



Our reference: ECM 9528324
Contact: Gavin Cherry
Telephone: (02) 4732 8125

14 April 2021

David Schwebel
Email: David.schwebel@planning.nsw.gov.au

Dear Mr Schwebel,

Response to Submissions – SSD-10479 – 200 Aldington Road 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 proponent's Response to Submissions for 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 this matter.

Planning Considerations

- Council raised a considerable number of landscape design matters that don't appear to have been addressed in the applicant's response to submissions, or the additional information submitted. These matters are critical to inform the spatial arrangement of the proposed concept plan and subdivision layout, not to mention car parking design and building footprint locations. This should be raised with the applicant as a matter of urgency to ensure the landscape items have, or are being, considered and can be addressed in amended plans that are made available for review and further comment by Council.
- 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:
 - o 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 5 - 6m minimum landscape setbacks to local streets where extensive car parking or truck manoeuvring areas are proposed forward of a building line and this position has been put to the NSW Government in response to the exhibition of the Draft DCP.

- The plans submitted as additional information provide no depictions of the actual setback dimensions. References to “landscape setback” or “building setback” do not allow for assessment on the adequacy of that setback noting that the setbacks vary between each and every proposed allotment. The EIS landscape plans and landscape cross sections provide varying landscape setbacks of between 3.75m - 8.4m to the internal road network as proposed. Of particular concern is in the inadequacy of indicated setbacks to address the level difference between the verge level and the finished ground levels for truck manoeuvring as per Section F-F.
- 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 to each intersection with Aldington Road. A variation to the draft DCP is unwarranted and unreasonable and the cumulation and visual impact of the proposed signage structures requires reconsideration, especially any suggestion for a signage width of 3m which is excessive and an unsympathetic element within the streetscape.

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. The intended contribution pathway would need to be discussed and agreed to prior to determination of the application.

Engineering Considerations

- With respect to the identified Precinct Wide DCP road design non compliances, the applicant has provided a design alternative shown in Figure 7 of the submissions report. The proposed alignment of the high order road connecting to the local road (shown in brown going north-south) is however unsatisfactory and not supported.
- In addition to the above critical concern, the applicant also assumes that the northern part of the site has access from Aldington Road, however, it is only marked as ‘potential signalised intersection’. Should there be no intersection the access from Aldington Road will likely need to be restricted. Additional evidence must support any suggestion for a proposed design change, including traffic modelling.
- The design and form of the proposed High Order Road will need to address the intersection connection to Mamre Road as well as being a thoroughfare through the site. Council maintains its position that these roads should be designed as Distributor/Collector Type 2 Roads.

- The northern end of Estate Road 01 (Ch. 000-360) should connect through to the proposed Open Space Edge Road in accordance with the draft DCP. Intersection priority should be given to the through connection to the Open Space Edge Road (i.e. standard 'T' intersection) in accordance with the draft DCP. The extension of Road No. 1 to the Open Space Edge Road and the 'T' intersection should also be delivered as part of the proposal. This issue previously raised has not been resolved and remains relevant and of concern.
- The Open Space Edge Road shall be delivered as part of the proposal in accordance with the draft DCP. The road shall be designed as a Type 1 Road in accordance with the draft DCP. This issue previously raised has not been resolved and remains relevant and of concern.
- Council's Engineers previously identified that Basin A proposes to discharge low flows and emergency overflows onto the adjoining private property to the south. The proposed 'stormwater diversion walls' and surrounding areas will not be able to be maintained. Consideration is to be given to the future development of the lands to the south and the management of stormwater discharge from Basin A through the adjoining lands. *Detail still needs to be provided on how these flows have been considered. Easements that are to be taken on adjoining private property for the use of overland flows are to be demonstrated on plans.*
- Please also note that Council will not accept any suggestion of land dedication for future roadway. The road must be constructed to Council's specifications prior to any suggestion for public road dedication.

