ETHOS URBAN

Horsley Drive Business Park Stage 2 - Buildings 2 & 3 (SSD-17161650)

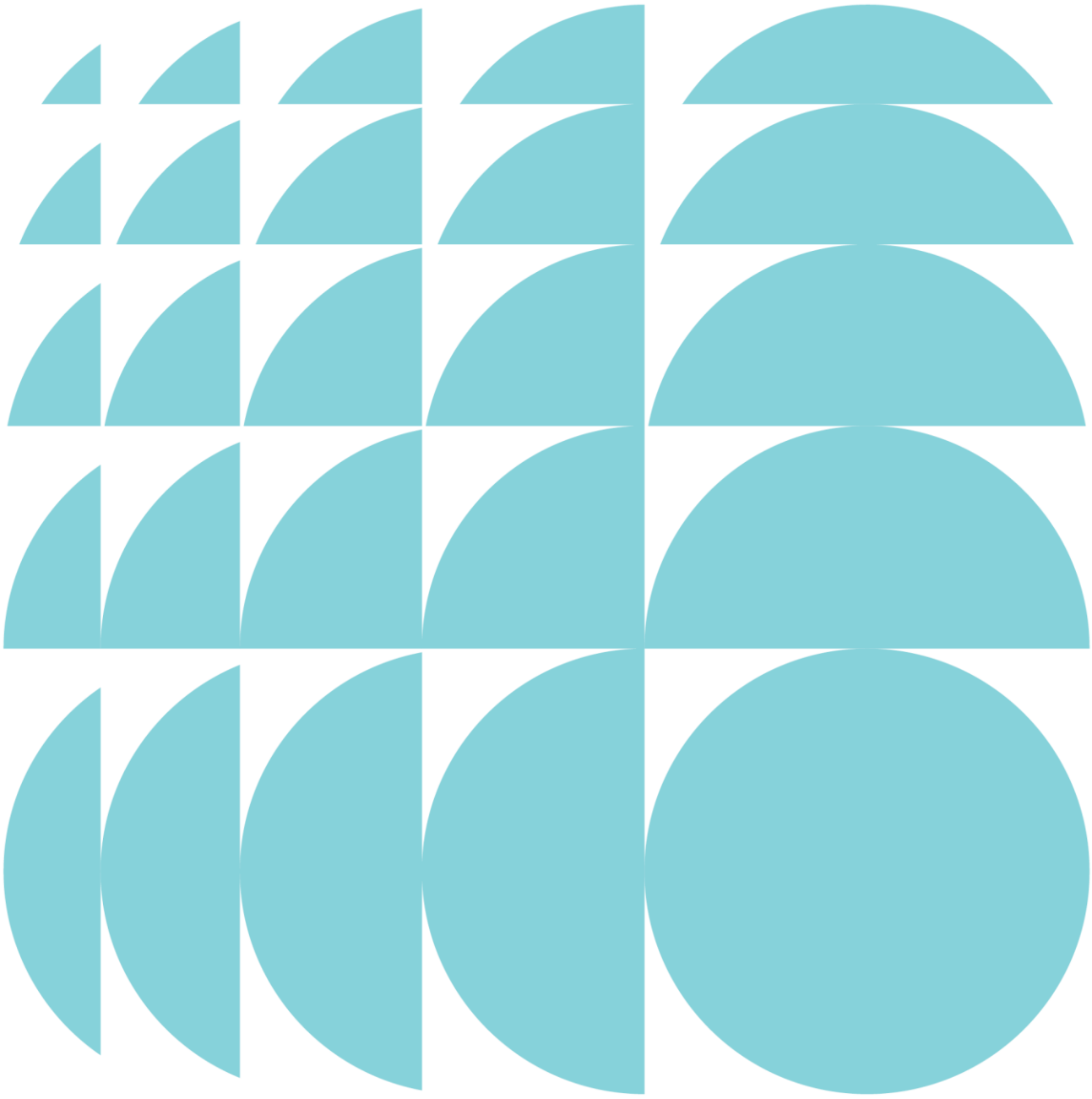
Part of Western Sydney Parklands (5, 15 & 25 Trivet Street and 130 & 132 Cowpasture Road, Wetherill Park) - Lots 18-20 in DP 13961

Response to Submissions Report

Submitted to Department of Planning, Industry and Environment

On behalf of Charter Hall

12 May 2022 | 2200737



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1.0 Introduction

This Response to Submissions (RtS) Report has been prepared by Ethos Urban on behalf od Charter Hall in support of the State Significant Development Application SSD-17161650 for the Horsley Drive Business Park Stage 2 – Building 2 & 3.

An Environmental Impact Statement (EIS) for SSD 17161650 was publicly exhibited for a period of 28 days, ending on 31 January 2022. As per the Department of Planning & Environment's exhibition of SSD 17161650, the description of the proposal was for:

> *The proposal involves the construction and operation of two independent warehouse and distribution centres (Buildings 2 and 3) including ancillary offices, car parking and loading areas.*

During exhibition, a total of nine (9) submissions were received from Government Agencies, Organisations, and Fairfield City Council. Two submissions were received from the Public.

Charter Hall and its consultant team have prepared a written response to issues raised in the submissions, as required under the *Environmental Planning and Assessment Regulation 2000*. This written response is in the form of a submissions report that has been prepared having regard to the State Significant Development Guidelines (2021) and Appendix C – Preparing a Submissions Report.

It is noted that under the *Environmental Planning and Assessment Regulation 2000*, the Applicant for an SSD project may – with the agreement of the consent authority – amend or vary an application at any time before it is determined. To seek the consent authority's agreement for any proposed amendments to an SSD application, the applicant must lodge the amendment application and amendment application report on the major projects website. The amendment application must be in the form approved by the Planning Secretary.

We note however that whilst updated Architectural Drawings have been submitted with the Response to Submissions Report (**Appendix C**), these works are deemed to be refinements which are separate to amendments.

The proposed changes, as described in this report, fit within the limits set by the project description and do not change what the Applicant is seeking consent for or require an amendment to the DA for the project.

1.1 Proposal description

As outlined within the EIS, the proposal involves the construction and operation of the following:

- 2 x industrial, 24-hour warehouse buildings with ancillary office spaces and utilities buildings resulting in a total GFA of 25,572m^2 (55.3% site cover) comprising:
  - Warehouse 2 (western building):
    - 14,803m^2 of warehouse GFA
    - 416m^2 of ancillary office space at ground level
    - 72 car parking spaces
  - Warehouse 3 (eastern building):
    - 9,804m^2 of warehouse GFA
    - 549m^2 of ancillary office space split across ground level and level 1
    - 48 car parking spaces
- 120 car parking spaces overall (13 more than the required rate of 107)
- Associated hardstand vehicle parking, loading and manoeuvring areas
- Associated landscaping including a generally 10m wide landscaping setback to Trivet Street and Estate Road

1.1.1 Proposed amendments since exhibition

The proposal has not substantially changed since exhibition and still comprises 2 x industrial, 24-hour warehouse buildings with ancillary office spaces and utilities buildings resulting in a total GFA of 25,572m^2 (55.3% site cover).

The proposal has resulted in a minor change since exhibition with regard to proposed Gross Floor Area identified for Warehouse 3 (increase of 84m²). No other changes in Gross Floor Area are proposed and the proposal comprises of:

- Warehouse 2 (western building):
  - 14,803m^2 of warehouse GFA
  - 416m^2 of ancillary office space at ground level
- Warehouse 3 (eastern building):
  - 9,804m^2 of warehouse GFA
  - 549m^2 of ancillary office space split across ground level and level 1

The following amendments have been made to the proposal since exhibition:

- Amended access arrangements to Building / Warehouse 3.
  - Additional truck exit from Warehouse 3 to the Estate Road.
  - Amended car entry/exit to Warehouse 3 car parking area moving away from the Estate Road cul-de-sac.
  - Amended Warehouse 3 car parking configuration (no reduction in car parking numbers).
- Relocation of Warehouse 3 Office to the southern elevation.
- Changes to landscape design in response to design changes.
- Amended materials at Office 2 and Office 3.
  - previously perforated metal façade cladding, now proposed prefinished corrugated metal façade cladding.
  - previously prefinished non-combustible panels with folded colorbond metal capping on top or parapet wall, now colorbond metal capping on top parapet wall.

Further to the above physical changes, the proposal seeks approval to allow for staged construction (subject to appropriate conditions) to allow for commencement of use of Warehouse 3 prior to completion of construction of Warehouse 2.

These amendments are discussed in further detail below.

Amended site access and circulation

In response to concerns raised by the Department of Planning & Environment (DPE), Fairfield City Council and Transport for NSW (TfNSW) in relation to site access, heavy vehicle manoeuvring and the requirements for loading/unloading, the proposal has been amended as demonstrated within the Updated Architectural Drawings (**Appendix C**) and shown at **Figure 1** below.

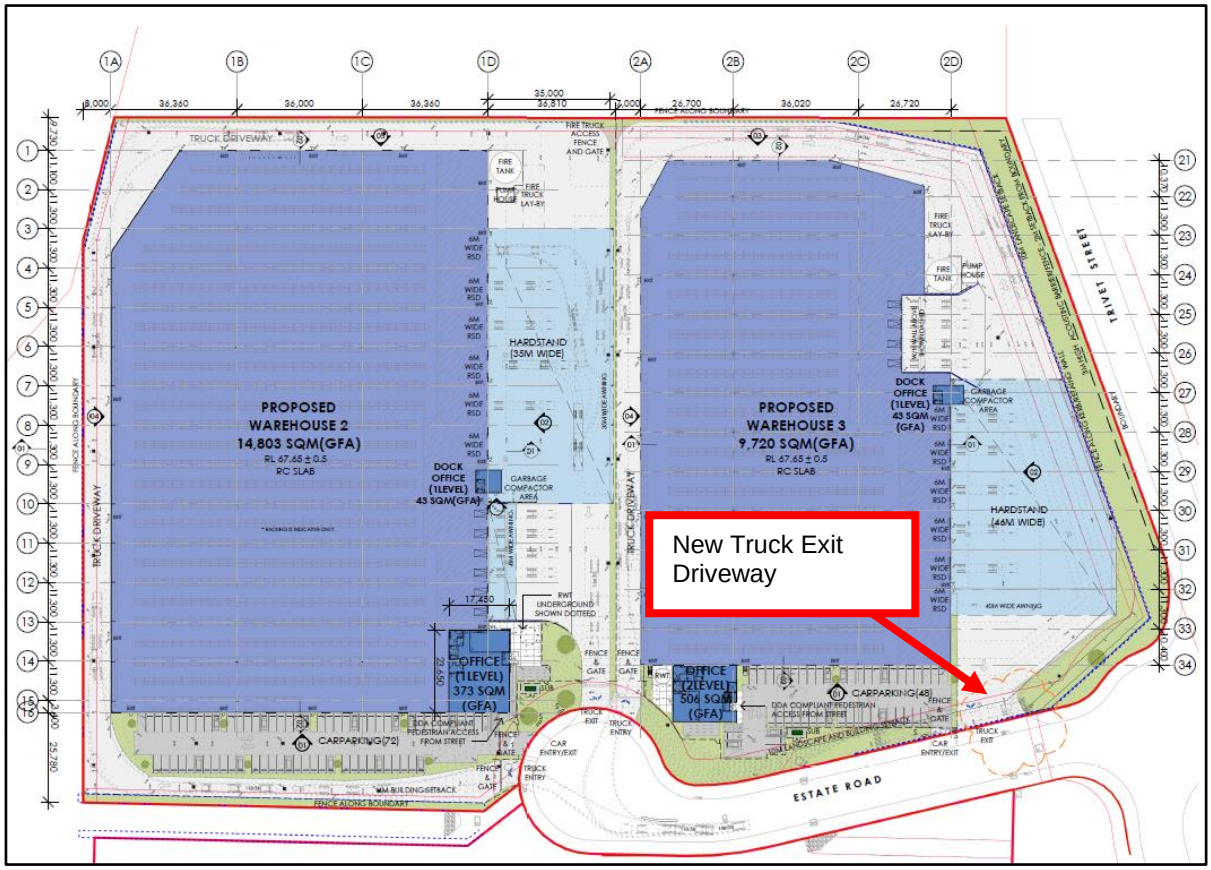

Figure 1 Updated Site Plan

Source: Watch this Space Design Pty Ltd

The proposal has been amended to address relevant comments, where practicable, including the introduction of a new exit driveway to Warehouse 3 to facilitate one-way movement for both Warehouse 2 and 3 which overcomes any perceived conflict between entry and exit movements.

