



Our reference: ECM Ref: 9796236
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6 December 2021

Department of Planning, Industry and Environment
Attn: Katelyn Symington
Email: katelyn.symington@planning.nsw.gov.au

Dear Ms Symington,

Request for Advice - EIS – 155-217 Aldington Road Estate – SSD-17552047

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 the assessment of this application.

1. Planning Consideration

(a) Proposal

Council understands that the development proposal includes the following:

- Demolition of existing dwelling houses and plant nursery, ancillary structures and tree and vegetation clearing,
- Bulk earthworks including dam dewatering, cut and fill works and pad construction, retaining wall construction,
- Construction of car parking, hard stands, internal public access roads (24m and 25.2m wide) and connections to existing and future roads,
- Civil, stormwater and drainage works including construction of 3 x on-site detention tanks and bio-retention basins,
- Landscaping and street tree planting,
- Infrastructure works including utilities services installation, and
- Construction of one warehouse and distribution centre with two portions of proposed Lot 9 with a total building area of 65,327sqm,
- Construction of interim acoustic barriers,
- Nine lot Torrens title subdivision,
- Hours of operation are proposed to be 24 hours/7 days.



Figure 1 (above): Subject site. Excerpt from applicant's EIS

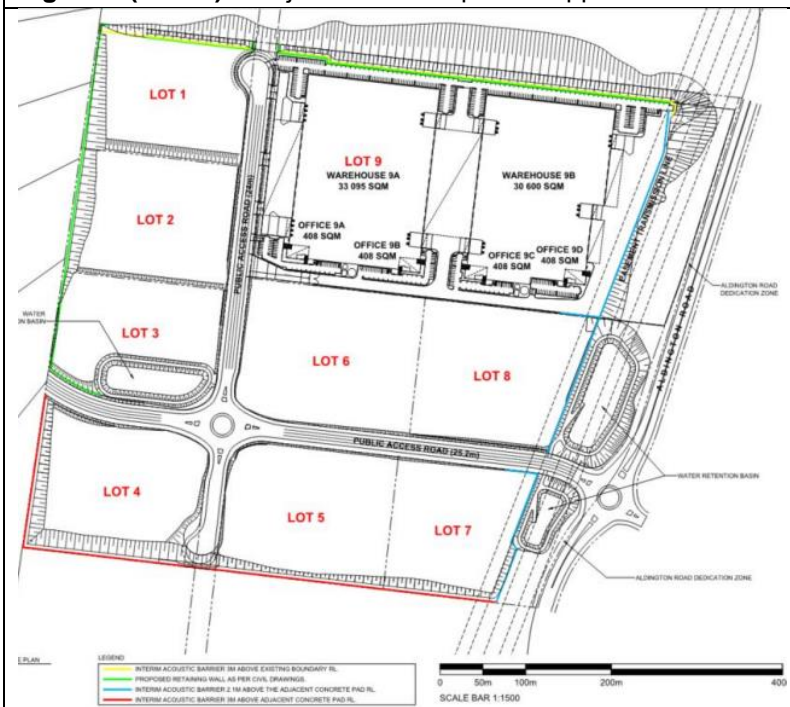


Figure 2: Proposed masterplan. Excerpt from applicant's EIS

(b) Works within site boundary, interface situation

Plans indicate that civil works including battering are proposed outside of the site's boundaries. All works are to be within the site's boundaries or owners consent provided and (existing and future) interface issues addressed.

Architectural and landscaped sections are to be provided through side boundaries which detail how adjacent development can be constructed. The height, location and design of the boundary retaining walls should not inhibit the development potential of adjacent sites or reduce the amenity of existing approved uses.

(c) Mamre Road Precinct DCP

The Mamre Road Precinct **DCP** has been made without savings provisions and was significantly amended prior to its adoption. As such, the EIS is to be fully revised to address the provisions of the adopted DCP and is to be resubmitted to the Department, to inform its assessment.

Whilst it is agreed that the development will create future employment opportunities, this outcome of the development shall not override the aims, objectives and vision of the Mamre Road Precinct to be 'world-class', high amenity and best practice.

It is raised for the Department's consideration that endorsing poorly justified deviations from a newly adopted State DCP creates equity and certainty issues for all other development proposals/applicants and unrealistic expectations.

The strategic reasoning behind the DCP's elevated requirements in relation to amenity, streetscapes and roadway design, tree canopy cover, landscaping and general design quality are to ensure that this Precinct differs from existing industrial areas, exemplifies a nuanced approach to industrial precinct delivery and design, and ensures achievement of the Premier's Priorities and alignment with other NSW Government higher order, strategic plans and policies, including those mentioned below.

Clause 4.2 Built form and design controls - Height

The proposal for a maximum height of 14.6m as nominated in the EIS, is incorrect.

