



Mr Dayle Bennett  
Urbis Pty Ltd  
Level 8, 123 Pitt Street  
SYDNEY NSW 2000

03/09/2020

Dear Mr Bennett

**ESR Horsley Logistics Park (SSD-10436)  
Response to Submissions**

The exhibition of the development application, including the Environmental Impact Statement (EIS) for the above development, ended on 26 August 2020. All submissions received by the Department during the exhibition of the development and any additional submissions received after the exhibition are available on the Department's website at <https://www.planningportal.nsw.gov.au/major-projects/project/28256>.

The Department requires that you provide a response to the issues raised in those submissions, in accordance with clause 82(2) of the Environmental Planning and Assessment Regulation 2000. Please provide a response to the issues raised in these submissions by 29 October 2020. Unfortunately, Fairfield City Council were not able to provide their submission at the time of writing. Their submission will be forwarded to you once it is received.

Please note that under clause 113(7) of the Environmental Planning and Assessment Regulation 2000, the days occurring between the date of this letter and the date on which your response to submissions is received by the Planning Secretary are not included in the deemed refusal period.

If you have any questions, please contact Bruce Zhang, who can be contacted on 02 9274 6137 or at [bruce.zhang@planning.nsw.gov.au](mailto:bruce.zhang@planning.nsw.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'C. Ritchie'.

Chris Ritchie  
Director  
Industry Assessments  
**as delegate for the Planning Secretary**

Attached: The Department's Comments

## Appendix A – The Department’s Comments

As part of the Response to Submissions (RtS) report, the Department requests the following additional information, clarification or assessment is provided:

### **Consistency with the CSR Estate development application (DA 893/2013.6)**

The Department notes there appear to be some discrepancies between the conditions of consent prepared as part of the Land and Environment Court case and imposed under DA 893/2013.6 and the development.

- It is requested that a table be provided which details all of the development consent conditions of DA 893/2013.6 applicable to the site and an assessment as to whether the development and the constructed CSR Estate complies with these conditions. Such conditions include the provision of boundary treatments with specific design specifications and the height of the floor level of Lot 201, among others.
- As the development relies on existing development consents (DA893/2013.6) and subsequent modification consents, it is recommended to include a compliance audit in the RtS report to ensure that the CSR Estate, insofar as it relates to the area of the site subject to this SSD, is being delivered in accordance with the existing development consents. Should the southern boundary treatments and other estate wide works being delivered are not in accordance with the relevant approvals, please clarify if any rectifications are proposed as part of the proposed development.

### **Provide plans approved as part of DA 893/2013.6 and submitted under other DA’s under assessment**

- It is requested that the approved Visual Impact Assessment (VIA) and estate wide landscape plans under DA 893/2013 are submitted and reflected in in the VIA and landscape plans submitted with the EIS. Also provide an assessment of the development’s compliance with the approved plans.
- Provide further details and plans associated with the two modification applications to DA 893/2013 presently under assessment with Fairfield City Council (Council). Also provide a status of these modification applications.
- Provide the Remedial Action Plan and contamination assessments submitted with DA 21/2020 under assessment with Council.
- Provide the current status of Stage 2 of the CSR Estate and estimated completion dates for remediation, site preparation works, construction of building pads and associated infrastructure.

### **Noise Assessment**

- The noise contour figures in the Noise and Vibration Assessment (NVA) do not reflect the site layout plans submitted with the EIS. In particular, the warehouse on Lot 202 does not match the submitted plans. Clarification of this issue is required.
- The NVA appears to conclude that NCA03 would be the most noise impacted receiver location, including in the summary tables provided. However, the noise contours do not show an impact in the locality of NCA03 above the noise levels. Clarification of this issue is required.
- It does not appear the NVA was based on the cumulative future impact of the development of all stages of the CSR Estate and surrounding approved industrial estates. The NVA should be amended to include modelling of the cumulative impact of the surrounding existing and approved industrial estates and the entire CSR Estate at full build out and under full operation.
- The NVA includes the provision of a 3 m noise barrier on the eastern boundary of the site within the 25 m managed environmental zone as a mitigation measure due to modelled exceedances in noise levels. The submitted plans with the EIS do not reflect a noise barrier in this location. Clarification is needed to address this inconsistency.
- The NVA includes the provision of a 10 m noise barrier on the northern boundary of the site adjacent to Stage 3. The submitted plans with the EIS do not reflect a noise barrier in this location. Clarification is needed to address this inconsistency.

- The NVA does not include the indicative location of roof plant on the warehouses adjacent to existing and future residential receivers. Table 26 provides the number of mechanical plants considered for each warehouse but does not provide the location of the plant on the rooftop which the model relied on.

### **Parking**

- Provide locations of bicycle parking adjacent to the warehouses.

### **General Clarifications**

- The total floor area of the warehouse on Lot 201 reflected in the body of the EIS does not appear to reflect the floor plans submitted. The total gross floor area (GFA) of the warehouse has been calculated by the Department as 44,538 m<sup>2</sup> including 1,095 m<sup>2</sup> of offices.
- The Jacfin rural residential subdivision to the south of the site has been approved by Penrith City Council under 19/0785. The layout of the subdivision should be reflected throughout the EIS where applicable or relied on.
- Provide works as executed plans for the bund wall and retaining wall located on the southern boundary, including confirmation of the height of the bund and retaining walls including RL's.
- Provide general locations of all external lighting.