

In reply please quote: 15/19259
Your reference: SSD 6917

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10 December 2015

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Attention: Thomas Piovesan

**OAKDALE SOUTH INDUSTRIAL ESTATE, ERSKINE PARK, PENRITH
SSD 6917 – PUBLIC EXHIBITION**

Council at its meeting of the 1 December 2015 endorsed the issues outlined in this letter as the basis for making a submission to public exhibition of the abovementioned State Significant development proposal.

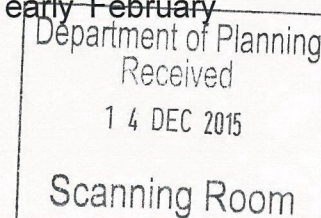
As is set out below Council has a number of major concerns regarding the proposal including the lack of consultation with residents and Fairfield Council itself. In regard to the later issue it is noted that Council was also not consulted in relation to preparation of the Secretary's Assessment Requirements (SEARs) for the proposal.

This is somewhat perplexing given the Department has recently requested feedback from Fairfield Council on the proposed SEARs for the Oakdale West Precinct which is further away from Fairfield City LGA than Oakdale South. Further it is noted that Oakdale South directly abuts the LGA boundary of Fairfield and it is proposed to direct stormwater discharge and traffic movements associated with the development into Fairfield.

Overall, Fairfield City Council considers that there are a number of flaws and deficiencies in the supporting documentation submitted with the proposal, meaning that a number of critical aspects of the proposal cannot be adequately assessed. To help address this issue, Council also resolved to offer to convene a community meeting with landowners in the area, representatives from the Department and Goodman's consultants.

1. Notification to nearby properties

Informal contact with residents of Horsley Park suggests that they did not receive notification from the Department of public exhibition of the proposal. Council welcomes the fact that the Department has now sent out further notification to residents providing them with an extension to ~~early February~~ 2016 in which to make a submission.



2. Lack of Consultation & non-compliance with Secretary's Environmental Assessment Requirements

The eastern boundary of the subject site adjoins other employment lands in Penrith (Jacfin Site) and Fairfield (CSR). As the Department would be aware the development of both these sites has been extremely complex and has resulted in the significant number of submissions being made by landowners in Horsley Park and Mount Vernon to the proposals.

Issues raised include the lack of planning regarding development in the WSEA and detrimental impacts on surrounding rural-residential properties. This outcome has also led to the Jacfin Employment Lands being referred to the NSW Planning and Assessment Commission for assessment and CSR site being subject to an appeal in the NSW Land & Environment Court.

It is clear that the outlook from properties in Horsley Park will be affected by the proposal as well as the potential for impacts from noise/dust (particularly during construction).

The consultation requirements of the Secretary's Environmental Assessment Requirements (SEARs) issued for the current proposal indicate that under preparation of the Environmental Impact Study (EIS), the applicant must consult with;

"relevant local, State or Commonwealth Landowners....community groups and affected landowners.....In particular you must consult with.....surrounding landowners/occupiers that may be affected by the proposal.

In addition to the above, the northern boundary of the Oakdale South Precinct directly adjoins the existing Oakdale Central Precinct located in Fairfield City. More importantly, as detailed further in this submission development located in Oakdale South is proposing to direct stormwater runoff into land located in Fairfield.

In light of the above, although not specifically referred to in the SEARs, there is clearly onus on Goodman to have consulted with both nearby residents and Fairfield City under preparation of the EIS. As a result it is considered that the preparation of the EIS has not addressed the requirements of the SEARs.

2. No analysis of visual impacts & further non-compliance with Secretary's Environmental Assessment Requirements.

At its critical point the subject site is located approximately 820m to the west of rural-residential properties in Horsley Park and is located directly in the field of view that these properties have available toward the Blue Mountains and Mulgoa Valley.

The Environmental Impact Study (EIS) prepared for the project is a vast document (169 pages) and includes 30 supporting technical reports. However these documents include no analysis whatsoever of the potential visual impacts of the development on nearby rural-residential properties located in Horsley Park.

