrith
NSW 2751 Australia
T 4732 7777
F 4732 7958
penrith.city



I note that Council officers have registered interest in the upcoming stakeholder workshops and look forward to engaging with IPART further. Should you have any questions about this matter, please contact me on

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Attach. Council Officer Submission to Issues Paper

Penrith City Council
PO Box 60, Penrith
NSW 2751 Australia
T 4732 7777
F 4732 7958
penrith.city

ATTACHMENT 1 – COUNCIL OFFICER SUBMISSION

Table 1: General Feedback on Issues Paper

Item	Council Comment
<p>Required amendments to State Environmental Planning Policy (Industry and Employment) 2021 (I&E SEPP) and the CP</p>	<p>To give effect to a regional stormwater scheme, Sydney Water will need to acquire land currently zoned RE1 to deliver stormwater and drainage infrastructure. This means amendments to the I&E SEPP and the CP will be required to facilitate the change in use and acquisition responsibilities.</p> <p>Sydney Water have provided draft plans regarding the extent of land to be acquired, however, these need to be finalised so that the I&E SEPP can be updated and the CP amended. Council is currently progressing this with DPHI. The CP is required to be amended if Sydney Water take over acquisition responsibilities for the RE1 land and it is used for stormwater purposes.</p> <p>Council is aware of the need to amend the CP in a timely manner following this decision so there is not a ‘doubling up’ up of contributions between acquisition and embellishment costs in the CP and the DSP charges for the stormwater scheme.</p> <p>It is also important to reiterate that the CP does not provide for any stormwater or drainage infrastructure, including trunk drainage, so this must be incorporated into Sydney Water’s Stormwater Scheme. It is understood that Sydney Water intend to secure easements for the conveyance of trunk drainage through the precinct.</p>
<p>Mamre Road Development Control Plan 2022</p>	<p>The Mamre Road DCP has been prepared to facilitate an on-lot stormwater approach. Sydney Water’s regional approach</p>

Item	Council Comment
(DCP)	will require a review of the DCP. This needs to occur concurrently with any amendments to the SEPP.
Acquisition and treatment of open space and stormwater land	<p>Council officers have been working closely with Sydney Water and DPHI to identify areas of conflict and key actions and responsibilities. The following matters still need to be resolved and agreed upon before the Stormwater Scheme is implemented:</p> <ul style="list-style-type: none"> • The extent to which the land identified for stormwater management can be integrated into the public recreation land is unclear. There are concerns that the stormwater scheme may impact on the quality of public recreation land if the uses are not designed and integrated appropriately. • Access pathways may be required where stormwater assets overlap with public open space. These pathways should be the responsibility of Sydney Water to deliver and designed in accordance with Council’s design standards. • It is likely that a Memorandum of Understanding between Sydney Water and Council will be required to define roles and responsibilities. To ensure effective integration and connectivity, we expect assets to be delivered and maintained to Council’s standards. • Access arrangements need to be in place where Sydney Water is required to traverse Council assets (REI land) to access the stormwater infrastructure.

Item	Council Comment
<p>Other comments on stormwater infrastructure</p>	<ul style="list-style-type: none"> • Council is yet to review any stormwater/flood modelling to determine whether the proposed scheme deals sufficiently with both water quality and water quantity. • We query if the proposed widths for the trunk drainage corridor are adequate to cater for flood (plus freeboard) flow paths and note that trunk drainage corridors are usually zoned SP2 and acquired for that purpose. • Where pipes/culverts are implemented in lieu of naturalised trunk drainage paths, they must remain on private land (within easements) and not burden Council or the Public Road Network.
<p>Planning agreements</p>	<p>Council has already executed or is currently negotiating planning agreements that may be impacted by implementation of a regional Stormwater Scheme (primarily to deliver works in kind arrangements under the CP). Further clarification is needed about how these planning agreements would be impacted.</p>
<p>DSP charges</p>	<p>It is noted that Council made a submission to Sydney Water on 29 May 2023 regarding DSP charges for drinking water, wastewater and stormwater services. Our submission raised concerns regarding the impact of DSP charges on development feasibility and Council's ability to collect development contributions to provide for local infrastructure. We also sought a detailed analysis to determine the cumulative impact the charges will have on developers and on Council's ability to collect contributions infrastructure under our current development contributions plans.</p>

Council has previously provided feedback to Sydney Water on the draft Mamre Road Stormwater Scheme and draft Stormwater Management Framework. This feedback is still relevant and has been reproduced in Table 2 below.

Table 2: Previous Officer Feedback to Sydney Water

Item	Council Comment
<p>Stormwater pipe system 20% AEP < 15Ha catchment and overland flow paths 1% AEP < 15ha</p>	<p>The draft Stormwater Management Framework for the Aerotropolis and Mamre Road Precincts indicates that Council will remain responsible for drainage infrastructure within catchments less than 15 ha and local network feeding into trunk drainage. It is Council’s opinion that overland flow paths and stormwater pipe system catchments under 15ha form part of a private development and therefore should be delivered and maintained by the developer or landowner rather than Council. Council recommends that the draft framework be updated to make it clear that this infrastructure be funded, delivered and maintained by developers.</p> <p>This is particularly important as Council has not factored delivery and maintenance of this infrastructure into our contributions framework for the Mamre Road Precinct or the Aerotropolis.</p>
<p>Planning and land management</p>	<ul style="list-style-type: none"> Land fronting Mamre Road is now zoned IN1. Consideration needs to be given to the impact of the stormwater infrastructure on the ability for the land to be developed for its intended purpose and undevelopable parcels of land should not be created. Should land become undevelopable then that land should form part of the stormwater infrastructure and be zoned for a

Item	Council Comment
	<p>public purposed and acquired by the relevant acquisition authority.</p> <ul style="list-style-type: none"> • The CP does not seek contributions for any stormwater infrastructure or trunk drainage. Land required for trunk drainage either needs to be dedicated to Sydney Water or alternatively, remains under the ownership of the private lot with appropriate restrictions and positive covenants placed over the trunk drainage in favour of Sydney Water. • Unless Sydney Water will be acquiring trunk drainage paths, maintenance covenants and rights of access will need to be placed over them to the satisfaction of Council (standard wording for positive covenants is available from Council). Easements will also be required to benefit upstream land. • All SSD applications within the Mamre Road Precinct that are currently under assessment by DPHI are proposing their own water quality / quantity estate basins. These SSD estate basins are to remain in the ownership of the estate and be managed and maintained in perpetuity by the estate. Clarity is needed about whether the precinct wetland / pond basins proposed by Sydney Water are to supplement the estate basins proposed by each development or if the Sydney Water basins are proposed to replace the SSD estate basins.