26 June 2019

WILLOW TREE PLANNING

ACN: 146 035 707 ABN: 54 146 035 707
Suite 4, Level 7, 100 Walker Street
North Sydney NSW 2060
P: 02 9929 6974
enquiries@willowtreeplanning.com.au
www.willowtreeplanning.com.au

Daniel Gorgioski
Planning Officer
Department of Planning and Environment
(02) 9860 1538

OBJECTION WITH RESPECT TO SSD 7309 – ST MARYS FREIGHT HUB, LOT 2 FORRESTER ROAD, LOT 3 LEE HOLM ROAD AND LOT 196 CHRISTIE STREET, ST MARYS

Dear Daniel

1.0 INTRODUCTION

This Objection is made by Willowtree Planning Pty Ltd (Willowtree) on behalf of Charter Hall with respect to State Significant Development (SSD) 7309 to construct and operate the St Marys Freight Hub on land described as follows:

- Lot 2 Forrester Road, St Marys on DP 876781;
- Lot 3 Lee Holm Road on Deposited Plan 876781; and
- Lot 196 Christie Street on Deposited Plan 31912 (comprising the rail siding).

SSD 7309 seeks consent for the proposed St Marys Freight Hub. The portion of the site subject to SSD 7309 comprises a 9.6ha portion of this overall site described above. Charter Hall owns 10 Forrester Road, St Marys (2220 DP1172926), which is located immediately adjacent to Lot 2 DP876781 forming part of SSD 7309, as shown on **Figure 1** below. The area outlined in red on **Figure 1** is described as being the broader site, whereas the location of the physical works proposed under SSD 7309 is shaded in red on **Figure 1**. The remainder of this broader site is understood to be used for offset/buffer lands at this point in time.

Figure 1 Location of Charter Hall Landholdings with Respect to SSD 7309 (SITE Planning + Design, May 2019)

Charter Hall's points of objection in relation to SSD7309 are outlined below. It is recommended that these matters be addressed before SSD7309 proceeds towards being determined.

2.0 THE CHARTER HALL SITE

The Trust Company (Australia) – a subsidiary of Charter Hall, owns 10 Forrester Road, St Marys (2220 DP1172926), which is shown on **Figure 2** below. It is also located immediately north and east of Lot 2 DP876781, which forms part of the site subject to SSD 7309, as shown on **Figure 1** above. The Charter Hall site is primarily hardstand with some landscaping buffers and a larger vegetation buffer in the west. Dedicated two-way heavy vehicle access is provided in the north of the site's eastern boundary to Forrester Road, whilst dedicated two-way light vehicle access is provided in the south of the site's eastern boundary to Forrester Road (refer to **Figure 2** below).

Figure 2 The Charter Hall Site – Aerial View (SIXMaps, 2019)

The Charter Hall site is subject to the *Penrith Local Environmental Plan 2010* (PLEP 2010) under which it is zoned IN1 General Industrial. It is also subject to a Minimum Lot Size of 1,000m^2 and a 12m Building Height Control. The current tenant is Liberty OneSteel, which uses the site for warehousing purposes. The Charter Hall site is not currently subject to any current Environment Protection Licences.

3.0 GROUNDS OF OBJECTION

Charter Hall's grounds of objection to SSD 7309 relate to the following matters:

- The five month construction timeframe set out in the proposed Construction Program is overly ambitious. It is likely that this Construction Program timeframe would in fact take longer to complete. It is therefore also likely that the construction period dust and traffic impacts assessed as part of SSD 7309 could, in fact, last for a longer period of time compared to what has been assessed;
- The Construction Program set out in the Environmental Impact Statement (EIS) does not align with the construction Work Packages which were used to assess the construction phase of SSD 7309 within the Noise and Vibration Assessment. Moreover, the Draft Traffic Management Plan provides another variation of the proposed Construction Program breakdown. These inconsistencies should be reconciled;
- The Air Quality Impact Assessment has not considered the potential of SSD 7309 to impact on Medium-Sensitivity Receptors, which are *places of work where exposure is likely to be eight hours or more in a day*. Indeed, Lot 2220 DP1172926 (owned by Charter Hall) is immediately adjacent to Lot 2 DP876781 which forms part of SSD 7309;

