

Our reference: P-592922-WIM3
Contact: Sandra Fagan
Telephone: (02) 4732 7992

15 December 2023

Attn: Thomas Bertwistle
Email: Thomas.Bertwistle@planning.nsw.gov.au

Dear Thomas Bertwistle,

**Council Response to Environmental Impact Statement – SSD-48438209
– Altis Warehousing Estate at 2289–2309 Elizabeth Drive, Luddenham,
NSW, 2745**

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

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

1. Planning Considerations

- a) Given that the site is within a third priority area, DPE should be satisfied that the Proponent has adequately demonstrated the out of sequence arrangements for infrastructure and services as per the DCP controls.
- b) The architectural drawing number DA103A shows several retaining walls along property boundaries, adjoining road frontages, and along the boundary of the ENZ 1 land. These retaining walls appear to be within landscaped setbacks and are positioned to serve as the interface between buildings and adjoining open space, roads, or property boundaries. The use of extensive retaining walls should be avoided. Where walls are required, they should be setback from the site boundary and stepped/tiered, with at least 1.5m between tiers to allow for meaningful landscaping between the steps. Landscaped setbacks should be increased in width if retaining walls are located within the setback, so that landscaped planters can be accommodated.

- c) The civil drawings package shows a proposed retaining wall 4m high with no tiers adjoining a property boundary between Warehouse 3 and the neighbouring land (section 4 in civil drawing C1010/E. This is not appropriate as an interface treatment
- d) The 3.75m landscaped setback to the proposed road between Warehouses 2B and 3 is inadequate to provide a landscaped edge to that future public road. The southern edge of both of those warehouses provides a 6m landscaped setback from the corresponding road. A similar 6m landscaped setback should be provided for the road aligned in a north-south direction. In addition, Warehouse 2B should have a 12m building setback from the road.
- e) The proposed 2.1m high palisade fence positioned approximately 1.8m from the road frontage (on either side of the road fronting Warehouses 2B and 3) is too high and too close to the road. This fence is also likely to affect the ability to provide landscaping along that front setback, given that the setback is only 3.75m wide and will accommodate the fence midway through the landscaped setback.
- f) The proposed car park entry/exit in the south-east corner of Warehouse 3 appears to be in an awkward position for drivers travelling north on the estate access road, having approached from Elizabeth Drive. This would require drivers to continue in a northerly (straight) line of travel where the primary estate road bends to the west. Drivers accessing Warehouse 3 would need to give way to vehicles travelling east on the estate road around the bend. Notwithstanding that this road is noted as a temporary road reserve, this proposed arrangement may lead to vehicle conflicts and driver confusion particularly given that heavy vehicles will also be using the estate road.
- g) The truck entry point for Warehouse 2A is very close to the truck entry/exit for Warehouse 2B. This may lead to driver confusion and clutter, having regard to the need for way finding signage in this location, as well as the impact of that signage on the ability to provide adequate landscaping in that position.
- h) The proposed shared truck and car entry/exit is not a preferred outcome as heavy vehicle access should be separated from car

access points. The on-lot vehicle manoeuvring areas (shared hardstand areas) should also be separated for trucks and cars to avoid vehicle conflicts.

- i) The spacing and arrangement of Warehouses 1A, 1B, 1C, and 1D appears cluttered and constrained, noting the following:
 - a. The 6m wide fire trail between the ENZ 1 land and Warehouses 1A, 1C, and 1D has a convoluted spatial arrangement. The NSW Fire service will need to comment on this, but the sharp bend in the fire trail (near Warehouse 1D) as well as the remaining bends and turns would seem undesirable for easy and clear movement of emergency vehicles.
 - b. Permeable car parking bays, as shown for Warehouses 1A and 2A are undesirable. Car parking bays should be hardstand for maintenance and longevity. The parking areas should not be designed as pervious surfaces and should not be used in the calculation of total permeable area.
 - c. The shared truck and car access and internal road layout, as discussed above, is problematic.
- j) The architectural language and detailing of the warehouse facades appear interesting, although there should be more variety to the facades. From the Visual Impact Assessment, the overall appearance of the warehouses is too homogenous, which adds to the visual massing, making it harder for the eye to distinguish different built forms. In addition, the building envelopes should address the comments below.
- k) Some of the warehouses incorporate under-croft parking to respond to road levels and requirement for flat building pads. As such, warehouses are elevated above the road level resulting in lack of ability for landscaping to provide effective screening and increasing the visual mass.
- l) In addition, the warehouses incorporate a part first-floor that has a footprint that overhangs the main warehouse envelope, effectively sitting over and above the warehouse and the under-croft parking. These first-floor spaces, although certainly providing architectural interest and modulation, result in a bulky mass fronting an access road that has limited room for screen planting.

