



Our ref: 2006904

Contact: Patrick Warren on 9725 0215

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Dear Sir

SSC 7664 Mod 1 – Horsley Drive Business Park – Concept Plan

The following letters sets out Council's comments in relation to SSD 7664 Mod 1 for the stage 2 concept design regarding the Horsley Drive Business Park, which is currently on public exhibition. The Modification application is in relation to the construction of Horsley Drive Business Park and includes:

- The consolidation of lots;
- changes to the access arrangements at Cowpasture Road;
- changes to landscaping at the frontages of Cowpasture Road;
- changes to onsite parking arrangements;
- consolidation of warehouses 1 and 2;
- minor changes to the storm water design, and;
- Installation of a roundabout at the intersection of Trivett Street and Cowpasture Road.

The application has been lodged under Section 4.24 (2) of the EP&A Act. Council has previously provided correspondence in relation to the original approval, SSD 7664 dated 11 December 2019, (attachment A). These comments also relate to the modifications consistency against the original stage 1 and stage 2 concept design approval and conditions of consent. Comments have been received from the relevant internal departments and are provided below.

Modification to Storm Water Design

There has been no change to the On Site Detention design (OSD) from the original SSD approval, which was previously deemed acceptable. However there has been a modification to the storm water drainage design layout, which includes a 'kink' in the drainage network just past the 10m wide-open channel in the mid-west portion of the site. Council's Catchment Planning branch reviewed the modelling undertaken by CSS (Council's Developer Agreement consultant), and this feature has been added to the updated model. The model shows this does not affect the drainage or flood levels in this location, and is therefore acceptable.

There has been no real change in water quality from initial work undertaken in SSD 7664 and the DRAINS modelling – Parameters have not been undertaken per the FCC Storm water Management Policy 2017 - Appendix Q, However both water quality and Drains modelling parameters are deemed acceptable.

Reduction in Commercial Floor Space

The modification will result in a reduction in warehouse floor space from 88,060m² to 61,232m². A total reduction of 30%. This is a result of the consolidation of warehouse 1 and 2 into a customer fulfillment center and a re-configuration of the building footprints of warehouse 3 and 4. There will also be a reduction in office floor space of approximately 52% as a result of the amendments. A review of the proposal has been undertaken against the Fairfield Employment Lands strategy 2008. This strategy identifies requirements for business parks in the Fairfield LGA, including;

- Require new business parks to be located in locations that will support the existing network of commercial centres and can be accessed;
- Business parks should only permit businesses that require large floor plates; (more than 1000m²) are linked with research and technology or require storage/warehousing component.
- Those businesses that are purely office related should not be permitted within business parks but encourage in commercial/retail centres to help support their viability.
- A maximum office space component of 60% should be required for each development/business and development standards should be set for FSRs and car parking provisions.
- Require an EIA (now EIS) study prior to permitting businesses proposing to locate in a business parks to undertake studies justifying the location.
- Future Business Parks must demonstrate a contribution to subregional economic and job growth and provide for recreational, cultural and/or learning facilities.

Despite the substantial decrease in commercial floor space associated with the amendments, the development is generally consistent with the business park requirements in the Fairfield Employment Lands Strategies.

Planning Report Inconsistency

The planning report prepared by Ethos Urban dated 27 March 2020, has a number of inconsistencies. There appears to be track changes in red throughout the document. It is unclear whether the changes are intentional or the document is still in the final stages of edit. Council officers would request these edits be finalised and resubmitted to Council for review.

Landscaping Requirements

The conditions of consent for SSD 7664 required a landscape setback of 10-metres to Cowpasture Road and a 7.5-metre landscape setback to the proposed access road. In addition to this, the consent required a planter bed for every 10-car parking spaces and retaining walls over 3 metres to be stepped.

The new concept plan for SSD 7664 Mod 1 shows a landscape setback greater than 10 metres to Cowpasture Road. The landscape setback to the northern edge of the new internal road includes a 10-metre wide overland flow path and drainage easement with landscaping plantings; this also acts as a suitable landscaping setback to the northern side of the new internal road.

