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19 May 2011

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Major Project Assessment
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GPO Box 39
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Dear Haley

JACFIN HORSLEY PARK EMPLOYMENT PRECINCT

Council at its meeting of the 10 May 2011 endorsed the issues outlined in this submission to the abovementioned Part 3A proposal under the EP&A Act.

Specifically, Council adopted the following recommendations in relation to the Department's further assessment of the proposal;

1. *Council recommends the Department of Planning and Infrastructure:*
 - (i) *Defer consideration of the proposal until the findings and recommendations of the study being undertaken by the Department and RTA into road network issues for the employment lands have been made available and are addressed under the development.*
 - (ii) *Require the applicant undertake significant redesign of the proposal to address Council's concerns in relation to the detrimental impacts of the proposal on residents in Fairfield City adjoining the site in particular visual and acoustic impacts.*
2. *Any redesign of the proposal involves close consultation with residents adjoining the site and ensure that the concerns of residents are addressed.*
3. *That council facilitate a conciliation conference to be chaired by the Mayor or his representative involving:*
 - *Councillors;*
 - *Local residents (approximately 15 representatives);*
 - *The Department of Planning*
 - *The applicant (Jacfin); and*
 - *Penrith City Council representatives.*

In order to discuss options that might be considered by the applicant to minimise the impact on local residents of Fairfield city.

At the time this submission was referred to the Department, arrangements were still being made in relation to the conciliation conference. Council will be in contact with your office shortly once details can be confirmed.

The following details Council's concerns and issues with the proposal;

(A). ERSKINE PARK LINK ROAD NETWORK

Council is currently awaiting the findings of a study commissioned by the Department and RTA into proposed extensions to the State Government's Erskine Park Link Road Network to service the Western Sydney Employment Lands. This study is also looking at the proposed southern link into Fairfield City as identified in the SEPP (Western Sydney Employment Lands).

The proposed development includes a section of the current road network shown in the above SEPP, however, the Study being undertaken by the Department has the potential to result in changes being made to the alignment/route of the road network through the subject site.

In this regard, the Department should defer consideration of the proposal until such time as the new road network and layout for Erskine Park Link Road Network and adjoining roads, has been determined.

Further analysis of acoustic impacts from traffic associated with the subject site and State Road on adjoining residential properties in Horsley Park would also need to be undertaken once the road layout for the State Road network is determined.

(B). VISUAL IMPACTS OF THE PROPOSAL

Impacts are particularly concentrated on the south eastern section of the site and affect a number of existing residential properties located in Greenway Place in Horsley Park, Fairfield.

Photomontages

The following concerns are highlighted in relation to the photomontages contained in the Visual Impact Assessment and other plans submitted with the proposal relating to visual impacts of the development on adjoining properties.

- The location of buildings in the photomontages appears to be inconsistent with the detail and information shown on other plans showing the location of buildings and amount of cut and fill on the subject site. In particular, the photomontages appear to be suggesting the provision of a landscape buffer areas and setbacks from the residential properties in Greenway Place that is not possible given the amount of cut and fill proposed up to the rear boundary of the Jacfin site.

- The photomontage of the development for the southern section of Greenway Place (Figure 13) does not show the full extent of buildings proposed in the development. It also includes a vista of a small hill and trees to the north of the industrial buildings that based on the cut and fill plans for the site are proposed to be removed/excavated.
- The hill and trees shown in the photomontage at the southern end of Greenway Place are located well into the Jacfin site. In this regard it would appear the location of buildings shown in the photomontage for this position are inaccurate and do not give a true impression of the scale and bulk of buildings.
- Similarly, the photomontage of the development for the northern part of Greenway Place (Figure 15) appears to show setbacks for the proposed warehouse buildings that are inconsistent with aerial photographs and plans of the proposal. In this regard it is considered the photomontages do not show a true representation of the scale and bulk of buildings that would be visible from residential properties in Greenway Place.
- There are a total of nineteen (19) properties in Greenway Place, nine (9) of which directly adjoin the development. In this regard, the analysis (from positions in Greenway Place) is extremely limited and does not represent the full breadth of visual impacts on properties in Greenway Place.

Scope of Visual Impact Assessment (VIA)

In light of the above it is considered that the VIA submitted with the proposal is inadequate and does not investigate the full scope of visual impacts of the development on residential properties in Fairfield City.

The VIA has not considered other options (including an alternative subdivision pattern and/or building footprints) that would help to mitigate visual impacts. Rather the VIA appears to have been prepared as an after thought for the proposal rather than as a meaningful tool to help design the development so as to address visual impacts. This is evidenced by the fact that the subdivision pattern and building footprints included in the proposal comprise a relatively regimented and consistent layout across the entire site.

