



RESPONSE TO SUBMISSIONS HORSLEY LOGISTICS PARK

State Significant Development
Application (SSD-10436)

Prepared for
ESR AUSTRALIA
November 2020



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CONTENTS

1.	Introduction	1
1.1.	Overview	1
1.2.	Structure of this Report	1
1.3.	Reference Drawings and Supporting Information.....	1
2.	Amended Proposal.....	3
2.1.	Overview of the Amended Proposal	3
2.2.	Key Amendments to the Proposal	5
2.3.	Amended Lot 204 Warehouse Layout	7
2.4.	Amended Lot 201 Warehouse Layout	11
3.	Department of Planning Industry and Environment Preliminary Assessment.....	14
3.1.	Consistency with DA.893/2013.7	14
3.2.	Provide Plans Approved by DA 893/2013.7 and submitted under other DA's under assessment	15
3.3.	Noise Assessment	18
3.4.	Bicycle Parking	21
3.5.	General Clarifications.....	21
4.	Response to Submissions	23
4.1.	Government Agency Submissions.....	23
4.1.1.	Fairfield Council	23
4.1.2.	Penrith City Council	30
4.1.3.	Transport for NSW.....	35
4.1.4.	Endeavour Energy	38
4.1.5.	Fire and Rescue NSW	39
4.1.6.	Heritage NSW.....	39
4.1.7.	Sydney Water	40
4.1.8.	Environmental Protection Agency NSW	41
4.1.9.	NSW Rural Fire Service	45
4.2.	Public Submissions.....	47
4.2.1.	Jacfin Pty Ltd	47
	Summary of VIA response by Geoscapes.....	66
	Summary of NVA response by SLR	67
4.2.2.	Greenway Place Resident Submissions	68
5.	Revised Planning Assessment	76
5.1.	Assessment of Proposed Modifications	76
5.2.	Summary of Mitigation Measures (as amended)	85
6.	Conclusion.....	95
	Disclaimer.....	97
Appendix A	Amended Architectural Plans	
Appendix B	Amended Landscape Plans	
Appendix C	Amended Visual Impact Assessment	
Appendix D	Amended Noise and Vibration Impact Assessment	
Appendix E	Amended Civil Engineering Report and Plans	
Appendix F	Amended Traffic Impact Assessment	
Appendix G	Compliance Audit – DA 893.7/2013	
Appendix H	Remediation Action Plan Submitted with DA 21.1-2020	
Appendix I	Approved Remediation Action Plan – DA893.1-2013	
Appendix J	Approved Visual Impact Assessment – DA 893.1-2013	
Appendix K	Approved Landcape Plans – DA 893.1-2013	
Appendix L	Approved Subdivision Plan - DA 893.7-2013	

Appendix M	Work As Executed Drawings – DA 893.7-2013
Appendix N	Approved Vegetation Management Plan – DA 893.1-2013
Appendix O	Deposited Plan and 88B Instrument – DP 1244593
Appendix P	Geoscapes Response to Jacfin Visual Impact Assessment

FIGURES

Figure 1 Amended Site Masterplan	6
Figure 2 Lot 204 Longitudinal Section	7
Figure 3 Lot 204 - Eastern Elevation Comparison	9
Figure 4 Lot 204 - Southern Elevation Comparison	10
Figure 5 Lot 204 – Warehouse Layout Comparison.....	11
Figure 6 Southern Boundary Landscaped Setbacks.....	12
Figure 7 Acoustic Wall Proposed to the Southern End of the Eastern Elevation – Lot 201.....	13
Figure 8 Approved Subdivision Layout – DA 893.7/2013.....	15
Figure 9 2020 RAP Site Plan.....	16
Figure 10 Staging Plan – Pursuant to DA 893.7/2013	17
Figure 11 Noise and Vibration Impact Assessment Site Plan	19

PICTURES

Picture 1 Eastern elevation proposed with the EIS	9
Picture 2 Amended eastern elevation proposed with this RtS	9
Picture 3 Southern elevation submitted with the EIS	10
Picture 4 Southern elevation submitted with the RtS	10
Picture 5 Lot 204 Warehouse Layout Proposed with the EIS	11
Picture 6 Amended Lot 204 Warehouse Layout Proposed with this RtS	11

TABLES

Table 1 Amended Supporting Documentation.....	2
Table 2 Summary of Amended Proposal.....	3
Table 3 Amended Lot 204 Warehouse Layout.....	7
Table 4 Anticipated Delivery of Stage 2 of the CSR Estate	18
Table 5 Response to Fairfield Council.....	23
Table 6 Response to Penrith City Council.....	30
Table 7 Response to Transport for NSW	35
Table 8 Response to Endeavour Energy.....	38
Table 9 Response to Fire Rescue NSW.....	39
Table 10 Response to Heritage NSW	39
Table 11 Response to Sydney Water.....	40
Table 12 Response to Environmental Protection Agency NSW	41
Table 13 Response to NSW Rural Fire Service	45
Table 14 Response to Jacfin Submission	47
Table 15 Response to Greenway Place Resident Submissions	68
Table 16 Assessment of amended proposal against relevant statutory planning frameworks	76
Table 17 Updated Mitigation Measures.....	85

1. INTRODUCTION

1.1. OVERVIEW

This Response to Submissions (RtS) report has been prepared to respond to the public and agency submissions received during the public exhibition of the Environmental Impact Statement (EIS) for the Horsley Logistics Park (the proposal). The EIS accompanied State Significant Development Application 10436 (SSDA) for the development of a new industrial warehouse and distribution precinct including the construction and fit-out of six warehouses, on-lot stormwater, infrastructure and services.

The EIS was publicly exhibited from 30 July 2020 until 26 August 2020. A total of 20 submissions were received including 14 from state and local agencies authorities, and 6 from members of the public and organisations.

Correspondence was received on 3 September 2020 from the Department of Planning Industry and Environment (DPIE) requesting that the proponent provide a written response to the issues raised in the submissions. This correspondence also identified key matters to be addressed arising from the DPIE's preliminary assessment of the application. These matters include:

- Consistency with the CSR Estate development application (DA 893/2013.6)
It is noted at the date of the DPIE RS letter, DA893/2013.6 was the most recent approval, with DA893/2013.7 under assessment by Fairfield Council. DA893/2013.7 was approved on 23 June 2020 and our RtS documentation demonstrates consistency with that most recent approval.
- Provide plans approved as part of DA 893/2013.6 and submitted as part of other DA's under assessment.
- Provide an amended Noise and Vibration Assessment (NVA) to assess the cumulative impact of development and nearby industrial uses as part of the CSR estate.
- Provide locations of bicycle parking adjacent to the warehouses.
- Provide works as executed plans for the bund wall and retaining wall located on the southern boundary.
- Provide general locations of all external lighting.

This report provides a comprehensive response to the matters identified by DPIE and the issues raised in the agency and public submissions received. The proposal has been amended in order to respond to issues raised and additional justification and technical information has been provided.

1.2. STRUCTURE OF THIS REPORT

This RtS report is structured as follows:

- **Section 2 – Amended Proposal:** Outlines amendments made to the proposal in response to matters raised in the submissions.
- **Section 3 – DPIE Preliminary Assessment:** Provides a response to key issues raised following the preliminary assessment undertaken by the NSW Department of Planning, Industry and Environment (DPIE), as outlined in correspondence received 3 September 2020.
- **Section 4 – Response to Submissions:** Provides a detailed response to key issues raised by the various agencies, organisations, and the public in each submission received.
- **Section 5 – Assessment of Design Amendments:** provides an environmental impact assessment of amendments to the proposal.
- **Section 6 – Conclusion.**

1.3. REFERENCE DRAWINGS AND SUPPORTING INFORMATION

This RtS is supported by the following technical studies provided in the appendices of this report. This information is intended to supersede and/or supplement those originally lodged in July 2020. All other

consultant reports remain unchanged from the original Environmental Impact Statement lodgement and can be found on the DPIE website.

Table 1 Amended Supporting Documentation

Document	Appendix
Amended Architectural Plans	Appendix A
Amended Landscape Plans	Appendix B
Amended Visual Impact Assessment	Appendix C
Amended Noise and Vibration Impact Assessment	Appendix D
Amended Civil Engineering Report and Plans	Appendix E
Amended Traffic Impact Assessment	Appendix F
Compliance Audit – DA 893/2013.7	Appendix G
Remediation Action Plan Submitted with DA 21/2020	Appendix H
Approved Remediation Action Plan – DA 893.1/2013	Appendix I
Approved Visual Impact Assessment – DA 893.1/2013	Appendix J
Approved Landscape Plans – DA 893.1/2013	Appendix K
Approved Subdivision Plans – DA 893.7/2013	Appendix L
Work As Executed Drawings – DA 893.7/2013	Appendix M
Approved Vegetation Management Plan – DA 893.1/2013	Appendix N
Fairfield City Council Executed Deposited Plan and 88B Instrument – DP 1244593	Appendix O
Geoscapes Response to Jacfin Visual Impact Assessment	Appendix P

2. AMENDED PROPOSAL

2.1. OVERVIEW OF THE AMENDED PROPOSAL

This SSDA seeks consent for development and use of land which benefits from an existing approval for its subdivision into four lots (201, 202, 203, and 204), estate wide earthworks, new roads, and associated infrastructure delivered under Stage 2 of DA893/2013 approved by the LEC on 16 October 2015 (as modified). This Proposal seeks consent for the future development and use of the site for warehouse and distribution purposes and does not seek to detract from or require rescission of any previous development consents.

Specifically, the Proposal (as amended) seeks consent for the following:

- Construction, fit-out, and use of eight warehouse and distribution buildings with a total GFA of 112,819m² across the four lots comprising:
 - 106,887m² of warehouse space
 - 5,472m² of office (and dock office) space
 - 636 car parking spaces.
 - 70 bicycle parking spaces
- On-lot landscaping including boundary planting, bio retention basins, fencing and retaining walls.
- On-lot civil and infrastructure works.
- Site preparation including demarcation of lots and construction waste management areas.
- Construction of individual access points to each lot from the access road including driveways and fire road for emergency access.
- Hardstand loading spaces for each lot including recessed and flush docks.
- Ancillary infrastructure for each lot including sprinkler tank, pump room, and rainwater tank.
- On lot signage including warehouse tenant signage and wayfinding signage.
- Use of the proposed buildings for generic 'warehousing and distribution' purposes with 24 hours/day, seven day/week operation.

A detailed description of the proposal (as amended) is provided in **Table 2** below.

Table 2 Summary of Amended Proposal

Aspect	Proposed
Uses	Consent is sought for the use of the site for the purposes of a Warehouse or Distribution Centre.
Site Preparation and Bulk Earthworks	<p>Bulk earthworks have been performed throughout the site are pursuant to an existing approval under DA 893.1/2013 to facilitate the development of the estate for industrial warehouse distribution use as proposed in this SSDA.</p> <p>Site preparation works are proposed such as fencing and demarcation of development lots within the site. Minor lot grading works will be undertaken as necessary to prepare the lot levels for construction.</p>
Site Area	20.8 ha

Aspect	Proposed
Gross Floor Area	112,819m ²
Car Parking	636 (- 42 spaces)
Site Access	All development lots will gain access off Johnston Crescent. The estate road and associated infrastructure is currently being constructed by CSR under Council approval of DA 893.1/2013. This access road connects to the future Southern Link Road and Burley Road via a 20m wide internal loop road.
Operation hours	24 hours a day seven days a week consistent with surrounding warehouse and logistic precincts in the WSEA.
Jobs and CIV	Construction Jobs: 254 Operational Jobs: 441 Capital Investment Value: \$110,020,640
Built Form	
Lot 201	
Warehouse	42,233m ² (-1,255m ²)
Office (and dock office)	1,095m ²
Guard House	22m ²
Car parking spaces	232 spaces
Heavy duty pavement	13,845m ² (-4,004m ²)
Light duty pavement	6,437m ² (-646m ²)
Lot 202	
Warehouses x 2 (A and B)	A – 15,880 sqm B – 15,880 sqm Total: 31,760 sqm
Office (and dock office)	A – 800m ² B – 800m ²
Car parking spaces	147 spaces (-2 spaces)
Heavy duty pavement	11,230m ²
Light duty pavement	3,900m ²
Lot 203	

Aspect	Proposed
Warehouse	18,370m ²
Office (and dock office)	800m ²
Car parking spaces	140
Heavy duty pavement	6,160m ²
Light duty pavement	4,120m ²
Lot 204	
Warehouses x 4 (A, B, C, and D)	A – 4,517m ² B – 3,454m ² C – 3,397m ² D – 3,156m ²
Office	A – 777m ² B – 400m ² C – 400m ² D – 400m ²
Lobby space (shared B and C)	78m ²
Car parking spaces	117 (-32)
Heavy duty pavement	9,220m ² (+2,588m ²)
Light duty pavement	4,970m ² (+3,613)

2.2. KEY AMENDMENTS TO THE PROPOSAL

In accordance with Section 55 of the *Environmental Planning and Assessment Regulation 2000*, the Applicant seeks to make minor amendments to the proposal. The amendments are primarily a result of design development however also respond to matters raised in the submissions received.

Amended Architectural Plans prepared by HLA are provided at **Appendix A**. A summary of the amendments sought to the proposal are outlined below. The amended site masterplan is shown at **Figure 1**.

Update to Site Arrangement and Warehouse Layout on Lot 204

The lot layout of Lot 204 is proposed to be amended to reflect tenant enquiries and to suit the specific needs of an end user. This will prevent a further modification to any consent issued.

Generally, the proposal sees the amalgamation of the warehousing structure on the site and its orientation in a north-south direction with hardstand located at the west. The following describes the main changes.

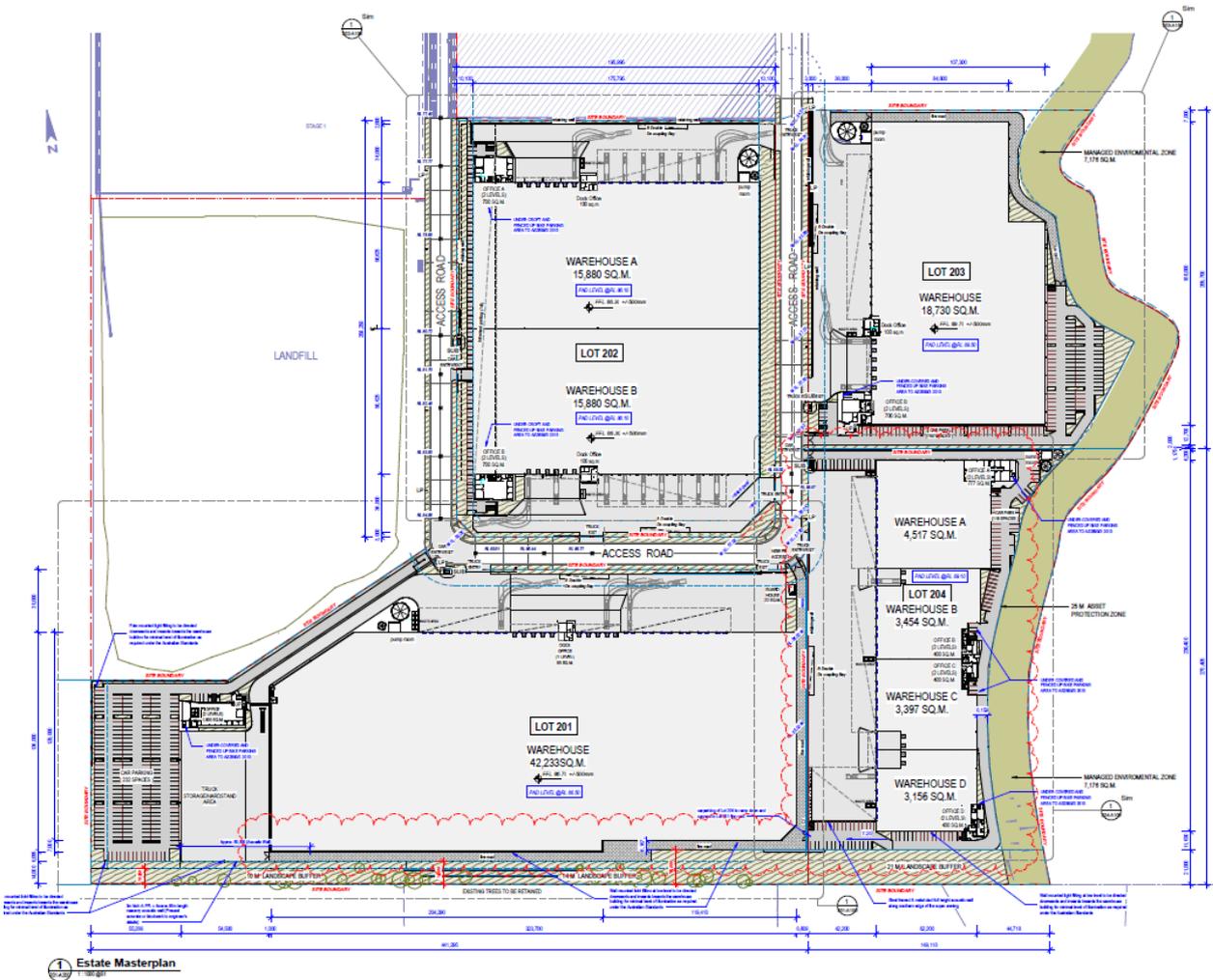
- The cumulative gross floor area for the site will be 1,673m² less than that proposed with the EIS.
- 42 fewer car parking spaces are proposed across the site.
- Minor landscaping amendments to reflect the amended lot 204 warehouse layout.

- Provision of fire truck perimeter access and relocation of car parking.
- Inclusion of enclosed awning and acoustic barrier along the southern alignment of the hardstand.

Other design changes across the Estate

- Location of bicycling parking identified on each lot.
- Waste area locations identified on each lot.
- Minor amendments to the signage strategy to reflect the amended Lot 204 warehouse layout orientation.
- Indicative substation locations identified.
- End of trip facilities provided for each site office.
- Minor amendments to external finishes and materials to the southern elevations of Lot 201 and 204 to remove the 'red strip' and highlights.
- B-double de-coupling zones identified on each lot.
- In accordance with recommendations from the Amended Noise and Vibration Impact Assessment at **Appendix D** a 3m height x 80m length masonry acoustic wall is proposed along the southern end of the western truck storage/hardstand area on Lot 201.
- Lot 201 layout amended to ensure compliance with the southern landscape setback requirements of the DA893.7/2013 development consent resulting in a minor reduction in site area and car parking provision.

Figure 1 Amended Site Masterplan



Source: HLA

2.3. AMENDED LOT 204 WAREHOUSE LAYOUT

In response to market requirements from a future tenant of Lot 204, the layout of the warehouses is proposed to be amended. An amended warehouse layout is provided at **Figure 1**. The amendments to the warehouse layout seek to combine the two warehouses within lot 204 into one single built form element comprising four warehouses running north south within the lot.

The amended warehouse building layout is to comprise a total building area of 16,579m² which is 418m² less than originally proposed. Amendments to the vehicular circulation and car parking layout within the lot is also proposed to reflect the amended warehouse layout along the eastern boundary. A total of 117 car parking spaces are provided, generally along the eastern and southern boundaries of the warehouses, with a new parking area located directly adjacent to the ingress and egress point.

The ridge of the warehouse building extends to a height of 13.7m, which is consistent with the design submitted with the EIS.

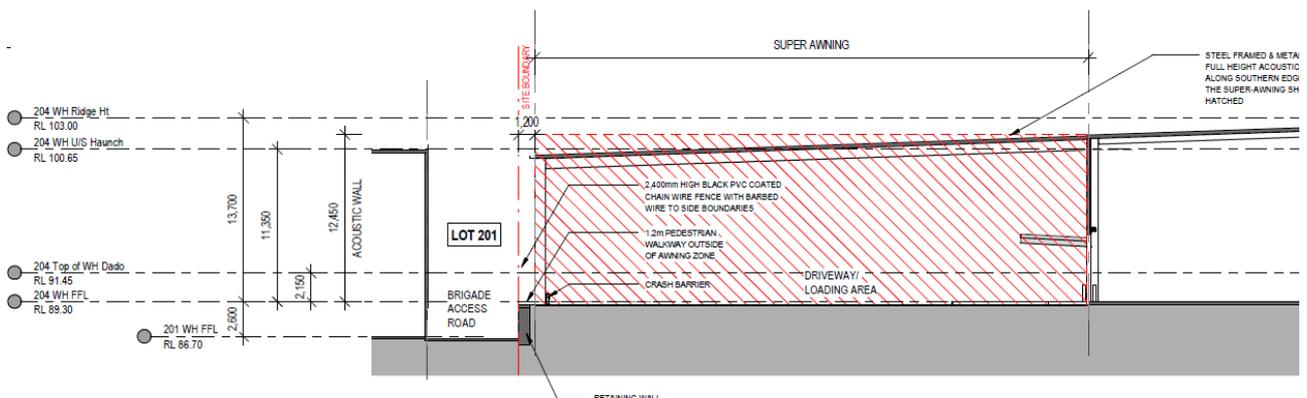
Sufficient width is provided for two-way traffic along the eastern boundary.

Minor amendments are proposed to the signage strategy to reflect the amended warehouse layout including provision of a customer building sign to the western elevation of each warehouse.

Fire road access would not be impacted by the amendment to the vehicular circulation area. A ramp from lot 204 connecting to the lot 201 fire road is provided at the south western corner of the lot. The pump room is to be relocated to the north eastern corner of the lot adjacent to the asset protection zone.

The amended proposal includes a 12.45m high acoustic wall and an extended 42m deep and 33m wide awning along the southern extent of the western hardstand to act as an acoustic barrier (refer **Figure 2**).

Figure 2 Lot 204 Longitudinal Section



3 Lot 204 Longitudinal Section (WH 204-B Basement Parking)
204-A100 1:250 @B1

Source: HLA

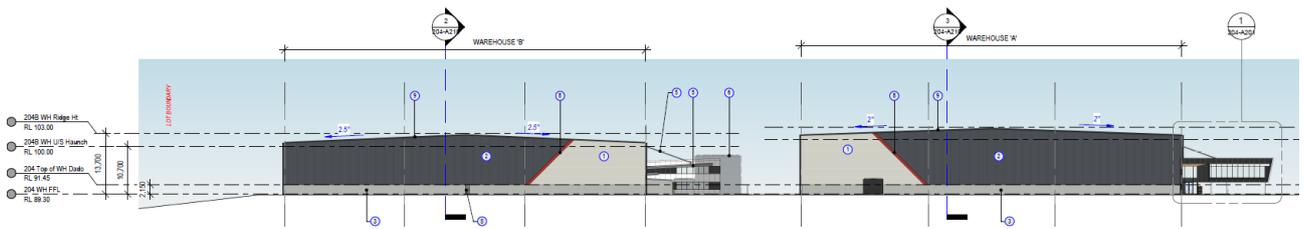
The four warehouse buildings are alphabetically referenced from north to south, the composition of which is detailed in Table 3.

Table 3 Amended Lot 204 Warehouse Layout

Warehouse	Details
Warehouse A	<ul style="list-style-type: none"> ▪ 4,517m² warehouse building ▪ Two level 777m² office building ▪ Bicycle parking area to Australian Standards

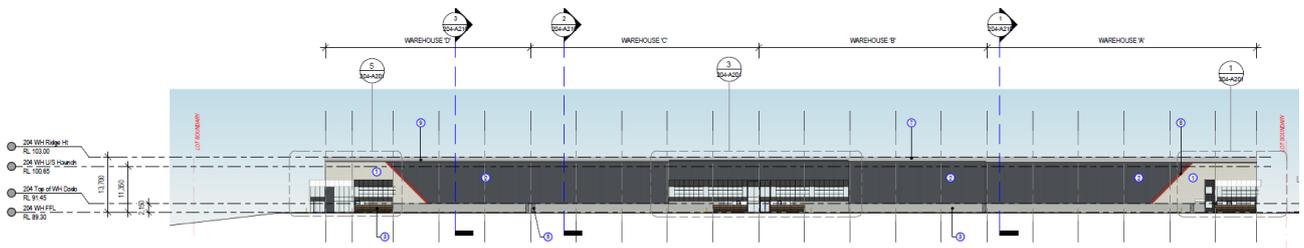
Warehouse	Details
Warehouse B	<ul style="list-style-type: none"> ▪ 3,454m² warehouse building ▪ Two level 400m² office building ▪ Two recessed loading docks ▪ Shared 78m² lobby space with warehouse C ▪ Bicycle parking area to Australian Standards
Warehouse C	<ul style="list-style-type: none"> ▪ 3,397m² warehouse building ▪ Two level 400m² office building ▪ Two recessed loading docks ▪ Shared 78m² lobby space with warehouse B ▪ Bicycle parking area to Australian Standards
Warehouse D	<ul style="list-style-type: none"> ▪ 3,156m² warehouse building ▪ Two level 400m² office building ▪ Two recessed loading docks ▪ Bicycle parking area to Australian Standards ▪ A super awning is proposed over the hardstand area to the west with a metal clad full height acoustic wall along the southern edge

Figure 3 Lot 204 - Eastern Elevation Comparison



Picture 1 Eastern elevation proposed with the EIS

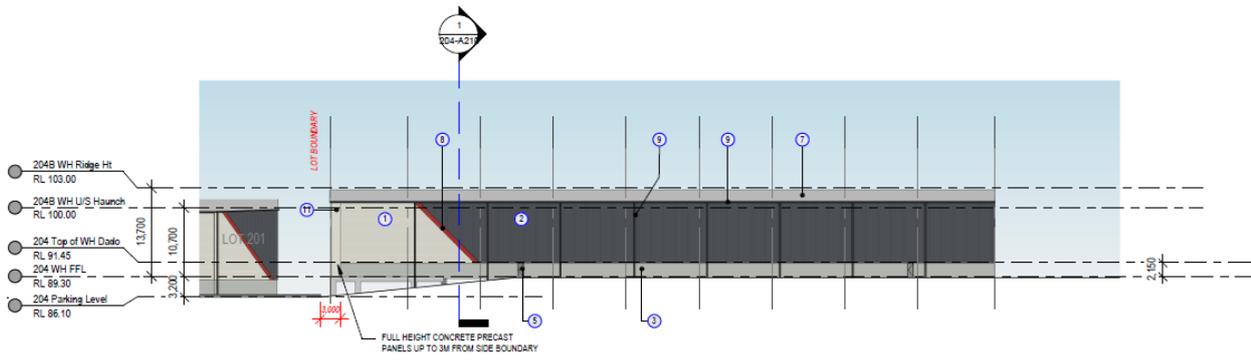
Source: HLA



Picture 2 Amended eastern elevation proposed with this RtS

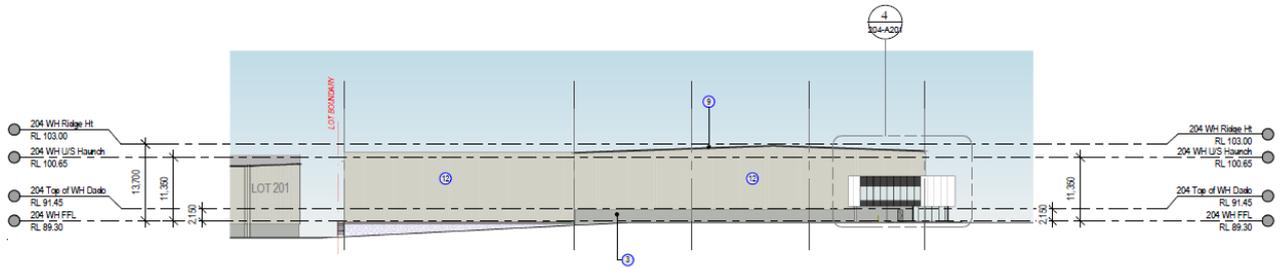
Source: HLA

Figure 4 Lot 204 - Southern Elevation Comparison



Picture 3 Southern elevation submitted with the EIS

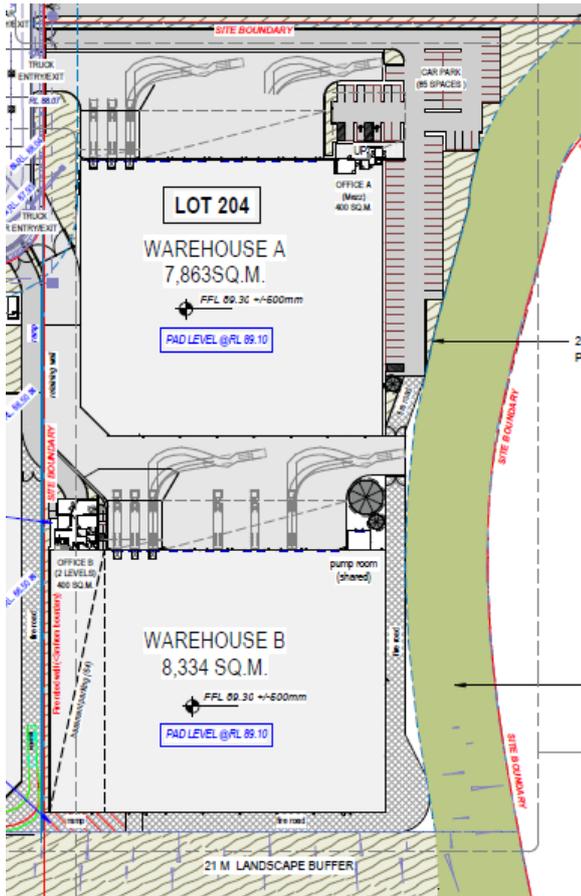
Source: HLA



Picture 4 Southern elevation submitted with the RtS

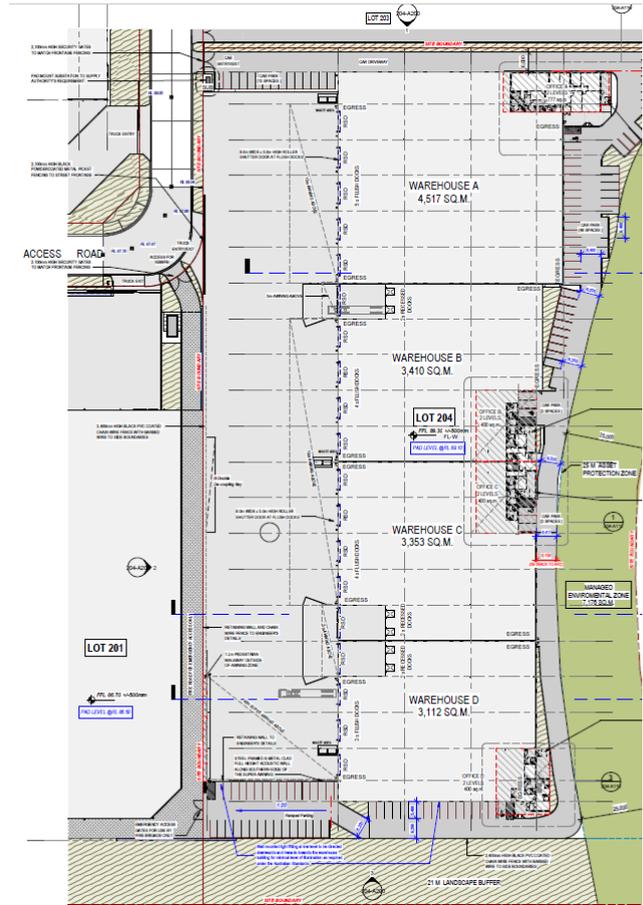
Source: HLA

Figure 5 Lot 204 – Warehouse Layout Comparison



Picture 5 Lot 204 Warehouse Layout Proposed with the EIS

Source: HLA



Picture 6 Amended Lot 204 Warehouse Layout Proposed with this RtS

Source: HLA

2.4. AMENDED LOT 201 WAREHOUSE LAYOUT

The southern boundary landscaped setback has been constructed in accordance with the works as executed plans drawings **Appendix M** which were certified on 12 July 2020.

