

Our reference: ECM Ref: 9748526  
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22 October 2021

Department of Planning, Industry and Environment  
Attn: Bianca Thornton  
Email: [bianca.thornton@planning.nsw.gov.au](mailto:bianca.thornton@planning.nsw.gov.au)

Dear Ms Thornton,

**Response to Environmental Impact Statement: SSD-10272349, Proposed Yiribana Logistics Estate at 754-770 and 784-786 Mamre Road, Kemps Creek, Lot 60 in DP 259135 & Lot 59 in DP 259135**

I refer to the Department's request to provide comments in relation to the above application. 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.

**1. General Planning Considerations**

(a) Draft Mamre Road Precinct DCP

It is recommended that determination of the SSD be after the adoption of the final Mamre Road Precinct DCP to allow consideration of it.

(b) Permissibility and Land Zoning - Constructing in Riparian Corridor

The subject site, comprising two irregular shaped allotments with frontage to Mamre Road is located within an area of Kemps Creek which has been re-zoned as industrial land under State Environmental Planning Policy (Western Sydney Employment Area) 2009 [**SEPP WSEA**].

This Precinct is subject to the Draft Mamre Road Precinct Development Control Plan [**DCP**]. The draft DCP was placed on exhibition between 10 November and 17 December 2020 and was accompanied by a draft Flood Riparian and Integrated Water Cycle Management Report and an Aboriginal Heritage Assessment, which have, amongst other technical reports, informed the draft DCP and the SEPP WSEA zoning.

The draft DCP sets out that the precinct will be a "world-class industrial area" and will include an intermodal terminal which will be serviced by the planned Western Sydney Freight Line. The draft DCP also includes that Western Sydney Parkland City Principles will be integrated into the Precinct's design through the implementation of the blue-green grid, ambitious yet achievable tree canopy targets, and the aim to achieve zero net carbon emissions.

It is raised that approved and proposed development in the precinct has had little regard to the topographical constraints and attributes of land within the precinct and that floor area expectations exceed the capabilities of the land, if regard is to be had to the vision of the precinct as is expressed through the Draft Mamre DCP its controls and objectives.

The proposal includes site clearing, extensive cut and fill works and civil works to remove an identified riparian corridor and to construct a warehouse and ancillary structures over this land which is located within an E2 Environment Conservation zone under SEPP WSEA.

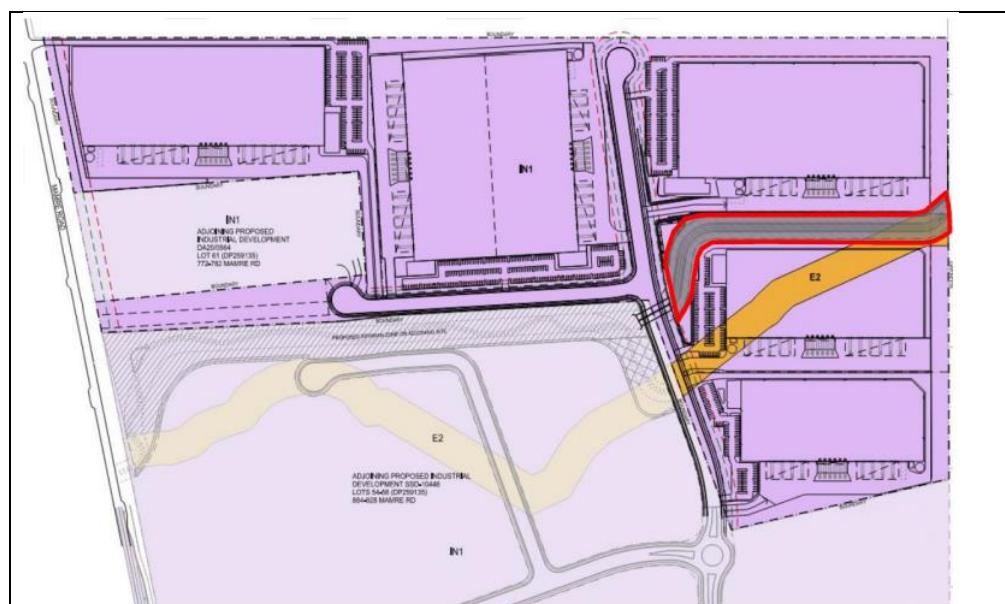
The proposed works are not permissible within the E2 zoning and are in stark opposition to objectives of the E2 Environment Conservation zone.

Clause 11, Zone objectives and land use table, of the SEPP WSEA states at (2) that, the consent authority must have regard to the objectives for development on a zone when determining a development application in respect of land within the zone.

Objectives of the E2 zone include, *‘to protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values’*; and, *‘to prevent development that could destroy, damage or otherwise have an adverse effect on those values’*.

Notwithstanding any reasoning provided by the applicant in support of their proposal to disregard the current land use zoning, any proposal to change the zoning shall be undertaken through a Planning Proposal to rezone the land. This will ensure transparency and due process.

Adjacent proposals also replicate the removal of the identified riparian lands (to the south and east) within the E2 Environmental Conservation zone.



Source: Costin Roe

**Image 1:** Proposed works. Source: Applicant’s EIS.

Council does not support the approach to utilising clause 33A of SEPP WSEA as an alternative to the proper planning pathway in relation to land rezoning. Clause 33A requires that the consent authority be satisfied that (a) *the development is not inconsistent with the objectives for development in both zones*, and that (b) *the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land*.

This has not been adequately demonstrated. It is not agreed that the clause in this instance, is being utilised as was intended.

