

14 February 2023

2200446

Chris Ritchie
Director, Industry Assessments
Department of Planning and Environment
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

CC: David Schwebel, Senior Planning Officer

Dear Chris,

**SSD-9138102: 290-308 ALDINGTON ROAD, 59-62 ABBOTTS ROAD AND 63 ABBOTTS ROAD, KEMPS CREEK
(WESTLINK STAGE 1)
RESPONSE TO REQUEST FOR FURTHER INFORMATION**

Ethos Urban have assisted ESR Australia in preparing this Response to Request for Further Information (RFI) in relation to SSD-9138102 for Westlink Stage 1, at 290-308 Aldington Road, 59-62 Abbots Road And 63 Abbots Road, Kemps Creek.

The Department of Planning and Environment (DPE) issued a RFI on 13 December 2022 and a follow up RFI on 23 December 2022 in relation to the proposed SSD. This letter responds to the matters raised and is supported by the following updated documentation:

- Updated Architectural Plans by Nettleton Tribe (Appendix A)
- Updated Civil Plans by AT&L (Appendix B)
- Updated Civil Report by AT&L (Appendix C)
- Updated Landscape Plans by Site Image (Appendix D)
- Updated Urban Design Report by Urbis (Appendix E)
- Updated Visual Impact Assessment by Geoscapes (Appendix F)
- Flood Letter by Stantec (Appendix G)
- Lot 1, DP 250002 Owners Consent for Road Works (Appendix H)
- 284-288 Aldington Road Record of Consultation (Appendix I)
- Correspondence with Transport for NSW and ESR (Appendix J)
- Correspondence with Sydney Water and ESR (Appendix K)

Following receipt of the two issued RFIs, ESR Australia have held a number of meetings to address the matters raised including:

- 17 January 2023. Meeting with DPE to workshop the retaining wall design on Lot 1;
- 24 January 2023: Meeting with Sydney Water to discuss trunk drainage; and
- 2 February 2023: Meeting with Sydney Water and DPE to receive guidance on documentation requirements pre and post approval for regional stormwater including trunk drainage.

The purpose of each meeting was to clarify the items raised in the RFI to enable ESR to respond and close out assessment items with DPE to enable finalisation of the SSD assessment and to move to determination.

1.0 Design Updates

As a result of responding to the issued RFIs and comments from DPE, the following design changes have been made to the application to address the matters raised.

1.1 Proposed Lot 1 Updated

- A complete redesign of the retaining wall fronting Aldington and Abbotts Roads.
 - The new retaining wall design includes a 1:3 batter with additional landscape area.
- Proposed Lot 1 has been set back an additional 5m. This reduces the area of proposed Lot 3 at the back of the estate but provides additional landscaping to mitigate the level changes between the intersection and Lot 1 pad.
- Landscape setback has been doubled and/or tripled in width, depending on location, compared to the Mamre Road Development Control Plan (MRDCP) landscape setback requirement of 6m on Aldington Road.
- Deep soil planting has increased with the retaining wall redesign.
- Trees proposed within the landscape setback can grow to large tree heights (12-18m) as per the Penrith DCP guideline. The previous retaining wall design limited tree height to medium trees (8-12m) as the structure elements of the retaining wall minimised the ability for trees to grow to large tree heights.
- Northern fill retaining wall has been offset from the boundary by 2m as per the MRDCP requirements.
- Landscape has been updated with this 2m setback with trees and bushes to assist in screening the retaining wall. Trees are capable of growing to large heights as they are not within the retaining wall structural zone.
- A fence has been placed on the top of the northern fill retaining wall up to 2.5m. This solution was discussed and agreed with the landowner on 27 January 2023.

1.2 Proposed Lot 4 Updates

- A 25m trunk drainage channel has been introduced along the entire northern frontage to Abbotts Road.
- The warehouse configuration has been adjusted to remove building elements outside of the trunk drainage channel.
- Office size has been reduced.
- The detention basin has been reduced due to the inclusion of the trunk drainage channel and the warehouse adjustments. The detention basin is sized for the Stage 1 DA.

