



Our reference: ECM 9378541  
Contact: Robert Craig  
Telephone: (02) 4732 7593

21 December 2020

Bruce Zhang  
Email: [Bruce.Zhang@planning.nsw.gov.au](mailto:Bruce.Zhang@planning.nsw.gov.au)

Dear Mr Zhang,

**Request for Comments – SSD-10448 – Aspect Industrial Estate, Lots 54-58 DP 259135, 788-882 Mamre Road, Kemps Creek**

I refer to the Department's request to provide comments in relation to the subject development proposal. Thank you for providing Council with the opportunity to comment.

The following comments are provided for the Department's consideration in relation to the proposal, in addition to the matters raised in Council's letter dated 24 April 2020 regarding the proponent's SEARs request.

**Planning Considerations**

***WSEA and WSA SEPPs***

The provisions of State Environmental Planning Policy (Western Sydney Employment Area) 2009 and State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 shall be given close consideration in the assessment of the proposal.

***Development Contributions***

Development consent for the proposal should not be granted until a development contributions framework is in place, including local and state infrastructure. In this regard, it is noted that Council's Draft Aerotropolis Development Contributions Plan is currently on public exhibition until 31 January 2021. Council's contributions plan proposes a 6.5% levy on developments over \$200,000 to fund local infrastructure needed to align with growth, fulfil the precinct's potential and create a sustainable, well-connected and liveable city. Development consent should not be granted until this contributions plan is in force so that local contributions can be levied on the proposal.

***Mamre Road Precinct DCP***

It is noted that public exhibition of the Draft Mamre Road Precinct Development Control Plan (DCP) concluded on 17 December 2020. The proposal should be closely assessed against the provisions in this DCP, notwithstanding that a site specific DCP has been lodged to support the proposal. In this regard, the proposal must be considered contextually appropriate, and its appropriateness is dependent on consideration of the precinct wide Mamre Road Precinct planning controls and objectives to ensure suitable and orderly development delivery.

Development consent should not be granted until such time that the Mamre Road Precinct DCP is in force.

In relation to the proposed landform and treatment of setback areas relative to the Draft Mamre Road Precinct DCP provisions, concerns are raised regarding the suitability of the Mamre Road setback treatment (in particular the inclusion of batter areas and the siting of a large stormwater basin) and the excessive height of proposed retaining walls (for example at the estate edges).

### **Signage**

The proposed height of the estate pylon signs is considered excessive and these should be considerably reduced in height or deleted altogether as an unnecessary signage feature. At the very least, only one estate pylon sign should be provided.

### **Environmental Considerations**

#### ***Sewer Infrastructure***

The EIS (at page 74) identifies that various sewer connection options are available and being investigated. It also states that approval for an Interim Operating Procedure (IOP) may be sought from Penrith City Council under Section 68 of the Local Government Act to facilitate temporary sewer servicing for the initial stages of the development. Details of the proposed IOP are not provided, other than reference to *'a large holding tank constructed at the lower end (sic) of the site'*. This aspect of the proposal requires further consideration and investigation as part of the development assessment stage to ensure that adequate provision is made on site for any interim infrastructure and to ensure satisfactory sewage management is assured. Any IOP needs to respond to, and be designed and accommodated, as part of the overall design of the proposal.

#### ***Noise Impacts***

The Noise and Vibration Impact Assessment (NVIA) predicts significant operational noise impacts on receivers (including sleep disturbance) during Stage 1 operations, and more significantly, during ongoing operation of the fully developed estate. It is noted that the EIS states (at page 172) that *'impacted receivers on the eastern side of Mamre Road are all located on landholdings under option or control by institutional developers'* and that *'development of the Western Sydney Aerotropolis would likely result in significant changes to the acoustic environment'*. The NVIA identifies the need for further investigation and development of noise mitigation and management measures with at-receiver treatment being an option to consider. Section 6.5.4 of the NVIA recommends that *'the identification of eligible receivers and suitable at property treatments be determined during the detailed design/construction certificate stage of the project'*.

