



PW: IMS 3007784 and IMS: 3007786

Contact: Peter Wood

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23 May 2011

Mr Chris Richie
Manager – Mining & Industry Projects
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Attention: Haley Rich

Dear Haley,

Proposed Jacfin Horsley Park Project: Concept Plan and Major Project Application

Thankyou for your referral of this application and the opportunity to comment on the Environmental Assessment (EA).

I refer to Council's previous submission on the Preliminary EA dated 12 August 2010, in which a number of concerns were raised, in particular the timing and delivery of Western Sydney Employment Area (WSEA) Link Road network and other essential services.

It is noted however, that the EA has only partly responded to these concerns (p75) and it is again emphasised that the timing and costed delivery of necessary infrastructure should be concurrent with the development of the Jacfin site. In this regard it is understood the road pattern nominated is currently inconsistent with the Southern Link Road regional road network devised by the Department and Council is currently seeking clarity on this matter (see attached submission 2828866).

As part of the exhibition period Council received a total of 7 submissions (including 3 from a single respondent) objecting to the proposed concept. The main concerns raised by residents are identified below:

- The severe cut and fill proposed has little regard for the interface with adjacent opposing land uses;
- Proposed buffer distance to existing residents are inadequate and only considers a small sample of residents;
- Elevations and height of proposed buildings being inconsistent with the surrounding area and unsatisfactory mitigation measures; and
- Impact on residential amenity through operational noise emissions and 24hour operations.



Council officers have reviewed the EA and identified relevant assessment issues, which are summarised in the attached table. From this review the following matters remain of key concern to Council:

Impact on adjoining residents

The concerns raised in the submissions received as noted above are considered by Council to be valid. The removal of the existing ridgeline, distance to existing residents and proposed building heights are to be addressed as a whole.

The ridgeline in the south east part of the site is recommended to be retained with the current landform creating a buffer area from the existing industrial area to the north from impacts of noise and visual. Clause 23 of WSEA SEPP states that consent must not be granted on land within 250 metres of land zoned primarily for residential purposes, unless the proposal is compatible with the height, scale, siting and character of the surrounding area.

The current concept is not considered to be compatible with the character of the surrounding area given the extensive excavation within south east portion of the site, the limited visual assessment of the proposed buildings and the 20m buffer to existing residents.

Noise

The 24hour operations are to consider the impact to the adjoining residents particularly from the loading docks on the western side of the warehouse. Orientation of the proposed buildings and location of doors and loading docks will aid in mitigating impact from noise and ensure that the provisions of the Protection of the Environment Operations Act 1997 are complied with.

Also the noise generated during the construction phase compared to the established criteria varies significantly. In this respect it appears that the residents of Greenway Place and Capital Hill Drive will experience excessive noise during the construction phase of the development. Although the consultant has provided some recommendations, further mitigation measures are to be outline during the construction stage for these rural residents.

Contamination

The Environmental Assessment prepared by Consulting Earth Sciences dated 18th August 2010, has provided a recommendation that a phase 2 assessment be undertaken. This phase 2 investigation is recommended to be undertaken ahead of consent being granted to ensure that the land is suitable for the proposed land use as any potential remediation would need to be undertaken prior to granting consent to subsequent development stages.



Traffic

The road pattern nominated, is inconsistent with the Southern Link Road regional road network devised by the Department. It is inappropriate to determine the application until the relevant link road network has been finalised as a result of consultation with the relevant Councils.

Subdivision

The proposal is to take into consideration the proposed buildings place or siting both on the proposed lot, in the subdivision and in the surrounding landscape. The subdivision of the site affects the overall urban design of the proposed buildings and could net favourable visual outcomes in terms of adequate setbacks.

Council also trusts that the Department will duly consider the following matters in its assessment:

- Penrith DCP 2006 Part 6.10 Erskine Business Park, particularly Clauses 4.2 Site Development, 4.4 Architectural/Design, 4.7 Fencing and 9 Landscaping Requirements;
- BCA requirements in particular, Access and Fire Safety;
- Drainage; and
- Sustainability/pollution.

Given the extent of issues raised above and further to Fairfield City Council's resolution of its Outcomes Committee Meeting of 10 May 2011, Penrith City Council supports the request for a conciliation conference with the applicant and the Department and appreciates that Council representatives be involved to ensure appropriate progress of the concept.

It is strongly recommended that the issues identified be addressed prior to approval. Thank you for providing Council with the opportunity to comment on this development proposal.

Should you have any queries regarding this matter, please contact me on (02) 4732 7577 during normal business hours.

