

Our reference: P-391064-B0L6
Contact: Kathryn Saunders, Principal Planner
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11 November 2022

Department of Planning and Environment
Attn: David Schwebel

Email: david.schwebel@planning.nsw.gov.au

Dear David Schwebel,

SSD-9138102 – Amended Report for Westlink Industrial Estate

Thank you for providing Penrith City Council with the opportunity to comment on the proposed amendment to the abovementioned State Significant Development (SSD) application. Council has reviewed the applicant's Amendment Report, dated 21 October 2022 for Westlink Stage 1, and the accompanying plans and reports and provides the following comments for your consideration.

1. Planning Considerations

(a) Background summary

It is understood that the proposal has been amended and a summary of the proposal is now as follows:

- Site preparation works including demolition of existing structures, bulk earthworks, clearing and stabilisation works,
- Construction of 2 industrial lots with a total gross floor area of 81,642sqm which includes 78,056sqm of warehouse floor area and 3,586sqm of office and other floor area.
- Increase in building heights to 15m and 16.8m (measured from pad level) for Lots 1 (finished surface level (**FSL**) RL65.0m) and 4 (FSL RL66.0m).
- Fit out of Lot 1 and Lot 4 warehouses,
- Road construction and parking for 381 vehicles,
- Services, on-site detention basin (**OSD**) and landscaping works,
- Signage including 1 x 10m estate pylon sign, 7 x directional pylon signs, 3 x tenancy pylon signs, 4 x warehouse façade signs, and 4 x office façade signs, and
- Subdivision into 5 lots.
- Refer to **Figure 1** below for image of amended Concept and Stage 1 proposal.

It is noted that further Stages of the Estate are under consideration as part of SSD-46983729 (Stage 2 - Phase – SEARs Issued, Preparing EIS) and SSD-46983731 (Stage 3 – Phase – SEARs Issued, Preparing EIS).

