ASCENT LOGISTICS CENTRE, ALEXANDRIA SSD-32489140

Submissions Report

Prepared for
CHARTER HALL HOLDINGS PTY LIMITED
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URBIS

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EXECUTIVE SUMMARY

This Submissions Report has been prepared on behalf of Charter Hall Holdings Pty Limited (**Charter Hall**) to address the matters raised by government agencies, local Council, the community and relevant stakeholder groups during public exhibition of the proposed Ascent Logistics Centre development at 520 Gardeners Road, Alexandria

The State Significant Development Application (**SSDA**) was lodged with the Department of Planning and Environment (**DPE**) in accordance with clause 12, Schedule 1 of *State Environmental Planning Policy (Planning Systems) 2021*.

DPE issued letters to the Applicant on 10 May and 19 May 2022 requesting a response to the issues raised during the public exhibition of the application. The following specific matters were identified by DPE in their Request for Additional Information:

- Traffic and Vehicle Access
- Operational Noise
- Air Quality Impact
- Operational Details of the Development
- Aboriginal Cultural Heritage
- Urban Design Impact
- Landscaping
- Development Description.

This Submissions Report outlines the proposed refinements and clarifications and responds to all concerns raised within submissions.

Overview of Submissions

The SSDA was on public exhibition between 12 April and 9 May 2022. A total of 11 submissions were received from NSW government agencies, City of Sydney and Bayside Councils, and three individuals. The agency submissions included:

- Transport for NSW (TfNSW)
- Heritage NSW
- Sydney Water
- Ausgrid
- Sydney Airport.

The key issues raised in the submissions can be broadly grouped into the following categories:

- The project
- Procedural matters
- Environmental impacts
- Justification and evaluation of the project

Based on the above categories, this Submissions Report provides a response to the key issues at **Section 4.**

Actions Taken Since Exhibition

Since the SSDA was publicly exhibited, the Applicant has undertaken further consultation with City of Sydney Council and TfNSW to discuss the issues raised within their submissions. Updated and additional assessments have also been prepared to respond to the issues raised within the submissions. These include:

- Traffic Assessment
- Noise and Vibration Impact Assessment
- Air Quality Impact Assessment
- Design Report
- Environmental Site Investigation Audit.

Response to Submissions

The Applicant has made minor refinements to the proposal in response to the submissions and stakeholder consultation. The key changes are summarised as follows:

- Existing tree retained and refinement of pedestrian access in north west site corner.
- Inclusion of pervious grass pavers at ground level.
- Removal of ventilation voids and provision of larger planters and additional landscaping at second floor level.
- Façade design and patterning amended and simplified.

The scale and nature of the proposed changes to the development as originally proposed does not warrant the preparation of an Amendment Report.

Updated Justification and Evaluation

This EIS assesses the development in accordance with relevant planning instruments and policies and outlines the mitigation measures to be implemented to avoid unreasonable or adverse environmental effects. Additionally, the proposed development satisfies the Secretary's Environmental Assessment Requirements (**SEARs**) issued for the project.

The key issues for all components of the project identified in the SEARs have been assessed in detail, with specialist reports underpinning the key findings and recommendations. It has been demonstrated that for each of the likely impacts identified in the assessment of the key issues, the impact will either be positive or can be appropriately mitigated.

Overall, it is concluded the proposal represents a positive development outcome for the site and surrounding area for the following reasons:

- **The proposal is consistent with state and local strategic planning policies:**

  The proposal is consistent with the relevant goals and strategies contained in:

  – *Greater Sydney Region Plan: A Metropolis of Three Cities*
  – *Our Greater Sydney 2056: Eastern City District Plan*
  – *City of Sydney Local Strategic Planning Statement*
  – *Future Transport Strategy 2056*
  – *Better Placed.*

- **The proposal satisfies the applicable local and state development controls:**

  The proposal is permissible with consent and satisfactorily addresses the relevant statutory requirements of the relevant environmental planning instruments, including

  – *State Environmental Planning Policy (Planning Systems) 2021*

  – *State Environmental Planning Policy (Transport and Infrastructure) 2021*

  – *State Environmental Planning Policy (Resilience and Hazards) 2021*

  – *State Environmental Planning Policy (Industry and Employment) 2021*

  – *Sydney Local Environmental Plan 2012* (**SLEP 2012**).

- **The design responds appropriately to the opportunities and constraints presented by the site:**

  – The design responds to the corner position of the site as well as neighbouring land uses and the surrounding built form, to deliver an attractive, modern warehouse and distribution facility.

  – The design utilises both Gardeners and Bourke Roads to facilitate one-way circular vehicle movement and separation of heavy vehicle and car movements.

  – The built form responds to both functional and spatial requirements to achieve a state-of-the-art warehouse and distribution centre which is compatible with the character of the locality, including both industrial and mixed-use development.

  – The proposal seeks to present a built form, façade treatment and materiality that enhances the quality of the site, complemented by new landscaping to deliver an improved streetscape.

- **The proposal is highly suitable for the site:**

  – The warehouse and distribution centre use in permitted in the IN1 zone and satisfies the zone objectives, including delivery of new warehousing and associated employment opportunities in an appropriate manner which minimises adverse effect of industry on other land uses.

  – The development satisfactorily responds to the relevant provisions in SLEP 2012 and Sydney Development Control Plan 2012 (**SDCP 2012**) including acoustic amenity, built form, setbacks, car parking and landscaping.

  – The site is within an established industrial area and the character and scale of the development is compatible with the adjoining and surrounding development.

  – The site is highly accessible to transport and regional freight networks and the rail network and optimises use of a brownfield site to deliver sustainable development.

- **The proposal is in the public interest:**

  – The proposal is consistent with relevant State and local strategic plans and substantially complies with the relevant State and local planning controls.

  – The proposal will provide up to 274 jobs during the construction phase, and up to 659 jobs once complete and fully operational. The proposal will stimulate local investment and contribute significant economic output and value add to the economy each year. This project is fully funded and ‘shovel ready’ for commencement of construction as soon as possible next year.

  – Subject to the implementation of the mitigation measures recommended by the specialist consultants, there will be no unacceptable, social or economic impacts during the construction and ongoing operation of the facility. Based on the assessment of noise, air quality and traffic, the proposal will not result in any adverse cumulative impacts.

  – Any issues identified during the community and stakeholder engagement have been addressed through the assessment of the impacts of the modified project.

In view of the above, it is considered that this SSD Application has significant merit and should be approved subject to the implementation of the mitigation measures described in this report and supporting documents.

1. INTRODUCTION

This Submissions Report relates to the proposed Ascent Logistics Centre at 520 Gardeners Road, Alexandria (**the site**). On behalf of Charter Hall (**the Applicant**), this Submissions Report has been prepared to address the matters raised by public agencies, local Council, the community and other relevant stakeholders throughout the public exhibition period.

The State Significant Development Application (**SSDA**) was lodged with the Department of Planning and Environment (**DPE**) in March 2022 (SSD-32489140). The SSDA was placed on public exhibition for 28 days between 12 April and 9 May 2022.

This Submissions Report has been prepared in accordance with the DPE *State Significant Development Guidelines – Preparing a Submissions Report (Appendix C) July 2021.*

1.1. EXHIBITED PROJECT

The proposal is for a state-of-the-art multi-level warehouse and distribution facility of a high-quality design that respects and contributes to the local context. The proposal will optimise the use of a vacant industrial site to deliver a variety of employment opportunities on site, whilst minimising any potential impacts on local amenity.

The SSDA seeks consent for:

- Site preparation including minor bulk earthworks.
- Upgrades to existing on-site infrastructure.
- Construction, fit out and operation of a three-level warehouse and distribution centre comprising approximately 27,509m^2 GFA including:
  - 21,952m^2 of warehouse and distribution GFA; and
  - 5,557m^2 GFA of ancillary office space.
- Approximately 3,478m^2 of hard and soft landscaping at ground level and an additional 2,234m^2 of soft landscaping at second floor level.
- Replacement of the existing vehicular access from Bourke Road with two new access driveways from Bourke Road and widening of the Gardeners Road vehicular access.
- Provision of internal vehicle access routes, two-level central breezeway and loading docks.
- Provision of 64 bicycle parking spaces at ground level and 144 car parking spaces at second floor level.
- Provision of 3 car share spaces at second floor level.
- Provision of on-site amenities including gym and cafés.
- Building identification signage.
- Operation 24 hours per day seven days per week.

1.2. SUPPORTING DOCUMENTATION

This Submissions Report is supported by the following technical reports and documentation.

Table 1 Supporting Documentation

Appendix	Report	Prepared By
Appendix A	Submissions Register	Urbis

Appendix	Report	Prepared By
Appendix B	Mitigation Measures	Urbis
Appendix C	Architectural Plans	Nettleton Tribe
Appendix D	Landscape Design Report	Urbis
Appendix E	Design Report	Nettleton Tribe
Appendix F	Traffic Assessment Addendum	Ason Group
Appendix G	Noise and Vibration Impact Assessment	Renzo Tonin
Appendix H	Air Quality Impact Assessment	Northstar
Appendix I	Structural drawing no. SK55-A	Costin Roe
Appendix J	Interim Audit Advice Report	Ramboll
Appendix K	EIS Aboriginal Cultural Heritage	Urbis
Appendix V	Aboriginal Cultural Heritage Assessment Report	Urbis

2. ANALYSIS OF SUBMISSIONS

This section provides a summary of the submissions received including a breakdown of respondent type, nature/position and number of submissions received.

2.1. BREAKDOWN OF SUBMISSIONS

The SSDA was publicly exhibited between 12 April and 9 May 2022. There were eight submissions received from public agencies and the City of Sydney and Bayside Councils, and three submissions received from individuals.

All submissions were managed by DPE, which included registering and uploading the submissions onto the 'Major Projects website' (SSD-32489140).

Submissions from Transport for NSW (**TfNSW**), Heritage NSW, Sydney Water, Ausgrid, Sydney Airport, an individual and Bayside Council provided comments on and in support of the proposal. The submission from City of Sydney Council and two individual submissions from residents have been registered as objections to the proposal.

Most issues raised in submissions related to the environmental impacts of the proposal as set out in **Table 2** below. Issues were also raised by City of Sydney Council in relation to the project and the justification and evaluation of the project. Both Councils raised issues in relation to procedural matters. TfNSW raised an issue in relation to the project and an individual raised an issue in relation to the justification and evaluation of the project.

In their Request for Additional Information, DPE raised issues in relation to the project and environmental impacts. No submissions raised issues in relation to economic or social impacts.

2.2. CATEGORISING KEY ISSUES

In accordance with the DPE *State Significant Development Guidelines,* the issues raised in the submissions have been categorised as outlined in **Table 2**.

Table 2 Categorising Issues Raised

Category of Issue		**Summary of Matters Raised**
The project	Site layout and design	▪ Adequacy of pedestrian access arrangements. ▪ Confirmation that works do not occur within rail tunnel reserve. ▪ Mounting of solar panels and impact on building height. ▪ Clarification of proposed GFA. ▪ Consideration of pedestrians and cyclists in site access arrangements. ▪ Reduction in driveway widths. ▪ Details of fencing to Bourke Road frontage.
	Urban design	▪ Design quality of frontage and compliance with Sydney DCP

Category of Issue		Summary of Matters Raised
		Bourke Road setback requirement. ▪ Modelling of the façade regarding the visual dominance of the reduced setback. ▪ Provision of 3m landscape setback to Gardeners Road. ▪ Northern site frontage setback. ▪ Consideration of the public domain, streetscape and surrounding context.
	End of trip facilities	▪ Confirmation of the provision of bicycle parking, showers and lockers in accordance with the Sydney DCP.
Procedural matters	Design excellence	▪ Review of the application by the State Design Review Panel.
	Consultation with Bayside Council	▪ Pre-lodgement consultation with Bayside Council.
Environmental Impacts	Traffic impacts	▪ Impacts of heavy vehicles on the road network. ▪ Details of heavy vehicles using Gardeners Road entry. ▪ Impacts of vehicles accessing the site and on the road network. ▪ Details of vehicles accessing the site in traffic modelling. ▪ Impacts of Gardeners Road access arrangement. ▪ Further details in relation to the traffic modelling undertaken.
	Parking impacts	▪ Details of construction worker parking.

