

WILLOWTREE PLANNING



28 July 2023

REF: WTJ22 - 224

Planning Panels Secretariat
NSW Planning Panels
32 Mann Street
Gosford NSW 2250

And

Robert Walker - Senior Development Assessment Planner
Penrith City Council
601 High Street
Penrith NSW 2750

RE: RESPONSE TO RECOMMENDED CONDITIONS OF CONSENT - PROPOSED WAREHOUSE AND DISTRIBUTION CENTRE AND ASSOCIATED SUBDIVISION - PPSSWC-299 - DA22/1172

PROPERTY AT 657-769 MAMRE ROAD, KEMPS CREEK

Dear Panel Secretariat,

Reference is made to the Development Application (**DA22/1172**) which has been referred to the Sydney Western City Planning Panel (**PPSSWC-299**) for determination in respect of 657-769 Mamre Road, Kemps Creek (the Subject Site).

The recommendation made to the panel by Council is strongly supported, subject to minor amendments to the draft conditions of consent. An Amendment Request was issued to Council on 20 June 2023 which sought to relocate a section of the Open Space Edge Road within the RE1 Public Recreation zoned land and replacement with a shared pedestrian and cycle pathway. Other amendments included an expansion of the proposed Warehouse and Distribution Centre at the Subject Site which was done so to rationalise and improve the overall design for the future end user. The Open Space Edge Road is being delivered at no cost to Government in agreement with Council to ensure the overall objectives of the Mamre Road Precinct can be achieved in terms of providing access north to south along the western side of Mamre Road.

As detailed within the Council Assessment Report and recommended conditions of consent (Condition 2.), further detailed design and consultation with Council and Sydney Water is required regarding the Open Space Edge Road and shared pathway, which is external to the boundaries of the proposed warehouse. To ensure that the detailed design and consultation can be undertaken without impeding the ability to commence construction of the proposed warehouse, minor changes to the recommended conditions of consent are sought. It is noted that the construction of the warehouse will not preclude the delivery of the Open Space Edge Road and shared pathway which is being delivered by the proponent above and beyond the Mamre Road Precinct Section 7.11 Contributions Plan. Further it is

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noted that the consent will not allow the operation of the warehouse prior to the construction and dedication of the Open Space Edge Road and shared pathway to Council.

TABLE 1 overleaf provides a summary of the requested amendments to the recommended conditions of consent.

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Proposed Warehouse and Distribution Centre and Associated Subdivision
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SUMMARY OF, AND RESPONSE TO, RECOMMENDED CONDITIONS

Recommended Condition	Requested Amendment	Commentary
<p>2. Prior to the issue of any Construction Certificate, the Civil Works Plans, submitted to Council (in support of the Development Application) on 21 June 2023, prepared by Costin Roe Consulting P/L, are to be amended to incorporate the following and approved by Penrith City Council's Senior Development Assessment Planner (in consultation with Penrith City Council's Development Engineers):-</p> <ul style="list-style-type: none"> ▪ The Stormwater Concept Plan is to include details demonstrating that the stormwater management system, including the rainwater tank(s) has been sized to achieve a non-potable water reuse demand of 80% (in accordance with Council's Water Sensitive Urban Design Policy). ▪ All site stormwater discharge from the development of proposed Lot 14, shall be contained within the lot and directed to a single point of discharge. The establishment of a swale and drainage to such, within the future adjoining open space are not permitted. ▪ All car parking areas, and associated driveway, access, and manoeuvring areas, are to comprise of pervious pavers (as indicated on the approved Landscape Plan) and be permeable over the entire area. ▪ Design plans for the 'interim' (mountable teardrop island) and 'ultimate' (roundabout) intersection of the 'Open Space Edge Road' (Access Road 5) with Access Road 3. ▪ Detailed civil engineering plans for the design of the 'Open Space Edge Road' (Access Road 5). The design shall be in accordance with the Mamre Road Precinct Development Control Plan 2021, and shall include long sections and cross sections, demonstrating acceptable batter interfaces with adjoining infrastructure and open space lands. 	<p>2. Prior to the issue of any the relevant Construction Certificate, the Civil Works Plans, submitted to Council (in support of the Development Application) on 21 June 2023, prepared by Costin Roe Consulting P/L, are to be amended to incorporate the following and approved by Penrith City Council's Senior Development Assessment Planner (in consultation with Penrith City Council's Development Engineers):-</p> <ul style="list-style-type: none"> ▪ The Stormwater Concept Plan is to include details demonstrating that the stormwater management system, including the rainwater tank(s) has been sized to achieve a non-potable water reuse demand of 80% (in accordance with Council's Water Sensitive Urban Design Policy). ▪ All site stormwater discharge from the development of proposed Lot 14, shall be contained within the lot and directed to a single point of discharge. The establishment of a swale and drainage to such, within the future adjoining open space are not permitted. ▪ All car parking areas, and associated driveway, access, and manoeuvring areas, are to comprise of pervious pavers (as indicated on the approved Landscape Plan) and be permeable over the entire area. ▪ Design plans for the 'interim' (mountable teardrop island) and 'ultimate' (roundabout) intersection of the 'Open Space Edge Road' (Access Road 5) with Access Road 3. ▪ Detailed civil engineering plans for the design of the 'Open Space Edge Road' (Access Road 5). The design shall be in accordance with the Mamre Road Precinct Development Control Plan 2021, and shall include long sections and cross sections, demonstrating acceptable batter 	<p>It is requested that the condition be amended to facilitate the relevant certificates for the construction of the warehouse whilst ongoing discussions and consultation is being undertaken in regard to the Open Space Edge Road and shared pathway.</p>