The Objects of the Act are not upheld through the approval of an SSD with concept masterplan, containing the replication of an existing riparian zone (in the form of a channelised corridor) whilst not dealing with the issue of the subsequently required or pursued rezoning, at the SSD stage. The matter must not be delayed, to be dealt with through the lodgement of a DA with Council siting reliance on section 33A of SEPP WSEA.

This aspect of the proposal sets an undesirable precedence, and it is raised for the Department's consideration that community notification and consultation of the proposed re-zoning should be undertaken.

If DPIE is of a mind to support the applicant's approach, it is recommended that the DPIE seek its own legal advice in relation to the application of clause 33A of SEPP WSEA and is to investigate as to whether proper consultation in relation to the removal of the E2 zone is necessary.

It is raised for consideration that DPIE has exhibited, alongside the draft Mamre Road DCP, report titled *CT Environmental Ecosystem Management and Monitoring – Mamre Road Precinct Rezoning: Waterway Assessment, dated April 2020*.

The report provides a thorough and ground truthed assessment of tributaries within the precinct, including 'Unnamed Trib South Creek 1' which is positioned central to the E2 zone on the subject lands (refer **Image 2**).

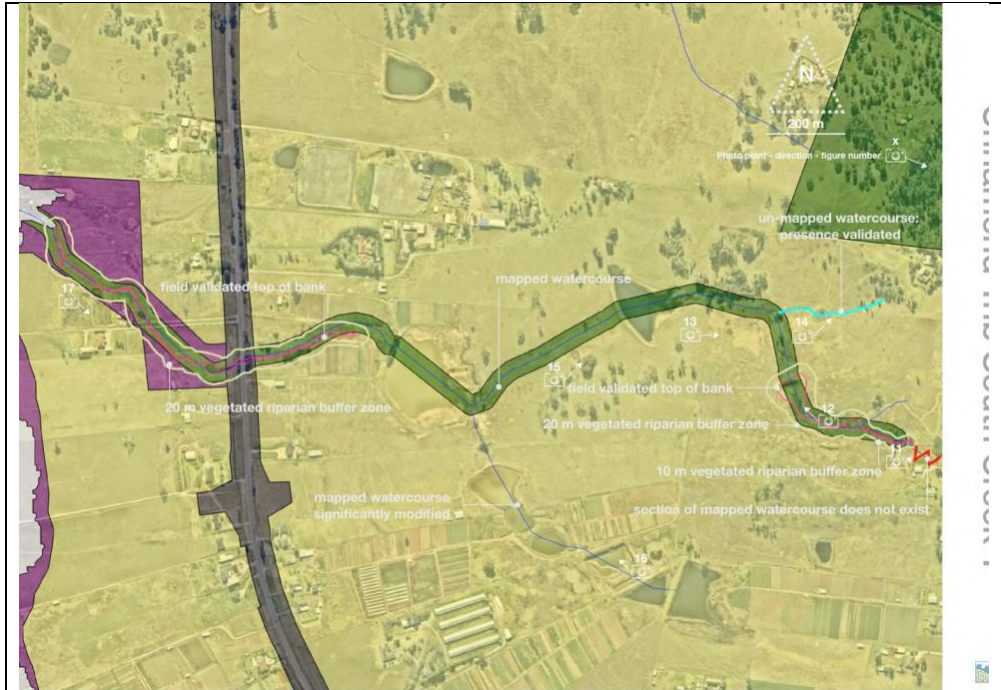


Figure 18: Unnamed Trib South Creek 1. Field validated channel flow path, validated watercourses, mapped top of bank and required Vegetated Riparian Zones.

**Image 2:** Excerpt from ‘CT Environmental Ecosystem Management and Monitoring – Mamre Road Precinct Rezoning: Waterway Assessment, dated April 2020’, indicating Unnamed Tributary South Creek 1.

The report describes this tributary as a 1<sup>st</sup> order watercourse and states that:

*‘The upper most section (south of Aldington Road) of this watercourse has been modified to a series of farm dams with overland flow paths providing links across a broad and shallow drainage depression (Figure 19). Fringing and emergent wetland vegetation and large native trees were present around all dams which provide habitat value for native fauna (Figure 20)’.*

The report includes a conclusion and recommendations section which states that ...*“Unnamed Trib South Creek 1 was found to have some quality habitat patches in the form of wetland vegetation and remnant vegetation and has potential to become an ecological corridor linking Ropes Creek and South Creek”...*

How the applicant’s consultant has arrived at an opposing conclusion is to be examined and an independent peer review may be necessary.

Council raises that there are limited protections afforded by the IN1 zoning in relation to future impacts on the proposed new vegetated drainage channel.

DPIE is to be satisfied that the drainage channel (if supported) will be positively supplemented by adjacent developments and DPIE shall be satisfied that the constructed channel will be protected, well managed and maintained, and will continue to be a sustainable, positive, safe and ecologically desirable asset in perpetuity. A maintenance and management

plan must be in place. Council will not to take ownership or undertake maintenance of the channel.

If DPIE is of a mind to support the rezoning and proposed channel, adequate protections, reporting and maintenance obligations are to be imposed on title(s).

