

Planning and Assessment  
Department of Planning, Industry & Environment  
Locked Bag 5022  
PARRAMATTA NSW 2124

Att: DIRECTOR – INDUSTRY ASSESSMENTS

**Submission by:**

Theresa and Patrick McHale

38-40 Greenway Place

HORSLEY PARK NSW 2175

Ph: (02) 9620 2229

**August 25, 2020**

**Re: ESR HORSLEY LOGISTICS PARK  
SSD-10436**

## **1. Overview**

We refer to the above State Significant Development Application relating to construction, fit-out and operation of warehouses and distribution buildings. Our property (Lot 71, DP 1050228) is located on Greenway Place approximately 80 metres from the boundary of the site. Please refer to the aerial photograph included on page 20 of the Environmental Impact Statement, which identifies our property with the Lot/DP noted above.

This submission is to object against approval of this application, until the landscaping and screening works have been satisfactorily completed by CSR Building Products Limited, in line with the documentation provided at the time of approval for subdivision to General Industrial lots. Details and further comments regarding our objection are detailed in Section 2 below.

The subdivision was approved taking into account the provisions of Sections 21 and 23 of the *State Environmental Planning Policy (Western Sydney Employment Area) 2009*. In order to comply with this legislation, CSR was to establish appropriate landscaping / screening to help to mitigate the negative impacts on amenity of nearby rural residential properties, which included limiting the height of buildings to be adequately screened behind the bund wall, close to the residential properties on Greenway Place. Whilst we understand that the current application has been lodged by ESR Developments, the requirements to meet the subdivision conditions should still be finalised prior to approval.

## **2. Details of Issues and Concerns**

### **2.1 Noise impact and future sleep disturbance**

The negative impacts on the amenity of our property from the industrial noise will be unacceptable.

We are located within the Noise Catchment Area for the development, indicated as NCA2 on the Noise and Vibration Impact Assessment prepared by SLR Consultants. (Refer to Appendix L on exhibition.).

Table 27 (on page 40 of Appendix L) identifies that reasonable noise disturbance levels at night time will not comply with legal limits, exceeded by 6dBA. The report suggests potential mitigation measures that we believe should be implemented now during this design stage, at the developer's expense, including the **'at-receiver mitigation controls'**. Specifically, these include architectural treatments to our home, as suggested on page 51.

It is up to the proponent, ESR Developments, to rectify and mitigate this in advance, in accordance with the recommendations of their own Consultant's report.

The SEPP (WSEA) 2009 applies to this site and clearly states in Clause 23:

*Development adjoining residential land*

*(1) This clause applies to any land to which this Policy applies that is within 250 metres of land zoned primarily for residential purposes.*

*(2) The consent authority must not grant consent to development on land to which this clause applies unless it is satisfied that—*

*(d) noise generation from fixed sources or motor vehicles associated with the development will be effectively insulated or otherwise minimised*

Our boundary to the applicant's southern boundary is approximately 50m and our house (living area) is approximately 90m away from the site. We are well within the 250m area identified as sensitive by the SEPP. Therefore, it is the applicant's legal obligation to ensure the noise is insulated and minimised.

In order to protect the amenity of our property and its liveability, it is imperative that the noise impacts are mitigated now. We should not have to wait until it becomes unbearable and have an ongoing battle (e.g. legal cases) with the proponent over the years. We have significant concerns about the future noise associated from the day to day operations (proposed as 24/7), given that the exact use of the development is still unknown and the zoning even allows manufacturing plants. The use of the building may also change over time, depending on the tenant. It's better to implement measures now, to minimise future complaints and conflicts.

The Consultants have also acknowledged various existing conditions on the subdivision's development consent (including noise monitoring) from Fairfield Council and these conditions should continue to apply to the development.

## **2.2 Visual impact**

The subdivision of the original property (the quarry at 327-335 Burley Road, Horsley Park) was the subject of Land and Environment Court Proceedings No. 10634 of 2014. This hearing was held from 15-17 June 2015. The subdivision was given approval by the Court, based on documentation and information provided by CSR Building Products Limited, including various screening and landscaping provisions and the Visual Impact Assessment report that had been prepared by their consultants.

Please refer to Attachment A for a copy of the Visual Imagery Assessment that was prepared for the subdivision application. This shows various photographs and photo montages that were prepared at that time, showing the views following the proposed planting. You can see that quite dense planting was proposed, with at least two rows of trees to ensure good coverage. The Landscape Buffer Plan is also attached below (attachment B), which shows the cross-section of the buffer zone and the multiple rows of trees.

