



Our reference: P-645434-X6Y2
Contact: Sandra Fagan
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19 March 2024

Attn: Ellen Luu

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Dear Ellen Luu

**Council Response to Environmental Impact Statement – SSD-46983729
– Westlink Industrial Estate Stage 2 at 290-308 Aldington Road, Kemps
Creek, NSW, 2178**

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

Council has reviewed the information referred for comment on 14 February 2024 and provides the following advice for the Department's consideration.

1. Planning Considerations

- a) DPHI should be satisfied that the scope of proposed works for Stage 2 is clearly defined and shown in the package of information. This is particularly relevant when considering the upgrades and extensions to public roads (Aldington and Abbots Roads) and how these relate to proposed Warehouse 2.
- b) DPHI should consider and ensure that any relevant conditions or requirements of the Stage 1 approval (SSD-9138102) have been met (or will be met) at the appropriate stage of the development.
- c) The Proponent should clearly show what earthworks are proposed as part of the current SSD application, as distinguished from what earthworks have already been carried out, and under which development consent.
- d) The MRP DCP identifies new roads traversing the subject site. This includes an extension of Aldington Road (a Collector Industrial Road) continuing to the south of its current alignment, including a

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new round-about, and extensions to Abbotts Road (a Local Industrial Road) running both to the south and east of its current alignment.

- e) If road works are to be included in the current SSD Application, the Proponent must liaise with Council's Asset Management Team to obtain landowners' consent from Council as the landowner of the local roads, to lodge the required application (either a SSDA or DA). Alternatively, DPHI should be satisfied that the required road upgrades are included in another suitable SSD application.
- f) DPHI should consider if the current road infrastructure is suitable to support and service the proposed development, both in the short and long-term scenarios. The existing road infrastructure in its current form is unsuitable to accommodate the proposed development. The MRP DCP requires consideration of the cumulative implications on existing and planned infrastructure.
- g) DPHI should consider the timing of the required road upgrades to enable the proposed development to only proceed at the appropriate stage. DPHI should also consider the requirement for Planning Agreement/s for any proposed dedication of land to Council for road widening and road works.
- h) In addition, the MRP DCP does not allow direct vehicle access from Aldington Road. The proposed development seeks three new truck vehicle entry points off (the extended alignment) of Aldington Road, and what appears to be a new car entry point (although the Estate Plan drawing DA002/P8 notates this as a truck entry) off the temporary cul-de-sac. This would appear to conflict with the MRP DCP. There is also concern raised about the number of proposed new vehicle entries from Aldington Road, particularly as they would be close to the future round-about identified on Figure 12 of the MRP DCP.
- i) Any road connection (or any works) into/on Council's existing roads will require Council's consent as landowner prior to any approval being issued, and any works being carried out. Council's Asset Management Team are the relevant unit to approach to obtain landowners' consent.

- j) Connection of local industrial roads between different lots/landowners needs to be carefully considered and managed. It is requested that DPHI ensure that where ultimate road works/connections can be made, that ESR do so, and this is protected by conditions of consent. Additionally, that ESR obtain necessary adjoining landowners' consent to complete any connection works (if required). If an interim arrangement is proposed (such as a temporary turning head) that these are protected by right of way easements (or other suitable mechanism) to ensure connections can readily occur by adjoining landowners in future (when adjoining lots develop).
- k) The proposed sewer pumping station and sewer easement should be set back behind the required 10m landscaped setback (from the Mamre Road frontage). This will allow the infrastructure to be more suitably screened by landscaping. This type of infrastructure will be unsightly when viewed from Mamre Road which is the main thoroughfare through the Precinct and will derogate from the primary function of the front setback, which is to accommodate trees and landscaping to screen structures. It is also unclear if Sydney Water would allow screening landscaping within the sewer easement, therefore, the preference is to set the entire easement and infrastructure behind the 10m landscaped setback.
- l) DPHI should consider if the front setback to Mamre Road has adequately address the wastewater trunk main shown on Figure 8 of the MRP DCP.
- m) The front landscaped setback to Mamre Road contains a series of long, tiered retaining walls. The dependence on retaining walls in this location is excessive and may not allow the front setback to serve its primary purpose of provided a densely vegetated front setback. However, if DPHI accept the proposed arrangement, it should ensure that the retaining walls are suitably tiered and reconciled with the proposed landscaping plan. The landscaping within the front setback should not compromised and should contain a mix of mature trees and shrubs (discussed further below). The preference is to have less fill in this area and therefore less reliance on retaining walls along the Mamre Road frontage. Level changes could be managed better internal to the site, rather than along the primary road frontages.