Category of Issue		Summary of Matters Raised
		▪ Potential future impacts of rooftop car storage space.
	Noise and vibration impacts	▪ Ensure consistency between the TIA and NVIA. ▪ Further detail on noise modelling undertaken for the proposal including vehicles. ▪ Further details on modelling of heavy vehicles undertaken. ▪ Guidance for sleep disturbance consideration. ▪ Construction noise impacts. ▪ Night time noise impacts. ▪ Traffic generation and noise impacts. ▪ Waste storage and collection noise impacts.
	Air quality impacts	▪ Details of the traffic generation in the air quality modelling. ▪ Details of implementation of site management measures.
	Residential amenity	▪ Confirmation of acceptable solar access impacts to neighbouring residential properties. ▪ Impacts of proposed signage and building illumination of neighbouring residential amenity.
	Landscaping	▪ Confirmation that planting meets easement requirements. ▪ Confirmation of proposed site tree canopy cover. ▪ Additional tree planting to rooftop car park.

Category of Issue		Summary of Matters Raised
		▪ Confirmation of proposed site deep soil. ▪ Depth of rooftop planters. ▪ Detail of biodiversity green roof. ▪ Impact of building in street setback on planting. ▪ Retention of trees 6 and 14. ▪ Landscaping to Gardeners Road / Bourke Road intersection. ▪ Encroachment of driveway crossovers into Tree Protection Zones.
	ESD	▪ Confirmation of 5-star GreenStar rating target. ▪ Confirmation office space to comply with 5.5-star NABERS office target. ▪ Location of PV system on the rooftop. ▪ Impacts of rooftop car park on heat island effect. ▪ Provision of infrastructure to support electric vehicles.
	Waste management	▪ Compliance with *City of Sydney Guidelines For Waste Management In New Developments 2018*. ▪ Confirmation of waste storage areas.
	Construction impacts	▪ Impacts of construction of the proposal concurrently with the construction of the development at 653 Gardeners Road.

Category of Issue		Summary of Matters Raised
		▪ Construction traffic impacts of upgrades being undertaken at Mascot train station.
	Visual impacts	▪ Potential impacts of the proposal on current and approved residential development to the south west of the site.
Justification and evaluation of the project	Design excellence	▪ The proposal does not satisfy the provisions of Section 6.21C of the Sydney LEP 2012. ▪ Long-term impact of ancillary office space.

3. ACTIONS TAKEN SINCE EXHIBITION

In response to the key issues raised within the submissions, minor design refinements and clarifications have been made to the proposed development since public exhibition.

This section summarises the refinements that have been made to the project since its public exhibition. It also outlines the additional assessment undertaken to respond to the concerns raised with the public agency, organisation and public submissions outlined in **Section 2**.

3.1. FURTHER ENGAGEMENT

Since the public exhibition of the SSDA between 12 April and 9 May 2022, the Applicant has undertaken further consultation with TfNSW, City of Sydney Council and Ausgrid.

Table 3 below summaries the consultation undertaken since the public exhibition and the outcome of this engagement.

Table 3 Further Engagement Summary

Issue	How this group was consulted	Feedback	Project response
TfNSW			
TfNSW raised comments in their submission in relation to: ▪ Impact to the existing Bourke Road / Gardeners Road signalised intersection. ▪ Existing Gardener's Road signalised access and proposed access arrangement. ▪ Active transport design considerations. ▪ Proposed development's traffic generation impact on the surrounding classified network.	A meeting was held with TfNSW on 14 June 2022 to discuss key items.	▪ Provision of comments on updated traffic modelling. ▪ Unsignalised right turn in from Gardeners Road acceptable in principle. ▪ Gardeners Road deceleration lane a consideration only.	▪ Updated comprehensive technical note issued to TfNSW for review in response to submission received.
City of Sydney Council			
City of Sydney Council raised issues in their submission in relation to: ▪ Landscaping	A meeting was held with Marie Burge and Andrew Rees on 7 June 2022 to discuss key issues	▪ Building setback to be considered together with façade treatment.	▪ Updated façade treatment included within Response to Submissions.

Issue	How this group was consulted	Feedback	Project response
▪ Building setbacks ▪ Tree management ▪ ESD ▪ Height ▪ Transport and access ▪ Waste ▪ Site contamination.	in Council's submission.	▪ Width requirements of Gardeners Road driveway to be confirmed. ▪ Access and wayfinding strategy to be confirmed. ▪ Overall sustainability outcome for the proposal to be considered in relation to provision of PV and rooftop shading.	▪ Driveway width and access strategy confirmed in Response to Submissions.
Ausgrid			
In their submission Ausgrid noted the proponent has made an initial application for connection to Ausgrid for the new development, and encouraged the proponent to continue to discuss their requirements directly with Ausgrid as needed.	Email correspondence with Ausgrid May 2022	▪ Information in relation to the easement on site to be provided for an initial easement for realignment.	▪ Charter Hall are continuing to engage with Ausgrid to progress the process in relation to easement adjustment.

3.2. REFINEMENTS TO THE PROJECT

The following table summarises the refinements and clarifications proposed since public exhibition and in response to submissions made, and as a result of further engagement undertaken.

Importantly, these refinements are changes that fit within the limits set by the project description. These refinements do not change what the application is seeking consent for, and therefore an amendment to the proposal is not required.

Table 4 Design Refinements to Proposed Development

Location	Proposed Refinements
Ground	▪ Existing tree retained and refinement to pedestrian access. ▪ Inclusion of pervious grass pavers.
Level 2	▪ Removal of ventilation voids and provision of larger planters and landscaping.
West Elevation	▪ Façade design and patterning amended and simplified.
South Elevation	▪ Façade design and patterning amended and simplified.

The key design updates made in response to submissions include the design of the façade, tree retention and the provision of additional landscaping.

In response to the submission from the City of Sydney in relation to the retention of Trees 6 and 14, further investigation has been undertaken in relation to the constraints of these two trees as part of the proposed development. In relation to the removal of the Tree 6, the topography and context of the tree has been assessed in greater detail and the design has been updated to a solution that retains the tree and improves the pedestrian arrival experience.

The design of the facade has been reviewed following feedback from City of Sydney Council and the NSW Government Architect in relation to use of excessive patterning and materials. The façade has been updated to simplify elements of the design and address the perceived layering of patterns and materials.

At ground level the strength of the façade is retained, using brick with glazed elements to allow natural light to penetrate industrial space behind. At the upper levels, the colour patterning has been removed and the glazed elements have been aligned and simplified. The mesh screen has been used in tandem with the sunscreen to the office and combined with prefinished panels.

At ground level pervious grass pavers have now been included within the landscape design to enhance the deep soil provision.

At second floor level, the design has been updated to remove ventilation voids to the warehouse that are no longer required and provide larger planters and landscaping to the car parking area. The four planters central to the car park have been increased in size to allow for the planting of 24 larger trees. These trees will provide a greater level of shade to the rooftop with a mature height of up to 8 metres.

Refer to the revised Architectural Plans and Landscape Design Report (**Appendix C** and **Appendix D**) for further details on the design refinements made since public exhibition.

3.3. ADDITIONAL IMPACT ASSESSMENT

Additional assessments have been prepared to respond to the issues raised within the submissions. These include updated reports:

- Traffic Assessment Addendum (**Appendix F**)
- Noise and Vibration Impact Assessment (**Appendix G**)
- Design Report (**Appendix E**)
- Air Quality Impact Assessment (**Appendix H**)
- Aboriginal Cultural Heritage Assessment Report (**Appendix V**).

New reports prepared to undertake additional assessments are:

- Interim Audit Advice (**Appendix J**).

The findings and recommendation of the additional assessments are discussed in detail within **Section 4** of this report.

4. RESPONSES TO SUBMISSIONS

This section provides a detailed summary of the Applicant's response to the issues raised in submissions. The response has been structured according to the categorisation of issues outlined in **Section 2**. The Table below set out responses to issues raised in submissions as categorised in **Table 2**.

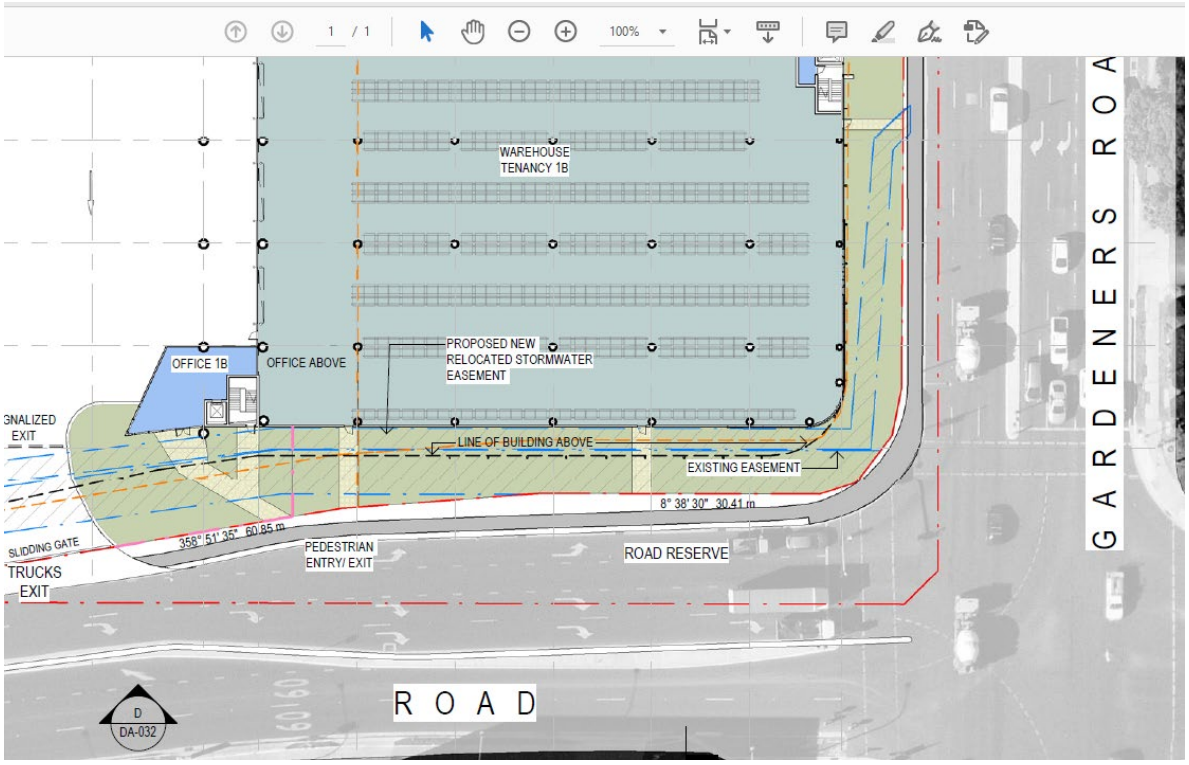
Table 5 Response to Submissions

4.1. THE PROJECT

Submission	Response
4.1.1. Site layout and design	
The proposed development's pedestrian access arrangements, particularly along Gardeners Road and Bourke Street have not adequately addressed.	The swept path analysis undertaken has ensured that the driveway crossings are minimised as far as possible for pedestrian safety. It is noted that the proposed development has a lower number of vehicle trips than the previous use of the site, and therefore the number of vehicles entering and exiting the site from Bourke Road will be reduced. There are 3 vehicular crossovers proposed: 1. 10 m wide car/van entry and exit – left in and right out only – to the north end of Bourke Road. 2. 14 m wide trucks exit – right out only – middle of Bourke Road. 3. 15.5 wide truck entry left in and right in – southeast corner along Gardeners Road connecting to a pedestrian crossing and bike path. Refer Design Report pages 25 and 27 (**Appendix E**). As the crossover at Gardeners Road is only an entry, truck drivers would have direct line of sight and therefore being able to visually locate and expect pedestrians before crossing the path safely. The separate car/van entry on Bourke Road allows segregated movements for cars/vans to reach the roof car parking, away from the truck movements. This segregation is pivotal to safety of the occupation and operation of this facility The driveway widths are reduced to the minimum to allow for entry and exit from the site

