



NSW Department of Planning & Environment
23-33 Bridge Street
Sydney NSW 2000

Attention: Necola Chisholm

Response to Submissions

State Significant Development Application (SSD 7917) Proposed Warehouse/Distribution and Industrial Facility

Lot 3, Horsley Drive Business Park (Lot 5 in DP 1212087)

Dear Necola,

This Response to Submissions is submitted to the NSW Department of Planning & Environment (NSW DP&E) on behalf of Frasers Industrial Construction Pty Ltd (Frasers) and relates specifically to Lot 3 within the Horsley Drive Business Park, Wetherill Park.

The proposal as submitted to NSW DP&E seeks consent for the construction and operation of a Warehouse/Distribution and Industrial Facility that will operate on a 24 hour, 7 day basis. The proposal seeks consent for a total of 23,380 sqm of GFA, including the following:

- **Warehouse 1** – 13,690sqm GFA;
Office – 500sqm GFA.
- **Warehouse 2** – 8,690sqm GFA;
Office – 500sqm GFA.

State Significant Development 7917 was exhibited from **17 November 2016** until **16 December 2016**. A total of ten (10) submissions were received from the following agencies and Fairfield City Council:

1. Sydney Water;
2. Heritage Council of NSW;
3. Endeavour Energy.
4. TransGrid;
5. Geological Survey of NSW;
6. Fairfield City Council;
7. Department of Planning and Environment;
8. RMS;
9. Transport for NSW;
10. Water NSW; and
11. NSW Department of Primary Industries.

A response matrix is provided (refer **Table 1**) along with the following information which is annexed in support of the proposal:

- **Appendix 1 - Addendum to Traffic Impact Assessment**
- **Appendix 2 - Visual perspective and architectural plan**
- **Appendix 3 - Heritage Impact Statement**
- **Appendix 4 - Noise Impact Assessment**
- **Appendix 5 - Revised Air Quality Impact Assessment**
- **Appendix 6 – Revised SEPP 33 Assessment**
- **Appendix 7 - Water NSW Correspondence**

Based on the information included in this response, it is evident that sufficient evidence is provided to support the proposal in the current form.

Should you require further information, please contact the undersigned.

Yours Faithfully,



Andrew Cowan
Director
Willowtree Planning Pty Ltd

Table 1: Response Matrix

Agency/Council	Response
1. Sydney Water	
<p>a) Building Plan Approval</p> <p><i>The approved plans must be submitted to the Sydney Water Tap in online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.</i></p> <p><i>The Sydney WaterTap in online self-service replaces our Quick Check Agents as of 30 November 2015. The Tap in service provides 24/7 access to a range of services, including:</i></p> <ul style="list-style-type: none"> - <i>building plan approvals</i> - <i>connection and disconnection approvals</i> - <i>diagrams</i> - <i>trade waste approvals</i> - <i>pressure information</i> - <i>water meter installations</i> - <i>pressure boosting and pump approvals</i> - <i>changes to an existing service or asset, e.g. relocating or moving an asset.</i> 	<p>The response of Sydney Water is noted and agreed.</p>
<p>b) Section 73 Certificate</p> <p><i>A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water</i></p> <p><i>It is recommended that applicants apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and</i></p>	<p>Noted and agreed.</p>

building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit www.svdnewwater.com.au

Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

2. Heritage Council of NSW

a) A search of the State Heritage Inventory indicates that the proposed location is within the vicinity of State Heritage Register Item Upper Canal System (Pheasants Nest Weir to Prospect Reservoir) (SHR no. 1373). As such, consultation with the Heritage Council is required.

Therefore, the following information is required:

- *A Heritage Impact Statement (HIS) is to be prepared in accordance with the guidelines in the NSW Heritage Manual that addresses the significance of, and provides an assessment of the impact on the heritage significance of heritage items on the development site and in the vicinity. The HIS must include a visual impact assessment and address the project's design resolution response to the findings of the visual impact assessment.*
- *Given the site's proximity to the State Heritage Register-listed Upper Canal, the HIS shall pay particular attention to mitigating visual, vibration or other civil and infrastructure construction impacts on the fabric and visual setting of the Upper Canal.*
 - *Appropriate mitigative design measures should include appropriate building envelope setbacks from lots adjoining the Upper Canal, to ensure future applications do not have adverse visual or physical heritage impacts on the Upper Canal's heritage values.*

GML Heritage have prepared A Heritage Impact Statement (**Appendix 3**) to support the proposal which concludes:

The proposed warehouse/distribution facility will have no direct impact on the SCA Upper Canal or its heritage listed curtilage. There will be some indirect impact on the historic rural setting of the heritage item as a portion of the rural setting will be removed and built up. This will result in a minor loss of heritage significance which will be mitigated through a number of measures. There will be minor impact on significant views due to the siting of the new facility and topographic features of the land.

