



Our reference: P-589671-B5X5
Contact: Sandra Fagan
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11 December 2023

Attn: David Schwebel
Email: david.schwebel@planning.nsw.gov.au

Dear David Schwebel,

**Council Response to Environmental Impact Statement - SSD-30871587
– Warehouse and Distribution Centre at 805–817 & Part 799–803 Mamre
Road, Kemps Creek, NSW, 2178**

Thank you for providing Penrith City Council with the opportunity to comment on the abovementioned Environmental Impact Centre (EIS).

Council has reviewed the information referred for comment and provides the following advice for the Department's consideration in relation to this matter.

1. Planning Considerations

- a) DPE are requested to carefully consider the proposed staging and delivery of the Open Space Edge Road. This road is shown in the Mamre Road Precinct DCP (Figure 12) and is an important piece of infrastructure to serve the adjoining open space corridor.
- b) The Open Space Edge Road should be delivered as part of the proposed development and detailed engineering plans provided. The applicant should provide information to support their statement that Council has agreed in principle to the road being delivered by others, possibly through contributions or a Planning Agreement. If a Letter of Offer to enter into a Planning Agreement has been made to Council, the applicant should provide DPE with a letter confirming at least in principle support from Council. (Note that Council's City Planning Team have provided further comments about this at the end of this letter).
- c) The proponent includes an email from Council's Development Assessment Coordinator, dated 07 August 2023, which indicates no objection in principle to the Open Space Edge Road being

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realigned to be within the REI zoned land. This position remains given the previous advice by Council staff. If such a realignment is permitted, DPE should be satisfied that the realigned road will suit the future road alignment on adjoining properties and beyond, to result in the full length of the road being realised as per Figure 12 of the DCP.

- d) The proponent should also demonstrate that the realignment, particularly road levels, can work having regard to the knock-on implications for adjacent landowners in terms of regrading and earthworks. DPE should be satisfied that the proposed levels for warehouse 2, currently shown as below the proposed level for the Open Space Edge Road and adjoining open space, is satisfactory, given the proposed retaining walls around three boundary edges of the warehouse.
- e) Regarding the local collector road, DPE should be satisfied that this road alignment accords with the DCP structure plan in terms of alignment, location, and width, and will tie in with the adjoining properties as shown in Figure 12 of the DCP.
- f) The proposed wetlands are located on land zoned REI which are identified as being on land to be dedicated to Council as public open space. Given that the wetland is the applicant's interim stormwater solution, and will ultimately serve the developable industrial land, the stormwater infrastructure should be located on industrial zoned land, not on REI land. This could be accommodated by staging the proposed warehouses in a manner that allows the first warehouse to be constructed, with the water management infrastructure located on lot 2, and the second warehouse constructed only after the Sydney Water strategy is adopted and the relevant wetland located as per the adopted strategy (likely within the ENZ zoned land).
- g) Positioning the wetland/pond on the REI zoned land also has implications for the timing of when the REI land is made available for public use and dedicated to Council as open space. The proposed positioning of the wetland on REI land also has implications for the long-term public use and enjoyment of the open space, particularly considering the objectives of the REI zone in the SEPP (Industry and Employment). It is unclear how the

proposed wetland is permissible in the REI zone using the definition for “*environmental protection works*” given that the basin is primarily a stormwater detention and treatment basin for the industrial development. It is also unclear how (and by whom) the stormwater infrastructure will be maintained if it is on public open space while serving industrial development. In this regard, Council would be unlikely to have the REI land dedicated until such time that the wetlands are decommissioned, and the site restored and rehabilitated.

- h) DPE could consider whether alternatively the wetland/pond should be located within the ENZ land, as this land is part of Sydney Water’s regional strategy. The wetland could align with Sydney Water’s Scheme Plan.
- i) DPE should liaise with Sydney Water regarding the proposed trunk drainage channel at the front north-eastern corner of the site. The EIS documents state that this trunk drainage channel will be located on REI zoned land which is to be dedicated to Council as open space. Given the proposed trunk drainage channel, and that the riparian corridor is shown on Figure 4 of the Mamre Road DCP as a trunk drainage path, DPE should ascertain if Sydney Water would be the most appropriate custodians of this area.
- j) In addition, the proposed alignment (straight run) of the trunk drainage / riparian corridor does not appear to be consistent with the DCP, section 2.3 and Sydney Water’s requirements for a ‘meandering channel’ to replicate the natural watercourse. The engineering plans should be amended to reflect these design principles.
- k) There is a large extent of retaining wall shown around the northern, southern, and western edges of proposed warehouse 2. The western edge is of particular concern as this facade fronts the Open Space Edge Road and adjoining open space beyond. The DCP requires facades along primary street frontages to strengthen passive surveillance and streetscape character. The DCP also requires retaining walls to be no more than 2m in height adjoining public domain/roads.