Architectural plans indicate a ridge height of 16.8m taken from Finished Floor Level (not Natural Ground Level (**NGL**)) and exclude roof mounted plant.

Roof mounted plant is to be assumed to avoid modifications to any consent granted (as is currently occurring in nearby precincts).

The proposal for 16.8m from **FFL** excluding roof mounted plant does not comply with the maximum height expressed for the Precinct under the DCP of 16m from existing ground level within 250m of a rural-residential zone or 20m from existing ground level.

Height from NGL is to be nominated on plans.

The DCP clarifies that building services located on the roof *must* be accommodated within the maximum permissible height of the building and away from the street frontage or sensitive interfaces where possible.

The DCP also requires that taller building elements over 15m should be setback from the street frontage.

Shadow diagrams are to demonstrate compliance with solar access requirements at 4.2 Controls (5) and ensure that street trees and landscaped elements are not compromised.

Landscaping and setbacks

All landscaping, retaining wall design and built form setbacks are to be compliant with the adopted Mamre Road DCP controls and objectives. No encroachments are supported.

Car parking in excess of the minimum requirements is to be calculable GFA.

The extent of cut and fill is excessive and not supported. The Department shall ensure that OSD basins and bio basins are high quality and include tree planting and mounding with buffer landscaping.

OSD Basins and Bio Basins are to remain in private ownership.

- (d) All internal roads are to be designed compliant with the preferred road typologies of the DCP. Importantly, distributor roads are to be provided with 1.6m wide vegetated central median and are to have a 30.6m wide roadway width. Collector roads are to have a total roadway width of 25.6m (variable to 26.4m at intersections). Roads are to be properly categorised and designed accordingly.

The location of pedestrian and cycleways are to be nominated. Integration with future bus networks is to be addressed.

In accordance with the requirements of the DCP, 'all cycle routes and facilities are to be consistent with the relevant requirements of Austroads Cycling Aspects of Austroads Guides and former RMS Bicycle Guidelines including line-marking, signage and logos and Council policies regarding bicycle access'.

- (e) The Department is to ensure that the development is serviceable through fully constructed public road and intersection networks and that all warehouses have frontage to a public road.
- (f) Office and staff and visitor parking areas are to be co-located. It appears that staff parking for the warehouse is at the opposite end of the site to the office.
- (g) The design of the office buildings appear bland and are to be elevated. The façade of the office is to extend beyond the floor area to increase the presence of the office and to add articulation to the warehouse form.

Warehouse cladding is to be elevated in design and articulation in line with the high expectations and presentation of the Precinct (as per the DCP).

- (h) Signage is to be high quality and better documented and explained. The Mega Graphics are excessive and are considered advertising rather than business identification.
- (i) Trucks and domestic vehicles (staff and visitor) access and parking areas are to be separated.
- (j) Retaining walls are to be setback and stepped in accordance with the DCP requirements. Situations as depicted in Figure 3 below are to be avoided and redesigned.
- (k) Freight

The design of the site must make provision for and must not obstruct the nominated dedicated freight corridor and its required access points from being realised (refer comments below in relation to Future Transport Strategy 2056).

The dedicated freight corridor is essential infrastructure which is identified in related State strategic plans and policies as contributing to lowering on-road logistics pressure, reducing truck movements, jobs creation and future proofing the Precinct.

The facility and its connectivity are purposefully and strategically linked to the Western Sydney Freight network, the proximity to the planned Outer

Sydney Orbital and is contributory to the success of freight connections to Port Botany, as highlighted in the District Plan.

The Western District Plan includes (Priority W7 and elsewhere) that the NSW Government is planning for long-term strategic transport needs of Greater Sydney by identifying and protecting land that can be used to deliver transport and infrastructure and includes that ‘...*Future transport infrastructure corridors are identified in Future Transport 2056...The corridors will define the shape, scale and function of the Western City District, and provide for future rail, passenger, road and freight movements...* and includes the intermodal terminal site.

The District Plan states that ‘*By 2036, the Western Sydney Employment Area will be a key destination for cargo, with metropolitan intermodal terminals being critical [emphasis added] for managing the rapidly growing import container trade and enabling more freight to be moved by rail*’ and that ‘...*Freight and logistic services must locate to support Western Sydney Airport*’.

The Western District Plan identifies that it is the responsibility of DPIE, TfNSW and Council (amongst other authorities) to deliver:

- the 30-minute city,
- plan and protect future transport and infrastructure corridors,
- improve the performance of the transport network, and
- prioritise transport investments that enhance access to the economic corridors and between centres within the corridors, and
- preserve land for future port and airport, intermodal and rail infrastructure.

Council strongly objects to any development that inhibits the intermodal, its future connectivity including the dedicated freight corridor and identified access connections.