The southern portion of the new access road includes a 5-metre wide overland flow path and easement that will be fully landscaped. This acts as a landscaping setback to the southern industrial lots. This is non-compliant with conditions of consent for SSD 7664.

It is unclear how many planter beds have been provided in the amended design, however a condition requiring 1 planter box per 10 car parking spaces still applies to the development. As the amended design increases, the number of on-site car parking spaces to 672 there will be 67 planter boxes required onsite.

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 must be consulted and their agreement provided to the revised access and intersection 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 their agreement in writing to the proposed access arrangements as soon as practicable. Council notes that approval from the Western Sydney parklands Trust has been sought over the proposal. Further requirements are detailed below in the relation to traffic comments.

Agency Consultation

Section 1.1 of the consultation report states that no amended SEARS was required as part of this Modification application. Consultation in relation to this modification has been undertaken in line with the original issued SEARS. The planning report from Ethos Urban dated 27 March 2020 States that consultation was taken in line with the SEARS and relevant agencies. However no record of the extent and nature of agency consultation or responses have been provided as part of the modification documentation. Council requests details of consulted agencies and the extent to which they have been consulted including any responses received.

Development Contributions

In Council's previous comments dated 11 December 2019, it was requested a cost report be provided to determine the appropriate Section 7.12 Development Contributions levy payable for the project. A cost report has been provided with the modification application and determines the application to have a capital investment value of \$110,000,000.00.

The Fairfield City Council Section 7.12 Indirect Development Contributions plan states that for development with a cost over \$200,000 a levy of 1% is to be charged on that development. This will mean that a S7.12 development contribution levy of \$1,100,000.00 will be charged. This is to be paid at the Fairfield Council administration centre located at 86 Avoca Road, Wakeley prior to the construction certificate being issued for the project.

Biodiversity Assessment Development Report (BDAR)

The approval issued for SSD 7664 included a condition of consent to require the applicant to purchase and retire 38 ecosystem credits to offset the removal of native vegetation on site. The ecosystem credits shall be determined in accordance with the OEH's Frameworks for Biodiversity Assessment (FBA) and the Bio-banking Assessment Methodology 2014 (BBAM).

As indicated in the BDAR report prepared by Ecological 07/04/2020, there is an additional area of 2.92 ha outside the previously approved SSD 7764 land. Ecological undertook a full-floristic vegetation survey to identify Plant Community Types (PCTs) and Threatened Ecological Communities (TECs) on the broader development site. Integrity survey plots were undertaken on the broader development site to assess the composition, structure and function components of each vegetation zone in accordance with the BAM.

0.015 ha of Forest Red Gum - Rough-barked Apple grassy woodland on alluvial flats of the Cumberland Plain, Sydney Basin Bioregion (PCT 835) will be removed from the subject site by the proposed development. The impacts of removal of this vegetation requires one (1) ecosystem credit.

In light of the above, Council's Natural Resources section recommends the following:

1. The proponent clarify the issues in regards to the extent of ecosystem credits required to offset the removal of native vegetation on site as there appears to be some inconsistencies between the BDAR and Planning Report and the original Concept Plan approved by the Minister of Planning on 9 November 2017.
2. Implement Mitigation Measures and Risk Assessment as outlined in tables 19, 20, 21, 22 & 23. On pages 44-48 of BDAR Report.
3. The Plant Schedule needs to be revised to represent locally endemic species. Natural Resources recommends the use of *Brachichiton aceriton* and *Lomandra longifolia* 'Tanika' replaced with a local species.

Traffic

The following issues shall be satisfactorily addressed prior to determination:

- 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 satisfactorily addressed and any conditions set by them shall be complied with.
- The proposed parking rate of 1 space for every 300m² of warehouses of GFA shall be justified and clarification is required regarding this matter. This parking rate shall be consistent with the parking rate which is adopted for Horsley Drive (HDBP) Stage 1 for the warehouse development.
- 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 for the Customer Fulfilment Centre (CFC) 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.

- Cowpasture Road, between Victoria Street and Newton Road is classified as a collector road under Council's road hierarchy. The subject development is expected to generate approximately 3,225 vehicles per day which 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 investigate the feasibility of widening Cowpasture Road at/near the site and this information shall be provided to Council.
- The applicant shall justify that the sight distance requirement for commercial vehicles entering and exiting from the Estate Road complies with Figure 3.3 of AS 2890.2:2018.

