



Our reference: ECM 9511657
Contact: Gavin Cherry
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25 March 2021

Bruce Zhang
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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

- The SEPP zoning plan depicts a meandering E2 corridor that is more reflective of a riparian corridor and not a drainage channel as is currently suggested by the submitted plans. The proposed redirection of the riparian alignment, contrary to the zoning maps, was of key concern as the extent of riparian outcomes typically envisaged by this arrangement are not usually achieved. This is due to the regularity of the proposed corridor alignment and its stormwater management functions. It is however understood that NRAR have accepted the amended location despite the zoning in the SEPP, and as such this aspect is no longer raised if the Department is supportive of the resulting location and alignment.
- It is noted that the proposed development is advancing ahead of the finalisation of the recently exhibited Draft Development Control Plan for the Mamre Road Precinct, with request for consideration of a separate site specific DCP. It is appreciated that this is ultimately a matter for the NSW Government to address in the consideration of any SSD application lodged, however Council maintains a view that there is a need for the Government to address matters already raised in response to the exhibition of the Draft Precinct Wide DCP, without duplication and layering of a new site specific DCP. As a result of this, the following concerns are noted for consideration in the continued assessment of this application:
 - The suggested landscape setbacks between the front property boundary as detailed in the draft DCP are not supported by Council and are considered inadequate to achieve necessary streetscape outcomes given the abundance of hard stand parking areas proposed within the front setback. Council has continuously advocated for 6m minimum landscape setbacks where extensive car parking is proposed forward of a building line and this position has been put to the NSW Government in response to

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the exhibition of the Draft DCP. If the indicated setback zones are not increased as suggested, then the layering of street tree plantings in combination with setback plantings will be of critical importance and as yet, there is no detailed design plans located for landscaping in this location to address the objectives of the Draft DCP. Detailed landscape plans for on-lot landscaping should be submitted with this application for all setback zones. Alternatively, it needs to be confirmed if it is intended that on lot landscaping and built form would be subject to separate applications with the resulting setbacks up for review and consideration at that time. This in effect means that the application as lodged is for a subdivision and not a concept plan that locks in a building envelope and car park arrangement.

- The suggested streetscape planting as indicated in the lodged EIS plans is not supported as currently proposed. In particular the clustering of trees in the verge with sizeable canopy separation between clusters is inadequate. The street tree design should be considered in combination with on lot landscaping in the setback zone. This is important to achieve a layering of canopy spread between the private and public domain. It is recommended that the planting of the road verges could be conditioned requiring an amended public domain landscape package be submitted to and approved by Council's Landscape Architecture Supervisor prior to the issue of any Construction Certificate.
- Council reiterates that the proposed height of the estate pylon signs as originally lodged is excessive, and these should be reduced in height or deleted altogether as an unnecessary signage feature. At the very least, only one estate pylon sign should be provided. The applicant has not sufficiently responded to this concern, citing considerations in SEPP 64 which are not considered to prevail or prevent considerations relating to streetscape presentation or landscape integration.

Development Contributions

- Councils Section 7.12 Citywide Contribution Plan is currently applicable to this site. Please note that an amendment to this plan was exhibited in November 2020 to remove the applicability of this plan from the Mamre Road Precinct. This amendment is yet to be determined and may impact the determination of this application.
- It is requested that the applicant and DPIE in combination discuss local contributions with Councils' City Planning – Contributions Team as there is a suggestion that a planning agreement might be pursued. The intended contribution pathway would need to be discussed and agreed to prior to determination of the application.

Environmental Considerations

- The Sydney Water letter dated 22/2/2021 confirms that the site is ultimately to be serviced by the Upper South Creek Advanced Water Recycling Centre. In the interim, from 2024, it is likely sewer from the site will be pumped to the St Marys Wastewater Treatment Plant. However, servicing prior to this is unknown/unconfirmed and negotiations are ongoing. This should be clarified, and a servicing strategy confirmed for occupation prior to 2024 as it must be demonstrated that sufficient servicing is available, or can be made available, prior to determination of this application.

