



Our reference: P-768598-Y3Q3
Contact: Sandra Fagan
Telephone: (02) 4732 7992

02 October 2024

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

Dear David,

Council Response to 'Response to Submissions' – SSD-46983729 – Westlink Industrial Estate Stage 2 at 290-308 Aldington Road, Kemps Creek, NSW, 2178

Thank you for providing Penrith City Council with the opportunity to comment on the abovementioned Response to Submissions (RTS).

Council staff has reviewed the information referred for comment on 19 September 2024 and provides the following advice for the Department's consideration.

a) Planning Considerations

- b)** DPHI should continue to consider Council's previous comments in correspondence dated 19 March 2024, as it does not appear that the proposal has addressed some of the previous matters raised. This includes the following:
- c)** The sewer easement is still located within the Mamre Road frontage. If this is required and endorsed by Sydney Water, DPHI should consider if additional landscaping is needed to screen this infrastructure from the Mamre Road frontage;
- d)** Car parking spaces are still located along the western frontage of the warehouse, adjoining the fire trail and access driveway. DPHI should ensure that these comply with the relevant Australian Standard and are realistic in terms of reasonable driver behaviour when accessing the spaces;
- e)** Under croft parking is still proposed, limiting the ability to provide trees in car parking hardstand areas; and

Penrith City Council
PO Box 60, Penrith
NSW 2751 Australia
T 4732 7777
F 4732 7958
penrith.city

- f) The front setback to Mamre Road still contains a series of long retaining walls. DPHI should ensure that the height of walls is compliant with the MRP DCP (the applicant states that it is) and that suitable landscaping is included to mitigate the visual impact of these walls.
- g) It is acknowledged that other amendments have responded to previous comments. This includes the changes to site levels so that future warehouse pads will sit lower than the neighbouring RL's in Mount Vernon. DPHI should ensure that the proposed landscaping within the 30m setback is provided and maintained by the Estate and/or the relevant industrial lot/s.

h) City Planning Considerations

Council's City Planning Department have reviewed the proposal and have raised the following considerations:

- i) ESR have indicated to Council that a future Planning Agreement or WIKA may be lodged for part of collector road CR7. Council staff encourage the proponent to continue liaising with Council on this. Aspect.
- j) It is requested that a condition of consent is applied to ensure the collector road is dedicated to Council, but only when formal connection is realised to Aldington Road (through the adjoining lot to the north, currently under separate private ownership). Council does not want to own the part-road while there is no formal connection to the main road network as per the DCP/Contribution Plan.
- k) Delivery of the roundabout requires careful consideration and management. Council staff would only support the roundabout to be delivered by one contractor (we will not support half-delivery). Council staff suggest that ESR and the neighbouring landowner confer and decide on an arrangement to inform this SSD and secure appropriate delivery of the roundabout by one contractor/party. Council

welcomes and encourages the opportunity to be part of these discussions.

i) Development Engineering Considerations

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

- m)** There are no objections in principle to the proposal. However, the following matters should be carefully considered by DPHI.
- n)** The proposed extension of Aldington Road will be land locked by the undeveloped properties to the north and south of the subject site. The proposal includes a temporary arrangement to access warehouse 2 (lot 2) via the proposed private road from the extension of Abbotts Road. This temporary arrangement may be acceptable subject to ensuring that appropriate right of way is created over the private road benefiting Penrith City Council / Public. Also, a condition should be provided to restrict the dedication of the proposed extension of Aldington Road until such time Aldington Road is connected directly to the signalised intersection with Abbotts Road (through the property to the north).
- o)** A condition of consent should be provided if the application is approved to restrict the construction of retaining walls at the end of the temporary turning heads. The removal of any retaining walls in the future to extend the road further south will result in significant impacts on a built road such as, but not limited to, traffic impacts, underground utilities / infrastructure disruption, and possibly impact access to lots. Further, it will result in a significant cost to the future developer of the southern property.
- p)** The application includes the filling in of the existing dam located within the neighbouring southern property. DPHI must consider this aspect of the proposal.

- q) The developer is proposing that Council's contribution plan levies fund the delivery of the roundabout once the land to the south is either acquired by Council or is being developed by a developer. Please refer to Council's City Planning comment welcoming and encouraging DPHI to include Council in the discussion about the delivery of the roundabout.

r) Traffic Considerations

Council's Traffic Engineer has reviewed the proposal and raises no objection for the proposed upgrade of Mamre Road / Abbots Road, and Abbots Road/Aldington Road to facilitate the development. The road upgrade will require extending Aldington further south of Abbots Road.

