



Our reference: P-664517-PIL7
Contact: Sandra Fagan
Telephone: (02) 4732 7992

22 April 2024

Attn: Bruce Zhang
Email: bruce.zhang@planning.nsw.gov.au

Dear Bruce,

**Council Response to Environmental Impact Statement – SSD-30628110
Summit at 706–752 Mamre Road, Kemps Creek**

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

Council staff have reviewed the information referred for comment on 15 March 2024 and provides the following advice for the Department's consideration.

1. Planning Considerations

Council's Development Services Department have raised the following considerations:

- a) The EIS refers to upgrade works that the LOG-N group is proposing to undertake to Aldington Road and interim measures on Bakers Lane, until such time as the Southern Link Road is realised. The EIS states that these works will be subject to another Part 4 application. However, given that these works appear to be very inter-connected to the proposed development and use of the subject site, DPHI should consider whether it is appropriate to deal with these works as part of a future application, or alternatively as part of this current SSD application.
- b) DPHI should consider if the current road infrastructure is suitable to support and service the proposed development, both in the short and longer-term scenarios. The existing road infrastructure in its current form is unsuitable to accommodate the proposed development. The MRP DCP requires consideration of the cumulative implications on existing and planned infrastructure.

Penrith City Council
PO Box 60, Penrith
NSW 2751 Australia
T 4732 7777
F 4732 7958
penrith.city

- c) Given this concern about road infrastructure and capacity, DPHI should consider whether concept masterplan proposals should be endorsed at this time. It is noted that the proposed development seeks a concept approval for eight warehouses (244,413 square metres of gross floor area) with the initial construction of three of those warehouses. Concept masterplans should only be endorsed if it can be demonstrated that the required infrastructure will be delivered at the relevant stage, otherwise there is likely to be a false expectation that the concept masterplan is an endorsement of the real future development potential (yield) of the site. This is particularly relevant given that the proposed development also seeks approval for Stage 1 works including site wide bulk earthworks to create flat building pads for future warehouses.
- d) Relevant to the above point, the EIS references that the interim arrangement devised by the LOG-N group for the Southern Link Road would enable 250,000sqm of GFA across the three sites that make up LOG-N. DPHI should consider what planning mechanisms can be used to appropriately stage the developments across the three referenced sites to reflect the existing road infrastructure and future road upgrades (including staging of road works).
- e) Part of the local industrial road (shown as 'western road 2') is a 'half-road', with a portion of the road shown on the adjoining site to the south (GPT/Yiribana). Council is unlikely to accept a half-road construction. The proponent should resolve this with the adjoining developer, particularly given the proposed level changes between the Summit site and the adjoining GPT site. Other matters relating to road works are discussed in the section below from Council's City Planning Team.
- f) The proposed development includes extensive cut and fill and a heavy reliance on retaining walls. It is unclear how this achieves the objectives in the MRP DCP relating to land on ridgelines and highpoints (clause 3.2) and responding to natural topography of the site, using tiered retaining walls, and using split level design (clause 4.4.1). The site has a natural ridgeline running approximately through the middle of the site (from a high point in the south-east to the north-west).
- g) Although the proposed retaining walls fronting Mamre Road are tiered and contain landscaping and trees, the extent and series of retaining walls dominate the visual catchment on the approach to the site from Mamre Road. This is evident from viewpoints 2 and 3 in the

accompanying documentation. These vantage points rely on the success of the proposed trees in the long term to provide some screening. The same concern/comment is made about the vantage points from the school sites in Bakers Lane.