- m) The proposed wayfinding and tenant signage on the southern side of Warehouses 2A and 2B is cluttered. There are eight proposed signs which will face the road frontage in this position. This is likely to be visually cluttered and reduce the ability to provide meaningful landscaping along this road frontage. The proposed signs do not appear to be reconciled with the landscape plans which show new trees in the same location as the signs.
- n) The interim stormwater management measures (basins and storage ponds) are to be maintained by the estate until such time as they are decommissioned and the ultimate regional stormwater infrastructure to be maintained by Sydney Water has been developed.
- o) The development has proposed interim stormwater management measures in the north-eastern corner of the site, which is partially proposed for environmental and recreation use (Figure 3 WSA DCP – Land Use & Structure Plan). This appears as though it will be rectified by the ultimate stormwater design for the site, once the Sydney Water regional stormwater infrastructure is online. However, DPE should consider whether this proposed interim arrangement is acceptable given that the affected land is intended for environmental and recreation use. DPE should consider the staging of the development and the potential period in which the environmental land is unable to be used for recreation purposes.
- p) The submitted information shows land that is proposed to be dedicated to Council as public open space. Plans are notated to state that this land is to be *“handed over to the relevant authority and future design and detail by others”*. The Sequencing Plan states that this land will be dedicated to Penrith Council. DPE should note that Council’s Aerotropolis Contributions Plan is not yet endorsed, although it has been sent to the Minister for consideration.
- q) Although this land is zoned Enterprise, it is shown on the Land Reservation Acquisition Map as Local Open Space and Drainage. However, both the quantum of land and scheme plan for Sydney Water has not been finalised.

- r) The Proponent should demonstrate what discussions have occurred with Council in this regard. Dedication of land to Council for public open space purposes should only occur via a Planning Agreement. There are several matters that Council would need to consider via a Letter of Offer and Voluntary Planning Agreement pathway. These include but are not limited to:
- a. The timing/staging of any dedication. Council may not wish to accept any dedication of land prior to acquisition. The final land required by Sydney Water for their stormwater infrastructure will have implications for the land to be dedicated to Council. In addition, the land to be dedicated contains a temporary access road from Elizabeth Drive to the industrial estate. The timing for the removal of this temporary access road also has implications for if/when Council may accept the land.
 - b. Land dedication in a piecemeal approach may not be suitable and will be impacted by the timing and ability for adjoining sites to dedicate land as per the Land Reservation Acquisition Map.
 - c. Staging, delivery, and cost of embellishment works, including remediation if needed. It is noted that the proposed development does not include any embellishment of the future land to be dedicated, with the submitted details being indicative only.
 - d. Public access, including security and maintenance access and implications until the land is available for public use.
 - e. Potential contribution offsets.
- s) It is noted in the EIS that negotiations are ongoing between the proponent and TfNSW about the proposed access/egress arrangement to and from Elizabeth Drive. This also relates to the access road off Road 01, leading to Warehouses 1A to 1D, which is also proposing to connect to Elizabeth Drive. DPE should ensure that concurrence from TfNSW is obtained for the proposed vehicular access arrangements, given that this is critical to the spatial planning of the development, and having regard to the comment below relating to access points.

2. Development Engineering Considerations

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

a) Roads:

