



In reply please quote: 19/08983
Your Ref: SSD - 10313

Contact: Patrick Warren on 9725 0215

26 February 2020

Stephen O'Donoghue
Locked Bag 5022
Parramatta NSW 2124

Attention: Mazaheri Mandana

Dear Mr ODonoghue

FAIRFIELD CITY COUNCIL RESPONSE TO WESTERN SYDNEY GREEN GAS PROJECT – ENVIRONMENTAL IMPACT STATEMENT – SSD 10313

Background – On the 05 February 2019, Council held a Development Assessment (DAM) meeting with Jemena to discuss a Hydrogen facility and bus refuelling facility proposal at 204-214 Chandos Road, Horsley Park. A number of issues were noted regarding the proposal including.

- Planning Issues;
- Engineering Issues;
- Building Issues, and;
- Compliance with SEPP (Western Sydney Parklands) 2009

The applicant was also advised that the development would be considered as state significant development and an application should be lodged with the Department of Planning Industry and Environment (DPIE). The applicant lodged an SSD application to DPIE in April 2019 and input into the SEAR's was requested from Council on 01 May 2019.

On 06 May 2019 officers from Fairfield City Council attended site and were given a project scope and brief by the applicant. Key issues regarding traffic, ingress and egress, acoustic amenity, buffer distances from proposed green houses on the adjoining vacant lot and Council's concerns over the proposed gravel turning circle were verbally noted.

Council officers reviewed the scoping report that was prepared by Jemena dated 17 April 2019 and provided comments back to DPIE as input into the SEAR's requirements on the 14 May 2019. Key issues raised included:

- Ensuring the applicant provided the appropriate legislative context;
- Flooding;
- Proximity to Bushfire Prone land;
- Ecologically endangered communities;
- Sewer;

- Inclusion of EPA comments into the SEAR's;
- Development engineering comments;
- Consideration of impacts to native vegetation, and;
- Traffic comments

Council officers note that DPIE issued the SEAR's on the 12 June 2019. A draft EIS has been subsequently lodged to DPIE. Council has been referred the draft EIS and this has been internally assessed against the relevant SEAR's criteria. The following teams were referred the application.

- Development Engineers;
- Environmental Management;
- Development Assessment;
- Catchment Planning;
- Natural Resources, and;
- Building Certifiers

Strategic Land Use Planning (SLUP) Comments

Council's Strategic Land Use Planning (SLUP) Comments have been incorporated into the SEAR's requirements issued on 12 June 2019. An assessment of the draft EIS against these criteria has been undertaken and is provided below.

Fairfield Council officers previously had input into the SEAR's requirements. These comments included a requirement for the proponent to address the following things in the EIS:

- Legislative context;
- Proximity To Bushfire Prone Land;
- Ecologically Endangered Communities
- Sewer;
- Environmental Management Constraints;
- Development Engineering Comments;
- Traffic Engineering Comments, and
- Native Vegetation

Legislative Context – The relevant legislative context has been appropriately addressed in the EIS under section 7.11. SLUP has undertaken an assessment of the legislation referenced and discussed in the EIS and raises no objection to the legislative context of the project.

Proximity to Bushfire Prone Land – Fairfield Council's Bushfire Prone land maps identify that the site is located 45 metres east of category 1 bushfire prone land at 672 Chandos Road Horsley park. The adjacent western site known as 216-226 Horsley Drive is classed category 3 bushfire prone land. The bushfire vegetation buffer affects the subject site. Council officers previously requested that the EIS address the development proximity to this land affectation.

The applicant has stated that no consideration will be given to Fairfield Council officer's previous concern in relation to Bushfire prone land and that bushfire prone management will be in accordance with existing management practises.

A bushfire protection assessment shall be carried out. The development may need to accommodate perimeter fire access roads and asset protection zones. Comprehensive consultation shall be undertaken with the NSW RFS prior to development application lodgement. Council officers consider this issue unresolved.

Aboriginal Heritage – Council officers acknowledged that section 7.9 of the EIS addresses Aboriginal Heritage. An aboriginal site consisting of Silcrete (1 flake and 1 core) is located within 20-30 metres of the site, within a market garden within a track. The EIS concludes that there is a low potential for other relics to be located onsite due to the level of ground disturbance because of the gas metre facility upgrade to the rear lot and the installation of associated infrastructure.

The proponent states that because an aboriginal heritage survey was undertaken for a metering facility upgrade to the rear lot in 2014 there is no need to undertake further studies.

Council officers do not concur with this assessment. The biodiversity conservation division with DPIE recommend that the proponent undertake an Aboriginal Cultural Heritage Report (ACHAR). This may include the need for surface survey and test excavation. Council officers concur with this recommendation, as the site is located within an Aboriginal heritage Potential Investigation Area layer. This issue remains unresolved.

Horsley Park Urban Farming Masterplan 2019 – Any development must take into account the Horsley Park Urban Farming Masterplan 2019. The site is identified as being within a farming precinct and references front rear and side setbacks for rural farmhouses and outbuildings. Although the development is not considered rural, residential in nature, it must keep in character with the future land use direction of the area. The development should generally consider setback and layout requirements for the Horsley Park Urban Farming Precinct.

Conditions of Consent – The recommendations of the relevant technical reports prepared as part of this application should be conditioned in the SSD approval, including construction and operational mitigation measures.

Catchment Planning Comments

Flooding – In Council's letter dated 14 May 2019 the applicant was advised to apply for a section 10.7 (2) and 10.7 (5) planning certificate prior to preparation of the EIS. This is important as it allows flooding to be properly addressed. The applicant did not do this. Therefore, the EIS does not address flooding accurately.