- (l) The installation of interim and final acoustic barriers is to be addressed in the BDAR to ensure that land animals are not impacted or trapped between acoustic walls and retaining walls, fencing and the like. Timing of the installation and removal of temporary acoustic fencing is to be assessed by the Department.

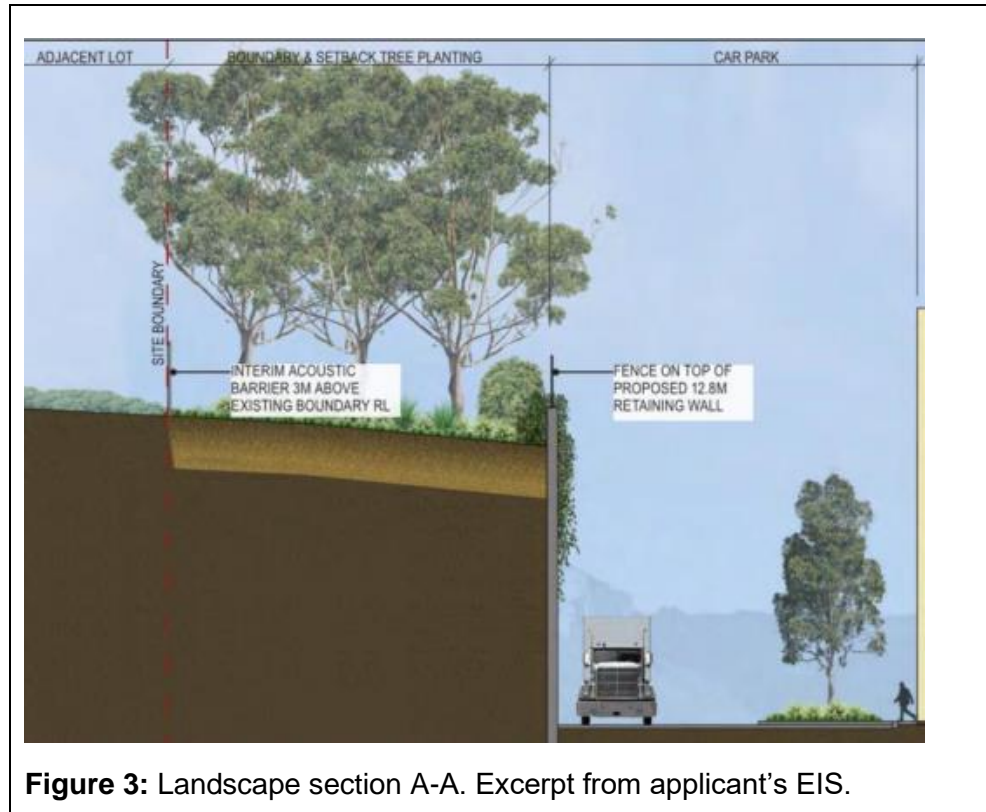


Figure 3: Landscape section A-A. Excerpt from applicant's EIS.

(m) Future Transport Strategy 2056

The proposal must align to support the Strategy. The Strategy includes 'in focus' details of the Intermodal Terminal (**IMT**) and the Mamre Road Precinct noting that TfNSW and DPIE collaborated to identify and protect the site for the IMT. This collaboration informed the Mamre Road Precinct DCP.

The design of the site must be amended to provide for the construction of the dedicated freight corridor.

The 30-minute City

The Strategy also includes details on the vision for 30-minute city which requires that *'...residents can access jobs and services in their nearest metropolitan or strategic centre within 30 minutes by public transport, walking and/or cycling, seven days a week. This will give people better access to jobs, education and essential services and give people more time back in their days. Initial transport and land use modelling of the potential 2056 transport network shows that 76 per cent of the population will be within 30 minutes travel of their nearest city or city cluster, by public transport...'*

To achieve this goal, all developments must contribute to TfNSW and the Department's strategies and provide high quality, high amenity, easily accessible and practical access to end of trip facilities and secure covered bicycle parking.

Moreover, it is considered essential that DPIE require compliance with the Mamre Road DCP's road network plan noting the importance of delivering the identified and planned network of roads and service infrastructure, in line with the Strategy.

The City Deal

The Strategy notes that the Western Sydney City Deal (the City Deal) was announced in March 2018. The City Deal '*...reinforces the goal of realising the 30-minute city and includes 38 transformative commitments. This means the Western Parkland City will be a region with world-class internet connectivity, integrating 'smart' concepts with its public spaces, transport, health and wellbeing solutions, planning and management...*'.

