LIVERPOOL CITY COUNCIL

Ref No.: SSD1-5/2024
Contact: Brianna van Zyl
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Date: 1 July 2024

Department of Planning, Housing and Infrastructure
Locked Bag 5022
Parramatta NSW 2124

Re: Kelso Crescent Multi-Level Warehouse, Moorebank (SSD-58978472)

Dear Dave,

Liverpool City Council was invited to provide comments during the exhibition of a State Significant Development Application for a Multi-Level Warehouse at 20 Kelso Crescent, Moorebank (Lot 2 DP 521146 and Lot C DP 327378).

The submitted Environmental Impact Statement describes the proposal as multi-level warehouse, with the proposed development comprising of:

- Removal of 5 subterranean fuel tanks, site preparation works including the removal of 33 trees, earth works and civil works and utilities servicing;
- The construction of five warehouses, three at ground level, and 2 on the first floor, totalling 34,690m^2 in floor space;
- Construction of ancillary office accommodation totalling 2,400m^2 in floor space;
- Multi-level car parking (118 spaces) off Kelso Crescent, and a subterranean car parking (62 spaces), and a total of 38 loading docks across the 2 storey of warehousing;
- Complementary landscaping and offset planning, providing 10% landscaping coverage;
- Business identification signage; and
- Allowance for operations for 24 hours per day.

The site is zoned E4 General Industrial and has an allowable building height (HOB) of 30m, a minimum lot size of 2000m^{2,} and Nil Floor Space Ratio (FSR).

Council has specific concerns in relation to traffic, flooding, design, landscaping, access and the proposed hours of operation. **Attachment A** of this letter provides detailed comments and notes where additional information is required.

Should you require any further information on this matter, please do not hesitate to contact Brianna van Zyl, Acting Executive Planner on 8711 7940.

Yours sincerely,

Bvanzyl

Brianna van Zyl
Acting Executive Planner

Attachment A – Detailed Comments

A. General Considerations

Council staff also provide the following general considerations:

24 Hour Operations

A blanket 24hours 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

Signage

The signage proposed as part of this application seems excessive. The DCP (Part 1, Section 26 'Outdoor Advertising and Signage') limits free standing signs to a maximum 5m in height. Council requests the proposal is amended to comply with Council's DCP.

Driveway over Easement and Easement Relinquishment

Endeavour Energy must be consulted and support the relocation of the easement.

Location of Kiosk sub-station

An alternative location should be considered for the kiosk substation, which integrated it better into the building and landscaping, where it is adequately screened.

Industrial Land Strategy

The Liverpool Industrial and Employment Land Strategy aims to improve the existing and attract new industrial developments to meet the current and future demands of Liverpool in terms of the provisions of goods and services.

The Moorebank North Industrial Precinct is continuing to strengthen with specialised jobs in manufacturing, postal, transport and logistics. The area is also strategically located in terms of the M5, M7 and there was an identifiable supply issue for urban services industries that rely on the established centre of population and business. It recommended that these are protected and managed into the future.

In addition, the strategy notes that urban service precincts should pose high-quality built form that is innovative and efficient spatially, respectful of industrial heritage, and avoids amenity impacts to neighbouring areas. The SSD should address and align with Council's strategy,

B. Urban Design Considerations

Council's Urban Design team have raised the following concerns:

Landscaping Setbacks

The Liverpool Development Control Plan (DCP) 2008 Part 7 recommends the Primary Setback at ground floor for street frontages be 10m. Due to the length of the block, the development has two street frontages, and both should have primary setback controls applied. It is important to maintain front setbacks, due to the nature of this development Mtypology, particularly given large floor plates contribute to significant bulk. In addition, the front setback provides the main opportunity to provide deep soil, facilitate generous planting and soften the street interface.