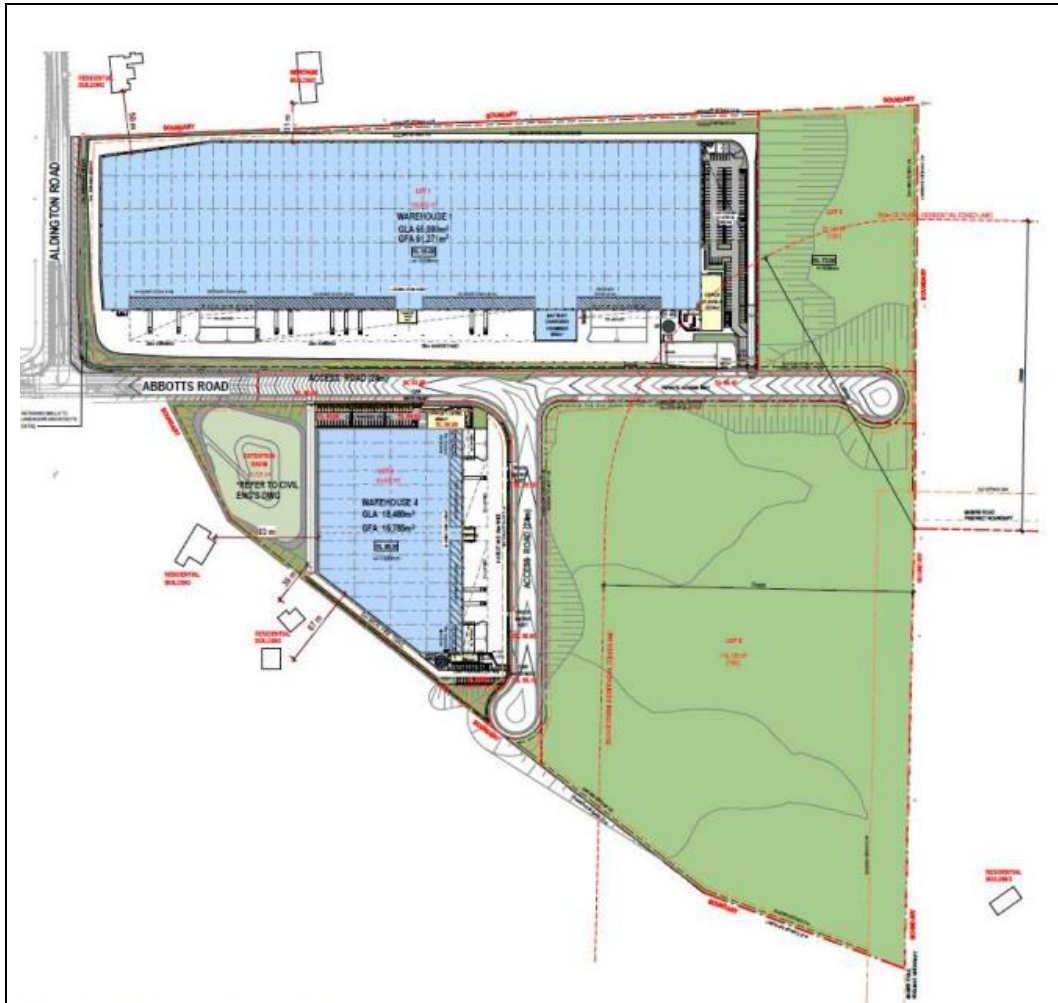


Figure 2 Proposed Amended Masterplan

Source: Nettleton Tribe

Figure 1: Excerpt from Amendment Report, dated 21 October 2022, prepared by Ethos Urban (p.9).

(b) Local Development Contributions

The application is lodged with a Works in Kind (**WIK**) proposal attached to an offer to enter into a Voluntary Planning Agreement with Penrith City Council (**PCC**). The Offer is under consideration by PCC and a Draft VPA has not yet been endorsed by Council for notification.

Recommendation – The Department of Planning and Environment (**DPE**) are to be satisfied that the proposed development, building and landscape setbacks and general design is satisfactory and that the design has been undertaken considerate of the ultimate roadway and intersection alignments including those proposed for Aldington and Abbots Road and their intersection.



It is recommended that consent not be issued until such a time as the road alignment is Gazetted, and to enable a proper and full assessment of the application against the finalised road and intersection designs.

(c) Regional Infrastructure Contributions

A State VPA is also noted as being under consideration for proposed intersection upgrade works related to the intersection of Mamre Road and Abbots Road. The Amendment Report includes that it is intended that the upgraded signalised intersection will be delivered prior to the completion of the first Occupation Certificate (**OC**) for the development.

It is raised that the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Aerotropolis) Direction 2020 is in effect and applies to the subject development. Any consent for the proposed shall include conditions which are required by the Direction and as apply to Concept and Stage 1 development applications.

(d) Bulk Levels and Impacts on Rural Residential Uses

Noting that part of the site is nominated as 'Transition to rural' in the Mamre Road Precinct DCP (**MRPDCP**), DPE shall be satisfied that unsupportable noise, amenity, and view impacts will not occur as a result of the future redevelopment of lots not being part of Stage 1, for permissible purposes within the IN1 General Industrial zone, and which result from the approved bulk levels on the Site.

If bulk levels, subdivision and roads are proposed above and beyond the needs of the Stage 1 works, to ensure that future development of these lots can be supported a view impact assessment is to be undertaken which analyses block forms ascertainable for futures Stages. It is also necessary to ensure that any future development envisaged by the Concept and later Stages is capable of achieving a supportable level of compliance with established noise criteria, amenity impacts and the like.

(e) Design and Landscaping

Height – DPE are to be satisfied with the applicant's justification in relation to the areas of each warehouse which exceed the DCP height maximums.

In relation to Warehouse/Lot 1, the height exceedance is at the street frontage where the finished floor level of the warehouse is significantly higher than the street level.

