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Your Ref: SSD 7564

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7 July 2016

Director - Industry Assessments
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Jane Flanagan

Dear Sir/Madam

SSD 7564 - PROPOSED WAREHOUSE/DISTRIBUTION AND INDUSTRIAL FACILITY - THE HORSLEY DRIVE AND COWPASTURE ROAD, WETHERILL PARK

Submission summary

Council raises no objection to the proposal subject to issues being addressed as identified in this submission and the inclusion of conditions as recommended in the proposal's determination.

Overview

Council has received notification from the NSW Department of Planning and Environment of a proposed warehouse/distribution and industrial facility, located on proposed Lot 2 at the Horsley Drive Business Park, corner of The Horsley Drive and Cowpasture Road, Wetherill Park in the Fairfield Local Government Area.

The proposal involves:

- Construction and operation of a warehouse/distribution and industrial facility over two stages, operating 24 hours a day, 7 days a week comprising:
  - Two warehouse buildings ranging in size between 8,925m2 and 9,875m2
  - Associated hardstand, car parking and loading docks
  - Ancillary office and amenities, and
  - 216 car parking spaces.

The proponent advocates suitability of the site attributable to the following:

- State Environmental Planning Policy (Western Sydney Parklands) allows for the development as a permissible use
- access to the regional road network (The Horsley Drive, Cowpasture Road, and M7 Motorway)
- compatibility with surrounding industrial development and local context
- minimal impact on the environment, and
- implementation of suitable mitigation measures where required.

The proposal is justified by the proponent based on the findings of the EIS, the continued development of the Estate, the provision of employment opportunities and growth of warehouse and logistics related development in Western Sydney. Further, the proposal is suitable for the local industrial context and will not result in any significant environmental impact.

Issues for Fairfield City

A. Land Use, Proposed Development and Local Impact

Under State Environmental Planning Policy (Western Sydney Parklands), the development is a permissible use with consent. The land use category adjoining the site to the east within the Wetherill Park Industrial Estate is Zone IN1 - General Industrial. The proposed development forms an extension of development located in the adjoining industrial zone.

Under Fairfield City Wide DCP 2013, the proposal is generally consistent with the provisions of Chapter 9 – Industrial Development. The proposed built form, site layout and design features of the development are compatible with the character of existing industrial development in the adjoining area to the east.

The site is located at the edge of Wetherill Park Industrial, approximately 400 m from the nearest residential property to the north west in Horlsey Park. In this regard. the potential for the operations on the site to directly impact on the amenity of the residential areas of the City is considered low.

B. Traffic and Parking

The proposed Facility No.1 (facing Copland Close) has 44 parking spaces inclusive of one dedicated disabled space. The proposed Facility No.2 (to the rear of proposed Lot 2) has 73 parking spaces, inclusive of two dedicated disabled spaces.

The proposal has been reviewed by Council's Traffic and Transport Division who provide following comments:

- The number of parking spaces proposed complies with the reduced parking rates permitted by Fairfield City Council for both warehouse and office facilities within Horsley Drive Business Park.
- The servicing of warehouse/industrial facility No.1 shall be restricted to 25m long articulated vehicles and servicing of warehouse/industrial facility 2 can be undertaken by 25m B-Double vehicles.
- The size of the parking spaces proposed complies with AS/NZS 2890.1:2004.
- To address the conflict between turning vehicles on the north eastern corner of the site and to achieve adequate sight distance, barrier lines and installation of a mirror are proposed.

The following issues shall be addressed prior to determination:

1. The Construction Traffic Management Plan shall detail construction vehicle routes, number of trucks and hours of operation.
2. Loading Dock Management shall address the conflict between entering and exiting B-Double vehicles.

C. Environmental Protection

The proposal has been reviewed by Council's Environmental Management Branch including an assessment of safeguards included in the proposal with relevant industry standards for this form of development.

- An Environmental Impact Statement (EIS), Doc. Ref. WTJ16-68_SPEC_2_EIS.doc, prepared by Willowtree Planning Pty Ltd and dated May 2016;
- An Erosion and Sediment Control Plan (ESCP), Ref. Co114492.12-DA40-C, prepared by Costin Roe Consulting Pty Ltd and dated 2 May 2016;
- An Air Quality Impact Statement (AQIS),Report Number 610.16281-R02-v01, prepared by SLR Consulting Pty Ltd and dated 4 May 2016;
- A Noise and Vibration Impact Assessment (NVIA), Ref. 20160482.1/0704A/R1/BW, prepared by Acoustic Logic Consultancy and dated 23 May 2016;
- A Waste and Recycling Management Plan (WRMP), Report Number 610.16281-R1 29, prepared by SLR Consulting Pty Ltd and dated April 2016;
- A SEPP 33 Assessment, Reference: 200231(SEPP33)-RPTFinal(Rev0)-29Apr16, prepared by Core Engineering Group and dated 29 April 2016; and,
- A Construction Environmental Management Plan (CEMP), prepared by Frasers Property Industrial Constructions Pty Ltd and dated 2 May 2016.