- h) DPHI should also consider whether the width, depth (and volume) of the deep soil area at the top of walls is sufficient to accommodate long-term growth of healthy, mature trees. Drawing sections 15, 16, and 17 show top of wall widths being 1.5m, which may comply with the MRP DCP. However, DPHI should consider if further landscaped setbacks along Mamre Road and Bakers Lane is necessary given the extent of retaining walls and level differences proposed in those areas, which are main frontages to the site. An increased front setback for additional landscaping may provide justification for the (slight) height non-compliance to part of the proposed warehouse. This should also include consideration of the proposed estate entry signs and how the sign will fit within the proposed landscaping, particularly the estate entry sign near warehouse 1 which is 23m wide and 4.4m high.
- i) The proposed retaining wall located adjacent to warehouse 1 and the low flow trunk drainage corridor does not appear to be tiered, given that it is a high retaining wall (6m high in part) with only a 1.5m setback at the top of wall.
- j) DPHI should consider the acoustic environment in the surrounding area, particularly given the sensitive school uses in Bakers Lane. The acoustic report should be based on known future tenants of warehouses 1, 2, and 3 as this will allow a more precise and correct estimation of the noise emissions likely to be generated by specific users.
- k) In the same manner, the documentation should demonstrate the required mechanical infrastructure required for each future warehouse occupier, particularly in relation to acoustic emissions and placement of plant on the roof. This detail will also clarify whether there will be any height non-compliances, noting that warehouse 6 already exceeds the 20m height limit (in part).
- l) The plans show a cafe in a building setback area. It is assumed that this area will be landscaped and therefore DPHI should consider how a future built form in this setback area is reconciled with the need for landscaping in a setback.

- m) The number of proposed vehicle (car) access driveways from the local industrial road, for warehouses 2 and 3, appears excessive. The local industrial road will have a total of seven vehicle access driveways along the southern frontage of warehouses 2 and 3. Four of these driveways are for car access (two for each warehouse). The cumulative impact of the driveways results in less area for vegetation within the landscaped front setback. DPHI should consider consolidating the four car access points into two access driveways. The proposed cafe driveway can be consolidated with the car access for warehouse 3, and the separated in and out driveways for warehouse 2 can be consolidated into one (in-out) driveway. This would free up space within the front setback for more landscaping, particularly given the three truck driveways in the same section of local road, the two substations, the rainwater tanks, and future signage.
- n) Notwithstanding that the layout of warehouse 4 is indicative, the proponent should clarify where the car parking area for this warehouse will be (indicatively) located.
- o) While there is no objection in principle to the proposed architectural design of warehouses 1, 2, and 3, the future warehouses 4-8 should have a varied architectural language. Given the size of the estate, the detailing and appearance of the warehouses should include variety and be distinguishable from each other. This will assist in identifying the various buildings within the estate and help with way finding.

2. City Planning Considerations

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

- a) Council's City Planning Team have not yet been approached about a planning agreement to deliver/dedicate the site's internal collector industrial roads. Staff encourage and welcome these discussions early on. From experience, early and constructive discussions concurrently with the assessment of the SSD, can assist to streamline the process for an associated planning agreement.
- b) The EIS notes that the industrial collector road number 1 is not initially proposed to connect through to the Yiribana Estate site (GPT) to the south. It is instead proposed that an interim cul-de-sac arrangement be used until such time as the future Southern Link Road (SLR) upgrades are in place.

- c) These roads will be Council infrastructure as identified in the applicable contribution plan. Staff query what assurance is to be provided to Council that the connection/throughway will be realised at an orderly and logical time, and who will be responsible for delivering these works? Staff would welcome discussions with the proponent and the assessing authority on this matter.
- d) Delivery of the roundabout requires careful consideration and management. Council staff would only support the roundabout to be delivered by one contractor (there will not be support for a half delivery from either developer). Staff suggest that GPT and the applicant of this SSD confer and decide on an arrangement to inform this SSD and secure appropriate delivery of the roundabout by one contractor/party. Council welcomes and encourages the opportunity to be part of these discussions.
- e) The subdivision plan does not appear to have set aside land to facilitate the delivery of the roundabout, which is required for the ultimate road design. The subdivision plan should be amended accordingly.
- f) Any road connection (or any works) into/on Council's existing roads will require Council's landowners' consent prior to any approval being issued. The Proponent can contact Council's Asset Management Team regarding landowners' consent.