The proposal, as amended, has relocated the car entry/exit to the car parking for Warehouse 3 away from the Estate Road cul-de-sac to improve the accessibility of both sites and provide increased separation between the truck entry to Warehouse 3 and the car entry/exit to minimise potential conflict between heavy vehicles and smaller cars.

Office relocation and car parking reconfiguration

To facilitate the introduction of a new exit driveway to Warehouse 3, the proposal has been amended to relocate the Warehouse 3 Office component to the southern elevation (from its previous location at the eastern elevation).

As shown in **Figure 2** below, the Warehouse 3 Office gross floor area remains the same as that outlined within the EIS but the relocation to the southern elevation allows for improved heavy vehicle circulation for Warehouse 2.

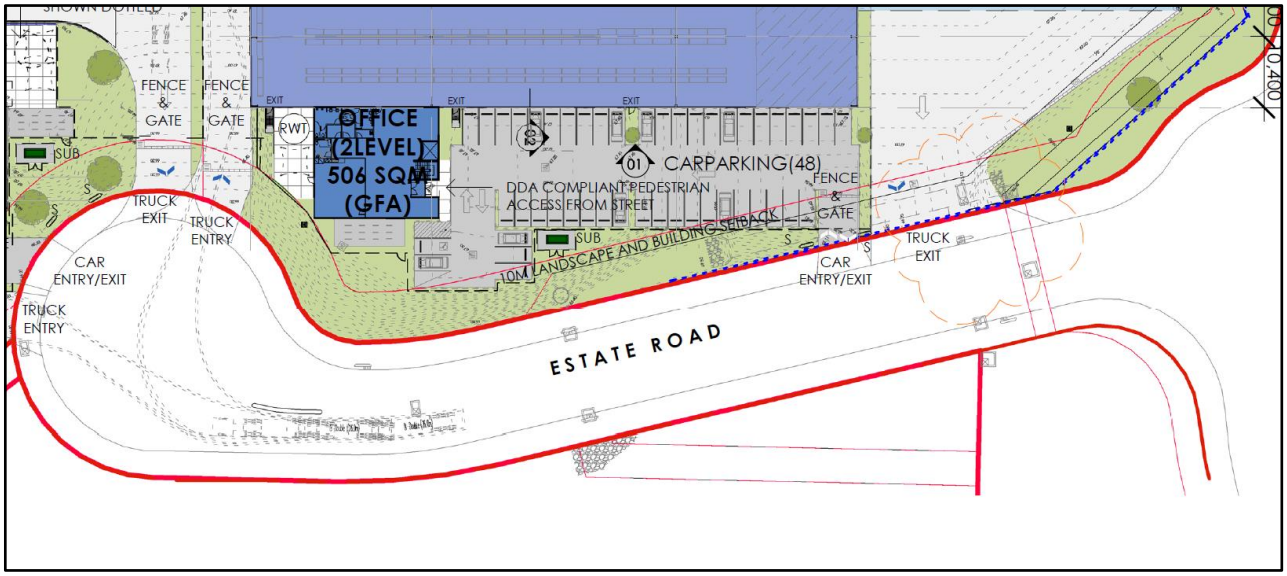

Figure 2 Office relocation

Source: Watch this Space Design Pty Ltd

An updated Landscape Concept Plan has been prepared by Geoscapes Landscape Architects to reflect the amended design and relocated Office and is submitted with this report at **Appendix D**.

The car parking area associated with Warehouse 3 has been reconfigured to reflect the design amendments without resulting in any reduction in the number of car parking spaces.

At meeting with DPE and Fairfield City Council on 13 April 2022, DPE sought clarification from the Applicant as to whether there was an opportunity to increase the separation distance between the proposed Warehouse 3 truck exit and the Warehouse 3 car park entry/exit.

Relocation of the Warehouse 3 car park entry/exit has been reviewed and found to be unfeasible, resulting in reduced efficiency of the car parking configuration and a loss of up to four (4) car parking spaces. The proposed car parking layout, as demonstrated within the Updated Architectural Drawings (**Appendix C**), has been designed for high functionality and efficiency; and a relocation of the driveway to the west on the Estate Road would create the need for a turnaround head to the east of the driveway location in order to comply with Australian Standards requirements and an unacceptable loss of on-site car parking.

The Updated Landscape Plan prepared by Geoscapes Landscape Architects (**Appendix D**) has been designed with regard to suitable sight lines whilst maintaining substantial landscape opportunities within the nominated setback. It is considered that a relocation of the proposed car park entry/exit would negatively impact on sight lines.

Further, the site levels have determined the optimal driveway location at the Estate Road and the southern boundary of Warehouse 3. There is limited opportunity to ramp between the car park and the Estate Road and the current proposed location requires minimal transition by comparison to alternative locations further the west.

To overcome any safety concerns or potential for conflict between the car park entry/exit and the truck exit, wayfinding signage has been incorporated into the proposal which provides a clear differentiation between the two exits (as demonstrated within the Updated Architectural Drawings (**Appendix C**).

Changes to landscape design

Changes are proposed to the landscape design to reflect the amended building design and in response to comments from Environment, Energy and Science (EES). As exhibited, the original landscape design included two species of medium to large trees (Corymbia maculata and Brachychiton acerifolius) or 9 trees total as shown at **Figure 3** below.

PLANT CODE	BOTANICAL NAME	COMMON NAME	MATURE HEIGHT	NATIVE	POT SIZE	PLANTING DENSITY	QTY*
General trees							
BRA ACE	*Brachychiton acerifolius*	Illawarra Flame Tree	20m	✓	45L	As Shown	3
COR MAC	*Corymbia maculata*	Spotted Gum	20m	✓	45L	As Shown	6
ELA RET	*Elaeocarpus reticulatus*	Blueberry Ash	15m	✓	45L	As Shown	3
MAG LIT	*Magnolia grandiflora 'Litlle Gem'*	Magnolia	6m		45L	As Shown	5
LAG SIO	*Lagerstroemia indica x fauriei 'Sioux'*	Crepe Myrtle	6m		45L	As Shown	2
TRI LAU	*Tristaniopsis laurina*	Water Gum	12m	✓	45L	As Shown	23
WAT FLO	*Waterhousea floribunda 'Green Avenue'*	Weeping Lilly Pilly	10m	✓	45L	As Shown	7

Figure 3 Planting schedule as exhibited

Source: Geoscapes Landscape Architects

An Updated Landscape Concept Plan has been prepared by Geoscapes Landscape Architects (submitted with this report at **Appendix D**) and as outlined in **Figure 4** below additional species of medium to large trees have been incorporated into the updated design.

PLANT CODE	BOTANICAL NAME	COMMON NAME	MATURE HEIGHT	NATIVE	POT SIZE	PLANTING DENSITY	QTY*
General trees							
BRA ACE	*Brachychiton acerifolius*	Illawarra Flame Tree	20m	✓	100L	As Shown	3
COR MAC	*Corymbia maculata*	Spotted Gum	20m	✓	100L	As Shown	9
ELA RET	*Elaeocarpus reticulatus*	Blueberry Ash	15m	✓	100L	As Shown	6
EUC CRE	*Eucalyptus crebra*	Narrow leaved Ironbark	20m	✓	100L	As Shown	7
EUC MOL	*Eucalyptus moluccana*	Grey Box	25m	✓	100L	As Shown	8
EUC TER	*Eucalyptus tereticornis*	Forest Red Gum	20m	✓	100L	As Shown	7
MAG LIT	*Magnolia grandiflora 'Litlle Gem'*	Magnolia	6m		100L	As Shown	5
LAG SIO	*Lagerstroemia indica x fauriei 'Sioux'*	Crepe Myrtle	6m		100L	As Shown	2
TRI LAU	*Tristaniopsis laurina*	Water Gum	12m	✓	100L	As Shown	23
WAT FLO	*Waterhousea floribunda 'Green Avenue'*	Weeping Lilly Pilly	10m	✓	100L	As Shown	4

Figure 4 Planting schedule as amended

Source: Geoscapes Landscape Architects

Further to the additional planting, the minimum pot sizes for the proposed trees has been increased to 100L.

Amended materials at Office 2 and Office 3

As detailed within the amended materials and finishes schedule submitted with the Updated Architectural Drawings (**Appendix C**), the proposal seeks to change the façade cladding and panels from that previously exhibited.

Staged construction

Following exhibition, the Applicant has identified an immediate tenant opportunity for Warehouse 3. As such, there is a need for appropriate conditioning to allow for the staging of construction of Warehouse 2 and Warehouse 3.

The proposed staging of construction will not change the outcomes of a future consent, nor result in any additional environmental impacts, but will allow for a clear separation of conditions for Warehouse 2 and Warehouse 3 so that separate occupation certificates can be obtained for each Warehouse.

1.2 Consistency with Concept Approval (SSD 7664) Schedule 2 Part B Conditions to be met in Future Development Applications

In accordance with Section 4.38 of the EP&A Act, the determination of any development application in respect of a site that is subject to a Stage 1 DA 'cannot be inconsistent' with the original consent.

The proposed development, as amended, is consistent with the Stage 1 consent (SSD 7664 as modified) in relation to maximum building height, land uses, gross floor area, building envelopes, car parking and loading arrangements.

Amendments to the proposal since exhibition have been driven in response to matters raised by DPE and Council in relation to consistency with SSD 7664 (as amended).

Table 1 addresses each relevant condition of SSD 7664 contained within Parts A and B of Schedule 2 of the consent with regard to the proposed amendments since exhibition.

Table 1 SSD 7664 – Conditions to be met in future development applications

Condition	Response	Compliant
Schedule 2 – Part A		
A10. The Applicant shall ensure the future development of the site is consistent with the controls in Table 1 below:	The proposed development complies with the controls conditioned by SSD 7664 and the 2 subsequent modifications. In particular, the proposal complies with the: • setbacks prescribed under A10; • prescribed maximum building height of 16m under A10; • maximum allowable site cover of 65% (site cover of 55.3% proposed); and • floor space ratio prescribed under A10. Please refer to the Architectural Plans of Development and Subdivision contained within **Appendix B**.	Yes
Table 1: Development Controls Development Aspect / Control Setback to Cowpasture Road: 10 metres Internal estate road setback: 7.5 metres Western boundary and canal setback to lot: 4 metres Maximum Building Height: 16 metres Maximum Floor space ratio: 1:1 Site coverage: Maximum of 65 per cent Minimum lot size for industrial lots: 10,000 m²		
	Setbacks to Cowpasture Road (10m) – 20m	Yes
	Internal estate road setback (7.5m) – 10m	Yes
	Western boundary and canal setback to lot (4m) – 8m	Yes
	Maximum Building Height (16m) – 13.7m	Yes
	Maximum Floor Space Ratio (1:1) – 0.55:1	Yes
	Maximum site coverage (65%) – 55.3%	Yes
A11. The following limits apply to future development on the site: *a) The maximum GFA for the warehouses shall not exceed the limits outlined in Table 2 below; and* *b) Loading docks, car parking and internal access driveways to buildings are not approved.*	The proposed development complies with the maximum allowable GFA of 88,700m^2. As outlined within the Updated Architectural Plans of Development and Subdivision contained within **Appendix C**, the proposal (as amended) has not change since exhibition with regard to proposed Gross Floor Area and comprises:	Capable of compliance subject to approval of SSD 7664 Mod 3.

Condition	Response	Compliant
	○ Warehouse 2 (western building): - 14,803m^2 of warehouse GFA - 416m^2 of ancillary office space at ground level ○ Warehouse 3 (eastern building): - 9,804m^2 of warehouse GFA - 549m^2 of ancillary office space split across ground level and level 1 It is noted that Building 1 on site was approved in August 2020 (SSD 10404) in accordance with Condition A11 of SSD 7664 with a total Warehouse Gross Floor Area of 41,438m² and Total Office Gross Floor Area of 1,883m². The proposal complies with Maximum Gross Floor Area approved under the Concept Approval of 88,700m^2 however results in a non-compliance against the Total Office Gross Floor Area of 2,500m² with an exceedance of 348m². A concurrent Modification has been submitted under s4.55(1A) to SSD 7664 to increase the Total Office Gross Floor Area to 3,000m² and reduce the Warehouse Gross Floor Area to 85,700m² align the proposed development and approved Concept Plan. The proposal further seeks approval for the loading docks, car parking and internal access to driveways associated with Building 2 and 3 (noting that these aspects of the proposal were not approved under the Concept Approval SSD 7664).	

