

28 April 2016

The Department of Planning and Environment  
23-33 Bridge Street  
SYDNEY NSW 2000

Dear Sir/Madam,

### **SSD 15\_7155 Prestons Industrial Estate - Response to Submissions**

This letter has been prepared on behalf of Logos Australian Logistics Venture Prestons Trust to respond to the submissions in relation to the exhibition of the State Significant Development Development Application (SSD DA) for the staged construction of five warehouse or distribution centre buildings on land at the corner of Yarrunga Street and Bernera Road, Prestons. The proposal was on exhibition from 10 March to 12 April 2016.

Since exhibition there have been minor design changes to the design within the industrial estate, including:

- External substations at the eastern elevation of Warehouse 5.
- Provision of larger outdoor space for staff at Warehouse 5.
- The recessed dock of Warehouse 2 is split to improve functionality.
- Removal of driveway at Warehouse 4 and median strips on Bernera Road.

These changes are of a nature and scale that does not require re-exhibition. The changes are illustrated on the updated Architectural Drawings attached at Appendix A.

Also, the Department has requested updated advice on the appearance and presentation of the various acoustic walls within the landscape. This has been completed and is attached at Appendix B in updated Landscape Plans along with a note on the visual impact of the walls and their treatments.

The applicant and project team are currently working directly with Liverpool City Council to resolve issues around stormwater / flooding and traffic and access outlined in their submission. These issues can be resolved within the next week or two.

The responses to other items raised during the exhibition phase are attached.

Yours sincerely,



Ryan Macindoe  
Consultant

| SUBMISSION  | RESPONSE  |
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| <b>Environment Protection Authority (EPA)</b><br><br>The proposal does not constitute a Scheduled Activity under Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> (POEO Act). However, if future tenancies of the new buildings constitute a Scheduled Activity under Schedule 1 of the POEO Act, these premises will require an Environment Protection Licence (EPL) to be issued prior to undertaking the activity. | The applicant acknowledges that if future tenancies of the new buildings constitute a Scheduled Activity under Schedule 1 of the POEO Act, these premises will require an Environment Protection Licence (EPL) to be issued prior to undertaking the activity.  |
| <b>Office of Environment and Heritage (OEH)</b><br><br>No response to be provided on Aboriginal cultural Heritage or Biodiversity.  | Noted   |
| <b>Sydney Water</b><br><br>Confirmed existing infrastructure in the locality and noted that further detail will be provided during S.73 Consultation  | The applicant will accordingly liaise with Sydney Water through their usual S.73 process on system augmentation and connections as required for the Project following issuance of the consent.  |
| <b>Water NSW</b><br><br>No comments   | Noted   |
| <b>Milestone Planning</b><br><br>Comments on behalf of ALDI Stores, who operate the Prestons Distribution Centre located approximately 350m to the north east of the site at 10 Burando Road, Prestons (Lot 1 DP 1129090). As an important stakeholder ALDI is concerned that the proposal has the potential to result in significant adverse traffic impacts on the efficient operation of ALDI's Distribution Centre at Prestons.             | <p>In response to these issues raised by Milestone planning we have had further discussion with our traffic engineer and also with the Liverpool Council traffic engineer. We understand that similar issues have been raised with Council Traffic Engineers who have advised is that they will be seeking improvements to the Bernera Road / Yarrunga Street intersection and also the intersection with Yato Road that more directly relates to the Aldi facility.</p> <p>However in noting these likely upgrades to be put forward by Council we would note the following in response to the Milestone submission:</p> |

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|                  | <ul style="list-style-type: none"> <li>▪ Like the Aldi facility the proposed Prestons Estate is permissible;</li> <li>▪ The project's traffic engineer (Traffic and Transport Planning) advise that they undertook the traffic investigations for Liverpool Council for the rezoning of the Prestons industrial area. They advise that the volumes now being contemplated on Bernera Road and from our proposal are consistent with the work done at rezoning stage. We would therefore argue that it is expected by Council;</li> <li>▪ Our modelling has been done in accordance with RMS requirements;</li> <li>▪ Upgrades to intersection would normally be dealt with by way of S.94 contributions. We therefore suggest that the traffic volumes being created by the Aldi facility must be met directly by Aldi in terms of traffic improvements or through the appropriate agreements with Council and via S.94;</li> <li>▪ The works now proposed by Council at the two Bernera Road intersections are being discussed and agreed with Council although we note that our development does not create 100% of the demand for intersection upgrades and other lands/development parties must contribute to any intersection upgrades outside the S.94 levy or as required to suit their development; and</li> <li>▪ Given the amount of industrially zoned land in the vicinity, it is assumed Aldi have contemplated that there would be similar industrial development in the area, prior to procuring the site.</li> </ul> |
| <b>Transgrid</b> | <p>Conditions are noted and are acceptable.</p> <p>In relation to the possible need to modify the hard stand, particularly around the tower 351, we note that Transgrid may need to undertake an earthing study of this tower and its surrounds. Accordingly, post the issuance of the Consent (and</p>  |

