9 May 2024

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SSD 61383966 – Fairfield Council Submission Environmental Impact Statement Newton Road Multi- Level Warehouse, Wetherill Park

Dear David,

This letter relates to Fairfield Council's review of the Environmental Impact Statement (EIS) for the above-mentioned State Significant Development Application (SSDA) currently on public exhibition.

Previously in August 2023 Council met with the applicant for a scoping report meeting. In the meeting and subsequently in writing Council has requested the EIS address issues relating to:

- urban heat island
- canopy coverage
- drainage
- site coverage
- access and parking demand
- civil design considerations
- contamination
- acoustics
- preparation of a flood report
- QS report and developers' contributions.

Council has considered the EIS and attached technical reports in its submission below.

SUBMISSION

1. URBAN HEAT ISLAND

A. Site Coverage – Currently the site contains roughly 32% pervious area including canopy coverage and grassed areas. The development will result in the removal of significant vegetation and landscaped areas. This will reduce the site pervious area to12% of the site area.

The reduction in green space onsite will contribute to heat island effects both within the site and surrounding area. Councils urban heat island mapping indicates that the site as it exists will experience additional temperatures of 6 to 9 degrees and additionally is identified on the Heat Vulnerability Index as 5 (the most impacted category). Due to these indicators, it is evident that the development will result in exacerbation of heat island effects. It is Councils position that the applicant must provide additional landscaping and canopy coverage on the site in-line with controls for large lot industrial sites contained within the Aerotropolis DCP Phase 2. The applicant must demonstrate through mitigation measures how they propose to address heat effects onsite and additionally how they will protect the health of workers in the future.

B. **Green and Blue Grid Principles –** The strategic planning framework impacting the site including the Western City District Plan contains priorities for developers and local councils to strengthen vegetation and waterway corridors. Noting that the site forms the largest area of remnant and planted vegetation in the area. The NSW SEED database also shows native species utilising the site as habitat including blue tongue lizards and galahs. Of note within proximity of the site are various vulnerable and endangered species which may utilise the site as habitat including green and golden bell frog and grey headed flying fox.

   The site currently contains Shale Plains Woodland of the Cumberland Plain Critically Endangered Community fronting Newton Road. Council follows an Avoid, Minimise. Mitigate and Offset principle. The applicant must demonstrate how they have attempted to at first avoid vegetation and urban habitat loss on the site, prior to applying offset principles, given the known and potential utilisation of the site by native fauna. See link below to green grid plans.

   Sydney Green Grid | Planning (nsw.gov.au)

C. **Development Contributions** – The Fairfield City Council Local Infrastructure Contributions Plan applies to the site. Section 7.12 Indirect Contributions Plan applies to the site being a rate of 1% of the total cost of development works. The applicant must pay the development contributions prior to the issuance of a construction certificate for the site. Should development be substantially delayed (greater than 12 months) or cost of works be revised, the applicant must submit to Council a revised cost report prepared by a Quantity Surveyor.

2. **TRAFFIC**

A. **Parking Rates** - The applicant proposes using the Mamre Road DCP parking rate of 1 space per 300m2 of Gross Leasable Area (GLA). This is generally consistent with the application of parking rates previously applied within the Horsley Drive Business Park stage 2, being an SSDA for warehousing located within vicinity of the site in the Western Sydney Parklands.

Although the applicant proposes to provide 1 space per 300 m^2, they exceed this requirement (172 spaces) by providing 268 spaces (1 space 190m^2). This falls short of Councils City Wide Development Control Plan 2013 rate (343 spaces).

Whilst Council has previously supported similar parking rates at the Horsley Drive Business Park, these rates were supported by substantial analysis of on street parking demand and mid-block analysis. It is expected that the development will increase vehicle trips per hour (17 vehicles) from that of the existing onsite use. The applicant is to provide Council with a parking demand survey of Newton Road so that Council is satisfied that the development will not result in an increase demand for on street parking which is already heavily relied upon by existing businesses on Newton Road.

In addition, the TIA assumes that Council supported parking rates at the Keyhole Lands, being 1 space per 300 sqm of GLA. This is incorrect, as parking rates and vehicle trip rates were only agreed to on a preliminary basis with TfNSW for rezoning purposes. Confirmation of finalised parking rates and vehicle trip generation at the keyhole sites are subject to future assessment of state significant development applications on an individual basis.

