

Our Ref: PNL:ACS:979050

19 August 2020

Bruce Zhang  
Environmental Assessment Officer - Industry Assessment  
Department of Planning, Industry & Environment  
4 Parramatta Square  
12 Darcy Street  
Parramatta NSW 2150

**By Email**

Dear Sir

**Jacfin Pty Ltd - Preliminary Submission**  
**ESR Horsley Logistics Park**  
**State Significant Development Application 10436**  
**Site: 6 Johnston Crescent, Horsley Park**

We act for Jacfin Pty Ltd (**Jacfin**).

Jacfin is the registered proprietor of the adjoining land to the south and west of the Site, being the land known as 2B Aldington Road, Kemps Creek.

By way of preliminary submission, please find **enclosed** correspondence provided to the Proponent dated 31 July 2020 (**Preliminary Submission**).

The Preliminary Submission outlines Jacfin's concerns with the proposed development, which fails to properly assess and mitigate impacts upon Jacfin's adjoining residentially zoned land.

Jacfin is preparing a detailed submission in relation to the SSD Application, which will be submitted to the Department prior to the closing of the exhibition period.

Yours faithfully



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Doc ID 760214773/v1

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31 July 2020

Paul Jewiss  
Manager - Capital Transactions  
ESR Australia  
Level 20, 20 Bond Street  
SYDNEY NSW 2000

**By Email**

Dear Paul

**Horsley Logistics Park**  
**State Significant Development Application 10436**  
**Site: 6 Johnston Crescent, Horsley Park**

We refer to our conference with you on 22 July 2020.

As you are aware, Jacfin Pty Ltd (**Jacfin**) is the owner of the land adjoining to the south and west of the Site. As discussed during conference, Jacfin holds serious concerns regarding the impact the Proposal will have on its land.

Jacfin considers the matters detailed below to be issues of critical importance which require a redesign of the Proposal.

**1. Executive Summary**

Based on the information provided, Jacfin is concerned with the following elements of the Proposal:

- (a) the setbacks and finished levels proposed are non-compliant with Development Approval 893.6/2013 granted by the Land and Environment Court, as modified (**Subdivision Approval**);
- (b) the proposed staff car parking and truck storage areas of Lot 201 will cause adverse noise impacts to the Jacfin's adjoining rural residential land;
- (c) the materials and colours proposed are not sympathetic to the landscape and will cause an adverse visual impacts;
- (d) management of the surface water and groundwater near the boundaries may cause adverse impacts;
- (e) the light spill from the structures to be constructed on or near the common boundary; and
- (f) the regulation of internal traffic movements.

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## 2. Compliance with Subdivision Approval

The Proposal is required to comply with the conditions set out in the CSR Approval. Specifically, compliance is required with condition 3(e), which states:

*The following conditions must be complied with respect of the development:*

...

- (e) *The retaining wall along the southern boundary is to have a maximum of two tiers, with the retaining structures at each tier to be a maximum of 1.5m high. The top of the retaining wall shall be set back a minimum of 10m from the southern boundary. The planter bed between the two tiers shall have a minimum width of 6m. The remaining 4m landscape setback shall be provided from the top of the retaining wall and landscaped with shade tolerant species.*

The masterplan provided by ESR for review by Jacfin indicates that contrary to condition 3(e), a landscaped buffer of only 10m is proposed. It is plain on the words of condition 3(e) that such landscaped buffer is to be 14m, with 4 metres of that buffer to be provided from the top of the retaining wall.

In addition, condition 3(a) states that the finished levels of proposed Lot 201 are to be a maximum of RL86.5m AHD. Based on our review of the masterplan, it appears that the Proposal seeks approval for finished levels of 86.7m.

Given the above, the Proposal must to be redesigned in order to achieve compliance with the Subdivision Approval.

## 3. Acoustic Impact

As discussed, Jacfin is concerned that the proposed 24/7 operation of the Site will have material adverse amenity impacts on its rural residential land.