The building will be constructed within an industrial precinct that is already being developed. The scale, form and bulk is consistent with surrounding development and provides an appropriate physical buffer to the heritage listed canal. Due to the substantial distance between the canal and the proposed facility, there will be no adverse impacts resulting from vibration during construction or operation of the development. The extent of works proposed under the subject application do not encroach on the upper canal, nor do they pose any significant risk.

Based on the findings of the Heritage Impact Statement, it is considered that the development in its current form is acceptable and the information submitted sufficiently addresses the matters raised by the Heritage Council of NSW.

<ul style="list-style-type: none"> - <i>Another mitigative design measure shall be defining a landscaped area to be developed on the subject site facing the Sydney Water Canal corridor as a soft barrier to protect the canal's visual setting.</i> ▪ <i>The HIS should also identify any other listed or potential heritage items in the project area. If any listed or potential heritage items are likely to be affected, the HIS should assess how the development would impact on any places of heritage significance in or surrounding the subject site.</i> 	
3. Endeavour Energy	
<p>a) <i>Endeavour Energy has no objection to the proposal.</i></p> <p><i>The Developer must make application for electricity supply to their development via Endeavour Energy's Network Connections Branch.</i></p>	<p>The response of Endeavour Energy is noted. Application for electricity supply will be made via Endeavour Energy's Network Connections Branch.</p>
4. TransGrid	
<p>a) <i>TransGrid owns and operates the high voltage transmission line network in NSW. TransGrid has no objections to the proposal as it is deemed that the TransGrid easement is a sufficient distance from the subject lot. However, TransGrid maintains the right to preserve their easement as there are rights governing what occurs immediately adjacent to our easements and/or infrastructure pursuant to the Electricity Supply Act 1995.</i></p>	<p>Noted and agreed.</p>
5. Geological Survey of NSW	
<p>a) <i>Please be advised that the Geological Survey of New South Wales (GSNSW) has no mineral resource issues to raise in regard to SSD 7917.</i></p>	<p>The response of the Geological Survey of NSW is noted.</p>

6. Fairfield City Council

a) **Stormwater Drainage**

The Civil Design Report prepared by Costin Roe and advises how the stormwater generated from this development will discharge into the existing drainage system including summarising and explaining the stormwater issues related to the site. As such, Council raises no objection in this regard. However, the following is requested by Council:

Stormwater Drainage Certificate

Prior to the issue of a Construction Certificate, a certificate from a suitably qualified person shall be submitted to the Certifying Authority certifying that:

- a. Satisfactory arrangements have been made for the disposal of stormwater;*
- b. The proposed development and alterations to the natural surface contours will not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties;*

Works-As-Executed Plans for Stormwater Drainage

Prior to the issue of the Final Occupation Certificate, Works-As-Executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved shall be submitted to the Principal Certifying Authority

Noted and agreed.

b) **Roads and Traffic**

Council has determined that there will be conflict between B-Doubles servicing warehouse 1 and warehouse 2 at the entry/exit of warehouse 2. Therefore, information should be provided on how the conflict will be managed.

The proposed driveway width for cars is 5.5m at the site

An addendum to the Traffic Impact Assessment (**Appendix 1**) has been prepared by Ason Group which confirms:

- *It is envisaged that vehicles accessing Warehouse 2 are to stop and give-way to through movements associated with Warehouse 1. A convex mirror shall be provided on the southern boundary to ensure satisfactory visibility is provided between drivers exiting Warehouse 2 and those vehicles existing Warehouse 1.*

boundary. As this driveway will be servicing one hundred and fifty nine (159) parking spaces, under the provision of AS/NZS 2890.1:2004, the minimum width of the driveway required is 6m.

