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## **OAKDALE EAST INDUSTRIAL ESTATE PUBLIC EXHIBITION OF EIS – FAIRFIELD COUNCIL SUBMISSION**

This submission responds to the NSW Department of Planning and Environment (DPE) notification regarding public exhibition of the Environmental Impact Statement (EIS) for the Oakdale East Industrial estate (SSD37486043). The proposal includes a concept masterplan and stage 1 works, intersection upgrades to local roads, bulk earthworks, internal roads, services, expansion of an existing warehouse in precinct 1 and construction and operation of a warehouse in precinct 3.

### **BACKGROUND**

On 02 August 2022, Fairfield Council approved a local earthworks development application under Part 4 of the Environmental Planning and Assessment Act 1979 NSW (EP&A Act) (DA 347/2021). The approved DA includes bulk earthworks and site preparation works to facilitate future development and 2.4 ha of native vegetation removal. As part of the approval process under SEPP Industry and Employment 2021, land in the Western Sydney Employment Area (WSEA) requires a Site DCP be prepared prior to determination of a local development application. As a result the Oakdale East Site DCP was amended to reflect the local development application.

At this time the DPE's Metro West – Planning and Landuse Strategy Division made commitments to Council officers for a second round DCP amendment outside of the scope of the local DA. The second round amendment was to address concerns raised by council officers, including vegetation removal, controls to address urban heat island effect and canopy coverage requirements. Further to this, at the time of the Local DA lodgment to Council the DPE's Greater Sydney Place and Infrastructure team contacted Council to convey the importance of addressing minimum canopy coverage. The 10% canopy coverage requirement of the Mamre Road Site DCP was provided as an example.

This is in line with the DPE's commitment to include a 15% to 25% site pervious area control in the Aerotropolis DCP Phase 2 for industrial development. Council acknowledges that in line with the objectives of the Western City District Plan a 'business as usual' approach to industrial development cannot continue and are committed to addressing site coverage in future industrial estates. To this end, Council officers are currently working proactively with Fraser's property for inclusion of a minimum canopy coverage control for a proposed industrial land rezoning in Horsley Park.

Due to the lodgment of the Oakdale SSDA and concept masterplan, the Site DCP is no longer required to be amended under SEPP Industry and Employment 2021. The EIS does not propose minimum canopy coverage requirement for each precinct. There is still opportunity for inclusion of prescribed minimum canopy coverage requirement as a condition of consent should the DPE approve the application. Council officers recommend the DPE include minimum pervious area requirements and minimum canopy coverage requirements to offset urban heat island effects and limit impacts to the adjoining Reedy Creek riparian corridor. This is in line with industrial development controls within the Aerotropolis precinct as developed by the DPE.

## SUBMISSION

Council officers have reviewed the EIS and relevant documentation; the applicant should address the following key issues.

### 1. RELATIONSHIP TO OTHER INFRASTRUCTURE PROJECTS

The EIS for the SSD must consider the impact of the following infrastructure projects, on the proposal:

- A. Western Sydney Freight Line** – The dedicated corridor for the Western Sydney Freight Line west of the M7 runs through the site, isolating the north-west corner of the site. Goodman must demonstrate how the concept masterplan caters for the future alignment noting that Transport NSW have not yet released detailed designs for the corridor.
- B. Southern Link Road** - The future Southern Link Road (SLR) alignment runs south of the site via the existing alignment of Burley Road. The SLR will be a key east/west connection between the planned Mamre Road Intermodal Terminal at Bakers Lane in Penrith and the M7 motorway.
- C. Water NSW Pipe Line** – The water NSW pipeline runs at the sites northern boundary, Water NSW were consulted during preparation of the recent Oakdale East Site DCP amendment. Water NSW recommended minimum setback distances to the pipeline and development controls around batter heights. Any future development should consider these recommendations, available on the NSW Planning Portal.
- D. M7 Road Widening** – Transport for NSW are proposing to widen the M7 from Richmond Road overpass at Glendenning to Kurrajong road overpass at Prestons. This proposal will increase capacity on the M7 by introducing 1 northbound lane and 1 south bound lane between these locations. This will facilitate more freight and traffic onto the M7 into the future but will also worsen intersection performance in the locality, including at the following intersections. Old Wallgrove Road/ M7, Wallgrove Road/M7 and Cowpasture Road/M7. The proposal should consider these impacts, given that there is no proposal from TfNSW at the current time to mitigate increased vehicle queue length and delay at these intersections.

