



Our reference: P-387800-Y4K7  
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Department of Planning and Environment  
Attn: Susanna Cheng

Email: [susanna.cheng@dpie.nsw.gov.au](mailto:susanna.cheng@dpie.nsw.gov.au)

Dear Susanna Cheng,

**Environmental Impact Statement - Aspect Industrial Estate (SSD-10448) -  
Stage 2 State Significant Development Application for Warehouse 9 - SSD-  
46516461**

Thank you for providing Penrith City Council with the opportunity to comment on the abovementioned application.

**1. Planning Considerations**

(a) Proposal

Council understands that the Stage 2 SSDA has a CIV of \$70 million, and seeks approval for the following:

- Civil works including cut and fill and benching of Lot 9,
- Construction of a new 66,341sqm warehouse/distribution facility with a ridge height of 14.6m,
- ancillary office and dock office areas,
- on-lot landscaping,
- truck manoeuvring areas,
- on lot stormwater management,
- 266 car parking spaces, and
- operation of the facility 24hrs/7 days.

(a) Related amendments

The amendments proposed rely on consent being issued for the amendments sought under MOD 2 and MOD 3 (currently under assessment with DPE).

Matters previously in relation to MOD 2 and MOD 3 remain outstanding in relation to road designs, landscape and canopy tree matters and streetscape presentation issues and as such, some issues are reiterated herein.

(b) TfNSW Advice

It is not known if TfNSW is supportive of the traffic and road arrangements proposed as part of MOD 2. Amendments to the design

which may result from achieving concurrence from TfNSW, and in relation to other stakeholder's advice and/or the Department's own assessment, could result in further alterations to the design being considered under MOD2 and thus MOD 3. In this respect, the following advice is only provided based on approval of the proposal as has been submitted.

(c) Design and Architecture

The applicant has not provided any landscaping sections which detail levels transitions and interfaces. This is a reoccurring theme, and the applicant is to be advised to provide this information to inform an assessment for all applications and subsequent modifications.

The design and streetscape presentation of the larger warehouse will require careful consideration. Warehouse 9 is a significantly larger built form and the negative impacts of its bulk and scale are to be appropriately mitigated.

The scale of the materials and colours is too small to interpret. It appears that the whole building, including the office will be grey (or various shades of). DPE is to review and assess if appropriate. A larger scale material and finishes schedule may be required.

The proposal does not demonstrate how sustainability, and ESD is addressed and does not identify the measures which will be adopted and area delivered, over and above minimum standards. The development is to include solar panels and battery storage.

Roof mounted plant machinery is not included and maximum height of the development is to be noted from natural ground level.

Fire exists and the related stairs are not indicated on plans although are shown in sections. These structures will have not insignificant impacts on design quality and streetscape presence.

The treatment proposed for the western elevation fronting Mamre Road is not understood from the limited detail provided on the architectural plans. Are the grey lines indicated, painted lines on the cladding? This elevation is to be elevated in design quality and it is suggested that layering of cladding is included and/or other treatment to improved streetscape presentation.

(d) Warehouse 9 Landscaping

The on-lot landscape plans do not include any sections that inform the levels and do not explain whether tree planting is appropriate.

Sections must be provided which explain how planting relates to the levels and boundary interfaces and how landscaping will react to the retaining walls, noting that level difference of over 11 metres is proposed.

The landscaping under MOD 3 and this SSDA are to correlate including the proposed canopy tree targets. Plans and sections must demonstrate consistency with the civil design, and it must be demonstrated that calculable canopy will thrive in the proposed locations and will be sustainable to maturity.

It is recommended that DPE request sections through site boundary interfaces and which have had regard to the civil and stormwater designs. Canopy targets for Lot 9 are to be no less than 10% of site area.

The on-lot landscaping plans are to be elevated in quality and greater areas for landscaping are necessary. The quantity of on-lot landscaping is poor.