B. **Swept Path Analysis** - The applicant shall submit swept path diagrams to demonstrate that the largest vehicle (36m A-Double vehicle) travelling to and from the site can satisfactorily negotiate the chosen routes via the public roads. The applicant shall also demonstrate the largest vehicle can satisfactorily turn into and out of the site without impacting other road users.

   The applicant shall submit Council swept path diagrams to demonstrate that the intersection areas within the site including car parking areas are sufficient to cater for two-way simultaneous traffic movements (the likely types of vehicles – when one vehicle passing another vehicle).

C. **Vehicle Access** - The development site proposes three vehicular access points along Newton Road with the vehicle access point to and from the car parking areas being in close proximity to the site's exit driveway for accessing by heavy vehicles. The applicant shall reassess the locations of vehicular accesses with the aim to minimise potential conflicts between vehicles entering and exiting the site. Also, concern is raised regarding the likelihood of vehicles parking along the kerb space between the closely spaced driveways reducing the sight distance of motorists when exiting from the driveways.

D. **Loading Bays** - The applicant shall clarify what type of loading bays (dimension of the loading bays) are provided to accommodate different types of commercial vehicles (36m A-Double vehicles, 26m B-Double vehicles, 19m articulated vehicles, etc) within the site. Otherwise, the applicant shall submit site plan(s) to demonstrate where trucks would be parked within the site without impacting vehicles maneuvering into, within and out of the site.

Service vehicles shall only carry out loading and unloading activities from the designated loading areas and shall not obstruct the flow of traffic within the site This information should be incorporated as part of the loading management plan for the site.

E. **Road Safety** - The applicant's submitted swept path diagrams have not demonstrated that the largest vehicle (36m A-Double vehicle) can satisfactorily maneuver into, within and out of the site without impacting other users. Swept path diagram (Drawing No. 300304897-01-04 Sheet 04 of 10) has revealed that the largest vehicle turning left out of the site requires to use the entire Newton Road to make the turn significantly impacting the safety of other road users and this is a safety concern. In addition, the applicant has not submitted information on how the 36m A-Double turn into the site from Newton Road. Council requests further information in this regard.

F. **Level of Service** - Based on the SIDRA modelling assessment results provided by the applicant, the intersection of Victoria Street and Elizabeth Street under development traffic impacts would operate at a level of service (LoS) F at AM peak hour in 2026. SIDRA modelling outputs suggest it is operating at a LoS F during the AM peak hour which mean that flow breakdown and traffic congestion is likely to occur in the morning peak. As such, the applicant shall consider the mitigation and/or traffic management measures to be implemented during both the construction and operational phases to reduce the traffic impacts with the future scenario. Due to the development impacts and with Elizabeth Street and Canley Vale Road (state roads) being located within proximity to the site, this development proposal shall be referred to Transport for NSW for review and comments.

G. **Construction Vehicle Access** - The traffic impact assessment report has stated that construction vehicle access will involve a range of vehicles up to 20 metre articulated vehicles. It is anticipated that the construction works would generate up to 30 to 40 trucks per day or about five trucks per hour on average. Peak construction vehicle activity is expected to generate up to 100 trucks per day or about 10 to 12 in any peak hour. The applicant must assess the traffic impacts at various construction stages and carry out SIDRA modelling assessment to assess the construction impacts of the development proposal onto the surrounding road network.

H. **Loading Management Plan** - The applicant shall submit Council a loading management plan including a breakdown of the number of vehicles (36m A-Double vehicles, 26m B-Double vehicles, 19m articulated vehicles, etc) that are expected to use the site on hourly basis throughout the day. This is to ensure that the site has sufficient capacity to accommodate the peak traffic and parking demands without impacting traffic on the adjacent road network.

3. CATCHMENT PLANNING

A. Stormwater – A number of Stormwater Quality Improvement Device's are proposed for the site. It is important that these devices are maintained in perpetuity. The "*Stormwater NSW Guidelines for the Maintenance of Stormwater Treatment Measures 2022*" indicates that pit baskets require inspection at least monthly and after rainfall. Maintenance should be carried out by two personnel and a truck, plus tipping fees. Also, the flexible plastic mesh bags will periodically require replacement. Therefore, even though they have a small capital cost, the maintenance costs are high and are not likely to be maintained in the long term. This means that despite what the MUSIC modelling shows, pit inserts are not an effective means of primary stormwater treatment.

