

David Auster
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Sent via portal

Re: Request advice on the RTS for SSD-58978472 – Kelso Crescent Multi-Level Warehouse, Moorebank

Dear David,

Liverpool City Council was invited to provide advice on the RTS for the above application.

Attachment A of this letter provides detailed comments.

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Should you require further information or clarification, please feel free to be in contact.

Yours sincerely,



Tony Hadchiti
Austral Delivery Manager

Attachment A – Detailed comments

1. Community Planning

Reviewed documents:

- Appendix D1-RTS Response Matrix
- Response to Submissions Report (Willowtree Planning, 13 December 2024)
- Council Response 20 Kelso Crescent Moorebank (1 July, 2024)

Review & Comments:

- **Community benefits:** As we mentioned before, the proposal is compatible with local context. The site is located within the Moorebank industrial area (E4) and predominantly surrounded by large warehouse and distribution centres. There are no sensitive developments nearby.

The site is bit far-off from the residential developments. The closest homes would be on Jack O'Sullivan Road, which is a fair distance, across a large park and on much higher ground than this unit. The proposal would unlikely create added community concerns.

Rather, the proposal has a potential to increase socio-economic benefits by adding local employment opportunities close to home and improved livelihood.

- **Operating hours:** We raised concern on the proposed 24/7 operation of the business. As we mentioned before, there is a Fernwood Gym in that area opposite to the site, which is women only and has 24/7 access. There may be some concerns regarding safety for women coming in and out of the gym at later hours, particularly in those hours where the gym is unstaffed, including traffic and personal safety concerns. We don't know how heavily frequented the gym is in the later hours, but they should be considered as a stakeholder.

The SIA states, *'the presence of crime hotspots in the vicinity of the site has been noted, and though some are located nearby the site, the actual crime count was low.'*

The proposed development will have secure vehicle entrances but, notwithstanding this, it is recommended that the design incorporates Crime Prevention Through Environmental Design (CPTED) principle' (p 39).

Council response had included our concern in the previous submission (01/07/24). As it stated, ***'A blanket 24-hour operation is not considered suitable for this development. At this stage, it is unclear what the end uses for the warehouses will be, and allowance for 24-hour operation does not take into the consideration the potential impacts of each use. Therefore, Council is of the opinion that approval for 24-hour operation should be removed from the application. If a land use within this development requires 24-hour operation, a separate Development Application***

should be lodged with Council as part of the end use, so the impacts can be appropriately assessed (p2).'

The response Matrix has addressed this concern. It states, *'It is proposed that an appropriately worded condition of any Development Consent prescribe that the 24-hour operation is permitted for a 12-month trial period from the date of issue of the first Occupation Certificate. Any complaints received during this period would necessitate the preparation and submission of evidence Page 10 of 17 demonstrating successful mitigation pursuant to the condition of the Development Consent'* (p9).

We recommend reviewing the operating hours of other businesses of the premises and justification of a new 24/7 business in that set-up. The business should consider all aspects of sustainability and CPTED in the design and management process. Roof top solar panel, adequate lighting, after hour security and access controls, maximize the scope of active and passive surveillance are some examples.

Concluding remarks

Community Planning **does not have any objection** to the proposed state significant development if it complies with the statutory requirements and protects public interests.

2. Heritage

No objections, no additional requirements.

3. Public Art

- A Public Art Strategy or Plan is to be developed for the site, it is recommended further consultation is undertaken with Council's public arts officer prior to undertaking the document.
- Narratives and themes are to be endemic, meaningful, and relevant to the site.
- Public art delivered across the site is to be undertaken by/or in collaboration with local Liverpool artist/s.
- Public art is to be durable and permanent (lifespan of 25 years+).
- Public artwork is to be incorporated into a minimum of 30% of the area of the northern façade to break up the built form when viewed from Newbridge Road.
- Public artwork incorporated into a minimum of 30% of the area of the southern façade or across 70% of the associated glazing, to break up the built form when viewed from Seton Road to the South.

It is recommended that public art is employed to address bulk facades visible from the public domain.

Prior to the issue of a Construction Certificate

- A Preliminary Public Art Plan, including appropriate planning controls; initial proposed locations, scale to bulk, identified current and/or future audiences, role, benefit, and

benchmarking, is to be submitted to Liverpool City Council Public Arts Officer for approval and endorsement.

Prior to Works Commencing

- Prior to Works Commencing the Public Art Plan is to be updated, commissioned artist/s, concept designs, artwork dimensions, materials and submitted to Liverpool City Council Public Art Plan for approval and endorsement.
- Prior to Works Commencing updated architectural and landscape plans are to be submitted identifying the endorsed public art concept designs.

During Construction

- During Construction notification provided to Liverpool City Council Public Arts Officer on commencement of artwork fabrication, delivery, and/or installation.
- During Construction, the Public Art Plan is to be finalised, including artist/s and artwork statement, maintenance, ownership and final design, and submitted to Liverpool City Council Public Arts Officer for approval and endorsement.