Condition 3 (e) of the DA 893.7/2013 states:

The following conditions must be complied with in respect of the development:

(b) All plans shall be amended prior to the issue of a construction certificate to provide a minimum 10m (western section without retaining walls), 14m (western section where retaining walls are proposed) and 21m (eastern section with bund) wide landscape setback along the southern boundary which is to be maintained for the life of the consent. No buildings (other than the structural bund and retaining walls), roads or access ways (other than a path to provide for maintenance of the landscaped area which may be provided within the 3m area set aside adjacent to the southern property boundary and identified as a drainage swale) are to be constructed within the landscape setback shown in the plans referred to in this condition.

...

(e) The retaining wall along the southern boundary is to have a maximum of 2 tiers, with the retaining structures at each tier to be a maximum of 1.5m high. The top of the retaining wall shall be setback a minimum of 10m from the southern boundary. The planter bed between the 2 tiers shall have a minimum width of 6m. The remaining 4m landscape setback shall be provided from the top of the retaining wall and landscaped with shade tolerant plant species.

The condition requires:

- Eastern section with bund: 21m setback
- Western section with retaining wall: 14m setback
- Western section without retaining wall: 10m setback

These works have been undertaken in accordance with the condition of consent and have been certified as completed as such by Fairfield Council in their issuance of the subdivision certification for the site, in accordance with consent condition 2 which requires certification that works have been completed in accordance with all methods, procedures, control measures and recommendations approved by Council in the following reports have been completed as appropriate to stage 2 of the development Refer **Appendix G**.

To reflect the landscaped setback as constructed, the warehouse, fire road, and car parking area to Lot 201 has been shifted 4m north within the western section, north of the constructed retaining walls. This results in a minor decrease in warehouse area of 1,255m².

The original EIS proposed

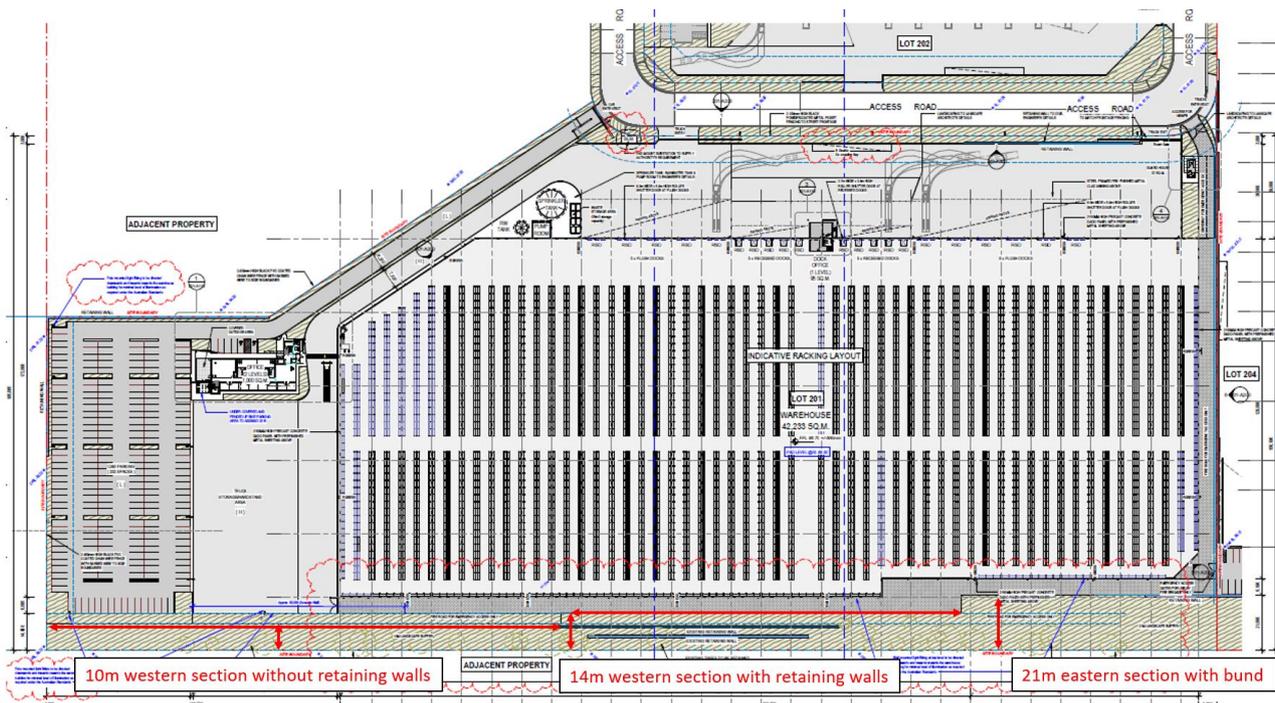
- A warehouse area of 43,488m² warehouse area, and
- 240 car parking spaces.

This RtS design proposes

- A warehouse area of 43,233m² (-1,255m²), and
- 232 for the RtS (-8 spaces).

Figure 6 below illustrates the amended southern boundary condition and the updated Lot 201 layout plan.

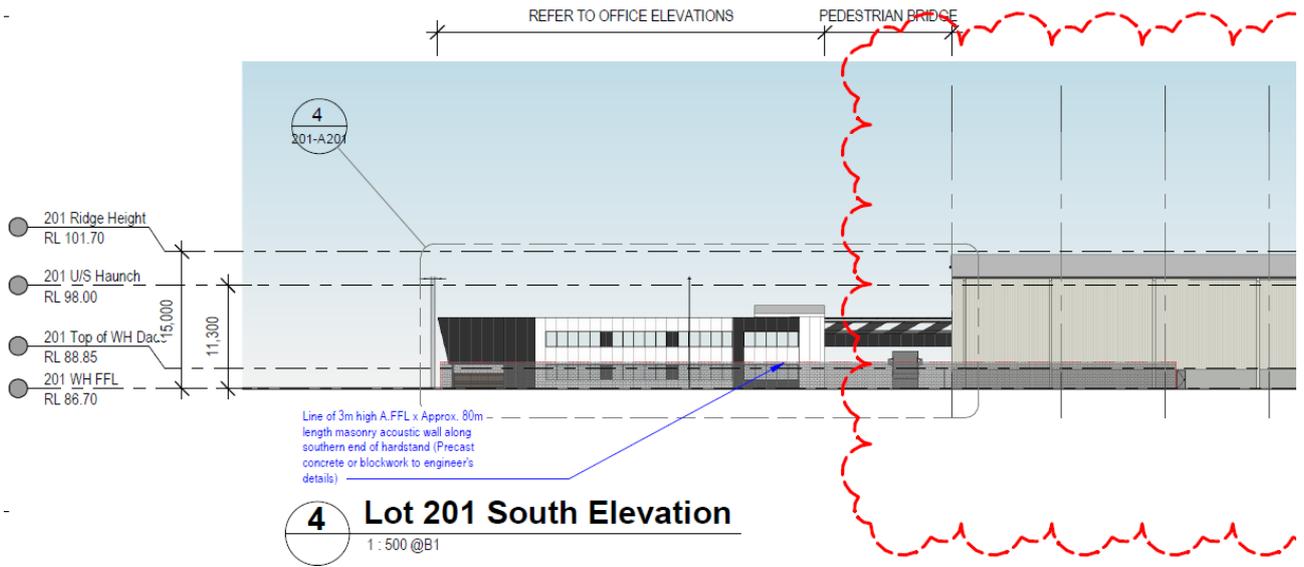
Figure 6 Southern Boundary Landscaped Setbacks



Source: HLA

In accordance with recommendations from the Amended Noise and Vibration Impact Assessment at **Appendix D** a 3m height x 80m length masonry acoustic wall is proposed along the southern end of the western truck storage/hardstand area (Refer **Figure 7**).

Figure 7 Acoustic Wall Proposed to the Southern End of the Eastern Elevation – Lot 201



Source: HLA

3. DEPARTMENT OF PLANNING INDUSTRY AND ENVIRONMENT PRELIMINARY ASSESSMENT

Correspondence was received on 3 September 2020 from the Department of Planning Industry and Environment (DPIE) requesting that the proponent provide a written response to the issues raised in the submissions. This correspondence also identified key matters to be addressed arising from the DPIE's preliminary assessment of the application. These matters are responded to in the following section.

3.1. CONSISTENCY WITH DA.893/2013.7

The Department notes there appear to be some discrepancies between the conditions of consent prepared as part of the Land and Environment Court case and imposed under DA 893/2013.6 and the development. It is requested that a table be provided which details all of the development consent conditions of DA 893/2013.6 applicable to the site and an assessment as to whether the development and the constructed CSR Estate complies with these conditions. Such conditions include the provision of boundary treatments with specific design specifications and the height of the floor level of Lot 201, among others.

As the development relies on existing development consents (DA893/2013.6) and subsequent modification consents, it is recommended to include a compliance audit in the RtS report to ensure that the CSR Estate, insofar as it relates to the area of the site subject to this SSD, is being delivered in accordance with the existing development consents. Should the southern boundary treatments and other estate wide works being delivered are not in accordance with the relevant approvals, please clarify if any rectifications are proposed as part of the proposed development.

Response:

It is noted that DA893.7/2013 was approved on 23 June 2020 and therefore that consent has been reviewed for the purposes of the above request.

A compliance audit of relevant conditions of consent to this SSD DA is provided within **Appendix E**.

In summary the following key elements are demonstrated as being consistent with DA893.7/2013:

- The architectural and civil drawings submitted with the proposal are consistent with approved subdivision plans as approved by Fairfield Council by way of DA893.7/2013. Note that the lot referencing in SSD DA reflect the ultimate lot layout numbering.
- The southern landscaped bund complies with the requirements of condition 3(d) and (e) of the consent. As built drawings for this bund, confirming their delivery in accordance with DA 893.7/2013 is provided at **Appendix M**.
- In accordance with DA893.7/2013, a positive covenant will be registered on title to ensure the ongoing management of the southern bund wall. Fairfield Council executed the plan of subdivision for DP 1244593 and accompanying 88B instrument on 18 August 2020 (Refer **Appendix O**). The subdivision certificate is currently with the Land Registrar Services for registration. The executed plan of subdivision confirms that all works have been delivered in accordance with the requirements of DA 893/2013, and that the required covenants will be registered on title.
- The ongoing management of the landscape bund will be undertaken by ESR in accordance with the approved Vegetation Management Plan (refer **Appendix N**).
- It is noted that two years has elapsed since practical completion of the landscaped bund wall, with the final monthly inspection undertaken on 13 July 2020. A compliance certificate has been issued for these works to this stage. The approved VMP stipulates that after this two year period, which has since elapsed, it is anticipated that the site will be in such condition as to be placed onto a low level maintenance weeding program. Programmed maintenance weeding should be undertaken indefinitely to maintain a maximum weed cover of 5%.
- The finished pad levels are in accordance with the Subdivision DA 893.7/2013. A positive covenant to restrict these pad levels is included in the Fairfield City Council Executed Plan of Subdivision and Section 88B with Fairfield City Council (refer **Appendix O**).

3.2. PROVIDE PLANS APPROVED BY DA 893/2013.7 AND SUBMITTED UNDER OTHER DA'S UNDER ASSESSMENT

It is requested that the approved Visual Impact Assessment (VIA) and estate wide landscape plans under DA 893/2013 are submitted and reflected in in the VIA and landscape plans submitted with the EIS. Also provide an assessment of the development's compliance with the approved plans.

Response:

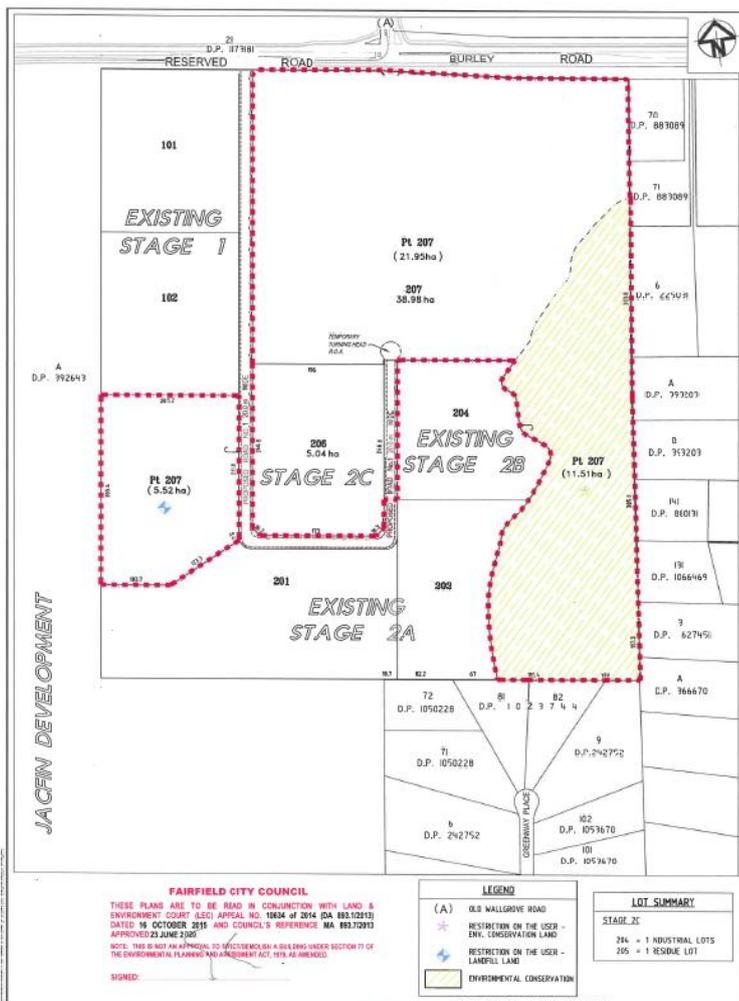
The Visual Impact Assessment and Landscape Plans approved by DA 893/2013 are provided within **Appendix J** and **Appendix K** respectively. The updated Visual Impact Assessment accompanying this proposal has taken account of the VIA for DA893/2013 and incorporates its findings into the assessment for consistency.

Provide further details and plans associated with the two modification applications to DA 893/2013 presently under assessment with Fairfield City Council (Council). Also provide a status of these modification applications.

Response: DA 893.7/2013 was approved by Fairfield City Council on 23 June 2020. This amended the subdivision layout of the site.

The approved subdivision plans are provided at **Appendix L** and **Figure 8** for reference. The approved lot layout is reflected in the subject proposal.

Figure 8 Approved Subdivision Layout – DA 893.7/2013



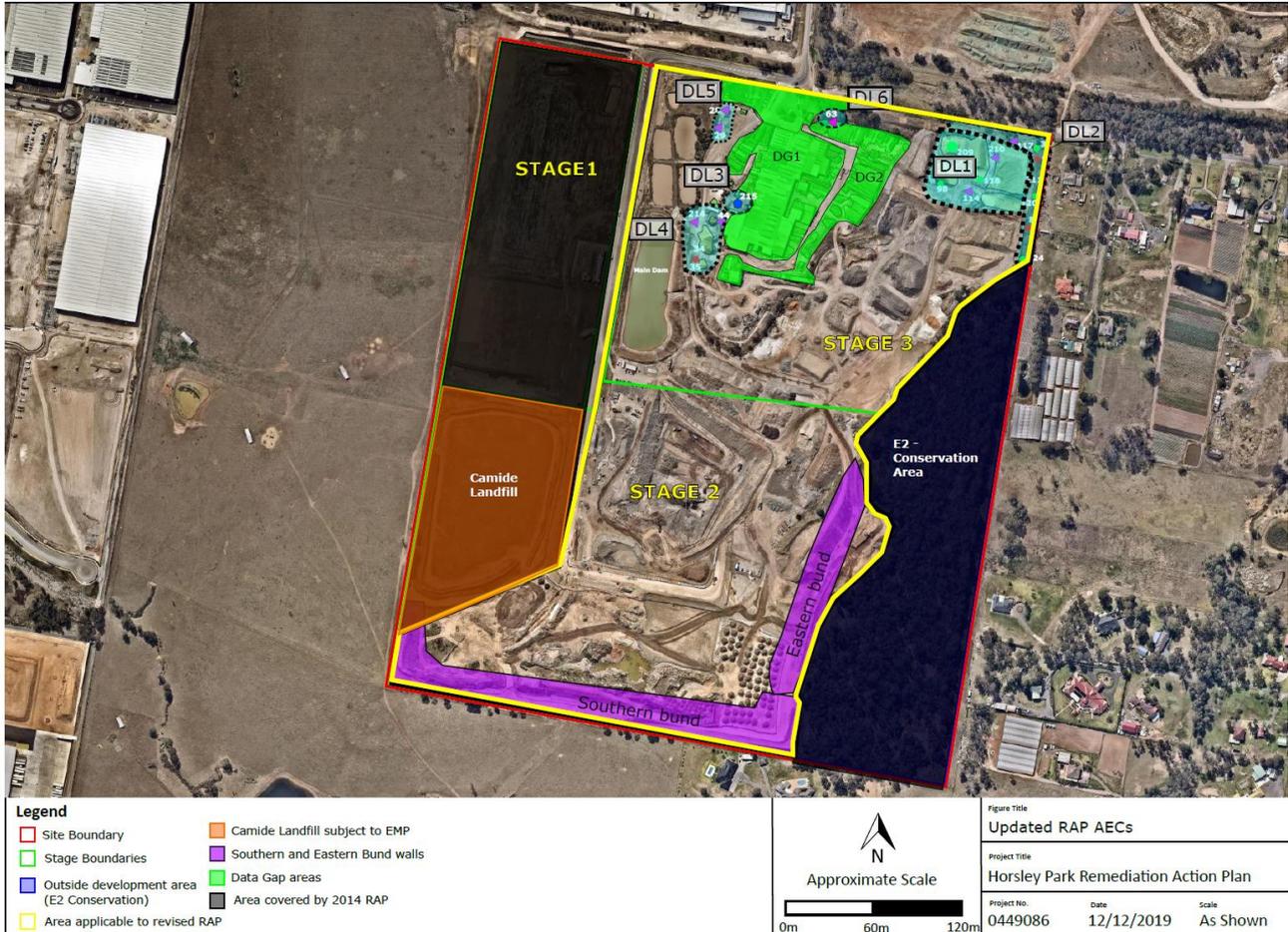
Source: Calibre Consulting

Provide the Remedial Action Plan and contamination assessments submitted with DA 21/2020 under assessment with Council.

Response:

DA 21/2020 relates to Lot 2 DP 1228114 which is the future Stage 3 of the CSR Estate. It specifically relates to the approved Lot 306 DA 893.1/2013 (as amended) which sits outside the boundary of, and to the north of the HLP boundary.

Figure 9 2020 RAP Site Plan



Source: ERM

DA 21/2020 proposes an alternate solution to the disposal of contaminated material associated with the remediation of land in Stage 2 and 3 of the CSR Estate, than that approved by way of DA 893.1/2013. Rather than disposing of the contaminated material off-site, it proposes to contain it on-site in a containment cell located on approved Lot 306 of DA 893.1/2013.

An amended RAP, which is an updated version of the RAP approved in 2014 by DLA Environmental (2014 RAP) (refer **Appendix I**) subject to DA 893.7/2013, is provided **Appendix G** (2020 RAP).

This 2020 RAP is an updated version of the 2014 RAP based on ERM's incremental understanding of the site conditions since drafting the RAP in 2014. It considers the additional investigations and ongoing remediation works within the Stage 2 area (which relates to the subject site). The 2020 RAP addresses potential gaps in the 2014 RAP based on currently available information such that an updated remediation strategy is being implemented to meet the overall project objectives.

Both RAPs relate to the Stage 2 CSR estate development site area, except for a small portion south of the Landfill Site. A small portion south of the Landfill Site originally formed part of the subject site, however noting that there are no remediation works being undertaken on this portion of the site, and the biofiltration trench within the Landfill Site did not extend as far as originally thought, a portion of this land was returned to Lot 201.

DA 21/2020 simply seeks to change the method of storage of contamination material. The remediation of Stage 2 of the CSR Estate (land subject of this SSD DA) is being undertaken as approved by DA 893.7/2013, with a Site Audit Statement expected to be issued for Stage 2A on the 30th of November 2020 (refer **Table 4**) in accordance with the 2014 RAP, and the 2020 RAP, once approved. These works will be undertaken prior to settlement and change site ownership to ESR.

Therefore, remediation of Stage 2 of the CSR Estate is in no way reliant on the assessment of DA21/2020 and the assessment of DA21/2020 in no way affects the delivery of decontamination of Stage 2 of the CSR estate and demonstration of consistency with SEPP 55. The approved RAP submitted with DA 893.7/2020 is provided at **Appendix I**. Remediation works in accordance with this approved RAP have been completed as they relate to the subject lots 201 and 204. The estimated timeframes for delivery of work is outlined in **Table 4**. Remediation of Lots 202 and 203 (being Stage 2A and 2B under DA 893.7/2020) will be undertaken in accordance with the approved 2014 RAP (as amended by the 2020 RAP in regards to contamination storage/disposal) and Site Audit Statements for those lots will be provided prior to commencement of work on those lots in accordance with this SSD DA.

To ensure the effective delivery of the project, and to provide certainty that land is made suitable in its remediated state for the development proposed by this SSD DA, it is requested that the DPIE appropriately condition the development to allow a construction certificate to be issued for works on land subject to each substage of the Stage 2 CSR estate following the issuance of a Site Audit Statement for that part of the site.

Provide the current status of Stage 2 of the CSR Estate and estimated completion dates for remediation, site preparation works, construction of building pads and associated infrastructure.

Response:

The approved staging plan for Stage 2 of the CSR estate, the site subject to the Proposal, is provided at **Figure 10**.

Figure 10 Staging Plan – Pursuant to DA 893.7/2013



Source: Nearmap

The approved RAP submitted with DA 893.7/2020 is provided at **Appendix I**. Remediation works in accordance with this approved RAP have been completed with the estimated timeframes for delivery of work for each stage outlined in **Table 4**. All these works will be undertaken under separate development consents obtained by CSR. Completion of the remediation works are required prior to ESR enacting any works on land the subject to each stage approved by SSD 10436.

To ensure the effective delivery of the project, and to provide certainty that land is made suitable in its remediated state of the development proposed by this SSDA, it is requested that the DPIE appropriately condition the development to allow a construction certificate to be issued for works on land subject to each substage of the Stage 2 CSR estate at such time that a Site Audit Statement is issued for that part of the site. The anticipated date of issue of the Site Audit statement for Stage 2A, 2B and 2C is provided at **Table 1** and is summarised as follows:

- Stage 2A: Lots 201 and 204 – expected issue of Site Audit Statement: 30/11/2020
- Stage 2B: Lot 203 – expected issue of Site Audit Statement: 11/1/2021
- Stage 2C: Lot 202 – expected issue of Site Audit Statement: 22/11/2021

This will provide certainty to the DPIE that the land will be suitable in its remediated state for the purposes of the development proposed by this SSD DA as required by Clause 7 of SEPP 55.

Table 4 Anticipated Delivery of Stage 2 of the CSR Estate

Aspect	Stage 2A	Stage 2B	Stage 2C
Remediation Works Completed	24/1/2020	1/6/2020	1/6/2020
Site Audit Statement to be Issued	30/11/2020	11/1/2021	22/11/21
Earthworks completion date	18/8/2020	Commenced 9/9/2019 Completion: 9/3/2021	Commenced 9/9/2019 Completion: 19/4/2022
Subdivision Certificate Registered	2/12/2020	28/6/2021	4/8/2022
ESR Acquisition of the Land	2/12/2020	28/7/2021	18/8/2021
Anticipated Development State Date	18/1/2021	9/8/2021	1/9/2022

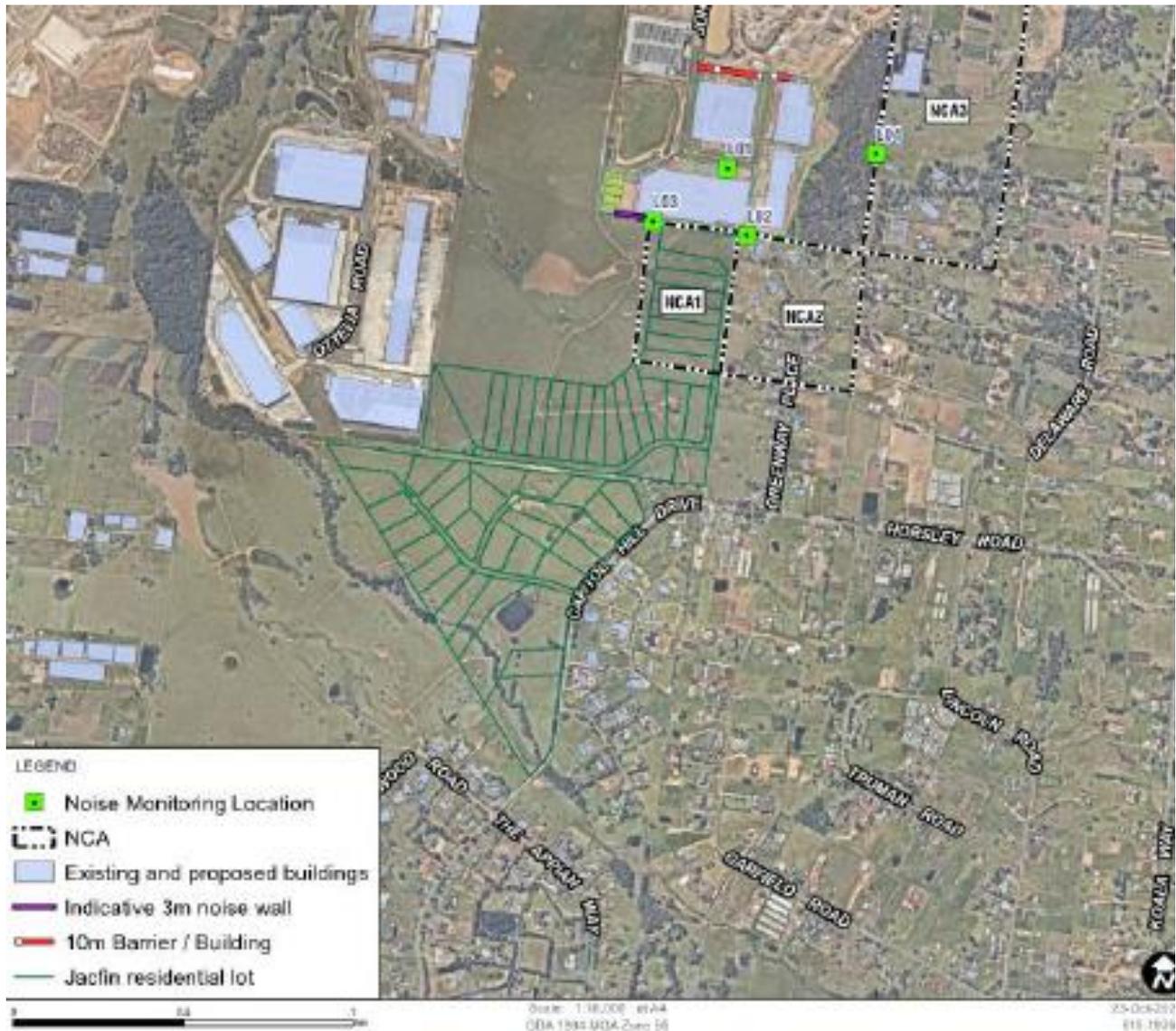
3.3. NOISE ASSESSMENT

The noise contour figures in the Noise and Vibration Assessment (NVA) do not reflect the site layout plans submitted with the EIS. In particular, the warehouse on Lot 202 does not match the submitted plans. Clarification of this issue is required.