These changes are reflected in the attached plans and reports.

2.0 Response to RFI

To further assist with the attached updated plans and reports, a response to each RFI item raised by DPE is provided in the following section.

2.1 RFI 1: 13 December 2022

DPE issued the first RFI on 13 December 2022.

Table 1 RFI Response

DPE Comment	ESR Response
Evidence that Transport for NSW has confirmed that no further information is required prior to determination of the application and have provided concurrence for the development	Refer to Appendix J which provides correspondence between Transport for NSW and ESR, including the Approval in Principle for the relevant road works proposed in relation to the Mamre Road and Abbotts Road intersection. Details of

DPE Comment	ESR Response
Evidence that Sydney Water is satisfied with the proposed trunk drainage infrastructure on site and how the development will connect to the planned regional stormwater infrastructure when it becomes available	<p>the response issued back to Transport for NSW are also appended. It is understood that Transport for NSW have issued conditions of consent to DPE for inclusion in the determination of SSD-9138102.</p> <p>ESR provided a sketch to Sydney Water on 3 February 2023 (refer Appendix K) with Sydney Water confirming that the sketch will suffice at this stage, with consent conditions to be worked through with DPE. The relevant development plans have been updated to include the proposed trunk drainage infrastructure on site as required.</p>

2.2 RFI 2: 23 December 2022

A second RFI was issued by DPE on 23 December 2022. Responses are provided below.

Table 2 RFI Response

DPE Comment	ESR Response
EARTHWORKS AND RETAINING WALLS	
<p>The DPE previously recommended consideration of relocating the western extent of the proposed building further to the east in order to achieve a more gradual incline, and potentially rely more on embankments and less on large retaining wall tiers.</p>	<p>ESR met with the Department of Planning and Environment (DPE) on 17 January 2023 to workshop how to treat retaining walls along the road frontage of Lot 1. Key items raised include:</p> <ul style="list-style-type: none"> • Minimise the apparent steepness from the public domain to the pad level • Maximise landscaping to reduce visual impact of retaining walls. <p>In this workshop, it was identified a landscape batter to a retaining wall was a better solution for the following reasons:</p> <ul style="list-style-type: none"> • A 1:3 landscape batter to a retaining wall provides opportunities for deep soil planting. In contrast, landscape within tiers of retaining walls only have a 1m of depth until it meets structural elements, such as straps. • By providing deep soil, it presents opportunity to ensure landscape thrives and creates an opportunity for large trees to contribute to tree canopy targets within the estate. • A 1:3 batter with one retaining wall enables the retaining wall to be set back from the public domain frontage to ensure it does not impose on the public domain. • The setbacks within this corner have been doubled or tripled (depending on the location) to ensure the retaining wall is set far away from footpaths. • The redesign provides an additional 4m of landscape setback compared to the previous design. The setback provides additional opportunity for more landscape to assist in screening the retaining wall. At Year 10, the retaining wall and building will be completely screened from the roadway by the proposed landscaping. <p>The redesign of the retaining wall provides a gradual embankment with ample landscape setback which meets objectives to screen the retaining wall and the building and creates an inviting public domain outcome along the street frontage.</p>
<p>Based on the most recent configuration, the overall height and steepness of the proposed retaining walls is still considered to have a prominent presence on the public realm and the proposed landscaping is not considered adequate to sufficiently mitigate these impacts.</p>	<p>The redesigned retaining wall has been setback between 11m to 20m depending on the location. This is double and triple the landscape setback requirement in the MRDCP. By setting the retaining wall back from the roads, this contributes to minimising the scale of the retaining wall. Further, the significant landscape setback proposed enables a further screening of the retaining wall, which will be imperceptible from the public domain by Year 5.</p>

