



Our reference: ECM: 9578065  
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Shaun Williams  
NSW Department of Planning and Environment  
Email: [shaun.williams@planning.nsw.gov.au](mailto:shaun.williams@planning.nsw.gov.au)

Dear Mr Williams

**Response to Notification of Request for SEAR's: Snack Brands  
Manufacturing Facility SSD-18204994 – 14 Distribution Drive, Orchard Hills**

I refer to the Department's request to provide comments in relation to the above development proposal. Thank you for providing Council with the opportunity to comment.

The following comments are provided for the Department's consideration in relation to this matter.

**Planning Considerations**

The critical consideration with this proposal will be the edge conditions and associated landscape design to the public domain.

Detailed landscape plans will be required that support the SSD application and these plans should provide for a layering of canopy tree planting within the site that complements streetscape planting.

Further planting within car parking areas should be undertaken as per Council's DCP requirements and should be of sufficient dimensions to accommodate canopy trees.

**Engineering Considerations**

**Stormwater Management**

- Stormwater discharge from the site shall comply with Mamre West Land Investigation Area DCP and the water quality and quantity controls approved under the parent subdivision SSD-7173.
- A water sensitive urban design strategy prepared by a suitably qualified person is to be provided for the site. The strategy shall address water conservation, water quality, water quantity, and operation and maintenance.



- The application shall include MUSIC modelling (\*.sqz file) demonstrating compliance with Section 5.2 of the Mamre West Land Investigation Area DCP.

### **Waterways Considerations**

The scoping report indicates that a suitable stormwater management cycle is proposed which includes a Water Sensitive Urban Design (WSUD) strategy capable of achieving the relevant stormwater and pollution reduction targets across the site.

Rainwater harvesting should / would also be applied across the site (where considered practical), which will incorporate re-use in irrigation methods and recycled potable water components, i.e. toilet flushing.

Councils' waterways team prefers naturally vegetated system such as raingardens instead of cartridge filters. If a raingarden cannot be provided, evidence and justification supporting this outcome must be provided.

All proposed WSUD systems must be accompanied by an electronic MUSIC model in sqz format to confirm compliance with councils WSUD policy.

### **Environment Considerations**

#### **Food Fit-out Details**

It is requested that the applicant provide detailed plans, sections and elevations of food handling and storage areas as part of the SSD lodgement package. The submitted plans and drawings must demonstrate compliance with, AS4674 and Food Safety Standard 3.2.3 Food Premises & Equipment. It is also suggested that the NSW Food Authority be consulted to determine if they would require a referral as the operation of the premises will be regulated by this authority and not Council.

#### **Environment Protection Licence (EPL) – NSW EPA**

Schedule 1 of the Protection of the Environment Operations Act 1979 (POEO Act) contains a core list of activities that require a licence before they may be undertaken or carried out. Page 18 of the Scoping Report confirms the need for an EPL with the NSW EPA – “The proposed operations are expected to exceed the general agricultural processing capacity threshold of 30,000 tonnes of agricultural products per year, pursuant to item 2, Part 1 of Schedule 1 of the POEO Act. As such, an environment protection licence (EPL) will be required for the proposed operations”. It is suggested that the NSW EPA be consulted to determine if they would like a referral or not as the operation of the premises will be regulated by this authority and not Council.

#### **Noise Impacts**

The main source of noise generated by commercial development is from the operation of machinery, loading and unloading, deliveries and equipment. In particular, noise generated from air conditioning, exhaust and refrigeration systems have been major sources of noise complaints received by Council. In this regard, Section C12.4 C of Council's Development Control Plan states: “All development applications where the above controls are relevant are required to



provide a Noise Impact Statement prepared by a qualified acoustic consultant in accordance with the requirements set out in the DA Submission Requirements Appendix of this DCP".

Due to the proposed operation involving 24 hour operation and its proximity to residential receivers, an acoustic assessment is required to be submitted as part of the development application to demonstrate that the proposed development will not have any noise impact on nearby sensitive receivers, including nearby residences and workplaces. This Report is to be prepared by a suitably qualified acoustic consultant and is to consider:

- The 'NSW Noise Policy for Industry' in terms of assessing the noise impacts associated with the development, all noise generating activities on the site (including, but not limited to, use of plant and equipment – air conditioning, cooling towers and condensers, deliveries, traffic and car parking) and the location of nearby workplaces and residents;
- Given the proposed hours of operation, the acoustic report should also consider the requirements of the NSW EPA's Sleep Disturbance Criteria; and
- the Interim Construction Noise Guideline in assessing the impacts associated with the construction phase of the development.