Table 2: GFA Maximum for Concept Development

Land Use	Maximum GFA (m²)
Total Warehouse	86,200
Total Office	2,500
Total GFA	**88,700**

Schedule 2 – Part B		
Traffic and Access		
B1. Car parking must be provided in accordance with the RMS Guide to Traffic Generating Development and at the following rates *c) 1 space per 300 m2 GFA for general and light industrial and warehouse and distribution centre uses;* *d) 1 space per 40 m2 GFA for office uses;* *e) 1 space per 100 car parking spaces or part thereof for accessible car parking; or* *f) In accordance with an operationally specific Traffic Impact Assessment*	An Updated Transport Assessment has been prepared by ASON Group (**Appendix G**) and confirms compliance with the condition. The development provides a total of 120 car parks, exceeding the required number of 107. No change to provision of car parking spaces from that exhibited.	Yes

Condition	Response	Compliant
submitted with any future development application (s).		
B2. Future development on the site must meet the following requirements: *a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the developments are constructed and maintained in accordance with the latest version of AS1428.1, AS2890.1, AS2890.6;* *b) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with relevant AUSTROADS guidelines;* *c) vehicles must not queue on the public road network;* *d) heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site.* *e) all vehicles are wholly contained on site before being required to stop.* *f) all loading and unloading of materials is carried out on-site.* *g) all vehicles enter and exit the site in a forward direction.* *h) all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network; and* *i) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times*	The proposed development: a) ensures internal roads, driveways and parking are constructed and maintained in accordance with the latest version of AS1428.1, AS2890.1, AS2890.6. b) provides a swept path analysis for the largest anticipated vehicle (26.0m B-Double) in accordance with AUSTROADS guidelines. c) will not result in internal queues extending to the external road network d) ensures heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site. e) ensures all vehicles are wholly contained on site before being required to stop. f) ensures all loading and unloading of vehicles is carried out on-site. g) Accommodates vehicle entry/exit to occur in a forward direction. h) will ensure all trucks entering or exiting the site will have their loads covered. i) will ensure all turning areas in the car park are kept clear of obstacles. An Updated Transport Assessment has been prepared by Ason Group (**Appendix G**) and demonstrates that the refined design can comply with Condition B2. Please refer to **Section 4** of this report for further information in relation to issues raised by Fairfield City Council with respect to vehicle access arrangements.	Yes
B3. Access to lots must be provided in accordance with Council's specifications.	All access driveways are generally designed in accordance with AS 2890.1:2004 and AS 2890.2:2018. Access to the light vehicle parking area is via minimum 6m wide driveways. An Updated Transport Assessment has been prepared by Ason Group (**Appendix G**) and confirms compliance with the condition. Please refer to **Section 4** of this report for further information.	Yes
Bicycle Parking and End of Trip Facilities		
B4. Bicycle parking or end of trip facilities is to be provided in accordance with relevant guidelines and standards.	The development provides a total of 12 bicycle spaces outside the office for Warehouse 2 and 11 spaces outside the office of Warehouse 3. Please refer to the Updated Transport Assessment prepared by Ason Group (**Appendix G**) which confirms compliance with the condition. All accessible bathrooms will be equipped with showers as detailed on the Updated Architectural	Yes

Condition	Response	Compliant
	Drawings (**Appendix C**), with lockers to be provided by the end user based on staff demands.	
Soils and Water		
B5. The development must be designed and constructed to be capable of obtaining a section 73 Compliance Certificate from Sydney Water Corporation in accordance with Sydney Water Act 1994. Prior to the commencement of operations on the site a section 73 Compliance Certificate must be obtained from Sydney Water Corporation.	Noted.	Yes
B6. All development on site must comply with section 120 of the Protection of the Environment Operations Act 1997, which prohibits the pollution of waters, except as expressly provided in an Environment Protection Licence.	Noted.	Yes
B7. All building floor levels must be a minimum of 500 millimetres (mm) above the 1 in 100 year flood level.	Noted.	Yes
B8. Erosion and sediment control measures on-site must be in accordance with Managing Urban Stormwater: Soils and Construction Vo. 1 (Landcom, 2004).	Noted.	Yes
Landscaping		
B9. Landscaping must be consistent with key principles and plant species described in the Landscape Plans prepared by Arcadia Landscape Architecture Pty Ltd dated September 2017.	An Updated Landscape Plans has been prepared by Geoscapes Landscape Architects and is submitted at **Appendix D**. The proposal has been designed in accordance with the Concept Approval and the specific conditions identified above to ensure consistency with the key principles and plant species described in the Landscape Plans prepared by Arcadia Landscape Architecture Pty Ltd dated September 2017.	Yes
B10. Landscaping must screen any acoustic barrier referenced in condition B13 of Schedule 2, blank walls or loading docks from any nearby sensitive receiver with a mix of shrub planting and trees and be provided to the satisfaction of the consent authority.	The Updated Landscape Plans prepared by Geoscapes Landscape Architects and included at **Appendix D** have been designed in accordance with the Concept Approval (SSD 7664 as modified) and the specific conditions identified above to ensure consistency with the key principles and plant species described in the Landscape Plans prepared by Arcadia Landscape Architecture Pty Ltd dated September 2017.	Yes
B11. In accordance with the recommendations provided in the Heritage Impact Statement, prepared by Biosis dated 9 November 2016, landscaping must include shrubs and trees capable of reaching and buffering proposed building heights and building design to avoid adverse impacts on the significance of the Upper Canal.	The Updated Landscape Plans prepared by Geoscapes and included at **Appendix D** have been designed in accordance with the Concept Approval and the specific conditions identified above to ensure consistency with the key principles and plant species described in the Landscape Plans prepared by Arcadia Landscape Architecture Pty Ltd dated September 2017. Species selected have growth range of 8m – 25m and are all native and endemic to the region and are not anticipated to impact the Upper Canal.	Yes

<table>
<tr><th>Condition</th><th>Response</th><th>Compliant</th></tr>
<tr><td colspan="3">Noise and Vibration
Operation Noise Limits</td></tr>
<tr><td>B12. For all future development at the site, noise generated during operations must not exceed the noise limits outlined in Table 3 when measured at the property located at 28 Trivet Street, Wetherill Park.</td><td>
<table>
<tr><th>Location</th><th>Day LAeq (15 minute)</th><th>Evening LAeq (15 minute)</th><th>Night LAeq (15 minute)</th><th>Night LAeq (15 minute)</th></tr>
<tr><td>28 Trivet Street, Wetherill Park</td><td>52</td><td>49</td><td>47</td><td>57</td></tr>
</table>
Note: Noise is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.

An Updated Noise Impact Assessment has been prepared by SLR and is submitted with this report at Appendix J.

The Updated Noise Impact Assessment has considered the associated impacts to the property at 28 Trivet Street, Wetherill Park and comments received from DPE in the Additional Matters for Submissions Report correspondence issued 14 February 2022.

The Updated Noise Impact Assessment determined that the proposed development complies with Condition B12.

Key measures identified in order to comply include:

3m boundary noise barrier at a setback distance of 2m from the eastern and northern site boundary.

This should have a density of at least 10-15 kg/m2and must be maintained as required.

Restricting the use of the loading docks during the night-time at Warehouse2and Warehouse 3.

Refer to Table 4 at Section 4.3 of this report for further assessment.
</td><td>Yes</td></tr>
<tr><td>B13. If the construction of an acoustic barrier is required to achieve the noise limits in Condition B12 above, the barrier must be maintained as required and comprise a density of at least 10-15 kg/m</td><td>An Updated Noise Impact Assessment has been prepared by SLR and is submitted with this report at Appendix J.

The Noise Impact Assessment has considered the associated impacts to the property at 28 Trivet Street, Wetherill Park.

The assessment recommends mitigation measures which include a 3 metre high noise barrier setback at a distance of 2 metres from the eastern and norther site boundary with a density of at least 10-15kg/m² and restriction of the use of the loading docks during the night-time at Warehouse 2.</td><td>Yes</td></tr>
</table>

Condition	Response	Compliant
Transmission Line Easement		
B14. Future development on the site which is located within 15 metres of a transmission tower or in close proximity to Endeavour Energy's electrical network must: *a) Be constructed of non-conducting materials;* *b) Must maintain the integrity of all line structures and stay pole/wires at all times; and* *c) Comply with AS/NZS 3000:2007 'Electrical installations' to ensure that there is adequate connection to the earth.*	Noted.	Yes
B15. Final design drawings must be submitted to Endeavour Energy prior to the commencement of works to confirm no impact on Endeavour Energy's transmission towers.	Noted.	Yes
B16. Trees must not be planted within the transmission line easement.	Noted.	Yes
Access		
B17. The Applicant must ensure that access to the transmission towers, lines, and easement is maintained at all times.	Noted.	Yes
Earthworks and Construction		
B18. Prior to the commencement of construction, the Applicant must obtain advice from Dial Before You Dig 1100 service in accordance with the requirements of the Electricity Supply Act 1995 (NSW) and associated regulations to identify the location of any underground electrical or other utility infrastructure on the site as well potential hazards associated with existing utilities on the site.	Noted.	Yes
B19. All construction works are to be carried out in accordance with the NSW WorkCover Work near Overhead Powerlines Code of Practice 2006.	Noted.	Yes

2.0 Analysis of submissions

The EIS was placed on public exhibition from Monday 13 December 2021 until Monday 31 January 2022.

Soft copies of the EIS and appendices were available on the DPE Major Projects Website.

During the exhibition period, Government agencies and members of the community were able to make submissions on the application.

A total of twelve (12) submissions were received from the Public and Public authorities during the exhibition period.

Two submissions from the public objected to the proposal.

Submissions were received from the following public authorities in the form of comments (and in the case of Fairfield City Council a letter of objection):

- DPE (Additional Matters for Submissions).
- Fairfield City Council.
- NSW Environment, Energy and Science (EES).
- NSW Environment Protection Authority (EPA).
- Transport for NSW (TfNSW).
- Fire & Rescue NSW (FRNSW).
- SafeWork NSW.
- Water NSW.
- Sydney Water.
- Endeavour Energy.

The key matters raised in the submissions include:

- Consistency with Concept Approval (SSD 7664).
- Traffic and transport (including loading dock management).
- Acoustic impacts.
- Landscape design.
- Air quality.
- Flooding.
- Water.
- Environmental protection.
- Ecologically Sustainable Development.
- Energy.
- Fire safety.

Many of the submissions received from public authorities related to technical details of the environmental assessment that was undertaken for the EIS.

A response to each of the issues raised in the submissions is provided in **Section 4**.

3.0 Actions taken during and after EIS exhibition

The additional environmental submitting the assessment and stakeholder engagement undertaken since EIS is outlined in this section.

3.1 Additional environmental assessment

Additional environmental assessment has been undertaken in response to the submissions received. The revised environmental assessments are provided as appendices to this report are described below.

3.1.1 Transport and accessibility

An Updated Transport Assessment has been prepared by Ason Group and is provided at **Appendix G** in response to matters raised by DPE, TfNSW and Fairfield City Council.

The proposed design has been amended to address initial concerns in relation to heavy vehicle access arrangements, internal circulation and unloading/loading impact on manoeuvring throughout Warehouse 2 and Warehouse 3.

Further, an Updated Operational Traffic Management Plan has been prepared by Charter Hall and is submitted with this report at **Appendix H.**

The proposal, as amended, has been assessed with regard to the modified design of Warehouse 3 which results in one-way flow for both Warehouse 2 and Warehouse 3 and nullifies any perceived conflict between entry and exit movements. Updated swept path analysis has been undertaken as part of the updated assessment.

3.1.2 Acoustic

An Updated Noise Impact Assessment has been prepared by SLR and is provided at **Appendix J** in response to matters raised by DPE.

Additional mitigation and/or management measures have been identified by SLR to address sleep disturbance exceedances including a 3 m noise barrier along the eastern and northern boundary of the site and the restricting the use of certain load docks of Warehouse 2 during the night-time.

3.1.3 Air quality

An Updated Air Quality Assessment has been prepared by SLR and is provided at **Appendix I** in response to matters raised by DPE.

The AQA has updated assumptions, assessment and conclusions based on amended traffic volumes and vehicle movements as identified within the Updated Transport Assessment prepared by Ason Group and provided at **Appendix G**.

3.1.4 Ecologically Sustainable Design

An Updated ESD and Greenhouse Gas Assessment has been prepared by Northrop and is submitted with this report at **Appendix K** with confirmation that a 100kW solar array have been provided to each Warehouse 2 and Warehouse 3.

