



Our reference: ECM 9378704  
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David Schwebel  
Email: [David.Schwebel@planning.nsw.gov.au](mailto:David.Schwebel@planning.nsw.gov.au)

Dear Mr Schwebel,

**Request for Comments – SSD-10479 – 200 Aldington Road Industrial Estate, Lots 30-32 DP 258949 & Lots 20-23 DP 255560, 106-228 Aldington 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 17 July 2020 regarding the proponent's SEARs request.

**Planning Considerations**

***WSEA and WSA SEPPs***

The provisions of State Environmental Planning Policy (Western Sydney Employment Area) 2009 and State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 shall be given close consideration in the assessment of the proposal.

***Development Contributions***

Development consent for the proposal should not be granted until a development contributions framework is in place, including local and state infrastructure. In this regard, it is noted that Council's Draft Aerotropolis Development Contributions Plan is currently on public exhibition until 31 January 2021. Council's contributions plan proposes a 6.5% levy on developments over \$200,000 to fund local infrastructure needed to align with growth, fulfil the precinct's potential and create a sustainable, well-connected and liveable city. Development consent should not be granted until this contributions plan is in force so that local contributions can be levied on the proposal.

***Mamre Road Precinct DCP***

It is noted that public exhibition of the Draft Mamre Road Precinct Development Control Plan (DCP) concluded on 17 December 2020. The proposal should be closely assessed against the provisions in this DCP, notwithstanding that site specific urban design guidelines have been lodged to support the proposal. In this regard, the proposal must be considered contextually appropriate, and its appropriateness is dependent on consideration of the precinct wide Mamre Road

Precinct planning controls and objectives to ensure suitable and orderly development delivery. Development consent should not be granted until such time that the Mamre Road Precinct DCP is in force.

In relation to the proposed landform and treatment of setback areas relative to the Draft Mamre Road Precinct DCP provisions, concerns are raised regarding the suitability of the Aldington Road setback treatment (in particular the inclusion of batter areas and the siting of a large stormwater basin) and the excessive height of proposed retaining walls.

## **Landscaping Considerations**

### **Streets**

- In general, refer to the Western Sydney Street Design Guidelines 2020 (DPIE) for best practice and preferred street design.
- A natural and informal landscape character is supported in the precinct, given its proximity to the open space corridor. Formal and hedged landscape character is not supported.
- Vistas along straight stretches of road (to intersections, corners, roundabouts and cul-de-sacs) should be terminated with substantial landscaping that contributes to wayfinding and amenity. Avoid aligning driveways and signage at vista termination points.
- Tree species diversity is lacking in the precinct. Provide distinct streetscapes for each street for resilience, biodiversity and wayfinding.
- Shrubs, grasses and groundcovers are not accepted in Council's verges. Replace with turf.
- For the basins, increase species diversity and the ratio of tall trees. Extend to all sides of basins and open space batters. Add Casuarinas and Eucalyptus amplifolia and other water tolerant tree species.
- In relation to street lighting, the arms of street lighting should extend further over the road pavement for effectiveness and therefore increase quantity of street tree plantings. A 20m gap for street lighting is considered excessive. Lighting poles are preferred on the northern and western sides of the roads so there is maximum shading on footpaths from an increase in street trees on the southern and western sides. Northern and western sides would benefit from canopy provided in setbacks.
- In relation to primary frontages, there should be predominantly large and tall canopy trees.
- In areas of cut and fill, specifications shall be provided to demonstrate restoration of ground to natural conditions suitable for maximum tree and shrub health and growth for the life of landscaping (this includes compaction, soil types and profiles, aeration and hydration).
- The tree planting detail is not to industry standard. Further, the detail is not suitable for all of the pot sizes proposed.

### **Street Trees**

- A continuous tree canopy is required on streets for maximum cooling, amenity and amelioration of the bulk and scale of built forms.
- Clustered plantings are not supported.
- The space provided for the large street tree species proposed and shown is significantly inadequate. For the size of the trees proposed, a landscape strip (not verge width) of 5m would be required.
- As per the Street Design Guidelines, consideration should be given to shared utility trenches to enable retention of the footpath and greater area and

volume for trees and their rootzones. Note that the extent of a tree's rootzone is equivalent to the extent of the canopy above it.