### 2. URBAN HEAT ISLAND AND CANOPY COVERAGE

The Social Impact Assessment prepared by Urbis dated May 2022, concludes that the development of large hardstand areas and roads is expected to result in an overall increase in urban heat island across the site. The proposal is also expected to contribute to a cumulative urban heat increase across the broader industrial precinct due to the existing concentration of nearby warehouses. Overall, it is likely that the proposal will have a medium negative impact on workers' health and wellbeing.

During assessment of the associated local development application by Council for earthworks/rehab (DA347/2021) the Oakdale East Site DCP was required to be amended under the provision of SEPP (Industry & Employment) 2021. During this process, Fairfield Council officers advocated for a minimum canopy coverage requirement controls in the DCP, for the following reasons:

- A.** It aligns with placement of a canopy coverage requirement in the Mamre Road precinct DCP, which the DPE advocated for;
- B.** It aligns with the Aerotropolis DCP Phase 2 pervious area requirements for large format industrial development set by the NSW State Government, which includes a sliding scale of 15% to 25%,and;
- C.** It decreases the urban heat island effect.

Given the substantial increase in site coverage across the estate the applicant must demonstrate how canopy coverage is to be used in conjunction with building design features including awning overhangs, green walling and suitable materials and finishes to address urban heat island effect and sustainability.

### 3. ESTATE ROAD AND INTERSECTION UPGRADES

The Traffic Impact Assessment (TIA) authored by ASON Group includes future estate roads, intersection upgrades at Lenore Drive/ Old Wallgrove Road and Millner Avenue/Old Wallgrove road to facilitate site access to the proposed Oakdale east estate road.

Given the proponents, intention to dedicate future estate roads to council the proponent is to identify the most appropriate mechanism to facilitate that dedication.

### 4. SECTION 7.12 CONTRIBUTIONS

Fairfield Council's section 7.12 indirect contribution policy will apply to any future development on the land. Section 7.12 Indirect Development Contribution is a 1% flat levy on the total cost of works. Section 7.12's must be paid to Council prior to the construction certificate being issued for the development. If the cost of works changes a revised cost report by a qualified quantity surveyor must be provided to Council.

### 5. AIRPORTS

The Western Sydney Obstacle Limitation Surface, Australian Noise Exposure and Western Sydney Airport Wildlife Buffer effect the site. SEPP (Precincts – Western Parkland City) 2021 must be considered as part of any future development application.

### 6. TRAFFIC IMPACT ASSESSMENT

- A. Shortfall in parking for precinct 3** - The proposed distribution warehouse facility in district 3 is required to provide 366 car parking spaces. The number of spaces provided is 328. This is a shortfall of 38 car parking spaces. The applicant shall address this shortfall.
- B. Referral to Transport for NSW (TfNSW)** – The proposal is to be referred to TfNSW for review and comment. All issues raised by TfNSW are to be addressed prior to determination.
- C. Impact to Local Road Network** – Based on the trip generation rate (0.5/100m<sup>2</sup> GFA for warehouses), the traffic generation impacts of the development on the adjoining external road network are considered minor.
- D. Precinct 1 Swept Path Diagrams** - For precinct 1, swept path diagrams (AG1546-04-v02.dwg AG18, AG19, AG20 and AG21) indicate that 20m semi-trailers maneuvering within the site will be impacted by the parked trucks at the recessed loading docks. The applicant shall provide Council an Operational Management Plan detailing the types and frequency of heavy vehicles travelling to and from the site (Precinct 1 and Precinct 3) on hourly basis throughout the day.