Yours faithfully

Peter Wood
Development Assessment Co-ordinator

Issue	Details	Response/Suggestion
Visual Impact	Council requires the rural environment to be considered with this development. The proposed alteration to the existing topography and the height of the proposed buildings is to compliment the existing rural environment.	The visual impact of the removal the ridgeline would be significant for the rural outlook of the existing environment. Views from outside and across the site require adequate landscape treatments to the boundary of the site. Scale, elevation and views onto any proposed buildings are to be considered with any edge treatment. Photo montages of the indicative developments, at correct levels, would assist visual assessment. The proposed removal of natural vegetation, level of cut and buffer distances is to be addressed as a whole. Visual experience along regional road alignment should be demonstrated so built forms respond to vistas and key landmark nodes.
Topography	The principle of altering the landscape topography of the district (flattening ridges and filling in gullies) has not been addressed in a contextual sense.	The ridgeline in the south east part of the site is to be retained. The current landform creates a buffer area from the existing industrial area to the north from impacts of noise and visual. The removal of the existing ridgeline on the southern portion to screen the development is seen to be excessive with excavation of up to 16m to create level pads for construction. Clause 21(b) of WSEA SEPP requires site topography to be taken into consideration, the proposed amount of cut and fill is inconsistent with this clause. Such a level of excavation is not seen to be site responsive and therefore may not be an appropriate use on the subject site. Any proposed retaining wall is to address visual impact, given the amount of cut and fill proposed. Design guidelines to retaining walls should address bulk, scale and materials to minimise their visual impact.
Proximity to residents	Impact to residents relating to height of buildings and lighting emphasised by 20m setback to boundary.	Clause 23 of WSEA SEPP states that consent must not be granted on land within 250 metres of land zoned primarily for residential purposes, unless the proposal is compatible with the height, scale, siting and character of the surrounding area. The current concept is not considered to be compatible with the character of the surrounding area given the extensive excavation within south east portion of the site, the limited visual assessment of the proposed buildings and the 20m buffer to existing residents. Council has experienced concerns relating to visual and noise impacts from the

		existing Erskine Park Industrial Area to the north. This area is subject to a buffer distance of 125m between industrial development and residential properties and these concerns are still relevant. Council's minimum expectation for a buffer distance to residential properties would be at least 125m. It is noted that remnant vegetation exists throughout the site particularly Shale Plain Woodlands and Alluvial Woodland. The proposal could incorporate landscaping embellishment within the buffer zone to mitigate visual impact and address vegetation loss in other areas of the site.
Landscaping	Landscape Plan and Report prepared by Clouston Associates dated 25 November 2011 links the proposed landscape character to the existing character of rolling rural hillside character. This is irrelevant as the character of employment is in direct contrast. It is considered more appropriate for a landscape design approach of heavy tree planting to reduce the scale and bulk of the built forms associated with the use. Any reference to the sites former character could be demonstrated through retaining long distance views – whilst this principle is identified, there does not seem to be a demonstrated attempt to achieve this.	A much larger palette of tree species is required including those that will have the opportunity to mature to tall trees, so the scale and bulk of the built forms is reduced and better visually integrated into the surrounding context and environment. Skylines should be visually softened with tree canopies that are seen above rooflines from vantage points The following landscaping requirements are to be demonstrated through the proposal: ▪ No shrub/native grasses plantings in public road reserves that Council is required to maintain, only trees and turf are permissible. Median design to be further discussed in detail with the possible inclusion of trees. ▪ Tree canopies must not compromise street lighting, in which lighting is to be shown on plans/sections. ▪ Trees are required in parking areas to reduce heat island effect, provide shade and ameliorate visual amenity – it is contrary to the intent to consolidate all carpark trees to one side of the carpark. ▪ There is a gross undersupply of trees provided within private lots, including stage 1 lot. To compensate for large built forms and impermeable surfaces, many trees are required. Visibility to development can still occur through good design and under tree canopies ▪ Outdoor area for staff has poor amenity due to its location adjacent to the carpark. This area should be an attractive place, naturally shaded with sunny aspect (not on south side of building) ▪ Whilst street trees are required, an emphasis is placed upon providing a well landscaped and heavily canopied landscape setback to supplement and contribute to quality streetscape character, as well as reduce the scale and bulk of the building forms.