- l) It appears that warehouse 2 will be above the road and open space levels, requiring extensive lengths of retaining walls and not interacting with the adjoining (future) public road. This is a poor outcome. DPE should consider in the first instance whether this is a satisfactory solution and whether the proposed batter adequately reduces the impacts.

- m) If this proposed arrangement is acceptable to DPE, the consent authority should also be satisfied that the retaining walls remain mostly screened from public view, and that the landscaped setback between the road and the warehouse lot is adequate to provide vegetation to screen the retaining walls. At a preliminary review, the batter (setback) between the wall and the Open Space Edge Road appears inadequate to accommodate suitable screening vegetation. This appears to particularly be the case in the north-west corner of the warehouse 2 lot. In this location, at chainage 140, the proposed retaining wall is about 2.42m high. The position of this section of retaining wall would also be highly visible to (future) passing pedestrians and motorists using the Open Space Edge Road. In addition, the retaining wall at chainage 140.00 (on the corner) is positioned close to the northern boundary which would not allow suitable screen planting. DPE should be satisfied that the proposed tree planting along these edges is realistic, and whether the proposed landscaping is adequate to provide a suitable landscape screen and public road interface. Figure 29, taken from Viewpoint 5, in the Visual Impact Assessment shows the resulting view at both 'Year 0' and 'Year 15'. This demonstrates that the western frontage to the Open Space Edge Road relies heavily on the long-term success of tree growth, rather than the matter being addressed through the design of the building and development.

- n) In addition, as shown in part 6 of the Civil Engineering Report, the retaining wall along the northern boundary adjoining warehouse 2 encroaches upon the 2m side setback.

- o) DPE should be satisfied that the landscape design is reconciled with the civil design, particularly for stormwater pipes.

- p) Both offices for each warehouse should be integrated into the warehouses' built form rather than being positioned external to the

main building envelope, as required by clause 4.2.5 of the DCP. It is noted that the DCP refers to the office not being a 'tack on' addition.

- q) DPE should consider suitable conditions that enable the interim connection from Mamre Road and the private access road to be removed at the appropriate time and the land suitably rehabilitated with landscaping, particularly in the north-western corner of Lot 3 (accommodating warehouse 1). The applicant should provide information relating to the period in which the interim access and private road will be retained, as this has implications for the adjoining REI zoned land.
- r) DPE are requested to ensure that the proposed Lot 3 (warehouse) provides a suitable area to allow for edge landscaping along the future Mamre Road widening on Lot 5.
- s) Given that car parking areas are proposed fronting the local estate road, DPE should consider whether either the current proposed landscaping is adequate to address this non-compliance, or whether additional landscaping (and/or an increased setback) is required.
- t) The EIS states that operational noise predictions show that noise levels could exceed the relevant noise emission targets at some residential receivers during the night-time period. DPE should consider whether this is acceptable, given the likely cumulative impacts as further properties are developed for industrial uses.
- u) Proposed way-finding signage should be reconciled with the landscape plans and ensure that the position of the signage does not impact on trees to be provided as part of the approved landscape design.

2. Development Engineering Considerations

Council's Development Engineering Department have reviewed the proposal and have raised the following considerations:

- a) The long section of the collector industrial road passing through the site is to be extended beyond the property boundaries, to demonstrate future tie-in with the adjoining developments.

- b) Further engineering details of the post-development scenario with respect to decommissioning of the temporary access road to Mamre Road should be provided. Engineering plans/details showing removal of the culverts under this temporary access road and extension of the trunk drainage swale through to the adjoining property could be provided to this extent.
- c) The department should provide condition(s) to address this requirement (removal of this temporary access road).
- d) Provision needs to be provided on-site for errant vehicles that have entered the site. The use of private development to re-direct public traffic out of the site is not appropriate. A temporary cul-de-sac or other arrangement may need to be negotiated on the adjoining lot to facilitate manoeuvring out of the site in this interim arrangement.
- e) The temporary access road is to be tested for a 36.5m PBS Level 3 Type A Vehicle, as this road will be operating functionally as a public road in the interim arrangement. Swept paths for this design vehicle are to be provided demonstrating adequate entry/exit to Mamre Road as well as entry/exit from temporary road onto the collector road.