There is no evidence or consideration of modulation in the pattern of development on the south eastern boundary that could help to mitigate the detrimental impacts of the development on visual amenity and outlook of residential properties adjoining the south eastern boundary of the site in Horsley Park.

For example reconfiguration of the subdivision/building footprints from a predominantly north/south to east/west orientation along the south eastern section of the site would assist in opening up view corridors and significantly reduce the scale and mass of buildings affecting the views and outlooks of residential properties in Greenfield Place. There has been no regard or analysis of this option in the VIA.

In this regard, the applicant should be required to undertake further investigations and analysis of this issue to address the detrimental visual impacts and obstruction of vistas for residential properties in Fairfield.

Landscaping Measures

The applicant states that "landscaping and boundary treatment" will be provided to mitigate visual impacts on the south eastern corner. However, there is no information or detail provided with the proposal to substantiate this claim.

Rather, based on the elevations and plans submitted with the proposal there are concerns that there is limited potential to incorporate sustainable landscaping measures along the south eastern boundary to mitigate visual impacts of the development based on:

- No deep soil areas have been provided on the south eastern boundary of the site to support landscaping measures to achieve screening of the development from properties to the east of the site.
- The setback area for buildings along the south eastern boundary appear to be designed to function as a servicing area along the perimeter of the industrial/warehouse buildings
- The setback area is squeezed in between the industrial buildings and located at the bottom of an extensive embankment.

The above factors suggest that there has been no serious attempt made by the applicant to incorporate landscape measures either at the current Concept plan stage or in future to mitigate visual impacts of the development through the utilization of landscape measures.

To address the above concerns, the review of landscaping measures to mitigate visual impacts of the development should incorporate the following critical elements;

- Provision of deep soil areas within the site that can support a range of landscape screening measures.
- Inclusion of a landscape buffer along the south eastern boundary of the site at the same level as the existing ground level of adjoining properties immediately to the east of the site capable of supporting a range of appropriate landscape screening and planting measures.
- Provision of an appropriate terraced setback design in the remainder of the setback area where additional sustainable landscaping and planting measures can be provided.

Additional Measures

In addition to the above, Council considers there are a number of other issues that need to be investigated further under the VIA to help mitigate visual impacts of the development.

These include;

- The potential for further excavation in the moderate to high visually sensitive portions of the site (figure 12 of VIA) to further lower the profile of buildings.
- The potential to modify the building form and roof profile of buildings located in moderate to high visually sensitive portions of the site to further mitigate visual impacts of the development.
- Provision of alternate colour schemes/finishes for the industrial/warehouse buildings to reduce their dominance in vistas from properties to the east of the site.
- Inclusion of non reflective surface materials on buildings to further reduce visual impacts on properties to the east of the site.

(C). TRAFFIC AND CAR PARKING ISSUES

Key concerns raised by Council in relation to traffic and parking are as follows;

Traffic Generation

- The trip generation rate adopted by the consultant should be verified with the RTA and their concurrence obtained, as the entire traffic study is based on certain assumptions regarding traffic generation levels from the site.
- The intersection analysis shows intersections perform satisfactorily for traffic signals and roundabouts. Roundabouts are preferred as they would afford more flexibility in terms of traffic access.
- The predicted level of service for the Horsley Park/Old Wallgrove Road/Ropes Creek/Oakdale Stage 1 is not considered to be satisfactory and the intersection layout needs to be reviewed with a view to improving the predicted levels of service.

Parking

- Additional justification needs to be provided in relation to the proposed level of car parking proposed on the site
- 180 car parking spaces (including overflow parking) are proposed compared to the 330 spaces that would be required by Council for this form of development.

Service Vehicle (Loading) Facilities

- The loading and manoeuvring area need to be designed to accommodate access requirements of B-Double vehicles.

Heavy Vehicle Parking/Rest Areas

- The Heavy Vehicle Driver Fatigue Reform has been developed by the National Transport Commission (NTC) and approved by Ministers from all States and Territories in February 2007.
- To ensure that the drivers are able to rest, there will be the need to provide heavy vehicle parking and rest areas.
- The proponent will need to ensure that adequate provision is made for heavy vehicle parking and rest areas within the premises.

Public Transport

- To reduce the use of private cars, as the primary means of transport to the Precinct, transport infrastructure and bus services to the precinct should be incorporated into the transport analysis.
- The bus routes for the Precinct should be designed to follow the collector and sub-arterial road networks rather than use local roads to allow for more efficient bus operations through shorter travel times and distances and should be planned to be within 400m of the majority of employment generating land uses.
- The proposed development needs to make appropriate provisions for future links to any transport corridor that may be provided which would benefit the employment lands in the area.
- In order to encourage employees to use public transport, the development should be designed in a manner that integrates public transport into the site. A number of issues would therefore need to be considered including:
 - The provision of safe and secure bus stop facilities. These facilities should include bus shelters, special purpose lighting and specially designed footpaths that link the development with bus stops.
 - The development should have a transport marketing plan that promotes the use of public transport by employees.
 - The provision of communication infrastructure that communicates real time public transport information to employees and the general public at and within the site.