The EIS gives an overview of the project and references a range of other reports as supporting documentation. These have been assessed separately. The report states under SEPP 55 – Remediation of Land, a Phase 1 Environmental Site Assessment was prepared under SSD 5169 and concluded that the site is suitable for the proposed use.

The ESCP shows details of a sediment basin. Operational notes include details of the assessment of water for sediment concentration and treatment for flocculation of sediments prior to discharge to stormwater. No mention of any required pH adjustment is made.

The AQIS refers to air quality during construction. It refers to a range of mitigation measures, but does not mention the use of water carts, the covering and/or spraying of stockpiles or the presence of a street sweeper.

The NVIA states that the nearest residential receiver is 575 metres from the boundary. Construction noise can be conditioned. The report details the results of noise monitoring and the setting of project specific noise goals as per the NSW Industrial Noise Policy (INP) as follows:

Time of day	Rating Background Noise Level (RBL) dB(A) L_{90}	Intrusiveness Criteria (RBL+5) dB(A) $L_{eq15min}$	Amenity Criteria dB(A) $L_{eq15min}$	Project Specific Goal dB(A) $L_{eq15min}$
Day	51	56	60	56
Evening	49	54	50	50
Night	46	51	45	45

It also refers to Sleep Disturbance Criteria as RBL+15dB(A), giving a criteria of 61db(A). The report models noise from loading operations, truck movements and internal operations, and presents the results as follows:

Noise Source	Time of Day	Receiver	Predicted Noise Level, dB(A) $L_{eq15min}$	Noise Criteria dB(A) $L_{eq15min}$	Complies
Cars entering /exiting Trucks entering /exiting Forklift in loading dock area Internal warehouse/ industrial operations	Day	West Residence	<35	56	Yes
	Evening		<35	50	Yes
	Night		<35	45	Yes

There is no assessment of plant, as these details have not been decided at this stage. This can be conditioned.

The report concludes that the development will meet the INP and criteria. A compliance report following occupation is required.

The WRMP differentiates between construction and occupation phases of the development. During construction, it refers to responses to the discovery of contaminated waste, ie. an unexpected finds protocol. It refers to the wash down of equipment either on-site or offsite. An onsite wash down area is required for cement and sediment contaminated equipment. No details of the location of a washdown bay, the collection of waste water or disposal have been presented. Details of these are required.

A waste storage area is shown on the plans for the completed development. This area is under an awning. No details of bunding or drainage are shown. This can be conditioned.

The SEPP 33 report detailed the volumes of dangerous goods to be stored on the site. It concluded that the threshold quantities referred to in SEPP 33 are not exceeded; therefore no further risk screening is required.

The CEMP states that construction hours will be:

Monday to Friday: 7.00 am – 6.00 pm
Saturday: 8.00 am – 1.00 pm

It also states that the site will open earlier and close later where required, but does not state what these hours are or what works will occur during these hours.

Section 4 is titled Assessment of Environmental Risk. It includes a Ratings Matrix, which evaluates the potential consequence vs the likelihood of an occurrence, and assigns a 'Significance' rating. No further references are made to this Ratings Matrix.

4.2 is a table titled 'Evaluation of Environmental Risks'. The table divides works into the various phases of construction (initial site setup, civil works, footings, etc), environmental aspects of works (dust, water discharge, waste, etc) and potential impacts.

It also includes a column titled 'Risk Level*', where all points in the table are given a 'Risk Level' of 5 or 3. There is no explanation of what these risk levels relate to.

Another column is titled 'Environmental Control (ref to procedures/ guidelines)'. There is no reference in any of the stages of construction to sediment and erosion controls, dust suppression or the prevention of tracking of mud or dust onto adjacent roadways. No procedures or guidelines are referenced. References to these controls have been included in the 'Objectives' column.

This table includes reference to a 'designated washing area' for concrete trucks and tools. No further reference to this area is made.