The ocean protect jellyfish operations and Maintenance Manual advises that the jellyfish (proposed within the development) should be maintained at least every 6 months and the filter cartridges are to be replaced every 2-5 years. However, simply sticking to this schedule without proper understanding, or without checking the percentage full does not ensure continuing operation of the device is in line with the original design specification. Council officer's also query why Appendix B to the hydrology report is called Stormwater System Draft Maintenance Schedule.

B. Flooding – The flood afflux during a 1% AEP event shows areas of flood level increase along Newton Road of 0.01m – 0.05m. Council ensures developments have negligible impact outside of the development site. We define this as 0.01m and as such, this development does not adhere to Council practises.

4. Community Impacts

A. Community Consultation - The community consultation summary in the Social Impact Assessment outlines that the residents engaged as part of the consultation process live in the area facing The Horsley Drive between Mimosa Road and Cowpasture Road. This does not include residents living east of Mimosa Road and west of Herrick Street who live closest to the proposed development area.

The summary also notes that these residents were consulted through letterbox drop with information about the proposal and an invitation to provide feedback via phone or email. To date, no community stakeholders have responded to the consultation via phone or email. It is likely that up to 72% of residents in the potential impact area may have difficulty communicating in English. To ensure information about the proposal is accessible to community stakeholder and to encourage constructive community feedback, our team strongly recommends the following:

- That information about the proposed works be made available into all residents within 600m – 1000m of the proposed development area in the four most spoken languages of Wetherill Park and Bossley Park.

- These include Arabic, Assyrian Neo-Aramic and Chaldean Neo-Aramic and Vietnamese. Residents should also be provided with an opportunity to provide feedback in their languages through access to a certified interpreter service. This should be implemented prior to any potential works commencing.

B. Further Community Impacts to be considered

Dust pollution - given the specific demographic of residents likely to be living in the potential impact area, our team recommends the following mitigation measure to be added to the Communication section of the Air Quality SEARS:

- Notify residents living within 600m – 1000m of the construction site of demolition times and encourage harm minimization measures such as closing windows and staying indoors to reduce exposure to dust soiling and air pollution.
- Notification to include key information in the four most spoken languages in Wetherill Park and Bossley Park ie Arabic, Assyrian Neo-Aramic and Chaldean Neo-Aramic and Vietnamese

Further consultation - The immediate vicinity around the proposed development area has several food vendors, at least one child play area and at least one gym. Our team strongly urges that these businesses are consulted for feedback on impacts to customers and business operations prior to commencement of any works. Additionally, our team recommends that

- Food vendors within industrial area who have outdoor dining spaces are notified of demolition times and encouraged to undertake harm minimization measures such as closing windows and staying indoors to reduce exposure to dust soiling and air pollution.
- Child play areas and businesses are notified of demolition times and encouraged to undertake harm minimization measures such as limiting outdoor movement of children during demolition times, closing windows and staying indoors to reduce exposure to dust soiling and air pollution.

5. Natural Environment

A. Tree Removal and Landscaping - there is an approximate reduction of canopy trees from 149 trees identified in the arborist report (Category A: Important trees suitable for retention for more than 10 years and worthy of being a material constraint) to 98 trees identified in the landscape plan This, includes 94 trees planted over the height of 4 m and retaining 4 Eucalyptus Moluccana between 7 m and 12 m.

The landscape plan does not clearly address how the proponent will cater for the survival of proposed the proposed trees.

The landscape plan needs to be validated by the ecologist who prepared the Biodiversity Assessment Report, particularly in relation to condition number 4: Replacement planting of native trees to be removed as part of an integrated landscape plan to ameliorate any lost potential foraging habitat for extant native fauna.

6. Assets

A. Expected heavy vehicle increase impacting road pavement - There are no proposed remedial measures for the increase of 17 heavy vehicles per hour which may impact the road pavement and increase maintenance of the surrounding road network.

The estimated Total Approx. increase of Annual Average Daily Traffic (AADT) will be 365 x 17 x 10 x 24 = 1.5 x 10^6 Heavy Vehicles. Council requires the applicant to engage professional road pavement engineer to analyze and submit the report regarding the impact on road pavement by the increase of heavy vehicles due to the proposed development.

B. Application for Heavy Vehicle Crossing - The applicant is responsible for the design, construction and maintenance of vehicular crossings which are required to comply with Council's Vehicular Crossing Policy, Public Domain Manual and Standards and Specifications. For further information regarding the application process for a new driveway please refer to the link provided – Vehicular Crossings Fairfield City Council. Vertical alignment of each driveway needs to be checked in the detailed design stage to avoid cars scraping when entering and exiting the building.