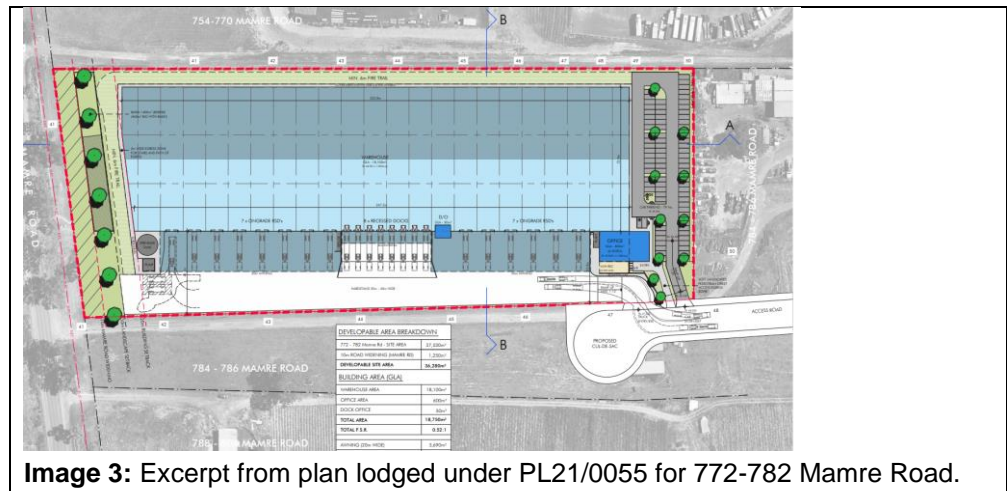
In addition, the design and proposed landscaping shall be reviewed by a specialist ecologist with the aim of including in its design (including safety fencing and retaining walls), measures to assist land-based fauna to enter and exit the channel without becoming trapped and with the aim to assist and promote fauna to move along the corridor freely.

The design and engineering of the channel is to demonstrate that proposed landscaping is sustainable to maturity and is to be sustainable, and that adequate soil volumes, drainage, area for growth and engineered soils are included. Landscaping is not to be positioned in compacted soils, rock or clay.

(c) Orderly development of land – Site amalgamation

On 11 August 2020, a pre lodgement meeting was held with Council in relation to 772-782 Mamre Road (refer image below). Subsequently, development application no. DA20/0564 was lodged with Council and was withdrawn.

There is no DA currently under assessment redevelopment of this site.



Ultimately, DA20/0564 could not be supported noting uncertainties surrounding the delivery of supportive infrastructure, the development’s misalignment with the Mamre Road DCP and lack of concurrence from Transport for NSW [TfNSW] (non-support for access onto Mamre Road, insufficiencies in relation to traffic engineering matters and interim and ultimate roadway connections).

It is unclear why the proposed redevelopment of 772-782 Mamre Road, has been excluded from consideration in the concept master plan for the subject



land under the SSD application, particularly given land ownership or planning pathway do not each present as a barrier.

It is recommended that the SSD be amended to add the redevelopment of this site to the concept masterplan of the SSD or that the SDD be added to explain how its redevelopment can key into the concept masterplan, without creating boundary interface, stormwater management or traffic and engineering issues.

Importantly, the Mamre Road DCP does not provide a precinct wide stormwater solution which would provide opportunity for each development to connect to. Each development in the precinct is required to manage its own stormwater on a site-by-site basis (and which will be managed in perpetuity by the landowner). In this respect, site amalgamation or at a minimum amalgamation of stormwater infrastructure, is strongly encouraged.

(d) Road Layout and DCP Road Hierarchy

Plans indicate that the intent is to provide a permanent connection to the west and a future intersection with Mamre Road, along the northern boundary of Lot 59 DP 259135, and that the cul-de-sac will be temporary.

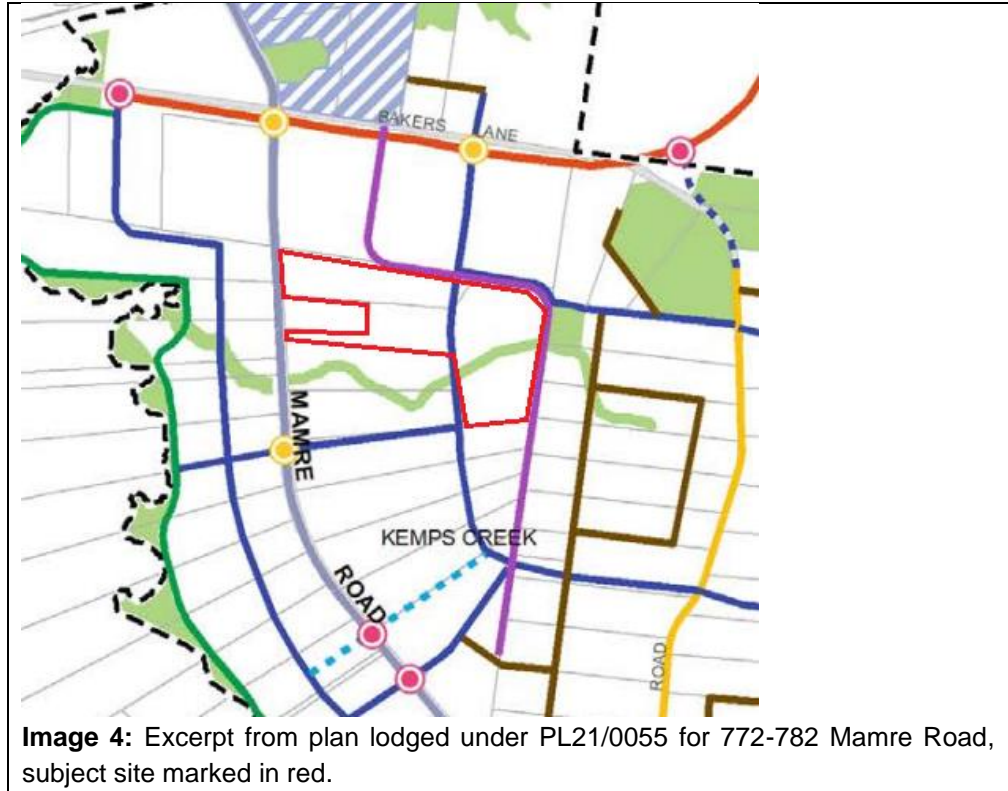
Further to the above, the SSD and withdrawn DA plans referenced above, indicate that the cul-de-sac to the southeast is intended to provide direct access to the future redevelopment at 772-782 Mamre Road.

