



Our reference: P-354804-H3G2
Contact: Kathryn Saunders
Telephone: (02) 4732 8567

24 August 2022

Department of Planning, Industry and Environment
Attn: Bruce Zhang

Email: bruce.zhang@planning.nsw.gov.au

Dear Bruce,

Aspect Industrial Estate Modification 2 – SSD 10448 Proposed Mod-2

Thank you for providing Penrith City Council with the opportunity to comment on the proposed modification (MOD 2) to State Significant Development Application no. SSD-10448, known as Aspect Industrial Estate.

The following advice is provided for your consideration in the assessment of the application. Council's previous advice (**Attachment 1**) to DPE in relation to the proposal is attached and issues reiterated, and it is concerning that the majority of matters raised have not been directly addressed by the applicant.

Regarding the poor and impacts of the amendments on approved landscaping, it is advised the issues remain and are not addressed in the EIS. Sections detailing landscaping at boundary interfaces previously provided, are not in the available plan sets.

1. Proposal – Modification 2

The application proposes to modify both the Stage 1 and Concept Master plan broadly as follows:

- Relocation of Access Road 1 toward west and alteration of its design.
- Alterations to Lots 1, 2 and 3 configuration and arrangements.
- Alterations to car parking, vehicle access and manoeuvring areas for Lots 1, 2 and 3.
- Amendment to condition A16(b) and D52 which related to noise emissions.
- Increase in height from 13.7m to 16m, plus roof top plant and equipment.
- Amended signage including pylon signs.
- Deletion of café.
- Amended and reduced landscaping across Stage 1.

- Amended earthworks including to bulk earthworks and cut and filling works, and the proposal for a 7m high wall along the eastern site boundary.



Figure 1: Approved Concept



Figure 2: Proposed Modified Concept Plan



Figure 3: Approved Stage 1



Figure 4: Proposed Stage 1

2. Planning Considerations

- (a) The ultimate vehicular arrangements proposed for Warehouse 3 remain unclear.

The approved Stage 1 and Concept master plan provided heavy vehicle entry/access directly to Warehouse 3 from a public road as per **Figure 5** below. The new vehicle entry/access arrangement for Warehouse 3 are as per **Figure 6** below.

The concept plans indicate that no right turn into the staff and visitor driveway will be available owing to the location of the roundabout pedestrian safety refuge.

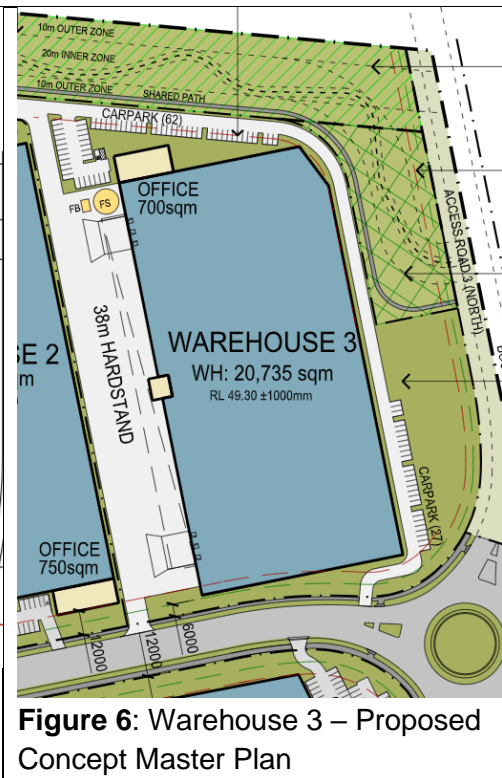
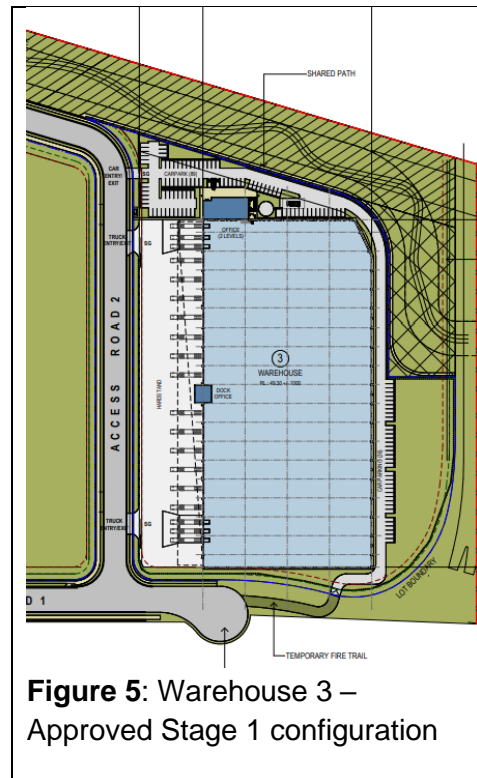
The 27 staff parking areas located along the eastern side of Warehouse 3 are too far removed from the entry point for workers. And no safe separated pedestrian pathway is provided along the private driveway.

