

Our reference: ECM Ref: 9806967  
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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,

**Request for Advice - Kemps Creek Estate – MOD 2 - SSD-9522 - Estate Roads at No. 657 Mamre Road Kemps Creek**

Reference is made to the recent request to provide comments in relation to the above State Significant Development Application under assessment by the Department of Industry, Planning and Environment (DPIE). Thank you for providing Council with the opportunity to comment.

The following review advice is provided for the Department's consideration in relation to its assessment of the application.

**1. Planning Considerations**

(a) Background

On December 2020, development consent was granted for the development of the Kemps Creek Warehouse, Logistics and Industrial Facilities Hub (SSD-9522). The approval included the following:

- Construction of eight warehouses with a total Gross Floor Area of 162,355sqm over eight lots,
- Associated loading docks, hardstands, car and truck parking, and landscaping,
- Site wide bulk earthworks to create building pads, three estate basins,
- Internal road network including a north-south distributor road connecting the southern neighbouring property, and
- Subdivision.

The development included the widening of Mamre Road and upgrades to an existing signalised 'T' intersection at Mamre Road and Bakers Lane to facilitate site access over two sequences (Sequence 1A and 1B).

The Department has approved one modification to the consent. Modification application (MOD 1) approved:

- the reduction in warehouse buildings from eight to seven by amalgamating two warehouses into one,

- increased overall Gross Floor Area from 162,355sqm to 186,123sqm (an increase in GFA of 23,768sqm),
- an increase in car parking from 744 to 772 spaces (+28 spaces),
- a reduction in landscaped setbacks along the North South Distributor Road from 4m to 3.75m (in alignment with the site specific DCP),
- amendments to the staging of the sequence 1A and 1B intersection upgrades,
- relocation of the North-South Distributor Road to the east,
- amendments to the cul-de-sac arrangements to lots 5-8, and
- an increase in the largest vehicle permitted to access the site from a 26m B-Double to a 30m super B-Double heavy vehicle.

The reasoning provided as to the modification application was to accommodate the requirements of a specific tenant at proposed Lot 5.

This modification application represents the second modification to the SSD consent.

(b) Strategic matters

The Department's assessment of SSD 9522 considered a site-specific development control plan (SSD 9522 Development Control Plan 2020, Mamre Road Precinct (Kemps Creek Industrial Estate), dated 3 August 2020).

Subsequently, Condition A10 of consent no. SSD 9522 was imposed and requires that the Applicant must lodge revisions to the Penrith Development Control Plan 2014 (**PDCP**) to incorporate the site-specific DCP with Council within 6 months of commencing development under the consent, which is dated 21 December 2020.

Council advises that on 25 November 2021, correspondence was received requesting an amendment to PDCP 2014 as per the requirements of Condition A10 of consent SSD 9522.

It is noted that the Mamre Road Precinct Development Control (**DCP**) Plan 2021 was adopted by the Group Deputy Secretary, Planning Delivery and Local Government (under delegation from the Secretary) of the Department of Planning, Industry and Environment (**DPIE**) on 17 November 2021 and came into force on Friday 19 November 2021.

The Department is to confirm if the Mamre Road Precinct DCP (**MRP DCP**) applies to the SSD and any subsequent modifications or proposals on the site, noting that PDCP 2014 no longer applies to the Precinct, and that no savings and transitional provisions or arrangements apply as provided by Section 1.2.3 of the MRP DCP.

The development shall comply with the DCP applying to the site and compliance must be detailed in an amended Section 4.55 report.

(c) Estate Roads

As has been raised with DPIE in relation to other state significant development proposals within the Precinct, each warehouse is to be provided with direct frontage to an estate road. Warehouses 1A and 2 are battel-axe warehouse lots with poor to no street front presentation and the resulting cluttering of access handles and driveways connecting to Bakers Lane will reduce opportunities for street tree planting and will impact the ability to achieve consistent and high amenity green streetscapes.

(d) Dedication of roads and nomination of open space edge road

The applicant is encouraged to meet with TfNSW and Penrith City Council (not TfNSW in isolation) in relation to the design of roads, in particular roads which will be dedicated to Council and any related intersections.

Plans (including bulk earthworks, architectural and landscape and subdivision plans) shall clearly identify the Open Space Edge Road compliant with the location and design requirements and objectives specified within the Mamre Road Precinct DCP. The Open Space Edge Road shall not be nominated as 'Unresolved land use' on plans, sections or details (also refer to engineering comments below).

Sections and details of the Open Space Edge Road shall clearly describe the levels achieved in relation to the adjacent Open Space. Adjacent levels and any retaining walls or other structures shall not prohibit, obstruct or unduly impact its delivery, including the ability for the roadway to be constructed at the required finished levels having regard to its purpose and relationship with the adjacent open space (refer Figure 16 of MRP DCP).

The width of the Open Space Edge Road shall be consistent through Lot 13 and the Lot nominated as Stage 1, Subdivided Lot 2.