- It is not possible to ascertain the exact construction period traffic impacts of SSD 7309, as the Draft Construction Traffic Management Plan lacks adequate detail;
- The Noise and Vibration Assessment identifies that vibration intensive works may include the use of vibrating rollers and similar equipment. The minimum working distances of these items of equipment from off-site receivers are based on recommendations of the TfNSW *Construction Noise and Vibration Strategy* (CNVS). It is considered that the existing built-form on the Charter Hall site is located at a sufficient distance from the proposed SSD 7309 construction works so as to not endure cosmetic building damage. However, works could still take place within an adequate distance (i.e. within 100m) of the workers and visitors at the Charter Hall site so as to allow these persons to experience construction vibration impacts;
- Modelled mapping prepared as part of the Flood Impact Assessment indicates that the extent of flooding impacts from Little Creek could be increased slightly at the Charter Hall site with SSD 7309 in place. Willowtree therefore challenges the validity of the claim made in the Desktop Flood Study and Flood Impact Assessment that: *The proposed development is not considered to expose any resident to unacceptable levels of risk or property to unreasonable damage and will not increase flood hazard or risk to other properties*; and
- Adequate consideration has not been given to the proposed Dangerous Goods store along the lot boundary of the adjoining Charter Hall site.

Each of these grounds of objection are set out in more detail below.

3.1 Construction Timeframe

The construction of SSD 7309 is described in the EIS prepared by SITE Planning + Design in May 2019 as being undertaken in a 4 Stage approach which is illustrated in **Figure 3** General Arrangement Stages and comprises the following key stages:

- Stage 1 – Bulk earthworks, construction of hardstand areas for internal manoeuvring of reach stackers, forklifts and container stackers, stormwater management;
- Stage 2 – Built form construction including administration building site, fuel storage, wash bay, transport workshop site and container repair workshop site;
- Stage 3 – Light vehicle access road and associated parking; and
- Stage 4 – Construction of additional hardstand for empty container storage area.

These works would be staged to enable the early commencement of operations. Completion of the Stage 1 works would allow trains to be stripped, stacked and loaded to semi-trailers or B doubles to be transported to their respective destination in Western Sydney. Following the pre-site works (i.e. sediment and erosion control, construction management requirements, signage, etc.) the earthworks, hardstand area and heavy vehicle access would form part of the first stage as will the detention basin. Thereafter, the area to contain the buildings, fuel storage and wash bay would be delivered, which would include the proposed wash bay building. The light vehicle access and car park would be delivered shortly after. The first three stages would be delivered in around five months with the final stage including the additional hardstand area being delivered when the Freight Hub reaches capacity levels to require the additional stacking area.

Figure 3 General Arrangement Stages (SITE Planning + Design, May 2019)

A proposed Construction Program is provided as Appendix 7 to the EIS prepared by SITE Planning + Design in May 2019. This proposed Construction Program entails the following:

- Pre site works commencing in July 2019
- August – December 2019 – Construction of heavy vehicle access road, bulk earth works and hard stand areas. The Stage 1 works enable the St Marys Freight Hub to commence operation at a reduced capacity whilst other parts of the project are still under construction;
- September – February 2020 – Construction of administration building site, fuel storage, wash bay, transport workshop and container repair workshop sites. These works are estimated to take four months with completion in February 2020 and approvals for the office/administration buildings and workshop buildings will be progressed separately;
- August – September 2019 – Light Vehicle Access Road and associated parking;
- November – January 2020 – Finishing Works including landscaping, lighting, fencing, signage; and
- The overall construction timeframe is expected to take approximately five months to be completed and the site would be operational based on approvals being in place by mid-February 2020. The staging would overlap as it is critical to delivery specific works early to enable the early operation of the Freight Hub.

Overall, Willowtree considers this construction timeframe as set out in the proposed Construction Program to be ambitious. It is likely that this Construction Program timeframe would in fact take longer to complete. It is therefore also likely that the construction period dust and traffic impacts assessed as part of SSD 7309 could, in fact, last for a longer period of time compared to what has been represented in the EIS prepared by SITE Planning + Design in May 2019 and its appending technical reports. It is furthermore noted that the Noise and Vibration Assessment took a more conservative approach and assessed a seven month Construction Program, emphasising the likelihood that the Construction Program timeframe quoted in the EIS is indeed inadequate. This has impacts for surrounding landholders, including Charter Hall's landholdings which lie adjacent to the SSD 7309 site.