Council does not agree that the proposed most southern east-west roadway can be defined as a 'Local Industrial Road'.

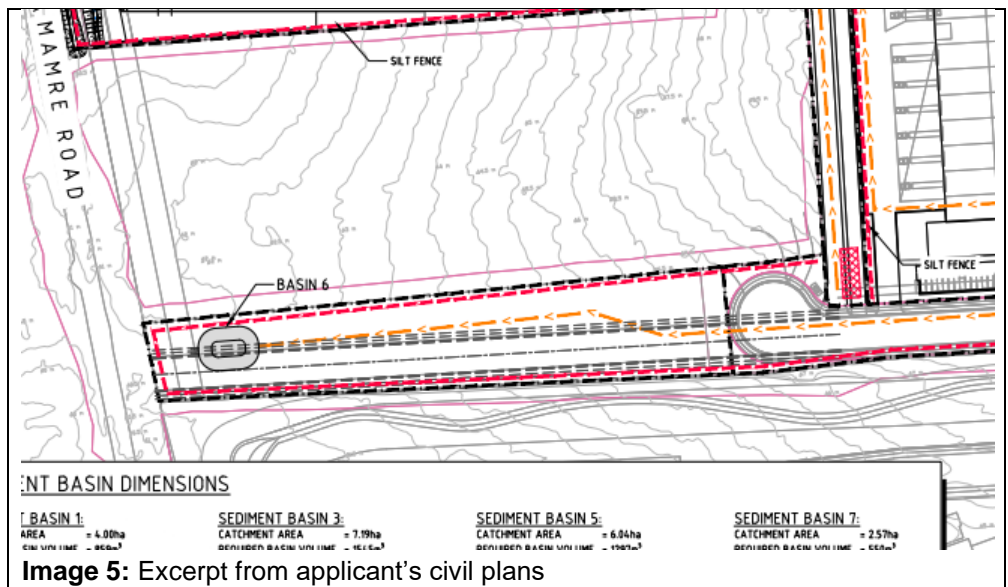
This proposed future road should be classified as a Distributor/Collector road (Type 2), having regard to the DCP road typologies at Table 9, and as such, its design shall align with the arrangement of roadway infrastructure identified in Figure 13 of the DCP, and shall have a minimum roadway width of 26.4m (variable to 30.6m at intersections). This roadway proposes a future intersection with Mamre Road (see **Image 5**).

Contrary to the objectives of 3.4.1 and controls at 3.4.1(1) and (6) in particular, and because of its exclusion from the concept masterplan, the future redevelopment of no. 772-782 Mamre Road can only rely on direct access from this proposed future Distributor/Collector road. The DCP states that no direct access to Mamre Road or distributor roads is permitted.

In addition to the above, this proposed southern east-west road does not align with the Road Network Map at Figure 14 of the DCP (refer **Image 4**).



Limited detail is provided in the SSD application which demonstrates that an intersection with Mamre Road could be facilitated in the location required (refer **Image 5**), and that sufficient area for the construction of a future intersection (signalled as may be required) could be accommodated on the subject site, and which would avoid reliance on land not in the proponent’s ownership. Basin 6 would require relocation.



The proposal must include sufficient information which demonstrates that proposed landscaping and building setbacks to Mamre Road will be

maintained compliant with the DCP requirements, once the upgrade and widening of Mamre Road has been completed.

The proposed clustering of vehicle entry and exit points in the south-western cul-de-sac is not supported by Council owing to the future entry/exit requirement for the adjacent lots, the classification of the east-west road as a Distributor/Collector Road (typology, Type 2 under the DCP) and the insufficient design standards and also noting the need for a future intersection with Mamre Road, and for safety and traffic engineering reasons. Clustering of signage (p.51 of EIS) is also proposed in this location.

(e) General Design and Landscaping

The design of warehouses is to consider the presentation to Mamre Road, setbacks and landscaping are to be maximised and greater setbacks are to be provided in areas where OSD/basins are proposed.

1 x canopy tree is to be planted per each 6 x car spaces and canopy trees are to be provided in blister islands as part of a continuous strip of a minimum 1m wide or at a minimum in accordance with the Draft DCP. WSUD features withing car parking landscaped areas is to be encouraged.

As landscaped setbacks are minimal in the Draft DCP, there shall be no encroachments into this landscaping including point encroachments from car parking spaces, services and the like (refer Warehouse 1 carpark, basin attached to warehouse 2, car parking and retaining walls for warehouse 3, hardstands warehouse 4).

Street tree planning shall be super advanced species and be engineered so as to enable trees to thrive into maturity, noting the level of cut, fill and compaction required to facilitate the development and understanding that no topsoil will remain.

Minimal sectional detail is provided to enable an understanding or assessment of how landscaping elements will be sustainable or practical. Basins are proposed at the top of the drainage channel.

