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SUPPLEMENTARY RESPONSE TO SUBMISSIONS HORSLEY LOGISTICS PARK

State Significant Development
Application (SSD-10436)

Prepared for
ESR AUSTRALIA
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1. INTRODUCTION

1.1. OVERVIEW

This Supplementary Response to Submissions (SRtS) report has been prepared to respond to the public and agency submissions received during the public exhibition of the Response to Submissions (RtS) and amended proposal accompanying State Significant Development Application 10436 (SSDA) for the Horsley Logistics Park (the proposal).

The RtS and amended proposal were on public exhibition between 18 November and 2 December 2020. A total of 12 submissions were received including 10 from state and local agencies authorities, and 2 from members of the public.

Correspondence was received on 11 December 2020 from the Department of Planning Industry and Environment (DPIE) requesting that the proponent provide a written response to the issues raised in the submissions. This correspondence also identified key matters to be addressed in relation to Noise and Vibration Impact Assessment from the DPIE's preliminary assessment of the application.

This report provides a comprehensive response to the matters identified by DPIE and the issues raised in the agency and public submissions received. No further modifications are sought to the Proposal.

1.2. STRUCTURE OF THIS REPORT

This RtS report is structured as follows:

- **Section 2 – DPIE Preliminary Assessment:** Provides a response to key issues raised following the preliminary assessment undertaken by the DPIE, as outlined in correspondence received 11 December 2020.
- **Section 3 – Response to Submissions:** Provides a detailed response to key issues raised by the various state and local agencies authorities, and organisations in each submission received.
- **Section 4 – Conclusion.**

1.3. REFERENCE DRAWINGS AND SUPPORTING INFORMATION

This RtS is supported by the following technical studies provided in the appendices of this report. This information is intended to supplement those originally lodged in July 2020. All other consultant reports remain unchanged from the original Environmental Impact Statement lodgement and can be found on the DPIE website.

Table 1 Supporting Documentation

Document	Appendix
Noise and Vibration Impact Assessment Addendum	Appendix A
Site Audit Statement – Lots 201 and 204	Appendix B
LRS Registered Deposited Plan and 88B Instrument	Appendix C

2. DEPARTMENT OF PLANNING INDUSTRY AND ENVIRONMENT PRELIMINARY ASSESSMENT

Correspondence was received on 11 December 2020 from the DPIE requesting that the proponent provide a written response to the issues raised in the submissions. This correspondence also identified matters to be addressed in relation to the DPIE's preliminary assessment of the Noise and Vibration Impact Assessment lodged with the application. These matters are responded to in full in the Noise and Vibration Impact Assessment Addendum prepared by SLR at **Appendix A** and summarised in the following section.

2.1. NOISE AND VIBRATION IMPACT ASSESSMENT

The operational noise assessment reported predicted 15-minute energy-averaged noise levels would just comply with the night-time criterion of 38 dB(A) at residences in NCA01 and NCA02 to the south of the site whilst predicted noise levels are expected to exceed criterion by 6 dB at residences to the east in NCA03. This modelled scenario included a combination of source and path noise control measures such as:

- *orientation of heavy vehicle loading areas and access routes away from the southern and eastern site boundary as far as practicable, to take advantage of screening afforded by building envelope.*
- *a 3 m height x 80 m length masonry acoustic wall along the southern end of the western truck storage/hardstand area on Lot 201.*
- *a solid wall to the full length of the southern end of the Lot 204 canopy (hardstand to canopy height).*
- *rooftop plant screening and limiting the rooftop plant to an effective sound power level of 80 dB(A) per unit.*

Issue 1:

The effectiveness of noise mitigation measures described in points 1, 2 and 3 is not clearly identified in the NVIA.

Response:

A number of iterative changes were carried out in collaboration with ESR during the design development stage to refine the layout and optimise the location, orientation and screening from buildings to assist in providing acoustic screening to the most affected receivers.

Additional noise walls were proposed in two locations (at Lot 201 and Lot 204), as described in the Amended NVIA (Appendix D to the RtS), to provide mitigation of noise level exceedances.

To illustrate the effectiveness of the proposed noise barriers, the following source contributions are provided for one example receiver in each noise catchment NCA01 and NCA02 (refer **Figure 1**). These are the most significant noise sources at this location with and without the proposed indicative noise barriers. The predicted noise levels are for night-time, weather enhanced conditions as this is the controlling time period for the assessment.

Figure 1 Noise source ranking

Table 1 NCA01 Example Receiver – Noise source ranking

Noise Source	Unmitigated noise level contribution - no barriers		Mitigated noise level contribution - with barriers	
	LAeq	Highest LAmax	LAeq	Highest LAmax
HV hardstand Lot 201	31.2	60.4	25.0	51.8
201 LV	30.1		22.4	
201 HV	26.3		26.3	
204 HV	25.6		21.5	
Forklifts 201	24.6		24.6	
203 HV	24.1		23.7	
202(B) HV	22.9		22.9	
202(A) HV	21.6		21.6	
201 (2) Condenser	20.4		20.4	
201 (1) Condenser	20.4		20.4	

Table 2 NCA02 Example Receiver – Noise source ranking

Noise Source	Unmitigated noise level contribution - no barriers		Mitigated noise level contribution - with barriers	
	LAeq	Highest LAmax	LAeq	Highest LAmax
203 HV	37.3		26.9	
201 (2) Condenser	32.8		22.2	
204 HV	32.3		26.2	
204 (1) Condenser	31.6		21.6	
201 (3) Condenser	31		21.5	
Forklifts 204	30.7	55.4	26.2	53.9
201 (1) Condenser	30.3		20.5	
Forklifts 203	28.4		23.3	
202(B) HV	28.3		22.3	
Forklifts 204-B	27.3		21.6	

Source: SLR

Issue 2

Predicted operational noise levels are claimed to reflect the site when all stages of the masterplan are fully operational. However, the Department notes the outcome of the assessment is dependent upon the accuracy/correctness of modelled operational activities. In addition to rooftop mechanical plant, Table 24 of the NVIA as presented below shows the other noise generating sources included in the noise model.

The Department has made the following comments on modelling assumptions:

- Heavy vehicle sound power level is typical of trucks travelling at low speeds. This assumed source emission scenario does not appear to include noise from acceleration, reversing alarm and during idle.
- The NVIA assumed heavy vehicles would move at an average speed of 25 km/h. There is insufficient information in the EIS to verify this assumption. Source emission is sensitive to vehicle passage speed. For example, lowering heavy vehicle speed from 25 km/h to 10 km/h would increase the contribution of noise associated with heavy vehicles by around 4 dB.

- *Forklift movements have been modelled in the at-grade dock areas of the hardstands. One forklift has been assumed for every two heavy vehicles onsite. Please justify this assumption.*

Response:

- Heavy vehicle sound power levels (SWLs) were modelled at 103 dB per vehicle as indicated in Table 24 of the Amended NVIA (at Appendix D to the RtS Report) (refer **Figure 2**). This SWL has been used with reference to the paper ‘Sound power levels of trucks at low speeds’ (Granneman et al, Internoise 2009) and ongoing refinement of SLR source noise levels across a number of other design and compliance assessment projects.
- This noise level is considered representative for a broad range of heavy vehicle types travelling at a range of low speeds from 10 km/h to 30 km/h as indicated in the Internoise paper. This is considered a reasonable basis for this assessment, given no tenant has been secured for the warehouses and therefore the current level of detail available for the Proposal does not include specific information regarding the type of vehicles associated with each Lot.
- In order to assess the possibility of sleep disturbance from peak events, in addition to the above noise sources, heavy vehicle brake releases and reverse alarms (non-tonal) have been modelled at all points along the heavy vehicle routes and in the hardstand areas of the development with a L_{Amax} SWL of 117 dB, and light vehicles have been modelled with a L_{Amax} SWL of 100 dB.
- As a conservative assessment, all forklift movements have been modelled as external to the building envelope for each Lot. Depending on the final configuration and operational considerations, some forklift movements may occur inside the building which would reduce the overall noise contribution from this activity. One forklift per two heavy vehicles is considered a reasonable assumption based on previous project experience as the operational requirements of each warehouse is not known at this stage.

Figure 2 Sound Power Levels for Onsite Vehicle Movements

Table 24 Sound Power Levels for Onsite Vehicle Movements

Noise Source	Sound Power Level (SWL), per vehicle	Average Speed
Heavy Vehicles	103 dBA ¹	25 km/h
Light Vehicles	96 dBA	40 km/h
Gas-powered Forklifts ²	93 dBA	n/a

Note 1: Based on SLR’s noise measurement database, this sound power level is typical of trucks travelling at low speeds, such as within industrial estates.

Note 2: If electric forklifts are proposed for the development, noise emissions from forklifts would be considerably lower than gas-powered forklifts.

Source: SLR

Issue 3:

The NIVA did not mention of corrections for annoying characteristics. Fact sheet C of the EPA’s Noise Policy for Industry 2017 specify penalty factors for noise heard/predicted/measured at a receiver location with annoying characteristics such as tonality, intermittency, or dominant low-frequency content.

If the noise is likely to be intermittent and tonal, a correction of 10 decibels would need to be added to the predicted noise levels. Unless appropriately justified in the NVIA, the Applicant would need to implement best management practice and/or mitigation measures to minimise the prominence of intermittency and tonality of the sounds heard at noise affected residential receivers.

Response:

In relation to modifying factors described in Fact Sheet C of the NPfI, SLR does not anticipate penalties associated with the factors applicable to the Proposal for the following reasons:

- **Tonality:** The most probable potential source of tonality would be reversing alarms, however, it is expected that non-tonal reversing alarms would be used as standard for any Lot operators so no such penalty is required.

