



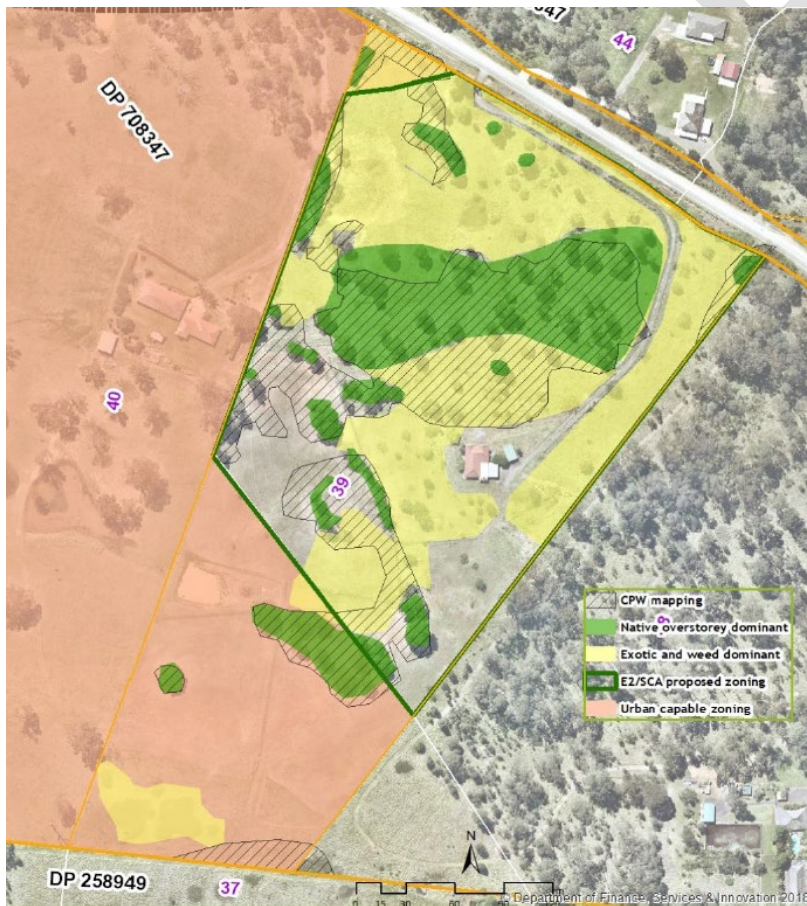
Road Precinct following the amendment to the WSEA SEPP in late 2019. Expedited development of the Mamre Road Precinct is critical to increasing Sydney's supply of serviced industrial land.

Aldington Developments and its consultant team have reviewed the Draft DCP and has a number of concerns that require additional clarification or reconsideration prior to finalisation of the DCP. These are outlined in the below sections

## Biodiversity

Figure 3 of the draft DCP identifies a large portion of Lot 39 DP 708347 is being an Area of High Value Biodiversity. Aldington Developments acknowledges that this section of the site is zoned E2 Environmental Conservation, however objects to this zoning and by extension the designation as High Value Biodiversity in the DCP. The area in question was zoned E2 on the basis of high level aerial mapping without the benefit of any ecological survey having been undertaken.

Aldington Developments engaged ecology firm Ecologique to undertake vegetation mapping of the site in July and October 2020. Correspondence from Ecologique is at **Appendix A**. The surveys found that the proposed E2 zone / high value biodiversity area on Lot 39 is dominated by exotic plant species and trees associated with the site's former agricultural uses, including a former orchard of which some trees remain on the site. The native canopy only comprises 21% of the lot or 1.48 hectares. The vegetation mapping derived from the survey is shown in **Figure 2**.



**Figure 2 Lot 39 Vegetation Mapping**

Source: Ecologique

It is understood that a key consideration for the designation of Lot 39 as E2 zone / high value biodiversity is its potential value as a part of a corridor linking South Creek and Ropes Creek through the otherwise future industrial Mamre Road Precinct. The report by Ecologique finds that there would be limited ecological function or value that would be achieved with the proposed corridor. The report highlights significant gaps in vegetation between the corridor to the south and south-west and the proposed area on Lot 39.