Submission	Response
	without using multiple lanes and allows for maximum retention of existing trees. The larger of the vehicle crossovers proposed to Bourke Road is for trucks exiting the site. Trucks will exit via a sliding gate which provides safety for pedestrians crossing. The pedestrian footpath along Bourke Road has been recently improved as part of the TfNSW upgrade works. The driveway exit is positioned several metres back from the footpath, maximising visibility and safety for pedestrians.
Confirmation that the proposed works does not occur within a distance of 25 metres horizontally from the existing rail tunnel first reserve, as defined in Asset Standards Authority (ASA) standard Development Near Rail Tunnels (ASA 2018), in order to ensure vibration impacts will not impact the existing rail tunnel.	Structural drawing no. SK55-A provided at **Appendix I** demonstrates the relationship of the rail easement and proposed building structure.
Proposed mounting structure of solar panels and the impact on the overall building height.	The proposed solar panels are surface mounted and will not affect overall building height.
Please clarify the actual Gross Floor Area (GFA) of the proposal. The EIS and Area Plan (No. 11596_DA-091) states the total GFA is 27,509m^2, while the GFA calculations (when added correctly) on Area Plan (No. 11596_DA-091) provide a GFA of 27,510m^2.	The proposed GFA is 27,509 m^2.
The agency notes that the proposed development's access arrangements has not adequately considered cyclists in the design.	A dedicated 2 lane bike path exists on the western side of Bourke Road. Clear and direct entry for pedestrians and cyclist has been provided to the north end of Bourke Road. Although there is no dedicated cycle path along Gardeners Road, truck drivers would have direct line of sight over the entry (only) driveway and can visually locate and expect cyclists before crossing the path safely.
Further, the driveway widths for access off Gardeners Road (11.08m) and Bourke Road (10.03m) appear to be excessive when compared to the swept path analysis provided with the EIS. The City recommends all driveway width be reduced to increase safety for pedestrians crossing these driveways.	The Gardeners Road driveway has been designed to ensure that the entry movement of the largest vehicle can be accommodated wholly within the kerbside lane, which requires a wider driveway. Further, the exit driveway onto Bourke Road provides consideration for a 26m B-double vehicle exiting the ground floor, as well a 20m AV exiting the first floor. While

Submission	Response
	providing consideration for AS2890.2:2018 compliance for the relevant splays, there is limited reduction in driveway width that could be achieved. It is noted that the final driveway crossover works will be subject to a separate application, and as such, the driveway design can be updated to the minimum width required to accommodate the swept path (while still maintain AS289.2:2018 compliance) at this stage. It is expected that a suitable condition of consent could be implemented which ensures this refinement of the access design. Furthermore, entry and exit for cars / vans and trucks have been separated to allow for ease of functioning of the site. As the building is a multiple tenancy occupied facility, the entrances to the different tenancies have been placed strategically along the two bounding roads and the newly created public domain. The proposed design: ▪ Activates the different street fronts ▪ Creates passive surveillance ▪ Gives opportunity for the different tenancies have a unique identity through a street address and presence.
Furthermore, fencing is not permitted along street frontages. The proposal, however, includes a 2.1m high fixed boundary fence proposed on the southern part of the Bourke Street frontage.	Fencing to the street frontage is proposed only for a minor portion of the Bourke Road boundary either side of the vehicular access driveway. This is for safety and security purposes. The majority of the landscape setbacks are open to the street.
4.1.2. Urban design	
The proposed building does not present a high-quality frontage and does not comply with the building envelope and 6m setback to Bourke Road as required by the SDCP.	As set out in **Section 3**, the proposed façade design has been refined to simplify the articulation of the façade and ensure a high-quality frontage is proposed including the proposed landscape setbacks. A 6m setback to Bourke Road is proposed at ground level. The minimal variation to the 6m setback requirement to Bourke Road at upper

Submission	Response
	level over a small portion of the western façade is considered acceptable having regard to the objectives of the SDCP policy. In addition, as shown in **Figure 1** below, the existing footpath to Bourke Road provides a landscaping area (shown in white) between the eastern edge of the footpath and the site boundary. This provides for a further setback of the proposed development from views from the public domain.
Figure 1 Bourke Road setback  *Source: Nettleton Tribe*	
The City notes the modelling of the facade increases the visual dominance of the reduced setback and the intrusion of the building into the street setback may have an impact on planting. It is recommended that building massing be rationalised and be located within the site respecting a clear 6m setback to Bourke Road open to the sky with no upper-level encroachments.	The setback encroachment ranges between 1-2m on a non-parallel boundary to Bourke Road at a level 9m above ground floor. This incursion occurs for 1/3 of the building length with the remaining frontage having up to 2.8m additional setback to the 6m requirement. As such, the average setback along this frontage is compliant with the DCP control. The minor non-compliance has no material impact in terms of view impacts. It is also worth noting that the ground plane has an increased landscape setback where this

Submission	Response
	incursion exists and the landscaping in this area has been designed with context and location understood. The proposed form has been used and balanced with the design of the building and its materiality to create a visually appealing interface to the streetscape and public domain. Overall, the building's design is considerate of its presence on the corner of two road frontages
A 3m landscape setback is required along Gardeners Road	A 6m landscape setback in provided to Gardeners Road.
The proposed setback along the northern frontage of the site, along the adjoining private driveway, of 4m does not comply with the 6m requirement as set out in Section 5.8.2.2. of the Sydney Development Control Plan (SDCP) 2012.	The DCP setback provision does not apply to the private driveway as demonstrated through the recently constructed data centres at 200 Bourke Road and 506-518 Gardeners Road, with both these DAs determined by the City of Sydney. The SEE for the Stage 2 data centre DA confirmed the east-west road was no longer required by Council in accordance with pre-lodgement advice in association with the original Concept DA.
More consideration to the public domain, streetscape and surrounding context would benefit the future of industrial development within the city fringe.	6 metre landscaped setbacks are proposed to the public domain along Gardeners Road and Bourke Road including large canopy trees. It is noted that the existing site includes no landscaping of tree planting to these boundaries. The proposed design will make significant improvements to the streetscape and public domain, appropriate to the site's location.
4.1.3. End of Trip facilities	
The City notes the proposed 64 bicycle parking spaces as satisfactory. The architectural plans, however, do not indicate a sufficient number of spaces for bicycle parking and should be corrected. Further, end of journey facilities has been provided but it is unclear whether the SDCP recommendation for 6 showers and 61 lockers has been met.	The proposed Architectural Plans provide spatial provision for the provision of 64 bicycle parking spaces, 6 showers and 61 lockers.

4.2. PROCEDURAL MATTERS

Submission	Response
4.2.1. Design excellence	
As the development has not gone through any formal competitive design process, the City recommends the application be reviewed by the State Design Review Panel for further consideration.	The Sydney LEP does not require the proposal to have undergone a competitive design process, nor is it required to be reviewed by the State Design Review Panel. In response to the City of Sydney's submission, DPE has consulted with the NSW Government Architect on the proposal and the Applicant has responded to this feedback through the refinements to the design proposed as part of the Response to Submissions, including the rationalisation and simplification of the façade design and patterning.
4.2.2. Consultation with Bayside Council	
Although located in City of Sydney LGA, the subject site immediately adjoins Bayside Council area to the south. Redevelopment of the site could therefore have tangible cross-border implications for the Bayside LGA, including any current or proposed strategies, plans or interests of the Council in the vicinity. In this context the proponents did not contact Bayside Council prior to lodgement of the Environmental Impact Statement. It is noted that Item 25 of the Secretary's Environmental Assessment Requirements (SEARs) issued for the project stipulates that applicants must consult with "any relevant local councils". Given the site's close proximity to the Bayside LGA, this should have included consultation with Bayside Council.	Charter Hall undertook consultation with DPE, the local community and City of Sydney Council prior to lodgement of the SSDA. Prior to the public exhibition of the proposal, DPE confirmed the SSDA had met the SEARs. Charter Hall will ensure any further engagement with local Councils includes Bayside Council.

4.3. ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS

Submission	Response
4.3.1. Traffic impacts	
Amend the TIA to account for the additional impacts of rigid trucks, semi-trailers and B-doubles on immediate intersection performance	To account for the additional impacts of rigid trucks, semi-trailers, and B-doubles, and referencing past discussions with TfNSW in relation to this issue, the SIDRA modelling

Submission	Response
and queueing with reference to the existing traffic flow, composition and road configuration.	(model #2) had increased the default Passenger Car Unit (**PCU**) parameter from the SIDRA default of 1.65 to 2.0. This effectively assumes a larger typical heavy vehicle size than compared with the default SIDRA assumptions. It is noted that vehicles of 20-26m length represent the maximum size vehicles that would potentially service the Site. Based on the projected development traffic this is 2 articulated trucks (4-5 vehicle movements) in each peak period. This is very minimal in the context of the development traffic which primarily comprises light vehicles and rigid trucks. Nonetheless, a new movement class has since been added in the SIDRA modelling (model #3), with a PCU value of 3.0, to account for the minor volumes of articulated trucks.
Further information regarding the projected number of semi-trailers and B-doubles proposed to be utilising the Gardeners Road entry, and specific details regarding the large vehicle turning movements, further swept path analysis, that may involve multiple lane manoeuvres and disrupt traffic flow.	The traffic forecast analysis undertaken for the SIDRA modelling assessment assumed that of the warehouse related traffic, there would be 6-7 heavy vehicles accessing the site during the peak hours. This is expected to consist of 4 rigid vehicles and 2-3 articulated vehicles; with a total of 7 entry movements utilising the Gardeners Road access. This has been based on the data provided within the TfNSW Guide to Traffic Generating Developments, Updated Traffic Surveys (2013). The swept path assessment already provided demonstrate the largest vehicle to conduct the required entry and exist manoeuvres. The swept path analysis demonstrated that the left-in movement for a semi-trailer maintained lane discipline upon entry and did not require straddling of the adjacent lane.
The EIS and TIA do not provide an accurate assessment on potential queuing into the access points and its impact on the existing traffic flow. The EIS states the proposed Bourke Road and Gardeners Road access driveways have been designed to ensure any potential queuing will be contained within the site and not impact the external road network. However, the	The vehicle access points have been designed in accordance with AS2890.1:2002 and AS2890.2:2018, which provide regard to the manoeuvres required to enter and exit driveways in an acceptable manner. Reduction in speeds is an unavoidable outcome of a driveway and therefore it is accepted that vehicles would need to slow speed in response

