CUMBERLAND
CITY COUNCIL

Ref: OA2020/0012

25 November 2020

Fabcot Pty Ltd
PO Box 8000
BAULKHAM HILLS NSW 1755

Dear Sir/Madam,

Subject:	**Development Application for 11 and 13 Percy Street Auburn.**
Application No:	**OA2020/0012.**
Property:	**11 - 13 Percy Street Auburn.**
Proposal:	**Ministerial Consent - SSD-10470 - Demolition of existing structures and construction of a warehouse and distribution centre to operate 24 hours a day seven days a week, with associated bulk earthworks, stormwater drainage, landscaping, car parking and signage.**

Reference is made to the Department of Planning Industry and Environment referral dated the 22 October 2020 being a development application for the demolition of the existing structures and construction of a warehouse and distribution centre to operate 24 hours a day, seven days per week with associated earthworks, stormwater drainage, landscaping, car parking and business identification signage.

Council has reviewed the development application and requests that the following matters be addressed in the assessment of the development application.

a) **Rear elevation of the building**

The development application includes the suspension of a rear slab above a flood affected part of the site. The architectural plans do not delineate clearly how the rear slab area will be suspended and or the size of pylons required to achieve this and finished levels. In this regard, it is not clear how high the slab will be suspended above the natural ground level.

Details of the suspended slab and levels should be shown on the architectural plans. As such, this would require a modification to Plan Number 11250-DA031 (Issue A) prepared by Nettletontribe and dated 18 September 2020

It is considered necessary to obtain a plan showing a north to south cross section of the rear elevation / portion of the building situated closest to Haslam's Creek that provides details of the suspended slab, levels and how the structure is supported above the natural ground level.

b) **Solar panel zone on roof of warehouse building**

The roof plan Drawing Number 11250-DA013 (Issue A) prepared by Nettletontribe and dated 18 September 2020 is providing an "Indicative Solar Panel Zone" across much of the roof space. Details of the solar panels to be installed across the roof space should be included into the plans. As such, this will require an additional plan showing in detail, the solar panels to be installed for assessment purposes.

c) **Landscaping (Industrial Areas DCP Chapter comments)**

The Auburn Development Control Plan 2010 (ADCP2010) "Industrial Areas" chapter at Part 4.0 (Development Control D6) requires a minimum of 15% of an industrial site to be landscaped. The landscaping calculations submitted with the development application varies from 7.7% to 12.93% of the site between documents. Council's own assessment identifies landscaping occupying 7.8% of the site which is equivalent to 2,527.2 square metres.

A request is made to increase the amount of landscaping on site to achieve closer compliance with Part 4.0 (Development Control D6) of the ADCP2010 "Industrial Areas chapter".

d) **Landscape comments (Tree replacement)**

It is recommended that the ***Glochidion ferdinandii*** and ***Waterhousia floribunda*** be replaced with with ***Melaleuca Styphellioides*** and ***Melaleuca linarifolia*** or ***Cupaniopsis anacardioidies***. The species are more suitable for the soil and proposed location given that heavy clay soils will be encountered.

Where there is insufficient suitable soil for plants, shrubs, hedges, groundcovers and grasses onsite, consideration should be given to soil strata cells to allow for sufficient root growth and to reduce the likelihood of the clashing with infrastructure and assets.

e) **Noise and acoustics**

An acoustic report has been prepared by 'Acoustic Logic dated 16 October 2020, reference 20200597.1/1610A/R1/LL which assesses the internal noise levels and the overall cumulative noise impact from the 24/7 operation of the facility. It is understood that unattended noise monitoring data from the 26 June to 10 July 2020 and attended noise monitoring from the 10 June 2020 between 4:00pm-5:00pm was used. Six surrounding receivers were identified including residential, industrial and commercial. The nearest residential receivers have been identified as being approximately 150 metres from the site.

To achieve the internal noise criteria, noise mitigation measures have been proposed for the final construction design. It is recommended that a condition be placed onto any consent issued that verifies that the design measures are integrated into the development that achieves the attenuation required to comply with the set noise criteria.

The report also assessed the impact of the cumulative noise from the facility on the nearby sensitive receivers. The assessment considers the noise emissions from mechanical plant, car park noise, loading dock and waste collection. It appears however that whilst the sound power level of some operational noise is considered, there is no predicted noise levels provided and the report does not consider forklift movement within the loading dock.

Table 7-1 below shows sound power levels associated with potential car movements and it appears that the predicted noise levels have been missed (see highlighted). It is recommended that this be followed up with the applicant.

Table 7.1 Sound Power Levels of Typical Car Movements	
Car movement	**Sound Power Level Db(A)**
Car manoeuvring @ 10 km/h	84 Leq (15 min)
Car door slamming	96 Lmax
Car starting	91 Lmax

Some mechanical plant has been identified, however a detailed review at CC should be undertaken and further recommendations are to be provided to ensure noise emissions from the plant are within the set noise criteria.

