Department of Planning and Environment

Our ref: DOC22/923547 Your ref: SSD 10448 MOD 3

Susanna Cheng
Planning Group
Department of Planning and Environment
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

23 November 2022

Subject: Aspect Industrial Estate Warehouse (SSD-10448-MOD 3) (Penrith) – Exhibition of Modification Report

Dear Ms Cheng

I refer to your request received on 14 October 2022 seeking comments from the Environment and Heritage Group (EHG) regarding the Aspect Industrial Estate (AIE) Modification 3 (SSD-10448-Mod-3) application, 804-882 Mamre Road, Kemps Creek in the Mamre Road Precinct. It is understood that Concept Proposal and Stage 1 Development SSD-10448 was approved by the Minister for Planning under delegation on 24 May 2022.

EHG notes that the major project portal engagement notes indicate that *this modification is being exhibited in conjunction with the application for State significant development for Aspect Industrial Estate – Stage 2 Development (SSD-46516461*). Furthermore, that following discussions with yourself, it is understood that that the same package of information has been submitted for both the Modification 3 application and the new SSD Warehouse 9 application.

The AIE Concept Plan and Stage 1 Modification (SSD-10448 MOD 3) and Stage 2 Development Application (SSD-46516461) EIS states that a*s part of the staged development of AIE, Mirvac is seeking approval for a modification of the Concept Proposal and Stage 1 Development under SSD-10448 (MOD 3) and a new DA (SSD-46516461) for the Stage 2 development of 'Warehouse 9'. The proposed modification and SSD development application includes*:

Concept Modification

- Reconfiguration of the Estate layout south of Access Road 1 and west of Access Road 3 including:
  - Reduction in overall lot numbers across AIE from 11 to 9.
  - Relocation and shortening of Access Road 4.
  - Reconfiguration of warehouse lots 6-11 into lots 6-9.
  - New warehouse footprints including GFA of warehousing, car parking, estate landscaping.

Stage 1 Modification

- Modification of the Stage 1 consent to provide for the following in respect of Access Road 4:
  - updated road subdivision plan to provide for subdivision of Access Road 4,
  - updated civil works package to facilitate construction of Access Road 4,
  - provision of landscaping works within road reserve of Access Road 4.
- Specific civil infrastructure elements that are proposed to be changed under the scope of MOD 3 include:
  - Adjustment to bulk earthworks levels, generally to the lots bound by Road 1 and Road 3 (Lots 6-9).
  - Changes to the proposed stormwater network design.
  - Adjustments to retaining wall 22, to suit the revised bulk earthworks level for Lot 9.

- Inclusion of an additional retaining wall (retaining wall 23) between Lot 9, and Lots 6 and 7.

Stage 2 SSDA (new SSD)
Construction of 'Warehouse 9' consistent with the MOD 3 layout including:

- Civil works including cut/fill and benching to set the Lot 9 pad levels.
- Construction of new 66,341sqm building for use as 'warehouse and distribution'.
- Fit out of the warehouse for the proposed use and operation .
- On lot landscaping.
- On lot stormwater management.

The EIS also states that *The lot layout and Warehouse 9 footprint has been designed to be consistent across MOD 3 and the Stage 2 development. The proposed lot layout of the estate south of Access Road 1 and new Lot 9 arrangement seeks to improve the efficiency of the lot layout and respond to market demand for a larger warehouse within the estate, to be delivered as Warehouse 9.*

EHG has reviewed the relevant documents and provides comments in regard to biodiversity, flooding and waterway health in Attachment 1.

If you have any queries, please contact Marnie Stewart via marnie.stewart@environment.nsw.gov.au or 02 9995 6868.

Yours sincerely,

S. Harrison

Susan Harrison
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Attachment 1 – EHG comments Aspect Industrial Estate Warehouse (SSD-10448-MOD 3) (Penrith) – Exhibition of Modification Report

Flood risk management

EHG notes that the only flood related document provided to support this application is a 'Flood Risk Assessment' prepared by Cardno and dated 27 July 2022.

