



15 April 2020

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## REQUEST FOR RESPONSE TO DRAFT EIS FOR SSD 10404 STAGE 2 CONCEPT PLAN

I refer to your recent correspondence regarding the Draft environmental impact statement (EIS) associated for a proposed customer fulfillment center within Horsley Business Park at the corner of Cowpasture Rd and Trivet St, Wetherill Park.

It is noted that the proposal also forms part of a modification to the concept plan relating to the site under SSD 7446 MOD1. The following letter sets out Council's comments in relation to SSD 10404.

### TRAFFIC MANAGEMENT

**Access Arrangements Trivet Street and Cowpasture Road** - The proposal will alter existing access arrangements for privately owned industrial lots through the placement of a roundabout at the intersection of Trivet Street and Cowpasture Road (see table 1 below).

PROPERTY ADDRESS
105 Cowpasture Road, Wetherill Park
109 Cowpasture Road, Wetherill Park
115 – 119 Cowpasture Road, Wetherill Park
121 – 123 Cowpasture Road, Wetherill Park

**Table 1** – Property Address

In Council's correspondence dated 11 December 2019 it was stated that the owners of these lots be should consulted and their agreement provided to the revised access arrangements. The draft EIS states that the proponent will undertake consultation with affected owners post development and suggests that this requirement be conditioned in the SSD Approval.

Council has concerns with this approach and requests that the proponent undertake consultation with affected landowners and seek approval in writing from them as soon as practicable. Council notes that approval from the Western Sydney parklands Trust has been sought over the proposal.

**Traffic Impacts Assessment (TIA)** – The TIA by Ason traffic group has modelled the developments impacts on key intersections in a pre and post development scenario including:

- The two signalised intersections at Cowpasture Road/Horsley Drive and Ferrers Road/Horsley Drive
- Roundabout intersections at Burdilla Road/Cowpasture Road,
- Newton Road/Cowpasture Road,

- Cowpasture Road/Horsley Drive and
- Victoria Street Cowpasture Road.

The impact of traffic mitigation measures including a roundabout to the intersection of Trivett Street and Cowpasture Road was also modelled.

The TIA concludes that the impact of the development to key intersections is acceptable. There is a decrease in the level of service at two intersections including:

- In the AM peak at the intersection of Newton Road and Cowpasture Road the LOS will decrease from B to C including an increase in the Average Vehicle Delay (AVD) of approximately 18 seconds.
- In the AM there will be a decrease in the LOS from a B to a C at the intersection of Victoria Street and Cowpasture Road. The decrease of LOS is due to an increase in the AVD in the AM by 9.9 seconds to 34.1 seconds.

**Requested Conditions** - The following issues shall be satisfactorily addressed prior to determination:

1. If not already done so the development application shall be referred to Transport for NSW (formerly the Roads and Maritime Services) for review and comments. Any issues raised by Transport for NSW shall be adequately addressed.
2. The traffic generation rates for calculating the traffic generation by the proposed development shall be based on the RMS Guide to traffic generating developments updated traffic surveys (TDT 2013/04a). In this instance, the applicant has estimated the traffic generation based on the known operational data of a similar facility. It is also mentioned that the applicant has provided Ason Group with their delivery vehicle data from a similar facility located in Australia. Additional information shall be provided in regard to where the operational data are obtained from.
3. Cowpasture Road, between Victoria Street and Newton Road is classified as a collector road in Council's road hierarchy and the subject development is expected to generate approximately 2562 vehicles per day. This is considered to have significant impacts on the adjoining road network. SIDRA intersection files (electronic copy of the files) showing the analysis of the potential traffic impacts of the development proposal on adjoining road network (key intersections in the locality) under the existing and forecasted conditions shall be submitted to Council for assessment. In addition, the applicant shall increase the capacity of Cowpasture Road at/near the site and this information shall be provided to Council for assessment.
3. The proposed parking rate of 1 space for every 300m<sup>2</sup> of warehouses of GFA requires justification. This parking rate shall be consistent with the parking rate that has been adopted for Horsley Drive (HDBP) Stage 1 for the warehouse development.