The trunk drainage swale shall remain in private ownership with maintenance covenants placed over them to the satisfaction of Council. Easements will also be required to benefit upstream land.

3. Traffic Considerations

Council's Traffic Engineers have reviewed the proposal and have raised the following considerations:

- a) It is recommended that Interim access will require provision of a deceleration lane off Mamre Road. The proposal should be amended to reflect this, and a further referral issued to Transport for NSW for review, to ensure that their previous issues raised are satisfactorily addressed by this provision.
- b) It is recommended Ason Group liaise with Transport for NSW regarding the proposed interim access arrangements.

- c) Swept path analysis has been provided for the largest vehicle (30m PBS Level 2 Type B vehicle). A condition reflecting this as the largest permitted vehicle to service the development should be considered.
- d) Construction traffic along with the required staging requires conformation at the relevant stage.

4. Floodplain Engineering Considerations

Unfortunately, Council's Floodplain Engineers have been unable to review the proposal during the allocated time. However, if comments are received, Council staff will email the same to DPE separately.

5. Environmental Health Considerations

Council's Environmental Health Department have reviewed the proposal and have raised the following considerations:

a) Environmental Management Considerations

- A Noise Report prepared by RWDI Australia (dated 25 August 2023, ref 2200333) has been provided. It is noted that there are exceedances of the residential project noise trigger levels for the nearby residential receivers located within the Mamre Road Precinct, but these levels are below the industrial receiver project noise trigger levels. It has been concluded that additional mitigation to resolve the residential project noise trigger levels would be neither feasible nor reasonable as it is expected that the nearby residential receivers would likely be uninhabited or no longer existing at the time of operation of the proposed development.
- It is recommended that this assumption be confirmed prior to works commencing on site, and further assessments be undertaken if necessary to ensure that additional contingency mitigation can be prepared in the instance that the nearby residential receivers located within the Mamre Road Precinct remain to occupy these adjacent properties.
- A detailed Waste Management Plan prepared by Land and Groundwater Consulting Pty Ltd (dated 25 August 2023, ref

LG2128.01) has been provided along with the development proposal. The Waste Management Plan addresses the demolition, construction, and operational phases of the proposed development. This is satisfactory, subject to conditions of consent.

b) Biodiversity Considerations

- The proposed development footprint has been classed as Certified-urban capable as identified in the Cumberland Plain Conservation Plan (CPCP) spatial viewer. The Watercourse and Biodiversity Assessment has concluded that the *'majority of the site is located on biodiversity certified land and does not need an assessment of impacts. Consistency with the Cumberland Plain Conservation Plan (CPCP) Mitigation Measures Guidelines is required for development on urban capable land. The development has been assessed against these and found to be consistent, with the majority of these measures not applicable to the site.'*
- The Watercourse and Biodiversity Assessment states that *'the subject site does not contain any trees that will be retained.'* The author states that there are two isolated paddock trees present within the subject site. The development has not been designed to try and retain these trees and incorporate them into the development to demonstrate this mitigation measure has been incorporated. The CPCP mitigation measures asks for *'Retain large trees (including dead trees but excluding noxious weeds) (≥50cm DBH) during precinct planning where possible and avoid impacts to soil within the dripline of these trees during construction.'*
- As per the objectives of the Mamre Road DCP under Section 4.2.2 Building Setbacks and Section 4.2.3 Landscaping (Point 1 and 5) the development should be designed to retain existing trees where possible. Retaining existing trees can assist with achieving required canopy targets and can reduce costs in landscaping and maintenance of planting more trees. DPE should consider that the development could be designed to try to retain the existing trees which could form part of the landscaping of the site.