(e) Proposed narrowing of roadway widths

The Mamre Road Precinct DCP includes at Section 1.6 *Precinct Vision*, that the Mamre Road Precinct will be a world-class industrial area and that Western Parkland City principles will be implemented through the blue and green grid, and that ambitious landscaping requirements which contribute to the Greater Sydney Region Plan target of 40% tree canopy across Metropolitan Sydney.

It is further noted that development in the precinct is expected to be *high quality* and that *public domain will deliver a pleasant, safe and efficient working environment with attractive places for pedestrians and cyclists as well as being safe for cars and trucks*.

Council does not agree with the justification for the reduced roadway widths provided by Willowtree in Section 5 of the Section 4.55(1A) Modification Application letter, dated 19 October 2021, specifically the statements at dot points 3, 4, 5, 6, and 7.

Council's requirements for wide landscaped medians were considered in the Department's assessment report attached to MOD 1 and the applicant amended the site plan to meet Council's minimum standards.

No valid justification is provided for the deletion of the central landscaped medians, and it is noted that GFA is increased again under this Modification from 186,123sqm to 187,378sqm (a further increase of 1,255sqm on top of the 23,768sqm GFA increase approved under MOD 1 (total 25,023sqm)).

It is raised for Department's strong consideration that there are significant negative cumulative impacts resulting from:

- The continued increase in Gross Floor Area,
- the reduction in landscaping opportunities,
- incorporation of battle axe warehouse lots and warehouse amalgamation, and,
- increased car parking numbers, hardstands and hard surfaces, coupled with;
- decreased landscaped setbacks, and
- the deletion of estate wide landscaped central medians,

is significantly eroding the quality of the development's contribution to the design quality of the Precinct and the site's contribution to canopy tree cover targets.

In its assessment of MOD 1 and the original SSD application, the Department relied on detailed landscape plans, visual impact analysis and photomontages which indicated central median planting.

The planting is considered an essential component of the design of the approved development, and it is recommended that this be retained and protected through to delivery.

The applicant must make clear on all plans and sections (including landscape and architectural plans), where the future boundary to the final alignment of Mamre Road is and what the ultimate setback and landscape treatment will be (compliant with the DCP).

**(f) Addition of car parking spaces**

Council does not support the proposed addition of five car spaces within the entry driveway to Lot 6.

Council does not support any encroachments into the already reduced (4m to 3.75m under MOD 1) landscaped setback to Estate Roads.

**(g) Landscaped blisters**

Landscaping must be provided in accordance with the requirements of the Mamre Road Precinct DCP. It is requested that landscaped setbacks be increased to comply with the MRP DCP.

As per the requirements of the MRP DCP, *tree planting in the form of island planter beds shall be provided at a rate of one planter bed per 10 car spaces (preference is 1 every 6 spaces) within car parks to reduce the heat island effect of hard surfaces that are a minimum 1.5m wide.*

Landscaped blisters are not in compliance with the newly adopted DCP.

Consideration shall be given to the staggering of landscaped blisters where appropriate, to increase shade coverage.

Re-vegetation statistics are not to include trees located in areas where trees will be removed in the future (for development, OSD engineering, road widening and the like) and shall be set as required targets within the consent conditions to be confirmed through the submission requirements at existing Condition B86.

(h) Staff and Communal Areas

The provision and design of staff communal areas is to be in accordance with Section 4.2.4 of the MRP DCP.

(i) Signage and Estate Entry

Signage and Estate Entrances is to be in accordance with Section 4.2.8 of the MRP DCP.

The applicant is to explain the proposed deletion of the Acoustic barrier shown on Landscape plans Issue S, dated 28.05.2021.

**2. Development Engineering and Traffic Considerations**

(a) Condition B4

The removal of the Condition B4 is not supported. It is suggested that the condition be modified as per the below, to align with the recently adopted Mamre Road Precinct Development Control Plan:

*Prior to the issue of a Subdivision Works Certificate for the estate roads, the Certifying Authority shall ensure that access to the development, the internal road intersections and access to each development lot are:*

- (a) *designed for 30m Performance Based Standards (PBS) Level 2 Type B vehicles and tested for a 36.5m PBS Level 3 Type A vehicles.*
- (b) *consistent with the most recent version of Austroads Guide to Road Design and TfNSW specifications*

*Design plans including turn path templates demonstrating compliance, shall be submitted with the application for a Subdivision Works Certificate.*

This will ensure that future applications or modification applications achieve compliance, and that compliance is demonstrated at Subdivision Works Certificate stage.

(b) Condition B6

The proposed table for the Estate Road Cross Sections align with the recently adopted Mamre Road Precinct DCP regarding road reserve widths, pavement widths and verge widths.

Noting Council's strong objection to the deletion of the central median planting, should DPIE support the reduction of widths resulting in deletion or amendment to central medians, it is recommended that an absolute minimum 1.2m wide

central median (minimum width to shelter a small sign - Austroads Guide to Road Design Part 4A) be provided at the following locations:

- Along the full length of Bakers Lane extending from the intersection with Mamre into the North-South Collector Road to approximately Ch 620. The median is required to prevent right turn access into Lots 1-4.
- Along the North-South Collector Road at the intersection of Access Road 1 and Access Road 3 (tangent point to tangent point).
- Along the North-South Collector Road at the intersection of Access Road 1 and Access Road 2 (tangent point to tangent point).

