



Our reference: ECM 9090174
Contact: Gavin Cherry
Telephone: (02) 4732 8125

24 April 2020

William Hodgkinson
Email: William.hodgkinson@planning.nsw.gov.au

Dear Mr Hodgkinson,

Re: SSD 10448 – Request for Advice on Proposed Aspect Industrial Estate at 864-882 Mamre Road Kemps Creek

I refer to notification of the above matter dated 7 April 2020 and an opportunity for Council to provide comment on the request for SEAR's. The following advice is provided to assist the Department in this matter:-

Development Assessment and Planning Considerations

The following planning considerations are recommended to be addressed and inform the progression of the development proposal:-

- The land is currently not zoned under Penrith Local Environmental Plan 2010 to permit this development. If the exhibited, but not yet adopted, SEPP Amendment for the Mamre West Precinct is being relied upon, then the SEPP amendment should be in force prior to lodgement of the application.
- Further to the above, the current SEPP instrument for the Western Sydney Employment Area 2009 requires the preparation of a site specific Development Control Plan where a precinct wide DCP does not apply. This is outlined within Clause 18 and doesn't appear to have been included within the SEAR's proposal. It is important to note that a concept masterplan is not the same as a development control plan. This is critical as the development must be considered contextually appropriate, and its appropriateness is dependant on the precinct wide consideration of suitable planning controls, development standards and objectives in development delivery and orderly growth.
- No details were provided within the received documents that seem to address the extent of cut and fill that will be required to be undertaken to accommodate the development. The spatial arrangement of the development must be informed by a topographic assessment, that ensures that any earthworks, road patterns, built form and landscaping is site responsive and contextually appropriate. This will require a cut and fill / benching plan that is informed from a visual impact analysis through the site, from neighbouring boundaries and along the southern and north approaches to the development as viewed from the public domain. Of particular emphasis will be edge conditions and interface treatments between the subject site and adjoining land.
- The intended uses of the development also should be further addressed as the plans suggest all uses are warehouse in nature, with identified ancillary office. The car parking assumptions to inform the arrangement

and number of spaces will need to be sufficient to cater for intended future land uses, which may have greater demand than a warehouse development.

- Clarification is sought on the intention for the reference to a restriction as to user being created along the Mamre Road frontage, which would suggest that road widening is intended or required yet does not form part of the proposal.
- In addition, the plan indicates a recreation area hatched in front of Proposed Lot 1 but it is not clear what this is. This requires further consideration and discussion.
- The plans suggest a riparian area in the north western corner of the site however the drainage infrastructure by virtue of a basin and swale is not a naturalised riparian outcome. The development must treat an existing riparian corridors as such to ensure the outcome is naturalised and to WaterNSW / NSW Natural Resources Assess Regulator requirements. Alternatively, if this is not a riparian corridor and is for drainage infrastructure, the landscape design must ameliorate the impact and presentation of that infrastructure.
- Assuming that the spatial arrangement of the subdivision and road configuration is predicated on a visual impact and topographic assessment that demonstrates suitable and balanced cut and fill, the following design amendments are also recommended: -
 - The indicated swale and basin within the front setback and northern side setback may compromise necessary landscape design and planting outcomes for the streetscape and resulting public domain interface. The stormwater management strategy and landscape design scheme must be considered in combination and demonstrate a suitable public domain and edge interface outcome.
 - While the red setback line is 7.5m for the most part, the green setback line did not appear to be dimensioned. Further the red setback line at Lot 8 appears to be 5.0m and not 7.5m. A consistency in established setbacks is critical between the built form and property boundaries, as well as car parking and property boundaries. While Council would encourage 7.5m setback to all works (building and car parking), allowance down to a minimum of 4.0m may be reasonable, subject to the landscape design detail being submitted. As Access Road 1 is the principal entry road into the estate, an embellished landscape design (7.5m min setback) would be encouraged. Lower order side streets could adopt less setbacks to no less than 4.0m. This detail must be addressed within a site specific DCP or a precinct wide DCP having regard to the mass of the intended built form, the finished ground levels, the necessity for any retaining walls or other structures in the front setback zones and signage.
 - Duplicated service driveways next to roads should be deleted. Lot 9 adjacent to Road 1 provides a compromised landscape outcome that can be avoided by the deletion of the service driveway forward of the 7.5m setback line.
 - Lot 2 and Lot 3 should be amended to ensure all car parking is outside the 7.5m setback line to the front boundary of Access Road 2. The

spatial arrangement on the lots would suggest this is possible, without a reduction in parking but will ensure that an unencumbered 7.5m landscape setback is available.