In addition to the significant distance (@200m) this gap in the proposed corridor is likely to also include proposed roads as part of the Mamre Road precinct network shown in Figure 14 of the draft DCP. The existing Aldington Road also cuts across the corridor. The Aldington Road corridor is currently 21.5 - 28m wide and is expected to be further widened to accommodate traffic generated by future industrial development in the precinct. It is understood the future Aldington Road corridor is likely to be significantly wider than this to accommodate 4-lane carriageways, central median and cycleways. These roads provide serious constraints on the ability for the proposed corridor to have any realistic ecological function and need to be reconsidered. **Figure 3** highlights the significant constraints associated with achieving a viable corridor across the site.



**Figure 3 Riparian Corridor Constraints**

Source: Ecologique

As a result, the current E2 zone / high value conservation designation unfortunately does not reflect the generally poor ecological value of the land and is a significant and erroneous constraint on the site.

It is noted that in Section 1.7.3 of the draft DCP, is stated the following:

*A final determination on development impacts and associated conservation measures may result in further amendments to the WSEA SEPP. The approved CPCP will inform the final development footprint and the conservation outcomes for the growth areas.*

#### **Recommendations:**

- **Department give serious consideration to the evidence presented in the Ecologique report (Appendix A) with a view to a review of the E2 zoning on Lot 39.**
- **The Mamre Road Precinct Structure Plan be revised to remove the *Opportunity for ecological corridor* designation on Lot 39.**

#### **Proposed Road Network**

Aldington Developments notes the proposed future road network in Figure 14 of the draft DCP. The proposed network proposes a High Order Road traversing along the Site's southern boundary with an Indicative Local Industrial Road connecting to that road through the site via the adjoining land at the rear of 53 Aldington Road. Therefore, the proposed road network for the site is reliant on the agreement of three different landowners which are unlikely to have similar development timeframes. In the case of the 53 Aldington Road, this site is significantly constrained by the E2 zoning and has very limited development potential.

The road typology of a local industrial road is provided within Table 9 of the draft DCP, and it is noted that Control 24 allows for alternate road proposals where achieving a range of criteria. This flexibility is welcomed by Aldington Developments however the criteria should extend to allowing interim road solutions without the full engineering requirements where the proposed roads are short-term, serve one site and will ultimately be replaced by permanent roads in accordance with the propose road network.

There is a need for the final DCP to clearly provide flexibility for interim or alternative solutions for delivery of roads. In the case of the Site, temporary access to Aldington Road through the Site may be required should it be developed in advance of the neighbouring sites to the south.

#### **Recommendation:**

- **Section 3.4 – Control 1 be amended to provide for greater flexibility for landowners to provide alternative or interim road solutions where consistent with the transport network objectives for the Precinct.**
- **Short term or interim roads which provide access to a site prior to a final access road being implemented should be able to be constructed to a safe standard without being required to meet the full design and engineering requirements of a permanent road.**

#### **Built form, Urban Design and Landscaping**

The General Requirements for Industrial Development in Section 4 of the draft DCP provide detailed objectives and development controls for future development in the precinct. As with other sections of the DCP, the proposed controls are highly prescriptive and represent a significant departure from the controls that have been applied to development in other parts of the WSEA and more broadly in Western Sydney. Aldington Developments also has significant experience with industrial development in other states, particularly Victoria and Queensland. The proposed development controls in the DCP are significantly more prescriptive and onerous than in those jurisdictions. While it is appreciated that the built form and design controls should work in with the local environmental context, the design of warehousing development is highly related to function and the needs of the user. Overly prescriptive controls which hinder design flexibility significantly increase development costs risk placing the Precinct at a competitive disadvantage with similar precincts in other states. This would be a poor outcome for Western Sydney.