Should mitigation measures be necessary, recommendations should be included to this effect and should be shown on all architectural plans.

Table 5 on page 26 of the Scoping Report addresses noise and confirms: "It is noted that a complete Noise Impact Assessment would be undertaken by a suitably qualified Acoustic Engineer to confirm the proposed development does not exceed the relevant acoustic emissions criteria".

#### Air Quality Impacts

Table 5 on page 27 discusses possible air impacts. The Report states: "Potential sources of odour include:

- Rooftop ventilation units, which draw air from within the facility
- Fryer exhaust stacks
- Wastewater treatment plant tanks".

A formal Air Quality Assessment is required. This documentation would need to specifically consider the development proposed, including the site, location of receivers, scale of operations and processes involved (including those outlined above from the scoping report). The assessment must be prepared by a suitably qualified environmental consultant. This assessment is to consider the relevant NSW Environment Protection Authority (EPA) Guidelines and criteria, including the 'Approved Methods for the Modelling and Assessment of Air Pollutants' and the Protection of the Environment Operations (Clean Air) Regulation 2010, and the location of nearby workplaces and residents.

It is noted that the scoping report confirms the applicant's intention to complete an Air Quality Assessment – "An Air Quality Impact Assessment Report prepared

by a suitably qualified expert would accompany the EIS in accordance with the NSW EPA requirements”.

#### SEPP 55 – Remediation of Land

The application is to address all relevant requirements under State Environmental Planning Policy 55 Remediation of Land (SEPP 55). Council cannot support any development unless these requirements have been satisfied. Should remediation be required this will require development consent by virtue of the overlay of SEPP 55 and SREP 20 provisions in combination. The application is to demonstrate that the land is suitable for the proposed purpose. Any Reports need to be completed by an appropriately qualified person(s) or company. An appropriately qualified person(s) is defined as “a person who, in the opinion of the Council, has a demonstrated experience or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies.

It is noted that page 20 of the submitted Scoping Report states: “A Phase 1 contamination investigation was carried out as part of SSD-7173, which concluded there are no sources of contamination on site, the site is suitable for industrial uses and there is low potential for subsurface contamination. The proposal involves an industrial use for food manufacturing, which is deemed suitable for the subject site”. Council is not aware of the date of when the abovementioned report was prepared or the conclusions made in the report. It is therefore recommended that the report be submitted along with further information confirming if there has been any activity at the site since the report was written that has the potential to alter the previous conclusions or recommendations.

#### SEPP 33 – Hazardous and Offensive Development

Page 19 of the Scoping Report states: “To facilitate the operational use of the proposed food manufacturing facility, there will be some hazardous substances stored on site. The proposed operations involve the storage of approximately 30kL of Class 8 – Packing Group II, which exceeds the State Environmental Planning Policy No 33 – Hazardous and Offensive Development (SEPP 33) threshold for Class 8 corrosives, as such a Preliminary Hazard Analysis will form part of the EIS”. As a result, a Preliminary Hazard Analysis should be submitted.

#### Waste Management

A Waste Management Plan is to be provided addressing waste produced during the construction and operational phases of the development. It should address waste quantities, storage locations, waste classification and removal. Vehicular access for collection also needs to be addressed. I note that Council's Waste Services section has more prescriptive requirements for these types of developments.

#### Regulated Systems

These types of development may include a water cooled system. These systems are regulated under the Public Health Act and Regulations made thereunder and have specific installation, operation and maintenance requirements. Should the development include a regulated system(s) as defined under the Public Health Act, details should be submitted to Council including, but not limited to, the number of systems, type of systems, system details and location of system.



### Water Quality Management

Any areas provided for waste/bin storage and washing are to be connected to sewer with provision of hot and cold water as well as drained to appropriately to Sydney Water's sewage system. During the meeting, the applicant advised the property was connected to both potable water and sewer through Sydney Water's networks.

### Erosion & Sediment Control

The applicant should provide a detailed Erosion & Sediment Control Plan to Council prior to the determination of this application that conforms to Council's Development Control Plan including, but not limited to:

- Location of stockpiles during construction;
- Location & details of all-weather access;
- Location & details of erosion and sediment control measures – sediment fences, vegetation strips etc;
- Location & details of stormwater pit protection measures (internal & external); and
- Location of waste storage area during construction.