Section 5 is titled 'Environmental Management Program'. This includes:

- Dust suppression using water carts and 'watering' of stockpiles;
- Covers and sediment controls being installed on and around stockpiles 'if required and practicable';
- All imported new top soil being classified under the appropriate Australian standard as clean fill suitable for its intended use. This appears to be a reference to the requirement for ENM/VENM and Chain of Custody information. This can be conditioned;
- Environmental incidents will be reported to the regulatory authority, ie. Department of Planning and Environment;
- Finds of asbestos leading to an 'environmental report'. It is assumed that this is the site's unexpected finds protocol;
- A street sweeper will be onsite at all times for dust control;
- Site plans show the location of environmental controls and stockpiles;
- Trucks will be cleaned of excess mud prior to exiting the site via a 'shaker grid'. No further details are given of this operation. A stabilised access is shown on the site plan without a shaker grid, and no cleaning area is shown;
- Refuelling is to be carried out in a designated 'bounded' (sic) area. This is not shown on site plans;
- Concrete washout areas are not shown on the site plans;
- Operational notes for the sediment basin include details of the assessment of water for sediment concentration and treatment for flocculation of sediments prior to discharge to stormwater. No mention of any required pH adjustment is made.

Council's Environmental Management Branch has determined that insufficient information has been submitted for SSD 7564. Prior to further assessment, the following information is required, including:

- Site plans showing the location of all environmental controls, including shaker pads, refuelling areas, and washout areas;
- Details of any required pH adjustment of sediment basin water prior to discharge.

D. Section 94A Contributions

The imposition of a Section 94A levy, in accordance with the Fairfield City Council Indirect Development Contributions Plan 2011, on this proposal is considered appropriate having regard to the long term responsibility Council has to manage the local road network. The amount payable will be 1% of the final estimated Capital Investment Value (CIV).

The CIV of this project is estimated at AU$12,271,665 subject to final costing and tender clarifications.

In this regard, Council imposes the following condition where a Section 94A contribution is payable.

> ***Section 94A Levy Development Contributions***
>
> *Prior to the issue of a Construction Certificate, a receipt for the payment to Fairfield City Council of Section 94A Levy Contributions shall be submitted to the Certifying Authority.*
>
> *The Section 94A Levy as determined at the date of this consent is $(*).*
>
> *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).*

Subject to final costing and tender clarifications, the estimated Section 94A Levy is $122,716.65.

E. Building Control and Compliance

Council's Building Control Branch have reviewed the proposal and conducted a partial BCA review. Council raises no objection to the proposal subject to the following conditions.

APPROVED PLANS

1. Design Report for Energy Efficiency Installations for Buildings Class 2 - 9

Prior to the issue of a Construction Certificate, a design report shall be submitted to the Certifying Authority, demonstrating that the proposed building complies with the pertinent requirements of Section J – Energy Efficiency of the Building Code of Australia. The design report shall identify and detail the methods required to achieve compliance with the Building Code of Australia.

2. Outstanding Long Service Levy Fee

Prior to the issue of a Construction Certificate, a receipt for payment of the Long Service Levy (in accordance with the Building and Construction Industry Long Service Levy Payments Act 1986) shall be submitted to the Certifying Authority.

The Long Service Levy is calculated at 0.35% of the value of building works, as is in force at the date of this consent. The rate of calculation is subject to change and should be verified (and adjusted) at the date of payment. Payment can be made to Fairfield City Council or direct to the Long Service Levy Corporation.

3. 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 Principal Certifying Authority. The Erosion and Sediment Control Plan shall be prepared in accordance with the requirements of the Fairfield City Council's 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.

4. Disability Access

Prior to the issue of a Construction Certificate a report from a suitably accredited person shall be submitted to the certifying authority demonstrating that the proposed building complies with the relevant requirements of the Building Code of Australia, AS1428.1 and Disability (Access to Premises – Buildings) Standards.

5. Sydney Water Consent

The plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water asset and if any requirements need to be met. The plans will be appropriately stamped. All amended plans will require restamping.

Please refer to the web site www.sydneywater.com.au for:

- Quick check agents details – see Building and Developing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building and developing then Building and renovating

or telephone 13 20 92

6. Construction Certificate Required

Prior to the commencement of any building and construction works, a Construction Certificate is required to be issued by a Certifying Authority.

Enquiries regarding the issue of a Construction Certificate can be made to Council's Customer Service Centre on 9725 0222.

7. Appointment of a Principal Certifying Authority

Prior to the commencement of any construction works, the person having benefit of a Development Consent, or Complying Development Certificate must:

a. appoint a Principal Certifying Authority; and
b. notify Council of the appointment.

8. Notify Council of Intention to Commence Works

The applicant must notify Council, in writing of the intention to commence works at least two (2) days prior to the commencement of any construction works on site.