The proposed 5m wide battered setback to the Top of Wall of the drainage channel is insufficient to sustain large trees, this shall be widened significantly to allow roots to grow which will not compromise the integrity of the channel's retaining walls and so as not to overhand or otherwise negatively impact on the warehouse hardstands and ring roads. As proposed tree canopy will overhand and may require that tree be eventually removed or at the least will be significantly lopped.

As detailed within this advice, Council does not agree that the east-west road is classified as a local industrial road and as such setbacks and other requirements attributed to a Distributor/Collector road typology are to be provided to this lot.



Boundary landscaping conflicts with the required and identified asset protection zone. It is uncertain how this conflict will impact proposed tree planting and landscaping. This is to be clarified.

The redevelopment of Mamre Road Precinct is intended to be 'world-class' and in this respect, the design of the warehouse facades are to incorporate greater levels of architectural creativity and innovation. Suggest vertical climbing plants, superior material treatments including paving, lighting and other features at the office entries.

It is recommended that DPIE require public/private art to form part of the concept plan.

The design highlights many lost opportunities to incorporate improved and sustainable landscaping outcomes which would set it apart from 'business as usual' warehouse precincts. These would be largely resolved through small increases in setbacks and reductions in hardstand extents.

Steps in landscaped retaining walls should be widened to better address height differences and scale. Should DPIE support the channel, vertical retaining walls within the drainage channel are not supported, these are to be sloped/battered to allow for a more nature appearance and to enable land based fauna to escape the channel and to move between tiers.

The selected materials for retaining walls need to be varied and be of high quality if visible from the public domain. Long spans of retaining structures are to be avoided. Long spans are to be broken up by materials selection and variances in heights and alignments.

Proposed parking is to be kept to the minimums required by the Draft DCP. DPIE is reminded that the Draft DCP states that car parking proposed which exceeds minimums will contribute to calculable floor area.

DPIE is to clarify if proposed heights of warehouses are calculated from Natural Ground Level, which is to be shown on all plans.

Council does not support the locating of drainage basins within the front setback to Mamre Road.

For the safety of potential users and workers in the corridor, emergency pedestrian access routes up and out from the corridor should be provided.

Overall DPIE should not support extensive non-compliances with the Draft DCP or any subsequently adopted DCP, it is a new development control plan applying to greenfield sites and compliance should be encouraged and pressed.

Refer also to detailed landscaping review comments provided below.

(f) Dedicated Freight Network

The design of the development is to accommodate the construction of the required Freight Network including clearances, access, engineering and servicing requirements, which are not to preclude the transition to an automated guided vehicle (AGV), and which are to be endorsed as being satisfactory by TfNSW.

Freight networks are to be provided in compliance with section 3.4.3 of the DCP. Current plans do not demonstrate the network is sufficiently provided for.

## 2. WSEA SEPP - Strategic Planning Considerations

The package of information provided to Council for its review does not include any detail or discussion on the need to amend SEPP WSEA.

The Department of Planning, Industry and Environment (DPIE) must provide the proponent with advice that the SEPP is to be amended to rezone the E2 land.

It is raised that a development application with Council cannot be determined for Warehouse 2 until the rezoning has occurred.

It is raised that the issue of the required rezoning is to be addressed prior to the determination of the SSD and DPIE are requested not to avoid the issue noting that Council will likely be the consent authority for warehouse 2 where the matter will be raised in the context of a development application with Council.

If the SEPP is not amended concurrently with the SSD, it is raised that Council will likely be charged with the exercise of processing a planning proposal to amend the SEPP WSEA to allow for the determination of a DA for Warehouse 2.

This is not considered to be a 'housekeeping amendment' and given Council has raised issue with the proposal herein, the matter must be dealt with by DPIE.

A concurrent amendment to the SEPP WSEA (if supported by DPIE) will ensure development of Warehouse 2 will not be delayed due to an inconsistency between the zoning controls that delineate the riparian corridor and the drainage channel.\

Council requests that:

- A concurrent amendment to the SEPP be undertaken,
- Council be provided further details on the timing of the amendment to the SEPP, and that
- The application be updated to address the need to amend the SEPP due to the rezoning sought.

It is also requested that consent not be granted to the SSD until such time as appropriate services connections can be provided and until such time as a contributions plan is properly in place of the precinct.

### **3. Development Engineering Considerations**

#### **(a) General**

Confirmation of future road reserve boundaries required to accommodate the ultimate upgrading and widening of Mamre Road are to be shown on plans.

#### **(b) Stormwater**

Council recommends DPIE seek satisfactory advice and amendments in relation to the below engineering review comments:

- Future ownership of the riparian corridor shall be confirmed.
- The Statement of Environmental Effects has assessed the riparian corridor as a 2<sup>nd</sup> Order watercourse. The Draft DCP (Table 4) requires for a 2<sup>nd</sup> Order watercourse to have a 20m wide vegetated riparian zone with a total riparian corridor width of 40m + channel width. Plans are inconsistent with the Draft DCP requirements.
- The 5m landscape setback zone adjoining the riparian corridor is encroached by a tired retaining wall adjoining Warehouse 3.
- The Draft DCP Controls require road crossings across a waterway of Strahler Order 2 or higher are to be designed to minimise impacts to vegetated riparian area and species movements in accordance with NSW Department of Primary Industries requirements to maintain fish passage.

The proposed culverts under Road 1 would not appear to comply with the DCP Controls.

- The capacity of the riparian corridor culvert under Road 1 shall be designed to accommodate a 20-year ARI event with an unobstructed floodway.
- Bio Basin 1B and Estate Basin 1 are partially located within the landscape setback zone along Mamre Road. Both basins shall not encroach into the landscape setback zone.
- Access for maintenance purposes to all stormwater basins and the riparian corridor shall be provided.
- A section is required through each Bio Basin and Estate Basin detailing retaining walls, any vehicular safety barriers and pedestrian safety fencing.

