



Our reference: ECM Ref: 9878076
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3 February 2022

Department of Planning, Industry and Environment
Attn: David Schwebel
Email: david.schwebel@planning.nsw.gov.au

Dear David,

Response to Request for Advice - Kemps Creek Estate - SSD-9522-MOD3 at No. 657 Mamre Road, Kemps Creek

I refer to the Department's request to provide comments in relation to the above modification application. Thank you for providing Council with the opportunity to comment.

The following advice is provided for the Department's consideration in relation to this matter.

1. Planning and Design 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,
- 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.

MOD2 – SSD 9522

MOD2 is under assessment by DPIE and proposes:

- reduced and altered roadway widths,
- reconfiguration of allotment boundaries,
- an increase in gross floor area, and
- requisite amendments to the conditions imposed under consent SSD 9522.

Council has provided its advice to DPIE in relation to the SSDA, MOD1 and MOD2.

Advice provided to DPIE in relation to MOD2 (currently under assessment), dated 29 November 2021 and 13 January 2022, remains relevant and is to be taken into consideration in the assessment of MOD3.

2. Planning Review Advice

(a) Proposal

This modification application (MOD3) proposes the following:

- Deletion of Condition B4 and B18, and amendment of Conditions B52 and B54 of SSD-9522,
- Change to Lots 1-4,
- Alterations to Gross Floor Area,
- Amendments to Condition A22 which relates to Contributions,
- Inclusion of a new north-south access road off Bakers Lane which provides access to Lots 1-4,
- Reduction in warehouse tenancies from 6 to 4,
- Reduction in proposed building heights to a maximum of 21.65m,

The Department is advised that Page 1 of the applicant's Modification Report states that the proposal seeks an amendment to Condition A22. The nature of the amendment sought is not explained in the Report.



DPIE is advised to seek clarity. No assessment of this component of the proposal has been undertaken by Council.

(a) Applicable Development Control Plan

The applicable Development Control Plan for the site is the Mamre Road Precinct DCP. The Penrith DCP 2014 does not apply to the subject site or application.

(b) Proposed Lot and Warehouse Reconfigurations

In letter dated 29 November 2021 issued in response to the lodgement of MOD 2 to the SSDA, Council raised objection to the provision of warehouse allotments that are not provided with adequate frontage to a public road and in this regard, the addition of the north-south inter-allotment road with teardrop/cul-de-sac is an improvement on the approved layout (subject to further design resolution related to pedestrian access and safety matter as raised in Section 4, Traffic Management Advice, below).

Precinct wide observation - Council takes this opportunity to again emphasise that all warehouse allotments are to be provided with frontage to a public roadway which is to be designed to comply with the relevant road typology design requirements detailed in the Mamre Road Precinct DCP, and all dimensions (roadway widths, setbacks etc.) are to be noted on plans including architectural and landscape plans.

This will ensure that safe and efficient access is provided for all users; and that streetscapes are provided with the requisite landscaping and setbacks to ensure a high quality, green and sustainable Precinct.

Council recommends that the Department does not support (for all proposals) battle-axe style warehouse lots including those accessed by private roads or driveways which do not replicate the DCP design requirements including those stipulated for roadway widths, setbacks and landscaping.

Careful consideration is to be given to the design of warehouse buildings and office areas to ensure that these are well designed, high in amenity (internal and external) incorporate end of trip facilities and are accessible at each level.

External storage is to be located behind warehouses and is not to present to the street frontages (as per the Mamre Road DCP requirements).

(c) Proposal to Delete Condition B4 & B18 of Consent no. SSD-9522

The Department is advised that the proposal to delete Condition B4 and B18 is not supported by Council.

Details relating to this component of the Modification application are included under Section 2, Development Engineering Advice, below.

(b) Parking

Surplus parking is proposed. The Department is advised to include the area of the site utilised by surplus car parking and hard stand in Gross Floor Area calculations as is required by the Mamre Road Precinct DCP (Section 4.6 Access and Parking, Controls, (3)).

This requirement supports modal split, encourages alternative modes of transport other than private vehicle and will reduce heat island impacts, and the visual impact of vast swathes of car parking hard stand.

Car parking shall be designed having regard to the 'world-class' expectations of the Precinct detailed within the Mamre Road Precinct DCP.