- The verges shown could sustain a medium sized tree (at best) and therefore tree spacings must be reduced. It is recommended that a maximum spacing of 8m be provided between trees.
- Gaps are required for street lighting. The side of the street without lighting poles must maximise the potential for continuous canopy and evenly spaced street trees are required.
- Sight distances need to be considered in the placement of trees and species selection near driveways.

### ***Development Site***

- Species diversity is lacking in the precinct. Provide more species diversity for amenity, resilience, biodiversity and wayfinding, particularly canopy species.
- Setback landscaping does not reflect the preference for the landscape character implied in the landscape documentation (i.e. consistent and full depth informal planting). There is an inadequate quantity of tree canopy in setbacks, shown typically as one tree per 25m-40m length. This does not achieve required cooling and amenity. Setbacks should have a consistent tall, dense and canopied address to the street for cooling and to reduce the bulk and scale of built forms.
- Jacarandas are not supported as the species is contrary to the landscape character of the precinct. If they are required, then the overall palette should be extended and the quantity of feature plantings increased on the site.
- Side boundaries (with adjoining properties) lack species diversity for resilience. Shrub planting should be supplemented with narrow tree species to contribute to canopy cooling, screening and amenity.
- Turf is not supported between boundary and retaining walls and fences as it offers no visual amenity or screening capacity (walls, storage, parking, operational areas, facades, etc).
- Retaining walls and fences are to be fully screened with planting for streetscape amenity.
- Wayfinding in the precinct is considered inadequate due to the sameness of planting style and species throughout. Feature planting design should mark entries and pedestrian dominated areas.
- Water tanks should be screened and provided with a discreet access path for maintenance.
- Canopy coverage calculations should be provided for each lot (excluding streetscape) and an explanation provided as to how the calculations were determined.
- Car parks have insufficient canopy to provide cooling of pavements and amenity. Mounding in setbacks between parking and streets / public domain is supported, contributing to screening of cars and expansive pavements (this also applies to operational and storage areas).
- Where large trees are planted within 5m of hardstand pavement, such as roadways, parking or storage areas, suitably engineered tree planting pits should be provided to extend under those pavements for long term tree health and growth potential (e.g. stratavault systems and structural soils).
- Consideration should be given to stepping changes in levels with multiple retaining walls and sloping garden beds between walls to reduce visual impacts of tall walls and allowing greater opportunity for trees (and rootzones) in proximity to walls.
- The tree planting detail is not to industry standard. Further, the detail is not suitable for all of the pot sizes proposed.



## **Environmental Considerations**

### ***Dam Dewatering Management Plan***

It is recommended that a dam dewatering management plan is developed to ensure polluted waters are not released into surrounding receivers.

### ***Air Quality Impact Assessment***

The proposal should be undertaken in accordance with the recommended mitigation and management measures outlined in Section 7 of the Air Quality Impact Assessment.

### ***Noise Impact Assessment***

The proposal should be undertaken in accordance with the recommendations outlined in the Noise Impact Assessment.

A construction noise and vibration management plan (CNVMP) will need to be developed for the proposal.

### ***Contamination***

The provisions of State Environmental Planning Policy No. 55 – Remediation of Land and related guideline documents shall be given close consideration in the assessment of the proposal.

## **Biodiversity Considerations**

### ***Biodiversity Development Assessment Report (BDAR)***

Efforts to avoid and minimise biodiversity impacts are unsatisfactory. The minimum requirements which should be incorporated into the proposal include:

- Council does not support redesign of the waterway through the north-east corner of the site, nor the loss of dams 4 and 7, or the removal of the associated vegetation.
- Retention, protection and enhancement of these areas will necessitate a revised credit obligation which will need to be integrated into the Vegetation Management Plan (VMP).
- The assessment that the proposal will not impact on key fish habitat located downstream is not supported.

### ***Riparian Assessment***

In relation to the Riparian Assessment, the following matters need to be addressed:

- Council requests a redesign to retain dams 8, 10 and 11, with the wetland area to be integrated into the VMP as an appropriate avoid/minimise impacts strategy suitable for the scale of development proposed.
- Council requests a redesign to retain dams 4 and 7, with adjacent vegetation and an appropriate buffer provided which could be integrated as open space areas for worker amenity which act to serve as viable habitat and minimise biodiversity impacts of the proposal.
- Both of the above outcomes should be incorporated into the VMP for



treatment as part of the mitigation effort.