3.2 Community engagement activities

No additional community engagement activities have been undertaken since exhibition of the EIS:

3.3 Government agencies

Charter Hall undertook further consultation with the following government stakeholders since exhibition of the EIS as outlined below:

Table 2 Government stakeholder engagement outcomes

Agency/stakeholder	Issues raised	Response
DPE • Refined design for Warehouse 3 provided to DPE for comment along with a response to additional matters raised. • Meeting held with DPE to discuss proposed response on 13 April 2022.	• DPE recognised the complexity of the site and identified that the refined design has largely responded to the matters raised. • Initial concerns in relation to heavy vehicle access arrangements, internal circulation and unloading/loading impact on manoeuvring throughout Warehouse 2 and Warehouse 3. • Risk assessment in relation to proximity of Warehouse 3 truck exit and roundabout – Transport Assessment to consider Australian Standards, sightlines, on-street car parking. • Consideration of further distance between Warehouse 3 truck exit and the proposed car entry/exit – can this be moved further west? If not, identify why amendments cannot be achieved. • Review of the need for median strip for Estate Road. • Restriction of on-street car parking between the Warehouse 3 truck exit and the roundabout through review of splay design. No-stopping signage would require consent from Fairfield City Council Traffic Committee.	Further design refinements have been made as outlined within the Updated Architectural Drawings prepared by Watch This Space Design and submitted at **Appendix C**. The Estate Road Design approved under SSD 7664 and Section 138 of the *NSW Roads Act 1993* includes no parking signage and line marking (as already approved) to prevent car parking on the Estate Road conflicting with swept paths from trucks exiting Warehouse 3. This is further demonstrated within the Estate Road Approved Stamped Plan (Section 138 Approval) at **Figure 2** at the end **Table 2** Additionally, the Warehouse 3 truck exit driveway splay has been amended in the Updated Architectural Drawings to serve as a further visual indicator to prevent parking which may conflict with the swept paths from exiting vehicles. An Updated Transport Assessment has undertaken an assessment of the refined design as prepared by Ason Group and submitted at **Appendix G**. As identified in Section 8.3 of the Updated Transport Assessment, all access driveways are generally designed and located in accordance with AS 2890.1:2004 and AS 2890.2:2018 and a are provided with relevant Sight Stopping Distances. Further, access to the light vehicle parking area is via minimum 6 metre driveways. The Transport Assessment demonstrates that the proposed Warehouse 3 truck exit to the Estate Road can operate safely in relation to proximity to the approved roundabout. The design refinements considered the proposed car entry/exit to the Warehouse 3 car parking area following discussions with DPE/Fairfield City Council; and whether there was an

Agency/stakeholder	Issues raised	Response
		opportunity/capacity to increase the separation between the car entry/exit and the Warehouse 3 truck exit to the Estate Road. This matter has been considered further at **Section 1.1.1** of this report.
Fairfield City Council • Refined design for Warehouse 3 provided to Fairfield City Council for comment along with a response to additional matters raised. • Meeting held with Fairfield City Council to discuss proposed response on 13 April 2022.	• Initial concerns in relation to heavy vehicle access arrangements, internal circulation and unloading/loading impact on manoeuvring throughout Warehouse 2 and Warehouse 3. • Risk assessment in relation to proximity of Warehouse 3 truck exit and roundabout – Transport Assessment to consider Australian Standards, sightlines, on-street car parking. • Consideration of further distance between Warehouse 3 truck exit and the proposed car entry/exit – can this be moved further west? If not, identify why amendments cannot be achieved. • Review of the need for median strip for Estate Road. • Restriction of on-street car parking between the Warehouse 3 truck exit and the roundabout through review of splay design. No-stopping signage would require consent from Fairfield City Council Traffic Committee. • In consideration of Estate Road functionality and the potential for conflict between users, it would benefit for the RtS to identify the road alignment to roundabout and level of service to approved GFA as approved under SSD 7664 to demonstrate consistency with Concept Approval. • Review of the formal objection – it was identified that where the amended proposal can respond to the matters raised by Council there was an opportunity for Council to withdraw their objection following lodgement of the RtS report whereby the application can be decided by delegation rather than committee.	Fairfield City Council recognised the complexity of the site and identified that the refined design has largely responded to the matters raised. Further design refinements have been made as outlined within the Updated Architectural Drawings prepared by Watch This Space Design and submitted at **Appendix C**. An Updated Transport Assessment has undertaken an assessment of the refined design as prepared by Ason Group and submitted at **Appendix G**. In consideration of Estate Road functionality and the potential for conflict between users, it is noted that the Estate Road was approved under SSD 7664 (Mod 1). SSD 7664 Mod 1 was lodged to modify the Concept Plan and approved in August 2020. SSD Mod 1 approved a revised location and configuration for vehicular access to the site through the provision of a roundabout at the intersection with Cowpasture Road and Trivet Street. The Ason Group 2020 Transport Assessment was prepared to support SSD 7664 Mod 1. SSD 7664 Mod 1 approved changes to the Concept Plan with regard to the site layout to provide 76,293m² of GFA across three (3) industrial warehouse buildings. Modifications included: • For Building 1, a specialist Coles Customer Fulfilment Centre (CFC) with 24 hour/day, seven day/week operation with 44,713 m² of warehouse and office GFA (assessed and approved under SSD 10404); and • For Buildings 2 and 3, a combined total area of 31,580 m² warehouse

Agency/stakeholder	Issues raised	Response
		GFA on the Site's northernmost Lots which consists of: - 16,640 m² of Warehouse 1 GFA - 14,940 m² of Warehouse 2 GFA • Provision of an access roundabout into the Site with Cowpasture Road and Trivett Street; as well as an internal estate road for Lot access. As outlined within the Updated Architectural Plans of Development and Subdivision contained within **Appendix C**, the proposal (as amended) continues seeks approval for: • 25,572m² of Warehouse Gross Floor Area. • 965m² of Office Gross Floor Area. With reference to the existing approval (SSD 7664 Mod 1), and the Ason 2020 Report forecast that the HDBP Stage 2 would, once fully operational, generate: • 179 vehicle trips in the AM peak hour • 217 vehicle trips in the PM peak hour • 3,225 vehicles per day This level of peak hour traffic generation was inherently endorsed by TfNSW as part of the SSD-7664-Mod 1 assessment. As such, these trips set the traffic generation threshold for which future development of the site should be assessed against. As outlined in **Section 6** of the Updated Transport Assessment (**Appendix G**), the traffic generation proposed under this application is less than the permissible threshold set under SSD 7664 (Mod 1). Table 1 of this report has demonstrated that the proposal is consistent with the Concept Approval (SSD 7664 as modified) and complies with the Conditions of Consent.

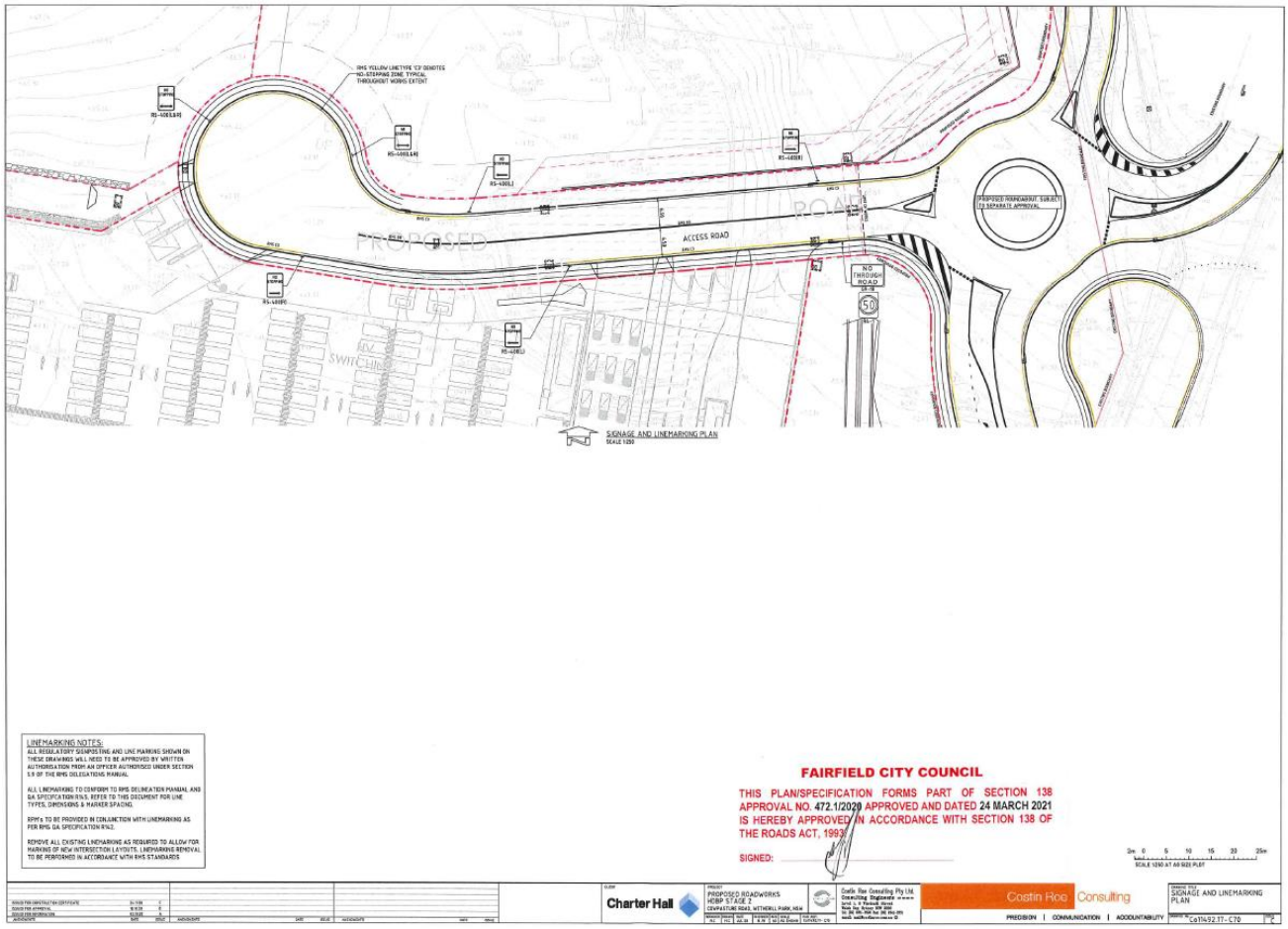

Figure 5 Estate Road Stamped Plans – Section 138 Approval.

Source: Costin Roe Consulting

4.0 Response to submissions

Each issue raised in the submissions received are addressed in this section. As the response has resulted in changes to some of the mitigation measures, an updated table of all proposed mitigation measures is provided at **Appendix C**.

4.1 Consistency with Concept Approval (SSD 7664)

Matters raised in relation to the proposal's consistency with the Concept Approval are outlined and a response is provided in **Table 3** below.

Table 3 Response to consistency with Concept Approval

Issues	Relevant submission	Response
Relationship to SSD-7664: the Department notes that the proposed Modification 3 to SSD-7664 (SSD-7664-Mod-3) has not (at the time of writing) been formally lodged with the Department. The Department will not be able to positively determine the development in the absence of a positive determination of SSD-7664-Mod-3 as the development is not currently consistent with the consent for SSD-7664.	DPE	It is recognised that SSD 17161650 cannot be determined until such time that SSD 7664 Mod 3 has been determined. As outlined at **Table 1** within **Section 1** of this report, the refined proposal has demonstrated compliance with the Conditions of Consent issued under SSD 7664 (subject to determination of Mod 3).

4.2 Traffic and transport

The traffic and transport issues raised are outlined and a response is provided in **Table 4** below.

Table 4 Response to the issues related to traffic and transport

Issues	Relevant submission	Response
Confirm if the development will provide end of trip facilities as these are not apparent in the architectural drawings submitted with the development, however the submitted ESD report states that these facilities 'including bicycle racks' will be provided. Bicycle racks only, are not considered adequate as end of trip facilities.	DPE	All accessible bathrooms will be equipped with showers, which is detailed on the plans within the rooms labelled "ACC" which combines accessible bathroom and end of trip showers. Lockers will be provided by the end user.
The traffic generation rates used for the PM peak (0.176 trips per 100m2 GFA) are different to those used in the amended TA for SSD-7664-Mod-1 which used 0.157 trips per 100m² GFA. Please amend the traffic generations rates accordingly or explain why there is a difference.	DPE	This is a typo and, in fact, the 'approved rate' of 0.157 trips per 100m2 has been adopted for the flows detailed in Table 8 of the Updated Transport Assessment (**Appendix G**).