- If the application is to be approved the following consent conditions should include:
 - o Requirement for a qualified and experienced wildlife Ecologist to undertake a pre-clearance survey prior to clearing of trees and supervise clearing of the trees approved to be removed present on the site.
 - o As per Section 2.2.2 of the Mamre Road DCP A Weed Eradication and Management Plan identify existing weeds, outlining weed control measures methods for control and disposal during and after construction.
 - o A Vegetation Management Plan should be prepared for the Riparian Corridor and temporary sediment basins.
 - o A Dam dewatering report or requirement to supervise the dewatering of any standing water that might be present in the watercourse to rescue and relocate any aquatic fauna that may be present.

c) Waterways Considerations

- Prior to determination of the application, the department should ensure that the controls are met in terms of compliance with the stormwater and waterway health targets (for both the construction and operational stages). The department should ensure that the MUSIC modelling has been prepared in accordance with the Technical guidance for achieving Wianamatta South Creek stormwater management targets. At this stage there are several departures from the guidelines.
- It is recommended that the prior to determination, approval in relation to the trunk drainage / riparian corridor is required from Sydney Water and DPE – Water. Additional information is required to be included on the designs. The designs need to be consistent with the Draft Stormwater Scheme Infrastructure Design Guideline including planting list prepared by Sydney Water. Further, the design should be done in a manner consistent with the relevant DCP controls. It is also suggested that the alignment of the realigned waterway should be designed to reflect the design intent shown on Figure 3-1 in Sydney's Water's guidelines.
- Noting the development includes the restoration of a 2nd order waterway, the proposed changes and embellishment of the riparian corridor will also be subject to approval from DPE –

Water in relation to controlled activity requirements. An updated (and detailed) set of engineering and landscaping plans, with updated planting specifications and cross sections, also needs to be provided for review and approval by Sydney Water and the relevant authority, including DPE – Water.

- The report and plans (and MUSIC modelling) have no reference to the provision of any gross pollutant traps (GPTs). With respect to the GPTs, these should be provided and additional detail (e.g., access arrangements and type) is required on the plans. Further, the GPTs need to be prepared as per the specifications outlined in Sydney Water Technical Design Guidelines.
- Additional details are required on the proposed pond and temporary wetlands. This should include full details including a functional design, cross sections, landscaping plans etc., and include an operation and maintenance manual/s for the infrastructure.
- It is noted that the Stormwater report assumes that rainwater tanks would remain in place following delivery of the regional stormwater management scheme, unless reticulated recycled water is deemed to be a more viable solution for subsequent development beyond the completion of the project. This should be clarified prior to determination, as it is Council staff's understanding that the tanks are to be temporary until connection to the regional infrastructure is available.
- Passively irrigated street trees should be incorporated into the design of the streets. This can be considered in detail as part of detailed designs. However, a condition should be considered to ensure that prior to completing detailed design the plans must be submitted to Council for review and approval (in the case the roads will be dedicated). It is staff's understanding that they have some reliance in the scheme.
- It appears that high efficiency sediment basins are proposed to meet the construction phase IWCM controls in the MRP DCP. Conditions should also be considered to require high efficiency sediment basins to be used during the construction stages of the development, and that they are designed and audited by a CPESC as per the Technical guidance for achieving Wianamatta South Creek stormwater management targets.

- Should the application be approved, adequate conditions will need to be in place to ensure that all temporary infrastructure is maintained until the regional infrastructure is available. The conditions should ensure that future development on the site achieves compliance with the Integrated Water Cycle Management (IWCM) controls in the MRP DCP and in accordance with the Technical Guidance for achieving Wianamatta South Creek Stormwater Management Targets (NSW Government, 2022).
- Should the application be approved conditions should also be applied to ensure that all stormwater infrastructure, including GPTs, rainwater tanks, irrigation systems temporary ponds etc., remains under the ownership, control, and care of the registered proprietor of the lots. It is suggested that positive covenants and restrictions of use should be placed to ensure that all privately owned systems will be maintained in perpetuity. It is also acknowledged some infrastructure will not be required once the regional scheme is available. Conditions may need to be included to manage the transition and decommissioning of the infrastructure once connection to the regional infrastructure is available.

6. Landscape Considerations

Council's Landscape Architect team have reviewed the proposal and have raised the following considerations:

Paths and active transport:

- Acknowledging the development is an industrial use of the site, the works within the public realm should still accommodate the dignified access for free movement within developed public space regardless of whether one has access to a vehicle or whether they use a mobility aid, or a carer. It is recommended a minimum 2.5m path is provided within all verges adjoining roads.