- n) The matter of site levels and need for retaining walls is likely to be more of an issue in relation to future development of the remainder of the site. A site section is contained on page 35 of the Urban Design Report. This shows the extensive use of retaining walls to manage the proposed pad levels throughout the site.
- o) The interface with the rural residential area of Mount Vernon should be carefully reviewed. The civil plans show a 30m battered setback with some retaining walls along the edge of Lot 5. DPHI should consider if this adequately addresses the interface controls of the MRP DCP and whether suitable screen landscaping can be accommodated within the battered setbacks.
- p) A section through Lot 3 should be provided to show the interface relationship with the adjoining property, particularly give the retaining wall proposed along the eastern boundary of Lot 3.
- q) The proposed 14 car parking spaces parallel to the western facade of the proposed warehouse appear somewhat awkward to access. Cars will use the access driveway from the temporary cul-de-sac at the southern end of the site. Entering cars will then be travelling on the left-hand side of the access driveway, which is facing the opposite direction to the 14 parallel parking spaces. This might encourage poor driver behaviour to access the parallel spaces from the 'wrong' side of the access driveway/road. In the same manner, the small cluster of eight 'island' parking spaces appears to be awkwardly positioned in terms of accessing those spaces.
- r) The use of under-croft car parking as a design solution will negatively impact opportunities for better landscaping within the car parking hardstand areas, such as providing canopy trees. Canopy trees in hardstand parking areas can be successfully used to moderate bulk, scale, and visual appearance of buildings. However, this cannot be done in this instance given the extensive use of under croft parking along the southern elevation of the warehouse. The area of the under-croft parking also appears to be the position of one of the greatest height non-compliance, which may exacerbate the overall bulk and massing of the warehouse.

2. Development Engineering Considerations

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

- a) The proposed extension of Aldington Road will be land locked by the undeveloped properties to the north and south of the subject site. The proposal includes a temporary arrangement to access warehouse 2 (lot 2) via the proposed private road from the extension of Abbotts Road. This temporary arrangement may be acceptable subject to ensuring that appropriate right of way is created over the private road benefiting Penrith City Council and the public.
- b) The dimension of the proposed private road is inconsistent between the EIS, Civil Infrastructure Report and the Civil drawings. The traffic lanes, kerbside lanes and road carriageway, verge and road reserve widths are to be reviewed and adjusted to accurately reflect the proposed design.
- c) The proposal includes a temporary turning area at the end of the extension of Aldington Road until such time a roundabout is delivered once the adjoining property to the south is developed. The subdivision plan will create the required area for the portion of the roundabout within this development site, and so it would be required to ensure the roundabout can be delivered in the boundaries of the proposed road reserve. As such, details of the roundabout should be provided for indicative purposes in support of the subdivision plan. The roundabout is to be designed for 30m PBS Level 2 Type B vehicles and tested for 36.5m PBS Level 3 Type A vehicles.
- d) The extension of Abbotts Road is proposed to terminate with a temporary turning area until such time the road is extended further south once the adjoining property is developed. The subdivision plan proposed the entire turning area to be dedicated as road reserve. An alternative option would be to have the portion of the temporary turning head that is within lot 5 to have a right of way easement rather than dedicated as a road reserve. In the future the release of an easement is a much simpler process than a road closure application.

- e) A condition of consent should be provided if the application is approved requiring the developers to deliver the portion of roundabout within their land and the removal of the turning head area at the end of Abbots Road once the property to the south is developed. This may require a bond to be lodged by the applicant.
- f) The proposed location of the light vehicle access to Warehouse 2 (on lot 2) should be reconsidered as it is located at the future roundabout. Vehicular crossings should not be provided at roundabouts for safety purposes. Also, Lot 4 has a vehicular crossing located on the kerb return of the private road and Abbots Road. The proposed location raises safety concerns and does not comply with Australian Standards.
- g) The location of retaining wall RW-LOT 2-03 relative to the property boundary is inconsistent with the controls of MRP DCP. Section detail 6 on drawing number C6143 shows the retaining wall located directly at the property boundary. The MRP DCP requires the retaining walls to be setback 2m into the property boundary.
- h) The flood assessment report should take into consideration Council's Overland Overview Flood Study 2006 and ensure that there is no adverse impact on the adjoining properties because of the proposed development. Their report identifies that the degree of adverse impacts on the flood behaviour within the surrounding properties progressively reduces as the severity of the flooding increases. However, there should be no adverse impact in all flooding conditions on the surrounding properties and downstream of the site.
- i) The site has a mapped waterway at the north-western corner near Mamre Road. Any works to the waterway will need to be undertaken in accordance with Water Management Act and the requirements of the Department of Climate Change, Energy, the Environment and Water.
- j) In relation to the trunk drainage, it will be important that Sydney Water approve the design and that it is designed in accordance with any of their requirements and technical guidelines.