- The AIE Stage 1 - Indicative Stage 1 Utilities Plan shows what appears to be a wastewater storage tank/pump well within the proposed stormwater basin. This will need to be amended. Further, the interim operating procedure (IOP) has not been finalised for the proposed development and is unknown.
- The 'Aspect Industrial Estate - Noise and Vibration Impact Assessment' (610.19127-R02 v1.4) prepared by SLR Consulting Australia Pty Ltd dated 10/2/2021 identifies there will be significant elevated levels of construction and operational noise impact to receivers. Reasonable and feasible mitigation measures recommended in the NVIA will need to be assessed prior to the issue of a construction certificate to determine Source, Pathway and at receiver treatments to be installed. This should be reflected within any conditions of consent imposed if the application is favourably determined.

Waterways Considerations

- In regards, to the proposed stormwater management strategy, the following matters are raised for further consideration and address:
 - In terms of the water conservation measures, the Civil report includes commitments to meet a minimum of 80% non-potable demand with harvested rainwater. Additional details are required regarding the sizing of the tanks and it is proposed that this would need to be provided with future development applications.
 - In relation to the treatment of stormwater for the proposed development, it is proposed that a 1,600m² bioretention system pre-treated with an Ocean Save OS-2324 would be incorporated. The report proposes to the use of a proprietary filter media called Filterra. It is noted that only 1 GPT is shown but there are 2 inlets into the basin as shown on the drawing. It is also noted that drawing number 18-596-C1012 Issue 3 dated 15/10/2020 indicates that the top water level is 1.25 m above the filter layer as it is located within an OSD basin. This is not supported and needs to be clarified. In relation to the design of the basin, it is considered that a revised full set of engineering plans is required to be provided for review.
 - In relation to the use of Filterra as an option, following a review of the supporting report provided, and noting that it is more widely permitted in other local government areas, no concerns are raised provided the treatment system is not dedicated to Council for ongoing ownership and maintenance. It would also need to be adequately conditioned to ensure that it was maintained by the developer in perpetuity. Prior to determination of the development proposal, it is suggest that additional details are required on the configuration of the basin, filter media area, depths of inundation etc, species and density of vegetation and provision of GPTs. These details should be included in an updated and full set of drainage plans.
 - With regards to the compliance with the Draft Mamre DCP Controls, a review of the letter prepared by Ocean Protect and MUSIC model indicates that the water quality requirements outlined in the Draft Mamre DCP are not met. The proposed treatment measures do not meet the flow objectives outlined in the DCP. In this regard, a discussion paper prepared by E2 Design Lab about the Draft Mamre

DCP November 2020 controls was submitted in support of the application. The paper includes a discussion of various alternative proposals to meet the DCP requirements. It is further noted that one option included to propose an urban forest within the onsite detention basin which would serve to go some way to meeting the draft controls. In response to this, it is suggested that while the proposed approach may contribute to a reduction in mean annual runoff than the current proposal, it does not meet the Draft DCP interim requirements. Further, it is noted that the supporting engineering plans are not consistent with what has been discussed in the discussion paper.

- The discussion paper also included an analysis to demonstrate what would be required to meet the MARV target of 1.9 ML/Ha/yr. The report noted that this could only be achieved onsite through the construction of a 6.5Ha wetland serving largely as an evapotranspiration system with limited outflow. However, no further information was provided on this option. Should alternative options be considered going forward, then I suggest that additional details / updated engineering plans and stormwater report would need to be provided for review.
- Council's Waterways Officers are also of the view that there are opportunities to further improve the stormwater strategy, so it has more of a focus on providing for a range of ecological services including integrated water management which maximises the opportunities for rainwater harvesting and reuse as well as passive irrigation as to better contribute to urban cooling and to the Parkland City vision.