(c) Open Space Edge Road

Penrith City Council strongly advise that DPIE consider how the Open Space Edge Road will be delivered in accordance with the vision of the DCP, and it is raised that a mechanism shall be put in place to ensure that Development (including the subject proposal) deliver an Open Space Edge Road within the lands identified in the Stage 2 subdivision plan as 'Unresolved Land Use' in accordance with the Mamre Road Precinct Development Control Plan: Part 3.4 Transport Network - Control 25 and designed in accordance with Figures 12 & 16 and Table 9 of the DCP.

**3. Waterways Considerations**

It is not understood that any changes are proposed with respect to the approved stormwater treatment systems. Notwithstanding this, the following matters are raised in relation to water quality:

- Clarification is required in relation to the need for the development to comply with the water quality controls in the Section 2.4 of Mamre Road Precinct DCP, as it is noted that the approved strategy does not. The Mamre Road Precinct DCP has been adopted without savings provisions and in this respect compliance with the Water Management controls in the DCP shall be sought.
- Submitted documentation indicates that road cross section widths will be reduced resulting in the loss of the 5m central median which is not supported (also addressed above) owing to the loss of opportunity for canopy vegetation and other negative impacts.

Council advises that, in the context of the objectives and vision for the Parkland City, the removal of the central median will result in a loss of opportunities to provide canopy coverage throughout the estate. It is requested that DPIE require the retention of the central median and landscaping.

**4. Landscape Considerations**

(a) Submitted plans

The applicant shall be required to provide a higher level of detail in support of the application. Detailed and larger scale sections through all boundary interfaces (internal and external) are to be provided for the Department's consideration.

(b) Mamre Road

The boundary interface with the upgraded Mamre Rd is not resolved, particularly in relation to level changes, associated materials (retaining walls) and potential for damage to setback plantings during upgrade works.

The setback treatment must be informed by preliminary designs for Mamre Road as well as a cut and fill strategy for the road corridor.

The DCP should have addressed these points and the Department should therefore develop this landscape character and provide this information to relevant parties.

Further, to ensure consistency of landscape character and visual amenity, the setback along the Mamre Road corridor requires a coordinated planting design (including species) that informs each SSD application. It is recommended that this be the case for any other significant road corridor that passes through a number of precincts.

(c) Southern Link Road

The road and verge arrangement of both the future Southern Link Road and Bakers Lane is not clear. Trees are proposed however there is a lack of information about verge widths, their relationship to other infrastructure proposed in the verge and how these translate to the Southern Link Rd further east (Oakdale precincts).

Completed and approved tree species further east should inform this design with a view to achieve a consistent landscape character corridor.

(d) Streetscapes

It is vital that the applicant provide high quality landscape plans and details for consideration by the Department, and specifically that the applicant provide greater detail in relation to street tree planting and streetscapes.

The high importance of street tree planting in Western Sydney shall be illustrated and be evident in the Department's assessment (and any determination) of the application. Strong regard is to be had of what this development's contribution to canopy cover, heat island impacts, sustainability and streetscape amenity will be.

In relation to street tree planting and streetscapes, it is recommended that the Department directly address and quantify the proposal's contribution to the aims and objectives of the overarching strategic planning policies and guidelines requiring elevated streetscape design and minimum targets for canopy cover in this Precinct and for greater Western Sydney.

Continuous street tree canopy must be provided in accordance with the adopted DCP as an absolute minimum.

Street tree species for each street have not been specified and the applicant's landscape architect is required to 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 medium 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.

Front setbacks and boundary interfaces with the public domain should provide maximum screening and cooling canopy to support street trees that may be smaller due to available rootzone soil volumes.

- The front setback to Stage 1 Subdivided Lot 2 (cross section FF) does not demonstrate adequate setback planting height – this should be amended from 6m high trees to 10-15m high trees.
- The interface with open space along the southern boundary requires resolution, particularly in relation to screening, maintenance access and responsibility.
- The boundary and setback planting is not provided along Mamre Road for Lot 9 which is not supported. The planting treatment including width should be continuous along the Mamre Road frontage.

Similarly, this should be applied to the northern side of Bakers Lane. All street trees should be planted as per Council's online Street and Park Tree Management Plan (as is required by the Mamre Road Precinct DCP). A detailed street tree plant schedule is to be provided and is to be prepared and submitted to DPIE for assessment and inclusion.

**(e) Maintenance and operational details**

Details of maintenance access have not been provided and are required.

It is raised for the Department's consideration that a plant establishment period of 52 weeks is considered minimum industry practice, not 26 weeks.

**(f) Other landscape matters**

The percentage of canopy coverage for the site (public and private domains) and how this contributes to the 40% target should be calculated and a breakdown provided in the landscape report. This must be part of DPIE's assessment. This information should be provided and built upon for subsequent Warehouse applications.

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**