4. The applicant shall justify the sight distance requirement for commercial vehicles entering and exiting from the Estate Road shall comply with Figure 3.3 of AS 2890.2:2018.
5. The CFC proposes the following 5 access driveways to and from the site
  - Heavy vehicle entry driveway: 11.7m wide
  - Heavy vehicle exit driveway: 8m wide
  - Delivery vehicle entry driveway: 12.6m wide
  - Delivery vehicle exit driveway: 8m wide
  - Staff entry driveway: 4m wide
  - Staff exit driveway: 6m wide

The information related to the turning path analysis is incomplete. Swept paths showing the different types of vehicles (design vehicles) manoeuvring into, within and out of the site shall be submitted to Council for assessment. Swept path analysis shall also demonstrate how the heavy vehicles can manoeuvring into and out of the loading bays.

6. Clarification is required regarding the truck entry/exit driveway located at the western end of the Estate Road whether this is a combined entry/exit driveway. In addition, the proposed driveway location is directly adjacent to the driveway of the adjoining property. There will be potential conflicts between vehicles entering and exiting the two sites. The applicant shall review the location of the proposed driveway to minimise potential conflicting movements.
7. Road safety audit shall be undertaken by a qualified person to identify whether there are issues/risks associated with the installation of a roundabout at the intersection of Cowpasture Road and Trivet Street. A copy of the road safety audit report prepared by an accredited Road Safety Auditor shall be submitted to Council for assessment.
8. The installation of traffic control devices such as a roundabout, signs and line markings on a public road requires community support and approval from the Fairfield Traffic Committee. Subject to the outcome of the road safety audit, the applicant shall undertake consultation with the stakeholders and submit Council a copy of the consultation outcome for assessment. Council's Traffic and Transport Branch will assist the applicant in relation to the approval process.
9. Considering the number of trucks and delivery vehicles which are expected to attend the site on a daily basis, a loading dock management plan is required. The loading dock management plan is to ensure that trucks will be parked within the site without impacting traffic flow into, within and out of the site. Additional measures may be required to prevent additional trucks or commercial vehicles from entering the site when all of the loading bays are occupied.

10. No information is provided regarding the provision of designated loading bays for 26m B-Double vehicles to service the site. Service vehicles shall only undertake loading and unloading activities from the designated loading areas and shall not obstruct the car parking areas and traffic flow within the site. Additional information shall be provided to Council for assessment.
11. Architectural/Site plans showing the dimensions of the proposed vehicle access, internal access road width, loading bays, trailer parking bays, car parking, van parking, bicycle parking, motorcycle parking, disabled spaces and ramp grades to and from various parking and loading areas of the site shall be submitted to Council for assessment.
12. Longitudinal sections of the proposed access driveways for service vehicles/deliver vehicles to access the site shall be submitted to Council for assessment.
13. A review of the site plan indicates that parking spaces are proposed in a stacked arrangement at the south-western corner of the site. According to the Fairfield City Wide DCP, Council generally does not favour the use of stacked parking within the site unless further justification is provided. In this regard, the applicant is required to submit Council further information in regard to the management of stacked parking. The applicant shall demonstrate that the provision of stacked parking arrangement will not adversely affect the safe, efficient and effective use of the site.
14. The construction of an Estate Road to service the development shall be referred to Council's Subdivision Branch for review and assessment. The design of the Estate Road shall comply with Council's requirement.
15. The installation of a roundabout requires changes to the access arrangements to the adjacent properties which will require consent from the affected stakeholders. The affected stakeholders shall be consulted regarding the proposed changes and the outcome of the consultation shall be submitted to Council for assessment.
16. As Chandos Road and Trivet Street are 5-tonne load limited streets, heavy vehicles shall be restricted from accessing these roads.
17. The applicant shall justify the length of the right turn bay proposed on Cowpasture Road is sufficient. The proposed right-turn bay is to facilitate access to the properties affected by the realignment of Cowpasture Road. This proposal requires consultation to be undertaken with the affected stakeholders and a copy of the consultation outcome shall be submitted to Council for assessment.