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SUMMARY OF, AND RESPONSE TO, RECOMMENDED CONDITIONS

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<ul style="list-style-type: none"> ▪ Detailed civil engineering design plans of the 'shared pathway between the 'Open Space Edge Road' (Access Road 5) and Access Road 1. The shared path shall be a minimum of 3.5m wide (as shown on the approved Landscape Plan), be designed to accommodate heavy vehicular access for maintenance purposes, and shall include long sections and cross sections, demonstrating suitable interfaces with adjoining infrastructure and future open space lands. <p>The works depicted within the plans submitted and approved in satisfaction of this condition are to be complied with throughout the construction and operation of the development.</p> <p>Note: Provision should be made in completing the final stormwater design, to enable a seamless connection to Sydney Water's Regional Stormwater Scheme, including the associated decommissioning of on-site rainwater harvesting and re-use systems.</p>	<p>interfaces with adjoining infrastructure and open space lands.</p> <ul style="list-style-type: none"> ▪ Detailed civil engineering design plans of the 'shared pathway between the 'Open Space Edge Road' (Access Road 5) and Access Road 1. The shared path shall be a minimum of 3.5m wide (as shown on the approved Landscape Plan), be designed to accommodate heavy vehicular access for maintenance purposes, and shall include long sections and cross sections, demonstrating suitable interfaces with adjoining infrastructure and future open space lands. <p>The works depicted within the plans submitted and approved in satisfaction of this condition are to be complied with throughout the construction and operation of the development.</p> <p>Note: Provision should be made in completing the final stormwater design, to enable a seamless connection to Sydney Water's Regional Stormwater Scheme, including the associated decommissioning of on-site rainwater harvesting and re-use systems.</p>	
<p>3. Prior to the issue of any Construction Certificate, a Landscape Plan for the (19.5m) width of the Open Space Edge Road', is to be prepared (in consultation with Penrith City Council's Development Engineering Section and Sydney Water) incorporating the following and approved by the Senior Development Assessment Planner, Penrith City Council:</p> <ul style="list-style-type: none"> ▪ The provision of passively irrigated street trees, in accordance with associated provisions of the Sydney Water Stormwater Scheme Infrastructure Design Guideline and the Mamre Road Precinct Development Control Plan 2021. 	<p>3. Prior to the issue of any the relevant Construction Certificate, a Landscape Plan for the (19.5m) width of the Open Space Edge Road', is to be prepared (in consultation with Penrith City Council's Development Engineering Section and Sydney Water) incorporating the following and approved by the Senior Development Assessment Planner, Penrith City Council:</p> <ul style="list-style-type: none"> ▪ The provision of passively irrigated street trees, in accordance with associated provisions of the Sydney Water Stormwater Scheme Infrastructure Design Guideline and the Mamre Road Precinct Development Control Plan 2021. 	<p>The provision of passively irrigated street trees has not been required as part of any previously approved Council Development Applications within the estate (DA22/0205 and DA22/0671), the parent SSDA (SSD-9522) or SSD-25725029. It is requested that the condition be amended to facilitate ongoing consultation with Sydney Water and Council regarding the Open Space Edge Road whilst not being bound to the provision of such trees.</p>