Prior to Occupation Certificate

- Prior to Occupation Certificate high resolution images of completed artworks and associated landscaping submitted to Liverpool City Council Public Arts Officer for approval and endorsement.
- Prior to Occupation Certificate the final Public Art Plan is to be submitted to Liverpool City Council Public Arts Officer for approval and endorsement.

4. Transport Planning

The proposed development is anticipated to generate approximately 179 vehicles during the AM peak hour and 193 vehicles during the PM peak hour. Overall, it is expected to generate a total of 1,584 vehicle movements per day, with 23% of these being heavy vehicles.

According to the Traffic Assessment Addendum, by the year 2033, the intersection of Newbridge Road and Kelso Crescent is projected to experience significant delays for traffic entering and exiting Kelso Crescent. At a sign-controlled intersection, prolonged delays can lead to driver impatience, resulting in unsafe turns due to insufficient gaps in the traffic stream, thereby increasing the risk of crashes.

As previously recommended, a road safety audit is required to identify and implement safe treatments for this intersection. Should this review not be carried out, Council recommends that an Operational Traffic Management Plan (OPTM) should be prepared by an accredited practitioner and submitted to and endorsed by Council's Transport Management Section prior to the OC being issued to the subject site. The OPTM is to include haulage routes to/from the subject site, pedestrian/cyclist travel routes, traffic and parking management associated with the operation. The OPTM is to include right turn movements restrictions from Kelso Crescent to Newbridge Road for the vehicles to/from the subject site, particularly heavy vehicles during AM and PM peak hours.

Please find other traffic related conditions to be incorporated into the consent conditions:

1. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) shall be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway. The driveway and car parking design is to be approved by the Certifier.
2. The applicant shall submit a Section 138 Roads Act application to Council for any proposed new driveway and road work in, on or over a public road including the payment of application and inspection fees.

Prior to the issue of the construction certificate for any roadwork, the Applicant must submit the design plans to the satisfaction of Council and provide a copy of the approved documents to the Certifier for information.

3. A Construction Traffic Management Plan (CTMP) detailing updated construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be prepared for future developments and submitted to and endorsed by Council's Transport Management Section prior to the issue of a Construction Certificate.

The CTMP is to outline the need for a Road Occupancy Permit issued by Council or Road Occupancy Permit issued by the Transport Management Centre.

Works within the road reserve shall not commence until the construction traffic management plan has been endorsed.

During construction

4. All works within the road reserve shall be constructed by the applicant, at no cost to Council, and all signage is to be in accordance with the TfNSW Traffic Control at Worksites Manual and the TfNSW Delineation Guideline.
5. If a works zone is required, an application must be made to Council's Transport Management Section. The application is to indicate the exact location required and the applicable fee is to be included. If parking restrictions are in place, an application to have the restrictions moved, will need to be made.
6. Notice must be given to Council's Transport Management Section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by a suitably accredited practitioner must be submitted to and approved by Council's Transport Management Section, at least 7 days prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.
7. Applications must be submitted to and approved by Council's Transport Management Section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably

qualified person, which is to include the date and times of closures and any other relevant information.

8. All the construction vehicles shall enter and exit the site in a forward direction.
9. Parking for all construction workers should be accommodated within the development site.

Prior to Occupation

10. An Operational Traffic Management Plan (OPTM) should be prepared by an accredited practitioner and submitted to and endorsed by Council's Transport Management Section prior to the OC being issued to the subject site. The OPTM is to include measures to identify haulage routes to/from the subject site, pedestrian/cyclist travel routes, traffic and parking management associated with the operation. The OPTM is to include right turn movements from Kelso Crescent to Newbridge Road are restricted for the vehicles to/from the subject site, particularly heavy vehicles during AM and PM peak hours.
11. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority 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 Liverpool City Council.
12. All the approved roadworks, traffic control devices, pedestrian crossings, signposting, line marking and street lighting are to be completed to Liverpool Council requirements, at no expense to Liverpool Council or Transport for NSW.
13. Council's on-street assets such as footpath shall be protected at all times. Any damages shall be rectified by the applicant, at no cost to Council, and to Council's satisfaction.

Post Occupation

14. The Operational Traffic Management Plan (OTMP) must be in place and implemented at all times.
15. All loading and unloading must take place on the subject site. Goods and/or waste or extraneous material must not be stored in the vehicular manoeuvrings and parking areas. Those areas must be kept clear at all times for the free movement of vehicles.

5. Development Engineering

General

1. All roadworks, drainage works and dedications, required to affect the consented development shall be undertaken at no cost to Liverpool City Council

Prior to the issue of a Construction Certificate

2. Prior to the issue of a Construction Certificate a S138 Roads Act application/s, including payment of fees shall be lodged with Liverpool City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to the following:

- Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- Road opening for utilities and stormwater (including stormwater connection to Council infrastructure)
- Road occupancy or road closures

All works shall be carried out in accordance with the Roads Act approval, the development consent including the stamped approved plans, and Liverpool City Council's

Note: Approvals may also be required from the Transport for NSW (TfNSW) for classified roads.

3. All retaining walls shall be of masonry construction and must be wholly within the property boundary, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage works along common boundaries shall not compromise the structural integrity of any existing structures.