No safe pedestrian pathway is provided for staff and visitors along the northern private driveway for Warehouse 3.

It is noted that larger floor areas for warehouses can be gained by spreading car parking out along access roads around the periphery of the warehouses. This is a poor outcome for workers as walking distances are elongated (example: some car spaces are approximately 280m from the office for Warehouse 3).

The precinct vision is for 'world-class' and will be operating all weather, 24hours, 7 days and in this respect, staff and visitor car parking shall be consolidated and is to be located closer to the office entry for each lot. It is not considered sufficient to say that some workers may access the warehouse from alternative locations and thus the location is acceptable.

The EIS includes that a future, adjusted version of the architectural plans will include a 1.5m wide pedestrian pathway that will facilitate safe travel from the carpark to the office, separated from the roadway. It is recommended that DPE seek submission of this plan and that it forms part of the approved documents, should consent be granted.



- (b) It is reiterated that heavy vehicles be fully separated from staff and visitor vehicles.

- (c) Council has previously raised that landscaping along the Mamre Road frontage and along the frontage to Warehouse 1 is unachievable when reviewed against the civil sections. The EIS does not adequately respond to this matter.
- (d) The landscape master plans accompanying the application propose 18 x Spotted Gums being a mature height of 30m with a canopy spread of 8m.

Spotted Gums shown on the Tree Planting Masterplan S1-1 001 Rev A are not indicated on the Lot 1 on-lot works landscape plans (refer S1-1_101 through 103 revision P and **Figures 7 & 8** below).

Previously provided section through this area have been removed from the civil and landscape sets.

Notwithstanding the above, trees are not achievable in the selected location upon review of the sections and owing to the location of the palisade fencing, the retaining wall, and the super awning above.