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SUMMARY OF, AND RESPONSE TO, RECOMMENDED CONDITIONS

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<p>The works depicted within the plans submitted and approved in satisfaction of this condition, are to be complied with throughout the construction and operation of the development.</p>	<p>The works depicted within the plans submitted and approved in satisfaction of this condition, are to be complied with throughout the construction and operation of the development.</p>	
<p>5. Prior to the commencement of the operation of the development, the Applicant must complete the construction of the internal Estate roads and applicable upgrade works to the Mamre Road - Bakers Lane intersection under SSD-9522, to the satisfaction of Penrith City Council and in accordance with the requirements of SSD-9522.</p>	<p>5. Prior to the commencement of the operation of the development, the Applicant must complete the construction of the internal Estate roads <u>which service the development lot</u> and applicable upgrade works to the Mamre Road - Bakers Lane intersection under SSD-9522, to the satisfaction of Penrith City Council and in accordance with the requirements of SSD-9522.</p>	<p>A number of internal estate roads are included within SSD-9522 which do not directly service the development lot and the construction of such roads will not impact upon the carrying out of the subject development. As such, it is requested that this condition be amended to reflect the roads relevant to this development only.</p>
<p>8 The development shall not be used or occupied until a final Occupation Certificate has been issued.</p>	<p>8 The development shall not be used or occupied until a an final Occupation Certificate has been issued.</p>	<p>It is requested that the condition be amended to facilitate the relevant certificates for the construction of the warehouse whilst ongoing discussions and consultation is being undertaken in regard to the Open Space Edge Road.</p>
<p>9 The development shall not be used or occupied until a Subdivision Certificate has been issued (including the delivery and dedication of the proposed 'Open Space Edge Road').</p>	<p>9 The development shall not be used or occupied The relevant Occupation Certificate shall not be issued until a Subdivision Certificate has been issued having regard to the (including the delivery and dedication of the proposed 'Open Space Edge Road'.</p>	<p>It is requested that the condition be amended to facilitate the relevant certificates for the construction of the warehouse whilst ongoing discussions and consultation is being undertaken in regard to the Open Space Edge Road.</p>
<p>17 The approval of signage is limited to the two (2) freestanding combined business identification and directional signs, and the business identification type wall sign, as shown on the approved plans. The signage:</p> <ul style="list-style-type: none"> ▪ Is not to be illuminated; ▪ Is not to flash, move or display electronic images; ▪ Is to be maintained in a condition as to not become unsightly; and ▪ Contents must relate to the existing and the approved use of the premises. <p>The signage shown on the western building elevation, is to be deleted from the architectural plans, prior to the issuing on a Construction Certificate.</p>	<p>17 The approval of signage is limited to the signage two (2) freestanding combined business identification and directional signs, and the business identification type wall sign, as shown on the approved plans. The signage:</p> <ul style="list-style-type: none"> ▪ Is not to be illuminated; ▪ Is not to flash, move or display electronic images; ▪ Is to be maintained in a condition as to not become unsightly; and ▪ Contents must relate to the existing and the approved use of the premises. <p>The signage shown on the western building elevation, is to be deleted from the architectural plans, prior to the issuing on a Construction Certificate.</p>	<p>Pursuant to the Standard Instrument, a business identification sign means a sign:</p> <p>(a) that indicates—</p> <p>(i) the name of the person or business, and</p> <p>(ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and</p> <p>(b) that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not contain any advertising relating to a person who does not carry on business at the premises or place.</p>

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		<p>The proposed signage shown on the western building elevation is limited to the Altis/Frasers branding. Altis/Frasers are the site owner and manager of the Subject Site and wider Yards Estate and will continue to operate as such following determination and operation of the proposed development. It is therefore considered that the sign indicates the name of a business which carries out business at the Subject Site and does not contain any advertising, satisfying the definition of a business identification sign which is permissible with consent at the Subject Site. This is a standard approach for all industrial estates and has been previously approved throughout the Yards Estate. As such, it is requested that the condition be amended to approve the signage shown on the western building elevation.</p>
<p>21 Prior to the issue of the Construction Certificate, a Construction Environmental Management Plan is to be prepared by a suitably experienced and qualified person and submitted and approved, by the Environmental Health Coordinator, Penrith City Council.</p> <p>The Construction Environmental Management Plan is to address the environmental aspects of the construction phase of the development, and is to include details on the environmental management practices and controls to be implemented on the site.</p> <p>The Construction Environmental Management Plan is to address, but is not limited to the following:</p> <ul style="list-style-type: none"> ▪ Water quality management, ▪ Noise control and hours of operation, ▪ Dust suppression, 	<p>21 Prior to the issue of the Construction Certificate, a Construction Environmental Management Plan is to be prepared by a suitably experienced and qualified person and submitted and approved, by the Environmental Health Coordinator, Penrith City Council <u>Private Certifying Authority</u>.</p> <p>The Construction Environmental Management Plan is to address the environmental aspects of the construction phase of the development, and is to include details on the environmental management practices and controls to be implemented on the site.</p> <p>The Construction Environmental Management Plan is to address, but is not limited to the following:</p> <ul style="list-style-type: none"> ▪ Water quality management, ▪ Noise control and hours of operation, ▪ Dust suppression, 	<p>In accordance with the previously approved Council Development Applications within the Yards Estate (DA22/0205 and DA22/0671) the parent SSDA (SSD-9522) and SSD-25725029, it is requested that this condition be amended to permit the PCA to approve any CEMP to ensure the timely determination of such documents.</p>