#### **(c) Estate Roads**

- The Draft DCP indicates a 'T' intersection is to be provided on the north-south road (Road 1) immediately north of the development site. A draft layout of the future intersection shall be provided to ensure that any works as proposed by this development will not impede the future delivery of the intersection.
- The intersection of Road 1 and Road 2 shall be designed for the ultimate development of the Mamre Road Precinct. The ultimate intersection layout and turn paths for a 26m long B-double (PBS Level 2 Type B) and tested for a 36m long B triple (PBS Level 3 Type A).
- The Draft DCP shows Road 1 may be categorised as a Collector Road with a raised central median. Should a central median be required along Road 1, then access arrangements to all lots from Road 1 shall be provided.
- Further detail is required of the internal north-south road (Road No 1) and the interface with the adjoining developments. The southern connection has overlaid the estate roads proposed by the adjoining Mirvac development however, the horizontal road alignments do not appear to match.

The architectural plans show that Road 1 (south of the intersection with Road 2) straddles the common boundary with the adjoining property to the west, with half road construction proposed. Half road construction is not supported by Penrith City Council.

- The northern perimeter road for Warehouse 5 relies upon vehicular access to Mamre Road – concurrence is to be sought from TfNSW for the access.

(d) Future Freight Network

- The Draft DCP (Figure 16) requires the development to provide access points to the future Integrated Freight Network. Details of required access points in accordance with Figure 16 of the Draft DCP are to be shown on plans.
- The Draft DCP requires the future Freight Network to accommodate minimum road widths, maximum grades and maximum rate of change of grade should be designed to accommodate a 26m long B-double (PBS level 2 type B) and tested for a 36m long B-triple (PBS Level 3 Type A) design vehicles with provision for future implementation of autonomous vehicles at a minimum 40 km/h operating speed (50 km/h design speed).

Concurrent turn paths are to be shown for the bend on the freight corridor at the north-east corner of Warehouse 3 demonstrating compliance.

#### 4. Traffic Management and Pedestrian Safety Considerations

All civil details, section and plans are to indicate compliant road and verge widths, driveways works, footpath works, verge works, drainage works, street lighting, public utility provisions and other civil infrastructure works within the road reserves and are to be prepared having regard to Council's specification documents (which remain applicable as detailed in the Draft Mamre West DCP).

Council's traffic engineering review comments on the referred SSD documents are as follows:

- The SSD shall be reviewed by DPIE to ensure a suitable fit with the road network, cross sections and intersections in the final Mamre Road DCP which is yet to be adopted.
- The SSD shall be reviewed by DPIE and Council regarding the Mamre Road Precinct collector and arterial road network and intersections, trunk drainage systems and civil infrastructure ultimate design delivery plan and works / contributions that may be required from this SSD.
- A full ultimate Mamre Road Precinct collector and arterial road network and intersections including Aldington Road / Abbotts Road), drainage and civil infrastructure design and construction, and possibly any staged delivery and staged precinct development GFA thresholds, is required for the Mamre Road Precinct prior to any development.

Full ultimate collector and arterial road network and intersections (including Aldington Road/ Aldington Road extension to Southern Link Road and the extension south of Abbotts Road to Mamre Road / Abbotts Road / Southern Link Road / Bakers Lane), trunk drainage systems and civil infrastructure design and construction design and works delivery plan and fit of this SSD is required prior to development.

This should include works delivery plans by State Government, DPIE, TfNSW and developers and include key road network links including Southern Link Road, Bakers Lane, Aldington Road (and links northern to Southern Link Road and south past Abbotts Road to Mamre Road), Abbotts Road and Mamre Road.

Council's roles and responsibilities on this Mamre Road Precinct rezoning, road, drainage and civil infrastructure delivery and development are yet to be resolved and so further direction should be sort from Strategic Planning/ Council/ DPIE/ State Government prior to any development.

Recommended conditions shall address/include that:

- **Prior to the commencement of any works approved by this consent**, the Certifier shall ensure that a minimum of four Electric Vehicle Charging Stations (EVCS) are to 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 six additional car parking spaces are to be designed to be readily retrofitted as EVCS



parking spaces at each warehouse development. The installed EVCS car parking spaces are to be signposted and marked as for the use of electric vehicles only and are to be located as close as possible to the building accesses after accessible parking space priority. EVCS are to be free of charge to staff and visitors.

- **Prior to the issue of any Construction Certificate or the commencement of any works approved by this consent**, the Certifier shall ensure that complying numbers of secure, all weather bicycle parking, end of journey facilities, change rooms, showers, lockers are to be provided at convenient locations at each warehouse development in accordance with Council Development Control Plan (DCP) C10 Section 10.7, AS 2890.3 Bicycle Parking Facilities and Planning Guidelines for Walking and Cycling (NSW Government 2004).
- The access driveway widths must accommodate swept movements of the largest vehicle servicing the site and be designed to conform with AS 2890.1, AS 2890.2 and Council requirements.
- The entry and exit driveways in the car park are to be presented in a way to highlight the right of way of pedestrians and cyclists on the road frontage.
- All car spaces are to be sealed/line marked and dedicated for the parking of vehicles only and not be used for storage of materials/products/waste materials etc.

## 5. Environmental Management Considerations

Conditions by DPIE should include the preparation of construction and operational environmental management plans and validation reporting to address the necessary remediation at the subject site.