3. Development Engineering Considerations

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

- a) Section 3.4.2 of the EIS incorrectly refers to the eastern Road No.2 as to be constructed wholly within the subject site, rather than the western Road No.2 as detailed in the civil drawings. The eastern Road No.2 (a local Industrial Road) is shown to be wholly within the subject site as per figure 12 of the Mamre Road DCP. While Council has no objections to the proposed alignment, i.e. having the eastern Road No.2 located centrally over the boundary between the subject site and the adjoining property (Yiribana Estate), appropriate conditions should be provided to ensure the road is delivered in its entirety by the one contractor. It appears that the current approval of Yiribana Estate does not include the approval for the delivery of the eastern Road No.2 and will be

subject to a future approval. It is recommended for the Department to ensure the delivery of the eastern Road No.2 is captured by the approvals of both developers.

- b) It is proposed that the Industrial Collector Road No.1 is not initially connected through to Yiribana Estate to the south until further stages of the Southern Link Road and Precinct Road network are implemented in the future. Council raises concern regarding an orderly and logical time for the delivery of the roundabout and who will be responsible for delivering these works. The delivery would need to be tied legislatively to ensure the delivery of the roundabout is carried out by the developers. Delivery of the roundabout requires careful consideration and management with appropriate conditions to ensure the delivery is undertaken by one contractor in its entirety.
- c) The proposal does not include detail of an interim arrangement at the intersection between Road no.1 and Road no.2 in lieu of the roundabout.
- d) The temporary turning head at the end of the eastern Road no. 2 is designed with the bulb area facing north. It would be more appropriate if the bulb area of the turning head is design towards the future extension to the east (i.e. south).
- e) Any road connection (or any works) into/on Council's existing roads will require Council's landowners' consent prior to any approval being issued. Any works on an existing public road reserve will also require Section 138 Roads Act approval.
- f) Council requires a copy of the ultimate design of the Southern Link Road (SLR) and particularly the tie-in with Bakers Lane. This information will assist in understanding and determining if the proposed interim arrangement is appropriate to manage the traffic to and from Bakers Lane. Cross sections along the SLR and Bakers Lane are to be provided to understand the interface arrangement between the two roads.

4. Traffic Considerations

Penrith City Council
PO Box 60, Penrith
NSW 2751 Australia
T 4732 7777
F 4732 7958
penrith.city

Council's Traffic Engineer has reviewed the proposal and has raised the following considerations:

- a) The SEPP (Transport and Infrastructure) 2021, Section 2.121 requires the consent authority to provide Transport for NSW written notice of the development application for developments considered a 'traffic

generating activity'. The proposal is a traffic generating activity as it is for a warehouse or distribution centre with a site area of more than 8,000 square metres.

- b) To access the site, the applicant is proposing delivery of 4 lanes of the Southern Link Road. Any works to be undertaken on the proposed alignment for Southern Link Road requires approval from Transport for NSW as the delivery of Southern Link Road is the responsibility of Transport for NSW. The applicant needs to discuss/resolve this matter with Transport for NSW prior to determination of the SSD.
- c) The proposed interim road network for the year 2026 is to be agreed by Transport for NSW. The applicant should discuss/resolve this matter with Transport for NSW prior to determination of the SSD. The proposed interim upgrades as well as the modelling methodology undertaken must be agreed by Transport for NSW.
- d) Traffic generated by the proposed development shall be estimated based on TfNSW trip rates.
- e) The number of parking spaces required for stage 1 is 329 and the number of parking spaces proposed is 322. There is a shortfall in seven (7) parking spaces, based on the Mamre Road Precinct DCP for stage 1. The shortfall in parking spaces should be addressed.
- f) Provision of accessible parking spaces, electric vehicle parking, bicycle parking spaces, and end-of -trip facilities must comply with the MRP DCP.
- g) Swept path diagrams shall be provided for 20m Articulated Vehicle (Design Vehicle) and 30m long PBS Type 2 check vehicle manoeuvring through the roundabout.
- h) Use of oversize or over mass vehicles to travel to and / or from the site during construction will require permits from National Heavy Vehicle Regulator (NHVR) and Transport for NSW. Use of any Council roads for these vehicles will require approval from Council's Asset Management Team.