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<ul style="list-style-type: none"> ▪ Waste management (including solid and liquid waste), ▪ Erosion and sediment control, ▪ Air quality including odour and dust control. <p>All construction activities on the site are to be implemented and carried out in accordance with the Council Approved Construction Environmental Management Plan.</p>	<ul style="list-style-type: none"> ▪ Waste management (including solid and liquid waste), ▪ Erosion and sediment control, ▪ Air quality including odour and dust control. <p>All construction activities on the site are to be implemented and carried out in accordance with the Council Approved Construction Environmental Management Plan.</p>	
<p>22 Prior to the issue of the Construction Certificate, a Construction Waste Management Plan is to be submitted to Council for approval. This Plan is to address all waste materials generated during the construction phase of the development, including details of the proposed waste volumes, on site storage and management, designated waste contractors and waste facilities.</p> <p>The final approved Waste Management Plan must be implemented and adhered to on-site, with supporting documentation / receipts retained in order to verify the disposal of materials in accordance with the approved Plan.</p>	<p>22 Prior to the issue of the Construction Certificate, a Construction Waste Management Plan is to be submitted to Council the <u>Private Certifying Authority</u> for approval. This Plan is to address all waste materials generated during the construction phase of the development, including details of the proposed waste volumes, on site storage and management, designated waste contractors and waste facilities.</p> <p>The final approved Waste Management Plan must be implemented and adhered to on-site, with supporting documentation / receipts retained in order to verify the disposal of materials in accordance with the approved Plan.</p>	<p>In accordance with the previously approved Council Development Applications within the Yards Estate (DA22/0205 and DA22/0671) the parent SSDA (SSD-9522) and SSD-25725029, it is requested that this condition be amended to permit the PCA to approve any CWMP to ensure the timely determination of such documents.</p>
<p>23 Prior to the issue of the Occupation Certificate, a detailed Environmental Management Plan, is to be submitted to and approved by the Development Assessment Coordinator, Penrith City Council.</p> <p>The Environmental Management Plan is to address the environmental aspects of the development and is to include details on the environmental management practices and controls to be implemented on the site. The Environmental Management Plan must be prepared by a suitably qualified and experienced person(s), in consultation with the relevant authorities and agencies, and is to address, but is not limited to the following:</p>	<p>23 Prior to the issue of the <u>relevant</u> Occupation Certificate, a detailed Environmental Management Plan, is to be submitted to and approved by the Private Certifying Authority Development—Assessment Coordinator, Penrith City Council.</p> <p>The Environmental Management Plan is to address the environmental aspects of the development and is to include details on the environmental management practices and controls to be implemented on the site. The Environmental Management Plan must be prepared by a suitably qualified and experienced person(s), in consultation with the relevant authorities and agencies, and is to address, but is not limited to the following:</p>	<p>It is requested that the condition be amended to facilitate the relevant certificates for the construction of the warehouse whilst ongoing discussions and consultation is being undertaken in regard to the Open Space Edge Road.</p> <p>In accordance with the previously approved Council Development Applications within the Yards Estate (DA22/0205 and DA22/0671) the parent SSDA (SSD-9522) and SSD-25725029, it is requested that this condition be amended to permit the PCA to approve any EMP to ensure the timely determination of such documents.</p>

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<ul style="list-style-type: none"> ▪ Water quality management, ▪ Wastewater management, ▪ Stormwater management and drainage, ▪ Noise control and hours of operation, ▪ Dust suppression, ▪ Waste management (including solid and liquid waste), ▪ Chemical storage (including dangerous/hazardous goods), transport, spill contingency ▪ and emergency response, ▪ Air quality including odour and dust control, <p>Compliance is to be had with the final approved Environmental Management Plan at all times. Additionally, the provisions of the Protection of the Environment Operations Act 1997, apply to the development, in terms of regulating offensive noise.</p> <p>Operational matters of the development Compliance Certificates or other written documentation shall be obtained from a qualified environmental consultant certifying that the above mentioned aspects of the Council approved Environmental Management Plan are complied with. The Compliance Certificate or other written documentation shall be submitted to Penrith City Council on an annual basis, on the anniversary of the Occupation Certificate being issued for the development.</p>	<ul style="list-style-type: none"> ▪ Water quality management, ▪ Wastewater management, ▪ Stormwater management and drainage, ▪ Noise control and hours of operation, ▪ Dust suppression, ▪ Waste management (including solid and liquid waste), ▪ Chemical storage (including dangerous/hazardous goods), transport, spill contingency ▪ and emergency response, ▪ Air quality including odour and dust control, <p>Compliance is to be had with the final approved Environmental Management Plan at all times. Additionally, the provisions of the Protection of the Environment Operations Act 1997, apply to the development, in terms of regulating offensive noise.</p> <p>Operational matters of the development Compliance Certificates or other written documentation shall be obtained from a qualified environmental consultant certifying that the above mentioned aspects of the Council approved Environmental Management Plan are complied with. The Compliance Certificate or other written documentation shall be submitted to Penrith City Council on an annual basis, on the anniversary of the Occupation Certificate being issued for the development.</p>	
<p>24 Prior to the issue of the Construction Certificate, details of the proposed spill containment system are to be submitted to and approved by the Environmental Health Coordinator, Penrith City Council. The spill containment system is to be designed so that it is suitable for the type of materials to be contained and is to ensure a containment capacity equal to 25% of the total volume of containers</p>	<p>24 Prior to the issue of the <u>relevant</u> Construction Certificate, details of the proposed spill containment system are to be submitted to and approved by the <u>Private Certifying Authority Environmental Health Coordinator, Penrith City Council</u>. The spill containment system is to be designed so that it is suitable for the type of materials to be contained and is to ensure a</p>	<p>It is requested that the condition be amended to facilitate the relevant certificates for the construction of the warehouse whilst ongoing discussions and consultation is being undertaken in regard to the Open Space Edge Road.</p>