#### Other landscape matters

- Pervious surface targets required by the MRP DCP are to be demonstrated.
- The proposed car parking located within the truck manoeuvring area to the south of the site is not supported and as detailed further below is to be fully separated from heavy vehicle manoeuvring areas. Tree planting within 1.5m wide landscaped blister islands are to be included within this same car parking area, should it remain.
- Hard stand areas are extensive and insufficient regard has been had to the provision of quality landscaping representative of the aspirations of the Estate. Limited detail is provided which enables a full understanding and assessment of the landscaping outcomes.
- The most northern end of the truck hardstand fronting Mamre Road sits forward of future Warehouse 8 and sets an undesirable example for setback.
- The landscape master plan is very formal with planting in rows and lines.
- The landscape master plan for the Estate is to be amended to address the matters raised in Council's Advice letter dated 16 November 2022, issued in response to MOD 3.
- It is recommended that DPE require the landscape documentation set to be elevated in detail and design quality.
- The car parking provided for Warehouse 9 is excessive and landscaping is poor.
- A greater area of the site is to be provided with canopy tree planting and other landscaping embellishment.
- DPE is to ensure that an interim cul-de-sac is provided to Road 3. It is raised that Council will not accept asset dedication without sufficient detail demonstrating supportable interim and ultimate road designs and adequate certainty surrounding timing, trigger points and detailed designs for ultimate outcomes.
- Insufficient shrub planting (mid-tier) is provided which would screen security fencing and views the warehouse (example section B on Site Image Landscape Master Plan MOD 3 drawing No. 003 revision D).
- DPE is to ensure that street trees or tree stands/groups are no greater in distance (nearest trunk to nearest trunk) than 10m. A minimum of 2m clearance is to be provided to heavy vehicle cross overs to avoid trees being damaged by turning heavy vehicles.
- Street trees are to be provided to both sides of the road.
- The canopy target plan lodged in support of MOD 2 is unachievable and proposes calculable canopy in unrealistic locations and which could never be delivered upon review of the civil plans.
- It is recommended that the pedestrian access to the main office be relocated to the east of the staff and visitor car park driveway as this

will be a safer location and is then separated from the heavy vehicle entry/exit.

- The heavy vehicle entry driveway cross over at Access Road 3 is to be perpendicular to the road.
- The 12m high estate pylon signs are excessive in height and are to be reduced.
- The warehouse amenities zone to the south-western corner of the warehouse is supported. A similar amenities zone is required at the north-western corner to reduce walking distance for drivers and decrease safety impacts of staff and visitors wanting to shortcut across internal manoeuvring areas.

Refer also to Council's advice under cover letter dated 16 November 2022, related to MOD 3 for Estate wide matters.

(e) Access Road 4

It is recommended that Access Road 4 be amended to address the safety impacts resulting from the number of driveway access points located within the turning head in such close proximity.

The number of driveway crossovers in the cul-de-sac will limit opportunity for street tree planting and will impact pedestrian safety.

Whilst it is noted that there is no significant increase in the number of driveway cross overs previously approved, the serviceable GFA accessible from Access Road 4 is significantly increased and thus safety and vehicle conflicts are to be addressed.

## **2. Development Engineering Considerations**

(a) Heavy vehicle safety matters

The internal car parking layout at the south-east corner of the site is not supported. All car parking areas for passenger cars shall be physically separated from heavy vehicle access and manoeuvring areas by use of a kerb or other permanent feature. The use of bollards or line marking to separate heavy vehicle areas from car parking areas is not supported.

## **3. Traffic Considerations**

(a) Electric vehicle parking and charging

As per section 4.6.1(8) of the MRP DCP, parking areas should incorporate dedicated parking bays for electric vehicle charging. The DCP does not provide guidance on the specific number of bays to be provided and it is recommended that a minimum of 5% of spaces be provided for EV charging and a further 5% be constructed so as to be readily adaptable.

(b) Bicycle parking and end of trip facilities

Based on the requirements of the MRP DCP 67 bicycle parking spaces are to be provided. It is recommended that DPE condition the requirement to



provide a compliant number of spaces in a safe and secure location, as per the DCP requirements and close to the office entry.

High quality end of trip amenities are to be provided in accordance with the requirements and design features outlined in the MRP DCP.

(c) Design Vehicle

As per MRP DCP, the design vehicle for site areas greater than 20,000m<sup>2</sup> is 30m PBS Level 2 Type B vehicle for site access and circulation.

(d) NHVR (National Heavy Vehicle Regulator) approval

Use of 30m PBS Level 2 Type B vehicle on local roads will require approval from NHVR and Council's Asset Section. It is recommended that DPE insert a relevant condition in the consent to require the above.

