



Our reference: ECM Ref: 9812606
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23 December 2021

Department of Planning, Industry and Environment
Attn: Rebecka Groth
Email: rebecka.groth@planning.nsw.gov.au

Dear Ms Groth,

**Request for Advice - EIS – ARDEX Warehouse and Manufacturing Facility
SSD- 25725029 at No. 657 – 769 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) Development Contributions

As of 27 October 2021, Council's 7.12 City-wide Contributions Plan no longer applies development in the Mamre Road Precinct.

Council has developed the Mamre Road Precinct 7.11 Contributions Plan which will apply to development in the Precinct. This Contributions Plan is yet to be adopted by Council and is being re-exhibited between 9 December 2021 and 27 January 2022.

Prior to the adoption of the 7.11 Plan, a Voluntary Planning Agreement (VPA) may be entered and in such a case, the applicant is advised to contact Penrith City Council to begin any negotiations.

(b) Proposal - Background

The site is on land subject to a stage 1 and concept State Significant Development Application (**SSDA**), approved under consent no. SSD-9522 issued by DPIE (refer **Figure 1**). Bulk earthworks, subdivision and related infrastructure is approved under the State Significant Development (**SSD**) consent. This consent has been the subject of one modification under SSD-9522-MOD 1, approved 3 September 2021.

SSD-9522-MOD 2 is under consideration by the Department. Council has provided its initial advice and has recently been notified of the Response to Submissions document, prepared by Willottree and is currently preparing a response, due to be submitted in the new year.

SSD-9522-MOD 3 is identified as being in preparation stages and relates to amendments to warehouse layouts and access arrangements for Lots 1-4, north of Bakers Lane.

The Secretary's Environmental Assessment Requirements (**SEARs**) have been issued (3 September 2021) for the subject SSDA. Council has issued a response to the SEARs, in letter dated 24 August 2021.

(c) Proposal – SSDA

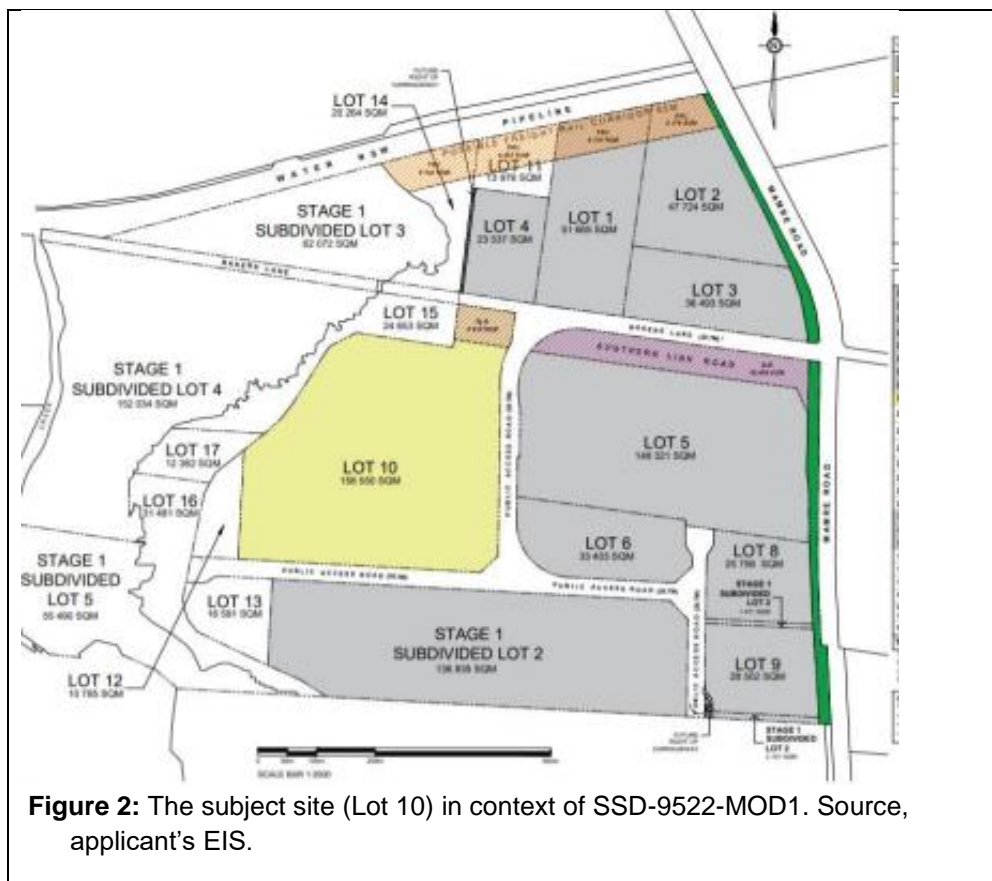
Council understands that the SSDA proposes the construction of a manufacturing facility and warehouse for the production and distribution of Ardex products.