The provision of warehouses on the northern lot

- The submitted architectural plans shall indicate the dimensions of the proposed vehicle accesses, internal access road width, loading bays/hardstand areas, line markings (to clarify the extent of the loading area and the direction of travel) car parking and disabled spaces and ramp grades to and from various parking and loading areas of the site. This information shall be submitted to Council for assessment.
- Concerns are raised regarding the number and the spacing of the driveways proposed for the warehouses. The potential conflicts between vehicles and heavy vehicles entering and exiting the site shall be addressed.
- Architectural plans show that traffic signal system is to be proposed to manage one-way traffic flow within the site. Council has not approved the use of traffic signal system within the development site in Fairfield Local Government Area. Additional information shall be provided to Council how the potential conflicts between vehicles will be managed within the site in the event of a power failure or when traffic signal system/lift system is malfunctioning. In this instance, the applicant shall demonstrate that the proposed system would not adversely affect the safe, efficient and effective use of the site.
- Considering the number of trucks and delivery vehicles which are expected to service 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 accommodated 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.
- Information on the plans shows that loading bays at/near the north-western and south-eastern corners of Lot 2 will be clear to allow a B-Double vehicle turn. Additional information shall be provided to Council for clarification.
- No other 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. Further information shall be provided to Council for assessment.

Proposed Customer Fulfilment Centre (CFC) on the southern lot

- 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 not insufficient to help determine whether there is sufficient capacity at the site to accommodate the largest vehicle (26m B-Double vehicle). Turning path analysis indicating how the largest vehicle can manoeuvre 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 satisfactorily turn into and out of the loading bays.
- Clarification is required regarding the truck entry/exit driveway which is located at the western end of the Estate Road. The applicant shall indicate 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.
- 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 accommodated 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.
- 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. Further information shall be provided to Council for assessment.
- The submitted architectural plans shall show the dimensions of the proposed vehicle accesses, 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. This information shall be submitted to Council for assessment.
- A review of the site plan indicates that parking spaces are proposed in a stacked arrangement near 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.
- Longitudinal sections of the proposed access driveways for service vehicles/delivery vehicles to access the site shall be submitted to Council for assessment.

Intersection of Cowpasture Road and Trivet Street (Roundabout)

- Road safety audit shall be undertaken by an accredited Road Safety Auditor (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 shall be submitted to Council for assessment.
- The design of the road roundabout shall comply with the Austroads Guide to Road Design Part 4B: Roundabouts. Swept path analysis shall be provided to Council to demonstrate that the design of the roundabout is adequate to accommodate the largest vehicle manoeuvring at the roundabout intersection. In this instance, the largest vehicle entering and exiting the site would be 26m B-Double vehicle.
- The installation of traffic control devices such as a roundabout, signs and line markings on a public/local road requires community support and approval from the Fairfield Traffic Committee. Should the road safety audit support the installation of a roundabout, the applicant requires to obtain approval from Council's Traffic and Transport Branch. The applicant shall provide Council the consultation outcome and the proposed option for assessment.
- 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.

Proposed Estate Road

- 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 requirements.
- The applicant shall submit a swept path diagram showing the largest vehicle can turn into and out of the Estate Road without being impacted by the parked vehicles on the Estate Road.
- As Chandos Road and Trivet Street are 5-tonne load limited streets, heavy vehicles shall be restricted from accessing these roads. Clarification is required regarding this matter.

HERITAGE COMMENTS

Aboriginal Heritage

The subject sites are located within the Deerubin Aboriginal land council area and within an Aboriginal Potential Investigation Area. As part of the original approval process for SSD 7664 extensive consultation per the due diligence process was undertaken with key stakeholders identified within page 21 of the Aboriginal Cultural Heritage Assessment.

The letter of modification provided with SSD 7664 Mod 1 does not mention if these individuals have been appropriately consulted with per the requirements under the relevant legislation during the preparation of SSD 7664 Mod 1.