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|   | <p>subject to the Condition they have proposed) the applicant will liaise with Transgrid prior to the creation of any hardstand around the towers to determine their requirements. Should the need arise to do so the applicant would be pleased to modify the design and increase area around the tower to suit Transgrid requirement. Accordingly the applicant requests the Department that they apply a Condition requiring this and allowing the applicant to make minor modifications to the hardstand and car parking around the towers to suit Transgrid without the need for a Modification under S.75W.</p>  |
| <p><b>Liverpool City Council</b></p> <p>Liverpool Council supports the proposal with the following recommendations:</p> <p><b>1. Interface with Kurrajong Road</b></p> <p>Council a variation of the controls with the following provisos:</p> <ul style="list-style-type: none"> <li>▪ The proposed landscaping should be modified such that it provides opportunity for surveillance of the street.</li> <li>▪ That consideration be given to providing an avenue for passive surveillance of Kurrajong Road from the development, possibly by relocating the proposed office for warehouse 5 to the rear of the site.</li> </ul> | <p><b>1. Interface with Kurrajong Road</b></p> <ul style="list-style-type: none"> <li>▪ The Landscape Plan has been modified to allow sight lines from the development to Kurrajong Road. Refer to Landscape Section A on Drawing LDA08 at Appendix B.</li> <li>▪ The modification detailed above will provide passive surveillance of Kurrajong Road.</li> </ul> <p>The applicant has contemplated the relocation of the office to the rear of Warehouse 5 but this would be an unactable outcome in terms of address, and entry for our tenants (i.e. the office building needs to be located at the front entry). Similarly, the office needs to directly relate to warehouse operations. Accordingly, the office cannot be relocated and there is concern that the relocation of the office might overlook residential properties backing onto Kurrajong Road. We would submit that the office is best left in its current</p> |

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| <p></p> <p><b>2. Proposal for a Voluntary Planning Agreement</b></p> <ul style="list-style-type: none"> <li>▪ The contributions to be imposed on the development exceed any works to be funded by contributions. As a result there is no reason for Council to enter a VPA with the developer.</li> <li>▪ Council cannot credit drainage works at a greater value than that allowed in the development contribution plan.</li> <li>▪ Works along Bernera Road have already been carried out and funded by contributions. Any additional roadworks would be directly at the cost of the developer under S80A of the EP&amp;A Act 1979. These works would not be funded by contributions or considered an offset against contributions.</li> </ul> | <p>location with revised/reduce planting along Kurrajong Road.</p> <p>If required the development could place surveillance cameras looking over Kurrajong.</p> <p><b>2. Proposal for a Voluntary Planning Agreement</b></p> <p>The applicant acknowledges the S.94 fees required to be contributed to Council. However in relation to the overall items raised by Council we would note the following:</p> <ul style="list-style-type: none"> <li>▪ It was proposed that the cost of the drainage infrastructure be determined by way of an independent QS. Council have rejected this in favour of costing in their Contributions Plan. We would press this point as we believe that it is a fair and reasonable mechanism to determine the actual costs for works;</li> <li>▪ Council advised that additional works are required in and around the Bernera/Yarrunga intersection. Whilst the applicant would like to agree to work with Council for the benefit of the traffic network, the cost of road upgrade works should not be borne 100% by the current proposal. Rather the applicant should contribute some portion to the cost recognising the large amount of industrial land that will subsequently benefit from the intersection upgrade; and</li> <li>▪ It has been advised that these intersection upgrade works were within the Traffic study for the area prepared at Rezoning stage. Council omitted these works from the Plan and now wish to pass the full cost onto this proposal which does not seem fair and reasonable.</li> </ul> <p>Accordingly the applicant would like to agree to a WIKA or VPA with Council that</p> |