5. Environmental Health Considerations

Council's Environmental Management Team have reviewed the proposal and have raised the following considerations:

- a) Consolidated Mitigation Measures must be included for approval by DPHI and implemented.
- b) Significant exceedances of the Project Noise Trigger Level at sensitive receivers within the MRP are predicted. This aspect must be considered by DPHI.
- c) A long-term Environmental Management Plan is required for the proposed remediation and onsite burial and containment of soils containing bonded asbestos.

6. Biodiversity Considerations

Council's Biodiversity Team have reviewed the proposal and have raised the following considerations:

- a) The BDAR in Section 2.5.2.3 states that Diurnal Active searches were undertaken for the Cumberland Plain Land Snail, Dural Land Snail and Koala. However, the report does not confirm that no snails were found during the survey. The report also states that as a minimum two - person minutes were undertaken searching at the base of trees. This time may not have been enough to search carefully for Cumberland Plain Land Snail. This species requires careful raking of soil and depending on the site conditions and habitat this species can occur further than 1m from the base of trees. The survey method undertaken may not have been sufficient to exclude this species.
- b) It is noted that the impacts that are to occur that is located on excluded land is located within an area identified for a major transport corridor and therefore opportunities to avoid and minimise is further difficult. It is recommended as the entity that will be impacted is a critically endangered ecological community and an entity that is at risk of serious and irreversible impacts, that DPHI considers additional requirements and conditions that the offsets are required to be obtained within the Penrith LGA to ensure that the biodiversity values in the Penrith LGA are improved where the impacts cannot be avoided or minimised.
- c) The proposed development proposes to remove all trees across the site. The development should consider a redesign to meet the objectives of Section 4.2.2 Building Setbacks and Section 4.2.3 Landscaping (Point 1 and 5) of the Mamre Road DCP. 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.

- d) It is recommended that the woody timber that is salvaged is reused for conservation purposes and organisations such as Landcare NSW or Local Land Service are contacted to see if they would want the timber for habitat supplementation in restoration projects such as at the orchard Hills Defence site.
- e) In respect to the Biodiversity Development Assessment Report that was provided, there are some concerns about the currency of information and adequacy of the assessment. The BDAR is dated 20 September 2022. The date of the EIS is January 2024, so it is unclear whether the application was lodged within 14 days of the BDAR. The BDAR therefore may not have been certified within 14 days of the application being lodged, as required by Section 6.15(1) of the *Biodiversity Conservation Act 2016*.
- f) The documentation provided has not addressed the development control of Chapter 13 Part 13.5 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021, namely how the development is consistent with the Cumberland Plain Mitigation Measures Guidelines
- g) The Consolidated mitigation measures report states that a Dam Decommissioning Plan is to be prepared. This plan is to be prepared prior to determination or required as a condition of consent.
 - i. The development will result in decommissioning three large dams. The Dam Decommissioning plan is to include details of how aquatic fauna will be rescued and relocated.
 - ii. The plan will need to identify suitable locations for the fauna to be relocated to. It is important that no relocation sites should be located on land that is certified – urban capable due to the high likelihood the aquatic waterbodies in these areas are likely to be impacted by current proposed development or future development. If locations are located on private land written confirmation from the landowner should be obtained. As there are a number of other similar developments, DPHI should consider the relocation location and ensure it is not one that is proposed

as a location for other applications and if so will need to consider what implications this will have on the biodiversity that may be present in the aquatic ecosystem and ensure there is enough resources to accommodate relocated aquatic fauna.