## 6. Waterways Considerations

In relation to the proposed stormwater management strategy, Council's waterways officer makes the following comments for your consideration.

- In terms of the water conservation measures, the Civil report includes commitments to meet a minimum of 80% non-potable demand with harvested rainwater. Additional details are required regarding the sizing of the tanks and it is proposed that this would be provided at future development applications.
- In relation to the treatment of stormwater for the proposed development, it is proposed that each lot will have ocean guard pit inserts and the Civil Engineering report indicated there will 3 bioretention systems with a combined filter area of 2,380m<sup>2</sup>. The report notes that each bioretention basin will also be pre-treated with a GPT but this is not shown on the plans. The engineering plans has some inconsistencies with the Civil engineering report. The development seems to include some Wianamatta trees (in the modelling) although no detail is included on plans. Clarification on the report and the design of the Wianamatta trees is required.

- The existing creek on the site will be demolished and a vegetated drainage channel is proposed to be established with a 25m wide corridor (10m each side of channel). It is noted that the western side of the channel will have a retaining wall exceeding 10m for the base of the creek (drawing number C013874.06 - SSDA420).
- Council's waterways team does not support the configuration of the channel and are of the view that additional details should be provided to demonstrate how plants and trees can establish and be maintained.

It is also suggested that the corridor should be reconsidered to ensure it meets the objectives of Section 2.5 Riparian Land of the Draft DCP.

In summary, the Council's waterway comments raised in relation to treatment of stormwater for this development previously have not been addressed. I am of the view that the approach to stormwater management should be resolved prior to any approvals being granted.

As proposed, the stormwater management approach is not consistent with Section 2.6 (Integrated Water Cycle Management) of the Draft DCP. As such, it is suggested that it will be necessary to reconsider the proposed approach to stormwater management, as the proposed measures included in the supporting information demonstrate that the development is not consistent with the controls outlined in the Draft Mamre Road Precinct DCP or Council's technical guidelines. This issue requires resolution prior to the approval.

The engineering plans include some inconsistencies with the civil engineering report (MUSIC Screenshot) with respect to the size and number of basins as well as some details such as depth of extended detention.

Further, all GPTs should be included on the plans. Clarification on the design and locations of the proposed Wianamatta trees which was included in the MUSIC modelling is also required.

It is noted that there will be no on-lot OSD or stormwater treatment. As such, the proposed bioretention basins will also have capacity for OSD. As raised previously, Council does not support the current design and configuration of the stormwater management basins.

It is suggested that the proponent should reconsider the design and configuration of the stormwater management basins. This should include but not be limited to, the inlet design and flow configuration and provision for access for maintenance. 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.

In the case the development is approved, conditions will need to be included that the stormwater treatment basins and associated gross pollutant traps are maintained in private ownership and are not to be dedicated to Council.

With respect to the riparian corridor, the configuration is not supported by Council. It is suggested that the design of the riparian corridor should be reconsidered to ensure it meets the objectives of Section 2.5 Riparian Land of the Draft DCP and be designed to better reflect a natural creek.

## 7. Landscape Design Considerations

### (a) General Landscaping Comments:

- It is considered that the landscape design overall is low quality, lacking consideration of engineering and site constraints. The level of documentation detail is minimal and generic, therefore assessment is difficult to undertake – dimensions and levels information have not been included.

Accurate and sufficient cross sections should be provided to demonstrate how the design will deliver outcomes and design objectives, particularly at changes in level and perimeter boundaries.

- It is considered building pads are oversized for the terrain, resulting in extreme height changes in level which in turn create limitations on the ability of maturing vegetation to provide amenity, cooling and biodiversity and resilience.
- The vision refers to connection to country which has not been addressed in the design. The proposed character nor landscape objectives have been identified, such as planting to reduce the bulk and scale of built forms and provide cooling (refer to Council's Cooling the City Strategy).
- No specifications have been provided – no details regarding irrigation / water management / plant establishment period and the like are provided.
- Conflicting documentation is provided - Precedent images do not match the design for example: Boundary screening image shows trees and the plan does not propose trees.
- The design does not respond to many aspects of the submitted Urban Design report and its recommendations.

### (b) Masterplan review comments

- Changes of level / retaining walls range up to over 12m in height at boundaries and over 6m internally. Due to space and engineering constraints created by retaining walls there will be limited opportunity for trees of any reasonable size to be planted near walls.

Walls may also require fencing at road boundaries. The amenity of the public domain is compromised and the design does not acknowledge

these limitations. All walls should have low visual impact and their scale reduced, particularly when seen from the public domain.

- The streetscape must provide continuous canopy, excepting allowances in Council's SPTMP for street lighting and driveways etc. Shrubs and groundcovers are not acceptable, only turf provided between paths and kerbs. Mulch must be organic, not gravel or ballast for example.
- The quantity of trees species is inadequate and is required to be increased for cooling, biodiversity and resilience. *C. maculata* is permissible where the distance between kerb and footpath is greater than 1.9m. *E. eugenioides* is an oversized tree for the road verge dimensions and is not acceptable. Large trees are supported in front setbacks, contributing to the public domain. Medium sized trees with broad canopies are suitable for road verges. Adjust spacing to allow for driveways, street lighting and so on in accordance with Council's Street and Park Tree Management Plan and Appendices.
- For retaining walls the species must be selected to ensure the full height of walls, as well as fencing on top of walls is fully screened. If the activity at the top of walls is unsightly as viewed from any vantage point, such as storage or truck parking areas, these areas must also be screened.
- Lack of species diversity is provided on retaining walls.
- Basins for Warehouse 2 – the setback between street boundary and basin to be planted with large trees achieving continuous canopy.
- Western interface with Lot 61 is poor. Canopy to be incorporated to reduce the visual impact of the bulk and scale of warehouse 4, and to visually soften the skyline.
- Future north and west adjacent perimeter 10m wide freight corridor and 'high value biodiversity' area not acknowledged – has the impact of retaining walls up to 12m+ been taken into consideration on these adjacent assets and proposed uses?