The Liverpool DCP recommends a landscape width Primary Setback requirement of 10m, and in Council's view this applies to both Kelso Crescent and Seton Road. The applicant should therefore increase the setback along Seton Road to a minimum 10m. The Kelso Crescent landscape setback appears to comply however has excessive stairs, ramps, kiosk substation and driveways which is further detailed below. The Seton Road setback does not comply and appears to apply a secondary setback requirement (5m). Any future developments along Seton Road will need to comply with the DCP Primary Setback landscaping requirements. It would be contextually inappropriate if this development had different setback controls applied to the rest of the properties on the street.

Built Form and Street Interface

The proposed building footprint almost covers entire site, and if this development is to set a precedent for this typology, then it is important DCP setbacks are complied with. This means existing trees within the front setback are retained and appropriate landscaping facilitated within the setbacks. Both the Kelso Street and Seton Road main entry are higher than the street level, requiring a flight of stairs, long ramping, blank walls and car parking protruding above ground. This reflects a poor urban design outcome, which negatively impacts the pedestrian experience and is inconsistent with the DCP desired streetscape character.

The DCP Part 7 Objectives seek to "*ensure the creation of an attractive streetscape character within each industrial area"* and one of the controls for façade treatment is to '*minimise large expanses of blank walls*". In addition, the excessive stairs and ramps are overtaking space in the setback that could be dedicated to landscaping and deep soil.

The ground level of the southern elevation on Seton Road is mostly blank wall and not an acceptable street interface. The DCP Part 7 Objectives include to "*ensure the creation of an attractive streetscape character and Control - 'A development must use architectural elements to articulate facades and minimise large expanses of blank walls.*" The ground level is critical to the character, pedestrian experience and passive surveillance of the street. Council staff recommends the applicant improve the ground floor façade design, through additional windows, permeability, material differentiation, texture and/or articulation. Continuing the approach of the upper levels to lower levels could also be explored.

Based on the architectural plans, the first floor of the car park on the Kelso Crescent frontage is underground and not visible. There is therefore only one level of car park above the ground that is visible (shown on DA-113 Ground Floor Mez Plan), and of that level only a small portion of it is car parking with the remainder the wall to the main entry and amenities. On the elevations and 3D render however, there appears to be two levels of car parking above ground. Car parking on a street frontage is a poor urban design and amenity outcome. Council staff request clarification of how many levels of car parking are visible from the street interface, and drawings should be updated accordingly to resolve any inconsistencies or missing details.

Ground Levels

The site is relatively flat, and the existing and neighbouring buildings have their ground level and main entrances fairly level with the street. It is therefore unclear why the proposal has a higher ground level**.** Liverpool City Council requests the applicant investigate the ground levels, prioritising the level transition at the street interface, and propose a ground level more aligned with the street. If the ground level is not lowered, then justification for the levels should be provided to Council to review.

Furthermore, it is requested the applicant show the existing ground line dashed on the sections, to enable for a review of the proposed levels and whether it is appropriate for the site and street interface. The design of the development should be consistent with the Liverpool DCP.

Sustainability

The Liverpool Local Government Area (LGA) experiences severe Urban Heat Island effects, and this warehouse typology is of particular risk to contributing to this phenomenon, given the floorplate size and site coverage proposed. The design of the separate emergency vehicle access driveway results in a considerable amount of concrete surface area that will rarely be used and will greatly contribute to the Urban Heat Island. Council staff encourage the applicant investigate innovative strategies surrounding design and materiality of the driveway, to enable emergency vehicle requirements be met whilst still minimising impact to the environment, (i.e permeable materials, with less heat absorption).

In addition, it is noted that there is currently no commitment to the number of solar panels in the development. Council staff strongly encourages the applicant commit to a number of panels and utilise as much of the roof space as possible.