## NATURAL RESOURCES

**Biodiversity Assessment Report Waiver (BDAR)** The proponent has indicated that a BDAR waiver was sought for the project. A BDAR waiver has since been issued by DPIE. However, Council notes that a BDAR has been submitted as part of SSD 7664 which will be assessed in line with Council officers previous comments on that application, including the requirement to provide a copy of receipt for the retirement of 34 ecosystem credits.



## HERITAGE

The overall design is considered to be visually dominant however this aspect of the proposal has already been approved as part of Stage 1. Furthermore, the precedent has already been established for this level of development and the use of the site for the purposes of a large-scale business park. No further heritage comments are therefore made. Conditions should be applied to the consent, which ensure that any potential affected indigenous and non-indigenous heritage is protected as part of the development.

### Requested Heritage Conditions

**Protection of Upper Canal System** - Prior to the issuing of Construction Certificate or the commencement of construction, the applicant should prepare and propose a construction management plan, which demonstrates that the development will not result in any adverse impacts on the existing State Heritage Item. The plan should identify but must not be limited to the following:

- a) Transport routes prior to, during and post construction, which avoid the heritage item and any likely impact on this;
- b) Protective measures that will ensure the item is protected at all times during construction and utilisation;
- c) Areas identified for the storage of any building materials, machinery, spoil and utilities for tradespeople, which avoids any adverse impact on the heritage item; and
- d) Any other process of developing the site that would have an impact.

**Landscape Plan** - The applicant should prepare a landscape plan that outlines any proposed landscaping at the rear of the site and adjoining the state heritage item. The landscaping elements should be appropriately designed to not undermine the State Heritage Item.

**Archaeology** - In accordance with Section 146 of the NSW Heritage Act, during the demolition, excavation or construction works; if any deposits, objects or relics are uncovered; the works are to stop immediately, and the NSW Heritage Council notified of the discovery.

Depending on the nature of the discovery and advice from the NSW Heritage Council, an application for an excavation permit under Section 140 of the NSW Heritage Act may be required to be made.

**Indigenous Heritage** - In accordance with Council's Aboriginal Heritage Study, this condition is applied in addition to *Condition 1 Archaeology* (above) to ensure that any objects of potential indigenous significance are protected. Such objects are not specifically protected by the relics provision as outlined by the NSW Heritage Council.



The National Parks & Wildlife Act (1974) provides statutory protection for all Aboriginal 'objects' (consisting of any material evidence of the Aboriginal occupation of NSW) under Section 90 of the Act, and for 'Aboriginal Places' (areas of cultural significance to the Aboriginal community) under Section 84. It is an offence to harm either an Aboriginal object or Aboriginal Place in NSW. The Act defines an Aboriginal 'object':

*'as any deposit, object or material evidence (not being a handicraft for sale) relating to indigenous and non-European habitation of the area that comprises New South Wales, being habitation before or concurrent with the occupation of that area by persons of non-Aboriginal European extraction, and includes Aboriginal remains'.*

Works must be stopped in the instance where there is a suspected discovery of an 'object' in accordance with the above definition and a valid and applicable Aboriginal Heritage Impact Permit be obtained under Section 90 of the NPW Act.

## CATCHMENT MANAGEMENT

**Water conservation** – A General statement regarding the provision of 50% reduced water consumption, exceeds the 40% requirement within the Water conservation section of the FCC Stormwater Management Policy 2017, this is acceptable. These details are to be provided at DA stage.

**DRAINS modelling** – The Parameters per the FCC Stormwater Management Policy 2017, Appendix Q have not been adhered to , however the parameters used are deemed acceptable.

