



Our reference: P-710411-R7L5
Contact: Sandra Fagan
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2 July 2024

ATTN: David Schwebel
Email: david.schwebel@planning.nsw.gov.au

Dear David Schwebel,

Council Response to SSD-10479-Mod-2 - Modification 2 to 200 Aldington Road Industrial Estate (AIE) at 106-228 Aldington Road, Kemps Creek, NSW, 2178

Thank you for providing Penrith City Council the opportunity to comment on the above modification application.

Council staff has reviewed the information referred for comment on 18 June 2024 and provides the following advice for the Department's consideration.

1. Planning Considerations

- a) Council's planning staff acknowledge the matters raised by DPHI in their request for further information, dated 10 April 2024. Council staff share the concerns raised by DPHI in their letters, and request that DPHI consider the applicant's response to those matters.
- b) DPHI should ensure there is a logical and sequential determination of Modification 1 and Modification 2 of the SSD so that any final approved development reflects the prior/current consent. In the same manner, the applicant and DPHI should ensure that the (future) individual SSD's for specific warehouses (on Lot's G, H, and J) display consistency with the final determinations for MOD-1 and MOD-2.
- c) DPHI should appropriately condition the staging of development to ensure that the lots proposed to be temporarily utilised for stormwater management (Lot's A, B, C, M, and N) remain undeveloped until the relevant time.
- d) The proposed rationale for modifying Conditions B1 and C22, to allow the payment of contributions to be staged, is unclear. Section 3.5.3 of the SEE report states that the rationale is *"To support the staged payment of contributions in accordance with the subdivision of each*

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lot and incorporate the ability to enter a planning agreement or works-in-kind agreement into the wording of the condition itself. While there is no objection to repositioning the 'Note' aspect of the condition into the body of the condition (in relation to the ability to enter into a planning agreement) further rationale should be provided for modifying the condition to allow the payment of contributions to be staged. It is unclear why the amendment to the condition is proposed given the planning agreement negotiations that are well under way with Council. It is recommended that the applicant liaise directly with Council's City Planning team on this matter.

- e) DPHI should consider the function and visual appearance of the proposed racking in both the used and unused scenarios, including height, structural adequacy, potential wind tunnel effects, potential reflectivity, and the like. In the same manner, the visual impact of the proposed hardstand areas for stacked container storage should be carefully considered. Container storage, by the nature of their function and appearance are unsightly, particularly when stacked high. Setbacks and landscaping should be used as much as possible to mitigate visual impacts. This is particularly relevant for views along the eastern adjoining property (see Lot G – View 04) and from roads. DPHI should restrict the number of containers that can be stacked. DPHI should also consider a condition to ensure no third-party signage is displayed on storage containers (either painted or otherwise).
- f) The reduction in warehouse roof area and the proposed increase in exposed hardstand area will impact the ability to provide extensive solar roof-mounted panels. This may have undesirable knock-on effects for energy efficiency and sustainability.
- g) From a planning perspective, there is no objection in principle to the proposed relocation/changes to the basins within Lot D, provided Sydney Water endorse this (as the future owner/operators of the basins) and that landscaping within Lot D is endorsed by the Western Sydney Airport operators. The proposed overall reduction in landscaping across the estate, and any potential further reduction to meet airport safety requirements, should be addressed.
- h) DPHI should ensure that the proposed reduction in car parking spaces remains compliant with the MRP DCP provisions. If the proposed car parking spaces exceed the DCP requirements, the applicant should

consider replacing the 'over and above' spaces with additional tree planting within the car park areas. This may assist to mitigate the overall proposed reduction in landscaped area.

- i) It is noted that Retaining Wall 01 (adjoining the southern boundary with the BAPS site) is proposed to be 8.06m in height, although it is unclear what the height of the approved retaining wall is. DPHI should consider whether this forms an appropriate interface with the neighbouring site and whether the retaining wall needs to incorporate stepping.