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assessment does not provide additional analysis on the reduction in speed and turning manoeuvres required to enter the site.	to vehicles entering a site driveway. However, as there are multiple through lanes, there would be opportunities for avoidance of turning vehicles. Further, as the driveways are compliant with the relevant Australian Standards, it is considered that they would operate acceptably. This is particularly notable when considering that most vehicles would be restricted to left-in / left-out manoeuvres. Therefore, it is evident that the access points would operate satisfactorily. Finally, it is noted that the proposal would generally represent a decrease in traffic generation associated with the previous use of the site as a Bunnings. Therefore, any impacts would be reduced compared to the previous situation. In relation to the design of the site, the access strategy has sought to locate the light vehicle access (which will be subject to the highest volumes) to the most northern point permissible on Bourke Road (while accounting for compliance with the Australian Standards). Therefore, it will result in an improved outcome over the historical use.
Update the information presented in Table 12 of the TIA to show passenger car equivalent units and a breakdown of vehicle composition of the expected traffic generation to include a number of light vehicles, rigid trucks, semi-trailers and B-doubles. Further details of the breakdown of vehicle composition over the 24-hour operation period is also required.	PCUs only have relevance in relation to the SIDRA modelling assessment, to ensure that the impact of flows is adequately accounted. As discussed above, a PCU equivalent has been adopted in the modelling assessment. The traffic impact assessment has been conducted with regard to the TfNSW (formerly RTA) Guide to Traffic Generating Developments (2002), which requires a methodology for assessment of movements during the peak hours only, rather than over the course of the day. Therefore, the data which could be adopted to establish a 24-hour period is limited. For example, the data within the TfNSW Guide Update does not include survey data which is over a period of 24-hours. However, to address this request, Ason Group has established a 24-hour trip distribution profile, separated into light, commercial and heavy vehicles; informed by the data provided

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	within the TfNSW Guide Update, as well as traffic surveys undertaken by Ason Group of sites within Western Sydney industrial areas (i.e., Kemps Creek), as well as Chipping Norton and Lidcombe. The resulting profile has been adjusted to accordingly account for the peak hour trip generation rates adopted within the original traffic impact assessment. This is provided as Attachment 3 to the Transport Assessment (**TA**) Addendum (**Appendix F**).
Details demonstrating all vehicles likely to be generated during construction and operation awaiting loading, unloading or servicing can be accommodated on the site to avoid queuing in the street network.	Construction vehicle management will ultimately be subject to Construction Traffic Management Plan (**CTMP**), which requires input by a suitable Contractor once the construction strategy is finalised. However, it is noted that a Draft version of the demolition CTMP has been prepared, to be agreed with the relevant authorities. This provided as Attachment 4 to the TA Addendum (**Appendix F**). It is expected that excavation and main construction would be subject to a dedicated, similar CTMP. The site has been designed in compliance with the relevant Australian Standards, which requires suitable queueing, loading and servicing areas are provided for, and as such, would operate in a safe and efficient manner.
The signalised intersection of Bourke Road / Gardeners Road is a major intersection used by high volumes of traffic where network safety and efficiency are of great importance. The proposed development will directly impact on this intersection increasing delays and queues well beyond acceptable Levels of Service (LoS), with currently SIDRA modelling indicating that the proposed development will reduce intersection performance at this location from LoS 'C' to 'E'.	The SIDRA model has been revised (**Appendix F**, page 1). The results of the modelling indicate that the intersection of Bourke Road / Gardeners Road operates at Level of Service C with acceptable delays and queues.
The subject development's traffic departing the proposed driveways in Bourke Street would interrupt the flow of traffic by attempting to access the right turn bays into Gardeners Road. The movement requires crossing multiple traffic lanes through often queued traffic, which is not acceptable to the agency, particularly	The site has frontages to Bourke Road on its western boundary and Gardeners Road on its southern boundary. At pre-lodgement discussions, TfNSW indicated that due to the regional road classification of Gardeners Road, access to the site from Gardeners Road should be limited. The proposal has sought to do this

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considering the impact that the proposed development would have to the existing LoS of the intersection.	by limiting the Gardeners Road access to inbound heavy vehicle (truck) traffic only. To comply with the TfNSW requirements above, access to and from the site had to be focused on Bourke Road. All attempts have been made to provide both a functional design that also seeks to locate the accesses as far north as possible on Bourke Road and away from the signalised intersection with Gardeners Road. Indeed, the access arrangement is considered an improvement on the former Bunnings use as the light vehicle access for that facility was closer to the intersection. In summary, having consideration for the proximity of the site to the signalised intersection of Bourke Road with Gardeners Road and the requirement of TfNSW to limit access from Gardeners Road, the access arrangement for the proposal is considered satisfactory.
The Gardeners Road access is currently traffic signal controlled that was installed based on generations of a previous development. The proposed generations to the subject site do not meet a Warrant Assessment for the traffic signals to be retained. Rear -end crashes are the most common crash types occurring on Australian roads. Austroads research has demonstrated that close spaced traffic signals contribute to this accident type. The volumes generated are well below the Warrant Assessment and therefore the signals would be required to be removed and the median closed to restrict access to left-in, left-out (LILO) arrangement. This work would be required to be undertaken by the Applicant at no cost to TfNSW and was previously communicated to the Applicant as part of pre-lodgement advice.	It is accepted that the signalised access intersection does not meet TfNSW warrants and therefore it is accepted that the traffic signal control be removed. It is recommended that the right-turn movement is retained under standard priority control, similar to the right-turn entry to 494-504 Gardeners Road just to the east of the site. Due to the proximity of the Gardeners Road driveway to the signalised intersection with Bourke Road, the operation of those traffic signal would provide sufficient ‘gaps’ in the eastbound flow of traffic such that the limited volume of forecast truck traffic could access the site – utilising the existing right-turn lane on Gardeners Road – in a safe and efficient manner. The comments about reducing the access to left-in, left-out (**LILO**) are noted; however, to prohibit the right-turn would focus more traffic on Bourke Road (contrary to TfNSW’s comments above). Reintroducing the left-out would be contrary to TfNSW’s earlier requirements that access from/to Gardeners Road be limited.

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	In summary, removing the signals and retaining the right-turn in under priority control is consistent with access provisions in the area, would operate efficiently and safely and is therefore considered acceptable.
As Gardeners Road is a classified road with high movement function, any disruptions to through traffic by slow moving service vehicles turning left accessing site could have a detrimental impact to network safety and efficiency but also operations to the future development's operations.	It is accepted that high volumes of left-turning slow-moving vehicles into a site could have a detrimental impact on network operations. However, the proposal is forecast to generate just five left-turn inbound truck movements during the AM peak hour and just four during the PM peak hour. Accordingly,, it is unlikely that movements of such a low order would have detrimental impacts.
Further to issue of rear end accidents, slow moving long vehicles turning left into the development would significantly disrupt the kerb side lane traffic flow and cause queuing and the potential to cause crashes near the existing intersection. The impacts of this type of 'chaotic' event are difficult to realise from the analytical software tool used by the Applicant. As such, TfNSW recommends consideration is given to the development providing a left turn deceleration lane into the site from Gardeners Road in accordance with Australian Standards AS 2890.1 and Austroads Guide to Road Design: Part 4A: Un-signalised and Signalised Intersections (Section 3 – Sight Distance). Vegetation and proposed landscaping/fencing must not hinder sight lines to and from road users.	SIDRA analysis can provide some feedback on whether dedicated turn bays/lanes are required; however, it is agreed that it should not be the only consideration in determining the requirements for a deceleration lane. Consideration has been given to the provision of a deceleration lane. The TfNSW submission refers to *Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections*, which provides guidance on the design of auxiliary lanes, including deceleration lanes. However, Section 5.1 states that for, "guidance on determining the need for auxiliary lanes, refer to AGTM Part 6 (Austroads 2013a)". Austroads *Guide to Traffic Management Part 6: Intersections. Interchanges and Crossings Managemen*t provides warrants for turn treatments. Section 3.3.6 states the "warrants focus on safety performance outcomes". The Guide continues that it should be noted that, "in some circumstances, while adding auxiliary turn lanes will reduce the risk of rear end crashes, the risk of other high severity crash types may increase". Figure 3.25 within the TA Addendum (**Appendix F**) provides three warrants based on the design speed for the major road. Gardeners Road has a posted speed limit of 60kmh; therefore, the warrant for design speeds of 70kmh or less has been referenced. Our

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	analysis indicates that westbound through traffic volumes on Gardeners Road are: ▪ 1,458 vehicles during the AM peak hour, and ▪ 1,278 vehicles during the PM peak hour. Considering these through traffic volumes, the turning volumes of 4-5 vehicles during the peak hours and that Gardeners Road provides three westbound lanes at the access, the warrant indicates that a deceleration lane is not warranted. In summary, as recommended by TfNSW, a left-turn deceleration lane has been considered based on the application of warrants in the Austroads guide. However, it is concluded a deceleration lane is not warranted and the current proposed access on Gardeners Road, which is designed to permit a B-Double truck to enter from wholly within the kerbside lane, is acceptable.
The Base Case turning movement volumes have changed since the first issue of the SIDRA model, which appears to account for the change in intersection Level of Service between the two models.	The Base Case turning movement volumes have changed since the first issue of the SIDRA model, as detailed in the SIDRA Modelling section on page 1 of the TA Addendum (**Appendix F**). Further refinements upon receipt of survey data (for model #2) and in consideration of comments from TfNSW (for model #3) have resulted in updated outcomes.
The road network in this area is congested and to model congested networks the demand flow needs to be determined. SCATS flows as was used by the applicant underestimate demand and are not able to provide individual turning movements in shared lanes.	Standard practice is to develop traffic models using survey volumes as these are a good representation of volumes and turning movements. It is agreed that SCATS flows are unable to explicitly provide individual turning movements in shared lanes. Hence further methods to address this shortfall have been adopted as detailed in the SIDRA Modelling section on page 1 of the TA Addendum (**Appendix F**). SCATS flows have the potential to underestimate demand as some intersections may have lanes which do not feature detector loops (e.g. some left turn slip lanes) or have outages resulting in mis-recording of volumes.

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	For all the modelled signalised intersections, all lanes on all approaches have detectors and no broken data points were noted. Hence, the adopted SCATS flows are considered valid and fit for adoption as the demand in the SIDRA model.
The model has not been setup as a network, where Gardeners Road is coordinated between O'Riordan Street and Kent Street. Therefore, the model has not allowed for the impact of lane blockages (queue spillback) in reducing flow rates and intersection capacities.	The SIDRA modelling was originally undertaken as an isolated model as the only available representative data at the time of project commencement was SCATS detector volumes. SCATS data has limitations in terms of vehicle classification and queue length information and hence isolated modelling was undertaken. The model has since been updated to a network mode for model #3, as recommended by TfNSW (results provided in Attachment 2 of the TA Addendum).
There may also be residual demand(queue) during highly congested conditions that last for long periods.	The modelling is now presented (**Appendix F**) as a network model, which accounts for potential queue spillback influences on upstream intersections.
A comparison of the 1st and 2nd SIDRA models shows that the distribution of turning volumes is quite sensitive to results and can give significant differences to Levels of Service. For example, Gardeners Road/O'Riordan Street has changed from LOS D and now is LOS E (AM) and F (PM).	The volumes adopted are appropriate for assessment of the development impact. Further, the turn counts proportions are based on survey data. Based on the most recent modelling (model #3) which has considered TNSW's comments and is now modelled as a network; Gardeners Road / O'Riordan Street operates at a Level of Service D during both peak periods.
It is noted that the intersection of Bourke/Campbell shows a deterioration of LOS from B to D in the AM peak. Similarly, the intersection of Bourke/Doody shows a deterioration of performance for the right turn movement from Doody St East (C to D), which has not been addressed by the applicant.	Based on the most recent modelling (model #3) which has considered TfNSW's comments and is now modelled as a network , the intersection of Bourke/Campbell maintains a LOS C in both peak periods in the development scenarios. The right turn movement from Doody Street East maintains a LOS C in the AM peak and LOS B in the PM peak across all scenarios (base scenario and development scenarios). Therefore, these intersections operate at appropriate Levels of Service.