Issues	Relevant submission	Response
Table 7 states under 'Accessible Parking Provision' that one accessible space will be provided for each building, yet the paragraph underneath states that two will be provided for each building.	DPE	As demonstrated within the Updated Architectural Drawings (**Appendix C**), a single accessible parking space per building is nominated, in accordance with Table 7.
Table 8 and 9 – provide a breakdown that separates heavy and light vehicles, noting that Figure 10 does not provide a clear understanding of predicted heavy vehicle movements. An estimated hourly breakdown (24-hour period) of heavy and light vehicles is to be provided.	DPE	A detailed breakdown of the 24-hr profile of light and heavy vehicles is provided at Section 6 of the Updated Transport Assessment (**Appendix G**). The traffic generation of the proposal is less than the permissible threshold set by SSD 7664 (as modified).
Due to the restrictive heavy vehicle manoeuvring which affects Building 2 and 3 you are required to clearly demonstrate that B-Doubles can be provided adequate space for two sided loading activities which do not then impact other heavy vehicles which are entering and exiting the site / loading docks, noting that the 20m semi-trailer manoeuvring at Building 3 assumes that there is no B-Double parked in the designated loading / unloading area.	DPE	As shown by the swept paths as provided in the Updated Transport Assessment (**Appendix G**), the nominated B-double unhitching area is clear of movements to access / egress nearby recessed dock and roller shutter door (RSD) positions. It should be noted that the unhitching area is only for the separation of trailers and that actual unloading of B-doubles is to occur from the awning area.
Demonstrate at Building 3 that a 20m semi-trailer can leave the middle two loading docks within the northern partially enclosed docks whilst adjoining docks either side are occupied.	DPE	Refer to updated swept path assessment as provided in the Updated Transport Assessment (**Appendix G**).
B-Double loading / unloading zones are to be clearly designated on all swept path analysis provided as well as any restrictions that will be imposed on the site in relation to the number of B-Doubles that will be permitted to service either building at any given time (with appropriate space provided).	DPE	It is not proposed to impose any restrictions on the number of B-doubles accessing the site generally, noting the ability to uncouple the vehicles as required by AS2890.2:2018, with the decision to uncouple and rear-load, or simply side-load at the discretion of future tenants (in accordance with the relevant OTMP). Where B-doubles are to be side-loaded from the RSD area, then it is expected that only 1-2 B-doubles may be present at any one time.
The swept path analysis for the 20m semi-trailer and heavy rigid vehicle (HRV) do not show manoeuvring paths for the two	DPE	As demonstrated within the Updated Architectural Drawings (**Appendix C**), both Warehouse 2 & 3 now facilitate one-way flow and, as such,

Issues	Relevant submission	Response
northern corners or entry and exit paths on Building 3. Given that the B-Doubles cannot pass these points without conflict you are required to demonstrate what classes of vehicle can access the site without conflict.		any perceived conflict between entry and exit movements has been resolved
Loading Dock Management Plan (LDMP) states that B-Doubles will be side loaded. The swept path analysis provided in the TA do not appear to provide adequate space within the designated 'unhitching area' (which is also understood to be the designated loading / unloading area without unhitching occurring) to permit a forklift to operate on the eastern side of the trailers for both Building 2 and 3. The Department understands that curtain side trailers are generally required to be loaded / unloaded from both sides.	DPE	As demonstrated within the Updated Architectural Drawings (**Appendix C**) and the swept path analysis provided in the Updated Transport Assessment (**Appendix G**), the nominated B-double unhitching area is clear of movements to access / egress nearby recessed dock and roller shutter door (RSD) positions. The unhitching area itself is not intended to be used for loading / unloading of goods. B-doubles can unhitch the second trailer before accessing relevant docks as a standard Articulated Vehicle configuration. Alternatively, B-doubles will not unhitch at all and can utilise the awning area and side-load, whilst other RSD are unoccupied. This kind of flexibility is typical to most industrial warehousing facilities and will be managed by way of ongoing management by future tenants. These matters are further addressed within the Updated Operational Traffic Management Plan submitted with this report at **Appendix H**.
Section 2.2 – states that unhitching of B-Doubles may occur to allow trailers to be manoeuvred into the loading docks. A detailed explanation / process of how this happens and how long it takes is to be provided. For example, is the whole B-Double reversed into the loading docks and the rear trailer disconnected with the front trailer reversed into a separate dock? If the whole B-Double is reversed, then appropriate swept paths will need to be provided for both buildings.	DPE	As above, the B-double will pull into the unhitching area at which point the rear trailer is uncoupled. The prime mover and first trailer are then driven to respective loading area as a standard semi-trailer. The prime mover (or another) then returns to the unhitching area, connects to the rear trailer (left in the unhitching area) and then transports the second trailer to another dock position.
Section 4.2 – dot point 4 states that 'trucks entering the site must give way to trucks exiting'. It is not acceptable to have heavy vehicles queuing on the	DPE	As demonstrated within the Updated Architectural Drawings (**Appendix C**), both Warehouse 2 & 3 now facilitate one-way flow and, as such, any perceived conflict between entry

Issues	Relevant submission	Response
estate road and the design of Building 3 is to be amended to not create a traffic conflict zone at the site entrance as is currently the case. The Department notes that Condition B2(c) of SSD-7664 states 'vehicles must not queue on the public road network'.		and exit movements has been resolved.
The LDMP provides little detail on how heavy vehicles will be managed within the site to avoid conflicts or how the traffic management system will be equipped and function or what it includes. Deferral to a later stage prior to occupation is not considered an acceptable outcome given the issues noted above.	DPE	As demonstrated within the Updated Architectural Drawings (**Appendix C**), both Warehouse 2 & 3 now facilitate one-way flow and, as such, any perceived conflict between entry and exit movements has been resolved. Further, an Updated Operational Traffic Management Plan has been prepared by Charter Hall and is submitted with this report at **Appendix H.** As such, a suitable LDMP will be prepared for the purposes of Occupation.
The applicant's OTMP shows, Warehouse 3 is expected to generate 24 vehicle movements (with 7 heavy vehicle movements i.e. 3-4 trucks are anticipated) during the AM and PM peak hours. Based on the applicants' swept path diagrams, the site in its current form would not have the capacity to support the simultaneous movements of 26m B-Double trucks and another vehicle at/near the driveway areas and at the intersections within the site. Where two-way traffic flows are not feasible, the installation of restrictions to allow one-way traffic flow shall be considered. Though the use of the site is unknown at this stage, given the site is in the industrial area, the sites shall not restrict the use by 26m B-Double vehicles. Therefore, the applicant has not submitted sufficient information to demonstrate that the site layout functions satisfactorily to accommodate 26m B-Double vehicles.	Fairfield City Council	As demonstrated within the Updated Architectural Drawings (**Appendix C**), the design of Warehouse 3 has been modified so that both Warehouse 2 and 3 now facilitate one-way flow and, as such, any perceived conflict between entry and exit movements has been resolved.
Unloading/loading along the trafficable area is an issue as it will impact heavy vehicles	Fairfield City Council	As shown by the swept paths provided with the Updated Transport Assessment (**Appendix G**), the

Issues	Relevant submission	Response
turning into and out of the recessed loading docks or maneuvering. Consideration hasn't been given to the provision of designated loading bays to accommodate 26m B-Double vehicles to undertake loading and unloading activities. The applicant has not provided a breakdown of the number of heavy vehicles which are anticipated to use the site throughout the day. They have also not provided information on how the potential conflicts between vehicles using warehouse 2 and 3 will be managed.		nominated B-double unhitching area is clear of movements to access / egress nearby recessed dock and roller shutter door (RSD) positions. B-doubles can unhitch the second trailer before accessing relevant docks as a standard Articulated Vehicle configuration. Alternatively, B-doubles can utilise the awning area and side-load. This kind of flexibility is typical to most industrial warehousing facilities and will be managed by way of ongoing management by future tenants.
The swept path analysis shows that it would be difficult for 25m/26m B-Double vehicles to exit the site (turning left out of the site) onto the Estate Road without crossing the Centre of the road particularly with the worst-scenario where vehicles are parking on the Estate Road at/near the site. In this respect the site layout and access arrangement are not satisfactory. Based on the swept path analysis, the development proposal would impact on the surrounding road network's traffic operations and road safety.	Fairfield City Council	As demonstrated within the Updated Architectural Drawings (**Appendix C**), B-doubles can egress both tenancies without crossing the centreline of the road. Parking restrictions such as No Stopping signs have been installed along the Estate Road (as previously approved).
Council has not approved the use of traffic signal system within a development site in the past and would not support this treatment unless there is no feasible alternative. No information has been provided regarding the operations of the traffic signal system and about how the potential conflicts between vehicles entering and exiting the site will be managed in the event of a power failure or when the traffic signals are malfunctioning. Unless there are no alternatives and there are justified reasons, the use of traffic signal systems cannot be supported. In addition, Council needs to know how enforcement can be undertaken within a development site (private land) should drivers not comply with the traffic signals.	Fairfield City Council	As demonstrated within the Updated Architectural Drawings (**Appendix C**), a signal system is no longer proposed, with a simplified one-way circulation now provided.

Issues	Relevant submission	Response
A previous submission by Council (20 April 2021) identified the above identified concerns including potential traffic impacts from the development on the surrounding road network infrastructure, vehicle conflict on the external estate road due to the location of ingress and egress for warehouses 2 and 3 and heavy vehicle circulation in the northwest corner of Warehouse 3. These concerns are not addressed as part of the documentation submitted with the EIS.	Fairfield City Council	The Updated Architectural Drawings (**Appendix C**) have addressed the matter at the northwest corner of Warehouse 3 and egress onto the Estate Road. Further, the development itself is entirely consistent with the Concept Plan approval SSD 7664 (even representing a slight decrease in GFA). Therefore, the traffic impacts from the development are consistent with, and actually forecast to be slightly less than, that already found to be acceptable as per the approved development.
SSD 7664 forms the concept plan approval for stage 2 of the HDBP. Conditions B1 and B2 of the approval form requirements relating to traffic and access for the future warehouse 2 and 3. It is clear from the EIS that vehicles would be required to stop prior to entering the site and that swept path diagrams submitted with the OTMP show heavy vehicles unable to manoeuver out of the site without clashing. This forms non-compliance with the conditions of SSD 7664.	Fairfield City Council	As demonstrated within the Updated Architectural Drawings (**Appendix C**), both Warehouse 2 and 3 now facilitate one-way circulation with separate entry and exit driveways and, as such, any perceived conflict between entry and exit movements has been resolved.
The truck exit point for Warehouse 2 and Combined Entry / Exit for Warehouse 3 are too close and likely to create confusion to the truck drivers servicing the sites. The access points need to be separated with adequate distance to enable safe entry and exit from the sites.	Fairfield City Council	The design of Warehouse 3 now facilitates a separate entry and exit point, with any perceived conflict between entry and exit movements resolved.
The B-Double trucks shown at the loading docks at Warehouse 3 appear to encroach onto the manoeuvring areas. The truck manoeuvring areas shall be clear of loading unloading areas.	Fairfield City Council	As shown by the swept paths provided with the Updated Transport Assessment (**Appendix G**), the nominated B-double unhitching area, as required by AS2890.2:2018, is clear of movements to access / egress nearby recessed dock and roller shutter door (RSD) positions. Further, the one-way circulation around the warehouse now removes the need for any U-turn manoeuvre. The requirements for loading / unloading of all heavy vehicles, inclusive of b-doubles will be subject

Issues	Relevant submission	Response
		to the future tenant requirements, with some businesses preferring side loading and others utilising rear loading, inclusive of the unhitching of b-doubles for manoeuvring into the required bays. So, it is anticipated that b-double vehicles will either be side-loaded or uncoupled; these manoeuvres will be managed by the required OTMP as necessary by the future tenant. The side loading b-double manoeuvre is shown by the swept paths provided within the update TA. The loading docks will be managed as necessary to facilitate the side loading of a b-double vehicle.
Construction Traffic Management Plan – A Construction Traffic and Pedestrian Management Plan (CTMP) must be prepared prior to the issue of the construction certificate with details of predicted construction traffic movements, routes and access arrangements, and outline how construction traffic impacts on existing traffic, pedestrian and cycle networks would be appropriately managed and mitigated.	TfNSW	Noted.
Operational Traffic Management Plan (OTMP) – An OTMP is required to be prepared prior to occupancy. The OTMP is to be prepared for the site by a suitably qualified person, in consultation with Transport for NSW.	TfNSW	An Updated Operational Traffic Management Plan has been prepared by Charter Hall and is submitted with the RTS report at **Appendix H**.
A Green Travel Plan (GTP) is required to be prepared prior to occupancy.	TfNSW	Noted.
Access and Manoeuvring The proposed access and manoeuvring arrangements must be in accordance with the following requirements: • The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in	TfNSW	Noted.