This report is limited to the benchmark flood behaviour (i.e., existing flood behaviour) and has the same information as the 'Flood Risk Assessment' prepared by Cardno and dated 24 February 2021 which was provided to EHG in March 2021.

There is no flood impact assessment to depict the developed scenario for SSD-10448-Mod-3 or SSD 46516461.

Biodiversity

Section 6.17 of EIS states that a *BDAR Waiver letter has been prepared by Eco-Logical Australia (ELA) attached at* Appendix Z and that *it is requested that a waiver is granted for both the MOD 3 and Warehouse 9 applications.*

It is important to note that modification application must be assessed in accordance with section 7.17 of the Biodiversity Conservation Act 2016 and there is no ability to grant a waiver. The EIS should therefore be amended to address the relevant sections in the BC Act.

Waterway health

As an overall comment, the proposed stormwater management strategy is unclear as full submission requirements have not been received. The submitted information does not contain either a Water and Stormwater Management Plan or Erosion and Sediment Control Plan as separate reports nor does it contain the MUSIC model and toolkit excel spreadsheet.

Based on the information provided, the application proposes a significant modification from the previous Stage 1 stormwater management strategy referenced in Condition D28 in the conditions of consent for SSD-10448. The condition D28 strategy involved a stormwater harvesting pond to capture water and irrigate the undeveloped lots to achieve the stormwater targets. The modified strategy appears to remove the interim stormwater harvesting from the stormwater management strategy for the site (Stage 1 and Stage 2). It has been replaced with a strategy that relies heavily on evaporative roof irrigation to achieve the stormwater targets.

Further detail regarding compliance with the *Mamre Road Precinct Development Control Plan 2021* (Mamre Road Precinct DCP) *and Technical guidance for achieving Wianamatta–South Creek stormwater management targets* (DPE, 2022) is provided below.

Erosion and Sediment Control

The construction phase stormwater targets in the Mamre Road Precinct DCP and the *Technical guidance for achieving Wianamatta–South Creek stormwater management targets* (DPE, 2022) have not been acknowledged. A separate Erosion and Sediment Control Plan certified by a CPESC which outlines how the construction phase stormwater targets are achieved has not been provided.

The submitted information does not contain suitable detail or calculations to illustrate how the stormwater targets will be achieved.

<u>Information required</u>

As per the requirements of the Mamre Road Precinct DCP and *Technical guidance for achieving Wianamatta–South Creek stormwater management targets* (DPE, 2022), the applicant should submit a separate Erosion and Sediment Control Plan document certified by a CPESC which illustrates how

the construction phase stormwater targets are achieved on the site. *Technical guidance for achieving Wianamatta–South Creek stormwater management targets* (DPE, 2022) provides guidance on the minimum requirements of the Erosion and Sediment Control Plan. The plan should reflect the current construction and erosion and sediment control occurring on site but ensure the construction phase stormwater targets are achieved (this will likely require a high efficiency sediment basin which does not appear to be present based on inspection of air photos).

Water and Stormwater Management Plan (and MUSIC model)
A separate Water and Stormwater Management Plan (and MUSIC model) which outlines how the operational phase stormwater targets are achieve has not been provided. A water management strategy, including the proposed stormwater management strategy, has been included in the Civil Infrastructure Report (AT&L) but no MUSIC model was provided. The stormwater management strategy provided in the Civil Infrastructure Report proposes a strategy which is not consistent with the *Technical guidance for achieving Wianamatta–South Creek stormwater management targets* (DPE, 2022).

Information required
As per the requirements of Mamre Road Precinct DCP and *Technical guidance for achieving Wianamatta–South Creek stormwater management targets* (DPE, 2022), the applicant should submit a separate Water and Stormwater Management Plan (and MUSIC model and spreadsheet) certified by a suitable qualified engineer which illustrates how the operational phase stormwater targets are achieved on the site in the interim until the regional stormwater scheme is available. The Water and Stormwater Management Plan should include all the information outlined in the Mamre Road Precinct DCP and *Technical guidance for achieving Wianamatta–South Creek stormwater management targets* (DPE, 2022).