Response:

These figures provided within the body of the Noise and Vibration Assessment (NVA) are for illustrative purposes and are not what was assessed for noise impact purposes. Notwithstanding this, the noise contour figures have been amended to reflect the correct Lot 202 site layout and amended Lot 204 layout, as demonstrated in the Figure 3 of the NVA at **Appendix D** and **Figure 11**.

Figure 11 Noise and Vibration Impact Assessment Site Plan



Source: SLR

The NVA appears to conclude that NCA03 would be the most noise impacted receiver location, including in the summary tables provided. However, the noise contours do not show an impact in the locality of NCA03 above the noise levels. Clarification of this issue is required.

Response:

The noise contours included in the NVA at **Appendix D** identify LAeq noise levels which are predicted to comply with the established noise criteria. Exceedances of the LAm_{ax} screening level are identified in the summary tables provided within the NVA.

However, it is noted that the screening level is not a criterion or noise limit, rather it indicates that further assessment of potential maximum noise impacts is required. Further assessment is detailed in Section 6.3.3.1 of the NVA, which concludes that the predicted maximum noise levels are in the range that would be unlikely to awaken people from sleep based on the current research on sleep disturbance.

It does not appear the NVA was based on the cumulative future impact of the development of all stages of the CSR Estate and surrounding approved industrial estates. The NVA should be amended to include modelling of the cumulative impact of the surrounding existing and approved industrial estates and the entire CSR Estate at full build out and under full operation.

Response:

The NVA aims to limit continuing increases in noise levels from progressive developments with the application of the amenity criteria.

- The recommended amenity noise levels represent the noise objective for the total industrial noise at a receiver location.
- The project amenity noise level represents the objective for noise from a single industrial development at a receiver location.
- To account for cumulative noise from the site with existing (and proposed) industrial premises in the area, the recommended amenity noise level is reduced by 5 dBA to give the project amenity noise level.

The project amenity noise level is used in conjunction with the project intrusiveness noise level to determine the Project Noise Trigger Levels (PTNLs) for operational noise from the site (refer to Section 4.7 of the NVA at **Appendix D**). As such, it is considered that cumulative noise impacts from the site with existing (and proposed) industrial noise sources in the area have been accounted for with the use of the project amenity noise levels in the assessment of operational noise impacts. Stage 1 and Stage 3 of the CSR Estate have been considered as separate developments with their own applications and noise limits.

The NVA includes the provision of a 3 m noise barrier on the eastern boundary of the site within the 25 m managed environmental zone as a mitigation measure due to modelled exceedances in noise levels. The submitted plans with the EIS do not reflect a noise barrier in this location. Clarification is needed to address this inconsistency.

Response:

This noise barrier is no longer required as a mitigation measure due to the reorientation of the Lot 204 warehouse built form to a north south arrangement and relocating the hardstand area to the west of the warehouse, and as such is not modelled in the amended NVA (**Appendix D**).

The NVA includes the provision of a 10 m noise barrier on the northern boundary of the site adjacent to Stage 3. The submitted plans with the EIS do not reflect a noise barrier in this location. Clarification is needed to address this inconsistency.

Response:

Section 6.3.3 of the NVA (**Appendix D**) details the noise impacts with a 10 m noise barrier on the northern boundary of the site. This 10 m barrier is included to represent the effect of screening the future buildings in Stage 3 would likely provide to the most affected receiver following construction of warehouse buildings in the adjacent Stage 3. No barrier is proposed to be constructed in this location.

The NVA does not include the indicative location of roof plant on the warehouses adjacent to existing and future residential receivers. Table 26 provides the number of mechanical plants considered for each warehouse but does not provide the location of the plant on the rooftop which the model relied on.

Response:

For each warehouse, the total sound power level for the estimated number of plant items included in Table 26 has been divided into three. Each of the three resulting plant units were distributed evenly along the warehouse roof to represent a nominal plant location for the purpose of the assessment.

During detailed design the plant selections for each Lot would be modelled, based on detailed information, and any required noise mitigation measures implemented to enable compliance with the criteria to be achieved.

The use of LAmax or LA1 measurement descriptors

Response:

The noise modelling conservatively uses LAmax to assess maximum noise levels against the sleep disturbance screening criterion during the night-time period. The LAmax sound power levels used in the model are representative of the highest maximum noise events anticipated to occur from heavy vehicle movements and forklift loading activities including impact noise, airbrakes and vehicle passbys.

The use of the LAmax descriptor to assess these noise sources is in line with current guidance documents including NPfI and the LAmax noise level will always be greater than LA1.

LA1 is a statistical descriptor which represents the A-weighted noise level that is only exceeded for 1% of a measurement period. LA1 is used in some types of assessments to assess maximum noise events, however this is more applicable to a compliance or measurement situation rather than a modelling noise prediction scenario.

The difference between LAmax and LA1 for a given noise event will depend on the time-varying characteristics of the particular source and can vary significantly between different measurements. As an example, a short impact noise could be around 6 dB difference, heavy vehicle air brake might be 3 dB, HV passby may be less than 3 dB.

Noise barrier material density

Response:

The acoustic performance or insertion loss of a noise barrier is generally limited by the noise path over or around the barrier rather than the transmission path through the barrier.

To ensure the acoustic performance is not limited by the barrier construction itself, for outdoor noise propagation it is generally recommended to have a minimum surface mass of 12.5kg/m². This allows the use of a variety of common construction materials, including close boarded timber, Colorbond or 9mm fibre cement sheet.

3.4. BICYCLE PARKING

Provide locations of bicycle parking adjacent to the warehouses.

Response:

In relation to bicycle parking the following provision as requested by TfNSW is considered appropriate:

- Light Industry – 1 per 1,000 m² GFA.

A total of 70 bicycle parking spaces are proposed across the estate and divided amongst the warehouse lots as follows:

- Lot 201 – 20 spaces
- Lot 202 – 20 spaces
- Lot 203 – 10 spaces
- Lot 204 – 20 spaces

As referred to in Section 7.6 of the TA (**Appendix F**), it is anticipated that additional bicycle parking could readily be provided proximate to office locations should this be required by staff over time.

3.5. GENERAL CLARIFICATIONS

The total floor area of the warehouse on Lot 201 reflected in the body of the EIS does not appear to reflect the floor plans submitted. The total gross floor area (GFA) of the warehouse has been calculated by the Department as 44,538 m² including 1,095 m² of offices.

Response:

As detailed in **Section 2.4** of this RtS, minor amendments to the southern landscape boundary has resulted in the reduction of gross floor area of the warehouse area on Lot 201 from 43,488m² proposed in the EIS compared to 42,233m² proposed in this RtS (-1,255m²). No change is proposed to the office space area which totals 1,095m² (main office and dock office) and 22m² for the guard house.

The Jacfin rural residential subdivision to the south of the site has been approved by Penrith City Council under 19/0785. The layout of the subdivision should be reflected throughout the EIS where applicable or relied on.

Response:

The layout of the subdivision has been considered in the Amended Visual Impact Assessment at **Appendix C** and Amended Noise and Vibration Impact Assessment at Appendix D.

Provide works as executed plans for the bund wall and retaining wall located on the southern boundary, including confirmation of the height of the bund and retaining walls including RL's.

Response:

Works as executed drawings for the southern bund wall are provided at **Appendix M**. A construction certificate has been issued for these works.

Provide general locations of all external lighting.

Response:

General locations of external lighting are provided on the amended architectural plans package at **Appendix A**. Wall mounted and pole mounted lighting is proposed which will be directed downwards towards the warehouse buildings to achieve the minimum level of illumination as required under the relevant Australian Standards.

4. RESPONSE TO SUBMISSIONS

The following section provides a detailed response to issues raised by the various agencies, organisations, and the public in each submission received. Further discussion and detailed responses are provided in the supporting technical documentation appended to this RfS report. For ease of reference the matters raised by the various agencies and other stakeholders are repeated in italics under each section.

4.1. GOVERNMENT AGENCY SUBMISSIONS

Note: the submissions provided by the following agencies did not raise any issues that required further response or action by the Applicant:

- Crown Lands, Department of Planning, Industry and Environment,
- Environmental Energy and Science Group (EES Group),
- Water NSW, and
- Department of Planning, Industry and Environment – Water and Natural Resources Access Regulator.

4.1.1. Fairfield Council

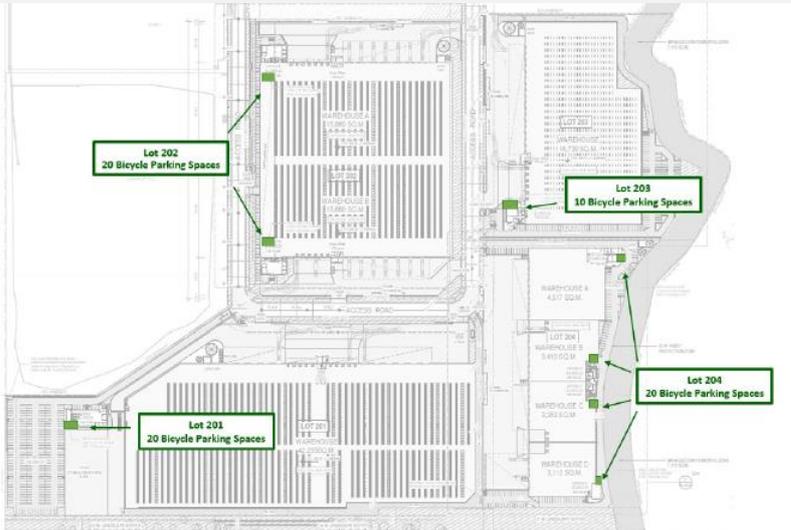
A review of the Fairfield City Council submission has been undertaken and a detailed response to the issues is provided in **Table 5** below.

Table 5 Response to Fairfield Council

Submission	Response
Landscaping	
<p><i>The southern boundary of the subject site incorporates a 10m wide landscaped buffer and mounded area that has been created to address requirements issued by the NSW Land and Environment Court in relation to approval (in 2015) for the original 14 lot subdivision of the site that led to creation of the lot subject of SSD 10436.</i></p> <p><i>The landscape buffer and mound were created to help protect the amenity of rural residential lands in Penrith and Fairfield City directly to the south of the site in pursuant to provisions of the SEPP (WSEA)</i></p> <p><i>The EIS submitted for the proposal acknowledges the above and relies extensively on the provision of the landscape buffer and bund as the basis for mitigating visual and (to some extent), acoustic impacts on the adjoining rural residential lands.</i></p>	<p>The note referring to 'by others' is to clarify that these landscaping works have already been completed as in accordance with DA 893.7/2013.</p> <p>As built drawings for this bund, confirming their delivery in accordance with DA 893.7/2013 are provided at Appendix M.</p> <p>In accordance with DA893.7/2013, a positive covenant will be registered on title to ensure the ongoing management of the southern bund wall. Fairfield Council executed the plan of subdivision for DP 1244593 and accompanying 88B instrument on 18 August 2020 (Refer Appendix O).</p> <p>The ongoing management of the landscape bund will be undertaken by ESR in accordance with the approved Vegetation Management Plan (refer Appendix N) which will be registered as a positive covenant on title (Refer Appendix O).</p> <p>It is noted that two years have elapsed since practical completion of the landscaped bund wall, with the final monthly inspection undertaken on 13 July 2020. A compliance certificate has been issued for these works to this stage. The approved VMP stipulates that after this two year period, which has elapsed, it is anticipated that the site will be in such condition as to be placed onto a low level maintenance weeding program. Programmed maintenance weeding should be undertaken indefinitely to maintain a maximum</p>

Submission	Response
<p><i>Council’s concern is that the EIS is silent in regard to the applicants commitment to providing ongoing protection and maintenance of these areas, particularly in regard to the effective establishment of the landscaped measures in the short term. It is also noted the plans submitted with the application indicates that provision of the southern landscape buffer and retaining walls is referenced as being provided “by others”.</i></p> <p><i>Council requests further clarification from the applicant in regard to their intentions and commitment to protection and maintenance of the landscape area and bund to ensure these areas maximise their effectiveness in mitigating impacts of the proposal on the adjoining rural residential area.</i></p> <p><i>Council’s view is that this is not the responsibility of “others” and that the requirements issued by the NSW Land & Environment Court are binding to the scope of the development proposed on the site in both the short and long term. This issue should also be factored into conditions (see Appendix 1 – Condition 21) for any approval issued for the project.</i></p>	<p>weed cover of 5%. A positive covenant to this effect will be registered on title (Refer Appendix O).</p> <p>All works, methods, procedures, control measures and recommendations have been followed as approved by Council in the Vegetation Management Plan.</p>
<u>Access, Traffic and Parking</u>	
<p><u><i>Restricted Vehicle Access</i></u></p> <p><i>A review of the TfNSW Restricted Access vehicle (RAV) map confirms that Old Wallgrove Road to the north if the site is classified as an approved B-Double route. However, the site will be accessed via public road which will not automatically be approved for B-Double access. Upon dedication of estate roads to Council, further consultation with</i></p>	<p>Noted. Requests for NHVR would be submitted following dedication of the roads to Council and through sufficient liaison with Council. This can form a Condition of Consent (CoC) for approval.</p>

Submission	Response
<p><i>the National heavy Vehicle Regulator (NHVR) and Council is required to ensure that these roads will be included in future updates to the approved B-Double network.</i></p>	
<p><u><i>Southern Link Road Upgrade</i></u></p> <p><i>The Southern Link Road upgrade remains in a concept phase with no funding or commitments made by Transport for NSW. Currently, access into the site is via the Old Wallgrove Road and Burley Road intersection into Johnston Crescent. Ultimately, access will be via the four-way signalised intersection of Southern Link Road and Access Road 2 with Johnston Crescent being restricted to a left-in/left-out configuration.</i></p>	<p>Noted. The TA (Appendix F) has been revised to reflect that the Stage 3 road network plan has been updated to demonstrate Left out only at SLR / Johnston Crescent intersection.</p>
<p><u><i>Parking Requirements</i></u></p> <p><i>The applicant has utilised an average rate of 1 space per 169m² GFA for the provision of on-site parking. Due to there being no specific tenancies assigned to the lots, it is not possible to determine tenant specific parking demand.</i></p> <p><i>Hence, parking provision must be made to accommodate future peak parking demand generated by the development in accordance with the requirement of section 4.5.4 Car Parking of the 327-335 Burley Road, Horsley Park Development Control Plan, March 2016.</i></p> <p><i>Parking spaces and aisle widths shall be designed in accordance with AS 2890.1:2004 and shall be reflected on the plans. In addition, revised plans shall reflect the layout, ramp grade and dimensions of the proposed basement car park to Council for review and comment.</i></p>	<p>A tenant has not yet been secured for any of the lots. It is noted that TA (Appendix F) recommends that the proposed parking provision subject to this SSD is sufficient to accommodate the demand for future tenancies on the following grounds:</p> <ul style="list-style-type: none"> ▪ The rates are consistent with those of approved developments within the broader area (as discussed in relevant sections of the TA), ▪ The rates have regard to the RMS Guide parking rates (satisfied) ▪ TfNSW provides support for parking rates in accordance with RMS Guide rates, ▪ The site will require preparation of a Green Travel Plan (GTP) as requested by TfNSW as a condition of consent. This GTP is intended to reduce reliance on the use of cars which is in line with the RMS requirement for lower car parking rates than is stipulated by the Burley Road DCP. <p>Parking shall be designed in accordance with AS2890.1:2004.</p>

Submission	Response
<p><u>Accessible and Bicycle Parking</u></p> <p><i>The accessible parking spaces shall be designed in accordance with AS 2890.6:2009. The dimensions of the proposed accessible spaces shall be reflected on the plan.</i></p> <p><i>A copy of the plan showing the locations and dimensions of the proposed bicycle parking spaces within the development shall be submitted to Council for assessment. On-site bicycle parking facilities shall comply with AS 2890.3:2015. Bicycle parking and access arrangements shall ensure that the potential conflicts with vehicles are minimised. Furthermore, bicycle parking is to be secure and located undercover with convenient access from the street and building entries.</i></p>	<p>The architectural plans have been updated to identify</p> <ul style="list-style-type: none"> ▪ AS compliant accessible parking spaces. ▪ Bicycle parking spaces. <p>In relation to bicycle parking the following provision as requested by TfNSW is considered appropriate:</p> <ul style="list-style-type: none"> ▪ Light Industry – 1 per 1,000 m² GFA. <p>A total of 70 bicycle parking spaces are proposed. As referred to in Section 7.6 of the TA (Appendix F), it is anticipated that additional bicycle parking could readily be provided proximate to office locations should this be required by staff over time.</p>  <p>Refer to Amended Architectural Plans at Appendix A.</p>
<p><u>Site Servicing</u></p> <p><i>All loading and servicing will occur on-site with access and circulation designed for 26m B-Double trucks manoeuvring within and out of the site.</i></p> <p><i>Loading bays and docks shall be designed in accordance with AS 2890.2:2002 and the dimensions shall be clearly reflected on the plan.</i></p> <p><i>The allotment of loading dock spaces is to be managed by the Dock Traffic Manager and any increases in daily activity of the proposed service trucks must be communicated to the Traffic</i></p>	<p>Loading bay and hardstand design is able to achieve compliance with AS2890.2:2002. This can be required through a Condition of Consent.</p> <p>Further, requirements for a tenant-specific Loading Dock Management Plan (LDMP) and appropriate monitoring system can also form a condition of consent.</p> <p>Appendix A of the TA (refer Appendix F) provides high-level advice on loading dock restrictions and how to manage the service areas for each individual Lot.</p>

Submission	Response
<p><i>Consultant in order to verify and amend the loading dock management plan accordingly.</i></p> <p><i>Service vehicles shall only undertake loading and unloading activities from the service bay/hard stand area and shall not obstruct traffic flow into, within and out of the site. Determination on the size of the loading bays or manoeuvring areas shall be based on relevant Australian Standards and turning path analysis.</i></p>	
<p><u>Stormwater Drainage</u></p>	
<p><i>The existing pipe details including the invert levels within the access road at all stormwater connection points shall be shown on the stormwater plans. The obvert level of the pipe in the access road shall be taken as the tailwater level for the design of OSD system.</i></p>	<p>The invert levels of all stormwater connection points within the access road are indicated on the Amended Civil Plans at Appendix E.</p> <p>The obvert level of the pipe in the access road has been taken as the tailwater level for the design of OSD system.</p>
<p><u>Waste Storage</u></p>	
<p><i>The Waste Management Plan prepared by SLR dated May 2020 is considered satisfactory. A review of the Final Architectural Plans illustrates waste storage for only Lot 201 and not on the other lots part of the Stage 2 development. Waste storage shall be provided and indicated on the architectural plans for each lot, in addition waste storage areas should also be less than 30 metres away from the office area to avoid the potential for unlawful dumping.</i></p>	<p>Waste storage areas are identified for each lot on the Amended Architectural Plans at Appendix A.</p>
<p><u>Biodiversity Stewardship</u></p>	
<p><i>Natural Resources Team notes that the Proposal is consistent with the previous state and federal approvals issued to the previous</i></p>	<p>Noted.</p>

Submission	Response
<p>owner, CSR (2015 and 2017 respectively).</p> <p>The Proposal would retain the 25 metre E2 – Environmental Conservation Corridor, located outside but immediately to the east of the site, which acts as a buffer between the conservation lot and the site. No works are proposed for this area, consistent with the Conditions of Approval (EPBC 2017/7744) and the Land and Environment Court Judgement (issued on 16 October 2015). Given the highly disturbed nature of the site and no works impacting any ecological communities, and the waiving of the BDAR requirements as per Clause 7.9(2) of the BC Act, the proposal is considered suitable from an ecological perspective.</p>	
<p><u>Appendix 1 – Conditions to be imposed as part of the consent</u></p>	
<p>Recommended conditions have been provided by Fairfield Council which have been reviewed by the project team. Conditions which are not acceptable or require amendment are responded to below. All other conditions are acceptable, subject to final review noting that the DPIE are ultimately the consent authority for the Proposal, and therefore will be responsible to drafting conditions of consent.</p>	
<p>PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE</p> <p>The following conditions of consent must be complied with prior to the issue of a Construction Certificate by a Certifier. The Certifier can be either Fairfield City Council or an Accredited Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a Construction Certificate.</p> <p>1. Section 7.12 Levy Development Contributions</p> <p>Prior to the issue of a Construction Certificate, a receipt for the payment to Fairfield City Council of</p>	<p>It is requested that this condition is amended so that development contributions are payable prior to issue of a construction certificate for works on each lot (ie in a staged payment of developer contributions linked to the first CC for each development lot).</p> <p>This will ensure that the contribution is linked to the increased demand for services.</p> <p>It also reflects the staged timing for issue of the Site Audit Statement for each lot, which will inform the ability to then deliver works on these lots in accordance with SSD 10436.</p>

Submission	Response
<p><i>Section 7.12 Levy Contributions shall be submitted to the Certifier.</i></p> <p><i>The Section 7.12 Levy as determined at the date of this consent is \$1,100,206.40.</i></p> <p><i>The contribution amount payable may be adjusted at the date of payment. Any unpaid contributions will be adjusted on a quarterly basis to account for movements in the Australian Bureau of Statistics, Producer Price Index – Building Construction (New South Wales).</i></p>	
<p>2. Pollution Control Valve</p> <p><i>Prior to the issue of a Construction Certificate, a certificate from a suitably qualified person shall be submitted to the Certifier and Council certifying that the design of the stormwater drainage system will in the event of a pollution incident will contain all pollutants on the property and that all stormwater outlets from the property will contain a vandal resistant remote control valve capable of being closed off from a conspicuous position.</i></p>	<p>Stormwater outlets from each lot will contain a vandal resistant remote control valve capable of being closed off from a conspicuous position, as noted on stormwater plans Co12990.05-SSDA41 to SSDA44 (refer Appendix E).</p>
<p>GENERAL CONDITIONS</p> <p><i>The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land. A Principal Certifier can either be Fairfield City Council or an accredited certifier.</i></p> <p>22. Landscaped Buffer and Mound</p> <p><i>The 10m wide landscape buffer and bund located along the southern boundary of the site (as shown in the plans accompanying the proposal), are required to be protected and maintained to ensure</i></p>	<p>This condition is considered unnecessary given that the southern landscape bund has been constructed and these works have been certified, completed and maintained in accordance with the DA893.7/2013.</p> <p>As built drawings for this bund, confirming their delivery in accordance with DA 893.7/2013 is provided at Appendix M.</p> <p>In accordance with DA893.7/2013, a positive covenant will be registered on title to ensure the ongoing management of the southern bund wall. Fairfield Council executed the plan of subdivision for DP 1244593 and accompanying 88B instrument on 18 August 2020 (Refer Appendix O).</p> <p>The ongoing management of the landscape bund will be undertaken by ESR in accordance with the approved Vegetation Management Plan (refer Appendix N) which will be registered as a positive covenant on title.</p>

Submission	Response
<p><i>the effectiveness and longevity of these areas in mitigating potential impacts of the development on the adjoining rural residential lands to the south of the site, in accordance with the determination issued by the NSW Land and Environment Court (Appeal no. 10634 of 2014) in relation to DA 893.1/2013.</i></p>	<p>It is noted that two years has elapsed since practical completion of the landscaped bund wall, with the final monthly inspection undertaken on 13 July 2020. A compliance certificate has been issued for these works to this stage. The approved VMP stipulates that after this two year period, which has since elapsed, it is anticipated that the site will be in such condition as to be placed onto a low level maintenance weeding program. Programmed maintenance weeding should be undertaken indefinitely to maintain a maximum weed cover of 5%. A positive covenant to this effect will be registered on title.</p> <p>All works, methods, procedures, control measures and recommendations have been followed as approved by Council in the Vegetation Management Plan.</p>
<p>37. Environmental Audit</p> <p><i>Within 12 to 18 months of occupation/completion of the development, the company shall carry out a comprehensive Environmental Audit of the premises and submit a report on the audit to Council for approval. This audit is to be carried out at the company's expense by a duly qualified independent person or team to be approved by Council. Further, the company shall, at its own expense, comply with any requests of Council in respect of the implementation of any measures arising from the audit, within such time as Council may agree. Further audits will be required every 12 months from the due date or such longer period as may be agreed to by Council.</i></p>	<p>The extent of matters to be addressed in this 'environmental audit' is questioned. It is not clear what matters it is intended to cover.</p> <p>Clarification on this matter is required.</p>

4.1.2. Penrith City Council

A review of the Penrith City Council submission has been undertaken and a detailed response to the issues is provided in **Table 6** below.

