



Our reference: P-768598-Y3Q3
Contact: Sandra Fagan
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21 February 2025

ATTN: David Schwebel
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Dear David,

Council Response to Amended Information - SSD-46983729 – Westlink Industrial Estate Stage 2 at 290-308 Aldington Road, Kemps Creek

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

Council staff has reviewed the information referred for comment on 06 February 2025 and provides the following advice for the Department's consideration.

1. Planning Considerations

- a) The Department is requested to continue to consider the relevant comments in Council's previous letters dated 19 March and 02 October 2024.
- b) It does not appear that the matter of the round-about at the southern boundary edge of the site has been resolved. The applicant's response states that this will be resolved at the time that the adjoining property to the south is developed, and that development contributions will address this. Please refer to comments below from Council's City Planning and Development Engineering teams. This round-about is shown in Council's contribution plan and therefore could be part of an offer which can be discussed further with Council staff.
- c) The Department is requested to continue to consider if the sewer easement in the Mamre Road frontage will have implications for deep soil landscaping within the front setback.
- d) It is acknowledged that the car parking spaces along the western frontage of the Lot 6 warehouse have been removed and relocated

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to the north-west corner of the site. It is unfortunate that three of the relocated car parking spaces encroach into the building setback, but these spaces do appear to be behind the landscaped front setback. The Department should consider if this is acceptable in the context of the total number of required minimum car parking spaces. If the number of spaces exceeds the minimum MRP DCP requirement, then the Department should consider removing the three (3) car parking spaces that encroach. The suggested condition below is to provide 153 car parking spaces, while it appears the proposal is to provide 166 spaces.

- e) The proposed changes to the landscaped setback in Mamre Road are welcomed. Although the IOP area within the front setback is still not supported, it is acknowledged that other changes have occurred to try to improve the front setback area. This includes a reduction in the retaining walls along the frontage to a single tier sandstone log wall. The Department should ensure that landscaping above the log wall is suitable for screening and can also cascade down over the top of the wall, to provide a further softening effect. The applicant should also consider whether the log wall can contain offset blocks to provide more visual interest than a planar wall facade.
- f) The Department should consider how to secure the proposed staging of landscaping works within the front setback to Mamre Road. The applicant proposes to stage the landscaping to coincide with the future Mamre Road widening by TfNSW. Conditions need to ensure that landscaping occurs at the relevant and appropriate stage, considering that the warehouses may be operational prior to the road widening being completed.
- g) Page 11 of the applicant's Response report states that the outcome of discussions about a proposed planning agreement should not hold up assessment of the SSDA and could be made a condition requirement associated with contributions if these works will be offset from the 7.11 obligation. The Department should consider the wording of section 7.7(3) of the EP&A Act. This section relates to how/when a condition can be imposed on a development consent. My understanding is that such a condition can only be imposed if there is an accepted Offer in place, because the wording of the section refers to *"but only if it requires a planning agreement that is in the terms of an offer made by the developer ..."*.

- h) The Response report also refers to a staged subdivision for the dedication of the collector road. Please refer to comments below from Council's City Planning and Development Engineering teams. It is difficult to determine the relevant stage/timing given that the dedication of the collector road depends on future through connections located on adjoining sites, which are not part of the subject site or current proposed development.

2. City Planning Considerations

- a) The proponent is encouraged to liaise with Council on a potential planning agreement as there are complex matters regarding staging and timing of dedication of the infrastructure and no recent discussions have occurred with Council in relation to this.
- b) It is requested that any draft development contribution obligation condition/s be provided to Council, prior to determination, for review and comment.
- c) If the SSD is to be approved, it is recommended that the department condition that the part of the CR7 collector road is to be dedicated to Council. However, it should also specify that it be dedicated to Council once Aldington Road is connected directly to the signalised intersection with Abbotts Road (through the property to the north).

3. Development Engineering Considerations

- a) It appears the proposal still refers to a future retaining wall at the end of the Aldington Road section upgrade. As per previous comments, Council does not support this. Please refer to previous Council correspondence.
- b) The proposed works should be limited to the subject site and no works should occur to the property to the south unless that property is specifically part of the SSDA.

4. Traffic Considerations

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Council's Traffic Engineer has reviewed the proposal and raises no concerns with the amended information provided. The Department should consider the following conditions if consent is granted:

- a) All vehicles shall enter and exit the site in a forward direction.

- b) Safe pedestrian routes shall be provided throughout the site.
- c) At least 153 parking spaces are to be provided for the Stage 2 (warehouse 2) development.
- d) Two (2) accessible parking spaces shall 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.
- e) Heavy Vehicle loading and manoeuvring areas/routes shall be completely separated from customers /visitors to the site.
- f) 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.
- g) At least 36 bicycle parking spaces are to be provided for the Stage 2 (warehouse 2) development.
- h) 5% of the parking provision must be designated as electric vehicle charging bays.
- i) One (1) shower cubicle is to be provided and is to comply with end of trip facilities requirements.
- j) 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.
- k) 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.
- l) All parking areas, including access aisles and parking modules must be designed with reference to AS 2890.1 and AS 2890.6.
- m) 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.

5. Environmental Health Considerations

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

a) Environmental Management Considerations

The Department will need to be satisfied that the updated noise assessment is suitable considering their precinct strategic approach.

b) Waterways Considerations

Council staff note that in the response to request for information, the applicant has acknowledged that conditions could be applied for each of the previous comments / concerns raised by Council's Waterways team. It is also noted that the BCS is undertaking an assessment of compliance against the waterway health requirements, and ultimately the Department needs to be satisfied the stormwater management measures are appropriate.

In addition, the following should be considered:

- i. Prior to determining the application, the Department should 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 design.
- ii. It is noted that the stormwater report states that in the interim scenario, no rainwater tanks are proposed. This appears to be a departure from the MRP DCP (Clause 2.4 (8)) which indicates they are required until the delivery of the regional stormwater management scheme.
- iii. With respect to the GPTs 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, and that they are maintained in perpetuity.
- iv. The Department should also consider conditions as indicated in Council's previous correspondence, such as requiring high efficiency Type A or B sediment basins, detailed designs for passively irrigated street trees to be approved by Council, and that sufficient land is reserved for initial stages of the



development' treatment and management of stormwater (that is, irrigation of undeveloped land) and the like.

- v. Council staff suggest that restrictions on use / positive covenants be provided for all on-lot stormwater infrastructure.

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

Yours sincerely,

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Principal Planner

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