(e) Other matters

- All vehicles shall be able to enter and exit the site in a forward direction.
- Safe pedestrian routes shall be provided throughout the site.
- Accessible car spaces shall be provided in accordance with the Access to Premises Standards, Building Code of Australia and AS 2890.6
- Heavy vehicle loading and manoeuvring areas/routes shall be completely separated from customers / visitors to the site.
- A car can turn around within the site when all car spaces are occupied using no more than a three-point turn.
- The maximum size of vehicle permitted to service the development shall be restricted to 30m PBS Level 2 Type B vehicle.
- Use of 30m PBS Level 2 Type B vehicle on local roads will require approval from NHVR and Council's Asset Section.

#### **4. Environmental Health Considerations**

(a) Noise

In imposing the noise level limits in the original consent, the Department adopted a precinct-wide approach with the intent of managing cumulative noise from future industrial developments within the MRP so that resultant noise levels would not adversely impact the amenity of residential receivers in Luddenham and Mount Vernon (refer to Development Assessment Report SSD 10448).

Whilst the Noise Impact Assessment (NIA) supporting both SSD applications (MOD 3 and the subject SSDA) predicts Warehouse 9 noise emissions will be within the industrial criteria recommended in the Noise Policy for Industry (NPfI), as well as being within applicable criteria at residential receivers outside of the MRP, the NIA does not inform as to the overall ultimate affect the increased noise levels specific to Warehouse 9 will have on the cumulative noise levels from the Estate and fully developed MRP as a whole.



Therefore, whilst complying with NPfI objectives, it is not known whether noise levels resultant of Warehouse 9 will result in discernible or significant noise level increases from the overall fully developed and operational Estate and MRP.

In determining appropriate operational noise levels specific to Warehouse 9, DPE will need to consider development of the broader MRP and be satisfied that Warehouse 9 noise level limits remain consistent with the objectives of the originally derived levels, imposed by DPE to protect the amenity of Luddenham and Mount Vernon residents from the MRP as a whole.

Additional acoustic information is now available since the date of SSD 10448 consent, with numerous applications informing as to the final configuration of the Estate and MRP, and this should be considered in reviewing Warehouse specific noise levels and completing further acoustic assessment.

Furthermore, subsequent to issuance of SSD 10448 consent, noise agreements apply to receivers that at the time of consent were nearby rural residential residences and that although rezoned for Industrial use, may have remained residential at the time Stage 1 commenced operating. These matters are important considerations in reviewing noise limits.

DPE has required additional noise impact assessment for MOD2 and it is assumed that this will extend to consideration of SSD 46516461 and SSD 10448 MOD 3, to ensure acoustic amenity objectives for the MRP are achievable.

It is noted that whilst the NIA recommends various operational noise controls, including the preparation and implementation of an Operational Noise Management Plan, it also identifies potential limitations to the availability of feasible options. For example, the EIS puts forward potential mitigative measures of staggering delivery and pick-up times and staggering staff shift changeovers, as well as restricting forklift and external plant to 'day' and 'evening' periods. However, the NIA recognises that the available options for noise mitigation may be limited by Winnings' operational requirements and there may not be scope to change vehicle volumes and movements, or hours of specific activities.

In confirming noise limits appropriate to Warehouse 9, the Estate and to other developments within the MRP more broadly, it must be ensured that desired acoustic outcomes are feasible and achievable.

It is noted that SSD 10448 consent requires verification acoustic modelling. Post operational monitoring should be designed so as to constructively inform and support the overall strategy for managing ongoing operational noise from the MRP in an effective and substantive way.

(b) Dangerous goods

In reading the EIS it appears that the storage of Dangerous Goods (DG's) has not been specifically addressed, with no detail provided as to whether Warehouse 9 will store DG's.

Section 6.2.4 of the Fire Safety Strategy (page 14) was prepared when tenancy details were unknown and states that DGs have not been accounted for. Appendix C of the EIS discusses compliance with SEPP (Resilience and Hazards), however does not specifically reference DG considerations.

(c) Other matters

Finally, in terms of other environmental considerations (air quality, soil and water and so on) it is anticipated that these may be satisfactorily managed through the use of best available technology and practises, in conjunction with the implementation of appropriate environmental management plans and these matters may be satisfactorily addressed through the assessment process and relevant conditions of consent, should consent be granted.

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

Regards,



**Kathryn Saunders**  
**Principal Planner**