**Floor levels with respect to flooding** – The proposed buildings finished floor levels (FFL) are 67.5m Australian Height Datum (AHD). Council officers have reviewed the updated flood modelling for the site, and found the flood level at the rear (western edge) of the proposed building to be 67.2 m AHD. This is described as 'flooding' it is more accurately described as drainage or a local flow path. Therefore, only 300mm freeboard is required for a local overland flow path (Stormwater Management Policy), compared to the standard 500mm for mainstream or overland flooding (FCC Citywide DCP). The required 300mm freeboard has been achieved.

## ENVIRONMENTAL MANAGEMENT

Council's Environmental Management Section (EMS) does not have any objection to the proposal. EMS recommends that the following conditions should be adopted by the determining Authority:

**Environmental Reports Certification** - Within three (3) months from the date of the modified consent, written certification from a suitably qualified person(s) shall be submitted to NSW Environment Protection Authority and Fairfield City Council, stating that all works/methods/procedures/control measures/recommendations approved in the following reports have been completed:

- a. Environmental Impact Statement, prepared by Ethos Urban Pty Ltd, 28 February 2020
- b. Noise and Vibration Impact Assessment prepared by SLR Consulting dated February 2020
- c. Dangerous goods report prepared by Riskcon engineering dated 4 February 2020
- d. Air quality Report prepared by SLR dated 24 January 2020
- e. Waste Management Plan prepared by FDC dated 9/1/2020

**Use of the Premises** - The use of the premises shall comply with the following requirements:

- The operation of the business shall be conducted so as to avoid unreasonable noise and cause no interference to adjoining or nearby residences.
- The use of the premises shall not give rise to “offensive noise” as defined under the Protection of the Environment Operations Act, 1997.
- Emission of sound from the premises shall be controlled at all times so as not to unreasonably impact upon nearby owners/occupants.
- The use of the premises is not to interfere with the amenity of the residential area.
- If an intruder alarm is installed on the premises it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act, 1997.
- The premises shall be maintained in a clean and tidy state at all times. In this regard, cleaning shall be carried out as required to ensure that the premises is maintained in an environmentally satisfactory manner.

**Unreasonable Noise and Vibration** - The industry, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall when instructed by Council, cause to be carried out, an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to Council's satisfaction.

**Odour Complaint** - An odour impact assessment shall be submitted to Council if any complaints are lodged with regulatory authority in relation to the emissions generated from the operation of the business. The report must be prepared by a suitably qualified environmental consultant and include modelling of the odour impact on the nearest affected receptor (e.g. residents/property occupants).

Any recommendations resulting from the report are to be in accordance with AS/NZS 1668.1 – 2015: The use of ventilation and air conditioning in buildings – Fire and smoke control in buildings and AS 1668.2 – 2015: The use of ventilation and air conditioning in buildings – Mechanical ventilation in buildings, as well as the Office of Environment & Heritage Technical Framework – Assessments and Management of Odour from Stationary Sources in NSW (November 2006).

**Storage of Flammable and Combustible Liquids** - Flammable and combustible liquids shall be stored in accordance with AS 1940-2004 – The Storage and Handling of Flammable and Combustible Liquids.

**Storage of Hazardous Chemicals** - Should any 'hazardous chemicals' proposed to be stored on the premises exceed the manifest quantity as prescribed in Schedule 11 of the Work Health Safety Regulation 2011, Notification of schedule 11 hazardous chemicals is required to be submitted to SafeWork NSW.

**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.

## CONCLUSIONS

Council officers have reviewed the SSD application including the Draft EIS. It is recommended that the draft heritage conditions that form part of this response be appropriately conditioned as part of this approval, as well as any further heritage recommendations that may arise from external agency consultation.

There are still outstanding issues regarding the assessment of traffic impacts that must be dealt with prior to project approval. Agreement from the owners of adjacent lots at the Trivett Street/Cowpasture Road intersection whose access will change because of the proposal must be given priority with their agreement obtained prior to project approval.

Please contact the undersigned if you have any further enquires in relation to the above on 9725 0215.

Yours faithfully



**Patrick Warren**  
**SENIOR STRATEGIC LAND USE PLANNER**





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