



Our reference: ECM: 9250127
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25 August 2020

Bianca Thornton

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Dear Ms Thornton,

Response to Notice of Amended Plans and Amended Supporting Information for Kemps Creek Warehouse Logistics and Industrial Facilities Hub (SSD 9522)

I refer to the above request for advice received by Council on 12 August 2020. Thank you for the opportunity to comment on the proposed development. The following comments are provided for consideration in the continued assessment of the state significant development application:-

Plan of Subdivision – RE1 & RE2 Zoned Land

The amended proposal seeks the subdivision of the RE1 zoned land to separate it from the RE2 zoned land. This is of concern as the intended form and function of the RE1 zoned land separate from the RE2 zoned land is not yet known. The proposal sets up for severance of a connected open space corridor by virtue of separate lot creation. While the creation of Lot 14 in isolation is likely necessary due to the existing severance of the crown road and LRS registration requirements, it is recommended that Lot 15, 16 and 17 be amalgamated into a single allotment until such time as more detailed master planning is progressed for this part of the site, to better understand the intended ownership, embellishment and use of the entire open space corridor. It is noted that this could be addresses as a condition of consent.

Council has also previously requested detail from DPIE on what use is intended for the RE2 zoned land, as well as how connectivity between the public recreation lands to the north and south would be preserved. It is requested that any future use on the RE2 zoned land maintain north south public connectivity.

Freight Corridor Alignment

The proposed plan of subdivision identifies a possible freight corridor alignment to the immediate north of the site, with a nil boundary setback proposed from the car parking an manoeuvring areas to the identified corridor.

It was understood that the rail corridor was expected to be between 60-80m in width, which would suggest that the identified corridor width and resulting spatial arrangement adjoining the indicated corridor may not be sufficient. Any future or planned adjustments in the corridor alignment will have implications on the spatial arrangement of the development and parking car arrangements on Proposed Lot 1 and 2. It is recommended that the corridor alignment and associated corridor width be confirmed and agreed to by the relevant stakeholders.

Subdivision Master Plan – Section A-A Road Indications

The amended Subdivision Master Plan provides a Section A-A which implies that a road reservation is intended between the bio-basin lot and RE1 zoned land. The plan of subdivision however does not identify a road in this location and the verge widths as indicated in the Section Drawing are of concern. Section A-A on this plan should be deleted from the Subdivision Master Plan as it is assumed to be in error.

Water Quality and Quantity Management Matters

The proposed amended Stage 2 plan of subdivision now proposes Lot 11, Lot 12 and Lot 13 as separate lots for bio-basins which are outside the RE1 zoned land. Council supports the retention of private infrastructure within the development (and not within RE1 zoned land) as Council has not accepted any suggestion for dedication of private water management infrastructure. In conflict with the plans however, the amended Civil Design report still makes numerous references to Council taking on asset ownership and management through dedication which should be rectified.

It must also be noted that the development site is located within the Mamre Road Precinct Structure Plan. The NSW DPIE's '*Mamre Road Precinct Finalisation Report*' dated June 2020, Section 4.1.2.4 *Drainage Land* states:

"As part of precinct planning, Sydney Water are working on a Water Cycle Management Report that will inform the preparation of the precinct wide DCP. This has included a review of the drainage land and analysis of required regional drainage areas. It has been concluded that no land will be zoned SP2 Drainage. Land will however, be identified within the precinct wide DCP for drainage purposes. This will enable greater flexibility in the delivery of drainage requirement throughout the precinct, including by individual developments, without placing the burden of delivery and funding on Council. A draft DCP will be exhibited in the second half of 2020, for comment. This approach is similar to the drainage approach undertaken within the Erskine Park DCP."

The Civil Engineering Report by Costin Roe Consulting, reference 13362.00, revision D, dated 3 August 2020 (section 6.1) states that the proposed development sites will not require any lot specific treatment systems due to the estate wide management systems proposed. It recommended that all water quality and water quantity treatment be undertaken upon individual lots rather than the proposed two estate basins as proposed, given the financial burdens that are placed upon the intended owner of the basins through the future maintenance and upkeep of such basins. If estate basins are to be incorporated / retained as proposed, the Civil Design Report will need to outline how the basin infrastructure is to be managed and maintained in perpetuity. The management and maintenance obligations associated with these basins requires clarification as a community title subdivision would ensure the infrastructure could be contained in a community association allotment. If the proposal is maintained as a torrens title subdivision, easements, restrictions and positive covenants would need to be registered that address legal rights to drain into the lots and include security of management and maintenance obligations in perpetuity on the burdened lots.