Noise	24 hour operation	▪ Local roads shall have tree planting. The 24hour operations are to consider the impact to the adjoining residents particularly from the loading docks on the western side of the warehouse. Any machinery or activity considered to produce noise emissions from the premises shall be adequately sound-proofed so that noise emissions are in accordance with the provisions of the Protection of the Environment Operations Act, 1997. All development shall comply with the requirements of relevant Australian Standards and State Government policies and guidelines relating to Noise. The assessment predicts the noise generation during the construction phase and then compares that to the established criteria. In this respect there appears to be a significant gap between the construction noise criteria set for the development and the predicted noise levels at these properties. In this respect it appears that the residents of Greenway Place and Capital Hill Drive will experience excessive noise during the construction phase of the development. Although the consultant has provided some recommendations, further mitigation measures are to be outline during construction stage for these rural residents. Although the title of the Report is Noise and Vibration Impact Assessment, it does not appear as though the report addressed vibration in any detail.
Contamination	Environmental Assessment Part 1 & 2 (STAGE 1 PRELIMINARY SITE INVESTIGATION) prepared by Consulting Earth Sciences dated 18th August 2010. Geotech Report prepared by Consulting Earth Sciences dated 25 November 2010 report relates to the geotechnical engineering	The report has provided a recommendation that a phase 2 assessment be undertaken. It is interesting to note that in the document's recommendations it does not specify where or when the phase 2 should be undertaken, where as the SEE states that 'They recommend however that a detailed Phase 2 investigation be carried out for future development along the north-eastern boundary of the site'. It is recommended that phase 2 investigation is recommended to be undertaken ahead of consent being granted to ensure that the land is suitable for the proposed land use. If not phase 2 consultation is to be requirement of a condition of consent, in which it is to be undertaken and any recommendations followed and implemented prior to the development application for the end land use. Details of any contamination and details how the Australian Standards sampling guide relates to the NSW EPA's Sampling Design Guidelines should be provided.

	aspects of the development and not contamination.	
Access and Traffic	The road pattern is to be consistent with the Southern Link Road regional road network devised for WSEA by the Department and AECOM in conjunction with Penrith, Fairfield and Blacktown Councils.	The road pattern nominated is inconsistent with the Southern Link Road regional road network devised by the Department. It is inappropriate to determine the application until the relevant link road network has been finalised as a result of consultation with the Council's and the public. The proposed 7.5m setback for local roads is less than the required 15m setback required by Penrith DCP 2006 Part 6.10. However, note that although SEPP (WSEA) 2009 recognises that Penrith DCP 2006 applies, the SEPP allows an applicant to submit a Concept Plan (DCP) (see Appendix L). Amendment 5 to DCP 2006 added land south of the pipeline on 10 December 2010, but the Major Project Application was lodged prior to that in November 2010. It is therefore unclear how these controls should be considered.
Urban Design		A plan of the subdivision should be provided that indicates which parts of the subdivision require important treatments eg. landmarks, different architectural treatments. The proposal is to take into consideration the building's place or siting both on the lot, in the subdivision and in the surrounding landscape. These are critical urban design controls that are lacking from this application and if done well could net favourable visual outcomes.
Development Controls	Penrith Development Control Plan (DCP) 2006, Part 6.10 Erskine Business Park is applicable to the site. This document and its requirements were not included in the EA documentation.	Relevant development controls contained in Penrith DCP 2006 must be addressed by the applicant, particularly: Clause 4.2 Site development and urban design (c) Generally, buildings should be sited on mid-slope to avoid visual impact on ridges and to be in harmony with the existing landscape. (d) On sloping sites, the building or buildings should be designed, where possible, so as to "step" physically up or down the site to avoid visual impact on ridges. Clause 4.4.2 Architectural/Design (c) Large unrelieved expanses of wall or building mass will not be

		supported by Council, and as such should be broken up by the use of suitable building. (g) External materials should not have an index of reflectivity above 20%. Clause 4.7 Fencing (b) To ensure that fencing is consistently located behind the landscaped front setback and is of a consistent high quality Clause 9.2.2 Landscaping Requirements (e) Plant material in carparks should be used to provide shade, ameliorate views of large expanses of paved areas and cars, and to identify entrances to carparks. (h) Island planting beds should be interspersed throughout large parking areas. Planting should consist of ground covers, shrubs to 1 metre, shade producing and canopy species.
Building Code of Australia	The Building Code of Australia is applicable to the development	Compliance with the Building Code of Australia, particularly the following standards: - Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility". - an essential fire safety measure is applicable and an annual fire safety statement for the building is required to be provided to Penrith City Council. Due to the size and scope of the proposed development, it is likely that the an alternative solution to enable compliance with the performance requirements of the BCA
Drainage	Report by Born Consultants Engineers Aug 2010, needs to be satisfy that the proposal will not create concentrated flows, increase flow path or stormwater discharge.	The site includes an existing watercourse and dam which should be considered for stormwater harvesting/on-site detention and minimising stormwater impacts on adjoining properties and the locality through consultation with the Office of Environment and Heritage and Council's Development Engineers. Opportunities to harvest into the Sydney Water network could also be explored.
Sustainability	Council has recently been a party to the initial stages of the Green Cover Demonstration	It is considered appropriate that Green Cover Demonstration Design principles be applied to a large development such as this. This project is also aligned with the

	Design project by DECCW in which the NSW Public Works Government Architect's Office is taking a keen interest in the greening and cooling of Western Sydney.	priorities identified in the Sydney Metropolitan Plan 2036. The minimalist approach to landscaping and reducing environmental impact through design should be improved upon.
Pollution	Air and other pollutants	The emission of air impurities is to be controlled and limited to the standards allowed by the Protection of the Environment Operations Act, 1979, to the satisfaction of Council and the Environmental Protection Authority at all times.