Given the significance and extent of the potential noise impact on receivers, including sleep disturbance, this matter requires full consideration and further investigation, with appropriate consultation undertaken, as part of the development assessment stage to ensure that any approval issued satisfactorily captures required acoustic mitigation and management controls. The noise impacts associated with the construction stage should be adequately addressed through a Construction Environmental Management Plan (CEMP) for the site, as proposed in the EIS. It is noted that some structures off-site and directly

adjoining the construction zone may be potentially affected structurally by vibration impacts. Appropriate management, including consultation and monitoring, will need to be undertaken and incorporated into the CEMP to address this potential impact to off-site infrastructure.

### ***Dam Decommissioning Strategy***

The Dam Decommissioning Strategy does not address the management of dam fauna. An assessment of dam fauna, and the development of any necessary management and protection measures during dewatering operations should be undertaken by a suitably qualified ecologist.

### ***Waste Management Plan***

The Waste Management Plan proposes that surplus offcut plasterboard be returned to the manufacturer or used as a replacement for gypsum in landscaping. The use of waste plasterboard for landscaping purposes is not supported.

### **Biodiversity Considerations**

#### ***Bushfire Assessment***

The Bushfire Assessment outlines defensible spaces and management requirements which are incompatible with the proposed biodiversity protection measures. The bushfire management area needs to be accommodated outside of the proposed protected habitat areas.

#### ***Riparian Lands Assessment***

Although no biodiversity concerns are raised in relation to the decommissioning of the dams identified as 1 through 5 and described as Reach 1A, advice should be sought from the Natural Resources Access Regulator (NRAR) in this regard as it is clear the drainage of this first order stream is effectively feeding into the second order stream and therefore will have flow on effects. The off-site head of this drainage line should be taken into consideration as part of the engineering design for the proposal.

In relation to the proposed works and realignment of the waterway described as Reach 2A, the following matters need to be addressed:

- To be consistent with legislation, this area will need to be redesigned to primarily follow the current course through the points identified as 8 through 13, with partial redesign to ensure partial retention of the '6th' dam which should not be reduced further north than the existing boundary between Lots 57 and 58. The course beyond the dam should be mapped through to point 7, then connect with the drainage line on the adjacent lot to the east.
- Retain all identified PCT835/849 associated with the entire stretch of the waterway and to the required 20m riparian buffer (as a minimum). An additional buffer will need to be provided to protect this area from construction impacts.
- The proposed bushfire management requirements conflict with the biodiversity protection requirements for the riparian corridor. Redesign and review of the fire management area outside the 20m riparian corridor is considered essential.
- The Vegetation Management Plan (VMP) will need to be revised to address

- the preceding matters.
- The Construction Environmental Management Plan will need to address and control for all impacts associated with protection of this zone.
  - To ensure the persistence of resident aquatic fauna in situ, the project aquatic ecologist will need to be consulted by:
    - the waterway design team for the realignment of the southern region of dam 6 and the waterway to the east of the dam;
    - the VMP team; and
    - the dam dewatering team.
  - It is recommended that landscaping between the riparian zone and built infrastructure caters for an additional buffer zone, which may also cater for public amenity outside the riparian zone.

### ***Biodiversity Development Assessment Report (BDAR)***

Efforts to avoid, minimise and mitigate biodiversity impacts are unsatisfactory. The minimum requirements which should be incorporated into the proposal include:

- Retention, protection and enhancement of the existing waterway and associated vegetation as per the preceding Riparian Lands Assessment comments, including the associated patches of remnant PCT849 and 835 and Reach 2A with reduced realignment at prescribed points.
- Retention, protection and enhancement of PCT849 associated with Plot 4, with a suitable buffer to the outermost extent of the patch. This is especially important given the connectivity through to the patch on the adjacent lot. Loss of this patch of habitat is considered to be an unacceptable impact. This area will need to be permanently fenced to ensure it is protected from use and from impacts during construction and operation.
- These areas and their management in perpetuity will need to be incorporated into the VMP.
- The bushfire management zone must be situated outside of these protected areas.
- These areas will need to be temporarily fenced for protection from construction impacts.
- There is a habitat tree (potentially captured in the image in Plate 3) situated centrally on the southern boundary of Lot 55/PCT849. It is conceivable that this tree could be incorporated into the design of the proposal. All efforts to retain this tree should be explored.

All mitigation measures outlined in the BDAR relevant to any residual effected patches of native vegetation shall be implemented. The offsets will need to be revaluated with implementation of the avoid and minimise requirements.

### ***Vegetation Management Plan (VMP)***

The VMP requires revision as part of ensuring that the bushfire management requirements are located outside of the prescribed VMP areas.