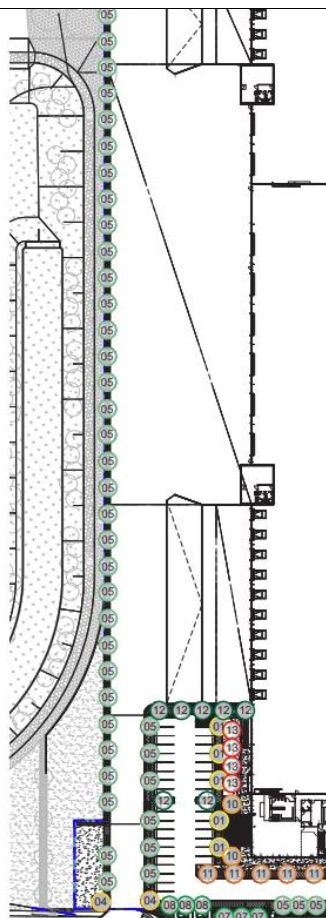


Figure 7: Applicant's Landscape plan – Warehouse 1 – 05 refers to Spotted Gums

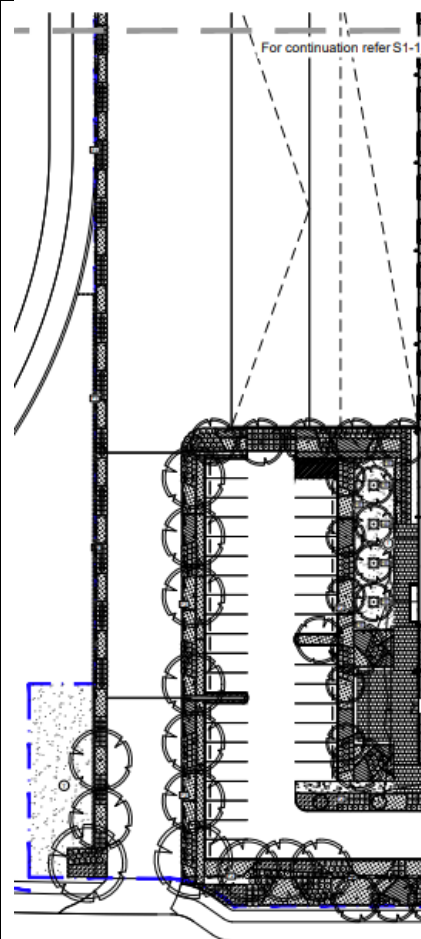
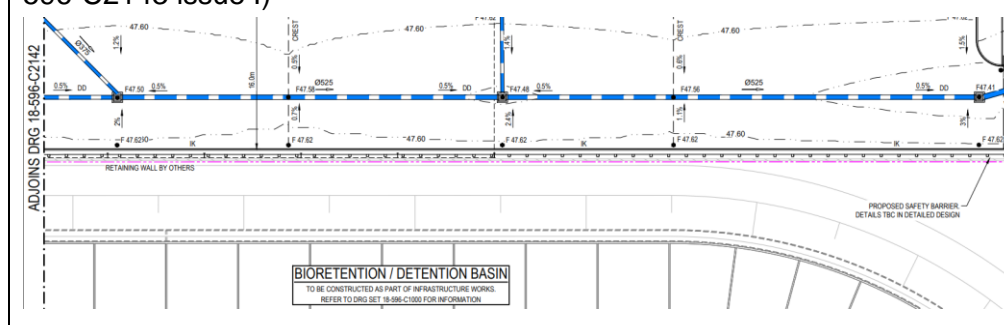


Figure 8: Applicant's On-Lot Works Landscape plan – Warehouse 1 – Excerpt.

Figure 9: Civil plans indicating no space for canopy tree planting (refer 18-596-C2143 issue I)



Council strongly recommends that DPE require that the Aspect precinct achieve compliance with the minimum 10% canopy tree targets as is required under the Mamre Road Precinct DCP.

Canopy trees previously approved in the Estate are significantly reduced by the amended plans which is not supported by Council. The resultant presentation of Warehouse 1 to Mamre Road is to be addressed and improved. The warehouse footprint is to be reduced to enable the provision of canopy trees, shrubs and along this elevation.

The Visual Impact Assessment is incorrect in indicating canopy tree planting in this location and is to be updated.

A copy of Council's previous advice on this issue is attached and is reiterated (refer **Figure 10** below).

- (e) All plans are to correlate.
- (f) The landscaping encroachments are not justified. Council does not support any carparking encroachments into the required minimum landscaped setbacks for all lots.
- (g) Landscaping in the hard stand areas and surrounding the development must not be in uniform rows and aligned spacings. This is too formal and visually uninteresting. Does not align with Connecting to Country principles
- (h) Building setback encroachments are not justified and are to comply with the minimums under the MRP DCP.
- (i) All car parking areas are to be provided with canopy trees planted within landscaped blister islands spaced one for each 10 car parking spaces minimum min. 1.5m in width.
- (j) All roads are to be designed in accordance with the requirements of the MRP DCP.

- In addition, the proposed Landscape Masterplan indicates that no trees are proposed in this same location see Figure 6.

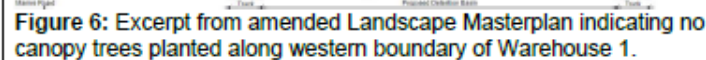
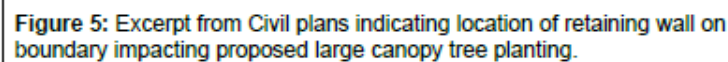
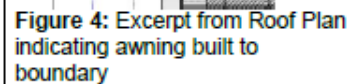
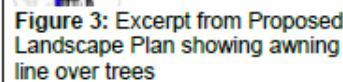


Figure 10: Excerpt from Council's previous advice.

Consent number SSD-10448 imposes numerous noise monitoring and management requirements applicable to construction and operational noise, including the requirement for Mirvac to enter into noise mitigation agreements with receivers to the west of the site (conditions 46-48), and these are to be submitted to the DPE Planning Secretary.

6



predicted noise levels are not significantly different to those originally forecast and approved. The assessment of noise impacts, proposed condition amendments and a review of the NIA will be undertaken by DPE.