In this regard, the development fails to address a further requirement of the SEARs in relation to '*Urban Design and Visual*' issues requiring preparation of photomontages and perspectives from "significant vantage points of the broader public domain". Further, the requirement to undertake assessment of visual impacts of the proposal is underpinned by the provisions of Section 79C (in regard to Matters of Consideration – environmental impacts) of the NSW EP&A Act which also apply to State Significant development proposals.

This is a critical issue and major oversight in the proposal having regard to the relevance and significance of visual impacts that needed to be addressed under the proposed development of both the Jacfin and CSR employment lands. This process included preparation of a number of technical reports and extensive analysis of visual impact issues that were subject to consideration by the NSW PAC and Land and Environment Court.

In this regard, it is considered that the proposal has not adequately addressed statutory requirements of the EP&A Act and cannot be dealt with any further by the NSW DP&E until an appropriate visual impact assessment has been prepared for the proposal and considered by both surrounding rural-residential properties and Council.

3. Inadequate information regarding acoustic impacts

Appendix U of the EIS includes a Noise Impact Assessment of the proposal. Generally this includes modelling and analysis of noise impacts having regard to guidelines issued by the NSW EP&A.

Table 7 of the document includes a general reference to residential to the "West" and "South". However there is no specific reference in the document to the exact location of this area and whether specific assessment criteria has been applied to the potential impacts on existing rural-residential properties closest to the subject site in Horsley Park.

In addition section 4.1.4 Sleep Disturbance of the report includes advice that:

"A definitive noise level whereby sleep disturbance is likely to occur is not available and research in the area is ongoing".

The implications of this statement are unclear creating even greater uncertainty whether a comprehensive assessment has been undertaken of acoustic impacts on nearby rural-residential properties in Horsley Park.

In this regard the assessment of acoustic impacts in the EIS are considered inadequate and more detailed information and analysis is required to determine whether or not impacts on sensitive receptors in Horsley Park and Mt Vernon are acceptable.

4. Lack of setbacks and landscaped areas.

The proposed development involves significant concentration of the building envelopes, car parking areas, access roads and services over the eastern half of Oakdale South right up to the eastern boundary of the site.

It is understood that in part this design approach has been followed so as to maximise the buffer to Ropes Creek and areas of environmental significance or comprising flood liable land located over the western side of the site. However, the major shortfall is also generated by this approach arising from minimal setback and landscaped areas being provided over the eastern half (including the rear boundary) of the site where the proposed buildings are located.

As a result of the above configuration and layout, when viewed from vantage points in Horsley Park to the east, the proposed development is likely to present as a large monolithic built area with ineffective landscaping to reduce the apparent extensive bulk and scale in the development, particularly along the eastern boundary of the site.

Furthermore, once the development is completed unless appropriate mitigative measures are included in the proposal there is the potential that significant levels of glare will be generated (particularly from afternoon sunlight) toward properties in Horsley Park.

In this regard, Council has major concerns regarding the overall layout and configuration of the development. In particular there is a need to include additional/larger landscaped areas and setbacks along the eastern boundary of the site to provide visual breaks and screening to buildings located within the development.

In addition, non-reflective materials and colours will need to be included in the finishes for warehouse/logistics buildings comprising the development to reduce the potential for reflectivity and glare towards rural-residential properties in Horsley Park as well as reducing visual impacts.

5. Inadequate regard to relationship with adjoining development

As referred to previously, the subject property adjoins the western boundary of the Jacfin Employment lands also located in Penrith City. Development of the Jacfin site has been the subject of a significant number of submissions from nearby properties in Horsley and Mt Vernon as well as Fairfield City Council.

As a result of the above, the Jacfin development was assessed by the NSW PAC in 2012 who handed down a decision on the proposal that resulted in the following key outcomes;

- Requirement for investigations into a buffer area between rural/residential properties in Greenway Place and future warehouse/logistic development on the Jacfin Site; and
- Development of site development guidelines on the Jacfin Employment lands to ensure protection of amenity (including visual and noise) to rural residential properties.

