

Our ref: ECM 8399344  
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Department of Planning & Environment  
Attn: Nikki Matthews  
Planning Officer  
Division of Priority Projects Assessments  
GPO Box 39  
SYDNEY NSW 2001

Via email: [Nikki.Matthews@planning.nsw.gov.au](mailto:Nikki.Matthews@planning.nsw.gov.au)

Dear Ms Matthews

**Notice of exhibition - Snack Brands Warehouse and Distribution Facility  
(SSD 9429) 585-649 Mamre Road, ORCHARD HILLS NSW 2748  
(Lot 2171 DP 1153854)**

I refer to your recent correspondence regarding the exhibition for the DA and EIS for the Snack Brands Warehouse and Distribution Facility (SSD 9429).

The proposal has been reviewed by Council and the following comments are provided for your consideration.

**Landscaping**

The location of the landscaping near the corner must be considered in context of any future signalisation of the intersection and traffic or business related signage. It should be noted that no detail on external pylon signage has been indicated on the plans. The width of the landscaping buffer narrows at the south eastern corner of the Landscape Stage 1 Plan (by Geoscapes, drawing no. SSD-01, issue C, dated 31-07-18) and should be designed to enable a full 10m landscaping width on the corner.

The selection of native species is considered appropriate. Informal planting is recommended rather than any design using formalised rows. Mid storey planting (shrubs and trees) is required as well as the ground covers and trees in order to provide any effectiveness to the desired screen planting. It is suggested that an earth mound should be incorporated into the landscape buffer in order to raise the height of the vegetation and assist in screening the bulk of the development. This is consistent with the earth mound and landscaping established on the opposite side of Mamre Rd at Erskine Business Park.

The site plan (by NettletonTribe, drawing no. 10736\_DA002, issue B, dated 01-08-18) indicates the location of a 2.1m high palisade fence, however no further details have been provided in relation to design, colours etc. The Mamre DCP 2016 provides guidelines for fences to be located to the rear of the landscaping and of an open construction. More detailed consideration of the fencing treatment should be confirmed prior to approval.

The landscape buffer should continue across the entire frontage of both the stage 1 and 2 sites in order to maximise screening of the development, particularly when approaching on Mamre Road from the north.

## **Building Height and Contextual Analysis**

The Mamre DCP 2016 specifies a maximum 20m building height for the industrial precinct. The plans indicate that the maximum building height of the proposed development will be 36.8m. This is a significant departure from the guideline. Combined with the location on a corner lot, the increased height will result in a development prominently larger than surrounding development.

The Department is requested to consider the precedent the proposed building height establishes for future development in the vicinity, and the resulting impacts on the desired future character of the industrial precinct which is established by these DCP provisions.

## **Land Contamination**

A number of contamination investigations have been undertaken to meet the requirements of the concept and Stage 1 approval processes for the site, with no evidence of contamination or areas of potential environmental concern being identified. However, it is noted that Section 7 of the Stage 1 Contamination Assessment (by Coffey, dated 17-11-14) and submitted in support of SSD 7173 states that "limited information is available on the early history of the site and therefore, some site activities may not have been identified. Allowances for uncertainties and potential unexpected finds should be made during planning and development phases".

Accordingly, whilst no concerns are raised in relation to contamination for this development, it is recommended that an Unexpected Finds Protocol be prepared to address any unexpected finds identified during the excavation/construction phase of the proposed development.

## **Noise Impacts**

The EIS and associated Operational Noise Assessment (by Acoustic Logic, ref: 20151211.15, Rev. 2, dated 20-7-18) confirm that the noise levels anticipated from the development are consistent with the noise limits established and conditioned under SSD 7173, with no adverse impacts associated with the operations on site, traffic noise or cumulative noise levels expected. The recommendations outlined in Section 8 of the Operational Noise Assessment should be implemented in full and ensured through appropriate conditions of consent, including a commitment to detailed review of all external mechanical plant once plant selections and locations are finalised, to ensure compliance with noise emission limits established for the site under SSD 7173.

In accordance with condition C17 imposed under SSD 7173, it is recommended that until such time as the internal road has been dedicated to the relevant roads authority, heavy vehicle arrivals and departures to/from the site should be restricted.

## **Air Quality Impacts**

A comprehensive Air Quality Impact Assessment (AQIA), including qualitative and quantitative assessment of potential air quality impacts associated with the construction and operational phases of the Stage 1 development site (Lots 1-9) was undertaken as part of SSD 7173. The AQIA (by SLR, dated 15-03-16, ref: 610.15775-R1) concludes that construction and operation of the proposed development will comply with applicable air quality criteria. Furthermore, the results of the impact assessment indicate that all pollutants are anticipated to meet the required goals both during development construction and operation.