- *After the split to each respective car park, the total number of spaces is only 100 and 59 spaces for each car park, respectively. Therefore, each respective car park only requires a Category 1 access (being a combined driveway width of between 3.0-5.5m). On approach to the site boundary these access driveways converge and hence the shared section of driveway shall service in excess of 100 spaces. Accordingly it is only this section of driveway shared between Warehouse 1 and Warehouse 2 to which an increased width of 6.0m is technically required as a Category 2 driveway (being a width of between 6.0-9.0m). In this regard, the section of driveway shared between Warehouse 1 and Warehouse 2 has been provided with a 6.0m driveway as shown in the amended plans included in Attachment 2.*

Based on the addendum letter prepared and the supporting swept paths, the proposal is considered sufficient to address the concerns of Council.

7. NSW Department of Planning & Environment

a) Urban Design and Visual Impacts

- Provide a visual perspective of the warehouse corner fronting the cul-de-sac of Burilda Close. Demonstrate how using architectural treatment will reduce the bulk and scale of the warehouse corner addressing the street frontage.
- Provide a justification as to why the visual treatment of the office area is located on the western side of the building.

Attached at **Appendix 2** is a revised perspective of the warehouse corner fronting the cul-de-sac of Burilda Close.

Warehouse offices have been located along the north and south sides of the warehouse that project marginally towards the west to provide occupants visual access to the dock face so loading, unloading and operations generally can be safely monitored.

This is the ideal location for warehouse offices in this type of industrial facility and this arrangement has been proposed for all speculative projects within this estate to date where it was possible to do so.

In addition, there are views available to the west and north that offer occupants a superior level of sunlight and amenity.

b) Noise

- Provide consideration of the cumulative noise impacts of the proposal.
- Provide the following information for the noise receivers at the following residential addresses;
 - 1489 The Horsley Drive, Horsley Park, please confirm the location of this site, the acoustic report states the site as 350m west of the site and Figure 1 does not show this;
 - The acoustic report states there is a residential receiver located at a property south west that is 150m from the subject site. Please update Figure 1 in the acoustic report to demonstrate the location of this receiver;
 - Figure 1 does not show a noise receiver at 2614 Cowpasture road, Horsley Park, please confirm the location of this; and
 - Ferriers Rd, Horsley park, please confirm the residential street number.
- Confirm the locations of the receivers for the "West residence" and "South West Residence" locations in Table 8 – Predicted Noise Levels.
- Ensure that the sensitive receivers identified in Tables 8 and 9 are identified in the same manner in Figure 1.
- Provide a rationale for not assessing the residence to the north east of the site.

Detailed assessment has been carried out to determine the cumulative noise impacts associated with the proposal, as shown within Table 8 of the attached Noise Impact Assessment (**Appendix 4**) which demonstrates compliance with the relevant noise criteria.

In relation to the noise receivers, Figure 1 within the Noise Impact Assessment has been updated to show 1489 The Horsley Drive located 350m west of the site.

The residential property to the south-west has been shown in Figure 1 which demonstrates that it is 150m from the site. Similarly, the noise receiver at 2614 is now shown also within Figure 1.

All relevant Ferrer's Road residential properties are now shown in Figure 1. The location of the sensitive receivers for the "west residence" and south west residence" are noted under Table 8 within the Noise Impact Assessment and shown in Figure 1.

Justification has now been included within Section 2 of the revised Noise Impact Assessment, on the basis that:

Due to the proximity of the project to the residential receiver to the north east of the site there will be no additional noise impact on this residential receiver from this project and therefore a detailed assessment has not been undertaken at this location

Accordingly, it is considered that the proposal sufficiently addresses the matters raised in relation to noise as detailed above and within **Appendix 4** attached.

