

In reply please quote: 12/02624

Contact: Andrew Mooney 9725 0214

29 August 2011

Mr Ben Eveleigh
Planner
NSW Department of Planning & Infrastructure
GP0 Box 39
SYDNEY NSW 2001

Dear Mr Eveleigh

HORSLEY DRIVE BUSINESS PARK – SSD 5169 – PUBLIC EXHIBITION OF STATE SIGNIFICANT DEVELOPMENT

I refer to correspondence from the Department dated 6 July 2012 regarding public exhibition of the abovementioned proposal. I advise that Council at its meeting of the 21 August 2012 endorsed the following submission to the proposal.

That Council advise the Department of Planning and Infrastructure (DP&I) and Western Sydney Parklands Trust that;

1. *It does not support the establishment of any stand alone commercial (offices, retail) uses in the Business Park aimed at servicing the surrounding residential areas and/or industrial workforce. Any proposed offices should only be associated with an industrial headquarters or be ancillary to industrial development within the Business Park.*
2. *Insufficient information is included in the EIA to demonstrate the proposal complies with:*

- (a) *The Interim Construction Noise Guideline (ICNG) (Department of Environment and Climate Change NSW 2009) and*
- (b) *NSW EPA Contaminated Land Series requirements*

The proponent must provide the information detailed in this report on how the proposal complies with these requirements prior to any approval for the proposal being issued by the Department of Planning and Infrastructure.

3. *A separate approval is required from the Roads and Maritime Service in regards to the proposed signalisation of the Roundabout at Newtown Road and Cowpasture Road including the banning of right turn movements from Newton Road into Cowpasture Road. This process will also require consultation with business owners in Newton Road.*

4. *Council agrees to the dedication of the internal access road to Council as long as the road is constructed in accordance with Council technical guidelines and requirements (detailed in attachment A) with the dedication to be carried out at no cost to Council.*
5. *That a minimum landscape setback of 20 metres be provided to The Horsley Drive frontage of the site. A 20 metre buffer also to be provided along the western and northern boundaries of the site some of which may be incorporated within the Parklands.*
6. *The facades of future industrial buildings on the site to provide high quality urban design particularly to The Horsley Drive and Cowpasture Road. Blank and unarticulated facades are not acceptable.*
7. *Amended landscape plans are to be prepared in consultation with Council for the setback and buffer areas and also address the landscaping conditions included in Attachment A.*
8. *A report is required from a qualified arborist confirming that there will be no detrimental impacts from the proposed stormwater detention basin adjoining the heritage listed Bunya Pine located on the corner of The Horsley Drive and Cowpasture Road. If necessary based on this report, the detention basin is to be redesigned to ensure the Bunya Pines survival.*
9. *Pursuant to provisions of the EP&A Act and associated Regulations, for the purposes of calculating s.94A (Indirect Contributions), the proponent to provide a schedule of estimated costs in relation to engineering works, demolition, excavation and site preparation, decontamination or remediation, registering plan of subdivision, related covenants or rights. These estimates to be prepared in accordance with the Australian Cost Management Manuals from the Australian Institute of Quantity Surveyors.*
10. *To ensure the subdivision and associated works for the Business Park meet with relevant technical standards and requirements for development of this nature the DP&I apply the conditions included in Attachment A to any approval issued for the proposal.*

The following sections of this submission provide further background and clarification in relation to the above.

STRATEGIC PLANNING ISSUES

Economic and Retail Impacts:

The EIS provides no clear indication of the exact scope and nature of specific end uses that might be established in the Business Park under future DAs.

This process will be determined by the Trust via a request for expressions of interest from the market.

The EIS also includes an overview of both the Fairfield Retail and Commercial Centres Study (2005) and Employment Lands Strategy (2008), however no detailed analysis of the proposal and implications in relation to the findings and recommendations of Council's strategies is provided.

Rather, the EIS includes a broad economic impact assessment (EIA) which highlights the benefits of the proposal and focuses more on the relationship of the proposal with predicted employment and market trends relevant for the Western Sydney Region.

As a result of this analysis the EIS arrives at the following key conclusions in support of the proposal;

Market investigations undertaken as part of the Due Diligence stages for the proposal design also indicates that there will be suitable demand to support the staged development of the Horsley Drive Business Park. Specifically, market analysis data published by CBRE, May 2012, indicates that within the Central West sub-region, some 16,572 sqm of industrial space was completed in 2011. This amount is well below the 5year (2006-2010) average of 70, 993sqm.