In addition to the question of management and maintenance, the following points are also raised for consideration in the further assessment of the application if the basin arrangement as proposed is retained:-

- The Water Reuse commitments only include a 100kL tank on each lot plus a commitment to meet non potable by 80%. There are opportunities to increase this through passive irrigation of street trees and landscaping which could be addressed through conditions of consent.
- As proposed in the Civil Engineering Report, the stormwater treatment will be managed with the use of 2 large precinct style bioretention systems, with a filter area sized at 4,900m² and 1,500m². Each basin will be pre-treated with a CDS gross pollutant trap (GPT), located upstream of each of the stormwater management basins. There is potential benefit to provide additional treatment on the proposed lots as well as the two communal basins which is understood to be a provision within the Precinct Plan. This could also be addressed through conditions of consent.
- The proposed bioretention basin will also have capacity for OSD as no on-lot OSD is proposed. In larger storm events, the basins will be designed to store stormwater at depths up to 1.2m above the filter media. While this is an improvement on the earlier versions of the strategy, Council's Waterways Team has raised concern with design approach and have suggested that the systems should be reconfigured to ensure that maximum extended depths are minimized so that plantings as part of the biofiltration are not inundated / submerged.
- There are also concerns raised with the ability to physically access and maintain the basins. It is however appreciated that these aspects could potentially be addressed through a detailed water quality management and maintenance plan. If this was conditioned, it is requested that engagement with Council's Environmental Management – Waterways Team be included within the condition that requires engagement prior to finalization and approval of any management plan.
- The proposed methodology for the construction of the bioretention systems is to utilise a protective layer of geofabric until the development is finalized. In this regard, it is suggested that the bioretention systems be kept as sediment basins until a minimum of 90% the catchment they serve is developed. This is recommended to be addressed through conditions of consent and restrictions on title. This approach has been imposed by Council on a number of other subdivision developments where the bio-filtration intent of the basins should not be enacted until the erosion and sedimentation functions are close to completion.

Wastewater Management

The preferred servicing strategy for wastewater by both Altis/Frasers and Sydney Water is a reticulation gravity network to a single temporary pump out point with connection to sewer main to future Upper South Creek Wastewater Recycling Plant (pump out point would be removed). The approval and operation of this system would be under consent from Sydney Water and comments from Sydney Water on this aspect should be secured prior to determination.

Biodiversity Matters

The proposal is understood to seek the retention of riparian vegetation via an onsite Stewardship Agreement. Should this aspect not be supported, an alternate mechanism to protect this vegetation in perpetuity must be established.

The Environmental Construction Management Plan should also include the following:-

- Ensure appropriate timing of pre-clearance and dam de-watering protocols to allow for the *timely* execution of these actions
- In the interests of preparedness, the plan should include prior notification and involvement of qualified wildlife carer organisations such as WIRES
- The Ecologists plan for managing affected protected fauna
- Soft felling of hollow bearing trees is *encouraged*-this should be progressed as a standard requirement
- Consideration of the re-use of materials associated with vegetation clearing
- Inclusion of notifications and adaptive management, should any threatened species be identified during works

Strategic Planning Considerations

i) Infrastructure Contributions and Infrastructure Delivery

Local infrastructure contributions should be a requirement for a development of this scale. While it is understood that discussions have occurred between the Department and applicant around a potential VPA or works in kind agreement, discussions with Council on local infrastructure contributions do not appear to have occurred at this stage. It is therefore requested that the Department ensure that a mechanism for local infrastructure contribution collection is in place and addressed in conditions of any consent, prior to determination of the application.

It is also requested that the Department engage with Council's City Planning – Contributions Team to advise of the planned local infrastructure arrangements and contribution planning mechanisms prior to determination of the application. Without adequate understanding of the contributions and infrastructure framework to be established for this precinct, there may be additional matters which need to be funded and delivered by Council which may not have not been addressed in the VPA or WIK negotiations to date.

DPIE has also indicated in the past, that Council is to assume responsibility for local open space, which includes some of the RE1 space on this site (refer to page 6 of the Mamre Road Precinct Finalisation Report which suggests this). What is unclear from the documentation submitted is whether district open space delivery on this site is being planned for as part of the ultimate subdivision scenario. It is requested that this be confirmed as part of the assessment of this application.

ii) Implications of Draft Development Control Plan

The Draft Mamre Road DCP is expected to be released for consultation imminently and it will be important to consider that the development and exhibition of the precinct wide DCP may affect the current proposal (re layout, setbacks, envelope controls, etc). If the draft DCP is on exhibition or has been exhibited prior to the determination of the application, it is requested that the



Department ensure that this proposal is assessed fully against the draft policy for consistency. There is also concern that if the proposal is approved ahead of the Draft DCP being made available, then the objectives and deliverables identified in the Draft DCP will not be able to be realised, which will undermine the ability to secure those outcomes within the remainder of the Precinct.

iii) Road Design and Access

The Department is requested to confirm that the proposed road network, and road typologies aligns with the work that DPIE is doing in regards to traffic network for the Mamre Road DCP. If the network / typologies do not align with the work being undertaken by DPIE, then the proposal needs to be amended to comply.

It must also be confirmed that connectivity would be maintained across the crown reserve between Lots 14 and 15, once this area is made publicly accessible.