Noise from the loading dock and waste collection (part 7.3) is discussed as seen in the below extract from the report. A separate 'plan of management' is proposed should loading/unloading activities take place between 10pm-7am. Given that the applicant is seeking 27/4 approval, it is likely that such activities will take place during these times. Therefore, it is recommended that use of the loading dock and compliance within these hours is assessed in further detail as an engineered solution is required to ensure that the set noise criteria is achieved.

"*Average noise emissions from loading dock operation readily comply with the requirements of the NSW EPA Noise Policy for industry when assessed to the surround sensitive noise receivers during the day and evening period. If it is proposed to operate the loading dock during the night period (10 pm 7 am) such as for large deliveries or waste collection, it must be accompanied by a separate plan of management demonstrating how acoustic controls for the site will be achieved. This may include the absorptive treatments to the soffits of loading dock areas, scheduling of deliveries and times of operation*".

In the past, Council has received several noise complaints from premises with 24/7 operating hours. The complaints usually relate to the use of loading docks and noise emission from mechanical plant. Therefore, it is important that consideration is given to the proposed operating hours, particularly the use of the site between 10pm-7am and any chosen mechanical plant. Recommendations to ensure compliance with the set noise criteria should be included in the acoustic report and verification at both the CC and OC stage should be undertaken. It is also expected that any plan of management be prepared that provides a number of acoustic control measures to assist with noise management.

A construction noise and vibration management plan prepared by 'Acoustic Logic dated 24 August 2020 ref 29200597.2/2408A/R0/LL' also accompanies this application. A condition is required to ensure that noise controls remain in place during demolition and construction.

f) **SEPP 55 "Contaminated Land Assessment"**

The site has historically been used for commercial/industrial use, more specifically for the manufacturing of white goods and plastic packaging. Geo-Logix has been engaged to investigate the extent of contamination at the site which has resulted in the following reports being prepared:

1. Preliminary Geotechnical Investigation dated 10 July 2019 reference 1901031GTRpt01FinalV01_10Jul19.
2. Detailed Site Investigation Report dated 22 November 2019 reference 1901048Rpt01FinalV02_22Nov19.
3. Ground Water Monitoring Report dated 29 July 2020.
4. Soil Vapour Investigation Report dated 21 September 2020 reference 2001029Rpt02FinalV02_21Sept20.
5. Acid Sulfate Soil Assessment and Management Plan dated 21 September 2020.

In addition to the above, two interim letters of advice have been prepared by an EPA Accredited Site Auditor. The contamination investigations found soil, soil vapour and ground water contamination present at the site. Several recommendations have been provided by the site auditor. It is expected that these recommendations are implemented.

All recommendations proposed by the EPA Accredited Site Auditor in the interim letters of advice are to be implemented. These include:

1. The preparation of a Remedial Action Plan (RAP) outlining the removal and validation of ACM.

2. Final site remediation and validation report is to be prepared by a qualified environmental consultant which verifies that all actions outlined in the approved RMP have been undertaken. The report is to outline the site suitability for the proposed development.

3. Preparation of an Environmental Management Plan (EMP) for any remaining contamination on site which may pose a risk to human health or the environment (the EMP must be reviewed and approved by the site auditor).

4. Prior to the issue of a Construction Certificate, a Site Audit Statement must be obtained from a NSW Environment Protection Authority accredited Site Auditor.

    - The Site Audit Statement must confirm that the site has been remediated in accordance with the approved Remedial Action Plan and clearly state that site is suitable for the proposed use.
    - Where the Site Audit statement is subject to conditions that require ongoing review by the Auditor or Council, the conditions must be reviewed and be approved in writing before the Site Audit Statement is issued.

5. The waste materials must be classified in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the NSW EPA's *Waste Classification Guidelines, Part 1: Classifying Waste (2014)*. The materials must also be transported and disposed of in accordance with the *Protection of the Environment Operations Act 1997* and the requirements of their relevant classification.

6. All fill imported onto the site shall be validated to ensure the fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.
7. All recommendations contained in the approved Acid Sulphate Soils Management Plan prepared by Geo-Loxics, dated 21 September 2020 must be implemented and complied with during all development works.

It is expected that as per s.59 of the *CLM Act 1997*, Council be notified of any SAS prepared and once/if the land is deemed as 'significantly' contaminated by the EPA as this information must be included on the sites planning certificate.