- Figure 10 of the Western Sydney Aerotropolis Precinct Plan does not identify a future intersection within the frontage of the development site (the first intersection along Elizabeth Drive after the Northern Road fronts 2255-2271 Elizabeth Drive (Lot 6 DP 32026)). DPE should consider the design of this estate in the ultimate scenario when the interim connection to Elizabeth Drive (Road 01) is no longer required. It is assumed that Road 01 will be decommissioned, and the land would form part of the Open Space/Stormwater Land (Figure 3 – WSA Precinct Plan).
- The Road 01 (Open Space Edge Road) section has been proposed in accordance with Figure 14 of the WSA DCP. DPE should consider amending this section to permit additional space in the verge for street tree planting. At present, the verge adjoining the Open Space only provides 0.9m for street trees. If the verge widths along this road section were switched, this would provide 1.9m width for street tree planting (while leaving minimum 1.4m in the opposite verge for street tree planting, which could be increased by locating the 1.5m footpath towards the property boundary) which would be a better outcome for the site.
- The Precinct Plan shows north-south and east-west local streets along the northern and eastern interfaces of Proposed Lot 3. The applicant has cited proximity to a riparian corridor to the north and neighbourhood centre to the east as reasoning for not delivering these roads as part of the application. DPE should consider whether this outcome is acceptable.
- There is an approximate 2m drop-off at the end of Road 02 (eastern site boundary). A roadside barrier or other safety treatment shall be proposed at this location in accordance with Austroads Guide to Road Design Part 6. Consideration should also be given to reducing the amount of fill at this location for ease of future tie-in for the adjoining development.
- The sag vertical curve at chainage 115 of the Road 01 long section does not appear to comply with clause 8.6.4 of Austroads Guide to

Road Design Part 3: Geometric Design. Where the topography of the site permits, it should be sought to increase the length of this sag vertical curve.

b) Internal Vehicular Access

- There are inconsistencies between the architectural and civil engineering plans with respect to proposed access to Warehouses 1A to 1D. Consistency between these sets of plans should be sought to clarify access arrangements to the warehouses on Lot 1.
- It appears that the parking spaces at the southern side of Warehouse 1B will require access via a shared driveway with heavy vehicles, which is not supported under Section 2.7 Performance Outcome PO6 of the WSA DCP. All heavy vehicles are to be fully separated from staff and visitor parking areas.
- The heavy vehicle access to Warehouse 2A is required to be widened as identified within the swept path diagrams within the Transport & Accessibility Impact Assessment (Appendix D).
- Access, parking, manoeuvring, and loading facilities shall be in accordance with AS 2890 and Performance Based Standards An introduction for road managers (National Heavy Vehicle Register, May 2019) to accommodate vehicle types outlined in Table 4 of the WSA DCP.

c) Stormwater

- Further clarity should be sought from Sydney Water on Figure 6 (Total Water Cycle Management) of the WSA Precinct Plan. It is unclear as to whether the blue line affecting the north-eastern corner of the site is to be riparian corridor or represents the 1% AEP extent (comments from the applicant have indicated that this may be riparian corridor). If this area is to be riparian corridor, the engineering plans should be updated in the ultimate scenario to detail the construction of this corridor.
- Pond A has not proposed a spillway, indicating that the culvert line crossing underneath Road 01 has been sized to cater for stormwater flows in the 1% AEP event (major storm event).

Confirmation to this extent is required to ensure that Road 01 will remain trafficable in the major storm event.

d) Local Overland Flow Flooding

- Section 3.2.1 of the provided Flood Impact Risk Assessment (FIRA) recommends that finished floor levels for each of the proposed warehouse developments should be proposed in accordance with the NSW Floodplain Development Manual (500mm freeboard to the 1% AEP Event). It is recommended that flood levels are extracted from the prepared 1% AEP post-development model, such that a minimum finished floor level can be set for each warehouse within the FIRA report.

e) Earthworks

- Retaining wall RW10 is shown to be tiered (2 tiers) on the site typical sections sheet. The profile plan of this wall does not appear to show the full height of this wall (section only shows one tier for this wall). This profile should be amended like RW01, which shows both tiers of the proposed retaining wall.

3. Traffic Considerations

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

- a) The proposed access arrangements off Elizabeth Drive (ingress and egress) requires approval from Transport for NSW.
- b) Traffic generation should be calculated using Transport for NSW trip generation rates. The use of Ason Group surveyed rates to calculate the traffic generation should not override rates adopted by TfNSW.
- c) It is recommended that the proposal be referred to Transport for NSW. Any issues raised by Transport for NSW should be satisfactorily addressed prior to approval by the consent authority.
- d) The proposed road widths should comply with Western Sydney Aerotropolis Precinct Plan, Phase 2 Development Control Plan.

- e) Separate driveways should be provided for cars and heavy vehicles (combined driveways have been proposed for warehouse 1A, 1B, 1C and 1D).
- f) Provision of car parking spaces including accessible parking spaces should comply with Western Sydney Aerotropolis Precinct Plan Phase 2 Development Control Plan.
- g) Provision of bicycle parking spaces should comply with Western Sydney Aerotropolis Precinct Plan, Phase 2 Development Control Plan.
- h) It is recommended a Construction Traffic Management Plan be submitted to Council for assessment prior to approval and commencement of construction.

