



Our reference: P-775260-X9T4
Contact: Sandra Fagan
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28 October 2024

ATTN: Jeffrey Peng

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Dear Jeffrey,

**Council Response to Environmental Impact Statement – SSD-69845208 –
Alspec Manufacturing Warehouse at 221-235 Luddenham Road, Orchard
Hills, NSW, 2748**

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

Council staff has reviewed the information referred for comment on 30 September 2024 and provides the following advice for the Department's consideration.

1. Planning Considerations

- a) The application relies upon Regionally Significant Development Applications currently being assessed by Council, including DA24/0294 (bulk earthworks) and DA24/0654 (private wastewater treatment). For completeness, Council is also assessing two further development applications relating to the industrial estate. These are DA24/0330 (Cope warehouse) and DA24/0677 (speculative warehouse).
- b) DA24/0294 includes facilitating bulk earthworks, super lot subdivision, establishment of the collector road fronting the site to the west, stormwater quantity and treatment devices and provisions of servicing infrastructure, amongst other things. DA24/00654 is for an estate-wide wastewater treatment facility.
- c) Therefore, the Alspec warehouse proposed in the SSD Application is dependent upon and underpinned by the two above Development Applications (DA's). These two development applications are, to date, being assessed by Council staff and have outstanding matters which the applicant has been asked to address

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- d) In addition, physical construction of the proposed Alspec warehouse should not occur until after the bulk earthworks in Development Application DA24/0294 are completed and certified, including certification of compaction. Occupation and use of the proposed Alspec warehouse should not occur until the private sewage treatment facility, proposed in Development Application DA24/0654, is completed, certified, and operational. Therefore, the Department should impose relevant conditions relating to the staging of works for the SSD proposal to address these matters.
- e) Two stormwater catchments are applicable to the area of the SSD works. One of which wholly services the SSD site (eastern portion) and includes stormwater management devices within the south-eastern portion of the site. The remaining catchment includes the western portion of the site which manages stormwater via a storage basin and bio-retention basin within the north-western portion of the precinct.
- f) The eastern basin and stormwater treatment structures should ideally remain on the lot subject of the industrial activities to ensure ongoing maintenance and upkeep, considering these structures service the lot subject of industrial operations. However, it is understood that this is one of the matters the applicant is working through and may offer an alternative solution which involves restrictions on title and covenants.
- g) Regarding upgrades to existing public roads, the applicant has told Council staff that Luddenham Road and Patons Lane intersection works, inclusive of Patons Lane upgrade and Collector Road intersection works, will be captured via a forthcoming Development Application. It is noted that this new DA has not been lodged with Council to date, although the applicant has indicated lodgement will be in December 2024.
- h) The SSD proposes vehicular access and egress for vehicles via Patons Lane, therefore relying upon works the subject of a future Development Application and potential development consent. A signed Planning Agreement is in place between the developer and Council. This is available on Council's website at:
https://www.penrithcity.nsw.gov.au/images/executed_luddenham_road_voluntary_planning_agreement-compressed.pdf
- i) The Planning Agreement relates to new intersections and road upgrades, with delivery to be prior to the first Occupation Certificate for the Development. The provisions of the Planning Agreement will need to be appropriately considered, and suitable conditions imposed on the

SSD application regarding timing of works and operation of the Alspec warehouse.

- j) The bulk earthworks Development Application, DA24/0294, is accompanied by draft civil levels for Patons Lane. This information should be pursued in the SSD assessment as it may assist to inform proposed interfaces with this road.
- k) The Noise and Vibration Impact Assessment accompanying the SSD application identifies acoustic barriers (3m in height) required to the northern and southern boundaries of the proposed hardstand areas.
- l) The northern boundary of the hardstand is treated with retaining walls with the highest point in the wall being to the east, and the retaining wall gradually reducing in height to the west. The wall will be 1.7m high at its eastern extent which is also the narrowest landscape verge. The landscape verge in this location will be treated with a batter. In this regard, concerns are raised with the ability of landscaping to suitably screen a 1.7m high retaining wall **and** a 3m high acoustic barrier located atop a batter.
- m) Similarly to the above point, the south-eastern acoustic barrier is located atop the battering works for the stormwater management infrastructure which appears to be 5m below the acoustic barrier location. It is indicated that only small planting is proposed within the basin therefore concerns are raised with the visual impacts of the acoustic wall atop the recessed stormwater management infrastructure.
- n) The Department is to consider and be satisfied that acoustic and traffic impacts have been reconciled and considered cumulatively. It is noted that a meeting was held on 24 October 2024 about this matter. The meeting was attended by representatives from Council, the proponent and their consultants, the DPHI, and the EPA. It is understood that the proponent will be submitting further information to both Council and the DPHI on these matters.
- o) The landscaped setbacks to Paton's Lane, Collector Road and the adjacent properties car park to the south are all proposed to be irrigated with wastewater treated by the proposed sewage treatment system. In this regard, concern is raised as to whether the landscaping embellishment indicated on the plans is achievable noting the irrigation method/effluent disposal area. The applicant has been asked to address this as part of the current DA's lodged with Council.