2. Development and Flooding Engineering Considerations

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

- a) The levels of the earthworks have changed within the proposed lots which have resulted in changes to the extent of retaining walls required. However, the road design has remained mostly the same as per the original approval with no concerns raised.
- b) The stormwater management strategy includes the provision for installing temporary basins with irrigation of undeveloped sections of the site. Council's Waterways team have made separate comments in relation to the proposed changes to the stormwater management strategy. The catchment areas have been adjusted to drain toward the OSD systems and remain compliant with the Mamre Road DCP controls.
- c) Regarding the submitted Flood Impact Assessment report:
 - i. What is considered in the cumulative impact assessment is unclear. The report should state what is included clearly in Section 5.
 - ii. Regarding Tables 1 and 2 of the FIA report, Incremental and Cumulative impacts of over 2cm are generally not acceptable if they are occurring in other lots. Some level differences are quite high and not acceptable. Reference points 2, 3, 4 and 5 visually seem to fall within adjacent properties such as 19-105 Capitol Hill Drive, Mount Vernon (this lot is zoned as environmental conservation/living.) The map on Figure F26 (showing the reference locations) does not show lot boundaries

and therefore it is difficult to ascertain if the increases are within the development site or in the adjacent property.

- iii. Figures F11 and F17 show the extent upstream increasing in the 20-year ARI and 100-year ARI, as well as a large portion of flood level increase by 5-10cm in the property 19-105 Capitol Hill Drive. This level of flood increase is not acceptable.
- iv. Generally, the Figures are zoomed out to show the full impact, however, it would be helpful to include zoomed in figures on areas where differences are occurring to allow a more detailed assessment.

3. Traffic Engineering Considerations

Council's Traffic Engineering Department have reviewed the proposal and raises no concerns with the proposed modification with the addition of the below suggested requirements:

- a) At least two accessible parking spaces must be provided.
- b) Provision of eight electric vehicle parking bays and additional eight bays to be constructed as readily adaptable.
- c) 36 bicycle parking spaces must be provided.
- d) One shower cubicle with an ancillary change room must be provided.
- e) All access driveways (to the internal road network) are to be designed with reference to AS 2890.1:2004, AS 2890.2:2018 and MRP DCP, with service driveways to provide for vehicles up to and including 30m PBS 2B vehicle.
- f) The circulation areas for commercial (heavy) vehicles are to be designed as per the requirements of AS 2890.2:2018.
- g) Accessible parking spaces are to be designed in accordance with AS 2890.6:2022.
- h) All staff and employee parking spaces and access to be designed in accordance with AS 2890.1:2004.

4. Environmental Health Considerations

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

a) Biodiversity Considerations:

- i. The modification proposes the removal of approximately one hectare of native vegetation. It is acknowledged that this land is certified-urban capable land under the Cumberland Plain Conservation Plan (CPCP) and the proposal does not require further biodiversity approvals under the *Biodiversity Conservation Act 2016* and *Environment Protection & Biodiversity Conservation Act 1999* however the CPCP mitigation measures need to be addressed.
- ii. In relation to threatened species habitat protection, development is required to provide setbacks from grey-headed flying fox camps and rapture nests. The response to this requirement in the Biodiversity Certification Letter states *"The additional MOD 2 impact area contains land zoned as C2 (Figure 3), which is wholly certified and does not contain native vegetation"*. In this regard the Letter has not adequately considered proposed vegetation removal within the RE2 zoned land, nor has it considered the potential for flying fox camps or rapture test to occur within the riparian corridor within 100m of the site. Further survey should be undertaken for these fauna groups to determine occupancy and whether design changes are required and/or mitigation measures need to be applied.
- iii. The CPCP mitigation measures also require that development is designed to retain large and dead native trees (>50 cm diameter at breast height) that are not a safety risk and that provide habitat for threatened species. The Biodiversity Certification Letter states it will not be possible to avoid impacts to hollow bearing trees. It is acknowledged that there is a requirement to provide stormwater basins in accordance with the Sydney Water Scheme however this does not omit the requirement to address CPCP mitigation requirements. Consideration should be given to alternate measures to tree retention such as habitat creation and supplementation e.g. relocation of tree hollows and the provision of nest boxes.

- iv. The Biodiversity Certification Letter refers to a Weed Eradication and Management Plan, Flora and Fauna Management Plan and Vegetation Management Plan. It is not clear whether these were not provided for Council review or if documents are still under preparation or required by condition.

b) Waterways Considerations:

- i. Although Council staff have not carried out a detailed review of the MUSIC modelling, it is noted that the approach to managing compliance with the Waterway health water quality targets included in the MRP DCP is to stage the development and incorporate interim measures. The development will continue to include the provision of temporary stormwater management basins, temporary irrigation, GPT's, and rainwater tanks to serve the developed portions of the site until the ultimate regional basins have been constructed and are able to be connected to.
- ii. It is also noted that more information on the regional wetlands (on Lot D) has been included in the package. The final designs must be approved by Sydney Water as the drainage authority. It is noted that the modification report indicates that the detailed design is subject to coordination and endorsement by Sydney Water.
- iii. It is noted that high efficiency sediment basins are required to be provided to meet the construction phase IWCM controls in the MRP DCP, and conditions were included in the consent that requires them to be used during the construction stages of the development. Given the significant extent and scale of earthworks that is occurring at the site, I suggest that it is important that these are adequately monitored and maintained during the construction stage of the development.
- iv. No objection is raised to the proposed modifications from a Waterways health perspective as the proposed development includes commitments to connect to the regional stormwater scheme once available, and interim measures are proposed. It is recommended that Department ensure the controls are met in terms of compliance with the stormwater and waterway health targets (for both the construction and operational stages), and that it meets Sydney Water's requirements.

- v. It is noted that the engineering plans reference passive irrigated street trees, and these will need to be provided to Council's requirements. It is acknowledged there are separate conditions to capture this.
- vi. The approach to stormwater treatment generally remains consistent with the approved strategy. It is noted that some of the lots have been changed with respect to increases in hardstand areas and reduced roof areas. This will need to be captured in the modelling.

5. Landscape Considerations

Council's Landscape Architect Lead has reviewed the proposal and raised the following considerations:

- a) The species selection for street trees shall be in accordance with Council's Draft Street Tree Masterplan. This includes:
 - i. For the eastern side of Aldington Road, this is to be *Lophostemon confertus* (Brushbox).
 - ii. For the collector road running east-west (at the southern end of the estate), this is to be *Angophora Floribunda* on both sides.
 - iii. For the collector road running east-west (at the northern end of the estate), this is to be *Angophora Subvelutina* on both sides.
 - iv. For the local industrial road running north-south through the site, this is to be *Waterhousia floribunda* on both sides.
 - v. For other minor internal estate roads, select from the following:
 - *Acer buergeranum*, Trident maple
 - *Acer freemannii* 'Autumn Blaze,'
 - *Acer negundo* 'Sensation,' Sensation Maple
 - *Angophora hispida*; Dwarf Apple (single leader)
 - *Arbutus andrachnoides*, Grecian Strawberry tree
 - *Arbutus unedo*, Irish Strawberry tree
 - *Backhousia citriodora*, Lemon scented myrtle
 - *Backhousia myrtifolia*, Grey Myrtle
 - *Bauhinia variegata*, Butterfly Tree
 - *Bauhinia variegata* 'Alba,' Butterfly Tree
 - *Brachychiton populneus*, Kurrajong

- *Buckinghamia celsissima*, Ivory Curl Flower
- *Brachychiton populneus*,
- *Callistemon salignus*, Willow Bottlebrush
- *Callistemon viminalis* 'Dawson River,' Weeping Bottlebrush
- *Callistemon viminalis* 'Kings Park Special,' Weeping Bottlebrush
- *Corymbia eximia* & *Corymbia eximia* 'nana,' Yellow bloodwood
- *Cupaniopsis anacardioides*, Tuckeroo
- *Fraxinus griffithii*, Evergreen Ash
- *Glochidion ferdinandi*, Cheese Tree
- *Koelreuteria paniculata*, Golden Rain Tree
- *Lagerstroemia hybrids* 'Indian Summer' range, Crepe myrtle Lipan, Biloxi, Natchez, Tuscarora, Sioux
- *Magnolia grandiflora* 'Exmouth,' Bull Bay Magnolia
- *Melaleuca bracteata*, Black Tea tree
- *Melaleuca linariifolia*, Snow in Summer
- *Melaleuca styphelioides*, Prickly Paperbark
- *Melia azedarach* 'Elite', Elite White Cedar
- *Olea europaea* 'Swan Hill', Swan hill Olive (Low fruiting)
- *Pistachia chinensis*, Chinese Pistachio
- *Pyrus calleryana* 'Chanticleer'
- *Tristaniopsis laurina*, Water Gum
- *Waterhousea floribunda* and cultivars, Weeping Lilly Pilly
- *Syzygium leuhmannii*, Riberry, Small leafed lilly pilly
- *Zelkova serrata* 'Green Vase'

b) A mix of street tree species is supported, provided it meets the species selection criteria above.

c) The proposed shrubs and mass plantings within the future public verges (below the street trees) shall be replaced with turf. Mass plantings below trees on private land is supported and should be retained.

Should you wish to discuss this matter further, please do not hesitate to contact me on (02) 4732 7992.

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Yours sincerely,



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