Landscaping Drawings

The drawings submitted do not include the public domain delivery as part of this project. The documentation should include a public domain which includes (but is not limited to) the following:

- Existing and proposed footpath embellishments;
- Driveway laybacks;
- Intersection of driveways and public pathways;

- Existing / proposed kerb and gutter embellishment. Existing driveways no longer used should be removed;
- Connection between pedestrian access points and public footpaths;
- Street trees to be provided and to Council recommended species, including minimum 200L pot size at the time of installation;
- Landscaping and turf verges; and
- Consideration of line of sight around site entry and exit points.

The landscape section AA and BB do not show the public domain, pedestrian footpath, street interface and kerbs adequately. This should also be included in the package. The fencing diagram also does not include fence heights. The applicant should provide fence heights in updated documentation and ensure consistency with the Liverpool DCP Part 7.

Tree Retention

Trees play a critical role in mitigating the effects of the Urban Heat Island. The existing, established trees are of high value, take years to achieve full growth and cannot simply be replaced. Several native, mature trees in good condition and within the front landscape setback and proposed to be removed (being: T15, T16, T17, T36 and T37), and this is not supported.

Furthermore, all the tree species are at a maximum 75L pot size. Tree canopies contribute significantly to mitigating the impact of new developments to the Urban Heat Island effect. The pot sizes should therefore be increased for several of the trees to a minimum 100L, and 200L for street trees, to reduce the time it will take for canopy to establish.

Safety and Amenity

The Kelso Crescent car park entry is very close to the main pedestrian entry. Council recommend the applicant increases the separation between both entries to improve safety for pedestrians.

It is important for all workers, whether office based or in the warehouse to have access to a communal and dining area, with good amenity and windows with natural light, ventilation and visual connection to the natural environment. Council is supportive of the external terrace to the office space, however, seeks clarity as to whether it is accessible to all staff or just those working in the adjacent office. The applicant should demonstrate that all staff frequenting this development have access to good quality communal space.

C. Traffic Planning Considerations

Council's Traffic Management team have raised concerned with the following aspect of the proposal:

Traffic Generation

The submitted Traffic Impact Assessment (TIA) appears to underestimate the traffic generation of the development by using lower traffic generation rates compared to the Sydney average trip

generation rates provided in the TfNSW 'Guide to traffic generating developments' (Technical Direction TDT 2013/04a1).

Intersection Assessment

The TIA report indicates that the intersection of Newbridge Road and Kelso Crescent will operate at an unacceptable Level of Service in the future, particularly for right turn movements from Kelso Crescent. A Comprehensive Road Safety Review is recommended, to identify necessary treatments for improving safety at this intersection.

The applicant also needs to reassess the intersection performance based on the traffic generation using the TfNSW rates (0.52 and 0.56 vtph for the AM and PM peak respectively) and identify any improvements that may be required to mitigate the impacts from the development.

Vehicular Access

According to the TIA, it is proposed to provide (5) new access driveways, three on Kelso Crescent and two on Seton Road. All light vehicles will access the car park via the northern access at Kelso Crescent and southern access at Seton Road. Truck access to the site involves Kelso Crescent (entry only) and Seton Road (exit only) for those destined to the ground floor. It also proposes entry and exit for trucks via Kelso Crescent to Level 1 Warehouses.

The proposed five (5) driveways is excessive and will reduce the availability of on-street parking. Google maps show a high level of occupancy of on-street parking on the streets fronting the development site. It is the requested the proposal reduce the number of access driveways. For instance, the proposed truck entry access on Kelso Crescent near the intersection with Newbridge Road can be amalgamated with the second access for trucks away from the intersection.

Parking Provisions

The TIA indicates that the development will provide 180 parking spaces. This is 14 spaces short of the 194 spaces requirement the DCP. The DCP provides car parking rates that are localised and considerate of the Liverpool context. The applicant therefore needs to provide all 194 car parking spaces on site as per the DCP.

It is noted that the development proposes to provide 33 bicycle storage spaces (30 for employees and 3 for visitors), 4 shower/change rooms (2 males, 2 females) and 30 lockers. This is acceptable.