- It is noted that no targeted surveys for species credit species were undertaken in the BDAR. It is also noted that no species identification was undertaken relative to the Riparian Assessment. It needs to be demonstrated how the dam dewatering activities, including preliminary assessment, will be targeted to address identification and onward actions relative to threatened species that have been assumed to be present.

### ***Dam Dewatering Plan***

A detailed dam dewatering plan needs to be prepared to outline specific actions including responses to identification of any threatened species and reporting to include details of relocated aquatic fauna (with an assessment of the retained waterways as appropriate receiving locations).

### ***Fauna Management***

In relation to fauna management, the following matters need to be addressed:

- The project ecologist or fauna ecologist is to undertake an inspection of built infrastructure and all vegetation marked for removal prior to any works commencing.
- All protected fauna is to be removed and relocated to ensure its long term persistence within suitable habitat at a nearby location, with a formal assessment of receiving locations.
- All affected wildlife shall be reported.
- Actions shall be developed for identified threatened species.
- Materials suitable for habitat requirements shall be reused.
- All hollows shall be cut and relocated with the resident fauna.
- Actions shall be outlined for exclusion of protected wildlife during the construction phase, outside all protected zones.

### ***Vegetation Management Plan (VMP)***

In relation to the VMP, the following matters need to be addressed:

- The VMP will need to be expanded to include the riparian corridor, vegetation and buffers to the retained dams/waterway.
- Annual reporting.
- Recommendations for harvesting and reuse of seeds, plants and materials appropriate for collection and use by a suitably licensed bushland regenerator/nursery.
- Required approvals are the responsibility of the applicant. Include all actions taken in this regard within the first annual report.
- The VMP should be prepared for an initial 5 years, with review and evaluation to inform management for a subsequent 5 years.

### ***Construction Environmental Management Plan (CEMP)***

The CEMP shall include all control measures and treatments indicated within the BDAR and Riparian Assessment.

### **Waterways Considerations**

It is noted that no MUSIC modelling was submitted in support of the proposal. As such, Council was not able to complete a full assessment of the stormwater

management strategy. In addition, the comments below are made on the assumption that the stormwater treatment assets will not be dedicated to Council.

It is also noted that the proposal has not considered the relevant water management WSUD controls outlined in the Draft Mamre Road Precinct DCP. It is considered that the proposal should have regard for these controls in developing the approach to stormwater management. In this regard, the proposed stormwater management approach is not consistent with the controls and objectives outlined in Section 2.6 (Integrated Water Cycle Management) of the draft DCP.

In terms of water conservation measures, commitments have been made to meet a minimum of 80% non-potable demand with harvested rainwater. Additional details are required regarding the sizing of the tanks.

In relation to the treatment of stormwater, this is to be managed via the use of two large precinct style bioretention systems, with filter areas sized at 2,810m<sup>2</sup> and 3,440m<sup>2</sup>. Each basin will be pre-treated with a gross pollutant trap (GPT) located upstream of each of the stormwater management basins. The MUSIC model screen shot indicates a Rocla CDS type will be utilised. It is recommended that additional stormwater treatment be provided on the development lots.

As no on-lot OSD is to be provided, the proposed bioretention basins will also have capacity for OSD. As a result, the basins will be designed to store stormwater at depths in the order of 3m above the filter media. This approach is not consistent with Council's guidelines and as such Council is not supportive of this design approach. In this regard, the system should be reconfigured to ensure that maximum depths of extended detention are minimised. In addition, low flow diversions should be in place to ensure that only intended design flows are directed to the bioretention system (i.e. only low flows should be diverted to the bioretention filter area and high flows should be directed to the separate OSD storage).

With regard to Basin 2, this basin should not be located within the RE2 zoned land. In relation to the design of the basins more generally, it is recommended that the design and configuration of the stormwater treatment basins be reconsidered. This should include, but not be limited to, the inlet design and flow configuration, depth of maximum ponding, sizing of basins, 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.