The built form and landscape controls illustrative figures in the draft DCP do not relate to large format warehouse development but rather appear to be derived from small and medium scale industrial and urban service typologies. The design of large format buildings should work in with the functional needs of the user of the building and not the other way around. The proposed controls, being highly prescriptive and in some cases unsuitable for the land use typology, risk becoming a barrier to development in the Precinct if the functional requirements of the users cannot be met. It is also not clear of the extent to which the Department has consulted with industry in formulating the controls. Prior to the finalisation of the draft DCP, the Department and the NSW Government Architects Office should engage with development firms and architecture and landscape firms with experience in delivering large format warehousing in Western Sydney. The aim should be to test the proposed objectives and controls both in terms of meeting the needs of users as well as the impact on the feasibility of development.

Control 3 in Section 4.2.3 requires that landscape design should contribute to the Greater Sydney Region Plan canopy cover target of 40%. Landowners with E2 zoned land should be able to include the E2 areas as all or part of their contribution to tree canopy targets.

#### **Recommendation:**

- **The Department and the NSW Government Architects Office, prior to finalisation of the DCP, proactively consult with development firms, and architect and landscape firms with experience in the design of industrial land to review and test the proposed controls.**
- **Landholdings with E2 Zoned land should be able to include vegetation on this land as part of the contribution to the tree canopy targets in Section 4.2.3 – Control 3.**

#### **Integrated Water Cycle Management**

The proposed controls relating to Stormwater Management (Section 2.6.1) are onerous and will add significant and unnecessary cost to development in the precinct. The 35% target for pervious surfaces is a significant constraint on site development. The target is significantly greater than the current 15% industry standard and is unprecedented in the context of employment land development. This target, when combined with the required pollution load reduction targets will be a significant cost to development in terms of the cost of infrastructure and loss of developable land to facilitate the WSUD infrastructure. The Department should consult with industry regarding alternative stormwater management outcomes which can also deliver the objective of returning streams to more natural flow regimes with less impact on employment land yield and development feasibility.

While not specifically affected by the proposed trunk drainage infrastructure network shown in Figure 6 of the draft DCP, Aldington Developments are concerned that the proposed system of open channels in existing ephemeral drainage lines is an expensive stormwater management solution that will increase development costs, will require significant bulk earthworks and will sterilise employment lands when compared to trunk pipe systems. Of particular concern is that the proposed trunk drainage network has been included in the draft Mamre Road Development Contributions Plan exhibited by Penrith City Council. The workplace additional costs on development across the whole precinct through being included in levies. Aldington Development has separately objected to this in its submission to Council on the draft contributions plan.

#### **Aboriginal Heritage**

Figure 5 in Section 2.4 of the draft DCP maps areas of high and moderate Aboriginal Archaeological potential, including significant areas on the Site. There is no reference in the document as to the source or basis of this information. In the absence of this information, there would appear to be no sound basis for the designation on the Site. The final DCP should provide context for the designation of these areas or remove them from the map.

#### **Recommendation:**

- **The final DCP provide the course or context for the designation of areas of high and moderate Aboriginal archaeological potential**

## Conclusion

Aldington Developments commend the Department on the release of the draft DP and the further progression of the land use and planning framework for the Mamre Road Precinct. While it is acknowledged that significant effort has been expended to create a comprehensive suite of objectives and controls, careful consideration need to be given to ensure there is a balance between subjective, aspirational outcomes with the need for development in the precinct to function for its purpose and be economically feasible. Ultimately the success of the Precinct and of the broader WSEA and Western Parkland City depends on getting this balance right. Aldington Developments recommends that the Department consult more meaningfully with industry and practitioners with experience in large format warehouse development to test the practicality and feasibility of the proposed measures with a view to reaching an agreed, acceptable balance.

Aldington Developments is willing to meet with DPIE to run through these concerns to ensure that the final version of the DCP is appropriate in terms of its planning controls and operability to enable the delivery of the Mamre Road Precinct in support of the broader Western Sydney Aerotropolis and Parkland City.

Yours sincerely,



Gordon Kirkby  
Director, Planning

DRAFT

Gibb Group  
Matthew Thiselton  
National Development Director

CC: Gordon Kirkby

November 1, 2020

Dear Matthew,

## Lot 39 DP 708347, 1-23 Aldington Road - CPCP submission

As requested, an assessment of vegetation on Lot 39 DP 708347 (the subject site) has been undertaken with consideration to the draft Cumberland Plain Conservation Plan (CPCP), currently on exhibition until the 2<sup>nd</sup> November 2020.