Traffic Considerations

- The SEPP requires a DCP to be prepared, which should be informed by the Draft Mamre Road Precinct DCP as well as the precinct road network traffic modelling, intersection traffic modelling and a Transportation Mobility and Access Plan (TMAP – of the road, path, bicycle and bus network and infrastructure). This is required to inform engineering designs and documentation of the precinct road and internal roads and intersections. While the application is accompanied by its own site specific DCP, acceptance of this DCP by the Department should still be informed by the completion of the above Strategic Traffic Plans with respect to the broader precinct and how this site operates within it. This should also include consideration of the ultimate traffic generation at 2036 and the resulting functionality of the intersection with Mamre Road and the adjoining precinct road network.

Engineering Considerations

- The Draft Mamre Road Precinct DCP (MRP DCP) Part 3.4.1 Clause 7 states '*No direct vehicle access to Mamre Road or Southern Link or distributor roads are permitted.*' Contrary to the '*Response to Submissions*' document by Urbis (Section 4.2), the Draft MRP DCP (Figures 13 & 14) have identified that Access Road 1 and Access Road 3 are High Order Distributer / Collector Roads and as such it is recommended direct vehicle access should be denied.



- The revised Master Plan shows vehicular access, including heavy vehicle access, is proposed onto Access Road 1 (Distributor Road) for warehouses 1, 2, and 8 and is not supported. Alternative vehicular access for warehouses 1 and 2 is available from Access Road 2, with vehicular access to warehouse 8 available from Access Road 4.
- Vehicular access, including heavy vehicle access, is also proposed onto Access Road 3 (Distributor Road) for warehouses 4, 5, 6 & 8 and is also not supported. Alternative vehicular access for warehouses 6 and 8 is available from Access Road 4. Vehicular access for warehouses 4 and 5 shall be a left-in / left-out type arrangement as Access Road 3 requires provision of a central median (Figure 13 and 14 of the MRP DCP). Vehicles leaving warehouses 4 and 5 will be able to turn around at the temporary cul-de-sac at the end of Access Road 3.
- It is acknowledged that the road reserve width of 26.4m (mid-block) for Access Roads 01 & 03 is in accordance the Draft MRP DCP for a *Distributor / Collector Road*. A central median is to be provided to Access Roads 01 & 03 in accordance with Figure 13 of the Draft MRP DCP. Road pavement and verge widths shall be in accordance with Figure 13 of the Draft Mamre Road Precinct Development Control Plan.
- It is acknowledged that the road reserve width of 24.0m for Access Road 02 is in accordance the Draft MRP DCP for a *Local Industrial Road*. Pavement widths and verge widths shall be in accordance with Figure 12 of the Draft Mamre Road Precinct Development Control Plan.

Recommended Engineering Conditions:

- Estate Road 01 shall be designed as a *Distributor / Collector Road* with a 26.4m wide road reserve (mid block) and 30.6m wide road reserve (at intersections) with associated pavement widths, central median widths and verge widths to be in accordance with Table 9 and Figure 13 of the Mamre Road Precinct Draft Development Control Plan.
- 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 Table 9 and Figure 12 of the Mamre Road Precinct Draft Development Control Plan.
- All subdivision works shall be constructed and inspected in accordance with Penrith City Councils Engineering Construction Specification for Civil Works. Council's specifications set the minimum mandatory inspections for Civil Works.
- Prior to the dedication of any internal estate roads as public roads to Penrith City Council (as the Roads Authority under the Roads Act), the applicant shall ensure construction of the estate roads has been completed to the satisfaction of Penrith City Council. At the completion of the civil works, the applicant shall ensure all requirements as detailed in Section 2.3 and 2.4 of Council's Engineering Construction Specification for Civil Works, have been completed to the satisfaction of Penrith City Council.



Should you wish to discuss any aspect of Council's comments further, please do not hesitate to contact me on (02) 4732 8125.

Yours sincerely

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