For precinct 1, swept path diagrams (AG1546-04-v02.dwg AG17 and AG22) indicate that 20m semi-trailers turning left out of the loading area would impact passenger vehicles exiting from the car park. The spacing of these driveways should be reviewed.

- E. Swept Path Diagram Precinct 3** :- With precinct 3, swept path diagrams (AG1546-04-v02.dwg AG04, AG06, AG08, AG10 and AG11) shows that the angled loading/service bays to accommodate Super B-Double vehicles within the site are located too close to each other when adequate clearance should be provided. There are no physical barriers to separate these vehicles maneuvering into and out of the loading/service bays. Additional information shall be provided to Council to address this concern.

With precinct 3, swept path diagram (AG1546-04-v02.dwg AG02, AG05, AG06 and AG09) shows that the Super B-Double Quad-Quad vehicle and 26m B-Double vehicle can only exit Precinct 3 with one vehicle at a time. There are two exit driveways provided for vehicles exiting the precinct 3 site. An Operational Management Plan shall be submitted to Council for assessment.

## 7. BIODIVERSITY IMPACTS

- A. BDAR** - The outer protection zone of the Asset protection zone is in the offset corridor. This hasn't been addressed or taken into consideration in the BDAR. The BDAR must address this concern.
- B. Landscape Plan** - There is no species list in the landscape plan, the EIS refers to one but one is not provided. The applicant is to provide a species list to Council officers for review.
- C. Biosecurity Management Plan** – No biosecurity management plan has been provided (as required by SEARS). The EIS states that this issue is dealt with separately, however there are no documents to review. This plan needs to take into account the dewatering of the wetland, flora and fauna management in the offset areas and the overall site management e.g., plant wash down areas.

## 8. CATCHMENT PLANNING

- A. Flood Impacts** – The development should have negligible impact on neighboring properties. Council defines this as no more than 0.01m afflux for the 1% AEP event. The EIS states that the afflux is 0.03m and as such is not acceptable.
- B. Detention Basins** – No details for inlets and outlet protection for basins have been provided. The design must consider vegetation egress into piped outlets and how this should be avoided and maintained. It is unclear where Basin B discharges – more detail is required. It is unclear whether these basins will be handed to Council, however If this is the case, gabion baskets are not acceptable. Gabion baskets are easily vandalized, can be broken by debris and hard to maintain. Sandstone logs area a better alternative.
- C. Stream Erosion Index** – No detail has been provided on the stream erosion index in Reedy Creek, and whether this development will increase or maintain existing velocities in Reedy Creek. More detailed information is required in this regard. The Stream erosion Index (SEI) must be no greater than 2.0, in line with the Western Sydney Engineering Design Manual 2020.

No detail has been provided on the outlet to Reedy Creek and what creek bank protection works are proposed.

- D. Storm water Quality** - It is unclear if these assets (GPT's and basins) will be handed to Council or will stay in private ownership. Council officer are to decide the location, selection, design, maintenance and renewals of these assets. An operational and maintenance manual must be provided.

- E. **Creek Crossing – Fencing** – Fencing across a creek will result in negative flood impacts (both upstream and downstream of the site) and is not acceptable.