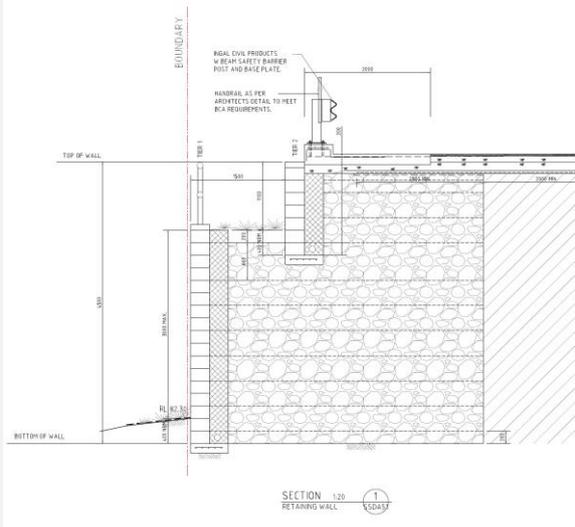
Table 6 Response to Penrith City Council

Submission	Response
<p><u>Stormwater Management Considerations</u></p>	

Submission	Response
<p><i>The development is not considered to result in adverse engineering impacts upon the adjoining lands to the south that are within the Penrith Local Government Area. It is however requested that the assessment and any conditions of consent imposed, ensure that all stormwater is discharged to the north within the site, so as to result in no impact on any adjoining lands within the Penrith Local Government Area.</i></p>	<p>Stormwater management on the site will connect into the street network infrastructure within the estate.</p> <p>This matter can be addressed through imposing a condition of consent.</p> <p>Site runoff to the south from the landscaped area and bund will remain captured in the swale along the southern boundary for site infiltration, which is required by the covenant to be registered on title (refer Appendix O).</p>
<p><u>Biodiversity Considerations</u></p>	
<p><i>Based on this information provided, no concerns are raised with respect to the applicants request for a BDAR waiver. The Department is however requested to consider the inclusion of the following conditions in any notice of determination issued if the BDAR waiver is supported:</i></p> <ul style="list-style-type: none"> <i>• Prior to commencement of works, Tree Protection Measures must be installed at the western most edge of the 25m buffer; and</i> <i>• Prior to works commencing, the site is to be surveyed for any vagrant or resident fauna which is to be removed and relocated by a suitably qualified professional.</i> 	<p>Fairfield Council have stated that due to the highly disturbed nature of the site and no works impacting any ecological communities, and the waiving of the BDAR requirements as per Clause 7.9(2) of the BC Act, the proposal is considered suitable from an ecological perspective.</p> <p>The Proposal is consistent with the previous state and federal approvals issued to the previous owner, CSR (2015 and 2017 respectively). The Proposal would retain the 25m E2 – Environmental Conservation Corridor, located outside but immediately to the east of the site, which acts as a buffer between the conservation lot and the site. No works are proposed for this area, consistent with the Conditions of Approval (EPBC 2017/7744) and the Land and Environment Court Judgement (issued on 16 October 2015).</p> <p>As part of the previous approvals process completed by CSR, the subject site will be subdivided into four lots, remediated and cleared prior to the commencement of works on each lot by ESR.</p> <p>It is therefore considered that these proposed conditions by Penrith Council are unnecessary.</p>
<p><u>Water Quality Considerations</u></p>	
<p><i>While no objections are raised to the proposal or the water quality management measures, it is noted that the stormwater management for the site includes stormwater treatment on each lot in the form of proprietary filter cartridges and some rainwater harvesting and reuse.</i></p>	<p>The stormwater strategy has been prepared in accordance with the specific Development Control Plan (DCP) for the site “Western City Employment Area – Fairfield City Council Development Control Plan 2016, Lot 1 DP106143, 327-335 Burley Road, Horsley Park”.</p>

Submission	Response
<p>Clause 33L of the WSEA SEPP, requires consideration of (in part) the integration of stormwater management systems into the landscape in a manner that provides multiple benefits, including water quality protection, stormwater retention and detention, public open space, habitat improvement and recreational and visual amenity.</p> <p>The proposed stormwater strategy could be further improved to better align with the objectives of the WSEA SEPP and as such, the Department is requested to consider if the treatment measures and landscape design as currently proposed, is considered to meet the requirements of the above SEPP provisions and the water management principles in the Western City District Plan.</p>	<p>Water will be prevented from directly entering the permanent drainage system unless it is relatively sediment free. This will be achieved through implementation of biorientation swales which are predicted to achieve a 90% reduction of Hydrocarbon pollutant. A positive covenant will be registered on title to ensure that a drainage swale is to be accommodated in the 3m lower portion of the southern boundary setback.</p>
<u>Environmental Management Considerations</u>	
<p><i>i) Noise Impact</i></p> <p>The application was supported with the 'Horsley Logistics Park State Significant Development Application Noise and Vibration Impact Assessment' prepared by SLR Consulting Australia Pty Ltd dated July 2020. This report assessed the potential noise and vibration impacts associated with the construction and operational phases of the development, and also gave consideration to potential noise-enhancing weather conditions (including wind and temperature inversions). An appropriate criterion has been established, giving consideration to the cumulative impacts from other industrial developments in the area.</p> <p>The report identified the future residential development located to the south of the site in the Penrith Local Government Area as a potential sensitive receiver. However, it did not assess the potential construction impacts to this area as the land has not yet been developed. It does however commit to assessing this area, should it be developed prior to the commencement of the proposed works. This should be captured in any consent issued for the site, or through any approval of a future Construction Noise and Vibration Management Plan.</p> <p>In terms of operational noise, including noise from vehicle movements, unloading and loading</p>	<p>Refer to Amended Noise and Vibration Impact Assessment at Appendix D.</p> <p>A Construction Noise and Vibration Management Plan (CNVMP) will be prepared prior to commencement of construction. This will include noise mitigation and management measures to be undertaken during construction of the development. Construction noise mitigation and management measures are applicable only to dwellings that are constructed and occupied during construction of the site.</p> <p>Operational noise mitigation and management measures will be determined during the detailed design/construction certificate stage of the project once final details of onsite plant are known.</p>

Submission	Response
<p><i>activities, mechanical plant and road traffic, the predicted noise levels at the residential receivers in the Penrith Local Government Area were found to comply. Though the tabulated results do not specifically address future residential development to the southwest (only referring to those lots immediately to the south of the site), the mapped contours show no significant impact to these future residential premises.</i></p> <p><i>A number of mitigation measures are recommended to address potential noise and vibration impacts, and it is recommended that these be captured in any approvals issued for the development proposal.</i></p>	
<p><i>ii) Air Quality Impacts</i></p> <p><i>A number of mitigation measures are proposed however, and it is recommended that these be captured in any approvals issued for the development proposal.</i></p>	<p>Noted. A condition of consent can be imposed to address this matter.</p>
<p><i>iii) Land Contamination</i></p> <p><i>It is understood that approvals have already been obtained for remediation works to be carried out, with the creation of a containment cell in the Stage 3 development area. It needs to be ensured that all remediation works are carried out prior to the development of the land, and that all validation reports confirm that the development site is suitable for the proposed use. Further, it needs to be ensured that there will be no ongoing impacts to adjacent residential lands.</i></p>	<p>DA 21/2020 proposes an alternate solution to the remediation of land in Stage 2 and 3 of the CSR Estate by placing contaminated material from the former quarrying site in a containment cell excavation located on approved Lot 306 of DA 893.1/2013, rather than undertaking its disposal off-site.</p> <p>As such, DA 21/2020 simply seeks to change the method of storage of contamination material. The remediation of Stage 2 of the CSR Estate (subject of this SSDA) has been undertaken as approved by DA 893.7/2013, with a Site Audit Statement expected to be issued for Stage 2A on the 30th of November 2020, and Stages 2B and 2C to follow in 2021 (refer Table 4).</p> <p>Therefore, remediation of Stage 2 of the CSR Estate is in no way reliant on the assessment of DA21/2020. The progression of SSD 10436 is not affected by the outcome of DA21/2020 as site remediation works have been undertaken for the subject lots 201-204. Issuance of site audit statements for each lot prior to commencement of works on the respective lots will fulfil the requirements of SEPP 55 as it pertains to SSD 10436.</p>

Submission	Response
	<p>To ensure the effective delivery of the project, and to provide certainty that land is made suitable in its remediated state for the development proposed by this SSDA, it is requested that the DPIE appropriately condition the development to allow a construction certificate to be issued for works on land subject to each substage of the Stage 2 CSR estate following issuance of a Site Audit Statement for that part of the site.</p>
<p><i>Landscape Design and Boundary Interface Considerations</i></p> <p><i>The proposed finished ground level of the car park on Proposed Lot 201 is RL86.00 which is 5m higher than the adjacent spot level to the north western corner of Lot 201 being RL81.00 (as indicated on the landscape drawings). It is noted that at the south western corner, the natural ground level adjacent is the same as the car park finished level. While cross sectional drawings are provided to the north and south of lot 201, they are not in the locations of the greatest cut and fill. Further a critical interface consideration is to the western property boundary, as a 5m high retaining wall at the north western corner (as indicted by the plan levels) is not a suitable or sympathetic interface outcome.</i></p> <p><i>The plans also provide inadequate detail to confirm the specific dimensional width of the separating landscaping strip between the car park on Proposed Lot 201 and the western property boundary. The planting matrix diagrams suggest a width of 2.0m for Matrix B which is not considered to be sufficient where there is a level difference of 5m proposed. Matrix A on the other hand is 3.0m in width, but seems to be proposed in locations with significantly less level difference. It is requested that this be further considered to ensure that the greater landscaped setback is in the locations of greatest fill and level difference.</i></p> <p><i>If the finished ground levels (up to 5m above neighbouring natural ground levels) are required to achieve suitable stormwater drainage, then stepped and tiered retaining walls should be provided to the interface boundaries so that the landscape design can negate the visual impact of the proposed level difference and retaining walls</i></p>	<p>Retaining walls are required along the western interface of Lot 201 to account for the difference in ground level between Lot 201 at RL 86 and the adjacent property to the west.</p> <p>Where the required retaining height exceeds 3m, a tiered retaining system is proposed to ameliorate the visual impact of the retaining wall. This will generally be along the northern half of the western boundary of Lot 201. The maximum height of any tier of the retaining wall shall be 3.0m, with planting proposed between the two sections of retaining wall. Refer to drawing numbers Co12990.05-SSDA50 & SDA55 (Appendix E), extracted below.</p>  <p>Additional cross-section drawings showing the locations of maximum level difference has been provided to address boundary edge conditions.</p> <p>The retaining wall design will allow for an improved interface to the adjacent western site which itself is intended to be developed for industrial or warehousing purposes.</p>

Submission	Response
<p><i>(as viewed from the adjacent allotment). This would require a widening of the boundary landscape setbacks in these locations to Matrix A at a minimum (not Matrix B) and a resulting reduction / change in the car parking arrangement. Alternatively, it should be demonstrated how a 5.0m level difference can be otherwise treated to ameliorate its impact as viewed from the adjacent land holding.</i></p> <p><i>It is requested that additional cross-sectional drawings in the locations of maximum level difference be requested that better address boundary edge conditions, with landscaping incorporated into tiered retaining walls to ensure that vertical walls of more than 2m on property boundaries, or as visible from neighbouring properties, are avoided.</i></p>	<p>The retaining wall system has been designed so not to require further setback to the car parking areas.</p> <p>Development Control Plan: 327 – 335 Burley Road, Horsley Park March 2016 Penrith stipules a maximum 3m retaining wall height, consistent with what is proposed.</p>

4.1.3. Transport for NSW

A detailed response to issues identified in the Transport for NSW (TfNSW) submission has been provided within the Amended Traffic Impact Assessment at **Appendix F**. A summary of this assessment is provided within **Table 7** below.

Table 7 Response to Transport for NSW

Submission	Response
<u>Active Transport Considerations</u>	
<p><i>It is requested that the applicant provide off-street bicycle parking and amenity and change room facilities for cyclists in accordance with AS 2890.3:1993 - Bicycle Parking Facilities and RMS' NSW Bicycle Guidelines.</i></p>	<p>The Amended Architectural Drawings include the provision of bicycle parking and End of Trip facilities for each lot (refer Appendix A).</p> <p>In relation to bicycle parking the following provision as requested by TfNSW is considered appropriate:</p> <ul style="list-style-type: none"> ▪ Light Industry – 1 per 1,000 m² GFA. <p>A total of 70 bicycle parking spaces are proposed. As referred to in Section 7.6 of the TA (Appendix F), it is anticipated that additional bicycle parking could readily be provided proximate to office locations should this be required by staff over time.</p> <p>Notwithstanding, it should be considered at this stage that future tenants are currently not</p>

Submission	Response
	known. Space is available should additional bicycle parking spaces be required over time.
<u>Road Network Considerations</u>	
<i>It is requested that the TA be revised to provide the reference documentation from which the functional classification of proposed road links was derived.</i>	Relevant sources of information have been provided with references to several future roads within this TA.
<i>It is requested that the TA be revised to adopt the PBS level 2B 30m vehicle as the 'design vehicle', and analysed to ensure that future tenants can take advantage of the productivity benefits of PBS vehicles. Swept path analysis for a PBS level 2B 30m vehicle should be provided.</i>	Refer Appendix A of the Amended Traffic Impact Assessment at Appendix F . Swept path analysis has been undertaken for 30m Super B-Doubles, demonstrating that compliance for this design type can be achieved.
<p><i>It is requested that the TA be updated to include swept path analysis for PBS level 2B 30m vehicles and demonstrate:</i></p> <ol style="list-style-type: none"> <i>1. Where B-doubles will be located to be loaded/unloaded;</i> <i>2. How many B-doubles can be accommodated simultaneously;</i> <i>3. If loading bays are effectively blocked while a B-double is being loaded/unloaded, how will the development mitigate this; and</i> <i>4. Is there sufficient space to split trailers if required, and where would this occur.</i> 	<p>The following response is provided:</p> <ul style="list-style-type: none"> ▪ The swept path analysis in Appendix A of the Amended Traffic Impact Assessment at Appendix F demonstrates where these areas are located and the amount of side-loading positions each Lot has for Super B-Doubles. ▪ Refer to individual swept paths for side-loading of Super B Doubles. ▪ The management of side-loading procedures is addressed in the Amended Traffic Impact Assessment (Appendix F). A loading dock management plan has been included at Appendix A the TA which shows restriction of loading bays to specific truck sizes to ensure that all time trucks can undertake U-turns and exit the tenancy in any unlikely event that all other loading bays are occupied. It is recommended that these measures be included with lot-specific plans managed by site operators. ▪ The architectural plans have been updated to show designated areas for Super B Double coupling/uncoupling.
<u>Stage 3 Indicative Rd and Intersection Arrangements</u>	

Submission	Response
<p><i>It is requested that upon completion of all stages of the ESR and the four-leg signalised intersection is operational at Old Wallgrove Road/ Southern Link Road, Johnston Crescent is configured as left out-only onto the Southern Link Road.</i></p>	<p>The Stage 3 plan has been updated to identify a left-out intersection at South Link Road / Johnston Crescent.</p>
<p>Green Travel Plan</p>	
<p><i>It is requested that prior to the issue of the first Occupation Certificate for each tenancy, the applicant be conditioned to prepare a Green Travel Plan in consultation with TfNSW. The Green Travel Plan should be aimed at staff and visitors and include:</i></p> <p><i>Proposed parking arrangements;</i></p> <p><i>Information regarding site accessibility, including any specific accessibility requirements for staff/ visitors with mobility impairments, and the measures that are in place to address them, including any priority arrangements;</i></p> <p><i>Strategies that encourage the use of public and active transport to help reduce the use of single occupant car travel to access the site for staff and visitors, where appropriate;</i></p> <p><i>Predicted and aspirational mode share targets for staff and visitors;</i></p> <p><i>Mapping of preferred walking and cycling routes and preparation of a Transport Access Guide that details access arrangements for staff and visitors including:</i></p> <p><i>Details on cycle parking at each site as well as recommended 'last mile' cycle route from local cycle network to each site; and</i></p> <p><i>Link to TfNSW trip planner https://transportnsw.info/;</i></p> <p><i>A communication strategy for engaging staff, visitors and the local community regarding sustainable transport use to the site;</i></p> <p><i>Include promotion of the health and wellbeing benefits of active travel to the site; and</i></p> <p><i>Identification of the number of staff who can reasonably access the site from walking or cycling.</i></p> <p><i>Resources to assist can be found here: https://www.mysydney.nsw.gov.au/travelchoices/tdm</i></p>	<p>Noted. This matter can be addressed by imposing an appropriate condition of consent.</p>

Submission	Response
<i>The applicant shall submit a copy of the final Green Travel Plan and Travel Access Guide to be used by each tenancy within the ESR Horsley Logistics Park to TfNSW for endorsement.</i>	
<u>Carpooling</u>	
<i>That the Green Travel Plan includes a firm commitment and timeframe for each tenant to implement a carpooling scheme.</i>	Noted. This matter can be addressed through imposing an appropriate condition of consent.

4.1.4. Endeavour Energy

A review of the Endeavour Energy submission has been undertaken and a detailed response to the issues is provided in **Table 6** below.

Table 8 Response to Endeavour Energy

Submission	Response
<u>Network Capacity / Connection</u>	
<p><i>From a review of the various plans provided with the EIS it is not apparent if any provision has been made for the padmount substations required to facilitate the proposed development.</i></p> <p><i>Endeavour Energy's general requirements is for a padmount substation to be at ground level and have direct access from a public street (unless provided with a suitable easement for right of access). As shown in the following Figure A4.3 'Padmount easements and clearances', from Endeavour Energy's Mains Design Instruction MDI 0044 Easements and Property Tenure Rights', padmount substations require:</i></p> <ul style="list-style-type: none"> ▪ <i>Easement with a minimum size of 2.75 x 5.5 metres (single transformer)</i> ▪ <i>Restriction for fire rating which usually extends 3 metres horizontally from the base of the substation footing and 6 metres vertically from the same point.</i> ▪ <i>Restriction for swimming pools which extends 5 metres from the easement.</i> 	<p>General locations of padmount substations for each lot are identified on the Amended Architectural Plans at Appendix A in accordance with the Endeavour Energy general requirements.</p>
<u>Prudent Avoidance</u>	
<p>Endeavour Energy has noted that the Noise and Vibration Impact Assessment indicates that the</p>	<p>Operational noise mitigation and management measures will be determined during the detailed</p>

Submission	Response
<p>mechanical plant design and selection will be confirmed during the detailed design phase of the project for further assessment.</p> <p>Consideration should also be provided to the padmount substation/s required on the site to facilitate the proposed development.</p>	<p>design/construction certificate stage of the project once final details of onsite plant are known.</p>

4.1.5. Fire and Rescue NSW

A review of the Fire Rescue NSW (FRNSW) submission has been undertaken and a detailed response to the issues is provided in Table 7 below.

Table 9 Response to Fire Rescue NSW

Submission	Response
<ul style="list-style-type: none"> ▪ FRNSW are satisfied with the risk and hazard aspect of the project. ▪ FRNSW notes that an assessment of the project has been undertaken in accordance with SEPP 33 during the EIS process to confirm whether the proposed development is deemed hazardous or offensive. ▪ FRNSW note that the project has not been deemed hazardous or offensive. ▪ FRNSW requests to be consulted with respect to the proposed fire and life safety systems and their configuration at the project's preliminary and final design phases. ▪ Consultation with FRNSW be undertaken by way of the fire engineering brief questionnaire (FEBQ) process prior to the issue of the relevant construction certificate. 	<p>Noted.</p>

4.1.6. Heritage NSW

A review of the Heritage NSW submission has been undertaken and a detailed response to the issues is provided in **Table 10** below.

Table 10 Response to Heritage NSW

Submission	Response
<p><i>While the proposed development appears to have low potential to impact on Aboriginal cultural heritage, based on the information provided, several mitigation measures are outlined in Table</i></p>	<p>As bulk earthworks across the site are subject to a separate approval, and this SSD seeks only for minor grading works, it is unlikely that Aboriginal objects will be disturbed.</p>

Submission	Response
<p>29 of the EIS (pages 113 – 114). These measures have been taken from the recommendations listed on page 25 of the Urbis due diligence assessment (March 2020).</p> <p>As two Aboriginal sites have previously been located within the project footprint, we recommend additional measures be included to ensure that if any other Aboriginal objects are uncovered these are appropriately recorded and managed. These measures need to include, but not be limited to;</p> <ul style="list-style-type: none"> ▪ If any Aboriginal objects are uncovered during development activities work must stop and the objects assessed. ▪ Any Aboriginal objects uncovered are to be recorded on the Aboriginal Heritage Information Management System (AHIMS). ▪ Works should not recommence until unless authorised in writing by the Secretary. 	<p>These recommendations can be addressed through implementation of suitable conditions of consent.</p>

4.1.7. Sydney Water

A review of the Sydney Water submission has been undertaken and a detailed response to the issues is provided in **Table 11** below.

Table 11 Response to Sydney Water

Submission	Response
<u>Water Servicing</u>	
<ul style="list-style-type: none"> ▪ Our servicing shows that the trunk potable water system should have adequate capacity to service the proposed development. ▪ Amplifications or extensions to the potable water network may be required complying with the Water Services Association of Australia (WSAA) code – Sydney Water edition. 	<p>Noted. A condition of consent can be imposed to address this matter.</p>
<p>A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.</p> <p>The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other</p>	<p>Noted. A condition of consent can be imposed to address this matter.</p>

Submission	Response
<p><i>services and buildings, driveways or landscape designs.</i></p> <p><i>Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.</i></p>	
<p><u>Building Plan Approval</u></p>	
<p><i>The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.</i></p> <p><i>The Tap in™ service provides 24/7 access to a range of services, including:</i></p> <p><i>building plan approvals</i></p> <p><i>connection and disconnection approvals</i></p> <p><i>diagrams</i></p> <p><i>trade waste approvals</i></p> <p><i>pressure information</i></p> <p><i>water meter installations</i></p> <p><i>pressure boosting and pump approvals</i></p> <p><i>changes to an existing service or asset, e.g. relocating or moving an asset.</i></p>	<p>Noted. A condition of consent can be imposed to address this matter.</p>

4.1.8. Environmental Protection Agency NSW

A review of the Environmental Protection Agency NSW submission has been undertaken and a detailed response to the issues is provided in **Table 12** below.

Table 12 Response to Environmental Protection Agency NSW

Submission	Response
<p>A NSW EPA-accredited site auditor must be engaged throughout the duration of works</p>	
<p><i>The EIS mentioned that DA 21.1/2020 provides that all contamination within the HLP boundary will</i></p>	<p>DA 21/2020 relates to Lot 2 DP 1228114 which is the future Stage 3 of the CSR Estate. It</p>

Submission	Response
<p><i>be transferred into the containment cell at Lot 306, which is located outside the boundary and to the north of the HLP. The EIS explained that ongoing management of that containment cell will be undertaken in accordance with the Remediation Action Plan (RAP) accompanying that Development Approval (DA) and will remain the responsibility of CSR Building Products Pty Ltd (The applicant for DA 21.1/2020). The RAP referred to in the EIS was not submitted as part of this SSD application.</i></p> <p><i>On 20 July 2020, the EPA provided comments to Fairfield City Council (Council) for DA 21.1/2020 about the containment cell for contaminated material. Specifically, the EPA recommended that an EPA- accredited site auditor must be engaged throughout the duration of works to ensure that any work required in relation to contamination is appropriately managed.</i></p>	<p>specifically relates to the approved Lot 306 DA 893.1/2013 (as amended) which sits outside the boundary of, and to the north of the HLP site boundary.</p> <p>DA 21/2020 proposes an alternate solution to disposal and management of contaminated material from Stage 2 and 3 of the CSR Estate by placing contaminated material from the former quarrying site in a containment cell excavation located on approved Lot 306 of DA 893.1/2013 (rather than disposal off site). It does not propose to change the method or extent of removing contaminated material from the Stage 2 area.</p> <p>The remediation of Stage 2 of the CSR Estate (subject of this SSDA) has been undertaken as approved by DA 893.7/2013, with a Site Audit Statement expected to be issued for Stage 2A on the 30th of November 2020 (refer Table 4).</p> <p>Therefore, remediation of Stage 2 of the CSR Estate is in no way reliant on the assessment of DA21/2020. The progression of SSD 10436 is not affected by the outcome of DA21/2020 as site remediation works have been undertaken for the subject lots 201-204. Issuance of site audit statements for each lot prior to commencement of works on the respective lots will fulfil the requirements of SEPP 55 as it pertains to SSD 10436.</p> <p>To ensure the effective delivery of the project, and to provide certainty that land is made suitable in its remediated state for the development proposed by this SSDA, it is requested that the DPIE appropriately condition the development to allow a construction certificate to be issued for works on land subject to each substage of the Stage 2 CSR estate following issuance of a Site Audit Statement for that part of the site.</p>
<p>SEARS - Assessment and quantification of any soil and groundwater contamination and demonstration that the site is suitable for the proposed use(s) in accordance with SEPP 55:</p>	
<p><i>Section 5.4.5 of the EIS mentioned a few development applications submitted to Council and referred to Remediation Action Plans and a few environmental site assessment reports. However, none of these supporting documents (environmental site assessments or remediation</i></p>	<p>The remediation of Stage 2 of the CSR Estate (subject of this SSDA) is been undertaken as approved by DA 893.7/2013 provided at Appendix I, with a Site Audit Statement expected to be issued for Stage 2A on the 30th of November 2020 (refer Table 1) in accordance with the 2014 RAP, and the</p>

Submission	Response
<p><i>action plans) were included in the EIS and submitted as part of the SSD application. Therefore, the EIS has not established suitability of the development in accordance with SEPP55.</i></p> <p><i>The EPA disagrees with the statement in Section 5.4.5 of the EIS that the RAP for DA 437.1/2016 was endorsed by the EPA. The EPA does not endorse management plans or the like for reasons of maintaining regulatory ‘arm’s length’.</i></p> <p><i>The EPA notes the development is located adjacent to the Old Camide Landfill, situated on the north western section of Lot 103 DP 121912 and is therefore concerned that the Applicant must be able to demonstrate how it proposes to manage any potential soil, groundwater and ground gas contamination.</i></p> <p><i>Since there are no accompanying reports to the EIS, the EPA requires that the Applicant submit supporting reports to ensure the assessment and characterisation of soil, groundwater and ground gases as part of the Response to Submissions (RtS). Specifically, the supporting reports must demonstrate that the assessment and management of contaminated land for the proposed development adhere to the Contaminated Land Guidelines: Assessment and Management of Hazardous Ground Gases (EPA, 2019), and any other relevant guidelines made or approved under section 105 of the Contaminated Land Management Act 1997 (CLM Act), to ensure that works are done appropriately, risks are assessed correctly and the options of managing and mitigating the risks are properly applied.</i></p> <p><i>Furthermore, as part of the RtS, the applicant must submit a Section B Site Audit Statement from a NSW EPA-accredited site auditor certifying that the nature and extent of the contamination has been determined, certifying appropriateness of the reports prepared to date (including environmental site assessment report and RAP) and certifying the site can be made suitable for the proposed use if the site is remediated in accordance with the RAP. These requirements are to demonstrate the Applicant engaged a site auditor and to demonstrate that the site can be made suitable for</i></p>	<p>2020 RAP, once approved. Remediation works will be undertaken prior to settlement and change of site ownership to ESR.</p> <p>To ensure the effective delivery of the project, and to provide certainty that land is made suitable in its remediated state of the development proposed by this SSDA, it is requested that the DPIE appropriately condition the development to allow a construction certificate to be issued for works on land subject to each substage of the Stage 2 CSR estate following issuance of a Site Audit Statement for that part of the site. The anticipated date of issue of the Site Audit statement is provided at Table 1 and is summarised as follows:</p> <ul style="list-style-type: none"> ▪ Stage 2A: Lots 201 and 204 – expected issue of Site Audit Statement: 30/11/2020 ▪ Stage 2B: Lot 203 – expected issue of Site Audit Statement: 11/1/2021 ▪ Stage 2C: Lot 202 – expected issue of Site Audit Statement: 22/11/2021 <p>This will provide certainty to the DPIE that the land will be made suitable in its remediated state for the purposes of the development proposed by this SSD DA as required by Clause 7 of SEPP 55. The approved RAP submitted with DA 893.7/2020 is provided at Appendix I.</p> <p>It is noted that the approved RAP subject to DA437.1/2016 is subject to the Landfill Site which is not within the subject site area and therefore the applicant is not responsible for the ongoing management of this land. A small portion south of the Landfill Site originally formed part of the subject site, however noting that there are no remediation works being undertaken on this portion of the site, and the biofiltration trench within the Landfill Site did not extend as far as originally thought, a portion of this land was returned to Lot 201.</p>

Submission	Response
<i>the proposed use subject to the RAP to which the Applicant was referring.</i>	
SEARS - Details of the proposed remediation strategy under development application DA 21.1/2020, including timing of carrying out remediation works and when the site will be made suitable for the proposed use(s):	
<i>Neither an environmental site assessment nor RAP was included in the EIS submitted as part of the Application. Based on the EIS, the proposed remediation strategy and the timing of the remediation works to make the site suitable for the proposed use are not clear.</i>	As above.
EPA position and recommendations to DPIE regarding ESR Horsley Logistics Park (SSD - 10436):	
<p>1. <i>The EPA cannot provide DPIE with recommended conditions of consent at this stage since the Applicant did not supply the supporting documents and therefore has not yet met the requirements of the SEARs to enable the EPA to undertake the required review;</i></p> <p>2. <i>As part of the RtS, the Applicant must submit supporting documents such as a RAP, environmental site assessments, and interim audit advice from a NSW EPA-accredited site auditor commenting on the nature and extent of the contamination and appropriateness of the reports prepared to date (including environmental site assessment report and RAP), to demonstrate it has engaged a site auditor; and</i></p> <p>3. <i>The Applicant must submit supporting documents such as a RAP, environmental site assessments, and interim audit advice are to comply with the EPA's SEARs</i></p>	<p>As above.</p> <p>To ensure the effective delivery of the project, and to provide certainty that land is made suitable in its remediated state of the development proposed by this SSDA, it is requested that the DPIE appropriately condition the development to allow a construction certificate to be issued for works on land subject to each substage of the Stage 2 CSR estate following issuance of a Site Audit Statement for that part of the site. The anticipated date of issue of the Site Audit statement is provided at Table 1 and is summarised as follows:</p> <ul style="list-style-type: none"> ▪ Stage 2A: Lots 201 and 204 – expected issue of Site Audit Statement: 30/11/2020 ▪ Stage 2B: Lot 203 – expected issue of Site Audit Statement: 11/1/2021 ▪ Stage 2C: Lot 202 – expected issue of Site Audit Statement: 22/11/2021 <p>This will provide certainty to the DPIE that the land will be made suitable in its remediated state for the purposes of the development proposed by this SSD DA as required by Clause 7 of SEPP 55. The approved RAP by way of DA 893.7/2020 is provided at Appendix I.</p>

4.1.9. NSW Rural Fire Service

A review of the NSW Rural Fire Service submission has been undertaken and a detailed response to the issues is provided in **Table 13** below.