The VMP will not require nest box treatments, due to the retention of the primary habitat areas located on the site. This will ensure the carrying capacity of this area is suitable to the capability of the habitat as it is improved.

All VMP zones are to be managed in perpetuity.

### ***Additional Fauna Management***

The project ecologist is to address additional fauna management in relation to vegetation removal, demolition activities and salvaging efforts. In addition, exclusion efforts in advance of, and during, construction across the development footprint need to be addressed, to ensure protected native fauna outside of retained areas of vegetation and the riparian zone are not subject to risk.

### ***Additional Flora Management***

Vegetation proposed for removal should be assessed for seed and specimen harvesting and relocation and reuse on site to improve habitat values within retained vegetation.

### ***Dam Dewatering Plans***

The management of, and activities throughout, the dam dewatering process need to be outlined and informed by the project aquatic ecologist. With the retention of the waterway, an assessment of this as a receiving site for displaced aquatic fauna will need to be undertaken.

### **Waterways Considerations**

It is noted that no MUSIC modelling was submitted in support of the proposal. As such, Council was not able to complete a full assessment of the stormwater management strategy. In addition, the comments below are made on the assumption that the stormwater treatment assets will not be dedicated to Council.

It is also noted that the proposal has not considered the relevant water management WSUD controls outlined in the Draft Mamre Road Precinct DCP. It is considered that the proposal should have regard for these controls in developing the approach to stormwater management. In this regard, the proposed stormwater management approach is not consistent with the controls and objectives outlined in Section 2.6 (Integrated Water Cycle Management) of the draft DCP.

In relation to the treatment of stormwater, it is proposed that a 1,600m<sup>2</sup> bioretention system pre-treated with an Ocean Save OS-2324 be implemented. It is also proposed to use a proprietary filter media called Filterra. The use of Filterra is not currently supported and additional information to demonstrate its performance and compliance with Section 4.6 of Council's WSUD Technical Guidelines is required. There are also some concerns in relation to the configuration of the bioretention systems (e.g. maximum depth of extended detention) which should be considered in the context of Council's WSUD Technical Guidelines.

In terms of water conservation measures, commitments have been made to meet a minimum of 80% non-potable demand with harvested rainwater. Additional details are required regarding the sizing of the tanks.

It is proposed to relocate the existing first and second order creeks towards the north. Any changes to the waterways will need to be undertaken in accordance with NRAR's requirements. However, it is noted that the proposed changes to the waterways are not consistent with the Draft Mamre Road Precinct DCP in terms of the proposed trunk drainage configuration.

With regard to the drainage strategy, additional information is required to demonstrate compliance with Council's current WSUD Policy. The use of Filterra as a media is not currently supported and requires supporting field testing data. There are also opportunities to revise the strategy so it has more of a focus on providing for a range of ecological services, including integrated water management, which maximises opportunities for rainwater harvesting and reuse as well as passive irrigation so as to better contribute to urban cooling.

Overall, and as outlined above, the proposed approach to stormwater management is inconsistent with the integrated water cycle management provisions outlined in the Draft Mamre Road Precinct DCP and the provisions in Council's WSUD Policy and supporting technical guidelines.

### **Traffic Considerations**

The proposal is subject to the final Mamre Road Precinct DCP and master planning being completed and NSW government commitments and timelines to deliver the road network and other infrastructure.

The proposed temporary access directly to Mamre Road is subject to TfNSW acceptance and conditions as well as the fit of this road and the other proposed internal development roads with the final Mamre Road Precinct DCP and master plan.

The proposed internal roads, roundabout and internal road terminations at the northern and southern side boundaries for connections to adjoining lands are not appropriate unless:

- It can be shown that these comply with the final Mamre Road Precinct DCP and master plan;
- These conform to the surrounding future development road network including the future development road network and connections west of Mamre Road; and
- The ultimate traffic generated by the fully developed Mamre Road Precinct can be accommodated.

Should the proposed internal road terminations at the northern and southern side boundaries ultimately be accepted and delivered as an initial stage of the proposal, it will be necessary that temporary turning heads be provided.