Following selection of mechanical plant during detailed design, some plant items may exhibit tonal characteristics when considered individually. Any tonal characteristics of specific plant items are considered unlikely to be apparent in the overall site noise profile at a given receiver location. This should be assessed during detailed design once plant selections are made and any relevant engineering controls applied.

- **Dominant low-frequency context:** Under the definition included in Fact Sheet C of the NPfl, this is not considered relevant to the noise sources considered in this assessment (ie heavy and light vehicle movements, forklifts and external mechanical plant).
- **Intermittent noise:** Definitions of noise characteristics are subject to an individual's interpretation and experience. It is therefore difficult to clearly define what a typical person would subjectively characterise as intermittent noise in cases where the intermittency is not overwhelmingly obvious.

SLR interprets the NSW EPA's intentional use of the term 'sudden' as it relates to intermittent noise definitions in the NPfl as meaning the noise rapidly changes in a clearly abrupt manner over a short time period. Based on this interpretation, the principal sources of noise at the development (ie vehicle movements, mechanical plant, etc) are likely to be fairly constant sources or have a gradual rise and fall over time, such as during a vehicle pass-by. These sources are not considered 'sudden' as they are unlikely to result an immediate change in noise level state.

An example of a 'sudden' event would be a noise source similar to the dropping of a load, truck engine start, or other event that rapidly increases above the prevailing ambient noise level and then similarly decreases rapidly. Although such events could occur periodically throughout the industrial estate, SLR does not consider it likely that at a given receiver location, events significant enough to alter the ambient noise level by more than 5 dB would occur several times during the assessment period and meet the definition of intermittency.

3. RESPONSE TO SUBMISSIONS

The following section provides a detailed response to issues raised by the various agencies, organisations, and the public in each submission received. Further discussion and detailed responses are provided in the supporting technical documentation appended to this SRtS report. For ease of reference the matters raised by the various agencies and other stakeholders are repeated in italics under each section.

3.1. GOVERNMENT AGENCY SUBMISSIONS

Note: the submissions provided by the following agencies did not raise any issues that required further response or action by the Applicant:

- Crown Lands, Department of Planning, Industry and Environment,
- Penrith City Council,
- Fire Rescue NSW,
- Environmental Energy and Science Group (EES Group),
- Water NSW, and
- Department of Planning, Industry and Environment – Water and Natural Resources Access Regulator.

3.1.1. Fairfield Council

A review of the Fairfield City Council submission has been undertaken and a detailed response to the issues is provided in **Table 5** below.

Table 2 Response to Fairfield Council

Submission	Response
<p><i>It is noted and recommended that condition 22 as specified in Council previous letter be adopted as part of any development conditions of consent for the subject site. This is to ensure the potential impacts on the amenity of rural residential properties adjoining the site are protected throughout the life of the proposed development and ensure the relevant landowner(s) of the subject site are aware of their responsibility for the maintenance of the landscape buffer along the southern boundary of the site.</i></p> <p>22. Landscaped Buffer and Mound</p> <p><i>The 10m wide landscape buffer and bund located along the southern boundary of the site (as shown in the plans accompanying the proposal), are required to be protected and maintained to ensure the effectiveness and longevity of these areas in mitigating potential impacts</i></p>	<p>As stated in Table 5 of the RtS Report, in accordance with DA893.7/2013, a positive covenant will be registered on title to ensure the ongoing management of the southern bund wall. Fairfield Council executed the plan of subdivision for DP 1244593 and accompanying 88B instrument on 18 August 2020 and the Land Registrar Services (LRS) registered the plan of subdivision on 17 November 2020 (Refer Appendix C).</p>

Submission	Response
<p><i>of the development on the adjoining rural residential lands to the south of the site, in accordance with the determination issued by the NSW Land and Environment Court (Appeal no. 10634 of 2014) in relation to DA 893.1/2013.</i></p>	
<p><u>Traffic Branch Comments</u></p>	
<p><i>The following matters shall be addressed by the applicant.</i></p> <p><i>Traffic modelling assessment shall be undertaken to analyse traffic impacts of the development proposal on the adjoining road network. The results of the SIDRA analysis and an electronic copy of the SIDRA files shall be provided to Council for validation. The traffic generation of 271 vehicle trips during the peak hour is expected to have significant impacts on the adjoining road network. Traffic generation associated with the development shall be referred to Transport for NSW as this trip generation could potentially impact the Southern Link Road project at/near Burley Road and Johnston Crescent</i></p>	<p>Traffic analysis and modelling was undertaken based on DPIE's SEARs, test of adequacy, and TfNSW's review process. Further modelling was provided in the Amended TIA for the intersection of Old Wallgrove Road / Milner Avenue (refer section 8.5 of the Amended TIA at Appendix F to the RtS Report).</p> <p>The report concludes that the traffic associated with the proposal (even when accounting for the additional 38veh/hr during AM peak hour) as well as the cumulative traffic from all developments in the area will not have any adverse traffic impact from that which has already been approved and constructed. Furthermore, it is expected that a Travel Plan (as requested by TfNSW) will be prepared for the Proposal which can further assist in reducing vehicular traffic demand from the Site.</p> <p>As such, the proposal does not warrant any additional infrastructure upgrades beyond that already constructed and planned for the locality.</p> <p>The Amended TIA was reviewed by TfNSW and no further comment was raised in their submission on traffic modelling or traffic generation grounds.</p>
<p><i>The applicant's turning path diagrams demonstrate that 30m long super B-Double vehicle entering the sites require to use the entire driveway to undertake the manoeuvre. This will potentially conflict with vehicles exiting the site. In addition, turning path analysis shows that 30m long B-Double vehicle requires to use most part of the access road when turning into and out of the sites. Additional information shall be provided to address these concerns;</i></p> <p><i>The proposed access driveways for the site shall comply with the requirements of AS 2890.2:2018 and</i></p>	<p>Refer section 10 of the Amended TIA at Appendix F to the RtS Report which discussed vehicular accessibility. In summary:</p> <p>Lots 201, 202B, 204 access points are designed as "entry only" / "exit only" therefore simultaneous movements at the access points are not required.</p> <p>For Lots 202A and 203 – it is unlikely that two trucks will be required to enter and exit at the same time. Suitable managements measures can be implemented if two trucks will be required to enter and exit at the same time in the tenant-specific Loading Dock Management Plan (LDMP).</p> <p>It should be considered that individual tenancies have yet to be determined at this stage. In this respect, operational detail relating to specific light and heavy vehicle distribution and movements, as well as operational schedules is subject to site-specific operational traffic management plan for individual tenancies.</p>

Submission	Response
<p><i>shall be determined based on the turning path assessment undertaken in accordance with Austroads Guidelines. Two-way simultaneous movements at driveways whichever is the worst-case scenario shall be shown on the swept path diagrams to justify the adequacy of the driveway design; The proposed access driveways for the site shall comply with the requirements of AS 2890.2:2018 and shall be determined based on the turning path assessment undertaken in accordance with Austroads Guidelines. Two-way simultaneous movements at driveways whichever is the worst-case scenario shall be shown on the swept path diagrams to justify the adequacy of the driveway design;</i></p>	
<p><i>Parking provision must be made to accommodate future peak parking demand generated by the development and shall be consistent with what was previously approved by Council. It is noted that proposed provision of car parking on the site is at 1 space/300m² however, Council considers that additional car parking should be provided on the site at a rate required under Council's City Wide DCP for this form of development of 1 space/177m²;</i></p>	<p>Detailed discussion has been provided in relation to car parking provision at Section 7 of the Amended TIA. The Amended TIA recommends that the proposed parking provision subject to this SSD is sufficient to accommodate the demand for future tenancies on the following grounds:</p> <ul style="list-style-type: none"> ▪ The rates are consistent with those of approved developments within the broader area (as discussed in relevant sections of the TA), ▪ The rates have regard to the RMS Guide parking rates (satisfied) ▪ TfNSW provides support for parking rates in accordance with RMS Guide rates, ▪ The site will require preparation of a Green Travel Plan (GTP) as requested by TfNSW as a condition of consent. This GTP is intended to reduce reliance on the use of cars which is in line with the RMS requirement for lower car parking rates than is stipulated by the Burley Road DCP.
<p><i>The site plans have shown that the loading bays within the sites are designed to cater for articulated vehicles. No designated loading bays are proposed to accommodate larger vehicle such as 30m long superb B-Double vehicles. Service vehicles</i></p>	<p>Refer to Section 10.2 of the Amended TIA. Super B-Doubles are proposed to undertake side loading at the service bays similar to other comparable sites. The proposal also provides separate loading / unloading areas for super B-Doubles for all sites.</p>