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Whilst project phase splits have been locked in and closely resemble the average time used by SCATS, the splits are significantly different when run as optimised by SIDRA. This calibration method is not in accordance with Section 2.6 of the SIDRA User Guide. If the applicant chooses to depart from the guide evidence should be provided that the model is fit for purpose by supplying comparative observed site conditions.	Calibration of the base (in the now networked model #3) have been conducted in line with calibration methods per the SIDRA User Guide to align more closely with surveyed queue length data, drone footage, and TomTom GPS data. All signalised intersections in the development scenarios now adopt User Given Cycle Times, with timings optimised by SIDRA.
Furthermore, The TIA states that the average phase time was used, then calibrated manually to drop the degree of saturation below 1. This is not standard calibration procedure as per. SIDRA User Guide section 2.6.2-2.6.4.	Calibration of the revised model has been conducted in line with calibration methods per the SIDRA User Guide. The average phase time was used for the base model, and the development scenarios have adopted User Given Cycle Times, with timings optimised by SIDRA.
Summary Tables 18 and 19 in the TIA currently reflects a combination of old and new SIDRA results and should be updated.	See TA Addendum summary for model #3 results (**Appendix F**).
Heavy vehicles have been coded as 13m length instead of the 20-26m length as indicated in the TIA.	The 20-26m length vehicles represent the maximum size vehicles that would potentially service the site. Based on the projected development traffic this is two articulated trucks (4 vehicle movements) in each peak period. This is very minimal in the context of the development traffic which primarily comprises light vehicles and rigid trucks. Nonetheless, a new movement class has been added in the SIDRA modelling (model #3), with a PCU value of 3.0, to account for the minor volumes of articulated trucks.
The model is unable to address the large vehicle turning movements that involve multiple lane manoeuvres. For example, the left and right turn movement from the Bourke street exit to turn right into Gardeners Road would not be possible without disrupting traffic flow.	The proposed development is expected to generate 6 heavy vehicle movements out of the Bourke Road exit in each peak period. This is one truck every 10 minutes. These vehicles will be required to give way to vehicles on Bourke Street and wait for an appropriate gap to enter the road network. This in combination with the low heavy vehicle generation is expected to result in minimal impact on traffic flow.

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4.3.2. Parking impacts	
Part 8.5 of the TIA indicated construction workers will be able to park on the site as parking areas become available, plans of this proposed staged parking arrangement is required. It is unclear where construction workers will park their vehicles prior to the establishment of parking areas or after these areas are no longer available. If off-site, describe how construction workers will be transported to site.	Management of construction vehicles will be subject to the finalised construction strategy, requiring input from a suitable Contractor, and will need to be updated as construction commences. During early stages of demolition, a portion of the existing parking would be utilised. Construction staging plans would be updated as construction continues and would consider the necessary parking arrangements. Should parking be not available for specific stages of works, it is the contractor's responsibility to ensure contractor parking demand and associated management measures are documented, implemented, continually monitored and managed. It is anticipated that the required CTMP could be ensured via a suitable condition of consent.
Further examination should be undertaken to clarify the long-term intention of the roof top car parking area and the future use of the excess car storage spaces and to ensure traffic impacts are managed to acceptable levels, particularly should Schindler Lifts one day vacate the building.	Schindler Lifts have the option to occupy the development for 30 years. If Schindler Lifts vacate prior to their full tenure, Charter Hall would seek to secure another tenant who would utilise the car/van storage space.
4.3.3. Noise and vibration impacts	
Ensure the breakdown of noise source contributions at residential receivers, including the number of vehicle movements and types of vehicle movements proposed over the 24-hour period, are consistent between the Noise & Vibration Impact Assessment (NVIA) and the TIA.	It has been confirmed with Ason Group that the vehicle movements and types for the Noise & Vibration Impact Assessment (**NVIA**) are consistent with the assumptions used in the TA considering all assessment periods of the 24-hour period, and no updates are required following the Response to Submissions. Any apparent differences between the traffic and noise assessments, would then be a result of the differing input preparations appropriate for the different types of assessments.
The potential increase in traffic noise is cited as a source of noise concern by residents living along Gardener's Road due to the close proximity to the truck entry. Clarify how road	As per NVIA Section 5.1.3 (**Appendix G**), the potential increase in road traffic noise levels has been calculated using the Federal Highway Administration Model 2004 (TNM 2.5) (FHWA-

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traffic noise modelling has been undertaken and discuss its ability to predict the change in noise emissions from accelerating and decelerating trucks as they depart and approach the key access entry along Gardeners Road.	TNM method) model to review the potential change in traffic noise levels at residential receivers adjacent to the sub-arterial/arterial roads that will be used by the proposal. This model has been selected as it is identified in Appendix B4 of the RNP as a suitable road traffic noise model that has been validated under specific Australian conditions, while also allowing for a greater level of break-down and categorisation of heavy vehicle types. The method used also allows for vehicle speeds to be varied along the road string to take into account acceleration and deceleration speeds, in addition to applying an increase to the modelled noise source level to take into account the use of vehicles 'throttle' when accelerating. As part of the modelling, it has conservatively been assumed that all heavy vehicles associated with the proposal are classified as heavy trucks (compared to medium trucks) for the purposes of the FHWA-TNM method assessment inputs. It is proposed that heavy vehicles that approach the site from the east will enter the site from the south via a turning lane on Gardeners Road, directly opposite the residential receivers at 635 Gardeners Road (Receiver R5). This may mean that these heavy vehicles would often need to stop at the turning lane prior to the site entrance and then accelerate from this location to turn into the site. This location is directly opposite the residential receivers at 635 Gardeners Road (R5). As such, Section 5.1.4 of the NVIA specifically assessed this potential activity. This assessment uses the FHWA-TNM method to capture that these could be heavy trucks, they will slow down as they approach the turning lane and then move into the site across Gardeners Road at a slow speed (~10km/h). In most cases the trucks will need to slow down and stop at the turning lane and then accelerate from stationary to a slow speed using throttle to enter the site, and as such any increased engine noise from an accelerating truck movement was also taken into account.

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	The noise modelling has captured each of these elements using the FHWA-TNM method to ensure that noise emissions from these movements that differ from the through traffic are captured, modelled and assessed.
There is insufficient information in the acoustic report to verify if heavy vehicle movements from Gardeners Road have been modelled appropriately. For example, the duration of noise exposure at a receiver location R5 is sensitive to vehicle passage speed. However, there is no mention of heavy vehicle speed in the acoustic report, nor a delineation between large articulated vehicles and small rigid trucks.	Section 5.1.4 of the NIVA (**Appendix G**) specifically addresses the Gardeners Road site access, as a separate assessment. This section notes that heavy vehicles will enter the site from the south via a turning lane on Gardeners Road, directly opposite the residential receivers on Gardeners Road. The assessment states that the FHWA-TNM method was used to allow for consideration of the potential increased engine noise from an accelerating truck movement from the turning lane. It also states that the review is based upon modelling accelerating truck movements turning into the site at 10km/h with throttle. This speed and the related duration assumption is a conservative assumption noting that the onsite speed is 10km/h. As such the truck will accelerate from stationary assuming the worst-case situation that the truck has stopped at the turning lane and could not move directly through without stopping. As such, the truck would accelerate using throttle, moving 20 metres to 40 metres from its stationary position at the turning lane to the site entrance boundary, subject to whether there could be one additional truck in front of it at the turning lane. It would be unlikely that the truck would then move faster than 10-20km/h during this movement. The actual speed would be subject to the driver, where there would either be a trade off in the use of heavier throttle and associated noise level, resulting in a quicker movement and smaller duration, or reduced use of throttle and slower movement with longer duration. Accordingly, a conservative approach of using 10km/h with throttle throughout the movement was used for this assessment. Additionally, as detailed in NVIA Section 5.1.4, for a conservative assessment, all heavy

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	vehicle movements were assumed to potentially enter the site via this turn, and so approach the site from the east. Also, as detailed in NVIA Section 5.1.3, for a conservative assessment, it was assumed that these heavy vehicles could all be heavy trucks in the TNM noise model (ie. with 3 and more axles, gross mass > 12000kg). Even though there could be a mix of medium and heavy trucks. Even with all these conservative assumptions, the potential increases at receiver R5, all remained below 2 dB(A), with a worst case of 1 dB(A) during the daytime, and 0.3 dB(A) during the night. As such, the Proposal achieves the RNP requirements for vehicle movements into the site. The onsite noise modelling assumptions for these trucks are clearly detailed in NVIA Section 5.2.
Consideration for sleep disturbance should include the 2004 guidance from enHeatlh.	Section 5.5.3 of the NVIA assessed sleep disturbance against the criteria established in accordance with the NPfI, in addition to the latest research in the *Environmental Noise Guidelines for the European Region: A systematic Review on Environmental Noise and Effects on Sleep* (WHO 2018). The enHealth Council (2004) report, which is also quoted in the NSW EPA Road Noise Policy, includes the following statement from the enHealth Council (2004) report, which is the summary of the research findings and states: “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) LA, (Max) more than 10 or 15 times per night”. This internal noise level of 45 dB(A) LAmax would typically be equivalent to 55 dB(A) LAmax external if the receivers have their windows open and the outside to inside reduction is 10 dB(A). However, because

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	existing noise levels along Gardeners Road are very high it was observed during site visits that all windows of apartment buildings facing Gardeners Road remained closed due to high existing traffic noise levels and the facades are constructed of masonry and thick laminated glazed elements and apartments are fitted with air-conditioning. This could result in an outside to inside noise reduction of 25 dB(A) or greater, which would result in an equivalent external 2004 enHealth sleep disturbance goal of 70 dB(A) LAmax. As per Section 2.3 of the Australian Department of Health enHealth Council (2018) report "The health effects of environmental noise" which reviews updates and revises the referenced 2004 enHealth Australia report on the non–auditory effects of environmental noise, "Single and double window glazing can reduce noise by up to 30 and 35 dB(A) when closed". Considering these points, NVIA (**Appendix G**) Table 5-14 shows that the highest predicted noise level is 70 dB(A) LAmax, which is at R5, and so the internal noise levels will likely achieve the identified enHealth (2004) noise level of 45 dB(A) LAmax internal. Additionally, as already stated in NVIA Section 5.5.3, the noise monitoring data in Appendix B of the NVIA shows during the night, the existing LAmax external noise levels are consistently between 70 dB(A) to 80 dB(A). Considering the proposed likely number of movements presented in Section 5.1.2.2 of the NVIA, it is unlikely that even with these events occurring, that there would be a noticeable change in the number of noise events above the sleep disturbance assessment trigger levels. Nonetheless, these activities will be mitigated and managed where feasible and reasonable by minimising the requirement for trucks to stop or jolt when entering the site as detailed NVIA Section 5.3.2.