It is also recommended that a condition is placed on the consent requiring compliance with the future EMP and that the plan is registered as a covenant on the land title.

g) **General Environmental**

Potential Water Pollution

It is noted that the proposed development is close to Haslams Creek, a concrete-lined channel which is a first order watercourse in the Parramatta River catchment. A Watercourse and Riparian Assessment has been prepared by 'Eco Logical Australia dated 18 September 2020'. The assessment found that with the incorporation of WSUD, the water quality post development for Haslam's creek is likely to improve from the current condition. Concerns from the demolition/construction activities will need to be addressed in an overarching Construction Environmental Management Plan.

Dust Management

The EIS identifies the need for a Dust Management Plan to be prepared and complied with throughout the course of the development.

Air Quality

An air quality assessment has been undertaken by 'Northstar Air Quality Pty Ltd dated 21 September 2020 reference 20.1134.FR1V1. The assessment found that there will be no requirement at either construction or operational phases for air quality monitoring.

Waste Management (Construction/demolition/operation)

All waste management during construction and operation of the proposed development must be undertaken in accordance with the waste management plan prepared by 'LG Consult date 24 September 2020 reference LG2030.01'.

Recommendations

Prior the commencement of construction work, the following should be prepared:

- Construction Environmental Management Plan (CEMP).
- Sediment and Erosion Control Plan.
- Dust Management Control Plan.

Compliance with these documents and the prepared waste movement plan is expected during construction and operational phases of the development.

h) **Tree Protection recommendations**

As per the Arboricultural Impact Assessment, the remaining trees should be protected under AS4970 - Protection of Trees on Development for the entirety of the proposed development. As per AS4970, a project arborist should be appointed prior to the beginning of construction to ensure the conditions of tree protection are adhered too and should be present during pivotal stages of the development.

As per the AIA, root investigation should be carried out prior to excavation and in conjunction with project arborist.

i) **Flooding**

An updated flood advice letter shall be obtained from Council as the flood advice letter is valid for only months.

The subject development shall comply with Chapter 6 of 'Auburn Development Control Plans 2010 – Stormwater Drainage'. In this regard, the flood report shall address all the controls nominated in Table 5 Auburn Development Control Plan 2010 - Stormwater Drainage.

The Number of columns shall be minimised within the rear setback area. Columns shall not be located within the high hazard flood risk area and/or floodway. This should be incorporated into the flood report recommendation.

Any batter or retaining wall shall be clear of the 20m setback from the stormwater channel. The cantilevered portion can only be considered over the 10.0m area in accordance with correspondence given to the applicant and dated the 25/6/2020.

Appropriate arrangement shall be incorporated into the design for the maintenance access to the 20m setback area and the area shall be maintained by the applicant.

j) **Stormwater drainage**

The proposed stormwater design is not satisfactory. Onsite stormwater detention system shall be provided for the entire site area. The submitted stormwater plans shows that the OSD has been proposed for only part of the development site. The details shall be prepared by a qualified practising Civil/Hydraulic Engineer in accordance with Council's Stormwater DCP and Australian Rainfall & Runoff 1987.

The proposed OSD tank is located below the 1% AEP flood and will not perform as per the submitted OSD calculation. The design shall be reviewed.

Stormwater shall be discharged to Haslam Creek subject to Sydney Water approval. Stormwater disposal to Percy Street is not acceptable. Percy Street frontage is affected by 1% AEP flood as per the survey and the ground level car parking spaces are located below the flood level.

A Positive Covenant and Restriction on Use shall be created for the OSD system and flow path under the suspended slab. Cumberland Council shall be nominated as the authority to vary or modify the above.

k) **Traffic/Parking**

The following shall be addressed:-

- The proposed driveway next to the northern boundary shall be a minimum 1metre from the northern boundary to minimise the impact on the adjoining sites.
- The driveway next to the southern boundary shall be relocated a minimum 2.0m from the southern boundary to provide the pedestrian sight distance as per Australian standard AS2890.1.
- The Left turn manoeuvring of trucks shall not encroach into the centre of the road.
- The parcel pick-up exit manoeuvring conflicts with the delivery truck movements. In this regard, the exit arrangement shall be reviewed and conflicts shall be minimised to improve vehicle safety.
- Appropriate survey or other relevant data shall be used to determine the numbers of parcel pick-up areas required for the development site to prevent any queuing outside the subject site.
- Adequate queuing areas shall be provided within the site at the control points at the driveway entrances.
- Driveway access for trucks shall be designed in such a way that trucks can pass each other within the site without queuing within the street.
- Parking layout shall comply with Australian standard AS2890.1 and AS2890.6.
- Loading area design shall comply with AS2890.2.
- Accessible parking numbers shall comply with BCA requirements.

Should you have any further enquiries please do not hesitate to contact Harley Pearman on 8757 9956 in relation to this matter.

Yours faithfully,

Michael Lawani
Coordinator Major Development Assessment