Issues	Relevant submission	Response
accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement. • The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.12004, AS2890.6-2009 and AS 2890.2-2018 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway. • All vehicles are to enter and leave the site in a forward direction. • All vehicles are to be wholly contained on site before being required to stop. • The proposed development will generate additional pedestrian movements in the area. Pedestrian safety is to be considered in the vicinity.		
The proposed development will increase traffic in the Wetherill Park area resulting in increased travel time for agitator trucks. Agitator trucks are required to transport wet concrete greater distances, causing more congestion and adding unproductive hours to the road user's day. This will impact Hymix ability to service its customers.	Hanson Construction Materials Pty Ltd	A maximum allowable GFA of 88,700m^2 was approved under the Concept Approval (SSD-7664) for the purpose of Warehousing GRA and a smaller amount of ancillary Office GFA. The proposed development complies with the maximum allowable GFA of 88,700m^2. Vehicle movements associated with the proposal are consistent with the traffic generation rates identified under Concept Approval SSD 7664 as demonstrated within the Updated Transport Assessment.

Issues	Relevant submission	Response
The HDBP Stage 2 would, once fully operational, generate 3,225 vehicles per day. As such, this level of traffic generation will present significant issues for the current road infrastructure along Cowpasture Road and Horsley Drive.	Hanson Construction Materials Pty Ltd	Vehicle movements associated with the proposal are consistent with the traffic generation rates identified under Concept Approval SSD 7664 as demonstrated within the Updated Transport Assessment.
The design of the Cowpasture Road/Trivet Street intersection is disappointing. The intersection design should have been designed to accommodate all HPFV multi-combination designs (A-Doubles and B-Triples) as these are and will be the base vehicles supplying these distribution centres in the future. The design should have been simpler and easier to navigate for heavy vehicles without the need to contorted 'traffic calming' devices.	Shaws Darwin Transport Pty Ltd	The design of Cowpasture Road/Trivet Street intersection was approved under a separate application (SSD-7664 as modified). The proposal does not seek to amend the approved intersection.

4.3 Acoustic impacts

The Acoustic issues raised are outlined and a response is provided in **Table 5** below.

Table 5 Response to the issues related to acoustic impacts

Issues	Relevant submission	Response
Page 48 of the EIS, with regard to the Existing Noise Environment: this does not appear to reflect the information provided in the submitted Noise Impact Assessment (NIA), and sources information from a noise report which has not been submitted as part of SSD-17161650.	DPE	The existing noise environment description identified within the EIS relates to Concept Approval SSD 7664. Whilst relevant, reference is made to the Updated Noise Impact Assessment prepared by SLR (**Appendix J**) and Section 2 which describes the Existing Noise Environment as it relates to the proposed Warehouse 2 and Warehouse 3 development. A summary of unattended noise logging results is provided for: • 28 Trivet Street, Wetherill Park. • 70-84 Ferrers Road, Wetherill Park. The attended measurements were generally found to be consistent with the results of the unattended noise monitoring and show that existing ambient noise levels are typically

Issues	Relevant submission	Response
		dominated by industrial noise from the adjacent existing business park and road traffic from the surrounding road network. The nearest major roads are Horsley Drive and Cowpasture Road, which are to the south and east of the development, respectively.
Page 49 of the EIS identified that only one truck will access the site (Buildings 2 and 3) during the night-time which is inconsistent with the information provided in Figure 10 of the Transport Assessment and Table 31 of the Noise Impact Assessment	DPE	The statement contained within the EIS regarding the number of truck movements accessing the site during the night-time period was specifically referencing that 'only one truck is expected to access the development during the worst-case 15-minute period in the night-time' for typical loading dock noise sources. For truck movements accessing the site during the night-time, reference is made to Section 6.1 of the Updated Transport Assessment prepared by Ason Group (**Appendix G**) which identifies a PM peak generation for Warehouse 2 and Warehouse 3 of 40 vehicles. Section 4.2.2 within the Updated Noise Impact Assessment prepared by SLR (**Appendix J**) identified the operation noise sources of which on-site traffic is one. SLR note that of the on-site vehicles modelled at Table 18 within the Updated NIA, the volumes are representative of the worst-case 15-minute period for night-time which identified 1 large truck and 8 light vehicles.
Various figures are quoted between the EIS and NIA regarding noise exceedances at R01 and R02. Please clarify.	DPE	References within the EIS regarding noise exceedances at RO1 (28 Trivet Street, Wetherill Park) and RO2 (70-84 Ferrers Road, Wetherill Park) were taken from an earlier iteration of the Noise Impact Assessment and should be disregarded. Within Section 5.3 within the Updated Noise Impact Assessment prepared by SLR (**Appendix J**), the industrial noise assessment (unmitigated) at Table 28 indicates that noise from the proposal is predicted to comply at most receivers except for exceedances of 2dB and 6dB at R01 during the evening and night-time periods respectively and 3dB at R02 during the night-time period.

Issues	Relevant submission	Response
		The predicted exceedances at R01 are caused by truck movements and loading activities at the Warehouse 3 (the eastern warehouse) hardstand and recessed dock areas. The exceedances at R02 are caused by truck movements and loading activities on the Warehouse 2 hardstand as well as the Warehouse 3 hardstand and recessed dock areas. Feasible and reasonable mitigation measures have been investigated for the development with the aim of reducing noise levels to the Project Noise Trigger Levels are outlined at 5.3.2 of the Updated Noise Impact Assessment and Table 29 provides a summary of the predicated impacts in the noise mitigation scenario. The following measures have been applied to reduce noise emissions: • 3mboundary noise barrier at a setback distance of 2m from the eastern and northern site boundary. • Restricting the use of certain loading docks during the night-timeat Warehouse 2and Warehouse 3. • Use of broadband and/or ambient noise sensing reversing alarms to minimise potentially annoyance. • Roller doors to be kept closed when un/loading is not occurring. At Table 29, the operational noise assessment (mitigated) identifies no exceedances at RO1 or RO2. Table 29 indicates that the proposed mitigation is expected to reduce noise levels to comply with the criteria at all receivers. With regard to sleep disturbance, the predicted night-time LAmax noise levels at the nearest residential receivers are shown in Table 30. These levels include the mitigation levels outlined above. Table 30 shows that maximum noise levels are generally expected to comply with the sleep disturbance screening level. However,

Issues	Relevant submission	Response
		exceedances of the screening level are predicted at R02 from air brake use at the Warehouse 3 hardstand and at R03 from airbrake use at the Warehouse 2 hardstand. It is however noted that no exceedances are identified at RO1 in compliance with Condition B12 under SSD 7664. Whilst Table 30 does identify five (5) dBA exceedance at night at RO2 with regarding to Sleep Disturbance Assessment Screening Levels and two (2) dBA exceedance at RO3, the predicted sleep disturbance exceedances at R02 and R03 are considered of low significance and do not warrant any specific additional mitigation measures due to the following: • The predicted maximum noise levels at the surrounding receivers are expected to be below the levels outlined in the RNP that would be considered to have the potential to cause sleep disturbance • The predicted maximum noise levels are comparable to or lower than existing maximum noise levels from existing vehicles on the surrounding roads • Installation of a noise barrier on the northern boundary of the site is not possible due to topography and because it will also block the overland flow path of a retardation basin north of the site.
Page 49 of the EIS states that Trivet Street experiences heavy vehicles at night. The data source for this information should be provided to the Department as Fairfield City Council (Council) have confirmed that Trivet Street, along the frontage of the site and continuing north is restricted to a five-tonne load limit. It is noted that Council previously advised this during the assessment of SSD-10404.	DPE	The eastern boundary of the site is formed by Trivet Street. Whilst the EIS notes at Page 49 that 'both Trivet Street and Cowpasture Road are closer to RO1 which both have existing heavy vehicles during the night-time', Section 4.2.4 of the Updated Noise Impact Assessment prepared by SLR (**Appendix J**) at Note 1 states: *The volumes for Trivet Street are based on the trip distribution rates previously approved under SSD7664 and SSD7664 Mod1 which have an assumed assignment of Stage 2 traffic as 15% to/from Trivet Street.*

Issues	Relevant submission	Response
		This trip distribution rate has been applied to both heavy and light vehicles to be consistent with previous approvals, acknowledging that there is a 5-tonnelimit on Trivet Street. The modelled scenario is conservative and allows for some non-compliance with load restrictions on Trivet Street. As such, the reference at Page 49 of the EIS is an error.
Page 49 of the EIS states that a 2m high noise barrier will be constructed. Table 34 in the NIA states it will be a 3m high barrier.	DPE	Section 6.2.1 within the Updated Noise Impact Assessment prepared by SLR (**Appendix J**) identifies the feasible and reasonable mitigation measures investigated and a summary of the measures considered is provided at Table 34 of the Updated Noise Impact Assessment. A 3m boundary noise barrier at a setback distance of 2m from the eastern and northern site boundary. This should have a density of at least 10-15 kg/m² and must be maintained as required.
It is noted that the NIA does not propose any mitigation or management measures to address sleep disturbance exceedances (such as extending the proposed noise barrier) or address the requirements of Condition B12 of SSD-7664. The NIA needs to consider the WHO's Night Noise Guidelines for Europe (2009) and the Environmental Noise Guidelines for the European Region: A systematic Review on Environmental Noise and Effects on Sleep (2018). Further guidance is also provided in the NSW Road Noise Policy with reference to enHealth 'as a rule for planning for short-term or transient noise events, for good sleep over 8 hours the indoor sound pressure level measured as a maximum instantaneous value should not exceed approximately 45 dB(A) LAmax more than 10 or 15 times per night'.	DPE	An Updated Noise Impact Assessment prepared by SLR (**Appendix J**). All feasible and reasonable mitigation has been considered to reduce noise levels from the development as far as practicable. This includes various measures such as restricting the use of loading docks during the night-time, use of broadband reversing alarms, and a 3m boundary noise barrier. The location of the 3m noise barrier was specified with consideration of mitigating both LAeq and Lmax sleep disturbance impacts at the nearest receivers. A detailed sleep disturbance assessment is already provided in the NIA, as per the requirements of the Noise Policy for Industry including consideration of the Road Noise Policy and enHealth guidance (see Section 3.3.2.3 and 5.3.3.1 of the NIA). The detailed sleep disturbance assessment found that the predicted

Issues	Relevant submission	Response
The detailed assessment should consider all feasible and reasonable noise mitigation measures with a goal of achieving the noise trigger levels as per the NPfI, including but not limited to negotiated agreement.		maximum noise levels are below the levels outlined in the Road Noise Policy that would be considered to have the potential to cause sleep disturbance (ie an awakening response or impact good sleep) and are comparable to or lower than existing maximum noise levels from existing vehicles on the surrounding roads. The NIA concluded that based on the this, the predicted sleep disturbance exceedances are considered of low significance and do not warrant any specific mitigation measures (other than those already considered and recommended in the NIA).
Page 25 of the NIA states Building 3 recessed loading docks activities are described as occurring “internally”. Further explanation of this is required as the architectural drawings do not show the loading dock parking area being fully enclosed. What assumptions made in this regard were carried over to the existing noise model?	DPE	The Updated Noise Impact Assessment (**Appendix J**) states that "Loading and unloading at the recessed loading docks of Warehouse 3 would be completed internally". Trucks reverse into the recessed loading dock parking area and are located externally at all times, which is reflected in the modelling. Loading activities would be completed internally, from within the warehouse. The recessed loading dock parking area is not enclosed.
Page 25 of the NIA – what assumptions have been used to inform the position that internal noise generation activities are expected to be minimal? If a forklift has a sound power level of 93 dBA and its reversing alarm is 102 dBA how is an internal sound power level of 75 dBA assumed? Are some comparable real-world examples available to support the assumptions provided.	DPE	As outlined within the statement response to matters raised by DPE (submitted with the Updated Noise Impact Assessment at **Appendix J**), SLR has advised that the future tenants of the warehouses would likely be associated with general warehousing, logistic and distribution centres, offices, or hardware and building supplies. The development would not be used for manufacturing, heavy industry, or any other internal uses which are known to result in significant noise emissions. Internal activities of future tenants would generally be associated with typical warehousing activities. Loading activities are expected to result in some of the higher noise emissions from the development and these have been modelled in the outside loading dock areas in all time periods, where appropriate. Loading at the recessed loading docks would