(c) Mamre Road landscaping

Treatments must deliver continuous canopy and tall shrubs for screening, to reduce the bulk and scale of built forms. There is a lack of species diversity is provided.

- The minimum width of planting between boundary and biobasin retaining wall should be 5m to enable large tree rootzone development.

- Retaining walls (approx. 6m+) should be densely screened, with canopy extending above walls to reduce the visual impact of built forms above.
- Biobasins occupy more than 50% of the front setback open space, minimizing capacity for the setback to deliver canopy and landscaping. There is insufficient landscaping to contribute to Mamre Road streetscape amenity.

(d) Riparian comments

- Documentation is to demonstrate that soil profile and structure will be restored in areas of cut and fill so planting rootzones can establish and be uncompromised as it matures, particularly in storm events.
- Documentation displays a lack of species diversity – It is unclear which VMP has been referenced. A VMP for this corridor should be apply to neighboring lots.
- Maintenance tracks are required to be durable. Grass-cell is not acceptable, crushed sandstone or other permeable surface is preferred, provided levels do not result in scour or erosion and runoff. Alternatively permeable pavement.
- Stepped retaining walls are to be suitably screened and the wall material is not heat absorbing. Walls should have a low visual impact.
- For the safety of potential users and workers in the corridor, emergency pedestrian access routes up and out from the corridor should be provided.
- Full restoration of the temporary access road - 100% canopy coverage, soil decompaction and soil structure reconstruction should be provided.

(e) Stage 1 – warehouse 1

No turf, gravels or hardstand areas in front setback – provide 100% mass planting with 100% canopy coverage. Other areas of mass planting to include tree canopy. Area of turf to be limited and min. 50% canopy cover provided.

Carpark canopy is minimal – larger canopies are required and engineered tree pits provided to support larger tree species.

Council does not maintain shrubs or groundcovers between path and kerb. Only turf to be provided. Mulch under street trees shall be organic, not gravel, ballast or other material. Continuous tree canopy – as per note above.

(f) Stage 1 – warehouse 3



There is zero canopy proposed. Provide canopy as per Warehouse 1 above and maintenance access to be provided to bio basin.

## 8. Heritage Considerations

The development is unlikely to affect the vistas to and from the heritage items and hence will not have any significant impact on the heritage significance of the heritage items owing to the site being located over a kilometre away from the three nearest heritage items (Bayley Park, Gateposts of Colebrook and Brick Farmhouse).

## 9. Biodiversity Considerations

Inconsistencies and errors which need to be addressed in the Biodiversity Development Assessment Report (BDAR) prepared by Cumberland Ecology dated 30 April 2021 have been identified and are as follows:

### (a) PCT Selection and TEC status

PCT 1800 in low condition was identified as not being considered a TEC as it does not occur within a floodplain. The assessor has concluded that the area identified as 'low condition' for PCT 850 does not meet the criteria for the listing under the EPBC Act which states condition thresholds which require the ground layer to be dominated by perennial native species and/or patch size to be larger than isolated trees.

No reference to the NSW Scientific determinations is provided to support this statement. Not ticking as EEC may have an impact on the risk weighting and may impact the credit requirement by 2 credits as I calculated.

### (b) Calculation of credits

As part of the review, I entered the data into the BAM public calculator and received different vegetation integrity scores to what has been provided in the BDAR for Low condition Cumberland Plain Woodland.

The scores when I entered the data was 3.7: Composition: 3.7; Structure: 0.1; and Function: 10.3 giving an overall VI of 1.7.

The BDAR in Table 9 had the following integrity score of 12.3 with (Composition: 8.2 Structure: 22 Function: 10.3). These differences either mean the plot data provided is incorrect or the information entered into the calculator is incorrect. It is recommended that the data entered into the calculator is checked by the consent authority.

Additionally, Cumberland Plain Woodland in the Sydney Basin (PCT 850) for Zone 2 has been selected as 'Not a TEC' where in Section 4.2.1.4 of the BDAR it has only discussed not meeting the EPBC thresholds not the BC EEC status.

This is the same with Low condition PCT 1800 Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions. I have provided discussion around this under the heading PCT selection. If it is demonstrated that the vegetation meets the NSW Scientific determination, then this will need to be updated in the calculator.

(c) BAM Credit reports

The BAM Credit Summary Report provided in Appendix B and shows the case is still to be finalised.

(d) Flora and Fauna Assessment

The Draft Mamre Road DCP requires that a Flora and Fauna Assessment is required to be submitted with any subdivision development application.

(e) Threatened Species Assessment

The Draft Mamre Road Precinct DCP requires a Threatened Species Assessment to be undertaken for sites within 500m of an E2 Environmental Conservation zone.

(f) Biodiversity Recommendations

It is recommended that if the development was supported the above matters are to be fully addressed and conditions including offsetting requirements, relevant pre-clearance surveys, salvage of habitat features and dam decommissioning plan are to be imposed.

Should you wish to discuss any aspect of Council's comments further, please do not hesitate to contact me directly on (02) 4732 8567.

Yours sincerely



**Kathryn Saunders**  
**Principal Planner**