To mediate bulk and the level transitions, wider areas for planting may be required for each tier. The upper podium (fourth tier) must be set back further, as this element is approximately 3m in height at the intersection of Abbots and Aldington Road. DPE may benefit from the production of photomontage images created from a pedestrian viewpoint and from street approaches.

High quality landscaping in quality soil (including if necessary engineered tree planting pits or zones) including canopy tree planting is required to be provided at the base of the first tier of retaining walls (at street level).

This is to ensure that a high amenity street scape at the pedestrian level is achieved.

DPE are to ensure that selected materials are appropriate for the expanse of elevation they are to be used on. It is recommended that materials are recessive in colour and are varied by utilising complementary shades across levels.

DPE are to ensure there is vertical connectivity between colours and materials to avoid visually dominant horizontal banding, which will increase the appearance of bulk and scale and exacerbate the apparent extent of retaining wall fronting the street.

Landscape, Tree Selection & Canopy Targets - The civil sections do not correlate with the landscape sections. Civil section C on at&l plan no. 20-748-C1021 does not accurately reflect the toe lengths for retaining walls. Toe lengths and drainage aggregates and pipes will impact soil volume and soil quality, and will detrimentally impact on the ability of the development to deliver tree canopy around the periphery of the site – noting that the majority of the canopy tree planting relied upon to achieve canopy targets is located at the site boundaries, within tiered retaining wall sections.

It is recommended that larger areas for canopy tree planting are provided which are not located within steep tiered retaining walls and which will thrive to maturity and be sustainable.

Trees planted in narrow sections of retaining walls will not reach maturity and some may require removal owing to their roots and trunks impacting the integrity of the retaining walls.

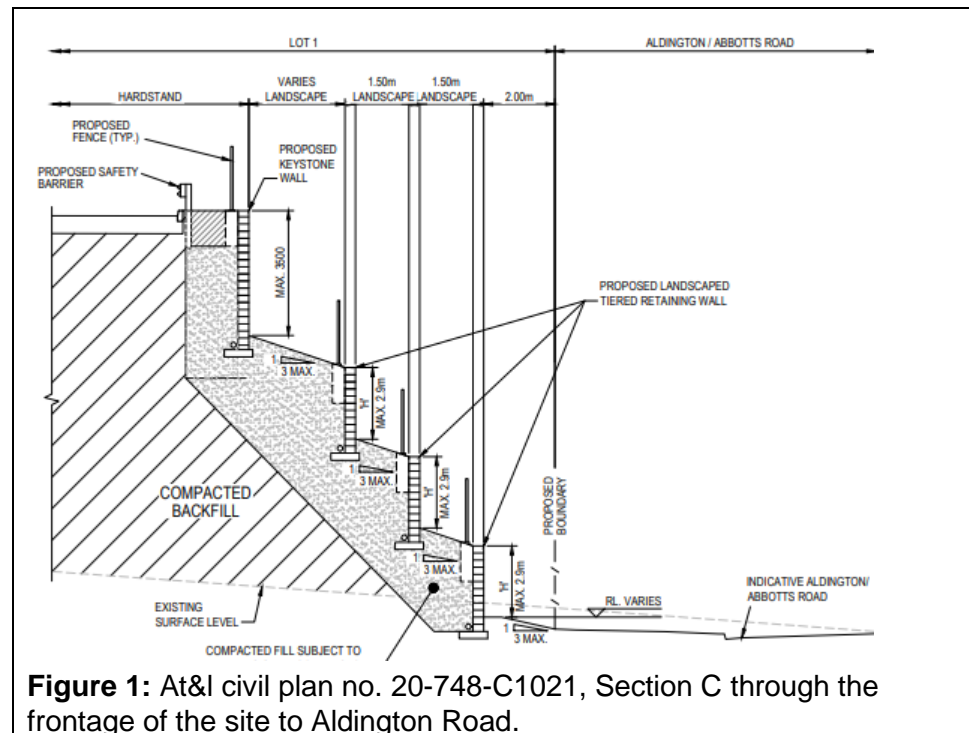


Figure 1 demonstrates that canopy tree planting at the upper-level truck hardstand is not possible as insufficient area is provided to allow this to occur.