DPE Comment	ESR Response
<p>If the level difference between the proposed pad and the public realm at the south-western corner of the site is proposed, the visual impacts would need to be managed by significantly reducing the overall steepness and incorporating more vegetation.</p>	<p>The redesign of the retaining wall by including a 1:3 landscape batter creates a gradual sloping entrance to the estate. The incorporation of the batter enables deep soil planting and large trees which contributes to canopy cover. The redesign incorporates more vegetation including large trees and reduces the overall steepness of the retaining wall by setting the overall pad back by 4m.</p>
<p>Relocating the western extent of the warehouse building towards the east, or removing part of the western end of the proposed building, could also reduce the area of the building that exceeds the DCP height limits from pre-development ground level.</p>	<p>The adjustment to the warehouse footprint has reduced the non-compliance area by 445m². This has reduced the encroachment area on height to 13.6%. This portion of the warehouse exceeds the MRDCP height control of 20m by a maximum of only 4m at the south-western corner. The height exceedance reduces as the built form moves north and east. Further, it is noted that 17.5% of the warehouse sits below the existing ground RL.</p> <p>The non-compliance is minor and a result of the undulating topography existing on the site. Further, the MRDCP provides that assessment of heights greater than 20m can be carried out using Section 4.2.1 Control 3 where the nature of the business requires a higher built form (noting that the proposal satisfies these requirements of Control 3).</p> <p>The building has been sited away from the public domain area by providing a building setback greater than the 12m requirement, which is considered ample in mitigating the 4m height exceedance when measured from natural ground level, noting that the built form itself will, at Year 10, be largely screened from the public domain of Aldington Road by the proposed landscaping.</p>
<p>It is also noted that the indicative cross sections provided do not include horizontal scales and it is difficult to accurately establish the steepness of the proposed retaining walls.</p>	<p>Dimensions have been added to cross sections to show the height and width of the landscape setback from Aldington and Abbotts Roads. Refer to the Civil Plans at Appendix B.</p>
<p>The Civil plans indicate that some walls are still within 2m of the boundary including RW-Lot 1 – 02. Clarify the width of the setback of the retaining walls from the property boundary and confirm that proposed landscape planting is achievable in the locations proposed between walls and the boundary.</p>	<p>RW-Lot1-02 has been fixed to reflect a 2m setback from the property boundary.</p> <p>Given the landscape setback at this fill wall is proposed within the 2m setback zone, deep soil planting is capable as its not within the retaining wall structure.</p> <p>As the site moves to a cut wall further east, deep soil planting including trees can be maintained as there is no structural retaining wall elements within this setback zone.</p>
<p>LANDSCAPING AND VISUAL IMPACT</p>	
<p>It is noted that the visual impact assessment (VIA) has been amended for Viewpoint 3. However, the location of the trees shown in the photomontage along the top of the retaining wall along the northern boundary conflicts with the landscape plan for Lot 1, which shows these trees between the retaining wall and boundary.</p>	<p>Viewpoint 3 and the Landscape Plans have been updated to reflect the 2m setback from the property boundary. Landscaping is proposed within this 2m setback zone.</p>
<p>The corrected photomontage for Viewpoint 3 has highlighted that the proposed pad levels and scale of the warehouse building could result in significant visual impacts to the residence to the north at 284-288 Aldington Road. This includes impacts from truck headlights as the proposed layout of Warehouse 1 requires trucks to drive north and then east around the back of the warehouse to exit the site and will at some points face directly the dwelling house, including on occasions with headlights on directed at this property. Similar to noise impacts, existing dwellings in the Mamre Road Precinct should be considered and cannot be assumed to be uninhabited or subject to industrial development unless an active development application or consent applies to the site.</p>	<p>ESR met with the landowner at 284-288 Aldington Road on 27 January 2023 to discuss appropriate solutions to mitigate the visual impact to their site.</p> <p>An agreement was proposed to provide a 2.5m fence at the top of the retaining wall to screen the house from trucks. Further, the 2m landscape setback would be planted with bushes and trees to screen the wall.</p> <p>Alternative options were discussed such as more landscaping along this interface however the landowner has confirmed a close tie in with the subject site to future proof it for redevelopment at the appropriate time (noting the</p>

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284-288 Aldington Road site is also zoned as IN1 under the Mamre Road Precinct).