The following scope of works has been completed:

- Floristic surveys including detailed vegetation integrity assessment (plot/transects) in accordance with Section 5.3 of the BAM (29<sup>th</sup> July 2020);
- Ground truthing of native and exotic vegetation (10<sup>th</sup> October 2020); and
- Review of draft CPCP and relevant vegetation and zoning layers as available on the draft CPCP spatial viewer.

### 1. Vegetation mapping

Existing mapping of native vegetation as relevant to the subject site is the 'Remnant Vegetation of the western Cumberland subregion, 2013 Update (VIS\_ID 4207, OEH 2013). OEH (2013) identifies native vegetation in the subject site as both Grey Box - Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion (PCT 849) and Grey Box - Forest Red Gum grassy woodland on shale of the southern Cumberland Plain, Sydney Basin Bioregion (PCT 850), herein referred to as Cumberland Plain Woodland (CPW).

In preparation of the draft CPCP, detailed mapping of native vegetation was undertaken based on field surveys and data analysis, including interpretation of aerial photo imagery. Although no surveys were completed on Lot 39 (J Perica pers.comm 10/10/2020).

Exhibition of the draft CPCP has included a spatial viewer, which provides native vegetation and threatened ecological community (TEC) mapped layers. These layers have amended the Cumberland Plain vegetation mapping (OEH 2013) based on the outcomes of ecological investigations undertaken to inform the draft CPCP's proposed zoning. The amended mapping indicates PCT 849 and not PCT 850 within the subject area and the condition of PCT 840 within the subject area is identified as 'thinned'<sup>1</sup>.

The exclusion of PCT 850 is also supported as the disturbed nature of the subject site precluded distinguishing between the two CPW communities (i.e. a lack of native shrub and groundlayer species and dominance of pasture and other weed species).

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<sup>1</sup> The thinned condition state means native vegetation in various states of modification, including wooded vegetation with a partly-cleared canopy and a more open structure compared to the intact PCT, or wooded vegetation that has been under scrubbed.

Figure 1 illustrates the following vegetated areas within Lot 39:

- Areas dominated by exotic/planted trees and shrub/groundlayer weed species;
- Areas dominated by native CPW tree species; and
- The approximate<sup>2</sup> draft CPCP mapped CPW areas.

Generally, Lot 39 comprises large areas that are dominated by exotic planted and orchard trees and an understorey of pasture grasses and weeds (including priority weeds such as but not limited to: Blackberry, African boxthorn and African lovegrass). Areas that are dominated by CPW tree species comprise approximately 21% of the land proposed as a Strategic Conservation Area (SCA) on Lot 39.

As shown in Figure 1, mapping undertaken on the 10<sup>th</sup> October 2020 coincides with a proportion of the draft CPCP mapping, with the exceptions of the extent of CPW in the mid and southern areas of the proposed SCA land. The areas mapped on the 10th October 2020 that conflict with the draft CPCP mapping, were found to be dominated by exotic canopy and groundlayer species