The above aims and visions in the above-mentioned plans, (Western Parkland City, 30-minute City and The City Deal) which has resulted from the coordinated efforts of State planning (DPIE) and State transport organisation are echoed in:

- the Future Transport 2056, Greater Sydney Services and Infrastructure Plan, and
- the NSW Government's NSW Freight and Ports Plan 2018-2023.

2. City Planning Considerations

- (a) Mamre Road Precinct DCP was adopted on 19 November 2021. The DCP was amended prior to its adoption. The EIS must be updated to address compliance/non-compliance with the adopted Mamre Road Precinct DCP.
- (b) Council's draft Mamre Road 7.11 Contribution Plan is yet to be adopted and is being reported to Council on 22 November 2021 seeking re-exhibition of plan.

In the absence of an adopted Contributions Plan, a Voluntary Planning Agreement (VPA) will need to be entered into with Council. Council understands that the applicant has indicated a willingness to enter into a VPA or to undertake Works in Kind, however the proponent has yet to contact Council regarding this application.

The correspondence provided within the EIS does not relate to developer contributions for this application and Council advises that the proponent contact Council to discuss development contributions.

3. Traffic Considerations

- (a) There are significant issues with the proposal including:
 - The lack of regard had to the road and infrastructure network as set out within the Mamre Road DCP.
 - The limited fit with adjoining lots including regarding the precinct earthworks strategy (cut/fill, stepping of retaining walls).
 - The proposed trunk drainage systems and delivery plans are insufficient and unsupportable.

- The proposal does not address the need to deliver the Mamre Road Precinct Road Network – Southern Link Road, Mamre Road, Aldington Road, Freight Road, Abbots Road.
- Staged delivery including interim and ultimate road and infrastructure construction and delivery are to be properly addressed.
- The proposal includes unacceptable combination of heavy traffic and staff traffic at driveways and aisles. This aspect is to be amended.
- Unacceptable lack of bicycle and end of journey facilities, contrary to the Mamre Road Precinct DCP, Council's guidelines and policies and the NSW Government's Guide to Walking and Cycling policy and related Government guidance (Greater Sydney Region Plan: a Metropolis of Three Cities, '30-minute City', Future Transport Strategy 2056, District Strategy).

4. Development Engineering Considerations

(a) Roads

- The architectural plans, engineering plans and the plan of subdivision are to be revised to demonstrate compliance with the Road Typologies of the Mamre Road Precinct DCP. The following items are to be amended:
 - o Road No. 1 is to be widened to comply with a Collector Road (Type 2). Setbacks and separated access is are to be amended.
 - o The intersection of Road No. 1 and Aldington Road is to be signalised in accordance with the DCP. A layout for the ultimate signalised intersection of Road No. 1 and Aldington Road shall be provided.
- Engineering plans are to include turn paths for the signalised intersection and internal roundabout demonstrating the road network has been designed for 30m Performance Based Standards (PBS) Level 2 Type B vehicles and tested for a 36.5m PBS Level 3 Type A vehicles.
- Aldington Road and Abbots Road are currently rural roads and are unsuitable for heavy vehicle traffic in their current state. As the development seeks to rely upon Aldington Road for access to the site, Aldington Road and Abbots Road are to be upgraded to a distributor road (as per Mamre Road Precinct DCP) from the development site to the intersection with Mamre Road, including a signalised intersection with Mamre Road. Subsequently setbacks, access and landscaping shall be addressed.

(b) Internal Vehicular Access

- The Swept Path Analysis plans (Appendix E of the Transport & Accessibility Management Plan) shall include the largest vehicle that will access the site (e.g. 30m PBS Level 2 Type B or 36.5m PBS Level 3 Type A vehicles).
- Access, parking, manoeuvring and loading facilities shall be in accordance with AS 2890 and Performance Based Standards An introduction for road managers (National Heavy Vehicle Register, May 2019) to accommodate vehicle types outlined in Table 12 of the DCP.

- Motor vehicle access for the south-eastern car park for Warehouse 1 and the southern car park for Warehouse 2 relies upon the shared use of a heavy vehicle access driveway off the internal estate road which is not supported.

Car parking areas along with pedestrian and vehicular access to all car parking areas shall be separated from heavy vehicle access and heavy vehicle manoeuvring areas for safety reasons.

(c) Stormwater

- The Water Cycle Management Strategy shall be revised to align with the recently adopted Mamre Road Precinct DCP.
- The design of the stormwater basins along Aldington Road shall consider the ultimate vertical and horizontal road design alignment for the proposed upgrade of Aldington Road. The maximum batter slope within the future road reserve shall be 1 in 5 (ver to hor). Details are to be submitted in revised plans.
- The emergency overflow from any stormwater basin shall be designed to ensure safe velocity depth products are achieved for any overflows within any public domain areas including the road network.