Pedestrian Crossing Facilities

There are currently no safe pedestrian crossings to enable access to the bus stops on the northern side of Newbridge Road. Council recommends considering and identifying pedestrian crossing facilities on both Newbridge Road and Kelso Crescent to improve safety for pedestrians

Green Travel Plan Mode Share Target

The proposed 20% mode share target for public transport outlined in the Green Travel Plan is unlikely to be achieved without targeted interventions. Council therefore recommends further exploration of practical solutions, to promote public transport usage and reduce reliance on private vehicles.

Design drawings of access and parking arrangements

The applicant will be required to provide design drawings of the proposed driveway and parking arrangements (including ramps and aisles) which are to be prepared in accordance with the DCP and Australian Standards. This is to be accompanied by swept path diagrams to demonstrate that all expected vehicles can be accommodated. This will be presented to the Liverpool Local traffic Committee for assessment and approval.

Referral to Transport for New South Wales

As Newbridge Road is a state road, under the care and control of Transport for NSW (TfNSW), this application is referred to TfNSW for their comments. Specifically, Council seeks their input on road safety treatments at the Newbridge Road/Kelso Crescent intersection.

D. Flooding Considerations

The development site is located within the Anzac Creek catchment. The site is partially affected by flooding under the 1% Annual Exceedance Probability (AEP) event. Additionally, the site is characterised by evacuation challenges, as the access road will be entirely submerged during the 1% AEP flood event.

The following must therefore be addressed as part of the application:

- The submitted Flood Impact Assessment report indicates that the development will fill the floodplain by approximately 7,500 m^3. According to Council policy, there must be no net loss of flood storage volume below the 1% AEP flood level. Therefore, the design must be amended to include compensatory excavation, to ensure that the development does not result in any net loss of flood storage volume below the 1% AEP flood level. The Flood Impact Assessment Report shall be revised including the details of flood compensatory works, pre- and post-development flood storage volume calculations and a plan showing the location of flood compensatory excavation works.
- The Flood Report by TTW has not provided any detail about flood emergency response plans for the site. The report has only indicated a ‘shelter-in-place’ approach as the flood emergency management response for the site. However, the flood duration of the proposed development site is greater than 24 hours. Therefore, ‘shelter-in-place’ is not an acceptable flood emergency management response for the development site.
- The proposed development site is located within the Liverpool Collaboration Area. Molino Stewart Pty Ltd, engaged by Council, conducted the Georges River Evacuation Modelling to examine flood evacuation challenges for the Moorebank Peninsula and Liverpool

Collaboration Area. According to the Georges River Evacuation Modelling report (dated March 2022), the proposed development site faces significant flood evacuation constraints and will be completely isolated during the 1% AEP flood event.

- The applicant shall prepare a comprehensive Flood Emergency Response Plan (FERP) to ensure the safe evacuation of people during floods up to and including the Probable Maximum Flood. The FERP should be developed in consideration of the findings from the Georges River Evacuation Modelling report by Molino Stewart (dated March 2022) and comply with the NSW Flood Manual (2023) toolkit: 'Support for Emergency Management Planning Guideline EM01'. The NSW State Emergency Service (NSW SES) should be consulted during the preparation of the FERP.

E. Environmental Health Considerations

To mitigate potential risks to human health and the environment, it is requested the following matters are taken into consideration:

Remedial Action Plan

A Remedial Action Plan (RAP) was prepared to address contamination risks identified at the property. The preferred remedial strategy comprises excavation and off-site disposal of contamination. However, the RAP includes a contingency plan that may enable containment of contamination on-site, if the preferred remediation option is not feasible. Although a cap and contain strategy may be a cost-effective remedial strategy, it does not provide the best level of protection for the environment and human health, and is therefore not generally endorsed by Council's Environmental Health Section.

Onsite management of contamination would require the preparation of a Long-Term Environmental Management Plan. The proposed remediation strategy comprising onsite containment and management of asbestos contamination will result in a contaminated land notation on the property's planning certificate. The Environmental Health Section generally attempts to deter applicants from adopting a remediation strategy which results in the land being encumbered by a Long-Term Environmental Management Plan and planning notation.