(D) ENVIRONMENTAL IMPACTS

Council's issues and concerns in relation to environmental impacts of the proposal are as follows;

Noise Pollution

- Potential noise impacts associated with the development can be broken into the following key components:
 - Construction Noise;
 - Traffic & Industrial / Operational Noise.

- An assessment of noise impacts is provided for the overall concept proposal (and Stage 1 Project Application), however separate acoustic assessment will be submitted with future project applications for each warehouse building.
- The greatest impact on the Fairfield LGA would be to those residents located in Greenway Place. The proposed 5 stage development of the entire site will result in prolonged construction noise and once developments are complete and occupied, it is proposed that they be permitted to operate 24 hours per day, 7 days per week (24/7).
- The Environmental Assessment indicates that various design commitments and recommendations will be incorporated into proposal aimed at mitigating impacts on properties in Greenway Place properties including:
 - Buildings are to be orientated in a north south direction to form a barrier to Greenway Place;
 - Loading docks are to be located on the western side of the buildings; and
 - Barriers in the order of 5 meters in height are to be constructed in the gaps between the buildings.
- Based on the above design criteria the acoustic assessment predicts that the operation of the warehouse facilities will meet the relevant noise criteria throughout the 24/7 period.
- However, it is noted there is no buffer between the noise criteria and predicted noise levels (they are the same). Given the predicted noise levels are based on a range of assumptions (particularly around reversing alarms / beepers) and computer modelling, it is unknown whether the actual operation of such a development will meet the stipulated criteria and in turn, cause offensive noise to the residents of Greenway Place.
- The proponent has failed to make clear exact measures that will be employed at construction stage to mitigate impacts on residents in Greenway Place and should be required to provide this information to ensure that any impacts are minimised.
- It is not anticipated that Stage 1 of the proposal will impact on residents in Fairfield

Contamination

- The applicant's consultants conclude that based on the results of their investigation with regard to soil contamination, the site is considered suitable for the proposed industrial / commercial development.
- Phase 2 (more detailed) investigation is recommended for the north-eastern boundary of the site,

- Given the topography of the surrounding land (leading away from the boundary of Council's area and residents), it is not considered relevant for Fairfield City Council to further pursue potential contamination risks associated with the site, except from the viewpoint of potential airborne dust particles during construction activities. Such risks are addressed in discussion surrounding the CEMP's below.

Miscellaneous Construction Impacts

- A commitment has been given that a Construction and Environmental Management Plan (CEMP) will be prepared for each stage / project by the appointed building contractor and submitted to the Principal Certifying Authority for sign off. The CEMP will address the following issues (as a minimum):
 - Site Management;
 - Air Quality;
 - Noise and Vibration Management;
 - Soil and Water Management;
 - Construction Traffic Management;
 - Waste and Hazardous Materials Management; and
 - Protection of E2 zoned land.
 - Soil and Water Management Plan and Dust Management Plan
- In the event of any approval granted by the Department there should also be a requirement for a CEMP to be submitted to the relevant consent authority and adjoining Council at DA stage for review and the application of appropriate conditions to ensure its effectiveness and enforcement. This is particularly important for residents of Greenway Place, to ensure that the committed community consultation takes place in preparation of CEMP's.

Lighting

- A lighting assessment should be required with each development application for those lots adjoining Greenway Place residence, demonstrating compliance with the Australian Standard AS 4282-1997 : *Control of the Obtrusive Effects of Outdoor Lighting*.

Recommended conditions to mitigate environmental impacts

As a result of the above comments, the following recommendations are made to protect residents within Fairfield City Council's LGA adjoining the proposed development:

- A further assessment of the potential noise impacts on residential properties in Greenway Place from the extended period of construction works associated with the proposed project shall be undertaken and appropriate recommendations made to ameliorate such impacts. This shall include discussion on best practice procedures and community consultation to be

employed, as required to be included within the Construction Environmental Management Plan.

As referred to previously in this submission, the design and layout of buildings is a critical element in mitigating visual impacts of the proposal on residents in Greenway Place.

At this stage the current layout and design of Stage 5 generates unacceptable visual impacts on residents in Greenway Place and needs to be reviewed. In this regard, by default any changes to building configuration/orientation would trigger the need for a new acoustic assessment report in relation to traffic, industrial/operational noise for development adjoining residents in Greenway Place.