It is also necessary for further consideration to be given to the design of the proposed future road to ensure that adequate treatment and management of stormwater as well as canopy cover can be provided. There are also opportunities to revise the stormwater strategy so it has a focus on providing for a range of ecological services, including integrated water management, which maximises opportunities for rainwater harvesting and reuse as well as passive irrigation so as to better contribute to urban cooling.

Overall, and as outlined above, the proposed approach to stormwater management is inconsistent with the integrated water cycle management provisions outlined in the Draft Mamre Road Precinct DCP and the provisions in Council's WSUD Policy and supporting technical guidelines.



## **Traffic Considerations**

The proposal is subject to the final Mamre Road Precinct DCP and master planning being completed and NSW government commitments and timelines to deliver the road network and other infrastructure.

The proposed road upgrade works to Mamre Road / Bakers Lane, Bakers Lane, Bakers Lane / Addington Road, Addington Road, Addington Road / Abbots Road, Abbots Road and Mamre Road / Abbots Road are subject to TfNSW and Penrith City Council acceptance and conditions. In addition, the proposed road upgrade works and proposed internal estate roads and intersections will need to comply with the final Mamre Road Precinct DCP, conform to the surrounding future road network and master plan and accommodate the ultimate traffic generated by the fully developed Mamre Road Precinct.

The proposed Lot O car park driveway and heavy vehicle driveway locations are not supported given they are in the driveway prohibited zone as set out in AS 2890, being opposite the terminating road at the proposed future road 'T' intersection.

The proposed Lot K car park driveway location is not supported given it is in the driveway prohibited zone as set out in AS 2890, being at the corner kerb return to the terminating road at the proposed future road 'T' intersection.

The proposed future road and 'T' intersection should be provided as part of the proposal and the proposed driveway locations referenced above relocated clear of the driveway prohibited zone as set out in AS 2890.

The future road to be provided to the site boundary and the road termination at the site boundary are to have a temporary turning head provided.

Other matters to be addressed include the following:

- Roadways, driveways, pathways, cycleways, vehicular access and manoeuvring, parking areas and the like shall comply with Australian Standards (AS 2890 including parts 1, 2 and 6 and AS 1158), Austroads Guidelines, TfNSW (RMS) Technical Directions / Guidelines, the final Mamre Road Precinct DCP and the NSW Government Walking and Cycling Guidelines.
- The entry and exit points for any car parking areas to and from the public roadway shall be separate from any heavy vehicle access. Car park entries and exits which conflict with heavy vehicle access points should be removed or limited and managed.
- Separate and accessible pedestrian pathways at least 1.8m wide shall be provided from car parks and from roadway footpaths to building entrances in accordance with AS 2890 (car park access) and AS 1428 (mobility accessible paths of travel). Consideration shall be given to the most direct access to buildings for pedestrians.
- The availability of public transport by bus shall be addressed. This shall include identifying the nearest existing and future bus routes, bus stops (including both sides of Mamre Road and through the development roads) and timetables. The existing and future bus stops shall be compliant with the Disability Discrimination Act provisions and Penrith City Council accessibility requirements. Provision shall be made for safe accessible paths of travel to and from these facilities and options and strategies applied to improve public bus transport facilities, accessible paths of travel and patronage.