<p>c) Hazards and Risks</p> <p><i>The completed SEPP 33 assessment includes dangerous goods (DG) quantities in both Speculative Warehouse #1 and Speculative Warehouse #2, two separate tenants on Lot 3 under one warehouse/distribution facility. The aggregated threshold limits of SEPP 33. The facility is Potentially Hazardous and PHA will be required.</i></p> <p><i>Clarification and confirmation of the following is required, prior to any further determination:</i></p> <ol style="list-style-type: none"> <i>1. The proposed DG maximum quantities in Appendix 12, of the SEPP 33 Assessment are inconsistent with the EIS Figures 6 and 24. Clarification and confirmation is required of maximum quantities of DG for proposed development.</i> <i>2. The proposed stored quantities in Table 3.1 for Speculative Warehouse #1 and Table 3.4 for Speculative Warehouse #2 (of Appendix 12) are inconsistent with the Figure 6 and Figure 24 of the EIS for Class 2.1, Class 3 and Class 5.1. these need to be corrected accordingly.</i> 	<p>The SEPP 33 Assessment submitted with the proposal has been revised to consider the two warehouse buildings which concludes that combined quantities of Dangerous Goods in both warehouses does not trigger SEPP 33. The revised report is included in Appendix 6. The following undertaking is provided in the report:</p> <p><i>A review of the quantities of DGs stored at the proposed Frasers Group Warehouse/industrial development was conducted and compared to the threshold quantities outlined in Applying SEPP33. The results of this analysis indicates that the threshold quantities for the DGs to be stored in both Speculative Warehouse #1 and #2, and for the combined quantities in both warehouses, are not exceeded; hence, SEPP 33 does not apply to the project.</i></p> <p><i>As the facility is not classified as potentially hazardous, it is not necessary to prepare a PHA study to fully assess the potentially hazardous nature of the facility as a result of it not being SEPP 33 applicable.</i></p> <p>It is noted that there are some minor inconsistencies between the submitted EIS and SEPP 33 Assessment. For clarity, the quantities specified in the following tables of the SEPP 33 Assessment are correct for the proposed development:</p> <ul style="list-style-type: none"> ▪ Table 3-1 (warehouse 1) ▪ Table 3- 4 (Warehouse 2) ▪ Table 3-7 (Warehouse 1 & 2 combined) <p>The updated EIS is attached for reference.</p>
<p>d) Other items</p> <ul style="list-style-type: none"> ▪ The title of plan SP4-WSPT DA-110 is "Office 2" however, the actual plan refers to "Office 1", please clarify the name of this plan. ▪ Confirm the building height, as the EIS states 12.2m however, the Air Quality report has the proposed building height as 13.7m. 	<p>Revised Drawing SP4-WSPT DA-110 has been attached which relates to "Office 01".</p> <p>The proposed building height is 12.2m, as shown on the architectural plans. Reference to the height of the proposed warehouse as noted in the Air Quality report is to be disregarded for this application (Appendix 5).</p>

8. RMS

a) *The RMS has no objection to the application. However, Roads and Maritime has the following comments for your consideration in the determination of the application:*

- 1. It is advised that the land defined as Lot 5 in DP 1212087 is within an area under investigation for the proposed widening of The Horsley.*
- 2. The proposed development shall comply with the Horsley Drive Business Park Master Plan.*
- 3. Car parking should be provided in accordance with Council's DCP.*
- 4. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for determination prior to the issue of a construction certificate.*
- 5. All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.*

Noted and agreed.

In relation to the provision of car parking, the rate of 1/200 sqm GFA has been adopted, which is consistent with SSD 5169 which granted approval for subdivision, earthworks, and infrastructure. Under this application, car parking and traffic generation was considered in detail, with the above rate adopted for all subsequent facilities within the estate.

9. Transport for NSW

a) *Roads and Maritime Services have advised TfNSW that they have commenced consideration of the above referenced project. Given this Transport for NSW does propose to make any additional comments.*

Noted and agreed.

10. Department of Primary Industries

a) The Department of Primary Industries has reviewed the application and provided the following recommendations:

- *The proponent should clarify if there is the potential for groundwater to be intercepted during the construction phase of the project. If there is, and dewatering is required, the proponent should consult with DPI Water. The proponent may be required to obtain licences to account for the take of groundwater.*

There is no potential for interception of groundwater as part of the proposed works as the site Bulk Earthworks have been completed under an earlier approval being SSD 5169. The works for this application will be the construction of the building on the existing flat earthworks pad.

11. Water NSW

a) WaterNSW notes that the stormwater extension works have been carried out by the proponent and/or contractors on WaterNSW land. The land around the inlet pit on WaterNSW land located to the south of the site (Pit E1) has been scoured by runoff from the cycleway, demonstrating the pit is not properly engineered and/or located to capture this runoff. It is noted that sandstone rubble and geofabric have been put in place in an attempt to prevent further erosion. This is not an acceptable solution, and the issue must be rectified immediately to the satisfaction of WaterNSW.

b) It was also noted that the soil in the corridor supporting the edge of the cycleway approximately 50 metres North of inlet pit E1 was falling away due to earthworks that had been carried out as part of the development. WaterNSW requires the proponent to rectify this issue immediately and install measures to prevent further deterioration of the land within the corridor.

c) It was noted that part of the finished surface of the site between

On 22 December 2016, Water NSW provided correspondence to Frasers Property confirming that the concept designs were agreed to, as well as consent to carry out works on WaterNSW land. Attached for reference is the correspondence sent to Frasers Property from WaterNSW.