Further, noting that Mamre Road is likely to be used for public transport connectivity, consideration should be given to providing pedestrian connectivity with provision for passive surveillance between the southern east-west public access road and Mamre Road (i.e. in the area of Lots 8 / 9).

iv) Other Matters

The following additional design matters are raised for consideration by the Department in the finalisation of the assessment:-

- Lot 4 should include measures to provide passive surveillance over the adjacent open space (Lot 14), consistent with the Principles of the *Western Sydney Aerotropolis Plan* regarding development facing creeks / high quality open space.
- The lots to the west of the 1:100 year flood line will be dependent on the final use outcome of the Environment and Recreation zone under the *Draft Western Sydney Aerotropolis State Environmental Planning Policy*.
- A service facility is shown on the site under the structure plan. It may not be relevant as part of this application, but it should be ensured that delivery of such a facility is not precluded by this application.
- Given the status of a number of other State Significant Development Applications currently, there should be consideration as to how this application would interrelate with others in the precinct, and how they would all tie in together. Key aspects that require a cumulative consideration are:-
 - Construction and Operational Traffic Management;
 - Water Cycle Management and Earthworks; and
 - Visual Impact

Traffic Management and Parking Design Considerations

- As vehicular access to Mamre Road will be limited to the locations as per the Mamre Road Precinct Plan, the main internal north-south road will act as a local collector type road for the future industrial development of

adjoining lands to the south. The north-south road being 'Access Road 1', 'Access Road 3' and 'Access Road 2' proposes two 'T' intersections requiring heavy vehicles to make left and right hand turns at uncontrolled intersections which is not best traffic engineering practise for a road performing a collector type function. It is Council's recommendation that the internal north-south road be a main direct link road through the precinct to the adjoining lands to the south without any 'T' intersections.

- Consideration is also requested to be given to the provision of dedicated Electric Vehicle Charging Stations for at least 1% of car parking spaces and the provision for at least a further 4% of car parking spaces to be converted to Electric Vehicle Charging Stations as required in the future. This could be addressed as conditions of consent if this recommendation was supported.
- The following conditions are also recommended to be included in any notice of determination issued:
 - All vehicles are to enter and leave in a forward direction.
 - Prior to the issue of any Construction Certificate, the certifying Authority shall ensure that the plans include dimensions of driveways, ramps, aisles, parking spaces, accessible parking, bicycle parking, internal and external footpaths, service vehicle manoeuvring, loading areas compliant with AS 2890, AS1428, Penrith City Council Development Control Plan 2014 (Section C10) and Council's specifications.
 - Prior to the issue of any Construction Certificate the Certifying Authority shall ensure that plans include provision of at least a 1.5m wide concrete footpath from the footpath in the road frontage to the buildings principal point of entries.
 - Prior to the issue of any Occupation Certificate, the Certifying Authority shall ensure that appropriate signage, visible from the public road and on-site is installed to reinforce designated vehicle circulation and to direct staff / delivery vehicle drivers / service vehicle drivers / bicyclists / accessible parking / visitors to on-site parking, delivery and service areas.
 - Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the plans include compliant sight lines and sight distances at the driveways in accordance with AS 2890.1, Figure 3.2 and Figure 3.3 and AS 2890.2 Figure 3.3 and 3.4.
 - All car spaces, manoeuvring areas and loading areas are to be sealed / line marked and dedicated for the parking, manoeuvring and loading of vehicles only and not to be used for storage of products / waste materials etc.
 - Prior to the issue of an Occupation Certificate, accessible parking is to be provided with accessible paths of travel to the buildings in accordance with AS 2890.6, to the satisfaction of the Certifying Authority.



- Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the plans include complying numbers of secure, all weather bicycle parking, end of journey facilities, change rooms, showers, lockers are to be provided at convenient locations in accordance with Council Development Control Plan C10 Section 10.7, AS 2890.3 Bicycle Facilities and Planning Guidelines for Walking and Cycling (NSW Government 2004).

Flooding and Fill Impact Considerations

The Mamre Road Precinct Finalisation Report' dated June 2020, Section 4.1.4 Flooding states:

"Infrastructure NSW (INSW) is leading the South Creek Sector Review, which is a key recommendation of the 2018 State Infrastructure Strategy. The PMF is one of the considerations of the review. The outcomes of the review will inform the future DCP controls for the precinct. In addition to the above, a new flooding clause has been inserted into the WSEA SEPP, which requires a consent authority to consider of the cumulative impact of development including cut and fill. This is consistent with the Western City District Plan. Consideration of flood levels other than 1 in 100 year level are required by the Flood Plain Development Manual. It is best practice to consider the impact of greater flood events".

The Overland Flow Report by Costin Roe Consulting, reference 13362.00, revision C, dated 3 August 2020 has adopted Penrith City Council's DCP to ensure no adverse impacts occur to upstream or downstream properties during the 1% AEP flood event. The development site has been located clear of the 1% AEP South Creek flood extents and as such, no concerns are raised in this regard.

The development site however is proposed to be filled above the probable maximum flood (PMF) event for South Creek. The resulting fill platform is likely to result in adverse impacts to flood behaviour, for any flood event above the 1% AEP flood event. The cumulative impact of developments within the South Creek Floodplain, which involves filling up to the PMF, has not been addressed in the amended application and is a key consideration that needs to be found to be satisfactory, if the proposal is to be supportable.

Should the Department wish to discuss any matters raised in this correspondence further, or wish to have a meeting with Council's technical officers, please do not hesitate to contact me on 4732 8125.

Yours sincerely,

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