- p) During Council's assessment of DA24/0294 it was requested that the applicant identify the tree species within the Luddenham Road alignment so that those species could be planted within the new Luddenham Road landscape setback (once road widening land dedicated occurred). This was required noting possible significance of trees within the Luddenham Road alignment, which is identified as a local heritage item at this location. In this regard, the landscape plans shall adhere to this requirement.
- q) Chapter E18 of Penrith Development Control Plan 2014 includes site specific development controls for the precinct which includes the requirement for a landscape mound interface to Luddenham Road. A Figure is included in the DCP which indicates the envisioned mound structure.
- r) A review of Section 6 in the Civil Set does not indicate that a mound structure is being proposed, as the car park and eventual building sit in line with/above the peak of the batter. In this regard, it is unsure whether the intent of the mound for screening purposes is being achieved.
- s) It is noted that this issue has been previously raised under DA24/0294 to which the applicant has responded stating *"The landscape interface along the Luddenham Rd frontage will be designed and documented as part of the landscaping works for the future warehouse DA's."*
- t) The proposed signage plans indicate that the premises is open to the public and includes activities relating to trade sales, on-site cutting, DIY solutions and the like. These activities have not been discussed in the Environmental Impact Statement. The entire proposed site activities need to be identified to understand implications, particularly if retail sales and public access is proposed.
- u) The plans identify parking spaces located within the southern setback of the industrial building. The location of these spaces conflict with heavy vehicle movements. In this regard, the operation of these spaces needs to address safety issues.
- v) The application needs to demonstrate that tree impacts will not occur on adjoining properties without owners' consent (southern adjoining land).

2. Development Engineering Considerations

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

- a) The subdivision works DA (DA24/0294) which is currently under assessment includes an integrated water cycle management plan and a flood impact assessment for the entire Alspeg Industrial Business Park development. In part the stormwater management measures, and flood impact assessment proposed as part of DA24/0294 are required to be relied upon in order for this application. In this regard, it is recommended that the subject application is not determined until DA24/0294 is determined by Council.

3. Traffic Considerations

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

- a) Timeframes shall be provided regarding the installation of traffic control signals at the intersection of Luddenham Road and Patons Lane, and the installation of a two-lane roundabout at the intersection of Patons Lane and the industrial estate access road.
- b) Prior to commencement of any works (including demolition works) or prior to the issue of subdivision works, 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 and loading zones.
- c) Patons Lane is the sole vehicular access road to the Sydney Metro Western Sydney Airport stabling and maintenance facility. Access to the Sydney Metro facility along Patons Lane must always maintained as there are no alternative options. Stakeholder consultation with Sydney Metro is required to understand the vehicular movements associated with the stabling and maintenance facility and to mitigate any reduction in access and negative traffic impacts.
- d) Plans demonstrating how all vehicles likely to be generated during construction and operation and awaiting loading, unloading, or

servicing can be accommodated on the site to avoid queuing in the street network should be provided.

- e) Swept path analysis is required for the largest vehicle needing to access the development and the impact of the vehicle on the existing/proposed road network is to be assessed.
- f) Details of road upgrades, infrastructure works, or new roads or access points required for the development shall be provided.

4. Environmental Management Considerations

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

- a) The proposed wastewater treatment and recycled water scheme (WTRWS) to which the proposed Alspec Warehouse (and whole AIBP) is to be connected to and serviced by is the subject of Development Application DA24/0654, which is currently under assessment by Council staff. An initial review of that application by the Environment Team has identified extensive and significant uncertainties and concerns regarding the design, capacity and ongoing sustainability of the proposed WTRWS to service the AIBP.
- b) To date, the information submitted to Council does not demonstrate that the WTRWS is adequately designed or satisfactorily considerate of other AIBP design elements, including (but not limited to) excess recycled water disposal through on-site irrigation and satisfactory integration and separation of irrigation zones with landscaping provision and stormwater management. There are also uncertainties regarding the water balance for the AIBP and the assumptions made regarding AIBP water demands, usage, treatment and disposal requirements. Relevant to this SSD application, whilst the EIS makes reference to being serviced by the proposed WTRWS, it does not provide details specific to Alspec Warehouse 1 and its water usage, treatment and disposal requirements. Some key information not included is:
 - i. a site water balance detailing water demands and providing a breakdown of water supplies (potable and recycled), informing of all activities and processes along with usage and disposal requirements. A Project Summary should be provided detailing the various water supply options, the activities the water supply will be used for and the resultant wastewater. In providing this project