- Further design detail and cross-sectional drawings are required for all edge boundary conditions. It is not clear how the development is responding to existing land uses to the north, east and south.
- The subdivision and road arrangement has different setbacks to the adjacent property boundaries. A 5.0m setback is provided to the northern boundary, with a 10m setback to the eastern boundary and the setback of car parking on Proposed Lot 4 to the neighbouring land is significantly less than that above. Consistent setbacks or edge treatments are required that are informed from a visual impact analysis and clarification of edge conditions and finished level interface outcomes.

Strategic Planning Considerations

- The proposal needs to further detail and explain how it would be consistent with the nominated Transport Infrastructure Investigation Area under the Draft WSEA SEPP amendment, which identifies the majority of the site as being subject to potential transport infrastructure. The Draft Structure Plan shows this as a potential intermodal terminal location and given that the site occupies the full width of this reservation and isolates lands further to the south from the freight rail access to the north, this would need to be explored further. Concurrence from Transport for NSW would be critical to furthering this application, and the proposal should not be progressed without this concurrence.
- The proposal does not appear to have regard for the Draft E2 Environmental Conservation zoning under the Draft WSEA SEPP amendment. There is also does not appear to be consideration of how the E2 land would be integrated along the corridor to the east and west. This would be inconsistent with the landscape led design principle of the *Western Sydney Aerotropolis Plan*, which should be considered as part of any DA level design.
- The principles of the *Western Sydney Aerotropolis Plan* should be addressed as part of any future EIS.
- As the Draft WSEA SEPP has not yet been finalised, the proposal will need to accommodate and reflect any changes in zoning, provisions, etc.
- As the proposal makes use of one of two connections from Mamre Road into the precinct, provision needs to be made such that the road network can be integrated into the surrounding context. Without the final structure plan in place, this may require the traffic assessment to consider regional road needs beyond the boundaries of the site, such that opportunities are not lost.
- Development consent should not be granted until a contributions framework is in place, including local and state infrastructure contributions.

- Without a DCP in place for the Mamre Road Precinct, there is no ability to assess the adequacy of the full proposal in regards to setbacks, bulk, scale and other impacts.

Traffic Management Considerations

The application is requested to be supported by a Traffic Impact Assessment, documents and plans addressing but not limited to:

- Traffic Impact Assessment of the impact of traffic generated by the development on the proposed road network, the proposed Mamre Road / Access Road 1 intersection and along Mamre Road including other existing and proposed Mamre Road intersections. Mamre Road is a TfNSW (RMS) classified road, consequently this matter should be further addressed directly with TfNSW (RMS) and include their requirements for the traffic modelling (using SIDRA traffic modelling or other TfNSW (RMS) accepted method) and works for the proposed interim signalled Mamre Road and coordination of boundary set-backs, land dedication and ultimate Mamre Road reconstruction and widening roadworks.
- Traffic Impact Assessment of the proposed development road and footway network including compliance with Australian Standards, Austroads Guidelines, TfNSW (RMS) Technical Directions / Guidelines and Council's Development Control Plans (DCPs) including DCP C10.
- Traffic Impact Assessment of the proposed development driveway accesses for heavy vehicles and visitor / staff car parks, sight distance compliances at intersections and driveways, arrangements for waste collection vehicles, emergency / fire service vehicles and other service vehicles, accessible parking and accessible pedestrian access from the road frontage and the car park to the buildings, car parking and bicycle provision numbers and bicycle facilities , electric vehicle charging station provisions and manoeuvring swept turn paths. This should include compliances with Austroads Guidelines, TfNSW (RMS) Technical Directions / Guidelines, AS 2890 including parts 1, 2 & 6, AS 1158, NSW Government Walking and Cycling Guidelines and Council's Development Control Plans.
- Documentation and dimensioned plans of the proposed land subdivisions, roadworks, proposed signalised intersection of Mamre Road / Access Road 1, street lighting, footpaths, street trees, driveways, access aisles, loading and vehicle swept path manoeuvring areas and parking spaces and sight distance requirements at intersections and driveways including compliance with Austroads Guidelines, TfNSW (RMS) Technical Directions / Guidelines, AS 2890 including parts 1, 2 & 6, AS 1158, NSW Government Walking and Cycling Guidelines and Council's Development Control Plans.