Section 4.6 Access and Parking of the DCP requires that:

- The design of parking and access areas is to address WSUD principles (these are to be demonstrated and shown on plans),
- Parking areas should incorporate dedicated parking bays for electric vehicle charging.

It is recommended the design align itself with the requirements highlighted above and those of Section 4.6 of the DCP.

Accessible car parking spaces are to be re-located to be closest to the staff entry points.

(c) Landscaping within Car Parking Areas and Roadway

It is raised for the Department's consideration that landscaped blisters and not provided within the car parking hardstands in accordance with the requirements of the DCP.

Landscape blisters are undersized and narrow and blister spacings exceed 10 car spaces on many occasions. The landscape package does not provide sufficient detail to enable an understanding of the design of the landscape blisters which are required to be a minimum 1.5m dimension (as per the Mamre Road DCP).

Given car parking and hardstand areas exceed the requirements of the DCP, there is opportunity for increased tree planting and canopy cover. Justification for non-compliance is not provided.

Limited amenity is provided to staff areas. Canopy trees and buffer landscaping is to be co-located in these areas.

It is recommended that the cul-de-sac be provided with landscaping to improve streetscape presence and assist in the provision of shade.

(d) Heights and Roof Top Plant Machinery

It is raised for the Department's consideration that the approved Height of Buildings is to be measured from Natural Ground Level and is to include rooftop plant machinery including screening devices and air conditioning units.

To avoid subsequent MODs and issues with future DAs (submitted to Council) not complying with approved Heights expressed in consent no. SSD-9522 (as modified), Council recommends that any height limit expressed in a consent condition is to clarify that height is from a defined approved Finished Floor Level, or from Natural Ground Level; and is to clarify that height does or does not include roof mounted plant and any associated screening devices.

Roof top plant is not indicated in the provided architectural photo montages and is not included in the GeoScapes Visual Impact Addendum Report. Council recommends that the plans and reports be amended to



address this matter and to allow a thorough assessment by the Department.

(e) Lot alterations

Level transitions are to be managed between Lots and thus alterations in lot configurations shall include detail as to how level transition is best managed to avoid cut and fill imbalance and the need to superfluous retaining structures and battering.

Amended Lot and warehouse layouts are to comply with the minimum landscape and setback requirements of the Mamre Road DCP.

3. **Development Engineering Advice**

(a) Roads Act Matters

Any works within the existing road reserve area of Bakers Lane will require approval from the relevant Roads Authority being Penrith City Council under the Roads Act.

(b) Proposal to Delete Condition B4 of Consent no. SSD-9522

The MOD3 application proposes to delete Condition B4, however following submissions for the MOD2 application the Planning Report for MOD2 accepted Council's proposed modified condition for Condition B4, to align with the recently adopted Mamre Road Precinct DCP.

Although B-Triple access (36.5m PBS Level 3 vehicles) is not proposed to access the lots, the road network shall be checked against such vehicles as required by the Mamre Road Precinct DCP. Accordingly, it is recommended that Condition B4 remain although may be modified as follows:

Prior to the issue of a Subdivision Works Certificate for the estate roads, the Certifying Authority shall ensure that:

(a) *access to the development and the internal road intersections are:*

(i) designed for 30m Performance Based Standards (PBS) Level 2 Type B vehicles and tested for a 36.5m PBS Level 3 Type A vehicles.

(ii) consistent with the most recent version of Austroads Guide to Road Design and TfNSW specifications

(a) *access to each development lot is:*

(iii) designed for a 30m Performance Based Standards (PBS) Level 2 Type B vehicles.

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

(c) Proposal to Delete Condition B18 of SSD-9522

It is recommended that this condition remain.

It is raised for the Department's consideration that the plans by Costin Roe Consulting, drawing numbers Co13362.02-SK4-06, SK4-07, SK4-08 & SK4-09 have not demonstrated that the future intersection and road network has been tested for a 36.5m PBS Level 3 Type A vehicle.

4. Traffic Management Advice

(a) Access and Circulation

Although the proposal includes the deletion of a number of driveways access from Bakers Lane, which is supported, concerns are raised regarding the four driveways proposed at the cul-de-sac as these are not provided with adequate separation due to potential conflict in traffic movements.