9. Kerb and Gutter Status Form

Prior to the commencement of any construction works on site, the applicant shall return the attached footpath/kerb and gutter form to Council detailing the existence of, and the condition of, any foot paving, and/or kerb and gutter provided adjoining the site for checking against Council's records. Damage to footpaths, kerbs, stormwater systems and general streetscape will require restoration at the developer's expense.

10. Erosion and Sedimentation Control

Prior to the commencement of any construction works on site, controls in accordance with Chapter 3.11 of the Fairfield City Wide DCP 2013 shall be implemented prior to clearing of any site vegetation, to ensure the maintenance of the environment and to contain soil erosion and sediment on the property. Erosion and sediment controls shall be maintained until all construction works are completed and all disturbed areas are restored by turfing, paving and revegetation.

The documented erosion and sediment control plan shall be available on-site for inspection by Council Officers and all contractors undertaking works on the site.

Note: On the spot penalties up to $1,500 will be issued for any non-compliance with this requirement without any further notification or warning.

11. Toilet Facility

Prior to the commencement of any construction works on site, a flushing toilet facility is to be provided on site. The toilet must be connected to either a public sewer, or an accredited sewage management facility or to an alternative sewage management facility (chemical closet) approved by Fairfield City Council.

12. Required Signage

For building, subdivision or demolition work that will affect the external walls of the building, signage shall be installed in a prominent position detailing:

- The name, address and telephone number of the principal certifying authority for the work; and
- The name of the principal contractor (if any) of the building work and a telephone number on which that person may be contacted outside working hours; and
- Stating that unauthorised entry to the work site is prohibited.

This sign shall be maintained while the building, subdivision or demolition work is being carried out and must be removed when the work has been completed.

13. Interim / Final Occupation Certificate Required

Prior to the commencement of any use and/or occupation of the subject development (whole or part), either an Interim Occupation Certificate or Final Occupation Certificate must be issued.

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority must be satisfied that the development (part or whole) is in accordance with the respective Development Consent, Construction Certificate or Complying Development Certificate.

14. Interim Fire Safety Certificate

Prior to the issue of a final/interim Occupation Certificate, a final/interim fire safety certificate shall be submitted to and approved by the Principal Certifying Authority.

Note: An Annual Fire Safety Statement for the building premises dealing with essential fire safety measures shall be submitted to Council in accordance with the requirements of Clauses 177 and 181 of the Environmental Planning and Assessment Regulation 2000.

15. Building in Saline Environments

The whole of the Fairfield Local Government Area is potentially saline affected, and as such appropriate design features and building materials need to be incorporated into the construction of buildings, to minimise the risk of salt damage.

Prior to the issue of an Occupation Certificate, documentary evidence shall be submitted to the Principal Certifying Authority, certifying that the building has been constructed in accordance with Fairfield City Council's 'Building in Saline Environments Policy'.

16. Certification of Energy Efficiency Installations for Buildings Class 2 - 9

Prior to the issue of an Occupation Certificate (Interim or Final), a certificate(s) shall be submitted to the Principal Certifying Authority, certifying that the building has been constructed in compliance with the pertinent requirements of Section J – Energy Efficiency of the Building Code of Australia.

17. Compliance with the Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia. Compliance with the performance requirements can only be achieved by:

a. complying with the deemed-to-satisfy provisions; or
b. formulating an alternative solution which:
   i. complies with the performance requirements; or
   ii. is shown to be at least equivalent to the deemed-to-satisfy provisions; or
c. a combination of (a) and (b).

18. Administration Fee for the Lodgement of Certificates

Where a Principal Certifying Authority has been appointed other than Council, an administration fee is charged by Council for the lodgement of Construction Certificates,

Interim Occupation Certificates, Occupation Certificates and Complying Development Certificates.

19. During Construction or Demolition

During the construction or demolition period, the applicant must ensure that:

a. There is provision of a trade waste service to ensure that all debris and waste material is removed from the site for the period of construction or demolition;

b. All plant equipment, fencing or materials of any kind is not placed or stored upon any public footpath or roadway; and

c. Any building work is to be carried out within the following hours.

   Monday – Friday between the hours of 7:00am to 6:00pm and Saturday between 8:00am and 1:00pm. No work may be carried out on Sundays or public holidays.

Note: On the spot penalties up to $1,500 will be issued for any non-compliance with this requirement

20. Hoarding / Fencing

During construction, a hoarding or fence must be erected between the work site and a public place if the work involved in the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or if the building involves the enclosure of a public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Thank you for the opportunity to comment.

For more information, please call 9725 0229.

Yours faithfully,

Edward Saulig
STRATEGIC LAND USE PLANNER