Site Audit

The applicant is responsible for investigating contamination issues on the land and demonstrating to the planning authority that approval should be granted. The Contaminated Land Planning Guidelines confirm that site auditors can assist a planning authority by commenting on or verifying information provided by the proponent regarding site assessment, remediation or validation.

If the contingency strategy is to include on-site encapsulation of contamination, the applicant is required to engage a site auditor to confirm adherence to relevant standards, procedures and guidelines, and provide greater certainty about the information on which the consent authority is basing its decision.

In this regard, the application shall be accompanied by a Section B Site Audit Statement and Site Audit Report prepared by a NSW EPA Accredited Site Auditor confirming that:

- The nature and extent of contamination has been appropriately determined at the proposed development site;
- The investigation, remediation or management plan is appropriate for the intended purpose; and
- The site can be made suitable for the proposed land use in accordance with the Remediation Action Plan and management plan.

The Site Audit Statement shall also confirm that the investigation reports were carried out in accordance with the Contaminated Land Planning Guidelines and all other applicable guidelines. If remediation is to include a cap and contain strategy, it is requested that the site auditor reviews the Long-Term Environmental Management Plan for ongoing management of the site.

Long-term Environmental Management Plan

As detailed above, the proposed remediation strategy would require the preparation of a Long-Term Environmental Management Plan for the site. If remediation is to include a cap and contain strategy, a copy of the Long-Term Environmental Management Plan must be submitted to the consent authority for review.

Contaminated site reports shall be prepared or reviewed and certified by a suitably qualified environmental consultant who is certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.

Site Regulation

The Environmental Health Section wishes to highlight the following key points regarding the proposed development:

- The Department will have primary responsibility for assessing compliance with conditions of consent in relation to environmental emissions (i.e. noise, air, water, land) during the construction and operational phases of the project; and
- Comprehensive compliance monitoring initiatives that incorporate both qualitative and quantitative measures must be incorporated in the proposed development. It is strongly believed that data collected using quantitative methods for the duration of construction and operational phases of the project would assist with determining compliance and encourage environmental best practice.

Regulated Systems

The installation, operation and maintenance of cooling water systems and warm water systems are regulated under the *Public Health Act 2010.* The applicant must confirm whether regulated

systems such as cooling water systems will be installed as part of the project, in accordance with the *Public Health Act 2010*, *Public Health Regulation 2022* and AS 3666.

State Environmental Planning Policy (Resilience and Hazards) 2021

Despite information included in the EIS, the proposed warehouse development may be used for the storage and handling of flammable and combustible liquids. To address the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021, the consent authority must consider whether the applicant is required to prepare a preliminary screening procedure and/or Preliminary Hazard Analysis for the proposal.

F. Waste Management Considerations

The Waste Management Plan (WMP) provided is satisfactory and meets the requirements for the development. The WMP correctly identifies that Liverpool City Council (LCC) only supplies a domestic waste service to properties with a residential component, paying a Domestic Waste Levy. On that basis, LCC will not be supplying any waste services to this development. Conversely waste services to this facility must be delivered by licensed waste contractors for all types of wastes generated, and all materials leaving the site must be conveyed to a facility that is legally permitted to accept materials of that type.

Council's strong preference is for waste collection activities to take place within the site itself. All waste bins must be stored and presented for emptying with lids fully closed and not overflowing so as to prevent litter escaping into the broader environment.

G. Engineering Considerations

The development must meet the following requirements:

- 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.
- 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.
- 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. Engineering plans and supporting calculations for the stormwater drainage system should be prepared by a suitably qualified engineer.
- A Dilapidation Report of all infrastructure fronting the development in Kelso Crescent and 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 50m either side of the development.

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.

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. Erosion and sediment control measures should be included in the supporting documentation.