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Submission from:
Theresa and Patrick McHale
38 Greenway Place
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June 7, 2016

Dear Sir / Madam,

**Re: Oakdale South Industrial Estate (SSD 6917)
Erskine Park, Penrith LGA
Applicant's Response to Submissions**

We refer to your correspondence regarding the Oakdale South Industrial Estate (OSE) and the Applicant's Response to Submissions (RTS). Whilst we appreciate that some effort has been made to respond to issues raised, we still have significant concerns in relation to the application and maintain our objection.

Details of our ongoing concerns in relation to the Applicant's response include:

1. Visual Impact and Landscaping

Following the various submissions raised to this Development Application, the Applicant has provided a Visual Impact Assessment (VIA) prepared by e8urban. Their report concludes that the development will provide a satisfactory outcome, mostly based on their assumption that it should be blocked by the Jacfin development. However, the report does little to clarify the actual outcomes of the development from the different residents' viewpoints and appears to be of very poor quality with numerous errors. For example, the report incorrectly refers to 'Greenwood Place' rather than Greenway and shows it to be somewhere in the CSR quarry according to the plans on page 21. It states on page 24 that Greenway Place is a 'recent subdivision' with block sizes of '1000 to 2000 sq metres'. However, our zoning requires a minimum 10,000 sq metres. With regard to its 'recent' subdivision, this is also inaccurate, as some houses are about 40 years old and our house is one of the newest, built in 2000. Therefore, this is a well-established area that existed before the employment area was even considered.

The VIA also indicates that the ridgeline running north to south close to Greenway Place will obscure the site. This is inaccurate. If the consultants had bothered to seek access to any of the properties on Greenway Place in order to prepare more than a cursory analysis, they would have found that most houses are built on the highest point and look over the Jacfin property toward the OSE site.

Using only one view point from street level does not provide an analysis that is representative of everyone's outcomes. The RL of our house's floor level is 91.6 according to surveys, whilst the report relies on photographs taken with a lens height of RL99. Therefore, the impact of views of the building walls, as well as the Blue Mountains views beyond, would be very different in our situation.

It is difficult to confirm from the VIA and the landscape drawings whether the landscaping treatment will extend along the entire Eastern boundary, or whether it is simply limited to the area directly around the noise wall. The long-term impacts would definitely be improved if the landscaping treatment of 10m in width, as illustrated in Section C-C of Appendix D to the RTS, were extended along the entire length of the Eastern boundary. That would ensure that the unsightly buildings were blocked from view of all properties on Greenway Place, as well as the proposed rezoned RU4 land on the Jacfin site. It would also help to break up the view of acres and acres of rooftops for those residents with a higher elevation, as well as mitigating the risk of rooftop glare and night lighting. The Department should not approve this application without this landscaping along the whole length of the boundary. It is unreasonable that Goodman are relying on screening from another development which has not yet commenced construction, has not even received final approval and its timing for completion is unknown. Ultimately, view corridors between the Jacfin buildings, as well as roads on the Jacfin site, would still allow us to view the Oakdale buildings in between. OSE need to provide their own mitigation controls at their own cost.

The Department of Planning should also require Goodman to provide for maintenance of the landscaping / screening vegetation, to ensure the mitigation of view impact for the long term.

2. Concerns about lighting and glare

The RTS does not seem to provide a response to these genuine concerns. It is unclear as to how these problems will be managed.

3. Noise

We are still concerned about the acoustic impacts (and hence amenity and lifestyle) as a result of this development operating 24 hours 7 days a week. We still have reservations about the reliability of information provided, considering the exact nature of activities is still unknown. We urge the Department to consider limiting operations to more reasonable working hours and also to establish a requirement for long-term measurement of ongoing, cumulative noise levels.

Whilst the RTS noise assessment considers operational and cumulative noise, it does not provide any response to our concerns raised about noise during the extended construction period. There is no information about anticipated construction noise levels and whether they will meet acceptable criteria.

4. Air quality / dust

We raised a concern in our original submission relating to dust generated by the earthworks and excavation activity during the extended construction phase. We believe that it will be likely that sometimes, we will be unable to utilise our outdoor living areas. We have already noticed a significant increase in dust during the time of development of the Oakdale Central site and since earthmoving works commenced in the CSR site in the past few months. The Department should require the developer to consider this further and identify appropriate plans to help improve the situation for us during that time. The amenity and use of our property during the construction phase should not have to be limited. The RTS seemed to dismiss our concerns by citing some technical data about dust measurement, but admitted that it was not measured for the full length of time required to be reliable anyway.

5. A number of claims made by Goodman in their RTS are unreasonable and inequitable.

Goodman's report claims that the industrial developments have been 'in discussion for decades'. Whilst their company may have been in discussions because they were lobbying for rezoning, that involvement was certainly not the case for residents. Local residents on Greenway Place and

many in Capitol Hill maintain that they never received any notifications at the time that the rezoning was pushed through in 2009, hence, there was no opportunity to lodge a submission and object at that time. Additionally, any 'common knowledge' prior to receiving the Jacfin Concept Plan notifications had always guaranteed that development would not extend south of the Sydney Water pipelines. Therefore, we dispute Goodman's implication that consultation with the community was not required by them, due to this supposed historical knowledge.

Goodman's comments that changes to the area have been 'long anticipated' are irrelevant. Having their land rezoned does not mean that they are exempted from complying with planning controls or consideration of amenity issues to existing residents such as noise management, visual impact, glare and night time lighting.

Finally, the Applicant claims that the rural residential lands should accommodate the buffer zone to reduce the land use conflicts. (See pg 32 of RTS letter.) This is completely unreasonable and inequitable. The rural residential properties were established and existing a long time before the rezoning to employment occurred. The Applicant has received a significant financial gain as a result of the rezoning to Industrial, whilst the residential properties will be devalued as a result of the changes to amenity and outlook. The responsibility to mitigate negative impacts of the development must fall on the Applicant, who is also set to make significant gains from these changes.

Given the abovementioned concerns and deficiencies in the reports, we continue to object against the proposed Oakdale South industrial estate.

Yours faithfully,

Patrick and Theresa McHale