- s) The below conditions should be included if consent is granted:
- t) All vehicles shall enter and exit the site in a forward direction.
- u) Safe pedestrian routes shall be provided throughout the site.
- v) 153 parking spaces should be provided for Stage 2 (warehouse 2) development.
- w) Two accessible parking spaces should be provided in accordance with the Access to Premises Standards, Building Code of Australia and AS 2890.6 for the Stage 2 (warehouse 2) development
- x) Heavy Vehicle loading and manoeuvring areas/routes shall be completely separated from customers /visitors to the site.
- y) A car shall be able to turn around within the site when all car parking spaces are occupied using no more than a three-point turn.
- z) A minimum of 36 bicycle parking spaces shall be provided for the Stage 2 (warehouse 2) development.
- aa) Five percent of the parking provision must be designated as electric vehicle charging bays.
- bb) One shower cubicle to comply with end of trip facilities must be provided to comply with the requirement.

- cc) All service areas must be designed with reference to AS 2890.2, and to provide for the movement of vehicles up to 26m B-double.
- dd) Truck access driveways shall be designed to provide for vehicles up to and including 26m B-double with maximum gradients, maximum rates of change of grades, and maximum crossfalls in accordance with relevant standards such as AS 2890.2 and any other relevant published road design /road engineering guidelines.
- ee) All parking areas, including access aisles and parking modules must be designed with reference to AS 2890.1 and AS 2890.6.
- ff) The roundabout is to be designed for 30m PBS Level 2 Type B Vehicles and tested for 36.5m PBS Level 3 Type A vehicles.

gg) Environmental Health Considerations

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

hh) Environmental Management Considerations

- ii) The Addendum Remedial Action Plan (RAP) dated 12/09/2023 amends the method of asbestos remediation proposing on-site encapsulation of most of the contaminated soil and some building products. Original RAP dated 2/5/2023 proposed off-site disposal.
- jj) The Asbestos Management Plan dated 28/8/2024 Identifies that two bonded Asbestos Placement Areas have been created for asbestos below the Health Screening Level. The areas have a minimum cover of 2.2m and have a capping of clay and shale.
- kk) The Remediation and Validation Report dated 28/8/2024 confirms that an onsite Containment Cell, separate from the Asbestos Placement Areas, has been established on-site below part of the Trunk Drainage Swale. The Cell is the home for asbestos in soil (ASBINS) contaminated material. Contaminated

material has a minimum cover of 800mm and is completely encapsulated in a high-visibility geotextile layer and then covered with shale/clay material. A Long-Term Environmental Management Plan (LTEMP) has been prepared. Approximately 225 cubic metres of contaminated materials have been consolidated and stockpiled on the Westlink Stage 2 site to be addressed later. An addendum to this Remediation and Validation Report is required.

ll) The Long-Term Environmental Management Plan (LTEMP) dated 28/8/2024 has been created to manage the contamination Containment Cell on-site. Contaminants within the cell include ASBINS and some building materials contaminated with asbestos. Contamination documentation submitted will be uploaded to the relevant 10.7 Certificates. Appropriate conditioning is required by DPHI to ensure the LTEMP is included on the Title for the property/properties.

mm) Regarding noise management within the Mamre Road Precinct, the precinct-wide approach to noise is a matter for DPHI to address and suitably condition.

nn) Waterways Considerations

oo) Council's Waterways officer has reviewed the proposal and raises no objection. The following comments are for the Department's consideration:

pp) The Department must ensure that the controls are met in terms of compliance with the stormwater and waterway health targets (for both the construction and operational stages) as well as any of Sydney Water's requirements with respect to trunk drainage.

qq) The trunk drainage design must be approved by Sydney Water.

- rr) With respect to the GPT's, it is noted that the GPT's will be the responsibility of the developer / property owners to maintain. Conditions should be included requiring this and detailed operation and maintenance manuals are required.
- ss) Restrictions of use and positive covenants should be applied for all on-lot stormwater management / treatment systems.
- tt) Rainwater tanks are proposed as interim measures until the delivery of the regional stormwater management scheme. Conditions are also required to ensure they are decommissioned and connection to the regional scheme occurs, once available.
- uu) Conditions should be imposed to ensure that prior to completing the detailed design, plans for passively irrigated street trees must be submitted to Council for review and approval (in the case the roads will be dedicated).
- vv) High efficiency sediment basins are required to be provided to meet the construction phase IWCM controls in the MRP DCP. It is acknowledged in the Stormwater report and CPESC Statement, but conditions should also be applied.
- ww) Should the application be approved, adequate conditions are needed to ensure that all temporary infrastructure is maintained until the regional infrastructure is available.
- xx) Conditions should be imposed to ensure that adequate land is reserved for initial stages of the development' treatment and management of stormwater (i.e., irrigation of undeveloped land).
- yy) Conditions should also be imposed to ensure that all stormwater infrastructure, including GPTs, rainwater tanks, irrigation systems temporary ponds and the like, remain under the ownership, control, and care of the registered proprietor of the lots. It is suggested

that positive covenants and restrictions of use should be placed to ensure that all privately owned systems will be maintained in perpetuity. It is acknowledged some infrastructure will not be required once the regional scheme is available. Conditions should be used to manage the transition and decommissioning of the infrastructure once connection to the regional infrastructure is available.

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

Yours sincerely,



Sandra Fagan
Principal Planner