Environmental Management Considerations

The EIS prepared to support the state significant development application should provide a detailed and comprehensive description of the proposal. All environmental impacts of the proposal will need to be identified in the EIS and supported by technical assessment reports prepared by appropriately qualified persons and in accordance with applicable legislation, guidelines and standards.



The document submitted does identify a number of sensitive receivers, including residential receivers in Mt Vernon and Twin Creeks, as well as the educational facility and aged care facility on Bakers Lane. However, it only acknowledges that the land in the immediate vicinity is a part of the Mamre Road Precinct, and will also likely be developed for industrial purposes. Given that it is not known when this land will be developed, it is still considered appropriate that consideration is given to all of the sensitive receivers near the site in the Acoustic and Air Quality assessments, including those immediately adjacent to the land proposed to be developed.

Also, this application seeks to provide essential infrastructure, but currently the land is not serviced by Sydney Water's sewerage infrastructure. The current layout does not appear to provide scope to manage wastewater on site, so it needs to be ensured that the sewerage infrastructure is delivered prior to the further development of the proposed lots.

In relation to land contamination, it is important to note that all remediation works in the Penrith Local Government Area are considered Category 1 works under SEPP 55 and require development consent. Should remediation be found to be required, it should be included as a part of this development application.

Development Engineering Considerations

The application is requested to address the following matters:-

- The Flood Impact Assessment and Flood Risk Assessment shall address flooding from the local catchment for all events up to and including the PMF local flood event. The reports shall address how these floodwaters are to be managed upon development of the site. Council does not support the mass re-alignment of any natural drainage lines.
- The development shall not have any adverse impact upon any adjoining property through the damming, concentration or diversion of local overland flows or local flooding.
- Water quality and water quantity are to be addressed. Post developed flows shall match pre-developed flows. Water quality shall be in accordance with Council's WSUD policies. It is Council's preference that on-lot water quality and water quantity treatment be provided for rather than large open basins. If large basins are proposed then they shall remain under the ownership and maintenance of the development site. Council will not accept the dedication of any drainage basin as a public asset.
- Council's Water Sensitive Urban Design Policy and Technical Guideline must be addressed and complied with in the design of the development. Modelling is to support the information, and the modelling (SQZ file) is requested to be provided to Council for assessment / consideration.

Water Quality Management Considerations

- A Stormwater Management Strategy will need to be prepared in support of the development. The strategy shall outline how the receiving waters and environment is safeguarded from the increased volumes, peak flows and pollutants in the increased runoff that will result from the development.

- The water management strategy for the precinct should have a focus on providing for a range of ecological services including integrated water management which maximises the opportunities for rain / stormwater harvesting and reuse, manages and minimises increased stormwater flows and volumes, maximises nutrient retention, contributes to urban cooling, and contributes to the viability of local habitat for native flora and fauna.

The adopted stormwater treatment should utilize vegetated systems and be placed as close to the pollution source as possible and integrated into the built form. This should include the use of passive irrigation, and provision of vegetation including street trees which contribute to mitigating the urban heat island effect and contribute to cooling through shading.

- The EIS and supporting information should also outline and clarify the issue future ownership and maintenance responsibilities associated with the stormwater treatment measures and associated infrastructure. (Note: the stormwater treatment assets should not plan to be dedicated to Council).
- With regard to the riparian corridors, any changes to existing drainage lines and streams on the site will need to be in accordance with the requirements of the NSW Natural Resources Assess Regulator. However, a focus on the retention of existing drainage lines should be preferred. Further to this, a vegetation management plan which meets the Department's guidelines should be prepared which provides detailed guidance on the management requirements for these areas.
- Any impacts to existing creeks should be minimised and where possible the preference should be to retain the natural creek lines as well as restore them to the standards recommended by the Natural Resources Assess Regulator.
- In developing appropriate water management targets, it is also recommended the strategy should also be prepared with reference to the NSW EPA's Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions, which aims to preserve waterway health, habitat and community values for all waterways. This risk-based framework is identified as a key approach to achieving healthy waterways in the Western City District Plan.

If you wish to discuss any aspect of this further letter, please don't hesitate to contact me on (02) 4732 8125.

Yours faithfully



Gavin Cherry
Development Assessment Coordinator