Development consent is sought for:

- Earthworks including cut and fill, fill exportation, site preparation and construction of a building pad,
- Civil and services infrastructure works,
- Construction, fit out and operation of a manufacturing facility and warehouse (total gross floor area (**GFA**) of 24,970sqm) with office areas (GFA of 2500sqm) including:
 - o Production and distribution of up to 48,000t per annum of powder products and up to 25,000 KL per annum of liquid products,
 - o Storage of dangerous goods,
 - o Powder and liquid silo towers,
 - o 163 car parking spaces, 12 bicycle spaces and 13 loading docks,
 - o Hardstands, loading areas and site landscaping,
 - o Signage and mega graphics and
 - o Operation of a wastewater treatment plant.
- Maximum heights of between 22m and 38m,
- Operation of the warehouse and distribution facility 24hours/7 days, and
- Torrens Title subdivision to create the subject allotment, to be known as Lot 12, being 4.3ha (known as Lot 10 under SSD-9522).



Figure 1: Site. Source, applicant's EIS.



Lot noted as 'Stage 1 Subdivided Lot 2' in **Figure 2**, is the subject of a current application known as SSD-10101987 - Kemps Creek Data Centre. Council has provided its advice in relation to this SSDA under cover letter dated 22 December 2021. SSD-10101987 is currently under assessment by DPIE.

(d) Mamre Road Precinct Development Control Plan (DCP)

The Mamre Road Precinct Development Control Plan (DCP) was adopted on 19 November 2021 and applies to the subject development application. The proposal is a greenfield development and the State DCP is newly adopted. It is expected that the Department will require a high level of compliance with the DCP.

The EIS does not address the adopted Mamre Road Precinct DCP, noting that amendments have been made to the Draft DCP prior to adoption. The EIS should be addended to address the adopted DCP.

- *Staff and Communal Areas*

The provision and design of staff communal areas is to be in accordance with Section 4.2.4 of the DCP. End of trip facilities and high-quality outdoor staff rest/lunch areas are to be provided.

The proposed outdoor areas for the office and for the manufacturing use appear limited in size for the number of staff and limited detail is provided in relation to the design (seating, shade, protection from elements, landscaping). Refer 4.2.4 of the DCP.

The location and design of the 'bike rack' is poor. Bike storage should be covered, secure and close to the entry point to the office to encourage its use.

High quality internal amenities rooms are to be provided.

- *Design – General*

The additional carpark circulation driveway which links the southern carpark with the eastern carpark (parallel with the splay to the corner) is unnecessary and can be deleted to enable additional landscape screening feature at the corner.

A greater number of canopy trees are to be provided within the car parking hardstand including in areas such as the carpark area at the south-eastern corner and carpark along the eastern elevation. These areas do not provide compliant levels of canopy tree planting as required by the DCP.

A wide area of blister planting (1.5m minimum) is to be provided between the heavy vehicle entry and the end of aisle of the staff parking along the southern elevation. This is to provide shade and a visual buffer to the truck entry, will also screen the plant machinery and silos and provide increased amenity to the adjacent outdoor area.

All landscaped blisters containing canopy trees are to be a minimum of 1.5m in width as per the DCP requirement.