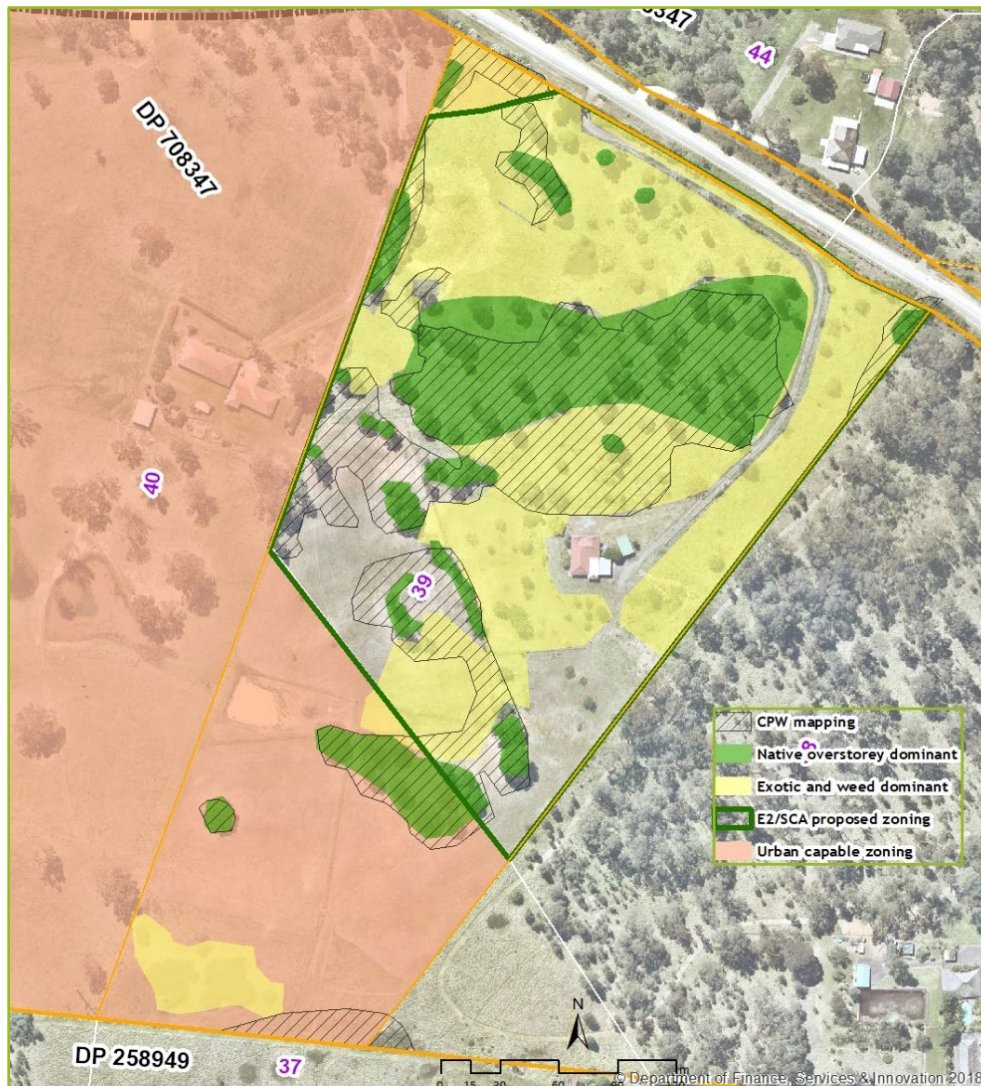


Figure 1. Vegetation mapping on Lot 39

<sup>2</sup> The draft CPCP vegetation mapping layer for Lot 39 was manually digitised for a general comparison of what was found during site investigations and should be treated as indicative only



## 2. Ecological corridor constraints

Through consultation with the NSW Department of Planning Industry and Environment (DPIE) it is understood that the draft CPCP is seeking to provide an east - west ecological corridor between South Creek and Ropes Creek.

As shown on Figure 2 the proposed ecological link is a narrow riparian corridor proposed as E2, which extends from South Creek and terminates approximately 1km to the west of Ropes Creek Lot 35 DP 258949.

The distance between the proposed SCA zoning on Lot 37 DP 258949 and Lot 38 DP 708347 is greater than 200m and greater than 300m from native vegetation on Lot 39 DP 708347.

Native vegetation patch size as defined in the BAM includes native vegetation that has a gap of less than 100m from the next area of moderate to good condition native vegetation.

A gap of less than 100m is also used a component of condition thresholds for Threatened Ecological Communities under the Commonwealth EPBC Act.

These gaps will be further isolated by proposed arterial road connections, high order and internal roads as shown in Figure 3.