C. Flooding Risk - Applicant must assess the impacts of the development, including any changes to flood risk on-site or off-site, and detail design solutions and operational procedures to mitigate flood risk where required. Stormwater Design is to comply with Water Sensitive Urban Design. Council is not responsible for flooding issues after the development.

7. Landscaping

A. South Side Plantings - Majority of planting is on the Southern side and will be eclipsed by a significant building, architects should reaffirm that the trees are able to obtain a minimum of 6 hours of sunshine a day for this garden to be viable to ensure biodiversity lost is being replaced sustainably.

B. Endemic Species - A few of the plants on the frontage, setback and driveway should be substituted with native plants to the local area

C. Inconsistency on landscape plan - The table for 'Existing Tree Schedule' is incorrect, they are in fact preserve 2 of 183 trees, not four according to the arborist report due to encroachment of 50%.

D. **Ecologist report recommendation** - Ecologist report recommended *'…replacement planting of native trees to be removed as part of an integrated landscape plan to ameliorate any lost potential foraging habitat for extant native fauna.'* Assuming this is a 1:1 ratio, this number hasn't been achieved with this current planting quantity.

8. Conclusion and Recommendation

Prior to approval of the SSDA application the applicant must address and provide further information of the issues raised above including, consultation, drainage, landscaping, site coverage, canopy cover, urban heat island effects, on street parking impacts and assessment of damage attributed to Council owned and managed infrastructure impacted by the construction and operation of the proposal.

Attachment A to this submission provides Council's recommended conditions that address the matters outlined in this submission. If you would like any further clarification please contact the undersigned on 9725 0215.

Yours sincerely

Patrick Warren
Senior Strategic Landuse Planner

Attachment A – FCC Recommended Conditions

Attachment A: Fairfield Council Recommended Conditions – SSD 61383966

1. HEALTH AND ENVIRONMENT

In considering its response Councils public health and Environment Team have reviewed the:

- Air quality impact assessment
- Hazardous Materials Survey
- SEPP 33 Criteria
- Detailed Site Investigation Report and acoustic report

In consideration of the above reports Council does not require further information in relation to the above matters but does require the following conditions be imposed by the DPH&I upon approval of the application.

A. Compliance Monitoring - Compliance monitoring shall be undertaken after 6 months of occupation of the development, to determine if the adopted operational noise criteria as determined within the submitted Noise and Vibration Impact Assessment has been met. Where compliance monitoring noise measurements indicate that the relevant assessment criteria are exceeded. Recommendations shall be provided in relation to how noise emissions can be satisfactorily reduced to comply with the assessment criteria.

B. Air quality assessment – All recommendations and mitigation measures listed with in the submitted air quality assessment, shall be complied with.

C. NSW Protection of the Environment Operations Act 1997 – The use of the premises shall operate in accordance with the POEOE Act 1997. All activities and operations carried out shall not give rise to air pollution (including odour**)**, offensive noise or pollution of land or water as defined under the POEO Act 1997.

D. Erosion and Sediment Control Plan – Prior to the issue of a Construction Certificate, an erosion and sediment control plan shall be submitted to and approved by the certifier. The erosion and Sediment Control Plan shall be prepared in accordance with the requirements of the Fairfield City Councils erosion and sediment control policy. The erosion and sediment control plan shall clearly show and demonstrate how erosion is to be minimised and how sediments are to be trapped on the site and prevented from escaping, transported carried, or discharged across and outside the boundaries of the site of the development or building activity.

E. Environmental Reports Certification – Prior to the issue of an occupation certificate, written certification from a suitable qualified person(s) shall be submitted to the principal certifier stating that all works/methods procedures/control measures / recommendations approved have been completed as per the approved environmental management and mitigation measures or plans.

F. Environmental Management Plan – An Environmental Management Plan shall be prepared for the approved facility. The plan shall be carried out by a suitably qualified environmental consultant and shall address means by which the commitment in the EI, subsequent assessment reports, approval or licence conditions will be fully implemented. The EMP shall also provide a framework for

managing and mitigating environmental impacts for the life for the life of the proposal and make provisions for auditing the effectiveness of the proposed environmental protection measures and procedures.

2. Biodiversity Conditions

A. An arborist report and pre-clearance survey be undertaken prior to the removal of vegetation to identify any trees being utilized by native fauna.