- h) It is also recommended a Fauna Management Plan is prepared which will outline how impacts to terrestrial fauna will be managed during vegetation clearing.
 - i. The plan should identify locations of where rescued/ salvaged fauna will be relocated to (all locations should not be located on certified – urban capable land) and should have written approval from the landowner to allow fauna to be released on site. There is a strong likelihood that the development is used as grazing habitat for the Eastern Grey Kangaroos.
 - ii. The management plan must include how resident mobs of Kangaroos that may be present on the site at the time of clearing will be managed. This will be integral as depending on timing of when clearing commences Kangaroos may become isolated on the site and as there is fencing along the northern side of Bakers Lane, they will not be able to disperse onto land to the north, and if surrounding land starts to develop then the Kangaroos may not have safe passage to disperse to other habitats.
 - iii. Based on BioNet results there are microbat records for three different threatened microbat species present (Southern Myotis, Eastern Coastal Free-tailed Bat and Greater Broad-nosed Bat). The fauna management plan should also include details of nocturnal stag watching to determine which trees may contain roosting microbats prior to clearing and methodology of how trees are to be removed to minimise the impact of tree felling on microbats.

7. Waterways Considerations

Council's Waterways Team have reviewed the proposal and have raised the following considerations:

- a) The development includes the provision of temporary stormwater management basins and associated infrastructure. It is indicated that ultimately the site will connect to Sydney Water's drainage network. Interim arrangements are proposed although it is noted that

additional information is required to demonstrate compliance with the requirements outlined in the MRP DCP.

- b) It is recommended that prior to determination, DPHI ensure that the controls are met in terms of compliance with the stormwater and waterway health targets (for both the construction and operational stages). DPHI should ensure that the MUSIC modelling and design of stormwater temporary infrastructure has been prepared in accordance with the *Technical guidance for achieving Wianamatta South Creek stormwater management targets*. This is likely to require additional information prior to determination.
- c) With respect to the GPTs, while the plans indicate locations additional details (such as access arrangements and type) is required on the engineering plans. All GPTs need to be included on the plans. Further, the GPTs need to be prepared as per the specifications outlined in Sydney Water Technical Design Guidelines. It is noted that the GPT's will be the responsibility of the developer / property owners to maintain. Conditions will need to be included requiring this.
- d) Additional details of the stormwater infrastructure are required. As proposed, they have adopted Filterra bioretention system media. This is not consistent with the relevant guidelines as it is not SQIDEP approved. Permeable paving is also proposed, and additional details need to be provided as all treatment measure should be lined. This needs to be updated and addressed.
- e) Functional design drawings of the GPTs, temporary ponds, bioretention systems, temporary irrigation systems and associated infrastructure still need to be provided. The plans should include additional details to demonstrate they can function and include details of levels, cross sections, access arrangements, landscape details, filter media specifications, and the like. All treatment measures should be prepared in accordance with relevant guidelines.
- f) Operation and maintenance manuals for the infrastructure should be provided prior to determination. Conditions should be applied to ensure interim (and permanent) measures are maintained to the required standards.
- g) Rainwater tanks are proposed as interim measures until the delivery of the regional stormwater management scheme. At this stage additional details should be provided in relation to sizing and ability to

meet demands. Conditions are also required to ensure they are designed to meet a minimum of 80% non-potable demand and that they are decommissioned once connection to the regional scheme is available.

- h) Passively irrigated street trees should be incorporated into the design of the streets. It is acknowledged this can be considered in detail as part of detailed designs. However, a condition needs to be applied 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).
- i) 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 in accordance with the Technical Guidance for achieving Wianamatta South Creek Stormwater Management Targets (NSW Government, 2022).
- j) Conditions needs to be applied to ensure that adequate land is reserved for initial stages of the development's treatment and management of stormwater (that is, irrigation of undeveloped land).
- k) Conditions should also be applied to ensure that all stormwater infrastructure, including GPTs, rainwater tanks, irrigation systems temporary ponds, and the like., remains under the ownership, control, and care of the registered proprietor of the lots. It is suggested that positive covenants and restrictions of use are used 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.
- l) With respect to controlled activities and waterways, it is noted that a mapped waterway is located on the site. It is noted that this is proposed to be realigned. These works will need to be undertaken in accordance with the Water Management Act and the Department of Climate Change, Energy, the Environment and Water (NRAR) requirements / guidelines.