All car parking provided in excess of the rates expressed within the DCP are to contribute to calculable gross floor area in accordance with 4.6.1 (3) of the DCP.

Separated and safe pedestrian access is to be provided from the street frontages to the development in convenient locations.

The office entry landscape statement planting is supported. Mass planting at the northern end of the east elevation is also supported. This area must not be converted to parking in the future.

- *Roads and Setbacks*

The DCP requires building setbacks to be 12m. The proposal is for a minimum of 11m which is not supported.

A minimum of 6m landscaping is to be provided to the street frontages.

- *Signage and Estate Entry*

Signage and Estate Entrances are to be in accordance with Section 4.2.8 of the DCP. The mega-graphics are considered brand advertising and not business identification signage and are not supported.

The Ardex signage located on the eastern elevation of the powder silo and on the southern elevation of the powder silo tower are excessive in scale (10m wide x 6.2m high and 6m wide x 3.75m high respectively) and are each elevated above the maximum height limit applying built form within the Mamre Road Precinct.

The signs are inappropriate and contrary to the aims of SEPP 64 at 3(1)(a) (i) and (ii) and are not supported. The illuminated upper-level signs are not supported as they are considered contrary to matters under Schedule 1 of the Policy including in relation to 1, 2, 3, 4 and 7.

Signage proposed is inconsistent with the DCP controls and objectives at 4.2.8 including controls at (1), (3) and (5) which restricts the area of signage and states that signage is to be no higher than 15m above finished ground level.

- *Sustainability*

Solar panels and battery storage is to be provided for the development. Section 4.2.5 of the DCP also requires that 'Developments with a construction cost of \$1 million or more are to demonstrate a commitment to achieving no less than 4 stars under Green Star or 4.5 stars under the Australian Building Greenhouse Rating system (now part of the National Australian Built Environment Rating System (NABERS))'. This requirement is to be satisfied.

The Department is to be satisfied that the applicant's Environmentally Sustainable Design (**ESD**) report provides details as to the measures which will be implemented as a result of the development and what outcomes will be achieved by such measures.

2. **Development Engineering Considerations**

(a) **Development Engineering Traffic Matters**

The widths of the vehicle driveways, crossovers and laybacks for heavy vehicles within the public verge areas as shown on the architectural plans, differ to the engineering plans.

Turn path diagrams provided in the Transport Assessment report by Ason Group dated 05.11.2021 show a Super B-Double Quad-Quad heavy vehicle entering and exiting the site by encroaching over the frontage of the adjoining lot within the verge area, which is not supported.

Vehicular driveways and crossovers are to be wholly contained within the development frontage so as not impact upon any future adjoining development.

Revised turn path diagrams are to be provided demonstrating compliance for the following:

- Site access for 30m Performance Based Standards (PBS) Level 2 Type B vehicles and tested for a 36.5m PBS Level 3 Type A vehicles

Widths of the verge and road pavement lanes of the adjoining Public Access Roads 1 and 3 shall comply with the engineering plans submitted for the SSD-9522 MOD2 application. Full details are to be provided.

Any driveway crossover shall be at a minimum of 1m clearance from any public utility service lid, power / light pole or stormwater kerb inlet pit and lintel. The driveway shall also be located a minimum of 1.5m from any street tree. Utility services may be required to be relocated to accommodate the crossover.

3. **Environmental Management Considerations**

(a) **Air Pollution & Odour Generation**

An Air Quality and Odour Impact Assessment prepared by Northstar Air Quality (dated 5 November 2021, ref 21.1137.FR1V3) has been provided.

The Assessment recommends that a Construction Dust Management Plan and a Construction Air Quality Management Plan be adopted and incorporated throughout the demolition and construction phase of the proposed development. These recommendations are supported.

(b) Noise Impact

A Noise & Vibration Impact Assessment prepared by Renzo Tonnin & Associates (dated 8 November 2021, ref TM312-01F05) has been provided which satisfactorily addresses the potential for construction noise and vibration, and noise associated with the proposed operational activities of the development. The proposed mitigation measures and recommendations in the assessment are to be undertaken and adhered to during all relevant stages of development.