4. Environmental Health Considerations

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

a) Environmental Management Considerations

- The EIS outlines that there is a possibility that wastewater services provided by Sydney Water may not be available once the buildings are complete. No detail has been provided as to what can be done if this is the case other than discussions are to be held with Sydney Water closer to the time. There is not enough space, once all buildings are completed, for onsite disposal of wastewater should it not be provided by Sydney Water. This should be explored further at this stage and a contingency plan developed.
- It is noted in the DSI and RAP that there is the possibility of an Underground Petroleum Storage System (UPSS) on the property associated with the bus maintenance area. Both the DSI and RAP recommend that ground penetrating radar be used to determine if this is the case prior to intrusive activities (such as earthworks) occurring in this area. It is Council's position that this investigation should occur prior to approval being granted so that its removal, disposal, and any remediation required can be captured at this stage. Furthermore, should a UPSS be

located on the property and requires removal it is likely that fill will be required to be bought in to fill the hole. This will need to be Virgin Excavated Natural Material (VENM).

- A hazardous materials survey is recommended to occur prior to the demolition of structures on the properties. The waste management plan will need to be updated to reflect any hazardous materials found and their appropriate disposal.
- An unexpected finds protocol should be implemented (as per Figure 8.1) prior to works commencing.
- A Validation Report is to be issued prior to earthworks commencing.
- The AQIA states that a detailed construction programme was not developed at the time of the assessment. It is recommended that the once the detailed construction programme is available that the air quality impacts are reviewed to ensure that all possible impacts were addressed by the AQIA dated 24 May 2023.
- Scant detail regarding mechanical plant has been provided in the Noise Emission Assessment. Whilst it is accepted that mechanical plant has not been selected at this stage some more detail can be provided about maximum Sound Power Level output for selection of appropriate mechanical plant.
- Human controls should be limited with focus on more design and engineered solutions to reach compliance. Experience shows that a reliance on human controls to reach acoustic compliance (such as signs asking people to leave a venue in a quiet manner) is intermittent in its success. Human controls should be used as a last resort measure once all design and engineered solutions have been explored.
- Develop a noise management plan for the use of the site including details of the site manager should complaints be received.

- A compliance report should be undertaken once the final occupation certificate is granted to ensure that the noise levels outlined in this report are being met.
- The author states that the exact duration of the stages of the project are not known at the time of preparing this Plan. Once these stages are known, the Construction Noise & Vibration Management Plan should be reviewed to ensure continued compliance.
- The Geotechnical Investigation has found that the soils on site are non-aggressive to moderately-aggressive for steel piles. DPE should consider if any remediation or additional considerations are required at construction stage in relation to the moderately aggressive soils?

b) Biodiversity Considerations

Flora and Fauna Management Plan:

- o The Flora and Fauna Management Plan has an incomplete sentence in Section 3.4.2 where the vet details are missing. This information should be provided to assist the contractor who is engaged to carry out the works where the appropriate place to take injured fauna.
- o From a review of the plan no areas containing suitable vegetation will remain following works. Therefore, the Flora and Fauna Management Plan will need to identify suitable relocation sites for terrestrial fauna that is rescued during pre-clearing surveys and supervision of vegetation removal. A translocation licence may be required to be obtained prior to works commencing.

Landscape Plan

- o It is acknowledged that the Landscape Plan covers the Basins and Ponds. It is recommended that a Vegetation Management Plan is prepared for these areas (such as the riparian environment and surrounding areas that do not contain infrastructure). The Landscape Plan does not provide details or an ongoing plan for the management of these

areas to control weeds and ensure the revegetated/replanted areas are managed and do not become dominated by exotic vegetation in perpetuity.

- The Landscape Plan does not separate the indicative plants list for different zones and areas subject to landscaping. It is recommended that areas to be revegetated will need to be revegetated with species characteristic of Cumberland Plain Woodland and /or River-flat Eucalypt Forest species that are indigenous to the locality and should be managed separately in accordance with a Vegetation Management Plan. These areas should be identified on the Landscape Plans and a label to refer to the VMP or for the Landscape Plan to mirror the Vegetation Management Plan for the location of the area subject to the VMP and recommended species to be planted.