Regional Stormwater Scheme
It is noted that no commitment to the regional stormwater scheme (Sydney Water) is made. Section 8.7 of the Civil Infrastructure Report states that the strategy complies with the Mamre Road Precinct DCP without the need for connection or reliance on the regional stormwater management scheme.

Information required
It is recommended that the applicant and DPE Planning discuss this issue with Sydney Water, noting a regional approach to achieve the targets has been established by DPE.

Evaporative Roof Irrigation
The primary measure for achieving the stormwater flow target (or one of the primary measures) is evaporative roof irrigation. A list of stormwater treatment measures is available in the *Technical guidance for achieving Wianamatta–South Creek stormwater management targets* (DPE, 2022). This list of measures was reviewed by local operators in the catchment and considered to be viable due to their practicality and cost-effectiveness. Evaporative roof irrigation is not included on the list.

Known risks associated with evaporative irrigation are:
- No assurance allotment owners / operators will continue to operate the evaporative roof irrigation.
- Ongoing cost and maintenance of the system may be a concern to operators.
- Performance of the system has not been tested.

Noting the uncertainties with the information provided, EHG has deduced that untreated run off collected from ground level within the allotment is collected in the tanks for irrigating the roof. If this is the proposed approach, this has significant water quality (poor quality water in tanks) and public health (contamination of roofwater tanks with untreated ground level stormwater and subsequent use of this water indoors) risks which are not acceptable and do not comply with

relevant water recycling guidelines. It is important to note that without the MUSIC model this cannot be confirmed.

Given the above, the use of evaporative roof irrigation to achieve the stormwater targets and protect Wianamatta South Creek waterways is not supported by EHG.

Information required
It is recommended that the application be amended to remove evaporative roof irrigation from stormwater management strategy for the site (Stage 1, Stage 2 and Ultimate).

Filterra bioretrention system
This is a proprietary device which is not yet approved and recommended through the *Stormwater Quality Improvement Device Evaluation Protocol* (Stormwater Australia 2018). Therefore, in accordance with the *Technical guidance for achieving Wianamatta–South Creek stormwater management targets* (DPE, 2022) this device should not be adopted.

Information required
It is recommended that the water and stormwater management strategy be amended to remove the Filterra bioretrention system and replaced with an alternative system approved and recommended through the *Stormwater Quality Improvement Device Evaluation Protocol*.

Sodic Soils
This soils on the site have been confirmed as sodic to highly sodic.

Information required
All stormwater management devices must contain an impermeable liner.

All naturalised trunk drainage (or other open drainage) to be either lined with an impermeable liner, or ameliorated (i.e., gypsum) and compacted to a suitable depth and topsoiled (AS4419) to limit infiltration to soils.

The above requirements are to be confirmed in the Water and Stormwater Management Plan and the Soils reports (including amelioration requirements).

South Eastern External Catchment / Trunk Drainage
Based on the catchment plan shown in Drawing 18-596-C1046, there is a 25.2ha catchment entering the side in the south eastern corner. The development proposes to pipe this catchment through the site to the northern open drainage system. This is not consistent with the Mamre Road Precinct DCP requirements which require a naturalise trunk drainage path (open channel).

Furthermore, the proposed drainage system has potential for drainage inundation which does not appear to have been considered in the civil design. The proposed field inlets and 1500mm diameter pipe do not appear to line up with the spillway from the existing dam to the south meaning the stormwater may inundate the lot and the road. Also, if the field inlet blocks, then there will be inundation over the allotment.

Information required
The applicant should provide further design refinement in the southeast corner of the site and interface with the neighbouring property to confirm the drainage and earthworks requirements at this interface. This assessment should consider the existing dam external the site (detailed survey to confirm bund and spillway levels), location of the stormwater pits, 100% blockage of the sites.

End of Submission