Other matters to be addressed include the following:

- Roadways, driveways, pathways, cycleways, vehicular access and manoeuvring, parking areas and the like shall comply with Australian Standards (AS 2890 including parts 1, 2 and 6 and AS 1158), Austroads Guidelines, TfNSW (RMS) Technical Directions / Guidelines, the final Mamre Road Precinct DCP and the NSW Government Walking and Cycling Guidelines.
- The entry and exit points for any car parking areas to and from the public roadway shall be separate from any heavy vehicle access. Car park entries and exits which conflict with heavy vehicle access points should be removed or limited and managed.
- Separate and accessible pedestrian pathways at least 1.8m wide shall be provided from car parks and from roadway footpaths to building entrances in accordance with AS 2890 (car park access) and AS 1428 (mobility accessible paths of travel). Consideration shall be given to the most direct access to

- buildings for pedestrians.
- The availability of public transport by bus shall be addressed. This shall include identifying the nearest existing and future bus routes, bus stops (including both sides of Mamre Road and through the development roads) and timetables. The existing and future bus stops shall be compliant with the Disability Discrimination Act provisions and Penrith City Council accessibility requirements. Provision shall be made for safe accessible paths of travel to and from these facilities and options and strategies applied to improve public bus transport facilities, accessible paths of travel and patronage.
  - Vehicle turn paths for the largest vehicle type expected to access the site shall be assessed in accordance with AS 2890 and shall clearly demonstrate satisfactory vehicle manoeuvring on-site and forward entry and exit to and from the public roadway. The proposed turn paths for heavy vehicles into and from the site and turn paths at intersections shall be addressed regarding any encroachments across the road centre line. The heavy vehicle turn paths shall be clear of roadside parked vehicle areas.
  - Accessible parking shall be provided as close as practicable to building entries with accessible paths of travel.
  - Wheel stops shall be provided for any parking spaces that front or back onto a pedestrianised area to control kerb overhang. Wheel stops shall be designed in accordance with AS 2890.
  - A minimum of two electric vehicle charging stations (EVCS) shall be provided within the car parking areas of each warehouse development. The charging stations are to be designed to accommodate the requirement of commercially available public vehicles and their required connector types (currently known as Type 1 and Type 2 connectors). A minimum of three additional car parking spaces shall be designed so as to be readily retrofitted as EVCS parking spaces. The installed EVCS car parking spaces are to be signposted and marked for the use of electric vehicles only and are to be located as close as possible to the building access points after accessible parking space priority. EVCS shall be free of charge to staff and visitors.
  - Compliant numbers of secure, all weather bicycle parking facilities, end of journey facilities, change rooms, showers and lockers shall be provided at convenient locations for warehouses in accordance with AS 2890.3 Bicycle Parking Facilities and Planning Guidelines for Walking and Cycling (NSW Government 2004).
  - Appropriate signage, visible from the public roadway and on-site, shall be installed to reinforce designated vehicle circulation and to direct staff, delivery vehicle drivers, service vehicle drivers and visitors to on-site parking and delivery and service areas.
  - The required sight lines around the driveway entrances and exits shall not be compromised by street trees, landscaping or fencing.
  - Sight distance requirements at verges, footpaths and driveways shall be in accordance with AS 2890.2, Figure 3.3 and Figure 3.4.
  - All vehicles shall enter and leave the site in a forward direction.

## **Engineering Considerations**

### ***Road Types***

The Draft Mamre Road Precinct DCP has identified two road types for the precinct:

- *Local Industrial Road* with a 24m wide road reserve; and
- *Distributor / Collector Road* with a 26.4m wide road reserve.

Both Estate Road 01 and Estate Road 02 do not correspond with the road types in the draft DCP.

Estate Road 01 aligns with the high order road as per the draft DCP and shall be designed as a *Distributor / Collector Road* with a 26.4m wide road reserve with associated pavement widths and verge widths to be in accordance with the draft DCP.

Estate Road 02 shall be designed as a *Local Industrial Road* with a 24m wide road reserve with associated pavement widths and verge widths to be in accordance with the draft DCP.

### ***Estate Basin***

The batter of the estate basin along the Mamre Road frontage shall be located clear of the proposed future widened road reserve boundary for Mamre Road. Grass batters shall be at a maximum of 1 in 5 (vertical to horizontal).

Should you wish to discuss any aspect of Council's comments further, please do not hesitate to contact me on (02) 4732 7593.

Yours sincerely



Robert Craig  
**Principal Planner**