B. Prior to commencement of any excavation or demolition work, the site must be surveyed for wildlife by a suitably qualified and licensed ecologist from an environmental consultancy on site. The survey should include both day and night surveys to ensure that nocturnal wildlife that may be using the site are detected, survey effort should be focused on potential roosting microbat species.

C. If wildlife such as possums, bats, lizards, or birds/nests are found on site the following appropriate steps should be taken to move them to safety:

D. There must be no attempt to harm or remove the wildlife or bird nests. All native birds, reptiles, amphibians, and mammals are protected in New South Wales by the Biodiversity Conservation Act 2016.

E. Removal of these animals or nests from site can only be undertaken by a trained wildlife carer.

F. Replacement planting of native trees to be removed as part of an integrated landscape plan to ameliorate any lost potential foraging habitat for extant native fauna.

3. Asset Conditions

A. Dilapidation Survey - The applicant is required to submit a Dilapidation Survey prior to construction, encompassing all public assets impacted by the development site during construction and operation with photographic images containing the date and time imprints.

The dilapidation survey should include information in regard to each defect on the road surface, kerb and gutter, Concrete lined channel culvert located over the intersection of Victoria Street and Newton Road, and other associated assets and is to be prepared by a suitably qualified person. This process will establish the extent of any existing damage and enable any deterioration during and after construction to be observed.

If Council believe that any road pavement failures during construction are to be repaired on Council's request, where immediate make safe is required.

B. Post Construction Survey - The applicant in conjunction with Council will undertake a post-construction inspection.

C. Pavement Damage calculations – Pavement damage by construction vehicles shall be calculated based on the following criteria:

I. Pavement Damage = post-construction crack and other defects minus pre-construction crack and other defects.
II. If severity of existing cracks and other defects increase during construction period, the quantity in the pre-construction inspection should be considered zero.
III. Pavement Damage may occur due to other traffic and environmental factors during construction period. For the purpose of this analysis, it is considered that 100% of the pavement damage will occur due to construction vehicles.
IV. Pavement Damage is more than >25% of the total area – Full width rehabilitation.
V. Pavement Damage is <25% of the total area – Heavy Patching.

D. Road Pavement Rehabilitation Costs

I. Replacement unit rate for the full width rehabilitation of the entire road segment =$250/m2.
II. Heavy Patching unit rate as per Council's fees and charges.
III. Damage cost for Full Width Rehabilitation = Area of the road segment X Unit Rate in Step 4.
IV. Damage cost for heavy patching – Area of Pavement Damage in Step 3 X Unit Rate as per Council's fees and charges.
V. Any redundant lay back is to be replaced with standard 150mm high kerb and gutter.
VI. After reconstruction of the kerb and gutter, the road surface shall be reinstated to Council's standards and specifications.

E. Stormwater and Drainage Conditions

<u>Stormwater Drainage Assets:</u>

I. Ensure erosion and sediments are controlled during construction to not pollute the stormwater channel.
II. Access is to be provided for Council to inspect the stormwater channel located on the northern boundary of the property.
III. Vibration monitoring is required due to vibration inducing activities (such as excavation, piling or drilling works) near the stormwater culvert. Pre-construction monitoring is required to establish baseline readings. Council must be notified of any displacement of the culvert.
IV. Safe Works Method Statement (SWMS) and Contingency Plan must be submitted prior to works due to the safety of working in or near the stormwater culvert.
V. Ensure the Primary and Tertiary treatments for stormwater quality improvement devices are maintained so no pollutants can enter the stormwater system.

VI. Connection detail to Council's stormwater channel to be constructed as per Appendix D (Fairfield City Council Stormwater Policy). If the existing outlet is damaged, the concrete lined channel panel is to be replaced.
VII. Stormwater main connected to existing stormwater channel to be maintained by the property owner.

Asset Hand Over:

I. List all new constructed assets as part of the new development that will be handed over as specified in Council's New Asset Handed Over Template. Contact Asset Management Division.
II. Define and list ownership and maintenance responsibility.
III.

Footpath Proposal:

I. Assets recommends extending the existing footpath from Victoria Street to the frontage of the property to provide workers pedestrian/cyclist access, reducing use

F. Traffic Conditions

I. Grades and Ramps - The grades and levels of the ramps for all floors of the development site shall comply with the requirements of AS 2890.2:2018 and shall be subject to the satisfaction of Council's Subdivision Branch;

II. The width of the driveways shall comply with the requirements of relevant Australian Standards and Austroads Guidelines as well as satisfying the turning path requirements as per the Austroads Design Vehicles and Turning Path Templates Guide;