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| <p><b>3. Stormwater Management Strategy</b></p> <p>Council considers that the proposed discharge of stormwater runoff onto Bernera Road will damage the road structure and would have adverse flooding impacts on private properties. Council's concern has been raised with the applicant and it was agreed that necessary design modification will be undertaken.</p> <p><b>4. European and Aboriginal Heritage</b></p> <p>Council recommends conditions to be incorporated into the consent.</p> <p><b>5. Environmental Health</b></p> <ul style="list-style-type: none"> <li>▪ Council believes that the waste storage areas should be located within the building or constructed as a separate fully-enclosed waste storage area at the premises.</li> </ul> | <p>recognises the required S.94 payments that is required but allows for a fair and equitable split of costs. It is suggested that the onus be placed on Council and the Applicant to agree this within 6 months of the date of the Consent.</p> <p>The applicant also requests the Department remains involved to the extent that it is satisfied with the terms as agreed between both parties.</p> <p>Accordingly the applicant suggests a Condition of Consent encompassing the items noted above.</p> <p><b>3. Stormwater Management Strategy</b></p> <p>At the request of Council flood modelling examining the existing overland flow path and its treatment under the proposal is being undertaken. That modelling is complete and we have referred it to Council and are expecting a response shortly and will advise the Department of the Council advice.</p> <p>The project engineers advise that the flood modelling maintains the existing situation and they affirm Council should be satisfied with the outcome.</p> <p><b>4. European and Aboriginal Heritage</b></p> <p>Noted.</p> <p><b>5. Environmental Health</b></p> <ul style="list-style-type: none"> <li>▪ The applicant agrees to conditions of consent for all waste areas to be located inside the warehouse buildings or located within a fully-enclosed lightweight structure outside of the warehouse buildings.</li> </ul> |

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| <ul style="list-style-type: none"> <li>▪ Council strongly recommends that the premises is not approved for automotive fuel dispensing, mechanical repairs, servicing, motor vehicle body repairs or spray-painting.</li> </ul> <p><b>6. Land and Development Engineering</b></p> <p>It is recommended that the half road is to be developed at the applicant's expense as follows:</p> <ul style="list-style-type: none"> <li>▪ Construction of a 6.5m pavement from centreline to face of kerb;</li> <li>▪ Construction of a 3.5m verge with 1.5m footpath located centrally; and</li> <li>▪ The section of road between the two entry driveways off Yarrunga Road will require an additional 3.5m pavement construction on the northern side to accommodate right-turning (heavy vehicle) movements.</li> </ul> <p><b>7. Traffic and Parking</b></p> <p>The following traffic, access and parking were raised:</p> <p><u>Traffic generation and impact</u></p> <ul style="list-style-type: none"> <li>▪ To ensure that the Bernera Road/Yarrunga Street/Yato Road intersection would operate with acceptable traffic conditions, Council recommends that the intersection be upgraded to provide a dedicated right-turn bay from Bernera</li> </ul> | <ul style="list-style-type: none"> <li>▪ The current proposal only seeks consent for the use of site for warehousing and distribution. Should future tenants require any of the warehouses for automotive fuel dispensing, mechanical repairs, servicing, motor vehicle body repairs or spray-painting, we would seek amendment to the current Application or seek separate approval..</li> </ul> <p><b>6. Land and Development Engineering</b></p> <p>This half road construction has been agreed and we have forwarded updated plans to Council or their final agreement. We will submit these to the Department when we have final agreement with Council.</p> <p><b>7. Traffic and Parking</b></p> <p>The applicant is in discussion directly with Liverpool Council and draft plans on the traffic and access solutions are currently with Council covering the points raised. We will advise the Department on progress hen we reach agreement with Council.</p> <p>However in relation to the 100% payment of the cost of new intersection works, please refer to the previous comments in relation to S.94 contributions and note that</p> |