The staged approach to the proposed Horsley Drive Business Park is expected to align the release of land in concert with returning demand over the next 5-year period. The return on investment for the estate is similarly expected to remain positive given that CBRE data reveals net rental for warehouses and distribution centres having remained stable through the last quarter of 2011 at \$123/sqm and \$115/sqm respectively.

Indicative yields remained stable over the last half of 2011 warehouse yields remained unchanged at 8.42%. Capital values for Grade A warehouse and distribution centres remained stable over the last half of 2011 at \$1,465/sqm while capital values for Grade B warehouses grew by 2.7% to \$1, 297sqm.

The above market analysis suggests that from an economic perspective future provision of industrial/warehouse uses on the site is viable.

In relation to general office floor space the EIS also states that;

The opportunity for office-style business park development is also supported by the CBRE data which indicates construction activity is expected to rebound in 2012 and 2013 with 168,532 sqm of office space forecasted to be completed within the Central West region alone. While tenant demand in the suburban office markets fell to its lowest

levels in 2011, where annual net absorption figures totalled just 14,356 sqm, the cautious decision making and business contraction throughout the region is set to recover over 2012-2014 with an annual average of 95,494 sqm net absorption forecast. The total suburban vacancy is forecast fall to 10.2% in 2014.

As with industrial properties, office portfolios in the Central West sub-region achieved 3.0% rental growth over the six month period and were likely to achieve net rents of \$312/sqm as of March 2012. It is intimated from the above data that whilst demand at present is less than the historical averages this is as a result of minor business contraction as a result of the GFC and that there is a clear case to expect a strong need for office space once the development is completed

Council's original submission to the draft Plan of Management (POM) for the Wester Sydney Parklands provided a clear position on Council's objection to establishment of general office and retail uses within the Parklands, as this has the potential to undermine the viability of existing town centres of the City.

Although the current application for the Business Park does not propose any specific end retail or business uses, the above statement in the EIS provides a clear platform for this to be considered by a proponent for future development of the lease hold lots. This is clearly inconsistent with the issues and concerns raised in Council's original submission to the draft POM

The above concern would not be relevant to potential establishment of an industrial 'headquarters' use in the Business Park which conceivably in addition to industrial floor space, could also contain a significant office component. A headquarters development is unlikely to be located in one of the Town Centres of the City and would not be designed to service the general day to day commercial needs of the surrounding residential areas and industrial workforce. A number of these types of are already located in the Wetherill Park industrial area.

Based on the above, Council objects to potential establishment of commercial development within the Business Park aimed at meeting the day to day needs of the residential areas and industrial workforce of the City.

Setbacks to The Horsley Drive and Parklands:

These comments on the draft Environmental Assessment Requirements highlighted the gateway (including signage constructed by Council) and landscaped character (incorporating the Regional Parklands) of the location and need for the development to consolidate these attributes.

Plans submitted for the proposal indicate a proposed setback for the development ranging from approximately 10 – 14 metres along The Horsley Drive and Cowpasture Road. In addition, future industrial development along

The Horsley Drive would be located on elevated 'pads' positioned approximately 3m above the roadway.

These arrangements are considered inadequate given the gateway and landscaped character of the area.

Under Council's City Wide DCP a minimum setback requirement of 20 metres applies to industrial development along The Horsley Drive. Of this area, 10m needs to be landscaping with the remaining 10m being available for car parking.

To soften the visual impact of future industrial development, it is recommended a full 20m landscaped setback be applied along entire frontage of the site to The Horsley Drive being the principle western entrance into Wetherill Park. This frontage also has a strong visual relationship with the Parkland area to the south. To achieve this setback there is scope to reduce setbacks along the internal access roads.

The Cowpasture Rd frontage adjoins existing industrial development to the east of the site and does not provide the same entry function to area. In this regard, a 10-15m setback along Cowpasture Rd is also consistent with the requirements of Council's City Wide DCP.

To enhance the landscape character of the site and achieve better transition to the surrounding Parklands, it is also recommended that a 20m landscape buffer be provided to the Business Park along the western and northern boundaries of the site. It is noted there is scope to include part of this buffer within the Parklands itself.