However, the AQIA outlines a range of control measures to be implemented to minimise dust emissions during construction works and recommends that these be included in the Construction Management Plan for the development. Council supports the monitoring of suspended particulate matter on the boundary in closest proximity to the receptors in accordance with the recommendations of the AQIA to ensure that the dust suppression measures and air emission mitigation measures generally are being implemented effectively during construction works.

### **Waste Management**

A detailed Waste Management Plan was submitted and is considered appropriate. The recommendations of the WMP should be incorporated into the conditions of the approval.

Overall, Council has no significant concerns regarding the proposal, subject to the mitigation measures outlined in Part G of the EIS and the recommendations of specialist technical reports submitted in support of this application being incorporated into the conditions of the approval. It should also be ensured that all relevant conditions of consent imposed under SSD 7173 are considered in the approval for this application.

### **Traffic Impact Assessment**

The proposal is generally acceptable, except that the proposed provision of bicycle parking / facilities is inadequate. The Traffic Impact Assessment (by Ason Group, ref: 0707r01, dated 02-08-18) states that the applicant should not be required to meet state planning requirements regarding bicycle facilities as they "are optimistic" which is unsatisfactory. This deficiency could be addressed by conditions of consent as outlined further within this correspondence.

### **Stormwater and Water Quality Management**

The stormwater treatment for the development will be managed through a precinct scale system (previously approved), detailed in Civil Engineering Report for SSD (7173) First Estate (SSD7173) Lot 2171 Mamre Road Orchard Hills (by Costin Roe Consulting Pty Ltd, dated 31-03-16, Project Number Co012042.00 Revision B).

As such it is proposed the development will comply with Council's WSUD Policy by using a 4,000 m<sup>2</sup> precinct scale bioretention basin combined with multiple vortex type GPTs upstream of the basin and a 50KL rainwater tank on lot with associated rainwater reuse. The rainwater tank will be connected to internal use in toilets and for irrigation of landscaped areas. Water conservation measures associated with this development will also be met with the use of WELS approved fittings.

A review of the MUSIC link report and WSUD Strategy indicates that Council's water conservation measures will be met.

### **Additional Recommended Conditions of Consent**

The following conditions are requested to be considered by the Department and imposed on any consent issued: -

1. Prior to the commencement of site works, an Unexpected Finds Protocol is to be submitted to the Principal Certifying Authority to ensure that potentially contaminated material is appropriately managed. The

Unexpected Finds Protocol should be implemented through the duration of works.

2. Prior to commencement of site works, a Construction Environmental Management Plan must be submitted to the Principal Certifying Authority to manage air emissions/particulates associated with the construction and operational phases of the development. The CEMP shall outline control measures to minimise fugitive dust emissions and mitigate impacts to identified sensitive receivers.
3. The stormwater management system shall be provided generally in accordance with the WSUD Strategy Report prepared by Sparks and Partners, reference 18146 revision 1 dated 31 July 2018; and the associated concept plan/s lodged for development approval, prepared by Sparks and Partners, reference 18146 drawing numbers DA1.01 – DA5.12 Revision 2 dated 31 July 2018. Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design Policy.
4. Prior to the issue of an Occupation Certificate, works-as-executed drawings, final operation and maintenance management plans and any other compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage for Building Developments.
5. Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall ensure that the stormwater management system (including water sensitive urban design measures):
  - a) Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
  - b) Have met the design intent with regard to any construction variations to the approved design.
  - c) Any remedial works required to be undertaken have been satisfactorily completed. Details of the approved and constructed system/s shall be provided as part of the works-as-executed drawings.
6. The stormwater management systems shall continue to be operated and maintained in perpetuity in accordance with the final operation and maintenance management plan. Regular inspection records are required to be maintained and made available upon request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the treatment measure/s
7. Prior to the issue of an Occupation Certificate, documentation shall be submitted to the Principal Certifying Authority to demonstrate the following:
  - a) Demonstrate minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme. Minimum WELS ratings

are 4 star dual flush toilets, 3 star showerheads, 4 star taps (other than bath outlets and garden taps) and 3 star urinals. Water efficient dishwashers are to be used wherever possible.

- b) Installation of rainwater tanks to meet 80% of non-potable demand including outdoor use and toilets.