Submission	Response
<p><i>shall undertake loading and unloading activities within the designated loading areas without impacting traffic flow into, within and out of the site. Additional information shall be submitted to demonstrate how vehicles larger than articulated vehicles will be accommodated on-site without impacting other vehicles;</i></p>	
<p><i>Turning path analysis shows that 30m long vehicles require to occupy most part of the access road when turning into and out of the sites. The applicant shall consider the option to widen the driveways to facilitate heavy vehicle movements into and out of the sites;</i></p>	<p>Swept path analysis has been undertaken for 30m Super B-Doubles, demonstrating that compliance for this design type can be achieved (refer Appendix A to the Amended TIA).</p> <p>Details of the type and number of heavy vehicles accessing the site are not readily available at this stage noting that there is no known tenancy for these sites.</p> <p>Site loading and unloading is proposed to be managed through an operational traffic management plan to be prepared prior to issue of an occupation certificate for each lot once the details of the future tenant are known.</p>
<p><i>The applicant has not submitted swept path diagrams/assessment for 25m/26m long B-Double vehicles to manoeuvre into, within and out of the site. Clarification is required regarding this matter. The type and the number of heavy vehicles using the site on daily basis shall be specified in the loading management plan;</i></p>	<p>In response to requests from TfNSW, the swept path analysis presented in Appendix A to the Amended TIA was updated for PBS Level 2. The 30m Super B-Doubles are PBS Level 2 and operate similar to B-Doubles and as such the swept path analysis readily allows for B-Double simulations.</p> <p>A preliminary loading dock management plan is provided in Section 10.7 of the Amended TIA. A detailed operational traffic management plan will be prepared prior to issue of an occupation certificate for each lot once the details of the future tenants are known.</p>
<p><i>Access driveways for trucks entering and exiting warehouses (Lot 201 and 204) are located at/near the bends of the access road where sight distance could be impacted. There is also a number of closely spaced driveways (two entry and exit driveways for trucks and one new fire access road) located at the south-eastern corner of the Access Road where potential conflicts between vehicles entering and exiting the site are high.</i></p> <p><i>The locations of the access driveways shall be reviewed to ensure the safety of road users. In</i></p>	<p>Review of the access locations for Lots 201 and 204 have been undertaken at Section 10 of the Amended TIA having regard to:</p> <ul style="list-style-type: none"> ▪ Refer section 10.4 – sightline assessment has been undertaken for the access points at a 50km/hr speed limit. ▪ Gradient issues on the Access Road and crossovers. ▪ Optimised access driveway widths in accordance with the width of the hardstand area available for Lot 204.

Submission	Response
<p><i>addition, swept path analysis undertaken by Council officers in accordance with the Austroads Guidelines indicate that it would be difficult for 26m B-Double vehicles to exit the sites via the access driveways located at/near the bends of the access road. Based on the turning path analysis, 26m B-Double vehicles turning left out of the sites were observed encroaching onto the path of oncoming traffic in the access road;</i></p>	
<p><i>A loading management plan indicating the frequency and the number of heavy vehicles using the proposed warehouses (Lots 201, 202, 203 and 204) shall be submitted to Council for assessment. Additional measure shall be in place to deter trucks from entering the site when all of the loading/service bays are occupied; and</i></p>	<p>A preliminary loading dock management plan is provided in Section 10.7 of the Amended TIA. A detailed operational traffic management plan will be prepared prior to issue of an occupation certificate for each lot once the details of the future tenants are known.</p>
<p><i>A copy of the plans showing the dimensions of the proposed bicycle parking spaces and where they are proposed within the development shall be submitted to Council for assessment.</i></p>	<p>These details are clearly identified on the Architectural Plans at Appendix A to the RtS.</p>
<p><u>Stormwater Engineer's Comments</u></p>	
<p><i>As previously requested, the existing pipe details including the invert levels of the pipes within the access road at all stormwater connection points shall be shown on the stormwater plans. The obvert level of the pipe in the access road shall be taken as the tail water level for the design of the OSD system.</i></p>	<p>These details are provided in the civil plans at Appendix E to the RtS.</p> <ul style="list-style-type: none"> ▪ Refer to drawings SSDA41 to SSDA44 for the access road stormwater connection points and invert levels. ▪ Refer to drawings SSDA61 to SSDA64 for the design of the OSD system and orifice control / tail water level.

3.1.2. Transport for NSW

A review of the Transport for NSW submission has been undertaken and a detailed response to the issues is provided in **Table 7** below.

Table 3 Response to Transport for NSW

Submission	Response
<u>Green Travel Plan</u>	
<p><i>Green Travel Plan</i></p> <p><i>Prior to the issue of the first Occupation Certificate for each tenancy, the applicant is to prepare a Green Travel Plan in consultation with TfNSW. The Green Travel Plan should be aimed at staff and visitors and include:</i></p> <ul style="list-style-type: none"> <i>• Proposed parking arrangements;</i> <i>• Information regarding site accessibility, including any specific accessibility requirements for staff/ visitors with mobility impairments, and the measures that are in place to address them, including any priority arrangements;</i> <i>• Strategies that encourage the use of public and active transport to help reduce the use of single occupant car travel to access the site for staff and visitors, where appropriate;</i> <i>• A commitment for each tenancy to implement a car pooling scheme;</i> <i>• Predicted and aspirational mode share targets for staff and visitors;</i> <i>• Mapping of preferred walking and cycling routes and preparation of a Transport Access Guide that details access arrangements for staff and visitors including:</i> <ul style="list-style-type: none"> <i>o Details on cycle parking at each site as well as recommended 'last mile' cycle route from local cycle network to each site; and</i> <i>o Link to TfNSW trip planner https://transportnsw.info/;</i> <i>• A communication strategy for engaging staff, visitors and the local community regarding sustainable transport use to the site;</i> <i>• Include promotion of the health and wellbeing benefits of active travel to the site; and</i> <i>• Identification of the number of staff who can reasonably access the site from walking or cycling.</i> <p><i>Resources to assist can be found here:</i> https://www.mysydney.nsw.gov.au/travelchoices/tdm</p> <p><i>The applicant shall submit a copy of the final Green Travel Plan and Travel Access Guide to be used by each tenancy within the ESR Horsley Logistics Park to TfNSW for endorsement.</i></p>	<p>This recommendation can be addressed through implementation of suitable conditions of consent.</p>

3.1.3. Heritage NSW

A review of the Heritage NSW submission has been undertaken and a detailed response to the issues is provided in **Table 10** below.

Table 4 Response to Heritage NSW

Submission	Response
<p><i>We note section 4.1.6 of the RTS outlines that our comments on the EIS, dated 28 August 2020, can be addressed through implementation of suitable conditions of consent. Table 5.2 provides updated mitigation measures but have not included any additional measures related specifically to managing Aboriginal objects if they are uncovered during works.</i></p> <p><i>Despite previous site disturbance, we continue to recommend additional measures be included to ensure that if any Aboriginal objects were to be uncovered that these objects are appropriately recorded and managed. We recommend these measures could be managed through the preparation of an unexpected finds procedure.</i></p>	<p>These recommendations can be addressed through implementation of suitable conditions of consent.</p>

3.1.4. Environmental Protection Agency NSW

A review of the Environmental Protection Agency NSW submission has been undertaken and a detailed response to the issues is provided in **Table 12** below.

Table 5 Response to Environmental Protection Agency NSW

Submission	Response
<p><i>In the RtS, the Applicant stated that they expect that Site Audit Statements will be issued on 30 November 2020 for Lots 201 and 204; 11 January 2021 for Lot 203; and 22 November 2021 for Lot 202. It appears the Applicant has already engaged a Site Auditor even though they didn't submit a Site Audit Statement during the RtS stage. The Applicant's response stated that these Site Audit Statements will "provide certainty to DPIE that the land will be made suitable in its remediated state for the purposes of the development proposed by this SSD SA as required by Clause 7 of SEPP 55."</i></p>	<p>The Site Audit Statement for Stage 2A of the CSR Estate (Lots 201 and 204) was issued on 4 December 2020 for the site in accordance with the NSE EPA Site Auditor Scheme (refer Appendix B).</p> <p>The approved RAP pursuant to DA 893.7/2020 is provided at Appendix I to the RtS. Remediation works in accordance with this approved RAP are being undertaken in accordance with this approved RAP. All of these works will be undertaken under separate development consents obtained by CSR. Completion of the remediation works are required prior to ESR enacting any works on land the subject of each stage approved by SSD 10436 to fulfill the requirements of Clause 7 of SEPP 55.</p> <p>The anticipated date of issue of the Site Audit statement for Stage 2A, 2B and 2C is summarised as follows:</p>

Submission	Response
	<ul style="list-style-type: none"> ▪ Stage 2A: Lots 201 and 204 –Site Audit Statement issued: 4/12/2020 ▪ Stage 2B: Lot 203 – expected issue of Site Audit Statement: 11/1/2021 ▪ Stage 2C: Lot 202 – expected issue of Site Audit Statement: 22/11/2021
<p><i>It is highly recommended that the Applicant continues to engage a NSW EPA-accredited Site Auditor throughout the duration of works to ensure that any work required in relation to soil, groundwater, or ground gas contamination is appropriately managed.</i></p>	<p>Agreed. An NSW EPA-accredited Site Auditor will be engaged throughout the duration of works.</p>
<p><i>Even though the Applicant has not yet addressed all EPA’s comments on contaminated land, it is considered that EPA’s concerns on contamination can be addressed with appropriate conditions of consent to address contamination issues and to ensure that the conditions are consistent with the NSW EPA’s Site Auditor Scheme. Therefore, the EPA would like to recommend the draft conditions of SSD approval below.</i></p> <p><i>Recommended conditions of consent:</i></p> <ol style="list-style-type: none"> <i>1. The Applicant must engage a NSW EPA-accredited Site Auditor throughout the duration of works to ensure that any work required in relation to soil, groundwater, or ground gas contamination is appropriately managed.</i> <i>2. The Applicant must obtain a Section B Site Audit Statement from a NSW EPA accredited Site Auditor commenting that the updated RAP is appropriate and that the site can be made suitable for the proposed development provided that the updated RAP is implemented.</i> <i>3. The conditions in the Section B Site Audit Statement must be met and any variations to the approved Remedial Action Plan must be approved in writing by the Site Auditor.</i> <i>4. If work is to be completed in stages, the Site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice/s.</i> <i>5. The Applicant must obtain a Section A1 Site Audit Statement - or a Section A2 Site Audit</i> 	<p>The applicant agrees that appropriate conditions of consent can address contamination issues consistent with the NSW EPA’s Site Auditor Scheme.</p> <p>Condition 4, as drafted by the NSW EPA, is not accepted as the Proposal does not seek consent for a staged development. However, the proposed works on each development Lot will only be commenced once a Site Audit Statement has been issued for that Lot / those works.</p> <p>Condition 5 aligns with the intent of the Proposal to obtain the relevant Site Audit Statement for each individual lot.</p> <p>All other conditions are acceptable, subject to final review noting that the DPIE is ultimately the consent authority for the Proposal, and therefore will be responsible for drafting conditions of consent.</p>