Urban Design Issues

The EIS does not provide any detail or advice in relation to urban design guidelines for future development on the site. In light of the above visual impact and urban character issues (particularly along The Horsley Drive) it is recommended that any approval issued for the Business Park include a condition requiring a high standard of urban design to the facades of buildings along The Horsley Drive. Blank and unarticulated facades are not acceptable.

Heritage Issues

(a) Aboriginal Heritage:

There are no items of Aboriginal heritage listed in the Fairfield LEP 2011 or 1994, and council does not maintain records of Aboriginal heritage sites. The proponent conducted a review of the Office of Environment and Heritage (OEH) Aboriginal Heritage Information Management System (AHIMS) and site inspections and no Aboriginal sites were located within the boundaries of the development site.

The observations made in the EIS about the extent to which the site has been disturbed since European settlement support this conclusion.

(b) Bunya Pine at the corner of The Horsley Drive and Cowpasture Road.

The EIS acknowledges the heritage significance of a Bunya Pine located on the corner of the Horsley Drive and Cowpasture Road, which under Council's Heritage Study 1992 is assigned the following statement of significance;

Important landmark tree, relating to Horsley Park homestead to the west. Tree over 100 years old. Regional significance.

Previous discussions with the NSW Heritage Branch, suggest that the tree may have marked the original entrance to Horsley Park, and it may have been the first in the avenue of Bunya pines which still line the driveway of the much reduced site. It is now over 120 years old.

While the setting at present remains rural, the visual connection to Horsley Park, itself obscured by its own hilltop garden, has been lost and the proposal will have little impact on it. The tree nevertheless remains as a historical marker.

The development will have an adverse impact on the setting of the item. This would be ameliorated by the proposed 20m landscaped buffer (see comments under setbacks above) along The Horsley Drive. In addition to the above, the tree provides an important landscape component to the gateway signage feature constructed by Council at this location.

The tree is currently listed under Fairfield LEP 1994, however, as referred to previously, the provisions of the LEP have effectively been 'switched off' by the SEPP (WSP) which overrides the LEP and does not list the tree as a heritage item.

Previous submissions from Council to the SEPP(WSP) have recommended the tree be listed under the SEPP, however to date the Department has not indicated its intention in regard to this issue.

The EIS states that there will be no direct impacts on the tree. However concern is raised in regard to the proposed construction of a retaining wall associated with a stormwater detention basin (to service the Business Park) located approximately 3 metres from the tree.

The proponent has not submitted a report from a relevant professional (arborist) confirming that there will be no detrimental impacts on the tree. This should be undertaken and if necessary the detention basin redesigned to ensure survival of the Bunya Pine. The tree also needs to be adequately protected from accidental damage during construction work and a condition is included in Attachment A to address this issue.

S.94 – Development Contributions

Under Council's Direct (Section 94) Development Contributions Plan 2011 the proposal does not fall under the categories attracting direct contributions.

However, indirect (1%) contributions apply to the Development based on costs related to;

- Engineering works
- Demolition
- Excavation and site preparation
- Decontamination or remediation
- Registering plan of subdivision, related covenants or rights.

At this stage, the proponent has not provided a breakdown of the above costs, however a condition of approval has been prepared requiring this to be undertaken so that s.94A contributions can be determined.

ENVIRONMENTAL MANAGEMENT ISSUES**Noise**

The Construction Noise and Vibration Management Plan (CNVMP) uses the Interim Construction Noise Guideline (ICNG) (Department of Environment and Climate Change NSW 2009) to assess noise impacts of the proposal. The CNVMP states that works will be carried out in accordance with recommended construction hours, which it quotes as:

7am to 5 pm Monday to Friday; and
8am to 5pm Saturday.

According to section 2.2 of the ICNG, recommended standard hours for construction work are:

7am to 5 pm Monday to Friday; and
8am to 1pm Saturday.

According to section 2.3 of the ICNG, work outside the recommended standard hours for construction work requires the proponent to demonstrate and justify a need to operate outside the recommended standard hours. No demonstration of need or justification has been presented. This justification is required to allow operation outside recommended standard hours.

The CNVMP states that background noise measurement was carried out over two separate fifteen (15) minute periods on one day. Seven (7) days of noise sampling is normally required to determine background noise levels.

In presenting the gathered background noise data, the CNVMP describes the monitoring locations as 'Location 1 – The Horsley Drive' and 'Cowpasture Road'. No further details are presented. A map is required clearly showing all monitoring locations.