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Concern applies to the assessments of noise and other amenity impacts as a result of the proposed 24-hour operation on the site.	The NVIA (**Appendix G**) has undertaken a detailed assessment of potential noise emissions from the proposal with respect to the NSW EPA requirements. An initial assessment identified potential noise impacts on nearby residence without further mitigation and management measures being implemented. As such, a detailed investigation was undertaken to determine feasible and reasonable mitigation measures across the proposal site and operations. Following this, a large range of mitigation and management measures were identified, reviewed and incorporated into the proposal design to minimise noise impacts on residences. These are detailed in NVIA Section 5.3.2, and include acoustic treatments to minimise breakout from the internal noisy activities, such as closing areas of the development with solid building elements, and incorporating acoustic treatments on surfaces and openings
I receive this proposal and you have no idea how frustrated I am, especially after I read their noise plan and proposed working hours (24/7). We deserve every right to live in our apartments without any of these disturbance, at least for some years because the developments around us have been non-stop and intensive.	The NVIA (**Appendix G**) has undertaken a detailed assessment of potential noise emissions from the proposal in accordance with the NSW EPA requirements. Noise from the operations of a facility is assessed differently to construction noise, mainly due to the potential different time frames of impacts involved, along with the different mitigation and management measures that are available. The proposed operations from the proposal were assessed in detail to determine potential noise impacts, and what mitigation and management measures should be considered and incorporated to achieve the NSW EPA requirements. This assessment specifically looked at the potential impacts during each of the day, evening, night and morning shoulder periods separately. Specific criteria for each of these periods were established, which take into account that the ambient noise levels are lower

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	during the night periods, and traffic levels are also reduced during the night period. An initial assessment identified potential noise impacts on nearby residences without further mitigation and management measures being implemented. As such, a detailed investigation was undertaken to determine feasible and reasonable mitigation measures across the proposal site and operations. Following this, a large range of mitigation and management measures were identified, reviewed and incorporated into the proposal design to minimise noise impacts on residences. For construction of the proposal, the construction works are proposed to take place during the EPA Interim Construction hours, which are generally 7am to 6pm Monday to Friday and 8am to 1pm Saturdays.
Noise particularly during the night 24/7 from vehicle movement. Direct contact details when breaches are made. Available 24/7.	The NVIA (**Appendix G**) has undertaken a detailed assessment of potential noise emissions from the proposal in accordance with the NSW EPA requirements. This assessment specifically looked at the potential impacts during each of the day, evening, night and morning shoulder periods separately. This includes reviewing the likely number of vehicles generated by the site, during each of these periods. Specific criteria for each of these periods were established, which considers that the ambient noise levels are lower during the night periods, and traffic levels are also reduced during the night period. An initial assessment identified potential noise impacts on nearby residence without further mitigation and management measures being implemented. As such, a detailed investigation was undertaken to determine feasible and reasonable mitigation measures across the proposal site and operations. Following this, a large range of mitigation and management measures were identified, reviewed and incorporated into the proposal design to minimise noise impacts on residences.

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	As part of the site's operational noise management planning documents would be reviews and measurements of the site's noise emission performance against the relevant criteria, and requirements in regard to noise complaints.
Garbage bins storage, at what locations and the collection will it cause a noise disturbance.	The location of garbage bins that will service the warehouse in the operational phase are detailed in the Architectural Plans (**Appendix C**) and Waste Management Plan. The bins are to be located internally, at the eastern end of the ground level hardstand area. As it is located within the building structure, and the entrance way to Gardeners Road is already acoustically treated to control noise emission from internal activities, this will substantially mitigate garbage pick-up noise emissions from this opening to the nearby residences. As such, loud noise events from garbage bin activities are expected to be lower than the existing ambient noise levels.
4.3.4. Air quality impacts	
How emissions from the differing vehicle composition of the expected traffic generation have been taken into account in the air quality modelling. Ensuring that the composition and rate of expected movements are consistent between the Air Quality Assessment, the NVIA and the TIA.	The assumptions relating to road traffic emissions are discussed in Section 5.2.2 and Table 9 and Table 10 of the AQIA (**Appendix H**). As may be concluded from the predicted results, the incremental impacts are predicted to be low and minor changes to assumptions used in the road vehicle modelling are unlikely to change the conclusions drawn from the assessment. An updated traffic assessment was completed by Ason Group in July 2022 which included a reduction in total daily vehicle traffic and a minimal increase in AM and PM peak traffic generation from the proposal as compared to that assumed in the report. To illustrate these minor changes, the changes in AM peak hour and PM peak hour traffic flow changed from: <u>AM Peak Hour</u> ▪ from: 155 vehicles (121 light, 34 heavy) ▪ to: 157 vehicles (127 light, 30 heavy)

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	PM Peak Hour ▪ from: 130 vehicles (101 light and 29 heavy) ▪ to: 131 vehicles (111 light, 20 heavy) The daily total vehicle flow decreased from: Daily total ▪ from: 1 248 vehicles (1,106 light and 142 heavy) ▪ to: 772 vehicles (580 light, 192 heavy) The overall 38% decrease in traffic volumes (constituting a decrease in total light vehicles of 48% and an increase in total heavy vehicles of 35%) is not likely to materially impact the findings of the AQIA. A quantification of emissions of PM^{10} resulting from that change in daily traffic flows indicates that site total 24-hour PM^{10} emissions are reduced by 14%. Incremental daily (24-hour) concentrations of PM^{10} and $PM^{2.5}$ were predicted to be low (a maximum of 1 ug/m^3 PM^{10} and 0.9 ug/m^3 at the nearest receptor) based on the original traffic data, and even with the addition of the existing background conditions no additional exceedances of those daily criteria were predicted to occur. Given that the total daily traffic volumes have reduced (and the total site emissions of particulate are also reduced by 14%), the material findings of the AQIA in relation to maximum 24-hour particulate impacts are likely to remain unchanged, that is, incremental concentrations would be low, and no additional exceedances of the air quality criteria would be anticipated. The proposed mitigation measures of adherence to speed limits and implementation of a no-idling policy during loading and unloading remain appropriate.
How the proposed site management measures would be implemented in practice to ensure that no off-site impacts would be experienced. In areas of elevated background concentrations, the EPA guideline for air quality and assessment advises an applicant should	Good site management practices would be implemented at the proposal site to ensure that off-site air quality impacts are minimised. The recommended management measures to be implemented at the site include:

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demonstrate that no additional exceedances of the impact assessment criteria will occur as a result of the proposed activity and that best management practices will be implemented to minimise emissions of air pollutants as far as is practical.	▪ Adhering to the on-site speed limit signs located on the internal roads at the site (AQIA, page 52, **Appendix H**) ▪ Implementing a no idling policy for heavy vehicles during loading / unloading (AQIA, pages 46 & 52, **Appendix H**). In the case of maximum 24-hour average $PM^{2.5}$ concentrations, one minor exceedance is predicted at the adjacent receptor R5 (a datacentre development), although this is predicted on a day of elevated particulate concentrations, with the background air quality already 98.8% of the criterion. A minor incremental contribution associated with the proposal results in a minor exceedance of the criterion at this industrial receptor. It is also noted that R5 is not considered to be a location that would be representative of a 24-hour exposure period and as such that predicted exceedance should account for that low risk of exposure. As outlined in Section 5.2.2 of the AQIA, it was assumed that up to four trucks would be idling at any one time at the site, representing a worst-case scenario to predict air quality impacts at sensitive receptors. The implementation of a no idling policy for heavy vehicles at the site would effectively minimise the impact of that source through ‘elimination’ of the hazard.
4.3.5. Residential amenity	
Whilst it is anticipated that the proposed development will have an acceptable solar access impact to the neighbouring properties, no elevation shadow diagrams have been submitted in order to demonstrate the full overshadowing impact, particularly in relation to No. 635 Gardeners Road. Submission of elevational overshadowing diagrams, at hourly intervals between 9am and 3pm is required to ensure the proposed development will have an acceptable solar access impact to the neighbouring residential properties.	The proposed shadows for the development demonstrated on Architectural Drawing no. DA 093 (**Appendix C**) have identified the shadow does not reach the building and therefore has no impact on the elevation of the development on No. 635 Gardeners Road.

Submission	Response
Council officers wish to express concern at the proposed signage and building illumination, and the potential for adverse impacts on the amenity of nearby current and future residents. Illumination should be curtailed in terms of hours of illumination and/or illuminated display area.	Signage has been limited to certain areas as identified on signage plans to reduce the impact on amenity of nearby current/future residents. The illumination of proposed signage will be controlled with strategies around limited hours of illumination and prohibition of any spot lit elements which will avoid potential for adverse impacts on the amenity of nearby current and future residents.
4.3.6. Landscaping	
The EIS and associate Appendix reports utilise proposed landscaping as a mitigation technique to screen and soften the built form, particularly along Gardeners Road and Bourke Street. However, canopy trees are proposed to be sited along Bourke Street within designated easement areas for multiple services. Confirmation that the landscaping within these easement areas satisfy the guidelines and technical requirements for planting over pipeline assets.	Proposed tree planting is outside the right of access 5m wide access corridor and are located a minimum 2.5m from the cable. Refer to additional detailed section on Landscaping Drawing no. LA-105 outlining condition (**Appendix D**).
The proposed tree canopy coverage listed in the EIS and the Ground Level Canopy Cover Plan (DA-103) seems to utilise areas outside of the subject site boundaries. Further details are required to confirm the canopy cover of the subject site.	The tree canopy cover has been recalculated to ensure the SDCP requirement is met. 24 additional medium-sized trees to the Level 2 carpark are proposed.
The City encourages all new developments to strive to contribute to the City's goal of achieving an overall green cover for the Local Government Area of 40%, including 27% tree canopy cover as per the targets and minimum of 15% for private sites. This can be achieved by providing genuine deep soil planting at the ground floor and additional site greening on rooftop areas and the provision of landscaped walls.	As set out in the Landscape Design Report, City of Sydney's DCP requirements in relation to tree canopy cover are met.
The submitted Landscape Design Report indicates that a total of 16% canopy cover will be provided across the site, however, the plans from which this percentage is based are misleading as they are showing existing canopy cover in the calculation provided by trees that are proposed for removal. The calculation also	The tree canopy cover has been recalculated to ensure the SDCP requirement is met. 24 additional medium-sized trees to the Level 2 carpark are proposed.

Submission	Response
includes the area of canopy which overlaps onto the public domain. The Sydney Development Control Plan 2012 provision only includes calculation of canopy cover within the site.	
The City notes that the provision of deep soil within the site appears to be miscalculated. There is a large portion to the north-east corner of the site that is overhung by the ramp leading up to the car park, and accordingly is not considered deep soil. Secondly, almost half of what is proposed is permeable paving that is not adjacent to unencumbered deep soil, nor does it support any tree planting. The building envelope should be modified to have less site coverage and provide at least 15% canopy coverage in true deep soil in addition to contributing further to site greening and canopy coverage.	The north-east area provides for natural ground in the form of garden with a free-draining natural soil profile with vegetation and tree planting. It meets the minimum dimension of 3m sizing and is also connected to the wider deep soil network of the proposed treatment, consistent with Council's deep soil definition. Noting the requirement that only 50% of the porous paving area can be counted towards deep soil, pervious grass pavers are now proposed. The grass pavers would provide 100% free draining, improved deep soil profile, a planted surface, improved UHI outcome and increased greening. As such, 100% of this treatment is included in the deep soil calculations. This treatment still provides for emergency vehicles access and ensures pedestrian access is achieved.
Further, the Level 1 car park is a large expanse of unshaded concrete. Some small trees are proposed but they will provide limited shade in such a tough microclimate, if they are at all viable. No detail is provided on the planting conditions of these trees. More, larger canopy trees in this space would provide a much-improved outcome in terms of the comfort and function of the car park, but also in terms of reducing the urban heat island effect.	The car park planters have been enlarged to allow for the planting of medium-sized 24 trees within the car park area. These larger canopy trees with a mature height of up to 8m will provide a greater level of shade to the car park and better mitigate urban heat island effect.
In regard to the Level 2 courtyard, Section D of the submitted landscape package shows the planters to the courtyard rely heavily on mounding to achieve the necessary soil depth for planting. Mounding to this degree is not supported by the City, and it is recommended that the planter walls be increased in height to provide a minimum 800-1000mm of soil depth at the edge of the planter. If a seating edge is required, incorporate more bench seats or duplicate the wall with a lower one in front for seating.	As noted in the Landscape Design Report (**Appendix D**), the planters are proposed to provide a minimum of 800mm soil depth.