(d) Local Overland Flow Flooding

- The site flood affected by local overland flow flooding from the local catchment and has been coded as being subject to flood related development controls.
- The application shall demonstrate that the development proposal is consistent with the Mamre Road Precinct DCP Section 2.5 Flood Prone Land, Controls 10-15 Overland Flow Flooding.
- Further information regarding Council's Flood Studies is available from Council's website at the following address:
<https://www.penrithcity.nsw.gov.au/services/other-services/floodplain-management>

(e) Earthworks

- Plans shall demonstrate that earthworks and retaining walls comply with objectives and controls of the Mamre Road Precinct DCP Section 4.4 Earthworks and Retaining Walls.
- Any earthworks and batters upon adjoining properties shall include owners' consent for the works.

(f) Transmission Line Easement

- Any works proposed within the transmission line easement shall require written concurrence from the beneficiary of the easement.

5. Biodiversity Considerations

(a) Landscape Plan

- The proposed Tree Planting Strategy proposes a number of species that are not characteristic of the natural native vegetation communities, and it is recommended that this is amended to use more characteristic species of Cumberland Plain Woodland to assist with maintaining connectivity.

- Entry planting and Aldington Road Planting (Outside easement) should and replace *Lophostemon confertus* (Brushbox) and *Eucalyptus punctata* (Grey Gum) with characteristic species of Cumberland Plain Woodland.
- Allowances should be made for additional larger tree species and diversity that are characteristic of Cumberland Plain Woodland along the 'Access Roads', 'Entry Roads.' Smaller tree species such as *Waterhousia floribunda* and *Tristanopsis* could be used in between larger trees as they will not grow to the same height as the larger trees.

(b) Dam Decommissioning Plan

- The plan does not show a map showing the locations of the proposed relocation sites for aquatic fauna.
- It is recommended that DPIE request information as to how the applicant will manage large numbers of predatory fish (eg. Long-finned Eels) should they be recovered, additional release points must be considered so that the increased risk of predation on existing fauna at release sites is reduced.

(c) Biodiversity Development Assessment Report (BDAR)

The following comments have been provided relating to the inadequacies of the BDAR.

- Figure 2.6 has mapped the native vegetation cover within a 1500m radius, however based on a review of Aerial imagery there are other areas of native vegetation that has not been included.
- Figure 3.1 Subject land vegetation shows the plot locations but does not show plot placed in 'Aquatic'. No plot data has been provided for PCT 1071. It is unknown what information has been entered into the calculator for PCT 1071.
- No details of species have been included for the planted vegetation specifically the 'planted native trees.'
- No map has been provided showing the different zones for each vegetation community (as described in **BAM** Subsection 4.3.1).
- Justification for excluding species credits is not adequate for the Southern Myotis. Section 4.3.2 does not identify what the dates were for the microbat surveys just says for the month of March. It should be noted that the month of March received a high amount of rainfall with a total amount of 339mm recorded between 9 March and 26 March 2021 (recorded at Prospect Dam).

The Anabats have not been placed in near dams/ waterbodies which are foraging habitat for the Southern Myotis. To be able to exclude Southern Myotis from further assessment the Anabats would need to be placed near dams or waterbodies during suitable weather conditions.

- Table 6.1 states that no human-made structures would be disturbed as a result of the proposal, however there a number of buildings within the subject site which will be removed as part of the development. Therefore section 9.2.1 of the BAM needs to be addressed.

- The assessor has stated that *'There will be negligible if any impact on the distance between isolated areas of the TEC or dispersal distance for native flora species (characteristic of the TEC), and any impact on connectivity, fragmentation or perimeter ratio for the remaining areas of the TEC as a result of the development.'*

The assessor has neglected to consider that post development the development will increase in hardstand areas and building that will prevent the ability for wind dispersal and reduce the ability for pollinators to move through the landscape and further isolate patches of Cumberland Plain Woodland.

- The development has not been designed to try and retain vegetation within the subject site.

The above-mentioned comments shall be addressed by the applicant to inform the Department's assessment of the application.

6. Landscape Considerations

(a) Poor landscape design and site response

The proposal is not supported on landscaping grounds primarily due to the following:

- The poor presentation of warehouses 9A and 9B to Aldington Road,
- The poor streetscape treatment along Aldington Road,
- The extensive cut treatments at the northern boundary,
- Key parts of the landscape and LVIA documentation is interpreted as misleading, with changes of level and proposed gradients erroneously represented in landscape cross sections, and photo montages of viewpoints B, C and D (views from the east to Warehouse 9B) show effective landscape screening treatments where no landscaping is proposed in the landscape design report.
- The view corridor identified across this site in the DCP is not identified nor responded to in the design.
- It is not clear how the development interfaces with and accommodates the Freight Corridor along its western boundary.