The landscape plans indicate *Eucalyptus tereticornis* or Forrest Red Gum and *Eucalyptus moluccana* or Grey Gums, although do not indicate where on the plans these or other species will be located. The landscape plans are to be fully detailed as to what is planted where.

Forrest Red Gum and Grey Gums are large native trees with trunk diameters that exceed most locations available. Refer **Figure 2** and **Figure 3** for images of mature trunk diameters.



Figure 2: Example of expected mature trunk diameter - Forrest Red Gum. Source: olelansaseeds.com.au



Figure 3: Example of expected mature trunk diameter - Grey Gum. Source: olelansaseeds.com.au

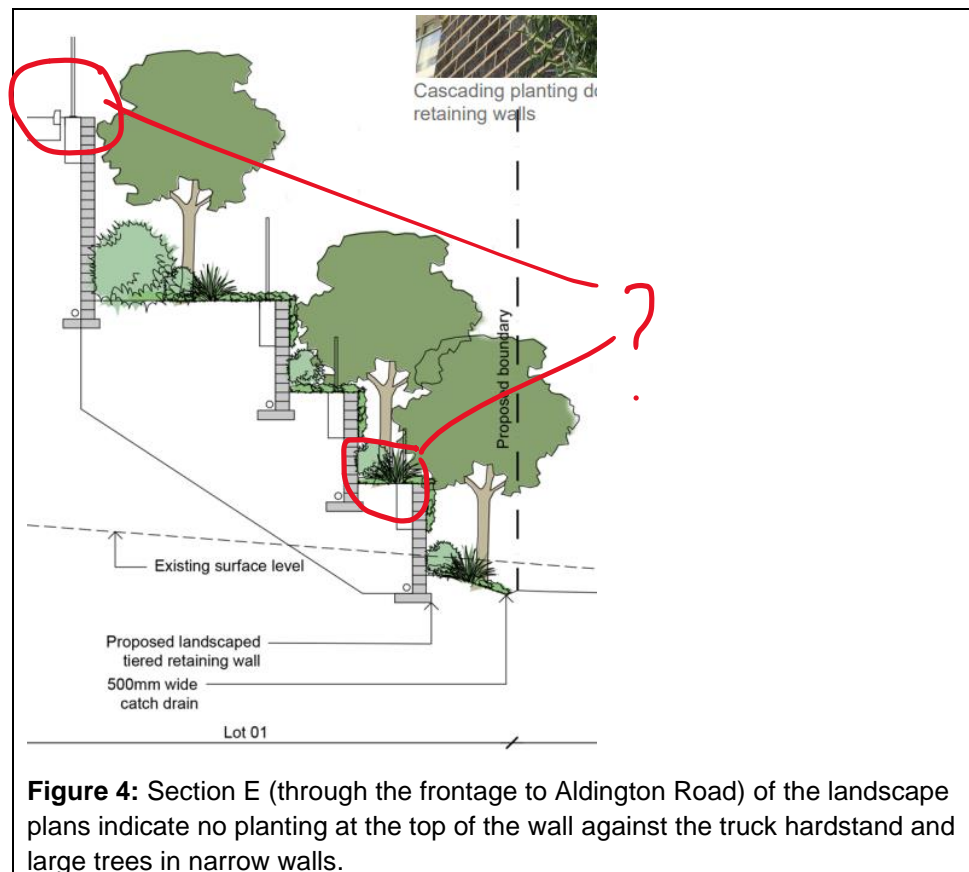


Figure 4: Section E (through the frontage to Aldington Road) of the landscape plans indicate no planting at the top of the wall against the truck hardstand and large trees in narrow walls.

No minimum dimensions are provided to inform the width (or minimum widths) of landscaped area, between retaining walls, or between the hardstand truck manoeuvring area and the guard rail and the upper most retaining wall tier.