Submission	Response
<p><i>Statement accompanied by an Environmental Management Plan - from a NSW EPA accredited Site Auditor and submit it to the consent authority and the EPA prior to commencement of use. The Site Audit Statement must certify the site is suitable for the proposed use.</i></p> <p><i>The Applicant may obtain individual Section A1 Site Audit Statement - or a Section A2 Site Audit Statement on individual parcels of land.</i></p> <p><i>6. Prior to use, the Applicant must obtain confirmation from the Certifying Authority in writing that the requirement of condition 5 has been met.</i></p>	
<p>Notes</p> <p><i>The EPA reminds the Applicant of the following:</i></p> <ul style="list-style-type: none"> <i>• The processes outlined in State Environmental Planning Policy 55 - Remediation of Land (SEPP55) be followed in order to assess the suitability of the land and any remediation required in relation to the proposed use.</i> <i>• The proponent must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site so as to result in significant contamination [note that this would render the proponent the 'person responsible' for the contamination under section 6(2) of Contaminated Land Management Act 1997 (CLM Act)].</i> <i>• The EPA should be notified under section 60 of the CLM Act for any contamination identified which meets the triggers in the Guidelines for the Duty to Report Contamination</i> <p>www.epa.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf</p> <ul style="list-style-type: none"> <i>• The EPA recommends use of “certified consultants”. Please note that the EPA’s Contaminated Land Consultant Certification Policy supports the development and implementation of nationally consistent certification schemes in Australia and encourages the use of certified consultants by the community and industry. Note that the EPA requires all reports submitted to the EPA to comply with the requirements of the CLM</i> 	<p>Noted.</p>

Submission	Response
<i>Act to be prepared, or reviewed and approved, by a certified consultant.</i>	

3.2. PUBLIC SUBMISSIONS

During the public exhibition period the DPIE received two public submissions which objected to the proposal. The following section provides a detailed response to each matter raised in the public submissions received.

3.2.1. Jacfin Pty Ltd

During the public exhibition period DPIE received a submission from Jacfin Pty Ltd (Jacfin) who are 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 (Jacfin Land).

The submission was accompanied by the following:

- Response to Post Submission Report prepared by GLN Planning, a response to which is provided in **Table 14** below. Further discussion is included in the Addendum Noise and Vibration Impact Assessment at **Appendix D**.
- Acoustic Impact Assessment prepared by Acoustic Dynamic Acoustical Consultants, a response to which is provided by SLR at **Appendix A** of the Amended Noise and Vibration Impact Assessment at **Appendix D**. The issues raised in the peer review assessment were:
 - The effectiveness of the proposed acoustic barrier cannot be meaningfully assessed
 - The inclusion of reversing alarm noise levels will result in a predicted LAeq(15 minute) noise level of 47 dB(A) at the boundary of the Jacfin Residential Land, being a 9 dB(A) exceedance of the established nighttime noise criterion that cannot be mitigated by the proposed barrier.
 - A detailed assessment of sleep disturbance has not been conducted by the Applicant.
 - The use of at receiver mitigation is not considered a suitable or reasonable mitigation measure for the future residences on the Jacfin Residential Land.
 - Given the location of the residences and the potential impact of undefined operations in the truck hardstand area of Lot 201, particularly at the night, the most appropriate solution would be relocation of this area away from future residences thereby minimizing the potential for adverse noise impact to residences.
- On 15 December 2020, a further Acoustic Impact Assessment prepared by Renzo Tonin & Associates was received. This peer review assessment raised the same issues as the previously received acoustic reviews.

A summary response to the issues raised in the Acoustic Dynamic and Renzo Tonin & Associates, Acoustic Impact Assessments received is provided as follows:

- It should be reiterated that the NVIA is based on preliminary vehicle numbers for each Lot in the development, and the modelling input assumptions will need to be reviewed during the detailed design stage once the nature and type of the user of each Lot is defined.
- Heavy vehicle SWLs were modelled at 103 dB per vehicle as indicated in Table 24 of the Amended NVIA (Appendix D to the RtS). This noise level is considered representative for a broad range of heavy vehicle types travelling at a range of low speeds from 10 km/h to 30 km/h and is considered a reasonable basis for this assessment, given the current level of detail available for the proposal does not include specific information regarding the type of vehicles associated with each Lot.
- In order to assess the possibility of sleep disturbance from peak events, heavy vehicle brake releases and reverse alarms (non-tonal) have been modelled at all points along the heavy vehicle routes and in the hardstand areas of the development with a conservative L_{Amax} SWL of 117 dB, and light vehicles have been modelled with a L_{Amax} SWL of 100 dB.

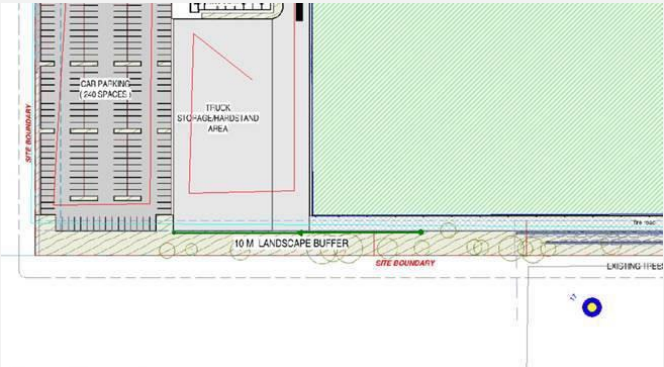
- The maximum noise levels from the hardstand are predicted to be L_{Amax} 53 dBA, which is 1 dB above the sleep disturbance screening level at the Jacfin land and not 2 dBA as stated in the Jacfin submission. It is important to note that the screening level is not a criterion or noise limit, rather it indicates that further assessment of potential maximum noise impacts is required as stated in Section 2.5 of the NPfl. The NPfl document also states in Section 2.5 that ‘Some guidance on possible impact is contained in the review of research results in the NSW Road Noise Policy (RNP).’
- The Road Noise Policy (RNP) concludes that maximum internal noise levels of 50-55 dBA are unlikely to awaken people. This results in corresponding external noise levels of 60-65 dBA assuming a 10 dB loss through open windows.
- On the basis that maximum noise levels from the development are predicted to be below L_{Amax} 55 dB externally at the Jacfin land, negligible impacts on acoustic amenity with regard to sleep disturbance are anticipated. This will be further confirmed during the detailed design/construction certificate stage of the development, along with any applicable noise mitigation and management measures.
- As discussed at the beginning of Section 6.3 of the Amended NVIA, the hierarchy for mitigation and management of industrial noise sources is as follows:
 - Reducing noise emissions at the source (i.e. noise source control),
 - Reducing noise in transmission to the receiver (i.e. noise path control), and
 - Reducing noise at the receiver (i.e. at-receiver control).
- The NVIA therefore confirms that noise source and noise path controls are the first steps to be considered in mitigation, and further confirms that there are no exceedances of the project trigger noise levels with the included source and path control measures.
- It is anticipated that refinement of noise source and path controls during detailed design would be sufficient and that receptor controls would not be necessary to comply with the project criteria.
- As noted in Section 3.1 of the Amended NVIA, the measured ambient noise monitoring data was processed with reference to the NPfl and the data was filtered to remove extraneous noise events including insects and periods affected by adverse weather conditions, based on Bureau of Meteorology automated weather station data.

Submission	Response
<p>remediation) for the purpose for which the development is proposed to be carried out; and</p> <p>(c) if the Site requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, the Department must be satisfied that the Site will be remediated before the Site is used for that purpose.</p> <p>The RtS Report fails to provide any new information or material that permits the Department to reach the requisite level of satisfaction required by clause 7 of SEPP 55.</p> <p>In response to the submission of the Environmental Protection Authority, the RtS Report states at page 43 that (emphasis added): it is requested that the DPIE appropriately condition the development to allow a construction certificate to be issued for works on land subject to each sub stage of the Stage 2 CSR estate following issuance of a Site Audit</p> <p>Statement for that part of the site. The anticipated date of issue of the Site Audit Statement is provided at Table 1 and is summarised as follows:</p> <ul style="list-style-type: none"> • Stage 2A: Lots 201 and 204 – expected issue of Site Audit Statement: 30/11/2020 • Stage 2B: Lot 203 – expected issue of Site Audit Statement: 11/1/2021 • Stage 2C: Lot 202 – expected issue of Site Audit Statement: 22/11/2021 <p>This will provide certainty to the DPIE that the land will be made suitable in its remediated state for the purposes of the development proposed by this SSD DA as required by Clause 7 of SEPP 55.</p> <p>The appropriate point in time that the Department must have the requisite level of satisfaction under clause 7 of SEPP 55 is prior to the grant of consent.</p> <p>As the Court found in <i>DEXUS Funds Management Limited v Blacktown City Council (No 3)</i> [2011] NSWLEC 230, the imposition of</p>	<p>Further the NSW EPA stated the following in their submission to the RtS</p> <p><i>...it is considered that EPA's concerns on contamination can be addressed with appropriate conditions of consent to address contamination issues and to ensure that the conditions are consistent with the NSW EPA's Site Auditor Scheme.</i></p> <p>The applicant agrees that appropriate conditions of consent can address contamination issues consistent with the NSW EPA's Site Auditor Scheme.</p>