3. Traffic Considerations

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

- a) Section 4.6.1(8) of the MRP DCP notes that parking areas should incorporate dedicated parking bays for electric vehicle charging. Despite this, it does not provide for guidance on the specific number of bays. Therefore, it is proposed that a total of 5% of the parking provision be designated as electric vehicle charging bays.
- b) All parking areas, including access aisles and parking modules must be designed with reference to AS 2890.1 and AS 2890.6. This should form a condition of consent.
- c) The conditions that should be included in any consent are:
 - All vehicles shall enter and exit the site in a forward direction.
 - Safe pedestrian routes shall be provided throughout the site.
 - 153 parking spaces to be provided.
 - Two accessible parking spaces shall be provided in accordance with the Access to Premises Standards, Building Code of Australia and AS 2890.6.
 - Heavy vehicle loading and manoeuvring areas/routes shall be completely separated from customers /visitors to the site.
 - A car shall be able to turn around within the site when all car parking spaces are occupied using no more than a three-point turn.
 - A minimum of 36 bicycle parking spaces shall be provided.
 - Five percent of the parking provision should be designated as electric vehicle charging bays.
 - One shower cubicle to comply with end of trip facilities should be provided.
 - All service areas should be designed with reference to AS 2890.2 and to provide for the movement of vehicles up to and including 30m long PBS Type 2 as check vehicle, and 20m Articulated vehicle as design vehicle. Service area design shall be compliance with AS 2890.2.
 - Truck access driveways shall be designed to provide for vehicles up to and including a 30m long PBS Type 2 with maximum gradients, maximum rates of change of grades, and maximum crossfalls in accordance with relevant standards

such as AS 2890.2, and any other relevant published road design /road engineering guidelines.

- o All parking areas, including access aisles and parking modules must be designed with reference to AS 2890.1 and AS 2890.6.

4. Environmental Health Considerations

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

a) Environmental Management Considerations

- i. The above application and supporting documentation relevant to the Environment Team has been reviewed. Reporting covering environmental fields is appropriate. In particular, the submitted Supplementary Contamination Investigation and Remediation Action Plan appear to address contamination matters at the site. DPHI should ensure that suitable conditions of any consent are imposed.

b) Waterways Considerations

- i. The development includes the provision of temporary stormwater management basins, temporary irrigation of undeveloped areas, proprietary treatment devices and rainwater tanks. It is indicated that ultimately the site will connect to Sydney Water's drainage network. Interim arrangements are proposed although it is noted that additional information is required to demonstrate compliance with the requirements outlined in the MRP DCP. It is noted that no MUSIC modelling was made available, but the Department should review this.
- ii. No primary objections are raised regarding waterways health, as the proposed development includes commitments to connect to the regional stormwater scheme once available. However, it is recommended that DPHI ensure that the controls are met in terms of compliance with the stormwater and waterway health targets (for both the construction and operational stages). MUSIC modelling and design of stormwater temporary infrastructure should be prepared in accordance with the Technical guidance for achieving Wianamatta South Creek

stormwater management targets. This is likely to require additional information prior to determination of the application.

- iii. Regarding the GPTs, while the plans indicate locations, additional details (such as access arrangements and type) is 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 any consent requiring this.
- iv. It is suggested that additional details of the stormwater infrastructure are required. Functional design drawings of the temporary ponds, Hume filter, temporary irrigation systems and associated infrastructure should be provided. The plans should include additional details to demonstrate they can function and include details of levels, cross sections, access arrangements, and the like. This should include details of a functional design and an operation and maintenance manual/s for the infrastructure. The maintenance manual should be provided prior to determination and conditions should be applied to ensure interim (and permanent) measures are maintained to the required standards.
- v. Rainwater tanks are proposed as interim measures until the delivery of the regional stormwater management scheme. Conditions would be required to ensure they are designed to meet a minimum of 80% non-potable demand and that they are decommissioned once connection to the regional scheme is made.
- vi. 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 detailed design the plans must be submitted to Council for review and approval (in the case the roads will be dedicated). It is our understanding that they have some reliance in the scheme.