Submission	Response
Provide a typical section through the car park tree planters ensuring adequate soil depth and volume as per the Sydney Landscape Code.	This has been provided within the updated plan set - refer to Landscape Drawing no. LA-105 (**Appendix D**).
Provide a detailed section through the 'biodiversity green roof' to confirm soil depth and overall planter build-up.	This has been provided within the updated plan set - refer to Landscape Drawing no. LA-105 (**Appendix D**).
All landscape setbacks are affected by existing service easements. The landscape documentation illustrates compliance with these easements however, more detail is required to confirm the necessary conditions for planting large trees directly adjacent to these easements. If root barriers are required, it is unlikely that the proposed trees will be able to achieve a reasonable or balanced root plate. It is recommended that any future submission include detailed sections of the conditions for either side of the service easements within the landscape setbacks, confirming any requirements for root barriers or similar which might impede the development of a balanced root plate for adjacent trees.	This has been provided within the updated plan set - refer to Landscape Drawing no. LA-105 (**Appendix D**).
The City does not, however, support the removal of Trees 6 and 14. The plans indicate a new pedestrian footpath is proposed in the north-western corner. The alignment of the footpath necessitates the removal of Tree 6 which is rated high Landscape Significance and High Retention Value. Similarly, the plans indicate a new vehicle entry / exit point is proposed on the Bourke Road frontage. This is located adjacent to another entry/exit point located further south. The proposed driveway alignment necessitates the removal of Tree 14 which is rated high Landscape Significance and High Retention Value. The removal of high Retention Value trees should be avoided wherever possible. New designs should accommodate and retain high valued trees unless they are substantially restricting any development from occurring. This is not the case at this site as the trees are located close to the property boundary.	The retention of Trees 6 and 14 has been reviewed and further investigation undertaken and understanding of the constraints that resulted in the proposed removal of these two trees. In relation to the removal of Tree 6, the topography and context of the tree in this location has been assessed in more detail and a solution designed that retains the tree and adds to the pedestrian arrival experience with the retention of the tree. In relation to the tree removal of Tree 14 related to the carpark driveway, unfortunately due to safety, vehicle turning requirements to Australian Standard and the complexity of easements that constrain the site in this location, the driveway is unable to be adjusted or driveways combined to enable this tree to be retained. In relation to Tree Protection Zones (**TPZ**), an Arborist has assessed the suitability for the

Submission	Response
High Retention Valued trees are considered important and should be retained and protected. Design modification should be considered to accommodate the Tree Protection Zone (TPZ) setbacks as prescribed by the Australian Standard AS4970 Protection of trees on development sites.	retention of all trees across the site. TPZ will be implemented through the construction phase as set out in the Arboricultural Impact Assessment.
Council officers suggest a more landscaped corner presentation to the Gardeners Road / Bourke Road intersection, with a well landscaped public domain. This would help to improve ground-level experience of the subject site and offset the visual impact of the proposed development when viewed from the south-west, including from current and approved future residential developments.	The proposed tree and understory planting collectively deliver a green street frontage that will minimise the potential visual impact to Gardeners Road / Bourke Road intersection. The proposed grasses and ground covers, with a well-defined edge, will provide for a welcome setting for the public domain and future proof any disturbance for utility access. Refer to Landscape Drawing no. DA-103 (**Appendix D**).
The driveway crossovers should not encroach the Tree Protection Zones (TPZ) of these trees greater than 10% as outlined within the City of Sydney Landscape Code 2016 Volume 2. If there is a TPZ encroachment greater than 10%, it should be demonstrated by an AQF Level 5 Arborist that the street tree/s will remain viable into the future.	Noted, an Arborist has assessed the suitability for the retention of all trees across the site.
4.3.7. ESD	
Details of any provision of infrastructure to support electrification of vehicles in connection with the development.	As part of the Green Star Design and As-Built rating, is it anticipated that 5% of parking spaces will be provisioned with EV Charging infrastructure (cabling and/or installed chargers).
The City has reviewed the submitted ESD report and notes the proposal is referencing GreenStar Design and the As Built rating tool. This rating tool is no longer used, and all references and targets should be amended to refer to GreenStar Buildings. The City expects GreenStar Buildings targeting a 5-star rating for this type of development.	Charter Hall has an extensive history with the GBCA, and allows for a Volume Certification for all new Charter Hall developments. As part of this certification process, Charter Hall can register D&AB projects for at least the next year. The rating tool is still eligible to be used in this case and GS Buildings is currently not being targeted, however the development is targeting a 5-star GreenStar rating.
The City also expects the commercial office portion of the site to comply with the 5.5 Star NABERS Office target, as would be required for	The development is proposed to achieve a Green Star rating of 5-stars or better.

Submission	Response
similar developments incorporating commercial offices. Any amended proposal should demonstrate the commitment to achieving this NABERS rating. Further, any future roof plan must provide details of the indicative photovoltaic (PV) system size and annotations stated in kilowatt peak (kWp).	
Further consideration should also be made to increasing greening cover on rooftop areas and relocating PV systems to other areas on the rooftop.	The updated design includes additional planting to the rooftop area. The PV system has been sited to best suit the orientation of the building and site conditions.
4.3.8. Waste management	
The application must address the City of Sydney Guidelines For Waste Management In New Developments 2018, which requires facilities to minimise and manage waste and recycling generated by the proposal and demonstrate adequate provision for servicing of the site in relation to loading demands, size of waste collection areas and methods of collection to/from and within the site. Measures to reuse or recycle at least 80% of construction and demolition waste, either on site or diverted for reuse and recycling with receipts sufficient to demonstrate the target will be achieved.	With reference to the *City of Sydney Guidelines For Waste Management In New Developments 2018*, potentially recyclable wastes will be increased to meet or exceed the minimum requirement of 80%. These wastes will include mainly concrete, bricks, metal and timber, which will be intended to be recycled in its entirety.
The waste and recycling generated during the operation is to be wholly located in a dedicated room or storage area. Storage areas are to provide adequate capacity for storing all the waste and recycling likely to be generated between collection cycles, based on expected waste generation and selected bin types and accommodate likely peak demand for waste storage capacity. Storage areas should reflect the equipment, infrastructure, manoeuvring space and potential future needs of the development. The waste and recycling storage areas must be detailed on architectural drawings.	The waste storage area is shown on the updated Architectural Plans (**Appendix C**).
The application must also address any potential litter and spillage from the activities during operation and how this can be avoided, minimised and managed. Documentation such as an operational waste management plan must	Contingency measures for potential litter and spillage will be included in the Waste Management Plan.

Submission	Response
demonstrate practices for the minimisation of litter generation and confinement of litter arising from the operation.	
4.3.9. Construction impacts	
At 653 Gardeners Road, south west of the subject site, a Development Application (DA-2015/10022) was approved by the Land and Environment Court for a 14-storey residential development with ground floor commercial uses. Development consent for this development expires on 20 December 2023. It is noted that the EIS acknowledges this development consent. However, there may be conflicts between this development and the subject site, if both are under construction at the same time. TfNSW is currently upgrading Mascot train station, which is affecting traffic flows along Bourke Street. This station upgrade is due for completion in March 2023.	In relation to construction traffic impacts, a cumulative assessment would be undertaken for each of the relevant stages of construction as part of the CTMP. It is expected that this would be ensured via a suitable condition of consent. This ensures that an up-to-date assessment is conducted, which reflects the staging of each site. In relation to construction noise impacts, as per NVIA Section 4.5.4 “Cumulative noise impacts”, the assessment identified that the proposed 14 storey mixed use tower at 653 Gardeners Road, Alexandria could potentially be under construction concurrently with the proposal. This section then details what types of cumulative construction noise issues could result if this is the case, and then identifies a range of mitigation and management to address potential cumulative noise impacts. Additionally, NVIA Section 4.5.6 “Construction noise mitigation measures” identifies that feasible and reasonable noise control solutions to reduce noise impacts to sensitive receivers should be considered and implemented where there is potential for the noise management levels to be exceeded by the construction works, and notes that this is either individually or cumulatively considering other projects.
4.3.10. Visual impacts	
It is not clear if the Visual Impact Assessment has adequately taken into account potential impacts of the proposed development on the approved future residential development at 653 Gardeners Road. This includes potential impacts on solar access as a result of the proposed maximum building height of 22.59m on the northern part of the site, which exceeds the Height of Building control of 18m for this	The shadows diagrams for the proposed development as per Architectural Drawing no. DA 093 (**Appendix C**) demonstrate the proposal will not impact on the development at 653 Gardeners Road. The proposed maximum height of the building is 24.65 metres which is the southern portion of the building, closest to Gardeners Road. The proposed maximum heights across the development have been assessed in the solar

Submission	Response
part of the site (and is the subject of a Clause 4.6 variation request). It is requested that the Department ensures that potential visual impacts of the proposed development on both the current and approved future residential uses to the south-west of the site are adequately considered.	access study and the Visual Impact Assessment (**VIA**). In relation to view impacts, the primary frontage extent of the future 653 Gardeners Road development will be to Bourke Street and will be orientated to the east. Oblique views of the development from the northern and eastern frontage will be possible but given the height of the proposal it is not considered to have any significant visual impacts on the future development due to no direct facing views. Potential visual impacts on residential development south-west of the site have been addressed in Section 4.2 Private Domain Views (661-665 and 659 Gardeners Road) of the VIA. Potential views available will be north-easterly oblique views as opposed to direct views and while some mid-level apartments may be affected by taller built form than is currently on site, any potential visual impacts are not considered to be significant.
4.3.11. Aboriginal cultural heritage	
Please provide a finalised version of the Aboriginal Cultural Heritage Assessment (ACHA) as part of the RTS report. The RTS report should clearly describe how the finalised ACHA and its associated recommendations have influenced the design, construction and operation of the proposed development.	The final ACHAR is provided at **Appendix V**. An updated version of the Aboriginal Cultural Heritage impact assessment section of the EIS is provided at **Appendix K**, in accordance with the final Aboriginal Cultural Heritage Assessment Report.
4.3.12. Site contamination	
The City notes that a Detailed Environmental Site Investigation (DESI) has been carried out by JBS&G stating the site is suitable for the proposed use subject to a CEMP. Where the DESI concludes that the site is suitable for the proposed use it is to be peer reviewed by a NSW EPA Accredited Site Auditor and a Section A Site Audit Statement submitted certifying that the site is suitable for the proposed use. The DESI and a Remediation Action Plan (RAP) must be peer reviewed by a NSW EPA	An Interim Audit Advice Report has been prepared by Ramboll undertaking a review of the Preliminary and Detailed Site Investigation Reports (**Appendix J**).

Submission	Response
Accredited Site Auditor and include a section B Site Audit Statement or a letter of Interim advice from the Site Auditor certifying that the RAP is practical and the site will be suitable after remediation for the proposed use. The City also requests input into any future condition of consent, should DPE recommend approval.	