Submission	Response
<p><i>a condition of consent to allow the Department to reach the level of satisfaction under clause 7 will give rise to the inference that the Department did not properly consider whether the Site is contaminated or whether the Site is capable of being remediated so that it will be suitable for the proposed use.</i></p> <p><i>Further, as the Application is for the Development of the whole Site, the Department's satisfaction under clause 7 of SEPP 55 cannot be staged to suit the timing of the Development.</i></p> <p><i>Accordingly, the Application must be refused.</i></p>	
<p><u>2. Compliance with Clause 7(2) of SEPP 55</u></p> <p><i>Clause 7(2) of SEPP 55 states:</i></p> <p><i>(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.</i></p> <p><i>The land specified in clause 7(4)(b) includes 'land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out.'</i></p> <p><i>Table 1 of the Managing Land Contamination - Planning Guidelines SEPP 55 - Remediation of Land, amongst other uses, lists mining and extractive industry and landfill sites as types of uses referred to in clause 7(2).</i></p> <p><i>The Environmental Impact Statement prepared in respect of the Application acknowledges (at page 4) that prior to the employment use proposed by the Application, the Site was used for extractive industry.</i></p> <p><i>In addition, the Site adjoins the former Camide Landfill Site, which prior to the subdivision under DA893.1/2013 (as modified), was comprised within the same Lot as the Site. Accordingly, Jacfin submits that any site</i></p>	<p>The Site Audit Statement for Stage 2A of the CSR Estate (Lots 201 and 204) was issued for the site on 4 December 2020 in accordance with the NSE EPA Site Auditor Scheme (refer Appendix B).</p> <p>The Site Audit Statement considered landfill gas at the former Camide Landfill Site including the preparation of an Environmental Management Plan (EMP) for Landfill Gas. In accordance with the NSW Site Auditor Scheme the SAS requires ongoing monitoring at the land fill site.</p> <p>The EMP noted that if reportable environmental conditions are detected during and monitoring event, immediate corrective action will be required. Corrective actions are set out within the EMP.</p> <p>This SAS with the EMP attached will be provided to Fairfield City Council. A reference to this Site Audit Statement must be recorded on the s 10.7 Planning Certificate as required by the guidelines to SEPP 55.</p>

Submission	Response
<p><i>investigation required under clause 7(2) of SEPP 55 ought consider the effects of the former Landfill Site on the Site, including an investigation into the presence of landfill gas.</i></p> <p><i>As the Proponent has not provided a site investigation report, as required by clause 7(2) of the SEPP 55, the Department must refuse the Application.</i></p>	
<p><u>Landfill Gas Contamination</u></p> <p><i>The Proponent seeks to rely on the following documents to allow the Department to reach the requisite level of satisfaction required by clause 7 of SEPP 55:</i></p> <p><i>(a) Remediation Action Plan prepared by DLA Environmental dated December 2014 (2014 RAP); and</i></p> <p><i>(b) Remediation Action Plan prepared by ERM dated 20 December 2019 (2019 RAP).</i></p> <p><i>The Assessment and Management of Hazardous Ground Gases – Contaminated Lands Guidelines state that:</i></p> <p><i>failing to recognise and appropriately manage risks associated with ground gases while assessing and remediating potentially contaminated land, or when developing land adjacent to sites impacted by ground gases, may have significant consequences. These may include construction delays and additional costs; large legal liabilities for neighbouring landholders; adverse long-term health impacts from exposure; and structural damage, injury and death due to gas explosions.</i></p> <p><i>The 2014 RAP does not address the issue of landfill gas from the Landfill Site.</i></p> <p><i>The 2019 RAP briefly address the flow of landfill gas stating that testing at the northern end of the Landfill Site in 2019 indicated methane levels below the relevant threshold concentration. However, the 2019 RAP does not:</i></p> <p><i>(a) provide any further data from the testing undertaken;</i></p>	<p>As above.</p>

Submission	Response
<p><i>(b) state the type of testing undertaken; or</i></p> <p><i>(c) provide any data on the carbon dioxide levels (or any other ground gasses).</i></p> <p><i>In addition, the testing was carried out at the northern end of the Landfill Site, the Site is located directly to the south of the Landfill Site. The testing referenced in the 2019 RAP provides no certainty that there is not landfill gas flowing from the Landfill Site south to the Site, or that the Site is not currently contaminated by methane or carbon dioxide emanating from the Landfill Site. No documentation has been provided with the Application which addresses in any detail the presence of methane, carbon dioxide or any other form of ground borne gas on the Site.</i></p> <p><i>The information provided by the Proponent in relation to the presence of landfill gas on the Site is inadequate and does not permit the Department to reach the required level of satisfaction under clause 7 of SEPP 55.</i></p> <p><i>On this basis, the Application must be refused.</i></p>	
<p><u>Amenity Impacts - Noise</u></p>	
<p>1. Incomplete Acoustic Modelling</p> <p><i>The Revised SLR Report has now modelled for the use of the truck hardstand area located on the southern boundary of the Site. The report proposes that the Development will comply with the Site specific noise criteria provided that a 3 metre high barrier is erected. However, the Revised SLR Report fails to set out the calculation or modelling used to reach this calculation identifying the manner in which these calculations are achieved.</i></p> <p><i>The further acoustic assessment fails to correctly model and properly assess the acoustic impacts associated with the use of the 232 space carpark and truck hardstand areas at the south-west corner of the Site. When correctly modelled, the Development fails to comply with the site specific noise criteria and the sleep disturbance criteria.</i></p>	<p>Section 6.1 of the Amended NVIA (Appendix D to the RtS) confirms that SoundPLAN software has been used for modelling the noise emissions from the operation of the development using the CONCAWE industrial noise prediction algorithms. Table 23 of the Amended NVIA included the peak one hour vehicle numbers, of which 50% are assumed to be heavy vehicles. This results in a peak 15 minute night-time scenario that includes 10 heavy vehicle movements on Lot 201 hardstand.</p> <p>This scenario is considered to be conservative as it is likely there would be significantly less than 10 trucks using the hardstand in a 15 minute night-time period. It should be reiterated that the NVIA is based on preliminary vehicle numbers for each Lot in the development, and the modelling input assumptions will need to be reviewed during the detailed design stage once the nature and type of the user of each Lot is defined.</p> <p>Heavy vehicle SWLs were modelled at 103 dB per vehicle as indicated in Table 24 of the Amended NVIA. This noise level is considered representative for a broad</p>

Submission	Response
<p><i>Notwithstanding any other noise generating use, Acoustic Dynamics calculate that taking into account the truck reversing alarms, the noise level at the boundary of the Jacfin residential land will increase to a LAeq(15 minute) noise level of 47 dB(A). This noise level represents the following exceedances of the Site specific noise criteria:</i></p> <p><i>(a) Daytime (standard) LAeq(15 minutes) 7 dB(A).</i></p> <p><i>(b) Evening (standard) LAeq(15 minutes) 7 dB(A).</i></p> <p><i>(c) Night-time (noise-enhancing) LAeq(15 minutes) 9 dB(A).</i></p> <p><i>This constitutes an unacceptable exceedance of the site specific noise criteria. The Acoustic Dynamics Assessment also states that even if the Proponent were to increase the size of the proposed acoustic wall to five metres, this would not have the effect of lowering the acoustic impact on the Jacfin residential land to an acceptable level.</i></p> <p><i>As the car park and truck hardstand area will cause unacceptable acoustic impacts on the Jacfin residential land, which are not able to be acceptably mitigated, Jacfin submits that the Development must be redesigned to locate the carpark and truck hardstand area internal to the Site.</i></p> <p><i>Absent such redesign, the Department must refuse the Application as the Department is not able to assess the likely impacts of the Development as required by s4.15(1)(b) of the Environmental Planning and Assessment Act 1979 (Act) and the Development will cause a nuisance to residential land within 250 metres of the Western Sydney Employment Area under clause 23(2)(e) of the WSEA SEPP (discussed below).</i></p>	<p>range of heavy vehicle types travelling at a range of low speeds from 10 km/h to 30 km/h and is considered a reasonable basis for this assessment, given the current level of detail available for the proposal does not include specific information regarding the type of vehicles associated with each Lot. The heavy vehicle SWL was applied to a 360 m path length around the truck hardstand area for the noise source prediction as shown by the red line in the below figure.</p>  <p>On the basis that maximum noise levels from the development are predicted to be below L_{Amax} 55 dB externally at the Jacfin land, negligible impacts on acoustic amenity with regard to sleep disturbance are anticipated. This will be further confirmed during the detailed design/construction certificate stage of the development, along with any applicable noise mitigation and management measures.</p>
<p><u>2. Failure to Meet Sleep Disturbance Criteria</u></p> <p><i>Notwithstanding the failure by the Revised SLR Report to accurately or correctly model the noise level emanating from the truck hardstand area as discussed above, the Revised SLR</i></p>	<p>In order to assess the possibility of sleep disturbance from peak events, heavy vehicle brake releases and reverse alarms (non-tonal) have been modelled at all points along the heavy vehicle routes and in the hardstand areas of the development with a conservative</p>