4. Traffic Management Considerations

The updated traffic report states that the proposed heavy vehicle driveway at the western side of Warehouse 1 which is located in close proximity to the signalised intersection of Mamre Road and Access Road 1 and that it performs satisfactorily and is safe. However, having the heavy vehicle access driveway off Access Road 2 would lead to better safety and traffic outcomes, therefore the proposed heavy vehicle driveway location is not supported.

The proposed internal circulation roadways for Warehouse 3 shared between passenger vehicles accessing the carpark and heavy vehicles accessing the hardstand this is not supported on safety grounds.

All proposed gates should be located so that they allow the largest heavy vehicle accessing the site to queue entirely within the site boundary.

Swept path assessments were not included in the Appendix of the updated traffic report and in this respect DPE should request and review.

Should you require any further information regarding the comments, please contact me on (02) 4732 8567.

Kind regards,

Kathryn Saunders
Principal Planner – East Team



Our reference: P-340074-Z5B7
Contact: Kathryn Saunders
Telephone: (02) 4732 8567

28 July 2022

Department of Planning and Environment
Attn: Bruce Zhang

Email: Bruce.Zhang@planning.nsw.gov.au

Dear Bruce,

Aspect Industrial Estate – SSD-10448 - MOD1 – Environmental Assessment Report

Thank you for providing Council with the opportunity to comment on the proposed modification application related to State Significant Development (SSD), application no. SSD-10448.

The following advice is provided for your consideration in the assessment of this application:

1. Planning Considerations

(a) Background Concept & Stage 1 Overview

On 24 May 2022, The Department of Planning and Environment (DPE) approved the below Concept Estate Masterplan which included approval for stage development comprising 11 buildings with a gross floor area (GFA) of up to 24,8112sqm (inclusive of café 122sqm and ancillary office areas 11,480sqm).

Consent SSD-10448 also included approval for a Stage 1 development which includes (as per consent SSD-10448):

- Site preparation works,
- Vegetation clearing and realignment of an existing creek,
- Construction of access roads and the eastern half of Mamre Road/Access Road 1 intersection works,
- Construction, fit out and operation of one warehouse and one industrial building with ancillary offices, car parks, landscaping, signage and a café,
- Construction and operation of service and utilities, and
- Subdivision into 3 lots.

Approved plan no. MP 03 revision W identifies Warehouse 1 and 3, ancillary landscaping and all internal access roads, and site wide bulk earthworks, temporary sediment and erosion basins and batter stabilisation as being approved under Stage 1

Figure 1 (below): Approved (L) and Proposed (R) Concept



Figure 2 (below) Approved (L) and Proposed (R) Stage 1



(b) Modifications Sought

Modifications sought include:

Concept Masterplan –

- Relocation of access road 1 west-ward and Road Widths reduced to 25.6m.
- Reconfiguration of Lot 1, 2 and 3, site areas and warehouse alignments related the Access Road 1 amendments.
- Amended vehicle access for Warehouse 3 with direct access of Access Road 1 now proposed.
- Car parking and hard stand area amended

- Proposal to remove condition A16(b) related to cumulative noise for fixed plant.

Stage 1 – Warehouse 1 –

- Decrease gross floor area (GFA) of W1 from 34,970 to 32,686 and reduction of office and dock office gross floor area,
- Proposal to relocate car parking to the south of the W1 building with ingress / egress relocated from Access Road 1 to Access Road 2,
- Provision of hard stand and loading areas on north, east and west of W1 and new awnings and roller shutter doors.
- Removal of café
- Increase in height from 13.7m to 16m, plus roof top plant up to 18.394m.
- Amended facades and signage including pylon signage.

Stage 1 – Lot 3 –

- Increased Lot 3 site area from 41,961sqm to 42,855sqm.
- Construction of an accessway connecting hardstand on Lot 3 to Access Road 2.
- Changes to entry and exit points
- Amendments to car parking.
- Amended landscaping.
- Alterations to bulk earthworks resulting from changed road layout.

(c) Planning Matters

(i) Roads, Access and Safety

- The approved road alignments and heavy vehicle access arrangements are superior to those proposed by the modification application.
- It is unclear if the modified access arrangements fully separate heavy vehicle access and manoeuvring areas from and staff and visitor traffic.