Issues	Relevant submission	Response
		be completed inside the warehouses, with a truck in position at the opening. Noise breakout from this activity would be minimal given the construction of the warehouses. An internal sound power level of 75 dBA has been included to cover general internal activities, based on observations of loading activities at similar warehouse facilities.
The Department notes that whilst an operator for the site is unknown, the NIA has not represented the broad range of operations that might be reasonably anticipated at such a development as the one proposed. There is also no assurance the NIA has captured the worst- case noise emission scenario. A detailed source emission inventory needs to be established to describe how noise would be generated by each operational activity (e.g. internal, external), each type of truck (e.g. rigid truck, semi-trailer and B-double), the specific vehicle manoeuvre (e.g. up ramp, down ramp, reversing, general forward movement) that would be performed, and any incidental noise that would be generated by the goods handling process. Further, a plain English description of how noise would be generated by the operation of the development should be included.	DPE	The project is in the early design stages and the future tenants are currently unknown. Several assumptions have been made regarding the future tenants and sources of noise, based on the likely uses which may include logistic and distribution centres, offices, and hardware and building supplies. These assumptions have been used to develop representative worst-case noise modelling scenarios that reflect the highest noise emissions that the development would likely emit. All identified potential sources of noise are already specified in the Updated Noise Impact Assessment in Section 4 (**Appendix J**). Trucks and loading activities are expected to result in some of the higher noise emissions from the site. The modelling parameters for trucks are provided in Table 18 of the NIA, which states that the sound power level used in the modelling of trucks is conservatively based on 'large trucks' (from the Federal Highway Administration's Traffic Noise Model) operating at slow speed for 80% of the time and accelerating for 20% of the time. Trucks on estate roads are travelling at 25 km/h and truck in loading areas are 5 km/h. A plain English statement of how the development has been added to the revised NIA and is provided below: The proposed development includes two light industrial warehouse buildings with car parking spaces, hardstand loading areas, ancillary office spaces and utilities buildings. The proposed development would be used for general warehousing and logistics operations. Building/Warehouse 2 would be suited to a wide range of occupiers with the potential to have faster moving goods given the longer dock

Issues	Relevant submission	Response
		face, drive around access and large super awning. Users could include 3PLs (third party logistics operators), e-commerce retailers, conventional business to business discretionary retailer, or corporate headquarters for conventional warehousing and distribution. Building/Warehouse 3 would have a narrower range of occupiers because of the few docks relative layout inefficiencies. It is likely that users would have less frequent vehicle movements, store slower moving goods and may include ancillary features such as small showrooms or product displays. Users could include building materials suppliers (plumbing/bathroom supplies, or similar), discretionary retails storing larger, slower moving items (ie furniture, large electronics, etc), or 3PLs with specific contracts that may have slower moving goods. The development has been designed to accommodate a range of freight vehicles up to B-doubles. Unloading would take place on the hardstands and/or recessed loading docks. Internal operations could include manual loading, forklift use and potentially minor automation including autonomous mobile robots (AMR) and basic sortation equipment. There would be no use of overhead gantry cranes or other manufacturing equipment within the facility. The main sources of operational noise at the development are expected to include: • On-site light and heavy vehicle movements. • Loading dock activities within breezeways. • Mechanical plant. • Off-site vehicle movements.
Page 25 of the NIA – if the site is intended to operate 24 hours, 7 days, is there a reason the smoke extraction fans do not operate in the evening or night-time periods?	DPE	The operation of the smoke extraction fans only during the daytime period is based on information provided. Smoke extraction fans will generally only run if being tested or in response to a fire. They are not designed to be constantly run for occupant comfort. It is expected that the fans will be operated during infrequent brief testing meaning their inclusion in the assessment is conservative.

Issues	Relevant submission	Response
Page 25 of the NIA – explain why the development would have such a range of air conditioning systems with such variable sound power levels?	DPE	The sound power levels were provided by the project team's mechanical engineer and are based on measurements adjacent to typical examples of the units that would likely be installed.
Table 31 of the NIA - If 21 trucks are expected across night-time period across both buildings and half attributed to Building 3, is this not comparable to 20 - 22 movements (in and out) and therefore is more than 10 events?	DPE	The highest night-time maximum noise events are associated with truck airbrakes which are expected to potentially be used when stopping on entry to the loading dock area at Warehouse 3 (eastern warehouse). With the access changes, trucks will exit the site without having to double back along the access road. The changes have reduced the potential noise impacts at the nearest receivers. The mitigation required to meet the Project Noise Trigger Levels has been re-evaluated based on the lower impacts.
Table 34 - More detail is needed on what restricting the use of loading areas for the development involves. What is the estimated noise reduction for each of the proposed mitigation options?	DPE	The Updated Noise Impact Assessment (**Appendix J**) details the recommended loading dock restrictions in Section 6.2. This includes: • Warehouse 2 (western warehouse) loading activities restricted to the areas shown in Figure 7 during the night-time period. The proposed measures are predicted to provide up to 7 dB noise benefit at receiver R01 and 3 dB noise benefit at receiver R02.
Should the figure 'Site Operations – Evening (Mitigated) show the night loading area for Building 3 as per figure Site Operations – Night – Warehouse 3 (Mitigated) which would also then be consistent with the description in Table 34? It is also noted that the Site Operations – Night – Warehouse 3 (Mitigated) Recessed Loading Docks (Unmitigated) and the Site Operations – Night – Warehouse 3 (Mitigated) show what appear to be identical noise contours which seems counterintuitive given they are pre and post mitigation.	DPE	The Updated Noise Impact Assessment (**Appendix J**), including grid noise maps, has been updated to reflect the revised site layout, which includes separate entrances and exits for trucks, revised locations for mechanical plant, and minor updates to the general layout.
Provide a 'Site Operations – Night' Unmitigated and	DPE	The previous NIA already provided noise contour plans for the modelled

Issues	Relevant submission	Response
Mitigated noise contour plans.		night-time mitigated and un-mitigated scenarios. The Updated Noise Impact Assessment (**Appendix J**),has been updated to reflect the revised site layout.
Table 18 assumes a worst case of three heavy vehicles in a 15 minute period (evening) and one heavy vehicle in a 15 minute period (night), yet directly below under 'Loading Docks' it states that three loading docks could be used concurrently in the evening period and two during the night period. These appear inconsistent.	DPE	This is a typo. The sentence has been corrected in the revised NIA to read "It is assumed that five loading docks could be concurrently used during the daytime, three during the evening period, and one during the night-time."

4.4 Landscape design

Landscape design matters raised are outlined and a response is provided in **Table 6** below.

Table 6 Response to the issues related to landscape design

Issues	Relevant submission	Response
The proposed landscape plan only includes two species of medium to large trees (Corymbia maculata and Brachychiton acerifolius) or 9 trees total.	EES	An Updated Landscape Concept Plan has been prepared by Geoscapes Landscape Architects (submitted with this report at **Appendix D**) incorporating additional species of medium to large trees into the updated design.
A further 40 small to medium trees are proposed with 23 of these being Tristaniopsis laurina.	EES	An Updated Landscape Concept Plan has been prepared by Geoscapes Landscape Architects (submitted with this report at **Appendix D**) incorporating additional species of medium to large trees into the updated design.
Consideration should be given to increasing the number of medium - large trees in the proposed landscaping of the site. Increasing the setback of the driveway from the northern boundary and increasing the planting space would allow for additional planting along the boundary. Incorporating a planting bed along the western boundary would also provide an opportunity for further planting.	EES	An Updated Landscape Concept Plan has been prepared by Geoscapes Landscape Architects (submitted with this report at **Appendix D**) incorporating additional species of medium to large trees into the updated design.
All trees proposed are specified with a 45L pot size. Minimum pot sizes for trees should be increased to 100L where	EES	Further to the additional planting, the minimum pot sizes for the proposed trees has been increased to 100L.

Issues	Relevant submission	Response
possible, particularly for slow growing species such as Tristaniopsis laurina		

4.5 Air Quality impacts

The Air Quality matters raised are outlined and a response is provided in **Table 7** below.

Table 7 Response to the issues related to air quality impacts

Issues	Relevant submission	Response
Section 2.5.2 of the Air Quality Assessment – there are predicted traffic volumes included within the TA and therefore the approach taken in the Air Quality Assessment (AQA) is not considered justified and shall be re- evaluated.	DPE	An Updated Air Quality Assessment has been prepared by SLR (**Appendix I**) that has considered the updated traffic generation rates for Warehouse 2 and Warehouse 3 as per the Updated Transport Assessment prepared by Ason Group (**Appendix G**). The Updated Transport Assessment indicates that the traffic generation due to operation of warehouse 2 and warehouse 3 is 320vpd and 216 vpd respectively. A general risk assessment associated with the warehousing operations is provided at Section 5.2 of the Updated Air Quality Assessment.
Table 6 of the Air Quality Assessment predicts less than 10 heavy vehicles movements (construction) will occur per day. Section 7.2 of the TA estimates that there would be a peak of 170 heavy vehicles per day with a maximum peak of 17 movements per hour. The assumptions, assessment and conclusions of the AQA are required to be revised in full and ensured to be consistent with the information provided across the EIS and other relevant specialist reports.	DPE	An Updated Air Quality Assessment has been prepared by SLR (**Appendix I**) that has considered revised heavy vehicle movements per day as per the Updated Transport Assessment prepared by Ason Group (**Appendix G**). Table 6 of the Updated Air Quality Assessment has been amended to reflect more than 50 heavy vehicle movements per day and the assessment and conclusions of the Air Quality Assessment have been revised accordingly.
Section 5.2 - Confirm if the development is intending on adopting the recommendations regarding the retention and expansion of the vegetation to assist in reducing air quality impacts on nearby residential areas? The Department notes that the northern boundary is	DPE	Section 5.2 of the Updated Air Quality Assessment states: *It is recommended that a vegetative buffer between the Site and the existing sensitive receptors is incorporated within the proposed landscaping design, located to the east and west of the Site, as this will*

Issues	Relevant submission	Response
devoid of any landscaping (except the north-east corner) and the prevailing winds are from the south west.		*assist in screening the existing residents from any air impacts.* As demonstrated in the Updated Landscape Concept Plans submitted at **Appendix D**, the proposal ensures that an extensive vegetation buffer has been incorporated into the design in accordance with the recommendations of the Air Quality Assessment. A landscaping buffer to the north of the site along the boundary is not possible due to the presence of retaining walls approved under SSD 7664. The proposed finished level of the pavement along the northern boundary is also lower than the typography along the northern boundary, making a landscaping buffer at the bottom of the retaining wall ineffectual in mitigating impacts

4.6 Flooding

Matters relating to flooding are outlined and a response is provided in **Table 8** below.

Table 8 Response to matters related to energy

Issues	Relevant submission	Response
The flood modelling report prepared for SSD 7664, Horsley Drive Business Park – Stage 2 (Costin Roe, December 2016) indicates that flooding impacts under the post-development scenario will be addressed by local drainage networks along with on-site detention facilities. The development is expected to be impacted under the PMF event with a floodwater depth of 0.3m with exit routes from the site likely to be interrupted due to a floodwater depth of 1m and higher. The flooding risks under the PMF event can be addressed and mitigated for the proposed development through site specific provisions including emergency management procedures and facilities along with shelter-in-place options since the duration of the PMF	EES	Noted.

Issues	Relevant submission	Response
event would be around two hours. The submitted Civil Engineering Report (Costin Roe, September 2021) has outlined these risks briefly, which need to be elaborated and integrated in the design, construction and operational stages of the development. EES does not have any specific concerns subject to the development and implementation of risk management plans as outlined above, for addressing and mitigating flooding risks under the PMF event at the site.		

4.7 Water

Matters relating to water are outlined and a response is provided in **Table 9** below.

Table 9 Response to the issues related to air quality impacts

Issues	Relevant submission	Response
WaterNSW owns and manages the Upper Canal corridor that forms the western boundary of Horsley Drive Business Park. The corridor is a 'Controlled Area' declared under the Water NSW Act 2014 and its associated Regulation. The Upper Canal is a critical component of Sydney's bulk water supply infrastructure and is also State Heritage listed. WaterNSW acknowledge that the majority of physical site constraints and required environmental impact management measures that would impact on the Upper Canal Corridor have been addressed in the approved SSD-7664 and SSD-10404.	WaterNSW	It is recognised that the applicant has addressed comments from WaterNSW provided during consultation, and that the EIS has adequality considered the key environmental impacts related to the project. To ensure no impact on the Upper Canal Corridor and the environment, WaterNSW requests that the proposed mitigation measures and management practices outlined in the EIS and supporting documents are conditioned.
Water servicing	Sydney Water	Noted.