3.2 Construction Program Inconsistencies

The Construction Program set out in the EIS does not align with the construction Work Packages which were used to assess the construction phase of SSD 7309 within the Noise and Vibration Assessment. Moreover, the Draft Traffic Management Plan provides another variation of the proposed Construction Program breakdown. In particular, Willowtree notes that it is not clear whether light vehicle access to the site is proposed to be provided during Stage 1 or Stage 3 of the SSD 7309 Construction Program.

The timeframe of these site access works and other related works, such as the delivery of heavy plant, equipment and materials to the SSD 7309 site could indeed impact on the Charter Hall landholdings. In particular, it is noted that the Draft Construction Traffic Management Plan states:

> *The Forrester Road access is in close proximity to the St Marys Railway Station and a footpath runs across the access crossover. It is highly unlikely that many pedestrians would use this side of Forrester Road as there is a footpath on the eastern side of the road which provides a more direct connection to/from employment areas to the north. 'Footpath Closed' signage should be used in this location for the duration of construction with pedestrian diversions in place near the station stair-landing and to the north of Harris Street. The footpath on the western side of Forrester Street would need to be blocked by water-filled barriers or similar either side of the driveway where the alternative crossing points are provided in the TCP. No footpaths exist across the Lee Holm Road access and no specific measures are warranted.*

However, the tenants of the Charter Hall site would have to be made aware of these works so that any workers or visitors planning to access the Charter Hall site by foot via the North St Marys Railway Station are aware that pedestrian access could be disrupted during the construction of SSD 7309. **Figure 4** below shows the location of the North St Marys Railway Station in relation to the Charter Hall site and Forrester Road. This information would equally apply to those accessing the Charter Hall site on bicycle. These inconsistencies with the Construction Program staging are therefore of concern to Charter Hall.

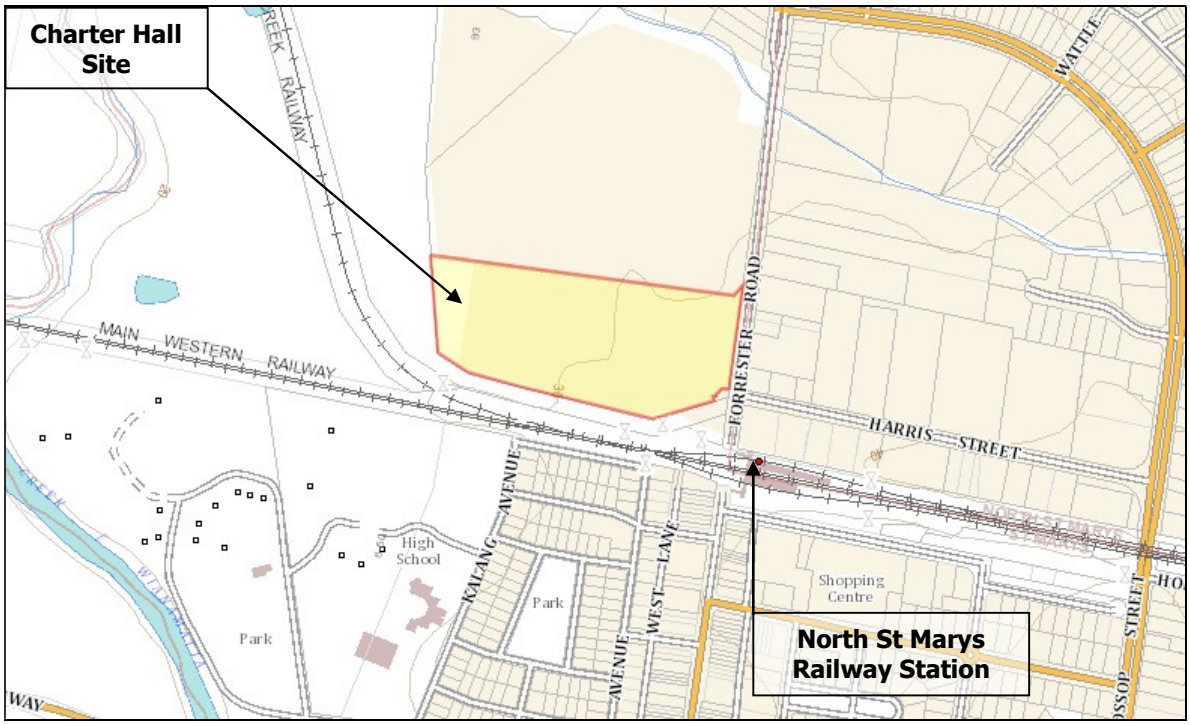

Figure 4 North St Marys Railway Station (SIXMaps, 2019)