Heavy vehicles must be fully separated by physical means, from staff and visitor parking and access. This is to ensure the safety of staff and visitors. The sharing of roads and access points between heavy vehicles, and staff and visitor traffic is a poor precedent to set.

Substitutes to separated safe access, parking, and manoeuvring areas such as line marking, are not supported and cannot be regulated.

It is recommended that the Department ensure that heavy vehicle access, parking and manoeuvring areas are physically separated from staff and visitor access, parking, and manoeuvring areas.

In this respect, it is recommended that no connection be provided from Access Road 2 through to the staff and visitor parking attached to the northern staff parking for Warehouse 3. If this connection is required for fire access, Council recommends that gates are installed to prevent access at all other times unless in case of fire.

- The proposal to provide access to staff/visitor parking for Warehouse 3 at the roundabout is not supportable – safety and traffic circulation issues (previously this was fire truck access only). It also appears that left in and left out is proposed. Access for vehicles heading west on Access Road 1 is impacted.
- It is unclear why additional staff and visitor parking is proposed along the eastern access road, east of Warehouse 3. These car parking spaces are isolated and distanced from the destination of workers and no safe and separated walking pathway is proposed.
- It is recommended that the design of all car parking spaces be amended to provide for 1 tree which will provide canopy shade for each 10 car parking spaces and that related blister islands are a minimum of 1.5m in width – compliant with the requirements of the Mamre Road Precinct DCP (MRPDCP). The proposed plans do not comply.
- The proposal to amend the development to introduce heavy vehicle manoeuvring forward of Warehouse 1 is not supported, nor is the direct heavy vehicle access point near the intersection for Warehouse 1.
- Council does not support car parking exceeding DCP rates and as is stated in DPE's assessment report – opportunities exist for excess spaces to be converted to landscaped blisters. Should consent be granted the Department is to require the conversion of some excess spaces into blister islands for the planting of canopy trees.

Parking proposed parallel to the internal roadway will require staff and visitors to Warehouse 3 to walk along the roadway to enter the office. This is unsafe noting the 24hour/7day operations of the precinct.

The wide staff access driveway from the northern internal access driveway to Warehouse 3 which provides access into the office parking, will create confusion of where to drive/walk and is to be regularised.

- Separated heavy vehicle entry only and exit only driveways are not provided for Warehouse 3 or the two sides and two tenants of Warehouse 1. The ring road around Warehouse 3 must not be shared between heavy and light vehicles.
- To increase the area for landscaping south of Warehouse 1, reduce hard stand area and improve streetscape presentation consideration should be given to separating the two areas of staff and visitor car parking by providing two separated access driveways and replacing the link with landscaping.
- Interim and ultimate road and access plans will be required.

(ii) Height

- The increase in the maximum height of the development from 13.7m to 18.394m is an increase of 4.694m. The height increase is excessive and is in part related to the amendment to the road layout. The applicant must demonstrate where the height increase is required through the

submission of a set of height blanket plans. Approval for a maximum height of 18.394m across the Estate should not be supported.

(iii) Warehouse arrangement and design

- The building setback to Warehouse 3 must be amended to be a minimum of 12m as per the Mamre Road Precinct DCP. The proposed encroachment is unacceptable, self-imposed, and not adequately justified.

It is recommended that the office and associated staff parking for Warehouse 3 be relocated to the southern frontage of the lot.

The arrangement of Warehouse 3 on the Lot will detract from the streetscape as the hardstand area and warehouse will be highly prominent in the street and is proposed to sit forward of Warehouse 2 and 1. Limited landscaping can be provided (noting impacts on landscaping owing to the requirement to provide adequate sight lines).

- Wayfinding to the office for Warehouse 3 is indirect. As stated above, it is recommended that the office for Warehouse 3 be relocated to the frontage with Access Road 1.
- All variations to DCP controls are not compliant with consent condition A6. Condition A6 of SSD-10448 states that:

“The Applicant must ensure any future development of the site is consistent with the Mamre Road Precinct Development Control Plan 2021 (NSW Government, 2021) (MRP DCP)”.

If DPE accepts justifications for non-conformance with MRP DCP contrary to this condition, it is recommended that all non-compliances be justified by the Applicant, in accordance with the requirements of section 1.5.2 of the MRP DCP.