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| <p><b>Department of Primary Industries – Water</b></p> <p>1. DPI Water understands that the development of this facility will not impact on ground water and surface water sources, and from the information provided, has no objection to the proposal.</p> <p>2. DPI Water notes that there is currently a first order watercourse in the south-eastern corner of Lot 20 DP1173483. It appears that this watercourse is going to be filled in/piped and covered by an at grade carpark, Warehouse 3 and Warehouse 4.</p> <p><b>Department of Primary Industries – Agriculture</b></p> <p>3. The EIS and a desktop inspection note greenhouse horticulture. The proponent will need to ascertain whether the adjoining market garden is still operational, and if so, consider whether any overshadowing of the production area by the warehouse is a concern for the market garden operators.</p> | <p>1. Noted.</p> <p>2. The conveyance and diversion of the existing waterway and overland flow path will be managed by the proposed piped culvert and overland flow. This system is the result of the recommendation from Liverpool City Council and the culverts were also envisaged by Council's s94 Plan. As such, the proposed treatment of the stream has been contemplated by Council and is considered to be acceptable.</p> <p>3. The green houses currently in operation at the market garden adjoining Warehouse 1 will not be adversely impacted by 9am shadows (being the time of the greatest impact) given the distance between the glass house structure and Warehouse 1. There is no shadow cast on the adjoining land by midday.</p> |
| <p><b>Roads and Maritime Services</b></p> <p>1. It is advised that a 26m B-double truck should be used as a design vehicle for the extent of works required on the intersection. The swept path plan should be modified showing turning path of a 26m B-double on the south western corner of the intersection to cater for the left turn movement of articulated vehicles accessing the site.</p> <p>2. A large number of 19m semi-trailers access the Aldi warehouse located east of the site via Yato Road. In this regard, swept path plans should be provided and submitted for review showing that the signals will operate as a double diamond</p>   | <p>The applicant accepts the requirements of RMS and that conditions shall be added to this effect.</p> <p>Given that RMS will require a WAD (and bearing in mind that Council are asking for revisions to the intersection), the applicant suggests that all the design parameters can be covered during detailed design in the WAD process and thus signed off by RMS in the WAD.</p>   |

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| <p>using a 26m B-double and 19m semi-trailer as design vehicles.</p> <p>3. There are two existing kerb pits that will be affected by the new works and are proposed to be converted to buried junction pits with lids. Calculations are required showing that the width of flow for the two pedestrian crossing on the south western corner of the intersection do not exceed 0.5m for a 1 in 10 year storm.</p> <p>4. Roads and Maritime does not support the proposed combined pedestrian crossing at the intersection. The Pedestrian crossing should be separated and plans should be modified reflecting this requirement.</p> <p>5. Roads and Maritime requests installing physical medians in the side streets at the intersection to restrict turning trucks crossing over the centre line onto the side street detectors which result in changing the signals for the phases.</p> <p>6. The Traffic Control Signal (TCS) plans and proposed works shall be designed and constructed to Roads and Maritime requirements, AUSTROADS and Australian standards and endorsed by a suitably qualified practitioner. The certified copies of the civil design plans shall be submitted to Roads and Maritime for review and approval prior to the release of Construction Certificate by the Principal Certifying Authority and commencement of road works.</p> <p>7. The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the WAD will need to be executed prior to Roads and Maritime assessment of the detailed civil design plans.</p> <p>Roads and Maritime fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.</p> |          |

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| <p>8. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.</p> <p>9. All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.</p>   |   |
| <p><b>Anonymous 1</b></p> <p>Objects to the Project based on:</p> <ol style="list-style-type: none"> <li>1. The potential decrease in value of my land due to this project.</li> <li>2. Increased volume of traffic and noise in the area due to operating 24 hours.</li> <li>3. Heavy vehicles operating 24 hours increases pollution levels.</li> <li>4. I feel this project is too close to surrounding residential areas. I strongly object to Kurrajong Road being used as access for vehicles to the Distribution Centre as these impacts directly on all those living in the area.</li> </ol> | <p><b>1. Potential to decrease property values</b> – the applicant is unable to comment or speculate on property values, however the subject site is already zoned for industrial development and the type of development proposed is similar to other warehouse and industrial buildings already built on neighbouring land. Therefore, the existence of the industrial land in this location should have been known and understood. It is assumed that any land valuation would take the surrounding land use zoning into consideration regardless of whether the zones permitted uses have been realised or not.</p> <p><b>2. Increased volume of traffic and noise</b> – the development will generate traffic through its construction and operation. However as noted in the submitted Traffic Assessment, construction and operational traffic was reviewed and contemplated when the land was rezoned for industrial uses, and the current predicted generation from the proposal is less than that assumed at the zoning stage. Further, the Traffic Assessment outlined at Section 5.1 that all critical local intersections will continue to operate satisfactorily and within their design parameters.</p> <p><b>3. Increase in pollution levels due to 24 Hour heavy vehicles</b> – as stated in the submitted Air Quality and Odour Report prepared by Pacifica Environment Limited, <i>it can be seen from the results in <b>Table 6.2</b> (page 15), that the predicted increase in ground level concentrations do not exceed the relevant short-term EPA criteria at the proposed development during peak traffic flow conditions.</i></p> |