Submission	Response
<p><i>Report acknowledges that there will be the following exceedances in the sleep disturbance criteria at the following sensitive receivers:</i></p> <p><i>(a) 7 dB(A) exceedance of the sleep disturbance criteria to the east of the Site; and</i></p> <p><i>(b) 2 dB(A) exceedance of the sleep disturbance criteria at the Jacfin residential land.</i></p> <p><i>The Revised SLR Report, at page 27, states: [w]here the sleep disturbance screening noise level is predicted to be exceeded then a detailed maximum noise level event assessment should be undertaken.</i></p> <p><i>Despite the acknowledged exceedances to the sleep disturbance criteria, no 'detailed maximum noise assessment' has been produced by the Proponent.</i></p> <p><i>Contrary to per its own recommendation, the Revised SLR Report instead inexplicably attempts to justify the exceedances by reference to the Road Noise Policy (RNP).</i></p> <p><i>Jacfin submits that the use of the RNP is inappropriate as the noise generated by the carpark and truck hardstand area is markedly different being, intermittent and will involving tonal noises such as reversing alarms. Unlike road noise, the noise generated from these areas will not allow habituation of receivers.</i></p> <p><i>Given the above, the Application must be refused by the Department as it is not able to assess the likely impacts of the Development as required by s4.15(1)(b) Act.</i></p>	<p>LAm_{ax} SWL of 117 dB, and light vehicles have been modelled with a LAm_{ax} SWL of 100 dB.</p> <p>The maximum noise levels from the hardstand are predicted to be LAm_{ax} 53 dBA, which is 1 dB above the sleep disturbance screening level at the Jacfin land and not 2 dBA as stated in the Jacfin submission. It is important to note that the screening level is not a criterion or noise limit, rather it indicates that further assessment of potential maximum noise impacts is required as stated in Section 2.5 of the NPfI. The NPfI document also states in Section 2.5 that 'Some guidance on possible impact is contained in the review of research results in the NSW Road Noise Policy (RNP).'</p> <p>As detailed in Section 6.3.3.1 of the Amended NVIA, the RNP provides context in relation to maximum noise levels and potential for sleep disturbance (RNP Section 5.4). The RNP concludes that maximum internal noise levels of 50-55 dBA are unlikely to awaken people. This results in corresponding external noise levels of 60-65 dBA assuming a 10 dB loss through open windows.</p> <p>On the basis that maximum noise levels from the development are predicted to be below LAm_{ax} 55 dB externally at the Jacfin land, negligible impacts on acoustic amenity with regard to sleep disturbance are anticipated. This will be further confirmed during the detailed design/construction certificate stage of the development, along with any applicable noise mitigation and management measures.</p>
<p><u>3. Receiver Noise Mitigation</u></p> <p><i>Page 49 of the Revised SLR Report states that:</i></p> <p><i>[a]t-receiver mitigation measures can be utilised to reduce noise impacts where residual noise impacts are present after implementation of feasible and reasonable noise source and path controls, or where those controls are not considered to be feasible or reasonable.</i></p>	<p>As discussed at the beginning of Section 6.3 of the Amended NVIA, the hierarchy for mitigation and management of industrial noise sources is as follows:</p> <ul style="list-style-type: none"> ▪ Reducing noise emissions at the source (i.e. noise source control), ▪ Reducing noise in transmission to the receiver (i.e. noise path control), and ▪ Reducing noise at the receiver (i.e. at-receiver control)

Submission	Response
<p><i>The Proponent's attempt to pass the burden of good scheme design and mitigation of the impacts of an industrial development to owners of residential land is inappropriate, unreasonable and must be rejected.</i></p> <p><i>Moreover, the Proponent's position fails to consider the existing residences to the south and east of the Site.</i></p> <p><i>As detailed in the GLN Report, the correct approach is to ensure that siting and scheme design responds to the surrounding environment to avoid land use conflicts. The use of mitigation measures is only appropriate where impacts off-site are unavoidable despite good siting and design. There is nothing to suggest that the impacts created by the current scheme could not be addressed by good design, which in this case requires the relocation of the truck hardstand area and 232 space carpark away from the boundary of the Site.</i></p>	<p>The NVIA therefore confirms that noise source and noise path controls are the first steps to be considered in mitigation, and further confirms that there are no exceedances of the project trigger noise levels with the included source and path control measures.</p> <p>It is anticipated that refinement of noise source and path controls during detailed design would be sufficient and that receptor controls would not be necessary to comply with the project criteria.</p>
<p><u>Amenity Impacts – Light Spill</u></p>	
<p><i>As stated in the GLN Report, the amended Lot 201 & Facility Plan indicates that the Proponent proposes to install pole mounted lights to illuminate the 232 space carpark and truck hardstand area and wall mounted lights to illuminate the fire road at the south of the Lot 201 Warehouse.</i></p> <p><i>As the Application is for 24 hours per, day seven days per week operation of the Site, it is assumed that that the lighting will operate all night. The locations proposed for the lights offer little to no cover of the effects of the lighting on the adjoining residential land. In addition to this, the topographical advantage of the Site means that the impact of the lighting will be exacerbated.</i></p> <p><i>Given the adjoining residential land, it is submitted that the position and operation of the lighting will create an unacceptable amenity impact.</i></p> <p><i>Jacfin submits that the lighting impacts from the carpark and truck hardstand area can only</i></p>	<p>A tenant has not yet been secured for Lot 201 and therefore the specific lighting requirements are not known at this stage.</p> <p>General locations of external lighting are provided on the amended architectural plans package at Appendix A to the RtS. Wall mounted and pole mounted lighting is proposed which will be directed downwards towards the warehouse buildings for minimal levels of illumination as required under the relevant Australian Standards.</p> <p>The hardstand and carparking area to the warehouse at Lot 201 adjoins the Jacfin industrial land, which will mitigate light spill impacts from headlights and lighting of the car parking area (refer Figure 3).</p> <p>Two wall mounted light fitting are proposed to the warehouse located on Lot 201 adjacent to the Jacfin RU4 land. One is proposed to be located behind the landscaped bund wall which will mitigate any light spill. The other is proposed to be located adjacent to the 14m landscaped buffer which will mitigate any light spill impacts to the Jacfin Land.</p> <p>Pole mounted light fittings will be located to the west of the Jacfin RU4 land by approximately 110m and will be</p>

Submission	Response
<p><i>be mitigated by relocating those areas internal to the Site.</i></p> <p><i>In the absence of a light spill assessment, the impacts on the adjoining residential land are unable to properly assessed. As the Department is not able to assess the likely impacts of the Development as required by s4.15(1)(b) of the Act.</i></p> <p><i>In addition, the failure to provide a light spill assessment means that the Department is unable to be satisfied that the lighting proposed by the Development will not cause a nuisance to the adjoining residentially zoned land. On this basis, the Application must also be refused under clause 23(2)(e) of the WSEA SEPP.</i></p>	<p>set in 10m from the southern boundary and behind the 3m noise wall such that light spill will not directly spill to the south toward the Jacfin RU4 land.</p> <p>The land between Jacfin RU4 land and the site land is zoned industrial and will therefore will, in time, create a buffer to the Jacfin RU4 land.</p>
<p><u>Non-Compliance with WSEA SEPP</u></p>	
<p><i>Clause 23 of the WSEA SEPP relates to residential land zoned primarily for residential purposes within 250 metres of the Western Sydney Employment Area.</i></p> <p><i>The Jacfin Land falls within 250m of the boundary of the Western Sydney Employment Area. Page 20 of the Revised SLR Report contains an extract of clause 23(2)(a)-(d) of the WSEA SEPP. However, the Revised SLR Report fails to reference clause 23(2)(e) which states:</i></p> <p><i>(e) the development will not otherwise cause nuisance to residents, by way of hours of operation, traffic movement, parking, headlight glare, security lighting or the like</i></p> <p><i>As mentioned above, given exceedance of the site specific noise criteria and the exceedance of sleep disturbance criteria at the future residences at the Jacfin residential and the Development will cause a nuisance to the adjoining sensitive residential receivers by way of the hours of operation and traffic movements, within the carpark truck hardstand areas.</i></p> <p><i>The Proponent has also provided no information as to the effects of the headlights</i></p>	<p>Responses to the sleep disturbance criteria are further detailed in the NVIA Addendum at Appendix A. On the basis that maximum noise levels from the development are predicted to be below LAmax 55 dB externally at the Jacfin land, negligible impacts on acoustic amenity with regard to sleep disturbance are anticipated. This will be further confirmed during the detailed design/construction certificate stage of the development, along with any applicable noise mitigation and management measures.</p> <p>A tenant has not yet been secured for Lot 201 and therefore the specific lighting requirements are not known at this stage.</p> <p>The hardstand and carparking area to the warehouse at Lot 201 adjoins the Jacfin industrial land, which will mitigate light spill impacts from headlights and lighting of the car parking area (refer Figure 3).</p> <p>Two wall mounted light fitting are proposed to the warehouse located on Lot 201 adjacent to the Jacfin RU4 land. One is proposed to be located behind the landscaped bund wall which will mitigate any light spill. The other is proposed to be located adjacent to the 14m landscaped buffer which will mitigate any light spill impacts to the Jacfin Land.</p> <p>Pole mounted light fittings will be located to the west of the Jacfin RU4 land by approximately 110m and will be set in 10m from the southern boundary and behind the</p>