The applicant must confirm what the minimum width for each area is.

A 1.5m wide planter within a tiered retaining wall cannot support the selected canopy trees to maturity.

The canopy target plan indicates canopy tree planting along the northern boundary is proposed within an 800mm wide landscaped area located within the compacted fill area, along the boundary as per **Figure 5** and **Figure 6** below.

The applicant has not demonstrated that the proposed canopy targets for Stage 1 are achievable. The Canopy Tree Plan is incorrect.

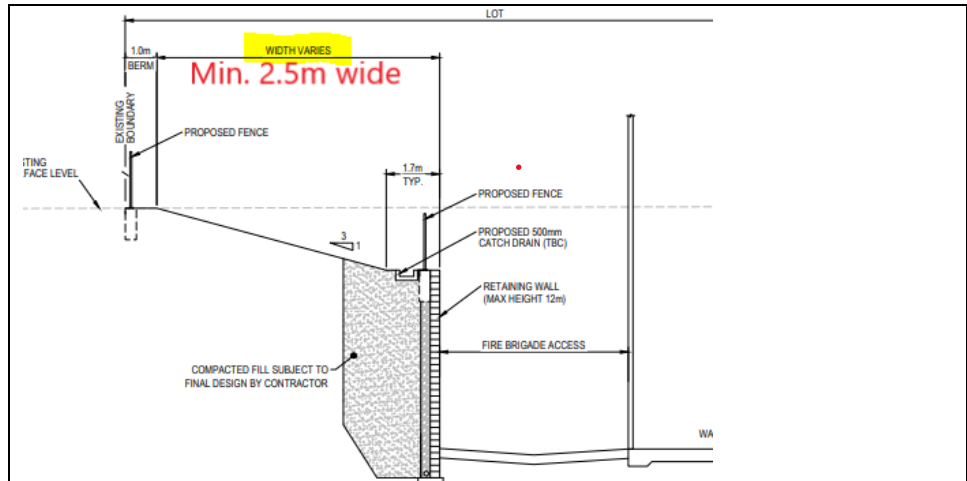


Figure 5: Northern boundary setback for landscaping is proposed to be a total of 2.5m (min.) inclusive of 800mm landscape berm and a 1.7m wide hard surface area comprising of a catch drain, retaining wall and fencing.

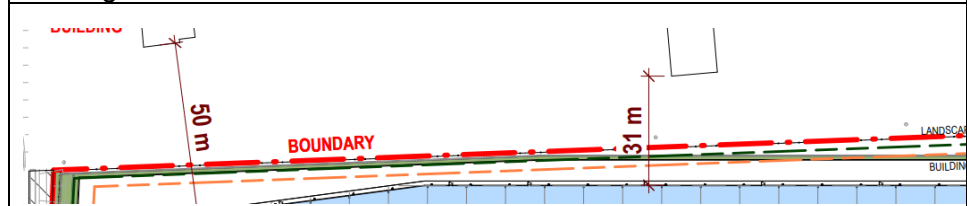


Figure 6: Northern boundary setback for landscaping is proposed to be a total of 2.5m (min.) for a large proportion of the boundary.

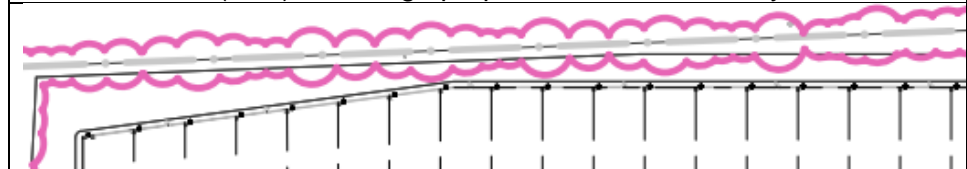


Figure 7: Excerpt from Canopy tree plan



The Visual Impact Assessment (**VIA**) demonstrates that an insufficient number of canopy trees are provided to the street level at the base of the retaining wall, and that an insufficient number of shrubs are planted within the tiered retaining wall.