If the department chooses to approve the development application the comments above should be addressed through either conditions of consent or the reports to be amended prior to determination to address the comments and to include conditions below:

- Requirement for a qualified and experienced wildlife and aquatic Ecologist to undertake measures outlined in Section 3 to 6 of the Flora and Fauna Management Plan prepared by Ecolique dated 6 April 2023. Evidence that these measures have been undertaken should be required to be submitted to the consent authority within four weeks of the works being undertaken.
- Actions outlined in the Dam Decommissioning Management Plan is to be undertaken prior and during earthworks commencing on site. Evidence that the decommissioning of dams has been undertaken in accordance with the Management Plan is to be prepared to the Department to demonstrate compliance with the requirements.
- Vegetation Management Plan should be prepared for the land zoned as ENZ and should also extend to other areas of landscaping that will be revegetated.

c) Waterways Considerations

- Prior to determining the application, the Department should ensure that the controls are met in terms of compliance with the stormwater and waterway health targets (for both the construction and operational stages). The department should ensure that the MUSIC modelling and design of stormwater temporary infrastructure has been prepared in accordance with the *Technical guidance for achieving Wianamatta South Creek stormwater management targets*. It is noted that no MUSIC modelling was submitted for Council's review.
- It is noted that there is a mapped water course on the site. The development includes the restoration of a waterway and provision of temporary stormwater management basins and associated infrastructure. It is indicated that ultimately the site will connect to Sydney Water's drainage network. The proposed changes and embellishment of the riparian corridor and associated stormwater basins will also be subject to approval from DPE – Water in relation to controlled activity requirements, as well as Sydney Water as the drainage manager.
- With respect to the GPTs, while the plans indicate locations, additional details (such as access arrangements and type) are required on the engineering plans. Further, the GPTs need to be prepared as per the specifications outlined in Sydney Water Technical Design Guidelines. It is noted that the GPT's will be the responsibility of the developer / property owners to maintain. Conditions will need to be included in the consent requiring this.
- Additional details relating to the proposed ponds, temporary wetlands, and irrigation systems would be required. This should include full details such as a functional design and include an operation and maintenance manual/s for the infrastructure. The maintenance manual/s should be provided prior to the approval of the development and conditions should be imposed to ensure interim (and permanent) measures are maintained to the required standards.
- Rainwater tanks are proposed as interim measures until the delivery of the regional stormwater management scheme. Conditions would be required to ensure they are

decommissioned, and connection is to the regional scheme once available.

- Passively irrigated street trees should be incorporated into the design of the streets. It is acknowledged this can be considered in detail as part of detailed designs. However, a condition should be applied to ensure that prior to completing the detailed design, plans must be submitted to Council for review and approval (only in the case of the roads to be dedicated). It is understood the scheme has some reliance on the street trees.
- High efficiency sediment basins are required to be provided to meet the construction phase IWCM controls in the Western Sydney Aerotropolis DCP. It is noted that reference to sediment basins on the plans is provided. Conditions will also need to be included in the consent to require high efficiency sediment basins to be used during the construction stages of the development, and that they are designed and audited by a CPESC as per the *Technical guidance for achieving Wianamatta South Creek stormwater management targets*.
- Should the application be approved, adequate conditions will need to be in place to ensure that all temporary infrastructure is maintained until the regional infrastructure is available. The conditions should ensure that future development on the site achieves compliance with the Integrated Water Cycle Management (IWCM) controls in the Western Sydney Aerotropolis DCP in accordance with the Technical Guidance for achieving Wianamatta South Creek Stormwater Management Targets (NSW Government, 2022).
- Conditions should be applied to ensure that adequate land is reserved for initial stages of the development's treatment and management of stormwater (such as irrigation of undeveloped land).
- Should the application be approved conditions should be imposed to ensure that all stormwater infrastructure, including GPTs, rainwater tanks, irrigation systems, temporary ponds, and the like, remains under the ownership, control, and care of the

registered proprietor of the lots. It is suggested that positive covenants and restrictions of use should also be placed on the relevant lots to ensure that all privately owned systems will be maintained in perpetuity. It is acknowledged that some infrastructure will not be required once the regional scheme is available. Conditions should be included to manage the transition and decommissioning of the infrastructure once connection to the regional infrastructure is available.

- It would be beneficial if the full details and designs of the ultimate stormwater treatment measures were available, but it is also acknowledged this can be provided at a later stage once Sydney Water finalise their infrastructure / scheme plan and designs.

Should you wish to discuss these matters further, you can contact me on (02) 4732 7992.

Yours sincerely,



Sandra Fagan
Principal Planner