- vii. Should the application be approved, adequate conditions will need to be in place to ensure that all temporary infrastructure is maintained until the regional infrastructure is available. The conditions should ensure that future development on the site achieves compliance with the Integrated Water Cycle Management (IWCM) controls in the MRP DCP in accordance with the Technical Guidance for achieving Wianamatta South Creek Stormwater Management Targets (NSW Government, 2022).
- viii. 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).
- ix. Conditions should also be used to ensure that all stormwater infrastructure, including GPTs, rainwater tanks, irrigation systems temporary ponds (and the like) remain under the ownership, control, and care of the registered proprietor of the lots. It is suggested that positive covenants and restrictions of use should be placed to ensure that all privately owned systems will be maintained in perpetuity. It is acknowledged some infrastructure will not be required once the regional scheme is available. Conditions may need to be included to manage the transition and decommissioning of the infrastructure once connection to the regional infrastructure is available.
- x. With respect to waterways, it is noted that a mapped waterway is located on the site. Any works will need to be undertaken in accordance with Water Management Act and the Department of Climate Change, Energy, the Environment and Water requirements.
- xi. In relation to the trunk drainage, it is noted that a naturalised channel will be provided. It is relevant that Sydney Water approve the design and that it is designed in accordance with any of their requirements and technical guidelines.
- xii. High efficiency sediment basins are required to be provided to meet the construction phase IWCM controls in the MRP DCP. Conditions should be used 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.

5. Landscape Considerations

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

- a) The landscaping within the front setback to Mamre Road must be of a design and detail that provides a suitable vegetated screen to the public road. This includes having a variety of landscaping such as trees, low-medium shrubs, and grassed areas.
- b) To ensure consistency of landscape character and visual amenity along significant road corridors, landscaped setbacks require coordinated planting design as follows:
 - i. The setback corridor consists of large trees and a dense wall of screen planting, of a natural and informal effect and diverse mix of species. Setback designs should not assume that street trees will be provided as part of the Mamre Road widening and upgrade due to utilities and other constraints.
 - ii. Provide substantial species diversity generally, with tree species selected from the Penrith City Council's (Draft) Street Tree Masterplan (see below).
 - iii. Large and medium sized trees provide an effective continuous canopy cover across the full width and extent of the setback, with canopy extending into the widened Mamre Rd road reserve.
 - iv. Small, medium and large shrubs are densely planted to provide effective mid-level screening between ground and canopy. This shall also apply to site corners where oblique views to built form should be enhanced with substantial planting. Supplementary small trees may support the screening effect and groundcovers have a supporting role in the diversity of plants provided.

- v. Clusters, mass planting and rows of single species, formality and turf areas are not supported.
 - vi. Structures within the setback are not supported. Any necessary structures such as retaining walls and fences are to be fully screened to minimise visual impact from the public domain.
 - vii. Long-term maintenance shall sustain a natural and informal look, without hedging and unnecessary shaping of plants. Plants shall mature to their natural height and form. Failed and vandalised plants must be replaced with the same species.
- c) The proposal documents must reference Council's (draft) Street Tree Masterplan species requirements for all local roads (including those within the site), and within the Mamre Road setback. Along Mamre Road this includes:
- a. *Eucalyptus tereticornis*, Forest Red Gum*,
 - b. *Eucalyptus moluccana*, Grey Box Gum*,
 - c. *Eucalyptus crebra*, Narrow-Leaved Ironbark*,
 - d. *Corymbia maculata*, Spotted Gum,
 - e. *Waterhousia floribunda*, Weeping Lilly Pilly,
 - f. *Tristaniaopsis laurina*, 'Luscious', Water Gum,
 - g. *Cupaniopsis anacardioides*, Tuckeroo, and
 - h. *Melaleuca decora*, White Feather Honey Myrtle.

(Note * = Trees for very wide verge areas or large open space setback).

Should you wish to discuss this matter further, you may contact me on (02) 4732 7992.

Yours sincerely,



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