specific detail, the application needs to demonstrate consideration and integration with the overall AIBP WTRWS design and delivery.

- ii. characteristics and water quality of the various wastewater streams and whether any pre-treatment is required prior to disposal to the WTRWS to ensure influent to the proposed sewage treatment plant will meet required criteria.
 - iii. measures to treat, reuse and dispose of wastewater.
 - iv. a detailed description of all operational activities and equipment for example, process waters, wash down, oil and water separation and so on.
- c) Appendix D (Environmental Risk and Mitigation Measures) does not include wastewater as a considered potential impact and no risk assessment is included in the EIS for wastewater.
- d) Appendix GG (Waste management Plan) does not discuss liquid waste
- e) In discussing landscaping, Section 3.2.5 of the EIS does not include recycled water irrigation as a consideration in the design and provision of landscaping. The landscaping design needs to be considerate of and informed by the wastewater infrastructure requirements (suitability of species, location, root zones, height and implications of shading to irrigation zones etc). For example, reference is made to native drought tolerant plantings adjoining the proposed recycled water irrigation zones (RWIZs) to the north and east of the site.
- i. Support for the development of warehouses, including Alspeck Warehouse 1, cannot be given until such time as the satisfactory provision of wastewater and recycled water infrastructure, capacity and management is demonstrated. Council will be happy to provide further detail to the Department of the concerns and issues identified as part of its assessment of DA24/0654.
- f) There are concerns and uncertainties regarding noise impact assessment for Alspeck Warehouse 1 and the broader AIBP. From the information provided in the SSD application, along with Noise Impact Assessments (NIAs) submitted to Council for DA24/0294 (subdivision and earthworks), DA24/0330 (COPE Warehouse) and DA24/0677 (warehouse with no specific tenancy), it is unclear as to whether the assumptions used to model noise emissions are adequately reflective

of the traffic generation and operational conditions that will be realised, both during the progressive development of the site and in the longer term when the AIBP, and surrounding precincts and airport related developments, are fully established and operating to projected capacity.

- g) More detailed information is required to enable a full and proper understanding of noise emissions and associated mitigation measures that will be required to ensure operation of the AIBP, including Alspec Warehouse 1, will not adversely affect surrounding residential receivers, including receivers in Twin Creeks and other surrounds who whilst not in the immediate vicinity of the site may be impacted in the longer term by cumulative noise emissions from the AIBP, particularly under adverse meteorological conditions.
- h) Council Officers are working cooperatively with the Department to navigate the various noise assessment considerations and to ensure the noise assessment and management for the Alspec Warehouse integrates and aligns with noise emission limits and mitigation controls required for the broader AIBP and complies with satisfactorily established noise level criteria. It is understood that NSW EPA as the ARA is responsible for assessing and regulating noise from the proposed Alspec Warehouse 1. Given that the warehouse sits within the broader AIBP for which Council is the consent authority, it is imperative that ongoing detailed discussion continue between all stakeholders to ensure current and future application submitted to Council are assessed and determined with equity, transparency and consistency. Given the nature of the AIBP and it being a 'greenfield' development, it must be ensured that design and ultimate development of each lot is assessed in the context of the overall Estate.
- i) The NIA proposes the construction of 3 metre high lapped and capped timber noise barriers to mitigate noise emissions from Alspec Warehouse 1. Separate to environmental planning considerations, and in terms of structural soundness, the use of timber lapped and capped barriers is not supported as it does not possess adequate structural integrity to ensure long-term ongoing noise mitigation. Lapped and capped timber fencing is prone to structural deterioration resulting in cracks and gaps and reducing its acoustic mitigation properties.
- j) The EIS does not sufficiently detail the activities, processes and equipment associated with the operation of Alspec Warehouse 1. The operational processes and where and how they occur, their frequency

and duration, are unclear. Specific components such as the Mill Workshop and Dye Storage Room are not explained and the materials, processes, and potential environmental impacts associated with the Warehouse are not clear. Similarly, the frequency and duration of activities that occur in the outdoor billet storage area are not explained. Of relevance to noise impact assessment, it is unclear whether clanking and banging from billet movement (loading/unloading) has been considered and assessed in the noise impact assessment.