(c) Hazardous Development

The application includes a SEPP 33 Assessment prepared by Riskcon Engineering (dated 21 September 2021, ref RCE-21117). The Assessment determines that a Preliminary Hazard Analysis (**PHA**) is not required as the threshold quantities for the dangerous goods associated with the proposed development to be stored and transported are not exceeded. The Department is to be satisfied that thresholds will not be exceeded.

4. Traffic Considerations

- (a) The applicant proposes for 30-metre-long super B-Doubles to access the site however, Council understands is that the surrounding roads are only designed to cater for 26 metre long B-Doubles. Therefore, the use of super B-Doubles or any other heavy vehicle larger than a 26 metre B-Double is not supported.
- (b) Any gates to the site should be located so that the largest vehicle is contained within the boundary of the site when the gate is closed.
- (c) Although it is noted that consent SSD-9522 requires 1% of parking spaces to be provided with Electric Vehicle Charging Stations (**EVCS**), in order to future proof the development, Council recommends the adoption of a rate of 10% of car parking space to be provided with EVCS.

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).

Additional car parking spaces are to be designed to as to be readily retrofitted as EVCS parking spaces. 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.

- (d) 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).

- (e) Accessible pedestrian paths of travel at least 1.5 metre wide are to be provided from the car park to all offices and staff facilities of the building. Accessible parking is to be provided with accessible paths of travel to the facility in accordance with AS 2890.6.
- (f) Appropriate signage, visible from the public road and on-site shall be installed to reinforce designated vehicle circulation and to direct staff / delivery vehicle drivers / service vehicle drivers / visitors to on-site parking, delivery and service areas.
- (g) The required sight lines around the driveway entrances and exits are not to be compromised by street trees, landscaping or fencing.

Sight distance requirements at driveways are to be in accordance with AS 2890.2 Figure 3.3 and Figure 3.4.

5. **Waterways Considerations**

- (a) Regarding the proposed stormwater management strategy, the following matters are raised for the Department's consideration:

- The Ardex site falls within 'The Yards' Industrial Estate which was approved with an estate wide Stormwater Management Strategy under SSD 9522.

A review of the Civil Engineering report identifies gaps between the stormwater strategy approved as part of SSD 9522 and the water quality and flow management targets included in the newly finalised Mamre Road Precinct DCP. As such, the proposed stormwater management approach does not comply with Section 2.4 (Integrated Water Cycle Management) of the Mamre Road Precinct DCP.

It is also noted that in order to comply with the DCP, the stormwater strategy relies on the possible future regional approach that is yet to be approved and finalised.

- The proposed approach to stormwater management is generally consistent with that which is approved under SSD 9522. However, clarification is required on the need for the development to comply with the water quality and flow management controls in the Section 2.4 of Mamre Road Precinct DCP, as it is noted that the approved strategy for the estate does not.

As proposed any compliance with the water quality and flow management targets for the development will rely on the proposed precinct-wide approach to stormwater management which includes the use of regional basins which is yet to be established. As such, there is no certainty the development as proposed will comply with the DCP in terms of water management.



Due to the uncertainty and lack of detail with respect to the proposed regional solution, Council is of the view that the development proposal should be supported by a Stormwater Strategy that demonstrates how the development will be able to comply with the DCP in the absence of a regional system.

6. Landscape Considerations

The 3.750m front setback is less than the usual minimum of 4m, and less than that which is provided by the Mamre Road DCP. There is a lack of detail in relation to the planting design in the front setback, with only indicative species provided for the whole site. The density of canopy in the setback is supported.

The generic species list is too broad and more detail is required for assessment, particularly of tree species. A dominance of tall and broad spreading canopy trees is required in the front setbacks. Smaller spreading canopy trees are suitable for shading the carpark pavements.

There is no detail relevant for tree planting in the carpark – an engineered tree pit is required to ensure optimal planting conditions and healthy specimens in the long term e.g., Structural soil, Stratavault system or equivalent.

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