In response to the above first point, the DP&E has recently exhibited a planning proposal rezoning an approximately 250m wide strip along the eastern and southern boundary of the Jacfin Employment Lands for the purposes of a rural/residential buffer (comprising 2 ha allotments) on the site.

The EIS for Oakdale South completely overlooks/disregards the precedent created by the PAC's determination and proposal to create a rural/residential buffer on the Jacfin site between the employment lands and existing rural/residential lands adjoining the site. In addition, the EIS has regard to a proposed layout on the Jacfin Site that was superseded by the PAC assessment and final determination.

In terms of assessing the relationship with surrounding lands, the EIS places stronger emphasis to the relationship of the proposal with the rural lands in Penrith (which are devoid of any built structures) immediately adjoining the site and does not provide any regard to the relationship and implications of the development to the PAC determination in regard to minimising impacts on nearby rural-residential properties in the area.

In this regard, the proposal is considered inconsistent with the provisions of s.21 and 23 of the SEPP (WSEA) which require development in the WSEA to minimise impacts on the amenity of adjacent residential areas.

Overall the approach followed in the Oakdale South EIS for assessing the relationship with adjoining land is considered inadequate as it overlooks the implications of the PAC determination for the employment lands located in Penrith west of Horsley Park including Oakdale South.

6. Stormwater impacts on Fairfield City.

The Southern Oakdale Employment Lands are located 'upstream' of the existing employment lands (Oakdale Central) in Horsley Park located off Old Wallgrove Rd. In this regard, stormwater runoff generated by the development will be directed into Ropes Creek located in Fairfield City.

Council's concerns in relation to this issue are as follows;

- Not enough detail has been provided regarding how the flood modelling was undertaken (i.e. model parameters, calibration, sensitivity and the like)
- The EIS does not include a copy of "AT&L's Civil, Stormwater and Infrastructure Services Report", which the executive summary states should be read in conjunction with the flood assessment. A copy of this report must be provided so a complete assessment of flood impacts can be carried out.
- The difference mapping of the 100 year flood event does not extend far enough to view where there is no longer a change in flood levels, and needs to be modified to do so.
- There is a variety of flood level differences created by the development, ranging from +0.5m to -0.5m. With the current modelling, there is only a decrease in flood levels within the Fairfield LGA. Whilst this does not impact Fairfield City Council, however it is likely the increase in flood levels experienced in the Penrith LGA will not be acceptable. Therefore, if there are any future changes to the proposed development and associated modelling by the proponent, the results must be made available to Fairfield City Council for review and comment.

CONCLUSIONS:

The Oakdale South Employment lands are located in a prominent position on the landscape directly to the west of Horsley Park.

This submission outlines a number of critical deficiencies in the EIS prepared for the proposal in terms of assessing impacts on rural-residential lands in Horsley Park and Mt Vernon. In particular there is a lack of information and number of inadequacies in the assessment to fully understand the potential impacts on surrounding rural-residential properties in the area and stormwater impacts on Fairfield City.

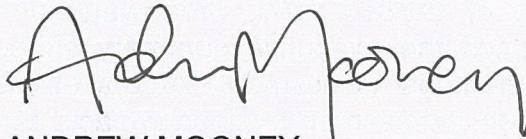
These shortcomings mean that the EIS fails to address some of the requirements of the SEARs issued for the proposal. Accordingly Council believes that no further assessment of the proposal can be undertaken until the above matters have been dealt with.

This process should also involve re-exhibition of the proposal including notification to nearby landowners.

Council is also offering to convene a community meeting with landowners in the area, representatives from the Department and Goodman's consultants to help address the above issues.

If you have any queries regarding the above please do not hesitate to contact the undersigned on 9725 0214.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Andrew Mooney', written in a cursive style.

ANDREW MOONEY
CO-ORDINATOR STRATEGIC LAND USE PLANNING