- k) As the ARA and licensing authority, NSW EPA will ensure that proper assessment is completed in accordance with applicable regulatory requirements, relevant guidelines and industry best practice, ensuring appropriate and necessary pollution minimisation, prevention and monitoring measures are implemented and sustained. However, a full and comprehensive step-by-step understanding of all site activities and processes is also required for the purpose of facilitating a full and proper assessment of other related applications and considerations not necessarily assessed and regulated by NSW EPA, for example, wastewater and recycled water implications, and impacts to noise (as well as other) assessments and outcomes for the broader Estate, for which Council is the consent authority. Specifications, material safety data sheets, schematic diagrams, flow charts, site layout plans, and daily, weekly and annual input, throughput and output figures should be provided to support the assumptions made in the EIS and to enable a full understanding of each activity and process, including the location, nature, frequency and duration of those processes and proposed control and management measures (bundling, loading and unloading, spill prevention, soil and water quality, trade waste and the like).

5. Waterways Considerations

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

- a) The proposal includes a combination of bioretention basins, proprietary devices as well as stormwater harvesting and reuse with the irrigation of an undeveloped portion of the development. The location may be impacted by the future outer Sydney Orbital which could limit the ability to irrigate the land. Additional justification and information should be provided in this regard.
- b) It is noted that in part the application relies on the approval of DA24/0294 and construction of associated stormwater infrastructure to

manage stormwater. Additional details have been sought in relation to the viability of the proposed irrigation of stormwater (in perpetuity on undeveloped portions of the site to the west). At this stage, it is not clear if the development can proceed in full whilst meeting the waterway health targets adopted in the DCP.

- c) There are also clarifications being sought in relation to the water balance associated with the proposed stormwater and wastewater disposal / irrigation areas which is outstanding (DA24/0654).
- d) A detailed geotechnical / salinity investigation and additional details of the Irrigation system and how it will be maintained and managed has been requested to be undertaken to ensure that the proposed irrigation is sustainable at the rates specified in the report. We understand that a response is forthcoming. We are also waiting for other outstanding RFIs in relation to the Outer Sydney Orbital and related requirements.
- e) With respect to the design of the bioretention system associated with the application, it must be prepared in accordance with Council's WSUD technical guidelines. The concept engineering plans must include all details of proposed on-lot stormwater treatment devices (including all GPTs and associated irrigation systems). The bioretention basin must be lined and include a submerged zone. The supporting plans and associated MUSIC modelling need to be consistent with the plans and provided for review.
- f) The DCP requires that a minimum of 80% non-potable demands is serviced by harvested rainwater through allotment rainwater tanks. It is noted that they have only assumed 0.4kL/m²/annum which is different to the Wianamatta Technical guidelines. It also appears as though only irrigation with harvested rainwater is proposed. It is not clear if other non-potable services can be serviced by harvested rainwater – clarification is required.
- g) It is suggested that the carpark incorporates the use of vaults or structural soil for better tree growth, and this could be passively irrigated to compliment the stormwater management measures. Further details are requested.
- h) Details of the proposed OSSM disposal areas also needed to be included in the plans to ensure that they are viable and don't impact on the developments ability to meet the relevant MARV / flow management targets. We suggest that full details of the water balance are required.

This needs to include sufficient detail to demonstrate that the disposal of wastewater does not further impede the ability to achieve the flow objectives.

- i) In relation to the construction stage, the DCP controls for developments larger than 2,500m² requires that during the construction phase of the project, sediment controls are provided to treat at least 80% of the average annual runoff volume (i.e., 80% hydrological effectiveness) to 50 mg/L TSS or less, and pH in the range 6.5–8.5. Updated plans are required to indicate that these will be provided.
 - i. The development of the site will need to be implemented in accordance with the construction stage requirements outlined in the DCP and associated Technical Guidelines. Conditions will need to be applied to ensure that the plan is implemented and audited as per the requirements of the relevant technical guidelines.
- j) Operation and Maintenance Manuals will need to be provided for all on-lot stormwater treatment infrastructure, noting that they will need to be maintained by the site owner in perpetuity. Should approval be issued, it is recommended that positive covenants and restrictions of use are applied to ensure they are maintained in perpetuity.

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

Yours sincerely,



Sandra Fagan
Principal Planner