Submission	Response
<p><i>from vehicles using the carpark on the Jacfin residential land.</i></p>	<p>3m noise wall such that light spill will not directly spill to the south toward the Jacfin RU4 land.</p> <p>The land between Jacfin RU4 land and the site land is zoned industrial and will therefore will, in time, create a buffer to the Jacfin RU4 land.</p>
<p><u>GLN PLANNING - RESPONSE TO POST SUBMISSION REPORT</u></p>	
<p><u>Impact on amenity</u></p>	
<p><i>Despite the proposed modifications, the impact of the car parking and truck hardstand areas is still unreasonable. The amended proposal has included a lighting plan as well as a 3m high acoustic barrier across part of the southern boundary of the site.</i></p> <p><i>The proposed lighting plan includes pole mounted lights, which are directed downwards and illuminate the entire car parking area (232 parking spaces) of proposed Lot 201. Furthermore, lighting is also provided along the southern building façade, directed downward. There is no consideration to the light spill generated from this lighting plan. Considering the proposed operations of the warehouse are 24 hours, it is expected that these lights will illuminate the entire car park all night. It should also be recognised that the building pad for Lot 201 is 8m higher than the adjoining land to the south. There are lights proposed on the southern façade of a 15m high building, pointing down. A concentrated light source illuminating the entire car parking space as well as lights directly pointing down onto the adjoining Jacfin land will unacceptably impact on the amenity of existing and future surrounding rural residential properties.</i></p>	<p>A tenant has not yet been secured for Lot 201 and therefore the specific lighting requirements are not known at this stage.</p> <p>The hardstand and carparking area to the warehouse at Lot 201 adjoins the Jacfin industrial land, which will mitigate light spill impacts from headlights and lighting of the car parking area (refer Figure 3).</p> <p>Two wall mounted light fitting are proposed to the warehouse located on Lot 201 adjacent to the Jacfin RU4 land. One is proposed to be located behind the landscaped bund wall which will mitigate any light spill. The other is proposed to be located adjacent to the 14m landscaped buffer which will mitigate any light spill impacts to the Jacfin Land.</p> <p>Pole mounted light fittings will be located to the west of the Jacfin RU4 land by approximately 110m and will be set in 10m from the southern boundary and behind the 3m noise wall such that light spill will not directly spill to the south toward the Jacfin RU4 land.</p> <p>The land between Jacfin RU4 land and the site land is zoned industrial and will therefore will, in time, create a buffer to the Jacfin RU4 land.</p> <p>The hardstand and carparking area to the warehouse at Lot 201 adjoins the Jacfin industrial land, which will mitigate light spill impacts from headlights and lighting of the car parking area (refer Figure 3).</p>
<p><i>To address acoustic impacts the revised proposal has included the provision of an 80m long 3m high acoustic wall along part of the southern boundary (see Figure 2). The acoustic wall stops short of extending the length of the car parking area and is generally only applied to the section of the southern façade that contains the truck hardstand area and part of the warehouse directly adjoining.</i></p>	<p>The hardstand and carparking area to the warehouse at Lot 201 adjoins the Jacfin industrial land, which will mitigate light spill impacts from headlights and lighting of the car parking area (refer Figure 3).</p> <p>As discussed at the beginning of Section 6.3 of the Amended NVIA, the hierarchy for mitigation and management of industrial noise sources is as follows:</p>

Submission	Response
<p><i>By its own admission, both the Acoustic Report and the RtS detail that despite the provision of the acoustic wall the development will still exceed sleep disturbance levels.</i></p> <p><i>A separate review of the Acoustic Report was undertaken by Acoustic Dynamics and is provided under separate cover. The initial findings of this review outline that the acoustic report provided in support of the ESR application does not adequately consider the acoustic impact of the proposed development on existing and future surrounding sensitive receivers. Most notable of the findings in the Acoustic Dynamic Report is that there has been no indication of what scenario has been modelled to determine the 3m high 80m long acoustic wall as being suitable.</i></p> <p><i>The provision of an acoustic wall partial for part of the southern boundary of the development site will not ensure complete protection of the amenity of future rural residential development to the south. If approved in its current state noise and light spill will remain the source of ongoing conflict between the residents and the industrial use.</i></p> <p><i>It may be possible to increase the proposed mitigation measures to address lighting and acoustic impacts, however the fundamental issue is poor site design. It should be recognised that in the consideration of the original subdivision to create Lot 201 Commissioner Morris (in CSR Building Products Ltd v Fairfield City Council [2015] NSW LEC 1284, paragraph 69) outlined that there is no expectation that the buildings be “invisible” however, building design and landscaping should demonstrate an active attempt to minimise the visual impact of the proposal on the surrounding residential (existing and proposed) development.</i></p> <p><i>Relevantly, the Acoustic Dynamic review concludes that the most effective measure for mitigation of acoustic impacts would be removal of the source (truck hardstand and car park) from the vicinity of the future residences:</i></p>	<ul style="list-style-type: none"> ▪ Reducing noise emissions at the source (i.e. noise source control) ▪ Reducing noise in transmission to the receiver (i.e. noise path control) ▪ Reducing noise at the receiver (i.e. at-receiver control) <p>The Amended NVIA therefore confirms that noise source and noise path controls are the first steps to be considered in mitigation, and further confirms that there are no exceedances of the project trigger noise levels with the included source and path control measures.</p> <p>It is anticipated that refinement of noise source and path controls during detailed design would be sufficient and that receptor controls would not be necessary to comply with the project criteria.</p> <p>The at-property treatments detailed in the Amended NVIA (Section 6.3.5) are indicative measures that could be implemented (where reasonable and feasible) only in the event that exceedances of the project noise trigger levels are predicted following source and path controls.</p> <p>In conclusion, the NVIA does not indicate any receiver controls are required in order to comply with the project noise trigger levels.</p>

Submission	Response
<p><i>“Given the location of the residences and the potential impact of undefined operations in the truck hardstand area of Lot 201, particularly at the night, the most appropriate solution would be relocation of this area away from future residences thereby minimizing the potential for adverse noise impact”.</i></p> <p><i>Considering the abovementioned judgement, the DPIE must recognise that there is significant opportunity to re-site or reconfigure the existing warehouse so that truck hardstand and car parking areas are located away from the property boundary and shielded by proposed building mass. To avoid the continual implementation of mitigation measures, the DPIE should consider best practice design principles and require the reconfiguration of the building siting so that a more suitable location for the car park and truck hardstand can be established that would not continue to cause conflict with adjoining land uses over time.</i></p>	
<p><u>Use of Fire Road</u></p>	
<p><i>The original application submitted by ESR showed a Fire Road around the footprint of the proposed building on Lot 201. Our previous submissions requested clarity on the use of the fire road. The RtS has provided further detail that the use of the road will be for emergency vehicles only and has included gated access to the road, which we support. However, to ensure future tenants utilise this road access as intended, we request the DPIE appropriately condition any approval over the site, to ensure the use of the road is only able to be utilised for emergency vehicle access and property maintenance.</i></p>	<p>This can be addressed through implementation of suitable conditions of consent.</p>
<p><u>Contamination and Remediation</u></p>	
<p><i>In the previous submission to DPIE prepared by GLN (19 August 2020), we identified inconsistencies in the proposed development, existing approvals and current applications. The inconsistencies related specifically to differences in allotment configuration, failure to address existing conditions of consent as well as uncertainty on the effect of various RAPs.</i></p>	<p>The Site Audit Statement for Stage 2A of the CSR Estate (Lots 201 and 204) was issued for the site on 4 December 2020 (refer Appendix B). The SAS for Stage 2A confirms that the site has been remediated suitable for the proposed commercial and industrial land uses.</p> <p>The approved RAP pursuant to DA 893.7/2020 is provided at Appendix I to the RtS. Remediation works in</p>

Submission	Response
<p><i>The amendments as well as the RtS report have addressed the confusion around allotment configurations and consistency with existing conditions, however issues related to soil contamination and remediation are still unresolved.</i></p> <p><i>Based on the RtS report, the remediation of the site is being undertaken in accordance with the RAP prepared by DLA Environmental and approved under the parent subdivision DA893.1/2013 (2014 RAP). It is now understood that subsequent amendments to DA893.1/2013 (reference DA893.7/2013) as well as the following applications have included amendments to the strategies in the 2014 RAP, under a revised RAP prepared by ERM in 2019 (2019 RAP). These applications include:</i></p> <ul style="list-style-type: none"> <i>• DA20.1/2020 for a “gas collection and flair for existing landfill site”, and</i> <i>• DA21.1/2020 for “construction of a containment cell for contaminated material”.</i> <p><i>The RtS report outlines that the amendments to the RAP relate to other stages of the development approved under DA893.1/2013 and thereby do not affect the remediation of the ESR site. The updates have considered the abovementioned containment cell as well as “additional investigations” that have been undertaken since the drafting of the original 2014 RAP.</i></p> <p><i>Although the 2014 RAP has been updated, the updates appear to correlate to ongoing testing and investigations related to other allotments and not the ESR site. The concerns of Jacfin are that the proposed remediation of the ESR site is based on a RAP drafted in 2014 and were considered in the context of the subdivision of the site. The expected Site Audit Statement (which the RtS report outlines will be received on 30 November 2020) will relate to the work undertaken under the 2014 RAP that was developed based on the site conditions from over six years ago, and relates to DA893.1/2013, which was for subdivision.</i></p>	<p>accordance with this approved RAP are being undertaken in accordance with this approved RAP and all of these works will be undertaken under separate development consents obtained by CSR. Completion of the remediation works are required prior to ESR enacting any works on land the subject to each stage approved by SSD 10436 to fulfill the requirements of Clause 7 of SEPP 55.</p> <p>Further the NSW EPA stated the following in their submission to the RtS</p> <p><i>...it is considered that EPA’s concerns on contamination can be addressed with appropriate conditions of consent to address contamination issues and to ensure that the conditions are consistent with the NSW EPA’s Site Auditor Scheme.</i></p> <p>The applicant agrees that appropriate conditions of consent can address contamination issues consistent with the NSW EPA’s Site Auditor Scheme.</p>