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<p>stored, or 110% of the largest container stored, whichever is the greater.</p> <p>The spill containment system details are to demonstrate compliance with relevant standards including Australian Standards, the Australian Code for the Transport of Dangerous Goods by Road & Rail (ADG Code) and SafeWork NSW Codes and requirements.</p>	<p>containment capacity equal to 25% of the total volume of containers stored, or 110% of the largest container stored, whichever is the greater.</p> <p>The spill containment system details are to demonstrate compliance with relevant standards including Australian Standards, the Australian Code for the Transport of Dangerous Goods by Road & Rail (ADG Code) and SafeWork NSW Codes and requirements.</p>	<p>In accordance with the previously approved Council Development Applications within the Yards Estate (DA22/0205 and DA22/0671) the parent SSDA (SSD-9522) and SSD-25725029, it is requested that this condition be amended to permit the PCA to approve to ensure the timely determination of such documents.</p>
<p>25 Prior to the issue of a Construction Certificate, further details on the type and location of all mechanical plant and equipment associated with the development are to be submitted to and approved by the Environmental Health Coordinator, Penrith City Council. The submitted details are to include, suitable data and information assessed by a suitably qualified Acoustic Consultant, demonstrating compliance with the established noise criteria within the approved Acoustic Report, prepared by Acoustic Works, dated 17 November 2022.</p> <p>Note: For the purpose of this condition a suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia, or the Association of Australian Acoustic Consultants at the grade of member.</p>	<p>25 Prior to the issue of a <u>relevant</u> Construction Certificate, further details on the type and location of all mechanical plant and equipment associated with the development are to be submitted to and approved by the <u>Private Certifying Authority Environmental Health Coordinator, Penrith City Council</u>. The submitted details are to include, suitable data and information assessed by a suitably qualified Acoustic Consultant, demonstrating compliance with the established noise criteria within the approved Acoustic Report, prepared by Acoustic Works, dated 17 November 2022.</p> <p>Note: For the purpose of this condition a suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia, or the Association of Australian Acoustic Consultants at the grade of member.</p>	<p>It is requested that the condition be amended to facilitate the relevant certificates for the construction of the warehouse whilst ongoing discussions and consultation is being undertaken in regard to the Open Space Edge Road.</p> <p>In accordance with the previously approved Council Development Applications within the Yards Estate (DA22/0205 and DA22/0671) the parent SSDA (SSD-9522) and SSD-25725029, it is requested that this condition be amended to permit the PCA to approve to ensure the timely determination of such documents.</p>
<p>30 No fill material shall be imported to the site until such time as a certificate demonstrating that the material is suitable has been submitted to, considered, and approved by Council. This certificate may be in the form of a validation certificate, waste classification, or appropriate resource recovery order/exemption. A copy of a report forming the basis for the validation is also to be provided. The certification shall:</p>	<p>30 No fill material shall be imported to the site until such time as a certificate demonstrating that the material is suitable has been submitted to, considered, and approved by <u>the Private Certifying Authority Council</u>. This certificate may be in the form of a validation certificate, waste classification, or appropriate resource recovery order/exemption. A copy of a report forming the basis for the validation is also to be provided. The certification shall:</p>	<p>In accordance with the previously approved Council Development Applications within the Yards Estate (DA22/0205 and DA22/0671) the parent SSDA (SSD-9522) and SSD-25725029, it is requested that this condition be amended to permit the PCA to approve to ensure the timely determination of such documents.</p>

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<ul style="list-style-type: none"> ▪ <i>be prepared by an appropriately qualified person with consideration of all relevant guidelines, standards, planning instruments and legislation (e.g., EPA, NEPM, ANZECC, NH&MRC),</i> ▪ <i>clearly state the legal property description of the fill material source site and the total amount of fill tested,</i> ▪ <i>provide details of the volume of fill material to be used in the filling operations,</i> ▪ <i>provide a classification of the fill material to be imported to the site in accordance with the NSW Environment Protection Authority's "Waste Classification Guidelines" 2014,</i> ▪ <i>(based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment</i> <p><i>If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation work may be equested. In these circumstances the works shall be carried out prior to any further approved works.</i></p> <p><i>Note: An appropriately qualified person is defined as "a person who, in the opinion of 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. In addition, the person will be required to have appropriate professional indemnity and public risk insurance.."</i></p>	<ul style="list-style-type: none"> ▪ be prepared by an appropriately qualified person with consideration of all relevant guidelines, standards, planning instruments and legislation (e.g., EPA, NEPM, ANZECC, NH&MRC), ▪ clearly state the legal property description of the fill material source site and the total amount of fill tested, ▪ provide details of the volume of fill material to be used in the filling operations, ▪ provide a classification of the fill material to be imported to the site in accordance with the NSW Environment Protection Authority's "Waste Classification Guidelines" 2014, ▪ (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment <p>If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation work may be equested. In these circumstances the works shall be carried out prior to any further approved works.</p> <p>Note: An appropriately qualified person is defined as "a person who, in the opinion of 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. In addition, the person will be required to have appropriate professional indemnity and public risk insurance.."</p>	<p>It is requested that the condition be amended to facilitate the relevant certificates for the construction of the warehouse whilst ongoing</p>
<p><i>34 A plan detailing spill prevention, contingency and emergency clean-up procedures for the development shall be submitted to Penrith City Council for approval prior to Occupation Certificate being granted.</i></p>	<p>34 A plan detailing spill prevention, contingency and emergency clean-up procedures for the development shall be submitted to the Private Certifying Authority</p>	<p>It is requested that the condition be amended to facilitate the relevant certificates for the construction of the warehouse whilst ongoing</p>