The condition requirements of WaterNSW are noted and agreed, and can be complied with during construction and operation. A specific response to each item is provided below:

- a) This has been resolved and WaterNSW are writing to confirm this requirement is satisfied.
- b) This has been resolved and WaterNSW are writing to confirm this requirement is satisfied.
- c) This has been resolved and WaterNSW are writing to confirm this requirement is satisfied.
- d) It is intended the wall will be built as per the submitted plans.
- e) Agree to this request.
- f) Agree to this request.
- g) The extent of earthworks and so finished levels are shown on the submitted Civil Engineering drawings by Henry and Hymas, so there is no

the ends of the retaining walls along the boundary with the Upper Canal corridor sits higher than the land within the corridor. This is leading to stormwater entering the corridor from the site, carrying soil and sediment due to the un stabilised surface. This was particularly evident around the northern inlet pit E5. The proponent must immediately install sediment control measures such as sediment fencing on their land to arrest the ingress of sediment into the Upper Canal corridor, as well as reshape or treat the development site to prevent stormwater from entering the corridor from the site.

- d) WaterNSW notes a large amount of stockpiled fill in the centre of the site. No further spreading of fill should be carried out near the boundary fence, exacerbating the issue identified above of stormwater entering the Upper Canal corridor from the development site. To this effect it is noted the retaining wall is proposed on the plans (Dwg SP4-WSPT-DA-003 Issue A; 5.10.2016) to run the entire length of the boundary, however on site the wall is constructed only at the northern and southern extents. Clarification is required as to whether the retaining wall will be continued for the entire length as per the plans.*
- e) The existing 1.8 metre chain link security fence must be maintained on the boundary of the development site and the Upper Canal corridor (west of the public cycle path). Should the fencing be damaged requiring replacement, this will occur to WaterNSW's standards at the proponent's expense.*
- f) WaterNSW must be advised in advance of any construction activities, including supplementary earthworks, which are to occur close to the Upper Canal boundary.*
- g) Construction plans for bulk earthworks and civil works adjacent to the Upper Canal should be provided to Water NSW, and be to the satisfaction of Water NSW, prior to the issue of a construction certificate.*
- h) All site preparation and construction work carried out adjacent to the Upper Canal corridor should not impact on water quality or*

need to submit further plans prior to issue of a Construction Certificate.

- h) The extent of earthworks and so finished levels are shown on the submitted Civil Engineering drawings by Henry and Hymas, so there is no need for further consultation.*
- i) The EIS has been amended to include the correct description on page 26 with respect to proximity of a heritage items. The enclosed Heritage Impact Assessment confirms that the development adjacent to the Upper Canal corridor does not detract from the Canal's heritage significance.*

damage the canal infrastructure. Should any damage occur to the water supply infrastructure or land in the corridor or impact on water quality as a result of works being carried out on the subject site, it will be the responsibility of the developer to rectify that damage to the satisfaction of Water NSW and compensate Water NSW for any associated costs. The proponent should consult with Water NSW regarding any works carried out adjacent to the Upper Canal corridor to ensure there is no impact on the corridor from those works.

- i) The EIS erroneously states (p.26) that the site "does not adjoin any heritage items identified under the Western Sydney Parklands SEPP". The adjoining Upper Canal is listed on the State Heritage Register, listed as the 'Upper Canal System'. It is also listed in Schedule 1 of the Parklands SEPP. The proposed development adjacent to the Upper Canal corridor should aim to not detract from the Canal's heritage significance.*

Appendix 1

Addendum Traffic Impact Assessment

Appendix 2

Visual Perspective and Revised Landscape Plan

Appendix 3

Heritage Impact Statement

Appendix 4

Noise Impact Assessment

Appendix 5
Revised Air Quality Impact Assessment

Appendix 6

Revised SEPP 33 Assessment

Appendix 7

Water NSW Correspondence

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