8. Prior to the Issue of a Construction Certificate an Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to commencement of any works on site or prior to the issue of any Construction Certificate, whichever occurs first. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

An application form together with an information sheet and conditions are available on Council's website. Contact Penrith City Council's City Works Department on 4732 7777 or visit Penrith City Council's website for more information.

9. Prior to the issue of any Construction Certificate, a Section 138 Roads Act applications, including payment of application and inspection fees together with any applicable bonds, shall be lodged and approved by Penrith City Council (being the Roads Authority for any works required in a public road). These works may include but are not limited to the following:

- a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings).
- b) Concrete footpaths and or cycleways.
- c) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage).
- d) Road occupancy or road closures.
- e) The placement of hoardings, structures, containers, waste skips, signs etc. in the road reserve.
- f) Temporary construction access.

All works shall be carried out in accordance with the Roads Act approval, the development consent, including the stamped approved plans, and Penrith City Council's specifications, guidelines and best engineering practice.

Contact Penrith City Council's City Works Department on 4732 7777 or visit Penrith City Council's website for more information.

Note:

- a) Where Penrith City Council is the Certifying Authority for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- b) Version: 1, Version Date: 09/10/2018 Document Set ID: 8414355.
- c) Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- d) All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.

10. The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Sparks and Partners, reference number 18146, revision 1, dated 31 July 2018.

Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design (WSUD) policies.

11. Prior to the commencement of any works on-site (including demolition works) or prior to the issue of any Construction Certificate, whichever occurs first, a Construction Traffic Management Plan (CTMP) shall be submitted to Council for approval. The CTMP shall be prepared in accordance with Council's Engineering Construction Specification for Civil Works. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from the Roads & Maritime Services (RMS), and in accordance with Council's Engineering Construction Specification for Civil Works. Approval of the CTMP may require approval of the Local Traffic Committee.
12. Prior to the issued of any Construction Certificate issued for internal works associated with the development the site must be serviced by a legal point of discharge including and required infrastructure drainage works. The drainage works may include inter-allotment drainage construction, upgrades and / or road drainage extensions located on lands owned by others.
13. Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.

14. Prior to commencement of any works associated with the development, sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Managing Urban Stormwater series from the Office of Environment and Heritage.

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

15. Prior to commencement of any works associated with the development, a Traffic Control Plan, including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Maritime Services', Version: 1, Version Date: 09/10/2018 Document Set ID: 8414355 publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Maritime Services Traffic Controller.



Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note:

- a) A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.
- b) Traffic control measures may require road occupancy / road closure approvals issued under Section 138 of the Roads Act by Penrith City Council prior to the issue of a Construction Certificate.

16. All earthworks shall be undertaken in accordance with AS3798 and Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments and Engineering Construction Specification for Civil Works.

The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Principal Certifying Authority.

17. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a S68 Local Government Act or S138 Roads Act approval have been inspected and signed off by Penrith City Council.

18. Prior to the issue of an Occupation Certificate, Works As Executed drawings, final operation and maintenance management plans and any other compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage for Building Developments.

An original set of Works As Executed drawings and copies of the final operation and maintenance management plans and compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation where Penrith City Council is not the Principal Certifying Authority.

19. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that the:

- a) Stormwater Management system (including water sensitive urban design)
  - Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
  - Have met the design intent with regard to any construction variations to the approved design.
  - Any remedial works required to be undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the Works As Executed drawings.

20. Prior to the issue of an Occupation Certificate, a restriction as to user and positive covenant relating to the:
- a) Stormwater Management system (including water sensitive urban design) shall be registered on the title of the property under private ownership. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater and Drainage for Building Developments policy.
21. The stormwater management systems shall continue to be operated and maintained in perpetuity for the life of the development in accordance with the final operation and maintenance management plan.
- Regular inspection records are required to be maintained and made available to Penrith City Council on request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the stormwater management systems.
22. Upon completion of all works in the road reserve, all verge areas fronting and within the development are to be turfed. The turf shall extend from the back of kerb to the property boundary, with the exception of concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge.
23. All existing (aerial) and proposed services for the development, including those across the frontage of the development are to be located or relocated underground in accordance with the relevant authorities regulations and standards.
24. Prior to the issue of any Occupation Certificate, directional signage and linemarking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority.

Should you wish to discuss this matter please do not hesitate to contact Gemma Bennett on (02) 4732 8285 during normal business hours.

Yours faithfully



**Gavin Cherry**  
**Development Assessment Coordinator**