Submission	Response
<p><i>The proposal subject of this application is for built form and land use.</i></p> <p><i>Considering the ESR site was part of a greater site utilised as landfill and extractive industries, and the continual changes to the management of contaminated material on the site, we do not believe DPIE can be certain that the site conditions have not changed and whether the changes to the RAP and how it applies to surrounding land does not impact the effect of the remediation strategies originally applied to the ESR site under the 2014 RAP.</i></p> <p><i>In accordance with Clause 7 of SEPP 55 the consent authority must not consent to the carrying out of any development unless it has considered whether the land is contaminated. Considering the historic uses of the land to the north, the proposed changes to the remediation under separate applications, the sensitivity of future adjoining land uses and the time that has elapsed since the strategies for remediation for the ESR site were developed, we request that additional testing and reporting be undertaken. Considering the 2014 RAP prepared by DLA Environment was related to the subdivision of the site, it is reasonable that the soil be tested again at the time of the application for use and built form. Additional testing to confirm that there has been no additional landfill gas leaching through the site since the formulation of the strategy under the 2014 RAP could ensure that the remediation currently being undertaken will be sufficient and meets the requirements of SEPP 55.</i></p>	

3.2.2. Greenway Place Resident Submission

A submission was received from a resident of Greenway Place, which adjoins the site to the south on 17 December 2020 which objected to the Proposal. A review of the submission has been undertaken and a detailed response to the issues is provided in

Table 7 Response to Greenway Place Resident Submission

Submission	Response
Noise impact and future sleep disturbance	
<i>Our biggest concern for this development is the health impact as a result of sleep disturbance and</i>	No exceedances of the LAeq (average noise level) criteria are predicted in NCA02. As such, negligible

Submission	Response
<p><i>annoyance from ongoing noise, given this will be a 24/7 operation.</i></p> <p><i>We still maintain that the negative impacts on the amenity of our property and sleep quality for residents as a result of the industrial noise will be unacceptable. We are located within the Noise Catchment Area indicated as NCA2 on the Noise and Vibration Assessment (NVA) prepared by SLR Consultants.</i></p> <p><i>Firstly, the report appears to be very imprecise and it is difficult to determine whether it accurately reports future acoustic impacts on the existing residences on Greenway Place and the future residences on the Jacfin land. There is an indicative number of vehicle and forklift movements used, however, it could end up being a manufacturing plant as the zoning allows this. Additionally, they have simply divided plant units evenly along the warehouse roofs 'to provide a nominal location for the purpose of the assessment'. The final design could result in quite a different noise outcome. The warehouse design on Lot 204 has been changed and the RTS indicates that this is in response to the needs of an end user. Therefore, they should be able to provide details of the actual intended use of the building, in order to provide a more reliable NVA.</i></p> <p><i>We also question the derivation of the numbers which result in a noise exceedance level of 2dBA (which is considered 'negligible'), as compared to the previous noise exceedance prediction of 6 dBA (which is considered 'significant') in the original report provided with the EIS. Whilst there were some changes made to the design, it is interesting that they have resulted in the exact outcome that minimises any rectification requirements. We believe that the report must be conservative towards the proponent who is paying the fee, so we are concerned about the true independence of these figures.</i></p> <p><i>In order to take into account the cumulative impact of noise from surrounding industrial developments, SLR have reduced the amenity noise level by 5dBA. According to the NSW Environmental Protection Authority's 'Noise Control for Industry' document published in 2017, in Section 2.4.2,</i></p>	<p>impacts on the acoustic amenity are anticipated. This will be confirmed during the detailed design/construction certificate stage of the development, along with any applicable noise mitigation and management measures.</p> <p>The LAmax (maximum) noise levels from the site are predicted to be above the sleep disturbance screening level. However, it is important to note that the screening level is not a criterion or noise limit, rather it indicates that further assessment of potential maximum noise impacts is required. Further assessment is detailed in Section 6.3.3.1 of the Amended NVIA, which concludes that the predicted maximum noise levels are in the range that would be unlikely to awaken people from sleep based on the current research on sleep disturbance.</p>

Submission	Response
<p><i>notes that this approach is 'based on a receiver not being impacted by more than three to four individual industrial noise sources'. However, SSD 10436 is proposing 8 new warehouses, whilst there will also be additional industrial buildings contributing to the noise in future stages of the CSR subdivision. Furthermore, the EPA's document notes that 'where a greenfield or redevelopment of an existing cluster of industry consisting of multiple new noise-generating premises is proposed, the approach for determining the project amenity noise level in Section 2.4 is not applicable' and a different approach should be applied. Therefore, the report provided in the RTS needs to be revised.</i></p> <p><i>We are in a very unique situation in this area, where the rural residential area has a direct interface with the industrial land, which was rezoned after the existing houses were built and occupied. As noted in our previous submission, our boundary to the applicant's southern boundary is approximately 50m and our house (living area) is approximately 90m away from the site. The nature of the land use and noise level is changing significantly. 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.</i></p> <p><i>The EPA's Noise Control Policy indicates that one of the measures used to determine whether at-receiver noise mitigation is reasonable and feasible, is the overall capital value of the project, as compared to the cost of at-receiver mitigation treatments. The Environmental Impact Statement indicates that the total capital investment for this development is \$110 million, plus the land was purchased for \$142.5 million. Therefore, a small investment in applying acoustic mitigation measures at a handful of residential receivers would definitely be a feasible outlay to prevent noise-related conflict in future. On the other hand, ordinary residents will need to incur ongoing costs to run air conditioners and more lighting as a result of trying to reduce noise at home.</i></p>	

Submission	Response
Visual Impact	
<p><i>In the revised Visual Impact Assessment, a photomontage has been provided in Figure 3.3 for viewpoint 2. This photo was taken from the lowest point on the road in front of our property, rather than from the actual internal or external living areas. The house is substantially higher and the view impact is much different from there. As a result of taking photographs from the road, the report does not acknowledge that our property has any view impact. This is completely inaccurate – we don't live on the road, we live in the house. The true visual impact is shown in the photographs below, taken from the back of our house. As you can see, the trees have been widely spaced and provide minimal screening of Lot 201.</i></p>	<p>The Visual Impact Assessment prepared in support of this application has regard to the southern bund and landscape planting required by the LEC and delivered on the site in accordance with that consent. The Court has determined that this landscape bund and maintenance regime was suitable to mitigate the impacts of the anticipated future industrial development on the site, noting that <i>'it is not necessary that any future buildings are not visible at all... There is no expectation that the buildings would be invisible'</i>.</p> <p>The VIA demonstrates that the landscaping is well established. In accordance with DA893.7/2013, a positive covenant has been registered on title to ensure the ongoing management of the southern bund wall (Refer Appendix C). This covenant will ensure that the landscaping continues to grow and provide screening.</p>
<p><i>Another photomontage is provided in the Visual Impact Report in Figure 38, from Viewpoint 7, looking towards Lot 201. This photomontage shows screening by multiple rows of trees to block the view of the largest warehouse. However, as noted in our previous submission, there has only been one row of trees planted. Without additional tree planting, it will be impossible to achieve the outcome shown in the photomontage. Please assign an officer from the Department to physically inspect the landscaping from our property, or onsite at the ESR property. We feel that it is inadequate and with harsh weather conditions, could thin out even further.</i></p>	<p>In accordance with DA893.7/2013, a positive covenant has been registered on title to ensure the ongoing management of the southern bund wall. Fairfield Council executed the plan of subdivision for DP 1244593 and accompanying 88B instrument on 18 August 2020 and the Land Registrar Services (LRS) registered the plan of subdivision on 17 November 2020 (Refer Appendix C).</p> <p>A compliance certificate has been issued for these works to this stage. The approved VMP stipulates that after this two-year period, which has since elapsed, it is anticipated that the site will be in such condition as to be placed onto a low level maintenance weeding program. Programmed maintenance weeding should be undertaken indefinitely to maintain a maximum weed cover of 5%. A positive covenant to this effect has been registered on title. All works, methods, procedures, control measures and recommendations have been followed as approved by Council in the Vegetation Management Plan.</p> <p>Evidence of construction and maintenance in accordance with DA 893.7/2013 is provided at Appendix M to the RtS.</p>

4. CONCLUSION

This RtS has considered the responses received from DPIE, state and local government agencies, authorities and members of the public during the public exhibition of SSD 10436. The submissions received have been directly responded to by the Applicant and the project team in the supporting technical reports annexed.

There remain compelling reasons why a positive assessment and determination of the project should prevail, are outlined below:

- The subject site is appropriately zoned to permit the Proposal and no departure from any development standard is required to enable the development. Additionally, the site is appropriately located in proximity to the major road network making it a convenient location within the region and highly accessible for the proposed use as a warehouse and logistics park.
- The underlying objectives and built form outcomes of the Proposal directly address the objectives of the WSEA SEPP, providing a positive contribution to the emerging industrial character of the estate and broader locality as well as providing a number of employment opportunities associated with both the construction and operation of the HLP.
- The proposal incorporates the requirements of previous consents on the site, including DA893/2013, to ensure the NSW Land & Environment Court approved boundary treatment measures are maintained on the site.
- Subject to the implementation of mitigation measures recommended by the specialist consultants, the proposal will not have any unacceptable impacts on adjoining or surrounding properties or the public domain in terms of built form, social or environmental impacts.
- The proposal has been designed to make a positive contribution to the overall built form of the site broader locality having regard to the existing characteristics of the site.
- The proposal is in the public interest in that it provide essential warehouse and logistics facilities and associated jobs in the Western Sydney locality.

This RtS and accompanying documentation appropriately addresses and resolves the issues raised by the referral agencies and members of the public. We therefore request the NSW Department of Planning Industry and Environment proceed to finalise its assessment of the application.

DISCLAIMER

This report is dated 22 December 2020 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of ESR Australia (**Instructing Party**) for the purpose of Response to Submissions (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A

NOISE AND VIBRATION IMPACT ASSESSMENT ADDENDUM

APPENDIX B

**SITE AUDIT STATEMENT – LOTS 201
AND 204**

APPENDIX C

**LRS REGISTERED DEPOSITED PLAN
AND 88B INSTRUMENT (DP1244593)**