Table 13 Response to NSW Rural Fire Service

Submission	Response
<p>Asset Protection Zones</p> <p><i>Intent of measures: to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.</i></p> <p><i>1. From the start of building works and in perpetuity, Lots 201 to 204 and the landfill site must be entirely managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019. When establishing and maintaining an IPA, the following requirements apply:</i></p> <ul style="list-style-type: none"> ▪ <i>Tree canopy cover be less than 15% at maturity;</i> ▪ <i>Trees at maturity are not touching or overhang the building;</i> ▪ <i>Lower limbs are removed up to a height of 2m above the ground;</i> ▪ <i>Tree canopies are separated by 2 to 5m;</i> ▪ <i>Preference is given to smooth-barked and evergreen trees;</i> ▪ <i>Large discontinuities or gaps in vegetation are provided to slow down or break the progress of fire towards buildings;</i> ▪ <i>Shrubs are not located under trees;</i> ▪ <i>Shrubs do not form more than 10% ground cover;</i> ▪ <i>Clumps of shrubs are separated from exposed windows and doors by a distance of at least twice the height of the vegetation.</i> 	<p>Noted. Suitable conditions of consent can be imposed to address this matter.</p>

Submission	Response
<ul style="list-style-type: none"> ▪ Grass to be kept mown (as a guide grass should be kept to no more than 100mm in height); ▪ Leaves and vegetation debris are removed; and ▪ NSW Rural Fire Service's document Standards for asset protection zones. 	
<p>Construction Standards</p> <p><i>Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.</i></p> <p>2. New construction of the proposed warehouse buildings on Lots 201, 203 and 204 must be non-combustible, and comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate, and Section 7.5 of Planning for Bush Fire Protection 2019.</p> <p>3. Any new Class 10b structures as defined per the National Construction Code shall be non-combustible.</p>	<p>Noted. Suitable conditions of consent can be imposed to address this matter.</p>
<p>Access Requirements</p> <p><i>Intent of measures: to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.</i></p> <p>4. All roads (including property access roads and proposed 'fire roads') must comply with the general and nonperimeter road requirements under Table 5.3b of Planning for Bush Fire Protection 2019.</p>	<p>Noted. Suitable conditions of consent can be imposed to address this matter.</p>
<p>Water and Utility Services</p> <p><i>Intent of measures: to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.</i></p> <p>5. The provision of water, electricity and gas must comply with Table 5.3c of Planning for Bush Fire Protection 2019.</p>	<p>Noted. Suitable conditions of consent can be imposed to address this matter.</p>

4.2. PUBLIC SUBMISSIONS

During the public exhibition period DPIE received 5 public submissions were received from 3 parties, all of which objected to the proposal.

The following section provides a detailed response to each matter raised in public submissions received.

4.2.1. Jacfin Pty Ltd

During the public exhibition period DPIE received both a preliminary submission and detailed submission from Jacfin Pty Ltd (Jacfin) who are the registered proprietor of the adjoining land to the south and west of the site, being the land known as 2B Aldington Road, Kemps Creek (Jacfin Land).

As the matters raised in the preliminary submission are consistent with that raised in the detailed submission, a review of the issues raised in the detailed submission has been undertaken and responded to in **Table 14** below. The detailed submission is accompanied by the following:

- Objection prepared by GLN Planning
- Acoustic Impact Assessment prepared by Wilkinson Murray Acoustical Consultants, a response to which is provided by SLR at Appendix C of the Amended Noise and Vibration Impact Assessment at **Appendix D**.
- Visual Impact Assessment prepared by Urbaine Architectural, a response to which provided by Geoscapes is provided at **Appendix P**.

A supplementary submission from Jacfin was received on 9 October 2020 and a response is provided in **Table 14**.

Matters raised by the objection prepared by GLN Planning are responded to in **Table 14** below. Further discussion is included in the Amended Visual Impact Assessment at **Appendix C** and Amended Noise and Vibration Impact Assessment at **Appendix D**.

Table 14 Response to Jacfin Submission

Submission	Response
<u>Court Approval</u>	
<p><i>As detailed in the GLN Report, the Site forms part of a larger estate located at 327-335 Burley Rd, which is required to comply with the conditions contained within the Court Approval.</i></p> <p><i>Condition 3(e) of the Court Approval states:</i></p> <p><i>[t]he following conditions must be complied with in respect of the development:</i></p> <p>...</p> <p><i>(e) The retaining wall along the southern boundary is to have a maximum of 2 tiers, with the retaining structures at each tier to be a maximum of 1.5m high.</i></p> <p><i>The top of the retaining wall shall be setback a minimum of 10m from the southern boundary. The planter bed between the 2 tiers shall have a minimum width of 6m. The remaining 4m landscape setback shall be provided from the top of</i></p>	<p>The condition requires:</p> <p>Eastern section with bund: 21m setback</p> <p>Western section with retaining wall: 14m setback</p> <p>Western section without retaining wall: 10m setback</p> <p>These works have been undertaken in accordance with the condition of consent (refer Work as executed drawings at Appendix M).</p> <p>To reflect the landscaped setback as constructed, the warehouse, fire road, and car parking area to Lot 201 has been shifted 4m north from the area of the western section of the bund with retaining walls. This results in a minor decrease in warehouse area of 1,255m².</p> <p>The finished pad levels are in accordance with the requirements of Subdivision DA 893.1/2013:</p>

Submission	Response
<p><i>the retaining wall and landscaped with shade tolerant plant species.</i></p> <p><i>Condition 3(e) requires that any development on the southern boundary is to be setback a total of 14m, comprising 10m to the top of the retaining wall, and a further 4m to be a vegetated area measured from the top of the retaining wall. Accordingly, a vegetated buffer of 14m is required along the southern boundary.</i></p> <p><i>The Application does not provide the 14m setback required by the Court Approval, providing a setback of only 10m.</i></p> <p><i>The Application must be amended so that the warehouse on Lot 201 is redesigned to enable the provision of the full 14m setback mandated by the Court Approval.</i></p>	<ul style="list-style-type: none"> - Condition 3a: Lot 201 future pad level to be 86.5m RL - Lot 202 future pad level to be 89.1m RL <p>A positive covenant to restrict these pad levels is included in the Plan of Subdivision and Section 88B with Fairfield City Council (refer Appendix O).</p> <p>The levels that are referred to is the Finished Floor Level (FFL - top of slab) which is approximately 200mm higher than the pad level.</p>
<u>Site Contamination</u>	
<p><i>The Environmental Impact Statement dated July 2020, which accompanied the Application (EIS) states that it has considered the requirements of State Environmental Planning Policy 55 - Remediation of Land (SEPP 55).</i></p> <p><i>The EIS concludes that given the existing consents relating to the Site, and the remediation action plan and proposed development application, 'the [S]ite is suitable for development under the provisions of SEPP 55.'</i></p> <p><i>Clause 7(1) of the SEPP 55 states:</i></p> <p><i>A consent authority must not consent to the carrying out of any development on land unless—</i></p> <p><i>(a) it has considered whether the land is contaminated, and</i></p> <p><i>(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</i></p> <p><i>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the</i></p>	<p>DA 20/2020 relates to the Landfill site and seeks Fairfield City Council's consent for an active gas collection system and flare associated with the existing closed landfill on the site. This site is not subject to this SSDA and is not under ownership of the applicant, therefore the assessment of DA 20/2020 is not a relevant consideration.</p> <p>It is noted that the approved RAP subject to DA437.1/2016 is subject to the Landfill Site which is not within the subject site area and therefore the applicant is not responsible for the ongoing management of this land. A small portion south of the Landfill Site originally formed part of the subject site, however noting that there are no remediation works being undertaken on this portion of the site, and the biofiltration trench within the Landfill Site did not extend as far as originally thought, a portion of this land was returned to Lot 201 via the most recent approval of DA893/7/2013.</p>

Submission	Response
<p><i>land will be remediated before the land is used for that purpose.</i></p> <p><i>The EIS relies on Development Consent DA437.1/2016 which approved the installation of a biofiltration trench, which was to form a ring around the Former Camide Landfill (Landfill Site) adjoining the northern boundary of Lot 201. The purpose of the biofiltration trench was to manage the migration of landfill gas emanating from the Landfill Site.</i></p> <p><i>The Application contains no information or evidence establishing that the biofiltration trench was ever constructed. Rather, it appears that the consent was sought to be modified so as to replace the biofiltration trench with a gas collection system and flare. On 27 November 2017, Council requested the withdrawal of that modification application as it was not considered to be substantially the same development.</i></p> <p><i>Development Application DA20.1/2020 was subsequently lodged on 25 January 2020 seeking development consent for a revised gas collection system and flare and is currently being assessed by Fairfield City Council.</i></p> <p><i>The Application omits any reference to the above, the issue of landfill gas or the ongoing assessment of DA20.1/2020. Given the uncertainty as to the presence of biofiltration trench and the absence of any infrastructure to mitigate the impacts of landfill gas, the Proponent must undertake landfill gas testing on the Site to ensure that the Site is suitable for the proposed use, as required by SEPP 55. In the absence of such testing, the Department cannot approve the Application as it cannot achieve the requisite level of satisfaction under clause 7 of SEPP 55.</i></p> <p><i>The lack of information in relation to the presence of landfill gas on the Site means that the Department, Jacfin and other relevant stakeholders are not able to fully understand the likely impacts of the Development, as required under s4.15(1)(b) of the Environmental Planning and Assessment Act 1979 (Act).</i></p>	

Submission	Response
<u>Reliance on an Undetermined Application</u>	
<p><i>The compliance of the Application with SEPP 55 is also reliant on development application DA21.1/2020, which is currently being assessed by Fairfield Council and seeks consent for the excavation of a containment cell for the storage of contaminated material. The size of the containment cell is estimated to be 200,000m³.</i></p> <p><i>As outlined above, clause 7 of the SEPP 55 precludes the Department granting consent to the Application unless it is satisfied that the Site, once remediated, will be suitable for the proposed use.</i></p> <p><i>The Site is contaminated by reason of its historic use. In this respect, the EIS states: the main potential sources of contamination are associated with quarrying and brickmaking activities that occurred on the site. Investigations conclude that asbestos contamination is also within soils and there are isolated hotspots of hydrocarbon contamination due to former fuel storage tanks located near the factory.</i></p> <p><i>The Department must be satisfied that, following the completion of the remediation process, the Site will be suitable for the proposed use. Based on the EIS, it appears that the remediation of the Site is contingent on the works proposed by DA21.1/2020, which is currently undetermined.</i></p> <p><i>In the circumstances, the Department is not able to be satisfied of the matters in clauses 7(b) and (c) of the SEPP 55, until such time as DA21.1/2020 is determined by Fairfield Council, and a Validation Report verifying the remediation of the Site (in accordance with any consent granted) has issued.</i></p>	<p>DA 21/2020 proposes an alternate solution to the remediation of land in Stage 2 and 3 of the CSR Estate. It proposes to place contaminated material from the former quarrying site in a containment cell excavation located on approved Lot 306 of DA 893.1/2013, rather than dispose of this contaminated material off site.</p> <p>An amended RAP, which is an updated version of the RAP approved in 2014 by DLA Environmental (2014 RAP) (refer Appendix I) subject to DA 893.7/2013, is provided Appendix G (2020 RAP).</p> <p>This 2020 RAP is an updated version of the 2014 RAP based on ERM's incremental understanding of the site conditions since drafting the RAP in 2014. It considers the additional investigations and ongoing remediation works within the Stage 2 area (which relates to the subject site). The 2020 RAP addresses potential gaps in the 2014 RAP based on currently available information such that an updated remediation strategy is being implemented to meet the overall project objectives.</p> <p>DA 21/2020 simply seeks to change the method of storage of contamination material. It does not seek to change the extent or method of removal of contaminated material from the Stage 2 lots themselves. Remediation of Stage 2 of the CSR Estate (subject of this SSDA) has been undertaken as approved by DA 893.7/2013, with a Site Audit Statement expected to be issued for Stage 2A on the 30th of November 2020 (refer Table 4) in accordance with the 2014 RAP, and the 2020 RAP, once approved. These works will be undertaken prior to settlement and change site ownership to ESR. Site Audit Statements are expected for Stage 2B and 2C in 2021.</p> <p>Therefore, remediation of Stage 2 of the CSR Estate is in no way reliant on the assessment of DA21/2020. The progression of SSD 10436 is not affected by the outcome of DA21/2020 as site remediation works have been undertaken for the subject lots 201-204. Issuance of site audit statements for each lot prior to commencement of works on the respective lots will fulfil the requirements of SEPP 55 as it pertains to SSD 10436. The approved RAP submitted with DA</p>

Submission	Response
	<p>893.7/2020 is provided at Appendix I. Remediation works in accordance with this approved RAP have been completed (the estimated timeframes for delivery of work is outlined in Table 4).</p> <p>To ensure the effective delivery of the project, and to provide certainty that land is made suitable in its remediated state for the development proposed by this SSDA, it is requested that the DPIE appropriately condition the development to allow a construction certificate to be issued for works on land subject to each substage of the Stage 2 CSR estate following issuance of a Site Audit Statement for that part of the site.</p>
<u>Amenity Impacts</u>	
<p><i>Clause 23 of the WSEA SEPP applies to all land within the WSEA that is within 250m of land zoned primarily for residential purposes. Clause 23(2) relevantly states:</i></p> <p><i>[t]he consent authority must not grant consent to development on land to which this clause applies unless it is satisfied that—</i></p> <p>...</p> <p><i>(c) the elevation of any building facing, or significantly exposed to view from, land on which a dwelling house is situated has been designed to present an attractive appearance, and</i></p> <p><i>(d) noise generation from fixed sources or motor vehicles associated with the development will be effectively insulated or otherwise minimised, and</i></p> <p><i>(e) the development will not otherwise cause nuisance to residents, by way of hours of operation, traffic movement, parking, headlight glare, security lighting or the like, and</i></p> <p>...</p> <p><i>(g) the site of the proposed development will be suitably landscaped, particularly between any building and the street alignment.</i></p> <p><i>Jacfin submits that the Development has not been designed so as to mitigate the likely significant deleterious amenity impacts on the Jacfin Land that is now approved for residential use.</i></p>	<p>The western carparking area was included in the noise modelling for the NVA submitted with the EIS, however it was assumed that minimal truck movements would access the western hardstand area.</p> <p>The amended NVA (Appendix D) provides additional noise modelling accounting for additional trucks in the western hardstand area. The predicted noise levels are shown to be compliant with the LAeq criteria with the addition of a 3 m high noise barrier along the southern length of the hardstand area (refer Section 2.4 for further details).</p> <p>The LAm_{ax} (maximum) noise levels from the western hardstand are predicted to be 1 dB above the sleep disturbance screening level. It is noted that the screening level is not a criterion or noise limit, rather it indicates that further assessment of potential maximum noise impacts is required. Further assessment is detailed in Section 6.3.3.1 of the NVA, which concludes that the predicted maximum noise levels are in the range that would be unlikely to awaken people from sleep based on the current research on sleep disturbance.</p> <p>Final feasible and reasonable noise mitigation and management measures will be determined during the detailed design/construction certificate stage of the development.</p>

Submission	Response
<p><i>To avoid the likely significant acoustic, visual and light spill impacts, it is Jacfin's submission that the car park and truck hardstand area proposed on Lot 201 be relocated away from the common boundary and into the centre of the Site. In addition, the Development must be amended to provide visual screening and an acoustic barrier along the length of the southern boundary of the Site to the commencement of the earthen bund constructed in accordance with the Court Approval.</i></p>	
<p><i>Jacfin is particularly concerned with the inappropriate location of the 240 vehicle carpark and associated truck hardstand area on the boundary at the south western corner of the Site.</i></p> <p><i>This location is ill-considered and will cause serious deleterious impacts on the amenity of the future residents of Jacfin's approved residential subdivision. The location of this carpark and hardstand are in the part of the Site is also inconsistent with the Court Approval. The Development must be redesigned to relocate the proposed carpark and hardstand area to a more suitable location away from the boundary and internal to the Site.0</i></p>	<p>It is noted that 232 car parking spaces are now proposed in the south western corner of the site, which is 8 less than originally proposed.</p> <p>The car park area is located a minimum of 10m from the southern boundary, providing for the minimum buffer as required by the Court Approval. In accordance with recommendations from the Amended Noise and Vibration Impact Assessment at Appendix D a 3m height x 80m length masonry acoustic wall is now also proposed along the southern end of the western truck storage/hardstand area (Refer Figure 7).</p> <p>Fairfield City Council DA 893.1/2013 and subsequent modifications includes reference to the acoustic reports TTM Consulting Pty Ltd report 14SYA0026 R0_2, dated 21 August 2014 and TTM Consulting Pty Ltd report 14SYA0026 R03_2, dated 13 February 2015.</p> <p>The TTM Consulting acoustic reports are high level concept reports that include indicative noise source locations and mitigation measures for future industrial development on the subject land. Operational noise emission criteria were set in these reports using the NSW Industrial Noise Policy (INP, 2000), which has been superseded by the EPA's Noise Policy for Industry (NPfI, 2017).</p> <p>The submitted NVA (Appendix D) has been developed based on proposed layouts and vehicle movements and therefore provides recommendations for noise mitigation measures based on current input information and regulatory requirements.</p> <p>It is noted that the mitigation measures included in the TTM report, which included the existing earth bund to the south and rooftop plant screening have</p>

Submission	Response
	<p>also been used in the NVA, along with additional noise barriers where further mitigation was found to be required.</p> <p>A controlling night-time noise criterion of LAeq 38 dB was adopted in the TTM assessment. Noise predictions at the existing receivers located in noise catchment NCA02 (the only receiver locations considered in the TTM report) were indicated to be generally compliant with this criterion, noting that contributions from other Lots within the development site were not included in that assessment</p>
<p><u>Management of the Southern Boundary</u></p>	
<p><i>Condition 121(A) of the Court Approval requires that a positive covenant be registered on the title of Lots 201 and 202:</i></p> <p><i>[t]he proprietor of the burdened lot from time to time shall do all things necessary to maintain, repair and replace the landscaping and maintain the embankment or retaining system within the land so burdened in accordance with the Vegetation Management Plan prepared by Stuart Noble Associates Pty Ltd, dated 15 June 2015, Issue A and all other relevant landscaping conditions specified under this Consent.</i></p> <p><i>The Proponent will be the registered proprietor of Lots 201 and 202, and will be obligated to comply with the positive covenant.</i></p> <p><i>The Landscape Master Plan prepared by Geoscapes dated 15 June 2020 indicates that the management of the southern landscape buffer will be managed by others.</i></p> <p><i>The Application must be amended to correct this error and to confirm that the Proponent will be responsible for the maintenance of the vegetated area on the southern boundary of the Site, including the maintenance of the gabion retaining walls, in accordance with the Court Approval.</i></p> <p><i>Jacfin holds serious concerns for the ongoing maintenance of this area, particularly the gabion retaining walls given the recent significant of discharge of water which occurred through the</i></p>	<p>The approved vegetation management plan pursuant to DA 893.1/2013 is provided at Appendix J. This vegetation management plan includes measures to ensure the maintenance of the southern landscaped setback.</p> <p>In accordance with Condition 121(A) of the consent, a positive covenant will be registered on title to ensure the ongoing management of the southern bund wall. This positive covenant is provided in the Fairfield City Council executed 88B instrument (refer Appendix O) currently with the Land Registrar for finalisation.</p> <p>It is noted that two years has elapsed since practical completion of the landscaped bund wall, with the final monthly inspection undertaken on 13 July 2020. A compliance certificate has been issued for these works to this stage. The approved VMP stipulates that after this two-year period, which has since elapsed, it is anticipated that the site will be in such condition as to be placed onto a low level maintenance weeding program. Programmed maintenance weeding should be undertaken indefinitely to maintain a maximum weed cover of 5%. A positive covenant to this effect will be registered on title. Refer Appendix O.</p>

Submission	Response
<p><i>gabion retaining walls, resulting in the discharge of water and soils onto Jacfin's Land.</i></p> <p><i>Jacfin submits that the Department must ensure the ongoing management of this area given the serious consequences that a further failure of the wall may have on the amenity and safety of the future residents of the Jacfin Land.</i></p>	
<p><u>Landfill Management</u></p>	
<p><i>Condition 122 of the Court Approval states that:</i></p> <p><i>[a] positive covenant is to be registered on the title of proposed Lot 201 requiring the landfill area to be maintained in accordance with any applicable environmental protection licence that applies to the land.</i></p> <p><i>As the Proponent will be the registered proprietor of Lot 201, it will responsible for compliance with the positive covenant.</i></p> <p><i>Environmental Protection Licence 123 (EPL) applies to the Landfill Site. The EPL is currently issued to PGH Bricks & Pavers Pty Limited and relates to the broader site, not only the Landfill Site.</i></p> <p><i>The Proponent should detail how it proposes to manage the landfill and whether it will become the holder of an environmental protection licence for the Landfill Site.</i></p>	<p>See attached proposed Plan of Subdivision and 88B Instrument outlining the required Positive Covenant (executed by Fairfield City Council and currently with the Land Registrar Services for registration) (Appendix O).</p> <p>The applicant will not be acquiring the landfill site, and therefore will not become the holder of an environmental protection licence for this land.</p>
<p><u>Relationship with existing consents and applications</u></p>	

Submission	Response
<p><i>The SSD has failed to consider the relevant setbacks and restrictions that were conditioned as part of the DA893.6/2013, furthermore the application relies on further modifications to DA893.6/2013 as well as a revised remediation action plan (under DA20.1/2020) and delivery of a contamination containment cell (DA21.1/2020) in lieu of previously approved processes and biofilter trenches. These further modifications are not yet resolved and consequently the SSD must be considered to be premature.</i></p> <p><i>Considering the site image provided within the EIS (Figure 2) does not align with the most recent approved plan of proposed subdivision (Figure 3) the proposal must rely on a further amendment to the existing approval under DA893.6/2013. We understand that there are three applications currently under assessment by Fairfield City Council (Council), one of which includes DA893.7/2013, being “an application to modify stage 2 under existing Development Consent DA893.1/2013”.</i></p> <p><i>Despite the obvious differences between the lot layout within the SSD and that approved under DA893.6/2013 and considering the SSD does not include subdivision, the EIS fails to detail how the described lot configuration is delivered.</i></p>	<p>DA 893.7/2013 was approved by Fairfield City Council on 23 June 2020. The approved subdivision plans are provided at Appendix L. The approved lot layout is reflected in the subject proposal.</p> <p>The condition requires:</p> <ul style="list-style-type: none"> ▪ Eastern section with bund: 21m setback ▪ Western section with retaining wall: 14m setback ▪ Western section without retaining wall: 10m setback <p>These works have been undertaken in accordance with the condition of consent (refer Work as executed drawings at Appendix M).</p> <p>To reflect the landscaped setback as constructed, the warehouse, fire road, and car parking area to Lot 201 has been shifted 4m north adjacent to the western section of the bund with retaining walls. This results in a minor decrease in warehouse area of 1,255m².</p> <p>A small portion south of the Landfill Site originally formed part of the subject site, however noting that there are no remediation works being undertaken on this portion of the site, and the biofiltration trench within the Landfill Site did not extend as far as originally thought, a portion of this land was returned to Lot 201 via DA893.7/2013.</p>
<p><i>The proposal under DA20.1/2020 does not apply to the site subject to SSD as described by Urbis in the SSD (Figure 2), it does however apply to Lot 103 at DP121419 (being the subject site) and land currently approved within Stage 2 of DA893.6/2013 (see Figure 4). The scope of the proposal under DA20.1/2020 is ambiguous and does not detail how the proposed works will meet the requirements of condition 112 of DA893.6/2013, which requires the former landfill site to obtain an environmental protection licence.</i></p>	<p>DA 20/2020 relates to the Landfill site and seeks Fairfield City Council’s consent for an active gas collection system and flare associated with the existing closed landfill on the site. This site is not subject to this SSD DA and is not under ownership of the applicant, therefore the assessment of DA 20/2020 is not a relevant consideration.</p>
<p><i>The development proposed under DA21.1/2020 directly relates the site remediation required to make the site suitable for the development under DA893.6/2013. In accordance with the SEE and the Engineering Plans, this DA only includes the</i></p>	<p>DA 21/2020 relates to relates to Lot 2 DP 1228114 which is the future Stage 3 of the CSR Estate. It specifically relates to the approved Lot 306 DA</p>

Submission	Response
<p><i>excavation and construction of the containment cell which is to be located within the area described as future Lot 306, within Stage 3 of the DA893.6/2013 (see Figure 5). This DA ultimately requires the works to be considered independent of those works proposed under the RAP. However, the area affected by the RAP is much larger than the site of the proposed containment cell and includes the land subject of SSD-10436 (see Figure 6).</i></p> <p><i>The revised RAP provided within DA21.1/2020 is a revised version of that previously approved and conditioned under DA893.6/2013 (condition 59) and therefore impacts the site subject of the SSD. The relationship between the revised RAP in DA21.2020 and the RAP approved under DA893.6/2013 is not detailed in the SSD.</i></p>	<p>893.1/2013 (as amended) which sits outside the boundary of, and to the north of the HLP boundary.</p> <p>DA 21/2020 proposes an alternate solution to the remediation of land in Stage 2 and 3 of the CSR Estate by placing contaminated material from the former quarrying site in a containment cell excavation located on approved Lot 306 of DA 893.1/2013., rather than disposing of this contaminated material off-site.</p> <p>An amended RAP, which is an updated version of the RAP approved in 2014 by DLA Environmental (2014 RAP) (refer Appendix I) subject to DA 893.7/2013, is provided Appendix G (2020 RAP).</p> <p>This 2020 RAP is an updated version of the 2014 RAP based on ERM's incremental understanding of the site conditions since drafting the RAP in 2014. It considers the additional investigations and ongoing remediation works within the Stage 2 area (which relates to the subject site). The 2020 RAP addresses potential gaps in the 2014 RAP based on currently available information such that an updated remediation strategy is being implemented to meet the overall project objectives.</p> <p>Both RAPs relate to the Stage 2 CSR estate development site area, except for a small portion south of the Landfill Site. A small portion south of the Landfill Site originally formed part of the subject site, however noting that there are no remediation works being undertaken on this portion of the site, and the biofiltration trench within the Landfill Site did not extend as far as originally thought, a portion of this land was returned to Lot 201 via DA893.7/2013.</p> <p>DA 21/2020 simply seeks to change the method of storage of contamination material. The remediation of Stage 2 of the CSR Estate (subject of this SSD DA) has been undertaken as approved by DA 893.7/2013, with a Site Audit Statement expected to be issued for Stage 2A on the 30th of November 2020 (refer Table 1) in accordance with the 2014 RAP, and the 2020 RAP, once approved. These works will be undertaken prior to settlement and change site ownership to ESR. Site Audit Statements for stage 2B and 2C will be issued in 2021.</p>

Submission	Response
	<p>Therefore, remediation of Stage 2 of the CSR Estate is in no way reliant on the assessment of DA21/2020. The progression of SSD 10436 is not affected by the outcome of DA21/2020 as site remediation works have been undertaken for the subject lots 201-204. Issuance of site audit statements for each lot prior to commencement of works on the respective lots will fulfil the requirements of SEPP 55 as it pertains to SSD 10436. The approved RAP submitted with DA 893.7/2020 is provided at Appendix I. Remediation works in accordance with this approved RAP have been completed (the estimated timeframes for delivery of work is outlined in Table 4).</p> <p>To ensure the effective delivery of the project, and to provide certainty that land is made suitable in its remediated state for the development proposed by this SSDA, it is requested that the DPIE appropriately condition the development to allow a construction certificate to be issued for works on land subject to each substage of the Stage 2 CSR estate following issuance of a Site Audit Statement for that part of the site.</p>
<p><u>Visual Impact and Landscaping</u></p>	

Submission	Response
<p><i>The following amendments to the development need to be undertaken to ensure that no unreasonable visual impact result from the proposal:</i></p> <ul style="list-style-type: none"> • <i>Landscaped setback to the southern boundary is to be increased by 4m to comply with the conditions established by the LEC under DA893.6/2013</i> • <i>The materials and colours proposed on the southern elevation of the building on proposed Lot 201 are to be more subdued.</i> <p><i>The Landscape Plans prepared by Geo Scapes (Drawing No. LDA-01 Revision C) show the proposed setback, however outline that “Southern landscape buffer (by others)”. The landscape plan suggests that the landscaping of this buffer is provided under DA893.6/2013 and therefore does not need to be shown on this application. The maintenance of the landscaped setback will be the responsibility of ESR and should therefore be detailed on the EIS and be suitably conditioned. The EIS should also consider the existing and proposed height of the landscaping at the time of construction noting Commissioner Morris’s comments in the judgement [70]:</i></p> <p><i>“(However) until such time as the tree planting achieves heights of at least 5m above the finished lot levels, development should not occur. The early construction of the land It is not necessary”.</i></p> <p><i>The proposal needs to be amended to show a greater planted setback in line with the conditions of the Court. Furthermore the landscaping for the buffer needs to be considered as part of this EIS in the context of the buildings proposed to ensure the landscaping is dense and large enough to properly screen the proposed development.</i></p>	<p>The condition requires:</p> <ul style="list-style-type: none"> ▪ Eastern section with bund: 21m setback ▪ Western section with retaining wall: 14m setback ▪ Western section without retaining wall: 10m setback <p>These works have been undertaken in accordance with the condition of consent (refer Work as executed drawings at Appendix M).</p> <p>To reflect the landscaped setback as constructed, the warehouse, fire road, and car parking area to Lot 201 has been shifted 4m north within the western section with retaining walls. This results in a minor decrease in warehouse area of 1,255m².</p> <p>Materiality of the southern elevation of the building on Lot 201 has been revised to remove the red detailing.</p>
<p><i>The proposal should be amended to provide a more subdued colour on the southern elevation and removal of any coloured racing stripe or other highlights.</i></p>	<p>The ‘racing stripe’ and other highlights have been removed from the southern elevation. The colours, materials and finishes proposed are typical of this type of development.</p>
<p><u>Drainage</u></p>	
<p><i>Similar to landscaping details the proposal appears to have considered the impact of the works in</i></p>	<p>A positive covenant will be registered on title to ensure that a drainage swale is to be</p>