It appears that the proposed modifications move the scope of works for the project into areas where aboriginal relics could be more likely to occur. According to the Aboriginal site prediction statement prepared for the site in 2016 by Biosis Pty Ltd (Pg. 34), it is likely that archaeological relics including, flaked stone artefact scatters, isolated artefacts, potential archaeological deposits (PADs) and scar trees may still exist on site despite the high level of site disturbance.

This is because there appears to be stands of trees still existing on the subject site indicating that relic types as stated above may be present. The proposed modification to site access will move the proposed internal road further north to the intersection of Trivett Street which will result in the clearance of a large stand of native vegetation where relics may exist, including a scar tree.

A portion of the existing site is identified as a potential investigation area for Aboriginal Heritage. As part of the original application, the Horsley Drive Business Park Stage 2 (SSD 7664) Aboriginal Cultural Heritage Assessment Report (10 October 2016, prepared by *Biosis*) outlined a series of recommendations including the following:

*Recommendation 5: Continued consultation with the registered Aboriginal stakeholders:
 As per the consultation requirements, it is recommended that the proponent provides a copy of this draft report to the Aboriginal stakeholders and considers all comments received. A copy of the final report should also be sent to all Aboriginal stakeholders for their records. The proponent should continue to inform these groups about the management of Aboriginal cultural heritage sites within the study area throughout the life of the project.*

Notwithstanding this recommendation, the recent submission provided in conjunction with the subject modification by *Biosis* dated 10 March 2020 concluded the following:

there is a low potential for Aboriginal sites or areas of archaeological potential to be present within the study area. Therefore further archaeological assessment in advance of the proposed works is not recommended.

Notwithstanding this conclusion there does not appear to be any evidence of continued consultation with the relevant groups, which was previously deemed as necessary in the report submitted with the original application. It is strongly recommended that the applicant be required to fulfil this commitment and provide evidence accordingly.

Recommendations

The following recommendations are made from a heritage perspective:

- The applicant should be required to continue to consult with the Aboriginal stakeholders throughout the life of the project. This includes notifying such groups of any changes to the proposal, allowing for any feedback to be received and including this feedback in the modification application.
- In addition to the above, 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. See table 2 below.

Heritage Conditions	
Prior to Construction	<p>1) Evidence of Ongoing Consultation</p> <p>The applicant is required to provide evidence of ongoing consultation with all relevant Aboriginal stakeholders including notifying such groups of the proposed modification. This evidence should echo the consultation and replies received, which was appended to the Aboriginal Cultural Heritage Assessment Report (10 October 2016, prepared by <i>Biosis</i>).</p> <p>Reason: To ensure that appropriate consultation is undertaken.</p>

Heritage Conditions	
	<p>2) Protection of Upper Canal System</p> <p>Prior to 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 exiting State Heritage Item. The plan should identify but must not be limited to the following:</p> <ul style="list-style-type: none"> 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 <p>Reason: To ensure that the State Heritage item is protected.</p>
During Construction	<p>3) Archaeology</p> <p>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.</p> <p>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.</p> <p>Reason: To be consistent with the NSW Heritage Act (1977).</p>

Heritage Conditions	
	<p>4) Indigenous Heritage</p> <p>In accordance with Council's Aboriginal Heritage Study, this condition is applied in addition to <i>Condition 1 Archaeology</i> (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.</p> <p>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':</p> <p><i>'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'.</i></p> <p>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.</p> <p>Reason: To be consistent with the provisions of the National Parks & Wildlife Act (1974) and ensure the protection of all objects that are significant.</p>

Table 2 - recommended heritage conditions

Conclusion

Fairfield Council does not object to the proposal and acknowledges the substantial approval of the building footprint and scale. The reduction in warehouse and office GFA is also noted. The proposal generally complies with the FCC business lands strategy 2008.

Prior to approval, the issues raised above must be addressed. Outstanding issues to be resolved include, extent of aboriginal community consultation, inconsistency in required number of ecosystem credits and traffic and transport issues.

Should approval be granted, it is recommended that the conditions of consent detailed in this letter be applied to the development. If you have any questions or queries please contact me on 9725 0215.

Yours faithfully



Patrick Warren
SENIOR STRATEGIC LAND USE PLANNER