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	<p>Penrith City Council for approval prior to <u>the relevant</u> Occupation Certificate being granted.</p>	<p>discussions and consultation is being undertaken in regard to the Open Space Edge Road.</p> <p>In accordance with the previously approved Council Development Applications within the Yards Estate (DA22/0205 and DA22/0671) the parent SSDA (SSD-9522) and SSD-25725029, it is requested that this condition be amended to permit the PCA to approve to ensure the timely determination of such documents</p>
<p>47 Prior to the issue of an Occupation Certificate, a restriction applies to user and positive covenant, relating to connection to Sydney Water's Regional Stormwater Scheme and decommissioning of all other water harvesting infrastructure on site, upon the Regional Stormwater Scheme being available to the site. 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 Drainage Specification for Building Development - Appendix F.</p>	<p>47 Prior to the issue of an <u>Final</u> Occupation Certificate, a restriction applies to user and positive covenant, relating to connection to Sydney Water's Regional Stormwater Scheme and decommissioning of all other water harvesting infrastructure on site, upon the Regional Stormwater Scheme being available to the site. 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 Drainage Specification for Building Development - Appendix F.</p>	<p>In accordance with the previously approved Council Development Applications within the Yards Estate (DA22/0205 and DA22/0671) the parent SSDA (SSD-9522) and SSD-25725029, it is requested that this condition be amended to ensure the timely determination of such documents</p>
<p>64 <i>Prior to the commencement of any works on-site, and prior to the issue of any Construction Certificate or Subdivision Works Certificate (whichever occurs first), a Construction Traffic Management Plan (CTMP) shall be submitted to Penrith City Council's Asset Management Department for endorsement. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from Transport for NSW. The CTMP shall include details of any required road closures, work zones, loading zones and the like. Approval of the CTMP may require approval of the Local Traffic Committee. Please contact Council's Asset Management Department on 4732 7777 and refer to Council's website for a copy of the Temporary Road Reserve Occupancy Application Form</i></p>	<p>64 Prior to the commencement of any works on-site, and prior to the issue of <u>any the relevant</u> Construction Certificate or Subdivision Works Certificate (whichever occurs first), a Construction Traffic Management Plan (CTMP) shall be submitted to the <u>Private Certifying Authority Penrith City Council's Asset Management Department</u> for endorsement. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from Transport for NSW. The CTMP shall include details of any required road closures, work zones, loading zones and the like. Approval of the CTMP may require approval of the Local Traffic Committee. Please contact Council's Asset Management Department on 4732 7777 and refer to Council's website for a copy of the Temporary Road Reserve Occupancy Application Form</p>	<p>It is requested that the condition be amended to facilitate the relevant certificates for the construction of the warehouse whilst ongoing discussions and consultation is being undertaken in regard to the Open Space Edge Road.</p> <p>In accordance with the previously approved Council Development Applications within the Yards Estate (DA22/0205 and DA22/0671) the parent SSDA (SSD-9522) and SSD-25725029, it is requested that this condition be amended to permit the PCA to approve to ensure the timely determination of such documents</p>

RESPONSE TO RECOMMENDED CONDITIONS OF CONSENT

Proposed Warehouse and Distribution Centre and Associated Subdivision
657-769 Mamre Road, Kemps Creek