The EIS shows that the proposed location of the WSGGP works are shown to be outside the Probable Maximum Flood (PMF), however this is not at a scale suitable to determine accuracy. After purchasing a 10.7 (2) and (5), the applicant should contact Council for a



flood map which will show flood risk precincts across the entire site. This should be overlaid with the proposed works location to show the proposed works are outside the floodplain.

If the Proposed works are shown to be within the floodplain, a flood risk management report shall be prepared by a qualified consultant to demonstrate that the proposal fully complies with Chapter 11 of Council's Fairfield City Wide DCP 2013.

Traffic Engineering Comments

Construction Traffic Management Plan – Shall be submitted to Council for assessment. The Construction Traffic Management Plan (CTMP) shall include information such as construction vehicle routes, the type and the number of trucks, hours of operation, access arrangements and traffic control to be implemented at or near the site.

A Roadway Footpath Occupation Permit – is required to be obtained from Council's city Assets Branch and all Roadway/footpath applications require a traffic control plan (prepared by an accredited person) shall be submitted. In addition to Council's ROL, the applicant is required to apply for a temporary Speed Zone approval from Transport for NSW to alter any speed limits on local roads within Fairfield Local Government Area. Temporary speed zoning and speed limit selection must comply with the requirements of Transport for NSW.

A Dilapidation report – Is required to be submitted to Council's City Assets branch for assessment prior to commencement of construction.

Traffic Movement – Considering the safety issues when turning into Chandos Road from Wallgrove Road, construction vehicles and buses, shall exit on to the Horsley Drive from the M7 Motorway, travel eastbound turning left towards Ferrers Road, travel northbound on Ferrer's Road turning left on to the Chandos Road and turn right into the site access road. The turning area required for vehicles to pass each other shall be sealed. Issues raised by Transport for NSW (formerly RMS) shall be satisfactorily addressed.

Development Planning Comments

Consultation with Western Sydney Airport Authority – The subject site is within the flight path for the western Sydney airport. Western Sydney Airport must be consulted to determine if there are any impacts.

Consultation with Western Sydney Parklands – The site is subject to SEPP Western Sydney Parklands 2009. Concurrence must be sought from the Western Sydney Parklands Authority to determine whether the development is in accordance with the aims of Clause 17 of the western Sydney parkland SEPP.

On Site Sewerage Management – The subject site is not served by the reticulated sewerage system. On- site sewage management shall be designed in accordance with Fairfield City Council's on site Sewerage Management Policy and any requirements required by the Environmental Protection Authority.



Character of Area - The subject site is located within the Horsley Park rural precinct. The proposed buildings and structures shall comprise a variety of materials, colours and finishes that contribute to the visual interest of the streetscape whilst maintaining the rural character of the area.

A minimum 10-metre landscape front setback shall be provided and dense perimeter landscaping comprising of a variety of native plant species shall be provided to screen the development.

Car Park Landscaping – Further, a tree planting in the form of island planter beds should be provided at a rate of one planter bed per 10 spaces within car parks to reduce the heat effect and soften hard surfaces.

Fencing – Fencing along street frontages should provide open style palisade fencing, which does not obstruct views of landscaping from the street at a maximum height of 2.4 metres. Solid fencing should not be above 1 metre in height.

Rural/Residential and industrial interface – The proposal shall consider potential impacts associated with noise, odour, vibration, overshadowing, privacy and excessive bulk. The development shall sympathetically relate to adjoining and nearby rural/residential land.

Given the close distance to the dwelling at No.203 Chandos Road, it is recommended that the landowners be consulted comprehensively as part of the process.

Building Control Comments

Standard Conditions of Consent – A partial Building Code of Australia (BCA) assessment was undertaken relating to the BCA report submitted with the EIS. The standard conditions in **attachment A** are recommended to be imposed should a consent be issued.

Natural Resources Comments

Test of Significance - Natural Resources recommends that the proponent applies the test of significance (5-part test) pursuant to section 7.3 of the Environmental Planning and Assessment Act 1979 (EP&A Act) to determine whether the proposed activity is likely to significantly affect threatened species or ecological communities, or their habitats.

The test of significance is to take into account noise and light pollution and potential impact on Fauna based on multiple night surveys for birdlife and Micro bats on the Western Sydney Parkland Site.

Environmental Management Services Comments -

EMS has no objection to the project with the proviso that during the design phase the below matters are addressed and subsequent documentation submitted for review and



assessment by FCC EMS before construction begins.

Acoustics

An acoustic report is to be prepared by an appropriate acoustical consultant and submitted to Council for its assessment and approval following the design phase of the development. The report shall include but is not limited to the following information:

1. Predicative analysis as per the relevant statutory and regulatory noise guidelines for the proposal
2. Where the predictive noise assessment 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.
3. The subject site is within the flight path of Western Sydney Airport; therefore, a section on addressing aircraft noise will be required.

Pollution Incident Response Management Plan (PIRMP)

Prior to the construction of the facility, a Pollution Incident Response Management Plan (PIRMP) shall be submitted to Council for review and assessment.

Effluent Management Plan

Prior to the construction of the facility, an Effluent Management Plan shall be submitted to Council for review and assessment. The effluent management plan must include the “reject water” from the all processes.

NSW Protection of the Environment Operations Act 1997

The use of the premises shall operate in accordance with the Protection of the Environment Operations Act (POEO) 1997. All activities and operations carried out shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined under the Protection of the Environment Operations Act 1997.

Patrick Warren
SENIOR STRATEGIC LAND USE PLANNER