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|  | <p><i>It is apparent from the predicted worst-case concentrations at 10m from the road, that the project will not significantly impact the air quality at the residences as a result of increased vehicle emissions resulting from operational activities.</i></p> <p><b>4. Too close to Residential streets and use of Kurrajong Road for access –</b> access is only being provided for Emergency vehicles from Kurrajong Road and that no large or small vehicles accessing the site for construction or operation will therefore enter via Kurrajong. All traffic is therefore being confined to Bernera and Yarrunga Street.</p>  |
| <p><b>Anonymous 2</b></p> <p>Objects to the Project based on:</p> <p>The excessive noise pollution resulting from the site operating on 24 hours a day, seven days a week.</p> | <p>The submitted Acoustic Environmental Impact Assessment prepared by Acoustic Logic assessed the operational noise associated with the proposed development, including:</p> <ul style="list-style-type: none"> <li>▪ Vehicular noise on site (trucks driving on internal roadways, noise from use of forklifts, and use of the car-park facilities).</li> <li>▪ Noise created on public roads as a result of traffic generated by the site.</li> <li>▪ Sleep disturbance from night time use of the premises.</li> <li>▪ A preliminary assessment of noise from mechanical plant.</li> </ul> <p>The Assessment found that with the provision of acoustic mitigation, including acoustic barrier walls, the proposal can satisfy the requirements of EPA Guidelines.</p> |
| <p><b>Anonymous 3</b></p> <p>Objects to the Project based on:</p>  | <p><b>1. Noise pollution –</b> as above: the submitted Acoustic Environmental Impact Assessment prepared by Acoustic Logic assessed the operational noise associated with the proposed development, including:</p> <ul style="list-style-type: none"> <li>▪ Vehicular noise on site (trucks driving on internal roadways, noise from use of</li> </ul>   |

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| <ol style="list-style-type: none"> <li>1. Noise pollution associated with the 24 hour a day operation of the site.</li> <li>2. Air pollution associated with increased truck traffic.</li> <li>3. Increased traffic congestion</li> <li>4. Kurrajong Road used for vehicle access.</li> <li>5. Reduction of property values.</li> <li>6. The site should be used for residential purposes.</li> </ol> | <p>forklifts, and use of the car-park facilities).</p> <ul style="list-style-type: none"> <li>▪ Noise created on public roads as a result of traffic generated by the site.</li> <li>▪ Sleep disturbance from night time use of the premises.</li> <li>▪ A preliminary assessment of noise from mechanical plant.</li> </ul> <p>The Assessment found that with the provision of acoustic mitigation, including acoustic barrier walls, the proposal can satisfy the requirements of EPA Guidelines.</p> <p><b>2. Increase in air pollution</b> – as stated in the submitted Air Quality and Odour Report prepared by Pacifica Environment Limited, <i>it can be seen from the results in Table 6.2</i> (page 15), <i>that the predicted increase in ground level concentrations do not exceed the relevant short-term EPA criteria at the proposed development during peak traffic flow conditions.</i></p> <p><i>It is apparent from the predicted worst-case concentrations at 10m from the road, that the project will not significantly impact the air quality at the residences as a result of increased vehicle emissions resulting from operational activities.</i></p> <p><b>3. Increased volume of traffic</b> – the development will generate traffic through its construction and operation. However as noted in the submitted Traffic Assessment, construction and operational traffic was reviewed and contemplated when the land was rezoned for industrial uses, and the current predicted generation from the proposal is less than that assumed at the zoning stage. Further, the Traffic Assessment outlined at Section 5.1 that all critical local intersections will continue to operate satisfactorily and within their design parameters.</p> <p><b>4. Kurrajong Road for access</b> – access is only being provided for Emergency</p> |

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|            | <p>vehicles from Kurrajong Road and that no large or small vehicles accessing the site for construction or operation will therefore enter via Kurrajong. All traffic is therefore being confined to Bernera and Yarrunga Street.</p> <p><b>5. Potential to decrease property values</b> – the applicant is unable to comment or speculate on property values, however the subject site is already zoned for industrial development and the type of development proposed is similar to other warehouse and industrial buildings already built on neighbouring land. Therefore, the existence of the industrial land in this location should have been known and understood. It is assumed that any land valuation would take the surrounding land use zoning into consideration regardless of whether the zones permitted uses have been realised or not.</p> <p><b>6. The land use of the site</b> – the site is zoned for industrial and the proposed use is permitted with consent. Therefore the type of development proposed was contemplated as part of the rezoning process. Further, residential uses are prohibited on the site.</p> |

## Appendix A Architectural Drawings





## Appendix B Updated Landscape Detail