The Landscaping Plans prepared by Geoscape (ESR's Attachment D to the EIS), indicate that the landscaping on the southern boundary has been completed 'by others', i.e. CSR. However, the number of trees that have been planted is inadequate, particularly in the area over the gabion wall. ESR's documents indicate that the visual impact on the rural residents on Greenway Place is 'moderate' but will be mitigated when growth of the plants is completed in 15 years' time. We disagree that this is an acceptable outcome. Firstly, we previously enjoyed beautiful rural and Blue Mountains views, which are now being replaced by warehouses 15 metres high. Secondly, 15 years is a long time to wait for an acceptable visual outlook. There needs to be more established trees planted within a short time frame. With the small number of trees that have been planted, it is impossible for the outlook to improve, even within 15 years. There is only a single row of trees, which have been spaced quite far apart. There needs to be at least another row of trees behind them.

Below are photographs taken today from our property, showing areas where screening is inadequate.

1. View of Lot 201 and landscaping above the gabion wall. The ground level is clearly visible behind the trees, so a 15 metre warehouse will be much more visible. Trees are widely spaced, providing little screening.



2. Another section of the southern boundary at the end of the terramesh wall, showing limited planting.





### **2.3 Vegetation Management Plan**

In order to ensure the landscaping does meet its objectives, there needs to be a Vegetation Management Plan that includes that southern boundary facing the residents on Greenway Place. The landscape management plans included with the application exclude this area, as they indicate that it is managed by others. This area needs to be maintained to ensure adequate growth and establishment over an extended period (normally 5 years from planting), to ensure the trees and shrubs survive for the long term. Over extended dry periods (e.g. last Summer), all the vegetation will need to be watered to ensure survival. Once CSR settles on sale of the land to ESR, we are concerned about who will be looking after this landscaping, to ensure it delivers the desired outcomes.

A Vegetation Bond should be held by the relevant Authority to ensure this occurs.

### **2.4 Building heights and ground levels**

During the Community Consultation meeting held in May 2014, CSR's representatives had indicated that building heights at the south eastern corner (closest to residents) would be limited to 10 metres. This was intended to comply with Section 21 of the SEPP (WSEA) relating to building heights within 250m of residents. However, the Environmental Impact Statement shows that the building will be 13.7m in height, whilst the finished floor level is also higher than originally planned. Therefore, we must assume that much more of the building will be visible than originally indicated.

To approve this development application in its current form, would be inconsistent with previous planning provisions to protect the amenity of existing residential properties.

Attachments C and D have been included for your consideration. They are two documents that were shared with us regarding the building heights, floor levels and bund construction. There were cross sections included, which showed the line of sight using the proposed floor levels and screenings to be provided. (See pages 12-15 of attachment D.)

The Applicant's EIS states on page 50 that *'The VIA finds that the underlying topography of the HLP site means that the scale of built form can be absorbed without significant adverse impacts upon view corridors and residential amenity.'* We strongly disagree with this statement, given that the floor level of Lot 201 is at RL 86.7 and the building will be 15 metres high and 9 acres in area. When built in the near future, the newly planted trees will do little to screen such an enormous building. It will tower over our property by 11 metres.

## **2.5 Impact of Lighting**

Again, we believe that more trees/screening and limiting heights of buildings to be concealed behind the bund wall, would assist in ensuring a more acceptable outcome for residents with regard to night lighting. Please also consider the colours and materials of rooftops, in order to minimise glare and heat generation to nearby residents.

## **3. Conclusion**

When approval for subdivision was granted by the Land & Environment Court, it was on the basis of various documents prepared about the development at that time, including proposed mitigation measures for the visual and noise impacts on surrounding residents. There are also legal obligations imposed by the Western Sydney Employment Area SEPP to minimise impact on surrounding residents.

We understand that the development will progress, but we are asking for delivery of the appropriate outcomes to ensure ongoing amenity of our home. The company should deliver on their responsibilities in accordance with the Land & Environment Court and Fairfield Council's requirements. The Department of Planning should consider this when assessing this application, and it needs to be rectified before any final decisions are made.

## **4. Attachments**

- A. Visual Imagery Assessment by Group GSA, as prepared for CSR in March 2015 and submitted for the subdivision approval.
- B. Landscape Buffer Plans, as submitted to Fairfield Council by CSR Building Products for the subdivision.
- C. Details of bund construction.
- D. Designs of roads and drainage – including gabion wall, bund and plantings.

Yours faithfully,

Patrick McHale  
Ph: 0417 410 515

Theresa McHale  
Ph: 0434 071 524

25<sup>th</sup> August, 2020  
38-40 Greenway Place  
Horsley Park NSW 2175