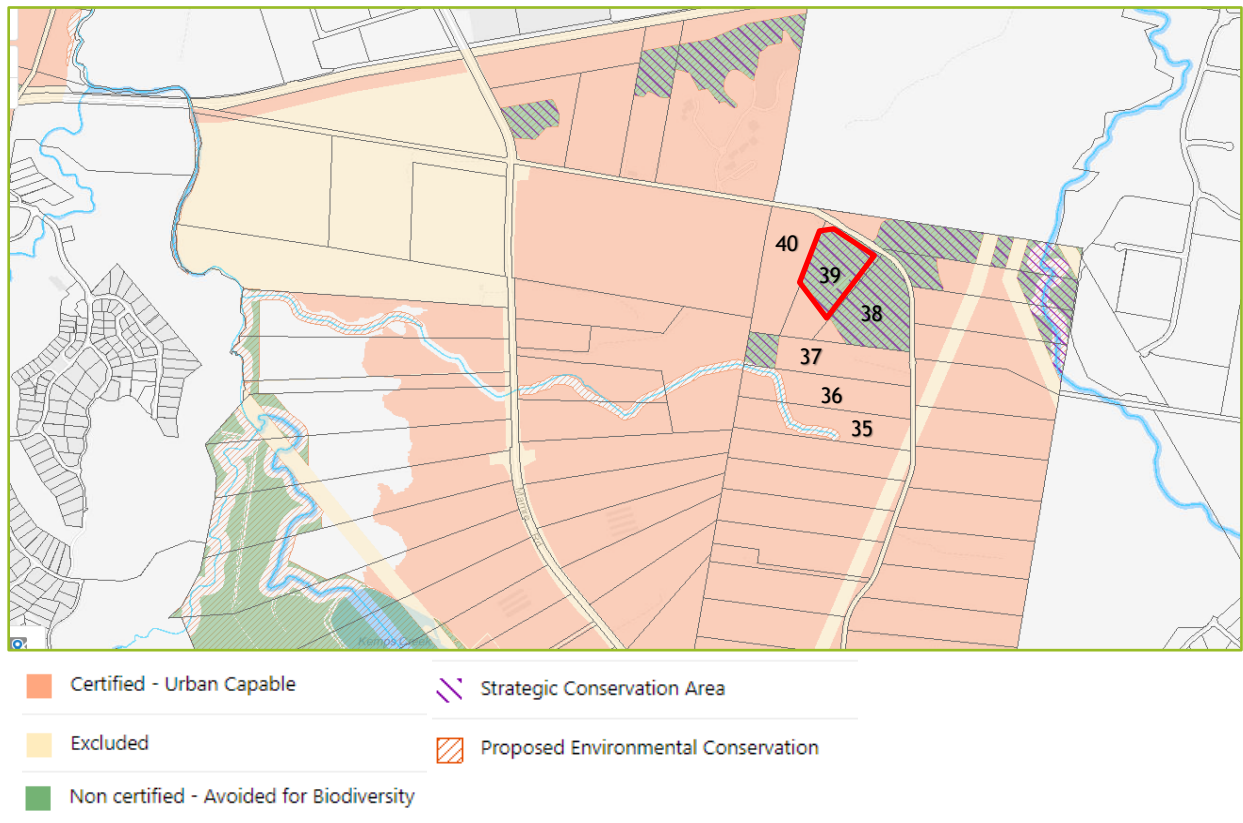