(b) Streetscape

- Continuous street tree canopy is proposed in accordance with the adopted 2021 DCP, which is supported.
- Common trenching of utilities in the road reserve, under footpaths is also supported. This provides better rootzone soil volume for street trees.
- All street trees should be planted as per Council's Street and Park Tree Management Plan (includes use of organic mulches).

(c) Aldington Road and easement

- Continuity and consistency of the Aldington Road streetscape is required, in particular mirroring the dense and diverse landscape treatment provided on the eastern side of Aldington Road.

Only large trees are proposed which will allow full visibility between trunks to Warehouses 9A and 9B and it is recommended that small and medium trees and large shrubs are planted with the large canopy trees to achieve denser screening, effective shade, improved biodiversity and to reinforce and continue the canopied landscape character of the road corridor.

- Planting design for the entry roundabout could be improved by considering the planting design on the eastern side of the roundabout which includes Ficus feature trees.
- To increase canopy, consider smaller tree species to be planted within the easement, according to Transgrid requirements. This may also contribute to partial screening of Warehouses 9A and 9B and would increase canopy cover of the site. Maintenance responsibility of this planting would need to be clarified
- The temporary acoustic barrier should be screened with planting when viewed from Aldington Road.
- Mounding within the easement should also be considered to ameliorate views to the warehouses (and warehouses being the subject of future development applications).
- There is potential for views from Aldington Road southbound across the rooftop of Warehouse 9B and this should be modelled and ameliorated by design if it is the case.
- Street trees along Aldington Road are supported however tree canopies should touch. The tree species should be coordinated with other developments for the whole Aldington Road corridor.

(d) Setbacks and boundary interfaces

Western boundary

- The western site boundary is identified in the DCP as a dedicated freight corridor however the interface treatment does not acknowledge that use. Tree planting is provided at the base of the retaining wall and within the site boundary. Operationally this tree planting may be perceived as owned by the adjoining property or freight corridor and as such the maintenance responsibility may be ambiguous. As a result vegetation may be neglected. It is not clear whether fencing is provided along the boundary.
- As a freight corridor, the face of retaining walls should be presentable and screened with planting.

South boundaries

- Planting in the narrow space between retaining walls and perimeter boundaries occurs to south and it is unclear whether this planting has been coordinated with designs and uses of adjoining properties, whether approved, in design or future. It is also unclear whether fencing occurs on the boundary and how that planting is maintained.

Proposed Lot 9

- The Lot 9 setback to Access Rd 2 should be a 'setback planting mix'(aqua), not the smaller canopy 'carpark mix' (green) as indicated.

- Lot 9 requires planting to the eastern and southern boundaries to ameliorate the full exposure of facades to Aldington Rd. The bulk and scale of these warehouses cannot be ameliorated by planting along Aldington Rd.
- The LVIA has not identified a viewpoint from Aldington Rd. Given the large number of expected users of that road it is considered this would be a valid viewpoint. Viewpoints B, C and D in the LVIA (sections 8.2, 8.3 and 8.4) are associated with Aldington Rd however the assessment is erroneous as planting is shown close to Lot 9 and providing effective screening, however no planting in this area is proposed in the design. Screen planting in this area is recommended, which will also screen the hardstand area which may be used for storage of materials, parking of trucks and other operational activities.

Lots 6 and 8

- Similarly, the boundary is blurred between Lot 6, 8 and 9, where tree planting is provided at the base of the Lot 9 southern retaining wall. Planting should be provided on the Lot, at the top of retaining walls. Alternatively, the planting at the base of the wall on adjacent lots should be guaranteed to be retained and integrated with the design and operation of Lots 6 and 8.

North boundary

- There is insufficient detail provided for the 12m+ retaining wall. Will the wall be structurally sound with the planting atop the wall as proposed. Will the wall profile be vertical as shown or battered and therefore reducing the depth of planting atop the wall. The Landscape cross section does not illustrate the gradient of 1:2 in the civil documentation and there are concerns for the safe long-term maintenance and resulting presentation of planting on this steep gradient. Similarly, the steep batter would require specialized planting methods and treatments to ensure there is no erosion and plants establish.

Retaining walls

- Several landscape cross sections are misleading, showing best case scenarios instead of worst case which are more relevant for assessment eg. 1m retaining walls instead of 7m at Lot 9. As such, trees should be setback further from walls of this height so they can develop appropriate and healthy branch structures - they are indicated as planted approximately 1m off the wall face.

(e) LVIA

- Some viewpoints eg. Section 8.5 are elevated as seen say from a drone, are these considered irrelevant as they do not represent what is seen at on-ground eye level. These viewpoints should be revised and reassessed.
- Transmission lines and their towers have also been omitted from photo montages.