- Utilities and plant machinery including tanks are to be screened and landscaped.
- Waste streams are to be separable and collection/storage areas design for.
- Roof mounted plant is to be nominated on plans, photomontages and elevations and the height plane relative to natural ground indicated.
- The quality of the presentation of Warehouse 1 to the corner of Mamre Road and Access Road 1 is reduced. It appears that the office no longer wraps around the corner of the warehouse, and the café is deleted.

Despite the deletion of the café, the office element can have the appearance of wrapping around the corner of the warehouse by extending the materials as cladding only, around the western façade. This would add articulation and bring the proposal back in line with the intent of what was approved and better address the Precinct objectives of being a ‘world-class’ industrial area.

The Aspect Estate would benefit from the re-introduction of a café, noting the number of eventual employees and visitors.

- All substations along Access Road 1 should be relocated to a lower order road.
- Consideration should be given to amending the accessible entry to improve streetscape and user experience.
- Any proposed signage shall comply with any applicable requirements of the consent and the MRP DCP. Pylon style signage is to be setback from the boundary and surrounded with landscaping and its scale reduced. The 12m height and 3m width is considered excessive as the signage is located along Mamre Road and will be highly visible. The proposed 3.3m height for signage S3 type is excessive and is also to be reduced.
- High quality architectural cladding for the office and office zones for Warehouse 3 is supported.
- The support structures for the super awning to Warehouse 1 are to be shown on all plans, photomontages/view analysis, and elevations/sections.
- Safe, high amenity and conveniently located warehouse and driver amenities are to be provided for all warehouse areas and gatehouses. The AC units and service areas or plant machinery is not to be located in close proximity to staff breakout areas (example Warehouse 1).
- Transport for New South Wales (TfNSW) is to approve the Mamre Road/Access Road 1 intersection in accordance with Condition D14.

The plan of subdivision must align with the final intersection and road design. This will ensure that the land set aside for the intersection is sufficient in area and that the alignment is known, thus all landscape and building setbacks will remain compliant with the requirements of the MRP DCP. The setbacks are not to be eroded through the finalisation of road and intersection alignments.

In respect to the above, it is recommended that the consent require minimum landscaping and building setbacks to be provided in accordance with the MRP DCP for all warehouses including Stage 1 - Warehouse 1 and Warehouse 2.

(iv) Landscaping

- Canopy targets required by the MRP DCP are to be nominated on a Canopy Target Plan.
- Landscaping will do much of the heavy lifting in terms of moderating bulk and scale and increasing streetscape presentation in the precinct.

The Department is urged to ensure that successive modifications build on landscaping, streetscape quality and visual presentation and do not detract. More dense landscaping located in reduced landscaped areas will not sufficiently justify landscape and building setback intrusions or reductions.

- The location of the super awning for Warehouse 1 will not enable canopy to mature. The proposed landscape plans nominate Spotted Gums which have a 30m mature height and a minimum 8m width. The Spotted Gums are proposed to be located between the basin and the warehouse awning edge which is not sustainable, and plans show that the super awning spans over the trees and that retaining wall RW11 (max. height of 2.5m) is also located on this boundary.

In addition, the proposed Landscape Masterplan indicates that no trees are proposed in this same location see Figure 6.