SUMMARY OF, AND RESPONSE TO, RECOMMENDED CONDITIONS

Recommended Condition	Requested Amendment	Commentary
<p>66 Prior to commencement of any works associated with the development, a Traffic Guidance Scheme, including details for pedestrian management, shall be prepared in accordance with AS1742.3 Traffic Control Devices for Works on Roads and the Transport for NSW (TfNSW) publication Traffic Control at Worksites Technical Manual, and certified by an appropriately accredited TfNSW traffic controller.</p> <p>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.</p>	Deleted	No requirement for a Traffic Guidance Scheme has been imposed on the previously approved Council Development Applications within the Yards Estate (DA22/0205 and DA22/0671) the parent SSDA (SSD-9522) and SSD-25725029, nor have TfNSW requested that this condition be imposed. As such, it is requested that this condition be deleted.
<p>70 Prior to the issue of any Occupation Certificate or Subdivision Certificate, the Principal Certifier shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Penrith City Council.</p>	70 Prior to the issue of any the relevant Occupation Certificate or Subdivision Certificate, the Principal Certifier shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Penrith City Council.	It is requested that the condition be amended to facilitate the relevant certificates for the construction of the warehouse whilst ongoing discussions and consultation is being undertaken in regard to the Open Space Edge Road.
<p>71 Prior to the issue of any Subdivision Certificate, the Principal Certifier shall ensure that all subdivision works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Penrith City Council for any outstanding works.</p>	71 Prior to the issue of any the relevant Subdivision Certificate, the Principal Certifier shall ensure that all subdivision works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Penrith City Council for any outstanding works.	It is requested that the condition be amended to facilitate the relevant certificates for the construction of the warehouse whilst ongoing discussions and consultation is being undertaken in regard to the Open Space Edge Road.
<p>72 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):</p> <ul style="list-style-type: none"> ▪ 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 been undertaken have been satisfactorily completed. 	<p>72 Prior to the issue of any the relevant Occupation Certificate, the Principal Certifying Authority shall ensure that the stormwater management system (including water sensitive urban design measures):</p> <ul style="list-style-type: none"> ▪ 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 been undertaken have been satisfactorily completed. 	It is requested that the condition be amended to facilitate the relevant certificates for the construction of the warehouse whilst ongoing discussions and consultation is being undertaken in regard to the Open Space Edge Road.

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SUMMARY OF, AND RESPONSE TO, RECOMMENDED CONDITIONS

Recommended Condition	Requested Amendment	Commentary
<p><i>Details of the approved and constructed system/s shall be provided as part of the works-as-executed drawings.</i></p>	<p>Details of the approved and constructed system/s shall be provided as part of the works-as-executed drawings.</p>	
<p><i>73 Prior to the issue of any 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.</i></p> <p><i>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 Certificate where Penrith City Council is not the Principal Certifier.</i></p>	<p>73 Prior to the issue of any the relevant 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.</p> <p>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 Certificate where Penrith City Council is not the Principal Certifier.</p>	<p>It is requested that the condition be amended to facilitate the relevant certificates for the construction of the warehouse whilst ongoing discussions and consultation is being undertaken in regard to the Open Space Edge Road.</p>
<p><i>74 Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the stormwater management systems (including water sensitive urban design measures) shall be registered on the title of the property. 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 Drainage Specification for Building Development - Appendix F</i></p>	<p>74 Prior to the issue of any the relevant Occupation Certificate a restriction as to user and positive covenant relating to the stormwater management systems (including water sensitive urban design measures) shall be registered on the title of the property. 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 Drainage Specification for Building Development - Appendix F</p>	<p>It is requested that the condition be amended to facilitate the relevant certificates for the construction of the warehouse whilst ongoing discussions and consultation is being undertaken in regard to the Open Space Edge Road.</p>
<p><i>75 Prior to the issue of any Subdivision Certificate and installation of regulatory/advisory signage and line marking, plans are to be lodged with Penrith City Council and approved by the Local Traffic Committee. The plans shall include the provision of appropriate load limit signage such that the Open Edge Space Road will not be utilised by heavy vehicles.</i></p> <p>Notes:</p>	<p>75 Prior to the issue of any the relevant Subdivision Certificate and installation of regulatory/advisory signage and line marking, plans are to be lodged with Penrith City Council and approved by the Local Traffic Committee. The plans shall include the provision of appropriate load limit signage such that the Open Edge Space Road will not be utilised by heavy vehicles.</p> <p>Notes:</p>	<p>It is requested that the condition be amended to facilitate the relevant certificates for the construction of the warehouse whilst ongoing discussions and consultation is being undertaken in regard to the Open Space Edge Road.</p>