## 9. SOCIAL, PLACE AND ECONOMIC DEVELOPMENT

- A. **Community Consultation** – Council officers support the need as recommended that a Community Consultation Strategy be prepared to “*identify and track engagement with the community and resolve complaints and enquiries during construction and operation phases*”. This strategy should also be proactive in informing the community of short and long-term project scheduling for the site to keep residents informed and engaged.
- B. **Re – Employment** – The report states that the development will provide job opportunity for young and lower skilled peoples locally. It is noted the comment made back in April around the types of job being generated not aligning with FCC’s vision to establish more knowledge and innovation jobs within the LGA, however with high unemployment rates and low levels of education within the Fairfield Council area this development would provide opportunities for local jobs.
- C. **Employment Strategy** – Council officers support the idea of developing an employment strategy to target local recruitment. It is recommended the applicant make a commitment to this process rather than only consider it (as stated in the reports recommendation), as there is still opportunity for strong employment outcomes. Such a strategy should include the proposed actions – collaborating with local businesses, visits to local schools, and incorporation of inclusion/diversity targets. This should also include access and opportunities for people with disability.
- D. **Site Access** – One of the challenges identified is access to the work site without a motor vehicle and often can be a barrier for young people. It is recommended that the developer consider transport options such as private shuttle busses from key locations or encouraging cycling to maximize the positive impact of the proposed development.

## 10. CONTAMINATION

The following is required to be addressed and submitted to the Council for review and comment:

- A. On page 51 of Environmental Impact Statement, prepared by Keylan, dated July 2022 makes reference to DA 387.1/2021 which does not related to the subject site. The EIS shall make reference to the correct DA, being DA 347/2021.
- B. In accordance with Section 4.6 of SEPP (resilience and hazards) 2021 the consent authority cannot consent to the development of the land unless it has considered whether the land is contaminated, and if the land is contaminated, it must be satisfied that the land is suitable in its contaminated state (or would be suitable after remediation) for the proposed development.

Site auditors can assist a planning authority by commenting on or verifying information provided by a proponent in relation to site assessment, remediation or validation—such as whether they have adhered to relevant standards, procedures and guidelines.

Engaging a site auditor can also provide greater certainty about the information on which the planning authority is basing its decision, particularly where sensitive uses are proposed on land that may be contaminated and a statement about the suitability of the site is required.

In order to comply with section 4.6 of SEPP (resilience and hazards) 2021 and due to the size of the site area and areas of environmental concern, Council's Public Health and Environment Division recommends engaging a NSW EPA-accredited Site Auditor throughout the duration of works to ensure that the land contamination assessments are appropriately managed.

- C.** To ensure that human health and the environment are not impacted by the quality of fill imported to the site, the Public Health and Environment Division recommends that the following information be submitted to Council:
- A Detailed Site Investigation (Phase 2) contamination report is required to be submitted in accordance with the recommendations of Preliminary Hazard Analysis, prepared by Riskon, dated 26 May 2022 to determine the extent of any possible contamination and remediation required to ensure the site is suitable for the proposed use.
  - The investigation shall be carried out in accordance with the ANZECC/NHMRC and Environment Protection Authority Guidelines and shall clearly indicate the degree and source of contamination present on the site. The applicant must engage a NSW EPA-accredited Site Auditor throughout the duration of works to ensure that any potential contamination is managed.

## **11. ACOUSTIC**

The following acoustic issues and concerns are raised and shall be addressed.

- A.** On page 3 of the Acoustic report, prepared by Wilkinson Murray, dated 8 June 2022 reference to an outdated NSW Noise Policy for Industry (NPfi), NSW EPA, 2000 is made. The acoustic report shall make reference to the updated Policy.
- B.** The acoustic consultant shall elaborate and provide further details on the key noise generating plant and equipment to be used at the sites.
- C.** Section 4.4.2 provides information relating to the mechanical services / fixed plant noise source assumptions for the proposed lots. An assumption has been made that the building doors will be closed which will provide substantial acoustic attenuation and noise breakout from these sources.

Public Health and Environment Division advises that EIS states that the warehouses will be used as distribution centres and therefore assuming that the building doors will be closed is incorrect. Public Health and Environment Division recommends assessment shall be carried out based on the building doors being open.