Submission	Response
<p><i>isolation from the existing site context. The proposal should identify the existing approved drainage arrangements and consider their current effectiveness.</i></p> <p><i>Details of what is proposed for the management of surface water and groundwater near the boundaries should be provided. The Court order and condition 3(c) of DA 893.6/2013 required a drainage swale to be accommodated in the 3m lower portion of the setback adjacent the southern boundary.</i></p> <p><i>The authority to concentrate and discharge stormwater across common boundaries is unclear. While it is appreciated that the subdivision development plans propose drainage be directed inwards within the site, concentrated water discharges off batters along the edge of the site appear to have been occurring. Additionally, we are instructed that there has been an incidence of a batter failure and deposition of material onto the Jacfin site.</i></p> <p><i>It is only reasonable that the DPIE require the applicant to identify the existing and approved drainage on the site as well as address the overall effectiveness of these systems.</i></p>	<p>accommodated in the 3m lower portion of the southern boundary setback. This positive covenant is provided in the 88B instrument (refer Appendix O) executed by Fairfield Council and currently with the Land Registrar office for finalisation.</p>
<u>Noise</u>	
<p><i>The Noise Impact Assessment prepared by SLR (SLR Report) provides an assessment of the existing and potential future acoustic environments. The assessment considers that the proposed warehouses will have 24/7 operations, large plant significant vehicle movement. However, despite the proposed 24/7 operations the Construction Noise and Vibration Assessment has outlined that construction will only occur between 7:00am-6:00pm Monday to Friday and 8:00am – 1:00pm</i></p>	<p>24/7 operations refers to the operational stage of the development. As noted in the submission, construction is anticipated to be conducted during standard daytime construction hours.</p> <p>A Construction Noise and Vibration Management Plan (CNVMP) will be prepared prior to commencement of construction. This will include proposed noise mitigation and management measures to be undertaken during construction of the development. Construction noise mitigation and management measures are applicable only to dwellings that are constructed and occupied during construction of the site.</p>
<p><i>The SLR Report has outlined that the building configurations on the sites have lessened the acoustic noise on the surrounding receivers. It should however be noted that the proposed 24/7 operations creates significant concern, particularly</i></p>	<p>The western carparking area was included in the noise modelling for the NVA submitted with the EIS, however it was assumed that minimal truck movements would access the western hardstand area.</p>

Submission	Response
<p><i>with noise emanating from the car parking area and truck hardstand on Lot 201. Although much of the loading facilities will be internal to the site, the design still provides truck loading and car parking on Lot 201 within a direct line of sight to future rural residential properties and nominated house sites on the Jacfin site. The preference of Jacfin is that the car parking area and truck hardstand be repositioned internal to the site and shielded by appropriately designed buildings. If this is not undertaken then as a minimum, and subject to acceptable detail design, an acoustic wall around this area (similar to the acoustic wall provided by industrial development to the west) should be provided. This should be located at the top of the filled platform with landscaped screening between the boundary and the wall.</i></p> <p>...</p> <p><i>The intention for truck storage/ hardstand area on Lot 201 needs to be explained and assessed. As previously outlined, the truck storage, hardstand and car parking area on the south western corner of Lot 201 is a poor planning outcome, as it is in direct sight of the proposed rural residential development on the Jacfin site. The proposed building on Lot 201 exceeds 4.3ha of gross floor area, includes significant truck and hardstand area and 240 car parking spaces. Considering operations from the site are proposed to be 24/7 the DPIE should require that building be appropriately reconfigured to ensure the hardstand, storage and parking areas are preferably screened by the building mass to limit the impact on the adjoining Jacfin site.</i></p> <p><i>The EIS has not detailed what specific operations will occur from the site, so there is no critical operational requirement for parking, truck hardstand and storage to be located in this area.</i></p>	<p>The amended NVA (Appendix D) provides additional noise modelling accounting for additional trucks in the western hardstand area. The predicted noise levels are shown to be compliant with the LAeq criteria with the addition of a 3m high noise barrier along the southern length of the hardstand area.</p> <p>The LAmax (maximum) noise levels from the western hardstand are predicted to be 1dB above the sleep disturbance screening level. It is noted that the screening level is not a criterion or noise limit, rather it indicates that further assessment of potential maximum noise impacts is required. Further assessment is detailed in Section 6.3.3.1 of the NVA, which concludes that the predicted maximum noise levels are in the range that would be unlikely to awaken people from sleep based on the current research on sleep disturbance.</p> <p>The car park area is located a minimum of 10m from the southern boundary, providing for the minimum buffer as required by the Court Approval. In accordance with recommendations from the Amended Noise and Vibration Impact Assessment at Appendix D a 3m height x 80m length masonry acoustic wall is proposed along the southern end of the western truck storage/hardstand area (Refer Figure 7).</p> <p>Final feasible and reasonable noise mitigation and management measures will be determined during the detailed design/construction certificate stage of the development.</p>
<p><u>Lighting Details</u></p>	
<p><i>The proposal does not include details of proposed lighting and measures to prevent light spill across to future rural residential properties. In particular, details of lighting proposed around the warehouse buildings on Lot 201, car parking area/ truck</i></p>	<p>General locations of external lighting are provided on the amended architectural plans package at Appendix A. Wall mounted and pole mounted lighting is proposed which will be directed downwards towards the warehouse buildings for</p>

Submission	Response
<p><i>hardstand on Lot 201, fire road around the building on Lot 201 and any other security lighting.</i></p> <p><i>As previously outlined, it is our belief that the best outcome is to locate all truck loading and car parking internal to the site, rather than providing parking and some truck hardstand in the south western corner of Lot 201 where it adjoins the Jacfin site. Relocating this car parking and hardstand away from the direct line of sight of the Jacfin site will lessen both the acoustic and light spill impacts.</i></p>	<p>minimal levels of illumination as required under the relevant Australian Standards.</p> <p>For Lot 201 these will be located at the</p> <ul style="list-style-type: none"> ▪ North western corner of the at-grade car park, ▪ South western corner of the at grade car park, ▪ At the southern boundary of the truck storage / hardstand area, and ▪ Affixed to the southern warehouse wall below the height of the bund.
<p><u>Detail of structures near common boundary</u></p>	
<p>In the previous correspondence to ESR, Jacfin requested additional detail be provided relating to the structures along the common boundary with the Jacfin site. Of particular concern is the fencing and measures to contain the existing batter along the western boundary of Lot 201. It appears that this has not been addressed in the EIS and supporting documents. It is therefore requested that the DPIE request the following documentation:</p> <ul style="list-style-type: none"> • Details of final proposed fencing along all common boundaries. • Interim measures to contain the fill batter along western boundary of Lot 201 need to be provided. The batter shows signs of failing which could affect Jacfin land as has occurred in the past. • Final Intention for containing the fill batter along western boundary of Lot 201. The masterplan indicates a wall but details in regard to materials and structural design, including the span of footings in relation to the site boundary, are lacking. There is discrepancy between pit depths on Pit Schedule table on Sheet C40 and stormwater drainage long-sections. Plans are to be amended to be consistent. 	<p>Refer to Plan number Co12990.05-SSDA55 (Appendix E) for retaining wall details including materials and structural design of retaining walls.</p> <p>A maximum 3m high retaining wall extent will be provided along the site's western boundary. Where additional retaining is required, a second retaining wall is proposed, set back from the boundary to provide for intermediary landscaping. On top of these retaining walls will be balustrades to ensure compliance with BCA.</p> <p>There are no pit depths indicated on stormwater drawings and no issued stormwater drainage long-sections. Reference to Sheet C40 does not form part of the submitted drawings as part of this application.</p> <p>A 2.4m high black PVC coated chain wire fence with barbed wire is proposed to the side boundaries for site security.</p>
<p><u>Internal Movement of Trucks</u></p>	
<p><i>The EIS has included gates as shown on the proposal plans, restricting access to the proposed "Fire Road" along the southern façade of the proposed building on Lot 201. However, there is no detail provided about what access is proposed to the Fire road, and how will this be controlled.</i></p>	<p>A 003 lock (Fire brigade-only lock) will be affixed to these gates, which will provide access to Fire Brigade vehicles only along the fire road.</p>

Submission	Response
<u>Management of land fill site</u>	
<p><i>The EPA Licence for pollutants refers to a discharge point along the common boundary with the Jacfin site adjacent the land fill site but, as noted above, the authority to concentrate and discharge stormwater across the boundary is unclear.</i></p> <p><i>We request that the applicant provide details of water quality monitoring near the EPA noted discharge point along the common boundary.</i></p>	<p>Water contained on site is not being discharged off-site. In the event that it was to be discharged, it would have to be in adherence with the applicable Environment Protection License for the wider development area.</p> <p>CSR is responsible for the fulfilment of the Environmental Protection Licence requirements relating to the containment cell. The site on which the containment cell sits has been subdivided off from Lot 201, per Fairfield Council execution. ESR cannot comment on the management of discharge or water quality monitoring from the containment cell.</p>
<u>Fairfield Council Submission</u>	
<p><i>The Fairfield Council submission states:</i></p> <p><i>[t]he southern boundary of the site incorporates a 10m wide landscape buffer and mounded area that has been created to address requirements issued by the NSW Land & Environment Court in relation to approval (in 2015) for the original 14 lot subdivision of the site that led to the creation of the lot subject of SSD 10436.</i></p> <p><i>The Proposal forms part of the development of the broader estate located at 327-335 Burley Road, the development which is subject of development consent DA893/2013, granted by the Land and Environment Court in CSR Building Products Ltd v Fairfield City Council [2015] NSWLEC 1284 (Court Approval).</i></p> <p><i>The 10m wide landscaped buffer zone proposed by the Proponent is not consistent with the Court Approval.</i></p> <p><i>Based on the Court Approval, at the point of the retaining wall, the Proposal is required to incorporate a landscaped buffer zone between the proposed warehouse and the southern boundary of the Site with a minimum width of 14 metres. Condition 3(e) of the Court Approval states:</i></p> <p><i>[t]he following conditions must be complied with in respect of the development:</i></p> <p>...</p>	<p>The condition requires:</p> <ul style="list-style-type: none"> ▪ Eastern section with bund: 21m setback ▪ Western section with retaining wall: 14m setback ▪ Western section without retaining wall: 10m setback <p>These works have been undertaken in accordance with the condition of consent (refer Work as executed drawings at Appendix M).</p> <p>To reflect the landscaped setback as constructed, the warehouse, fire road, and car parking area to Lot 201 has been shifted 4m north within the western section with retaining walls. This results in a minor decrease in warehouse area of 1,255m².</p>

Submission	Response
<p><i>(e) The retaining wall along the southern boundary is to have a maximum of two tiers, with the retaining structures at each tier to be a maximum of 1.5m high. The top of the retaining wall shall be set back a minimum 10m from the southern boundary. The plant bed between the two tiers shall have a minimum width of 6m. The remaining 4m landscape setback shall be provided from the top of the retaining wall and landscaped with shade tolerant plant species.</i></p> <p><i>The vegetated buffer zone is required to be a minimum of 10 metres to the top of the retaining wall, with a further 4 metres of vegetated area provided from the top of the retaining wall. Accordingly, the vegetated buffer zone is to be a minimum total width of 14m from the southern boundary of the Site.</i></p> <p><i>Confirmation of the correct interpretation of Condition 3(e) is to be found at paragraph [79] of the judgment of the Court in which Commissioner Morris directed the parties to prepare consent conditions which, inter alia, include (emphasis added):</i></p> <p><i>... a condition that a minimum 10m (western portion without retaining walls), 14m (western section where retaining walls are proposed) and 21m (eastern section with bund) wide landscape setbacks be provided along the southern boundary and maintain for the life of the consent to ensure no conflict with SEPP 2008.</i></p>	
<p><u>Noise Impact</u></p> <p><i>In relation to the Noise Vibration Impact Assessment prepared by SLR Consulting Australia Pty Ltd dated July 2020 (Noise Assessment), Penrith Council state:</i></p> <p><i>... the predicted noise levels at residential receivers in the Penrith Local Government Area were found to comply. Though the tabulated results do not specifically address future residential development to the south west (only referring to those lots immediately to the south of the site), the mapped contours show no significant impact to these future residential premises.</i></p>	<p>The western carparking area was included in the noise modelling for the NVA submitted with the EIS, however it was assumed that minimal truck movements would access the western hardstand area.</p> <p>The amended NVA (Appendix D) provides additional noise modelling accounting for additional trucks in the western hardstand area. The predicted noise levels are shown to be compliant with the LAeq criteria. In accordance with recommendations from the Amended Noise and Vibration Impact Assessment at Appendix D a 3m height x 80m length masonry acoustic wall is proposed along the southern end of the western truck storage/hardstand area (Refer Figure 7).</p>

Submission	Response
<p><i>As part of its submission, Jacfin commissioned Wilkinson Murray to review the Noise Assessment, which found:</i></p> <p><i>[i]t is not clear from [the] noise modelling what will occur in [the carpark or truck hardstand area] or what has been modelled.</i></p> <p><i>Should trucks use this area then noise levels at the Jacfin residential area could be in the order of 50 dBA based on noise levels presented in the [Noise Assessment]. Similarly maximum noise levels from the trucks would also be significantly higher than presented in the [Noise Assessment].</i></p> <p><i>As the Noise Assessment fails adequately model the acoustic impacts of the Proposal, the impact on the 'future residential premises' cannot be properly understood.</i></p> <p><i>The Department should require the Proponent to undertake further acoustic modelling to allow the likely impacts of the Proposal to be correctly assessed.</i></p>	<p>The LAmox (maximum) noise levels from the western hardstand are predicted to be 1 dB above the sleep disturbance screening level. It is noted that the screening level is not a criterion or noise limit, rather it indicates that further assessment of potential maximum noise impacts is required. Further assessment is detailed in Section 6.3.3.1 of the NVA, which concludes that the predicted maximum noise levels are in the range that would be unlikely to awaken people from sleep based on the current research on sleep disturbance.</p> <p>Final feasible and reasonable noise mitigation and management measures will be determined during the detailed design/construction certificate stage of the development.</p>
<p><i>Contamination</i></p> <p><i>The Penrith Council submission states that:</i></p> <p><i>[i]t is understood that approvals have already been obtained for remediation works to be carried out, with the creation of a containment cell in the Stage 3 development area.</i></p> <p><i>This statement is incorrect.</i></p> <p><i>We understand this submission to be in respect of Development Application DA 21.1/2020 which seeks approval for remediation and earthworks comprising the excavation of a 200,000m³ containment cell for the storage of contaminated materials (Containment Cell DA). As at the date of this letter, the Containment Cell DA remains is under assessment by Fairfield Council.</i></p> <p><i>The Proponent is therefore not be able to rely on the undetermined Containment Cell DA in order to:</i></p> <p><i>satisfy the Department of its obligations under SEPP 55; and</i></p> <p><i>permit the Department to properly assess the likely impacts of the Development and the suitability of</i></p>	<p>DA 21/2020 proposes an alternate solution to the remediation of land in Stage 2 and 3 of the CSR Estate by placing contaminated material from the former quarrying site in a containment cell excavation located on approved Lot 306 of DA 893.1/2013, rather than requiring disposal off-site.</p> <p>An amended RAP, which is an updated version of the RAP approved in 2014 by DLA Environmental (2014 RAP) (refer Appendix I) subject to DA 893.7/2013, is provided Appendix G (2020 RAP).</p> <p>This 2020 RAP is an updated version of the 2014 RAP based on ERM's incremental understanding of the site conditions since drafting the RAP in 2014. It considers the additional investigations and ongoing remediation works within the Stage 2 area (which relates to the subject site). The 2020 RAP addresses potential gaps in the 2014 RAP based on currently available information such that an updated remediation strategy is being implemented to meet the overall project objectives.</p> <p>DA 21/2020 simply seeks to change the method of storage of contamination material. Remediation of Stage 2 of the CSR Estate (subject of this SSSA) is been undertaken as approved by DA 893.7/2013,</p>

Submission	Response
<p><i>the Site as required by s4.15 of the Environmental Planning & Assessment Act.</i></p>	<p>with a Site Audit Statement expected to be issued for Stage 2A on the 30th of November 2020 (refer Table 4) in accordance with the 2014 RAP, and the 2020 RAP, once approved. These works will be undertaken prior to settlement and change site ownership to ESR. A Site Audit Statement for Stage 2B and 2C is expected in 2021.</p> <p>Therefore, remediation of Stage 2 of the CSR Estate is in no way reliant on the assessment of DA21/2020. The progression of SSD 10436 is not affected by the outcome of DA21/2020 as site remediation works have been undertaken for the subject lots 201-204. Issuance of site audit statements for each lot prior to commencement of works on the respective lots will fulfil the requirements of SEPP 55 as it pertains to SSD 10436. The approved RAP submitted with DA 893.7/2020 is provided at Appendix I. Remediation works in accordance with this approved RAP have been completed (the estimated timeframes for delivery of work is outlined in Table 4).</p> <p>To ensure the effective delivery of the project, and to provide certainty that land is made suitable in its remediated state for the development proposed by this SSDA, it is requested that the DPIE appropriately condition the development to allow a construction certificate to be issued for works on land subject to each substage of the Stage 2 CSR estate following issuance of a Site Audit Statement for that part of the site.</p>
<p><u><i>Western Boundary Landscape Interface</i></u></p> <p><i>In relation to the interface between the western boundary of the Site and the Jacfin Land, the Penrith Council submission states:</i></p> <p><i>[i]f the finished ground levels (up to 5m above neighbouring natural ground levels) are required to achieve suitable stormwater drainage, then stepped and tiered retaining walls should be provided to the interface boundaries so that the landscape design can negate the visual impact of the proposed level difference and retaining walls (as viewed from the adjacent allotment). This would require a widening of the boundary landscape and setbacks in these locations ... and a resulting reduction/change in the car parking arrangement.</i></p>	<p>Retaining walls are proposed along the site's western boundary with the Jacfin Land. The retaining wall system has designed to be stepped to ensure a maximum retaining wall height of 3m. Where retaining higher than 3m is required, a second retaining wall is setback from the site boundary with provisioning for landscape planting.</p> <p>The retaining wall system has been designed so as not to require a significant redesign of the western car parking area which will interface, at this western boundary, with future industrial development.</p> <p>Refer Civil Drawings at Appendix E.</p>

Submission	Response
<p><i>Jacfin supports this submission by Penrith Council. Jacfin reiterates its submission that the carpark and truck hard stand area must be relocated to an internal area within the Site to avoid unacceptable impacts on the adjoining residential land.</i></p>	
<p><u>EPA Submission</u></p>	
<p><i>The EPA submission states that given the Proposal does not contain satisfactory environmental reports or documents, the Proponent 'has not established suitability of the development in accordance with SEPP 55.'</i></p> <p><i>The EPA submission goes on to state:</i></p> <p><i>[t]he EPA notes the development is located adjacent to the our Old Camide Landfill, situated on the north western section of Lot 103 DP121912 and is therefore concerned that the Applicant must be able to demonstrate how it proposes to manage any potential soil, groundwater and ground gas contamination.</i></p> <p><i>Jacfin agrees with the EPA submission. Jacfin reiterates, that given the proximity to the former landfill site, the Proponent must undertake landfill gas testing to ensure the Site is suitable for the proposed use. Site suitability must also be demonstrated in the context of the contamination of the Site resulting from its historic use and the risks this poses to human health and the environment.</i></p> <p><i>In the absence of such testing, the Department is not able to be satisfied that the requirements of SEPP 55 have been satisfied. Further, the Department is not able to assess the suitability of the Site, as required by s4.15 of the Act.</i></p>	<p>A response to the EPA submission is provided in Table 12.</p>

Summary of VIA response by Geoscapes

The detailed Jacfin submission was accompanied by a Visual Impact Assessment prepared by Urbaine Architectural. A response to this VIA has been prepared by Geoscapes (refer **Appendix P**). A summary of this response is provided as follows:

Viewpoints within or adjacent to the Jacfin IN1 land

- The 10 viewpoints selected within the Urbaine Architectural VIA should be assigned a low rating of visual sensitivity that needs to be more heavily based on the type of visual receptor and their sensitivity rather than the view of landscape that is presented within the baseline.
- The IN1 land will eventually contain several industrial developments. The visual amenity of the surrounding landscape is unlikely to be of prime importance for anyone working or visiting the future industrial development.

- In essence any views experienced from within the IN1 land will contain industrial warehousing looking towards further warehousing within the ESR development.

Viewpoints within Jacfin RU4 land

- As shown in the approved concept plan for the Jacfin RU4 land (refer **Appendix P**) a '10m landscape interface' area is proposed between the RU4 land and the IN1 industrial Jacfin land. Without the benefit of detailed plans of this buffer and layout of individual dwellings, it is difficult to judge the predicted visual impacts with a great degree of certainty.
- However, it should be expected that views towards the ESR site from some viewpoints within the RU4 land, could be filtered/mitigated by the introduction of the 10m landscape buffer. The buffer would typically be expected to contain a mixture of native evergreen trees and shrubs that could attain a height of between 6-20m depending on the species used.
- Views from these locations will also be obstructed by the future industrial lots, possibly preventing views all together of the ESR development. This is not to replace any responsibility on the ESR site with regards to the function of the southern buffer or its maintenance. Rather it would further enhance and strengthen visual amenity and mitigation for visual receptors with the residential land of the Jacfin site.

Presentation of Images

- The photomontages fail to consider the development and growth of existing or proposed landscaping. The landscaping along the southern boundary was planted two years ago, and in accordance with the approved VMP (**Appendix N**) will continue to grow as it reaches maturity increasing screening of the southern façade of the warehouse buildings.

Summary of NVA response by SLR

The detailed Jacfin submission was accompanied by a Noise and Vibration Impact Assessment by Wilkinson Murray. A response to which is provided by SLR at Appendix C of the Amended Noise and Vibration Impact Assessment at **Appendix D**. A summary to this response is provided as follows:

Noise Monitoring

- As noted in Section 3.1 of the NIA (refer **Appendix D**), the measured ambient noise monitoring data was processed with reference to the NSW EPA's Noise Policy for Industry (NPfI) and the data was filtered to remove extraneous noise events and periods affected by adverse weather conditions, based on Bureau of Meteorology automated weather station data (Horsley Park AWS 67119).
- The data referred to in the submission was excluded due to influence from extraneous noise, as shown by the significantly higher L90 noise levels during these periods, compared to the typical L90 during the night-time. Analysis of the measured noise spectrum indicates that the extraneous noise is likely to be caused by insects. If these periods were included in the results the resulting night RBL levels would be higher than with the exclusions in place as the excluded data is higher level than the non-affected L90, which would result in less stringent criteria.
- L01 is not representative of the location of the residences in NCA02 and proposed residences in NCA01. It was located in the middle of the operational CSR site to measure noise emissions from that site during the monitoring period.

Noise Criteria

- To account for cumulative noise from the site with existing (and proposed) industrial premises in the area, the recommended amenity noise level is reduced by 5 dBA to give the project amenity noise level. The project amenity noise level is used in conjunction with the project intrusiveness noise level to determine the Project Noise Trigger Levels (PNTNLs) for operational noise from the site (refer to Section 4.7 of the NVA). As such, it is considered that cumulative noise impacts from the site with existing (and proposed) industrial noise sources in the area have been accounted for with the use of the project amenity noise levels in the assessment of operational noise impacts.
- The PNTNLs for operational noise from the site have been updated to reflect the amenity levels determined for the project instead of the Oakdale South Estate (SSD 6917). These project specific PNTNLs are included in Section 4.7 of the amended NVA report.

- The night-time criterion is 38 dB for all noise catchments based on the controlling project amenity criterion, which allows for cumulative operation of multiple developments.

Noise Modelling

- The western carparking area was included in the noise modelling for the NVA submitted with the EIS, however it was assumed that minimal truck movements would access the western hardstand area.
- The amended NVA (**Appendix D**) provides additional noise modelling accounting for additional trucks in the western hardstand area. The predicted noise levels are shown to be compliant with the LAeq criteria with the addition of a 3 m high noise barrier along the southern length of the hardstand area (refer Section 2.4 for further details).
- The LAmax (maximum) noise levels from the western hardstand are predicted to be 1 dB above the sleep disturbance screening level. It is noted that the screening level is not a criterion or noise limit, rather it indicates that further assessment of potential maximum noise impacts is required. Further assessment is detailed in Section 6.3.3.1 of the NVA, which concludes that the predicted maximum noise levels are in the range that would be unlikely to awaken people from sleep based on the current research on sleep disturbance.
- Final feasible and reasonable noise mitigation and management measures will be determined during the detailed design/construction certificate stage of the development.

4.2.2. Greenway Place Resident Submissions

A total of 3 submission (from two parties) were received from residents of the Greenway Place which adjoins the site to the south. All submissions received objected to the proposal.

A review of the submissions received has been undertaken and a detailed response to the issues is provided in **Table 15** below.