- m) It is noted that the trunk drainage design is not fully consistent with the Sydney Water Scheme plan and additional information of the design should be sought. It is suggested that full details need be provided prior to determination, including consideration of comments from Sydney Water.
- n) High efficiency sediment basins are required to be provided to meet the construction phase IWCM controls in the MRP DCP. It is noted that reference to high efficiency sediment basins on the plans and supporting report is provided. Conditions should be utilised to require high efficiency sediment basins 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*.

8. Landscape Considerations

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

- a) The landscaping within the front setback to Mamre Road must be of a design and detail that provides a suitable vegetated screen to the public road. This includes having a variety of landscaping such as trees, low-medium shrubs, and grassed areas.
- b) To ensure consistency of landscape character and visual amenity along significant road corridors, landscaped setbacks require coordinated planting design as follows:
- c) The setback corridor consists of large trees and a dense wall of screen planting, of a natural and informal effect and diverse mix of species. Setback designs should not assume that street trees will be provided as part of the Mamre Road widening and upgrade due to utilities and other constraints.
- d) Provide substantial species diversity generally, with tree species selected from the Penrith City Council's (Draft) Street Tree Masterplan (see below).
- e) Large and medium sized trees provide an effective continuous canopy cover across the full width and extent of the setback, with canopy extending into the widened Mamre Rd road reserve.

- f) Small, medium and large shrubs are densely planted to provide effective mid-level screening between ground and canopy. This shall also apply to site corners where oblique views to built form should be enhanced with substantial planting. Supplementary small trees may support the screening effect and groundcovers have a supporting role in the diversity of plants provided.
- g) Clusters, mass planting and rows of single species, formality and turf areas are not supported.
- h) Structures within the setback are not supported. Any necessary structures such as retaining walls and fences are to be fully screened to minimise visual impact from the public domain.
- i) Long-term maintenance shall sustain a natural and informal look, without hedging and unnecessary shaping of plants. Plants shall mature to their natural height and form. Failed and vandalised plants must be replaced with the same species.
- j) The proposal documents must reference Council's (draft) Street Tree Masterplan species requirements for all local roads (including those within the site), and within the Mamre Road setback.
- k) Along Mamre Road this includes:
 - i. *Eucalyptus tereticornis*, Forest Red Gum*,
 - ii. *Eucalyptus moluccana*, Grey Box Gum*,
 - iii. *Eucalyptus crebra*, Narrow-Leaved Ironbark*,
 - iv. *Corymbia maculata*, Spotted Gum,
 - v. *Waterhousia floribunda*, Weeping Lilly Pilly,
 - vi. *Tristaniopsis laurina*, 'Luscious', Water Gum,
 - vii. *Cupaniopsis anacardioides*, Tuckeroo, and
 - viii. *Melaleuca decora*, White Feather Honey Myrtle.

(Note * = Trees for very wide verge areas or large open space setback).
- l) Along the dedicated freight network this includes:
 - i. East Side, *Acacia melanoxylon*, Blackwood. *Melaleuca bracteata*, Black Tea tree.
 - ii. West Side, *Acacia melanoxylon*, Blackwood. *Eucalyptus sideroxylon*, Mugga ironbark.

m) Along Bakers Lane this includes:

- i. North side, *Lophostemon confertus*, Brush Box.
- ii. South side, *Lophostemon confertus*, Brush Box.

n) Along the collector industrial road (running north-south) this includes:

- i. East Side, *Melaleuca bracteata* 'Revolution Gold,' Honey Myrtle.
- ii. West Side, *Melaleuca bracteata* 'Revolution Gold,' Honey Myrtle.

o) Along the local industrial road (running east-west) this includes:

- i. North side, *Tristaniopsis laurina*, Water Gum.
- ii. South side, *Zelkova serrata* 'Green Vase,' Japanese Zelkova.

Should you wish to discuss this matter further, I can be contacted on
02 4732 7992.

Yours sincerely,



Sandra Fagan
Principal Planner