



Our reference: ECM: 9229901
Contact: Gavin Cherry
Telephone: 02 4732 8125

26 August 2020

Bruce Zhang
Email: Bruce.zhang@planning.nsw.gov.au

Dear Mr Zhang,

**Response to Notification of State Significant Development Proposal – ESR
Horsley Logistics Park (SSD10436)**

I refer to the above SSD application notification received on 27 July 2020. Thank you for providing Council with the opportunity to comment on the proposed development.

The following comments are provided for consideration in the assessment of the proposed development:-

Stormwater Management Considerations

The development is not considered to result in adverse engineering impacts upon the adjoining lands to the south that are within the Penrith Local Government Area. It is however requested that the assessment and any conditions of consent imposed, ensure that all stormwater is discharged to the north within the site, so as to result in no impact on any adjoining lands within the Penrith Local Government Area.

Biodiversity Considerations

Based on this information provided, no concerns are raised with respect to the applicants request for a BDAR waiver. The Department is however requested to consider the inclusion of the following conditions in any notice of determination issued if the BDAR waiver is supported:-

- *Prior to commencement of works, Tree Protection Measures must be installed at the western most edge of the 25m buffer; and*
- *Prior to works commencing, the site is to be surveyed for any vagrant or resident fauna which is to be removed and relocated by a suitably qualified professional.*

Water Quality Considerations

While no objections are raised to the proposal or the water quality management measures, it is noted that the stormwater management for the site includes stormwater treatment on each lot in the form of proprietary filter cartridges and some rainwater harvesting and reuse.

Clause 33L of the WSEA SEPP, requires consideration of (in part) *the integration of stormwater management systems into the landscape in a manner*



that provides multiple benefits, including water quality protection, stormwater retention and detention, public open space, habitat improvement and recreational and visual amenity.

The proposed stormwater strategy could be further improved to better align with the objectives of the WSEA SEPP and as such, the Department is requested to consider if the treatment measures and landscape design as currently proposed, is considered to meet the requirements of the above SEPP provisions and the water management principles in the Western City District Plan.

Environmental Management Considerations

i) Noise Impact

The application was supported with the 'Horsley Logistics Park State Significant Development Application Noise and Vibration Impact Assessment' prepared by SLR Consulting Australia Pty Ltd dated July 2020. This report assessed the potential noise and vibration impacts associated with the construction and operational phases of the development, and also gave consideration to potential noise-enhancing weather conditions (including wind and temperature inversions). An appropriate criterion has been established, giving consideration to the cumulative impacts from other industrial developments in the area.

The report identified the future residential development located to the south of the site in the Penrith Local Government Area as a potential sensitive receiver. However, it did not assess the potential construction impacts to this area as the land has not yet been developed. It does however commit to assessing this area, should it be developed prior to the commencement of the proposed works. This should be captured in any consent issued for the site, or through any approval of a future Construction Noise and Vibration Management Plan.

In terms of operational noise, including noise from vehicle movements, unloading and loading activities, mechanical plant and road traffic, the predicted noise levels at the residential receivers in the Penrith Local Government Area were found to comply. Though the tabulated results do not specifically address future residential development to the southwest (only referring to those lots immediately to the south of the site), the mapped contours show no significant impact to these future residential premises.

A number of mitigation measures are recommended to address potential noise and vibration impacts, and it is recommended that these be captured in any approvals issued for the development proposal.

ii) Air Quality Impacts

The application was supported with the 'ESR Horsley Logistics Park Air Quality Impact Assessment: 6 Johnston Crescent, Horsley Park' prepared by SLR Consulting Australia Pty Ltd dated June 2020. This report gave consideration to the potential impacts to local air quality from both the construction and operational phases of the development. In terms of construction, it has been identified that fugitive dust would be the key air quality concern. However, it was



concluded that off-site impacts associated with suspended particulate and dust deposition would be anticipated as being low for earthworks, trackout and building construction. Once operational, key sources of pollutants would be from fuel combustion and particulate matter from vehicles on site. Given the proposed warehousing activities, it was concluded that the potential for off-site impacts would be neutral.

A number of mitigation measures are proposed however, and it is recommended that these be captured in any approvals issued for the development proposal.

iii) Land Contamination

It is understood that approvals have already been obtained for remediation works to be carried out, with the creation of a containment cell in the Stage 3 development area. It needs to be ensured that all remediation works are carried out prior to the development of the land, and that all validation reports confirm that the development site is suitable for the proposed use. Further, it needs to be ensured that there will be no ongoing impacts to adjacent residential lands.

Landscape Design and Boundary Interface Considerations

The proposed finished ground level of the car park on Proposed Lot 201 is RL86.00 which is 5m higher than the adjacent spot level to the north western corner of Lot 201 being RL81.00 (as indicated on the landscape drawings). It is noted at that at the south western corner, the natural ground level adjacent is the same as the car park finished level. While cross sectional drawings are provided to the north and south of lot 201, they are not in the locations of the greatest cut and fill. Further a critical interface consideration is to the western property boundary, as a 5m high retaining wall at the north western corner (as indicted by the plan levels) is not a suitable or sympathetic interface outcome.

The plans also provide inadequate detail to confirm the specific dimensional width of the separating landscaping strip between the car park on Proposed Lot 201 and the western property boundary. The planting matrix diagrams suggest a width of 2.0m for Matrix B which is not considered to be sufficient where there is a level difference of 5m proposed. Matrix A on the other hand is 3.0m in width, but seems to be proposed in locations with significantly less level difference. It is requested that this be further considered to ensure that the greater landscaped setback is in the locations of greatest fill and level difference.

If the finished ground levels (up to 5m above neighbouring natural ground levels) are required to achieve suitable stormwater drainage, then stepped and tiered retaining walls should be provided to the interface boundaries so that the landscape design can negate the visual impact of the proposed level difference and retaining walls (as viewed from the adjacent allotment). This would require a widening of the boundary landscape setbacks in these locations to Matrix A at a minimum (not Matrix B) and a resulting reduction / change in the car parking arrangement. Alternatively, it should be demonstrated how a 5.0m level difference can be otherwise treated to ameliorate its impact as viewed from the adjacent land holding.

It is requested that additional cross-sectional drawings in the locations of maximum level difference be requested that better address boundary edge conditions, with landscaping incorporated into tiered retaining walls to ensure that vertical walls of more than 2m on property boundaries, or as visible from neighbouring properties, are avoided.

It should also be noted that separate development applications have been lodged with Penrith City Council for the subdivision of land immediately west and south of this site. Details of the proposed subdivision are available on Council's DA Tracker under DA19/0785.

Should you wish to discuss any matters further and allow for further dialogue as requested between officers, please do not hesitate to contact me on 4732 8125.

Yours sincerely,



Gavin Cherry
Development Assessment Coordinator