- D.** The traffic assessment shall be based on a traffic report and further details regarding exact type of vehicle that will be servicing the distribution centers.
- E.** The PHA shall provide sufficient information relating to the use and type of activities to occur on site. This shall include detailed information relating to the type and amount of dangerous material that will be stored on site.

## 12. AIR QUALITY

The Air Quality Impact Assessment (AQIA) prepared by SLR Consulting Australia Pty Ltd, dated 7 June 2022, report no 610.30733-R02 has been reviewed and the following concerns are raised which require further clarification/assessment from the consultant:

- A. The consultant has stated that “*at the time of writing this report, information on the site specific operations (e.g. vehicle numbers and types) is not available*”. It is unclear what the proposed warehouse will be used for and what activities will be undertaken within, other than it is proposed that precinct 3 warehouse will be used a temperature controlled automated distribution center. In this regard, due to the unknown nature of site-specific operations at this stage, the applicant must detail the methodology used for the air quality impact assessment (AQIA). The consultant shall confirm site-specific operations and demonstrate this has been assessed within the AQIA.
- B. There is no information on how many truck and vehicle movements will be made daily to and from the proposal, therefore it is unknown how the consultant is able to assess the air quality impact if this information is unknown. The consultant will need to confirm the amount of trucks and vehicle movements made to the site daily and reflect this within the assessment.

## 13. PAD LEVELS

During assessment of the associated Development application (DA 347.1/2021), Council officers raised concerns regarding the building pad heights for precinct 2 and the transition between the industrial zoned land and rural zoned land to the south and east. Due to the pad heights it was considered that any future built form would have an unacceptable visual impact on the surrounding rural landscape. This resulted in the building pad being lowered to mitigate any visual amenity impacts and provide an appropriate transition between the boundary of land use zones.

It is considered that the fundamental concern, the impact of the transition between the industrial estate and rural areas has not been considered by the applicant. The current SSD proposal for precinct 2 proposes and RL of 77.50, which is approximately 11m above that which was approved in DA 347.1/2021. Any development along the south eastern edges of the industrial estate is required to be treated in a way that takes into consideration the topography of the land and the existing development adjoining the site. It is considered that the current design and building pad level RL;s have the potential to result in land use conflict between adjoining zoning and cause adverse visual impact.

## 14. VISUAL IMPACT ASSESSMENT

A review of the visual impact assessment has been undertaken and concern is raised that the visual impact assessment does not adequately convey the potential visual amenity impacts from the proposed development and presents the built form as recessive and inconsequential. Specifically, the use of the grey /white color of the built form photomontage makes it difficult to comprehend the impact and visibility of the proposed built form.

Further, it is unclear if sufficient view points have been explored from sites to the south-east, looking north-west and if the vegetation removal approved as part of DA 347.1/2021 has been taken into consideration in the visual impact assessment. In particular, concern is raised that viewpoint 11 and 12 are not sufficient to assess the impact of the proposed development from the southeast of the industrial precinct.

It is considered likely that, if the view points were taken from further to the east or south, looking directly towards the proposed built form in precinct 3, a building that is 42m in height, on a RL that is a minimum of 10m higher than that of the existing development to the south east would be visible.

It is suggested that the visual impact assessment provide additional view points from the south east, looking directly at the largest proposed built form and a large distance from the industrial precinct, and take into consideration the removal of the 2.4ha of vegetation that was approved under DA 347.1/2021. Additionally, the built form photomontage should be changed to a color that reflects the materials and finishes of the proposed development, not a color that blends into the sky in the submitted images in order to fully ascertain the visual impact of the proposed development.

The applicant is to consider the southeastern edge of the development and the treatment of the transition of the proposal to the adjoining zoning. Additionally concern is raised that the visual impact assessment is ambiguous and does not clearly identify and define the impact of the proposed built form, particularly when viewed from residents to the south east of the industrial estate.

Please contact the undersigned on 9725 0215 if you require any further clarification regarding the above.



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