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SUMMARY OF, AND RESPONSE TO, RECOMMENDED CONDITIONS

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<ul style="list-style-type: none"> ▪ Contact Penrith City Council's Engineering Services Department on 4732 7777 for further information on this process. ▪ Allow eight (8) weeks for approval by the Local Traffic Committee. ▪ Applicable fees are indicated in Council's adopted Fees and Charges. 	<ul style="list-style-type: none"> ▪ Contact Penrith City Council's Engineering Services Department on 4732 7777 for further information on this process. ▪ Allow eight (8) weeks for approval by the Local Traffic Committee. <p>Applicable fees are indicated in Council's adopted Fees and Charges.</p>	
<p>76 Prior to the issue of any Subdivision Certificate, an application for proposed street names must be lodged with Penrith City Council, approved and the signs erected on-site.</p> <p>The proposed names must be in accordance with NSW Address Policy and User Manual by Geographical Names Board.</p> <p>Notes:</p> <ul style="list-style-type: none"> ▪ Contact Penrith City Council's Engineering Services Department on 4732 7777 for advice regarding the application process and applicable fees. ▪ Allow approximately eight (8) weeks for notification, advertising, and approval. 	<p>76 Prior to the issue of any the relevant Subdivision Certificate, an application for proposed street names must be lodged with Penrith City Council, approved and the signs erected on-site.</p> <p>The proposed names must be in accordance with NSW Address Policy and User Manual by Geographical Names Board.</p> <p>Notes:</p> <ul style="list-style-type: none"> ▪ Contact Penrith City Council's Engineering Services Department on 4732 7777 for advice regarding the application process and applicable fees. <p>Allow approximately eight (8) weeks for notification, advertising, and approval.</p>	<p>It is requested that the condition be amended to facilitate the relevant certificates for the construction of the warehouse whilst ongoing discussions and consultation is being undertaken in regard to the Open Space Edge Road.</p>
<p>78 Prior to the issue of any Subdivision Certificate, the following compliance documentation shall be submitted to the Principal Certifier. A copy of the following documentation shall be provided to Penrith City Council where Penrith City Council is not the Principal Certifier:</p> <p>a) Works As Executed (WAE) drawings of all civil works. The WAE drawings shall be arked in red on copies of the stamped Subdivision Works Certificate drawings signed, certified, and dated by a registered surveyor or the design engineer. The WAE drawings shall be prepared in accordance with Penrith City Council's Engineering Construction Specification for Civil Works.</p>	<p>78 Prior to the issue of any the relevant Subdivision Certificate, the following compliance documentation shall be submitted to the Principal Certifier. A copy of the following documentation shall be provided to Penrith City Council where Penrith City Council is not the Principal Certifier:</p> <p>a) Works As Executed (WAE) drawings of all civil works. The WAE drawings shall be arked in red on copies of the stamped Subdivision Works Certificate drawings signed, certified, and dated by a registered surveyor or the design engineer. The WAE drawings shall be prepared in accordance with Penrith City Council's Engineering Construction Specification for Civil Works.</p>	<p>It is requested that the condition be amended to facilitate the relevant certificates for the construction of the warehouse whilst ongoing discussions and consultation is being undertaken in regard to the Open Space Edge Road.</p>

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<p>b) The WAE drawings shall clearly indicate the 1% Annual Exceedance Probability flood lines (local and mainstream flooding).</p> <p>c) The WAE drawings shall be accompanied by plans indicating the depth of cut / fill for the entire development site. The survey information is required to show surface levels and site contours at 0.3m intervals. All levels are to be shown to AHD.</p> <p>d) CCTV footage in USB format to Penrith City Council's requirements and a report in "SEWRAT" format for all drainage identified as Council's future assets. Any damage that is identified is to be rectified in consultation with Penrith City Council.</p> <p>e) A copy of all documentation, reports and manuals required by Section 2.6 of Penrith City Council's WSUD Technical Guidelines for handover of stormwater management facilities to Penrith City Council.</p> <p>f) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries, private or public lands.</p> <p>g) Documentation for all road pavement materials used demonstrating compliance with Penrith City Council's Engineering Construction Specification for Civil Works.</p> <p>h) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Penrith City Council's Design Guidelines and Construction Specification. The report shall include:</p> <ul style="list-style-type: none"> ▪ Compaction reports for road pavement construction. ▪ Compaction reports for bulk earthworks and lot regarding. ▪ Soil classification for all residential lots. ▪ Statement of Compliance. <p>i) Structural Engineer's construction certification of all structures.</p>	<p>b) The WAE drawings shall clearly indicate the 1% Annual Exceedance Probability flood lines (local and mainstream flooding).</p> <p>c) The WAE drawings shall be accompanied by plans indicating the depth of cut / fill for the entire development site. The survey information is required to show surface levels and site contours at 0.3m intervals. All levels are to be shown to AHD.</p> <p>d) CCTV footage in USB format to Penrith City Council's requirements and a report in "SEWRAT" format for all drainage identified as Council's future assets. Any damage that is identified is to be rectified in consultation with Penrith City Council.</p> <p>e) A copy of all documentation, reports and manuals required by Section 2.6 of Penrith City Council's WSUD Technical Guidelines for handover of stormwater management facilities to Penrith City Council.</p> <p>f) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries, private or public lands.</p> <p>g) Documentation for all road pavement materials used demonstrating compliance with Penrith City Council's Engineering Construction Specification for Civil Works.</p> <p>h) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Penrith City Council's Design Guidelines and Construction Specification. The report shall include:</p> <ul style="list-style-type: none"> ▪ Compaction reports for road pavement construction. ▪ Compaction reports for bulk earthworks and lot regarding. ▪ Soil classification for all residential lots. ▪ Statement of Compliance. <p>i) Structural Engineer's construction certification of all structures.</p>	

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<i>j) A slope junction plan for inter-allotment drainage lines indicating distances to boundaries and depths. k) Soil testing for each lot to be classified according to AS2870 Residential Slabs and Footings.</i>	<i>j) A slope junction plan for inter-allotment drainage lines indicating distances to boundaries and depths. k) Soil testing for each lot to be classified according to AS2870 Residential Slabs and Footings.</i>	

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It is considered that this information now provides the panel with all the necessary facts and relevant particulars to enabling assessment of **DA22/1172** to be finalised and the application determined favourably.

Should you wish to discuss further, please contact Cameron Gray on 0477003429 or via email at cgray@willowtp.com.au.

Yours Faithfully,



Andrew Cowan
Director
Willowtree Planning Pty Ltd
ACN 146 035 707