3.3 Air Quality Impact Assessment

A qualitative assessment was undertaken of the proposed construction of SSD 7309 to ascertain the resulting air quality impacts, as per the UK Institute of Air Quality Management (IAQM) document, *Guidance on the assessment of dust from demolition and construction*. The Air Quality Impact Assessment identified the following potential air quality impacts resulting from the construction and operation of SSD 7309:

- Dust emissions from earthworks and bulk material stockpiles;
- Dust emissions from construction materials at loading and unloading transfer points; and
- Combustion emissions from operational mobile equipment such as train locomotives, forklifts and trucks.

The potential pollutants of interest during the construction and operation of SSD 7309 would include dust and fuel combustion products comprising:

- Particulate matter equal to or less than 10 microns in diameter (PM10);
- Particulate matter equal to or less than 2.5 microns in diameter (PM2.5);
- Oxides of Nitrogen (NOx);
- Carbon Monoxide (CO); and
- Volatile Organic Compounds (VOC's) (Benzene, Toluene, Ethyl Benzene, Xylene and Naphthalene).

A review of nearby meteorological data along with existing air quality data for the locality, as monitored by the Environment Protection Authority, indicates that PM_{10} concentrations are occasionally exceeded within the locality. However, these exceedances are generally the result of exceptional meteorological events such as bushfires, hazard reduction burns and dust storms. Road and rail traffic are identified as the only surrounding pollution sources. Overall, there is no suggestion in the Air Quality Impact Assessment that the ongoing operation of the Charter Hall site is in any way negatively affecting the baseline air quality of the surrounding locality.

As there are a number of sensitive receptors located within 350m of the boundary of SSD 7309, further assessment was therefore undertaken of potential construction dust impacts as per the IAQM method.

Section 6.1.2.2 of the Air Quality Impact Assessment explains how the potential construction air quality impacts were calculated on the assumption that:

- There are no High-Sensitivity Receptors (Residential) within 20m of the Project boundary;
- There are >100 High-Sensitivity Receptors (Residential) within 350m of the Project boundary; and
- Annual average PM10 concentration in the area between 15µg/m^3 and 19µg/m^3 which is below the EPA criterion of 25 µg/m^3.

However, Willowtree considers that the Air Quality Impact Assessment has not considered the potential of SSD 7309 to impact on Medium-Sensitivity Receptors, which are *places of work where exposure is likely to be eight hours or more in a day*. Indeed, Lot 2220 DP1172926 (owned by Charter Hall) is immediately adjacent to Lot 2 DP876781 which forms part of SSD 7309. While there are vegetation buffers separating current operations at the Charter Hall site with the proposed extent of works for SSD 7309, there could nevertheless be workers at the Charter Hall site located within 50m of the proposed extent of these works. It is therefore concluded that the Air Quality Impact Assessment may not have given adequate consideration to these Medium-Sensitivity Receptors.

3.4 Draft Construction Traffic Management Plan

The Draft Construction Traffic Management Plan does not identify the proposed heavy vehicle haulage routes which would be undertaken. However, it does identify Forrester Road as being an already-approved heavy vehicle route. As set out in **Section** Error! Reference source not found. above, the Charter Hall site uses Forrester Road for both its heavy and light vehicle access and egress. It is therefore possible that those workers and visitors accessing the Charter Hall site could experience greater traffic congestion along Forrester Road during the construction of SSD 7309. This is particularly the case given that the Draft Construction Traffic Management Plan states the following:

> *Exact plant and equipment usage and requirements are to be determined at a later date by the contractor.*

Willowtree therefore considers it impossible to ascertain the exact construction period traffic impacts of SSD 7309. This is despite the Traffic and Transport Assessment set out in Appendix 4 of the EIS stating:

> *The site will generate between 8-12 peak hour truck movements during the construction phase, mostly associated with the construction of on-site facilities and particularly the large concrete pad and driveway areas required. This volume of trucks is less than the expected truck traffic generation in the operational phase and like the operational period assessment findings, is not expected to introduce any significant impacts to the surrounding road system.*

Overall, Willowtree considers that the Draft Construction Traffic Management Plan has not as of yet adequately responded to the SEARs issued for SSD 7309. This creates issues for surrounding landowners, such as Charter Hall, who need to understand the construction period impacts to their own operations.