Issues	Relevant submission	Response
Potable water servicing should be available via an extension from the 315mm water main in Cowpasture Road, complying with the Water Services Association of Australia (WSAA) code – Sydney Water edition.		
Wastewater servicing Wastewater servicing should be available via an extension from the existing 300/375mm sewer main located beyond the site, complying with the Water Services Association of Australia (WSAA) code – Sydney Water edition.	Sydney Water	Noted.
Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 application.	Sydney Water	Noted.

4.8 Environmental protection

Matters relating to Environmental protection are outlined and a response is provided in **Table 10** below.

Table 10 Response to the issues related to environmental protection impacts

Issues	Relevant submission	Response
Based on the information provided, the proposal does not appear to require an environment protection licence under the Protection of the Environment Operations Act 1997. Furthermore, the EPA understands that the proposal is not being undertaken by or on behalf of a NSW Public Authority nor are the proposed activities or other activities for which the EPA is the appropriate regulatory authority. In view of these factors, the EPA has no comments to provide on this project and no follow-up consultation is required, Fairfield City Council should be consulted as the appropriate regulatory authority for the Protection of the Environment Operations Act 1997 in relation to the proposal.	EPA	Noted.

4.9 ESD

Matters relating to ESD are outlined and a response is provided in **Table 11** below.

Table 11 Response to the issues related to environmental protection impacts

Issues	Relevant submission	Response
Solar Array Section 3.3 of the ESD Report prepared by Northrop – is the proposed 100 kW solar array split across the two buildings or do each building receive a 100 kW solar array?	DPE	An Updated ESD and Greenhouse Gas Assessment has been prepared by Northrop and is submitted with this report at **Appendix K**. The updated report confirms that a 100kW solar array for each building is proposed.
Rainwater Harvesting Section 6.2 of the Civil Engineering Report prepared Costin Roe – a nominal rainwater tank size of 20 kL per building seems inadequate given the amount of roof area available for collection and that all rainwater is proposed to be utilised for washdown, toilet flushing and landscaping irrigation.	DPE	The nominal tank size of 20kL as nominated on the development drawings (as exhibited) has been reviewed by Charter Hall and Costin Roe. Whilst it is recognised that the roof size may allow for greater catchment of water to necessitate larger tanks, as outlined within the Updated Civil Engineering Drawings (**Appendix E**) and Updated Civil Engineering Report (**Appendix F**), the final tank size will be subject to detailed analysis during the construction certificate stage by a suitably qualified Hydraulic Engineering Consultant to ensure the proposed tank is of a suitable size to meet the needs of the development with regard to washdown, toilet flushing and landscaping irrigation.

4.10 Energy

Matters relating to energy are outlined and a response is provided in **Table 12** below.

Table 12 Response to matters related to energy

Issues	Relevant submission	Response
An extension and / or augmentation of the existing local network will be required. However the extent of any works required will not be determined until the final load assessment is completed.	Endeavour Energy	Noted.
The Architectural Drawings Plans show the provision of two padmount substations. The padmount substation will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to	Endeavour Energy	Noted.

Issues	Relevant submission	Response
Endeavour Energy. Please refer to Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'.		
Generally it is the Level 3 Accredited Service Provider's (ASP) responsibility (engaged by the developer) to make sure that the substation location and design complies with Endeavour Energy's standards the suitability of access, safety clearances, fire ratings, flooding etc.	Endeavour Energy	Noted.
Endeavour Energy is urging applicants /customers to engage with an Electrical Consultant prior to finalising plans to in order to assess and incorporate any required electricity infrastructure. In so doing the consideration can also be given to its impact on the other aspects of the proposed development. This can assist in avoiding the making of amendments to the plan or possibly the need to later seek modification of an approved development application.	Endeavour Energy	Noted.
Not all the conditions / advice marked may be directly or immediately relevant or significant to the Development Application. However, Endeavour Energy's preference is to alert proponents / applicants of the potential matters that may arise should development within closer proximity of the existing and/or required electricity infrastructure needed to facilitate the proposed development on or in the vicinity of the site occur.	Endeavour Energy	Noted.

4.11 Fire safety

Matters relating to fire safety are outlined and a response is provided in **Table 13** below.

Table 13 Response to the issues related to fire safety

Issues	Relevant submission	Response
FRNSW note that currently both warehouses are speculative developments with no assigned tenants and as such	FRNSW	Noted and agreed.

Issues	Relevant submission	Response
recommendations will be limited to the following: A State Environmental Planning Policy No. 33 (SEPP 33) assessment has been undertaken by Riskcon Engineering in the event that future tenants require the storage of materials classified as Dangerous Goods (DG). The storage of DG present unique risks to attending firefighters and as such, FRNSW would like the opportunity for comment if or when the storage of DG at the development site is proposed. During an emergency, firefighters require efficient and effective access for a rapid and unhindered response. Provisions for adequate emergency vehicle access must be incorporated into the development site design in line with Fire Safety Guideline - Access for Fire Brigade Vehicles and Firefighters. As additional details become available Fire & Rescue NSW requests to be consulted with respect to the proposed fire and life safety systems and their configuration at the project's preliminary and final design phases. While there is currently no requirement for a Fire Safety Study, FRNSW may request one be undertaken at a later stage should information be provided such it is deemed that the development poses unique challenges to the response to and management of an incident.		

4.12 Dangerous goods

Matters relating to the storage of dangerous goods are outlined and a response is provided in **Table 14** below.

Table 14 Response to the issues related to

Issues	Relevant submission	Response
The proposal references significant storage of aerosols in both warehouses 2 and 3.	SafeWork NSW	As identified within the Dangerous Goods Assessment submitted with the EIS, the quantities provided are not the actual amounts to be stored

Issues	Relevant submission	Response
Clarification is required with regards the contents of the aerosols. For example, are they flammable products such as solvents, degreasers and paints, or non-flammable cosmetic and household type products, or a combination?		but rather identify maximum values for which approval is sought. As specific end tenants remain unknown, the exact detail and specific compositions of dangerous goods cannot be provided.
Riskcon states in the SEPP33 dangerous goods assessment that the quantity of flammable gases is based upon the assumption that 25% of the aerosol product weight is LPG. This approach of counting only the propellant fraction ignores the potential flammability of the product in the aerosol can (refer to point 1 for example, solvent or degreaser, as distinct from the propellant). Therefore, the quantities specified are questionable. Flammable aerosols are classified Division 2.1 based on the flammability of the mixture in the finished product, regardless of whether the flammability derives from the delivered substance or the propellant.	SafeWork NSW	Regarding Class 2.1 aerosols, the predominant storage across similar RDC's is comprised of household aerosol products containing only flammable LPG propellant of approximately 25% volume of the can. Upon receiving detailed information from prospective tenants about the proposed DG storage, further assessment will be completed to ensure compliance with applicable standards (i.e. AS 3833-2007), which will likely entail confirmation of the flammability of aerosol products as well as propellants. Again, the quantities proposed in the SEPP 33 assessment are absolute maximums and are merely proposed for the sake of approval. The storage of each DG class will likely be far less than this. Additionally, the maximum permissible storage of flammable gases per the SEPP 33 assessment and General Screening Thresholds is 10 tonnes. This is 5% of the limit for a Major Hazard Facility and so this is not a concern whatsoever. It is unreasonable to assume that the retail storage of aerosols will result in a Major Hazard Facility.
Whilst it is unlikely that the SEPP 33 threshold will be exceeded the quantity of flammable gases needs to be accurately calculated as the threshold for being a major hazard facility is set at 200 tonnes and at 20 tonnes to be determined as a potential major hazard facility. The site will most likely be determined as a potential major hazard facility and as such notification will be required to SafeWork NSW under clause 537 of the Work Health & Safety Regulation 2017.	SafeWork NSW	Noted and agreed. Notification to SafeWork is required when storage exceeds the Manifest quantities defined in Schedule 11 of the NSW WHS Regulation 2017 which is 10,000 L for aerosols. Prospective tenants are unlikely to store a volume of aerosols exceeding manifest quantity and therefore Notification is not likely to be required. This will be more closely assessed once a tenant provides detailed information regarding proposed DG storage.

4.13 Matters of National Environmental Significance

Matters of National Environmental Significance relating to the storage of dangerous goods are outlined and a response is provided in **Table 15** below.

Table 15 Response to the Matters of

Issues	Relevant submission	Response
Matters of National Environmental Significance have not been addressed	DPE	Australia's national environmental law is called the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act). The EPBC Act makes sure that 'nationally significant' animals, plants, habitats and places are identified, and any potential negative impacts on them are carefully considered before changes in land use or new developments are approved. Matters of National Environmental Significance (MNES) have been identified as having the potential to occur within the development site. A Biodiversity Development Assessment Report (BDAR) was prepared by Ecoplanning (dated 24 November 2016) in support of SSD 7664 as part of the approval for Concept Proposal and Stage 1 works for the establishment of a warehouse, distribution and industrial facility at the Horsley Drive Business Park Stage 2 within the Western Sydney Parklands (WSP). This report assesses impacts to MNES and concludes that the development is not likely to have a significant impact on MNES. The BDAR identified that although most of the development site is dominated by non-native vegetation such as blackberry and pasture grasses, two native vegetation types were identified. Most native vegetation within the development site is consistent with the description of Cumberland Plain Woodland in the Sydney Basin Bioregion, a critically endangered ecological community (CEEC). Field survey confirmed that, due to the degraded condition of the vegetation onsite and the distance

Issues	Relevant submission	Response
		between patches, the areas of CPW do not meet the definition of the threatened ecological community as listed on the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) (CoA 2010). An updated BDAR was prepared by EcoLogical (dated 7 April 2020) in relation to a Modification to SSD 7664. The updated BDAR recognised that the EPBC Act establishes a process for assessing the environmental impact of activities and developments where MNES may be affected. Under the Act, any action which "has, will have, or is likely to have a significant impact on a matter of MNES" is defined as a "controlled action", and requires approval from the Commonwealth Department of the Environment and Energy (DoEE), which is responsible for administering the EPBC Act. A habitat assessment and Likelihood of Occurrence was completed for listed threatened species that represent MNES. One MNES, Pteropus poliocephalus (Grey-headed Flying-fox), was assessed under the EPBC Act. Given Matters of National Environmental Significance have been dealt with under SSD 7664 and the subsequent Modification Application, further assessment as part of SSD 17161650 is not warranted. Provided the proposal is undertaken in accordance with SSD-7764 (as modified), the construction of Buildings 2 and 3 for SSD-17161650 will have no biodiversity impacts.

5.0 Updated project justification

This RtS has been prepared by Ethos Urban on behalf of Charter Hall to meet the requirements Section 4.39 of the Environmental Planning and Assessment Act 1979.

The RtS provides an amended proposal and is supported by additional environmental assessment and consultation.

In particular, the revised proposal:

- Will result in an improved design to allow for increased functionality with regard to access and circulation of heavy vehicles.
- Is supported by additional environmental assessment and investigations that address submissions made by the public and government authorities.

Having regard to biophysical, economic, and social considerations, including the principles of ecologically sustainable development, the carrying out of the project is justified for the following reasons:

- The proposal will increase employment/industrial land stocks.
- Maintain employment objectives.
- Promote key local industries.
- Generate more employment during planning, construction, operation and maintenance stages.

It is anticipated that the proposed Horsley Park Business Park Stage 2 (Buildings 2 and 3) will generate:

- 140 to 175 FTE direct jobs (operational) (subject to variables such as economic growth trajectory).
- 150 to 190 indirect and induced jobs outside the proposed development at the subject site (i.e., indirect, and induced jobs).
- 70 to 80 FTE jobs per annum directly in the construction industry and a further to 110 to 120 FTE jobs per annum indirectly (assuming 1.5 years of construction).
- increased spending by those employed directly and indirectly by the development benefitting local supermarkets, car dealerships and hotels.

The proposed works will facilitate the following economic outcomes for the site and immediate region:

- the provision of approximately 24,523m² of gross floor area warehouse floorspace (also include 965m² of other floorspace for warehouse amenities and ancillary office), and therefore contribute to achieving the anticipated employment growth for the Fairfield LGA, without a discernible impact on overall capacities across the Greater Western Sydney region.
- employment of up to 175 FTE direct workers when fully operational. This could generate an Industry Value Added (IVA) of close to $18 to $23 million per annum.
- job creation and a potential increase in Fairfield LGA's self-containment level, decreasing the proportion of workers who travel outside of Fairfield LGA for work.
- generation of an Industry Value Added (IVA) of approximately to $18 to $23 million per annum.

The environmental impact assessment of the proposed development has demonstrated that the development will have an overall positive social and economic impact.

Given the merits described above it is requested that the application be approved.