Viewpoint 3 of the VIA is incorrect for the reasons provided in relation to Figure 5 and Figure 6 as canopy providing trees are not sustainable if planted within a boundary setback being 800mm wide at the top of a retaining wall.

Recommendations

- The plans for the development are to be amended to set back off the boundaries to provide the proposed canopy trees sufficient area to grow and thrive.
- It is calculated that the proposal includes excess parking beyond the minimum needs of the DCP of approximately 50 car parking spaces. It is recommended that in replacement of additional car parking spaces, larger areas for meaningful and sustainable stands of canopy trees are provided.

2. Traffic Considerations

- Roads Act approvals
A Section 138 Roads Act approval is required for the proposed works to Aldington Road and Abbots Road.
- Accessible car spaces
Accessible car spaces should be in accordance with the Access to Premises Standards, Building Code of Australia and AS2890. The proposal appears to achieve compliance. Compliance is to be ensured through conditions of consent (see below).
- EV Charge Car Parking
Mamre Road Precinct DCP 2021 requires parking areas incorporate dedicated parking bays for electric vehicle charging. However, it does not provide guidance on the specific number of bays. A total of 2 spaces per warehouse will be designated as electric vehicle charging bays, DPE shall be satisfied with the number of spaces and relevant conditions of consent shall ensure delivery.

Recommendation - Council recommends that a minimum of 5% of car parking spaces be provided for EV Charging and that a further 5% be constructed so as to be readily adaptable.

- Bicycles and End of Trip Facilities
Based on the DCP requirement, Lot 1 (Warehouse and Office) will require 65 bicycle parking spaces. Lot 4 (Warehouse and Office) will require 18 bicycle parking spaces.

DPE are to ensure the proposed number of secure undercover spaces are provided for the development.

Relevant conditions of consent are to be inserted to ensure secure and compliant bicycle parking and end of trip facilities are indicated on plans and are delivered.

- Vehicular access must be swept path tested for the largest vehicle that will access the site. In this instance it will be 30m PBS Level 2 Type B vehicle. Refer recommended conditions below.
- National Heavy Vehicle Regulator (NHVR) approval
The use of 30m PBS Level 2 Type B vehicle on local roads will require approval from NHVR and Council's Asset Section. Refer recommended conditions below.

Council's Traffic Engineering unit recommends the following conditions, based on the above.

1. All vehicles shall enter and exit the site in a forward direction.
2. Safe pedestrian routes shall be provided throughout the site.
3. Car parking numbers are to be required through condition of consent.
4. Three (3) accessible parking spaces shall be provided for warehouse 1, and two (2) accessible parking spaces shall be provided for warehouse 4, in accordance with Access to Premises Standards, Building Code of Australia and AS 2890.6:2009 (to be updated to reflect the approved design as may be amended).
5. Heavy vehicle loading and manoeuvring areas/routes shall be completely separated from customers / visitors to the site.
6. The approved car parking areas shall be designed to accommodate B99 vehicles as per AS2890.1:2004.
7. A minimum of 5% of car parking spaces for each warehouse shall be designated as electric vehicle charging bays.
8. Sixty-five (65) bicycle parking spaces shall be provided for warehouse 1 and office. Eighteen (18) bicycle parking spaces shall be provided for warehouse 2 and office (as may be updated to suit the development as may be modified).
9. Each warehouse and office shall be provided with a minimum of 1 shower cubicle for each gender.
10. Where service vehicles are accessing the site vehicular access must be swept path tested for 30m PBS Level 2 Type B vehicle.
11. Use of 30m PBS Level on local roads will require approval from NHVR and Council's Asset Section, such approval must be sought prior to the issue of a Construction Certificate.



Should you require any further information regarding the comments, please contact me on (02) 4732 8567.

Regards,

A handwritten signature in black ink, appearing to be "K. Saunders", written over a horizontal line.

Kathryn Saunders
Principal Planner