3.5 Noise and Vibration Assessment

In terms of potential construction vibration impacts, the Noise and Vibration Assessment identifies that vibration intensive works may include the use of vibrating rollers and similar equipment. The minimum working distances of these items of equipment from off-site receivers are based on recommendations of the TfNSW *Construction Noise and Vibration Strategy* (CNVS). It is considered that the existing built-form on the Charter Hall site is located at a sufficient distance from the proposed SSD 7309 construction works so as to not endure cosmetic building damage. However, works could still take place within an adequate distance (i.e. within 100m) of the workers and visitors at the Charter Hall site so as to allow these persons to experience construction vibration impacts.

3.6 Flood Impact Assessment

The Desktop Flood Study and Flood Impact Assessment included as Appendix 14 to the EIS prepared by SITE Planning + Design, May 2019 confirms that the site of SSD 7309 is affected by the 1% AEP mainstream flooding event from Little Creek. It also states that:

> *The proposed development is not considered to expose any resident to unacceptable levels of risk or property to unreasonable damage and will not increase flood hazard or risk to other properties.*

Moreover:

> *any increase in flood levels occurring as a result of the proposed development is within the criteria of the PCC DCP and contained within land owned by Pacific National.*

In its existing state, the Desktop Flood Study and Flood Impact Assessment confirms that portions of the Charter Hall site is subject to the following flooding impacts from Little Creek:

- The 5% AEP event;
- The 1% AEP event;
- The PMF event;
- Flooding Velocity of < 0.5 m/s for the PMF event; and
- Low Flooding Hazard.

Figure 5 below shows the current Little Creek PMF event for the locality without SSD 7309 in place.