- Viewpoints B, C and D are considered significant viewpoints as they are related to views from Aldington Rd, and these have been omitted from the EIS.

(f) Basins

- The overall shape of basin B should be changed or the separation between Basin B and the road reserve boundary increased to provide sufficient space for continuity of canopy trees along Aldington Rd streetscape. Currently there is minimal to no separation provided. Alternatively, the basin should be redesigned to accommodate the planting treatment on its embankments

(g) Maintenance and operational

- Refer points above re: steep gradients and potential confusion of boundaries and maintenance responsibility.

(h) Species and materials

- The indicative street tree species selected for Access roads are too large for rootzone volumes available and should be reconsidered as they are likely to become a maintenance burden for Council and may require removal when they become hazardous. Larger tree species should be provided in front setbacks where space and volume exist.
- Street tree species for each street however have not been specified and the applicant's landscape architect should liaise with Council's Tree Assets department to agree on species for each road type, according to available rootzone soil volume and likely soil profile and composition. Species diversity for resilience and wayfinding and maximum canopy spread relative to the available rootzone soil volume with mediums sized tree height are Council requirements. The species are to be agreed for all streets in the precinct to enable consistency in the landscape design for each subsequent Warehouse application.
- Tree species should be procured as soon as possible to ensure stock availability at the required time
- Basalt as a mulch is not supported, given its capacity to absorb and trap heat and transfer that heat to soils and tree rootzones. An organic mulch is recommended which will provide benefits to soil and growing conditions.

(i) Earthworks

- Given the extreme cut and fill throughout the site, there are concerns that ground conditions such as compaction and shale, will not sustain healthy growth of trees in the long term. These conditions can result in poor rootzone structure and compromise trees in storm events. The depth of cut and fill should be minimised and the soil profiles restored to provide long term planting success and sustained healthy growing conditions of planted areas.

(j) Recommended sources

- Council is developing a recommended species list and we welcome dialogue with designers to achieve appropriate and sustainable long term species selections for the public domain/street verges.
- Street and Park Tree Management Plan and Appendix (PCC website).

7. Heritage Considerations(k) Nearby Heritage:*Non-Aboriginal*

- The Fluers Radio Telescope Site – 885A Mamre Road, Kemps Creek – 1.2km south-west of subject site – Local significance, Sch. 2 of Aerotropolis SEPP.
- Brick Farm House – 282 Aldington Road, Kemps Creek – 600m south-east of site – Local significance, Sch.5 of WSEA SEPP.
- Gateposts to Colesbrook – 269 Mamre Road, Kemps Creek – 500m south of site – Local significance, Sch.5 of WSEA SEPP.
- Bayley Park, house – 919-929 Mamre Road, Kemps Creek – 400m south-west of site – Local significance, Sch.5 of WSEA SEPP.

Aboriginal

- AHIMS (Aboriginal Heritage Information Management System - Heritage NSW) search, see attached, identified 62 aboriginal sites within a search of the area that incorporates the subject sites. It is noted, however, these aboriginal sites appear to be outside of (or very close to) the subject sites.

(l) Heritage Assessment/Findings from Applicant's Heritage Documentation:***Appendix 16 Historical Heritage Assessment, prepared by Biosis**

- Following historical residential development to study area, intense orcharding and market gardening occurred resulting in large disturbances to the study area.
- Archaeological evidence associated with above and after field survey finds structures largely constructed in 1970s, is common for the area, and of low significance.

Recommendations:*Recommendation 1 – The proposed works may proceed with caution*

There are no recorded items of heritage significance in or adjacent to the study area. Works can proceed in the study area with caution as it has been assessed as possessing low archaeological potential. Should unexpected archaeological remains be uncovered during the course of the proposed works, Recommendation 2 should be implemented.

Recommendation 2 – Discovery of unanticipated historical relics

Relics are historical archaeological resources of local or State significance and are protected in NSW under the Heritage Act. Relics cannot be disturbed except with a permit or exception/exemption notification. Should unanticipated historical archaeology be discovered during the course of the project, work in the vicinity must cease and an

archaeologist contacted to make a preliminary assessment of the find. The Heritage Council will require notification if the find is assessed as a relic.

***Appendix 17 Aboriginal Cultural Heritage Assessment, prepared by Biosis**

- Aboriginal cultural heritage assessment undertaken for subject site in accordance with relevant guidelines.
- There are 117 Aboriginal cultural heritage sites registered on the AHIMS in the vicinity of the study area, with no registered aboriginal sites within the study area.
- The Aboriginal community was consulted regarding heritage management of the project. A total of 20 Aboriginal groups were included through consultation (see PDF page 8).
- A search conducted by the National Native Title Tribunal listed no registered native title claims, unregistered claimant applications or registered indigenous land use agreements within the study area. Responses included in Appendix 3.
- Consultation noted an area of Potential Archaeological Deposit (PAD) – Referred to as Aldington PAD 1, on a flat, relatively undisturbed crest landform at the headwaters of two first order drainage lines, and recommended further assessment of this area. It was also noted through consultation that the remainder of the study area of vey disturbed as a result of market gardening so would be less likely to contain aboriginal objects.
- Test excavations were done by Biosis within PAD 1 and in an area of low potential, with aboriginal reps present. These works identified 2 artefacts from the 16 test pits done. No comments regarding cultural significance of site were made during this process.