Table 15 Response to Greenway Place Resident Submissions

Submission	Response
Submission No.1	
<p><i>We are disappointed with how little trees and vegetation have been planted as a screen/buffer from the buildings to be erected. Our concerns are mostly related to the building on Lot 201, which will be clearly visible from our property. All that has been planted is a row of trees (only over the gabion wall) and they are sparsely placed with a few shrubs. CSR had indicated in the past that more trees were to be planted, to minimise the visual impact, however the ESR documents indicate that this landscaping has been completed. It has definitely not been completed to an acceptable standard. The pictures that are shown on the report (fig38 view point 7) are taken from our rear living area. It shows a photo montage with reasonable screening after a 15 year period. However, with the single row and small amount of trees that have been planted, even with growth over any amount of time, it's not possible to have any reasonable screening. The photo montage shown for Year 15 simply cannot happen without more rows of trees being planted. There should also be more trees</i></p>	<p>In accordance with DA893.7/2013, a positive covenant will be registered on title to ensure the ongoing management of the southern bund wall. Fairfield Council executed the plan of subdivision for DP 1244593 and accompanying 88B instrument on 18 August 2020 (Refer Appendix O).</p> <p>The ongoing management of the landscape bund will be undertaken by ESR in accordance with the approved Vegetation Management Plan (refer Appendix N) which will be registered as a positive covenant on title. Refer Appendix O.</p> <p>It is noted that two years has elapsed since practical completion of the landscaped bund wall, with the final monthly inspection undertaken on 13 July 2020. A compliance certificate has been issued for these works to this stage. The approved VMP stipulates that after this two year period, which has since elapsed, it is anticipated that the site will be in such condition as to be placed onto a low level maintenance weeding program. Programmed maintenance weeding should be</p>

Submission	Response
<p><i>planted on the terramesh bund wall, where there are open sections. More plants are required to screen these buildings a lot sooner. Therefore more established trees and vegetation need to be planted NOW along the whole southern boundary of the site.</i></p> <p><i>Our understanding is that these requirements were agreed based on the Land & Environment Court's rulings. Therefore, the Planning Department should not be progressing this application without satisfaction of those requirements.</i></p>	<p>undertaken indefinitely to maintain a maximum weed cover of 5%. A positive covenant to this effect will be registered on title.</p> <p>All works, methods, procedures, control measures and recommendations have been followed as approved by Council in the Vegetation Management Plan.</p> <p>Evidence of construction and maintenance in accordance with DA 893.7/2013 is provided at Appendix M.</p>
<p><i>We are also concerned about lighting spillage at night. We would hope that minimal lighting is put on the southern side of this building, to minimise the amount of light coming into our living and bedroom areas. Increased vegetation would also help to reduce this negative impact and improve the ongoing amenity of our home.</i></p>	<p>General locations of external lighting are provided on the amended architectural plans package at Appendix A. Wall mounted and pole mounted lighting is proposed which will be directed downwards towards the warehouse buildings for minimal levels of illumination as required under the relevant Australian Standards. Pole mounted lights are proposed at the southern extent of the hardstand and carparking, in the western part of Lot 201.</p> <p>Lights are proposed on the southern wall of warehouse 201, behind and at a level below the height of the bund.</p>
<p><i>We are also concerned about the effects of noise on the amenity of our property, due to the ongoing running of the warehouses or manufacturing facilities. Especially at night, as it will cause sleep disturbance. Being a 24/7 operating warehouse, we feel that truck movements should be minimal at night. ESR's documents indicate that the landscaping will mitigate the noise impacts to ensure amenity of surrounding residential properties. As noted earlier, the current limited amount of landscaping that has been completed makes this inaccurate.</i></p> <p><i>If noise levels exceed normal liveable levels, certain noise mitigation measures should be put in place. Due to the changing nature of warehousing over time, what may be considered satisfactory noise level within one phase of operation, may change if 24/7 manufacturing were to commence.</i></p> <p><i>Because of this, some mitigation measures should be implemented now. Our house is located within approximately 200m of the site. We are within the</i></p>	<p>The LAmax (maximum) noise levels from the site are predicted to be above the sleep disturbance screening level. It is noted that the screening level is not a criterion or noise limit, rather it indicates that further assessment of potential maximum noise impacts is required.</p> <p>Further assessment is detailed in Section 6.3.3.1 of the Noise Impact Assessment (NVA) (Appendix D), which concludes that the predicted maximum noise levels are in the range that would be unlikely to awaken people from sleep based on the current research on sleep disturbance.</p> <p>No exceedances of the LAeq (average noise level) criteria are predicted at noise receiver NCA02, including during the night-time period under both standard and noise-enhancing weather conditions. As such, negligible impacts on the acoustic amenity are anticipated. This will be confirmed during the detailed design/construction certificate stage of the</p>

Submission	Response
<p><i>Noise Catchment Area 2, as identified in the SLR Consultants' Noise Assessment report submitted with the EIS for this development. ESR's consultants have identified various 'at receiver' treatments that would help to ensure amenity of our home. We believe that the applicant has an obligation to implement this, especially considering their report already acknowledges that acceptable noise levels will be exceeded at night time.</i></p>	<p>development, along with any applicable noise mitigation and management measures.</p> <p>The at-property treatments detailed in Section 6.3.5 of the NVA are indicative measures that could be implemented (where reasonable and feasible) where exceedances are predicted. Any applicable mitigation and management measures, including at-property treatments, if required, will be determined during the detailed design/construction certificate stage of the development. Where mitigation measures are considered to be required, these would be implemented by the applicant where reasonable and feasible. The constructed landscaped bund at the of the southern boundary is proposed to be retained to minimise potential noise impacts.</p> <p>An Operational Noise Management Plan (ONMP) will be prepared prior to operation of the development, detailing operational mitigation and management measures applicable to the site. The ONMP will be applicable for the operational life of the site and will be updated where there is a change to the potential operational noise emissions, such as a change in tenant or use.</p>
<p><i>We are also concerned with the landscaping and the buffer around the development and where the bund wall has been built. We feel what has been done, is nowhere near enough, to what was supposed to be done in the original plan.</i></p>	<p>The southern boundary landscaped setback has been constructed in accordance with the work as executed plans drawings Appendix M which were certified on 12 July 2020. These works have been certified and a construction certificate has been issued for these works, in accordance with the Court Approval.</p>
<p><i>The Department should ensure that there is a Vegetation Management Plan for the landscaped area along the southern boundary, to ensure it is maintained and that plants have survived and grown, for at least the first 5 years. This is needed to encourage faster growth to shield the residents from the development and to limit light and noise impact.</i></p>	<p>The southern landscaped bund will be managed in accordance with the approved Vegetation Management Plan Appendix N. In accordance with Condition 121(A) of the consent, a positive covenant will be registered on title to ensure the ongoing management of the southern bund wall. This positive covenant is provided in the 88B instrument (refer Appendix O) executed by Fairfield Council and with the Land Registrar for finalisation.</p>
<p><i>There was a Development Control Plan approved for subdivision of this property, which took into account reasonable measures to mitigate the impact on amenity of the rural residential properties</i></p>	<p>It is understood this issue relates to the southern landscaped bund.</p> <p>The landscaped bund has been delivered in accordance with the LEC approval, as confirmed by</p>

Submission	Response
<p><i>that already existed here. We believe that these measures should still apply to ESR Developments (Australia) Pty Ltd, even though the initial applications were handled by CSR Building Products Limited. It is unfair for ESR to simply dismiss these as 'prepared by others' in the plans provided with this SSD application. It is obvious that this work has not been carried out in accordance with the documentation that CSR Building Products Limited had provided for the Land & Environment Court to make their decisions.</i></p>	<p>the works as executed drawings and certification provided at Appendix M.</p> <p>The reference to 'prepared by others' was to confirm that the landscaped bund had already been delivered and was not proposed to be altered by this proposal. The updated layout for Lot 201 confirms that the building is set back from the bund and boundary in accordance with the LEC approval.</p>
<p><u>Submission No. 2</u></p>	
<p><i>Noise and light impacts - this development with its around the clock operating hours during both construction and operation will cause noise and visual impacts to many properties, particularly if there is not a significant screen in place (and there is not one proposed). The site next door to this one and ours (the CSR site) has a large earth and rock wall that protects us from being able to see and hear those operations.</i></p> <p><i>The same sort of structure should protect our property from unreasonable impacts, and this will not be achieved only from trees, otherwise light and noise will flood into our property and destroy the amenity of our back inside and outside living areas;</i></p> <p><i>24 hour operations - this means that trucks, alarms, lights, and other noises risk causing sleep disturbance. This needs to be reduced by a screen as discussed above.</i></p>	<p>The existing earth mound along a portion of the southern boundary has been delivered in accordance with the LEC approval and is proposed to be retained to minimise potential noise and visual amenity impacts.</p> <p>No exceedances of the LAeq (average noise level) criteria are predicted in noise receiver NCA02, including during the night-time period under both standard and noise-enhancing weather conditions. As such, negligible impacts on the acoustic amenity are anticipated. This will be confirmed during the detailed design/construction certificate stage of the development, along with any applicable noise mitigation and management measures.</p> <p>The LAmax (maximum) noise levels from the site are predicted to be above the sleep disturbance screening level. However, it is important to note that the screening level is not a criterion or noise limit, rather it indicates that further assessment of potential maximum noise impacts is required. Further assessment is detailed in Section 6.3.3.1 of the Noise Impact Assessment (NIA), which concludes that the predicted maximum noise levels are in the range that would be unlikely to awaken people from sleep based on the current research on sleep disturbance.</p>
<p><u>Submission No. 3</u></p>	
<p><i>Noise impact and future sleep disturbance</i></p> <p><i>The negative impacts on the amenity of our property from the industrial noise will be unacceptable.</i></p>	<p>No exceedances of the LAeq (average noise level) criteria are predicted at noise receiver NCA02. As such, negligible impacts on the acoustic amenity are anticipated. This will be confirmed during the detailed design/construction certificate stage of the</p>

Submission	Response
<p><i>We are located within the Noise Catchment Area for the development, indicated as NCA2 on the Noise and Vibration Impact Assessment prepared by SLR Consultants. (Refer to Appendix L on exhibition.).</i></p> <p><i>Table 27 (on page 40 of Appendix L) identifies that reasonable noise disturbance levels at night time will not comply with legal limits, exceeded by 6dBa. The report suggests potential mitigation measures that we believe should be implemented now during this design stage, at the developer's expense, including the 'at-receiver mitigation controls'. Specifically, these include architectural treatments to our home, as suggested on page 51.</i></p> <p><i>It is up to the proponent, ESR Developments, to rectify and mitigate this in advance, in accordance with the recommendations of their own Consultant's report.</i></p> <p><i>The SEPP (WSEA) 2009 applies to this site and clearly states in Clause 23:</i></p> <p><i>Development adjoining residential land</i></p> <p><i>(1) This clause applies to any land to which this Policy applies that is within 250 metres of land zoned primarily for residential purposes.</i></p> <p><i>(2) The consent authority must not grant consent to development on land to which this clause applies unless it is satisfied that—</i></p> <p><i>(d) noise generation from fixed sources or motor vehicles associated with the development will be effectively insulated or otherwise minimised</i></p> <p><i>Our boundary to the applicant's southern boundary is approximately 50m and our house (living area) is approximately 90m away from the site. We are well within the 250m area identified as sensitive by the SEPP. Therefore, it is the applicant's legal obligation to ensure the noise is insulated and minimised.</i></p> <p><i>In order to protect the amenity of our property and its liveability, it is imperative that the noise impacts are mitigated now. We should not have to wait until it becomes unbearable and have an ongoing battle (e.g. legal cases) with the proponent over the years. We have significant concerns about the future noise associated from the day to day</i></p>	<p>development, along with any applicable noise mitigation and management measures.</p> <p>The LAm_{ax} (maximum) noise levels from the site are predicted to be above the sleep disturbance screening level. However, it is noted that the screening level is not a criterion or noise limit, rather it indicates that further assessment of potential maximum noise impacts is required. Further assessment is detailed in Section 6.3.3.1 of the NVA (Appendix D), which concludes that the predicted maximum noise levels are in the range that would be unlikely to awaken people from sleep based on the current research on sleep disturbance.</p> <p>The at-property treatments detailed on page 51 of the NIA (Section 6.3.5) are indicative measures that could be implemented (where reasonable and feasible) where exceedances are predicted. Any applicable mitigation and management measures, including at-property treatments, if required, will be determined during the detailed design/construction certificate stage of the development. Where mitigation measures are considered to be required, these would be implemented by the developer where reasonable and feasible.</p> <p>An Operational Noise Management Plan (ONMP) will be prepared prior to operation of the development, detailing operational mitigation and management measures applicable to the site. The ONMP will be used for the operational life of the site and will be updated where there is a change to the potential operational noise emissions, such as a change in tenant or use.</p> <p>Further, Morris, J, states in her LEC judgement that 'I agree that the provisions of clause 23 of SEPP (WSEA) do not apply to the application. That is because the site is not within 250metres of land zoned primarily for residential purposes. The lands in Greenway Place is zoned for Primary Production Small Lots with objectives that relate to rural rather than residential purposes. Whilst dwellings are permissible with consent in the zone, residential use is not the intent of the RU4 zone.'</p>

Submission	Response
<p><i>operations (proposed as 24/7), given that the exact use of the development is still unknown and the zoning even allows manufacturing plants. The use of the building may also change over time, depending on the tenant. It's better to implement measures now, to minimise future complaints and conflicts.</i></p> <p><i>The Consultants have also acknowledged various existing conditions on the subdivision's development consent (including noise monitoring) from Fairfield Council and these conditions should continue to apply to the development.</i></p>	
<p>Visual impact</p> <p><i>The subdivision of the original property (the quarry at 327-335 Burley Road, Horsley Park) was the subject of Land and Environment Court Proceedings No. 10634 of 2014. This hearing was held from 15-17 June 2015. The subdivision was given approval by the Court, based on documentation and information provided by CSR Building Products Limited, including various screening and landscaping provisions and the Visual Impact Assessment report that had been prepared by their consultants.</i></p> <p><i>Please refer to Attachment A for a copy of the Visual Imagery Assessment that was prepared for the subdivision application. This shows various photographs and photo montages that were prepared at that time, showing the views following the proposed planting. You can see that quite dense planting was proposed, with at least two rows of trees to ensure good coverage. The Landscape Buffer Plan is also attached below (attachment B), which shows the cross-section of the buffer zone and the multiple rows of trees.</i></p> <p><i>The Landscaping Plans prepared by Geoscape (ESR's Attachment D to the EIS), indicate that the landscaping on the southern boundary has been completed 'by others', i.e. CSR. However, the number of trees that have been planted is inadequate, particularly in the area over the gabion wall. ESR's documents indicate that the visual impact on the rural residents on Greenway Place is 'moderate' but will be mitigated when growth of the plants is completed in 15 years' time. We disagree that this is an acceptable outcome. Firstly, we</i></p>	<p>The southern landscape bund has been constructed and these works have been certified as completed and maintained in accordance with the DA893.7/2013. The note referring to 'by others' is to clarify that these landscaping works have already been completed as in accordance with DA 893.7/2013.</p> <p>As built drawings for this bund, confirming their delivery in accordance with DA 893.7/2013 is provided at Appendix M.</p> <p>A positive covenant will be registered on title to ensure the ongoing management of the southern bund wall. Refer Appendix O. The ongoing management of the landscape bund will be undertaken in accordance with the approved Vegetation Management Plan (refer Appendix N).</p> <p>The Visual Impact Assessment prepared in support of this application has regard to the southern bund and landscape planting required by the LEC and delivered on the site in accordance with that consent. The Court has determined that this landscape bund and maintenance regime was suitable to mitigate the impacts of the anticipated future industrial development on the site, noting that 'it is not necessary that any future buildings are not visible at all... There is no expectation that the buildings would be invisible'.</p>

Submission	Response
<p><i>previously enjoyed beautiful rural and Blue Mountains views, which are now being replaced by warehouses 15 metres high. Secondly, 15 years is a long time to wait for an acceptable visual outlook. There needs to be more established trees planted within a short time frame. With the small number of trees that have been planted, it is impossible for the outlook to improve, even within 15 years. There is only a single row of trees, which have been spaced quite far apart. There needs to be at least another row of trees behind them.</i></p>	
<p>Vegetation Management Plan</p> <p><i>In order to ensure the landscaping does meet its objectives, there needs to be a Vegetation Management Plan that includes that southern boundary facing the residents on Greenway Place. The landscape management plans included with the application exclude this area, as they indicate that it is managed by others. This area needs to be maintained to ensure adequate growth and establishment over an extended period (normally 5 years from planting), to ensure the trees and shrubs survive for the long term. Over extended dry periods (e.g. last Summer), all the vegetation will need to be watered to ensure survival. Once CSR settles on sale of the land to ESR, we are concerned about who will be looking after this landscaping, to ensure it delivers the desired outcomes.</i></p> <p><i>A Vegetation Bond should be held by the relevant Authority to ensure this occurs.</i></p>	<p>The approved vegetation management plan pursuant to DA 893.1/2013 is provided at Appendix J. This vegetation management plan includes measures to ensure the maintenance of the southern landscaped setback.</p>
<p>Building heights and ground levels</p> <p><i>During the Community Consultation meeting held in May 2014, CSR's representatives had indicated that building heights at the south eastern corner (closest to residents) would be limited to 10 metres. This was intended to comply with Section 21 of the SEPP (WSEA) relating to building heights within 250m of residents. However, the Environmental Impact Statement shows that the building will be 13.7m in height, whilst the finished floor level is also higher than originally planned. Therefore, we must assume that much more of the building will be visible than originally indicated.</i></p>	<p>The finished pad levels are in accordance with the Subdivision DA 893.7/2013:</p> <ul style="list-style-type: none"> - Condition 3a: Lot 201 future pad level to be 86.5m; - Lot 202 future pad level to be 89.1m <p>The Visual Impact Assessment prepared in support of this application has regard to the southern bund and landscape planting required by the LEC and delivered on the site in accordance with that consent. The Court has determined that this landscape bund and maintenance regime was suitable to mitigate the impacts of the anticipated future industrial development on the site, noting</p>

Submission	Response
<p><i>To approve this development application in its current form, would be inconsistent with previous planning provisions to protect the amenity of existing residential properties.</i></p> <p><i>Attachments C and D have been included for your consideration. They are two documents that were shared with us regarding the building heights, floor levels and bund construction. There were cross sections included, which showed the line of sight using the proposed floor levels and screenings to be provided. (See pages 12-15 of attachment D.)</i></p> <p><i>The Applicant's EIS states on page 50 that 'The VIA finds that the underlying topography of the HLP site means that the scale of built form can be absorbed without significant adverse impacts upon view corridors and residential amenity.' We strongly disagree with this statement, given that the floor level of Lot 201 is at RL 86.7 and the building will be 15 metres high and 9 acres in area. When built in the near future, the newly planted trees will do little to screen such an enormous building. It will tower over our property by 11 metres.</i></p>	<p>that 'it is not necessary that any future buildings are not visible at all... There is no expectation that the buildings would be invisible'.</p> <p>Therefore, whilst some of the buildings may be visible this is consistent with the Court findings. The extent of warehouse visibility is, however, limited and will be effectively screened by the landscaping on the southern bund.</p>
<p>Impact of Lighting</p> <p><i>Again, we believe that more trees/screening and limiting heights of buildings to be concealed behind the bund wall, would assist in ensuring a more acceptable outcome for residents with regard to night lighting. Please also consider the colours and materials of rooftops, in order to minimise glare and heat generation to nearby residents.</i></p>	<p>General locations of external lighting are provided on the amended architectural plans package at Appendix A. Wall mounted and pole mounted lighting is proposed which will be directed downwards towards the warehouse buildings for minimal levels of illumination as required under the relevant Australian Standards.</p> <p>The lighting behind the bund will be at a lower level and oriented downwards so not to generate light spill to neighbouring residential dwellings.</p>

5. REVISED PLANNING ASSESSMENT

5.1. ASSESSMENT OF PROPOSED MODIFICATIONS

This section provides an assessment of the amended design proposal against the relevant statutory planning framework including relevant Acts, environmental planning instruments, draft environmental planning instruments, and development control plans under section 4.15 of the EP&A Act.

Table 16 Assessment of amended proposal against relevant statutory planning frameworks

Consideration	Response
Strategic Planning Context	<p>The amended proposal seeks to create a high-quality warehouse and logistics estate which maximises the employment generating potential of the land to create an efficient, attractive and high-quality employment zone for Western Sydney.</p> <p>The proposed modifications do not impact the ability of the proposal to be consistent with the strategic planning context of the site.</p>
Acts	
<i>Environmental Protection and Biodiversity Conservation Act 1999</i>	<p>The proposal, as modified, is not considered to be a ‘Controlled Action’ pursuant to the EPBC Act.</p>
<i>Environmental Assessment Act 1979</i>	<p>The proposed development (as amended) is consistent with the objects and general terms of the EP&A Act.</p> <p>The Proposal conserves and manages resources by providing for an efficient and effective warehouse and distribution precinct that will promote the social and economic welfare of the community.</p> <p>The principles of sustainable design have been incorporated into the Proposal through careful consideration of passive building design measures and building material selection as described in the amended architectural plans at Appendix A.</p> <p>The Proposal represents efficient economic use of land cognisant with its zoning and the intent of the WSEA which identifies the site for industrial use.</p> <p>Given the highly disturbed nature of the site, that no works will impact any ecological communities, and the waiving of the BDAR requirements as per Clause 7.9(2) of the BC Act, the proposal is considered suitable from an ecological perspective.</p> <p>Due to the level of past soil disturbance and low to nil potential for Aboriginal objects to exist it is considered unlikely that the proposed works will harm Aboriginal cultural heritage and therefore no further assessment for Aboriginal heritage is recommended.</p> <p>The Proposal, as modified, represents a carefully designed warehouse and distribution centre development located in an emerging industrial precinct.</p>

Consideration	Response
	<p>The updated design responds to government agency, public, and community group comments received during the exhibition period as detailed in this RtS report.</p> <p>Overall, the proposed development maintains consistency with the objects and general terms of the EP&A Act.</p>
<i>Biodiversity Conversation Act 2016</i>	<p>The amended proposal does not change the assessment made against the provisions of the BC act presented within the EIS.</p> <p>It was concluded that as the site does not contain any vegetation or potential habitat for threatened species, no tests for significance under the BC Act has been applied. Due to the site's existing condition, a waiver has been sought from the requirement to prepare a BDAR</p>
<i>State Environmental Planning Policies</i>	
<i>State Environmental Planning Policy (State and Regional Development)</i>	<p>The proposed development (as amended) is for the purposes of 'warehouses and distribution centres' and will continue to have a capital investment value of more than \$50 million, and as such continues to be classified as SSD for the purposes of the EP&A Act.</p>
<i>State Environmental Planning Policy (Western Sydney Employment Area) 2009</i>	<p>Clause 21 – Height of Buildings</p> <p>The amended design does not change the maximum building heights proposed for the HLP. The amended lot 204 warehouse layout maintains a 13.7m maximum ridge height, as proposed by the design submitted with the EIS. Further, the pad levels for the site will not exceed the approved RLs by DA 893/2013.</p> <p>In relation to the provisions of Clause 21, a detailed analysis of the proposed built form in the context of existing topography and potential for impact on surrounding residential development has been undertaken as part of the visual impact assessment (VIA) at Appendix C. The VIA makes a series of recommendations which have been adopted in the design of the proposal and/or through mitigation measures to ensure that built form on the site responds appropriately to the local context and that local amenity is preserved.</p> <p>The VIA finds that the underlying topography of the HLP site means that the scale of built form can be absorbed without significant adverse impacts upon view corridors and residential amenity.</p> <p>The Visual Impact Assessment prepared in support of this application has regard to the southern bund and landscape planting required by the LEC and delivered on the site in accordance with that consent. The Court has determined that this landscape bund and maintenance regime was suitable to mitigate the impacts of the anticipated future industrial development on the site, noting that <i>'it is not necessary that any future buildings are not visible at all... There is no expectation that the buildings would be invisible'</i>.</p> <p>Therefore, whilst some of the buildings may be visible this is consistent with the Court findings. The extent of warehouse visibility is, however, limited and will be effectively screened by the landscaping on the southern bund.</p>

Consideration	Response
	<p data-bbox="450 226 1129 255">Clause 23 – Development Adjoining Residential Land</p> <p data-bbox="450 284 1425 461">The HLP adjoins rural residential lands to the south and east which include some residential dwellings. The provisions of Clause 23 are therefore triggered in relation to development on the HLP within 250m of the southern and eastern boundaries. Consideration of the detailed requirements of Clause 23 of the WSEA SEPP in relation to the amended proposal is considered below:</p> <p data-bbox="450 492 1401 560"><i>Wherever appropriate, proposed buildings are compatible with the height, scale, siting and character of existing residential buildings in the vicinity.</i></p> <p data-bbox="450 589 1401 656">The amended lot 204 warehouse building has the same height as that proposed with the design submitted with the EIS.</p> <p data-bbox="450 685 1420 1048">An Amended LVIA has been prepared to accompany the Proposal (Appendix C) which assess the changes to the amendments to the Lot 204 layout. The LVIA confirms that the proposed design, as amended, and visual treatment for the HLP will preserve an appropriate outlook and level of amenity for surrounding landowners and adequately addresses the requirements of Clause 23 of the WSEA SEPP. The LVIA concludes that careful selection of building finishes and colours combined with proposed landscape planting at the development site, effectively filters and blends the development into its surrounding context. This in turn will help to reduce visual impacts for any sensitive receivers and locations in close proximity to the Proposal, as amended.</p> <p data-bbox="450 1077 1422 1182"><i>Goods, plant, equipment and other material resulting from the development are to be stored within a building or will be suitably screened from view from residential buildings and associated land.</i></p> <p data-bbox="450 1211 1414 1317">The amended proposal is consistent with this requirement. Goods, plant and equipment will be stored inside at all times or suitably screened to avoid potential visual impacts in compliance with these requirements.</p> <p data-bbox="450 1346 1425 1451"><i>The elevation of any building facing, or significantly exposed to view from, land on which a dwelling house is situated has been designed to present an attractive appearance.</i></p> <p data-bbox="450 1480 1401 1547">The amended lot 204 warehouse building has the same height as that proposed with the design submitted with the EIS.</p> <p data-bbox="450 1576 1425 1899">As discussed in the EIS the proposal will not be significantly exposed to views from existing dwellings but would be visible in certain locations. The architectural plans and perspectives submitted with the SSD DA describe and illustrate the appearance of the Proposal. The adopted design balances the functional requirements of a modern warehousing development with the need to maintain an aesthetically appealing outlook for surrounding sensitive users. Architectural features have been used in the design to break up the bulk and scale of the proposed warehouse buildings and proposed colours and materials have been selected to further minimise any potential impact.</p>

Consideration	Response
	<p>The southern landscaped bund complies with the requirements of condition 3(d) and (e) of consent 893/2013. As built drawings for this bund, confirming their delivery in accordance with DA 893.7/2013 is provided at Appendix M.</p> <p>The ‘racing stripe’ and other highlights have been removed from the southern elevation. The colours, materials and finishes proposed are typical of this type of development.</p> <p><i>Noise generation from fixed sources or motor vehicles associated with the development will be effectively insulated or otherwise minimised.</i></p> <p>The amended NVA (Appendix D) provides additional noise modelling accounting for additional trucks in the western hardstand area. The predicted noise levels are shown to be compliant with the LAeq criteria with the addition of a 3 m high noise barrier along the southern length of the hardstand area (refer Section 2.4 for further details).</p> <p>The LAmax (maximum) noise levels from the western hardstand are predicted to be 1 dB above the sleep disturbance screening level. It is noted that the screening level is not a criterion or noise limit, rather it indicates that further assessment of potential maximum noise impacts is required. Further assessment is detailed in Section 6.3.3.1 of the NVA, which concludes that the predicted maximum noise levels are in the range that would be unlikely to awaken people from sleep based on the current research on sleep disturbance.</p> <p>Final feasible and reasonable noise mitigation and management measures will be determined during the detailed design/construction certificate stage of the development.</p> <p><i>The development will not otherwise cause nuisance to residents, by way of hours of operation, traffic movement, parking, headlight glare, security lighting or the like.</i></p> <p>The amended proposal continues to seek consent for 24/7 operation. The amended noise assessment demonstrates that this would not result in significant adverse impacts on surrounding sensitive receivers.</p> <p>General locations of external lighting are provided on the amended architectural plans package at Appendix A. Wall mounted and pole mounted lighting is proposed which will be directed downwards towards the warehouse buildings to achieve the minimum level of illumination as required under the relevant Australian Standards.</p> <p>The amended TA (Appendix F) recommends that the proposed parking provision subject to this SSD is sufficient to accommodate the demand for future tenancies and would not result would not generate adverse impacts on traffic flows on the local or regional road network.</p> <p><i>The development will provide adequate off-street parking, relative to the demand for parking likely to be generated.</i></p> <p>A total of 636 car parking spaces are proposed pursuant to the amended proposal, which is 42 less than originally proposed. It is noted that TA (Appendix</p>

Consideration	Response
	<p>F) recommends that the proposed parking provision subject to this SSD DA is sufficient to accommodate the demand for future tenancies on the following grounds:</p> <ul style="list-style-type: none"> ▪ The rates are consistent with those of approved developments within the broader area (as discussed in relevant sections of the TA), ▪ The rates have regard to the RMS Guide parking rates (satisfied) ▪ TfNSW provides support for parking rates in accordance with RMS Guide rates, ▪ The site will require preparation of a Green Travel Plan (GTP) as requested by TfNSW as a condition of consent. This GTP is intended to reduce reliance on the use of cars which is in line with the RMS requirement for lower car parking rates than is stipulated by the Burley Road DCP. <p>Parking shall be designed in accordance with AS2890.1:2004.</p> <p><i>The site of the proposed development will be suitably landscaped, particularly between any building and the street alignment.</i></p> <p>Amended landscaping plans are provided at Appendix B which include minor landscaping amendments to reflect the amended Lot 204 warehouse layout. Key features of the landscaping approach include:</p> <ul style="list-style-type: none"> ▪ Warehouse boundary planting, including groupings of trees and blocks of shrubs. ▪ Addition of street trees along the Access Road. ▪ Periphery landscape areas with similar planting of species to the APZ area along the eastern edge of the site. ▪ Bioretention basins with grasses in accordance with Fairfield City Council WSUD Guidelines. Landscape and visual analysis prepared in respect of the Proposal has informed the design of the landscape treatment and confirms that the proposed landscaping response is appropriate to preserve the amenity of surrounding residential areas. <p>The southern landscaped bund complies with and has been delivered in accordance with the requirements of condition 3(d) and (e) of DA893/2013. As built drawings for this bund, confirming their delivery in accordance with DA 893.7/2013 is provided at Appendix M.</p> <p>Clause 26 – Development on or in the Vicinity of Proposed Transport Infrastructure Routes</p> <p>The site is not located on or in the vicinity of a proposed transport infrastructure route. The future Southern Link Road will traverse along the northern boundary of the CSR Estate, however, will not affect the Proposal.</p> <p>In accordance with comments from TfNSW, the Stage 3 plan has been updated to identify a left-out intersection at South Link Road / Johnston Crescent.</p>

Consideration	Response
	<p>Clause 10 – Land Use Zoning</p> <p>All works proposed under the SSDA are permissible in the IN1 zone, including the construction and use of buildings for warehousing and distribution and ancillary office space.</p> <p>Clause 18 – Development Control Plans</p> <p>Development Control Plan: 327 – 335 Burley Road, Horsley Park March 2016 Penrith applies to the subject site. Clause 18(6) of the SEPP recognises the provisions of this DCP for the purposes of the clause. The requirement for, and provisions of, the DCP is therefore satisfied.</p> <p>Clause 25 – Public Utility Infrastructure</p> <p>All necessary public utility infrastructure and services are being provided to the HLP in accordance with DA 893/2013. No augmentation of these services is proposed as part of this application.</p> <p>General locations of padmount substations for each lot are identified on the Amended Architectural Plans at Appendix A in accordance with the Endeavour Energy general requirements.</p> <p>Clause 31 – Design Principles</p> <p>The proposal has been developed through a robust and iterative design process, underpinned by carefully considered design principles related to bulk and scale, accessibility and permeability, landscaping and public domain, materials and finishes and integration with the surrounding land use character and context.</p> <p>The ‘racing stripe’ and other highlights have been removed from the southern elevation. The colours, materials and finishes proposed are typical of this type of development.</p> <p>Clause 33L – Stormwater, Water Quality and WSUD</p> <p>The amended Civil Engineering Report by Costin Roe Consulting at Appendix E confirms that the proposal, as modified, demonstrates consistency with the objectives of this clause.</p>
<p><i>State Environmental Planning Policy No 64 – Advertising and Signage</i></p>	<p>Minor amendments are proposed to the signage strategy to reflect the amended warehouse layout including provision of a customer building sign to the western elevation of each warehouse.</p> <p>The proposed signage strategy, as amended:</p> <ul style="list-style-type: none"> ▪ Is compatible with the scale of the surrounding streetscape and setting. The proposed signage will incorporate quality materials and finishes and provide a coherent and integrated colour scheme based on the marketing colours of ESR and the specific tenants. The proposal will appropriately reflect the future design and character of HLP and does not present visual clutter.