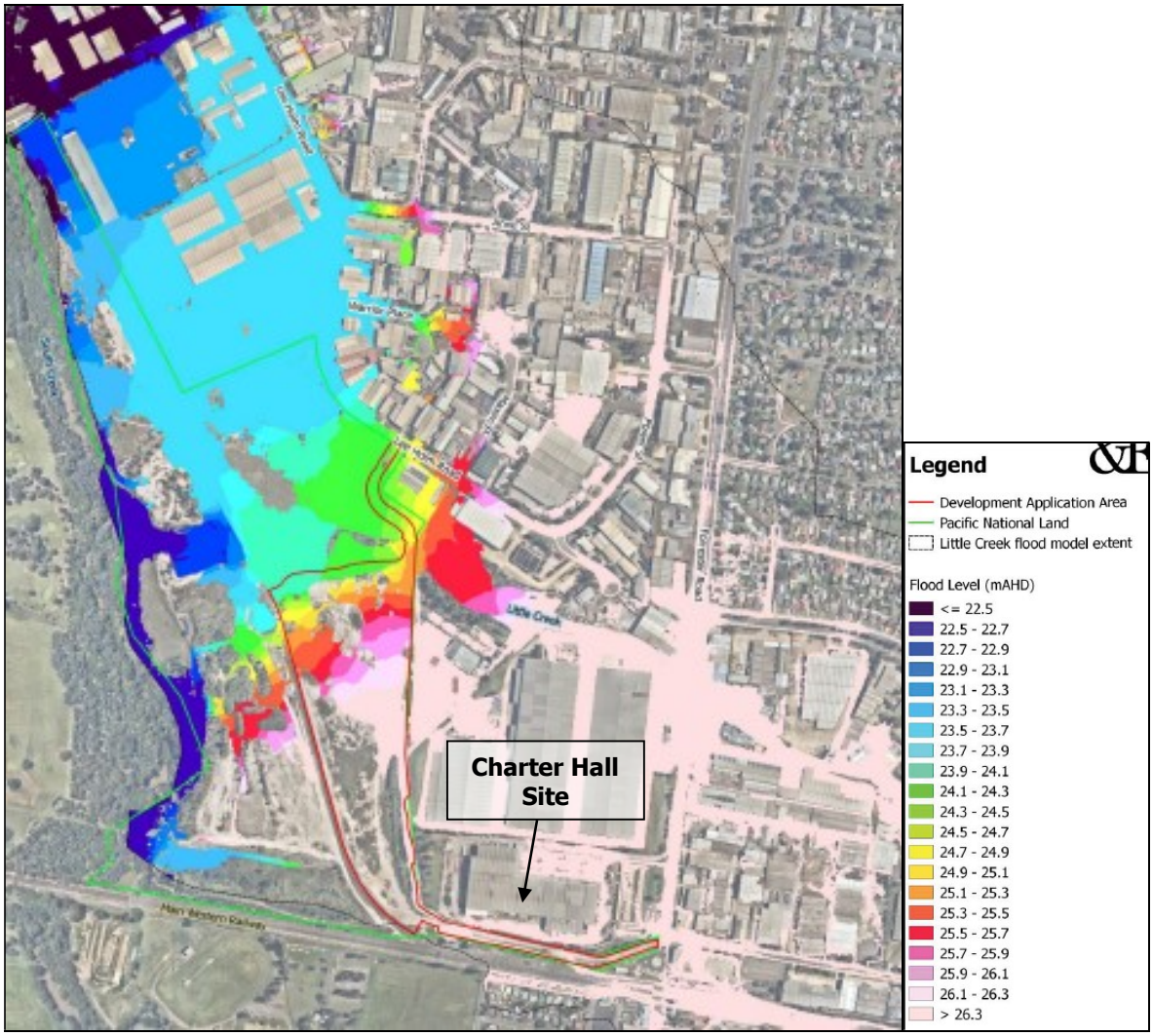

Figure 5 Pre Development Flood Levels – PMF Event (BG&E, 2018)

Figure 6 below shows the modelled Little Creek PMF event for the locality with SSD 7309 in place.