Mass of site and expanse on concrete:

- There will be a significant area of concrete and impervious surface at a percentage of the site's footprint. It is noted that if

this footprint of development were replicated throughout the precinct, it would result in a significant impact on the urban heat island effect in the area.

Vegetation:

- Trees provided along the southern boundary may be dependent on adjoining soil volume to thrive. Structural cells under the proposed pavement or reduced hardstand width are recommended in this location to allow the tree to thrive.
- Continuous landscaping and canopy is required along boundary north of warehouse 2 / adjacent to fire access track. For improved growing conditions, consideration should be given to a permeable surface of the fire access track.
- Understorey plantings shall be sufficient to provide full height and dense screening to built forms on the development site, including large and medium native shrubs as required. The screening effect should continue through the riparian corridor planting and along the edge of northern pavements at Warehouse 1, ameliorating the visual impact of built form from Mamre Rd.

Street Trees:

- No street trees are proposed as part of the development. Considering Council's urban heat controls, and expected temperature rises predicted in the future, street tree planting and deep soil canopy cover across the site should be prioritised as much as can be reasonably prescribed.
- Given Penrith's susceptibility to the urban heat island effect, the canopy requirements and deep soil are expected to be higher than perhaps other less vulnerable areas of Sydney to compensate for this factor. In the current proposal there is insufficient canopy tree planting and cooling of the carpark to meet standards. Additional tree planting, with engineered tree pits is required.
- It is unclear whether the internal collector road and the open space edge road are to be delivered as part of this development. Regardless it is recommended that the;

- Open space edge road be planted with street trees.
 - East side: *Melaleuca decora*, White Feather Honeymyrtle
 - West side: *Eucalyptus amplifolia*, Cabbage Gum.
- Internal collector road be planted with:
 - *Eucalyptus leucoxylon* 'Rosea' (both sides of the road).
- It is recommended the Mamre Rd setback be planted informally with the following mix of tree species, delivering consistency along the corridor, biodiversity and maximum canopy coverage:
 - *Eucalyptus tereticornis*, Forest Red Gum
 - *Eucalyptus moluccana*, Grey Box Gum
 - *Eucalyptus crebra*, Narrow-Leaved Ironbark
 - *Corymbia maculata*, Spotted Gum
 - *Waterhousia floribunda*, Weeping Lilly Pilly
 - *Tristaniopsis laurina* 'Luscious,' Water Gum
 - *Cupaniopsis anacardioides*, Tuckeroo
 - *Melaleuca decora*, White Feather Honey Myrtle.
- Unless otherwise required by fire management, tall shrubs shall be continuous along the south, west and north boundaries, rather than small clusters between trees.

Irrigation:

- It is recommended that all vegetated areas be irrigated, including site boundaries.

Conflicting Plans:

- Landscape matrix 1 South Boundary - There is a conflict between the detail on drawing LDA-05 which includes trees, and the plan for Warehouse 2 (drawing LDA-02) on which no trees are shown. Canopy trees should be included. If the landscaped area cannot be extended to provide trees, planting within the easement should include tall shrubs as a minimum in lieu of canopy.

7. City Planning Considerations

Council's City Planning Department have reviewed the proposal and have raised the following considerations:

- The EIS indicates that a Planning Agreement with Council will be progressed concurrently with the SSD. It does not appear that Council's City Planning department has yet had a formal meeting with the proponent regarding a planning agreement, nor a Letter of Offer lodged.
- The Open Space Edge Road is not infrastructure nominated in the Mamre Road precinct development contribution plan. As such Council is unlikely to be delivering the Open Space Edge Road or accepting a monetary contribution through a Voluntary Planning Agreement (VPA) for the delivery of this road. It is requested that the Open Space Edge Road is considered and delivered as part of the SSD application.
- There are wetland/storage ponds located in the RE1 zone that service the development. Council will eventually acquire the RE1 zoned portion of the site (the EIS indicates that the RE1 zoned portion of land will be dedicated through a future planning agreement to Council). Council is unlikely to support the receipt of land with such encumbrances. It is suggested that any basins that service the development are contained within the IN1 zoned portion of the site.

Should you wish to discuss this matter further, please do not hesitate to contact me on (02) 4732 7992.

Yours sincerely,



Sandra Fagan
Principal Planner