Consideration	Response
	<ul style="list-style-type: none"> ▪ Illumination will occur at low wattage and will not impact the safety or amenity of pedestrians, vehicles or nearby residential accommodation. The light source for the signage will continue to be static. ▪ The proposed signage will not distract motorists. No safety implications for pedestrians or vehicular users are envisaged. The signage will not be illuminated and will be set back from the boundaries. ▪ The proposal does not detract from the amenity or visual quality of any environmentally sensitive areas, natural or other conservation areas, open space area, waterways or rural landscapes.
<i>State Environmental Planning Policy (Infrastructure)</i>	The proposal was referred to TfNSW during the public exhibition period comments were received, a response to which is provided in Table 7 .
<i>State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55)</i>	<p>The remediation of Stage 2 of the CSR Estate (subject of this SSDA) has been undertaken as approved by DA 893.7/2013 provided at Appendix I, with a Site Audit Statement expected to be issued for Stage 2A on the 30th of November 2020 (refer Table 1) in accordance with the 2014 RAP, and the 2020 RAP, once approved. These works will be undertaken prior to settlement and change site ownership to ESR.</p> <p>To ensure the effective delivery of the project, and to provide certainty that land is made suitable in its remediated state of the development proposed by this SSDA, it is requested that the DPIE appropriately condition the development to allow a construction certificate to be issued for works on land subject to each substage of the Stage 2 CSR estate following issuance of a Site Audit Statement for that part of the site. The anticipated date of issue of the Site Audit Statements is provided at Table 1 and is summarised as follows:</p> <ul style="list-style-type: none"> ▪ Stage 2A: Lots 201 and 204 – expected issue of Site Audit Statement: 30/11/2020 ▪ Stage 2B: Lot 203 – expected issue of Site Audit Statement: 11/1/2021 ▪ Stage 2C: Lot 202 – expected issue of Site Audit Statement: 22/11/2021 <p>This will provide certainty to the DPIE that the land will be made suitable in its remediated state for the purposes of the development proposed by this SSDA as required by Clause 7 of SEPP 55. The approved RAP submitted with DA 893.7/2020 is provided at Appendix I.</p>
<i>State Environmental Planning Policy No 33 – Hazardous and Offensive Development</i>	As discussed in the EIS, the Proposal is for the construction and operation of a warehousing and distribution complex which is intended to have a freight and logistics focus. The proposal is not potentially hazardous or potentially offensive development. Should an operator seek to occupy premises within the HLP for purposes that would be classified as potentially offensive or potentially hazardous, a PHA would be required to be prepared and submitted with a further application for assessment and approval.

Consideration	Response
Section 4.15 Impact Assessment	
<i>Likely Impacts of the Development</i>	
The following provides an environmental impact assessment of the amendments to the proposal:	
<i>Acoustic Impacts</i>	<p>In accordance with recommendations from the Amended Noise and Vibration Impact Assessment at Appendix D, the amended proposal includes:</p> <ul style="list-style-type: none"> ▪ A 12.45m high acoustic wall and 42m deep and 33m wide awning is located along the southern extent of the western hardstand to Lot 204, to act as an acoustic barrier. ▪ A 3m height x 80m length masonry acoustic wall is proposed along the southern end of the western truck storage/hardstand area of Lot 201. <p>The noise contours included in the NVA at Appendix D identify LAeq noise levels which are predicted to comply with the established noise criteria. Exceedances of the LAm_{ax} screening level are identified in the summary tables provided within the NVA.</p> <p>However, it is noted that the screening level is not a criterion or noise limit, rather it indicates that further assessment of potential maximum noise impacts is required. Further assessment is detailed in Section 6.3.3.1 of the NVA, which concludes that the predicted maximum noise levels are in the range that would be unlikely to awaken people from sleep based on the current research on sleep disturbance.</p>
<i>Visual Impacts</i>	<p>The amended design does not change the maximum building heights proposed for the HLP. The amended Lot 204 warehouse layout maintains a 13.7m maximum ridge height, as proposed by the design submitted with the EIS.</p> <p>An Amended LVIA has been prepared to accompany the Proposal (Appendix C) which assess the changes to the amendments to the Lot 204 layout. The LVIA confirms that the proposed design, as amended, and visual treatment for the HLP will preserve an appropriate outlook and level of amenity for surrounding landowners and adequately addresses the requirements of Clause 23 of the WSEA SEPP. The LVIA concludes that careful selection of building finishes and colours combined with proposed landscape planting at the development site, effectively filters and blends the development into its surrounding context. This in turn will help to reduce visual impacts for any sensitive receivers and locations in close proximity to the Proposal, as amended.</p>
<i>Traffic Impacts</i>	<p>An amended Traffic Impact Assessment accompanies the proposal at Appendix F. The traffic generation of the amended proposal would be marginally less than that submitted with the EIS. The total projected traffic volumes resulting from the proposed development, as modified, during the road network PM peak hour is less than the WSEA traffic generation estimation adopted for the Site. During the AM peak hour, however, the likely operational traffic may exceed the approved threshold by approximately 38 veh/hr (which is 4 veh/hr less than that originally proposed).</p>

Consideration	Response
	<p>The amended TA confirmed that the reduced parking provision will continue to satisfy the future demands of the development for each individual warehouse. As such the development, as modified, is not expected to create any adverse parking impacts on-street.</p> <p>The swept path analysis in Appendix A of the Amended Traffic Impact Assessment at Appendix F demonstrates where these areas are located, and the amount of side-loading positions each Lot has for Super B-Doubles.</p> <p>A total of 70 bicycle parking spaces are proposed. As referred to in Section 7.6 of the TA (Appendix F), it is anticipated that additional bicycle parking could readily be provided proximate to office locations should this be required by staff over time.</p>
<i>Suitability of the Site</i>	<p>The site continues to be highly suitable for the proposed development as it is</p> <ul style="list-style-type: none"> ▪ Located in an industrial zone within which the proposed use is permissible under the WSEA SEPP. ▪ Adjacent to a number of existing and approved warehouse and logistics facilities that have been strategically planned for and approved to address the objectives of the WSEA SEPP. ▪ Located in the Eastern Creek Industrial Area and is suitably sited among similar compatible land uses with a direct synergy to the proposed Development. ▪ Located proximate to the regional motorway network. ▪ Undergoing remediation in accordance with separate and preceding development consents to facilitate the intended warehouse & distribution use on the site. ▪ Continuing to rely on boundary landscape and bund treatment mitigation measures approved by the NSW Land & Environment Court to ensure the interface between the IN1 and RU4 zoned land generates suitable amenity for neighbouring properties.
<i>The Public Interest</i>	<p>The proposed development, as modified, is considered to be in the public interest for the following reasons:</p> <ul style="list-style-type: none"> ▪ The proposal demonstrates a high level of consistency with relevant State and local strategic plans and relevant State and local planning controls. ▪ No adverse environmental, social or economic impacts will result from the proposal. ▪ The proposal will facilitate a number of job opportunities associated with both the construction and operation of the HLP and provide a land use that is aligned to the strategic planning framework envisioned for the site. ▪ The proposal has been designed to respond to the prior approvals on the site and mitigation measures approved by the NSW Land & Environment Court,

Consideration	Response
	intended to ensure the interface between the IN1 and RU4 zoned land generates suitable amenity for neighbouring properties.

5.2. SUMMARY OF MITIGATION MEASURES (AS AMENDED)

The following section provides updated mitigation measures that have resulted from the amended design response proposed in this RtS. For clarification purposes, any new additions are marked as '**bold**' and any changes no longer relevant have been ~~struck through~~.

Table 17 Updated Mitigation Measures

Matter	Potential Impact	Mitigation Measure
Urban Design and Visual Impacts	Visual impacts to sensitive receivers	<ul style="list-style-type: none"> ▪ The colours, materials and finishes proposed are typical of this type of development. The proposed building facades consist of mainly grey tones including painted precast concrete, colorbond and zinc cladding. These colour tones visually break up the long facades, with highlight colours only use for signage elements, awnings or around the main office. ▪ The external finishes and materials to the southern elevations of Lot 201 and 204 are to have no 'red strip' and highlights. ▪ The designation of the E2 – Environmental Conservation land and the existing Terramesh bund on the southern boundary act as existing mitigation measures for the Proposal. Increased growth of intended landscaping will further act as an effective measure once the landscaping matures.
Traffic and Transport	Impacts on the road network during construction	<ul style="list-style-type: none"> ▪ Traffic control would be required to manage and regulate traffic movements into and out of the site during construction. ▪ Disruption to road users would be kept to a minimum by scheduling intensive delivery activities outside of peak network hours. ▪ Construction and delivery vehicles would be restricted to using Old Wallgrove Road, Lenore Drive, M7 Motorway and Mamre Road
	Impacts on the road network during operation	<ul style="list-style-type: none"> ▪ A Travel Plan (TP) strategy for the site be established and be prepared in line with the Travel Demand Management Strategy required by TfNSW. ▪ The site will require preparation of a Green Travel Plan (GTP) as requested by TfNSW as a condition of consent.

Matter	Potential Impact	Mitigation Measure
Noise and Vibration	Noise generation during construction of the Proposal	<ul style="list-style-type: none"> ▪ Implementation of any project specific mitigation measures required. ▪ Implement community consultation or notification measures detailing work activities, dates and hours, impacts and mitigation measures, indication of work schedule over the night time period, any operational noise benefits from the works (where applicable) and contact telephone number. ▪ All employees, contractors and subcontractors are to receive an environmental induction. ▪ Implementation of behavioural practices, such as no unnecessary shouting or loud radios on site and no dropping materials from height or throwing metal items. ▪ Where specified under Appendix C of the CNVG a noise verification program is to be carried out for the duration of the works in accordance with the Construction Noise and Vibration Management Plan and any approval and licence conditions. ▪ Where required, attended vibration measurements should be undertaken at the commencement of vibration generating activities to confirm that vibration levels are within the acceptable range to prevent cosmetic building damage. ▪ The CEMP must be regularly updated to account for changes in noise and vibration management issues and strategies. ▪ Undertake building dilapidation surveys on all buildings located within the buffer zone prior to commencement of activities with the potential to cause property damage. ▪ Where feasible and reasonable, construction should be carried out during the standard daytime working hours. Work generating high noise and/or vibration levels should be scheduled during less sensitive time periods. ▪ Construction respite period during normal hours and out-of-hours work. Work should be carried out in continuous blocks that do not exceed 3 hours each, with a minimum respite period of one hour between each block. ▪ Use quieter and less vibration emitting construction methods where feasible and reasonable. ▪ Noise generating equipment will be regularly checked and effectively maintained. ▪ The offset distance between noisy plant and adjacent sensitive receivers is to be maximised. Noise-emitting plant to be directed away from sensitive receivers. Only have necessary equipment on site.

Matter	Potential Impact	Mitigation Measure
		<ul style="list-style-type: none"> ▪ Plan worksites and activities to minimise noise and vibration. ▪ Use of non-tonal and ambient sensitive reversing alarms. ▪ Minimise disturbance arising from delivery of goods to construction sites. ▪ Limit the use of engine compression brakes at night and in residential areas. ▪ Shield stationary noise sources such as pumps, compressors, fans where feasible and reasonable. ▪ Where practicable, work compounds, parking areas, and equipment and material stockpiles will be positioned away from noise-sensitive locations and take advantage of existing screening from local topography. ▪ At locations where there are high-risk receptors, vibration monitoring should be conducted during the activities causing vibration.
	Noise generation during operation of the Proposal	<ul style="list-style-type: none"> ▪ Construction of a 3m height x 80m length masonry acoustic wall along the southern end of the western truck storage/hardstand area. ▪ Construction of 12.45m high acoustic wall and extended 42m deep and 33m wide awning is located along the southern extent of the western hardstand to act as an acoustic barrier. ▪ Relocating heavy vehicle access routes away from the site boundary, taking advantage of screening afforded by the building envelope. ▪ Reducing peak 15-minute heavy vehicle movements across the development by staggering delivery/pickup times. ▪ Reducing peak 15-minute light vehicle movements across the development by staggering shift change times for employees. ▪ Minimising the concurrent use of forklifts and other mobile plant outside the warehouses (ie in the hardstand areas) and/or limiting their use to the less sensitive daytime and evening periods. ▪ The use of quieter mobile plant options, such as electric forklifts instead of gas-powered forklifts. ▪ Locating fixed mechanical plant away from the most-affected sensitive receivers, such as ground level locations instead of rooftop locations, and/or shielded behind the warehouse/office structures.

Matter	Potential Impact	Mitigation Measure
		<ul style="list-style-type: none"> ▪ The use of quieter fixed mechanical plant options, noting that this assessment assumes an indicative noise level for modelled mechanical plant. ▪ Acoustic screening, no less than 500 mm higher than the top of the plant, located as close as practicable to the plant. ▪ Best management practice – such as switching vehicles and plant off when not in use, no yelling/swearing/loud music onsite, education of staff and drivers regarding noise impacts, regular maintenance of plant and equipment to minimise noise emissions, use of silent or non-tonal reverse alarms instead of tonal alarms, minimising use of reverse alarms by providing forward manoeuvring where practicable. ▪ Investigate at-receiver noise mitigation if, through noise monitoring, it is found that the proposal cannot meet the relevant noise criteria.
Stormwater Management	Sediment run-off from the site entering the stormwater system of surrounding streets	<ul style="list-style-type: none"> ▪ Clearly visible barrier fencing shall be installed and elsewhere at the discretion of the site superintendent to ensure traffic control and prohibit unnecessary site disturbance. Vehicular access to the site shall be limited to only those essential for construction work and they shall enter the site only through the stabilised access points. ▪ Soil materials will be replaced in the same order they are removed from the ground. It is particularly important that all subsoils are buried and topsoils (landscaped areas only) remain on the surface at the completion of works. ▪ The construction program should be scheduled so that the period of time from starting land disturbance to stabilisation is minimised. Schedule works so that the duration from the conclusion of land shaping to completion of final stabilisation is less than 20 working days. ▪ Land recently established with grass species will be watered regularly until an effective cover has properly established and plants are growing vigorously. Further application of seed might be necessary later in areas of inadequate vegetation establishment. ▪ Where practical, foot and vehicular traffic will be kept away from all recently established areas. ▪ Earth batters shall be constructed in accordance with the Geotechnical Engineers Report. ▪ All earthworks, including waterways/drains/spillways and their outlets, will be constructed to be stable in at least the design storm event of 1 in 10-year ARI (Q10).

Matter	Potential Impact	Mitigation Measure
	<p>Site stormwater runoff adversely impacts on stormwater flows and quality of the receiving waterways downstream of the site.</p>	<ul style="list-style-type: none"> ▪ During windy weather, large, unprotected areas will be kept moist (not wet) by sprinkling with water to keep dust under control. ▪ Including treatment trains of gross pollutant traps (GPT's) in the form of pit inserts, proprietary filters and raingardens/ bio-retention into the design of each development lot. ▪ Maintaining or improving the volume of stormwater flows to estate infrastructure from development lots. Storage Requirement (SSR) and Permissible Site Discharge (PSD) based on the individual lot areas.
Flooding	Future occupants of the site are exposed to flood risk	<ul style="list-style-type: none"> ▪ No mitigation measures as the site has been assessed as posing a very low risk of flooding affectation from Ropes Creek or other regional flooding.
Contamination and Remediation	Risk to health and safety of works and future and existing occupants of the site	<ul style="list-style-type: none"> ▪ Separate applications have addressed prior contamination of land within the HLP. ▪ All remediation works will be undertaken under separate development consents by CSR and are required to be completed prior to enacting any works on land the subject to each stage approved by SSD 10436. ▪ To ensure the effective delivery of the project, and to provide certainty that land is suitable in its remediated state for the approved development, a Site Audit Statement for the relevant development Lot, confirming its suitability for use for warehouse & Distribution purposes, is to be obtained prior to issuance of the first Construction Certificate under this development consent.
Bushfire	Future occupants of the site are exposed to bushfire risk	<ul style="list-style-type: none"> ▪ Identified APZ to be maintained in perpetuity to the specifications detailed in Planning for Bush Fire Protection 2019. ▪ The proposed development will be accessed by a two (2) truck and vehicle access points. ▪ Reticulated water supply to be provided to the development. ▪ Fire hydrant spacing, design and sizing comply with the Australian Standard AS 2419.1 (SA 2005). ▪ Hydrants are not located within any road carriageway.

Matter	Potential Impact	Mitigation Measure
		<ul style="list-style-type: none"> ▪ Reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads. ▪ Fire hydrant flows and pressures comply with AS 2419.1 (SA 2005). ▪ All above-ground water service pipes are metal. ▪ Electricity supply located underground. ▪ Gas services are to be installed and maintained in accordance with AS/NZS 1596:2014. ▪ The proposed structure is to be constructed to the following BAL rating based on the construction specifications detailed in either AS 3959:2018 Construction of buildings in bushfire prone (SA2018) areas or the NASH Standard: Steel Framed Construction in Bushfire Areas 2014 (NASH 2014): ▪ Inclusion of additional ember provisions detailed in section 7.5 of PBP as required. ▪ Any future landscaping meets the requirements of PBP and complies with the NSW RFS 'asset protection zone standards'. ▪ A clear area of low cut lawn or pavement is maintained adjacent to the building. ▪ Fencing/retaining walls to be constructed from hardwood or non-combustible material. ▪ Trees and shrubs are planted to not overhang over the roof and the tree canopy is not continuous. ▪ If proposed, a wind break is located on the elevation from which fires are likely to approach.
Air Quality	Air quality impacts of the proposed development during construction and operation	<ul style="list-style-type: none"> ▪ Record all dust and air quality complaints, identify cause(s), take appropriate measures to reduce emissions in a timely manner, and record the measures taken. ▪ Make the complaints log available to the local authority when asked. ▪ Record any exceptional incidents that cause dust and/or air emissions, either on- or offsite, and the action taken to resolve the situation in the log book. ▪ Perform daily on-site and off-site inspections where receptors (including roads) are nearby, to monitor dust, record inspection results, and make the log available to the local authority when asked. This should include regular

Matter	Potential Impact	Mitigation Measure
		<p>dust soiling checks of surfaces such as street furniture, cars and window sills within 100 m of site boundary.</p> <ul style="list-style-type: none"> ▪ Carry out regular site inspections to monitor compliance with the DMP, record inspection results, and make an inspection log available to the local authority, when asked. ▪ Increase the frequency of site inspections by the person accountable for air quality and dust issues on site when activities with a high potential to produce dust are being carried out and during prolonged dry or windy conditions. ▪ Perform daily on-site and off-site inspections where receptors (including roads) are nearby, to monitor dust, record inspection results, and make the log available to the local authority when asked. This should include regular dust soiling checks of surfaces such as street furniture, cars and window sills within 100 m of site boundary. ▪ Carry out regular site inspections to monitor compliance with the DMP, record inspection results, and make an inspection log available to the local authority, when asked. ▪ Increase the frequency of site inspections by the person accountable for air quality and dust issues on site when activities with a high potential to produce dust are being carried out and during prolonged dry or windy conditions. ▪ Ensure all on-road vehicles comply with relevant vehicle emission standards, where applicable. ▪ Ensure all vehicles switch off engines when stationary - no idling vehicles. ▪ Avoid the use of diesel or petrol powered generators and use mains electricity or battery powered equipment where practicable. ▪ Ensure an adequate water supply on the site for effective dust/particulate matter suppression/ mitigation, using non-potable water where possible and appropriate. ▪ Use enclosed chutes and conveyors and covered skips. ▪ Minimise drop heights from loading shovels and other loading or handling equipment and use fine water sprays on such equipment wherever appropriate. ▪ Avoid bonfires and burning of waste materials. ▪ Avoid scabbling (roughening of concrete surfaces) if possible. ▪ Ensure sand and other aggregates are stored in banded areas and are not allowed to dry out, unless this is

Matter	Potential Impact	Mitigation Measure
		<p>required for a particular process, in which case ensure that appropriate additional control measures are in place.</p> <ul style="list-style-type: none"> ▪ Use water-assisted dust sweeper(s) on the access and local roads to remove, as necessary, any material tracked out of the site. ▪ Avoid dry sweeping of large areas. ▪ Ensure vehicles entering and leaving sites are covered to prevent escape of materials during transport. ▪ Record all inspections of haul routes and any subsequent action in a site logbook. ▪ Implement a wheel washing system (with rumble grids to dislodge accumulated dust and mud prior to leaving the site where reasonably practicable)
Non -Indigenous Heritage	Adverse impact on non-indigenous or European heritage significance of the locality	<ul style="list-style-type: none"> ▪ Implementation of an unexpected finds protocol should an item of non-Indigenous heritage be uncovered on the site.
Aboriginal Heritage	Adverse impact on the aboriginal and cultural heritage significance of the locality	<ul style="list-style-type: none"> ▪ In the unlikely event that suspected human remains are encountered during the demolition of the existing building, all work in the area that may cause further impact, must cease immediately and the following measures must be implemented: <ul style="list-style-type: none"> – The location, including a 20 m curtilage, should be secured using barrier fencing to avoid further harm. – The NSW Police must be contacted immediately. – Notify DPIE’s Environment Line as soon as practicable and provide available details of the remains and their location. – No further action is to be undertaken until the NSW Police provide written clearance for the identified remains. – Should the remains be identified as Aboriginal, the appropriate Local Aboriginal Land Council must be notified. – A suitably qualified archaeologist and/or anthropologist with forensic training must be contacted.
Construction and Operational Waste	Disposal of waste generated during construction of the Proposal	<ul style="list-style-type: none"> ▪ Ensure project management of the site includes minimising waste generation, requiring the appropriate storage and timely collection of waste materials, and maximising re-use or recycling of materials.

Matter	Potential Impact	Mitigation Measure
		<ul style="list-style-type: none"> ▪ Store wastes on site appropriately to prevent cross-contamination and guarantee the highest possible re-use value. ▪ Consider the potential of any new materials to be re-used and recycled at the end of the Project's life. ▪ Determine opportunities for the use of prefabricated components and recycled materials. ▪ Re-use formwork where appropriate. ▪ Retain roofing material cut-offs for re-use or recycling. ▪ Retain used crates for storage purposes unless damaged. ▪ Recycle cardboard, glass and metal wastes. ▪ Recycle or dispose of solid waste timber, brick, concrete, asphalt and rock, where such waste cannot be re-used on site, to an appropriately licenced construction and demolition waste recycling facility or an appropriately licenced landfill. ▪ Dispose of all asbestos and/or hazardous wastes in accordance with SafeWork NSW and NSW EPA requirements. ▪ Deliver batteries and florescent lights to drop off-site recycling facility. ▪ Return excess materials and packaging to the supplier or manufacturer. ▪ Dispose of all garbage via a council approved system
	<p>Disposal of waste generated during operation of the Proposal</p>	<p>Waste Avoidance</p> <p>Waste avoidance measures include:</p> <ul style="list-style-type: none"> ▪ Participating in take-back services to suppliers to reduce waste further along the supply chain ▪ Avoiding printing where possible ▪ Review of packaging design to reduce waste but maintain 'fit for purpose' ▪ Providing ceramic cups, mugs, crockery and cutlery rather than disposable items ▪ Purchasing consumables in bulk to avoid unnecessary packaging ▪ Presenting all waste reduction initiatives to staff as part of their induction program

Matter	Potential Impact	Mitigation Measure
		<ul style="list-style-type: none"> ▪ Investigating leased office equipment and machinery rather than purchase and disposal. <p>Re-use</p> <ul style="list-style-type: none"> ▪ Possible re-use opportunities include establishing systems with in-house and supply chain stakeholders to transport products in re-useable packaging where possible. <p>Recycling</p> <p>Recycling opportunities include:</p> <ul style="list-style-type: none"> ▪ Collecting and recycling e-wastes ▪ Flatten or bale cardboard to reduce number of bins required ▪ Paper recycling trays provided in office areas for scrap paper collection and recycling ▪ Collecting printer toners and ink cartridges in allocated bins for appropriate contractor recycling ▪ Development of 'buy recycled' purchasing policy.

6. CONCLUSION

This RtS has considered the responses received from DPIE, state and local government agencies, authorities and members of the public during the public exhibition of SSD 10436. The submissions received have been directly responded to by the Applicant and the project team in the supporting technical reports annexed. In addition, minor amendments have been made to the proposal to address key issues raised.

Update to Site Arrangement and Warehouse Layout on Lot 204

The lot layout of Lot 204 is proposed to be amended to reflect tenant enquiries and to suit the specific needs of an end user. This will prevent a further modification to any consent issued.

Generally, the proposal sees the amalgamation of the warehousing structure on the site and its orientation in a north-south direction with hardstand located to the west. The following describes the main changes.

- The cumulative gross floor area for the site will be 1,673m² less than that proposed with the EIS.
- 42 fewer car parking spaces are proposed across the site.
- Minor landscaping amendments to reflect the amended lot 204 warehouse layout.
- Provision of fire truck perimeter access and relocation of car parking.
- Inclusion of enclosed awning and acoustic barrier along the southern alignment of the hardstand.

Other design changes across the Estate

- Location of bicycling parking identified on each lot.
- Waste area locations identified on each lot.
- Minor amendments to the signage strategy to reflect the amended Lot 204 warehouse layout orientation.
- Indicative substation locations identified.
- End of trip facilities provided for each site office.
- Minor amendments to external finishes and materials to the southern elevations of Lot 201 and 204 to remove the 'red strip' and highlights.
- B-double de-coupling zones identified on each lot.
- In accordance with recommendations from the Amended Noise and Vibration Impact Assessment at **Appendix D** a 3m height x 80m length masonry acoustic wall is proposed along the southern end of the western truck storage/hardstand area on Lot 201.
- Lot 201 layout amended to ensure compliance with the southern landscape setback requirements of the DA893.7/2013 development consent resulting in a minor reduction in site area and car parking provision.

These amendments to the proposal, along with the additional justification and technical information, appropriately respond to all relevant issues raised in the submissions.

There remain compelling reasons why a positive assessment and determination of the project should prevail, are outlined below:

- The subject site is appropriately zoned to permit the Proposal and no departure from any development standard is required to enable the development. Additionally, the site is appropriately located in proximity to the major road network making it a convenient location within the region and highly accessible for the proposed use as a warehouse and logistics park.
- The underlying objectives and built form outcomes of the Proposal directly address the objectives of the WSEA SEPP, providing a positive contribution to the emerging industrial character of the estate and broader locality as well as providing a number of employment opportunities associated with both the construction and operation of the HLP.
- The proposal incorporates the requirements of previous consents on the site, including DA893/2013, to ensure the NSW Land & Environment Court approved boundary treatment measures are maintained on the site.

- Subject to the implementation of mitigation measures recommended by the specialist consultants, the proposal will not have any unacceptable impacts on adjoining or surrounding properties or the public domain in terms of built form, social or environmental impacts.
- The proposal has been designed to make a positive contribution to the overall built form of the site broader locality having regard to the existing characteristics of the site.
- The proposal is in the public interest in that it provide essential warehouse and logistics facilities and associated jobs in the Western Sydney locality.

This RtS and accompanying documentation appropriately addresses and resolves the issues raised by the referral agencies and members of the public. We therefore request the NSW Department of Planning Industry and Environment proceed to finalise its assessment of the application.

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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

AMENDED ARCHITECTURAL PLANS

APPENDIX B

AMENDED LANDSCAPE PLANS

APPENDIX C

**AMENDED VISUAL IMPACT
ASSESSMENT**

APPENDIX D

AMENDED NOISE AND VIBRATION IMPACT ASSESSMENT

APPENDIX E

**AMENDED CIVIL ENGINEERING
REPORT AND PLANS**



APPENDIX F

**AMENDED TRAFFIC IMPACT
ASSESSMENT**

APPENDIX G

COMPLIANCE AUDIT – DA 893.7/2013

APPENDIX H

REMEDIATION ACTION PLAN SUBMITTED WITH DA 21.1-2020

APPENDIX I

APPROVED REMEDIATION ACTION PLAN – DA893.1-2013

APPENDIX J

APPROVED VISUAL IMPACT ASSESSMENT – DA 893.1-2013

APPENDIX K

APPROVED LANDCAPE PLANS – DA 893.1-2013

APPENDIX L

APPROVED SUBDIVISION PLAN - DA 893.7-2013

APPENDIX M

WORK AS EXECUTED DRAWINGS – DA 893.7-2013

APPENDIX N

APPROVED VEGETATION MANAGEMENT PLAN – DA 893.1-2013

APPENDIX O

**DEPOSITED PLAN AND 88B
INSTRUMENT – DP 1244593**

APPENDIX P

GEOSCAPES RESPONSE TO JACFIN VISUAL IMPACT ASSESSMENT