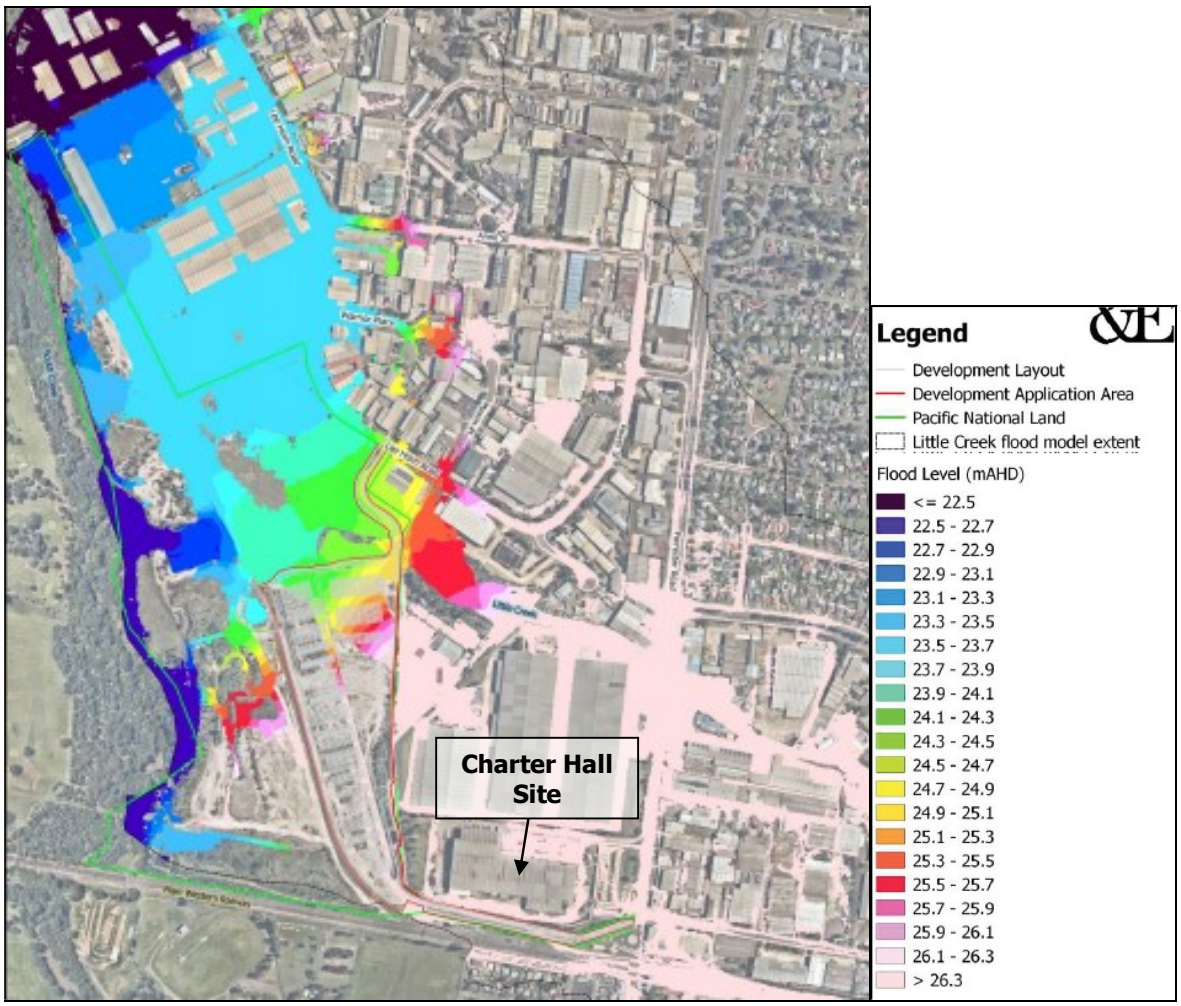

Figure 6 Post Development Flood Levels – PMF Event (BG&E, 2018)

It is considered that with SSD 7309 in place, the Charter Hall site would remain subject to the following flooding impacts from Little Creek:

- The 5% AEP event;
- The 1% AEP event;
- The PMF event;
- Flooding Velocity of < 0.5 m/s for the PMF event; and
- Low Flooding Hazard.

However, the modelled floodplain mapping for Little Creek contained in the Desktop Flood Study and Flood Impact Assessment indicates that the extent of each of these flooding impacts from Little Creek could be increased slightly at the Charter Hall site with SSD 7309 in place. Indeed, as shown on **Figure 5** and **Figure 6** above, SSD 7309 would slightly increase the PMF event impacts experienced in the western portion of the Charter Hall site.

Willowtree therefore challenges the validity of the claim made in the Desktop Flood Study and Flood Impact Assessment that:

> *The proposed development is not considered to expose any resident to unacceptable levels of risk or property to unreasonable damage and will not increase flood hazard or risk to other properties.*

3.7 Dangerous Goods

The Hazardous and Offensive Development Risk Screen included as Appendix 10 to the EIS prepared by (SITE Planning + Design, May 2019) advised that the nearest Dangerous Goods which are proposed to be stored in the vicinity of the Charter Hall site would be Class 3C1 Diesel, stored within 25m of the Lot 2220 boundary. Given that Diesel is only combustible and not flammable, it was concluded that no further hazard assessment was required in support of SSD 7309.

However, it is noted that no assessment has been undertaken of the potential impacts to the Charter Hall site by storing the proposed 30,000L of Diesel so close to its property boundary. Moreover, Willowtree notes that it is common for Development Applications to seek approval for lower risk Classes of Dangerous Goods in the first instance, then increase the types and quantities of Dangerous Goods approved for storage at that same site as part of a subsequent Development Application. In the instance that further modifications are made to the approved Dangerous Goods storage at the site, potential future land uses on the Charter Hall site could be restrained on the basis of perceived Dangerous Goods risks.

4.0 CONCLUSION

Based on the matters discussed above, it is recommended that SSD 7309 not proceed in its current form. Given the construction and operation al impacts which would occur for the Charter Hall landholding at 10 Forrester Road, St Marys (2220 DP1172926), it is considered that the assessment prepared so far for SSD 7309 is lacking in some respects.

These concerns of Charter Hall primarily relate to consistencies with the quoted Construction Program and timeframe, the lack of consideration given to Medium-Sensitive Receptors to dust generated during the construction of SSD 7309, lack of transparency regarding potential construction-period traffic impacts, the lack of consideration to human discomfort impacts during the use of vibration-intensive equipment during construction works, the validity of conclusions made in the Flood Impact Assessment about SSD 7309 not increasing flooding impacts to surrounding properties, and the suitability of locating a Dangerous Goods store so close to the Charter Hall site.

It is considered prudent for DP&E to request the matters identified in this Objection be addressed so that a decision can be made in the public interest.

To discuss further the matters highlighted in this Objection to SSD 7309, please contact Jessica Miller at Willowtree Planning (0402 845 415 or jmiller@willowtp.com.au) or Andrew Cowan at Willowtree Planning (0413 555 638 or acowan@willowtp.com.au).

Yours faithfully,

Regards,

Jessica Miller
Willowtree Planning Pty Ltd