4.4. PROJECT JUSTIFICATION AND EVALUATION

Submission	Response
4.4.1. Design Excellence	
In its current form, the City does not believe the application satisfies the provisions of Section 6.21C of the Sydney Local Environmental Plan 2012.	The EIS includes a detailed assessment of the proposal against the relevant design excellence clauses of the SLEP. In accordance with the SLEP, the form and external appearance of the proposed development will improve the quality and amenity of the public domain. The design will provide a high standard of architectural design. The materials and detailing of the building will make a positive contribution to the streetscape, neighbourhood, and neighbouring sites. The design has also considered the future desired character of the area and its interfaces. The proposal satisfies the provisions of Section 6.21C of the Sydney Local Environmental Plan 2012 being: ▪ a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved – refer to Design Report pages 28 – 30 and pages 32 – 34 (**Appendix E**). ▪ the form and external appearance of the proposed development will improve the quality and amenity of the public domain – refer to Design Report pages 21 to 25 (**Appendix E**). ▪ the bulk, massing and modulation of buildings – refer to Design Report pages 17, 21 & 22 (**Appendix E**).

Submission	Response
	▪ street frontage heights – refer to Design Report pages 21, 24, 26,30 and 31 (**Appendix E**). ▪ environmental impacts, such as sustainable design, overshadowing – refer to Design Report pages 19, 20 & 35 (**Appendix E**) and Architectural Drawing nos. DA- 005 & DA-93 (**Appendix E**). ▪ pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network – refer to Design Report pages 25 & 27 (**Appendix E**). ▪ the impact on, and any proposed improvements to, the public domain – refer to Design Report pages 25 & 27 (**Appendix E**). ▪ achieving appropriate interfaces at ground level between the building and the public domain – refer to Design Report pages 24 & 25 (**Appendix E**).
Further examination should be undertaken to clarify: a) the long-term intention of the large office spaces once the tenant's lease expires; and b) whether the 5% exceedance will lead to longer term encroachment of large-scale commercial office space into the IN1 General Industrial zone.	a) Schindler Lifts have the option to occupy the development for 30 years. If Schindler Lifts vacate prior to their full tenure, the office and warehouse would be marketed as a combined facility. It is the intention that the office space is always ancillary to the warehouse. b) The 5% exceedance equates to approximately 1,400m^2 of office space. It is noted that this is less than the dock office space required to serve the warehouses which equates to approximately 1,600m^2. Taken in the overall context of the development providing approximately 27,500m^2 of warehouse space, this is not considered to have any material impact in relation to potential encroachment of office space into the IN1 zone. It is also noted that the site is now proposed to provide a much greater quantum of IN1 floorspace than as existing, strengthening the General Industrial precinct.

5. UPDATED PROJECT JUSTIFICATION

This section provides an updated justification and evaluation of the project as a whole.

An updated table of proposed mitigation measures is provided at **Appendix B** which has regard to the economic, environmental and social impacts of the proposal. Updated management and mitigation measures are proposed in relation to noise and vibration impacts. These updated management and mitigation measures have been proposed:

- to provide for consistency between the NVIA and the Noise and Vibration Management Plan associated with the demolition of the existing building on site (as per City of Sydney DA/2022/238); and
- to address the future management of cumulative operational noise in response to submissions received.

Given the additional assessments undertaken in response to the issues raised in submissions have not materially altered the impacts of the development, we reiterate the justification for the project as previously outlined in the EIS.

The proposed development has been assessed with regard to the matters for consideration under section 4.15 of the EP&A Act and the SEARs issued by DPE. We conclude that the proposed development can be supported for the following reasons.

5.1. PROJECT DESIGN

The design of the proposal has been carefully considered to minimise its potential impacts. The proposal seeks to meet the objectives of the project through enabling industrial uses and employment opportunities on the site. The proposal will deliver a state-of-the-art employment-generating development on a vacant industrial site.

The layout and design of the proposal has been developed to minimise impacts on residents and the public domain and maximise the relationship of the building to the streetscape, providing enhancements to the local context. The proposal seeks to make efficient use of the site to deliver employment opportunities in both the short and long-term.

The proposal includes significant uplift to the site in relation to landscaping and planting. Where mitigation measures are proposed, these will enable the proposal to be constructed and operated without any unacceptable economic, social or environmental impacts.

5.2. STRATEGIC CONTEXT

The proposal is consistent with State and local strategic planning policies. The site is highly suitable for the proposed development being located within an established industrial precinct. The proposal will deliver additional industrial floorspace in an appropriate land use zone, intended to meet growth and demand.

The generation of additional employment for the Eastern City Region will contribute to the 30-minute city vision set in the Region Plan. The proposal will provide a range of employment opportunities of benefit to the local community and broader Sydney region.

5.3. STATUTORY CONTEXT

The relevant State and local environmental planning instruments are assessed in detail in the EIS. The assessment concludes that the proposal complies with the relevant provisions within the relevant instruments as summarised below:

- The proposed development has been assessed and designed in respect to the relevant objects of the EP&A Act as defined in Section 1.3 the Act.
- This EIS has been prepared in accordance with the SEARs as required by Schedule 2 of the EP&A Regulation.
- Consideration is given to the relevant matters for consideration as required under the BC Act and the SSD is supported by a BDAR waiver accordingly.
- This SSDA pathway has been undertaken in accordance with the Planning System SEPP as the proposed development is classified as SSD.

- Concurrence from TfNSW will be required for 'traffic generating development'.
- The proposal satisfactorily responds to the relevant provisions under the SLEP 2012. The proposed development is consistent with the objectives of the IN1 zone and permitted with consent. A Clause 4.6 exception to development standard has been prepared to address the minor variation to the maximum height standard on the northern part of the site.
- The proposed development has been assessed in accordance with *State Environmental Planning Policy (Resilience and Hazards) 2021* and *State Environmental Planning Policy (Industry and Employment) 2021* and complies with the relevant clauses of these SEPPs.
- The proposal generally accords with the relevant provisions of the SDCP 2012.

5.4. COMMUNITY VIEWS

As set out in **Sections 3** and **4**, feedback received during the public exhibition has informed the design refinements made to the proposal. Consultation feedback received during the assessment of the application will continue to be considered.

5.5. LIKELY IMPACTS OF THE PROPOSAL

The proposed development has been assessed considering the potential environmental, economic and social impacts as outlined below:

- **Natural Environment**: the proposal addresses the principles of ecologically sustainable development (**ESD**) in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000* (**EP&A Regulation**) and as outlined below:
  - Precautionary principle: the precautionary principle relates to uncertainty around potential environmental impacts and where a threat of serious or irreversible environmental damage exists, lack of scientific certainty should not be a reason for preventing measures to prevent environmental degradation. The development as modified will not result in any threat of serious environmental damage or degradation.
  - Intergenerational equity: the needs of future generations are considered in decision making and that environmental values are maintained or improved for the benefit of future generations. The development represents sustainable development, making best use of a brownfield site in an accessible location. The development will not have any unacceptable impacts on the environment.
  - Conservation of biological diversity and ecological integrity: the proposal will not have any unacceptable impacts on the conservation of biological diversity and ecological integrity. The proposal includes landscaped setbacks and roof-top planting including native species planting.
  - Improved valuation, pricing and incentive mechanisms: this requires the holistic consideration of environmental resources that may be affected as a result of the development including air, water and the biological realm. It places a high importance on the economic cost to environmental impacts and places a value on waste generation and environmental degradation. The development will not have any unacceptable environmental impacts in relation to air quality, water quality or waste management. The effects of the development will be acceptable and managed accordingly by the proposed mitigation measures as required.

  Overall, the proposal will not have any unacceptable impacts on the natural environment. The ESD Report identifies a number of different ecological sustainability initiatives including energy savings, energy efficiency and waste minimisation.
- **Built Environment**: the proposal has been assessed in relation to the following built environment impacts:
  - Visual Impacts: As set out in **Section 4** and the VIA, the proposed development is does not generate any significant visual impacts and the proposal is considered acceptable in visual impact terms.
  - Traffic Impacts: As set out in **Section 4** and the TA, the proposal will result in a net reduction in peak vehicle trips compared to the previous use on site and is considered suitable from a traffic generation perspective. Surrounding intersections will continue to operate at an acceptable level.

  - Trees and Landscaping: As set out in **Section 4**, the AIA and Landscape Design Report, the proposal includes a high level of indigenous species planting and large canopy landscaping across the site. The removal of trees proposed is mitigated by the proposed landscaping design including canopy tree planting to the Bourke and Gardeners Road landscape setbacks.
  - Air Quality: As set out in **Section 4** and the AQIA, the operation of the proposal would result in the achievement of all air quality criteria. Accounting for the background air quality conditions, and adopting worst-case assumptions in relation to truck idling, the proposal will not have any unacceptable air quality impacts including in relation to nearby residential receivers.
  - Noise and Vibration: As set out in **Section 4** and the NVIA, the operation of the proposal is anticipated to comply with the required noise levels at surrounding receivers including nearby residential receivers. The proposal is found to have acceptable impacts in relation to noise and vibration, including during operations at night.

- **Social**: The proposal will have positive social impacts by enabling employment generating uses to be delivered on site in the short-term, providing local employment opportunities both in the construction and operational phases.
- **Economic**: The proposal will have positive economic impacts through enabling the delivery of operational industrial uses on site which will result in investment and economic benefit for Sydney as well as the wider region.

The potential impacts can be mitigated, minimised or managed through the measures discussed in detail the EIS and as summarised in **Appendix B**.

5.6. SUITABILITY OF THE SITE

The site is considered highly suitable for the proposed development for the following reasons:

- The warehouse and distribution centre use in permitted in the IN1 zone and is consistent with the relevant zone objectives, providing a wide range of industrial and warehouse land uses and delivering employment opportunities, while minimising adverse effects on other land uses.
- The development satisfactorily addresses the relevant provisions in SLEP 2012 and SDCP 2012, including acoustic amenity, built form and setbacks, car parking and landscaping. The minor variation to the 18 metre height control has been justified by way of a Clause 4.6 exception.
- The site is located within an existing industrial area and the character and scale of the development is compatible and consistent with its context, avoiding unacceptable impacts on residential amenity.
- The site is highly accessible to both the transport and regional freight network and the rail network and makes use of a brownfield site to deliver sustainable development.

5.7. PUBLIC INTEREST

The proposed development is considered in the public interest for the following reasons:

- The proposal is consistent with relevant State and local strategic plans and satisfactorily addresses the relevant State and local planning controls.
- No adverse environmental, social or economic impacts will result from the proposal.
- The proposal will provide 274 jobs during the construction phase and 659 jobs once fully operational.
- The proposal will stimulate local investment and contribute significant economic output and value add to the economy each year.
- The project is fully funded and ‘shovel ready’ for commencement of construction as soon as possible next year.
- The issues identified during the stakeholder engagement have been addressed through the development of the design of the proposal and the assessment of the impacts of the project.

Having considered all relevant matters, there will be no additional environmental impacts as a result of the proposed refinements and clarifications. The proposed refinements continue to ensure any previously known and assessed impacts will be appropriately managed and mitigated where relevant. On this basis, the

proposed development is appropriate for the site and approval is recommended, subject to appropriate conditions of consent.

DISCLAIMER

This report is dated 15 July 2022 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd **(Urbis)** opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Charter Hall **(Instructing Party)** for the purpose of Response to Submissions Report **(Purpose)** and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A SUBMISSIONS REGISTER

APPENDIX B MITIGATION MEASURES

APPENDIX C ARCHITECTURAL PLANS

APPENDIX D LANDSCAPE DESIGN REPORT

APPENDIX E DESIGN REPORT

APPENDIX F TRAFFIC ASSESSMENT ADDENDUM

APPENDIX G NOISE AND VIBRATION IMPACT ASSESSMENT

APPENDIX H AIR QUALITY IMPACT ASSESSMENT

APPENDIX I STRUCUTRAL DRAWING NO. SK55-A

APPENDIX J INTERIM AUDIT ADVICE REPORT

APPENDIX K EIS ABORIGINAL CULTURAL HERITAGE

APPENDIX V ABORIGINAL CULTURAL HERITAGE ASSESSMENT REPORT

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