The CNVMP states that analysis indicates that most of the construction work activities will not adversely impact on the surrounding receivers, with the exception of several high noise activities (hammering, sawing and concrete pumping). No such analysis has been presented and no modelled results have been included in the report.

Land Contamination

The PESA states that there are several potential sources of contamination from imported fill and stockpiles of unknown origin.

The Phase 2 report notes the location of fill materials onsite, including a dam backfilled between 1994 and 2005. No further details of these fill materials are presented.

This report also quotes Table A of the NSW EPA Contaminated Sites Sampling Design Guidelines in setting the number of sampling sites for the detection of residual hot spots. The investigation site is 21 hectares in area. Table A of the sampling design guidelines states that no guidance is provided for the number of samples for sites over 5 hectares. Stratified sampling of smaller lots is recommended for sites over 5 hectares. The report states that a mix of judgemental and systematic sampling was used as this was considered to best meet the project objectives and requirements of the Sampling Design Guidelines. No justification for not complying with the Sampling Design Guidelines has been presented.

Results from previous rounds of sampling have been used. No details of any further use of the site since these sampling events have been presented.

Contamination issues identified in the report include:

- Total Petroleum Hydrocarbon (TPH) impacted soils in the vicinity of a previous underground tank farm;
- A Phase-separated Hydrocarbon (PSH) impacted groundwater plume in the vicinity of the former tank farm; and,
- Groundwater containing elevated levels of arsenic, nickel, cadmium, copper and zinc. The Report concludes that these results are considered to be background concentrations. No further details are presented.

The RAP does not include any details of sampling of the fill materials as described in both the PESA and the Phase 2 reports.

The RAP includes a Preferred Remediation Option, which includes:

- Installation and monitoring of six groundwater wells to monitor the PSH plume. A final remediation decision is to be based on results from this investigation;
- Excavation and on-site land farming of hydrocarbon impacted soils. Remediation of the soils to commercial/ industrial land use criteria is proposed. The reuse of these materials onsite is alluded to but not specified.

No details have been presented regarding odour control or prevention of off-site migration of contaminated soils during the proposed land farming operation.

A contingency plan for uncovering contaminated materials at depth is presented in the report.

An Environmental Management Plan (EMP) is included in the RAP, addressing the following issues:

- Dust;
- Noise;
- Erosion and sediment control;
- The discharge of water from excavations;
- Groundwater discharges;
- Traffic movements;
- Working Hours;
- Emergency contacts; and
- Waste management.

The EMP states that pump-outs from the site (excavations and groundwater) will be analysed prior to removal and disposal by a licensed contractor. No pump out to stormwater is proposed.

Operating hours are stated as Monday-Friday 7am-5pm and Saturday 7am-1pm.

Emergency contacts include details of a site diary to be kept by the environmental scientist. Tasks include monitoring the effects of the land farming operation.

Waste management states that contaminated soils will be remediated onsite or disposed of off-site to a licensed waste facility.

In light of this assessment the following recommendations are provided;

Insufficient information has been submitted to demonstrate compliance with:

- the Interim Construction Noise Guideline (ICNG) (Department of Environment and Climate Change NSW 2009); and,
- NSW EPA Contaminated Land Series.

Further to these points, insufficient information has been submitted regarding the proposed onsite land farming.

Council requires the proponent to submit the following information to address these issues:

Construction Noise Issues:

Either:

- (i) The proponent demonstrate and justify a need to operate outside the recommended standard hours as listed in the Interim Construction Noise Guideline (ICNG);

or

- (ii) Comply with the recommended standard hours as listed in the Interim Construction Noise Guideline (ICNG), ie.

7am to 5 pm Monday to Friday; and
8am to 1pm Saturday.

Present the results of background noise monitoring detailing results from 7 days of monitoring, including a map clearly indicating the location of the noise monitor.

Analysis of the potential noise impacts of site operations on the nearest receptors.

Contaminated Land Issues:

Justification for varying from the NSW EPA Contaminated Sites Sampling Design Guidelines needs to be submitted to Council.

In addition to the above, provide details of;

- Site use and any potentially contaminating activities since the 2010 and 2011 sampling events.
- Characterisation of elevated arsenic, nickels, cadmium, copper and zinc in groundwater as reflecting background levels.
- Fill materials as identified in Preliminary Environmental Site Assessment and Phase 2 Environmental Site and Geotechnical Investigation.