The proposed tree planting along the northern boundary is considered insufficient to adequately mitigate this visual impact on the dwelling at 284-288 Aldington Road. In order to provide adequate screening, a vegetated buffer of greater width should be provided along the northern boundary, incorporating both trees and understorey plants at an appropriate density, and including tree planting along the top of the retaining as required by the DCP. Alternatively, other screening options must be considered to reduce visual and lighting impacts on this receivers, such as options for agreed planting at the property itself along its southern boundary or closer to the dwelling.

The setback to the retaining wall has been adjusted with the setback to be utilised to screen the retaining wall with bushes and trees. Further, a fence will be installed at the top of the retaining wall to screen trucks circulating around the site. The proposed changes were discussed and agreed with the landowner on 27 January 2023 (refer previous response).

Further consideration should be given to planting trees along the top of retaining walls to improve screening of the proposed warehouses from the surrounding area given the proposed levels of fill and elevated position of the proposed lots, particularly when viewed from the west.

Trees at the top of the retaining wall will not be able to achieve the heights required to screen the building given the structural elements within the ground. The proposed retaining wall designs proposes planting within setback zones, providing ample landscaping batters to retaining walls and landscaping areas above cut walls which enables large trees to be established to screen retaining walls along all its frontages. The proposed adjustment of the warehouse pad incorporates these elements, meets the objectives to screen to surrounding areas, and enables large tree growth in deep soil which can be sustained for the life of the development.

Provide a plan that clearly demonstrates the pervious surface area calculations.

Pervious surface area plans have been prepared for each lot and attached in the architectural plans at Appendix A.

Urban Design Report marked 'draft for review.'

The Urban Design Report has been updated at Appendix E to reflect the revised design and is attached in this response.

STORMWATER

The development must have regard to the final Sydney Water Mamre Road Precinct stormwater plan and draft design guidelines.

Lot 4 has been updated to include a 25m trunk drainage channel as per the Sydney Water Mamre Road Precinct stormwater plan and draft design guidelines.

Indicative long section and cross sections have been provided to demonstrate the corridor can be designed as per the draft design guidelines. Detailed design of trunk drainage corridor is requested to be conditioned in the development consent with a requirement for the design to be prepared in consultation with Sydney Water (noting that per correspondence from Sydney Water at Appendix K indicates consent conditions are to be worked through with DPE).

It is noted that Sydney Water, in their advice dated 20 December 2022, requires the 25m wide open natural trunk drainage channel identified within the site to be reflected in the proposal.

Lot 4 has been updated to include a 25m trunk drainage channel as per the Sydney Water Mamre Road Precinct stormwater plan and draft design guidelines.

Aspects of the proposed development are located within the trunk drainage channel as identified in this scheme and consideration will need to be given to potentially re-locating or moving parts of the proposal within the naturalised channel, unless otherwise agreed with Sydney Water as the Water Management Authority. Any relevant plans, technical reports or modelling must also be updated to reflect any changes to the development layout.

Lot 4 has been updated to include a 25m trunk drainage channel as per the Sydney Water Mamre Road Precinct stormwater plan and draft design guidelines. The warehouse building has been redesigned to accommodate the trunk drainage channel. A high level summary of the revised design is provided below:

- Warehouse GFA – No change
- Office GFA – Reduced by 450m²
- Number of Loading Docks: Reduced by 2
- Truck Entry and Exit – No change
- Detention Basin – Reduced due to trunk drainage. Size of basin oversized for the broader estate. Updated basin can accommodate Stage 1. Future OSD requirements to be confirmed on separate stages

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- Truck Drainage – Open channel provided
- Tree Canopy – Increased
- Permeable Surface – Increased
- Trip Generation – No change
- Truck Distribution – No change
- Pad Level – No change
- Car parking – No change
- Roof height – No change
- Landscape area – Increased
- Cut and Fill – Minor updates

We believe the information outlined above and the updated consultant reports as appended is sufficient to enable DPE to close assessment on Stage 1 DA for Westlink. Should you have any further comments, please do not hesitate to contact the undersigned or Grace Macdonald of ESR Australia.

Yours sincerely,



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