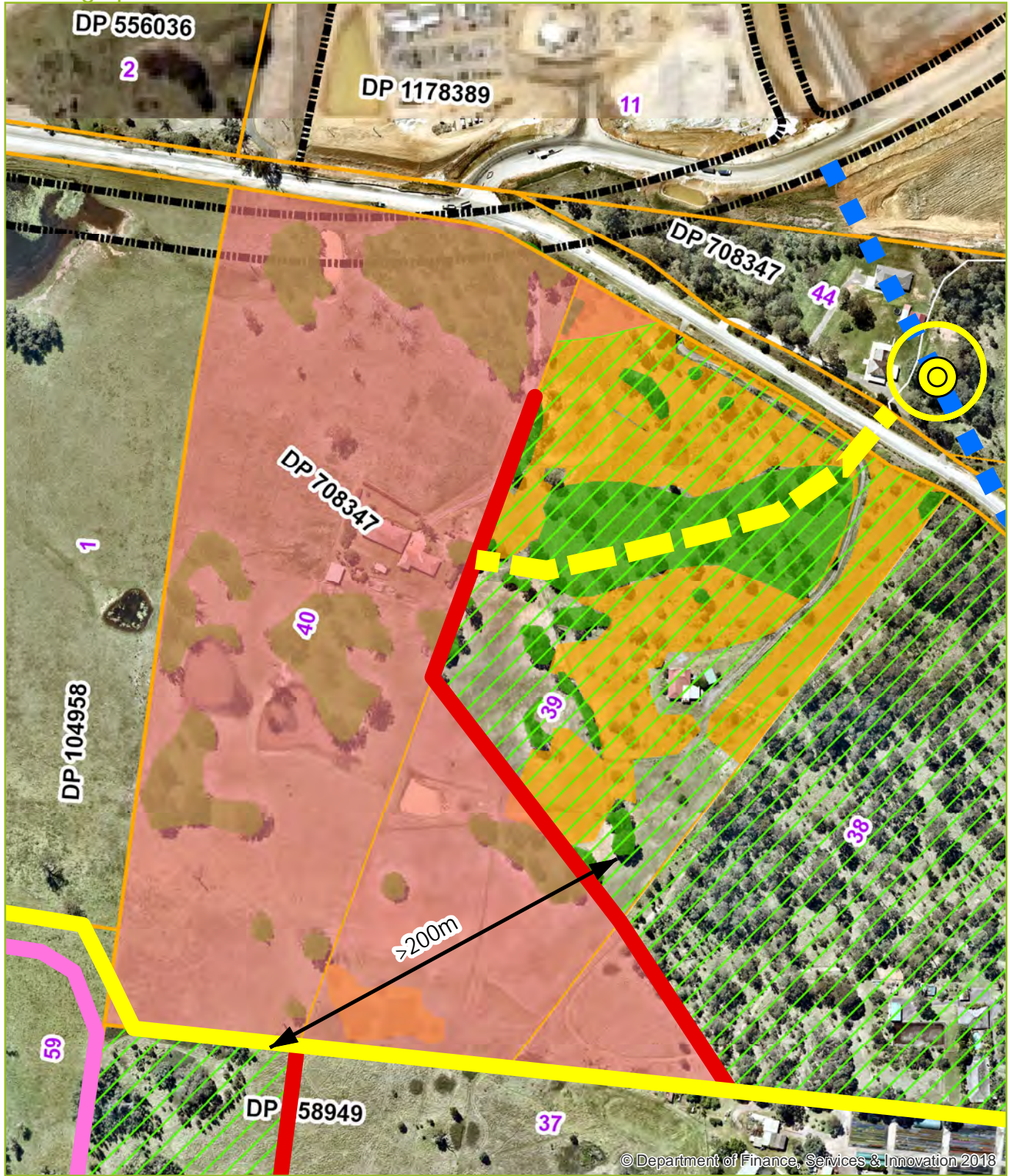