The absence of spacing between the driveways located at the cul-de-sac and Bakers Lane (Lot 2 truck exit and Lot 3 car entry/exit) raise a safety issue for pedestrians who will cross these driveways.

Section 8 of the Transport Assessment report shall include design review of the proposed left turn and right turn lanes at Bakers Lane / Access Road intersection, shall demonstrate that the turning lane lengths are designed in accordance with Austroads standards and storage length should be based on SIDRA results.

The Department is advised to seek explanation as to why a left turn slip lane is required at the intersection of Bakers Lane and the Access Road, noting that Figure 21 shows that only 1vph is turning left from Bakers Lane onto the Access Road.

Council recommends that access to each lot shall be provided in accordance with the driveway categories specified in AS 2890.1:2004 Table 3.1 and the applicant should be advised to consider redesigning the cul-de-sac island to prevent overtaking/cutting through movements and to improve safety for vehicles entering and exiting the driveways at this location.

Council recommends that Lot 3 truck swept paths (Sheet AG15) are to be modified to show that a truck can turn around while there are parked trucks.

According to Table 19 of the Transport Assessment report, Lots 1 – 4 will be accessed by trucks up to 26m B-double. However, the swept paths presented in Appendix D only used 20m semi-trailers to demonstrate the movements in and out of the truck bays. The Department is advised to seek clarification on this inconsistency and ensure coordinated reports demonstrate compliance with the required access provisions for the Precinct.

(b) Parking



It is raised for the Department's consideration that Table 8 of the Transport Assessment report indicates that the MOD 3 proposal will have a surplus of 161 car parking spaces from the required parking provision of 299 spaces.

The parking surplus is considered significant and is not supported as this could encourage higher vehicle use, especially noting that the approved MOD 1 only has a surplus of 2 parking spaces. Refer to related matters raised under 1. Planning Matters, above.

(c) Traffic Generation

The proposed GFA for Lots 1, 2, 3 and 4 for this MOD 3 application is understood to be approximately 10,226sqm less than the that of the approved MOD 1 (noting that surplus car parking and hard stand areas should be included in GFA calculations as is required under the Mamre Road DCP). As such, the traffic assessment that was submitted and approved under MOD 1 application remains valid.

It is noted that updated traffic assessment was prepared for MOD 2 application which is currently under the review by TfNSW and is excluded as part of this MOD 3 review.

Section 6.6.1 of the report indicates that the "trips for the three access driveways leading to Bakers Lane have been excluded from the traffic profile and the modelling (as they do not enter nor exit from the cul-de-sac).

Considering that the majority of the development trips would likely be travelling from Mamre Road, ingress car trips to Lot 3 would make a u-turn on Bakers Lane via Access Road cul-de-sac, since car entry to Lot 3 is restricted to left in only. Therefore, the Department is advised that inbound car trips to Lot 3 shall also be included in the intersection volume profile presented in Figure 21.

It is recommended that the Department seek clarification as to why the midblock volumes of Bakers Lane (west of Lot 4/ Access Road) shown in the 2036 SLR / Bakers Lane / North-South Road 01 intersection (Figure 22) are less than the volumes shown in 2026 Bakers Lane / Access Road intersection (Figure 21).

Council recommends that Appendix C must also include detailed SIDRA results for Bakers Lane / Access Road intersection.

(d) Construction Traffic Management Plan (CTMP)

The preliminary Construction Traffic Management Plan (CTMP) provided as part of the Traffic Assessment provides high level detail only. Further assessment of the CTMP must be undertaken by the Department upon submission of a more detailed CTMP.

5. Environmental Management Considerations

(a) Proposed Amendment to Condition B52



In relation to the proposal to amend condition B52 it is raised for the Department's consideration that the table shown in the Modification Report regarding condition B52 does not entirely reflect the supporting Operational Noise Assessment (ONA) dated 23/11/2021 and as such, the ONA document should be relied on for conditioning purposes (Receiver 7 noise limits are incorrect in the Modification Report), should the Department be of a mind to support this aspect of the proposed modification.

(b) Proposed Amendment to Condition B54

No objection is raised to the proposal to revise Condition B54 of the SSD consent.

Should you wish to discuss any aspect of Council's comments further, please do not hesitate to contact me on (02) 4732 8567. Thank you for the opportunity to review and provide comment on the modification application.

Yours sincerely,

Kathryn Saunders
Principal Planner