- Vehicle turn paths for the largest vehicle type expected to access the site shall be assessed in accordance with AS 2890 and shall clearly demonstrate satisfactory vehicle manoeuvring on-site and forward entry and exit to and from the public roadway. The proposed turn paths for heavy vehicles into and from the site and turn paths at intersections shall be addressed regarding any encroachments across the road centre line. The heavy vehicle turn paths shall be clear of roadside parked vehicle areas.
- Accessible parking shall be provided as close as practicable to building entries with accessible paths of travel.
- Wheel stops shall be provided for any parking spaces that front or back onto a pedestrianised area to control kerb overhang. Wheel stops shall be designed in accordance with AS 2890.
- A minimum of two electric vehicle charging stations (EVCS) shall be provided within the car parking areas of each warehouse development. The charging stations are to be designed to accommodate the requirement of commercially available public vehicles and their required connector types (currently known as Type 1 and Type 2 connectors). A minimum of three additional car parking spaces shall be designed so as to be readily retrofitted as EVCS parking spaces. The installed EVCS car parking spaces are to be signposted and marked for the use of electric vehicles only and are to be located as close as possible to the building access points after accessible parking space priority. EVCS shall be free of charge to staff and visitors.
- Compliant numbers of secure, all weather bicycle parking facilities, end of journey facilities, change rooms, showers and lockers shall be provided at convenient locations for warehouses in accordance with AS 2890.3 Bicycle Parking Facilities and Planning Guidelines for Walking and Cycling (NSW Government 2004).
- Appropriate signage, visible from the public roadway and on-site, shall be installed to reinforce designated vehicle circulation and to direct staff, delivery vehicle drivers, service vehicle drivers and visitors to on-site parking and delivery and service areas.
- The required sight lines around the driveway entrances and exits shall not be compromised by street trees, landscaping or fencing.
- Sight distance requirements at verges, footpaths and driveways shall be in accordance with AS 2890.2, Figure 3.3 and Figure 3.4.
- All vehicles shall enter and leave the site in a forward direction.

## **Engineering Considerations**

### ***Roads***

The road layout is not in accordance with the Draft Mamre Road Precinct DCP (Figure 14). The DCP shows an east-west 'High Order Road' (blue road) along the northern perimeter boundary that will also serve future development to the adjoining lands to the north. This road connects to an 'Open Space Edge Road' (green road) along the Ropes Creek riparian corridor.

Road No. 4 being a 'High Order Road' (blue road) is to be provided as part of the proposal.

All roads identified in the draft DCP that are applicable to the development site, shall be located in accordance with the draft DCP and delivered as part of the proposal.





## **Road Types**

The Draft Mamre Road Precinct DCP has identified two road types for the precinct:

- *Local Industrial Road* (Type 1) with a 24m wide road reserve; and
- *Distributor / Collector Road* (Type 2) with a 26.4m wide road reserve.

The proposed road upgrade of Abbots Road and Aldington Road along with the internal estate roads are not in accordance with the draft DCP.

The draft DCP has identified Abbots Road and Aldington Road as a future Distributer Road. The draft DCP has also identified Estate Road 01 (Ch. 000-360 and Ch. 1120-1600), along with Estate Road 04, as a 'High Order Road'. Aldington Road, Abbots Road, Estate Road 01 (Ch. 000-360 and Ch 1120-1600) and Estate Road 04 shall be designed as a *Distributor / Collector Road* (Type 2) with a 26.4m wide road reserve with associated pavement widths and verge widths to be in accordance with the draft DCP.

Estate Road 01 (Ch. 360-1120) and Estate Road 02 shall be designed as a *Local Industrial Road* (Type 1) with a 24m wide road reserve with associated pavement widths and verge widths to be in accordance with the draft DCP.

## **Internal Intersections**

The intersection of Estate Road 01 and Estate Road 04 shall be delivered as part of the proposal with priority given to the through road of Estate Road 04 (i.e. standard 'T' intersection) in accordance with the Draft Mamre Road Precinct DCP. The location of driveways for Lot K and Lot O shall be located clear of the intersection and in accordance with AS 2890.

The northern end of Estate Road 01 (Ch. 000-360) shall connect through to the proposed Open Space Edge Road in accordance with the draft DCP. Intersection priority shall 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 shall be delivered as part of the proposal.

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.

Temporary turning heads are to be provided at the end of any road.

## **Estate Basins**

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.

Basin batter slopes shall be at 1 in 5 (vertical to horizontal) to permit maintenance.

***Flooding***

Council does not support development of flood liable lands located within the 1% AEP flood event in Ropes Creek. The flood maps provided in the Flood Risk Assessment and Flood Impact Assessment prepared by Cardno are the same (i.e. pre-developed flood mapping). Flood maps detailing the impact of the proposal on the flooding regime of Ropes Creek have not been provided. Detailed post development flood level difference mapping and post development flood hazard mapping shall be provided for the north-eastern area of the site for various flood events up to, and including, the PMF to determine the impact on adjoining properties.

Should you wish to discuss any aspect of Council's comments further, please do not hesitate to contact me on (02) 4732 7593.

Yours sincerely



Robert Craig  
**Principal Planner**