- Proposed land farming activities, including, but not limited to, the location of stockpiles, odour control measures to be employed, measures to prevent off-site migration of contaminated soils, etc.

TRAFFIC

Parking Requirements:

Council's DCP requires one (1) space per 80m² for Warehouse uses. The Roads and Maritime Services' Guide to Traffic generating Development specifies 1 space per 300m² for Warehouse. For the proposed development, a rate of 1 space per 200m² has been proposed. The applicant has argued the rate of 1 space per 200m² has been adopted in other industrial precinct subdivisions within the Western Sydney Employment Area (WSEA) including areas within the Fairfield Council LGA.

Based on Council's parking requirement, the number of parking spaces required for the development is 1,193 and based on the RMS' requirement is 318. The number of parking spaces proposed is 477. The shortfall in number of parking spaces proposed, based on Council's parking requirement is 716. When compared with RMS requirement, the number of parking spaces provided will be in excess of 159 spaces. The number of parking spaces provided for the use of Warehouse is considered sufficient.

If the applicant proposes change of use in the future, the adequacy of parking needs to be reviewed. This would also need to take into account the provision of any office space component associated with the business park.

Network Analysis

The estimated traffic generation and development yield were included to the existing traffic generation and the proposed development was modelled using Paramics Model. The access to the development was proposed from the existing roundabout at the intersection of Cowpasture Road and Newton Road. Different options were applied to the network to assess the benefits. The preferred option was signalisation of the existing roundabout controlled intersection of Cowpasture Road with Newton Road.

As the existing network operates with limited spare capacity due to the interaction of the signalised intersection and roundabout controlled intersection of The Horsley Drive and Cowpasture Road, there is an inability to coordinate major movements at these intersections and this results in considerable delays and queues on some approaches. The signalisation of the existing roundabout controlled intersection of Cowpasture Road, will result in improved traffic flow. The signalisation of the roundabout will result in banning of right turn movements from Newton Road to travel north along Cowpasture Road toward Ferra's Road and onto Blacktown. Whilst this has potential to create

inconvenience for some of the businesses in Newton Road, there will still be an option for businesses to use an alternative route (via Victoria Street) to travel north along Cowpasture Road.

Ultimately, the Roads and Maritime Service is the consent authority for the proposed signalisation of the roundabout and any proposal to undertake this measure should also include consultation with the business owners in Newton Road so that they are aware of the issue and alternative route.

In light of the above, the following recommendations are provided;

- The number of parking spaces provided for the use of Warehouse is considered sufficient. If the applicant proposes change of use in the future, the adequacy of parking needs to be reviewed.
- A separate approval is required from the Roads and Maritime Service in regards to the proposed signalisation of the Roundabout at Newtown Road and Cowpasture Road including the banning of right turn movements from Newton Road into Cowpasture Road. This process will also require consultation with business owners in Newton Road.

SUBDIVISION ISSUES

Upon completion of the construction for the works proposed under the proposal, the Trust will seek to transfer ownership and ongoing maintenance of the access road to Fairfield City Council.

The applicant's intention is to limit retaining walls through landscaped batters and fitting of pads to external contours and the proposed access road levels. Retaining walls are proposed to be up to 4m in height. Proposed embankment stability permanent batters slopes in clay will be no steeper than 4 horizontal to 1.

The applicant stated that the proposed earthworks will require, "Smoothing of contours to provide a transition across the site and to facilitate access through the proposed internal estate layout". However, given that the differences between existing and future levels and the falls over the existing site, large amounts of cut and fill is proposed, (11m of fill at some points).

In regards to the subdivision of the site, the proposed development is for a 12 lot industrial lease-hold estate with an additional service lot and access road. A subdivision layout has been provided, but with no clear indication as to the proposed type of subdivision. It is anticipated that future subdivision of the site would need to be Torrens Title as this is the existing system of subdivision applying to the development site.

29 August 2012

In addition to the recommendations adopted by Council listed at the beginning of this submission, it is recommended the Department apply the conditions contained in Attachment A to any approval issued for the proposal.

It is imperative that the Department apply these conditions to ensure that appropriate subdivision, construction and environmental standards are met and orderly development of the site achieved.

Please contact the undersigned on 9725 0214 if you require any further clarification with respect to the issues raised in this submission.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Andrew Mooney', with a stylized, cursive script.

Andrew Mooney
SENIOR STRATEGIC PLANNER