Figure 2. DRAFT CPCP intended corridor from South Creek to Ropes Creek (spatial viewer extract) SCA zoned land on Lot 39 in red boundary)



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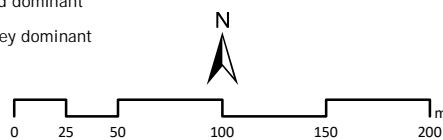
- DPIE high order road
- DPIE arterial connector
- DPIE internal road
- Proposed internal road
- DPIE freight network
- Future SLR
- Intersection
- E2/SCA zones
- Urban\_capable
- Exotic and weed dominant
- Native overstorey dominant

## Aldington Road LOT 39 & 40 DP 706347

Figure 3. Ecological constraints

Coordinate System: MGA Zone 56 (GDA 94)

Image sources: Nearmap October 2020



Master planning for the subject site by AT&L (1-23 Aldington Road Kemps Creek Masterplan Infrastructure Report, August 2020) anticipates that upgrading of Aldington Road will adopt a cross-section with the following parameters once upgraded:

- 24.8m road reserve, 4 lanes across 2x 7.7m carriages, separated by a 0.8m central median;
- Two cycleways in 4-5m road verges; and
- 7.5m landscape set-back on either side of the verges.

The current width of the road and road easement immediately north of Lot 39 DP 708347 has a minimum width of 21.5m and maximum width of approximately 28m. This will not be wide enough for the proposed upgrade and will further impact on the areas proposed as SCA.

### 3. Urban capable land boundaries

The draft exhibited CPCP documentation indicates that the proposed urban capable land boundaries can be updated as a result of consultation if:

- Creeks and water features are mapped incorrectly, in which case they must be updated to match the topography and vegetation indicating movement of water through the landscape.

**Not applicable**

- On-site data collected by accredited assessors supports updating the boundaries

**See discussion in Section 1**

- There is no net change to impact of threatened ecological communities, SAIL entities or vegetation in an intact condition state.

**The vegetation present is not in an intact state**

- There is no impact on an identified landscape corridor

**No identified landscape corridors currently occur on this land**

- Authorised clearing has occurred. (The relevant Council will review cleared areas and determine if the clearing was permitted. The urban capable land boundary will not be changed if the clearing was unauthorised)

**Not applicable**

### 4. Boundary rationalisation

The draft CPCP also considers boundary rationalisation, which is stated as consideration of removing the following:

- Small nodes or isolated patches of features identified in (a), (b) or (c) if future land use change will lead to significant edge effects and low viability over the timeframe identified, and there is no feasible opportunity to enhance connectivity and extent.

**Future land use will inevitably lead to significant edge effects and low viability over the time frame identified. This due to industrial zoning of surrounding land, resultant changes in site topography to accommodate industrial lots and proposed road networks that will be required to accommodate large heavy vehicular traffic.**

- Corridors that do not link important areas of habitat, including 'blind corridors'.

**The proposed corridor to the south of the subject site is a blind corridor (as shown on Figure 2). While Lot 39 is suitably located adjacent to bushland on Lot 38 it is not contiguous with the proposed ecological corridor to the southwest and south as discussed in Section 2.**

## 5. Conclusion

SCA areas under the draft CPCP are areas with high-value biodiversity (which includes intact vegetation, primary koala corridors and threatened species habitat) as well as areas with important connectivity or potential for ecological restoration.

Lot 39 does not contain intact vegetation - it is substantially degraded and will not be easily restored.

The proposed corridor to the south of the subject site is a blind corridor (as shown on Figure 2). While Lot 39 is suitably located adjacent to more intact vegetation on Lot 38 it will only serve to increase the extent of native vegetation, not provide important connectivity (as discussed in Section 2).

A substantial area of Lot 39 is proposed as SCA land with only 21% containing degraded native vegetation. It seems unreasonable that the draft CPCP expects the landowner to sacrifice over 5 ha of orchard and grazing land to meet the draft CPCP's objectives. Especially when no ecological surveys were undertaken on Lot 39 (J.Perica pers.comm 10/10/2020).

Development of the subject site and land to the north, south and west for industrial purposes will significantly change the current landscape and introduce noise, light and traffic impacts. Further the topography of land zoned as industrial will require substantial levels of cut and fill. Whether feasible through retaining walls or steeply sloping embankments, the nature of the landscape will be significantly altered.

It is recommended that the proposed zoning of this land be rationalised and replace restrictive zoning with flexibility to provide a better outcome for both development and conservation. This can be achieved under the provisions to 'modify the proposed urban capable land boundaries' and consideration of 'boundary rationalisation' under the draft CPCP.

A better outcome would be achieved by reconstructing an equivalent area to that of existing native vegetation on Lot 39 and in closer proximity to more intact vegetation on the adjacent Lot 38. This would enable the eradication of priority weeds and provide a contiguous and diverse assemblage of native plant species with salvaged habitat features relocated to the new zone.

Yours faithfully



**Kat Duchatel**

BAM Accreditation No. BAAS17054