### General Environmental Health Impacts

The environmental impacts associated with the construction and operational phases of the development will also need to be addressed, such as water quality, noise, dust, erosion and sediment control and air quality. This can be included in the Statement of Environmental Effects.

### Traffic Management and Road Design Considerations

- The development should be supported by a Traffic Impact Assessment of the proposed development, road and footway network, heavy vehicle and light vehicle access, complying number of heavy vehicle parking, loading and manoeuvring areas and complying numbers of light vehicle staff and visitor parking spaces including compliance with Australian Standards, Austroads Guidelines, TfNSW (RMS) Technical Directions / Guidelines and Council's Development Control Plans (DCPs) including DCP C10.
- The Traffic Impact Assessment should include the proposed development driveway accesses for heavy vehicles and visitor / staff car parks, sight distance compliances at driveways, arrangements for waste collection vehicles, emergency / fire service vehicles and other service vehicles, accessible parking and at least 1.8 metre wide accessible pedestrian access from the road frontage the office building, and at least 1.5m wide accessible pedestrian access to the car park to others buildings, car parking and bicycle provision numbers and bicycle facilities, electric vehicle charging station provisions and manoeuvring swept turn paths.



This should include compliances with Austroads Guidelines, TfNSW (RMS) Technical Directions / Guidelines, AS 2890 including parts 1, 2 & 6, AS 1158, NSW Government Walking and Cycling Guidelines and Council's Development Control Plans (DCPs) including DCP C10.

- The Traffic Impact Assessment and documentation should include dimensioned plans of the proposed accessible paths of travel, kerb ramps, driveways, access aisles, loading and vehicle swept path manoeuvring areas, parking spaces, accessible parking, sight distance requirements at intersections and driveways including compliance with Austroads Guidelines, TfNSW (RMS) Technical Directions / Guidelines, AS 2890 including parts 1, 2 & 6, AS 1158, NSW Government Walking and Cycling Guidelines and Council's Development Control Plans.
- The entry and exit for any car parking areas to and from a public road is to be separate from any heavy vehicle access. The car park entry/ exit and any conflict with heavy vehicles include emergency/ fire service vehicles and waste collection vehicles should be removed or justified to be limited and managed.
- A minimum of four Electric Vehicle Charging Stations (EVCS) are to be provided within the car parking areas of the warehouse development. The charging stations are to be designed to accommodate the requirement of commercially available public vehicles and their required connector types (currently known as Type 1 and Type 2 connectors). A minimum of six additional car parking spaces are to be designed to be readily retrofitted as EVCS parking spaces. The installed EVCS car parking spaces are to be signposted and marked as for the use of electric vehicles only and are to be located as close as possible to the building accesses after accessible parking space priority. EVCS are to be free of charge to staff and visitors.
- Complying numbers of secure, all weather bicycle parking, end of journey facilities, change rooms, showers, lockers are to be provided at convenient locations at each warehouse development in accordance with Council Development Control Plan (DCP) C10 Section 10.7, AS 2890.3 Bicycle Parking Facilities and Planning Guidelines for Walking and Cycling (NSW Government 2004).
- Appropriate signage, visible from the public road and on-site shall to be installed to reinforce designated vehicle circulation and to direct staff / delivery vehicle drivers / service vehicle drivers / visitors to on-site parking, delivery and service areas.
- The required sight lines around the driveway entrances and exits are not to be compromised by street trees, landscaping or fencing.
- Sight distance requirements at verges, footpaths and driveways are to be in accordance with AS 2890.2 Figure 3.3 and Figure 3.4.



- All vehicles shall enter and leave to site in a forward direction.

### **Further Engagement Processes**

Engagement with Penrith City Council following the issues of SEAR's is to be pursued via Council's Pre-lodgement Meeting processes. A pre-lodgement meeting can be arranged with key officers involved in the review of SSD applications which will result in detailed advice that can then be tabled with DPIE as evidence of consultation and engagement in the preparation of the final SSD Application. The applicant should be advised that fees apply for this service in accordance with Council's adopted Schedule of Fees & Charges.

Should you wish to discuss any aspect of Council's comments further, please do not hesitate to contact me on (02) 4732 8125.

Yours sincerely

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