Jacfin is extremely concerned that the Proposal has been designed with complete disregard for its context, being the adjoining residentially zoned land. The placement of the truck hardstand area and car parking for in excess of 200 vehicles on the elevated south-western corner of the Site immediately adjoining and with a direct line of sight to residential land is entirely unacceptable.

Of particular concern is the noise that will emanate from the car parking area and truck hardstand on Lot 201. The acoustic impact of these areas is exacerbated given the direct line of sight and the downward sloping topography toward Jacfin's adjoining rural residential land.

Jacfin requests that the car parking area and truck hardstand be repositioned well away for the boundary and relocated internal to the Site.

In addition, an acoustic screen wall must be provided along the length of the southern boundary, of a similar scale and form to the acoustic screen wall provide by the industrial development along Jacfin's western boundary.

As discussed, please provide us with a copy of noise assessment report for our review.

4. **Visual Impact**

Jacfin is concerned that the finishes proposed for the warehouse on Lot 201 will adversely affect the visual amenity of the land zoned rural residential adjoining the south of the Site.

It is Jacfin's position that the proposed finishes are to be recast in a manner sympathetic to the surrounding landscape and to minimise visual impact on Jacfin's rural residential land.

5. **Drainage**

Condition 3(c) of the Subdivision Approval requires:

*[i]n the 3m lower portion of the setback adjacent to the southern boundary the drainage swale shall be accommodated and existing trees shall be retained unless prior approval of Fairfield City Council has been obtained.*

Jacfin is not aware of any approval from Fairfield City Council which has obviated the need for compliance with this condition. It is unclear from the available information whether compliance with this condition will be achieved.

Recent stormwater and drainage issues have resulted in substantial water and material discharges from the Site on to Jacfin's land.

In order for Jacfin to be satisfied such incidents will not occur, please provide design details the stormwater management system proposed for the Site. In addition, details regarding the ongoing management of the structural integrity of the retaining walls and boundary vegetation by ESR is requested.

6. **Light Spill**

As mentioned above, the topographical location of the Site means that it sits above Jacfin's rural residential land. This, coupled with the proposed 24/7 operation of Site, creates concerns for Jacfin regarding the amenity impacts of light spill from the Site.

To ensure that the amenity of Jacfin's land is protected, please provide details of the proposed lighting installations around:

- (a) the warehouse buildings on Lot 201 and warehouse B on Lot 204;
- (b) the car parking area/ truck hardstand on Lot 201; the
- (c) fire road around the building on Lot 201; and
- (d) any other security lighting.

Please also provide details of any measures that ESR propose to employ to mitigate the potential light spill impacts.

**7. Details of Boundary Structures**

The masterplan provided for our review indicates that a retaining wall will be provided on the western boundary of the site. However, the materials to be used and the structural design of the wall are not clear. Please provide such details.

In addition, the interim measures to contain the batter fill on the western boundary of the Site should also be provided. The measures should ensure that the batter does not fail, as has occurred in the past, impacting on Jacfin's land.

Please also provide the details of any other structures proposed to be constructed along the common boundary.

**8. Internal Traffic Movements**

Related to the amenity issues raised above, Jacfin is concerned to ensure that internal traffic movements are managed so as to minimise the impacts on Jacfin's rural residential land. In order to assess these impacts, please provide the following information:

- (a) the proposed access arrangements for the fire road;
- (b) the intention for the truck storage/hardstand area on Lot 201 and how that area is proposed to be used and any restrictions on such use; and
- (c) the intention for the truck access road along the western side of the warehouse building on Lot 201, which terminates at the top of the landscape batter near the southern boundary of the Site.

As discussed, Jacfin would appreciate the opportunity to discuss the points raised above with you and your consultants during a Site meeting. Please let us know your availability during the week commencing **10 August 2020**, and we will coordinate a convenient time with Jacfin and its consultants.

Please contact the undersigned if you have any questions in relation to the above.

Yours sincerely



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