- The Construction Environmental Management Plan required to be prepared for each specific stage / project of the development shall be submitted to the relevant consent authority and adjoining Councils at DA stage for review. Following consideration and any required amendment to the submitted Construction Environmental Management Plan, appropriate conditions shall be imposed to ensure its effectiveness and enforcement.

Note: Appropriate community consultation shall take place in preparation of the Construction Environmental Management Plan in accordance with commitments given in the Environmental Assessment Report prepared by JBA Urban Planning Consultants Pty Ltd and dated March 2011.

- A separate acoustic assessment shall be submitted with future project applications for each warehouse building, in line with the statement of commitments presented in the submitted Environmental Assessment Report prepared by JBA Urban Planning Consultants Pty Ltd and dated March 2011.
- Compliance monitoring shall be undertaken within 3 months of occupation of each stage of the development, in order to determine if the adopted operational noise criteria as determined within the submitted Noise and Vibration Impact Assessment, prepared by Wilkinson Murray and presented in Report No.10096: Version F, 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.
- A lighting assessment shall be submitted to the relevant consent authority with each development application for those lots adjoining Greenway Place residence, demonstrating compliance with the Australian Standard AS 4282-1997 : *Control of the Obtrusive Effects of Outdoor Lighting*.

E. STORMWATER ISSUES

Council's key issue is that the proposed development does not significantly increase flood risk for land adjoining the western end of Burley Road, Horsley Park where Ropes Creek forms part of the western boundary of the Fairfield LGA. The development also needs to ensure that quality of stormwater runoff from the development is not made worse than is current.

In relation to the above issues, Council requires further clarification on how the XP-RAFTS hydrologic model for the proposal was set up. It appears from Figure 5 of the Brown Consulting report that the subcatchments covering the development site are modelled as lumped catchments that include pervious and impervious areas, as opposed to having two separate nodes for pervious and impervious area to represent the catchment.

In this regard the proponent needs to demonstrate that the modelling arrangement does not underestimate runoff from the development site.

Council notes that one of the specific objectives of the strategy listed in Section 1.2 of the report is to protect downstream receiving waters from increased flow rates and water quality degradation. Council is concerned that the proposed detention basins will result in extended outflow hydrographs from the development site and cause erosive forces to act for longer on the creek banks downstream of the site than currently occurs.

This in turn may increase the potential for erosion. Council suggests that on-site retention technologies be explored as an alternative to detention.

In addition to the above, Council has concerns regarding the cumulative impact of development on the site on the Ropes Creek catchment on flood behaviour. Detention basins built for the development will only be designed for the critical storm duration and will not take account of flooding that occurs downstream at the Fairfield LGA boundary during storms of longer critical duration.

Council recommends that the design of detention basins be designed to take into account critical storm duration for flooding at the Fairfield LGA boundary, in accordance with the procedures given in John Argue's Stormwater Management (Source Control) Handbook. Again, stormwater retention rather than detention, could be a solution.

There is no detail in Section 6.3 of the report to state how the proposed Gross Pollutant Traps and bioretention basins will meet the pollution removal targets listed in Table 1. Details and results of the MUSIC water quality modelling needs to be applied to these targets.

F. LACK OF CONSULTATION WITH RESIDENTS

At this stage it is understood that there has been no direct consultation with residents impacted by the development. This step is considered particularly important if the impacts on the views of residential properties are to be addressed.

In this regard, the applicant should be required to undertake detailed consultation with adjoining residents.

To this end Council proposes to convene a conciliation conference between the applicant and residential properties affected by the development.

CONCLUSIONS

The proposed development has potential to significantly impact on the amenity and visual outlook on a number of residential properties in Horsley Park.

The Visual Impact Assessment submitted for the proposal is considered inadequate. The proposal needs to be redesigned and further investigations undertaken to mitigate visual impacts on residents. As part of the process further consultation needs to take place with residents affected by the proposal. To this end Fairfield City Council is proposing to convene a conciliation conference.

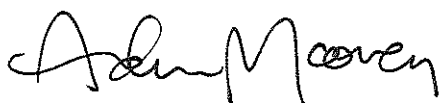
The study being undertaken by the Department into the alignment and route of the road network to service the employment lands in the area also has significant potential to impact on the proposed road network servicing the site.

In this regard, the Department should not make a decision on the proposal until the findings and recommendations of the study into the road network become available and there is greater certainty that roads servicing the site are properly integrated into the broader road network for the area.

Further assessment of the proposal should also address issues arising from the conciliation conference between the proponent and residents to be convened by Fairfield City Council.

Please contact the undersigned if you have any further enquires regarding the above.

Yours sincerely



Andrew Mooney
Acting Manager Strategic Land Use Planning