Where a retaining wall exceeds 600mm in height, the wall shall be designed by a practicing structural engineer and a construction certificate must be obtained prior to commencement of works on the retaining wall.

4. A stormwater drainage system (including OSD) shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by TTW Consulting Engineers, reference number 231204-TTW-11-DR-CV-00041 revision P7, 00051 revision P3, dated 15.09.23.
 - a) The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.
 - b) Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and shall accompany the application for a Construction Certificate. The plan shall indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finish surface levels and sizes of all pipes.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system has been designed in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

5. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that details of a stormwater pre-treatment system have been provided on the stormwater plans and that the design meets pollutant retention criteria in accordance Council's Development Control Plan.

The Construction Certificate must be supported by:

- Specification & installation details of the stormwater pre-treatment system
- The approval of an operation and maintenance manual/schedule for the stormwater pre-treatment system

A copy of the approved operation and maintenance manual/ schedule shall be submitted to Liverpool City Council with notification of the Construction Certificate issue.

6. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system for the basement car park has been designed in accordance with the requirements for pumped systems in AS3500.3:2003 and Council's Stormwater Drainage Design Specifications for pump out systems for basement car parks.
7. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Liverpool City Council's Development Control Plan.
8. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Kelso Crescent & Seton Road is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 20m either side of the development.
9. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The dilapidation report and survey is to be prepared by a consulting structural/geotechnical engineer agreed to by both the applicant and the owner of any affected adjoining property.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant MUST DEMONSTRATE, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.

10. Note: This documentation is for record keeping purposes only, and may be used by the developer or affected property owner to assist in any action required to resolve any dispute

over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible

Prior to Commencement of Works

11. Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Landcom's publication "Managing Urban Stormwater – Soils and Construction (2004)" – also known as "The Blue Book".

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

12. Prior to commencement of works a Traffic Control Plan including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller.

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

Note: A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Liverpool City Council

Requirements during Construction

13. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
14. Prior to the connection of private drainage to Council's drainage system, an inspection is to be carried out by Liverpool City Council's Development Engineering Unit. A fee will be charged in accordance with Council's adopted Fees and Charges, and is to be paid prior to the inspection.
15. All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Principal Certifying Authority.

Prior to the issue of an Occupation Certificate

16. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority 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 Liverpool City Council.
17. Prior to the issue of an Occupation Certificate the Principal Certifying Authority shall ensure that the:

- a) On-site detention system/s
- b) Stormwater pre-treatment system/s
- c) Basement Carpark pump-out system

- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
- Have met the design intent regarding any construction variations to the approved design.
- Any remedial works required to be undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the Works-As-Executed drawings

18. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the:

- a) On-site detention system/s
- b) Stormwater pre-treatment system/s
- c) Basement Carpark pump-out system

Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Liverpool City Council's standard wording as detailed in Liverpool City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

19. Prior to the issue of an Occupation Certificate, any damage to Council infrastructure not identified in the dilapidation report, because of the development shall be rectified at no cost to Liverpool City Council.

Any rectification works within Kelso Crescent & Seton Road will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

Any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer.

Advisory

20. Before any excavation work starts, contractors and others should phone "Dial Before You Dig" service to access plans/information for underground pipes and cables. www.1100.com.au
21. The Liverpool City Council Local Government Area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity Reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent enquiries as to the appropriate protection against the current and future potential effect of salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and ground water salinity.
22. The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.

23. Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.

6. Flooding

Taylor Thomson Whitting (TTW) Pty Ltd conducted a flood impact assessment (Reference: 231204 CAAA, Flood Report - Project Marvel, Version 1, dated 08/09/2023) and a stormwater design (Reference: 231204 CAAA, Civil Engineering Report - Project Marvel, Revision 3, dated 11/09/2023). TTW subsequently provided responses to flooding submissions, including a flood emergency response plan (Reference: 231204, Flood Response to Submissions - Project Marvel, dated 21 November 2024).

TTW's response does not adequately demonstrate how the flood compensatory excavation will be implemented. Additionally, the information in the civil engineering report and drawings does not align with the flood compensatory works shown in the TTW response. Therefore, the applicant is requested to submit additional information addressing the following issues:

- The TTW response lacks necessary details of the proposed flood compensatory excavation works. A separate sheet for the flood compensatory excavation must be included in the engineering drawing set, showing the length, width, and depth of the excavation.
- Adequate drainage provisions must be implemented to ensure the flood compensatory excavation area is effectively drained as the floodwater recedes. The engineering drawings must include the necessary details of the drainage arrangement for the flood compensatory excavation area.
- A flood storage volume of 414 cubic meters has been shown within the driveway approaching Seton Road. Only the excavation below the level of 8.45m will provide flood storage volume below the 1% AEP flood. Additionally, the driveway cannot be lower than the Seton Road level. Therefore, the flood storage volume in the driveway should be further reviewed, and calculation details should be included in the report.
- Civil engineering drawings, including Drawing Nos. 231204-TTW-00-DR-CV-00031 and 231204-TTW-00-DR-CV-00041, must be corrected to include the proposed compensatory excavation amendments (Reference: 231204 CAAA, Civil Engineering Report - Project Marvel, Revision 3, dated 11/09/2023).