Management Recommendations:

Recommendation 1: No further works within AHIMS 45-5-5238/Aldington Road PAD 1

AHIMS 45-5-5238/Aldington Road PAD 1 will be impacted by the proposed development. Further testing and salvage of this site is not recommended.

As per Section 4.41 of the EP&A Act an Aboriginal Heritage Impact Permit (AHIP) under the *National Parks and Wildlife Act 1974* (NPW Act) is not required for SSD projects authorised by a development consent. The proposed works may therefore proceed with caution in accordance with recommendations 2 to 5, following SSD approval in accordance with the SSD consent conditions.

Recommendation 2: Discovery of Unanticipated Aboriginal Objects

All Aboriginal objects and Places are protected under the NPW Act. It is an offence to disturb an Aboriginal site without a consent permit issued by Heritage NSW, Department of Premier and Cabinet (Heritage NSW) or SSD approval issued by DPIE. Should any unexpected Aboriginal objects be encountered during works associated with this proposal, works must cease in the vicinity and the find should not be moved until assessed by a qualified archaeologist. If the find is determined to be an Aboriginal object, the archaeologist will provide further

recommendations. These may include notifying Heritage NSW and Registered Aboriginal Parties (RAPs).

Recommendation 3: Discovery of Unanticipated Historical Relics

Relics are historical archaeological resources of local or State significance and are protected in NSW under the *Heritage Act 1977* (Heritage Act) or SSD approval issued by DPIE. Relics cannot be disturbed except with a permit or exception/exemption notification. Should unanticipated relics be discovered during the course of the project, work in the vicinity must cease and an archaeologist contacted to make a preliminary assessment of the find. Heritage NSW will require notification if the find is assessed as a relic.

Recommendation 4: Discovery of Human Remains

Human remains may be found in a variety of landscapes in NSW, including middens and sandy or soft sedimentary soils. If any suspected human remains are discovered during any activity, you must:

1. Immediately cease all work at that location and not further move or disturb the remains.
2. Notify the NSW Police and Heritage NSW Environmental Line on 131 555 as soon as practicable and provide details of the remains and their location.
3. Not recommence work at that location unless authorised in writing by Heritage NSW.

Recommendation 5: Long term care agreement

The establishment of a long-term care agreement in consultation with RAPs should be developed in order to ensure the artefacts identified as part of this assessment are adequately cared for. Registered Aboriginal Parties have requested that artefacts be reburied on site. Frasers Property Industrial have recommended a location for reburial which will be provided to Registered Aboriginal Parties. The reburial will occur after the proposed works have been completed on site.

This approach considers the principles of Ecologically Sustainable Development (ESD) and intergenerational equity and more importantly ensures that recovered artefacts are managed according to the wishes of Registered Aboriginal Parties.

Recommendation 6: Continued consultation with Registered Aboriginal Parties

As per the consultation requirements, it is recommended that Frasers Property Industrial should continue to inform Registered Aboriginal Parties about the management of Aboriginal cultural heritage sites within the study area throughout the life of the project.

***Appendix 18 Archaeological Report, prepared by Biosis**

- It is noted that the recommendations of this report are duplicate to the Aboriginal Cultural Heritage Assessment.

(m) Concluding comments from Council heritage officers

In terms of non-aboriginal heritage, there is a reasonable separation from listed heritage items to the subject site area. The recommendations from

Appendix 16 Historical Heritage Assessment, prepared by Biosis, are supported and should be implemented through conditions for the development.

However, given the proximity to nearby heritage items, the buildings current design should be further developed so that:

- A setback from each boundary is appropriate, as per relevant DCP guidelines for the area.
- High quality landscaping to each boundary is further developed so that the bulk of building is ameliorated, again as per relevant DCP guidelines for the area.
- Recommend that large blank façades are sufficiently modulated in ameliorating the apparent bulk and scale of the development.
- The recommendations from both the Appendix 17 Aboriginal Cultural Heritage Assessment and Appendix 18 Archaeological Report, prepared by Biosis, should be implemented through conditions for the development.
- It is recommended that the applicant consult with Heritage NSW, if not already, to confirm whether any additional concerns are raised that need to be addressed.

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