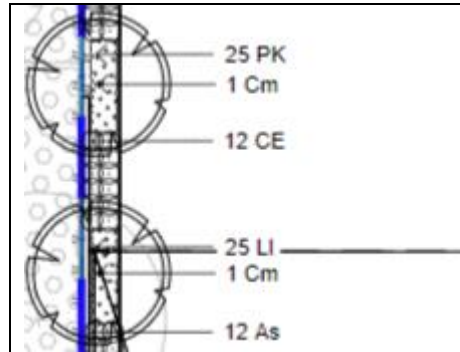


Figure 3: Excerpt from Proposed Landscape Plan showing awning line over trees

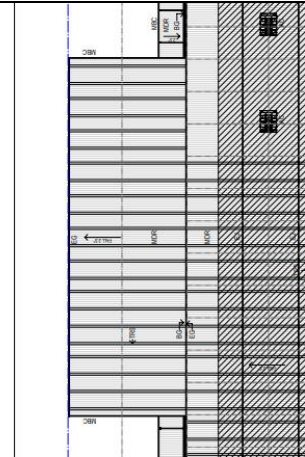


Figure 4: Excerpt from Roof Plan indicating awning built to boundary

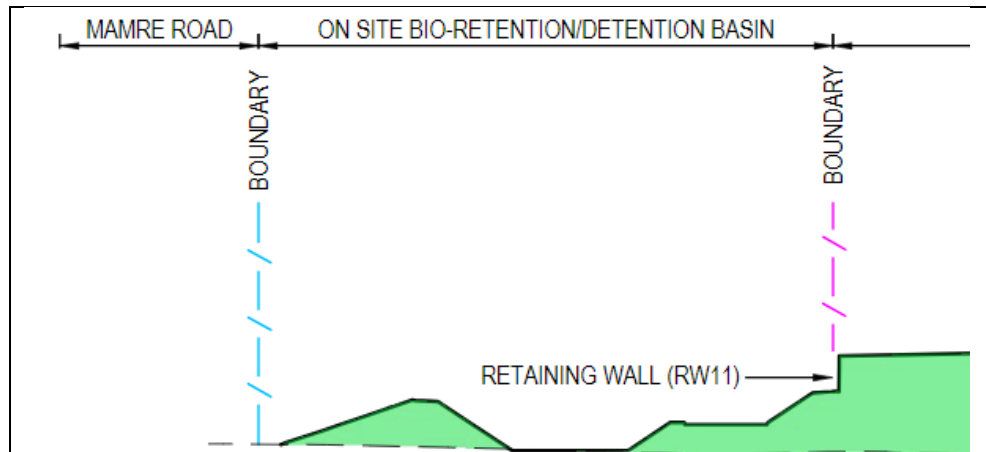


Figure 5: Excerpt from Civil plans indicating location of retaining wall on boundary impacting proposed large canopy tree planting.

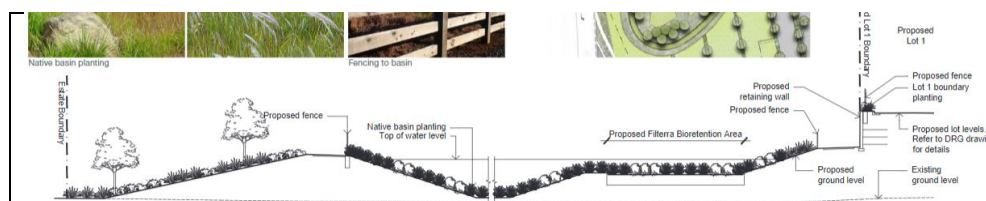


Figure 6: Excerpt from amended Landscape Masterplan indicating no canopy trees planted along western boundary of Warehouse 1.



The resultant presentation of this elevation to Mamre Road is to be addressed.

Plans are to correlate.

- The landscaping encroachments are not justified.
- Council does not support any carparking encroachments into the required minimum landscaped setbacks for all lots.
- Landscaping in the hard stand areas and surrounding the development must not be in uniform rows and aligned spacings. This is too formal and visually uninteresting. Does not align with Connecting to Country principles.
- Car parking along the frontage of Warehouse 1 (along Access Road 1) is now proposed to be fully located within the 7.5m landscaped setback. This is not supported by Council. The DCP states that the 12m required building setback can include carparking where it is within a 13m setback and set behind a landscaped setback at least 6m in depth, amongst other requirements. The proposal appears to be for a 3.5m landscaped setback which is not supportable, too narrow for meaningful planting and won't result in attractive tree lined streets and complimentary canopy shade.

(v) Zoning and Riparian Corridor

- It is reiterated that DPE amend the SEPP (Industry and Employment) to address issues of permissibility and zoning. The Department's assessment report attached to the SSD is not thorough in explaining how industrial development located on land zoned C2 complies with the C2 zone objectives.

The quality of the proposed riparian area is not demonstrated. The water catchment of the riparian corridor (as a contiguous element) is not detailed. Further, whilst the approved riparian corridor is located on land zoned IN1, it is afforded little protection noting the objectives of the IN1 zone. A buffer to the riparian land is also not provided and lands to the east propose high retaining walls as an interface to a proposed corridor.

(d) Traffic and Development Engineering Considerations

The advice of Council's Development Engineering team was not available at the time of writing and will be issued under separate cover as soon as is made available.

Should you require any further information regarding the comments, please contact me on (02) 4732 8567.

Regards,

Kathryn Saunders
A/ Development Assessment Coordinator