Waterways Considerations

Council's comments previously raised in relation to treatment of stormwater for this development have not been sufficiently addressed. The proposed stormwater management measures are not yet supported and should be resolved as follows:

- The updated information has not provided any real additional justification as to how the development of the full estate will be delivered in a manner consistent with the Water Management requirements of Draft Mamre DCP. This should be addressed to the satisfaction of DPIE as the consent authority noting that any advancement of development ahead of DCP finalization has the likely risk of undermining the strategic outcomes envisaged for the precinct as a whole.
- There is reference to indicate that GPT's directly upstream of the basins will be owned and maintained by Council when the road is dedicated. Council does not accept any suggestion of dedication as all water quality management measures relating to private development MUST be maintained by the developer as part of the maintenance of the proposed basins. The water quality management measures must be amended accordingly.
- There is no proposed on-lot OSD or stormwater treatment. As such, the proposed bioretention basins will also require capacity for OSD. As raised previously Council does not support the current design and configuration of the two (2) stormwater management basins. It is suggested that that the proponent reconsider the design and configuration of the stormwater management basins. This should include but not be limited to, the inlet design and flow configuration, depth of maximum ponding, sizing of



basin, provision for access for maintenance, and vegetation densities and species. In this regard, there are many technical design guidelines available to assist in any revised design, including on Council's website which includes specifications for the design of bioretention systems.

- It is noted that Basin 2 it is still located within the RE2 zoned area and this is not supported by Council.
- There are also opportunities to revise the water management 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 biodiversity values. Further, the stormwater management approach is not consistent with Section 2.6 (Integrated Water Cycle Management) of the Draft DCP and this should be resolved prior to the approval of any stage.

Biodiversity Considerations

It is recommended that further design refinement is undertaken which addresses the following:

- The proposal should relocate the bio-retention basin outside both the E2 and RE2 land as zoned to meet the objectives and strategic intent of the SEPP instrument.
- The proposal should ensure that the entirety of land zoned E2 and RE2, and the required vegetated landscape buffers are considered within the Vegetation Management Plan.
- The proposal should ensure the minimum distance of 10m VRZ from top of bank are maintained. An extended area at one location does not offset the requirement elsewhere.
- Retention and protection of the dam identified as suitable Green and Golden Bell Frog habitat. While the Ecologists have assessed that one dam provides suitable habitat for this species, it is important to this species' persistence that their overall ecological requirements including options for colonisation are provided for. While the Ecologist assessed the habitat potential of the site and concluded that the potential habitat did not extend 200m from the dam, the buffer must still be applied and its protection and enhancement prioritised. It is recommended that expert consultation should be undertaken to inform the habitat requirements of this species, to be incorporated within the site plans and the VMP. Further, as a mitigation effort, the applicant could be encouraged to prepare/collaborate with experts to produce an insitu conservation plan for this species.



Traffic Management and Road Design Considerations

Council's Traffic Engineers comments previously raised in relation to traffic management and road design for this development have not been sufficiently addressed. The matters that remain of concern are as follows:-

- Item 1 of Applicants Response - The comment from Council was noted by the applicant but has not been sufficiently addressed or resolved and remains
- Item 2 of Response Table - The comment from Council was noted by the applicant but has not been sufficiently addressed or resolved and remains a matter of concern requiring resolution.
- Item 3 of Response Table – The applicants response details that access is temporary and can be relocated if/when there is a road extension by others however this is not acceptable and must be addressed and resolved as part of this application.
- Item 4 of Response Table - This issue remains unresolved as set out above.
- Item 5 of Response Table - The comment from Council was noted by the applicant but has not been sufficiently addressed or resolved and remains a matter of concern requiring resolution. The southern east-west internal road should be constructed as a T intersection with the internal north-south road and extended to the eastern boundary and connected by a T intersection with the Open Space Edge Road (to be provided as set out in the Development Engineering Section Submission). This will include re-arrangement of Lot G and accesses.
- Item 6 of Response Table - This issue remains unresolved as set out above.
- Item 7 of Response Table - Other Matters to be Addressed – These issues remain unresolved.

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

Gavin Cherry
Development Assessment Coordinator